



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

14 August 2013

Her Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 21 August 2013

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 21 August 2013 commencing at 6.00 pm.

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

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

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 21 AUGUST 2013

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 JULY 2013

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2013

* MINUTES - TRAFFIC COMMITTEE MEETING - 6 AUGUST 2013

* MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 6 AUGUST 2013

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 JULY 2013

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 24 JULY 2013

* 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 6 AUGUST 2013

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

Recommendation: That:

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

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

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	EXPRESSION OF INTEREST - LOTS 1, 2 AND 3 DP778506	10A (2) (d) (i) – contains commercial information of a

	LOCATED ON VALE ROAD ORTON PARK	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	NEW SPORTING LICENCE AGREEMENT - BATHURST HOCKEY ASSOCIATION - PART LOT 7 DP608111 AND PART LOT 5 DP776928 KNOWN AS THE COOKE HOCKEY COMPLEX	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	PRICE ADJUSTMENT OF LOT 2 DP1076805 KNOWN AS 24 RUSSELL STREET, BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	PROPOSED NEW LICENCE AGREEMENT - WEST BATHURST PRE-SCHOOL EARLYSTART PROGRAM - PART LOT 1 DP1001027 KNOWN AS 7 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.
5	SALE OF COUNCIL PROPERTY, LOT 52	10A (2) (c) – contains information that would, if

	DP728854 LOCATED ON SOFALA ROAD, PEEL.	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.
6	RECLASSIFICATION OF LAND - LOT 7 DP263393 LOCATED AT 67 WOODSIDE DRIVE, MT RANKIN	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	PROPOSED NEW RURAL LICENCE AGREEMENT - LOT 17 DP1099208 LOCATED AT ROCKLEY STREET, GEORGES PLAINS TO PETERSON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	NAB BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF - ECONOMIC IMPACT REPORT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	RENEWAL OF	10A (2) (d) (i) – contains

	RESIDENTIAL LEASE - LOT 402 DP1150519 KNOWN AS 17 MCGIRR STREET, BATHURST - GILLIES	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	PROPOSED PURCHASE OF LOTS 10 AND 11 DP1141570 LOCATED AT 128 DURAMANA ROAD AND COX'S LANE, EGLINTON FROM CRIGHTON PROPERTIES 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.
11	PURCHASE OF PROPERTY - LOT 1 DP194761 AT KELSO FROM BROWN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
12	PROPOSED PRICE REDUCTION AND SALE OF LOT 711 DP1103109 KNOWN AS 9 IRVING PLACE, BATHURST TRADE CENTRE 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.
13	WASTE MANAGEMENT	10A (2) (d) (i) – contains

	CHARGES - PAK OF TRASH	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	REQUEST FOR FINANCIAL ASSISTANCE - SIMPLOT AUSTRALIA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
15	REQUEST FOR FINANCIAL ASSISTANCE- BATHURST CARILLON CITY TENNIS CLUB INC	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
16	RENEWAL OF LICENCE AGREEMENT- LOT 138 DP1123180 AND PART LOT 136 DP1123180 - WINDRADYNE RESIDUE LAND	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	PROPOSED ACQUISITION FOR ROAD WIDENING, LOTS 1 AND 2 DP627380 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.
2	EXTINGUISHMENT OF EASEMENT FOR WATER SUPPLY - LOT 13 DP214037, 26 MCKELL STREET WEST 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	TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

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

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

T Kingham – Silva's Newsagency - tabled petition from customers of businesses located in Howick Street requesting parking in Howick Street be increased from 30 minutes to 1 hour.

P Bowyer - Carillon City Tennis Club - DCSF Confidential #15 - advised the Club had submitted information as requested and the Club is currently undertaking a membership drive.

B Anderson - Facility Development Manager, Tennis NSW - DCSF Confidential #15 - spoke of Tennis Australia National Court Rebate Scheme which provides assistance in building clubhouses.

G Gilbanks - resident - CCTV - would like to see CCTV coverage for all Bathurst CBD, suggested violence on increase.

K Hope - owner 205 Brilliant Street - DEPBS #4 - spoke of development over the years in the area. Asked Council to approve his Development Application.

B Shute - neighbour - Cheriton Village - spoke of issues of building being right up against boundary. Was not consulted on development. Developer is not intending to remove Men's Shed from development. Has concerns storm water will flood his property and that his property will be overshadowed.

MINUTE

3 APOLOGIES

Nil.

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 JULY 2013 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 July 2013 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 17 July 2013, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 17 JULY 2013 (11.00005)

MOVED: Cr I North SECONDED: Cr G Rush

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 July 2013 be adopted.

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 17 JULY 2013

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

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

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

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

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

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

B Triming - CCTV - spoke of history in security and loss prevention. Spoke about reports in the press about ongoing costs of monitoring CCTV, queried costs given.

Noted figures from Ipswich that were referred to, and Ipswich's program targets and current costs. Noted crime prevention issues around CCTV. Also referred to Lismore and Orange programs. Feels Bathurst report is wrong.

P Dowling - Ratepayer

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

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

D Mather - Cheriton DA - DEPBS Item #4 - Architect for the development. Spoke to the DA and sought approval by Council. Noted; location benefits, project meets SEPP guidelines, meets Heritage requirements (noted changes implemented). Men's Shed is mainly a social activity. This could potentially be deleted. Will work to solve as many of Mrs Knight's problems as possible including; a fence as required by Mrs Knight, automatic gates at entrance to be closed at night meaning better security for Cheriton and residents, CCTV will go into entrance structure, will do detailed assessment of Mrs Knight's property before and after works and make good any damage, will relocate portion of parking area and relocate mail boxes. Will look at landscaping and waste management services.

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

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

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

APOLOGIES

3 APOLOGIES

Nil

MINUTES

- 4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 JUNE 2013 (11.00005)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

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

DECLARATION OF INTEREST

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

RESOLVED: That the following Declarations of Interest be noted.

Cr Bourke

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

Cr Westman

Item #2 of the Director Engineering Services report.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS**Director Environmental Planning & Building Services' Report**

- 6** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 9** **Item 4 DEVELOPMENT APPLICATION NO. 2012/0549 – DEMOLITION OF**

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

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

RESOLVED: That Council:

- (a) having undertaken a review of Development Application 2012/0549 change its decision and approve the application subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) The applicant is to provide a detailed photographic record of 196 and 210 Stewart Street to Council prior to demolition.
 - (ii) During the carrying out of any proposed works, if any archaeological remains are discovered, the developer is to stop work immediately and notify the Heritage Branch, Department of Planning and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded and details given to Council prior to the continuing of works.
 - (iii) CCTV, lighting and a gateway are to be installed at the new entry location.
- (b) The Developer be asked to put in writing a formal agreement with Mrs Knight as to the undertakings given at the Council Meeting, 17 July 2013.
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

10

Item 5 DEVELOPMENT APPLICATION NO. 2013/0133 – USE OF EXISTING PREMISES AS GYMNASIUM AT 91 KEPPEL STREET, BATHURST. APPLICANT: SNAP FITNESS. OWNER: BOLAM PROPERTY INVESTMENTS PTY LTD (DA/2013/0133)

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

RESOLVED: That Council:

- (a) having undertaken a review of Development Application 2013/0133 change its decision and approve the application subject to conditions able to be

imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) The subject land is to be consolidated with the adjoining 85 Keppel Street into a single allotment prior to the Occupation of the building.
- (ii) The proposed above awning signage is excluded from the consent.
- (iii) A minimum 5 bicycle parking spaces is provided on site.
- (iv) The premises is not to be used for group classes.
- (v) The non-compliant car parks are to be remarked accordingly.

(b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

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

MOVED Cr G Westman

and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 20 and proposed Lot 21;
- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 20 and proposed Lot 21;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0228, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

12

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

RESOLVED: That Council:

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

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

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

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

RESOLVED: That Council:

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

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

MOVED Cr G Westman and **SECONDED** Cr G Hanger

RESOLVED: That Council:

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

15 Item 10 LAND IMPROVEMENT AWARDS (13.00064)

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

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

- 16** **Item 11 'WOOD SMOKE REDUCTION PROGRAM' COMMUNITY WORKSHOPS (13.00042)**
MOVED Cr J Jennings and **SECONDED** Cr W Aubin

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

Director Corporate Services & Finance's Report

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

RESOLVED: That the information be noted.

- 18** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2012-2016 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2012-2013 (16.00129)**
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

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

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

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

RESOLVED: That the information be noted.

- 21** **Item 5.1 REQUEST FOR FINANCIAL ASSISTANCE - 2014 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (18.00004)**
MOVED Cr I North and **SECONDED** Cr J Jennings

The following MOTION was MOVED.

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

2014, to be funded from Mount Panorama Fee Subsidy.

The MOTION was PUT and LOST

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

MOVED Cr G Westman and **SECONDED** Cr G Hanger

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

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

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

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

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

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

Director Engineering Services' Report

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

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

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

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

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

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

Reason: works for Motor Vehicle Dealership.

The following MOTION was MOVED.

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

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

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

The following AMENDMENT was MOVED.

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

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

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

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

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

Director Cultural & Community Services' Report

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

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

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

30 Item 2 COMPARATIVE LIBRARY STATISTICS 2011/2012 (21.00054)

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

RESOLVED: That Council note the continuing high levels of service the Bathurst Library provides to the community.

- 31** **Item 3 ANNUAL SOMERVILLE LECTURE - AUSTRALIAN FOSSIL & MINERAL MUSEUM (21.00106)**
MOVED Cr G Hanger and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 32** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2013 (07.00064)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 3 July 2013 be adopted.

Traffic Committee Meeting

- 33** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 JULY 2013 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 2 July 2013 be adopted.

DELEGATES REPORTS

- 34** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 JUNE 2013 (11.00019)**
MOVED Cr G Rush and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted, and the minutes be altered to reflect Cr Hanger's attendance at the meeting.

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 J Jennings and **SECONDED** Cr G Rush

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

There we no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LICENCE AGREEMENT - LOT 1 DP749758 CONROD STRAIGHT MT PANORAMA AND LOT 117 DP750357 COLLEGE ROAD, BATHURST - IRELAND	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	EXPRESSION OF INTEREST - LOT 1 DP623416 AND LOT 4 DP845477 ZANTE LANE, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED SALE OF PROPERTY - LOT 1 DP995189 DURHAM STREET, BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to

		conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	PROPOSED NEW LEASE AGREEMENTS WITH NBN CO. LTD - 230 HOWICK STREET, BATHURST (PART LOT 1 DP774489), WATER RESERVOIR RAGLAN (PART LOT 211 DP748686), WATER RESERVOIR, PRINCE STREET PERTHVILLE (PART LOT 1 DP857402)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED NEW LEASE - LOT 193 DP821845 CHRISTIE STREET RAGLAN - KNOWN AS THE OLD RAGLAN SCHOOL HALL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 127 DP249576 KNOWN AS 12 WHITEMAN PLACE BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	2013 BATHURST 12 HOUR - AUDITOR'S REPORT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	2013 BATHURST MOTOR FESTIVAL - AUDITOR'S REPORT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	BATHURST GO-KART RACING TRACK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
11	PROPOSED HEAD OFFICE BUILDING - PANORAMA AVENUE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in

		open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
--	--	---

* Director Engineering Services' Report

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR ASPHALTIC CONCRETE RESURFACING OF THE MOUNT PANORAMA RACING CIRCUIT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT GEORGE AND CUBIS PARKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED COMPULSORY ACQUISITION, PART LOTS 4 AND 5, DP847225 - 197 LIMEKILNS ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED CREATION OF EASEMENTS BENEFITING	10A (2) (d) (i) – contains commercial information of a

HOWICK STREET, BATHURST (PART LOT 1 DP774489), WATER RESERVOIR RAGLAN (PART LOT 211 DP748686), WATER RESERVOIR, PRINCE STREET PERTHVILLE (PART LOT 1 DP857402) (32.00001, 22.00041)
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

That Council note:

- (a) that all negotiations with NBN Co Ltd have now ceased in relation to the following three sites.
- i. Part Lot 1 DP774489 - rooftop 230 Howick Street, Bathurst
 - ii. Part Lot 1 DPP857402 - Water Reservoir, Prince Street, Perthville
 - iii. Part Lot 211 DP748686 - Water Reservoir, Raglan
- (b) that should NBN Co Ltd wish to reconsider its options in relation to the three sites, fresh negotiations would be required.

Item 5 PROPOSED NEW LEASE - LOT 193 DP821845 CHRISTIE STREET RAGLAN - KNOWN AS THE OLD RAGLAN SCHOOL HALL (22.00876)
MOVED Cr M Coote and **SECONDED** Cr G Hanger

That Council approves entering into a new Residential Tenancy Agreement for Lot 193 DP821845 known as the Old Raglan School Hall, Christie Street, Raglan with Wynne Allen and Angela Windsor for a period of twelve (12) months with a twelve (12) month option period at a peppercorn payment of \$20.00 per annum (GST inclusive), as detailed in the report.

Item 6 RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT 127 DP249576 KNOWN AS 12 WHITEMAN PLACE BATHURST (22.00202)
MOVED Cr W Aubin and **SECONDED** Cr M Coote

That Council approves entering into a new Residential Tenancy Agreement with Ms Doreen Morgan for Lot 127 DP249576 known as 12 Whiteman Place Bathurst for a period of one (1) year with an option period of one (1) year at a yearly lease fee of \$ 180.00 per week as detailed in the report.

Item 7 2013 BATHURST 12 HOUR - AUDITOR'S REPORT (04.00097)
MOVED Cr M Coote and **SECONDED** Cr W Aubin

That the information be noted.

Item 8 2013 BATHURST MOTOR FESTIVAL - AUDITOR'S REPORT (04.00125)
MOVED Cr I North and **SECONDED** Cr G Rush

That the information be noted.

- i** **Item 9 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (22.01429)**
MOVED Cr G Hanger and **SECONDED** Cr J Jennings

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

Reason: Member of Club.

That in order to progress this matter, the Bathurst City Community Club be requested to provide the following:

- (a) a copy of their latest financial statements.
- (b) a statement showing how they have maintained the grounds since July 2012 to date.
- (c) what the requested donation of \$20,000 cash would be used for.
- (d) an update on the growth/future of the Club.

- i** **Item 10 BATHURST GO-KART RACING TRACK (18.00290)**
MOVED Cr B Bourke and **SECONDED** Cr I North

That the Bathurst Kart Club Inc be requested to:

- (a) prepare a Business Plan including detailed costings for the preparation of the circuit.
- (b) prepare a Plan to show how the Bathurst Kart Club Inc is going to finance the construction of the circuit.
- (c) prepare a long term financial plan showing the viability of this operation over ten years.

- k** **Item 11 PROPOSED HEAD OFFICE BUILDING - PANORAMA AVENUE (21.00110)**
MOVED Cr B Bourke and **SECONDED** Cr G Rush

That Council advise Forests NSW that Council will not be proceeding with the acquisition of the Panorama Avenue land for Council's new Head Office building.

Director Engineering Services' Report

- l** **Item 1 TENDER FOR ASPHALTIC CONCRETE RESURFACING OF THE MOUNT PANORAMA RACING CIRCUIT (36.00478)**

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

That Council accept the tender from SRS Roads Pty Ltd for the Schedule of Rates Contract for Asphaltic Concrete Resurfacing of the Mount Panorama Racing Circuit, to the value of \$2,205,019.50 (including GST), subject to schedule quantities.

m **Item 2 TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT GEORGE AND CUBIS PARKS (36.00475)**

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

That Council accept the tender of Castlereagh Constructions Pty Ltd., in the amount of \$479,563 (inc GST) for the construction of amenities block at George and Cubis Parks, subject to adjustments and provisional items.

n **Item 3 PROPOSED COMPULSORY ACQUISITION, PART LOTS 4 AND 5, DP847225 - 197 LIMEKILNS ROAD, KELSO (22.00358-02)**

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

That Council approve the endorsement of the acquisition plan regarding the proposed boundary adjustment between Lots 4 and 5, DP847225 being 197 Limekilns Road, Kelso. The acquired property to be classified as Operational land.

o **Item 4 PROPOSED CREATION OF EASEMENTS BENEFITING COUNCIL, GREAT WESTERN HIGHWAY, KELSO (25.00016)**

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

That Council approve the transfer of the easement rights concerning the creation of various easements for the construction of the upgrade of the Great Western Highway, Kelso, as detailed in the Director Engineering Services' report.

RESOLVE INTO OPEN COUNCIL

36 **RESOLVE INTO OPEN COUNCIL**

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

37 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

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

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

MEETING CLOSE**38 MEETING CLOSE**

The Meeting closed at 8.52 pm.

CHAIRMAN: _____

Date: _____ **(21 August 2013)**

MINUTE

- 5 **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED: That the following Declarations of Interest be noted.

Cr North

Item #3 Director Engineering Services Confidential Report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr J Jennings

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

3 PLANNING PROPOSALS - EXEMPT AND COMPLYING DEVELOPMENT, GATEWAY ENTERPRISE PARK AND HERITAGE HOUSEKEEPING (20.00250, 20.00251, 20.00143)

Recommendation: That Council:

- (a) not continue with the Exempt & Complying Development, Gateway Enterprise Park or Heritage Housekeeping Planning Proposals;
- (b) note that the content of the various Planning Proposals has been incorporated into the draft Bathurst Regional LEP 2013; and
- (c) notify the Department of Planning and Infrastructure, the relevant landowners and relevant adjoining landowners of its decision.

Report: Given the slow progress towards a new comprehensive LEP, Council has, over a number of years, resolved to prepare various Planning Proposals to amend the Bathurst Regional (Interim) LEP 2005. The relevant Planning Proposals are listed below:

Planning Proposal name	Council resolution date	Council resolution
Exempt & Complying Development	21 July 2010	That Council prepare and submit a Planning Proposal under Section 55 of the Environmental Planning & Assessment Act to the Department of Planning to amend Bathurst Regional (Interim) LEP 2005 to expand the provisions for exempt and complying development;
Gateway Enterprise Park	21 November 2012	That Council: <ul style="list-style-type: none"> (a) prepare a planning proposal to: <ul style="list-style-type: none"> (i) rezone the subject land 3(b) - Service Business excluding the 50 metre wide Raglan Creek corridor which will be zoned 6(a) – Local Recreation; (ii) include a provision in the Bathurst Regional (Interim) Local Environmental Plan 2005 to: <ol style="list-style-type: none"> 1) permit Freight Transport Facilities on part of the land as shown on the preliminary DCP map; 2) enable Warehouses or Distribution Centres and ancillary industrial uses on part of the land as shown on the preliminary DCP map only in conjunction with Freight Transport Facilities; and 3) define Freight Transport Facilities and Warehouses or Distribution Centres for the purposes of the provision; (iii) amend the definition of Bulky Goods Salesroom or Showroom under the Bathurst Regional (Interim) Local Environmental Plan 2005
Heritage Housekeeping	8 February 2013	That Council prepare a Planning Proposal known as the Heritage Housekeeping Planning Proposal for Lots 44 & 46 DP 1172067, Wentworth Drive and French Smith Place, Kelso and Lot 4 DP 1076699, 107 William Street, Bathurst. The aim of the Planning Proposal is to alter the curtilage of the existing Heritage Items.

As Council would be aware, the progress of the draft Bathurst Regional LEP 2013 has now significantly progressed. There is little benefit in Council continuing with these 3 separate Planning Proposals. The content of the Planning Proposals has been incorporated into the draft Bathurst Regional LEP 2013, which is currently on public exhibition.

It is therefore recommended that Council not proceed with the Exempt & Complying Development, Gateway Enterprise Park or Heritage Housekeeping Planning Proposals.

Financial Implications: The LEP is being prepared within existing budgets and from funding provided by the Department of Planning and Infrastructure under the Planning Reform Fund.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 18: To encourage sustainable housing choice and quality design that engenders a sense of place. Strategy 18.1 18.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1 28.5 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2
- Objective 33: To be and develop good leaders. Strategy 33.4

MINUTE

8 Item 3 PLANNING PROPOSALS - EXEMPT AND COMPLYING DEVELOPMENT, GATEWAY ENTERPRISE PARK AND HERITAGE HOUSEKEEPING (20.00250, 20.00251, 20.00143)

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That Council:

- (a) not continue with the Exempt & Complying Development, Gateway Enterprise Park or Heritage Housekeeping Planning Proposals;
- (b) note that the content of the various Planning Proposals has been incorporated into the draft Bathurst Regional LEP 2013; and
- (c) notify the Department of Planning and Infrastructure, the relevant landowners and relevant adjoining landowners of its decision.
- (d) call a division

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2013/0207 – CONSTRUCTION OF TWO (2) X DOUBLE STOREY, TWO BEDROOM UNITS AND THREE LOT RESIDENTIAL SUBDIVISION AT 205 BRILLIANT STREET. APPLICANT: LANDA HOMES PTY LTD. OWNER: KEITH AND SANDRA HOPE (2013/0207)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0207, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i) Prior to the issue of a construction certificate the developer is to submit elevation plans to Council showing the addition of permanent window screens and/ or glazed windows on the rear, first storey window for each of the units.
 - ii) The submission of a letter or report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction of the new dwelling.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for construction of two (2) x double storey, two bedroom units and three lot residential subdivision at 205 Brilliant Street, described as Lot 1 DP 740504. A location plan is provided at **attachment 1**.

The subject property is located in an established residential area. The area contains a mixture of single storey residential dwellings and residential units. There is a strata unit development to the rear of the subject property.

The property is 940.3 square metres and contains a two storey dwelling located towards the front of the property with a large backyard.

The rear section of the backyard is proposed to be used for the two new units. A free standing, combined garage, shed and carport was approved for this property in 2013 after the previous garage was removed.

The proposal

The proposal involves:

- Construction of two (2) x double storey, 2 bedroom units; and
- Three lot residential subdivision.

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

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

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

Clause 13 - Tree Preservation Order

The site is subject to the provisions of Council's Tree Preservation Order. There is one tree that is required to be removed as part of this development. The tree is not considered significant. The applicant will be required to submit and receive approval to have the tree removed as part of the conditions of this development. A landscape plan has been submitted for this development which shows that the tree removed will be replaced with new species.

Clause 23 - Environmental Heritage

The subject property is located within the Bathurst Heritage Conservation area. The construction of new development within the Heritage Conservation area requires the consent of Council. In the assessment of the development application in a heritage conservation area, Council must not grant consent to the development of land unless it is satisfied that the impact of the proposed development on the heritage significance of the conservation area is acceptable.

The proposed development is not considered to negatively impact upon the significance of the conservation area because the proposed two storey units will be located behind the existing two storey dwelling. Given the height of the existing dwelling the two proposed units will only be partially seen from the street. The shared driveway will be the most visible characteristic of the property. There will be no impact on the streetscape of Brilliant Street as a result of this development.

Development Control Plan

Bathurst Regional (Interim) Council Development Control Plan 2011- Chapter 3 Subdivision of Land and Chapter 4 Residential Development

The site is located within Precinct 1 pursuant to the *Bathurst Regional (Interim) Development Control Plan (DCP)*. Residential units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	940.3m ²	900m ²	Yes
Density/Site Coverage	81.89 person/ha	88 persons/ha	Yes
Height	Two- storey	Two- storey	Yes
Setbacks			
Front	behind existing dwelling	complement existing	Yes
Rear		In accordance with BCA	Yes
Side	4m	In accordance with BCA	Yes
	903mm		
Car parking			
Resident	4 spaces	1/resident	Yes
Visitor	1 space	1/4 units	Yes
Accessway Width	4-5m	3-6m wide	Yes
Open space area			
Unit 1	32m ²	30m ²	Yes
Unit 2	32m ²	30m ²	Yes

Open space width	4m	4m wide	Yes
------------------	----	---------	-----

Overshadowing

The issue of overshadowing of the neighbouring properties to both sides of the property at 203 and 207 Brilliant Street was raised through the notification process.

Council's Interim DCP contains the following provisions relating to side and rear setbacks.

Side and Rear Building Line Setbacks

Any part of the building must comply with the side and rear building line setbacks specified in the table below.

Development Type and Wall Height	Continuous walls of less than 10 metres	Continuous walls of more than 10 metres
Residential Units - Single Storey	In accordance with the Building Code of Australia (BCA).	Staggered to include setbacks exceeding the minimum set by the BCA or broken into lengths of 10 metres or less and interspersed with open space.
Residential Units - Two Storey	1.5m	Staggered to include setbacks exceeding 1.5 metres, or broken into lengths of 10 metres and interspersed with open space.
Dual occupancy, dwelling houses and granny flats – Single or two storey	In accordance with the BCA.	In accordance with the BCA.

Note: a continuous wall means a wall without windows or doors.

Notwithstanding the table above, where Council is of the opinion that such a setback will:

- i) significantly overshadow neighbouring properties and/or,
- ii) adversely impact upon the privacy of neighbouring properties,

then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners.

The side boundary of the proposed 2 units are both 9 metres in length and are setback between 1.5 metres to 903 mm. In accordance with the table above neither wall would be defined as a continuous walls.

Overshadowing – Residential Unit and Dual Occupancy Developments

New development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.

The plans and shadow diagrams demonstrate that the overshadowing of part of the rear backyard of 207 Brilliant Street begins at 11am and continues to 3pm. This overshadowing only occurs at the rear section of the yard, approximately 10 metres from the dwelling. The overshadowing of 203 Brilliant Street does not occur after 9am. This property is therefore not considered to be affected by overshadowing.

Units 6 and 7 at 299 George Street are located to the rear of the property. Overshadowing as a result of the proposed development is not considered to be an issue for these properties. They are orientated so that the open space area is to the south-west. No overshadowing occurs from the proposed units. The only overshadowing occurs after 11am on these properties and this is from the single storey units themselves.

Privacy – Residential Unit and Dual Occupancy Developments

- a) Windows of habitable rooms facing side or rear boundaries are generally to be offset by at least 1.0m from the centre point of any opposite facing window.
- b) Where a proposed window of a habitable room will face directly onto adjoining private open space, the window should be screened or have obscure glazing.
- c) Windows and balconies at first floor level are generally to:
 - i) be screened by boundary landscaping that can be effective within 3 years, or
 - ii) be screened by permanently fixed structures made of durable materials.
- d) Long narrow windows, high level windows or roof lights should be used to provide natural light whilst maximising privacy along walls close to neighbouring dwellings/open space.

There is a window proposed for the rear elevation of each of the new units off the media rooms on the first storey. These windows will be orientated to the backyard areas of the rear neighbours being unit 6 and to a smaller extent unit 7 at 299A George Street. One of the windows is also located such that it does not meet the minimum 1 metre off set to a window in unit 6 of 299A George Street. It is considered that given the location of both windows in relation to the adjoining windows in these two neighbouring units, that permanent screening or obscure glazing should be provided in accordance with (c) above. Landscaping has been provided for along the boundary fence which will provide screening for the immediate backyard areas.

It is proposed that a condition of consent be imposed to require the applicant to submit plans to Council showing the addition of permanent window screens or glazed windows on the first storey rear windows of both units.

There are no windows proposed off the habitable rooms that face the side boundaries. The second storey windows are located in the bedrooms. As these rooms are not principle living areas and are located away from the open space of the adjoining properties there are no major privacy concerns for the development.

Submissions

The development application was advertised and notified to adjoining property owners from 11 June 2013 to 25 June 2013. Following the advertising and notification period a total of four (4) submissions were received (see submissions at **attachment 3**).

A discussion forum was convened by the Director of Planning and Building Services on Wednesday July 10 (see minutes of discussion forum at **attachment 4**). Issues raised in the submissions and at the discussion forum included the following.

Privacy issues

Privacy issues have been discussed above.

Overshadowing

Overshadowing has been discussed above. There will be some overshadowing to the adjoining property at 207 Brilliant Street. However the overshadowing complies with the appropriate sunlight standards. The overshadowing only occurs at the rear section of the property that is 10 metres from the rear of the dwelling. No overshadowing occurs to the dwelling itself and the immediate private open space area.

Density of development

The density provisions are calculated on the total portion of land to be developed and not the individual properties that will result because of the development. The density provisions are calculated on the total area of the property compared to the number of persons (calculated on bedrooms) per hectare. The proposed development is occurring on a residential block of land that has an area of 940.3m². The development will result in the retention of the existing 3 bedroom home and the construction of 2 new 2 bedroom homes. The density of development is 82 persons/hectare. This is below the density provisions for the central Bathurst area which permit up to 88 persons/hectare.

Conclusion

Council has received a development application for the construction of two (2) x double storey two bedroom units and three lot residential subdivision at 205 Brilliant Street. The development can be supported as it complies with the requirements of the Bathurst Regional (Interim) Development Control Plan 2011 as detailed in this report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

9 Item 4 DEVELOPMENT APPLICATION NO. 2013/0207 – CONSTRUCTION OF TWO (2) X DOUBLE STOREY, TWO BEDROOM UNITS AND THREE LOT RESIDENTIAL SUBDIVISION AT 205 BRILLIANT STREET. APPLICANT: LANDA HOMES PTY LTD. OWNER: KEITH AND SANDRA HOPE (2013/0207)
MOVED: Cr B Bourke SECONDED: Cr G Rush

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0207, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i) Prior to the issue of a construction certificate the developer is to submit elevation plans to Council showing the addition of permanent window screens and/ or glazed windows on the rear, first storey window for each of the units.
 - ii) The submission of a letter or report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction of the new dwelling.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2012/0518 – DEMOLITION OF TWO DWELLINGS, PARTIAL DEMOLITION OF DAIRY FARMERS FACTORY, CONSTRUCTION OF 40 SERVICED APARTMENTS, CAFÉ, RETAIL PREMISES AND COMMERCIAL PREMISES. AT 50 BENTINCK STREET AND 178 HOWICK STREET, BATHURST, LOTS 1-4, 19-25, 28 AND 30, DP 2067 AND LOT 2, DP184456 (50 BENTINCK ST) AND LOTS 26 AND 27, DP 2067 (178 HOWICK ST) APPLICANT: MR B YOUNG KDC PTY LTD ON BEHALF OF MR P BRECKENRIDGE A & I PROJECTS. OWNER: REGIONAL NOMINEES PTY LTD (2012/0518)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0518, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) During the carrying out of any proposed works, if any archaeological remains are discovered, the developer is to stop work immediately and notify the NSW Heritage Branch and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded and details given to Council prior to the continuing of works.
 - (ii) Prior to the issue of a construction certificate in relation to the serviced apartment building, the developer is to submit plans showing a redesign of the Howick Street front facade and the Bentinck Street side facade to include greater use of smooth faced unpainted or unrendered brick work. These facades are to include sufficient red face brick elements and decorative detail to ensure the new apartment building compliments the remaining historic buildings on the site in terms of colour and materials used.
 - (iii) The submission of rendered drawings, and samples sufficient to detail the types and colours of the external materials to be used in the construction of the new building. The colours of the external materials are to be dominated by warm autumn tones with sufficient red face brick elements and decorative detail to ensure the new buildings compliment the remaining historic buildings on the site in terms of the colour of the external materials used. Note: Council encourages the reuse of all disused brick work on site that can be salvaged and incorporated into the new buildings.
 - (iv) The developer is to prepare and lodge an interpretation strategy to Council for approval that outlines how the built and social history of the site is to be interpreted. This is to include at a minimum the installation of interpretative panels within the site. The interpretation strategy is to be implemented prior to issue of the occupation certificate.
 - (v) The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code. The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.
 - (vi) Prior to the issue of a construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to)

the following:

1. Traffic management, including:
 - i) Loading, unloading area and material storage areas
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties)
2. Noise
3. Dust
4. Stabilisation and monitoring of adjoining property owners
5. Communication with the general public; and
6. Complaints management

(b) notify those that made submissions; and

(c) call a division.

Report: The Site

Council has received a Development Application (DA) for the re-development of the former Dairy Farmers factory site as 40 serviced apartments, 2 retail premises, a café and commercial premises. The site is at 50 Bentinck and 178 Howick Street, Bathurst described as Lots 1-4, 19-25, 28 and 30, DP 2067 and Lot 2, DP184456 (50 Bentinck St) and Lots 26 and 27, DP 2067 on the corner of Howick and Bentinck Streets. See location plan at **attachment 1**.

The site currently contains the former Dairy Farmers Factory buildings and two dwellings.

History of the Site/Proposal

Over time the site has been used for a variety of uses which have contributed to its significance from a historical and cultural standpoint for the Bathurst community. These uses include:

Convict hospital 1823-1842
Bathurst hospital 1842-1878
Walkers Brewery (178 Howick Street) 1908-1930s
Macquarie Soap Factory (178 Howick Street) 1934-1950
Bathurst Dairy Cooperative 1901-1949

At present the site is currently unused and has remained vacant.

In December 2007 Council granted consent to Development Application 2007/0801 at the site which included the following:

1. Demolition of buildings on site identified as B4, B7, B8 B9, B10, B12, B16, B19, B20, B21 and B22
2. Retention of the building identified as B1, the façade brick piers and roof structure including trusses of B2, roof form of B3, façade of B11 and the buildings identified as B14, B15 and B18.
3. Construction of a supermarket, 13 retail shops and internal pedestrian areas.
4. Associated car parking, loading and unloading areas

The current proposal

The property has recently been sold to the current owners who propose to undertake a new development on the site. Council is of the understanding that the necessary steps are currently being taken so that the demolition approved under the 2007 application can be undertaken.

The application now before Council seeks to demolish additional structures outside of those approved under the 2007 application. These structures include:

1. Demolition of building B2
2. Incorporation of trusses from B2 into the development
3. Demolition of the roof form of B3
4. Demolition of building B14
5. Demolition of building B11

Plans of the demolition is provided at **attachment 2**.

The buildings that will remain on this site are:

1. B1 (former office building on corner of Bentinck Street and Princes Street)
2. B15 and B18 (Dairy farmers tower)

As part of the application these buildings will be retained and incorporated into a multi-use development. The proposal involves:

1. 40 serviced apartments in a 4-5 storey building along Howick Street
2. A retail premises located on the lower ground floor
3. Retail premises at street level (1280m²)
4. Adaptive re-use of the former office building (B1) as a café on the ground floor and a commercial premises on the first and second floors
5. External works to the Dairy Farmers tower (B15 and B18) to make it structurally safe. There is no use proposed for this building at this stage
6. The roof truss from former building (B2) will be retained as an archway at the site entrance off Bentinck Street
7. Car parking - 38 spaces at ground level and 85 spaces below ground level
8. Unloading facilities for the retail premises have been provided off Princes Street

The development application plans are at **attachment 3** and the statement of environmental effects at **attachment 4**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 3(a) General Business under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. A multi use development with serviced apartments, retail premises, a café and a commercial premises are all permissible with consent in the 3(a) General Business zone. The objectives of the zone are:

- (a) to enable a diverse range of development within the zone for retail, commercial and professional land uses,
- (b) to encourage comprehensive development and growth that will reinforce the role of the Bathurst Central Business District as the retail, commercial and administrative centre of Bathurst and its region,
- (c) to protect and conserve the historic and scenic quality of the Bathurst Central Business

- District,
- (d) to accommodate the establishment of retail, commercial and professional services in appropriate locations within residential neighbourhoods if the scale and type of development is compatible with the amenity of the surrounding residential areas and does not prejudice the status and viability of the Bathurst Central Business District as the retail, commercial and administrative centre of Bathurst,
 - (e) to ensure that commercial development or other permitted development is consistent with the provisions of any development control plan adopted by the Council for localities within the zone.

Clause 6(3)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005 states that:

- (3) Consent must not be granted to the carrying out of development within a particular zone unless the consent authority has taken the objects of the zone into account and
 - (a) is satisfied that the proposed development is consistent with one or more of those objects.

The proposed development is consistent with objectives (a), (b), (c) and (e) of the 3(a) General Business zone. Council may therefore consent to the development.

Relevant clauses of the LEP

Clause 10 - Advertised development & Clause 26 - Advertising of heritage applications

Clause 26 requires that any application that involves the demolition of a heritage item be placed on public exhibition in accordance with Clause 10.

Clause 10 stipulates that before determining an application the consent authority must:

- (a) *place the application on public exhibition for a period of at least 14 days (public holidays excluded) at the office of the Council,*
- (b) *give public notice of the exhibition at the commencement of the period referred to in paragraph (a) in a newspaper circulating in the locality, and*
- (c) *take into consideration any submission lodged during that period in respect of the proposed development.*

As the site is a listed heritage item, the development application was formally exhibited between 3 December 2012 and Monday 17 December 2012. In addition surrounding residents were also notified of the exhibition period and were invited to make a submission. Sixteen submissions were received and were duly noted (see copy of submissions attached later in the report).

As a result of issues raised in the submissions and during Council's preliminary assessment, the applicant was notified and additional information including some redesign was requested.

Council received amended plans and additional information for the project in May 2013. The development remained substantially the same development despite the change of use of the below ground area from recreational facility to retail premises. The height of the building was also reduced on the south eastern boundary by removing the top level of serviced apartments and relocating those towards the north east end (towards Bentinck Street). All

those who lodged a submission in the previous notification period were re notified. Council received four additional submissions relating to the development (see copy of submissions attached later in the report).

A discussion forum was held on 22 July 2013. The minutes of the discussion forum are at **attachment 5**.

Clause 11 - Tree preservation order

There are a number of trees proposed for removal as part of this proposal. The trees will require an application under the Tree Preservation Order (TPO) for removal.

A concept landscape plan has been submitted and referred to council's Parks section. A condition of the development can require a more detailed landscape plan be prepared and submitted.

Clause 13 - Land liable to flood

A section of the property at the rear, eastern corner is identified as being within the 1% AEP flood event although the land is now protected by the Havannah Street Levee.

For the purposes of Council's Floodplain Management Plan the land is considered to be flood protected. The Floodplain Management Plan makes no specific recommendations in relation to flood protected land. The development will not increase the flood hazard rating of, or likely flood damage to any property or persons. Clause 13 is therefore considered satisfied.

Clause 23 - Protection of environmental heritage

The subject site is most commonly recognised as the former Dairy Farmers factory and administration site. Over time the site has been used for a variety of uses which have contributed to its significance from a historical and cultural standpoint for the Bathurst community. Together with the several previous industrial uses and the associated cottages, offices, workshops and store rooms, the site is considered to be culturally significant within the Bathurst context for its natural, environmental and topographical features and its economic, social, historical and physical aspects and patterns of activity that have played a role within the Bathurst community since the early 1820s. Additionally it has regional (if not State) significance as one of the few known sites of a convict hospital.

The site is located within the Bathurst Heritage Conservation area and is listed as an individual heritage item with the Bathurst Regional (Interim) Local Environmental Plan 2005. There are other various buildings on site which are remnants of some former uses including a brewery, butter factory, convict hospital and the first Bathurst hospital. The site is also considered demonstrative of the provision of early town services and the extant built elements provide examples of reuse and adaption for new uses and activities.

The following statement of significance forms part of Council's State Heritage Inventory database sheet for the site.

This site is a major industrial complex which demonstrates the importance of the dairy industry to Bathurst. The brick tower with the inscription 'Dairy Farmers' has become a familiar landmark. The complex is significant also for its association with the convict era, and once was the site of a convict hospital. Also successful

brewing on the site as Walker and Co brewery and as the Macquarie Soap factory adds to the importance as an industrial site. Two buildings on the site have landmark status: the tower and the street front brick building.

A Conservation Management Plan (prepared by Grahame Brooks and Associates) was prepared for the site in 2007 to accompany the previous development application for a shopping centre on the site. The Conservation Management Plan offers the following comments in relation to the significant buildings on site:

The primary implications arising from the assessed significance of the site area are as follows:

- *The principle significance of the place relates to the historical and social values of the site as evident in building style and function. The former industrial activities and uses of the subject site are of primary significance to the local community; for historical and social reasons.*
- *The site contributes to the surrounding vicinity through its built form and character. It is historically representative of the early twentieth century period of industrial development and aspects of the site contribute visually to the character of the area. It is necessary to conserve the contribution of the significance aspects of the site within its context, being:
 - i) *The former Walker and Co brewery tower is an integral part of the historic fabric of the area and should comprise an interpretive role;*
 - ii) *The extant roof form of the 1902 butter factory is considered to have significance and should be retained and incorporated into any future development scenarios.**
- *The bulk of building 2 has presence and should be considered in relation to redevelopment.*
- *The site accommodated a series of industrial uses over 100 years, but has now been severed. Interpretation and expression of that former use will aid in the conservation of the site's significance.*
- *The physical fabric of the site and its technical aspects associated with commercial industrial enterprises have been severely compromised through alterations and additions, deterioration of condition, substantial modifications and disconnection from the primary activity of dairying, which has been ongoing since 1901-02. There is no heritage based requirement to retain the majority of the built elements on the subject site, given the lack of integrity and significance.*
- *The site's high archaeological potential must be respected and appropriately addressed in any potential work to the property.*

A statement of heritage impact prepared by Grahame Brooks and Associates has been prepared for the proposed development (see **attachment 6**). It makes the following comment in relation to the site:

The site has had a continuing pattern of use since the 1820s, firstly for the provisions of health and secondly the various commercial businesses. In particular the connection with the dairying and primary industry sector. This continuing pattern of use has now been severed with the closure, abandonment and sale of the dairy facility.

The site has historical associations with the medical practitioner George Busby from the 1820-1870, and with JJ Copeman who was a prominent local architect in the early twentieth century.

There is considerable archaeological potential for the former dairy farmers facility...Preliminary studies indicates the butter factory premises has clear evidence of the hospital fire in 1878 and the likelihood of archaeological information that will increase knowledge and understanding about convict hospitals and healthcare in the nineteenth century.

The statement of heritage impact evaluates the historical significance and structural integrity of the buildings on site to explain and justify the demolition and the redesign proposed. The document concludes that the roof structure, piers and facade of Building 2 is not of sufficient individual heritage significance to warrant its retention. The components of Buildings 3, 14 and 11 (not originally approved for demolition) will not individually contribute to an appreciation of the site. Demolition of all these components will provide the best chance for a successful revitalisation of the site as a whole. The two landmark buildings will remain and the roof trusses and red brick will be salvaged and incorporated into the new designs.

Council's Heritage Advisor has reviewed the application and commends the retention of the key landmark buildings being the tower and the former office building. Specific objection is not raised to the additional loss of less significant fabric on the basis of the need for a proposal to be feasible for retention of the 2 key landmark buildings. In this regard it is important to note that stabilisation of the tower is included in the development proposal despite a reuse not being able to be incorporated for this building element at this time.

Given the social significance of the site it is recommended that if consent is granted the developer be required to lodge and implement an interpretation strategy for the site to recognise the buildings lost to the site and to tell the many stories associated with the site.

An archaeology report was submitted with the application (see **attachment 7**). The subject site is almost entirely built upon for prior uses as a dairy factory and brewery. The periodic construction and demolition of former built forms across the site are likely to have significantly disturbed the surface levels, however there is at least moderate potential for the survival of relics at the lower level from use initially as a convict hospital.

The results of the archaeological report concluded that no further archaeological investigation was required at this time. Archaeological monitoring during development excavation will continue to be required including some further test excavation and open area excavation and potentially insitu retention of all or part of any existing archaeological remains that may be found. As Council has previously required for other development proposals for this site, standard conditions in relation to archaeological remains during any work on site will be required to be adhered to.

The site has a significant history and contains buildings of significance to the historical development and prosperity of Bathurst. On balance the heritage impact statement has recognised the key features of the site and the removal of components of Buildings 2, 3, 11 and 14 will result in a site configuration that will allow the retention and adaptive reuse of the land mark heritage buildings on the site. The proposed development supports the significance of this site because it allows it to be used and therefore continue to contribute to the streetscape, the conservation area and the identity of the Bathurst community.

The site is located on the edge of the Bathurst CBD and adjoins a residential area along Howick Street. As with other areas throughout the Bathurst CBD including Russell and

Durham Streets, there is a distinct change where commercial buildings adjoin residential buildings. This distinct change in building form ultimately contributes to a varying degree of building styles, heights and character evident throughout Bathurst as a large regional centre. This variety is a feature of the Bathurst Heritage Conservation Area as identified by the statement of significance for the area.

Assessment of the appropriateness of the proposed infill buildings is detailed in various sections later in this report.

Clause 24 - Conservation Incentives

The applicant has sought the use of the heritage concessions available under Clause 24. This Clause gives Council the ability to exclude the floor space of the heritage buildings that are retained on site from the calculation of car space requirements for the proposed development.

This development application proposes the retention of two key buildings on site; the former Dairy Farmers tower (B18 and B15) and the butter factory office building (B1). Although the tower will be stabilised through this development, there is no proposed use for the structure. Consequently it has been excluded from the concessions given. The development involves the repair and adaptive re-use of the former butter factory building as a cafe and commercial premises. Car parking concessions have been calculated on the floor area of the butter factory office building and the land uses proposed.

Land Use	Development Standard	Council Calculations
Café (120m ²)	1 space /35m ²	3.4
Office (230m ²)	1 space /50m ²	4.6
Total		8 spaces

A concession of 8 car spaces is therefore available to the current development application because it is retaining and re-using a historically significant building that contributes to the streetscape and character of the Heritage Conservation Area.

Relevant State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2008

The application required referral to the RMS in accordance with Clause 104 as the development involves traffic generation onto Bentinck Street (Main Road 54). A copy of the comments can be found at **attachment 8**.

The RMS have provided concurrence and made the following comments:

- *One access point from Bentinck Street to the proposed site is to be restricted to left in-left out*
- *Any other existing access points on Bentinck Street are to be permanently removed and reinstated to match existing conditions*
- *Delivery vehicles accessing the site shall be no greater than 12.5metres in length.*
- *All activities including loading and unloading of goods associated with the development are to be carried out onsite.*
- *Landscaping, signage and fencing are not to impede sight lines of traffic on Bentinck Street.*
- *A Road Occupancy Licence is required prior to any works commencing within 3 metres*

of the travel lanes of Bentinck Street. The submission of a traffic control plan is required as part of this licence.

Bathurst Regional (Interim) Development Control Plan 2011

The development is subject to the provisions of the DCP as they relate to business development (refer chapter 5 of the DCP).

Floor Space Ratio

The floor space ratio of buildings within the 3(a) General Business zone must not exceed 2:1. The site has an area of 5461m². The total floor area of the buildings proposed on site is 7293m². This is a floor space ratio of 1.3:1. This is consistent with Council's development standard for the 3(a) General Business zone.

Height of Buildings - Bathurst Heritage Conservation Area 3(a) General Business

Council's development standards state that a building containing more than 3 floors shall not be erected on land within the 3(a) General Business zone and within the heritage conservation area unless Council is of the opinion that the building:

- i) Does not detract from the existing streetscape; or
- ii) Is located behind existing buildings such that its height does not detract from that streetscape.

The applicant originally proposed to construct a 5 storey apartment building along the Howick Street elevation. After a request from Council to step down the height of the apartment building by at least 2 levels from the rear boundary of the site, where it adjoins the single storey dwellings along Howick Street, the applicant slightly amended the design to step down the rear boundary by 1 level of apartments. Council originally requested this reduction in height for the following reasons:

- Improved solar access for the adjoining single storey dwellings along Howick Street
- Improved visibility of the tower building from Howick Street
- Reduction in the overall bulk of the apartment building

The application now before Council is still for a 5 storey apartment building along Howick Street with only 4 storeys of apartments immediately adjoining the rear boundary to the south-east.

The Heritage Impact Statement (attachment 6) states that the height of the proposed apartment building is still lower than the tower constructed as part of the previous brewery operations. This will maintain view corridors to the tower to be retained. It must be noted however, that the proposal will result in loss of views of the tower within the immediate vicinity of Howick Street which are now currently enjoyed because the site has remained undeveloped and unutilised for nearly 15 years. The position of the tower in relation to both Bentinck and Howick Street in particular means that it does not contribute directly to the streetscape of these streets and that views within the immediate vicinity may be difficult to retain once the site has been developed as a commercial operation.

In relation to the concerns raised by council and members of the community, including the National Trust, the applicant made the following additional comment in relation to the latest re-design:

Although there will still be prominent views to the building from the east and around the south, it is acknowledged the proposal will result in loss of views to the tower in the immediate vicinity of Howick Street. The redesign of the building at the Howick Street boundary will not solve the loss of these views. Given the height of the tower, other view corridors to the tower will be retained including from the highway and along Bentinck, Russell and Seymour Streets. The tower is a landmark building. It is therefore the qualities of the individual building that are significant rather than its contribution to a streetscape. Given its setback location on the site, it does not contribute to the general character of the Howick Street streetscape.

The site, providing it is retained and reused will continue to contribute to the significance of the Bathurst Conservation Area through the retention of the significant building components which are associated with the sites later stages of use for commercial and industrial businesses and in particular, their connection with dairying and primary industries.

Council is in general agreement with the applicant that given the existing setback of the tower from Howick Street, it is unlikely that views immediately in front of the property could be retained even with a 3 storey, compliant development.

Council's development standards do allow for special consideration of the height of buildings within the conservation area, in this case in terms of how the height of the buildings may impact on the streetscape. It is evident that the apartment buildings have been designed to take account of the natural slope of the site down away from Bentinck Street. The new apartment and retail spaces have been designed so as to remain separate from the two landmark buildings on the site in order to allow them to continue as distinctive landmark features of the area. The proposal also includes a variation in setback to Howick Street which also assists to minimise the bulk of the development to the Howick Street streetscape.

The site is located on the edge of the Bathurst CBD and adjoins a residential area along Howick Street. As with other areas throughout the Bathurst CBD, including Russell and Durham Streets, there is a distinct change where commercial buildings adjoin residential buildings. This distinct building form ultimately contributes to a varying degree of building styles, heights and character. This is a feature of the Bathurst Heritage Conservation Area as identified by the statement of significance for the area.

The need to restore the key heritage buildings and revitalise the site, which has been vacant for almost 15 years, is considered to be a high priority of Council and also the Bathurst community as the site remains a key landmark in the region. The height of the building proposed directly relates to the economic feasibility of the project. This needs to be considered by Council in determining whether or not to support the height of buildings as proposed in this application.

The issue of building height and streetscape impact has been referred to Council's heritage advisor. Her advice to Council was to seek a redesign of the apartment building so that it reached not more than three storeys at the lower end of Howick Street and restack apartments towards the north west end.

The applicants resubmitted plan reduced the height at the lower end but only to four storeys.

Council's heritage advisor has not raised any further concern in relation to the issue of building height and streetscape amenity given:

- the natural slope of the land;
- the variation in building setback along Howick Street to reduce the overall bulk to the street;
- the need to reuse the site and retain the two significant landmark buildings; and
- the varying degree of building heights and styles typical on the fringes of the CBD.

For the reasons outlined above, therefore, it is considered that the applicants have addressed the issue of building height in relation to streetscape amenity and the proposed building height can be supported in this instance.

Height, Overshadowing and Streetscape

Overshadowing was a serious concern raised by Council and the community when presented with the initial proposal.

The applicant was then requested to submit hourly shadow diagrams for the 21 June. A copy of the hourly shadow diagrams can be found at **attachment 9**. These revised plans show that overshadowing is still a concern for the immediately adjoining property at 172 Howick Street. The development standard in the DCP in relation to overshadowing sets the following standard:

New development should not significantly affect access to sunlight of existing or likely future development on other property between 9am and 3pm particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9am and 3pm on the 21 June.

The hourly shadow diagrams demonstrate that the minimum standard is achieved as part of this development. It is noted that 172 Howick Street is completely overshadowed by 12pm on 21 June. Note that this development standard is consistent with the planning principles established in *Parsonage v Ku-ring-gai [2004] NSWLEC*.

The proposed apartment building is significantly taller than the adjoining dwelling at 172 Howick Street in terms of scale as well as height. As a result there will be a change in solar access currently available to the residential property as the subject property has remained undeveloped for a number of years. The previously approved development on the site had a similar overshadowing impact and it was a 2-3 storey high shopping centre.

The applicant has proposed a pedestrian access point along this rear boundary which will be a 3.6 metre landscaped area to soften the boundary between a residential and commercial zone.

Building Materials

The buildings proposed are a mixture of materials. The majority of the apartment/retail building is made up of pre cast concrete panels which are to be painted in an approved colour scheme. Some concrete panels are proposed to be detailed with hardwood timber features recycled from some of the buildings on the site. Red face brickwork has been proposed for the ground floor elevation along Howick Street. The brick work is broken up with aluminium louvers and windows for visual interest.

Discussions with Council's Heritage Advisor suggest that greater use of red face brick as part of the external building materials will better tie together the new buildings with the old. Further, painted surfaces should predominately be of warm autumn tones again to tie the

new to the old.

If consent is granted, conditions can be imposed to achieve a redesign to secure the use of more face brick in the external elevations and ensure an appropriate overall colour scheme is adopted for non-brick surfaces.

Car parking requirements

The following table demonstrates that the proposed development has provided car parking spaces in accordance with Council's development standards.

Car park credits are considered applicable in the case of this development proposal because of the provisions available in Clause 24 of the LEP. See comments earlier in this report.

Credits are given on the basis that as part of a redevelopment key heritage buildings are retained and reused. Heritage conservation car park credits are given on the number of spaces required for the proposed use of a heritage building/s. The former office block will be used as a café and office space as part of this development. Eight spaces are required based on DCP parking calculations for the two proposed uses of this historic building. Credit has therefore been given on 8 spaces. No use has been specified for the tower building.

Land Use	Development Provisions	Development Standard	Council Calculations
40 Serviced Apartments	42	1 space/ unit	40
10 employees		1 space /2 employees	5
Retail (1,455m ²)	43	1 space/35m ²	41.57
Retail (1, 280m ²)	38	1 space /35m ²	36.57
Café (120m ²)*	0	1 space /35m ²	3.4
Office (230m ²)*	0	1 space /50m ²	4.6
Total provided	123 spaces	Total required	131
Heritage credits			- 8 spaces for heritage car park credits
		Total required	123 spaces

Landscaping

There are a number of trees proposed for removal as part of this proposal. The trees will require an application under the Tree Preservation Order for removal.

A concept landscape plan has been submitted and referred to Council's Parks section. A copy of this plan can be found at **attachment 10**. A condition of the development can require a detailed landscape plan be prepared and submitted. The concept landscape plan demonstrates that extensive landscaping is proposed for the site to help soften the proposed development particularly on the rear boundary line of the site where it adjoins the residential zone. The proposed landscaping will provide a mix of street trees and understorey as required by Council's DCP.

Chapter 11 - Signage and Colour Schemes

There are several proposed signage panels for the development site. They are all proposed to be flush wall panels and one fascia sign above the apartment

building entrance.

Each of the proposed signage panels has been identified and described below:

Location	Size	Label
Dairy Farmers tower	4.9 x 2m = 9.8	H1
Apartment building (entrance) fascia	6 x 2.1= 12.6	H2
Retail building (vertical)	6.5 x 1.8 = 11.7	H3
Retail building (entrance)	1.6 x 5.2= 8.32	H4
Retail Building (entrance)	5.3 x 2.4=12.72	B1
Apartment Building (side)	5.4x 1.3= 7.02	B2
Dairy Farmers tower 2	4.9 x 2= 9.8	B3
Office Building (vertical)	1.5 x 5= 7.5	B4
Retail building (entrance 2)	11.5 x 2.4 = 27.6	P1

The development standards for flush wall signs are:

- The signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building
- Signs must not exceed 6 square metres in area or 5% of the elevation of the building, whichever is the lesser.

The Conservation Management Plan submitted for the site recognised that commercial and retail tenancy identification are an intrinsic component of the commercial use and viability of the former Dairy Farmers site. Signage and external lighting should be located in a manner that does not have an adverse impact on significant heritage fabric and the overall character of the place.

The size of the signage panels is considered to be inconsistent with the development standards for flush wall signs. The applicant will be required to submit revised elevation plans showing the adjustment of the size of the signage panels to comply with the size standard of 6 square metres. The location of the signs however is considered appropriate, because the applicant has taken account of the overall visual elements of the building. The signs are considered to have been located in a manner which clearly identifies the buildings whilst still retaining the significance of the site.

The proposed fascia sign complies with the development standards for fascia signs. It does not extend above the awning of the proposed apartment building.

Chapter 15 - Crime Prevention

In accordance with the protocol which exists between Bathurst Regional Council and the NSW Police Service, the proposal was referred to the NSW Police Service for assessment against the Crime Prevention Through Environmental Design (CPTED) principles. A copy of the Police comments can be found at [attachment 11](#).

The NSW Police Service has returned comments and has made recommendations in relation to the treatment of risk areas. After conducting a safer by design evaluation for this development the crime risk rating has been identified as low crime risk on a sliding scale of low, medium and high. The recommendations in relation to the property's CPTED principles including: surveillance, lighting and technical supervision, territorial re-enforcement, environmental maintenance, activity and space management and access control can be addressed through conditions necessary for the development.

The NSW Police were renotified about the amended plans, but no additional comments were received.

Submissions

The original development application (as amended) was placed on public exhibition and notified to adjoining owners. Council received 13 submissions during this time and the applicant was required to submit an amended application including plans that addressed some of the concerns raised by the community and government bodies. Copies of the submissions are provided at **attachment 12**.

Issues raised in the submissions included:

Name	Issue
Miss Sandra Howarth	Increased traffic along Bentinck Street.
	Development will increase traffic, air and noise pollution for residents.
	Increased traffic will make turning right into the shopping centre more difficult.
Mrs Megan Child	Drainage concerns.
	Lack of fencing between the two properties. [the residences along Howick Street and the apartment block].
	Poor solar access- destroy development and extension plans to property in the future.
Mr Russell Maule	Happy with the mixed use concept.
	Concerns about the stability and geological features of the area and the impact of the development on the historical underground geology.
	More trees and more natural/landscape elements incorporated into the design .
	No provision for staff in adjoining shopping centres so much on street parking is taken up by them, where will the overflow from this development go along with resident's parking spaces.
	Upgrade Princes St footpaths and roadway.
	Concerns for the manoeuvring of trucks in this area and that a Management Plan is required.
	Noise , vibration and dust during construction.
Bathurst and District Branch of the National Trust	Proposal has not shown enough sympathy to heritage buildings in vicinity, past land uses or buildings retained.
	Apartments and retail shop lack elegance, style or character. These structures do not complement the heritage buildings or the nearby townscape in design, size and scale and are disproportionate to the surrounds.
	Reuse of the truss is inappropriate would be better used elsewhere.
	Signage is excessive.
	Retention of the Dairy Farmers sign in its current position.
	The private courtyard be used as public space

	that incorporates green space, art and heritage info.
	Overshadowing issues with adjoining cottages on Howick St.
	Utilization of story boards to recognise historical uses of the site.
	5 storeys is not in scale of existing streetscape buildings particularly the cottages.
Lewis and Sylvia Hitchick	Overshadowed in afternoon, solar access limited to morning when Bathurst is foggy.
	Unit building too tall- modify design (step up the units from 2 storey on SE side).
	Concerned about noise.
	Modern design does not fit with heritage values/traditional elements.
Ms Samantha Friend	Proposal out of keeping with area- not another 'block building'.
	Too big for the site.
	Overshadowing concerns.
	Dominating signage.
	Landscaping is too minimal and inappropriate.
Mr Sandy Bathgate	5 storey height is inconsistent with DCP standards, the building should slope down to meld better with the surrounding single storey developments.
	Heritage buildings left are swamped- design doesn't complement and is inconsistent with such a landmark site.
	The design doesn't make a positive contribution to the architectural landscape.
	Signage too big. The potential to re-use the dairy farmers sign.
	Open up private courtyard to public green space.
Ms Maureen Bates-McKay	Modern façade of retail building is not in keeping with the area.
	Use of mature trees in the landscape plan.
Ms Lee Rich	Design does not adhere to the surrounding heritage on Bentinck and Howick St.
	Utilise the simple red brick construction into apartment construction.
	Reduce number of storeys to achieve an attractive roofline on the apartment building.
	Incorporate more of the heritage significance of the site into the new design (cultural and environmental).
Mr Roland Zopf	Comply with due diligence requirements during excavation for archaeological remains.
	Incorporate the brickwork outline of past buildings into the ground of the site to guide people's understanding of past uses.
	If artefacts are found they could remain in a place for viewing for patrons/public.
Mr Andrew Smith	Lives opposite loading dock and concerned about the increased noise levels of vehicles reversing.
	Increased traffic levels on what is considered a quiet street in the centre of Bathurst.

Decreased value of property.

Council received amended plans and in doing so renotified the application to those who had lodged a submission for the initial application.

The development application was advertised and notified to adjoining property owners from 17 June 2013 to Monday 1 July. Following the advertising and notification period a total of four additional submissions were received (see submissions at **attachment 13**).

Issues raised in these submissions included:

Name	Issue	Comments
Mr Sandy Bathgate	The majority of the development is still 5 storeys high and not consistent with the 3 storey limit.	The variation of the DCP standard is considered permissible in this case because the landmark tower is retained and restored and still remains the tallest structure on site. The reuse of a current derelict site will allow the site to still contribute to the social and cultural history of Bathurst.
	The scale is too domineering.	The proposed building is a modern structure that has been located away from the two landmark buildings on the site so as to retain their unique built form, significance and structural integrity. The apartment building is still shorter than the tower and the new building has been designed to take account of the steep slope of the site down from Bentinck Street.
	The proposed signage is too big.	The applicant will be required to submit amended plans showing the reduction in size of the proposed signage panels to comply with the development standard of 6sqm.
	Overshadowing is still intrusive.	Overshadowing does occur, but it falls within the standards set which require 2 hours of sunlight between 9am and 3pm.
Mr Lewis and Mrs Sylvia Hitchick	The reduction in height does not significantly reduce the mid-winter shadowing of properties to SE.	Shadowing does occur to the properties to the SW of the site. All overshadowing complies with the minimum standards set in relation to solar access.
	The apartment block is still 4 storeys high.	The variation of the DCP standard height standards is considered appropriate in this case because the land mark tower is retained and restored and still remains the tallest structure on site. The reuse of a current derelict site will allow the

		site to still contribute to the social and cultural history of Bathurst.
Mr Andrew Smith	The use of Princes Street by vehicles and delivery trucks will have a negative impact on his property through the increase in noise pollution.	<p>The applicant has indicated that the retail premises won't be operating at the same level of intensity in terms of delivery vehicles as a shopping centre. It is anticipated that it will be used by separate tenancies. Delivery vehicles are considered to be a feature of the 3(a) General Business zone and the mix of land uses permissible.</p> <p>The development is limited to a 12.5 m rigid truck with all vehicle manoeuvring occurring on site.</p> <p>It is to be expected that there will be impacts during construction. these will be governed by conditions relating to hours of operation and a construction management plan.</p>
	Increase in number of cars entering the site from Princes Street.	The development has received the concurrence of the RMS provided conditions being satisfied. The development has not been identified as triggering existing roadway upgrades.
Bathurst and District Branch of the National Trust	New design has not shown enough respect to the existing buildings, past land uses and the cultural significance of the precinct.	See earlier comments with respect to external building materials and colours.
	The materials and design do not echo materials or design principles shown on heritage buildings.	
	Purpose of Truss used on site as welcome point.	The incorporation of timbers and materials from the historical buildings of the site is considered a way to tie the redeveloped site to its traditional features and uses.
	The proposed size and placement of signage.	The applicant will be required to submit amended plans showing the reduction in size of the proposed signage panels to comply with the development standard of 6sqm.
	The lack of the inclusion of public space in the overall site.	There is no requirement to provide a proportion of public space when redeveloping a site within the General Business zone.
	Overshadowing and privacy	Shadowing does occur to the

	issues for adjoining residential dwellings.	properties to the SW of the site. All overshadowing complies with the minimum standards set in relation to solar access.
--	---	--

A discussion forum was convened by Director of Environmental, Planning & Building Services on 22 July 2013 at 3pm (see minutes of discussion forum at attachment 5). Issues raised at the discussion forum included:

- The height of the proposed building.
- The nature of delivery vehicles to the site.
- Overshadowing of the adjoining residential dwelling on Howick Street.

Conclusion

Council has received a development application for a multi-use development at the former Dairy Farmers site. The applicant is proposing to demolish most of the buildings on site, but retain the two key landmark buildings on site including the Dairy Farmers tower and the former butter factory office.

The applicant submitted a heritage impact statement which has concluded that the significance of the former Dairy Farmers site, and its ability to contribute to the streetscape of the former conservation area will be retained.

The application has been referred to Council's heritage advisor who supports the retention of the two most significant buildings on the site as part of the sites redevelopment. The heritage advisor acknowledges that redevelopment feasibility precludes retention of other structures of less significance.

The heritage advisor has suggested minor alterations to the external materials in order to ensure the new buildings relate better to the older buildings.

Council staff and Council's heritage advisor support the proposed building height of up to five storeys, in this instance, on the basis that:

- Building height has addressed the natural slope of the land.
- Building setback variation reduces the bulk and scale to Howick Street.
- The height of buildings remains lower than the existing height of the tower.

Whilst the development changes the streetscape, the new streetscape is considered acceptable, particularly given the varying degree of building heights and styles typical on the fringes of the CBD where commercial development meets residential scaled buildings.

Importantly it must also be acknowledged that the proposed development will:

- Retain the two landmark buildings on site.
- Will allow the site to be reused and continue to contribute to the Bathurst community and the Conservation Area.
- To stabilise and repair the iconic Dairy Farmers tower.

The proposed development is consistent with Council's LEP and DCP and the relevant State Environmental Planning Policies. It is therefore recommended that the proposed development application be approved.

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. 2012/0518 – DEMOLITION OF TWO DWELLINGS, PARTIAL DEMOLITION OF DAIRY FARMERS FACTORY, CONSTRUCTION OF 40 SERVICED APARTMENTS, CAFÉ, RETAIL PREMISES AND COMMERCIAL PREMISES. AT 50 BENTINCK STREET AND 178 HOWICK STREET, BATHURST, LOTS 1-4, 19-25, 28 AND 30, DP 2067 AND LOT 2, DP184456 (50 BENTINCK ST) AND LOTS 26 AND 27, DP 2067 (178 HOWICK ST) APPLICANT: MR B YOUNG KDC PTY LTD ON BEHALF OF MR P BRECKENRIDGE A & I PROJECTS. OWNER: REGIONAL NOMINEES PTY LTD (2012/0518)
MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0518, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) During the carrying out of any proposed works, if any archaeological remains are discovered, the developer is to stop work immediately and notify the NSW Heritage Branch and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded and details given to Council prior to the continuing of works.
 - (ii) Prior to the issue of a construction certificate in relation to the serviced apartment building, the developer is to submit plans showing a redesign of the Howick Street front facade and the Bentinck Street side facade to include greater use of smooth faced unpainted or unrendered brick work. These facades are to include sufficient red face brick elements and decorative detail to ensure the new apartment building compliments the remaining historic buildings on the site in terms of colour and materials used.
 - (iii) The submission of rendered drawings, and samples sufficient to detail the types and colours of the external materials to be used in the construction of the new building. The colours of the external materials are to be dominated by warm autumn tones with sufficient red face brick elements and decorative detail to ensure the new buildings compliment the remaining historic buildings on the site in terms of the colour of the external materials used. Note: Council encourages the reuse of all disused brick work on site that can be salvaged and incorporated into the new buildings.
 - (iv) The developer is to prepare and lodge an interpretation strategy to Council for approval that outlines how the built and social history of the site is to be interpreted. This is to include at a minimum the installation of interpretative panels within the site. The interpretation strategy is to be implemented prior to issue of the occupation certificate.
 - (v) The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code. The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's

Landscape Code.

(vi). Prior to the issue of a construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:

1. Traffic management, including:
 - i) Loading, unloading area and material storage areas
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties)
2. Noise
3. Dust
4. Stabilisation and monitoring of adjoining property owners
5. Communication with the general public; and
6. Complaints management

(b) notify those that made submissions; and

(c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

6 BATHURST PEST BIRD MANAGEMENT PLAN: UPDATE ON PROGRAM ACTIVITIES (14.00627)

Recommendation: That the information be noted.

Report: In 2012, Council engaged a consultant to develop a pest bird management plan to deal with the issue of pigeons in the Bathurst Central Business District (CBD) and other pest birds in the Bathurst Region. This plan was developed with extensive consultation with the CBD business community and residents.

The plan identified, amongst other things, that:

- Pest birds impact upon native species, local orchard harvests, infrastructure and may be a risk to human health.
- Control of pest birds is the responsibility of the property / landholder.
- Control programs are more effective when a range of actions are conducted across a broader area, in partnership with different stakeholders.
- Encouraging and providing habitat for native species should be done in conjunction with pest bird control programs.
- Reducing feed and habitat opportunities for pest birds is highly important.
- One of the world's worst invasive species, the Indian Myna is becoming established in the region.

To assist in the implementation of actions, Council allocated \$5,000 in the 2012/13 financial year.

Pest Birds in the Bathurst Region

Pest birds such as starlings, mynas and sparrows were identified by residents and landholders to be of concern. Therefore, Council commenced addressing these issues through a range of projects. Highlight of actions to date:

- Funding received by the Central West Catchment Management Authority (\$2,000) to commence starling and myna control and a community education program.
- The CMA funding was used to build 200 nest boxes for native birds (built by local schools) with funding assistance from Petries Mitre 10. Around 50 nest boxes provided / installed to date in the Bathurst Region.
- The CMA funding was also used to purchase 7 Starling and Indian Myna traps for use at key problem sites.
- Council produced a flyer to help landholders identify and manage starlings and mynas on their property.
- A Council Officer attended the Indian Myna Control conference, which was also attended by national and international experts and provided advice on implementing effective control programs.

Pigeons in the Bathurst CBD

Pigeons were identified to be a high priority concern for CBD businesses. Therefore, Council implemented the following programs:

- Trial installation of 2 x "Don't Feed the Pigeon" signs in Machattie Park.
- Coordinated a pigeon trapping program involving 9 businesses and 4 Council facilities and conducted by a local pest controller.
- Engaged a local contractor to conduct a direct pigeon removal program targeting 6 key

sites in the CBD.

The 'Don't feed the pigeons' sign has been met with mixed success. Many families visit Machattie Park to feed ducks and it is difficult to feed a native species but not pigeons when they are in the same location. Some people have also been observed to feed pigeons directly. Pigeons also pick through the areas once the ducks have left. Council will continue to monitor the effectiveness of signs on people's behaviour.

The pigeon trapping program was conducted between March and July 2013. Council coordinated the program and provided a subsidy to encourage business involvement in the four-five week (per site) program. A total of 904 pigeons were trapped and euthanased humanly, with birds provided to nearby wildlife sanctuaries as animal food. An average of 69 birds were removed from each site (range 8 – 233).

Though trapping is effective, birds eventually become trap shy and avoid areas being trapped, therefore a direct removal program was instigated in July 2013. An experienced contract shooter was engaged to remove birds late at night using an air rifle. This program was supervised by Council staff and conducted in accordance with a Safe Work Method Statement and Risk Assessment. The Bathurst Police and local security companies were advised of the program and each area was controlled to restrict access by other people. 189 pigeons were removed from 6 properties over 3 nights.

Lessons learnt so far

- The control program has been highly successful to date with 1093 pigeons removed in just four months.
- Not all businesses that have problems with pigeons were willing to participate in the trapping program as they were implementing other actions, or none at all.
- Problem sites that do not get involved in programs may experience an increase as birds move to these 'safe havens'.
- CBD pigeon numbers increase in winter as temperatures drop and birds seek more reliable food sources (i.e. duck pond), shelter and mates.
- Signage is not always effective in controlling human behavior.
- A coordinated program is very good in controlling high numbers in a short period of time.
- Wider involvement is needed for effective long-term control.
- Controlling or eliminating feed sources is vital for long-term success.

Future actions

It is recommended that the program continue and to include more businesses in the near future so that pigeon numbers are maintained at low levels. Control programs will also need to include the limiting of access to roost sites inside ceiling spaces. The next stage of control is expected to occur in the next few months before the peak breeding season.

With regards to wider pest bird issues, Council will continue to monitor the populations of starlings and mynas in particular, and trial trapping where appropriate. Nest boxes for native birds will also continue to be installed in Council reserves and provided to the community at environment events.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

11 Item 6 BATHURST PEST BIRD MANAGEMENT PLAN: UPDATE ON PROGRAM ACTIVITIES (14.00627)

MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

7 RECEIPT OF AWARD FROM SKILLSET (18.00014)

Recommendation: That the information be noted.

Report: On 19 July 2013, Council was presented with an award from skillset at its annual awards ceremony.

Council received the "Skillset Sustainability Award 2013" in recognition of many programs and activities that Council has undertaken in the past five years. This includes:

- Bathurst Sustainable Lifestyle House
- Energy Audits of Council facilities
- Retrofitting of Council facilities with more energy and water efficient fixtures
- Installation of solar panels on Council facilities to offset energy use
- Annual Sustainable Living Expo
- Community education programs ranging from water saving to recycling
- Revegetation programs (various locations)
- Riparian restoration projects (eg works in Hawthornden Creek)
- Preparation and implementation of plans such as the Urban Waterways and Biodiversity Management Plans

Council will continue to strive towards the goals outlined in the Environmental Sustainability Action Plan, and the objectives identified in the Community Strategic Plan.

It is important to acknowledge that the main focus of the skillset awards is to celebrate the achievements of the trainees and apprentices in the region. For Bathurst the apprentice of the year was Mr David Cummings, and trainee of the year was Ms Caitlin Stoneley. The awards also highlighted the critical role the host employers, particularly small businesses play in training the next generation of skilled tradespeople.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.1, 8.2
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.5

MINUTE

- 12 **Item 7 RECEIPT OF AWARD FROM SKILLSET (18.00014)**
MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$71,000,000 was invested at 31 July 2013 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.75%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.72%
Three Year Swap Rate - Commonwealth	2.87%

Short Term 1 – 365 Days

**(Comprising Commercial Bills,
Debentures and Certificates of
Deposit:**

	<u>Rating</u>		<u>Average Return</u>
Bank of Queensland	A2	\$13,500,000.00	4.45%
Bendigo and Adelaide Bank	A2	\$10,000,000.00	4.27%
IMB	A3	\$10,000,000.00	4.28%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	4.10%
National Australia Bank	A1+	\$13,500,000.00	4.33%
People's Choice Credit Union	ADI	\$1,000,000.00	4.33%
Railways Credit Union	ADI	\$1,000,000.00	4.55%
SGE Credit Union	ADI	<u>\$1,000,000.00</u>	<u>4.28%</u>
		\$53,000,000.00	4.33%

Long Term

**(comprising Commercial Bills, Term
Deposits and Bonds):**

Committed Rolling Investments

Westpac	AA-	\$2,000,000.00	3.95%
Westpac	AA-	\$2,000,000.00	4.07%
Westpac	AA-	\$2,000,000.00	4.08%
Westpac	AA-	<u>\$2,000,000.00</u>	<u>3.93%</u>
		\$8,000,000.00	4.01%

Fixed, Negotiable & Tradeable Certificates of Deposits

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

Floating Rate Notes

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

The Royal Bank of Scotland – Australia	A+	<u>\$2,000,000.00</u>	<u>5.41%</u>
		\$6,000,000.00	4.81%
Total Investments		<u>71,000,000.00</u>	<u>4.31%</u>

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$30,014,508.93	
Grants held for specific purposes		\$3,092,898.36	
Section 94 Funds held for specific purposes		\$22,765,110.92	
Unrestricted Investments – All Funds		\$15,127,481.79	
General Fund	\$25,242.81		
Water Fund	\$2,878,618.42		
Sewer Fund	\$2,805,484.36		
Waste Fund	<u>\$9,418,136.20</u>		
Total Investments		<u>\$71,000,000.00</u>	

Total Interest Revenue to 31 July 2013 **\$256,970.21** **4.31%**

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

- 13 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED: Cr G Rush SECONDED: Cr M Coote

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 2012-2016 Delivery Plan and the Annual Operating Plan 2012-2013.

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

Fines or penalty notices this month - Nil.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr I North SECONDED: Cr M Coote

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 July 2013.

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

Section 356:	\$ 5,309.07
BMEC Community use:	\$ 75,800.00
Mount Panorama :	\$ 35,000.00

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr J Jennings

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- Colley N & P - 66 Mountain Straight - Lot 3, DP232111 - In-house Licence Agreement
- Cambooya Pty Ltd - Lachlan Road, Caloola - Lot 277, DP1169462 - Folio Identifier
- JD Events Pty Ltd - 88 Lee Street - Lot 1, DP500552 - Lot 3, DP529516 - Transfer
- BP Australia Pty Ltd - Bathurst Aerodrome - Lot 8, DP873722 - Lease

Linen Plan Release

- BRC/JJ Carroll – Road Widening, Yarras Lane, Glanmire

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

- 16 **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

5 REAPPOINTMENT OF STATE EMERGENCY SERVICE CONTROLLERS (18.00043)

Recommendation: That Council support the reappointment of Mr Ian Borland as Volunteer Local Controller for the Bathurst State Emergency Service (SES) Unit and Mr Martin Tomkinson as Volunteer Unit Controller for the Sofala SES Unit for a period of two years commencing on 1 August 2013.

Report: Council has received correspondence from the Region Controller, Central West Region, State Emergency Service (SES) seeking confirmation that Council supports the reappointment of Mr Ian Borland as Volunteer Local Controller for the Bathurst SES Unit and Mr Martin Tomkinson as Volunteer Unit Controller for the Sofala SES Unit for a further period of two years commencing on 1 August 2013. A copy of the letter from SES is shown at **attachment 1**.

Section 17 (1) of the State Emergency Service Act, 1989 states:

- (1) *The Director-General may, on the recommendation of the council of a local government area, appoint any person as the local controller for the area.*

Council officers have worked extensively with both unit controllers and it is recommended that council support the reappointment of Mr Ian Borland as Volunteer Local Controller for Bathurst SES Unit and Mr Martin Tomkinson as Volunteer Unit Controller for the Sofala SES Unit for a further two years.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- 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 29.6
- Objective 22: To improve community safety. Strategy 22.8

MINUTE

17 Item 5 REAPPOINTMENT OF STATE EMERGENCY SERVICE CONTROLLERS
(18.00043)

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That Council support the reappointment of Mr Ian Borland as Volunteer Local Controller for the Bathurst State Emergency Service (SES) Unit and Mr Martin Tomkinson as Volunteer Unit Controller for the Sofala SES Unit for a period of two years commencing on 1 August 2013.

6 REQUEST FOR FINANCIAL ASSISTANCE - BOOKLINK AWARDS PRESENTATION (18.00004)

Recommendation: That Council fund the use of Bathurst Memorial Entertainment Centre (BMEC) for the presentation of the 2013 Booklink Awards at a total cost of \$1000 from BMEC Community Use Subsidy.

Report: Council has received a request for the use of BMEC for the presentation of the Booklink Awards for 2013.

Bathurst Library works together with sponsors, BooksPlus, CWA Bathurst Branch and Australian Education Suppliers of Penrith to provide the Booklink Awards each year. Library staff also work with all the schools in Bathurst and rural villages to encourage as many children as possible to participate.

All children who participate receive recognition and fantastic prizes funded by the Library and donated by the sponsors. Schools are now also eligible to win prizes for their libraries as well. This is a great community program which helps encourage the joy of reading, vocabulary and literature skills, and the promotion of parents reading aloud to their children.

The Booklink program has been running for 10 years. Each year an award ceremony is held where all participants receive recognition and an award from the Mayor funded by the sponsors. The award ceremony has expanded over the years to allow for all participants and family to attend. The award event is now unable to be held at the Library and in 2012 the event was successfully held at the BMEC.

It is recommended that Council fund the use of BMEC for the Booklink Awards from the BMEC Community Use Subsidy which currently has a balance of \$75,800.00.

Financial Implications: This request could be funded from Council's BMEC Community Use Subsidy which currently has a balance of \$75,800.00

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

MINUTE

18 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BOOKLINK AWARDS PRESENTATION (18.00004)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council fund the use of Bathurst Memorial Entertainment Centre (BMEC) for the presentation of the 2013 Booklink Awards at a total cost of \$1000 from BMEC Community Use Subsidy.

7 CARRYOVER WORKS (16.00129, 16.00135)

Recommendation: That the items as identified on the list of carry-over works as at 30 June 2013 be carried over and added to the Management Plan for 2013/2014.

Report: As Council would be aware, for logistical or resource management purposes, various works for which funding was provided in 2012/2013 remain incomplete or in progress as at 30 June 2013.

At **attachment 1** is a list of such works for which funding, as indicated, will need to be carried over to the 2013/2014 financial year to enable their completion.

Financial Implications: Funds noted in the 2012/2013 Management Plan will be carried over to cover the votes required to complete this work

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

- 19 **Item 7 CARRYOVER WORKS (16.00129, 16.00135)**
MOVED: Cr G Hanger SECONDED: Cr J Jennings

RESOLVED: That the items as identified on the list of carry-over works as at 30 June 2013 be carried over and added to the Management Plan for 2013/2014.

8 SISTER CITY DELEGATION TO OHKUMA - 2014 (23.00011)

Recommendation: That Council:

- (a) send a delegation to Aizuwakamatsu to visit Ohkuma residents between March and May 2014, subject to further discussion with Ohkuma Town Council
- (b) authorise the Mayor and the General Manager (or his authorised delegate) to attend as Council delegates

Report: For many years as part of the ongoing development of the relationship between Ohkuma and Bathurst, it has been customary for a community delegation led by a Council representative to visit Ohkuma every second year. Councillors will recall that the township of Ohkuma sent a delegation in November 2009 to mark the 20th anniversary of the first trip from Ohkuma to Bathurst. This delegation consisted of 23 members most of whom were town officials.

In March 2011 Japan suffered from an earthquake and tsunami which damaged the nuclear power plant near Ohkuma forcing the evacuation of the area within a 20 km radius of the plant. The residents of Ohkuma have been relocated to various other townships with the main centre being Aizuwakamatsu (Aizu). Bathurst Regional Council has not sent a delegation to Japan since the tsunami. Ohkuma, on the other hand, has sent several delegations with the most recent trip being 20 school children and two adults this month. Discussions with Ohkuma visitors has indicated that Ohkuma would still love to have a council delegation visit them in Aizu.

Council delegates on the last delegation to visit Ohkuma were the Mayor and one staff member.

The Sister City Working Party considered this matter at its recent meeting and resolved to recommend to Council that a delegation to visit Ohkuma be organised between March and May 2014, subject to further discussion with Ohkuma Town Council.

Council will need to seek formal acceptance from Ohkuma Town Council as to when they would be in a position to welcome a delegation in 2014.

It is proposed the tour would be undertaken between March and May when the weather is warmer (normally delegations have been in November but Aizu is much colder than Ohkuma and would possibly be snow bound in November).

The financial commitment from Council should council agree to a delegation would be in covering the cost of its representative delegate/s. Members of the community who join in the delegation meet all their own travel expenses. The approximate cost to Council of previous tours has been \$3,000 - \$3,500 per person with the following inclusions:

- Return Airfares - Qantas
- Airport Taxes
- Airport Limousine Bus Transfer from Airport to Hotel
- 1 night Hotel stay
- 5 days home hosted in Ohkuma (this would be now in Aizu and may involve hotel accommodation as Ohkuma residents are in temporary public housing estates)
- 7 day ordinary Japan rail pass
- 2 nights Hotel stay
- Airport Limousine Bus Transfer from Hotel to Airport

The cost of a trip in 2014 may be more expensive than previous years as the delegates may have to stay in motel accommodation and not be home hosted as the living conditions of the Ohkuma residents is much smaller than in Ohkuma itself. This may add \$1,000 to the cost per person bringing the estimated total cost to between \$3,500 - \$4,500 per delegate.

Council still has a budget allocation in the 2013/2014 Budget.

Financial Implications: The cost to Council for this delegation would be \$3,500 - \$4,500 per delegate which could be funded from the Sister City vote in the 2013/2014 budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1

- 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

20 Item 8 SISTER CITY DELEGATION TO OHKUMA - 2014 (23.00011)
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) send a delegation to Aizuwakamatsu to visit Ohkuma residents between March and May 2014, subject to further discussion with Ohkuma Town Council
- (b) authorise the Mayor and the General Manager (or his authorised delegate) to attend as Council delegates

9 LOCAL GOVERNMENT REFERENDUM (18.00289)

Recommendation: That:

- (a) the information be noted.
- (b) a letter from Council be sent to the Prime Minister expressing disappointment in the Election date and its impact on the Local Government Referendum.

Report: As part of a nationwide response, Bathurst Regional Council joined the campaign to support the Referendum for Constitutional Recognition of Local Government contributing \$17,000 in funds and around 100 hours in staff time to implement the campaign to be managed by Local Government NSW.

The campaign included development of a very comprehensive communication tool kit including a Vote 'YES' website and social media campaign, brochures, fact sheets, presentation material, template media releases and inserts to ratepayers newsletter to support the local campaign to encourage residents towards a YES vote.

Following the announcement of the 7 September 2013 Federal Election date by Prime Minister Kevin Rudd, Council has received advice from Local Government NSW that the Referendum to financially recognise Local Government in the Constitution will no longer proceed and as a result the use of all campaign material should now cease.

Council has withdrawn any campaign material from its public relation plans. The Local Government NSW Joint Presidents will shortly write to all Mayors updating them on 'where to from here', including all council contributions towards the campaign and the possibility of a Referendum in the future.

Financial Implications: Council is awaiting advice from Local Government NSW about reimbursement of funds contributed to this campaign.

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 20.4
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.3

MINUTE

- 21 **Item 9 LOCAL GOVERNMENT REFERENDUM (18.00289)**
MOVED: Cr G Rush SECONDED: Cr M Coote

RESOLVED: That:

- (a) the information be noted.
- (b) a letter from Council be sent to the Prime Minister expressing disappointment in the Election date and its impact on the Local Government Referendum.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

1 PROPOSED CLOSURE OF PRIVATE LANEWAY, 204 HOPE AND 294 PIPER STREETS, BATHURST (22.01824)

Recommendation: That Council raise no objection to the closure of the laneway adjoining 204 Hope and 294 Piper Streets Bathurst, as detailed in the Director Engineering Services' report.

Report: Council has received a request for the eventual closure of a private laneway located between 204 Hope and 294 Piper Streets, Bathurst (see **attachment 1**).

The laneway is the residue of an Old System Title right of way left in the name of Thomas Charles Beel since June 1882 which forms a rear laneway access to four properties fronting Hope and Piper Streets, Bathurst (see **attachment 2**).

As Council has no interest in the laneway nor has it maintained the gravel surface, it is recommended that Council raise no objection to the closure of the laneway by adverse possession.

If Council does not object to the laneway's closure, there is no further action required by Council.

Financial Implications: Nil. All fees to be paid by the applicant.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

22 Item 1 PROPOSED CLOSURE OF PRIVATE LANEWAY, 204 HOPE AND 294 PIPER STREETS, BATHURST (22.01824)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council raise no objection to the closure of the laneway adjoining 204 Hope and 294 Piper Streets Bathurst, as detailed in the Director Engineering Services' report.

2 DEVIATION OF EASEMENT FOR DRAINAGE OF WATER 10 WIDE, LOT 67 DP270167, 2 KESSEY PLACE, ROBIN HILL (22.10570)

Recommendation: That Council approve deviation of an Easement for drainage of water 10 wide and the extinguishment of easement for drainage of water 10 wide affecting Lot 67 DP270167 affecting 2 Kessey Place, Robin Hill, as detailed in the Director Engineering Services' report.

Report: Council has received an application from the owners of Lot 67 DP270167 being 2 Kessey Place, Robin Hill, for the deviation of an easement for drainage of water 10 wide within their property (see **attachment 1**).

Council's investigation revealed, since the approval of the original subdivision, a considerable amount of earth works has been carried out on site for the construction of a new cottage with some earthworks being retained by low brick retaining walls. Low earth mounds have been placed in order to deviate the water from the Hartwood Avenue run-off to avoid flooding the new cottage site. The mounds of earth protecting the cottage site appear to be outside the paper location of the easement for drainage 10 wide shown in DP270167 designated 'j' (see **attachment 2**).

The applicants are seeking Council approval to extinguish the existing easement and replace the easement with a similar easement in an adjoining location.

They propose to lodge a Development Application to construct a swimming pool and shed, and are required to prepare an easement plan before Council will accept their new development application.

For this to occur, the existing easement will be extinguished by Section 88B Instrument and simultaneously create the new easement in its current position in the same document.

The applicants will bear all associated costs for the creation of the new easement and the extinguishment of the old easement.

It is recommended that Council approve deviation of an Easement for drainage of water 10 wide and the extinguishment of easement for drainage of water 10 wide affecting Lot 67 DP270167 affecting 2 Kessey Place, Robin Hill.

Financial Implications: Nil. All expenses for the creation of the new easement and the extinguishment of the existing easement are to be paid by the applicant.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.2
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.2

MINUTE

23 Item 2 DEVIATION OF EASEMENT FOR DRAINAGE OF WATER 10 WIDE, LOT 67 DP270167, 2 KESSEY PLACE, ROBIN HILL (22.10570)

MOVED: Cr J Jennings SECONDED: Cr G Westman

RESOLVED: That Council approve deviation of an Easement for drainage of water 10 wide and the extinguishment of easement for drainage of water 10 wide affecting Lot 67 DP270167 affecting 2 Kessey Place, Robin Hill, as detailed in the Director Engineering Services' report.

3 PRECAUTIONARY BOIL WATER ALERT - 28 JUNE 2013 TO 30 JUNE 2013 – INCIDENT REPORT (21.00019)

Recommendation: That Council:

- (a) note the report,
- (b) note that the NSW Health and Council testing of the Bathurst water supply before, during and after the event demonstrated that the water was and is safe to drink,
- (c) undertake a review and update of emergency management procedures and documentation, and
- (d) provide a further report on the Council's internal Review of Emergency Management response outlining actions and timelines.

Report: Executive Summary

Events on Friday, 28 June 2013 led to water that had not been fully treated being pumped into the water network. The amount of water involved represented less than 7% of the water in the pipe and reservoir network. The immediate and professional response from council staff prevented this escalating into something much more serious.

Despite having to assume that water outside of the Australian Drinking Water guidelines had been pumped into the network, and act on that premise with the issuing of a precautionary Boil Water Alert, testing before, during and after the event showed that in fact the water remained safe to drink, and Council is not aware of any cases of illness from this event.

Council's treatment, operating systems and operator training complies with stringent water industry standards. At the time of the incident it was understood that there was enough monitoring in place to detect problems, alert the operator(s) and if need be to stop the plant before any affected water left the treatment plant. Council has since completed a thorough review of the plant monitoring, and several changes have already been implemented, with more to come. Whilst the avoidance of another event of any sort cannot be guaranteed, the changes made and planned continue to reduce the likelihood to as low as reasonably practicable.

Council's communication response to this issue followed guidelines issued by NSW Health and included contact with the Regional Emergency Management Officer (REMO). Public notification was made immediately all necessary information was available. Notwithstanding the level of genuine concern by members of the public it should be noted that at no time was there a serious risk to public health due to the low levels of unfiltered water that entered the network.

As to be expected in an emergency incident, the issue has highlighted an opportunity to improve Council's information management and communications systems for any future event.

Council is not aware directly or indirectly of any cases of illness from water being consumed during the incident, and it should be noted that NSW Health monitored several medical practices and the hospital to ensure that they were aware of any issues.

Background

Bathurst Regional Council operates a conventional water filtration plant where raw water is extracted from the Macquarie River and treated in accordance with the Australian Drinking Water Guidelines (ADWG) 2011 and in accordance with New South Wales Ministry of Health (NSW Health) requirements.

Raw water from the Macquarie River (which is fed by the Campbells River and Fish River catchments) is treated at the Water Filtration Plant (WFP.) The process involves the addition of the coagulant chemical liquid Aluminium Sulphate (Alum) and polymer for added floc strength. The pH is regulated both pre and post dosage by the addition of soda ash. After sedimentation the water is gravity filtered through 14 rapid sand filters. The filtered water has its turbidity monitored after each filter in its own inspection pit before chlorine is added for disinfection and fluoride for dental health. The water is then stored in two clearwater tanks which allows a minimum 30 minutes chemical contact time before being pumped to the reservoirs that supply the homes and businesses of Bathurst. All of these steps are monitored and controlled by "Supervisory Control and Data Acquisition" (SCADA) through a telemetry system. Council filtration plant operators monitor the operation of the SCADA system and when faults or alarms occur out of normal business hours they can address these remotely.

Events leading up to the Boil Water Alert

On Thursday night, 27 June 2013 one of the clearwater pumps tripped a thermal overload limit and automatically sent an alarm to the operator on call. The operator attended the plant checked the problem and swapped to the standby pump. The turbidity (measure of cloudiness) in the river was 74 Nephelometric Turbidity Units (NTU) at this time. A monitor was set to alarm and stop the plant should incoming raw water increase up to 99 NTU and page an operator. This level of turbidity in the water is not unusual when the river is running high after rain fall in the catchment – which was the case on the night of 27 June 2013. The WFP was operating correctly when the operator left.

An investigation of records after the Boil Water Alert incident shows that after the operator had left the WFP, the alkalinity of the river water dropped suddenly overnight resulting in the alum failing to form a floc in the settling tanks. This meant that the turbid water passed through the settling tanks to the filters, then into the clear water tank and into the pipe network. The WFP shutdown automatically at approximately 4.30am when the reservoirs were full. When the staff arrived at about 7.15am in the morning they saw that there was turbid water in the settling tanks and filters and firstly assumed a problem with alum dosing had occurred. Staff inspected the alum dosing system and found a broken part in the alum dosing pump. Staff assumed the break occurred during the night and that the absence of alum was the cause of the turbid water. (Later inspections revealed that the alum pump part had most likely broken when the plant stopped at 4.30am). With the benefit of hindsight, the real cause of the turbid water was the change in alkalinity (a measure of the capacity of the water to neutralise acid) of the raw water which meant that the flocculation process did not work properly. The filter turbidity alarms had failed to send a message to the operator, further compounding the problem.

The turbid water went in to the clearwater tank and up to 9ML was pumped to reservoirs. The combined pipe network and reservoir total water storage is 134ML, and the turbid water represented less than 7% of the water in the system.

Operational/Technical Response

The issuing of the Boil Water Alert on Friday, 28 June 2013

With the use of pump records and reservoir level information, staff immediately calculated the additional chlorine that should be added to the reservoirs to treat the turbid water. Further actions such as isolating reservoirs and stopping pumping stations were considered and implemented.

At approximately 8.30am operational staff notified the Senior Water and Sewer Engineer and other staff were simultaneously contacting NSW Health who arranged a telephone conference call to discuss the issue with Council's operational staff and decide on a course of action. At approximately 9:45am NSW Health requested a precautionary Boil Water Alert be issued as is normal in these circumstances. Council's senior staff advised the General Manager at 10:15am and arranged for a conference call with NSW Health at 10:45am to discuss implementing their protocols, which included advice on the action to take, the wording of notices and a procedure to follow during the alert. This advice also included details on what tests would be required for the following 48 hours, where to send samples and also to make arrangements for NSW Health Laboratories to remain open over the weekend to receive and test water samples. At 10:49am Council received the draft Boil Water Notice from NSW Health.

At the WFP the settled water tanks had to be cleared of turbid water and the filters backwashed with clean water once the clearwater tank was refilled. Verbal permission from the EPA was sought, and received, to dispose of the turbid water to the river. This is outside of Council's licence limit, however the EPA permits this in extenuating circumstances. At 9.00pm Council commenced pumping filtered water within Australian Drinking Water Guidelines to all reservoirs after carrying out all necessary checks.

Due to the impending weekend and courier uncertainty, the decision was taken to have Council staff personally deliver samples to minimise the possibility of delays in testing and expedite the lifting of the Alert as soon as possible. Council staff delivered the samples at about 9pm Friday night, and the results are at **attachment 1**.

Communication Response

Emergency protocols were followed at all times by Council. NSW Health were contacted and notified the Bathurst Base Hospital and several Council staff began the complex process of prioritising and notifying the local Media, posting updates on Council's web page, Council's Facebook site, notifying aged care facilities, schools, child care centres, food processing factories, home dialysis patients, restaurants, cafes, hotels, motels, B&B's, supermarkets, and medical practices (doctors, dentists, and vets).

Council's after hours emergency call out service were contacted to relay a standard message to after hours callers. NSW Health also arranged for a similar message to be left on their help line and that of the Bathurst Public Health Unit to ensure messages were relayed to residents.

Once the information began to circulate and before all identified premises could be contacted staff began receiving large volumes of calls from people wanting clarification and expressing concern that they may have inadvertently drunk water after the alert had been issued.

Some callers complained of the delay between Council being aware of the problem and when notifications were given. Council's communication response to this issue followed guidelines issued by NSW Health and Council expedited all actions in a professional manner given the circumstances. Staff communicated the appropriate processes recommended by

NSW Health for people to boil and cool water for drinking purposes. A Media Release and a Question and Answer sheet (refer to **attachment 2**) was posted to Council's website on Council's Facebook site and distributed to Council's regional media database.

Some residents requested Council to supply bottled water which has been done in the past for minor small scale interruptions to supply, however was not practical in this case due to the large number of affected residents. It is understood that local supermarkets' entire stock of bottled water was exhausted very quickly across Bathurst.

Regular updates were posted on Council's Facebook page into Friday evening and residents comments monitored and responded to across various social media sites including NSW Police, the Western Advocate and Radio 2BS sites.

The communication response to the incident included the preparation and distribution of clear and consistent messages as quickly as possible through to online media, council's website and social media. These were monitored over the weekend and responses were made that were consistent with the question and answer sheet.

Saturday, 29 June 2013

Tests to determine the residual chlorine in the reservoirs were organised for Saturday, 29 June 2013.

During Saturday staff continued to monitor the sampling and testing and inform NSW Health of progress. A telephone conference was organised between Council staff and NSW Health on Saturday afternoon to discuss the results obtained during Saturday indicating that disinfection of the water supply had occurred. NSW Health directed Council to further disinfect one of nine reservoirs which had a low residual chlorine level and to conduct a flushing program of the water mains before the alert could be lifted. NSW Health required Council to carry out this work over the next 12 hours and discuss the results on Sunday, 30 June 2013 at 10.00am.

A response team including staff from IT, Media and Engineering met to develop a coordinated response including clear roles and responsibilities to be able to identify businesses and other relevant contacts including media to enable a quick distribution of advice when the Boil Water Alert was lifted. Further consultation and contact took place with NSW Health and the Regional Emergency Management Officer.

Sunday, 30 June 2013

The additional samples were taken, with testing confirming suitable chlorine residuals. Following approval from NSW Health the process of lifting the Boil Water Alert began on Sunday morning at approximately 10.15am. The process of notification that the Alert had been lifted had to be carried out and a team of staff had prepared lists and procedures in anticipation. The notifications were complete at approximately 2.00pm with all contactable parties notified.

At **attachment 3** are details of Council's in-house test results.

At **attachment 4** are details of follow up testing of samples taken on Monday, 1 July 2013.

At **attachment 5** are the media release on the lifting of the alert, along with a telephone script and questions and answers.

Immediate improvements

Since June 30, investigations have since been carried out at the WFP and a number of improvements implemented including:

- Alarms have been rectified and tested that will now alert operators if similar circumstances arise.
- An additional alarm is being installed to alert operators of raw water conditions that may result in similar occurrences in the future.
- Operational procedures and processes are being refined, and improved methods of communicating information to the public at short notice will be investigated.

Recommendations

System improvements are proposed to reduce the likelihood of another serious event to as low as reasonably practicable.

While Council staff responded in a managed and coordinated way in regards to both a technical and communication response, improvements are possible and recommended. The improvements are required on two fronts:

a) monitoring of the WFP operations

- A full review of the critical treatment processes including monitoring has been completed. Monitors have been installed, checked, double checked and tested, with several telemetering improvements brought forward and implemented urgently.
- improvements include that alarms in the filters will now send an alarm to the operator 24 hours a day 7 days a week and stop the treatment plant if the turbidity exceeds 0.2NTU.
- A feature has been added to the SCADA system which now stops the WFP if alum is not being added. Staff have commenced installation of an additional alarmed Alkalinity probe into the settled water to alert operators of changes in water chemistry.

b) review and update in-house emergency management systems and procedures

- In addition, staff are working on the development of a specific documented Boil Water Alert emergency procedure. It is expected that this will contain standard forms for alerts, media contacts, Emergency Service contacts, essential service providers, Aged Care, Child Care, Schools, and water dependant factories, food processing and contain a flow chart identifying risks and priorities, define roles and responsibilities across the organisation and actions.
- Improvements to be considered will include the ability to improve Council's telephone system to intercept calls with an automated information service system and the investigation of a number of mechanisms where customers can register on a contact database to allow mass messaging.
- It should be noted that there is no communication plan or strategy that will guarantee contact with 100% of the people at any time.

Constructive improvements have been and continue to be identified and implemented that will benefit the Bathurst community in the future.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.6, 22.7
- 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 29.7

MINUTE

24 Item 3 PRECAUTIONARY BOIL WATER ALERT - 28 JUNE 2013 TO 30 JUNE 2013 – INCIDENT REPORT (21.00019)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) note the report,
- (b) note that the NSW Health and Council testing of the Bathurst water supply before, during and after the event demonstrated that the water was and is safe to drink,
- (c) undertake a review and update of emergency management procedures and documentation, and
- (d) provide a further report on the Council's internal Review of Emergency Management response outlining actions and timelines.

4 PROPOSED CREATION OF EASEMENT BENEFITING COUNCIL, GREAT WESTERN HIGHWAY, KELSO (25.00016-03)

Recommendation: That Council approve the transfer of the easement rights concerning the creation of a proposed easement to drain sewage variable width affecting Lot 416 DP1112311 for the construction of the upgrade of the Great Western Highway, Kelso, as detailed in the Director Engineering Services' report.

Report: In order to expedite the acquisition of property and the registration of an easement, the Roads and Maritime Services (RMS) has been working with Council towards a finalisation to transfer easement rights concerning the creation of a proposed easement to drain sewage variable width affecting Lot 416 DP1112311.

On Council's part, the RMS has surveyed the location of an easement containing a Council service including a sewerage service as shown in DP1183595 (see **attachment 1**). The creation of the easement is required to protect Council's facility and easement rights.

It is recommended that Council approve the transfer of the easement rights concerning the creation of a proposed easement to drain sewage variable width affecting Lot 416 DP1112311.

Financial Implications: Nil as all Transfers will be prepared and registered by the Roads and Maritime Services.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

25 Item 4 PROPOSED CREATION OF EASEMENT BENEFITING COUNCIL, GREAT WESTERN HIGHWAY, KELSO (25.00016-03)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council approve the transfer of the easement rights concerning the creation of a proposed easement to drain sewage variable width affecting Lot 416 DP1112311 for the construction of the upgrade of the Great Western Highway, Kelso, as detailed in the Director Engineering Services' report.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

1 VACATION CARE PROGRAM - JULY 2013 (09.00005)

Recommendation: That the information be noted.

Report: The winter holiday program for July 2013 ran from Monday 1 July through to Friday 12 July 2013. Forty five (45) children were booked in over the holiday period, with an average of 27.2 children attending per day. The service experienced a high level of interest this holiday period which equated to an increase in bookings per day.

The Service Education program is reflective of the My Time, Our place – Framework for School age children. The program included activities and excursions to Dedicated to Fitness, Metro Cinema, Tenpin Bowling and a trip to Jumbo's Jungle to end the holiday period.

Other activities on offer included the creation of an office space with the children developing and creating their own newspaper to share with their families, tie dying was attempted along with our resident artist Jeff Doherty creating an art work with the children to be permanently displayed in the room. Council's Manager Community Services ran a clay and sculpture workshop that involved the use of the pottery wheel and the children creating animals using modelling clay.

The Program continues to provide a valuable service to Children and Families of the broader Bathurst Community, operating within the principles of creating a play based learning environment that is fun and stimulating.

These principles aim to develop a child's:

- Sense of identity;
- Opportunities to connect and contribute to their world;
- Understanding and awareness of well being;
- Ability to become confident and involved learners;
- Use of effective and appropriate communication.

Vacation Care is scheduled to again be operational in the September/October 2013 school holiday period.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.8
- Objective 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 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.5, 27.9

MINUTE

26 Item 1 VACATION CARE PROGRAM - JULY 2013 (09.00005)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 ARTS OUTWEST 2012 ANNUAL REPORT (18.00036)

Recommendation: That Council note the Arts OutWest Annual Report for 2012.

Report: Council has received a copy of Arts OutWest Annual Report for 2012, copies of the report are available at Council's administration offices.

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

Arts OutWest has provided support to Council during 2012 with a variety of initiatives as indicated in the report.

Financial Implications: Council has provided \$20,732 in the Annual Operating Plan for 2013/2014 for Community Arts and this contribution is made directly to Arts OutWest.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

27 Item 2 ARTS OUTWEST 2012 ANNUAL REPORT (18.00036)
MOVED: Cr J Jennings SECONDED: Cr G Hanger

RESOLVED: That Council note the Arts OutWest Annual Report for 2012.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2013 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 7 August 2013 be adopted.

Report: The Minutes of the Policy Committee Meeting held 7 August 2013, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

28 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2013
(07.00064)

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That the recommendations of the Policy Committee Meeting held on 7 August 2013 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 7 AUGUST 2013

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2013 (07.00064)
MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 July 2013 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

RESOLVED: That the following Declarations of Interest be noted.

Cr Aubin
Item #1 of the Director Corporate Services & Finance's report.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

This is page 1 of Minutes of the Policy Committee held on 7 August 2013.

General Manager

Page 121
Mayor

5 **Item 1 PROTECTION OF COUNCIL LAND AND ROADSIDE VEGETATION AND HABITAT POLICY (13.00001)**

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) place the Protection of Council Land and Roadside Vegetation and Habitat Policy on public exhibition for a period of 28 days; and
- (b) if no submissions are received, adopt the Policy.

Director Corporate Services & Finance's Report

6 **Item 1 BATHURST 12 HOUR MOTOR RACING EVENT (04.00097)**

MOVED Cr B Bourke

and **SECONDED** Cr M Coote

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

Reason: named as beneficiary in Council recommendation.

RESOLVED: That Council

- (a) authorise Cr Aubin to attend the Sepang 12 Hour Race in Kuala Lumpur to be held from 28 August 2013 to 2 September 2013.
- (b) enact the resolution immediately.

General Manager's Report

7 **Item 1 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2013 (18.00074)**

MOVED Cr G Hanger

and **SECONDED** Cr B Bourke

RESOLVED: That Council

- (a) nominate the Mayor, Deputy Mayor and Cr Rush as delegates and Crs Bourke and Hanger as observers for the Local Government NSW Annual Conference 2013.
- (b) enact the resolution immediately.

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

8

CONFIDENTIAL COMMITTEE OF THE WHOLE

MOVED Cr M Coote

and **SECONDED** Cr J Jennings

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

There we no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LEASE AGREEMENT - LOT 1 DP792363 LOCATED AT CHURCH LANE, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Corporate Services & Finance's Report

a

Item 1 RURAL LEASE AGREEMENT - LOT 1 DP792363 LOCATED AT CHURCH LANE, KELSO (21.00022)

MOVED Cr B Bourke

and **SECONDED** Cr I North

That Council approves entering into a new in-house licence agreement with Ms Candice Foscett for Lot 1 in DP792363 located on Church Lane, Kelso for a period of three (3) years at a licence fee of \$300.00 per annum (GST inclusive) plus annual CPI adjustments as detailed in the report.

14 **Item 4 COUNCILLOR VIDEO PROFILES (11.00024)**

Cr Rush - raised the issue of lack of notice and questioned the cost of this proposal. Asked is providing exposure of Councillors a role for Council.

The Acting General Manager responded to this issue.

15 **Item 5 2015 BICENTENARY FLAGSTAFF PROPOSAL (20.00153)**

Cr Rush - raised concerns about change to the original brief and why Councillors had not been advised.

The Acting General Manager advised that the original brief had not changed.

16 **Item 6 LOCAL GOVERNMENT REVIEW PANEL (18.00145)**

Cr Rush - asked where this process is up to and when Councillors will consider this matter further.

The Acting General Manager advised that Council's submission had been lodged with the Panel and spoke of a meeting held with Lithgow and Oberon Councils.

17 **Item 7 PROVISION OF INFORMATION TO COUNCILLORS (11.00024)**

Cr Westman - raised concerns re media report on closed circuit television. Would like Councillors to be made aware of information prior to public release.

18 **Item 8 2015 BICENTENARY COMMITTEE (20.00153)**

Cr Westman - requested information on 2015 Bicentenary Celebration priority changes and what commitments were being made. Also will the Flagstaff proposal still include toilet facilities. Requested information on full time employment of a staff member.

The Acting General Manager advised that a report would be provided to a future Council Meeting to update Councillors on 2015 Bicentenary Celebration activities. Also advised that a staff member had been seconded from within Council to undertake the administrative duties for the 2015 Bicentenary Celebrations

Committee. Spoke to increased administrative workload involved in chasing grant funding, etc.

19 **Item 9 LONG TERM PLANNING (03.00180)**

Cr Westman - asked about proposed long term planning sessions. Have not set dates.

The Mayor advised that a recent newsletter to Councillors had suggested dates in October 2013.

20 **Item 10 PROVISION OF INFORMATION TO COUNCILLORS (11.00024)**

Cr Coote - asked who is running the Council?

The Mayor advised that the Councillors are responsible for decision making.

21 **Item 11 SIMPLOT AUSTRALIA (22.01698)**

Cr Coote - raised concerns of precedent that may be set if we provide a reduction in charges for Simplot and potential long term loss of income.

22 **Item 12 TRIP HAZARDS - WILLIAM STREET (25.00002)**

Cr Coote - raised concerns in relation to trip hazards in the William/Howick Streets vicinity. Asked what is best method to report these?

The Director Engineering Services advised best method is to ring Council's Engineering Section.

23 **Item 13 AWNING LIGHTS ON BUILDINGS (18.00124)**

Cr Coote - asked who is responsible for lighting under shop awnings.

The Acting Director of Environmental, Planning & Building Services advised Essential Energy is responsible for these lights.

24 Item 14 2015 BICENTENARY FLAGSTAFF PROPOSAL (20.00153)

Cr Coote - noted had received advice that a Flagstaff already existed.

The Mayor advised she had received the same information, but this information was incorrect.

25 Item 15 PROVISION OF INFORMATION TO COUNCILLORS (11.00024)

Cr Morse - advised she had concerns in relation to provision of information to Councillors, particularly in relation to consultation time when considering large Development Applications. Advised Mayor and General Manager are looking at options to keep Councillors up to date with information on Council activities.

26 Item 16 ENTRANCES TO THE CITY (07.00097, 28.00021)

Cr Aubin - asked for update on the design for the entrance to Bathurst from Orange. Also raised issues of cars for sale parked on vacant land near Bradwardine Road roundabout and the Basketball Stadium.

The Director Engineering Services advised that this issue is very difficult to police and there is no easy solution to the problem. Also advised detailed drawings of the entrance design are currently being prepared.

27 Item 17 TAFE SITE (22.01387)

Cr North - asked if State Government had agreed to Council's terms for acceptance of this site. Would like to be advised immediately decision is made by the State Government.

The Acting Director Environmental, Planning & Building Services advised that Council was still in negotiations with the State Government.

28 Item 18 UPPER MACQUARIE COUNTY COUNCIL (18.00172)

Cr North - advised that Upper Macquarie County Council is aware that Council is currently reviewing their relationship.

29 Item 19 BATHURST SUPERCHEAP AUTO 1000 (04.00001)

Cr North - asked whether Council was aware of a proposed V8 Supercar launch in Bathurst next week.

The Acting General Manager advised that Council was unaware of this proposed launch.

30 **Item 20 LOCAL GOVERNMENT REVIEW PANEL (18.00145)**

Cr North - advised would like to see Blayney Council included in any discussions regarding the Local Government Review Panel recommendations.

31 **Item 21 VEHICLES SPEEDING - WILLOW DRIVE, KELSO (25.00201)**

Cr North - raised concerns of safety issues of cars speeding in Willow Drive. Advised residents are disappointed with Police response. Asked if Council may be able to discuss this issue with Police Commander.

32 **Item 22 TRAFFIC LIGHTS - HAVANNAH STREET (25.00018, 25.00027)**

Cr Bourke - asked is Council still pursuing the update of the traffic lights at Havannah Street and the Highway intersection.

Cr Aubin gave an update on this matter.

33 **Item 23 CREMATORIUM (09.00009)**

Cr Bourke - asked if there was to be an official opening of the Crematorium.

The Director Engineering Services advised this is not a Council facility, but he believed that the operators would be holding an official opening in the near future.

34 **Item 24 SISTER CITY RELATIONSHIPS (23.00011)**

Cr Bourke - feels Council should look to establish a Sister City relationship with Bath in England where the Earl of Bathurst resides.

MEETING CLOSE

35 **MEETING CLOSE**

The Meeting closed at 7.14 pm.

CHAIRMAN: _____

Date: _____ **(21 August 2013)**

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 AUGUST 2013 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 6 August 2013 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 6 August 2013, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

29 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 AUGUST 2013
(07.00006)

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 6 August 2013 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 6 AUGUST 2013

MEETING COMMENCES

Members: Cr Warren Aubin (Chair), Senior Constable Luke Cole (Police), David Veness (MP Representative), Jackie Barry (Roads & Maritime Services)

Present: Darren Sturgiss (Manager Technical Services) and Paul Kendrick (Traffic & Design Engineer)

1 MEETING COMMENCES 2:00 PM

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 JULY 2013 (07.00006)

That having received confirmation of items 1 to 7 from the Roads and Maritime Services, the Minutes of the Traffic Committee Meeting held on 2 July 2013 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 2 JULY 2013 (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 CLASSIC RALLY CLUB INC – 2013 ALPINE CLASSIC EVENT (23.00015-07/036)

That Council classify the Classic Rally Club Inc. 2013 Alpine Classic to be held on

Saturday 19 October 2013 and Sunday 20 October 2013 as a Class 2 event, and approve the event subject to conditions as detailed in the Director Engineering Services' report.

8 **Item 4 REQUEST FOR 1P PARKING FOR HOWICK STREET BETWEEN WILLIAM STREET AND GEORGE STREET (25.00006-04/063)**

That the request to replace the existing ½P Parking with 1P Parking on Howick Street between William Street and George Street be approved, excluding that area adjacent to the Post Office for which a ¼ hour time limit applies.

9 **Item 5 EGLINTON ROAD AND OPHIR ROAD INTERSECTION (25.00045)**

That Council:

- (a) Remove the existing traffic control signage at the Eglinton Road/Ophir Road intersection, and
- (b) Install Give Way Signage and road markings to the newly constructed leg of Ophir Road.

10 **Item 6 BUDDEN STREET ROCKLEY – CROSSING REQUEST (20.00177-02/078)**

That the information be noted.

11 **Item 7 BATHURST EDGELL JOG 2013 (23.00130)**

That Council classifies the Bathurst Edgell Jog to be held on Sunday 8 September 2013 as a Class 1 event, and approve the event subject to conditions as detailed in the Director Engineering Services' Report.

12 **Item 8 NEW SOUTH WALES LIVESTOCK LOADING SCHEME (28.00012-06/060)**

That Council approve the request from the Roads and Maritime Services for:

- (a) Access for short combinations participating in the NSW Livestock Loading Scheme to all regional and local roads in the Bathurst Regional Council area that are currently approved for use by 25/26m B-doubles.
- (b) Access for 25/26m B-doubles participating in the NSW Livestock Loading Scheme to all regional and local roads in the Bathurst Regional Council area that are currently approved for use by 25/26m B-doubles.

13 **Item 9 SUNNY CORNER TRAIL BIKE RALLY 2013 (23.00015-07)**

That Council classify the Sunny Corner Trail Bike Rally to be staged on Forestry Corporation roads on Saturday 14 and Sunday 15 September 2013 as a Class 4 event and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

14 **Item 10 GIVE WAY SIGN, HOLD LINE AND BARRIER LINES FOR INTERSECTIONS OF MCGILL CLOSE AND HALFPENNY DRIVE WITH LAFFING WATERS LANE (25.00106)**

That Council:

- (a) Approve the placement of 'Give Way' signs (R1-2), associated hold lines and barrier lines McGill Close and Halfpenny Drive at their intersection with Laffing Waters Lane (Ecrates Place);
- (b) Approve a 'No Left Turn' sign (R2-6(L)) from Laffing Waters Lane (Ecrates Place) into Halfpenny Drive.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

16 **MEETING CLOSE**

The Meeting closed at 2.30 pm.

MOUNT PANORAMA RACING COMMITTEE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 6 AUGUST 2013 (04.00001)

Recommendation: That the recommendations of the Mount Panorama Racing Committee Meeting held on 6 August 2013 be adopted.

Report: The Minutes of the Mount Panorama Racing Committee Meeting held on 6 August 2013, are attached:

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

30 Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 6
AUGUST 2013 (04.00001)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the recommendations of the Mount Panorama Racing Committee Meeting held on 6 August 2013 be adopted.

MINUTES OF THE MOUNT PANORAMA RACING COMMITTEE
HELD ON 7 AUGUST 2013

MEETING COMMENCES

1 MEETING COMMENCES 7:15 PM

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

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE - 2 MAY 2012 (04.00001)

MOVED Cr W Aubin

and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Mount Panorama Racing Committee Meeting held on 2 May 2012 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr W Aubin

and **SECONDED** Cr I North

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

- 5** **Item 1 NAMING OF INTERNAL ROADS AT MOUNT PANORAMA (18.00150)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the nominated internal roads in the Paddock area be given names of drivers and motor cycle riders who have competed at Mount Panorama in recognition of their involvement in the development of motor racing at Mount Panorama.

- 6** **Item 2 2013 SUPERCHEAP AUTO BATHURST 1000 - OFF TRACK EVENTS (04.00073)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 7** **Item 3 BATHURST MOTOR FESTIVAL - 2014 (04.00125)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 8** **Item 4 BATHURST 12 HOUR EVENT - 2014 (04.00097)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 9** **Item 5 USE OF MOUNT PANORAMA FACILITIES (04.00041)**
MOVED Cr M Coote and **SECONDED** Cr G Rush

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 10** **Item 1 MOUNT PANORAMA CAPITAL WORKS (20.00156)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 11** Item 2 MOUNT PANORAMA RESIDENT ACCESS (25.0095)
MOVED Cr I North and SECONDED Cr M Coote

RESOLVED: That the information be noted.

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

- 12** RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS
MOVED Cr M Coote and SECONDED Cr J Jennings

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

There we no representations from the public.

RESOLVED: That:

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

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

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

	position of the person who supplied it.
--	---

Director Corporate Services & Finance's Report

- a** **Item 1 FINANCIAL REPORT (04.000049)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

That the information be noted.

RESOLVE INTO OPEN COMMITTEE

- 13** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 14** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the Report of the Committee of the Whole, Item (a) be adopted.

MEETING CLOSE

- 15** **MEETING CLOSE**

The Meeting closed at 7.35 pm.

CHAIRMAN: _____

Date: _____ **(21 August 2013)**

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 JULY 2013 (11.00019)

Recommendation: That the information be noted.

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

1. GREENING BATHURST (18.00157)

Representatives of Greening Bathurst, Ashley Bland, John Fry and Judy Meadley attended the meeting and discussed the role of Greening Bathurst.

Matters discussed included:

- Greening Bathurst is an Incorporated Community Group.
- Receives approximately \$5000 per annum from Council.
- Greening Bathurst is a public voice for
 - a) Vegetation issues for Bathurst
 - b) Managers of the Brookmoore Reserve
 - c) Holds field days and tree plantings etc
 - d) Support schools, eg provided 6 shade houses for various schools
- Opportunites for the future include
 - a) Review of the Bathurst Vegetation Plan
 - b) Update the Planting Guide
 - c) Potential Botanical Gardens and Tourism
 - d) 2015 Projects
- Greening Bathurst - Bathurst's priorities includes:
 - a) Entrances to the city
 - b) Wetlands
 - c) River Corridor
 - d) Pathways
 - e) Protecting what we already have.
 - f) A more collaborative approach with Council on vegetation issues in Bathurst area.

2. GREATER WESTERN AREA HEALTH (18.00035)

David Wright (CEO) of Bathurst Base Hospital and John Kellett, Chair of Bathurst Health Council attended the meeting to discuss Health Services in the Bathurst area.

Matters discussed included:

- Public perception of bed closures at the hospital. It was explained that there were no permanent closures, instead beds level were determined by usage rates.
- KPI set by the State Government reflect the funding received by the hospital.
- Local Health District is over budget
- Discussions were held on other issues including specialist services provided in Orange.
- It was advised that there were no plans to downgrade Bathurst Hospital.

- **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

**31 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 10 JULY 2013 (11.00019)**

MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That the information be noted.

2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 24 JULY 2013 (11.00019)

Recommendation: That the information be noted.

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

1. SIMPLOT AUSTRALIA (22.01582)

Representatives of Simplot met with Council to discuss the future directions of the company and the potential of various levels of government and industry to provide assistance to ensure the long term viability of the organisation.

Matters discussed included:

- Simplot's history of their existence in Bathurst and how they are associated with the community
- Details of Market trends and sales
- Key threats to the business
- Details Comparative Labour Costs
- Details of Utility cost increases:
 - Electricity: 77%
 - Gas: 61%
 - Water 51%

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

**32 Item 2 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 24 JULY 2013 (11.00019)**

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

**3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 6 AUGUST 2013
(20.00153)**

Recommendation: That the information be noted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 6 August 2013 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

33 Item 3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 6
AUGUST 2013 (20.00153)

MOVED: Cr J Jennings SECONDED: Cr G Rush

RESOLVED: That the information be noted.

MINUTE

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

MOVED: Cr M Coote SECONDED: Cr J Jennings

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

There 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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT**

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	EXPRESSION OF INTEREST - LOTS 1, 2 AND 3 DP778506 LOCATED ON VALE ROAD	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	ORTON PARK	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	NEW SPORTING LICENCE AGREEMENT - BATHURST HOCKEY ASSOCIATION - PART LOT 7 DP608111 AND PART LOT 5 DP776928 KNOWN AS THE COOKE HOCKEY COMPLEX	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	PRICE ADJUSTMENT OF LOT 2 DP1076805 KNOWN AS 24 RUSSELL STREET, BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	PROPOSED NEW LICENCE AGREEMENT - WEST BATHURST PRE-SCHOOL EARLYSTART PROGRAM - PART LOT 1 DP1001027 KNOWN AS 7 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.
5	SALE OF COUNCIL PROPERTY, LOT 52 DP728854 LOCATED ON	10A (2) (c) – contains information that would, if disclosed, confer a

	SOFALA ROAD, PEEL.	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.
6	RECLASSIFICATION OF LAND - LOT 7 DP263393 LOCATED AT 67 WOODSIDE DRIVE, MT RANKIN	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	PROPOSED NEW RURAL LICENCE AGREEMENT - LOT 17 DP1099208 LOCATED AT ROCKLEY STREET, GEORGES PLAINS TO PETERSON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	NAB BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF - ECONOMIC IMPACT REPORT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	RENEWAL OF RESIDENTIAL LEASE - LOT	10A (2) (d) (i) – contains commercial information of a

	402 DP1150519 KNOWN AS 17 MCGIRR STREET, BATHURST - GILLIES	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	PROPOSED PURCHASE OF LOTS 10 AND 11 DP1141570 LOCATED AT 128 DURAMANA ROAD AND COX'S LANE, EGLINTON FROM CRIGHTON PROPERTIES 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.
11	PURCHASE OF PROPERTY - LOT 1 DP194761 AT KELSO FROM BROWN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
12	PROPOSED PRICE REDUCTION AND SALE OF LOT 711 DP1103109 KNOWN AS 9 IRVING PLACE, BATHURST TRADE CENTRE 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.
13	WASTE MANAGEMENT CHARGES - PAK OF TRASH	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	REQUEST FOR FINANCIAL ASSISTANCE - SIMPLOT AUSTRALIA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
15	REQUEST FOR FINANCIAL ASSISTANCE- BATHURST CARILLON CITY TENNIS CLUB INC	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
16	RENEWAL OF LICENCE AGREEMENT- LOT 138 DP1123180 AND PART LOT 136 DP1123180 - WINDRADYNE RESIDUE LAND	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	PROPOSED ACQUISITION FOR ROAD WIDENING, LOTS 1 AND 2 DP627380 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.
2	EXTINGUISHMENT OF EASEMENT FOR WATER SUPPLY - LOT 13 DP214037, 26 MCKELL STREET WEST 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	TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

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

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'
CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

MINUTE

- a **Item 1 PROPOSED MOTORSPORT SPEEDWAY (20.00252)**
MOVED: Cr W Aubin SECONDED: Cr M Coote

That Council:

- (a) grant its approval in principle to go to the next step in the process; and
- (b) invite the proponents to make a presentation to Council.

DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

MINUTE

b Item 1 EXPRESSION OF INTEREST - LOTS 1, 2 AND 3 DP778506 LOCATED ON VALE ROAD ORTON PARK (21.00022)

MOVED: Cr G Hanger SECONDED: Cr I North

That Council approves entering into a new In-House Licence Agreement with Robert and Louise Wood for Lots 1, 2 and 3 in DP778506 located on Vale Road, Orton Park for a period of two (2) years at a yearly licence fee of \$3,362.50 pa (GST inclusive) plus annual CPI adjustments, as detailed in the report.

MINUTE

c Item 2 NEW SPORTING LICENCE AGREEMENT - BATHURST HOCKEY ASSOCIATION - PART LOT 7 DP608111 AND PART LOT 5 DP776928 KNOWN AS THE COOKE HOCKEY COMPLEX (04.00033)

MOVED: Cr G Westman SECONDED: Cr W Aubin

That Council approves entering into a new in-house sporting agreement for part Lot 7 DP608111 and part Lot 5 DP776928 located at the Cooke Hockey Complex, Learmonth Park, Bathurst with the Bathurst Hockey Association for a period of twenty (20) years as detailed in the report.

MINUTE

d Item 3 PRICE ADJUSTMENT OF LOT 2 DP1076805 KNOWN AS 24 RUSSELL STREET, BATHURST (22.01140)

MOVED: Cr G Rush SECONDED: Cr J Jennings

That Council

- (a) approves the price adjustment of Lot 2 DP1076805 known as 24 Russell Street, Bathurst and
- (b) authorise the General Manager to negotiate the sale of this land as detailed in the report.

MINUTE

**e Item 4 PROPOSED NEW LICENCE AGREEMENT - WEST BATHURST
PRE-SCHOOL EARLYSTART PROGRAM - PART LOT 1 DP1001027 KNOWN AS 7 LEE
STREET, KELSO (22.02268)**

MOVED: Cr G Westman SECONDED: Cr M Coote

That Council approves entering into a new in-house licence agreement with the West Bathurst Pre-School EarlyStart Program for a portion of space at 7 Lee Street, Kelso (part Lot 1 DP1001027) for a period of one (1) year with a two (2) x one(1) year option, at a weekly licence fee of \$186.00 (GST inclusive) during school terms only, as detailed in the report.

MINUTE

f Item 5 SALE OF COUNCIL PROPERTY, LOT 52 DP728854 LOCATED ON SOFALA ROAD, PEEL. (22.09227)

MOVED: Cr G Rush SECONDED: Cr I North

That Council

- (a) approves the sale of Lot 52 DP728854 located on Sofala Road, Peel and
- (b) delegate authority to the General Manager to sell the property as detailed in the report.

MINUTE

g Item 6 RECLASSIFICATION OF LAND - LOT 7 DP263393 LOCATED AT 67 WOODSIDE DRIVE, MT RANKIN (22.09031)

MOVED: Cr G Westman SECONDED: Cr G Rush

That Council reclassify Lot 7 DP263393 located at 67 Woodside Drive, Mt Rankin from Community land to Operational land under the provisions of Section 31(2) of the Local Government Act 1993.

MINUTE

**h Item 7 PROPOSED NEW RURAL LICENCE AGREEMENT - LOT 17 DP1099208
LOCATED AT ROCKLEY STREET, GEORGES PLAINS TO PETERSON (22.10657)
MOVED: Cr J Jennings SECONDED: Cr G Hanger**

That Council approves entering into a new licence agreement with Jordan and Amanda Peterson for Lot 17 DP1099208 known as 1 Rockley Street, George Plains for a period of twelve (12) months at a yearly licence fee of \$100.00 (GST inclusive), to be reviewed at the expiration of the licence term, as detailed in the report.

MINUTE

**i Item 8 NAB BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF - ECONOMIC
IMPACT REPORT (23.00128)**

MOVED: Cr G Rush SECONDED: Cr M Coote

That the information be noted.

MINUTE

j Item 9 RENEWAL OF RESIDENTIAL LEASE - LOT 402 DP1150519 KNOWN AS 17 MCGIRR STREET, BATHURST - GILLIES (22.14003)
MOVED: Cr M Coote SECONDED: Cr J Jennings

That Council approve the continuation of the Residential Tenancy Agreement for Lot 402 DP1150519 known as 17 McGirr Street, Bathurst with Benjamin and Anna Gillies for a period of twelve (12) months at a weekly lease payment of \$400.00 as detailed in the report.

MINUTE

k Item 10 PROPOSED PURCHASE OF LOTS 10 AND 11 DP1141570 LOCATED AT 128 DURAMANA ROAD AND COX'S LANE, EGLINTON FROM CRIGHTON PROPERTIES PTY LTD (22.01826)

MOVED: Cr I North SECONDED: Cr W Aubin

That Council endorse the actions of the General Manager in submitting an Expression of Interest form in relation to the purchase of Lot 10 DP1141570 known as 128 Duramana Road and Lot 11 DP1141570 located on Cox's Lane, Eglinton by the closing date of the 8 August 2013.

MINUTE

I Item 11 PURCHASE OF PROPERTY - LOT 1 DP194761 AT KELSO FROM BROWN (22.00972)

MOVED: Cr G Westman SECONDED: Cr W Aubin

That Council approves

- (a) the purchase of Lot 1 DP194761 located between Hereford Street and Stephens Lane Kelso under the Government's Voluntary Acquisition Scheme as detailed in the report.
- (b) the property is to be classified as operational under the provisions of Section 31(2) of the Local Government Act 1993.

MINUTE

**m Item 12 PROPOSED PRICE REDUCTION AND SALE OF LOT 711 DP1103109
KNOWN AS 9 IRVING PLACE, BATHURST TRADE CENTRE CENTRE (22.14853)
MOVED: Cr G Rush SECONDED: Cr G Hanger**

That Council sells Lot 711 DP1103109 known as 9 Irving Place, Bathurst Trade Centre to Rodney Graham for \$49m² (GST inclusive) as detailed in the report.

MINUTE

n **Item 13 WASTE MANAGEMENT CHARGES - PAK OF TRASH (16.00135)**
MOVED: Cr I North SECONDED: Cr M Coote

That Council:

- (a) introduce a rural waste rebate of \$10 per tonne to be allowed off Council's Mixed Waste fee for contractors collecting waste in rural areas within Bathurst Regional Council
- (b) notify rural waste contractors of proposed changes to the charges imposed at the Waste Management Centre
- (c) advertise for 28 days this proposed change in Revenue Policy and if no objections are received then Council adopt this new waste rebate for rural waste contractors and include it in the Revenue Policy

MINUTE

**o Item 14.1 REQUEST FOR FINANCIAL ASSISTANCE - SIMPLOT AUSTRALIA
(22.01582)**

MOVED: Cr I North SECONDED: Cr B Bourke

That Council defer consideration of this matter pending further discussions with Simplot Management in relation to their financial position.

The MOTION was PUT and LOST

MINUTE

**p Item 14.2 REQUEST FOR FINANCIAL ASSISTANCE - SIMPLOT AUSTRALIA
(22.01582)**

MOVED: Cr B Bourke SECONDED: Nil

That Council consider assisting Simplot by providing a reduction by way of a Section 356 donation (funded from the water fund). This would have to be provided in future budgets should Council wish this reduction to be ongoing.

The MOTION LAPSED for want of a SECONDER.

Cr Hanger left the Chamber at 7.15 pm and took no further part in the meeting.

MINUTE

**q Item 14.3 REQUEST FOR FINANCIAL ASSISTANCE - SIMPLOT AUSTRALIA
(22.01582)**

MOVED: Cr G Westman SECONDED: Cr W Aubin

The following MOTION was MOVED.

That

- (a) Council enter into immediate discussions with Simplot with a strong view to providing support to their business. This support be discussed up to \$2m over a five year period. This support to be further explored together with the long term benefits in the Bathurst region.
- (b) Once negotiations have occurred a further report be presented to Council.

The MOTION was PUT and LOST

MINUTE

**r Item 14.4 REQUEST FOR FINANCIAL ASSISTANCE - SIMPLOT AUSTRALIA
(22.01582)**

MOVED: Cr G Rush SECONDED: Cr I North

That

- (a) Council enter into immediate discussions with Simplot with a strong view to provide support to their business and the local community. This support to be further explored together with the long term benefits in the Bathurst region.
- (b) Once discussions have occurred, a further report be presented to Council.

MINUTE

s Item 15 REQUEST FOR FINANCIAL ASSISTANCE- BATHURST CARILLON CITY TENNIS CLUB INC (04.00013-07)

MOVED: Cr B Bourke SECONDED: Cr M Coote

That Council advises the Bathurst Carillon City Tennis Club (BCCTC) that

- (a) Council will provide up to 50% of the cost of constructing the new clubhouse
- (b) The BCCTC are to provide 50% of the cost of the new facility by way of cash funds or by obtaining a grant
- (c) That the BCCTC be responsible for the cost of fitting out the new facility which will include, carpet, blinds, furniture etc
- (d) That should BCCTC agree to the 50% funding method (as outlined above) that this project be included for consideration in the 2014/2015 Operating Plan process.

MINUTE

Item 16 RENEWAL OF LICENCE AGREEMENT- LOT 138 DP1123180 AND PART LOT 136 DP1123180 - WINDRADYNE RESIDUE LAND (20.00119)

MOVED: Cr G Rush SECONDED: Cr M Coote

That Council approves entering into a new licence agreement with Mr Peter Wilson for Lot 138 DP1123180 and part Lot 136 DP1123180 known as the Windradyne Residue land for a period of six (6) months at a monthly licence fee of \$501.00 (GST inclusive) as detailed in the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

21 AUGUST 2013

MINUTE

u Item 1 PROPOSED ACQUISITION FOR ROAD WIDENING, LOTS 1 AND 2 DP627380 LEE STREET, KELSO (25.00074-02)

MOVED: Cr W Aubin SECONDED: Cr M Coote

That:

- (i) Council approve the proposed acquisition of land for road widening purposes for construction of a new water main at Lots 1 and 2 DP627380 being 62 and 68 Lee Street, Kelso subject to the conditions outlined in the Director Engineering Services' report, and
- (ii) the acquired land is to be classified as Operational land and dedicated to the public as road.

MINUTE

**v Item 2 EXTINGUISHMENT OF EASEMENT FOR WATER SUPPLY - LOT 13
DP214037, 26 MCKELL STREET WEST BATHURST (22.07878)**

MOVED: Cr M Coote SECONDED: Cr G Westman

That Council approve the extinguishing of an easement for water supply affecting Lot 13 DP214037 at 26 McKell Street, West Bathurst as detailed in the Director Engineering Services' report.

MINUTE

**w Item 3 TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES
(36.00487)**

MOVED: Cr M Coote SECONDED: Cr W Aubin

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

Reason: Friend of Manager of Company.

That Council accept the tender from Dubbo Traffic Control for the provision of Traffic Control Services for Contract No. 36.00487.

MINUTE

**x Item 4 TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF
SPRAYED BITUMINOUS SURFACING (36.00488)**

MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council accept the tender from Fulton Hogan Industries Pty Ltd for the provision of Sprayed Bituminous Surfacing for Contract No. 36.00488.

MINUTE

y Item 5 TENDER FOR ROAD STABILISING WORKS (36.00489)
MOVED: Cr M Coote SECONDED: Cr G Rush

That Council accept the tender from Stabilfix for Road Stabilising Work for Contract No. 36.00489.

MINUTE

35 RESOLVE INTO OPEN COUNCIL
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council resume Open Council.

MINUTE

36 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED: Cr W Aubin SECONDED: Cr G Rush

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

MINUTE

37 MEETING CLOSE

The Meeting closed at 8.13 pm.

CHAIRMAN: _____

Date: _____ **(18 September 2013)**