



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

28 January 2015

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 4 February 2015

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 4 February 2015 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, 4 FEBRUARY 2015

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 - 10 DECEMBER 2014

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 3 DECEMBER 2014

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS

* We the following Councillors hereby give notice of rescission of the following motion of Council of 10 December 2014.

RESOLVED: That Council:

(a) support the variation to the minimum lot size development standard for a single dwelling prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and

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

to Development Application No. 2014/0426, 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. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.
- ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
- iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused).
- iv. The applicant is to submit to Council for approval amended plans showing:
 - The height of the proposed dwelling from the ground to the eaves increased to at least 3.35 metres;
 - At least one brick chimney is to be incorporated into the design;
 - The front verandah is to incorporate a concave (reverse curve) front verandah;
 - The brickwork on the decorative parapet is to be of saw-tooth brickwork design; and
 - Brickwork on the building is to be of autumn tones, not blended and is not to be painted/rendered; and

(c) notify those that made submissions of its decision; and

(d) call a division.

Dated: 11 December 2014

Signed: Cr Gary Rush
Cr Jess Jennings
Cr Graeme Hanger

12. DELEGATES REPORTS

* CENTROC BOARD MEETING

* MINUTES - AUSTRALIA DAY WORKING PARTY - 16 DECEMBER 2014

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

Recommendation: That:

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

In accordance with the Local Government Act 1993 and the Local Government

(General) Regulation 2005,:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED PURCHASE AND SUBDIVISION OF PART LOT 2 DP785243 PIPER STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW COMMUNICATION INFRASTRUCTURE FOR LOT 1 DP6334401 LOCATED IN MCPHILLAMY PARK, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR NETWASTE REGIONAL TYRE COLLECTION AND PROCESSING	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 Item 1 MEETING COMMENCES

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

MINUTE

2 Item 1 PUBLIC QUESTION TIME

P Haysom – Lions Club of Bathurst - Dump Point - Lions Berry Park - expressed concern at the proposed dump point at Lions Berry Park. Feels decision made in haste needs to be reviewed. There is one in the Showground, need to find a more suitable site.

The Mayor noted a meeting has been set for 16 February to meet with the Lions Club on this matter.

L Burden – ratepayer - Car Parking Pacific Way - requested review of parking in this area, as impacting her Nan at 14 Pacific Way. Problem with neighbours at 21 Pacific Way as to where they park. Perhaps a no parking zone could be put in place. Tabled a letter for the Traffic Committee.

D Pennells – Inland Building Construction - Financial Assistance S:356 Item #6 DCSE - spoke to tip fee concession proposed to be made to a private company of \$150,000. Feels should not be issued, and notes if this precedent occurs, Inland Building Construction will seek reimbursement of their fees paid for the last 12 months.

B Manning – ratepayer - Planning Court case - spoke to matter of court case and review of this case and development. Issues include: costs, illegal actions of builder, enforcement of law by Council where a crime has been committed. Council and staff are accountable to the public and have regulatory functions that need to be actioned. Raised concerns at pool safety fencing and compliance.

The General Manager spoke to Development processes undertaken by Council.

The Mayor advised matter is currently being reviewed.

B Triming – ratepayer -

1. Congratulated:
 - Staff who attended call outs (water) at MacKenzie Place
 - Opening of Bathurst 200 shop
2. Spoke to Edinboro Hotel proposal (DEPBS#3) - be aware items deteriorate in sun and be aware of proximity to Machattie Park. A living wall may be better. Referred to disabled access issues at the hotel.
3. Noted recent crane issue in William Street and the advising of Council and other matters, which at times it seems Council does not get notified of. Are their fines available?

The Director Environmental, Planning & Building Services advised yes there are fines, but Council's first position is to work with developers to achieve the best results for all.

B Young – Town Planning Consultant - 711 Service Station 64-68 Sydney Rd, Kelso - Item #5 DEPBS - spoke to proposed development, noted working with Road & Maritime Services to ensure best result. Developer keen to come to Bathurst. Congratulated staff on professional attitude.

G Crisp – ratepayer

1. Riverside Park and movement of waste bin - asked why has this been moved. Has this resulted in an increase in waste not being picked up.

The Director Engineering Services will investigate the matter and will follow this up.

2. Election - Paul Toole - asked was the Mayor involved in the election of Paul Toole at the last election. Will Council's resources be utilised in his possible re-election. Mr Crisp noted he will be standing for the next State Election.

The Mayor advised Council resources will not be expended in this area.

The General Manager advised resources will only be expended as authorised under the Local Government Act.

A McKibbon – resident - 311 Howick St - Item #1 Rescission Motion - spoke to heritage buildings in Bathurst and the retention and destruction of these. Concern at the loss of heritage buildings in the City. Requests Council save 311 Howick Street. Need to save Bathurst heritage, it is not hard and it is not expensive - spoke to what was done at 311 Russell Street. As a minimum insist on facades being saved.

M Hollis – ratepayer - Bathurst 200 Shop - Congratulated Council on what they have done with this shop.

B Bolam – resident - 311 Howick St - Item #1 Rescission Motion - advised has no direct or indirect involvement in this matter. Spoke to Mayor Parnham's position on development and problem of stagnation. Mayor Matthews and subsequent Mayors encouraged development and the City has prospered. Important to cherish heritage, but city is not a museum, we are a thriving city. Spoke to his like for Victorian architectural flavour. As Cities grow, change occurs, staff undertake independent assessment. 311 Howick Street has problems such as; roof damage, termite problems, not listed on NSW Heritage Register or Bathurst LEP. The building is not unique and has low heritage value, noted staff report. Expressed concern at what may occur to future development.

B Madden – resident - 311 Howick St - Item #1 Rescission Motion - advised her brother is a prior owner of this property. Property purchased at a 'steal' due to heritage listing. They had been refused permission to do anything to the site. If had known could be bulldozed would have bought the site themselves.

I MacPherson – National Trust -

1. 711 Service Station 64-68 Sydney Rd, Kelso - Item #5 DEPBS - spoke to proposal, issues include; colour, pylon signage. This is an important entranceway to the City. Has same issues as entrance into Stewart Street. Please condition Development Application re the pylon and colour, as this will be a huge structure on the entranceway. A 5 metre pylon would be preferable. Can the issue of 711 signage be addressed as to how it works, need to tie into DCP provisions.
2. 311 Howick St - Item #1 Rescission Motion - advised the National Trust has made a submission. This is a little unique building which has some special characteristics. Spoke to loss of heritage buildings in the City. 2015 is an opportunity for the City. Good example of preservation are the Bentinck Street trees. We have lost too many buildings. Heritage has benefits; social, economic, community etc. Let us fix it up and say enough.

G Smith – resident - 311 Howick St - Item #1 Rescission Motion - spoke to heritage and public trust and commitment to the Heritage Strategy. More needs to be done to protect the

City's unique heritage. The strategy is important and we need to do more to protect our heritage. This Development Application is the first test of this strategy.

S Bathgate – Bathurst 2036 Heritage Action Network - 311 Howick St - Item #1 Rescission Motion - asks Council to reconsider its decision of last year. There is new information on the building and it is not in too bad a condition. The building has unique facets; concave roof, brick work, bookend verandah were referred to. Spoke to heritage report provided last year. This building is not one of many, it is unique, noted trust has commissioned a review of buildings in the city which shows significance of this building. Raised concerns at supposed infill that had occurred. Cement blocks do not exist, it is an Ashlar treatment. The Trust has provided Councillors with a copy of their report and the building review undertaken.

B Purcell – owner - 62 Mitre Street DA2014/0481 (Discussion Forum #2 - Policy Committee - Spoke to proposal before Council and what is intended to occur on the site. Have met with Council to ensure compliance with all requirements are met. Have commissioned a dilapidation report. Issues include; noise, views.

The Mayor noted this item will be dealt with at Discussion Forum #2 - Policy Committee meeting.

MINUTE

3 APOLOGIES

Nil

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 10 DECEMBER 2014 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 10 December 2014 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 10 December 2014, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 10 DECEMBER 2014 (11.00005)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 10 December 2014 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 10 DECEMBER 2014**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

H Gould – Greening Bathurst - DES Item #2 - Street Tree Replanting, Durham Street - noted as a general rule in support of the report, referred to species proposed, heat sink issues. The lack of large shade trees in CBD is troublesome to members. Would like to see plan and vision for the future. Disappointing existing trees are being recommended for removal before new trees are planted/developed. Against proposal for Plane trees. Breaking of infrastructure has been overstated. Plane trees should not be removed before Acers are established (113 Durham). Would like review of staging to occur. Understands logistical issues exist, feel more plantings could occur and greater clarification of species to be used. Ask Councillors to reject proposal in current form.

M Heiner – owner John Matthews Pharmacy - Traffic Committee Minutes - Parking RSL Car Park - understands proposal to make a further 116 spaces 4 hours. Pharmacy and Doctors oppose this. Noted current short term parking that is already available. Spoke to concerns with female staff getting to carpark spaces safely at night. For RSL perhaps 2 hour parking in Rankin Street could be altered to 4 hours. Spoke to pharmacy having to be closed if pharmacist is not on the premises. Considers other options are available for the RSL.

P Sergeant – RSL Club - Traffic Committee Minutes - Parking RSL Car Park - spoke to issues with the carpark. Initially requested 145 spaces, want to see movement in the carpark. Have looked at 105 spaces option, need 4 hours to suit business model. The recommendation from Traffic Committee is only for an additional 50 spaces, not what was reported. The recommendation is for a three month trial. The extra movement will help viability of Club. Ask Council to adopt Traffic Committee recommendation.

D Baldwin – Ratepayer - DEPBS Item #3 - DA - Pet Hotel, Dunkeld - spoke to concerns with noise which would come from the development. Referred to PKA, Wilkinson Murray reports and that levels will not be complied with. Queried validity of calculations by noise consultants, eg, noise of dogs at 100 decibels, this should be higher. There were 5 versions of PKA report and spoke to changes in figures. The calculations do not allow for services, eg air conditioning. Noted impact of changes in decibel levels. Distressed this matter has gone on for 11 months. The

application is non-compliant, should not be considering approval. Once approved there is no visibility in the process. Issues raised in April are still unresolved.

B Trimming – Ratepayer - RSL Club - Traffic Committee Minutes - Parking RSL Car Park - has spoken on this matter previously. When had a business a number of years ago, wanted carpark available for customers. Increased movement in carpark will be better for customers.

G Crisp – Ratepayer - Confidential Mayoral Minute #1 & #2 & DCSF #16, Financial Statements - spoke to submission he has made to statutory authorities on various issues. ICAC have chosen not to investigate, Police say treat it is a civil matter. No one has said he is wrong.

Does Mayor deny adverse comments in Manning case are a concern for all ratepayers? Mayor spoke to reviews in place on the matter to see what lessons have been learnt, what actions can be put in place. Did Mayor deny entry to working party to discuss findings of the court?

The Mayor spoke to matter re what happened.

Did the Mayor refuse entry based on advice of General Manager. Mayor denies this, made decision himself, did talk to General Manager. Mr Crisp spoke to S:459(1) of the Local Government Act and requirement to disclose interest.

The Mayor noted will seek advice on this section of the Act.

P Dowling – Resident - Mount Panorama - has spoken of Bathurst wording being placed under the sign. This would benefit Bathurst as a whole, time has come to do this. Has been done 3 times temporarily, please do it permanently. In regards to co-naming could this mean a claim could be put on the Mount.

The General Manager advised no, this would not create a claim, dual naming is not an activator of a potential claim.

R Little – Neighbour - DEPBS Item #3 - DA - Pet Hotel, Dunkeld - supports D Baldwin's comments on noise report. Last report spoke to sound proofing of adjacent neighbours. If DA is approved, applicant should put a sound proof fence between neighbour around entire dog kennel area. If DA goes ahead will have a kennel at back and front doors.

D Baldwin – Resident - DEPBS Item #3 - DA - Pet Hotel, Dunkeld - spoke of same issues that the DA was refused on still exists. The process is upsetting to the neighbours. Noise is a problem and this is an open kennel. Appreciate night time noise is being addressed, but at daytime dogs can be outside, up to 24 dogs can be out. It is open during the day. Guidelines need to be considered.

Raised concerns at traffic safety, adequacy of intersection need for RMS response on adequacy of intersection, traffic movement numbers given. The lower numbers, if incorrect, means less S:94 contributions received by Council. Intersection with highway is a concern - with road safety and also dust problems are not addressed.

Expressed concerns at Geotech report, under rates by 50% the level of washdown. Other issues include number of bores, license to use water, odour problems and impact on air quality. Under S:79C there are a number of issues to be considered, the application needs to be compliant, the DA is deficient. Spoke to various

requirements of the section. Every single document has had to be changed.

C McDiarmid – Resident - DEPBS Item #3 - DA - Pet Hotel, Dunkeld - representing parents and supports comments made by neighbours. Have followed with due respect, Council's processes. Concerned with DA, many documents are still not meeting guidelines. Issues include; traffic safety, Geotech incorrect, this is a sensitive water area. This is an environmentally sensitive area. Also kennels are not enclosed. Noise will be quite loud, this is a valley area - inversions will create problems, should not have to put up with a second dog kennel, concern at public interest.

A Norton – Resident - DEPBS Item #3 - DA - Pet Hotel, Dunkeld - owns kennels in area. Spoke to concern at two kennels being near each other and what this may cause in terms of noise due to stimulus between the two kennels. The kennels are not completely enclosed. Also spoke to traffic and environmental issues and echoing of noise in the valley. Concern with future of business if second kennel is approved.

S Bathgate – Bathurst 2036 Heritage Action Network - DEPBS Item #4 - DA 311 Howick Street - spoke to concerns at the proposal. The report is misleading and self serving. Does not explore sufficient alternatives. Spoke to other proposals that have come to Council. Need to see front of building preserved and other sections of the building.

Heritage Impact statement makes sweeping statements with little support for these statements. Spoke to independence in the reports which do not seem to exist. Heritage advisor report is not attached. They go through the filter of the planning department. Referred to Manning case and attitude of staff. Councillors previously decided not to knock down heritage buildings. Spoke to Cheriton development. Spoke to development at 127 Durham Street, this is a good example and building is below street level. Please send DA back to the developer to encourage him to keep front two rooms.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 NOVEMBER 2014 (11.00005) **MOVED** Cr I North and **SECONDED** Cr G Hanger

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 November 2014 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the following Declarations of Interest be noted.

David Sherley - General Manager
 Item #1 of the Confidential Mayoral Minute.
 Item #2 of the Confidential Mayoral Minute.

- 6** **Item 2 DECLARATION OF INTEREST 11.00002**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the following additional Declaration of Interest be noted.

Cr Morse
 Item #11 of the Director Corporate Services & Finance Report.

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

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

RESOLVED: That the information be noted.

- 8** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr M Morse and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 9** **Item 3 DEVELOPMENT APPLICATION NO. 2014/0044 - USE OF EXISTING BUILDING AS A CATTERY, CONSTRUCTION OF BUILDING FOR USE AS A DOG BOARDING KENNEL AND ADVERTISING SIGNAGE, 108 MARYS LANE, DUNKELD. APPLICANT: B MCHUGH OWNER: B MCHUGH AND S OSBORNE-MCHUGH (DA/2014/0044)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

That Council:

- (a) having undertaken a review of the application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, change its decision and grant consent to Development Application 2014/0044 for the use of an existing building as cattery, construction of a new building for use as a boarding kennel and advertising signage at 108 Marys Lane, Dunkeld subject to conditions as follows, plus further conditions deemed appropriate by the Director:

1. Except where modified by conditions imposed upon this consent the development is to be carried out in accordance with the approved plans, Statement of Environmental Effects dated 25 June 2014 and the Wilkinson Murray noise reports dated 16 April 2014 and 4 November 2014 and the Noise and Odour Management Plan.

For the purpose of this consent the following noise criteria are to apply:

Address	Daytime (LAeq 15 minutes)	Nighttime (LAeq 15 minutes)
81 Marys Lane and 10 Evans Plains Creek Road	35 dBA	25 dBA
All other properties	30 dBA	25 dBA

2. The applicant is to submit to Council either an amended Operational Management Plan limiting the number of dogs outside or the introduction of acoustic shielding to the outdoor areas demonstrating that noise levels (LAeq 15 minutes) when dogs are outside do not exceed 35 dBA at 10 Evans Plains Creek Road and 81 Marys Lane and 30dBA at all other properties in adverse conditions.

The amended plans or Operations Management Plan are to be supported by a report from an appropriately qualified acoustic engineer.

3. The maximum number of animals boarding at the animal establishment at any one time is to be 24 dogs, 20 cats and 20 other small animals.
4. Dogs are not to use the external runs between the hours of 5pm to 8am between June and August and 6pm and 7am at all other times.
5. A Noise and Odour Management Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the development. In particular the Plan is to detail cleaning protocols, food storage protocols, vermin control measures, noise management including complaint handling protocols, compliance with the *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments* and evacuation procedures in the event of emergency.

A copy of the Noise and Odour Management Plan is to be provided, on request, to adjoining property owners.

6. A septic tank is to be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act, 1993. A "Local Approval to install, alter and/or operate a system of sewage management under Section 68 of the Local Government (General) Regulation 2005" application form (attached) must be submitted and

approved by Council prior to the issuing of a Construction Certificate in relation to the building.

7. The developer is to obtain from Council an approval to operate a system of sewage management prior to the occupation of the buildings.
8. The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

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

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

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

9. The payment to Council of \$2,472.25 for the upgrading of roads in the vicinity of the proposed development in accordance with Council's adopted Rural Roads Contributions Policy.

All monetary conditions are to be paid prior to the issuing of any Construction Certificates.

NOTE 1: All monetary conditions are reviewed annually, and may change as of 1 July each year.

NOTE 2: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

10. The applicant is to submit to Council, at least two days prior to the commencement of any works, notification of the details of the Principal Certifying Authority appointed by the owner for the development.

NOTE 1: If Bathurst Regional Council is to be appointed as the Principal Certifying Authority, the attached Agreement for the performance of certification work is to be completed.

11. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.
12. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.

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

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

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

14. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Site.

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.

15. All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to an appropriately sized and sited on-site disposal area, in accordance with AS/NZS 3500.

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

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

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

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

17. The owner shall submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:

- a) has been assessed by a properly qualified person; and
- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.

Further, the assessment is to be carried out within a period of three months of the date on which the final Fire Safety Certificate was issued. The owner of the building shall forward a copy of the certificate to Fire and Rescue NSW and shall prominently display a copy in the building.

NOTE 1: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

18. The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final Fire Safety Certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).
19. The applicant is to obtain an Occupation Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.

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

20. Provision is to be made in the building and on the site for:
 - a) access to the building for people with disabilities in accordance with the Building Code of Australia;
 - b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities shall be accessible to all persons working in, or using, the building; and
 - c) one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.

NOTE 1: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

21. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE 1: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

22. Any advertising signage erected pursuant to this consent is to be:
 - a) wholly located on the subject land;
 - b) solely relate to approved uses occurring on the site; and
 - c) removed at the cessation of the approved development.
23. The combined area of the advertising panels is not to exceed 5m².

PRESCRIBED CONDITIONS

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

24. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).
25. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:
- a) in the case of work done by a licensee under the Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
 - b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,

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

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

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

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

NOTE 1: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that are to be occupied

continuously (both during and outside work hours) while the work is being carried out.

27. The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
28. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr M Coote, Cr G Rush,

Against the motion - Cr B Bourke, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Westman,

Absent - Nil

Abstain - Nil

- 10** **Item 3.01 EXTENSION OF TIME (DA/2014/0044)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That an extension of time be granted to Cr North to speak to this item.

- 11** **Item 3.02 EXTENSION OF TIME (DA/2014/0044)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That an extension of time be granted to Cr Westman to speak to this item.

- 12** **Item 3.03 DEVELOPMENT APPLICATION NO. 2014/0044 - USE OF EXISTING BUILDING AS A CATTERY, CONSTRUCTION OF BUILDING FOR USE AS A DOG BOARDING KENNEL AND ADVERTISING SIGNAGE, 108 MARYS LANE.**

DUNKELD. APPLICANT: B MCHUGH OWNER: B MCHUGH AND S OSBORNE-MCHUGH (DA/2014/0044)

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

RESOLVED: That Council confirm its decision of 17 September 2014, to refuse DA 2014/0044 due to concerns with;

- Noise
- Traffic safety
- Environmental concerns and
- The public interest.

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

The result of the division was:

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

Against the motion - Cr W Aubin, Cr M Coote, Cr G Rush,

Absent - Nil

Abstain - Nil

13

Item 4 DEVELOPMENT APPLICATION NO. 2014/0426 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AND SEPARATE GARAGE AT 311 HOWICK STREET, BATHURST. APPLICANT: MR S RALPH. OWNER: MR S RALPH (DA/2014/0426)

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

RESOLVED: That Council:

- (a) support the variation to the minimum lot size development standard for a single dwelling prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0426, 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. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.
 - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
 - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused).
 - iv. The applicant is to submit to Council for approval amended plans showing:
 - The height of the proposed dwelling from the ground to the eaves increased to at least 3.35 metres;
 - At least one brick chimney is to be incorporated into the design;
 - The front verandah is to incorporate a concave (reverse curve) front verandah;
 - The brickwork on the decorative parapet is to be of saw-tooth brickwork design; and
 - Brickwork on the building is to be of autumn tones, not blended and is not to be painted/rendered; and

- (c) notify those that made submissions of its decision; 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 M Morse, Cr I North, Cr G Westman,
Against the motion - Cr G Hanger, Cr J Jennings, Cr G Rush,
Absent - Nil
Abstain - Nil.

14 **Item 5 REQUEST FOR WORKS IN KIND ARRANGEMENT AND SUBSEQUENT REFUND OF CONTRIBUTIONS PAID UNDER SECTION 94 CONTRIBUTIONS PLAN – RAGLAN CREEK STORMWATER DRAINAGE MANAGEMENT) (DA/1998/0164, DA/2004/1043, DA/2007/0076, DA/2009/0009, DA/2010/0527, DA/2010/0874)**

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

RESOLVED: That Council:

- (a) accept the works in kind arrangement in lieu of Section 94 Contributions for Raglan Creek Stormwater Management;
- (b) agree to pay the developer \$132,686.10 from the existing balance of the Raglan Creek Stormwater Drainage Management Section 94 Plan; and
- (c) call a division.

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

The result of the division was:

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

15 **Item 6 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 (20.00143)**
MOVED Cr J Jennings and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

16 **Item 7 GREATER CENTRAL WEST REGIONAL STATE OF THE ENVIRONMENT REPORT (13.00004)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) note that the 2014 Regional Snapshot State of the Environment Report has been completed;
- (b) note that the 2014 Regional Snapshot State of the Environment Report will be placed on Bathurst Regional Council's Website.

17 Item 8 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062)
MOVED Cr G Westman and SECONDED Cr I North

RESOLVED: That Council:

- (a) note that the 2014 Bathurst Region Interim State of the Environment Report has been completed; and
- (b) make electronic copies of the 2014 Bathurst Region Interim State of the Environment Report available on Bathurst Regional Council's Website.

18 Item 9 CENTRAL NSW TOURISM (18.00010)
MOVED Cr B Bourke and SECONDED Cr M Morse

RESOLVED: That the information be noted.

19 Item 10 BATHURST JOBS EXPO (20.00071)
MOVED Cr M Coote and SECONDED Cr J Jennings

RESOLVED: That the information be noted and that the Bathurst Jobs Expo becomes an annual Council event.

20 Item 11 BIZSTART PROGRAM AWARD CEREMONY (20.00071)
MOVED Cr I North and SECONDED Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

21 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED Cr B Bourke and SECONDED Cr I North

RESOLVED: That the information be noted.

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

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

RESOLVED: That the information be noted.

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

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

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

24 Item 4 POWER OF ATTORNEY (11.00007)

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

RESOLVED: That the information be noted.

25 Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)

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

RESOLVED: That the information be noted.

26 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - "WHITE ROCK - THE GATEWAY TO BATHURST" PROJECT (18.00292/018)

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

RESOLVED: That Council provide an amount of up to \$5,000 for the production of 250 copies of the historic booklet "White Rock - the Gateway to Bathurst".

27 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - DESTINATION NSW HOME GROUND CRICKET TOUR (20.00020-07)

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

RESOLVED: That Council make available the Bathurst Sportsground to host the Home Ground Cricket tour to be held on 31 January and 1 February 2015, to be funded from Section 356 donations.

28 Item 8 REQUEST FOR SPONSORSHIP - WESTERN NSW JUNIOR GOLD CUP

RUGBY DEVELOPMENT PROGRAM 2014/15 (18.00004-29)**MOVED** Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council not support the request from the Western Region NSW Australian Rugby Union to provide a sponsorship for the NSW Junior Gold Cup Rugby Development Program.

29 Item 9 REQUEST FOR SPONSORSHIP - "A LITTLE ADVENTURE" BIKE RIDE (18.00004)**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council sponsor "A Little Adventure" Bike Ride from Adelaide to Bathurst in the sum of \$1,000.

30 Item 10 SPORTING ASSOCIATION GRANTS PROGRAM (18.00021)**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That Council maintain the current Sporting Association Grants Program for the 2015/2016 Management Plan period at \$20,000 per annum.

31 Item 11 REQUEST FOR FINANCIAL ASSISTANCE - MACQUARIE PHILHARMONIA FOUNDATION INC (18.00004)**MOVED** Cr B Bourke and **SECONDED** Cr J Jennings

Cr Morse declared a non-pecuniary interest in this item and left the Chamber.

Reason: Playing in the concert.

RESOLVED: That Council provide an amount of \$2,500 as a Section 356 donation to the Macquarie Philharmonia Foundation Inc. to assist with their performance at Mayfield Gardens in February 2015.

32 Item 12 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANORAMA CHORUS (18.00004-29)**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That Council provide the Windradyne Room at the Mount Panorama Pit Complex to the Bathurst Panorama Chorus for use as a celebrity venue in March 2015. The cost of hiring the Windradyne Room is \$613, which is to be funded from Council's Section 356 Mount Panorama Fee Subsidy.

33 Item 13 REQUEST FOR FINANCIAL ASSISTANCE - THE SCOTS SCHOOL BATHURST (18.00004-29)**MOVED** Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That Council not support the building program for the Scots School Bathurst.

34 Item 14 2015 BICENTENARY CELEBRATIONS COMMITTEE (20.00153)

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

RESOLVED: That the 2015 Bicentennial Celebrations Committee go into recess and be reconvened as required.

35 Item 15 VICTIMS AND WITNESSES OF CRIME COURT SUPPORT INC (18.00004-29)

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

RESOLVED: That Council not support the application for financial assistance from the Victims and Witnesses of Crime Court Support Inc.

36 Item 16 SUBMISSION - FINANCIAL STATEMENTS 2013/2014 (16.00020, 16.00055)

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

RESOLVED: That the submission received from Mr G A Crisp be noted and that:

- (a) No action be taken in relation to the Council's Financial Statements.
- (b) This submission be referred to Council's Auditor in accordance with Section 420(3) of the Local Government Act 1993.

37 Item 17 BATHURST REGIONAL COUNCIL PICNIC DAY (07.00046)

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

RESOLVED: That Council designate Friday, 13 February 2015 as the Picnic Day holiday.

Director Engineering Services' Report

38 Item 1 REVIEW OF DUMP POINTS (26.00011)

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

RESOLVED: That Council install a dump point at Berry Park.

39 Item 2 STREET TREE REPLANTING PROGRAM - DURHAM STREET (13.00019)

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

RESOLVED: That the Street Tree Planting Program - Durham Street be referred to a Working Party of Council.

- 40** **Item 3 PROPOSED ROAD CLOSURE, UNFORMED ROAD BETWEEN WIGMORE DRIVE AND DELAWARE CRESCENT, ROBIN HILL (25.00254)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That Council approve the road closure of the unformed public road between Wigmore Drive and Delaware Crescent, Robin Hill, at the applicants' expense, as detailed in the Director Engineering Services' report

- 41** **Item 4 APPLICATION TO CONDUCT JET ADVENTURE JOY FLIGHTS (21.00008)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That Council approve the request from Fastjet Adventure Flights Pty Ltd to conduct adventure joy flights from Bathurst Aerodrome, subject to conditions outlined in the Director of Engineering Services' report.

- 42** **Item 5 INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA (NSW) STATE CONFERENCE (18.00154)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 43** **Item 6 PROPOSED COMPULSORY ACQUISITION FOR PROPOSED ROAD WIDENING, LOT 2 AND 3 DP1200594, RIVULET ROAD, PEEL (25.00306)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That:

- (a) Council make application to the Minister and/or the Governor to compulsorily acquire Crown Land located at Lots 2 and 3 DP1200594, Rivulet Road, Peel for the purpose of a proposed road widening for bridge construction;
- (b) the acquisition be through the provision of the Roads Act 1993 Sections 177 and 178 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991; and
- (c) the application be minerals exempt and the acquired land be classified as Operational land, as detailed in the Director Engineering Services' report.

Director Cultural & Community Services' Report

44 Item 1 BATHURST LIBRARY - SPUN CONFERENCE 2014, 22-24 OCTOBER 2014 (21.00029)

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

RESOLVED: That the information be noted.

45 Item 2 BATHURST REGIONAL YOUTH COUNCIL - PROJECTS AND EVENTS (11.00020)

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

RESOLVED: That the information be noted.

46 Item 3 NATIONAL MOTOR RACING MUSEUM - FIRST AUSTRALIAN GRAND PRIX EXHIBITION (21.00050)

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

RESOLVED: That the information be noted.

47 Item 4 SUBMISSIONS - COMMUNITY SAFETY PLAN 2015-2019 (20.00179)

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

RESOLVED: That the Bathurst Regional Community Safety Plan 2015-2019 be adopted with amendments as outlined in the report.

REPORTS OF OTHER COMMITTEES

Traffic Committee Meeting

48 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 DECEMBER 2014 (07.00006)

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

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

DELEGATES REPORTS

49 Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 NOVEMBER 2014 (11.00019)

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

RESOLVED: That the information be noted.

50 **Item 2 CR MORSE REPORT - NSW PUBLIC LIBRARIES CONFERENCE, 11-14 NOVEMBER 2014 (18.00127)**

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

RESOLVED: That the information be noted.

51 **Item 3 MINUTES - AUSTRALIA DAY WORKING PARTY - 18 NOVEMBER 2014 (23.00033)**

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

RESOLVED: That the information be noted.

52 **Item 4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 11 NOVEMBER 2014 (11.00020)**

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

RESOLVED: That the information be noted.

53 **Item 5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 DECEMBER 2014 (20.00153)**

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

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

54 **Item 6 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 26 NOVEMBER 2014 (11.00019)**

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

RESOLVED: That the information be noted.

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

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

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

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

The following representation was made.

G Crisp - believes Mayoral Minute Item #1 and Item #2 should not be dealt with in confidential.

RESOLVED: That:

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

*** MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.
2	CONTRACT EMPLOYMENT – GENERAL MANAGER	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NRL GAME BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council

		would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	WASTEWATER TREATMENT PLANT OPERATIONS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	NEW COMMERCIAL LEASE - SHOP 1, 82 GEORGE STREET, BATHURST - 2015 BICENTENNIAL CELEBRATIONS - PUBLIC INFORMATION/RETAIL STORE	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 PURCHASE OF LOT 97 DP726976 KNOWN AS 50 HEREFORD STREET, KELSO FROM THE ESTATE OF THE LATE SE COLLEY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY

1	TENDER FOR DESIGN AND INSTALLATION OF AIR CONDITIONING SYSTEM FOR BATHURST REGIONAL ART GALLERY AND BATHURST LIBRARY	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 SUPPLY AND INSTALLATION OF SEWER CARRIER MAIN - STAGE 1 AND 2 EAST EGLINTON	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 GROUNDS MAINTENANCE OF BULK WATER SUPPLY AND WASTEWATER SITES - 2014 - 2017	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED MODEL RAILWAY - CULTURAL HERITAGE TOURISM	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of

		the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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Director Corporate Services & Finance's Report

- a** Item 1 NRL GAME BATHURST (18.00296)
MOVED Cr I North and SECONDED Cr B Bourke

That the report be noted.

- b** Item 2 WASTEWATER TREATMENT PLANT OPERATIONS (37.00410)
MOVED Cr I North and SECONDED Cr M Morse

That Council act in accordance with the recommendations of this report.

- c** Item 3 NEW COMMERCIAL LEASE - SHOP 1, 82 GEORGE STREET, BATHURST - 2015 BICENTENNIAL CELEBRATIONS - PUBLIC INFORMATION/RETAIL STORE (20.00153)
MOVED Cr M Coote and SECONDED Cr I North

That Council approves entering into a new Commercial Lease agreement for Shop 1, 82 George Street, Bathurst as detailed in the report.

- d** Item 4 PROPOSED PURCHASE OF LOT 97 DP726976 KNOWN AS 50 HEREFORD STREET, KELSO FROM THE ESTATE OF THE LATE SE COLLEY (22.02812)
MOVED Cr B Bourke and SECONDED Cr M Morse

That Council approves entering into negotiations with the Executrix of the Estate of the late Shirley Elizabeth Colley to purchase Lot 97 DP726976 known as 50 Hereford Street Kelso, as detailed in the report.

Director Engineering Services' Report

- e** Item 1 TENDER FOR DESIGN AND INSTALLATION OF AIR CONDITIONING SYSTEM FOR BATHURST REGIONAL ART GALLERY AND BATHURST

LIBRARY (36.00515)
MOVED Cr B Bourkeand **SECONDED** Cr I North**That Council:**

- (a) decline to accept any tenders for the design and installation of an air conditioning system for the Bathurst Regional Art Gallery and Bathurst Library, and
- (b) invite fresh tenders, in accordance with Clause 167 "Open Tendering" of the Local Government (General Regulation), 2005.

f **Item 2 TENDER FOR SUPPLY AND INSTALLATION OF SEWER CARRIER MAIN - STAGE 1 AND 2 EAST EGLINTON (36.00544)**
MOVED Cr W Aubin and **SECONDED** Cr I North**That Council** accepts the tender of Bustin Free Earthworks Pty Ltd, for the amount of \$298,260.00 (inclusive GST), subject to adjustments and provisional items.**g** **Item 3 TENDER FOR GROUNDS MAINTENANCE OF BULK WATER SUPPLY AND WASTEWATER SITES - 2014 - 2017 (36.00543)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin**That Council** accepts the tender of Barlow Property Services, for the amount of \$191,501.00 (inclusive GST), subject to adjustments and provisional items.**General Manager's Report****h** **Item 1 PROPOSED MODEL RAILWAY - CULTURAL HERITAGE TOURISM (21.00120)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote**That Council** act in accordance with the report.**Mayoral Minute****i** **Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)**
MOVED Cr G Rush**The General Manager** declared a pecuniary interest in this item and left the Chamber.**Reason:** Concerns employment contract.**That Council** note:

- (a) the performance review of the General Manager, which was rated as more than satisfactory;
- (b) that the General Manager's employment package has been set at \$311,737.

i Item 2 CONTRACT EMPLOYMENT – GENERAL MANAGER (11.00001 & 35.01146)
MOVED Cr G Rush

The General Manager declared a pecuniary interest in this item and left the Chamber.

Reason: Concerns employment contract.

That Council reappoint, upon the expiration of his current contract of employment, Mr David Sherley to the position of General Manager, Bathurst Regional Council for a period of 5 years.

RESOLVE INTO OPEN COUNCIL

56 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

57 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED Cr M Morse and SECONDED Cr G Westman

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

MEETING CLOSE

58 MEETING CLOSE

The Meeting closed at 10.50 pm.

CHAIRMAN: _____

Date: _____ (4 February 2015)

MINUTE

- 5 DECLARATION OF INTEREST 11.00002
 MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

4 FEBRUARY 2015

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 G Westman SECONDED: Cr W Aubin

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 December 2014 (**attachment 1**).
- (b) Applications refused during December 2014 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in December 2014 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2014/0510 – EXTERNAL PAINTING AND FAÇADE TREATMENT AT EDINBORO CASTLE HOTEL 132 WILLIAM STREET, BATHURST. APPLICANT: MR A LYONS. OWNER: LAURCOLL PROPERTY PTY LTD (DA/2014/0510)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building services to refuse Development Application 2014/0510 for the following reasons:
 - (i) The proposed ornamental artificial ivy treatment will dominate the façade of an important Victorian building in the William Street streetscape; and
 - (ii) The proposed ornamental artificial ivy treatment is not consistent with the amenity of the facades in the Bathurst Heritage Conservation Area and will therefore have an adverse impact on the William Street streetscape.
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for external painting and façade treatment at the Edinboro Castle Hotel 132 William Street, Bathurst, described as Lot 1, DP 219252. A location plan is provided at **attachment 1**.

The proposal

The proposal involves repainting the walls, verandah posts and window frames below awning level and the painting of the window frames only above awning level. The above awning section of the building will remain the current colour scheme.

The proposal also includes installation of ornamental artificial ivy to the façade above and below awning level. A plan of the proposed development is at **attachment 2**.

The artificial ivy comes in panels of 1m by 3m and is made of Polyethylene (PE) vinyl and will be attached to the façade of the building.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned B3 Commercial Core under the provisions of the *Bathurst Regional Local Environmental Plan 2014* and is within the Bathurst Heritage Conservation Area.

The repainting of buildings and alteration to the exterior of the building (inclusive of the associated façade treatments) in the B3 Commercial Core zone require the consent of Council in the form of a Development Application.

The property is subject to the provisions of Clause 5.10 Heritage Conservation of BRLEP 2014.

The objectives of the Heritage Conservation provisions are as follows:

(1) ***Objectives***

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Bathurst Regional local government area,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

In accordance with Clause 5.10(4) Council is required to consider the effect of the proposed development on the heritage significance of the item or area concerned.

Bathurst Regional Development Control Plan 2014 also contains provisions relating to developments within the conservation area.

Clause 10.5.4 of the DCP requires that:

New or upgraded shop fronts should be based on the characteristic elements of traditional shop fronts within the vicinity including:

- i) Awning or verandah height*
- ii) Fascia lines*
- iii) Window proportions*
- iv) Common horizontal lines (eg ridges, gutters, window heads), and*
- v) Architectural features/decorations (eg mouldings, parapets).*

In preparation for this proposal, the applicant sought pre-lodgement advice from Council's Planning Officers and Heritage Advisor in relation to the covering of the entire above awning façade with the artificial ivy. Council's was not supportive of the proposal as it was felt that it would not be appropriate to the current William Street streetscape. The preferred position is for the applicant to incorporate a cohesive and strong colour scheme above and below awning level. With a cohesive colour scheme some minimalist form of ornamental artificial ivy might be able to be tolerated.

The proposal does not incorporate a cohesive and strong colour scheme as recommended by Council's Heritage Advisor. The ornamental artificial ivy remains dominant rather than subservient and therefore it is considered that the proposal will have an adverse impact on the William Street streetscape.

The development does not therefore satisfy the objectives of Clause 5.10 of BRLEP 2014 in that it does not conserve the heritage significance of fabric, settings and views of this building which is a significant contributor to the William Street streetscape.

Likewise the development does not have regard to the characteristic elements of buildings within the vicinity as required by BRDCP 2014.

See comments from Council's Manager Strategic Planning at **attachment 3**.

It is noted that there would be a noticeable difference between artificial ivy as opposed to real ivy. The use of real ivy would take a considerable time to reach the level of coverage proposed with this application. Real ivy would not alter the appearance of the building with such immediacy and such visual effect. The use of real ivy would be a far more subtle effect.

Conclusion

Council has received a Development Application (DA) for external painting and façade treatment at the Edinboro Castle Hotel 132 William Street, Bathurst. The proposal involves repainting the walls, verandah posts and window frames below awning level and the window frames only above awning level. The proposal also includes installation of ornamental artificial ivy to the façade above and below awning level.

The proposal does not incorporate a cohesive and strong colour scheme which remains the preferred treatment for this building. The ornamental artificial ivy remains dominant rather than subservient and therefore it is considered that the proposal will have an adverse impact on the William Street streetscape.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

8 Item 3 DEVELOPMENT APPLICATION NO. 2014/0510 – EXTERNAL PAINTING AND FAÇADE TREATMENT AT EDINBORO CASTLE HOTEL 132 WILLIAM STREET, BATHURST. APPLICANT: MR A LYONS. OWNER: LAURCOLL PROPERTY PTY LTD (DA/2014/0510)

MOVED: Cr B Bourke SECONDED: Cr I North

That Council:

- (a) as the consent authority, grant consent pursuant to S:80 of the Environmental Planning & Assessment Act 1979 to Development Application 2014/0510, subject to conditions able to be imposed pursuant to S:80A of the Environmental Planning & Assessment Act 1979, as amended.
- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr B Bourke,

Against the motion - Cr W Aubin, Cr M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Absent - Nil

Abstain - Nil

MINUTE

9 Item 3.01 DEVELOPMENT APPLICATION NO. 2014/0510 – EXTERNAL PAINTING AND FAÇADE TREATMENT AT EDINBORO CASTLE HOTEL 132 WILLIAM STREET, BATHURST. APPLICANT: MR A LYONS. OWNER: LAURCOLL PROPERTY PTY LTD (DA/2014/0510)

MOVED: Cr M Coote SECONDED: Cr G Hanger

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building services to refuse Development Application 2014/0510 for the following reasons:
 - (i) The proposed ornamental artificial ivy treatment will dominate the façade of an important Victorian building in the William Street streetscape; and
 - (ii) The proposed ornamental artificial ivy treatment is not consistent with the amenity of the facades in the Bathurst Heritage Conservation Area and will therefore have an adverse impact on the William Street streetscape.
- (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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Cr B Bourke,

Absent - Nil

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2014/0433 – GRANNY FLAT AT LOT 1 DP 849515, 92 RUSSELL STREET. APPLICANT: J LAVIS. OWNER: J LAVIS (DA/2014/0433)

Recommendation: That Council:

- (a) support the variation to the 4.3.2 Development Standards (a) Minimum lot size standards prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0433, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the construction of a new granny flat at 92 Russell Street, Bathurst, described as Lot 1 DP 849515. A location plan is provided at **attachment 1**.

The site contains an existing two storey terrace house and associated out buildings.

The site is currently 442.1 sq m.

The site has frontage to Russell Street and Kohloff Way and is the beneficiary of a Right of Carriageway over the adjoining terraces (86-90 Russell).

The proposal

The proposal involves construction of a granny flat. The plan of proposed development is at **attachment 2**.

The granny flat is 59.4 sqm.

An existing concrete slab at the rear of the property will be retained and used for parking with access off Kohloff Way.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The Development Application was submitted prior to the gazettal of the Bathurst Regional Local Environmental Plan 2014 and is therefore assessed against the provisions of the 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 granny flat is permissible with consent in the 2(a) residential zone. The proposal is consistent with the objectives of the zone.

Bathurst Regional (Interim) Development Control Plan 2011

Chapter 4 Residential Development

The site is located within Precinct 1 pursuant to the *Bathurst Regional (interim) Development Control Plan 2014* (DCP). Granny flats are permissible with consent in the precinct. The proposal generally complies with the objectives of the Precinct and the development standards for granny flats with the exception of those standards noted below:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	443.1 m ²	550 m ²	No*
Height	Two Storey	Two- storey maximum	Yes
Setbacks Front Rear Side	N/A 6m 1.05m	N/A In accordance with BCA In accordance with BCA	Yes Yes Yes
Car parking Resident	2	2	Yes
Open space area Existing terrace Proposed Granny Flat	50 m ² 24 m ²	40 m ² 20 m ²	Yes Yes
Open space width Existing terrace Proposed Granny Flat	10m 6m	4m wide 4m wide	Yes Yes
Floor area	59.4 m ²	60m ²	Yes

- * **The proposed allotment is 106.9 square meters below the minimum lot size for granny flats. This equates to a variation of 20%, however the proposal is able to be supported as the applicant will retain the existing dwelling and is able to achieve the required setbacks, adequate onsite vehicle manoeuvring and provide adequate open space. Access will be via the existing property access from Kohloff Way.**

The applicant's request for variation to the development standard as at **attachment 3**.

The variation to the minimum area in this case is considered acceptable for the following reasons.

- Sufficient open space for both the existing dwelling (greater than 50 sqm) and the proposed granny flat is retained.
- Sufficient onsite parking is retained on site.
- The proposed granny flat building is of similar size and in a similar location to the adjoining sheds and garages.

Chapter 10 Urban design and Heritage

The property is not a listed heritage item, but is located in the Bathurst Heritage Conservation Area. The protection of the streetscape character of these areas is the most important aspect.

The proposed granny flat is located at the rear of the dwelling and will not be visible from Russell Street.

The nature of the property means that the granny flat will be visible from the access road

into the adjoining public carpark.

The impact of the granny flat on the streetscape in the conservation area is therefore not considered to be negative given the overall character of the terrace will not be affected.

The style of the granny flat has been designed to reflect the character of the two storey terrace with a high pitched, gabled roof; it is separated enough that the two buildings can still be read separately.

As the proposal is at the rear of the property an infill development form is not required.

Bathurst Regional Local Environmental Plan 2014

Under the recently gazetted Bathurst Regional Local Environmental Plan 2014 the subject site is zoned B3 Commercial Core.

The proposal would be defined as a *secondary dwelling* under the Bathurst Regional Local Environmental Plan 2014 and is permissible with consent in the B3 Commercial Core zone.

The floor area of the dwelling is less than the 60 square metres prescribed by Clause 5.4 (9) which stipulates maximum floor areas for certain development types.

Notification

The criteria in Chapter 2 - *Exhibition & Notification of Development Applications* in the Bathurst Regional (Interim) Development Control Plan 2011 has been considered and a determination has been made that the Development Application not be notified to adjoining property owners in accordance with Chapter 2 in the Bathurst Regional (Interim) Development Control Plan 2011.

Conclusion

Council has received a Development Application (DA) for Granny Flat at 92 Russell Street, Bathurst, described as Lot 1 DP 849515. The subject land is below the minimum lot size for the erection of a granny flat, however given the design of the granny flat, compliance with all other applicable development standards and the minimal impact on the Russel Street Streetscape the proposed variation to the minimum lot size for a granny flat is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

10 Item 4 DEVELOPMENT APPLICATION NO. 2014/0433 – GRANNY FLAT AT LOT 1 DP 849515, 92 RUSSELL STREET. APPLICANT: J LAVIS. OWNER: J LAVIS (DA/2014/0433)

MOVED: Cr M Coote SECONDED: Cr J Jennings

RESOLVED: That Council:

- (a) support the variation to the 4.3.2 Development Standards (a) Minimum lot size standards prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0433, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2014/0407 – DEMOLITION OF EXISTING SITE IMPROVEMENTS, CONSTRUCTION OF SERVICE STATION WITH CONVENIENCE STORE AND ADVERTISING SIGNAGE AT 64-68 SYDNEY ROAD, KELSO. APPLICANT: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD. OWNER: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD (DA/2014/0407)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0407, 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. Deliveries and waste collection are only to occur during the following timeframes:
- Waste Collection – only between the hours of 7.00am and 7.00pm;
 - Fuel delivery and large truck deliveries – only between the hours of 7.00am and 10.00pm;
 - Small truck deliveries – only between the hours of 6.00am and 10.00pm; and
- (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 demolition of existing site improvements, construction of service station with convenience store and advertising signage at 64-68 Sydney Road, Kelso, described as Lots 6 and 7 DP 1186691. A location plan is provided at **attachment 1**.

The site is currently used as a caryard in conjunction with 72 Sydney Road. Existing improvements on this part of the site comprise retaining walls, vehicle parking and manoeuvring areas and fencing.

The existing office building on 72 Sydney Road (former Kelso Police Station building) does not form part of this Development Application. There are no proposals before Council in relation to this part of the site.

The site itself is 3046m² in total.

Access to the site is currently available from 2 access driveways to Boyd Street. The site does not currently have access to Sydney Road.

The proposal

The proposal involves:

- Demolition of all existing site improvements;
- Construction of a service station with convenience store;
- Installation of all associated fuel infrastructure; and
- Installation of associated advertising signs and structures.

The service station will operate 24 hours per day, 7 days per week.

Access to the development is proposed by way of a new access to Sydney Road and a new access onto Boyd Street (albeit generally in the same location as the existing Boyd Street driveway).

The proposal also involves the construction of a new driveway to Boyd Street to access the rear of 72 Sydney Road. This driveway will operate independently of the service station.

See plan of proposed development at **attachment 2** and Statement of Environmental Effects at **attachment 3**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The Development Application was submitted prior to the gazettal of the Bathurst Regional Local Environmental Plan 2014 and is therefore assessed against the provisions of the 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*. The proposal is defined as a *service station* under this instrument and is permissible with consent in the 2(a) Residential zone. The proposal is consistent with the objectives of the 2(a) Residential zone.

Clause 11 Tree preservation order

The proposal involves the removal of a number of trees on the site. The site is partly located in the heritage conservation area identified in BLEP 2014. Only those trees located in the conservation area and larger than 9 metres in height would be subject to the Tree Preservation Order. The tree removal is not considered significant.

Clause 15 Bathurst airport environs

While the subject site is within the Bathurst airport environs the proposed building and signage will not exceed the Obstacle Height Limitation Surface.

Clause 23 Protection of environmental heritage

The site is partly within the Kelso Conservation Area. Council's initial assessment of the development raised concerns with:

- The proposed blade sign significantly exceeded the maximum height, width and area standards prescribed in the DCP;
- The proposed blade sign obscured views to and from the former Police Station at 72 Sydney Road; and
- The tower sign extending above the roofline of the proposed building was inappropriate and contrary to the DCP provisions.

After consultation with the applicant, amended plans were submitted to address the above issues. The amended plans showed a reduction in the overall size of the proposed blade sign, its relocation to a position further into the site and the removal of the proposed tower sign.

While the proposed development does include demolition of some existing site

improvements (retaining walls, fencing, stairs, pavement) in a Conservation Area they are not considered significant.

Likewise it was determined that the demolition was of a minor nature and therefore did not require advertising and notification in accordance with Clause 10 (although the development was separately notified under Council's DCP).

Bathurst Regional Local Environmental Plan 2014

Under the recently gazetted Bathurst Regional Local Environmental Plan 2014 the subject site has been rezoned to B5 Business Development.

The proposal would be defined as a *service station* under the Bathurst Regional Local Environmental Plan 2014 and is permissible with consent in the B5 Business Development zone.

Development Control Plan

The Development Application was submitted prior to the commencement of the Bathurst Regional Development Control Plan 2014 and is therefore being assessed against the provisions of the Bathurst Regional (Interim) Development Control Plan 2011.

Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 5 Business and Industrial Development

Development Standard	Proposed	Permissible	Compliance
Floor area	147m ²	NA	NA
Setbacks Front Rear Side	Complement existing As per BCA As per BCA	Complement existing As per BCA As per BCA	Yes Yes Yes
Floor space ratio	<1:1	1:1	Yes
Car parking	12 provided	7.35 required	Yes
Accessway Width	Separate ingress/egress	6m	Yes
12.5m vehicle manoeuvring	Yes, 25m articulated	Yes	Yes
Landscaping	Yes	Yes	Yes
Appropriate signage	Yes	Yes	Yes

The development is not inconsistent with any of the provisions within the DCP.

General Assessment

Noise impact

An Environmental Noise Assessment has been submitted with the Development Application (see **attachment 4**).

The development includes the construction of 1.8 metre high fencing to the common boundary with 72 Sydney Road and surrounding the plant areas and the construction of a 2.4 metre high fence to the common boundary to 9 Boyd Street as part of the noise mitigation strategies.

Hours of operation

The service station and convenience store will operate 24 hours a day, 7 days a week.

Existing noise environment

The area contains a mixture of commercial and residential uses and is greatly influenced by traffic noise associated with the Sydney Road and its intersection with Boyd Street, Gilmour Street and Lee Streets.

The nearest residential receivers are located opposite the site in Boyd Street (6, 8 & 10 Boyd Street) and directly adjoining the site to the north east (9 Boyd Street).

Background noise readings within the vicinity of the site have been undertaken as part of the noise assessment.

The following table outlines the existing background noise levels within the vicinity of the subject site.

Period	dB L_{A90}	dB L_{Aeq}
Day	45	54
Evening	41	50
Night	34	46

Intrusive Noise criterion

In accordance with the Industrial Noise Policy intrusive noise assessment is based on the background noise level (defined as the Rating Background Noise Level of RBL) at the nearest noise sensitive receiver. The Intrusive criteria is the RBL at the nearest noise sensitive receiver location plus 5dB.

Noise emissions from the premises are considered to be intrusive if the equivalent A-weighted source noise level (LAeq, 15mins) is greater than the background noise level (LA90) plus 5dB, when measured at the nearest noise sensitive receiver.

The intrusive criteria is illustrated in the table below.

Period	RBL, dB L_{A90}	Intrusiveness Criteria (RBL + 5dB) dB L_{Aeq, 15 min}
Day (7am to 6pm)	45	50
Evening (6pm to 10pm)	41	46
Night (10pm to 7am)	34	39

Amenity Criteria

The amenity criteria is designed to prevent industrial noise continually increasing above an acceptable level.

The site is located in an area which is considered to be suburban.

The acceptable and maximum noise levels in a suburban area are as follows.

Period	Recommended Noise Level LAeq DB	
	Acceptable	Maximum

Day	55	60
Evening	45	50
Night	40	45

Noise Sources

The generally accepted practice is to use the lower of the intrusive noise level and the amenity level as a basis for assessment.

The main sources of noise from the site are from:

- vehicles and customers entering and exiting the site for refuelling and accessing the convenience store, and
- from service vehicles (garbage, fuel deliveries and grocery deliveries).

The predicted noise levels have been calculated at the nearest residential receivers being 8 and 9 Boyd Street. It is noted that 8 Boyd Street would be representative of the levels expected to be received at 6 & 10 Boyd Street.

Noise from customer activities

The predicted noise levels for customer vehicle activity is illustrated in the table below. It is noted that the intrusive criteria and amenity criteria is not exceeded at any time.

Time period	Predicted noise level	Intrusiveness Criterion dB L _{Aeq, 15 mins}	Compliance	Predicted noise level	Amenity Criterion, dB L _{Aeq period}	Compliance
8 Boyd Street						
Day	39	50	YES	39	55	YES
Evening	37	46	YES	37	45	YES
Night	36	39	YES	36	40	YES
9 Boyd Street						
Day	27	50	YES	27	55	YES
Evening	26	46	YES	26	45	YES
Night	25	39	YES	25	40	YES

Noise levels – service vehicles

The other significant noise generator would be service vehicles accessing the site.

The Industrial Noise Policy (INP) requires that the cumulative impact of all noise sources associated with a development be assessed. This ensures that the contribution of each noise source to the overall noise emissions of a development do not compromise the amenity of the nearby noise sensitive receivers.

The following table outlines the predicted noise levels of all noise (customers plus service vehicles) during the day, evening and night against the intrusive and amenity levels taking into account all noise sources.

In assessing the intrusive criteria the predicted noise level is measured over a 15 minute period. For amenity assessment, the predicted noise level is measured over the whole day, evening or night time period. Accordingly the predicted noise levels used for assessment against these 2 criteria are different.

Time period	Predicted	Intrusiveness	Compliance	Predicted	Amenity	Compliance
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	noise level	s Criterion dB L _{Aeq, 15 mins}		noise level	Criterion, dB L _{Aeq} ' period	
8 Boyd Street						
Day	60	50	NO	50	55	YES
Evening	57	46	NO	45	45	YES
Night	57	39	NO	42	40	NO
9 Boyd Street						
Day	50	50	YES	40	55	YES
Evening	47	46	NO	35	45	YES
Night	47	39	NO	32	40	YES

The development therefore exceeds the INP intrusive criteria at 8 Boyd Street by 10 dBA during the daytime, 11 dBA during the evening and 18 dBA during the night time.

Likewise the development exceeds the INP intrusive criteria at 9 Boyd Street by 1 dBA during the evening and 8 dBA during the night time

The development exceeds the amenity criteria at 9 Boyd Street by 2 dBA during the night.

As noted above these exceedances are associated with trucks accessing the site for deliveries and waste collection as opposed to the general noise associated with cars and people accessing the site.

The intrusive criterion considers the noise impact based on an average noise level over a 15 minute period. In formulating these estimates the daytime noise assessment has been based on fuel deliveries, garbage collection and groceries being delivered in any given 15 minute period. The evening period is based on deliveries from fuel and groceries occurring in any given 15 minute period.

In practical terms, the noise level of a truck will exceed the criteria for up to 1 minute while it enters the site. For the remaining 14 minutes of the assessment period after the vehicle has turned off its engine, there will be no truck noise, thus returning the noise level to ambient conditions, and compliant with the amenity criteria.

It is also noted that the trucks referred to in the noise assessment are those directly associated with the operation of the service station. The anticipated volumes being:

- Fuel delivery trucks (2-3 deliveries per week generally between 6am and 10pm);
- Dry food grocery delivery trucks (1-2 deliveries per week typically between the hours of 6am to 10pm) ;
- Fresh food grocery delivery trucks (daily deliveries typically between 9pm and 5 am); and
- Waste collection trucks.

The service station will not attract heavy vehicle customers as it will not be equipped with a high-flow diesel pump. Further, customer vehicles will be restricted, with appropriate signage, to those not exceeding 12.5 metres.

Whilst the noise levels associated with heavy vehicles exceed the INP criteria for the site the frequency of these are limited due to the low number of events occurring in any given day.

The applicant has suggested limiting the frequency of deliveries to the site between 6.00pm and 7.00am to 1 vehicle per day Whilst this would limit the frequency of exceedance it would be extremely difficult to enforce in any practical sense. Limiting the time period during which larger vehicles access the site is considered a more appropriate means of minimising

impact. It is therefore recommended that a condition be imposed to read as follows:

Deliveries and waste collection are only to occur during the following timeframes:

- *Waste Collection – only between the hours of 7.00am and 7.00pm;*
- *Fuel delivery and large truck deliveries – only between the hours of 7.00am and 10.00pm;*
- *Small truck deliveries – only between the hours of 6.00am and 10.00pm.*

Sleep disturbance

Noise from the site associated with night time vehicular and customer activities have the potential to cause sleep disturbance to residents of nearby dwellings.

Night-time noise associated with the use of the proposed service station site may comprise:

- Car movements in the car parking, and petrol filling areas
- Cars braking, doors closing, and accelerating away from a stationary position
- Patron voices in the parking areas.

The Industrial Noise Policy itself does not contain specific criteria for sleep disturbance but instead refers to other documents such as the NSW Road Noise Policy. The general criteria for assessment of sleep disturbance is background plus 15 dBA. Where the criterion is met, sleep disturbance is not likely, but where it is not met, a more detailed analysis is required.

In this instance, the night time criteria for more detailed assessment of sleep disturbance is 49dB L_{Amax} measure outside of the nearest affected residential receivers. This is based on the background night time noise level of 34 dBA plus 15 dBA.

The NSW Road Noise Policy also examines various other studies undertaken in relation to sleep disturbance. These studies conclude that:

- Maximum **internal** noise levels below 50-55 dB L_{Amax} are unlikely to cause awakening reactions.
- One or two noise events per night, with maximum **internal** noise levels of 65-70 dB L_{Amax} are not likely to affect health and wellbeing significantly.

The following table outlines the predicted maximum night-time noise levels outside the nearest dwellings:

Activity	8 Boyd Street - (dB L _{Amax})	9 Boyd Street - (dB L _{Amax})
Normal car	51	41
Worst-case car	59	48
Patrons' voice	56	39

The predicted noise levels are therefore in excess of the general (+15 dBA) sleep disturbance limit contained in the Road Noise Policy but does not take into account any noise attenuation associated with the façade of the dwelling. The façade of a residential building provides a 10dBA reduction (based on a typical façade with partially open windows). The expected internal noise levels in a worst case scenario would be in the order of 49 dBA which is less than the levels expected to cause awakening reactions.

Traffic

The Development Application was referred to Roads and Maritime Services (RMS) under State Environmental Planning Policy (Infrastructure) 2007 as the development involves a service station with access to a classified road.

Approval is also required under Section 138 of the Roads Act 1993 as the development involves undertaking road works on the classified road.

A copy of the RMS advice is provided at **attachment 5**.

The RMS have granted its concurrence to the proposal in relation to the construction of an auxiliary left turn lane into the proposed entry/exit point to Sydney Road. All works associated with this aspect of the development will need to be undertaken by the applicant and will be consistent with the RMS works currently being undertaken on Sydney Road.

The RMS have raised concerns with the proposed access to the property from Boyd Street. These concerns principally relate to allowing right turns into the site from Boyd Street. This arrangement has the potential to cause conflicts in Boyd Street with vehicles waiting to turn right into the site. The potential exists for rear end collision as well as possible queueing across the intersection with Wayside Court.

The development will not alter the existing signalised pedestrian crossing used to access Kelso Public School.

Whilst the decision as to the final treatment of this intersection and Boyd Street is a matter for Council, the RMS preferred position is the construction of a concrete median to prevent right turn from Boyd Street into the site.

In the broadest sense there would appear to be three options available for the treatment of right turns into the site from Boyd Street. These are:

- Option 1** Install a concrete median (as recommended to the RMS) to prevent right turn entry into the site from Boyd Street. Whilst this will eliminate the potential conflicts the consequence of the introduction of a concrete median is that it will restrict access to and from the dwelling at 10 Boyd Street to left turn in and left turn out only.
- Option 2** Permit the right turn movement into the site from Boyd Street with linemarking that will allow vehicles queuing to turn into the site and other vehicle to pass these vehicles and continue north along Boyd Street. The downside to this option is that it leaves open the possibility of conflicts in Boyd Street as noted in the RMS correspondence.
- Option 3** Do nothing and permit the right turn movement into the site from Boyd Street and monitor the situation once the service station becomes operational. The consequence of the "do nothing" option is that should problems arise after the service station becomes operational it will be Council's responsibility to undertake any necessary rectification works in consultation with the landowners in the vicinity.

Council's Engineers have recommended Option 3 - the do nothing option. Council will therefore monitor the situation once the service station becomes operational and will assume responsibility for rectification work, if and when it is deemed necessary by any of the interested parties.

Crime Prevention Through Environmental Design

In accordance with Council's agreed protocol the Development Application was referred to Bathurst Police for consideration against the Crime Prevention Through Environmental Design criteria.

The development has been supported by a Plan of Management and Crime Risk Assessment which are provided at **attachment 6** and **attachment 7** respectively.

The development has been assessed by NSW Police as being "medium – high crime risk". The Police have advised that due to the location of the premises and trading hours, there is the likelihood of an increase in criminal activity such as stealing, armed robbery and fraud (fail to pay for fuel).

The NSW Police have also advised that all of the principals of CPTED have been addressed by the applicant which will assist greatly in reducing the opportunity for criminal activity. There were no other issues identified that have not been covered under the CPTED Principles.

Submissions

The Development Application was notified to adjoining property owners between 10 October 2014 and 20 October 2014. During the notification period a total of two (2) submissions were received (see submissions at **attachment 8**).

An internal Discussion Forum was held on 11 November 2014 with the developer, the developers consultant and one of the objectors in attendance. See minutes of Discussion Forum at **attachment 9**.

Issues raised in the submissions and at the Discussion Forum included:

- Traffic
- Noise
- Notification policy

Conclusion

Council has received a Development Application (DA) for demolition of existing site improvements, construction of service station with convenience store and advertising signage at 64-68 Sydney Road, Kelso. The Development Application was submitted prior to the gazettal of the Bathurst Regional Local Environmental Plan 2014 and is therefore being assessed against the provisions of the 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*. The proposal is defined as a *service station* under this instrument and was permissible with consent in the 2(a) Residential zone. Site noise levels comply with the amenity criteria at 9 Boyd Street but marginally exceed the evening and night amenity criteria at 8 Boyd Street. Site noise levels exceed the majority of period intrusiveness criteria at 8 Boyd Street and 9 Boyd Street. These exceedances are however limited in frequency and are not considered unreasonable.

The Development Application is supported by the Director Environmental, Planning & Building Services.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Strategy 28.8

MINUTE

11 Item 5 DEVELOPMENT APPLICATION NO. 2014/0407 – DEMOLITION OF EXISTING SITE IMPROVEMENTS, CONSTRUCTION OF SERVICE STATION WITH CONVENIENCE STORE AND ADVERTISING SIGNAGE AT 64-68 SYDNEY ROAD, KELSO. APPLICANT: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD. OWNER: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD (DA/2014/0407) MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0407, 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. Deliveries and waste collection are only to occur during the following timeframes:
 - Waste Collection – only between the hours of 7.00am and 7.00pm;
 - Fuel delivery and large truck deliveries – only between the hours of 7.00am and 10.00pm;
 - Small truck deliveries – only between the hours of 6.00am and 10.00pm;
 - and
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

6 2014 WOOD SMOKE REDUCTION PROGRAM (WSRP) - SUMMARY REPORT (13.00042)

Recommendation: That the information be noted.

Report: In January 2014, Council was successful in receiving \$40,944 in grant funding through the NSW Environment Protection Authority (EPA) Wood Smoke Reduction Program 2014. Funding allowed a part-time Project Officer to be employed to coordinate the program 10 hours a week for 6 months using education, enforcement and cash incentive tools.

Council had previously received EPA funding to undertake an education, compliance and rebate program in 2004 and 2013. Council has been offering a woodheater rebate program annually since 2007.

The 2014 grant funding allowed Council to continue previous efforts to help residents become aware of the health impacts of wood smoke, sustainable firewood collection, correct operation of wood heaters and provide cash incentives for those wishing to replace their old wood heater for cleaner forms of heating.

Education

Along with information on Council's website, print media, television, radio and cinema ads campaigns were conducted. Four community workshops were also held (Eglington, Perthville, Bathurst CBD and Raglan) to convey information to the public about smarter wood heater use with 28 residents attending in total. A primary school colouring in competition was held to increase awareness of Ol' Smoky and Suzie the Sugar Glider, to younger generations, with 43 entries being received and prizes awarded to the top 5 entries. Judging was undertaken by an Officer of the local EPA Office.

Enforcement

The 2014 enforcement program was impacted by an increased number of foggy days during early morning surveys. Notwithstanding, 394 chimneys were surveyed with 121 or 30% being identified emitting excessive smoke and 48 letterbox flyers issued to owners of poorly operated wood fires to increase awareness about better heater operation.

Council received just 2 smoky chimney complaints for the 2014 winter. This is perhaps an indication that the educational program is working.

Cash Incentives

At least 189 cash rebates have been provided to households to replace their wood heaters since 2004. In 2014, Council received over 42 inquiries from the public to replace their wood heaters, with a total of 22 rebates provided (19 incentives under joint funding with the NSW EPA and a further 3 by Council funds only).

In the 2014 program, cash incentives were increased to \$1,000 for the standard incentive and \$1,400 for pensioner and concession card holders in the Bathurst region to 'boost' participation rates in the program (50% Council and 50% EPA funded). By anecdotal reports, Bathurst Regional Council provided the highest number of cash incentives across NSW, proving they were well received.

Though the program was considered largely successful, due to the pressures from increasing gas and electricity prices, residents are more frequently looking to wood heaters as a form of domestic heating. The number of new woodheaters being installed in existing

houses or new houses far outnumber those being removed. Though new woodheaters are much cleaner burning than older styles, the ongoing pressures from energy prices means that the trend is unlikely to change and therefore woodsmoke pollution will continue to be an issue for Councils. Due to the increased update of new woodheaters, the NSW EPA has indicated that the funding into the future will not continue in its current guise.

Financial Implications: The 2014 Woodsmoke Reduction Program was funded from the NSW EPA Woodsmoke Reduction Grant and Council's existing woodsmoke education program allocation.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.11
- Objective 18: To encourage sustainable housing choice and quality design that engenders a sense of place. Strategy 18.4

MINUTE

12 Item 6 2014 WOOD SMOKE REDUCTION PROGRAM (WSRP) - SUMMARY REPORT (13.00042)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

7 ECONOMIC DEVELOPMENT END-OF-YEAR REPORT 2014 (20.00071)

Recommendation: That the information be noted.

Report: In 2014 Bathurst Regional Council introduced a range of new services and programs that have satisfied major components of the 2011 – 2016 Economic Development Strategy.

The Economic Development section has completed an End-of-Year Report 2014 detailing these projects (**attachment 1**).

Collectively, 600 businesses have participated in Council's Economic Development initiatives in 2014. Many more have been assisted through the Business eNewsletter, Bathurst Region website and front counter enquiries.

Activities include:

- Continued participation in the Evocities program.
- The completion of six highly successful Business Management Workshops collectively attracting more than 350 small businesses.
- Commencement of the rollout of the Bathurst Signage Strategy and the installation of new Entrance Signs and entrance billboards.
- The development of an extensive Business Database of more than 1,200 businesses to use for various Council business initiatives.
- Launch of a business eNewsletter providing information on business events, grants and initiatives to assist local business growth.
- Council-wide launch of Cumulus, an online browsable image library providing controlled access and storage of all of Council's marketing and regulatory images.
- Complete redevelopment of the Bathurst Region website and integration with the Tourism web site.
- Inaugural Bathurst Jobs Expo held to promote local employment and to assist local businesses to fill available positions, with more than 350 attendees.
- Completion of the BizStart Program which resulted in 15 individuals completing a Cert III in Micro Business Operations and providing them with skills required to launch a new business.
- Hosting of a Business Leaders Lunch and an Economic ThinkTank to discuss a collaborative approach to the growth of the local economy and to collectively advise business leaders of Council's current and future Economic Development projects.
- Collaboration between Tourism and Economic Development to offer a Tourism Leaders Lunch to provide key information on the upcoming Destination Management Plan and Councils proactive approach to the development of local tourism.
- Expansion of the Bathurst Business Tube.
- Small Biz Bus visit to Bathurst which provided approximately 20 local businesses with personalised business advice.
- Administered the Bathurst Evo Jobs website which attracts an average of 6,500 visits per month.

These activities have resulted in the following outcomes:

- The development of Councils reputation as a strong supporter of local business growth, business start-ups and business relocation.
- Promotion of Bathurst as a great place to live, work and invest.
- Growth of local employment and job generation through:
 - The attraction of 10 new businesses resulting in the creation of approximately 90 positions.

- Successful launch of the Bathurst Jobs Expo which will become an annual Council event.
- Greater use of the Evojobs platform.
- BizStart Program which will result in the launch of multiple new local small businesses.
- A number of relocations to Bathurst through Evocities in 2014, resulting in millions of dollars added to the local economy.
- Improved business practices, innovation and entrepreneurial activities including the formation of community business groups and local shop small initiatives.
- Fostering of economic prosperity and local sales through such initiatives as the Bathurst Business Tube and Business Management Workshops.
- Improved engagement and communication with local business through the Business eNewsletter and numerous business events.
- Organisation of 2 Mayoral Welcome Wagon Receptions to officially welcome new residents to Bathurst.
- Stronger relationships with the Bathurst Business Chamber, Regional Development Australia (RDA), Screen Central, NSW Trade & Investment, Charles Sturt University, AusIndustry, Business Enterprise Centre (BEC) and the 6 other Evocities.
- Improved “Destination Branding” for Bathurst through the installation of new entrance signs and billboards.
- Assisted CSU with the successful bid for the 2015 SEGRA (Sustainable Economic Growth for Regional Australia) Conference to be held in Bathurst, which attracts more than 250 delegates.
- Assistance and facilitation of 11 filming projects across the Bathurst LGA.
- Effective leveraging of internal resources and collaborative marketing across Council through the implementation of the Cumulus Image Database.
- Contribution to the development of an inclusive and collaborative business community through the Economic ThinkTank and Business/Tourism Leaders Lunches.

Council’s economic development activities effectively grow, reinforce, support and “safeguard” Bathurst’s diverse economy in a challenging economic climate. This is facilitated through the development of local business success, job generation, investment, new resident attraction and new enterprise.

Conclusion:

The significant number of activities completed in 2014 demonstrates the considerable range of economic development initiatives that Bathurst Regional Council engages in to encourage and support economic growth in the Bathurst Region. Council acts as an advocate, facilitator, coordinator and service provider to lead and enable continued economic prosperity, innovation, investment, job generation, residential relocation, business attraction and new enterprise development.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

- 13 **Item 7 ECONOMIC DEVELOPMENT END-OF-YEAR REPORT 2014 (20.00071)**
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

8 ECONOMIC DEVELOPMENT STRATEGY PROGRESS (20.00168)

Recommendation: That the information be noted.

Report: Bathurst Regional Council's Economic Development Strategy 2011-2016 was adopted in 2010 and demonstrates Council's commitment to develop, foster and strengthen the local economy for the benefit of all residents.

The Economic Development Strategy presents a mechanism by which Council, in partnership with industry and the community, can take a coordinated approach to retaining and growing the existing economic base of the region, as well as the attraction of new investment.

The Strategy provides a framework not only for Council's future activities, but identifies partners and linkages to ensure that growth is moderated and maximised. Additionally, the Strategy is interlinked with other strategic plans within Council as economic development does not occur in isolation.

With the Economic Development Strategy in operation for more than three years, approximately 70% of the Strategy's Action Plan has been completed.

Key completed objectives include:

- Development of a Signage Strategy, including town entrance signage to ensure the visual appearance of Bathurst is enhanced and village identity strengthened.
- Development of specific industry cluster groups to share knowledge and mentoring (Manufacturing CNIN Network).
- Development of a 'Bathurst Business Start Up' pack to support local entrepreneurship.
- Host regular Mayoral Industry Functions.
- Develop an online business database to sit under the Building Bathurst Business Program Online Portal.
- Support the Bathurst Business Chamber through attendance at Business After Hours, partnering on specific initiatives, partnering for advocacy on issues that affect Bathurst.
- Provide a monthly eNewsletter to inform and foster local business.
- Develop a Digital Economy Strategy for Bathurst, which identifies opportunities for local Bathurst businesses.
- Facilitate contact between industry, developers, new business, relocators, training bodies, community groups where appropriate.
- To ensure appropriate training is identified, developed where necessary and information disseminated to relevant industry sectors.
- Attend and provide information where appropriate at the Bathurst Business Chamber Networking events.
- Convene regular meetings with Council, key stakeholder to identify new investment attraction and facilitation opportunities (Investment Attraction Partner program and Business Leader Lunches).
- Leverage key marketing programs that have the potential to attract investment (Evocities).
- Develop an investment and lifestyle DVD in partnership with local industry and Department of Industry and Investment.
- Work in collaboration with Charles Sturt University, TAFE, Industry and other key educational providers on mutually supportive projects (SEGRA Conference).
- Investigate and promote potential programs, training and funding opportunities available for local industry.
- Undertake an audit of major export products from the Region (RDA Import/Export and Freight Studies).

- Facilitate links between industry and government organisations such as AusIndustry .
- Work to ensure that areas of disadvantage in the region benefit from future growth by assisting in the identification and provision of employment and training opportunities .
- Actively foster and support small, micro and home based business.
- Implement and monitor the CBD and Bulky Goods Strategy to protect a vibrant CBD and support retail diversity.
- Promote the Bathurst Region as a key destination within NSW and be aware of tourism implications when implementing economic development initiatives.
- Support the attraction of film and television production to the Bathurst Region.
- Maximise marketing to exploit commercial activities and opportunities for the Bathurst Airport.

Conclusion:

The Economic Development Strategy 2011-2016 sets a clear direction and purpose of how Council and the community will collaborate to engage, stimulate and maintain business activity and employment. The Strategy supports a progressive and innovative economic environment that preserves and enhances the lifestyle, environmental and cultural characteristics of the Region.

Council has made considerable progress in completing key objectives outlined in the Economic Development Strategy, with 70% of the Action Plan completed.

Council will begin the development of a new Economic Development Strategy in 2016.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

- 14 **Item 8 ECONOMIC DEVELOPMENT STRATEGY PROGRESS (20.00168)**
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully

A handwritten signature in black ink, appearing to read "D R Shaw". The signature is fluid and cursive, with a large loop at the end of the last name.

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

4 FEBRUARY 2015

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$84,800,000 was invested at 31 December 2014 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u>			
(comprising Commercial Bills, Debentures and Certificates of Deposit):			
Bank of Queensland	A2	\$14,000,000.00	3.75%
Bendigo and Adelaide Bank	A2	\$5,500,000.00	3.53%
IMB Limited	A2	\$3,000,000.00	3.51%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.57%
National Australia Bank	A1+	\$18,000,000.00	3.68%
People's Choice Credit Union	ADI	\$1,000,000.00	3.54%
Railways Credit Union	ADI	\$3,000,000.00	3.68%
SGE Credit Union	ADI	\$1,000,000.00	3.63%
Westpac Banking Corporation	A1+	\$3,500,000.00	3.65%
Bankwest	A1+	\$500,000.00	3.50%
ING	A2	<u>\$1,500,000.00</u>	<u>3.62%</u>
		\$52,000,000.00	3.66%
<u>Long Term > 365 Days</u>			
(comprising Commercial Bills, Term Deposits and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.82%
Westpac	AA-	\$2,000,000.00	4.00%
Westpac	AA-	\$2,000,000.00	4.05%
Westpac	AA-	\$2,000,000.00	3.94%
Maritime Mining & Power Credit Union	ADI	\$2,800,000.00	2.70%
National Australia Bank Limited	AA-	<u>\$2,000,000.00</u>	<u>3.53%</u>
		\$12,800,000.00	3.61%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.81%</u>
		\$2,000,000.00	3.81%
<u>Floating Rate Notes</u>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.53%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.98%
Members Equity Bank	BBB	\$3,000,000.00	4.00%
Greater Building Society	BBB	\$1,000,000.00	4.03%
Credit Union Australia	BBB+	\$3,000,000.00	4.08%

Bank of Queensland	A-	\$1,000,000.00	3.76%
Bank of Queensland	A-	\$2,000,000.00	3.88%
Police Bank	BBB+	\$1,000,000.00	3.84%
Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.68%
Credit Union Australia	BBB+	\$1,000,000.00	3.98%
Members Equity Bank	BBB+	\$1,000,000.00	3.78%
Bank of Queensland	A-	<u>\$1,000,000.00</u>	<u>3.81%</u>
		\$18,000,000.00	3.99%

Total Investments **\$84,800,000.00** **3.73%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$39,213,400.00
Grants held for specific purposes		\$1,925,139.00
Section 94 Funds held for specific purposes		<u>\$30,755,189.00</u>
Unrestricted Investments – All Funds		\$12,906,272.00
General Fund	\$5,492,729.00	
Water Fund	\$4,410,000.00	
Sewer Fund	\$2,097,822.00	
Waste Fund	<u>\$ 905,721.00</u>	

Total Investments **\$84,800,000.00**

Total Interest Revenue to 31 December 2014 **\$1,602,031.58** **3.73%**

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.50%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.71%
Three Year Swap Rate - Commonwealth	2.76%
Five Year Swap Rate - Commonwealth	3.11%
Mofidied Deitz Calculation	3.78%

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

R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 15 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

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

Recommendation: That the information be noted.

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

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

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

Fines or penalty notices this month - Refer to attachment 2.

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

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

MOVED: Cr B Bourke SECONDED: Cr M Morse

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 December 2015.

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:	\$ 6,276.02
BMEC Community use:	\$ nil
Mount Panorama:	\$23,332.19

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

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

MOVED: Cr G Westman SECONDED: Cr M Coote

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.

- Mercieca P & M, land near Eglinton Bridge, Part Lot 103 DP1006130, in-house Licence Agreement

Linen Plan Release

- Nil

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

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

RESOLVED: That the information be noted.

5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CHILD AND FAMILY NETWORK (21.00012,18.00004)

Recommendation: That Council make available the use of the Theatre at the Bathurst Memorial Entertainment Centre (BMEC) for the Children's Rights Forum to be held on 5 March 2015 at a cost of approximately \$1,000 to be funded from Section 356 Donations.

Report: Council has received a request for financial assistance from the Bathurst Child & Family Network to hold a Children's Rights Forum in the Theatre at the Bathurst Memorial Entertainment Centre (BMEC) on 5 March 2015.

The Forum, called 'Bathurst's Big Banter' will be held from 6.30 pm to 8.30 pm in the Theatre and upstairs and downstairs foyers. The event is an important and relevant high quality, child-safe child-friendly event for the whole of Bathurst. It is an excellent opportunity to place Bathurst on the Children's Rights map in NSW. A copy of the request is shown at **attachment 1**. A copy of the organisations Financial Statements has been provided to Councillors under separate cover.

Estimated cost of the BMEC venue hire is as follows:

Item	Cost
Hire of Theatre	\$540.50
AV Equipment, Data Projector & Screen	\$183.50
Laptop	\$67.50
Microphones x 4 @ \$25 each	\$100.00
Technical Staff x 4 hours @ \$30.50 per hour	\$122.00
Front of House x 3 hours @ \$30.50 per hour	\$91.50
Sub Total	\$1,105.00
Less 20% non-for-profit venue hire	-\$108.10
Estimated total	\$996.90

It is recommended that Council provide financial assistance of approximately \$1,000 for the hire of the Theatre at BMEC on 5 March 2015 for the Children's Rights Forum.

Financial Implications: As the BMEC Community Use Subsidy Scheme has a Nil Balance, this request could be funded from Council's Section 356 Donations which currently has a balance of \$6,276.02.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5, 30.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.6

MINUTE

19 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CHILD AND FAMILY NETWORK (21.00012,18.00004)

MOVED: Cr B Bourke SECONDED: Cr G Westman

RESOLVED: That Council make available the use of the Theatre at the Bathurst Memorial Entertainment Centre (BMEC) for the Children's Rights Forum to be held on 5 March 2015 at a cost of approximately \$1,000 to be funded from Section 356 Donations.

6 FINANCIAL ASSISTANCE UNDER SECTION 356 LOCAL GOVERNMENT ACT 1993 - JOSS CONSTRUCTION (2012/0518, 14.00007, 18.00004, 18.00195)

Recommendation: For Council's consideration.

Report: Council at its meeting of 5 November 2014 resolved to give public notice of the proposal to provide financial assistance to Joss Constructions of \$115 per tonne for contaminated material deposited at the Waste Management Centre from the Dairy Farmers site in Bentinck Street. Under the Local Government Act 1993 Council was required to advertise this donation and invite submissions from interested parties.

The Advertisement was placed in the Western Advocate on 8 and 15 November 2014 with submissions being received until 4 pm on Monday 8 December 2014.

At the close of submissions Council had received six submissions from members of the public and local businesses. The submissions are provided at **attachment 1**.

Financial Implications: Council at its meeting of 5 November 2014 resolved to provide financial assistance of \$115 per tonne which will result in Council providing approximately \$144,000 to Joss Constructions.

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 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1

MINUTE

20 Item 6 FINANCIAL ASSISTANCE UNDER SECTION 356 LOCAL GOVERNMENT ACT 1993 - JOSS CONSTRUCTION (2012/0518, 14.00007, 18.00004, 18.00195)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council, having considered the submissions received as a result of the public notice of the proposal, not provide financial assistance to Joss Construction as proposed.

7 2015 LOCAL GOVERNMENT NSW TOURISM CONFERENCE (18.00074)

Recommendation: That Council:

- (a) waive the entry fee, venue hire and staff cost for the Welcome Reception at the National Motor Racing Museum at an approximate cost of \$1,835;
- (b) waive the entry fee, venue hire and staff cost for the pre Conference Dinner event at the Australian Fossil and Mineral Museum at an approximate cost of \$2,610; and
- (c) fund the pre Conference Dinner event drinks at an approximate cost of \$3,300.

Report: Bathurst has won the bid to host the 2015 Local Government (LG) NSW Tourism Conference. The Conference will be held at the Pit Complex, Mount Panorama, from 2-4 March 2015.

The terms of agreement with LGNSW for hosting the conference are at **attachment 1**.

Council, as host, are providing the following services. Note that the per person costs have been based on approximately 200 people attending the conference, 150 attending the Welcome Reception and 220 attending the Conference Dinner.

Conference Event	Council Facility	Associated cost	Amount (GST incl)	Total cost (GST incl)
Main conference venue	Pit Complex	Griffin Room hire for 2 days	\$476 per day	\$952
		Media room for 2 days	\$241 per day	\$482
		Kitchen hire for 2 days	\$276 per day	\$552
		Windradyne room 2 day hire	\$613 per day	\$1,226
		Chair hire	\$1 per chair per day	\$400
		20 Trestle table hire 2 days	\$5 per table per day	\$200
		Post conference cleaning	Charged at cost price and will vary depending on the time and work required	TBD
Welcome Reception	National Motor Racing Museum	Venue hire (up to 4 hours)	\$210	\$210
		Per person entry charge	\$9.50 per person	\$1,425
		Staff	\$49.50 per staff	\$200
Site Inspection	Chifley Home	Per person entry (max 56)	\$5 per person	\$280
Pre Conference Dinner event	Australian Fossil & Mineral Museum	Venue hire (up to 4 hours)	\$210	\$210
		Per person entry charge	\$10 per person	\$2,200
		Staff	\$49.50 per staff	\$200

The costs associated with these services will be paid for by LGNSW (see **attachment 1**).

The pre Conference Dinner event will be held at the Australian Fossil and Mineral Museum. As it is Council's preferred option to serve local wines at all Council run events consideration needs to be given to fund the additional cost. The Wines of Bathurst group have quoted \$15 per person to supply and serve the wine at the function, estimated total cost of \$3,300. This would be the perfect opportunity to showcase local wines to the delegates.

Conclusion

Hosting the LG NSW Tourism Conference is the perfect opportunity to showcase all that Bathurst has to offer. Delegates and speakers will taste the delights of the wonderful local food and wine, experience some of the hero attractions, wander along a few of the heritage lined streets and will take away long lasting memories. It is hoped that the conference will lead delegates and speakers to return to the region with family and friends to spend more time exploring.

Financial Implications: The estimated total cost of \$7,745 could be funded from the Tourism Local Promotion Budget which currently has a balance of \$15,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1

- Objective 33: To be and develop good leaders. Strategy 33.1

MINUTE

21 **Item 7 2015 LOCAL GOVERNMENT NSW TOURISM CONFERENCE (18.00074)**
MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

- (a) waive the entry fee, venue hire and staff cost for the Welcome Reception at the National Motor Racing Museum at an approximate cost of \$1,835;
- (b) waive the entry fee, venue hire and staff cost for the pre Conference Dinner event at the Australian Fossil and Mineral Museum at an approximate cost of \$2,610; and
- (c) fund the pre Conference Dinner event drinks at an approximate cost of \$3,300.

8 REVALUATION OF LAND - NSW VALUER GENERAL (18.00068)

Recommendation: That the information be noted.

Report: The NSW Valuer General revalues land in each Council area for rating purposes every three years. Council has received advice from the NSW Valuer General that the update of land values and the issuing of notices of valuations in New South Wales will take place during January and February with the issuing of notices for the Bathurst region commencing 12 February 2015.

The Valuer General has advised that there will be 45 Local Government areas in New South Wales that will receive new valuation notices for properties contained within their area.

The Valuer General advised that any enquiries regarding valuations can be directed to their website www.valuergeneral.nsw.gov.au. The website also provides information on topics on how the Valuer General valued the land, the review process, the valuation policies and the service commitment of the Valuer General's department to attend to any enquiries made regarding the latest round of valuations.

Council staff will have available, in the Rates Department, information on any new variations to the land values together with a database which will allow ratepayers to assess the impact of any valuation changes on their individual properties.

Financial Implications: There are no immediate financial implications to Council in respect to the raising of revenue by rates.

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

MINUTE

22 Item 8 REVALUATION OF LAND - NSW VALUER GENERAL (18.00068)
MOVED: Cr G Westman SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

4 FEBRUARY 2015

1 JORDAN CREEK TREES (13.00019)

Recommendation: That Council remove the trees located within Council property at Lot 1, DP 194101, being a section of the Jordan Creek Drainage Channel.

Report: In November 2014, Council received a notice from residents of 129 Keppel Street that a tree located within adjacent Council land had fallen over during a wind storm, damaging their boundary fence and blocking their drive way access. As this event occurred after hours, the SES attended the site and cleared the blockage from the drive way of this property, however the remaining section of the fallen tree is still located within the adjacent property. **Attachment 1** is a map of the specific area for Council's information.

The area where the fallen tree is located is part of the Jordan Creek drainage channel within a section of land that is owned by Council. Upon inspection of this section of Jordan Creek, it was observed that the majority of the fallen tree is still lying over the concrete lined channel and needs to be removed. It was also noted that a number of other trees, namely elm suckers that have self-germinated, have reached a significant height which are now creating concerns in respect to safety issues for adjacent property owners. The trees have germinated between the concrete and brick walls of the drainage channel and are starting to damage the drainage infrastructure.

The existing trees that inhabit the area would most probably have germinated from seed or have suckered from trees located within adjacent private properties. Apart from a number of privet blackberry and other weed species present, there is a mixture of approximately 15 semi mature trees including Elms, box elders and 2 eucalyptus trees that are considered to be a safety risk to persons and property within this area. These trees are in the vicinity of 15 metres in height and the majority of them are multi-trunked specimens, which further impacts upon their stability. The angle that the trees are growing, the slope of the area and the existing height of these trees add to the high probability of further tree failures that are likely to occur in future.

This section of the Jordan Creek Drainage Channel is generally extremely difficult to access and maintain weed vegetation due to it being a very deep channel, narrow and bounded by residential and business properties. In addition, many sections of the drainage channel within this part of Bathurst are located on private property and as such, vegetation issues, as well as tree liability, are the responsibility of the private land holders.

However in this instance, the adjacent land area on the northern side of this section of Jordan Creek is currently vacant land with no buildings on site. Therefore, opportunity currently exists for Council to seek permission from the adjacent property owner to access this vacant land, which would provide Council with adequate access to clean out the drain and remove the problem trees within the immediate area of Jordan Creek that is Council owned.

To reduce the likelihood of further tree failures and damage occurring in the future, it is recommended that Council program the removal of these large trees as soon as possible, before any building works commence on the adjacent vacant land. This would ensure that the area could be easily and safely accessed to enable the tree works and any required drain restoration works to be undertaken. Council's river clearance crew have the available resources to undertake this works and funding is available within the current budgets

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 22.7

MINUTE

- 23 **Item 1 JORDAN CREEK TREES (13.00019)**
MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That Council remove the trees located within Council property at Lot 1, DP 194101, being a section of the Jordan Creek Drainage Channel.

2 LOCAL GOVERNMENT NSW EXCELLENCE IN THE ENVIRONMENT AWARDS (07.00025)

Recommendation: That the information be noted.

Report: In December 2014 Council received a Local Government NSW Excellence in the Environment Award within the Natural Environment Protection & Enhancement: On-Ground Works category, taking out both the Division Award for LGA's with populations of 40,000 - 60,000 residents as well as a trophy for the overall category winner for the "Racing to Save the Mount Panorama Woodlands" project. A summary of this project is outlined in **attachment 1.**

For information, Council was successful in receiving grant funding early in 2014 from NSW Environmental Trust through their Restoration and Rehabilitation grants program for this project.

This ongoing project is aimed at rehabilitating more than 117Ha of endangered ecological community woodland in the Mount Panorama precinct. The project is managed by Council's Recreation Section with outcomes to date including:

- Removal of 1,410m of internal fencing to assist with fauna transit.
- Replacement of 1,890m of traditional fencing with 'fauna friendly fencing' to assist with fauna transit.
- Planting of 400 native, endemic tubestock plants to replace small bird habitat.
- Distribution of 23 posters and 1,478 flyers through Council events, local pet stores and veterinary practices.
- Construction of five "One Rock Dam" erosion control structures consistent with techniques developed by Craig Sponholtz of Dryland Solutions, New Mexico.
- A full web page dedicated to the project on the V8 Supercars website in the lead up to the Bathurst 1000 motor race.
- Racing to Save the Mount Panorama Woodlands Facebook page established with more than 600 'likes' and a reach of more than 19,000 Facebook users.
- Media releases resulting in five project related articles in the Western Advocate newspaper with a readership of more than 8,000 people and 18,000 online users

The awards ceremony was held at the UTS Aerial Function Centre, Sydney on Tuesday 2 December 2014 and was attended by the Deputy Mayor, Councillor North and Council's Environmental Programs Coordinator who provided a 15 minute presentation regarding the project.

Additionally, Council were recognised as part of the Central West Council's Salinity & Water Quality Alliance project that received a Highly Commended in the Roadside Environmental Management Award category.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.4

MINUTE

24 Item 2 LOCAL GOVERNMENT NSW EXCELLENCE IN THE ENVIRONMENT AWARDS (07.00025)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

4 FEBRUARY 2015

1 BATHURST LIBRARY - CHRISTMAS ON KEPPEL, STREET FAIR (21.00029)

Recommendation: That the information be noted.

Report: On Saturday 29 November 2014, the Library held its third Christmas on Keppel Street Fair. The aim of the event is to promote the Library, Art Gallery and Keppel Street as a vibrant cultural venue and retail centre.

Stall holders from around Bathurst were also encouraged to be a part of the event again this year. Interested individuals and groups were invited to apply for inclusion with a total of 25 stalls taking part on the day. Stalls sold a range of products including jewellery, watercolour prints, handmade soaps and skin care products, candles, quilts and embroidery items and wooden toys. Other Council and community groups also participated on the day including the Library shop, Bathurst Regional Art Gallery (BRAG), Bathurst Memorial Entertainment Centre (BMEC) and Council's Children's Services who took the opportunity to promote their services and activities. Bathurst200 committees also promoted their programs for 2015 of particular interest was the Beard Competition.

The estimated crowd of 2000 enjoyed live entertainment provided by the Mitchell Conservatorium throughout the event as well as a BBQ lunch provided by Library staff.

In an exciting new innovation some Keppel Street businesses got involved and held footpath stalls out the front of their shops. Feedback provided to staff indicated the businesses were excited to be part of this event, and very happy with the Library, and Council, for supporting Keppel Street Business. It should be noted that Central Commercial Printing also contributed to the success of the event by providing 2000 fliers and 200 Posters free of charge.

Visitation to the Library on the day of the fair was 1,342 compared to 640 visits recorded on the previous Saturday 22 November. BRAG also benefitted from the Keppel Street Fair, with attendance figures of 315 compared with an average of 80 for a normal Saturday.

The Library has successfully promoted the Library forecourt as a venue for a range of events including the Christmas on Keppel Fair. Regular events now include artisans and retro markets, Library book sales, pet expos, and other Council run events such as Harmony Day celebrations.

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 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.7

MINUTE

25 Item 1 BATHURST LIBRARY - CHRISTMAS ON KEPPEL, STREET FAIR
(21.00029)

MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

2 KELSO COMMUNITY CENTRE - JANUARY SCHOOL HOLIDAY ACTIVITIES 2015 (09.00026)

Recommendation: That the information be noted.

Report: Kelso Community Centre offered two days of activities during the January school holidays. During the final week of the summer school holidays activities the Centre ran activities catering for children, young people, and families within the Kelso community.

There was positive feedback from the community in regards to the activities, which had an average attendance of 30 people across the two days.

The following activities were offered for the school holidays:

- 20 January – ‘The Welcome Back Party’, which featured a variety of arts, craft and outdoor activities, and lunch was provided to participants. Approximately 40 people attended this event.
- 21 January – ‘Summer Party!’ was held. It featured a selection of craft activities, bungee run, jumping castle, lunch for participants. Approximately 20 people attended this event.

Planning for activities for the April School Holiday period will begin in Term I.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9

MINUTE

**26 Item 2 KELSO COMMUNITY CENTRE - JANUARY SCHOOL HOLIDAY
ACTIVITIES 2015 (09.00026)**

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully



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

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

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

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

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

27 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 DECEMBER 2014
(07.00064)

MOVED: Cr M Coote SECONDED: Cr G Westman

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

MINUTES OF THE POLICY COMMITTEE
HELD ON 3 DECEMBER 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the apology from Cr Aubin for late arrival to the meeting be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 NOVEMBER 2014 (07.00064)
MOVED Cr G Westman and **SECONDED** Cr I North

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

Cr Aubin arrived at the meeting.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

GENERAL BUSINESS

5 Item 1 PARKING - 271 RANKIN STREET (25.00009)

Cr Jennings - noted a number of older people live here. There is an issue when turning right onto the road, with vision to the left. Could this be investigated?

6 Item 2 PARKING SIGNS - CITY OF SYDNEY (28.00007)

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

Cr Jennings - noted an article on simpler traffic signs in Sydney, can we look at this?

The Director Engineering Services advised currently using RMS standard signs, but will keep a watching brief on the trial in Sydney.

7 **Item 3 CCTV FORUM (07.00106)**

Cr Jennings - previously attended a forum where The Hon John Cobb said he could deliver CCTV to Bathurst. Could this be followed up?

The General Manager will write to Federal Member. Unaware of this having been proposed, as CCTV issues are normally State Government.

8 **Item 4 TAXIS COLOUR (28.00009)**

Cr Jennings - noted around the world, taxis are often all the one colour, who would be responsible for this?

General Manager advised control of taxis is a NSW Government matter.

9 **Item 5 OLDEST NATIVE AND NON-NATIVE TREES IN BATHURST (20.00153)**

Cr Jennings - asked do we know with 2015 coming up, what are the oldest trees in Bathurst?

The Director Engineering Services advised we don't have this information, but will investigate.

10 **Item 6 RAGLAN RAILWAY STATION (22.00159)**

Cr Jennings - questioned who would be responsible for maintaining and repairing the Raglan Railway Station.

The General Manager understands this would be Transport for NSW and possibly John Holland if they are the lessee.

11 **Item 7 INVESTMENT COMPANIES (16.00001)**

Cr Jennings - asked do we know what investments are tied up in coal assets and

the risk factors this poses?

The General Manager advised Council does not know break-up. Investments are based on institutions and investment options that are approved by the State Government.

12 **Item 8 PIPER STREET WORKS (25.00020)**

Cr Morse - noted engineers have been working in this area with major works occurring. The response of the staff has been fantastic.

13 **Item 9 100TH ANNIVERSARY ANZAC DAY (23.00076)**

Cr Morse - had a lady approach her about making poppies for ANZAC Day. Will be done through library/RSL and others. This will be fantastic opportunity. Noted timing of plantings in Kings Parade will be varied in 2015 to allow for flowers to be blooming at this time.

14 **Item 10 BEARD COMPETITION 2015 (20.00153)**

Cr Morse - challenge to Cr North to grow a bushy beard for 2015. It is being organised through the Historical Society and 2BS. Funds go to the Christmas Miracle Appeal.

15 **Item 11 CAR PARKING - FREE STANDING CARARK (28.00026)**

Cr Morse - asked has a cost been established for a free standing car park in the space behind the RSL?

The General Manager advised this area has been identified for next shopping centre, a free standing proposal was considered for Carrington Park.

16 **Item 12 SPORTS MARKETING (16.00140)**

Cr Westman - have previously had a presentation by Rick Sleeman on sports marketing. With the growth in facilities, it may be timely to revisit his proposal. Could this be referred back to Council for consideration as part of the 2015/16 budget process.

17 **Item 13 PEDESTRIANS RUNNING RED LIGHTS (28.00013)**

Cr Aubin - expressed concern at persons crossing the road against the red pedestrian light. Can we find out if it is possible to have a count down light system on street lights.

The General Manager noted State Government have recently implemented a trial of this type of signal.

18 **Item 14 LOCAL GOVERNMENT EXCELLENCE IN ENVIRONMENT AWARDS (23.00059)**

Cr North - attended recent presentation in Sydney. Council did very well and won two awards, one with the Water Salinity Alliance and the other, saving the Mount Panorama Woodlands. Do we have a Sustainability Action Plan?

The Director Environmental, Planning & Building Services advised Council has the Dubbo, Orange, Bathurst Environmental Sustainability Action Plan, and also has a Regional Environmental Plan and Council Environmental Plan.

19 **Item 15 CLIMATE CHANGE (07.00093)**

Cr North - noted some Councils have a Risk Assessment Document, do we have one?

The Director Environmental, Planning & Building Services advised Council has a draft Adaptation Plan. When State and Federal policies are set in place, this can then proceed further. Council is currently implementing a number of measures e.g. levee banks, solar energy, light changes and other adaptation measures.

20 **Item 16 SOLAR PANELS (13.00039)**

Cr North - asked is Council still going down the path of solar panels. Is a solar farm a possibility?

The Director Environmental, Planning & Building Services advised Council is currently focusing on 3-5 year payback periods, will continue to review direction as the easier projects are implemented.

21 **Item 17 CITY OF SYDNEY VEHICLE FLEET (30.00002)**

Cr North - noted they have done a lot of review on efficiency possibilities. Could we look further into this?

22 Item 18 EGLINTON HALL AND PARK COMMITTEE (18.00177)

Cr North - have concerns about how facility is being run. They haven't got a key to the new toilet block. Could Council contact them to discuss procedures as the Hall Committee are unsure of all processes involved.

23 Item 19 MULTI-LEVEL CARPARK EXPRESSION OF INTEREST (20.00090)

Cr North - asked has the multi-level carpark matter progressed any further? Have we started to develop an Expression of Interest?

The Director Environmental, Planning & Building Services advised the Environmental, Planning & Building Services department is currently doing a review of car parking in the CBD and a report will come to Council in the new year on future parking.

24 Item 20 TRIAL PARKING LINES - GEORGE STREET (28.00006)

Cr North - noted the trial on parking lines in George Street is going very well, congratulated everyone on the implementation.

25 Item 21 AERODROME - TRANSPORTING PATIENTS/FRAIL AGED (21.00044)

Cr North - asked could we look at a mobile cover to get persons to the air ambulance, particularly wet weather is a problem. The long term solution would be a hangar.

26 Item 22 CCTV (07.00106)

Cr North - spoke of the need to look at a scheme where we help people to put in CCTV in their businesses, this could be funding or providing assistance in heightening awareness.

27 Item 23 NSW PUBLIC LIBRARIES CONFERENCE (18.00127)

Cr Bourke - attended the libraries conference with Cr Morse. It was worthwhile. Noted proposed day of action for tomorrow, over funding for libraries. Has raised concerns with the Minister for Local Government over the issues, the Minister will go

This is page 5 of Minutes of the Policy Committee held on 3 December 2014.

RESCISSION MOTIONS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 RESCISSION MOTION - DA 2014/0426 - DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AND SEPARATE GARAGE AT 311 HOWICK STREET, BATHURST. APPLICANT: MR S RALPH. OWNER: MR S RALPH (11.00005)

Recommendation: For Council's consideration.

Report: We the following Councillors hereby give notice of rescission of the following motion of Council of 10 December 2014.

RESOLVED: That Council:

- (a) support the variation to the minimum lot size development standard for a single dwelling prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0426, 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. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.
 - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
 - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused).
 - iv. The applicant is to submit to Council for approval amended plans showing:
 - The height of the proposed dwelling from the ground to the eaves increased to at least 3.35 metres;
 - At least one brick chimney is to be incorporated into the design;
 - The front verandah is to incorporate a concave (reverse curve) front verandah;
 - The brickwork on the decorative parapet is to be of saw-tooth brickwork design; and
 - Brickwork on the building is to be of autumn tones, not blended and is not to be painted/rendered; and
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Dated: 11 December 2014

Signed: Cr Gary Rush
Cr Jess Jennings
Cr Graeme Hanger

The Rescission Motion is shown at **attachment 1**.

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

28 Item 1 RESCISSION MOTION - DA 2014/0426 - DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AND SEPARATE GARAGE AT 311 HOWICK STREET, BATHURST. APPLICANT: MR S RALPH. OWNER: MR S RALPH (11.00005)

MOVED: Cr J Jennings SECONDED: Cr G Hanger

That Council

- (1) rescind its decision of 10 December 2014 which stated:

That Council:

- (a) *support the variation to the minimum lot size development standard for a single dwelling prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and*
- (b) *as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0426, 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. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.*
 - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.*
 - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused).*
 - iv. The applicant is to submit to Council for approval amended plans showing:*
 - The height of the proposed dwelling from the ground to the eaves increased to at least 3.35 metres;*
 - At least one brick chimney is to be incorporated into the design;*
 - The front verandah is to incorporate a concave (reverse curve) front verandah;*
 - The brickwork on the decorative parapet is to be of saw-tooth brickwork design; and*
 - Brickwork on the building is to be of autumn tones, not blended and is not to be painted/rendered; and*
- (c) *notify those that made submissions of its decision; and*
- (d) *call a division.*

- (2) Call a division

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

The result of the division was:

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

MINUTE

**29 Item 1 EXTENSION OF TIME - RESCISSION MOTION - DA 2014/0426
(11.00005)**

MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That an extension of time be granted to Cr Morse to speak to this item.

MINUTE

**30 Item 1 EXTENSION OF TIME - RESCISSION MOTION - DA 2014/0426
(11.00005)**

MOVED: Cr M Coote SECONDED: Cr M Morse

RESOLVED: That an extension of time be granted to Cr North to speak to this item.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

4 FEBRUARY 2015

1 CENTROC BOARD MEETING (07.00017)

Recommendation: That the report on the CENTROC Board Meeting held 27 November 2014 in Blayney be noted.

Report: The CENTROC Board meeting was recently held on 27 November 2014 at the Blayney Shire Community Centre.

Also on the day was the CENTROC Annual General Meeting and the Office of Local Government Workshop following the successful Centroc bid to be a Pilot Joint Organisation (JO) of Councils.

At the CENTROC Annual General Meeting Cr Bill West (Mayor Cowra) was elected into the Chair role of CENTROC, Cr Gary Rush (Mayor of Bathurst) was elected as Deputy Chair with the balance of the Executive being Cr Ken Keith (Mayor of Parkes), Cr John Davis (Mayor of Orange), Cr Maree Statham (Mayor of Lithgow) and Cr Ron Penny (Mayor of Forbes).

Cr Ken Keith immediate past Chair of CENTROC was thanked for his leadership and advocacy work to date for the CENTROC region. Mid Western Regional Council was welcomed as a member.

Of note from the AGM was that the Board intends to meet in both Parliament House NSW and Parliament House Canberra again next year. The Annual Report was received including the financial statements. Notable was the ROI to CENTROC members of 10:1 on just grant funding in the past financial year.

Workshop kicking off the Future Joint Organisation Pilot

The CENTROC Board, CENTROC Staff and State department representatives took part in a Workshop conducted by Elton Consulting for the Office of Local Governments Fit for the Future Joint Organisation Pilot program.

The five main topics covered by the Central West Fit for Future Workshop and key comments and suggestions from the Facilitators were;

- Objectives and Functions
- Relationships and boundaries
- Entity and Governing body
- Enabling and resourcing
- Other Issues

Round table discussions with members, and state agencies provided advice which will become a draft action plan for the Pilot JO. A charter for the JO will be developed in due course.

The CENTROC Board meeting

Matters discussed and resolved at the Board meeting include:

Water Security – 2 workshops conducted by State Water held in Forbes progressed the

investigation of a possible site for a future water storage on the Belubula in the context of urban water security for the region.

The Board had resolved to lodge a submission to the Green Paper on Agricultural Competitiveness.

Transport Infrastructure – CENTROC representatives will be meeting with Transport for NSW for an update on the Bells Line of Road and the Outer Sydney Orbital corridor projects.

The Chair will be following up further details on freight rail, seeking advice on pathways to improve the freight rail issues in Central NSW.

Health – Follow up continues in advocating to the Federal Government with respect to the Funding for the Beyond the Range program and funding for health and medical infrastructure for councils.

Concerns regarding the size of the new Federal Primary Health Care footprint replacing the smaller Medicare Local boundaries, is also being pursued. The Board will also undertake further advocacy for the (PGPPP) Prevocational General Practice Placements Program.

Regional Development - The development of an Infrastructure Priority List for the region , a joint project with RDA Central West , is near completion for the water and transport components. This will be utilised to develop a regional advocacy plan for Centroc leading up to the next election.

Member Council operational support - noting the substantial amount of activity being undertaken collaboratively in support of member operations. This includes net savings to members under these programs since December 14 2009 of \$2.89m.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 31 **Item 1 CENTROC BOARD MEETING (07.00017)**
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the report on the CENTROC Board Meeting held 27 November 2014 in Blayney be noted.

2 MINUTES - AUSTRALIA DAY WORKING PARTY - 16 DECEMBER 2014 (23.00033)

Recommendation: That the information be noted.

Report: The minutes of the Australia Day Working Party held on 16 December 2014 are shown at **attachment 1**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

32 Item 2 MINUTES - AUSTRALIA DAY WORKING PARTY - 16 DECEMBER 2014
(23.00033)

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That the information be noted.

MINUTE

33 Item 2.01 SUSPENSION OF STANDING ORDERS (23.00033)
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Standing Orders be suspended at 8.17 pm to conduct the Policy Committee Meeting.

MINUTE

34 **Item 2.02 RESUMPTION OF STANDING ORDERS (23.00033)**
MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That Council resume Standing Orders at 10.21 pm

MINUTE

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

MOVED: Cr G Westman SECONDED: Cr W Aubin

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

Mr B Trimming - asked for clarification as to why Item #3 in the Director Corporate Services & Finance Report was being considered in Confidential Committee.

The General Manager advised that the matter involved commercial negotiations.

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 RESIDENTIAL TENANCY AGREEMENT - LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED PURCHASE AND SUBDIVISION OF PART LOT 2 DP785243 PIPER STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW COMMUNICATION INFRASTRUCTURE FOR LOT 1 DP6334401 LOCATED IN MCPHILLAMY PARK, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

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

DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

4 FEBRUARY 2015

MINUTE

- a Item 1 RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT A DP158048
KNOWN AS 215 DURHAM STREET, BATHURST (22.01218)
MOVED: Cr B Bourke SECONDED: Cr M Coote

That Council approves entering into a new Residential Tenancy Agreement for Lot A DP158048 known as 215 Durham Street, Bathurst with Ms Tania Paama and Mr Dale Blattman for a period of twelve (12) months with an option period of twelve (12) months, as detailed in the report.

MINUTE

b Item 2 PROPOSED PURCHASE AND SUBDIVISION OF PART LOT 2 DP785243 PIPER STREET BATHURST (22.10180)

MOVED: Cr M Morse SECONDED: Cr G Westman

That Council enters into negotiations with the owners of Lot 2 DP785243 Piper Street Bathurst to purchase and subdivide a portion of land as detailed in the report.

MINUTE

**c Item 3 PROPOSED NEW COMMUNICATION INFRASTRUCTURE FOR LOT 1
DP6334401 LOCATED IN MCPHILLAMY PARK, MT PANORAMA (08.00007)
MOVED: Cr W Aubin SECONDED: Cr I North**

That Council approves, in principle, the development and relocation of the New South Wales Rural Fire Service (RFS) radio paging system to a Council owned facility at part Lot 1 DP6334401 McPhillamy Park Mt Panorama, as detailed in the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

4 FEBRUARY 2015

MINUTE

d Item 1 TENDER FOR NETWASTE REGIONAL TYRE COLLECTION AND PROCESSING
(14.00007)

MOVED: Cr I North SECONDED: Cr M Coote

That Council:

- (a) Not accept any tender, as the single tender did not meet the needs of the participating NetWaste Councils
- (b) Participate with NetWaste in an investigation and negotiation process in order to identify suitable servicing arrangements that provide cost competitive and environmentally advantageous outcomes for the management of tyre waste for the participating NetWaste Councils.

MINUTE

36 RESOLVE INTO OPEN COUNCIL
MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That Council resume Open Council.

MINUTE

37 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr W Aubin SECONDED: Cr I North

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

MINUTE

38 MEETING CLOSE

The Meeting closed at 10.28 pm.

CHAIRMAN: _____

Date: _____ **(18 February 2015)**