



POLICY COMMITTEE

27 August 2014

His Worship the Mayor & Councillors

Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 3 September 2014

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 3 September 2014 commencing at 6.00 pm.

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

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 3 SEPTEMBER 2014

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 5 AUGUST 2014

4. 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.

5. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

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

8. DISCUSSION FORUM OTHER - Nil

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 5 AUGUST 2014 (07.00064)

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

Report: The Minutes of the Policy Committee Meeting held 5 August 2014, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 AUGUST 2014
(07.00064)

MOVED: Cr I North SECONDED: Cr B Bourke

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

MINUTES OF THE POLICY COMMITTEE
HELD ON 5 AUGUST 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

RESOLVED: That the apologies from Crs Hanger & Morse and the apology for late arrival from Cr Aubin be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 JULY 2014 (07.00064)
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 2 July 2014 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr M Coote and **SECONDED** Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

Cr Aubin arrived at the meeting.

10 **Item 5 SMOKING RESTRICTIONS IN TOWN (04.00123)**

Cr North - could smoking restrictions in town be reviewed, so as to determine future directions?

11 **Item 6 PROCTOR PARK SOCCER FIELDS NO 1 & NO 2 (04.00044)**

Cr North - noted there are drainage problems on soccer fields and the surface has issues. Are there any plans to fix the surfaces?

The Director Engineering Services spoke of usage levels and various needs. Currently no specific funded plans for fields. This is a matter for future budgets.

12 **Item 7 HERITAGE STREET LAMPS - PAINTING & LIGHTING (28.00014 & 20.00019)**

Cr Aubin - thanked staff for the works on painting lamp standards. Noted 11 street lights in CBD area are currently out (for a long time). Could we get Essential Energy to fix?

13 **Item 8 SMOKING IN CBD (04.00123)**

Cr Aubin - would support a ban on smoking in the CBD. Suggested matter be referred to a Working Party for discussion.

14 **Item 9 ENTRANCES TO THE CITY: TENDERS (36.00524)**

Cr Aubin - asked where is the process for tenders for the entrances to the city at?

The Director Engineering Services advised the tenders have just closed and will be reported to Council in the near future.

15 **Item 10 SOLID WASTE (14.00007)**

Cr Coote - noted ANL has expressed interest in collecting waste.

The Manager Water & Waste noted tender is currently out for this service.

16 **Item 11 FENCING OLD SECTION OF CEMETERY (09.00009)**

Cr Coote - asked is there a plan to fence the old section of the cemetery? Could this matter be reviewed?

The Director Engineering Services advised Council has previously determined not to do this.

17 **Item 12 RAGLAN CREEK (31.00006)**

Cr Coote - noted Raglan Creek is currently being dredged, where is this up to? Has had a resident express concern at blockages in creek near Lee Street behind Bunnings.

The Director Engineering Services advised that in the Lee Street area adjacent to Bunnings, Council has applied to do some clearing, currently awaiting a response from the relevant Government Department.

18 **Item 13 NRL EVENT (18.00296)**

Cr Coote - congratulated all staff on how the NRL event ran, it was very successful from all feedback.

19 **Item 14 KANGAROOS ON MOUNT PANORAMA (14.00665)**

Cr Jennings - asked what is the current status of Fauna Management at Mount Panorama? Can some of the funding for the second track go to environmental works?

The General Manager and Director Engineering Services advised the current status of;

- UTS study

- second track development
- fencing being installed.

20 **Item 15 DESTINATION MANAGEMENT PLAN (37.00421)**

Cr Jennings - queried what is the current status of the Destination Management Plan?

The Mayor spoke to advisory committee process and review of draft documents.

The Director Environmental, Planning & Building Services expects plan to be available in the next 2-3 months.

21 **Item 16 2015 AMBASSADOR (20.00153)**

Cr Jennings - asked who are we getting as the 2015 Ambassador?

The Mayor advised Council is looking at various options and will be meeting with Paula Duncan in the near future.

22 **Item 17 POST OFFICE BUILDING (22.00041)**

Cr Jennings - asked what is current level of usage and possibility of Council utilising some of this for Council operations.

The General Manager spoke to efficiencies of Council operations, staffing numbers & expansion on the current site.

23 **Item 18 KEPPEL STREET PARKING (25.00039)**

Cr Jennings - asked has the parking in Keppel Street (between Legall and The Hub) been reviewed?

The Director Engineering Services will review this matter and advise.

24 **Item 19 CENTRAL WEST LIFESTYLE MAGAZINE (24.00001)**

Cr Jennings - understands the Magazine has approached Council about advertising in the magazine.

The Director Environmental, Planning & Building Services noted Council will be taking a quarter page advertisement. Council works to utilise available funds to achieve the best return on investment.

25 **RESUMPTION OF STANDING ORDERS 11.00002**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Standing Orders.

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

26 **CONFIDENTIAL COMMITTEE OF THE WHOLE**
MOVED Cr I North and **SECONDED** Cr M Coote

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

There we no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CAR PARKING LICENCE AGREEMENT WITH BERNARDI GROUP PTY LIMITED	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who

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

- a** **Item 1 CAR PARKING LICENCE AGREEMENT WITH BERNARDI GROUP PTY LIMITED (22.13408)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) agree to enter into a Car Parking License Agreement with Bernardi Group Pty Limited for a period of five (5) years;
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council; and
- (c) enact the resolution immediately.

RESOLVE INTO OPEN COMMITTEE

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 28** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr I North and **SECONDED** Cr M Coote

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

MEETING CLOSE

29 **MEETING CLOSE**

The Meeting closed at 6.37 pm.

CHAIRMAN: _____

Date: _____ **(20 August 2014)**

MINUTE

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

RESOLVED: That the Declaration of Interest be noted.

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

POLICY COMMITTEE

3 SEPTEMBER 2014

1 CONTROL OF OPEN BURNING POLICY (13.00030, 41.00089)

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

Report: In 2009 Council adopted the Control of Open Burning Policy. The objective of the Policy was to establish guidelines for safe burning on private land with minimal health and environmental impact.

The Control of Open Burning Policy has operated for the past five years. Council received feedback from stakeholders that the policy required updating to ensure ease of use and to facilitate members of the public being able to determine their requirement for a Council issued open burning approval.

As a result, the policy has been reviewed and updated to simplify assessment criteria and to include a flow chart highlighting the varying open burning requirements and limits. This flow chart will provide a simple guide that should help most residents decide if their open burning is permitted and whether it requires approval or not.

The draft policy and flow chart was sent to key stakeholders (NSW Police, NSW Fire and Rescue and NSW Rural Fire Service) for their consideration and the feedback has been both positive and helpful. Suggestions for improvement have been incorporated where practicable and a response has been given to stakeholders regarding their feedback and its inclusion into the policy.

The updated Policy is provided at **attachment 1**.

Financial Implications: Council may experience an increase in the number of open burning applications, however this will be covered by existing Council resources.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.11
- 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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read "D R Shaw". The signature is written in a cursive style with a large loop at the end.

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

POLICY COMMITTEE

3 SEPTEMBER 2014

1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 30 JULY 2014 (07.00096)

Recommendation: That the recommendations of the Audit & Risk Management Committee Meeting held on 30 July 2014 be adopted.

Report: The minutes of the Bathurst Regional Council Audit and Risk Management Committee Meeting held on 30 July 2014 are shown at **attachment 1**.

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
- 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 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 30 JULY 2014 (07.00096)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 30 July 2014 be adopted.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES

POLICY COMMITTEE

3 SEPTEMBER 2014

1 NSW LIBRARIES CONFERENCE, 11-14 NOVEMBER 2014 (MUDGEE) (18.00127)

Recommendation: For Council's determination.

Report: Council has been advised that the NSW Libraries Conference will be held this year in Mudgee from the period 11-14 November 2014, a copy of the provisional program for the conference is provided at **attachment 1**.

Council delegates to the Libraries Association are Councillors Bourke and Westman and are automatically approved to attend the conference.

Cr Morse has requested permission to attend the conference on behalf of Bathurst Regional Council.

Financial Implications: Cost of the conference per delegate is \$495.00. Accommodation and outgoings would be in addition to this.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.7
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

7 Item 1 NSW LIBRARIES CONFERENCE, 11-14 NOVEMBER 2014 (MUDGE)
(18.00127)

MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED: That Council authorise the attendance of Cr Morse to the NSW Libraries Conference, with associated costs.

Yours faithfully



Janelle Middleton
ACTING DIRECTOR
CULTURAL & COMMUNITY SERVICES

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

8 Item 1 CCTV: ENGAGING BUSINESS (07.00106)

Cr Jennings - asked has any work occurred on CCTV?

The Director Cultural Community Services advised Council has written to police, currently starting to collect data on this matter.

MINUTE

9 Item 2 SECOND RACE TRACK (07.00084)

Cr Jennings - asked has Council received any money from the Government and where is the second track proposal at?

The Mayor advised negotiations on land are continuing.

The Director Environmental, Planning & Building Services advised consultant has been appointed for acoustical report.

The Director Corporate Services & Finance advised a meeting with Department of Sport & Recreation is to be held this week to discuss arrangements for Government funding.

MINUTE

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

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

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

MINUTE

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

Cr Jennings - asked has Council considered this facility?

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

MINUTE

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

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

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

MINUTE

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

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

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

MINUTE

14 Item 7 AMBASSADOR PAULA DUNCAN (20.00020)

Cr Jennings - asked where is this at?

The Mayor noted documentation has been provided to Paula Duncan.

MINUTE

15 Item 8 HOSPITAL (18.00035)

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

MINUTE

16 Item 9 CARILLON (04.00021)

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

MINUTE

17 Item 10 SUTTOR/BRADWARDINE ROAD ACCIDENTS (25.00047)

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

MINUTE

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

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

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

MINUTE

19 Item 12 HECTOR PARK (04.00010)

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

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

MINUTE

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

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

MINUTE

21 Item 14 WATER TOWER: CLAIRVAUX LANE (32.00001)

Cr Coote - asked where is the water tower at Clairvaux Lane at?

The Director Engineering Services advised funding will be considered in the 2015/16 Budget.

MINUTE

22 Item 15 MACHATTIE PARK: ROBINSON GATES - KEPPEL STREET
(04.00012)

Cr Coote - asked can the Robinson Gates in Machattie Park on Keppel Street be cleaned up?

MINUTE

23 Item 16 GEORGE STREET WORKS (NEAR OLD FIRE STATION SITE)
(28.00016)

Cr Coote - asked what is happening here? The area has granite all over the place and unpaved footpaths need work.

The Director Engineering Services advised matter will be reviewed, works are planned for the unpaved area.

MINUTE

24 **SUSPENSION OF STANDING ORDERS**
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the Standing Orders be suspended to allow Council to deal with the Discussion Forum.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS AND MINUTES

POLICY COMMITTEE

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

Recommendation: That the information be noted.

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

The proposal is fully described in the report to Council at its meeting held 16 July 2014 which can be found at **attachment 2**.

Council, at its Ordinary Meeting held 16 July 2014, resolved to defer consideration of Development Application 2014/0044 to allow further public consultation to occur on matters of concern that have been raised including noise, traffic and environmental hazards.

The proposal involves:

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

(see plan of proposed development at **attachment 3**, Statement of Environmental Effects at **attachment 4** and Noise Assessment at **attachment 5**).

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

The nearest non-associated dwellings are located approximately 235 metres to the west (81 Marys Lane), 470 metres to the north-east (10 Evans Plains Road) and 630 metres to the south-west (54 Marys Lane). An existing boarding kennel also operates at 113 Evans Plains Road approximately 1 km to the south-east.

Initial consultation process

The Development Application was notified in accordance with Council's Interim Development Control Plan. Notification was sent to those six properties which adjoin or are directly adjacent to the subject land.

The Development Application was notified to the adjoining and adjacent property owners

from 25 February 2014 to 7 March 2014. At the closure of the notification period a total of two submissions had been received. Further late submissions were received after the closure of the notification period (see initial submissions at [attachment 6](#)).

An initial discussion forum was convened by Director Environmental, Planning & Building Services on 3 April 2014 (see minutes of discussion forum at [attachment 7](#)). Issues raised in the submissions and at the initial discussion forum included:

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

Current consultation process

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

The properties notified of the Development Application are illustrated in [attachment 8](#).

Further submissions were received as a result of this further notification period (see additional submissions at [attachment 9](#)).

Amongst the additional submissions are:

- A letter of support for the proposal;
- Two letters from the applicant;
- A letter of objection from a resident group with 15 signatories; and
- An email from Roads and Maritime Services (RMS).

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

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

The resident group has commissioned its own review of the Noise Assessment prepared by Wilkinson Murray. A copy of this review prepared by can be found at [attachment 10](#).

Following the Discussion Forum the application will be referred to Council for determination .

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

25 Item 1 DEVELOPMENT APPLICATION NO 2014/0044 - USE OF EXISTING BUILDING AS CATTERY, CONSTRUCTION OF A BUILDING FOR USE AS A DOG BOARDING KENNEL AND ADVERTISING SIGNAGE AT 108 MARYS LANE, DUNKELD. APPLICANT: MR B MCHUGH. OWNER: MR B MCHUGH & MRS S OSBORNE-MCHUGH (DA/2014/0044)

The Mayor gave an introduction to the session.

C McDiarmid – Resident

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

D Baldwin – Resident

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

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

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

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

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

- (2) Investigations and considerations undertaken

The Director Environmental, Planning and Building Services noted Council wrote to people who had lodged submissions to seek further input. Any further data supplied will be dealt with in the report to Council.

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

M Worthington

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

Wilkinson Murray relies on Industrial Noise Policy (INP) and doesn't take into account the

Noise Guide for Local Government.

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

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

B Sewell – Animal Studies Teacher

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

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

W Fitzpatrick

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

S McHugh – Applicant

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

T Cosgrove

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

B McHugh – Applicant

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

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

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

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

R Little – Neighbour

Was stated by prior speaker, has not complained about the other kennel. Wish it to be noted he had put in a formal complaint.

MINUTE

26 RESUMPTION OF STANDING ORDERS (DA/2014/0044)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council resume Standing Orders.

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

27 Item 17 COVERS OVER PLAYGROUNDS (04.00006)

Cr North - asked will Council look at the grants mentioned by Cr Jennings for playground covers?

The Director Engineering Services spoke to usage of shade covers. Will review matter.

MINUTE

28 Item 18 HEALTH COMMITTEE (18.00035)

Cr North - have had issues raised by hospital staff about lack of support and various issues. When will meeting occur?

The Mayor gave current status of review and proposed meeting with Health Committee in the near future.

MINUTE

29 Item 19 STANDPIPES: SOUTHERN SIDE OF TOWN (13.00031)

Cr North - have had approaches about standpipes on the southern side of town, could a report come to Council?

MINUTE

30 **Item 20** **PEDESTRIAN CROSSINGS (28.00007)**

Cr North - noted there are concerns about signage at pedestrian crossings, could we look at sign type used. e.g. brighter ones?

MINUTE

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

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

MINUTE

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

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

The Director Engineering Services advised the matter is being investigated.

MINUTE

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

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

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

MINUTE

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

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

MINUTE

35 Item 25 LOCAL GOVERNMENT WATER CONFERENCE (18.00074)

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

MINUTE

36 Item 26 ANTI-GRAFFITI DAY (20.00045)

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

MINUTE

37 Item 27 COMMUNITY GARDEN (22.02574)

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

MINUTE

38 MEETING CLOSE

The Meeting closed at 7.42 pm.

CHAIRMAN: _____.

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