



BATHURST
REGIONAL
COUNCIL

Register of Planning Decisions 2021

IN ACCORDANCE WITH SECTION 375A OF THE LOCAL
GOVERNMENT ACT 1993

ORDINARY MEETING OF COUNCIL - 17 NOVEMBER 2021

8 2.3 DEVELOPMENT APPLICATION NO. 2021/190 - PROPOSED DEMOLITION, CHANGE OF USE TO RECREATION FACILITY (GYM), PARTIAL DEMOLITION, ADDITIONS AND ALTERATIONS TO BUILDING, CONSTRUCT CARPARK AND INSTALL SIGNAGE - LOT 11 DP 1266801, 7 KEPPEL STREET, BATHURST
Councillor Jennings declared a non-pecuniary significant interest and left the Chamber.

Reason: CEO of Australian Milling Museum which has an interest in residing as a tenant at Tremains Mill complex.

Councillor Fry declared a non-pecuniary non-significant interest and left the Chamber.

Reason: Provided 2 compost seats funded by an EPA Grant to Tremains Mill precinct.

MINUTE

RESOLUTION NUMBER: ORD2021-393

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED:

That Council as the consent authority:

- a. defer consideration of Development Application 2021/190.
- 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 and Cr A Christian

Against the Motion - Cr I North, Cr J Fry, Cr G Hanger, Cr M Morse , Cr W Aubin and Cr J Rudge

Absent - Nil

Abstain - Cr J Jennings

MINUTE

MOVED: Cr G Hanger

Procedural Motion

That the motion be put.

That MOTION LAPSED for want of a SECONDER
Bathurst Regional Council Register of Planning
Decisions 2021 17/06/2022 12:54 PM

MINUTE

MOVED: Cr G Hanger SECONDED: Cr M MORSE

RESOLVED:

That Council:

- a) Support the variation to Clause 5.6 “Parking, Access and Manoeuvring Areas”, Clause 5.8 “Open Areas and Fencing” and Clause 14.3 “Car Parking” of Bathurst Regional Development Control Plan 2014.
- b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2021/190, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:

Electricity Infrastructure

1. Compliance with any requirements of Essential Energy, including but not limited to, the following:

- a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.
- b) Prior to any demolition works commencing, any service line/s to the property must be disconnected.
- c) The applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available in accordance with industry standards.
- d) Essential Energy’s records indicate that there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- e) Prior to carrying out any works, a “Dial Before You Dig” enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).
- f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Land Contamination

1. Demolition works must not commence onsite, until such time as a Construction Certificate has been obtained.
1. Prior to the issue of any Construction Certificate, additional investigations must be undertaken by a suitably qualified and experienced Contaminated Land Consultant to determine the extent and status of the ash fill located on the North-Western side of Lot 11 DP 1266801.

The additional investigations must be carried out in accordance with the results and recommendations of the Preliminary Contamination Investigation Report prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).

1. Should the additional contaminated land investigations identify that remediation work is necessary to ensure that the site is suitable for the development, then a Remediation Action Plan (RAP) must be prepared that addresses the contamination identified and sets out how the site can be made suitable for its intended use including methodology, clean-up criteria and validation procedures. The RAP must be prepared in accordance with:

- a) Council's Contaminated Land Policy. Please note the requirements specified in Council's policy for consultant's reporting and for site audits.
- b) The Managing Land Contamination: Planning Guideline (1998).
- c) State Environmental Planning Policy No 55 – Remediation of Land.
- d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
- e) The National Environment Protection (Assessment of Site Contamination) Measure 1999.
- f) The Contaminated Land Management Act 1997.

1. A Validation Report must be provided to Council along with the Summary Report and Notice of Completion required under Clause 17(2) of State Environmental Planning Policy No 55 – Remediation of Land to confirm that the remediation has been completed generally in accordance with the RAP and that the site is suitable for the development. The Validation Report must be prepared in accordance with:

- a) Council's Contaminated Land Policy.
- b) The Managing Land Contamination: Planning Guideline (1998).
- c) State Environmental Planning Policy No 55 – Remediation of Land.
- d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
- e) The National Environment Protection (Assessment of Site Contamination) Measure 1999.
- f) The Contaminated Land Management Act 1997.

Any recommendations identified in the Validation Report shall be binding on the development.

1. A Site Management Plan (has the same meaning as an Environmental Management Plan defined in the Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme), if required to make the site suitable for the development, must be submitted to Council for approval. The plan must address what land use restrictions are required, any ongoing monitoring requirements and what responses should be made to any unsatisfactory monitoring results. The Site Management Plan must be prepared in accordance with:

- a) Council's Contaminated Land Policy. Please note the requirements specified in Council's policy for consultants reporting and for Site Audits.
- b) The Managing Land Contamination: Planning Guideline (1998).
- c) State Environmental Planning Policy No 55 – Remediation of Land.
- d) Relevant NSW Environment Protection Authority (EPA) Guidelines.
- e) The National Environment Protection (Assessment of Site Contamination) Measure 1999.
- f) The Contaminated Land Management Act 1997.

A restriction or covenant requiring compliance with the approved Site Management Plan must be registered on the title under Section 88E of the Conveyancing Act 1919 or Section 29(3) of the *Contaminated Land Management Act 1997*. Assistance must be provided to Council (including by executing relevant documents) to enable registration (without unreasonable delay) of the restriction or covenant. Council is to be named as the only party able to vary or release the restriction or covenant.

1. All construction, development and use shall be bound by the recommendations of the Validation Report or any Site Management Plan coming from the remediation of the site.

1. Remediation work is to be carried out by a suitably qualified and experienced contractor under the guidance of a Contaminated Land Consultant who meets the requirements of Council's Contaminated Land Policy in relation to reporting, certification and insurances.
1. A Construction Certificate shall be required for any structure required to carry out the remediation.
1. Adjoining property owners must be notified in writing of the commencement date of the remediation activities at least seven (7) days prior to remediation activities commencing on site. While the remediation activities are being undertaken the contractor must maintain a written record of any complaints received in relation to the conduct of the remediation. The written record must include each complainant's name and address, the time and date that each complaint was made, the nature of each complaint and the actions taken to address the complaint. The record may be requested by Council officers during the conduct of remediation, in which case the record must be made available to Council.

Any complaint received by the contractor in relation to the remediation activities must be notified to Council during Council business hours as soon as possible and in all cases no later than 2 business days following the date that the complaint was received by the contractor.

While the remediation activities are being undertaken the contractor must maintain a written record of any complaints received in relation to the conduct of the remediation. The written record must include each complainant's name and address, the time and date that each complaint was made, the nature of each complaint and the actions taken to address the complaint. The record may be requested by Council officers during the conduct of remediation, in which case the record must be made available to Council.

1. Remediation activities must not cause any environmental harm outside of the area nominated for remediation within the site. The remediation area is to be contained by a suitable barrier or fencing to prevent all unauthorised access. Erosion and sediment controls must be in place to prevent any soil leaving the remediation site. Runoff from areas of contaminated soil, whether in situ, stockpiled or in excavation pits, must not be permitted to leave the site without relevant testing or treatment.
1. Remediation activities must be managed to ensure that dust, odour, gases or fumes are not emitted beyond the boundary of the remediation site. Appropriate monitoring equipment may be necessary to demonstrate compliance with the condition.
1. All liquid and solid waste must be classified in accordance with the Protection of the Environment (Waste) Regulation 2014 and related guidelines.
1. All waste transported from the remediation site must be covered in a vehicle suitable for that waste material. There must be no tracking of soil onto public roads.
1. Any receiver of waste material must be properly licensed by the NSW Environment Protection Authority (EPA) to receive that waste. If a nonlicensed premises is intended to receive waste from the site then an approved notice within the meaning of Section 143(4) of the Protection of the Environment Operations Act 1997 (Section 143 notice) must be supplied prior to removal of the material from the remediation site.
1. Details of material removed including volume, mass, classification, destination and any Section 143 notices are to be included in the Validation Report.
1. Prior to the commencement of any works, an Unexpected Finds Protocol must be prepared by a suitably qualified and experienced Contaminated Land Consultant. The Unexpected Finds Protocol must:

- a) Describe the procedures to be implemented if suspected contamination is identified onsite.
- b) Be prepared in accordance with the results and recommendations of the Preliminary Contamination Investigation Report prepared by Envirowest Consulting, dated 3 April 2018 (Reference No. R9144c1).

1. If any unidentified material not previously identified as part of an investigation are uncovered during the development, then all works shall stop immediately in that area and Council be contacted. Works are not to recommence until approval has been received from Council. Depending upon the nature and the significance of the material, further assessment may be required before further work can continue in that area. Unexpected finds include but are not limited to:

- a) Suspected contamination in the form of ash, staining, discolouration, odours, underground petroleum storage systems or suspected asbestos containing material; or
- b) Suspected Aboriginal relics in the form of tools, artwork, bones etc; or
- c) Suspected non-Aboriginal heritage relics not previously identified.

Signage and Lighting

- 1. The approved signage must not be illuminated or flood lit.
- 1. The installation of exterior lighting to all vehicular manoeuvring and parking areas. The exterior lighting 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.

- 1. Any security lighting of unattended premises must use a motion detector sensor switch.
- 1. All external lighting (excluding minimum security lighting) must be switched off outside of the approved operating hours, which are as follows:

Mondays to Fridays 4:00am to 9:00pm
Saturdays and Sundays 6:00am to 4:00pm

Heritage Conservation

- 1. Prior to the issue of Construction Certificate, a methodology is to be provided demonstrating how demolition works are to occur to ensure the least amount of impact on the heritage significant building D.
- 1. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

The existing railway lines on the site are to remain in situ. Works to the carparking area are not to damage, alter, remove or cover these tracks.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

1. To reduce the visibility of the roof-mounted solar energy system, panels must not be installed on the awning located off the North-Eastern side of the gym building (Building E) or to the very edge of the roof.
1. Prior to the issue of any Construction Certificate, details of the colours and materials to be incorporated into the brick fencing and metal gate are to be provided to Council for endorsement. Bricks are to be in strong Autumn tones.

Vehicular Access, Bicycle Parking, Car Parking and Development Contributions

1. The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE 1: If other hard standing, dust free and weatherproof surfaces are proposed instead of concrete, a proposed alternative surface control and ongoing site management plan must be submitted to Council for written approval prior to the alternative being accepted.

1. The provision of at least eighteen (18) car parking spaces in the carpark on the north eastern side of the gymnasium in a manner that is in accordance with Australian Standard AS 2890.1 – 2004 Car Parking and Council's Offstreet Car Parking Code.
1. The payment to Council of \$134,721.30 for the provision of carparking within the Bathurst CBD in accordance with Council's Section 94 or 7.11 Contributions Plan "Bathurst CBD Car Parking" (being the equivalent of 7 spaces).

All monetary contributions are to be paid prior to the issuing of any Occupation 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 or 7.11 Contribution Plans may be inspected at Council's offices.

1. Group fitness classes are not permitted to be carried out on the land in association with the approved recreation facility (indoor).
1. The provision of at least four (4) designated bicycle parking spaces on the subject land in accordance with the approved Site Plan and Council's Development Control Plan.

Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclists own lock and chain.

Water and Sewer Headworks Charges

1. The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000.

The developer will have to contribute the sum of \$2,227.50 water headworks plus \$2,167.20 sewer headworks before the Certificate of Compliance will be issued.

Trade Waste

1. Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.

1. Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under Section 68 of the Local Government Act 1993 from Council.

The completed approval must be obtained prior to the occupation of the building(s).

The conditions of the approval are to be complied with in all respects.

1. The applicant is to install back flow prevention, devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

Fencing

1. Prior to the issue of any Construction Certificate, amended plans are to be submitted to Council which demonstrate that the proposed fencing will be designed so as not to:

- a) Include any sliding gate (or other similar gate) that would cause adverse noise impacts when opening/closing.
- b) Include any gate or fencing that would impede vehicular access throughout the carpark. Manoeuvring area is to be provided within the site to enable all vehicles servicing the development to enter and leave the site in a forward direction in accordance with AUSTRROADS Passenger Vehicle Swept Path.
- c) Impede access to car parking spaces No. 12 to 14 (as identified on the approved Site Plan) from Manilla Street.

Crime Prevention

1. The development is to be carried out in accordance with the Crime Prevention Through Environmental Design (CPTED) Assessment Report (prepared by Brett Moulds Design and Drafting, Issue A, dated 26 April 2021).

1. Lighting must meet the minimum Australian standard for public streets, car parks and pedestrian access. To improve the safety of the development and reduce crime risk, it is recommended that the following actions be implemented onsite:

- a) Install lighting from walkways to the Gym.
- b) Install sensor lighting or similar at all access points, including the rear of the premises.
- c) Ensure all lighting is vandal resistant.
- d) Install CCTV cameras inside and outside the premises.
- e) Install an intruder alarm system.
- f) Install signage in a clearly visible location throughout the site (around entrance/exit points) which states:
 - i) "CCTV cameras in use 24 hours".
 - ii) "Alarm system in use 24 hours".
 - iii) "Trespassers will be prosecuted".
- g) Ensure all entry points are fitted with appropriate door locks.

Noise

1. Music noise levels generated from the premises must not exceed the following:

Time of Day	Maximum Noise Level
Day and Evening (7:00am to 10:00pm)	80dB(A) _{Leq}
Night (10:00pm to 7:00am)	65dB(A) _{Leq}

1. All windows, doors and openings on the North-Western façade of the gym building fronting Manilla Street must remain closed at all times.
1. All windows, doors and openings on the North-Eastern façade of the gym building fronting the carpark must remain closed between the hours of 4:00am to 7:00am and 6:00pm to 9:00pm. Entry to the gym must be via the South-Eastern doors from the internal walkway during this timeframe.
1. To reduce the noise impacts of the development on the surrounding residential area, all staff and patrons must be encouraged to utilise all available onsite carparking. Parking on the public road must only be utilised when the onsite carpark is full. It is recommended that this requirement be adopted as a condition of membership.
1. The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land, the location and means of access to the carparking area.
1. Prior to the issue of any Occupation Certificate, signage must be installed in a prominent position at the entrance to the carpark, which states the following (or to a similar effect):

“Please respect our neighbours. Congregating in the carpark must be kept to a minimum during early morning hours”.

1. Resilient flooring must be provided within the active areas of the gym, and in particular within any open or free weight areas. Indicatively, this could consist of an isolated flooring system topped with Regupol Everroll or 25mm thick Olympact tiles. Other systems may also be considered subject to the written support of an Acoustic Engineer.

Prior to the issue of any Construction Certificate, the location and type of all required resistant flooring must be clearly identified on the Floor Plans.

1. Detailed acoustic design of all mechanical plant must be undertaken prior to the issue of any Construction Certificate. An Acoustic Report must be commissioned to determine the acoustic treatments (including plant vibration isolation) needed to ensure that all new plant items will avoid impacts on nearby development and comply with the acoustic requirements of Council and the NSW Environment Protection Authority (EPA). Reference should be made to the Gym Noise Impact Assessment Report prepared by Acoustic Logic, dated 5 August 2021.

1. The development shall only be conducted:

- a) on Mondays to Fridays inclusive between the hours of 4:00am and 9:00pm.
- b) On Saturdays to Sundays inclusive between the hours of 6:00am to 4:00pm.

1. 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.

- 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 I North, Cr B Bourke, Cr A Christian, Cr G Hanger, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Cr J Fry,

Absent - Nil

Abstain - Cr J Jennings

ORDINARY MEETING OF COUNCIL - 22 SEPTEMBER 2021

8 2.3 DEVELOPMENT APPLICATION 2019/367 - DEMOLITION OF COMMERCIAL BUILDING AND PART DWELLING, CONSTRUCT FOOD AND DRINK PREMISES WITH DRIVE-THROUGH, CHANGE FROM DWELLING TO OFFICE - 103-105 STEWART STREET, BATHURST. APPLICANT: MCDUCK. OWNER: J GULLIFER

MINUTE

RESOLUTION NUMBER: ORD2021-318

MOVED: Cr J Fry SECONDED: Cr W Aubin

RESOLVED:

That Council:

- a. require the financial contribution towards water and sewer headworks for Development Application 2019/367 as currently noted in the development consent: and
- 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 I North, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Cr B Bourke and Cr A Christian

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 22 SEPTEMBER 2021

8 2.4 MODIFICATION OF DEVELOPMENT APPLICATION NO. 2020/317 - RURAL WORKERS DWELLING – LOT 3 DP 809151 – 250 FITZGERALDS VALLEY ROAD FITZGERALD VALLEY NSW 2795

MINUTE

RESOLUTION NUMBER: ORD2021-319

MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) not support the Modification of Development Consent Application No. 2020/317 to delete Condition No. 1, relating to the payment of Development Contributions under the following Section 7.11 plans:

Section 7.11 (formerly S94) Development Contributions Plan – Bathurst Regional Community Facilities, 2014.

Section 7.11 (formerly S94) Development Contributions Plan – Bathurst Regional Rural Roadworks, 2014.

(b) as the consent authority, refuse consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Modification of Development Consent Application No. 2020/317, for the following reasons:

- 1) In accordance with Clause 1.6(b) of *Development Contributions Plan – Bathurst Regional Community Facilities 2014*, a Development Contribution is required to be paid to Council prior to the release of a Construction Certificate as the proposal involves the development of a rural workers dwelling.
- 2) In accordance with Clause 1.6(b) of *Development Contributions Plan – Bathurst Regional Rural Roadworks 2014*, a Development Contribution is required to be paid to Council prior to the release of a Construction Certificate as the proposal involves the development of a rural workers dwelling.
- 3) It would not be in the public interest to waive the requirements for payment of Development Contributions in this case as there is a clear relationship between the development and the infrastructure identified in the respective Section 7.11 Development Contributions Plans.

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 I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 22 SEPTEMBER 2021

[8.2.5 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN AMENDMENT NO 25](#)

MINUTE

RESOLUTION NUMBER: ORD2021-348

MOVED: Cr J Fry SECONDED: Cr M Morse

RESOLVED:

That Council:

- (a) adopt the Bathurst Regional Development Control Plan amendment as outlined in this report;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 18 AUGUST 2021

8 1.3 DEVELOPMENT APPLICATION NO. 2019/146 - PROPOSED TEN (10) LOT INDUSTRIAL SUBDIVISION
- LOT 301 DP 1194865 - HAVANNAH STREET BATHURST NSW 2795. APPLICANT: JOHN HOLLAND RAIL

MINUTE

RESOLUTION NUMBER: ORD2021-282

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) support Development Application No. 2019/146 pending further negotiation with the applicant or the Minister;
- (b) note that subject to these negotiations the Development Application will be determined under delegated authority;
- (c) notify those that made a submission and Heritage NSW 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 I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 18 AUGUST 2021

8 1.6 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT NO 24

MINUTE

RESOLUTION NUMBER: ORD2021-285

MOVED: Cr A Christian SECONDED: Cr M Morse

RESOLVED:

That Council:

- (a) adopt the Bathurst Regional Development Control Plan amendment as outlined in this report;
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- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 18 AUGUST 2021

8 1.7 BATHURST LOCAL ENVIRONMENTAL PLAN 2014 - BATHURST HOSPITAL HELICOPTER OBSTACLE IDENTIFICATION SURFACE

MINUTE

RESOLUTION NUMBER: ORD2021-310

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED:

That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning, Industry & Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 as outlined in this report;
- (b) forward the Planning Proposal to the NSW Department of Planning, Industry & Environment to request a gateway determination;
- (c) accept any delegations from the NSW Department of Planning, Industry & Environment in relation to this Planning Proposal; 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 I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 JULY 2021

9 2.3 DEVELOPMENT APPLICATION NO. 2020/313 - PROPOSED SINGLE-STOREY CARETAKER'S DWELLING AND SHED WITH ATTACHED CARPORT (GOLDFIELDS) - LOT 66 DP 1177441, 428 CONROD STRAIGHT MOUNT PANORAMA. APPLICANT BOTHAM HOMES

MINUTE

RESOLUTION NUMBER: ORD2021-241

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) Reaffirm points (a) and (b) of Resolution No. ORD2021-138, made at the Ordinary Meeting of Council held on 19 May 2021, being:
-

***Ordinary Meeting of Council held on 19 May 2021
Resolution Number: ORD2021-138***

That Council:

- (a) *support the variation to Clause 8.4 "Noise Reference Contour" of Bathurst Regional Development Control Plan 2014.*
- (b) *as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/313, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, including but not limited to:*
-

***Conditions that must be Satisfied Prior to the Consent Becoming Operative
(Deferred Commencement)***

- 1) *Prior to the operation of this consent, separate retrospective Development Consent must be sought from Council for the change of use from the existing dwelling to tourist and visitor accommodation (coach drivers' accommodation).*

During Construction

- 2) *Unless otherwise approved by Council, the exterior colours and materials of the building are to be of muted natural tones.*
-

- 3) *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.*

Prior to the Issue of Occupation Certificate

- 4) *Prior to the issue of any Occupation Certificate, the capacity of the existing sewer pumping station must be tested by a qualified plumber to determine whether it can also service the additional effluent loading of the proposed dwelling and shed.*
-

If it is determined that the capacity of the existing sewer pumping station is insufficient, then the necessary upgrades must be carried out and inspected by Council, prior to the issue of any Occupation Certificate.

- 5) *Prior to the issue of any Occupation Certificate, the proposed dwelling and shed are to be connected to the existing effluent management system.*

Use of Site

- 6) *Any fencing to be established around the approved caretaker's dwelling must*

enclose an area of no more than 1,200m².

- 7) *The approved dwelling must only be occupied by caretaker(s) of the site and their family. The dwelling is not permitted to be used for the purposes of tourist and visitor accommodation, education, functions and/or any other commercial purpose, without prior Development Consent from Council.*
 - 8) *All onsite operations involving the use of machinery, 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.*
 - 9) *The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.*
 - 10) *Clearing of native vegetation is prohibited unless it is in accordance with the provisions of the Biodiversity Conservation Act 2016, as amended and the Local Land Services Act 2013, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Chapter 9 of Bathurst Regional Development Control Plan 2014 as amended. All vegetation must be checked for hollows or active nests prior to felling. If any fauna species are known to inhabit a hollow or nest then an ecologist is to be consulted on the appropriate form of removal and felling that does not result in the death of the animal, and evidence kept of such consultation.*
-

(b) that a division be called.

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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr I North and Cr J Rudge

Against the Motion - Cr M Morse

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 JULY 2021

9 2.5 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE

MINUTE

RESOLUTION NUMBER: ORD2021-243

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning, Industry and Environment Guidelines to update Schedule 5 Environmental Heritage of Bathurst Regional Local Environmental Plan 2014;
- (b) forward the Planning Proposal to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination;

- (c) accept any delegations from the NSW Department of Planning, Industry and Environment in relation to this Planning Proposal; 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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 16 JUNE 2021

8 2.4 DEVELOPMENT APPLICATION 2021/219 – TWO LOT RESIDENTIAL SUBDIVISION AT 290A PIPER STREET, BATHURST. APPLICANT: MR R KRAJCER. OWNER: MR R & MRS L KRAJCER

MINUTE

RESOLUTION NUMBER: ORD2021-176

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council

- 1) support the variation to the 550m² minimum lot size development standard pursuant to Clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lot 211;
- 2) as consent authority, grant consent pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 2021/219, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979; and
- 3) 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 A Christian, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - Cr J Fry

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 16 JUNE 2021

8 2.5 DEVELOPMENT APPLICATION 2021/114 – TWO LOT RESIDENTIAL SUBDIVISION AT 293 STEWART STREET, BATHURST. APPLICANT: MR T CLARK. OWNER: MR T & MRS C CLARK

MINUTE

RESOLUTION NUMBER: ORD2021-177

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

RECOMMENDATION:

That Council

- (a) support the variation to the 550m² minimum lot size development standard pursuant to Clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lot 102;
- (b) as consent authority, grant consent pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 2021/114, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979; 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 A Christian, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - Cr J Fry

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 16 JUNE 2021

8.2.6 DEVELOPMENT APPLICATION 2021/60 - ALTERATIONS AND ADDITIONS TO DWELLING - LOT 18

DP 758065, 256 PIPER STREET, BATHURST. OWNER & APPLICANT: MR A HANGER

Cr Hanger declared pecuniary interest in item 8.2.6 and left the Chamber.

Reason: Son is the applicant.

MINUTE

RESOLUTION NUMBER: ORD2021-178

MOVED: Cr J Rudge SECONDED: Cr M Morse

RESOLVED:

That Council

- 1) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2021/60, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

-
- (a) Certain trees proposed to be removed are able to be cleared, with the exception of a single eucalypt, deemed to be in good health, and of value.
-

-
- 2) notify those that made submissions of its decision; and
 - 3) 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 A Christian, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge
Against the Motion - nil
Absent - Cr J Fry and Cr G Hanger
Abstain - Nil

ORDINARY MEETING OF COUNCIL - 16 JUNE 2021

8 2.7 BATHURST INTEGRATED MEDICAL CENTRE - PUBLIC PRIVATE PARTNERSHIP

MINUTE

RESOLUTION NUMBER: ORD2021-179

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED:

That Council:

- 1) authorise the General Manager to notify the Office of Local Government of Council's intentions to consider a Public-Private Partnership with respect to the proposed Integrated Medical Centre and associated multi-level carpark;
- 2) seek professional legal advice on the agreement between the parties;
- 3) authorise the General Manager to provide the concurrence of the land owner to the lodging of a Development Application for the multi level car park component of the development, subject to satisfactory internal review of the plans for the proposed multi level car park; and
- 4) 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 A Christian, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge
Against the Motion - nil
Absent - Cr J Fry
Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 MAY 2021

8 1.3 DEVELOPMENT APPLICATION NO. 2021/36 - TWO STOREY DWELLING WITH ATTACHED GARAGE & INGROUND SWIMMING POOL AT 235 BENTINCK STREET, BATHURST. APPLICANT: MR D NICOLL. OWNER: MR D NICOLL

MINUTE

RESOLUTION NUMBER: ORD2021-137

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2021/36, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

1) Prior to the issue of the Construction Certificate the developer is to submit to Council a final schedule of colours and finishes for the approval of Council.

- (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 J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr J Rudge

Against the Motion - nil

Absent - Cr A Christian and Cr I North

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 MAY 2021

8 1.4 DEVELOPMENT APPLICATION NO. 2020/313 - PROPOSED SINGLE-STOREY CARETAKER'S DWELLING AND SHED WITH ATTACHED CARPORT (GOLDFIELDS) - LOT 66 DP 1177441, 428 CONROD STRAIGHT MOUNT PANORAMA. APPLICANT BOTHAM HOMES

MINUTE

RESOLUTION NUMBER: ORD2021-138

MOVED: Cr M Morse SECONDED: Cr J Rudge

RESOLVED:

That Council

- (a) support the variation to Clause 8.4 "Noise Reference Contour" of *Bathurst Regional Development Control Plan 2014*.
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Development Application No. 2020/313, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:
-

Conditions that must be Satisfied Prior to the Consent Becoming Operative (Deferred Commencement)

- 1) Prior to the operation of this consent, separate retrospective Development Consent must be sought from Council for the change of use from the existing dwelling to tourist and visitor accommodation (coach drivers' accommodation).

During Construction

- 2) Unless otherwise approved by Council, the exterior colours and materials of the building are to be of muted natural tones.
- 3) 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.

Prior to the Issue of Occupation Certificate

- 4) Prior to the issue of any Occupation Certificate, the capacity of the existing sewer pumping station must be tested by a qualified plumber to determine whether it can also service the additional effluent loading of the proposed dwelling and shed.

If it is determined that the capacity of the existing sewer pumping station is insufficient, then the necessary upgrades must be carried out and inspected by Council, prior to the issue of any Occupation Certificate.

- 5) Prior to the issue of any Occupation Certificate, the proposed dwelling and shed are to be connected to the existing effluent management system.

Use of Site

- 6) Any fencing to be established around the approved caretaker's dwelling must enclose an area of no more than 1,200m².
 - 7) The approved dwelling must only be occupied by caretaker(s) of the site and their family. The dwelling is not permitted to be used for the purposes of tourist and visitor accommodation, education, functions and/or any other commercial purpose, without prior Development Consent from Council.
 - 8) All onsite operations involving the use of machinery, 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.
 - 9) The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.
 - 10) Clearing of native vegetation is prohibited unless it is in accordance with the provisions of the *Biodiversity Conservation Act 2016*, as amended and the *Local Land Services Act 2013*, *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, Chapter 9 of *Bathurst Regional Development Control Plan 2014* as amended. All vegetation must be checked for hollows or active nests prior to felling. If any fauna species are known to inhabit a hollow or nest then an ecologist is to be consulted on the appropriate form of removal and felling that does not result in the death of the animal, and evidence kept of such consultation.
-

- (c) that a division be called.

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 J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr J Rudge

Against the Motion - nil

Absent - Cr A Christian and Cr I North

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 19 MAY 2021

8 1.5 DEVELOPMENT APPLICATION NO. 2021/91 SHED AT 10 MATTHEWS STREET, WINDRADYNE.

APPLICANT: MS C KOEKEMOER BATHURST SHEDS. OWNER: MR T HUTCHISON AND MS C GRACEY

MINUTE

RESOLUTION NUMBER: ORD2021-167

MOVED: Cr J Rudge SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2021/91, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
 - 1) The shed is not be used for commercial or industrial purposes;
- (b) notify those that made submissions of its decision; and
- (c) that a division be called.

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 J Fry, Cr G Hanger, Cr J Jennings, Cr J Rudge

Against the Motion - Cr M Morse

Absent - Cr A Christian and Cr I North

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 APRIL 2021

8 2.3 DEVELOPMENT APPLICATION NO. 2020/305 – DEMOLITION OF DWELLING, PARTIAL DEMOLITION OF DWELLINGS, ADDITIONS & ALTERATIONS TO DWELLINGS AND TWO STOREY MOTEL AT 99-103 DURHAM STREET, BATHURST. APPLICANT: BRETT MOULDS DESIGN & DRAFTING. OWNER: MR L SINGH

MINUTE

RESOLUTION NUMBER: ORD2021-94

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED:

RECOMMENDATION:

That Council:

- a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/305, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
-
- 1) The plans be amended showing privacy screens on first floor north-east elevation windows and on the openings in the ground floor car park;
 - 2) Demolition cannot commence until a Construction Certificate has been issued for the infill development;
 - 3) A boundary fence is to be constructed between the subject land and 97 Durham Street to prevent pedestrian and vehicular access.
-
- 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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 APRIL 2021

8 2.4 DEVELOPMENT APPLICATION NO. 2020/92 – HIGHWAY SERVICE CENTRE AT 5350 GREAT WESTERN HIGHWAY, RAGLAN. APPLICANT: STEVENS GROUP PTY LTD. OWNER: MR L CUTLER

MINUTE

RESOLUTION NUMBER: ORD2021-96

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

RECOMMENDATION:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/92, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- 1) Prior to the issue of any Construction Certificates the developer is to submit to Council amended plans with the separate price board sign removed.
- 2) Prior to the issue of any Construction Certificates the developer is to submit to Council amended plans showing a 50 metre wide agricultural buffer around the development site that includes an earth mound and substantial landscaping.
- 3) Prior to the issue of any Construction Certificates the developer is to submit to Council a detailed lighting design and associated compliance report. All lighting associated with the development is to be designed and installed in accordance with Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting*.
- 4) Prior to the issue of the construction certificate the developer is to submit to Council for approval a Soil and Water Management Plan, approved for implementation by a Certified Professional in Erosion and Sediment Control.
- 5) In addition to implementation of the recommendations in the Noise Impact Assessment, operational noise is not to exceed the levels identified in the table below at the nearest non-associated residences

Period		Project Noise Trigger Level (dB(A) LAeq, 15min)
Day	7am to 6pm Mon to Sat or 8am to 6pm Sun and Pub Hol.	54
Evening	6pm to 10pm	47
Night	10pm to 7am Mon to Sat or 10pm to 8am Sun and Pub Hol.	39
Shoulder	10pm to 12am.	43
Shoulder	5am to 7am.	39

- 6) The recommendations of the Crime Risk Report are to be implemented.
- 7) The developer is to comply with any requirements of Transport for NSW (TfNSW), including the following:

Prior to issuance of a Construction Certificate

- *A Works Authorisation Deed (WAD) is to be entered into between the developer and TfNSW, unless TfNSW otherwise agrees, in writing, to undertake the works as part of the TfNSW Raglan project. All development-related road works are at the developer's cost.*
- *Prior to issuance of a Construction Certificate, the proponent is to submit to Council a revised site plan that shows:*
 - *A total of 6 marked Heavy Vehicle parking spaces and 40 dedicated Light Vehicle parking spaces (not including refuelling bays). A lesser number of spaces may be supported where a report is prepared by a professional engineer or transport planner, with reference to Council's Development Control Plan for light vehicles, and in the case of heavy vehicles, Austroads Guidelines for the Provision of Heavy Vehicle Rest Area Facilities Appendix F Equation A8, along with calculations and comparisons from other sites being provided demonstrating that less parking is adequate.*

Note 1 - this condition is to ensure that parking demand generated by the development does not impact the public domain or traffic safety.

Note 2 - a combination of 19m to 30m space lengths may be used to accommodate the heavy vehicle requirement.

Prior to the commencement of Works

- *Prior to commencement of works the proponent is to submit to the Principal Certifier proof that a Construction Traffic Management Plan (CTMP) has been prepared to the satisfaction of Council and TfNSW.*
- *Detailed design plans for all works within the road reserve are to be submitted to and approved by TfNSW prior to works commencing on the site. Design drawings are to be in accordance with the condition below and integrate fully with the TfNSW Raglan project design.*

Prior to issuance of an Occupation Certificate

- *Vehicular access and egress to the site from the Great Western Highway is to be designed and constructed to include the following:*
 - *A deceleration lane treatment at the site entry in accordance with Figure 5.1 of the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements, with a length of at least 120m including taper but excluding the exit curve which is to have a design speed of no less than 20 km/h, or equivalent design to the satisfaction of TfNSW.*
 - *An acceleration lane treatment on departure from the site in accordance with Figure 5.4 of Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements, with a length of at least 263m including taper but excluding the entry curve which is to have a design speed of no less than 40 km/h, or equivalent design to the satisfaction of TfNSW.*
 - *The acceleration lane treatment is to include shoulder works to facilitate and retain low-traffic heavy vehicle access between the highway and the existing stockpile area and unformed road reserve immediately east of the development site. Additionally, shoulder widening is to be provided at the easternmost runout area of the acceleration lane, to improve safety at the final merge with the Great Western Highway eastbound through lane.*
 - *Drainage transitions, including provision of culvert crossings to match or exceed the hydrological and hydraulic capacity of the roadside drainage proposed as part of the Raglan project.*
 - *Facilities to protect pedestrians waiting at the bus bay from errant vehicles, and adequate separation between the bus bay and deceleration lane to ensure indicator lights for vehicle movements into the bus bay or the site will not be confused.*
 - *Ancillary works to facilitate the approved development, including (but not limited to) lighting, line marking, signage, batter slopes, pedestrian connectivity, vegetation removal, services relocation, and road reserve widening dedication.*
 - *Design of the site accesses and internal circulation must accommodate all design vehicles up to and including 26m B-Doubles, Performance Based Standards (PBS) Level 2B combinations (nominally 30m in length), and 14.5m length x 2.55m width (restricted access) rigid coaches*
- *Prior to issuance of an Occupation Certificate, the proponent must submit to the Principal Certifier proof that TfNSW has accepted all works within the road reserve for opening to traffic, with the following requirements:*
 - *TfNSW may still require defects to be rectified and/or retain the applicant's bond securities after such acceptance.*
 - *Interim or temporary works may be accepted by TfNSW and Council if the*

development is ready for occupation before the adjacent highway carriageway is constructed, provided that TfNSW retains a bond security or payment adequate to guarantee completion of the ultimate (approved) developer works.

- *If the TfNSW Raglan project works fronting the site become substantially delayed in the opinion of TfNSW, such interim access works shall be of an equivalent safe, high-speed, durable standard to the ultimate (approved) developer works while also allowing for future highway duplication (e.g. line and level), and any unspent bond securities or payments are to be refunded by TfNSW after satisfactory completion of works and any applicable defects liability periods have concluded.*
- *Following road widening acquisition by the TfNSW Raglan project, this section of the highway will become a declared Controlled Access Road (CAR). Prior to any Occupation Certificate, the developer shall take all actions required to have the DA- approved access arrangements between the highway and the site formally gazetted by TfNSW as part of the CAR declaration, in accordance with Section 70 of the Roads Act 1993 and TfNSW requirements.*

During Construction and Operation

- *Unless traffic management is undertaken by the TfNSW Raglan project team, a Road Occupancy Licence (ROL) is required prior to any works commencing within three (3) metres of the travel lanes of the Great Western Highway, or work that has potential to impact highway traffic flow, such as the use of traffic control devices or signage to protect workers. Please contact 1300 656 371 or <https://myrta.com/oplinc2/> for further information to apply for a ROL. A Traffic Control Plan prepared by a TfNSW accredited person is to be submitted as part of the ROL application.*
- *In the event of TfNSW's Raglan project activities resulting in reasonable temporary disruption of service availability to the site, such disruptions are to be borne by the developer at no cost or claim against TfNSW unless otherwise agreed in writing.*
- *At all times during construction and operation, vehicles, equipment and materials shall be contained outside of the road reserve, except to the extent that a temporary work zone within the road is necessary for construction and is approved by Council and TfNSW. All vehicle movements between the highway and the site are to be in a forward direction only.*
- *All signage is to meet the requirements of SEPP No. 64 (Advertising and Signage) and the Transport Corridor Outdoor Advertising and Signage Guidelines (DPE, 2017) including requirements for luminance limits and static-only digital displays with minimum dwell and maximum transition times.*

(b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr I North, Cr J Rudge

Against the Motion - Cr M Morse

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 APRIL 2021

MINUTE

RESOLUTION NUMBER: ORD2021-97

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Modification of Development Application No. 2020/16, by;

1) Approving the amended plans.

- (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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 APRIL 2021

8 2.7 CONTROLS RELATING TO SECONDARY DWELLINGS ON LAND IN A RURAL ZONE

MINUTE

RESOLUTION NUMBER: ORD2021-100

MOVED: Cr J Jennings SECONDED: Cr J Rudge

RESOLVED:

That Council:

- (a) advise the Department of Planning, Industry and Environment to incorporate the proposed Controls relating to secondary dwellings on land in a rural zone clause (clause 5.5) into the Bathurst Regional Local Environmental Plan 2014; and

- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - 21 APRIL 2021

8 2.10 PROPOSED INTEGRATED MEDICAL CENTRE - MULTI STOREY CAR PARK

MINUTE

RESOLUTION NUMBER: ORD2021-104

MOVED: Cr A Christian SECONDED: Cr I North

RESOLVED:

That Council, without prejudice:

- (a) confirm its preparedness to allow the parking requirement of the proposed Bathurst Integrated Medical Centre and for future development of the Bathurst RSL Club to be located in a new multi level car parking station on the Council owned George Street (RSL) car park land (Lot 11 DP 1160748) subject to the following requirements:
-

- 1) the final design, construction cost estimate and cost apportionment are acceptable to Council;
 - 2) a future resolution of Council creates a budget allocation through the normal budget processes of Council;
 - 3) Council's monetary contribution be capped;
 - 4) a Traffic Impact Assessment determines the capacity of the car parking station is adequate, vehicle entry, exit and circulation arrangements are acceptable and a satisfactory level of service is retained on the local road network;
 - 5) whole of life maintenance costs are determined and provided for to Council's satisfaction;
 - 6) all other matters the subject of Council's due diligence be concluded satisfactorily;
 - 7) Office of Local Government acceptance is gained should the project be deemed a Public Private Partnership.
-

- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL - CONFIDENTIAL - 17 FEBRUARY 2021

13 1.1 PROPOSED BATHURST PRIVATE HOSPITAL AND RANKIN STREET CARPARK

MINUTE

RESOLUTION NUMBER: CONF2021-7

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

- (a) That Council continue discussions with the proponents of the Bathurst Integrated Medical Center and George Street Carpark and implement the actions arising from this report.
- (b) Council advise the developer that it supports this proposal in principle.
- (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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 17 FEBRUARY 2021

[7 1.3 DEVELOPMENT APPLICATION NO. 2020/299 – FOUR LOT RURAL SUBDIVISION AT 4985 GREAT WESTERN HIGHWAY, GLANMIRE. APPLICANT: VOERMAN & RATSEP. OWNER: NEWTON RURAL PTY LTD](#)

MINUTE

RESOLUTION NUMBER: ORD2021-35

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED:

That Council:

- (a) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.1 of the Bathurst Regional Local Environmental Plan 2014 and the associated Lot Size Map for the subject land for the creation of proposed Lot 3;
- (b) support the variation to the 100 hectare minimum lot size development standard pursuant to Clause 4.2B of the Bathurst Regional Local Environmental Plan 2014 for the erection of a future dwelling on proposed Lot 3;
- (c) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/299, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended; 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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North

Against the Motion - nil

Absent - Cr J Rudge

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 3 FEBRUARY 2021

8 2.3 DEVELOPMENT APPLICATION 2020/87 - HIGHWAY SERVICE CENTRE AT 214 SYDNEY ROAD, KELSO. APPLICANT: VODA BUILDING SERVICES. OWNER: MR N THEOBALD.

MINUTE

RESOLUTION NUMBER: ORD2021-7

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2020/87, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended
- (b) Notify those who made submissions; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 3 FEBRUARY 2021

8 2.4 DEVELOPMENT APPLICATION 2020/217 - PROPOSED INSTALLATION OF TWO NEW LIGHT TOWERS AND REPLACEMENT OF TWO EXISTING LIGHT TOWERS - GEORGE PARK - LOT 7324 DP 1157012 - 189 BROWNING STREET BATHURST NSW 2795

MINUTE

RESOLUTION NUMBER: ORD2021-8

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That Council:

- (a) support the variation to Clause 4.3 “Height of Buildings” of *Bathurst Regional Local Environmental Plan 2014*.

(b) as the consent authority, grant consent pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Development Application No. 2020/217, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:

1. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

2. To keep glare to a minimum, the main beam angle of all lights is to be kept below 70 degrees.
3. All lighting must be designed and installed so that no obtrusive light will be cast onto any adjoining property or in an upward manner. Shields and baffles must be used to reduce spill light to a minimum.

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

4. All exterior sports lighting must be switched off between the hours of 10:00pm and 7:00am.
5. The lighting is to be designed to the principles and guidelines of the Australian Standard "Sports Lighting" AS 2560, and any specific parts of the Standard.
6. A Lighting Assessment must be undertaken at the time of commissioning of the light towers and must demonstrate that all lighting (both new and upgraded) has been installed and operates in accordance with AS4282 "Control of the Obtrusive Effects of Outdoor Lighting". A copy of the Assessment Report must be provided to Council for endorsement, prior to the issue of any Occupation Certificate.
7. Other than for the purposes of installation and testing, the new and upgraded outdoor lighting must not be used until such time as an Occupation Certificate has been issued.
8. 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 [an Erosion and Sediment Control Plan developed in accordance with the Landcom Soils and Construction Volume 1 – "The Blue Book"](#) OR the International Erosion Control Association requirements.

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

(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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 3 FEBRUARY 2021

8 2.5 DEVELOPMENT APPLICATION 2020/417 - RELOCATABLE CLASSROOMS AT 4173 O'CONNELL ROAD. APPLICANT: SCOTS ALL SAINTS COLLEGE. OWNER: PRESBYTERIAN CHURCH PROPERTY TRUST

MINUTE

Director Corporate Services and Finance declared a non-pecuniary interest in this item and left the chambers.

Reason: Is an active member of the Bathurst Presbyterian Church.

RESOLUTION NUMBER: ORD2021-9

MOVED: Cr A Christian SECONDED: Cr J Jennings

RESOLVED:

That Council:

- (a) require a financial contribution towards water and sewer headworks for Development Application 2020/417 as currently noted in the development consent; and
- (b) call a division

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 3 FEBRUARY 2021

8 2.6 DEVELOPMENT APPLICATION 2020/428 - ALTERATIONS TO EXISTING CLASSROOMS AT 70 EGLINTON ROAD. APPLICANT: SCOTS ALL SAINTS COLLEGE. OWNER: PRESBYTERIAN CHURCH PROPERTY TRUST

MINUTE

Director Corporate Services and Finance declared a non-pecuniary interest in this item and left the chamber.

Reason: Is an active member of the Bathurst Presbyterian Church.

RESOLUTION NUMBER: ORD2021-10

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED:

That Council:

- (a) require a financial contribution towards water and sewer headworks for Development Application 2020/428 as currently noted in the development consent; and
- (b) call a division

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 3 FEBRUARY 2021

[8 2.7 DEVELOPMENT APPLICATION 2020/385 - DEMOLITION OF EXISTING DWELLING HOUSE, CONSTRUCTION OF TWO-STOREY DWELLING HOUSE AND REMOVAL OF TREES - LOT 11 DP 1099799, 165 ROCKET STREET BATHURST - APPLICANT: MR RB PORTER](#)

MINUTE

RESOLUTION NUMBER: ORD2021-11

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED:

That Council:

- (a) as the consent authority, grant consent to pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* to Development Application No. 2020/385, subject to conditions able to be imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, as amended, including but not limited to:

Heritage Conservation

1. Prior to the commencement of demolition, the developer is to submit to Council two (2) separate electronic copies of a photographic record, one for Council's records and one for the Bathurst & District Historical Society. The photographic record is to be prepared in accordance with the attached guidelines for the photographic recording of sites for which approval has been granted for the works. The photographic record must include measured drawings (Floor plan and Elevations) of the footprint of the original 1800's fabric if it still remains.

During demolition, a photographic record is required that captures information on the original construction methods.

2. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Department of Premier & Cabinet (Heritage), prior to the disturbance of the archaeological relics.

3. The cladding on the roof of the proposed building is to be of traditional corrugated profile.
4. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement dwelling.
5. Any materials suitable for reuse should be recovered and recycled wherever possible. Prior to the issue of any Construction Certificate, a Schedule of materials to be retained and reused is to be provided to Council.

Waste Management

6. Prior to any demolition the developer is to complete and submit to Council for approval a completed Council Waste Management Plan (enclosed). The Plan shall include, but not be limited to, the following:
 - a) The types of waste to be handled;
 - b) Volume of each waste;
 - c) Management and storage of waste;
 - d) Method of waste disposal;
 - e) Method of waste transport; and
 - f) Disposal location.
7. Upon completion of demolition work the developer is to submit to Council a finalised Waste Management Plan and proof of appropriate waste disposal at a licensed facility.
8. Upon completion of demolition work and prior to disposal for all material to be disposed of offsite, the developer is to complete and submit to Council a Report showing that a Waste Classification has been completed in accordance with NSW EPA Waste Classification Guidelines Part 1: Classifying waste.

Retaining Walls

9. The proposed retaining walls are to be constructed from concrete, brick/block or steel or a combination of these materials. Timber retaining walls are not permitted along or adjacent to boundaries.
10. The retaining wall to be located on the North-Western side of the dwelling house must be setback a minimum of 400mm from the North-Western boundary of Lot 11 DP 1099799.

Prior to the issue of any Construction Certificate, an amended Site Plan (to scale) is to be submitted to Council detailing that the proposed retaining wall will be setback a minimum of 400mm from the North-Western boundary.

Stormwater Management

11. All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to a legal point of discharge 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.

NOTE 2: All stormwater disposal from the proposed development is to be discharged to a legal point of discharge in Rankin Street.

12. 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.
13. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

Removal of Fences and Structures from Council's Road Reserve

14. The existing shed encroaching on the public road reserve is to be removed prior to any Occupation Certificate. Whilst the existing fence and vegetation may remain under the terms of this consent, it may require removal at the request of Council or other utility provider at any point in time. Any replacement fencing should be placed upon the property boundary.
15. If the work involved in the approved development:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,

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

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

NOTE 1: If the approved development requires the erection of temporary scaffolding, fencing or hoardings on the road or the footpath adjacent to the site, the applicant is to obtain further approval under the Local Government Act 1993 and/or the Roads Act 1993 from Council before work commences.

NOTE 2: Any such scaffolding, fencing, hoardings or awnings are to be removed when the work has been completed.

NOTE 3: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 3 FEBRUARY 2021

[8.2.8 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT NO 22](#)

MINUTE

RESOLUTION NUMBER: ORD2021-12

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

That Council:

- (a) adopt the Bathurst Regional Development Control Plan amendment as outlined in this report;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (c) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil

Abstain - Nil

ORDINARY MEETING OF COUNCIL AGENDA - 3 FEBRUARY 2021

[8 2.9 NATURAL DISASTERS LOCAL ENVIRONMENTAL PLAN CLAUSE](#)

MINUTE

RESOLUTION NUMBER: ORD2021-13

MOVED: Cr I North SECONDED: Cr J Fry

RESOLVED:

That Council:

- (a) advise the Department of Planning, Industry and Environment to incorporate the proposed Natural Disasters Clause (clause 5.9) into the Bathurst Regional Local Environmental Plan 2014; and
- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr I North, Cr J Rudge

Against the Motion - nil

Absent - nil
Abstain - Nil
