



ORDINARY MEETING OF  
COUNCIL FOLLOWING POLICY  
COMMITTEE

31 March 2010

His Worship the Mayor & Councillors

I have to advise that an Ordinary Meeting of **Bathurst Regional Council** will be held in the Council Chambers on Wednesday, 7 April 2010 commencing at approximately 6.00 pm (or immediately following the conclusion of the Policy Committee).

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

D J Sherley  
GENERAL MANAGER

# **BUSINESS AGENDA**

## **ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 7 APRIL 2010**

1. MEETING COMMENCES
2. APOLOGIES
3. 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.
4. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
  - \* Director Environmental Planning & Building Services' Report
  - \* Director Engineering Services' Report
5. RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS  
**Recommendation:** That:
  - (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
  - (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
  - (c) Correspondence and reports relevant to the subject business be withheld from access.

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

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

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

ITEM	SUBJECT	REASON FOR
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		CONFIDENTIALITY
1	PROPOSED TRANSFER OF HANGAR LEASE - BATHURST AIRCRAFT MAINTENANCE TO MEULMAN AND FULCHER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	APPLICATION TO CROWN, LOT 241 DP750357, 330 PANORAMA AVENUE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

6. RESOLVE INTO OPEN COUNCIL
7. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
8. MEETING CLOSE

## MINUTE

### 1 5.45 PM MEETING COMMENCES

**Present:** Councillors Toole (Chair), Aubin, Bourke, Hanger, Morse, North, Thompson, Westman.

**MINUTE**

**2**     **APOLOGIES**

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

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

**MINUTE**

**3     DECLARATION OF INTEREST**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That the following Declarations of Interest be noted.

CrToole

Item #2 of the Director Environmental, Planning & Building Services report.

General Manager

Item #2 of the Director Environmental, Planning & Building Services report.

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
7 APRIL 2010

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE  
ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE MEETING  
HELD ON 7 APRIL 2010**

General Manager  
Bathurst Regional Council

**1 CREMATORIUM AT VITTORIA STREET, WEST BATHURST. APPLICANT:  
NORWOOD PARK LIMITED. OWNER: BATHURST REGIONAL COUNCIL (2010/0436)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0436, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a crematorium which includes a chapel at Vittoria Street, West Bathurst, described as Lot 1, DP 739615. A location plan is provided at **attachment 1**.

The subject site is currently vacant land and is located within the grounds of the Bathurst Cemetery.

The proposal

The proposal involves the construction of a building that will accommodate:

- A cremator
- A 75 seat chapel
- Offices
- Amenities
- Car parking and driveways
- Landscaping

Plans of the proposed development are at **attachment 2** and the Statement of Environmental Effects at **attachment 3**.

Planning Context

*Bathurst Regional (Interim) Local Environmental Plan 2005*

The subject site is zoned 5(a) Special Uses – Public Purposes under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. A 'community building' is



permissible with consent in the 5(a) Special Uses – Public Purposes zone. The proposal is consistent with the objectives of the zone.

### *Assessment*

#### 1. Design, Materials & Streetscape

While the subject site is outside the Bathurst Conservation Area, it is nonetheless sensitive from an historical perspective. The Development Application was therefore referred to Council's Heritage Advisor for comment in relation to the impact of the proposed building on the streetscape in such a prominent location at the western gateway to the city. Council's Heritage Advisor raised some concerns about the proposed design and materials particularly in relation to the western elevation which is to be a blank Colorbond wall in "Surfmist" colour. Council's Heritage Advisor has made the following recommendations:

- Replication of the proposed concrete block walls (with charcoal texture) two or three times in front of the western elevation.
- Use of another colour from the Colorbond range instead of "Surfmist". Recommended colours include Shale Grey, Dune, Bushland, Pale Eucalypt, Wilderness.

Conditions will be imposed to ensure that the above recommendations are incorporated into amended plans to be submitted prior to the issue of the Construction Certificate.

#### 2. Access

Access to the crematorium will be via the existing internal road network through the cemetery from Bradwardine Road. There will be no direct access to Vittoria Street (the Mitchell Highway).

#### 3. Carparking

Council's Off-Street Car Parking Code prescribes a standard of 1 space per 10 seats for places of public worship (i.e. churches, chapels and the like). Applying this standard, a minimum of seven (7) car parks will be required based on a seating capacity of seventy-five (75) for the proposed chapel. While only three car parking spaces have been indicated on the plans, a condition will be imposed to ensure that a minimum of seven (7) designated car parks are provided. These additional spaces are considered necessary to provide convenient parking near the entrance of the crematorium for less mobile members of the community. As with graveside services in the cemetery, kerbside parking will occur in the vicinity of the crematorium for parking overflow.

#### 4. Landscaping

A condition will be imposed to ensure that a detailed landscape plan is lodged and approved prior to the issue of the Construction Certificate.

#### 5. Noise Pollution

As outlined in the Statement of Environmental Effects, noise generated by the actual cremator will be minimal. Noise generated by traffic entering and leaving the site will

also be minimal. It should be noted that there is significant background noise in the vicinity of the subject site from the Mitchell Highway. The proposal was referred to Council's Environmental Officer who raised no significant concerns with the noise impact of the proposal. A condition will be imposed to ensure that the cremator is regularly maintained to ensure quiet and efficient operation.

#### 6. Air Pollution

As outlined in the Statement of Environmental Effects, the impact of the proposed crematorium on air quality will be minimal. Specifications for both types of cremators being considered by Norwood Park Limited have been provided which demonstrate that odour and particle generation will be considerably less than those levels considered to be offensive or hazardous. The proposal was referred to Council's Environmental Officer who raised no significant concerns with the air quality impact of the proposal. A condition will be imposed to ensure that the cremator is regularly maintained to ensure air quality is maintained in the vicinity of the site.

#### 7. Legislative Requirements

The operation of a crematorium is generally not governed by any Council planning document or Australian Standard. The Australasian Cemeteries and Crematoria Association (ACCA) has however published *Environmental Guidelines for Crematoria and Cremators* published by the Australasian Cemeteries and Crematoria Association (ACCA). While this document is not legislation and compliance is voluntary, it is accepted as industry best practice and is therefore considered an appropriate benchmark. The development generally complies with this guideline. A condition will be imposed to ensure that the proposed crematorium adheres to the management strategies provided in this document and to the provisions of the *Public Health (Disposal of Bodies) Regulation 2002*.

#### 8. Amenity

Nearest neighbouring residences are located approximately 75 metres to the south of the subject site in Vittoria Street and approximately 350 metres to the north-west of the subject site in Opperman Way and Weal Place. The *Environmental Guidelines for Crematoria and Cremators* published by the Australasian Cemeteries and Crematoria Association (ACCA) prescribes a buffer of 200 metres between the emission stack and neighbouring residences with a minimum recommended buffer of 100 metres. Such buffers have not been achieved on the south side where the nearest neighbouring residences are located approximately 75 metres to the south in Vittoria Street. The reduced buffer on the south side is however considered appropriate for the following reasons:

- It is not the direction of prevailing winds;
- The development site is elevated above the residences; and
- Established vegetation provides a natural buffer.

#### Submissions

The Development Application was not specifically notified to adjoining neighbours due to the distance from the site to these properties and the separation by the surrounding road network. The Development Application was however advertised from 1 March 2010 to 15 March 2010. Following the advertising period a total of one (1) submission was received (see **attachment 4**).

While fully supportive of the proposed crematorium this submission from the Bathurst Regional Access Committee outlined a number of concerns about access for persons with a disability. These included the following:

- The provision of laybacks (suitably marked) and sealed pathways to any proposed memorial walls from the existing internal road network through the cemetery.
- The provision of laybacks (suitably marked) and sealed pathways to the entrance of the crematorium from the proposed car park and from other points along the existing internal road network through the cemetery.
- The provision of a hearing loop in addition to any PA system to accommodate those with hearing difficulties.

Each of the above concerns raised by the Bathurst Regional Access committee are considered appropriate and will be addressed with conditions of consent and/or in a letter of request to the developer, Norwood Park Limited.

### Conclusion

Council has received a Development Application (DA) for a crematorium including a chapel at Vittoria Street, West Bathurst. The subject site is zoned 5(a) Special Uses – Public Purposes under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. A 'community building' is permissible with consent in the 5(a) Special Uses – Public Purposes zone. While not notified to adjoining neighbours, the Development Application was advertised and one submission was received during the advertising period. Issues raised in the submission and those raised by Council's Heritage Advisor will be addressed with conditions of consent.

**Financial Implications:** Nil.

## MINUTE

**4 Item 1 CREMATORIUM AT VITTORIA STREET, WEST BATHURST.**  
**APPLICANT: NORWOOD PARK LIMITED. OWNER: BATHURST REGIONAL COUNCIL**  
**(2010/0436)**

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0436, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (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 Warren Aubin, Cr Bobby Bourke, Cr Graeme Hanger, Cr Monica Morse, Cr Ian North, Cr Ross Thompson, Cr Paul Toole, Cr Greg Westman

Against the motion - Nil

Absent - Cr Tracey Carpenter

Abstain - Nil

**2 SUBDIVISION - MCDONALDS, KFC, SERVICE STATION AND BULKY GOODS RETAIL DEVELOPMENT, PAT O'LEARY DRIVE, KELSO. APPLICANT: STEVENS GROUP - STEVENS HOLDINGS PTY LTD. OWNER: PAULS RETAIL PROPERTY PTY LTD (DA/2010/0286)**

**Recommendation:** That Council advise the JRPP that it supports the recommendation to approve Development Application 2010/0286.

**Report:** Council is in receipt of a Development Application for the subdivision of land at Pat O'Leary Drive, Kelso and subsequent development for the purposes of fast food restaurants, service station and bulky goods retail.

As the estimated capital investment of the development exceeds \$10 million the consent authority is the Joint Regional Planning Panel (JRPP) instead of Council. The Mayor and General Manager are members of the JRPP Council, though its officers retained responsibility for the co-ordination of the process and assessing the Development Application pursuant to Section 79C of the Environmental Planning & Assessment Act.

A copy of the Council officer's report to the JRPP is provided at **attachment 1**. Ultimately it is recommended that the JRPP approve the Development Application subject to conditions.

The JRPP will consider the Development Application at its meeting on 16 April 2010.

Council is entitled to make a representation to the JRPP outlining its position on the development. A Council submission is not a matter that must be specifically addressed in the assessment report or recommendations prepared by Council staff.

Therefore, Council's options are to:

1. Concur with Council officer's report and the recommendations contained within it; or
2. Concur with the Council officer's report and the recommendations within it subject to alteration; or
3. Disagree with the Council officer's report and recommend to the JRPP that the development application be refused for reasons to be outlined by Council.

**Financial Implications:** Nil.

**MINUTE**

**5 Item 2 SUBDIVISION - MCDONALDS, KFC, SERVICE STATION AND BULKY GOODS RETAIL DEVELOPMENT, PAT O'LEARY DRIVE, KELSO. APPLICANT: STEVENS GROUP - STEVENS HOLDINGS PTY LTD. OWNER: PAULS RETAIL PROPERTY PTY LTD (DA/2010/0286)**

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

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

**Reason: Member of JRPP**

**The General Manager declared a non-pecuniary interest in this item and left the Chamber and took no part in discussion.**

**Reason: Member of JRPP**

**RESOLVED:** That

- (a) Council advise the JRPP that it supports the recommendation to approve Development Application 2010/0286.
- (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 Warren Aubin, Cr Bobby Bourke, Cr Graeme Hanger, Cr Monica Morse, Cr Ian North, Cr Ross Thompson, Cr Greg Westman,

Against the motion - Nil

Absent - Cr Tracey Carpenter, Cr Paul Toole,

Abstain - Nil

Yours faithfully



D R Shaw  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

DIRECTOR ENGINEERING SERVICES' REPORT

7 APRIL 2010

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF  
COUNCIL FOLLOWING POLICY COMMITTEE MEETING HELD ON 7 APRIL 2010**

General Manager  
Bathurst Regional Council

**1 DEVELOPMENT SERVICING PLAN FOR WATER SUPPLY AND SEWERAGE  
SERVICES (20.00167)**

**Recommendation:** That Council:

- (a) place the draft March 2010 Development Servicing Plan for Water Supply and Sewerage Services on public exhibition, with public submissions invited;
- (b) inform the Urban Development Institute of Australia and the Housing Industry Association at least 10 working days before the start of the public exhibition period;
- (c) inform any developer who had applied for planning approval or for a compliance certificate under section 305 of the Water Management Act 2000 in the previous 6 months;
- (d) note that a further report will be presented once the exhibition period has closed, detailing the submissions, including the consultant's response to matters raised, and presenting and recommending adoption of the final plan; and
- (e) make provision for the new charges to be included in the Revenue Policy in the 2010/2011 Management Plan.

**Report: Introduction**

The NSW Department of Water and Energy (currently the NSW Office of Water, or NOW) Best-Practice Management of Water Supply and Sewerage Guidelines (August 2007) include Commercial Developer Charges as one of the main criteria in regards to pricing.

The appropriate charges are identified through the completion of a Development Servicing Plan (DSP) for Water Supply and Sewerage in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, Department of Land and Water Conservation, NSW, 2002. These guidelines are still current, and specify in detail the process which must be followed in completing and adopting a DSP.

Council has commissioned DLM Consulting to prepare the above Plan, which has now been completed to an exhibition stage in accordance with the guidelines. The Summary is at **attachment 1**, with the entire document at **attachment 2**.

The plan includes details of the area covered by the DSP, and the existing and proposed works servicing the area. The timing and expenditures for these works are also included.

The consultants have used data from a number of sources, including the AWT NZ Sewerage System Modelling and Assessment Report (the sewer model), the AWT NZ Water Supply Options Analysis (the water model), and the MWH Integrated Water Cycle Management Strategy Report.

**Background**



Developer charges are upfront charges levied to recover part of the infrastructure costs incurred in servicing new developments or additions/charges to existing developments. The power to levy developer charges for water supply and sewerage derives from Section 64 of the Local Government Act 1993, by means of a cross reference to sections 305 to 307 of the Water Management Act 2000.

The current charges in Council's Revenue Policy range from \$1,656.30 to \$4,492.80 per ET for water, and \$1,520.20 to \$2,305.00 per ET for sewer. There are different amounts for different areas of Bathurst.

ET is an abbreviation for equivalent tenement, and is considered to represent the demand a development (for example a "standard" house) could create on the water or sewer infrastructure. Council would continue to use the Water Directorate 2005 Guidelines on Section 64 Determinations of Equivalent Tenements to evaluate the potential demand from proposed residential, commercial and industrial developments.

### **Developer Charges**

The developer charges calculation is based on the net present value (NPV) approach, where the investment in assets for serving a development area is fully recovered from the development. The developer charge is determined by calculating the costs of providing the assets (capital charge) and deducting the cost recovered through annual bills (reduction amount).

The capital charge is determined by calculating the capital cost, and multiplying by a return on investment (ROI) factor. Existing and future assets are included in the capital cost with the exception of reticulation and renewal assets. For assets commissioned before 1970 only water supply headworks systems (dam, weir, water filtration plant, headworks pumping station and associated pipelines), and sewerage major works (wastewater treatment works, major trunk sewers, major pumping stations and rising mains) are included.

The ROI factor is based on the cost of early investment and recovery of cost over time, and allows for discounting of future income. The ROI is dependent on the time from commissioning to full take up of capacity, the investment and the discount rate.

The discount rate is 3%pa for pre 1996 assets, and 7%pa for post 1996 assets.

The reduction amount has been calculated using the NPV of annual charges approach, being one of three available. This is the most transparent method, is similar to IPART's method for the major water utilities (eg Sydney Water), and requires a 30 year financial plan.

### **Available Options**

- a) The guidelines allow for Council to adopt lower developer charges than calculated, provided that the value of the cross subsidy is reported annually. The draft plan has been prepared on the basis that the calculated charges will apply and that there will be no cross subsidies.
- b) Council has the option of adopting one of the agglomerated (that is, gathered into a cluster) developer charges options, or adopting a lower charge. The draft plan has been prepared on the basis that one of the agglomerated options will be adopted.
- c) Council has the option of adopting partially or fully agglomerated developer charges.

There are advantages and disadvantages for both choices, and different points of view to consider for each of the key stakeholders (land owner, developer, service provider, Council, community).

This is one of the reasons why extensive exhibition requirements are included in the guidelines (further details below).

For water, should Council resolve to adopt the partially agglomerated option, the calculated developer charge in Wentworth, Perthville and Mount Panorama would be \$10,938/ET, which is double that for areas serviced by Reservoirs at Nightmarch Parade and Raglan (both high and low level zones) at \$5,234/ET, and compares with \$3,944/ET for areas serviced by Reservoirs at Boundary Road, Kelso (both high and low level zones) and Windemere Road. For areas serviced by Reservoirs at Suttor Street and Blayney Road the charge would be \$2,305/ET. The option of a fully agglomerated developer charge calculates at \$4,531/ET.

On face value, it would be easy to put the argument that the partially agglomerated option would suppress future development at Wentworth, Perthville and Mount Panorama. The alternative fully agglomerated option would certainly be attractive to owners and developers in these areas.

For sewer, the same options exist, with partially agglomerated developer charges ranging from \$888/ET to \$11,335/ET for Boyd Street and Windradyne West to \$18,488/ET for Kelso-Raglan. The option of a fully agglomerated developer charge calculates at \$4,409/ET.

The Guidelines require at a minimum that where the capital charges for two or more services areas are within 30%, they should be agglomerated into a single DSP. Council then has the ability under the Guidelines to agglomerate further, including applying a single charge for the service across the entire Council service area.

While a single charge is administratively simple, there is a loss of price signalling to developers and both developers and Council are exposed to the risk of growth following a different pattern to that envisaged under the DSP process. This effectively means that costs could be over-recovered or under-recovered by Council.

The majority of the growth for Bathurst is expected to occur at the eastern and western extremities of urban centre. These development areas only have head works infrastructure in common. In the case of sewerage, they have significantly different capital charges. If Council were to agglomerate based on areas west of the Macquarie River, plus Eglinton, with the residual agglomerated to an 'eastern' agglomerated area, the risk of variations to growth reduce considerably, while still being simple to implement.

The east/west sewer agglomeration option results in charges of \$5,222/ET and \$4,002/ET respectively. The eastern area is 30% more expensive, which could have a significant impact on revenues if the assumed growth apportionment was shown to be inaccurate.

The east/west water agglomeration option results in charges of \$4,593/ET and \$4,503/ET respectively. Given the closeness of these charges, then the east/west water agglomeration provides no benefit, and the single overall water agglomeration charge would be a better option.

After considering the range of options above, it is considered that the approach with the greatest merit is for Council to adopt a single charge for water, and an east/west split for the sewer, as described above.

- d) The timing of the introduction of the new charges will also generate much debate. Looking at the timing requirements, the Council report following the submissions will most likely be the July or August Council meeting, and it would therefore seem appropriate to commence the new charges on 1 September 2010. This would be applicable for all new development consents, and also in regards to development consents issued, which have not yet obtained a certificate of compliance pursuant to Section 305 of the Water Management Act 2000 as at 31 August 2010.
- e) Another option available to Council is the phasing in of the new charges over a three year period, where the charges are significantly greater than those levied. The resulting cross subsidy (if any) would need to be disclosed. There are advantages and disadvantages with this option, including the resources required to administer the phase in, and the possibility that cross subsidies could result. Further, depending on the options adopted by Council, there could effectively be an incentive for developers to bring forward development that would otherwise have taken place later, in order to secure a saving on the new developer charges for water and sewer. However, it would give developers ample time to prepare for, and minimise the impact of, the new charges. It is recommended that Council not phase in the charges.

## **Exhibition**

Council should note the onerous requirements for exhibition of a DSP (Developer Charges Guidelines Clause 2.3.2):

*All draft DSPs must be publicly exhibited for at least 30 working days.*

*At least 10 working days before the start of the exhibition period for the Draft DSP, the utility must inform the Urban Development Institute of Australia and the Housing Industry Association. The utility should similarly inform any developer who had applied for planning approval, or for a compliance certificate under section 305 of the Water Management Act 2000 in the previous 6 months.*

*Water utilities need to allow developers access to the calculations of the developer charges. Copies of these calculations and the draft and final DSPs must also be provided to the above development industry associations.*

Council will receive a further report (anticipated to be the July or August 2010 Council meeting at this stage) once the exhibition period has closed, detailing the submissions, including the consultant's response to matters raised, and if appropriate presenting and recommending the adoption of the final plan. The adopted charges will need to be included as amendments to the Revenue Policy in the 2010/2011 Management Plan.

The adopted DSP needs to be registered with the State Government, in order to comply with Section 306(3) of the Water Management Act 2000 and the Developer Charges Guidelines.

## **Review/Update**

The DSP developer charges are to be reviewed after a period of 5 to 6 years. If the review indicates that the charges remain valid, they will apply for a further 5 to 6 years after the release of a public notice. However, should a new DSP be warranted, then a new DSP must

be prepared, as described above.

If a major change occurs in Council's circumstance, such as the need for significant capital works that had not been included in the DSP, then a review may be undertaken with State Government approval.

After adoption of the DSP, developer charges should be adjusted on 1 July each year on the basis of the change in the CPI for Sydney in the preceding 12 months to December, excluding the impact of the GST.

**Financial Implications:** Nil at this stage.

## MINUTE

### **6 Item 1 DEVELOPMENT SERVICING PLAN FOR WATER SUPPLY AND SEWERAGE SERVICES (20.00167)**

**MOVED: Cr R Thompson SECONDED: Cr I North**

**RESOLVED:** That Council:

- (a) place the draft March 2010 Development Servicing Plan for Water Supply and Sewerage Services on public exhibition, with public submissions invited;
- (b) inform the Urban Development Institute of Australia and the Housing Industry Association at least 10 working days before the start of the public exhibition period;
- (c) inform any developer who had applied for planning approval or for a compliance certificate under section 305 of the Water Management Act 2000 in the previous 6 months;
- (d) note that a further report will be presented once the exhibition period has closed, detailing the submissions, including the consultant's response to matters raised, and presenting and recommending adoption of the final plan; and
- (e) make provision for the new charges to be included in the Revenue Policy in the 2010/2011 Management Plan.

## **2 PROPOSED PARTIAL LANEWAY CLOSURE AND ACQUISITION FOR HOUSING NSW, VIEW STREET, KELSO (28.00016, 18.00037)**

**Recommendation:** That Council approve the proposed partial laneway closure and acquisition by Housing NSW of the laneway between View Street and Bell Park recreation reserve at Kelso, as shown in DP255195, and as detailed in the Director Engineering Services report. The road closure land is to be classified as Operational.

**Report:** Council has had discussions and meetings with representatives of Human Services Housing NSW regarding the development of a Community Renewal Strategy (CRS) for the Kelso Estate in the Bathurst Regional Council area.

The CRS involves significant upgrade works in Kelso including the subdivision of existing properties within the Estate. As most of the property is Crown land, Council's part in the development work will include the closure of redundant pathways.

For the upgrade to continue, Council has received an application from Human Services Housing NSW (refer **attachment 1**) for the Department's proposed closure and acquisition of property for inclusion in the re-development.

Council's information has revealed the laneway was advertised in Government Gazette dated 24 November 1978 in Folio 4854 as being a pathway dedicated as a public highway. Ownership of the laneway is under consideration by Council and the Department as Council considers that the Crown has care and control of highways. However to expedite the closure of the laneway (area 550m<sup>2</sup> approximately) as the roads authority, Council supports the laneway's closure.

Upon closure of the laneway, the land will vest in Council's name as operational land and will be transferred to Human Services Housing NSW at a peppercorn payment for consolidation into the Department's redevelopment of Kelso.

It is recommended that Council approve the proposed laneway's closure and the acquisition by Housing NSW for re-development. The road closure land is to be classified as Operational.

**Financial Implications:** Nil. Human Services Housing NSW will finance all legal and survey expenses regarding the laneway's closure.

**MINUTE**

**7 Item 2 PROPOSED PARTIAL LANEWAY CLOSURE AND ACQUISITION FOR HOUSING NSW, VIEW STREET, KELSO (28.00016, 18.00037)**

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

**RESOLVED:** That Council approve the proposed partial laneway closure and acquisition by Housing NSW of the laneway between View Street and Bell Park recreation reserve at Kelso, as shown in DP255195, and as detailed in the Director Engineering Services report. The road closure land is to be classified as Operational.

### **3 PROPOSED ACQUISITION BY HOUSING NSW OF LAND, PART LOT 49 DP806996, CRIPPS PLACE, KELSO (28.00016, 18.00037)**

**Recommendation:** That Council approve the proposed acquisition of the Recreation Reserve land being part Lot 49 DP806996 by Housing NSW for the extension of Cripps Place, Kelso, as detailed in the Director Engineering Services' report.

**Report:** Council has had discussions and meetings with representatives of Human Services Housing NSW regarding the development of a Community Renewal Strategy (CRS) for the Kelso Estate in the Bathurst Regional Council area.

The CRS involves significant upgrade works in Kelso including the subdivision of existing properties within the Estate. As most of the property is Crown land, Council's part in the development work will include the closure of redundant pathways, as required, provide park land for re-development and assistance where possible.

For the upgrade to continue, Council has received an application from Human Services Housing NSW (refer **attachment 1**) for the Department's proposed acquisition of recreational land (zoned Operational) contained in Lot 49 DP806996. The acquired land will form part of a section dedicated public road for the extension of Cripps Place providing pedestrian and vehicular access to Bannerman Crescent.

Council's information has revealed the recreational reserve was transferred to Council from the Department of Housing as park land on 15 April 2004 (refer **attachment 2**). The transfer of the property was subject to Council providing recreational facilities, a community centre for the community and general maintenance of the property.

For the transfer of the property (approximately 450m<sup>2</sup>), all legal expenses and survey fees will be met by the Human Services Housing NSW with Council to agree to the transfer of the land for a peppercorn payment.

It is recommended that Council approve the proposed acquisition of the Recreation Reserve land being part Lot 49 DP806996 by Housing NSW for the extension of Cripps Place, Kelso.

**Financial Implications:** Nil.



**MINUTE**

**8 Item 3 PROPOSED ACQUISITION BY HOUSING NSW OF LAND, PART LOT 49 DP806996, CRIPPS PLACE, KELSO (28.00016, 18.00037)**

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

**RESOLVED:** That Council approve the proposed acquisition of the Recreation Reserve land being part Lot 49 DP806996 by Housing NSW for the extension of Cripps Place, Kelso, as detailed in the Director Engineering Services' report.

#### **4 PROPOSED PARTIAL LANEWAY CLOSURE AND ACQUISITION FOR HOUSING NSW, CULNANE PLACE, KELSO (18.00037)**

**Recommendation:** That Council approve the proposed partial laneway closure and acquisition by Housing NSW of the laneway between Culnane Place and Bell Park recreation reserve at Kelso, as shown in DP255195, and as detailed in the Director Engineering Services report. The road closure land is to be classified as Operational.

**Report:** Council has had discussions and meetings with representatives of Human Services Housing NSW regarding the development of a Community Renewal Strategy (CRS) for the Kelso Estate in the Bathurst Regional Council area.

The CRS involves significant upgrade works in Kelso including the subdivision of existing properties within the Estate. As most of the property is Crown land, Council's part in the development work will include the closure of redundant pathways.

For the upgrade to continue, Council has received an application from Human Services Housing NSW (refer **attachment 1**) for the Department's proposed closure and acquisition of property for inclusion in the re-development.

Council's information has revealed the laneway was advertised in Government Gazette dated 24 November 1978 in Folio 4854 as being a pathway dedicated as a public highway (refer **attachment 2**). Ownership of the laneway is under consideration by Council and the Department as Council considers that the Crown has care and control of highways.

However to expedite the closure of the laneway (area 152m<sup>2</sup> approximately) as the roads authority, Council supports the laneway's closure.

Upon closure of the laneway, the land will vest in Council's name as operational land and will be transferred to Human Services Housing NSW at a peppercorn payment for consolidation into the Department's redevelopment of Kelso.

It is recommended that Council approve the proposed laneway's closure and the acquisition by Housing NSW for re-development. The road closure land is to be classified as Operational.

**Financial Implications:** Nil. Human Services Housing NSW will finance all legal and survey expenses regarding the laneway's closure.

**MINUTE**

**9 Item 4 PROPOSED PARTIAL LANEWAY CLOSURE AND ACQUISITION FOR HOUSING NSW, CULNANE PLACE, KELSO (18.00037)**

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

**RESOLVED:**That Council approve the proposed partial laneway closure and acquisition by Housing NSW of the laneway between Culnane Place and Bell Park recreation reserve at Kelso, as shown in DP255195, and as detailed in the Director Engineering Services report. The road closure land is to be classified as Operational.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
CONFIDENTIAL MINUTES

**MINUTE**

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

**MOVED: I North SECONDED: B Bourke**

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

**There were no representations from the public.**

**RESOLVED:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED TRANSFER OF HANGAR LEASE - BAHURST AIRCRAFT MAINTENANCE TO MEULMAN AND FULCHER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	APPLICATION TO CROWN, LOT 241 DP750357, 330 PANORAMA AVENUE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

7 APRIL 2010

**MINUTE**

a **Item 1 PROPOSED TRANSFER OF HANGAR LEASE - BATHURST AIRCRAFT MAINTENANCE TO MEULMAN AND FULCHER (21.00053)**

**MOVED:** Cr R Thompson **SECONDED:** Cr W Aubin

**That** Council approves the transfer of the hangar lease for Lot 21 DP1108205 at the Bathurst Aerodrome in the name of Bathurst Aircraft Maintenance Pty Ltd to Messrs Meulman and Fulcher as detailed in the report.

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**



ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

DIRECTOR ENGINEERING SERVICES' REPORT

7 APRIL 2010

**MINUTE**

**b Item 1 APPLICATION TO CROWN, LOT 241 DP750357, 330 PANORAMA AVENUE, BATHURST (21.00110)**

**MOVED: Cr R Thompson SECONDED: Cr W Aubin**

**That Council act in accordance with the Director Engineering Services' Report.**

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

**MINUTE**

11 **RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr I North SECONDED: Cr R Thompson**

**RESOLVED:** That Council resume Open Council.

**MINUTE**

12 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: Cr G Westman** **SECONDED: Cr M Morse**

**RESOLVED:** That the Report of the Committee of the Whole, Items (a) and (b) be adopted.

**MINUTE**

**13    MEETING CLOSE**

The Meeting closed at 6.17 pm.

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(21 April 2010)**