



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

12 March 2014

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 19 March 2014**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 19 March 2014 commencing at 6.00 pm.

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

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

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

## **ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**

**TO BE HELD ON WEDNESDAY, 19 MARCH 2014**

**1. 6:00 PM - MEETING COMMENCES**

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

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

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 FEBRUARY 2014

**6. DECLARATION OF INTEREST**

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

**7. MAYORAL MINUTE**

**8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
\* DIRECTOR ENGINEERING SERVICES' REPORT  
\* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

**9. REPORTS OF OTHER COMMITTEES**

\* MINUTES - POLICY COMMITTEE MEETING - 5 MARCH 2014  
\* MINUTES - TRAFFIC COMMITTEE MEETING 4 MARCH 2014

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

## 12. DELEGATES REPORTS

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 FEBRUARY 2014

\* 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4 MARCH 2014

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

**Recommendation:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL AND EXTENSION OF BATHURST 12 HOUR CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

2	RENEWAL OF RESIDENTIAL LEASE - LOT C DP158611 519 MITCHELL HIGHWAY - FOSTER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF LEASE AGREEMENT - LOT 11 DP864769 KNOWN AS 96 RUSSELL STREET, BATHURST - BATHURST INFORMATION AND NEIGHBOURHOOD CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED NEW LEASE AGREEMENT - PART LOT 180 DP862410 KNOWN AS UNIT 4 55 SEYMOUR STREET, BATHURST - BATHURST SEYMOUR CENTRE INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED SALE OF LOT 712 DP1103109 IRVING PLACE BATHURST TRADE CENTRE TO KENWOOD HOMES PTY LTD.	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
6	PROPOSED LEASE AND	10A (2) (d) (i) – contains

	SALE OF LOT 1002 DP1129907 HAMPDEN PARK ROAD, KELSO INDUSTRIAL PARK	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	PROPOSED NEW LICENCE AGREEMENT - LOT 26 DP253818 NAPOLEON STREET RAGLAN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PURCHASE OF COMMERCIAL SITE IN HOWICK STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	RESIDENTIAL LEASE - 200 COLLEGE ROAD, 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.

#### 14. RESOLVE INTO OPEN COUNCIL

**15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**16. MEETING CLOSE**

**MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 FEBRUARY 2014 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 February 2014 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 19 February 2014, are attached.

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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



**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD ON 19 FEBRUARY 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**J Glen – Owner 349 Russell Street - DA 282 Russell Street - DEPBS Item # 4**

Spoke to heritage nature of the street, has forwarded a written submission to Council. Concerned at proposed dominance of the house; roof line, width, stairway. Asked Council to impose conditions to reduce the height of house and alter central staircase.

**G Ballard – Ratepayer- Correspondence with Council 29 November 2013**

Forwarded an email submission to Council and raised query. Response not received from Council. Unaware of what is future direction and how issue is to be resolved. Concerned with road treatment in Darwin Drive/Westbourne Drive area and stop sign problems. Also concerned about traffic along Devonglen Road and dangers presenting on this location and problems with partial closure. Concerns at extension of various roads in the area, problems are a health issue, particularly dust at Devonglen Road.

**The Mayor** advised Council will acknowledge receipt of email by end of week and follow-up concerns raised.

**P O'Rourke – Owner 280 Russell Street - DA 282 Russell Street - DEPBS Item # 4**

Have problem with garage to be built on the property, the position will block natural light, and winter sun. The building will be around 20 feet high on their boundary line. Requests garage be moved back 10-20 metres. Objected to proposal to allow access off Bishop Street, other requests for access have been refused in the past. Requests Council to refuse access to Bishop Street.

**Mrs B Manning – Ratepayer**

Spoke to Land & Environment Court matter, which the Court found for Mrs Manning.

Referred to judgement of the Court including the "Wednesbury Principle". Spoke to actions of Council officers in this matter. Noted the saga has not been completed. Asked what changes in processes and staff are being made to respond to this problem.

**The Mayor** advised that the General Manager has been asked to prepare advice to Council on this matter, what policies need addressing and processes put in place.

**Mr G Crisp – Ratepayer**

Concern at legal problems of the Council. Referred to Western Advocate article, and in particular Trackcorp. Queried how Council got into the Trackcorp court case. Questioned quantum of damages and legals incurred in this matter. Noted LGFS matter and legals involved in this case.

Also queried if Council is seeking a rate increase from IPART to cover the cost of legal expenses.

**The Mayor** noted no application has been made to IPART.

Mr Crisp advised he is still awaiting a reply to a letter he forwarded to the Internal Auditor dated 21 November 2013.

**The Mayor** advised that the General Manager will ensure a reply is forwarded acknowledging the letter by the end of the week.

**G Percy – For the owners of 282 Russell Street - DA 282 Russell Street - DEPBS Item # 4**

Spoke to development proposed and personal taste issues. The property is in a state of disrepair, the proposed roof line alleviates the water penetration issue. Spoke to heritage issues involved and discussions with Council and Heritage Advisor. Main goal is to save the house and improve an eyesore.

**M Glen – Owner 349 Russell Street - DA 282 Russell Street - DEPBS Item # 4**

Has worked to save Bathurst's heritage. Need to preserve heritage so remember past and look to the future. People were living in the accommodation up till last October. Requesting Council retain the frontage to retain the character and keep roof down lower.

**M Windsor – Acting Chair, Bathurst Bike Park Steering Committee**

Committee has been set up to co-ordinate users of the new bike park. The bike project is exciting and the velodrome is almost completed. Educational Centre in the middle of the track is being started. Design on BMX track has commenced. Spoke to how other sections of the park are being developed e.g. Mountain Bike and road racing.

**APOLOGIES**

- 3** **APOLOGIES**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

**MINUTES**

- 4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 FEBRUARY 2014 (11.00005)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 5 February 2014 be adopted.

**DECLARATION OF INTEREST**

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

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

Cr Westman

Item #5 of the Director Corporate Services & Finance's report.

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

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

**RESOLVED:** That the information be noted.

- 7** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

**RESOLVED:** That the information be noted.

- 8** **Item 3 DEVELOPMENT APPLICATION NO. 2013/0495 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 656 DURAMANA ROAD,**

**DURAMANA. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS  
OWNER: MR R & MRS W FRASER (DA/2013/0495)**

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

**RESOLVED:** That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 33;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 33;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0495, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

**9**

**Item 4 DEVELOPMENT APPLICATION NO. 2013/0479 – DEMOLITION OF EXISTING SHED, PARTIAL DEMOLITION AND ADDITIONS TO A DWELLING AND CONSTRUCTION OF A DETACHED GARAGE AT: LOT 13 DP 1096346, 282 RUSSELL STREET, BATHURST. APPLICANT: NIGEL SMITH. OWNER: MRS J WALKER-SMITH & MR N SMITH (DA/2013/0479)**

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2013/0479, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) During the carrying out of 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 and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Division,

NSW Office of Environment and Heritage, prior to the disturbance of the archaeological relics.

- (ii) Prior to the commencement of demolition, the developer is to submit to Council at least two printed photographs and either photographic negatives or a CD containing high quality digital copies of the brick outbuilding in accordance with Council's guidelines for photographic recording of sites for which approval has been granted for demolition.
- (iii) The exterior colour scheme is to be compatible with that of adjoining buildings in particular, and with the character of the Bathurst Conservation Area in general.

NOTE: Advice on suitable colour schemes is available from most paint suppliers with 'heritage' ranges and from Council's Heritage Advisor.

- (iv) Prior to the issue of a construction certificate the developer is to submit plans to Council showing the replication or retention of the front gable in the same design as the existing and the replication or retention of the existing front verandah posts and verandah brackets.
- (v) Prior to the issue of a construction certificate, the developer is to submit plans to Council showing the redesign of the roof to achieve a horizontal roof line to the street similar to the existing roof line.

NOTE: Advice on alternative roof designs are available from Council to achieve a horizontal roof line to the street without the need for any box gutter arrangements.

- (vi) Approval of the garage be subject to an overshadowing report being provided which shows the garage meets Council's minimum requirements in this matter.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

**The result of the division was:**

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

**10**

**Item 5 OPERATION OF TOURIST AND VISITOR ACCOMMODATION ESTABLISHMENTS POLICY (11.00003)**

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

**RESOLVED:** That Council:

- (a) adopt the Operation of Tourist and Visitor Accommodation Establishments

- Policy including those amendments to the Policy as outlined in this report; and
- (b) notify those who made submissions of the decision of Council.

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

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

**RESOLVED:** That the information be noted.

- 12** **Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2013-2014 (16.00135)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

**RESOLVED:** That the information be noted and any variations to income and expenditure be voted.

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

**RESOLVED:** That

- (a) the information be noted
- (b) Council transfer \$5,000 of the Mount Panorama Use Subsidy to the General Section 356 vote.

- 14** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That the information be noted.

- 15** **Item 5 BATHURST BIKE PARK - AMENITIES BUILDING (18.00022)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

**Reason: Secretary of the BMX Club which will be a user of the facility.**

**RESOLVED:** That Council;







- 23** **Item 1 UPDATE ON BATHURST FLOODPLAIN MANAGEMENT PLAN (31.00002)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Council note the progress on the Bathurst Floodplain Management Plan and flood mitigation works as detailed in the Director Engineering Services' Report.

- 24** **Item 2 PROPOSED ROAD WIDENING FOR BRIDGE CONSTRUCTION, LOT 7002 DP1053643, LOT 7005 DP1023200 & LOT 7006 DP1053640, CARRS CREEK, LACHLAN ROAD, CALOOLA (25.00389)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**RESOLVED:** That Council approve the preparation of an acquisition plan and the start of negotiations with the Crown for road widening of Lachlan Road, Caloola, for the construction of a new bridge, as detailed in the Director Engineering Services' report.

- 25** **Item 3 PROPOSED ROAD WIDENING FOR BRIDGE CONSTRUCTION, LOT 2 DP837073, LOTS 7003 AND 7004 DP1051996, & LOT 95 DP755804, RIVULET ROAD, PEEL (25.00306)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Jennings

**RESOLVED:** That Council approve the preparation of an acquisition plan and the start of negotiations with registered proprietors for road widening of Rivulet Road, Peel, for the construction of a new bridge, as detailed in the Director Engineering Services' report.

- 26** **Item 4 EXTINGUISHMENT OF EASEMENT TO DRAIN WATER 1.8 WIDE, LOT 9 DP255195, CULNANE PLACE, KELSO (22.06516)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council approve the extinguishing of an easement for draining water 1.8 wide affecting Lot 9 DP255195 at Culnane Place, Kelso, and authorise the General Manager to endorse the Section 88B creating the new Easement to drain water 2 metres wide, as detailed in the Director Engineering Services' report.

### **Director Cultural & Community Services' Report**

- 27** **Item 1 BATHURST REGIONAL ART GALLERY - GRANT FROM MUSEUMS AND GALLERIES OF NSW (MGNSW) TO RESEARCH AN EXHIBITION FOR BATHURST (21.00039)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

**RESOLVED:** That Council note that the Bathurst Regional Art Gallery (BRAG) has been awarded a grant of \$15,000 (excluding GST) by Museums and Galleries of

NSW (MGnsw) to employ curator Joanna Bayndrian to research an exhibition for Bathurst's Bicentennial year entitled *New Works from Old Ground* looking at the Chinese presence in the 19th century Bathurst as interpreted by contemporary Australian artists of Chinese heritage.

- 28** **Item 2 KELSO COMMUNITY CENTRE - SCHOOL HOLIDAY ACTIVITIES, JANUARY 2014 (09.00026)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Jennings

**RESOLVED:** That the information be noted.

- 29** **Item 3 NATIONAL MOTOR RACING MUSEUM - PROMOTIONAL VEHICLE ACTIVITIES (21.00005)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That the information be noted.

- 30** **Item 4 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) - "MADE IN BATHURST", RESIDENCY/PERFORMANCE PROJECT (21.00060)**  
**MOVED** Cr J Jennings and **SECONDED** Cr W Aubin

**RESOLVED:** That the information be noted.

- 31** **Item 5 KELSO COMMUNITY CENTRE - PLAYGROUP (09.00026)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

**RESOLVED:** That a report be prepared on the cost of this playgroup for referral to the 2014/2015 Budget Process.

## **REPORTS OF OTHER COMMITTEES**

### **Policy Committee Meeting**

- 32** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 FEBRUARY 2014 (07.00064)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Hanger

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 5 February 2014 be adopted.

### **Traffic Committee Meeting**

- 33** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 4 FEBRUARY 2014**

(07.00006)

MOVED Cr W Aubin

and SECONDED Cr J Jennings

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 4 February 2014 be adopted.

## DELEGATES REPORTS

**34** **Item 1 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4 FEBRUARY 2014 (20.00153)**

MOVED Cr M Morse

and SECONDED Cr J Jennings

**RESOLVED:** That the recommendations of the 2015 Bicentenary Celebrations Committee held on 4 February 2014 be adopted, with the exception that the Highland Society Ball proposal be referred back to the 2015 Committee for further consideration.

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

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

MOVED Cr I North

and SECONDED Cr G Westman

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

**The following representation was made.**

M Nicholls, Western Advocate - spoke against the Trackcorp matter going into Confidential.

**The General Manager** advised why the report was in Confidential Committee.

**RESOLVED:** That:

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

## \* DIRECTOR ENVIRONMENTAL PLANNING &amp; BUILDING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR HAWTHORNDEN CREEK (STAGE 3) STABILISATION WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

## \* DIRECTOR CORPORATE SERVICES &amp; FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LICENCE AGREEMENT - LAND ADJACENT TO LOT 1 DP211174 LEE STREET, KELSO TO GRAINFORCE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	EXPRESSION OF INTEREST - PART LOT 2 DP749758 KNOWN AS 200 COLLEGE ROAD BATHURST (RURAL LAND ONLY)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW RESIDENTIAL	10A (2) (d) (ii) – contains commercial information of a

	SUBDIVISION TO BE KNOWN AS WINDRADYNE 1000	confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. 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 Council.
4	RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	EXPRESSION OF INTEREST - LOT 138 DP1123180 KNOWN AS THE WINDRADYNE RESIDUE LAND	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	VARIATION OF LEASE AND SALE OF COUNCIL LAND PART LOT 1 DP1001027 LEE STREET KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

7	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
8	NRL GAME BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN DEVELOPMENT & CONSTRUCTION OF CAUSTIC SODA AND SODIUM HYPOCHLORITE DOSING PLANTS AND ASSOCIATED WORKS AT BATHURST WATER FILTRATION PLANT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED ROAD OPENING AND CLOSURE AGREEMENT, LOT B DP162976, 318 MOLYBDONITE ROAD, YETHOLME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

		supplied it.
3	PROPOSED ROAD WIDENING ACQUISITIONS, PARTS LOT 10 DP596364 & LOT 169 DP750354, THE LAGOON ROAD, THE LAGOON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	ANNUAL TENDER - READY-MIX CONCRETE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	ANNUAL TENDERS - STORMWATER DRAINAGE PIPES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LEASE OF HANGAR SITE, BATHURST AERODROME TO BURKE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial

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

- a** Item 1 TENDER FOR HAWTHORNDEN CREEK (STAGE 3) STABILISATION WORKS (36.00504)  
MOVED Cr B Bourke and SECONDED Cr M Morse

**That** Council accepts the tender of Central West Civil Pty Limited in the amount of \$151,294.65 inclusive of GST, for the construction of Creek Stabilisation Works (Hawthornden Creek Stage 3) as outlined in the report.

### Director Corporate Services & Finance's Report

- b** Item 1 RENEWAL OF LICENCE AGREEMENT - LAND ADJACENT TO LOT 1 DP211174 LEE STREET, KELSO TO GRAINFORCE (22.08755)  
MOVED Cr W Aubin and SECONDED Cr B Bourke

**That** Council approves entering into a new licence agreement for vacant land located at Lee Street Kelso adjacent to Lot 1 DP211174 with Grainforce for a period one (1) year with an option period of one (1) year at a yearly licence fee of \$104.40 per annum (GST inclusive) plus annual CPI adjustments.

- c** Item 2 EXPRESSION OF INTEREST - PART LOT 2 DP749758 KNOWN AS 200 COLLEGE ROAD BATHURST (RURAL LAND ONLY) (22.05258)  
MOVED Cr I North and SECONDED Cr J Jennings

**That** Council approves entering into a new rural licence agreement with Mr Taylor Meek for part Lot 2 in DP749758 located at 200 College Road, Bathurst for a period of one (1) year with a one (1) year option period (at Council's discretion) for stock agistment at a licence fee of \$1,980 per annum (GST inclusive) plus annual CPI adjustments, as detailed in the report.

- d** Item 3 PROPOSED NEW RESIDENTIAL SUBDIVISION TO BE KNOWN AS WINDRADYNE 1000 (20.00119)  
MOVED Cr B Bourke and SECONDED Cr G Westman

**That** Council:



- (a) approve the 124 lot residential subdivision to be known as Windradyne 1000 in current Lot 136 DP1123180 located at Colville Street, Governors Parade, Barr Street, Grimes Street, Adams Street, McLean Street, Twynam Avenue, Poate Street and Matthews Street.
- (b) approve the commencement of construction to start as soon as possible subject to a satisfactory Development Application approval.
- (c) seek a further report regarding a release date and appropriate lot prices once construction works have commenced.

**e** Item 4 RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST. (22.01218)  
MOVED Cr I North and SECONDED Cr G Hanger

**That** Council approves entering into a new residential tenancy agreement for Lot A DP158048 known as 215 Durham Street, Bathurst with Ms Tania Paama and Mr Dale Blattman for a period of twelve (12) months at a rental payment of \$200.00 per week with an option period of twelve (12) months at a rental payment of \$220.00 per week, as detailed in the report.

**f** Item 5 EXPRESSION OF INTEREST - LOT 138 DP1123180 KNOWN AS THE WINDRADYNE RESIDUE LAND (20.00119)  
MOVED Cr W Aubin and SECONDED Cr M Morse

**That** Council approves entering into a new rural licence agreement with Mr Taylor Meek for Lot 138 in DP1123180 known as the Windradyne Residue land for a period of one (1) year with a one (1) year option period (at Council's discretion) at a licence fee of \$2,200 per annum (GST inclusive), as detailed in the report.

**g** Item 6 VARIATION OF LEASE AND SALE OF COUNCIL LAND PART LOT 1 DP1001027 LEE STREET KELSO (22.02268)  
MOVED Cr I North and SECONDED Cr G Westman

**That** Council approves

- (a) the Variation of the current Lease agreement with Max Hire Pty Ltd, and
- (b) the sale of an additional area of land 180m<sup>2</sup> approx. located at part Lot 1 DP1001027 currently leased to Max Hire Pty Ltd once the variation of lease document has been registered.

as detailed in the report.

**h** Item 7 TRACKCORP ADRENALIN PTY LTD (34.00065)  
MOVED Cr W Aubin and SECONDED Cr J Jennings

**That** the information be noted.

- i** **Item 8 NRL GAME BATHURST (04.00008-10)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

**Director Engineering Services' Report**

- i** **Item 1 TENDER FOR DESIGN DEVELOPMENT & CONSTRUCTION OF CAUSTIC SODA AND SODIUM HYPOCHLORITE DOSING PLANTS AND ASSOCIATED WORKS AT BATHURST WATER FILTRATION PLANT (16.00103)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

That Council accepts the tender of Eodo Pty Ltd for the design development and construction of Caustic Soda and Sodium Hypochlorite Dosing Plants and Associated Works at the Bathurst Water Filtration Plant in the amount of \$3,781,335.30 inclusive of GST, subject to adjustments and provisional items.

- k** **Item 2 PROPOSED ROAD OPENING AND CLOSURE AGREEMENT, LOT B DP162976, 318 MOLYBDONITE ROAD, YETHOLME (25.00293)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Hanger

That Council resolve to approve entering into an agreement with the registered proprietor regarding the proposed road opening and closure of a section of Molybdonite Road, affecting Lot B DP162976 at 318 Molybdonite Road, Yetholme, as detailed in the Director Engineering Services' report.

- l** **Item 3 PROPOSED ROAD WIDENING ACQUISITIONS, PARTS LOT 10 DP596364 & LOT 169 DP750354, THE LAGOON ROAD, THE LAGOON (25.00128)**  
**MOVED** Cr J Jennings and **SECONDED** Cr G Hanger

That -

- (a) Council approve the proposed road widening acquisitions affecting parts of Lot10 DP596364 and Lot 169 DP750354 located at 364 O'Regan's Road, The Lagoon, as detailed in the Director Engineering Services' report, and
- (b) the acquired properties to be classified as Operational land.

- m** **Item 4 ANNUAL TENDER - READY-MIX CONCRETE (36.00502)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

That Council accept the tender from Ever-Ready Concrete for the supply of

ready-mix concrete for 2014, from 1 March to 31 December 2014.

- n** **Item 5 ANNUAL TENDERS - STORMWATER DRAINAGE PIPES (36.00500)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

That Council accept the tender from Rocla Pipeline Products for supply of stormwater drainage pipes, headwalls and lintels, from 1 March to 31 December 2014.

### **General Manager's Report**

- o** **Item 1 LEASE OF HANGAR SITE, BATHURST AERODROME TO BURKE (21.00083)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

That Council confirm the lease conditions for Lot 4, DP847356 located at Bathurst Aerodrome, with Burke's Transport (Bathurst) Pty Ltd as approved by Council on 21 November 2012.

### **RESOLVE INTO OPEN COUNCIL**

- 36** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

### **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

- 37** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

**Cr Bourke asked that his negative vote be recorded against Item #1 of the General Manager's Confidential Report.**

### **MEETING CLOSE**

- 38** **MEETING CLOSE**

The Meeting closed at 8.23 pm.

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

**Date:** \_\_\_\_\_ **(19 March 2014)**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 MARCH 2014

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

**Recommendation:** That the information be noted.

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

**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

## **2 GENERAL REPORT (03.00053)**

**Recommendation:** That the information be noted.

**Report:** The following reports are provided for Council's information.

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during February 2014 (**attachment 1**)
- (b) Applications refused during February 2014 (**attachment 2**)
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**)
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**)
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 approved in February 2014 (**attachment 5**).

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

### **3 CHANGES TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS (02.00018)**

**Recommendation:** That Council note the changes in relation to the Complying Development Certificate process as detailed in the report.

**Report:** On 22 February 2014 the State Government introduced changes to the Environmental Planning and Assessment Regulations, refer to Planning Circular PS 13-004 at **attachment 1**. Amongst those changes were a number of changes to the Complying Development system.

Complying Development is an approval path provided under the Environmental Planning and Assessment Act which allows developments, which comply with pre set criteria, to be approved. Where the development complies with the pre set conditions it is guaranteed approval. The State Government often refers to this process as being a “fast track” approval process. CDC’s can be issued by either Council or private certifiers.

Complying Development Certificates are most commonly used for new dwellings, alterations and additions and swimming pools in new release residential areas.

Council’s own Complying Development DCP has been in existence (in one form or another) since 1998. Council’s DCP is widely accepted and understood within the development community. By contrast the State SEPP is convoluted, confusing and constantly changing. For the most part developments occurring in Bathurst occur using the standards under Council’s DCP.

In 2013 there were 160 Complying Development Certificates approved in Bathurst. The majority of these were for new dwellings (70%) and the majority (68%) were done by Council.

In recent times there has been a distinct legislative push to increase the range of developments that may be considered as Complying Development. For instance Council’s recently adopted Complying Development provisions have been extended to include certain types of 2 storey dwellings.

Until recently the legislative obligation was to deal with Complying Development Certificates within 10 days of lodgement.

Council for its part has adopted internal protocols that enabled it to deal with CDC’s for dwellings, dwelling additions and swimming pools in less than 24 hours. It is a system that Council can be justifiably proud of.

Unfortunately these latest range of legislative changes have fundamentally changed the approval process of CDC’s by introducing a public notification process.

The newly introduced requirement is that for new dwellings and alterations Council (or the private certifier) must notify the occupier of any existing dwellings within 20 metres of the development AND DEFER THE DECISION TO APPROVE THE DEVELOPMENT FOR AT LEAST 14 DAYS.

The system that previously enabled approval to be granted within 24 hours must now wait at least 14 days to receive that same approval. It is an approval which is guaranteed.

It is important to note that the purpose of the notification is not to seek comments from the adjoining owners into the development. Any submission that is received will not and cannot



form any part of the Council's consideration.

The Department of Planning itself has advised that "the purpose of this requirement is for advice only and there is no opportunity to lodge objections to the CDC application. Applicants are, however, encouraged to consult their neighbours to resolve concerns prior to lodging an application for a CDC".

**This process is not public consultation.**

Given that the standards are predetermined and the approval is predetermined then there can be no reason to defer the decision to approve the application.

In addition all CDC's will now be subject to a condition that the developers will be required to further notify the occupiers of any adjoining dwellings for a further 7 days prior to work commencing. Previously the system required notice of commencement to be provided 2 days before commencement where the CDC was determined using the State Government's Code SEPP.

In essence a system which previously enabled the application to be lodged, approved and works commence within 3 days has now been extended to at least 21 days.

Another further complication lies with the fact that the notifications are required to be sent to the "occupier" of the adjoining dwelling as opposed to the owner. Under those circumstances where the dwelling is not owner occupied the owner may well receive no notice at all. Surely the owner has more right to comment than a temporary occupier of any dwelling.

Conclusion

Once again the government has implemented planning reforms that have negatively impacted on the planning processes of Bathurst Regional Council. In this particular case the reforms are considered completely illogical in terms of the principles upon which complying development are based.

**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5, 28.7

**4 DEVELOPMENT APPLICATION NO. 2014/0027 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 188 LAGOON ROAD & 190 LAGOON ROAD, PERTHVILLE. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS OWNER: MRS L BROWNING AND MR G & MRS N BRYAN (DA/2014/0027)**

**Recommendation:** That Council:

- (a) support the variation to the 1(b) Market Garden zone 20 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 12;
- (b) support the variation to the 1(b) Market Garden zone 20 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 12;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2014/0027, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 188 Lagoon Road and 190 Lagoon Road, Perthville, known as Lot 1, DP 779245 and Lot 1, DP 712692 (see location plan at **attachment 1**).

188 Lagoon Road contains a dwelling and associated outbuildings and is currently 1.25 hectares in area.

190 Lagoon Road contains a dwelling and a number of rural outbuildings and is currently 100.2 hectares.

**The proposal**

The proposal is for the resubdivision of the two existing lots to increase the area of Lot 1 DP 712692, 188 Lagoon Road, by 2870m<sup>2</sup> (0.287 ha) and subsequently reduce the area of Lot 1 DP 779245, 190 Lagoon Road (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- Lot 1 DP 712692, 188 Lagoon Road increasing in size to 1.537 ha (proposed Lot 12); and
- Lot 1 DP 779245, 190 Lagoon Road decreasing in size to 99.91 ha (proposed Lot 11).

**Planning Context**

*Bathurst Regional (Interim) Local Environmental Plan 2005* (BRLEP 2005)

The subject site is zoned 1(b) Market Garden under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(b) Market Garden zone is 20 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a

minimum area of 20 hectares for the erection of a dwelling-house. Note the land will be zoned RU4 Primary Production Small Lots under the draft Bathurst Regional LEP 2014. A minimum lot size of 40ha applies to the subdivision of land and erection of a dwelling on land in this draft zone.

Proposed Lot 12 will remain below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 and the relevant provisions of the draft LEP, in that it will have an area of 1.537 hectares. Proposed Lot 11 will remain well above the minimum lot size standards of the 2005 and draft 2014 LEPs.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 3**) in relation to the creation of proposed Lot 12 which indicates the nature of the subdivision and their objection to the current standards because:

1. The smaller of the two existing lots is already below the minimum lot size of 20 hectares;
2. The proposed lot size is consistent with the surrounding pattern of subdivision;
3. No new lots or dwelling entitlements are created; and
4. The agricultural use of proposed Lot 11 will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. The agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

#### Concurrence

The variation to the development standard does not require concurrence of the Department of Planning as it does not seek any additional entitlement.

#### Need for Council Concurrence

In accordance with the Department of Planning's circular PS08-014 "Reporting Variations to Development Standards", all Development Applications where there is a variation to a development standard of greater than 10% must be determined by Council.

Accordingly this is not a matter that may be dealt with under delegated authority.

#### Conclusion

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 188 Lagoon Road and 190 Lagoon Road, Perthville. The resubdivision of the two existing lots does not create any new dwelling entitlements with one of the subject lots already below the minimum lot size. Further the resubdivision will not compromise the agricultural potential of the larger lot. Accordingly the SEPP 1 Objection is supportable.

**Financial Implications:** Nil.

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**5 DEVELOPMENT APPLICATION NO. 2014/0057 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 192 PINE RIDGE ROAD, ROCK FOREST AND 218 PINE RIDGE ROAD, ROCK FOREST. APPLICANT: VOERMAN AND RATSEP. OWNER: MR C ROBINSON , MRS V ROBINSON & MS D STEWART (DA/2014/0057)**

**Recommendation:** That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 111 and lot 112;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 111 and lot 112;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2014/0057, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 192 Pine Ridge Road, Rock Forest (Lot 12, DP 249494) and 218 Pine Ridge Road, Rock Forest (Lot 11, DP 249494) (see location plan at **attachment 1**).

192 Pine Ridge Road is 41.47 ha and currently contains a dwelling and rural outbuildings.

218 Pine Ridge Road is 41.37 ha and currently contains a dwelling.

The proposal

The proposal is for the resubdivision of the two existing lots to increase the area of 192 Pine Ridge Road to 76.6 ha and reduce the area of 218 Pine Ridge Road accordingly (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- Lot 12 (192 Pine Ridge Road) will increase in size to 76.6 ha
- Lot 11 (218 Pine Ridge Road) will decrease in size to 6.24 ha

Both lots will continue to contain separate dwellings.

Planning Context

*Bathurst Regional (Interim) Local Environmental Plan 2005* (BRLEP 2005)

The subject site is zoned 1(e) Outer Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(e) Outer Rural zone is 100 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for the erection of a dwelling-house. The land will be zoned

RU1 Primary Production under the draft Bathurst Regional LEP 2014. The minimum lot size standards remain the same under the draft LEP.

Both the proposed Lots 112 and 111 are therefore below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 and the draft Bathurst Regional LEP 2014, in that they will have areas of 76.6 hectares and 6.24 hectares respectively.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 3**) in relation to the creation of the proposed Lots which indicates the nature of the subdivision and their objection to the current standards because:

1. Both lot are already well below the minimum lot size of 100 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created;
4. No new dwelling entitlements are being created; and
5. The agricultural use of the lots will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. The proposed lots already contain dwellings and the agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

#### Concurrence

The variation to the development standard does not require concurrence of the Department of Planning as it does not seek any additional entitlement.

#### Need for Council Concurrence

In accordance with the Department of Planning's circular PS08-014 "Reporting Variations to Development Standards", all Development Applications where there is a variation to a development standard of greater than 10% must be determined by Council.

Accordingly this is not a matter that may be dealt with under delegated authority.

#### Conclusion

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at 218 Pine Ridge Road, Rock Forest and 192 Pine Ridge Road, Rock Forest. The resubdivision of the two existing lots will not create any new dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

**Financial Implications:** Nil.

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

## **6 CENTRAL WEST SALINITY AND WATER QUALITY ALLIANCE (07.00047)**

**Recommendation:** That Council note the updated rolling five year plan for the Central West Salinity and Water Quality Alliance.

**Report:** Bathurst Regional Council is a member of the Central West Salinity and Water Quality Alliance (The Alliance). Over the past five years the Alliance, with the support of the Central West Catchment Management Authority has achieved significant natural resource management outcomes, both in the form of on-ground works and in the areas of policy development and capacity building within member councils. Since January 2014, when the Central West CMA was incorporated into the new Local Land Services (LLS) organisations, both the new Central Tablelands and Central West LLS's, have indicated their ongoing support for the Alliance.

Over the last five years Bathurst Regional Council has specifically benefited from its involvement in the Alliance through the contribution of funds towards a number of projects including:

- a) the development of the Urban Waterways Management Plan in 2010;
- b) the Central West Green team who visited Bathurst six times during its operation between December 2009 and December 2010, making a significant contribution to the maintenance of a range of natural resource management projects in the Bathurst LGA; and,
- c) more recently in 2013 the Alliance received funding from the NSW Environmental Trust for a Roadside Vegetation Implementation Project. BRC as part of the Alliance Project received funding to protect and enhance 16.3km of High Conservation Value Roadside Reserves on Freemantle Road in the Killongbutta and Gowan regions.

The Alliance also supports Council through the provision of a range of training opportunities and by providing support and advice for policy development in relation to natural resource management.

The achievements of the Alliance have been recognised by the Local Government and Shires Association and the NSW Stormwater Industry Association with awards for excellence in the Environment and Stormwater education.

The Alliance has recently updated its rolling Five Year Plan. The strategic goals of the plan include:

- Improve riverine/wetland condition, habitat values, water quality, water quantity & movement across the region.
- Councils & Communities across the Central West continue to be vibrant, sustainable & resilient to climate variability.

A copy of the updated Salinity and Water Quality Alliance rolling 5 Year Plan is provided as **attachment 1**.

The Central West and Central Tablelands LLS's have committed to continue support of the Alliance with \$90,000 in funding over the next two years to assist with the implementation of the Five Year Plan. Member councils support the activities of the Alliance with a small annual financial contribution.

**Financial Implications:** Council's membership of the Alliance is funded through existing allocations.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.2, 12.6, 12.7, 12.11

Yours faithfully



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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 MARCH 2014



## **1 STATEMENT OF INVESTMENTS (16.00001)**

**Recommendation:** That the information be noted.

**Report:** \$76,000,000 was invested at 28 February 2014 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> (comprising Commercial Bills, Debentures and Certificates of Deposit):			
Bank of Queensland	A2	\$16,000,000.00	4.12%
Bendigo and Adelaide Bank	A2	\$9,000,000.00	3.93%
IMB	A3	\$7,000,000.00	3.84%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	3.94%
National Australia Bank	A1+	\$16,000,000.00	3.88%
People's Choice Credit Union	ADI	\$1,000,000.00	4.12%
Railways Credit Union	ADI	\$1,000,000.00	4.19%
SGE Credit Union	ADI	\$1,000,000.00	4.01%
Westpac Banking Corporation	A1+	<u>\$1,000,000.00</u>	<u>3.71%</u>
		<b>\$55,000,000.00</b>	<b>3.97%</b>
<b><u>Long Term &gt; 365 Days</u></b> (comprising Commercial Bills, Term Deposits and Bonds):			
<b><u>Committed Rolling Investments</u></b>			
Westpac	AA-	\$2,000,000.00	3.73%
Westpac	AA-	\$2,000,000.00	3.84%
Westpac	AA-	\$2,000,000.00	3.92%
Westpac	AA-	\$2,000,000.00	3.82%
Westpac	AA-	<u>\$2,000,000.00</u>	<u>3.75%</u>
		<b>\$10,000,000.00</b>	<b>3.81%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.78%</u>
		<b>\$2,000,000.00</b>	<b>3.78%</b>
<b><u>Floating Rate Notes</u></b>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.38%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.83%
Members Equity Bank	BBB	\$3,000,000.00	3.83%
Bendigo & Adelaide Bank Retail Bond	BBB+	\$2,000,000.00	3.98%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.93%</u>
		<b>\$9,000,000.00</b>	<b>4.00%</b>

<b>Total Investments</b>	<b><u>\$76,000,000.00</u></b>	<b><u>3.94%</u></b>
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***These funds were held as follows:***

Reserves Total (includes unexpended loan funds)	\$32,563,758.00
Grants held for specific purposes	\$1,327,950.00
Section 94 Funds held for specific purposes	\$28,366,360.00
Unrestricted Investments – All Funds	\$13,741,932.00
General Fund	\$51,725.00
Water Fund	\$3,439,588.00
Sewer Fund	\$7,157,977.00
Waste Fund	<u>\$3,092,642.00</u>

<b>Total Investments</b>	<b><u>\$76,000,000.00</u></b>
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<b><u>Total Interest Revenue to 28 February 2014</u></b>	<b><u>\$1,933,515.28</u></b>	<b><u>3.94%</u></b>
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**Year to Date Averages**

*(as per the CBA & RBA for comparison purposes)*

Reserve Bank of Australia - Cash Rate	2.50%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.62%
Three Year Swap Rate - Commonwealth	3.04%

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

**R Roach**  
**Responsible Accounting Officer**

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

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

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

**Recommendation:** That the information be noted.

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

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2013-2017 Delivery Plan and the Annual Operating Plan 2013-2014.

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

Fines or penalty notices this month - Nil.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

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

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

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 28 February 2014.

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

Section 356:	\$6,455.68
BMEC Community use:	\$22,438.17
Mount Panorama:	\$2,000.16

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

#### **4 POWER OF ATTORNEY (11.00007)**

**Recommendation:** That the information be noted.

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

- Government Property NSW - 1/55 Seymour Street - Lot 180, DP862410 - Lease
- G Cootes & Sons Pty Ltd and Adam Hart Constructions Pty Ltd - 3 Miller Street - Lot 937, DP1170287 - Transfer
- T Meek - 200 College Road - Lot 2, DP749758 - In-house Licence Agreement
- T Meek - Windradyne Residue Land - Lot 138, DP1123180 - In-house Licence Agreement

#### **Linen Plan Release**

- BRC - Lot 16, DP712197, 3246 - 13 Lee Street, Kelso - Plan of Easement
- BRC - Lot E, DP39110 - Yarras Lane, Glanmire - Road Closure and First Title Creation
- BRC - Lot 9, DP756873 - 3246 Hill End Road, Hill End - Acquisition of Land for Road Widening

**Financial Implications:** Nil.

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**5 SPORTING ASSOCIATION GRANTS PROGRAM YEAR ENDING 30 JUNE 2014**  
**(18.00279)**

**Recommendation:** That Council approve the following sporting grants totalling \$14,380 for the 2013 / 2014 financial year as follows:

Eglinton District Tennis Club	\$1,180
Bathurst Pan Dragons	\$5,000
Bathurst Netball Association	\$3,000
Eglinton Eels Junior Rugby League Club	\$3,000
Bathurst Panthers Rugby League Football Club	\$2,200

**Report:** Council has initiated a grant scheme to assist local sporting organisations to undertake specific works or purchase equipment for the advancement of sport in the region. A total of \$20,000 was allocated to fund this program for the 2013/2014 financial year with sporting organisations that are affiliated with the Bathurst District Sport and Recreation Council eligible to apply.

A total of five applications from local sporting groups were received prior to the application closing date with a combined total amount requested of \$14,380.

Applications have been received from the following organisations:

- Eglinton District Tennis Club
- Bathurst Pan Dragons
- Bathurst Netball Association
- Eglinton Eels Junior Rugby League Football Club
- Bathurst Panthers Rugby League Football Club

All applications were forwarded on to the Bathurst District Sport & Recreation Council (BDSRC) for their recommendation. The BDSRC recommend that all applicants be allocated their full request with the exception of the Bathurst Panthers Rugby League Football Club. A copy of their letter is shown at **attachment 1**.

The BDSRC recommended that the Bathurst Panthers Rugby League Football Club should not receive the total amount of \$2,200 as requested, but rather receive only \$1,800 as they are not offering a co-contribution. However, there is no requirement in the application process for sporting groups to provide a cash or in-kind contribution and the Club have been contributing to the improvement of Council's facilities at Carrington Park in various projects over the years. For this reason it is recommended that the total amount requested be paid to each of the sporting groups.

On 25 February 2014, Council received further correspondence from the Bathurst District Sport and Recreation Council advising that they received a late entry from the Bathurst Bushrangers Australian Rules Football Club requesting consideration for a grant of \$1,500 to assist in the construction of a second scoreboard at George Park. It is believed that the scoreboard would be constructed between the two ovals. A copy of the Bushrangers letter is shown at **attachment 2**.

It is recommended that Council not accept the late grant submission.

It is recommended that Council approve the following sporting grants for the 2013/2014 season as follows:

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<b>Sporting Group</b>	<b>Project Description</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Eglinton District Tennis Club Inc.	Purchase of four mini nets and two full size nets to assist with coaching of juniors and hosting of competitions.	\$1,180	\$1,180
Bathurst Pan Dragons	Construction of shed to store boats and related equipment.	\$5,000	\$5,000
Bathurst Netball Association Inc.	Erection of shade sails over spectator seating at Bathurst netball courts.	\$3,000	\$3,000
Eglinton Eels Junior Rugby League Football Club	Installation of a storage cage in new amenities block at Cubis Park for storage of training equipment etc.	\$3,000	\$3,000
Bathurst Panthers Rugby League Football Club	Purchase of two treatment tables and two ice baths to assist with player first aid, on-site treatment and recovery. Items to be available to all users of Carrington Park.	\$2,200	\$2,200
<b>Total</b>		<b>\$14,380</b>	<b>\$14,380</b>

**Financial Implications:** Council has included \$20,000 in the Annual Operating Plan for the Sporting Grants program.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

**6 DEVELOPMENT APPLICATION. 2014/0039 – ADDITIONS AND ALTERATIONS TO COMMUNITY BUILDING AT 140 HAVANNAH STREET, BATHURST. APPLICANT: BATHURST MENS SHED INCORPORATED C/- STEVE ANDERSON. OWNER: CROWN LAND (DA/2014/0039)**

**Recommendation:** That Council not waive the Development Application and Construction Certificate fees for the Bathurst Mens Shed.

**Report:** Council has received and dealt with a Development Application and Construction Certificate on behalf of the Bathurst Mens Shed Inc for additions and alterations to the existing premises at 140 Havannah Street, Bathurst. The proposal includes the provisions of internal alterations and an addition of a meeting room to the existing facility.

The project cost is in the order of \$60,000.00.

The land is Crown land.

The Development Application and Construction Certificate fees have been paid in accordance with Council's Statement of Revenue Policy 2013/2014. The fees are as follows:

<b>Charge</b>	<b>Amount</b>
Development Application fee	\$350.00
Planfirst fee	\$38.00
Construction Certificate fee	\$300.50
Long Service Levy	\$210.00
Inspection fee	\$93.60
<b>TOTAL</b>	<b>\$992.10</b>

Council has received a request to consider waiving the above fees (see correspondence at **attachment 1**).

Council should note that the Planfirst fee and Long Service Levy are fees collect by Council on behalf of the State Government. It is not appropriate for Council to waive the Long Service Levy and Planfirst fee because these are not Council fees. The Council application fees are therefore **\$744.10**.

Should Council decide to offer assistance in this matter it would normally be funded from Section 356 Donations.

**Financial Implications:** This request would need to be funded from Council's Section 356 Donations which currently has available \$6,455.68.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5



## **7 CENTROC MEMBERS- REGIONAL PROCUREMENT OF ELECTIONS (12.00010-08)**

**Recommendation:** That Council advise CENTROC that it will participate in the regional procurement of elections tender for a provider of election services.

**Report:** Council has received advice from CENTROC following a recent GMAC meeting that CENTROC have been negotiating with the division of Hunter Councils to participate in a regional tender for election services.

Previously many Councils have used the Australian Electoral Commission (AEC) exclusively for election services. Following previous elections and subsequent delegations to the NSW Government, the Local Government Act in particular Section 296 of the Act, has recently been amended to include the following;

An election arrangement for the Electoral Commissioner to administer all elections of a Council can be entered into if;

- (a) the council resolves at least 18 months before the next ordinary election of councillors that such an arrangement is to be entered into, and
- (b) the arrangement is entered into no later than 15 months before the next ordinary election of councillors.

Council should note that March 2015 is 18 months before the next local government elections occurring in September 2016 and therefore if a Council wishes to test the market to determine the qualified providers of election services to administer the 2016 elections, the tender process needs to begin this year. Regional Procurement Initiative (RPI) is going to tender late 2014 for a provider of election services to interested Councils and have invited CENTROC members to participate.

At the conclusion of the tender process, Council will receive a report on the outcome of the tender process and be able to decide whether they would like to engage the recommended provider from the tender process or if they wish to engage the AEC or other provider. This will be done within the required time frame under the revision to the Act.

Contained within the advice from CENTROC is the RPI report which has notified that a previous tender process for the Hunter Council has resulted in a combined election expense saving of \$405,000 for these Councils.

Councillors are advised that the cost of running the Council election services at the 2012 election was \$216,354.

CENTROC have advised that they will together with Regional Procurement, manage the process including all costs of advertising and tender assessment.

Further advice indicates that both parties will receive a management fee from the successful provider to cover the cost of this tender process.

Following the tender process the evaluation of the tenders will be made up of a tender evaluation panel with staff from CENTROC, Regional Procurement Initiative (RPI) and Hunter Council.

Bathurst Regional Council will then be given the final say on the election process.

**Financial Implications:** Council allows for election expenses within its budget each year.

## **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.5

## **8 REQUEST FOR FINANCIAL ASSISTANCE - SPIRIT OF BATHURST (18.00004)**

**Recommendation:** That Council not sponsor the Spirit of Bathurst team to promote the 'Bathurst 200' for the next 12 months.

**Report:** Council has received a request for sponsorship from the Spirit of Bathurst team, under the management of Brian Nightingale, for \$2,000 to assist with the costs of running the motor racing team.

The team is racing a Mazda MX5 at various events throughout NSW and are interested in promoting the 'Bathurst 200' for the next 12 months, for a sponsorship of \$2,000.

The Spirit of Bathurst team advise that they would like to place signage on their car promoting the 2015 event. This car will be participating in many events throughout NSW and Australia over the next few months.

**Financial Implications:** Council has not allowed for this in its budget.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

Yours faithfully



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

**DIRECTOR ENGINEERING SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 MARCH 2014

## **1 CENTRAL TABLELANDS ROWING CLUB - ROWING STORAGE AREA (11.00019)**

**Recommendation:** For Council's consideration.

**Report:** Council will recall a report to the November 2013 Council Meeting as follows:

*Council has received a letter from the Central Tablelands Rowing Club in regards to amending the location for the temporary fenced area used to store boats at Chifley Dam that was previously approved by Council under DA 2010/0780.*

*Members from the Rowing Club discussed their current activities and future plans along with their request for Council to consider a new location for the storage of their rowing boats at a Councillors Meeting with Community Groups and Representatives held on Wednesday, 23 October 2013.*

*The meeting requested that a report be prepared for the November Council Meeting.*

*Central Tablelands Rowing Club has a temporary fenced area at the Chifley Dam that was agreed to by Council at the Council meeting dated 4 August 2010. The temporary location is behind the two end cabins.*

*Central Tablelands Rowing Club would like to move the location of the temporary fenced area to the site at the end of the sealed road. A plan showing the approved and proposed areas is at **attachment 1**.*

*The main issues to consider include impacts on other dam users, and it is noted that the proposed area does not restrict cars with boats from turning around near the end of the sealed road. The fencing proposed by the Rowing Club will provide some security to cater to the quality and number of boats proposed to be stored. The club is aware of the risks regarding security and has had no issues of concern in the past few years.*

*The club will be requested to provide plans for review (and if appropriate, approval) by Engineering Services staff prior to any work commencing.*

The Club was advised of Council's resolution by letter dated 21 November 2013.

On 13 February 2014, Council received a letter from Phil Le Breton of the Central Tablelands Rowing Club, refer to **attachment 2** requesting that an area of 15m x 21m (315m<sup>2</sup>) be provided at the eastern end of the road (same location as previously considered in November 2013).

This is a significant increase in size from the club's request in their letter dated 12 August 2013, for an area of 20m x 9m (180m<sup>2</sup>).

The new request is for an area that is 75% larger than before.

Accordingly, the new proposal for the larger area from the Rowing Club is provided for Council's consideration as to whether the lodgement of a modification to the existing Development Application should be authorised.

**Financial Implications:** Nil.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 33: To be and develop good leaders. Strategy 33.5

## **2 CLEAN-UP AUSTRALIA DAY 2014 (14.00007)**

**Recommendation:** That the information be noted.

**Report:** Council supported the Bathurst Tidy Towns Committee in holding the local Clean Up Australia Day Campaign on Sunday 2 March 2014.

Twenty three individual sites were registered on the Clean Up Australia Day website across the Bathurst Region including rural sites, city sites and 5 schools. The number of site registrations was up from 11 sites in 2013.

It was fortunate that there was relatively fine weather this year, as it has traditionally rained on the day, so that would account for the increase in participant numbers.

The main site was again managed by the Bathurst Tidy Towns Committee at Morse Park. From this site, participants generally fan out across the parks and roads of the region cleaning up as they go. Fourteen volunteers registered at this site and their assistance made a significant impact.

As in previous years Bathurst Scouts participated in cleaning up areas around the Kelso Industrial Area and their contribution was greatly valued. The licensees of Bathurst McDonalds also made an important contribution, employing staff to clean up the vicinity of the Bathurst McDonalds restaurant located on the Great Western Highway.

A total of 600kg of mixed waste from all sites was registered as being received at the Waste Management Centre resulting from Clean Up Australia Day activities. This waste was collected by Council officers from designated collection points or delivered by participants at no cost.

Advertising encouraging participation was again undertaken in 2014, with print media, direct mail outs to schools and sporting groups, and word of mouth advertising being employed.

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

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.5
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4
- Objective 33: To be and develop good leaders. Strategy 33.6

### **3 LANDSCAPE DESIGN MID WESTERN HIGHWAY & MITCHELL HIGHWAY, BATHURST (36.00393)**

**Recommendation:** That Council endorse the landscape design for the Mid Western Highway and Mitchell Highway entrances to Bathurst.

**Report:** At its Ordinary Meeting held 17 April 2013, Council resolved to accept the quotation from APS Landscape Architects and Gardenscape Design to design landscape treatments for the Mid Western and Mitchell Highway entrances to Bathurst.

As part of the design process, the consultant has been required to address the following matters within the design brief:

- *The design is to enhance the entrance, in the way of providing a landscape statement to the two entrances to Bathurst.*
- *The design will be required to reflect Council's existing strategies, concepts and vegetation management planning process as contained within Council's Bathurst Vegetation Management Plan document.*
- *The landscape design is required to compliment Council's "Bathurst Signage Strategy Document" pertaining to the entrances of Bathurst.*
- *The design incorporates landscape key feature elements within the design, which may include rock boulder features, contour mounding, surface treatments etc, as deemed appropriate. At a minimum, a feature landscape design is to be incorporated to the surrounds of the Bradwardine Road / Mitchell Highway Roundabout, including a section of vacant land adjacent to the Bathurst Cemetery.*
- *The landscape design is to ensure compliance with all necessary legislative requirements pertaining to public space and road corridors, including vehicle site distance requirements, pedestrian access issues etc.*
- *An automatic irrigation system will be a necessary requirement within the design for all high density planting areas and key feature landscape locations.*

The design consultant has spent considerable time in assessing and reviewing the restrictions and opportunities within the road corridor at these two highway locations. As expected, it was identified that the road verge entrances to Bathurst are extremely narrow in most places and heavily restrictive to planting opportunities due to the available space within the verge area and the overhead aerial electricity lines, amongst other services throughout the road network. This has resulted in restrictions to the extent of plantings that can be installed within the road corridor throughout both highways and a requirement for careful plant selection and planting locations to be considered. However, it is believed that a linear tree lined avenue appearance has been achieved within the design.

The design has identified a feature landscape entrance statement to be constructed on each of the highways. The feature landscape statement for the Mitchell Highway is proposed at the intersection of the Bradwardine / Mitchell Highway roundabout intersection. The feature landscape statement for the Mid Western Highway has been proposed at the intersection of McDiarmid Street. It was considered that these two locations provide the only suitable space large enough to make the necessary impact for the road users as they enter into the City.



The consultant has been required to design the feature landscape statements and linear planting themes which compliment Bathurst and incorporate its history and heritage. It is believed that the proposed plan achieves the goals of the brief and incorporates a number of elements complimentary to Bathurst's history. Such items include:

- Incorporation of the Bathurst red brick
- Tie in to the Denison Bridge utilising steel pillars
- Tree species representing the old European planting theme of Bathurst.
- Brick wall feature utilising blue stone of the area
- It is also proposed to provide up lighting to highlight specific elements at the feature landscape area including pillars, brick wall and the "Bathurst" sign.

Councillors may recall that an initial design concept for the highway entrance landscaping works was presented for discussion at a Councillors Working Party held 13 November 2013. It was the consensus of this meeting that an exotic theme be the preferred choice for species selection for the entrance to Bathurst.

As such, modifications have been undertaken to the initial concept and it is believed a suitable mix of plants have been chosen that would provide a variety of colour pallet throughout the four distinct seasons. It is also believed that the trees that are proposed are the most suitable of the exotic species for coping with the extreme hot and cold temperatures that Bathurst experiences, as well as the drought conditions Bathurst endures from time to time. Further, consideration of plant growing height under power lines was also a crucial factor for consideration in the plant selection process. A copy of the proposed design drawings for both the Mid Western Highway (**attachment 1**) and Mitchell Highway (**attachment 2**) are provided for Council's approval.

In brief, the following theme points for each of the highways are provided:

#### MITCHELL HIGHWAY

- The recently planted row of Eucalyptus milliodora is to be maintained from the 100km sign to the commencement of the Richardson Street development.
- Avenue Plantings of Acer freemanii (Autumn Blaze Maple) and Pistachio chinensis (Ornamental Pistachio) to be located throughout the road network from Richardson Street Development to the end of the project site, being just past the Hector Park visitor information bay.
- A feature Landscape statement at the intersection of Bradwardine and Mitchell Highway incorporating brick and bluestone wall, signage, lighting, irrigated mass plantings of ground covers, shrubs and exotic tree species including Maples, Pin Oaks, and Blue Cedars.

#### MID WESTERN HIGHWAY

- Avenue Plantings of ornamental cultivated Poplars and Pistachio chinensis (Ornamental Pistachio) to be located throughout the road network from the 100km sign to the intersection of Browning Street.
- A feature Landscape statement at the intersection of McDiarmid Street incorporating brick and bluestone wall, signage, lighting, irrigated mass plantings of ground covers,

shrubs and exotic tree species including Claret Ash, ornamental flowering Malus, and poplar species.

Should Council endorse the landscaping proposal, the consultant will commence on the final technical aspects of the design, including technical and structural specification elements, together with the provision of a specification document and tender estimate. Upon the full completion of this work, it is proposed that Council would commence calling for tenders for at least the Mitchell Highway landscape works, pending the availability of funding. It is anticipated that funding would be available within the Bathurst Vegetation Management Plan vote to commence these long awaited works.

**Financial Implications:** The landscape design consultancy is being funded from the existing Vegetation Management Plan vote.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.6

Yours faithfully



Doug Patterson  
**DIRECTOR**  
**ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 MARCH 2014

## **1 ANNUAL REVIEW - BATHURST SOCIAL AND COMMUNITY PLAN 2011-2016 (20.00056)**

**Recommendation:** That the annual review of the Bathurst Social & Community Plan 2011-2016 be noted.

**Report:** The Bathurst Social and Community Plan 2011-2016 was adopted by Council in November 2010. The Social Plan and Community Plan identifies the assets/strengths as the key issues and strategies for people living in the Bathurst Region based on seven key mandatory target groups identified by the NSW Government. These include Youth, People with a Disability, Indigenous, Older People, Women, Children and Culturally and Linguistically Diverse. Additional target groups included Men and Villages. These two groups were also included in the Bathurst Social and Community Plan 2006-2010.

Implementation of the Social Plan is reviewed on an annual basis. Highlights from the review ending 2013 are included in the review document at **attachment 1**.

**Financial Implications:** Council considers the provision of funding to support strategies contained within the Social Plan during the management planning process.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.4
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.3
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.6
- Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst community. Strategy 25.2

## **2 KELSO COMMUNITY CENTRE - PLAYGROUP (09.00026)**

**Recommendation:** That Council continues to support the Kelso Community Centre Playgroup through providing financial assistance for the hire of the Kelso Community Centre and that this amount be funded from Section 356 Donations.

**Report:** The Kelso Community Centre Playgroup is an initiative coordinated and operated by the Benevolent Society with the assistance of Bathurst Regional Council through the 'Keeping our Young People and Community Safe' grant that covers the costs associated with the rental of the facility.

Currently the group meets on Wednesday mornings from 10am to 12noon during the school term. The playgroup has been embraced by the local community with a weekly average attendance of 6 – 7 families with up to 12 children. The playgroup gives parents the opportunity to meet new people, develop and build support systems within the community, spend time playing with their children, learn about child development and learn new activity ideas for home.

The 'Keeping the Young People and Community Safe' grant will conclude 30 June, 2014. At this time it is unlikely that the playgroup will be able to continue to operate without financial assistance to cover rental of the facility.

**Financial Implications:** As identified in the Draft Revenue Policy Proposed Fees and Charges 2014/2015, the fee for the non-profit organisation is \$816.00 per annum. This amount is to be funded from the Section 356 Donations, which currently has a balance of \$6,455.68.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.6, 23.7
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.4, 27.9

### **3 BATHURST LIBRARY - AUSTRALIA'S FAVOURITE LIBRARY (21.00029)**

**Recommendation:** That the information be noted.

**Report:** The Bathurst community love their library. In terms of circulation per capita Bathurst ranks 20 out of 99 library services in New South Wales. This popularity is reflected in comments received in community consultation and surveys where the Bathurst Library has consistently been rated as one of the community's most valued assets. Over 10 million individuals are library members and we visit more than 110 million times a year. The 14th of February this year was declared "Library Lovers Day". To mark this day individuals were asked to nominate their favourite library.

Australian Library and Information Association (ALIA) Executive Director explained: 'Each year, Valentine's Day provides the opportunity for lovers to confess their feelings. This February 14, we'd like Australians to tell us which library makes their heart beat a little bit faster, so we can run a poll to find out Australia's Favourite Library.'

Libraries, and the library staff who run them, are essential components in the life of many in our community. The library provides information, recreation, free Internet, eBooks and many services and programs for all sections of the community.

Bathurst Library has been nominated by one of our customers for ALIA's nationwide search for Australia's Favourite Library. The competition provides a platform for library lovers around Australia to praise the important work their library performs.

On the 14 March library lovers across Australia will be able to vote for their favourite library. Voting will close on 22 April and Australia's Favourite Library will be announced on Monday 19 May, at the start of Library and Information Week 2014.

Voting will be available by phone, post, email, Facebook and on the ALIA website.

**Financial Implications:** There are no financial implications resulting from this report.

#### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.7
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.4, 26.6

#### **4 BATHURST REGIONAL ART GALLERY - GRANT FROM MUSEUMS & GALLERIES NSW - CAMBODIAN ARTIST RESIDENCY AT HILL END (21.00039)**

**Recommendation:** That Council note that the Bathurst Regional Art Gallery (BRAG) has been awarded a grant of \$11,250 (excluding GST) by Museums and Galleries of NSW (MGNSW) for Cambodian artist Amy Lee Sanford to undertake a residency in October 2014 at Haefligers Cottage, Hill End.

**Report:** Bathurst Regional Art Gallery in conjunction with Museums & Galleries NSW and 4A Centre for Contemporary Asian Art, has offered Cambodian artist Amy Lee Sanford in October 2014 a month long fully funded artist's residency under the Hill End Artists in Residence Program.

This opportunity is funded by Museums & Galleries NSW's 2014 Artist In-Residence grant program, which aims to foster international cultural exchange and provide artists with the time and space to research, create and develop ideas and artwork in a new environment that nurtures experimentation.

By providing this financial assistance, the grant will support the generation of, and public engagement with, innovative and adventurous contemporary art in regional New South Wales.

The funding of \$11,500 (excluding GST) will cover the following expenses:

- Return airfares and accommodation at Hill End Artists Residency
- Car hire and ground transport
- Artist fee
- Per diems to cover living expenses
- Contribution towards artwork materials or other art making requirements

Amy Lee Sanford is a Cambodian-American visual artist working in both two and three dimensions, and performance. Her work explores the evolution of emotional stagnation, and the lasting psychological effects of war, including aspects of guilt, loss, alienation, and displacement.

She was born in Cambodia in 1972. Watching and experiencing the difficulties of the Lon Nol era, her father arranged for Amy to live with his American wife, in the United States. In July, 1974, nine months before the Khmer Rouge took full control of the country, Barbara arrived in Phnom Penh for Amy. Amid rocket launches and raids, Barbara and infant Amy left Cambodia. Amy grew up in the northeastern US.

At Brown University, Amy studied art, science, and engineering. She furthered her art studies with individual courses at The Rhode Island School of Design, University of Massachusetts/Dartmouth and Harvard University. She started up an artisan company, where she designed and fabricated handmade, tessellated, porcelain tiles and mosaics for residential and commercial interiors.

Amy lives and works in Phnom Penh, Cambodia. Her work is closely linked to contemporary Cambodian history and the tragic legacy of the Khymer Rouge and Pol Pot.

She has exhibited widely in America, Korea and Australia. Of her *Break Pot Performance* seen in Melbourne at Asialink in 2013, she writes:

"In my *Break Pot Performance* , I drop one functional, utilitarian, Cambodian clay pot on the ground, and then painstakingly reassemble the clay shards, with glue and

string, to resemble the original shape, as best I can. This simple process depicts sudden change, or trauma, and the subsequent, very involved process of repairing these broken pieces, pieces which may represent aspects of one's self, of a society, of a world."

In this way her work mirrors the difficult process of resignation and reconciliation of recent Cambodian society dealing with its painful recent history.

In Bathurst's Bicentennial year 2015, BRAG will exhibit the work created by Amy Lee Sanford during her 2014 Hill End residency as a way of incorporating a wider scope of voices and histories to enrich Bathurst's bicentenary events.

**Financial Implications:** Funding of \$11,250 (excluding GST) has been provided for this special project by Museums and Galleries of NSW.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.6



## **5 BATHURST MEMORIAL ENTERTAINMENT CENTRE - LOCAL STAGES - THE CENTRAL WEST SHORT PLAY FESTIVAL (21.00060)**

**Recommendation:** That the information be noted.

**Report:** Two years ago BMEC's Local Stages Program combined forces with Bathurst Theatre Company to establish the Central West Short Play Festival. The initiative received Country Area Support Program (CASP) funding support from the Regional Arts Fund and planning began on the first Festival.

In February / March 2013, the organisers were inundated with scripts by local playwrights from Bathurst, Cowra and Canowindra. Ten were selected and performances of these plays were held in the Ponton Theatre at CSU over three evenings in April 2013 attended by approximately 300 people.

The project created a positive environment for people of all ages with many different experiences to come together to develop new works which told stories of the diverse nature of our region. The performances involved cast and crew of over 40 people ages 16 -65 years from Bathurst, Blayney, Millthorpe and Canowindra. The success of the festival has been overwhelming, and has gone from strength to strength with performances being held in Forbes in October 2013 and in February 2014 a sold out show at Taste Canowindra.

Building upon the initial CASP support the Festival has received additional funding for 2014 from Regional Arts NSW and from The Australia Council for the Arts through its funding of Local Stages. In late February the Festival was notified that it had been awarded a \$4,000 grant from the prestigious Rodney Seaborn Playwrights Trust to build a Festival website. The website will have a member login section for writers allowing them to post work in development for feedback and to share opportunities and resources.

In 2014, Orana Arts has partnered with the festival, extending the opportunities for the festival and for local performers in all regions involved. This partnership was launched in Dubbo on 27 February. The goal is to showcase the best work from across the region in Bathurst and Dubbo in 2015.

The Central West Short Play Festival is not only about performances - the program provides workshops and opportunities to develop skills in various areas. On March 1 & 2, Kate Gaul was in Bathurst running a directing workshop at BMEC and Alex Broun will be in Parkes and Dubbo at the end of March running playwriting workshops.

Throughout the year, workshops will be offered for beginners and for more experienced theatre makers in a variety of disciplines and in various locations throughout the Central West. The Festival is an excellent example of the Bathurst community leading the way in regional cooperation.

**Financial Implications:** The Festival is funded by grant support, existing financial and in kind support for the Local Stages Program and by varying degrees of support in each regional community. No adverse financial implications are expected for Council.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.8
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and Strategy 20.6

enhance cultural and social activities across the community.

- Objective 23: To encourage a supportive and inclusive community.

Strategy 23.3

Yours faithfully



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

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 MINUTES - POLICY COMMITTEE MEETING - 5 MARCH 2014 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 5 March 2014 be adopted.

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

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 5 MARCH 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

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

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 FEBRUARY 2014 (07.00064)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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

**DECLARATION OF INTEREST**

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

**RESOLVED:** That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Environmental Planning & Building Services' Report**

**5 Item 1 WOOD SMOKE REDUCTION PROGRAM (13.00042)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) note that it has been awarded grant funding to participate in the 2014 Wood Smoke Reduction Program; and

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**This is page 1 of Minutes of the Policy Committee held on 5 March 2014.**

- (b) approve the temporary increase in wood heater replacement rebate value from \$500 to \$1000 for standard installations and from \$700 to \$1400 for pensioner or health care card holders.

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

- 6** **Item 1 DELEGATIONS REGISTER REVIEW (41.00088)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

**RESOLVED:** That Council adopt the Delegations Register as tabled.

### **General Manager's Report**

- 7** **Item 1 DEPARTMENT OF LOCAL GOVERNMENT - PROMOTING BETTER PRACTICE REVIEW REPORT (NOVEMBER 2006) (03.00142)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**RESOLVED:** That Council note the updated report (as at February 2014) of the Department of Local Government, PBP Review of November 2006.

### **GENERAL BUSINESS**

- 8** **Item 1 SHADE FOR CHILDRENS PLAY EQUIPMENT (04.00034)**

**Cr Jennings** - noted temperatures have been at record levels. Asked what is the current position on shade for play equipment.

**The Director Engineering Services** spoke to structures allowed for in prior budgets and some vandalism issues that have occurred.

- 9** **Item 2 INVESTMENT OF FUNDS (16.00001)**

**Cr Jennings** - asked does Council invest in ethical investments e.g. not in tobacco.

**The Director Corporate Services & Finance** spoke to investment policies and processes in place and State Government restrictions.

- 10** **Item 3 ASIAN TRADE (20.00071)**

**Cr Jennings** - referred to Australia/Japan foundation and noted there are grant opportunities available. Requested Council look at these for the future. Noted value adding to the trip referred to recently in the press. Also raised Wyong Council activities, including Australian/Chinese consortium. There are economic opportunities. Asked is Council aware of State Government Trade delegation to Asia? Also asked is Simplot involved in this as it targets food manufacturing business?

**11**      **Item 4 JAMIE OLIVER KITCHEN APPLICATION (23.00026)**

**Cr Jennings** - noted there is good community and Council support for this. Advised it would be great for Bathurst if it comes here, as the program targets diet related illnesses.

**The Mayor** advised a letter of support has been sent by the Mayor on behalf of the Council.

**12**      **Item 5 MULTI-CULTURAL ADVANTAGE PROGRAM (09.00032)**

**Cr Jennings** - noted that State Government funds are available. Advised he has spoken to Bathurst Information & Neighbourhood Centre (BINC), there is benefit for migrants to Bathurst. Advised he would like Council to support.

**13**      **Item 6 BATHURST HERITAGE WEEK 9 - 18 MAY 2014 (23.00060)**

**Cr Jennings** - asked is Council aware there is a National Heritage Week at a different time to Bathurst's week? Advised the National Week next year fits between the middle of March and early May.

**The Mayor** noted Date of Proclamation Day, Autumn Colours Program and various timing issues. The National Trust Heritage Festival booklet includes Bathurst Heritage Week with excellent exposure for Bathurst.

**14**      **Item 7 KANGAROOS (04.00019)**

**Cr Jennings** - asked is there any operational proposals regarding culling in place? Have monitoring counts occurred?

**The Mayor** advised there are no operational proposals in place.

**The Director Engineering Services** spoke to Fauna Plan in place and prior count cycles.

**15**      **Item 8 ART FOR BATHURST BASE HOSPITAL (22.01047)**

**Cr Jennings** - advised he would like Council to investigate the possibility of art being supplied to the hospital. This would get art more publicly exposed. Also reduces pressure on storage needed.

**16**      **Item 9 KEPPEL STREET MEETING (22.00159)**

**Cr Jennings** - advised the Keppel Street group met with John Holland, appears they may not be seeking demolition of cottage.

**The Mayor** spoke to future meetings planned with local member and John Holland.

**17**      **Item 10 DESTINATION MANAGEMENT PLAN (37.00042)**

**Cr Jennings** - inquired as to where the Destination Management Plan is at?

**The Director Environment, Planning & Building Services** advised a firm has been appointed, and consultation plan is being finished.

**18**      **Item 11 USE OF MICROPHONES (11.00005)**

**Cr Morse** - asked everybody to use the microphones that are provided to assist with the conduct of Council meetings.

**19**      **Item 12 SHADE FOR TAXIS (28.00009 & 25.00006)**

**Cr Morse** - advised taxi drivers are requesting shade covers over taxi stops in Howick Street.

**The Director Engineering Services** noted approaches have been made to Council and discussions are ongoing. The matter is being investigated, possible funding through Department of Transport may be available.

**20**      **Item 13 ACCESS ISSUES (07.00031)**

**Cr Morse** - noted problems exist in City concerning disabled access e.g. toilet doors



opening outwards. Also spoke to microphone problems. Could sound/audio systems be investigated for Mount Panorama suite?

**The Director Environmental, Planning & Building Services** noted Building Code requirements.

**21**      **Item 14 FOOD MANUFACTURING/AGRIBUSINESS (20.00071)**

**Cr Westman** - asked could a report come back on the future direction of food manufacturing/Agribusiness in the region and how it aligns with State and Federal Government directions.

**22**      **Item 15 12 HOUR EVENT (04.00097)**

**Cr Coote** - asked how did this event go? Congratulated all involved.

**The Director Corporate Services & Finance** noted crowd numbers where around 27,000. 14 overseas teams participated and 44 cars started on the grid. Advised financial results appear good. Noted TV ratings information is being collated for Councillors. Live streaming was excellent.

**23**      **Item 16 WARWICK ARTIS - GREENING BATHURST (18.00157)**

**Cr Coote** - advised Warwick Artis has passed on his congratulations. Noted Council is not doing a bad job.

**24**      **Item 17 MASTERS DEVELOPMENT (22.07151)**

**Cr Coote** - congratulated the group for opening. Also noted future initiatives by Council to meet various businesses into the future, this is excellent.

**25**      **Item 18 ROAD SAFETY OFFICER (28.00002)**

**Cr Aubin** - advised application for a grant from IPWEA to go and do Traffic Emergency Studies in Japan has been successful.

**26**      **Item 19 CHINESE BUSINESS (20.00071)**

**Cr Aubin** - advised he has received some approaches recently from Chinese businesses. Noted Bathurst is known in the market place,

**27**      **Item 20 KANGAROOS AT MOUNT PANORAMA (04.00019)**

**Cr Aubin** - asked can a Working Party be held on this issue? Spoke to fencing being put in place and safety issues.

**28**      **Item 21 CARPARK BEHIND BERNARDS BAKERY, GEORGE STREET (22.01453)**

**Cr Aubin** - noted the Carpark located behind Bernards has been recommended by Traffic Committee to change restrictions to all day carparking.

**29**      **Item 22 KANGAROOS (04.00019)**

**Cr North** - advised the issue is not just about the race, but concerned about the people in Bathurst. Need to look at options like more fencing, so agrees with a Working Party.

**30**      **Item 23 TRAFFIC LIGHTS KELSO (NEW) (25.00018)**

**Cr North** - advised there is confusion with an arrow for westbound traffic and yet sign says no left turn. Asked can this be looked at and be referred to the Traffic Committee?

**31**      **Item 24 LEP - STATE GOVERNMENT NEW PLANNING LAWS (20.00143)**

**Cr North** - asked do new proposals allow State to undertake spot rezoning?

**The Director Environment, Planning & Building Services** advised this has always been the case and is not aware of any changes. Noted will investigate this matter.

**32**      **Item 25 NEW BUSINESSES TO TOWN (20.00071)**

**Cr North** - noted there are a number of new businesses coming to town. Asked could Council put in place a process of welcoming these businesses to town and have, for example "Experiences at the Mount".

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**This is page 6 of Minutes of the Policy Committee held on 5 March 2014.**

**33**      **Item 26 KANGAROOS (04.00019)**

**Cr Bourke** - noted Council is a big business, and needs to look at fencing, water supply issues etc.

**34**      **Item 27 CARRINGTON PARK (04.00008)**

**Cr Bourke** - asked are we looking at using Carrington Park for parking?

**The Director Environmental, Planning & Buildings Services** understands the park is currently opened during peak times.

**The Director Engineering Services** noted Council is not looking at expanding use outside of major events.

**35**      **Item 28 ACCESS ISSUES (07.00031)**

**Cr Bourke** - noted new buildings need to abide by Building Codes. For old buildings it is very hard to put, for example, a lift in. In country towns there needs to be a compromise e.g. TAFE building and Webb Building.

**36**      **Item 29 KATH KNOWLES PATHWAY (20.00038)**

**Cr Bourke** - noted the pathway was recently named after Kath Knowles who did a great deal for the City. Advised he would like to see Ian MacIntosh acknowledged e.g. name the theatre after him as he had a lot to do with this. Noted Council should also look at naming grandstand at Mount Panorama after Ivan Stibbard.

**MEETING CLOSE**

**37**      **MEETING CLOSE**

The Meeting closed at 6.50 pm.

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

**Date:** \_\_\_\_\_ **(19 March 2014)**

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING 4 MARCH 2014 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 4 March 2014 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held 4 March 2014, are attached.

**Financial Implications:** N/A

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 4 MARCH 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

Members: Cr Warren Aubin (Chair), Sargeant Peter Foran and Leading Senior Constable Daniel Cooper (Police), Jackie Barry (Roads and Maritime Services), David Veness (MP Representative)

Present: Darren Sturgiss (Manager Technical Services), Iris Dorsett (Tablelands Area Road Safety Officer), Paul Kendrick (Traffic & Design Engineer) and Deborah Taylor (Acting Manager Environment)

Observer: Geoff Paton (Blayney Shire Council)

**APOLOGIES**

**2 APOLOGIES**

Nil

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 FEBRUARY 2014 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 4 February 2014 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

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This is page 1 of Minutes of the Traffic Committee held on 4 March 2014.

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General Manager

Page 78  
Mayor

That the Declaration of Interest be noted.

## **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

### **Director Engineering Services' Report**

**5**      **Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 FEBRUARY 2014 (07.00006)**

That the information be noted and necessary actions be taken.

**6**      **Item 2 SMALL BIZ BUS - VISIT TO BATHURST 2014 (20.00071-03/028)**

That Council approve the Small Biz Bus visit to Bathurst proposed for Wednesday 26 March 2014 as an unclassified event, and that the event be approved subject to conditions as detailed in the Director Engineering Services' report.

**7**      **Item 3 ROCKLEY ANZAC DAY SERVICE AND MARCH 2014 - TEMPORARY ROAD CLOSURES (23.00076/096)**

That Council approve the holding of the Anzac Day Service and March within Rockley on Friday, 25 April 2014. The Commemorative Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**8**      **Item 4 CAIRN ANZAC DAY SERVICE 2014 - TEMPORARY SPEED RESTRICTION ON LIMEKILNS ROAD (23.00076/096)**

That Council approve the holding of the Anzac Day Service at the Memorial Cairn with a temporary speed restriction of 40km/hr on Limekilns Road on Friday 25 April 2014. The Commemorative Service and temporary speed restriction to 40km/hr are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**9** **Item 5 BATHURST ANZAC DAY SERVICE AND MARCH - 2014, TEMPORARY ROAD CLOSURES WITHIN CBD (23.00076/096)**

That Council approve the holding of the 2014 Anzac Day Service and March within the Bathurst central business district on Friday 25 April 2014. The Dawn Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**10** **Item 6 LATE REPORT (28.00009-06/009)**  
**MOVED** Cr Warren Aubin and **SECONDED** David Veness (MP Representative)

That the Committee accept and deal with the late report on Safety Concerns at St Stanislaus College, Bathurst.

**11** **Item 7 SAFETY CONCERNS ST STANISLAUS COLLEGE BATHURST (28.00009-06/009)**

That Council approve the installation of a bus zone to operate 8.00AM-9.30AM & 2.30PM-4.00PM suitable to park 4 buses on Brilliant Street adjacent to St Stanislaus College.

**Director Environmental Planning & Building Services' Report**

**12** **Item 1 MOBILE PARKING ENFORCEMENT (28.00006)**

That Council change the 3 hour time restricted car parking spaces to unrestricted parking spaces in Council's Car Park at 79 George Street as detailed in the Director Environmental, Planning & Building Services report.

**TRAFFIC REGISTER**



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

That the information be noted.

**MEETING CLOSE**

**14**      **MEETING CLOSE**

The Meeting closed at 2.26pm.

**DELEGATES REPORTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 MARCH 2014

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12 FEBRUARY 2014 (11.00019)**

**Recommendation:** That the information be noted.

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

**Apologies:** Cr Aubin

### **1. NSW FIRE & RESCUE (18.00233)**

Representatives from NSW Fire & Rescue, Murray West, Zone Commander and Neil Harris, Area Commander attended the meeting to provide Councillors with information on services provided by NSW Fire & Rescue to the people of Bathurst.

Discussion included:

- provided statistics on the Bathurst and Kelso Stations.
- Murray West advised that the four main areas of responsibility are; prevention, preparation, response and recovery.
- The prevention role involves education programs, exercises conducted with other emergency agencies, fire investigation, etc.
- The preparation role involves planning, staff training, membership of local and regional Emergency Committees.
- The recovery role involves liaison with other emergency services, salvage operations, fire investigations, incident exercise debriefs.
- Response involves, response to road accidents, fires, structural hazards, incidents and support to combat agencies for natural disaster events.

### **2. ROTARY CLUB OF BATHURST DAYBREAK - B2B ORGANISING COMMITTEE (23.00128)**

Irene Jones (Chair B2B Committee), Robert Barlow, Debbie Schache, Craig Ronan and Phil Ayres of Cycling NSW attended the meeting to provide information to Councillors on the B2B Cycling Event.

Discussion included:

- 2014 Event on 6 April 2014 will be the tenth event run by Club.
- First event there was 200 competitors. In the 2013 Event there were 2230 riders on the Sunday.
- Expect event to grow to 4,000 riders over the next few years.
- B2B is one of the top five community events in the Central West.
- Organising Committee is grateful for Council's support.
- Spoke to reasons as to why and how beneficiaries were chosen, and why they believe that Council should support the event, even though it now raises enough funds to cover its own costs.

Phil Ayres from Cycling NSW advised:

- The B2B Organising Committee is a not for profit organisation.
- Cycling NSW is looking to promote events such as this.

- Many of the competitors in this event are from out of town, therefore, bringing tourism dollars to Bathurst.
- The B2B is one of the largest cycling events in NSW - most other events of a similar nature are run by commercial operators.

**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

**2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4 MARCH 2014 (20.00153)**

**Recommendation:** That the recommendations of the 2015 Bicentenary Celebrations Committee held on 4 March 2014 be adopted.

**Report:** The Minutes of the 2015 Bicentenary Celebrations Committee held on 4 March 2014 are provided at **attachment 1**.

**Financial Implications:** N/A

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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