



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

13 August 2014

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 20 August 2014

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 20 August 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, 20 AUGUST 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 - 16 JULY 2014

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 5 AUGUST 2014

* MINUTES - TRAFFIC COMMITTEE MEETING - 5 AUGUST 2014

10. NOTICES OF MOTION

Moved by Cr Jennings

That Council:

- (a) Recognises there are various unacceptable risks and uncertainty associated with any possible Coal Seam Gas (CSG) mining in the Bathurst Region, and hence declares Council to be a CSG Free Zone.

- (b) Recognises there are various unacceptable risks and uncertainty associated with any possible CSG mining in the CENTROC Region, and hence writes to CENTROC suggesting CENTROC also declares the entire CENTROC Region to be a CSG Free Zone.

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- * UPPER MACQUARIE COUNTY COUNCIL - 1 AUGUST 2014
- * COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 JULY 2014
- * 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 5 AUGUST 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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|----------------------------|--|
| 1 | WASTEWATER TREATMENT PLANT | 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 |

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|---|
| 1 | RURAL LEASE AGREEMENT - PART LOT 162 DP 1125026 LOCATED ON WHITE ROCK ROAD BATHURST - WHITE | 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 TENANCY AGREEMENT - LOT 19 DP849271 KNOWN AS 57 SEYMOUR STREET BATHURST - NANCARROW | 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 | REQUEST FOR FINANCIAL ASSISTANCE - BATHURST THOROUGHBRED RACING | 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 | RURAL LEASE AGREEMENT - LOT 17 | 10A (2) (d) (i) – contains commercial information of a |

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|---|---|---|
| | DP1099208 KNOWN AS 1 ROCKLEY STREET, GEORGES PLAINS TO PETERSON | 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 | REQUEST FOR FINANCIAL ASSISTANCE - BATHURST HARNESS RACING CLUB | 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 | TRANSFER OF LEASE AGREEMENT FOR ABSOLUTELY DELICIOUS PTY LTD - PART LOT 90 DP1026194 KNOWN AS 1 KENDAL AVENUE, BATHURST | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 7 | PROPOSED NEW LICENCE AGREEMENT - BATHURST BICYCLE PARK INCORPORATED | 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 CONSTRUCTION OF BIKE EDUCATION TRACK - BATHURST ADVENTURE PLAYGROUND | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2 | TENDER FOR CONSTRUCTION OF LANDSCAPE ENTRANCE FEATURES - MID WESTERN & MITCHELL HIGHWAYS, 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 CULTURAL & COMMUNITY SERVICES' REPORT**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|---|
| 1 | EXPRESSION OF INTEREST FOR BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) CATERING SERVICES | 10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret. |

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 - 16 JULY 2014 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 July 2014 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 16 July 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 16 JULY 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

B Triming – Access Committee - expressed concern about accessible parking in front of RSL Club in Rankin Street. People are not parking correctly in this area and are mounting the footpath. Need this area to be controlled. Mr Triming advised he has spoken to the Police and has forwarded a letter to Council to bring it to public attention.

G McCauley – dog droppings and smoking in public - spoke to fining owners for dog droppings. Also requested Council to stop people smoking at Howick Street Bus Interchange and fine people where necessary.

L Grout – Bathurst Aquatic Centre Fees - spoke to Swim Club operations at the Centre and cost of hiring lanes. Could Council look into why the Club has to pay lane fees. Need these costs to be eliminated.

The Mayor requested the Club send in a letter of request to Council.

P Field – Water Pricing - spoke to long run cost models and price elasticity. Asked what pricing models are being used by Council 2014/2015.

The General Manager requested Mr Field forward his questions in writing to Council.

M Worthington – DA2014/0044 - DEPBS Item #6 - spoke to Pet Hotel proposal and noise issues. This will transmit noise to his property. Feels he was not properly notified. Asks Council to proceed cautiously in this matter. Noise report makes no reference to fog or temperature inversion, concern at rigour of noise study. Please refuse or defer this DA.

D Baldwin –DA2014/0044 - DEPBS Item #6 - spoke to concerns with proposal including; traffic issues (traffic numbers do not appear correct), noise concerns (this was a desk top study), spoke to inversion issues. Noise consultant has not spoken to residents. Environmental hazards - waterway, biodiversity and vulnerability.

B Sewell –TAFE teacher - DA2014/0044 - DEPBS Item #6 - noted applicant has attended TAFE and undertaken a course in Animal Studies. The course is

recognised in the pet industry. Spoke to subjects covered in the course. Supports the proposal.

G Hargans – Bathurst Cemetery Damage - requests Council put a fence around the cemetery. Have previously raised this with Council.

B McHugh – applicant - DA2014/0044 - DEPBS Item #6 - spoke to noise study and comprehensiveness of the document. Noted all environmental requirements are being met. Believes there are no road concerns.

S Howarth – S:18C Racial Discrimination Act - NOM Item #1 - spoke of support for Section 18C of the Act. It acts as a red light to racial discrimination and asks Council to support the Notice of Motion. Fifty Councils have already supported this.

K Goombrydge – S:18C Racial Discrimination Act - NOM Item #1 - spoke to support for Section 18C and history of setting up government in Australia. Urged Council to support the Notice of Motion. The Council has set a precedent with the Sorry Day Celebrations, and the community was pulled in. The removal of Section 18C would undo all the goodwill.

Dr M Evans – CSU lecturer - S:18C Racial Discrimination Act - NOM Item #1 - spoke to history of the Act and the purpose of it. Requested Council support the Notice of Motion.

M Williamson – Wiradjuri Council Elders - asks Council to work with the Council of Elders. The town needs to work together.

The Mayor spoke to actions Council takes to show respect and work with the aboriginal community.

D Mullins – S:18C Racial Discrimination Act - NOM Item #1 - asks Council to support the Notice of Motion. Needs community to work together to "mend bridges".

B Allen (Snr) – S:18C Racial Discrimination Act - NOM Item #1 - advised moved to Bathurst in 1963 and worked on the Railways. Was good and there was no discrimination till bought a house in 1967. Spoke to petition put in. How the matter was resolved and the actions he took. After railways worked as an Aboriginal Tours coach driver. There have been a lot of changes over recent years, and spoke to good rapport between Council and the Aboriginal community. Keep racism down. Would like private enterprise to take on more Aboriginal workers.

G Crisp – ratepayer

- supported discussions on Section 18C of the Racial Discrimination Act.
- Freedom of Speech, congratulated Mayor on position taken in Western Advocate on this matter. Council should not impose restrictions on persons.

L McDiarmid – DA2014/0044 - DEPBS Item #6 - advised there is already a dog kennel in the Valley, this causes noise issues. Understand proposal complies with standards. The two kennels will cause a never ending noise cycle. Spoke to experience with kennel constructed on highway on the road to Orange and the noise this generates. Raised concerns at notification process and need to get further information provided.

I MacPherson – National Trust - wishes to recognise positive role being

experienced with Council over heritage matters. Heritage creates a lifestyle and economic benefit. Bathurst has great brand recognition. Spoke to Heritage Certificates being awarded by the Trust and the success of Heritage Week. The Bathurst Macquarie Heritage medal proposal is fantastic. Noted Heritage Plan that has recently been adopted by Council, is well past the Heritage Council minimum requirements. He then noted the Cox's Road project. Looking forward to continuing to work with Council.

P Dowling – Methane at Tip - asked has there been a meter placed on the Methane flare.

The Director Engineering Services advised there is no meter, estimations are used for burning levels and the appropriate authorities have accepted this.

P Dowling – Green Waste Bins - stated that before this goes any further, Council needs to be aware that people already processing green waste will be penalised. Costs are a contentious issue. People can not justify the cost, "one hat does not fit all". Do not impose on everyone.

P Dowling – George Street Bridge - thanked the Engineering Department for actions in regards to safety issues raised.

L Laird – S:18C Racial Discrimination Act - NOM Item #1 - supports the Notice of Motion.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 JUNE 2014 (11.00005) **MOVED** Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 June 2014 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the following Declaration of Interest be noted.

Cr Westman

Item #8 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 I North and **SECONDED** Cr M Coote**RESOLVED:** That the information be noted.**7 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr W Aubin and **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**8 Item 3 DEVELOPMENT APPLICATION NO. 2014/0210 – THREE LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1930, 1932 & 1964 THE BRIDLE TRACK, BRUINBUN. APPLICANT: L J TOOBY SURVEYS (BATHURST) PTY LTD. OWNER: MR M & MRS H SEAMAN (DA/2014/0210)****MOVED** Cr G Westman and **SECONDED** Cr J Jennings**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 16 and proposed Lot 18;
- (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 16 and proposed Lot 18;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act to Development Application No. 2014/0210, 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,**Against the motion** - Nil**Absent** - Nil**Abstain** - Nil**9 Item 4 DEVELOPMENT APPLICATION NO. 2014/0231 – DEMOLITION OF EXISTING OUTBUILDINGS, CONSTRUCTION OF DUAL OCCUPANCY**

(SECOND DWELLING), CONSTRUCTION OF CARPORT AND TWO LOT SUBDIVISION AT 52 MORRISSET STREET, BATHURST. APPLICANT: ADAM HART CONSTRUCTIONS PTY LTD. OWNER: MS R MOTTRAM (DA/2014/0231)
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the minimum lot size development standards for a dual occupancy development prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0231, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

10 **Item 5 DEVELOPMENT APPLICATION NO. 2014/0233 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 4081 SOFALA ROAD, WATTLE FLAT AND 4117 SOFALA ROAD, WATTLE FLAT. APPLICANT: VOERMAN AND RATSEP. OWNER: MR N WILLIAMS & MR K HAWLEY (DA/2014/0233)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

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 11;
- (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 11;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0233, 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 11** Item 6 DEVELOPMENT APPLICATION NO. 2014/0044 – USE OF EXISTING BUILDING AS CATTERY, CONSTRUCTION OF BUILDING FOR USE AS A DOG BOARDING KENNEL AND ADVERTISING SIGNAGE AT 108 MARYS LANE, DUNKELD. APPLICANT: MR B MCHUGH. OWNER: MR B MCHUGH & MRS S OSBORNE-MCHUGH (DA/2014/0044)
MOVED Cr I North and SECONDED Cr W Aubin

RESOLVED: That Council:

- (a) defer consideration of Development Application No. 2014/0044 to allow further public consultation and consideration to occur on matters of concern that have been raised including; noise, traffic and environmental hazards.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being PUT to the VOTE the MOTION was CARRIED

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 12** Item 7 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2012/0549 – DEMOLITION OF DWELLINGS AT 196 AND 210 STEWART STREET, ADDITIONS AND ALTERATIONS TO AGED CARE FACILITY AND SUBDIVISION AT 194, 196, 198, 210 STEWART STREET AND 207 AND 209 PIPER STREET, BATHURST APPLICANT: HAVENHAND & MATHER ARCHITECTS. OWNER: ROYAL FREEMASONS BENEVOLENT INSTITUTION (DA/2012/0549)
MOVED Cr M Coote and SECONDED Cr B Bourke

RESOLVED: That Council:

- (a) as the consent authority, not grant consent to the modification to Development Application No. 2012/0549 made under Section 96(1A) of the Environmental Planning and Assessment Act 1979, for the following reasons:
 - (i) The building is a contributory building to the Bathurst City Heritage Conservation Area.

- (ii) The retention of the building was supported by the original Heritage Impact Statement lodged for the development.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

13

Item 8 DEVELOPMENT APPLICATION NO. 2014/0240 – THREE LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 75 EGLINTON ROAD, ABERCROMBIE, 81 EGLINTON ROAD, ABERCROMBIE AND 87 EGLINTON ROAD, ABERCROMBIE. APPLICANT: AIRSURV. OWNER: MR R MCLEOD, MR R BROWN, MRS H BROWN, MR A TRAVIS & MRS M TRAVIS (DA/2014/0240)
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) support the variation to the 1(b) Market Garden 20 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed lot 20 and lot 21;
- (b) support the variation to the 1(b) Market Garden 20 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 20 and lot 21;
- (c) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0240, 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Nil

Abstain - Nil

14

Item 9 DEVELOPMENT APPLICATION NO. 2012/0297 – 55 LOT RESIDENTIAL SUBDIVISION AT WENTWORTH DRIVE, KELSO. APPLICANT: CATHOLIC

DIOCESE OF BATHURST OWNER: CATHOLIC DIOCESE OF BATHURST (DA/2012/0297)

MOVED Cr B Bourke

and **SECONDED** Cr I North

RESOLVED: That Council:

- a) accept the works in kind arrangement (in lieu of the \$38,189.20 contributions payable under the Raglan Creek Stormwater Drainage Management Plan, being the amount yet to be paid under Development Application 2012/0297) for the construction of a retarding basin by the developer at a cost of \$185,886.00 (GST exclusive); and
- b) agree to pay the developer \$147,696.80 from the existing balance of the Raglan Creek Stormwater Drainage Management Section 94 Plan as Council's contribution to the cost of the retarding basin.

15 Item 10 DEVELOPMENT APPLICATION NO. 2014/0199 – DEMOLITION OF EXISTING OUTBUILDINGS, CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), AND TWO LOT SUBDIVISION AT 339 STEWART STREET, BATHURST. APPLICANT:LUKE CUTLER HOMES . OWNER: J SIMONS (DA/2014/0199)

MOVED Cr M Coote

and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) support the variation to the minimum lot size development standards for a dual occupancy development prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) as the consent authority, grant consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2014/0231, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

16 Item 11 NAMING OF PUBLIC ROADS – CASSIDY WAY (20.00024)

MOVED Cr B Bourke

and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) adopt the name Cassidy Way; and

- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

- 17 **Item 12 POPULATION, HOUSEHOLD & DWELLING PROJECTIONS AND REGIONAL GROWTH PLAN (03.00008)**
MOVED Cr M Coote and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

- 18 **Item 13 BATHURST PEST BIRD MANAGEMENT STRATEGY: UPDATE ON PROGRAM ACTIVITIES (14.00627)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That Council note the program outcomes.

- 19 **Item 14 ECONOMIC ANALYSIS AND PROPOSED JOBS EXPO (20.00071)**
MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 20 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 21 **Item 2 YEAR TO DATE MONTHLY REVIEW - 2013-2017 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2013-2014 (16.00135)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 22 **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**
MOVED Cr M Coote and **SECONDED** Cr J Jennings

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

- 23** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin
- RESOLVED:** That the information be noted.
- 24** **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings
- RESOLVED:** That the information be noted.
- 25** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - 2015 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (18.00004)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote
- RESOLVED:** That Council donate the cost of the road closures to a maximum of \$800 for the 2015 Bathurst Street and Custom Motorcycle Show to be held Saturday 7 February 2015, to be funded from Section 356 Donations.
- 26** **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST BLACKTRACKERS RUGBY LEAGUE CLUB (18.00004)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger
- RESOLVED:** That Council donate \$500 to the Bathurst Blacktrackers Rugby League Club to assist in participating in the 2014 Annual Aboriginal Rugby League Knockout, to be funded from Section 356 Donations.
- 27** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST FILIPINO - AUSTRALIAN COMMUNITY (18.00195-24)**
MOVED Cr B Bourke and **SECONDED** Cr I North
- Cr Westman declared a non-pecuniary interest in this item and remained in the Chamber.**
- Reason: Manages a number of persons who work with this community group.**
- RESOLVED:** That Council make available an amount of \$550 to assist the operations of the Bathurst Filipino- Australian Community group, to be funded from Section 356.
- 28** **Item 9 REQUEST FOR FINANCIAL ASSISTANCE -YOUNG LIFE BATHURST (09.00037)**
MOVED Cr M Morse and **SECONDED** Cr I North
- RESOLVED:** That Council waive the fees of \$816 for the use of the Kelso Community Centre, to Young Life Bathurst to conduct youth meetings, and to be funded from Section 356.

- 29** **Item 10 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST REGIONAL YOUTH COUNCIL (18.00004, 41.00089)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That Council

(a) donate \$1,626.25 to the Bathurst Regional Youth Council for their dance party at Bathurst Memorial Entertainment Centre (BMEC), held Saturday 9 August 2014, and to be funded from the BMEC Community Subsidy Vote.

(b) amend the Section 356 Donations Policy to include at Item 6: Bathurst Memorial Entertainment Centre - Hire;

- Bathurst Regional Youth Council be provided with a subsidy of up to \$2,000 per annum for the use of facilities at the BMEC. This amount to be annually increased by CPI.

- 30** **Item 11 HONORARY CITIZEN AWARD PROPOSAL FOR BATHURST 200 BICENTENNIAL CELEBRATIONS (20.00132)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council refer to a Working Party the selection process and suggested recipients for the Honorary Citizens Award, which will be included in 2015 bicentenary celebrations.

Director Engineering Services' Report

- 31** **Item 1 WASTE 2 ART 2014 EXHIBITION AND COMPETITION (14.00007)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 32** **Item 2 CROWN LANDS LEGISLATION WHITE PAPER (22.00270)**
MOVED Cr J Jennings and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

- 33** **Item 1 NATIONAL MOTOR RACING MUSEUM - LEGENDS OF MOTOR SPORT (21.00050)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 34** **Item 2 BATHURST LIBRARY - VISIT BY STATE LIBRARIAN, 5 JUNE 2014 (21.00054)**
MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 35** **Item 3 BATHURST REGIONAL ART GALLERY - INSTALLATION AND UNVEILING OF PHILIP SPELMAN'S REDJAR REDBOTTLE FROM SCULPTURE BY THE SEA (21.00015)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 36** **Item 4 BATHURST MEMORIAL ENTERTAINMENT CENTRE - IF THERE WAS A COLOUR DARKER THAN BLACK I'D WEAR IT, 2-7 JUNE 2014 (23.00007)**
MOVED Cr J Jennings and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 37** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 JULY 2014 (07.00064)**
MOVED Cr W Aubin and **SECONDED** Cr I North

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

Traffic Committee Meeting

- 38** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 1 JULY 2014 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 1 July 2014 be adopted.

NOTICES OF MOTION

- 39** **Item 1 NOTICE OF MOTION - CR JENNINGS (11.00004, 09.00032)**
MOVED Cr J Jennings and **SECONDED** Cr I North

The **MOTION** was **MOVED**

That Council:

- (a) Understand the fundamental importance of Section 18C of the Racial Discrimination Act 1975.
- (b) Recognises that Section 18C provides protection to individuals from offensive behaviour because of race, colour, national, or ethnic origin.

- (c) Urges all levels of Government to combat bigotry at every opportunity.
- (d) Requests, in writing, that the Federal Attorney General withdraw the Draft Exposure Amendment to the Racial Discrimination Act.

40 **Item 1.01 EXTENSION OF TIME (11.00004, 09.00032)**
MOVED Cr G Hanger and **SECONDED** Cr I North

RESOLVED: That an extension of time be granted for Cr Jennings to talk on the topic

41 **Item 1.02 NOTICE OF MOTION - CR JENNINGS (11.00004, 09.00032)**
MOVED Cr M Morse and **SECONDED** Cr I North

The following AMENDMENT was MOVED

That Council reaffirms its existing policies in opposing Racial Discrimination.

Cr Bourke gave notice of a foreshadowed amendment

The AMENDMENT was PUT and CARRIED.

Cr Bourke advised that he would withdraw his intention to move an amendment.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

DELEGATES REPORTS

42 **Item 1 CENTROC BOARD MEETING - 29 MAY 2014 (07.00017-28)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That the report on the Centroc Board Meeting held 29 May 2014 in Parliament House, Sydney be noted.

43 **Item 2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 JUNE 2014 (11.00019)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

44 **Item 3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 25 JUNE 2014 (11.00019)**
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

45 Item 4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 24 JUNE 2014 (11.00020)**MOVED** Cr M Coote and **SECONDED** Cr J Jennings**RESOLVED:** That the information be noted.**46 Item 5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 1 JULY 2014 (20.00153)****MOVED** Cr I North and **SECONDED** Cr M Morse**RESOLVED:** That the recommendations of the 2015 Bicentenary Celebrations Committee held on 1 July 2014 be adopted.**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****47 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****MOVED** Cr I North and **SECONDED** Cr W Aubin

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

There were no representations from the public.**RESOLVED:** That:

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

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|---|---|
| 1 | BACKUP/ARCHIVING & DISASTER RECOVERY SOLUTION | 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 - LOTS 2, 10 AND 11 DP224864 LOCATED AT BEN CHIFLEY DAM | 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 SUBDIVISION AND SUBSEQUENT SALE OF LAND - LOT 202 DP1074567 HAMPDEN PARK ROAD KELSO INDUSTRIAL PARK - B.A.E.C. ELECTRICAL | 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. |
| 4 | EXPRESSION OF INTEREST - VACANT LAND KNOWN AS 51 STEPHENS LANE KELSO (LOT 1 DP716930) | 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 | RURAL LICENCE AGREEMENT - LOT 2 AND LOT 3 DP1115543 | 10A (2) (d) (i) – contains commercial information of a confidential nature that |

| | | |
|--|--|---|
| | KNOWN AS 57A CHURCH LANE KELSO - ORZLOWSKI | 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 SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS | 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 | WINDRADYNE RESIDENTIAL ESTATE STAGE 1000 CIVIL 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. |

*** GENERAL MANAGER'S REPORT**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|----------------------------------|--|
| 1 | HONORARY CITIZENSHIP OF BATHURST | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, |

| | | |
|---|--------------------------|---|
| | | prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 2 | CHARLES STURT UNIVERSITY | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

Director Corporate Services & Finance's Report

- a** Item 1 BACKUP/ARCHIVING & DISASTER RECOVERY SOLUTION (36.00519)
MOVED Cr I North and **SECONDED** Cr M Morse

That Council accept the tender from Computer Systems Australia for \$199,381.00 (inc GST) as detailed in this report.

- b** Item 2 EXPRESSION OF INTEREST - LOTS 2, 10 AND 11 DP224864 LOCATED AT BEN CHIFLEY DAM (32.00005))
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council approves entering into a new Rural Licence agreement for Lot 2 DP224864 (paddocks 3, 4 and 5) and Lots 10 and 11 DP224864 (paddocks 6, 7 and 8) located at Ben Chifley Dam with Messrs Stephen and Daniel Owens for a period of three (3) years as detailed in the report.

- c** Item 3 PROPOSED SUBDIVISION AND SUBSEQUENT SALE OF LAND - LOT 202 DP1074567 HAMPDEN PARK ROAD KELSO INDUSTRIAL PARK - B.A.E.C. ELECTRICAL (22.15200)
MOVED Cr M Coote and **SECONDED** Cr W Aubin

That Council act in accordance with the report.

- d** **Item 4 EXPRESSION OF INTEREST - VACANT LAND KNOWN AS 51 STEPHENS LANE KELSO (LOT 1 DP716930) (21.00022)**
MOVED Cr M Coote and SECONDED Cr I North

That Council approves entering into a new Rural Licence Agreement with Ms Nicole Schryver for Lot 1 DP716930 known as 51 Stephens Lane, Kelso for a period of three (3) years as detailed in the report.

- e** **Item 5 RURAL LICENCE AGREEMENT - LOT 2 AND LOT 3 DP1115543 KNOWN AS 57A CHURCH LANE KELSO - ORZLOWSKI (22.00487)**
MOVED Cr M Coote and SECONDED Cr I North

That Council approves entering into a new Rural Licence Agreement with Mrs Orzowski for Lot 2 and Lot 3 in DP1115543 known as 57A Church Lane, Kelso for a period of two (2) years as detailed in the report.

Director Engineering Services' Report

- f** **Item 1 TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS (36.00520)**
MOVED Cr I North and SECONDED Cr M Coote

That Council accept the following tenders for the supply and delivery of Water Treatment Chemicals for the 2014/2016 financial years -

- (a) Chemprod Nominees Pty Ltd t/a Omega Chemicals for liquid aluminium sulphate, and
- (b) Redox Pty Ltd for soda ash.

- g** **Item 2 WINDRADYNE RESIDENTIAL ESTATE STAGE 1000 CIVIL WORKS (36.00514)**
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council accepts the tender of Hynash Constructions Pty Ltd, for the construction of Civil Works at Windradyne Residential Estate Stage 1000, in the amount of \$4,529,545.00 (inc GST), subject to adjustments and provisional items.

General Manager's Report

- h** **Item 1 HONORARY CITIZENSHIP OF BATHURST (23.00132)**
MOVED Cr M Coote and SECONDED Cr I North

RESOLVED: That Council act in accordance with the report.

- i** **Item 2 CHARLES STURT UNIVERSITY (22.00531-06, 22.03298 & 18.00051-04)**

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

RESOLVED: That Council act in accordance with the report.

RESOLVE INTO OPEN COUNCIL

48 RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

49 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

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

MEETING CLOSE

50 MEETING CLOSE

The Meeting closed at 8.25 pm.

CHAIRMAN: _____

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

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 AUGUST 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 July 2014 (**attachment 1**).
- (b) Applications refused during July 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 July 2014 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

3 DEVELOPMENT APPLICATION NO 2014/0268 - TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT AND CONSOLIDATION) 1974 LIMEKILNS ROAD AND 2090 LIMEKILNS ROAD, LIMEKILNS. APPLICANT: MR E CARLSON. OWNER: MR E & MRS J CARLSON AND MR M & MRS C FAIRBANKS (DA NO 2014/0268)

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 851 and proposed Lot 852;
- (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 851 and proposed Lot 852;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act to Development Application No 2014/0268, 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 and consolidation) of Lots 85 and 150 in DP 755780 known as 1974 Limekilns Road, Limekilns and of Lot 1 in DP 1046867 known as 2090 Limekilns Road, Limekilns (see location plan at **attachment 1**).

Lot 85 is currently 16.19 hectares and contains a dwelling and associated outbuildings.

Lot 150 is currently 48.36 hectares and is vacant.

Lot 1 is currently 11.9 hectares and contains a dwelling and associated outbuildings.

The proposal

The proposal is for the re-subdivision of the three existing lots to form two allotments (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- 2090 Limekilns Road will increase in size to approximately 35 hectares (proposed Lot 851); and
- 1974 Limekilns Road will increase in size to approximately 40 hectares (proposed Lot 852).

The existing dwellings and outbuildings on each respective lot will be wholly contained within the proposed boundaries.

The proposed boundary follows an existing fence.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 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.

Proposed Lot 851 and proposed Lot 852 are therefore both below the minimum areas specified by clauses 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that they will have areas of approximately 35 hectares and 40 hectares respectively.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection within the Statement of Environmental Effects at **attachment 3**) in relation to the creation of proposed Lot 851 and proposed Lot 852 which indicates the nature of the subdivision and their objection to the current standards because:

1. both lots are already below the minimum lot size of 100 hectares and already contain dwellings;
2. the proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. no new lots or dwelling entitlements are created;
4. no new fence lines are 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. Both lots will contain an existing dwelling. The agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

Draft Bathurst Regional Local Environmental Plan 2014

The land will be zoned RU1 Primary Production under the Draft Bathurst Regional Local Environmental Plan 2014. The minimum lot size standards remain the same under the draft LEP.

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 for a two lot rural subdivision (boundary adjustment and consolidation) at 1974 Limekilns Road, Limekilns and 2090 Limekilns Road, Limekilns. The re-subdivision of the three existing lots into two does not create any new dwelling entitlements as each of the proposed lots will contain existing dwellings. Further the re-subdivision will not 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

4 DEVELOPMENT APPLICATION NO 2014/0281 - THREE LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1750 HILL END ROAD, SALLYS FLAT. APPLICANT: MR I PRICE. OWNER: MR I PRICE (DA NO 2014/0281)

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 6;
- (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 6;
- (c) as the consent authority, grant consent pursuant to section 80 of the Environmental, Planning and Assessment Act to Development Application No 2014/0281, 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 three lot rural subdivision (boundary adjustment) of Lot 12 in DP 875875 and proposed Lots 3 and 4 in the proposed but as yet unregistered subdivision of Lot 11 in DP 875875 and Lots 13, 128, 129, 132, 135 and 136 in DP 756878.

The unregistered allotments have previously been approved under Development Application 2010/0117 in February 2010. Development Application 2010/0117 contemplated the subdivision of the rural property, excluding the dwelling, into five allotments all of which were to be greater than 100 hectares. This particular subdivision only affects two of the unregistered allotments.

The property is known as 1750 Hill End Road, Sallys Flat (see location plan at **attachment 1**).

Lot 12, DP 875875 is currently 11.4 hectares and contains a dwelling and rural outbuildings. Lot 12 is severed in almost equal parts by Hill End Road.

The residual of the property is vacant farmland.

The proposal

The proposal is for the re-subdivision of proposed Lots 3 and 4 approved under Development Application 2010/0117 and of existing Lot 12 in DP 756878 (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- Proposed Lot 3 having an area of 119.4 hectares.
- Proposed Lot 4 having an area of 119 hectares.
- Proposed Lot 6 (currently Lot 12 in DP 875875) having an area of 5.6 hectares.

The existing dwelling and outbuildings on Lot 6 and outbuilding on Lot 4 will be wholly

contained within the proposed boundaries.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 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.

Proposed Lot 6 is therefore below the minimum areas specified by clauses 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 5.6 hectares.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection within the Statement of Environmental Effects at **attachment 3**) in relation to the creation of proposed Lot 6 which indicates the nature of the subdivision and their objection to the current standards because:

1. existing Lot 12 is already below the minimum lot size;
2. existing Lot 12 already contains a dwelling;
3. the proposed lot size is consistent with the surrounding pattern of subdivision;
4. no additional lots or dwelling entitlements are 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. Proposed Lot 6 will contain an existing dwelling. The agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

Draft Bathurst Regional Local Environmental Plan 2014

The land will be zoned RU1 Primary Production under the Draft Bathurst Regional Local Environmental Plan 2014. The minimum lot size standards remain the same under the draft LEP.

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 for a three lot rural subdivision (boundary

adjustment) of 1750 Hill End Road, Sallys Flat. The re-subdivision of the one existing lot and two proposed lots does not create any additional dwelling entitlements or any additional lots. The proposed lot below the minimum lot size (Lot 6) will contain the existing dwelling. Further the re-subdivision will not 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

5 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO 7) (20.00276)

Recommendation: That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 7);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.7) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP amendment does not become effective until notice is given in the Western Advocate;
- (c) call a division.

Report: As Council would be aware, additional land in Eglinton was recently rezoned as 2(a) Residential. As a result Council must now amend the Bathurst Regional (Interim) Development Control Plan (DCP) 2011 to apply the same planning standards to the recently zoned residential land at Eglinton as apply to the existing village (eg minimum lot size and residential density).

The purpose of this amendment is to:

Amend map 1 of the Bathurst Regional (Interim) Development Control Plan 2011 to include the land rezoned as residential surrounding the village of Eglinton within residential precinct 3. This will apply the same planning standards to the recently zoned additional land at Eglinton as apply to the existing village.

Council placed the draft DCP Amendment No. 7 on public exhibition for 28 days from Monday, 16 June 2014 to Monday, 14 July 2014. During the public exhibition period no submissions were received.

Council should note that DCP Amendment No. 7 will become effective from the date of notification of Council's adoption in the Western Advocate.

Conclusion

The DCP amendment No. 7 will apply the same planning standards to the recently zoned residential land surrounding Eglinton as apply to the existing village. No objections were received to the draft amendment. Adoption is therefore recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.1, 3.3
- 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

6 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 (20.00143)

Recommendation: That the report be noted.

Report: Council, at its meeting held 16 December 2014, adopted the draft Bathurst Regional Local Environmental Plan (LEP) 2014. The draft plan was subsequently referred to the NSW Department of Planning and Environment. The Department referred the draft Plan to the Parliamentary Counsel (PC) for an opinion as to whether the plan can legally be made.

The role of the PC is to review and rework the Plan, where required, to ensure its legality. The PC review has taken some time as the Bathurst LEP includes extensive schedules for exempt and complying development provisions. Most other LEPs do not have these schedules as most other Local Government Areas rely on the Codes SEPP for exempt and complying development.

On 23 June 2014, Council received version 8 of the PC's opinion with a request from the Department for Council to undertake a full review of that opinion. Council staff have reviewed the opinion to ensure the proposed changes have not altered the intent of the plan as adopted by Council.

Council's comments on the opinion were forwarded to the Department on 8 July 2014. The comments were considerable and Council has requested a further review of a revised opinion once it has been prepared. Council received a further range of queries from the PC on 16 July 2014. Council is now awaiting receipt of a revised opinion from the PC.

Once the legal opinion is finalised the Department will proceed to gazette the plan.

Whilst the time taken to finalise the LEP is frustrating it is a process that must be followed to ensure the legality of the plan.

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 28.1

7 BATHURST REGION HERITAGE STRATEGY REFERENCE GROUP (20.00123)

Recommendation: That Council adopt the Charter for the Bathurst Region Heritage Strategy Reference Group as outlined in the report and note that the first meeting of the group will be called in September.

Report: Council, at its meeting held 21 May 2014, resolved to:

- a) adopt the Bathurst Region Heritage Strategy 2014-2017;
- b) establish a Heritage Reference Group (action item 4.3.13 of the Strategy) in 2014; and
- c) forward the Bathurst Region Heritage Strategy 2014-2017 to the NSW Office of Environment & Heritage.

Action 4.3.13 of the Bathurst Region Heritage Strategy 2014-2017 is:

"That Council investigate the establishment of a heritage reference group to provide for collaboration and cooperation in the implementation and review of the Bathurst Region Heritage Strategy".

A proposed charter for the new Bathurst Region Heritage Strategy Reference Group has been prepared in response to action 4.3.13 of the Strategy (refer **attachment 1**).

The Charter has been based on the model adopted by Council for the Vegetation Management Plan Reference Group.

The Charter proposes the following:

- a reference group convened and chaired by Council.
- membership to include one delegate from:
 - Local history/heritage groups - eg National Trust.
 - Village progress associations.
 - Local Aboriginal Land Council.
 - Greening Bathurst.
 - Bathurst Business Chamber
 - Tourism industry.
 - Youth Council.
 - National Parks & Wildlife Services (Hill End).
- key role: to provide community perspective, advice and guidance to Council on the implementation and prioritisation of activities, programs and projects under the Heritage Strategy and annual reporting and three year review of the Strategy.

Council's Environmental Planning & Building Services Department will provide administrative support to the meetings. Planning, tourism and cultural services staff will be invited to attend the meetings along with all Councillors.

It is proposed that the group meet twice a year, September and March dates are suggested. The March meeting in particular will concentrate on program/project reporting in anticipation of the lodgement of the annual report to the Office of Environment & Heritage in May each year.

Summary.

Council's recently adopted heritage strategy identified an opportunity to establish a reference group to assist with the implementation and review of that Strategy. The key role of that group will be the dissemination of information (education and promotion) of heritage related projects and actions outlined in the Strategy to the wider community. A Charter for the Reference Group is proposed based on the model already adopted by Council for the Vegetation Management Plan.

Financial Implications: The administration costs associated with supporting the Reference Group will be met with existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region’s unique heritage and history. To protect a unique identity. Strategy 11.1

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

- Objective 33: To be and develop good leaders. Strategy 33.2

8 CONSERVATION AND INTERPRETATION FUND 2013/2014 (13.00068-03)

Recommendation: That the information be noted.

Report: In 2011 Council established a new small grants fund to assist private property owners and community groups to undertake special heritage projects including:

- preparation of conservation management plans;
- publishing local history books and publications;
- implementing heritage interpretation projects; and
- presenting exhibitions promoting the heritage and history of the Bathurst Region.

In 2013/2014 a total of \$16,773.20 was provided in funding to individuals and community groups from Bathurst and rural villages of Rockley, Trunkey Creek and Hill End. The funding program has provided financial assistance for the completion of the following projects:

- Publishing a biography of the bushranger, John Vane.
- Reprinting an expanded edition of 'Hill End Hearsay'.
- An interpretation sign about communication within the Bathurst Town Square.
- Delivering a virtual education module on Bathurst history for local primary schools.
- A condition assessment of the photographic collection at the Royal Hall in Hill End.
- Five interpretation signs for the Rockley Mill in Rockley.
- A plaque commemorating Mary MacKillop's visit to Trunkey Creek.
- The first stage in setting up a heritage and mission centre at St Joseph's Convent, Perthville.

In total the projects completed have an estimated value of \$61,789.95 for the region. A summary of the 2013/2014 completed projects can be found at **attachment 1**. All of the projects provide an important contribution in protecting, promoting and recording the region's unique heritage and history.

Applications for the 2014/2015 funding program have been called and funding offers will be made in the near future.

Financial Implications: The funding program is provided for in Council's Management Plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.4, 11.5, 11.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5, 30.6

9 2014 LAND IMPROVEMENT AWARDS PROGRAM (13.00064-03)

Recommendation: That the report be noted.

Report: Council included a budget of \$20,000 in the 2013/14 Operating Plan for the Land Improvement Awards. Grants of up to \$10,000 were made available to landholders who commit to undertaking activities on their property which ensure the maintenance or enhancement of the land's ecological values, or the improvement and sustainability of their agricultural enterprises.

Council advertised for applications to the 2014 Land Improvement Awards program in March 2014. Unfortunately, only one eligible submission was received and the program was readvertised in June 2014. So as to not to disadvantage the Round 1 applicant, Council decided to assess the Round 1 and Round 2 submissions separately.

Council received six submissions in total. The submissions were assessed by Council staff with four shortlisted projects to be inspected by a judging panel. This panel was made up of Councillor Jess Jennings; Acting Director Environmental, Planning & Building Services, Janet Bingham; and Central Tablelands Local Land Services Team Leader, Clayton Miller. Inspections were carried out on 17 July 2014. The projects are listed below in order of their rank following the initial assessment and onsite inspections.

| Project Title | Project Description | Final Rank |
|--|---|-------------------|
| Cow Flat Erosion Control & Habitation Restoration | Stabilisation of eroded banks using rock and strategic planting of locally occurring native vegetation; reestablishment of vegetation links to encourage koala movements in accordance with the property's Koala Management Plan. | =1 |
| Braeside Springs Biodiversity Management Plan - Stage 1 | Stage one of a Biodiversity Management Plan to create a wildlife corridor through the property. Involves fencing off 15ha, installation of water trough and removal of weeds to protect flora and fauna and to reduce soil degradation. | =1 |
| Vegetation Management & Wildlife Corridors | Fence and revegetate eroded gully draining into Saltram Creek - stabilise banks, slow water flow and encourage biodiversity. Excludes stock, create wildlife corridors, creates windbreaks and improves landscape amenity. | 3 |
| "Glendower" Revegetation Land Management Plan | Plant native woodlots in 4 linked corridors to increase biodiversity and establish windbreaks. Fencing to exclude stock. | 4 |
| Improved grazing practices | Improve pastures, soils and waterways by installing electric fencing to allow for rotational strip grazing. Weed spraying and manure harrowing. | 5 |
| Wildlife Corridor & Dryland Vegetation Rehabilitation & Fencing. | Revegetation of dryland areas & creation of wind break & fencing off designated areas to increase biodiversity, decrease erosion by excluding stock and planting trees. | 6 |

Council had residual funds from the previous year's grant and was therefore able to award

three grants. The judging panel awarded the 2014 grants to:

1. Peter & Katrina McKinnon for their project: Cow Flat Erosion Control & Habitation Restoration. The McKinnon's project was the only eligible submission received in round 1 of advertising. Notwithstanding, their project indicated their commitment to improving the koala habitat on their Cow Flat property and restoring creek areas currently affected by erosion.
2. Scott Valentine for his project: Braeside Springs Biodiversity Management Plan - Stage 1. This project was designed as part of a long-term whole of property farm plan and will result in 15 hectares of natural and regenerating bushland being set aside for permanent wildlife habitat. This project has substantial public benefit and demonstrates how farming properties can be managed with a holistic approach.
3. Gina & David Sykes for their project Vegetation Management & Wildlife Corridors. The Sykes have demonstrated their commitment to managing their equine agistment business sustainably, setting aside areas for wildlife movement and erosion control whilst maintaining areas of low impact horse grazing.

Financial Implications: This project was funded from the 2013/14 Operating Plan with residual funds from savings in the 2012/13 Land Improvement Award program.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|--|---------------|
| ● Objective 8: To promote sustainable and energy efficient growth. | Strategy 8.4 |
| ● Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. | Strategy 9.7 |
| ● Objective 10: To protect and enhance the region's biodiversity. | Strategy 10.8 |
| ● Objective 12: To protect and enhance water quality and riparian ecology. | Strategy 12.6 |
| ● Objective 33: To be and develop good leaders. | Strategy 33.6 |

10 ILLEGAL LAND CLEARING IN COUNCIL ROAD RESERVE (22.15176)

Recommendation: That Council

- (a) support the investigation into this matter; and
- (b) commence appropriate legal action with regards to this matter.

Report: On 4 June 2014 it was reported to Council that clearing of native vegetation in 1.2 kilometres of road reserve at Mount Rankin had been undertaken without Council's knowledge.

Issues

The initial investigation revealed that the area cleared is approximately 1.2 kilometres long and primarily consists of box gum grassy woodlands. The inspection showed that the unauthorised activity included damage to many trees, damage to the soil profile through bulldozing and complete removal of trees either by chainsaw or through bulldozing. Photographs of the damage are at **attachment 1**.

It appears that the damage to Council's road reserve occurred in the process of upgrading the property's boundary fence. Council has an adopted policy (Protection of vegetation and habitat) that requires landholders to seek Council permission before undertaking vegetation management activities in Council road reserves. In this instance this did not occur.

The initial inspection showed that many of the trees that were damaged and removed were unlikely to cause damage to the fence due to apparent health, proximity to the fence and the direction the tree was leaning.

As a result of the clearing there are 32 large piles of vegetation just within the boundary of the property involved. Observation of the piles and cut stumps showed that the trees removed ranged in size and age from young saplings 10cm in diameter through to mature potentially hollow bearing trees of up to and in a few instances above 1m in diameter. The trees were all box gum grassy woodland species which is an Endangered Ecological Community under the NSW Threatened Species Conservation Act.

A detailed investigation is yet to be undertaken but the preliminary investigation has indicated that there are between 100 and 200 instances of damage to trees, damage to soil or removal of trees.

Over the past 2-3 years Council has been receiving increasing numbers of complaints with regard to the illegal clearing of roadside vegetation. These complaints have been escalating in both numbers and also the area impacted by the illegal activities.

Councils Roadside Vegetation Management

Council has committed significant resources over the past five years to improving management of high conservation value roadside reserves. During this time Council has produced a Roadside Vegetation Management Plan, mapped and sign posted many high conservation value roadside reserves, undertaken significant rehabilitation works in road corridors, and participated in and contributed to regional roadside vegetation conservation projects.

Last year Bathurst Regional Council won the LGNSW Environment Award for work completed protecting and rehabilitating purple copper butterfly habitat in roadside reserves.

Council has worked hard to raise community awareness of the importance of roadside vegetation through education and promotion of Council policy and legal requirements.

Legal context

Legal advice from Council's solicitor and the NSW Office of Environment and Heritage has determined that two possible pieces of legislation can be applied to this issue. One option is Section 629 (Injuring or removing plants, animals, rocks and soil in or from a public place) of the Local Government Act 1993. The other option is Section 126 (Penalties) of the Environmental, Planning and Assessment Act 1979. It is also Council's understanding that each damaged or removed tree is a separate offence under the Act.

Council has a responsibility to protect Bathurst's important roadside environments and to maintain the clean and green image of the region which is an important component of the tourism industry.

The State Government also takes roadside vegetation conservation very seriously and has acted to prosecute similar offences. In 2011 a Council was fined \$140,000 by the State Government for the damage and removal of threatened species during road maintenance. Similarly in 2009 Port Macquarie Hastings Council was also fined \$45,500 plus costs of \$114,000 for damaging threatened species habitat during the construction of roads.

Whilst the legislation being prosecuted above by the state is different, the situation of illegally cleared roadside vegetation and the requirement to enforce the law remains. It must be noted that the proposed action is also consistent with Council policy and programming.

Compliance Options

Council has a number of compliance options available for enforcement under the Local Government Act (1993) and Environmental Planning and Assessment Act 1979. Council is continuing to liaise with its solicitor on this matter to determine the most appropriate compliance and enforcement action. These actions can but do not necessarily include orders and/or penalty infringement notices.

Many of the trees that have been removed cannot be easily replaced through remediation orders due to their age, maturity and hollow bearing potential with some of the trees being estimated at over 200 years old. Remediation is also complicated by the constrained nature of the narrow road reserve. Council staff consider that a better outcome will be achieved by letting the disturbed areas naturally regenerate. The loss of increasingly rare box gum grassy woodland to this illegal clearing is an offence that Council needs to take seriously to prevent further clearing taking place.

Recommendation

It will be recommended that Council approve the investigation and the undertaking of the most appropriate compliance and enforcement action as decided by the Director Environmental, Planning & Building Services, Council's authorised officers and Council's solicitor.

Financial Implications: It is estimated that there are between 100 and 200 damaged and removed trees and areas of disturbed soil. The costs associated with Penalty Infringement Notices and/or Orders issued could be significant for the responsible party. If the defendant court elects the Penalty Infringement Notice the Council will incur costs in defending the matter.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.2, 10.11
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

11 ECONOMIC THINKTANK (20.00071)

Recommendation: That the information be noted.

Report: The Economic Development section recently organised an Economic ThinkTank session to provide local businesses with the opportunity to brainstorm new projects and developments to ensure continued economic growth for the Bathurst Region.

Additionally, the ThinkTank provided Council with the opportunity to increase engagement with local businesses, identify key challenges facing the business community and to encourage innovation.

The ThinkTank brought together approximately 50 local businesses from across Education, Financial Services, Construction, Manufacturing, Accommodation, Legal, Real Estate, Media and Research industries. The group was also joined by representatives from NSW Trade & Investment, the Bathurst Business Chamber and the Business Enterprise Centre (BEC).

Discussions at the ThinkTank centred on:

- NBN rollout to Bathurst is seen as key to delivering economic growth and the requirement for a community driven lobby group.
- High quality communication infrastructure to support NBN and other communication tools.
- Development of a technology park in Bathurst and the formation of a local action group to attract investment.
- Facilitation by Council for development of aged care facilities and aged care residential options in the downtown area to cater to an ageing population.
- Attraction of skilled workers and how Evocities may assist.
- Council's business database which is currently under development and how it may be used as a powerful communicative tool.
- Investment in the growth of existing business rather than the attraction of new business.
- A local awareness campaign to encourage residents to support local business.

Primarily, the findings of the ThinkTank will allow Council to start developing a Retention and Expansion Program which is a key component of Council's Economic Development Strategy. The program will focus on initiatives that address the issues raised in the ThinkTank and will support employer expansion and job generation.

The Economic Development Section will continue to run Economic ThinkTank sessions to increase Council's engagement with the business community and to encourage continued community involvement in economic development projects.

Conclusion:

The Economic ThinkTank was very well received by the business community with positive feedback and high levels of attendance.

The ThinkTank will allow the Economic Development section to begin the development of a targeted Business Retention & Expansion Program to assist in the future growth of local businesses.

The Economic Development section will schedule further Economic ThinkTank sessions in late 2014 to provide progress updates and to continue engagement with local business.

Financial Implications: The consultation sessions are being funded from existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1, 1.3, 1.4
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.2, 5.3, 5.4, 5.5, 5.8

12 BATHURST COMMUNITY ACCESS AND CYCLING PLAN UPDATE (20.00165)

Recommendation: That the information be noted.

Report: Council adopted the Bathurst Community Access and Cycling Plan at its Ordinary Meeting held 15 June 2011. This report outlines Council's key achievements in the implementation of the Plan over the 2013/2014 financial year.

During the 2013/2014 financial year, Council has undertaken a number of projects with respect to the footpath and cycleway network. Of particular note are the following works:

| Road Name | Location | Suburb | Asset Type | Length (m) |
|----------------------------------|--|----------------|-------------------|----------------------------|
| Lloyds Road | In front of St. Philomenas School in bus bay | South Bathurst | Footpath | 21 |
| Rosemont Avenue Drainage Reserve | Ilumba Way to retention basin | Kelso | Cycleway | 442 |
| Rosemont Avenue Drainage Reserve | Rosemont Avenue retention basin to Birch Close | Kelso | Cycleway | 150 |
| Havannah Street | Lloyds Road to Leena Street | South Bathurst | Footpath | 214 |
| Havannah Street | Leena Street and Panorama Avenue | South Bathurst | Footpath | 153 |
| Havannah Street | Lloyds Road to Hawthornden Creek | South Bathurst | Footpath | 200 |
| Bradwardine Road | Mitchell Highway to Cemetery Entrance | Windradyne | Cycleway | 509 |
| Bradwardine Road | Between two entrances into cemetery opposite Larkin Street | Windradyne | Cycleway | 97 |
| Bradwardine Road | Cemetery entrance to Suttor Street | Windradyne | Cycleway | 80 |
| Total | | | | 1866 m (1.87km) |

Council also completed works to improve accessibility for the laybacks at the intersection of William and Russell Streets and installed a pedestrian refuge in Gilmour Street in the vicinity of the Trinity Heights roundabout.

Council has also continued to maintain the existing footpaths and cycleways during the 2013/2014 financial year. Maintenance of the footpaths and cycleways generally relate to removing trip hazards and replacement of small sections of the footpaths as they are identified.

Council's footpath and cycleway construction will continue in the 2014/15 financial year.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development Strategy 6.6

necessary to enhance Bathurst's life-style and industry development.

- Objective 14: To encourage less car dependency. Strategy 14.1
- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.1
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2

13 2014 INLAND TOURISM AWARDS (20.00020)

Recommendation: That the information be noted.

Report: The Inland Tourism Awards are held annually to acknowledge excellence in tourism in the four regional tourism areas of Central, Inland, Murray and Riverina.

The Inland Tourism Awards is a rigorous awards process that involves a 10 week submission process where entrants have to complete a 30 page submission covering aspects of their business such as customer service, marketing, product, business plans, professional development and responsible tourism (sustainability) over the previous 12 months.

Bathurst Visitor Information Centre (BVIC) nominated in 2014 for the Visitor Information and Services Category.

Once submissions close, the team of judges have four weeks to complete the judging process. Each submission is read and marked by two judges and in addition to this, a site visit judge spends 1-2 hours with each entrant to discuss how their business operates, look at documentation and speak with staff. Following this, judges convene for a face to face judging day where each submission in each category is reviewed and from here finalists are determined. Entrants are competing against businesses/organisations from the four Regional Tourism Organisations of Central, Inland, Murray and Riverina.

To be named as a finalist is an achievement in itself. The awards celebrate Regional Tourism and the importance these businesses/organisations/operators play in this. Overall there were 35 finalists within the 17 categories with six of these finalists within the Visitor Information and Services Category and Bathurst Visitor Information Centre was one of these finalists.

At the Awards Gala Evening held in Griffith on 26 July 2014 Bathurst Visitor Information Centre was awarded Silver for their nomination, while Moree Visitor Information Centre won the category.

Central NSW Tourism had four finalists, including the BVIC, all coming away as winners which was a great achievement for Central's tourism operators.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.4, 4.7
- Objective 33: To be and develop good leaders. Strategy 33.5

Yours faithfully



D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 AUGUST 2014

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$83,000,000 was invested at 31 July 2014 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

| | <u>Rating</u> | <u>Balance</u> | <u>Average Return</u> |
|---|----------------------|------------------------|------------------------------|
| <u>Short Term 1 – 365 Days</u> | | | |
| (comprising Commercial Bills, Debentures and Certificates of Deposit): | | | |
| Bank of Queensland | A2 | \$20,000,000.00 | 3.79% |
| Bendigo and Adelaide Bank | A2 | \$7,500,000.00 | 3.54% |
| IMB Limited | A2 | \$5,500,000.00 | 3.50% |
| Maritime, Mining & Power Credit Union | ADI | \$1,000,000.00 | 3.65% |
| National Australia Bank | A1+ | \$12,500,000.00 | 3.74% |
| People's Choice Credit Union | ADI | \$1,500,000.00 | 3.55% |
| Railways Credit Union | ADI | \$3,500,000.00 | 3.69% |
| SGE Credit Union | ADI | \$1,000,000.00 | 3.55% |
| Westpac Banking Corporation | A1+ | \$1,000,000.00 | 3.68% |
| Greater Building Society | A2 | \$1,000,000.00 | 3.70% |
| Bankwest | A1+ | <u>\$500,000.00</u> | <u>3.50%</u> |
| | | \$55,000,000.00 | 3.69% |
| <u>Long Term > 365 Days</u> | | | |
| (comprising Commercial Bills, Term Deposits and Bonds): | | | |
| <u>Committed Rolling Investments</u> | | | |
| Westpac | AA- | \$2,000,000.00 | 3.78% |
| Westpac | AA- | \$2,000,000.00 | 3.94% |
| Westpac | AA- | \$2,000,000.00 | 3.96% |
| Westpac | AA- | \$2,000,000.00 | 3.85% |
| Westpac | AA- | \$2,000,000.00 | 3.84% |
| Maritime Mining & Power Credit Union | ADI | <u>\$3,000,000.00</u> | <u>2.70%</u> |
| | | \$13,000,000.00 | 3.60% |
| <u>Fixed, Negotiable & Tradeable Certificates of Deposits</u> | | | |
| Commonwealth Bank | AA- | <u>\$2,000,000.00</u> | <u>1.17%</u> |
| | | \$2,000,000.00 | 1.17% |
| <u>Floating Rate Notes</u> | | | |
| Barclays Bank PLC – Australia | AA- | \$2,000,000.00 | 4.43% |
| Bendigo & Adelaide Bank Retail Bond | A- | \$1,000,000.00 | 3.88% |
| Members Equity Bank | BBB | \$3,000,000.00 | 3.94% |
| Greater Building Society | BBB | \$1,000,000.00 | 4.00% |
| Credit Union Australia | BBB+ | \$3,000,000.00 | 4.00% |

| | | | |
|--------------------|----|------------------------|--------------|
| Bank of Queensland | A- | \$1,000,000.00 | 3.69% |
| Bank of Queensland | A- | <u>\$2,000,000.00</u> | <u>1.10%</u> |
| | | \$13,000,000.00 | 3.57% |

Total Investments **\$83,000,000.00** **3.60%**

These funds were held as follows:

| | | |
|---|----------------------|-----------------|
| Reserves Total (includes unexpended loan funds) | | \$39,213,400.00 |
| Grants held for specific purposes | | \$1,925,139.00 |
| Section 94 Funds held for specific purposes | | \$30,755,189.00 |
| Unrestricted Investments – All Funds | | \$11,106,272.00 |
| General Fund | \$3,692,729.00 | |
| Water Fund | \$4,410,000.00 | |
| Sewer Fund | \$2,097,822.00 | |
| Waste Fund | <u>\$ 905,721.00</u> | |

Total Investments **\$83,000,000.00**

Total Interest Revenue to 31 July 2014 **\$256,595.09** **3.60%**

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) | 2.65% |
| Three Year Swap Rate - Commonwealth | 2.88% |
| Five Year Swap Rate - Commonwealth | 3.27% |

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 - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)

Recommendation: That the information be noted.

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

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

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

Fines or penalty notices this month - 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 31 July 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: | \$17,274 |
| BMEC Community use: | \$53,373 |
| Mount Panorama: | \$27,544 |

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.

- Walker, L - 193 Morrisset Street - Part Lots 14 & 15, DP 1089380 - In-house Licence Agreement
- Schryver, N - Stephens Lane - Part Lot 22, DP 1147157 - Rural License
- Bathurst Regional Council Children's Services - 5-7 Lee Street - Part Lot 1, DP 1001027 - In-house Licence Agreement
- Tru Flo Industrial Pty Ltd - Irving Place - Lot 705, DP 1103109 - Transfer
- Ireland, G & M - Conrod Straight - Lot 1, DP 749758 - In-house Licence Agreement
- Ireland, G & M - College Road - Lot117, DP 750357 - In-house Licence Agreement

Linen Plan Release

- JD Events Pty Ltd - Plan of consolidation/Easement - Lot 1, DP500552, 88 Lee Street, Kelso
- Mitchell College of Advanced Education - Easement - Lot 1 DP 249051, 158 Brilliant Street, Bathurst

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 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)

Recommendation: That the information be noted.

Report: Further to previous reports the information submitted here is designed to provide Council with a summary of recent Bathurst 200 activities.

Recent activities by Council staff include;

- Proclamation Day activities for 2015 - this has included meeting with a community group who are proposing to stage a Colonial Fair/Pageant to complement Council's formal activities for the day.
- Continuing to promote the official Bathurst 200 Endorsement Program.
- Continuing to coordinate meetings with community groups whereby the Mayor or Maurice McNeil provide information on Bathurst 200.
- Continuing to seek sponsorship for 2015 activities and continuing work on the media and marketing strategy.

The response from community groups regarding the endorsement program has been very positive with new applications being received on a regular basis. At the 2015 Bicentennial Celebrations Committee meeting held 5 July, 17 new applications were submitted for endorsement.

The Expression of Interest has now closed for the Illumination Project. A total of 7 submissions were received. A short list has now been compiled with presentations to Council staff to be undertaken. From these presentations submissions may be invited to the selective tender process. Council and the 2015 Committee will be kept up to date as we work through this process.

Attachment 1 contains the monthly Bathurst 200 website and Facebook statistics, showing the number of people visiting the Bathurst 200 website and Facebook page.

Financial Implications: A budget has been set for Bathurst Regional Council activities. The Endorsement Program costs are 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 20.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

6 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT INC (18.00004, 18.0004-25/102)

Recommendation: That Council donate \$500 to the Central Tablelands Woodcraft Inc towards the cost of holding their 'Craft & Art on Show' (CAOS), held 1 & 2 November 2014, to be funded from Section 356 Donations.

Report: Council has received a request from Central Tablelands Woodcraft Inc for financial assistance, to assist in holding the 'Craft & Art on Show' (CAOS), held 1 & 2 November 2014. A copy of the request is provided at **attachment 1**.

CAOS helps to promote the Central Tablelands Woodcraft Inc to the local community and raises awareness and encourages more people to join and participate in their group.

The President advises that they are a non-profit organisation, who support the community by providing woodcraft items to local schools, kindergartens, churches among others.

Council has previously assisted this craft exhibition in 2009 (\$200), 2010 (\$250) and 2012 (\$500).

A copy of this organisations Financial Statement has been provided to Councillors under separate cover.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$17,274.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

7 CLASSIFICATION OF COUNCIL LAND (20.00036)

Recommendation: That the properties listed below be classified as Operational land under the Local Government Act 1993;

- (a) Lots 345,346 and 347 DP1196600 (Mendel Drive, Coates Drive and Keane Drive, Kelso)
- (b) Lot 800

Report: Council has received several parcels of land as a result of various submission works carried out in Kelso. It is necessary for Council to classify these portions of land as Operational land under the provisions of the Local Government Act 1993.

Lots 345, 346 and 347 DP1196600 located on Mendel Drive, Coates Drive and Keane Drive, Kelso - these portions of land were transferred to Council and are dedicated as Open Public Reserves. Refer to location map at **attachment 1**.

Lot 800 DP1197375 Ashworth Drive, Kelso - this portion of land was transferred to Council and is a dedicated drainage reserve. Refer to location map at **attachment 2**.

Lot 128 DP1195774 Wentworth Drive, Kelso - this portion of land was transferred to Council and is a dedicated drainage reserve. Refer to location map at **attachment 3**.

Lot 1435 DP1156902 Coolabah Close, Kelso - this portion of land was transferred to Council and is a dedicated drainage reserve. Refer to location map at **attachment 4**.

It is therefore recommended that Council approves the properties listed above be classified as Operational land under the Local Government Act 1993.

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 21.1
- 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 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 29.1

8 REQUEST FOR FINANCIAL ASSISTANCE - THE BATHURST TUCKER VAN (18.00004-29)

Recommendation: For Council's consideration.

Report: Council has received a request from The Bathurst Tucker Van for financial assistance to help support the operating costs associated with running their van, which provides meals to the homeless and disadvantaged members of the community . A copy of the request is provided at **attachment 1**.

The Bathurst Tucker Van is a not for profit organisation which provides 300 free hot and frozen meals, per week, to members in the community who are in need. 40% of the people using this service are children under the age of 12.

To maintain and even increase this service in the community, the organisation is requesting financial support in order to keep this service operational. The Director of the organisation has stated it costs \$20,000 per year to keep the Tucker Van in operation, and that unless funding is received it will cease to operate in September 2014.

The request doesn't specify an exact contribution that they are seeking from Council, however have mentioned that it costs \$20,000 per year to operate. Council has previously provided a Section 356 donation of \$500 to the Tucker Van in the 2012/13 Management Plan.

A copy of this organisations Financial Statement and a breakdown of expenses has been sent to Councillors under separate cover.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$17,274.

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

9 CARRYOVER WORKS (16.00135, 16.00137)

Recommendation: That the items as identified on the list of carry-over works as at 30 June 2014 be carried over and added to the Management Plan for 2014/2015.

Report: As Council would be aware, for logistical or resource management purposes, various works for which funding was provided in 2013/2014 remain incomplete or in progress as at 30 June 2014.

At **attachment 1** is a list of such works for which funding, as indicated, will need to be carried over to the 2014/2015 financial year to enable their completion.

Financial Implications: Funds noted in the 2013/2014 Management Plan will be carried over to cover the votes required to complete this work

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

10 REQUEST FOR FINANCIAL ASSISTANCE - LEGAL AID NSW (21.00102)

Recommendation: That Council waive the fees of \$336 for the use of the Kelso Community Centre, to Legal Aid NSW to conduct the Legal Aid clinic, to be funded from Section 356.

Report: Council has received a request from Legal Aid NSW for the continuation of waiving fees associated with the weekly hire of the Kelso Community Centre. A copy of the request is shown at **attachment 1**.

The organisation requests the use of Kelso Community Centre for 1 hour, one day per month, for another 12 month period to hold their free legal aid clinic.

Legal Aid NSW has been providing a clinic from the Kelso Community Centre for a 12 month period. The attendance at the clinic has been low, however the continuation of the clinic would be recommended as Kelso is identified as having a high level of disadvantage on the Socio Economic Indexes for Areas.

The cost of hiring this room is \$336 per annum, which is based on the community users rate for two hours per month.

Financial information has been requested from this organisation, however at the time of writing this report Council has not received this. If this information is received it will be provided to Councillors under separate cover.

It is recommended that Council agree to provide financial assistance to Legal Aid NSW.

Financial Implications: The cost of \$336 could be funded from Council's 2014/15 Section 356 Donations, which currently has a balance of \$17,274.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 AUGUST 2014

1 NSW ENVIRONMENTAL TRUST RESTORATION & REHABILITATION GRANTS (16.00021)

Recommendation: That the information be noted.

Report: Council has recently been informed that it has been successful in receiving a \$65,510 grant from the NSW Environmental Trust Restoration & Rehabilitation Program for a project titled "Restoring Regent Honeyeater Habitat in the Bathurst Region".

The Regent Honeyeater is listed as critically endangered under the NSW Threatened Species Conservation Act, 1995 with estimates of remaining numbers being between 800 and 2,000 birds. The major threat to this bird is the loss of habitat, particularly in open woodland and riparian casuarina forests. An opportunity existed to undertake further restorations works to the Macquarie River environs by applying for the grant and at the same time achieve the grant objectives of restoring suitable habitat for the Regent Honeyeater.

The Project will be managed by Council's Recreation Section and will involve weed control, willow removal and planting works. The main aim of the project is to restore Casuarina Gallery Forest along 1,000 meters of the Macquarie River, upstream from Ranken's Bridge Park, Abercrombie, utilising plant species known to be associated with the critically endangered Regent Honeyeater.

In addition, the adjoining O'Keefe Park will be planted out with selected local provenance plant species that will eventually be used to establish a seed bank collection area. The seed production area will comprise of a range of plants for both Casuarina Gallery Forest and Box, Gum Grassy Woodland restoration works. When the plants have matured, the seed will be made available for collection and use by local environmental groups and future Council revegetation projects. The main feature of the seed production area will be a planting of 360 Eucalyptus trees in O'Keefe Park in a grid pattern, making the planting both visually spectacular and easy to maintain.

One of three remaining known key breeding areas for the Regent Honeyeater is the Capertee Valley where the nomadic birds breed between July and January annually. As Bathurst is less than 50km from this breeding area it is considered an ideal location for a revegetation project of this type, particularly considering that Bathurst is host to both key habitat communities Box, Gum Grassy Woodland and Casuarina Gallery Forest.

The map shown at **attachment 1** shows the proposed works to be completed under this grant funding agreement.

Financial Implications: The project will be funded by the NSW Environmental Trust for a period of three years with a total funding allocation of \$65,510 with no financial contribution required from Council, other than ongoing general mowing maintenance works that is already included within Council's existing parks maintenance practices.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.7

2 REGIONAL ROADS REPAIR PROGRAM (16.00011)

Recommendation: That the information be noted.

Report: Council has received a letter from the Roads and Maritime Services (RMS) advising of the allocation to Council for the 2014/2015 Regional Road Repair Program.

Following the reclassification of two Regional Roads in the Bathurst Region to Local Roads effective as from July 2009, Council now has only two roads that are classified as Regional status as follows:

- Main Road 216 (Regional Road) – Hill End Road – Sofala / Hill End / Mudgee (41.6km)
- Main Road 390 (Regional Road) – Trunkey Creek / Blayney (7.6km)

Repair Program

The Repair Program is a competitive program which is dollar for dollar funding for improvement works on Regional Main Roads.

Council has been successful in recent years for the provision of funding under this program with the majority of the reconstruction and sealing of Hill End Road (Main Road 216) being part funded on each stage.

Council has been successful receiving funding under the Repair Program for this financial year of \$400,000 which is matched by Council and allocated on the next stage of the Hill End Road between Sofala and the Turondale Road.

The allocation for this financial year should complete the reconstruction and sealing of this section of the Hill End Road resulting in the road being completely sealed between Sofala and Hill End.

Financial Implications: Grant funding anticipated for the current management plan.

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, 6.6
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.1, 7.5
- 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 29.1, 29.6

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 AUGUST 2014

1 CHIFLEY HOME AND EDUCATION CENTRE - BEHIND THE LINES 2013 (21.00113)

Recommendation: That the information be noted.

Report: The Chifley Home and Education Centre (CHEC) was fortunate to host the travelling Exhibition *Behind the Lines 2013* during July 2014. The exhibition was assembled and toured nationally by The Museum of Australian Democracy in Canberra and presented over 80 of the best Australian political cartoons of 2013.

By introducing a level of humour to the otherwise dry subject of politics, a wider visitor base was attracted to the Australian political stories already present in the Chifley Home. Of particular relevance to the Chifley Home was a selection of 1950's cartoons pulled from the National Archives.

Media exposure included an interview and promotion on radio 2BS, a front page feature in the Western Advocate and promotion on ABC radio in Orange. The exhibition was well attended.

The utilisation of external travelling exhibitions in the CHEC has the multiple benefits of expanding the visitor experience of the home, widening the target audience and helping build industry relationships with other State and Federal cultural organisations.

This exhibition was supported by the National Collecting Institutions Touring and Outreach Program, an Australian Government program aiming to improve access to the national collections for all Australians.

The next travelling show booked for the home is the railway photographic exhibition *Life on the Line* which will be on display from December 2014.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6
- 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 20.6

2 BATHURST LIBRARY - TECH SAVVY SENIORS PROGRAM (21.00029)

Recommendation: That the information be noted.

Report: Following the success of the Tech Savvy Seniors program in 2013, the Bathurst Library has been successful in gaining \$10,000 from the NSW Government and Telstra Tech Savvy Seniors Grant to offer the program again in 2014.

Tech Savvy Seniors is a free program that provides training for seniors in the use of a variety of communication technologies which are prominent today including: iPhones, iPads, smartphones, tablets and e-readers. Currently fifty individuals are enrolled in the program with a further forty five registered on a waiting list for the next program. These numbers reflect the popularity and need for this program. The program runs for ten weeks covering various areas of each of the devices including navigation, internet, email, settings and security.

This year's first program commenced on Monday, 14 July and is scheduled to run until 15 September 2014. Participants are requested to bring their own devices, if possible. The program also offers individuals the opportunity to borrow the Library's equipment to experiment and trial various devices before they purchase one of their own. The ten week program will ensure maximum exposure to the various technologies for the participants who will be able to ask questions in relation to specific devices. Participants in the program are also invited to make an appointment with the Library's trainer should they feel that an individual session is needed.

Each session runs for approximately 1.5 hours with participant feedback sought through a survey conducted at the final session with results forwarded to the funding body.

Promotion of the program has been through posters at the Library, word of mouth and the Library's weekly column and radio segment.

A further program is planned to run at a time to be confirmed later in the year.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.6

3 VACATION CARE PROGRAM - JUNE/JULY 2014 (09.00005)

Recommendation: That the information be noted.

Report: The Winter holiday program for June/July 2014 ran from Monday, 20 June through to Friday, 11 July 2014. Sixty two children were booked in over the holiday period, with an average of 26.6 children attending per day. The holiday program ran at 78.2% capacity.

The Vacation Care educational program is reflective of the 'My Time, Our Place - Framework for school age children'. The program included a range of activities and excursions. Activities on offer included paper craft, making wooden spoon puppets and wood work craft. The wood was kindly donated by Denison College Kelso Campus. The children also participated in an excursion to Metro Cinemas to watch the movie 'Rio 2'.

At the end of the holiday program the service conducted a satisfaction survey with families that utilise Vacation Care. The objective was to determine how Vacation Care can best meet the needs of our local community and families. The results identified that Vacation Care provides:

- A friendly, safe and secure environment.
- A varied program which provides a variety of different fun activities to keep the children occupied.
- The kids have a great time.
- Our educators communicate in an effective, warm and friendly manner with all families.
- Families that utilise Vacation Care will use it in the future and recommend the service to other families in our local community.

The Program continues to provide a valuable service for children and families within the broader Bathurst Community, operating within the principles of creating a play based learning environment that is fun and stimulating.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|---|---------------------|
| I Objective 3: To protect a vibrant CBD and support and grow retail diversity. | Strategy 3.8 |
| I 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 21.7 |
| I Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. | Strategy 27.5, 27.9 |

Yours faithfully



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

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

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

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

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 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 AUGUST 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

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

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

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

Cr Aubin arrived at the meeting.

- 5** **SUSPENSION OF STANDING ORDERS 11.00002**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the Standing Orders be suspended to allow Council to deal with General Business.

GENERAL BUSINESS

- 6** **Item 1 BMEC - DISABLED PARKING (28.00006)**

Cr North - advised there are 2 spots for disabled parking at BMEC. As this is on Council land, can we look at whether fines can be issued in this area for incorrect parking?

The Director Environmental, Planning & Building Services advised Council will review legislation in place and what actions can be taken.

- 7** **Item 2 C. SHARAH - COUNTRY FRUIT (28.00006)**

Cr North - has received concerns about parking habits in George Street between Russell & Keppel Streets and recent time changes. Could these be reviewed? Tabled letter from Mr Sharah.

- 8** **Item 3 HOUSING AT EGLINTON (20.00170 & 20.00036)**

Cr North - noted growth occurring. Have plans been put in place for infrastructure and road development? When will roads be upgraded for the growth?

The Director Environmental, Planning & Building Services spoke to Section 94 Plans in place.

The Director Engineering Services noted adequate funding needs to be generated to allow works to occur.

- 9** **Item 4 ANGLE PARKING - LINE MARKING (28.00006)**

Cr North - constituents have raised issue of putting in lines for angle parking. Could this be looked into?

This is page 2 of Minutes of the Policy Committee held on 5 August 2014.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- UTS study

- second track development
- fencing being installed.

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

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

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

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

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

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

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

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

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

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

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

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

The Director Engineering Services will review this matter and advise.

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

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

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

25

RESUMPTION OF STANDING ORDERS 11.00002

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Standing Orders.

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

26

CONFIDENTIAL COMMITTEE OF THE WHOLE

MOVED Cr I North

and **SECONDED** Cr M Coote

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

There we no representations from the public.

RESOLVED: That:

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

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

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

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

| | |
|--|--|
| | 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 Environmental Planning & Building Services' Report

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

RESOLVED: That Council:

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

RESOLVE INTO OPEN COMMITTEE

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

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

MEETING CLOSE

29 **MEETING CLOSE**

The Meeting closed at 6.37 pm.

CHAIRMAN: _____

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

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 AUGUST 2014 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 5 August 2014 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 5 August 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 5 AUGUST 2014

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cr Warren Aubin (Chair), Sargeant Peter Foran (Police), Jackie Barry (Roads and Maritime Services), David Veness (MP Representative).

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

APOLOGIES

2 APOLOGIES
Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 JULY 2014 (07.00006)
That the Minutes of the Traffic Committee Meeting held on 1 July 2014 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
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 1 JULY 2014 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

7 Item 3 SUNNY CORNER TRAIL BIKE RALLY 2014 (23.00015-07)

This is page 1 of Minutes of the Traffic Committee held on 5 August 2014.

That Council classify the Sunny Corner Trail Bike Rally to be staged on Forestry Corporation of NSW roads on Saturday 13 and Sunday 14 September 2014 as a Class 4 event and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

8 **Item 4 REQUEST FOR A SINGLE 45 MINUTE PARKING SPACE FOR MORRISSET STREET (25.00026-02)**

That a single 60 minute parking space on Morrisset Street adjacent to Council's Records Building be approved.

9 **Item 5 2014 SUPER CHEAP AUTO BATHURST 1000 - OFF TRACK EVENT ROAD CLOSURES, TEMPORARY NO PARKING AND TEMPORARY RELOCATION OF RUSSELL STREET TAXI RANK (04.00073-04)**

That Council approve the staging of the 2014 Super Cheap Auto Bathurst 1000 off-track events as follows:-

- (a) Parade and B-Double Permit routes, and consideration be made for crowd control options for the Parade route between Durham Street and Russell Street
- (b) Super Wednesday
- (c) Saturday Street Fair.

The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

10 **Item 6 BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF EVENT - ROAD CLOSURES PETITION (23.00128-03/047)**

That Council note the report and that the B2B Organisers be made aware of the need to improve community consultation and fine tune the implementation of rolling closures.

11 **Item 7 PROPOSED NEW 2P PARKING 152-160 WILLIAM STREET BATHURST (25.00002-07/031)**

That Council approve the installation of 2P parking at 152-160 William Street Bathurst.

12 **Item 8 BEYONDBLUE BUS (23.00026-17)**

That approval be given for the "Beyondblue" visit to Bathurst planned for Monday 18 August 2014 to be an unclassified event, and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

13 **Item 9 2P PARKING HOWICK STREET BETWEEN GEORGE STREET AND RANKIN STREET (25.00006-04/063)**

That the existing 1P parking on Howick Street between George Street and Rankin Street be replaced with 2P parking.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

15 **MEETING CLOSE**

The Meeting closed at 2.55 pm.

NOTICES OF MOTION

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 NOTICE OF MOTION - CR JENNINGS (11.00004, 02.00018, 20.00237)

Recommendation: Moved by Cr Jennings:

That Council:

- (a) Recognises there are various unacceptable risks and uncertainty associated with any possible Coal Seam Gas (CSG) mining in the Bathurst Region, and hence declares Council to be a CSG Free Zone.
- (b) Recognises there are various unacceptable risks and uncertainty associated with any possible CSG mining in the CENTROC Region, and hence writes to CENTROC suggesting CENTROC also declares the entire CENTROC Region to be a CSG Free Zone.

Report: Notice is hereby given:

That Council:

- (a) Recognises there are various unacceptable risks and uncertainty associated with any possible Coal Seam Gas (CSG) mining in the Bathurst Region, and hence declares Council to be a CSG Free Zone.
- (b) Recognises there are various unacceptable risks and uncertainty associated with any possible CSG mining in the CENTROC Region, and hence writes to CENTROC suggesting CENTROC also declares the entire CENTROC Region to be a CSG Free Zone.

Preamble:

The Coal Seam Gas (CSG) exploration license application known as "PSPAPP60" was submitted to the New South Wales Government's Trade & Investment department on 6 November 2012, and is currently under consideration and includes over half of the Bathurst Regional Council area and several other CENTROC Council areas.

To date there is considerable uncertainty regarding the value of CSG in NSW, particularly for rural and regional towns like Bathurst. The following issues are relevant to the local Bathurst region regarding any possible presence of CSG mining.

- CSG creates risks and uncertainty regarding local water quality and contamination.
- CSG creates risks and uncertainty regarding human and animal health.
- CSG creates risks and uncertainty regarding environmental degradation.
- CSG creates risks of damaging our existing strong reputation of 'Clean & Green' agricultural produce grown and processed in the Bathurst Regional Council and CENTROC regions.
- CSG creates risks of significant community conflict and disharmony over the location and delivery of CSG operations, as evidenced in other parts of regional NSW.
- CSG risks damaging the Bathurst region's growing reputation as a tourism and visitation destination, as evidenced in other parts of regional NSW.

Any potential benefits from CSG mining are known to be minimal, particularly because local employment creation from constructing and operating CSG wells is minimal, and any potential profits generated will most likely be exported out of the Bathurst Regional Council region.

Given the geology of the Bathurst Regional Council region, it is unlikely that any significant CSG reserves are present, and therefore the large number of risks and community uncertainty associated with the current PSPAPP60 application create an unacceptably high number of dis-benefits versus only minimal benefits to the Bathurst community. Therefore, the risk of potentially accepting CSG exploration and/or mining in the Bathurst Regional Council and CENTROC areas is untenable, and hence Council and CENTROC should be declared a CSG Free Zone.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.11

- Objective 2: To encourage the dynamic and innovative development and growth of the region's primary resources. Strategy 2.3

- Objective 2: To encourage the dynamic and innovative development and growth of the region's primary resources. Strategy 2.2

- Objective 22: To improve community safety. Strategy 22.6

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4

DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

20 AUGUST 2014

1 UPPER MACQUARIE COUNTY COUNCIL - 1 AUGUST 2014 (18.00172-13)

Recommendation: That;

- (a) the information be noted
- (b) Council seek advice from Upper Macquarie County Council (UMCC) as to the timing of the future directions and strategy report.

Report: Introduction:

The UMCC recently met on 1 August 2014. This meeting was attended by Cr North and Cr Aubin. The purpose of this report is to bring Councillors up to date with the progress of the requested review of UMCC's future direction and strategy report.

Report:

Councillors when considering the 2013/14 Operating Plan requested that a review of a number of services be undertaken, this included Noxious Weed operations (UMCC). Please refer to DCSF #1, Council Meeting 1 May 2013.

Subsequently a review was prepared and Councillors have been provided with a copy of this document. The review was forwarded to UMCC on the 19 February 2014 with a number of questions, see **attachment 1**. The review was also forwarded to the other constituent Councils of UMCC.

UMCC considered the report and Bathurst Regional Council's (BRC) request for further information at UMCC's meeting on 21 March 2014, refer to **attachment 2**, and resolved that;

"The Council;

- *make no comment on the report prepared by Bathurst Regional Council, and*
- *not, at this time, provide the information requested in the Bathurst Regional Council letter of 19 February 2013"*

A meeting was then held with the four constituent Councils on 4 April 2014, to discuss Noxious Weed control in the area. The constituent Councils are; Bathurst, Blayney, Lithgow and Oberon. The Councils determined to further organise a meeting of the Chair and General Manager of UMCC, with the Mayors and General Managers of the constituent Councils, to discuss UMCC operations and the implementation of a Service Level Agreement.

The request by the constituent Councils to meet with UMCC was reported to UMCC at its meeting, 2 May 2014, refer to **attachment 3**.

The meeting of the representatives of UMCC and the constituent Councils was held on 8 May 2014. The Councils requested that UMCC consider drafting a future direction and resources strategy report. UMCC advised that this request would be presented to the UMCC meeting on 20 June 2014.

This request was reported to Cr North and Cr Aubin after the meeting of the 8 May 2014, prior to the UMCC meeting of the 20 June 2014.

The matter was reported to UMCC, refer to **attachment 4**. The Council minutes indicate that

UMCC resolved that;

"The General Manager prepare for the Council's consideration a report on Council's future directions and strategy".

The UMCC has subsequently met on the 1 August 2014. At this time the report on UMCC's future directions and strategy has not been completed. Correspondence was forwarded to UMCC on the 19 July 2014 seeking details of relevant timelines, see **attachment 5**. No response has been received by BRC at this time.

Financial Implications: There are no financial implications at this time.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.4
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.6, 10.10
- Objective 33: To be and develop good leaders. Strategy 33.5

2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 JULY 2014 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Crs Rush (Chair), Aubin, Morse, North.

Apologies: Crs Bourke, Coote, Hanger, Jennings, Westman.

1. MEALS ON WHEELS (23.00005)

Meals on Wheels representatives Barry Fuller (Vice Chairperson), John Judge (Secretary) and Lesley Bull (Treasurer) gave a presentation to Council on the operations of the organisation.

Meals on Wheels operates services such as Bathurst Meals on Wheels and Central West Food Services. During the 2013/14 year, Bathurst Meals on Wheels delivered 36,116 meals to people in the Bathurst area while Central West Food Services delivered 173,797 items to Home and Community Care Program (HACC) funded services.

In November 2014, Meals on Wheels will be celebrating their 50th anniversary of operation in Bathurst.

Due to substantial change in the Federal Government's HACC Program, Meals on Wheels has requested the use of Council resources to assist with applications, tenders and quotations etc. to assist with the running of the Meals on Wheels organisation.

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

3 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 5 AUGUST 2014 (20.00153)

Recommendation: That the recommendations of the 2015 Bicentenary Celebrations Committee held on 5 August 2014 be adopted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on 5 August 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