



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

12 November 2014

His Worship the Mayor & Councillors

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

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

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

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

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 19 NOVEMBER 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 - 15 OCTOBER 2014

\* MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 NOVEMBER 2014

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL FOLLOWING POLICY - 5 NOVEMBER 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 NOVEMBER 2014

\* MINUTES - TRAFFIC COMMITTEE MEETING - 4 NOVEMBER 2014

**10. NOTICES OF MOTION**

**11. RESCISSION MOTIONS**

**12. DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 22 OCTOBER 2014

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

**Recommendation:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR FINANCIAL ASSISTANCE - CATHEDRAL OF ST MICHAEL & ST JOHN RESTORATION APPEAL	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 LEASE AGREEMENT - LOT 1 DP1076086 LOCATED AT 112 BENTINCK STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF LICENCE AGREEMENT FOR THE CLUBHOUSE LOCATED ON PART LOT 2 DP1140980 WALMER PARK, BATHURST - BATHURST CITY AND RSL BAND ASSOCIATION	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	BATHURST GO-KART CLUB - RACING TRACK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED PURCHASE OF LOT 1 DP700629 LOCATED AT MCPHILLAMY PARK MT PANORAMA	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	CHANGE OF ENTITY - JOINT VENTURE AGREEMENTS - BATHURST 12 HOUR AND BATHURST MOTOR FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in

		open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED SALE OF LOT 6 DP559886, 48 AND 50 GILMOUR STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED COMPULSORY ACQUISITION OF PART PORTION 142 DP750357, RESERVOIR NO. 4, SUTTON STREET WEST 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.
3	TENDER FOR CONSTRUCTION OF CIVIL WORKS - EGLINTON RESIDENTIAL ESTATE STAGE 100	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	EASEMENT FOR WATER SUPPLY 5 WIDE, LOT 1 DP1191492, 365 LIMEKILNS	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	ROAD, KELSO	if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING, LOTS 300 AND 301 DP1201301, PANORAMA AVENUE, MOUNT PANORAMA	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	PROPOSED ROAD WIDENING, LOT 7 DP1201709, 782 HILL END ROAD, CRUDINE	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	TENDER FOR UPGRADE OF WATER SUPPLY FOR EGLINTON – HAMILTON STREET	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING LOT 14 DP1191218, 68 LEE STREET	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	KELSO	commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	PROPOSED EASEMENT TO PERMIT AN ENCROACHING STRUCTURE, LOT 1 DP251059, 1013 TURONDALE ROAD, DURAMANA	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.
10	ANNUAL TENDER - HIRE OF TRUCKS/WATERCARTS	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.
11	TENDER FOR NATURAL GRAVEL QUARRY ACCESS & EXTRACTION	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.
12	ANNUAL TENDER - STORMWATER DRAINAGE PIPES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

		<p>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.</p>
13	TENDER FOR THE SUPPLY & DELIVERY OF ROADBASE MATERIAL	<p>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.</p>
14	TENDER FOR THE SUPPLY, DELIVERY & LAYING OF ASPHALTIC CONCRETE SURFACING	<p>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.</p>
15	ANNUAL TENDER - READY-MIX CONCRETE	<p>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.</p>
16	ANNUAL TENDER - HIRE OF PLANT	<p>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.</p>



		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**\* GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LEASE OF HANGER SITE AND AERODROME CHARGES TO BATHURST AIRCRAFT MAINTENANCE PTY LTD / MR C CAMILLERI	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**14. RESOLVE INTO OPEN COUNCIL**

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

**16. MEETING CLOSE**

**MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 OCTOBER 2014 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 October 2014 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 15 October 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

**2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 NOVEMBER 2014 (11.00005)**

**Recommendation:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 5 November 2014 be adopted.

**Report:** The Minutes of the Extraordinary Meeting held on 5 November 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

**3 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
FOLLOWING POLICY - 5 NOVEMBER 2014 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 5 November 2014 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 5 November 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 15 OCTOBER 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 Trimming – ratepayer**

Supercheap Auto 1000 V8 event - congratulated Engineers on the race and the presentation of Kings Parade.

Stanley Street - spoke to problem of people parking on the footpath in Stanley Street, could this be policed?

**G Crisp - ratepayer**

- spoke to ratepayer entitlement to raise concerns with Council Finances. Queried whether Mayor has requested Mr Crisp to put in questions in writing, has not received a reply to his letter from September 2014.

**The Mayor** advised still awaiting information to reply.

- at the August meeting allegations about the General Manager & DCSF - referred to Mayors response at this meeting. Feels action should be taken by Council against these officers on his allegations.
- noted his latest complaints were referred to ICAC, DLG & Ombudsman and has only had a response from ICAC. They will not investigate. Major problems come with misappropriation of \$6.5 million from the water supply.

**P Dowling – ratepayer**

- thanked Council for the reply he received on the cemetery issue he has previously raised.
- great to see the name 'Bathurst' under the Mount Panorama sign for the races. Could this be retained into the future?

**The Mayor** noted no decision has been made at this time.

- asked has thought been given to a small monument for employees who have

passed away while employed by the Council.

The General Manager advised there is no monument at this time.

J Petrinovic – applicant - DA2014/0150 2 Ashworth Drive, Kelso - spoke to rezoning process and requested the land be reverted back to existing zoning. Currently owns Harvey Norman store, the rezoning will make it commercially viable to do enhancement works in this area. Tabled letter of support. Requested Council to support the DA.

### APOLOGIES

#### 3 APOLOGIES

Nil.

### MINUTES

#### 4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 SEPTEMBER 2014 (11.00005)

MOVED Cr B Bourke and SECONDED Cr I North

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 September 2014 be adopted.

#### 5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL FOLLOWING POLICY - 1 OCTOBER 2014 (11.00005)

MOVED Cr I North and SECONDED Cr M Coote

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 1 October 2014 be adopted.

### DECLARATION OF INTEREST

#### 6 DECLARATION OF INTEREST 11.00002

MOVED Cr M Coote and SECONDED Cr I North

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

Cr Westman

Item #2 of the Director Engineering Services' Confidential report

### RECEIVE AND DEAL WITH DIRECTORS' REPORTS

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

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

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

- 8** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

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

- 9** **Item 3 DEVELOPMENT APPLICATION 2014/0159 – 4 LOT SUBDIVISION AT 2 ASHWORTH DRIVE, KELSO. APPLICANT AND OWNERS: TPFT (THE PETRINOVIC FAMILY TRUST) (DA/2014/0159)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

- (a) having undertaken a review of Development Application 2014/0159 reaffirm its decision to refuse the application for the reasons outlined in its Notice of Determination dated 7 August 2014; and
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Cr W Aubin, Cr M Coote, Cr I North,

Absent - Nil

Abstain - Nil

- 10** **Item 4 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 AND STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009 (24.00013)**  
**MOVED** Cr G Westman and **SECONDED** Cr J Jennings

**RESOLVED:** That Council forward a submission to the Minister of Planning seeking an exemption from State Environmental Planning Policy (Housing For Seniors or People With A Disability) 2004 and State Environmental Planning Policy (Affordable Rental Housing) 2009 applying to the Mount Panorama Racing Precinct.

- 11** **Item 5 BUSINESS MANAGEMENT WORKSHOPS (20.00071)**  
**MOVED** Cr J Jennings and **SECONDED** Cr W Aubin

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



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

- 12** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote
- RESOLVED:** That the information be noted.
- 13** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke
- RESOLVED:** That the information be noted.
- 14** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Jennings
- RESOLVED:** That the information be noted and any additional expenditure be voted.
- 15** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke
- RESOLVED:** That the information be noted.
- 16** **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**  
**MOVED** Cr J Jennings and **SECONDED** Cr M Morse
- RESOLVED:** That the information be noted.
- 17** **Item 6 STANLEY STREET CARPARK (25.00060)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke
- That Council proceed to construct a Council carpark in Stanley Street, Bathurst.
- The following AMENDMENT was MOVED.**
- 18** **Item 6.01 STANLEY STREET CARPARK (25.00060)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings
- That:
- (a) Council proceed to construct a Council carpark in Stanley Street, Bathurst
  - (b) if funds become available during 2014/2015 that the carpark behind the BINC facility be constructed.

The AMENDMENT was PUT and CARRIED.

The AMENDMENT then became the MOTION.

The MOTION was then PUT and CARRIED.

### Director Engineering Services' Report

- 19** **Item 1 REVIEW OF WATER FILLING STATIONS (32.00011)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

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

- 20** **Item 2 ROADS TO RECOVERY PROGRAM (16.00011)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

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

- 21** **Item 3 APPLICATION FOR LICENCE TO CONSTRUCT SEWER GRAVITY MAIN AND COMPULSORY ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE 5 WIDE, LOT 10 DP872516 RANKENS BRIDGE ROAD AND LOT 7004 DP1002346 HOBSON CLOSE, EGLINTON (04.00101 & 22.01170)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That Council, in order to protect infrastructure affecting Lot 10 DP872516 Rankens Bridge Road and Lot 7004 DP1002346 Hobson Close at Eglinton, approve the application to the Crown for:

- (a) a licence for the construction of a sewer gravity main; and
- (b) make application to the Minister and/or Governor to compulsory acquire the easement rights from the Crown for the creation of an easement to drain sewage 5 wide. The application to follow the provisions of the Local Government Act 1993, the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991 and does not include mineral rights, as detailed in the Director Engineering Services report.

- 22** **Item 4 PROPOSED EXTINGUISHMENT OF EASEMENT TO DRAIN SEWAGE 5 WIDE AND CREATION OF TWO EASEMENTS TO DRAIN SEWER, LOT 201 DP1061137, 4 RANKENS BRIDGE ROAD, EGLINTON (22.07599)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Council approve the extinguishment of an easement to drain sewage and the simultaneous creation of two easements to drain sewage 5 and 8 wide affecting Lot 201 DP1061137 being 4 Rankens Bridge Road, Eglinton, as detailed in the Director Engineering Services' Report.

- 23** **Item 5 PROPOSED CREATION OF EASEMENT TO DRAIN SEWAGE 8 METRES WIDE, LOT 2 DP582021, 43 LOGAN STREET, EGLINTON (22.07599)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**RESOLVED:** That Council approve the creation of an easement to drain sewage 8 wide within Lot 2 DP582021 located at 43 Logan Street, Eglinton, subject to the details in the Director Engineering Services' report.

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

- 24** **Item 1 BATHURST LIBRARY - ACTIVITIES AND PROGRAMS FOR CHILDREN (21.00054)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

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

- 25** **Item 2 CHIFLEY HOME AND EDUCATION CENTRE AND CHARLES STURT UNIVERSITY - THREADS OF TIME EXHIBITION (21.00113)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

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

- 26** **Item 3 BATHURST LIBRARY - BOOK SALE (21.00054)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Jennings

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

- 27** **Item 4 REVIEW OF CATERING FEES AND CHARGES FOR BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00060)**  
**MOVED** Cr J Jennings and **SECONDED** Cr M Coote

**RESOLVED:** That Council:

- (a) Adopt the catering fees, charges and processes in relation to the provision of catering at the Bathurst Memorial Entertainment Centre (BMEC) as outlined in the report;
- (b) Advertise the proposed amendment to the Revenue Policy for a period of 28 days, with submissions being invited from members of the public; and
- (c) Prepare a further report if submissions are received and/or adopt the new fees and incorporate them into the Revenue Policy if no submissions are received.

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

- 28** **Item 1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002-05)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**RESOLVED:** That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

## REPORTS OF OTHER COMMITTEES

### Policy Committee Meeting

- 29** Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 OCTOBER 2014 (07.00064)  
MOVED Cr M Coote and SECONDED Cr I North

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 1 October 2014 be adopted.

### Traffic Committee Meeting

- 30** Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 OCTOBER 2014 (07.00006)  
MOVED Cr J Jennings and SECONDED Cr W Aubin

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 7 October 2014 be adopted.

## NOTICES OF MOTION

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

That Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable and preferably before 30 November 2014.

The following **AMENDMENT** was **MOVED**.

- 32** Item 1.01 NOTICE OF MOTION - CR JENNINGS (11.00004)  
MOVED Cr M Morse and SECONDED Cr J Jennings

That upon adoption of the Destination Management Plan, Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable.

The AMENDMENT was PUT and LOST

- 33** **Item 1.02 EXTENSION OF TIME (11.00005)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That an extension of time be granted to Cr North to speak to this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

- 34** **Item 1.03 NOTICE OF MOTION - CR JENNINGS (11.00004)**  
**MOVED** Cr J Jennings and **SECONDED** Cr I North

That Council initiate a new *Tourism Stakeholder's Reference Group* by invitation of expressions of interest from relevant local sectors, as a pilot forum to advance tourism across the Bathurst Region through better stakeholder coordination and collaboration. The first meeting is to be held within one month of the release of the final Destination Management Plan, or, as soon as practicable and preferably before 30 November 2014.

The original MOTION was then PUT and LOST

## **DELEGATES REPORTS**

- 35** **Item 1 MINUTES - AUSTRALIA DAY WORKING PARTY - 16 SEPTEMBER 2014 (23.00033)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

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

- 36** **Item 2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 SEPTEMBER 2014 (11.00019)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

- 37** **Item 3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 24 SEPTEMBER 2014 (11.00019)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

- 38** **Item 4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 9 SEPTEMBER 2014 (11.00020)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

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

- 39** Item 5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 7 OCTOBER 2014 (20.00153)  
MOVED Cr M Morse and SECONDED Cr I North

**RESOLVED:** That the recommendations of the 2015 Bicentenary Celebrations Committee held on 7 October 2014 be adopted.

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

- 40** RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS  
MOVED Cr I North and SECONDED Cr G Westman

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

**The following representation was made.**

Mr B Triming - queried consideration of the following items going into Confidential - DEPBS Confidential #2, DCSF Confidential #3 and DCSF Confidential #8

**The General Manager** explained the reasons for confidentiality.

**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	LAND CLEARING IN COUNCIL ROAD RESERVE	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2	RIGHT OF CARRIAGEWAY OVER BATHURST CHASE SHOPPING CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED VARIATION OF LEASES WITH OPTUS MOBILE PTY LTD INCLUDING SUB LEASES TO VODAFONE FOR PART LOT 2 DP1140980 KNOWN AS WALMER PARK BATHURST, PART LOT 211 DP748686 KNOWN AS GREAT WESTERN HIGHWAY WATER RESERVOIR, RAGLAN AND PART LOT A DP398238 LOCATED AT PIT STRAIGHT MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED NEW COMMERCIAL LEASE - LOT 7 DP806109 LOCATED ON WARK PARADE BATHURST AND KNOWN AS THE WEST BATHURST COMMUNITY CENTRE - INTERCHANGE BATHURST INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	BATHURST WAR MEMORIAL CARILLON POTENTIAL UPGRADE	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	BATHURST 12 HOUR EVENT	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.
5	PROPOSED NEW LICENCE AGREEMENT - PART LOT 1 DP613544 KNOWN AS 47 MITRE STREET BATHURST - BATHURST & DISTRICT BRIDGE CLUB INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	EXPRESSION OF INTEREST - LOT 1 DP716930 KNOWN AS 51 STEPHENS LANE, KELSO	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	AERODROME CLOSURE - CENTRAL WEST FLYING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who



		supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NETWASTE WASTE SERVICES TENDER	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
2	TENDER FOR DESIGN AND CONSTRUCTION OF BIKE PARK CLUBHOUSE	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	TENDER FOR DESIGN AND CONSTRUCTION OF WINBURDALE DAM RANGER'S COTTAGE	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

4	TENDER FOR THE RESURFACING OF HOCKEY FIELD, LEARMONTH PARK, BATHURST	supplied it. 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED EXTINGUISHMENT OF TWO SEWER EASEMENTS, ACQUISITION OF EASEMENT RIGHTS AND CREATION OF VARIOUS EASEMENTS AFFECTING LOT 202 DP1061137 AND LOT 57 DP1070902, 19 AND 53 LOGAN STREET, EGLINTON	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 Environmental Planning & Building Services' Report**

- a** **Item 1 LAND CLEARING IN COUNCIL ROAD RESERVE (34.00082)**  
**MOVED** Cr G Westman and **SECONDED** Cr J Jennings

**That** Council act in accordance with the Director Environmental, Planning & Building Services report.

- b** **Item 2 RIGHT OF CARRIAGEWAY OVER BATHURST CHASE SHOPPING CENTRE (22.00553-07)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**That** Council agree to the lodgement by Perpetual Limited or its authorised agents of the Right of Carriageway in favour of Lot 1 DP82940, Lot 2001 DP1177498, Lot 1 DP734819 and Lot 211 DP1172752.

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

**c Item 1 PROPOSED VARIATION OF LEASES WITH OPTUS MOBILE PTY LTD INCLUDING SUB LEASES TO VODAFONE FOR PART LOT 2 DP1140980 KNOWN AS WALMER PARK BATHURST, PART LOT 211 DP748686 KNOWN AS GREAT WESTERN HIGHWAY WATER RESERVOIR, RAGLAN AND PART LOT A DP398238 LOCATED AT PIT STRAIGHT MT PANORAMA (04.00068, 32.00001 and 08.00007)**

**MOVED** Cr W Aubin

and **SECONDED** Cr M Morse

**That** Council approves the Variation of Leases with Optus Mobile Pty Ltd with provision for sub leasing to Vodafone for part Lot 2 DP1140980 known as Walmer Park Bathurst, part Lot 211 DP748686 known as Great Western Highway Water Reservoir Raglan and part Lot A DP398238 located at Pit Straight Mt Panorama as detailed in the report.

**d Item 2 PROPOSED NEW COMMERCIAL LEASE - LOT 7 DP806109 LOCATED ON WARK PARADE BATHURST AND KNOWN AS THE WEST BATHURST COMMUNITY CENTRE - INTERCHANGE BATHURST INC. (22.00267)**

**MOVED** Cr W Aubin

and **SECONDED** Cr B Bourke

**That** Council approves entering into a new Commercial Lease Agreement with Interchange Bathurst Inc. for Lot 7 DP806109 located on Wark Parade, Bathurst and known as the West Bathurst Community Centre for a lease period of two (2) years with an option period of two (2) years as detailed in the report.

**e Item 3 BATHURST WAR MEMORIAL CARILLON POTENTIAL UPGRADE (04.00021)**

**MOVED** Cr M Coote

and **SECONDED** Cr J Jennings

**That** Council act in accordance with the recommendation of this report.

**f Item 4 BATHURST 12 HOUR EVENT (04.00097-14)**

**MOVED** Cr W Aubin

and **SECONDED** Cr I North

**That** Council endorse the actions of the General Manager in allowing an additional day to be added to the present 12 Hour event, making it a seven day event, from 6 February 2015 to 12 February 2015.

**g Item 5 PROPOSED NEW LICENCE AGREEMENT - PART LOT 1 DP613544 KNOWN AS 47 MITRE STREET BATHURST - BATHURST & DISTRICT BRIDGE CLUB INC. (22.08584)**

**MOVED** Cr M Coote

and **SECONDED** Cr M Morse

**That** Council approves entering into a new In-house Licence agreement for part Lot 1 DP613544 located at 47 Mitre Street Bathurst with the Bathurst and District Bridge Club Inc. for a period of five (5) years with an option period of five (5) years as detailed in the report.

- h** **Item 6 EXPRESSION OF INTEREST - LOT 1 DP716930 KNOWN AS 51 STEPHENS LANE, KELSO (21.00022)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

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

- i** **Item 7 AERODROME CLOSURE - CENTRAL WEST FLYING (21.00024 & 21.00103)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

That Council act in accordance with the report.

- j** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP AND CATTLE DROME (22.07467)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

That Council act in accordance with the recommendation of the report.

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

- k** **Item 1 NETWASTE WASTE SERVICES TENDER (36.00527)**  
**MOVED** Cr J Jennings and **SECONDED** Cr W Aubin

That Council:

- (a) accept the recommendations made in the Director Engineering Services' Report, and
- (b) authorise the General Manager to finalise negotiations and execute the contract(s).

- l** **Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF BIKE PARK CLUBHOUSE (36.00526)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

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

**Reason: Secretary and member of BMX Club**

That Council accepts the tender of Nick Harvey Constructions for the amount of \$461,801.00 (GST Inc), subject to adjustments and provisional items.

- m** **Item 3 TENDER FOR DESIGN AND CONSTRUCTION OF WINBURDALE DAM RANGER'S COTTAGE (36.00533)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

That Council accepts the tender of Nick Harvey Constructions for the amount of \$256,713.00, subject to adjustments and provisional items.

**n Item 4 TENDER FOR THE RESURFACING OF HOCKEY FIELD, LEARMONTH PARK, BATHURST (36.00534)**

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

That Council accepts the tender of TigerTurf Australia Pty Ltd for the amount of \$437,107.00 (inc GST), subject to adjustments and provisional items.

**o Item 5 PROPOSED EXTINGUISHMENT OF TWO SEWER EASEMENTS, ACQUISITION OF EASEMENT RIGHTS AND CREATION OF VARIOUS EASEMENTS AFFECTING LOT 202 DP1061137 AND LOT 57 DP1070902, 19 AND 53 LOGAN STREET, EGLINTON (22.02202)**

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

That Council resolve to:

- (a) extinguish an easement to drain sewage 4 metres wide created by the registration of DP787726;
- (b) extinguish an easement to drain sewage 5 wide created with the registration of DP1061137;
- (c) create an easement to drain sewage 8 metres wide;
- (d) create an easement for services 14.8 wide; and
- (e) create an easement to drain water 6 metres wide, at Lot 202 DP1061137 and Lot 57 DP1070902 located at 19 and 53 Logan Street, Eglinton, as detailed in the Director Engineering Services' Report.

**RESOLVE INTO OPEN COUNCIL**

**41 RESOLVE INTO OPEN COUNCIL**

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

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

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

**42 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

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

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

Cr Bourke asked that his negative vote be recorded against Item #1 of the DCSF Confidential report.

**MEETING CLOSE**

**43**      **MEETING CLOSE**

The Meeting closed at 8.47 pm.

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

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

**MINUTES OF THE EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 5 NOVEMBER 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 5:30 PM**

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

**APOLOGIES**

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

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

**DECLARATION OF INTEREST**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**4 Item 1 AUDITED FINANCIAL REPORTS (16.00055)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

**MEETING CLOSE**

**5 MEETING CLOSE**

The Meeting closed at 5.45 pm.

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

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

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
HELD ON 5 NOVEMBER 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 7:15 PM**

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

**APOLOGIES**

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

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

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

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

**4 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH  
CONFIDENTIAL REPORTS**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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 CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR VARIATION OF TIP FEES - JOSS CONSTRUCTION	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 REQUEST FOR VARIATION OF TIP FEES - JOSS CONSTRUCTION (2012/0518, 14.00007)**

**MOVED** Cr B Bourke

and **SECONDED** Cr M Coote

**RESOLVED:** That Council:

- (a) provide financial assistance of an amount of \$115 per tonne for all contaminated material deposited at the Waste Management Centre from the Dairy Farmers site in Bentinck Street.
- (b) advertise the financial assistance to Joss Construction for a period of 28 days allowing for submissions to be received.
- (c) if no submissions are received then Council proceed with the financial assistance.

**RESOLVE INTO OPEN COUNCIL**

**5** **RESOLVE INTO OPEN COUNCIL**

**MOVED** Cr G Westman

and **SECONDED** Cr I North

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

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

**6** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Morse

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

**MEETING CLOSE**

**7** **MEETING CLOSE**

The Meeting closed at 7.44 pm.

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

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 NOVEMBER 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 October 2014 (**attachment 1**).
- (b) Applications refused during October 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 October 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. 2014/0400 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT GROVE CREEK ROAD, TRIANGLE FLAT. APPLICANT: MR J WILTON. OWNER: BANGARLA PTY LTD (DA/2014/0400)**

**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 1; and
- (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 1; and
- (c) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0400, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (d) call a division.

**Report:**

**The Site**

Council has received a Development Application (DA) for a two lot rural subdivision (boundary adjustment) at Grove Creek Road, Triangle Flat (Lot 2930, DP 851279 and lot 22, DP 875189) (see location plan at **attachment 1**).

Lot 22 is 268.3 ha and is currently used for agricultural purposes. Lot 22 does not contain a dwelling although one is permissible with consent as the lot exceeds 100 ha.

Lot 2930 is 6070 m<sup>2</sup> and currently contains a dwelling and is used for agricultural purposes.

**The proposal**

The proposal is for the resubdivision of the two existing lots to increase the area of lot 2930 by 8.393 ha and reducing the area of Lot 22 (see plan of proposed subdivision at **attachment 2**).

The proposal will result in:

- Lot 2930 (proposed lot 1) will increase in size to 9 ha and will contain the dwelling.
- Lot 22 (proposed lot 2) will decrease in size to 259.3 ha and will retain a dwelling entitlement.

**Planning Context**

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

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

Proposed Lot 1 is therefore below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 9 hectares.

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

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

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

#### *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 (DA) for a two lot rural subdivision (boundary adjustment) at Grove Creek Road, Triangle Flat. The resubdivision of the two existing lots will not create any new dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

**Financial Implications:** Nil.

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

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

**4 DEVELOPMENT APPLICATION NO. 2014/0323 – SIX LOT RURAL SUBDIVISION AT LOT 85 DP 750373, LOT 91 DP 750373, LOT 92 DP 750373, LOT 93 DP 750373, LOT 21 DP 225277, LOT 1 DP 131279, LOT 2 DP 131279, LOT 1 DP 1045378, LOT 2 DP 1045378, LOT 3 DP 1045378, LOT C DP 407031, LOT 23 DP 1076130, LOT 3 DP 1142649, LOT 21 DP 1076130, LOT 1 DP 131280, LOT 1 DP 131282, LOT 84 DP 750373, LOT 90 DP 750373, LOT 145 DP 750394, 1850, 1854 AND 2021 MID WESTERN HIGHWAY, APPLICANT: VOERMAN AND RATSEP OWNER: D PATON, N & E WINDSOR (DA/2014/0323)**

**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 104; and
- (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 104; and
- (c) as the consent authority, grant consent pursuant to Section 80 of the EP&A Act to Development Application No. 2014/0323, 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 six lot subdivision Lot 85 DP 750373, Lot 91 DP 750373, Lot 92 DP 750373, Lot 93 DP 750373, Lot 21 DP 225277, Lot 1 DP 131279, Lot 2 DP 131279, Lot 1 DP 1045378, Lot 2 DP 1045378, Lot 3 DP 1045378, Lot C DP 407031, Lot 23 DP 1076130, Lot 3 DP 1142649, Lot 21 DP 1076130, Lot 1 DP 131280, Lot 1 DP 131282, Lot 84 DP 750373, Lot 90 DP 750373, Lot 145 DP 750394, known as 1850, 1854 and 2021 Mid Western Highway, Bathampton.

A location plan is at **attachment 1**.

The current area of each allotment is as follows:

Lot	DP	Approximate Area (ha)
1	131280	0.07
1	131282	2.078
1	131279	4.96
2	131279	0.4
3	1045378	57.3
3	1142649	0.4
21	225277	181.4
21	1076130	0.446
23	1076130	36.43
84	750373	40.47
85	750373	24.28
90	750373	32.37
91	750373	24.99



92	750373	24.28 contains dwelling
93	750373	18.41
145	750394	28.93
1	1045378	76
2	1045378	64.6
C	407031	0.29

The total property holding is in the order of 620 ha.

There is currently an existing dwelling on Lot 92 in DP750373 which is 24.28 ha. The remainder of the property is vacant.

### The proposal

The proposal is for the resubdivision of the existing lots to create six allotments.

1. Proposed lot 101 will be 101.1ha and vacant.
2. Proposed Lot 102 will be 100 ha and vacant.
3. Proposed lot 103 will be 101 ha and vacant.
4. Proposed lot 104 will be 70.7ha and will contain the existing dwelling.
5. Proposed lot 105 will be 104.4ha and vacant
6. Proposed lot 106 will be 145.8ha and vacant.

The proposed lot layout is at **attachment 2**.

### Planning Context

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

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

Proposed lot 104 is therefore below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 70.7 hectares.

The applicant has submitted a SEPP 1 Objection (**attachment 3**) in relation to the creation of proposed lot 104 which indicates the nature of the subdivision and their objection to the current standards because:

- i. The dwelling is already on an allotment below the 100ha minimum.
- ii. The proposal will result in proposed lots 101, 102, 103, 105, & 106 exceeding the 100ha minimum.
- iii. Creates a less fragmented subdivision pattern.
- iv. Creates allotments that are a more suitable size for agricultural pursuits.
- v. Follows existing fence lines and therefore restricts the environmental impact of the allotments.
- vi. Ensures sufficient area for small scale grazing activities.

The intention behind the development standards is to limit new dwelling entitlements on

allotments less than the minimum area. Proposed Lot 104, with an area of 70.7 hectares will contain an existing dwelling.

The agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

#### *Clause 22 Bushfire Prone Land*

As the subject site is identified as being bushfire prone land and as the proposal is for a six lot rural subdivision, the application is Integrated Development for the purpose of Section 100B of the Rural Fires Act 1997. As a result the Development Application has been referred to the NSW Rural Fire Service for concurrence.

Council has received a Bushfire Safety Authority from the NSW Rural Fire Service as required under section 100B of the Rural Fires Act 1997.

#### *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 (DA) for a six lot subdivision at 1850, 1854 and 2021 Mid Western Highway, Bathampton. The resubdivision of the existing lots will result in 5 lots above the 100ha minimum and will not compromise the agricultural potential of the land. The existing dwelling will remain on an allotment below 100ha. Accordingly the SEPP 1 Objection is supportable.

**Financial Implications:** Nil.

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

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

**5 DEVELOPMENT APPLICATION NO. 2014/0422 – TWO LOT RURAL SUBDIVISION (BOUNDARY ADJUSTMENT) AT LOT 4 DP1011939 & LOT 81 DP 1194798, 443 DURAMANA ROAD & 174 MCGREGORS LANE, DURAMANA, APPLICANT: CAIN KENSIT MESENGER OWNER: T HOOPER, T & R MCDOWELL (DA/2014/0422)**

**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 815;
- (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 815;
- (c) as the consent authority, grant consent pursuant to Section 80 of the EP&A Act to Development Application No. 2014/0422, 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 2 lot subdivision (boundary adjustment) of Lot 4 DP1011939 & Lot 81 DP 1194798, 443 Duramana Road & 174 McGregor's Lane, Duramana.

A location plan is at **attachment 1**

The current area of each allotment is as follows:

- Lot 4 DP1011939 is currently 110ha and contains a dwelling
- Lot 81 DP 1194798 is currently 104.9ha and contains a dwelling

The proposal

The proposal is for the adjustment of the existing boundaries to create the following:

- Proposed lot 815 will be 60 ha containing a dwelling.
- Proposed Lot 814 will be 154.9 ha containing a dwelling.

The proposed lot layout is at **attachment 2**.

Planning Context

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

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

Proposed Lot 815 is therefore below the minimum areas specified by Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 60 hectares.

The subdivision will result in an existing compliant allotment greater than 100ha being taken below the minimum 100ha.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 3**) in relation to the creation of proposed Lot 815 which indicates the nature of the subdivision and their objection to the current standards because:

- i. There is already a dwelling on each allotment
- ii. No new entitlements are created.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. Proposed Lot 815, with an area of 60 hectares will contain an existing dwelling.

Whilst proposed Lot 815 will become less than the 100 ha considered "viable" in agricultural terms (as opposed to economic terms) the trade off is that the proposed Lot 814 will significantly increase in size. In this sense the agricultural potential of the land will remain unaffected.

#### *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 (DA) for a two lot subdivision (boundary adjustment) at 443 Duramana Road & 174 McGregor's Lane, Duramana. The resubdivision of the existing lots will result in 1 lot above the 100ha minimum and one previously complying lot below the 100ha minimum. The proposal will not compromise the agricultural potential of the land. Each allotment already contains a dwelling. Accordingly the SEPP 1 Objection is supportable.

**Financial Implications:** Nil.

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

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

## **6 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**

**Recommendation:** That Council adopt the amended Charter of the Bathurst Region Heritage Reference Group as outlined in this report.

**Report:** Council, at its meeting held 20 August 2014, resolved to:

- a. Adopt the Charter of the Bathurst Region Heritage Reference Group as outlined in the report with the first meeting to be called in October 2014.
- b. Request feedback from the Bathurst Region Heritage Reference Group as to the content of the Charter.

The Charter as adopted by Council is at **attachment 1**.

The first Reference Group meeting was held on 30 October 2014. **Attachment 2** provides the minutes of that meeting.

The Group discussed the Charter and resolved to recommend to Council that the Charter be amended generally as outlined in the Bathurst Heritage Action Network, (BHAN) submission and specifically to:

- a. Change the name of the reference group to the Bathurst Region Heritage Reference Group.
- b. Include Amazing Bathurst and the Perthville/George Plains Progress Association as part of the groups' membership.
- c. Meet 4 times a year.

The Group did not, however, support opening the group meetings to the public as proposed in the BHAN submission. The BHAN submission is provided at **attachment 4**.

Council staff have reviewed the BHAN submission and have provided a response to each proposed change to the Charter at **attachment 3**.

An amended Charter has been drafted and is provided at **attachment 5**. The amended Charter has incorporated most of the suggestions of BHAN other than those which dilute the Charter references to the NSW Office of Environment & Heritage (OEH). Council staff cannot concur with any dilutions of the reference to OEH or their reporting requirements as they remain the most important funding source for heritage management to the Bathurst Region. This does not in any way dilute the relevance of the Charter or the Strategy to the community or how that is reported annually.

### **Conclusion**

The amended Charter is recommended to Council for adoption. Upon adoption it will be referred to all members of the Group for their information.

The next meeting of the Bathurst Region Heritage Reference Group will be held in March 2015 and then quarterly thereafter.

**Financial Implications:** Nil.

## **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, 30.3, 30.6

## **7 EROSION AND SEDIMENT CONTROL TRAINING (13.00023)**

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

**Report:** Council has an on-going responsibility under the Protection of Environment Operations Act 1997 to ensure that water and other types of pollution do not occur within the Bathurst Region and if such incidents do occur to investigate and issue Penalty Infringement Notices when appropriate.

Council's approach to issues such as erosion and sediment control is twofold. Firstly, Council works with builders and developers to build their understanding of the issue and improve their capacity to implement appropriate solutions. Secondly Council enforces compliance with the law when education is not sufficient.

In order to fulfil Council's education and capacity building for erosion and sediment control, Council engaged GEMS in May 2014 to provide training on this matter for Council staff and for local builders. As such on 2 and 3 September 2014, Council held 3 half day training sessions for Council's roads and water and sewer crews. Twenty (20) Council staff attended the training. On the evening of 2 September a free 2 hour training session was held for local builders and developers. Over fifty (50) builders attended the event. A project report is at **attachment 1**. Overall feedback from participants was very positive.

In the weeks since the training occurred, Council's environmental staff have already seen positive outcomes with improved implementation of erosion and sediment control measures. This improved compliance will in time result in a number of positive outcomes including improved water quality in the Macquarie River, reduced maintenance requirements for the stormwater system such as cleaning of stormwater pits and result in cleaner streets for residents.

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

### **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 9.1, 9.2
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.11



## **8 BATHURST URBAN WATERWAYS CONDITION ASSESSMENT (37.00259)**

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

**Report:** With funding from the Central West CMA, Council commissioned the preparation of an Urban Waterways Management Plan in 2009 (Cenwest Environmental Services 2010). As part of the original project a condition assessment of creek reaches within the Bathurst urban environment was undertaken in order to provide a baseline for measurement of changes in the condition of the creeks over time. The plan developed strategies and recommended actions for the protection and rehabilitation of the Raglan, Hawthornden, Queen Charlotte's Vale, Sawpit, Jordan and Saltram creek systems and the actions were rated by priority for implementation. Council adopted the plan in 2010 and committed \$50,000 per annum towards implementing the recommendations of the plan.

Since the plan was adopted, Council has implemented a number of the recommended actions with a particular focus on the rehabilitation of Hawthornden Creek. As five years have passed since the initial condition assessment it was considered timely to revisit the condition assessment to assess what impacts various management actions (or lack of management) have had on the condition trend of the creek reaches. In autumn 2014 Council therefore engaged Mactaggart Natural Resource Management (one of the lead authors on the UWMP) to redo the condition assessment on selected reaches of the creek systems and compare these assessments to the original assessments.

### **Results of Assessment**

Mactaggart concluded that as a general observation targeted restoration activities and management practices have had a positive contribution to stream condition. The rates of improvement vary and in some cases have been significant enough to trigger a shift from a degrading state to a recovering state. In other cases the rate of change has been slower. In some cases, despite the best restoration attempts, sites are limited in the degree of improvement due to inherent problems or constraints such as the depth of the gully or location within built environment.

This assessment has shown that current Council and community creek rehabilitation works are likely to have a positive impact upon urban waterway environments.

The full report is provided at **attachment 1**.

**Financial Implications:** Implementation of the Urban Waterways Management Plan is funded from existing allocations and from grant funding as it becomes available.

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

- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.7, 12.10

**9 NSW ENVIRONMENT PROTECTION AUTHORITY CONTAMINATED LAND  
MANAGEMENT PROGRAM: REGIONAL CAPACITY BUILDING GRANT PROGRAM  
(07.00047)**

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

**Report:** Council, as part of the Bathurst Orange Dubbo Alliance and Central West Councils Salinity and Water Quality Alliance, was recently successful in receiving \$450,000 grant funding through the Contaminated Land Management Capacity Building Program. This program is coordinated by the NSW Environment Protection Authority (EPA) and funded through the NSW Environmental Trust.

The total funds provided will be \$150,000 each year for three years. Bathurst Regional Council is the administrative and host Council for this grant project.

The Bathurst, Orange, Dubbo (BOD) Alliance along with the 11 other Salinity and Water Quality (SWQ) Alliance member Councils cover a significant land area of over 84,000 km<sup>2</sup>. While facing a wide range of contaminated land issues, many common challenges exist. This includes but is not limited to:

- the potential for groundwater contamination from old or poorly managed fuel tanks;
- legacy issues associated with historic land use (industry, tanneries, timber mills, chemical application, gas works etc);
- illegal landfills or inappropriate disposal of waste materials;
- asbestos both naturally occurring and legacy issues from construction materials.

Though there are common issues across the 14 Councils, the method for dealing with these issues is often disjointed or without reference to other existing methods. Therefore this project seeks to:

1. Recruit a project officer to assist and coordinate activities across the Alliance region.
2. Develop BOD Contaminated Sites Management Policies, shared as a template across SWQ Councils.
3. Create standard templates and update existing 'Potentially Contaminated Site' registers.
4. Provide advice and assistance for SWQ development applications involving contaminated land.
5. Provide training of relevant SWQ staff particularly in relation to potentially contaminating activities and risk identification, as well as the role of accredited Site Auditors and Contaminated Land Consultants that address SEPP55.
6. Provide training on the Underground Petroleum Storage System (UPSS) regulations and support for its management such as development of a UPSS registry.
7. Develop an inspection and management protocol for BOD and SWQ Alliance in preparation for the UPSS handover from EPA.
8. Deliver capacity building workshops for the SWQ Alliance Councils Planning and Environmental Health staff covering the above topics.
9. Provide support to assist the supervision of Council remediation activities or providing advice with third party remediation work.

The BOD alliance has a solid and proven history of collaborative work and acting as a mentor to smaller councils in the region. Notwithstanding, it is recognised that many councils and their staff have experience and staff resources that will be crucial to the success of this project.

A project steering committee will be made up of a group of SWQ Council staff members.

Councils are not expected to contribute beyond staff time though some Councils may also assist through hosting workshops and training sessions and assisting with the hosting of the project officer.

**Financial Implications:** \$450,000 ex GST has been provided by the NSW EPA and funded through the NSW Government and the Environmental Trust. Some resources will be required from alliance councils which will be funded from existing allocations.

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

- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.2, 16.5
- Objective 22: To improve community safety. Strategy 22.6, 22.11

## **10 INCREASED PENALTIES FOR PROTECTION OF ENVIRONMENT OPERATIONS ACT 1997 (02.00001)**

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

**Report:** On 1 September 2014, Bathurst Regional Council was informed by State Debt Recovery that Penalty Infringement Notices associated with the enforcement of the *Protection of Environment Operations Act (POEO) 1997* had significantly increased for a number of offences.

Council staff noted that there had been a media release from the Minister for the Environment on 28 May 2014 with notification of proposed changes to POEO and their impact on the NSW Environment Protection Authority. At this time, there was no mention of the impact to Local Government or changes to Local Government compliance.

Bathurst Regional Council is concerned that the changes made to POEO penalties for many offences will make regulation of small businesses or individuals involved in small pollution events virtually impossible for Local Government due to the size of the financial penalty involved and the capacity of business owners or individuals to pay the penalty imposed.

For example, under the previous penalty regime, a business who was found to be responsible for sediment washing from a building site and entering waterways would receive a penalty of \$1,500. Likewise, a resident who is responsible for a relatively small oil spill on the road could previously have been issued a penalty notice for \$750.

Under the new penalty regime, an \$8,000 penalty would be issued to the business and a \$4,000 penalty would be issued to the resident.

The penalties for a variety of larger offences including pollution of land, transport of a variety of wastes and volumes of waste, transport of waste (including offences for hazardous waste) have all increased significantly. There have also been some minor increases to offences for littering (increase from \$200 to \$250), aggravated littering, littering from vehicles, and littering of lit and extinguished cigarettes which may assist in Council's compliance activities.

Penalty notices for pollution events have always been used by Bathurst Regional Council as a penalty for significant or multiple breaches. Penalty Infringement Notices are used in conjunction with training and support for residents and businesses with the aim of achieving compliance.

It is Bathurst Regional Council's experience that the issuing of a single penalty is generally enough for businesses or individuals to rectify their practices. With the penalties being increased by such a substantial amount, it is now more likely that those receiving penalties will elect to have them heard in court, dramatically increasing the cost to Bathurst Regional Council to enforce compliance whilst also increasing the number of environmental matters being heard in the local court.

Due to these concerns, Bathurst Regional Council has written to the Minister for Local Government, The Hon. Paul Toole, MP expressing the concerns reflected in this report. To date a response has not been received from the Minister's office.

**Financial Implications:** Council's compliance activities are funded through existing

allocations. Council receives the revenue from all penalty infringement notices issued. However, the significant increase in the size of the penalty and the increased likelihood of court challenges may see a negative impact on Council's 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 28.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

## **11 NOVEMBER BUSINESS MANAGEMENT WORKSHOPS (20.00071)**

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

**Report:** Council's second series of Business Management Workshops for 2014 have received a very strong response, reaching the highest volume of registrations to date. The first and third workshops have received more than 80 registrations, with workshop two receiving 72 registrations.

The second series of Workshops focussed upon the development of strong brand positioning and business networking skills to attract new customers.

### **Workshop 1: Developing Your Market Intelligence**

Tuesday 4 November, 9am – 11am, BMEC  
82 registrations

### **Workshop 2: Business Networking Success**

Tuesday 11 November, 9am – 11am, BMEC  
72 registrations

### **Workshop 3: Managing Your Online Brand**

Tuesday 18 November, 9am – 11am, BMEC  
81 registrations

Due to the increasing popularity of Council's Business Management Workshops, Council will host all future workshops at the Bathurst Memorial Entertainment Centre to cater to a larger audience.

### **Conclusion:**

Council's most recent series of Business Management Workshops have attracted the greatest number of attendees to date. Council will continue to schedule Workshops throughout 2015 to cater to the growing demand from the Bathurst business community. Council is widely viewed as a leader in the provision of programs to assist local business growth.

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

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.6

## **12 JOBS EXPO EXHIBITORS (20.00071)**

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

**Report:** Council is currently organising the inaugural Bathurst Jobs Expo to be held on 25 November, 2014 at the Bathurst Memorial Entertainment Centre. The Expo will provide direct access to employment and career opportunities for job seekers of all ages, experience levels and skills. A wide selection of exhibitor stalls will be on display for job seekers to visit. Information sessions will also run throughout the day on different topic areas such as interview skills and career development.

Council has engaged in a comprehensive marketing campaign across multiple media channels including social media, radio, print media and television. Council has also partnered with local recruitment agencies to promote the event.

To date, Council has secured 22 exhibitors:

- Career and Life Matters
- VERTO
- Nestle
- Charles Sturt University
- Adecco
- Employment Helpdesk
- Kenny Spring Solicitors
- iChart Solutions
- Lion Majestic Group of Companies
- Macquarie Safety
- DJ Weekes & Co
- Danni Evans Photography
- Sureway
- Skillset
- OCTEC
- Defence Force Recruiting
- Skilled
- The Persuader
- The Whiddon Group
- TAFE Western
- School Based Apprenticeships and Traineeships
- University of Western Sydney

**Conclusion:**

Council has secured 22 exhibitors for the inaugural Bathurst Jobs Expo. An extensive marketing campaign has been conducted to encourage high levels of attendance and to effectively connect jobseekers to employment agencies and businesses searching for staff.

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

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.3

- Objective 3: To protect a vibrant CBD and support and grow retail diversity.

Strategy 3.2

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research.

Strategy 5.1, 5.2

Yours faithfully

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

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



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 NOVEMBER 2014

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

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

**Report:** \$84,500,000 was invested at 31 October 2014 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b>			
<b>(comprising Commercial Bills, Debentures and Certificates of Deposit):</b>			
Bank of Queensland	A2	\$17,500,000.00	3.77%
Bendigo and Adelaide Bank	A2	\$6,000,000.00	3.53%
IMB Limited	A2	\$3,000,000.00	3.51%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.59%
National Australia Bank	A1+	\$17,000,000.00	3.70%
People's Choice Credit Union	ADI	\$1,000,000.00	3.55%
Railways Credit Union	ADI	\$3,000,000.00	3.68%
SGE Credit Union	ADI	\$1,000,000.00	3.63%
Westpac Banking Corporation	A1+	\$3,500,000.00	3.69%
Bankwest	A1+	<u>\$500,000.00</u>	<u>3.50%</u>
		<b>\$53,500,000.00</b>	<b>3.68%</b>
<b><u>Long Term &gt; 365 Days</u></b>			
<b>(comprising Commercial Bills, Term Deposits and Bonds):</b>			
<b><u>Committed Rolling Investments</u></b>			
Westpac	AA-	\$2,000,000.00	3.82%
Westpac	AA-	\$2,000,000.00	3.90%
Westpac	AA-	\$2,000,000.00	3.91%
Westpac	AA-	\$2,000,000.00	3.94%
Maritime Mining & Power Credit Union	ADI	\$3,000,000.00	2.70%
National Australia Bank Limited	AA	<u>\$2,000,000.00</u>	<u>3.56%</u>
		<b>\$13,000,000.00</b>	<b>3.56%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.81%</u>
		<b>\$2,000,000.00</b>	<b>3.81%</b>
<b><u>Floating Rate Notes</u></b>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.38%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.83%
Members Equity Bank	BBB	\$3,000,000.00	3.90%
Greater Building Society	BBB	\$1,000,000.00	3.94%
Credit Union Australia	BBB+	\$3,000,000.00	3.96%

Bank of Queensland	A-	\$1,000,000.00	3.65%
Bank of Queensland	A-	\$2,000,000.00	3.79%
Police Bank	BBB+	\$1,000,000.00	3.73%
Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.56%
Credit Union Australia	BBB+	<u>\$1,000,000.00</u>	<u>3.84%</u>
		<b>\$16,000,000.00</b>	<b>3.90%</b>

**Total Investments** **\$84,500,000.00** **3.71%**

***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		<u>\$30,755,189.00</u>
Unrestricted Investments – All Funds		\$12,606,272.00
General Fund	\$5,192,729.00	
Water Fund	\$4,410,000.00	
Sewer Fund	\$2,097,822.00	
Waste Fund	<u>\$ 905,721.00</u>	

**Total Investments** **\$84,500,000.00**

**Total Interest Revenue to 31 October 2014** **\$1,067,725.75** **3.71%**

**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)	2.69%
Three Year Swap Rate - Commonwealth	2.86%
Five Year Swap Rate - Commonwealth	3.24%

**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 REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2014-2015 (16.00135) (16.00137)**

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

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

Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the management plan or operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year. It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

The Division of Local Government has now set a prescribed format for the Quarterly Budget Review Statement (QBRS). The new statement is in the same format as the requirements for the new Annual Operational Plan that replaced the Management Plan from 1 July 2012. The Report shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Division of Local Government Guidelines.

At **attachment 3** 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 - Refer to attachment 3.

**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 October 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:	\$11,336.02
BMEC Community use:	\$10,110.75
Mount Panorama:	\$27,544.00

**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.

- Bathurst City Croquet Club Inc - Haymarket Reserve - Part Lot 2, DP 47260 - In-house Licence Agreement
- Tobin, RC & Ison, JT - 39 Locke Street, Raglan - Lot 18, DP 758864 - Transfer
- Truflo Pumping Systems Pty Ltd - Water Reservoirs, Windemere Road - Part Lot 5, DP 92990 - Lease
- Macquarie View Tennis Club Inc - Mitre Street tennis facility- Part Lot 108, DP 28260 - In-house Licence Agreement
- Mars Petcare - Advertising Signage Agreement - Mt Panorama Motor Racing Circuit
- Loader, W - Zante Lane - Lot 1, DP 623416 & Lot 4, DP 845477 - In-house Licence Agreement
- Mumberson, L - Land near Eglinton Bridge - Part Lot 7004, DP 1002346 - In-house Licence Agreement

#### **Linen Plan Release**

- JA & CP Stait - Residential subdivision, Stage 4 release of 48 lots - Lot 300, DP 1196600 Graham Drive, Kelso
- Bunnings Properties Pty Ltd - 5 lot commercial subdivision & boundary adjustment - Lot 1, DP 1034958, 21 Sydney Road, Kelso

**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 continuing summary of recent Bathurst 200 activities.

***Endorsement Program*** - 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 4 November, 8 new applications were submitted for endorsement. This brings the total of endorsement applications to 77 with more applications being received on a regular basis. This program is proving very popular.

***Illumination Project*** – Tender contracts have now been issued to ESEM Projects with works expected to commence shortly on the program.

***Bathurst 200 Website*** – The new Bathurst 200 website is now up and running. This new site provides a more user friendly platform and is much cleaner in appearance. The site also offers a function for people to subscribe to a Bathurst 200 monthly newsletter. The site also contains a complete calendar of events. The link to the website is <http://www.bathurst200.com.au/>

***General*** – Activities undertaken in the previous month include;

1. Final design of the commemorative token.
2. Construction of the Bicentennial Flag Staff has now commenced.
3. The 200 Living Legends program continues to gain momentum with upwards of 50 nominations now received.
4. Following a meeting with Bathurst Arts Council the Peoplescape project is also gaining momentum with many local groups/individuals engaged.

**Attachment 1** contains the monthly Bathurst 200 website statistics, showing the number of people visiting the Bathurst 200 website . **Attachment 2** is a copy of the endorsed events calendar.

**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 2015 LIQUI-MOLY BATHURST 12 HOUR - STAFF TICKETS (04.00097)**

**Recommendation:** That Council act in accordance with the Director Corporate Services and Finance report and provide one, three (3) day entry pass per permanent employee to attend the 2015 Liqui-Moly Bathurst 12 Hour.

**Report:** Council in 2008 introduced the provision of a ticket to each permanent staff member to attend the 2008 12 Hour event. This proved to be very successful and was very well received by Council's staff. This practice has been repeated in each subsequent year.

The next Liqui-Moly Bathurst 12 Hour will be held 6-8 February 2015.

To encourage all staff to attend it is recommended that Council provide one ticket per permanent employee to attend this event. The maximum cost to Council based on the present number of permanent employees of approximately 350 at the entry price of \$60 for a three day Adult General Admission pass would be \$21,000.

Council has over the last three years supplied tickets to staff as follows:-

2012 - 220 at \$40 = \$8,800

2013 - 225 at \$50 = \$11,250

2014 - 263 at \$50 = \$13,228.90 (including booking fees)

**Financial Implications:** These tickets will be funded from the income derived from the operations of this event at Mount Panorama.

### **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 23: To encourage a supportive and inclusive community. Strategy 23.5

## **7 BLAYNEY SHIRE COUNCIL - REQUEST FOR COUNCIL GRANDSTAND SEATS (04.00008-11)**

**Recommendation:** That Council agree to donate 500 seats from the Carrington Park Grandstand 'seat replacement program' to Blayney Shire Council.

**Report:** Council has recently received a request from Cr Kingham, Councillor at Blayney Shire Council and Chairman of the Blayney Sports Council, requesting 500 seats from Council's Carrington Park Grandstand for the King George Oval Complex in Blayney.

Council made an application under the Participation & Facility Program (a division of the Office of Sport) for the upgrade of seating at the Carrington Park Sporting Complex. The current seats in the grandstand have been in use since the construction of the grandstand, in the late eighties.

Council were successful in obtaining a grant of \$23,155, which is to be matched by Council funds. Council have funds available in the Parks Reserve for this work.

Tenders are currently being sought for the replacement of the seats at Carrington Park, and work is expected to be completed by mid January. Ordinarily these seats would be disposed off at the Waste Management Centre, at a cost to Council.

It is therefore recommended that Council make available the requested 500 seats, at no cost, to Blayney Shire Council.

**Financial Implications:** There are no financial implications to Council.

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

- Objective 13: To minimise the City's environmental footprint. Strategy 13.5

## **8 REQUEST FOR FINANCIAL ASSISTANCE - MOUNTFLIX - BATHURST FILM FESTIVAL 2015 (21.00012, 04.00142)**

**Recommendation:** That Council;

- (a) donate the use of Bathurst Memorial Entertainment Centre (BMEC), not exceeding \$3,000, for the MountFlix Festival to be held on the proposed dates of 17 & 18 October 2015.
- (b) provide an amount of \$5,000, as a donation, towards the prize money for this event.
- (c) promote the event through Council's various media outlets.

**Report:** Council has met with an organisation known as 'Screen My Shorts Inc' who are requesting financial assistance for the 'MountFlix Festival', to be held at the Bathurst Memorial Centre (BMEC) on the proposed dates of 17 & 18 October 2015. Shown at **attachment 1** is their submission to Council. **Attachment 2** contains an overview of the festival.

The festival invites filmmakers, animators, machinima and documentary makers, from all ages, to showcase their skills/talents in creating films, whilst competing for cash prizes.

'Screen My Shorts' have proposed the festival include an international as well as a local category as follows;

### **International**

1. An international competition accepting entries for all/any short films
2. An international competition to write, shoot, edit, produce and upload a short film in 30 days. This timed competition will focus on subjects that Council wish to promote eg waste, water, recycling, sport etc.

### **Local**

1. Local community competition for filmmakers in the Bathurst and/or surrounding areas.
2. Competition specific to TAFE NSW, WESTERN and Charles Sturt University.
3. MountFlix Junior Competition - High Schools and Primary Schools.

This organisation has supplied Council a considerable amount of detail, as seen in attachment 1 and 2, which also shows a financial analysis of the proposed event.

It is recommended that Council;

- (a) donate the use of Bathurst Memorial Entertainment Centre (BMEC), not exceeding \$3,000, for the MountFlix Festival to be held on the proposed dates of 17 & 18 October 2015.
- (b) provide an amount of \$5,000, as a donation, towards the prize money for this event.
- (c) promote the event through Council's various media outlets.

**Financial Implications:** Council normally allows a budget for BMEC S356 Donations. As this is a 2015/2016 Budget Item it will be included in next years Management Plan process.

## **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
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2

## **9 REQUEST FOR FINANCIAL ASSISTANCE - BLAZE AID (18.00004)**

**Recommendation:** That Council not provide a Section 356 donation to BlazeAid towards the cost of supplying a base camp to the community, used by volunteers when a natural disaster occurs.

**Report:** Council has received a request from an organisation known as BlazeAid which is a volunteered based, not-for-profit organisation, that works with families and individuals in rural Australia after natural disasters such as, fires, floods, cyclones and drought. A copy of their request is shown at **attachment 1**.

This organisation works alongside rural families, by providing volunteers to help with relief for local communities, including rebuilding of infrastructure, that has been damaged or destroyed in the event of a natural disaster.

BlazeAid are requesting that Council provide the following;

1. A base camp on a long term basis (for a period between 3-8 months).
2. An area close to the base camp where volunteers can stay long term in caravans, motor homes etc at no cost to the volunteers.
3. The base camp would need access to water, toilets and showers for volunteers at no cost.
4. The base camp would require a dining area, a daily meeting area, a socialising area and a kitchen area. This area would be used by the organisation which would provide community group catering to feed the volunteers.
5. BlazeAid have requested for Council to also provide \$5,000 in cash which will be used to off-set the cost of meals and utility costs.

Council currently works very closely with the local SES and RFS, which provide support facilities for effected people, when a natural disaster occurs.

Council already contributes significantly to both of these organisations to ensure that the community has the necessary services and support in case of a disaster.

**Financial Implications:** Should Council support the recommendation, then there are no financial implications to Council.

### **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

## **10 REQUEST FOR SPONSORSHIP - BATHURST PANTHERS FOOTBALL CLUB - BATHURST RUGBY LEAGUE KNOCKOUT 2015 (18.00004)**

**Recommendation:** That Council sponsor Bathurst Panthers Football Club with the conduct of the Bathurst Rugby League Knockout to be held in March 2015 by contributing a sponsorship package of \$3,000 to this organisation.

**Report:** Council has received a request from the Bathurst Panthers Football Club for financial assistance towards the Bathurst Rugby League Knockout to be held in March 2015. A copy of the request is shown at **attachment 1**.

The Bathurst Rugby League Knockout has a history of approximately 30 years and is an annual event on the Group 10 rugby league calendar.

The event attracts teams from Oberon, Blayney, Lithgow, Mudgee, Blackheath, Orange and Cowra as well as two local rugby league clubs (Bathurst St Pats and Bathurst Panthers).

The Knockout expects to bring in approximately 800 players and support staff, over the two day event, plus approximately 2,000 spectators, although numbers are expected to increase.

In return for this sponsorship, Council will request that Panthers Football Club promote the Bicentenary in 2015 and associated events, on all of their advertising material as well as the provision of signage at Carrington Park ground over the two day event.

It is recommended that Council sponsor Bathurst Panthers Football Club with the conduct of the Bathurst Rugby League Knockout to be held in March 2015 by contributing a sponsorship package of \$3,000 to this organisation.

**Financial Implications:** This \$3,000 funding application can be funded from Council's Promotional Vote.

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

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7

## **11 OHKUMA 25TH ANNIVERSARY (23.00011)**

**Recommendation:** That Council pay accommodation and general costs should individual Councillors and staff (approved by the General Manager) wish to visit Aizuwakamatsu in 2015.

**Report:** Bathurst and Ohkuma will in 2015 celebrate the 25th Anniversary of the first visit by Ohkuma to Bathurst. Ohkuma Town Council have written to Bathurst Regional Council inviting representatives to visit them in Aizuwakamatsu in 2015 to celebrate this occasion. A copy of the letter is shown at **attachment 1**.

As Councillors will be aware, Bathurst is celebrating its 200th anniversary in 2015. Council has invited representatives of Ohkuma Town Council to visit Bathurst during May 2015 as part of the celebration of the 200th Anniversary of Bathurst.

Council has not included in its 2014/2015 Budget funding for a delegation to visit the people of Ohkuma. Councillors would be aware that the Mayor and Deputy Mayor led a delegation to Aizuwakamatsu in April this year. Council has previously visited Ohkuma on a two yearly basis.

As there is no budget for a Council delegation, it is recommended that should individual Councillors or staff wish to visit Aizuwakamatsu that the individual Councillor (approved by Council) or staff member (approved by the General Manager) pay for their airfares with Council to pay for accommodation and general expenses.

**Financial Implications:** The cost of accommodation and general expenses would be in the vicinity of \$1,500 per person for 4 nights stay. This could be funded from the Sister City Budget.

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

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1
- 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

## **12 REQUEST FOR FINANCIAL ASSISTANCE - 2015 NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT (23.00139, 18.00004)**

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

**Report:** Council has received a request from the Barwon Aboriginal Corporation for financial assistance to contribute towards the cost of hosting the NSW Aboriginal Rugby League Knockout in 2015 to be held in Bathurst from 2 - 5 October 2015. A copy of the request is provided at **attachment 1.**

The organisation is requesting Council consider waiving the fees and charges associated with the hiring of Carrington Park and two other sporting grounds in Bathurst, to hold their Knockout event.

Council hosted this event in 2011 which again will be played over the October long weekend and with an anticipated 10,000 players, officials and supporters expected to attend this event.

The organisation has requested Council provide the following;

- 1) Council provide free of charge the use of Carrington Park and 2 other enclosed sporting grounds, including ground preparation.
- 2) The erection of perimeter fencing around a new field to be created at Morse Park.
- 3) Rubbish removal from the ovals.
- 4) Secure ticket box at each ground.
- 5) Prepare a traffic management plan and staff for the implementation of the traffic management plan.
- 6) Provision of additional toilet facilities at all 3 grounds.
- 7) Provision of sound systems across all 3 grounds.
- 8) Councils support with the promotion of the event.
- 9) \$20,000 in cash towards the event.

Council met with the organising committee on 28 October 2014 to discuss the event.

The organisation advised that they expect 120 teams to visit Bathurst for the event, and that it will be televised on NITV.

The cost involved in providing the above nine (9) requests is as follows;

- 1) Hire of 3 sporting grounds - \$3,000
- 2) Preparation of fields - \$1,000
- 3) Erection of perimeter fencing - \$2,000
- 4) Rubbish removal - \$1,500



- 5) Hire of pay booths - \$1,000
- 6) Traffic Management Plan, including staff to implement plan - \$10,000
- 7) Additional toilet - \$3,000
- 8) Public Liability Cover for this event. This can't be provided by Council and would have to be the responsibility of the organising committee to arrange their own cover.
- 9) \$20,000 in cash towards the event.

**Financial Implications:** Council has not allowed for this in its budgeting process, but should Council decide to support any or all of the above items, they will be included in the 2015/16 budget.

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

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

Yours faithfully



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

**DIRECTOR ENGINEERING SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 NOVEMBER 2014

## **1 PROPOSED ACQUISITION FOR ROAD WIDENING, LOTS 2 TO 4 DP1197949 LACHLAN ROAD CALOOLA (25.00389)**

**Recommendation:** That Council make application to the Minister/Governor to:

- (a) Compulsorily acquire Lots 2 to 4 DP1197949 located at Lachlan Road, Caloola.
- (b) The land is to be acquired through the provision of the Roads Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991, and
- (c) Classify the land as operational, as detailed in the Director Engineering Services report.

**Report:** Council, at its meeting held 19 February 2014, approved the preparation of an acquisition plan and to start negotiations with the Crown for road widening of Lachlan Road, Caloola and for the construction of a new bridge (see **attachment 1**).

Since that time, Council has registered a plan of acquisition as DP1197949 (see **attachment 2**) and made application to the Crown to carry out geotechnical investigations, survey works and construction of a bridge (see **attachment 3**).

For the process to continue, following the identification of the subject properties for compulsory acquisition, it is recommended that Council:

- 1 Make application to the Minister/Governor for the compulsory acquisition of Lots 2 to 4 DP1197949 for improved driver safety, road widening and bridge construction through the provision of the Roads Act 1993 Sections 177 and 178;
- 2 Make the application follow the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991; and
- 3 Classify the acquired parcels as operational land.

**Financial Implications:** The cost of the acquisition is estimated to be \$20,000 and is to come from the Rural Sealed Bridge Replacement - Lachlan Road Budget.

### **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 999
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.5
- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 999
- 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 999
- 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

## **2 DROUGHT MANAGEMENT PLAN (13.00031)**

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

**Report:** The NSW Office of Water, in 2007 released the latest Best Practice Guidelines (BPG) for Water Supply and Sewerage which covered details of the 19 requirements including the six key elements required for every Local Water Utility (LWU) in NSW.

Council originally completed a Drought Contingency and Water Supply Emergency Management Plan (Element 5) in April 2007 and has remained compliant with BPG for many years now.

The BPG identify the required timeframes within which each of the strategic documents should be reviewed and updated, Council has complied with the requirement to review and where necessary update the Drought Management Plan. The review was undertaken by a suitably qualified consultant in 2013/2014 and a summary of most significant changes is detailed below;

- Water restrictions have been updated to reflect the Bathurst, Orange & Dubbo (BOD) collaborative restrictions agreed upon in 2009, and as a result the previous 5 stages have been amended to 6 levels.
- Increased consideration has been given to access of alternative water supplies in the event of drought
- Specific responsibilities and actions of relevant Council staff have been detailed to ensure an efficient response to any drought situation
- Consideration has been given to potential climate change impacts and their effects on drought across the Bathurst region, including the effect on Chifley Dam and Winburndale Dam yields
- Community recovery from a drought situation has been identified as a distinct and separate priority where Council has a role and responsibility

Two key items that have not changed are:

- The cease to pump requirement in the Water Sharing Plan of 22% (Level 5) has not been amended.
- The implementation of empathetic water conservation measures by Council resolution due to lack of supply in the neighbouring Council areas remains available.

Council has conducted the required review of its original Drought Contingency and Water Supply Emergency Management Plan (2007) and now has a revised and complying Drought Management Plan in place.

Please see **attachment 1**, the Executive Summary of the current Drought Management Plan prepared by Hydrosience Consulting in October 2014.

A full copy of the revised Drought Management Plan is available on request.

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

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

- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.5
- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.2, 15.7
- 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 29.8
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1, 31.2

### **3 DRINKING WATER MANAGEMENT SYSTEM (32.00018)**

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

**Report:** Introduction

Council provides drinking water to the residents of Bathurst. In addition to residential supply Council also supplies parks and sporting complexes, commercial and industrial customers. Water is also sold to private water carting operators and individuals who supply water into the rural area for customers reliant on tank or bore water. Water carting is also used to supply water to the civil construction industry.

#### **Boiled Water Alert**

Approximately 15 months ago Council issued a Precautionary Boiled Water Alert for the period 28 June 2013 to 30 June 2013 on the advice of the NSW Health Department, as a result of a system failure at the Water Filtration Plant (WFP).

Since then significant improvements have been made to minimise the risk of a similar incident. The WFP has had additional instrumentation installed to monitor the process. Additional alarms have been installed and Critical Control Points identified, alarmed and monitored. Telemetry systems and components are also being improved and upgraded.

Council has also purchased and is currently trialling a computerised communication software package which will allow rapid communication with registered water consumers via SMS, email, voice mail and social media should it be required in the future.

Another significant improvement is the preparation of a Water Quality Emergency Response Management Plan with the assistance of Hunter Water. This Plan covers the logistics and responsibilities involved in managing a similar type of event should it occur again. Version 1 of this Plan was issued for comment in January 2014 and Version 2 was issued in June 2014 to the relevant Council staff.

#### **Drinking Water Management System**

Drinking water has been considered to be a food product since the Public Health Act 2010 was released. The Public Health Regulation 2012 required a quality assurance program to address the twelve main elements of the Framework for Management of Drinking Water Quality, as set out in the Australian Drinking Water Guidelines (ADWG). The December 2013 update now runs to over 1,300 pages and contains extensive technical requirements, guidance notes and procedural requirements. In addition, NSW Health have released further guidance material, along with circulars from NSW Office of Water.

All water supplied at the customers meter or on sold to private suppliers is required to comply with the Australian Drinking Water Guidelines (ADWG).

The ADWG requires Local Water Authorities in Australia to meet numerous compliance and test requirements and these are monitored in NSW by NSW Health and NSW Office of Water. The ADWG contains the framework for Management of Drinking Water Quality – a risk based approach to drinking water management consisting of 12 elements, 32 components and 76 actions. This risk based management system was required to be completed by the 1 September 2014 and the Drinking Water Management System (DWMS) document for the Bathurst Regional Council has been completed and submitted to NSW

Health as required, by this date.

Poor quality drinking water can have the most severe and extensive consequences on public health, should the systems, processes and controls fail. In terms of overall risk for Council, the greatest possible risk is failure of the drinking water management system. In cases elsewhere, people have become very ill and died from first world water supplies not being managed correctly.

During development of the DWMS, where possible, staff have put in place processes/alerts/actions to minimise risk (but not completely eliminate it). It must be recognised that risks still exist and incidents may still occur. A further reduction in risk is possible should the majority of the identified actions be addressed, and this will require additional staff resources.

The DWMS Executive Summary is provided at **attachment 1**. Council operates two drinking water supply systems, one for the residents of Bathurst and the other for the Chifley Dam recreational area. Both systems have the same compliance requirements.

Element 1 requires a Drinking Water Quality Policy, endorsed by the General Manager, to be implemented throughout the organisation. All Water Filtration Plant staff, and several key Engineers have invested significant time in developing the DWMS and are well aware of their responsibilities. Substantial ongoing work is required to improve awareness and understanding of duties, obligations, responsibility and accountability for all Council staff at all levels, along with Councillors.

Provided at **attachment 2** is a copy of an article from the Water magazine in November 2011, titled "*Duties and Obligations of Directors in Public Utilities - How well do you understand Water Quality?*" Whilst the term Director is used in reference to a public company Board of Directors, the equivalent here at Council is Councillors. In Table 2 the column titled Consideration for Water Utilities lays out a number of areas for Councillors to reflect upon.

A further relevant article is provided at **attachment 3** from the September 2014 Water magazine titled "*Towards Effective Corporate Governance from Source to End Point* ." This provides further information in regards to the need for businesses from the Board (or Councillors in a Local Government context) through to operators to understand their water products from catchment to consumer to identify and manage risk.

The DWMS identifies short, medium and long term actions to be undertaken all of which will require significant additional resourcing over existing staff resources to demonstrate compliance, report to the relevant regulator and undertake continuous improvement. Among these recommendations is additional monitoring, mandatory reporting, community consultation and identification of further improvements. Currently there are 68 items recommended for action as a result of the Drinking Water Management System. Existing resources do not allow for the recommendations to be actioned and continuous improvement to be undertaken. An additional requirement of the DWMS is that it be independently audited and water quality tested, verified and controlled and within agreed control limits.

Investigations have been undertaken into similar sized councils and their existing resources in place to meet the requirement of their relative Drinking Water Management Systems. Indications are that Bathurst Regional Council is under resourced in this area and consequently requires a new position to be created in the Water and Waste Section for a Water Quality Compliance Officer to undertake the identified requirements of the DWMS,

comply with increasing water quality compliance reporting and undertake the management of continuous improvement required in the water industry.

The Water Quality Compliance Officer would also coordinate the collection, monitoring and reporting of additional water quality data from the two supply systems and maintain the DWMS. This will need a substantial review in early 2015 once the Manganese Removal Project is completed and commissioned.

Further work will be undertaken to develop the required documentation to gain the necessary authorisation to recruit the Water Quality Compliance Officer.

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

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

- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.7
- Objective 22: To improve community safety. Strategy 22.6
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1, 31.2
- Objective 33: To be and develop good leaders. Strategy 33.5



#### **4 POTENTIAL FOR EMERGENCY GROUNDWATER SUPPLY (13.00031)**

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

**Report:** The NSW Office of Water through the Best Practice Guidelines (BPG) for Water Supply and Sewerage requires every Local Water Utility (LWU) in NSW to have a Drought Management Plan.

Council originally completed a Drought Contingency and Water Supply Emergency Management Plan in April 2007 and subsequently Council has conducted the required review of this plan and now has a revised and complying Drought Management Plan (2014) in place.

One of the points of difference between the two plans was the consideration of alternative water supplies should the Bathurst Region experience drought conditions in the future. As no comprehensive study of groundwater supplies had previously been completed it was prudent to undertake this assessment in conjunction with the review of the Drought Management Plan.

The groundwater capability assessment included the following tasks:

1. A desktop review of NSW Office of Water's PINNEENA Ground Water database to identify
  - All registered groundwater bores in the region, including information on:
  - Bore construction and geological formation,
  - Historical and current groundwater usage, and
  - Current groundwater licensing and allocations (e.g. bore extraction volumes).
2. A review of Water Sharing Plans (WSPs) and report cards for groundwater sources within the region were identified and reviewed to identify any groundwater extraction constraints.

The determination of the report was that Council should undertake further, more detailed studies of potential groundwater supply to determine whether this could make a significant contribution to an emergency water supply in times of drought when surface water supplies are limited.

Please find attached at **attachment 1** the Executive Summary from the Preliminary Assessment of the Potential for Emergency Groundwater Supply report. A full copy of the report is available upon request.

Further work will be undertaken to compile and scope a costed project to be included as part of the 2015/2016 Management Plan process.

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

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

- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.5
- Objective 15: To secure a sustainable water supply and Strategy 15.2, 15.7

raise awareness on water issues.

- 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 29.8
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1

## **5 DEMAND MANAGEMENT PLAN (13.00031)**

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

**Report:** The NSW Office of Water, in 2007 released the latest Best Practice Guidelines (BPG) for Water Supply and Sewerage which covered details of the 19 requirements including the six key elements required for every Local Water Utility (LWU) in NSW.

Council originally completed a Water Conservation and Demand Management Strategy (Element 4) in June 2009 and has remained compliant with each of the six criteria of the BPG for many years.

The BPG identify the required timeframes within which each of the strategic documents should be reviewed and updated, Council has complied with the requirement to review and where necessary update the Demand Management Plan. The review was undertaken by a suitably qualified consultant in 2013/2014 and a summary of the most significant changes is detailed below;

- Potential impacts from likely climate change have been incorporated into the water demand calculations.
- Council has previously addressed the more simplified options presented in the 2009 plan to decrease residential demand, therefore more complex and integrated options for demand management are now being considered, these include non-residential options.
- Re-claimed water has been largely excluded as a potential supply option for all but industrial purposes due to the cost and community perceptions associated with this water source.
- A quadruple bottom line approach has been taken to consider any of the proposed demand management options, this includes sound governance and decision making along with economic, social and environmental factors.
- Water Sensitive urban Design has been highlighted as a potential demand management option and two case studies have been developed for future consideration.

Council has conducted the required review of its original Water Conservation and Demand Management Plan and now has a revised and complying Demand Management Plan in place.

Please find attached at **attachment 1** the Executive Summary of the current Demand Management Plan prepared by Hydrosience Consulting in October 2014.

A full copy of the complete plan is available upon request.

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

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

- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.5, 12.9

- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.2, 15.9
- 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 29.8
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1, 31.2

Yours faithfully



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

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 NOVEMBER 2014

## **1 BATHURST DISABILITY ACCESS GRANTS 2014/2015 (16.00107)**

**Recommendation:** That Council provide \$10,000 under the 2014/2015 Bathurst Disability Access Grants for the following applicants as recommended by the Bathurst Regional Access Committee:

- (a) Accessible Living Options - \$2,599.
- (b) Bathurst Baptist Church - \$4,675.
- (c) Bathurst Aboriginal Land Council - \$2,726.

**Report:** Three submissions were received from Accessible Living Options, Bathurst Baptist Church and Bathurst Aboriginal Land Council for funding under the Bathurst Disability Access Grants. The following applications were forwarded to executive members of the Bathurst Regional Access Committee for consideration:

1. Accessible Living Options – Seeking funds to build a cement ramp with rails that is compliant with the Australian Standards to ensure easy access into Accessible Living Options located at the premises in 369 Stewart Street, Bathurst. Estimated value of the project \$5,198 - requesting \$5,000.
2. Bathurst Baptist Church - seeking funds to modify entry to church to comply with the Australian Standards located at the premises in 188 Eglinton Road, Bathurst. Estimated value of the project \$9,350 - requesting \$5,000.
3. Bathurst Aboriginal Land Council – Seeking funds for a disability/accessible bathroom to become compliant with the Australian Standards located at the premises in 149 Russell Street, Bathurst. Estimated value of the project \$15,500 - requesting \$5,000.

The Committee reviewed the applications and determined that all the applications meet the criteria for the grant. The total amount requested in the three applications is \$15,000 and exceeds the total amount available. As a result the Committee considered the projects in relation to where the most benefit would be obtained and the ability of the organisation to access funding from other sources to successfully complete the nominated project if the amount requested was not granted. Copy of correspondence from the Bathurst Regional Access Committee dated 14 October 2014 is provided at **attachment 1**.

It is recommended that the three applications be approved from Accessible Living Options for \$2,599, Bathurst Aboriginal Land Council for \$2,726 and Bathurst Baptist Church \$4,675. Successful recipients will be notified that the receipt of these funds does not exempt their organisation requiring development approval for their proposed works. Recipients will be encouraged to contact Council's Environmental Planning and Building Services Department to confirm their requirements in proceeding with their proposed work.

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

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

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.2, 19.3, 19.4

## **2 BATHURST REGIONAL ART GALLERY - UPGRADE OF GALLERY LIGHTING SYSTEM (21.00039)**

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

**Report:** Bathurst Regional Art Gallery (BRAG) has been successful in its application for an Arts NSW Regional Capital Grant of \$60,000 to upgrade the Gallery's lighting system. The funds will contribute to the cost of replacing the outdated incandescent tungsten lighting system with an energy efficient LED system. This upgrade will also significantly reduce BRAG's carbon footprint and bring the Gallery in-line with international best-practice industry standards for display, object preservation and efficiency.

Installed as the building's original display lighting system, the current system is now 34 years old. Replacements for the lamp holders, track, fittings and controls no longer exist, with sections of the gallery now unable to be lit properly due to failed parts. With an air-conditioning upgrade scheduled to occur over the next 12 months, the entire ceiling and lighting tracks will need to be removed. This funding will ensure that the failing system will be replaced with a new state-of-the-art system.

This project is part of Council's larger strategy to install new air conditioning and climate control systems at BRAG in 2015 in order to address a number of environmental issues that hamper BRAG's ability to sustainably curate and host important exhibitions, and to care for its collection into the future.

BRAG's current focus is on maintaining its position as an innovator in the New South Wales museums and galleries sector. This position is dependent on the capacity of its capital infrastructure. Exhibitions development, loans of important work from public and private collections, and development of the permanent collection are supported by the ability of BRAG to ensure proper care and best practice.

**Financial Implications:** Funding of \$60,000 (excluding GST) has been provided for this project by Arts NSW Regional Capital 2015. The project is estimated to cost \$206,000.

### **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 6.3
- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.3
- Objective 13: To minimise the City's environmental footprint. Strategy 13.7
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.4, 20.6

### **3 AUSTRALIAN FOSSIL AND MINERAL MUSEUM - JUST ADD SCIENCE FAIR, SATURDAY 18 OCTOBER 2014 (21.00106)**

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

**Report:** Discover science in action was the theme at the *Just Add Science* fair at the Australian Fossil and Mineral Museum on Saturday 18 October 2014, from 10.00am until 2.00pm. This free event took place in the Museum car park as a venue for scientific displays and activities for children. The car park proved an excellent venue with some 500 people, young and old attending.

The event was developed by means of a \$7,000 grant from the NSW Department of Trade and Investment – Inspiring Australia Grant. The grant was used for both National Science Week with 680 people attending and Earth Science Week, with a total of 1,230 attending (includes Just Add Science Event of 500).

The Australian Fossil and Mineral Museum celebrated Earth Science Week and all things Science with family oriented displays and demonstrations from Charles Sturt University's paramedic and education students, Bathurst Observatory, Age of Fishes Museum, Rahamin Ecological Centre, Bathurst Lapidary Club, Geological Survey of NSW and Council. Charles Sturt University students volunteered for the day and served in a variety of support roles. Their participation was essential to the success of the day.

The Fizzics Education Liquid Nitrogen Show at 11.00am and 1.00pm captivated everyone. It was a science show with all the cool stuff for kids, including frozen bubbles, a banana hammer, a flying glove and a liquid nitrogen sprinkler.

Along with the Liquid Nitrogen Show, there were science demonstration stalls that ran all day with gem fossicking, a display of meteorites from the Bathurst Observatory, face painting and fun hands-on science activities. Prizes were also given to kids dressed as mad scientists.

Additionally, to the *Just Add Science* fair, all school aged children received free entry into the museum when accompanied by a paying adult. A total of 159 entries into the Museum occurred on the day with double shop takings of \$1,000.

**Financial Implications:** Funding for this item was provided by a grant or 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 20.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2



#### **4 2014/2015 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)**

**Recommendation:** That Council distribute the 2014/2015 Rural Village Improvement Program funding as follows:

	<b>APPLICANT ORGANISATION</b>	<b>PROJECT SUMMARY</b>	<b>APPLICATION AMOUNT</b>
1	Hill End & Tambaroora Progress Association Inc	Repair theatre screen, electrical work for spotlight controller panel and noticeboard at Royal Hall.	\$2,850
2	Rockley & District Community Association	<ul style="list-style-type: none"> <li>• Repair to existing ceiling fans.</li> <li>• Replacement of text exit signs to pictorial.</li> <li>• Upgrade exterior doors to meet current code requirements.</li> </ul>	\$1,425
3	Rockley Sports & Recreation Association	Garden shed for storage of tennis equipment, etc.	\$1,425
4	Sofala and District Agricultural & Horticultural Show Society Inc	<ul style="list-style-type: none"> <li>• Relocate caged bird section</li> <li>• Maintenance of toilet block</li> <li>• Install outside lights</li> <li>• Spray noxious weeds within the grounds.</li> </ul>	\$1,425
5	Sofala Progress Association Inc	<ul style="list-style-type: none"> <li>• New wall oven for kitchen.</li> <li>• New fridge to compliment current fridge</li> </ul>	\$1,425
6	Sunny Corner & District Progress Association Inc	Part payment installation of new aluminium framed windows for community hall.	\$2,850
7	Trunkey Creek Progress Association	Part payment installation of stage curtains in Hall.	\$2,850
8	Wattle Flat Heritage Lands Trust	Beautification of Solitary Mine Site Area – prepare ground, purchase and plant native species trees, including tree guards/fencing.	\$1,425
9	Wattle Flat Progress Association	Nil application at this time due to bushfire at Racecourse.	\$0
10	Yetholme Progress Association	<ul style="list-style-type: none"> <li>• Wireless microphones to suit PA system.</li> <li>• Supply and install three new toilet sets</li> <li>• New urns</li> </ul>	\$2,850
	<b>TOTAL AMOUNT</b>		<b>\$18,525.00</b>

**Report:** An amount of \$20,000 has been provided for in the 2014/2015 Annual Operating Plan and Budget for the Rural Village Improvement Program.

Bathurst Regional Council instituted a Rural Village Improvement Program in 2005/2006 to facilitate the long term viability of the villages in the Bathurst Regional Council area. The program is based on the premise of horizontal equity – “the provision of public facilities each of a similar grade” to villages across the local government area.

Since the program’s introduction, Council has made contributions to the villages of Hill End, Rockley, Sofala, Trunkey Creek, Wattle Flat, Sunny Corner and Yetholme in improving the infrastructure available to their residents. A listing of these projects and allocated funding is available at **attachment 1**.

The process and timeline for this year's program reflects the processes adopted for the 2013/2014 financial year. An application form is no longer required to be completed as the administrative processes for both the villages and Council would have outstripped the funds available. The task of residents within the villages to obtain quotes for infrastructure works

to complete a successful application was seen to be above the return they will receive for an application. These residents already experience great difficulties in having qualified tradespeople service their community. As in previous years, formal advice has been provided to each community group eligible for funding requesting them to provide an indication of their preference for use of the funding.

Council provided the following exclusions for the use of this funding:

- Insurance payments
- Operational costs of the organisation (ie utilities)
- Food and beverages

Council also suggested the following expenses that would be suitable:

- New chairs for halls
- Minor paint works
- Minor equipment upgrades (microwaves, fridges etc)
- Crockery and cutlery purchases
- Advertising
- Heaters or fans
- Gauze screens
- Locks
- Notice boards

Upon approval of the project and proof of expenditure a reimbursement of costs is provided to each group. An acquittal form was introduced as part of the 2010/2011 process requiring all grant recipients to detail their projects and expenditure, a copy of the acquittal form is at **attachment 2**.

The \$20,000 was equitably split between villages with each village eligible to receive \$2,850. If a particular village had more than one organisation previously engaged in this process this amount was further split to provide funding. For example, as Sofala has two community organisations who have received funding in prior years, each group has been allocated \$1,425.

The current programs allocation in accordance with Bathurst Regional Council's 2014/2015 Annual Operating Plan and Budget is \$20,000.

The table below summarises the applications received by the Village community organisations for the 2014/2015 program:

	APPLICANT ORGANISATION	PROJECT SUMMARY	APPLICATION AMOUNT
1	Hill End & Tambaroora Progress Association Inc	Repair theatre screen, electrical work for spotlight controller panel and noticeboard at Royal Hall.	\$2,850
2	Rockley & District Community Association	<ul style="list-style-type: none"> <li>• Repair to existing ceiling fans.</li> <li>• Replacement of text exit signs to pictorial.</li> <li>• Upgrade exterior doors to meet current code requirements.</li> </ul>	\$1,425
3	Rockley Sports & Recreation Association	Garden shed for storage of tennis equipment, etc.	\$1,425
4	Sofala and District Agricultural & Horticultural Show Society Inc	<ul style="list-style-type: none"> <li>• Relocate caged bird section</li> <li>• Maintenance of toilet block</li> <li>• Install outside lights</li> <li>• Spray noxious weeds within the grounds.</li> </ul>	\$1,425

5	Sofala Progress Association Inc	<ul style="list-style-type: none"> <li>New wall oven for kitchen.</li> <li>New fridge to compliment current fridge</li> </ul>	\$1,425
6	Sunny Corner & District Progress Association Inc	Part payment installation of new aluminium framed windows for community hall.	\$2,850
7	Trunkey Creek Progress Association	Part payment installation of stage curtains in Hall.	\$2,850
8	Wattle Flat Heritage Lands Trust	Beautification of Solitary Mine Site Area – prepare ground, purchase and plant native species trees, including tree guards/fencing.	\$1,425
9	Wattle Flat Progress Association	Nil application at this time due to bushfire at Racecourse.	\$0
10	Yetholme Progress Association	<ul style="list-style-type: none"> <li>Wireless microphones to suit PA system.</li> <li>Supply and install three new toilet sets</li> <li>New urns</li> </ul>	\$2,850
	<b>TOTAL AMOUNT</b>		<b>\$18,525.00</b>

The Village Improvement Program, whilst an infrastructure program, has also built invaluable social capital and capacity in each village that is essential in maintaining a quality of life to attract residents and visitors alike. The level of pride and satisfaction that members of the community displayed is admirable. It is abundantly clear the residents in these villages are committed to ensuring they maintain a high level of social interaction and in doing so have developed an acute sense of place.

Councils return in regards to the social capacity, pride and respect this program has generated in each village far outstrips the dollar amount allocated over the life of the program.

**Financial Implications:** An amount of \$20,000 has been provided for in the 2014/2015 Annual Operating Plan and Budget for the Rural Village Improvement Program.

**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 6.3
- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.3, 17.4, 17.9

## **5 BATHURST REGIONAL ART GALLERY - BATHURST POSSUM SKIN CLOAK MAKING WORKSHOP (21.00002)**

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

**Report:** In the lead-up to Bathurst's bicentenary in May 2015, Bathurst Regional Art Gallery (BRAG) has initiated a workshop with the local Aboriginal community and Banmirra Arts Victoria to produce possum skin cloaks over three days in October/November 2014.

The Workshop was facilitated by Banmirra Arts, an organisation instrumental in leading the revival of the cultural tradition of possum skin cloak making over the past 14 years.

Possam skin cloaks are one of the most sacred cultural expressions of the Aboriginal people of south-eastern Australia. Cloaks were traditionally incised with designs significant to the wearer and their clan group.

An important historical reference to possum skin cloaks links directly to the proclamation of Bathurst. On his trip across the Blue Mountains in May, 2015, Governor Lachlan Macquarie described the cloaks worn by a group of men and boys he met at the Bathurst Camp thus: "*Mantles made of the skins of o'possums which were very neatly sewn together and the outside of the skins were carved in a remarkably neat manner*".

Macquarie later describes an exchange where he is presented with a "*mantle*" by another group of men shortly after proclaiming the settlement of Bathurst.

With the introduction of European clothing and the annual issuing of blankets by the Crown in 1814, the tradition of making possum skin cloaks all but disappeared in south-eastern Australia.

The Bathurst Possum Skin Cloak Workshop presented an important opportunity for local Aboriginal communities, particularly women and children, to learn the skills associated with this important cultural practice. The workshop also presented a unique opportunity for the non-Aboriginal community to learn about traditional art, culture, and stories associated with Wiradjuri history and heritage.

The Workshops were an outstanding success; 150 people attended the workshop over three days, with over 60 community members working on the construction of the cloaks. The Workshop also provided a platform for important discussions around intellectual property rights, copyright, and cultural protocols.

It is envisioned that the two cloaks made during the workshop will be worn by Elders and members of the Bathurst Aboriginal community to events and ceremonies associated with the Bathurst Bicentenary. BRAG will also exhibit one of the cloaks in the Gallery later in 2015.

**Financial Implications:** Funding of \$10,000 for this project was provided by Bathurst Regional Council B200 Projects.

Additionally, Bathurst Regional Art Gallery has contributed \$5,000 to the project from its Arts NSW artistic program funding.

## **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 11.6, 11.9
- 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
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.4, 23.5

## **6 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) - LOCAL STAGES GRANT FUNDING (21.00060)**

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

**Report:** Funding for the Local Stages Program has been sourced as follows:

### **Arts NSW Annual Program Funding**

Bathurst Memorial Entertainment Centre (BMEC) recently received Annual Program funding of \$50,000 for 2015 from Arts NSW. This funding supports the BMEC Local Stages Program with 2015 marking the tenth successive year that funding has been achieved since the inception of the Local Stages Program in July 2006. BMEC has been notified that in 2015 it will be eligible to apply for triennial funding.

Arts NSW provided feedback on BMEC's application stating that it scored at the very top end of applications received. In relation to selection criteria it received: 9.5 for viability and budget; 8 for engagement; and 7.5 for artistic merit. BMEC also scored highly in reference to the Arts NSW Arts and Cultural Development Program (ACDP) priorities and BMECs engagement with the local Aboriginal community.

The CSU partnership was seen as positive and it was stated that Local Government support was an example of an exemplary partnership.

### **Regional Arts Fund**

The BMEC Local Stages Creative Producer was recently advised that the application to the 2015 round of the NSW Regional Arts Fund has been successful for the amount of \$20,000 towards the project "*Central West Shorts Showcase*".

The Central West Shorts Showcase consists of:

- An initial series of workshops to develop the skills of local writers, directors and actors;
- A production of short works developed from these workshops in regional localities; and
- A Showcase of 10 works selected from throughout Central West NSW to be performed at Bathurst Memorial Entertainment Centre and Dubbo Regional Theatre and Convention Centre. The Showcase will then be available to tour to other venues within and outside the region (including the Regional Arts Australia Conference in 2016 – as a showcase of stories from the region).

Confirmed partners in this project are:

- Bathurst Theatre Company (for the Bathurst Region);
- Western Plains Theatre (Dubbo);
- Mudgee Performing Arts Society;
- River Arts Festival (Forbes and Parkes); and
- Lachlan Shire Arts Council (Condobolin and Lake Cargelligo).

Venue Partners:

Bathurst Memorial Entertainment Centre; and  
Dubbo Regional Theatre and Convention Centre.

Overall coordination of the Showcase and preliminary activities will be managed by the BMEC Local Stages Program. Workshops in play writing, directing, stage craft and performance have already taken place in Mudgee, Bathurst, Dubbo and Parkes with participants from across these regions. Mudgee, Dubbo and Bathurst have each presented their own "shorts" seasons. In 2015, with the support from the Regional Arts Fund and Local Stages, the workshops and presentations will be continued in these locations and extended

to include the regions of the additional partners listed above. The culmination will be a Showcase of work from across the region.

The short plays will be developed and produced to a standard worthy of presentation on the main stage of the Bathurst Memorial Entertainment Centre (BMEC) and Dubbo Regional Theatre and Convention Centre (DRTCC). Other venues will be contacted to gauge interest in presenting the Showcase in other parts of the Central West and beyond.

The BMEC Local Stages Creative Producer, will work with the Artistic Director to polish and develop the pieces. Alex Broun (professional playwright) will work with the writers as the scripts are being developed. The Producer and Artistic Director will select one or two people from each area to mentor, providing professional development within the region.

It has already been noted through Central West Short Play Festival (CWSPF) activities that writers and theatre makers from the different regions involved are beginning to network, share processes and develop strong connections. The CWSPF and the planned Showcase are a vital platform for the development and presentation of creative work from regional voices. Through this initiative artists who have been isolated and lacking resources are now being connected and resourced. Further refinement and development of craft will see these stories being heard beyond the region, making additional connections.

**Financial Implications:** The grant funding received has no negative financial implications and uses the core funding of BMEC to leverage considerable financial benefit for the development of performing arts in the Bathurst Region.

#### **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 20.4
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

Yours faithfully



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

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL



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

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

**Report:** The Minutes of the Policy Committee Meeting held 5 November 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 NOVEMBER 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 OCTOBER 2014 (07.00064)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 1 October 2014 be adopted.

**DECLARATION OF INTEREST**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 SUNNY CORNER – CONTAMINATED LAND POLICY (41.00089 & 13.00008)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) exclude the property known as Lot 10, DP 873545, 1226 Sunny Corner Road, Sunny Corner from the Sunny Corner – Contaminated Land Policy noting that

- a Site Audit Statement has now been issued for this property;
- (b) adopt the amended Sunny Corner – Contaminated Land Policy; and
  - (c) notify the owners of Lot 10, DP 873545, 1226 Sunny Corner Road that their property has been excluded entirely from the Sunny Corner – Contaminated Land Policy.

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

**6** **Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 24 SEPTEMBER 2014 (07.00096)**

**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 24 September 2014 be adopted

**7** **Item 2 CODE OF CONDUCT COMPLAINTS - 1 SEPTEMBER 2013 TO 31 AUGUST 2014 (07.00088)**

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

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

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

**8** **Item 1 BATHURST COMMUNITY SAFETY PLAN (2015-2019) (20.00056)**

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

**RESOLVED:** That Council:

- (a) Endorse the placement of the Bathurst Community Safety Plan 2015-2019 on public exhibition for the statutory 28 day period and receive submissions until Thursday, 4 December 2014.
- (b) Prepare a further report with recommended amendments if submissions are received and/or adopt the Bathurst Community Safety Plan 2015-2019 if no submissions are received.

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

**9** **Item 1 DUAL NAMING OF MOUNT PANORAMA – WAHLUU (09.00031-09 & 20.00024-09)**

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

That Council defer the matter for further public consultation.

The following AMENDMENT was MOVED.

**10** **Item 1.01 DUAL NAMING OF MOUNT PANORAMA – WAHLUU (09.00031-09 &**

**20.00024-09)**

**MOVED** Cr G Hanger

and **SECONDED** Cr M Morse

That Council advise the Geographical Names Board that it is supportive of the proposal to assign the name Wahluu as a dual name for the geographical feature named Mount Panorama in the Bathurst Local Government Area.

**The AMENDMENT was PUT and CARRIED.**

**The AMENDMENT then became the MOTION.**

**The MOTION was then PUT and CARRIED.**

**11**

**Item 1.02 SUSPENSION OF STANDING ORDERS (11.00005)**

**MOVED** Cr I North

and **SECONDED** Cr M Morse

**RESOLVED:** That Standing Orders be suspended to deal with the Discussion Forum - DA 2014/0044 - cattery and dog boarding kennel - 108 Marys Lane, Dunkeld.

## **DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**12**

**Item 1 DEVELOPMENT APPLICATION 2014/0044 – USE OF EXISTING BUILDING AS CATTERY, CONSTRUCTION OF BUILDING FOR USE AS A DOG BOARDING KENNEL AND ADVERTISING SIGNAGE, 108 MARYS LANE, DUNKELD. APPLICANT: B MCHUGH. OWNER: B MCHUGH & S OSBORNE-MCHUGH (DA/2014/0044)**

**The Mayor** gave an introduction to the session.

**D Baldwin** - Still awaiting information on road safety from Roads & Maritime Services (RMS), Noise Assessment and Effluent Disposal. Spoke to delay in receiving information and quality of information provided. Noted length of process that has occurred. Council originally refused this DA on the grounds of (1) noise (spoke to Cooper report) and issues such as offensive noise still need to be addressed; (2) Traffic Safety and (3) Environmental concerns. Considers Council has not complied with its own DCP.

It is applicants responsibility to provide a quality report/submission. The DA does not address concerns previously raised, it is not compliant. The original Council report recommendation was wrong, noted issues such as dust, environment, noise etc. Daytime noise is a concern, at 100 decibels outside is offensive, concern there has been a bias in instructions to RMS about traffic movement given of four per day. Have provided a report to Council indication 24-34 movements per day. Has similar concerns about brief to noise consultants. Seeks Council to refuse the DA.

**L Ovington** - agreed with previous speaker, against DA.

**B McHugh** - applicant - review of determination was requested by himself with

changes to roof area. Reports have shown daytime noise is compliant, will be showing night time complies. Doing septic review as requested by Council.

**R Norton** - Referred to daytime noise and concern with open faced kennels. This will be an issue. Runs kennel with 15 dogs, has an average of 2 vehicles per day with this operation. Children walk on dirt road, visibility is a problem, glad RMS is involved. Need to make sure estimates to RMS are correct.

**R Little** - Main concern is the location, particularly the impact of daytime noise. There will be noise conflict between the two kennels. Chose to live in a nice peaceful area, the matter needs resolving.

**J Willot - Mary's Lane** - Have similar concerns, including road safety problems, noise concerns. Does not want to have sleep disturbance.

**H Markwick - resident** - Noise at night has been a concern, it is better but a lot of hurdles exist, eg effluent, water. Daytime noise problems still exist. Would like to see more detail in the reports.

**A Norton - resident** - The kennels are 1.2m and three large steps long. When dogs are let out, will cause a hell of a racket. This is more like a pound. There will need to be a lot of wash-down, and where is this going to? Intersection Mary's Lane is used as a bus stop, extra traffic creates concerns particularly with children. Daytime fog will trap noise in the valley.

**D Baldwin - resident** - Council staff believe all boxes have been ticked, it is frustrating that enquiries have not been made into a flawed application. Spoke to incorrect assertions made by applicant. The DA was refused due to these flaws and issues raised. The DA did not follow Council's DCP requirements, The onus is on the applicant to get a compliant application. Spoke to concerns with Mary's Lane and the connection to the Highway. The matter does not come under the industrial noise policy. The government guidelines should be utilised.

The review requested by applicant does not address the issues that led to the refusal. Spoke to concerns with the brief given to noise consultants and to RMS. The traffic figures given warrant investigation. Matters such as odour, water use, noise, traffic etc, need to be addressed. The suitability of the site must be addressed as well as community interest.

**C Tester - Mary's Lane** - Spoke to noise concerns and traffic problems that will occur. Dangerous going from Mary's Lane onto the Highway.

**K Maher - resident** - Have concerns with application; noise (day and night), traffic safety, welfare. Spoke to submission made. Other concerns include wash-down, kennel cough problems, how is other shed to be cleaned down? Heating and cooling needs to be addressed. Also ground-water contamination.

**13**

**Item 1.01 RESUMPTION OF STANDING ORDERS (11.00005)**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

**RESOLVED:** That Council resume Standing Orders

## **GENERAL BUSINESS**

### **14**      **Item 1 2015 AWARDS PROPOSAL (20.00153)**

**Cr Morse** - would like a report to be prepared on special awards for 2015, based on prior document provided.

### **15**      **Item 2 CITY ENTRANCES (07.00097)**

**Cr Morse** - concerns have been raised by resident regarding clean-up of entrances into Bathurst. Can this be addressed.

**The Director Engineering Services** will review this matter, would like to know locations referred to.

### **16**      **Item 3 SEATING IN CBD (20.00019)**

**Cr Morse** - stated as aged friendly communities are an emerging issue, could investigations be made into putting seats into the CBD area.

### **17**      **Item 4 CITY GARDENS - KINGS PARADE (20.00153)**

**Cr Morse** - stated gardens were bare at Anzac Day time. Could plantings be made so there are flowers in Kings Parade for 2015 Centenary of Anzac celebrations.

**The Director Engineering Services** will review planting times.

### **18**      **Item 5 POSSUM SKIN CLOAK WORKSHOP (20.00153)**

**Cr Morse** - advised a Possum skin cloak workshop has been held recently. It is understood there will be three cloaks in Bathurst for 2015. This was a wonderful event, staff at the Library/Art Gallery are to be congratulated.

### **19**      **Item 6 KEPPEL STREET CARPARK - ART GALLERY/LIBRARY (28.00019)**

**Cr Coote** - advised went for a bike ride through Keppel Street carpark behind the library. At lunchtime there were 47 spaces free.

### **20**      **Item 7 SEATING IN CBD (20.00019)**

**Cr Coote** - advised providing seating in CBD is an issue as the seating often attracts the wrong persons.

**21**      **Item 8 CATTLE TRUCKS THROUGH TOWN (13.00025)**

**Cr Aubin** - stated cattle trucks going through town dump effluent, can control of this occur? Can we talk to RMS about what can be done.

**22**      **Item 9 CARAVAN DUMP POINTS (26.00011)**

**Cr Aubin** - stated we are not friendly as a town to Grey Nomads. We need some more dump points. Please can we investigate possibility of more effluent points, particularly on the Main Road.

**The Director Engineering Services** advised there is a dump point at the Showground, and during week can be done at sewerage works.

**23**      **Item 10 BEAUTIFICATION - BLAYNEY AND ORANGE ROADS (07.00097)**

**Cr Aubin** - noted work has commenced with the Orange Road area, can we get road sealed near Bathurst Toyota?

**The Director Engineering Services** advised will approach RMS about improving edges, unlikely that kerb and guttering will occur.

**24**      **Item 11 CARAVAN DUMP POINTS (26.00011)**

**Cr North** - requested a report back to Council about a dump point being put in place on Hereford Street. Need to include an area where vehicles can pull over.

**The Director Engineering Services** advised there is no sewerage in Hereford Street - will undertake investigations.

**25**      **Item 12 FIRE CONTROL CENTRE (22.03832)**

**Cr North** - great to see a brand new fire control centre has now been funded by State Government. Wishes to recognise efforts of Council staff.

**26**      **Item 13 ROAD SURFACE, KEPPEL STREET (25.00039)**

**Cr North** - asked is there a product we can put in gaps to eliminate the 'bump, bump, bump' in Keppel Street.

**27**      **Item 14 TRAFFIC - INTERSECTION GEORGE/HOWICK STREETS (25.00006)**

**Cr North** - asked could a report be prepared on treatment of the intersection at George and Howick Streets.

**28**      **Item 15 MOUNT PANORAMA (20.00020)**

**Cr North** - spoke to John Wagner article in Western Advocate. Spoke of passion concerning Bathurst and issue of how well Mount Panorama works and Mr Wagners vision.

**The Mayor** advised he does not believe Mr Wagner intends to duplicate Mount Panorama in his proposal which is based in Queensland

**29**      **Item 16 DEPARTMENT REVIEWS AND COMMUNICATIONS POLICY (11.00016, 11.00006)**

**Cr North** - asked where are we at with this. Would like discussions before Christmas on these matters.

**The General Manager** spoke to actions being taken at this time.

**30**      **Item 17 LIGHTING MOUNT PANORAMA SIGN (04.00019)**

**Cr North** - letter received from O Bestwick concerning lighting of the sign at Mount Panorama.

**The Mayor** noted that the Director Engineering Services is preparing a reply.

**31**      **Item 18 CARAVAN DUMP POINTS (26.00011)**

**Cr Bourke** - stated Caravan points for waste are a concern. People come to Berry Park to seek a dump point. Perhaps this area could be looked at.



**32      Item 19 COMMUNITY GARDEN (22.02574)**

**Cr Bourke** - noted is going very well. Half the garden is now planted out. Steve Sharwood's group has been a great help. All the sponsors have been great.

**33      Item 20 2015 PARADE (20.00153)**

**Cr Bourke** - would like organising committee to consider getting Defence, Ambulance, Police etc to do a parade of old equipment up William Street. Please refer to 2015 Committee.

**34      Item 21 ANTI-GRAFFITI DAY (20.00045)**

**Cr Bourke** - Anti-graffiti day went very well. Thanked those who assisted.

**MEETING CLOSE**

**35      MEETING CLOSE**

The Meeting closed at 7.15 pm.

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

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

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

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

**Financial Implications:** N/A

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

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

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

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

Members: Cr Warren Aubin (Chair), Sergeant 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).

Observer: Deanne Freeman (Roads and Maritime Services).

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 OCTOBER 2014 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 7 October 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 7 OCTOBER 2014 (07.00006)**

That the information be noted and necessary actions be taken.

**6 Item 2 THE BIG RIDE 4 PARKINSON'S CHARITY MOTORBIKE RIDE (23.00026-17)**

That Council approve The Big Ride 4 Parkinson's Charity Motorbike Ride event. The event is to be classified as Class 1 and approved subject to conditions as detailed in the Director Engineering Services' Report.

**7      Item 3 NO STOPPING SIGNS – GREAT WESTERN HIGHWAY (28.00006-11)**

That Council approve:

- (a) The placement of 2 “No Stopping” zones on the Great Western Highway at the intersection with Stockland Drive, and
  - (b) The relocation of the bus stop from within the proposed “No Stopping” zone on the Great Western Highway
- as per the Director Engineering Services' report.

**8      Item 4 ASHWORTH DRIVE/BONNOR STREET KELSO - 12T LIMIT SIGNS (28.00012-07)**

That Council approve the placement of '12t and Over Limit Buses Excepted' signs on Ashworth Drive and Bonnor Street Kelso.

**9      Item 5 2015 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (23.00026-16/056)**

That Council approve the 2015 Bathurst Street and Custom Motorcycle Show to be held Saturday 7 February 2015. The event is to be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' report.

**10     Item 6 2015 CAMP QUALITY TRACTOR TREK (23.00021-11/04)**

That:

- (a) Council approve the Camp Quality Orange Volunteer Support Group Tractor Trek Event to be held Friday 18 September, Saturday 19 September and Sunday 20 September 2015.
- (b) The event be classified as Class 1 event and approved subject to conditions as detailed in the Director Engineering Services' Report.

**11     Item 7 NO STOPPING SIGNS - WHYALLA CIRCUIT KELSO (28.00006-11)**

That Council approve the placement of “No Stopping” zones on both sides of the Simplot driveway at 2 Bradford Street, Kelso, opposite the Bettergrow Pty Ltd premises at 9-11 Whyalla Circuit Kelso.

**12     Item 8 NEW YEAR'S EVE CELEBRATIONS IN VICTORIA PARK (23.00131)**

That Council approve the traffic management plan for the New Year's Eve celebrations in Victoria Park on Wednesday 31 December 2014.

**13     Item 9 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**

That the information be noted.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**15**      **MEETING CLOSE**

The Meeting closed at 2.42 pm.

**DELEGATES REPORTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 NOVEMBER 2014

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 22 OCTOBER 2014 (11.00019)**

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

**Report: Present:** Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Morse, Westman.

**Apologies:** Crs North, Jennings.

### **1. MITCHELL CONSERVATORIUM (22.01071)**

Representatives from the Mitchell Conservatorium (Graham Sattler, Christine Sweeney and Tony Hatch) met with Council to give a presentation on the current role and future directions.

Programs provided by the Conservatorium include:

- one to one and group instrumental and vocal tuition
- theory and musicianship, composition, song writing
- early childhood music programs in schools
- music therapy for physically and developmentally delayed children and adults
- professional learning for teachers
- concerts (reaching audience of about 4,000 per annum), including Seniors Week and other Community events

Discussion included:

- part of a network of 18 regional conservatoriums (500 staff employed in the Regions)
- funded by NSW Department of Education and Communities
- respond to goals in NSW State Plan (funding related)
- respond to Bathurst Social and Community Plan initiatives
- Challenges - Legislative Compliance, lack of a substantial performance space and loss of funding

Council support

- Council currently provides: \$2,500 per annum, use of Machattie Park Cottage, provides Machattie Park for Carols by Candlelight at no charge
- Requested Council's support with the following:
  - assistance with website update
  - guaranteed \$5,000 contribution per annum
  - use of City Hall up to 10 times per annum at no charge
  - cash contribution of \$20,000 per annum
- Conservatorium would:
  - contribute to social equity
  - contribute to provision of grand piano for the Bathurst Memorial Entertainment Centre
  - provision of community concert

**Financial Implications:** Nil.



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

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

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

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

**Report:** The Minutes of the 2015 Bicentenary Celebrations Committee held on 4 November 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