



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

3 December 2014

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 10 December 2014**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 10 December 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, 10 DECEMBER 2014**

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

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

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

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 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 - TRAFFIC COMMITTEE MEETING - 2 DECEMBER 2014

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

**12. DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12

NOVEMBER 2014

\* CR MORSE REPORT - NSW PUBLIC LIBRARIES CONFERENCE, 11-14 NOVEMBER 2014

\* MINUTES - AUSTRALIA DAY WORKING PARTY - 18 NOVEMBER 2014

\* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 11 NOVEMBER 2014

\* 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 DECEMBER 2014

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 26 NOVEMBER 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.

#### \* MAYORAL MINUTE

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	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.
2	CONTRACT EMPLOYMENT – GENERAL MANAGER	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.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NRL GAME BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	WASTEWATER TREATMENT PLANT OPERATIONS	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	NEW COMMERCIAL LEASE - SHOP 1, 82 GEORGE STREET, BATHURST - 2015 BICENTENNIAL CELEBRATIONS - PUBLIC INFORMATION/RETAIL STORE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED PURCHASE OF LOT 97 DP726976 KNOWN AS 50 HEREFORD STREET, KELSO FROM THE ESTATE OF THE LATE SE COLLEY	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	TENDER FOR DESIGN AND INSTALLATION OF AIR CONDITIONING SYSTEM FOR BATHURST REGIONAL ART GALLERY AND BATHURST LIBRARY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR SUPPLY AND INSTALLATION OF SEWER CARRIER MAIN - STAGE 1 AND 2 EAST 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.
3	TENDER FOR GROUNDS MAINTENANCE OF BULK WATER SUPPLY AND WASTEWATER SITES - 2014 - 2017	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR
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		CONFIDENTIALITY
1	PROPOSED MODEL RAILWAY - CULTURAL HERITAGE TOURISM	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**14. RESOLVE INTO OPEN COUNCIL**

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

**16. MEETING CLOSE**

**MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

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

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 19 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 19 NOVEMBER 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**M Hollis** – resident - Stanley Street Carpark - thank you to Council, this is great news for a well used area of Bathurst. Thank you to Western Advocate for highlighting the no parking signs. When the flagstaff model was presented there was a pedestrian crossing, will this be put in place?

**The Director Engineering Services** advised would need to have a warrant issued by RMS, doubt the traffic levels are there.

**B Manning** – resident - Land Environment Court matter - told when Council lost this matter that an analysis would be undertaken. When will this occur? Matter needs to be reported. Concerns with fence and compliance.

**The Mayor** advised process is commencing next Wednesday night to analyse the matter and assess issues.

**G Crisp** – ratepayer - spoke to minutes of 19 October 2014 meeting, feels these are wrong. Spoke to response from ICAC and power of that body. Raised concern that letter requested has not been received, will it come before Christmas? Stated Commissioner Latham and ICAC lied to him and the courts. Spoke of complaint he had lodged. Referred to recent submission he had made to Council.

**APOLOGIES**

**3 APOLOGIES  
MOVED** Cr B Bourke

and **SECONDED** Cr I North

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

**MINUTES**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 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 15 October 2014 be adopted.**5 Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 NOVEMBER 2014 (11.00005)****MOVED** Cr G Westman and **SECONDED** Cr M Morse**RESOLVED:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 5 November 2014 be adopted.**6 Item 3 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL FOLLOWING POLICY - 5 NOVEMBER 2014 (11.00005)****MOVED** Cr B Bourke and **SECONDED** Cr W Aubin**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 5 November 2014 be adopted.**DECLARATION OF INTEREST****7 DECLARATION OF INTEREST 11.00002****MOVED** Cr M Coote and **SECONDED** Cr I North**RESOLVED:** That the following Declaration of Interest be noted.Cr Morse

Item #1 of the Director Corporate Services &amp; Finance's Confidential report

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS****Director Environmental Planning & Building Services' Report****8 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr G Westman and **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**9 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr B Bourke and **SECONDED** Cr G Westman**RESOLVED:** That the information be noted.**10 Item 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)**

**MOVED** Cr M Coote

and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 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.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

**11**

**Item 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)**

**MOVED** Cr I North

and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

- (a) support the variation to the 1 (e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed lot 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.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

- 12** **Item 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 MESSENGER OWNER: T HOOPER, T & R MCDOWELL (DA/2014/0422)**
- MOVED** Cr M Coote and **SECONDED** Cr G Hanger

**RESOLVED:** That Council:

- (a) support the variation to the 1 (e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed lot 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.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr J Jennings,

Abstain - Nil

- 13** **Item 6 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**
- MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council adopt the amended Charter of the Bathurst Region Heritage Reference Group as per Attachment 6\_3 to the report with the following changes:

1. Delete Dot point 2 to the Operational Protocol which reads: "*Meetings to be publicly advertised and the general public invited to observe*".
2. Dot point 9 to the Operational Protocol be amended to read: "*Annual report on the implementation of the Bathurst Region Heritage Strategy to be reported to the Council, the Bathurst community and the New South Wales Office of Environment and Heritage*" (note: this report has to be lodged with the State Government in May of each year).

**14** **Item 7 EROSION AND SEDIMENT CONTROL TRAINING (13.00023)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

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

**15** **Item 8 BATHURST URBAN WATERWAYS CONDITION ASSESSMENT (37.00259)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

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

**16** **Item 9 NSW ENVIRONMENT PROTECTION AUTHORITY CONTAMINATED LAND MANAGEMENT PROGRAM: REGIONAL CAPACITY BUILDING GRANT PROGRAM (07.00047)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

**17** **Item 10 INCREASED PENALTIES FOR PROTECTION OF ENVIRONMENT OPERATIONS ACT 1997 (02.00001)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

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

**18** **Item 11 NOVEMBER BUSINESS MANAGEMENT WORKSHOPS (20.00071)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That the information be noted

**19** **Item 12 JOBS EXPO EXHIBITORS (20.00071)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

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

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

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

- 21** **Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2014-2015 (16.00135) (16.00137)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

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

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

- 23** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

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

- 24** **Item 5 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

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

- 25** **Item 6 2015 LIQUI-MOLY BATHURST 12 HOUR - STAFF TICKETS (04.00097)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** 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

- 26** **Item 7 BLAYNEY SHIRE COUNCIL - REQUEST FOR COUNCIL GRANDSTAND SEATS (04.00008-11)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

- 27** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - MOUNTFLIX - BATHURST FILM FESTIVAL 2015 (21.00012, 04.00142)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

**RESOLVED:** 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.

**28 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - BLAZE AID (18.00004)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**RESOLVED:** 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.

**29 Item 10 REQUEST FOR SPONSORSHIP - BATHURST PANTHERS FOOTBALL CLUB - BATHURST RUGBY LEAGUE KNOCKOUT 2015 (18.00004)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** 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.

**30 Item 11 OHKUMA 25TH ANNIVERSARY (23.00011)**  
**MOVED** Cr M Morse and **SECONDED** Cr M Coote

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

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

The item was WITHDRAWN.

**Director Engineering Services' Report**

**32 Item 1 PROPOSED ACQUISITION FOR ROAD WIDENING, LOTS 2 TO 4 DP1197949 LACHLAN ROAD CALOOLA (25.00389)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Hanger

- RESOLVED:** 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.

- 33** **Item 2 DROUGHT MANAGEMENT PLAN (13.00031)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

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

- 34** **Item 3 DRINKING WATER MANAGEMENT SYSTEM (32.00018)**  
**MOVED** Cr M Coote and **SECONDED** Cr M Morse

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

- 35** **Item 4 POTENTIAL FOR EMERGENCY GROUNDWATER SUPPLY (13.00031)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

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

- 36** **Item 5 DEMAND MANAGEMENT PLAN (13.00031)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

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

- 37** **Item 1 BATHURST DISABILITY ACCESS GRANTS 2014/2015 (16.00107)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** 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.

- 38** **Item 2 BATHURST REGIONAL ART GALLERY - UPGRADE OF GALLERY LIGHTING SYSTEM (21.00039)**  
**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

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

- 39** **Item 3 AUSTRALIAN FOSSIL AND MINERAL MUSEUM - JUST ADD SCIENCE FAIR, SATURDAY 18 OCTOBER 2014 (21.00106)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

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



40

**Item 4 2014/2015 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

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

	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>

41

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

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

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

42

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

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

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

**REPORTS OF OTHER COMMITTEES**

**Policy Committee Meeting**

- 43** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 NOVEMBER 2014 (07.00064)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

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

**Cr Aubin asked that his negative vote be recorded for Minute #10, Item 1.01 General Manager's Report.**

### **Traffic Committee Meeting**

- 44** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 NOVEMBER 2014 (07.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

### **DELEGATES REPORTS**

- 45** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 22 OCTOBER 2014 (11.00019)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

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

- 46** **Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4 NOVEMBER 2014 (20.00153)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

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

- 47** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**  
**MOVED** Cr M Coote 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 were no representations from the public.**

**RESOLVED:** That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	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.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED SALE OF LOT 6 DP559886, 48 AND	10A (2) (d) (i) – contains commercial information of a

	50 GILMOUR STREET, KELSO	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, SUTTOR 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 ROAD, 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.

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 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.
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 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.
13	TENDER FOR THE SUPPLY & DELIVERY OF ROADBASE MATERIAL	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	TENDER FOR THE SUPPLY, DELIVERY & LAYING OF ASPHALTIC CONCRETE SURFACING	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.
15	ANNUAL TENDER - READY-MIX CONCRETE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
16	ANNUAL TENDER - HIRE OF PLANT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council



	would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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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.

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

- a** **Item 1 REQUEST FOR FINANCIAL ASSISTANCE - CATHEDRAL OF ST MICHAEL & ST JOHN RESTORATION APPEAL (04.00097-14, 22.01209)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

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

**Reason: Member of Cathedral Restoration Committee**

That Council act in accordance with the report.

- b** **Item 2 RENEWAL OF LEASE AGREEMENT - LOT 1 DP1076086 LOCATED AT 112 BENTINCK STREET BATHURST (22.00830)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

That Council approves entering into a new Commercial Lease Agreement for Lot 1 DP1076086 known as 112 Bentinck Street Bathurst with Schafer & Sons Pty Ltd t/a Bathurst & District Plumbing & G.A.S. at a lease payment of \$120.00 per week (GST inclusive) for a period of one (1) year at which time a further review process will be undertaken.

- c** Item 3 RENEWAL OF LICENCE AGREEMENT FOR THE CLUBHOUSE LOCATED ON PART LOT 2 DP1140980 WALMER PARK, BATHURST - BATHURST CITY AND RSL BAND ASSOCIATION (04.00068)  
MOVED Cr M Morse and SECONDED Cr G Hanger

That Council approves entering into a new non-exclusive Licence agreement with the Bathurst City and RSL Band Association for the clubhouse located on part Lot 1 DP1140980 Walmer Park Bathurst for a period of five (5) years as detailed in the report.

- d** Item 4 BATHURST GO-KART CLUB - RACING TRACK (18.00290)  
MOVED Cr M Morse and SECONDED Cr M Coote

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

- e** Item 5 PROPOSED PURCHASE OF LOT 1 DP700629 LOCATED AT MCPHILLAMY PARK MT PANORAMA (22.15321)  
MOVED Cr I North and SECONDED Cr W Aubin

That Council approves the purchase of Lot 1 DP700629 located at McPhillamy Park Mt Panorama as detailed in the report.

- f** Item 6 CHANGE OF ENTITY - JOINT VENTURE AGREEMENTS - BATHURST 12 HOUR AND BATHURST MOTOR FESTIVAL (04.00097-10)  
MOVED Cr W Aubin and SECONDED Cr B Bourke

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

#### Director Engineering Services' Report

- g** Item 1 PROPOSED SALE OF LOT 6 DP559886, 48 AND 50 GILMOUR STREET, KELSO (04.00033-06 & 28.00016-05)  
MOVED Cr W Aubin and SECONDED Cr M Morse

That Council offer to the owners of No 48 and 50 Gilmour Street, Kelso the purchase of the whole of Lot 6 DP559886, as detailed in the Director Engineering Services report.

- h** Item 2 PROPOSED COMPULSORY ACQUISITION OF PART PORTION 142 DP750357, RESERVOIR NO. 4, SUTTOR STREET WEST BATHURST (32.00001-06)  
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council resolve to approve the General Manager to endorse the plan of acquisition proposed to identify property containing Reservoir 4 located within part portion 142 DP750357 located in Suttor Street, West Bathurst, as detailed in the Director Engineering Services report.

- i** **Item 3 TENDER FOR CONSTRUCTION OF CIVIL WORKS - EGLINTON RESIDENTIAL ESTATE STAGE 100 (36.00535)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**That** Council accepts the tender of Bustin Free Earthworks Pty Ltd, for the construction of Civil Works at Eglinton Residential Estate Stage 100 in the amount of \$1,796,632.00 Inc. GST, subject to adjustments and provisional items.

- j** **Item 4 EASEMENT FOR WATER SUPPLY 5 WIDE, LOT 1 DP1191492, 365 LIMEKILNS ROAD, KELSO (22.06857)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**That** Council resolve to acquire the easement rights for the creation of an Easement for Water Supply 5 Wide for future works located within Lot 1 DP1191492 at 365 Limekilns Road, Kelso, as detailed in the Director Engineering Services report.

- k** **Item 5 PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING, LOTS 300 AND 301 DP1201301, PANORAMA AVENUE, MOUNT PANORAMA (25.00105-02)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**That** Council make application to the Minister or Governor to compulsorily acquire Lots 300 and 301 DP1201301 at Panorama Avenue, Mount Panorama for the construction of a roundabout. The application is to:

- (a) Follow the provisions of the Roads Act 1993;
- (b) The procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991;
- (c) Apply for the shorter period of 60 days for the acquisition;
- (d) Not include mineral rights.

The acquired land is to be classified as operational land, as detailed in the Director Engineering Services report.

- l** **Item 6 PROPOSED ROAD WIDENING, LOT 7 DP1201709, 782 HILL END ROAD, CRUDINE (25.00262-10)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**That** Council approve the acquisition of proposed road widening affecting Lot 7 DP1201709 being 782 Hill End Road, Crudine, as detailed in the Director Engineering Services report. The acquired land to be classified as Operational land.

- m** **Item 7 TENDER FOR UPGRADE OF WATER SUPPLY FOR EGLINTON – HAMILTON STREET (36.00532)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**That** Council accepts the tender of Bustin Free Earthworks Pty Ltd, for the amount of \$346,187.00 (inclusive GST), subject to adjustments and provisional items.

- n** **Item 8 PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING LOT 14 DP1191218, 68 LEE STREET KELSO (25.00074-02)**  
MOVED Cr M Coote and SECONDED Cr G Westman

That Council make application to the Minister or Governor for the compulsory acquisition of Lot 12 DP1191218 located at 68 Lee Street, Kelso for the construction of a new water main. The application is to follow the provisions of the Roads Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991. Council will apply for the shorter period, not include mineral rights and the acquired land is to be classified as operational land, as detailed in the Director Engineering Services report.

- o** **Item 9 PROPOSED EASEMENT TO PERMIT AN ENCROACHING STRUCTURE, LOT 1 DP251059, 1013 TURONDALE ROAD, DURAMANA (25.00340-03)**  
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council resolve to approve the creation of an easement to permit an encroaching structure within the road reserve at the frontage of Lot 1 DP251059 being 1013 Turondale Road, Duramana, as detailed in the Director Engineering Services report.

- p** **Item 10 ANNUAL TENDER - HIRE OF TRUCKS/WATERCARTS (36.00537)**  
MOVED Cr M Coote and SECONDED Cr I North

That Council accept the tenders for the Hire of Trucks/Watercarts for 2015, as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Trucks/Watercarts.

- q** **Item 11 TENDER FOR NATURAL GRAVEL QUARRY ACCESS & EXTRACTION (36.00541)**  
MOVED Cr G Westman and SECONDED Cr W Aubin

That Council accepts the tender from Macquarie Vale Pty Ltd for Natural Gravel Quarry Access and Extraction, Contract No. 36.00541.

- r** **Item 12 ANNUAL TENDER - STORMWATER DRAINAGE PIPES (36.00538)**  
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council accept the tender from Rocla Pipeline Products for supply of stormwater drainage pipes, headwalls and lintels, from 1 January to 31 December 2015.

- s** **Item 13 TENDER FOR THE SUPPLY & DELIVERY OF ROADBASE MATERIAL (36.00540)**  
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council accepts the tender from Oberon Quarries for the Supply and Delivery of Roadbase Material from 1 January 2015 to 31 December 2016, as listed in the

Director Engineering Services' report.

- t** **Item 14 TENDER FOR THE SUPPLY, DELIVERY & LAYING OF ASPHALTIC CONCRETE SURFACING (36.00542)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

That Council accept the tender from Downer EDI Works for the Supply, Delivery and Laying of Asphaltic Concrete Surfacing for Contract No. 36.00542.

- u** **Item 15 ANNUAL TENDER - READY-MIX CONCRETE (36.00542)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

That Council accept the tender from Ever-Ready Concrete for the supply of ready-mix concrete from 1 January 2015, to 31 December 2015.

- v** **Item 16 ANNUAL TENDER - HIRE OF PLANT (36.00536)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

That Council accept the tenders for the Hire of Plant for 2015, as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Plant.

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

- w** **Item 1 LEASE OF HANGER SITE AND AERODROME CHARGES TO BATHURST AIRCRAFT MAINTENANCE PTY LTD / MR C CAMILLERI (21.00053 & 21.00017)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

That Council;

- (a) Confirm the lease conditions for Lot 32 DP1151799 located at the Bathurst Aerodrome with Bathurst Aircraft Maintenance Pty Ltd as approved by Council 12 December 2012.
- (b) Enter into negotiations with Bathurst Aircraft Maintenance in terms of an option to renew the lease for Lot 32 DP1151799 located at Bathurst Aerodrome.
- (c) Hold discussions with owners/operators of aircraft permanently based at the Bathurst Aerodrome in the 2T-5T MTOW range, and the Airport Users Group, to develop a new pricing regime for consideration in the 2015/16 budget.

### **RESOLVE INTO OPEN COUNCIL**

- 48** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

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

- 49** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

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

**MEETING CLOSE**

- 50** **MEETING CLOSE**

The Meeting closed at 7.06 pm.

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

**Date:** \_\_\_\_\_ **(10 December 2014)**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 DECEMBER 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 November 2014 (**attachment 1**).
- (b) Applications refused during November 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 during November 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. 2014/0044 - USE OF EXISTING BUILDING AS A CATTERY, CONSTRUCTION OF BUILDING FOR USE AS A DOG BOARDING KENNEL AND ADVERTISING SIGNAGE, 108 MARYS LANE, DUNKELD. APPLICANT: B MCHUGH OWNER: B MCHUGH AND S OSBORNE-MCHUGH (DA/2014/0044)**

**Recommendation:** That Council:

(a) having undertaken a review of the application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, change its decision and grant consent to Development Application 2014/0044 for the use of an existing building as cattery, construction of a new building for use as a boarding kennel and advertising signage at 108 Marys Lane, Dunkeld subject to conditions as follows, plus further conditions deemed appropriate by the Director:

1. Except where modified by conditions imposed upon this consent the development is to be carried out in accordance with the approved plans, Statement of Environmental Effects dated 25 June 2014 and the Wilkinson Murray noise reports dated 16 April 2014 and 4 November 2014 and the Noise and Odour Management Plan.

For the purpose of this consent the following noise criteria are to apply:

Address	Daytime (LAeq 15 minutes)	Nighttime (LAeq 15 minutes)
81 Marys Lane and 10 Evans Plains Creek Road	35 dBA	25 dBA
All other properties	30 dBA	25 dBA

2. The applicant is to submit to Council either an amended Operational Management Plan limiting the number of dogs outside or the introduction of acoustic shielding to the outdoor areas demonstrating that noise levels (LAeq 15 minutes) when dogs are outside do not exceed 35 dBA at 10 Evans Plains Creek Road and 81 Marys Lane and 30dBA at all other properties in adverse conditions.

The amended plans or Operations Management Plan are to be supported by a report from an appropriately qualified acoustic engineer.

3. The maximum number of animals boarding at the animal establishment at any one time is to be 24 dogs, 20 cats and 20 other small animals.
4. Dogs are not to use the external runs between the hours of 5pm to 8am between June and August and 6pm and 7am at all other times.
5. A Noise and Odour Management Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the development. In particular the Plan is to detail cleaning protocols, food storage protocols, vermin control measures, noise management including complaint handling protocols, compliance with the *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments* and evacuation procedures in the event of emergency.

A copy of the Noise and Odour Management Plan is to be provided, on request, to adjoining property owners.

6. A septic tank is to be installed on the land and the premises connected thereto,

in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act, 1993. A "Local Approval to install, alter and/or operate a system of sewage management under Section 68 of the Local Government (General) Regulation 2005" application form (attached) must be submitted and approved by Council prior to the issuing of a Construction Certificate in relation to the building.

7. The developer is to obtain from Council an approval to operate a system of sewage management prior to the occupation of the buildings.
8. The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

9. The payment to Council of \$2,472.25 for the upgrading of roads in the vicinity of the proposed development in accordance with Council's adopted Rural Roads Contributions Policy.

All monetary conditions are to be paid prior to the issuing of any Construction Certificates.

NOTE 1: All monetary conditions are reviewed annually, and may change as of 1 July each year.

NOTE 2: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

10. The applicant is to submit to Council, at least two days prior to the commencement of any works, notification of the details of the Principal Certifying Authority appointed by the owner for the development.

NOTE 1: If Bathurst Regional Council is to be appointed as the Principal Certifying Authority, the attached Agreement for the performance of certification work is to be completed.

11. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

12. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
13. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

14. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Site.

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

15. All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to an appropriately sized and sited on-site disposal area, in accordance with AS/NZS 3500.

Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE 1: 'Pump-out' stormwater drainage systems are not acceptable.

16. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within 14 days of the installation of the roof gutter down pipes.

17. The owner shall submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:

a) has been assessed by a properly qualified person; and

- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.

Further, the assessment is to be carried out within a period of three months of the date on which the final Fire Safety Certificate was issued. The owner of the building shall forward a copy of the certificate to Fire and Rescue NSW and shall prominently display a copy in the building.

NOTE 1: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

- 18. The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final Fire Safety Certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).
- 19. The applicant is to obtain an Occupation Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.

NOTE 1: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- 20. Provision is to be made in the building and on the site for:
  - a) access to the building for people with disabilities in accordance with the Building Code of Australia;
  - b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities shall be accessible to all persons working in, or using, the building; and
  - c) one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.

NOTE 1: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

- 21. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.

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

- 22. Any advertising signage erected pursuant to this consent is to be:
  - a) wholly located on the subject land;
  - b) solely relate to approved uses occurring on the site; and
  - c) removed at the cessation of the approved development.

- 23. The combined area of the advertising panels is not to exceed 5m<sup>2</sup>.

## PRESCRIBED CONDITIONS

*The following conditions are known as “Prescribed Conditions” and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant*

24. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).
25. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:
  - a) in the case of work done by a licensee under the Act:
    - i) has been informed in writing of the licensee’s name and contractor license number, and
    - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
  - b) in the case of work to be done by any other person:
    - i) has been informed in writing of the person’s name and owner-builder permit number, or
    - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,

and is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE 1: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

26. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a) stating that unauthorised entry to the site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours.

Any sign is to be removed when the work has been completed.

NOTE 1: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that are to be occupied continuously (both during and outside work hours) while the work is being carried out.

27. The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
28. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a) protect and support the building, structure or work from possible damage from the excavation; and
  - b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** Council has received a request to review its decision to refuse the above Development Application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979.

A copy of the request for review is at **attachment 1**.

#### **Proposal**

The proposal involves:

1. conversion of an existing colorbond building for use as a cattery (maximum 20 cats) and accommodation for other small pets (eg guinea pigs, rabbits, mice);
2. construction of a new building for use as a boarding kennel with covered external runs (maximum 24 dogs);
3. fencing for yards and runs;
4. effluent disposal system;
5. associated earthworks; and
6. advertising signage

at 108 Marys Lane, Dunkeld. A locality plan is at **attachment 2**.

The proposed kennel building is to be constructed of concrete block walls with a colorbond roof.

The Development Application has been supported by:

- Plan of proposed development at **attachment 3**.
- Statement of Environmental Effects at **attachment 4**.
- Noise Assessment prepared by Wilkinson Murray provided at **attachment 5**.
- Night Time Noise Predictions prepared by Wilkinson Murray at **attachment 6**.
- Operational Management Plan at **attachment 7**.
- Geotechnical report prepared by Calare Civil at **attachment 8**.

Note that the only material changes made to the application previously refused by Council are the applicant's intention to modify the roof design to an "Rw45" standard, alterations to the doors and glazing to be used and the use of ducted air conditioning.

The "Rw" is reference to the "Weighted Sound Reduction Index" and is a number used to rate the effectiveness of a soundproofing system or material. Increasing the Rw translates to a reduction in noise level. Therefore, the higher the Rw number, the better sound insulation it will achieve.

It is noted that the applicant has lodged further documentation throughout this assessment process to address issues raised in the public submissions. This includes amended plans clarifying construction details, a further report from Wilkinson Murray, Geotechnical investigations and an Operational Management Plan.

Council itself has engaged PKA Acoustic Consulting to undertake an independent review of the noise reports submitted by the applicant and the criticism raised by the residents' noise consultant.

A copy of the final PKA report is at **attachment 9**.

#### Previous consideration

The Development Application was subject to consideration by Council at its meeting held 17 September 2014 where it was resolved to refuse the Development Application due to concerns with noise, traffic safety and environmental concerns.

A copy of the report to Council at that meeting is at **attachment 10**.

#### Notification

In accordance with clause 2.6 of Council's Interim Development Control Plan 2011 the application for review was notified to the adjoining property owners and those persons who lodged a submission to the original Development Application for a period of 10 days.

#### Submissions and Discussion Forum

In response to notification of the Development Application review Council received seven submissions. The submissions are at **attachment 11**.

The Development Application was the subject of a Discussion Forum on 5 November 2014. Issues raised in the submissions and at the Discussion Forum include:

- Noise generated from the existing boarding facility at 113 Evans Plains Creek Road.
- Cumulative noise impact of all boarding facilities.
- Adequacy of the intersection of Marys Lane and the Mitchell Highway.
- Need for referral to the Roads & Maritime Service (RMS).
- Proximity to Evans Plains Creek.
- Potential conflicts with future dwellings at 86 Evans Plains Creek Road.
- Location relative to drainage line through the property.
- Vermin associated with the storage of food.
- Procedural issues.
- Absence of transparency in the process.
- Need for independent opinions in relation to noise.
- Need to formulate Council policy in relation to offensive noise.
- Need for further geotechnical investigation.



- Proximity to windmill and drinking water.
- The request for review provides no further information to change the original decision of Council.
- If consent were to be granted it be so on the basis of the residents noise consultant.
- Need for referral to the Environment Protection Authority.
- Potential to generate offensive odours.
- Provision for fire fighting.
- Incompatibility with existing landuses.
- Animal welfare concerns.
- Visual impact.
- Impact on native fauna.
- Separation distances to dwelling.
- Lack of consultation by the owners.
- Future stages.
- Previous Land & Environment Court decisions.
- Undesirable precedent.
- Community opposition.
- Enforcement of conditions.
- Staffing numbers, amenities and disabled access.
- No consideration of night time noise and sleep disturbance or offensive noise.
- Conflicting opinions between the applicant's noise consultant and the residents noise consultants.
- Dust generation.
- Underestimation of traffic numbers.
- Impact of the R45 on noise levels.
- Suggested conditions of consent to address noise issues.
- Inadequacies in the Statement of Environmental Effects and plans.

It is further noted that Council received a number of additional submissions from residents following the closure of the notification period. The submissions received to date are included in **attachment 12**.

#### Working Party and Independent Review of Noise

As part of the review process Council engaged PKA Acoustic Consultants to undertake a review of the Wilkinson Murray reports and the submissions received from the residents noise consultant (Cooper).

On 29 October Council held a Councillors and staff internal Working Party to discuss issues associated with noise, effluent disposal and the adequacy of Marys Lane and its intersection with the Mitchell Highway.

The Working Party was attended by Peter Knowland of PKA Acoustic Consultants. PKA have been provided with copies of the initial Wilkinson Murray Noise Report, the three responses prepared by Cooper on behalf of the residents as well as Council's original assessment report. PKA have also been provided copies of the Wilkinson Murray Night Time Noise Predictions.

#### Planning Context

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

The subject site was at the time of lodgement of the Development Application and request for review zoned 1(e) Outer Rural under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*.

The proposed development is defined as an *animal establishment* , the definition of which is:

*“a building or place used for the breeding, boarding, training or keeping of, or for caring for, animals for commercial purposes (except in connection with the use of land for the purposes of agriculture), and includes a riding school and a kennel or cattery.”*

Animal establishments are permissible with consent in the 1(e) Outer Rural zone. The proposal is not inconsistent with the objectives of the zone.

#### Bathurst Regional Local Environmental Plan 2014

Under Bathurst Regional Local Environmental Plan 2014 (gazetted on 19 November 2014) the subject site is zoned RU1 Primary Production. Under this document the proposal will be defined as *animal boarding or training establishment* the definition of which is:

*“a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.”*

Animal boarding or training establishments are permissible with consent in the RU1 Primary Production zone. The proposal would not be inconsistent with the objectives of the RU1 zone.

#### Development Control Plan

The Development Application is considered against the environmental considerations contained in Bathurst Regional (Interim) Development Control Plan 2011 which was in force at the time of lodgement of the Development Application and the request for review. It is noted that the current Development Control Plan provisions related to “environmental considerations” remain the same under the new Development Control Plan.

#### **Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 6 Rural Development**

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Setback - Front	>20m	20m	Yes
Setback - Side (nearest side)	>20m	20m	Yes
Setback - Rear	>20m	20m	Yes

- a) The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.

*The proposed building will have concrete block walls and Colorbond roofing. These materials are considered appropriate for the rural locality.*

- b) The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.

*The proposed building is not considered to be visually intrusive as it is of a scale and design consistent with other rural outbuildings in the locality.*

- c) The height of the building must relate to the topography of the land so that on steeper

sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.

*The proposed building will not protrude above any nearby ridgelines.*

- d) The design of the building must be in keeping with the rural character of the area.

*The proposed building is of a scale and design consistent with other rural outbuildings in the locality.*

- e) Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road.

*The proposed building will be partially screened by the existing vegetation and existing structures on the subject site.*

### **Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 9 Environmental Considerations**

Chapter 9 of Council's Interim Development Control Plan 2011 contains a number of provisions relating to the environment. The Chapter contains a number of subsections which are based upon various regional level maps which identify land as either:

- "sensitive land areas" (DCP Map 25),
- "sensitive waterways" (DCP Map 26),
- "high or moderate biodiversity sensitivity" (DCP Map 27),
- "high or moderately high groundwater vulnerability" (DCP Map 26)

The applicability of these provisions is addressed below.

#### ***Sensitive land areas (Chapter 9.2)***

Sensitive land areas are identified on Map 25 – Land Resources within the DCP. The map identifies areas which are either land with a capability class 7 or class 8, contains Karst areas, subject to salting or severe or extreme sheet or rill erosion.

The subject land does not contain any land identified on Map 25 – Land Resources.

#### ***Riparian Land and Waterways (Chapter 9.3)***

Sensitive waterways are identified on Map 26 - Riparian Land and Waterways.

An area of "sensitive waterways" is identified on the land along Evans Plains Creek. The sensitive waterway is taken to include land 40 metres either side of the waterway identified on DCP Map No.26.

Clause 9.3.3 requires that a Development Application lodged for any development on any lands identified must be accompanied by an "environmental assessment" including certain matters.

The development is proposed to occur on parts of the land which are further than 40 metres from the Evans Plains Creek.

Accordingly an "environmental assessment" is not warranted under this provision.

That said the potential impacts for the development to impact on the waterway and in particular its potential impacts on natural water flows, water quality, bed and bank stability and the functionality of Evans Plains Creek is minimal. The critical issue of effluent disposal has been dealt with elsewhere within the report and, on this basis, the development could not be said to have an adverse impact on the sensitive waterway.

#### ***Biodiversity (Chapter 9.4)***

Areas of high or moderate biodiversity sensitivity are identified on Map 27 - Biodiversity.

An area of "high or moderate biodiversity sensitivity" is identified on the land along Evans Plains Creek.

Clause 9.4.3 requires that a Development Application lodged for any development on any lands identified must be accompanied by an "environmental assessment" including certain matters.

The development is proposed to occur outside the area identified being the Evans Plains Creek.

Accordingly an "environmental assessment" is not warranted under this provision.

That said the development is to occur within an area which is already subject to human habitation and contains no significant stands of vegetation. The site is not known to contain any threatened species or endangered ecological communities.

#### ***Groundwater (Chapter 9.5)***

Areas of high or moderately high groundwater vulnerability are identified on Map 26 - Riparian Land and Waterways.

The whole of the property is identified as high or moderately high groundwater vulnerability.

Clause 9.5.3 requires that listed development types within these areas must be accompanied by an "environmental/geotechnical" assessment.

The applicant has prepared a Geotechnical report (**attachment 8**) which provides details on the expected levels of waste water to be generated, and identifies the location of the proposed effluent disposal envelopes.

The effluent disposal envelope is located clear of the generally accepted buffer zones to watercourses and bore water supplies.

The submitted report satisfies the requirements of Chapter 9.5 of Council's DCP.

#### ***Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 11 Outdoor Lighting***

In order to protect the dark night sky and minimise the impact of the development on the neighbours a condition will be imposed to ensure that any external lighting associated with the proposed development complies with Australian Standard AS 4282 "Control of the Obtrusive Effects of Outdoor Lighting".

#### ***Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 12 Signage and Colour Schemes***

The Development Application includes a freestanding “V” sign with each panel measuring 3 metres by 2 metres (total 6m<sup>2</sup>). In accordance with the DCP a freestanding sign must not exceed 5m<sup>2</sup>. A condition will be imposed to ensure that the combined area of the two panels on the proposed “V” sign does not exceed 5m<sup>2</sup>.

The proposed signage has been assessed against the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No. 64 (Advertising and Signage). A copy of this assessment can be found at **attachment 13**.

## **Issues**

### **Noise**

The Development Application was originally supported by an acoustic assessment prepared by Wilkinson Murray based upon the plans submitted with the original application. This report is referred to as the “initial report”.

The initial report is predicated on the animals being housed overnight within the building constructed of concrete block with colorbond roof. The roof was originally intended to be lined with either 6mm fibre cement sheeting or 8mm ply to assist in noise attenuation. The exact Rw value of this type of construction was not quantified.

As noted above the applicant has amended the original plans considered by Council to include an alternate treatment to the roof to achieve an Rw45 value, ducted air conditioning and the use of solid core doors.

In response to questions regarding what impact these amendments have on noise at the adjoining properties, the applicant commissioned Wilkinson Murray to undertake a second report dealing with noise associated with dogs within the building. This report is referred to as the Night Time Predictions (**attachment 6**).

### **Background noise levels**

The initial report adopts current daytime background noise levels of 30 and 35 decibels depending on location. The higher daytime background level of 35 dBA has been assumed for those properties closest to the Mitchell Highway.

For the purposes of determining background noise levels, daytime is typically taken to be 7am to 6pm. Evening and night noise levels are collectively considered as night time levels.

Night time background levels of 30 dBA have been adopted for all properties.

Utilising the NSW EPA Industrial Noise Guidelines, Wilkinson Murray adopted an acceptable daytime noise criterion of background plus 5 decibels at the receivers. This equates to an acceptable noise level of 35 and 40 decibels during the daytime. A more conservative night time criterion of 35dBA was adopted for all properties.

The applicant has indicated in the Operational Management Plan that dogs will be housed indoors in their individual rooms from 7pm in the evening until 7 am Monday to Saturday morning and to 8am Sunday. During the daytime dogs will be housed in their own external single run when not in the exercise area.

The Wilkinson Murray modelling is based upon a “worst case” assumption of all 24 dogs being outside and a source sound power level of 100 dBA. It is noted that the residents’

noise consultant has suggested that this assumed noise level is too low. PKA have reviewed the Wilkinson Murray level and consider it reasonable for establishing predicted noise levels.

This effectively equates to a "day time" scenario as it is at this time that dogs will be outside the building and this "worst case" scenario may occur.

It is worth noting that the *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments* recommends that exercise can be provided by "allowing dogs access to an exercise for at least 10 minutes twice daily". It is not strictly necessary from an animal welfare perspective to have dogs outside for extended periods of time. This allows for significant scope in the management of noise associated with dogs in the external enclosures.

One of the resident's criticisms of the applicant's noise assessment is the absence of background noise testing to verify the estimated noise levels of 30 and 35 dBA for those properties closest to the highway. It is noted that the Industrial Noise Policy states that "*where the rating background level is found to be less than 30 dB(A), then it is set to 30 dB(A)*". That is, if testing were to be undertaken to establish background levels and it was found to be less than 30 dB(A) it would still be taken to be 30 dB(A). This is the position taken by the applicant for all the properties excluding 81 Marys Lane and 10 Evans Plains Creek Road.

It is noted that the assumption of higher background levels for 81 Marys Lane and 10 Evans Plains Creek is not strictly in accordance with the minimum of 30 dBA approach suggested in the Industrial Noise Policy. This higher figure recognises the proximity of these properties to the Mitchell Highway. Traffic volumes provided by the RMS for the Mitchell Highway (approximately 20km west of Bathurst) indicate average daily traffic figures in excess of 6000 vehicles per day. Almost 15% of vehicles are heavy vehicles. 81 Marys Lane is located in an elevated position approximately 75 metres from the Mitchell Highway. 10 Evans Plains Creek Road is also located in an elevated position approximately 140 metres from the Mitchell Highway.

PKA have advised that the adoption of the 30 dBA background level is in accordance with the approach adopted in the Industrial Noise Policy. Likewise the higher levels of 35 dBA for those properties closest to the Highway are not unreasonable given their proximity to the Highway.

The alternative approach to assuming these background levels would have been to undertake background noise levels in the locality and use this as a basis for determining the appropriate noise criteria. It should be noted that were the background levels found to be greater than 30 dBA then the appropriate noise criteria would likewise increase. PKA have suggested that a much higher background level in excess of 40 dBA is likely however this figure has not been verified and is not used as a basis for assessment.

PKA and Wilkinson Murray do however approach the issue of daytime noise differently. Whilst PKA and Wilkinson Murray generally agree with the approach to establishing intrusive noise limits as background plus 5 dBA, PKA have suggested that a 5 dBA "penalty" should be applied for the "impulsive" nature of the noise during the daytime.

The net result of this is that the appropriate noise limits would reduce by 5 dBA to be 35 dBA for those closest to the Highway and 30 dBA for all other properties. As noted in the table below it is only 10 Evans Plains Creek Road (37 dBA) and 81 Marys Lane (39 dBA) in adverse conditions where the development would not comply. A reduction of 2 dBA and 4 dBA is required. Changes of 1-2 dBA are unlikely to be perceivable however a change of 5

dBA would be clearly noticeable.

In order to achieve this target the development would need to be modified by either reducing the number of dogs outside or to introduce some acoustic treatment to the outdoor areas to achieve this 30 and 35 dBA target. PKA have suggested that for the small amount of noise reduction required the barriers would only need to interrupt line of sight.

It is therefore proposed that a condition be imposed as follows:

The applicant is to submit to Council either an amended Operational Management Plan limiting the number of dogs outside or the introduction of acoustic shielding to the outdoor areas demonstrating that noise levels (LAeq 15 minutes) when dogs are outside do not exceed 35 dBA at 10 Evans Plains Creek Road and 81 Marys Lane and 30dBA at all other properties in adverse conditions.

The amended plans or Operations Management Plan are to be supported by a report from an appropriately qualified acoustic engineer.

### ***Distance to receivers***

The relative distance between the proposed kennel building and the residents who lodged submissions is shown in the table below and is illustrated in **attachment 14**.

<b>Address</b>	<b>Owner</b>	<b>Distance (approximate)</b>
81 Marys Lane	Kady	200 m
77 Evans Plains Creek Road	McDiarmid	470 m
11 Dunkeld Road	Cosgrove	550 m
54 Marys Lane	Baldwin	630 m
39 Evans Plains Creek Road	Roughley	800 m
86 Evans Plains Creek Road	Little	800 m
77 Evans Plains Creek Road	Markwick & Mah	850 m
113 Evans Plains Creek Road	Norton	1000 m
937A Mitchell Highway	Worthington	1450 m

### ***Predicted daytime noise levels***

The predicted noise levels (LAeq 15 minutes) at the closest affected residences are illustrated in the table below.

<b>Receiver</b>	<b>Predicted Level Neutral Conditions</b>	<b>Predicted Level Adverse Wind</b>	<b>Noise Criterion - Wilkinson Murray</b>	<b>Noise Criterion - PKA</b>
77 Evans Plains Creek Road	24	29	35	30
112 Marys Lane	18	22	35	30
54 Marys Lane	19	24	35	30
10 Evans Plains Creek Road	32	37	40	35
81 Marys Lane	35	39	40	35
113 Evans Plains Creek Road	21	26	35	30

(Source: Wilkinson Murray Noise Assessment dated 16 April 2014)

It is also noted that the Industrial Noise Policy requires that intrusive noise *be “assessed at the most affected point on or within the residential property boundary or, if that is more than 30 metres from the residence, at the most affected point within 30 metres of the residence”* .

There was a suggestion made in some of the resident submissions that noise levels should be achieved at the boundary. This position is not supported by the Industrial Noise Policy.

The predicted noise levels in the worst case scenario in neutral conditions range from 18dBA through to 35 dBA at 81 Marys Lane. This is within the applicants adopted noise criteria of 35 and 40dBA depending on location. It is also within the PKA criteria of 30 and 35 dBA which includes penalties for "impulsive" noise.

The estimated noise impact of the development under adverse conditions range from 22 dBA though to 39 dBA at 81 Marys Lane. These levels are again less than the applicants adopted noise criteria of 35 and 40dBA depending on location. Only 10 Evans Plains Creek Road (37 dBA) and 81 Marys Lane (39 dBA) would exceed the PKA criteria.

These recommendations have been reviewed by PKA. PKA have noted that modelling has been undertaken using accepted acoustic software and the expected noise levels are appropriate.

As noted above PKA have applied a 5 dBA penalty due to the "impulsive" nature of the noise. The development complies in all respects with the exception of the two closest residence in adverse conditions. This difference can be dealt with by way of a condition of consent as noted above.

**Predicted night time noise levels**

The predicted noise levels at adjoining residences when the animals are housed will be a factor of the noise attenuation within the building itself.

Wilkinson Murray has prepared a second report dealing with noise levels from dogs within the building which is effectively a night time scenario.

The second report is based upon the following minimum construction to be incorporated into the building itself.

Component	Rw Rating	Details
Walls	45	140 mm hollow concrete block
Roof	45	Metal roof/sarking/6mm fibre cement sheeting to underside of roof joist/cavity of at least 300mm/75mm acoustic insulation on ceiling of 13mm fire rated plasterboard
Side double doors	32	35mm solid core doors with jamb seal and drop seals (such as Raven RP120 jamb seals and RP8 drop seals). Meeting stiles to be rebated and viewing glass to be at least 6.38mm laminated glass
Sliding access hatches	27	20mm thick plywood in slots

It is also noted that the mechanical services will need to be acoustically treated. Wilkinson Murray note that *“this is likely to consist of acoustically lined ductwork at least 3 metres long that incorporates silencer or bend. The exact details of the treatment should be determined at Construction Certificate stage when the mechanical design and selection of plant, to be located in the roof cavity, are known”*.

Noise levels have been predicted at surrounding residences based on internal noise levels of 100 dBA Laeq (15 minutes) and 117 dBA LAm<sub>ax</sub>.

The approach taken by Wilkinson Murray has been to adopt 35dBA as the night time target



being the minimum 30 dBA stipulated in the Industrial Noise Policy plus 5 dBA.

PKA have advised that the 35 dBA night time target is more appropriately set at 25 dBA to deal with any potential offensive noise issue generated at this time. This is the result of applying a 5 dBA reduction for the "impulsive" nature of the noise and a further 5 dBA reduction for "intermittency". Note that the penalty for "intermittency" does not apply during the daytime.

The predicted night time noise levels (LAeq 15 minutes) at the nearest affected residences are as follows presented in the table below.

Receiver	Predicted Level Neutral Conditions	Predicted Level inversion	Noise Criterion - Wilkinson Murray	Noise Criterion - PKA
77 Evans Plains Creek Road	<10	<10	35	25
112 Marys Lane	<10	<10	35	25
54 Marys Lane	<10	<10	35	25
10 Evans Plains Creek Road	<10	<10	35	25
81 Marys Lane	<10	11	35	25
113 Evans Plains Creek Road	<10	<10	35	25

(Source: Wilkinson Murray Noise Assessment dated 4 November 2014)

The predicted noise levels from within the building are therefore well below the criteria adopted by Wilkinson Murray (35 dBA) and PKA (25 dBA). The difference in approach does not affect the end result.

### ***Sleep disturbance***

The second Wilkinson Murray Report also deals with the issue of sleep disturbance.

The Industrial Noise Policy itself does not contain specific criteria for sleep disturbance but instead refers to other documents such as the NSW Road Noise Policy. The general criteria for assessment of sleep disturbance is background plus 15 dBA although as noted in the PKA report this criteria is subject to ongoing review by the EPA. Where the criterion is met, sleep disturbance is not likely, but where it is not met, a more detailed analysis is required.

The criteria adopted by Wilkinson Murray is the assumed background of 30 dBA for all properties plus 15 dBA. This is consistent with the EPA advice.

The predicted noise levels (L<sub>amax</sub>) at the nearest affected residences are presented in the table below.

Receiver	Predicted Level Neutral Conditions	Predicted Level inversion	Noise Criterion
77 Evans Plains Creek Road	13	18	45
112 Marys Lane	15	19	45
54 Marys Lane	12	16	45
10 Evans Plains Creek Road	21	26	45
81 Marys Lane	25	28	45
113 Evans Plains Creek Road	12	17	45

The development is therefore unlikely to have an impact on sleep disturbance and more detailed analysis is not required.

PKA have concluded that sleep disturbance is not likely to be a problem.

### ***Temperature Inversions***

According to the Industrial Noise Policy temperature inversion generally becomes a consideration where it occurs on more than 30% of the total night time during winter (June – August). This percentage occurrence corresponds to about two nights per week.

The night time period for determining inversion frequency is from 1 hour before sunset to 1 hour after sunrise (taken to be 6pm to 7am) which is the time period during which inversions are most likely to occur.

The Industrial Noise Policy, however, states that "there is no need to consider the effects of temperature inversions for development that does not operate at night (10pm to 7 am)". The predicted night time noise levels from within the building have been addressed in the second Wilkinson Murray report and have demonstrated that there would be no exceedance of the intrusive noise or sleep disturbance criteria during the night time scenario.

In the Cooper submission it has been suggested that a condition be imposed requiring "dogs associated with the kennel shall be housed in their individual soundproof sleeping quarters between 7pm and 8am the following day" and that "the use of the external runs (two off) shall be restricted to only one dog per run at any time. The runs shall not be used outside the period of 8 am to 7 pm".

PKA have concluded in its report that the locality has potential to result in temperature inversions and that the principle concern relates to early morning and late afternoon when dogs are outside.

In this particular case a condition could reasonably be imposed requiring dogs to be kept within the building during the period when temperature inversions may occur ie 5pm to 8am between June and August.

### ***Offensive Noise***

Offensive noise is a term which stems from the Protection of the Environment Operations Act (POEO). It is typically a term used for determining any enforcement action under the provisions of that Act (eg Noise Control Notices, Noise Abatement Orders etc).

Offensive Noise is defined as:

***offensive noise means noise:***

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*
  - (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
  - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) *that is of a level, nature, character or quality prescribed by the regulations or*

*that is made at a time, or in other circumstances, prescribed by the regulations.*

Offensive noise as defined in the POEO is not defined in numerical but qualitative terms. The EPA has published the Noise Guide for Local Government to assist Local Government in the establishment of what may constitute offensive noise.

The Guideline includes a guide for Council officers and authorised persons to making a systematic judgement about whether a particular noise is offensive. The checklist is not exhaustive and it is not intended that all questions are answered “yes” before a noise can be deemed offensive.

The Guideline also states that *“any regulatory instruments (for example consents, approvals, notices etc) that apply directly to the premises or any relevant guidelines, policies or regulatory instruments that apply to that type of activity should also be considered when making a determination about offensive noise. **An activity that complies with noise limits determined in light of relevant noise policies or guidelines is unlikely to be regarded as offensive**”*.

PKA have addressed the issue of offensive noise in its assessment of the Wilkinson Murray reports and have applied penalties for the impulsive and intermittent nature of the noise.

PKA have concluded that for daytime purposes, and taking into consideration the operational aspects of the development and the environment, that the development is not likely to result in offensive noise subject to the alterations of the proposal to achieve a target of 30 dBA and 35 dBA during the daytime at all residences.

PKA have also concluded that for night time purposes the development is again not likely to result in offensive noise. This takes into account slightly different approaches to the night time criteria adopted by Wilkinson Murray and PKA.

### **Other Noise Control Guidelines**

The residents have also made reference to the Victorian Noise Control Guidelines and South Australian Environmental Assessment Guides for Planners to support their position. The Victorian Guidelines is referenced as a source of “further information” within the NSW Noise Guide for Local Government.

Neither document is a statutory document in the form of an Environmental Planning Instrument (SEPP’s, LEP or DCP) that would typically form part of Council’s consideration of a Development Application.

The Victorian Guideline themselves are *“primarily intended to be used by municipal officers to assist in the resolution of complaints or to avert possible nuisance noise. **The Guidelines are designed however, to be the basis of assessment and not the last word**”*.

The Victorian Guidelines recommends that “kennels should be located at least 500 metres from residential areas”. The South Australian Guideline adopts a similar 500 metres separation.

The Guidelines do not, however, take into consideration the individual circumstances of the case eg number of dogs, whether they are housed or open, distance to individual houses and background noise levels.

Not surprisingly the Guideline itself has been used as a basis for assessment in the

Victorian planning system and through Victorian CAT (the equivalent to the Land and Environment Court in NSW). It is perhaps pertinent to note the following general observations regarding the Policy (*Condos Peter & Ors v Maroondah CC [1998] VCAT 590 (15 January 1999)*) :

- This document is primarily intended to be used by municipal officers to assist in the resolution of complaints and to avert possible noise nuisances. Some of the guidelines in the document have been prepared, according to the introduction to the document, so that it can be incorporated into permit conditions for a development. The document is a guideline, not a prescriptive law.
- The guideline suggests that kennels should be located at least 500m from residential areas. However, the 500m buffer distance is suggested in situations where reliance is placed on distance alone as a noise attenuating factor.
- That proper acoustic design can replace distance attenuation with appropriate acoustic screening. It would be wrong to attempt to apply the 500 m buffer as an arbitrary rule without taking that into consideration.

The relevance of these Guidelines to the current case is therefore limited. Certainly there can be no basis for using the 500 m buffer zone referred to in the Policy as a reason for refusal given the consistency of the current application with the NSW Industrial Noise Policy.

PKA have noted that the Victorian and South Australian Guideline would be relevant to open kennels which is not the case here.

#### ***Land and Environment Court decisions***

The residents have brought to Council's attention a decision within the Land and Environment Court (*Nichol v Port Stephens Council 2013 NSWLEC 1234*) as evidence of their concerns. The residents' acoustic consultant was also involved in the matter on behalf of Port Stephens Council.

The decision related to a boarding kennel catering to up to 100 dogs within 250 metres to 550 metres of a number of dwellings in a rural area.

Whilst there is always an inherent danger in comparing any 2 situations it is worth noting the following from that decision:

- The experts agreed that the proposal would exceed the default and intrusive noise criteria for the day at most residential receptors.
- The default and intrusive noise criteria would also be exceeded in some locations in the evening period.
- The noise modelling was done on "bad case" but not the worst case scenario (ie some but not all dogs in the external enclosure).
- There were discrepancies in the background noise modelling which led to uncertainty in establishing the appropriate criteria.
- Management options to address exceedance of the noise criteria were not clearly established.

It is noted that the Nichol decision references an earlier decision in the Land and Environment Court in *Bellbay Pty Limited v Hawkesbury City Council 2007 NSWLEC 723* which also dealt with dog kennels in a rural zone.

That decision (which resulted in approval) makes some equally valid points regarding noise and the application of the Industrial Noise Policy including:

- The standards in the Policy have been adopted to protect 90% of the population living in the vicinity of an industrial noise source for at least 90% of the time.
- If the criteria are achieved, then it is unlikely that most people would consider the resultant noise levels excessive.
- If the noise criteria are not met, it does not automatically follow that people affected by the noise would find it unacceptable.
- The Policy does not advocate a total absence of noise but accepts that there is a very large range of human reaction to noise.
- The Policy seeks to place some parameters on a subjective area of consideration and as such should be the ultimate basis for consideration. The importance of relying on authoritative and scientifically credible standards is set out in decisions such as Telstra Corporation Limited v Hornsby Shire Council (dealing with telecommunications emissions).

It is also interesting to note that the Bellbay decision also dealt with a scenario where there were multiple kennels within close proximity to one another.

It is further cautionary to note that Council does not have the full facts behind either decision nor does it have any of the supporting documents other than the decision itself.

### **Access**

Access to the site is to be from Marys Lane utilising the existing access to the property.

Marys Lane is a gravel road approximately 500m in length which intersects with the Mitchell Highway.

No specific traffic figures are available for Marys Lane, however, given that it currently serves approximately 4 dwellings, traffic levels are considered to be very low. For comparative purposes the RMS Traffic Generating Development Guidelines estimate that a dwelling generates in the order of 9 vehicle trips per day.

There is no widely accepted figure available for estimating the number of traffic movements associated with this type of development.

The applicant has estimated that the proposed development would generate an average of 4 vehicles per day. The rationale behind this estimate is provided in the **attachment 15**.

The residents have suggested a higher average daily figure in the order of 50 vehicles per day. The rationale behind this estimate is provided in the late submissions at **attachment 12**.

There are obviously substantial differences between the 2 figures as a result of different assumptions in occupancy rates, length of stay, staff and use of the pick up services.

It is noted that at the Council Discussion Forum held on 5 November the operators of the Evans Plains Creek boarding kennel (15 dogs) indicated that traffic movements at that premises were in the order of two vehicles per day.

Even accepting the residents figure as being correct Marys Lane would still be able to accommodate the cumulative traffic levels of both the existing traffic and the proposed without the need for upgrading.

### **Need for referral to the RMS**

As part of the initial Development Application assessment the RMS independently provided comments to the applicants, objectors and Council.

The statutory regime for formally seeking comments on a Development Application from the RMS is governed by Clause 104 of SEPP (Infrastructure). The Clause requires developments of a certain size with either direct access to a RMS controlled road or access within 90 metres of a RMS controlled road to be referred to the RMS for comment.

The development does not have direct access to a RMS controlled road. Likewise the property entrance is further than 90 metres from the RMS controlled road. Animal establishments/boarding kennels are not a type of development included in the Schedule. The threshold for commercial premises with access within 90m of an RMS controlled road is 2500 m<sup>2</sup>.

The development as proposed does not meet any of these thresholds for referral and accordingly there is no statutory trigger for referral.

The RMS in correspondence provided to Council via the objectors noted that there is no legislative trigger for Council to refer the application for comment or concurrence.

The residents group had requested that the matter be referred to the Council Traffic Committee for comment. It is not the role of the Traffic Committee to provide advice upon individual Development Applications and accordingly no comment was sought.

Notwithstanding any legislative trigger, Council, as part of the Review process, sought advice from the RMS as to the adequacy of the intersection. A copy of the RMS advice is provided at **attachment 16**. The current advice reiterates the previous RMS advice to the effect that it “makes no submission” in relation to the DA.

### ***Adequacy of intersection***

In correspondence provided via the objectors as part of the original assessment the RMS advised that it had undertaken a route assessment of the Mitchell Highway which identified future upgrade needs along the Mitchell Highway and prioritises upgrade works. The intersection of Mitchell Highway and Marys Lane was identified as a “Medium Priority” for upgrade to include signage and a Basic Right Turn (BAR) Treatment. The RMS progressively carries out identified upgrades in order of priority and as funding becomes available.

A copy of this advice is provided at **attachment 17**.

The applicant has also sought advice from the RMS regarding the crash history in this section of the Mitchell Highway. The data provided indicates that there is no recent crash history at this intersection.

A copy of this advice is provided at **attachment 18**.

### ***Civil Design, Location & Drainage***

The proposed kennel building is located in an intermittent drainage line. This location has the potential to become inundated during heavy rainfall which could affect the building and its foundations. Consequently, Council requested further information to ensure that the building will not be flooded or result in the kennels or runs being water logged.

The information provided by the applicant indicates that a raised earth pad will be

constructed for the building to sit on and a diversion bank will redirect water around the kennel and run facilities.

The NSW Office of Water were consulted in the assessment of the Development Application and it was determined that their concurrence was not required as the development site is not within 40 metres of Evans Plains Creek and the drainage line adjacent to the building site is not a third order stream.

### ***Potential conflicts with future dwellings***

The property at 86 Evans Plains Creek Road has an unused "dwelling entitlement". The particular Lot in question is 26 ha.

Whilst the allotment would in part directly adjoin 108 Marys Lane the majority of the property would be located further away than the closest affected residents (10 Evans Plains Creek Road and 81 Marys Lane). The opportunity to erect a dwelling house on the allotment at some point in the future would not therefore be significantly restricted by the presence of the kennel.

### ***Effluent disposal area***

The applicant has submitted a Geotechnical Report for the proposal (refer **attachment 8**). The Report replaces an earlier indicative layout of the proposed effluent disposal area.

The report has been predicated on a 50 animal facility and as such is slightly larger than the ultimate capacity proposed of 24 dogs and 20 cats.

The geotechnical report was based on the excavation of a borehole and soil pit to a depth of 2 metres. Groundwater was not encountered during the fieldwork.

The report recommends the installation of a 3000 litre septic tank and a trench of 45 metres long x 2.4 metres wide x 0.45 metres deep (or 2 trenches of half this length).

The area identified for the trenches is to be located generally to the south west of the proposed kennel building. The system is to be located further than 100m from Evans Plains Creek.

It is noted that Clause 6.1 of Council's DCP states that the location and proposed method of waste water disposal must be shown on the Development Application and accompanied by supporting geotechnical certification for on site waste water disposal, from a suitably qualified Geotechnical Engineer. The submitted Report is in accordance with this requirement.

Part 6.4 of Council's Interim Development Control Plan refers to effluent disposal areas being located so as to meet the buffer requirement established in the *Environment and Health Protection Guidelines – On site sewage management for single households*. The Guideline was prepared jointly by the Department of Local Government, Department of Health, Environment Protection Authority, Department of Planning and Department of Land and Water Conservation.

The Guideline recommends buffer distances for on-site systems of 100 metres to permanent surface water (eg rivers, streams, lakes etc), 250 metres to groundwater wells and 40 metres to other waters (eg farm dams, intermittent waterways and drainage channels etc).

It is noted that the resident at 10 Evans Plains Creek Road has indicated the presence of a

windmill on the property which is used as domestic supply.

The Geotechnical Report notes the existence of 2 registered bores in the vicinity of the proposal.

The closest bore is 90 metres south east of the disposal area on the subject land. It is understood that this bore refers to a "spear" in the Evans Plains Creek used for gardening purposes. The report notes that the bore is not used for domestic purposes.

A second bore is located approximately 250m north north east of the disposal area. Its location is consistent with the bore located on 10 Evans Plains Creek Road.

The Report also notes the existence of 2 alternate policies in relation to the buffer distances to bores. The Sydney Catchment Authority recommends a buffer distance of 100 metres to bores. *Australian Standard 1547:2012 On site domestic wastewater management* recommends buffer distances of between 15 metres to 50 metres.

It is usual that the effluent disposal system would undergo further assessment and consent upon application under Section 68 of the Local Government Act. At this stage it is significant to note that there is adequate suitable land available to locate the effluent disposal area taking into account all the recognised buffer zones.

### ***Need for referral to Environment Protection Authority***

The application does not require any Environment Protection Licence under the Protection of the Environment Operations Act which is administered by the EPA. Accordingly there is no statutory involvement from the EPA in relation to this type of development.

Effluent disposal systems of this scale are the domain of Local Government.

### ***Operational Procedures***

Many of the issues raised in this report such as noise, effluent disposal, attracting vermin and animal welfare can be mitigated or controlled through appropriate operational procedures.

The NSW Department of Primary Industries has produced a document titled *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments*.

A condition is proposed requiring preparation of a detailed Noise and Odour Management Plan prior to the issue of an Occupation Certificate for the building. Issues such as cleaning programs, food storage areas, waste management protocols and noise complaint management can be included in the Management Plan to deal with these operational type issues.

The applicant has prepared a draft Operational Management Plan to accompany the development (**attachment 7**). The Plan replaces an earlier version which the applicant had identified as being commercially sensitive and was not provided to the residents.

That said the Plan will need to be further reviewed in light of the issues raised in the public submissions and the conditions imposed upon the consent. It will however be a requirement of the conditions of the consent that the Plan of Management be available to the public. Like all Plans of Management it is not meant to be a static document and would need to be regularly reviewed as circumstances and management practices change.



The absence of the final Plan of Management is only of relevance where it opens up the possibility that the development will be significantly different from the development for which application was made or it leaves for a later decision important aspects of the development, which could alter the proposal in a fundamental respect. That is not the case here.

### ***Odour***

Chapter 5 of Council's DCP relates to Business and Industrial Development. The Chapter generally applies to land within the 3(a) General Business, 3(b) Service Business and 4(a) Industrial zones.

There was a suggestion made by members of the public that Section 5.5.2 of Council's DCP would require the preparation of an "air quality assessment" for developments which Council considers may have a potential for "significant adverse impact on air quality, including odour".

It is considered that the development will not have a significant adverse impact on air quality. Properly managed in accordance with the NSW Animal Welfare Code of Practice it could not be said that the development would lead to a significant adverse impact on air quality, including odour.

### ***Animal containment***

One of the issues raised by the neighbours was effective animal containment. In order to address this issue the applicant plans for the proposed development to include a 2.1 metre high perimeter fence around the compound that includes an inwards facing angled return on the top. Also included to improve containment is a double door/gate system.

### ***Impact on flora and fauna***

The new building is located in a pre-existing cleared area. No vegetation with the exception of grasslands would need to be cleared to facilitate the development.

### ***On site parking and manoeuvring areas***

The submitted plans do not indicate any designated on site parking areas and instead rely upon the existing formed driveways within the property.

Given that the site itself is in excess of 18 hectares and traffic generation figures are relatively low the absence of designated parking areas will not create any off site impacts.

### ***Water***

The applicant's draft Operational Management Plan indicates that drinking water for the establishment will be sourced from rainwater. The applicant has not identified any potential source of water for washing etc.

It is not known what bore licences it may have available to it through the NSW Office of Water.

Were the applicant to have access to a bore and were the applicant wishing to use it for a purpose contrary to any pre-existing licence conditions then it would be a matter for the applicant to pursue with NSW Office of Water.

Like all rural developments where the water supply cannot be met from rainwater and there

is no access to bore water then alternate supplies are available from the Council reticulated supply.

### ***Bushfire***

The subject land is not identified as “bushfire prone” in accordance with Council’s Bushfire Prone Land map.

Council’s DCP does not make any specific provisions for the provision of water for bushfire protection or asset protection zones. That said emergency procedures (including evacuation of animals etc) can be appropriately included in the Operational Management Plan.

### ***Flooding***

Evans Plains Creek traverses the property and the subject land may be subject to localised flooding. The flood affected area is not identified on any maps held by Council.

The proposed buildings are located well above the area that could reasonably be expected to flood.

The development is therefore not likely to increase the flood hazard rating or likely flood damage to any property.

### ***Adequacy of Statement of Environmental Effects***

The residents are critical of the applicants Statement of Environmental Effects and the quality of the plans on the basis that the plans are hand drawn, the SEE should have been prepared by a qualified town planner and does not provide a detailed description of the development.

There is no statutory impediment to the applicant relying upon hand drawn plans or preparing their own SEE. The plan and accompanying documents should however provide sufficient detail to enable residents and Council to make informed decisions about the development.

If the Council as the consent authority considers the absence of particular information or documents does not prevent or hinder determining the application, then there is no logical reason why it should not proceed to do so.

### ***Competition***

Economic competition between businesses is not a valid environmental or planning consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

### ***Summary of proposed conditions***

- This development consent limits the maximum number of animals boarding at the animal establishment at any one time is to be 24 dogs, 20 cats and 20 small animals.
- Dogs are not to use the external runs between the hours of 5pm to 8am between June and August and 6pm and 7am at all other times.
- A Noise and Odour Management Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the development. In particular the Plan

is to detail cleaning protocols, food storage protocols, vermin control measures, noise management including complaint handling protocols, compliance with the *NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments* , evacuation procedures in the event of emergency.

A copy of the Noise and Odour Management Plan is to be provided, on request, to adjoining property owners.

- The applicant is to submit to Council either an amended Operational Management Plan limiting the number of dogs outside or the introduction of acoustic shielding to the outdoor areas demonstrating that noise levels (LAeq 15 minutes) when dogs are outside do not exceed 35 dBA at 10 Evans Plains Creek Road and 81 Marys Lane and 30dBA at all other properties in adverse conditions.

The amended plans or Operations Management Plan are to be supported by a report from an appropriately qualified acoustic engineer.

### Conclusion

The proposed development is permissible within the zone and consistent with the objectives of the zone. The development is in accordance with the DCP provisions as adopted by Council. The issues surrounding noise have been independently reviewed by noise consultants who have made a number of recommendations which can be included as conditions of consent. The RMS have also provided advice in relation to the Development Application.

**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. 2014/0426 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AND SEPARATE GARAGE AT 311 HOWICK STREET, BATHURST. APPLICANT: MR S RALPH. OWNER: MR S RALPH (DA/2014/0426)**

**Recommendation:** That Council:

- (a) support the variation to the minimum lot size development standard for a single dwelling prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0426, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.
  - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.
  - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused).
  - iv. The applicant is to submit to Council for approval amended plans showing:
    - The height of the proposed dwelling from the ground to the eaves increased to at least 3.35 metres;
    - At least one brick chimney is to be incorporated into the design;
    - The front verandah is to incorporate a concave (reverse curve) front verandah;
    - The brickwork on the decorative parapet is to be of saw-tooth brickwork design; and
    - Brickwork on the building is to be of autumn tones, not blended and is not to be painted/rendered; and
- (c) notify those that made submissions of its decision; and
- (d) call a division.

**Report:** Council has received a Development Application (DA) for demolition of an existing dwelling and construction of a single storey replacement dwelling and separate garage at 311 Howick Street, Bathurst, described as Lot 1, DP 716923. A location plan is provided at **attachment 1**.

The site currently contains a single storey dwelling. The original component of the dwelling is believed to have been constructed circa 1875 with later additions to the front and rear.

**The proposal**

The proposal involves:

1. demolition of the existing dwelling;
2. construction of a single storey replacement dwelling; and
3. construction of a separate single vehicle garage.

Plans of the proposed development are at **attachment 2**.

## Planning Context

**As this DA was lodged prior to gazettal of Bathurst Regional LEP 2014, this application is assessed under the former planning controls as provided for in the savings provisions of Bathurst Regional LEP 2014.**

### Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. Dwellings are permissible with consent in the 2(a) Residential zone. The proposal is consistent with the objectives of the zone.

#### Clause 10 Advertised development

*The Development Application was advertised and notified to adjoining property owners in accordance with Clause 10 between 27 October 2014 and 10 November 2014. A late submission was received from the National Trust after the close of the advertising/notification period. No submissions were received from adjoining properties.*

#### Clause 23 Protection of environmental heritage

*As the subject site is within the Bathurst Heritage Conservation Area, the proposal was referred to Council's Heritage Advisor for comment. Council's Heritage Advisor made the following comments:*

*"The building is a late Victorian cottage with painted and rendered brick front and side walls, corrugated iron roof and two chimneys. The building is in a very poor physical state and its front façade has been considerably altered in an irreversible, unsympathetic manner. The cottage sits well below the current road line of Howick Street. One of the most visually prominent aspects of this building is that it currently sits significantly lower (nearly half a metre) than its two immediate neighbours. As a result the existing cottage is making a poor contribution to the street. The proposed infill building will have a positive impact on the streetscape most significantly because its bulk and scale better complements its immediate neighbours".*

It is, however, suggested that some amendments to the design could be included to enable the development to sit more comfortably into the streetscape. These recommendations include:

- the height of the proposed dwelling from the ground to the eaves increased to at least 3.35 metres;
- at least one brick chimney is to be incorporated into the design;
- the front verandah is to incorporate a concave (reverse curve) front verandah (as proposed by the applicant);
- the brickwork on the decorative parapet is to be saw-tooth brickwork (as proposed by the applicant);
- brickwork on the building is to be of autumn tones, not blended and not to be painted/rendered.

The Heritage Advisor's assessment is at **attachment 3**.

### Bathurst Regional (Interim) Development Control Plan 2011

## Chapter 10 Urban Design & Heritage Conservation

### 1. Bathurst Conservation Area Management Strategy (BCAMS)

In order to assess the conservation significance of the dwelling proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken in consultation with Council's Heritage Advisor (**attachment 3**).

The following table provides a summary of the assessment.

Date of construction	<b>Mid Victorian 1860-1880</b>
BCAMS results:	
● Integrity	<b>Altered Unsympathetically – Non-reversible</b>
● Streetscape Rating	<b>Neutral</b>
● Heritage Significance	<b>Historically significant in a regional context</b>
● Overall Rating (out of 10)	<b>5</b>

### 2. Heritage Impact Statement

A detailed Heritage Impact Statement (**attachment 4**) has been prepared in accordance with Section 10.3.3 of the Bathurst Regional (Interim) Development Control Plan 2011.

### 3. Historical Assessment

An Historical Assessment (**attachment 5**) has been prepared by the Bathurst and District Historical Society. A search of records held by the Historical Society has revealed the following:

*The original part of the house was built circa 1875.*

### 4. Structural Assessment

A Structural Assessment (**attachment 6**) has been carried out by Calare Civil Pty Ltd and noted the following essential repairs (to ensure structural soundness and safety of the building and to extend its life):

1. *Repair damaged external timber and eaves;*
2. *Replace all roof iron make good roof drainage, ensure connection of downpipes to in-ground storm water system;*
3. *Demolish front rooms 1 and 2 (leave as open verandah with wing masonry remaining); and*
4. *Demolish structurally unsound kitchen living areas, bathroom and laundry, (re-build these areas in masonry veneer construction).*

Calare Civil have estimated that the cost of these repairs would be in the vicinity of \$180,000.00.

## Chapter 4 Residential Development

Development	Proposed	Permissible	Compliance
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Standard			
Minimum lot size	505.8m <sup>2</sup>	550m <sup>2</sup>	No*
Height	Single storey	Two storey	Yes
Setbacks			
Front	1.8m	Compliment existing	Yes
Rear	As per BCA	As per BCA	Yes
Side	As per BCA	As per BCA	Yes
Car parking			
Resident	1 space	1 space	Yes
Visitor	1 space	1 space	Yes
Accessway width	Minimum 3m	3-6m wide	Yes
Open space area	>40m <sup>2</sup>	40m <sup>2</sup>	Yes
Open space width	>4.0m	Minimum 4.0m	Yes

*\*While the minimum lot size for a single dwelling is 550m<sup>2</sup> the subject site has an area of 505.8m<sup>2</sup>. This non-compliance is considered appropriate for the following reasons:*

- *The proposed dwelling replaces an existing dwelling;*
- *The replacement dwelling is of a similar design, scale and siting to the existing dwelling.*
- *The non-compliance represents an 8% variation to the minimum lot size standard;*
- *All other Development Control Plan and Building Code of Australia standards have been met or exceeded.*

### Submissions

The Development Application was advertised and notified to adjoining property owners in accordance with Clause 10 between 27 October 2014 and 10 November 2014. A late submission was received from the National Trust after the close of the advertising/notification period (**attachment 7**). No submissions were received from adjoining properties.

While a Discussion Forum was arranged the National Trust declined the invitation and therefore no Discussion Forum was held.

Issues raised in the submission included:

1. General opposition to demolition on principle.

**Comment:** *Each demolition proposal should be considered on its merits and on the circumstances of the case. The appropriate criteria to apply to consideration of the Development Application are those contained in Council's DCP.*

2. The lack of certainty that the approved infill building will actually be constructed and the subsequent creation of a vacant block.

**Comment:** *There is no certainty that the approved infill building will be constructed. Council's usual practice is to impose a condition, should the development be approved, to ensure that demolition does not occur until a Construction Certificate has been issued for the infill building. This is as late in the process that is practically possible.*

3. The lack of certainty that the key design elements of the approved infill building (brickwork, windows, doors, roof, verandah) will actually be constructed.

**Comment:** *The infill being proposed by the applicant is the development being*

*considered by Council. Council will impose a condition, should the development be approved, to ensure that demolition does not occur until a Construction Certificate has been issued for the infill building. Further, conditions will be imposed to ensure that key design elements shown on the Development Application plans and additional elements required by Council's Heritage Advisor are included.*

4. The possibility of getting a different, poorer quality or inappropriately designed infill, if the approved infill building is not actually constructed.

**Comment:** *If an alternate infill development were proposed in the future it would require the consent of Council in the form of a Development Application. During the assessment of such an application Council can consider its impact on the streetscape and ensure key design elements are included.*

5. The loss of an opportunity for a future restoration project.

**Comment:** *Council must deal with the application as it currently stands in accordance with the provisions of the planning rules as they currently stand.*

6. The contribution of the existing dwelling on the heritage streetscape and the fact that the infill building will not improve on this contribution despite its sensitive design.

**Comment:** *One of the most visually prominent aspects of the existing building is that it currently sits significantly lower than its immediate neighbours. This positioning and the alteration to its front façade mean that the building makes a lesser contribution to the streetscape than it once may have had. It is considered that the proposed infill building will make a positive contribution to the streetscape because its proposed bulk and scale better matches its neighbours.*

### Conclusion

Council has received a Development Application (DA) for demolition of an existing dwelling and construction of a single storey replacement dwelling and separate garage at 311 Howick Street, Bathurst. While the subject site has an area less than the prescribed minimum lot size for a single dwelling, the proposal is for a replacement dwelling and therefore this non-compliance is considered acceptable. A Heritage Impact Statement which includes Structural and Historical Assessments has been submitted with the Development Application. Council's Heritage Advisor does not object to the proposed demolition of the dwelling at 311 Howick Street, Bathurst in this instance because the integrity and conservation value of this house is very low. The house has been substantially and irreversibly altered. The proposed infill building will make a more positive contribution to the streetscape than the existing altered building. Approval is therefore recommended.

**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 REQUEST FOR WORKS IN KIND ARRANGEMENT AND SUBSEQUENT REFUND OF CONTRIBUTIONS PAID UNDER SECTION 94 CONTRIBUTIONS PLAN – RAGLAN CREEK STORMWATER DRAINAGE MANAGEMENT ) (DA/1998/0164, DA/2004/1043, DA/2007/0076, DA/2009/0009, DA/2010/0527, DA/2010/0874)**

**Recommendation:** That Council:

- (a) accept the works in kind arrangement in lieu of Section 94 Contributions for Raglan Creek Stormwater Management;
- (b) agree to pay the developer \$132,686.10 from the existing balance of the Raglan Creek Stormwater Drainage Management Section 94 Plan; and
- (c) call a division.

**Report:** Glenfan Pty Ltd have, over the course of 16 years, created 117 residential lots over six different Development Applications adjacent to Raglan Creek in the suburb of Kelso.

As part of the subdivision works Glenfan have realigned approximately 350 metres of Raglan Creek and upgraded approximately 240 metres of the tributary. These works are identified in the Section 94 Plan – Raglan Creek Stormwater Drainage Management.

Council has received a written request from Glenfan Pty Ltd to accept works in kind in lieu of Section 94 Contributions for Raglan Creek Stormwater Management.

The Section 94 Plan – Raglan Creek Stormwater Drainage Management collects contributions towards the construction of drainage infrastructure in the Raglan Creek catchment. The Section 94 Plan enables Council to fund and construct major stormwater infrastructure throughout the catchment.

Works in kind arrangements are permitted under the Section 94 Plan.

A total of \$132,686.10 has been paid by Glenfan Pty Ltd into the Section 94 Plan – Raglan Creek Stormwater Management over the life of the subdivision. It is this amount that Glenfan seeks to have reimbursed.

The works themselves have been approved and accepted by the NSW Office of Water.

**Financial Implications:** Council will refund the amount of \$132,686.10 from funds already collected from Section 94 Plan – Raglan Creek Stormwater Drainage Management. The fund currently has a balance of \$2,094,409.85.

**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 28.2

## **6 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 (20.00143)**

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

**Report:** The Bathurst Regional Local Environmental Plan 2014 was gazetted on 19 November 2014. The gazettal of the LEP introduces a number of significant changes including the rezoning of approximately 500 hectares of residential land east of Kelso, the introduction of a village zoning in Peel and Yetholme and additional rural residential land at Mt Rankin and Robin Hill. The LEP also introduces a number of the recommendations of the Bathurst Urban and Rural Strategies and allows for the continued planned growth of the Bathurst Region.

Upon gazettal of the Bathurst Regional Local Environmental Plan 2014 the following Plans have now been repealed:

- Bathurst Regional (Interim) Local Environmental Plan 2005.
- Bathurst Local Environmental Plan 1997 – Classification and Reclassification of Public Land.
- Bathurst Regional Council Development Control Plan – Complying Development.
- Bathurst Regional Council Development Control Plan – Exempt Development.
- Bathurst Regional (Interim) Development Control Plan 2011.

Upon gazettal of the Bathurst Regional Local Environmental Plan 2014 the following Plans are now in force:

- Bathurst Regional Development Control Plan 2014 (as amended).
- Bathurst Regional Council Tree Preservation and Management Policy.
- Bathurst Regional Tourist and Visitor Accommodation Policy.
- Bathurst Regional Section 94 Development Contributions Plan, Community Facilities.
- Bathurst Regional Section 94 Development Contributions Plan, Open Space.
- Bathurst Regional Section 94 Development Contributions Plan, Rural Roads.
- Bathurst Regional Section 94 Development Contributions Plan, Traffic Generating Development.

While the LEP has been gazetted, there are a number of new Urban Release Areas which are included in the LEP, being the additional Zone R1 Residential land at Kelso, Zone B5 Service Business land at Sydney Road and the Service Trade Centre and the additional Zone R5 large lot residential land at Mount Rankin, The Lagoon, Trunkey Creek and Warabindi Orchard. Clauses in the LEP prevent Council from granting consent to applications for subdivision in those areas without the concurrence of the Director General that certification has been made relating to arrangements for any required State Public Infrastructure. Council has requested such certification from the Department of Planning and Environment. This process is expected to take a number of months at the minimum. All other areas of the LGA which are not an Urban Release Area remain unaffected.

### **Conclusion**

Whilst the making of the LEP has taken a long time to achieve, Council should remain pleased that it has been able to negotiate key outcomes within the governments standard instrument approach. Most importantly the new LEP does not compromise on Council's planning approach to protect the Mount Panorama racing circuit and in providing an effective and efficient approvals process through local exempt and complying development provisions. Negotiations to achieve these outcomes were extensive over a number of years with considerable resistance from the Department of Planning to change their approach to

the standard instrument LEP.

**Financial Implications:** Nil.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1

## **7 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT (13.00004)**

**Recommendation:** That Council:

- (a) note that the 2014 Regional Snapshot State of the Environment Report has been completed;
- (b) note that the 2014 Regional Snapshot State of the Environment Report will be placed on Bathurst Regional Council's Website.

**Report:** Since 2008 Bathurst Regional Council has participated in the Greater Central West Regional State of the Environment Reporting process. There are 17 Councils participating in the project including: Bathurst Regional, Blayney Shire, Bogan Shire, Bourke Shire, Cabonne Shire, Coonamble Shire, Cowra Shire, Dubbo City, Gilgandra Shire, Lachlan Shire, Mid-Western Regional, Narromine Shire, Oberon Shire, Orange City, Warren Shire, Warrumbungle Shire, and Wellington Shire.

A regional approach to reporting recognises that many environmental issues transcend local government boundaries and also:

- facilitates a better understanding of the state of the environment across the region;
- encourages collaboration in regards to partnering on projects and sharing ideas and resources;
- assists in the management of shared environmental resources; and
- forges stronger regional links across participating Councils.

The IP&R Framework requires that councils prepare annual reports which include reporting on the environmental objectives of their Community Strategic Plans. However, it is only in the year in which a Council election is held (next planned for 2016) that the annual report must include a State of the Environment Report (SoE). (Note that previously councils were required to produce an annual SoE). The participating councils and the Central West CMA have decided to continue collecting data and reporting it on an annual basis so that they can more easily produce a comprehensive RSoE Report in 2016 that covers the intervening years. The reports in the intervening years will be more concise 'Snapshot' style reports.

This report has been prepared using a common set of environmental indicators to capture data which allows comparison of trends and changes across the Greater Central West Council areas.

A steering committee made up of representatives from the Central West CMA, Orange City, Dubbo City and Bathurst Regional Councils have guided the preparation of this year's Regional SoE.

The full 2014 Regional Snapshot Report is available to the public from the Environmental, Planning & Building Services Department. A full copy of the report will be provided to Councillors upon request. The Bathurst Regional Council State of the Environment Snapshot is provided as **attachment 1**.

Each participating council makes an annual financial contribution to the preparation and printing of the Regional SoE and the process is supported by the Central West CMA. BRC manages the funds for the project.

While the Regional SoE provides the opportunity for smaller councils to use it to meet statutory reporting requirements, Bathurst Regional Council continues to prepare its own

SoE each year. This ensures that monitoring of a broader range of environmental indicators can continue and will enable the comprehensive reporting of Council's environmental programs and trends in environmental indicators to the wider community.

**Financial Implications:** Bathurst Regional Council's contribution to the preparation of the report was funded from existing allocations.

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

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.2
- 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 29.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5, 33.6

## **8 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062)**

**Recommendation:** That Council:

- (a) note that the 2014 Bathurst Region Interim State of the Environment Report has been completed; and
- (b) make electronic copies of the 2014 Bathurst Region Interim State of the Environment Report available on Bathurst Regional Council's Website.

**Report:** The IP&R Framework requires that councils prepare annual reports which include reporting on the environmental objectives of their Community Strategic Plans. However, it is only in the year in which a Council election is held (next planned for 2016) that the annual report must include a State of the Environment Report (SoE). Note that previously councils were required to produce an annual SoE. However Council Staff have decided to continue collecting data and reporting it on an annual basis so that they can produce a comprehensive SoE Report in 2016 that covers the intervening years. Furthermore producing a report on an annual basis makes information on Council's environmental programs available to the public in a timely and readily accessible format.

This interim Bathurst Region SoE (**attachment 1**) describes how Council, its' partners and the community are working together to achieve the environmental objectives of the Community Strategic Plan. The report examines trends in key environmental indicators under the themes of Atmosphere and Climate, Land, Water, Biodiversity, Towards Sustainability and People and Communities. At the start of each theme, the CSP objectives relevant to that theme and the key indicators used to measure the condition of the environment are highlighted. Improving environmental trends are shown as a green upward pointing arrow, while declining trends are shown as a red downward pointing arrow.

The report draws attention to actions Bathurst Regional Council (BRC) is undertaking to respond to environmental pressures which may degrade the natural environment within the Local Government Area (LGA).

Key areas which have been identified as placing pressure on the natural environment during the reporting period include:

- A population that continues to grow. The Bathurst Region population grew by 1% between June 2011 and June 2012 to 40253 people. A growing population can place additional pressures on the natural environment;
- A hotter than average year combined with a drier than average spring and summer, saw water use in Bathurst City above trend for the second year in a row, recording the second highest level since 2007 despite many water saving initiatives which have been implemented by Council over recent years.

The report also outlines a range of actions undertaken by Council and the community during the reporting period to address environmental pressures and highlights achievements in improving environmental performance including:

- Increased community uptake of small scale solar. Uptake increased over the previous reporting period with 1.390MWh of solar capacity installed during the reporting period across the LGA.
- Total fuel consumption by Council has fallen for the second year in a row.
- Waste disposed at landfill fell by 5% compared with the previous reporting period.
- The highest number of environmental volunteers working in public open spaces since

records began in 2008-09, with 4,121 volunteer hours recorded. This is the fourth year in a row that the number of volunteer hours has increased.

- The continued implementation of the recommendations of the Bathurst Urban Waterways Management Plan with the commencement of Stage III Hawthornden Creek Rehabilitation downstream of Vale Road and within Jaques Park.
- The implementation of the Racing to Save Mount Panorama Woodlands project.

The SoE has significant potential to both inform and direct Council in future initiatives and also to identify areas in which Council can improve its own operations. However, this depends on having access to accurate data to measure performance and on effectively integrating the SoE with Council's Delivery Plan process, to ensure adequate funds are made available to meet community expectations in relation to the environment. These are areas which Council continues to actively pursue in order to better utilise the SoE as a reporting tool and ultimately improve the condition of the local environment.

In addition to preparing this Interim SoE, Council also participated in the 2014 Greater Central West Regional SoE. This enables BRC to compare its activities on a regional basis with other LGA's and cities of similar size and demographics. It also facilitates better understanding of trends in the condition of environmental assets which transcend political boundaries.

The 2014 Interim SoE is a valuable instrument for both Council and the local community alike as it reports on the key environmental objectives identified in the Community Strategic Plan.

**Financial Implications:** Nil.

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

- 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 29.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.5, 33.6

## **9 CENTRAL NSW TOURISM (18.00010)**

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

**Report:** Central NSW Tourism (CNSWT) held its AGM in Mudgee on Wednesday 26 November.

CNSWT Board members for the coming year are:

Chair	Norm Mann
Deputy Chair	Brian Steffan (Forbes General Manager)
Treasurer	Gary Styles (Orange General Manager)
Secretary	Christine le Ferve (Bathurst operator)
Board members	Ray Walsh (Chair Cowra Tourism and Cowra Councillor)
	Ian Davidson (Cabonne Councillor)
	Monica Morse (Bathurst Regional Councillor)
	Brad Cam (Mudgee General Manager)

CNSWT have been very active during 2014 securing and matching \$178,000 from Destination NSW. This money helped to create the very successful 'Unearth NSW' campaign. The campaign details and the results so far are reported within the Central NSW Annual Report 2014 provided at **attachment 1**.

Councillor Morse's appointment to the Board is a skills based appointment based upon application (as opposed to being a Council delegate).

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

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.4, 4.6, 4.7
- Objective 33: To be and develop good leaders. Strategy 33.5



## **10 BATHURST JOBS EXPO (20.00071)**

**Recommendation:** That the information be noted and that the Bathurst Jobs Expo becomes an annual Council event.

**Report:** Council's held its inaugural Bathurst Jobs Expo on the 25 November, 2014 at the Bathurst Memorial Entertainment Centre. The Expo was a great success, attracting approximately 350 job seekers and 24 exhibitors. Job seekers from Cowra, Lithgow, Dubbo, Blayney, Orange and Sydney also attended the event.

The Expo provided participants with direct access to employment and career opportunities with a wide selection of exhibitors on display. Job seekers were able to access information on more than 80 available positions in the Bathurst Region and surrounding areas.

Information sessions were held throughout the day on different topic areas such as interview skills, retirement and career development.

Council conducted a highly successful marketing campaign across multiple media channels including social media, radio, print media and television. Council also partnered with local recruitment agencies to promote the event.

The event also attracted high levels of media attention, with WIN, Prime and the Western Advocate all generating media pieces for the event.

Council is currently conducting a survey to gather feedback on event timing, marketing and overall satisfaction.

### **Conclusion**

The inaugural Bathurst Jobs Expo was highly successful, attracting more than 350 job seekers throughout the day from across the Central West. Due to the success of the Jobs Expo, it is recommended that the event is run annually.

**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

## **11 BIZSTART PROGRAM AWARD CEREMONY (20.00071)**

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

**Report:** In 2014 Council created a new initiative called the BizStart Program. Council partnered with the Business Enterprise Centre, a not-for-profit Registered Training Organisation (RTO), to offer the training component of the course. The BizStart Program targets individuals who would like to start their own small business and are searching for training and support. The course primarily consisted of a Cert III in Micro Business Operations and also a mentoring component which allowed existing successful small business owners to share their experience and knowledge with participants. The course was also open to existing small business owners who would like to upskill.

The program ran for approximately 3 months with the aim of:

- a) Encouraging individuals with an undeveloped business idea to launch a new startup with confidence and reduced risk;
- b) Promoting local innovation and the establishment of new businesses; and
- c) Supporting existing business.

Overall, 15 out of the initial 18 registrants completed the course. On 27 November Council conducted an award ceremony, with the Mayor presenting graduates with a Cert III in Micro Business Operations.

### **Conclusion**

The BizStart Program was successful, with 15 participants completing the course. A number of graduates are currently in the process of launching their own small business, which is a result of the knowledge and mentoring gained during the BizStart Program.


Due to the success of the program, Council has entered discussions with the Business Enterprise Centre to offer similar programs in 2015.

**Financial Implications:** Nil.

### **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
- Objective 33: To be and develop good leaders. Strategy 33.6

Yours faithfully



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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 DECEMBER 2014

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

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

**Report:** \$87,000,000 was invested at 30 November 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	\$17,000,000.00	3.76%
Bendigo and Adelaide Bank	A2	\$5,500,000.00	3.53%
IMB Limited	A2	\$3,000,000.00	3.51%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.58%
National Australia Bank	A1+	\$17,000,000.00	3.69%
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	3.67%
Banquet	A1+	\$500,000.00	3.50%
ING	A2	<u>\$1,500,000.00</u>	<u>3.62%</u>
		<b>\$54,000,000.00</b>	<b>3.67%</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	4.05%
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>3.59%</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	4.53%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.98%
Members Equity Bank	BBB	\$3,000,000.00	3.90%
Greater Building Society	BBB	\$1,000,000.00	4.03%
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	3.84%
Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.56%
Credit Union Australia	BBB+	\$1,000,000.00	3.84%
Members Equity Bank	BBB+	\$1,000,000.00	3.78%
Bank of Queensland	A-	<u>\$1,000,000.00</u>	<u>3.81%</u>
		<b>\$18,000,000.00</b>	<b>3.93%</b>

**Total Investments** **\$87,000,000.00** **3.72%**

***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		\$15,106,272.00
General Fund	\$7,692,729.00	
Water Fund	\$4,410,000.00	
Sewer Fund	\$2,097,822.00	
Waste Fund	<u>\$ 905,721.00</u>	

**Total Investments** **\$87,000,000.00**

**Total Interest Revenue to 31 October 2014** **\$1,328,862.28** **3.72%**

**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)	2.70%
Three Year Swap Rate - Commonwealth	2.83%
Five Year Swap Rate - Commonwealth	3.20%
Mofidied Deitz Calculation	3.65%

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

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

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

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

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

## **2 YEAR TO DATE MONTHLY REVIEW - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)**

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

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

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 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 2.

**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 30 November 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:	\$0.00
Mount Panorama:	\$24,995.83

**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 and District Bridge Club, 47 Mitre Street, Bathurst Part Lot 1 DP 613544, In-house Licence Agreement
- NBN Co Ltd, Water Reservoir Perthville, Part Lot 1 DP 857402, Leases 2014-2019, 2019-2024, 2024-2029, 2029-2034
- Bathurst City & RSL Band Association, Part Lot 2 DP1140980, in-house Licence Agreement

#### **Linen Plan Release**

Nil.

**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 2 December 2014, 7 new applications were submitted for endorsement. This brings the total of endorsement applications to 84 with more applications being received on a regular basis. This program is proving very popular.

***Illumination Project*** – Tender contracts have now been signed with ESEM Projects. A preliminary meeting has been held with ESEM and planning is now underway for the project.

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

1. Construction of the Bicentennial Flag Staff has now re-commenced following a short delay.
2. The 200 Living Legends program continues to gain momentum with nominations now approaching 100.
3. Council staff are working with Holroyd Bus Lines who have generously donated space on 15 buses/coaches to promote Bathurst 200.
4. A series of postcards have been developed in conjunction with local artist Dean Mobbs and will be given out during New Year's Eve. The aim of the project is to send the postcards outside of Bathurst inviting family and friends to visit the region during 2015.

**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 REQUEST FOR FINANCIAL ASSISTANCE - "WHITE ROCK - THE GATEWAY TO BATHURST" PROJECT (18.00292/018)**

**Recommendation:** That Council provide an amount of up to \$5,000 for the production of 250 copies of the historic booklet "White Rock - the Gateway to Bathurst".

**Report:** Council has been approached by the members of the White Rock Progress Association for financial assistance in publishing a book on the White Rock area as shown at **attachment 1**.

Mr John Down and Mr Jim Vickers visited Council on Wednesday, 5 November 2014 to discuss this project and to present to the General Manager the proposed layout of the White Rock publication.

The book is to be produced for the 2015 celebrations and will depict the life and times of residents in the White Rock area. The Committee advised the book has been proofed by Mr Alan McRae from the Bathurst District Historical Society and contains information about the early settlers and covers the period up to current times.

The White Rock Progress Association have advised they believe they could sell in the vicinity of 250 copies which will have a production cost of approximately \$5,000.

Council has advised the Association that, as they sell the books, they are to reimburse Council for the \$5,000 advance. Council will then re-use these funds for financing the production of future books.

**Financial Implications:** Council will need to find \$5,000 for initial funding using available funding which will be reimbursed over a period of time.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

## **7 REQUEST FOR FINANCIAL ASSISTANCE - DESTINATION NSW HOME GROUND CRICKET TOUR (20.00020-07)**

**Recommendation:** That Council make available the Bathurst Sportsground to host the Home Ground Cricket tour to be held on 31 January and 1 February 2015, to be funded from Section 356 donations.

**Report:** Council has received a request from the Hon John Barilaro MP, Minister for Small Business, Minister for Regional Tourism as shown at **attachment 1** for Bathurst Regional Council to host the Home Ground Cricket Tour on 31 January and 1 February 2015.

Council has been advised that this tour is a roadshow of cricket themed entertainment and includes:

- A travelling cricket museum featuring items from the world famous Bradman Museum and other collections.
- Cricket-themed activities and family fun with promotions and giveaways.
- Opportunities to meet cricket legends.
- Live cricket action from a unique video truck.

Although there is no cost to host a visit, the Minister has requested that Council make available the following:

- Access to a local cricket field for cricket related activity (eg coaching clinics, T20 mini games etc).
- Access to a site adjoining the cricket field for the tour elements (preferably on grass).
- Lighting for night time activity.
- Advice and support in obtaining any licensing and vending approvals or permits.
- Use of amenities on event day and afterhours access.
- Support in promoting the event to your local community and any outlying centres.

Without getting into the full details, it has been ascertained that provision of this facility will cost approximately \$2,500, which can be funded by way of a donation to this organisation.

**Financial Implications:** Should Council agree to this request, there will be a cost of \$2,500 which could be funded from Section 356 Donations.

### **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 23.7

## **8 REQUEST FOR SPONSORSHIP - WESTERN NSW JUNIOR GOLD CUP RUGBY DEVELOPMENT PROGRAM 2014/15 (18.00004-29)**

**Recommendation:** That Council not support the request from the Western Region NSW Australian Rugby Union to provide a sponsorship for the NSW Junior Gold Cup Rugby Development Program.

**Report:** Council has received a request from Western Region NSW Australian Rugby Union for sponsorship of the Western NSW team in the Junior Gold Cup Rugby Development Program 2014/15 as shown at **attachment 1**.

The Junior Gold Cup is a national competition for under 15 & 17 year olds, and will run across a Northern and Southern Conference in February/March 2015, with each team playing five fixtures before State and National finals, and then the Grand Final.

Council has received a request to become involved in some way. Sponsorship packages vary between \$2,500 and \$10,000. At this stage the Western Team will play a home game in Bathurst against Victoria on Sunday, 1 March 2014.

Council considered a similar request in February 2014 from the same group and resolved not to provide financial support.

Should Council wish to offer support to this event, it could make available the use of Anne Ashwood Park at no cost to the Western NSW Team. The approximate cost of hiring the field for the day would be \$981.00 which could be funded from Section 356 donations. However, the Western Region NSW Australian Rugby Union would need to liaise with the Bathurst Bulldogs to ensure that the ground was available at that time.

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

### **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, 23.7

## **9 REQUEST FOR SPONSORSHIP - "A LITTLE ADVENTURE" BIKE RIDE (18.00004)**

**Recommendation:** That Council sponsor "A Little Adventure" Bike Ride from Adelaide to Bathurst in the sum of \$500.

**Report:** Council staff member, Rick Foster, has embarked upon a fundraising event to be held in March 2015 to raise funds for Crohn's & Colitis Australia (CCA) and The Children's Hospital at Westmead. Mr Foster hopes to raise \$50,000 to be split evenly between the two organisations that have helped and supported his family since his daughter, Charlotte, was diagnosed with Crohn's disease in 2009.

Mr Foster will ride 1700 km from Port Augusta, South Australia to Bathurst to raise awareness of this disease. Money raised will assist Crohn's & Colitis Australia with research into this incurable disease and will support The Children's Hospital at Westmead to provide specialist care for sick children and their families.

It is recommended that Council sponsor Mr Foster to the value of \$500. Mr Foster will display the Bathurst 200 logo on his camper van and promotional materials.

**Financial Implications:** The \$500 can be funded from Council's marketing accounts.

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

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

## **10 SPORTING ASSOCIATION GRANTS PROGRAM (18.00021)**

**Recommendation:** That Council maintain the current Sporting Association Grants Program for the 2015/2016 Management Plan period at \$20,000 per annum.

**Report:** The Bathurst District Sport and Recreation Council has raised the matter of the reduction in the Sporting Association Grants Program allocation from the previous \$30,000 per annum to an amount of \$20,000 for the 2013/2014 and the 2014/2015 Management Plan periods.

Each year Council calls for sporting associations to make an application for financial assistance from Council to purchase capital equipment to improve the sporting club assets to allow participants of the club to enjoy their sport as a result of increased assets being made available. During 2014 Council reduced the Sporting Grants from the \$30,000 limit back to \$20,000 as a result of the budget and the lack of applications being made by sporting associations for this grant money.

Council met with the Bathurst District Sport and Recreation Council in July 2012 and advised them of Council's position.

In August 2012 Council received a letter shown at **attachment 1** requesting that Council re-instate the \$30,000 grant limit. In subsequent years, Council has maintained the \$20,000 grant and, in the latest rounds of applications, only \$14,500 worth of applications were received. This would indicate there are sufficient funds being made available to the sporting organisations of the city to assist with their sports.

**Financial Implications:** Should Council maintain the Sporting Association Grants Program at \$20,000 per annum, there will be no increase in the operational costs of the Council.

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

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

## **11 REQUEST FOR FINANCIAL ASSISTANCE - MACQUARIE PHILHARMONIA FOUNDATION INC (18.00004)**

**Recommendation:** That Council provide an amount of \$2,500 as a Section 356 donation to the Macquarie Philharmonia Foundation Inc. to assist with their performance at Mayfield Gardens in February 2015.

**Report:** Council has received a request from the Macquarie Philharmonia Foundation shown at **attachment 1** for additional assistance of \$2,500 to assist the group with the costs of their performance at Mayfield Gardens on 14 February 2015.

Council already contributes an amount of \$2,500 each year to this Orchestra to assist them with their productions and the operational costs of performing and maintaining the Orchestra at the required level. The additional funds will ensure the event at Mayfield Gardens proceeds and attracts the professional musicians required.

**Financial Implications:** Council can fund this \$2,500 from Section 356 donations which has a balance of \$11,336.02.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

## **12 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANORAMA CHORUS (18.00004-29)**

**Recommendation:** That Council provide the Windradyne Room at the Mount Panorama Pit Complex to the Bathurst Panorama Chorus for use as a celebrity venue in March 2015. The cost of hiring the Windradyne Room is \$613, which is to be funded from Council's Section 356 Mount Panorama Fee Subsidy.

**Report:** Council has received a request from the Bathurst Panorama Chorus at **attachment 1** for financial support in taking the group to Las Vegas in October 2015 to compete at the International Harmony Classic competition.

The organisation has advised that it will cost approximately \$120,000 to attend this event. The Panorama Chorus has requested Council to consider making a donation of \$15,000 to cover the cost of registration and coaching and also to waive the fees for the hiring of the Pit Complex for a celebrity dinner in March 2015.

This organisation is well-known to the Bathurst Council as they assist Council with music at the Citizenship Ceremonies, Australia Day Ceremony, the Spring Garden Festival and Bathurst Carols by Candlelight and have also sung at the Bathurst 1000 Motor Festival.

It is recommended that Council support the Bathurst Panorama Chorus by providing the Windradyne Room at the Pit Complex, Mount Panorama to conduct a celebrity dinner in order to raise funds for their visit to the United States.

**Financial Implications:** The cost of hiring the Windradyne Room at the Pit Complex, Mount Panorama is \$613 which could be funded from Council's Mount Panorama Fee Subsidy vote, which has a balance of \$24,995.83.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5



**13 REQUEST FOR FINANCIAL ASSISTANCE - THE SCOTS SCHOOL BATHURST (18.00004-29)**

**Recommendation:** That Council not support the building program for the Scots School Bathurst.

**Report:** Council has received a request from the Scots School Bathurst for financial assistance in the construction of a new pavilion at the School shown at **attachment 1**.

The Scots School advised that the building is a \$600,000 project of which the School, through contributions from the Federal Government, Parents and Friends Association funds, Old Boys' and Girls' Association and the School Board have contributed \$497,000 to date.

The School advises that an amount of \$103,000 is still required to complete this project.

**Financial Implications:** There are no financial implications should Council adopt the recommendation.

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

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

## **14 2015 BICENTENARY CELEBRATIONS COMMITTEE (20.00153)**

**Recommendation:** That Council dissolve the 2015 Bicentenary Celebrations Committee.

**Report:** The 2015 Bicentennial Celebrations Committee was originally established on 21 July 2010. The original Charter of the Committee was to "facilitate and co-ordinate the events which make up the 200th Birthday Celebrations of the Proclamation of Bathurst". At the Council meeting of 21 May 2014, Council adopted the following resolution in relation to the charter of the 2015 Bicentenary Celebrations Committee:

*the Charter of the 2015 Bicentenary Celebrations Committee be changed to:*

- *receive and deal with endorsement applications*
- *receive operations reports*
- *provide a mechanism for community engagement*
- *raise general business items*

The Charter of the 2015 Bicentenary Celebrations Committee has now been fulfilled thanks to the dedicated work of all Committee members. As we move into the operational phase of 2015 celebrations the regular monthly meetings of the Committee are now not required. The regular monthly meetings during the past few years have provided the ideal opportunity to workshop ideas and strategies in planning for successful celebrations in 2015.

It should be remembered that the Committee had the following purpose as set out in the Terms of Reference and Procedures for the 2015 Bicentenary Committee as shown at **attachment 1**. The Committee was:

- Established to inform Council
- Established to centralise an events calendar for the year
- Not established to run events
- Not established to be the sole 'celebratory' convenors
- Established to be inclusive of the whole community
- Established to set clear and orderly guidelines
- Not established to create celebratory events
- Established to provide guidelines for merchandise branding and products associated with the celebration of the 200 year history of Bathurst.

The meetings were also the vehicle for endorsing applications submitted by organisations/groups/individuals etc. who wished to participate in 2015 celebrations. These applications were then submitted to the monthly ordinary Council meetings for endorsement as required. Further applications will be submitted directly to Council for its formal endorsement.

Council staff are now into the operational phase of implementing the projects. The Peoplescape, Illumination, Flag Staff and Proclamation Week activities, to name a few, are all now well underway with the finer planning/operational details being finalised. Council officers will meet regularly with the Mayor, Councillors and Committee delegates as required to brief them on the progress of each of the proposed projects.

Council's Projects Officer and Bathurst 200 staff will continue to work directly with the relevant delegates on the various projects to streamline processes.

Committee members will continue to be informed of progress of events and invited to Bathurst 200 activities.

**Financial Implications:** Council's Bicentenary Celebrations are contained within the current budget.

**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

## **15 VICTIMS AND WITNESSES OF CRIME COURT SUPPORT INC (18.00004-29)**

**Recommendation:** That Council not support the application for financial assistance from the Victims and Witnesses of Crime Court Support Inc.

**Report:** Council has received a request from the Victims and Witnesses of Crime Court Support Inc. shown at **attachment 1** seeking financial assistance to enable newly recruited Bathurst/Orange based volunteers to attend an Induction and Training Program to be held from 18-27 February 2015.

The group advises that it receives no recurrent funding, is non-affiliated and relies on donations and one off grants as well as contributions from its own volunteers.

The Victims and Witnesses of Crime Court Support Inc advise that they now intend to introduce this service into the Courts at Bathurst and will require additional staff in the Bathurst/Orange area. Training is to take place in Sydney over five days at Parliament House, Macquarie Street, Sydney.

Council has not allowed any funds within its budgeting process for this type of support, and the organisation has not supplied any financial statements.

**Financial Implications:** There will be no financial implications if Council adopts the recommendation.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

## **16 SUBMISSION - FINANCIAL STATEMENTS 2013/2014 (16.00020, 16.00055)**

**Recommendation:** That the submission received from Mr G A Crisp be noted and that:

- (a) No action be taken in relation to the Council's Financial Statements.
- (b) This submission be referred to Council's Auditor in accordance with Section 420(3) of the Local Government Act 1993.

**Report:** Council in accordance with the requirements of the Local Government Act called for submissions in relation to the 2013/2014 Financial Statements.

Council received one (1) submission from Mr G A Crisp in relation to the Financial Statements. A copy of the submission is shown at **attachment 1**. Council will, in accordance with Section 420(3) of the Local Government Act 1993, refer this submission to the Council's Auditor.

**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
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.6

## **17 BATHURST REGIONAL COUNCIL PICNIC DAY (07.00046)**

**Recommendation:** That Council designate Friday, 13 February 2015 as the Picnic Day holiday.

**Report:** Council has received notification from the Council's United Services Union Delegate, that they wish to designate Friday, 13 February 2015 as the Picnic Day. Clause 19 of the Local Government (State) Award states:

**b. UNION PICNIC DAY**

(i) Union Picnic Day shall for the purposes of this Award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the council and the union(s).

Whilst a number of Council services may be closed, emergency services will still remain available in accordance with normal on-call arrangements.

As all Council employees are not eligible for the Picnic Day Council will maintain operational staff on 13 February 2015.

**Financial Implications:** Council has allowed for a Picnic Day within its Management Plan Process.

### **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

Yours faithfully



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

**DIRECTOR ENGINEERING SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 DECEMBER 2014

## **1 REVIEW OF DUMP POINTS (26.00011)**

**Recommendation:** That Council install a dump point at Berry Park.

**Report:** At the November 2014 Policy Committee meeting, Council raised the issue of the need to provide a dump point to cater for the high demand of tourist traffic with caravans, motorhomes and the like.

Council would be aware that Bathurst is a RV Friendly Town (see **attachment 1**). There is a free dump point with drinking water at the Waste Water Treatment Works at the corner of Morrisset and Commonwealth Streets, that is open every day. From Monday to Friday inclusive the dump point hours are 8am to 3pm, and for Saturday, Sunday and Public Holidays the hours are from 8am to midday.

There is also a dump point available at the Bathurst Showground, which is available at most times, apart from during large events, where large crowds and large numbers of vehicles make access a safety concern and usage is not available at those times.

It should be noted that a previous dump point was located at Caravan Solutions in Corporation Avenue, however that has been discontinued since 2013.

As previously advised, potential sites along Hereford Street are not suitable as there is no gravity sewer available.

A review of the location at Berry Park has found a suitable site could be prepared for the installation of a dump point, with a preliminary design completed (see **attachment 2**). Consideration of access, traffic flow, security and public health issues are underway, but not yet completed at the time of writing the report.

It is expected that the indicative estimated cost to install a dump point at Berry Park is in the order of \$45,000, and would take approximately 3 months to complete. Funds would be available in the current Management Plan, should Council wish to proceed with the installation of a new dump point at Berry Park.

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

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

- 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
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.1
- Objective 33: To be and develop good leaders. Strategy 33.6



## **2 STREET TREE REPLANTING PROGRAM - DURHAM STREET (13.00019)**

**Recommendation:** That Council:

- (a) endorse the proposed street tree planting plan for Durham Street, between Stewart Street and Bentinck Street, and
- (b) provide available funding within the 2015/2016 and subsequent Management Plans to undertake the various stages of the proposed works, as detailed within the Director Engineering Services' report.

**Report:** Council would be aware that a number of reports have been presented and working party discussions held over the existing street tree planting theme located along the Great Western Highway of Durham Street between Stewart Street and Bentinck Street. In addition, issues relating to the existing London Plane Trees located between William Street and George Street and a single London Plane located adjacent to the intersection of Durham Street and Rankin Street have also been discussed.

At its meeting held 20 November 2013, Council was provided with a report seeking permission to remove a specific London Plane tree adjacent to 113 Durham Street. As part of the report, and in accordance with Council's previous request, a proposed planting theme was also provided to Council for its endorsement. Council resolved to take no action in relation to both the removal of the London Plane Tree and the proposed planting theme. Following on from further discussions and deliberations on this matter at a Councillor's Working Party meeting held 10 September 2014, this matter is again presented to Council for resolution.

Various reasons were provided for the proposed removal of the London Plane Tree adjacent 113 Durham Street as well as the remaining London Plane Trees along Durham Street. The main reason being is that these trees have outgrown the limited space available and are now damaging surrounding infrastructure including the adjacent footpath, the kerb and gutter, road pavement and other areas within adjacent private property. Although not anywhere near reaching its potential height and spread, the existing trunk diameter of the trees have already taken up the available space within the verges' very narrow planting corridor.

The immediate safety concern for users of the verge footpath area adjacent to 113 Durham Street has been temporarily resolved by the removal of a section of concrete footpath immediately adjacent to the tree and the installation of an asphalt strip. However, this work remains temporary in nature and ongoing damage to the surrounding infrastructure will continue to occur as the tree grows towards maturity. Unfortunately, given the extremely small amount of growing space that exists within this verge and the extent of services and hard works surrounding the small planting strip, the fact remains that the London Plane species has been a poor choice for planting, given that there is physically no room for the growth of what will become an extremely large tree. The same issue of narrow restrictive verge space exists throughout Durham Street where the remaining row of London Plane trees have been planted. These trees will also pose significant problems in future as they continue to grow.

It has been reported to Council by members of the community that root barriers could be installed to the existing London Plane trees along Durham Street between William Street and George Street which would negate further damage as these trees continued to grow. Unfortunately, this statement gives a false and misleading conception that such a proposal to install root barriers to these trees that have already spread their roots throughout the surrounding road pavement, kerbing, paths, private property etc is feasible. Having root

barriers installed to control root growth is best achieved, physically and financially, by installing such devices at the time of tree planting and before the roots have had time to establish and reach the areas that require protection. To install root barriers to the existing trees within the confines of the available planting space of the Durham Street verge would require the major severing of anchor roots as well as mass feeder roots. This would create a substantial potential liability to Council and a hazardous situation for the surrounding area as the trees would be left with limited structural support and, in addition, they would most probably die.

There have been previous occasions where Council has been provided with a recommendation by its qualified Staff to retain large growing trees within streetscapes, parks and reserves, even though trees were causing damage to surrounding infrastructure. In each situation, the specific location of the tree, the available space that is afforded for its continued growth, the extent of the services affected and the overall risk to the community is considered when reaching a recommendation. Public safety is always the first priority in deciding whether a tree should be removed. However, where risks to public, services and infrastructure are minimal, or such risks can be controlled in a practical and cost effective manner, then the preservation of trees should be at the forethought of any decision. In this instance, with the London Plane trees in Durham Street, it is not believed practical to recommend that these trees remain as there are many factors that are causing concern. For example, they are relatively young trees that will grow to a massive size within a very small and confined growing space on a major highway and in the vicinity of major services, adjacent private infrastructure and buildings.

As a result of the issues that will continue to persist as these trees grow, it is the view of Council's experienced engineering and qualified horticultural staff that all London Plane trees within Durham Street, between Bentinck Street and George Street, be removed.

At its General Meeting held 20 November 2013, Council was also presented with a proposed landscape plan of Durham Street between Bentinck Street and Stewart Street for its consideration. In essence, the landscape theme consisted of Crepe Myrtle and Manchurian Pear trees. These tree species were proposed due to the fact that throughout this section of the Highway, a large number of these tree species already exist, are suited to the various site restrictions and climatic conditions of the area, amongst other reasons. However, it is believed that the general consensus of Council was to provide an opportunity for a more attractive landscape statement to be developed for this section of the highway, which is the main entrance to Bathurst's CBD area. As such, a proposed streetscape planting theme, shown at **attachment 1** is presented for Council's consideration.

In essence, the planting theme proposed would include the removal of all existing trees along Durham Street on both sides of the Highway, and the replanting of the following:

#### **Bentinck Street to William Street**

The section of Highway between Bentinck Street and William Street is considered to be the entrance to the CBD area and is dominated by a grand landscape entrance statement, being Haymarket Reserve. Due to the existing exotic theme of the adjacent park plantings, it is proposed that this section of the highway be planted out on both sides of the road with *Acer rubrum* (Autumn Red), which is a Maple tree that develops dark pinkish-red leaves in early autumn and bright red foliage by late autumn. It is believed that this tree will compliment and enhance the entrance statement to the CBD. Due to existing services, the petrol station and other access driveways within this section of the Highway it is believed that only up to 7 trees could be planted on the eastern side of the highway between Bentinck and William Street. On the western side, it is anticipated that 13 trees be planted between the existing Robinia Mop Top plantings. It is proposed that the Mop Top's would be removed once the *Acer* trees had developed within the streetscape.

### **Western Side Of Highway - William Street to Stewart Street**

On the western side of Durham Street, the proposal is to replace all existing Crepe Myrtle trees with Ornamental Pistachio trees. Additional tree planting with Ornamental Pistachio trees will also be undertaken where suitable gaps have been identified. This plant species are well suited to the climatic conditions of Bathurst, are believed to be part of the planting theme for the recently commenced RMS Highway upgrade of Sydney Road, and provide an attractive show of seasonal colour change throughout the various seasons.

### **Eastern Side Of Highway - William Street to Stewart Street**

On the eastern side of Durham Street, it is proposed that all existing London Plane and Ornamental Pear trees be removed and replaced with a single species of tree suited to the area, which is able to provide a similar impact to the site in respect to a show of seasonal colour, and uniformity along that section of the Highway. Acer Rubrum "Autumn Red" has been proposed as the preferred tree species for this area, as it has a striking leaf colour change during autumn.

### **Timing**

Due to the extent of area involved and the amount of tree removal works that will need to be undertaken in order to implement the new planting theme, it is considered that the replacement project be implemented in stages. The following stages are proposed:

#### **Stage 1 Works**

- Removal of all Crepe Myrtle trees on the eastern side of Durham Street between Bentinck Street and Stewart Street and the removal of the London Plane Tree adjacent to 113 Durham Street due to the issues and concerns that this tree has already caused to the surrounding infrastructure.
- Planting of Ornamental Pistachio as per the planting plan throughout all areas as shown on the planting plan on the western side of Durham Street between William and Stewart Streets.
- Stage one works to be undertaken with the 2015 Winter Planting Season.

#### **Stage 2 Works**

- Removal of all existing trees (including London Plane trees) located on the eastern side of Durham Street between Bentinck and George Streets.
- Planting of Acer Rubrum (or equivalent variety) to both sides of Durham Street between Bentinck and William and on the eastern side of Durham between William and George Streets.
- Stage 2 works to be undertaken within the 2016 Winter Planting Season.

#### **Stage 3 Works**

- Removal of all existing trees (including Manchurian Pear Trees) located on the eastern side of Durham Street between George and Stewart Streets.
- Planting of Acer Rubrum (or equivalent variety) on the eastern side of Durham between George and Stewart Streets.
- Stage 3 works to be undertaken within the 2017 Winter Planting Season.

It is recommended that sufficient funding be made available within future Management Plans, commencing in the 2015/2016 financial year, in order to instigate the staged works. It is recommended to have the works staged so as to lessen the impact on having all existing trees within the entire length of the proposed work site removed at the same time.

For information, as part of the Durham Street tree replacement program, necessary protection measures will be installed to ensure that the potential for future damage to

services and infrastructure is minimised as the trees develop and mature. This will involve the installation of root barriers and watering tubes to be placed around the root system of each tree.

**Financial Implications:** Stage One Works is expected to cost in the vicinity of \$63,143 to be funded within the 2015/2016 Management Plan.

Stage Two works is anticipated to cost in the vicinity of \$53,000 to be funded in the 2016/2017 Management Plan.

Stage Three Works is expected to cost in the vicinity of \$49,629, to be funded within the 2017/2018 Management Plan.

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

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

### **3 PROPOSED ROAD CLOSURE, UNFORMED ROAD BETWEEN WIGMORE DRIVE AND DELAWARE CRESCENT, ROBIN HILL (25.00254)**

**Recommendation:** That Council approve the road closure of the unformed public road between Wigmore Drive and Delaware Crescent, Robin Hill, at the applicants' expense, as detailed in the Director Engineering Services' report

**Report:** Council, at its Meeting held 20 September 2000, resolved to:

- a) adopt a strategy for walkway closures, as indicated on the list held in the Development and Planning and City Engineer's Departments; and
- b) adopt, as Policy, that all costs associated with walkway closures be borne by the recipients of the adjoining walkway, through consolidation, or if the application to Land NSW is rejected, the costs be borne by the residents proposing the closure.

Council has received two applications by adjoining owners (Lot 7 DP803873 being 54 Wigmore Drive and Lot 51 DP1080083 being 5 Delaware Crescent, Robin Hill) to close the public road 10 metres wide located to the east of their properties (see **attachment 1**).

The sections of road were dedicated to the public with the registration of their respective plans. However, neither road was constructed nor maintained by Council with both applicants maintaining the land containing the road.

Council's investigation has revealed the road was originally created as a walkers' access between the Mid-Western Highway and the Mitchell Highway. However, other links were not acquired at the time of development and therefore that connection has waned.

Investigation of Council's records indicated there are no services located within the road's reserve. The road is unnecessary.

Upon closure of the road, as Council has not constructed a pathway or any other infrastructure within the road reserve, the ownership of the land will go to the Department of Crown Lands. The applicants can then make application to the Crown for the acquisition of the road closure land for consolidation into their existing holding.

It is recommended to Council that they resolve to support the road closure application of the unformed public road between Wigmore Drive and Delaware Crescent, Robin Hill, at the applicants' expense.

**Financial Implications:** Nil. All expenses are to be met by the applicants.

#### **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 6.6

#### **4 APPLICATION TO CONDUCT JET ADVENTURE JOY FLIGHTS (21.00008)**

**Recommendation:** That Council approve the request from Fastjet Adventure Flights Pty Ltd to conduct adventure joy flights from Bathurst Aerodrome, subject to conditions outlined in the Director of Engineering Services' report.

**Report:** Council has received an application from Fastjet Adventure Flights Pty Ltd to operate jet adventure joy flights from Bathurst Aerodrome, utilising an L-39 Albatros Jet aircraft.

The Air Navigation (Aircraft Noise) Regulation (1984) requires that aircraft operators seeking to conduct adventure joy flights using either propeller aircraft with a maximum take off weight of 1500kg, or jet aircraft, must apply to the Department of Infrastructure and Transport (the Department) for an Operating Permit.

To obtain a permit, aircraft operators are required to liaise with the both the local Council responsible for the aerodrome and the aerodrome owner (if owned separately) to obtain a letter in support of the permit application. The letter of support is required to contain information regarding relevant operating conditions for the adventure joyflights. Once a letter of support is provided by the Council, it is the Council's responsibility and not that of the Department, to monitor and respond to complaints regarding aircraft noise from adventure flight operations. The Operating Permit will be withdrawn by the Department if the Council no longer provides its support.

Fastjet Adventure Flights Pty Ltd has operated at Bathurst Aerodrome with a valid permit for a number of years and has been co-operative and complied with the permit conditions. Their previously issued permit expired on 16 August 2014. During the 2013/14 financial year, the two L-39 aircraft operated by this company have made a total of 9 landings at the Bathurst Aerodrome, inclusive of any joyflight and maintenance flights.

The L-39 Albatros is a small jet fighter/training aircraft developed by Czechoslovakia and dates from the 1970's. It is a small jet of 4,700 kg maximum take off weight and has a top speed of 750kmh.

Bathurst Aerodrome has been operating from the current site since the early 1940's and currently has, on average, 1600 aircraft movements per month. It is considered that the number of aircraft flights conducted by Fastjet Adventure Flights Pty Ltd using the L-39 aircraft, provided appropriate noise abatement measures are in place, would cause minimal impact upon the overall noise footprint of the aerodrome.

Bathurst Aerodrome reportedly has the only jet maintenance facility for the L-39 Albatros aircraft within Australia. It should be noted that flights to and from Bathurst Aerodrome for aircraft maintenance purposes do not require any approval from Bathurst Regional Council nor the Department.

Conditions that are considered appropriate are as follows:-

- (a) No circuits, aerobatics or over flights are permitted within the Bathurst area.
- (b) Jet operations to be restricted to between the hours of 08:00 and 19:00.
- (c) Noise abatement procedures are to be practised during take-off and landing.
- (d) Landing charges are to be paid in accordance with Council's Fees and Charges.

The operator has also requested that the new approval be for a period of five (5) years, which is considered reasonable on the basis that the permit can be cancelled if the above conditions are not adhered to.

It is recommended that Council approve the request for adventure flights from Fastjet Adventure Flights Pty Ltd, for a period of five (5) years in accordance with the current conditions as above.

**Financial Implications:** Nil.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.9

## **5 INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA (NSW) STATE CONFERENCE (18.00154)**

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

**Report:** The New South Wales Division of the Institute of Public Works Engineering Australasia (IPWEA) held its 2014 Annual State Conference in Coffs Harbour across 15 - 17 October 2014. The conference theme was 'An Engineering Toolbox', and was aimed at developing better engineers within the context of Local Government, with a particular focus on best practice and the opportunities new technologies provide.

Topic streams for the conference included road safety, road design, asset management, water supply, airports, aquatic centres and infrastructure maintenance, as well as current developments within local government engineering.

The conference was attended by two Bathurst Regional Council employees, who found that the conference was beneficial for both professional and personal development. The conference provided a comprehensive update on industry developments, and assisted with developing closer working relationships with other Council areas through networking opportunities.

Council's Road Safety Officer, Ms Iris Dorsett, presented two papers to the conference. Ms Dorsett spoke on the 'Kindy Kits' program, which, as part of Bathurst Regional Council's Road Safety Officer program, educates young children on road safety. This program is highly successful, and has helped to instil positive road behaviour in children from a young age. Ms Dorsett also presented on traffic management in emergency situations, which resulted from the study tour she undertook to Ohkuma, Japan earlier this year. This study tour was funded by a foundation grant through the IPWEA. Both presentations were well received.

Council's Civil Design and Project Engineer, Mr Bernard Drum, also presented a paper to the conference. Mr Drum spoke on roundabout design, and his paper provided useful information for engineers designing roundabouts within the local road network. He particularly focused on common issues encountered in this process, and methods of overcoming these issues to produce more cost effective design outcomes without compromising safety. This presentation was also well received.

The conference included the IPWEA Engineering Excellence Awards Dinner. Bathurst Regional Council was recognised for the 'Kindy Kits' program, which received a 'Highly Commended' award for excellence in Road Safety. Two other awards received by neighbouring Councils also involved Bathurst Regional Council's Road Safety Officer. Overall, the Awards Dinner was regarded as a success for Bathurst Regional Council.

Council received two letters from IPWEA NSW following the conference, which commended both Ms Dorsett and Mr Drum for their contribution to the event. Both were thanked for their papers, and encouraged to consider submission of papers to the 2015 State Conference.

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

### **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 24: To provide and support the provision of accessible, affordable and well planned transport systems.

Strategy 24.6

- Objective 33: To be and develop good leaders.

Strategy 33.5, 33.6

**6 PROPOSED COMPULSORY ACQUISITION FOR PROPOSED ROAD WIDENING, LOT 2 AND 3 DP1200594, RIVULET ROAD, PEEL (25.00306)**

**Recommendation:** That:

- (a) Council make application to the Minister and/or the Governor to compulsorily acquire Crown Land located at Lots 2 and 3 DP1200594, Rivulet Road, Peel for the purpose of a proposed road widening for bridge construction;
- (b) the acquisition be through the provision of the Roads Act 1993 Sections 177 and 178 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991; and
- (c) the application be minerals exempt and the acquired land be classified as Operational land, as detailed in the Director Engineering Services' report.

**Report:** Council, at its meeting held 19 February 2014, resolved that Council approve the preparation of an acquisition plan and start negotiations with registered proprietors for road widening of Rivulet Road, Peel, for the construction of a new bridge (see **attachment 1**).

Since that time, Council has received approval from NSW Government Trade and Investment Crown Lands to compulsorily acquire part Lot 95 DP755804 and part Lot 7004 DP1051996 Rivulet Road Peel for road widening purposes. To acquire Crown land, the Governor/Minister requires properties to be named as whole Lots. Following Council's preparation and registration of an acquisition plan, the properties are the whole of the land in Lots 2 and 3 DP1200594 (see **attachment 2**).

To begin the acquisition process, it is recommended that:

- (a) Council approve it make application to the Governor or Minister for approval to acquire Crown land located at Lots 2 and 3 DP1200594 Rivulet Road, Peel for road widening purposes for the construction of a new bridge;
- (b) The compulsory acquisition to be through the provision of the Roads Act 1993 Sections 177 and 178 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991; and
- (c) The application is minerals exempt and the acquired land is to be classified as Operational land, as detailed in the Director Engineering Services report.

**Financial Implications:** The estimated cost to acquire the property is \$5,000 and is to be financed from Council's Rural Bridge Maintenance vote.

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

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 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

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 DECEMBER 2014

## **1 BATHURST LIBRARY - SPUN CONFERENCE 2014, 22-24 OCTOBER 2014 (21.00029)**

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

**Report:** The SPUN Conference, or Spydus User Net, is the annual conference for the library management system used by Bathurst Library. The conference was attended by the Collection and Technology Librarian.

The conference proved to be an excellent forum for information and learning. Library and technical staff from Australia and New Zealand met with Civica staff and attended different training sessions, focus groups and participated in informal discussions that addressed where services are heading and what services want out of the library management system.

The training on the new archives and digital assets modules was invaluable. Many libraries are beginning to use these modules to set up historical collections which can either be suppressed or shared with the public depending on the permissions the library holds to share the information.

The focus group discussed three different aspects of Spydus:

- Modules in Spydus, including web circulation and Online Public Access Catalogue (OPAC): robust conversation took place on the layout, absence of hot keys and functionality, when it comes to searching the database. Discussions also included what libraries priorities are for user experience.
- Uses of the digital assets and archives modules.
- Demands for servicing academic and school libraries.

The vendor presentations were also very informative, alongside the informal discussions with libraries that are already using their products. RFID (radio frequency identification) is becoming more main stream because of the opportunities it provides for libraries to improve customer service operations. Bathurst Library is investigating the RFID option.

RFID self-checkers are becoming more popular because staff are free to help customers with reference enquiries, helping with electronic devices, printing issues and free roaming the library to approach those having difficulties but who are too shy or embarrassed to ask for help.

Stocktaking and weeding is less time consuming and easier with RFID. There is a “wand” attached to an app that can pick out items with missing status and alert staff to items that have been chosen for deletion.

The security tags that come with the RFID technology have also progressed with the advent of security gates which “speak” to the customer alerting them that they are walking out of the library with an item which isn’t issued on their card.

Overall, the conference provided a good range of information as well as an opportunity to meet other professionals to exchange ideas and information.

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

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

- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1

## **2 BATHURST REGIONAL YOUTH COUNCIL - PROJECTS AND EVENTS (11.00020)**

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

**Report:** The Bathurst Regional Youth Council 2014 have recently undertaken two projects including the "Look Up" campaign and "Summersault-Roll Into Summer" festival.

### **"Look Up" Campaign**

Mental Health Month was celebrated in October and this year the Bathurst Mental Health Month Committee, the Bathurst Regional Youth Council and headspace Youth Reference Group formed a partnership to deliver the "Look Up" Campaign.

The idea for the project was generated by members of the Bathurst Regional Youth Council who responded to an issue that they had seen arising amongst their peers. The project challenged people in the Bathurst Community to commit time to be free of electronic devices and using those technology free moments to indulge in something they never have time for anymore. The challenges were specific to individuals and meant people got to decide how much time they would like to commit to being technology free and what they would like to do with that time.

The campaign was positively received in the community. Approximately 12,000 stickers were distributed through Council, businesses, community organisations, high schools, and TAFE. The different ways people participated and responded to the challenge were captured and recorded on the headspace Facebook page and in an online gallery on the Western Advocate website.

### **"Summersault-Roll Into Summer" Festival**

The Bathurst Regional Youth Council held its final event for the year on Sunday 23 November in Machattie Park. The event 'Summersault- Roll into Summer' showcased some of Bathurst's amazing young talent. The line-up included a range of local young performers ranging from 15 to 20 years of age.

The calibre of the local young talent was outstanding with an estimate of 200 people enjoying their performances.

Other activities that were provided free as part of the festival included laser skirmish, horizontal bungee and face painting, which was provided by headspace. The Youth Council also provided some snacks and drinks for purchase on the day with money raised to be used for future Youth Council activities.

Young people and their friends and families enjoyed the relaxed nature of the event, with a number bringing along picnics to enjoy the festival and to add to the atmosphere.

The Youth Council were pleased to provide the opportunity for young people to socialise in a safe environment as well as providing young local artists the opportunity to perform in a professional setting. Given the success of the event the Youth Council will consider continuing to stage this event annually.

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

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

- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.

Strategy 27.1, 27.9

### **3 NATIONAL MOTOR RACING MUSEUM - FIRST AUSTRALIAN GRAND PRIX EXHIBITION (21.00050)**

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

**Report:** Until recently Goulburn, New South Wales, was believed to have been the unofficial host to the First Australian Motorcycle Grand Prix. Following research by the Meller family and Peter Shannon it has been discovered that the event in fact occurred near Bathurst in 1914. To commemorate the 100 year anniversary the National Motor Racing Museum has developed an exhibition based upon that first race.

The exhibition comprises photographs of the 1914 and 1915 GP races, contestants, participating clubs and shots of the circuit. Also included, through a loan from the Meller family, were original prizes from the 1914 race. Research and images were provided by Douglas Rally Committee members, Rob Shannon and the Meller family.

The race itself was held on dirt roads with only six of the starting 30 completing the six lap course. One of the interesting stories associated with the race was that of the Meller brothers. The three brothers participated in the race with Edgar Meller winning overall on a 2¾ horsepower Douglas motorcycle and James Edward Meller running fourth. The third brother Frank Meller was in the victory celebrations winning the previous days Team Trial from Sydney to Yetholme. James Edward Meller went on to win the 1915 Australian Grand Prix the following year.

The opening of the exhibition at the National Motor Racing Museum on 6 November 2014 was attended by 135 people. The exhibition was held in conjunction with a Mayoral reception for the Douglas Rally, a highlight of the evening being the display of an operating 1914 Douglas motorcycle.

The Museum also contributed to the Douglas rally through the replacement of the Vale circuit track location signs in time for the rally's lap on the Friday as well the provision of a duplicate exhibition for the Yetholme hall on the Saturday of the rally.

The exhibition will remain on display until Easter 2015.

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

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

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.5
- 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 20.1, 20.6

#### **4 SUBMISSIONS - COMMUNITY SAFETY PLAN 2015-2019 (20.00179)**

**Recommendation:** That the Bathurst Regional Community Safety Plan 2015-2019 be adopted with amendments as outlined in the report.

**Report:** Council resolved, at its Policy meeting held 5 November 2014 (DCCS report # 1), that the Bathurst Regional Council Community Safety Plan 2015-2019 be placed on public exhibition for the statutory period of 28 days.

Subsequently, the draft plan was placed on public exhibition from Thursday 6 November 2014 until Thursday 4 December 2014. Advertisements were placed in the Council Notices during this period notifying members of the public of the plan and calling for submissions. Copies of the draft Plan were also made available at Council's Civic Centre and Library, together with full access via Council's website.

The Bathurst Community Safety Plan 2015-2019 has been developed through consultation and in partnership with the broader Bathurst community.

At the writing of this report, two submissions have been received, and are provided at **attachment 1**. The submissions are summarised as follows:

<b>No.</b>	<b>Submission Item</b>	<b>Amendment</b>
1.	Page 15 – “A little more detail about the two surveys is needed, especially noting that respondents were self selected, not chosen randomly. Respondents' views may or may not be representative of the local population.”	The following "Respondents self-selected to participate in the survey" has been added to meet the information requested in the submission, this does not impact on the information.
2.	Pages 32, 33 - "The comparisons between perceptions of safety during the day and at night should be the same. That is, cite the levels of feeling safe for both or the levels of feeling unsafe. I would be inclined to recommend the levels of feeling safe and then comment on the difference between the two figures."	The addition is written in the same manner as the question about whether respondents felt safe moving around during the day. In comparison, when respondents were asked if they felt safe moving around the community at night 46.7% of survey respondents indicated that they felt safe, 24.6% of respondents indicated that they do not feel safe in the community at night, and 28.4% of respondents indicated that they sometimes feel safe in the community at night.
3.	Pages 39-46 - "This is more about the Action Plan. My comment is that most of the strategies include education of relevant groups. In the case of victims part of that education should be about reporting incidents, however, small, to the police. The report can be either to the police station or the Police Assistance Line."	The Action Plan is determined on a yearly basis by the Community Safety Committee. There is sufficient scope in a number of the strategies to add reporting elements into the actions through this kind of determination, this will be referred to the Community Safety Committee - no amendment required.
4.	Pages 41, 42, 44 - The following points were noted:	Illegal drug use and possession cannot be included as a priority or



	<p>"We believe that drug dependency has significantly contributed to the four most prevalent crimes in Bathurst...", "discussed concerns relating to illegal drug use and the subsequent impact on crime in our region. This email will hopefully encourage the powers to be, to include the supply and use of illegal drugs as a priority issue in the Draft Community Safety Plan."</p>	<p>emerging crime as it does not meet the Attorney General's guidelines for developing crime development strategies which state "When considering the key crime(s) to be targeted in your LGA, consider those crimes that have the greatest number of reported incidents; are consistently ranked significantly higher than NSW averages for that crime; and/or those that continually increase at a higher rate than they increase elsewhere in NSW." Any crime related to illegal drug use in Bathurst is not one of the most prevalent crimes or high rate NSW crimes, however, drug use and drug dependency is present and relevant to the community and identified as a contributing factor to a number of the priority and emerging crimes in the Plan. As a result additional items in both priority and emerging crime strategies have been included for Council's consideration, as follows:</p> <ul style="list-style-type: none"> <li>● Research additional data to understand contributing factors to Items 2.4-Break and Enter Dwelling, 4.4-Non-Domestic Related Violence, 8.4-Steal from Dwelling; and</li> <li>● Identify actions to address these contributing factors e.g. drug use and drug dependency.</li> </ul>
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A copy of the proposed amended Community Safety Plan 2015-2019 is at **attachment 2**.

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

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

- Objective 22: To improve community safety. Strategy 22.1, 22.2

Yours faithfully



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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 DECEMBER 2014 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 2 December 2014 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held 2 December 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 2 DECEMBER 2014**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

Members: Senior Constable Daniel Cooper (Police), Jackie Barry (Roads and Maritime Services), David Veness (MP Representative).

Present: Darren Sturgiss (Chair/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**

Cr. W Aubin

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 DECEMBER 2014 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 4 November 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 4 NOVEMBER 2014 (07.00006)**

That the information be noted and necessary actions be taken.

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

That the information be noted.

**7** **Item 3 BATHURST WALLABIES TRIATHLON CLUB EVENT DATE CHANGE (23.00026-17)**

That Council approve the change of date for one event in the Bathurst Wallabies Triathlon Club Program from Sunday 29 March 2015 to Sunday 5 April 2015.

**8** **Item 4 BATHURST HALF MARATHON EVENT 2015 (23.00110/016)**

That Council classify the Bathurst Half Marathon and 10 km Run to be staged on Sunday 3 May 2015 as a Class 2 event, and approve the event subject to conditions detailed in the Director Engineering Services' Report.

**9** **Item 5 2015 NAB B2B CYCLO SPORTIF AND WEEKEND OF CYCLING AT MOUNT PANORAMA (23.00128)**

That Council approve the Rotary Club of Bathurst Daybreak, NAB B2B Cyclo Sportif Events between Blayney and Mount Panorama (B2B), and the Family Fun Challenge from Mount Panorama to Panorama Avenue and Charles Sturt University internal roads on Sunday 12 April 2015. The events are to be classified as Class 1 and Class 4 events respectively and approved subject to conditions as detailed in the Director Engineering Services' Report.

**10** **Item 6 SMALL BIZ BUS - VISIT TO BATHURST 2014 (20.00071-03)**

That Council approve the Small Biz Bus visit to Bathurst proposed for Wednesday 10 December 2014 as an unclassified event, and that the event be approved subject to conditions as detailed in the Director Engineering Services' report.

**11** **Item 7 NO STOPPING SIGNS – INTERSECTION EGLINTON ROAD AND BRADWARDINE ROAD (25.00024-2)**

That Council approve the placement of "No Stopping" zones on both sides of Eglinton Road at its intersection with Bradwardine Road, Llanarth.

**12      Item 8 ADDITIONAL 4P PARKING AREAS AT THE GEORGE STREET CAR PARK (28.00006-11/061)**

That two unrestricted parking bays within the George Street car park be replaced with 4P parking areas and two existing 3P bays be made 4P bays for a trial period of 3 months, then for reconsideration by the Traffic Committee.

**13      LATE REPORT (18.00108)  
MOVED Jackie Barry (RMS)                      and SECONDED David Veness (MP Representative)**

That the Committee accept and deal with the Late Report on the 2015 Royal Bathurst Show at the Traffic Committee Meeting on 2 December 2014.

**14      Item 9 THE 2015 ROYAL BATHURST SHOW (18.00108)**

That Council raise no objections to the traffic management plan for the 2015 Royal Bathurst Show to be held Friday 17 to Sunday 19 April 2015. The event is to be classified as a Class 1 event and approved subject to conditions detailed in the Director Engineering Services' report.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**16      MEETING CLOSE**

The Meeting closed at 2.48pm.

**DELEGATES REPORTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 DECEMBER 2014

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

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

**Report:** **Present:** Crs Westman (Chair), Coote, Jennings, .

**Apologies:** Crs Rush, North, Aubin, Bourke, Hanger, Morse,

### **1. BATHURST REFUGEE SUPPORT GROUP (23.00057)**

Representatives from the Bathurst Refugee Support Group; Brian Mowbray, Sr Bernie Evans, Eva Engelman and Barry Stephens met with Council to update them on the Group's activities.

Discussion included:

- Youth 4 Youth Forum - organised by St Stanislaus & MacKillop Colleges to raise awareness on young asylum seekers and to support Youth in Detention. Approximately 80 attended from local and surrounding areas.
- Thanked Council for Civic Reception for Prof Gillian Triggs, President of the Human Rights Commission.
- Kath Knowles House of Welcome - work completed. To be used for short term accommodation for refugee groups. Official opening planned for 10 December. Council to contact Support Group to arrange a visit by Councillors to the house.
- Bathurst 200 - have applied for Endorsed Event - sponsoring performance of traditional songs and dances from Burmese Group on Sunday 3 May in Kings Parade.

### **2. LIFELINE CENTRAL WEST (18.00195)**

Alex Ferguson, Executive Director of Lifeline Central West met with Council to provide an update on services:

Discussion included:

- Provided financial statements - receive local and government support.
- Service Lithgow to Bourke.
- Potential to extend to Katoomba and into Riverina area - would increase employees to 20 and volunteers to 120.
- Centres at Bathurst, Orange and Dubbo.
- Gambling is a problem issue - see threat from online gaming, seeing many more people with financial problems.
- Next major project is a building.
- Lifeline Australia will answer 850,000 calls this year, almost doubled in recent years.
- 30% of calls relate to loneliness.
- Huge increase in calls between 6 pm and 2 am.
- Now answering 87% of all incoming calls.
- Anticipate will answer one million calls in the next year.
- Now have permanent staff, mostly for after hours peak.
- Issue is coping with the growth in number of calls.



- Asked for continuation of Council assistance.

### **3. MACQUARIE PHILHARMONIA (18.00239)**

Ron & Stephanie Camplin met with Council to discuss the Macquarie Philharmonia activities.

Discussion included:

- tabled promotional brochures.
- Major sponsors - 9 Councils and Bathurst Broadcasters. Known as the Inland Symphony.
- Presented Symphony of Australia Book.
- Will be presented at Mayfield Gardens in 2015.
- Orchestra has 70 players.
- Costs \$30,000 per performance.

**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 CR MORSE REPORT - NSW PUBLIC LIBRARIES CONFERENCE, 11-14 NOVEMBER 2014 (18.00127)**

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

**Report:** The NSW Public Libraries Conference was held in Mudgee from Tuesday 11 November to Friday 14 November. Crs Morse and Bourke attended the conference together with the Acting Director of Cultural & Community Services and two Library staff members.

The theme of the conference was “a fortunate life - Libraries & Community Wellbeing”. Speakers were from Australia, UK, Denmark and Sweden. All focussed on the role of the library as a community centre, providing a range of activities which enhance the sense of belonging and involvement in addition to being a source of information.

Speakers from the UK told of research projects in the field of libraries and health and the development of the Reading Well Books on Prescription which helps people manage their wellbeing using endorsed self-help reading available from public libraries. Another project was the development of resources, services and interventions to promote positive mental health in communities, which included the development of a Mental Wellbeing Impact Assessment toolkit.

A Swedish model of a library as a meeting place and venue for citizens showed how communities are using libraries as places to meet and to debate. Denmark has developed The Model Programme for Public Libraries which focuses on architecture and the process of developing libraries as a pivotal role in the life of cities.

Speakers from Australia told of projects such as Seed Libraries, Skype science lessons from the library to school children, Kiama Library and the NBN, social media, and how literacy levels in NSW rate.

The theme of libraries and wellbeing was demonstrated by a Victorian project which looked beyond the therapeutic use of imaginative literature which encourages participants to engage creative thinking around personal problems through read-aloud reading groups.

Of particular interest was a presentation on training volunteer literacy tutors which has led to the establishment of a literacy collection and the creation of a literacy team amongst library staff and the establishment of the Better Community Better Reading Action Group.

The conference provided inspiration and ideas for Bathurst Library and was a good opportunity to network with Councillors and staff from Libraries across the State. Attendance by Bathurst Councillors and Staff was very worthwhile and much appreciated.

**Financial Implications:** Nil.

### **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 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1
- Objective 33: To be and develop good leaders. Strategy 33.5, 33.6

### **3 MINUTES - AUSTRALIA DAY WORKING PARTY - 18 NOVEMBER 2014 (23.00033)**

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

**Report:** The minutes of the Australia Day Working Party held on 18 November 2014 are shown 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

**4 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 11 NOVEMBER 2014  
(11.00020)**

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

**Report: MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN  
COUNCIL CHAMBERS ON TUESDAY, 11 NOVEMBER 2014**

**PRESENT:** Cr Michael Coote, Jayne Dwyer, Gerard O'Shea, Brendan Thorpe, Dominic Mjadwesch, Sophie Ireland, Geordie Mulholland, Nick Forbutt, Keegan Bringolf, Emily Behan, Emily O'Shea, Cameron Jones, Emma Farr

**IN ATTENDANCE:** Megan Bargwanna (Community Development Officer- Youth)

**1. APOLOGIES**

**RESOLVED** that apologies from Tom Nobes, Ben McGrath, Cassandra Talbot, Laura Van Uum be accepted

**2. ADOPTION OF PREVIOUS MINUTES**

**RESOLVED** that the minutes of the meeting held 9 September 2014 be accepted

Moved: Keegan Bringolf

Seconded: Nick Forbutt

**3. BUSINESS ARISING FROM PREVIOUS MINUTES**

There was no business arising from the previous minutes.

**4. DE-BRIEF- MENTAL HEALTH MONTH LOOK UP PROJECT**

Youth Council considered what worked and what improvements could be made with future similar projects-

What worked well:

- Sticker design
- The fact that organisations could choose how to deliver the campaign.
- Stannies - delivery in tutor groups.
- Mackillop involvement with the library, as they provided options like board games during tech free times.

What improvements could be made:

- Clarification of message.
- More media coverage.
- Scots confiscated mobile phones (which was contradictory to the intended message).
- Less information and more visuals on the accompanying information leaflet.
- Kelso High just had them at the front office.
- Whole group to be involved not just a working party with some Youth Council members.

Generally the Youth Council felt the campaign was successful for a first attempt working with two other groups on a campaign to deliver to the whole community of Bathurst.

## **5. YOUTH COUNCIL NEXT PROJECT - SUMMERSAULT ROLL INTO SUMMER, SUNDAY 23 NOVEMBER**

### **Performers:**

There has been a great response from performers. There are currently 14 performing acts. Still waiting on expression of interest (EOI) forms from some performers, respective Youth Council members to follow up. Run sheet to be finalised once all EOI forms are submitted.

### **Posters and promotion:**

There was really positive feedback regarding the design. Western Advocate will attend today's meeting to do a feature to promote the event. There are currently Council radio advertisements running to promote the event.

Poster distribution - all schools discussed how they were promoting the event including posters, talking at assemblies, inclusion in school newsletters.

### **General poster distribution:**

Jayne and Emily B- Bathurst City Centre, Aquatic Centre; Keegan-PCYC, Westpoint; Dom and Brendan-Keppel Street; Emily O and Laura-George Street; Gerard and Nick-Stockland Shopping Centre, BVIC and Basketball Stadium; Sophie-Eagle Boys, headspace, Movies and other fast food outlets; Geordie-William Street, Trinity Heights and Centrepoint Kelso.

### **Food and activities:**

Lolly bags to be filled on Monday at working party meeting. Chips and drinks to be purchased from Westco for Youth Council to sell. Laser skirmish and horizontal bungee are confirmed.

## **6. YOUTH WEEK 2015, FRIDAY 10 APRIL-SUNDAY 19 APRIL 2015, "IT STARTS WITH US!"**

The Youth Council discussed possible options to celebrate Youth Week next year. These included:

- Outdoor cinema
- Amazing Race at Mt Panorama
- Go Carts
- Colour Run
- Involve service groups and SRC's
- Youth Week "kit" which would contain activity ideas for schools to undertake
- Group agreed that it would be better to celebrate Youth Week during term 2, as the official time for Youth Week is not ideal

## **7. END OF YEAR CELEBRATION**

The group discussed options for their end of year celebration including activities or a dinner. The group agreed that they would like to celebrate with a dinner:

Options discussed included- Terrace Thai, Chinese, Tommy's Tex Mex, Rydges, Vanilla Bean, Cobblestone and Family Hotel. Community Development Officer –Youth to follow up. Date selected as Thursday 4 December.

## **8. GENERAL BUSINESS**

**8.1 Emily Behan** - Emily recently attended the NSW Constitution Convention in Sydney at Parliament House. The group looked at parts of the constitution which currently does not

recognise the rights of indigenous people.

**8.2 Jayne Dwyer** - Jayne thanked the group and Community Development Officer- Youth for the work undertaken and support during the year.

**8.3 Keegan Bringolf** - Production of "Lord of the Flies" at Stannies will take place from 18-22 November. Next year's production will be The Adams Family.

## **9. MEETING CLOSE**

There being no further business, the meeting closed at 1.00pm.

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

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 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, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

**5 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 DECEMBER 2014 (20.00153)**

**Recommendation:** That the recommendations of the 2015 Bicentenary Celebrations Committee held on 2 December 2014 be adopted.

**Report:** The Minutes of the 2015 Bicentenary Celebrations Committee held on 2 December 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

**6 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 26 NOVEMBER 2014 (11.00019)**

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

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

**Apologies:** Cr Jennings.

**1. BATHURST CHILD AND FAMILY NETWORK (18.00004)**

Representatives from the Bathurst Child and Family Network, Annette Meyers, Louise Taylor, Lee Cowdrey and Victoria Prior, gave a presentation outlining the Group's aims, objectives and future projects.

Discussion included:

- The Group's Mission is to understand and advocate for children's rights, safety and wellbeing.
- Current activities: Bathurst Family Fun Day, Transition to School Project, Annual Conference, Keeping Them Safe Program (child protection), Fun in the Park, Children's Speech Program.
- want to extend role to be more than an event organising Committee.
- Developing a Strategic Plan for next 3 years.
- working towards a child-safe, child friendly Bathurst.

**2. VALUER GENERAL'S DEPARTMENT (18.00068)**

Representatives from Land and Property Information and the Rating and Taxing Contractor, Aspect Property Consultants, met with Council to give a presentation on the general land revaluation carried out in the Bathurst Region.

Discussion included:

- an overview of the revaluation process and methodology.
- process is carried out every 4 years as at 1 July.
- Objectives of valuation system:
  - accurate valuations
  - high level of probity
  - ongoing improvement in quality
  - improve public confidence in valuation system.

**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