



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

11 November 2015

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 18 November 2015**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 November 2015 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.

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 18 NOVEMBER 2015**

**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 - 21 OCTOBER 2015

**6. DECLARATION OF INTEREST**

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

**7. MAYORAL MINUTE**

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

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

**9. REPORTS OF OTHER COMMITTEES**

- \* MINUTES - POLICY COMMITTEE MEETING - 4 NOVEMBER 2015
- \* MINUTES - TRAFFIC COMMITTEE MEETING - 3 NOVEMBER 2015

**10. NOTICES OF MOTION**

**11. RESCISSION MOTIONS**

**12. DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 OCTOBER 2015

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

**Recommendation:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CONSENT BY CAVEATOR - BATHURST CHASE SHOPPING CENTRE, LOT 101, DP 1167584, 39 WILLIAM 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.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LEASE - LEVEL 1 230 HOWICK STREET BATHURST (PART 1 IN DP774489) - WESTERN NSW LOCAL HEALTH DISTRICT	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	TRANSFER OF LEASE - LOT 14 IN DP1089964 PJ MOODIE DRIVE BATHURST AERODROME - WARD TO FITZSIMMONS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF SEWER CARRIER MAIN- EAST EGLINTON STAGE 1 AND 2	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	REVISION OF COMPENSATION FOR CONSTRUCTION OF EASEMENT FOR WATER SUPPLY- LOT 2 DP842120	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	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.
4	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.
5	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.
6	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.
7	TENDER FOR INSTALLATION OF FIRE SERVICES SYSTEM AT BATHURST MEMORIAL ENTERTAINMENT CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**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 - 21 OCTOBER 2015 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 October 2015 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 21 October 2015, are attached.

**Financial Implications:** N/A

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

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



**2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 NOVEMBER 2015 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 November 2015 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 November 2015, 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 21 OCTOBER 2015**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**B Triming – Access Committee and other matters**

- Noted six members of the Bathurst Regional Access Committee (BRAC) in attendance at the meeting. Thanked Council for the access grants made available.
- Spoke to laybacks in the city and painting of these at Council Chambers and Adventure Playground. Thanked staff for their efforts.
- Congratulated Council on the *Bathurst Says No, I Say No to Domestic Violence* campaign.
- Amalgamations - If Blayney or Oberon have to amalgamate, and it is not done in an agreed format, does this mean cash grants may be lost?

**The General Manager** spoke to IPART report and that it is currently being assessed, including ramification on the availability of incentives.

**B Ogilvie – resident**

Congratulated Council and the people of Bathurst on the successful Bathurst200 celebrations. Then spoke to email sent to Council concerning the expansion of the Illuminate Bathurst event into the future. Noted possible expansion to private buildings and involvement of individuals and businesses. The impact of the expansion could be substantial. Noted lighting events held in Europe.

**G Crisp – ratepayer**

- Thanked Engineers for painting out some misleading traffic signs.
- Statement by Council on Financial Reports, Minute #37 16 September 2015 - Asked when was, or will, the report be exhibited for public comment?

**The Director Corporate Services & Finance** advised the Statements will be

presented to the meeting being held on the first Wednesday in November. The item will be advertised this Saturday regarding Public Exhibition.

- S94 Contribution scheme DEPBS Item #7 - Advised may have an error, population appears to be mixed up with the number of houses.
- Women in Local Government - very supportive of this. Feels Council needs to take action fairly soon.
- In the minutes, investments noted, queried about comments Mayor made. Noted level of unrestricted investments held in the report. Referred to Oberon finance matters.

**The Deputy Mayor** clarified statements made by the Mayor at the last meeting.

**T Stone** – Owner, 110 Hope Street - DEPBS Item # 6, 359 Howick Street

Seeks matter to be deferred till next meeting of Council. Raised queries concerning inconsistencies and feels DA is not compliant. Has concern at loss of privacy, and did not agree to extra fence as proposed. Would like further discussions to occur and requests a site visit of relevant persons.

**P Dowling** – ratepayer

- Noted the Bathurst 1000 race is an opportunity for great Public Relations. Perhaps could have a competition for some ratepayers to get the opportunity to spend time in the corporate box.

**The Deputy Mayor** advised matter will be discussed by Council in the future.

- Howick & George Street Intersection - Advised that tonight this intersection was blocked due to pedestrians. Infrastructure is suffering from city being pushed ahead too quick. Unless something is done, street will be shut down and malls will be put in place. Expressed concern at plantings in round-a-bouts, hedging needs to be shorter.

**The Director Engineering Services** spoke to standards in place. Will follow the matter up.

**E O'Shea and C Stevens** – Bathurst Regional Youth Council

Spoke to report on recent conference. The conference was excellent, with a number of highlights e.g. trip to zoo. Thanked Council for the opportunity.

## **APOLOGIES**

**3**

**APOLOGIES**

**MOVED** Cr M Coote

and **SECONDED** Cr W Aubin

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

**MINUTES****4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 SEPTEMBER 2015 (11.00005)****MOVED** Cr W Aubin and **SECONDED** Cr B Bourke**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 September 2015 be adopted.**DECLARATION OF INTEREST****5** **DECLARATION OF INTEREST 11.00002****MOVED** Cr M Coote and **SECONDED** Cr B Bourke**RESOLVED:** That the Declaration of Interest be noted.**RECEIVE AND DEAL WITH DIRECTORS' REPORTS****Director Environmental Planning & Building Services' Report****6** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr B Bourke and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**7** **Item 2 GENERAL REPORT (03.00053)****MOVED** Cr G Westman and **SECONDED** Cr M Morse**RESOLVED:** That the information be noted.**8** **Item 3 DEVELOPMENT APPLICATION 2015/0181 – SINGLE STOREY DWELLING AT LOT 87 DP1067827, 74 BURRAGA ROAD, ROCKLEY. APPLICANT: P OXENBRIDGE. OWNER: MR T & MRS J OXENBRIDGE (DA/2015/0181)****MOVED** Cr M Coote and **SECONDED** Cr B Bourke**RESOLVED:** That Council:

- (a) having undertaken a review of the application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, as amended, change its decision and grant consent to Development Application 2015/0181 for the erection of a single storey dwelling at 74 Burruga Road, Rockley subject to

conditions including the following:

- The proposed internal roadways to Burruga Road are to be constructed prior the granting of any Construction Certificate for the dwelling.

(b) notify those that made submissions of its decision; and

(c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr G Rush,

Abstain - Nil

- 9** **Item 4 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2014/0506 – DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF SERVICE STATION WITH CONVENIENCE STORE AND ADVERTISING SIGNAGE AT 267 & 269 STEWART STREET, BATHURST. APPLICANT & OWNER: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD (DA/2014/0506)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent to the modification of Development Application No. 2013/0445 made under Section 96(1A) of the Environmental Planning and Assessment Act 1979, as amended; and

(b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr G Rush,

Abstain - Nil

- 10** **Item 5 DEVELOPMENT APPLICATION NO. 2015/0293 - DUAL OCCUPANCY AND TWO LOT STRATA SUBDIVISION AT 270A HAVANNAH STREET, SOUTH BATHURST. APPLICANT & OWNER: WATER TOWER DEVELOPMENTS PTY LTD (DA/2015/0293)**  
**MOVED** Cr G Hanger and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

- (a) support the variation to the height of building standard as prescribed in the

Bathurst Regional Local Environmental Plan 2014 and the corresponding height of buildings map and the number of storeys standard under the Bathurst Regional Development Control Plan 2014; and

- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 2015/0293, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and

- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr G Rush,

Abstain - Nil

- 11** **Item 6 DEVELOPMENT APPLICATION NO. 2015/0158 – CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), TWO LOT SUBDIVISION AND REMOVAL OF A TREE AT 359 HOWICK STREET, BATHURST. APPLICANT: BRETT MOULDS DESIGN AND DRAFTING PTY LTD. OWNER: MR BS ROBINSON (DA/2015/0158)**  
**MOVED** Cr G Hanger and **SECONDED** Cr M Morse

**RESOLVED:** That Council defer DA2015/0158 to enable:

- (a) an inspection of the site to be held by Councillors,  
(b) further consultation with the owners of 110 Hope Street and 359 Howick Street to be held in relation to an appropriate privacy screen, and  
(b) call a division.

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

**The result of the division was:**

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

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

Absent - Cr G Rush,

Abstain - Nil

- 12** **Item 7 DRAFT BATHURST REGIONAL SECTION 94 PLAN FOR RURAL ROADS (AMENDMENT NO. 1) (20.00036)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**RESOLVED:** That Council:







- 24 **Item 8 BATHURST NETBALL ASSOCIATION INC. (16.00119)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

**RESOLVED:** That Council note the early repayment from the Bathurst Netball Association of their loan with Bathurst Regional Council.

- 25 **Item 9 BATHURST RUGBY CLUB INC (04.00112)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

**RESOLVED:** That Council note the early repayment from the Bathurst Rugby Club of their loan with Bathurst Regional Council.

- 26 **Item 10 CARRYOVER WORKS (16.00137)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That the items as identified on the list of carry-over works as at 30 June 2015 be carried over and added to the Management Plan for 2015/2016.

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

- 27 **Item 1 RELEASE OF RESTRICTION AS TO USER - LOT 2 DP1131489 (22.15662)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

**RESOLVED:** That Council authorise the General Manager to sign the documentation that releases the Restriction as to User imposed on Lot 2 DP1131489, 10A Christie Street Raglan.

- 28 **Item 2 CROWN ROADS AT TRUNKEY CREEK (25.00115)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Hanger

**RESOLVED:** That Council approve the transfer of Crown public roads located at the Village of Trunkey Creek, as detailed in the Director Engineering Services' report.

- 29 **Item 3 CLASSIFICATION OF LAND AT MOUNTAIN STRAIGHT, MOUNT PANORAMA (25.00137)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

**RESOLVED:** That Council approve the classification of Lot 192 DP1152952 located at Mountain Straight, Mount Panorama as Operational Land, under Section 31(2) of the Local Government Act 1993, subject to the information contained in the Director

Engineering Services' report.

**Director Cultural & Community Services' Report**

**30 Item 1 BATHURST DISABILITY ACCESS GRANTS (16.00107)**

**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

**RESOLVED:** That Council will provide \$10,000 under the 2015/2016 Bathurst Disability Access Grants for the following applicants:

- (a) Bathurst District Riding for Disabled \$4,360 which is 50% of the project cost.
- (b) Bathurst City Community Club \$5,000 which is 50% of the project cost.
- (c) Bathurst Model Aero Sports Inc \$640 which is 50% of the project cost.

**31 Item 2 BATHURST REGIONAL YOUTH COUNCIL - ATTENDANCE AT YOUTH COUNCIL CONFERENCE, EUROBODALLA SHIRE 11-13 SEPTEMBER 2015 (11.00020)**

**MOVED** Cr M Coote and **SECONDED** Cr J Jennings

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

**32 Item 3 KELSO COMMUNITY CENTRE SEPTEMBER 2015 SCHOOL HOLIDAY ACTIVITIES (09.00026)**

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

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

**33 Item 4 COMMUNITY SPACE YEAR 4 ALL SAINTS COLLEGE (18.00253)**

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

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

**34 Item 5 2015/2016 RURAL VILLAGE IMPROVEMENT PROGRAM (16.00104)**

**MOVED** Cr J Jennings and **SECONDED** Cr M Morse

**RESOLVED:** That Council distribute the 2015/2016 Rural Village Improvement Program funding as follows:

	APPLICANT ORGANISATION	PROJECT SUMMARY	APPLICATION AMOUNT
1	Hill End & Tambaroora Progress Association Inc	No submission received, HETPA in process of winding up.	\$0
2	Rockley & District Community Association	Replacement of guttering and installation of gutter guard to School of Arts Hall.	\$2,850
3	Sofala and District Agricultural &	<ul style="list-style-type: none"> <li>• Renovations to Administration</li> </ul>	\$1,425

	Horticultural Show Society Inc	Office. <ul style="list-style-type: none"> <li>• Improve signage for Showground.</li> <li>• Repairs to pavilions.</li> </ul>	
4	Sofala Progress Association Inc	<ul style="list-style-type: none"> <li>• Electrician to install stove.</li> <li>• Refrigerator for functions.</li> <li>• Trees for Soldiers Walk.</li> </ul>	\$1,425
5	Sunny Corner & District Progress Association Inc	Part payment for materials for roof replacement of Sunny Corner Community Hall.	\$2,850
6	Trunkey Creek Progress Association	Folding tables for Trunkey Creek Hall.	\$2,850
7	Wattle Flat Heritage Lands Trust	Purchase and delivery of crusher dust to enhance the walking path at the Solitary Mine site.	\$1,425
8	Wattle Flat Progress Association	Replace existing wood doors on recreation ground hall with new glass lockable sliding unit.	\$1,425
9	Yetholme Progress Association	<ul style="list-style-type: none"> <li>• Repairs to gas heaters.</li> <li>• Material to do minor paint and touch up work to refresh hall interior.</li> <li>• Landscaping – purchase plants.</li> <li>• New LED light fittings for toilet areas and fit new LED flouro tubes in hall light fittings.</li> </ul>	\$2,850
	<b>TOTAL AMOUNT</b>		<b>\$17,100.00</b>

**35** **Item 6 BATHURST LIBRARY - BOOKLINK (21.00029)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Jennings

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

**36** **Item 7 BATHURST VISITOR INFORMATION CENTRE - PENRITH CARAVAN, CAMPING & HOLIDAY EXPO AT PENRITH - 11-13 SEPTEMBER 2015 (21.00041)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

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

**37** **Item 8 BATHURST LIBRARY - KATH KNOWLES YOUNG LEADERS AWARD (23.00057)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Jennings

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

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

**38** **Item 1 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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

**REPORTS OF OTHER COMMITTEES****Policy Committee Meeting**

- 39**     **Item 1 MINUTES - POLICY COMMITTEE MEETING - 30 SEPTEMBER 2015**  
**(07.00064)**  
**MOVED** Cr B Bourke                             and **SECONDED** Cr G Westman

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 30 September 2015 be adopted.

**Traffic Committee Meeting**

- 40**     **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 OCTOBER 2015**  
**(07.00006)**  
**MOVED** Cr W Aubin                             and **SECONDED** Cr M Coote

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 6 October 2015 be adopted.

**DELEGATES REPORTS**

- 41**     **Item 1 COUNCILLORS MEETING WITH COMMUNITY**  
**GROUPS/REPRESENTATIVES - 9 SEPTEMBER 2015 (11.00019)**  
**MOVED** Cr G Westman                             and **SECONDED** Cr W Aubin

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

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

- 42**     **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH**  
**CONFIDENTIAL REPORTS**  
**MOVED** Cr M Coote                             and **SECONDED** Cr J Jennings

The Deputy Mayor advised that Item #4 of the Director Corporate Services & Finance Confidential report - New Sporting and Recreational Licence Agreement at McPhillamy Park, Mt Panorama - Bathurst Kart Club Inc. was withdrawn.

The Deputy 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	PROPOSED NEW SPORTING AND RECREATIONAL FACILITY LICENCE AGREEMENT - PART LOT 7310 IN DP1139638 LOCATED ON BOUNDARY ROAD BATHURST - BATHURST PIGEON CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	EXPRESSION OF INTEREST - BATHURST TENNIS CENTRE LOCATED ON PART LOT 1 IN DP11657533, PART LOT 10 IN DP1157553 AND PART LOT 7006 IN DP1057676 KNOWN AS 217 DURHAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	NEW COMMERCIAL LEASE AGREEMENT - JOHN MATTHEWS SPORTING COMPLEX CAR PARK - PART LOT 10 IN DP1157553 - ISPY COFFEE VAN	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	NEW SPORTING AND RECREATIONAL LICENCE AGREEMENT - PART LOT 1 IN DP 634401, PART LOT 2 IN DP 634401, PART LOT 1 IN DP 700629, PART LOT 9 IN DP1047248 AND PART LOT 40 IN DP1056379 LOCATED AT MCPHILLAMY PARK MT PANORAMA - BATHURST KART CLUB INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	SALE OF LOT 402 IN DP1150519 KNOWN AS 17 MCGIRR STREET BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
6	PROPOSED PURCHASE OF LAND - 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.
7	2015 BICENTENARY CELEBRATIONS PROJECT - GRAHAM LUPP	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	BLAYNEY TO BATHURST (B2B) CYCLING FESTIVAL	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
9	BATHURST 12 HOUR - TRANSFER OF CONTRACT	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
10	BATHURST 12 HOUR - AMENDMENT TO CONTRACT	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CENTROC TENDER FOR	10A (2) (d) (i) – contains

	LINEMARKING SERVICES	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF 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.
3	TENDER FOR SUPPLY & INSTALLATION OF A TIMING & SCORING SYSTEM AT MOUNT PANORAMA MOTOR RACING CIRCUIT	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	TENDER FOR SUPPLY AND DELIVERY OF ONE 6X4 BITUMEN TRUCK	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	TENDER FOR DESIGN & CONSTRUCTION OF RETAINING WALL, RYAN'S ROAD THE LAGOON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RON CAMPLIN AWARD	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 PROPOSED NEW SPORTING AND RECREATIONAL FACILITY LICENCE AGREEMENT - PART LOT 7310 IN DP1139638 LOCATED ON BOUNDARY ROAD BATHURST - BATHURST PIGEON CLUB (18.00304)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**That** Council approves entering into a new Sporting and Recreational Facility Licence agreement with the Bathurst Pigeon Club for part Lot 7310 in DP1139638 located on Boundary Road Bathurst for a period of five (5) years as detailed in the report.

- b** **Item 2 EXPRESSION OF INTEREST - BATHURST TENNIS CENTRE LOCATED ON PART LOT 1 IN DP11657533, PART LOT 10 IN DP1157553 AND PART LOT 7006 IN DP1057676 KNOWN AS 217 DURHAM STREET, BATHURST**

**(36.00557,04.00013)**

**MOVED** Cr W Aubin

and **SECONDED** Cr G Westman

That Council approves entering into a new Lease agreement with Mr Andrew and Mrs Frances Mitton for part Lot 1 in DP11657533, part Lot 10 in DP1157553 and part Lot 7006 in DP1057676 known as the Bathurst Tennis Centre located at 217 Durham Street, Bathurst for a period of five (5) years, as detailed in the report.

**c** **Item 3 NEW COMMERCIAL LEASE AGREEMENT - JOHN MATTHEWS SPORTING COMPLEX CAR PARK - PART LOT 10 IN DP1157553 - ISPY COFFEE VAN (22.01046 and 04.00013)**

**MOVED** Cr B Bourke

and **SECONDED** Cr G Westman

That Council approves entering into a new Commercial Lease Agreement for part Lot 10 in DP1157553 known as the John Matthews Sporting Complex carpark with Colnic Pty Ltd t/a iSpy coffee for an initial period of one (1) year as detailed in the report.

**d** **Item 4 NEW SPORTING AND RECREATIONAL LICENCE AGREEMENT - PART LOT 1 IN DP 634401, PART LOT 2 IN DP 634401, PART LOT 1 IN DP 700629, PART LOT 9 IN DP1047248 AND PART LOT 40 IN DP1056379 LOCATED AT MCPHILLAMY PARK MT PANORAMA - BATHURST KART CLUB INC. (21.00135)**

The item was WITHDRAWN.

**e** **Item 5 SALE OF LOT 402 IN DP1150519 KNOWN AS 17 MCGIRR STREET BATHURST (22.14003)**

**MOVED** Cr M Morse

and **SECONDED** Cr B Bourke

That Council act in accordance with the report.

**f** **Item 6 PROPOSED PURCHASE OF LAND - MT PANORAMA (22.01943)**

**MOVED** Cr M Coote

and **SECONDED** Cr W Aubin

That Council authorise the General Manager to enter into negotiations with the owners concerning the potential purchase of land at Mt Panorama in accordance with the report.

**g** **Item 7 2015 BICENTENARY CELEBRATIONS PROJECT - GRAHAM LUPP (20.00153)**

**MOVED** Cr M Morse

and **SECONDED** Cr G Hanger

That the information be noted.

- h** **Item 8 BLAYNEY TO BATHURST (B2B) CYCLING FESTIVAL (23.00128)**  
**MOVED** Cr M Coote and **SECONDED** Cr B Bourke

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

- i** **Item 9 BATHURST 12 HOUR - TRANSFER OF CONTRACT (04.00097)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

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

- j** **Item 10 BATHURST 12 HOUR - AMENDMENT TO CONTRACT (04.00097)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

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

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

- k** **Item 1 CENTROC TENDER FOR LINEMARKING SERVICES (07.000174)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

That Council endorse the selection of Avante Linemarking, Central West Linemarking, Complete Linemarking Services and Workforce Road Services for linemarking services.

- l** **Item 2 TENDER FOR CONSTRUCTION OF CIVIL WORKS - EGLINTON RESIDENTIAL ESTATE STAGE 100 (36.00567)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

That Council accepts the tender of Hynash Constructions Pty Ltd, for the construction of Civil Works at Eglinton Residential Estate Stage 100 in the amount of \$1,597,866.00 incl. GST, subject to adjustments and provisional items.

- m** **Item 3 TENDER FOR SUPPLY & INSTALLATION OF A TIMING & SCORING SYSTEM AT MOUNT PANORAMA MOTOR RACING CIRCUIT (36.00562)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Coote

That Council accept the tender of MyLaps Asia Pacific Pty Ltd in the amount of \$146,014.00 (incl GST) for the Supply and Installation of a Timing and Scoring System at Mount Panorama Motor Racing Circuit, subject to adjustments and provisional items.

- n** **Item 4 TENDER FOR SUPPLY AND DELIVERY OF ONE 6X4 BITUMEN TRUCK (36.00559)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

That Council -

- (a) purchase the Mack Metroliner 360 Daycab fitted with the Ausroad Horizontal discharge body from Ausroad Systems with a purchase price of \$426,910, and
- (b) accept the purchase offer of \$27,800 from PVT Sales.

- o** **Item 5 TENDER FOR DESIGN & CONSTRUCTION OF RETAINING WALL, RYAN'S ROAD THE LAGOON (36.00568)**  
**MOVED** Cr J Jennings and **SECONDED** Cr G Hanger

That Council accepts the tender of Webber Concrete Constructions in the amount of \$140,250 inc. GST, subject to adjustments and provisional items.

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

- p** **Item 1 RON CAMPLIN AWARD (23.00017)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Jennings

That Council:

- (a) act in accordance with report in awarding the third Ron Camplin Award,
- (b) affix the Council seal to the Bathurst Regional Council Ron Camplin Award Certificate.

### **RESOLVE INTO OPEN COUNCIL**

- 43** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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

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

- 44** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr M Morse and **SECONDED** Cr G Hanger

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

**MEETING CLOSE****45      MEETING CLOSE**

The Meeting closed at 7.12 pm.

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

**Date:** \_\_\_\_\_ **(18 November 2015)**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
HELD ON 4 NOVEMBER 2015**

**MEETING COMMENCES**

**1 MEETING COMMENCES 8:00 PM**

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

**APOLOGIES**

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

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

**DECLARATION OF INTEREST**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

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

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

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

**5 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH  
CONFIDENTIAL REPORTS**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

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	PROPOSED PURCHASE OF LAND - MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	NEW SPORTING AND RECREATIONAL LICENCE AGREEMENT - PART LOT 1 IN DP 634401, PART LOT 2 IN DP 634401, PART LOT 1 IN DP 700629, PART LOT 9 IN DP1047248 AND PART LOT 40 IN DP1056379 LOCATED AT MCPHILLAMY PARK MT PANORAMA - BATHURST KART CLUB INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

- a** **Item 1 PROPOSED PURCHASE OF LAND - MT PANORAMA (22.06279)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council authorise the General Manager to enter into

negotiations with the owners or their agent concerning the potential purchase of property at Mt Panorama in accordance with the report.

- b** **Item 2 NEW SPORTING AND RECREATIONAL LICENCE AGREEMENT - PART LOT 1 IN DP 634401, PART LOT 2 IN DP 634401, PART LOT 1 IN DP 700629, PART LOT 9 IN DP1047248 AND PART LOT 40 IN DP1056379 LOCATED AT MCPHILLAMY PARK MT PANORAMA - BATHURST KART CLUB INC. (21.00135)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**RESOLVED:** That Council approves entering into a new Sporting and Recreational Licence Agreement with The Bathurst Kart Club Inc. for part Lot 1 in D634401, part Lot 2 in DP634401, part Lot 1 in DP700629, part Lot 9 in DP1047248 and part Lot 40 in DP1056379 located at McPhillamy Park, Mt Panorama for a period of five (5) years as detailed in the report.

### **RESOLVE INTO OPEN COUNCIL**

- 6** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

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

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

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

### **MEETING CLOSE**

- 8** **MEETING CLOSE**

The Meeting closed at 8.44 pm.

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

**Date:** \_\_\_\_\_ (18 November 2015)



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 NOVEMBER 2015

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

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

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

**Financial Implications:** Nil.

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

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

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

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

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during October 2015 (**attachment 1**).
- (b) Applications refused during October 2015 (**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 or Clause 4.6 of Bathurst Regional LEP 2014 approved in October 2015 (**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. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD. OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD (DA/2015/0106)**

**Recommendation:** That Council:

- (a) support the variation to the boundary setback development standard for extractive industries prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0106, 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:
  1. Prior to the issue of any Construction Certificates for civil works the applicant is to submit to Council for approval an Operational Management Plan that includes the following components:
    - (a) A detailed rehabilitation plan;
    - (b) A detailed erosion and sediment control plan (including dust management);
    - (c) A complaints management procedure;
    - (d) A road transport code of conduct; and
    - (e) protocols for dealing with any fuel spills or leaks.
  2. The applicant is to submit three copies of engineering plans, specifications and calculations in relation to:
    - Drainage infrastructure;
    - Property entrance;
    - Internal haul road extension;
    - Intersection construction; and
    - Public road construction.

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

3. Unless the development is exempt under Council's Local Approvals Policy or Bathurst Regional Local Environmental Plan 2014 – Schedule 2, 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 Bathurst Regional Council's Guidelines for Engineering Works prior to any civil works commencing.

NOTE 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary Construction Certificate or certificates have 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 civil works. This may entail alterations to the proposal so that it complies with these standards.

NOTE 4: Evidence of the approval of TransGrid for any works within or new to the existing transmission lines is to be provided prior to approval of the Construction Certificate for these works.

4. The developer is to make a payment to Council of \$150.00 for the provision of each new street sign.
5. The developer is to lodge a bond with Council equal to 5% of the total road civil construction costs at practical completion to be held by Council for a minimum period of 12 months. The bond must be lodged with Council before a Subdivision Certificate will be issued by Council.
6. The payment of \$12.60 per lineal metre for the inspection of the road during construction being a total of \$1,638.00. This monetary contribution is to be paid to Council prior to the issuing of any Construction Certificates.

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

7. The payment to Council of \$136.70 for inspection of rural access.

These fees must be paid at the time of lodgement of any Construction Certificate.

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

8. All stormwater runoff from the proposed development is to be collected on site and conveyed to a legal point of discharge, in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.
9. The developer is to relocate, if necessary, at the developer's cost any utility services.
10. During and after construction, minimum distances from powerlines are to be maintained.
11. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

COLUMN 1	COLUMN 2
Road construction	<ul style="list-style-type: none"> <li>* Following site regrading, and prior to installation of footway services;</li> <li>* Excavation and trimming of subgrade;</li> <li>* After compaction of subbase;</li> <li>* After compaction of base, and prior to sealing;</li> </ul>

	<ul style="list-style-type: none"> <li>* Establishment of line and level for kerb and gutter placement;</li> <li>* Subsoil Drainage;</li> <li>* Road pavement surfacing;</li> <li>* Pavement test results (compaction, strength).</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>* After laying of pipes and prior to backfill;</li> <li>* Pits after rendering openings and installation of step irons.</li> </ul>
New gate – rural crossing	<ul style="list-style-type: none"> <li>* Prior to commencement of excavation works.</li> <li>* After compaction of base and prior to sealing</li> <li>* Road pavement surfacing</li> </ul>
Erosion and sediment control	<ul style="list-style-type: none"> <li>* Prior to the installation of erosion measures.</li> </ul>
All development and/or subdivision works	<ul style="list-style-type: none"> <li>* Practical completion.</li> </ul>

12. Compliance with any requirements of the Roads & Maritime Services (RMS) including the following:

- \* *A basic left (BAL) turn treatment as shown in Figure 8.2 of the Austroads Guide to Road Design: Part 4A is to be provided at the vehicular access intersection with Napoleon Reef Road. The BAL facility is to be sealed and built for an 80km/h environment.*
- \* *The vehicular access is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in Napoleon Reef Road.*
- \* *Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements are to be provided at the vehicular access intersection with Napoleon Reef Road. For an 80km/h speed zone the minimum SISD is 185 metres.*
- \* *Arrange with Bathurst Regional Council for the installation of "Trucks Turning" signs (W5-205) on Napoleon Reef Road at each approach to the extractive industry access. The signs are to be within 170 to 200 metres either side of the access and removed upon closure of the development.*
- \* *To provide suitable storage capacity for the largest class of vehicle accessing the extractive industry, any gate, grid or similar structure installed in the access needs to be setback appropriately (20m for rigid truck and dog trailer) from the edge of Napoleon Reef Road.*
- \* *All required road works are to be completed to the satisfaction of Council prior to operation of the proposed development.*

NOTE: In the event that the RMS speed limit review decreases the speed environment to 60 km/h then the 60 km/h speed limit will apply.

13. The construction of an all-weather vehicular access. Such access shall include:

- a) a gate or stock grid set back a minimum distance of ten metres from the boundary of the land with the public road.
- b) a minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
- c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum

diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

NOTE 1: Any new vehicular access points are to be located such that all RTA stopping sight distances are achieved.

14. The reconstruction of the intersection of Napoleon Reef Road and the unformed Council road including construction of a basic left turn treatment (BAL) in accordance with the provisions of Bathurst Regional Council's Guidelines for Engineering Works.
15. The unformed Council road to be designed as rural roadway in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
16. The external boundary of the extraction area is to be clearly identified by way of readily identifiable survey markers prior to the commencement of any work onsite.

NOTE 1: The survey markers may be offset by up to 10m to avoid damage through movement of equipment and placement of stockpiles beyond the extraction area.

NOTE 2: The survey markers for external boundary of the extraction area are to be maintained until rehabilitation has been completed.

17. The earth bund around Stage 1 of the extraction area is to be constructed, stabilized and vegetated prior to the commencement of extraction.

NOTE: All screening and landscaping vegetation to be locally appropriate native species.

18. The development is to be conducted in accordance with the Ecological Assessment prepared by OzArk Environmental and Heritage Management Pty Ltd (dated April 2015).
19. The development is to be conducted in accordance with the Noise Impact Assessment prepared by Spectrum Acoustics Pty Ltd (dated June 2015).
20. Clearing of native vegetation is prohibited unless it is in accordance with the provisions of the Native Vegetation Act 1993, as amended.
21. Harvesting of firewood for commercial purposes and removal of bush rock is not permitted outside the approved development area.
22. Fencing used to delineate the offset area is to be fauna friendly. Specifically, no chain link or barbed wire is to be used. The distance to the ground from the lowest strand is to be a minimum of 15cm.
23. The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) (MGA co-ordinates, with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for the drainage infrastructure, intersection construction and public road construction.

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

24. Annual extraction is not to exceed 30,000 cubic metres.
25. The total area of the extraction site is not to exceed 230 metres by 80 metres.
26. Hours of operation are to be restricted to:
  - 7am to 6pm – Monday to Friday
  - 8am to 2pm – Saturdays
  - No work on Sundays or public holidays

This restriction applies to all activities associated with the operation of the extractive industry inclusive of extraction of material, screening and transportation of material within and from the site and rehabilitation works.

27. During the carrying out of the proposed works, if any remains or relics are discovered, the developer is to stop works immediately and notify NSW National Parks and Wildlife Service. Any such find is to be dealt with appropriately and in accordance with the National Parks and Wildlife Act 1974, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A representative of the Local Aboriginal Community (preferably an experienced Senior Sites Officer) is to be present during the commencement of the removal of surface material (overburden) in preparation to excavate material for crushing.

28. The payment to Council of an annual contribution for the maintenance of roads in the vicinity of the proposed development in accordance with Council's Section 94 Contributions Plan "Bathurst Regional Traffic Generating Development". The contribution will be calculated using the following formula:

$$\text{Contribution} = \$0.022 \times [\text{loose tonnes hauled}] \times [\text{typical ESA}] \times [\text{haul route length}]$$

Loose tonnes hauled	Total annual extraction volume (in cubic metres) divided by 30%
Typical ESA	Equivalence Standard Axle multiplier (as per Austroads classification)
Haul route length	Distance from a classified road to the property boundary (in this case 1.3 kilometres from Great Western Highway to property boundary)

The Section 94 contribution will be calculated from true certified copies of weighbridge dockets, log books, diary entries and/or other returns or records that show the true quantities of extracted and/or processed material transported from the extraction site.

The applicant is to supply to Council on or before the fourteenth day of September annually for the duration of the development consent for the development's operation, the records of the transported material, certified by a



Company Officer.

Council, upon receipt of such records will, as soon as it can conveniently do so, issue to the applicant an invoice for the Section 94 contribution amount to be paid to Council. Council has, by this condition of consent, the right to inspect and audit the original records relating to the transport of material to or from the development.

NOTE 1: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

29. The applicant is to submit to Council on or before the fourteenth day of September annually an Annual Report that includes (but is not limited to) the following:
- Total extraction volume for the preceding year;
  - A record of any complaints received inclusive of the time and date of the complaint, details of the complainant and complaint and any action taken to rectify the complaint;
  - Progress photos;
30. Except where modified by the conditions imposed upon this consent the development is to be carried out in accordance with:
1. Plans of the development prepared by Macquarie Civil Services.
  2. Statement of Environmental Effects prepared by Barnsons.
  3. Ecological Assessment: Hothams Quarry prepared by Ozark Environmental Heritage and Management.
  4. Environmental Offsetting: Hotham Quarry DA prepared by Ozark Environmental Heritage and Management.
  5. Tree removal outline.
  6. Additional supporting documentation submitted by the applicant.
  7. Noise Impact Assessment prepared by Spectrum Acoustics.
  8. Geotechnical Investigation of the site prepared by the Bathurst Local Aboriginal Land Council.
  9. Report of the Site Walkover Survey prepared by the Wiradjuri Traditional Owners Central West Aboriginal Corporation.

- (c) advise the RMS of its support for the application to reduce the speed limit on Napoleon Reef Road from 80km/h to 60km/h independently of this Development Application;
- (d) notify those that made submissions of its decision; and
- (e) call a division.

**Report: The Site**

Council has received a Development Application (DA) for an extractive industry at Lot 3, DP 226520, Napoleon Reef Road, Napoleon Reef (see location plan at **attachment 1**).

The subject site is 145 hectares and currently contains a number of rural outbuildings. The site is used for a mixture of cropping and sheep grazing.

Access to the site is currently from Napoleon Reef Road and traverses a section of Crown

land.

### The Proposal

The proposal involves the following elements:

1. Extraction of up to a maximum of 30,000 cubic metres per year of hard rock materials (derived from siltstone and bedrock) for use in road construction, roadworks and other civil works;
2. Extraction within a maximum area of 230 metres x 80 metres (18,400m<sup>2</sup> or 1.84 hectares) to a maximum depth of 10 metres;
3. Extension to existing all weather access track from Napoleon Reef Road by approximately 40 metres to the extraction site;
4. Construction of approximately 113 metres of public road (currently unformed Council road) from Napoleon Reef Road to the property boundary;
5. Storage of extracted material in stockpiles (within the extraction site);
6. Use of bulldozers and excavators to extract material and sub-surface rock;
7. Rock crushing using a diesel powered portable crusher and screen of approximately 3m x 12m;
8. Operating hours of 7am – 6pm Monday – Friday, 8am-2pm Saturday;
9. Transportation of materials using trucks with maximum capacity of 33 tonnes and an average frequency of 4 return movements per day;
10. Removal of approximately 64 mature trees.
11. Setting aside an area of 6 hectares within the site as a “biodiversity offset”.

The development predominantly uses existing farm roads to access the quarry site. The quarry site is 1.8 – 2 km by road from Napoleon Reef Road using the existing internal roads.

It should be noted that the proposal originally included provision for blasting on site. The application no longer includes blasting. All material will be extracted using bulldozers, excavators and drill rigs.

The Development Application has been supported by a number of documents and plans as follows:

1. Plans of the development prepared by Macquarie Civil Services (**attachment 2**).
2. Statement of Environmental Effects prepared by Barnsons (**attachment 3**).
3. Ecological Assessment: Hothams Quarry prepared by Ozark Environmental Heritage and Management (**attachment 4**).
4. Environmental Offsetting: Hotham Quarry DA prepared by Ozark Environmental Heritage and Management (**attachment 5**).
5. Tree removal outline (**attachment 6**).
6. Additional supporting documentation submitted by the applicant (**attachment 7**).
7. Noise Impact Assessment prepared by Spectrum Acoustics (**attachment 8**).
8. Geotechnical Investigation of the site prepared by the Bathurst Local Aboriginal Land Council (**attachment 9**).
9. Report of the Site Walkover Survey prepared by the Wiradjuri Traditional Owners Central West Aboriginal Corporation (**attachment 10**).

### **Environmental Planning and Assessment Regulation 2000**

The Environmental Planning and Assessment Regulations provide a statutory regime whereby developments of a certain type that meet certain criteria are considered as "Designated Development". Where a development is considered Designated Development it must be accompanied by an Environmental Impact Statement prepared in accordance with the Regulations and is subject to administrative provisions governing how the application is dealt with.

The relevant parts of the Regulations are discussed below.

### What is Designated Development?

- (1) *Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be Designated development by provision of Part 2 or 3 of that Schedule."*

### Schedule 3 Designated Development

#### 19 Extractive industries

- (1) *Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):*
- (a) *that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*

**The maximum annual extraction proposed will not exceed 30,000 cubic metres as noted in the Statement of Environmental Effects.**

- (b) *that disturb or will disturb a total surface area of more than 2 hectares of land by:*
- (i) *clearing or excavating, or*  
(ii) *constructing dams, ponds, drains, roads or conveyors, or*  
(iii) *storing or depositing overburden, extractive material or tailings, or*

**The applicant has confirmed the following disturbance areas:**

**The extraction site itself will have a disturbance area of 230m x 80m or 18,400m<sup>2</sup>.**

**The internal access road extension will have a disturbance area of 40m x 4m or 160m<sup>2</sup>.**

**The two new crossings will have a total disturbance area of 50m<sup>2</sup>.**

**The public road construction (new access) will have a disturbance area of approximately 1378m<sup>2</sup>.**

**Total disturbance area will be 19,988m<sup>2</sup> (1.9988 hectares).**

- (c) *that are located:*
- (i) *in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*
  - (ii) *within 200 metres of a coastline, or*
  - (iii) *in an area of contaminated soil or acid sulphate soil, or*
  - (iv) *on land that slopes at more than 18 degrees to the horizontal, or*
  - (v) *if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
  - (vi) *within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

**The proposed extraction site is not within 40 metres of a natural waterbody, 200 metres of the coastline or in an area of contaminated soil or acid sulphate soil.**

**The proposal does not involve blasting.**

**The proposed extraction site is not within 500 metres of another extractive industry that has operated in the last 5 years.**

As outlined above, the proposed development does not constitute Designated Development and is therefore being assessed as Local Development.

### **State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007**

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 applies to the State of NSW.

SEPP (MPPEI) prevails over any inconsistencies with any other environmental planning instruments including Bathurst Regional Local Environmental Plan (BRLEP) 2014.

Under the SEPP (MPPEI) the proposed development is defined as an *extractive industry*. The definition of an extractive industry is:

*“The winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include:*

- (a) *turf farming, or*
- (b) *tunnelling for the purpose of an approved infrastructure development, or*
- (c) *cut and fill operations, or the digging of foundations, ancillary to approved development, or*
- (d) *the creation of a farm dam if the material extracted in the creation of the dam is used on site and not removed from the site”.*

It is noted that pursuant to Clause 7(3) of the SEPP, an extractive industry may be carried out with development consent on any land on which agriculture or industry may be carried out. Under BRLEP 2014 agriculture may be carried out in the RU1 Primary Production zone. Accordingly the SEPP enables consent to be granted to the development subject to consideration of the matters contained in the SEPP.

### Part 3 – Development Applications – matters for consideration

#### 12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

*Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:*

(a) *consider:*

- (i) *the existing uses and approved uses of land in the vicinity of the development, and*

***The adjoining and surrounding land use is currently a mixture of rural and rural residential uses. There are also a number of tourist and visitor accommodation establishments within the vicinity of the site. More broadly there are also significant areas in the locality used for forestry purposes as well as conservation purposes (Winburndale Nature Reserve). Issues of potential land use conflict are addressed later in this report.***

- (ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*

***The locality including the subject land and the rural residential areas to the east are dominated by land zoned RU1 Primary Production. The “preferred uses” centre on a continuation of the current uses, although the zoning control table enables a broad range of uses not solely related to dwellings houses and agriculture. They are, however, the dominant uses in the locality.***

***It is noted that the residents group have approached Council regarding the possible re-zoning of the area to an E4 Environmental Living zone and/or R5 Large Lot Residential zone. Whilst Council has not taken any action in relation to this proposal it is noted that under the current E4 zoning agriculture and extractive industries would be considered to be permissible developments. Under Council's current R5 zoning extractive industries are prohibited however agriculture is a permissible use. Accordingly SEPP (MPPEI) would allow extractive industries notwithstanding Council prohibition as it overrides Council's LEP.***

***Council's long term strategy for development of rural land is identified in the Bathurst Region Rural Strategy 2008. The Strategy was adopted by Council in 2008 and further revised in May 2010. The Rural Strategy did not recommend any intensification of rural residential type developments in this locality.***

***It is noted that the residents have also referenced the Evans Shire Local Environmental Planning Strategy prepared in 2004. The Evans Shire Strategy was not adopted by Evans Shire, Bathurst City or Bathurst Regional Council and was ultimately superseded by the BRC Rural Strategy discussed above.***

- (iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and

***Subject to the inclusion of appropriate management controls the development is not considered incompatible with the existing, approved or likely preferred uses in the area. Relevant details are outlined below in this report.***

- (b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and

***The material extracted from the subject site will be crushed and screened and then transported to Bathurst. Agricultural output accounts for a significant part of the local economy. It is considered that the proposed development and the surrounding rural and rural residential land uses, while dissimilar, are compatible and capable of being carried out alongside each other.***

- (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).

***The applicant has proposed a number of mitigating measures aimed at limiting impacts on surrounding land uses including limiting operating hours, introduction of heavy vehicle protocols, construction of earth mounds to limit the visual impact and establishing a biodiversity offset area.***

***These mitigating measures are considered appropriate. Again relevant details are outlined below in this report.***

### **13 Compatibility of proposed development with mining, petroleum production or extractive industry**

- (1) This clause applies to an application for consent for development on land that is, immediately before the application is determined:
- (a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or
  - (b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or  
Note: At the commencement of this Policy, no land was identified as referred to in paragraph (b).
  - (c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.  
Note: Sydney Regional Environmental Plan No 9 - Extractive Industry (No 2-1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.

***There are no existing mines, petroleum production facilities or extractive industries in the vicinity of the subject land.***

***The subject land is not identified on a map as being the location of State or regionally significant resources of minerals, petroleum or extractive materials.***

***The subject land is not identified by an environmental planning instrument as being the location of State or regionally significant resources of minerals, petroleum or extractive materials.***

***The provisions of Clause 13 are therefore not applicable.***

#### **14 Natural resource management and environmental management**

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:*

- (a) *that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*

***The existing internal access road crosses Saint Anthony's Creek at an existing concrete lined bed-level crossing. It will not be necessary to upgrade or replace this crossing. Stone pitched causeways will be installed where the access road crosses minor watercourses adjacent to the extraction site. Advice received from NSW Office of Water is that approval for these new crossings is not required under the Water Management Act.***

***The subject site is NOT identified as being of high or moderately high groundwater vulnerability under Council's DCP. As dry open cut extraction methods will be applied, the risk of ground water disturbance or contamination is considered to be minimal.***

***It will be a requirement that the applicant prepare and implement a soil and water management plan for the development.***

- (b) *that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*

***The applicant has prepared an Ecological Assessment as part of the application. The Assessment has been reviewed and updated as part of the assessment process.***

***The Ecological Assessment concludes that because of the disturbed nature of the subject site the proposed extractive industry will have minimal impact on flora and fauna including threatened species. The site of the works is generally highly disturbed. No trees with hollows were identified on the site reducing the habitat values of the remaining trees. The applicant has identified an environmental offset***

**area on another part of the property that will protect an area of approximately 6 hectares. Conditions can be imposed to manage and mitigate potential off-site impacts.**

- (c) *that greenhouse gas emissions are minimised to the greatest extent practicable.*

**It is anticipated that emissions from plant and equipment will result in the emission of some greenhouse gas however it is not considered necessary to impose specific conditions in relation to greenhouse gas emissions.**

- (2) *Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.*

**The development will result in some clearing of vegetation, whilst the extracted rock material is not an energy resource. Emissions will be limited to machinery associated with quarrying activities and transport.**

- (3) *Without limiting subclause (1), in determining a development application for development for the purposes of mining, the consent authority must consider any certification by the Chief Executive of the Office of Environment and Heritage or the Director-General of the Department of Primary Industries that measures to mitigate or offset the biodiversity impact of the proposed development will be adequate.*

**Not applicable as the proposal is for an extractive industry and not for mining.**

## 15 Resource recovery

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*

**The development will result in limited amounts of waste being generated. The majority of material will be either processed and transported or used for rehabilitation purposes.**

- (2) *Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*

**Given the limited amount of waste generated no specific conditions are considered warranted.**

- (3) *The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to*



*minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

***The volume of waste/spoil will be minimal and refusal on this basis is not considered warranted.***

## **16 Transport**

- (1) *Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:*
- (a) *require that some or all of the transport of materials in connection with the development is not to be by public road,*
  - (b) *limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
  - (c) *require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

***The Statement of Environmental Effects indicates that the proposed extractive industry will generate an average of 4-5 return heavy vehicle movements per day using 33 tonne capacity trucks. This number may well fluctuate given the campaign nature of the extractive process.***

***The haulage route will typically use the existing and proposed internal roadway before turning right onto Napoleon Reef Road. From that point vehicles would generally travel the 1.2 km to the Great Western Highway.***

***It is noted that a number of resident submissions have raised concerns about the adequacy of Napoleon Reef Road to cope with the heavy vehicle movements and at least one resident submission has suggested that the applicant construct a new road to the west using an unformed road to enable access to the Great Western Highway. This particular route would involve construction of approximately 2 km of new roadway as well as new intersection treatments to the Great Western Highway.***

***The applicant has foreshadowed a number of traffic management protocols including driver induction, covering of loads, speed limits on haul roads and main roads and vigilance and courtesy for school bus hours. A condition can be imposed to require the submission of a transport code of conduct for all drivers associated with the operation to formalise these arrangements.***

***Given the relatively low number of heavy vehicle movements proposed it is not considered necessary to impose any other specific conditions (with the exception of those recommended by RMS) in relation to the transport of materials as outlined in Clause 16.***

- (2) *If the consent authority considers that the development involves the transport of*

materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:

- (a) each roads authority for the road, and

**Material from the proposed extractive industry will be transported on public roads, namely Napoleon Reef Road and the Great Western Highway.**

**Council is the roads authority for Napoleon Reef Road. Roads and Maritime Services (RMS) is the roads authority for the Great Western Highway.**

**The Development Application was referred to the RMS for its consideration and comment.**

**It is noted that the applicant has requested a speed review be undertaken on Napoleon Reef Road from the current 80km/h to 60km/h. The RMS has scheduled the review however for assessment purposes the current 80 k/h speed limit applies independent of this Development Application. It is recommended that Council support the reduction in the speed limit from 80km/h to 60km/h.**

- (b) the Roads and Traffic Authority (if it is not a roads authority for the road).

Note: Section 7 of the Roads Act 1993 specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.

- (3) The consent authority:

- (a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and
- (b) must provide them with a copy of the determination.

**RMS did not object to the proposed development but did make the following recommendations:**

- \* **A basic left (BAL) turn treatment as shown in Figure 8.2 of the Austroads Guide to Road Design: Part 4A is to be provided at the vehicular access intersection with Napoleon Reef Road. The BAL facility is to be sealed and built for an 80km/h environment.**
- \* **The vehicular access is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in Napoleon Reef Road.**
- \* **Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements are to be provided at the vehicular access intersection with Napoleon Reef Road. For an 80km/h**

**speed zone the minimum SISD is 185 metres.**

- \* Arrange with Bathurst Regional Council for the installation of "Trucks Turning" signs (W5-205) on Napoleon Reef Road at each approach to the extractive industry access. The signs are to be within 170 to 200 metres either side of the access and removed upon closure of the development.**
- \* To provide suitable storage capacity for the largest class of vehicle accessing the extractive industry, any gate, grid or similar structure installed in the access needs to be setback appropriately (20m for rigid truck and dog trailer) from the edge of Napoleon Reef Road.**
- \* All required road works are to be completed to the satisfaction of Council prior to operation of the proposed development.**

**It is noted that the current sight distances to the east for the newly constructed road are currently in the order of 130 metres. This would be sufficient to deal with the vehicles travelling in the order of 70km/h or the 85<sup>th</sup> percentile speed. The RMS distance of 185 metres is based on the current speed limit of 80km/h. Sight distances of 130 metres would be sufficient for lesser speed limits such as the 60km/h currently being considered by the RMS. In the event that the current speed limit is maintained the sight distance would need to be increased to 185 metres. This issue is examined further later in this report.**

**Council will provide RMS with a copy of the determination.**

- (4) *In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.*

## **17 Rehabilitation**

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*
- (2) *In particular, the consent authority must consider whether conditions of the consent should:*
- (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*

**A condition will be imposed to require a detailed rehabilitation plan prior to the commencement of work on the site. At the end of the quarry's life it is envisaged that it will be revegetated and returned to occasional grazing and cultivation.**

**Council has limited powers under the Environmental Planning and Assessment Act 1979 to require the payment of a security deposit**

***(or similar surety) for the rehabilitation of the site.***

***Requiring the submission of a detailed rehabilitation plan is the only means for Council to ensure that an appropriate level of rehabilitation is achieved.***

- (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*

***The proposed development will generate very little, if any, waste material.***

- (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997), or*

***The principal potential source of contamination from the proposed development will be from fuel or oil spill from plant or equipment. Protocols for management of this issue can be included in the proposed Operational Management Plan.***

- (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

***The principal potential impact on public safety would be from unauthorised access to the site. The extraction site will be fenced to prevent unauthorised access during the operation and rehabilitation stages.***

### **State Environmental Planning Policy (SEPP) (State and Regional Development) 2011**

For a development for the purpose of extractive industry to be classified as State significant, the proposal must either:

- extract more than 500,000 tonnes of material per year;
- have a total resource (the subject of the development application) of more than 5 million tonnes;
- extract from an environmentally sensitive area of state significance; and/or
- have a Capital Investment Value (CIV) exceeding \$30 million.

The proposal does not exceed or trigger any of these thresholds and is therefore not considered to be of State significance.

### **State Environmental Planning Policy (SEPP) No. 33 – Hazardous and Offensive Development**

The only potentially hazardous materials that would be used or stored on the site would be diesel fuel and lubricating oils, both classified as Combustible Liquids (C1). Combustible Liquids (C1) are not considered to be potentially hazardous for the purposes of SEPP 33. No other hazardous materials are proposed to be used on the site.

### **State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land**

Given that the subject site has only been used for agricultural purposes, contamination is unlikely to have occurred. On this basis the land is considered suitable for the proposed and further consideration of potential contamination is not considered necessary.

### **State Environmental Planning Policy (SEPP) No. 44 – Koala Habitat Protection**

SEPP 44 aims to identify areas of potential and core koala habitat as a trigger for further assessment and potentially management. Bathurst Regional Council is listed in Schedule 1 of SEPP 44 which requires that impacts on koalas be assessed.

Potential koala habitat is defined as *areas of native vegetation where the trees listed in Schedule 2 of SEPP 44 constitute at least 15 percent of the total number of trees in the upper or lower stratum of the tree component.*

The subject site contains areas of Ribbon Gum, *Eucalyptus viminalis* which is listed as a favoured tree species under the SEPP. These typically occur along St Anthony's creek although this area is unaffected by the development.

Where land contains potential koala habitat a determination must be made as to whether the land is 'core koala habitat'. Core koala habitat means *an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is females with young) and recent sightings of and historical records of a population .*

Searches undertaken using the OEH Bionet within 10km of the site has not identified any reported sightings. Searches undertaken of the Bathurst Regional Council Threatened Species Database within 5km of the site has not identified any reported sightings. The Ecological Assessment did not note the existence of any koalas on site.

It is concluded that the site does not constitute core koala habitat as identified under SEPP 44. It is noted however that an assessment of significance has still been undertaken for the koala as part of that process.

### **Bathurst Regional Local Environmental Plan 2014**

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

The proposed development is defined as an *extractive industry* . The definition of an extractive industry is:

*"...means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming."*

It should be noted that the proposed development is not defined as a mine . The definition of a mine is:

*"...means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry."*

The key difference between a mine and an extractive industry is that a mine extracts minerals whereas an extractive industry extracts other natural materials such as hard rock.

An extractive industry is permissible with consent in the RU1 Primary Production zone.

The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural and scenic character of the land.*
- *To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.*

In accordance with Clause 2.3 of the LEP Council must have regard to these objectives when determining a Development Application. The development is not considered to be inconsistent or antipathetic to these objectives.

A number of submissions received in relation to the proposed development raised the issue that it is inconsistent with the zone objectives.

An extractive industry is a primary industry production. The development does not fragment or alienate an existing rural holding. Whilst the site does not adjoin a different land use zone it does adjoin land already fragmented by rural residential development. Notwithstanding this the extraction site is located a minimum of 750 metres from the nearest dwelling. Issues of potential land use conflict (e.g. noise and dust) are dealt with later in this report. The extraction site is located away from principle view lines. Short term alteration to the scenic quality of the site itself will be expected. A detailed rehabilitation plan will need to be lodged prior to the commencement of work on the site. Extractive industries of this kind are generally located in rural zones where the resource exists.

#### External Referrals

#### **Roads & Maritime Services (RMS)**

The Development Application was referred to RMS in accordance with Clause 16 of State Environmental Planning Policy (MPPEI) 2007.

RMS did not object to the proposed development but made the following recommendations:

- A basic left (BAL) turn treatment as shown in Figure 8.2 of the Austroads Guide to Road Design: Part 4A is to be provided at the vehicular access intersection with Napoleon Reef Road. The BAL facility is to be sealed and built for an 80km/h environment.
- The vehicular access is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in Napoleon Reef Road.
- Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements are to be provided at the vehicular access intersection with Napoleon Reef Road. For an 80km/h speed zone the minimum SISD is 185 metres.
- Arrange with Bathurst Regional Council for the installation of "Trucks Turning" signs (W5-205) on Napoleon Reef Road at each approach to the extractive industry access.

The signs are to be within 170 to 200 metres either side of the access and removed upon closure of the development.

- To provide suitable storage capacity for the largest class of vehicle accessing the extractive industry, any gate, grid or similar structure installed in the access needs to be setback appropriately (20m for rigid truck and dog trailer) from the edge of Napoleon Reef Road.
- All required road works are to be completed to the satisfaction of Council prior to operation of the proposed development.

RMS is separately considering a request from the applicant to reduce the speed limit on Napoleon Reef Road from 80km/h to 60km/h. RMS is still considering this request but has raised no objections to the development occurring in the existing 80km/h speed environment provided that the above requirements are met.

The proposed intersection of the unformed Council road and Napoleon Reef Road does not currently achieve the required sight distance of 185 metres. The intersection will meet the required sight distance if the speed limit is reduced to 60km/h. On this basis it is recommended that Council:

- a) Support the reduction of the speed limit on Napoleon Reef Road from 80km/h to 60km/h; and
- b) Require additional works to the verges of Napoleon Reef Road to achieve the required 185 metre site distance in the instance that the speed limit is not reduced from 80km/h to 60km/h.

In respect of (b) above, this will require the cutting back of the embankment in the road reserve of Napoleon Reef Road.

It is to be noted that in the event that the speed limit is reduced the embankment works would not be required.

### **NSW Office of Environment and Heritage (OEH)**

The Development Application was referred to OEH at its request. OEH raised no objections to the proposed development but did make the following recommendations in relation to the proposed biodiversity offset:

- That a biodiversity offset package be developed to meet the OEH's Principles for the use of biodiversity offsets in NSW.
- That an appropriate Management Plan be developed to ensure offsets are appropriately managed and funded.
- That the conservation mechanisms to be used in securing the offset be identified.

The applicant has since submitted an Environmental Offsetting Strategy to address the recommendations of OEH (refer **attachment 5**).

An Environmental Offsetting Strategy is not a compulsory requirement unless a Council or government department has a biodiversity offsetting policy or there is a significant impact on threatened species. Neither is the case in this instance. Notwithstanding the applicant has submitted such a strategy based on the OEH request to protect and conserve 6 hectares of the property which contains similar vegetation types as those being removed.

Management practices within this offset area will be established by way of conditions of consent.

### **Fisheries Management Act 1994**

The proposal is not considered to be Integrated Development for the purposes of the Fisheries Management Act 1994 as the development does not impact upon a watercourse.

Stone pitched causeways will be installed where the access road crosses minor watercourses adjacent to the extraction site.

The existing access road crosses Saint Anthony's Creek at an existing bed-level crossing. It will not be necessary to upgrade or replace this crossing.

### **Water Management Act 2000**

The proposal is not considered to be Integrated Development for the purposes of the Water Management Act 2000 as the extraction site is not within 40 metres of a natural watercourse.

Stone pitched causeways will be installed where the access road crosses minor watercourses adjacent to the extraction site. The NSW Office of Water have confirmed in writing that a controlled activity approval is not required for these crossings because they are exempt under Clause 39 of Subdivision 4, and Part 2 of Schedule 5 of the Water Management (General) Regulation 2011.

The existing access road crosses Saint Anthony's Creek at an existing bed-level crossing. It will not be necessary to upgrade or replace this crossing.

### **National Parks and Wildlife Act 1974**

The applicant has commissioned two reports in relation to the potential for the site to contain aboriginal cultural relics.

#### *Report from Bathurst Local Aboriginal Land Council*

A foot survey was undertaken by Aboriginal Sites Officers from the Bathurst Local Aboriginal Land Council on 15 July 2015.

The report prepared by sites officers of the BLAC included a foot survey of the quarry site. The report concludes that the project is not likely to affect any significant known or potential aboriginal cultural heritage features.

#### *Report from Wiradjuri Traditional Owners Central West Aboriginal Corporation*

A foot survey was undertaken by Aboriginal Sites Officers from the Wiradjuri Traditional Owners Central West Aboriginal Corporation on 22 July 2015 and on 22 August 2015.

The report concludes that:

- No artefacts were found in the project site; and
- No site or places of archaeological or Indigenous cultural significance or locations of Potential Archaeological Deposits (PADs) were identified in the project site.

Notwithstanding the above conclusions, the report makes the following recommendations which will be included as conditions of consent:



- A representative of the Local Aboriginal Community (preferably an experienced Senior Sites Officer) is present during the commencement of the removal of surface material (overburden) in preparation to excavate material for crushing.
- The recommendations contained in *Clause 17 Rehabilitation* of the Statement of Environmental Effects (SEE) are adopted [assessment under Clause 17 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007].

It is noted that there remains a positive obligation on the owners under the National Parks and Wildlife Act 1974 in relation to the protection of any unfound or unidentified aboriginal artefacts.

It is also noted that the process undertaken is consistent with that outlined in Section 10.10 Aboriginal Heritage of the Bathurst Regional Development Control Plan 2014.

### **Crown Lands Act 1989**

The existing site access crosses a parcel of Crown land. This access predates the current application.

The Department of Primary Industries (Lands Division) has advised the applicant that if they wish to continue using this access they would need to legally formalise this access. Alternatively they will need to cease using it and establish an alternate access.

The applicant has chosen to establish an alternate access to the site via an unformed Council controlled road running along the northern boundary of the parcel of Crown Land. Once the alternate access has been constructed, use of the original access over the parcel of Crown Land will cease. The development will not be able to commence until the new access is constructed.

### **Status of Napoleon Reef Road**

It is noted that the Department of Lands also lodged an objection to the Development Application on the basis of the Department's belief that Napoleon Reef Road is a Crown road.

Searches undertaken by Council have revealed that Napoleon Reef Road is a Council road. The Department has been advised of this search and no further correspondence in relation to the matter has been forthcoming.

### **Native Vegetation Act 2003**

Under the Native Vegetation Act 2003 all clearing of remnant native vegetation or protected regrowth requires approval unless it can be considered as exempt.

Remnant vegetation is any native vegetation other than regrowth. Regrowth means any native vegetation that has regrown following a lawful clearing event since the earlier of 1 January 1990 or the date specified in any Property Vegetation Plan.

In addition certain activities commonly referred to as Routine Agricultural Maintenance Activities can be carried out without consent. These include common agricultural activities such as fences, dams and farm roads.

The provisions of this Act are administered by the NSW Office of Environment and Heritage (OEH) and by NSW Local Land Services (LLS) for broad scale agricultural land clearing and

by Local Government when associated with development that requires development consent.

It is noted that resident submissions note recent clearing on the property predating the current Development Application.

As the tree clearing to date is not directly attributable to the current application it is ultimately a matter for other Government Departments to determine whether it is consistent with the Native Vegetation Act.

The clearing of vegetation proposed under this application is addressed later in this report.

### **TransGrid**

A TransGrid power line traverses the site through an easement over the property. The existing access into the property through the Crown land generally follows this power line.

The proposed new road includes works near this power line.

Both Council and the applicant have consulted with TransGrid in relation to the construction of the new access road under the transmission line. TransGrid officials have also met on site to examine the access proposal.

Preliminary advice has been received by Council noting TransGrid Easement Guidelines for Third Party Development.

The Guidelines allow for certain activities to be approved by TransGrid subject to detailed assessment including:

- Roads, subject to horizontal and vertical clearances. Restrictions and other conditions on consent may also apply.

*Note: Roads located within 20 metres of any part of a transmission line structure will not be approved.*

*Where it is proposed that a road passes within 30 metres of a transmission structure or supporting guy, TransGrid may refuse consent or impose restrictions and other conditions on consent. Where a road passes within 30 metres of a transmission structure or supporting guy, the structure's earthing system may require modification for reasons including, but not limited to, preventing fault currents from entering utility services which may be buried in the road. The option of raising conductors or relocation of structures, at the full cost of the proponent, may be considered.*

- Cycleways, walking tracks and footpaths, provided *standard clearances* are maintained and the proposal does not alienate large sections of the easement area.
- Excavation – subject to restriction criteria.

*Note: Substantial excavations located within 10 metres of a general purpose pole structure or supporting guy, or within 20 metres of any part of a steel tower or major pole structure and exceeding a depth 3 metres will not be approved.*

- Quarrying activities, earthworks, dam or artificial lake construction.
- Vehicle access or parking facilities.

*Note: Vehicle access and/or car parking facilities will not be approved if within 30 metres of a TL structure without adequate precautions provided to protect the structure from any accidental damage.*

*Note 1: An encroachment or activity that is located outside the prohibited distance of the infrastructure but still within the easement will not necessarily be permitted. It will generally need to be addressed in the Impact Assessment and remains subject to TransGrid prior consent.*

*Note 2: The above list is not exhaustive and if there is any uncertainty as to whether an activity or encroachment is acceptable within an easement, please contact TransGrid. TransGrid may impose additional conditions or restrictions on proposed development.*

The applicant is currently providing details to TransGrid to enable this detailed assessment.

### **Protection of the Environment Operations Act 1997**

Annual extraction will not exceed 30,000 cubic metres (45,000 tonnes) therefore the proposal is not a Scheduled Activity under the Protection of the Environment Operations Act 1997 and does not require an Environmental Protection Licence.

### **Bathurst Regional Development Control Plan 2014**

#### **Chapter 2 Exhibition and Notification of Development Applications**

In accordance with Section 2.3 *Notified Development* of the Bathurst Regional Development Control Plan 2014, the Development Application was notified to twelve (12) adjoining and adjacent property owners from 9 April 2015 to 20 April 2015. It is noted that submissions have suggested that the notification process was inadequate and that all residents in the vicinity should have been notified in the first instance. Nonetheless, the notification process undertaken was in accordance with the DCP at the time which required notification to adjoining owners only.

The Development Application was re-notified in June 2015 and again in September 2015 following receipt of additional and amended documentation. Additional submissions were received after both of the re-notification periods.

A Discussion Forum was held on 1 July 2015. A further Discussion Forum was held on 4 November 2015. Issues raised in the submissions and at the Discussion Forums included:

- Noise
- Increased traffic, road safety and the adequacy of Napoleon Reef Road
- Dust
- Amenity
- Zoning and rating categories
- Visual impact
- Impact on biodiversity including threatened species (Purple Copper Butterfly, also known as the Bathurst Copper Butterfly)
- Inconsistency with zone objectives
- Clearing of vegetation
- Erosion and sediment control
- Impact on tourism
- Impact on heritage
- Accuracy and adequacy of ecological assessment and environmental reports

- Impact on property values
- Access to water
- Impact on existing rural residential lifestyle in the area
- Inadequate notification to all residents

All submissions received as a result of the 3 notification periods up to the date of the 4 November Discussion forum were attached to that Discussion Forum report (see attachments for 4 November Policy meeting at the following web address <http://buspapers.bathurst.nsw.gov.au/live/council%20papers%20web%20ver%201.0.nsf>). All submissions received after the November Discussion Forum was prepared, and up to the preparation of this report, are provided at **attachment 11**. The issues raised are addressed within this report.

## **Bathurst Development Control Plan 2014**

### **Chapter 6 Rural and Rural Lifestyle Development**

Chapter 6 of the DCP applies to land in the RU1 Primary Production Zone

#### **Part 6.2.3 Setbacks**

The DCP prescribes a minimum setback of 150 metres from property boundaries for extractive industries.

The extraction site will be approximately 400 metres from the eastern and western boundaries but will only be 12 metres from the northern boundary (136 Mersing Road).

The applicant's Statement of Environmental Effects and supporting documentation provides a basis for considering a variation to the 150 metre minimum setback on the northern boundary.

In accordance with Part 1.7 of the DCP Council may grant consent where it is satisfied the compliance is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the departure.

In this particular case the variation is supported for the following reasons:

- The location offers the most usable resource with the least vegetation removal.
- Alternate compliant locations would result in more significant vegetation removal and a less usable resource.
- The location is the furthestmost point on the subject property from the majority of non-associated residences.
- The dwelling on 136 Mersing Road is approximately 1km to the west of the extraction site.
- The adjoining property to the north is heavily vegetated and has steep terrain.

The owner of the adjoining property was notified of the application and did not provide any comments.

Submissions received have raised concerns as to the proximity of the proposed development to their residences. Notwithstanding that the property boundary may adjoin existing rural residential properties, the extraction site itself, as mentioned above, is located approximately 400 metres from the eastern and western boundaries. The nearest dwelling to the extraction site is located approximately 775 metres from it.

The proposed entrance to the property is 100 metres from the nearest dwelling. The only activity occurring on this part of the site will be vehicles entering and leaving the property.

## **Chapter 9 Environmental Considerations**

Chapter 9 of Council's DCP applies to all land within the LGA. The DCP identifies key land features which require consideration as part of the assessment of the Development Application. These land features are based on high level mapping undertaken by various Government Departments.

### **9.2 Land Resources**

DCP Map No. 29 – Land Resources identifies the following:

- Land that is Land Capability Class 8;
- Land that is Karst Extent; and
- Land subject to salting.

None of the above sensitive land areas have been identified on the subject site.

### **9.3 Riparian Land and Waterways**

DCP Map No. 30 Riparian Land and Waterways identifies sensitive waterways and land 40 metres either side of sensitive waterways.

St Anthony's Creek runs through the subject site. The creek and some small tributaries are identified on the subject site as being sensitive waterways.

The existing access road crosses St Anthony's Creek at an existing bed-level crossing. It will not be necessary to upgrade or replace this crossing. Stone pitched causeways will be installed where the access road crosses minor watercourses adjacent to the extraction site. Advice received from NSW Office of Water is that approval for these new crossings is not required.

The extraction site itself is located more than 40m from the nearest stream and will be bunded enabling silty water to be contained on site and for clean water to be easily diverted around the quarry.

In this regard the development achieves the environmental outcomes to protect the natural water flows, water quality, bed and bank stability and functions of riparian land.

### **9.4 Biodiversity**

DCP Map No. 31 Biodiversity identifies land that is of high or moderate biodiversity sensitivity.

Areas of moderate biodiversity sensitivity have been identified on the subject site.

An Ecological Assessment has been submitted with the Development Application to address the impact of the proposal on native flora and fauna. The report concluded that the impact of the proposed quarry on the listed threatened species and communities would not be significant.

Vegetation removal has been quantified and it has been determined that the trees to be removed will not have a significant environmental impact.

The applicant proposes a biodiversity offset of 6 hectares. The proposed offset will conserve 3 hectares for every 1 hectare of disturbance area.

In this regard the development achieves the environmental outcomes to protect biodiversity, ecological processes and threatened species.

See below for more detailed information in relation to flora and fauna.

### **9.5 Groundwater**

DCP Map No. 30 Riparian Land and Waterways identifies land that has high or moderately high groundwater vulnerability.

The subject site and its surrounds are not identified as having high or moderately high groundwater vulnerability.

As dry open cut extraction methods will be applied, the risk of ground water disturbance or contamination is considered to be minimal.

### **9.6 Flooding**

The extraction site itself is unlikely to be subject to flooding given its elevation above St Anthony's Creek and its tributaries. The crossing over St Anthony's creek may experience minor localised flooding however the duration of such flooding would be short and operations would need to be suspended during such events as this section of the property would be inaccessible.

### **9.7 Bush Fire Prone Land**

The subject site is identified as being bush fire prone land.

The applicable legislation and the applicable guidelines (*Planning for Bush Fire Protection*) do not make specific provision for this type of development in a bush fire prone area. However it is considered that the bush fire risk from the proposed development is minimal.

### **9.8 Flora and Fauna Surveys**

An Ecological Assessment which included a detailed flora and fauna assessment has been submitted with the Development Application to address the impact of the proposal on native flora and fauna (see discussion later in this report).

## **Other Issues**

### **Access**

Access to the extraction site within the property boundary will be via existing internal gravel tracks. These tracks predate the current Development Application. The existing track will need to be extended by approximately 40 metres into the extraction site.

It will also be necessary for the applicant to construct approximately 113 metres of public road (currently a partly formed Council road) from Napoleon Reef Road to the property boundary. This section of road will be designed and constructed to Council's adopted rural road standard (bitumen seal) and to the requirements of RMS (outlined above).

This new road is currently partly formed and is used as access to 163 Napoleon Reef Road (Chandler property).

It should be noted that the applicant will need to construct this new public road access regardless of whether or not the extractive industry is approved due to the position taken by the Department of Lands in relation to the use of the Crown reserve to access the property.

### **Historical Zoning of Hillview Estate**

Evans Shire Interim Development Order (IDO) No.1 came into effect in 1980. Under that Plan the subject site and what is now known as Hillview Estate was zoned Rural "1A". Under the provisions of the Evans IDO agriculture was permissible without consent and extractive industries were permissible with consent.

In 1982 Evans Shire Council amended its LEP to enable the subdivision of what is now the Hill View Estate. Under that LEP extractive industries became a prohibited use. This prohibition only applied to the Hill View Estate and not the surrounding lands. Agriculture remained permissible without consent.

In 2005 Bathurst Regional Council adopted the Bathurst Regional (Interim) Local Environmental Plan 2005. This LEP zoned Hill View Estate and the adjoining land 1(e) Outer Rural. Extractive Industries were permissible with consent. Agriculture was permissible without consent.

Under Council's current planning instrument, the Bathurst Regional Local Environmental Plan 2014, the Hillview Estate and surrounding land is zoned RU1 Primary Production. Extractive industries are permissible in the RU1 Primary Production zone. Agriculture is permissible without consent.

As outlined above the zone of the Hillview Estate and surrounding area has been rural throughout the successive planning instruments with only minor changes to the title of the zone between instruments and little, if any, changes to its purpose, aims or objectives.

Despite the zone of land and any associated prohibitions pursuant to a Local Environmental Plan (or similar instrument), State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 permits extractive industries on any land where agriculture or industries are permissible. This would have the effect of overriding any of the abovementioned local provisions.

The submissions received have raised concerns about the appropriateness of the RU1 Primary Production zone to the Hillview Estate. It should be noted that whether or not Council applied a different zone to the Hillview Estate it would not apply such a zoning to the subject land. The subject land would remain zoned RU1 Primary Production and extractive industries would remain a permissible use.

Notwithstanding the past, current or future zoning of the Hillview Estate, its use for rural residential purposes will remain unchanged, although an increase in residential densities would not be supported by Council's Rural Strategy.

The question is not one of whether the right zoning has been applied to the Hillview Estate, the question is whether or not the proposed extractive industry will impact on existing residences. This report seeks to address that question amongst other things.

### **Site Clearing**

The applicant has provided detailed information on the trees to be removed specifically as a result of developing the quarry and constructing the new access. Six trees will be removed to construct the new entrance, 27 trees will be removed to facilitate Stages 1 and 2 of the operation and 31 trees to facilitate Stage 3 of the operation. The trees once removed will be chipped and reused on site.

## **Flora & Fauna**

A Flora and Fauna assessment was completed on behalf of the applicant by OzArk. The report has been reviewed and amended as part of the assessment process and supplemented by further information regarding the biodiversity offset area.

The assessment involved a foot survey of the quarry site as well as general observations taken regarding the site. In addition to the site assessment a review of other recognised databases including the NSW BioNet (formerly known as the Wildlife Atlas) and the Bathurst Threatened Species Database identified a broader range of potentially threatened flora and fauna to enable the biodiversity impact assessment.

Based on the available databases and document reviews, a total of 84 threatened species and communities have been previously recorded or have the potential to occur in the study area.

The desktop assessment concludes that of these 84 species and communities there are 51 threatened species that have the potential or are likely to occur in the study area.

The assessment considered the vegetation communities present on site, the condition of the vegetation communities and looked for and assessed the likelihood of threatened flora species being present on site. A similar assessment was undertaken for fauna species, what was present on site at the time of the site inspection and the likelihood of threatened species being present or using the site and its habitat resources.

Based on the surveys undertaken a total of 27 threatened species were identified as requiring assessment of significance under either NSW legislation (25 species) commonly referred to as a "7 part test" or Commonwealth legislation (6 species).

The Assessment of flora and fauna identified one threatened species (*varied sittella*) on the site during the site inspection and acknowledged that Gang-Gang Cockatoo's have been observed on site and that multiple threatened fauna species are considered highly likely to occur or have habitat on the site.

The Flora & Fauna assessment includes the applicants "7 part test" for the identified species. Council officers have reviewed these findings and concur with the findings.

Based on the application of the "7 part test" it is determined that the impact of the quarry would not have any significant impact on the threatened species that may use the area.

## **Bursaria/Bathurst Copper Butterfly**

The Bathurst Copper Butterfly is known to occur within the vicinity of the site. The Butterfly is listed as an endangered species under NSW legislation and vulnerable under Commonwealth legislation.

The Bathurst Copper Butterfly is one of Australia's rarest butterfly species and is only found between Bathurst and Hartley in the Central Tablelands of NSW. The Bathurst Copper Butterfly is restricted to elevations above 900 metres where it feeds exclusively on a form of



Blackthorn or *Bursaria Spinosa subsp, lasiophylla* . The Bathurst Copper Butterfly has a mutualistic relationship with a species of small black ant, *Anonychomyrma itinerans* , which protect the caterpillar from predation and host the pupae within their nest (**Source: Bathurst Copper Butterfly Recovery Plan**).

The distribution of the Bathurst Copper Butterfly is discussed in the Bathurst Copper Butterfly Recovery Plan as follows:

*The distribution of the butterfly is specifically limited by elevation. All sites where the butterfly has been located are above 900 metres elevation. Its host plant, native Blackthorn, Bursaria Spinosa subsp, lasiophylla, is an altitudinal variant of the widespread and common species and is generally only found above 900 metres. Although the attendant ant, Anonychomyrma itinerans, has a wider distribution than the butterfly it too is restricted to regions above 900 metres in altitude. Given the reliance on elevation of both the host plant and attendant ant, the distribution of the Bathurst Copper Butterfly would always have been restricted by the distribution of these associated species. The distribution of the species may have been significantly reduced, the present distribution now representing refuges from climate changes.*

The potential for Bathurst Copper Butterfly to occur on the site is therefore a factor of the elevation (above 900 metres), the availability of *Bursaria* and the ant being on site.

The extractive industry site is located on land in the vicinity of 800 to 820 metres. The highest parts of the site (near the intersection with Napoleon Reef Road) is in the order of 850 metres. Areas around The Ridgeway are in the vicinity of 890-900 metres. The areas to be impacted by the development are therefore below the area of distribution identified in the Recovery Plan.

The other factor influencing the distribution of the Bathurst Copper Butterfly is the availability of its host plant – *Bursaria spinosa*. The Ozark site survey found that there were no *Bursaria* plants on the effected parts of the site. Council's own observations support this conclusion. The absence of *Bursaria* means that the Purple Copper butterfly will also be absent from the site.

It is noted however that an assessment of significance was not undertaken for Bathurst Copper Butterfly due to the absence of *Bursaria* on site.

### **Biodiversity Offset**

The applicant will set aside 6 hectares for the life of the development as a Biodiversity Offset. This Offset is not required by Council policy or NSW Government Legislation. The area of the Offset is located at the southern end of the property and contains a creek and part of a dam. The vegetation communities located in the offset area are in better condition than the area to be quarried as the shrub and forb layers are more intact. The offset area will be fenced and stock excluded, unless the area is being crash grazed for bushfire hazard reduction purposes. The Offset meets the principles of the OEH Biodiversity Offset Strategy.

### **Dust**

Dust may be associated with aspects of the quarry's operations. Firstly, heavy vehicles moving to and from the quarry during the hours of operation on the internal gravel road may generate some dust. This can be managed by the substrate used to line the road and by the use of water cart if dust becomes an issue.

The second source of dust would be from quarry operations and the winning of material and

movement of vehicles. The quarry is approximately 775 metres from the nearest dwelling and it is unlikely that dust will be a cause of concern for neighbours as most dust will settle before reaching such residences. However, if dust becomes an issue a water cart will be used for suppression.

A condition will be imposed to require the submission of a detailed dust management plan.

## Water

The operations at the quarry will not have a high demand for water as the processing/crushing of the rock will be a dry operation. It is proposed that any water that falls within the bunded quarry area is to be stored within a sedimentation basin and reused for dust suppression across the operations.

If water is required for the operations and there is no stored water on the site, water from dams on the property will be used. NSW Office of Water has indicated that they do not have concerns with the possible use of water from dams. It is not planned that water from the Saint Anthony's Creek or ground water will be used.

## Noise

A Noise Impact Assessment was completed for the proposed development by Spectrum Acoustics.

The modelling has been based on the use of heavy machinery to extract material and use of diesel powered portable rock crushers on site. The modelling also includes the heavy vehicle movements within the site and along Napoleon Reef Road.

It is noted that the Noise Impact Assessment has adopted a background noise level of 30dBA for all properties in lieu of actual noise monitoring.

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 dBA. 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).

Based upon background noise level of 30dB(A) for all receivers a 35dB(A) intrusiveness criterion has been adopted for all properties (i.e. background plus 5 dB(A)).

The modelling indicates that none of the identified receivers will be adversely impacted by the noise associated with the development, with all properties modelled unlikely to reach the 35dB(A) intrusive criteria.

	Address	Distance	Intrusiveness Criterion dB(A), L <sub>eq (15 min)</sub>	Predicted Operational dB(A), L <sub>eq (15 min)</sub>	Compliance
R1	126 Winburndale Dam Road, Napoleon Reef	800m (approx.) to extraction site	35	<25	Yes
R2	136 Mersing Road, Glanmire (Dwelling 1)	1027m (approx.) to extraction site	35	27	Yes

R3	136 Mersing Road, Glanmire (Dwelling 2)	1114m (approx.) to extraction site	35	26	Yes
R4	134 Mersing Road, Glanmire	775m (approx.) to extraction site	35	29	Yes
R5	39 The Ridgeway, Napoleon Reef	1625m (approx.) to extraction site and 100m (approx.) to Napoleon Reef Road	35	<25	Yes

The report also considered the impact of road noise. The NSW government has set the criteria for disturbance by road noise at 55dB(A)(L<sub>eq55</sub>) for day time. The most impacted property is identified as R6 (45 Napoleon Reef Road) being only 70m from Napoleon Reef Road. Based on the modelling and calculations, R6 would receive noise levels below those recommended in the NSW Road Noise Policy. It is noted that those properties closest to Napoleon Reef Road would already be subject to road noise to a certain degree. The increase in noise levels associated with an average of 8 to 10 vehicle movements a day would be considered negligible.

	Address	Distance	Intrusiveness Criterion dB(A), L <sub>eq</sub> (1 hour)	Predicted Operational Level dB(A), L <sub>eq</sub> (1 hour)	Compliance
R6	45 Napoleon Reef Road, Napoleon Reef	70m (approx.) to Napoleon Reef Road	55	47.3	YES

The issue of the impact of wind was raised at the Discussion Forum.

The Industrial Noise Policy states that "where there is less than 30% or more occurrence of wind below 3m/s wind is not included in the noise prediction calculation". The Noise Assessment has been determined using wind data for Bathurst being the nearest source of data. The data reveals that there is less than a 30% occurrence of wind of up to 3m/s and therefore wind has not been considered in the assessment of noise impacts.

The wind data used to arrive at this determination is the most recent data available from the nearest weather station to the site and is therefore considered appropriate.

### Property Values

Property values are not a valid planning consideration as they are not a matter prescribed by section 79(C) of the Environmental Planning and Assessment Act 1979. This position has been long established in the NSW Land and Environment Court.

### Impact on heritage

There are no listed heritage items in the immediate vicinity of the subject site. Impact on the landscape and natural heritage has been addressed elsewhere in this report.

### Impact on tourism

Claims that the proposed extractive industry will have an adverse impact on tourism in the locality have not been substantiated.

## **Visual impact**

The development will be visible from some properties within the Hill View Estate, principally those on the western side and northern end of The Ridgeway. The closest of these properties is in the order of 1.4km from the quarry.

The development includes a 4 metre high earth bund around Stage 1 of the extraction site. This bund will be vegetated to provide further screening and to protect it from erosion. The vegetated earth bund will screen the extraction site from properties in The Ridgeway that have a direct line of sight. Rehabilitation of the site will be required at the end of its life.

## **Erosion and Sediment Control**

A condition of consent will be imposed to require the submission of a detailed erosion and sediment control plan (soil and water management plan), particularly in relation to the potential for erosion at the extraction site and sediment movement from vehicles entering and leaving the site.

## **Accuracy of Environmental Reports**

Many submissions have questioned the accuracy of the environmental reports submitted by the applicant as part of the Development Application.

During the assessment process Council has requested additional information from the applicant where gaps were identified.

Council officers have reviewed and analysed the information provided and have provided their assessment of the proposal in this report.

## **Impact on Existing Rural Residential Area**

The existing rural residential area must be considered in the assessment of this application in terms of the potential for land use conflict between it and the proposed extractive industry.

This report identifies that any potential for land use conflict is minimal, especially in terms of noise. Conditions of consent are recommended to ensure that any potential impacts are mitigated.

It should be noted that the Bathurst Region Rural Strategy does not recommend the intensification of rural residential opportunities in this locality. Other than any existing properties with existing dwelling entitlements, there is limited ability for new residential development in this locality.

## **Adequacy of Napoleon Reef Road**

Earlier in this report the new access onto Napoleon Reef Road was examined. Resident submissions have raised concerns about the adequacy of Napoleon Reef Road to cater with the proposed development particularly in terms of increased traffic and its impact on road safety (particularly in relation to pedestrian use of the roadway).

The development will, on average, generate 8 to 10 vehicle movements per day. This approximates the average number of traffic movement generated by a single dwelling (as per RMS Traffic Generating Guidelines). Thus whilst these movements will be heavy vehicle movements they generally will not be greater in number than the average number generated

by a new dwelling.

Napoleon Reef Road does not have footpath verges. Like all rural roads in the LGA, pedestrian traffic would share the carriageway with vehicular traffic. Given the number of residences in this locality and the resident's desire to use the road for recreation, it is recommended that Council support the reduction in the speed limit from 80km/h to 60km/h regardless of whether or not this development proceeds.

Many driveways off Napoleon Reef Road and existing public road intersections already have poor sight distances and these would also benefit from a reduction in the speed limit.

In terms of the impacts of heavy vehicle movements on the roadway, a condition will be imposed requiring the payment of an annual contribution in accordance with Council's Section 94 Contributions Plan – Traffic Generating Development. These contributions will be used for maintenance of the roads in question. The annual contribution payable is estimated to be in the order of \$8,000 per year if the maximum volume of extraction is achieved by the development in a year.

### Conclusion

Council has received a Development Application for an extractive industry at Lot 3, DP 226520, Napoleon Reef Road, Napoleon Reef. The development involves extraction of up to a maximum of 30,000 cubic metres per year of hard rock materials (derived from siltstone and bedrock) for use in road construction, roadworks and other civil works. Extraction will be within a maximum area of 230 metres x 80 metres (18,400m<sup>2</sup> - 1.84 hectares) to a maximum depth of 10 metres. The development includes extension to existing all weather access track from Napoleon Reef Road and construction of a public road (currently unformed Council road) from Napoleon Reef Road to the property boundary. The application was originally notified to twelve adjoining and adjacent property owners and a significant number of submissions were received. Following receipt of additional and amended documentation the Development Application was re-notified in June 2015. Additional submissions were received after the re-notification period. Following receipt of the additional documentation and amended plans Council again re-notified the Development Application to all those who previously lodged submissions in September/October 2015. Additional submissions were received after this re-notification period. Two Discussion Forums have been held in relation to the application. Issues raised in the submissions and at the Discussion Forums have been addressed in this report. As outlined in this report, the proposed development complies with the applicable standards and it is therefore recommended that approval be granted.

**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. 2015/0158 – CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), TWO LOT SUBDIVISION AND REMOVAL OF A TREE AT 359 HOWICK STREET, BATHURST. APPLICANT: BRETT MOULDS DESIGN AND DRAFTING PTY LTD. OWNER: MR BS ROBINSON (DA/2015/0158)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0158, 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) A landscape plan is to be provided prior to the issuing of a Construction Certificate. The landscape plan must include a temporary lattice screen structure set in front of the existing fence and not attached to it and that achieves a height of 1.5 metres above the existing fence for the full length of the rear boundary of the proposed new lot.

The landscape plan is to include vegetation species that will have a mature height of 3.5 metres to 4 metres. This vegetation is to provide a permanent landscape buffer. When this vegetation is established to the height of the temporary lattice structure the structure may be removed.

All vegetation is to be planted prior to the issuing of a Final Occupation Certificate for the dwelling;

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

**Report:** The Site

Council has received a Development Application (DA) for construction of a dual occupancy (second dwelling), two lot subdivision and removal of a tree at 359 Howick Street, Bathurst, described as 11, DP 628595. A location plan is provided at **attachment 1**.

The site is currently 1004 square metres and contains an existing dwelling and detached garage.

The site slopes from Howick Street to the rear.

The proposal

The proposal involves:

- Construction of a single storey dwelling with attached garage (dual occupancy);
- Two lot subdivision; and
- Removal of a tree.

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

Previous Consideration

The Development Application was considered by Council at its meeting held 21 October 2015. Council at that meeting resolved to defer DA2015/0158 to enable:

- a) an inspection of the site to be held by Councillors, and
- b) further consultation with the owners of 110 Hope Street and 359 Howick Street to be held in relation to an appropriate privacy screen.

Council's previous report to the October 2015 meeting is at **attachment 3**. The Development Application has not materially changed and accordingly the overall assessment remains valid.

#### Site inspection

A site inspection was held with Councillors and the developers on 3 November 2015. Councillors Rush and Hanger attended that site inspection.

#### Second Discussion Forum

Council held an internal discussion forum on the 2 November 2015 with the applicant and the owner of 110 Hope Street to discuss the issue of privacy. The minutes of that discussion forum are at **attachment 4**. The preferred option from this meeting was for the applicant to provide a temporary lattice screen as a separate structure to the fence. The screen is to sit 1.5 metres above the height of the existing fence. The screen structure is to be shown on the landscape plan. The applicant is to provide a vegetation screen in the long term on this boundary of the property. This vegetation screen is to have a height of 3.5-4 metres. The screen may be removed when the vegetation reaches the height of the screen. The landscape plan will be approved by Council's Parks and Recreation section prior to the issuing of a Construction Certificate. The screen and vegetation will need to be installed prior to any Occupation Certificates being issued.

#### Conclusion

Council has received a Development Application for the construction of a second dwelling (dual occupancy), two lot subdivision and removal of a tree at 359 Howick Street, Bathurst.

The primary issue relates to potential impacts on privacy for the owner of 110 Hope. This impact is to be mitigated by way of landscaping and a privacy screen. It is recommended that the application be approved.

**Financial Implications:** Nil.

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

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

**5 BATHURST REGIONAL LEP 2014 AMENDMENT NO 8 – ALTERING OF ZONE BOUNDARIES, LOT 11 DP 872964, FREEMANTLE ROAD, EGLINTON AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 8 (20.00295)**

**Recommendation:** That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the R1 General Residential, RU1 Primary Production and RE1 Local Recreation zone boundary of Lot 11 DP 872964, Freemantle Road, Eglinton;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) prepare an amendment to the Bathurst Regional Development Control Plan 2014 to amend Map No 3 Eglinton and the residential precincts map; and
- (e) call a division.

**Report:** Council has received a request from the current landowner to consider an amendment to the zone boundaries of Lot 11 DP 872964 Freemantle Road, Eglinton to straighten the recreation zone. A location plan is provided at **attachment 1**.

The alterations to the zone boundaries will require an amendment to the Bathurst Regional Local Environmental Plan 2014. The amendment will result in the following variations to the existing zoned land (see **attachment 2**):

- RU1- Primary Production zoned land proposed to be changed to RE1 – Public Recreation zoned land is approximately 0.9 hectare;
- RU1- Primary Production zoned land proposed to be changed to R1 – General Residential zoned land is approximately 0.1 hectare; and
- RE1- Public Recreation zoned land proposed to be changed to R1 – General Residential zoned land is approximately 1 hectare.

In summary, the Planning Proposal will result in a loss of approximately 1 hectare of rural land, a loss of approximately 0.1 hectares of recreation land and an increase of approximately 1.1 hectares of residential land.

The Planning Proposal in its current form is not inconsistent with the Local Environmental Study produced for the original rezoning of the land or the Bathurst Region Urban Strategy.

The applicant provided the following justifications for the planning proposal:

- The removal of the need to have a road intersection(s) in front of the proposed extension to the public school.
- There is an opportunity to provide a local access road along the perimeter of the open space/public reserve.
- Dwellings will overlook the open space from across the public road.
- The three dams along the water course will require removal and regrading to prevent a public health and safety problem adjacent to residential land.



- The realigned open space will provide improved hydraulic flows of the water course subsequent to the removal and regrading of the dams.

In this circumstance, given the removal of the dams and the relatively minor loss of recreation and rural land the planning proposal should be supported.

**Conclusion:**

Council has received a request to consider altering the R1 General Residential, RU1 Primary Production and RE1 Local Recreation zone boundaries. The proposed amendment results in an overall increase of approximately 1.1 hectares of R1 Residential zoned land with a minor loss of recreation and rural land.

It is considered that in this circumstance that the request to amend the LEP and DCP should be supported.

**Financial Implications:** Nil. The planning proposal is funded from fees received by the applicants.

**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
- Objective 13: To minimise the City's environmental footprint. Strategy 13.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1, 28.9

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

**Recommendation:** That Council:

- (a) note that the 2015 Bathurst Region Interim State of the Environment Report has been completed; and
- (b) note that the 2015 Bathurst Region Interim State of the Environment Report will be 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). Council Staff have, however, decided to continue collecting data and reporting it on an annual basis so a comprehensive SoE Report in 2016 can include 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 1.56% between June 2013 and June 2014 to 41,682 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.
- Waste disposal to land fill increased by 10.3% over the previous reporting period while the total amount of material recycled by the community decreased for the third year in a row.

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:

- Total fuel consumption by Council has fallen for the third consecutive year.
- Increased community uptake of small scale solar. Uptake increased over the previous

reporting period with 1.90 MWh of solar capacity installed during the reporting period across the LGA.

- 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 fifth 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 completion of instream works for Stage III Hawthornden Creek Rehabilitation downstream of Vale Road and within Jaques Park.

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 2015 Greater Central West Regional SoE. This enables Bathurst Regional Council 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 (see Item 7 of this report).

The 2015 Interim SoE is a valuable instrument for both Council and the local community as it reports on the key environmental objectives identified in the Community Strategic Plan.

**Financial Implications:** Nil. The preparation of the SOE is undertaken using existing allocations.

### **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

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

**Recommendation:** That Council:

- (a) note that the 2015 Regional Snapshot State of the Environment Report has been completed;
- (b) note that the 2015 Regional Snapshot State of the Environment Report will be available 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, 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.
- 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 Tablelands Local Land Services (LLS) 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 LLS, Orange City, Dubbo City and Bathurst Regional councils have guided the preparation of this year's Regional SoE.

The full 2015 Regional Snapshot Report will be provided under separate cover to the Councillors and is available to members of the public from the Environmental, Planning and Building Services Department. 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 LLS. Bathurst Regional Council 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 (refer Item 6 of this report).

**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 SURVEYORS HISTORY HERITAGE TRAIL (20.00050)**

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

**Report:** Council has commenced the development of a new heritage trail that will incorporate a surveyors history theme following the installation of the Bicentennial Flagstaff and the 'Delightful Spot' Heritage Trail.

The Trail is a collaborative project with the Surveyors Institute NSW and is intended to be an extension of their trail over the Blue Mountains 'Footsteps in Time.'

It is anticipated the Surveyors History Trail will interpret new and existing sites including:

- 'Footsteps in Time' pillar (an extension of the Blue Mountains Trail) funded by the Surveyors Institute NSW.
- A permanent survey sign at the Flagstaff (already installed).
- The existing explorers monument at the Bathurst City Community Club.
- 1815 Town Plan marker posts (new interpretative signage).
- Flagstaff interpretation in the Bathurst Town Square (new interpretative signage/banner).
- The existing Evans monument in Kings Parade.
- The existing Evans Tree in the Australian Fossil and Mineral Museum.

Council has engaged Dr Robin McLachlan to undertake interpretation of Macquarie's 1815 Town Plan (refer to **attachment 1**), interpretation of the Flagstaff in the Town Square and a brochure to interpret and promote the trail.

The trail will provide a link to the existing Blue Mountains trail as well as provide opportunities for future regional trails to be developed extending towards the west.

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

### **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

## **9 2015 BATHURST JOBS EXPO (20.00071)**

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

**Report:** Council successfully ran the Bathurst Jobs Expo on the 27 October, 2015 at the Bathurst Memorial Entertainment Centre. Now in its second year, the Expo attracted approximately 1,400 people, which is a significant increase on the 350 attendees in 2014. Job seekers travelled from Forbes, Blayney, Orange and Oberon to attend the event. Of the 1,400 attendees, 600 were high school students from Mackillop College, Bathurst High, Skillset College, St. Stanislaus College and Blayney High. The Expo was sponsored by TAFE Western, Skillset and 2BS/B-Rock.

The Bathurst Jobs Expo attracted 41 exhibitors including Defence Force Recruiting, TAFE Western, Skillset, Charles Sturt University, Roads & Maritime Services, Centrelink, and Mayfield Garden. Job seekers and students were also able to access information on more than 80 available positions in the Bathurst Region and surrounding areas as well as attend presentations by experienced recruiter Steve Semmens on the art of job seeking. Two driving simulators provided by TAFE Western were also on site for attendees to gain some hands on practical experience.

The Bathurst Jobs Expo provides job seekers and school leavers with direct access to employment and career opportunities in the Bathurst Region and neighbouring areas. Additionally, the Jobs Expo provides a mechanism for local businesses to advertise available roles, attract candidates and find the skills that they are looking for.

With the cancellation of the Central West Careers Expo previously held in Orange, the 2015 Bathurst Jobs Expo has now become the leading Jobs Expo event in the region. Council partnered with the Central Western Careers Advisors (CWCA) who were previously involved in organising the Central West Careers Expo. Council is currently in the process of establishing a Memorandum of Understanding with CWCA to retain the event in Bathurst.

Council has received very positive feedback from the event to date:

*“On behalf of Marathon Health I wanted to thank the Council for organising such a well-run and advertised event. It was our first attendance and we look forward to returning next year”.*

- Marathon Health

Council is also currently conducting a survey with stall holders to evaluate the Expo this year and identify new opportunities for future years.

**Conclusion:**

The 2015 Bathurst Jobs Expo far exceeded all expectations and attracted a much larger audience than anticipated, with 1,400 attendees. Council is currently drafting an MOU with the Central Western Careers Advisors to ensure the event stays in Bathurst and continues to grow year on year.

**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



## **10 NOTIFICATION OF NEIGHBOURS FOR COMPLYING DEVELOPMENT CERTIFICATES (02.00005)**

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

**Report:** Complying development is a combined planning and construction approval for straightforward developments that can be determined through a fast track assessment. Developments using the complying development system are assessed against predetermined criteria. If a development complies it can be approved by Council or an accredited private certifier. The majority of new dwelling houses in the suburban areas of Bathurst are dealt with as complying development under Council's LEP provisions. In 2014/15 145 dwellings were dealt with as complying development.

Some time ago the State Government introduced a 14 day neighbour notification prior to approval for residential complying development. Before the introduction of this system Council dealt with its complying development certificates within 24 hours. Council has made ongoing representations to the Minister for Planning to remove this requirement on the basis that:

- (a) notwithstanding a possible concern that might be raised by a neighbour a complying development certificate must be issued if the development satisfies the criteria established for such development under the Codes SEPP or Council's LEP.
- (b) the notification period unnecessarily extended the approval time by an additional 14 days.
- (c) the notification did not seek submissions nor an obligation to consider any opinions from adjoining owners.

The State Government recently removed the notification requirement for rural and regional local government areas.

Bathurst Regional Council is again now issuing complying development certificates for new dwellings that meet the relevant LEP criteria generally within 24 hours of lodgement.

**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

Yours faithfully



J Bingham  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 NOVEMBER 2015

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

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

**Report:** \$67,800,000 was invested at 31 October 2015 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
Bank of Queensland	A2	\$2,500,000.00	3.05%
Bendigo and Adelaide Bank	A2	\$500,000.00	2.85%
IMB Limited	A2	\$500,000.00	2.83%
Bankwest	A1+	\$5,000,000.00	2.98%
National Australia Bank Limited	A1+	\$21,500,000.00	3.04%
St George	A1+	\$3,500,000.00	2.95%
Maritime, Mining & Power Credit Union	ADI	\$500,000.00	2.89%
People's Choice Credit Union	ADI	\$1,000,000.00	2.86%
Railways Credit Union Limited	ADI	\$1,000,000.00	3.13%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.92%</u>
		<b>\$37,500,000.00</b>	<b>3.01%</b>
<b><u>Long Term &gt; 365 Days</u></b> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<b><u>Committed Rolling Investments</u></b>			
Westpac	AA-	\$2,000,000.00	3.43%
Westpac	AA-	\$2,000,000.00	3.35%
National Australia Bank Limited	AA-	\$2,000,000.00	2.96%
CBA Deposit Plus	AA-	\$1,500,000.00	3.30%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.20%</u>
		<b>\$10,300,000.00</b>	<b>2.97%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.30%</u>
		<b>\$2,000,000.00</b>	<b>3.30%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	3.04%
Suncorp Metway	A+	\$1,000,000.00	3.39%
Macquarie Bank	A	\$1,000,000.00	3.24%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.34%
Bank of Queensland	A-	\$1,000,000.00	3.18%
Bank of Queensland 1	A-	\$2,000,000.00	3.29%
Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.11%

Bank of Queensland 2	A-	\$1,000,000.00	3.22%
Credit Union Australia	BBB+	\$3,000,000.00	3.49%
Police Bank Ltd	BBB+	\$1,000,000.00	3.24%
Police Bank Ltd 2	BBB+	\$1,000,000.00	3.25%
Credit Union Australia	BBB+	\$1,000,000.00	3.38%
Newcastle Permanent	BBB+	\$1,000,000.00	3.52%
Members Equity Bank 2	BBB+	\$1,000,000.00	3.14%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.42%</u>
		<b>\$18,000,000.00</b>	<b>3.30%</b>
<b>Total Investments</b>		<b><u>\$67,800,000.00</u></b>	<b><u>3.09%</u></b>

***These funds were held as follows:***

Reserves Total (includes unexpended loan funds)		\$32,257,425.00
Grants held for specific purposes		\$2,494,304.00
Section 94 Funds held for specific purposes		<u>\$32,881,697.00</u>
Unrestricted Investments – All Funds		\$166,574.00
General Fund	\$166,574.00	
Water Fund	\$0.00	
Sewer Fund	\$0.00	
Waste Fund	<u>\$0.00</u>	

**Total Investments** **\$67,800,000.00**

**Total Interest Revenue to 31 October 2015** **\$756,800.42** **3.09%**

**Year to Date Averages**

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

Reserve Bank of Australia - Cash Rate	2.00%
AFMA - 90 day Bank Bill Swap Rate (BBSW) Avg Mid	2.15%
Three Year Swap Rate - Commonwealth	2.05%
Five Year Swap Rate - Commonwealth	2.42%
Modified Deitz Calculation	3.13%

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

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

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

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

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

## **2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2015-2016 AS AT 30 SEPTEMBER (16.00140)**

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

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

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

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

At **attachment 3** is an update of the strategies for the 2015/2016 Community Strategic Plan.

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

Fines or penalty notices this month - Refer to attachment 3.

**Financial Implications:** Nil.

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

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

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

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

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 October 2015.

**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:	\$3,784.91
BMEC Community use:	\$0.00
Mount Panorama:	\$12,779.18

**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.

- BRC - Turondale Road, Duramana - Lot 5, DP876259 - Resumption Application
- RW, WE & IR Carter - Part 2 Littlebourne Street, Kelso - Lot 4, DP1205465 - Deed for Grant of Easement
- R G Butler - Section of unformed road, Glanmire Lane, Glanmire - Lot 1, DP1188913 - Transfer
- TJ & CM Davis - Part 10A Christie Street, Raglan - Lot 2, DP1131489 - Deed of Variation of Restriction
- TJ & CM Davis - Part 10A Christie Street, Raglan - Lot 2, DP1131489 - Release or Extinguishment Restriction
- Erin Therese Roughley - Windradyne 1000 - Lot 1037, DP1212670 - Transfer
- A & MA Lambiris - Part Lot 21, DP634710, Gilmour Street, Kelso - Deed of Mutual Release and Recission
- A & M A Lambiris - Lot 220 Hereford Street, Kelso & Lot 221 Gilmour Street, Kelso DP1147157 - Agreement for Subdivision and Land Swap

#### **Linen Plan Release**

- Hynash Pty Ltd - 92 lot subdivision, release of 24 lots - Lot 38, DP1208715 - Saltram Circuit, Eglinton
- Macquarie Group Developments - 16 lot subdivision, release of 3 lots - Lot 700, DP1213006 - 18 Eric Sargeant Drive, Gormans Hill
- Bathurst Regional Council - 124 lot residential subdivision, release of 67 lots - Lot 136, DP1123180 - Governors Parade, Windradyne

**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 AUSTRALIAN ORIENTEERING CHAMPIONSHIP CARNIVAL 2017 (23.00026)**

**Recommendation:** That Council assist Orienteering Australia in hosting the Australian Orienteering Championship Carnival to be held in Bathurst from 23 September - 1 October 2017, with the \$2,000 to be funded from the Bathurst promotional vote.

**Report:** Council has received a request for the hosting of the Australian Orienteering Championship Carnival from 23 September - 1 October 2017, see **attachment 1**. Council has been advised that Bathurst has been selected as the event centre because three of the four main elements of the orienteering championships will be held at Hill End and Bathurst has available suitable accommodation to house the estimated 1,000 people who are participants in this event over the 9 days.

Some events are expected to be held in Roseberg State Forest and Macquarie Woods area as well as local campuses of TAFE and universities.

Council has been requested to assist this organisation in the following ways:

1. Bathurst Tourism Manager to provide information on accommodation available within the area.
2. Council to make available a registration centre so that competitors can register for the various events on 22 September 2017.
3. Council to supply a collection of tourist brochures, restaurant lists and a small carry bag for competitors to collect various items.
4. Council to supply a list of potential function rooms for the presentation dinner on the Thursday evening.
5. Provision of traffic signage on various tracks and roads to assist the orienteers in completing their courses.
6. Provision of a 6m x 8m marquee for use by the organisation.

It is estimated that to provide the above requirements, Council would be committed to approximately \$2,000.

**Financial Implications:** Council could fund the \$2,000 for this event from the Bathurst promotional budget.

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

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



**6 CODE OF CONDUCT COMPLAINTS - 1 SEPTEMBER 2014 TO 31 AUGUST 2015 (07.00088)**

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

**Report:** Council's Code of Conduct - Procedures for the Administration of the Code of Conduct, requires at part 12, Clause 12.1 and 12.2 the following:

"12.1 The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September each year:

- (a) the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September;
- (b) the number of Code of Conduct complaints referred to a conduct reviewer;
- (c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;
- (d) the number of Code of Conduct complaints investigated by a conduct reviewer;
- (e) the number of Code of Conduct complaints investigated by a conduct review committee;
- (f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures;
- (g) the number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews; and,
- (h) the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager in the year to September, including staff costs.

12.2 The Council is to provide the Division with a report containing the statistics referred to in Clause 12.1 within 3 months of the end of September of each year."

Code of Conduct Complaints - 1 September 2013 to 31 August 2014 present the following profile, as referred to in Clause 12.1 of the Code of Conduct - Procedures for the Administration of the Code of Conduct:

12.1

(a) Number of complaints	4	
(b) Referred to Reviewer	4	
(c) Number finalised by Reviewer and nature of those complaints:	4	Complaints relating to disclosures of interest provisions of the Local Government Act 1993.
(d) Number investigated by Reviewer	4	
(e) Number investigated by Conduct Review Committee	Nil	
(f) Outcome of reviews under 2.1(d) & (e)	-	Reviewer recommended no action be taken in all 4

		instances.
(g) Number investigated by DLG & nature of those complaints	Nil	
(h) Cost of dealing with complaints	\$3,965.50	

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

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

- Objective 33: To be and develop good leaders. Strategy 33.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

## **7 REQUEST FOR FINANCIAL ASSISTANCE - MACQUARIE PHILHARMONIA (18.00004)**

**Recommendation:** That Council purchase a Gold Sponsorship package at a cost of \$2,500 for the 2016 Mayfield Garden Music Festival to be held at Mayfields Gardens on 9 April 2016.

**Report:** Council has received a request from Bathurst Broadcasters on behalf of the Macquarie Philharmonia Foundation for financial support for the classical music concert at Mayfield Gardens festival to be held on 9 April 2016.

Council has been offered various sponsorship packages as detailed at **attachment 1**. Council supported a similar event in 2015 as part of its Bicentenary Celebrations.

Council already sponsors Macquarie Philharmonia to the value of \$2,500 to assist with their ongoing operational costs throughout the year.

This request is for a single event only to be held at Mayfield Gardens in 2016.

**Financial Implications:** Council can fund this \$2,500 from Council's Promotional Vote.

### **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

## **8 REQUEST FOR FINANCIAL ASSISTANCE - MISS TRAILL'S HOUSE (22.00507)**

**Recommendation:** That Council not agree to a special water rate at Miss Traill's House.

**Report:** Council has received a request from the Management Committee of Miss Traill's House, which is located at 321 Russell Street, Bathurst, for financial assistance by way of a special rate for water usage to the property, see **attachment 1.**

The Management Committee point out that water is an expensive item for the organisation to carry each year. The Committee paid approximately \$3,000 for 1200kl of water during the 2014/2015 year.

Contained within Council's Revenue Policy is a category for Community Groups. Council has adopted this reduced rate to assist organisations such as the Golf Club, Bowling Clubs and the Bathurst City Community Club to pay a special rate given the sheer volume of water that each of these groups use.

An examination of Miss Traill's House indicates that this is an historic house and does not fit into the category of the Community Groups rate. Accordingly, it is recommended that Council not agree to allowing this organisation to receive a reduced rate for their water consumption.

**Financial Implications:** There will be 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 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

## **9 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANTHERS FOOTBALL CLUB (18.00004)**

**Recommendation:** That Council sponsor Bathurst Panthers Football Club for the conduct of the Bathurst Rugby League Knockout to be held in March 2016 by contributing a sponsorship package of \$3,000 to this organisation.

**Report:** Council has received a request from the Bathurst Panthers Football Club for financial assistance towards the Bathurst Rugby League Knockout to be held in March 2016. A copy of the request is shown at **attachment 1**.

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

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

The Knockout expects to bring in approximately 800 players and support staff, over the two day event, plus approximately 2,000 or more spectators. A renewed interest in rugby league is evident in Bathurst with Bathurst hosting the annual Penrith Panthers NRL game. Attendance figures are expected to increase well above those of 2015. Many visiting spectators will take advantage of shopping available in Bathurst as well as utilising restaurants and takeaway facilities.

As in previous years Bathurst Panthers RLFC will acknowledge Bathurst Regional Council's support for the event in the program, ground announcements and radio promotion of the event.

It is recommended that Council sponsor Bathurst Panthers Football Club for the conduct of the Bathurst Rugby League Knockout to be held in March 2016 by contributing a sponsorship package of \$3,000 to this organisation.

**Financial Implications:** The \$3,000 sponsorship package can be funded from Council's Promotional Vote.

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

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

## **10 PROPOSED DEMOLITION OF RESIDENCE LOCATED ON LOT 4 IN DP532310 AND KNOWN AS 146 COLLEGE ROAD BATHURST (22.04165)**

**Recommendation:** That Council agree to seek demolition of the residence located on Lot 4 in DP532310 (146 College Road Bathurst) known as the 'White House' to allow for future development of the Mt Panorama precinct.

**Report:** Council recently purchased many lots located on College Road, Bathurst which formed the property known as 'Appleton'.

For Council's information the purchase of the property was completed on 25 August 2015. This purchase was seen as a strategic purchase for the Mt Panorama precinct which will be developed in the future.

Council approved at its Ordinary meeting held on 19 August 2015 the leasing of the main residence and commercial sheds.

A second residence located on the property, known as the 'White House' is surplus to Council's requirements. Please refer to map at **attachment 1**. The residence is very old and has a number of cracks in the foundation and walls of the building. Extensive additions have been made to the original building, over the years, and it is suspected that the fibro sheeting contains asbestos.

Accordingly, as part of the future development of the Mt Panorama racing precinct, it is suggested that the 'White House' residence be demolished. Given the age of the dwelling, Development Consent is required under the Bathurst Regional Local Environmental Plan, 2014 in relation to the demolition of buildings.

It is therefore recommended that Council agrees to seek demolition of the residence located on Lot 4 in DP532310 (146 College Road Bathurst) known as the 'White House' to allow for future development of the Mount Panorama precinct.

**Financial Implications:** Should the above recommendation be adopted, Council will need to fund the demolition from the Mt Panorama second track funds.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.6

**11 PROPOSED DEMOLITION OF RESIDENCE LOCATED ON LOT 15 IN DP744672 KNOWN AS 21 GORMANS HILL ROAD BATHURST (22.09834)**

**Recommendation:** That Council agree to seek demolition of the residence located on Lot 15 in DP744672 known as 21 Gormans Hill Road Bathurst.

**Report:** Council recently purchased Lot 15 in DP744672 known as 21 Gormans Hill Road Bathurst which was seen as strategic for the provision of superior access to Proctor Park. Please refer to location map of residence at **attachment 1**.

For Council's information the purchase of the property was completed on the 22 October 2015.

The purpose of purchasing this residence was for improvement to the access and visual presentation of Proctor Park. The residence is dated and would require considerable work to bring it up to 'market' condition.

Given the age of the dwelling, Development Consent is required under the Bathurst Regional Local Environmental Plan, 2014.

It is therefore recommended that Council agrees to seek the demolition of the residence located on Lot 15 in DP744672 known as 21 Gormans Hill Road Bathurst.

**Financial Implications:** Should the above recommendation be adopted, the demolition costs will be funded from Land Development Reserves.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.6

Yours faithfully



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

**DIRECTOR ENGINEERING SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 NOVEMBER 2015



**1 PERFORMANCE MONITORING FOR WATER AND SEWER FOR 2013/2014 (03.00086)**

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

**Report:** This report is about Bathurst Regional Council's Action Plan for Water and Sewer Performance Monitoring.

Council is required to submit an annual report to the Department of Primary Industries Water (DPI Water) detailing its performance in the supply of water and sewer services. All Councils in NSW who own and operate a water treatment plant and supply and /or a reticulated sewer network and treatment works also submit similar reports.

The report contains a wide range of measures which are reviewed annually by DPI Water. These enable Local Water Utilities to report on various aspects of its service to its customers. The data includes but is not limited to Health, Financial and Social aspects of the service supplied. The completed report is a detailed document comparing Councils of similar size on the standard and quality of service they provide.

The latest summary available is for the 2013-2014 financial year. All aspects of the 2013/2014 performance report have been reviewed and will be actioned where appropriate. Bathurst Regional Council is committed to ensure operational practices and/or plans are amended to improve the level of service to the community.

Council's performance summary includes:

*"Bathurst Regional Council achieved 100% implementation of the NSW Best Practice Management requirements. The 2014-2015 typical residential bill \$529 which was close to the statewide median of \$582... Water quality complaints were well above the statewide median of 3. Compliance was achieved for microbiological water quality (100% of the population), chemical water quality and physical water quality. There were no failures of the chlorination system or the treatment system. Bathurst Regional Council reported no water supply public health incidents."*

The following Action Plan is a sample of the measures taken to maintain Excellent to Low Ranking Services and actions to address Medium or below Ranking Scores.

**Action Plan for Performance Monitoring 2013-2014**

Target	Council's Actions Contributing to Achieving Target
<b>Water Supply (Social Indicator – Health)</b>	
Maintain current ranking of 100% compliance on Microbiological Compliance of potable water supplied (EXCELLENT Ranking)	Council will continue to maintain its existing testing regime of testing, monitoring and upgrading processes to meet the increasing compliance standards.
<b>Water Supply (Social Indicator – Service Levels)</b>	
Water Quality Complaints (LOW Ranking)	All discoloured water complaints are lodged on Council's CRMS database. This information is used to identify the areas the flushing programme will be most beneficial.

	In 2015, Council has recently completed its Manganese Removal Project commissioning. So far, the Water Filtration Plant has seen cleaner filters and the process aimed for manganese levels below 0.01mg/L. This process will take time for cleaner water to be seen within the network.
<b>Water Supply (Environmental Indicator – Natural Resource Management)</b>	
Average Residential Water supplied 173kL/property/year (ABOVE AVERAGE Ranking)	Council's result was 227kL/ property/ year.  Council is part of the Save Water Alliance and actively promotes water conservation. This will continue and be further promoted to conserve additional water.
<b>Water Supply (Social Indicator – Charges and Bills)</b>	
Typical Developer Charge in 2014/15 was \$5500 per Assessment (BELOW AVERAGE Ranking)	Council's result was \$5,100 per assessment.  Council has adopted a Development Servicing Plan and developer Charges are now, as per Best Practice Guidelines, ensuring that developers contribute to the existing and future costs of infrastructure maintenance and upgrades. The Developer Servicing Plan will be reviewed and updated to meet industry standards when the latest guidelines are released by DPI Water.
<b>Sewage Services (Social – Health)</b>	
Maintain current ranking of 100% compliance on Microbiological compliance for % of sewage volume treated. (EXCELLENT Ranking)	Council will continue to maintain its existing testing regime of testing, monitoring and upgrading processes to meet the increasing compliance standards.
Maintain highest ranking for urban population with reticulated sewage service (EXCELLENT Ranking)	Council policy requires all new properties in the urban area to be connected to the reticulated sewage network – thus maintaining this high ranking.
<b>Sewage Services (Environmental – Environmental Performance)</b>	
Sewage Overflow to the Environment (LOW Ranking)	Council's database records all overflows. A large number of overflows occur on private property and are therefore beyond Council Control. However, these are reported to Council and inspected. Council prefers to inspect all overflows and advise residents on correct action when necessary, where the overflow is a private matter and take approved action if the over flow is Council's responsibility.
Sewer Main Breaks and Chokes per 100km of sewer main (LOW Ranking)	Council has an ongoing program of inspection and rehabilitation of sewer mains recording an above average number of breaks and chokes and this program will continue in order to further improve

Councils ranking in this area.

**Sewage Services  
(Economic - Efficiency)**

Treatment Cost per property at \$135 (HIGH Ranking)	One of the biggest contributors to the cost of treatment is electricity. Council has undertaken energy audits in an effort to identify power use and make savings where possible. Currently Council is implementing recommendations, such as the installation of solar panels.
Pumping Cost per Property at \$46 (HIGH Ranking)	Council has, over several years, been introducing energy saving infrastructure to the Water and Sewer systems. Part of this the installation of variable speed drives on sewer pumps stations. This program will continue in order to reduce costs and maintain the high ranking.

**Financial Implications:** Nil.

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

- Objective 13: To minimise the City's environmental footprint. Strategy 13.2
- Objective 15: To secure a sustainable water supply and raise awareness on water issues. Strategy 15.7
- 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 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.8
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.2

## **2 CROWN ROADS AT SUNNY CORNER (25.00115)**

**Recommendation:** That Council approve the transfer of Silver Street (East), a Crown public road located at the Village of Sunny Corner, as detailed in the Director Engineering Services' report.

**Report:** Council will recall at its ordinary meeting on 18 March 2015 that the ownership of Crown Roads within Rockley was considered. Council resolved to:

“Approve the transfer of the Crown public road located in the Village of Rockley, as detailed in the Director Engineering Services’ report.”

There are a number of Crown roads within the Villages surrounding Bathurst that have been constructed and maintained by Council. Due to the fact that the road is owned by the Crown and is not a Council asset, the level of construction and maintenance may not always be up to the same standard as a Council owned road. In order to overcome this problem, Council Engineers have investigated the Crown roads within the village of Sunny Corner and have found it necessary to transfer some Crown public roads to its ownership for improved maintenance and access within Sunny Corner.

The criteria that were considered when looking at each road in Sunny Corner was:

- Is the road improved (e.g. sealed or formed to a suitable standard)?
- Is the road on its correct alignment?
- Does it provide continuity with other Council owned roads?
- Does the road serve 3 or more residents?
- Does it offer too great a liability to Council if transferred?

Following this investigation, there is one road that meets this criterion. It is recommended that Council make application to the Crown for the transfer of the following road to Council's ownership:

- (a) Silver Street (East)- from Bathurst Street to Hurley Street.

The following roads do not satisfy the criteria and therefore will remain as Crown road:

- (a) Newton Street – Austral Street to Silver Street.

Reason: The road does not serve 3 or more residents (serves 2 residents); the road is unimproved and is not constructed to a sufficient standard.

- (b) Austral St (West) – Sunny Corner Road to Mitchell Street.

Reason: The road does not serve 3 or more residents (serves 1 resident); the road is unimproved, off the alignment and is not constructed to a sufficient standard.

Please refer to the plan of road ownership in the village of Sunny Corner at **attachment 1**.

### **Financial Implications:**

The Crown Lands application fee is \$200.00. Ongoing road maintenance costs to be funded from road maintenance budgets.

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

- Objective 6: To support infrastructure development Strategy 6.1

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

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.6
- 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 29.1

### **3 ADDITIONAL SCHOOL ZONE FLASHING SIGNS (28.00007)**

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

**Report:** Council has received advice from the Roads and Maritime Services (RMS) (copy at **attachment 1**) that additional funding of \$5 million has been committed for installation of a second set of flashing lights on 40kph School Zones.

These lights will be for those schools that have more than one road frontage that is considered busy, with schools to be contacted by the RMS to nominate appropriate sites which will subsequently be reviewed based on a pedestrian risk model developed by the Australian Road Research Board Group Limited (ARRB).

There are 3,150 schools in NSW of which 292 are in the RMS Western Region and funding for at least 400 schools.

The existing program of School Zone flashing lights is separate and is programmed for completion in December 2015.

The commencement of the additional program is proposed for early 2016 to be completed by the end of 2017.

**Financial Implications:** Nil

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

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2

#### **4 PROPOSED ROAD CLOSURE AND TRANSFER TO ADJOINING LANDOWNER – HILL END ROAD AND SOFALA ROAD (22.15408)**

**Recommendation:** That Council:

- (a) approve the road closure of part of Hill End Road and Sofala Road; and
- (b) resolve to offer to the owners of Lot 16 DP758908 and Lot 1 DP1194462 being 4 Hill End Road the purchase of the section of Hill End Road and the section of Sofala Road for consolidation into their Lot.

**Report:**

Council has received correspondence from the owners of Lot 16 DP758908 and Lot 1 DP1194462 seeking to purchase a section of public road that adjoins their property.

Investigation by Council has revealed that the subject road reserve is very wide at 67 metres and the section of road that the landowner requires will result in a reduction of the road reserve to approximately 56 metres in width. This width is sufficient for Council's Engineering Guidelines for road construction. An aerial photograph showing the portion of road reserve that will be the subject of the landowner's application to Council to close is found at **attachment 1**.

Hill End Road is a Regional Road under control of Council and Sofala Road is a state road controlled by the Roads and Maritime Services (RMS). The proposed plan of road closure has been reviewed by RMS officers who have given preliminary approval to close the section of Sofala Road. If the RMS does not provide confirmation of this approval at the application stage a separate application will need to be made for the closure of the section of Hill End Road only.

As there are no other landowners adjoining the subject road reserve there is no requirement or interest in Council offering the subject road reserve to any other party. Compensation will be required to be paid to the Council by the landowner following the obtaining of a valuation from a registered valuer.

Following the payment of compensation to the Council, Council intends on transferring the closed road reserve to the landowner who will be required to consolidate the closed road reserve with their existing Lot. It will be a requirement of the agreement entered in to with the landowner that all valuation, survey and associated costs are to be paid by the landowner.

It is recommended that Council approve the road closure of part of Hill End Road and part of Sofala Road and to offer to the owners of Lot 16 DP758908 and Lot 1 DP1194462 the purchase of a section of Hill End Road and a section of Sofala Road for consolidation into their Lot.

**Financial Implications:** No costs payable by Council as all costs are to be payable by the interested landowner.

**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

Yours faithfully



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



**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 NOVEMBER 2015

## **1 ABORIGINAL ARTEFACTS COLLECTION (23.00098)**

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

**Report:** Council has been offered the opportunity to purchase an interesting and varied collection of indigenous artefacts. The collection is from a private collector in Bathurst.

The collection includes items such as; paintings, woomeras, digging sticks, polarwood wooden snakes, spears, baskets, dilly bags, decorated shells and necklaces. Some 120 items in total.

The collection has been viewed by local Wiradyuri Elders who can see the value and opportunity for educational and storytelling benefits to the region.

The collection has also been inspected by a qualified Valuer (registered with the Commonwealth Cultural Gifts Program) who viewed each item and made every attempt to identify, quantify and assess the status of all items. The Valuer concludes that the value for these items is \$15,000.

It is recommended that Council consider acquisition of the collection, as part of the ongoing collection of cultural items by Council. Collections are held in a numbers of areas such as; Hill End Arts, Minerals, Fossils, Motor Racing and Rail. This acquisition will provide opportunities for development of an Indigenous Collection which will facilitate opportunities for community education.

**Financial Implications:** There are currently no funds available for the purchase of the items. It is recommended that the draft 2016/2017 budget include this item for Councillor's consideration.

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

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

## **2 BATHURST REGIONAL COUNCIL VACATION CARE PROGRAM - OCTOBER 2015 (09.00005)**

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

**Report:** Bathurst Regional Council Vacation Care spring holiday program operated from Monday 21 September 2015 through to Friday 2 October 2015. There was an average of 28 children attending each day throughout the holiday program.

The educational program provided is reflective of the My Time, Our place – Framework for School age children. The program included excursions to Kelso Community Centre for the Young Gun Fishing Adventure as well as a trip to 'Flip Out' and the Adventure Playground in Orange.

The children also had the opportunity to participate in a beading workshop conducted by Tracey Reedy and a natural weaving workshop conducted by the Orange Natural Weaving Group.

The program continues to provide a valuable service for Children and their Families of the broader Bathurst Community, operating within the principals of creating a play based learning environment that is fun and stimulating.

These principles aim to develop a child's:

- Sense of identity;
- Opportunities to connect and contribute to their world;
- Understanding and awareness of well being;
- Ability to become confident and involved learners;
- Use of effective and appropriate communication.

Vacation Care is scheduled to again be operational in the December 2015 and January 2016 School holiday period.

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

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

- |   |                     |
|---|---------------------|
| ● Objective 3: To protect a vibrant CBD and support and grow retail diversity.  | Strategy 3.8        |
| ● Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. | Strategy 21.7       |
| ● Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.                                    | Strategy 27.5, 27.9 |

### **3 BATHURST LIBRARY - 2015 SCIENCE EXPO (20.00060)**

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

**Report:** Hundreds of people celebrated science in action at the Australian Fossil and Mineral Museum's *Just Add Science* day on Sunday 18 October 2015.

The action packed day of science was filled with demonstrations and hands on science activities which showcased the science that surrounds us and the impact it has in everyday life as well as some of all the cool stuff science can do.

The Jellybops Science show entertained the young audience with big bangs and small bubbles and all the fun stuff in between. The show included a barrage of high-energy experiments, including items that froze and shattered under the stress and strain of the super cold liquid nitrogen, vortex bins, hydrogen balloon explosions, colour changing science magic and the explosive fuel of the future hydrogen, along with interactive songs and humour.

For casual lovers of science, the event offered plenty to delight and amaze. Future scientists were given the opportunity to explore science careers. Australia's future economic growth and prosperity depend on innovations made through science and technology. The event showcased opportunities to work in science, highlighted the need for students to pursue technological careers and for the wider community to meet scientists and find out about their work.

Visitors had a chance to talk to scientists working in our own community. Representatives from Charles Sturt University, Bathurst Observatory, Age of Fishes Museum, Bathurst Regional Council, the Forestry Corporation, Australian Fossil and Mineral Museum, Bathurst Lapidary Club, Geological Survey of NSW, as well as microbiologists, ecologists and volunteers. 60 enthusiastic participants entered the paper planes design competition.

This exciting day of science would not have been possible without the support of Bathurst Regional Council, Inspiring Australia and the NSW Government.

**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 23.2
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

#### **4 'BATHURST SAYS NO, I SAY NO TO DOMESTIC VIOLENCE!' CAMPAIGN LAUNCH (20.00179)**

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

**Report:** The launch of the Community Safety Committee's Domestic Violence campaign, 'Bathurst Says No, I Say No to Domestic Violence!' took place Monday 19 October 2015 in the Council Chambers. The event included a day when staff and Councillors showed leadership on the issue. A pledge stall where Council staff were encouraged to make individual pledges that were then uploaded on the 'Bathurst Says No To Domestic Violence' Facebook page.

The pledge stall was set up at three locations throughout the day:

- Council Chamber from 12pm to 1.00pm;
- Council Library and Art Gallery foyer from 1.30pm to 2.30pm;
- Council Depot from 3.00pm to 4.00pm.

Over one hundred and fifty members of staff made the pledge showing their support for the cause on the day.

Postcards providing information on how to make a pledge from home were also distributed enabling individuals to show their support in their own time and to pass information onto others as to how to get involved.

Mayor Cr Rush, White Ribbon Ambassador, officially launched the campaign by being the first to make the pledge. Mayor Rush formally invited the broader community to support the initiative through the media who attended the event.

Further opportunities will be made available in the future to make a pledge via the pop up stall that will be in attendance at various community events and public locations.

The activities received overwhelmingly positive feedback from participants and organisers.

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

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

- Objective 22: To improve community safety. Strategy 22.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.5, 23.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5, 30.6

## **5 CHIFLEY HOME AND EDUCATION CENTRE - AUSTRALIAN PRIME MINISTERS WEBSITE (21.00112)**

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

**Report:** The Chifley Home and Education Centre (CHEC) has been fortunate to be invited to join a collaborative museum collections project with The Australian Prime Ministers Centre (APMC) in Canberra.

The APMC is a cross-disciplinary national centre for research and engagement around Australia's Prime Ministers and is a core component of the federally funded Museum of Australian Democracy. The Museum of Australian Democracy generously provided \$5,500.00 to support the funding of the Chifley Home project.

The project will see the development of a new nationally significant Australian Prime Ministers website. CHEC as one of several partners will have 12 of its iconic collection objects and the stories around them featured and credited on the Prime Minister's website in the first part then later photographic material will be included.

Direct Benefits of the project include:

- Promotion of the CHEC and its collection through a Federal website.
- Enhanced online access to collections and places associated with Prime Minister Ben Chifley
- Professional development activities which assist staff to contribute to this project
- Promoting the CHEC on a major education curriculum resource

This project also continues an ongoing relationship with the Museum of Australia which has seen Chifley Home objects included in exhibitions in Canberra and conversely items from their National collection allowed to be displayed in the Chifley home. The CHEC has also played host to numerous Museum of Australian Democracy travelling exhibitions

**Financial Implications:** Nil, funding for this item is wholly provided by grant funding from the Museum of Australian Democracy.

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

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.6

## **6 CCTV FUNDING PROGRAM FOR CENTRAL BUSINESS DISTRICT (CBD) PREMISES (16.00145)**

**Recommendation:** (a) That Council provide \$3,748 under the 2015/2016 CCTV Funding Program as follows;

<b>Business</b>	<b>Amount of Funding</b>
LJ Hooker Real Estate	\$500 which is the maximum amount approved for funding.
Sportspower Bathurst	\$500 which is the maximum amount approved for funding.
News on William	\$500 which is the maximum amount approved for funding.
Bathurst Seymour Centre	\$500 which is the maximum amount approved for funding.
Coleman's Office Products	\$500 which is the maximum amount approved for funding.
Bent Threads	\$500 which is the maximum amount approved for funding.
Bathurst Broadcasters	\$373 which is 50% of the project cost.
Silva's Newsagency	\$375 which is 50% of the project cost.

(b) That Council reopen the application process to further extend the program within the CBD and throughout the LGA.

**Report:** Council has provided \$10,000 in its 2015/2016 Delivery Plan and Annual Operating Plan up to a maximum amount of \$500 on a dollar for dollar basis for businesses who address the criteria under the CCTV Funding Program for Central Business District (CBD) Premises.

The applications were required to meet the following criteria:

1. Specifications, quality and source of equipment.
2. Surveillance equipment registered with Bathurst Police.
3. Completion of installation within 90 days of approval.
4. Information supporting and addressing the need for CCTV in the business location.
5. Potential for coverage of the public space adjacent to the premises.

The CCTV Funding Program for the CBD Premises Assessment Group included representatives from the following organisations:

- (a) Councillor Delegate - Councillor Ian North
- (b) Police Representative
- (c) Bathurst Business Chamber Representative
- (d) Council Staff Delegate

Applications were received up to Friday 23 October 2015. The Assessment Group met on Monday 2 November 2015 to scrutinise the applications and make recommendations to Council.

Applications were received from Neonails (for their two stores) and Anam Restaurant, for installation in their premises. It was determined that neither applicant met the criteria to provide CCTV cameras that would monitor public spaces, due to their location in Shopping Centres and hence, their applications were rejected.

That Council will provide \$3,748 under the 2015/2016 CCTV Funding Program for the following applicants:

(a)	LJ Hooker Real Estate for funding.	\$500 which is the maximum amount approved
(b)	Sportspower Bathurst for funding.	\$500 which is the maximum amount approved
(c)	News on William for funding.	\$500 which is the maximum amount approved
(d)	Bathurst Seymour Centre for funding.	\$500 which is the maximum amount approved
(e)	Coleman's Office Products for funding.	\$500 which is the maximum amount approved
(f)	Bent Threads for funding.	\$500 which is the maximum amount approved
(g)	Bathurst Broadcasters	\$373 which is 50% of the project cost.
(h)	Silva's Newsagency	\$375 which is 50% of the project cost

The panel has recommended that to further expand the CCTV network and allow further businesses to take up the funding, a second round of applications be received by Council with a closing date Friday 11 March 2016. Further advertising of the program will occur at appropriate times.

**Financial Implications:** Council has provided \$10,000 in the Annual Operating Plan 2015/2016 for CCTV Funding Program for CBD Premises. A balance of \$6,252 remains available following the current round of applications.

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

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



## **7 BATHURST REGIONAL ART GALLERY – JONATHAN JONES: THEY MADE A SOLITUDE AND CALLED IT PEACE EXHIBITION (21.00002)**

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

**Report:** The exhibition *guwiinyguliya yirgabiya ngay yuwin.gu gulbalangidyal ngunhi* (they made a solitude and called it peace) by Wiradyuri/Kamilaroi artist Jonathan Jones, is a major project commissioned by BRAG as part of its B200 exhibition program.

Jonathan Jones has exhibited both nationally and internationally since the late 1990s and is best known for his site-specific installations that investigate cultural and historical relationships and ideas from Indigenous perspectives and traditions.

The exhibition is an experimental project exploring the Wiradyuri history of Bathurst through a series of video works, installations and community-engagement workshops.

Jonathan Jones has worked closely with the Bathurst Wiradjuri and Community Elders group to realise this exhibition. Works are based on historical records and stories told to him by the Elders, and the exhibition includes a moving series of video 'portraits' of local Elders.

A major focus of the project has been the provision of workshops aimed at providing the local Aboriginal community with skills in traditional practices such as stone tool-making and basket weaving. These workshops follow from BRAG's award-winning Possum Skin Cloak Workshop held in October/November 2014. Materials from the stone tool workshop, along with the two cloaks, are featured in the exhibition.

The suite of video works commissioned for this project will become an important part of the BRAG's permanent collection. This commission was supported with special funding provided by the Bathurst Regional Art Gallery Society Inc. and Bathurst Regional Council. This project has also been assisted by the Australian Government through the Australia Council, its arts funding and advisory body.

The Launch was held Friday 2 October 2015, which included a traditional Wiradyuri smoking ceremony. There were approximately 130 patrons in attendance.

Art critic John McDonald travelled to Bathurst to view the exhibition, and will write a review of it for publication in the Sydney Morning Herald during November.

**Financial Implications:** This commission was supported with funding provided by the Bathurst Regional Art Gallery Society Inc. (\$10,000), Bathurst Regional Art Gallery's acquisitions budget (\$20,000) and Bathurst Regional Council special project funding (\$20,000).

### **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, 20.5, 20.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.5

## **8 BATHURST200 DYE HARD FUN RUN (11.00020)**

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

**Report:** The Bathurst200 Dye Hard Fun Run was held Sunday 25 October 2015. The event was a Bathurst200 initiative and was run in partnership with the Bathurst Youth Council, Bathurst Regional Council and Dye Hard.

Approximately 2100 participants from all ages including, babies in prams, families and community groups participated on the day.

The event required individuals to run/walk two laps of the Macquarie River, passing through six colour stations where they were doused in coloured powder. Many people took the opportunity to dress up on the day with prizes awarded to the best dressed at the conclusion of the event.

The Dye Hard Company has informed Council that they will be donating \$4300 to the McGrath Foundation from the event.

Members of the Youth Council are credited with the initiative to host the event, participated in the planning and promotion and volunteered on the day, assisting at the colour and water stations.

**Financial Implications:** The event was supported from the Bathurst200 budget allocation.

### **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, 27.4, 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

**9 BATHURST SUPERCHEAP AUTO 1000 VISITATION AT NATIONAL MOTOR RACING MUSEUM & BATHURST VISITOR INFORMATION CENTRE (04.00001)**

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

**Report:** This report contains an analysis of the data and sales for the National Motor Racing Museum and Bathurst Visitor's Information Centre during the Bathurst Supercheap Auto 1000 race period, from Thursday 8 October 2015, ending with the race on Monday 12 October 2015.

The Bathurst Visitor Information Centre and the National Motor Racing Museum are two of Council's facilities that provide services to those who attend the Supercheap Auto Bathurst 1000.

The reported attendance at this years Supercheap Auto Bathurst 1000 event, over the four days, was 201,416 and the table below indicates some of the direct benefits experienced by these facilities:

	National Motor Racing Museum		% change	Bathurst Visitor Information Centre		% change
	2014	2015		2014	2015	
Attendance	3874	3013	-28.5% decrease	2110	1791	-17.8% decrease
Souvenir sales	\$31,801.20	\$35,300.95	9.9% increase	\$2,002.85	\$1,676.20	-19.4% decrease

Total income	\$68,167.10	\$72,659.95
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Whilst the Bathurst Visitor Information Centre has experienced a decrease in both visitors and sales, the National Motor Racing Museum has increased sales, whilst a decrease in visitors occurred.

**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 4.2, 4.3, 4.7
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1

## **10 INTERNATIONAL WOMEN'S DAY 2016 WORKING GROUP (23.00026)**

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

**Report:** International Women's Day was established by the United Nations as a global day of recognition and celebration of women's rights and participation in social, political and economic processes across developed and developing countries.

Locally International Women's Day celebrations in the past have been led by Council.

Celebrations in the past have included a women's dinner and a morning tea with guest speakers. For 2016, it is intended to change the format and develop a celebration that is more community-driven. A Working Group consisting of organisations who have participated in previous events and other key local organisations has been established.

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

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.5, 23.6, 23.8

Yours faithfully



Alan Cattermole  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

**GENERAL MANAGER'S REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 NOVEMBER 2015

## **1 FIT FOR THE FUTURE PROGRAM (FFTF) AND IPART REPORT (18.00300)**

**Recommendation:** That Council endorse the submission made to NSW Premier and Cabinet - IPART feedback.

**Report:** Councillors will be aware that IPART has completed the 'Assessment of Council Fit for the Future Proposals'. The summary section of the report is at **attachment 1**.

The State Government has given Councils until 18 November 2015 to provide feedback to the Government on their IPART assessment, refer **attachment 2**. A template has been provided for responses to NSW Premier and Cabinet, refer **attachment 3**.

Given the timelines involved to complete the response and report to the Council Meeting, Council's submission will be provided to Councillors under separate cover. Note the submission has to be made to the Government on the 18 November 2015.

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

### **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
- 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 33: To be and develop good leaders. Strategy 33.4
- Objective 33: To be and develop good leaders. Strategy 33.5

## **2 PROPOSED SALE OF TREATED EFFLUENT TO LFB RESOURCES (REGIS RESOURCES) PTY LTD (37.00410 & 21.00237)**

**Recommendation:** That Council invite community feedback on the request from Regis Resources to purchase treated effluent from Council's Waste Water Treatment Works, during the period 19 November till close of business 21 December 2015.

**Report:** Council has been in discussions with LFB Resources (Regis Resources) Pty Ltd over a period of time, concerning the possible sale of the treated effluent from Council's Waste Water Treatment Works (WWTW) to Regis, for use at their proposed new mine at Kings Plains near Blayney.

To assist Council in developing a position on this request, the following reports and studies and the current licence are provided:

1. SKM Wastewater Treatment Works, Bathurst Impact Assessment of Diversion of Treated Effluent (May 2014), **attachment 1**.
2. GHD – Peer Review of SKM Environmental Impact Assessment (September 2014), **attachment 2**.
3. Environment Protection Licence for the Bathurst Sewerage Treatment System, **attachment 3**.
4. Public Works NSW – Bathurst Sewage Treatment Plant Effluent Reuse Study (June 2015), **attachment 4**.
5. Regis Resources Ltd correspondence dated 28 October 2015, which provides a high level summary of the McPhillamy Gold Project, **attachment 5**.
6. Frequently Asked Questions factsheet, this will be provided under separate cover to Councillors.

The proposal is generally for Regis Resources to purchase Council's treated effluent from the WWTW in Morrisset Street and then to pipe this effluent (route yet to be determined) to the Regis Resources mine site at Kings Plains. Regis Resources have requested a ten year contract with a ten year option from commencement of the operational phase of their mine site. Generally the required water need is for around 8-10megalitres per day, which matches the annual average per day from the WWTW. The letter from Regis Resources at **attachment 5** deals with matters such as;

- Development Opportunity and Infrastructure Requirements,
- Process Water Requirements,
- Environment Impact Assessment,
- Target Development Timeline,
- Job Opportunities, and
- Socio-economic Benefits.

Environmental and approval requirements are covered in more detail at **attachment 1** (SKM Report), **attachment 2** (GHD Report) and **attachment 4** (PWD Report).

It is intended that community consultation will be held from the 19 November 2015 till close of business 21 December 2015. The Community Engagement includes; website content, advertising, community meeting/briefing and an online survey.

Council should note that if the proposal is agreed to, then a commercial rate of return will be negotiated with Regis Resources for the sale of the treated effluent.

Upon completion of the public consultation phase it is envisaged that a report will be prepared for the Council meeting to be held on 3 February 2016.

**Financial Implications:** This report deals with the possible sale of treated effluent to Regis Resources. If agreement is reached then further advice will be provided on possible pricing structures.

**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 6.4
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.1
- Objective 13: To minimise the City's environmental footprint. Strategy 13.4
- 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

Yours faithfully



D J Sherley  
**GENERAL MANAGER**



**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 4 NOVEMBER 2015 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 4 November 2015 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 4 November 2015, are attached.

**Financial Implications:** N/A

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

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

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 4 NOVEMBER 2015**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

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

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 30 SEPTEMBER 2015 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 30 September 2015 be adopted.

**DECLARATION OF INTEREST**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 POLICY UPDATE - STAFF - DESIGNATED PERSONS DISCLOSING INTERESTS (11.00002, 41.00089)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

**RESOLVED:** That Council note the information and update the list of designated positions in the Policy Manual.

## GENERAL BUSINESS

### 6      Item 1 TAFE BUILDING UPDATE (22.01387)

**Cr Bourke** - requested status of land acquisition.

**The General Manager** advised discussions occurring with State Properties, likely compulsory acquisition process will occur.

### 7      Item 2 GREEN BINS (14.00053)

**Cr Bourke** - requested update on pricing of green bins.

**The Director Corporate Services & Finance** advised a report is being prepared for Council.

### 8      Item 3 YOUTH COUNCIL DYE HARD FUN RUN (11.00020)

**Cr North** - congratulated Youth Council on this event.

### 9      Item 4 GREAT WESTERN HIGHWAY UPGRADE STAGE II (25.00018)

**Cr North** - asked have we had any response from the government.

**The Mayor** advised correspondence forwarded to local member and the relevant Minister.

### 10     Item 5 R2R FUNDING (16.00011)

**Cr Aubin** - asked what Plans are in place for Eleven Mile Drive.

**The Director Engineering Services** advised there is funding in the extended R2R Program and Council funds for this year, totalling around \$400,000.

### 11     Item 6 SECOND CIRCUIT (20.00278)

**Cr Coote** - asked where is this matter at.

**The Mayor** advised meetings are being organised with Federal Ministers. Discussions have been held with Minister Barilaro.

## DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

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This is page 2 of Minutes of the Policy Committee held on 4 November 2015.

**Item 1 DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT & OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD (DA/2015/0106)**

Discussion included:

**B Bailey** – Napoleon Reef resident - gave an apology for C & T Aitken not being here. Drew Council's attention to information they provided to the last Discussion Forum. Spoke to issues of mining in various locations and recent bus accident in Europe and road quality. Problems of people not rehabilitating quarries. Why is Council procrastinating on this DA. Councillors should vote no on the development, there is scope to do this under s:79C of the EP&A Act.

**G Iacono** – Napoleon Reef resident - runs a guest house on his property, the environment is beautiful and quiet and is known as a great community. If development goes ahead this will all change. The high water requirements cannot be sustained, where will the water come from. The quarry will mean noise and dust and a scar on the landscape. There are sufficient quarries around, providing materials into the region for the next 30 years. This is an area that Bathurst should be proud of.

**J Page** – Napoleon Reef resident - the DA previously could not stand on its own, there is a lack of information on: scale and life, how quarry will operate, will blasting occur in the future. Will the operation be expanded beyond 2 ha. Referred to road works that have already occurred and environmental concerns; plants, birds, offset area proposed. Many trees are to be removed and are not clearly detailed. Sight distances on the road and noise of trucks on the road have not been addressed. There is a depth of concerns within the community, residents have not been responded to by the Council. In regards to the road, will Council have to do significant works to improve the road. There is little consideration given to the lifestyle and businesses of the people in the area. Extractive industries do not belong in this area, people bought into rural lifestyle area. Referred to a letter from Shire Clerk, Mr Dasey of Evans Shire Council. This development will create a precedent. The community strongly urges Council to disallow the DA.

**A Iacono** – Napoleon Reef resident - struggles to see how this can go ahead, will have an impact on many people. Spoke to problems with noise, dust and devaluation of properties. There will also be visual pollution. The negative factors far outweigh the positives. Against the idea of the quarry.

**Reading of submission on behalf of C & T Aitken** – Napoleon Reef residents - expressed concerns: - at why additional Discussion Forum held; why Councillors had site visit with the developer; why second Discussion Forum was offered to the developer, this has never been done before; Evans Shire planning strategies for the area; and actions taken by BRC since 2004. The development is a land use conflict. The development is not in the public interest as per s:79C of the EP&A Act.

**T Collins** - Napoleon Reef resident - do not need trucks in this area. Request Council do not approve the DA. Spoke to St Anthony's Creek crossing issue and water needs. Noted road works that have occurred on the property already. This is a conservation area, consider all the residents.

**H Price – Napoleon Reef resident** - has spoken previously about the site being a potential koala site and SEPP44. Spoke to inaccuracy of using 10 km bio net search area. There have been koalas sighted in Winburndale Reserve. There needs to be a proper study done. How did works on access roads occur before DA approved, widened access road through Crown Land, cleared trees before DA approved.

**J Iacono – Napoleon Reef resident** - there are over 320 persons living in the area. House is only one km away from quarry. Raised concerns about trucks, a quarry being put near a rural residential area, property valuation impacts, dust and noise. The development should not be at the cost of residents, also do not lose sight of impact on tourism industry. Requested Council protect residents environment and property.

**B Maloney – Napoleon Reef resident** - concerns about safety and suitability of Napoleon Reef Road for the development. Issues such as sight distances required under relevant standards which are greater than 180m. The proposal does not meet Austroads or RMS standards. The quality of the road is an issue, no safety shoulders etc, will not meet needs of trucks with a dog trailer. Gravel is not suitable for heavy vehicles and spoke to tonnage impact on the pavement. If DA approved Council will need to put in program of rehabilitation of the road.

**G Crisp – Bathurst resident** - spoke to concerns about the development. Raised issues of cost and finance. Who will pay for remediation costs? The level of water required is understated, will Council be giving guarantees for supply of water? Who will pay for roads such as upgrading? Dust concerns raised.

**C Bailey – Napoleon Reef resident** - referred to protection and restoration of the environment and why is Council considering a quarry in this area of high conservation value. Noted species living in the area and prior reports of developer contained glaring faults. Concerns of timelines to make submissions and actions taken by developer prior to environmental studies being undertaken. There are concerns with noise, dust, trucks, water. Actions taken have impacted the environment already, including the Bathurst Copperwing Butterfly and its habitat. The area is very important as a reservoir of unique biodiversity. Referred to tree removals proposed. Noted the submission has a number of inconsistencies, incongruities. Crash grazing proposal was questioned and issue of offset area.

**N Hemsley – Walang resident** - this is a community which has pride. Used to be able to walk, ride horses and catch bus on the road. With trucks there is no space on the road, there is a safety issue.

**G Mader – Napoleon Reef resident** - spoke to sustainability, eco tourism and environmental concerns (played a video of plants in the area). The development will be devastating on the environment in the area. Spoke to illegal road on Crown land. What is proposed by Stages II & III? Is the Plan to get approval and then just extract? There have been many submissions, there is clear community objection. The key matter is sustainability, the quarry will destabilise existing businesses. Significant levels of old growth forest will be removed. Habitat removed, dust, noise will have major effects on the area. The residents have formed a Landcare group, asks Council to work with community. Council needs to reject proposal and put in place protections.

**R Mottram – Napoleon Reef resident** - spoke to Western Advocate article from 3

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**This is page 4 of Minutes of the Policy Committee held on 4 November 2015.**

November 2015. All the issues have not been addressed. There are errors in the Ozard's report. There is nothing about property values, vigilance on bus routes and road conflicts during the day. How will this be monitored? There is insufficient information in reports. Why is there now an issue with Crown Road. Developer should have known this? Raised concerns at last forum which were not answered, eg, meteorological data from monitoring site 20 km away. Why has wind not been considered as an impact? Noise will be an issue for many people. Spoke to acoustic report with the DA. Why should residents be subject to industrial noise? The site is on the side of a hill and will promote noise. Queried modelling technique utilised, conducted under calm conditions only. Concerns at traffic noise assessments undertaken, did not appear to address all noise receptor points. Only point measured was at the property of a supporter of development. Impact on St Anthony's Creek from trucks crossing the waterway.

Noted Council's objectives contained in 2036 CSP. Development for the sake of development will cost community dearly.

**T Carpenter** – Bathurst Climate Change Action Network (BCCAN) - there has been an error in zoning. Need to protect interests of local environment. Referred to concerns expressed by BCCAN and tabled letters from the group.

Advised Jill Bower unable to attend, but has expressed concerns.

**D Willman** – Windy Hill resident - disappointed concerns have not been addressed about due process. Councillors did not organise meeting with objectors on site. The applicant has not addressed problems raised. There is a critical problem with safety on Napoleon Reef Road, referred to submission made to Council. Road Design matters do not address heavy haulage vehicle operations. A suggested 60 km/h limit will not address concerns, the road is tight and not wide enough, double lines will not address problems. Referred to Crown Lands refusing applicant the right to utilise the Crown Road access. Concerns at who pays for the road were expressed. Can Council consider itself impartial in this matter? The Council is required to protect the safety and amenity of the community.

**D McCaulay** – Walang Drive resident - sustainability is a key learning area for schools. The quarry is not sustainable, asks Council to vote no.

## **DISCUSSION FORUM OTHER**

### **13** **Item 1 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 - ADDITIONAL CLAUSES (20.00290)**

Discussion included:

**J Fisher** – Sydney Water - Sydney Water supports protection of water quality. However, bio-solids issue can be addressed by other methods. Do not exclude bio-solids from catchment. Considers matter can be dealt with by a collaborative approach. The EPA has legislative controls for bio-solids and Sydney Water and its contractor has to comply with these. Queried whether DA process offers greater controls. There are areas in the catchment that are suitable for bio-solid applications. Willing to meet with Council to discuss processes and locations for acceptable applications. Provided a statement and fact sheet for Council.

**J McSpedden** – Farmer, Lagoon - has utilised bio-solid over recent years, after advice from agronomist. The bio-solids are only utilised under EPA guidelines, supplies extensive corn to Simplot and yields have increased with bio-solids. Noted safety practices in place, such as bunds. Commend Council to look at EPA guidelines. Also queried issue of feedlots, when do these stop/start, needs clarification.

**R Prest** – Australian Native Landscapes - delivers bio-solids in the area. Has concerns at change to LEP proposed. Section 3.3 of the Australian Drinking Water Guidelines is of concern with the extent of the issues covered, they are very broad and if adopted maybe interpreted detrimentally to the agriculture industry into the future.

## **MEETING CLOSE**

### **14 MEETING CLOSE**

The Meeting closed at 8.00 pm.

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

**Date:** \_\_\_\_\_ **(18 November 2015)**



**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 NOVEMBER 2015 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 3 November 2015 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held 3 November 2015, 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 3 NOVEMBER 2015**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

Members: Cr Warren Aubin (Chair), Sergeant Peter Foran (Police), David Veness (MP Representative), David Vant and Deanne Freeman (Roads & Maritime Services).

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

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 OCTOBER 2015 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 6 October 2015 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 6 OCTOBER 2015 (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 SYDNEY 'ZOO 2 ZOO' BICYCLE RIDE (23.00026-19)**

That:

- (a) Council endorse the traffic control for the The Sydney 'Zoo 2 Zoo' Bicycle Ride event to be held on Saturday 17 October 2015. The event is to be classified as Class 1 and approved subject to conditions as detailed in the Director Engineering Services' Report
- (b) the Committee confirm the decision of the Traffic Committee members in relation to this event.

**8      Item 4 'OLD 4 NEW' MOBILE LIFE JACKET PROMOTIONAL CAMPAIGN - VISIT TO BATHURST OCTOBER 2015 (23.00026-19)**

That:

- (a) Council endorse the traffic management for the 'Old 4 New' Mobile Life Jacket Promotional Visit to Bathurst proposed for Saturday 17 October 2015 as an unclassified event, and that the event be subject to conditions as detailed in the Director Engineering Services' report.
- (b) The Committee confirm the decision of the Traffic Committee members in relation to this event.

**9      Item 5 THE BIG RIDE 4 PARKINSON'S CHARITY MOTORBIKE RIDE (23.00026-17)**

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

**10     Item 6 REQUEST FOR RAISED PEDESTRIAN REFUGE AND PEDESTRIAN CROSSING IN EGLINTON (20.00177-03/116)**

That raising the Alexander Street pedestrian crossing and the Park Street pedestrian refuge not be approved.

**11     Item 7 REQUEST FOR 'NO STOPPING' ZONE IN MORRISSET STREET (25.00026-02)**

That a 12m 'No Stopping' Zone on Morrisset Street adjacent to Council's Records Building be approved.

**12     Item 8 2016 NAB B2B CYCLING FESTIVAL (23.00128)**

That Council endorse the traffic management for Council's NAB B2B Cycling Festival Events including the Blayney and Mount Panorama (B2B) Long and Short

Courses; and the Family Fun Challenge Course on Sunday 10 April 2016. 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.

**13**      **Item 9 NEW YEAR'S EVE CELEBRATIONS IN VICTORIA PARK (23.00131)**

That Council approve the traffic management plan for the New Year's Eve celebrations in Victoria Park on Thursday 31 December 2015. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**15**      **MEETING CLOSE**

The Meeting closed at 2.24 pm.

**DELEGATES REPORTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 NOVEMBER 2015

## 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 OCTOBER 2015 (11.00019)

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

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

**Apologies:** Crs Aubin, Hanger

### 1. BATHURST NEIGHBOURHOOD CENTRE (18.00017)

Representatives from the Bathurst Neighbourhood Centre met with Council to give an update on the services provided and future directions of the Centre.

Discussion included:

- Network of 360 centres in the State
- \$1 million funded programs

#### **Migrant Support Service**

Helps migrants settle into community.

#### **Builders Program**

Provides home modifications and maintenance for frail people. Also do some profit making jobs to raise some funds.

Lawn mowing service for frail aged.

- Operate Neighbourhood Centre in Oberon.
- Provide meeting facilities for 100+ community groups
- more out of town services looking to rent rooms.
- Learner driver program
- Technology Tutoring e.g. phone, computer, cameras. This tutoring is not age specific.
- Provide internet access
- Free legal clinic each week, with a roster of solicitors
- Facilitate multicultural women's group.

The role of the Bathurst Neighbourhood Centre is to identify unmet needs in the community and look to satisfy those needs.

#### **Council help needed**

Expect to pay rent on new building - ask Council to waive rent.

**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