



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

12 April 2017

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
19 April 2017**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 19 April 2017 commencing at 6.00 pm.

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

A handwritten signature in black ink, appearing to read 'D J Sherley', is positioned above the typed name.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 19 APRIL 2017

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 MARCH 2017

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 APRIL 2017

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

* GENERAL MANAGER'S REPORT

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 5 APRIL 2017

* MINUTES - TRAFFIC COMMITTEE MEETING - 4 APRIL 2017

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

* CENTROC BOARD MEETING

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 MARCH 2017

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	ABORIGINAL CULTURAL HERITAGE ASSESSMENTS OF THE MOUNT PANORAMA PRECINCT	10A (2) (h) – contains information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSAL TO CONDUCT MUSIC FESTIVAL	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.
2	TRANSFER OF SHARE OF HANGAR LEASE - LOT 303 IN DP1187714 BATHURST AERODROME - ROSS AVIATION PTY LTD TO RENMEUL PTY LTD	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	TYERS PARK - PROPOSED STRATEGIC DEVELOPMENT	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	EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - LOT 1 IN DP995205 AND LOT 1 IN DP1007963 LOCATED ON PATNA, COMMONWEALTH AND MORRISSET STREETS, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - LOTS 14 AND 15 IN DP1089380 LOCATED AT 193 MORRISSET 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.
6	PANTHERS HOME GAME HOSTING AGREEMENT	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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR NETWASTE REGIONAL ENVIRONMENTAL MONITORING OF LICENSED LANDFILLS	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
2	TENDER FOR CONSTRUCTION OF	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice

	PERTHVILLE STORMWATER DRAINAGE	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. 10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
--	--------------------------------------	---

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 MARCH 2017 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 March 2017 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 March 2017, 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 - 5 APRIL 2017 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 5 April 2017 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 5 April 2017, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 15 MARCH 2017

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

K McNab – ratepayer - Mitre/Lambert/Suttor Streets intersection.

Tabled a letter from Bob Triming. Spoke to Mitre/Lambert/Suttor Street intersection. Raised concern with proximity to schools and student interaction in this area. Noted funeral processions create issues as well as taxis and buses. Referred to prior traffic studies which gave recommendations for this intersection. Noted prior expenditure request history and that no funding allocated. Council has delayed the matter for 18 years. Intersection may be eligible for blackspot funding and referred to prior accident history of the intersection. Requests Council take the initiative to undertake works at the intersection and put in a roundabout.

The Acting Director Engineering Services advised the matter has been included for consideration in the 2017/2018 budget. An application will be made for blackspot funding.

M Perry – ratepayer - Railway Museum (DEPBS#4)

Spoke to submission provided to Council on the proposal. Noted prior use of Railway Institute and it is the sole remaining Railway Institute in public ownership. There is a close linkage between Ben Chifley and the railway institute and his Prime Ministership. Has concern the proposed alterations will not allow the heritage story of the building to be told. Asks Council to retain the Institute as much as possible and concern at the building being overwhelmed. Letter tabled.

P Stait – resident - Speed Limit

Asked who does he refer a request for change in speed limit to.

The Acting Director Engineering Services advised that the Roads & Maritime Services sets these, either contact RMS direct or send a letter to Council.

S Ryan – resident - 264 Piper Street (DEPBS#3)

Concern at building application which is recommended for approval. Noted "Hillcrest" designed by Copeland is next to the proposal.

Spoke to heritage of the City, the charm of the City and the views. Referred to LEP and sections on heritage conservation provisions. The proposed building shows no

respect for heritage. Noted contrast between proposal and the buildings on either side of the site. Building is over 6.2m but cannot exactly note this, as not shown in plans. Will lose views from her property. Also privacy concerns raised. The development is too big for the block. Considers there are possible concerns with fire safety. The development is inappropriate. Requests Council to not approve the development.

M Hayes – ratepayer - Mitre/Lambert/Suttor Streets intersection.

Concerned parent whose children attend Assumption School. Strongly supports realignment of the Mitre/Lambert/Suttor Streets intersection as proposed. Spoke to safety issues, and the growth of Bathurst in the Windradyne area. Requests works on the intersection.

G Crisp – ratepayer

Noted that the Mayor quoted in Western Advocate will rely on professionalism of Senior Officers. Spoke to correspondence on professionalism of Senior Officers sent to Council. Raised issues concerning water rate comments on documents sent out by Council. Does the Director Corporate Services and Finance support these comments?

Mr Crisp spoke to letters that he has submitted - Bullying complaints, Code of Conduct Complaints.

The General Manager noted responses have been sent to Mr Crisp on the issues raised. Further it was noted that Mr Crisp's numerous Code of Conduct complaints received had been processed.

M Lynn – neighbour - 264 Piper Street (DEPBS#3)

Raised objection to the proposal. Spoke to heritage of the area and the need to preserve the character. The development will impact her property. Has concern work will possibly cause damage to her property. The building will be imposing over her home. If Development Application is approved a precedent will be set. The proposed compromise process requested she identify what levels of amenity she is willing to lose. The subdivision should never have been approved. Requests matter be deferred. Tabled a list of people who have signed to preserve heritage.

J Abrego-Sanz – resident - 264 Piper Street (DEPBS#3)

Neighbour of Ms Ryan and Lynn. The original proposal overlooked his backyard. It has now been moved forward, but it is still an aberration to the streetscape. Moved to Bathurst from Spain and particularly wished to be in a heritage area. The proposal does not fit in with the area, it is imposing and appalling. Please do not allow the development which does not fit into the area. Concern at precedent to town planning and impact on the community.

T McBurney – Director, Integrated Design Group - 264 Piper Street (DEPBS#3)

Spoke to the proposal in front of Council. The 9m wide site has existed since the 1930's. The LEP allows a two story building to be constructed. The design takes into account the adjoining properties. Changes have been made in areas such as windows, height, floor level, where major excavation will occur. The building has been softened by way of stepping walls in. The proposal fits within and understands

the heritage nature of the area.

J Hollis – Rail Action Bathurst - Railway Museum (DEPBS#4)

Complements Council on Development Application for the Railway Museum and M Perry on her submission. The area is the gateway to Bathurst for railway. Questioned what is happening with the old stationmasters residence and the old small cottage? The concept of Bathurst as an old railway town is on the up and up.

The Acting Director Environmental, Planning & Building Services advised the cottage and stationmasters residence are under the control of John Holland. Not aware of any adopted future use.

P Dowling – ratepayer

Raised safety issue last meeting re George & Howick Street and Russell and George Streets intersection plantings. Requests for safety reasons that these be looked at and trimmed.

D McNab – ratepayer - Mitre/Lambert/Suttor Streets intersection

Thanked Council that works are on the radar. Spoke to petition that is being signed and the offer to meet with Councillors at the intersection to see the concerns. Asks Councillors to take up her invitation to view the intersection at a busy time - 9am or 3 pm. Requests Council vote the funds to undertake work at the intersection. Parents who are teaching new drivers do not know how to instruct their children as to how to travel through this area. Spoke to 1997 traffic study. Has a traffic flow (recording) been undertaken in recent times.

C Fox – owner - 264 Piper Street (DEPBS#3)

Spoke to proposed development for the site they own. Are determined to do the best they can for their neighbours. Wanted a building that was unique and environmentally sensitive. Have looked at numerous design options to fit into the area. Concerns have been taken on board. eg, car parking. Looking at a proposal that is liveable for everyone.

APOLOGIES

3 APOLOGIES

Nil

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 FEBRUARY 2017 (11.00005)

MOVED Cr G Westman

and **SECONDED** Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 February 2017 be adopted.

5 Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 MARCH 2017 (11.00005)

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

RESOLVED: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 1 March 2017 be adopted.

DECLARATION OF INTEREST

6 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

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

MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

8 Item 2 GENERAL REPORT (03.00053)

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

RESOLVED: That the information be noted.

9 Item 3 DEVELOPMENT APPLICATION NO. 2016/385 – SINGLE STOREY DWELLING AND CARPORT AT 264 PIPER STREET, BATHURST. APPLICANT AND OWNER: D & C FOX (DA2016/385)

MOVED Cr M Morse and **SECONDED** Cr M Coote

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. 2016/385, 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: The applicant is to submit a dilapidation report for the adjoining properties at 262 and 266 Piper Street.
- (b) notify those that made submissions of its decision; and

(c) call a division.

10 **Item 3.01 EXTENSION OF TIME (DA2016/385)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That an extension of time be granted to Cr Morse for Item #3 of the Acting Director Environmental, Planning & Building Services' Report in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

11 **Item 3.02 EXTENSION OF TIME (DA2016/385)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That an extension of time be granted to Cr North for Item #3 of the Acting Director Environmental, Planning & Building Services' Report in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

12 **Item 3.03 EXTENSION OF TIME (DA2016/385)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

RESOLVED: That an extension of time be granted to Cr North for Item #3 of the Acting Director Environmental, Planning & Building Services' Report in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

13 **Item 3.04 DEVELOPMENT APPLICATION NO. 2016/385 – SINGLE STOREY DWELLING AND CARPORT AT 264 PIPER STREET, BATHURST. APPLICANT AND OWNER: D & C FOX (DA2016/385)**
MOVED Cr M Morse and **SECONDED** Cr M Coote

RESOLVED: 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. 2016/385, 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: The applicant is to submit a dilapidation report for the adjoining properties at 262 and 266 Piper Street.
- (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 M Coote, Cr G Hanger, Cr M Morse,

Against the motion - Cr B Bourke, Cr I North, Cr G Westman,

Absent - Nil

Abstain - Nil

14 Item 4 DEVELOPMENT APPLICATION NO. 2016/184 – ADDITIONS AND ALTERATIONS TO RAILWAY INSTITUTE BUILDING FOR PURPOSES OF MUSEUM, REMOVAL OF FOUR TREES, REMOVE AND REPLACE PART OF THE TENNIS COURT FENCING AND TEMPORARILY LOCATING A TRAIN CARRIAGE ON THE TENNIS COURTS AT LOT 301 DP 1194865, HAVANNAH STREET. APPLICANT: BATHURST REGIONAL COUNCIL. OWNER: STATE RAIL AUTHORITY (DA/2016/184)

MOVED Cr B Bourke

and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) Support Development Application No. 2016/184, pending further negotiations with the NSW Office of Environment and Heritage.

Note that subject to these negotiations that the Development Application will be determined under delegated authority.

- (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 M Morse, Cr I North, Cr G Westman.

Against the motion - Nil

Absent - Nil

Abstain - Nil

15 Item 5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00296)

MOVED Cr G Westman

and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) adopt the Bathurst Regional Development Control Plan amendment as outlined in this report;
(b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act;
(c) advise all property owners of Council's decision; and
(d) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M

Morse, Cr I North, Cr G Westman.
Against the motion - Nil
Absent - Nil
Abstain - Nil

- 16** **Item 6 BATHURST OPERATION CAT (02.00006)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 17** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 18** **Item 2 MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

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

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

- 20** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 21** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - CANCER COUNCIL "STARS OF BATHURST DANCE FOR CANCER" (18.00004-32/214)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That Council sponsor the commission on ticket sales for the Stars of Bathurst Dance for the Cancer charity event to be held on 17 June 2017, with an approximate cost of \$1,000, to be funded from BMEC Section 356 Donations.

- 22** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - 2018 AUSTIN HEALEY NATIONAL RALLY (23.00015)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That:

- (a) Council close Russell Street between William Street and George Street between 8.30 am and 12.30 pm on Wednesday, 11 April 2018 to enable a display of Austin Healey vehicles.
- (b) The costs associated with the road closure, estimated to be \$1,500, be funded from Council's Section 356 Donations allocation.

- 23** **Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 04.00001, 22.09614, 22.06279, 21.00095, 22.02208, 21.00093, 08.00007, 22.02488)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 24** **Item 1 PROPOSED CREATION OF EASEMENT FOR UNDERGROUND LOW VOLTAGE CABLES AT LOT 5 DP1073621 HEREFORD STREET, KELSO: SITE OF NEW RUGBY LEAGUE CLUB HOUSE (36.00604)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) approve the creation of an easement for underground low voltage cables to be installed on Lot 5 DP1073621 located at 67 Hereford Street, Kelso;
 - (b) authorise the General Manager to sign Creation of Easement-Landowner Deed, Pioneer Scheme Application and Consent Form as Council's representative,
- as detailed in the Director Engineering Services' report.

- 25** **Item 2 PROPOSED CREATION OF EASEMENT FOR ELECTRICAL SUBSTATION AT LOT 5 DP847225: SITE 197 LIMEKILNS ROAD, KELSO (22.00358)**
MOVED Cr M Coote and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) approve the creation of an easement for a 500kVA Padmount Substation to be installed on Lot 5 DP847225 located at 197 Limekilns Road, Kelso;
- (b) authorise the General Manager to sign Creation of Easement-Landowner Deed as Council's representative,

as detailed in the Director Engineering Services' report.

26 Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005)

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

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

27 Item 1 BATHURST REGIONAL ART GALLERY - 2016/2017 AUDIENCE SURVEY (21.00002)

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

RESOLVED: That the information be noted.

28 Item 2 BATHURST CCTV FUNDING PROGRAM 2016-2017 ROUND 2 (16.000145)

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

RESOLVED: That Council provide \$3,500 under the Bathurst CCTV Funding Program 2016/2017 Round 2 as detailed below;

Item	Business	Amount of Funding
(a)	Marathon Health	\$500 which is the maximum amount approved for funding.
(b)	Hines Constructions Pty Ltd	\$500 which is the maximum amount approved for funding.
(c)	The Green Dry Clean	\$500 which is the maximum amount approved for funding.
(d)	Brabhams Outdoor Power Centre	\$500 which is the maximum amount approved for funding.
(e)	Bathurst Aero Club Ltd	\$500 which is the maximum amount approved for funding.
(f)	Central West Flying School Pty Ltd	\$500 which is the maximum amount approved for funding.
(g)	Annie's Old Fashioned Ice Cream Parlour	\$500 which is the maximum amount approved for funding.
(h)	History Hill Museum	Not approved for funding.

29 Item 3 BATHURST REGIONAL YOUTH COUNCIL - INDENT GRANT YJAM EVENT (11.00020)

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

RESOLVED: That the information be noted.

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	VARIATION TO CONTRACT - SUPERCARS AUSTRALIA PTY LTD	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 - RURAL LICENCE AGREEMENT - LOT 6 IN DP1142438 LOCATED ON CHURCH LANE, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 2 IN DP1179272 LOCATED AT 447 CONROD STRAIGHT, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	EXPRESSION OF INTEREST - COMMERCIAL LEASE - BATHURST VISITOR INFORMATION CENTRE CAFE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED SALE OF LAND - LOT 10 IN DP716663 LOCATED AT 6	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

	COMMONWEALTH STREET BATHURST	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	RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 304 IN DP1187714 LOCATED AT THE BATHURST AERODROME	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	RENEWAL OF COMMUNICATIONS LICENCE AGREEMENT - PART LOT 40 IN DP1056379 LOCATED AT SBS TOWER, REID PARK, MT PANORAMA - COMMUNITY RADIO STATION 2MCE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PURCHASE OF PROPERTY - LOT 6 AND LOT 7 IN DP998383 LOCATED AT THE REAR OF 80 KEPPEL 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 ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ACQUISITION OF PART LOT 8 DP795012 COXS LANE, EGLINTON - RESIDUE LAND EGLINTON STAGE 100 SUBDIVISION	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 VARIATION TO CONTRACT - SUPERCARS AUSTRALIA PTY LTD (04.00001)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That Council delegate to the General Manager the negotiation of the variation to the contract.

- b** **Item 2 EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - LOT 6 IN**

DP1142438 LOCATED ON CHURCH LANE, KELSO (22.09614)**MOVED** Cr B Bourke and **SECONDED** Cr I North

That Council approves entering into a new Rural Licence agreement for Lot 6 in DP 1142438 located on Church Lane Kelso with Rebecca Howard, for a period of one (1) year with a one (1) year option period, as detailed in the report.

c **Item 3 NEW RESIDENTIAL TENANCY AGREEMENT - LOT 2 IN DP1179272 LOCATED AT 447 CONROD STRAIGHT, MT PANORAMA (22.06279)****MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

That Council approves entering into a new Residential Tenancy Agreement for Lot 2 in DP1179272 located at 447 Conrod Straight, Mt Panorama with Aaron Thomas and Bonita Bassett for a period of twelve (12) months with a twelve (12) month option period, as detailed in the report.

d **Item 4 EXPRESSION OF INTEREST - COMMERCIAL LEASE - BATHURST VISITOR INFORMATION CENTRE CAFE (21.00095)****MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

That Council approves entering into a new Commercial Lease agreement for part Lot 90 in DP1026194 located at 1 Kendall Avenue, Bathurst known as the Bathurst Visitor Information Centre cafe site, as detailed in the report.

e **Item 5 PROPOSED SALE OF LAND - LOT 10 IN DP716663 LOCATED AT 6 COMMONWEALTH STREET BATHURST (22.02208)****MOVED** Cr I North and **SECONDED** Cr B Bourke

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

f **Item 6 RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 304 IN DP1187714 LOCATED AT THE BATHURST AERODROME (21.00093)****MOVED** Cr I North and **SECONDED** Cr M Coote

That Council approves entering into a new Rural Licence agreement for various sections of land at Lot 304 in DP1187714 located at the Bathurst Aerodrome with Rushlarah Agri Pty Ltd for a period of three (3) years as detailed in the report.

g **Item 7 RENEWAL OF COMMUNICATIONS LICENCE AGREEMENT - PART LOT 40 IN DP1056379 LOCATED AT SBS TOWER, REID PARK, MT PANORAMA - COMMUNITY RADIO STATION 2MCE (08.00007)****MOVED** Cr M Coote and **SECONDED** Cr I North

That Council approves the renewal of the Communications Licence agreement for part Lot 40 in DP1056379 known as the SBS Tower located at Reid Park, Mt Panorama with Community Radio Station 2MCE, for a period of four (4) years as

detailed in the report.

h Item 8 PURCHASE OF PROPERTY - LOT 6 AND LOT 7 IN DP998383 LOCATED AT THE REAR OF 80 KEPPEL STREET BATHURST (22.02468)

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

That Council

- (a) authorise the General Manager to negotiate the successful purchase of part Lots 6 and 7 in DP998383 located at the rear of 80 Keppel Street Bathurst.
- (b) meets the Vendor's reasonable legal expenses, excluding any mortgage removal, associated with the purchase of land.
- (c) approves the subsequent subdivision and boundary adjustments of part Lots 6 and 7 in DP998383.
- (d) classifies the land as 'Operational' under the provisions of Section 31(2) of the Local Government Act 1993.
- (e) demolishes the sheds located on the land as soon as practical following settlement.

Director Engineering Services' Report

i Item 1 PROPOSED ACQUISITION OF PART LOT 8 DP795012 COXS LANE, EGLINTON - RESIDUE LAND EGLINTON STAGE 100 SUBDIVISION (25.00050-02)

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

That Council:

- (a) approve the acquisition of part of Lot 8 DP795012 situated at Coxs Lane, Eglinton;
- (b) classify the acquired land as Operational Land under the provisions of section 31(2) of the Local Government Act 1993,

subject to the information contained in the Director Engineering Services' report.

RESOLVE INTO OPEN COUNCIL

35 RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 5 APRIL 2017**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

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

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the following Declaration of Interest be noted.

Cr Hanger
Item # 1 of the Director Corporate Services & Finance's Confidential report

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

**4 Item 1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, DA 2010/0089)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

5 Item 1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE

(11.00005, 22.01512)

MOVED Cr G Westman

and SECONDED Cr M Coote

RESOLVED: That the information be noted.

Director Engineering Services' Report

6 **Item 1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 21.00026, 36.00627, 36.00623, 36.00624)**

MOVED Cr M Coote

and SECONDED Cr W Aubin

RESOLVED: That the information be noted.

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

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

MOVED Cr M Coote

and SECONDED Cr G Westman

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

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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	SUBDIVISION OF LAND AT 129 OPHIR ROAD, LLANARTH	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PURCHASE OF LAND AT EVANS PLAINS	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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DEMOLITION AND DISPOSAL OF REDUNDANT SODA ASH EQUIPMENT AT BATHURST WATER FILTRATION PLANT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR DESIGN OF WINDRADYNE SUBDIVISION STAGE 1100	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR CONSTRUCTION OF PERTHVILLE FLOOD MITIGATION	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 CONSTRUCTION OF PERTHVILLE STORMWATER DRAINAGE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Environmental Planning & Building Services' Report

a **Item 1 SUBDIVISION OF LAND AT 129 OPHIR ROAD, LLANARTH (DA2010/0089)**

MOVED Cr G Westman

and **SECONDED** Cr B Bourke

That Council accept a bank guarantee for the sewer pump station for Development Application 2010/0089.

Director Corporate Services & Finance's Report

b **Item 1 PURCHASE OF LAND AT EVANS PLAINS (22.01512)**

MOVED Cr B Bourke

and **SECONDED** Cr G Westman

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

Reason: Family members are involved.

The Mayor, Cr Hanger vacated the Chair.

The Deputy Mayor, Cr Coote took the Chair for this item.

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

Director Engineering Services' Report

c **Item 1 TENDER FOR DEMOLITION AND DISPOSAL OF REDUNDANT SODA ASH EQUIPMENT AT BATHURST WATER FILTRATION PLANT (21.00026)**

MOVED Cr G Westman

and **SECONDED** Cr M Coote

That Council accept the tender from Hunter Tech Services Pty Ltd for the Demolition and Disposal of Redundant Soda Ash Dosing Equipment at the Water Filtration Plant for the sum of \$48,735.60 including GST subject to adjustments and provisional items.

d **Item 2 TENDER FOR DESIGN OF WINDRADYNE SUBDIVISION STAGE 1100 (36.00627)**

MOVED Cr I North

and **SECONDED** Cr G Westman

That Council accepts the tender of AT&L for the Design of the Windradyne Residential Subdivision Stage 1100 to the amount of \$133,532.00 incl. GST subject to adjustments and provisional items.

e **Item 3 TENDER FOR CONSTRUCTION OF PERTHVILLE FLOOD MITIGATION (36.00623)**

MOVED Cr M Coote

and **SECONDED** Cr G Westman

That:

(a) Council decline to accept any of the tenders

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 APRIL 2017

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 March 2017 (**attachment 1**).
- (b) Applications refused during March 2017 (**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 March 2017 (**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. 2017/18 – 2 X 3 BEDROOM RESIDENTIAL UNITS, THREE LOT SUBDIVISION, PARTIAL DEMOLITION OF EXISTING DWELLING AT 190 WILLIAM STREET, BATHURST. APPLICANT:MR G COLEMAN. OWNER: MR L DEAN (2017/18)

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. 2017/18, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including the following conditions to the effect that:
- (i) the applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of Bathurst Regional Development Control Plan 2014 prior to the issue of a construction certificate. Council is to certify that the landscape plan is in accordance with Council's Development Control Plan prior to the issuing of the construction certificate; the landscape plan is to include provision for a lattice screen;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for the construction of 2 x 3 bedroom residential units, a three lot subdivision and partial demolition of the existing dwelling at 190 William Street, Bathurst, described as Lot 1 DP 136517 and Lot 9 DP 1112907. A location map is provided at **attachment 1**.

The subject site contains one, two bedroom dwelling, a shed, a swimming pool and is accessed off William Street. The existing dwelling is a Californian bungalow and is used as a residence.

The proposal

The proposal involves the following:

- Two x 3 bedroom dwellings with attached single garages;
- Carport for the existing dwelling;
- Partial demolition consisting of:
 - Shed;
 - Pool; and
 - Rear additions to existing dwelling, being enclosed verandah only.
 - Three lot residential subdivision.

A plan of the proposed development is at **attachment 2**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Multi-dwelling housing, three lot subdivision and partial demolition is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

4.1 B Minimum Lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

The minimum lot size for multi dwelling housing is 900m². The subject site is 1,130m². The subject site meets the minimum lot size and complies with the objectives of Clause 4.1B.

4.3 Height

The proposed development will have a maximum height of buildings of 4.3m at the greatest extent. The proposed units comply with the maximum height of 9m specified on the Height of Buildings Map.

5.10 Heritage Conservation

The subject site is within the Bathurst Heritage Conservation Area but is not listed as a heritage item.

The subject site has a BCAMS rating of Contributory and Federation (1900-1920's). The site is not identified in the OEH State Heritage Inventory Database.

Face brick work is proposed for the new development which is supported. The units will not be highly visible from William Street and will have minimal impact on the streetscape.

Elevations of the proposed carport attached to the existing dwelling are satisfactory, indicating the carport is to be setback behind the verandah, has a roof pitch that matches the verandah and has a gable addressing the street.

Bathurst Regional Development Control Plan 2014

Chapter 4 Residential Development

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Residential units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units:

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	1,129.9m ²	900m ²	YES
Density	76.57	88 persons	YES
Site Coverage	44.6%	50%	YES
Height	4.3m	Two- storey maximum	YES
Setbacks			
Front	complement existing	complement existing	YES
Unit 1			
Rear	4m	In accordance with BCA	YES
Side	1m	In accordance with BCA	YES
Unit 2			
Rear	4m	In accordance with BCA	YES
Side	1m	In accordance with BCA	YES

Car Parking			
Existing Dwelling			
Resident	1	1	YES
Visitor	1 (stacked)	1	YES
Unit 1			
Resident	1	1	YES
Visitor	1	1	YES
Unit 2			
Resident	1	1	YES
Visitor	1	1	YES
Accessway Width	3m	3-6m	YES
Units	5.8m	3-6m wide	YES
Open space area			
Existing	60m ²	30m ²	YES
Unit 1	75.3m ²	40m ²	YES
Unit 2	76.5m ²	40m ²	YES
Open space width	4m	4m wide	YES
Garage doors	Behind building line		N/A
Frontage width(P2/P3 only)	P1	Min 20metres	N/A
Frequency(P2/P3 only)	P1	N/A	N/A

Chapter 13 Landscaping and Greening

The proposal seeks consent for the removal of one tree at the rear of the property. The tree has been identified as Eucalyptus cinerea (Argyle Apple) and is mature and approximately 10 metres tall. Argyle Apple trees are common in Bathurst, although the shape, size and maturity of this specimen implies it has some significance.

The tree is located within the area currently identified for a new dwelling. Given its location retention is not considered an option without significantly altering the development as proposed. The overall objective of tree preservation is to preserve the amenity of the area, including biodiversity values. In this respect there will be a minor loss of amenity and biodiversity as a result of the tree removal. In this regard a landscape plan should be required to ensure the loss can be appropriately compensated.

Submissions

The development application was notified to adjoining property owners from 13 February 2017 to 27 February 2017. Following the advertising and notification period a total of two (2) submissions were received and have been included at **attachment 3**.

A discussion forum was convened on 16 March 2017 with the minutes of the discussion forum included at **attachment 4**. Issues raised in the submissions and at the discussion forum included:

- Overlooking from 194 William Street as it is elevated;
- Increased traffic and car parking demand; and
- Increased noise.

It is noted that the resident from 117A Lambert Street was invited but did not attend the discussion forum. Issues raised by the resident relate to noise, security and dust during construction, traffic accessing the rear of the site, privacy and impact on values.

During the discussion forum, it was outlined that traffic movements and noise generation were unlikely to be excessive given that the land use will remain residential. Further, construction impacts are to be mitigated during the construction phase and are short term only.

The potential impact on privacy was discussed and proposed to be mitigated via the provision of lattice on the fence line. The lattice was recommended by a person who lodged a submission with the intention to act as a further barrier to improve privacy and overlooking into the new units. The lattice would be agreed upon between the neighbours, to a suitable height and colour. The lattice would be restricted to the rear edge of the dwelling known as 194 William Street so as to have no impact on solar access (windows) and the streetscape. Council can ensure the lattice screen is shown on the landscape plan.

Conclusion

The proposed development seeks consent for multi dwelling housing at 190 William Street, Bathurst. The existing two bedroom dwelling will remain, and two three bedroom units are proposed for the rear.

The proposal complies with the minimum lot size for multi dwelling housing, private open space, car parking, site coverage and height of buildings.

The proposal is not considered to adversely impact on the Heritage Significance of the Conservation Area as it is not highly visible from the streetscape.

The proposal is consistent with the objectives for the R1 General Residential Zone and introduces higher density within close proximity to the CBD.

It is recommended the Development Application be approved subject to conditions.

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. 2016/433 – TELECOMMUNICATIONS FACILITY AT LOT 1 DP234893, BOUNDARY ROAD, MITCHELL. APPLICANT: COMPLAN PTY LTD. OWNER: BATHURST REGIONAL COUNCIL (2016/433)

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.2016/433, 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) The applicant is responsible for:
- (a) The maintenance and upgrading of infrastructure and maintenance of the site.
 - (b) Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration.
 - (c) Removing infrastructure within 3 months of decommissioning.
 - (d) Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager;
- (ii) the applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within thirty (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radio frequency Fields – 3khz to 300Ghz', Radiation Protection Series No. 3;
- (iii) the installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.
- (iv) compliance with any requirements of the Civil Aviation Safety Authority (CASA);
- (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 the installation of a new telecommunications facility at Boundary Road, Robin Hill, described as Lot 1 DP 234893. A location plan has been included at **attachment 1**.

The tower is to be operated by Optus to provide mobile and data services to Mitchell and the surrounding areas.

The site currently contains an existing 30 metre high Telstra telecommunications tower and two Council owned water reservoir tanks.

The proposal

The proposal involves the erection of a 30 metre tall monopole with associated antennas and shed to house equipment on the ground. The maximum height of the structure is 32.2 metres with a plan included at **attachment 2**. The accompanying Statement of Environmental Effects of the proposed development is at **attachment 3**.

Access to the site will be by way of the current arrangement. No vegetation is to be removed as part of the proposal.

The locality

The site adjoins existing rural residential development to the west. The closest dwelling to the tower is 2 Robindale Court which is approximately 150 metres away.

To the north of the site is various community type uses including the Vietnam Veterans Park and the pistol club.

To the south east of the site is the Boundary Road Reserve.

The site is on a hill elevated above the dwellings and vegetation surrounding the site.

Background

The proposed facility is to cater for the growing demand on mobile services within the suburb of Mitchell and surrounding areas.

The installation of this new tower is to expand the Optus coverage footprint and offer seamless mobile services.

Planning Context

SEPP (Infrastructure 2007)

The development is permissible under the State Environmental Planning Policy (Infrastructure) 2007 (SEPP).

Clause 115(1) of the SEPP specifies that "development for the purpose of telecommunication facilities may be carried out by any person with consent on any land".

Clause 115(1) of SEPP requires Council to take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this clause and published in the Gazette. The Secretary has issued the NSW Telecommunications Facilities Guidelines including Broadband (July 2010).

It is acknowledged that telecommunication towers can create a significant amount of debate within the community in relation to electromagnetic emissions and visual impact. As a result there has been a significant amount of work done by Council, the state government most recently through the Department of Planning and through the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA) to address these issues in a policy format. In

addition the Land and Environment Court has handed down many decisions dealing with issues of emission levels and the application of the “precautionary principle”, most notably *Telstra Corporation vs Hornsby Shire Council 2006* and from Council’s perspective *Telstra Corporation Limited v Bathurst Regional Council 2011*.

Whilst the policy framework and decisions through the Courts may not satisfy the whole community they do represent the planning and statutory regime which currently exists. Council has the responsibility to determine every Development Application in accordance with this regime.

The NSW Department of Planning released its Telecommunication Facilities Guidelines including Broadband in July 2010. The Guidelines aim to provide an explanation of the existing Telecommunications legislation and provided guidance for the erection of Telecommunication facilities within NSW which has been included at **attachment 4**.

The Guideline provides principles for the location of telecommunications facilities. These principles are as follows:

- Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.
- Principle 2: Telecommunications facilities should be co-located wherever practical.
- Principle 3: Health Standards for exposure to radio emissions will be met.
- Principle 4: Minimise disturbance and risk, and maximise compliance.

PRINCIPLE 1 - VISUAL IMPACT

The applicable principles relating to visual impact of the proposal are as follows:

1. *As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.*
2. *The visual impact should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.*
3. *Where telecommunications facilities protrude from a building or structure and are predominantly background against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.*
4. *Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.*
5. *A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

The proposal is for a free standing structure on a site which has existing infrastructure which includes a 30 metre Telstra monopole with the associated infrastructure and two water reservoir tanks. The opportunities for locating the facility on a building are therefore limited.

The pole chosen is to be neutral grey colour. The tower, whilst it will be visible, is not likely to be an obtrusive element within the landscape and will assimilate with the background of the water reservoir, the existing tower and the surrounding vegetation.

PRINCIPLE 2 - CO LOCATION

The applicable principles relating to co-location are as follows:

1. *If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.*

The developer has stated the following in relation to the ability to co-locate the proposal:

“that there are currently no existing carrier telecommunications facilities located in the vicinity, with the required position and/or height and/or structural suitability that are potentially capable of providing the wireless radio services to the locality on which the proposed equipment can be co-located. There are no other forms of public utility structures (e.g. light or power poles etc) in the locality or buildings with the required position and/or height and/or structural suitability that are available or suitable for co-location purposes.”

Based on the following factors the existing Tower on site was not a feasible option:

- Due to existing Telstra telecommunications equipment on the monopole, the only available height to install Optus telecommunications equipment was approximately 20 metres. As a result of this, the proposal had a poor service coverage score.
- The Telstra tower has reached its full structural capacity due to the load of the existing Telstra telecommunications equipment on the tower. As a result, the tower does not have the structural capacity to accommodate any Optus telecommunications equipment.

PRINCIPLE 3 - EMISSION LEVELS

The applicable principles relating to emission levels are as follows:

1. *A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard.*
2. *An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection and Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development, comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.*

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Commonwealth body charged with the responsibility for establishing standards that protect the health and safety of the community, including the Radiation Protection Standard.

The current Australian Standard is the Australian Radiation Protection Standard “Maximum Exposure Levels to Radiofrequency Fields 3kHz to 300GHz: Radiation Protection Series No. 3 (Australian Standard RPS3) formulated by the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA).

ARPANSA states that the standards which protect people from EME exposures do not set any distances between mobile base station locations and areas which may be considered to be sensitive. ARPANSA similarly highlights that the Australian Communications Industry Forum (ACIF) Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a sensitive area may need to operate at a higher power and so may result in higher EME exposures in that sensitive area.

ARPANSA states that “public concern has also been expressed regarding the possibility of adverse health effects from mobile phone base stations that are sited on or near places where children spend large amounts of time, for example, in or outside their home, kindergartens, schools, playgrounds etc. The balance of evidence does not indicate a risk to the health of people, including children, living in the vicinity of base stations where exposure levels are only small fractions of the ARPANSA standard”.

Applicability of the Australian Standard

The applicability of ARPANSA Australian Standard RPS3 has been dealt with on numerous occasions by the Land & Environment Court.

In terms of the standing of RPS3 the following principles would apply (*Telstra Corporation vs Hornsby Shire Council 2006*).

1. His Honour (Preston CJ) found that it is not appropriate for the Court to set aside or disregard such an authoritative and scientifically credible standard as the Australian Standard RPS3.
2. Nor is it appropriate for the Court to pioneer standards of its own. The creation of new standards is the responsibility of other authorities with special expertise, such as ARPANSA.
3. The Court should accept and apply the Australian Standard.
4. His Honour (Preston CJ) found that the levels of RF EME emitted from the proposed base station would easily comply with the Australian Standard RPS3 and the risk of any harm to the health and safety of people or the environment caused by exposure to such extremely low levels of RF EME was negligible. Accordingly, there was no basis on which the precautionary principle could be applied to the proposal.
5. Preston CJ stated that the conclusion was a direct consequence of the fact that a precautionary approach has already been adopted in the standard setting process, the terms of the Australian Standard RPS3, the design and location of the proposed base station, the equipment to be provided, the operation of the equipment, the application of the Standard to the RF EME generated from the base station, and the likelihood of actual RF EME being significantly less than predicted RF EME.

From Council's own experience these principles were likewise upheld in the proposed mobile phone tower in Ilumba Way, Kelso (*Telstra v Bathurst Regional Council*). That decision noted:

For the matter before me in terms of the resident's perceptions of an adverse effect on the safety of residents and the environment by exposure to emissions. In this regard I acknowledge that some people do have concerns, but the role of the Council is to assess

the development application in terms of the factual evidence and in terms of the appropriate Australian Standards. And it is acknowledged that while some people may not choose to live near a telecommunications tower, that in itself is not reason to refuse the application.

The findings of Preston CJ in *Telstra v Hornsby* have been adopted into the NSW Department of Planning's Telecommunication Facilities Guideline including Broadband July 2010.

In this case the proposed telecommunications facility is located approximately 150 metres from the nearest non-associated residential dwelling and the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. The proposal complies with Councils Telecommunication policy as the EME emissions are well within the Australian Standard RSP3.

It is estimated that the proposed telecommunications facilities in conjunction with the existing facility on Boundary Road will emit a maximum cumulative RF EME level of 1.32% (at a distance of 100 – 200m) of the ARPANSA mandated exposure limits. The maximum cumulative RF EME level was calculated 1.5m from ground level at specific distance intervals from the proposed location of the development, in accordance with Radiation Protection Series Publication No.3 ARPANSA.

The proposed emission levels are therefore well within the standards established in RPS3. It is therefore not appropriate to refuse the application on the grounds of emission levels.

PRINCIPLE 4 – MINIMISE DISTURBANCE & MAXIMISE COMPLIANCE

The applicable principles are as follows:

1. *The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.*

The site contains an existing phone tower which has an approximate height of 32 metres and is located within 70 metres of the proposed tower. These towers are both located on the 780 contour. Therefore the proposed development height is consistent with the existing development on site with no additional impact on the protection of the airspace.

Bathurst Telecommunications Policy 2008 (as amended)

It should be noted that Council has adopted its own Policy in relation to the siting of Telecommunications Facilities.

Council's Policy requires that emission levels be in accordance with the ARPANSA standard. The development is to have a Cumulative RF EME of 1.32% of Australian Communications and Media Authority (ACMA) Mandated Exposure Limit.

The development therefore complies with Council's existing Telecommunications Policy.

Sites

As part of the site assessment process CommPlan examined 2 sites within the vicinity.

These sites, along with reasons why the proposed site was ultimately chosen are described below.

Proposed Site	Proposed Facility	Suitability of site/ reasons for refusal.
Boundary Road, Mitchell (Lot 1 DP 234893)	Co-locate on existing Telstra Monopole	<ul style="list-style-type: none"> • The proposal was to install equipment on the existing Telstra monopole. • Due to existing Telstra telecommunications equipment on the monopole, the only available height to install Optus telecommunications equipment was approximately 20m. As a result of this, the proposal had a poor service coverage score. • The Telstra tower has reached its full structural capacity due to the load of the existing Telstra telecommunications equipment on the tower. As a result, the tower does not have the structural capacity to accommodate any Optus telecommunications equipment. • Based on these two factors, this candidate was not a feasible option.
Boundary Road, Mitchell (Lot 1 DP 234893)	New greenfield monopole	<ul style="list-style-type: none"> • The proposal is to install a new 30m monopole with telecommunications equipment. • The selected site and antenna heights available on the proposed monopole achieve the Optus coverage requirements. • Council as the lessor have agreed to a lease with Optus for a telecommunications facility on this property. • This site was considered the best option as the subject of this Development Application.

Submissions

The Development Application was notified to surrounding properties in accordance with Bathurst Regional DCP 2014.

One written submission was received and has been included at **attachment 5**.

A Council discussion forum for the proposed development was held on 1 March 2017. Invited to attend this discussion forum was the applicant and objector.

A copy of the minutes of the discussion forum is at **attachment 6**.

Issues raised in the submission have been addressed earlier in this report.

Council's Interest

It is noted that Council is the owner of the subject land. Council at its meeting held 21 September 2016 (DCSF Confidential No 4) resolved to enter into a new commercial lease agreement with Optus for the land. The agreement to lease the land and the assessment of

the Development Application are independent of each other.

Conclusion

Council has received a Development Application (DA) for construction of a 30 metre monopole and associated infrastructure for a Telecommunications facility at Lot 1 DP 234893, Boundary Road.

Telecommunications facilities are permissible by the State Environmental Planning Policy Infrastructure 2007. While the proposed telecommunications facility is located within approximately 150 metres of the nearest non-associated residential dwelling, the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. Approval is therefore recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

5 DEVELOPMENT APPLICATION NO. 2015/0196 – REQUEST FOR MODIFICATION OF THE CONSENT FOR A RECREATION FACILITY (GO KART TRACK), BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT: BATHURST KART CLUB. OWNER: BATHURST REGIONAL COUNCIL (2015/0196)

Recommendation: That Council notes the General Manager's action to obtain:

- (a) an Aboriginal Cultural Heritage Assessment for the subject land to inform the application to modify DA 2015/0196; and
- (b) cultural heritage mapping of the Mount Panorama precinct to inform the longer term cultural heritage management of Mount Panorama.

Report: The Bathurst Kart Club lodged a development application for a recreation facility (Go Kart track) at McPhillamy Park, Mount Panorama. The proposal was for a 950m Go Kart track at the top of the Mountain. Consent for the application was granted by Council on 28 September 2015.

Council, on behalf of the Bathurst Kart Club, lodged a request to modify the consent issued on 28 September 2015 to extend the Go Kart Track. The extended Go Kart track proposal included additional earth works. The plans of the original approved Development Application and the proposed modification are provided at **attachment 1**.

To assess the request for modification additional information was required including:

- Noise assessment and environmental assessment report.
- Aboriginal Due Diligence Assessment.

It should be noted that Council has not yet undertaken general public consultation with respect to the application for modification other than in relation to the meetings held with Aboriginal groups on 7 March 2017 (see below). Public consultation will follow receipt of the additional information outlined above.

In respect of the noise and environmental assessment report, neither raised significant issues beyond those raised in relation to the original DA.

Extent Heritage (who completed the Bathurst Regional Local Government Area Aboriginal Heritage Study in 2015) was engaged to prepare the Aboriginal Due Diligence Assessment which was provided to Council on 27 October 2016. It should be noted that the assessment is not a formal Aboriginal Cultural Heritage Assessment (ACHA). The Due Diligence Assessment was completed in accordance with the NSW Office of Environment and Heritage (OEH) guidelines.

The Due Diligence report found that since the original DA was lodged and approved, four additional sites have been registered on the Aboriginal Heritage Information Management System (AHIMS) database by the Wiradyuri Traditional Owners group. Two of these sites are located within and around the subject area.

The presence of these registered sites within the proposed development area means that a section 90 Aboriginal Heritage Impact Permit (AHIP) approval from OEH may be required prior to the commencement of the development if relics are found and they are proposed to be destroyed.

As part of the due diligence report a site inspection was undertaken in conjunction with the Bathurst Local Aboriginal Lands Council and the Wiradyuri Traditional Owners group to identify whether or not Aboriginal objects/sites are visible on the current ground surface and to identify any areas of subsurface archaeological potential (note no excavation was undertaken).

The due diligence report concluded that:

- The proposed development will be a high impact activity.
- There are two registered sites in the subject area, and as such AHIP approval may be required if relics are found.
- No objects/relics have been identified to date and it is likely that there is low potential for sub-surface archaeological deposits.
- Consultation with Aboriginal communities have identified that the land has significant intangible cultural heritage values to the Aboriginal community.
- There is significant opposition from the Wiradyuri Traditional Owners group for the development to proceed.
- There is support from the Bathurst Local Aboriginal Lands Council for the development to proceed.

Council staff met with representatives of the Wiradyuri Traditional Owners Central West Aboriginal Corporation and the Bathurst Local Aboriginal Lands Council on 7 March 2017. Extent Heritage was engaged to help facilitate discussions with both parties. A report from Extent Heritage in relation to those meetings is provided at **attachment 2**.

In summary those meetings reiterated:

- The opposition from the Wiradyuri Traditional Owners group for the development to proceed.
- The support from the Bathurst Local Aboriginal Land Council for the development to proceed.

The meetings also highlighted the need for Council to more accurately document the values, places and features of the Mount Panorama precinct that are of cultural significance as a means to develop a cultural heritage management plan for the entire Mountain to inform operational activities.

As a result of the urgency of this matter, as expressed by Councillors at recent discussions, Council has with the assistance of Extent Heritage, established a study process as outlined in the table below.

Phase 1 Assessments	Comment
ACHA for the Go Kart Track	This is a formal report prepared in accordance with OEH guidelines. It includes archaeological assessment and Aboriginal consultation including archaeological test excavation work. The report is required if an Aboriginal Heritage Impact assessment permit from the OEH is

	required.
ACHA for the upgrade of the camp grounds.	This is a formal report prepared in accordance with OEH guidelines. It includes archaeological assessment and Aboriginal consultation including archaeological test excavation work. The report is required if an Aboriginal Heritage Impact assessment permit from the OEH is required.
An anthropological assessment and ethnographic survey of the Mount Panorama precinct	This report identifies and assesses cultural mythological and spiritual values associated with the precinct and is a critical input to the ACHAs (phase 1) and the studies proposed in phase 2 below.
Estimated timeframe for completion of phase 1 - 14 to 18 weeks	
Phase 2 Assessments	
Archaeological Ground survey assessment of the Mount Panorama precinct	This survey will identify specific parts of the precinct that have archaeological sensitivity.
A cultural heritage management plan for the entire precinct, incorporating the results of the archaeological and anthropological studies	This plan would aim to clearly delineate areas of varying cultural heritage sensitivity to guide future land use and management, and provide greater certainty to all stakeholders. A central aspect of this plan would be to address the site of the proposed second circuit.
Estimated timeframe for completion of phase 2 - 6 to 8 weeks	

In order to progress the application for modification and the need to better manage the issue of cultural heritage at the Mount, Council's General Manager has engaged consultants to:

- Proceed with an Aboriginal Cultural Heritage Assessment (ACHA) to determine if an Aboriginal Heritage Impact Permit (AHIP) application is needed with respect specifically to the application for the Go Kart Track. Council should note that if an AHIP application is needed then the application essentially becomes integrated development with further consultation required with NSW OEH.
- Undertake Cultural Values Mapping of the whole of the Mount to:
 - Accurately document the values, places and features that are of cultural significance.
 - Include focussed archival and anthropological investigations to verify the claims of significance being made.
 - Provide for the development of a strategy for long term protection and management of aboriginal values to ensure certainty for Council and other landowners who wish to use Mount Panorama.

In this regard Extent Heritage have been engaged to under take the work given the following:

- The urgency of the matter as expressed by Councillors at recent discussions.
- Extent Heritage bring with them the experience of completing the Bathurst Local Government Area Aboriginal Heritage Study which included a detailed assessment of the Kelso Urban Expansion Study, and the due diligence report for the Go Kart track development application. There would be significant economies of scale in terms of time and resources and analysis of information that would not be available to other firms. In addition Extent Heritage has already formed contacts with the relevant aboriginal members in Bathurst.
- Extent Heritage is intimately aware of the needs of Council with respect to the study and the study processes.
- The quality of the work already completed by Extent Heritage has met Council's expectations and study briefs. The consultants have continued to offer Council staff assistance with questions and issues that have arisen.

Note that the consultancy has been engaged in two separate stages, with the assessment of the Go Kart track and the anthropological investigations forming the core of the Stage 1 investigations.

It should be noted that the process may still not see support for the Go Kart track by the Wiradyuri Traditional Owners group.

It should be noted that the appointment of a consultant to complete this work is the subject of a report to Confidential Committee of Council to be considered at this meeting.

Financial Implications: It is estimated that the ACHA and Cultural Mapping will cost up to \$239,730 (excluding GST), including contingencies.

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 11.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5, 28.8

6 ECONOMIC & BUSINESS OUTLOOK MORNING TEA – DR KEITH SUTER (20.00306)

Recommendation: That the information be noted.

Report: In 2017, the NSW Department of Industry created 'Back to Business Week', an initiative to promote and celebrate the success of small and medium sized businesses and the critical role they play in local communities across NSW. Back to Business Week was held from 26 February to 4 March 2017.

All NSW Councils were offered funding to run at least one event for the local business community. Bathurst Regional Council received \$5,000 of funding to allocate to a business event. Council engaged Dr Keith Suter, a global futurist, thought leader and author, and the international affairs expert on Channel Seven's Sunrise Program to present an 'Economic & Business Outlook Morning Tea' on Tuesday 28 February 2017 at the Bathurst Memorial Entertainment Centre. Dr. Suter also holds three doctorates and is a member of the exclusive Club of Rome, which only has 100 members around the world.

The morning tea attracted 130 business professionals and was a great success. Dr. Keith Suter provided insights on how the Australian and NSW economy will perform in 2017. Particularly, Dr. Suter focussed on:

- What's in store for Australia and NSW economically and politically and the impact on businesses.
- The recent controversial decisions made by the Trump Administration and the impact on Australian trade.
- How these global economic and political developments will trickle down and affect regional centres like Bathurst.

Council has expressed its strong interest in supporting 'Back to Business Week' again in 2018.

Conclusion:

The NSW Department of Industry provided funding to Bathurst Regional Council to run a business event during 'Back to Business Week', held from the 26 February – 4 March 2017. Council engaged Dr. Keith Suter, a global futurist to present a business morning tea on the economic and global outlook. The morning tea attracted 130 business professionals and was a great success.

Council has expressed strong interest in supporting this initiative again in 2018.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.6

7 NAMING OF PUBLIC ROADS – YELLOW BOX PLACE (20.00024)

Recommendation: That Council:

- (a) adopt the name Yellow Box Place; and
- (b) direct the Acting Director Environmental Planning and Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: Council has received a request from Voerman & Ratsep Land Surveyors to name a new cul-de-sac created by the subdivision of land off Cooper Crescent in Gormans Hill. This subdivision was approved by Council (under delegated authority) on 20 October 2015.

A location map has been included at **attachment 1** and a plan of subdivision at **attachment 2**.

The name *Yellow Box Place* has been nominated by Voerman & Ratsep.

This name has been selected because the Yellow Box tree (*Eucalyptus melliodora*) is found in remnant vegetation throughout the Bathurst Region and right across the Central Tablelands.

The name complies with Bathurst Regional Council's *Guidelines for the Naming of Roads*.

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

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

8 BATHURST CBD CAR PARKING (28.00006)

Recommendation: That the information be noted.

Report: The Bathurst CBD Car Parking Strategy 2013 (adopted by Council on 15 May 2013) was prepared to examine the current supply of, and future demand for, car parking in the Bathurst Central Business District (CBD).

Council prepared a Supplementary Report in 2015 to re-examine the level of usage of off-street and on-street car parking in the Bathurst CBD following the introduction of mobile parking patrols with Licence Plate Recognition (LPR) technology.

Council staff in late 2016 undertook a further survey of the on and off street parking in the Bathurst CBD. This data will be used to inform a future car parking strategy and a Bathurst CBD Integrated Transport Plan.

The 2016 data has been collated with the 2009/10 and 2014/15 data to illustrate some trends in the usage of carparks in the Bathurst CBD.

There has been no major change in utilisation rates for:

- Howick Street;
- Keppel Street;
- Rankin Street.

There has been a decrease in utilisation rates for:

- Church Street;
- Russell Street;
- Bentinck Street.

There has been an increase in utilisation rates for:

- George Street;
- William Street (particularly between Durham and Elizabeth Streets);
- Keppel Street (between Rankin and George Streets)

Generally there has been an increase in usage rates of all off-street carparks. In 2010 the usage rates of the off-street carparks ranged from 27% to 84%. In 2016, the usage rates of the off-street carparks ranged from 50% to 92%.

The 2016 survey continues to show that there are still vacant spaces readily available within the Elizabeth Street and Library off-street carparks.

There is still capacity (albeit timed) within the four shopping centre carparks.

Within the George Street Carpark, the occupancy rate was approximately 83%. An observation during the survey was that there were more vacant spaces within the timed areas of the carpark than the all day parking, suggesting that a review of the parking restrictions may be warranted, particularly since Clancy Motors have vacated their Howick Street site.

It should be noted that the BINC carpark (behind Keppel Street) was being upgraded while the car parking survey was being undertaken. The upgrade will provide approximately 50

additional parking spaces once completed.

Council will continue to monitor the car parking resources annually.

It should be noted that the 2015 Car Parking Strategy estimated the future number of spaces that will be required in the CBD as retail floor space increases. Provision for the additional spaces (e.g. a multi-level car park) has been included in Council's Community Facilities Section 94 Plan.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.1, 3.2, 3.5
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.1
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

9 PEST BIRD MANAGEMENT STRATEGY – AN UPDATE ON ACTIVITIES (14.00627)

Recommendation: That Council note the report.

Report: In response to concerns about increasing pigeon and other pest bird populations in Bathurst, Council engaged NGH Environmental to develop a Pest Bird Management Strategy in 2012.

Recommended activities included:

- Conduct ongoing monitoring of pest bird populations;
- Encourage the use of exclusion devices (nets, spikes etc) on buildings;
- Remove problem birds from high population areas; and
- Increase the use of native plantings and habitat in the urban and suburban environment which is less likely to be used by pest bird species.

The following table provides an update on pigeon activities and results since the adoption of the Pest Bird Management Strategy in 2013 to today.

Date	Activity	Involvement	Results (Pigeons Removed)
March 2013	CBD pigeon trapping	Ten businesses and five Council facilities	904
May 2013	Machattie Park “Don’t Feed Pigeon” signs installed	Machattie Park	NA
July 2013	Contract shooting	Three businesses and three Council facilities	189
May 2014	Machattie Park Pigeon Trapping	Machattie Park	0
June – Aug 2014	CBD Pigeon trapping	One private business and two Council facilities	185
September 2015	Contract shooting	12 businesses, five Council facilities	330
October 2015	Exclusion mesh and spikes (partial coverage)	Fossil and Mineral Museum	NA
November 2015	Contract shooting	10 businesses, four Council facilities	74
February 2016	Contract shooting	10 businesses, four Council facilities	102
June 2016	Contract shooting	10 businesses, four Council facilities	135
March 2017	Contract shooting	14 businesses, four Council facilities	189
2014 – 2017	Nest box sales	Sales to members of the public – approx 200 boxes	NA
2012 – 2017	Backyards for Wildlife booklet sales/gifts	Sales to members of the public – approx. 500 booklets	NA
Total (pigeons removed)			2108

Pigeon Control Options

There has been a range of pigeon control options explored since the development of the pest bird management strategy. The table below details these options and their effectiveness.

Type	Description	Notes on use	Cost
Trapping	Trap set in a secure location, usually on top of a roof space. Trap is left open and fed for 1-2 weeks before setting. Over 2-4 weeks traps are set in the morning and birds are removed at night and humanely euthanised.	<ul style="list-style-type: none"> ● Good results when first used. ● Results drops off markedly as birds become trap shy through repeated trapping programs. ● Needs to be put in a secure location for 4-6 weeks at a time. ● Needs to be checked twice daily. ● Large commercial buildings are the best sites (large flat roof areas). 	Around \$600-\$700 per trap site per 4 week program.
Shooting (air rifle)	Contract shooter targets birds roosting at night on building facades.	<ul style="list-style-type: none"> ● Can only be done at night. ● Have to avoid residential buildings or public spaces. ● Contractor can move to where birds are roosting at that time. ● Birds will move locations if conducted too frequently. 	Around \$600 per night.
Exclusion devices	Includes: Spikes Mesh Netting	<ul style="list-style-type: none"> ● Has to be done correctly (cover the entire area in question) for it to be effective. ● Can be costly. ● Usually done at high or difficult to reach locations. ● Complex facades need to be covered to completely eliminate roosting opportunities. ● May not be an attractive option for historic buildings. ● Council has installed on own sites where possible or feasible. 	<p>Bird spikes: around \$10/metre.</p> <p>Mesh and netting: depends upon site but can be up to thousands of dollars.</p>
Breeding control	Ovulation control feed station	<ul style="list-style-type: none"> ● Ovulation control methods apply a bird control pellet via an automatic feed station. ● Are not yet approved for use in Australia though appear to have good results. ● As birth rates decrease, local population declines. ● New birds still fly in so method needs to be employed on an ongoing basis. 	Unknown.
Nest removal	Removing nests or eggs	<ul style="list-style-type: none"> ● Works on small and easily accessible locations. ● Does not work for most 	Depends upon the site but generally expensive and high

		<p>sites as birds roost too high.</p> <ul style="list-style-type: none"> ● Artificial nesting sites (which attract birds to an area so eggs can be easily removed) have been unsuccessful. 	<p>maintenance.</p>
Visible Bird Scarers	<p>Fake owls or hawks Strobe lights Reflective disks or tape Water sprayers Lasers</p>	<ul style="list-style-type: none"> ● Owls, hawks, strobes, disks and tape initially work but lose effectiveness quickly when birds realise they are not a threat. ● Water sprayers work by automatically spraying water on an area when sensor is triggered. Best used on the ground or smaller areas or away from the public. ● The visible laser is said to scare birds. May cause light pollution or other disturbance in CBD. Council has trialled with minimal success. 	<p><\$50 for fake predators and tape >\$200 for strobes >\$100 for sprayers Lasers unknown</p>
Acoustic Bird Scarers	<p>Guns Ultrasonic emitters Distress callers</p>	<ul style="list-style-type: none"> ● Guns and other loud noise emitting devices generally used on crops and orchards. Not good for use in urban and residential areas due to noise complaints. ● Ultrasonic devices emit a high frequency noise to scare animals. Works in a small area when sensor is triggered. Not effective over large areas. Can disturb other animals. ● Distress callers work by emitting the alarm call of the bird so birds flee the area. Multiple callers can cover large areas. May cause a nuisance to businesses or residents. Yet to be trialled by Council. 	<p>Hundreds + installation and maintenance.</p>
Birds of prey (i.e. falcons)	<p>Using trained birds of prey, generally falcons or hawks, to scare birds away from roosting or feeding areas. Drones</p>	<ul style="list-style-type: none"> ● Has been used with some success at train stations, airports, horse racing tracks etc. ● Being trialled by Dubbo Regional Council for starlings. ● Drones can be used for similar effect. ● Only moves birds from one location to another so 	<p>Unknown but likely thousands</p>

		not useful for entire CBD bird control.	
Tape, glue, gels etc	Traps birds that land on the sticky product.	<ul style="list-style-type: none"> • Generally banned for use due to the injuries caused to birds. Not humane. 	Unknown

What is working?

Shooting:

Due to the flexibility and ongoing success of using a professional shooter to remove birds from buildings, Council has continued to employ this method since the program's commencement. Birds however can move from business locations to residential or tenanted properties if the program is conducted too frequently.

Therefore, Council engages the contractor 2-4 times per year. When and how frequently is dependent upon the number of birds and where they are presently congregating.

Trapping:

Trapping had an immediate impact when first employed by Council with the involvement of ten CBD businesses. However, the program is lengthy and requires twice daily inspections by the contractor for the 4-6 week life of the program. At around \$700 per site, it can be quite expensive.

The last time Council conducted trapping, results were quite low and therefore this has not been employed since 2014. Notwithstanding, a trapping program has been scheduled to be conducted in the CBD in the coming months. Future trapping efforts will be influenced by the outcomes of this effort.

Exclusion devices:

Council has installed spikes (on pipes, gutters, window ledges etc) and mesh (on gutters and roof openings) on some Council buildings. This has gone some way to reduce roosting and nesting opportunities. However, due to the complex facades of the historic buildings with multiple ledges, pipes, gutters, eaves and the like, the only possible way to prevent access is to net the entire building face or roof.

Netting buildings has been done with great success in many historic buildings in Australia and Europe and when done correctly, is not very visible. However this comes at significant cost and therefore has to be weighed against its success and cost to implement.

Options for the future

Birth control:

Birth control feeders seem to work well in countries where it is permitted for use. However, Australia is yet to approve their use and therefore Council cannot explore this option as yet but will monitor its availability.

Distress callers:

Callers that emit the species' alarm call may be an option especially where high numbers of birds congregate. Council has contacted suppliers of these products so that a trial may be conducted.

It must be noted that the use of such callers may simply relocate the birds from one location to another, and therefore shift the problem to a site where other controls are not an option.

Other methods:

Council continues to monitor developments in the pest control industry and will explore options should they become available.

Private landholder involvement

When Council conducts programs, private businesses are usually invited to participate especially if their property adjoins Council facilities and the façade fronts the street. If businesses wish for control activities to be undertaken within their property then they are put in direct contact with the contractors as pest control within private properties is the responsibility of the property owner.

Council staff also provide ongoing advice to property owners as to how to deter, reduce or remove birds from their property. The pest bird management strategy is publicly available from the Council website and Civic Centre and people are referred to this document regularly.

Conclusion

Council has focused on a range of exclusion devices and removal options which are shown to be the most effective and cost effective method of removing birds from the Bathurst city CBD. Some control options are very effective in removing or deterring birds from a single location. However, no one method has been shown to be suitable for bird control across the more than 15 hectares of CBD infrastructure.

Therefore Council will continue to employ methods known to work whilst monitoring and testing other methods as they become available.

Financial Implications: The Pest Bird Management Strategy implementation is funded through its own allocation.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.11
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.1

10 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)

Recommendation: That Council:

- (a) adopt the Bathurst Regional Local Environmental Plan amendment to update Schedule 5 Environmental Heritage as outlined in this report;
- (b) forward the Bathurst Regional Local Environmental Plan amendment to update Schedule 5 Environmental Heritage Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) advise all property owners of Council's decision; and
- (d) call a division.

Report: Background

Council at its meeting held 1 February 2017, adopted an amendment to the Bathurst Regional Local Environmental Plan 2014 to update Schedule 5 Environmental Heritage.

The Planning Proposal included the heritage listing of several items within the following areas:

- a) Colonial Housing Stock within the Bathurst Region including 62 Seymour Street, Bathurst.
- b) Early Government sites such as the Agricultural Research Station and relics associated with Bathurst Railway Station.
- c) Natural Landscapes as recommended by the Bathurst Region Heritage Study 2007 including:

- Abercrombie Caves – Caves Road, Abercrombie River
- Winburndale Nature Reserve – Winburndale Dam Road, Napoleon Reef
- Copperhannia Nature Reserve – Colo Road, Trunkey Creek
- Stevens Park and Weir – Budden Street and Peppers Creek, Rockley
- Wattle Flat Heritage Lands - Wattle Flat
- Trunkey Creek Memorial Park – Arthur Street, Trunkey Creek
- Devil's Marbles – 2396 Ophir Road, Rock Forest
- Macquarie Woods – Cashens Lane, Vittoria
- Lions Club Drive Trees - Lions Club Drive, Kelso
- Beyer's Avenue Trees - Beyer's Avenue, Hill End
- Wallaby Rocks – 557 Hill End Road, Sofala
- Victoria Park – Howick Street, Bathurst
- Centennial Park – Bentinck Street, Bathurst.

- d) Include more descriptive property addresses for several existing listed heritage items.

The finalised Planning Proposal was included in the agenda to the report to Council on 1 February 2017.

Since Council's adoption of the planning proposal, Council has received further objections in relation to the listing of the Bathurst Railway Gantry Crane and the Devil's Marbles. The following is noted in relation to the submissions:

Bathurst Railway Gantry Crane

Voestapline VAE Railway Systems Pty Ltd do not support the proposed listing of the Gantry Crane located at the Bathurst Railway Precinct. A copy of the additional submission is included at **attachment 1**.

Council previously adopted to list the gantry crane as an item to protect it from being dismantled and removed from the site. The listing would not prevent the landowner using the site, however, it would require them (and Council) to consider any possible impact on the crane from a new use. As a result of this further submission, it is recommended the listing of the gantry crane be removed from this planning proposal and considered at a later stage when further information can be obtained.

Devil's Marbles

The owner of Devil's Marbles has recently contacted Council to raise objection to the listing of the site as a heritage item as they do not wish to encourage visitation of the site. A copy of the additional submission is at **attachment 2**. The listing of the site as a heritage item would not be promoted or advertised by Council and this has been confirmed with the Bathurst Visitor Information Centre. However, the owner has had several instances of unauthorised visitation to the site and has concerns regarding safety. It is therefore recommended to remove Devil's Marbles from this planning proposal.

Additionally, advice has been received from the Department of Planning, advising that places governed by the National Parks and Wildlife Act do not require listing in Schedule 5 of the LEP. This is the case even if OEH supports the proposed inclusion of the place into the Schedule. Therefore in line with this advice, the following sites which are currently zoned E1 National Parks and Reserves under the LEP will not form part of the amendment.

- Abercrombie Caves – Caves Road, Abercrombie River
- Winburndale Nature Reserve – Winburndale Dam Road, Napoleon Reef
- Copperhannia Nature Reserve – Colo Road, Trunkey Creek.

Conclusion

At its meeting held 1 February 2017, Council resolved to update Schedule 5 Environmental Heritage of Bathurst Regional Local Environmental Plan 2014 to consider heritage listing several items. As a result of several post adoption objections and further advice from the Department of Planning, it is recommended that Council reconsider the adoption of the amendment to exclude the following:

- Bathurst Railway Gantry Crane
- Devil's Marbles – 2396 Ophir Road, Rock Forest
- Abercrombie Caves – Caves Road, Abercrombie River
- Winburndale Nature Reserve – Winburndale Dam Road, Napoleon Reef
- Copperhannia Nature Reserve – Colo Road, Trunkey Creek

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

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

Strategy 30.3, 30.7

**11 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, DA2015/0196)**

Recommendation: That the information be noted.

Report: The following items have been included in the confidential section of the business paper for Council's consideration.

**1 PROPOSED ABORIGINAL CULTURAL HERITAGE ASSESSMENTS OF THE
MOUNT PANORAMA PRECINCT**

The report requests support of the General Manager's action to commission consultants to complete the aboriginal cultural heritage assessments of the Mount Panorama precinct as a matter of urgency.

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

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 11.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5, 28.8

Yours faithfully



R Denyer
**ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 APRIL 2017

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$79,100,000 was invested at 31 March 2017 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$9,500,000.00	2.84%
St George	A1+	\$3,000,000.00	2.79%
Bankwest	A1+	\$3,000,000.00	2.72%
Bank of Queensland Limited	A2	\$16,500,000.00	2.74%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.72%
Newcastle Permanent	A2	\$2,500,000.00	2.80%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.80%
People's Choice Credit Union	ADI	\$3,000,000.00	2.69%
Railways Credit Union Limited	ADI	\$2,000,000.00	2.88%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.76%</u>
		\$42,000,000.00	2.77%

Long Term > 365 Days
(comprising Commercial Bills, Term Deposits, Debentures and Bonds):

Floating Rate Term Deposits

CBA Deposit Plus	AA-	\$1,500,000.00	2.59%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.74%
CBA Deposit Plus 2	AA-	\$1,500,000.00	4.00%
WBC Coupon Select	AA-	\$2,000,000.00	2.78%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.10%</u>
		\$12,300,000.00	2.80%

Fixed, Negotiable & Tradeable Certificates of Deposits

Greater Bank Ltd	BBB+	<u>\$2,000,000.00</u>	<u>3.28%</u>
		\$2,000,000.00	3.28%

Floating Rate Notes

Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.68%
AMP	AA-	\$800,000.00	2.90%
AMP	AA-	\$1,000,000.00	3.13%
CBA Climate Bond	AA-	\$1,000,000.00	2.72%
AMP	A+	\$1,000,000.00	2.85%
Suncorp Metway	A+	\$1,000,000.00	3.03%

Rabobank	A+	\$1,000,000.00	3.29%
Macquarie Bank	A	\$1,000,000.00	2.89%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	2.98%
Bank of Queensland	A-	\$1,000,000.00	2.80%
Bank of Queensland 1	A-	\$2,000,000.00	2.90%
Bendigo & Adelaide Bank 2	A-	\$1,000,000.00	2.73%
Bendigo & Adelaide Bank 3	A-	\$1,000,000.00	2.88%
Bank of Queensland 2	A-	\$1,000,000.00	2.84%
Police Bank Ltd	BBB+	\$1,000,000.00	2.88%
Police Bank Ltd 2	BBB+	\$1,000,000.00	2.88%
Credit Union Australia 2	BBB+	\$1,000,000.00	3.00%
Credit Union Australia 3	BBB+	\$1,000,000.00	3.40%
Newcastle Permanent	BBB+	\$1,000,000.00	3.13%
Newcastle Permanent 2	BBB+	\$1,000,000.00	3.40%
Newcastle Permanent 3	BBB+	\$1,000,000.00	3.43%
Members Equity Bank 2	BBB+	\$1,000,000.00	2.78%
		\$22,800,000.00	2.97%

Total Investments **\$79,100,000.00** **2.85%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$42,816,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$579,269.00

Total Investments **\$79,100,000.00**

Total Interest Revenue to 31 March 2017 **\$1,566,073.33** **2.85%**

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 MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)

Recommendation: That the information be noted.

Report: Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au/council/general-information/public-documents. A listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan can be found within the Plan commencing from page 34.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2016-2020 Delivery Plan and the Annual Operating Plan 2016-2017.

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 1.

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 March 2017.

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:	\$Nil
BMEC Community use:	\$Nil
Mount Panorama:	\$14,379.89

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.

- S & D Owens - Ben Chifley Dam - Part Lots 2, 10, 11, DP 224864 - In-House Rural Licence
- Vivability Inc - 5 Wark Parade - Lot 7, DP 806109 - Lease
- GJ & DM Toole - 14 Fraser Drive - Lot 36, DP1226661 - Transfer
- T & S Uruththiran - 23 Fraser Drive - Lot 48, DP1226661 - Transfer
- R Howard - Church Lane - Lot 6, DP1142438 - In-House Rural Licence
- Warren Harvey Homes Pty Ltd - 12 Matthews Street - Lot 1106, DP1215618 - Transfer
- Hibbards Pty Ltd - 12 Lew Avenue - Lot 6, DP 1226661 - Transfer
- MT & TJ Cole - 1 Fraser Drive - Lot 59, DP 1226661 - Transfer
- Hibbards Pty Ltd - 14 Lew Avenue - Lot 7, DP1226661 - Transfer
- P Melham - 200 College Road - Part Lot 2, DP 749758 - In-House Rural Licence
- B & A Fulthorpe - Land Napoleon Street, Raglan - Lot 26, DP 253818 - In-House Rural Licence
- Hibbards Pty Ltd - 20 Lew Avenue - Lot 10, DP 1226661 - Transfer
- Hibbards Pty Ltd - 18 Lew Avenue - Lot 9, DP 1226661 - Transfer
- SL Ryan, JA Clulow & MJ Ryan - Freemantle Road - Lots 7,10 and 15, DP 1218703 (closed road lots) - Transfer
- L Cutler - Rural Land at Bathurst Aerodrome - Part Lot 304, DP 1187714 - In-House Rural Licence
- 2MCE Community Radio Station - SBS Tower, Mt Panorama - Part Lot 40, DP 1056379 - In-House Licence

Linen Plan Release

- Trustees Roman Catholic Church Diocese of Bathurst - Stage 2 of 61 lot residential subdivision - 29 lot release - Lot 321, DP 1205931 - Wentworth Drive

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 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SHEEP DOG CLUB (04.00087-02/065)

Recommendation: That Council donate \$500 to the Bathurst Sheep Dog Club for the use of the campground at Rockley to be funded from Section 356 donations.

Report: Council has received a request from the Bathurst Sheep Dog Club at **attachment 1** for a donation to assist in the running of the Sheep Dog Trials on 7 - 9 April 2017. Council assisted the Club in 2016 by donating \$500 to cover the use of the campground.

The annual event attracts a substantial number of visitors to the area and promotes tourism in Rockley.

It is recommended that Council support the Bathurst Sheep Dog Club in running the sheep dog trials in Rockley from 7 - 9 April 2017 by donating \$500 to cover the use of the campground.

Financial Implications: The \$500 could be funded from Council's Section 356 Donations allocation.

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 CLASSIFICATION OF LAND - LOTS 433 AND 434 IN DP1225030 LOCATED IN IGNATIUS PLACE, KELSO TO OPERATIONAL LAND. (22.14719 and 2015/0017)

Recommendation: That Council classifies Lots 433 and 434 in DP1225030 located on Wentworth Drive and Ignatius Place, Kelso, as 'Operational land' under the provisions of Section 31(2) of the Local Government Act 1993, as detailed in the report.

Report: Council's Geographical Information Services section has advised Lots 433 and 434 in DP1225030 located in Ignatius Place and Wentworth Drive, Kelso are Drainage Reserves.

Lots 433 and 434 are for drainage purposes. Refer to map at **attachment 1**. The Development Application consent will dedicate these lots to Council as the Catholic Church has now completed a residential subdivision and will no longer require ownership of the drainage reserves.

It is therefore recommended that Council classifies Lots 433 and 434 in DP1225030 located in Ignatius Place and Wentworth Drive, Kelso as 'Operational land' under the provision of Section 31(2) of the Local Government Act 1993.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

7 HILL END WAR MEMORIAL (04.00032)

Recommendation: That Council note that the Hill End & District Volunteer Bushfire Brigade has assumed the ongoing community management of the Hill End War Memorial.

Report: Council has received notification that the Hill End & Tambaroora Progress Association Inc. has folded due to the absence of a committee. Amongst many other functions, this Progress Association had been responsible for the community management of the Hill End War Memorial.

Mr Shanahan, the Senior Deputy Captain and Training Officer of the Hill End & District Volunteer Bushfire Brigade, has written to Council at **attachment 1** advising that the Brigade have accepted the responsibility for the ongoing community management of the Hill End War Memorial.

The location of the Hill End War Memorial is at **attachment 2**.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.5

8 UPDATE - FIRE AND EMERGENCY SERVICES LEVY (FESL) (18.00145)

Recommendation: That the information be noted.

Report: Council has received further advice in respect to the Fire and Emergency Services Levy legislation that will affect councils from 1 July 2017.

Council previously received a report at its meeting on 21 September 2016 in respect to this Bill, at **attachment 1**.

The major differences between the two Bills are:

- (a) The new Bill introduces hardship provisions that allow persons liable to pay the levy to apply to the Office of State Revenue for a waiver or reduction of the levy payable. Councils will be required to give effect to the Office of State Revenue decision for a waiver or reduction of the levy payable and writing off the amount waived or the amount of the reduction.
- (b) Local Government NSW's role - this organisation assisted councils in the introduction of the proposed levy.

All ratepayers are due to receive, from the last week in April 2017, a letter notifying them of their property's classification for the purpose of levying the FESL from 1 July 2017, along with an information leaflet from the NSW Government regarding the new charges.

Ratepayers will then have an opportunity to advise Council of any changes in property use, and therefore their classification, prior to the levy applying. The change of classification form is available on the Council website along with a link to the NSW Government's FESL website.

A public awareness campaign for the levy will begin from April. The FESL website will be refreshed and updated from this time. A key aim of the campaign is to emphasise that the FESL is a NSW Government Levy designed to fund our fire and emergency services paid alongside council rates. It will direct queries to the FESL website and call centre – rather than to Council directly.

The advertising tagline is 'Fire and Emergency Services Levy. It isn't new. It's just fairer.'

Financial Implications: Council should receive full cost recovery for the introduction of this new Fire and Emergency Services Levy

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

9 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON HALL 70TH BIRTHDAY CELEBRATIONS (18.00004-33/012)

Recommendation: That Council make a donation of \$1,000 to the Eglinton War Memorial Hall and Park Committee to assist with the Hall's 70th birthday celebrations in July, to be funded from Section 356 Donations.

Report: Council has received a request from the Eglinton War Memorial Hall and Park Committee for financial support for the Eglinton War Memorial Hall's 70th birthday celebrations on 22 July 2017, see **attachment 1**.

The Committee is seeking funding of between \$1,000 and \$1,500. Funding will assist the Committee with its expenses including: mural, plaque, advertising, printing, signage and catering costs.

It is noted the Eglinton War Memorial Hall and Park Committee will be applying for funding under Council's "Bathurst Region Interpretation Fund" for the placement of an interpretive sign as an adjunct to the Memorial.

It is recommended that Council make a donation of \$1,000 to the Eglinton War Memorial Hall and Park Committee to assist with the Hall's 70th birthday celebrations in July, to be funded from Section 356 donations.

Financial Implications: This donation could be funded from Council's Section 356 Donations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

10 POPULARLY ELECTED MAYOR (12.00005)

Recommendation: For Council's determination.

Report: Council, at the Policy Committee meeting on 4 April 2017, requested that a report be prepared for Council on this matter. Council has previously considered the issue of a popularly elected Mayor at the meeting of 16 May 2012, refer to General Manager's Report #1, shown at **attachment 1**.

The Local Government Act provides two methods by which the Mayor can be elected - by popular vote at an ordinary election or by vote among the Councillors:

[s227] Who elects the Mayor?

- 227** *The mayor of an area is the person elected to the office of mayor by:*
- (a) the councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors;*
 - or*
 - (b) the electors, if such a decision is in force*

The method by which the Mayor is elected can be altered via section 228 and 229 of the Local Government Act.

[s228] How is it decided that the mayor be elected by the electors?

- 228** *(1) (Constitutional referendum) It may be decided at a constitutional referendum that the mayor be elected by the electors.*
- (2) (Electors) A decision that the mayor be elected by the electors takes effect in relation to the next ordinary election after the decision is made.*

[s229] Can the decision be changed?

- 229** *(1) (Constitutional referendum) A decision that the mayor be elected by the electors is rescinded only if a constitutional referendum decides in favour of discontinuing that means of election.*
- (2) (Election or vacancy) The rescission takes effect in relation to the next ordinary election after the rescission occurs.*

Thus, if Council should determine to change the way it elects the Mayor, a constitutional referendum will need to be held.

In respect of constitutional referendums, the Local Government Act contains the following:

[s15] What is a constitutional referendum?

- 15** *A constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in section 16.*

(s16) What matters must be dealt with at a constitutional referendum?

- 16** *A council may not do any of the following unless approval to do so has been given at a constitutional referendum.*
- (a) divide its area into wards or abolish all wards in its area;*
 - (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors);*
 - (c) increase or decrease the number of councillors in accordance with the limits under section 224;*

- (d) *change the method of ordinary election of councillors for an area divided into wards;*
- (e) *[repealed].*

[s17] What is the effect of a constitutional referendum?

- 17** (1) *(Binding decision) The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.*
- (2) *(By-election exception) However, such a decision does not apply to a by-election held after the constitutional referendum and before the next ordinary election.*

A constitutional referendum could be held in conjunction with the 2017 elections. If electors approved the change to the way the Mayor is elected, that change will come into effect for the electoral term commencing from the following Council Election.

Where the Mayor is to be popularly elected, the Local Government Act stipulates all electors of the area are to be included in the electorate.

[s282] Election of mayor

- 282** (1) *The mayor of an area who is to be elected by the electors is to be elected by an electorate comprising all the electors for the area, even if the area is divided into wards.*

Schedule 10, Clause 4 of the Local Government (General) Regulation includes the following concerning constitutional referendums;

The following additional provisions apply to constitutional referendums and council polls under Part 3 of Chapter 4 of the Act:

- (a) *if a council resolves to take a constitutional referendum or council poll, the general manager is to notify the Electoral Commission of the resolution within 21 days after the council makes the resolution,*
- (a1) *if a constitutional referendum or council poll is to be held in conjunction with an election of councillors, the general manager must (if he or she has not already done so) notify the Electoral Commission of the question to be asked at the referendum or poll no later than 12 noon on the nomination day for the election.*

Councillors should note if a referendum is held on this proposal, the decision is binding. That is, a referendum cannot be used as a survey result, which would then allow Council to give further consideration to such a proposition.

With regard to timelines, previous advice from the Electoral Commission of NSW included the following:

"16. Referenda and Polls

We have become aware through media cuttings that some Councils are still contemplating conducting a referendum and/or polls at the September Local Government Elections. We would greatly appreciate Councils sorting out whether or not they plan to conduct such referenda and polls by 30 April. It is important that the NSWEC has early advice as to whether a Council is likely to conduct such referenda and polls as this affects the costing of ballot paper production.

Whilst the NSWEC cannot provide legal advice we would be happy to look at any questions that you are proposing and give advice based on past practice."

It is noted that recent advice from the Electoral Commission has been that advice of a referendum is required three months out from the election, accordingly Council has until the end of May 2017 to make a determination.

At the previous Council elections, Orange City Council considered this proposal. The wording of the referendum question posed at that election, by Orange, was:

"The Mayor of Orange is currently elected each year by the 12 Councillors. Do you approve of the direct election of the Mayor by the voters of Orange, for a four year term?"

Should Council wish to proceed with a referendum, then consideration of the wording of the question is required.

Financial Implications: The NSW Electoral Commission have indicated that the additional cost for a referendum would be approximately 10% on the normal election fee. Based on the 2012 Election costs, and after allowing for a conservative increase, the estimated cost of a referendum would be approximately \$25,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.5

11 NEWLY ACQUIRED 'OPEN SPACE' AT PERTHVILLE - LOTS 1, 2, 3, 4, 7, 8, 9 AND 10 IN SECTION 16 DP758840 (22.13487)

Recommendation: That Council approves

- (a) the consolidation of Titles for Lots 1, 2, 3, 4, 7, 8, 9 and 10 in Section 16 DP758840.
- (b) the undertaking of a Scoping study of the Perthville land to identify future usages, to be funded from Section 94 funds.
- (c) classify the land as 'Operational' under the provisions of Section 31(2) of the Local Government Act 1993.

Report: Council has now settled on land recently purchased from the Trustees of Roman Catholic Church for Diocese of Bathurst at Perthville (refer to Ordinary meeting of Council held on 17 February 2016 Conf section DCSF report #3).

Please refer to location map at **attachment 1**.

The site has been used by St Joseph's Convent for their boarding school programs as well as community use.

Council will now undertake maintenance works to clean up the site and to allow for better usage of the area.

It should also be noted that this area could be utilised for a number of purposes including a new parkland. This would be a matter for a working party to discuss at a later stage.

A Scoping study, similar to Centennial Park, should be undertaken to identify targeted needs from the Perthville community. Currently the area has a multi-function sports court. Basketball, Netball, Tennis combined courts which are used by the community.

Council over the years has been consolidating titles for major areas i.e. John Matthews Sporting Complex and the Peel Street Depot. I would be appropriate at this time to also consolidate the various titles for this area, as proposed in the report to Council 17 February 2016 it was recommended that the land be classified as operational.

It is therefore recommended that Council approves

- (a) the consolidation of Titles for Lots 1, 2, 3, 4, 7, 8, 9 and 10 in Section 16 DP758840.
- (b) the undertaking of a Scoping study of the Perthville land to identify future usages, to be funded from Section 94 funds.
- (c) classify the land as 'Operational' under the provisions of Section 31(2) of the Local Government Act 1993.

Financial Implications: Maintenance, clean-up of site and consolidation of lots will come from Land Development funds. The Scoping study will be funded from Section 94 contributions.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.9
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.5
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2

12 PROPOSAL FOR RUNNING RACE AT MOUNT PANORAMA (04.00009)

Recommendation: That Council:

- (a) Host the event as outlined with support and assistance from organisers;
- (b) Co-ordinate all appropriate traffic management controls and provide insurance coverage for the event;
- (c) Allow access to the Harris Park complex for pre and post race activities, food vendors and over flow car parking (if required);
- (d) Promote the event through regular outlets and media, and
- (e) Advise the Mount Panorama Residents of the event and any impacts on resident access.

Report: Council has received a proposal for a running race to be held around Mount Panorama on Sunday, 26 November 2017, see **attachment 1**.

The race will have the following format:

1. Participants will run one anti-clockwise lap of Mount Panorama, starting and finishing on the same start and finish lines used by motor races. The race will commence at 8 am with appropriate traffic management controls from 7.45 am, with rolling re-opening as the sweep vehicle passes each driveway. Full road re-opening would be achieved by 9.15 am.
2. A one hour race cut-off would be implemented to clear the road for resident access, and will be monitored by race organisers.
3. Participants who finish will receive specially designed finisher's medal. Prizes will be awarded to the King and Queen of the Mount as well as fastest finishes in age categories.
4. Entry fees, sponsors, and timing devices are in the process of being determined.

The organisers are requesting the following assistance:

1. Council to host the event as outlined with support and assistance from organisers;
2. Council to co-ordinate all appropriate traffic management controls and to provide insurance coverage for the event;
3. Council to allow access to the Harris Park complex for pre and post race activities, food vendors and over flow car parking (if required); and
4. Council to promote the event through regular outlets and media.

Entry fees will cover costs associated with the event including medals and trophies, water station provisions at Skyline and finish line, promotion, advertising, timing and tags, sweep vehicle and first aid provisions. Remaining proceeds will be donated to a local charity with a small donation to the Girl Guides as water station attendants.

It is recommended that Council:

- (a) Host the event as outlined with support and assistance from organisers;
- (b) Co-ordinate all appropriate traffic management controls and to provide insurance coverage for the event;
- (c) Allow access to the Harris Park complex for pre and post race activities, food vendors and over flow car parking (if required);
- (d) Promote the event through regular outlets and media, and
- (e) Advise the Mount Panorama Residents of the event and any impacts on resident access.

Financial Implications: The event has been structured as a cost-neutral event with all expenses being covered by the income generated by entrants' fees.

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

**13 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 25.00035, 21.00053, 22.02299, 22.00654, 22.01199, 04.00008)**

Recommendation: That the information be noted.

Report: The following items have been included in the confidential section of the business paper for Council's consideration.

1 PROPOSAL TO CONDUCT MUSIC FESTIVAL (25.00035)

This report relates to proposal to conduct a Music Festival in Bathurst in 2017.

**2 TRANSFER OF SHARE OF HANGAR LEASE - LOT 303 IN DP1187714 BATHURST
AERODROME - ROSS AVIATION PTY LTD TO RENMEUL PTY LTD (21.00053)**

This report concerns a proposal to transfer a share of a hangar lease at Lot 303 in DP1187714 Bathurst Aerodrome - Ross Aviation Pty Ltd to Renmeul Pty Ltd.

3 TYERS PARK - PROPOSED STRATEGIC DEVELOPMENT (22.02299)

This report relates to the proposal for the strategic development of the Tyers Park precinct and seeking Council's in-principle support and contribution to infrastructure improvements.

**4 EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - LOT 1 IN DP995205
AND LOT 1 IN DP1007963 LOCATED ON PATNA, COMMONWEALTH AND MORRISSET
STREETS, BATHURST (22.00654)**

This report concerns a proposal to enter into a new Rural Licence Agreement for Lot 1 in DP995205 and Lot 1 in DP1007963 located at Patna, Commonwealth and Morrisset Streets, Bathurst.

**5 EXPRESSION OF INTEREST - RURAL LICENCE AGREEMENT - LOTS 14 AND 15 IN
DP1089380 LOCATED AT 193 MORRISSET STREET, BATHURST (22.01199)**

This report concerns a proposal to enter into a new Rural Licence Agreement for Lots 14 and 15 in DP1089380 located at 193 Morrisset Street, Bathurst.

6 PANTHERS HOME GAME HOSTING AGREEMENT (04.00008)

This report relates to the establishment and negotiation of a new agreement with Penrith Panthers to host an NRL Game in Bathurst on an annual basis.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Strategy 32.2

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 APRIL 2017

1 EASEMENT FOR ELECTRICAL RETICULATION - FIELD 2 - PROCTOR PARK GORMANS HILL ROAD BATHURST (36.00617)

Recommendation: That Council:

- (a) approve the creation of an easement for electrical reticulation to be installed on Lot 1 DP128895 and Lot 131 DP1123581 located at the Proctor Park Football Complex, Gormans Hill Road, Bathurst;
- (b) authorise the General Manager to sign Creation of Easement - Landowner Deed, Pioneer Scheme Application and Consent Form as Council's representative,

as detailed in the Director Engineering Services' report.

Report: As part of Council's Field Lighting Project for Field No. 2 at the Proctor Park Football Complex, an 11kV Pad Mounted Substation; and low voltage underground powerlines are required on Lot 131 DP112358, and a 2m wide easement for underground powerlines is required on Lot 1 DP128895 by Essential Energy to protect its high voltage and low voltage underground cables.

The final location of the easement will be determined by Essential Energy and will be located within the site at Proctor Park (see site plan at **attachment 1**).

As Council is the owner of the land, the costs associated with creation of the easement will be met by it.

Documentation

The electrical works required are associated with Council's Tender Number 36.00617, awarded to Central West Electrical Contractors at Council's Meeting of 7 December 2016. To apply for connection to Essential Energy's electricity supply certain documentation is required to be signed by Council as both the Landowner and the Customer. At **attachment 2** is Pioneer Scheme Application and Consent Form - Customer Funded Project.

Essential Energy requires an easement to be created over Lot 1 DP128895 being the land adjoining where the Low Voltage Pole is to be installed in the Road Reserve. Included in **attachment 2** is the body of the Creation of Easement: Landowner Deed.

It is recommended that Council:

- (a) approve the creation of the easements for:
 - (i) Pad Mount Station 7 x 4.2m
 - (ii) Underground 11 kV power lines 2m wide
 - (iii) Underground LV power lines 1m wide, and
- (b) authorise the General Manager to sign the documents contained in **attachment 2** as Council's representative.

Financial Implications: The cost to Council for the creation of the easement for multi purpose electrical installation is estimated to be \$1,500.00. Funding is available within Council's Budget for this work.

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

2 INTERSECTION OF MITRE, SUTTOR & LAMBERT STREETS (25.00095)

Recommendation: That the information be noted.

Report: Council has received significant correspondence from late 2016 to the present regarding the intersection of Mitre Street, Suttor Street and Lambert Street. Council has also heard the matter raised a number of times during public question time at recent Ordinary Meetings of Council. The purpose of this report is to provide an update on the progress of this matter.

Background

The final draft for the Bathurst City Traffic Study was provided by consultant PPK in 1997 (refer **attachment 1**). This document addressed a number of issues associated with projected growth for the Bathurst Region through to 2016. This intersection was covered in this study, and was referenced as being 'confusing' in the current configuration, and the intersection was classified as A1 priority for reconstruction. A1 prioritisation indicates that works should be completed within a 5-year time frame. However, in the explanation included in the Study, it was noted that the safety concerns for this intersection related to potential increases in traffic over time and the possible impact of this on safety, rather than a specific safety issue as noted for other intersections around town. Therefore, this intersection was accorded a level 3 priority, with the recommendation based on installation of traffic signals. A roundabout was considered a viable option. It should also be noted that the study projected the population for Bathurst to be 50,400 by 2016, rather than the currently estimated 42,354. As a result, prioritisation of this recommendation was based on anticipated higher levels of growth within Bathurst, and associated additional traffic generation, than is currently the case.

Following consideration of these recommendations, at the Ordinary Meeting of Council held 11 November 1999, Council resolved to construct a roundabout at this intersection, subject to funds being voted. However, based on the substantial costs associated with these works, and additional budgetary considerations at the time, no funding was allocated to these works. On several occasions in the years following, Council either considered or applied for funding of these works under the Federal Black Spot Programme, but were not successful due to the low crash history at the intersection resulting in a low Benefit Cost Ratio (BCR).

Following the matter being raised again by Councillors, a Report was submitted to an Ordinary Meeting of Council held 12 December 2012 (refer **attachment 2**). This included costed options for reconstruction of the intersection. Council resolved to refer the matter to a working party of Council. Following the Working Party of Council on the matter, held 8 May 2013, revised costings were prepared for inclusion in the 2014/2015 Annual Operating Plan deliberations. Given the substantial nature of these costings, the matter was deferred.

The matter was once again brought to Council's attention through correspondence in late 2016, at which point the site was once again reviewed. While reviewing the site against Federal Black Spot Funding guidelines, it was noted that based on the current crash history, recent changes to how the programme is evaluated had resulted in this site having increased likelihood of meeting the eligibility requirements for applications under the funding programme. Previously these works have been ineligible. Council advised the correspondent that this was the case, and that submission of an application under this programme would be considered.

This advice has resulted in substantial public comment and discussion around the issue, with the matter regularly being raised in Public Question Time at Ordinary Meetings of

Council. At the Policy Meeting of 1 March 2017, Councillor North tabled a petition containing 2,425 signatures supporting construction of a roundabout at this intersection (refer **attachment 3**). Additional correspondence has been received on this matter, including the Bathurst Regional Access Committee, which noted accessibility issues at the site that would be substantially resolved by the construction of a roundabout as previously proposed (refer **attachment 4**)

Council's Engineering Services Department has reviewed the intersection in anticipation of applying for funding under the 2017/2018 Federal Black Spot Funding Programme. It should be noted that any application will be subject to review by the NSW Black Spot Consultative Panel prior to submission, and even if submitted, may not be successful if other projects are deemed more worthy.

Council's Engineering Services Department has received considerable suggestions on how to resolve issues at the site, a number of which were also the subject of the 2013 Working Party. Several of these should be noted, and are addressed as follows:

- **Closure of the southwestern Mitre Street Leg**
This option was raised at the Working Party of Council held 8 May 2013. This would appear to resolve issues at the site by essentially rearranging the geometry to function as a T-intersection. Given these three roads are classified as Collector roads, the traffic volumes on the remaining three legs, whichever direction priority was established, would result in substantial delays. If priority were given to Mitre Street alone, this would result in excessive delays on Suttor Street in the morning and Lambert Street in the evening, being the two prominent peak legs. If priority were reversed to control Mitre Street, this would result in traffic delays during the heaviest school drop-off and pick-up peak periods. While this proposal may resolve issues of confusion in the short-term, this would not be a long-term solution. It was also noted that forming a functioning T-intersection would require geometric realignment to enable give way controls to function adequately and to provide adequate sight distance and horizontal alignment to be designed in accordance with Australian Standards. Realignment would require removal of car parking from the current location, land acquisition to enable closure of the south-western leg of Mitre Street and would have similar cost implications to construction of a roundabout.
- **Installation of Traffic Signals**
To correctly phase this intersection to cater to all traffic movements and handle projected volumes on all legs requires realignment of the intersection. This would still be expected to provide a lower level of service for traffic through the intersection than currently expected, particularly in low-traffic periods. Cost estimates for these works would be slightly more expensive than construction of a roundabout, as utility service relocations and geometric realignment requirements would be similar, while signal hardware design and installation is typically more expensive than construction of roundabout islands.
- **Installing a roundabout on the existing geometry**
Construction of a roundabout on the existing geometry would not address all traffic movements at the intersection. In particular, buses and large rigid vehicles would be restricted in turning through this intersection up Suttor Street. Access to existing carparks on both sides of Suttor Street would be limited to left-in / left-out, and entry and exit for these carparks would conflict with vehicle movements through the intersection. Given the negative impact on long-term traffic flow through the intersection, this option would not be recommended.

- Installing a roundabout with realignment of Suttor Street
Construction of a standard four-leg roundabout will resolve all traffic issues at the site, and resolve all current issues associated with driver confusion. However, this requires realignment of the Suttor Street leg to improve geometry, which will also require extensive service relocations and removal of the existing carpark out the front of the shops. This can be partially offset by providing short term parallel parking bays out the front, if possible, and redesigning and upgrading the Macquarie View Park carpark to increase capacity and amenity. This is the recommended option.

A plan of the existing intersection, with current service locations, is provided at attachment 5, and a revised plan for the proposed roundabout at attachment 6. The anticipated cost of these works is approximately \$1,700,000 based on roundabout construction costs of \$750,000 (including associated approach realignment and pavement works), an estimated \$700,000 in utility services adjustments, and an allocation of \$250,000 to carpark upgrades and reconfigurations to the site. Under the Black Spot Programme funding guidelines, Council would only be eligible for funding those works directly related to the intersection upgrade in terms of safety. If Council were successful in obtaining Black Spot Funding for the site, this would leave a funding shortfall of approximately \$950,000 to be provided by Council.

Financial Implications: If any option as presented in this report is recommended for consideration, then provision of funding will be required in Council's Management Plan.

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

**3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 14.00007, 36.00624)**

Recommendation: That the information be noted.

Report: The following items have been included in the Confidential section of the business paper for Council's consideration:

**1. TENDER FOR NETWASTE REGIONAL ENVIRONMENTAL MONITORING OF
LICENSED LANDFILLS (14.00007)**

The report considers the tender for Netwaste regional environmental monitoring of licensed landfills.

**2. TENDER FOR CONSTRUCTION OF PERTHVILLE STORMWATER DRAINAGE
(36.00624)**

The report considers the tender for construction of Perthville Stormwater Drainage.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

Yours faithfully



Darren Sturgiss
**ACTING DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 APRIL 2017

1 DRAFT BATHURST CULTURAL VISION 2036 (20.00056)

Recommendation: That Council:

- (a) Endorse the placement of the draft Bathurst Cultural Vision 2036 on public exhibition for the statutory 28 day period and receive submissions until Thursday 18 May 2017.
- (b) Prepare a further report following the conclusion of the public exhibition period, in preparation to adopt the Bathurst Cultural Vision 2036.

Report: This 20 Year Cultural Vision for the Bathurst Region has been developed through considerable community consultation and is premised on the notion that:

The Bathurst Region will be recognised as Australia's premier inland centre of culture and creativity.

This will be achieved through the delivery of strategies grouped in three Outcome Areas: **Creative Places; Creative Programs;** and **Creative People**. These three Outcome Areas are considered the essential ingredients required to generate the conditions that will support and foster the human and physical conditions in which a centre of culture and creativity will thrive.

The Bathurst Region already has many of the essential preconditions of a centre of culture and creativity. It has a wealth of rich cultural stories, a high standard and diverse range of cultural facilities and a sound base of talented and creative people.

However, more can be done in all of these areas, therefore the plan seeks to capitalise on Bathurst Region's rich cultural profile through a range of goals and strategies which will address the following Strategic Objectives:

Telling Bathurst Region's stories - to make more visible and tie together the many stories Bathurst Region has to tell

Building a place of culture and creativity - to support and build the resources required to deliver vibrant and relevant cultural and arts programs and infrastructure for the people of the Bathurst Region

Developing a creative milieu - to encourage the development of a strong and sustainable cultural and creative industry sector and a vibrant public environment for residents, workers and visitors to the region

The goals and strategies are designed to deliver on the Strategic Objectives and are grouped as follows:

Creative Places – Goals include:

- Resourcing of infrastructure to maximise the potential of existing cultural institutions
- Developing new cultural infrastructure to meet the changing needs of the community and cultural sector
- Developing a strategic approach to planning for the next generation of cultural infrastructure
- Developing a whole of city approach to alternative spaces/places to support culture and creativity

Creative Programs – Goals include:

- Expanding opportunities for diverse, high quality cultural programming and educational outcomes through Council facilities
- Developing a strategic approach to the creative activation of Bathurst Region's public spaces and places
- Supporting activities that enhance the Bathurst Region's cultural and creative environment

Creative People – Goals include:

- Attracting and retaining highly skilled and committed cultural and creative industry professionals
- Developing and supporting an appropriate level of staff needed to implement the Cultural Vision and building volunteer capacity
- Encouraging the evolution of a creative milieu that supports a vibrant cultural and creative community

Each of these goals has a number of related and achievable strategies that fall into the 1-4 year, the 5-10 year and the 11-20 year horizon. For example, the long term goal of building future cultural facilities will be staged across several timelines as it will require considerable early planning, detailed specification, design and securing funding and then finally the building phase.

In developing this 20 Year Cultural Vision Council has been mindful of the region's heritage, existing cultural facilities and arts/cultural programs. However, Council is also aware that the plan is for the long term, 20 year timeframe, and that we are living through an extraordinary period of human history, a time of rapid technological change and the globalisation of commerce and ideas. While it is evident that many of the new technologies have brought new and positive changes to peoples' lives, through digitisation and mobile technologies, they have also brought with them considerable disruptive impacts. All of these factors have been explored in the extensive research undertaken during the process of developing this plan.

In addition to the research activity, Council staff and the consultant team have consulted with the community, key stakeholders and elected members to ensure the plans strategic directions align with current community thinking.

Bathurst Region's people are justifiably proud of their existing cultural facilities and the contribution they make to the cultural life of the community and to the visitor experience. However, it is recognised that a number of the facilities are aging and may struggle to keep pace with the demands of new technology. Therefore, the plan encourages the concept of "Next Practice" not just "Best Practice" when thinking about the provision of future cultural facilities. It is not enough to plan for what is known, we need to plan with greater flexibility and adaptability in mind, to be visionary and forward thinking. Indeed, what might a performing arts centre look and feel like in 20 years' time and how will technology be used to enhance the immersive experience of the performance?

Council is committed to planning for the now and the future and believes that this 20 Year Cultural Vision will help to progress the development of a 'premier inland centre of culture and creativity'.

The Draft Bathurst Cultural Vision 2036 will be made available at the following locations during the 28 day public exhibition period:

- Council's website
- Bathurst Library

- Council's Civic Centre (Ground Floor and First Floor)
- Council's Cultural Facilities (Art Gallery, BMEC, Australian Fossil & Mineral Museum, Chifley Home & Education Centre)
- Copies will be provided to those who participated in the consultation process (mail out)

A notice will be placed in the Council Notices in the Western Advocate Newspaper, to further advise of the public display of the document.

At the conclusion of the public exhibition period any community feedback will be considered prior to submitting the final Cultural Vision 2036 for Council adoption.

A copy of the Draft Bathurst Cultural Vision 2036 is at **attachment 1**.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.2, 20.3, 20.4, 20.6
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2, 28.5, 28.7

2 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 6 FEBRUARY 2017 (07.00016)

Recommendation: That the information be noted.

Report: As part of the Destination Management Plan, which was adopted by Council on 20 May 2015, the establishment of a Tourism Reference Group has been undertaken, with the membership of the Group endorsed by Council on 9 December 2015.

The role of the Group is to provide strategic advice, review plans and provide recommendations to Council for the implementation of the Destination Management Plan.

The eleventh meeting of the Bathurst Region Tourism Reference Group was held on 6 February 2017. The Minutes of the Group's meeting are provided at **attachment 1.**

At the Meeting held on 6 February 2017, the group established the following actions, linked to the Destination Management Plan.

- Presentation by MyTravelResearch - presentation of project summary of the brand positioning received & brief to develop a new destination brand developed.
- oOh! Media Competition - digital media campaign won by Bathurst Regional Council. This will assist with promotion across the oOh! Media group to the value of \$100,000.
- 12 Hour Motor Race - resolution to assist with social media promotion, in particular, "add on" events that are growing with this event.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

3 BATHURST VISITOR INFORMATION CENTRE - JAPANESE SCHOOL VISITS MARCH 2017 (23.00011)

Recommendation: That the information be noted.

Report: Bathurst has welcomed two Japanese school groups in March, totalling a record 329 students. The first group from Toyo High School visited Bathurst from 3-6 March 2017. Toyo High School has been visiting Bathurst for 20 years.

This year a record 272 students and 22 teachers and guides were home hosted by 102 local families; also a record.

The group was welcomed on Friday 3 March at Panthers and introduced to their host families for the weekend.

Many activities were enjoyed by the students including horse riding at Yarrabin Holiday Ranch, activities at Heritage Park and visits to Bathurst and Kelso High Schools.

A Cultural Exchange Function held on Sunday night at BMEC was attended by Council representatives, Mr Yoshiyuki Ichikawa head teacher from Toyo High School, Principal and representatives for Bathurst & Kelso High Schools, and staff, from Bathurst Visitor Information Centre. The evening was full of entertainment with students performing various acts from Toyo and Bathurst High Schools.

The second group from Seiritsu High School have also been coming for many years. This year they arrived on Monday 20 to Friday 27 March and consisted of 57 students, 5 teachers and guides. The students were home hosted by 26 local families.

Seiritsu High school was welcomed by Staff from Bathurst Visitor Information Centre on Monday at the centre and introduced to their host families for the week.

Activities were enjoyed by the senior students including horse riding at Yarrabin Holiday Ranch, activities at Heritage Park and visit to All Saints College as well as an all day visit to Cowra on Friday.

The junior high school students enjoyed a three day visit to The Scots School and went to Yarrabin Holiday Ranch for horse riding activities and lunch. Both groups spent the weekend with their host families.

The groups contributed over \$200,000 to the Bathurst economy.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

4 DRAFT DISABILITY INCLUSION ACTION PLAN 2017 - 2021 (DIAP) **(09.00051)**

Recommendation: That Council:

- (a) Endorse the placement of the draft Disability Inclusion Action Plan 2017 - 2021(DIAP) on public exhibition for the statutory 28 day period and receive submissions until Thursday 18 May 2017.
- (b) Prepare a further report following the conclusion of the public exhibition period, in preparation to adopt the Disability Inclusion Action Plan 2017 - 2021 (DIAP).

Report: Following the Councillors Working Party Meeting held Wednesday 8 March 2017, the Disability Inclusion Action Plan is now presented to Council to place on public exhibition.

The NSW Government released the Disability Inclusion Act 2014 (NSW) on 3 December 2014. A requirement of the Act is that all local governments are required to implement a Disability Inclusion Action Plan by 1 July 2017.

The Disability Inclusion Action Plan (DIAP) aims to support the inclusion of people with a disability in the community and improve access to services and community facilities by people with disability. The plan encompasses four key focus areas:

- Attitude and behaviour
- Liveable communities
- Employment and
- Systems and processes

The aim of the DIAP is to outline strategies and actions that Council will deliver in the four years, to enable greater access to Council information, services and facilities.

The plan has been developed through engagement of the local community. Consultation for the Bathurst DIAP commenced through November 2016 to February 2017, and aimed to ensure all methods of consultation were inclusive and accessible to all community members. The consultation involved a variety of methods in order to engage key target groups including:

- Online survey – Your Say Bathurst
- Council staff in attendance at Bathurst Library, Stockland Shopping Centre Bathurst, Bathurst City Centre Shopping Centre.
- Council staff in attendance at International Day of People with Disability (IDPwD) on 3 December 2016.
- Targeted consultation with disability services (including Bathurst Community Alliance group)
- Engagement with Council Managers.
- Bathurst Regional Access Committee; and
- People with a disability, families and carers.

Feedback from community members and providers strongly support Council's proposed actions, and key themes for Council action were:

- To raise the awareness about the contribution people with disability make to the community;
- The need for further improvements to make the community more accessible, particularly public toilets, playgrounds and sporting parks;

- The needs for accessible and inclusive community events;
- The need for employment opportunities and build business awareness when employing people with disability;
- Improve accessibility to Councils services; and
- The potential for Bathurst Regional Council to be a leader in the inclusion of people with disability.

The draft Disability Inclusion Action Plan has been prepared in readiness for public exhibition. The Plan follows NSW Government guidelines, including for community engagement, particularly with people with disability.

The Draft Disability Inclusion Action Plan 2017 - 2021 will be made available at the following locations during the 28 day public exhibition period:

- Council's website;
- Bathurst Library;
- Council's Civic Centre (ground floor and first floor); and
- Copies will be provided to those who participated in the consultation process

A notice will be placed in the Council Notices in the Western Advocate Newspaper, to further advise of the public display of the document.

At the conclusion of the public exhibition period any community feedback will be considered prior to submitting the final Disability Inclusion Action Plan for Council adoption.

A copy of the Draft Bathurst Disability Inclusion Action Plan is at **attachment 1**.

Financial Implications: Funding will need to be provided in Council budgets to complete actions contained within the Plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 19: To improve equity of access to all members of the community in public and private domains. Strategy 19.4, 19.6
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 APRIL 2017

1 UPPER MACQUARIE COUNTY COUNCIL (UMCC) – REVIEW OF FUTURE DIRECTIONS (18.00172)

Recommendation: That the information be noted.

Report: Councillors will be aware that a review into Upper Macquarie County Council (UMCC) operations has been ongoing, with representatives of constituent Councils and UMCC meeting on the 9 March 2017 to discuss future directions of UMCC.

Discussions at the meeting included;

- Contribution levels
- Levels of service
- Budgets
- Appointment of General Manager
- Funding

The UMCC then considered this matter at its meeting on the 17 March 2017; refer **attachment 1** – Chairman’s Minute.

The UMCC resolved that;

- a) *UMCC delegate to the Chairman the authority to appoint an Acting General Manager (part time) for twelve months, and*
- b) *The constituent Councils be asked to provide assistance to the Acting General Manager on a fee for service basis as needed, and*
- c) *As a priority, the Acting General Manager initiates a review to explore alternative governance models for weed control in the UMCC region.*

Since that time, Mr Roger Bailey has been appointed Acting General Manager effective 22 March 2017.

In regards to the review of governance models, service provision options into the future include but are not limited to;

1. Remain ‘as is’ with UMCC providing noxious weed control.
2. Bathurst Regional Council or one of the other constituent councils takes over the running of UMCC services.
3. Bathurst Regional Council withdraws from UMCC and carries out its own noxious weeds control.
4. Bathurst Regional Council and other Councils (Lithgow, Oberon and Blayney) withdraw from UMCC and put in place a partnership agreement.

Further, it is noted that the UMCC at the meeting of 17 March 2017 placed the draft UMCC Delivery Program 2017/18-2020/21, Annual Operational Plan 2017/18 including the Annual Revenue Policy and the Business Activity Strategic Plan 2017/18-2026/27 on public exhibition. The draft document can be accessed on www.umcc.nsw.gov.au

Councillors will be kept informed of the review process being undertaken by UMCC.

Financial Implications: Council provides funds within the annual budget for the operations of Upper Macquarie County Council; the Bathurst Regional Council 2016/17 budget included a figure of \$218,900 as a Bathurst Regional Council contribution.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.4
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.7
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.6
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.10

2 VACANCY IN CIVIC OFFICE - COUNCILLOR GARY RUSH (12.00010-08)

Recommendation: That the information be noted.

Report: Council considered a report at the Ordinary Meeting of 1 March 2017, concerning the resignation of Cr Gary Rush from Civic Office, refer to General Managers Report #1.

Council resolved that,

"Council

- (a) *note that the Civic Office held by Cr Gary Rush is vacant.*
- (b) *apply to the Minister to make an Order under Section 294 of the Local Government Act that the vacancy not be filled".*

A response has now been received from the Minister, refer **attachment 1** advising inter alia;

"This means Council can dispense with the need to conduct a by-election to fill this casual vacancy. I have advised the NSW Electoral Commissioner of my decision by email on today's date."

Financial Implications: With the Minister dispensing with a by-election, Council will not incur costs associated with a by-election. Council's 2012 election cost \$212,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.4
- Objective 33: To be and develop good leaders. Strategy 33.7

Yours faithfully



D J Sherley
GENERAL MANAGER

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 5 APRIL 2017 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 5 April 2017 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 5 April 2017, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTES OF THE POLICY COMMITTEE
HELD ON 5 APRIL 2017

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

Present: Councillors Hanger (Chair), Aubin, Bourke, Coote, North.

APOLOGIES

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

RESOLVED: That the apology from Cr Morse and the apology for late arrival from Cr Westman be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 MARCH 2017 (07.00064)
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Policy Committee Meeting held on 1 March 2017 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

Cr Westman arrived at 6.04 pm.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 FINANCIAL STATEMENTS - RELATED PARTY DISCLOSURES POLICY
(16.00055, 41.00089)
MOVED Cr I North and **SECONDED** Cr B Bourke

This is page 1 of Minutes of the Policy Committee held on 5 April 2017

RESOLVED: That Council:

(a) place the draft Related Party Disclosure Policy on public exhibition for 28 days to receive any public submissions; and

(b) adopt the Related Party Disclosure Policy if no submissions are received.

Crs Aubin and Coote asked that their negative votes be recorded.

6 Item 2 MOUNT PANORAMA MOTOR RACING CIRCUIT - RESIDENT ACCESS - FULL TRACK HIRE POLICY (18.00150, 41.00089)

MOVED Cr B Bourke

and **SECONDED** Cr M Coote

RESOLVED: That Council

(a) place the updated Mount Panorama Motor Racing Circuit - Resident Access - Full Track Hire Policy on public exhibition for 28 days; and

(b) if no submissions are received, adopt the Mount Panorama Motor Racing Circuit - Resident Access - Full Track Hire Policy.

GENERAL BUSINESS

7 Item 1 GASWORKS SITE (22.00052)

Cr Bourke - spoke to ongoing concerns, there are safety issues. Tabled photos showing problems at the site. This is a matter for Jemena to address. The new fence has not yet gone in. This site has a long history of issues. Noted DA has been submitted for the fence. Need to know what is the future for the site. There is continual neglect.

8 Item 2 POPULARLY ELECTED MAYOR (12.00005)

Cr Bourke - requests that a report be prepared for April 2017 meeting of Council which considers the possibility of holding a referendum on the election of a popularly elected Mayor at this year's (September 2017) Local Government Election.

9 Item 3 GASWORKS SITE (22.0052)

Cr North - raised possibility of a discussion session between State Government, Council and Jemena to discuss the way forward.

10 Item 4 BMX TRACK (04.00140)

Cr North - noted that after the rain there are ruts and erosion. Are there any processes that can be put in place to minimise the damage. Requests a report on this matter.

11 **Item 5 GREAT WESTERN HIGHWAY EXTENSION (25.00074)**

Cr North - asked is there a chance into the future that Lee Street can be opened in an emergency. Is there any agreement in place for this?

The Acting Director Engineering Services advised no agreement is in place for this with John Holland Rail. Council will review this matter.

12 **Item 6 HOLLIS LANE (25.00114)**

Cr North - noted the works that are occurring at Hollis Lane. What is the timeline to get the road sealed?

The Acting Director Engineering Services referred to rain delays. Council will be dealing with Eglinton works in the near future and then will move to Hollis Lane.

13 **Item 7 PERTHVILLE LAND - CATHOLIC DIOCESE (22.13487)**

Cr North - asked where is the sale of the land at Perthville up to.

The General Manager noted will investigate and advise.

14 **Item 8 HI-TEC OILS BATHURST 6 HOUR - DISABILITY PARKING (07.00031)**

Cr North - noted concerns have been raised at where the disabled parking is located. Referred to request from Bathurst Regional Access Committee (BRAC).

The Acting Director Engineering Services advised the matter will be raised with the promoter.

15 **Item 9 STAFFING MATTER (19.00084)**

Cr North - asked does Council conduct staff exit interviews. Raised issues of staff leaving the organisation.

The General Manager spoke to staffing and operational regimes in place.

16 **Item 10 PEDESTRIAN CROSSING AND LIGHTING (28.00010)**

Cr North - asked can we look at getting better lighting at pedestrian crossings (e.g. George and Russell Street intersection). Also noted concern with George and Howick Street intersection and problems with plantings causing sight line problems. Some areas are done very well such as Bentinck and Keppel Street intersection.

The Acting Director Engineering Services advised a lighting audit is currently being undertaken. Noted report to Traffic Committee occurring on George and Howick Street intersection.

17 **Item 11 GORMANS HILL ROAD (25.00092)**

Cr North - spoke to excellent works occurring on Gormans Hill Road.

18 **Item 12 SPEED SIGNS - LAGOON ROAD (25.00128)**

Cr North - noted the speed signs on Lagoon Road are still down. Probably only 2 out of 12 are still up. Can we get them back up?

The Acting Director Engineering Services advised some signs have been put back up today.

19 **Item 13 LEE STREET RAIL CROSSING (25.00074)**

Cr Aubin - spoke in favour of the crossing being opened when there is a major accident. Would be ideal if available, can we follow this up?

20 **Item 14 KELSO ESTATE AND LAND AT SUNBRIGHT ORCHARD DEVELOPMENTS (22.00358)**

Cr Aubin - these developments will put more pressure onto Hereford Street. Noted Working Party is scheduled, but could we look at a second crossing over Kelso flood plains?

21 **Item 15 MITRE/SUTTOR/LAMBERT STREET INTERSECTION (25.00095)**

Cr Aubin - is not sure that a round-a-bout is the solution to this problem. Best solution may be to better align the road and make a "T" intersection. Need to consider future plans.

22 **Item 16 BLAYNEY TO BATHURST (B2B) ECONOMIC VALUE (23.00128)**

Cr Coote - congratulations to staff on the event. Businesses are really seeing benefits out of all the events that are occurring.

MEETING CLOSE

23 **MEETING CLOSE**

The Meeting closed at 6.37 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 APRIL 2017 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 4 April 2017 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 4 April 2017, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 4 APRIL 2017

MEETING COMMENCES

1 MEETING COMMENCES - 2.15pm

Members: Ms Deanne Freeman (Roads & Maritime Services), Senior Constable Jason Marks (Bathurst Police, NSW) and Acting Sergeant Brett Mooney (Bathurst Police, NSW)

Present: Mr Aaron Jones (Acting Director Corporate Services & Finance), Mr Paul Kendrick (Traffic & Design Engineer), Mr Bernard Drum (Acting Manager Technical Services) and Ms Iris Dorsett (Tablelands Area Road Safety Officer)

APOLOGIES

2 APOLOGIES

That the apology of Mr David Veness (Local Member Office Representative) and Cr Warren Aubin (Bathurst Regional Council) be accepted.

In the absence of Cr Aubin, the Committee requested that the Acting Manager Technical Services chair the meeting.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 MARCH 2017 (07.00006)

That the Minutes of the Traffic Committee Meeting held on Tuesday 7 March 2017 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 TUESDAY 7 MARCH 2017 (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 ROUNDABOUT AT THE INTERSECTION OF GEORGE AND HOWICK STREETS (25.00006-04)

That Council reconstruct the roundabout at the intersection of George Street and Howick Street, as described in the Director Engineering Services' Report.

8 Item 4 CAMP QUALITY – MOTOCYC 2017 EVENT (23.00026-20/004)

It is noted that the *Camp Quality - Motocyc 2017 Event* report was discussed in General Business

9 Item 5 DISABLED PARKING 78 WILLIAM STREET (07.00031-12/180)

That Council approve the installation of a disabled parking space out the front of 78 William Street.

10 Item 6 2017 PROCLAMATION DAY (23.00080-03)

That Council endorse the traffic management for the official Proclamation Day ceremonies at the Flag Staff and the Pillars of Bathurst along Stanley Street on Sunday 7 May 2017.

This event is to be classified as a Class 2 event subject to conditions as detailed in the Director Engineering Services' report.

11 Item 7 2017 PANTHERS VS RAIDERS NRL TELSTRA PREMIERSHIP GAME – ROAD CLOSURES AND TEMPORARY NO PARKING (18.00296-02)

That the 2017 NRL Telstra Premiership Panthers vs Raiders Game to be held at Carrington Park Bathurst on Saturday 10 June 2017 be classified as a Class 2 event and approved, subject to conditions detailed in the Director Engineering Services' report, including provision of a suitable Traffic Control Plan.

Item 8 SMALL BIZ BUS - VISIT TO BATHURST MAY 2017 (20.00071-05/132)

It is noted that the *Small Biz Bus - Visit to Bathurst May 2017* Report was discussed in General Business

TRAFFIC REGISTER

12 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

13 MEETING CLOSE

The Meeting closed at 3.09pm.

DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 APRIL 2017

1 CENTROC BOARD MEETING (07.00017-29)

Recommendation: That the report on the CENTROC Board Meeting held 23 February 2017 in Forbes be noted.

Report: The Centroc Board meeting was held at the Forbes Services Club 23 February 2017. The following report is for Council's information;

Transport Infrastructure – The Board was notified of a potential project with CSIRO on agricultural freight, as an extra layer to the Regional Freight Movement Map developed by the National Heavy Vehicle Regulator and the Centroc Road Transport Technical Committee.

The Board resolved to ramp up advocacy for the Bells Line Corridor including reference to the escalating costs over time as North West Sydney continues to develop.

Meetings are being coordinated with key Federal and State Ministers and members including the newly appointed Minister for Roads, Maritime and Freight The Hon Melinda Pavey.

Water Security – The Board adopted the Communique between Centroc, Lachlan Valley Water and the Belubula Landholders Association, see below.

With the commencement of Phase Two Lachlan Priority Catchment Water Security Investigations, representatives from Lachlan Valley Water, the Belubula Landholders Association and Centroc met on 17 November 2016 to re-affirm their joint position on a proposed dam on the Belubula River developed in November 2015. The three groups re-affirmed the communique as follows:

- a. *The prosperity of our region is closely tied to both healthy towns and a successful agricultural sector.*
- b. *Currently water security is limiting economic development in the towns, industry, mining and agricultural sectors of the Lachlan Valley.*
- c. *Options that offer substantive improvements for both urban water security and agricultural water security are supported by the Centroc Board as well as by the Belubula Landholders Association and Lachlan Valley Water.*
- d. *Failure of urban water supplies is socially unacceptable and as such Centroc Councils support investment in additional water storage providing it addresses urban and agricultural water needs.*

The following two points were added:

- e) *The Centroc Board, Belubula Landholders Association and Lachlan Valley Water welcome the announcement of GHD as the strategic partner to assist WaterNSW with the Phase 2 feasibility study on the proposed dam site on the Belubula River. These organisations expect that the outcome of the study will be to ensure an informed decision is made regarding options for a new storage in the Lachlan catchment.*
- f) *A new storage in the upper reaches of the Lachlan catchment will have community wide benefits through flood mitigation in the Lachlan and Belubula River valleys with the costs to State government for the repair of flood damaged infrastructure offset by the costs of the operation of the dam.*

Centroc will send correspondence to WaterNSW detailing the region's urban water security

demands based on most recent studies. A pre-consultation teleconference convened by WaterNSW was held with Centroc representatives. The purpose of the meeting was to update WaterNSW on Centroc's water security work, in particular, work undertaken on the outcomes of the Centroc Water Security Study.

Further actions to be undertaken include WaterNSW hydrologists and Centroc representatives to meet to determine what opportunities exist for Centroc's modelling for urban supplies to be updated in parallel with the work being done as part of the Lachlan Priority Catchment Water Security Investigations-Phase Two.

The Board welcomed Cr David Somerville, Chair of Central Tablelands Water, as the Portfolio Mayor for Water.

Health – A review of the Beyond the Range (BTR) program was provided. Marketing for the BTR has been primarily through social media, with good engagement.

The Board resolved to offer support and undertake activity to ensure the potential of the Murray Darling Basin Medical School is realised in Central NSW.

A meeting with the Chair of Centroc and the newly appointed Minister for Health the Hon Brad Hazzard is currently being organised. The Chair is seeking to meet with the Member for Calare Andrew Gee as soon as possible in this regard.

Regional Development –The Executive Officer of Regional Development Australia Central West (RDACW) updated members on activities. RDACW have been asked to identify black spots in the region and provide feedback. A representative from NBN will be asked to present to the next Board meeting.

Mr Ashley Albury newly appointed Director of DOC Greater Western NSW, was welcomed. Mr Albury gave members an update on additional portfolios that now fall under DPC.

Tourism – Board members discussed the future model for the Central NSW Tourism Board and welcomed CNSWT Board member, and Cabonne Councillor, Cr Ian Davison who gave an update on 3 potential options under development for regional tourism into the future.

Planning – A Regional response to the Planning Legislation changes will be lodged, this is to be developed with feedback from the Centroc Planners Group. A meeting with the Chair of Centroc and the newly appointed Minister for Local Government, Ms Gabrielle Upton is currently being organised to ascertain the NSW Government's future directions for Joint Organisations.

Management Plan and Policy – The Board discussed the member fee structure and strategic plan.

Operational – The Board resolved to write to Mid-Western Regional Council referring to recent correspondence seeking advice on operational membership noting the value proposition and existing engagement.

There is a lot of valuable collaborative activity continuing to go on through this challenging reform of Local Government and Centroc members should be congratulated for their collaborative efforts for better outcomes for the region.

Financial Implications: Council's involvement in CENTROC is provided for within existing budget allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1

2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 8 MARCH 2017 (11.00019)

Recommendation: That the information be noted.

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

Apologies: Councillors Coote and North.

1. BATHURST AGRICULTURAL, HORTICULTURAL & PASTORAL ASSOC - 2018 ROYAL BATHURST SHOW (18.00108)

Representatives of the Association, Brett Kenworthy, Sam Faraway met with Council to discuss Council's support and sponsorship for the 2018 Royal Bathurst Show.

Discussion included:

- Thanked Council for its invaluable support in recent years, particularly for the 2015 to 2017 sponsorship.
- Advised major sponsor has re-signed for a further three years.
- Formally asked Mayor if he would be Patron.
- Requested Council support for the local exhibition function.
- 2016 was a good Show and made a profit.
- Exhibitors are back to almost full capacity.
- Sponsorship is the area where they can increase income.
- Looking at marketing outside region, eg Western Sydney.

Request from Council:

- three year deal with a significant increase in contribution.
- asked that Supreme Exhibit be increased.
- asked Community Stage to be increased from \$5,000 to \$10,000.
- 2018 is 150th Show and 160 years since started operations.

2. BATHURST THOROUGHBRED RACING (22.02299)

Representatives of Bathurst Thoroughbred Racing, Michelle Tarpenning, Bernard Ryan, and Scot Kennedy of Racing NSW met with Council to have further discussions regarding their request for financial support to create a Strategic Racing Centre at Tyers Park, Bathurst.

Discussion included:

Bathurst Thoroughbred Racing:

- Spoke to report provided to Council in November 2016 on making Tyers Park a Racing Centre of Excellence.
- Track was last upgraded in 1991.
- First stage is modification of the track proper.
- Looking to get "in principle" support from Council supporting the concept and seeking \$1 million from Council over a period of time.

NSW Racing:

- Spoke to funding changes in recent years.
- Committed to country racing.
- Looking for a significant contribution from Council, but will be matched with significant funding from Racing NSW.
- Project will provide significant benefit to the Bathurst economy.
- Request from Council \$850,000 over two years starting in 2017/2018 financial year, then \$50,000 for three years thereafter

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 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