



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

31 January 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 7 February 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 7 February 2018 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 printed name and title.

D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 7 FEBRUARY 2018**

**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 - 13 DECEMBER 2018

**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 GENERAL MANAGER'S AND DIRECTORS' REPORTS**

\* GENERAL MANAGER'S REPORT

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

\* DIRECTOR ENGINEERING SERVICES' REPORT

\* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

**9. REPORTS OF OTHER COMMITTEES**

\* MINUTES - POLICY COMMITTEE MEETING - 6 DECEMBER 2017

**10. NOTICES OF MOTION**

Nil

**11. RESCISSION MOTIONS**

Nil

**12. COUNCILLORS/ DELEGATES REPORTS**

**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 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA 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.
2	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST BUSHRANGERS ARFC	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED TRAINING FACILITY - BATHURST HARNESS RACING CLUB -	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person

	COLLEGE ROAD	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	REQUEST FOR FINANCIAL ASSISTANCE	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CONSTRUCTION OF TRUNK DRAINAGE SYSTEM TO SERVICE FUTURE DEVELOPMENTS ON LIMEKILNS ROAD KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**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 - 13 DECEMBER 2018 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 13 December 2018 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 13 December 2018, 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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 13 DECEMBER 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**B Trimming – Bathurst Regional Access Committee**

**Item #1 of the Director Cultural & Community Services' report**

Disabled toilets, pleased money is being put in for the Administration building toilets. Disappointed with Bathurst Memorial Entertainment Centre (BMEC), but understands this. Thanks to Director on assistance with this matter. Thanked the Mayor for assistance concerning the issue of the disabled taxi service, referred to submissions made.

**Item #7 of the Director Corporate Service's & Finance's report**

Code of Meeting Practice - referred to submissions made, in particular Public Forum on Policy night and also Item 2 included in the submission. Requests Council take these suggestions on board.

**I McPherson – National Trust of Australia (NSW), Bathurst Branch - Item #5 of the Director Environmental, Planning & Building Services report**

Spoke to the DA before Council and the importance of the streetscape in this area of Bathurst. It is a heritage street for Bathurst. The report indicates the importance of this street as a heritage precinct, concern at loss of heritage. There is nothing that says this building can not have remedial maintenance, demolition is not necessary. Requests Council does not agree to the demolition. The proposed building does not fit appropriately within the heritage precinct and would set a dangerous precedent.

**I Hancock –**

**Item #2 of the Director Cultural & Community Services' report**

Spoke to angst in community about the logo and used an example the naming of Mount Panorama to urge for a community competition. Referred to possible slogans that relate to Bathurst being first. Feels proposed colour of the "B" is inappropriate. Noted people have put in suggestions. Public are not happy, asked

Council not to pursue.

Disabled Access / Taxis

Supports Mr Trimming on the matter of the provision of wheelchair access taxis. The number in Bathurst is insufficient for the city. Requests Council support.

**N Koviolsky** – Photon Energy - Notice of Motion by Cr North

Spoke to operations of Photon Energy, it is a publicly listed company. Noted benefits of the production, including jobs. Photon Energy is following the rigorous planning process and is meeting with individuals and groups. Noted Environmental Impact Statement when completed will be made available for public input. Photon Energy welcomes any suggestions on locations and these will be reviewed. Explained why existing site was chosen and noted the site can continue to operate as farmland. Looking at visual impact matters. There is no impact on the value of lands. Photon Energy wants to address concerns of residents and invites input, asks people to visit the site.

**S Driver & A Kemp** – Bathurst Regional Youth Council

Spoke to various reports in the Business Paper and noted workshops held and recent Youth Council raffle to raise funds for the youth refuge. The Youth Council will take a break over Christmas. Thanked Council and the community.

**L O'Hara** – resident - Notice of Motion by Cr North

Lives across the road from the proposed Photon Energy development. In support of solar, but feels the site is not appropriate. This is a 500 acre site and so is massive. Neighbours are all concerned, property values will decrease per local real estate agents. The site is prime agricultural land, it is Class 3, there are better sites in Bathurst for this development. Photon Energy should go to residents, Council and real estate agents to pick a better site. The community have identified via Anthony Daintith a better location for the development. Referred to costs incurred in relocating major electrical service lines. Requests Council vote for Cr North's Notice of Motion.

**M Locke** – resident - Notice of Motion by Cr North

Spoke on behalf of Brewongle Action Group. Noted the community concerns; richness of the agricultural lands, property devaluation, unfairness of the proposal. This is an industrial scale project in people's front yards. The people have not been considered, the area is zoned primary production. If Council had been involved in transparent consultation the Brewongle Action Group are confident Council would not approve of it. Referred to the LEP and Council policies/priorities, the Central West and Orana Strategic Plan and its strategies on protecting agricultural land. Noted Member for Bathurst, Paul Toole, is working with them. Not against solar, but request Council to support them to get a win-win.

**S Locke** – resident - Notice of Motion by Cr North

Farmer in the Brewongle area, appreciates Photon Energy turning up tonight, but noted Photon Energy did not have the decency to meet residents. Mr Locke is a long-term farmer of the area. There is no better farming land in the Bathurst district, referred to holding capacities etc. of the land. Why would you make best farming



land extinct? There is a lot more suitable land in the Bathurst area. Only group benefitting is Photon Energy, a foreign based company, they want only to make money. Requests Council stand up for locals, please support the Notice of Motion.

**S Barnden – resident - Notice of Motion by Cr North**

Attended the meeting at Paddy's, has lived on the site for the last 10 years, renting from Bestwicks. The alternative piece of land proposed faces south and this is not suitable for solar energy. Referred to issues of view, farming choices of the Bestwicks. The paddocks Photon Energy propose have only been used for sheep. Notes Mr Bestwick is away, it is his land, he can choose the type of farming he requires. Sheep will continue to run under the panels. The Bestwicks have not been consulted on the proposed alternative site.

**D Grant – owner of 190 Rankin Street - Item #5 of the Director Environmental, Planning & Building Services report**

Spoke to processes involved. Notes heritage advisor and Council have recommended the development to Council, further noted other expert opinions. Aware of importance of Rankin Street and are proposing a development that is suitable for the precinct. Noted Council policies about heights, particularly in the middle of blocks. Requests Council approves the DA.

**T Carpenter – resident - Notice of Motion by Cr North**

Spoke of renewable energy. The development is not a gold mine, noted concerns with McPhillamy proposal. This solar farm does not remove topsoil, interfere with ground water. The shade of panels is not an issue. Co-location of solar and agriculture is compatible. It is urgent we transfer to renewable energy with stations such as Liddell closing. The community needs to embrace solar farms.

**C Curry – resident - Notice of Motion by Cr North**

Solar farms require water so panels can be washed. There is a huge visual impact, there is 500 acres of solar panels. In regards to the public meeting, was not advised by Photon Energy. The community group has asked questions of Photon Energy, these have not been answered. Agricultural land is being lost. Not against solar, it is the way of the future, but can not lose primary agricultural land. Brewongle is the wrong location.

**M King – resident - Item #2 of the Director Cultural & Community Services' report**

Has attended the meetings on the logo, has asked for paperwork and has not received these. Disturbed with the logo, noted people upset with "Forever Young" tagline at the meetings he has attended. Needs more thought on this matter and alleviate problems, come up with something a little better. Matter decided before Councillors knew about it.

**K McNab – Mitre/Suttor/Lambert Street intersection**

Spoke to problems with the intersection. Council has not considered the students in this area over the last 20 years. Funding needs to be provided, with Council showing foresight. Schools support upgrade and people are being discriminated against in West Bathurst. The area has an accident history and spoke to a number of these. Asked how can you put a price on safety.

**S Chapman - Item #6 of the Director Corporate Services & Finance Confidential report**

Noted the Bathurst Basketball Association has not had an Annual General Meeting (AGM) in 5 years. Spoke to his involvement in Basketball in Bathurst and issues with the Association. There are concerns at a personal level, need to have an AGM.

**P Jackson – resident of Raglan - Notice of Motion by Cr North**

Urges Council to think about the siting of the solar farm. Need to look after land and water, owners can not do just what they want to do with their land. The town is here due to large efforts of farmers. If farm was to go to the Lagoon they would not agree either. People in Queensland are questioning issues with solar farms.

**G Crisp – ratepayer**

Seeks assistance from Directors. Made a submission on financial statements. Will a report come up on these submissions, there is nothing in the business paper. Spoke to reserved funds held by Council.

**The Director Corporate Services & Finance** advised submissions are referred directly to the Auditor Generals Office.

Welcomed new Director Environmental, Planning & Building Services to the Council. Noted issue of unauthorised signs being followed up. There has been no action on advertising signs on building sites around town. These signs block off ability of people to see.

**J Thompson - Item #9 of the Director Corporate Services & Finance's report**

Spoke to proposed event and the issues of concern raised. The event is to occur in April 2018, it is a breeding ground for skateboarders. 2017 saw 8,000 spectators and many overseas riders, it will stream around the world. Skateboarding is an Olympic sport, it is scheduled for Paris and Los Angeles. The Newtons Nation event is the talk of all the events around the world, it is world renowned. Council holds a bond of \$10,000 for the event. The event does not need the timing system. Requests Council and Australian Skateboard Racing Association work closely together and that approval for the event occur.

**D McNab – Mitre/Suttor/Lambert Street intersection**

Notes construction is proposed, but funds cover only half of the work. Spoke to Member for Calare, Andrew Gee, who has advised blackspot funding has been approved to RMS for NSW. Have then spoken to Member for Bathurst, Paul Toole, to get funds allocated through the Minister for Roads. Letter has been sent to the Minister expressing concerns on safety at the intersection. Attended Minister's office in December and handed over a petition and letters to Paul Toole's staff in Sydney. The petition was prepared for submission for presentation to Parliament, this occurred at the end of November. Spoke further to safety issues, school location, road access and usage levels.

**P Dowling – resident - Item #2 of the Director Cultural & Community Services' report**

Had enough with the logo. Ludicrous to go out of town to get a consultant. Why not put it out to the schools? Proposes Mount Panorama race circuit is a great logo. Urge Council to void the matter and cut the losses.

### **APOLOGIES**

#### **3      **APOLOGIES****

Nil.

### **MINUTES**

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

**MOVED** Cr I North

and **SECONDED** Cr W Aubin

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

### **DECLARATION OF INTEREST**

#### **5      **DECLARATION OF INTEREST 11.00002****

**MOVED** Cr B Bourke

and **SECONDED** Cr J Rudge

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

Cr Fry

Item #7 of the Director Cultural & Community Service's report.

Item #1 of the Notice of Motion.

Item #1, #2, #5 of the Director Engineering Service's Confidential report.

General Manager

Item #1 of the Mayoral Minute Confidential report.

### **RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

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

#### **6      **Item 1 SENIOR STAFF CONTRACTS (19.00030)****

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

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

**7 Item 2 UPPER MACQUARIE COUNTY COUNCIL (UMCC) OPERATIONS: SERVICE LEVELS & STRATEGIC DIRECTION (18.00172)**

**MOVED** Cr I North and **SECONDED** Cr J Fry

**RESOLVED:** That:

- (a) The information be noted
- (b) A meeting be arranged with the Mayors and General Managers of UMCC Constituent Councils, UMCC Councillor Delegates and the General Manager of UMCC to discuss further arrangements
- (c) A report come back to Council with regards to the structure for weed control in the Bathurst Regional Council area.

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

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

**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

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

**9 Item 2 GENERAL REPORT (03.00053)**

**MOVED** Cr B Bourke and **SECONDED** Cr J Fry

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

**10 Item 3 DEVELOPMENT APPLICATION NO. 2017/368 – CONVERSION OF TWO EXISTING RESIDENTIAL UNITS TO ONE SINGLE DWELLING AT 92 RUSSELL STREET, BATHURST. APPLICANT: JIM LAVIS. OWNER: MR JS LAVIS (DA/2017/368)**

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

**RESOLVED:** That Council:

- (a) as the consent authority, grant deferred commencement consent pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/368, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended including deferred commencement conditions as follows:
  - (i) The consents given by Council's Notice of Determination of Building Application No. 1967/129 and dated 23 September 1967, Development Application No. 1999/0450 and dated 6 April 1999 and Development

Application No. 2014/0433 and dated 10 February 2015 are to be surrendered in accordance with Section 104A of the Environmental Planning and Assessment Act 1979,

- (ii) The deferred commencement conditions are to be satisfied within 6 months of the granting of development consent; and

(b) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**11** **Item 4 DEVELOPMENT APPLICATION NO. 2017/369 – FITOUT AND USE OF EXISTING SINGLE STOREY BUILDING AS SECONDARY DWELLING AT 92 RUSSELL STREET, BATHURST. APPLICANT: JIM LAVIS. OWNER: MR JS LAVIS (DA/2017/369)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) as the consent authority, grant deferred commencement consent pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/369, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended including deferred commencement conditions as follows:

- (i) The consents given by Council's Notice of Determination of Building Application No. 1967/129 and dated 23 September 1967, Development Application No. 1999/0450 and dated 6 April 1999 and Development Application No. 2014/0433 and dated 10 February 2015 are to be surrendered in accordance with Section 104A of the Environmental Planning and Assessment Act 1979,

- (ii) The deferred commencement conditions are to be satisfied within 6 months of granting of development consent; and

(b) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

12

**Item 5 DEVELOPMENT APPLICATION NO. 2017/258 – DEMOLITION OF EXISTING SINGLE STOREY DWELLING & SEPARATE GARAGE AND CONSTRUCTION OF TWO STOREY DWELLING WITH ATTACHED GARAGE AT 190 RANKIN STREET, BATHURST. APPLICANT: MR D & MRS E GRANT. OWNER: MR D & MRS E GRANT (DA/2017/258)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

**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. 2017/258, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement dwelling,
- (ii) The submission of a letter or report, rendered drawings, manufacturers brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction, and that these be approved by Council,

Note: The face bricks and rendered areas, including the fence, is to utilise strong Autumn tones,

- (iii) Prior to the commencement of demolition, the developer is to submit to Council at least two printed photographs and either photographic negatives or a CD containing high quality digital copies of the dwelling and outbuilding in accordance with the guidelines for photographic recording of sites for which approval has been granted for demolition,
- (iv) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works,

Note: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Division, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics,

- (v) Prior to the issue of a Construction Certificate, the developer is to complete and submit to Council for approval a completed Council Waste Management Plan. The Plan shall include, but not be limited to, the following:

- The types of waste to be handled;
- Volume of each waste;
- Management and storage of waste;
- Method of waste disposal;
- Method of waste transport; and

- Disposal location;

(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 A Christian, Cr J Fry, Cr J Jennings, Cr I North, Cr J Rudge,

Against the motion - Cr G Hanger, Cr M Morse,

Absent - Nil

Abstain - Nil

**13**

**Item 6 DEVELOPMENT APPLICATION NO. 2017/366 – DEMOLITION OF DWELLING AND ERECTION OF A SINGLE STOREY DWELLING WITH DETACHED GARAGE AT 165 KEPPEL STREET, BATHURST. APPLICANT: KENWOOD HOMES PTY LTD. OWNER: MRS TC HOOPER (DA/2017/366)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Fry

**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. 2017/366, 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 bricks are to be laid in the Flemish Bond style consistent with the adjoining dwelling;

(ii) the windows facing Keppel Street are to be 4 pane double hung timber windows;

(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 A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**14**

**Item 7 BATHURST REGION 2040 COMMUNITY STRATEGIC PLAN (03.00180)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**RESOLVED:** That Council note the preparation of the Bathurst Region 2040 Community Strategic Plan has commenced.

- 15** **Item 8 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

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

- 16** **Item 9 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT 2016-2017 (13.00004)**  
**MOVED** Cr J Jennings and **SECONDED** Cr J Fry

**RESOLVED:** That Council:

- (a) note that the 2016 - 2017 Regional State of the Environment Report has been completed; and
- (b) make electronic copies of the 2016 - 2017 Regional State of the Environment Report available on Council's Website.

- 17** **Item 10 BATHURST FREE CBD WI-FI GRANT (20.00315)**  
**MOVED** Cr J Jennings and **SECONDED** Cr M Morse

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

- 18** **Item 11 DRAFT ROADSIDE VEGETATION MANAGEMENT PLAN (13.00088)**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That Council:

- (a) place the draft Roadside Vegetation Management Plan on public exhibition for a period of 42 days (6 weeks);
- (b) if submissions are received, a further report be presented to Council; and
- (c) if no submissions are received, adopt the Roadside Vegetation Management Plan.

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

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

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

- 20** **Item 2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge



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

**21 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 W Aubin

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

**22 Item 4 POWER OF ATTORNEY (11.00007)**

**MOVED** Cr J Rudge and **SECONDED** Cr W Aubin

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

**23 Item 5 CODE OF CONDUCT COMPLAINTS - 1 SEPTEMBER 2016 TO 31 AUGUST 2017 (07.00088)**

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

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

**24 Item 6 SUBMISSIONS - GOVERNANCE - PAYMENT OF EXPENSES & PROVISION OF FACILITIES FOR COUNCILLORS POLICY (11.00008, 41.00089)**

**MOVED** Cr B Bourke and **SECONDED** Cr J Fry

That Council:

- (a) following the consideration of public submissions adopt the Payment of Expenses & Provision of Facilities for Councillors Policy, and
- (b) notify those that made submissions.

**The following AMENDMENT was MOVED.**

**25 Item 6.01 SUBMISSIONS - GOVERNANCE - PAYMENT OF EXPENSES & PROVISION OF FACILITIES FOR COUNCILLORS POLICY (11.00008, 41.00089)**

**MOVED** Cr J Jennings and **SECONDED** Cr J Fry

That Council:

- (a) following the consideration of public submissions adopt the Payment of Expenses & Provision of Facilities for Councillors Policy, with an additional sentence at Clause 13 as follows:

**13 SUSTENANCE/MEALS**

*The provision of light refreshments following a Council or Committee Meeting is to exclude alcohol*

and

(b) notify those that made submissions.

The AMENDMENT was PUT and LOST

The original MOTION was then PUT and CARRIED.

**26 Item 7 SUBMISSIONS - CODE OF MEETING PRACTICE (07.00064, 07.00065)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

(a) following the consideration of public submissions adopt the Code of Meeting Practice, and

(b) notify those that made submissions.

**27 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON COUNTRY FAIR (18.00004)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

**RESOLVED:** That Council purchase a Gold Sponsorship Package, valued at \$500, for the Eglinton Country Fair to be held on Saturday, 24 February 2018.

**28 Item 9 USE OF MOUNT PANORAMA - NEWTONS NATION IDF WORLD CUP 2018 EVENT (04.00122)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

(a) make available the Mount Panorama Motor Racing Circuit for use by the Australian Skateboard Racing Association for the Newtons IDF World Cup in April 2018, and

(b) appoint a local person to act as the local contact for liaising with Australian Skateboard Racing Association.

**29 Item 10 BATHURST WAR MEMORIAL CARILLON - PROPOSED UPGRADES (04.00021)**  
**MOVED** Cr M Morse and **SECONDED** Cr A Christian

**RESOLVED:** That Council endorse, in principle, the proposed upgrading of the Bathurst War Memorial Carillon by the:

- (a) Replacement of the Eternal Flame;
- (b) Replacement of the present top octave of bells;
- (c) Purchase of a new higher octave of bells;
- (d) Purchase of a clavier;
- (e) Purchase of a new electronic Clock-o-matic system; and
- (f) Refer the matter to the 2018/2019 budget for consideration.

**30**     **Item 11 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 22.00999, 22.04305, 36.00656, 36.00657, 36.00658, 21.00037,  
36.00623)**

**MOVED** Cr I North     and **SECONDED** Cr J Jennings

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

**Director Engineering Services' Report**

**31**     **Item 1 FREEMAN PARK LANDSCAPE DESIGN (04.00144)**

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

**RESOLVED:** That Council:

- (a) endorse the landscape plan for the development of Freeman Park;
- (b) provide funding within the 2018/2019 Management Plan to enable the construction of the park to proceed, and
- (c) call for tenders for the development of Freeman Park within the new financial year, in accordance with the endorsed landscape plan, subject to funding availability.

**32**     **Item 2 BATHURST REGION NATURAL RESOURCE ADVISORY GROUP  
(13.00001)**

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

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

**33**     **Item 3 ROADS TO RECOVERY - ADDITIONAL FUNDING (16.00011)**

**MOVED** Cr I North     and **SECONDED** Cr J Rudge

**RESOLVED:** That Council note the Director Engineering Services' report and allocate funding in the 2018/19 Delivery Plan/Annual Operating Plan as proposed.

**34**     **Item 4 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 36.00646, 07.00017, 36.00616)**

**MOVED** Cr W Aubin     and **SECONDED** Cr J Rudge

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

**Director Cultural & Community Services' Report**

**35**     **Item 1 ACCESSIBLE TOILETS - BATHURST MEMORIAL ENTERTAINMENT  
CENTRE (BMEC) AND CIVIC CENTRE (21.00060, 21.00036)**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) Consider the inclusion of \$50,000 in Council's 2018/2019 budgetary process for works to the Civic Centre, Russell Street entry level toilets to create an accessible standard toilet as described in the report.
- (b) Consider the inclusion of \$100,000 in Council's 2018/2019 budgeting process for works to BMEC to create an accessible standard toilet on the first floor.
- (c) Review options to upgrade the lift at BMEC with a further report to be provided to Council.

**36**

**Item 2 DESTINATION MANAGEMENT PLAN - DEVELOPING A RECOGNISED DESTINATION BRAND (20.00299)**

**MOVED** Cr J Jennings

and **SECONDED** Cr B Bourke

That Council:

- (a) Note the community's planned future input in contributing to the creative elements, within the context of the brand strategy, as outlined in the report.
- (b) Receive quarterly destination brand strategy implementation progress reports, outlining the performance monitoring data as described in the report.
- (c) Resolve on logo Option 1 and tagline Option 2 as outlined in the report.

**37**

**Item 2.01 EXTENSION OF TIME (20.00299)**

**MOVED** Cr B Bourke

and **SECONDED** Cr J Jennings

**RESOLVED:** That an extension of time of 1 minute be granted to Cr North for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

**38**

**Item 2.02 DESTINATION MANAGEMENT PLAN - DEVELOPING A RECOGNISED DESTINATION BRAND (20.00299)**

**MOVED** Cr J Jennings

and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) Note the community's planned future input in contributing to the creative elements, within the context of the brand strategy, as outlined in the report.
- (b) Receive quarterly destination brand strategy implementation progress reports, outlining the performance monitoring data as described in the report.
- (c) Resolve on logo Option 1 and tagline Option 2 as outlined in the report.

**Crs North and Morse asked that their negative votes to be recorded.**

**39** **Item 3 BATHURST REGIONAL ART GALLERY - 2017 IMAGINE AWARDS (21.00002)**

**MOVED** Cr W Aubin

and **SECONDED** Cr J Jennings

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

**40** **Item 4 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 7 AUGUST 2017 (07.00116)**

**MOVED** Cr J Rudge

and **SECONDED** Cr I North

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

**41** **Item 5 BATHURST REGIONAL YOUTH COUNCIL - CHRISTMAS RAFFLE FUNDRAISER (11.00020)**

**MOVED** Cr I North

and **SECONDED** Cr J Rudge

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

**42** **Item 6 BATHURST REGIONAL ART GALLERY - CURATOR PROFESSIONAL DEVELOPMENT, VENICE BIENNALE (21.00002)**

**MOVED** Cr J Jennings

and **SECONDED** Cr M Morse

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

**43** **Item 7 BATHURST MEMORIAL ENTERTAINMENT CENTRE - SKILLSET 2017 PARTNERSHIP AWARD (20.00060)**

**MOVED** Cr A Christian

and **SECONDED** Cr I North

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

**Reason: Employee of Skillset**

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

## **REPORTS OF OTHER COMMITTEES**

### **Traffic Committee Meeting**

**44** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 DECEMBER 2017 (07.00006)**

**MOVED** Cr W Aubin

and **SECONDED** Cr J Rudge

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 5 December 2017 be adopted.

## **NOTICES OF MOTION**

**45 Item 1 NOTICE OF MOTION - CR NORTH - PROPOSED SOLAR PLANT, BREWONGLE (11.00004, 22.08374)**

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

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

**Reason:** As employer would be technically eligible to tender to provide services to Photon.

That Council write to Photon Energy and request that they identify an alternative site for their proposed solar plant installation so that it is not located on prime agricultural land.

**46 Item 1.01 EXTENSION OF TIME (11.00004, 22.08374)**

**MOVED** Cr W Aubin and **SECONDED** Cr J Jennings

**RESOLVED:** That an extension of time of 1 minute be granted to Cr North for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

**47 Item 1.02 NOTICE OF MOTION - CR NORTH - PROPOSED SOLAR PLANT, BREWONGLE (11.00004, 22.08374)**

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

**RESOLVED:** That Council write to Photon Energy and request that they identify an alternative site for their proposed solar plant installation so that it is not located on prime agricultural land.

**COUNCILLORS/ DELEGATES REPORTS**

**48 Item 1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL 7 NOVEMBER 2017 (11.00020)**

**MOVED** Cr J Jennings and **SECONDED** Cr W Aubin

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

**49 Item 2 CENTROC BOARD MEETING (07.00017)**

**MOVED** Cr J Rudge and **SECONDED** Cr W Aubin

**RESOLVED:** That the report on the CENTROC Board Meeting held 23 November 2017 in Young be noted.

**50 Item 3 UPPER MACQUARIE COUNTY COUNCIL (UMCC) OCTOBER 2017 (18.00172)**

**MOVED** Cr I North and **SECONDED** Cr J Fry

**RESOLVED:** That Council note the Delegates Report on the Upper Macquarie County Council (UMCC) meeting held 20 October 2017.

**51 Item 4 UPPER MACQUARIE COUNTY COUNCIL (UMCC) NOVEMBER 2017 (18.00172)**

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

**RESOLVED:** That Council note the Delegates Report on the Upper Macquarie County Council (UMCC) meeting held 24 November 2017.

**52 Item 5 CR MONICA MORSE REPORT - NSW PUBLIC LIBRARIES ASSOCIATION SWITCH 2017 CONFERENCE - 21-24 NOVEMBER 2017 (21.00054)**

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

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

**53 Item 6 MINUTES - AUSTRALIA DAY WORKING PARTY - 21 NOVEMBER 2017 (23.00033)**

**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

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

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

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

**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

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, being Director Engineering Services Confidential Report #5 - Tender for tree thinning at Sofala (36.00646), the business of which due notice has been given, refer items DES Confidential #1 and #2.
- (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.

**\* MAYORAL MINUTE**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

**\* GENERAL MANAGER'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	HONORARY CITIZENSHIP OF BATHURST	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BOUNDARY ADJUSTMENT OF LAND AT PART LOT 4 SECTION 7 DP758065, PART LOT 1 DP794563 AND PART LOT 1 DP194101 KNOWN AS 133-137 KEPPEL STREET BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	NEW RESIDENTIAL LEASE AGREEMENT - LOT 18 DP1011780 KNOWN AS 162 MOUNTAIN 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.
3	TENDER FOR THE HIRE OF ICE RINK FOR BATHURST WINTER FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR THE HIRE OF DECKING AND MARQUEE FOR BATHURST WINTER FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would



		prejudice the commercial position of the person who supplied it.
5	TENDER FOR THE DESIGN AND INSTALLATION OF ILLUMINATION FOR BATHURST WINTER FESTIVAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	INTERIM SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA 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.
7	REQUEST FOR FINANCIAL ASSISTANCE	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR TREE THINNING AT SOFALA	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 TREE THINNING AT SOFALA	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	CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS	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 TAXIWAYS AND APRON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position

	EXTENSION AT BATHURST AERODROME	of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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### Mayoral Minute

- a** Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)  
MOVED Cr W Aubin and SECONDED Cr A Christian

The General Manager declared a pecuniary interest in this item, left the Chamber and took no part in discussion.

Reason: matter concerns employment as General Manager.

That Council note:

- (a) the performance review of the General Manager, which was rated as more than satisfactory;
- (b) that the General Manager's employment package has been set at \$341,282.

### General Manager's Report

- b** Item 1 HONORARY CITIZENSHIP OF BATHURST (23.00132)  
MOVED Cr M Morse and SECONDED Cr B Bourke

That Council act in accordance with the report.

### Director Corporate Services & Finance's Report

- c** Item 1 BOUNDARY ADJUSTMENT OF LAND AT PART LOT 4 SECTION 7 DP758065, PART LOT 1 DP794563 AND PART LOT 1 DP194101 KNOWN AS 133-137 KEPPEL STREET BATHURST (22.00999)  
MOVED Cr B Bourke and SECONDED Cr W Aubin

That Council approves the boundary adjustment of part Lot 4 Section 7 DP758065, part Lot 1 DP794563 and part Lot 1 DP194101 known as 133 -137 Keppel Street Bathurst as detailed in the report and that the land be classified as operational.

- d** Item 2 NEW RESIDENTIAL LEASE AGREEMENT - LOT 18 DP1011780 KNOWN AS 162 MOUNTAIN STRAIGHT, MT PANORAMA (22.04305)  
MOVED Cr W Aubin and SECONDED Cr J Rudge

That Council approves entering into a new residential lease agreement for Lot 18 in DP10117980, known as 162 Mountain Straight, Mt Panorama, for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

**e** **Item 3 TENDER FOR THE HIRE OF ICE RINK FOR BATHURST WINTER FESTIVAL (36.00656)**

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

That Council accepts the tender from Ice Rinks Australia in the amount of \$558,855 (GST inclusive) for the hire of an ice rink for the Bathurst Winter Festival for 2018, 2019 and 2020, subject to provisional items and variations.

**f** **Item 4 TENDER FOR THE HIRE OF DECKING AND MARQUEE FOR BATHURST WINTER FESTIVAL (36.00657)**

**MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

That Council accepts the tender from Exponet in the amount of \$211,200.00 (GST inclusive), for the hire of decking and marquee to support the ice rink for the Bathurst Winter Festival for 2018, 2019 and 2020, subject to provisional items and variations.

**g** **Item 5 TENDER FOR THE DESIGN AND INSTALLATION OF ILLUMINATION FOR BATHURST WINTER FESTIVAL (36.00658)**

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

That Council accepts the tender from ESEM Projects in the amount of \$660,000.00 (GST inclusive), for the design and installation of illumination for the Bathurst Winter Festival for 2018, 2019 and 2020, subject to provisional items and variations.

**h** **Item 6 INTERIM SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA STREET, BATHURST (21.00037)**

**MOVED** Cr I North and **SECONDED** Cr A Christian

That Council:

- (a) Confirm that the Interim Sporting Licence Agreement - Lot 234 in DP 750357 known as the Bathurst Indoor Sports Stadium located on Vittoria Street, Bathurst, with the Bathurst Basketball Association Inc has ceased as at the end of 31 December 2017.
- (b) Delegate to the General Manager the authority to negotiate a lease for the Indoor Sports Stadium with Basketball NSW for a 1-2 year period.
- (c) Call for Expressions of Interest to run the Indoor Sports Stadium, if a satisfactory arrangement cannot be reached with Basketball NSW, and that Council take over the operation of the Indoor Stadium whilst the Expression of Interest process is occurring.
- (d) Further report come back to Council.

- i** **Item 7 REQUEST FOR FINANCIAL ASSISTANCE (36.00623)**  
**MOVED** Cr W Aubin and **SECONDED** Cr A Christian

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

Cr North asked that his negative vote be recorded.

**Director Engineering Services' Report**

- i** **Item 1 TENDER FOR TREE THINNING AT SOFALA (36.00646)**  
**MOVED** Cr A Christian and **SECONDED** Cr I North

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

Reason: Employer is a tenderer

That Council accept the withdrawal of Urban Arb Solutions from the current contract, without penalty.

- k** **Item 2 TENDER FOR TREE THINNING AT SOFALA (36.00646)**  
**MOVED** Cr A Christian and **SECONDED** Cr J Rudge

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

Reason: Employer is a tenderer.

That the information be noted.

- l** **Item 3 CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS (07.00017)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

That Council:

- (a) endorse the selection of Artcraft Pty Ltd, Barrier Signs Pty Ltd and De Neefe Pty Ltd as members of Council's panel for supply of road signs
- (b) advise Centroc of its decision and
- (c) note the balance of the report

- m** **Item 4 TENDER FOR CONSTRUCTION OF TAXIWAYS AND APRON EXTENSION AT BATHURST AERODROME (36.00616)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

That Council accept the tender from Manly Civil Pty Ltd in the amount of

\$2,008,640.48 (incl. GST) subject to provisional items and variations.

**n** **Item 5 LATE REPORT -TENDER FOR TREE THINNING AT SOFALA (36.00646)**  
**MOVED** Cr J Rudge and **SECONDED** Cr W Aubin

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

**Reason: Employer is a tenderer.**

**That Council accepts the tender of Skillset Pty Ltd in the amount of \$326,634.00 (GST incl.), subject to variations, provisional items and conditions outlined in the report.**

### **RESOLVE INTO OPEN COUNCIL**

**55** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

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

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

**56** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr W Aubin and **SECONDED** Cr A Christian

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

### **MEETING CLOSE**

**57** **MEETING CLOSE**

The Meeting closed at 10.54 pm.

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

## GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

7 FEBRUARY 2018

## **1 CENTROC JOINT ORGANISATIONS (07.00017 & 18.00300)**

**Recommendation:** In accordance with Part 7 of Chapter 12 of the Local Government Act, Bathurst Regional Council resolves:

1. *That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution.*
2. *To approve the inclusion of the Council's area in the Joint Organisation's area.*
3. *That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
  - a. *Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Lithgow City Council, Oberon Council, Orange City Council, Parkes Shire Council and Weddin Shire Council.*
4. *That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:*
  - a. *with a copy of this resolution including the date on which Council made this resolution, and*
  - b. *inform the Minister that this resolution has not been rescinded,*

*for the purpose of the Minister issuing a certificate under section 400P of the Act.*

**Report:** The purpose of this report is to provide advice to the Minister for Local Government that Council seeks to be part of a Joint Organisation (JO) in Central NSW. The resolution is worded in accordance with advice provided by the Office of Local Government (OLG) to give effect to this decision.

The report provides background advice to this resolve and has been developed in consultation with Central NSW Councils (Centroc), a Pilot Joint Organisation, using advice from the OLG. It should be read in conjunction with previous advices sent to Councillors in November and December 2017. A copy of a State Government circular concerning JO's is at **attachment 1**.

Joint Organisations (JOs) are a key component of the local government Fit for the Future (FFTF) reform process and have the intention to transform the way in which the State Government and local government collaborates and sets regional priorities to support local communities. Centroc was selected as one of 5 Pilot JOs.

Centroc's entity status is currently a Section 355 Committee of Forbes Shire Council. The Centroc Board has had ongoing concerns with this structure as it unfairly burdens Forbes. The Board recognises that the JO legislation addresses this issue.

The State Government has passed legislation for the formal creation of Joint Organisations

under the Local Government Amendment (Regional Joint Organisations) Bill 2017 (copy forwarded to Councillors memo 7 November 2017). This allows councils in regional NSW to voluntarily create Joint Organisations.

## Legislation

A review of the Legislation shows the essential elements of a Joint Organisation's operation are as follows:

- *Established and dissolved* by Proclamation. This means that if a council wants to join or leave a JO then the JO must be recreated through Proclamation;
- *Body Corporate* and a statutory corporation under the *Interpretation Act*;
- *Council must resolve to join the JO*. The resolution must be in a specific format that mentions the other councils in the JO. The wording of the recommendation in the report is that advised by the OLG:
- *Principal Functions*:
  - Establish strategic regional priorities and strategies and plans for their delivery
  - Regional Leadership to advocate for strategic regional priorities
  - Identify and take up opportunities for intergovernmental co-operation.
- *Other functions*:
  - As directed by the members (including regulatory functions)
  - As directed by legislation
  - As delegated by the CEO of the OLG
- *Board* – Mayors only. One delegate per council unless the JO decides it wants two. Then it must be two from each council. The second delegate must be a councillor. General Managers attending meetings are not voting Board members
- *Associate Membership* – is provided for and includes Department of Premier and Cabinet (DPC) and County Councils which means that Central Tablelands Water and UMCC can be associate members. Hilltops, Upper Lachlan and other neighbouring Councils outside the Planning Boundary may seek to be associate members;
- *Voting* – equal votes per member council, no votes for associates;
- Executive Officer (EO) is the Public Officer;
- *Exercise of Functions* – can be by employees, agents and contractors, committees of the board, jointly with others including member councils or another JO and by a delegate of the joint organisation. A council cannot be required by a decision of the JO to delegate any of its functions to the JO;
- *Delegations* – can delegate to an EO, a Board committee or any other person or body any of the functions of the JO. The JO can sub-delegate any functions delegated to it by the CEO of OLG;
- The Local Government Act applies to a JO the same way as it applies to a council except for the stated exemptions. JOs are exempted from activities such as Integrated Planning & Reporting, community consultations, elections, planning, strategic planning and annual reports;
- Regulations will be written to facilitate the work of the JO.

## Forming a Joint Organisation

Joint Organisations can be formed with a minimum of 2 councils and those councils must lie within a State Planning Region as shown in the map below. According to advice from the Office of Local Government, Joint Organisation boundaries should:

- *align with, or 'nest' within one of the State's planning regions*
- *demonstrate a clear community of interest between member councils and regions*



- *not adversely impact on other councils or JOs, for example, leaving too few councils to form a JO*
- *be based around a strong regional centre or centres*
- *be of an appropriate size to partner with State, Commonwealth and other partners.*

While the choice to join and composition of a Joint Organisation is voluntary, the NSW Government will only support the creation of Joint Organisations within existing State planning regions and in regional NSW. For Council this would mean membership within the Central West/Orana Planning Area.

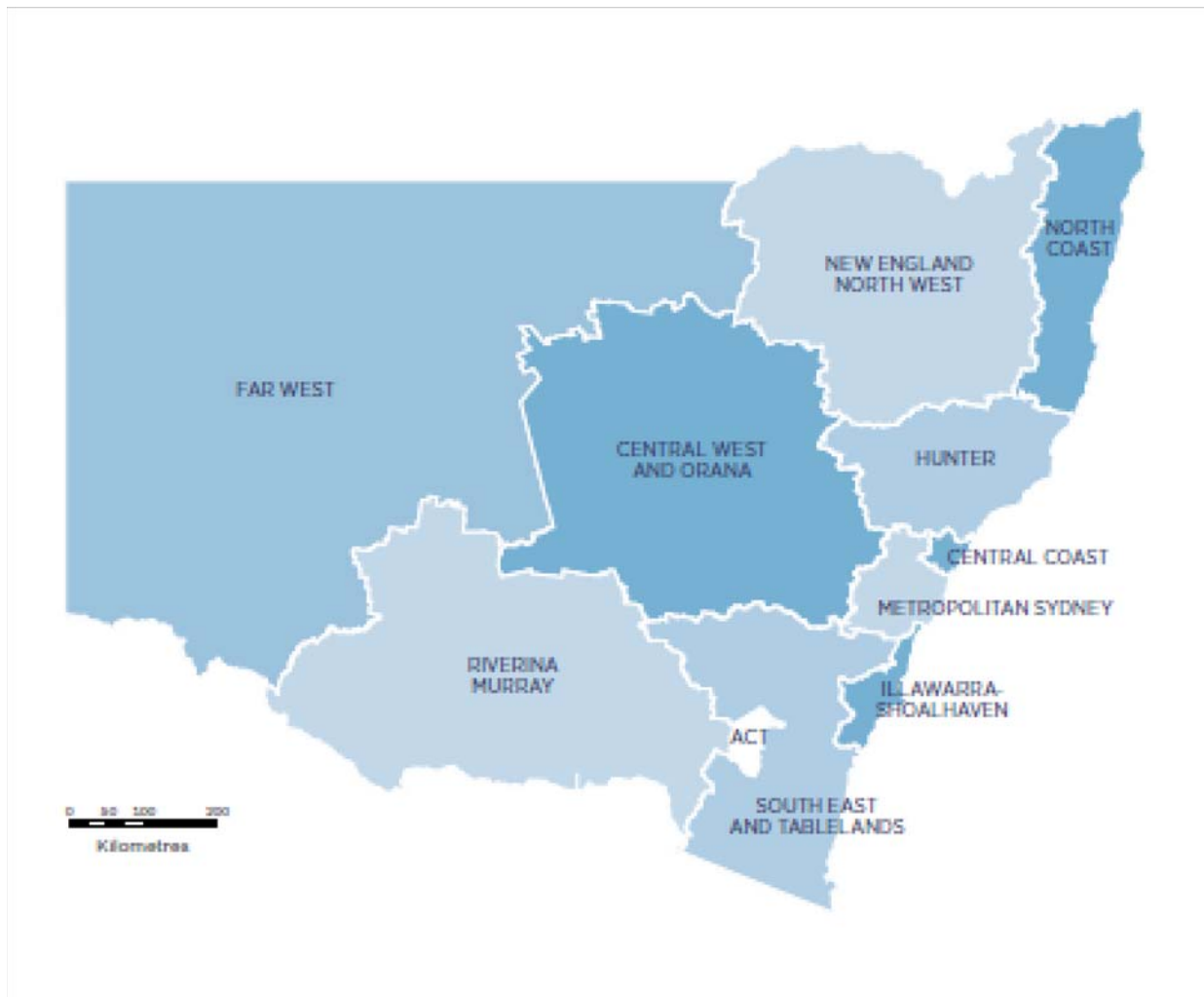


Figure 1: Planning boundaries in Regional NSW  
[https://www.olg.nsw.gov.au/sites/default/files/EC\\_joint%20organisation\\_2017\\_v07.pdf](https://www.olg.nsw.gov.au/sites/default/files/EC_joint%20organisation_2017_v07.pdf) page 6

It is noteworthy that while Council can opt into the Joint Organisation, opting out is more difficult and would require Proclamation through State Parliament. Having said that, Council has been a voluntary member of Centroc and appreciated its value since its inception in the 1980's. Further, Local Government is a function of the State Government and exists at its behest – arguably the operating environment of Local Government is always within boundaries set by the State and so becoming a member of the Joint Organisation is no more constraining.

The Office of Local Government has provided advice that should Councils wish to take advantage of the Joint Organisation provisions they must do so by 28 February 2018. This is

to allow for the Proclamation process and a start date of 1 July 2018. It is acknowledged that this timeframe is tight.

### **Discussion in the region**

The Centroc Board met 23 November 2017 and gave consideration to becoming a JO. Included in its considerations was the legal advice at **attachment 2**. The Centroc Board subsequently resolved as follows:

1. Support in principle Joint Organisation legislation;
2. Seek an extension of time for Councils to opt in to allow for the development of the regulations; and
3. Invite the Office of Local Government to present to the region as soon as possible.

Mr Chris Presland of the Office of Local Government made a presentation to the region on Joint Organisations on Tuesday 12 December 2017. Attendees at the meetings were generally positive about the opportunity to leverage becoming a member of a Joint Organisation, with a boundary similar to that of Centroc. Attendees were in agreement that the Joint Organisation would offer a better structural arrangement than a Section 355 Committee of Forbes Shire Council as is current with Centroc.

Disappointment of Centroc members was expressed at the presentation Tuesday 12 December regarding the lack of clarity due to the Regulations for Joint Organisations not being developed. It is understood that the Office of Local Government will commence consultation on the Regulations in February 2018. The region has sought advice particularly with regard to any liability of the Joint Organisation being extended to member Councils. Mr Presland agreed to undertake follow-up both in this regard and in relation to enabling aggregated procurement. At the time of writing no further advice has been provided by the Office of Local Government.

### **Consultation regarding membership**

Direction from the Office of Local Government is that full members of a Joint Organisation must fall into a regional planning area. Centroc members share a planning boundary with Orana Regional Organisations of Councils (OROC).

Advice from OROC is that there is no interest in forming a Joint Organisation with any Centroc members, rather they have State permission to include Councils in the Far West in their JO.

Centroc members agreed at the workshop Tuesday 12 December to recommend to members they proceed with JOs with the membership of the Centroc within the planning boundary. That is *Bathurst Regional Council, Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Lithgow City Council, Oberon Council, Orange City Council, Parkes Shire Council and Weddin Shire Council*.

Associate members will be at the discretion of the membership and developed as part of the Charter. The Charter will be developed subsequent to the Proclamation of the Joint Organisation and advice from the Office of Local Government is that it will be similar to the Charter developed during the Pilot period.

### **Financial implications**

The Office of Local Government has advised that there is \$3.3m available in seed funding to establish JOs across NSW. Also, the Office of Local Government provides advice that

Councils that are members of Joint Organisations will be able to take advantage of investment opportunities that are delivered through the Joint Organisation. It is noteworthy that Centroc was recently successful in December 2017 in securing a 100% funded bridge assessment program with other grant applications aggregating member Council priorities in the pipeline.

### **Effecting becoming a member of a Joint Organisation**

The Office of Local Government has provided Council with guidance regarding becoming a member of a Joint Organisation. This includes the proposed recommendation as contained in the report.

#### **Name**

The preferred name for the Joint Organisation of Councils is suggested as “Central NSW Councils Joint Organisation.” This name builds on the location of the region in Central NSW, its history as a Regional Organisation of Councils and emphasises its function as a collaboration of Councils.

### **Non-financial support from the State Government required to ensure the Joint Organisation proposal is successful**

The following non-financial support would be useful in ensuring the success of Joint Organisations and will be discussed with the OLG:

- Optimising aggregated procurement for Joint Organisations;
- Dedicated resource in the Office Of Local Government for Joint Organisations including collaboration between Joint Organisations;
- Support for a JO Chairs Group with dedicated access to Ministers and senior bureaucrats;
- Giving consideration to the role of JOs in the funding and strategic framework;
- Standardised tools for prioritisation, communication, etc; and
- Minimising the devolution of State agency roles to the JO.

### **Conclusion**

Council has the option to evolve its existing Centroc membership into a membership of a Joint Organisation of Councils in Central NSW. This will overcome the ongoing issue of the entity status of Centroc as a Section 355 Committee of Forbes Shire Council.

While the Regulations for Joint Organisations are yet to be developed, discussion in the region is generally positive, encouraging Centroc members to take up this offer where the Centroc Board has provided in principle support. It is clear that the State is looking to leverage a regional approach and there will be further opportunities for Council to take advantage of this through the Joint Organisation.

**Financial Implications:** Council currently provides funding in the Annual Operating Plan for its membership of CENTROC. The new proposed JO will replace the current CENTROC operation.

### **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 6.2
- Objective 25: To support the provision of high quality medical care that meets the needs of the Bathurst Strategy 25.4

community.

- 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 29.2
- Objective 31: To maintain local public ownership of water and sewer assets. Strategy 31.4
- Objective 33: To be and develop good leaders. Strategy 33.1

### **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

7 FEBRUARY 2018

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

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

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

### **79C Evaluation**

#### **(1) Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),  
that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

**Note.** See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

#### **(2) Compliance with non-discretionary development standards—development other than complying development**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 80 is limited

accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
  - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

**Note.** The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

**(3A) Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

**(4) Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

**(6) Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

**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

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.



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

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

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

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during December 2017 (**attachment 1**).
- (b) Applications refused during December 2017 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending determination 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 December 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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**3 DEVELOPMENT APPLICATION NO 2017/405, SHED AT 24 STATION STREET, BREWONGLE. APPLICANT: MR D BURTON. OWNER: MR D BURTON (DA2017/405)**

**Recommendation:** That Council:

- (a) support the variation to Clause 6.2.3 Setbacks – RU1 Primary Production Zone development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/405, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - i) A landscape plan is submitted prior to the issuing of a Construction Certificate that effectively screens the shed from Station Street and the adjoining neighbours.
  - ii) Landscaping is to be carried out and maintained in accordance with the certified landscape plan.
  - iii) The landscaping is to be completed prior to Occupation Certificate being issued.
  - (iv) The shed is not to be used for commercial or industrial purposes or for the storage of goods associated with industrial or commercial undertakings.
- (c) notify those that made submissions of its decision; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application for a shed at 24 Station Street, Brewongle, described as Lot 34 DP 1237139. Location plan provided at **attachment 1**.

The site has an area of 1511m<sup>2</sup>. The site currently contains a shipping container but is otherwise vacant.

The adjoining property to the south-west (20 Station Street) contains a two storey dwelling. The adjoining property to the north-east (26 Station Street) contains a single storey dwelling. The adjoining property to the rear (567 Tarana Road) contains a dwelling.

The proposal

The proposal is for the construction of a 10 metre by 20 metre shed with an approximate overall height of 5.12 metres above natural ground level. Plans of the proposed development are at **attachment 2**.

Planning Context

*Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned RU1 Primary Production under the provisions of the Bathurst Regional Local Environmental Plan 2014. A shed is permissible with consent in the RU1 Primary Production zone. The proposal is generally consistent with the objectives of the zone.

*Bathurst Regional Development Control Plan 2014*

Chapter 6 – Rural and Rural Lifestyle Development

### **6.2.3 Setbacks – Zones RU1 Primary Production**

This clause prescribes that lots zoned RU1 Primary Production with an area of less than 20 hectares require a 20 metre setback for farm buildings.

The proposed location for the shed does not comply with the above setback. The proposed setbacks are as follows:

- 3 metres from the north-east boundary (boundary with 26 Station Street);
- 1 metre from the south-east boundary (boundary with 567 Tarana Road);
- Approximately 14 metres from the south-west boundary (boundary with 20 Station Street); and
- Approximately 29.5 metres from the front boundary (Station Street).

The applicant has requested a variation to the setback development standard. The applicant has submitted the following justification for the variation:

- The site is a relatively small lot which is approximately 38 metres by approximately 40 metres. The lot is not a regular rectangle. Therefore it is impossible for any structure on this site to be setback the required 20 metres;
- The dwellings and outbuildings on the adjoining site are also located within 20 metres of their lot boundaries; and
- Building the shed at the rear of the site leaves sufficient space for future buildings to be erected on the site.

The variation to Clause 6.2.3 of the DCP 2014 is supported for the reasons specified by the applicant above.

### **Clause 6.6 Building Form and Design**

The objective of this clause is to ensure that the design of buildings and other structures are in keeping with and sympathetic to the rural character of the area.

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

The proposed shed has Zinalume walls and roof. A condition will be imposed on the application to the effect that a non-reflective material is used for the cladding of the shed.

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

The site is located in a rural zone within the locality of Brewongle. The adjoining sites

have dwellings and outbuildings. The proposed 200m<sup>2</sup> shed is larger than the outbuildings on the adjoining sites, but it is consistent with the rural landscape of the village.

The proposed development is not considered to impact on the visual amenity of the area.

- c) *The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.*

The site is relatively flat with minimal change in topography. The dwelling at 20 Station Street is two storey dwelling which will have a similar height at the ridge line to the proposed shed. The dwelling at 26 Station Street is a single storey dwelling and the proposed shed will have a higher roof line than this adjoining dwelling.

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

Although the location of the proposed shed is within the more closely settled part of Brewongle, the shed design is consistent with a rural farm shed and is not out of character for a rural area.

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

The proposed shed is setback as far as practicable from Station Street being only 1 metre from the rear lot boundary.

A condition will be imposed on the DA requiring the applicant to provide Council with a landscape plan prior to the issuing of a Construction Certificate to ensure the shed is screened from the road and adjoining dwellings. The planting of this vegetation is required prior to the issuing of an Occupation Certificate for the building.

### Submissions

The development application was notified to adjoining property owners from 2 November 2017 to 13 November 2017. Following the notification period one submission was received and can be viewed at **attachment 3**.

Issues raised in the submission include:

- The floor area and height of the shed is not consistent with the size of the subject lot and adjoining lots or the streetscape. It is said to be more of an industrial shed or agricultural shed.
- The development will impact on the views from their bedroom windows and downstairs;
- Possibility of overshadowing; and
- Would like a guarantee that a business will not be operated from the site.

The applicant met with Council Staff on 1 December 2017 to discuss the issues raised in the submission as the objector could not attend the discussion forum as scheduled.

The applicant has verbally informed Council staff that the shed will be used for storage of his

personal belongings and a business will not be operated from the site. The reason for the increased height of the roller doors and shed is to ensure that his camper trailer will fit into the shed. A condition of consent will be applied to prevent industrial or commercial use of the shed and its use as a dwelling.

The applicant also advised Council staff that the floor area of the shed has been chosen to ensure that all his belongings can be stored within the shed securely, rather than building a smaller shed and keeping the shipping containers on site.

The shed is situated 14 metres from 20 Station Street and has a maximum height of 5.12 metres. The overshadowing on the adjoining dwelling is considered to be minimal because of the distance from the boundary and height of the shed.

It should be noted that there are sheds with similar floor areas consistent with the proposed shed in the locality of Brewongle.

### Conclusion

The Development is for a shed within the locality of Brewongle. The shed is located closer than Council's setback provisions prescribed in the Bathurst Regional Development Control Plan 2014. The reasons for the variation are logical and therefore supported in this instance.

**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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### **4 NAMING OF PUBLIC ROADS – CAMPBELL CLOSE AND JARVIS STREET (20.00024)**

**Recommendation:** That Council:

- (a) adopt the names Campbell Close and Jarvis Street; and
- (b) direct the Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

**Report:** In 2009 Council approved a 20 lot subdivision of the property known as 129 Ophir Road, Llanarth being Lot 11, DP 778516. The approval has since been modified and now comprises a 17 lot subdivision. The subdivision creates two new roads accessed from Ophir Road.

Given the proximity of the subject site to the Macquarie River the developer wanted to follow the “Macquarie” theme for naming roads and has therefore selected the names of Governor Lachlan Macquarie’s first and second wives – Jane Jarvis and Elizabeth Campbell respectively.

The names comply with Bathurst Regional Council's *Guidelines for the Naming of Roads* .

See location map at **attachment 1** and plan of subdivision at **attachment 2**.

**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 24.4
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

#### **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

## **5 NAMING OF PUBLIC ROADS – JACKS CLOSE (20.00024)**

**Recommendation:** That Council:

- (a) adopt the name Jacks Close; and
- (b) direct the 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:** In May 2016 Council approved a 9 lot subdivision of the former St Patricks Rugby League Football Club site at 234 Gilmour Street, Kelso (now Paddy's Hotel).

The approved subdivision included the construction of a new cul-de-sac off Gilmour Street to provide access to the proposed lots.

See location map at **attachment 1** and plan of subdivision at **attachment 2**.

The developer has proposed the name "Jacks Close" for the new cul-de-sac in recognition of the contribution Jack Arrow made to the St Pat's Club when it operated from this site.

The developer has provided the following summary of Jack Arrow's contribution:

*Ex-Player, life member and longstanding supporter of Bathurst St Pat's, Jack Arrow passed away unexpectedly on 2/9/10 in Bathurst.*

*Jack was Captain of the 1968 Premiership Winning St Pat's First Grade side which was then coached by Bill Horder. Jack also represented Group 10 Rugby League and Western Division in the late 1960's before retiring as a player in 1968.*

*For over 30 years Jack has remained a totally committed member of the St Pat's Football Club. He has volunteered tirelessly as groundsman and committee member and was a much loved and well respected member of the Club. Jack was a revered stalwart of the Club and was considered a great mentor to coaches, players and supporters alike.*

*In 2008 in recognition of Jack's outstanding loyalty and commitment the St Patrick's Sporting Club named the playing fields at Kelso "Jack Arrow Oval" to which his response was "What the hell did they do that for?" He thought nothing of the long hours he worked each day at the Club. He worked every day and would often be there from sun up to sun down - never expecting anything in return. Jack demonstrated an unfaltering dedication to the football club and was always determined and committed to the game of Rugby League.*

*In 2010 Jack Arrow's hard work and commitment to the Bathurst St Patrick's Club was again recognised and honoured at the Bathurst Sports Awards which were held on Australia Day. Jack was awarded the prestigious Jean Alexander Award for administrative excellence in his role as a volunteer at the Club.*

*Jack has suffered from ill health due to a heart condition in recent times but his death came as a shock to his family and many friends. Jack Arrow gave very distinguished service to his beloved football club and many will be saddened at his passing. May he rest in peace.*

While the use of given names for road names is generally discouraged, the use of a given name is considered appropriate in this circumstance. Mr Arrow is considered very worthy of recognition and he has a direct relationship to the subject site, however the use of his full name (e.g. Jack Arrow Close) could give rise to confusion when there is already an “Arrow Lane” in the Bathurst LGA. The name otherwise 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

### **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions



## **6 NAMING OF PUBLIC ROADS - PEATES LANE (20.00024)**

**Recommendation:** That Council:

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

**Report:** After a request from a George Street property owner, Council at its Ordinary Meeting on 7 September 2016 resolved to accept the transfer to Council of an unnamed laneway off Keppel Street providing rear access to 203-223 George Street, Bathurst. Owners of the properties 203-223 George Street entered into an agreement with Council to construct the unnamed laneway, at the property owner's expense, in preparation for its dedication as a public road.

Prior to Council's resolution, a Land Titles Office search found that the laneway was created in a private old system subdivision circa 1841 however there was no evidence of formal resumption or dedication occurring after the subdivision.

Construction of the laneway has been completed. A location map is provided at **attachment 1**.

*In 2014 Council received a street name nomination from Mrs Jacqueline Rudge for the family name "Peate" who were her ancestors. The following is a brief summary of the information provided by Mrs Rudge for the nomination of this name.*

*In the boom time of the 1870s Mr Lawrence Peate was a local businessman who operated a broom factory in William Street with a general store at the front of the factory. Later Mr Peate operated a second store in George Street in the building that is now known as 223 George Street.*

*The Peate family produced and sold Peates Baking Powder and Peates Tomato Sauce.*

*Mr Peate grew millet for his broom factory on land adjacent to Jordan Creek near what is now the Majellan Bowling Club.*

Given that the subject lane leads to what was the Peate's George Street Store (now 223 George Street) and that the lane is adjacent to the land on which Mr Peate grew millet for his broom factory, it is considered very appropriate to name it "Peates Lane".

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

**Financial Implications:** Funding from existing budget allocation.

### **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 Strategy 32.2

procedures.

**Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

## **7 ELECTRICITY DEMAND RESPONSE PROGRAM (16.00007)**

**Recommendation:** That Council:

- (a) Participate in the Demand Response program
- (b) Select AGL as the preferred provider for the Demand Response Program
- (c) Delegate authority to the General Manager to sign the agreement with AGL

**Report:** Council has recently been approached by two companies: AGL and Flow Power, regarding its willingness to participate in an ARENA (Australian Renewable Energy Agency) funded electricity demand response program. The program is an initiative to manage electricity supply during periods of extreme peaks in electricity consumption. It is a three year program running until summer 2019/2020.

The program will be used as a 'last resort' for the Australian Energy Market Operator (AEMO) in the case of a lack of reserve (LOR) of electricity before involuntary load shedding is started. Involuntary load shedding is when an electricity provider lowers or stops electricity distribution across an area for a short period of time due to a lack of available electricity in the network.

Demand Response would be implemented at (LOR 2) in the below hierarchical model.

- Lack of Reserve 1 (LOR1) – Low Reserve levels (least critical)
- Lack of Reserve 2 (LOR2) – load shedding possible
- Lack of Reserve 3 (LOR3) – load shedding actual or imminent (most critical - Reserve < 0)
- Possible Blackout

LOR2 events usually result from extreme hot days, emergencies or sudden change in renewal generation and usually occur between 3pm to 7pm.

The program is active only during business days (i.e. not weekends or public holidays).

A review by Council's Environment and Water and Sewer Sections of potential Council sites which may be able to participate in the program has identified the following as the most suitable candidate sites:

- Water Filtration Plant (WFP)
- Blayney Road Water Pump Station
- Limekilns Road Water Pump Station

These sites, if shut down in periods of high demand, together could reduce demand by up to 1.0MW.

Discussions with operational staff indicate that it is possible that the WFP could be used as a Demand Response site given sufficient notice as there is significant storage buffer in the reservoir/pipe network to cover a three to four hour shutdown even in peak water use periods. Importantly, the programs would allow Council to decline to participate in a demand reduction event if there were operational reasons which would place water supply at risk.

It will be critically important to shut down the plant in a controlled fashion so adequate minimum notice is an essential element if Council chooses to participate. Council staff will

need to develop a shut-down protocol to determine whether to agree with any request to shut down. The protocol would include triggers to determine if the plant should not be shut down.

Both companies offer financial incentives to participate in the program. A summary of the details of both programs is outlined below:

#### Details of AGL program

- It is a voluntary program, which Council can opt out of at any time without penalty. Council can nominate specific items of plant to be included/excluded on the day; i.e., Council can wait until the day of an event to nominate which assets can participate.
- AGL will provide a minimum of one hour prior notice of an event. There is usually forewarning of an event either the morning of the event, or up to a week before an event, except in the case of a failure at a power station or because of a transmission line/system failure.
- Council can nominate any number of people to be contacted prior to an event and they will receive a text and/or email and/or phone call to which they will need to confirm that the plant is available.
- AGL will install a monitoring device on the electricity meter that will provide them with an indication of whether Council has dispatched (i.e., reduced demand) during an event.
- Participation payments:
  - a) Availability Fee for curtailable load between 10am and 10pm EST (11am to 11pm Daylight Saving Time) for Business Days only (i.e. not weekends or public holidays).
  - b) The Availability Fee is paid regardless of whether the participating consumers are asked to curtail or not.
  - c) Dispatch Fee is payable for each month.
- The minimum dispatch time is one hour up to a maximum of four hours at any one time to a maximum total of 40 hours for the year.
- There is an option to decline load reduction at no penalty if operations or safety could be compromised.
- AGL will collect meter data after the event and send a Recipient Created Tax Invoice (RCTI) which provides data on what Council contributed and the payment owing. Payment happens 32 days after presentation of that invoice.

#### Details of Flow Power program

Similar in most respects to the AGL program.

Participation payments include a sliding scale per MW of reserve provided, plus a per MWh payment if called on to reduce load.

- Minimum notice given is 10 minutes, however prior notice will likely be hours or days in advance. The LOR2 event which occurred in NSW in February 2017 was forecast 2 days in advance.
- There is an option to decline load reduction at no penalty if operations or safety could be compromised.
- Reserve only needs to be available during weekdays 10am to 10pm, with a maximum of 10 activations per year.
- Flow Power will install a kWwatch controller on the specific equipment involved in the demand response program. It provides a discreet signal (Digital / Relay output) to be integrated with control systems.
- SMS notifications will be sent to a contact person on site, allowing the site to confirm participation in an upcoming event.

- The kWwatch controller provides live market and meter data for demand response and wholesale market, (it is integrated with the electricity meter).

Having reviewed both of the offers, support of the AGL offer is more suitable to Council's needs due to:

1. AGL provides a minimum notice period of one hour versus 10 minutes for the Flow Power program;
2. AGL proposes to install the monitoring equipment at the meter rather than on pumping equipment itself as proposed by Flow Power.

Council was initially approached by the providers in December 2017. The providers were advocating for a start date in January 2018 in order to have Council on board for the summer peak demand period. The providers have been advised that a start date of 1 January 2018 was not possible but that Council would review the opportunity and would advise of its decision in February 2018. Should Council resolve to participate, AGL has advised that Council could commence in the program immediately, while Flowpower have advised that Council would be bought in at phase two of their program, commencing on 1 June 2018.

Participation in the program would mean that Council would be contributing to efforts to prevent widespread blackouts in periods of extremely high electricity demand.

Both companies have provided copies of their standard agreements, which Council would be required to sign should it choose to participate. Because they are considered commercial-in-confidence, they are provided to Councillors under separate cover.

**Financial Implications:**

If Council was to participate in the program there is potential income of \$30,000 to \$45,000 over a two year period, plus dispatch fees for each event when Council is called upon to shed load. (Note that total expenditure on electricity at the three nominated sites for the program was \$640,000 in the 2016/17 financial year).

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

- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.7
- Objective 33: To be and develop good leaders. Strategy 33.5

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **8 ENVIRONMENTAL PLANNING AND BUILDING SERVICES - DEVELOPMENT ACTIVITY STATISTICS (03.00053)**

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

**Report:** Council's Environmental, Planning and Building Services department has a statutory obligation to undertake the assessment of Development Applications and Complying Development Certificates. The private sector is also able to issue Complying Development Certificates. Smaller developments are exempt from requiring development approval but are still expected to advise Council. Building Certificates are issued in the case of a development that has proceeded without a Construction Certificate. Notices of Outstanding and Section 149 Certificates are issued to prospective property purchasers and are an indication of real estate activity.

The table below compares 2016 and 2017 with respect to applications processed by the Department.

<b>Type of application</b>	<b>2016</b>	<b>2017</b>
Development Applications	457	487
Development Application Modifications	34	51
Complying Development Certificates (CDC's)	189	249
Council's proportion of CDC's	85.2%	88.4%
Average net approval time	29 days	31 days
Total Value of Applications	\$181.1 Million	\$156.2 Million
<b>Other applications</b>		
Exempt Development	431	462
Septic Tank Approvals	97	118
Swimming Pool Certificate of Compliance	63	57
Building Certificates	29	47
Outstanding Notices	591	670
Planning Certificates	1487	1548

The construction industry within the Bathurst Region employs over 1500 people, equivalent to 1 in 12 people in the workforce. The construction industry also contributes \$146.1 million, or 8%, to the local Bathurst economy annually and is the fastest growing industry sector within the Bathurst region.

The data indicates growth in the sector over the last 12 months and demonstrates Council's continued good performance in development approval and the high market share of Council's Building Services section.

**Financial Implications:** Nil.

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

- Objective 1: To attract employment, generate investment Strategy 1.8

and attract new economic development opportunities.

- Objective 33: To be and develop good leaders.

Strategy 33.6

### **Community Engagement**

- Inform  
To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **9 PLANNING LEGISLATION CHANGES (02.00018)**

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

**Report:** In recent months, the NSW Government has introduced or is proposing a number of amendments to planning and related legislation. Further, the NSW Government is moving toward mandatory online lodgement of development applications and application administration via their Planning Portal.

In time, the various changes will affect Council's planning instruments and the way development proposals are managed, which in turn will have some impact on the development industry and its relationship with Council and the broader community.

A summary of the most relevant changes (or proposed changes) are contained in **attachment 1**.

The roll out of these changes will be accompanied by updates on Council's web site and some media information. A newsletter or briefing session to Council's regular development customers is also under consideration.

**Financial Implications:** Nil, at this stage.

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

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.5, 33.6

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.



## **10 DECEMBER 2017 BUY LOCAL GIFT CARD RESULTS (20.00313)**

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

**Report:** On the 29 April 2015, Bathurst Regional Council launched the Bathurst Buy Local Gift Card. The Gift Card encourages residents to shop locally and demonstrates Council's support for local business, economic prosperity and jobs growth. Currently there are 135 local businesses participating in the program. The Buy Local Gift Cards can only be spent in Bathurst at participating stores.

The total funds spent in Bathurst through the Gift Card program have now exceeded \$200,000. In the lead up to Christmas in 2017, there was significant increase in the number of cards purchased:

### December 2017

- **453** cards purchased
- **\$32,413** loaded on the cards

The total number of cards purchased in the program to date is **4,424** to the value of **\$282,160**. Of this amount, **\$201,468** has been spent at local shops, directly contributing to the Bathurst economy.

**Conclusion:** The Gift Card program experienced exceptional results over the Christmas period and has been a successful initiative since its launch in April 2015.

**Financial Implications:** From existing budgets.

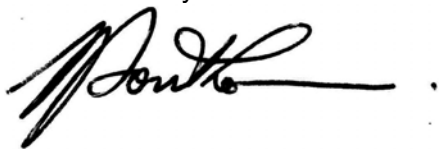
### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



N Southorn  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

7 FEBRUARY 2018

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

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

**Report:** \$84,750,000 was invested at 31 December 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:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
National Australia Bank Limited	A1+	\$9,000,000.00	2.54%
Bankwest	A1+	\$3,000,000.00	2.52%
CBA	A1+	\$1,500,000.00	2.54%
Bank of Queensland Limited	A2	\$14,000,000.00	2.56%
Bendigo and Adelaide Bank Limited	A2	\$1,500,000.00	2.63%
Newcastle Permanent	A2	\$1,500,000.00	2.54%
Maritime, Mining & Power Credit Union Ltd	A2	\$3,000,000.00	2.70%
People's Choice Credit Union	A2	\$6,000,000.00	2.67%
IMB	A2	\$1,500,000.00	2.61%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.68%
Auswide Bank	A3	\$3,500,000.00	2.70%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.72%</u>
		<b>\$48,000,000.00</b>	<b>2.60%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Floating Rate Term Deposits</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.56%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.70%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.79%
WBC Coupon Select	AA-	\$2,000,000.00	2.73%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
WBC Coupon Select 2	AA-	\$1,500,000.00	2.95%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,200,000.00</u>	<u>1.70%</u>
		<b>\$13,200,000.00</b>	<b>2.63%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.13%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		<b>\$3,000,000.00</b>	<b>3.24%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.60%
CBA Climate Bond	AA-	\$1,000,000.00	2.72%

Suncorp Metway	A+	\$1,000,000.00	2.95%
Rabobank	A+	\$1,000,000.00	3.25%
AMP	A	\$1,000,000.00	2.85%
AMP	A	\$800,000.00	2.86%
AMP	A	\$1,000,000.00	3.08%
Macquarie Bank	A	\$1,000,000.00	2.85%
Bank of Queensland	BBB+	\$1,000,000.00	2.76%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.90%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.77%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.71%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.82%
Members Equity 3	BBB	\$750,000.00	2.96%
Police Bank Ltd 1	BBB	\$1,000,000.00	2.85%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.81%
Credit Union Australia 3	BBB	\$1,000,000.00	3.31%
Newcastle Permanent	BBB	\$1,000,000.00	3.05%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.40%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.34%
		<b>\$20,550,000.00</b>	<b>2.94%</b>

**Total Investments** **\$84,750,000.00** **2.71%**

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

Reserves Total (includes unexpended loan funds)	\$48,916,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments	\$129,269.00

**Total Investments** **\$84,750,000.00**

**Total Interest Revenue to 31 December 2017** **\$1,191,158.67** **2.71%**

**A Jones**  
**Responsible Accounting Officer**

**Financial Implications:** **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.

**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

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **2 MONTHLY REVIEW - 2017/2021 DELIVERY PLAN AND OPERATIONAL PLAN 2017-2018 (16.00148)**

**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](http://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 2017-2021 Delivery Plan and the Annual Operational Plan 2017-2018.

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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### **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 December 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:	\$941.28
Mount Panorama:	\$25,595.63

#### **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

#### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### **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.

- NJ Harvey - 13 Matthews Street, Windradyne - Lot 1118, DP 1215618 - Transfer
- JR & SG Wallace - 31 Hampden Park Road, Kelso - Part Lot 202, DP 1074562 - Contract
- BAR Constructions Pty Ltd - 6 Fraser Drive, Eglinton - Lot 32, DP 1226661 - Transfer
- Essential Energy - 15 Hereford Street, Kelso - Lot 5, DP 1073621 - Transfer
- TG & AM Parker - 12 Fraser Drive, Eglinton - Lot 35, DP1226661 - Transfer
- M Cauchi - 7 Fraser Drive, Eglinton - Lot 56, DP1226661 - Transfer
- R & S McPhee - 365 Limekilns Road, Kelso - Lot 1, DP1194192 - Licence Agreement
- Rachid Holdings Pty Ltd - 40 Hampden Park Road, Kelso - Lot 913, DP 1110004 - Transfer

#### **Linen Plan Release**

- Jemar Pastoral Co Pty Ltd - Four Lot Rural Subdivision (Consolidation & Boundary Adjustments)  
Lot 2, DP 1086051, Lots 1 to 7, DP 755780 - 2656 Limekilns Road, Limekilns

**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

#### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **5 2018 HI-TEC OILS BATHURST 6 HOUR EVENT (04.00097)**

**Recommendation:** That Council act in accordance with the Director of Corporate Services and Finance report and provide one three (3) day entry pass per permanent employee to attend the 2018 Hi-Tec Oils Bathurst 6 Hour held at Easter.

**Report:** Council in 2008 introduced a system where each permanent member of staff received a three day pass to the 12 Hour Event which is held in February each year. During late 2015, the ownership structure of the 12 Hour Event changed in that Yeehah Events sold their share of the event to Supercars Australia Pty Ltd. This event has now reached maturity where the event can support itself without Council injecting additional funds by providing tickets to staff members.

Council has also in recent years, in conjunction with Yeehah Events, run the Bathurst Motor Festival, and in 2016 and 2017 the Bathurst 6 Hour, held at Easter.

At the 2017 Bathurst 6 Hour Event, an entrance charge occurred to cover the costs of upgrading the event. To assist the event in attracting spectators, Council is requested to continue the provision of a three day entry pass to permanent employees to attend the Bathurst 6 Hour at Easter in 2018 (30 March - 1 April 2018). The cost of a 3 day GA pass is \$40.

For the information of Councillors, the following number of tickets have previously been supplied:

### Bathurst 12 Hour

2012	220
2013	225
2014	216
2015	239

### Bathurst 6 Hour

2016	196
2017	117

**Financial Implications:** The cost of ticketing can be financed from the profit received from the operation of this event.

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.



## **6 REQUEST FOR FINANCIAL ASSISTANCE - CHARLES STURT UNIVERSITY (18.00004-33/132)**

**Recommendation:** That financial support not be provided on this occasion as the donations allocation has been fully expended.

**Report:** Council has received a request from Charles Sturt University seeking Council support in sponsoring a supper which is being organised as part of the Commemorative Service for Nurses being hosted by the All Saints Cathedral. A copy of this request has been provided to Councillors under separate cover.

This Service will occur in the presence of many dignitaries at the All Saints Hall, Church Street on Sunday, 18 February 2018.

The Service will commemorate nurses who have served both military and civilian, including Australian nurses who died in World War 1 and in subsequent conflicts. A special focus will be the Australian nurses who died when SS Vyner Brook was sunk in the Banka Straight following the fall of Singapore in February 1942 and the subsequent massacre of 22 nurses on Radji Beach.

The event is being hosted by All Saints' Cathedral, Charles Sturt University, Bathurst Hospital, the Australian College of Nursing and the Centaur Memorial Fund for Nurses.

Charles Sturt University has agreed to provide \$400 towards this event, and it is anticipated approximately 200 people will attend the supper.

The Group is seeking further assistance to meet the costs of: finger food; wine; hire of glasses; Liquor licence

The Mayor will be invited to provide a welcome to Bathurst.

It is recommended that financial support not be provided on this occasion as the donations allocation has been fully expended.

**Financial Implications:** Should Council resolve to support this request, then a budget transfer from Section 356 - Mount Panorama fee waiver would be required to fund this request.

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

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 21.00037-06, 04.00042, 2017/459, 36.00623, 18.00004-33)**

**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 SPORTING LICENCE AGREEMENT - LOT 234 IN DP750357 KNOWN AS THE  
BATHURST INDOOR SPORTS STADIUM LOCATED ON VITTORIA STREET, BATHURST  
(21.00037-06)**

This report relates to a proposal to enter into a sporting licence agreement for the Bathurst Indoor Sports Stadium with Sports Stadium Management Pty Ltd, a wholly owned subsidiary of Basketball NSW.

**2 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST BUSHRANGERS ARFC  
(04.00042)**

This report relates to a proposal to provide a loan to Bathurst Bushrangers ARFC.

**3 PROPOSED TRAINING FACILITY - BATHURST HARNESS RACING CLUB -  
COLLEGE ROAD (2017/459/001)**

This report relates to a proposal to establish a training facility.

**4 REQUEST FOR FINANCIAL ASSISTANCE (36.00623)**

This report relates to the consideration of a request for financial assistance due to hardship.

**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

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



A Jones  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

## **DIRECTOR ENGINEERING SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

7 FEBRUARY 2018

## **1 FLYING FOXES - MACHATTIE PARK (04.00012)**

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

**Report:** Since December 2017, a colony of flying-foxes has established a camp within the tree canopy of Machattie Park. It is estimated that the colony includes approximately 800-2000 individuals that are occupying approximately 1/3 of the park. The colony consists of two species of flying-fox, including the Grey-headed flying-fox (*Pteropus poleocephalus*) and Little red flying-fox (*Pteropus scapulatus*).

Grey headed flying-foxes have a vulnerable conservation status and are protected by both State and Commonwealth environmental legislation. A licence approval from the Office of Environment and Heritage (OEH) is therefore required for any actions to disturb or relocate these animals, or modify their habitat.

Council has submitted an application to Local Government NSW for grant funding to implement emergency management measures to mitigate any adverse community impacts resulting from the flying fox camp. The grant will assist with funding for additional cleaning and maintenance activities to ensure that the park facilities are at an acceptable and safe standard for use by residents and visitors.

Council Staff have commenced the process of preparing a Flying Fox Camp Management Plan that complies with OEH's Flying-Fox Camp Management Policy 2015. The plan will provide a framework of management actions to help protect the flying-fox colony, and mitigate or reduce the impact to users of the park. It is also anticipated that the plan would include measures to manage temporary colonies that may appear in other locations in Bathurst, particularly in public spaces. A Camp Management Plan is required to be submitted and approved by OEH before any action is able to be undertaken in relation to flying fox colonies.

A risk management and community awareness campaign has also been implemented and will be further developed within the flying-fox camp management plan. Such measures to date include temporary signage throughout Machattie Park, Media notices and, social media postings and information on the Council web site.

Council will continue to monitor the flying-fox numbers and their distribution and impact within Machattie Park. It is believed that as numbers are relatively small in respect to the existing Machattie Park Camp, with little damage or impact occurring to the park, it is not considered necessary to close sections of the park at this stage.

Park staff will also continue to undertake general park maintenance activities to keep the amenity of the area in line with acceptable standards, including the cleaning of seating and picnic tables, minimising the use of machinery or activities likely to disturb the flying foxes and relocating lawn picnic tables and seats that were underneath trees containing the highest concentration of flying-foxes. Work health and safety measures relating to working in proximity to the flying-fox colony are also being implemented by park staff.

**Financial Implications:** Grant funding of \$20,044.50 has been requested from Local Government NSW to assist to implement emergency flying-fox camp management measures within Machattie Park, (increased seat cleaning and path maintenance clean up works) . Council will be required to commit matching funds or in-kind contributions for the grant proposal on a 1:1 basis. Council have therefore proposed to contribute \$20,044.50 cash and \$1,500 of in-kind contributions towards the emergency work proposal.

It is estimated that the Flying-Fox Camp Management Plan will cost \$20,000-\$25,000. Council will be submitting an application to Local Government NSW for grant funding to assist with funding the plan. Council will be required to commit matching funds or in-kind contributions for the grant proposal on a 1:1 basis i.e. approximately \$12,500.

Contributions towards the above actions and plan will be funded within the existing 2017/18 Management Plan.

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

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.6
- Objective 22: To improve community safety. Strategy 22.11

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **2 DEREGULATION OF LICENSED AERODROME ROUTE (21.00008)**

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

**Report:** Council at its meeting held on 15 February 2017 (DES #1), considered a report as to the deregulation of the currently licensed air transport route between Bathurst and Sydney.

Council resolved that;

Council support the continued licensing of the Bathurst - Sydney Regular Passenger Transport route.

Council has now received advice from the Minister for Transport and Infrastructure, refer **attachment 1** which includes;

*"Considering all the information before me, I have decided that the Bathurst to Sydney route will be deregulated at the end of the current licence term. Deregulation is an opportunity for Councils to directly negotiate with operators to determine which airline best meets the need of the community. This provides more opportunity for improved services and a better customer experience".*

Under current licensing arrangements, licensed routes with up to 50,000 passengers per year have only one licensed operator, with passenger numbers on the Bathurst – Sydney route typically totalling around 20,000 passengers per financial year.

At present, Bathurst Aerodrome's licensed Regular Passenger Transport (RPT) provider is Regional Express, who provide 19 return flights per week on this route. The Bathurst – Sydney route would at best be marginal for an airline operator based on present passenger numbers, however there are operational advantages for Regional Express operating out of both Orange and Bathurst due to inclement weather impacts.

While deregulation of this route will commence at the conclusion of this period, it is highly unlikely that a second airline operation for Bathurst would be economically viable. As such, it is anticipated that Regional Express will continue to be the sole RPT provider over the immediate future. This does not preclude any other operator approaching Council to discuss introduction of an RPT service should they deem this route to be commercially viable.

The current licensing agreement ends 30 March 2018.

**Financial Implications:** Nil, at this stage.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.9
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.6

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

### **3 COUNCIL SPORTING ASSOCIATION GRANTS PROGRAM YEAR ENDING 30 JUNE 2018 (18.00279)**

**Recommendation:** That Council approve the following sporting grants totalling \$20,000.00 for the 2017/2018 financial year as followed;

<b>ORGANISATION</b>	<b>PROPOSED GRANT</b>
Bathurst BMX Club	\$2,250
Bathurst City Croquet Club	\$1,000
Bathurst Pan Dragons	\$2,000
Bathurst Pony Club	\$2,250
Bathurst Netball Association	\$2,250
Bathurst Basketball Association	\$2,500
Central Tablelands Rowing Club	\$2,000
Bathurst Pistol Club	\$2,250
Bathurst Hockey Association	\$1,500
Panorama Motorcycle Club	\$2,000

**Report:** Council would be aware this grant scheme has been developed to assist local sporting organisations in undertaking specific works or purchasing equipment for the advancement of sport in the Bathurst Region. A total of \$20,000.00 is allocated annually to fund this program, with sporting organisations that are affiliated with the Bathurst District Sport and Recreation Council being eligible to apply.

Notices for Council's 2017/18 Sporting grant program were advertised in the Western Advocate in July and September 2017, as well as on Council's Website. In addition, the Bathurst Sport and Recreation Council were also advised during the advertising period.

At the close of advertising, a total of eleven (11) applications from local sporting groups were received with a total combined amount requested of \$59,940.00. Applications received were submitted by the following organisations:

Bathurst BMX Club  
Bathurst City Croquet Club  
Bathurst Pan Dragons  
Bathurst Panthers Squash Club  
Bathurst Pony Club  
Bathurst Netball Association  
Bathurst Basketball Association  
Central Tablelands Rowing Club  
Bathurst Pistol Club  
Bathurst Hockey Association  
Panorama Motorcycle Club

The applications from the above organisations were forwarded on to the Bathurst District Sport & Recreation Council (BDSRC) for their comment and consideration. The BDSRC have reviewed the applications and have made recommendations for the allocation of funding. A copy of their letter and deliberations is shown at **Attachment 1**.

It is recommended that Council approve the following sporting grants for the 2017/2018 financial year totalling \$20,000.00 as follows:

<b>Sporting Group</b>	<b>Project Description</b>	<b>Amount Requested</b>	<b>BDSRC Proposed Grant Amount</b>
Bathurst BMX Club	Public Address System	\$5,000	\$2,250
Bathurst City Croquet Club	Supply & installation of grab rails to Club toilets	\$1,263.78	\$1,000
Bathurst Pan Dragons	Funding towards purchase of "Champion" 12 Crew Dragonboat	\$5,000	\$2,000
Bathurst Panthers Squash Club	Painting & line marking to court 2	\$3,800	\$0 (Club not affiliated with BDSRC)
Bathurst Pony Club	Expansion of cross country & Show jumping facilities	\$3,220	\$2,250
Bathurst Netball Association	Outdoor grandstand seating	\$7,000	\$2,250
Bathurst Basketball Association	New scoreboards	\$6,088	\$2,500
Central Tablelands Rowing Club	Rowing compound / shelter to protect boats	\$10,790	\$2,000
Bathurst Pistol Club	Supply of competitive equipment for "Aiming For Gold" program	\$6,778.23	\$2,250
Bathurst Hockey Association	Seating on synthetic field 2 – southern end	\$3,000	\$1,500
Panorama Motorcycle Club	Reconstruction of motorcross track	\$8,000	\$2,000
<b>TOTALS</b>		<b>\$59,940</b>	<b>\$20,000</b>

In light of the recent management change at the Bathurst Basketball Centre, should Council resolve to support the request for the new scoreboards at this venue, then consultation will occur with the new management to ascertain how this will proceed.

Following review of the applications by the Sports Council, an additional application from the Eglinton District Tennis Club was identified within Council's electronic file management system (TRIM). The hard copy of the application was not included within the document file and as such was not forwarded to the Bathurst District Sports and Recreation Council with the other submissions. The Eglinton Tennis Club's application was for a grant request of \$4,400 to purchase tennis court nets and a ball machine. Due to the number of applications that have already been received and the grant requests being well above Council's available funding, it is recommended that the Eglinton Tennis Club's application be held for consideration within next year's grant application process. However, it is recommended that the Tennis Club's grant be approved, should funding become available as a result of any of the other sporting groups deciding to decline this year's funding offer.

**Financial Implications:** Council has included \$20,000.00 in its 2017/2018 Operational Plan for the Sporting Grants Program.



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

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

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

#### **4 PROPOSED TRANSFER OF SECTIONS OF NAPOLEON REEF ROAD FROM THE CROWN AND BOUNDARY ADJUSTMENT AT LOT 96 DP755784 AT NAPOLEON REEF (25.00273)**

**Recommendation:** That Council:

- (a) approve the transfer of 2 sections of Crown Road on Napoleon Reef Road Napoleon Reef from The Crown to Council
- (b) following the transfer, approve the preparation and registration of a plan of subdivision for boundary adjustment of Lot 96 DP755784

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

**Report:** Council has received a request from the owner of land at Lot 96 DP755784 known as the Old Walang Hall for a boundary adjustment to be done to rectify the encroachment of Napoleon Reef Road upon that property. That section of Napoleon Reef Road is under the management of The Crown.

Council has investigated the status of Napoleon Reef Road from the eastern point of the Great Western Highway (GWH) to the western point of the GWH, and consulted with the Crown Lands Orange Office with a view to ascertaining the sections of the road it records as being under its care and control.

The road is partly Council road and partly under the management of The Crown.

Please refer to the location and aerial plan contained in **attachment 1** reflecting the sections of ownership of the road. The 2 sections under Crown management are situated:

- (a) From the western point of the Great Western Highway to the rear of the property known as 39 The Ridgeway.
- (b) From the eastern point of the Great Western Highway to 299 Napoleon Reef Road.

#### **1 Proposed Application to Transfer Crown Road to Council**

To bring the 2 sections of Crown road under Council's care and control, a Request for Transfer of Crown Public Roads (Roads Act 1993) is to be made to the Department of Industry Land (DI Lands) Orange Office.

The transfer is proposed to be effected by DI Lands, by publication of a notice in the NSW Government Gazette.

In the past, applications of this nature have not resulted in any fee being paid by Council.

#### **2 Subdivision of Lot 96 DP755784 Old Walang Hall Napoleon Reef Road (the land) for rectification of road boundary**

Following the transfer of the 2 sections of Crown road to Council, of which the section adjoining the land forms part, a plan of subdivision of the land would be prepared and lodged for registration for the purpose of rectifying the encroachment of the road upon the land.

Please refer to plan at **attachment 2**.

- (i) Estimated area of road encroachment

The area of the road encroaching upon the land is estimated to be 250m<sup>2</sup>. This is subject to a formal survey being undertaken to determine the actual measurement.

- (ii) Estimated value of road land

Based upon the Valuer General's notice of assessment for the land, this area is calculated to be approximately \$5000 in value.

Council would be responsible for the payment of all survey and reasonable legal fees incurred by it and the landowner to effect the transfer of the land.

It is not proposed that payment of any compensation will be offered as Council will be covering the cost of legally rectifying the boundary between the road and the land.

It is recommended that Council:

- (i) approve the transfer of the 2 identified sections of Crown Road forming Napoleon Reef Road to Council.
- (ii) arrange for a plan of subdivision to be prepared and registered to rectify the boundary between the road and the land (Old Walang Hall).

**Financial Implications:** Total cost to Council is estimated to be \$10,000 and is to be funded from existing budgets.

### **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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**5 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(22.00358)**

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

**Report:** The following item has been included in the confidential section of the business paper for Council's consideration:

**1. CONSTRUCTION OF TRUNK DRAINAGE SYSTEM TO SERVICE FUTURE DEVELOPMENTS ON LIMEKILNS ROAD KELSO (22.00358)**

This report considers the quotation received for the construction of trunk drainage on Limekilns Road.

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

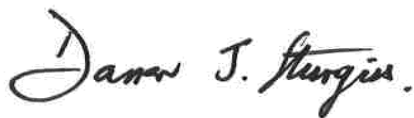
**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 22: To improve community safety. Strategy 22.11

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



Darren Sturgiss  
**DIRECTOR  
ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

7 FEBRUARY 2018

## **1 BATHURST REGION TOURISM REFERENCE GROUP - MEETINGS HELD 16 OCTOBER & 20 NOVEMBER 2017 (07.00116)**

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

**Report:** Included in the Destination Management Plan, 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 eighteenth meeting of the Bathurst Region Tourism Reference Group was held on 16 October 2017. The Minutes of the Group's Meeting are provided at **attachment 1**.

The nineteenth meeting of the Bathurst Region Tourism Reference Group was held on 20 November 2017. The Minutes of the Group's Meeting are provided at **attachment 2**.

Councillors should note that the Minutes of each meeting of the Tourism Reference Group are formally adopted at the next meeting. Due to Council not convening a meeting during the month of January 2018, this is the first available opportunity to present to Councillors.

At the meeting held on 16 October 2017, the group noted the following updates:

- Destination Brand Strategy presented to Council working party
- \$25,000 grant application to Office of Environment and Heritage lodged for 2018 Bathurst Heritage Trades Trail
- Media visit - by leading lifestyle magazine Country Style to showcase the region and the 2018 Heritage Trades Trail
- \$20,000 Expression of Interest lodged seeking funds for the 2018 Heritage Trades Trail through Destination NSW
- Australian Regional Tourism Network - continued participation as Director including representation on annual convention committee .

At the meeting held on 20 November 2017, the group noted the following updates:

- 4 presentations of Brand Strategy to industry and businesses
- Participation and attendance at Bathurst Region Heritage Reference Group meeting to improve communications between groups
- Attendance and presentation at Australian Regional Tourism Convention 24 - 26 October in Canberra
- Attendance at Destination Management Planning Workshop with new Destination Country & Outback organisation
- Presentation of Brand Strategy to Somerville Board of Directors
- Attendance at Destination NSW's new Food and Wine Strategy Workshop
- Feedback on mid term review of NSW State Government 2012 Visitor Economy Industry Action Plan

**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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## **2 LOCAL GOVERNMENT NSW TOURISM CONFERENCE 2018 (18.00074)**

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

**Report:** In its fourteenth year, the LGNSW Tourism Conference 2018 will take place from Monday 12 – Wednesday 14 March 2018 and will be co-hosted by Parkes Shire Council. The Conference Theme is “Tourism: It all adds up!” The Conference has previously been co-hosted by MidCoast Council in 2017, Byron and Ballina Councils in 2016, and Bathurst Regional Council in 2015.

The annual LGNSW Tourism Conference gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry.

### **Program structure**

- Half day session and workshop for staff working in Accredited Visitor Information Centres
- Welcome address from The Hon Adam Marshall MP, Minister for Tourism and Major Events
- Panel discussion on innovation in attracting business events to your destination
- Presentation and interactive workshop on how to run an effective marketing campaign
- Panel discussion - revisiting agritourism

The conference is staged by local government for local government and will be attended by the Mayor, as delegate for the Tourism Reference Group and key staff.

Councillors were advised of this conference by email on 8 January 2018. A copy of the Conference Programme is available at **attachment 1.**

Council is requested to determine, if it wishes, to nominate further delegates for the Local Government NSW Annual Conference 2018.

**Financial Implications:** Funding is provided in the 2017/18 Delivery Plan for Councillor attendance at the Conference.

### **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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.



### **3 BATHURST REGIONAL YOUTH COUNCIL - YOUTH COUNCIL REVIEW (11.00020)**

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

**Report:** The Bathurst Regional Youth Council provides young people with the opportunity to develop and promote youth-friendly activities, raise awareness of health, wellbeing and safety issues, and learn about Local Government processes. Whilst the Youth Council has experienced a high level of success since its inception in 1999, it has been identified that there are aspects of the Youth Council's structure and operating processes that could be improved upon. A review of the Youth Council structure has recently been carried out, which has resulted in a number of proposed changes. These changes will allow the Youth Council to deliver on its aims more effectively.

The purpose of this report is to provide Councillors with information on the key changes.

#### **Summary of the review**

Youth Council recruitment would normally be commencing early in the new year, however given the review and proposed changes, recruitment will not be carried out at this time. Existing Youth Council members have been invited to continue their term throughout the transitional period, until May 2018. Recruitment for the 2018-2019 Youth Council will take place in May 2018.

#### **Recruitment**

- Young people aged between 15 – 18 years of age will be recruited (previously members could be 12 – 24 years of age). Experience has demonstrated that Youth Councillors aged outside of this age range, did not maintain their commitment throughout the year.
- 14 young people will be recruited (Youth Council previously consisted of 24 members). Experience has indicated that the larger the group, the less effectively they worked as a team.
- Recruitment will aim to achieve a broad representation of young people who live, work, train and study in Bathurst. Ideally, each school will be represented however this will not be a requirement.
- Recruitment will begin in May 2018 and the incoming Youth Council will be finalised in June 2018. Recruitment previously took place in February/March however this was problematic with regards to planning Youth Week events and school planning priorities. Youth Council ending in June each year, allows the members to focus on studies.
- Information packs will be sent to schools, which will include a Position Description and Selection Criteria. A Position Description will ensure applicants are clear about the expectations of the role as a Youth Councillor.
- An interview will be conducted as part of the recruitment process, to ensure the Youth Council has a broad representation of backgrounds, knowledge, experience and skills, and the Youth Councillor candidate is clear on the expectations of the role.

#### **Length of Membership**

- Membership will be a minimum term of one year and a maximum term of three years.
- Recruitment will occur annually; therefore all existing members must re-apply for their position each year if they would like to continue their membership.
- Members may remain on the Youth Council until they have served three years, or turn 19, whichever comes first.

## Code of Conduct

- A Code of Conduct will be developed to outline the roles, responsibilities and expectations of members.
- The Code of Conduct will specifically outline the importance of actively participating in the Youth Council, for example, checking and responding to emails and finalising tasks on time.
- A clause will be included in the Code of Conduct stating that membership may be cancelled if any member fails to attend three consecutive meetings (either Youth Council meetings or Working Party Meetings) without an apology with a valid reason for non-attendance.

## Meetings

- Youth Council meetings occur bi-monthly on a Tuesday during school hours, and Working Party Meetings occur fortnightly after school. The possibility of introducing evening meetings in future may be considered.
- Role of Secretary and Chairperson will be alternated between members at each meeting.
- The first meeting of the year will be held at Council, with following meetings being held at other locations appropriate to this demographic, such as headspace, Gunther's Lane, and PCYC.

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

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

- |   |                                       |
|---|---------------------------------------|
| • Objective 23: To encourage a supportive and inclusive community.  | Strategy 23.3, 23.6                   |
| • Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community.                      | Strategy 27.1, 27.4, 27.5, 27.6, 27.9 |
| • Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.2, 30.5                   |
| • Objective 33: To be and develop good leaders.   | Strategy 33.2, 33.3                   |

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



Alan Cattermole  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 6 DECEMBER 2017 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 6 December 2018 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 6 December 2018, 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

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 6 DECEMBER 2017**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Morse.

**APOLOGIES**

**2 APOLOGIES**  
**MOVED** Cr M Morse and **SECONDED** Cr A Christian

**RESOLVED:** That the apology from Crs Jennings, Rudge and North and the apology for late arrival from Cr Aubin be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 NOVEMBER 2017 (07.00064)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Fry

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

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr A Christian and **SECONDED** Cr J Fry

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

Cr Aubin arrived at 6.04 pm.

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

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

**5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 22 NOVEMBER 2017 (07.00096)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Fry

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 22 November 2017 be adopted.

## **GENERAL BUSINESS**

### **6      Item 1 LOCAL GOVERNMENT NSW CONFERENCE (18.00074)**

**Cr Bourke** - noted this was an interesting conference, new office bearers were elected.

### **7      Item 2 SIGNAGE - GREAT WESTERN HIGHWAY (28.00007)**

**Cr Bourke** - noted when travelling on Great Western Highway near the bridge, a number of the signs have been removed. Need signage to indicate where Hockey fields, Berry Park and other assets are located. Could approaches be made to RMS?

### **8      Item 3 OP SHOP (21.00143)**

**Cr Bourke** - advised the Op Shop should be up and running again around Christmas. Thanked Council for its support.

### **9      Item 4 NORWOOD PARK (09.00009)**

**Cr Aubin** - Congratulated Norwood Park for the landscaping at the cemetery. It is looking very nice.

### **10     Item 5 STAFF (21.00002)**

**Cr Morse** - welcomed the new Director and also gave congratulations to the Art Gallery Director on the recent exhibition which received wide acclaim.

### **11     Item 6 ALEC LAMBERTON FIELD (04.00018)**

**Cr Morse** - requests a report on Alec Lamberton Field be provided to Council.

### **12     Item 7 LOWER WILLIAM STREET (25.00002)**

**Cr Morse** - noted the need for a bollard in this area. When will this be installed? This is a dangerous situation particularly with motorbikes.

**The Acting Director Engineering Services** advised the bollard is due to be

installed on 7 December 2017.

**13**      **Item 8 LOCAL GOVERNMENT NSW CONFERENCE (18.00074)**

**Cr Fry** - advised it was a great conference which gave the opportunity to forge contacts. Got to see the big picture, noted some of the new technologies around.

**14**      **Item 9 DRINKING FOUNTAINS (04.00034)**

**Cr Fry** - asked are there enough drinking fountains in town. Perhaps Council should do an audit and look at installing more in the city.

**15**      **Item 10 STREET TREES (13.00019)**

**Cr Fry** - asked if trees have to come down, can Councillors be given notice in advance. Will approach Director Engineering Services about this.

**16**      **Item 11 CROWN LAND OWNERSHIP (22.00270)**

**Cr Fry** - asked with the changes occurring, will Council be looking at what is happening. Might be worth acquiring some of the properties.

**The Director Corporate Services & Finance** advised Council has registered for the program, will be involved in year 2.

**17**      **Item 12 CHRISTMAS DECORATIONS (23.00026)**

**Cr Christian** - noted appreciation for decorations that have been placed in CBD.

**18**      **Item 13 WEEDS IN STREET MEDIANS - STEWART STREET THROUGH TO BUNNINGS (25.00018)**

**Cr Christian** - asked could action be taken to clear this area as it is looking untidy, particularly after recent rains.

**19**      **Item 14 TREES NEAR BATHURST MCDONALDS (13.00019)**

**Cr Christian** - noted these need to be pruned back as they are catching on the flags.

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

### **20**      **Item 1 DEVELOPMENT APPLICATION NO. 2017/394 – ANIMAL BREEDING FACILITY AT 1557 ROCKLEY ROAD, FOSTERS VALLEY. APPLICANT: ROCKLEY VALLEY PARK PTY LTD. OWNER: GREENFIELD PROPERTY NOMINEES PTY LTD (DA/2017/394)**

Discussion included:

#### **J Grima – Proponent for the DA**

Spoke to proposal that is contained in the DA. Referred to pet store run at Kellyville and pet care actions taken. Currently sits on an industry board. Noted re-homing of pets that is currently undertaken and the linkage with the RSPCA and Animal Welfare League.

The proposal will be best practice, with education systems in place. It is not a "puppy farm". Facilities will include under floor heating, opportunities for socialisation to occur etc.

#### **EXTENSION OF TIME**

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

**RESOLVED:** That an extension of time be granted.

Looking forward to creating a centre of excellence, requests Council approve the development.

#### **W Gosling – Town Planner for Applicant**

Spoke to suitability of the site and constraints in place. The proposal is outside fire zone, Calare Civil have done a "geotech" study to facilitate appropriate effluent management for the development. Ground water has been considered with appropriate management processes in place. Acoustic issues have been addressed by appropriately qualified professionals and noise logging has occurred and the noise is within EPA industrial noise limits. Management systems will be put in place and enacted to deal with problems that may be experienced, does not believe there will be any impacts on neighbours.

#### **T Lane – Adjoining Landholder**

Has an issue with proposal as it is right on his boundary. Proposal is unregulated industry, if gets approval could open the floodgates. The proposal is for a 2 ha facility, this is quite large. There has been no mention of bio-security issues. The acoustics report is rubbish, the sensors were never there. No effective measures were taken. Water is a problem, feels will use more than the 400 litres per day proposed, including potential for polluted water to flow onto his property and other locations. The evaporation system is inadequate to handle the volumes of water that will result for the development. Also objects to relocating of any koalas for the site. The dog farm will be near where koalas have been sighted, the development is in a koala habitat. Asks Council to read his detailed submission and urges Councillors and staff to come and view the site with him. Referred to Western



Advocate poll which shows the majority are against the proposal. Tabled a late report for Council.

**J Miller – from Sydney**

Knows where J Grima's store is in Kellyville. Spoke to RSPCA details on euthanasing and breeding, this facility will transfer problems to Sydney. Expressed concerns at proposed training "longevity" and the housing "McMansion" in Sydney. There are enough dogs, we do not need anymore. Noted breeding of small dogs proposed. Asks Council consider the welfare of dogs.

**J Lane – daughter of T Lane**

Noted current bore approval and the DA has no consideration of bore flows being expanded to cater for commercial use, please review. The proposal to re-home dogs at 5+ years of age, queried how successful this would be. If can't be re-homed, whose responsibility is this, and will they go through the Council pound?

**MEETING CLOSE**

**21 MEETING CLOSE**

The Meeting closed at 6.44 pm.

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

## COUNCILLORS/ DELEGATES REPORTS

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

7 FEBRUARY 2018

## **1 MINUTES - AUSTRALIA DAY WORKING PARTY - 16 JANUARY 2018 (23.00033)**

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

**Report:** The minutes of the Australia Day Working Party held on 16 January 2018 are shown at **attachment 1**.

**Financial Implications:** N/A

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

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.