

**EXTRAORDINARY MEETING OF BATHURST REGIONAL
COUNCIL**

22 October 2020

His Worship the Mayor & Councillors

**Notice of Extraordinary Meeting of Bathurst Regional Council – 29
October 2020**

Council has received a request from Councillors Aubin and Hanger to hold an Extraordinary Meeting of Council. Accordingly, I have to advise that an Extraordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Thursday 29 October 2020 commencing at 2.30 pm.



D J Sherley
GENERAL MANAGER

**BUSINESS AGENDA
EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TO BE HELD ON 29 OCTOBER 2020**

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1 RECORDING OF MEETINGS

2 MEETING COMMENCES

MINUTE

Meeting commenced at 2.30pm.

Present: 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

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED:

Nil

5 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2020-294

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

Nil

6 RESCISSION MOTIONS

6.1 Rescission Motion - GO KART TRACK - MOUNT PANORAMA/WAHLUU

File No: 04.00153, 16.00175

RECOMMENDATION:

That Council rescind the resolution “Mayoral Minute #2” from the Ordinary Meeting of Council held on Wednesday 21 October 2020, which reads as follows:

“That Council

- (i) vote funding of \$2.25million for the construction of the GO Kart Track at Mount Panorama/ Wahluu.
- (ii) the Council funds to be sourced by way of loan in 2020/21,
- (iii) continue to seek grants and other funding sources for the balance of 2.25million required for the Go Kart Track.”

REPORT:

Council has received a rescission motion from Councillors Jennings, Morse and Fry which reads as follows:-

We the undersigned hereby give notice of rescission the following resolution “Mayoral Minute #2” from Ordinary Meeting held Wednesday 21 October 2020, stating

“That Council

- a. vote funding of \$2.2million for the construction of the GO Kart Track at Mount Panorama/ Wahluu.*
- b. the Council funds to be sourced by way of loan in 2020/21,*
- c. continue to seek grants and other funding sources for the balance of 2.25million required for the Go Kart Track.”*

Dated: 22 October 2020

*Signed: Cr Jess Jennings
Cr Monica Morse
Cr John Fry*

FINANCIAL IMPLICATIONS:

N/A

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.1 Respect, protect and promote the region’s Aboriginal heritage assets.

Objective 2: A smart and vibrant economy.

Strategy 2.5 Support Mount Panorama as a premier motor sport and event precinct.

Strategy 2.6 Promote our City and Villages as a tourist destination.

Objective 4: Enabling sustainable growth.

Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Objective 5: Community health, safety and well being.

Strategy 5.1 Provide opportunities for our community to be healthy and active.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. 1179 001 [6.1.1 - 1 page]
2. Mayoral Minute 21 October 2020 -Go Kart Track - Mount Panorama [6.1.2 - 4 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-295

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED:

That Council rescind the resolution “Mayoral Minute #2” from the Ordinary Meeting of Council held on Wednesday 21 October 2020, which reads as follows:

“That Council

- (i) vote funding of \$2.25million for the construction of the GO Kart Track at Mount Panorama/ Wahluu.
- (ii) the Council funds to be sourced by way of loan in 2020/21,
- (iii) continue to seek grants and other funding sources for the balance of 2.25million required for the Go Kart Track.”

The MOTION was PUT and LOST

7 MEETING CLOSE

MINUTE

The Meeting closed at 3.28pm.

CHAIR:

**Extraordinary Meeting of Council - 29 October 2020
Attachments**

6.1 RESCISSION MOTION - GO KART TRACK - MOUNT

PANORAMA/WAHLUU.....2

6.1.1 1179 001.....2

6.1.2 MAYORAL MINUTE 21 OCTOBER 2020 -GO KART TRACK - MOUNT

PANORAMA.....3

Attachment 6.1.1

General Manager
Bathurst Regional Council

Thursday 22nd October 2020

We the undersigned hereby give notice of rescission of the following resolution "Mayoral Minute #2" from Ordinary Meeting held Wednesday 21st October 2020, stating

" That Council:

- (i) vote funding of \$2.25million for the construction of the Go Kart Track at Mount Panorama/Wahluu.
- (ii) the Council funds to be sourced by way of loan in 2020/21,
- (iii) continue to seek grants and other funding sources for the balance of \$2.25million required for the Go Kart Track. "



Councillor Jess Jennings



Councillor Monica Morse



Councillor John Fry

Received
9:50am
22/10/2020


7.2 GO KART TRACK - MOUNT PANORAMA/WAHLUU

File No: 04.00153, 16.00175

RECOMMENDATION:

That Council:

- (i) vote funding of \$2.25million for the construction of the Go Kart Track at Mount Panorama/Wahluu.
- (ii) the Council funds to be sourced by way of loan in 2020/21,
- (iii) continue to seek grants and other funding sources for the balance of \$2.25million required for the Go Kart Track.

REPORT:

Approval Go Kart Track

Council has received a number of reports concerning the approval of a Go Kart Facility for Mount Panorama/ Wahluu, in particular;

- Development Application considered Council Meeting 16 September 2015, and
- Development Application considered Council Meeting 19 December 2018.

Background material on the Go Kart Track project and a set of Frequently Asked Questions (FAQs) have been provided on Council's YourSay page, in the interest of ensuring transparency in this matter and to clarify facts on the decision-making process. The link is as follows;

<https://yoursay.bathurst.nsw.gov.au/>

Operational Plan 2020/21 – Funding

Council in May 2020, placed the Draft Bathurst Delivery Program 2020-2024 and Operational Plan 2020/21 on public exhibition, refer DCSF Report No 7.1.1 which is available at the following link;

<https://svr-apps1.bathurst.nsw.gov.au/live/Council%20Papers%20web%20ver%201.0.nsf>

As part of this process Council resolved;

That Council:

- (i) place the Draft Bathurst Delivery Program 2020-2024 and Operations Plan 2020/2021, including the Revenue Policy for 2020/2021, on public exhibition and receive submissions until 4 June 2020,
- (ii) ...
- (iii) ...
- (iv) include for consideration in the Draft Bathurst Delivery Program 2020-2024 and Operational Plan 2020/2021 (which is to be placed on public exhibition) the construction of the Go Kart Track on Mount Panorama at an estimated cost of \$4.5million.

The Budget was then reported back for adoption to Council at the meeting of Council held 17 June 2020. Report DCSF No 9.2.5 dealt with submissions on the Go Kart Track project, these can be found at the following link;

<https://svr-apps1.bathurst.nsw.gov.au/live/Council%20Papers%20web%20ver%201.0.nsf>

After considering the submission Council resolved;

6. Go Kart Track (16.00175/035)

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the Delivery Plan 2020-2024 and Operating Plan 2020/2021 be amended to include the Go Kart track project at a value of \$4.5million to be fully funded from grants.

Confirming the project as previously approved by Council, in 2015 and 2018.

Council again considered the matter by way of a Notice of Motion from Cr Fry on 15 July 2020, Council resolved as follows;

Resolution Number: ORD2020-155

MOVED: Cr J Fry SECONDED: Cr M Morse

That the Go Kart Track, currently approved to be located in McPhillamy Park, Mount Panorama, be relocated approximately 1km west to the property currently owned by Bathurst Regional Council.

The MOTION: was PUT and LOST

The Motion having been lost, ostensibly confirmed the proposal as previously adopted by Council, most notably in 2015, 2018 and the budget meeting of 2021.

Council has considered the Go Kart facility on a number of occasions and continues to support, as a majority, the location at the top of the Mount Panorama/Wahluu for the facility.

I consider it urgent to resolve this matter as soon as possible, given the current debate in the community before the next scheduled meeting of Council. The matter is not complex, as Council's position has been clearly determined by the reports previously

referenced. Further, in regards to the two Development Applications the following notifications occurred;

With respect of the 2015 Development Application;

1. The proposal was notified development in accordance with the DCP of the time.
2. Notification of the DA was sent to private property owners at Mount Panorama (41 in total).
3. The notification period was 10 days - consistent with the DCP provisions.
4. A public discussion forum was held at Council's Policy Meeting 5 August 2015. The agenda being publicly available on Council's website prior to the meeting.
5. The Development Application was considered by Council at its meeting held 16 September 2015. The agenda being publicly available on Council's website prior to the meeting.

With respect to the 2018 modification;

1. Notification of the proposed modification was sent to the private property owners, those persons who lodged submissions to the original Development Application and representatives of the Elders group, (46 in total).
2. The notification period was 10 days - consistent with the DCP provisions.
3. A public discussion forum was held at Council's Policy Meeting, 5 December 2018. The agenda being publicly available on Council's website prior to the meeting.
4. The Development Application was considered by Council at an Extraordinary meeting held 19 December 2018. The agenda being publicly available on Council's website prior to the meeting.

In regard to this year's budget, the proposal to include the Go Kart Track was placed on public exhibition and relevant submissions were considered by Council at the meeting held 17 June 2020.

To get this project moving ahead, I propose that Council amend the Operational Plan for 2020/21 by altering the motion of 17 June 2020, to include Council funding of \$2.25million for the construction of the Go Kart Track. Council will continue to seek grants or other funding sources to complete this project.

FINANCIAL IMPLICATIONS:

Funding required for the project is estimated to be \$4.5million. Council will provide for 50% of these funds being \$2.25million by way of loan funds. A ten-year loan based on a 2.09% interest rate, will require payments of around \$251,666 per annum. It is anticipated that the loan would be drawn down in the second half of 2020/21 and accordingly the first repayment would not be made until the 2021/22 financial year.

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COMMUNITY ENGAGEMENT:

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ATTACHMENTS:

Nil