



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

11 February 2015

His Worship the Mayor & Councillors

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

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 February 2015 commencing at 6.00 pm.

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

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

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

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

**2. PUBLIC QUESTION TIME**

**3. PRAYER**

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

**4. APOLOGIES**

**5. MINUTES**

\* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 FEBRUARY 2015

**6. DECLARATION OF INTEREST**

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

**7. MAYORAL MINUTE**

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

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

**9. REPORTS OF OTHER COMMITTEES**

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

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

## 12. DELEGATES REPORTS

\* MINUTES - AUSTRALIA DAY WORKING PARTY - 20 JANUARY 2015

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

**Recommendation:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED NEW LICENCE AGREEMENT FOR LOT 283 DP47960 LOCATED ON BOUNDARY ROAD AND HINTON ROAD MT PANORAMA - BATHURST ARCHERS INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED SALE OF COUNCIL LAND - LOT 3 DP32864 AND LOT 4 DP32864 WHITE ROCK ROAD, KELSO.	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.
3	PROPOSED USE OF ADDITIONAL LAND BY THE BATHURST LIGHT CAR CLUB LOCATED ON PART LOT 18 DP609975 COLLEGE ROAD 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.
4	CENTROC TENDER - PROVISION OF ELECTION SERVICES - 2016 LOCAL GOVERNMENT ELECTIONS	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	REQUEST FOR USE OF MOUNT PANORAMA RACING CIRCUIT - MERCEDES-BENZ AUSTRALIA/PACIFIC PTY LTD	10A(2)(d)(i) - contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY

1	ACQUISITION BY AGREEMENT OF LAND - (I) LOTS 11 & 12 DP1205690, 111 STANLEY STREET, AND (II) LOTS 13, 14 & 15 DP1205690, 109 STANLEY STREET	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**14. RESOLVE INTO OPEN COUNCIL**

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

**16. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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

## MINUTE

### 2 PUBLIC QUESTION TIME

**B Triming** – resident - DA 10 Daly St - Item #4 DEPBS - raised concerns about footpath and parking problems at last meeting. Has concern about accessibility requirements, these need to be met as the buildings are leased for accommodation. The owners need to take access requirements into account. Proposed footpath needs to join with existing footpaths to Durham Street.

**B Triming** – resident - Edinboro Castle Hotel DA - noted same owner has live vines growing on another building he owns. Please take this into consideration.

**B Triming** – resident - Banner Poles, William Street - asked could Council allow Aboriginal community to paint these poles and also could Council provide the needed materials.

**S Farroway** – resident - 2015 Royal Bathurst Show financial request - Item #7 DCSF - spoke to report to Council tonight. Request for fireworks is a 'one-off' request for 2015. Thanked Council for existing support that is provided. Spoke of opportunities with Bathurst media partners that are being developed. Cost of fireworks for Saturday night is what the Show Society is seeking support for, this will cost \$6,000.

**B Allen (Jnr)** – resident - thanked Council for giving access to the river for Wiradjuri to conduct cultural events. Thanked Council for support in dual naming of Wahluu. Supports Mr Triming's proposal for the Banner Poles in William Street. The Aboriginal Community are wanting to build bridges.

**L Thompson** – resident - DA 10 Daly St - Item #4 DEPBS - stated this has been a confusing Development Application, not all information has been provided. Spoke to Boarding House and other issues. The Development Application fails to meet the DCP in 17 locations. Spoke to Regulation clauses which have not been provided to Councillors. The proposal is not suitable for the site. Issues such as heritage, density, private open space, parking, plantings, communal space, building lines, overlooking.

The matter should also be referred to NSW Police based on Council policy/protocol. Has 20 years legal experience, and from this feels voting against the Development Application is the right thing to do.

**B Manning** – resident - 9 McKell Street - spoke to developer starting the work prior to approval and questions raised at last meeting. Can anyone start work without approval being in place. Why does Council pass consents if do not enforce them. General Manager implied that law does not have to be complied with. Council's senior staff are incompetent. Queried when will receive response to question on pool safety fencing and compliance.

**The Mayor** spoke to response received and is seeking further information.

**G Crisp** – resident - noted he is standing for election in the Upper House. About 15 months ago Council lost the Manning case. He then spoke to Judge's determination. The Council has refused repeated requests to comply with the orders of the court. Made allegations against staff and the need to comply with orders of the court. Then spoke to Daly Street DA. Requested General Manager and the Director Environmental Planning & Building Services be sacked. Will be in on Friday to get a letter from the Mayor concerning sacking of these staff members.

**K Birch** – resident - DA 10 Daly St - Item #4 DEPBS - asked how the General Manager exercises his broad power over staff in the planning processes. How are change processes put in place? Then spoke to Development Application process for Daly Street and need to make notification to 10 residents which did not occur and also non inclusion of applicants name in notification letter. Queried delegations in place and how works.

**The General Manager** spoke to processes undertaken by Council and Development Application reviews and actions taken by Council. Noted how delegations operate within Council.



**MINUTE**

**3     APOLOGIES**

Nil.

**MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 FEBRUARY 2015 (11.00005)**

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

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 4 February 2015, are attached.

**Financial Implications:** N/A

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

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

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 4 FEBRUARY 2015 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 4 February 2015 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD ON 4 FEBRUARY 2015**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**P Haysom** – Lions Club of Bathurst - Dump Point - Lions Berry Park - expressed concern at the proposed dump point at Lions Berry Park. Feels decision made in haste needs to be reviewed. There is one in the Showground, need to find a more suitable site.

**The Mayor** noted a meeting has been set for 16 February to meet with the Lions Club on this matter.

**L Burden** – ratepayer - Car Parking Pacific Way - requested review of parking in this area, as impacting her Nan at 14 Pacific Way. Problem with neighbours at 21 Pacific Way as to where they park. Perhaps a no parking zone could be put in place. Tabled a letter for the Traffic Committee.

**D Pennells** – Inland Building Construction - Financial Assistance S:356 Item #6 DCSF - spoke to tip fee concession proposed to be made to a private company of \$150,000. Feels should not be issued, and notes if this precedent occurs, Inland Building Construction will seek reimbursement of their fees paid for the last 12 months.

**B Manning** – ratepayer -Planning Court case - spoke to matter of court case and review of this case and development. Issues include: costs, illegal actions of builder, enforcement of law by Council where a crime has been committed. Council and staff are accountable to the public and have regulatory functions that need to be actioned. Raised concerns at pool safety fencing and compliance.

**The General Manager** spoke to Development processes undertaken by Council.

**The Mayor** advised matter is currently being reviewed.

**B Trimming** – ratepayer -

1. Congratulated:
  - Staff who attended call outs (water) at MacKenzie Place
  - Opening of Bathurst 200 shop

1. Spoke to Edinboro Hotel proposal (DEPBS#3) - be aware items deteriorate in sun and be aware of proximity to Machattie Park. A living wall may be better. Referred to disabled access issues at the hotel.
2. Noted recent crane issue in William Street and the advising of Council and other matters, which at times it seems Council does not get notified of. Are their fines available?

**The Director Environmental, Planning & Building Services** advised yes there are fines, but Council's first position is to work with developers to achieve the best results for all.

**B Young** – Town Planning Consultant - 711 Service Station 64-68 Sydney Rd, Kelso - Item #5 DEPBS - spoke to proposed development, noted working with Road & Maritime Services to ensure best result. Developer keen to come to Bathurst. Congratulated staff on professional attitude.

**G Crisp** – ratepayer

1. Riverside Park and movement of waste bin - asked why has this been moved. Has this resulted in an increase in waste not being picked up.

**The Director Engineering Services** will investigate the matter and will follow this up.

2. Election - Paul Toole - asked was the Mayor involved in the election of Paul Toole at the last election. Will Council's resources be utilised in his possible re-election. Mr Crisp noted he will be standing for the next State Election.

**The Mayor** advised Council resources will not be expended in this area.

**The General Manager** advised resources will only be expended as authorised under the Local Government Act.

**A McKibbon** – resident - 311 Howick St - Item #1 Rescission Motion - spoke to heritage buildings in Bathurst and the retention and destruction of these. Concern at the loss of heritage buildings in the City. Requests Council save 311 Howick Street. Need to save Bathurst heritage, it is not hard and it is not expensive - spoke to what was done at 311 Russell Street. As a minimum insist on facades being saved.

**M Hollis** – ratepayer - Bathurst 200 Shop - Congratulated Council on what they have done with this shop.

**B Bolam** – resident - 311 Howick St - Item #1 Rescission Motion - advised has no direct or indirect involvement in this matter. Spoke to Mayor Parnham's position on development and problem of stagnation. Mayor Matthews and subsequent Mayors encouraged development and the City has prospered. Important to cherish heritage, but city is not a museum, we are a thriving city. Spoke to his like for Victorian architectural flavour. As Cities grow, change occurs, staff undertake independent assessment. 311 Howick Street has problems such as; roof damage, termite problems, not listed on NSW Heritage Register or Bathurst LEP. The building is not unique and has low heritage value, noted staff report. Expressed concern at what may occur to future development.

**B Madden** – resident - 311 Howick St - Item #1 Rescission Motion - advised her brother is a prior owner of this property. Property purchased at a 'steal' due to heritage listing. They had been refused permission to do anything to the site. If had known could be bulldozed would have bought the site themselves.

**I MacPherson** – National Trust -

1. 711 Service Station 64-68 Sydney Rd, Kelso - Item #5 DEPBS - spoke to proposal, issues include; colour, pylon signage. This is an important entranceway to the City. Has same issues as entrance into Stewart Street. Please condition Development Application re the pylon and colour, as this will be a huge structure on the entranceway. A 5 metre pylon would be preferable. Can the issue of 711 signage be addressed as to how it works, need to tie into DCP provisions.
2. 311 Howick St - Item #1 Rescission Motion - advised the National Trust has made a submission. This is a little unique building which has some special characteristics. Spoke to loss of heritage buildings in the City. 2015 is an opportunity for the City. Good example of preservation are the Bentinck Street trees. We have lost too many buildings. Heritage has benefits; social, economic, community etc. Let us fix it up and say enough.

**G Smith** – resident - 311 Howick St - Item #1 Rescission Motion - spoke to heritage and public trust and commitment to the Heritage Strategy. More needs to be done to protect the City's unique heritage. The strategy is important and we need to do more to protect our heritage. This Development Application is the first test of this strategy.

**S Bathgate** – Bathurst 2036 Heritage Action Network - 311 Howick St - Item #1 Rescission Motion - asks Council to reconsider its decision of last year. There is new information on the building and it is not in too bad a condition. The building has unique facets; concave roof, brick work, bookend verandah were referred to. Spoke to heritage report provided last year. This building is not one of many, it is unique, noted trust has commissioned a review of buildings in the city which shows significance of this building. Raised concerns at supposed infill that had occurred. Cement blocks do not exist, it is an Ashlar treatment. The Trust has provided Councillors with a copy of their report and the building review undertaken.

**B Purcell** – owner - 62 Mitre Street DA2014/0481 (Discussion Forum #2 - Policy Committee) - Spoke to proposal before Council and what is intended to occur on the site. Have met with Council to ensure compliance with all requirements are met. Have commissioned a dilapidation report. Issues include; noise, views.

**The Mayor** noted this item will be dealt with at Discussion Forum #2 - Policy Committee meeting.

## **APOLOGIES**

### **3 APOLOGIES**

Nil

**MINUTES****4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 10 DECEMBER 2014 (11.00005)****MOVED** Cr G Westman and **SECONDED** Cr I North**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 10 December 2014 be adopted.**DECLARATION OF INTEREST****5 DECLARATION OF INTEREST 11.00002****MOVED** Cr M Coote and **SECONDED** Cr B Bourke**RESOLVED:** That the Declaration of Interest be noted.**RECEIVE AND DEAL WITH DIRECTORS' REPORTS****Director Environmental Planning & Building Services' Report****6 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)****MOVED** Cr G Westman and **SECONDED** Cr W Aubin**RESOLVED:** That the information be noted.**7 Item 2 GENERAL REPORT (03.00053)****MOVED** Cr M Morse and **SECONDED** Cr M Coote**RESOLVED:** That the information be noted.**8 Item 3 DEVELOPMENT APPLICATION NO. 2014/0510 – EXTERNAL PAINTING AND FAÇADE TREATMENT AT EDINBORO CASTLE HOTEL 132 WILLIAM STREET, BATHURST. APPLICANT: MR A LYONS. OWNER: LAURCOLL PROPERTY PTY LTD (DA/2014/0510)****MOVED** Cr B Bourke and **SECONDED** Cr I North

That Council:

- (a) as the consent authority, grant consent pursuant to S:80 of the Environmental Planning & Assessment Act 1979 to Development Application 2014/0510, subject to conditions able to be imposed pursuant to S:80A of the Environmental Planning & Assessment Act 1979, as amended.
- (b) call a division.

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



**The result of the division was:**In favour of the motion - Cr B Bourke,Against the motion - Cr W Aubin, Cr M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,Absent - NilAbstain - Nil**9 Item 3.01 DEVELOPMENT APPLICATION NO. 2014/0510 – EXTERNAL PAINTING AND FAÇADE TREATMENT AT EDINBORO CASTLE HOTEL 132 WILLIAM STREET, BATHURST. APPLICANT: MR A LYONS. OWNER: LAURCOLL PROPERTY PTY LTD (DA/2014/0510)****MOVED** Cr M Coote and **SECONDED** Cr G Hanger**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building services to refuse Development Application 2014/0510 for the following reasons:
  - (i) The proposed ornamental artificial ivy treatment will dominate the façade of an important Victorian building in the William Street streetscape; and
  - (ii) The proposed ornamental artificial ivy treatment is not consistent with the amenity of the facades in the Bathurst Heritage Conservation Area and will therefore have an adverse impact on the William Street streetscape.
- (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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,Against the motion - Cr B Bourke,Absent - NilAbstain - Nil**10 Item 4 DEVELOPMENT APPLICATION NO. 2014/0433 – GRANNY FLAT AT LOT 1 DP 849515, 92 RUSSELL STREET. APPLICANT: J LAVIS. OWNER: J LAVIS (DA/2014/0433)****MOVED** Cr M Coote and **SECONDED** Cr J Jennings**RESOLVED:** That Council:

- (a) support the variation to the 4.3.2 Development Standards (a) Minimum lot size standards prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0433, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and

(c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**11** **Item 5 DEVELOPMENT APPLICATION NO. 2014/0407 – DEMOLITION OF EXISTING SITE IMPROVEMENTS, CONSTRUCTION OF SERVICE STATION WITH CONVENIENCE STORE AND ADVERTISING SIGNAGE AT 64-68 SYDNEY ROAD, KELSO. APPLICANT: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD. OWNER: ISAAC PROPERTY DEVELOPMENTS BATHURST PTY LTD (DA/2014/0407)**

**MOVED** Cr M Coote

and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0407, 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. Deliveries and waste collection are only to occur during the following timeframes:
    - Waste Collection – only between the hours of 7.00am and 7.00pm;
    - Fuel delivery and large truck deliveries – only between the hours of 7.00am and 10.00pm;
    - Small truck deliveries – only between the hours of 6.00am and 10.00pm; and
  - (b) notify those that made submissions of its decision; and
  - (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**12** **Item 6 2014 WOOD SMOKE REDUCTION PROGRAM (WSRP) - SUMMARY REPORT (13.00042)**

**MOVED** Cr I North

and **SECONDED** Cr B Bourke

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

- 13** **Item 7 ECONOMIC DEVELOPMENT END-OF-YEAR REPORT 2014 (20.00071)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

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

- 14** **Item 8 ECONOMIC DEVELOPMENT STRATEGY PROGRESS (20.00168)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

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

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

- 15** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

- 16** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2014-2018 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2014-2015 (16.00137)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

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

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

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

- 18** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr M Morse and **SECONDED** Cr J Jennings

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

- 19** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CHILD AND FAMILY NETWORK (21.00012,18.00004)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**RESOLVED:** That Council make available the use of the Theatre at the Bathurst Memorial Entertainment Centre (BMEC) for the Children's Rights Forum to be held on 5 March 2015 at a cost of approximately \$1,000 to be funded from Section 356 Donations.

- 20** **Item 6 FINANCIAL ASSISTANCE UNDER SECTION 356 LOCAL GOVERNMENT ACT 1993 - JOSS CONSTRUCTION (2012/0518, 14.00007, 18.00004, 18.00195)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**RESOLVED:** That Council, having considered the submissions received as a result of the public notice of the proposal, not provide financial assistance to Joss Construction as proposed.

- 21** **Item 7 2015 LOCAL GOVERNMENT NSW TOURISM CONFERENCE (18.00074)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

- (a) waive the entry fee, venue hire and staff cost for the Welcome Reception at the National Motor Racing Museum at an approximate cost of \$1,835;
- (b) waive the entry fee, venue hire and staff cost for the pre Conference Dinner event at the Australian Fossil and Mineral Museum at an approximate cost of \$2,610; and
- (c) fund the pre Conference Dinner event drinks at an approximate cost of \$3,300.

- 22** **Item 8 REVALUATION OF LAND - NSW VALUER GENERAL (18.00068)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

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

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

- 23** **Item 1 JORDAN CREEK TREES (13.00019)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

**RESOLVED:** That Council remove the trees located within Council property at Lot 1, DP 194101, being a section of the Jordan Creek Drainage Channel.

- 24** **Item 2 LOCAL GOVERNMENT NSW EXCELLENCE IN THE ENVIRONMENT AWARDS (07.00025)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

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

- 25** **Item 1 BATHURST LIBRARY - CHRISTMAS ON KEPPEL, STREET FAIR (21.00029)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

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

- 26** **Item 2 KELSO COMMUNITY CENTRE - JANUARY SCHOOL HOLIDAY ACTIVITIES 2015 (09.00026)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

## **REPORTS OF OTHER COMMITTEES**

### **Policy Committee Meeting**

- 27** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 DECEMBER 2014 (07.00064)**  
**MOVED** Cr M Coote and **SECONDED** Cr G Westman

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 3 December 2014 be adopted.

## **RESCISSION MOTIONS**

- 28** **Item 1 RESCISSION MOTION - DA 2014/0426 - DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY REPLACEMENT DWELLING AND SEPARATE GARAGE AT 311 HOWICK STREET, BATHURST. APPLICANT: MR S RALPH. OWNER: MR S RALPH (11.00005)**  
**MOVED** Cr J Jennings and **SECONDED** Cr G Hanger

That Council

- (1) rescind its decision of 10 December 2014 which stated:

*That Council:*

- (a) *support the variation to the minimum lot size development standard for a single dwelling prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and*
- (b) *as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0426, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:*
- i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.*
  - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council.*
  - iii. The applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused).*
  - iv. The applicant is to submit to Council for approval amended plans showing:*
    - The height of the proposed dwelling from the ground to the*



- 33** **Item 2.01 SUSPENSION OF STANDING ORDERS (23.00033)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Standing Orders be suspended at 8.17 pm to conduct the Policy Committee Meeting.

- 34** **Item 2.02 RESUMPTION OF STANDING ORDERS (23.00033)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

**RESOLVED:** That Council resume Standing Orders at 10.21 pm

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

- 35** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

Mr B Triming - asked for clarification as to why Item #3 in the Director Corporate Services & Finance Report was being considered in Confidential Committee.

**The General Manager** advised that the matter involved commercial negotiations.

**RESOLVED:** That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RESIDENTIAL TENANCY AGREEMENT - LOT A DP158048 KNOWN AS 215 DURHAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who

		supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED PURCHASE AND SUBDIVISION OF PART LOT 2 DP785243 PIPER STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW COMMUNICATION INFRASTRUCTURE FOR LOT 1 DP6334401 LOCATED IN MCPHILLAMY PARK, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR NETWASTE REGIONAL TYRE COLLECTION AND PROCESSING	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







**MINUTE**

**5     DECLARATION OF INTEREST 11.00002**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

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

Cr Morse

Item #10 of the Director Corporate Services & Finance report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 FEBRUARY 2015

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

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

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

**Financial Implications:** Nil.

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

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

**MINUTE**

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

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

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

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

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

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during January 2015 (**attachment 1**).
- (b) Applications refused during January 2015 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in January 2015 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

**Financial Implications:** Nil.

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

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

**MINUTE**

- 7 **Item 2 GENERAL REPORT (03.00053)**  
**MOVED: Cr W Aubin SECONDED: Cr M Morse**

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



**3 DEVELOPMENT APPLICATION NO. 2014/0481 – ADDITIONS AND ALTERATIONS TO DWELLING AT LOT 2 DP 566691, 62 MITRE STREET BATHURST. APPLICANT: S PURCELL. OWNER: S PURCELL (DA/2014/481)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0481 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** Council has received a Development Application for additions and alterations to the existing dwelling at 62 Mitre Street, Bathurst, described as Lot 2, DP 566691. A location plan is provided at **attachment 1**.

**The site**

The site is currently 885.8 sq m.

Located on the site is a single storey dwelling.

The site slopes from street level to the rear and from the south west to north east.

**The proposal**

The proposal involves the demolition of the rear section of the dwelling.

The proposal is for three storey additions to the rear of the dwelling comprising a two storey habitable component with a garage/basement below. The plans of the proposed development are at **attachment 2**.

**Planning Context**

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

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A Dwelling House is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

The subject land is located within the Heritage Conservation Area under Clause 5.10 of Bathurst Regional Local Environmental Plan 2014. This site is not listed as a heritage item under Bathurst Regional LEP 2014.

The Height of Buildings Map restricts the height of buildings to 9m in this area. The proposed additions will result in a building 8.314m above the existing ground height and 0.425m above the height of the existing roof line.

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

The Development Application was notified in accordance with Council's Development Control Plan. Notification was sent to those four properties which adjoin or are directly adjacent to the subject land.

#### **Chapter 4 Residential Development**

The site is within Residential Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). The proposal complies with the objectives of the Precinct and the development standards for dwelling houses.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	885.8m <sup>2</sup>	550m <sup>2</sup>	<b>Yes</b>
Height	Two storey + Subfloor Basement	Two- storey	<b>Yes*</b>
Setbacks			
Front	Existing (Unchanged)	Compliment existing	<b>Yes</b>
Rear	16m	As per BCA	<b>Yes</b>
Side	0.945m	As per BCA	<b>Yes</b>
Car parking	3 space	1 space	<b>Yes</b>
Accessway Width	Minimum 3m	3-6m wide	<b>Yes</b>

\* It is noted that Clause 4.8.2 of the DCP provides that a "building containing more than 2 floors shall not be erected on land within the Zone R1 General Residential".

Notwithstanding this limitation the DCP provides "allowance can be made for a building of more than 2 floors on heavily sloping land where Council is satisfied that the privacy of adjoining owners is not adversely affected".

The subfloor carpark and storage area are considered appropriate as, given the slope of the land, they will not have a significant impact on the privacy of adjoining properties.

#### Overshadowing

The DCP requires an assessment of the impact of overshadowing on adjoining properties on the winter solstice in June.

The standard applicable to residential units and dual occupancy developments is used as a basis for assessment (there being no numerical standard for dwellings and additions). The standard is as follows:

- a) *New development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.*

The applicant has submitted shadow diagrams illustrating the shadow cast by the existing dwelling and the proposed additions. These shadow diagrams are provided at **attachment 3.**

The shadow diagrams illustrate that the existing building currently overshadows 64 Mitre Street from 9am to 12pm June 21.

The proposed extensions will result in overshadowing of 64 Mitre Street from 9am until 1pm.

The proposal will result in the adjoining dwelling being overshadowed for an additional one hour (ie between 12 noon and 1pm) at the winter solstice.

The dwelling at 64 Mitre Street will still achieve a minimum of two hours sunlight to all indoor and outdoor living areas after the development has occurred. The proposed additions are therefore considered acceptable in terms of overshadowing under the DCP.

### Views

The development will impact upon the views currently experienced from the rear section of the existing dwelling at 64 Mitre Street.

Council's DCP does not contain any numerical standards in relation to the protection or sharing of views.

Notwithstanding this the Land and Environment Court has established a number of principles in relation to view sharing (**Tenacity Consulting v Warringah [2004] NSWLEC 140**). These principles are considered below

### **Principles of view sharing: the impact on neighbours**

25 *The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.*

26 *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

***The views that are potentially affected are views of lands with no icons although views to the distant hills in Bathurst would be considered to be highly valuable.***

27 *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

***The views are currently obtained across the side boundary looking to the North East.***

28 *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is*

20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

**Due to the height of the dwelling relative to the dwelling at 64 Mitre the impact is likely to be in the order of moderate to severe from the rear section of the property.**

- 29 *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

**The proposed dwelling addition is permissible and meets all the requirements of the DCP as demonstrated in this report. There are no reasonable grounds to refuse the development based on its compliance with the DCP.**

## Chapter 10 Urban Design and Heritage Conservation

From a heritage perspective the partial demolition of the existing dwelling is not considered significant. The proposed additions are located behind the existing dwelling and will not impact upon the streetscape of Mitre Street.

### Submissions

The Development Application was notified to the adjoining and adjacent property owners from 3 December to 14 December 2014. At the closure of the notification period a total of two submissions had been received. A Council discussion forum was held on 4 February 2014.

A copy of the submissions are at **attachment 4**.

Issues raised in the submissions included:

- Damage to adjoining properties during construction

These are matters beyond the scope of the development consent.

- Noise from potential heating/cooling systems

The exact details of the proposed heating and cooling systems are not known at this time but would be within usual domestic limits. The Protection of the Environment Operations (Noise Control) Regulation provides general limitations on times when air conditioners can be heard within a habitable room in any other residential premises.

- Impacts on amenity and interference to TV and radio reception

Council does not have any standards in relation to interference with TV and radio

reception.

- Blocking of views

This matter is dealt with above.

- Overshadowing

Overshadowing has been discussed previously in this report.

- Privacy

The proposal is not expected to significantly detract from privacy expected in a residential area.

- Impacts on rental and property values

The devaluation of property is not a matter prescribed by Section 79 of the Environmental Planning and Assessment Act 1979 and is therefore generally not considered during the assessment process.

### Conclusion

Council has received a Development Application (DA) for additions and alterations to the dwelling at 62 Mitre Street, Bathurst. The subject site is zoned R1 General Residential under the provisions of the Bathurst Regional Local Environmental Plan 2014. Dwellings are permissible. The proposal is supported in this instance whilst there are impacts upon the adjoining properties those impacts are within the limits established by Council in the Bathurst Regional Development Control Plan 2014.

**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

## MINUTE

**8     Item 3   DEVELOPMENT APPLICATION NO. 2014/0481 – ADDITIONS AND ALTERATIONS TO DWELLING AT LOT 2 DP 566691, 62 MITRE STREET BATHURST. APPLICANT: S PURCELL. OWNER: S PURCELL (DA/2014/481)**  
**MOVED: Cr M Coote SECONDED: Cr G Westman**

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0481 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**4 DEVELOPMENT APPLICATION NO. 2014/0429 - FOUR X TWO BEDROOM UNITS; DEMOLITION OF EXISTING LAUNDRY AND CONSTRUCTION OF REPLACEMENT LAUNDRY AT LOT 1 DP 510158, 10 DALY STREET, WEST BATHURST. APPLICANT: MR & MRS BURKE. OWNER: MR & MRS BURKE (DA/2014/0429)**

**Recommendation:** That Council:

(a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application No. 2014/0429, 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 construction of a concrete footpath 1.2 metres wide and 100 mm thick; for the full width of the existing footway and for the full frontage of the subject land to the public road in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
- (ii) An on-site fire hydrant and a booster facility at the street entrance to the site shall be installed in accordance with the requirements of Australian Standard 2419.1 "Fire hydrant installations- system design, installation and commissioning." The hydrant and/or booster installation shall be at full cost to the developer. A letter from an appropriately qualified hydraulic engineer shall be submitted to Council, certifying that the hydrant and booster installation is in accordance with AS 2419.1.

For the purposes of this condition the Council will be required to carry out all works involving connection to the Council water main at the developer's full cost. To arrange payment and installation please contact Council's System Coordinator on 02 6333 6516.

- (iii) 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.
- (iv) The applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014.

Council is to certify that the landscape plan is in accordance with Council's Development Control Plan prior to any work occurring on the site.

- (v) Landscaping (including installation of an adequate watering system) is to be carried out and maintained in accordance with the certified landscape plan.

NOTE 1: The landscaping is to be completed prior to the occupation of the building;

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

(c) call a division.

**Report:** Council has received a Development Application for four x two bedroom residential units, and the demolition of an existing laundry and the construction of a

replacement laundry at the existing boarding house at 10 Daly Street, West Bathurst, described as Lot 1 DP 510158. A location plan is provided at **attachment 1**.

### The site

The site is currently 2,883 sq m.

Located on the site is a large 2 storey residential building which was built in 1874. The building is currently divided into 12 one bedroom units. The building is used as a boarding house and is currently leased by GWAHS and is used by medical professionals during their stays in Bathurst.

The boarding house has operated on the site since 1951 when it received Council approval to operate as a guest house.

### The proposal

The proposal as it currently stands is to erect 4 new 2 bedroom residential units on the property. The units will be located to the rear of the property and behind the existing boarding house. Access will be by way of the current access to the property from Daly Street.

The existing boarding house will continue to operate in its current fashion although it will have access to the new laundry building following its completion.

The plans of the proposed development are at **attachment 2**.

It is noted that the proposal was originally lodged as five x two bedroom units and new carports, however following concerns raised in the initial assessment and in the public submissions, one unit on the North Eastern side of the existing building has been removed and the carports have been removed from the proposal.

### Planning provisions

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

BRILEP 2005 was the Plan in force when the Development Application was lodged and therefore the application must be dealt with under the planning standards that applied at that time.

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*.

Boarding houses and residential units are permissible with consent.

The proposal is consistent with the objectives of the zone.

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

The subject site is proposed to be zoned R1 General Residential under the provisions of the *Draft Bathurst Regional Local Environmental Plan 2014*.

Boarding houses and residential units are permissible with consent.



The proposal is consistent with the objectives of the zone.

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

#### **Chapter 4 Residential Development**

The site is within Residential Precinct 2 pursuant to the *Bathurst Regional (Interim) Development Control Plan 2011* (DCP). The proposal complies with the objectives of the Precinct and the development standards for residential units.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	2883 sqm	1300 sqm	Yes
Distance to open space	250m (Victoria Park)	Min 500m	Yes
Density (persons/ha)	30.52	60	Yes*
Height	Single storey	Two storey	Yes
Setbacks			
Front	N/A	N/A	Yes
Rear	1.5 m	As per BCA	Yes
Side	0.90m	As per BCA	Yes
Carparking			
Resident	12 spaces total onsite	4	Yes**
Visitor		1	
Boarding House		4	
Access way width	4-6 m	3-6 m	Yes
Open space			
Unit 1	35+ sqm	30 sqm	Yes
Unit 2	47+ sqm	30 sqm	Yes
Unit 3	43+ sqm	30 sqm	Yes
Unit 4	30+ sqm	30 sqm	Yes
Boarding House	No requirement	No requirement	Yes

\* The existing boarding house is not classified as residential units and is therefore excluded from the density calculation.

\*\* The deletion of the covered carparks is considered appropriate as it will ensure that the views of the existing building on the site will not be compromised.

#### **Chapter 10 Urban Design and Heritage Conservation**

The property is located within the Bathurst Heritage Conservation Area although it is not individually listed as a heritage item.

The building was originally built in 1874/75 for Solicitor Alexander West. The building is a rare example of Victorian Gothic Architecture.

In 1875 the building was used as a consulting room by Dr Flatau, Surgeon for the Great Western Railway.

In 1951 an application was made to Council to convert the dwelling to a guest house and this use has remained until today.

The proposal is supported by a historical report contained within the Statement of Environmental Effects (**attachment 3**).

The Council's initial assessment of the application raised concerns with the location of one of the residential units and carparks in front of and beside the boarding house. The applicant

has subsequently amended the plans to address these concerns.

The proposed development will have a minimal impact on the heritage significance of the site and the existing building as it is located at the rear, does not involve any alterations to the existing heritage building and its removable design means it can be removed in the future without leaving a damaging footprint on the site or any irreversible change to the heritage building.

It is considered the development is a suitable adaptive use of the site.

It is noted that there has been some community concerns regarding the materials and overall design of the buildings. The design whilst contemporary and not masonry is not considered to be unsatisfactory given its location behind the main boarding house. Further the materials are not inconsistent with the type of materials used in the neighbouring Chifley memorial estate. The new units will sit low in the landscape and will not detract from the dominance of the existing historic brick building.

### Submissions

The Development Application was advertised and notified to the adjoining and adjacent property owners from 27 October to 10 November 2014.

At the closure of the notification period a total of five submissions had been received. A late submission was tabled at the Council discussion forum held 4 February 2015. All submissions are provided at **attachment 4**.

A Council discussion forum was held on 4 February 2015.

Issues raised in the submissions included:

- Compatibility of the materials proposed in relation to the surrounding area

The proposed building materials are considered appropriate for a residential area. Conditions will be imposed in relation to the colour scheme of the new buildings.

- Proposed location of unit 5

This Unit has been removed.

- Traffic Impacts

The proposal will not have a significant traffic impact. RMS figures indicate that 2 bedroom units typically generate 4 -5 vehicle trips per day and 0.5 – 0.65 peak hour trips. An additional 20 vehicle trips per day and 2 vehicle trips in peak hour is not considered significant. It is noted that the design of the development minimises traffic movements to the rear of the site.

- Privacy

The proposal is located at the rear of the existing property. The development will not have a significant impact on privacy as it sits below adjoining properties and does not overlook adjoining properties.

- Impacts on property values

The devaluation of property is not a matter prescribed by Section 79 of the Environmental Planning and Assessment Act 1979 and is therefore generally not considered during the assessment process.

- Impacts on Heritage significance of the existing building

The proposed development will have a minimal impact on the heritage significance of the site and the existing building as it is located at the rear, does not involve any alterations to the existing heritage building and its removable design means it can be removed in the future without leaving a damaging footprint on the site or any irreversible change to the heritage building.

- Development is out of character with the existing area

The proposed use is for residential units, which is consistent with the surrounding residential uses and consistent with the planning provisions relating to development in the area.

- Overshadowing

The proposed units are set well below adjoining properties. Overshadowing will not be an issue.

- Noise

The proposed residential use is considered appropriate for a residential area.

- Density

The development proposal is well below the permissible density allowed under Council's DCP.

- Location of driveway

The existing driveway to Daly Street is to be retained. The property has the benefit of a Right of Carriageway to Mitre Street. It is not proposed to use this access as part this development.

- Plant types along fences

A landscape plan that complies with the DCP will be required prior to the issue of a construction certificate.

- Location and suitability of existing sewer connection

Engineering and drainage plans will be required to be submitted and approved by Council to ensure that sewer, drainage and water infrastructure is suitable. Any required upgrades will be at the developers full cost.

- Significance and potential impacts on Bunya Tree

The applicant is retaining the Bunya Tree. New structures have been kept clear of the trees canopy and the lightweight construction method is likely to have less impact on the trees existing root system.

- Potential for Over Crowding of the site

The Boarding House and four residential units will not result in a significant overcrowding. The residential units comply with the requirements of the DCP.

- Impacts on views from adjoining properties

The proposal is located at the rear of the existing property. The site is set significantly lower than the surrounding properties and as a result the development will not have a significant impact on the views or privacy of neighbouring properties as it sits below the adjoining properties.

- Registration under the Boarding Houses Act

Whilst the property currently acts as a boarding house it is not registered under the NSW Boarding Houses Act. The Boarding Houses Act does not apply to premises that "are used to provide accommodation for workers or employees in connection with their work or employment". Given that the premises are currently leased to GWAHS and provides accommodation to workers in connection with their employment then it is considered that the Boarding Houses Act would not apply at the present time.

In the event that the leasing arrangements were to change then the property may require registration under the Boarding Houses Act and would be subject to the inspection regime and standards that apply in those circumstances.

The registration and inspection regime under the Boarding Houses Act is independent of the planning system.

- Applicability of SEPP 36 Manufactured Home Estates and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The applicant is seeking consent for the erection of four residential units. SEPP 36 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 are not relevant to this proposal.

- At the Discussion Forum, the issue was raised that an approval is required for the development under Section 68 of the Local Government Act and not under the Environmental Planning and Assessment Act.

Development consent under the Environmental Planning and Assessment Act **is** required for a residential unit development in a residential zone.

Given the "transportable nature of the buildings" a Section 68 application will then be required to be lodged in relation to their construction as opposed to a construction certificate application which is required for a permanent building.

- Crime Prevention Through Environmental Design

The development does not require referral to NSW Police in accordance with Council's Crime Prevention Through Environmental Design.

### Conclusion:

Council has received a Development Application (DA) for construction of four x two (2)

bedroom units at 10 Daly Street, West Bathurst. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Residential units are permissible. The proposal is supported in this instance as the application will retain the existing 1875 Boarding House, which contributes to the streetscape and the heritage conservation area and the new development is located to the rear of the building. The proposal achieves all other requirements of the Bathurst Regional (Interim) Development Control Plan 2011. Approval is therefore recommended.

**Financial Implications:** Nil.

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

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

**MINUTE**

**9      Item 4    DEVELOPMENT APPLICATION NO. 2014/0429 - FOUR X TWO  
BEDROOM UNITS; DEMOLITION OF EXISTING LAUNDRY AND CONSTRUCTION OF  
REPLACEMENT LAUNDRY AT LOT 1 DP 510158, 10 DALY STREET, WEST  
BATHURST. APPLICANT: MR & MRS BURKE. OWNER: MR & MRS BURKE  
(DA/2014/0429)**

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

**RESOLVED:** That Council:

- (a) defer the matter for further consideration
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**5 DEVELOPMENT APPLICATION NO. 2014/0409 – RURAL LANDSHARING COMMUNITY – THIRD DWELLING AT: LOT 8 DP 255707, 155 FLEMING DRIVE, LAFFING WATERS. APPLICANT: ALUKA CONSTRUCTIONS. OWNER: MS K BEARD (DA/2014/0409)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2014/0409, 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 septic tank is to be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act, 1993. A “Local Approval to install, alter and/or operate a system of sewage management” application form must be submitted and approved by Council prior to the issuing of a Construction Certificate in relation to the building.
  - ii. The developer is to obtain from Council an approval to operate a system of sewage management prior to the occupation of buildings;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a rural land sharing community – third dwelling at Lot 8 DP 255707, 155 Fleming Drive, Laffing Waters. A location plan is provided at **attachment 1**.

The application was lodged prior to gazettal of Bathurst Regional LEP 2014 and therefore must be dealt with under the planning standards that applied at that time, being Bathurst Regional (Interim) LEP 2005.

The property is zoned 1 (a) Inner Rural under Bathurst Regional (Interim) Local Environmental Plan 2005.

155 Fleming Drive has an area of 10.12Ha.

The site currently contains two existing dwellings with associated infrastructure.

The proposal

The proposal involves the construction of a third dwelling with attached garage. The plan of the proposed development is at **attachment 2**.

The proposed development is permissible under State Environmental Planning Policy (SEPP) 15 – Rural Land Sharing Communities.

The proposed development involves creating an additional access off Fleming Drive.

It is noted that the design and location of the dwelling have changed during the course of assessment. The alteration in location occurred in response to the submissions received from the adjoining property owner.

## Planning Context

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

BRILEP 2005 was the Plan in force when the Development Application was lodged.

The subject site is zoned 1(a) Inner Rural under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*.

Residential units (meaning 3 or more dwellings on one lot of land) are prohibited in the 1(a) Inner Rural zone.

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

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

Multi dwelling housing (meaning 3 or more dwellings on one lot of land) is prohibited in the RU1 – Primary Production zone.

### *SEPP 15 – Rural Land Sharing Community – Third Dwelling*

Notwithstanding the prohibitions that exist under Bathurst Regional (Interim) LEP 2005 and draft Bathurst Regional LEP 2014 the proposal is made permissible with consent under the provisions of State Environmental Planning Policy (SEPP) 15 – Rural Land sharing communities.

Clause 7 of the SEPP enables 3 or more dwellings on rural land if the land complies with the following criteria:

CRITERIA	COMPLIANCE
Greater than 10ha	Yes
Building does not exceed 8 metres	Yes
No more than 25% of the land consists of prime crop and pasture land	Yes*
Not identified as a wildlife refuge, corridor or management area	Yes
Not carried out for the purposes of tourist and visitor accommodation	Yes
Land does not exceed 18 degrees	Yes
Aims of the policy are met	Yes

- \* Prime crop and pasture land is identified within the SEPP as land which is identified by NSW Agriculture as being of Class 1, 2 or 3. The whole of the property has been previously identified by NSW Agriculture as Class 2 & 3 land. This classification is based on high level mapping undertaken in 1994. DPI have since advised that the property should not be regarded as prime crop and pasture land for the purposes of the Development Application due to limitations in size and its current use. A copy of this advice is at **attachment 3**.

Clause 9 of the SEPP specifies the matters for Council to consider when assessing a Development Application for a rural land sharing community. These matters are discussed below.



(1) *A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration such of the following matters as are of relevance to the development the subject of the application:*

(a) *the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management to ensure the aims and objectives of this Policy are met.*

No change to the current ownership arrangement is proposed. The proposed development generally complies with the aims and objectives of the proposed development.

(b) *the area or areas proposed for erection of buildings, including any proposals for the clustering of buildings.*

The proposed dwelling will be located in the south west part of the property fronting Fleming Drive. It has similar setbacks to the existing dwellings in Fleming Drive including the 2 existing dwellings on the property and the dwelling at 139 Fleming Drive.

(c) *the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas),*

There are no areas of the site designated for "community use". The site is currently generally divided into a managed area at the southern end of the site which will contain the 3 dwellings. The rear of the site to the north will be available for all the occupiers of the site for community use.

(d) *the need for any proposed development for community use that is ancillary to the use of the land.*

It is considered that the scale of the development does not warrant the provisions of any development for community use that is ancillary to the use of the land.

(e) *the availability and standard of public road access to the land.*

The site has direct access to Fleming Drive. The proposal includes an additional access to be constructed on to Fleming Drive. Fleming Drive is a bitumen sealed road.

(f) *the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply.*

Water will be supplied by water tanks. The proposed development would be conditioned to include 30,000 litres for domestic purposes and 20,000 litres for Planning for Bush Fire Protection.

(g) *if required by the applicant, the availability of electricity and telephone services.*

The site is already connected to electricity and phone services.

(h) *the availability of community facilities and services to meet the needs of the occupants of the land.*

The site is located within 10km of the Bathurst CBD. All community facilities are serviced by Bathurst.

- (i) *whether adequate provision has been made for waste disposal from the land.*

The site has a waste service provided by Council.

- (j) *the impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reforestation.*

The site has minimal vegetation on the site. The proposed location of the dwelling will have minimal environmental impact.

- (k) *whether the land is subject to a risk of flooding, bush fires, landslip or erosion or whether there are areas with actual or potential acid sulfate soils and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations, and land adjoining the development from any such hazard.*

The site is not mapped as being bushfire prone or being impacted by flooding, erosion or potential acid sulphate soils.

- (l) *the visual impact of the proposed development on the landscape.*

The proposed dwelling is consistent with the adjoining dwelling and streetscape. A more detailed visual assessment is provided below.

- (m) *the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity, including the need for separation and buffers to avoid land use conflicts.*

The site is within a rural residential area. The proposed development will not require any land use buffer as the proposed dwelling is consistent with the use of adjoining land. Boundary setbacks are in accordance with the standards adopted by Council in its DCP.

- (n) *whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development.*

There is no known resource surrounding the site.

- (o) *the effect of the proposed development on the quality of the water resources in the vicinity.*

The proposed development will not have a negative impact on the water resources in the area.

- (p) *any land claims by local Aborigines and the presence of any known Aboriginal relics and sites.*

There are no known Aboriginal relics on site.

- (q) *the impact of the proposed development on any heritage item, relic or site, or on their curtilages.*

There are no heritage items on or within the vicinity of the site.

- (r) *whether the land has been identified by the council as being required for future urban or rural residential expansion.*

There are no plans for the rezoning of the site to residential under the Bathurst Region Urban Strategy 2007.

- (s) *whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.*

There are no village centres within the immediate vicinity of the property.

- (2) *A council must not consent to an application made in pursuance of clause 7 unless it has taken into consideration a site analysis that:*

- (a) *contains information about the site and its surrounds as described in Schedule 3.*  
(b) *is accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis.*

The Statement of Environmental Effects as lodged did not contain a specific written site analysis although these issues are variously dealt with in the Statement of Environmental Effects (**attachment 4**) and plans for the development explaining the site as described in schedule 3.

Clause 10 of the SEPP requires the applicant to submit a Management Plan for consideration.

Following exhibition and in response to the public submission the applicant has provided a specific site analysis (**attachment 5**). The site analysis provided addresses all the requirements of schedule 3 as specified. The site analysis has also been provided to the persons who made submissions.

## **10 Management plan**

*A council must not consent to an application made in pursuance of clause 7 unless the applicant has submitted a management plan for the development that makes adequate provision for the following:*

- (a) *water management,*  
(b) *waste management,*  
(c) *prevention, control and management of soil erosion,*  
(d) *bush fire management,*  
(e) *flora and fauna management, including the control of noxious weeds and noxious animals,*  
(f) *provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters.*

The Statement of Environmental Effects includes specific commentary on these matters inclusive of how these issues will be managed as part of the development. It is considered that the matters are adequately addressed within this commentary.

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

Development Standard	Proposed	Permissible	Compliance
Setback			
Front	70m	20m	Yes
Side (nearest side)	24m	20m	Yes
Rear	>100m	20m	Yes
Domestic water supply	30,000 lt	15,000 lt per bedroom	Yes
Fire fighting water supply	20,000 lt	20,000 lt	Yes

**Part 6.4 On site effluent disposal**

The applicant has submitted a Geotechnical Report for the proposal (**attachment 6**).

The report recommends the installation of a 3000 litre septic tank and the provision of either an “AWTS” or “Wisconsin Mound” system.

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

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

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

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

**Part 6.6 Building Form and Design**

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

The proposed dwelling will have brick veneer walls and colorbond roofing. The proposed materials are considered to be appropriate.

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

The proposed building is single storey only with a proposed maximum height of 5.2 metres.

The original submission received from 139 Fleming Drive expressed concerns regarding the impact on the views from this property.

The views potentially affected from 139 Fleming are views of the rural locality obtained across the side boundary to the east. The full extent of views are currently partially obscured by outbuildings and associated infrastructure on 139 Fleming Drive.

The applicant has in response to these concerns relocated the dwelling from its proposed position 12 metres towards Fleming Drive. The new location has the benefit of being located behind what is effectively the existing screen between the 2 properties formed by the stables and sheds located on 139 Fleming Drive.

In response to the alternate location the owner of 139 Fleming Drive provided a further submission advising that they would not oppose the dwelling if it is located in accordance with the amended site plan (**attachment 7**).

The dwelling itself is located in accordance with Council's adopted standards relating to boundary setbacks and is of single storey construction. The impact is considered acceptable.

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

The proposed building will have an overall height of 5.2 metres. This is similar to the adjoining dwellings. The site is relatively flat.

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

The proposed building is complimentary to the rural character through its design and scale. It is considered appropriate.

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

No outbuildings have been proposed.

### Submissions

The development application requires public exhibition under the provisions of SEPP 15. The public exhibition includes a public notice in the paper (twice), a sign at the site and notification to adjoining property owners. The public exhibition occurred from the 24 November 2014 to 24 December 2014. Following the public exhibition period one submission was received (**attachment 8**).

A discussion forum was conducted by Council on the 4 February 2015.

The issues raised in the submissions included:

- Proposed setbacks;
- A site analysis has not being supplied as required by the SEPP;

- The Statement of Environment Effects does not make reference to adjoining owners views;
- A Management Plan for the development has not been supplied as required by the SEPP;
- Dwelling ownership rights have not been supplied;
- The Statement of Environmental Effects fails to address the means proposed for establishing community management to ensure the aims and objectives of SEPP 15 are met; and
- The proposed location of the rainwater tank in-relation to the side boundary

In response to the public submission the applicant has submitted a site analysis ( **attachment 5**). The Management Plan and ownership rights information have previously been provided in the Statement of Environmental Effects (**attachment 4**).

The amended site plan, plans and the site analysis have separately been forwarded to the person who lodged submissions. An additional submission has been provided by the objector responding to the amended site plan and Site Analysis (**attachment 7**).

The amended site plan proposed has reduced the front setback of the dwelling from Fleming Drive from 82 metres to 70 metres. This will reduce the visual impact of the proposed development from the view lines of 139 Fleming Drive. The location of the tanks has been changed to move them forward with the new location of the proposed dwelling. The amended setback complies with Council standards specified in the Development Control Plan.

#### Conclusion

Council has received a Development Application (DA) for a rural land sharing community – third dwelling with attached garage at 155 Fleming Drive, Laffing Waters. The subject site is zoned 1(a) Inner Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005.

The proposal is dealt with pursuant to the provisions of the State Environmental Planning Policy (SEPP) 15 – Rural Land sharing communities. The proposed development complies with the requirements of SEPP 15.

**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

## MINUTE

**10 Item 5 DEVELOPMENT APPLICATION NO. 2014/0409– RURAL LANDSHARING COMMUNITY – THIRD DWELLING AT: LOT 8 DP 255707, 155 FLEMING DRIVE, LAFFING WATERS. APPLICANT: ALUKA CONSTRUCTIONS. OWNER: MS K BEARD (DA/2014/0409)**

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2014/0409, 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 septic tank is to be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act, 1993. A “Local Approval to install, alter and/or operate a system of sewage management” application form must be submitted and approved by Council prior to the issuing of a Construction Certificate in relation to the building.
  - ii. The developer is to obtain from Council an approval to operate a system of sewage management prior to the occupation of buildings;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**6 DEVELOPMENT APPLICATION NO. 2015/0002 – 1. DEMOLITION OF EXISTING DWELLING. 2. CONSTRUCTION OF NEW DWELLING WITH ATTACHED GARAGE. 3. TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 275-277 BENTINCK STREET, BATHURST. APPLICANT: TABLELANDS BUILDER PTY LTD . OWNER: MR M D MCNEIL (DA/2015/0002)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2015/0002, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.
  - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council; and
- (b) call a division.

**Report:** The Site

Council has received a Development Application (DA) for demolition of an existing two storey dwelling and construction of a two storey replacement dwelling with attached garage and two lot subdivision (boundary adjustment) at 277 and 275 Bentinck Street, Bathurst, described as Lots 4 and 5, DP 222444. A location plan is provided at **attachment 1**.

Both lots currently contain dwellings.

The proposal

The proposal involves:

- Demolition of the existing two storey dwelling at 277 Bentinck;
- Construction of a two storey replacement dwelling with attached garage at 277 Bentinck; and
- Two lot subdivision (boundary adjustment) transferring approximately 60 square metres from 277 to 275 Bentinck.

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

Planning Context

*Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Dwellings are permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

*Clause 4.1 Minimum Subdivision Lot Size*

The minimum lot size to erect a dwelling on the subject sites is 550 m<sup>2</sup>. Both proposed lots are greater than 550 m<sup>2</sup> and will remain so following the boundary adjustment.

*Clause 4.3 Height of buildings*



The height of buildings map shows the maximum height for a building on the subject land is 9 metres. The height of the new dwelling is 7.9 metres (measured from the existing ground level to the highest part of the dwelling). The proposed development complies with the LEP standard.

#### *Clause 5.9 preservation of trees or vegetation*

Council's Tree Preservation and Management Policy applies to the site. No trees subject to the Policy are located on the land.

#### *Clause 5.10 Heritage Conservation*

The site is located within the Bathurst Heritage Conservation area.

Council is required to consider the effect of the proposed development on the heritage significance of the heritage conservation area.

The application has been supported by a Heritage Impact Statement prepared by the applicant (**attachment 3**).

The HIS indicates that the existing dwelling was constructed during the 1960's.

The building is not considered to be architecturally significant.

There are no known significant cultural links to the property or the dwelling.

The proposed infill building will make a positive impact upon the streetscape.

On the whole it is considered that the demolition and infill will not have a significant deleterious impact on the heritage conservation area and is supportable subject to conditions being imposed as follows:

- Demolition is not to commence until a Construction Certificate has been issued for the replacement building.
- Demolition is not to commence until a photographic record of the dwelling has been completed and submitted to Council.

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

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

The Development Application was advertised and notified to adjoining property owners in accordance with Chapter 2 between 12 January 2015 and 27 January 2015. No submissions were received.

#### ***Chapter 10 Urban Design & Heritage Conservation***

Bathurst Conservation Area Management Strategy (BCAMS)

In order to assess the conservation significance of the dwelling proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken.

The following table provides a summary of the assessment.

Date of construction	<b>1960s</b>
BCAMS results: Integrity Streetscape Rating Heritage Significance Overall Rating (out of 10)	<b>Substantially intact Neutral Not significant 4</b>

- Heritage Impact Statement

A detailed Heritage Impact Statement has been prepared in accordance with Section 10.3.3 of the Bathurst Regional (Interim) Development Control Plan 2011 (**attachment 3**).

- Historical Assessment

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

*The house displayed typical features of houses built from the 1960s. In the opinion of the Bathurst District Historical Society 277 Bentinck Street has no historical value.*

The Historical Assessment has been included in the Heritage Impact Statement (**attachment 3**).

### **Chapter 4 Residential Development**

#### **Bathurst Regional Development Control Plan 2014 – Chapter 4 Residential Development**

The site is contained within Precinct 2 pursuant to the *Bathurst Regional Development Control Plan 2014* (DCP). Dwellings are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for dwellings:

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	734.1m <sup>2</sup>	550m <sup>2</sup>	Yes
Height	Two-storey	Two-storey maximum	Yes
Setbacks			
Front	6m	complement existing	Yes
Rear	BCA	in accordance with BCA	Yes
Side	BCA	in accordance with BCA	Yes
Carparking Resident	2	1	Yes
Open space area	84m <sup>2</sup>	50m <sup>2</sup>	Yes
Open space width	>4m	4m wide	Yes

### **Chapter 3 – Subdivision of Land**

The minimum lot size map specifies 550m<sup>2</sup> is the minimum lot size to erect a dwelling house for the subject sites. Both proposed lots are greater than the minimum lot size of 550m<sup>2</sup>. Proposed lot 4 will have a lot size of 734.1m<sup>2</sup> and proposed lot 5 will have an area of 851.1m<sup>2</sup>.

Both of the lots are connected to existing services. No additional services are required.

Within the Bathurst Heritage Conservation Area the lot frontage is to be consistent with the frontage of adjoining properties. Proposed lot 4 will have a frontage of 15.68 metres and proposed lot 5 will have a frontage of 17.85 metres. The proposed lot frontages are consistent with the frontage of adjoining properties.

The infill development proposed for lot 4 effectively achieves the appropriate bulk, scale and massing consistent with the existing neighbouring buildings within the streetscape.

### Submissions

The Development Application was advertised and notified to adjoining property owners in accordance with Chapter 2 between 12 January 2015 and 27 January 2015. No submissions were received.

### Conclusion

Council has received a Development Application (DA) for demolition of an existing two-storey dwelling and construction of a two storey replacement dwelling with attached garage and two lot subdivision (boundary adjustment) at 275 & 277 Bentinck Street, Bathurst. A Heritage Impact Statement which includes Historical Assessments has been submitted with the Development Application. The conservation value of the existing house is very low. Demolition is 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

## MINUTE

**11 Item 6 DEVELOPMENT APPLICATION NO. 2015/0002 – 1. DEMOLITION OF EXISTING DWELLING. 2. CONSTRUCTION OF NEW DWELLING WITH ATTACHED GARAGE. 3. TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 275-277 BENTINCK STREET, BATHURST. APPLICANT: TABLELANDS BUILDER PTY LTD . OWNER: MR M D MCNEIL (DA/2015/0002)**

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2015/0002, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building.
  - ii. Demolition is not to commence until a photographic record has been created of the existing building and submitted to Council; and
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**7 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT NO 1 - RECLASSIFICATION OF WOODSIDE DRIVE, MOUNT RANKIN (20.00280 & 22.09031)**

**Recommendation:** That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination; and
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.

**Report:** Council's property section has requested that the land at Lot 7 DP 263393, 67 Woodside Drive be reclassified from Community Land to Operational land pursuant to the Local Government Act 1993.

A location plan is provided at **attachment 1**.

The site is approximately 2.2 hectares and is generally rectangular in shape. The land is located approximately 8km north west of the Bathurst CBD. The lot was created in 1982 as a public reserve for the residents of the Woodside Drive area.

The land, as a public reserve, is surplus given the larger lot size of the Woodside Drive area. A specific public reserve is considered unnecessary in this circumstance and the land is generally unused for public purposes.

The Woodside Drive Reclassification Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

- a) Reclassify the land from Community to Operational (Clauses 27 & 28 of the Local Government Act 1993); and
- b) Remove the Public Reserve Status (Clause 30 of the Local Government Act 1993).

This is to be achieved by:

- a) Amending Bathurst Regional Local Environmental Plan 2014 to include Lot 7 DP 263393 under Part 2 of Schedule 4 of the Bathurst Regional LEP 2014.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Mount Rankin	Lot 7 DP 263393 67 Woodside Drive	Nil

The draft plan will be exhibited for 28 days and properties within Woodside Drive will be notified of the exhibited LEP.

Following the reclassification of the land, it is intended to sell the land on the open market. The erection of a dwelling would be permissible with consent under the provisions of the Bathurst Regional LEP 2014.

**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

## MINUTE

### **12 Item 7 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT NO 1 - RECLASSIFICATION OF WOODSIDE DRIVE, MOUNT RANKIN (20.00280 & 22.09031)**

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

**RESOLVED:** That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination; and
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.

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

#### **The result of the vote was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

## **8 KELSO TRAFFIC ACCESS STUDY (37.003.75 & 28.00033)**

**Recommendation:** That Council adopt the Kelso Traffic Access Study as a strategic document to inform planning and section 94 processes and decisions.

**Report:** Council engaged Aurecon to prepare a comprehensive traffic and transport assessment of the Kelso expansion area in preparation for the gazettal of the Bathurst Regional LEP 2014. The executive summary of the report is at **attachment 1**. The aim of the Study was to identify collector/distributor roads, intersection treatments and public transport facilities required as a result of the rezoning of the land east of the existing residential land at Kelso. The study also investigated options to improve the connectivity of an expanded Kelso with the Bathurst CBD, particularly via George Street.

### **Background Traffic Growth (land zoned prior to 2014)**

The Kelso Traffic Access Study modelling concludes that the following works would be required by 2035 to accommodate the background traffic growth and the already planned developments at Kelso (ie land which was already zoned residential under the Bathurst Regional (Interim) LEP 2005):

- Provision of dual left turns from Durham Street (South) to Stewart Street at the Durham Street/Stewart Street intersection.
- Traffic signals at the Great Western Highway/Rankin Street intersection.
- Proposed upgrade along the Great Western Highway by RMS.
- Provision of two (2) approach lanes on the George Street (east) approach at the Great Western Highway/George Street intersection with the removal of parking during the morning and afternoon peak periods.

### **Traffic growth from the Kelso Expansion Area Rezoning (2014 LEP)**

Additional land was zoned residential under the Bathurst Regional LEP 2014 to accommodate population growth of approximately 10,000 persons. As a result of this rezoning the study identifies that the following works would be required by 2035 to accommodate the traffic growth of the newly zoned land.

- Provision of 1-lane circulating roundabout at the Marsden Lane/Hughes Street intersection
- Provision of 1-lane circulating roundabout at the Marsden Lane/New Link A intersection
- Upgrading from 1-lane circulating roundabout to 2-lane circulating roundabout at the Gilmour Street (MR54)/Hereford Street/Marsden Lane and Hereford Street/Stanley Street intersections
- Widening of Hereford Street from Gilmour Street (MR54) to Stanley Street from 2 lanes to 4 lanes including widening of the bridge over the Macquarie River
- Widening of George Street from Stanley Street to the Great Western Highway (Durham Street) to provide three (3) travel lanes in both directions.
- Provision of four (4) approach lanes including a short right lane on George Street (east) at the Great Western Highway/George Street intersection.
- Traffic signal adjustments at the Great Western Highway (Durham Street)/George Street intersection
- Line marking and civil works along George Street to provide four (4) approach lanes (including short right turn lane) and two (2) departure lanes.
- Provision of dual left turns from Durham Street (South) to Stewart Street at the Durham Street/Stewart Street intersection.
- Provision of two (2) lane approach (50m) with modification to the existing parking arrangements on Rankin Street (west).



The recommendations of the Kelso Traffic Study have largely been incorporated into the Bathurst Regional DCP 2014 - Map No 4 Kelso (Amendment No 1) and the Bathurst Regional Section 94 Developer Contributions Plan New Roadworks - Residential Subdivisions (Amendment 2). Some works identified in the Study will be the responsibility of the RMS to complete and therefore were not included in the Section 94 Plan. These works primarily relate to the works required to cater for the background traffic growth (ie. not related to the Kelso expansion area), Council will also be responsible for some of these works.

**Financial Implications:** Council has adopted a Section 94 Plan to collect money from developers for works identified in Kelso and along Hereford Street as outlined in the Study for the Kelso expansion area. Funding would need to be allocated by Council (and the RMS) for those works identified in the Study required to cater for the background traffic growth (land prior to 2014 LEP).

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2 28.6 28.7
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.1 24.2 24.5
- Objective 18: To encourage sustainable housing choice and quality design that engenders a sense of place. Strategy 18.1

**MINUTE**

- 13 **Item 8 KELSO TRAFFIC ACCESS STUDY (37.003.75 & 28.00033)**  
**MOVED: Cr G Westman SECONDED: Cr W Aubin**

**RESOLVED:** That Council adopt the Kelso Traffic Access Study as a strategic document to inform planning and section 94 processes and decisions.

## **9 GOOGLE PRESENTATION (20.00071)**

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

**Report:** Council hosted a Google presentation on 21 January 2015 at the Bathurst Memorial Entertainment Centre. The free presentation was a great success, attracting an audience of approximately 320 people from the Bathurst Region and surrounding LGAs. Attendance far exceeded Council's expectations for the event and demonstrated the desire of local business owners to gain knowledge in the area of online marketing.

Bathurst was selected as the first regional location in Australia to have direct access to the Google seminar to take part in learning how to use the Google search engine to maximise online engagement.

The two hour Google presentation was conducted by Google representatives Grant Hartley and Leo Ruiu, the only authorised Google representatives in Australia who can conduct presentations on Google and its features. The presentation provided attendees, the majority of whom were business owners, with a unique insight into Google's new search functions and capabilities. The presentation also enabled business owners to learn how best to structure their website to increase traffic and increase their chances of profitability via their online presence. Business owners were informed about the value of utilising Google My Business and the benefits of Google Plus and YouTube.

Council conducted a highly successful marketing campaign for the seminar across multiple media channels including social media, radio, print media and email marketing via Council's business database. All promotion for the event was conducted with no cost incurred by Council.

The event also attracted high levels of media attention, with the Western Advocate printing multiple articles preceding and following the event, two of which made the front page.

Feedback received from the event on the day indicated that the majority of attendees were very satisfied with the presentation and keen to be involved in future Google initiatives conducted in conjunction with Council.

### **Conclusion:**

The Google presentation hosted by Council was highly successful, attracting approximately 320 people from across the Central West. Due to the success of the Google presentation, Council will investigate further Google initiatives and the representatives will be encouraged to conduct similar sessions in the future.

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

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.1, 1.3
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.4, 5.6

**MINUTE**

- 14 **Item 9 GOOGLE PRESENTATION (20.00071)**  
**MOVED: Cr M Coote SECONDED: Cr J Jennings**

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

## **10 INCREASED PENALTIES FOR PROTECTION OF ENVIRONMENT OPERATIONS ACT 1997 (02.00001)**

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

**Report:** On 19 September 2014 Bathurst Regional Council wrote to the Minister for Local Government, the Hon Mr Paul Toole MP, requesting a review of the newly increased Penalty Infringement Notices (PINs) associated with amendments to the POEO Act (1997). A report was also presented to the October 2014 Ordinary Council Meeting on the matter.

On 17 November 2014, Council received a response from Minister Toole advising that the letter had been referred to the Hon Rob Stokes MP, Minister for the Environment (**attachment 1**).

On 5 January 2015 Council received a response from Mr Mark Gifford, Chief Environmental Regulator for the NSW EPA (**attachment 2**). This letter stated that prior to the change to the penalty amounts, consultation had been undertaken with Local Government NSW and the Office of Local Government on this matter and that the EPA "...wrote to all councils in late August regarding the increases to penalty notice amounts".

Council's records do not contain any record of this correspondence being received or any other correspondence with regards to the proposed changes to the POEO Act and penalty amounts. Council staff found out about the review through a government media release which contained little detail, industry magazine articles again lacking detail and liaison with local NSW EPA staff who were aware of upcoming amendments but did not know details.

Bathurst Regional Council is concerned that the changes made to POEO Act penalties for many offences will make regulation of small businesses or individuals involved in small pollution events virtually impossible for Local Government due to the size of the financial penalty involved and the capacity of business owners or individuals to pay the penalty imposed.

It is Bathurst Regional Council's experience that the issuing of a single penalty is generally enough for businesses or individuals to rectify their practices. With the penalties being increased by such a substantial amount, it is now more likely that those receiving penalties will elect to have them heard in court, dramatically increasing the cost to Bathurst Regional Council to enforce compliance whilst also increasing the number of environmental matters being heard in the local court.

**Financial Implications:** Council's compliance activities are funded through existing allocations. Council receives the revenue from all penalty infringement notices issued. However, the significant increase in the size of the penalty and the increased likelihood of court challenges may see a negative impact on Council's budget.

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

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2


**MINUTE**

**15 Item 10 INCREASED PENALTIES FOR PROTECTION OF ENVIRONMENT OPERATIONS ACT 1997 (02.00001)**

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'D R Shaw', with a large, stylized flourish at the end.

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 FEBRUARY 2015

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

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

**Report:** \$79,300,000 was invested at 31 January 2015 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b>			
<b>(comprising Commercial Bills, Debentures and Certificates of Deposit):</b>			
Bank of Queensland	A2	\$11,500,000.00	3.74%
Bendigo and Adelaide Bank	A2	\$5,500,000.00	3.53%
IMB Limited	A2	\$2,000,000.00	3.50%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	3.57%
National Australia Bank	A1+	\$16,000,000.00	3.67%
People's Choice Credit Union	ADI	\$1,000,000.00	3.53%
Railways Credit Union	ADI	\$3,000,000.00	3.67%
SGE Credit Union	ADI	\$1,000,000.00	3.64%
Westpac Banking Corporation	A1+	\$3,500,000.00	3.65%
Bankwest	A1+	\$500,000.00	3.50%
ING	A2	<u>\$1,500,000.00</u>	<u>3.62%</u>
		<b>\$46,500,000.00</b>	<b>3.65%</b>
<b><u>Long Term &gt; 365 Days</u></b>			
<b>(comprising Commercial Bills, Term Deposits and Bonds):</b>			
<b><u>Committed Rolling Investments</u></b>			
Westpac	AA-	\$2,000,000.00	3.85%
Westpac	AA-	\$2,000,000.00	4.00%
Westpac	AA-	\$2,000,000.00	4.05%
Westpac	AA-	\$2,000,000.00	3.85%
Maritime Mining & Power Credit Union	ADI	\$2,800,000.00	2.70%
National Australia Bank Limited	AA-	<u>\$2,000,000.00</u>	<u>3.56%</u>
		<b>\$12,800,000.00</b>	<b>3.61%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.81%</u>
		<b>\$2,000,000.00</b>	<b>3.81%</b>
<b><u>Floating Rate Notes</u></b>			
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	4.53%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.98%
Members Equity Bank	BBB	\$3,000,000.00	4.00%
Greater Building Society	BBB	\$1,000,000.00	4.03%
Credit Union Australia	BBB+	\$3,000,000.00	4.08%



Bank of Queensland	A-	\$1,000,000.00	3.76%
Bank of Queensland	A-	\$2,000,000.00	3.88%
Police Bank	BBB+	\$1,000,000.00	3.84%
Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.68%
Credit Union Australia	BBB+	\$1,000,000.00	3.98%
Members Equity Bank	BBB+	\$1,000,000.00	3.78%
Bank of Queensland	A-	<u>\$1,000,000.00</u>	<u>3.81%</u>
		<b>\$18,000,000.00</b>	<b>3.99%</b>

**Total Investments** **\$79,300,000.00** **3.73%**

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

Reserves Total (includes unexpended loan funds)		\$39,163,400.00
Grants held for specific purposes		\$1,925,139.00
Section 94 Funds held for specific purposes		<u>\$30,755,189.00</u>
Unrestricted Investments – All Funds		\$7,456,272.00
General Fund	\$42,729.00	
Water Fund	\$4,410,000.00	
Sewer Fund	\$2,097,822.00	
Waste Fund	<u>\$ 905,721.00</u>	

**Total Investments** **\$79,300,000.00**

**Total Interest Revenue to 31 January 2015** **\$1,861,545.87** **3.73%**

**Year to Date Averages**

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

Reserve Bank of Australia - Cash Rate	2.50%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	2.71%
Three Year Swap Rate - Commonwealth	2.68%
Five Year Swap Rate - Commonwealth	3.01%
Mofidied Deitz Calculation	3.78%

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

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

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

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

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

**MINUTE**

- 16 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED: Cr B Bourke SECONDED: Cr M Coote**

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

## **2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW 2014-2015 (16.00137)**

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

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

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

The Division of Local Government has now set a prescribed format for the Quarterly Budget Review Statement (QBRs). The new statement is in the same format as the requirements for the new Annual Operational Plan that replaced the Management Plan from 1 July 2012. The Report for 31 December 2014 shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Division of Local Government Guidelines.

At **attachment 3** is an update of the strategies for the 2014/2015 Community Strategic Plan.

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

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

**Financial Implications:** Nil.

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

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

**MINUTE**

**17 Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW 2014-2015**  
**(16.00137)**

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

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

**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 January 2015.

**Financial Implications:** Council's Sundry Section 356 Donations and Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies are included in the current budget, which currently have a balance as follows:

Section 356:	\$5,276.02
BMEC Community use:	\$nil
Mount Panorama:	\$23,332.19

**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

**MINUTE**

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

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

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

#### **4 POWER OF ATTORNEY (11.00007)**

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

**Report:** That the General Manager's action in affixing the Power of Attorney to the following be noted.

- Bathurst Bicycle Park Inc. - Vale Road, Orton Park - Lot 20, DP1119593 - Licence Agreement.
- Grainforce Pty Ltd - Lee Street, Kelso - Land adjacent to Lot 1, DP211174 - Licence Agreement.

#### **Linen Plan Release**

Nil.

**Financial Implications:** Nil.

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

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

**MINUTE**

- 19 **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED: Cr G Westman SECONDED: Cr B Bourke**

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



**5 REQUEST FOR FINANCIAL ASSISTANCE - CHARLES STURT UNIVERSITY - SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA (SEGRA) CONFERENCE IN 2015 (20.00071)**

**Recommendation:** That Council provide sponsorship to Charles Sturt University for the Sustainable Economic Growth for Regional Australia (SEGRA) Conference in 2015 as follows:

1. Mayoral Reception, approximate cost to host - \$2,500.
2. Provision of suitable area for function night, such as BMEC - \$2,500
3. Access to Cultural facilities at 50% subsidy, depending upon the number of the 250 delegates who could attend, ranging up to - \$2,500
4. Cost of provision of various miscellaneous tours including cost of transport, hospitality etc - \$2,500

**Report:** Council has been approached by Charles Sturt University (CSU) for Council to become a major partner in sponsoring the Sustainable Economic Growth for Regional Australia (SEGRA) Conference which is to be held in Bathurst on 20-22 October 2015. A copy of the request is shown at **attachment 1**.

Charles Sturt University have advised that around 250 delegates would attend.

SEGRA is an organisation which has been formed to become one of Australia's most credible and influential voices in regional Australia in respect to economic growth.

Council representatives met with Ms Linda Breen of Charles Sturt University on 23 December 2014 to discuss this proposal.

Items discussed were as follows:

1. Request \$20,000 (cash and in-kind).
2. Mayoral Reception/welcome. Early afternoon 19 October 2015. This would be 50-100 persons to be held at either NMRM or AFMM. CSU would provide some wine, Council to cover food, local wines and drinks and facility hire as part of in-kind contribution. This has been agreed to.
3. CSU may require access to pit complex for a function at night on either 20th or 21st. The conflict with V8's was discussed and will need to be cleared before approval is given to this proposal. Council would provide facility at no cost, with CSU arranging catering, drinks etc. This matter is subject to Council approval and would form part of the in-kind contribution.
4. Access to Council's cultural facilities – NMRM, AFMM and Chifley Home at 50% subsidy. This would need to be reported to Council for approval and would form part of the in-kind sponsorship.
5. Other miscellaneous items discussed included:
  - (a) Local Industry Tours e.g. CSU, Mars, Tourism spots
  - (b) A 'Delightful Spot' tourist trail tour
  - (c) When at Mount, rides around circuit for some delegates in vehicles such as the George Reed Special.
  - (d) Inserts for delegates satchels
  - (e) Visit to Sofala or Hill End.

Charles Sturt University have advised that they are also developing an extensive program to assist with this conference.

At **attachment 1** are details of the Sponsorship Prospectus for the SEGRA 2015 Conference, which includes sections on key partnership opportunities involving various levels of sponsorship.

As part of the sponsorship request, Charles Sturt University have requested access to the Pit Complex on 20 October 2015. As this falls the week after the 2015 Bathurst 1000, the Pit Complex would not be available to host a function. This area would be still a construction area whereby most of the infrastructure would still need to be dismantled. Council's contract with V8 Supercars does not allow any other events at the Pit Complex until the end of October.

Charles Sturt University have requested a cash and in-kind support of up to \$20,000.

It is recommended that Council provide:

1. Mayoral Reception, approximate cost to host - \$2,500.
2. Provision of suitable area for function night, such as BMEC - \$2,500
3. Access to Cultural facilities at 50% subsidy, depending upon the number of the 250 delegates who could attend, ranging up to - \$2,500
4. Cost of provision of various miscellaneous tours including cost of transport, hospitality etc - \$2,500

The above support totals \$10,000.

**Financial Implications:** Should Council decide to sponsor the SEGRA Conference cash and in-kind support, it will need to include a line item in the 2015/2016 budget of \$20,000 for sponsorship for conferences.

### **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 33: To be and develop good leaders. Strategy 33.1

## MINUTE

### **20 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - CHARLES STURT UNIVERSITY - SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA (SEGRA) CONFERENCE IN 2015 (20.00071)**

**MOVED: Cr G Hanger SECONDED: Cr B Bourke**

**RESOLVED:** That Council provide sponsorship to Charles Sturt University for the Sustainable Economic Growth for Regional Australia (SEGRA) Conference in 2015 as follows:

1. Mayoral Reception, approximate cost to host - \$2,500.
2. Provision of suitable area for function night, such as BMEC - \$2,500
3. Access to Cultural facilities at 50% subsidy, depending upon the number of the 250 delegates who could attend, ranging up to - \$2,500
4. Cost of provision of various miscellaneous tours including cost of transport, hospitality etc - \$2,500

## **6 REQUEST FOR FINANCIAL ASSISTANCE - ROCKLEY RODEO (18.00004)**

**Recommendation:** It is recommended that Council:

- (a) make available the Rockley Sportsground to the Rockley Rodeo Committee free of charge.
- (b) become a Senior and Novice Event Sponsor at \$1,000 funded from Section 356.

**Report:** Council has received a request from the Rockley Rodeo Committee for financial support for the local charity rodeo to be held on Sunday, 8 March 2015. The Rockley Rodeo has been running for 45 years with the proceeds of the event being distributed to many charities and local institutions, including to Bathurst Cancer Patient Assistance Society and local schools. The request and Sponsorship Package is shown at **attachment 1**.

The Sponsorship packages range from Community/Local Sponsorship of \$100 to Naming Rights Sponsor of \$5,000.

It is recommended that Council:

- (a) make available the Rockley Sportsground to the Rockley Rodeo Committee free of charge. This will result in a donation of \$120 for the use of the grounds and facilities.
- (b) become a Senior and Novice Event Sponsor at \$1,000 funded from Section 356. This level of support entitles naming rights to one of the following events: Open Bull ride; Open Saddlebronc; Open Bareback; Ladies Barrel Race, Novice Bull Ride, Novice Saddle Bronc; Novice Bareback or Yard Dog Trial.

Council has requested a copy of the Rockley Rodeo Committee Financial Statements which will be provided under separate cover.

**Financial Implications:** This request of \$1,120 could be funded from Council's Section 356 Donations which currently has a balance of \$5,276.02.

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

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

**MINUTE**

**21 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - ROCKLEY RODEO**  
**(18.00004)**

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

**RESOLVED:** It is recommended that Council:

- (a) make available the Rockley Sportsground to the Rockley Rodeo Committee free of charge.
- (b) become a Senior and Novice Event Sponsor at \$1,000 funded from Section 356.

## **7 REQUEST FOR FINANCIAL ASSISTANCE - 2015 ROYAL BATHURST SHOW (18.00108)**

**Recommendation:** That Council provide support for the Bathurst Agricultural, Horticultural & Pastoral Association as follows:

- (a) Two cash prizes of \$500 each for the Royal Bathurst Show Supreme Exhibit Awards.
- (b) Sponsorship of the Community Stage to the value of \$5,000.
- (c) The use of the Bathurst Sportsground for parking and camping.
- (d) Use of Morse Park for the purpose of public car parking.
- (e) Continued allocation of a Duty Councillor.
- (f) Acceptance of the Mayor as one of the two patrons of the Show Society.
- (g) Provision of an annual banner in William Street for the two weeks prior to the Show at no charge to the Show Society.
- (h) Use of the riverbank area for competitor parking and camping.

**Report:** Council has received a request from the Bathurst Agricultural Horticultural & Pastoral Association Inc. (Bathurst AH&P Association) at **attachment 1** for financial support for the 2015 Royal Bathurst Show.

Council on 20 April 2011 resolved to enter into a three year agreement to provide the following sponsorship:

"That Council:

1. Include in the management plan for 2011/12:
  - (a) Funds to maintain the current sponsorship of the Royal Bathurst Show Supreme exhibits, (\$1,000).
  - (b) Major sponsorship funding of the community stage or a similar major section of the Royal Bathurst Show, (\$5,000).
2. Nominate a duty Councillor to the AH&P.
3. Include reference to the AH&P in tourism and promotion planning generally and specifically with the Autumn Program brochure.
4. Provide assistance by way of:
  - (a) Loan of 370 metres of parawebbing
  - (b) Loan of 140 star pickets with caps and picket remover machine
5. Erect a fence along length of Kendall Avenue on Morse Park side of road to deter pedestrians crossing highway.
6. Erect fencing to protect cricket pitches on Morse Park".

Council has been approached to enter into another four year agreement for the 2015 to 2018 Royal Bathurst Show to provide the following:

1. Maintaining sponsorship of the Royal Bathurst Show Supreme Exhibits awards (2) - a cash prize of \$500 to each recipient.
2. Continuing the major sponsorship of the Community Stage to the value of \$5,000 at the annual Royal Bathurst Show.

3. The use of the Bathurst Sportsground for the purpose or parking and camping of amusement ride operators and commercial exhibitors (non-public).
4. The use of Morse Park for the purpose of public car parking.
5. The continued allocation of at least one Duty Councillor.
6. Acceptance of the Mayor as one of our two Patrons appointed annually.
7. The guarantee of the erection of the annual show banner in William Street for two weeks prior to the Show and the waiving of fees for the erection of the banner for this period.
8. The Association would also like to confirm their intention to use the Riverbank area adjacent to the Showground boundary formally part of the Showground and traditionally used since the inception of the Showground for overflow competitor parking and camping for that purpose used for the conduct of the Show.
9. Bathurst Regional Council to assist the 2015 Royal Bathurst Show and to promote Bathurst 200 by sponsoring the Fireworks. Approximate cost of \$11,000 to provide (both evenings).

A copy of detailed financial statement for the Bathurst AH&P Association have been forwarded to Councillors under separate cover. Councillors should make themselves aware of the financial position of the Show when considering the level of support requested for the Royal Bathurst Show for the years 2015 to 2018.

The Royal Bathurst Show has been operational since 1858.

In order to maintain Council's presence at the 2015 to 2018 Royal Bathurst Shows, it is recommended that Council provide the following support:

- (a) Two cash prizes of \$500 each for the Royal Bathurst Show Supreme Exhibit Awards.
- (b) Sponsorship of the Community Stage to the value of \$5,000.
- (c) The use of the Bathurst Sportsground for parking and camping.
- (d) Use of Morse Park for the purpose of public car parking.
- (e) Continued allocation of a Duty Councillor.
- (f) Acceptance of the Mayor as one of the two patrons of the Show Society.
- (g) Provision of an annual banner in William Street for the two weeks prior to the Show at no charge to the Show Society.
- (h) Use of the riverbank area for competitor parking and camping.

It is recommended that Council not sponsor the fireworks exhibition as requested at a value of \$11,000.

The above sponsorship, if agreed to, will commit Council to a cash donation of \$6,000 and in-kind support of approximately \$4,000 for the remaining items.

**Financial Implications:** Council will need to make funds available in the forthcoming Management Plan for the necessary support.

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

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

## MINUTE

### **22 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - 2015 ROYAL BATHURST SHOW (18.00108)**

**MOVED: Cr M Coote SECONDED: Cr M Morse**

**RESOLVED:** That Council provide support each year for the Bathurst Agricultural, Horticultural & Pastoral Association for the period 2015 to 2018 as follows:

- (1)
  - (a) Two cash prizes of \$500 each for the Royal Bathurst Show Supreme Exhibit Awards.
  - (b) Sponsorship of the Community Stage to the value of \$5,000.
  - (c) The use of the Bathurst Sportsground for parking and camping.
  - (d) Use of Morse Park for the purpose of public car parking.
  - (e) Continued allocation of a Duty Councillor.
  - (f) Acceptance of the Mayor as one of the two patrons of the Show Society.
  - (g) Provision of an annual banner in William Street for the two weeks prior to the Show at no charge to the Show Society.
  - (h) Use of the riverbank area for competitor parking and camping.
- (2) Provide a one-off donation in 2015 of \$6,000 for the Saturday night fireworks, to be funded from the Bathurst200 promotional budget.



## **8 APPOINTMENT OF STATE EMERGENCY SERVICE CONTROLLER - BATHURST UNIT (18.00043)**

**Recommendation:** That Council support the appointment of Mr David Chemello as the Volunteer Deputy Local Controller for the Bathurst State Emergency Service (SES) Unit effective to 31 July 2015.

**Report:** Section 17 of the State Emergency Service Act, 1989 states:

- (1) *The Commissioner may, on the recommendation of the council of a local government area, appoint one or more persons as the local controller for the area.*

Council has received correspondence from the Office of the Commissioner, SES advising of the appointment of Mr David Chemello as the Volunteer Deputy Local Controller for the Bathurst State Emergency Service (SES) unit effective to 31 July 2015.

It is recommended that Council support the appointment of Mr David Chemello as the Volunteer Deputy Local Controller for the Bathurst SES Unit.

**Financial Implications:** Nil.

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

- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.6
- Objective 22: To improve community safety. Strategy 22.8

**MINUTE**

**23 Item 8 APPOINTMENT OF STATE EMERGENCY SERVICE CONTROLLER - BATHURST UNIT (18.00043)**

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

**RESOLVED:** That Council support the appointment of Mr David Chemello as the Volunteer Deputy Local Controller for the Bathurst State Emergency Service (SES) Unit effective to 31 July 2015.

## **9 REQUEST FOR FINANCIAL ASSISTANCE - DAFFODIL COTTAGE (2014/0492/012)**

**Recommendation:** That Council donate the cost of the Development Application fee for the extension of Daffodil Cottage in the amount of \$3251.85, to be funded from Section 356 donations.

**Report:** Council has received a request from the Daffodil Cottage Advisory Council (Health Western NSW Local Health District) for Council to provide the Development Application fee as a donation towards the further development of Daffodil Cottage, located at the Bathurst Base Hospital. A copy of the request is shown at **attachment 1**.

The Daffodil Cottage is used to assist cancer sufferers with treatment and has been an extremely important part of the Bathurst community since it was built. The amount of Development Application fee applicable for this development is \$5309.85, which is made up of three components:

- (a) Planfirst fee \$318.00
- (b) Long service fee \$1740.00
- (c) Council fee of \$3251.85

The Planfirst fee and Long service fees are non-refundable.

**Financial Implications:** To be funded from Section 356 donations.

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

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

**MINUTE**

**24    Item 9    REQUEST FOR FINANCIAL ASSISTANCE - DAFFODIL COTTAGE**  
**(2014/0492/012)**

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

**RESOLVED:** That Council donate the cost of the Development Application fee for the extension of Daffodil Cottage in the amount of \$3,251.85, to be funded from Section 356 donations.

## **10 REQUEST FOR FINANCIAL ASSISTANCE - MITCHELL CONSERVATORIUM (18.00023-02/016)**

**Recommendation:** That Council:

- (a) Increase its contribution towards the cost of a conductor/director from \$2,500 to \$5,000;
- (b) Make available the use of the Bathurst Memorial Entertainment Centre City Hall for public concerts up to an amount of \$7,000 per annum;
- (c) Continue to provide the Machattie Park Cottage for teaching spaces to the Mitchell Conservatorium at no charge; and
- (d) Continue to provide Machattie Park and Rotunda free of charge for the Carols by Candlelight event.

**Report:** Council has been approached by the Mitchell Conservatorium for financial assistance.

This organisation has been part of the Bathurst community for the past 35 years and currently operates out of the West Wing of the Court House. Council is currently a financial supporter of the Mitchell Conservatorium and provides a \$2,500 contribution to allow the Mitchell Conservatorium to employ a Professional Conductor for the Orchestra. Council also provides the use of the Machattie Park Cottage for teaching spaces which is made available free of charge to the organisation. A further contribution to this organisation is also made with the provision of Machattie Park and Rotunda for the Carols by Candlelight event which occurs each year.

The Mitchell Conservatorium advise that, in the past year, there has been a loss of income from previous sponsors as shown at **attachment 1**.

The amount of loss is \$35,000 per year, which they are seeking to raise by increasing the sponsorship from organisations such as Council. As the Mitchell Conservatorium is a very important part of the Bathurst community, **it is recommended** that Council provide the following financial support in the 2015/2016 year as follows:

That Council:

- (a) Increase its contribution towards the cost of a conductor/director from \$2,500 to \$5,000;
- (b) Make available the use of the Bathurst Memorial Entertainment Centre City Hall for public concerts up to an amount of \$7,000 per annum;
- (c) Continue to provide the Machattie Park Cottage for teaching spaces to the Mitchell Conservatorium at no charge; and
- (d) Continue to provide Machattie Park and Rotunda free of charge for the Carols by Candlelight event.

A copy of the financial statements for this organisation are provided under separate cover.

**Financial Implications:** Council's financial contribution for the Conductor would increase to \$5,000 and the use of BMEC - City Hall would increase to \$7,000. Council already accounts for the use of Machattie Park Cottage and the Carols by Candlelight event within its current budget.

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

- Objective 28: To plan for the growth of the region and the Strategy 28.6

protection of the region's environmental, economic, social and cultural assets.

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

Strategy 30.5

**MINUTE**

**25 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - MITCHELL CONSERVATORIUM (18.00023-02/016)**

**MOVED: Cr I North SECONDED: Cr G Hanger**

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

**Reason: Member of the Bathurst Chamber Orchestra**

That Council:

- (a) Increase its contribution towards the cost of a conductor/director from \$2,500 to \$5,000;
- (b) Make available the use of the Bathurst Memorial Entertainment Centre City Hall for public concerts up to an amount of \$7,000 per annum;
- (c) Continue to provide the Machattie Park Cottage for teaching spaces to the Mitchell Conservatorium at no charge; and
- (d) Continue to provide Machattie Park and Rotunda free of charge for the Carols by Candlelight event.

**The MOTION was PUT and LOST.**

## **11 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)**

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

**Report:** Further to previous reports the information submitted here is designed to provide Council with a continuing summary of recent Bathurst 200 activities.

***Bathurst 200 Pop Up Shop*** – Following the Christmas and New Year break at the end of 2014 all resources were directed to the opening of the Bathurst 200 Pop Up Shop. The shop officially opened on Thursday 15 January 2015.

The shop is designed to provide a contact point for locals and visitors alike and provides information on activities/events that will take place throughout 2015. The shop also stocks an array of Bathurst 200 merchandise including t-shirts, stubby holders, caps, mugs and more.

The shop has been well received to date with a steady stream of customers.

***Endorsement Program*** - The response from community groups regarding the endorsement program continues to be very positive with new applications being received on a regular basis. At this Ordinary Council meeting a further 29 applications have been submitted for formal endorsement. With the endorsing of these applications the total endorsed activities now numbers 113. This program is proving very popular.

***Illumination Project*** – Contracts have now been signed for the Illumination Project and the successful contractors, ESEM Projects, have met with Council staff and local stakeholders, being: Bathurst District Historical Society, Bathurst Local Courthouse and RSL Sub Branch members (Carillon). ESEM are now working on content, website design, continuing community liaison and searching archives for relevant material for the festivals.

ESEM Projects are in regular contact with Council staff ensuring the success of the project.

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

1. Stalls at 2015 Australia Day celebrations for a number of endorsed events being; Colonial Fair, Snapshots in Time Exhibition, Reflections Exhibition, Peoplescape project, Bathurst's Best Beards competition to name a few.
2. A closing date now set for the 200 Living Legends project. Nominations now close on 20 February.
3. New Year's Eve celebrations
4. Continuing media and marketing promotions.

**Financial Implications:** A budget has been set for Bathurst Regional Council activities. The Endorsement Program costs are contained within existing budgets.

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

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3



**MINUTE**

- 26 Item 11 BATHURST 200 BICENTENNIAL CELEBRATIONS UPDATE (20.00153)  
MOVED: Cr M Coote SECONDED: Cr W Aubin

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

## **12 BATHURST FLAG (20.00153)**

**Recommendation:** That Council approve the use of the Bathurst Crest in a production of the Bathurst City Flag as detailed in the report.

**Report:** As part of Bathurst's bicentennial celebrations Paul Haysom of Bathurst Lions Club has requested artwork and specifications on a "Bathurst City Flag" which the Lions Club wish to produce to be flown on the Evans Bridge flag poles during the bicentenary Proclamation week events to be held during May 2015. It would add to the Union Jack, Aboriginal flag and Australian flags that will be part of the display telling a story about the foundations of the city. The Lions Club will pay for the production of the flag which would be added to the collection the club manages.

In order to utilise the Bathurst Crest the Bathurst Lions Club requires a formal resolution of Council.

Council staff are already liaising with Mr Haysom regarding the artwork for the crest and associated protocols and supplying information for media around the flags as part of our bicentenary promotion.

**Financial Implications:** There are no financial implications.

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

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2
  
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

**MINUTE**

**27**     **Item 12 BATHURST FLAG (20.00153)**  
**MOVED: Cr G Westman SECONDED: Cr W Aubin**

**RESOLVED:** That Council approve the use of the Bathurst Crest in a production of the Bathurst City Flag as detailed in the report.

### **13 BATHURST 200 ENDORSEMENT APPLICATIONS (20.00153)**

**Recommendation:** That Council

- (a) endorse the applications as detailed in the report.
- (b) adopt the new process of assessing endorsement applications as follows.
  1. that the application for endorsement be received by Council.
  2. that the Mayor and one Councillor be appointed to assess the applications received for endorsement.
  3. that the endorsed event be referred to the Bathurst 200 Project Officer for inclusion in the Bathurst 200 event program.
  4. that the applicant for the endorsed event be notified of Council's decision relating to this event.

**Report:** Bathurst Regional Council has received the following applications under the Endorsement Program and are all recommended for endorsement. All applications are shown at **attachment 1** for Council's reference and are self-explanatory:

- Bathurst Handweavers and Spinners Guild Inc. – Bathurst Fibre Muster 23-24/5/2015
- All Saints Cathedral – 200 Year Banner Display – throughout 2015
- All Saints Cathedral – Ecumenical Service 3/5/2015
- Lions Club of Bathurst Macquarie – Community Services Clubs Combined Dinner 18/4/15
- Bathurst & Perthville Uniting Church – Information Expo – 29/5/2015
- Sandy Bathgate – Bathurst's Best Beards Competition 9/5/2015
- Bathurst Netball Association – Bicentenary All Age Netball Carnival – 26/4/2015
- Perthville Development Group Inc. – Perthville & District Village Fair – 14/9/2015
- Peel Recreation Reserve Trust – Marmalade Music Festival (The Peel Jam) – 1/11/2015
- Ash's Speedway Museum – A Celebration of Bathurst Speedway History – 9/5/2015
- Bathurst Base Hospital Auxiliary Inc. – Annual Fete – 9/3/2015
- Airtourer Association – Convention and AGM – 20-23/3/2015
- Renzaglia Wines – 'St John's revival' feast in a Historic Stone Chapel – 14/3/2015
- Bathurst District Historical Society – 'A Moment in Time' Exhibition - 28/4-17/5 2015
- Miss Traill's House & Garden Management Committee – A Cavalcade of Fashion – 4,5,11 & 12/5/2015 (National Trust Heritage Festival)
- Miss Traill's House & Garden management Committee – A Cavalcade of Fashion – 19/3/2015 (part of BRC Seniors Week)
- University of Western Sydney – 'Let's Celebrate Bathurst 200' 5 Year Reunion Dinner – 9/5/2015
- Autumn Heritage Working Party: -
  - Vale Motorcycle Racing Circuit Guided Tour – 14/3, 18/4 and 16/5 2015
  - Walking Tour of Historic Kelso – 22/3, 26/4 and 24/5/2015
  - The Magic and Mystery of Machattie Park Tour – 12 & 14/3/2015
  - The Pits Tour – 6-7/5/2015
  - Long Swamp Cemetery Tour – 15/3, 19/4 and 17/5/2015
  - 200 Year Mapping & Surveying Guided Tour – 28/3 and 12/5/2015

- King's Parade Guided Tour – 5 & 7/3/2015
- Bathurst Cemetery Wander Guided Tour – 8/3, 12/4 and 10/5/2015
- Where the Vale Enters the Macquarie Guided Tour – 7/3, 4/4 and 2/5/2015
- Bathurst Visitors Information Centre – My Block Walking Tour – 22/3, 26/4 and 24/5/2015
- Rankin Cottage Crafts Inc. – Celebrating 30 Years – June 2015
- Bathurst Branch of NSW Farmers Assoc. – '200 Years in 200 Photos' Book – 27/7/2015 (launch)
- Central Tablelands Hereford Group – Hereford Australia National Youth Heifer Show
- Inspirations Bathurst – Aura-Soma (Colour) Conference – 15/3/2015
- Bathurst Regional Council – National Harmony Day – 21/3/2015
- Bathurst Regional Council – NSW Seniors Week – 15-21/3/2015
- Relationships Australia – Neighbour Day Celebrations – 31/3/2015

Councillors will recall that at its Ordinary Council Meeting held on 4 February 2015, Councillors raised the matter of the process of endorsing applications for Bathurst 200 events. Accordingly, it will be necessary for Council to change the endorsement process as follows:

1. that the application for endorsement be received by Council.
2. that the Mayor and one Councillor be appointed to assess the applications received for endorsement.
3. that the endorsed event be referred to the Bathurst 200 Project Officer for inclusion in the Bathurst 200 event program.
4. that the applicant for the endorsed event be notified of Council's decision relating to this event.

Councillors, as a whole, will continue to receive a progress report each month on the endorsed events so that all parties are kept informed of the proposed events for Bathurst 200.

**Financial Implications:** The endorsement program incurs nil cost to Council.

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

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

## MINUTE

**28** Item 13 BATHURST 200 ENDORSEMENT APPLICATIONS (20.00153)  
MOVED: Cr M Morse SECONDED: Cr B Bourke

**RESOLVED:** That Council

- (a) endorse the applications as detailed in the report.
- (b) adopt the new process of assessing endorsement applications as follows.
  - 1. that the application for endorsement be received by Council.
  - 2. that the Mayor and Councillor Hanger be appointed to assess the applications received for endorsement.
  - 3. that the endorsed event be referred to the Bathurst 200 Project Officer for inclusion in the Bathurst 200 event program.
  - 4. that the applicant for the endorsed event be notified of Council's decision relating to this event.

## **14 "FREE CUPPA FOR THE DRIVER" - ROAD SAFETY EDUCATION PROJECT (28.00002)**

**Recommendation:** That Council support the 2014-2015 launch of the 'Free Cuppa for the Driver' – Road Safety Education Project at an estimated cost of \$700 by waiving relevant fees; the waived fees to be funded from Mount Panorama Fee Subsidy.

**Report:** The 'Free Cuppa for the Driver' Road Safety Program is a road safety educational project, focusing on driver fatigue, delivered in Bathurst and the Western Region. The project is funded by the Roads and Maritime Service (RMS), via the Tablelands Area Road Safety 2014-2017 Action Plan as part of the Local Government Road Safety Program. A total of 14 Western Region Councils are involved in the project. 2014-2015 is the third year the project has been conducted in the Western Region, and the first year with Bathurst's involvement.

While preparation for the project has been occurring for many months, the actual program delivery will occur from 1 March – 31 May 2015, with the launch of 2014-2015 phase occurring on Wednesday, 25 February 2014.

The launch will be hosted in Bathurst and has the potential to attract an audience consisting of representatives from the 14 participating councils, businesses partners, RMS officials, NSW Police, other project stakeholders and the media. Bathurst Regional Council Mayor will be officiating.

It was agreed that the Mayoral Suite at Mount Panorama would be the best venue for the launch.

The RMS approved funding for 2014-2015 totals \$3294 for project delivery in both Bathurst Regional and Blayney Shire Local Government Areas. The majority of funding has been allocated to promotional merchandise and promotion.

It is requested that Council consider waiving the fees for the hire of the suite, the costs of hiring of tables and chairs and the cleaning. It is estimated that this cost would be approximately \$700 in total.

**Financial Implications:** Estimated fees for the launch venue hire and associated cost are approximately \$700. It is proposed the subsidy will be funded through the Mount Panorama Fee Subsidy, which currently has a balance of \$23,332.19

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

- Objective 22: To improve community safety. Strategy 22.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.5, 23.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4

**MINUTE**

**29 Item 14 "FREE CUPPA FOR THE DRIVER" - ROAD SAFETY EDUCATION PROJECT (28.00002)**

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

**RESOLVED:** That Council support the 2014-2015 launch of the 'Free Cuppa for the Driver' – Road Safety Education Project at an estimated cost of \$700 by waiving relevant fees; the waived fees to be funded from Mount Panorama Fee Subsidy.

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**



**DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 FEBRUARY 2015

## **1 TREE REMOVAL - BATHURST LIBRARY CAR PARK (28.00019)**

### **Recommendation:**

That Council:

- (a) undertake the removal of the Paulownia trees within the Bathurst Library car park area;
- (b) restore the road pavement and concrete kerbing that has been damaged by the trees and install a landscape upgrade to all garden bed areas, incorporating new shade tree plantings, associated shrubs and ground covers;
- (c) provide sufficient resources within the 2015/2016 Management Plan for the works to proceed.

**Report:** Council has received a number of concerns from the general public who utilise the Bathurst Library Car Park in relation to the state of the road pavement and broken gutters throughout this site, caused by existing Paulownia trees located within the narrow garden bed islands.

These trees have been providing much needed shade and amenity within the car park over the last 20 plus years and there has been a reluctance to have them removed due to the benefits that they have been providing. Unfortunately the time has come for action to be taken due to the damage that has been caused by the trees, as it has now reached a stage whereby the damage is causing a major liability risk for users of the car park.

In the past, Council's maintenance staff have undertaken periodic repairs to the car park infrastructure in the effort to prolong the trees removal, however the damage that has been caused as these trees have grown over the years is now at a stage that their removal is unfortunately required.

Although the trees in question are in good health, the damage is occurring both beneath and on ground level because of the spread of the root system within such a limited area available. This situation is a classic example of the wrong tree for the specific location, which has been made worse due to no root barrier treatment being installed at the time of their planting. Photos showing the restricted space available for tree growth and the damage that has been sustained is shown at **attachment 1**.

It must be pointed out that these Paulownia trees have not yet reached maturity and would continue to grow further in height, increased trunk diameter and root spread if they remained in ground.

One option for temporary remedial action is for Council to remove the effected seal, grind the tree roots back to below the road-base level and then reconstruct the car park seal and kerbing. However due to Bathurst's sub quality soils that encourage surface root growth, the removal of tree roots will most likely severely weaken the structure of the root ball causing the tree to become unstable. In addition, this option would only temporarily address the problem as the root structure will re-grow and the problem will inevitably rise again creating further ongoing costs to the community. Having regard to the present size of these trees and considering that they have not yet reached maturity and with the continued threat of damage to property and services, it is considered that the risk of property damage and personal safety cannot be overlooked.

It is proposed that as part of the restoration works, a landscape upgrade be undertaken to the garden bed areas of the Library Car Park which would incorporate the following

proposed works:

- Removal of the existing Paulownia trees and straggly ground cover plantings.
- Redevelop/enlarge the existing garden bed area to provide more room to incorporate tree and shrub plantings. This would result in the loss of six car park spaces.
- New tree and vegetation planting treatments, including deciduous shade tree species for each of the six garden bed islands.
- Additional planting of four deciduous trees within the centre of the car park site to provide further shade to vehicles.
- Installation of an automatic irrigation system to all garden bed islands and individual tree plantings.

Diagrams showing the landscape upgrade areas and the car park alterations are shown at **attachment 2**.

**Financial Implications:**

Costs to repair the road pavement and kerbing at the Bathurst Library car park is estimated to be in the vicinity of \$9,500.

Costs to install a new landscaping treatment, inclusive of an irrigation system, tree and other vegetation plantings, mulching and root barrier installation is estimated to be \$20,700.

It is recommended that \$30,200 be provided within the 2015/2016 Management Plan for the works to be undertaken.

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

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.5
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

**MINUTE**

**30    Item 1    TREE REMOVAL - BATHURST LIBRARY CAR PARK (28.00019)**  
**MOVED: Cr W Aubin SECONDED: Cr B Bourke**

**RESOLVED:** That Council:

- (a) undertake the removal of the Paulownia trees within the Bathurst Library car park area;
- (b) restore the road pavement and concrete kerbing that has been damaged by the trees and install a landscape upgrade to all garden bed areas, incorporating new shade tree plantings, associated shrubs and ground covers;
- (c) provide sufficient resources within the 2015/2016 Management Plan for the works to proceed.

Yours faithfully



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

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 FEBRUARY 2015

## **1 VACATION CARE PROGRAM - DECEMBER 2014/JANUARY 2015 (09.00005)**

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

**Report:** Vacation Care operated for three (3) days prior to Christmas Monday 22 December 2014 through to Wednesday 24 December 2014 and recommenced on Monday 5 January and ran until Friday 23 January 2015.

In December 2014 the number of bookings taken was higher than predicted, with regular Vacation Care families using the three (3) days of care. In January 2015 fifty one (51) children were booked in over the holiday period, with an average of 27.7 children attending per day during January 2015.

Vacation Care's educational program is reflective of the My Time, Our place – Framework for School Age Children. The program included excursions to Metro Cinema where the children enjoyed watching Big Hero 6 and Penguins of Madagascar. Additional excursions included the Bathurst Golf Driving Range and bare foot bowling at Bathurst Community Bowling Club.

Activities provided within the centre included a teddy bears picnic which was very popular with the younger children and jewellery making. Staff member Jeff Doherty worked with the children to paint a mural which is now displayed in the cubby house at Children's Services yard.

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

These principles aim to develop a child's:

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

Vacation Care is scheduled to again be operational in the April 2015 school holiday period.

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

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

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

**MINUTE**

**31 Item 1 VACATION CARE PROGRAM - DECEMBER 2014/JANUARY 2015**  
**(09.00005)**

**MOVED: Cr B Bourke SECONDED: Cr G Hanger**

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alan Cattermole', written in a cursive style.

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

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL



**1 MINUTES - POLICY COMMITTEE MEETING - 4 FEBRUARY 2015 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 4 February 2015 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 4 February 2015, are attached.

**Financial Implications:** N/A

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

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

**MINUTE**

**32 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 FEBRUARY 2015**  
**(07.00064)**

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

That the recommendations of the Policy Committee Meeting held on 4 February 2015 be adopted.

**MINUTE**

**33 Item 1.01 MINUTES - POLICY COMMITTEE MEETING - 4 FEBRUARY 2015  
(07.00064)**

**MOVED: Cr J Jennings SECONDED: Nil**

Gave notice of an amendment concerning minute numbers 21 (Item 9) and 22 (Item 10).

**The NOTICE OF AMENDMENT was then WITHDRAWN.**

**MINUTE**

**34 Item 1.02 MINUTES - POLICY COMMITTEE MEETING - 4 FEBRUARY 2015  
(07.00064)**

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

That the recommendations of the Policy Committee Meeting held on 4 February 2015, with the exception of minute numbers 21 (Item 9) and 22 (Item 10) be adopted.

**The AMENDMENT was PUT and LOST.**

**The original MOTION was then PUT and CARRIED.**

**MINUTE**

**35 Item 1.03 MINUTES - POLICY COMMITTEE MEETING - 4 FEBRUARY 2015  
(07.00064)**

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

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 4 February 2015 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 4 FEBRUARY 2015**

**MEETING COMMENCES**

**1 MEETING COMMENCES 8:17 PM**

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

**APOLOGIES**

**2 APOLOGIES**

Nil

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 DECEMBER 2014 (07.00064)**

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

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 3 December 2014 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

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

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

**5 Item 2 SUSPENSION OF STANDING ORDERS 11.00002**

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

That Standing Orders be suspended to deal with the Discussion Forum items.

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**6 Item 1 DEVELOPMENT APPLICATION NO. 2014/0429 - FOUR X TWO BEDROOM UNITS; DEMOLITION OF EXISTING LAUNDRY AND CONSTRUCTION OF REPLACEMENT LAUNDRY AT LOT 1 DP 510158, 10 DALY STREET, WEST BATHURST. APPLICANT: MR & MRS BURKE. OWNER: MR & MRS BURKE (DA/2014/0429)**

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This is page 1 of Minutes of the Policy Committee held on 4 February 2015.

General Manager

Page 118  
Mayor

The Mayor gave an introduction to the session.

**K Birch** - owner 89 Mitre Street - referred to objections made in original submission. Also feels proposal is prohibited by law under the Local Government Act. Council does not have power to consider the application. The property is not listed as a Boarding House under the Boarding House Register. Yet, owner says the property is running as a boarding house.

Advice from Council has not given sufficient notice or detail on the proposal. The amended plan does not comply with LEP density levels. The number of car spaces does not comply with DCP, also all parking is in front of building line. There is no visitor parking as required by the DCP, this will force overflow parking onto Daly Street. Landscape plans and open space available are issues needing addressing. There will be adverse impacts on the Bunyah pine. There is no evidence of need by hospital for accommodation, there is adequate rental accommodation in Bathurst. Temporary structures are a concern, particularly with heritage preservation. Noted not all documents have been provided to Councillors. Also has concerns at not being given access to all of Development Application application form. Letter tabled from K Birch and L Thompson.

**M Connolly** - resident - has concerns about the development. There are aesthetic impacts, particularly with relocated second hand portable cottages. Will create a trailer park. Please refuse.

**B Trimming** - MacKenzie Place - advised that several years ago UWS built houses in Howick Street. These have created parking/traffic problems. Cars are parked across the footpath. The proposal in Daly Street will see the same problems. Funding of footpaths should be sought so as to get at least one sealed footpath in this area. Car parking is a problem. Also do not want to mess up this beautiful old building and this heritage area.

**I MacPherson** - National Trust - advised have made a submission on this Development Application. Principle issue is location of transportable buildings in heritage area/buildings. Noted issues; removal capability at a future date, and capital value argument are not supportable. Feels should not be approved in current form. Any further development on this site will deteriorate heritage of site.

**S Bathgate** - Bathurst 2036 Heritage Action Network - Network is against this proposal. Is there a strata proposal for the site?

**The Director Environmental, Planning & Building Services** advised no.

Mr Bathgate asked if this could occur in the future.

**The Director Environmental, Planning & Building Services** advised that any site could have an application for subdivision into the future.

Mr Bathgate expressed concern about possible subdivision. Transportable homes are not conducive to this area.

**R White** - representing owner - spoke to actions taken to address concerns of residents. Including, removed carports of concern and one of the units. Parking removed, to respond to concerns of adjoining residents. The Statement of

Environmental Effects has been provided to Council.

Grange has been a Boarding House since 1951. The Hospital will lease the whole site, so Boarding House Act is irrelevant. This will not be a transportable park and the buildings will be brand new. Spoke to; landscaping undertaken, removal of noxious weeds and the adding of trees to the site, the location of car parking and level of supply.

**L Thompson - 89 Mitre Street** - owner appears to cherry pick from the Boarding Houses legislation where it suits. The lease with the hospital is irrelevant for the Development Application considerations. Need a footpath. Transportable dwellings are covered under S:68 of the Local Government Act. This proposal breaches the legislation with respect to transportable units. Invite Councillors to their house to look at impact of development. There is no indication of how high the development will be. If construct the buildings on site, this should require a new Development Application as it is substantially different. Colours proposed are inconsistent with conservation areas. The proposal should be considered under S:68 of the Local Government Act, not the Environmental Planning & Assessment Act.

**F Visser - neighbour** - against the development. This is a trailer park. If development approved, then the whole of Bathurst can have transportables.

**7** **Item 2 DEVELOPMENT APPLICATION NO. 2014/0481 – ADDITIONS AND ALTERATIONS TO DWELLING AT LOT 2 DP 566691, 62 MITRE STREET BATHURST. APPLICANT: S PURCELL. OWNER: S PURCELL (DA/2014/0481)**

The Mayor gave an introduction to the session.

**L Cheetham - owner 66 Mitre Street** - have put in a submission against the development. Have concerns at proposal including, over shadowing, view from property. Should not lose all views from their property. Have not seen drawings of proposal but concerns exist for invasive aspects. This proposal could set dangerous precedents. The upper story is major concern, could this be removed and a flat roof be put in place. Urge Council to reject Development Application.

**A Rintoul - 60 Mitre Street** - have spoken to developer. Main concern is depth of excavation required and drainage concerns. The development 'per se' is not a concern.

**B Purcell - owner** - referred to potential noise from heating and cooling systems and what is being placed upstairs (bedroom). Does not feel invasion of privacy is an issue. Working with Council on this development. Have commissioned jointly with Rintoul's a dilapidation report. Overshadowing has been addressed. Some views are blocked, cannot get away from this.

**J Rintoul - 60 Mitre Street** - the building is over powering The second story means no privacy. Have concerns with the driveway and impacts that may occur. Noted dilapidation report.

**8** **Item 3 DEVELOPMENT APPLICATION 2014/0409 – RURAL LAND SHARING COMMUNITY – THIRD DWELLING AT 155 FLEMING DRIVE, LAFFING WATERS. APPLICANT – ALUKA CONSTRUCTIONS. OWNER – MS KJ BEARD**

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This is page 3 of Minutes of the Policy Committee held on 4 February 2015.



**(DA/2014/0409)**

The Mayor gave an introduction to the session.

**L Small - Fleming Drive (neighbour)** - the Development Application does not comply with SEPP15, there was no site analysis. Has sought legal assistance in this matter. Council should ensure all documents are submitted prior to consideration being made of the Development Application.

**L Farroway** - have met with Council and then got Antony Daintith to do a statement of environmental effects and have addressed all issues. The house meets all setbacks. A site analysis has been submitted and relevant issues have been addressed. The house and tanks have been moved to address concerns. This is a third house on the property. The house is 100 metres from the neighbours house. Would invite Councillors to come out and view the site.

**K Beard- owner** - the proposal will allow for accommodation to live near family. This is reason for the development. Asks Council to approve Development Application.

- 9** **Item 3.01 RESUMPTION OF STANDING ORDERS (DA/2014/0409)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

That Council resume standing orders.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

- 10** **Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 26 NOVEMBER 2014 (07.00096)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Coote

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 26 November 2014 be adopted.

- 11** **Item 2 DELEGATIONS REGISTER UPDATE (20.00009, 41.00088)**  
**MOVED** Cr M Coote and **SECONDED** Cr M Morse

**RESOLVED:** That Council adopt the Delegations Register in accordance with the report.

- 12** **Item 3 MOUNT PANORAMA RESIDENT ACCESS - FULL TRACK HIRE POLICY (18.00150, 41.00089)**  
**MOVED** Cr M Coote and **SECONDED** Cr W Aubin

**RESOLVED:** That Council adopt the revised Policy including the requirement for two meetings per annum to be held with the residents.

## **GENERAL BUSINESS**

### **13 CHINA ENGAGEMENT SEMINAR (23.00129)**

**Cr Jennings** - advised will be attending panel session in Sydney on this. Would be happy to report back to Council.

### **14 Item 2 C PERKINS - FREEDOM RIDE (09.00031)**

**Cr Jennings** - advised Anniversary will occur on 15 February. The Wiradjuri will be holding a screening at Panthers of Mr Perkins video, followed by a healing day function at the river.

### **15 Item 3 TOUR OF WIRADJURI SITES (09.00031)**

**Cr Jennings** - Councillors and staff have been offered the opportunity to undertake a tour of important sites.

**The Mayor** noted this was already being organised.

### **16 Item 4 ENTRY SIGNS (28.00007)**

**Cr Jennings** - asked when will the old signs come down.

**The Director Engineering Services** advised one sign still on Orange Road, will be removed in the near future.

### **17 Item 5 REX FLIGHT SCHEDULE (18.00162)**

**Cr Jennings** - asked have there been any more reductions in service levels provided.

**The General Manager** spoke to summer flight schedules and current infrastructure works.

### **18 Item 6 FLAGSTAFF AREA - TREE CARVING (36.00518)**

**Cr Jennings** - understands there was proposed to be a carving in a large tree on the site. This has been knocked down.

**The Director Engineering Services** spoke to footprint and construction issues around the flagstaff.

**19**      **Item 7 PRIME MINISTER (20.00153)**

**Cr Jennings** - asked have we had any responses concerning his attendance to 2015 celebrations.

**The Mayor** spoke to actions being undertaken. Understands the Prime Minister is interested in attending celebrations.

**20**      **Item 8 BROKEN HILL - NATIONAL HERITAGE CITY LISTING (20.00047)**

**Cr Jennings** - noted this was recently announced. Could we look at this for Bathurst.

**The Director Environmental, Planning & Building Services** will investigate this matter.

**21**      **Item 9 2015 CELEBRATIONS - SYDNEY DINNER (20.00153)**

**Cr Jennings** - spoke to article in Western Advocate. What budget did this come from? How much money has been paid to activities and charities linked with P Duncan? What exact expenditure has occurred? Stated has requested updated bicentenary budget details in the past.

**The Mayor** advised that the bicentenary has an item for promotion of the bicentenary, this is a Council approved operational budget. This is similar for other examples such as; Australia Day, 12 Hour Race, V8's and Proclamation Day. The objective of our public relations and marketing strategy is to spread the message, celebrate the bicentenary and get the community involved.

Council discussed appointment of an ambassador and have got a person in place. This has not been a secret. The dinner provided a great opportunity to promote Bathurst and 2015 celebrations and further it allowed significant leveraging to occur, eg Qantas article.

**22**      **Item 10 QANTAS MAGAZINE STORY (20.00153)**

**Cr Jennings** - queried how this story could have been influenced by the dinner. The print production would have been in place well before the dinner.

**The Mayor** spoke to process in place and discussions with Central NSW Tourism on the item and others. Understands function had impact on slant of the article.

**23**      **Item 11 EVENTS ATTENDED BY MAYOR (23.00007)**

**Cr Morse** - feels a diary of Mayoral events that the Mayor attends could possibly be provided in the Councillors weekly newsletter.

The Mayor spoke of Diary processes in place and the 5 pm session each Tuesday that is available for Councillors to meet informally with him - will look at the matter.

**24**      **Item 12 ALDI/RUSSELL STREET TRAFFIC MATTERS (25.00011)**

**Cr Morse** - could the problem of traffic merging after the Russell/William Street lights be referred to the Traffic Committee.

**25**      **Item 13 KEFFORD STREET DOG PARK (22.01232)**

**Cr Morse** - conflict exists with large and small dogs. Could a small area be partitioned off for small dogs at the Kefford Street area.

**26**      **Item 14 2015 ENDORSEMENTS (20.00153)**

**Cr Morse** - there is a concern that endorsements are not being processed expediently. Request report on process which could be implemented to fast track proposals.

**27**      **Item 15 MRS MACQUARIE's CELLO (20.00153)**

**Cr Morse** - permission has been received for Cello to come to Bathurst. Will be utilised at a concert at the Bathurst Memorial Entertainment Centre.

**28**      **Item 16 SIGNAGE (20.00153)**

**Cr Morse** - asked will we have a large Bathurst 200 sign set up at the entrance(s) to the City.

**29**      **Item 17 GENERAL BUSINESS (07.00064)**

**Cr Westman** - stated this General Business session should be for policy items, operational matters should be dealt with in other forums.

**30**      **Item 18 COUNCILLOR QUESTIONS - GENERAL BUSINESS (07.00064)**

**Cr Coote** -noted if anyone has a question, ask relevant area, do not go running to the newspaper.

**31**      **Item 19 DISCUSSION FORUM (07.00064)**

**Cr Coote** - queried why DA Discussion Forum #2 and #3 came to the Discussion forum session.

**The Director Environmental, Planning & Building Services** spoke to reasons for making decision to put these items to discussion forums.

**32**      **Item 20 BATHURST 12 HOUR EVENT (04.00097)**

**Cr Coote** - requested that the sign under the Mount Panorama sign on the Mount be redone with this being the bicentenary year.

**The Director Engineering Services** advised the sign has been repainted.

**33**      **Item 21 GENERAL BUSINESS (07.00064)**

**Cr North** - spoke to the nature of items which he feels are relevant to be raised.

**34**      **Item 22 REVIEW OF COUNCIL DEPARTMENTS (11.00016)**

**Cr North** - asked where this review is at. When will Council deal with communications processes and have discussion on this?

**35**      **Item 23 BATHURST 200 SHOP (11.00153)**

**Cr North** - requested consideration be given to the need to open shop on Saturday and Sunday as soon as possible.

**36**      **Item 24 CARPARK STUDY AND MULTI STOREY CARPARK (20.00090)**

**Cr North** - questioned where this is at. Understands developers have spoken to senior staff.

**The General Manager** spoke to assessment of parking currently occurring and meeting with developer.

**37**      **Item 25 SECOND RACE TRACK - NOISE STUDY (07.00084)**

**Cr North** - asked where this is at.

The Director Environmental, Planning & Building Services advised have received a report and this is being analysed by staff.

**38**      **Item 26 BATHURST AERODROME (21.00044)**

**Cr North** - advised would like to see a meeting to be organised with user groups to discuss issues into the future.

**39**      **Item 27 POLICY COMMITTEE - GENERAL BUSINESS (07.00064)**

**Cr North** - advised would not like to see General Business sessions being used as a political forum. Noted processes that have been put in place for Councillors to work together.

**40**      **Item 28 BANNERS ON HERITAGE BUILDINGS (20.00143)**

**Cr Bourke** - asked do we have a Policy on banners on heritage buildings. Referred to sign on Court House Building for Conservatorium. Need consistency.

**The Director Environmental, Planning & Building Services** spoke to DCP in place and provisions on advertising contained therein. Not aware of Conservatorium seeking approval.

**MEETING CLOSE**

**41**      **MEETING CLOSE**

The Meeting closed at 10.21 pm.

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

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

**TRAFFIC COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 FEBRUARY 2015 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 3 February 2015 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 3 February 2015, are attached.

**Financial Implications:** N/A

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

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



**MINUTE**

**36** Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 FEBRUARY 2015  
(07.00006)

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

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 3 February 2015 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 3 FEBRUARY 2015**

**MEETING COMMENCES**

**1 MEETING COMMENCES 2:00 PM**

Members: Sergeant Peter Foran (Police), Sharon Grierson (Roads and Maritime Services), David Veness (MP Representative).

Present: Darren Sturgiss (Chair/Manager Technical Services), Paul Kendrick (Traffic & Design Engineer), Iris Dorsett (Tablelands Area Road Safety Officer).

Observer: Senior Constable Jason Marks (Police).

**APOLOGIES**

**2 APOLOGIES**

That the apology of C/r Warren Aubin be accepted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 DECEMBER 2014 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 2 December 2014 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

That the Declaration of Interest be noted.

## **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5**      **Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 2 DECEMBER 2014 (07.00006)**

That the information be noted and necessary actions be taken.

**6**      **Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**

That the information be noted.

**7**      **Item 3 2015 PROCLAMATION WEEK (20.00153)**

That Council approve the:

- (a) Proclamation Day Event to be held Thursday 7 May 2015
- (b) Colonial Fair Event to be held on Saturday 9 May 2015 and
- (c) Illumination Street Festival to be held Saturday 9 May 2015,

as Class 2 events subject to conditions as detailed in the Director Engineering Services' Report.

**8**      **Item 4 NO PARKING SIGNS (25.00328)**

That Council approve the placement of a "NO PARKING 8.30am-4pm MON-FRI" zone at the entrance to Cambewarra Court, Kelso.

**9** **Item 5 ROCKLEY ANZAC DAY SERVICE AND MARCH 2015 - TEMPORARY ROAD CLOSURES (23.00076)**

That Council approve the holding of the Anzac Day Service and March within Rockley on Saturday, 25 April 2015. The Commemorative Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**10** **Item 6 CAIRN ANZAC DAY SERVICE 2015 - TEMPORARY SPEED RESTRICTION ON LIMEKILNS ROAD (23.00076)**

That Council approve the holding of the Anzac Day Service at the Memorial Cairn with a temporary speed restriction of 40km/hr on Limekilns Road on Saturday 25 April 2015. The Commemorative Service and temporary speed restriction to 40km/hr are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**11** **Item 7 BATHURST ANZAC DAY SERVICE AND MARCH - 2015, TEMPORARY ROAD CLOSURES WITHIN CBD (23.00076)**

That Council approve the holding of the 2015 Anzac Day Service and March within the Bathurst central business district on Saturday 25 April 2015. The Dawn Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

**12** **Item 8 2015 PANTHERS VS TITANS NRL TELSTRA PREMIERSHIP GAME – TEMPORARY ROAD CLOSURES AND TEMPORARY NO PARKING (18.00296)**

That Council approves the staging of the 2015 NRL Telstra Premiership Panthers vs Titans Game to be held at Carrington Park Bathurst on Saturday 14 March 2015. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

**TRAFFIC REGISTER**

**13**      **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

**MEETING CLOSE**

**14**      **MEETING CLOSE**

The Meeting closed at 2.43 pm.

**DELEGATES REPORTS AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 FEBRUARY 2015

## **1 MINUTES - AUSTRALIA DAY WORKING PARTY - 20 JANUARY 2015 (23.00033)**

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

**Report:** The minutes of the Australia Day Working Party held on 20 January 2015 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

**MINUTE**

**37 Item 1 MINUTES - AUSTRALIA DAY WORKING PARTY - 20 JANUARY 2015**  
**(23.00033)**

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

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



## MINUTE

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

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

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

**There were no representations from the public.**

**RESOLVED:** That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED NEW LICENCE AGREEMENT FOR LOT 283 DP47960 LOCATED ON BOUNDARY ROAD AND HINTON ROAD MT PANORAMA - BATHURST ARCHERS INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED SALE OF COUNCIL LAND - LOT 3 DP32864 AND LOT 4 DP32864 WHITE ROCK ROAD, KELSO.	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.
3	PROPOSED USE OF ADDITIONAL LAND BY THE BATHURST LIGHT CAR CLUB LOCATED ON PART LOT 18 DP609975 COLLEGE ROAD 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.
4	CENTROC TENDER - PROVISION OF ELECTION SERVICES - 2016 LOCAL GOVERNMENT ELECTIONS	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	REQUEST FOR USE OF MOUNT PANORAMA RACING CIRCUIT - MERCEDES-BENZ AUSTRALIA/PACIFIC PTY LTD	10A(2)(d)(i) - contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ACQUISITION BY AGREEMENT OF LAND - (I) LOTS 11 & 12 DP1205690, 111 STANLEY STREET, AND (II) LOTS 13, 14 & 15 DP1205690, 109 STANLEY STREET	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 18/02/2015

	balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 FEBRUARY 2015

**MINUTE**

a Item 1 PROPOSED NEW LICENCE AGREEMENT FOR LOT 283 DP47960  
LOCATED ON BOUNDARY ROAD AND HINTON ROAD MT PANORAMA - BATHURST  
ARCHERS INC. (04.00031)

MOVED: Cr M Coote SECONDED: Cr G Hanger

**That** Council approves, as Trustee, entering into a new Licence Agreement with Bathurst Archers Inc. over the land, that is held in trust from the Crown, and known as Lot 283 in DP47960 located at Boundary Road and Hinton Road Mt Panorama for a period of five (5) years as detailed in the report.

**MINUTE**

**b Item 2 PROPOSED SALE OF COUNCIL LAND - LOT 3 DP32864 AND LOT 4 DP32864 WHITE ROCK ROAD, KELSO. (22.01717)**

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

**That** Council approves the sale of Lots 3 and 4 in DP32864 located on White Rock Road, Kelso, which are located within the flood zone along White Rock Road, Kelso as detailed in the report.

**MINUTE**

**c Item 3 PROPOSED USE OF ADDITIONAL LAND BY THE BATHURST LIGHT  
CAR CLUB LOCATED ON PART LOT 18 DP609975 COLLEGE ROAD BATHURST  
(22.10083)**

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

**That** Council approves the use of up to 2,000m<sup>2</sup> of land located on Lot 18 in DP609975 College Road Bathurst for use by The Bathurst Light Car Club in conjunction with their current Lease agreement for Lot 2 in DP535178 College Road, Mt Panorama, as detailed in the report.

**MINUTE**

**d Item 4 CENTROC TENDER - PROVISION OF ELECTION SERVICES - 2016  
LOCAL GOVERNMENT ELECTIONS (12.00010-08)**

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

**That**

- (a) Council advise Centroc that it will not be accepting the tender of the Australian Election Company
- (b) The Bathurst Regional Council ("the Council") resolves:
  - 1. pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
  - 2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
  - 3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.



**MINUTE**

**e Item 5 REQUEST FOR USE OF MOUNT PANORAMA RACING CIRCUIT -  
MERCEDES-BENZ AUSTRALIA/PACIFIC PTY LTD (04.00009)**

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

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

**DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 FEBRUARY 2015

## MINUTE

f Item 1 ACQUISITION BY AGREEMENT OF LAND - (I) LOTS 11 & 12 DP1205690, 111 STANLEY STREET, AND (II) LOTS 13, 14 & 15 DP1205690, 109 STANLEY STREET (31.00012 )

MOVED: Cr B Bourke SECONDED: Cr M Coote

**That Council:**

- (a) approve the acquisition of proposed Lots 11 and 12 DP1205690 at 111 Stanley Street, Bathurst,
- (b) approve the acquisition of proposed Lots 13, 14 and 15 DP1205690 at 109 Stanley Street, Bathurst, and
- (c) classify the land as operational land under the provisions of Section 31(2) of the Local Government Act 1993, as detailed in the Director Engineering Services' Report.

**MINUTE**

**39     RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr M Coote SECONDED: Cr J Jennings**

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

**MINUTE**

**40**     **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: Cr M Coote SECONDED: Cr M Morse**

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

**MINUTE**

**41     MEETING CLOSE**

The Meeting closed at 7.31 pm.

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

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