



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

25 January 2017

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 1 February 2017

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 1 February 2017 commencing at 6.00 pm.

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

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 1 FEBRUARY 2017

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 DECEMBER 2016

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 14 DECEMBER 2016

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 - 7 DECEMBER 2016

10. NOTICES OF MOTION

11. RESCISSION MOTIONS

12. DELEGATES REPORTS

- * MINUTES - AUSTRALIA DAY WORKING PARTY
- * REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 7 DECEMBER 2016
- * MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 8 NOVEMBER 2016

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	NEW COMMUNITY LICENCE AGREEMENT - PART LOT 180 IN DP862410 LOCATED AT 2/55 SEYMOUR STREET BATHURST - THE NEIGHBOURHOOD CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	NEW TELECOMMUNICATION LEASE - PART LOT 1 IN DP774489 LOCATED IN THE BASEMENT AREA OF 230	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

	HOWICK STREET, BATHURST - OPTUS FIXED INFRASTRUCTION PTY LTD.	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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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN AND CONSTRUCTION OF SERVICE ELEVATOR AT PIT COMPLEX, MOUNT 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.

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, Morse, North.

MINUTE

2 PUBLIC QUESTION TIME

T Sorrenson – Bathurst Community Climate Action Network (BCCAN)

- Elm Leaf Beetle are ravaging the cities Elms. Also noted the problem at Perthville, they have made the Uniting Church uninhabitable. The Elm trees are on the road across from the Church and a large number of the beetles are attacking the Church. Could this be investigated.
- Kangaroos, Mount Panorama - requests Council support the temporary fencing that is in place. BCCAN is supporting the relocation project. This is important in positioning Council/community about the local environment. New times call for new things.

E Geraghty – Rahamin - Kangaroos, Mount Panorama

Supportive of the project, has reduced risk such as car accidents. The project is of international significance. This project fits within Council's role of managing land use conflicts and directions in the Community Strategic Plan. Referred to the costs incurred by all the parties involved in the project. The time has been delayed due to National Parks & Wildlife Service processes and approvals. The fences are up and return on investment will be realised when kangaroos are relocated.

K McNab – Mitre/Lambert/Suttor Streets intersection

Has been a resident of Bathurst for a long time. This intersection is the most dangerous in Bathurst. Traffic numbers are increasing. The intersection must be redesigned. There is a duty of care owed by Council. The land is level and there is sufficient space to upgrade the intersection. Understands the intersection is eligible for black spot funding. The residents in the area want Council to take action and request funds be provided in the 2017/2018 budget.

D McNab – Mitre/Lambert/Suttor Streets intersection

Need a safer intersection. Referred to school students in the area, safety issues and the increased levels of traffic. A recent accident showed the risks for children in the area. The intersection is confusing to drivers, pedestrians, etc. Believes the crash data would support black spot funding. Requests Council to include funds in the 2017/2018 budget and construct a roundabout as soon as possible.

J Barry – Kangaroo Project

Noted Council and community support that has occurred. The level that has occurred has been very good. It is a very humane project. There is a high level of expertise behind the project. Ray and Helen have done an excellent job. The community is very aware of the project which has improved safety of all and is a pioneering endeavour. Asked Council to continue to support the project.

R Mjadswech - Kangaroo Project

Spoke to the project, much has been achieved to date. If Councillors wish to ask questions,

he would be happy to make a presentation.

P Simmons – Kangaroo Project

Spoke to community effort and encourages Council and community to keep going with the project. Noted role of Ray Mjadswech and Helen Bergen. Many people are involved in the project, with working bees being held and noted works undertaken. It is a unique project.

H Bergen – Kangaroo Project

Thanked Council for considering this matter. Was asked to look at this matter in April 2016. A proposal was put together and, Council and the National Parks & Wildlife Service said OK. Some 250-350- kangaroos have been compounded. Much of the area has been cleared and risk has been reduced. The community effort has been great, it has been a hard slog. Thanks to everyone.

G Crisp – resident

- Minutes, December meeting Question time - spoke to items included in business paper and that Public Question time notes should be included in the Business Paper.

The Mayor spoke to requirements of the legislation around what is recorded in the minutes.

- Letter dated 24 January 2017 from General Manager - stated that this was in conflict with a letter from the Office of Local Government concerning Code of Conduct complaints. Feels the Office of Local Government is a Conduct Reviewer and so is a council official.

The Mayor noted this is a matter for Mr Crisp to pursue. Further, Mr Crisp was asked to provide details as to the Office of Local Government's determination on his complaints.

Mr Crisp asked can the General Manager point to the clause which allowed Mr Sherley to deal with the complaints as a group rather than individually.

The General Manager spoke to procedures in place, resources available and role of general Manager in dealing with the Code.

Mr Crisp spoke further to his complaints. Made comments about the Chief Executive of the Office of Local Government and the former Minister for Local Government.

The Mayor again asked Mr Crisp to provide details as to the Office of Local Government's determination on his complaints. It was also noted many of Mr Crisp's issues have previously been dealt with.

B Trimming – resident

- Mitre/Lambert/Suttor Streets intersection - spoke to issues with the intersection, supports work be undertaken. Spoke to the need for a footpath leading to the Pedestrian Crossing near the shops.

Residents in the Chamber advised this work has been completed.

- ANZ Bank Parking - Requests a response on his request from last year be provided.

- Australia Day - The Special Olympics group were great and it was excellent the way the Council looked after them. Spoke to the "Don't DIS my ABILITY" program, this is excellent.

Also need an additional accessible shade area to be set up for this Event.

MINUTE

3 APOLOGIES

MOVED: Cr I North SECONDED: Cr B Bourke

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

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 DECEMBER 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 December 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 December 2016, 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
- 7 DECEMBER 2016 (11.00005)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 December 2016 be adopted.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 14 DECEMBER 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 14 December 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 14 December 2016, 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

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 14 DECEMBER 2016 (11.00005)

MOVED: Cr M Morse SECONDED: Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 14 December 2016 be adopted.

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 7 DECEMBER 2016**

MEETING COMMENCES

1 MEETING COMMENCES 6:30 PM

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

APOLOGIES

2 APOLOGIES

Nil.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

4 Item 1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00615, 36.00617)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the information be noted.

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

**5 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH
CONFIDENTIAL REPORTS**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

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 ENGINEERING SERVICES' REPORT**

IT E M	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DEMOLITION AND CONSTRUCTION OF FOOTPATH AND PEDESTRIAN FENCING, KELSO HIGH SCHOOL, BOYD 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.
2	TENDER FOR DESIGN AND CONSTRUCTION OF FIELD LIGHTING AT PROCTOR PARK	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

- a** **Item 1 TENDER FOR DEMOLITION AND CONSTRUCTION OF FOOTPATH AND PEDESTRIAN FENCING, KELSO HIGH SCHOOL, BOYD STREET (36.00615)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council accept the tender of E Scaping Pty Ltd, in the total tendered project price of \$122,485.00 (GST incl.), subject to provisional items and variations.

- b** **Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF FIELD LIGHTING AT PROCTOR PARK (36.00617)**
MOVED Cr W Aubin and **SECONDED** Cr I North

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 14 DECEMBER 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

B Manning – ratepayer

Expressed concerns about the wording of the minutes from the last meeting where she spoke. Raised issues of property portfolio and rental return. Requests minutes record that the purpose of the purchase of the land included, that it was to form part of Council's property portfolio.

I McPherson – National Trust

Passed thanks for efforts being made with tree planting on the entrances of the city.

Spoke to three DA's concerning development, housing and heritage implications. Concerned at continued urban sprawl. The National Trust are committed to working on the development of the Housing Strategy where more infill development on the outskirts of the city could be explored. Mr McPherson spoke to the DA's noting;

- Snuddens car yard site Havannah Street - more of the same - 49 single storey units. Could have cutting edge mixed urban development, this should be included in the discussion on this site e.g. 70 units, its an unrealised opportunity.
- Havannah Street precinct around railway, Tremain Mills, Crago Mill. Looks like two more colorbond sheds, need to look at what can be done.
- Monaghan Muffler site - concern at demolition of site and no indication of what is proposed. It links in with Dairy Farmers site, should look at medium density and mixed density development.

J Salby – Refugee Support Group - DCCS Item #1

Spoke to the Council supporting refugees and referred to DCCS Item #1. Supports the proposal to convene a refugee employment forum as proposed. Pleased Council is considering this.

G Crisp – ratepayer

Referred to minutes from 16 November 2016 meeting and questions raised at the

last meeting. These are not shown in the minutes of the meeting. Why is there no mention of questions raised. Noted he presented a list of questions to a member of staff. Referred to letter of complaint he made about the Mayor, was this distributed to Councillors? Further, spoke to submissions he made under Section 420 of the Act on financial statements, why have these not been referred to Council? Why did the Mayor threaten Ray Hadley with defamation proceedings? Does the Mayor deny his actions have brought the city into disrepute, will the Mayor resign?

The Mayor noted he had not threatened Mr Hadley or anyone with defamation, as with all persons he noted he reserved his right to take any further action if appropriate.

The General Manager noted Mr Crisp's submissions have been referred to auditors, will review source documents from last meeting to see if an error occurred in recording Mr Crisp's representations. Annual Statements submission will be referred to Council at a future meeting.

General Manager's comment: A check of the source documents from the Ordinary Meeting of 16 November 2016 have revealed that the following notes from Public Question time were inadvertently omitted from the minutes.

16 November 2016 Public Question Time

G Crisp – ratepayer

Spoke to Mrs Manning talking to Council. Noted he is unable to get responses from the General Manager, referred to letters from February 2016. Does the General Manager deny legal opinion has been received by Council concerning pecuniary interest matters? Does the General Manager deny NSW Audit Office has referred matters to the ICAC? Spoke to special arrangement with Office of Local Government and possible indemnity for Council on these matters he raised. Does the General Manager intend to comply with the Local Government Act on a complaint received a month ago?

The General Manager provided responses to the issues raised and noted in particular the legal advice (that Mr Crisp has finally provided a copy of) was from 1993 and referred to the Local Government Act (1919).

B Triming – Chairman BRAC - DCSF Item #11

Supports providing funding to the group holding International Day of People with a Disability on 3 December 2016.

Thanked Council at the last meeting for increasing the access grants approved. Noted works to be undertaken at Western Advocate building.

Parking in CBD - when ANZ bank built its building, did it provide spaces or funding for parking in the CBD? Currently carpark is closed at night so 26 spaces are lost. Will the bank have to pay Section 94 funds due to lock up.

The Acting Director Environmental, Planning & Building Services will investigate matter and get back to Mr Triming.

M Nicholls – Editor, Western Advocate

Advised whilst renovations are occurring at the Western Advocate building, work will continue in the back of the building.

P Chappel – resident

Thanked Council for its stance on garages and sheds and building alignments as part of the approval process.

End of Public Question Time - 16 November 2016

D Pennells – Inland Building & Construction

Tabled a letter of support for the Mayor, Cr Rush. The letter contains around 100 signatures including artists, developers, Wiradyuri Elders, Living Legends, business persons and others who have provided their support. Encourages the Mayor and Councillors to continue their good work for the city.

B McTaggart – resident

Read from letter from Rebecca Wilson concerning Ray Hadley's recent actions concerning Bathurst. Feels actions are politically motivated. Spoke to positive direction of Council, period of great change and the Mayor's support for the community.

J Smoother – DA2016/378, DEBPS Item #5

Spoke in support of development at 71 White Road Road. Noted issue of agricultural interface and how proposed to be dealt with, including adjoining neighbour concerns. Fenceline is back 8.2 metres and noted tree plantings for the buffer to occur and the size and location of the proposed granny flat.

K Murphy – 25 Lister Crescent - DA2016/304 DEPBS, Item #6

Seeking a review of prior decision. Noted alterations to the plans that have been made including setback and size of the shed. Spoke to logistics of locating the shed on a corner block, noted previous sheds approved by Council in the area. Requests Council approve the DA. Referred to view impacts of the proposed development and water runoff problems.

P Chappell – 44 McBrien Drive - DA2016/304 DEPBS Item #6

The proposed building is still 5.5 metres in front of where it should be. Unaware of any runoff problems at his premises at 44 McBrien Drive. This building complies with Council standards. Expressed concern at the proposed development.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES

- 4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 NOVEMBER 2016 (11.00005)**
MOVED Cr B Bourke and **SECONDED** Cr G Westman

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 November 2016 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the following Declarations of Interest be noted.

Acting Director Environmental, Planning & Building Services

Item # 6 of the Acting Director Environmental, Planning & Building Services' report.

Cr Hanger

Item # 6 of the Director Corporate Services & Finance's report.

Director Cultural & Community Services

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

General Manager

Item # 1 of the Confidential Mayoral Minute.

MAYORAL MINUTE

- 6** **Item 1 ELECTION OF DEPUTY MAYOR (12.00004)**
MOVED Cr G Rush

RESOLVED: That Council conduct an election for the position of Deputy Mayor which is currently vacant.

ELECTION OF DEPUTY MAYOR - One nomination for the position of Deputy Mayor was received for Cr Hanger.

There being only one nomination, Cr Hanger was declared elected as Deputy Mayor for the period to September 2017.

A short recess at 6.46 pm was declared to allow the Deputy Mayor to speak with the media.

The meeting resumed at 6.55 pm.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

- 7** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 8** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

- 9** **Item 3 DEVELOPMENT APPLICATION NO. 2016/360 – CHANGE OF USE TO TATTOO STUDIO, SHOP FITOUT AND COFFEE WINDOW AT 106 WILLIAM STREET, BATHURST. APPLICANT: MR T TILLEY. OWNER: MS P CROGHAN (DA/2016/360)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/360, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The applicant is to implement the operational signage recommendations made by NSW Police in its correspondence dated 26 October 2016;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 10** **Item 4 DEVELOPMENT APPLICATION NO. 2016/371 – TWO STOREY DUAL OCCUPANCY (SECOND DWELLING) AND TWO LOT RESIDENTIAL**

**SUBDIVISION AND REMOVAL OF TREES AT 206 RUSSELL STREET,
BATHURST. APPLICANT: MR P GABRIELIDES. OWNER: MR P & MRS A
GABRIELIDES (DA/2016/371)**

MOVED Cr M Coote

and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) support the variation to the minimum driveway width development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/371, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

11

Item 5 DEVELOPMENT APPLICATION NO. 2016/378 – ADDITIONS AND ALTERATIONS TO EXISTING DWELLING AND CONSTRUCTION OF TWO STOREY GARAGE WITH FIRST FLOOR SECONDARY DWELLING (GRANNY FLAT) AT 71 WHITE ROCK ROAD, WHITE ROCK. APPLICANT: MRS K SMOOTHER. OWNER: MR J & MRS K SMOOTHER (DA/2016/378)

MOVED Cr W Aubin

and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the 30 metre wide Agricultural Interface as described in the Bathurst Regional Development Control Plan 2014 and as shown on Development Control Plan Map No. 14 *White Rock* ;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/378, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and including a condition to the effect that:
 - (i) Prior to the issue of a Construction Certificate the applicant is to submit to Council for endorsement, a Landscape Plan showing continuation of the screen planting for the full length of the northern boundary of the subject site;
- (c) notify those that made submissions of its decision; and

(d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

12

Item 6 DEVELOPMENT APPLICATION NO. 2016/304 – GARAGE AT LOT 2008, DP1049561, 25 LISTER CRESENT, KELSO. APPLICANT: BATHURST SHEDS. OWNER: N & K MURPHY (DA/2016/304)

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

The Acting Director Environmental, Planning & Building Services declared a non-pecuniary interest in this item and left the Chamber.

Reason: The owner of the property was son's kindergarten teacher.

RESOLVED: That Council:

- (a) having undertaken a review of the application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, change its decision and grant consent to Development Application 2016/304 for a garage at 25 Lister Crescent, Kelso, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and include a condition to the effect that:
 - (i) The garage is not to be used as habitable rooms or as a depot for commercial or industrial undertakings;
- (b) support the variation to Clause 4.4.2 Setbacks for garage development standards prescribed in the Bathurst Regional Development Control Plan 2014;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

13

Item 7 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENTS (20.00291, 20.00295 & 20.00089)

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

RESOLVED: That the information be noted.

14 Item 8 BATHURST REGIONAL DCP 2014 AMENDMENT– CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (20.00308)

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

RESOLVED: That Council:

- (a) adopt the amendment to Bathurst Regional Development Control Plan 2014 to amend Section 15.4 Development Standards;
- (b) give public notice in accordance with the Environmental Planning and Assessment Act, and
- (c) authorise the General Manager to execute the protocol with the NSW Police, Chifley Local Area Command for crime risk assessment referrals; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

15 Item 9 DRAFT BATHURST REGIONAL SECTION 94 DEVELOPER CONTRIBUTION PLANS (20.00036)

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

RESOLVED: That Council:

- (a) adopt the:
 - (1) Bathurst Regional Section 94 Development Contributions Plan, Community Facilities (Amendment No. 1), and
 - (2) Bathurst Regional Section 94 Development Contributions Plan, Eglinton Open Space and Drainage (Amendment No. 1), and
 - (3) Bathurst Regional Section 94 Development Contributions Plan, Rural Roads (Amendment No. 2), and
 - (4) Bathurst Regional Section 94 Development Contributions Plan, Traffic Generating Development (Amendment No. 1), and
 - (5) Bathurst Regional Section 94 Development Contributions Plan, Bathurst CBD Car Parking (Amendment No. 1), and
 - (6) Bathurst Regional Section 94 Development Contributions Plan, Jordan Creek Stormwater Drainage Management (Amendment No. 1), and

- (7) Bathurst Regional Section 94 Development Contributions Plan, Raglan Creek Stormwater Drainage Management (Amendment No. 1), and
 - (8) Bathurst Regional Section 94 Development Contributions Plan, Sawpit Creek (East) Stormwater Drainage Management (Amendment No. 1), and
 - (9) Bathurst Regional Section 94 Development Contributions Plan, Roadworks – New Residential Subdivisions (Amendment No. 4);
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act; and
 - (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

16 **Item 10 B3 COMMERCIAL CORE SIGNAGE - WAIVE SECTION 68 APPLICATION FEE POLICY (20.00123 & 41.00089)**

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

RESOLVED: That Council adopt as policy that the Section 68 Application fees and Parking Permit related to the erection of scaffolding associated with building improvement works in the B3 Commercial Core Zone be waived.

17 **Item 11 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00296)**

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

RESOLVED: That Council:

- (a) prepare an amendment to amend the Bathurst Regional DCP 2014 in relation to:
 - (i) DCP Map 35 - Early Settlement Archaeology Map.
 - (ii) Chapter 4 - Residential precincts and residential unit developments.
 - (iii) Chapter 10 - linking the Main Street Study and Main Street Review to the DCP.
 - (iv) Update Chapter 12 - waiving of application fees for signage.
- (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 M

Morse, Cr I North, Cr G Rush, Cr G Westman.

Against the motion - Nil

Absent - Nil

Abstain - Nil

18 Item 12 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

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

RESOLVED: That Council:

- a) note the minutes of the Heritage Reference Group meeting; and
- b) adopt the amended Heritage Reference Group Charter.

19 Item 13 EVOCITIES UPDATE (18.00208)

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

RESOLVED: That the information be noted.

20 Item 14 BATHURST REGIONAL COUNCIL CONTAMINATED LAND (16.00141,41.00088,41.00089)

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

RESOLVED: That Council:

- a) adopt the Bathurst Regional Council Contaminated Land Policy;
- b) delegate the authority to the General Manager to transfer properties between categories of notification of land on a Section 149 certificate as outlined in the policy in accordance with the outcomes of appropriate geotechnical investigations;
- c) repeal the Sunny Corner Contaminated Land Policy; and
- d) give effect to the Policy as of 27 February 2017.

21 Item 15 NSW BIODIVERSITY CONSERVATION BILL 2016 (13.00001)

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

RESOLVED: That Council refer a copy of this report, which outlines Council's ongoing concerns with relation to the new Biodiversity Conservation Bill 2016 and Local Land Services Amendment Bill 2016, to the NSW Minister for Primary Industries.

22 Item 16 BATHURST REGIONAL URBAN RELEASE AREA - KELSO CERTIFICATION (20.00143)

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

RESOLVED: That Council:

- (a) note that certification has been received from the NSW Department of Planning and Environment for the Kelso Urban Release Area;
- (b) note that the certification is only valid until 30 June 2018;
- (c) cease the preparation of a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to remove the Kelso Urban Release Area from the Urban Release Area Map of the Bathurst Regional Local Environmental Plan 2014, as amended; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

23 **Item 17 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT – GARAGES IN SUBURBAN LOCATIONS (20.00298)**
MOVED Cr M Morse and **SECONDED** Cr G Westman

RESOLVED: That Council:

- (a) amend Chapter 4 of the Bathurst Regional DCP 2014 to reduce the visual dominance of dual occupancy and residential unit developments;
- (b) notify those who lodged submissions of its decision;
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

24 **Item 18 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT 2012-2016 (13.00004)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) note that the 2012 - 2016 Regional Snapshot State of the Environment Report

has been completed; and

- (b) note that the 2012 - 2016 Regional Snapshot State of the Environment Report will be placed on the Bathurst Regional Council's Website.

Director Corporate Services & Finance's Report

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

RESOLVED: That the information be noted.

- 26** **Item 2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the information be noted.

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

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

- 28** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 29** **Item 5 2017 HI-TECH OILS BATHURST 6 HOUR EVENT (04.00097)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council act in accordance with the Director Corporate Services and Finance report and provide one x three (3) day entry pass per permanent employee to attend the 2017 Hi-Tech Oils Bathurst 6 Hour held at Easter.

- 30** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST THOROUGHBRED RACING (22.02299)**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

Reason: Member of Thoroughbred Racing Board of Directors.

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

36 **Item 1 REFUGEE EMPLOYMENT FORUM (09.00032)**
MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) Supports the NSW Government proposal to re-settle Safe Haven Enterprise Visa Holders in Bathurst.
- (b) Convenes a Refugee Employment Forum in 2017 to engage support of employers to promote awareness of employment opportunities in the Bathurst region.

37 **Item 2 BATHURST MEMORIAL ENTERTAINMENT CENTRE - LOCAL STAGES - LOCAL EMERGING ARTISTS PROGRAM (LEAP) (21.00069)**
MOVED Cr W Aubin and **SECONDED** Cr I North

The Director Cultural & Community Services declared a pecuniary interest in this item and left the Chamber.

Reason: Son was paid as one of the LEAP performers.

RESOLVED: That the information be noted.

38 **Item 3 KELSO COMMUNITY HUB 2016 - UPDATE (09.00026)**
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the information be noted.

39 **Item 4 2016 INLAND SEA OF SOUND FESTIVAL (23.00154)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

40 **Item 5 BATHURST MEMORIAL ENTERTAINMENT CENTRE - 2015/2016 FINANCIAL YEAR REVIEW (21.00060)**
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

41 **Item 6 BATHURST REGIONAL ART GALLERY - TOURING EXHIBITION PROGRAM (21.00002)**
MOVED Cr G Hanger and **SECONDED** Cr M Coote

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Traffic Committee Meeting

42 **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 DECEMBER 2016 (07.00006)**

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

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 6 December 2016 be adopted.

DELEGATES REPORTS

43 **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 NOVEMBER 2016 (11.00019)**

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

RESOLVED: That the information be noted.

44 **Item 2 CENTROC BOARD MEETING 24 NOVEMBER 2016 (PARLIAMENT HOUSE, CANBERRA) (07.00017)**

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

RESOLVED: That the report on the Centroc Board meeting held 24 November 2016 at Parliament House, Canberra be noted.

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

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

MOVED Cr W Aubin and **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.

*** MAYORAL MINUTE**

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RURAL LICENCE AGREEMENT - LAND AT BEN CHIFLEY DAM	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	RENEWAL OF LICENCE AGREEMENT - PART LOT 40 IN DP1056379 KNOWN AS SULMAN PARK MT PANORAMA - PANORAMA MOTOR CYCLE CLUB INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW COMMERCIAL LEASE - PART LOT 101, 102 AND 103 IN DP1204847 LOCATED AT 7 LEE STREET, KELSO - BEAR SECURITY 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.
4	NEW COMMERCIAL LEASE AGREEMENTS - VACANT LAND	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

	LOCATED AT 83 WILLIAM STREET BATHURST (FORMER TAFE BUILDING SITE).	prejudice the commercial position of the person who supplied it.
5	REQUEST FOR FINANCIAL ASSISTANCE - PANORAMA MOTORCYCLE CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	SALE OF LAND LOT 1 DP624336 AND PART LOT 1007 DP1168702 (4040 O'CONNELL ROAD KELSO) - KELSO INDUSTRIAL ESTATE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	PROPOSED BOUNDARY ADJUSTMENT - LOT 1 IN DP197420 AND LOT B IN DP197498 LOCATED AT 128 BENTINCK 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.
8	SALE OF LOT 7 IN DP263393 LOCATED AT 67 WOODSIDE DRIVE, MT RANKIN.	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.
9	PROPOSED LEASE PART LOT C IN DP158611 LOCATED AT 519 MITCHELL HIGHWAY, 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.
10	NEW LEASE AGREEMENT LOT 800 IN DP1160678 LOCATED AT 4 WATT DRIVE, BATHURST TRADE CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

11	PROPOSED LEASE LOT 5 DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	SALE TO OAK TREE RETIREMENT VILLAGE BATHURST - RESIDUE LAND - LOT 10 DP1205690 STANLEY 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	COMPULSORY ACQUISITION OF LOT 315 & LOT 316 DP1197774 SEWERAGE TREATMENT WORKS, MORRISSET STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	COMPULSORY ACQUISITION OF AN EASEMENT FOR CONSTRUCTION OF NEW SEWER GRAVITY MAIN BETWEEN BONNOR STREET KELSO AND LIMEKILNS 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.

Mayoral Minute

a **Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)**
MOVED Cr G Rush

The General Manager declared a pecuniary interest in this item and left the Chamber.

Reason: Concerns employment as General Manager.

That Council note:

- (a) the performance review of the General Manager, which was rated as more than satisfactory;
- (b) that the General Manager's employment package has been set at \$328,156.00.

Director Corporate Services & Finance's Report

- b** **Item 1 RENEWAL OF RURAL LICENCE AGREEMENT - LAND AT BEN CHIFLEY DAM (22.02268)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

That Council approves entering into a new Rural Licence agreement for Lot 2 in DP224864 (paddocks 3, 4 and 5) and Lots 10 and 11 in DP224864 (paddocks 6, 7 and 8) located at Ben Chifley Dam with Messrs Stephen and Daniel Owens for a period of three (3) years as detailed in the report.

- c** **Item 2 RENEWAL OF LICENCE AGREEMENT - PART LOT 40 IN DP1056379 KNOWN AS SULMAN PARK MT PANORAMA - PANORAMA MOTOR CYCLE CLUB INC. (18.00030)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

That Council approves entering into a new Licence agreement for part Lot 40 in DP1056379 located at Sulman Park Mt Panorama with the Panorama Motor Cycle Club for a period of ten (10) years with an option period for a further ten (10) years as detailed in the report.

- d** **Item 3 PROPOSED NEW COMMERCIAL LEASE - PART LOT 101, 102 AND 103 IN DP1204847 LOCATED AT 7 LEE STREET, KELSO - BEAR SECURITY PTY LTD (22.02268)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That Council approves entering into a new Commercial lease agreement for part Lot 101, 102 and 103 in DP1204847 located at 7 Lee Street, Kelso for a period of two (2) years with an option period of two (2) years as detailed in the report.

- e** **Item 4 NEW COMMERCIAL LEASE AGREEMENTS - VACANT LAND LOCATED AT 83 WILLIAM STREET BATHURST (FORMER TAFE BUILDING SITE). (22.01387)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That Council approves entering into new Commercial Lease agreements for the vacant land located at 83 William Street Bathurst (former TAFE building) to be used as parking spaces for a period of one (1) year with a one (1) year option period, at Council's discretion, as detailed in the report.

f Item 5 REQUEST FOR FINANCIAL ASSISTANCE - PANORAMA MOTORCYCLE CLUB (04.00026)

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

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

g Item 6 SALE OF LAND LOT 1 DP624336 AND PART LOT 1007 DP1168702 (4040 O'CONNELL ROAD KELSO) - KELSO INDUSTRIAL ESTATE (22.05149)

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

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

h Item 7 PROPOSED BOUNDARY ADJUSTMENT - LOT 1 IN DP197420 AND LOT B IN DP197498 LOCATED AT 128 BENTINCK STREET, BATHURST (22.13258)

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

That Council approves the boundary adjustment for Lot 1 in DP197420 and Lot B in DP197498 located at 128 Bentinck Street, Bathurst as detailed in the report.

i Item 8 SALE OF LOT 7 IN DP263393 LOCATED AT 67 WOODSIDE DRIVE, MT RANKIN. (22.09031)

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

That Councils approves the sale of Lot 7 in DP263393 located at 67 Woodside Drive, Mt Rankin as detailed in the report.

j Item 9 PROPOSED LEASE PART LOT C IN DP158611 LOCATED AT 519 MITCHELL HIGHWAY, BATHURST (22.05345)

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

That Council approves entering into a new Rural Licence agreement for part Lot C in DP158611 located at 519 Mitchell Highway, Bathurst with Ms Sandra Herbert for a period of twelve (12) months as detailed in the report.

k Item 10 NEW LEASE AGREEMENT LOT 800 IN DP1160678 LOCATED AT 4 WATT DRIVE, BATHURST TRADE CENTRE (22.00043)

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

That Council approves entering into a new Lease agreement with the Bathurst Meals on Wheels Service Inc. for Lot 800 in DP1160678 located at 4 Watt Drive, Bathurst Trade Centre for a period of ten (10) years with an option period of ten (10) years as detailed in the report.

l Item 11 PROPOSED LEASE LOT 5 DP847225 LOCATED AT 197 LIMEKILNS ROAD, KELSO (22.00358)

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

That Council approves entering into a new Rural Licence agreement for Lot 5 DP847225 located at 197 Limekilns Road, Kelso with Mr Craig Hotham for a period

of six (6) months as detailed in the report.

Director Engineering Services' Report

- m** **Item 1 SALE TO OAK TREE RETIREMENT VILLAGE BATHURST - RESIDUE LAND - LOT 10 DP1205690 STANLEY STREET BATHURST (22.15609)**
MOVED Cr W Aubin and **SECONDED** Cr I North

That Council approve the sale of the residue land Lot 10 DP1205690 in Stanley Street, Bathurst, to Oak Tree Retirement Village Bathurst as detailed in the Director Engineering Services' report.

- n** **Item 2 COMPULSORY ACQUISITION OF LOT 315 & LOT 316 DP1197774 SEWERAGE TREATMENT WORKS, MORRISSET STREET, BATHURST (22.044651)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council approve the payment for the acquisition of land in accordance with the Valuer General's Determination of Compensation, as detailed in the Director Engineering Services' report.

- o** **Item 3 COMPULSORY ACQUISITION OF AN EASEMENT FOR CONSTRUCTION OF NEW SEWER GRAVITY MAIN BETWEEN BONNOR STREET KELSO AND LIMEKILNS ROAD BATHURST (25.00066)**
MOVED Cr I North and **SECONDED** Cr B Bourke

That:

- (a) Council approve an application for the compulsory acquisition of an easement for construction of a sewer gravity main 6 wide within Lot 1 DP197444 and Lot 284 DP735655 located between Bonnor Street and Limekilns Road Bathurst. Such easement is subject to final survey;
- (b) The application to the Minister and/or Governor is to follow the provisions of the Roads Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991, and:
 - (i) Is to include a reduction in the minimum period of 60 days for the acquisition to be made;
 - (ii) Is not to include mineral rights; and
- (c) Council classify the acquired land as operational land under Section 31(2) of the Local Government Act 1993;
- (d) Council instruct a surveyor to prepare an Easement Acquisition Plan;

in accordance with the information contained in the Director Engineering Services' report.

MINUTE

6 **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That the following Declarations of Interest be noted.

Cr Coote

Item #4 of the Director Environmental, Planning & Building Services report

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 FEBRUARY 2017

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr M Coote 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 December 2016 (**attachment 1**).
- (b) Applications refused during December 2016 (**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 December 2016 (**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

- 8** Item 2 GENERAL REPORT (03.00053)
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2016/411 – DEMOLITION OF EXISTING BUILDINGS AND SITE REMEDIATION AT 2 PRINCES STREET, BATHURST. APPLICANT: NICOLL PROPERTY PTY LTD. OWNER: COASTLIFE MARINE PTY LTD (DA/2016/411)

Recommendation: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/411, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) The applicant is to arrange an inspection of the development with Council's Heritage Advisor through the Environmental, Planning & Building Services Department at the following times:
 - a. At the lodgement of a schedule of materials to be reused.
 - b. Prior to, during and after the stabilisation of the Bathurst Baths brick wall facing Princes Street.
 - (ii) The existing building and the site's former history is to be recorded and interpreted on site. The content of the interpretation sign is to be approved by Council prior to manufacture.
 - (iii) The remnants of the original brick building on the north western corner of the site are to be retained to a height of at least 3 metres above ground level where they are not impacted by remediation works. Any demolition beyond this level will need to be supported by a report from a structural engineer in relation to the remediation.
- (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 demolition and site remediation at 2 Princes Street, Bathurst, described as Lot 1 DP 327257. A location plan is provided at **attachment 1**.

A vehicle repair station occupies the site, using the structure on the south western boundary. There is unmaintained vegetation on the northern, western and eastern boundary. The site is accessed via Princes Street.

History of the Site/Proposal

The subject site was first known to be associated with the first Bathurst Hospital and Convict Hospital and formed part of what is now the Dairy Farmers precinct. It is later known to be the location of Bathurst Baths (1887-1953). In 1908 a brewery was established adjacent to the Baths which was later to become the Dairy Farmers precinct. Once Council established an Olympic-sized pool in Elizabeth Street, it is presumed the baths were filled and the site was used for steel fabrication.

Little remains of the Bathurst Baths except the brick wall facing Princes Street which has been proposed to be retained and remnants of the brick walls of buildings on the north eastern end of the site. The existing buildings on site comprise part of the brick brewery building with later 20th century modifications including the current mechanics workshop. A permanent in-situ interpretation board to inform the public about the former use of the site is recommended by the Heritage Impact Statement.

The site history involves limited understanding of contamination and fill procedures. A detailed Contamination Investigation was submitted with the DA which identified likely contaminants from soil samples and made recommendations. Remediation of the site will be required as conditions of consent.

The proposal

The proposal involves demolition of all the buildings on the site with the exception of the brick wall facing Princes Street and site remediation. A plan of the proposed development is at **attachment 2**. The site will then be remediated. There is currently no proposal for any development on site.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned B3 Commercial Core under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Demolition and site remediation is permissible with consent in the B3 Commercial Core zone. The proposal is consistent with the objectives of the zone.

2.7 Demolition requires development consent

The proposed development seeks consent to demolish the existing commercial building at the subject site. A condition of consent will impose a permanent in-situ interpretation board to inform the public about the former use of the site, as recommended by the Statement of Heritage Impact.

5.10 Heritage Conservation

The subject site is within the Bathurst Heritage Conservation Area, but not listed as an Item of Heritage Significance. A detailed Statement of Heritage Impact was submitted with the DA (**attachment 3**) and makes recommendations to preserve the heritage of the subject site including an in-situ interpretation sign and retention of the Bathurst Baths brick wall. These recommendations will be imposed as Conditions of Consent.

An opportunity does exist to preserve at least part of the rear brick wall partly as a retaining structure to protect the residence at 170 Howick Street due to the slope of the land and partly because it represents part of the original fabric of the buildings from the late 19th century. Possible retention of this section is however subject to the finalisation of the full extent of remediation. Final plans are to be submitted and approved by Council prior to demolition commencing indicating how the site is to be retained given its proximity to 170 Howick Street. Council's preferred method is to retain a portion of the brick wall adjoining 170 Howick Street to an approximate height of 3m and an approximate length of 20m. This brick wall is associated with the Bathurst Baths given its location, size and approximate age and is of some significance. The extent to which this may occur is however subject to the full extent of remediation being finalised.

The applicant does not support the retention of this section (see applicants submission at **attachment 4**).

It is therefore proposed to impose a condition as follows:

The remnants of the original brick building on the north western corner of the site are to be retained to a height of at least 3 metres above ground level where they are not impacted by remediation works. Any demolition beyond this level will need to be supported by a report from a structural engineer in relation to the remediation.

Development Control Plan

The Bathurst Regional Development Control Plan 2014 does not have specific controls for demolition and site remediation.

Submissions

The development application was advertised and notified to adjoining property owners from 28 November 2016 to 12 December 2016. Following the advertising and notification period, one (1) submission was received from the National Trust (**attachment 5**).

A discussion forum was convened on 21 December 2016. Minutes of the discussion forum are at **attachment 6**. Issues raised in the submissions and at the discussion forum included:

- Retention and reuse of red bricks;
- Potential involvement of National Trust in planning and design for future development of site, given its location relevant to the Bathurst CBD and within the Bathurst Heritage Conservation Area.

It is proposed that a condition of consent be imposed requiring lodgement of a schedule of materials to be reused/salvaged. This will include retention and reuse of many Bathurst red bricks on site.

Contamination

The applicant has prepared a detailed contamination assessment as part of the application (see **attachment 7**). The report indicates that the site has been filled with waste materials, primarily in the south western portion of the site.

This fill area is generally under the buildings constructed in 1969 or thereabouts. Fill in this area is contaminated with elevated levels of lead, Polycyclic aromatic hydrocarbon (PAH) and Benzo[a]pyrene (BaP) to the point where it requires remediation.

Remediation will be by way of excavation and transportation off site.

Conclusion

The proposed development seeks consent for demolition and site remediation. There is no proposed redevelopment. The demolition does not include the brick wall facing Princes Street, which is known to have heritage significance. The site remediation is necessary to enable future redevelopment of the site.

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 3 DEVELOPMENT APPLICATION NO. 2016/411 – DEMOLITION OF EXISTING BUILDINGS AND SITE REMEDIATION AT 2 PRINCES STREET, BATHURST. APPLICANT: NICOLL PROPERTY PTY LTD. OWNER: COASTLIFE MARINE PTY LTD (DA/2016/411)

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/411, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) The applicant is to arrange an inspection of the development with Council's Heritage Advisor through the Environmental, Planning & Building Services Department at the following times:
 - a. At the lodgement of a schedule of materials to be reused.
 - b. Prior to, during and after the stabilisation of the Bathurst Baths brick wall facing Princes Street.
 - (ii) The existing building and the site's former history is to be recorded and interpreted on site. The content of the interpretation sign is to be approved by Council prior to manufacture.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

4 BATHURST REGIONAL DCP 2014 AMENDMENT – EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN (20.00170 & 20.00036)

Recommendation: That Council:

- (a) commence an amendment to the Bathurst Regional DCP to alter the 'School' special use restriction to open space on the land as outlined in this report;
- (b) commence an amendment to the Eglinton Open Space and Drainage Section 94 Plan to include the land identified in this report;
- (c) place the draft DCP and Section 94 Plan Amendments on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (d) call a division.

Report: Council is in receipt of a Development Application for the subdivision of the land including 221 residential lots, new roads and open space.

The land is known as Lot 11 DP 872964, Freemantle Road, Eglinton. The land is on the western side of Eglinton and is illustrated at **attachment 1**.

Background

As part of the Eglinton Expansion LEP Amendment in 2010, Council sought advice from the Department of Education in relation to the likely future land requirements of the Eglinton School. In 2011 the Department of Education advised Council that it supported the identification of 0.91 ha of land to the west and south of the school for possible future expansion of the school site. This land is currently identified on the Eglinton DCP map for school expansion (see **attachment 2**). Advice from the Department of Education at that time indicated that the Department would continue to monitor the situation and advise Council if such land would not be required into the future (see **attachment 3**).

Based on this advice the Council adopted a DCP map for Eglinton that included:

- 0.91 ha of land to the west and south of the school allocated for future school purposes.
- new collector road that would provide road frontage for the full width of the expanded school site (western boundary).

Following discussions between the owner/developer of the land and the Department of Education in late 2016, Council has now received advice from the Department that it does not wish to purchase additional land at Eglinton to allow for future school expansion. The Department has indicated, however, that it requests that the DCP include:

- provision for pedestrian access to the western boundary of the school.
- access be achieved by way of future open space dedication/reserve.
- access be a minimum 30 metres wide to allow emergency vehicle access to the school.
- community meeting place for parents and children, particularly at the beginning and end of the school day.

Proposed amendment to the Bathurst Regional DCP 2014

As a result of the advice received from the Department of Education that they do not wish to purchase the land for future School expansion, an amendment to the DCP is required.

As part of the long term planning of its suburbs, Council is obliged to consider the wider social and environmental impacts of any such proposal. Whilst the Department has indicated a minimum of a 30 m wide access corridor to the rear of the school (see **attachment 4**), the provision of a wider open space area (being the full frontage of the rear of the school) provides greater social benefit to the community. The proposed open space will have the following benefits, achieving better planning outcomes for the future residents of the subdivision:

- ease of pedestrian/vehicle access to the school.
- road buffer between the school and new residential allotments.
- retention of the open view for the rear of the school.
- opportunities to split the car parking load for parents dropping off/picking up children between Alexander Street and the new collector road.

In order to achieve the planning outcomes sought under the original DCP as outlined above, it is proposed:

- to retain the land to the west of the school as public open space (0.517ha).
- amend the relevant section 94 plan to include this land so that its future purchase can be funded under the section 94 contributions plan (ie, the open space will be funded from developer contributions).

A draft DCP map is provided at **attachment 5**.

Proposed amendment to the Eglinton Open Space and Drainage Section 94 Plan

Council has in place a Section 94 Plan to collect funds for the purchase of new open space for Eglinton. Council has received a valuation report dated January 2017 which values the subject land at a rate of \$7.50 per square metre. It is proposed to amend the existing Section 94 Plan and include the subject land as open space.

The proposed Section 94 Plan is proposed to be exhibited concurrently with the draft DCP amendment.

Conclusion

Council has received notification from the Department of Education that it no longer requires the land previously identified for future school expansion. The Department has advised Council that it does however require a rear access with a minimum width of 30 metres. To achieve improved planning outcomes and greater social benefits to the future residents of the subdivision, the land immediately adjoining the whole School frontage should be reserved for open space rather than residential uses. It is recommended that Council commence the process to amend the DCP and Section 94 Plan as outlined in this report. It should be noted that this process includes statutory community consultation requirements.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7

MINUTE

10 Item 4 BATHURST REGIONAL DCP 2014 AMENDMENT – EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN (20.00170 & 20.00036)

MOVED: Cr B Bourke SECONDED: Cr I North

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

Reason: Sister owns adjoining property.

RESOLVED: That Council:

- (a) commence an amendment to the Bathurst Regional DCP to alter the 'School' special use restriction to open space on the land as outlined in this report;
- (b) commence an amendment to the Eglinton Open Space and Drainage Section 94 Plan to include the land identified in this report;
- (c) place the draft DCP and Section 94 Plan Amendments on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr M Coote, Cr G Westman,

Abstain - Nil

5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00287)

Recommendation: That the information be noted.

Report: Council recently engaged the services of Andrew Long and Associates to prepare an Archaeological Management Plan (AMP) for the privately owned lands in the Village of Hill End. The aim of the study was to identify and assess the relative likelihood and significance of archaeological resources on privately owned land at Hill End.

Council officers are currently preparing an amendment to the Bathurst Regional Development Control Plan (DCP) 2014 to update the DCP Map 22 Hill End Archaeology to include the archaeological sensitivity on the relevant properties, based on the information contained in the AMP.

The AMP and the amendment will be formally exhibited early 2017 and a subsequent report to Council will be prepared to consider the adoption of the amendment.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

**11 Item 5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
AMENDMENT (20.00287)**

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

6 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

Recommendation: That the information be noted.

Report: The Bathurst Region Heritage Reference Group met on 6 December 2016 to workshop the next Heritage Strategy. The minutes of that workshop are provided at **attachment 1** and were sent out to the group members in mid December 2016 for their information.

Council is currently liaising with the Group in the preparation of the next Heritage Strategy. The group formally will meet next in March 2017.

Financial Implications: Administrative costs of the meeting are met within Council's existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.5, 30.6

MINUTE

- 12 Item 6 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)
MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

7 OFFICE OF ENVIRONMENT AND HERITAGE – HERITAGE NEAR ME PROGRAM (18.00210)

Recommendation: That the information be noted.

Report: On the 9 December 2016, the Heritage Division of the Office of Environment and Heritage (OEH) announced that Council was successful in securing a \$20,000 grant under the 'Heritage Near Me' program to develop a full interpretation strategy for Kings Parade.

It is proposed that the interpretation strategy include signage to educate the community about the past triumphs and tribulations that the Bathurst community was a part of and how the town at the time chose to commemorate those events. The interpretation signs intend to promote the compassion, ingenuity and community spirit of the time that enabled the Parade and each memorial to take place.

Currently there is no interpretation of the Parade and its memorials. The signs will engage community members in conversation and explain the importance and design of each memorial, encompassing both European and Aboriginal histories.

Financial Implications: It is intended that the grant funded from OEH be expended on collating the signage information, history and the signage manufacture. Project management and signage installation will be funded from Council's existing budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1

MINUTE

13 Item 7 OFFICE OF ENVIRONMENT AND HERITAGE – HERITAGE NEAR ME PROGRAM (18.00210)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the information be noted.

8 2016/17 BATHURST MAIN STREET IMPROVEMENT FUND (16.00149)

Recommendation: That the information be noted.

Report: Council recently launched its Bathurst Region Main Street Improvement Fund aimed at assisting property owners and tenants to improve, repair and maintain buildings within the Bathurst CBD.

The fund was well received with 21 applications being submitted for works including:

- Repairs and repainting the façade of 92 and 92A William Street – Wishbone Chicken.
- Repairs, repainting the façade and replacement signage at 132 William Street – The Edinboro.

In total it is proposed to fund 17 of these applications with a total value of works for the projects to be funded of approximately \$243,676.00.

Under Council's current budget for the fund, \$45,200.00 is recommended to be paid out in grant funding with the average grant recommended of \$ 2,658.82. As this is the first year Council have run this fund, the recommended funding to be paid out is lower than the budget allocation of \$50,000. It is anticipated, that should this fund continue in the future, its popularity will increase and the allocated budget for funding applications will be expended.

A further report will be provided to Council upon completion of the fund.

Financial Implications: The Bathurst Region Main Street Improvement Fund is funded under Council's Management Plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1

MINUTE

- 14 Item 8 2016/17 BATHURST MAIN STREET IMPROVEMENT FUND (16.00149)
MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That the information be noted.

9 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)

Recommendation: That Council:

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

Report: Background

At its meeting held 3 February 2016, Council resolved to prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to update Schedule 5 Environmental Heritage of Bathurst Regional Local Environmental Plan 2014.

The Planning Proposal aims to consider heritage listing several items within the following areas:

- a) Colonial Housing Stock within the Bathurst Region including 62 Seymour Street, Bathurst.
- b) Early Government sites such as the Agricultural Research Station and relics associated with Bathurst Railway Station.
- c) Natural Landscapes as recommended by the Bathurst Region Heritage Study 2007 including:
 - Abercrombie Caves – Caves Road, Abercrombie River
 - Winburndale Nature Reserve – Winburndale Dam Road, Napoleon Reef
 - Copperhannia Nature Reserve – Colo Road, Trunkey Creek
 - Stevens Park and Weir – Budden Street and Peppers Creek, Rockley
 - Wattle Flat Heritage Lands - Wattle Flat
 - Trunkey Creek Memorial Park – Arthur Street, Trunkey Creek
 - Devil's Marbles – 2396 Ophir Road, Rock Forest
 - Macquarie Woods – Cashens Lane, Vittoria
 - Lions Club Drive Trees - Lions Club Drive, Kelso
 - Beyer's Avenue Trees - Beyer's Avenue, Hill End
 - Wallaby Rocks – 557 Hill End Road, Sofala
 - Victoria Park – Howick Street, Bathurst
 - Centennial Park – Bentinck Street, Bathurst.
- d) Include more descriptive property addresses for several existing listed heritage items.

The Planning Proposal does not involve a review of the existing heritage items currently under Schedule 5 of the LEP.

The finalised Planning Proposal is included at **attachment 1**.

Public Exhibition

Council exhibited the Planning Proposal for a period of 28 days between 12 September 2016 and 4 October 2016. Council received a total of 7 submissions during that exhibition period. These submissions are provided within **attachment 1** from page 142 to page 202. The submissions were reported to the Council Discussion Forum held on 2 November 2016.

Based on the submissions Council received as part of that exhibition period, the Planning Proposal was amended in relation to the heritage listing boundaries proposed for:

- Wallaby Rocks – 557 Hill End Road, Sofala
- Agricultural Research Station

The remaining items as previously exhibited remain unchanged.

Council re-exhibited the Planning Proposal from 21 November 2016 until 19 December 2016. Council received a further 2 submissions which are provided in **attachment 1** from page 203.

The following is noted in relation to the submissions received.

Bathurst Railway Gantry Crane

Voestapline VAE Railway Systems Pty Ltd do not support the proposed listing of the Gantry Crane located at the Bathurst Railway Precinct. The location of the crane falls outside of the area protected by the Heritage Act 1977 as State Heritage Listed. Sydney Trains requested Council consider listing the gantry crane as an item of local significance as their research suggests that 25-ton gantry cranes are rare, possibly no others still exist.

The crane was constructed in 1918 at the wagon repair siding to lift defective wagons. It belonged to the 1880s Bathurst Locomotive Workshops, which have since been demolished, leaving the crane to be an isolated industrial relic, reflective of the former uses of the site. The crane is a well-known local landmark, being clearly visible from the Rocket Street Bridge.

Voestapline have indicated that the proposed listing of the crane would impact on how they use the site. It is acknowledged that the crane could not be easily transported/removed off the site given the constraints of the Rocket Street Bridge and the Russell Street Overpass. However, by listing the crane as a heritage item, it protects it from being dismantled and removed from the site. The listing will not prevent the landowner using the site, however, it will require them (and Council) to consider any possible impact on the crane from a new use.

Bathurst Agricultural Research Station

The Bathurst Experiment Farm of the New South Wales Department of Agriculture was established in 1895. The Planning Proposal was amended as a result of submissions received from the National Trust (Bathurst Branch) to include the listing of the research station in its entirety.

No response received from Department of Agriculture – Bathurst Primary Industries. No objections from Crown Lands, as the current owners and managers of the site, to the proposed listing.

Wallaby Rocks – 557 Hill End Road, Sofala

The owner requested amendments to the heritage item boundaries on the site to better achieve protection of that landscape. The Planning Proposal was amended as requested. No further comment was received from the owner as part of the re-exhibition period.

Conclusion

Council resolved to update Schedule 5 Environmental Heritage of Bathurst Regional Local Environmental Plan 2014 to consider heritage listing several items. There are no environmental or planning grounds to prevent the LEP amendment from proceeding. It is recommended that Council adopt the amendment to the LEP.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7

MINUTE

15 Item 9 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council:

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

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

10 BATHURST REGIONAL LEP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL DCP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL OPEN SPACE SECTION 94 PLAN AMENDMENT (20.00307 & 20.00036)

Recommendation: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) commence an amendment to the Bathurst Regional DCP as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Open Space Section 94 Plan as outlined in this report;
- (d) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (e) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (f) place the draft LEP, DCP and Section 94 Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (g) call a division.

Report: The Bathurst Regional Local Environmental Plan, Development Control Plan and Bathurst Regional Open Space Section 94 Plan have been in force since November 2014. As a result of their operation, Council staff have noted a number of minor anomalies in both the LEP and DCP. The Section 94 Plan will be amended to reflect the proposed changes in the zone boundaries as it relates to the RE1 Local Recreation land.

It is proposed to commence an amendment to the *Bathurst Regional Local Environmental Plan* which seeks to:

- Amend the R1 Residential and RE1 Local Recreation of various open space in Kelso to better suit subdivision design.
- Amend the R1 Residential and RE1 Local Recreation of various open space in Windradyne, Llanarth and Eglinton in response to subdivision design.
- Amend the RU1 Primary Production zone boundary adjacent to Sawpit Creek in response to landowner request.
- Amend Schedule 2 – Exempt Development provisions for:
 - Garages and carports – to limit the size of a combined carport/garage to 45 sqm (in a heritage conservation area) or 60 sqm on all other land, introducing a maximum floor area of 60 sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.
 - farm buildings – to introduce larger setbacks from boundaries and dwellings on adjoining land and introducing a tiered size of building dependant on the land size.
 - Balconies, decks, patios, patio covers, pergola, terrace and verandah – permit

these developments to be built forward of the front building line, whilst maintaining a minimum 4 metre setback

- rainwater tanks – to remove tanks as exempt development on floodprone land.
- Filming – removing filming and relying on State Environmental Planning Policy (Exempt and Complying Development Codes).

- Prohibit dwelling houses on land zoned RE1 – Local Recreation.
- Zone land owned by Council at Mount Panorama as SP3 Tourist.

It is proposed to commence an amendment to the *Bathurst Regional Development Control Plan* which seeks to:

- Amend various maps to reflect the zone changes outlined in the draft LEP amendment.
- Amend Section 4.10.2 in relation to fire hydrants for certain developments consistent with current NSW Fire Brigade Guidelines.

It is proposed to commence an amendment to the *Bathurst Regional Open Space Section 94 Plan* which seeks to:

- Amend the land identified as open space to ensure it is consistent with the zoning of the land.
- Amend the rate at which the open space is purchased. The purchase rate will be determined by a new valuation report to be commissioned by Council.

Detailed documentation will be prepared in accordance with the NSW Department of Planning and Environment's guidelines supporting the request for a Gateway Determination. Following the gateway determination, detailed public exhibition documentation will be prepared for each of the Plans and then placed on public exhibition in accordance with Council's statutory obligations.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|---|---------------------|
| ● Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. | Strategy 28.8 |
| ● Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.3, 30.7 |

MINUTE

16 Item 10 BATHURST REGIONAL LEP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL DCP 2014 AMENDMENT – HOUSEKEEPING AND BATHURST REGIONAL OPEN SPACE SECTION 94 PLAN AMENDMENT (20.00307 & 20.00036)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) commence an amendment to the Bathurst Regional DCP as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Open Space Section 94 Plan as outlined in this report;
- (d) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (e) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (f) place the draft LEP, DCP and Section 94 Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (g) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

11 CAR PARKING LICENCE AGREEMENT WITH HUNGRY JACKS PTY LIMITED (22.00719)

Recommendation: That Council:

- (a) agree to enter into a Car Parking License Agreement with Hungry Jacks Pty Limited for a period of three (3) years with an option for a further two (2) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

Report: Council has received a request from Hungry Jacks Pty Ltd to undertake monitoring and enforcement of time limited parking in the Bathurst Hungry Jacks Car Park, 54 Durham Street Bathurst.

This monitoring can be undertaken based on a "free parking agreement" under s.650 of the *Local Government Act 1993* .

An agreement has been prepared which includes the following conditions:

1. Hungry Jacks licences Bathurst Regional Council to use the Car Park as a free car parking area.
2. The licence fee payable by Bathurst Regional Council is \$1.00 per annum.
3. Parking in the Hungry Jacks Car Park is limited to one hour.
4. Monitoring will be undertaken on an as required/as agreed basis, that is, Council Rangers are not required to spend a set number of hours monitoring each month. Frequency of patrols would be negotiated from time to time to ensure adequate turnover of car parking.
5. Council will receive the income from any Penalty Infringement Notices (PINs) issued.
6. The agreement is for a period of three (3) years, with an option to renew for a further two (2) years.
7. The agreement allows either party to give six months' notice to terminate the agreement.
8. Hungry Jacks Pty Limited are responsible for the installation and maintenance of all appropriate signage, and maintenance of the car park.

It is recommended that Council enter into the agreement with Hungry Jacks Pty Limited for a period of three (3) years with an option for a further two (2) years.

A copy of the agreement is provided at **attachment 1** to this report.

Financial Implications: If Council resolves to enter into the agreement, Hungry Jacks Pty Limited will be required to pay the cost of preparing the agreement by Council's solicitor.

Council would receive income from any PINs issued in the Car Park. Council would also be required to pay a licence fee of \$1.00 per annum to use the car park as a free parking area.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.5

MINUTE

17 Item 11 CAR PARKING LICENCE AGREEMENT WITH HUNGRY JACK'S PTY LIMITED (22.00719)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council:

- (a) agree to enter into a Car Parking License Agreement with Hungry Jack's Pty Limited for a period of three (3) years with an option for a further two (2) years; and
- (b) delegate authority to the General Manager to sign the agreement on behalf of Bathurst Regional Council.

12 DECEMBER 2016 BUY LOCAL GIFT CARD RESULTS (20.00071)

Recommendation: That the information be noted.

Report: On the 29 April 2015, Bathurst Regional Council launched the Bathurst Buy Local Gift Card. The Gift Card encourages residents to shop locally and demonstrates Council's support for local business, economic prosperity and jobs growth. Currently there are 125 local businesses participating in the program. The Buy Local Gift Cards can only be spent in Bathurst at participating stores.

The Gift Card program experienced an exceptional increase in the number of cards loaded in the lead up to Christmas as outlined below:

December 2016

- **596** cards purchased
- **\$38,365** loaded on the cards in total

The total number of cards purchased in the program to date is **2,274** to the value of **\$150,687**. Of this amount, **\$97,993** has been spent at local shops, directly contributing to the Bathurst economy.

Conclusion:

The Gift Card program experienced exceptional results over the Christmas period with a total of 596 cards loaded to the value of \$38,365 in December 2016 alone.

Since the launch of the Bathurst Buy Local Gift Card in April 2015, a total of 2,274 cards have been purchased to the value of \$150,687.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 18 **Item 12 DECEMBER 2016 BUY LOCAL GIFT CARD RESULTS (20.00071)**
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully



R Denyer
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 FEBRUARY 2017

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$71,600,000 was invested at 31 December 2016 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
Bank of Queensland Limited	A2	\$13,500,000.00	2.78%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.76%
National Australia Bank Limited	A1+	\$14,000,000.00	2.89%
St George	A1+	\$3,000,000.00	2.86%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.84%
People's Choice Credit Union	ADI	\$1,500,000.00	2.70%
Railways Credit Union Limited	ADI	\$2,000,000.00	2.94%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.77%</u>
		\$36,500,000.00	2.83%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Committed Rolling Investments</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.57%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.72%
CBA Deposit Plus 2	AA-	\$1,500,000.00	4.00%
WBC Coupon Select	AA-	\$2,000,000.00	2.78%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.10%</u>
		\$9,300,000.00	2.73%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB+	<u>\$2,000,000.00</u>	<u>3.28%</u>
		\$2,000,000.00	3.28%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.65%
AMP	AA-	\$800,000.00	2.87%
AMP	AA-	\$1,000,000.00	3.11%
Suncorp Metway	A+	\$1,000,000.00	3.00%
Rabobank	A+	\$1,000,000.00	3.27%
Macquarie Bank	A	\$1,000,000.00	2.87%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	2.96%
Bank of Queensland	A-	\$1,000,000.00	2.77%
Bank of Queensland 1	A-	\$2,000,000.00	2.91%

Bendigo & Adelaide Bank 2	A-	\$1,000,000.00	2.72%
Bendigo & Adelaide Bank 3	A-	\$1,000,000.00	2.86%
Bank of Queensland 2	A-	\$1,000,000.00	2.83%
Credit Union Australia	BBB+	\$3,000,000.00	3.09%
Police Bank Ltd	BBB+	\$1,000,000.00	2.86%
Police Bank Ltd 2	BBB+	\$1,000,000.00	2.86%
Credit Union Australia 2	BBB+	\$1,000,000.00	3.00%
Credit Union Australia 3	BBB+	\$1,000,000.00	3.33%
Newcastle Permanent	BBB+	\$1,000,000.00	3.08%
Newcastle Permanent 2	BBB+	\$1,000,000.00	3.40%
Members Equity Bank 2	BBB+	\$1,000,000.00	2.76%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.06%</u>
		\$23,800,000.00	2.97%

Total Investments **\$71,600,000.00** **2.88 %**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$35,516,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$379,269.00

Total Investments **\$71,600,000.00**

Total Interest Revenue to 31 December 2016 **\$1,076,854.85** **2.88%**

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

- 19 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)

Recommendation: That the information be noted.

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

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2016-2020 Delivery Plan and the Annual Operating Plan 2016-2017.

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

Fines or penalty notices this month - Refer to attachment 2.

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

20 Item 2 YEAR TO DATE MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2016-2017 (16.00144)

MOVED: Cr W Aubin SECONDED: Cr G Hanger

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 30 December 2016.

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

Section 356:	\$Nil
BMEC Community use:	\$Nil
Mount Panorama:	\$8,463.08

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

21 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 M Morse

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.

- Crohar Pty Ltd - Part 234 Gilmour Street - Part Lot 2, DP 1125206 - Contract
- Padjabill Pty Ltd - 13 Edgells Lane - Part Lot A, DP408013 - Contract
- SGK Bramley - 34 Governors Parade - Lot 1121, DP 1215618 - Transfer
- SM Turner - 19 Lew Avenue - Lot 20, DP 1226661 - Transfer
- S Herbert - 519 Mitchell Highway - Part Lot C, DP 158611 - Rural Licence Agreement
- C Hotham - 1017 Limekilns Road - Lot 5, DP 847225 - Rural Licence Agreement
- NJ Harvey - 5 Poate Street - Lot 1097, DP 1215618 - Transfer
- CA & MA Kauter - 5 Fraser Drive - Lot 57, DP 1226661 - Transfer
- Li H & Chen F - 15 Fraser Drive - Lot 52, DP 1226661 - Transfer
- B & E Roughley - 1 Fraser Drive - Lot 59, DP 1226661 - Transfer
- Adam Hart Constructions Pty Ltd and GA & NF Inwood - 15 Barr Street - Lot 1008, DP 1212670 - Transfer
- Bear Security Pty Ltd Inc - 7 Lee Street, Kelso - Lots 101, 102 & 103 - DP 1204847 - Lease Agreement
- Li H - 17 Fraser Drive - Lot 51, DP 1226661 - Transfer
- WJ Fitzgerald - 36 Governors Parade - Lot 1122, DP 1215618 - Transfer
- TW Pugh - 21 Fraser Drive - Lot 49, DP 1226661 - Transfer
- JSK Constructions Pty Ltd - 2 Fraser Drive - Lot 31, DP 1226661 - Transfer
- DW Sharman & LA Holland - 19 Fraser Drive - Lot 50, DP 1226661 - Transfer
- SJ & KT Broes - 2 Lew Avenue - Lot 1, DP 1226661 - Transfer
- KJ Toole & EL Brasington - 11 Lew Avenue - Lot 24, DP 1226661 - Transfer

Linen Plan Release

- JD & BA Peard - 31 lot residential subdivision - Stage 1: 1 residential lot, 1 open space lot & 1 residual lot - Lot 2, DP 786472, 46 Hamilton Street, Eglinton
- Hynash Pty Ltd - 92 lot residential subdivision - Stage 3: 32 residential lots, 1 open space lot & 1 residual lot - Lot 226, DP 1214429, Rothery Street, Eglinton

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

- 22 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That the information be noted.

5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST BEYOND THE ORPHANAGE (23.00026)

Recommendation: That Council provide the BMEC Wattle Foyer to Matt Boylan-Smith for his fundraising event at a cost of approximately \$1,000 to be funded from Section 356 BMEC Funds.

Report: Council has received a letter from Matt Boylan-Smith at **attachment 1** in relation to a fundraising event to be held on 24 March 2017 at the Bathurst Memorial Entertainment Centre.

Matt is a talented local musician who has offered to raise essential funds for the Beyond the Orphanage Foundation. In 2007 the Foundation was set up in Australia to financially support a best practice model of kinship/foster care for orphans in Addis Ababa. The program of care revolves around a total commitment to each child and they are supported until they are fully independent adults and ensures they are educated, learn life skills and graduate from university or a vocational program. Costs for essentials such as rent, food, clothing, education, tutoring, health care and life skill training are provided by Beyond the Orphanage.

The program has now been extended to children in Ethiopia. Further background on the Foundation is at **attachment 2**.

Mr Boylan-Smith is proposing to hold a night of music where local acts can perform an original set in an intimate setting. Ideally they will be able to promote their material to a new audience to gain exposure with the proceeds of the event to be directed to the Beyond the Orphanage Foundation.

Costs associated with the event are as follows:

Venue hire of Wattle Foyer x 4 hours	\$196.00
Technical Staff for a period of 4 hours	\$134.00
Box Office x 2 hours	\$67.00
Contingency (Bar/Hospitality Staff) 4 hours	\$134.00

Internal charges SABO \$1 per ticket + credit card charge

Production costs:

Fold Back x 1 @ 15.00	
Sound desk \$80.00 (desk & 2 speakers)	
Radio Mic x 1 \$45.00	
DI \$11.50	
Lect & Mic 29.50	
Upright piano \$76.00 (if needed)	

Mr Boylan-Smith is requesting Council assistance with the holding of the event.

Financial Implications: If Council adopts the recommendation it would be necessary to vote additional funding from BMEC Section 356 Donations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

23 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST BEYOND THE ORPHANAGE (23.00026)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council provide the BMEC Wattle Foyer to Matt Boylan-Smith for his fundraising event at a cost of approximately \$1,000 to be funded from Section 356 BMEC Funds.

6 SUBMISSIONS - FINANCIAL STATEMENTS 2015/2016 (16.00055, 16.00140)

Recommendation: That

- (a) no action be taken in relation to the submissions on Council's Financial Statements received from Mr G A Crisp.
- (b) Council note that the submissions received from Mr Crisp have been referred to Council's Auditor in accordance with Section 420(3) of the Local Government Act 1993.

Report: Council in accordance with the requirements of the Local Government Act called for submissions in relation to the 2015/2016 Financial Statements.

Council received a series of submissions from Mr G A Crisp in relation to the Financial Statements identified as parts A, B, C, D, E and F. A copy of the submission in 6 Parts from Mr G A Crisp is **not** attached as Council believes that it is a submission which describes itself as made under s420 of the Local Government Act 1993 but which is more correctly characterised as a series of complaints and allegations. Much of the material:

- (i) has been raised before
- (ii) involves allegations made against a range of persons and is not necessarily related to the Financial Statements or to the Auditor's Reports
- (iii) is defamatory and will not be re-published by Council.

The submissions from Mr Crisp have been provided to Councillors as a confidential memorandum under separate cover.

Section 420 of the Local Government Act 1993 requires that Council must ensure that copies of all submissions received by it are referred to the auditor. The submissions from Mr Crisp were forwarded to Council's Auditor on 12 December 2016.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

24 Item 6 SUBMISSIONS - FINANCIAL STATEMENTS 2015/2016 (16.00055, 16.00140)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That

- (a) no action be taken in relation to the submissions on Council's Financial Statements received from Mr G A Crisp.
- (b) Council note that the submissions received from Mr Crisp have been referred to Council's Auditor in accordance with Section 420(3) of the Local Government Act 1993.

7 REQUEST FOR FINANCIAL ASSISTANCE - WOMEN OF AVIATION WORLDWIDE WEEK (18.00004)

Recommendation: That Council donate from Section 356 Donations the cost of supporting the Women of Aviation Worldwide Week 'Women With Wings' Bathurst event to be held at Bathurst Aerodrome on 11 March 2017 as follows:

- (a) Provision of groundsman for security (estimated cost \$400).
- (b) Provision of landing charges for participating aircraft, up to a total of \$850.

Report: Council received a request from Central West Flying School for financial assistance for the 'Women With Wings' Bathurst event (the event) to be held at the Bathurst Aerodrome on 11 March 2017. A copy of the request is provided at **attachment 1**.

Council has supported the event in the last 3 years. Each year there were approximately 200 spectators and 100 female participants. The event is designed to encourage women that have an interest in aviation that have never flown in a light aircraft before, to take a joy flight at no cost to them.

The event organiser advises this is a volunteer event where no money is exchanged and therefore no financial records are created.

Groundsman for Security

To enable the event to proceed, Council has applied to the Office of Transport and Security, which is the organisation that regulates airside security, for a Special Event Zone. This allows for a modification to the airside boundary, by way of temporary fencing, to allow participants to gain access to aircraft. The temporary fencing boundary will be similar in size to last year, and will be installed by Council's Aerodrome Groundsman utilising existing temporary fencing available on site.

A requirement for the Special Event Zone is that Council's Aerodrome Groundsman is required to provide security monitoring of the temporary airside boundary. This is anticipated to cost \$400.

Aircraft Landing Charges

The event is expected to include aircraft that are not locally based and as such are subject to landing charges. The event organiser has requested that these aircraft be exempt from landing charges due to the not for profit basis of the event. It is anticipated that up to 5 aircraft will make up to 15 landings each (each of these aircraft will be under 2 tonnes Maximum Take Off Weight (MTOW)).

In addition, 1 aircraft over 2 tonnes MTOW will participate in the event, with up to 10 landings. No locally based annual fee is available for aircraft over 2 tonnes MTOW, so a landing charge for this aircraft would apply. The total value of these landing charges would be a maximum of \$850.

It is recommended that Council support the 2017 event by providing temporary fencing, 1 member of staff and aircraft landing charges as above.

Financial Implications: Council will need to vote additional funding from Section 356 to allow this donation to occur.

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

25 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - WOMEN OF AVIATION WORLDWIDE WEEK (18.00004)

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That Council donate from Section 356 Donations the cost of supporting the Women of Aviation Worldwide Week 'Women With Wings' Bathurst event to be held at Bathurst Aerodrome on 11 March 2017 as follows:

- (a) Provision of groundsman for security (estimated cost \$400).
- (b) Provision of landing charges for participating aircraft, up to a total of \$850.

8 SPORTING ASSOCIATION GRANTS PROGRAM YEAR ENDING 30 JUNE 2017 (18.00279)

Recommendation: That Council approve the following sporting grants totalling \$7,248 for the 2016/2017 financial year as follows;

- | | |
|--|---------|
| (a) Panorama Motor Cycle Club Inc. | \$3,600 |
| (b) Bathurst Carillon City Tennis Club | \$2,899 |
| (c) Bathurst City Croquet Club | \$749 |

Report: Council would be aware this grant scheme has been developed to assist local sporting organisations in undertaking specific works or purchasing equipment for the advancement of sport in the Bathurst Region. A total of \$20,000 is allocated annually to fund this program, with sporting organisations that are affiliated with the Bathurst District Sport and Recreation Council being eligible to apply.

Notices for Council's 2016/17 Sporting grant program were advertised in the Western Advocate in July and September 2016, as well as on Council's Website. In addition, the Bathurst Sport and Recreation Council were also advised during the advertising period.

At the close of advertising, a total of three (3) applications from local sporting groups were received with a total combined amount requested of \$7,248. Applications received were submitted by the following organisations:

- Panorama Motor Cycle Club Inc.
- Bathurst Carillon City Tennis Club
- Bathurst City Croquet Club

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

It is recommended that Council approve the following sporting grants for the 2016/2017 season totalling \$7,248 as follows:

Sporting Group	Project Description	Amount Requested	Amount Recommended
Panorama Motor Cycle Club Inc.	Replacement of damaged ply for long track masters at Bathurst Showground	\$3,600	\$3,600
Bathurst Carillon City Tennis Club	Acquisition of Lobster Elite 2 Tennis Ball Machine	\$2,899	\$2,899
Bathurst City Croquet Club	Replacement of natural gas heater for Croquet Clubhouse	\$749	\$749

Financial Implications: Council has included \$20,000 in its 2016/2017 Management Plan

for the Sporting Grants Program.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

26 Item 8 SPORTING ASSOCIATION GRANTS PROGRAM YEAR ENDING 30 JUNE 2017 (18.00279)

MOVED: Cr M Coote SECONDED: Cr G Hanger

RESOLVED: That Council approve the following sporting grants totalling \$7,248 for the 2016/2017 financial year as follows;

- | | | |
|-----|------------------------------------|---------|
| (a) | Panorama Motor Cycle Club Inc. | \$3,600 |
| (b) | Bathurst Carillon City Tennis Club | \$2,899 |
| (c) | Bathurst City Croquet Club | \$749 |

9 THE KANGAROO PROJECT - "APPLETON" ORCHARD, COLLEGE ROAD (14.00665)

Recommendation: That the information be noted.

Report: Councillors are advised that the kangaroo relocation project at "Appleton" Orchard on College Road continues. To update Councillors on this matter, the following information is supplied.

1. Council has erected the required fencing around Appleton Orchard to isolate the kangaroos.
2. Mr Mjadwesch from Mjadwesch Environmental Service Support has advised Council that he has requested a Scientific Licence from the National Parks & Wildlife Service for the relocation of the Eastern Grey Kangaroos from this precinct.
3. Mr Mjadwesch has advised Council that he has received advice that the Licence has been received and that he will be able to remove 30 kangaroos as a trial process.
4. Mr Mjadwesch has also advised at the relocation point his organisation is required to construct a 25 hectare compound to continue to relocate kangaroos.
5. On 9 January 2017 Council received advice from the Kangaroo Project that the kangaroos at "Appleton" Orchard required water. Council spoke with Ms Helen Bergen from this group and arranged for water to be supplied to the kangaroos.
6. As at 19 January 2017 there has been no relocation of kangaroos from this compound and the matter continues to be delayed due to ongoing problems with relocation and staffing arrangements with the Kangaroo Project group.
7. Councillors are requested to advise what further involvement or direction Bathurst Regional Council will have in this project. It is important that a decision be reached as the kangaroo population in the compound area has exploded with the birth of many new kangaroos. An examination of the area shows the extent of the damage been done to the vegetation of the area and this needs to be addressed.
8. Council has committed the following funds:
 - (a) \$8,000 for fencing costs,
 - (b) \$12,000 for medicants and darts
 - (c) An additional \$31,400 for further fencing
 - (d) Mr Mjadwesch has requested even further funds to assist with travel costs and the construction of the relocation compound, but this has been rejected by Council.

Financial Implications: This project continues to cost Council funds over and above the \$20,000 originally committed to the project.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.3, 10.6
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

27 Item 9 THE KANGAROO PROJECT - "APPLETON" ORCHARD, COLLEGE ROAD (14.00665)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That Council

- (a) Maintain the fencing, at this time, for kangaroos at "Appleton" Orchard
- (b) Refer the matter to a Working Party to determine Council's future directions in this matter
- (c) Delegate to the General Manager the authority to maintain fencing until the end of May 2017, if required.
- (d) Note the information.

10 CLASSIFICATION OF LAND, EDGELLS LANE, KELSO (22.01560)

Recommendation: That Council classify Lot A in DP 408013 and Part Lot 2 in DP 1125206, being 16.65 hectares, as Operational Land, under Section 31(2) of the Local Government Act 1993.

Report: Council, at its meeting held on 21 September 2016 (DCSF Confidential report Item #1) resolved to purchase land known as the brick pits in Edgells Lane, Kelso. The total area of land to be purchased is 16.65 hectares. Location map is shown at **attachment 1**.

When purchasing land Council must classify the land under section 31 of the Local Government Act 1993 as Operational land (to be used for operational purposes) or Community land (to be used for community purposes) either when Council acquires the land or within three (3) months after it acquired the land.

Operational land may be used for entrepreneurial activities, Council's normal day to day activities or may be sold. Community land must be used for community purposes (e.g. parks, cemeteries, sporting fields etc.) only and cannot be sold.

It is recommended that Council classify Lot A in DP 408013 and Part Lot 2 in DP 1125206, being 16.65 hectares, as Operational Land, under Section 31(2) of the Local Government Act 1993.

Financial Implications: Nil

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.3, 6.4
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4

MINUTE

28 Item 10 CLASSIFICATION OF LAND, EDGELLS LANE, KELSO (22.01560)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council

- (a) Classify Lot A in DP 408013 and Part Lot 2 in DP 1125206, being 16.65 hectares, as Operational Land, under Section 31(2) of the Local Government Act 1993.
- (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 M Morse, Cr I North, Cr G Rush,

Against the motion - Nil

Absent - Cr G Westman,

Abstain - Nil

**11 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.00185, 22.00041)**

Recommendation: That the information be noted.

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

**1. NEW COMMUNITY LICENCE AGREEMENT - PART LOT 180 IN DP862410
LOCATED AT 55 SEYMOUR STREET BATHURST - THE NEIGHBOURHOOD
CENTRE (22.00185)**

The report concerns a proposal for Council to enter into a new Community Licence agreement between Council and the The Neighbourhood Centre for the use of 55 Seymour Street, Bathurst.

**2. NEW TELECOMMUNICATION LEASE - PART LOT 1 IN DP774489 LOCATED IN
THE BASEMENT AREA OF 230 HOWICK STREET, BATHURST - OPTUS
NETWORKS PTY LTD. (22.00041)**

The report concerns a proposal for Council to enter into a new Telecommunication Lease agreement for the basement area of 230 Howick Street, Bathurst with Optus Networks Pty Ltd.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

29 Item 11 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.00185, 22.00041)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 FEBRUARY 2017

1 DEDICATION OF UNFORMED ROAD AS PUBLIC ROAD - VICTORIA STREET EGLINTON (25.00050)

Recommendation: That Council approve the dedication of the unformed road known as "Victoria Street" off Hamilton Street Eglinton. The land is to be dedicated as public road subject to the information contained in the Director Engineering Services' report.

Report: Council issued 2 Development Approvals with conditions, as follows:

1	2014/0217	11 July 2014	56 Lot Subdivision incorporating 52 residential lots 2 open space lots and 2 residual lots
2	2015/0227	3 September 2015	31 Lot Subdivision and associated roads incorporating 29 residential lots, 1 open space allotment and 1 residual allotment pursuant to the Rural Lands SEPP

1 DA 2014/0217

Condition 24 (in part) states:

The reconstruction of the intersection of Hamilton Street and Victoria Street and Hamilton Street and the new access roadway (now known as Cusick Street) including:

- (a) Dedication of Victoria Street as a public road. Prior to the commencement of construction of Victoria Street the applicant is to provide evidence that the land is a public road.

A Plan of Subdivision showing the position of Victoria Street Eglinton is contained in **attachment 1**.

2 DA2015/0227

Condition 24 (in part) states:

The reconstruction of the intersection of Hamilton Street and Victoria Street including:

- (a) Dedication as public road of that part of the subject land so indicated on the approved plans;
- (b) Kerbing and guttering and sealing of the road shoulder at the intersection and for 20 metres either side of the intersection on both sides of the road;
- (c) Installation of street lighting;

in accordance with the provisions of Bathurst Regional Council's Guidelines for Engineering Works.

A Plan of Subdivision showing the position of Victoria Street Eglinton is contained in **attachment 2**.

Ownership of Land forming Unformed Victoria Street

It has been requested that Council take ownership of the unformed street. For this to occur the road needs to be created and constructed in accordance with Council's Engineering Guidelines, as conditioned in the Development Approvals.

Council's records reflect the land ownership as being unknown. A search to ascertain the legal status of the land has found the strip of land was created in a private old system subdivision circa 1860. No evidence has been found as to the formal resumption or dedication to Council of the strip.

In order to dedicate the section as public road, Council will need to advertise in the Government Gazette. Council may dedicate private roads as public roads pursuant to Division 2 Section 16 of the Roads Act 1993 which states:

"Division 2 Resolution of doubts concerning status of certain roads - 16 Council may dedicate certain land as a public road

1. *This section applies to land that is set aside for the purpose of a road left in a subdivision of land effected before 1 January 1907 (the date of the commencement of the Local Government Act 1906) or in a plan of subdivision that was registered by the Registrar-General before 1 January 1920 (the date of commencement of the Local Government Act 1919).*
2. *The council of the local government area within which such land is situated may, by notice published in the Gazette, dedicate the land as public road.*
3. *On publication of the notice in the Gazette:*
 - a) *The land described in the declaration becomes free of all trusts, restrictions, dedications, reservations, obligations and interests, and*
 - b) *The land is dedicated as a public road.*
4. *No compensation is payable to any person with respect to any loss or damage arising from the operation of this section."*

It is recommended that Council approve the dedication of part of Victoria Street Eglinton as Council public road.

Costs

The Applicant in each Development Application above is responsible for any costs for Council to dedicate the land as public road.

Council will not require a development application for road construction, but an Engineering Design will need to be presented for approval by the Director Engineering Services.

It is recommended that Council approve dedication to the public of that part of Victoria Street shown in **attachment 3** upon the conditions contained in DA 2014/0217 and DA 2015/0227.

Financial Implications: All costs are to be met by the Applicant in each of Development Application 2014/0217 and 2015/0227.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1

MINUTE

30 Item 1 DEDICATION OF UNFORMED ROAD AS PUBLIC ROAD - VICTORIA STREET EGLINTON (25.00050)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council approve the dedication of the unformed road known as "Victoria Street" off Hamilton Street Eglinton. The land is to be dedicated as public road subject to the information contained in the Director Engineering Services' report.

2 REMEDIATION OF 27 RIVER ROAD, BATHURST (22.05825)

Recommendation: That Council commence remedial clean up works and a revegetation treatment at 27 River Road Bathurst, in accordance with the Director Engineering Services' Report, with funding to be provided from the Waste Fund.

Report: Council owns and manages 27 River Road, a property that is located within the Macquarie River Floodplain and incorporates the Kelso BMX track.

The eastern boundary of the site, approximately 0.9ha, has been used as an illegal dumping ground over many years with rubbish and household waste, building materials etc. located throughout the dense thicket of exotic woody weed vegetation. The growth of this undesirable vegetation has provided an ideal place for the covert dumping of a range of material, some of which may be hazardous material.

Following recent concerns raised by members of the community and inspections of the site by Council Officers, it is considered necessary that works be undertaken in order to prevent future illegal dumping within the site. It is proposed that the site be remediated by removing the rubbish including car bodies, household furniture, tires and other general waste. As the rubbish has accumulated over a long period of time, excavation of buried material will likely be required. Asbestos has historically been located within this illegal dumping area which has already been removed, however there is the potential of more material being uncovered.

In order to be able to undertake the rubbish clean up works, a large proportion of the Poplars, Willows (noxious weed) and other woody weeds would need to be removed to provide the necessary machinery access to the rubbish. The opening up of the dense vegetation would also allow for easier maintenance of this area and assist in reducing future rubbish dumping. Where vegetation is cleared, it is proposed that replacement native trees would be planted that are more suitable to the site's location in proximity to the river.

A Review of Environmental Factors (REF) report has been prepared to consider the environmental issues associated with remediating the site. The REF concluded that while the proposal has the potential to impact on a number of environmental factors, all impacts would be minor and temporary. The document includes mitigation measures that will be implemented as part of the overall remediation works, to manage minor impact to the site during the remediation process.

The following scope of works envisaged as part of the proposed remediation / clean-up project is as follows:-

- Remove all dumped tyres manually by hand.
- Remove woody weeds to allow clear machinery access to the rubbish.
- Remove all dumped rubbish and household items.
- Rehabilitate with topsoil, grass seed, and native species.

A copy of the mapped area and photographs of the site that is proposed to be remediated is shown at **attachment 1**, for your information.

Financial Implications: The costs for the clean-up works as proposed within the report can be provided for from the Waste Fund.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.6

MINUTE

- 31 Item 2 REMEDIATION OF 27 RIVER ROAD, BATHURST (22.05825)
MOVED: Cr B Bourke SECONDED: Cr M Coote

RESOLVED: That Council commence remedial clean up works and a revegetation treatment at 27 River Road Bathurst, in accordance with the Director Engineering Services' Report, with funding to be provided from the Waste Fund.

3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00620)

Recommendation: That the information be noted.

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

1. TENDER FOR DESIGN AND CONSTRUCTION OF SERVICE ELEVATOR AT PIT COMPLEX, MOUNT PANORAMA (36.00620)

The report considers the tender for the design and construction of service elevator at Pit Complex, Mount Panorama.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

32 Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00620)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully



Darren J Sturgiss
ACTING DIRECTOR
ENGINEERING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 FEBRUARY 2017

1 BATHURST LIBRARY - CHRISTMAS ON KEPPEL 2016 - SATURDAY 26 NOVEMBER 2016 (21.00054)

Recommendation: That the information be noted.

Report: The Bathurst Library hosted *Christmas on Keppel* in the Art Gallery/Library forecourt and on Keppel Street on Saturday 26 November 2016, from 10.00am to 2.00pm.

Christmas on Keppel, a project developed and managed by Library staff for the last five years, is a family friendly community fair and street party with gifts stalls, book sale, sausage sizzle, children's activities, live music and entertainment from the Mitchell Conservatorium of Music and includes an appearance by Santa Claus and elf.

Stall holders from around Bathurst are encouraged to be a part of *Christmas on Keppel* by applying for a stall position on the forecourt. This year 100% of stall spaces were allocated and included local produce, arts and handcrafts. The Country Women's Association was a sponsor of the Library's children's reading program and also had a stall with crafts and baked goods. The Library stall featured merchandise from the Library Shop and the Library Book Sale, and offered a barbecue lunch. Other local organisations and Council departments were in attendance to promote their services, such as the Bathurst Visitor Information Centre and Bathurst Regional Council Children's Services. Council's Children's Services were in charge of the children's activities tent.

This year, to promote economic activity in the area, Keppel Street businesses were invited to be involved and held footpath stalls outside their shops, thus extending the fair from the forecourt to the street.

Stall holders were pleased with the outcome of the day, most providing a satisfaction score of 4.5 out of 5 for the day, they also expressed their interest in further similar events, or for next year, should the event continue to be considered in the future. Visits to the Bathurst Library doubled on the day of the fair. The Bathurst Regional Art Gallery also reported increased attendance.

In addition to *Christmas on Keppel*, a number of events are now held in the Art Gallery/Library forecourt, such as a regular artisans market, library book sales and pet expo. Council's Harmony Day event has also been held at the venue. These events attract crowds to Keppel Street and the Art Gallery/Library complex and contribute to the Keppel Street atmosphere, creating a buzz and positioning the street as an attractive destination.

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 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.7

MINUTE

**33 Item 1 BATHURST LIBRARY - CHRISTMAS ON KEPPEL 2016 - SATURDAY 26
NOVEMBER 2016 (21.00054)**

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted.

2 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 7 NOVEMBER 2016 (07.00016)

Recommendation: That the information be noted.

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

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

The ninth meeting of the Bathurst Region Tourism Reference Group was held on 7 November 2016. The Minutes of the Group's meeting are provided at **attachment 1**.

At the Meeting held on 7 November 2016, the group established the following actions, linked to the Destination Management Plan.

- Work with industry to create and promote accommodation packages linked to events: eg. Inland Sea of Sound Festival partnered with Rydges and Bathurst Self Contained Accommodation.
- Research project to inform a regional branding strategy.
- Develop the Product Events calendar - collation of a comprehensive calendar for 12 month period.
- Image library – brief prepared for commissioning of images to fill gaps as outlined in the DMP.
- NPWS – financial partnership to implement 'The End' event 22-23 April 2017, a cultural and heritage arts festival.
- Regional Flagship Funding – submit application to support Winter Festival.
- Attend and represent Council at Australian Regional Tourism Convention.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**34 Item 2 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD
7 NOVEMBER 2016 (07.00016)**

MOVED: Cr M Coote SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

3 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) - 2017 SEASON LAUNCH (20.00060)

Recommendation: That the information be noted.

Report: The Bathurst Memorial Entertainment Centre 2017 Annual Season was announced at the Season Launch held on Tuesday 22 November 2016. The Launch was attended by the Honourable Paul Toole, Minister for Local Government and Member for Bathurst; Councillor Gary Rush, Mayor; Councillors Graeme Hanger and Monica Morse; Mark Haley, Regional Development Manager and Clinton Blanks Bathurst Branch Manager Reliance Credit Union; representatives of BMEC sponsors and approximately three hundred and twenty BMEC patrons.

Following addresses by distinguished guests, sound and video excerpts of the sixteen Season events were shared with the audience. In line with the BMEC Programming Policy the Season includes a diverse range of events including: classic and contemporary drama, dance and music; circus, cabaret and / or physical theatre; and theatre for young people and families.

The full program can be obtained from BMEC or viewed on BMEC website (www.bmec.com.au).

In 2017 there are eight shows with matinee performances offering a special discount for pensioners.

The Launch was followed by a reception in City Hall with catering sponsored by the Bathurst RSL Club.

The benefit of the Season Launch has been demonstrated by post Launch bookings made by BMEC Friends (Members and Subscribers). At the Launch very few patrons had ever heard of *The Spooky Men's Choral*. Since the Launch this event has attracted the highest sales of any Season show and has already achieved the budget target.

By mid January the number of BMEC Friends had exceeded the number who had signed up in the corresponding time frame in 2016.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

MINUTE

**35 Item 3 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) - 2017
SEASON LAUNCH (20.00060)**

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully



Alan Cattermole

DIRECTOR

CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 7 DECEMBER 2016 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 7 December 2016 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 7 December 2016, 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 - POLICY COMMITTEE MEETING - 7 DECEMBER 2016
(07.00064)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 7 December 2016 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 7 DECEMBER 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 NOVEMBER 2016 (07.00064)
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the Minutes of the Policy Committee Meeting held on 2 November 2016 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

General Manager's Report

5 Item 1 SENIOR STAFF CONTRACTS (19.00030)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Cr Aubin arrived at 6.03 pm.

GENERAL BUSINESS

6 Item 1 GASWORKS SITE (22.00052)

Cr Bourke - raised concerns about the safety of the site. Jemena need to fence the area off. Noted correspondence has been sent.

7 **Item 2 LAGOON ROAD SPEED LIMIT (28.00011)**

Cr North - has had concerns expressed about the speed limit recently introduced. Could Council review in the future?

8 **Item 3 2017/2018 BUDGET (16.00148)**

Cr North - spoke about the land recently acquired at Perthville. Can money be provided for a feasibility study on future uses? Also need money provided for a toilet block at the Police paddock.

9 **Item 4 GREAT WESTERN HIGHWAY UPGRADE - EXTENSION (25.00018)**

Cr North - asked if Council has made representations to the Government about the widening of the Great Western Highway further east beyond Ashworth Drive.

The General Manager advised letters have been sent. Further, this was raised last week with RMS.

10 **Item 5 EGLINTON HALL PLAYGROUP (22.00350)**

Cr North - has had approaches about the costs that playgroups incur. The Eglinton Group will be seeking assistance from Council relating to the costs and charges raised by Playgroups NSW.

11 **Item 6 MITRE/LAMBERT/SUTTOR STREET INTERSECTION (25.00095)**

Cr North - feels the Mitre/Lambert/Suttor Street intersection is a street corner Council needs to review, can we try and develop some solutions?

12 **Item 7 MITRE/LAMBERT/SUTTOR STREET INTERSECTION (25.00095)**

Cr Aubin - also feel the Mitre/Lambert/Suttor Street intersection needs a review, agrees with Cr North's comments.

13 **Item 8 LAGOON ROAD SPEED LIMIT (28.00011)**

Cr Aubin - noted the review occurred after the matter was raised by former Cr Jennings. Could we have these requests come through the Traffic Committee first? Could a policy be developed on this process?

Cr Aubin tabled documents relating to this matter.

14 **Item 9 POT HOLE FIXING MACHINE (15.00002)**

Cr Aubin - was recently overseas and saw a Caterpillar pot hole fixing machine. Will provide details to the Engineers for follow up.

15 **Item 10 NBN CABINET - MICHEL'S CORNER SHOP (08.00005)**

Cr Coote - has received advice that a proposed cabinet for this location has been refused.

The Acting Director Engineering Services advised Council has no control over the roll-out of the NBN. Not aware of any objection by Council.

16 **Item 11 ADVENTURE PLAYGROUND (04.00121)**

Cr Coote - noted the signs are very high in the new area. Could Council look at lowering these?

17 **Item 12 SPORTS COUNCIL - ISSUES WITH SHOOTERS AT MOUNT PANORAMA (18.00077)**

Cr Coote - noted there are use conflicts occurring at Mount Panorama. Could Council look at purchasing a new location as a possibility to alleviate the problem? The Dubbo Club have done this.

18 **Item 12.01 SUSPENSION OF STANDING ORDERS (11.00005)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Standing Orders be suspended to allow Council to deal with the Discussion Forum Item.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

19 **Item 1 DEVELOPMENT APPLICATION NO. 2016/360 – CHANGE OF USE TO TATTOO STUDIO, SHOP FITOUT AND COFFEE WINDOW AT 106 WILLIAM STREET, BATHURST. APPLICANT: MR T TILLEY. OWNER: MS P CROGHAN (DA/2016/360)**

Discussion included:

David Killen – on behalf of the applicant

Noted:

- Eleven submissions have been received, only one objection.
- This is an existing business operating in Bathurst.
- Noted proposed location is very similar to the nature of businesses that exist where the business currently operates.
- Fits within the commercial core guidelines/objectives.
- The business is well run and is local.
- Will not be identifiable as a tattoo parlour.
- The business is high quality custom tattoo work.
- Most issues raised by the objector can be dealt with by conditions of consent.
- There is not a "style" of person that attends a tattoo studio.
- The industry is highly regulated, the business has had no issues.
- Streetscape issues have been addressed.
- Council should promote a well run business like this.
- This is a discrete business and Council has been provided with details of how it will be advertised.

Sharyn Semmens – Real Estate Agent

Have worked with proponent. The legislation is very onerous. Have spoken to owner who is satisfied with the proposal. Noted the range of people who have tattoos. The proposal has been on the Western Advocate Facebook page, people are overwhelmingly in favour of the proposal.

Stacey Whittaker – President Bathurst Business Chamber

Spoke to the operations of the business and notes that it is currently a very discrete business. The Chamber is in support of local business and this proposal should be encouraged.

20

Item 1.01 RESUMPTION OF STANDING ORDERS (11.00005)

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Standing Orders.

GENERAL BUSINESS

21

Item 13 AFL CLUBHOUSE (04.00042)

Cr Coote - asked what is happening with the lease on this facility?

The General Manager noted process undertaken and that the Council has recently determined to re-lease the facility to the Bushrangers AFL Club.

22

Item 14 LAGOON ROAD SPEED LIMIT (28.00011)

Cr Morse - noted history of speed limit on Ophir Road and its speed of 100km/hr. Queried why it has stayed at this level, whereas Lagoon Road speed limit was reduced.

The Acting Director Engineering Services advised the matter is one that RMS considers under various guidelines that they have in place.

23 **Item 15 KEPPEL STREET CARPARK (22.00653)**

Cr Morse - asked has the works in this area finished. Is there a water feature?

The Acting Director Engineering Services advised there will be no water feature, but is being constructed according to Water Sensitive Urban Design Guidelines.

24 **Item 16 TREES - CORNER OF KEPPEL & BENTINCK STREET (13.00019)**

Cr Morse - thanked Council for the works undertaken in this area. Further noted the proposal to add trees on the street verge at the Trade Centre.

25 **Item 17 ROXBURGH DRIVE/HUGHES STREET (13.00019)**

Cr Hanger - noted there have been around 20 trees planted on this corner, concerns have been raised about sight distance and safety issues. Could this be looked at?

26 **Item 18 ROCKLEY VILLAGE MEETING (20.00177)**

Cr Bourke - advised the signage into Rockley needs to be reworked.

MEETING CLOSE

27 **MEETING CLOSE**

The Meeting closed at 6.35 pm.

CHAIRMAN: _____

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 FEBRUARY 2017

1 MINUTES - AUSTRALIA DAY WORKING PARTY (23.00033)

Recommendation: That the information be noted.

Report: The minutes of the Australia Day Working Party held on:

- 27 September 2016 are shown at **attachment 1**
- 15 November 2016 are shown at **attachment 2**
- 20 December 2016 are shown at **attachment 3**.

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 (23.00033)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 7 DECEMBER 2016 (07.00096)

Recommendation: That the recommendations of the Audit & Risk Management Committee Meeting held on 7 December 2016 be adopted.

Report: The minutes of the Bathurst Regional Council Audit and Risk Management Committee Meeting held on 7 December 2016 are shown at **attachment 1**.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**38 Item 2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 7
DECEMBER 2016 (07.00096)**

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 7 December 2016 be adopted.

3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 8 NOVEMBER 2016 (11.00020)

Recommendation: That the information be noted.

Report: The Youth Council considered a number of items at the bi-monthly meeting, including the Youth Council project, named “The Feel Good Campaign”, this discussion surrounded the production of a sticker to draw attention to the campaign. The Youth Council conducted a debrief from the YJAM Project, with the outcome being that it should be continued in the future. The Youth Council also considered Youth Week celebrations in 2017, to be held between 31 March and 9 April.

The Youth Council addressed the following items at their meeting held on 8 November:

- Youth Council Project
- YJAM Project
- Youth Week
- End of Year Celebration

A copy of the minutes from the meeting are provided at **attachment 1**.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.3, 27.4, 27.5, 27.6, 27.9
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.5
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

MINUTE

39 Item 3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 8 NOVEMBER 2016 (11.00020)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

MINUTE

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

MOVED: Cr W Aubin SECONDED: Cr M Coote

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	NEW COMMUNITY LICENCE AGREEMENT - PART LOT 180 IN DP862410 LOCATED AT 2/55 SEYMOUR STREET BATHURST - THE NEIGHBOURHOOD CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	NEW TELECOMMUNICATION LEASE - PART LOT 1 IN DP774489 LOCATED IN THE BASEMENT AREA OF 230 HOWICK STREET, BATHURST - OPTUS FIXED INFRASTRUCTURE 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	TENDER FOR DESIGN AND CONSTRUCTION OF SERVICE ELEVATOR AT PIT COMPLEX, MOUNT	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

PANORAMA

balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 FEBRUARY 2017

MINUTE

(a) Item 1 NEW COMMUNITY LICENCE AGREEMENT - PART LOT 180 IN DP862410 LOCATED AT 2/55 SEYMOUR STREET BATHURST - THE NEIGHBOURHOOD CENTRE (22.00185)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

That Council approves entering into a new Community Licence agreement with the Neighbourhood Centre for part Lot 180 in DP862310 located at 2/55 Seymour Street, Bathurst, and known as the HACC Meeting Room for a period of one (1) year with an option period of one (1) year as detailed in the report.

MINUTE

(b) Item 2 NEW TELECOMMUNICATION LEASE - PART LOT 1 IN DP774489 LOCATED IN THE BASEMENT AREA OF 230 HOWICK STREET, BATHURST - OPTUS FIXED INFRASTRUCTURE PTY LTD. (22.00041)
MOVED: Cr M Coote SECONDED: Cr W Aubin

That Council approve entering into a new Telecommunication Lease agreement for part Lot 1 in DP774489 located in the basement area of 230 Howick Street, Bathurst with Optus Fixed Infrastructure Pty Ltd for a period of five (5) years with an option period of five (5) years, as detailed in the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 FEBRUARY 2017

MINUTE

(c) Item 1 TENDER FOR DESIGN AND CONSTRUCTION OF SERVICE ELEVATOR AT PIT COMPLEX, MOUNT PANORAMA (36.00620)

MOVED: Cr I North SECONDED: Cr M Coote

That Council accept the tender from Hines Constructions Pty Ltd in the amount of \$526,130.00 (Incl. GST) subject to provisional items and variations.

MINUTE

41 **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That Council resume Open Council.

MINUTE

42 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr M Coote SECONDED: Cr I North

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

MINUTE

43 MEETING CLOSE

The Meeting closed at 7.10 pm.

CHAIRMAN: _____