

11 May 2016

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
18 May 2016**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 18 May 2016 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, 18 MAY 2016

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 - 20 APRIL 2016
- * MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 MAY 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 - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

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

9. REPORTS OF OTHER COMMITTEES

- * MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016
- * MINUTES - TRAFFIC COMMITTEE MEETING - 3 MAY 2016

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	MENACING DOG ORDER	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CLAIM FOR DAMAGES - JOUBERT DRIVE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council

		is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	LAND RELEASE - EGLINTON 100 RESIDENTIAL SUBDIVISION - COX LANE, LEW AVENUE, FRASER DRIVE AND TEMPLER WAY	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. 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 Council.
3	PURCHASE OF LAND, WEST BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 37 IN DP1159302 - AERODROME COTTAGE BATHURST AERODROME - NSW AIRTC ASSOCIATION	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 THE ACCEPTANCE,	10A (2) (d) (i) – contains commercial information of a

	REPROCESSING AND REUSE OF BIOSOLIDS	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 THE REFURBISHMENT OF MCPHILLAMY PARK, SULMAN PARK & REID PARK TOILET & SHOWER BLOCKS, 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, Coote, Hanger, Jennings, Morse, North, Westman.

MINUTE

2 PUBLIC QUESTION TIME

B Constable – General Manager, Bathurst Golf Club - Water Charge Variation - Golf Club - Item #7 DCSF - spoke to operations of the Golf Club and current usage levels, tournaments being attracted to the course, the benefits to Bathurst and also charity events held. The Club is an integral part of the Bathurst experience. The Club at a later date will be requesting a fixed annual price for water. Spoke to current water usage levels and costs involved and the tiered system in place is causing cost problems. The water comes from Winburndale and it is considered costs charged for the second tier are not realistic. The Club feels assistance levels need to look at individual circumstances. Asking Council to review March water bill and charge at \$0.71/KL. The Club is looking at other options concerning water usage. The Club is not seeking a handout just a fair charge. Seeks Council review future charges as part of the 2016/2017 Operating Plan.

V Tourle - Centennial Park, Friends - spoke to preserving and enhancing the Park and noted the history of the Park. Referred to the linkage to Council's Community Strategic Plan 2036 objectives. Noted prior letters to Council seeking; signage, funding and other issues. In 2015 resubmitted the content of the 2014 letter and now have signage and interpretive plaque. Still seeking \$50,000 for a feasibility study. This figure has not been included in the 2016/2017 Operating Plan for Councillor consideration. Raised a number of further matters.

The Mayor spoke to processes in place, the \$50,000 is included in the 2016/2017 Operating Plan for Councillor consideration.

P Simmons - Lambert Street resident - Centennial Park - seeks Council to preserve Centennial Park as a greenspace. Spoke to residential density in the area and that Centennial Park provides important greenspace. This is a matter of liveability. There has been concern about possible development on the site and in 2014 the community undertook a survey, over 80% wanted the park kept as a park. People do not want the site built on, want it retained and improved. Will Council reserve the Park?

The Mayor advised Council is set to discuss the future study proposal for the site.

B Wood - Centennial Park - spoke to benefits to peoples lives by having parks, they are valuable places for the community. The study is needed to stop an 'ad hoc' approach to the park. Noted prior history of structures in the park and tree plantings. People just want access to some greenspace.

R Kendall - resident, 25 Marriott Ave - DA2016/0104 - 27 Marriott Ave - Item#5 ADEPBS - raised concerns at proposed development. Noted issues such as, overshadowing, loss of outlook, streetscape issues, open space considerations. Requests Council to refuse the development.

J Kendall - resident, 25 Marriott Ave - DA2016/0104 - 27 Marriott Ave - Item#5 ADEPBS - read email from neighbour, S McCourt, which objected to the DA. Ms McCourt feels the development does not comply with council standards; subdivision size, subdivision frontage, front setback, no front door or window or habitable room facing the street, the development does not enhance or conform with streetscape, or other matters.

Mrs Kendall then raised her concerns by presenting a letter to Council.

B Clayton - Youth Mayor and **L Smith** - Deputy Youth Mayor - National Youth Week - Item#1 DCCS - spoke to Youth Week and events held.

M Graff - Robin Hill Estate - spoke to problems in the area and inquired whether the sewer will come to the area. As the area is developed, further problems will occur, such as septic tanks overflowing. Could Council review sewer for the area and do a study as the problem is serious.

The Acting Director Environmental, Planning & Building Services advised this is not currently allowed for in Council budgets.

J Page - resident, Napoleon Reef - War Memorial Carillon - spoke to facility which is still incomplete. Detailed the history of the tower, funding issues and attempts to complete the facility. Donations were sought around 2004, the matter has not progressed further. When will Council commit to finalising the development. Need a plan to move forward.

The Mayor spoke to funds raised, discussions with RSL, planning that has occurred and noted there is a funding shortfall of around \$1 million. Council has not adopted a position on this matter.

G Crisp - ratepayer - referred to section 560 of the Local Government Act and obligation to pay rates. Also spoke to rates and recovery policies of Bathurst Regional Council. Non-payment of rates creates an obligation to Council. Spoke to meeting between Mayor and others held earlier this year and contraventions of the Local Government Act claimed by Mr Crisp and issues with actions of the Office of Local Government and Ms Brooks. Referred to letter from General Manager to Mr Crisp about referring matters to the Office of Local Government. Spoke to policies of Council and objects to Council referring his complaints to the Office of Local Government.

M Wales - LEP amendment Sydney Rd, Kelso - Item #6 ADEPBS - prepared planning report on behalf of owners. Disagrees with staff recommendation to refuse the proposal. Seeks Council support of the application to allow the matter to progress to the Gateway process. A Local Environmental Study (LES) would be prepared as part of the process going forward. Key impediments were demand in the market place and servicing of the site. Detail on these matters was presented for Council consideration. Planning procedural issues can be addressed through the LES process. The land can be protected as an entryway, traffic management can be addressed as part of Gateway determination. Requests Council support.

S Pennells - owner - DA2016/0053 - 6A Delaware Cres, Robin Hill - Item#3 ADEPBS - has submitted the DA and seeks Council approval. Spoke to issues of concern that were raised and were addressed in the report. The proposal is fully compliant, spoke to delay in the DA process and the forum meeting which was held.

I MacPherson - National Trust - Main St improvements and signage compliance - Item #10 ADEPBS - appreciates the positive recommendations of staff concerning Main Street improvements and signage compliance. Spoke to how the proposals were developed and role of the Heritage Reference Group. This has been a positive process.

W Boserio - Trunkey Creek Hotel - Toilets - Item #2 DES -spoke to concerns about use of the toilets and the funding thereof. Has received no compensation from Council. Needs \$23,000 to \$27,000 to assist with improvement works.

B Triming - Access Committee Chair - various matters

- In regards to Carillon, could Council look at doing some contrasting on the steps to assist in access; does not have to be yellow strips.
- spoke to dollars spent on disability tourism and would like to talk to Tourism Reference Group.
- noted Council small business access grants, unaware of any other councils that do this. Congratulated Council on including these again in the 2016/2017 Operating Plan. Need to get more small businesses to apply.
- recommends Bathurst Regional Council congratulate Bathurst Bus Lines on having over 80% of buses being accessible, with the recent purchase made to its fleet.
- if amalgamation occurs, are members of the public still able to address the Council and the Administrator? What developments can occur, can cash grants still occur?

The Mayor spoke to advice from government about the merger process and awaiting results of court case. Noted role of the Administrator and how Council meetings will be conducted. Spoke to Local Representation Committee proposals and possible constitution of these and their role.

MINUTE

3 APOLOGIES

MOVED: Cr M Coote SECONDED: Cr I North

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

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 APRIL 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 April 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 April 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
- 20 APRIL 2016 (11.00005)

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 April 2016 be adopted.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 MAY 2016 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 May 2016 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 May 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
- 4 MAY 2016 (11.00005)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 May 2016 be adopted.

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 20 APRIL 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

G Crisp – ratepayer

- Asked does the General Manager deny the Local Government Act in every State has an equivalent section to that of S:560 of the Local Government Act NSW?
- Does the General Manager deny that all Councils in NSW have polices on recovery of rates in NSW?

The General Manager noted he is unaware of the legislation in other states, and also not aware of polices of other Councils.

- Spoke further to matter of payment of rates and water rates by people in Bathurst and collection of amounts outstanding. Does the Mayor deny that 561 complaints have been received about recovery of rates concerning monies owed. The number of complaints could add up to over 1,000.

The Mayor noted a number of complaints have been received, did not discuss further as there are privacy issues involved.

- Asked does the Mayor deny the cost could be around \$3 million in dealing with these complaints, based on recent Oberon costs. Further spoke to Council rejection of offer to settle matters to save Council money.

The Mayor spoke to proposal to go to mediation and also relevant letter about General Manager and Director Corporate Services & Finance's role.

T Carpenter – BCAN - DEPBS Item #6 & Item #3

Congratulated Council on the report on Climate Change in the business paper. Noted matters such as divestment from fossil fuels by investors. Would like Council to take this matter further. Raised the issue of tree cover and urges this Council to increase the tree cover in the city to help mitigate impact on built area. Expressed concern at protecting waterways and rivers. Noted report on Riparian Corridor in the business paper (DEPBS Item #3). Requests Council does not reduce the corridor which was put in place to protect environmental and community interests.

A Beech – 1503 2BS Gold - Ohkuma Delegation

Thanking Council for ongoing relationship with Ohkuma. Spoke to ongoing relationship, has attended the last 2 visits to Japan. This is about a connected community. It was an honour this year to visit the effected town. The relationship with Bathurst is very strong.

P Dowling – ratepayer

- Noted at the 12 Hour race, at Hells Corner, there was only one toilet, which was damaged. Had approaches from a family who left the race due to the state of the toilet.

The Director Corporate Services & Finance spoke to toilet block, behind hill at Hell Corner, has received no report of damaged toilets.

- Surfacing of streets in Bathurst (Peel & Durham and also Howick & Durham). Many people were not made aware that the works were to occur. Also has concerns as to placement of signs warning people of road works at Peel/Durham Streets, these blocked drivers vision.

The Acting Director Engineering Services noted has not received any complaints about signage. In regards to advising people, this is a responsibility of the contractor.

- Proposed sale of treated effluent to Regis Resources - when this matter was considered, two councillors were away. Could this matter have been held over till all Councillors were present? Also there was no DA, were Councillors aware of this?

The Mayor spoke to meeting procedures and also noted Councillors were aware there was no DA.

- Mount Panorama sign - requests the word Bathurst be put there permanently.

Noted by Councillors that it has been placed there.

APOLOGIES**3****APOLOGIES****MOVED** Cr M Cooteand **SECONDED** Cr I North

Nil.

MINUTES**4****Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 MARCH 2016 (11.00005)**

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

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

DECLARATION OF INTEREST

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

RESOLVED: That the following Declarations of Interest be noted.

Cr Coote

Item # 7 of the Director Corporate Services & Finance's report.

Cr Aubin

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

Cr Rush

Item # 2 of the Director Engineering Services' Confidential report.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

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

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 8** **Item 3 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – RAGLAN CREEK RIPARIAN CORRIDOR (20.00294)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council:

- (a) amend Map No. 8 - Gateway Enterprise Park of Bathurst Regional DCP 2014 to reduce the riparian zone from 30 metres to 20 metres along Raglan Creek
- (b) notify the landowner and those who lodged submissions of its decision
- (c) the plan for corridor riparian zone to be jointly coordinated between the

developer and Council; and

(d) call a division.

- 9** **Item 3.01 EXTENSION OF TIME (11.00005)**
MOVED Cr J Jennings and **SECONDED** Cr G Hanger

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

- 10** **Item 3.02 EXTENSION OF TIME (11.00005)**
MOVED Cr G Hanger and **SECONDED** Cr J Jennings

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

- 11** **Item 3.03 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – RAGLAN CREEK RIPARIAN CORRIDOR (20.00294)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) amend Map No. 8 - Gateway Enterprise Park of Bathurst Regional DCP 2014 to reduce the riparian zone from 30 metres to 20 metres along Raglan Creek
- (b) notify the landowner and those who lodged submissions of its decision
- (c) the plan for corridor riparian zone to be jointly coordinated between the developer and Council; 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 I North, Cr G Rush

Against the motion - Cr G Hanger, Cr J Jennings, Cr M Morse, Cr G Westman

Absent - Nil

Abstain - Nil

- 12** **Item 4 CENTRAL WEST COUNCILS ENVIRONMENT & WATERWAYS ALLIANCE UPDATE (13.00082)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 13** **Item 5 2016 LAND IMPROVEMENT AWARDS PROGRAM (13.00064-04)**
MOVED Cr J Jennings and **SECONDED** Cr I North

RESOLVED: That Council award the 2016 Land Improvement Award grants to:

- (a) "Bellamy's Creek Restoration" by Stuart McKibbin for \$10,000; and
- (b) "Eusdale Creek Water Quality Improvement" by Gordon Stamp for \$10,000

14 Item 6 CLIMATE CHANGE IMPACTS TO CENTRAL TABLELANDS: AN UPDATE (07.00093)

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

RESOLVED: That the information be noted.

15 Item 7 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

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

RESOLVED: That the information be noted.

16 Item 8 NAMING OF PUBLIC ROADS – CROFT CLOSE, FRASER DRIVE, TEMPLER WAY, LEW AVENUE, CARROL AVENUE AND AUSTIN PLACE (20.00024)

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

RESOLVED: That Council:

- (a) adopt the names Croft Close, Fraser Drive, Templer Way, Lew Avenue, Carrol Avenue and Austin Place; and
- (b) direct the Acting Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

Director Corporate Services & Finance's Report

17 Item 1 STATEMENT OF INVESTMENTS (16.00001)

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

RESOLVED: That the information be noted.

18 Item 2 YEAR TO DATE MONTHLY REVIEW - 2015-2019 DELIVERY PLAN AND ANNUAL OPERATING PLAN 2015-2016 (16.00140)

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

RESOLVED: That the information be noted.

19 Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT

PANORAMA FEE SUBSIDY (18.00004)**MOVED** Cr B Bourke and **SECONDED** Cr G Westman**RESOLVED:** That the information be noted and any additional expenditure be voted.**20** **Item 4 POWER OF ATTORNEY (11.00007)****MOVED** Cr B Bourke and **SECONDED** Cr M Coote**RESOLVED:** That the information be noted.**21** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST MOTORCYCLE SHOW 2017-2021 (23.00026)****MOVED** Cr B Bourke and **SECONDED** Cr J Jennings**RESOLVED:** That Council:

- (a) Support the Bathurst Street and Custom Motorcycle Shows for the years 2017-2021;
- (b) Enter into a partnership agreement with Greg Hirst Enterprises for the development of this event;
- (c) Close Russell Street, between William and George Streets, for the motorcycle event for the years 2017-2021.
- (d) Assist by providing in-kind support only by providing access to Council's media facilities, together with the provision of the cost of road closures, traffic control and some assistance from Council's Event Staff.

22 **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COMMUNITY CLUB (INC) (18.00303/014)****MOVED** Cr J Jennings and **SECONDED** Cr M Morse**RESOLVED:** That Council:

- (a) Continue to provide the General Rates for the Bathurst City Community Club amounting to \$8,500 per annum;
- (b) Not provide any funds for the plumbing and drainage repairs; and
- (c) Make available staff from Council's Environmental Section to provide advice on the provision of solar panels.

23 **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - ACCESSIBLE LIVING OPTIONS (21.00012)****MOVED** Cr B Bourke and **SECONDED** Cr G Hanger**Cr Coote declared a pecuniary interest in this item, left the Chamber and took no part in discussion or voting.****Reason: Works with this business.**

RESOLVED: That Council:

- (a) Fund the use of Bathurst Memorial Entertainment Centre (BMEC) for the Accessible Living Options (ALO) organisation to conduct a Debutante Ball for people with disabilities to be held on 15 October 2016 at a total cost of \$829 from 2016/2017 BMEC Community Use Subsidy.
- (b) Fund the cost of security, up to \$500, should security be required for the Debutante Ball.

24 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIA REMEMBERS ANZAC & VETERANS JOURNALS PROJECT (18.00004)
MOVED Cr M Coote and **SECONDED** Cr G Westman

RESOLVED: That:

- (a) Council not support the annual funding of the Australia Remembers Anzac & Veterans Journals Project.
- (b) Council provide a council contact/liaison with whom they can communicate regularly. The person would provide contact details and assistance in liaising with community groups such as Historical and Genealogical Societies, Schools, Colleges, RSL Sub Branches, Rotary and Lions Clubs and Media outlets.
- (c) The Council contact/liaison officer assist in promoting the Australia Remembers Anzac & Veterans Journals Project across our communities and from time to time distribute promotional material to key community groups and outlets.

25 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - GALLOPING GUMNUTS PLAYGROUP (18.00004)
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That Council waive the fees of \$680 for the use of the Kelso Community Centre, to the Bathurst Health Service for the supported playgroup Galloping Gumnuts, to be funded from Equity.

Director Engineering Services' Report

26 Item 1 APPLICATION TO CONDUCT ADVENTURE JOY FLIGHTS - PAUL BENNET AIRSHOWS - LIFELINE SOAR RIDE & SHINE EVENT (21.00008)
MOVED Cr J Jennings and **SECONDED** Cr M Coote

RESOLVED: That Council approve the request from Paul Bennet Airshows to conduct adventure joy flights from Bathurst Aerodrome on 14 and 15 May 2016, subject to conditions outlined in the Director of Engineer Services' report.

27 Item 2 APPLICATION TO CONDUCT JOY FLIGHTS – FASTJET ADVENTURE

FLIGHTS PTY LTD (LIFELINE SOAR RIDE & SHINE EVENT) (21.00008)
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That Council approve the request from Fastjet Adventure Flights Pty Ltd to conduct joy flights from Bathurst Aerodrome on 14 and 15 May 2016, subject to conditions outlined in the Director of Engineering Services' report.

28 **Item 3 PROPOSED APPOINTMENT AS TRUST MANAGER PART LOT 2 DP1107301 AT WATTLE FLAT (22.00270)**

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

RESOLVED: That Council:

- (a) agree to being appointed as Trust Manager of Part Lot 2 DP1107301 being Reserve 11705 for Public Buildings notified 28 June 1890 and Part Reserve 755790 for Future Public Requirements notified 29 June 2007, Thompson Street at Wattle Flat;
- (b) request Part Lot 2 DP1107301 be dedicated as "Reserved for Public Recreation" and;
- (c) request that "*Bathurst Regional Council Recreation Reserve Trust*" be the name of the Trust that will manage the Reserve.

29 **Item 4 RELEASE OF EASEMENT TO DRAIN WATER 3 WIDE - LOT 16 DP1183595 (2014/0508)**

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

RESOLVED: That Council authorise the General Manager to sign the documentation that releases the Easement to Drain Water 3 Wide imposed on Lot 16 DP1183595, 202 Sydney Road, Kelso.

Director Cultural & Community Services' Report

30 **Item 1 CCTV FUNDING PROGRAM FOR CENTRAL BUSINESS DISTRICT (CBD) PREMISES ROUND TWO (16.00145)**

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

RESOLVED: That Council:

- (a) Provide \$7,219 under the 2015/2016 CCTV Funding Program (Round Two) as follows;

Business	Amount of Funding
Frank & Angela Panzanno Pty Ltd – Centrepont Arcade	\$500 which is the maximum amount approved for funding.
Eve Creations	\$250 which is 50% of the project cost.
J & J Bookeeping & Office Services Pty Ltd	\$498.10 which is 50% of the project cost.
Sheer Indulgence Lingerie	\$500 which is the maximum amount approved for funding.
Panorama Air Conditioning Pty Ltd	\$500 which is the maximum amount approved for funding.

- 34** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 APRIL 2016 (07.00064)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

RESOLVED: That the recommendations of the Policy Committee Meeting held on 6 April 2016 be adopted.

Traffic Committee Meeting

- 35** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 APRIL 2016 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 5 April 2016 be adopted.

DELEGATES REPORTS

- 36** **Item 1 MINUTES - SISTER CITY WORKING PARTY - 29 FEBRUARY 2016 (23.00011)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 37** **Item 2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 9 MARCH 2016 (11.00019)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 38** **Item 3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 8 MARCH 2016 (11.00020)**
MOVED Cr M Coote and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) Note the information; and
- (b) Adopt the membership of the Bathurst Regional Council for 2016, including Benjamin Clayton as Youth Mayor and Lachlan Smith as Deputy Youth Mayor.

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

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

MOVED Cr I North

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 CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BATHURST 1000	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	EXPRESSION OF INTEREST - CONVEYANCING SERVICES 2016 - 2019	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.
3	EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - PART LOT C IN DP158611 LOCATED AT 519	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial

	MITCHELL HIGHWAY, BATHURST	position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - LOT 6 IN DP1184118 KNOWN AS 2 NORTH STREET PERTHVILLE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - PART LOT 103 IN DP 1006130 - LAND NEAR EGLINTON BRIDGE	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	EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - PART LOT 7004 DP1002346 - LAND LOCATED OFF HOBSON CLOSE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	RENEWAL OF RURAL LICENCE AGREEMENT - LOT 23 IN DP701345 AND	10A (2) (d) (i) – contains commercial information of a confidential nature that

	LOT 24 IN DP 811166 LOCATED ON UPFOLD STREET, GORMANS HILL - BATHURST GREYHOUND RACING CLUB	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	PROPOSED RENEWAL OF EXISTING TELECOMMUNICATIONS LEASE - PART LOT 2 IN DP1140980 WALMER PARK, BRADWARDINE ROAD, BATHURST - TELSTRA CORPORATION LIMITED	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.
9	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 2 IN DP1179272 LOCATED 447 CONROD STRAIGHT, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	SPORTSMARKETING AUSTRALIA PTY LTD - SPORTING EVENT	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 CONSTRUCTION OF THE ADVENTURE PLAYGROUND STAGE 2	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 THE CONSTRUCTION OF TWO RUGBY LEAGUE FIELDS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR THE CONSTRUCTION OF TWO AMENITIES BUILDINGS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Corporate Services & Finance's Reporta **Item 1 BATHURST 1000 (04.00001)****MOVED** Cr B Bourkeand **SECONDED** Cr M Coote

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

Reason: The V8 Race Experience Group sponsored his 12 Hour Race Car.

That Council act in accordance with the recommendations contained within the report.

b Item 2 EXPRESSION OF INTEREST - CONVEYANCING SERVICES 2016 - 2019 (10.00009)

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

That Council accepts the Expression of Interest for Conveyancing Services submitted by McIntosh McPhillamy & Co Legal Services, King Cain Solicitors, Cunninghams - The Law Practice and Kenny Spring Solicitors for a period of three (3) years commencing on 17 May 2016 and concluding on 16 May 2019 as detailed in the report.

c Item 3 EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - PART LOT C IN DP158611 LOCATED AT 519 MITCHELL HIGHWAY, BATHURST (22.05345)

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

That Council approves entering into a new Rural Licence Agreement with Ms Rebecca Fletcher for Lot C in DP158611 located at 519 Mitchell Highway Bathurst for a period of three (3) years as detailed in the report.

d Item 4 EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - LOT 6 IN DP1184118 KNOWN AS 2 NORTH STREET PERTHVILLE (22.05810)

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

That Council approves entering into a new Rural Licence Agreement with Mr Terrence Renshaw for Lot 6 in DP1184118 located at 2 North Street Perthville for a period of three (3) years as detailed in the report.

e Item 5 EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - PART LOT 103 IN DP 1006130 - LAND NEAR EGLINTON BRIDGE (21.00022)

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

That Council approves entering into a new Rural Licence Agreement with Paul and Michelle Mercieca for part Lot 103 in DP1006130 located near the Eglinton Bridge for a period of three (3) years as detailed in the report.

f Item 6 EXPRESSION OF INTEREST RURAL LICENCE AGREEMENT - PART LOT 7004 DP1002346 - LAND LOCATED OFF HOBSON CLOSE, EGLINTON (22.01170)

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

That Council approves entering into a new Rural Licence Agreement with Ms

Cheree Maloney for part Lot 7004 in DP1002346 located off Hobson Close Eglinton for a period of three (3) years as detailed in the report.

- g** Item 7 RENEWAL OF RURAL LICENCE AGREEMENT - LOT 23 IN DP701345 AND LOT 24 IN DP 811166 LOCATED ON UPFOLD STREET, GORMANS HILL - BATHURST GREYHOUND RACING CLUB (22.09990)
MOVED Cr B Bourke and SECONDED Cr W Aubin

That Council approves entering into a new Rural Licence Agreement with the Bathurst Greyhound Racing Club for Lot 23 in DP 701345 and Lot 24 in DP811166 located on Upfold Street, Gormans Hill for a period of five (5) years as detailed in the report.

- h** Item 8 PROPOSED RENEWAL OF EXISTING TELECOMMUNICATIONS LEASE - PART LOT 2 IN DP1140980 WALMER PARK, BRADWARDINE ROAD, BATHURST - TELSTRA CORPORATION LIMITED (04.00068)
MOVED Cr W Aubin and SECONDED Cr M Coote

That Council approves entering into a new Lease agreement with Telstra Corporation Limited (through their agent Infrastructure Acquisition Services Pty Limited) for part Lot 2 in DP1140980 known as Walmer Park for a period of five (5) years with three consecutive five (5) year options as detailed in the report.

- i** Item 9 NEW RESIDENTIAL TENANCY AGREEMENT - LOT 2 IN DP1179272 LOCATED 447 CONROD STRAIGHT, MT PANORAMA (22.06279)
MOVED Cr I North and SECONDED Cr M Coote

That Council approve entering into a new Residential Tenancy Agreement for Lot 2 in DP1179272 known as 447 Conrod Straight, Mt Panorama for a period of six (6) months as detailed in the report.

- j** Item 10 SPORTSMARKETING AUSTRALIA PTY LTD - SPORTING EVENT (10.00001)
MOVED Cr M Coote and SECONDED Cr W Aubin

That Council not enter into an agreement with Sportsmarketing Australia Pty Ltd for Council to host the 2016 School Sport Australia Combined Touch Championships for under 12 boys and girls and under 15 boys and girls.

Director Engineering Services' Report

- k** Item 1 TENDER FOR CONSTRUCTION OF THE ADVENTURE PLAYGROUND STAGE 2 (36.00584)
MOVED Cr G Westman and SECONDED Cr M Coote

That Council, in accordance with the Director Engineering Services' report:

- (a) decline to accept any of the submitted tenders, and

- (b) invite fresh tenders in accordance with clause 167 of the Local Government (General) Regulation, based on modified specification details.

! Item 2 TENDER FOR THE CONSTRUCTION OF TWO RUGBY LEAGUE FIELDS (36.00586)

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

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

Reason: One of the tenderers is a relation of partner.

The Mayor, Cr Rush vacated the Chair.

The Deputy Mayor, Cr North took the Chair.

That Council accept the tender of Central West Civil Pty Ltd in the amount of \$1,195,280.50 (incl. GST) for the construction of two rugby league fields at Hereford Street, Bathurst, subject to adjustments and provisional items.

m Item 3 TENDER FOR THE CONSTRUCTION OF TWO AMENITIES BUILDINGS (36.00587)

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

That Council accept the tenders of -

- (a) Tablelands Builders Pty Ltd for Separable Portion A in the amount of \$476,115.20 (incl. GST) for the construction of an amenities building, a pedestrian footbridge and a water storage facility for an irrigation system at Ralph Cameron Oval, Raglan, subject to adjustments and provisional items.
- (b) Tablelands Builders Pty Ltd for Separable Portion B in the amount of \$303,583.50 (incl. GST) for the construction of an amenities building at Carrington Park, Bathurst, subject to adjustments and provisional items.

RESOLVE INTO OPEN COUNCIL

40 RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

41 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

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

MEETING CLOSE

42 **MEETING CLOSE**

The Meeting closed at 8.08 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 4 MAY 2016**

MEETING COMMENCES

1 MEETING COMMENCES 6:17 PM

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

APOLOGIES

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

RESOLVED: That the apologies from Crs Coote and Morse be accepted and leave of absence granted.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

**4 Item 1 DRAFT BATHURST DELIVERY PLAN 2016-2020 & ANNUAL
OPERATING PLAN 2016/2017 (16.00140)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council place the draft Bathurst Delivery Plan 2016-2020 and Annual Operating Plan 2016/2017 including the Revenue Policy for 2016/2017, on public exhibition for the statutory 28 day period and receive submissions until 3 June 2016.

MEETING CLOSE

5 MEETING CLOSE

The Meeting closed at 6.18 pm.

CHAIRMAN: _____

MINUTE

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

RESOLVED: That the following Declarations of Interest be noted.

Cr Morse

Item #9 of the Acting Director Environmental, Planning & Building Services' report.

Cr Westman

Item #5 of the Acting Director Environmental, Planning & Building Services' report.

Cr Coote

Item #3 of the Acting Director Environmental, Planning & Building Services' report.

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

Cr Hanger

Item #9 of the Director Corporate Services & Finance's report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

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 I North 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 April 2016 (**attachment 1**).
- (b) Applications refused during April 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 April 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 G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2016/0053 – TWO STOREY DWELLING WITH ATTACHED GARAGES AND INDOOR SWIMMING POOL AND EARTHWORKS/SITE FILLING AT 6A DELAWARE CRESCENT, ROBIN HILL. APPLICANT: INLAND BUILDING & CONSTRUCTION. OWNER: MR S PENNELLS & MS T JONES (DA/2016/0053)

Recommendation: That Council:

- (a) support the variation to the 8 metre boundary setback development standard for buildings 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. 2016/0053, 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) Prior to the issue of a construction certificate the developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Works. No further building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as Council has approved the soil and water management plan.
 - (ii) All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a two storey dwelling with attached garages and indoor swimming pool and earthworks/site filling at 6A Delaware Crescent, Robin Hill described as Lot 72, DP 1197320. A location plan is provided at **attachment 1**.

The site currently contains a shed, water tank and animal shelter.

Adjoining the eastern boundary of the site is Jordan Creek.

The proposal

The proposal involves the construction of a two storey dwelling with attached garages and indoor swimming pool. The proposal also includes earthworks/filling to create level pads for the proposed dwelling and an area in front of the existing shed. Plans of the proposed development are at **attachment 2**.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R5 Large Lot Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A *dwelling house* is permissible with consent in the R5 Large Lot Residential zone. The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of buildings

The Height of Buildings Map indicates that the maximum building height for this location is 9 metres. The proposed dwelling will have a maximum overall height of 8 metres.

Development Control Plan

Bathurst Regional Development Control Plan 2014 – Chapter 6 Rural and Rural Lifestyle Development

Standard	Permissible	Proposed	Compliance
Boundary Setback - Side	8.0 metres	3.0 metres to western boundary with remainder exceeding 8 metres	NO*
Boundary Setback - Rear	8.0 metres	28 metres	YES
Housing (Single only or Double Storey)	Single or double storey	Double storey	YES
Environmental Protection Area	Sited wholly outside	Sited wholly outside	YES

* The applicant seeks to vary the 8 metre boundary setback development standard, as it relates to the western boundary adjoining 7 Delaware Crescent, for the following reasons:

- Compliance with the standard would place the dwelling on a steep slope which would mean a significant amount of additional earthworks and imported fill; and
- Compliance with the standard would make it necessary to have substantial retaining walls.

See request for variation at **attachment 3**.

It is recommended that the variation to the 8 metre setback standard be supported in this instance on the following basis:

- The proposed dwelling is offset from the existing dwelling on the adjoining lot so a reasonable level of privacy can be achieved for both dwellings;
- The adjoining property owners were notified of the proposal and raised no objections to the location of the proposed dwelling;
- The existing dwelling on the adjoining lot is setback approximately 75 metres from the common boundary.

Submissions

A determination was made to notify all adjoining property owners of the proposal given the proposed reduced setback and given that one adjoining neighbour had previously raised concerns about earthworks and filling occurring on the subject site. The proposal was notified to all adjoining property owners between 4 March 2016 and 17 March 2016. During the notification period one (1) submission was received from the owner of 438 Mid Western

Highway.

See submission at **attachment 4**.

Both the applicant and the objector were invited to a Discussion Forum on 11 April 2016. The applicant attended Council for the Discussion Forum however the objector did not attend.

The following table outlines the issues raised in the objector's submission.

Issue Summary	Comment
Existing shed constructed without Council's consent close to boundary	The existing shed meets Council's exempt development criteria and therefore does not require formal approval. It should be noted that Council's exempt development criteria permits a shed of up to 60m ² with a minimum boundary setback of only 900mm.
Existing tank placed without Council's consent close to boundary	The existing tank was installed under DA 2013/0435 (two lot subdivision) to provide water for domestic and firefighting purposes for the newly created lot.
Works already undertaken on the site have had an adverse environmental impact	An inspection of the site revealed that adequate sediment fences are in place around the imported fill and that the temporary driveway has been shaped to shed stormwater away from the neighbouring property.
Works already undertaken on the site have had an adverse visual impact	It should be noted that after receiving a complaint Council asked the applicant to cease all earthworks until development consent was in place. Whilst the earthworks are a visual intrusion this cannot be remedied until the subject areas are stabilised and vegetated.
Adverse impacts from existing horse shelter	The applicant has advised that the horse shelter will be demolished.
Plans do not address soil and water management	Plans submitted with the application indicate that the area adjacent to the existing shed will be filled to a maximum height of 1650mm above natural ground level and then battered back to natural ground level. The plans also indicate that a stormwater channel will be created along the adjacent boundary to capture and divert stormwater away from the neighbouring property. A condition will be imposed to request a detailed soil and water management plan prior to the issue of a construction certificate. It is standard practice for such information to be submitted at construction certificate stage.
Retaining walls will be necessary to prevent erosion and therefore sediment reaching the adjacent creek	Plans submitted with the application indicate that the areas of fill adjacent to the existing shed and proposed dwelling will be battered back to natural ground level. Batters are a suitable method for stabilising the imported fill and retaining walls are not required.

Conclusion

Council has received an application for a two storey dwelling with attached garages and indoor swimming pool and earthworks/site filling at 6A Delaware Crescent, Robin Hill. A determination was made to notify all adjoining property owners of the proposal given the proposed reduced setback and given that a neighbour had previously raised concerns about earthworks and filling occurring on the subject site. During the notification period one submission was received. Issues raised in the submission have been addressed in this

report. The applicant seeks to vary the 8 metre boundary setback development standard for the reasons outlined in this report.

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. 2016/0053 – TWO STOREY DWELLING WITH ATTACHED GARAGES AND INDOOR SWIMMING POOL AND EARTHWORKS/SITE FILLING AT 6A DELAWARE CRESCENT, ROBIN HILL. APPLICANT: INLAND BUILDING & CONSTRUCTION. OWNER: MR S PENNELLS & MS T JONES (DA/2016/0053)

MOVED: Cr I North SECONDED: Cr W Aubin

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

Reason: works with Inland Building & Construction

RESOLVED: That Council:

- (a) support the variation to the 8 metre boundary setback development standard for buildings 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. 2016/0053, 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) Prior to the issue of a construction certificate the developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Works. No further building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as Council has approved the soil and water management plan.
 - (ii) All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development;
- (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 G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke, Cr M Coote,

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2016/0074 – GARAGE AT 16 HALFPENNY DRIVE, KELSO. APPLICANT: MR G SEAMAN & MRS G SEAMAN. OWNER: MR G SEAMAN & MRS G SEAMAN (DA/2016/0074)

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. 2016/0074, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for construction of a garage at 16 Halfpenny Drive, Kelso, described as Lot 59, DP 848348. A location plan is provided at **attachment 1**.

The site currently contains a single storey detached dwelling and garden shed.

The proposal

The proposal involves construction of a 10.5 metres x 7.5 metres garage with an overall height of 4.6 metres. Plans of the proposed development are at **attachment 2**.

The garage is proposed to be constructed 7 metres from the front boundary to Halfpenny Drive and 900mm from the common boundary with 1 Newell Place.

The garage will be constructed of Colorbond steel and include 2 roller doors on the front facade. No significant changes in ground levels are proposed.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. The proposed use is ancillary to the dwelling on the property and accordingly is permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

Development Control Plan

Bathurst Regional Development Control Plan 2014 - Chapter 4 Residential Development

Standard	Permissible	Proposed	Compliance
Front Building Line Setback	6.0 metres	7.0 metres	YES
Side Boundary Setback	900mm as per BCA	900mm	YES

Submissions

In accordance with Chapter 2 of the Bathurst Regional Development Control Plan 2014 the Development Application was notified to adjoining property owners between 23 March 2016 and 5 April 2016. During the notification period one submission was received (**attachment 3**) from the owner of 1 Newell Place.

An internal Discussion Forum was convened on 14 April 2016 (see minutes of Discussion Forum at **attachment 4**). Issues raised in the submission and at the Discussion Forum included:

Issue	Comment
Overshadowing	The garage will be located generally to the south east of the rear yard of 1 Newell Place. Shadows will primarily be cast onto the subject land. The garage may overshadow the adjoining property to the north-east in the late afternoon however the neighbouring yard has a northerly aspect and will still achieve ample solar access (ie in excess of 2 hours as required by Council's DCP). The neighbouring dwelling is approximately 10 metres from the common boundary.
Privacy in relation to windows	The applicant has submitted amended plans which show two high level windows in the back wall of the garage. There will be no windows directly facing 1 Newell Place.

Conclusion

Council has received an application for a 10.5 metres x 7.5 metres garage with an overall height of 4.6 metres at 16 Halfpenny Drive, Kelso. The proposal was notified in accordance with the Bathurst Regional Development Control Plan 2014 given the proposed garage is over 60 square metres on land within the R1 General Residential zone. During the notification period one submission was received. Issues raised in the submission and at the Discussion Forum have been addressed in this report.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

10 Item 4 DEVELOPMENT APPLICATION NO. 2016/0074 – GARAGE AT 16 HALFPENNY DRIVE, KELSO. APPLICANT: MR G SEAMAN & MRS G SEAMAN. OWNER: MR G SEAMAN & MRS G SEAMAN (DA/2016/0074)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0074, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2016/0104 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO. APPLICANT: BATHURST BUILDING SOLUTIONS. OWNER: MR A BENNETT (DA/2016/0104)

Recommendation: That Council:

- (a) support the variation of the Bathurst Regional Development Control Plan 2014 to a 6 metre front building setback;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2016/0104, 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 privacy screen shown on the plans is required to be installed prior to the issuing of the Occupation Certificates.
- (c) notify those that made submissions of its decision
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a dual occupancy, and two lot subdivision at 27 Marriott Avenue, Kelso, described as Lot 511, DP 1063439. A location plan is provided at **attachment 1**.

The site is 1004 square metres and is currently vacant.

The site slopes from Marriott Avenue to the rear.

The proposal

The proposal involves:

- The construction of two single storey dwellings with attached garage (dual occupancy); and
- Two lot subdivision.

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

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

Clause 4.1B Minimum Lot Sizes for Dual Occupancy

The minimum lot size to erect a dual occupancy on the subject site is 850 m². The site has an area of 1004m² and therefore complies with this standard.

Clause 4.3 Height of buildings

The height of buildings map shows the maximum height for a building on the subject land is 9 metres. The height of the new dwelling is approximately 6 metres (measured from the existing ground level to the highest part of the dwelling). The proposed development complies with the standard.

Bathurst Regional Development Control Plan 2014

Chapter 2 – Exhibition and Notification of Development Applications

The Development Application was not notified to adjoining property owners in accordance with Chapter 2 of Council's DCP as the development is a single storey dual occupancy and does not include any retaining walls.

Notwithstanding the absence of notification Council received two submissions from adjoining property owners plus an additional petition (see **attachment 3**).

A discussion forum was held for this Development Application on the 27 April 2016. The minutes of the meeting are at **attachment 4**.

The issues raised in the submissions include:

Issue	Response
<i>Visual Impact on the streetscape</i>	<p>The front elevation of each dwelling from Marriott Avenue is two double garage doors with both having a concrete driveway approximately 6.8 metres wide. There will be no other windows or doors in the front elevation.</p> <p>It is noted that the public submissions make reference to various inconsistencies with the overriding objectives of the DCP contained in Clause 4.4.1 of Council DCP which are as follows:</p> <ul style="list-style-type: none"> a) <i>To enhance and/or maintain residential streetscape and character and to provide for landscaping in front of buildings.</i> b) <i>To provide access and fire protection, to maximise solar access and privacy, to minimise possible adverse impacts on adjoining properties, and to facilitate flexible site planning.</i> <p>It is understood that the principle concerns regarding the streetscape centre upon the dominance of the garages doors to the streetscape and the setbacks of the proposed dwellings at 6 metres.</p> <p>In respect of the garage doors Council has no specific planning provision which would require the development to incorporate design elements such as windows or a front door in the front elevation. It is also noted that this treatment has been used in other locations throughout the new release areas. Council's LEP does contain provisions relating to the provision of front doors and front windows in its Complying Development provisions however these do not apply to this application.</p>
<i>Car parking</i>	<p>Each dwelling has two covered car parking spaces and can stack 2 cars in the drive of each dwelling. Council's DCP standards require only 1 covered car space plus 1 visitor space per dwelling. The development therefore complies with the requirements for car parking.</p>
<i>Setbacks</i>	<p>The proposed dwellings will be located 1.61m from the boundary with 29 Marriott</p>

	<p>Avenue and 1m from 25 Marriott Avenue. The proposed development complies with Council's DCP requirements for side and rear setbacks for dual occupancies. All side and rear setbacks are in accordance with the Building Code of Australia which takes into account issues such as fire separation in the case of emergencies.</p> <p>The front setback is addressed in the DCP requirements of the report.</p>
<i>Overshadowing</i>	<p>Shadow diagrams have been provided for the development (attachment 5).</p> <p>The development will cast some shadow onto the adjoining properties as illustrated in the shadow diagrams. Each dwelling will however maintain at least two hours of sunlight between the hours of 9 and 3 daily. The development complies with Council's DCP requirements in relation to overshadowing.</p>
<i>Length of buildings</i>	<p>Council has no planning provisions which limit the length of buildings in a residential zone.</p>
<i>Height of Building</i>	<p>This has been addressed in the LEP 2014 - Height of Buildings section of the report.</p>
<i>Side windows</i>	<p>The DCP requires that windows of habitable rooms facing side or rear boundaries are generally to be offset by at least 1m from the centre point of any opposite facing window. In this particular case the living areas (living, kitchen and dining areas) are located to the rear of the site.</p> <p>There will be no living area windows facing 25 Marriott Avenue.</p> <p>There will be no living area windows which will directly adjoin any of the windows for 29 Marriott Avenue because of the relative locations of each dwelling.</p> <p>That said the outdoor alfresco areas of each dwelling will adjoin the private open space of 25 and 29 Marriott Avenue and due to the elevated nature of the site will overlook these properties. It is a requirement of the DCP where windows will face directly onto adjoining principle open space, the windows are required to be screened or have obscure glazing. The applicant has proposed a 2 metre high timber privacy screen on the south-east elevation of dwelling 1 and on the north-west elevation of dwelling two. This will provide privacy from the alfresco area of both dwellings to the adjoining dwellings.</p>
<i>Loss of Privacy</i>	<p>Due to the overall slope of the land the rear section of the dwellings and the alfresco areas will be elevated above the existing ground level by approximately 1.6 metres. This will result in a degree of overlooking of the adjoining properties including 29, 25 Marriott Avenue, 10 Palmer Way and 18 Musgrove Avenue. The applicant is proposing to provide a 2 metre high timber privacy screen on the south-east elevation of dwelling 1 and on the north-west elevation of dwelling two. This will provide privacy to the living areas of both dwellings on the adjoining properties.</p> <p>As the alfresco area is elevated above the properties at the rear of the site, in conjunction with the angle of sight and the natural topography the views from this area will be over the existing dwellings roof lines.</p> <p>A condition has been imposed on the Development Application to ensure the applicant provides the 2 metre high timber screen as shown on the plans prior to the issuing of the occupation certificates. This will ensure the privacy is maintained to 29 and 25 Marriott Avenue.</p>
<i>Views</i>	<p>The predominant views from this locality are towards the City and Mount Panorama.</p> <p>Council's DCP does not contain any numerical standards in relation to the protection or sharing of views.</p> <p>Whilst there will be some loss of view over the side boundaries the predominant</p>

	views over the rear boundaries would be maintained.
<i>Covenants of DP 1063439</i>	Clause 1.9A Suspension of covenants, agreements and instruments of the Bathurst Regional LEP 2014 enables Council to grant consent in accordance with the relevant planning instruments. Any covenant or similar instrument which restricts the carrying out of that development does not apply to the extent to serve that purpose. Therefore the covenants for the site are not to be considered as part of this Development Application.
<i>Minimum Lot size</i>	This has been addressed in the BR LEP 2014 – Minimum lot size section of the report.
<i>Location requirements for dual occupancies</i>	This will be addressed in the Chapter 4 Development Standards section of the report below.
<i>Devaluation of property prices</i>	Property values are not a planning consideration as they are not a matter prescribed by Section 79(C) of the Environmental Planning and Assessment Act 1979.

Chapter 4 Residential Development

Bathurst Regional Development Control Plan 2014 - Chapter 4 Residential Development

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

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	1004m ²	850m ²	YES
Site Coverage	47.3%	50%	YES
Height	Single-storey	Two-storey maximum	YES
Setbacks			
Front	6 metres	6m unless existing streetscape is already established at 8 metres	NO*
Rear	BCA	In accordance with BCA	YES
Side	BCA	In accordance with BCA	YES
Car parking			
Resident	2 per/dwelling	1 per/dwelling	YES
Visitor	2 per/dwelling	1 per/dwelling	YES**
Open space area			
Dwelling 1	>80m ²	50m ²	YES
Dwelling 2	>80m ²	50m ²	YES
Open space width	>4m	4m wide	YES
Battle-axe allotment	Regular	Regular allotments only	YES***
Separation	>40m	Not within 40 metres	YES***

* The adjoining properties 29 and 25 Marriott Avenue are both setback 8 metres from the front property boundary at their nearest points. Both the proposed dwellings are setback 6 metres from Marriott Avenue. Council's DCP requires the front setback to be 6 metres unless the existing streetscape is already established at 8 metres. The proposed development does not comply with the front setback as the existing streetscape is setback at 8 metres. The proposed 6 metre setback is however considered appropriate as Marriott Avenue is somewhat unusual in that the dwellings are generally not parallel to the street. The existing dwellings setbacks are angled away from the road resulting in a variable streetscape. The proposed dwellings have a similar angle to the existing dwellings angles to the streetscape. **Attachment 6** has the

streetscape pattern of the existing setbacks including the proposal. The applicant has submitted a DCP variation form which justifies the variation of the front setback (**attachment 7**). On the whole, the variation to the front setback should be supported. It is also noted that the dwellings could be relocated to an 8m setback, however, this would exacerbate some of the issues raised by the adjoining owners.

** The dwellings have a 6.8 metre wide driveway which is adequate space to stack two cars in the driveway for both dwellings.

*** The site meets all the requirements specified for a dual occupancy development.

Conclusion

Council has received a Development Application (DA) for the construction of a dual occupancy (two single storey dwellings) and two lot subdivision at 27 Marriott Avenue, Kelso.

The issues raised in the submissions have been dealt with in the body of the report. Whilst it is acknowledged that there will be impacts on the adjoining properties these are within those expected as residential densities increase throughout the City.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

11 Item 5 DEVELOPMENT APPLICATION NO. 2016/0104 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO. APPLICANT: BATHURST BUILDING SOLUTIONS. OWNER: MR A BENNETT (DA/2016/0104)
MOVED: Cr I North SECONDED: Cr M Coote

Cr Westman declared a non-pecuniary interest in this item and remained in the Chamber.

Reason: owner of property adjacent to an adjoining property.

That Council

- (a) defer consideration of Development Application 2016/0104 due to:
 - (i) Inappropriate design of the dwellings due to the dominance of the garages.
 - (ii) the dwelling will have an adverse impact on privacy of adjoining properties.
- (b) refer the matter to a Working Party of the Council for discussion.
- (c) call a division.

The following AMENDMENT was MOVED

MINUTE

12 Item 5.01 DEVELOPMENT APPLICATION NO. 2016/0104 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO. APPLICANT: BATHURST BUILDING SOLUTIONS. OWNER: MR A BENNETT (DA/2016/0104)

MOVED: Cr M Morse SECONDED: Nil

That Council

- (a) as the consent authority refuse consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application 2016/0104, due to:
- (i) Inappropriate design of the dwellings due to the dominance of the garages.
 - (ii) The dwelling will have an adverse impact on privacy of adjoining properties.
- (b) call a division.

The MOTION LAPSED for want of a SECONDER.

The original MOTION was then PUT and CARRIED.

MINUTE

13 Item 5.02 DEVELOPMENT APPLICATION NO. 2016/0104 – DUAL OCCUPANCY AND TWO LOT SUBDIVISION AT 27 MARRIOTT AVENUE, KELSO. APPLICANT: BATHURST BUILDING SOLUTIONS. OWNER: MR A BENNETT (DA/2016/0104)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council

- (a) defer consideration of Development Application 2016/0104 due to:
 - (i) Inappropriate design of the dwellings due to the dominance of the garages.
 - (ii) the dwelling will have an adverse impact on privacy of adjoining properties.
- (b) refer the matter to a Working Party of the Council for discussion.
- (c) call a division.

The result of the division was:

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

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

6 BATHURST REGIONAL LEP 2014 AMENDMENT NO 7 – LOT 182, DP 1013217, SYDNEY ROAD, KELSO (20.00293)

Recommendation: That Council:

- (a) not support the application to rezone Lot 182, DP 1013217 Sydney Road, Kelso from RU1 Primary Production to R1 General Residential;
- (b) advise the applicant of its decision; and
- (c) call a division.

Report: Council received a Planning Proposal to rezone Lot 182, DP 1013217, Sydney Road Kelso in late 2015. A map of the subject land is provided at **attachment 1**.

The application proposes to rezone the subject land from RU1 Primary Production to R1 General Residential. A copy of the Planning Proposal is at **attachment 2**. A copy of the additional information provided by the applicant, including a constraints map is at **attachment 3**.

Background

Council staff prepared a report in respect of this application to the Ordinary Meeting of Council held 16 September 2015. At the meeting the applicant requested that Council defer the matter to enable them to submit additional information to Council for its consideration to support their planning proposal. Council resolved at the meeting to defer consideration of the rezoning application and refer the matter to a working party of Council. A copy of the Council report of 16 September 2015 and the minute are at **attachment 4**.

Subsequent to the Council meeting of 16 September 2015 the following events have occurred:

- A working party was held on 23 September 2015 with Council staff to discuss the issues and rationale for the recommendation not to support the proposed rezoning. The Council Officer's presentation and constraints map to the working party is at **attachment 5**.
- Council staff met with the applicant on 7 October 2015 to discuss the planning proposal, including the content of the Council report of 16 September 2015.
- The applicant and landowners met with the Councillors on 11 November 2015 and made a presentation to support their rezoning application. The applicants gave the undertaking that additional information would be supplied to Council for its consideration.
- Additional information in the form of a draft constraints map and 2-page letter was forwarded to Council from the applicants (see **attachment 3**) on 11 April 2016 in support of the planning proposal and requesting that the matter be further considered by Council.

The key points raised in the 2 pages of additional information are:

- The construction tender for the new Kelso Reservoir has been let and expected to be completed by July 2017 enabling lands up to the 730 metre contour to be serviced with reticulated water. The subject land is below the 730m contour and therefore can be adequately serviced from the new reservoir.
- The issues raised by Council staff and in the Council report can be addressed through

additional reports following the Gateway Determination from the NSW Department of Planning.

- The commitment of the landowners to provide the additional information prior to public exhibition of the Planning Proposal will not place Council at any disadvantage in relation to the Planning Proposal.

Council staff are not satisfied with the additional information provided by the applicant, nor the constraints map prepared by them. A basic level of justification supporting the departure from the Bathurst Region Urban Strategy at a minimum was expected. The concerns raised by Council staff in the report to the Council meeting held 16 September 2015 largely remain, and are reiterated below.

Site description

The site is generally rectangular in shape and has an area of approximately 31 hectares and fronts Sydney Road. The site has a slope of approximately 8 degrees downslope from the northern boundary and is generally south facing. The site slopes into a tributary of Raglan Creek and has been used for grazing activities for a number of decades. The majority of the site is above the 708m contour.

In considering whether Council should support the request, some preliminary investigations have been undertaken by Council staff, particularly relating to sewer and water serviceability and traffic management. Investigations relating to consistency with Council's strategic documents, namely the Bathurst Region Urban Strategy, Housing Strategy and other relevant planning studies have also been undertaken. Each of the issues are addressed below.

Planning considerations:

Bathurst City Housing Strategy 2001

The Bathurst City Housing Strategy 2001 identified the subject land as being suitable for development up to the 708m contour with adequate water pressure. The subject land, at the time of the report, was prioritised equal third. It should be noted that:

- a) the project identified as priority one (Mount Stewart, West of Windradyne) has not been rezoned,
- b) the project identified as equal priority two (area surrounding Eglinton Village) was rezoned in 2011 and its development is currently underway. It should be noted that the area rezoned in 2011 is less than that identified in the 2001 Housing Strategy, and
- c) the project identified as equal priority two (area east of Kelso up to 708m contour) was rezoned in 2014 as part of the Bathurst Regional LEP 2014. It should also be noted that with the proposed Kelso reservoir (off Limekilns Road), land up to the 730m contour was zoned.

It should also be noted that the projects identified as priority three or four have not been commenced for rezoning for residential purposes at this point in time. The land west of Corporation Avenue (equal priority 4) was rezoned as part of the Bathurst Regional LEP 2014 for the expansion of the Service Trade Centre, not for residential purposes.

The subject land was identified in the 2001 Housing Strategy as being suitable for residential development, albeit only up to the 708m contour. The development of the city and the demand for further residential land has meant that the land has not been rezoned to date. Council has identified the need to review its Housing Strategy, and a discussion on this review is located below in this report.

The 2001 Housing Strategy preceded the Bathurst Vegetation Management Plan (2004), the Bathurst Region Urban Strategy (2007) and the Bathurst 2036 Community Strategic Plan, which identified the importance of protecting the City's gateway entrances. The later Urban Strategy identified that the gateways to the City were worthy of protection and therefore despite the earlier Housing Strategy 2001 recommendations, did not recommend the site as being suitable for urban expansion.

Bathurst Vegetation Management Plan 2004

The Vegetation Management Plan (VMP) describes that Bathurst has a distinctly rural identity, characterised by the surrounding rural landscape, the rural backdrop of the City when viewed from many of the streets, its valley setting, the floodplain and the visible ranges on the eastern horizon. The gateways need to reflect this identity.

Section 11 – Gateways of the VMP contains a number of objectives. Objective 4 reads “**To create a significant eastern gateway into Bathurst that enhances the rural vistas, provides unity amongst many discordant visual effects and reflects the heritage values of the City.**”

The rezoning of the land would be contrary to achieving this objective, particularly the loss of the rural vista from Sydney Road.

Bathurst Region Urban Strategy 2007

The Urban Strategy does not identify the subject land for future urban development or residential expansion. Investigations undertaken for the Urban Strategy excluded the subject land from urban development for the following key reasons:

1. The land has high scenic value to the entrance of the City;
2. The land has south facing slopes, generally unsuited to sustainable housing developments;
3. The land cannot, at this time, be adequately serviced with reticulated water;
4. Council is concerned that there may be insufficient capacity to service the subject land with reticulated sewer;
5. The land adjacent to the subject land is identified by the Urban Strategy for future service business development including a freight terminal, previously approved by the Department.

The Urban Strategy has been adopted by Council and endorsed by the Department of Planning. An LEP should be consistent with the endorsed strategic local landuse strategy of a Council. **Should Council support the Planning Proposal, a detailed justification supporting the departure from the Urban Strategy will need to be undertaken as part of the Local Environmental Study (LES) process.**

Bathurst Community Strategic Plan 2036

The Bathurst 2036 Community Strategic Plan (CSP) identifies several strategies to minimise urban sprawl within the Bathurst Region, one being compliance with Council's Urban Strategy. The emphasis from the community is that the entrances to Bathurst are of great importance, particularly the retention of the rural vistas and the protection of the City's gateways.

Development of the land for residential purposes would be contrary to the objectives of the Bathurst 2036 CSP.

Service considerations

Water availability

Council's Engineering department have investigated whether or not the land, and the future dwellings, could be serviced using existing water infrastructure.

- Reservoir 10 – Top of Raglan hill

Able to service land up to the 708m contour. The reservoir is unable to service the entire lot if it were to be rezoned to R1 General Residential. The development cannot be adequately serviced by this reservoir.

- Reservoir 11 – Behind Raglan

Able to service land up to the 730m contour. The existing reservoir does not have any spare capacity to service the development. The development cannot be serviced by this reservoir.

- Proposed Kelso reservoir – off Limekilns Road

Once constructed the reservoir will service land up to approximately the 730m contour. The reservoir has been designed to service the land which was zoned as part of the 2014 LEP, which did not include the subject land. The additional lots that would be generated if the land were to be rezoned (estimated to be up to 110 lots as determined from the Council staff constraints map) would represent a small increase in the overall lots being serviced by the reservoir. This would not jeopardise the operation of the reservoir. Additional trunk mains would be required to extend the water supply to the property, however, no investigations have been undertaken to determine whether any changes to the pipe sizing will need to be amended upstream of the proposed rezoning.

Council's Engineering Department have indicated that they are able to service the subject land above the 708m contour once the reservoir is constructed. Some concern is raised, however, that this will set a precedent in allowing additional connections to the water reservoir which was designed for a specific number of lots, jeopardising the contingency factor and the ability to maintain the minimum pressure within the network.

Sewer availability

Council's Engineering Department have investigated whether or not the land, and the future dwellings, could be serviced using existing sewer infrastructure.

Investigations have shown that the subject land could be serviced by sewer, although some upgrades to existing infrastructure may be required dependant on final design.

Traffic management

The applicant has indicated that the land could be serviced by an unformed road adjacent to the eastern boundary (see **attachment 6**). The Planning Proposal has not been supported by a traffic study to determine whether this option is valid, nor has it been identified in the Planning Proposal whether the road connection has been discussed with the Roads and Maritime Services.

Council has identified this road as an alternative road to be funded through Section 94 contributions connecting to Limekilns Road in the longer term. This option has been supported by the Kelso Traffic Study, however the study was predicated on the basis of servicing the land recently zoned as part of the Bathurst Regional LEP 2014. It should be noted that the Kelso Traffic Study **did not** include the subject land in its calculations for traffic volumes or infrastructure requirements.

Other Issues

Loss of Class 1, 2 and 3 Agricultural land

The property has approximately 6.6ha of Class 2 land and approximately 25 hectares of Class 3 land. The Department of Primary Industries have previously raised concerns with the incremental loss of Class 2 & 3 agricultural land for urban purposes.

Appropriate land use buffers

In considering whether to rezone the land, Council would need to apply appropriate land use buffers to the adjoining land uses and natural features of the site. It would need to be consistent with other such restrictions placed on other residential land and would typically consist of, but not be limited to:

- a) 50 metre agricultural land use buffer to the agricultural land to the east.
- b) A major road buffer to Sydney Road. Generally this would be in the order of 40 metres at a minimum, but an appropriate buffer would need to be developed taking into consideration the Development Near Rail Corridors and Busy Roads – Interim Guideline (NSW Planning 2008).
- c) 30 metre (measured either side of the top of bank) riparian buffer for the Raglan Creek tributary.

Based on initial sketches, this would significantly limit the developable land. (See Council's constraints map at **attachment 5**.)

Justification for the application to rezone

The applicant cites that the rezoning of the land is warranted due to a "shortage of good quality residential land which is ready for residential construction." The applicant also acknowledges that the request to rezone the land is not the result of any specific study or report, but relies on previous studies undertaken by Council including the Bathurst Structure Plan (1996). The applicant however has not addressed the conclusion of the Bathurst Region Urban Strategy (Council's current endorsed local land use strategy) which does not support the rezoning of the land for urban purposes.

As Council would be aware, the Bathurst Regional LEP 2014 rezoned a large area of land, east of the existing Kelso, to cater for the continued growth of the City. It is anticipated that approximately 4500 lots will be created as a result of this rezoning. In addition, the LEP provides for the expansion of Eglinton (approximately 600 lots) and further development at Windradyne. It is considered that the amount of land zoned for residential purposes at this time is sufficient to cater for the growth of the City in the long term (10 to 20 years). No additional lands are therefore considered necessary, particularly lands not proposed for urban expansion by the Bathurst Region Urban Strategy.

Future Planning Studies

Council has commenced the review of its Housing Strategy. The initial visioning of the

Bathurst community has been undertaken and the development of the strategy has commenced. The Housing Strategy will then inform the next review of the Urban Strategy as well as making recommendations about increasing the density, and better use of the existing residential land, into the future.

The review of the Urban Strategy is anticipated to commence within the next three to five years. **On this basis rezoning at this time is considered premature in terms of Council's strategic planning responsibilities.**

Information gaps & further investigations by the applicant

If Council chooses to support the application to rezone the land, Council would require additional information from the applicant prior to the preparation of a draft Plan and its public exhibition. In particular a Local Environmental Study prepared in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* would be required to address issues such as, but not limited to, traffic and intersections, noise, appropriate land use buffers (including that of the Raglan Creek tributary), justification on the departure from the Bathurst Region Urban Strategy, contamination, Aboriginal and European heritage and preliminary lot and road layout. The LES process is similar to the process undertaken for the expansion of Eglinton.

It should be noted that there are significant differences between the constraint maps of the applicant and Council staff. These issues will require detailed investigations prior to the public exhibition of the Planning Proposal.

Conclusion

Notwithstanding the commitment from the landowners to provide the additional information following the gateway determination, the landowners and their consultant have not addressed the fact that the rezoning of the subject land is contrary to the Bathurst Region Urban Strategy. The constraints identified by Council staff are of sufficient weight to warrant the additional information being provided prior to a gateway determination.

Council's strategic documents have demonstrated that there is no strategic basis on which to support the proposal at the present time. The rezoning of the site has not been supported by the Bathurst Region Urban Strategy (2007). The proposal, therefore, is not consistent with Council's endorsed local land use strategy. It is strongly recommended that Council not proceed with a planning proposal to rezone the subject land at this time.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 13: To minimise the City's environmental footprint. Strategy 13.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.1, 28.9

MINUTE

14 Item 6 BATHURST REGIONAL LEP 2014 AMENDMENT NO 7 – LOT 182, DP 1013217, SYDNEY ROAD, KELSO (20.00293)

MOVED: Cr I North SECONDED: Cr W Aubin

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

Reason: Father in law is one of the owners.

That Council:

- (a) support the application to rezone Lot 182, DP 1013217 Sydney Road, Kelso from RU1 Primary Production to R1 General Residential;
- (b) advise the applicant of its decision; and
- (c) call a division.

MINUTE

15 **Item 6.01 EXTENSION OF TIME (11.00005)**
MOVED: Cr J Jennings SECONDED: Cr G Hanger

RESOLVED: That an extension of time be granted to Cr North for Item #6 of the Acting Director Environmental, Planning & Building Services' Report in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

MINUTE

16 Item 6.02 BATHURST REGIONAL LEP 2014 AMENDMENT NO 7 – LOT 182, DP 1013217, SYDNEY ROAD, KELSO (20.00293)

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) support the application to rezone Lot 182, DP 1013217 Sydney Road, Kelso from RU1 Primary Production to R1 General Residential;
- (b) advise the applicant 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 J Jennings, Cr I North, Cr G Rush,

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

Absent - Cr B Bourke, Cr M Coote,

Abstain - Nil

7 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENTS (20.00280 & 20.00290)

Recommendation: That the information be noted.

Report: Woodside Drive Planning Proposal

Council commenced a Planning Proposal to reclassify Lot 7 DP 263393, 67 Woodside Drive, Mount Rankin from Community to Operational under the Local Government Act 1993. The reclassification of the land from Community to Operational does not compel Council to sell the land, however, it provides Council with flexibility in entering into lease arrangements and sale of the land at a future date if it is deemed appropriate.

Council received notification that the LEP Amendment was gazetted on 8 April 2016.

Additional LEP Clauses Planning Proposal

Council commenced a Planning Proposal to improve the flexibility of the Bathurst Regional LEP and to protect Bathurst's drinking water catchment. The Planning Proposal aimed to insert three clauses within the LEP. The clauses were: Clause 2.8 Temporary use of land; Clause 6.5 Drinking water catchment; and Clause 4.1C Minimum lot sizes for certain split zones.

Council received notification that the LEP Amendment was gazetted on 26 February 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 28.1

MINUTE

**17 Item 7 BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014
AMENDMENTS (20.00280 & 20.00290)**

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

8 BATHURST REGIONAL LEP AMENDMENT (20.00143)

Recommendation: That Council:

- (a) prepare 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;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal; and
- (d) call a division.

Report: Upon gazettal of the Bathurst Regional LEP in November 2014, Council was required to receive certification from the NSW Government for the identified Urban Release Areas (URAs) on whether a financial contribution was required for State Public Infrastructure. Council sought such certification from the NSW Department of Planning and Environment for all the new URAs under the 2014 LEP immediately after the LEP was gazetted.

Council received notification on 22 May 2015 that the Director General of the Department of Planning and Environment had certified the urban release areas of:

- Zone B5 Service Business land at Sydney Road and the Service Trade Centre; and
- The additional Zone R5 large lot residential land at Mount Rankin, The Lagoon, Trunkey Creek and Warabindi Orchard.

For these areas listed above for which certification has been received, no contribution was required for State Public Infrastructure.

Certification for the Kelso Urban Release Area remained outstanding as of May 2015. Council staff have been in continual contact with the NSW Department of Planning and Environment requesting certification for the Kelso URA as a matter of priority. It has been indicated to Council that the Roads and Maritime Service (RMS) were seeking a contribution for the upgrade of 3 intersections of local roads with Classified roads (ie those roads under the control of the RMS), notwithstanding that the Department was satisfied that Council had included the intersections in its Section 94 Plan.

In the meantime, Council amended its Section 94 contributions plan for Residential Subdivisions - New Roadworks to increase the estimated cost of works for the 3 intersections in line with the RMS' estimate. Council adopted the amended Section 94 Plan at the Ordinary meeting of Council meeting held 9 December 2015.

Council received verbal notification (written notification is yet to be received) from the Department of Planning and Environment on 26 November 2015 that certification of the whole URA will not be forthcoming in the short to medium term. Council has been advised to accept Development Applications to subdivide individual parcels of the land dependent upon:

- a) The referral of each Development Application (DA) to the Department of Planning and

- Environment seeking certification of each individual area;
- b) The Department of Planning and Environment seeking comment from the RMS with respect to each DA; and
- c) The Department of Planning and Environment issuing certification for that individual DA.

At the time, Council officers were concerned that the convoluted process will further delay the approvals process, and that Council has delayed the lodging of DAs from developers for an undesirable process to be put in place.

Council received the first such development application for the subdivision of land at Emerald Drive, Kelso. Council referred the application to the Department of Planning and Environment on 6 January 2016. Despite promises from the Department that the referral process would not delay the assessment process, Council received notification of satisfactory arrangement certification (for that application only) on 15 April 2016. The certification advises that no contribution for State Public Infrastructure is required. **Ultimately, the process for certification of an individual application has taken 3.5 months.** It should be noted that all development applications for subdivision within the Kelso Urban Release Area (as shown on **attachment 1**) are required to undertake this process.

The certification process is adding additional, and largely unnecessary, delays to the assessment process for no benefit.

Despite Council officers discussing the certification process with Departmental Officers in Dubbo on a regular basis, the certification process is largely handled through the Sydney office who are dealing with certification throughout the State. It is likely that similar delays would be expected for all other applications in the future. Based on current experience a State Public Infrastructure contribution will not be levied on all subdivisions in the Kelso Urban Release Area, and it is likely that the later subdivisions will not have a contribution levied.

To avoid the ongoing delays to all subdivision development applications into the future, it is proposed to commence a Planning Proposal to remove the Kelso Urban Release Area from the Urban Release Area LEP maps. Whilst an LEP amendment is a lengthy process in itself, the wider benefit to other landowners outweighs the certification process for each individual application. The benefits for completing the Planning Proposal process include, improved performance measurement for DA processing, Council maintains its own Section 94 Plan with respect to the required works and certainty for landowners and the applicable contributions for the subdivision of the land.

Conclusion

Council has been required to undertake a convoluted process with respect of all applications to subdivide the land in the Kelso Urban Release Area. The first 'test' of this process took 3.5 months to receive notification that a contribution was **not** required. Council has in place a Section 94 Developer Contribution Plan for all required works. In order to improve the application processing times (on which Council's performance is measured), it is recommended that Council prepare a Planning Proposal to remove the Kelso Urban Release Area from the Urban Release Area maps in the Bathurst Regional LEP 2014.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.2
- 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 29.4
- Objective 33: To be and develop good leaders. Strategy 33.4

MINUTE

18 Item 8 BATHURST REGIONAL LEP AMENDMENT (20.00143)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) prepare 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;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal; 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 M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

9 BATHURST REGIONAL LEP 2014 AMENDMENT NO 6 – WINDRADYNE AND LLANARTH ZONE BOUNDARY ALTERATION (20.00292)

Recommendation: That Council:

- (a) adopt the Bathurst Regional LEP amendment to alter the R1 General Residential and RE1 Local Recreation boundary as outlined in this report;
- (b) forward the Bathurst Regional LEP – Windradyne and Llanarth zone boundary alteration Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) notify those that made submissions or attended the discussion forum of its decision; and
- (d) call a division.

Report: Council has received two requests to consider an alteration to the Bathurst Regional Local Environmental Plan with respect to the R1 General Residential and RE1 Local Recreation zone interface in Windradyne and Llanarth. A location plan is included at **attachment 1**.

Site 1 – Lot 11 DP 778516, Ophir Road, Llanarth

Council has previously issued development consent for a residential subdivision comprising 18 residential lots and 2 open space lots. The approval retained two existing dwellings on two of the 18 proposed residential lots despite those lots being zoned recreation. Thus that part of the open space land would not have been dedicated to Council.

Council has received a request from the current landowner for it to consider an amended lot layout to cater for a multi-unit development on proposed lot 16. The amended lot layout is predicated on the need for a RE1/R1 zone boundary alteration. It is proposed to rezone an area on the southern boundary from RE1 Local Recreation to R1 General Residential and rezone land at the north of the site from R1 to RE1. Currently approximately 9240 sqm is zoned RE1, and following the proposed rezoning approximately 9623 sqm will be zoned RE1. This will result in an overall increase of 383 sqm of recreation land. See **attachment 2**.

The existing two houses will remain on the land zoned recreation however the development now proposes to demolish the two existing houses and dedicate the land to Council.

In this circumstance, ie the overall gain of recreation land, the demolition of the two dwellings in the open space, and the maintenance of an appropriate buffer to Sawpit Creek, the planning proposal should be supported.

Site 2 – Lot 138 DP 1123180, Governors Parade, Windradyne

It should be noted that Bathurst Regional Council is the owner of this particular lot.

Council's Windradyne 1001 subdivision is currently being designed. The final design has responded to the features of the land and has resulted in a number of proposed lots being located partially within the RE1 Local Recreation zone, and two lots wholly within the RE1 zone. It is proposed to rezone an area of approximately 0.68 hectares on the western

boundary from RE1 Local Recreation to R1 General Residential. It is also proposed to rezone approximately 4 hectares from R1 General Residential to RE1 Local Recreation. This will result in an overall increase of approximately 3.32 hectares of recreation land. See **attachment 3**. A 50 metre buffer will be retained to the adjoining rural zoned land to the west.

In this circumstance, ie the overall gain of recreation land, the planning proposal should be supported.

Public exhibition

Council exhibited the draft Local Environmental Plan Amendment from 20 January 2016 until 18 February 2016.

Council received a total of two (2) submissions (**attachment 4**).

A discussion forum was held on 6 April 2016. The report and minutes of the discussion forum as well as minutes of an internal meeting held with Mr & Mrs Mills are at **attachment 5**. The summary of the submissions and the planning response to each submission is provided at **attachment 6**.

Comments

The land identified by Mr Stewart has historically been zoned residential. As part of drafting the Bathurst Regional LEP 2014, Council inadvertently zoned this land rural rather than residential. **Attachment 7** shows the historical zoning of the land for the 1997, 2005 and 2014 LEPs. It should be noted however, that the use of the land was restricted to agricultural purposes under the Windradyne DCP which applied to the land from 1987 to 1997. Reinstating the historical zoning is considered appropriate given that Council inadvertently rezoned that part of the land as part of the 2014 LEP. In this regard it is considered that only part of the land should be zoned residential and the residual retained as RE1 Public Recreation to provide minimum buffers to the Mitchell Highway, Sawpit Creek and the rural land to the West of the site. The land recommended to be included in the R1 Residential and RE1 Public Recreation zones is shown at **attachment 8**.

Conclusion

Council has received two separate requests to consider altering the R1 General Residential and RE1 Local Recreation zone interface in Windradyne and Llanarth. The proposed amendment results in an overall increase of approximately 4 hectares of RE1 Local Recreation zoned land. It is considered that in this circumstance that the request to amend the LEP should be supported.

Council's Strategic Planning Section have addressed the concerns raised in the submissions and at the discussion forum. It is recommended that a small section of additional land owned by Mr Stewart also be zoned R1 Residential as shown at **attachment 8**. Re-exhibition of the LEP in relation to this land is not warranted. There are no reasons why the Planning Proposal should not proceed as outlined in this report.

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 Strategy 28.8

and cultural assets.

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

Strategy 30.3, 30.7

MINUTE

19 Item 9 BATHURST REGIONAL LEP 2014 AMENDMENT NO 6 – WINDRADYNE AND LLANARTH ZONE BOUNDARY ALTERATION (20.00292)

MOVED: Cr I North SECONDED: Cr G Westman

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

Reason: personal friend of applicant.

RESOLVED: That Council:

- (a) adopt the Bathurst Regional LEP amendment to alter the R1 General Residential and RE1 Local Recreation boundary as outlined in this report;
- (b) forward the Bathurst Regional LEP – Windradyne and Llanarth zone boundary alteration Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) notify those that made submissions or attended the discussion forum 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 M Coote, Cr G Hanger, Cr J Jennings, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke, Cr M Morse,

Abstain - Nil

10 MAIN STREET IMPROVEMENTS AND SIGNAGE COMPLIANCE IMPLEMENTATION PLAN (20.00123 & 41.00089)

Recommendation: That Council:

- (a) adopt the implementation plan to seek Main Street improvement and signage compliance within the Bathurst CBD as outlined in this report; and
- (b) adopt as policy that the Development Application fee be waived for development applications lodged for signage within the B3 Commercial Core Zone under Bathurst Regional LEP 2014.

Report: Council, at its meeting held 3 February 2016 resolved to:

- (a) refer the report for main street and signage improvements to the Bathurst Region Heritage Reference Group and the Bathurst Business Chamber for consideration; and
- (b) note that a further report will be submitted to Council following consultation with the Bathurst Region Heritage Reference Group and the Bathurst Business Chamber.

Council's report for main street and signage improvements (refer **attachment 1**) was referred to the Bathurst Region Heritage Reference Group and the Bathurst Business Chamber for consideration on 12 February 2016. To date no response has been received from the Bathurst Business Chamber.

At its meeting held 21 March 2016, the Bathurst Region Heritage Reference Group resolved to recommend to Council that it incorporate the following recommendations into its actions to achieve main street and signage improvements:

- The amendments and recommendations provided by the National Trust Bathurst Branch at **attachment 2**.
- To 'freeze' the problem by ensuring no further instances of signage and colour schemes occur that are not consistent with the DCP. Signage should be required to submit a development application and the fee should be waived.

The recommendations provided by the Bathurst Region Heritage Reference Group and Council's response is below:

Main Street Improvements

It is recommended that:

1. A Main Street Heritage Precincts Program in relation to signage, colour schemes and building improvement be commenced immediately.
 - the processes for Main Street Review and Main Street Improvement Fund have a combined budget allocation of \$50,000 in each of the years 2016/2017 and 2017/2018 with appropriate funding on a continuing basis. For the next two years these funds would be used to finalise a Main Street review of a precinct or section of the CBD (such as George Street and Keppel Street), with contributory funding potentially provided in the same year through the proposed Main Street Improvement Fund.
 - a sample palette for different building eras and styles be developed.

Comment:

In the late 1990s Council engaged consultants to complete Main Street studies for William and George Streets (which also included parts of Howick and Russell Streets) and Keppel Street. An important part of these studies was to identify/recommend improvements for each individual building.

In 2015 Council staff rephotographed all buildings in these studies. Through Council's heritage advisor a review of the building recommendations for the Bathurst Town Square has been commenced and is nearing finalisation. It is intended to extend this Main Street Review to all areas of the CBD.

The review includes recommendations related to matters such as the removal of intrusive items such as signage and air conditioning units, the provision of new colour schemes, recommendations for the reinstatement of missing items or alterations to the built form of intrusive buildings.

A budget request for \$50,000 has been included for consideration in the 2016/17 management plan to continue this review throughout the CBD and to establish a specific main street improvement funding program similar to the local heritage fund. Note that at the time of writing this report it was not known if the budget item had been included in the draft budget or not. If monies are not committed to this project then the review of the Main Streets will occur more slowly within the heritage advisory budget as and where time and resources permit. Property owners would be able to access funding (although somewhat limited) through the existing local heritage fund.

A specific budget allocation, if it is forthcoming, would see the review completed much more quickly and enable the establishment of a specific new funding program for CBD properties only.

In terms of providing a sample colour palette for buildings, the current main street study provides recommended colour schemes and is available to the public online. These colour schemes are being updated and reviewed as part of the Main Street Review and it is intended to promote the recommendations and colour schemes to property owners as each section of the CBD is completed.

Fascia signage

2. In order to 'freeze' the problem we will recommend that appropriate planning instruments be modified as a matter of urgency and advised to all relevant parties immediately that either:
 - (a) all signage should require a development application (with fees waived as per current policy in relation to painting) OR
 - (b) a complying development statement should be lodged prior to undertaking complying works (with appropriate simple acknowledgement by Council).

Such development applications (a) or complying development statements (b) should be listed on the newly established section of the Council website.

Comment:

The report to Council on 3 February 2016 recommended the following in relation to signage.

- *Recirculate the fascia sign guidelines to owners, tenants, real estate agents and sign companies with additional information about compliance penalties.*
- *Meet with sign companies, real estate agents and the Bathurst Business Chamber to outline Council's requirements and compliance penalties.*
- *Take compliance action for any non-conforming fascia signs erected after the photographic record of buildings taken in 2015.*
- *Complete the Bathurst Main Street review to identify all inappropriate signage on existing buildings and encourage its removal.*
- *Waive the DA fees for the erection of signage in the CBD as a means to encourage owners/tenants to seek consent when such consent is required (same as current policy for repainting).*

Council cannot require a development application for all signage and/or a compliance statement for exempt signage as it is bound by the Codes SEPP that enables certain signage as exempt development. What it can do is actively monitor the CBD post the 2015 photographic record and take compliance action where necessary, as recommended to Council in the report on 3 February. Waiving the DA fee for all signage in the CBD is recommended as a means to encourage business owners to lodge DAs where they are required.

Other signage

3. In the case of flush wall signage above the awning, as for fascia signage, Council should require either (a) a development application for proposals that do not comply with the DCP or, if an application does comply, then require (b) a development application (with fees waived) OR require a complying development statement.
 - (a) the issue of provisions in the Environment Planning and Assessment Act as to existing and continuing use rights in relation to land use, buildings and signage with the development of appropriate information and advice documents for community reference.
 - (b) provisions in the Environment Planning and Assessment Act regarding the flexible application of the Development Control Plan clauses.

Comment:

All flush wall signage above the awning currently requires lodgement of a DA. Variations to DCP standards, if they are requested as part of the DA, are treated on a case by case basis.

Council cannot change the requirements of the EPA Act. Its assessment of applications and decisions on existing use rights must be made in accordance with that legislation.

Education, information and promotion

4. Recommendations:
 - Develop a rationale to underpin education, information, promotion and compliance strategies
 - Engage with the business community about the economic and social benefits of signage and colour schemes appropriate to a heritage conservation area
 - Engage with the Town Square Committee
 - Recognise and promote good practice.

Comment:

As the Main Street Review process continues and sections within the CBD are completed (e.g. the Town Square), it is proposed that Council will engage with all relevant parties to encourage implementation of the review recommendations.

It is noted that the local branch of the National Trust has in place a recognition of good practice (awards) program for heritage works within Bathurst. Staff will be able to highlight to National Trust members good practice works that are achieved in the CBD for inclusion in their awards program.

Implementation Plan:

In light of the report presented to Council on 3 February 2016 and the recommendations and comments of the Heritage Reference Group the following implementation plan to achieve main street improvements and signage compliance is recommended to Council.

- Maintain Council's heritage advisory service.
- Maintain the Bathurst Region Local Heritage Fund.
- Continue to take compliance action on unauthorised repainting.
- Maintain Council's current policy to waive the DA fees for the repainting of buildings in the CBD as a means to encourage owners/tenants to seek consent when such consent is required.
- Undertake compliance action in relation to unauthorised signage post the 2015 photographic record of buildings within the CBD.
- Introduce, as policy, the waiving of DA fees for signage erected within zone B3 Commercial Core.
- Consult, educate and liaise with owners, tenants, real estate agents, sign companies and painting companies with respect to Council's requirements for the erection of signage and the repainting of buildings in the CBD.
- Complete the Bathurst Main Street Review to identify opportunities for building improvements (note a specific budget allocation in 2016/17 would ensure this review was completed more quickly).
- Promote the recommendations for building improvements from the Bathurst Main Street Review to property owners as each CBD block is completed.
- Establish a Main Street Improvement Fund to encourage owners to undertake works recommended by the Bathurst Main Street Review (note this aspect of the implementation plan can only be implemented if a new budget allocation is provided).
- Maintain Council's policy to waive DA fees for verandah reinstatement in the CBD.
- Continue to issue orders to repair buildings when public safety is at risk.

Financial Implications: A new budget item of \$50,000 is required to support a Main Street Improvement Fund and to enable faster completion of the Main Street Review.

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, 11.4, 11.5
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

20 Item 10 MAIN STREET IMPROVEMENTS AND SIGNAGE COMPLIANCE IMPLEMENTATION PLAN (20.00123 & 41.00089)

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) adopt the implementation plan to seek Main Street improvement and signage compliance within the Bathurst CBD as outlined in this report; and
- (b) adopt as policy that the Development Application fee be waived for development applications lodged for signage within the B3 Commercial Core Zone under Bathurst Regional LEP 2014.

11 FIRE AND RESCUE NEW SOUTH WALES INSPECTION OF KELSO HIGH CAMPUS, DENISON COLLEGE (22.02067)

Recommendation: That Council continue to liaise with The Principal, Kelso High Campus and the facility manager to address the matters raised by Fire and Rescue New South Wales.

Report: Council has received a Report from Fire and Rescue New South Wales (FRNSW) in relation to its inspection of Kelso High Campus, Denison College on 4 February 2016. This inspection was carried out following information received by FRNSW that the Fire Indicator Panels (FIP) were located in spaces that were not adequately labelled and fire zone signage at the FIP was confusing and inaccurate.

The FRNSW Report contained 2 recommendations relating to 5 issues of concern. A copy of the report is at **attachment 1**.

Upon receipt of FRNSW Report, Council has the following obligations under the Environmental Planning and Assessment Act:

121ZD Inspection reports by fire brigades

- (1) *If the Commissioner of New South Wales Fire Brigades carries out an inspection of a building under section 119T, the Commissioner must furnish to the council of the area in which the building is located:*
 - (a) *a report of the inspection, and*
 - (b) *if of the opinion that adequate provision for fire safety has not been made concerning the building, such recommendations as to the carrying out of work or the provision of fire safety and fire-fighting equipment as the Commissioner considers appropriate.*
- (2) *A council must:*
 - (a) *table any report and recommendations it receives under this section at the next meeting of the council, and*
 - (b) *at any meeting of the council held within 28 days after receiving the report and recommendations or at the next meeting of the council held after the tabling of the report and recommendations, whichever is the later, determine whether it will exercise its powers to give order No 6 or 8 in the Table to section 121B.*
- (3) *A reference in subsection (2) to a meeting of a council does not include a reference to a special meeting of the council unless the special meeting is called for the purpose of tabling any report and recommendations or making any determination referred to in that subsection.*
- (4) *A council must give notice of a determination under this section to the Commissioner of New South Wales Fire Brigades.*

The ongoing maintenance of the buildings is the responsibility of Spotless Property and Facilities Pty Ltd who have an agreement with the Department for Education and Training. Council officers have contacted both the Regional Manager of Spotless and the Principal of Kelso High Campus to discuss the FRNSW Report. At this stage the issues are being proactively addressed and an Order would not be warranted.

Council will continue to liaise with the Principal, Kelso High Campus and the facility manager to ensure a timely resolution of this matter.

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 33: To be and develop good leaders. Strategy 33.4

MINUTE

21 Item 11 FIRE AND RESCUE NEW SOUTH WALES INSPECTION OF KELSO HIGH CAMPUS, DENISON COLLEGE (22.02067)

MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED: That Council continue to liaise with The Principal, Kelso High Campus and the facility manager to address the matters raised by Fire and Rescue New South Wales.

12 2016 MAYORAL BUSINESS LEADERS LUNCH (20.00071)

Recommendation: That the information be noted.

Report: The Mayor recently hosted the third annual Mayoral Business Leaders Lunch at Rydges Mount Panorama on the 28 April 2016. Sixty-five prominent business owners attended including Council's 2016 Economic Development Program Partners.

Guests included the Chief Executive Officer of Reliance Credit Union, the Regional Director of Devro, the President of the local Business Chamber and senior staff from CSU, Skillset, Bolam Group Holdings, Simplot, Mars, Hines Constructions, Rydges, Grainforce, NSW Department of Industry and a number of owners of local retail and service sector businesses.

The 2016 Mayoral Business Leaders Lunch provided the opportunity for the Mayor to present an update on upcoming economic development projects and to also launch Council's new Bathurst Business Hub website; a central online portal for local businesses to access vital information and resources.

The 2016 Lunch was a great success, with the annual Mayoral Business Leaders Lunches now recognised as a prominent event which not only connects local businesses, but also encourages the development of an informed and cohesive business community.

Conclusion:

The Mayoral Business Leaders Lunch was highly successful and allowed Council to officially launch the new Bathurst Business Hub website in front of an audience of local business leaders and members of the media. The Lunch also effectively reinforces Council's commitment to supporting local businesses and continued economic prosperity. Additionally, the Lunch provides the opportunity for Council to maintain and strengthen its relationship with the local business community.

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, 1.4
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1, 5.2

MINUTE

- 22 Item 12 2016 MAYORAL BUSINESS LEADERS LUNCH (20.00071)
MOVED: Cr M Coote SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

13 NEW BATHURST BUSINESS HUB WEBSITE (20.00071)

Recommendation: That the information be noted.

Report: Council identified the need to create a central “hub” of information and resources to assist local businesses to develop and grow. Council partnered with NSW Department of Industry to develop the Bathurst Business Hub website. The website has been designed to also provide information to individuals who would like to start their own business and to facilitate business relocations to Bathurst.

The new website was officially launched by the Mayor on the 28 April 2016 at the Mayoral Business Leaders Lunch.

Key features of the website include:

- Available grants/incentives
- Workshops and business events
- Economic statistics
- Business start-up factsheets
- Industry awards to enter
- Businesses for sale and franchise opportunities
- Key industry contacts

The website includes social media integration and video content, with the site linked to the following Council assets:

- Bathurst Business Hub Facebook page
- Bathurst Business Tube
- Business eNewsletter which is sent out each month to a database of approximately 1,000 businesses.

Conclusion:

Council launched the new Bathurst Business Hub website on the 28 April 2016 at the Mayoral Business Leaders Lunch. The website is a central location for businesses to access information on grants, business events, resources and contacts to assist with business growth and is a partnership between Council and the NSW Department of Industry.

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 1.2, 1.3
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.2
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1

MINUTE

- 23 Item 13 NEW BATHURST BUSINESS HUB WEBSITE (20.00071)
MOVED: Cr M Coote SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

14 EVOCITIES MTB (MOUNTAIN BIKE) SERIES (20.00071)

Recommendation: That the information be noted.

Report: The Bathurst Cycling Club partnered with Bathurst Regional Council to host the first round of the 2016 Evocities MTB Series on the 16 & 17 April, 2016. Now in its second year, the Evocities MTB Series is the most lucrative mountain biking series in Australia, with the combined prize money totalling more than \$80,000. The Bathurst leg of the event was branded as the Al Dente Winters Edge XC.

The event was held at the Bathurst Bike Park, attracting approximately 150 competitors including seven-time World Solo champion Jason English. The event attracted riders from Port Macquarie, Canberra, Blue Mountains, the South Coast, Wollongong, Tamworth and Dubbo.

Category winners were presented with a hamper organised by Council, which included local produce from across the Bathurst Region.

A junior event was held on Saturday 16 April, the “Al Dente Junior Winter Waahoo”, on a specially designed kids trail. Jason English also ran a free training session for junior participants, with a movie night also held at the Bathurst Bike Park clubhouse.

The next round of the Evocities MTB Series will be held in Albury on June 19.

Conclusion:

The first round of the Evocities MTB Series, hosted in Bathurst, was a highly successful event. The event attracted approximately 150 competitors from across NSW and contributed to the continued development of the Evocities brand and the Bathurst economy.

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 1.2, 1.3
- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.7

MINUTE

- 24 **Item 14 EVOCITIES MTB (MOUNTAIN BIKE) SERIES (20.00071)**
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully

A handwritten signature in black ink, appearing to be 'R Denyer', written in a cursive style.

R Denyer
ACTION DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$73,100,000 was invested at 30 April 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	A2	\$3,000,000.00	2.99%
Bendigo and Adelaide Bank Limited	A2	\$500,000.00	2.86%
Commonwealth Bank	A1+	\$1,500,000.00	2.96%
Bankwest	A1+	\$3,000,000.00	2.98%
National Australia Bank Limited	A1+	\$23,000,000.00	3.01%
St George	A1+	\$3,000,000.00	2.97%
Maritime, Mining & Power Credit Union Ltd	ADI	\$500,000.00	2.88%
People's Choice Credit Union	ADI	\$1,500,000.00	2.95%
Railways Credit Union Limited	ADI	\$1,000,000.00	3.06%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.91%</u>
		\$38,500,000.00	2.99%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.47%
CBA Deposit Plus	AA-	\$1,500,000.00	3.13%
CBA Deposit Plus 1	AA-	\$1,500,000.00	3.32%
WBC Coupon Select	AA-	\$2,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,800,000.00</u>	<u>2.20%</u>
		\$9,800,000.00	2.94%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.45%</u>
		\$2,000,000.00	3.45%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	3.19%
AMP	AA-	\$800,000.00	3.43%
Suncorp Metway	A+	\$1,000,000.00	3.53%
Rabobank	A+	\$1,000,000.00	3.82%
Macquarie Bank	A	\$1,000,000.00	3.41%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.49%
Bank of Queensland	A-	\$1,000,000.00	3.34%
Bank of Queensland 1	A-	\$2,000,000.00	3.40%
Bendigo & Adelaide Bank 2	A-	\$1,000,000.00	3.25%
Bendigo & Adelaide Bank 3	A-	\$1,000,000.00	3.39%
Bank of Queensland 2	A-	\$1,000,000.00	3.35%

Credit Union Australia	BBB+	\$3,000,000.00	3.62%
Police Bank Ltd	BBB+	\$1,000,000.00	3.38%
Police Bank Ltd 2	BBB+	\$1,000,000.00	3.39%
Credit Union Australia 2	BBB+	\$1,000,000.00	3.51%
Credit Union Australia 3	BBB+	\$1,000,000.00	3.90%
Newcastle Permanent	BBB+	\$1,000,000.00	3.62%
Newcastle Permanent 2	BBB+	\$1,000,000.00	3.91%
Members Equity Bank 2	BBB+	\$1,000,000.00	3.29%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.58%</u>
		\$22,800,000.00	3.50%

Total Investments **\$73,100,000.00** **3.15%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$34,157,425.00
Grants held for specific purposes	\$2,494,303.00
Section 94 Funds held for specific purposes	\$32,881,696.00
Unrestricted Investments – All Funds	\$3,566,576.00
Total Investments	<u>\$73,100,000.00</u>

Total Interest Revenue to 30 April 2016 **\$1,855,066.19** **3.15%**

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

- 25 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2015-2016 (16.00140)

Recommendation: That the information be noted and any variations to income and expenditure be voted.

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.

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

The Division of Local Government has now set a prescribed format for the Quarterly Budget Review Statement (QBRS). The new statement is in the same format as the requirements for the new Annual Operational Plan that replaced the Management Plan from 1 July 2012. The Report shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Division of Local Government Guidelines. At **attachment 3** is an update of the strategies for the 2036 Community Strategic Plan.

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

26 Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2015-2016 (16.00140)

MOVED: Cr M Coote SECONDED: Cr M Morse

RESOLVED: That the information be noted and any variations to income and expenditure be voted.

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 April 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:	-\$1,844.82
Mount Panorama:	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 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

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

MOVED: Cr M Morse SECONDED: Cr G Westman

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.

- K & P Anderson Superannuation Pty Ltd - 26 Barr Street - Lot 1074, DP 1215618 - Transfer
- M & B Peterson - Ben Chifley Dam - Part Lot 1, DP 632418 - Licence Agreement
- Pacific Automotive Holdings Pty Ltd t/as Thrifty Car Rental - Bathurst Aerodrome Terminal - Part Lot 37, DP 1159302 - Licence Agreement
- JD & L Clarke - Windradyne 1000, Stage 2 - Lot 1002, DP 1212670 - Transfer
- AG & TA Mitten - Bathurst Tennis Centre - 217 Durham Street - Part Lot 1, DP 1167594, Part Lot 10, DP 1157553, Part Lot 7006, DP 1057676 - Lease
- Warren Harvey Homes Pty Ltd - 12 McLean Street - Lot 1014, DP 1212670 - Transfer
- TJ & RG Fish - Part 212 Mountain Straight, Mt Panorama - Lot 11, DP 1215971 - Transfer
- Minister for Public Works & Ports - Land - Cotton Street, Barley Street and Eugenie Street, Raglan - Lot 111, DP 738447 - Transfer
- B.A.R. Constructions Pty Ltd - 16 Twynam Avenue - Lot 1109, DP 1215618 - Transfer
- AG Hertel - 9 Matthews Street - Lot 1116, DP 1215618 - Transfer
- VW & SL Zamparo - 12 Twynam Avenue - Lot 1111, DP 1215618 - Transfer

Linen Plan Release

- Nil

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 28 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

5 POLICY UPDATE - LAND SALES (20.00009)

Recommendation: That Council adopts the amended Land Sales Policy incorporating the change to Clause 6 "Special Conditions" as detailed in the report.

Report: The Land Sales Policy was first approved by Council at its meeting held on 1 March 2006. Two further alterations were approved by Council at its meeting held on 5 December 2012 and 2 July 2014. The Land Sales Policy was produced to ensure probity in the sale of Council owned land, both Residential and Commercial/Industrial land. The initial release is under the ballot system.

Recently, Council has been approached by a number of builders seeking to purchase land under Builder's Terms. On the Sales Advice the builder lists their name and another name, using his contractor licence and public liability insurance policy to give a third party access to Builder's Terms.

At the time of exchange of contracts for sale the builder is defined as having 1% ownership. This is contrary to the intention of Council when it first introduced the Builder's terms option.

It is proposed to alter Clause 6 in the Policy to prevent this practice from occurring. The current wording in the Policy document is set out below

6. Special Conditions

Offer builder's terms with up to twelve (12) months delayed settlement, such terms not available until one (1) month after the ballot draw date. These terms also require lodgment of a Development Application within three (3) months of exchange of contracts otherwise sale will be cancelled a deposit refunded less Council costs. Conditions of General release "A" and "B" apply on first day of builder's terms being available (date to be specified). Council requires a copy of the Contractor's Licence and Public Liability Insurance policy.

It is proposed to include the text in bold below to amend Clause 6 to read as follows:

Offer builder's terms with up to twelve (12) months delayed settlement, such terms not available until one (1) month after the ballot draw date. These terms also require lodgment of a Development Application within three (3) months of exchange of contracts otherwise sale will be cancelled a deposit refunded less Council costs. Conditions of General release "A" and "B" apply on first day of builder's terms being available (date to be specified). Council requires a copy of the Contractor's Licence and Public Liability Insurance policy.

Builders terms are available to licensed builders only and are not transferable to any third party.

It is recommended that Council adopts the amended Land Sales Policy as shown at **attachment 1.**

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.8

MINUTE

- 29 Item 5 POLICY UPDATE - LAND SALES (20.00009)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council adopts the amended Land Sales Policy incorporating the change to Clause 6 "Special Conditions" as detailed in the report.

6 REQUEST FOR REBATE WASTE MANAGEMENT FEES - BATHURST RUGBY CLUB (14.00007, 04.00112)

Recommendation: That Council waive the fees of \$810 incurred by the Bathurst Rugby Club for the disposal of waste concrete at the Bathurst Waste Management Centre, to be funded from Waste Management Centre operations.

Report: Council has received a request from the Bathurst Rugby Club (refer **attachment 1**) for a rebate on the cost of waste management fees associated with the removal of waste concrete from Ann Ashwood Park. The Bathurst Rugby Club recently constructed an extension to the storage shed adjacent to their club rooms. As a result of an existing slab adjacent the storage shed collapsing, the slab was broken up and needed replacing.

The Bathurst Rugby Club has estimated the waste concrete from the replacement slab would weigh approximately 3 tonnes.

The waste concrete was deposited at the Bathurst Waste Management Centre at a total cost of \$810.

It is recommended that Council agree to waive the fees of \$810 incurred by the Bathurst Rugby Club for the disposal of waste concrete at the Bathurst Waste Management Centre, to be funded from Waste Management Centre operations.

Financial Implications: This could be funded from Council's Waste Management Centre Operations

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 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1

MINUTE

30 Item 6 REQUEST FOR REBATE WASTE MANAGEMENT FEES - BATHURST RUGBY CLUB (14.00007, 04.00112)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council waive the fees of \$810 incurred by the Bathurst Rugby Club for the disposal of waste concrete at the Bathurst Waste Management Centre, to be funded from Waste Management Centre operations.

7 WATER CHARGE VARIATION - BATHURST GOLF CLUB (22.00126)

Recommendation: That Council not provide any further discounts on raw water charges at the Bathurst Golf Club.

Report: Council has received a request from the Bathurst Golf Club shown at **attachment 1** for a review of their water account which, for the month of March 2016, was \$18,090.30.

The request from the Bathurst Golf Club seeks to amend the bill for the period 20/02/2016 - 20/03/2016 to be charged at 0.71c per kilolitre.

The email indicated that this is an interim request until the Club is able to discuss a fixed price proposal with Council.

Currently water is charged to the Bathurst Golf Club Limited in accordance with the 2015/2016 Revenue Policy, as follows:

Community Clubs, Golf, Majellan & Bathurst Community Club

First 18,000 kilolitre	\$0.71c
18,001 kilolitre to 32,000 kilolitre	\$0.94c
Balance	\$1.40

It should be noted the above charges have not increased for the past two years.

An examination of the water usage of the Bathurst Golf Club shows that, since the start of the 2015/2016 rating year, the Club has used 59,261 KL of water made up as follows:

<u>Month</u>	<u>KL</u>
July	399
August	0
September	2,307
October	13,749
November	2,071
December	16,861
January	9,442
February	2,843
March	<u>11,589</u>
Total to date	59,261 KL

The account shows the water used in March was 11,589 KL. This water was used at the third tier charge and is correctly charged out at \$1.40 per KL.

The account also shows water marked "Commercial Filtered" which is the water used within the Club and is correctly charged out at \$2.70 per KL.

The raw water account is \$16,224.60 (11,589 KL x \$1.40). The request from the Bathurst Golf Club is that this amount be reduced to \$8,228.20 (11,589 x 0.71c KL). The commercial filtered amount (balance of the \$18,090.30) on this account was \$1,865.70 which is at the rate of \$2.70 per KL and it not the subject of this request.

At Council's meeting held on 24 April 2010 (refer to **attachment 2**), an item on water

charges for the Bathurst Golf Club was considered. At that time Council agreed to introduce a special water rate for raw water purchased by the Bathurst Gold Club for use on the fairways.

Councillors will note that this report also indicates that Council provided a grant of \$10,000 in 2007 to assist with the sinking of a bore for water to be used for maintaining the golf course in good condition. This project failed due to the bore not striking water.

Councillors would be aware the Bathurst Golf Club is an important facility in the region. To secure key events for the city, it is important that the fairways and greens are kept to a certain standard. In order to maintain this standard, a sufficient amount of water is required.

Further correspondence has been received from the Bathurst Golf Club at **attachment 3** enclosing a testimonial from Mr Jim Harkin a life member of the Lakes GC Sydney.

Due to the significant amount of assistance already provided by Council it is recommended that Council not provide any further discounts on raw water charges at the Bathurst Golf Club.

Financial Implications: There are no financial implications should Council adopt the recommendation.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3

MINUTE

- 31 Item 7 WATER CHARGE VARIATION - BATHURST GOLF CLUB (22.00126)
MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That Council not provide any further discounts on raw water charges at the Bathurst Golf Club.

8 REQUEST FOR FINANCIAL ASSISTANCE - LIVE LIFE GET ACTIVE CAMP (23.00026)

Recommendation: That Council not participate in the Live Life Get Active Camp proposed to be held in Bathurst.

Report: Councillors will recall a presentation at a recent Councillors Meeting with Community Groups in relation to the Live Life Get Active Camp proposed to be held in Bathurst.

Council has now received a proposal from the group at **attachment 1**. Camps are provided free to participants and are run over a period of 40 weeks.

Council has been requested to provide \$9,000, plus GST, towards the cost of running the camp, plus the provision of a suitable location to run the camp, ie public park.

Currently there are a number of these types of outdoor exercise activities being undertaken by local businesses and therefore, it is recommended that Council not participate in this program.

Financial Implications: Should Council support the recommendation, then there are no financial implications for Council.

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 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

32 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - LIVE LIFE GET ACTIVE CAMP (23.00026)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council not participate in the Live Life Get Active Camp proposed to be held in Bathurst.

9 PROPOSAL FOR PARKRUN BATHURST (04.00017)

Recommendation: That :

- (a) Council make available the venue of Bicentennial Park, including paths for the conduct of the Parkrun event in Bathurst, at no charge and
- (b) The Parkrun organisers advise the Manager Recreation each time the Parkrun event is to be conducted.

Report: Council has received a request form the Parkrun organisation at **attachment 1** for the use of a Council facility at the Bicentennial Park to conduct a park run which is free. The run is proposed to be conducted weekly and is a timed 5 km course for everyone wishing to take part.

The goals of the Parkrun are not just health and fitness but the development of a sense of community participation to encourage people to participate in events like that proposed. Parkrun Australia advise there are currently over 150 events Australia wide being held with the first being held in 2011 on the main beach at the Gold Coast.

Parkrun Australia have requested the use of the parks and paths along the Macquarie River from 8 am - 9.30 am every Saturday morning to conduct these runs. They have also requested the waiving of any fees associated with the use of these areas.

The group initially requested Council to fund \$5,000 towards this project to assist with set up costs.

The group has now advised Council they have raised the \$5,000 contribution needed from local sources to conduct the event. Parkrun have also advised there are no funding requirements due to community and volunteer support.

Currently there are a number of these types of outdoor activities being undertaken throughout Bathurst and in particular the various groups that conduct running events.

It is therefore recommended that Council make available the Bicentennial Park at no charge to the Parkrun organisation.

Financial Implications: Should Council support the recommendation, there will be no financial implication to Council.

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 23: To encourage a supportive and inclusive community. Strategy 23.7
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

33 Item 9 PROPOSAL FOR PARKRUN BATHURST (04.00017)
MOVED: Cr J Jennings 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: Daughter is Event Director.

RESOLVED: That :

- (a) Council make available the venue of Bicentennial Park, including paths for the conduct of the Parkrun event in Bathurst, at no charge and
- (b) The Parkrun organisers advise the Manager Recreation each time the Parkrun event is to be conducted.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

1 PROPOSED REMOVAL OF TWO LONE PINE TREES IN BATHURST CEMETERY (09.00009)

Recommendation: That Council approve the removal of two *Pinus halepensis* trees within the Bathurst Cemetery.

Report: On 1 April 2016, Council received a letter from the National Servicemen's Association of Australia – Mid State Sub Branch, advising of their concerns with two Lone Pine trees that have been planted adjacent to their original Lone Pine tree that they arranged to be planted within the Bathurst Cemetery in 2010 as part of a war memorial tribute.

In 2010, at the request from the National Servicemen's Association, Council assisted in the planting of a Lone Pine tree (*Pinus halepensis*) within the Bathurst Cemetery adjacent to the War Graves Cemetery site. The Association also installed a plaque adjacent to the tree detailing the significance of the War Graves site and of the tree in relation to Australia's involvement in the First World War. For information, the Association intends to continue adding to the memorial site in the future by installing a memorial path to the original planted Lone Pine tree.

Within 12 months after the Lone Pine tree was installed, Council planted a further two Lone Pine trees in close proximity to the original tree at the Cemetery, which were donated by a resident of Bathurst. At the time it was considered that the additional trees would complement and add to the significance of the original planting. It is believed that the planting of these additional trees were undertaken without formal discussions with the Servicemen's Association. A copy of the Association's Letter and an image of the trees in question is shown at **attachment 1**.

Within their letter, and during an onsite meeting with Council's Manager Recreation, the National Servicemen's Association Mid State Sub Branch have advised that it was their intent to have a single Lone Pine tree which was to be symbolic to the Battle of Lone Pine and the solitary tree that was observed on the battle field. It is for this reason that the Association has requested that Council relocate or remove the other two trees from the War Graves area.

It should be noted that the other two trees have reached significant maturity which will restrict Council in being able to successfully relocate them. Council does not have the equipment and resources to excavate a sufficient amount of the trees' root system to enable their best chance of being relocated without dying. It is considered that should Council approve the removal of the additional two trees, such removal methods will need to involve the cutting down and stump grinding of the trees. The National Servicemen's Association Mid State Sub Branch executive are aware and understand that relocation of the trees would be unlikely. It is therefore recommended that Council accede to the request of the National Servicemen's Association of Australia NSW Mid State Sub Branch, by removing the two additional *Pinus halepensis* trees within the Bathurst Cemetery.

Financial Implications: The cost to cut down and remove the two Lone Pine trees can be funded within the Recreation Section's existing maintenance 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 11.5

MINUTE

34 Item 1 PROPOSED REMOVAL OF TWO LONE PINE TREES IN BATHURST CEMETERY (09.00009)

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That Council approve the removal of two *Pinus halepensis* trees within the Bathurst Cemetery.

2 TRUNKEY CREEK HOTEL TOILETS (22.12659)

Recommendation: That Council:

- (a) not contribute capital improvement funding to the upgrade of the toilet facilities adjacent to the Trunkey Creek Hotel, and
- (b) investigate improvement works to the existing public toilet facilities.

Report: Council has received email correspondence from the owners of the Trunkey Creek Hotel regarding the toilet facilities adjacent to the Hotel (copy at **attachment 1**).

The correspondence refers to a small toilet block which is adjacent to the existing Trunkey Creek Hotel and fronting the main road. It has the appearance of a publicly accessible facility and is used by the travelling public.

The owners of the Hotel are requesting provision of funding for improvement works to the toilets of between \$23,000 and \$27,000 for building materials, toilets, basins, bore pump, plumbing, paint, tiles and floor sealer with labour costs undertaken by the owners.

These facilities however are totally within private property owned by the Hotel owners.

The alternative previously advised by the owners was to install a fence barrier to remove access off the road and secure access for hotel patrons only. This potential action is quite reasonable given the facilities are owned and maintained by the Hotel.

Public toilet facilities are separately available in Trunkey Creek being behind the rest area adjacent to the Trunkey Recreation Ground and are accessible off the Lloyd Street access to the grounds. A photo of these facilities is at **attachment 2**. There are signs to the toilet block but these could and should be improved. These facilities are not as easily observed by travellers and would be part of the reason they are less utilised.

Previous advice from long serving former Evans Shire employees did not indicate that Council constructed the facility and no correspondence has been located that indicates that this was the case. Council has however previously assisted in specific maintenance issues and minor improvement works.

Council now needs to establish whether capital contribution to the improvement and ongoing usage of the toilet block is appropriate or whether to invest in improvement of the public owned facilities and provide improved directional signage to them. Given previous concern raised as to the need to improve the public toilets adjacent to the Recreation Ground it is considered appropriate any proposed capital improvement funding should be directed to these facilities.

Financial Implications: There is no specific funding for contribution or improvement works but could be sourced from rural maintenance and improvement funding.

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 19.2

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

MINUTE

35 **Item 2 TRUNKEY CREEK HOTEL TOILETS (22.12659)**
MOVED: Cr I North SECONDED: Cr W Aubin

That Council:

- (a) not contribute capital improvement funding to the upgrade of the toilet facilities adjacent to the Trunkey Creek Hotel, and
- (b) investigate improvement works to the existing public toilet facilities.

The following AMENDMENT was MOVED.

MINUTE

36 **Item 2.01 TRUNKEY CREEK HOTEL TOILETS (22.12659)**
MOVED: Cr J Jennings SECONDED: Nil

That

- (a) further consideration of this matter be undertaken with the applicant.
- (b) investigate improvement works to the existing public toilet facilities.

The MOTION LAPSED for want of a SECONDER.

The following AMENDMENT was then MOVED

MINUTE

37 Item 2.02 TRUNKEY CREEK HOTEL TOILETS (22.12659)
MOVED: Cr G Hanger SECONDED: Cr J Jennings

That Council defer the matter for discussions to be held with the applicant.

The AMENDMENT was PUT and CARRIED

The AMENDMENT then became the MOTION

The MOTION was then PUT and CARRIED

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

1 NATIONAL YOUTH WEEK 8-17 APRIL 2016 "IT STARTS WITH US" **(23.00047)**

Recommendation: That the information be noted.

Report: National Youth Week was held from 8-17 April 2016. The theme for National Youth Week this year was "It Starts With Us".

Youth Week celebrates the positive contributions young people aged 12-25 years make to our communities. Youth Week is the largest celebration of young people in Australia. Thousands of young people aged 12-25 from across Australia are involved each year.

This year Bathurst celebrated Youth Week with the following event, which was a collaborative event between Bathurst Regional Council, Bathurst Regional Youth Council and the headspace Youth Reference Group.

The Youth Council were responsible for securing five musical performances from a range of local secondary schools, as well as promoting the event via schools, local businesses and their facebook page.

What: Disney's "The Jungle Book" Movie Screening and Live Music Performances by local young artists

When: Wednesday 20 April 2016, 5.30pm-9.30pm

Where: Metro Cinemas, Bathurst

The event included free entry into a special screening of the new release movie, Disney's "The Jungle Book".

There were five musical performances from local young people, ranging from acoustic solo acts, to full band sets prior to the screening of the movie. This allowed local young people to showcase their musical talent and perform in front of their peers.

The event was supported by Bathurst headspace and the headspace Youth Reference Group (YRG). The YRG provides an opportunity to ensure that headspace is continuing to provide the best service it can to young people in the region.

The event was attended by 250 young people.

Financial Implications: The event was funded through National Youth Week and funds allocated in Council's budget to support Youth Week.

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

**38 Item 1 NATIONAL YOUTH WEEK 8-17 APRIL 2016 "IT STARTS WITH US"
(23.00047)**

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

2 NSW SENIORS FESTIVAL 1-10 APRIL 2016 (07.00016)

Recommendation: That the information be noted.

Report: Council and the Seniors Week Organising Committee planned events for the Bathurst community to celebrate the Seniors Festival 2016 from 1 to 10 April 2016. Events included morning teas, free hearing tests, sing-a-longs, discounted movies, a wonderful display and morning tea at Miss Traill's House, concert at BMEC and multiple musical concerts at various events along with many other programs that took place throughout Seniors Festival 2016.

The activities involved partnerships between Council and the Seymour Centre, Miss Traill's House, the Uniting Church, Bathurst RSL, Bathurst Senior Citizens Centre, Metro Cinemas, the Bathurst Memorial Entertainment Centre and Bulldogs Rugby Club.

Council organised an event entitled 'Healthy Eating for Successful Living Workshop' held at Bathurst Bulldogs Rugby Club. Mayor Gary Rush formally welcomed all to the event. This event comprised of a Yoga/Tai Chi group class facilitated by professional instructors from Dedicated to Fitness, including an informative presentation of healthy exercise. Council's event concluded with a multicultural lunch catered by Malouf's Lebanese Restaurant.

Participation at all events was exceptional with over 400 people participating in the Seniors Festival Events throughout this period.

The activities received overwhelmingly positive feedback from participants and organisers. The Seniors Week Organising Committee has already been contacted by various organisations wanting to participate in the Seniors Festival 2017.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.3
- 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 23: To encourage a supportive and inclusive community. Strategy 23.1, 23.3, 23.5, 23.6
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5, 30.6

MINUTE

- 39 Item 2 NSW SENIORS FESTIVAL 1-10 APRIL 2016 (07.00016)
MOVED: Cr G Westman SECONDED: Cr M Morse

RESOLVED: That the information be noted.

3 VACATION CARE PROGRAM - APRIL 2016 (09.00005)

Recommendation: That the information be noted.

Report: The April 2016 Vacation Care program operated from Monday 11 to Friday 22 April 2016.

The average number of children attending each day for the April Program was 30, with the service operating at full capacity. Places for April 2016 holiday period were capped at 30 children per day to minimise impact upon staff wages. The quality of care, parent's expectations of the service and inclusive practices for children with a disability are significant achievements of this service and are reflected in utilisation levels.

The April Program accommodated 6 new families with 8 new children commencing care.

Over the holiday period Vacation Care provided care for up to 75 individual children throughout the two week program with 64 families utilising the Vacation Care Service during this time.

There was a continued increase of demand placed on the service to accommodate children with additional needs during this period. Vacation Care was approved to access Inclusion Support Subsidy. The funding allows services to provide additional support through an increase in Educator to Child ratios. During the April program the service assisted 6 children with additional needs.

Vacation Care continued to form strong connections and actively support local businesses, organisations and facilities within our community. The children participated in excursions to Metro Cinema, Aspire Gymnastics, Flipout Orange, Orange Adventure Playground and the Flannery Centre. Vacation Care also accessed Bathurst's NRL Development squad and a local artist from Mudgee who conducted a cartooning workshop. We continue to utilise Mount Panorama Coaches for transportation and have commenced an association with Bernardi's Market Place.

The Program continues to provide a sought after, valuable service for children and families of the Bathurst Community, operating within the principals of creating a play based learning environment that is fun and stimulating.

These principles aim to develop a child's:

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

Vacation Care prides itself on the high quality, experienced staff employed to deliver a diverse and engaging program to children aged 5-12 years.

Vacation Care is scheduled to again be operational in the July 2016 school holiday period.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 40 Item 3 VACATION CARE PROGRAM - APRIL 2016 (09.00005)
MOVED: Cr W Aubin SECONDED: Cr G Westman

RESOLVED: That the information be noted.

4 BATHURST LIBRARY SCHOOL HOLIDAY ACTIVITIES - APRIL 2016 (21.00029)

Recommendation: That the information be noted.

Report: April School holiday programs consisted of six programs held from 12– 21 April in the Library/Art Gallery meeting room. Sessions were conducted by guest presenter, Fiona Howle (three sessions) and the Outreach Programs team (three sessions).

Each program is targeted at children aged between 5-17 years, children under 6 years attend with a parent/guardian. The programs are a themed craft activity aimed at this age group and they are created so the younger participants are, with some instruction and a little help able to complete the craft, each program running either 1.5hrs or 2hrs and limited to between 15 to 25 children depending on the activity.

Overall attendance for the programs was very good with 111 attending. Sessions included:

- Butterfly Colour;
- Fluffy Monsters;
- Star Wars Masks;
- Snake Creations;
- Fairy Fun;
- Bee Aware.

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, 20.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.7
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1, 26.4, 26.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.4, 27.5, 27.8

MINUTE

41 Item 4 BATHURST LIBRARY SCHOOL HOLIDAY ACTIVITIES - APRIL 2016
(21.00029)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the information be noted.

5 BATHURST REGIONAL ART GALLERY - SUMMARY OF UPGRADE (21.00039)

Recommendation: That the information be noted.

Report: The Bathurst Regional Art Gallery (BRAG) recently undertook a major upgrade to the facility, which included new lighting, air-conditioning, humidifiers and re-painting throughout. The upgrade will enable loans, which were previously not able to be exhibited in Bathurst due to climate control issues, to now be planned in the future for Bathurst residents to enjoy. Positive feedback from the public has been received in regards to the upgrade.

The new low energy LED lighting system for BRAG meets a range of needs including increased flexibility for display of artworks with a selection of wall wash, flood, and spot options. LED lighting will maximise BRAG's ability to adhere to international standards of display and object preservation, most notably through the ability to control UV light levels, and adjust lux levels. Energy efficiency will also increase, with projections that the new system could improve lighting performance by up to 77% and constitute an annual saving of \$4,410 per annum on the site's power bills.

The new climate control system will ensure that BRAG complies with industry standards for display and storage of artworks. It will maintain BRAG's position as an innovator in the NSW museums and galleries sector, and ensure that important exhibitions and loans planned for 2016, 2017 and beyond will come to fruition. Forthcoming exhibitions dependent on securing loans from major collecting institutions include Brett Whiteley: West of the Divide (2016), Feasting with Cannibals: The Art of Donald Friend (2017); Beyond Belief: the Sublime in Contemporary Art (2017) and The Unflinching Gaze: Photo Media and the Male Figure (2017).

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.3
- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.3
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.4, 20.6

MINUTE

42 Item 5 BATHURST REGIONAL ART GALLERY - SUMMARY OF UPGRADE
(21.00039)

MOVED: Cr J Jennings SECONDED: Cr I North

RESOLVED: That the information be noted.

6 CROCODILE DAY AT THE AUSTRALIAN FOSSIL AND MINERAL MUSEUM - SATURDAY 16 APRIL 2016 (21.00107)

Recommendation: That the information be noted.

Report: The Australian Fossil and Mineral Museum as part of their school holiday program held a family friendly 'Crocodile Day' on Saturday 16 April. The day was themed to reflect the current Temporary Exhibition *SuperCroc* providing children and their families an opportunity to engage with the museum and a range of activities. A total of 756 visitors attended.

'Wild Animal Encounters' provided an exhibition of various reptiles on the day that included crocodiles and a rare albino python. They also performed four interactive shows for the visitors with baby alligators, tortoises, snakes and lizards. Children were provided with information regarding each of the animals and encouraged to touch and ask questions.

Other activities on the day included a craft stall with crocodile and reptile-themed activities, science experiments including water testing, a stall where minerals and fossils could be viewed under the microscope and a table for panning and sieving for fossils and crystals where children could keep their finds (see photos at **attachment 1**).

Admission for the activities and entrance to the museum on the day was \$5 for adults/concessions, with children admitted for free. The Australian Fossil and Mineral Museum's shop traded well on the day with visitors spending more than \$1,000.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.6

MINUTE

43 Item 6 CROCODILE DAY AT THE AUSTRALIAN FOSSIL AND MINERAL MUSEUM - SATURDAY 16 APRIL 2016 (21.00107)
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That the information be noted.

7 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 4 APRIL 2016 (07.00016)

Recommendation: That Council:

- (a) Note the information provided in the report.
- (b) Endorse the replacement of Mr Andrew McKenna with Mr Shawn Pine, General Manager of Rydges, on the Bathurst Region Tourism Reference Group.

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

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

The second meeting of the Bathurst Region Tourism Reference Group was held on 4 April 2016. The minutes of the Group's meeting are provided at **attachment 1**.

At the meeting held on 4 April 2016 the Group established the following actions to be undertaken:

- Tourism Reference Group be the first external group to pilot the use of Council's Communication Plan to assist with communication between Council and industry;
- Take a three-phased approach to the implementation of the Destination Management Plan;
- Attend a brand leadership workshop with key Council staff to educate members on the brand process;
- Maintain a focus on research and data collection to inform brand and marketing activities; and
- Take a strategic approach to the collection and distribution of a comprehensive events calendar for the region and meet with relevant groups to implement.

The Group were advised of the relocation of the member on the Tourism Reference Group and General Manager of Rydges, Mr Andrew McKenna. Mr McKenna has been replaced by General Manager, Mr Shawn Pine. Mr Pine would represent the accommodation sector on the Group. It is recommended that Council endorse the replacement of Mr Andrew McKenna with Mr Shawn Pine, General Manager of Rydges, on the Bathurst Region Tourism Reference Group.

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, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

MINUTE

44 Item 7 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 4 APRIL 2016 (07.00016)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) Note the information provided in the report.
- (b) Endorse the replacement of Mr Andrew McKenna with Mr Shawn Pyne, General Manager of Rydges, on the Bathurst Region Tourism Reference Group.

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

GENERAL MANAGER'S REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

1 LOCAL GOVERNMENT NSW – ELECTION FOR BOARD OF DIRECTORS OF THE ASSOCIATION (18.00074-08)

Recommendation: That Council nominate its voting delegates for the election of the Board of Directors of Local Government NSW.

Report: Council has received a request from Local Government NSW that Council nominate voting delegates for the Election for Board of Directors of the Association, refer **attachment 1**.

The Association has previously advised;

“Arising from an election inquiry concerning the election of members of the Board at the Association’s 2015 Annual Conference, on 29 March 2016 the Federal Court of Australia made an order declaring the election of 13 persons on the Board void and each such person not to have been elected. The offices of President and Treasurer were unaffected, and the Court determined that three other directors were not impacted by the irregularity because of the size of their respective primary votes.

The vacant positions that now require filling are:

- *Vice President (Metropolitan/Urban Council)*
- *Vice President (Regional/Rural Council)*
- *Five (5) Directors (Metropolitan/Urban Council)*
- *Six (6) Directors (Regional/Rural Council)*

The only candidates eligible for these positions are those who stood for them at the 2015 Annual Conference.

The election is being conducted by the Australian Electoral Commission.

The Election Notice can be accessed on LGNSW’s website.

Each ordinary member must nominate its voting delegate(s) for the postal ballot by 12 noon Thursday 2 June 2016. No changes to voting delegates will be accepted after this time.”

Council'S previously authorised voting delegates for this election, were the Mayor (Cr Rush), Cr Bourke and Cr Jennings, refer General Manager’s Report #2, 16 September 2015.

Financial Implications: There are no financial implications.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.7
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.5

MINUTE

45 Item 1 LOCAL GOVERNMENT NSW – ELECTION FOR BOARD OF DIRECTORS OF THE ASSOCIATION (18.00074-08)

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That Council nominate Crs Rush, Bourke and North as its voting delegates for the election of the Board of Directors of Local Government NSW.

Yours faithfully



D J Sherley
GENERAL MANAGER

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 4 May 2016 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 4 May 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

- 46 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016 (07.00064)
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 4 May 2016 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 4 MAY 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

RESOLVED: That the apologies from Crs Coote and Morse be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 APRIL 2016 (07.00064)
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 6 April 2016 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr G Westman and **SECONDED** Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 23 MARCH 2016 (07.00096)
MOVED Cr B Bourke and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 23 March 2016 be adopted.

Director Cultural & Community Services' Report

6 Item 1 POLICY - MUSEUM COLLECTIONS MANAGEMENT (41.00089, 21.00096, 20.00004)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That Council adopt the Museum Collections Management Policy.

GENERAL BUSINESS

7 COMMUNITY GARDEN EVENT (22.02574)

Cr Bourke - spoke to recent event held, with Jason Hodges as guest speaker. Thanked everyone for their assistance, everything is going really well at the Community Garden. The Event was successful. The staff did a great job.

8 Item 2 PETER BROCK 10 YEAR ANNIVERSARY (23.00122)

Cr North - requested a council update on where a proposal for acknowledgement of the 10 year anniversary of Peter Brock's death is at.

The General Manager advised that the Director Corporate Services & Finance is following this up. Advice will be provided.

9 Item 3 NRL EVENT (18.00296)

Cr North - congratulated staff on their efforts. This event was very successful.

10 Item 4 TOILET BLOCK - CARRINGTON PARK (36.00587)

Cr North - asked has toilet block matter been resolved and will it be in place before next years' match?

The Director Engineering Services advised tenders have been called and construction shall be completed this year.

11 Item 5 VALUE OF EVENTS (20.00020)

Cr North - asked has any research been undertaken to see community satisfaction with events.

The General Manager referred to economic assessments, noted no satisfaction surveys undertaken. Will look at this into the future.

12 Item 6 GEORGE STREET TRAFFIC MATTERS (25.00007)

Cr North - advised congestion in George Street is getting worse, where are we at with reviewing this.

The Acting Director Environmental, Planning & Building Services advised no funds allowed in this years budget for CBD Traffic Study.

Director Engineering Services advised Roads & Maritime Services is undertaking studies via their traffic modelling software which will provide information on the stretch of road down to the highway intersection.

13 **Item 7 HOWICK STREET ROUNDABOUT - RMS (25.00006)**

Cr Aubin - noted Roads & Maritime Services (RMS) is seeking data from Council to put into the new modelling package they have. Recent meetings have been held with RMS.

14 **Item 8 GEORGE PARK - TRAFFIC MATTERS (04.00042)**

Cr Aubin - noted when football training is occurring, cars are coming off Bentinck Street and then are driving right around the oval, causing damage, can this be stopped.

15 **Item 9 SHOPPING TROLLEYS (28.00006)**

Cr Aubin - advised trolleys are being dropeed everywhere, can we do something about this? This has previously been raised.

16 **Item 10 KANGAROOS IN ORCHARD (14.00665)**

Cr Aubin - referred to last Policy Meeting and concern expressed about a need for a fauna plan. Notes recent reports in newspaper that we did not put in place a satisfactory plan. This reflects poorly on the Council.

17 **Item 11 SKATE PARK - SCHOOL ACTIVITIES (04.00037)**

Cr Jennings - asked, during school holidays, does Council utilise the skate park for activities? Possibly Council could initiate with the State Government, LGNSW and the Local Government National body to conduct a regional/state competition.

Most skate parks are run by Councils and such an Event would fulfill Council's Charter. Bathurst could lead this in a regional sense.

The Director Cultural & Community Services advised Council does not at this time conduct such an activity, but it can be considered.

The Mayor suggested that Council's Director Cultural & Community Services could raise as a project for the Youth Council.

MEETING CLOSE

18 **MEETING CLOSE**

The Meeting closed at 6.17 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 MAY 2016 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 3 May 2016 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 3 May 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

- 47 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 MAY 2016 (07.00006)
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 3 May 2016 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 3 MAY 2016

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cr Warren Aubin (Chair), Acting Sergeant Jason Marks (Police), David Veness (MP Representative), David Vant (Roads & Maritime Services).

Present: Darren Sturgiss (Manager Technical Services), Iris Dorsett (Tablelands Area Road Safety Officer).

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 5 APRIL 2016 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 5 April 2016 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 APRIL 2016 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 EGLINTON PUBLIC SCHOOL PEDAL PUSH 2016 (23.00026-19/135)

That Council classify the Eglinton Public School Pedal Push to be held on Friday 23 September 2016 as a Class 3 event and approve it subject to conditions detailed in the Director Engineering Services' report.

7 Item 3 BATHURST'S BIGGEST EXPO AND CHRISTMAS MARKETS (23.00026-019/024)

This is page 1 of Minutes of the Traffic Committee held on 3 May 2016

That Council endorse the Traffic Management Plan for Bathurst's Biggest Expo and Christmas Markets to be staged on Saturday 19 November and Sunday 20 November 2016 at the Bathurst Showground as a Class 2 event, subject to conditions detailed in the Director Engineering Services' Report.

8 **Item 4 HISTORIC RALLY CLUB - SOUTHERN MOUNTAINS TOURING ROAD EVENT (23.00015-08/028)**

That Council endorse the Traffic Management for the section of the Historic Rally Club of NSW and ACT Inc - Southern Mountains Trial (1960) Revisited Touring Road Event to be held in the Bathurst Regional Council area on 19 August 2016, as a Class 2 event subject to conditions as detailed in the Director Engineering Services' Report.

9 **Item 5 REQUEST TO INSTALL NO STOPPING ZONE IN COURT HOUSE LANE (25.00044/041)**

That approval be given for the installation of an additional "No Stopping" zone in Court House Lane 9m long opposite the small vehicle gates at the rear of Bathurst Court House.

TRAFFIC REGISTER

10 **Item 1 TRAFFIC REGISTER (07.00006)**

That the information be noted.

MEETING CLOSE

11 **MEETING CLOSE**

The Meeting closed at 2.47 pm.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 APRIL 2016 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Ian North (Chair), Coote, Hanger, Morse, Westman

Apologies: Councillors Rush, Aubin, Bourke and Jennings

1. CSU REGIONAL ECONOMIC ANALYSIS & ENTREPRENEURSHIP RESEARCH (PROF MARK MORRISON) (20.00071)

Prof Mark Morrison, Prof Tom Murphy and Prof John Hicks from Charles Sturt University gave a presentation to Council on two current research projects.

Discussion included:

Project 1 - Regional Economic Development Project

- Regions have slower employment than urban areas.
- Aim to provide framework for assessing economic development in Central West.
- Provided figures on employment in Bathurst.
- Many industries are underperforming in Central West.
- Encourage local purchasing is good for region.
- Selling outside the region is good for region.
- Proposed Next Steps for Bathurst
 1. Obtain Bathurst LGA specific data either through NSW Trade & Investment or Western Research Institute.
 2. Identify a manageable set of industry clusters to work with.
 3. Run a series of meetings with each of the priority clusters to map their external environment.
 4. Identify potential projects and activities for developing each of the industry clusters.
 5. Implement projects and activities where possible to self-fund or submit funding proposals.
- Time and cost - requires 6-8 months, cost excluding survey \$20,000, cost with survey of businesses \$50,000.

Project 2 - Entrepreneurship Ecosystems Research

- Spoke on the SEGRA Challenge at the recent Conference.
- About setting up systems to assist businesses to start up and improve/grow their business.

- Proposed Next Steps for this year.
 1. Desktop review of regional business incubators, accelerators and entrepreneurship ecosystems in Australia.
 2. Phone interviews of key stakeholders including managers of the programs.
 3. Review up to three entrepreneurship ecosystems that are being established as part of the SEGRA Challenge, to examine how the ecosystems have stimulated economic activity in regional areas.
 4. Provide support to local initiatives.

2. MEALS ON WHEELS (18.00236)

Lesley Bull, Chairperson, John Judge and Linda Roskovic met with Council to update them on the services provided and future directions.

Discussion included:

- Gave a brief overview of the organisation. Operates two separate services which are:
 - (i) Bathurst Meals on Wheels incorporating Oberon
 - (ii) Central West Food Services.
- Central West Food Services delivers meals to 25 centres across the State.
- Employ 18 staff in Bathurst.
- Growth in output in 2014-2015 was 30%.
- Expect to produce 327,000 meal items this year. Produce 89 separate items (meals, soups, desserts, etc)
- Use local suppliers where possible.
- Acknowledged past support from Council.
- Will engage Consultant to look at how to advance business.

3. LIVE LIFE GET ACTIVE (23.00026)

Amanda King, CEO met with Council to discuss their program and possible Council support to fund a camp in Bathurst.

Discussion included:

- Gave an overview of the Live Life Get Active program aimed at reducing obesity.
- Would like Council to consider funding a camp in Bathurst.
- Recently opened a camp in Richmond.
- Obesity has become biggest threat to Public Health in Australia.
- The program is provided free to Australians and is based on fitness, nutrition and

motivation.

- Seeking funding of \$9,000 for first year, no funding required in future years. Plus use of a park at no cost

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.2

MINUTE

48 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 13 APRIL 2016 (11.00019)
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That the information be noted.

MINUTE

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

MOVED: Cr G Westman 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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	MENACING DOG ORDER	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CLAIM FOR DAMAGES - JOUBERT DRIVE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would

		prejudice council's position in negotiating commercial and or financial arrangements.
2	LAND RELEASE - EGLINTON 100 RESIDENTIAL SUBDIVISION - COX LANE, LEW AVENUE, FRASER DRIVE AND TEMPLER WAY	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. 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 Council.
3	PURCHASE OF LAND, WEST BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	NEW RESIDENTIAL TENANCY AGREEMENT - LOT 37 IN DP1159302 - AERODROME COTTAGE BATHURST AERODROME - NSW AIRTC ASSOCIATION	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 THE ACCEPTANCE, REPROCESSING AND REUSE OF BIOSOLIDS	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 THE REFURBISHMENT OF MCPHILLAMY PARK, SULMAN PARK & REID PARK TOILET & SHOWER BLOCKS, 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.

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'
CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

MINUTE

- (a) **Item 1 MENACING DOG ORDER (22.05133)**
MOVED: Cr I North SECONDED: Cr W Aubin

That Council adopt Option 2 as contained in the report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

MINUTE

- (b) **Item 1 CLAIM FOR DAMAGES - JOUBERT DRIVE (34.00076)**
MOVED: Cr I North SECONDED: Cr M Coote

That Council adopt the recommendations contained in the report.

MINUTE

(c) Item 2 LAND RELEASE - EGLINTON 100 RESIDENTIAL SUBDIVISION - COX LANE, LEW AVENUE, FRASER DRIVE AND TEMPLER WAY (20.00119)

MOVED: Cr I North SECONDED: Cr W Aubin

That Council:

- (a) approves the release for sale of fifty-nine (59) lots, namely Lot 1 to 59 in current Lot 10 and Lot 11 in DP1141570 in the new residential subdivision located on Cox Lane, Lew Avenue, Fraser Drive and Templer Way, Eglinton to be known as Eglinton 100, under the ballot system.
- (b) approves the sale prices as detailed in the report.

MINUTE

(d) Item 3 PURCHASE OF LAND, WEST BATHURST (22.07480)
MOVED: Cr M Coote SECONDED: Cr G Hanger

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

MINUTE

**(e) Item 4 NEW RESIDENTIAL TENANCY AGREEMENT - LOT 37 IN
DP1159302 - AERODROME COTTAGE BATHURST AERODROME - NSW AIRTC
ASSOCIATION (21.00087)**

MOVED: Cr G Westman SECONDED: Cr G Hanger

That Council approves entering into a new Residential Tenancy Agreement for the Aerodrome cottage located on Lot 37 in DP1159302 at the Bathurst Aerodrome for a period of two (2) years with an option period of three (3) years with the NSW AIRTC Association, as detailed in the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

18 MAY 2016

MINUTE

(f) Item 1 TENDER FOR THE ACCEPTANCE, REPROCESSING AND REUSE OF BIOSOLIDS (36.00564)

MOVED: Cr M Coote SECONDED: Cr G Westman

That Council, in accordance with the Local Government (General) Regulation 2005 Clause 178, 1b:

- (a) decline to accept any of the submitted tenders,
- (b) invite fresh tenders in accordance with clause 167 of the Local Government (General) Regulation 2005 based on modified specification details, and
- (c) authorise the General Manager to negotiate a temporary agreement for acceptance and reprocessing of biosolids until a new contractor can be appointed.

MINUTE

(g) Item 2 TENDER FOR THE REFURBISHMENT OF MCPHILLAMY PARK, SULMAN PARK & REID PARK TOILET & SHOWER BLOCKS, MOUNT PANORAMA (36.00589)

MOVED: Cr W Aubin SECONDED: Cr I North

That Council:

- (a) accept Tablelands Builders' tendered project price of \$416,639.00 (GST incl.), and
- (b) accept the provisional amount of \$59,532.00 (GST incl.) for the upgrade of basins.

This will result in a total contract value of \$476,171.00 (GST incl.), subject to provisional items and variations.

MINUTE

50 **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council resume Open Council.

MINUTE

51 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr M Coote SECONDED: Cr W Aubin

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

MINUTE

52 MEETING CLOSE

The Meeting closed at 8.39 pm.

CHAIRMAN: _____