

12 July 2017

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
19 July 2017**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 19 July 2017 commencing at 6.00 pm.

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



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 19 JULY 2017

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 JUNE 2017

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

9. REPORTS OF OTHER COMMITTEES

* MINUTES - POLICY COMMITTEE MEETING - 5 JULY 2017

* MINUTES - TRAFFIC COMMITTEE MEETING - 4 JULY 2017

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 JUNE

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

Recommendation: That:

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

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

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

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMMUNITY LEASE - PART LOT 101 DP 1204847 KNOWN AS 7 LEE STREET, KELSO.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	COMMUNITY LEASE - PART OF THE UNCONSTRUCTED COUNCIL ROAD ADJACENT TO SIR JOSEPH BANKS NATURE RESERVE, 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.
3	PURCHASE OF PROPERTY, PART LOT 12 DP 825612 KNOWN AS 92 FREEMANTLE ROAD, 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.
4	PURCHASE OF PROPERTY - MOUNT PANORAMA PRECINCT	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 WATER DELIVERY MAIN – WEST 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.
2	COMPULSORY ACQUISITION OF LOTS 3 AND 6 DP1179068 AND EASEMENTS, SEWER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	PUMP STATION SITE, BATHURST SHOWGROUND, KENDALL AVENUE, BATHURST	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 DESIGN AND INSTALLATION OF AN AIR CONDITIONING SYSTEM FOR BATHURST POST OFFICE BUILDING	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 Hanger (Chair), Aubin, Coote, Morse, North, Westman.

MINUTE

2 PUBLIC QUESTION TIME

K McNab – resident - Mitre/Suttor/Lambert Streets Intersection

Tabled Part 4 of their submission to Council. There have been 4,444 signatures to date. Thanked Council for taking on board the matter and providing funding. Requested copy of design proposal when completed.

P Cole – Railway

Spoke concerning old sandstone block at John Holland railway yards. Has spoken to John Holland about; the block and its heritage, Chifley rail issues, storage of other sandstone blocks, Kurrajong trees in the precinct. Need to keep track of heritage and history of the area.

S Semmens – Rotary Club Bathurst

Congratulated Council on the success of the Winter Festival. Recently elected as the 85th President of Bathurst Rotary. Spoke to awareness program being implemented. In 2017/2018 will assist in programs such as: the B2B, Duck race, Peru and Solomons project and water line program.

Queried if Council has any contingency plans if the NBN fails when the existing system is switched off. Perhaps can work with Bathurst Business Chamber on developing a plan.

J Hollis – Combined Pensioners and Superannuants Association

Congratulated Council on putting yellow lines where there are tripping points on CBD pathways. What strategy is in place to deal with these?

The Acting Director Engineering Services advised funds are provided in 2017/2018 budget to undertake footpath repairs.

B Manning – ratepayer

Spoke to change in business agenda going out, why alternative format? Then spoke to accountability of Council in the decision making process and referred to her matter.

The General Manager attempted to respond to the matter having regard to communication guidelines to Council from Mrs Manning and her lawyers.

S-J Hanley – Bathurst Youth Council member

Congratulates Council on Community Safety Plan strategy. Spoke to lighting audit undertaken and implementation thereof. Could Council look at lighting in William Street up from Lambert Street, also sensors near Peace Garden are not working. What is Councils street light maintenance program?

The Acting Director Engineering Services advised street lights are controlled by Essential Energy. Council undertakes tree trimming on an as needed basis.

S-J Hanley

Centennial Park - why can't something like the Adventure Playground be put into this location. Spoke of possibility for art work. The State Government's Stronger Community funding could be used for this. When will scoping document come back to Council?

The General Manager noted Council awaiting consultants report, this will be considered in future budget deliberations.

J Jennings – ratepayer

Lighting Touch Football Fields, Keppel Street Improvement and energy issues such as battery storage and membership of the Cities Power Partnership (CPP).

The General Manager noted:

1. No funds in budget for Keppel Street walkway
2. BINC carpark final seal due November 2017 when weather warms up, will create 42 extra car spaces
3. Lighting of touch footy fields not on Council's forward capital works. Funding might be available under some State Government funding programs
4. Council is looking at battery storage issues through CENTROC, current focus of Council is power factors, air conditioning upgrades (Art Gallery and Post Office), solar panels, eg, sewer and water facilities and street lighting
5. In regards to CPP only announced 19 July 2017, CENTROC reviewing, four Councils will trial - Bathurst Regional Council will monitor to assess implications.

B Amery – ratepayer - DA2015/281 -357 Rankin St (DEPBS#4)

Thanked Councillors for attending the recent property inspection. Spoke to building and that it is not sympathetic to streetscape. Requested Council agree to staff recommendation.

M Williams – CSU - BRC Scholarship winner

Thanked Council for the scholarship. This is a great help in financing University costs so that she can meet her personal aspirations.

J-A Mobbs – CSU - Gordon Bullock Scholarship

Thanked Council for the scholarship. Helps achieve goals she has set herself in life.

S Bathgate – Bathurst Heritage Action Network

Demolition Heritage Buildings DA 2015/281

Spoke to concern at the number of demolitions being requested. Need to find a better way to deal with this. Owners need help and we need to challenge ourselves in this space. Noted recent responses on Western Advocate Facebook page about demolition.

Bathurst Heritage Plan (DEPBS#6)

Due to be adopted tonight. This is exciting and everyone is to be congratulated on the document. Many groups and the Council have contributed.

G Crisp – resident

Raised matters at last meeting and spoke to response he received from the General Manager. Referred to re-election of Councillors. Who controls the General Manager? Mr Crisp's submission to the budget was unlawfully dealt with and was defamatory to Mr Crisp. Made allegations of abuse of public office.

The General Manager replied to allegations made by Mr Crisp.

B Triming - Bathurst Regional Access Committee

Thanked Cr North for raising issue of accessible toilets. Noted meetings held with staff to resolve the issues raised. Asks Council to adopt proposals when designed.

Winter Festival was well done. Thanked Council for sessions where people in wheelchairs could participate with reduced numbers. There was a great deal of effort to put in extra ramps and problems were dealt with quickly, thanks to everyone. Many businesses made money from the festival and would have made more if they were all accessible - these groups should utilise Council's small business access grants. Thanked Council for raising the grant to \$15,000,

MINUTE

3 APOLOGIES

MOVED: Cr I North SECONDED: Cr M Coote

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 - 21 JUNE 2017 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 June 2017 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 June 2017, 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
- 21 JUNE 2017 (11.00005)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 June 2017 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 21 JUNE 2017**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

K McNab – resident - Mitre/Suttor/Lambert Streets intersection Item #6(b) DCSF

Asked when does Council anticipate result of Black Spot funding will be known? Spoke to need for roundabout and issues involved and petition from community. Noted the population growth in the area. Asked that public comment be allowed on the final plan. Asked Council to adopt works for roundabout in the budget.

B Trimming – Chair Bathurst Regional Access Committee - Item #6(d) DCSF

Budget is disappointing as no seed funding for disability toilet in BMEC. Requests this be considered. Also spoke to need for disability toilet in the Administration Building and notes no funds have been included. This matter has been going on since 2011. This direction does not align with the Disability Inclusion Action Plan (DIAP). The DIAP is an excellent document and Council should be congratulated, noted the processes in place to develop the plan.

A Gibbons – Panorama Hotel - DA Service Station 53 Durham St - Item #8 DEPBS

Spoke to concerns with DA including; location of proposed building, exposure of motel to pollution factors, light problems, window problems, noise, hours of operation, traffic levels, odour, safety concerns.

B Young –applicant representative - DA Service Station 53 Durham St - Item #8 DEPBS

Spoke to DA. The assessment has been very thorough and notes some additional conditions have been added and the applicant accepts these. There has been some neighbourhood correspondence on the issues raised by Mr Gibbons and these issues have been addressed. Spoke to location factors and need to comply with RMS requirements. Police have reviewed the site and have signed off. The current layout does not meet modern standards. Servicing is already available 24 hours per day. Spoke to other factors such as; light, noise, odour. The development complies with all standards.

S Bathgate –Bathurst Heritage Action Network - DA Service Station 53 Durham St - Item #8 DEPBS

Spoke to signage concerns. The proposal does not meet Council's Development Control Plan (DCP). This does not avoid the proliferation of signage. The problem is that this will create a precedent and may cause a doubling of blade signs in and out of Bathurst. The DCP says 'must not' grant consent. Mr Bathgate circulated a photo of the existing signage and spoke to issues of like for like and requirements to be flexible in controls. This development does not meet the strategic objectives of the DCP.

B Manning – resident

Spoke to recent GIPA request and queried what is Council's land development reserve and on what basis does Council buy and sell land.

The Director Corporate Services & Finance provided basis of the reserve created by Council and noted Council operates under the Local Government Act.

Mrs Manning spoke to; damage to her adjoining wall and concerns she has; purposes of Council buying the land; noise issues occurring and referred to Council's closed meetings.

The General Manager provided a response to matters raised including communication processes and conditions of wall.

B Hodson – applicant - DA Subdivision, 624 Limekilns Road, Forest Grove - Item #9 DEPBS

Seeking amendment to current DA. Spoke to history of development, dwellings proposed, permanency of accommodation. Seeking allowance for transportable homes. Noted change in schools curriculum from gold and the current focus on aboriginal culture/heritage. Will be developing a cultural museum and heritage centre. Asks Council to reconsider the wording, the proposal is for non-permanent accommodation, seeking to put in a caravan park.

P Hennessy –applicant - DA 3397 O'Connell Road - Item #10 DEPBS

Feels the report contains material omissions and is deeply flawed and misleading. It includes no comments on Macquarie Enterprises that have ceased and the fact that 3 blocks already exist. There is no acknowledgement of; third access provided, security issues, heritage nature of the area. Spoke to 9 items raised in the report. Felt a number of these are false, eg traffic numbers, costs of maintaining private road, mining matters, accesses provided and many are not an issue. Requests Council vary the guidelines.

B Hennessy –applicant - DA 3397 O'Connell Road - Item #10 DEPBS

Requests Council vary its guidelines - spoke to the two objections contained in the report, many of the items raised are false, including access matters, photographs contained in submissions which do not refer to the Hennessy's property. Also discussed fencing concerns in regards to location on property and the needs for repairs undertaken. Oberon Council is keenly aware of the heritage nature of Macquarie, this appears to be greater than that of Bathurst Regional Council. Mrs Hennessy provided greater detail on heritage factors, eg cultural significance.

G Crisp –ratepayer - Budget - Item #6(n) DCSF

Asked do Councillors understand under new Local Government Act the obligations imposed by s:8. Referred to allegations he has made about water charging and issues of defamation. The General Manager does not understand the difference between 'embarrassing' and 'defamatory'. The General Manager is in contravention of s:8 of the Local Government Act. Currently Mr Crisp is looking at taking defamation action against Councillors for \$10 million each.

G Stocks –representing neighbour - DA 249 Rankin St - Item #3 DEPBS

Speaking on behalf of P Burke of 251 Rankin Street. There are concerns with shading. Consideration needs to be given to ensuring reasonable sunshine is accessed by 251 Rankin Street.

T Buckley – owner - DA 249 Rankin St - Item #3 DEPBS

This is a standard development, there is minimal impact on neighbours, to facilitate 251 Rankin Street, the building has been sited to limit impact. Asks Council to approve Development Application.

APOLOGIES

- 3** **APOLOGIES**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

MINUTES

- 4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 MAY 2017 (11.00005)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 May 2017 be adopted.

- 5** **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 7 JUNE 2017 (11.00005)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 7 June 2017 be adopted.

DECLARATION OF INTEREST

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

- (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 M Coote, Cr G Hanger, Cr M Morse, Cr I North,
Against the motion - Cr B Bourke,
Absent - Cr W Aubin, Cr G Westman,
Abstain - Nil

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Item 4 DEVELOPMENT APPLICATION NO. 2017/121 – DEMOLITION OF EXISTING DWELLING (129 HAVANNAH STREET), TWO LOT CONSOLIDATION, THREE X THREE-BEDROOM UNITS, GARAGE, FRONT FENCE AND FOUR LOT RESIDENTIAL SUBDIVISION AT 129 & 131 HAVANNAH STREET, BATHURST. APPLICANT: SCHAFFER & SONS PTY LTD. OWNER: MRS S SCHAFFER (DA/2017/121)

MOVED Cr I North

and **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. 2017/121, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building;
 - ii. Amended plans are to be submitted that incorporate face brick detailing in the proposed front/side fences; and
- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Westman,
Against the motion - Nil
Absent - Cr W Aubin,
Abstain - Nil

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Item 5 DEVELOPMENT APPLICATION NO. 2017/134 – DEMOLITION OF EXISTING ATTACHED DUAL OCCUPANCY, CONSTRUCTION OF REPLACEMENT ATTACHED DUAL OCCUPANCY, TWO CARPORTS AND TWO LOT RESIDENTIAL SUBDIVISION AT 126 SEYMOUR STREET, BATHURST. APPLICANT & OWNER: MR A LOW (DA/2017/134)

MOVED Cr I North

and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) support the variation to the development standard prescribed in Clause 4.1B *Minimum lot sizes for dual occupancies, multi dwelling houses and residential flat buildings* of the Bathurst Regional Local Environmental Plan 2014 and the variation to the development standard prescribed in Section 4.3 *Minimum lot size* of the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/134, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill replacement building,
 - ii. Amended plans are to be submitted that incorporate a simpler traditional verandah post design in keeping with the period of the building being demolished; 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 B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Westman,
Against the motion - Nil
Absent - Cr W Aubin,
Abstain - Nil

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Item 6 DEVELOPMENT APPLICATION NO. 2017/153 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF REPLACEMENT SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 154 GEORGE STREET, BATHURST. APPLICANT: MASON MIA & ASSOCIATES . OWNER: E D MASON (DA/2017/153)

MOVED Cr M Coote

and **SECONDED** Cr B Bourke

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

Reason: applicant is a vendor/landlord of employer

RESOLVED:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/153, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) Demolition is not to commence until a Construction Certificate has been

issued for the proposed infill dwellings;

- (ii) Prior to the issue of a Construction Certificate, an amended plan is to be submitted for Council's consideration and approval indicating a central gate within the front picket balustrade of the building;
- (iii) The applicant is to submit to Council a schedule of materials from the existing dwelling to be reused in the proposed new dwelling; and

(b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr W Aubin, Cr G Westman,

Abstain - Nil

13

Item 7 DEVELOPMENT APPLICATION NO. 2017/124 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF TWO STOREY DETACHED DUAL OCCUPANCY AND TWO LOT SUBDIVISION WITH ATTACHED GARAGES AT 235 BENTINCK STREET, BATHURST. APPLICANT: ROBBIE LEE DEVELOPMENTS PTY LTD. OWNER: MR RA & MRS JI LEE (DA/2017/124)
MOVED Cr I North and **SECONDED** Cr M Coote

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

Reason: Applicant is a landlord with employer.

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the EP&A Act to Development Application 2017/124, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill dual occupancy buildings; and
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil
Absent - Cr W Aubin, Cr G Westman,
Abstain - Nil

14 **Item 8 DEVELOPMENT APPLICATION NO. 2017/24 – DEMOLITION OF EXISTING SERVICE STATION INCLUDING REMOVAL OF FUEL SYSTEM AND ASSOCIATED REMEDIATION WORKS (CATEGORY 1), CONSTRUCTION OF NEW SERVICE STATION AND INSTALLATION OF NEW FUEL SYSTEM AND ADVERTISING SIGNAGE AT 53 DURHAM STREET, BATHURST. APPLICANT: CALTEX AUSTRALIA PETROLEUM. OWNER: CALTEX OIL AUST PTY LTD (Da/2017/24)**

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

That Council:

- (a) Not support the variation to the advertising signage development standards relating to multiple blade signs, illuminated signs and fascia signs prescribed in the Bathurst Regional Development Control Plan 2014;
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/24, 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. Further discussions be held with Caltex to reduce the size of blade signs, with reference to Heritage signage issues;
 - ii. Prior to the issue of a Construction Certificate the applicant is to submit amended plans showing a front fence of masonry pillars with picket or palisade infill panels;
 - iii. Prior to the issue of a Construction Certificate the applicant is to submit amended plans showing details of the proposed side masonry fence forward of the building line; and
 - iv. Prior to the issue of a Construction Certificate the applicant is to submit a detailed Construction Management Plan;
- (c) notify those that made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

In favour of the motion - Cr M Morse,
Against the motion - Cr B Bourke, Cr M Coote, Cr G Hanger, Cr I North, Cr G Westman,
Absent - Cr W Aubin,
Abstain - Nil

15 **Item 8.01 DEVELOPMENT APPLICATION NO. 2017/24 – DEMOLITION OF**

EXISTING SERVICE STATION INCLUDING REMOVAL OF FUEL SYSTEM AND ASSOCIATED REMEDIATION WORKS (CATEGORY 1), CONSTRUCTION OF NEW SERVICE STATION AND INSTALLATION OF NEW FUEL SYSTEM AND ADVERTISING SIGNAGE AT 53 DURHAM STREET, BATHURST. APPLICANT: CALTEX AUSTRALIA PETROLEUM. OWNER: CALTEX OIL AUST PTY LTD (Da/2017/24)

MOVED Cr I North

and **SECONDED** Cr B Bourke

RESOLVED: That Council defer a decision on DA 2017/24 for further discussions with Caltex.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

16 **Item 9 MODIFICATION OF DEVELOPMENT APPLICATION NO. 2002/0736 – MODIFICATION TO 19 LOT COMMUNITY TITLE SUBDIVISION AT 624 LIMEKILNS ROAD, FOREST GROVE. APPLICANT: BRUCE HODSON . OWNER: EDUCATIONAL LEARNING PTY LTD AND HERITAGE HILLS AUSTRALIA PTY LTD (DA/2002/0736)**

MOVED Cr B Bourke

and **SECONDED** Cr I North

RESOLVED: That Council

(a) defer consideration of DA2002/0736 and refer the matter to a Working Party of Council

(b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

17 **Item 10 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)**

MOVED Cr M Coote

and **SECONDED** Cr G Westman

That Council:

- (a) not support the variation to the Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway;
- (b) advise Oberon Council that:
 - (i) Condition 14(a) should remain and the access should be constructed as a public road,
 - (ii) Condition 14(b) should remain in the event that the land is to be a public road,
 - (iii) Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available,
 - (iv) Condition 14(d) may be deleted on the basis that the bridge is to be privately owned,
 - (v) Condition 14(e) should remain as is,
 - (vi) Any encroachments onto the adjoining properties associated with the new public road inclusive of existing fencing and trees are to be removed and the fence is to be replaced upon the correct alignment.
- (c) call a division.

18 **Item 10.01 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)**
MOVED Cr B Bourke and **SECONDED** Cr I North

The following AMENDMENT was MOVED:

That Council:

- (a) not support the variation to the Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway;
- (b) advise Oberon Council that:
 - (i) Condition 14(a) should remain and the access should be constructed as a public road, however, Council has no objection to up to five lots being accessed via a Right of Way in the interim. Upon registration of the sixth lot, the access is to be constructed and dedicated as a public road,
 - (ii) Condition 14(b) should remain in the event that the land is to be a public road,
 - (iii) Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available,
 - (iv) Condition 14(d) may be deleted on the basis that the bridge is to be privately owned,
 - (v) Condition 14(e) should remain as is,
 - (vi) Any encroachments onto the adjoining properties associated with the new public road inclusive of existing fencing and trees are to be removed and the fence is to be replaced upon the correct alignment.
- (c) call a division

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

The result of the division was:In favour of the motion - Cr B Bourke, Cr I North, Cr G Westman,Against the motion - Cr M Coote, Cr G Hanger, Cr M Morse. Cr Hanger used his casting vote to vote against the motion.Absent - Cr W Aubin,Abstain - NilThe original **MOTION** was then **PUT****19** **Item 10.02 REQUEST TO VARY GUIDELINES FOR ENGINEERING WORKS FOR ACCESS TO RURAL SUBDIVISION APPROVED BY OBERON COUNCIL, 3397 O'CONNELL ROAD, O'CONNELL (20.00099)****MOVED** Cr M Coote and **SECONDED** Cr G Westman**RESOLVED:** That Council:

- (a) not support the variation to the Guidelines for Engineering Works to allow nine (9) lots to gain access off a gravel right of carriageway;
- (b) advise Oberon Council that:
 - (i) Condition 14(a) should remain and the access should be constructed as a public road,
 - (ii) Condition 14(b) should remain in the event that the land is to be a public road,
 - (iii) Condition 14(c) may be deleted or modified provided that alternate flood free access is legally and physically available,
 - (iv) Condition 14(d) may be deleted on the basis that the bridge is to be privately owned,
 - (v) Condition 14(e) should remain as is,
 - (vi) Any encroachments onto the adjoining properties associated with the new public road inclusive of existing fencing and trees are to be removed and the fence is to be replaced upon the correct alignment.
- (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 M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Westman,Against the motion - Cr B Bourke,Absent - Cr W Aubin,Abstain - Nil**20** **Item 11 BATHURST REGION HERITAGE ADVISORY SERVICE 2016-17 (10.00004)****MOVED** Cr I North and **SECONDED** Cr M Morse**RESOLVED:** That Council:

- (a) note the report; and
- (b) refer the report to the Bathurst Region Heritage Reference Group for information.

21 Item 12 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That the report be noted.

22 Item 13 BATHURST BACKYARD BIRD COUNT – RESULTS OF 2016 PROGRAM (13.00081)
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That Council

- (a) note the report; and
- (b) support ongoing participation in the Aussie Backyard Bird count.

23 Item 14 WORKS IN KIND ARRANGEMENT – GROSS POLLUTANT TRAP ABERCROMBIE (DA/2010/0607)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) enter into a works-in-kind arrangement with Llandco Pty Ltd to construct the Gross Pollutant Trap (GPT) as shown on the approved Plans (DA2010/0607) to Council's satisfaction;
- (b) contribute \$35,913.86 towards the construction of the GPT;
- (c) waive the remaining balance of the contribution required by condition No. 13 of DA2010/0607, estimated to be \$21,381.18;
- (d) notify the landowner of its decision; and
- (e) 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 B Bourke, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Westman,
Against the motion - Nil
Absent - Cr W Aubin,
Abstain - Nil

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

RESOLVED: That the information be noted.

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

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

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

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

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

RESOLVED: That the information be noted.

32 **Item 5 APPOINTMENT OF STATE EMERGENCY SERVICE VOLUNTEER CONTROLLERS - BATHURST AND SOFALA UNITS (18.00043)**

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

RESOLVED: That Council advise the NSW State Emergency Service that Council supports

- (a) the re-appointment of Mr Gavan Ellis as Volunteer Local Controller for the Bathurst Unit
- (b) the re-appointment of Ms Jessie Davidson as the Volunteer Unit Controller for the Bathurst Unit
- (c) the appointment of Mr Michael Cole as the Volunteer Unit Controller for the Sofala Unit

33 **Item 6 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)**

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

RESOLVED: That Council consider the submissions individually.

34 **Item 6.01 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)**

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

- (a) **Robin Hill Sewerage Service**

RESOLVED: That Council not amend the DP/AOP in respect of the submission

received from Mr & Mrs Graf.

35 Item 6.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

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

(b) Mitre / Lambert / Suttor Street Intersection

RESOLVED: That:

- (a) Council note the submissions from community members
- (b) Should Council be unsuccessful in securing sufficient Blackspot Funding for the Mitre/Suttor/Lambert Street project, that a report be presented to Council to fund this project from the 2017/2018 budget.

36 Item 6.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

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

(c) Bathurst Regional Access Committee (BRAC) – Funding the International Day of People with Disability (IDPwD)

RESOLVED: That Council not amend the DP/AOP in respect of the submission.

37 Item 6.04 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

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

(d) Bathurst Regional Access Committee (BRAC) – Upgrade of Bathurst Memorial Entertainment Centre (BMEC) toilets

RESOLVED: That

- (a) Council not amend the DP/AOP in respect of the submission.
- (b) A report be prepared for Council on the disabled toilet provision for the BMEC and the Administration Buildings.

38 Item 6.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)

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

(e) Bathurst Regional Access Committee (BRAC) – Installation of an access mobility aid at the Australian Fossil & Mineral Museum (AFMM)

RESOLVED: That Council not amend the DP/AOP in respect of the submission.

39 **Item 6.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)**
MOVED Cr M Coote and **SECONDED** Cr I North

(f) **Bathurst Regional Access Committee (BRAC) – Senior Staff**

RESOLVED: That Council not amend the DP/AOP in respect of the submission.

40 **Item 6.07 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

(g) **Bathurst Regional Access Committee (BRAC) – Community Strategic Plan (CSP) Objectives**

RESOLVED: That Council not amend the DP/AOP in respect of the submission.

41 **Item 6.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)**
MOVED Cr M Coote and **SECONDED** Cr M Morse

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

Reason: Manages Bathurst Community Opp-Shop

(h) **Mobile Coin-Operated Go-Kart Track**

Recommendation: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

42 **Item 6.09 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)**
MOVED Cr I North and **SECONDED** Cr G Westman

(i) **Water/Sculptural/Multimedia Feature at the Entrance to Bathurst**

RESOLVED: That Council not amend the DP/AOP in respect of the submission received from Mr T Thorpe.

43 **Item 6.1 SUBMISSIONS - DRAFT DELIVERY PLAN 2017-2021 AND ANNUAL OPERATIONAL PLAN 2017/2018 (16.00148)**
MOVED Cr M Coote and **SECONDED** Cr G Westman

(j) **Keppel Street Roundabout Planting**

RESOLVED: That Council not amend the DP/AOP in respect of the submission.

submissions received, and all expenditure and income items incorporated in the Annual Operational Plan 2017/2018 be voted.

- (b) Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.

49 **Item 8 2017/2018 REVENUE POLICY (16.00148)**

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

RESOLVED: That, following consideration of the submissions received by Council, the Revenue Policy for 2017/2018, as presented to Council, be adopted as the Bathurst Regional Council 2017/2018 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received

50 **Item 9 2017/2018 RATE LEVY (16.00148)**

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

RESOLVED: That Council formally resolve to make the following rates and charges in relation to the 2017/2018 Rating Year.

- (a) **ORDINARY RATES FOR 2017/2018** - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 for the twelve months to 30 June 2018 was adopted by the Council on 21 June 2017 it is hereby recommended that:

1. a **Residential Rate** of zero point two eight two five three five (0.282535) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT

2. a **Residential Town/Villages Rate** of zero point nine one nine six nine nine (0.919699) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT

3. a **Farmland Rate** of zero point two one five one five one (0.215151) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT

4. a **Business Rate** of zero point four four four zero six three (0.444063) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT

5. a **Business Bathurst City Rate** of one point eight zero two seven zero nine (1.802709) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

6. a **Business Forest Grove Rate** of one point five six one one one eight (1.561118) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

7. a **Business Ceramic Avenue Rate** of one point five six one one one eight (1.561118) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

8. a **Business Eglinton Non-Urban Rate** of one point five six one one one eight (1.561118) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

9. a **Business Orton Park Rate** of one point five six one one one eight (1.561118) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

10. a **Business Stewarts Mount Rate** of one point five six one one one eight (1.561118) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

11. a **Business Evans Plains Rate** of one point five six one one one eight (1.561118) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

12. a **Mining Rate** of zero point three four three three zero one (0.343301) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2017/2018 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	Residential		\$256.00	33
2	Residential/Town Village	\$365.00		
3	Farmland		\$347.00	25
4	Business	\$254.00		
5	Business Bathurst City	\$390.00		
6	Business Forest Grove	\$390.00		
7	Business Ceramic Avenue	\$390.00		
8	Business Eglinton Non-Urban	\$390.00		
9	Business Orton Park	\$390.00		

10	Business Stewarts Mount	\$390.00		
11	Business Evans Plains	\$390.00		
12	Mining		\$224.00	48

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2017/2018 - That the annual residential charge – Standalone Dwellings where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2017 being three hundred and seventy seven dollars and zero cents (\$377.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and the annual residential charge for Other than Standalone Dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2017 being two hundred and seventy nine dollars and zero cents (\$279.00), and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2017 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and ninety four dollars and zero cents (\$194.00) per mobile bin and for each additional food and green waste collection service of ninety eight dollars and zero cents (\$98.00) and for each additional fortnightly recycling collection service of eighty five dollars and zero cents (\$85.00) per mobile bin be made by the Council.
- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2017/2018 (NON DOMESTIC) – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and ninety four dollars (\$194.00) per mobile bin and the weekly removal of food and green waste being ninety eight dollars (\$98.00) and the fortnightly collection of material for recycling being eighty five dollars (\$85.00) per mobile bin for the twelve months commencing 1 July 2017 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2017/2018 That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2017 being eighty one dollars (\$81.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS – That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2017/2018 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2017.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be five hundred and fifty six dollars and zero cents

(\$556.00).

2. That the annual charge for vacant land be three hundred and fifty three dollars and zero cents (\$353.00).
3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2017/2018
20	\$501.00
25	\$780.00
32	\$1278.00
40	\$2000.00
50	\$3123.00
65	\$5023.00
80	\$7989.00
100	\$12483.00
150	\$28083.00
Strata Properties (Each non-residential lot)	\$501.00
Assumption School	\$1564.00

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and sixty five cents (\$1.65) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2017/2018

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2017.

1. That the Annual Trade Waste Fee for individual businesses be one hundred and thirteen dollars and thirty cents (\$113.30).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be seven hundred and fifty six dollars and forty cents (\$756.40).
3. That the Trade Usage Charge for non-residential properties be two dollars and seventy cents (\$2.70) per kilolitre of filtered water supplied multiplied by a

trade discharge factor.

- (h) WATER CHARGES 2017/2018 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2017.

1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2017/2018 \$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00
Hillview Water Supply	\$159.00

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy five dollars and zero cents (\$175.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and seventy five dollars and zero cents (\$175.00).
4. That the annual water availability charge for unmetered or unconnected properties be seven hundred and forty seven dollars and zero cents (\$747.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and seventy five dollars and zero cents (\$175.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2017/2018
Hillview Estate Water Supply	First 250 kl	\$2.05
	> 250 kl	\$4.10
Residential Filtered	First 250 kl	\$1.95
	> 250 kl	\$2.93
Residential Raw	First 250 kl	\$0.86
	> 250 kl	\$1.29
Other Filtered	First 250 kl	\$1.95
	> 250 kl	\$2.93
Other Raw	First 250 kl	\$0.86
	> 250 kl	\$1.29
Large Industrial Filtered	>0 kl	\$1.65
Large Industrial Raw	>0 kl	\$1.04

Community Clubs:	First 18,000 kl	\$0.77
Golf, Majellan & Bathurst Community Club	>18,000kl to 32,000kl	\$1.02
	Balance	\$1.51
Strata Unit property	First 250 kl (for each unit)	\$1.95
	>250 kl (for each unit)	\$2.93
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.95
	>250 kl	\$2.93
Hospital	1 st x patient average	Free
	Balance per KL	\$2.93

- (i) Included in this year's Bathurst Delivery Plan 2017-2021 and Annual Operational Plan 2017/2018 in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2017/2018 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 7.5 % per annum for the 12 month period commencing 1 July 2017 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 1.5%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

51 Item 10 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 21.00022, 22.10764, 04.00041, 22.16067, 04.00033, 22.15200, 22.01826, 04.00136, 04.00125)
MOVED Cr M Coote and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Director Engineering Services' Report

52 Item 1 NSW EPA - CONTAINER DEPOSIT SCHEME (CDS) (14.00007)
MOVED Cr M Coote and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

53 Item 2 KERBSIDE COLLECTION OF RECYCLING AND FOOD AND GARDEN WASTE (14.00007)
MOVED Cr I North and **SECONDED** Cr M Coote

- 58** **Item 4 KELSO COMMUNITY HUB - UPDATE (09.00026)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 59** **Item 5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD
3 APRIL 2017 (07.00116)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 60** **Item 6 DESTINATION MANAGEMENT PLAN 2015 - REVIEW AND UPDATE
(07.00116)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) Note the information provided in the report.
- (b) Incorporate Accessible Tourism into the Destination Management Plan in the coming year.

- 61** **Item 7 PARTNERSHIP WITH THE 2016 BATHURST MACQUARIE HERITAGE
MEDAL WINNER (23.00146)**
MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 62** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 JUNE 2017 (07.00064)**
MOVED Cr B Bourke and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Policy Committee Meeting held on 7 June 2017 be adopted.

Traffic Committee Meeting

- 63** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 JUNE 2017 (07.00006)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That:

- a) the recommendations for Items 1-7 of the Traffic Committee Meeting held on Tuesday, 6 June 2017 be adopted; and
- b) the recommendation for Item 8 be changed to read "That Council not install "Left" and "Straight/Right" pavement arrows on Brilliant Street, approaching the Mid-Western Highway roundabout in the left and right hand lanes respectively"

DELEGATES REPORTS

64 **Item 1 UPPER MACQUARIE COUNTY COUNCIL (UMCC) (18.00172)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council note the Delegates Report on the Upper Macquarie County Council meeting held on 5 May 2017.

65 **Item 2 CENTROC BOARD MEETING 25 MAY 2017 (PARLIAMENT HOUSE, SYDNEY) (07.00017)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

RESOLVED: That the report on the CENTROC Board meeting held 25 May 2017 at Parliament House, Sydney be noted.

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

66 **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr I North and **SECONDED** Cr G Westman

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	RENEWAL OF RURAL LICENCE AGREEMENT - PART LOT 221 DP1147157, STEPHENS LANE, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	RENEWAL OF SPORTING LICENCE AGREEMENT - CLUBHOUSE AND SPORTING FIELDS AT ANN ASHWOOD PARK, 67 HEREFORD STREET - BATHURST BULLDOGS RUGBY UNION INC	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF COMMERCIAL LEASE - LOT 4 DP112509 - MOUNT PANORAMA - SIGN EVENT PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	SALE OF PROPERTY - LOT 1003 DP1129907 - 53 HAMPDEN PARK ROAD, KELSO - KELSO INDUSTRIAL ESTATE	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.
5	RENEWAL OF COMMUNITY LEASE AGREEMENT - PART LOT 5 DP776928 DORMAN PLACE, LEARMONTH PARK, KELSO - CENTRAL TABLELANDS WOODCRAFT INC.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	SALE OF LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN	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

	PARK ROAD, KELSO.	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.
7	RURAL LICENCE AGREEMENT - LOT 60 DP1226661, COX LANE, 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.
8	FINANCIAL STATEMENT - 2016 CHALLENGE BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
9	FINANCIAL STATEMENT - 2017 BATHURST 6 HOUR	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.
10	CONTRACT FOR PRINTING AND MAILING OF RATES NOTICES	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.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER F2442	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 RESERVOIR ROOF REPLACEMENTS – FORREST'S ELBOW, 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

- (b) delegate the authority to the General Manager to negotiate the sale price with the selling agency, Raine & Horne Bathurst as detailed in the report.

e **Item 5 RENEWAL OF COMMUNITY LEASE AGREEMENT - PART LOT 5 DP776928 DORMAN PLACE, LEARMONTH PARK, KELSO - CENTRAL TABLELANDS WOODCRAFT INC. (04.00033)**
MOVED Cr M Morse and **SECONDED** Cr M Coote

That Council approve the renewal of the community lease agreement for part Lot 5 in DP776928, Dorman Place, Learmonth Park, Kelso to the Central Tablelands Woodcraft Inc. for a period of five (5) years as detailed in the report.

f **Item 6 SALE OF LAND AT PART LOT 202 DP1074567, KNOWN AS 31 HAMPDEN PARK ROAD, KELSO. (22.15200)**
MOVED Cr G Westman and **SECONDED** Cr M Coote

That Council approve the sale of part Lot 202 in DP 1074567, known as 31 Hampden Park Road, Kelso to Mr John Wallace as detailed in the report.

g **Item 7 RURAL LICENCE AGREEMENT - LOT 60 DP1226661, COX LANE, EGLINTON (22.01826)**
MOVED Cr M Coote and **SECONDED** Cr I North

That Council approves entering into a rural licence agreement for Lot 60 in DP 1226661, Cox Lane, Eglinton with Mr Ben Windsor for a period of 12 months only, as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

h **Item 8 FINANCIAL STATEMENT - 2016 CHALLENGE BATHURST (04.00136)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That the information be noted.

i **Item 9 FINANCIAL STATEMENT - 2017 BATHURST 6 HOUR (04.00125)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That the information be noted.

j **Item 10 CONTRACT FOR PRINTING AND MAILING OF RATES NOTICES (16.00045)**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

That Council accept and sign a contract with Forms Express Pty Ltd for the printing and mailing of rates notices.

Director Engineering Services' Report

- k** **Item 1 TENDER FOR NETWASTE REGIONAL COLLECTION AND RECYCLING OF SCRAP METAL - NETWASTE TENDER F2442 (14.00007)**
MOVED Cr M Coote and **SECONDED** Cr B Bourke

That Council act in accordance with the Director Engineering Services' report.

- l** **Item 2 TENDER FOR RESERVOIR ROOF REPLACEMENTS – FORREST'S ELBOW, MOUNT PANORAMA (36.00637)**
MOVED Cr I North and **SECONDED** Cr G Westman

That Council accepts the tender of Steelworks Pty Ltd, for replacement of the roofs to 3 existing potable water reservoirs at Forrest's Elbow, Mount Panorama in the amount of \$183,520.40 inclusive GST, subject to adjustments and provisional items.

RESOLVE INTO OPEN COUNCIL

- 67** **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

- 68** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr B Bourke and **SECONDED** Cr M Coote

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

MEETING CLOSE

- 69** **MEETING CLOSE**

The Meeting closed at 8.58 pm.

CHAIRMAN: _____

MINUTE

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

RESOLVED: That the following Declaration of Interest be noted.

Cr Westman

Item #7 of the Director Environmental, Planning & Building Services' report.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JULY 2017

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr W Aubin SECONDED: Cr M Coote

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 June 2017 (**attachment 1**).
- (b) Applications refused during June 2017 (**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 June 2017 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 7 Item 2 GENERAL REPORT (03.00053)
MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2017/204 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT LOT 191, DP 1221914, LOT 1, DP 938499 AND LOT 1, DP 536205 THE BRIDLE TRACK, DURAMANA. APPLICANT: BELL RIVER HOMES PTY LTD. OWNER: MR D & MRS H PETERS (DA/2017/204)

Recommendation: That Council:

- (a) support the variation to the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014;
- (b) refer the Development Application to NSW Department of Planning and Environment and seek the concurrence of the Secretary to vary the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014;
- (c) should the Secretary of the NSW Department of Planning and Environment grant concurrence, as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/204, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a single storey dwelling with attached garage at The Bridle Track, Duramana, described as Lot 191, DP 1221914, Lot 1, DP 938499 and Lot 1, DP 536205. The site is approximately 200 metres from the intersection of The Bridle Track and Turondale Road. A location plan is provided at **attachment 1**.

The subject land is currently vacant.

The land comprises three vacant allotments of land of 3.69 hectares, 6.27 hectares and 0.355 hectares respectively.

The total area of the subject holding is approximately 10.31 hectares. Should the Development Application be approved a condition will be imposed to require the consolidation of the three lots into one prior to the issue of an Occupation Certificate.

The proposal

The proposal involves the construction of a single storey six-bedroom dwelling with attached double garage. Plans of the proposed development are at **attachment 2**.

The dwelling is to be located on what is currently Lot 191.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned RU1 Primary Production under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. A *dwelling house* is permissible with consent in the RU1 Primary Production zone.

The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural and scenic character of the land.*
- *To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.*

For the reasons outlined in this report it is considered that the proposal is not inconsistent with the objectives of the zone.

Clause 4.2B Erection of dwelling houses on land in certain rural zones

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise unplanned rural residential development,*
 - (b) *to enable the replacement of lawfully erected dwelling houses in rural zones.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU4 Primary Production Small Lots.*
- (3) *Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land does not have a dwelling house erected on it and the land:*
 - (a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*
 - (b) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement, or*
 - (c) *is an existing holding, or*
 - (d) *is a lot resulting from a subdivision for the purposes of intensive plant agriculture for which development consent was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement but only if the consent authority is satisfied that the lot is being used for the purpose of intensive plant agriculture, or*

Part 3 of the Clause outlines the circumstances under which Council may grant consent to a

dwelling house in the zone.

Part 3(a) provides the Lot Size Map for this locality. The minimum lot size for the erection of a dwelling house is 100 hectares.

Part 3(b) provides for dwellings to be approved on allotments created under former planning instruments

The subject land comprises three lots (Lot 191, DP 1221914, Lot 1, DP 938499 and Lot 1, DP 536205) with a total area of approximately 10.31 hectares.

Lot 1 DP536205 comprises an allotment created under a former planning instrument. Specifically the allotment was created in 1968 under Clause 11(3) of the Interim Development Order No.1 Shire of Turon. In accordance with Clause 4.2B (3)(b) a dwelling would be permissible on this part of the property.

While a dwelling is permissible on Lot 1, DP 536205 the size of this lot (3554m²) and its irregular shape makes it impractical to develop, particularly in relation to minimum boundary setbacks and effluent disposal. Lot 1, DP 536205 is only 50 metres wide at its widest point.

The applicant has proposed to construct the dwelling on part of the property which does not have its own dwelling entitlement. Lot 1 (having the dwelling entitlement) will be consolidated with the residue of the holding if consent is granted.

The application seeks a variation to the 100 hectare minimum lot size. See discussion in relation to Clause 4.6 variation below.

Clause 4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (i) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (ii) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A Clause 4.6 Variation was submitted with the Development Application within the Statement of Environmental Effects (see **attachment 3**). The applicant has made the following case as to why compliance with the development standard is unreasonable or

unnecessary in the circumstances of the case:

- A dwelling is permissible pursuant to Clause 4.2B of the LEP on Lot 1 DP 536205 – it is proposed to consolidate this lot with 2 other lots that the owners hold and move the dwelling to a more suitable location that is more cost effective and still meets the requirements under Chapter 6 of the DCP.
- The 3 lots that consist the current holding are relatively small (approximately 10.31ha – so the potential impact on agricultural land is minimal anyway).
- There is no net increase in dwelling potential.
- The development remains consistent with the objectives of the zone.
- The development is consistent with the provisions of the Bathurst Regional Development Control Plan 2014 (there are no other non-compliances being sought).
- The subject land is close to surrounding dwellings.
- The land is a standalone holding.
- The development standard unreasonably restricts a positive development outcome by inhibiting a variety of housing types and densities to be established in the area.
- Relocating the dwelling will provide easier and more cost effective access to power.
- Better site location for effluent disposal.
- The standard will unreasonably prevent an ancillary dwelling supporting rural activities on the site.
- The standard unreasonably restricts effective utilisation of the land to achieve the objectives of the zone.
- The development will not impact on surrounding land uses.
- The site of the dwelling is located in the comparable productive part of the overall holding.

The applicant has made the following case as to what the environmental planning grounds are to justify contravening the standard:

Following on from the points above, there are no environmental issues that would have an impact on the use of the site as a dwelling.

On the basis of the discussion in this report [Statement of Environmental Effects, prepared by Anthony Daintith Town Planning, dated 16 November 2016] and the points above, there are sufficient environmental planning grounds to justify the contravention.

As stated previously, the holding already has a dwelling entitlement (that being Lot 1 DP 536205) – accordingly the proposed development does not result in further fragmentation (no net increase in dwellings).

The proposed location of the dwelling provides for satisfactory setbacks to boundaries which will reduce the potential conflict with neighbouring land uses (predominantly grazing and ancillary dwellings). If the dwelling were to be located on Lot 1 DP 536205, appropriate setbacks could not be achieved due to the lot only having a width of 50 metres.

Effluent disposal would be preferable on the proposed location of the dwelling rather than Lot 1 DP 536205 due that lot's limited size.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The objectives of Clause 4.2B *Erection of dwelling houses on land in certain rural zones* are as follows:

- (a) *to minimise unplanned rural residential development,*
- (b) *to enable the replacement of lawfully erected dwelling houses in rural zones.*

It is considered that proposed development is consistent with the objectives of Clause 4.2B because:

- The proposed development does not result in further unplanned rural residential development because a dwelling is already permissible on one of the three lots in the subject holding (Lot 1, DP 536205).
- The proposed location allows for appropriate boundary setbacks which will reduce the potential for conflict with adjoining and surrounding primary industry production. It is noted that appropriate setbacks could not be achieved if a dwelling were to be erected on Lot 1, DP 536205 as the lot is only 50 metres wide at its widest point.

The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural and scenic character of the land.*
- *To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.*

It is considered that proposed development is consistent with the objectives of the RU1 Primary Production zone because:

- The proposed location allows for appropriate boundary setbacks which will reduce the potential for conflict with adjoining and surrounding primary industry production (grazing and cropping). With appropriate boundary setbacks the proposed dwelling will be able to coexist with the adjoining and surrounding primary industry production.
- The proposed development does not result in further fragmentation of rural land because a dwelling is already permissible on one of the three lots in the subject holding (Lot 1, DP 536205) and the subject holding is already a separate holding not owned in conjunction with any other adjoining or surrounding land.
- The proposed dwelling is of a design, scale and siting that will not visually dominate the landscape.
- The surrounding area is characterised by smaller rural residential holdings and therefore

the proposed development is consistent with the established rural residential character of the area.

Concurrence of The Secretary Department of Planning and Environment

The Variation sought under Clause 4.6 of Bathurst Regional Local Environmental Plan 2014 requires the concurrence of The Secretary Department of Planning and Environment. The Department have advised Council that for The Secretary to consider the application a resolution of Council is required.

It should be noted that the Acting Director, Environmental, Planning & Building Services will not determine the application until such time that advice is received from the Department of Planning and Environment.

Development Control Plan

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

Development Standard	Proposed	Permissible	Compliance
Setback – Front	50 metres	20 metres	Yes
Setback – Side (nearest side)	25 metres	20 metres	Yes
Setback – Rear	130 metres (approx.)	20 metres	Yes
Domestic Water Supply	90,000 litres	15,000 litres/bedroom	Yes
Fire Fighting Water Supply	20,000 litres	20,000 litres	Yes

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

The proposed dwelling will have face brick walls and Colorbond roofing. A condition will be imposed to ensure that non-reflective materials of an appropriate rural colour scheme are used.

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

The proposed dwelling is single storey only with an overall height of 5.5 metres. The proposed dwelling has been designed to distribute its bulk horizontally. Nearest neighbouring dwellings are located 230 metres to the north-west and 440 metres to the south-east respectively and therefore the proposed dwelling is unlikely to have an adverse visual impact on these neighbouring dwellings.

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

The proposed dwelling is single storey only with an overall height of 5.5 metres and will therefore not exceed the height of the nearby ridgeline.

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

The proposed dwelling will have face brick walls and Colorbond roofing. The design of the proposed dwelling is consistent with that of surrounding rural dwellings and is therefore considered appropriate.

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

No outbuildings are proposed.

Bathurst Regional Development Control Plan 2014 – Chapter 9 Environmental Considerations

Sensitive Land Areas – DCP Map No. 29 Land Resources		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Land Capability Class 7	NO	NO
Land Capability Class 8	NO	
Karst Extent	NO	
Salting	NO	
Sever or Extreme Sheet or Rill Erosion	NO	
Sensitive Waterways – DCP Map No. 30 Riparian Land & Waterways		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
Sensitive Waterways	YES*	* Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to sensitive waterway given that the proposed dwelling and effluent disposal system will be sited over 150 metres from the identified waterways.
High or Moderate Biodiversity – DCP Map No. 31 Biodiversity		
Environmentally Sensitive Area	Identified on Subject Site?	Comment
DECC Estate	NO	* Plans and documentation submitted with the Development Application indicate that the proposed development will not result in significant disruption to areas of high biodiversity sensitivity given that the proposed dwelling and effluent disposal system will be sited over 150 metres from the identified areas of high biodiversity sensitivity and that no vegetation removal is proposed.
High Biodiversity Sensitivity	YES*	
Moderate Biodiversity Sensitivity	NO	

Conclusion

Council has received a Development Application for a single storey dwelling with attached garage at The Bridle Track, Duramana, described as Lot 191, DP 1221914, Lot 1, DP 938499 and Lot 1, DP 536205. The total area of the subject holding is approximately 10.31 hectares. While a dwelling is permissible on Lot 1, DP 536205 the size of this lot (3554m²) and its irregular shape make it impractical to develop. The Lot Size Map for this locality indicates that the minimum lot size for the erection of a dwelling house is 100 hectares. The application seeks a variation to the 100 hectare minimum lot size. It is considered that the variation to the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014 can be supported in this instance 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

8 Item 3 DEVELOPMENT APPLICATION NO. 2017/204 – SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT LOT 191, DP 1221914, LOT 1, DP 938499 AND LOT 1, DP 536205 THE BRIDLE TRACK, DURAMANA. APPLICANT: BELL RIVER HOMES PTY LTD. OWNER: MR D & MRS H PETERS (DA/2017/204)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) support the variation to the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014;
- (b) refer the Development Application to NSW Department of Planning and Environment and seek the concurrence of the Secretary to vary the development standard prescribed in Clause 4.2B *Erection of dwelling houses on land in certain rural zones* of the Bathurst Regional Local Environmental Plan 2014;
- (c) should the Secretary of the NSW Department of Planning and Environment grant concurrence, as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2017/204, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; 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 M Morse, Cr I North, Cr G Westman.

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2015/281 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 357 RANKIN STREET, BATHURST. APPLICANT: MRS MARCIA AMERY. OWNER BR & MD AMERY (DA/2015/281)

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 2015/281, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill dwelling.
- (b) call a division.

Report: Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of a single storey dwelling with attached garage at 357 Rankin Street, Bathurst, described as Lot 1, DP 714472. A location plan is provided at **attachment 1**.

Plans originally lodged with Council in 2015 were not supported based on the bulk and scale and unsympathetic design within the Heritage Conservation Area. The applicant has now submitted amended plans which have formed the basis for this assessment.

The Site

The site currently contains a single storey dwelling at the front of the property and 4 residential units to the rear. The site has vehicular access off Rankin Street.

The site is currently 2134 m².

Development consent 2011/0057 has previously been granted to subdivide the residential units from the dwelling. The result of which will be that the dwelling will be on its own allotment of 600.1 m². This consent remains valid, however the subdivision has not yet been registered.

The proposal

The proposal involves:

- Demolition of the existing dwelling and garage; and
- Construction of single storey dwelling with attached garage.

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

Advertising and Notification

The application was initially advertised and notified, in accordance with the Chapter 2 - Exhibition & Notification of Development Applications of the Bathurst Regional Development Control Plan 2014, between 24 August 2015 and 7 September 2015. No submissions were received.

Amended plans were received and it was determined appropriate to re-advertise and re-notify the proposal. The proposal was re-notified to the same landholders as the initial exhibition period.

The application was advertised between 1 June 2017 and 15 June 2017 and five (5) adjoining residents were notified.

During the advertising and notification period, no submissions were received.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the provisions of the Planning Instrument. The proposal is defined as *dwelling* and is permissible with consent in the R1 General Residential zone. The proposal complies with the objectives of the zone.

4.3 Height of Buildings

The *Height of Buildings Map* indicates that the maximum building height for the subject property is 9 metres. The proposed dwelling will have an overall height of approximately 5.8 metres.

5.10 Heritage Conservation

The site is located within Bathurst Heritage Conservation Area. The existing dwelling is not individually listed as a Heritage Item.

Clause 5.10(4) of Bathurst Regional Local Environmental Plan 2014 requires Council to consider the effect of the proposed development on the heritage significance of the heritage conservation area.

The building is a good representation of an 1860-1875 cottage. Whilst the building has a high BCAMS rating, it is acknowledged that the building is in a state of disrepair. The proposed replacement dwelling contributes well to the streetscape and reflects the scale and character of the existing dwelling. The proposed garage has been setback to not dominate the streetscape and the use of face brick is supported. Timber framed windows fronting Rankin Street are proposed and the 27 degree pitch is suitable in the streetscape.

Development Control Plan

Chapter 4 Residential Development

The site is contained within Precinct 1 pursuant to the *Bathurst Regional Development Control Plan* (DCP) 2014. The following development standards are applicable to the development:

Chapter 4 Residential Development

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	600m ²	550m ²	Yes
Density	N/A	N/A	N/A
Site Coverage	N/A	N/A	N/A

Height	5.8m	9m	Yes
Setback - Front	3m	Complement existing	Yes
Setback - Rear	6m	In accordance with BCA	Yes
Setback - Side	1m	In accordance with BCA	Yes
Car parking - Resident	1 per dwelling	1 per dwelling	Yes
Car parking - Visitor	1 stacked	1 stacked	Yes
Accessway Width	3m	3-6m wide	Yes
Open space area	90m ²	N/A	Yes
Open space width	>4m	4m wide	Yes
Garage doors	N/A	N/A	Yes

Chapter 10 Urban Design and Heritage Conservation

A detailed Heritage Impact Statement (**attachment 3**) has been prepared in accordance with Section 10.3.3 of the Bathurst Regional Development Control Plan 2014.

The building is not likely to be unique. It is difficult to determine the extent of this type of renovated building in Bathurst. The type of building it resembles is found in other locations... There are much better examples of buildings in other areas of Bathurst which are original 1860's or original 1930's cottages rather than a building renovated beyond recognition.

None of the residents of the cottage proposed to be demolished are known to be significant in the development of the area or known to be prominent in the community.

Two rooms were built at the front of the house possibly in the 1960-70s and more recent renovations were carried out to update the kitchen and obscure the damage arising from previous inappropriate work. Internal walls and ceiling have been clad in laminated sheet and boards.

Historical Assessment

The Heritage Impact Statement contains a detailed historical summary, refer **attachment 3**.

The house was built for, or by carpenter and builder, Phillip Mugridge. It is described as a brick house of four rooms. Mr Mugridge and his brother William were timber merchants in Bathurst. They had two timber yards at one stage and it is unclear whether the Rankin Street property was used in conjunction or was one of these. There were then a succession of owners and a local builder William Mendaris, who specialised in concrete and plasterwork, applied to council to undertake "kitchen and extension" in 1938 on behalf of the owner, Mrs Sinclair.

The building at No. 357 Rankin Street may be one of the oldest buildings in this area with the historical report showing that a house was first listed on the land in the late 1850's. Most of its fabric has been obscured or damaged and it no longer visually relates to its origins. It has had multiple owners and renovations and the historical building report shows that in 1938 more additions and alterations were applied for through Bathurst Council. The builder specialised in render and plastering work so it can be assumed that this along with the corresponding date indicates this is the origin of most of the California Bungalow/Interwar finishes and features the building now exhibits. These are typical of their era and include ashlar lined render, battened ceilings, decorative windows hoods, roughcast rendered chimneys, obscure glassed in verandah/sleepout with colour glazing.

Structural Assessment

An Engineering Inspection, Assessment and Report has been prepared by Mr John N. Allen (dated November 2013, amended October 2015) and is provided at **attachment 4**. The Report submitted outlines the poor condition of the existing dwelling inclusive of significant cracking, damaged brick work, damaged mortar and other significant structural issues. In this instance complete demolition is supported on the following basis:

- The dwelling's poor condition; and
- The appropriateness of the infill building.

The Engineering Inspection, Assessment and Report provided a list of essential work and desirable works, to make the structure more habitable and comfortable.

The essential work and quoted cost involves:

Prevent water ponding	\$25,000
Improve underfloor ventilation	\$12,500
Install damp course around all foundations	\$50,000
Replace roof structure	\$132,400
Replace eastern hip section of roof structure	
Replace sheet iron throughout	
Remove asbestos material and replace	
Remove render to internal and external	
Provide internal access to bathroom	\$7,500
Replace remaining timber windows and install new windows	\$18,000
Replace gutters and downpipes	\$7,500
Electrical wiring where necessary	\$5,400
TOTAL	\$258,300 (excluding GST)

A list of desirable works involves:

Remove rendering on internal walls and replace with plaster covering on battens	\$5,000
Provide internal access to toilet including extension of existing skillion roofed structure and new internal walls	\$18,500
Provide new entrance door at front of building complete with new steps, raised platform and shelter	\$15,500
TOTAL	\$39,000 (excluding GST)

10.3.4 Bathurst Conservation Area Management Strategy (BCAMS)

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

The following table provides a summary of the assessment.

Address of building	357 Rankin Street
BCAMS rating	7
Type of building/current use	Residential
Zoning	R1 Residential

Image of 357 Rankin Street



Period of construction	Mid Victorian 1860-1880
Representativeness	Rare
Heritage listing	The site is located within the Bathurst Heritage Conservation Area and adjoins an item of local significance (The Tamarisks i61).
Streetscape	The existing dwelling contributes to the streetscape but not nearly to its full potential due to the unsympathetically altered front verandah.
Brief history	A Historical Report has been provided and appears to be adequate indicating the original dwelling was constructed in circa 1862. The Historical Report has been summarised in the Statement of Heritage Impact.
Physical description	A simple symmetrical single storied small rectangular framed cottage with hipped roof which dates from circa 1862. The external walls of the dwelling are masonry rendered and as is typical of the period it is without damp proof course.
Condition description	The dwelling is in fair condition. A Structural Report has been submitted with the application which indicated remedial works could be undertaken. The aesthetic appeal of the house could be recovered with a reconstruction of the front verandah and sympathetic addition.
Statement of significance	The house is a rare early Victorian residence in upper Rankin Street. It is one of the oldest in the area and much of it has been affected by poor maintenance and inappropriate infill.
Heritage significance	(3) Historically significant in a local context (1900 – 1920s)
Streetscape rating	(3) Contributory
Special vegetation	None
Integrity	(1) Altered unsympathetically – Reversible

Whilst the building has a high BCAMS rating, it is acknowledged that the building is in a state of disrepair. The proposed replacement dwelling contributes well to the streetscape and reflects the scale and character of the existing dwelling.

The proposed design of the new dwelling is supported for its appropriate scale and similarities to the existing dwelling to be demolished. The proposed garage has been setback to not dominate the streetscape and the use of face brick is supported. Timber framed windows fronting Rankin Street are proposed and the 27 degree pitch is suitable in the streetscape.

The dwelling is of a good scale and proportion to its neighbours; and reflective of the existing dwelling and overall will contribute well to the streetscape.

Other issues

The demolition of the dwelling will generate a waste that will require appropriate disposal. A condition will be imposed requiring the provision of evidence that the material has been appropriately disposed of at a licensed waste facility or otherwise lawfully disposed of.

Due to the age of the building, a condition will be imposed relating to the appropriate disposal of asbestos.

Conclusion

Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of a single storey dwelling with attached garage at 357 Rankin Street, Bathurst. A Heritage Impact Statement which includes a Historical Assessment has been submitted with the Development Application. An Engineering Inspection, Assessment and Report was also submitted outlining the poor condition of the existing dwelling. In this instance the proposed demolition is supported because of its poor condition and because the house is in a state of disrepair and has been significantly altered from its original construction in the Early Victorian period (1840-1860).

The proposed infill dwelling is reflective of the proposed demolition and will have a positive impact on the Heritage Conservation Area and the streetscape.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

9 Item 4 DEVELOPMENT APPLICATION NO. 2015/281 – DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 357 RANKIN STREET, BATHURST. APPLICANT: MRS MARCIA AMERY. OWNER BR & MD AMERY (DA/2015/281)

MOVED: Cr M Coote SECONDED: Cr M Morse

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 2015/281, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. Demolition is not to commence until a Construction Certificate has been issued for the proposed infill dwelling.
- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

**5 MODIFICATION OF DEVELOPMENT APPLICATION NO. 2002/0736 –
MODIFICATION TO 19 LOT COMMUNITY TITLE SUBDIVISION AT 624
LIMEKILNS ROAD, FOREST GROVE. APPLICANT: BRUCE HODSON . OWNER:
EDUCATIONAL LEARNING PTY LTD AND HERITAGE HILLS AUSTRALIA PTY
LTD (DA/2002/0736)**

Recommendation: That Council:

- (a) as the consent authority, refuse consent pursuant to the Environmental Planning and Assessment Act 1979 to the Modification of Development Application No. 2002/0736;
- (b) call a division.

Report: Council at its meeting held 21 June 2017 considered this item. Council subsequently resolved to refer the matter to a Working Party of Council. The Working Party was held with the applicant on 1 July 2017.

The Site

Council has received an application to modify an existing development consent to subdivide Rossmore Park to facilitate its development as a tourism/recreation/accommodation precinct. The subdivision is proposed to be undertaken pursuant to Community Titles legislation. Rossmore Park is located at 624 Limekilns Road, Forest Grove, described as Lots 207 and 271 DP 861476, Lot 1 DP 126025, Lot 1 DP1047459, Lot B1 DP 403344, Lots 33 and 34 DP 1012860. A location plan is provided at **attachment 1**.

The site currently contains the Sheep and Cattle Drome, an education centre and is accessed from Limekilns Road. The site is utilised by various school and education groups throughout the year and currently provides accommodation in the form of dormitory style accommodation.

History of the Site/Proposal

There is a long history of attempts to develop Rossmore Park into various forms of residential and non-permanent accommodation types. The developments have typically centred round the development of a golf course and expansion of tourist related facilities.

Historically Council and government departments, notably the Department of Planning and Environment, have had concerns with permanent accommodation on site.

Consideration has previously been given to the idea of permanent housing on the subject site via a rezoning enquiry to the Department of Urban Affairs and Planning (now Department of Planning and Environment), in 1997.

Advice received during this process from the Department of Planning and Environment was that it would not support permanent housing at this site and would therefore likely refuse a request to rezone the site to allow for permanent housing uses. The letter, (**attachment 2**) notes the following for its justification:

- Inconsistency with Housing Strategy prepared at the time;
- Potential to impact on Bathurst Housing market;
- Proximity of site to Bathurst Airport could result in conflicting land uses and the likely expansion of the Airport in the future.

It is for this reason that the existing development consent granted in 2002 is predicated upon the use of the site for non-permanent accommodation.

Planning Context

Environmental Planning and Assessment Act 1979, as amended

The application seeks a modification pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 (as amended).

Modifications under Section 96(2) may be granted by the consent authority as follows:

(2) *Other modifications*

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In order for Council to validly consider the application as a modification it must be satisfied that the development as proposed *is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).*

It is noted that the modification application only relates to the modification to the existing consent. In the event that the modification request is refused the existing consent remains unaffected and continues to operate in the current form.

Development Consent was originally granted 19 September 2002 and was subsequently modified on 13 May 2003 and 18 February 2009.

The consent, as originally granted 19 September 2002 (refer **attachment 3**), was for a 22

Lot community title subdivision and public road and masterplan incorporating subdivision of land pursuant to the Community Land Management Act 1989 to create lots containing the following:

- Lot 1 – Public Road
- Lot 2 – Golf Course
- Lot 3 – 40 individual dwellings (non-permanent)
- Lot 4 – 60 cabin/villas (non-permanent) and conference centre
- Lot 5 – 40 villas (non-permanent)
- Lot 6 – 30 villas (non-permanent)
- Lot 7 – Observatory
- Lot 8 – New Agrodome
- Lot 9 – 120 unit retirement village – (non-permanent)
- Lot 10 – 50 terrace homes – (non-permanent)
- Lot 11 – New clubhouse and commerce centre
- Lot 12 – Dormitory accommodation – (non-permanent)
- Lot 13 – Car parking
- Lot 14 – 20 terrace homes – (non-permanent)
- Lot 15 – Memorial Parkland
- Lot 16 – 30 villas – (no-permanent)
- Lot 17 – Crematorium
- Lot 18 – Cricket Ground
- Lot 19 – Reserve land
- Lot 20 – Horse stables and equestrian centre
- Lot 21 – Reserve lands
- Lot 22 – Reserve lands

The development consent approves the subdivision of the land with the concept plan for the abovementioned uses on the respective allotments.

Subsequent development of each lot would require further development consent as noted in condition 6 which notes “a further development application for the erection of any building is to be lodged and approved.”

Condition 46 of the consent requires “the proposed residential components of the development are to be used for temporary residential accommodation only. The same persons must not, for more than a total of six weeks continuously or more than 156 days in any calendar year, occupy any of the dwellings on the subject land.”

There have been a number of subsequent modifications to the original consent including reducing the number of lots to 19, deleting the public road, changing some of the intended uses and lot layout. These do not impact upon the current modification application.

The proposal

The proposal involves a modification to the consent by altering the description of the development (referred to in the application as condition 3) as follows:

Condition 3 is proposed to read as:

- Lot 3 – Caravan Park with a maximum of 130 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).
- Lot 4 - Caravan Park with a maximum of 100 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21

(SEPP 21).

Lot 5 - Caravan Park with a maximum of 60 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Lot 6 - Caravan Park with a maximum of 50 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Lot 18 - Caravan Park with a maximum of 50 “moveable dwellings”, i.e., “manufactured homes” as per the definition contained in State Environmental Planning Policy 21 (SEPP 21).

Condition 46 is proposed to read as:

The proposed caravan park shall comply with Clause 73 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The proposal also involves amendments to the lot layout to reflect the above changes.

Documents submitted with the modification are at **attachment 4**.

State Environmental Planning Policy 21 – Caravan Parks

The applicant refers to the use of the proposed caravan park complying with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The definition of a moveable dwelling under SEPP 21 – Caravan Parks is the same as the definition under the Local Government Act 1993 being:

moveable dwelling means:

- (a) *any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or*
- (b) *a manufactured home, or*
- (c) *any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.*

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) *that comprises one or more major sections, and*
 - (b) *that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,*
- and includes any associated structures that form part of the dwelling.*

The definition of a “manufactured home” under SEPP 21 cannot be a caravan or other registrable vehicle and therefore would only comprise self-contained dwellings.

Whether the development is substantially the same

Under the EP&A Act 1979, consent can only be granted if the modification is substantially the same development, using the primary test under Section 96(2)(a) of the Act.

Council’s concerns related to whether the application, as lodged, is in fact “substantially the same development”. The phrase “substantially the same” has been the subject of many

legal decisions and precedence which govern its interpretation. The applicant formed the opinion, and continues to press, that the proposal is substantially the same.

Subsequent to these discussions Council sought its own legal advice on the capacity to support the modification. A copy of that advice is provided at **attachment 5**.

Council's legal advice concludes that the modification is **not** substantially the same development and is **not** capable of being dealt with by way of modification. It is on these grounds Council cannot support the modification before it.

In the findings of *Vacik Pty Ltd v Penrith City Council* NSWLEC, 24 February 1992, a modification being substantially the same as the approved development test notes:

" 'substantially' when used in the section means essentially or materially having the same essence."

Council's advice is quite detailed and will not be repeated in full however the following conclusions are made:

- The use of the land as a caravan park is a use which is of a different characterisation from that which was originally approved.
- A caravan park and by extension a manufactured home estate is a use of an entirely different character from the mixed accommodation originally approved.
- The lot layout has altered significantly and seeks an intensity of units of accommodation in locations not previously considered.
- Deletion of reference to "non permanent" from individual lots where accommodation units were permissible releases a specific obligation with respect to the units of accommodation.
- The buildings would be habitable structures, without limitation as to the permanency of their occupancy. To all intents and purposes they will appear as available for permanent occupation. Not to impose a specific limitation for non-permanency as appeared in the original consent and to replace condition 46 creates a substantial difference.

On these grounds, the modification cannot be justified or supported.

It is noted that this approach does not preclude the applicant from lodging a new Development Application to facilitate the development of the land.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 17: To encourage living, vibrant and growing villages and rural settlements. Strategy 17.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

10 Item 5 MODIFICATION OF DEVELOPMENT APPLICATION NO. 2002/0736 – MODIFICATION TO 19 LOT COMMUNITY TITLE SUBDIVISION AT 624 LIMEKILNS ROAD, FOREST GROVE. APPLICANT: BRUCE HODSON . OWNER: EDUCATIONAL LEARNING PTY LTD AND HERITAGE HILLS AUSTRALIA PTY LTD (DA/2002/0736) MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) as the consent authority, refuse consent pursuant to the Environmental Planning and Assessment Act 1979 to the Modification of Development Application No. 2002/0736;
- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr B Bourke,

Abstain - Nil

6 BATHURST REGION HERITAGE PLAN 2017 – 2020 (20.00123)

Recommendation: That Council

- (a) adopt the Bathurst Region Heritage Plan 2017-2020; and
- (b) forward a copy of the Plan to the NSW Office of Environment and Heritage.

Report: As part of Council's ongoing commitment to the management of the region's heritage assets and to meet its obligations to the NSW Office of Environment and Heritage, Bathurst Regional Council has compiled the next Heritage Plan 2017-2020. A copy of the draft Plan is provided at **attachment 1**.

The aim of the Plan is to continue to guide heritage management within the Bathurst region by setting the Strategic Priorities and Actions required to protect, enhance and promote our heritage over the next 3 years. Setting the Plan within a 3 year period allows the document to remain relevant and adaptable to a dynamic community.

In developing the draft Plan, Council has worked extensively with the members of the Bathurst Region Heritage Reference Group, including members of heritage and other community groups, Council staff and Councillors throughout 2016 and 2017. Copies of the outcomes from the workshop held with the Bathurst Region Heritage Reference Group in December 2016 and the submissions received on the Draft Plan are included in Appendix 4 of **attachment 1**.

Council referred the Draft Plan to the Bathurst Region Heritage Reference Group in May for comment. Council received 5 submissions from group members on the Draft Plan and the table below outlines how they have been incorporated into the Plan. The submissions are at **attachment 2**.

Submission	Heritage Plan
National Trust (Bathurst Branch)	A numbering system has been included to enable better reporting outcomes. Several suggested wording amendments have been incorporated.
Bathurst Heritage Network	Cross referencing each action to the mission has not been included as this would've been too repetitive. The Plan outlines that the actions have been placed in their most relevant objective but recognise that the actions relate to more than one objective.
Bathurst Council's Heritage Advisor	Suggestions have been included as Actions in the Plan.
Bathurst Town Square Group	Suggestions have been included as Actions in the Plan.
Rockley and District Community Association Inc and Rockley Mill and Stables Museum.	Several suggested amendments have been incorporated.

Conclusion

Council has prepared a new 3 year Plan to provide heritage management of the region. The Plan has been prepared in conjunction with the Bathurst Region Heritage Reference Group and has been very well received by that group. Adoption of the Plan is recommended.

Financial Implications: Implementation of the Plan is funded from within existing budgets and grants received from the Office of Environment and Heritage.

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
- 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, 28.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6, 30.7, 30.8

MINUTE

- 11 Item 6 BATHURST REGION HERITAGE PLAN 2017 – 2020 (20.00123)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That Council

- (a) adopt the Bathurst Region Heritage Plan 2017-2020; and
- (b) forward a copy of the Plan to the NSW Office of Environment and Heritage.

7 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 – WESTBOURNE SPECIAL USE – SCHOOL AMENDMENT (20.00314)

Recommendation: That Council:

- (a) adopt the amendment to the Bathurst Regional Development Control Plan 2014, to remove the 'School' Special Use restriction off Westbourne Drive as identified on Map No. 5 Windrayne, Llanarth and Abercrombie,
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (c) call a division.

Report: Council has received a request from the landowner (the Catholic Diocese) to remove the 'school' special use restriction from the parcel of land adjacent to Westbourne Drive at Llanarth (Part Lot 824 DP 1185390 and Lot 111 DP 1145878) (see **attachment 1**). Council has been advised that the land is no longer required by the Catholic Diocese for future school purposes. Council sought advice from the NSW Department of Education who advised that the site is not required for a school. The landowner's intent is to develop the land for residential purposes. A Development Application for the subdivision of the land has been submitted by the land owner.

As such, an amendment to the Bathurst Regional Development Control Plan 2014 Map No. 5 – Windrayne, Llanarth and Abercrombie has been prepared to remove the 'school' special use from Part Lot 824 DP 1185390 and Lot 111 DP 1145878, Westbourne Drive to enable the land to be used for residential purposes. Draft Map No. 5 Windradyne, Llanarth and Abercrombie, as recommended to be adopted is provided at **attachment 2**.

Public exhibition

The Bathurst Regional Development Control Plan 2014 – Westbourne Special Use – School Amendment was placed on public exhibition from 5 June 2017 to 3 July 2017. No submissions were received in relation to the draft Plan. **Attachment 3** is a report that summarises the level of engagement with respect to the Draft DCP during the exhibition process.

Conclusion:

The draft DCP amendment aims to remove the 'school' special use restriction from the parcel of land on Westbourne Drive at Llanarth (Part Lot 824 DP 1185390 and Lot 111 DP 1145878). The draft Plan was exhibited and no submissions were received. The land is no longer required by the Catholic Diocese for future school purposes and the Department of Education has also advised that the land is not required for a future school.

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

**12 Item 7 DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
- WESTBOURNE SPECIAL USE – SCHOOL AMENDMENT (20.00314)
MOVED: Cr W Aubin SECONDED: Cr M Coote**

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

Reason: Applicant is a customer of employer.

RESOLVED: That Council:

- (a) adopt the amendment to the Bathurst Regional Development Control Plan 2014, to remove the 'School' Special Use restriction off Westbourne Drive as identified on Map No. 5 Windrayne, Llanarth and Abercrombie,
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr B Bourke, Cr G Westman,

Abstain - Nil

8 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)

Recommendation: That the information be noted.

Report: Council commenced a Planning Proposal to consider an alteration to the Bathurst Regional Local Environmental Plan with respect to Schedule 5 Environmental Heritage.

The alteration includes local heritage listing of the following properties:

- a) 62 Seymour Street, Bathurst.
- b) Bathurst Agricultural Research Station.
- c) Natural Landscapes as recommended by the Bathurst Region Heritage Study 2007 including:
 - Stevens Park and Weir – Budden Street and Peppers Creek, Rockley
 - Wattle Flat Heritage Lands - Wattle Flat
 - Trunkey Creek Memorial Park – Arthur Street, Trunkey Creek
 - Macquarie Woods – Cashens Lane, Vittoria
 - Lions Club Drive Trees - Lions Club Drive, Kelso
 - Beyers Avenue Trees - Beyers Avenue, Hill End
 - Wallaby Rocks – 557 Hill End Road, Sofala
 - Victoria Park – Howick Street, Bathurst
 - Centennial Park – Bentinck Street, Bathurst.
- d) Include more descriptive property addresses for several existing listed heritage items.

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

Council received notification that the LEP Amendment was gazetted on 9 June 2017.

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

13 Item 8 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE
(20.00302)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the information be noted.

9 2016/17 BATHURST REGION LOCAL HERITAGE FUND (16.00147)

Recommendation: That the information be noted.

Report: The Bathurst Region Local Heritage Fund program is in its 19th year of operation. The 2016/17 fund saw a total of 51 projects completed with Council offering a total \$43,500 to property owners and community groups throughout the region. Grants ranged from \$200 - \$2,000. The 2016/17 funding program has seen \$355,015 worth of works being completed in the region. The Bathurst Region Local Heritage Fund is the largest funding project of its type in NSW. The table below shows the funds growth since in inception in 1998/99.

Local Heritage Fund	Overview of the local heritage fund to date:		
	Year	Projects Completed	Total value of works
	1998/99	8	\$38,278
	1999/00	11	\$56,203
	2000/01	14	\$92,681
	2001/02	24	\$122,014
	2002/03	24	\$109,599
	2003/04	25	\$139,399
	2004/05	40	\$389,195
	2005/06	33	\$190,930
	2006/07	33	\$293,740
	2007/08	44	\$376,965
	2008/09	44	\$360,849
	2009/10	39	\$273,535
	2010/11	47	\$812,598
	2011/12	39	\$288,786
	2012/13	62	\$752,786
	2013/14	50	\$630,375
	2014/15	47	\$434,526
	2015/16	54	\$410,800
	2016/17	51	\$355,015
	Total	689	\$6,128,273

There is an extremely positive response from property owners and community groups throughout the region about the funding program. Council continues to see property owners annually undertaking small projects that have improved their property and over time help to improve the streetscapes of the heritage conservation areas. This year the fund, amongst other things, has helped restore the Bathurst Uniting Church, Bathurst Presbyterian Church, Fitzgerald Valley Uniting Church, the former Peel School Hall and grave restorations at the Holy Trinity Church and the village cemeteries at Long Swamp, Rockley and Trunkey Creek.

The final report for the 2016/17 Local Heritage Fund can be found at **attachment 1**. Please note this report was prepared in mid May 2017 for Council's reporting requirements to the NSW Office of Environment and Heritage for funding.

Financial Implications: The Bathurst Region Local Heritage Fund is funded by Council and the NSW Office of Environment and Heritage.

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

MINUTE

- 14 Item 9 2016/17 BATHURST REGION LOCAL HERITAGE FUND (16.00147)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

10 2016/17 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00083)

Recommendation: That the information be noted.

Report: The Bathurst Region Heritage Conservation and Interpretation funding program is in its 6th year of operation. The fund was established to assist private property owners and community groups to undertake special heritage projects including:

- preparation of conservation management plans;
- publishing local history books and publications;
- implementing heritage interpretation projects; and
- presenting exhibitions promoting the heritage and history of the Bathurst Region.

A total of 10 Projects were completed in 2016/17 with Council offering \$16,255 to individuals and community groups from Bathurst and to the rural villages. Grants ranged from \$500 - \$5,000.

Conservation and Interpretation Fund	Overview of the Conservation and Interpretation fund to date:		
	Year	Projects Completed	Funding Offered
	2011/12	7	\$19,505
	2012/13	8	\$11,755
	2013/14	7	\$17,500
	2014/15	11	\$20,475
	2015/16	9	\$14,063
	2016/17	10	\$16,255
	Total	52	\$99,553

This year's funding program has provided financial assistance for the completion of the following projects:

- The Western Stores and Edgleys Book - Bathurst District Historical Society.
- Framing of 1918 Bathurst Times Calendar, copy of (SR8793) 1846 Map of Bathurst, replica of 1819 petition and copy of 1891 Collingridge engraving - Bathurst District Historical Society.
- Set up website for Tremains Mill restoration project - Tremains Mill.
- Purchase of a display cabinet to store and display artefacts belonging to the Sisters and promote their contribution to education - St Joseph's Convent, Perthville.
- Reprint Eglinton History Book - Eglinton War Memorial Hall and Park Inc.
- Ida Traill Oral History for education at Miss Traill's House.
- Installation of interpretative sign at Stamper Battery Remains and Locality Map on Sunny Corner Village Hall - Sunny Corner and District Progress Association Inc.
- Wiradyuri Education Resource - Bathurst Wiradyuri and Aboriginal Community Elders.
- Installation of 'Grimshaw' plaque and unveiling celebration and installation of 'Spencer' plaque - Bathurst Family History Group.
- Conservation and interpretation of the 1892 brick foundations of the former kitchen wing of the Police Barracks - Bathurst City Community Club.

In total, the projects completed in the 2016/17 fund have an estimated total value of \$32,138 for the region. All of the projects provide an important contribution in protecting, promoting and recording the region's unique heritage and history.

Financial Implications: The Bathurst Region Heritage Conservation and Interpretation fund is funded under Council's Management Plan.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.1, 11.4, 11.10

MINUTE

15 Item 10 2016/17 BATHURST REGION HERITAGE CONSERVATION AND INTERPRETATION FUND (13.00083)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

11 2016/17 BATHURST CBD MAIN STREET IMPROVEMENT FUND (16.00149)

Recommendation: That the information be noted.

Report: The Bathurst CBD Main Street Improvement Fund is in its 1st year of operation. The fund was aimed at assisting property owners and tenants to improve, repair and maintain buildings within the Bathurst CBD.

A total of 12 projects were completed in 2016/17 with Council offering \$33,015 to business owners and tenants in the Bathurst CBD for main street improvement works. Grants ranged from \$1000 - \$5,000. The 2016/17 funding program has seen \$162,031 worth of works being completed in the CBD.

CBD Main Street Improvement Fund	Overview of the CBD Main Street Improvement Fund to date:		
	Year	Projects Completed	Funding Offered
	2016/17	12	\$33,015
Total	12	\$33,015	

The fund was well received with the program providing financial assistance for the completion of the following projects:

- Repainting the façade of 77 Keppel Street – Dean Mobbs Gallery (by owner)
- Reinstating first floor window and repainting of façade on 63 William Street in conjunction with repainting of 65 William Street – Nifty Fifty and Ideal Rugs (by owners)
- Repainting the façade – The Kings Hotel (by tenant)
- Repainting the façade of former St Marys School and the Catholic Chancery office – Bathurst Cathedral (by owner)
- Repainting the façade and repair verandah at 81 George Street – Becks Bakery (by tenant)
- Repairs and repainting the façade of 92 and 92A William Street – Wishbone Chicken (by owner)
- Repaint under awning and replace signage – 80 Keppel Street (by tenant)
- Repairs, repainting the façade and removal of signage at 132 William Street – The Edinboro Hotel (by owner).

A report on all the projects completed for the 2016/17 CBD Main Street Improvement Fund can be found at **attachment 1**.

Applications have been called for the 2017/18 CBD Bathurst Main Street Improvement Fund, with Council receiving 19 applications. At the writing of this report no funding has been offered to those applicants.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

16 Item 11 2016/17 BATHURST CBD MAIN STREET IMPROVEMENT FUND
(16.00149)

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

12 CENTRAL WEST AND ORANA REGIONAL PLAN (18.00109)

Recommendation: That the information be noted.

Report: The NSW Department of Planning & Environment launched the Central West and Orana Regional Plan on 14 June 2017.

The Regional Plan is a 20 year blue print for the future of the Central West and Orana Region.

The vision of the Plan is to create a leading diverse regional economy in NSW, with a vibrant network of centres leveraging the opportunities of being at the heart of NSW. The vision is to be delivered through 4 goals:

1. The most diverse regional economy in NSW.
2. A stronger, healthier environment and diverse heritage.
3. Quality freight, transport and infrastructure networks.
4. Dynamic, vibrant and healthy communities.

It is important to note that all planning proposals prepared by Council to amend Bathurst Regional Local Environmental Plan 2014 will need to be consistent with the Regional Plan.

A copy of the Plan is available on the NSW Department of Planning & Environment's website www.planning.nsw.gov.au.

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 28.2, 28.7
- Objective 33: To be and develop good leaders. Strategy 33.1, 33.4

MINUTE

- 17 Item 12 CENTRAL WEST AND ORANA REGIONAL PLAN (18.00109)
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

13 2017 BUSINESS LEADERS LUNCH (20.00071)

Recommendation: That the information be noted.

Report: Council recently hosted the fourth annual Business Leaders Lunch at Rydges Mount Panorama on 22 June 2017. Seventy business leaders attended including Council's 2017 economic development program sponsors and partners.

Guests included senior staff from Reliance Bank, Devro, Mars, Bathurst Business Chamber, Charles Sturt University, Skillset, Commonwealth Bank, TAFE NSW and NSW Government Departments.

The Business Leaders Lunch provides the opportunity for Council to strengthen and maintain relationships with the local business community. The Lunch also allows Council to inform the business community on economic growth, trends and upcoming economic development programs that they can be involved in.

The 2017 Business Leaders Lunch was a great success, with the event not only connecting local businesses, but also provides a platform for the development of an informed and cohesive business community.

Conclusion:

The Business Leaders Lunch was highly successful and allowed Council to inform and connect with seventy local business leaders. The Lunch also effectively reinforces Council's commitment to supporting local businesses, continued economic prosperity and the acknowledgement of the vital role that local businesses play in the Bathurst 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

- 18 Item 13 2017 BUSINESS LEADERS LUNCH (20.00071)
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That the information be noted.

14 DECLARATION OF NEW OFF LEASH AREA AT KEFFORD STREET, BATHURST (22.01232)

Recommendation: That Council declare the fenced area of Lot 1 Section 21A DP 758065 as a designated off-leash area.

Report: Council provides designated off-leash areas across the city for the enjoyment of dog owners.

At the request of Council, an additional fenced off leash area for small dogs only has been constructed at the corner of Stewart and Kefford Streets, Bathurst (adjacent to the existing fenced off leash area) a map has been provided at **attachment 1**.

The land is zoned RE1 Public Recreation and the use as an off leash area is consistent with the objectives of the zone.

Section 13(6) of the Companion Animals Act 1998 requires that Council makes an official declaration of an area to be off-leash.

The area will provide a suitable space for owners of small dogs to exercise their animals and adds to the assets that Council provides to the community.

Financial Implications: The funding for the fencing was provided in the 2016/17 operational plan. Ongoing maintenance of the area (such as mowing and weed control) will be funded from existing allocations in Ranger services.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.11

MINUTE

19 Item 14 DECLARATION OF NEW OFF LEASH AREA AT KEFFORD STREET, BATHURST (22.01232)

MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That Council declare the fenced area of Lot 1 Section 21A DP 758065 as a designated off-leash area.

Yours faithfully

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

R Denyer
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JULY 2017

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$86,500,000 was invested at 30 June 2017 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<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):			
National Australia Bank Limited	A1+	\$4,000,000.00	2.82%
Bankwest	A1+	\$4,500,000.00	2.65%
Bank of Queensland Limited	A2	\$18,000,000.00	2.71%
Bendigo and Adelaide Bank Limited	A2	\$3,000,000.00	2.69%
Newcastle Permanent	A2	\$2,500,000.00	2.79%
Maritime, Mining & Power Credit Union Ltd	A2	\$4,500,000.00	2.74%
People's Choice Credit Union	A2	\$6,000,000.00	2.69%
IMB	A2	\$3,000,000.00	2.65%
G & C Mutual Bank Limited	A3	\$1,500,000.00	2.75%
Railways Credit Union Limited	ADI	<u>\$2,000,000.00</u>	<u>2.84%</u>
		\$49,000,000.00	2.72%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.52%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.68%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.82%
WBC Coupon Select	AA-	\$2,000,000.00	2.76%
WBC Coupon Select 1	AA-	\$3,000,000.00	3.00%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$2,200,000.00</u>	<u>1.70%</u>
		\$11,700,000.00	2.59%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Greater Bank Ltd	BBB	\$1,000,000.00	3.14%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.29%</u>
		\$3,000,000.00	3.24%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.67%
CBA Climate Bond	AA-	\$1,000,000.00	2.63%
Suncorp Metway	A+	\$1,000,000.00	3.00%
Rabobank	A+	\$1,000,000.00	3.23%

AMP	A	\$1,000,000.00	2.76%
AMP	A	\$800,000.00	2.82%
AMP	A	\$1,000,000.00	3.09%
Macquarie Bank	A	\$1,000,000.00	2.83%
Bank of Queensland	BBB+	\$1,000,000.00	2.72%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.82%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.81%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.65%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.84%
Police Bank Ltd	BBB	\$1,000,000.00	2.84%
Police Bank Ltd 1	BBB	\$1,000,000.00	2.76%
Police Bank Ltd 2	BBB	\$1,000,000.00	2.84%
Credit Union Australia 2	BBB	\$1,000,000.00	2.92%
Credit Union Australia 3	BBB	\$1,000,000.00	3.40%
Newcastle Permanent	BBB	\$1,000,000.00	3.14%
Newcastle Permanent 2	BBB	\$1,000,000.00	3.32%
Newcastle Permanent 3	BBB	\$1,000,000.00	3.40%
Members Equity Bank 2	BBB	<u>\$1,000,000.00</u>	<u>2.74%</u>
		\$22,800,000.00	2.91%

Total Investments **\$86,500,000.00** **2.77%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$50,116,372.00
Grants held for specific purposes	\$2,773,031.00
Section 94 Funds held for specific purposes	\$32,931,328.00
Unrestricted Investments – All Funds	\$679,269.00

Total Investments **\$86,500,000.00**

Total Interest Revenue to 31 May 2017 **\$2,138,926.27** **2.77%**

R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 20 Item 1 STATEMENT OF INVESTMENTS (16.00001)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATIONAL PLAN 2016-2017 (16.00144)

Recommendation: That the information be noted.

Report: Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 20 February 2013. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au/council/general-information/public-documents. A listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan can be found within the Plan commencing from page 34.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2016-2020 Delivery Plan and the Annual Operational Plan 2016-2017.

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

Fines or penalty notices this month - Refer to attachment 1.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

21 Item 2 MONTHLY REVIEW - 2016-2020 DELIVERY PLAN AND ANNUAL OPERATIONAL PLAN 2016-2017 (16.00144)

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 30 June 2017.

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

Section 356:	\$Nil
BMEC Community use:	\$Nil
Mount Panorama:	\$18,744.33

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

22 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 I North

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.

- Hibbards Pty Ltd - 16 Lew Avenue - Lot 8, DP 1226661 - Transfer
- AJ Gibson and JA Bursill - Old Sofala Road, Sofala - Lot 200, DP 1227314 - Transfer
- AE Hart - Old Sofala Road, Sofala - Lot 201, DP 1227314 - Transfer
- Essential Energy - 197 Limekilns Road, Kelso - Lot 5, DP 847225 - Creation of Easement
- M Muldoon & K Thompson - 110 Mountain Straight, Mt Panorama - Part Lot 11, DP 1215971 - Agreement
- Essential Energy - Proctor Park, Gormans Hill Road, Bathurst - Lot 1, DP 128895 and Lot 131, DP 1123581 - Creation of Easement
- Essential Energy - Hereford Street, Kelso - Lot 104, DP 1073272 - Creation of Easement
- Optus Mobile Pty Ltd - 230 Howick Street, Bathurst - Lot 1, DP 774489 - Lease
- M Healey and Others - Monkey Hill - Lot 2, DP 547966 - Licence
- Property NSW - Level 3, 230 Howick Street, Bathurst - Lot 1, DP 774489 - Variation
- Department Finance Services and Innovation NSW - 8 Windsock Way - Lot 5, DP 847356 - Lease

Linen Plan Release

- DC & CM Cole - Four lot rural residential subdivision - Lot 222, DP 1224805, 129 Howards Drive, Mount Rankin
- PG & SE Cooper and TC Hooper - Two lot residential subdivision (boundary adjustment) - Lot 1, DP 101471, 169 Keppel Street, Bathurst and Lot 1, DP 34030, 167 Keppel Street, Bathurst
- Ruce Pty Ltd - Five lot residential subdivision (3 residential, 1 public reserve, 1 residual) - Lot 1035, DP 1226870, Cusick Street, Eglinton
- GE Cutler, Pretty Heights Pty Ltd & Lara (NSW) Pty Ltd - Five lot rural subdivision - Lot 1, DP 1126786, Lot 1, DP 1179973, Lot 2, DP 1126786, 240 Limekilns Road, Kelso

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

- 23 Item 4 POWER OF ATTORNEY (11.00007)
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That the information be noted.

5 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT (23.00007-17/093)

Recommendation: That Council donate \$500 to the Central Tablelands Woodcraft Inc towards the cost of holding their "Craft & Art on Show" to be held on 18 and 19 November 2017, to be funded from 2017/2018 Section 356 Donations.

Report: Council has received a request from the Central Tablelands Woodcraft Inc ("Woodies") for financial assistance in holding the "Craft & Art on Show", to be held on 18 and 19 November 2017. A copy of the request is provided at **attachment 1.**

Council has for many years contributed to this organisation in providing funds to assist with exhibiting their woodwork. Woodies is a venue for numerous craft and art groups to promote their activities, sell their wares and encourage members of the community to experience the benefits of being a member of a creative group. The group is joining forces with Designer Events to be part of the "Bathurst Outdoor Expo and Christmas Markets".

They will be holding an exhibition at the Bathurst Showground and will have exclusive use of the Cec English Pavilion where they will be running an expanded woodwork competition and displays and demonstrations of various other handcrafts like spinning, weaving, leatherwork and lead lighting.

It is recommended that Council donate an amount of \$500. Council has previously assisted this craft exhibition in 2009 (\$200), 2010 (\$250), 2012 (\$500), 2014 (\$500), 2015 (\$500) and 2016 (\$500).

A copy of this organisation's Financial Statements will be provided to Councillors under separate cover.

Financial Implications: This request could be funded from Council's 2017/2018 Section 356 Donations which currently has a balance of \$20,943.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- 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 30.6

MINUTE

24 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT (23.00007-17/093)

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That Council donate \$500 to the Central Tablelands Woodcraft Inc towards the cost of holding their "Craft & Art on Show" to be held on 18 and 19 November 2017, to be funded from 2017/2018 Section 356 Donations.

6 REBELLION ON THE TURON - PROPOSED CLOSURE OF DENISON STREET, SOFALA (18.00004-33/017, 25.00280)

Recommendation: That Council:

- (a) support the closure of Denison Street between where Denison meets Bowen Street (north, at the entry to the village) and where Davis Street meets Bowen Street (south, at the Upper Turon Road intersection), Sofala during the celebration of the Rebellion on the Turon in Sofala on Saturday, 17 and Sunday, 18 March 2018 subject to the necessary approvals being obtained.
- (b) provide \$500 for advertising and the supply of traffic barriers, to be funded from the 2017/2018 Section 356 donations.

Report: Council has received advice that the Rebellion on the Turon Festival will be held on 17 and 18 March 2018 at **attachment 1**.

The Committee has asked for the closure of Denison Street between where Denison meets Bowen Street (north, at the entry to the village) and where Davis Street meets Bowen Street (south, at the Upper Turon Road intersection) closed to traffic on both days which will allow them to conduct their event within the Village. There will be a minor cost involved for these street closures, including advertising costs and the supply of traffic barriers, estimated to be \$500. Council will also advertise the event on its weekly "What's News" release in the lead up to the event.

This event has received the necessary consent from Council's Traffic Committee in relation to Traffic Management.

Councillors have been provided, under separate cover, a copy of the group's financial statements.

Financial Implications: This request can be funded from the 2017/2018 Section 356 donations which currently has a balance of \$20,943.

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 21.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

25 Item 6 REBELLION ON THE TURON - PROPOSED CLOSURE OF DENISON STREET, SOFALA (18.00004-33/017, 25.00280)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That Council:

- (a) support the closure of Denison Street between where Denison meets Bowen Street (north, at the entry to the village) and where Davis Street meets Bowen Street (south, at the Upper Turon Road intersection), Sofala during the celebration of the Rebellion on the Turon in Sofala on Saturday, 17 and Sunday, 18 March 2018 subject to the necessary approvals being obtained.
- (b) provide \$500 for advertising and the supply of traffic barriers, to be funded from the 2017/2018 Section 356 donations.

7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ABORIGINAL EDUCATION CONSULTATIVE GROUP (21.00012-08/025)

Recommendation: That Council make available the use of the Bathurst Memorial Entertainment Centre (BMEC) for the NAIDOC Ball on 22 September 2017, at an estimated cost of \$829 to be funded from the 2017/2018 BMEC Community Use Subsidy.

Report: Council has received a request from the Bathurst Aboriginal Education Consultative Group to waive the Bathurst Memorial Entertainment Centre (BMEC) fees for the conduct of the NAIDOC Ball on 22 September 2017, at **attachment 1**.

The revised estimate of costs, based on the new 2017/2018 fees and charges will be \$1,929. The venue hire component is \$829. Catering, decorations, entertainment and other expenses will be covered by the Group through ticket sales.

A copy of this organisation's Financial Statements will be provided to Councillors under separate cover.

Financial Implications: This request could be funded from Council's 2017/2018 BMEC Community Use Subsidy which currently has a balance of \$10,000.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

26 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST ABORIGINAL EDUCATION CONSULTATIVE GROUP (21.00012-08/025)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That Council make available the use of the Bathurst Memorial Entertainment Centre (BMEC) for the NAIDOC Ball on 22 September 2017, at an estimated cost of \$829 to be funded from the 2017/2018 BMEC Community Use Subsidy.

8 REQUEST FOR FINANCIAL ASSISTANCE - CHALLENGE COMMUNITY SERVICES (18.00004-33/030)

Recommendation: That Council waive the fees of \$576 for the use of the Kelso Community Hub hall and kitchen to Challenge Community Services to be funded from Section 356 donations.

Report: Council has received a request from Challenge Community Services for the use of the Kelso Community Hub hall and kitchen, see **attachment 1**. Community Challenge Services is a not-for-profit disability and children's services company.

The group provides community access and support for people with disabilities and the like to get involved with local community groups. The facility will be used each Tuesday for four hours over a period of eight weeks. The cost for the use of the hall and kitchen during this period will be \$576.

A copy of this organisation's Financial Statements will be provided to Councillors under separate cover.

Financial Implications: The cost of \$576 could be funded from Council's 2017/2018 Section 356 donations, which currently has a balance of \$20,943.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

27 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - CHALLENGE COMMUNITY SERVICES (18.00004-33/030)

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council waive the fees of \$576 for the use of the Kelso Community Hub hall and kitchen to Challenge Community Services to be funded from Section 356 donations.

**9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.02268, 22.13734, 22.15233, 22.00531, 22.03298)**

Recommendation: That the information be noted.

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

**1 COMMUNITY LEASE - PART LOT 101 DP1204847 KNOWN AS 7 LEE STREET,
KELSO (22.02268)**

This report relates to a proposal to enter into a Community Lease Agreement for Part Lot 101 in DP 120487 known as 7 Lee Street, Kelso with Evans Arts Council.

**2 COMMUNITY LEASE - PART OF THE UNCONSTRUCTED COUNCIL ROAD
ADJACENT TO SIR JOSEPH BANKS NATURE RESERVE, MOUNT PANORAMA
(22.13734)**

This report relates to a proposal to lease a portion of unused road adjacent to Sir Joseph Banks Nature Reserve and place on public exhibition for a period of 28 days.

**3 PURCHASE OF PROPERTY, PART LOT 12 DP825612 KNOWN AS 92
FREEMANTLE ROAD, EGLINTON (22.15233)**

This report relates to a proposal to subdivide and purchase property at Part Lot 12 DP 825612 known as 92 Freemantle Road, Eglinton to add to Council's strategic land purchases.

4 PURCHASE OF PROPERTY - MOUNT PANORAMA PRECINCT (22.00531, 22.03298)

This report relates to a proposal to purchase property in the Mount Panorama Precinct to add to Council's strategic land purchases.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

28 Item 9 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.02268, 22.13734, 22.15233, 22.00531, 22.03298)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JULY 2017

1 COMPULSORY ACQUISITION OF LAND - LOTS 20 AND 21 DP1218703 FREEMANTLE ROAD BATHURST (25.00102)

Recommendation: That Council:

- (a) Make application to the Minister and the Governor for approval to compulsorily acquire Lots 19 and 20 DP1218703 Freemantle Road Bathurst.
- (b) Classify the acquired land as operational land under Section 31(2) of the Local Government Act 1993.

In accordance with the information provided in the Acting Director Engineering Services' report.

Report: At the meeting of Council held on 15 October 2008, the Director Engineering Services Confidential Report Item 3 entitled '*COMPULSORY ACQUISITION OF LAND - PART LOT 7005 DP 1065626 AND PART LOT 7005 DP 93448 FREEMANTLE ROAD, FREEMANTLE*' was presented to Council. A copy of this report is contained in **attachment 1**, together with the Minute thereof.

Purpose of this Report

The Plan of Subdivision of Freemantle Road for road widening and acquisition purposes was registered as DP1218703 on 22 August 2016. An extract of DP1218703 showing the location of Lots 19 and 20 is included at **attachment 2**.

This followed a significant period of time taken to obtain the signatures of all the landowners and mortgagees involved in this sizeable project.

Council's solicitors have progressed the compulsory acquisition of the two Lots (19 and 20) alongside the Macquarie River from the Crown. Advice from the Office of Local Government has been received to the effect that the Council resolution provided in the application is too old, and an updated resolution is required. The Office of Local Government states:

'The Council resolution provided is too old

Council's resolution to compulsorily acquire this land is dated 15 October 2008 and is too old for submission to the Minister for approval. Although the passage of time does not affect the validity of the resolution, as the compulsory acquisition of land generally results in expenditure in the form of compensation, the Office of Local Government has administrative criteria in place in relation to council resolutions to compulsorily acquire land.

Where a Council resolution authorising a compulsorily (sic) acquisition of land, pre-dates the last local council ordinary elections by more than 12 months, a fresh resolution made by the current council is required. The fresh resolution expressly authorising making an application to the Minister and the Government for approval to compulsorily acquire Lots 19 and 20 DP1218703'.

Therefore, it is recommended that Council confirm its original intention to compulsorily acquire Lots 19 and 20 DP1218703, being the land formerly identified as Part Lot 7005 DP1065626 and Part Lot 7005 DP 93448 Freemantle Road Bathurst, in accordance with the recommendation above.

Financial Implications: The legal costs to be incurred by Council to complete the compulsory acquisition process are estimated to be \$5000, and will be funded from existing Works Budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

29 Item 1 COMPULSORY ACQUISITION OF LAND - LOTS 20 AND 21 DP1218703 FREEMANTLE ROAD BATHURST (25.00102)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) Make application to the Minister and the Governor for approval to compulsorily acquire Lots 19 and 20 DP1218703 Freemantle Road Bathurst.
- (b) Classify the acquired land as operational land under Section 31(2) of the Local Government Act 1993.

In accordance with the information provided in the Acting Director Engineering Services' report.

2 PROPOSED CREATION OF EASEMENTS FOR SERVICES OVER PART OF LOT 101 DP1231601 LIMEKILNS ROAD KELSO (22.00891)

Recommendation: That Council:

- (a) approve the creation of easements for services to be installed on part of Lot 101 DP1231601 located at 186 Limekilns Road Kelso; and
- (b) authorise the General Manager to sign Easement Plan documentation as Council's representative

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

Report: Council has been approached by the owner of Lot 102 DP1231601 in connection with plans to subdivide it for residential development. Council owns an adjoining area being Lot 101 DP1231601 which mainly comprises land zoned RE1 Public Recreation.

The developer has provided Council with draft plans reflecting the proposed location of an easement for underground services. Such services will include:

- Electricity
- Communications
- Gas

The dimensions of the easement are approximately 43m x 2m wide and would be across a section of the open space land, as depicted in **attachment 1**. The final location of the easement is subject to a formal survey being undertaken. The formal survey plan will be submitted to Council for approval and consent in due course.

In the interim, Council's technical staff have reviewed and approved the easement outlined in the draft plan provided.

All costs in connection with the creation of the easement will be paid by the developer.

It is recommended that Council:

- (a) provide approval to the creation of easements for services to be installed on the land owned by Council at Lot 101 DP1231601 Limekilns Road Kelso; and
- (b) authorise the General Manager to endorse the easement plan documentation as Council's representative in due course.

Financial Implications: All costs in connection with the creation of the easement are payable by the applicant.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

30 Item 2 PROPOSED CREATION OF EASEMENTS FOR SERVICES OVER PART OF LOT 101 DP1231601 LIMEKILNS ROAD KELSO (22.00891)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That Council:

- (a) approve the creation of easements for services to be installed on part of Lot 101 DP1231601 located at 186 Limekilns Road Kelso; and
- (b) authorise the General Manager to sign Easement Plan documentation as Council's representative

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

**3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00621, 22.00053, 36.00622)**

Recommendation: That the information be noted.

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

**1 TENDER FOR CONSTRUCTION OF WATER DELIVERY MAIN - WEST EGLINTON
(36.00622)**

This report considers the tender for construction of a water delivery main at West Eglinton.

**2 COMPULSORY ACQUISITION OF LOTS 3 AND 6 DP1179068 AND EASEMENTS,
SEWER PUMP STATION SITE, BATHURST SHOWGROUND, KENDALL AVENUE,
BATHURST (22.00053)**

This report considers the compulsory acquisition of land and easements in Kendall Avenue, located at the Bathurst Showground, for the purpose of a sewer pump station and an off-line sewerage pump station storage facility.

**3 TENDER FOR DESIGN AND INSTALLATION OF AN AIR CONDITIONING SYSTEM
FOR BATHURST POST OFFICE BUILDING (36.00622)**

This report considers the tender for the design and installation of an air conditioning system to replace the existing air conditioning system that services the Bathurst Post Office Building.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

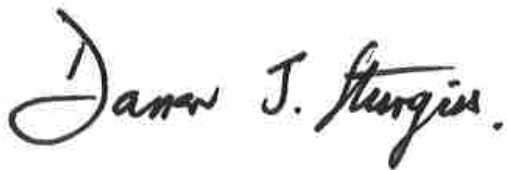
MINUTE

31 Item 3 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00621, 22.00053, 36.00622

MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

Yours faithfully

A handwritten signature in black ink that reads "Darren J. Sturgiss." The signature is written in a cursive style with a large initial 'D'.

Darren Sturgiss
ACTING DIRECTOR
ENGINEERING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JULY 2017

1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 1 MAY 2017 (07.00116)

Recommendation: That the information be noted.

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

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

The fourteenth meeting of the Bathurst Region Tourism Reference Group was held on 1 May 2017. The Minutes of the Group's meeting are provided at **attachment 1.**

At the meeting held on 1 May 2017, the group noted the following salient points:

- (a) **Australian Regional Tourism Network (ARTN) Report** – A copy of the summary of the ARTN Local Government research report was provided to the group for their reference and use as appropriate.
- (b) **Bathurst Visitor Information Centre Manager Recruitment** – The appointment of the Bathurst Visitor Information Centre Manager has been confirmed and commencing on 15 May 2017.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

**32 Item 1 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD
1 MAY 2017 (07.00116)**

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

2 2017 NATIONAL RECONCILIATION WEEK (27 MAY 2017-3 JUNE 2017) - ZACH'S CEREMONY (09.00031)

Recommendation: That the information be noted.

Report: In May 2017 Council's Community Services and Bathurst Memorial Entertainment Centre collaborated to successfully apply to the Department of Prime Minister and Cabinet for funds to celebrate Reconciliation Week. \$5,000 was provided from a fund created to celebrate the anniversaries of the 1967 Referendum and the 1992 Mabo High Court decision. The commemoration and celebrations of these significant events in the nation's history were to be held during National Reconciliation Week 2017 from 27 May to 3 June 2017.

It was a condition of funding to work in partnership with a local Aboriginal and/or Torres Strait Islander community organisation to hold activities that honour and respect both anniversaries and their significance to all Australians. The Community Services / BMEC application was made with support from the Bathurst Wiradyuri and Aboriginal Community Elders group.

Funding allowed for the screening at 6:30pm 1 June of the documentary film *Zach's Ceremony*, which was the winner of the following awards:

- Sydney Film Festival - Foxtel Movies Audience Award, Best Documentary June 2016
- Melbourne International Film Festival - Audience Award, Best Documentary August 2016
- Byron Bay International Film Festival - Best Film and Best Documentary October 2016

Publicity for the film describes it as "somewhere between tribal tradition and city life, a young boy must learn what it takes to become a man and awaken the warrior within".

When we first meet Zach he is a bright, friendly 10-year-old boy who loves his dad, Alec. Zach talks excitedly about his upcoming initiation ceremony, a cultural obligation for his tribe and a vital part of his indigenous heritage. Zach yearns to be seen as a man in the eyes of tribal society and, more importantly, his father.

Complications arise as Zach enters adolescence and the pressures of his life mount. Zach feels too white to be accepted by his family and friends and too black for his inner city peers. Combined with Alec's well-intentioned but strict style of parenting, Zach snaps and starts to rebel.

Against the backdrop of Indigenous oppression, Zach's teenage experimentation and his violent reactions to racism leads the troubled youth to some dark places. Alec knows that without a true connection to his culture, Zach is lost. It's time for Zach to answer the call of his Elders, to take part in the ancient rite of passage and walk in the footsteps of his ancestors.

Funding allowed Alec Doomadgee, Zach's father and the creator of the film, to travel to Bathurst for a forum and Q&A session after the screening. It transpired that Alec was not able to visit Bathurst in Reconciliation Week and the Department of Prime Minister and Cabinet agreed to extend the program to include a 10.00am screening for school students and an additional public screening at 6:30pm on Tuesday 27 June. Alec attended both screenings and gave an engaging and inspiring talk about the film and the reasons for making it to a captive audience. The screening and Q&A made a significant impact on those who attended with many comments confirming this.

Attendances for the three screenings were 66, 48 and 52, a total of 166 community members including 43 high school students.

Financial Implications: Funding of \$5,000 was provided by the Department of Prime Minister and Cabinet to undertake the project.

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 20.6

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3, 23.8

MINUTE

33 Item 2 2017 NATIONAL RECONCILIATION WEEK (27 MAY 2017-3 JUNE 2017)
- ZACH'S CEREMONY (09.00031)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the information be noted.

3 BATHURST WRITERS' & READERS' FESTIVAL - FRIDAY 26 MAY 2017 TO SUNDAY 28 MAY 2017 (21.00060)

Recommendation: That the information be noted.

Report: The Bathurst Writers' and Readers' Festival (BW&RF) was held at the Bathurst Memorial Entertainment Centre (BMEC) on the weekend of Friday 26 May – Sunday 28 May. This free event was supported by the BMEC Local Stages program with sponsorship and donations from the community. This is the third year of the festival. The Festival includes panel discussions, performances and speakers, as well as the live stream program from the Sydney Writers' Festival Live and Local.

Audiences for the festival have grown each year:

Attendance			
	2015	2016	2017
Friday	429	312	316
Saturday	437	561	631
Sunday	229	567	513
12 May – High School project	0	0	62
Total	1,095	1,440	1,522

This year there were two workshops for secondary school students on Friday 12 May with writers Melina Marchetta and Will Kostakis. 62 secondary students attended. Schools were asked to select students to attend sessions with each of the writers. Students attended from the following: Denison College (Bathurst and Kelso), MacKillop College, All Saints College, Scots School, Oberon High School, Blayney High School. Feedback was overwhelmingly positive and the intention is to run this program again next year. As well as partnering with high schools BMEC collaborated with Books Plus to deliver the writing workshops.

In 2018 several facilities at Walsh Bay, used by the Sydney Writers' Festival, will be undergoing major renovation. This has meant the festival has had to source alternate venues and as a result the dates for the 2018 Festival are earlier in May. The live streaming program is a vital element of the BW&RF and therefore the Bathurst festival will also need to adjust its dates. BMEC is unavailable at this time and so the Local Stages Creative Producer is looking for alternative venues in Bathurst.

For the first time in 2017 the BW&RF conducted a joint project with the Bathurst Library – The Great Festival Read – Bathurst's biggest book club. Books Plus donated copies of *The Dyehouse* to the library and the community was encouraged to read the book. The panel discussion held on the Sunday afternoon of the festival attracted nearly 60 attendees.

Other local events held during the festival were:

- Jen Barry and Tracy Sorenson in discussion about Tracy's book "The Lucky Galah" to be professionally published early in 2018
- An opening event with special guest from the Sydney Writers' Festival Julie Koh
- Read Like a Women – a discussion of recent Feminist non-fiction
- Great Australian Women Writers - discussion with author Kim Kelly and Jen Barry
- Merrill Findlay discussing the Sky Writers Project
- Special guest, published poet Mark Tredinnick
- Bathurst Poets reading work

- Poetry Slam (with 12 entries in competition)
- Kim Kelly workshop “writing Colourful characters”
- Great Books you may have missed – with Jen Barry and James Paull.

Report in Bathurst High Campus June Newsletter by Lesley Wade (Head of English):

“An initiative of a group of people including Chris Bergen of Porters Café, Jenny Barry from Books Plus and Kylie Shead from BMEC and a number of local teachers came to fruition on Friday 12th May. The intention was to bring some of the best Australian Young Adult authors to Bathurst to conduct creative workshops targeting actual or prospective Extension One and Two English students, under the banner of the Bathurst Writers’ and Readers’ Festival. All secondary schools in Bathurst participated along with Oberon and Blayney. Two workshops were run by Melina Marchetta (whose Looking for Alibrandi is now 25 years’ old) and Will Kostakis who has been a popular speaker and won the Sydney Morning Herald Young Writer’s Competition in 2005, as well as publishing a number of novels. These workshops encouraged students to immerse themselves in the writing process while fostering inspiration and creativity for creativity’s sake. Bathurst High was most ably represented by Eve Currie and Brenna Nichols (Year 12); Sienna Cosgrove, Rosa Press-Hayes, Bobbi Ralls and Nadia Wano (Year 11); Jess Kennedy, Lydia Nichols, Emily Lindsay and Jemima Warne (Year 10). The girls enjoyed a delicious lunch and a day devoted to meeting writers from other schools. It is hoped this event will be run annually. Many thanks to the generous sponsors”.

The festival was made possible through sponsorship, donations and support of the BMEC Local Stages program.

Financial sponsors included:

- CSU - through a Community University Partnership grant.
- Porters Cafe
- StartleArt and Jane Dempster Photography
- Books Plus
- Jack Duggans Hotel

Gifts/Donations of prizes for poetry slam included:

- Dean Mobbs Gallery
- BMEC
- Lion Majestic
- Books Plus

Other support by:

- Bathurst City Life printed a special four page lift out with program.
- Lachlan Inn provided accommodation for guest poet Mark Tredinnick.
- Community members, Bill Green, Glen Smith and many anonymous donors assisted throughout the event.

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, 20.2, 20.6

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.4

MINUTE

**34 Item 3 BATHURST WRITERS' & READERS' FESTIVAL - FRIDAY 26 MAY 2017
TO SUNDAY 28 MAY 2017 (21.00060)**

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

4 2017 THE END FESTIVAL, HILL END (22-23 APRIL 2017) (23.00026)

Recommendation: That the information be noted.

Report: The second annual 'The End Festival' was presented by National Parks & Wildlife Service (NPWS) in the historic village of Hill End on 22 – 23 April following the inaugural festival in April 2016. Financial support of \$5,000 was provided by Bathurst Regional Council (Director Corporate Services & Finance Report #8 to Council 16 November 2016) as the official Program Partner. Council also provided in-kind marketing support. The event was delivered by the Visitor Experience Branch and Park Management – Northern Inland.

The objective of the event, and the rationale for making a financial contribution to the festival, was to expose Hill End to a wider, more targeted tourism market.

This objective is aligned to Strategic Objective 7.5 in the Destination Management Plan:

Leading success: Council will enable growth by leveraging its assets

7.5.3 Place Planning and Promotion:

The precincts that have the most potential for developing into appealing to places for visitors include:

- *Villages (in particular Rockley, Sofala and Hill End)*

The festival met the objective of increasing visitation to Hill End, with approximately 6,000 people recorded in the village during the event period. This was an increase of 15% on the 2016 event. All accommodation was at capacity and pre-booked some months prior to the event. The level of occupancy of the National Parks & Wildlife Service (NPWS) campgrounds was at capacity with 1,000 campers, almost double the number during the 2016 event.

The \$5,000 contribution was split across three key elements of the festival:

1. Sydney Hotel – an art installation 'A Fortunate Life' by Sally Kidall. Sally participated in the Artist in Residence Program at Hill End in February 2017 and conceived the work during this residency.
2. The Golden Age Stage – fees for local performing artists to compete on the outdoor stage over the two day festival.
3. Sponsorship of prizes for the 'Digging for Gold' competition associated with the Golden Age Stage.

Surveys were conducted on-site and post event through email and social media and these are outlined below:

Visitation

- 6,000 visitors attended the event over 2 days
- 37% of visitors from Sydney and surrounds
- 22% reported that this was their first visit to Hill End

Spend and stay in the region

Estimated 13,000 nights spent in Central West region.

- 17% spent 1 night in the area
- 35% spent 2 nights in the area
- 17% spent 3 nights in the area

- 20% spent 5 nights or more
- Spend in region calculated (NPWS) to \$2.5million (National Visitor Survey method)

Destination

- Found out about a new destination: 65%
- Appreciate history and heritage: 86%
- Open eyes to art and culture of the area: 81%

Marketing

- 12 media articles - lifestyle and local media
- \$100,923 editorial equivalent value
- Social media 224,973 reach
- Free listings, syndication, partnerships
- Information on The End event was distributed to various partners, placed on free listings and provided to the artists participating in the event. As a result, The End was mentioned or listed in eventfinda, aroundyou, syndicated to Australian Tourism Data Warehouse (ATDW), Visit NSW, Australia Tourism Guide, included on Council's and Mudgee Region Tourism websites and shared on a range of social media platforms.

Approximately 65 event posters and 500 festival programs were distributed regionally. All print collateral displayed council's logo and acknowledgement as Program Partner and were distributed through.

- Visitor and Information Centres in Lithgow, Bathurst and Mudgee.
- Katoomba Cultural Centre
- Cafes and shops in Leura, Rylstone, Katoomba, Blackheath, Lithgow and Bathurst
- Various places in Kandos (during the 4 days Cementa17 Arts Festival)
- Bathurst Regional Council, Mudgee Tourism

A copy of the festival program can be found at **attachment 1**.

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, 4.6, 4.8
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6

MINUTE

- 35 **Item 4 2017 THE END FESTIVAL, HILL END (22-23 APRIL 2017) (23.00026)**
MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 5 JULY 2017 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 5 July 2017 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 5 July 2017, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 36 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 JULY 2017 (07.00064)
MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 5 July 2017 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 5 JULY 2017

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 JUNE 2017 (07.00064)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held on 7 June 2017 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the following Declaration of Interest be noted.

Cr Westman

Discussion Forum - DA Item #1 DA2017/158 - Director Environmental, Planning & Building Services' report.

Cr Aubin arrived.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 MOUNT PANORAMA MOTOR RACING CIRCUIT - RESIDENT ACCESS - FULL TRACK HIRE POLICY (18.00150, 41.00089)
MOVED Cr I North and **SECONDED** Cr M Coote

RESOLVED: That Council defer the matter for discussions with representatives of

This is page 1 of Minutes of the Policy Committee held on 5 July 2017

the Mount Panorama Residents Committee.

GENERAL BUSINESS

6 WINTER FESTIVAL (25.00152)

Cr Coote - wishes to congratulate staff on the Event, it was excellent. There was around 10,000 to 11,000 people at the 'Ignite the Night' function.

7 Item 2 MOUNT PANORAMA - TRACK SPONSORSHIP (04.00028)

Cr Aubin - noted track signage between Easter and October is often not used. Could Council utilise this signage, e.g. for Winter Festival. Requests a report on this be prepared for Council.

8 Item 3 POT HOLE MACHINE (15.00002)

Cr Aubin - requests that a report come back on the proposal to purchase a road pothole machine.

9 Item 4 GREAT WESTERN HIGHWAY UPGRADE TO AERODROME (25.00018-05)

Cr North - asked has any feedback come back from the State Government concerning this request

10 Item 5 RAIL CROSSING - LEE STREET, JOHN HOLLAND (25.00074)

Cr North - has any feedback come back from John Holland on the request to have this opened in cases of an emergency?

11 Item 6 GREEN WASTE AND RECYCLING (14.00053, 36.00527)

Cr North - advised has received great feedback on the green bin. Could Council look at the yellow bin being emptied weekly in the future.

The Acting Director Engineering Services advised looking to collate data for another twelve months and then will come back to Council on future collection timing.

12 Item 7 PLASTIC BAGS FILLING POT HOLES (15.00002)

Cr North - asked has any advice on this technology been received. Please investigate this.

13 **Item 8 GREEN WASTE BINS (14.00053, 36.00527)**

Cr Bourke - has not been a great success. It was forced on people. The Western Advocate showed 7 tonne one day and 7,000 tonne the next day. What percentage of ratepayers are using the service?

The Acting Director Engineering Services spoke to tonnages issued.

The General Manager noted availability and type of data obtained on bins collected.

14 **Item 9 NAMING OF COUNCIL FACILITIES (20.00038)**

Cr Bourke - requested a working party be held on Council's protocol for the naming of Council Facilities.

15 **Item 10 CHRISTMAS BANNERS (23.00026)**

Cr Bourke - asked could Council consider doing something similar to what occurs for the Winter Festival and also have a small event in Kings Parade prior to Christmas?

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

16 **Item 1 DEVELOPMENT APPLICATION 2017/158 – RESIDENTIAL UNITS AT 131 MITRE STREET AND 276 KEPPEL STREET, WEST BATHURST. APPLICANT – ADAM HART CONSTRUCTIONS PTY LTD. OWNER – ADAM HART CONSTRUCTIONS PTY LTD. (DA2017/158)**

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

Reason: Applicant is a customer of employer.

Discussion included:

J Clipson – owner 274 Keppel Street

Spoke to reason why he bought the house. Spoke to a number of concerns; overshadowing, loss of views, privacy issues which have been further mentioned in submissions. Other issues include noise and has listed 31 items in the submission, including non-compliance. Population density does not comply. Building size such

as bedroom allowances, appear to be trying to bend the rules. Lack of open space undermines evocities lifestyle. The buildings are clearly two stories. This will set a precedent for the City.

J Allman - 133 Keppel Street

Has reviewed DCP, LEP, and Statement of Environmental Effects and considers there are a significant number of issues that are non-compliant or are grey. Have forwarded a submission of over 30 issues. The housing is suited more to precinct 1. The dwellings are actually 3 bedrooms and the proposal is not consistent with the development in the area. Seeks Council to refuse the proposal.

M Fitzsimmons – sister owns 129 Mitre Street

Some consideration needs to be given by developer to giving her sister a designated parking space while the development occurs. Also requests paling fence be erected between the properties prior to development.

B Triming – resides near development

During construction period need to ensure pedestrian access is maintained. Should not have to go out on the road. Please keep footpath open and keep developers off it with the fencing. Any damage needs to be repaired as soon as possible. Has concern with traffic in Keppel Street. This section of the road is quite narrow. The line of sight is not there when you exit from the property. People park on the footpath verge

L Evens – Mooney Valley Place

Development will be right near his house. Will cause shade and privacy issues. There are drainage concerns with this development and how it will impact residences in Mooney Valley Place. Also raised concerns about non-compliance matters.

P Basha – Town Planning Consultant : Applicant

The Development Application has been lodged on basis that it complies with the LEP. The site is of sufficient acreage. Will look at concerns with bedroom numbers and also what can be done to reduce privacy concerns. Developer will try to leave as many trees as possible around the perimeter of the site. Shadow diagrams have been lodged and these comply with DCP standards. Noted DCP is a guidelines document.

E Allman - 133 Keppel Street

Spoke to issues with the footpath and vehicle access matters. There will be parking problems, particularly during car race times. Referred to water problems with houses in Mooney Valley Place, there will be issues.

Cr Westman returned to the room

DISCUSSION FORUM OTHER

17

Item 1 DRAFT BATHURST REGIONAL DCP 2014 AMENDMENT - EGLINTON (WEST) RESERVATION OF LAND FOR OPEN SPACE AND AMENDMENT TO EGLINTON OPEN SPACE AND DRAINAGE SECTION 94 PLAN (20.00170 & 20.00036)

Discussion included:

R Smith – parent of child at Eglinton School

Pleased Council is putting forward proposal to maintain green space. Queried whether people who put in submissions in the first round were recontacted.

The Acting Director Environmental, Planning & Building Services advised they were notified

R Smith

Spoke to need for school to expand into the future. Asks that land be maintained by Council to allow this growth. The school is getting cramped. If it gets hemmed in this will push people out and reduce school drawing boundaries. Referred to Council purchasing open space and encouraged this.

L Hewitt – Developer

The DA has been pulled due to issues that have been raised by Council. Was happy for Department of Education to purchase land. But is against Bathurst Regional Council's proposal to change the zoning, so can purchase at a cheaper price and is against having to pay S:94 funds.

Seeks Option 2 be adopted as his preference. Will fight any reclassification of land and will go to court if necessary. Would like land to be available to the school but wants reasonable compensation. Council's method of acquiring the land, whilst not illegal, is immoral.

MEETING CLOSE

18

MEETING CLOSE

The Meeting closed at 6.47 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JULY 2017 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on Tuesday, 4 July 2017 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on Tuesday, 4 July 2017, 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

- 37 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JULY 2017 (07.00006)
MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That the recommendations of the Traffic Committee Meeting held on Tuesday, 4 July 2017 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 4 JULY 2017

MEETING COMMENCES

1 MEETING COMMENCES - 2.01PM

Members: Mr David Veness (Local Members Office Representative), Acting Sergeant Jason Marks (Bathurst Police), Ms Jackie Barry (Roads and Maritime Services Representative), Ms Angie Drooger (Roads and Maritime Services Representative) and Cr Warren Aubin (Bathurst Regional Council)

Present: Mr Paul Kendrick (Traffic and Design Engineer), Mr Ben Windsor (Investigation & Design Engineer), Ms Iris Dorsett (Tablelands Area Road Safety Officer)

APOLOGIES

2 APOLOGIES

That the apology of Mr Bernard Drum (Acting Manager Technical Services) be accepted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 JUNE 2017 (07.00006)

That the Minutes of the Traffic Committee Meeting held on Tuesday 6 June 2017 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 6 JUNE 2017 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

7 Item 3 HOLY FAMILY PRIMARY SCHOOL – SCHOOL SIGNS (25.00151/038)

That Council install child symbol signs with “School” sign plates on Marsden Lane approaching Holy Family Primary School.

8 Item 4 DISABLED PARKING ACCESS – 24 BONNOR STREET KELSO (KELSO COMMUNITY HUB) (28.00006-13/080)

That Council approve the installation of a disabled parking space out the front of 24 Bonnor Street Kelso (Kelso Community Hub).

9 Item 5 GLANMIRE/WALANG NSW RURAL FIRE SERVICE – WALANG DRIVE (25.00317/011)

That Council endorse the traffic management for Glanmire/Walang NSW Rural Fire Service 2017/2018 events calendar as Class 2 events, subject to conditions as detailed in the Director Engineering Services' report.

10 Item 6 BATHURST WALLABIES TRIATHLON CLUB EVENTS 2017/2018 SERIES (23.00026-19)

That Council approve the staging of the Bathurst Wallabies Triathlon Club 2017/2018 series of events. The events are to be classified as Class 2 events and approved subject to conditions as detailed in the Director Engineering Services' report.

11 Item 7 TEMPORARY BUS ZONES FOR THE 2017 SUPERCHEAP AUTO BATHURST 1000 (28.00022-02)

That Council approve the proposed temporary bus zones and extension of existing bus zone times subject to conditions as detailed in the Director Engineering Services' report.

12 Item 8 2017 SUPERCHEAP AUTO BATHURST 1000 - OFF TRACK EVENT ROAD CLOSURES, TEMPORARY NO PARKING (04.00073-08)

That Council approve the staging of the 2017 Supercheap Auto Bathurst 1000 off-track events as follows:-

- (a) Parade and B-Double Permit routes;
- (b) Super Wednesday;
- (c) Saturday Street Fair.

All events are to be classified as Class 2 events and approved subject to conditions as detailed in the Director Engineering Services' Report.

13 Item 9 SUPERCHEAP AUTO BATHURST 1000 TRAFFIC MANAGEMENT PLAN (04.00001-42)

That Council adopt the following zones and restrictions as part of the Traffic Management Plan for the 2017 Supercheap Auto Bathurst 1000, as noted in the report.

(a) **Panorama Avenue**

- (i) 'No Stopping' between Havannah Street and Charles Sturt University (CSU) main entrance both sides from Wednesday 4 to Monday 9 October 2017 inclusive.
- (ii) 'No Stopping' between CSU main entrance and Browning Street on the North Western side from Saturday 7 to Monday 9 October 2017.

(b) **Havannah Street**

- (i) 'No Stopping' between Panorama Avenue and College Road both sides from Wednesday 4 to Sunday 8 October 2017.
- (ii) 'No Stopping' between College Road and Rocket Street on the North Western side from Saturday 7 to Sunday 8 October 2017.

(c) **Lloyds Road**

- (i) Closure to West bound traffic at the intersection of Havannah Street from Friday 6 to Sunday 8 October 2017 inclusive.
- (ii) 'No Parking' between Havannah Street and College Road from Saturday 7 to Sunday 8 October 2017.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

15 **MEETING CLOSE**

The Meeting closed at 2.20pm.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JULY 2017

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 JUNE 2017 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Hanger (Chair), Aubin (6 pm), Bourke, Coote (5.40 pm), Morse, North, Westman.

1. BATHURST HEALTH SERVICE (18.00035)

Sue Patterson, General Manager, Bathurst Health Service and John Kellett, Chairman of Bathurst Health council met with Council to give an update on changes at the Bathurst Hospital.

Changes include:

Emergency

- increasing level of specialist medical officers in emergency
- physiotherapy service to be increased to 7 days per week

ICU

- working towards higher level of care
- appointed ICU Director - first time ever

Dialysis

- increased machines from 6 to 8 (at capacity)
- appointed another renal specialist

Medical Ward

- increased 15 to 24 beds funded
- winter funded to 25 beds

Surgical Ward

- huge growth in orthopaedics
- recruiting new surgeon

Maternity

- increased mid wife
- provide service pre, during and post hospital
- looking to increase level of care for premature births

Pediatrics

- can be treated in a clinic and always admitted

Specialist Clinics

- 9 clinic rooms - all fully booked

Western Sydney University Students

- 10 new students next month
- provides exposure to broad level of skills for students

Challenge is to make capacity to allow hospital to grow and increase the level of services to community.

2. REGIS RESOURCES LTD (37.00410, 21.00137)

Representatives from Regis Resources met with Council to give an update on the status of their proposal..

Discussion included:

- hope to submit Environmental Impact Statement around end 2017 (studies have started)
- currently reviewing water options
- ready to commence approval process
- seeking approval from state by mid 2018
- 200-300 new jobs during construction, 150 jobs during production

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 28.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- 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

38 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 14 JUNE 2017 (11.00019)
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

2 UPPER MACQUARIE COUNTY COUNCIL (UMCC) (18.00172)

Recommendation: That Council note the Delegates Report on the Upper Macquarie County Council meeting held on 21 June 2017.

Report: The most recent meeting of the Upper Macquarie County Council was held on Friday 16 June 2017 at the Council offices in Kelso. There are some significant changes occurring within the industry at present. A number of these matters were reported on and considered at the meeting. Included amongst these were:

1. Biosecurity Act 2015

The *Biosecurity Act 2015* (the Act) was passed by the NSW Parliament in September 2015, and is to come into effect 1 July 2017. The Act is designed to deliver a single, cohesive and contemporary legislative framework for the prevention, elimination, minimisation and management of biosecurity risks (including weeds). The new Act replaces ten existing Acts and makes substantial changes to four other Acts, whose current provisions are considered outdated, largely prescriptive, and do not provide sufficient flexibility in managing biosecurity risks.

The Biosecurity Act 2015 replaces all or part of 14 existing Acts, including the Noxious Weeds Act 1993.

The Act is considered to be an enabling piece of legislation that includes numerous tools and powers that can be used regardless of what the biosecurity risk is, whether it is known or newly emerging, or where the risk is occurring. The Act supports a national approach to biosecurity and provides consistency with legislation in other jurisdictions, enabling more effective management, enforcement and compliance activities.

2. Central Tablelands Regional Weed Management Plan

The Central Tablelands Regional Weed Committee, on behalf of the Central Tablelands Local Land Services Board, has developed the Management Plan. The Plan gives direction for how weeds within the region are to be managed.

The Plan outlines how government, industry and the community will share responsibility and work together to identify, minimise, respond to, and manage weeds. It relates to all lands and waters in the Central Tablelands Local Land Services region of NSW. Importantly however the Plan will be providing direction for Local Control Authorities for the application of the new Biosecurity Act.

The Plan focuses on managing weeds that impact:

- animal and plant industries, including agriculture, horticulture, forestry, aquaculture and recreational and commercial fishing in freshwater systems
- ecological communities and biodiversity, including natural urban and peri-urban environments
- human health, livelihood, lifestyle, cultural values, recreation and landscape amenity
- infrastructure and service industries, including energy, transport and water supplies.

The plan provides a basis for a co-operative and co-ordinated approach to managing weeds in the Central Tablelands region. It defines what “shared responsibility” means for the region’s communities and stakeholders, and how they might work together to identify, minimise, respond to and manage high risk weeds at a landscape scale, both now and into the future.

The *Biosecurity Act 2015* is tenure neutral, as it applies equally to all land in the region, whether public or private. The Act contains a range of new regulatory tools and a General Biosecurity Duty that support this tenure neutral approach to managing weed biosecurity risk. These tools include Prohibited Matter, Biosecurity Zones, Mandatory Measures and Control Orders. The Plan outlines how they might be applied.

The Plan also outlines how land managers might meet requirements under the General Biosecurity Duty: *the responsibility of any person who has any dealing with weeds (biosecurity matter), whether they have an infestation on their land, are selling a potentially invasive species, dumping garden rubbish, or supplying contaminated fodder or the like must prevent, minimise or eliminate the biosecurity risk (as far as is reasonably practicable)*

A regional weed prioritisation process has been identified with management categories of:

Category	Objective	Characteristics of weeds in this category
Prevention	To prevent the weed species arriving and establishing in the Region.	These species are not known to be present in the region. They have a high to very high weed risk (highly invasive and high threat) and have a high likelihood of arriving in the region due to potential distribution and/ or an existing high risk pathway.
Eradication	To permanently remove the species and its propagules from the Region. OR to destroy infestations to reduce the extent of the weed in the region with the aim of local eradication.	These species are present in the region to a limited extent only and the risk of re-invasion is either minimal or can be easily managed. They have a high to very high weed risk and high feasibility of coordinated control.
Containment	To prevent the ongoing spread of the species in all or part of the Region.	These species have a limited distribution in the region. Regional containment strategies aim to prevent spread of the weed from an invaded part of the region (core infestation), and/or exclude the weed from an uninvaded part of the region (exclusion zone).
Asset Protection	To prevent the spread of weeds to key sites/assets of high economic, environmental and social value, or to reduce their impact on these sites if spread has already occurred.	These weed species are widespread and unlikely to be eradicated or contained within the wider regional context. Effort is focussed on reducing weed threats to protect priority high value assets.

3. NSW Government Innovation Fund

Council endorsed the application under the NSW Government's Innovation Fund Round Two for Remotely Piloted Aircraft (Drones) for Weed Inspections and Biosecurity Threats with an

estimated project cost of \$51,700 and Council contribution of \$17,200.

4. Inspections (21 April to 2 June 2017)

During the period 331 inspections of properties and roads took place. This included:

LGA	No. of Inspections
Bathurst	144
Blayney	49
Lithgow	71
Oberon	67

In addition to the Council meeting a number of other noteworthy matters arose since the previous meeting;

5. “Spring” 2017 Aerial Spraying Program

Tenders have been called for aerial spray operators to run the program. These tenders will be presented at the August Council meeting with the program expected to commence in September 2017

6. Noxious Weeds being Sold on eBay

UMCC staff became aware that a resident of the UMCC LGA was selling Class 4 Noxious Weeds on eBay. The weed was *Opuntia Microdasys*, a variety of Cactus. On being contacted by UMCC staff the seller removed the plants from sale. A meeting was held with the person and an inspection of other plants on the property took place. During the inspection two other *Opuntia* species were identified on the property. All noxious weeds have been destroyed.

The seller was cooperative and no further action will be taken against them.

7. Tarana Community Farmers’ Market

The Market Day was on Sunday, 25th June 2017 with UMCC attending the event as a Special Presenter. The day was particularly successful with Council providing two presentations along with a stand using the Macquarie Valley Weeds Committee Weeds Trailer. Quite a number of people used the opportunity to speak with Council staff.

The attendance by UMCC was so well received that it has been asked to attend another Market Day later this year.

Interest is being shown by other groups for UMCC to attend and present to them. The next scheduled event is the Burruga Show in August..

Financial Implications: There are no financial implications at this time.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 9: To protect and enhance the region’s landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.4
- Objective 10: To protect and enhance the region’s biodiversity. Strategy 10.6
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

- 39 Item 2 UPPER MACQUARIE COUNTY COUNCIL (UMCC) (18.00172)
MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That Council note the Delegates Report on the Upper Macquarie County Council meeting held on 21 June 2017.

MINUTE

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

MOVED: Cr W Aubin SECONDED: Cr M Coote

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

M Nicholls, Western Advocate - made representations concerning DCSF #4 - Mount Panorama land purchase, considers part of discussion should be in Open Council.

The General Manager explained that the report was considering commercial information of a confidential nature at this time.

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	COMMUNITY LEASE - PART LOT 101 DP 1204847 KNOWN AS 7 LEE STREET, KELSO.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	COMMUNITY LEASE - PART OF THE UNCONSTRUCTED COUNCIL ROAD ADJACENT TO SIR JOSEPH BANKS NATURE RESERVE, 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.
3	PURCHASE OF PROPERTY, PART LOT 12 DP 825612 KNOWN AS 92	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

	FREEMANTLE ROAD, EGLINTON	balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PURCHASE OF PROPERTY - MOUNT PANORAMA PRECINCT	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 WATER DELIVERY MAIN – WEST 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.
2	COMPULSORY ACQUISITION OF LOTS 3 AND 6 DP1179068 AND EASEMENTS, SEWER PUMP STATION SITE, BATHURST SHOWGROUND, KENDALL AVENUE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR DESIGN AND INSTALLATION OF AN AIR CONDITIONING SYSTEM FOR BATHURST POST OFFICE BUILDING	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 CONFIDENTIAL
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JULY 2017

MINUTE

(a) **Item 1 COMMUNITY LEASE - PART LOT 101 DP 1204847 KNOWN AS 7 LEE STREET, KELSO. (22.02268)**

MOVED: Cr I North SECONDED: Cr W Aubin

That Council approves entering into a Community Lease Agreement for part Lot 101 in DP120487 known as 7 Lee Street, Kelso with the Evans Arts Council Inc for a period of 1 year with a 1 year option (at Council's discretion) as detailed in the report.

MINUTE

(b) Item 2 COMMUNITY LEASE - PART OF THE UNCONSTRUCTED COUNCIL ROAD ADJACENT TO SIR JOSEPH BANKS NATURE RESERVE, MOUNT PANORAMA (22.13734)

MOVED: Cr G Westman SECONDED: Cr M Coote

That:

- (a) Council place the proposal to lease a portion of unused road adjacent to area known as Sir Joseph Banks Nature Reserve on Public Exhibition for a period of 28 days.
- (b) Invite submissions from members of the public.
- (c) Prepare a further report for Council consideration if any submissions are received from the public.

MINUTE

(c) Item 3 PURCHASE OF PROPERTY, PART LOT 12 DP 825612 KNOWN AS 92 FREEMANTLE ROAD, EGLINTON (22.15233) **MOVED: Cr G Westman SECONDED: Cr W Aubin**

That Council:

- (a) subdivide and purchase part of the property at 92 Freemantle Road, Eglinton.
- (b) delegate the authority to the General Manager to negotiate the purchase as detailed in the report
- (c) if successful, classify the land as operational under the provisions of Section 31(2) of the Local Government Act 1993.

MINUTE

**(d) Item 4 PURCHASE OF PROPERTY - MOUNT PANORAMA PRECINCT
(22.03298)**

MOVED: Cr W Aubin SECONDED: Cr M Coote

That the General Manager be delegated the authority to act in accordance with the report.

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JULY 2017

MINUTE

(e) Item 1 TENDER FOR CONSTRUCTION OF WATER DELIVERY MAIN – WEST EGLINTON (36.00621)

MOVED: Cr G Westman SECONDED: Cr M Coote

That Council accepts the tender of Hynash Pty Ltd, for the construction of the Water Delivery Main for West Eglinton in the amount of \$275,740.00 inclusive GST, subject to adjustments and provisional items.

MINUTE

(f) Item 2 COMPULSORY ACQUISITION OF LOTS 3 AND 6 DP1179068 AND EASEMENTS, SEWER PUMP STATION SITE, BATHURST SHOWGROUND, KENDALL AVENUE, BATHURST (22.00053)
MOVED: Cr I North SECONDED: Cr M Coote

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

MINUTE

**(g) Item 3 TENDER FOR DESIGN AND INSTALLATION OF AN AIR
CONDITIONING SYSTEM FOR BATHURST POST OFFICE BUILDING (36.00622)**

MOVED: Cr I North SECONDED: Cr M Coote

That Council accept the tender from PR Davis Refrigeration for \$1,232,000 (GST incl.), subject to provisional items and variations.

MINUTE

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

RESOLVED: That Council resume Open Council.

MINUTE

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

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

MEETING CLOSE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

43 Item 1 MEETING CLOSE

The Meeting closed at 7.47 pm.

CHAIRMAN: _____