



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

2 December 2015

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 9 December 2015

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 9 December 2015 commencing at 6.00 pm.

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

A handwritten signature in blue ink, appearing to read 'DJS', is positioned above the typed name of the General Manager.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 9 DECEMBER 2015

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

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

4. APOLOGIES

5. MINUTES

MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 NOVEMBER 2015

6. DECLARATION OF INTEREST

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

7. MAYORAL MINUTE - 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 - TRAFFIC COMMITTEE MEETING - 1 DECEMBER 2015

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11

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.

MAYORAL MINUTE

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

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PURCHASE OF COMMERCIAL SITE IN HOWICK STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

		<p>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.</p>
2	<p>PROPOSED NEW 'MARKET REVIEW' LEASE FEE INCREASE AT THE BATHURST AERODROME</p>	<p>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.</p>
3	<p>PROPOSED NEW LICENCE AGREEMENT - LOT 291 IN DP863083 KNOWN AS 8 STANLEY STREET BATHURST</p>	<p>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.</p>
4	<p>MOUNT PANORAMA FAUNA</p>	<p>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.</p>
5	<p>MISS TRAILL'S HOUSE - WATER CONSUMPTION</p>	<p>10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual</p>

concerned.

DIRECTOR ENGINEERING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NETWASTE TENDER FOR COLLECTION AND RECYCLING OF WASTE TYRES	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 MANAGEMENT OF THE BATHURST AQUATIC CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	FLUSHING OF WATER MAINS CONTRACT	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	TENDER FOR BATHURST REGIONAL ART GALLERY REFURBISHMENT WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
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- 14. RESOLVE INTO OPEN COUNCIL

- 15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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



MINUTE

2 PUBLIC QUESTION TIME

J Maher – resident, 256 Rocket Street - DEPBS Item #3 - Bulky Goods Premises at 291 Stewart Street and 215 Rocket Street - Spoke to development application and consultation undertaken. Has sent email to Councillors and has requested DA be deferred. Queried where does incursion of businesses into residential areas end?

R Rayner – Nuclear Waste Disposal Facility, Sally's Flat - Is the spokesperson for group against the proposal for Sally's Flat. Runs a farm next to the site. Community have completely rejected the proposal. Spoke to consultation process undertaken and questions that have been raised. Many questions remain unanswered. Need to see environmental reports etc. Referred to various community meetings held, concerns about proposed site. Seeks Council support in this matter. The dump is in Hill End not Sally's Flat.

D Harvey – resident, 258 Rocket Street - DEPBS Item #3 - Bulky Goods Premises at 291 Stewart Street and 215 Rocket Street - Spoke to DA being considered by Council. The DA was listed as warehouse, subdivision and demolition. Now says for Bulky Goods, this is a different use, why wasn't a different DA submitted? Referred to street frontage, access issues and traffic concerns, particularly access off Rocket Street. Heavy vehicle movements are a problem. Noted construction issues with creek and piped areas and proposed relocation of pipes. Why change what is working? No contact since July 2015 has occurred with Council or the developer. Need DA to be deferred until all parties have met to discuss issues.

I MacPherson – National Trust - DEPBS Item #3 - Bulky Goods Premises at 291 Stewart Street and 215 Rocket Street - Spoke to concerns the Trust has with the DA. Noted some concerns of the National Trust have been incorporated in the DA. Issue with building line. Feels there is an inadequate DCP to address matter of residences abutting a commercial zone. There needed to be better informing of the community in the rezoning process.

The Acting Director Environmental, Planning & Building Services referred to process for rezoning that was followed.

W Artis – BCCAN - Spoke to matters of:

1. Centennial Park
2. Increased street tree canopy cover in the CBD; and
3. Retaining of London Plane trees in Durham Street.
Requested Council retain an arborist to provide advice on these trees, cost will be around \$2,500. Tabled a submission with petition to Council.

B McArthur – Bathurst Youth Council - Thanked Council for opportunity to be on the Committee. Spoke to projects undertaken during the year by the Youth Council. A report will be prepared for Council.

J Page – Napoleon Reef Resident - Spoke to approval of the quarry at the last meeting. Residents were bewildered by the decision and the behaviour of Councillors and staff. What is the purpose of Question Time at the start of the Ordinary Meeting?

The Mayor provided advice of the session intentions.

Ms Page felt that no items from the last Question Time were answered, noted there were 20 questions.

The DA concerns included the issue of suitability of Napoleon Reef Road. Why was no report on these issues included in the report to Council. The problems will be exacerbated by the development. The report did not deal with items such as the bends.

The Acting Director Environmental, Planning & Building Services spoke to traffic matters dealt with in the report.

Ms Page requested Council meet with residents to discuss issues of the road at an on site meeting.

T Carpenter – BCCAN - Treated Effluent Diversion Proposal - BCCAN, at its last meeting, requested the community consultation period be extended, to ensure procedural fairness. Spoke to impact on people downstream of the sewer works. Only two Councillors attended the consultation session. Concern at approval being requested for sale of treated effluent prior to any DA approval, data being inadequate, content of studies provided, fish habitat and numbers. Requests Council extend the consultation period. Referred to legal implications with respect to procedural fairness. It is irresponsible to sell the water, noted health of Macquarie River and Climate Change issues. Council should reject the offer and protect the water resource. Will Council move a Mayoral Minute to consider deferral, queried whether submission received.

The Mayor noted submission received and spoke to prior resolution of Council and processes put in place for consultation. Also spoke to the WRI consultation sessions put in place and the content thereof. Noted Councillors have had various presentations. Requested of General Manager, what is the process for preparing the report?

The General Manager advised of timelines for preparing the report and this would allow for inclusion of items received up to the 15 January 2016.

The Mayor spoke to procedural fairness matters, timelines for consultation, ability to contact Councillors. The development would require a DA which would go through a State Government process and further community consultation.

F White – Heritage Matters - Delegates Report's Item #1 - CMWCG - 11 November - Noted recommendation is to note the report. What are the opportunities for Heritage Reference Group to be involved in various planning matters and provide advice to Council?

The Mayor referred to Charter of the Reference Group and Council will consider input of that group.

B Bailey – 41 Ridgeway Napoleon Reef - Extractive Industry at Napoleon Reef - Spoke to matter of Napoleon Reef Quarry. Section 15 of Application requires disclosure of political donations. Hotham's said no disclosure was required, is Council satisfied with this response?

The Acting Director Environmental, Planning & Building Services noted this is a matter for developer to fill out the form.

The Mayor spoke to role of Council in matters of political donations.

Mr Bailey noted Mr Hotham made a statement at Question Time that he spoke to staff about the development and said land use was acceptable and was okay with respect to existing

land uses. Requested Acting Director Environmental, Planning & Building Services to provide a comment on this.

The Acting Director Environmental, Planning & Building Services spoke to role of Council and processes undertaken when dealing with proposed developments.

Mr Bailey wondered where information came from concerning statement by Cr Aubin that Eleven Mile Drive was a more dangerous road than Napoleon Reef Road? Comments made were insulting.

The Mayor noted basis of Councillors providing their opinion at Council meetings.

B Andrews – 68 Dempsey Street, Peel - Proposed Nuclear Waste Disposal Facility at Sally's Flat - The community meeting at Hill End today unanimously endorsed the rejection of the proposed Nuclear Waste facility at Sally's Flat.

P Mandalidis – 72 Gilmour Street - Treated Effluent Diversion Proposal - Asked what is the penalty clause about provision of treated effluent to Regis? Queried levels of river flows that would lead to "cease to transfer" implementation and other matters. Closing down of mine if water is not available.

The General Manager referred to SKM report, DA process to occur if proposal proceeds. Noted no contract has been finalised with Regis as Council is currently seeking feedback prior to any decision being made.

G Crisp – ratepayer - Spoke to the process of giving notice and the following of due process. Referred to Council meeting held on 25 November 2015.

The Mayor noted no meeting was held on 25 November 2015.

Mr Crisp then spoke to submission made on the Annual Statements, was this presented to Council (referred to article in Western Advocate)?

The General Manager noted submission was presented to Council at meeting held on 2 December 2015.

Mr Crisp spoke of his efforts to get information about his submission and that he hasn't had a response.

The Mayor referred to process being undertaken to respond to Mr Crisp's questions.

B Trimming – ratepayer

Burnt out house in Commonwealth Street - Concerned at safety matters with this building. Have Council officers attended the site for inspection?

The Acting Director Environmental, Planning & Building Services noted the site has been inspected this week and Council has written to owners.

Disability Matters - Thanked Council for increased attention given to disability matters. Referred to raising of matters with Council by members of the public.

Howick Street Garden Ben - Could someone look at the garden between Stocklands and Bathurst Central?

Ratepayer – Treated Effluent Diversion Proposal - Stated this is clearly a mining proposal, it does nothing for the environment, it is purely economic. The Waste Water has always (since 1914) been returned to the river. Spoke to content and recommendations of SKM report including; measuring, monitoring and frog survey. Is there any guarantee that if subsequent monitoring shows there are problems, that there would be a cessation to mining? Also noted content of GHD report and concerns that are raised, including dry period issues, responses on ecology of the river and modelling matters. Are there any socio-economic risks with the proposal? Noted agriculture, environmental, recreational control site choice concerns. SKM's biodiversity review only looks at threatened fauna species and not others such as the platypus.

C Smith – Orange Resident - Treated Effluent Diversion Proposal - Advised had a lot to do with Orange Pipeline matter. Council needs to give due consideration to concerns raised by local knowledgeable people. The SKM report is not factual and most of the information cannot be substantiated. Should not take into account, volume of annual river flows or percentage of river flows. Needs to address dry weather matters. The DA process can be flawed. Look at years when river has not flowed. The SKM figures do not reflect the actual conditions that exist. To implement "cease to transfer" at 4 ML is a concern, given the long term river flow levels. Council should look at more ways of putting water into the river during dry times.

Bathurst District Football Representatives - DES Item #4 - Proctor Park Master Plan - Spoke to submission made to Council. Looking forward to proposal, only concern is time frame and remediation needed on other fields. This is needed before major works occur. Could major works occur after season of 2016?

MINUTE

3 APOLOGIES MOVED: Cr I North SECONDED: Cr W Aubin

Nil.

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 NOVEMBER 2015 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 November 2015 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 18 November 2015, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 18 NOVEMBER 2015 (11.00005)

MOVED: Cr G Westman SECONDED: Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 November 2015 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 18 NOVEMBER 2015**

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

G Crisp - Ratepayer

- 1, referred to letter written to the Mayor, awaiting a reply. Letter was concerning the annual declaration of interest of staff and Councillors. Sent photocopy of rates notice to Mayor.

The Mayor spoke to contact made with Mr Crisp and that the matter is being investigated and awaiting advice. When advice received will reply to Mr Crisp.

2. advised Senior Officer of Council was given an extension of their contract, this would be beyond the expected life of this Council. Queried process.

The Mayor noted Council is operating under business as usual. This Council has been deemed as Fit for the Future and not listed to amalgamate.

T Carpenter - Bathurst Climate Change Action Network - GM #2 - Proposed sale of treated effluent to LFB Resources (Regis) - referred to proposal about selling treated effluent to Regis. Seeking an extension of time for public consultation. Nuclear waste dump is allowing 120 days. Seek extension till after Christmas. Noted current water consumption levels and drying out of environment. If sale goes through, water will be lost to the environment.

B Bailey - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - spoke to compatibility issues with existing and approved uses. A Quarry is totally incompatible. Questions whether Councillors will accept unsubstantiated evaluations.

T Collins - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - spoke to compatibility issues and the times proposed for operations. The quarry operating six days a week from dawn to dusk is not compatible. Spoke of noise, dust, road and safety issues. Queried voting when two Councillors are absent.

J Page - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - thanked Council and the staff for opportunity to respond to Development Application. Spoke to road issues and these appear to have been glossed over. Spoke to sight distances, need for reconstruction, bends in road at 45 Napoleon Reef Road, school bus hours, speed limit, size of vehicles. Alignment is same as in

19th century, this is not satisfactory for the proposal. The road is not a haulage road. How can the DA be approved, when conditions are inadequate?

B Cregan - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - asked are Councillors aware that the reports claim 8 - 10 movements (6 days per week) are the same as one domestic dwelling. Do Councillors see this as correct, when it is a haulage business. Is there a conflict with duty of care?

G Whale - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - spoke to concern about level of water needed. Whilst not proposed to use St Anthony's Creek, how can this be accepted given developer's previous history. Can Council accept developer will go to vast expense of carting water? How can we stop usage?

H Price - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - stated St Anthony's Creek runs through the site, the area has sensitive waterways. Why would the proposal be approved, this is environmental degradation?

E Chandler - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - stated Council is required to compare and evaluate the public benefits of the proposal. The report ignores the impact on other businesses in the area, eg, B&B's, Artist residences, small farm operators. The report unfavourably supports one business to detriment of others. This is unfair bias, why should it be accepted?

G Mader - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - expressed deep concerns about the quarry. Council needs to consider impacts on preferred uses around the area. There is no consideration of this in the report, nothing about the surrounding residences. There is no evidence to show there is no impact. Will Council accept this?

A Lemcke - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - advised the report assumes dust will be largely dealt with by the construct of the existing road. There are incorrect assumptions about water and dust quickly settling. Photos show conflict with this. Where is the water management plan?

P Hotham - Proponent - DEPBS #3 - Extractive Industry, Napoleon Reef - stated have been looking at developing a quarry to sell product through their business. This site is the most suitable for their business and complies with the planning instruments of Council. Spoke to actions taken to date in improving the farm. The quarry site is 800m from closest dwelling. Working area is less than 2 ha. Further spoke to operational processes to be put in place and quality issues.

Noted ripping and crushing does not require water. Water is only needed to suppress dust. There are 30 dams on the property. The new road to be constructed will be funded by the developer and will comply with relevant requirements. Noted road speed issues for the area, professional approach of drivers and safety issues with the bus operator. There is only one house facing Napoleon Reef Road.

J Jacono - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - thanked Councillors and staff for coming out for site visit. Spoke to industry experts she has spoken to and noted problems of noise, crystallised silica, use of blasting. Ripping will not work on Napoleon Reef rock. If blasting occurs, will developer be responsible for cracking in houses? When crushing occurs it will be very noisy. Noted where water suppression is used, there will still be high levels of

dust. In terms of local quarries there is plenty at the Oberon quarry and RMS has said there are adequate supplies. This is in conflict with what the developer has said.

Raised concerns of silicosis and other health problems. Council should not play Russian roulette with people's lives. Can Councillors categorically assure residents that drinking water will not be affected by the dust.

J Iacono - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - advised there have been many meetings about the quarry. It is a matter of common sense. If the quarry goes ahead, it will stop further houses being built. If this is right then why should existing residents have to put up with the quarry. Has severe asthma, dust sets this off. Also concerned at toxic materials in the dust. Can Council assure that the dust will not affect residents? Put lives before money. There is a bus stop just before the highway on the truck route.

M Mader - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - referred to noise and wind results. These are based on Bathurst town. Cannot compare this with Napoleon Reef as very different wind patterns. Also raised concerns about the Bathurst Copper Wing Butterfly. Approval of DA is in conflict with preservation plans.

J Parslow - DEPBS #3 - Extractive Industry, Napoleon Reef - expressed concerns re amenity of the area have not been addressed. The impact of the quarry - noise, dust and safety is not addressed in the report.

C Bailey - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - raised concerns at noise assessments. It is based on measurement station 20km further west at Bathurst. The wind at Napoleon Reef is very different and these are often extreme. The report is null and void for the area. Will Council accept a glaringly inadequate report?

K Robinson - DEPBS #3 - Napoleon Reef resident - Extractive Industry, Napoleon Reef - raised concerns with wind and dust. Report says dust will be of little concern to residents. The silica dust is carcinogenic. Noted impact of silica on lungs and health. There is no cure for Silicosis. Is Council satisfied that there are no impacts on health or water supplies?

A Iacono - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - thanked Councillors for attending meeting on Monday. Has concerns about the road and safety issues. There are blind corners, when cars pass each other both often have to go off the side of the road. Trucks will make this worse, there are safety concerns. Spoke to deceleration lane, also, when going to highway it is dangerous, due to blind corner. At 45 Napoleon Reef Road there are no level areas to move over, this creates a risk. Travels in school bus on road, spoke to existing conflicts, this will be worse with trucks on the road.

G Blight - Bathurst ratepayer- DEPBS #3 - Extractive Industry, Napoleon Reef - advised Council is required to limit or preclude truck movements in residential areas. This has not been addressed. How will Council control this? There has been no addressing of the SEPP requirements. The proposed Code of Conduct for truck drivers, do Councillors believe this will be adhered to? The report does not address road safety in residential areas. There is a duty of care issue.

S Douglas - ratepayer - GM #2 - Proposed sale of treated effluent to LFB

Resources (Regis) - advised there are better opportunities than selling water or developing quarries. Please give an extension of time to review request to purchase this treated effluent.

M Selman - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - spoke to school bus issues. Who will deal with safety issues? Who will communicate with her? This is not fair.

R Mottram - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - advised son gets on bus on Napoleon Reef Road. Raised concerns about the consequences of the development, no one can see this. There are health issues with silica dust. There are concerns about heavy vehicles on rural roads. Let us prevent future issues, rather than trying to address these in the future. Can Council guarantee there will no health and safety issues in the future?

D Willman - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - thanked Councillors for coming out on Monday. What is Councillors role in something like this? It is to do what is right. Referred to road safety concerns, speed limits, adequacy of Napoleon Reef Road. The road usage levels do not equate to residence user levels. Can Councillors assure everyone will be safe if quarry goes ahead? The trucks take up the whole road.

G Iacono - Napoleon Reef resident - DEPBS #3 - Extractive Industry, Napoleon Reef - this is a matter of utmost importance to all residents. All Councillors should be present, requests that there be a deferral of item.

APOLOGIES

- 3** **APOLOGIES**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the apologies from Crs Bourke and Jennings be accepted and leave of absence granted.

MINUTES

- 4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 OCTOBER 2015 (11.00005)**

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 October 2015 be adopted.

- 5** **Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 4 NOVEMBER 2015 (11.00005)**

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

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 4 November 2015 be adopted.

DECLARATION OF INTEREST

Application No. 2015/0106, 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:

1. Prior to the issue of any Construction Certificates for civil works the applicant is to submit to Council for approval an Operational Management Plan that includes the following components:
 - (a) A detailed rehabilitation plan;
 - (b) A detailed erosion and sediment control plan (including dust management);
 - (c) A complaints management procedure;
 - (d) A road transport code of conduct;
 - (e) protocols for dealing with any fuel spills or leaks; and
 - (f) An Emergency and Bushfire Plan.

2. The applicant is to submit three copies of engineering plans, specifications and calculations in relation to:
 - Drainage infrastructure;
 - Property entrance;
 - Internal haul road extension;
 - Intersection construction; and
 - Public road construction.

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

3. Unless the development is exempt under Council's Local Approvals Policy or Bathurst Regional Local Environmental Plan 2014 – Schedule 2, the applicant is to obtain a Construction Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with Bathurst Regional Council's Guidelines for Engineering Works prior to any civil works commencing.

NOTE 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary Construction Certificate or certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of civil works. This may entail alterations to the proposal so that it complies with these standards.

NOTE 4: Evidence of the approval of TransGrid for any works within or new to the existing transmission lines is to be provided prior to approval of the Construction Certificate for these works.

4. The developer is to make a payment to Council of \$150.00 for the provision of each new street sign.
5. The developer is to lodge a bond with Council equal to 5% of the total road civil construction costs at practical completion to be held by Council for a minimum period of 12 months. The bond must be lodged with Council before a Subdivision Certificate will be issued by Council.
6. The payment of \$12.60 per lineal metre for the inspection of the road during construction being a total of \$1,638.00. This monetary contribution is to be paid to Council prior to the issuing of any Construction Certificates.

All monetary conditions are reviewed annually, and may change as of 1 July each year.

7. The payment to Council of \$136.70 for inspection of rural access.

These fees must be paid at the time of lodgement of any Construction Certificate.

All monetary conditions are reviewed annually, and may change as of 1 July each year.

8. All stormwater runoff from the proposed development is to be collected on site and conveyed to a legal point of discharge, in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.
9. The developer is to relocate, if necessary, at the developer's cost any utility services.
10. During and after construction, minimum distances from powerlines are to be maintained.
11. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

COLUMN 1	COLUMN 2
Road construction	<ul style="list-style-type: none"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of subbase; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength).
Drainage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and

	installation of step irons.
New gate – rural crossing	* Prior to commencement of excavation works. * After compaction of base and prior to sealing * Road pavement surfacing
Erosion and sediment control	* Prior to the installation of erosion measures.
All development and/or subdivision works	* Practical completion.

12. Compliance with any requirements of the Roads & Maritime Services (RMS) including the following:

- * *A basic left (BAL) turn treatment as shown in Figure 8.2 of the Austroads Guide to Road Design: Part 4A is to be provided at the vehicular access intersection with Napoleon Reef Road. The BAL facility is to be sealed and built for an 80km/h environment.*
- * *The vehicular access is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in Napoleon Reef Road.*
- * *Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements are to be provided at the vehicular access intersection with Napoleon Reef Road. For an 80km/h speed zone the minimum SISD is 185 metres.*
- * *Arrange with Bathurst Regional Council for the installation of "Trucks Turning" signs (W5-205) on Napoleon Reef Road at each approach to the extractive industry access. The signs are to be within 170 to 200 metres either side of the access and removed upon closure of the development.*
- * *To provide suitable storage capacity for the largest class of vehicle accessing the extractive industry, any gate, grid or similar structure installed in the access needs to be setback appropriately (20m for rigid truck and dog trailer) from the edge of Napoleon Reef Road.*
- * *All required road works are to be completed to the satisfaction of Council prior to operation of the proposed development.*

NOTE: In the event that the RMS speed limit review decreases the speed environment to 60 km/h then the 60 km/h speed limit will apply.

13. The construction of an all-weather vehicular access. Such access shall include:

- a) a gate or stock grid set back a minimum distance of ten metres from the boundary of the land with the public road.
- b) a minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
- c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

NOTE 1: Any new vehicular access points are to be located such that all

RTA stopping sight distances are achieved.

14. The reconstruction of the intersection of Napoleon Reef Road and the unformed Council road including construction of a basic left turn treatment (BAL) in accordance with the provisions of Bathurst Regional Council's Guidelines for Engineering Works.
15. The unformed Council road to be designed as rural roadway in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
16. The external boundary of the extraction area is to be clearly identified by way of readily identifiable survey markers prior to the commencement of any work onsite.

NOTE 1: The survey markers may be offset by up to 10m to avoid damage through movement of equipment and placement of stockpiles beyond the extraction area.

NOTE 2: The survey markers for external boundary of the extraction area are to be maintained until rehabilitation has been completed.

17. The earth bund around Stage 1 of the extraction area is to be constructed, stabilized and vegetated prior to the commencement of extraction.

NOTE: All screening and landscaping vegetation to be locally appropriate native species.

18. The development is to be conducted in accordance with the Ecological Assessment prepared by OzArk Environmental and Heritage Management Pty Ltd (dated April 2015).
19. The development is to be conducted in accordance with the Noise Impact Assessment prepared by Spectrum Acoustics Pty Ltd (dated June 2015).
20. Clearing of native vegetation is prohibited unless it is in accordance with the provisions of the Native Vegetation Act 1993, as amended.
21. Harvesting of firewood for commercial purposes and removal of bush rock is not permitted outside the approved development area.
22. Fencing used to delineate the offset area is to be fauna friendly. Specifically, no chain link or barbed wire is to be used. The distance to the ground from the lowest strand is to be a minimum of 15cm.
23. The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) (MGA co-ordinates, with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for the drainage infrastructure, intersection construction and public road construction.

Each sheet is to include a bar scale or scales adjacent to the title block

showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council’s Guidelines for Engineering Works.

- 24. Annual extraction is not to exceed 30,000 cubic metres.
- 25. The total area of the extraction site is not to exceed 230 metres by 80 metres.
- 26. Hours of operation are to be restricted to:
 - 8am to 5pm – Monday to Friday
 - 8am to 2pm – Saturdays
 - No work on Sundays or public holidays

This restriction applies to all activities associated with the operation of the extractive industry inclusive of extraction of material, screening and transportation of material within and from the site and rehabilitation works.

- 27. During the carrying out of the proposed works, if any remains or relics are discovered, the developer is to stop works immediately and notify NSW National Parks and Wildlife Service. Any such find is to be dealt with appropriately and in accordance with the National Parks and Wildlife Act 1974, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A representative of the Local Aboriginal Community (preferably an experienced Senior Sites Officer) is to be present during the commencement of the removal of surface material (overburden) in preparation to excavate material for crushing.

- 28. The payment to Council of an annual contribution for the maintenance of roads in the vicinity of the proposed development in accordance with Council’s Section 94 Contributions Plan "Bathurst Regional Traffic Generating Development". The contribution will be calculated using the following formula:

$$\text{Contribution} = \$0.022 \times [\text{loose tonnes hauled}] \times [\text{typical ESA}] \times [\text{haul route length}]$$

Loose tonnes hauled	Total annual extraction volume (in cubic metres) divided by 30%
Typical ESA	Equivalence Standard Axle multiplier (as per Austroads classification)
Haul route length	Distance from a classified road to the property boundary (in this case 1.3 kilometres from Great Western Highway to property boundary)

The Section 94 contribution will be calculated from true certified copies of weighbridge docketts, log books, diary entries and/or other returns or records that show the true quantities of extracted and/or processed material transported from the extraction site.

The applicant is to supply to Council on or before the fourteenth day of September annually for the duration of the development consent for the development's operation, the records of the transported material, certified by a Company Officer.

Council, upon receipt of such records will, as soon as it can conveniently do so, issue to the applicant an invoice for the Section 94 contribution amount to be paid to Council. Council has, by this condition of consent, the right to inspect and audit the original records relating to the transport of material to or from the development.

NOTE 1: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

29. The applicant is to submit to Council on or before the fourteenth day of September annually an Annual Report that includes (but is not limited to) the following:

- Total extraction volume for the preceding year;
- A record of any complaints received inclusive of the time and date of the complaint, details of the complainant and complaint and any action taken to rectify the complaint;
- Progress photos;

30. Except where modified by the conditions imposed upon this consent the development is to be carried out in accordance with:

1. Plans of the development prepared by Macquarie Civil Services.
2. Statement of Environmental Effects prepared by Barnsons.
3. Ecological Assessment: Hothams Quarry prepared by Ozark Environmental Heritage and Management.
4. Environmental Offsetting: Hotham Quarry DA prepared by Ozark Environmental Heritage and Management.
5. Tree removal outline.
6. Additional supporting documentation submitted by the applicant.
7. Noise Impact Assessment prepared by Spectrum Acoustics.
8. Geotechnical Investigation of the site prepared by the Bathurst Local Aboriginal Land Council.
9. Report of the Site Walkover Survey prepared by the Wiradjuri Traditional Owners Central West Aboriginal Corporation.

- (c) advise the RMS of its support for the application to reduce the speed limit on Napoleon Reef Road from 80km/h to 60km/h independently of this Development Application;
- (d) notify those that made submissions of its decision; and
- (e) call a division.

10

Item 3.01 EXTENSION OF TIME 11.00005

MOVED Cr M Morse

and **SECONDED** Cr W Aubin

RESOLVED: That an extension of time be granted to Cr Westman for Item #3 of the

Director Environmental, Planning & Building Services' Report in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

11 Item 3.02 EXTENSION OF TIME 11.00005

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

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

12 Item 3.03 EXTENSION OF TIME 11.00005

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

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

13 Item 3.04 EXTENSION OF TIME 11.00005

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

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

14 Item 3.05 DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD. OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD DA/2015/0106

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

RESOLVED: That Council:

- (a) support the variation to the boundary setback development standard for extractive industries 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. 2015/0106, 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:
 1. Prior to the issue of any Construction Certificates for civil works the applicant is to submit to Council for approval an Operational Management Plan that includes the following components:
 - (a) A detailed rehabilitation plan;
 - (b) A detailed erosion and sediment control plan (including dust management);
 - (c) A complaints management procedure;

- (d) A road transport code of conduct;
 - (e) protocols for dealing with any fuel spills or leaks; and
 - (f) An Emergency and Bushfire Plan.
2. The applicant is to submit three copies of engineering plans, specifications and calculations in relation to:
- Drainage infrastructure;
 - Property entrance;
 - Internal haul road extension;
 - Intersection construction; and
 - Public road construction.

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

3. Unless the development is exempt under Council's Local Approvals Policy or Bathurst Regional Local Environmental Plan 2014 – Schedule 2, the applicant is to obtain a Construction Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with Bathurst Regional Council's Guidelines for Engineering Works prior to any civil works commencing.

NOTE 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary Construction Certificate or certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of civil works. This may entail alterations to the proposal so that it complies with these standards.

NOTE 4: Evidence of the approval of TransGrid for any works within or new to the existing transmission lines is to be provided prior to approval of the Construction Certificate for these works.

4. The developer is to make a payment to Council of \$150.00 for the provision of each new street sign.
5. The developer is to lodge a bond with Council equal to 5% of the total road civil construction costs at practical completion to be held by Council for a minimum period of 12 months. The bond must be lodged with Council before a Subdivision Certificate will be issued by Council.
6. The payment of \$12.60 per lineal metre for the inspection of the road during construction being a total of \$1,638.00. This monetary contribution is to be paid to Council prior to the issuing of any

Construction Certificates.

All monetary conditions are reviewed annually, and may change as of 1 July each year.

7. The payment to Council of \$136.70 for inspection of rural access.

These fees must be paid at the time of lodgement of any Construction Certificate.

All monetary conditions are reviewed annually, and may change as of 1 July each year.

8. All stormwater runoff from the proposed development is to be collected on site and conveyed to a legal point of discharge, in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.
9. The developer is to relocate, if necessary, at the developer's cost any utility services.
10. During and after construction, minimum distances from powerlines are to be maintained.
11. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

COLUMN 1	COLUMN 2
Road construction	<ul style="list-style-type: none"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of subbase; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength).
Drainage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
New gate – rural crossing	<ul style="list-style-type: none"> * Prior to commencement of excavation works. * After compaction of base and prior to sealing * Road pavement surfacing
Erosion and sediment control	<ul style="list-style-type: none"> * Prior to the installation of erosion measures.
All development and/or subdivision works	<ul style="list-style-type: none"> * Practical completion.

12. Compliance with any requirements of the Roads & Maritime Services (RMS) including the following:

- * *A basic left (BAL) turn treatment as shown in Figure 8.2 of the Austroads Guide to Road Design: Part 4A is to be provided at the vehicular access intersection with Napoleon Reef Road. The BAL facility is to be sealed and built for an 80km/h environment.*
- * *The vehicular access is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in Napoleon Reef Road.*
- * *Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements are to be provided at the vehicular access intersection with Napoleon Reef Road. For an 80km/h speed zone the minimum SISD is 185 metres.*
- * *Arrange with Bathurst Regional Council for the installation of "Trucks Turning" signs (W5-205) on Napoleon Reef Road at each approach to the extractive industry access. The signs are to be within 170 to 200 metres either side of the access and removed upon closure of the development.*
- * *To provide suitable storage capacity for the largest class of vehicle accessing the extractive industry, any gate, grid or similar structure installed in the access needs to be setback appropriately (20m for rigid truck and dog trailer) from the edge of Napoleon Reef Road.*
- * *All required road works are to be completed to the satisfaction of Council prior to operation of the proposed development.*

NOTE: In the event that the RMS speed limit review decreases the speed environment to 60 km/h then the 60 km/h speed limit will apply.

13. The construction of an all-weather vehicular access. Such access shall include:
- a) a gate or stock grid set back a minimum distance of ten metres from the boundary of the land with the public road.
 - b) a minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
 - c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

NOTE 1: Any new vehicular access points are to be located such that all RTA stopping sight distances are achieved.

14. The reconstruction of the intersection of Napoleon Reef Road and the unformed Council road including construction of a basic left turn treatment (BAL) in accordance with the provisions of Bathurst Regional Council's Guidelines for Engineering Works.
15. The unformed Council road to be designed as rural roadway in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
16. The external boundary of the extraction area is to be clearly identified by

way of readily identifiable survey markers prior to the commencement of any work onsite.

NOTE 1: The survey markers may be offset by up to 10m to avoid damage through movement of equipment and placement of stockpiles beyond the extraction area.

NOTE 2: The survey markers for external boundary of the extraction area are to be maintained until rehabilitation has been completed.

17. The earth bund around Stage 1 of the extraction area is to be constructed, stabilized and vegetated prior to the commencement of extraction.

NOTE: All screening and landscaping vegetation to be locally appropriate native species.

18. The development is to be conducted in accordance with the Ecological Assessment prepared by OzArk Environmental and Heritage Management Pty Ltd (dated April 2015).
19. The development is to be conducted in accordance with the Noise Impact Assessment prepared by Spectrum Acoustics Pty Ltd (dated June 2015).
20. Clearing of native vegetation is prohibited unless it is in accordance with the provisions of the Native Vegetation Act 1993, as amended.
21. Harvesting of firewood for commercial purposes and removal of bush rock is not permitted outside the approved development area.
22. Fencing used to delineate the offset area is to be fauna friendly. Specifically, no chain link or barbed wire is to be used. The distance to the ground from the lowest strand is to be a minimum of 15cm.
23. The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) (MGA co-ordinates, with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for the drainage infrastructure, intersection construction and public road construction.

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

24. Annual extraction is not to exceed 30,000 cubic metres.
25. The total area of the extraction site is not to exceed 230 metres by 80 metres.
26. Hours of operation are to be restricted to:

- 8am to 5pm – Monday to Friday
- 8am to 2pm – Saturdays
- No work on Sundays or public holidays

This restriction applies to all activities associated with the operation of the extractive industry inclusive of extraction of material, screening and transportation of material within and from the site and rehabilitation works.

27. During the carrying out of the proposed works, if any remains or relics are discovered, the developer is to stop works immediately and notify NSW National Parks and Wildlife Service. Any such find is to be dealt with appropriately and in accordance with the National Parks and Wildlife Act 1974, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A representative of the Local Aboriginal Community (preferably an experienced Senior Sites Officer) is to be present during the commencement of the removal of surface material (overburden) in preparation to excavate material for crushing.

28. The payment to Council of an annual contribution for the maintenance of roads in the vicinity of the proposed development in accordance with Council's Section 94 Contributions Plan "Bathurst Regional Traffic Generating Development". The contribution will be calculated using the following formula:

$$\text{Contribution} = \$0.022 \times [\text{loose tonnes hauled}] \times [\text{typical ESA}] \times [\text{haul route length}]$$

Loose tonnes hauled	Total annual extraction volume (in cubic metres) divided by 30%
Typical ESA	Equivalence Standard Axle multiplier (as per Austroads classification)
Haul route length	Distance from a classified road to the property boundary (in this case 1.3 kilometres from Great Western Highway to property boundary)

The Section 94 contribution will be calculated from true certified copies of weighbridge docket, log books, diary entries and/or other returns or records that show the true quantities of extracted and/or processed material transported from the extraction site.

The applicant is to supply to Council on or before the fourteenth day of September annually for the duration of the development consent for the development's operation, the records of the transported material, certified by a Company Officer.

Council, upon receipt of such records will, as soon as it can conveniently do so, issue to the applicant an invoice for the Section 94 contribution amount to be paid to Council. Council has, by this condition of consent, the right to inspect and audit the original records relating to the transport of material to or from the development.

NOTE 1: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

29. The applicant is to submit to Council on or before the fourteenth day of September annually an Annual Report that includes (but is not limited to) the following:
- Total extraction volume for the preceding year;
 - A record of any complaints received inclusive of the time and date of the complaint, details of the complainant and complaint and any action taken to rectify the complaint;
 - Progress photos;
30. Except where modified by the conditions imposed upon this consent the development is to be carried out in accordance with:
1. Plans of the development prepared by Macquarie Civil Services.
 2. Statement of Environmental Effects prepared by Barnsons.
 3. Ecological Assessment: Hothams Quarry prepared by Ozark Environmental Heritage and Management.
 4. Environmental Offsetting: Hotham Quarry DA prepared by Ozark Environmental Heritage and Management.
 5. Tree removal outline.
 6. Additional supporting documentation submitted by the applicant.
 7. Noise Impact Assessment prepared by Spectrum Acoustics.
 8. Geotechnical Investigation of the site prepared by the Bathurst Local Aboriginal Land Council.
 9. Report of the Site Walkover Survey prepared by the Wiradjuri Traditional Owners Central West Aboriginal Corporation.
- (c) advise the RMS of its support for the application to reduce the speed limit on Napoleon Reef Road from 80km/h to 60km/h independently of this Development Application;
- (d) notify those that made submissions 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 W Aubin, Cr M Coote, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Cr G Hanger,

Absent - Cr B Bourke, Cr J Jennings,

Abstain - Nil

15 **Item 4 DEVELOPMENT APPLICATION NO. 2015/0158 – CONSTRUCTION OF DUAL OCCUPANCY (SECOND DWELLING), TWO LOT SUBDIVISION AND REMOVAL OF A TREE AT 359 HOWICK STREET, BATHURST. APPLICANT: BRETT MOULDS DESIGN AND DRAFTING PTY LTD. OWNER: MR BS ROBINSON (DA/2015/0158)**

MOVED Cr M Coote

and **SECONDED** Cr G Westman

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. 2015/0158, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

(i) A landscape plan is to be provided prior to the issuing of a Construction Certificate. The landscape plan must include a temporary lattice screen structure set in front of the existing fence and not attached to it and that achieves a height of 1.5 metres above the existing fence for the full length of the rear boundary of the proposed new lot.

The landscape plan is to include vegetation species that will have a mature height of 3.5 metres to 4 metres. This vegetation is to provide a permanent landscape buffer. When this vegetation is established to the height of the temporary lattice structure the structure may be removed.

All vegetation is to be planted prior to the issuing of a Final Occupation Certificate for the dwelling;

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

(c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Cr B Bourke, Cr J Jennings,

Abstain - Nil

16 **Item 5 BATHURST REGIONAL LEP 2014 AMENDMENT NO 8 – ALTERING OF ZONE BOUNDARIES, LOT 11 DP 872964, FREEMANTLE ROAD, EGLINTON AND BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 APPLICATION NO 8 (20.00295)**

MOVED Cr I North

and **SECONDED** Cr G Westman

RESOLVED: That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the R1 General Residential, RU1 Primary Production and RE1 Local Recreation zone boundary of Lot 11 DP 872964, Freemantle Road, Eglinton;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) prepare an amendment to the Bathurst Regional Development Control Plan 2014 to amend Map No 3 Eglinton and the residential precincts map; 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 W Aubin, Cr M Coote, Cr G Hanger, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr B Bourke, Cr J Jennings,

Abstain - Nil

17 Item 6 STATE OF THE ENVIRONMENT REPORT – BATHURST REGIONAL COUNCIL (13.00062)

MOVED Cr M Coote

and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) note that the 2015 Bathurst Region Interim State of the Environment Report has been completed; and
- (b) note that the 2015 Bathurst Region Interim State of the Environment Report will be available on Bathurst Regional Council's Website.

18 Item 7 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT (13.00004)

MOVED Cr I North

and **SECONDED** Cr M Coote

RESOLVED: That Council:

- (a) note that the 2015 Regional Snapshot State of the Environment Report has been completed;
- (b) note that the 2015 Regional Snapshot State of the Environment Report will be available on Bathurst Regional Council's Website.

19 Item 8 SURVEYORS HISTORY HERITAGE TRAIL (20.00050)

MOVED Cr G Westman

and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

20 Item 9 2015 BATHURST JOBS EXPO (20.00071)

MOVED Cr G Westman

and **SECONDED** Cr I North

RESOLVED: That the information be noted.

21 Item 10 NOTIFICATION OF NEIGHBOURS FOR COMPLYING DEVELOPMENT CERTIFICATES (02.00005)

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- 22** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr W Aubin and **SECONDED** Cr I North
- RESOLVED:** That the information be noted.
- 23** **Item 2 YEAR TO DATE REVIEW - QUARTERLY BUDGET REVIEW STATEMENT 2015-2016 AS AT 30 SEPTEMBER (16.00140)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin
- RESOLVED:** That the information be noted and any variations to income and expenditure be voted.
- 24** **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.
- 25** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr I North and **SECONDED** Cr M Coote
- RESOLVED:** That the information be noted.
- 26** **Item 5 AUSTRALIAN ORIENTEERING CHAMPIONSHIP CARNIVAL 2017 (23.00026)**
MOVED Cr G Westman and **SECONDED** Cr I North
- RESOLVED:** That Council assist Orienteering Australia in hosting the Australian Orienteering Championship Carnival to be held in Bathurst from 23 September - 1 October 2017, with the \$2,000 to be funded from the Bathurst promotional vote.
- 27** **Item 6 CODE OF CONDUCT COMPLAINTS - 1 SEPTEMBER 2014 TO 31 AUGUST 2015 (07.00088)**
MOVED Cr M Morse and **SECONDED** Cr M Coote
- RESOLVED:** That the information be noted.
- 28** **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - MACQUARIE PHILHARMONIA (18.00004)**
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

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

RESOLVED: That Council approve the transfer of Silver Street (East), a Crown public road located at the Village of Sunny Corner, as detailed in the Director Engineering Services' report.

35 **Item 3 ADDITIONAL SCHOOL ZONE FLASHING SIGNS (28.00007)**

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

RESOLVED: That the information be noted.

36 **Item 4 PROPOSED ROAD CLOSURE AND TRANSFER TO ADJOINING LANDOWNER – HILL END ROAD AND SOFALA ROAD (22.15408)**

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

RESOLVED: That Council:

- (a) approve the road closure of part of Hill End Road and Sofala Road; and
- (b) resolve to offer to the owners of Lot 16 DP758908 and Lot 1 DP1194462 being 4 Hill End Road the purchase of the section of Hill End Road and the section of Sofala Road for consolidation into their Lot.

Director Cultural & Community Services' Report

37 **Item 1 ABORIGINAL ARTEFACTS COLLECTION (23.00098)**

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

RESOLVED: That the purchase of the Aboriginal Artefacts Collection be referred to the 2016/2017 Budget process for consideration.

38 **Item 2 BATHURST REGIONAL COUNCIL VACATION CARE PROGRAM - OCTOBER 2015 (09.00005)**

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

RESOLVED: That the information be noted.

39 **Item 3 BATHURST LIBRARY - 2015 SCIENCE EXPO (20.00060)**

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

RESOLVED: That the information be noted.

40 **Item 4 'BATHURST SAYS NO, I SAY NO TO DOMESTIC VIOLENCE!' CAMPAIGN LAUNCH (20.00179)**

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

RESOLVED: That the information be noted.

41 Item 5 CHIFLEY HOME AND EDUCATION CENTRE - AUSTRALIAN PRIME MINISTERS WEBSITE (21.00112)

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

RESOLVED: That the information be noted.

42 Item 6 CCTV FUNDING PROGRAM FOR CENTRAL BUSINESS DISTRICT (CBD) PREMISES (16.00145)

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

RESOLVED:

(a) That Council provide \$3,748 under the 2015/2016 CCTV Funding Program as follows;

Business	Amount of Funding
LJ Hooker Real Estate	\$500 which is the maximum amount approved for funding.
Sportspower Bathurst	\$500 which is the maximum amount approved for funding.
News on William	\$500 which is the maximum amount approved for funding.
Bathurst Seymour Centre	\$500 which is the maximum amount approved for funding.
Coleman's Office Products	\$500 which is the maximum amount approved for funding.
Bent Threads	\$500 which is the maximum amount approved for funding.
Bathurst Broadcasters	\$373 which is 50% of the project cost.
Silva's Newsagency	\$375 which is 50% of the project cost.

(b) That Council reopen the application process to further extend the program within the CBD and throughout the LGA.

43 Item 7 BATHURST REGIONAL ART GALLERY – JONATHAN JONES: THEY MADE A SOLITUDE AND CALLED IT PEACE EXHIBITION (21.00002)

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

RESOLVED: That the information be noted.

44 Item 8 BATHURST200 DYE HARD FUN RUN (11.00020)

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

RESOLVED: That the information be noted.

45 Item 9 BATHURST SUPERCHEAP AUTO 1000 VISITATION AT NATIONAL

**MOTOR RACING MUSEUM & BATHURST VISITOR INFORMATION CENTRE
(04.00001)**

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

RESOLVED: That the information be noted.

46 Item 10 INTERNATIONAL WOMEN'S DAY 2016 WORKING GROUP (23.00026)

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

RESOLVED: That the information be noted and Cr Morse be appointed as delegate to the Working Group.

General Manager's Report

**47 Item 1 FIT FOR THE FUTURE PROGRAM (FFTF) AND IPART REPORT
(18.00300)**

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

RESOLVED: That Council:

(a) Advise that Bathurst Regional Council's preferred mergers are:

- Preference One - Blayney Shire Council
- Preference Two- Oberon Council
- Preference Three - City of Lithgow Council

(b) Provide the following comment:

The merger with Blayney and Oberon, in particular, reflects the close community of interest that already exists with Bathurst and capitalises on the relationships many Blayney and Oberon residents have through sport, schools, work, service providers, etc. Lithgow provides a greater opportunity for scale and capacity enhancement.

**48 Item 2 PROPOSED SALE OF TREATED EFFLUENT TO LFB RESOURCES
(REGIS RESOURCES) PTY LTD (37.00410 & 21.00237)**

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

That Council invite community feedback on the request from Regis Resources to purchase treated effluent from Council's Waste Water Treatment Works, during the period 19 November till close of business 21 December 2015.

The following AMENDMENT was MOVED.

**49 Item 2.01 PROPOSED SALE OF TREATED EFFLUENT TO LFB RESOURCES
(REGIS RESOURCES) PTY LTD (37.00410 & 21.00237)**

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

That Council invite community feedback on the request from Regis Resources to

purchase treated effluent from Council's Waste Water Treatment Works, during the period 19 November till close of business 31 January 2016

The AMENDMENT was PUT and Lost.

The ORIGINAL MOTION was PUT and CARRIED.

50 Item 2.02 PROPOSED SALE OF TREATED EFFLUENT TO LFB RESOURCES (REGIS RESOURCES) PTY LTD (37.00410 & 21.00237)

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

RESOLVED: That Council invite community feedback on the request from Regis Resources to purchase treated effluent from Council's Waste Water Treatment Works, during the period 19 November till close of business 21 December 2015.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

51 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 NOVEMBER 2015 (07.00064)

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

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

Traffic Committee Meeting

52 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 NOVEMBER 2015 (07.00006)

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

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 3 November 2015 be adopted.

DELEGATES REPORTS

53 Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 OCTOBER 2015 (11.00019)

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

RESOLVED: That the information be noted.

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

RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**MOVED** Cr I Northand **SECONDED** Cr W Aubin

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	CONSENT BY CAVEATOR - BATHURST CHASE SHOPPING CENTRE, LOT 101, DP 1167584, 39 WILLIAM STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LEASE - LEVEL 1 230 HOWICK STREET BATHURST (PART 1 IN DP774489) - WESTERN NSW LOCAL HEALTH DISTRICT	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	TRANSFER OF LEASE - LOT 14 IN DP1089964 PJ MOODIE DRIVE BATHURST AERODROME - WARD TO FITZSIMMONS	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 SEWER CARRIER MAIN- EAST EGLINTON STAGE 1 AND 2	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	REVISION OF COMPENSATION FOR CONSTRUCTION OF EASEMENT FOR WATER SUPPLY- LOT 2 DP842120	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	ANNUAL TENDER - READY-MIX CONCRETE	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	ANNUAL TENDER - STORMWATER DRAINAGE PIPES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	ANNUAL TENDER - HIRE OF TRUCKS/WATERCARTS	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	ANNUAL TENDER - HIRE OF PLANT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
7	TENDER FOR INSTALLATION OF FIRE SERVICES SYSTEM AT BATHURST MEMORIAL ENTERTAINMENT CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Environmental Planning & Building Services' Report

- a** Item 1 CONSENT BY CAVEATOR - BATHURST CHASE SHOPPING CENTRE, LOT 101, DP 1167584, 39 WILLIAM STREET, BATHURST (22.00553-07)
MOVED Cr W Aubin and **SECONDED** Cr M Coote

That Council:

- (a) agree to issue a Consent by Caveator; and
- (b) delegate authority to the General Manager to sign the Consent by Caveator on behalf of Bathurst Regional Council.

Director Corporate Services & Finance's Report

- b** Item 1 RENEWAL OF LEASE - LEVEL 1 230 HOWICK STREET BATHURST (PART 1 IN DP774489) - WESTERN NSW LOCAL HEALTH DISTRICT (22.00041)
MOVED Cr M Coote and **SECONDED** Cr M Morse

That Council approves entering into a new Lease agreement for part of Level 1, 230 Howick Street Bathurst (part Lot 1 in DP774489) with Western NSW Local Health District for a period of five (5) years as detailed in the report.

- c** Item 2 TRANSFER OF LEASE - LOT 14 IN DP1089964 PJ MOODIE DRIVE BATHURST AERODROME - WARD TO FITZSIMMONS (21.00097)
MOVED Cr M Coote and **SECONDED** Cr I North

That Council approves the Transfer of Lease from Salli-Ann Ward to Catherine Fitzsimmons for Lot 14 in DP1089964 located on PJ Moodie Drive at the Bathurst Aerodrome as detailed in the report.

Director Engineering Services' Report

- d** Item 1 TENDER FOR CONSTRUCTION OF SEWER CARRIER MAIN- EAST EGLINTON STAGE 1 AND 2 (36.00569)
MOVED Cr G Westman and SECONDED Cr M Coote

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

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

That Council accepts the tender of Hynash Constructions Pty Ltd, for the construction of the Sewer Carrier Main Stage 1 and 2 in the amount of \$298,050.00 incl. GST, subject to adjustments and provisional items.

- e** Item 2 REVISION OF COMPENSATION FOR CONSTRUCTION OF EASEMENT FOR WATER SUPPLY- LOT 2 DP842120 (22.11579)
MOVED Cr G Westman and SECONDED Cr I North

That Council approve the payment of \$2,711.00 to the owners of Lot 2 DP842120 as compensation for works undertaken in the installation of an Easement for Water Supply.

- f** Item 3 ANNUAL TENDER - READY-MIX CONCRETE (36.00573)
MOVED Cr M Coote and SECONDED Cr G Westman

That Council accept the tender from Ever-Ready Concrete for the supply of ready-mix concrete, from 1 January to 31 December 2016.

- g** Item 4 ANNUAL TENDER - STORMWATER DRAINAGE PIPES (36.00574)
MOVED Cr G Westman and SECONDED Cr M Morse

That Council accept the tender from Rocla Pipeline Products for the supply of stormwater drainage pipes, headwalls and lintels, from 1 January to 31 December 2016.

- h** Item 5 ANNUAL TENDER - HIRE OF TRUCKS/WATERCARTS (36.00572)
MOVED Cr G Westman and SECONDED Cr G Hanger

That Council accept the tenders for the Hire of Trucks/Watercarts for 2016, as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Trucks/Watercarts.

- i** Item 6 ANNUAL TENDER - HIRE OF PLANT (36.00571)
MOVED Cr W Aubin and SECONDED Cr W Aubin

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

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

That Council accept the tenders for the Hire of Plant for 2016, as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Plant.

- i** Item 7 TENDER FOR INSTALLATION OF FIRE SERVICES SYSTEM AT BATHURST MEMORIAL ENTERTAINMENT CENTRE (36.00565)
MOVED Cr I North and SECONDED Cr W Aubin

That Council accepts the tender of Central West Fire Services Pty Ltd in the amount of \$51,645 inc. GST, subject to adjustments and provisional items.

RESOLVE INTO OPEN COUNCIL

- 55** RESOLVE INTO OPEN COUNCIL
MOVED Cr I North and SECONDED Cr W Aubin

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 56** ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED Cr I North and SECONDED Cr W Aubin

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

MEETING CLOSE

- 57** MEETING CLOSE

The Meeting closed at 8.33 pm.

CHAIRMAN: _____

Date: _____ **(9 December 2015)**

MINUTE

5 DECLARATION OF INTEREST 11.00002
MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That the following Declaration of Interest be noted.

General Manager
Item # 1 of the Confidential Mayoral Minute

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 DECEMBER 2015

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 7 Item 2 GENERAL REPORT (03.00053)
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2015/0210 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A BULKY GOODS PREMISES AT 291 STEWART STREET AND 215 ROCKET STREET. APPLICANT: BAR CONSTRUCTIONS. OWNER: MABRODA PTY LTD (DA/2015/0210)

Recommendation: That Council:

- (a) support the variation to the car parking requirements required by Chapter 14 Parking development standards in the Bathurst Regional Development Control Plan 2014; and
- (b) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0210, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - i. The parts of the building shown on the plans to be face brickwork are to be constructed in accordance with the approved plans as face brickwork;
 - ii. The cladding on the roof of the proposed building is to be of a traditional corrugated profile;
 - iii. Prior to the commencement of demolition, the developer is to submit to Council at least two printed photographs and either photographic negatives or a CD containing high quality digital copies of the dwelling in accordance with the guidelines for photographic recording of sites for which approval has been granted for demolition;
 - iv. During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works;

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Division, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics;

- (c) notify those that made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of bulky goods premises at 291 Stewart Street and 215 Rocket Street, Bathurst, described as Lot 462 DP 718644 & SP89817. A location plan is provided at **attachment 1**.

The total site area is currently 2235.6 sqm.

215 Rocket Street contains a single storey dwelling.

291 Stewart Street contains a two storey office and bulky goods retail building and carpark.

The proposal

The proposal involves the demolition of the existing dwelling at 215 Rocket Street, the construction of a bulky good premises and the consolidation of the two lots.

It is noted that the applicant has submitted amended plans following the Council discussion forum to address some of the concerns raised by members of the public. These amendments include:

- Additional brick detailing above the front parapet.
- Lowering the height of the southern elevation (facing the carpark) by approximately 1 metre.
- Inclusion of additional brick detailing on the southern and eastern (rear) elevations.
- Reducing the overall length of the building by approximately 1.3 metres.
- Inclusion of 4 stacked parking spaces at the eastern end of the building.
- An overall reduction in the footprint of the building from 337.3 sqm to 330 sqm.
- Inclusion of a mezzanine of 31.4 sqm.

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

Planning Context

Bathurst Regional Local Environmental Plan 2014

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

History of zoning under the Bathurst Regional Local Environmental Plan 2014.

BRLEP 2014 came into effect on 19 November 2014.

When Draft Bathurst Regional Local Environmental Plan (BRLEP) was placed on public exhibition 215 Rocket street was proposed to be zoned R1 General Residential. The adjoining site (291 Stewart) was proposed to be zoned B3 Commercial Core. The zoning was based upon the uses as they occurred on the site at the time.

As part of the public exhibition process of the draft BRLEP, a submission was received from the owners of 215 Rocket seeking the use of subject land in conjunction with the adjoining bulky goods premises.

Council at its meeting held 16 December 2013 resolved to amend the LEP to permit the use of the land as storage premises.

The land was consequently included in the B3 Commercial Core zone, which is consistent with the adjoining premises. The current zoning allows the premises to be used as storage premises in conjunction with the adjoining bulky goods premises.

Clause 4.3 Height of buildings

The height of buildings map shows the maximum height for a building on the subject land is 12 metres. The maximum height of buildings in the adjoining residential zone is 9 metres.

The height of the building is approximately 7.15 metres (measured from the existing ground level to the highest part of the building). The proposed development complies with the standard.

It is noted that the height of the building relative to the adjoining premises at 217 Rocket was raised in the public submissions. The applicant has provided an explanation as to the height of the proposed building. This is included at **attachment 3**. In summary the building has been designed to accommodate pallet racking and as a result the proposed height is required to enable a forklift to access the top rack.

Clause 5.9 Preservation of Trees or Vegetation

Council's Tree Preservation and Management Policy (TPMP) applies to the site.

The trees onsite will be located within the area currently identified for the carpark and building. Given their location, retention is not considered an option without significantly altering the development as proposed. The overall objective of the TPMP is to preserve the amenity of the area, including biodiversity values. In this respect there will be a minor loss of amenity and biodiversity as a result of the tree removal.

Clause 5.10 Heritage Conservation

The site is located within the Bathurst Heritage Conservation area.

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

Heritage matters are discussed further below.

Bathurst Regional Development Control Plan 2014

Chapter 2 – Exhibition and Notification of Development Applications

The development application was advertised and notified to adjoining property owners from 22 June 2015 to 22 July 2015. Following the advertising and notification period a total of eight submissions were received (see submissions at **attachment 4**).

It is noted that the amended plans do not result in additional or significantly altered likely environmental impact. Accordingly the amended application was not re-notified.

A Council discussion forum was held on 5 August 2015. Issues raised in the submissions and at the discussion forum included:

- Impacts on the heritage conservation area

This is addressed below in relation to Chapter 10 Urban Design and Heritage Conservation of the DCP.

- Height of the proposed building

The proposed building is less than the 12m maximum building height allowed by the Height of Buildings Map in the Bathurst Regional LEP 2014.

The proposed building is 7.15m in height at the Stewart St / Rocket façade and approximately 5.9m on the side boundary with 217 Rocket Street.

- Car parking

The applicant has provided 28 spaces on site. This complies with the numerical requirements of the DCP. A request to vary the DCP standards so as to allow 4 spaces to be stacked is discussed elsewhere in this report.

It is noted that the issue of vehicles parking in Rocket Street was raised by several of the residents in their submissions and at the Discussion Forum. As unrestricted parking exists in Rocket Street it is available for use by any member of the public. The applicant is required to provide a specified amount of parking on-site in a usable fashion which they have achieved (albeit with one concession). Council is unable to restrict parking without restricting it for everyone.

- Blocking of views

The proposal is located on what will be (after consolidation) a corner allotment and it is not anticipated that any significant views will be blocked by the development.

- Overshadowing

Shadow diagrams have been provided for the proposed development that demonstrates compliance with Council's standards (see **attachment 5**).

- Privacy

The proposed development is single storey in height, with no external windows facing outwards overlooking residential properties. Therefore it is not anticipated that it will give rise to any significant privacy issues.

- Impacts on property values

Property values are not a planning consideration as they are not a matter prescribed by section 79(C) of the Environmental Planning and Assessment Act 1979.

- Landscaping

A landscape plan has been submitted and reviewed by Council's Parks and Gardens section for compliance with Chapter 13 Landscaping and Greening of the Bathurst Regional DCP 2014.

- Proposed signage

The applicant has shown signage panels above the awning on the Rocket Street and southern elevation. The signage panels are approximately 3.2m x 0.8 m or 2.56 sqm. A condition has been imposed requiring any signage in addition to the approved panels or that cannot be considered exempt to be subject to a future development application.

Chapter 5 Business and Industrial Development

Development Standard	Proposed	Permissible	Compliance
Floor Area	1004.2m ²	N/A	N/A
Height	Single-storey	Three storey	Yes
Setbacks			

Front	0m	complement existing	Yes
Rear	BCA	in accordance with BCA	Yes
Side	BCA	in accordance with BCA	Yes
Car parking	28 (4 stacked)	New building 7 Existing building 21	Yes*
Floor Space Ratio	0.6:1	1:1	Yes
12.5m Vehicle Manoeuvring	Yes	Yes	Yes*
Landscaping	Yes	Yes	Yes**
Access Way Width	6m each access	6m	Yes
Signage appropriate	Yes	Yes	Yes***

* ***The applicant has requested a variation to the DCP to allow the use of stack parking. This variation can be supported in this instance because the proposed stacked parking for all day staff use will reduce the parking demands on the adjoining road network.***

** ***An amended landscape plan demonstrating compliance with the DCP will be required prior to the issue of a construction certificate.***

*** ***The applicant has indicated signage panels on the building that are considered appropriate.***

Chapter 10 Urban Design & Heritage Conservation

The applicant has submitted a statement of heritage impact (see **attachment 6**). Council has reviewed the statement and undertaken a BCAMS assessment and provided comments. The key comments from Councils Heritage Advisor are included below and the full assessment is at **attachment 7**.

BCAMS Rating: 2
Zoning: B3 Commercial Core
Period of Construction:
<input type="checkbox"/> Colonial 1820-1840 <input type="checkbox"/> Early Victorian 1840-1860 <input type="checkbox"/> Mid Victorian 1860-1880 <input type="checkbox"/> Late Victorian 1880-1900 <input type="checkbox"/> Federation 1900-1920 <input type="checkbox"/> 1920's <input type="checkbox"/> 1930/40s <input type="checkbox"/> 1950/60s <input type="checkbox"/> 1970/80s/90s <input type="checkbox"/> post 2000's
<input type="checkbox"/> Rare <input type="checkbox"/> Representative
Heritage Listings: The site is located within the Bathurst Heritage Conservation Area.
Streetscape: The existing dwelling is not contributory to the streetscape. It is setback a long way from the street and screened significantly behind fencing and vegetation.
Brief History: The dwelling is of post war era, it is a simple framed cottage.
Physical Description: A simple single storied small rectangular framed cottage with hipped roof and aluminium windows. The external walls of the dwelling are not likely to be original with 'plastic' type 'weatherboard' cladding over the original walls.
Condition Description: The dwelling is in fair condition.
Statement of Significance: The dwelling is not contributory to the streetscape or of a significant construction period.

<u>Heritage Significance</u> (4) Historically significant in a regional context (pre 1900/state significant) (3) Historically significant in a local context (1900 – 1920s) (2) Significant in a local context (1930s-50s) (0) Not significant	<u>Streetscape Rating</u> (3) Contributory (1) Neutral (0) Intrusive
Special Vegetation: None.	
Comments: The dwelling is a very modest post war house that sits well back on its land and doesn't contribute to the streetscape. The house itself is not historically significant. It has been altered with 'plastic' cladding over the original walls and a flat roofed carport at the front.	Integrity (3) Substantially intact (2) Altered sympathetically (1) Altered unsympathetically – Reversible (0) Altered unsympathetically – Non-reversible (0) Identified as intrusive under Streetscape rating

The amended plans demonstrate compliance with Clause 10.5.4 of the DCP in that the front façade of new buildings are to include smooth faced unpainted brickwork and that concrete can be used on other areas of the façade. The proposed development achieves this and a condition is recommended to ensure this face brick is constructed.

The use of 'warm grey' and 'monument' are not dissimilar to the colours recommended in Clause 12.3.3 of the DCP and is consistent with the existing development on the site.

The existing dwelling has a very low BCAMS rating (2 out of 10), does not portray any historically significant features and is not contributory to the streetscape. The demolition of the subject dwelling would have minimal impact on the heritage conservation area. The site had been re-zoned to B3 Commercial Core under Bathurst Regional Local Environmental Plan 2014 and the proposed development presents as a good transition in terms of its bulk and scale and materials used between the existing commercial building and the adjoining residential areas.

The following conditions have been recommended to be imposed:

- The parts of the building shown on the plans to be face brick work are to be constructed in accordance with the approved plans as face brickwork.
- The cladding on the roof of the proposed building is to be of a traditional corrugated profile.
- Prior to the commencement of demolition, the developer is to submit to Council at least two printed photographs and either photographic negatives or a CD containing high quality digital copies of the dwelling in accordance with the guidelines for photographic recording of sites for which approval has been granted for demolition.
- During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Division, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics

Conclusion

Council has received a development application for the demolition of an existing dwelling and construction of bulky good premises at 279 Stewart and 215 Rocket Street, Bathurst.

The issues raised in the submissions have been addressed in the report. The site is currently zoned B3 Commercial Core and bulky good premises are permissible. The dwelling proposed to be demolished is not of heritage significance and the proposal is generally consistent with the requirements of the Bathurst Regional DCP 2014. The proposed variation to parking requirements of the DCP are considered suitable for the subject site in this instance.

It is therefore recommended that approval be granted.

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. 2015/0210 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A BULKY GOODS PREMISES AT 291 STEWART STREET AND 215 ROCKET STREET. APPLICANT: BAR CONSTRUCTIONS. OWNER: MABRODA PTY LTD (DA/2015/0210)
MOVED: Cr B Bourke SECONDED: Cr I North

That Council:

- (a) as the consent authority, not grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0210.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

The following AMENDMENT was MOVED.

MINUTE

9 Item 3.01 DEVELOPMENT APPLICATION NO. 2015/0210 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A BULKY GOODS PREMISES AT 291 STEWART STREET AND 215 ROCKET STREET. APPLICANT: BAR CONSTRUCTIONS. OWNER: MABRODA PTY LTD (DA/2015/0210)
MOVED: Cr M Morse SECONDED: Cr G Hanger

That Council:

- (a) defer consideration of Development Application No 2015/0210, to allow further consultation to occur between Council, the developer and residents.
- (b) notify those that made a submission of its decision; and
- (c) call a division.

The AMENDMENT was PUT and CARRIED.

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

The AMENDMENT then became the MOTION.

The MOTION was then PUT to the VOTE and CARRIED.

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

4 HERITAGE SEMINAR AND TAFE CONSERVATION MANAGEMENT PLAN (18.00096)

Recommendation: That the information be noted.

Report: Heritage Seminar

As part of Council's Heritage Strategy, Council hosts an educative seminar every two years for the community in relation to relevant heritage topics. Council's Heritage Strategy for 2014 -17 identified a seminar this year.

Council hosted a heritage seminar at the Bathurst City Community Club on Wednesday 11 November 2015 with a focus on restoration and reuse. Several architects and property owners showcased their building restorations and adaptive reuse of older buildings within Bathurst, including:

- Vianne Toole and Murray Arnold who shared their experiences with small site restorations at 57 - 59 Lambert Street, Bathurst.
- Tony McBurney and Henry Bialowas who shared their experiences with adaptive reuse at the Dairy Farmers Site and the Assumption School.
- Bernard Vance and Stephen Birrell who shared their experiences with large site restoration and reuse at Crago and Tremains Mills.

An overview of Council's services and programs aimed at supporting restoration and reuse of older buildings was also provided, including the heritage advisory service, local heritage fund and the numerous forms and factsheets available on Council's website.

The seminar was attended by over 60 people with resounding positive feedback at its conclusion.

TAFE Conservation Management Plan (CMP)

The TAFE Conservation Management Plan was released to the public as part of the Town Square Exhibition at the Australian Fossil and Mineral Museum to enable feedback to be provided to Council until 30 November 2015 after 3 months of exhibition. A public presentation was also held on 16 November 2015. Over 40 submissions were received during the 'Wish Upon a Square' campaign and a further report to Council will be prepared in the new year detailing the submissions.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

10 Item 4 HERITAGE SEMINAR AND TAFE CONSERVATION MANAGEMENT PLAN (18.00096)

MOVED: Cr M Coote SECONDED: Cr J Jennings

RESOLVED: That the information be noted.

5 NAMING OF PUBLIC ROADS – BASALT WAY, GRANITE RISE, CROKE CLOSE, QUIGLEY CLOSE, IGNATIUS STREET, FENNELLS CLOSE AND ABLETT COURT (20.00024)

Recommendation: That Council:

- (a) adopt the name Basalt Way, Granite Rise, Croke Close, Quigley Close, Ignatius Street, Fennell Close and Ablett Court; and
- (b) direct the Acting Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: Basalt Way and Granite Rise

Basalt Way and Granite Rise have been proposed for the road names for the future subdivision of Lot 1 DP 203162 and Lot 2 DP 212987, Kelso. The roads will be accessed from a proposed extension to Emerald Drive. A location map is provided at **attachment 1** and a plan of the roads at **attachment 2**.

The surrounding roads within the vicinity are named after minerals and gemstones (Emerald, Topaz, Sapphire, Diamond, Amber and Jade). Traditionally these have been linked to the Gold Panner Motel. Keeping with the theme of minerals and gemstones is consistent within the area and considered appropriate.

Croke Close, Quigley Close and Ignatius Street

Croke Close, Quigley Close and Ignatius Street have been proposed for the road names for the subdivision of Lot 321 DP 1205391, Kelso. The roads will be accessed off an extension of Wentworth Drive. A location map is at **attachment 3** and a plan of the roads at **attachment 4**.

Quigley Close

Quigley Close is named after the Father Henry (Harry) Patrick Quigley. Father Harry Quigley was born on the 28 August 1932, at Colehill, Colongford, Ireland.

He left his homeland just five months after his ordination to the priesthood on 16 June 1957. Father Quigley emigrated to Australia to serve the people of the Diocese of Bathurst. He was an Administrator, Assistant and Parish Priest in many of the parishes across the Diocese for the next five decades.

His last appointment before his retirement in 2003 was to the Assumption Church in West Bathurst. Father Harry Quigley was a much loved member of the Parish and also the Assumption School community. He was 'priest in residence' in the Cathedral Parish in Bathurst from his retirement, and was a familiar sight on his walks around the town for a number of years.

Father Harry Quigley died at St. Catherine's Hostel Bathurst on 5 January 2015.

Croke Close and Ignatius Street

Croke Close and Ignatius Street are named after Mother Mary Ignatius Croke.

On 22 October 1866, the ship "The Empress" entered Port Jackson, bringing seven Sisters

of Mercy from Charleville, County Cork, Ireland. They were accompanied by the first Bishop of Bathurst - Dr Matthew Quinn - who had invited them to work in the newly established Diocese of Bathurst.

The Sisters were under the leadership of Mother Mary Ignatius Croke. They journeyed by steam train to Penrith where they boarded the Cobb and Co. coach for the long dusty toil over the Blue Mountains.

Once here, the Sisters immediately took over the Catholic primary school and opened a day and boarding high school for young ladies, attending to the religious and secular education of the children. They also cared for orphans, trained older girls and helped them to find work. They visited the poor, the sick and the inmates of the local gaol. Their kind and zealous ministry in education overcame many prejudices of the day and bore fruit in greater harmony in the Bathurst community; all done under the guidance and example of Mother Ignatius Croke.

Mother Ignatius Croke died in the Bathurst Mercy Convent on 2 March 1905 at the age of 86 years. The Sisters of Mercy still minister in Bathurst and districts today.

Fennell Close & Ablett Court

Fennell Close and Ablett Court are the proposed road names for the subdivision of Lot 101 DP 748062 and Lot 10 DP 1176294, Kelso. Fennell Close will be a new road off Gilmour Street and Ablett Court will be a cul-de-sac off Fennell Close. A location map is at **attachment 5** and a plan the of roads at **attachment 6**.

Fennell Close

Fennell Close is named after Lieutenant John Fennell. Lieutenant Fennell was part of the 48th Regiment. He was posted to Bathurst as a Commandant on 20 January 1825. Fennell serviced Bathurst until his sudden death on 3 July 1826.

During his time as Bathurst Commandant, Fennell was investigating and convicting bushrangers in the Bathurst district. The main bushrangers at this time were Storey and Shaw who had a bad reputation for collecting weapons.

Ablett Court

Ablett Court is named after John Ablett. John Ablett was selected as part of a small group of ten which were given land grants on the Macquarie River in 1818. He is one of the original land holders in the Kelso area.

The names comply with Bathurst Regional Council's *Guidelines for the Naming of Roads*.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

11 Item 5 NAMING OF PUBLIC ROADS – BASALT WAY, GRANITE RISE, CROKE CLOSE, QUIGLEY CLOSE, IGNATIUS STREET, FENNELLS CLOSE AND ABLETT COURT (20.00024)

MOVED: Cr G Westman SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) adopt the name Basalt Way, Granite Rise, Croke Close, Quigley Close, Ignatius Street, Fennell Close and Ablett Court; and
- (b) direct the Acting Director Environmental, Planning & Building Services to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

6 BATHURST REGIONAL LEP 2014 AMENDMENT - ADDITIONAL CLAUSES (20.00290)

Recommendation: That Council:

- (a) adopt the Bathurst Regional LEP amendment to insert the three additional clauses as outlined in this report;
- (b) forward the Bathurst Regional LEP - Additional Clauses Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) notify those that made submissions or attended the discussion forum of its decision; and
- (d) call a division.

Report: Council has commenced the process of amending its LEP to include three additional clauses to improve the flexibility of the LEP.

The intent of the three clauses are explained below.

Temporary use of land

The proposed clause makes the temporary use of land permissible with consent in any zone (except zone RU2 Rural Landscape) as long as Council is satisfied that the use will not compromise future development of the land, or have detrimental economic, social, amenity or environmental impacts on the land. It is proposed to limit the temporary use of land to a maximum of 42 days.

It is not intended to permit Commercial Motor Race Hosting (as defined in Clause 7.8 Mount Panorama commercial motor race hosting of the Bathurst Regional LEP 2014) as a temporary use. It is therefore Council's intention to use the NSW Government's model clause for temporary uses, with a modification excluding all lands zoned RU2 Rural Landscape.

The inclusion of the clause (excluding land zoned RU2 Rural Landscape), aims to improve flexibility to cater for temporary uses of land within the Bathurst Region.

It is proposed that the clause will read:

2.8 Temporary use of land

- 1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- 2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone, except for the RU2 Rural landscape zone, for a temporary use for a maximum period of 42 days (whether or not consecutive days) in any period of 12 months.
- 3) Development consent must not be granted unless the consent authority is satisfied that:
 - a. the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - b. the temporary use will not adversely impact on any adjoining land or

- c. the amenity of the neighbourhood, and the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - d. at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- 4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
 - 5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Drinking water catchment

Section 3.3 of the Australian Drinking Water Guidelines 2011 (updated Dec 2013) states that prevention is an essential feature of effective drinking water quality management. Preventative measures are those actions, activities and processes used to prevent hazards from occurring or reduce them to acceptable levels. In particular, there should be a multiple barrier approach and preventative measures should be applied as close to the source as possible, with a focus on prevention in catchments rather than sole reliance on downstream control.

Development in drinking water catchments must consider likely impacts on the catchment, including measures to avoid, minimise or mitigate the impacts. Drinking water catchments and the associated Drinking Water Catchment Maps provide sufficient protection to assess a wider range of agricultural and other land uses on their merits without compromising the importance of protecting the drinking water catchments and drinking water quality.

The drinking water catchment clause will require landowners within the identified area to obtain development consent prior to spreading biosolids on their land. The proposed clause will also require developments such as feedlots and the like to consider the impact of wastewater on the drinking water catchment.

Biosolids are nutrient-rich organic materials resulting from the treatment of domestic sewage in a treatment facility. When treated and processed, these residuals can be recycled and applied as fertiliser to improve and maintain productive soils and stimulate plant growth. Currently within the Bathurst Region development consent is not required to apply biosolids to land.

The aim of the model drinking water catchment clause within the Bathurst Regional LEP is to increase the protection afforded to the City's drinking water.

In this case the drinking water catchment is identified in **attachment 1**.

It is proposed that the clause will read:

6.5 Drinking water catchments

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land identified as "Drinking Water Catchment" on the Drinking Water Catchment Map.
- (3) In deciding whether to grant development consent for development on land

to which this clause applies, the consent authority must consider the following:

- a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:
 - i. the distance between the development and any waterway that feeds into the drinking water storage,
 - ii. the on-site use, storage and disposal of any chemicals on the land,
 - iii. the treatment, storage and disposal of waste water and solid waste generated or used by the development,
 - b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Minimum lot sizes for certain split zones

Council, as part of the Bathurst Regional LEP 2014, rezoned a number of rural properties for residential purposes catering for the continuing growth of the Bathurst Region. Council has identified a number of properties which now have multiple zones, primarily a rural and a residential zone. Council has received a number of enquiries from landowners with the split zones seeking consent to subdivide along the zone boundary, creating a residential zoned development lot and a rural zoned residual lot (which may include an existing dwelling) which is below the minimum lot size.

The minimum lot sizes for certain split zones clause within the LEP aims to enable the subdivision of a property with a split zoning along the zone boundary even if there is an existing dwelling on the residual rural lot which is below the minimum lot size.

Inserting the clause into the LEP will enable Council to consider applications for subdivision along zone boundaries. The existing provisions within the current LEP do not enable Council to create a subdivision as described above. It is expected that the minimum lot size for certain split zones clause will have little impact on adjoining landowners.

It is proposed that the clause will read:

4.1C Minimum lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an **original lot**) that contains:
 - (a) land in a residential, business, industrial, or recreation zone, or Zone RU5 village, and
 - (b) land in Zone RU1 Primary Production, Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation.

- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
- (a) one of the resulting lots will contain:
 - i. land in a residential, business, industrial, or recreation zone or Zone RU5 Village that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - ii. all of the land in Zone RU1 Primary Production, Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
 - (c) an existing lawful dwelling may be located on a lot created in accordance with subclause 3(a)(ii).

Public exhibition

Council exhibited the draft Local Environmental Plan Amendment from 15 August 2015 until 14 September 2015. Council officers were contacted by the NSW Farmers Association and granted an extension of time to allow the Association to make a late submission, however, at the time of writing the report a submission had not been received.

Council received a total of seven (7) submissions (see **attachment 2**).

A discussion forum was held on 4 November 2015. The main contention within the proposed LEP amendment relates to the introduction of the Drinking Water Catchment clause. The report and minutes of the discussion forum are at **attachment 3**. The summary of the submissions and the planning response to each submission is provided at **attachment 4**.

Comments

The key concerns raised were that the Drinking Water Clause will prohibit the application of biosolids in the drinking water catchment and require consent for other agricultural related activities, for example the spreading of fertilisers.

The introduction of the Drinking Water Catchment Clause into the LEP will not prohibit the application of biosolids within the drinking water catchment. Development consent will, however, be required for the ongoing application of biosolids within the identified drinking water catchment. It is considered appropriate that Council be the consent authority for the application of biosolids within the drinking water catchment.

The EPA guidelines for the use and disposal of biosolids products specifically relates to biosolids (defined as “ material containing any component of biosolids, including pure sewage biosolids in the form of liquid or cake, or materials such as compost, lime sludges or pellets.) The application of fertilisers and the like would be within the gamut of agriculture, therefore no development consent will be required.

Conclusion

Council prepared an amendment to the Bathurst Regional LEP 2014 to insert 3 model clauses relating to the temporary use of land, minimum lot size for certain split zones and drinking water catchment. During the public exhibition period, a total of seven (7) submissions were received. The submissions were primarily concerned with the proposed

restriction of the application of biosolids for certain land within the drinking water catchment. A discussion forum in relation to the matters raised was held on 4 November 2015.

Council's Strategic Planning Section have addressed the concerns raised in the submissions and at the discussion forum. There are no reasons why the Planning Proposal should not proceed unaltered.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3, 30.7

MINUTE

12 Item 6 BATHURST REGIONAL LEP 2014 AMENDMENT - ADDITIONAL CLAUSES (20.00290)

MOVED: Cr G Westman SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) adopt the Bathurst Regional LEP amendment to insert the three additional clauses as outlined in this report;
- (b) forward the Bathurst Regional LEP - Additional Clauses Planning Proposal to the NSW Department of Planning and Environment for gazettal;
- (c) notify those that made submissions or attended the discussion forum of its decision ;
and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Cr J Jennings,

Absent - Nil

Abstain - Nil

7 DRAFT BATHURST REGIONAL SECTION 94 PLAN FOR ROADWORKS – NEW RESIDENTIAL SUBDIVISION (AMENDMENT NO. 3) (20.00036)

Recommendation: That Council:

- (a) adopt the Bathurst Regional Section 94 Development Contributions Plan - Roadworks – New Residential Subdivision (Amendment No. 3), and
- (b) amend Council's 2015/2016 Revenue Policy to reflect changes to the amended Section 94 Development Contributions Plan – Roadworks – New Residential Subdivision; and
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (d) call a division.

Report: Council has undertaken a review of its current Roadworks – New Residential Subdivision Section 94 Development Contribution Plan in preparation of Council receiving Satisfactory Arrangement certification from the NSW Department of Planning and Environment for the Kelso Urban Release Area.

The Section 94 Plan applies to new residential subdivision areas of the City.

Background

Upon gazettal of the Bathurst Regional Local Environmental Plan (LEP) the NSW State Government was required to undertake a review of whether a financial contribution, levied on the land developers, was required for State Public Infrastructure in relation to the Kelso residential expansion area. Council has held extensive discussions with the NSW Department of Planning and Environment in relation to the matter and it has been determined that a contribution for State Public Infrastructure is not required.

The Roads and Maritime Services identified the need to upgrade three intersections within the Kelso catchment (Hereford Street / Gilmour Street intersection (I15), Link road K / Great Western Highway, Raglan intersection (I16) and Link road I / Sofala Road intersection (I17)) (see **attachment 1**) based on the additional population and therefore traffic generated. As part of the discussions, the Roads and Maritime Services (RMS) provided more accurate estimates for the construction of three intersections at Kelso, including service relocation and pavement alterations, to Council. Council considered that the revised estimates provided by the RMS better reflects the actual costs of the roadworks and has agreed with the revised figures. The result is an overall increase in the contribution of \$488.00 per lot in these areas to \$3,558.00 per lot.

Council has also reviewed the estimated costs for the projects identified in the three other catchment areas (Abercrombie, Eglinton, Llanarth and Windradyne), together with the completion of projects for each of those areas. This has resulted in minor increases to the contributions in these areas (\$31.00 to \$39.00 per lot).

A copy of the Bathurst Regional Section 94 Development Contributions Plan, Roadworks – New Residential Subdivision as recommended to be adopted is included at **attachment 2**.

Public exhibition

The Bathurst Regional Section 94 Development Contributions Plan was placed on public exhibition from 12 October 2015 until 9 November 2015. Significant landowners (ie those landowners with the ability to undertake a multiple lot subdivision) within the 4 different catchments were individually notified of the proposed amendment. Council did not receive any submissions in relation to the draft Plans.

Conclusion

Council has undertaken a review of its Roadworks – New Residential Subdivision Section 94 Development Contribution Plan to update the costs associated with three key intersections within the Kelso catchment area. The draft Plan was placed on public exhibition for a period of 28 days. Council did not receive any submissions in relation to the draft Plan and the draft plan is now recommended for adoption.

Financial Implications: Council will continue to reserve collected funds for the provision of infrastructure as detailed in the Plan.

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, 28.2, 28.5
- 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 29.2, 29.4
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2

MINUTE

**13 Item 7 DRAFT BATHURST REGIONAL SECTION 94 PLAN FOR ROADWORKS
– NEW RESIDENTIAL SUBDIVISION (AMENDMENT NO. 3) (20.00036)**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) adopt the Bathurst Regional Section 94 Development Contributions Plan - Roadworks – New Residential Subdivision (Amendment No. 3), and
- (b) amend Council's 2015/2016 Revenue Policy to reflect changes to the amended Section 94 Development Contributions Plan – Roadworks – New Residential Subdivision; and
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

8 CONTAMINATION CENTRAL PROJECT (16.00141)

Recommendation: That Council note the progress of the Contamination Central Project and that a further report will be presented to Council's Policy Committee in early 2016.

Report: Background

In 2014 Bathurst Regional Council was able to secure \$450,000 in grant funding from the Environment Protection Authority for the Contaminated Land Management Regional Capacity Building project through the Bathurst Orange Dubbo Alliance and the Central West Councils Environment and Waterways Alliance. The project will run through to 30 June 2016.

Building capacity among staff in central west Councils, and improving consistency in the approach to contaminated land management are key objectives of the project.

Report

The Project Officer commenced in April 2015 and since that time the project has made significant progress. Nineteen councils in the central west have joined the project. The project will deliver an information system for tracking and management of potentially contaminated land, a regional contaminated lands policy template and significant training opportunities for the participating council's staff. The participating Councils are Bathurst, Blayney, Bourke, Cabonne, Coonamble, Cowra, Dubbo, Forbes, Gilgandra, Lachlan, Lithgow, Mid-Western, Narromine, Oberon, Orange, Parkes, Warrumbungle, Weddin and Wellington.

Project activities are guided by a steering committee consisting of representatives from Bathurst Regional, Orange City and Dubbo City Councils.

Seminars explaining the contaminated land management framework in NSW have been presented to each of the participating Councils, with over 100 staff members attending. The project has developed the structure of an information system for Councils with approximately 35 staff members across the region participating in workshops. Most recently the project held a policy development workshop to prepare the regional policy template for contaminated land management in each Council of the region. Ten councils participated with 22 representatives in attendance.

The Contaminated Land Policy is the cornerstone of the project. It will enable Councils to mitigate their specific liability for land contamination in relation to planning functions under the Environmental Planning and Assessment Act 1979.

The Regional Policy template is expected to be provided to Council in mid-December 2015. Staff will present the draft Contaminated Land Policy to Council for consideration in early 2016, recommending the policy be placed on public exhibition for a minimum of 28 days.

Policy implication

Having a Contaminated Land Policy will provide an overall framework for Council's Contaminated Land.

Financial Implications: The cost associated with preparing the policy and other project activities are funded by a grant from the NSW Environment Protection Authority.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.7
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.8
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.6
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

- 14 Item 8 CONTAMINATION CENTRAL PROJECT (16.00141)
MOVED: Cr B Bourke SECONDED: Cr J Jennings

RESOLVED: That Council note the progress of the Contamination Central Project and that a further report will be presented to Council's Policy Committee in early 2016.

9 PEST BIRD MANAGEMENT STRATEGY – AN UPDATE ON ACTIVITIES (14.00627)

Recommendation: That the information be noted.

Report: In response to concerns about increasing pigeon and other pest bird populations in Bathurst, Council engaged NGH Environmental to develop a Pest Bird Management Strategy in 2012.

Recommended activities included:

- Conduct ongoing monitoring of pest bird populations;
- Encourage the use of exclusion devices (nets, spikes etc) on buildings;
- Remove problem birds from high population areas; and
- Increase the use of native plantings in the urban and suburban environment which is less likely to be used by pest bird species.

The following table provides an update on pigeon activities and results since the adoption of the Pest Bird Management Strategy as a working document.

Date	Activity	Involvement	Results (Birds Removed)
March 2013	CBD pigeon trapping	Ten businesses and five Council facilities	904 pigeons
May 2013	Machattie Park “Don’t Feed Pigeon” signs installed	Machattie Park	NA
July 2013	Contract shooting	Three businesses and three Council facilities	189 pigeons
May 2014	Machattie Park Pigeon Trapping	Machattie Park	0 pigeons
June – Aug 2014	CBD Pigeon trapping	One private business and two Council facilities	185 pigeons
Sep 2015	Contract shooting	12 businesses, five Council facilities	330 pigeons
Nov 2015	Contract shooting	10 businesses, four Council facilities	74 pigeons
Total			1682

As the strategy also promoted increasing habitat for native species, Council continues to promote the Backyards for Wildlife Booklet and provide native bird nest boxes at community events. To date, over 500 booklets and around 200 nest boxes have been sold or given out.

Council also promotes the management of other pest birds such as Common Starlings and Indian Mynas which are recognised as some of the most invasive species on the planet. Council was successful in 2013 in receiving grant funding to conduct education programs and purchase traps for the control of these species. The traps are provided to interested members of the public at a small price. Around 11 traps have been purchased.

Ongoing monitoring continues with CBD and community surveys conducted. These do not give an absolute figure but are used to monitor trends in numbers. The results of CBD pigeon surveys show that there was a dramatic drop in the population following the initial removal programs in 2013. Pigeon numbers now remain at lower levels though populations

can increase quickly with optimal seasonal conditions or without continued control mechanisms being applied.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.11
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.1

MINUTE

15 Item 9 PEST BIRD MANAGEMENT STRATEGY – AN UPDATE ON ACTIVITIES
(14.00627)

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That the information be noted.

10 BATHURST BACKYARD BIRD COUNT (13.00081)

Recommendation: That the information be noted.

Report: The second annual Aussie Backyard Bird Count was conducted 19-25 October 2015. The Bird Count is an initiative of BirdLife Australia and engages the community to count birds in their backyards, local parks, gardens and rivers as a means of understanding how our native birds are doing. In 2014, over 9,000 people participated to count over 800,000 birds nationwide.

Council saw this as an ideal opportunity to meet some of the actions detailed in the Pest Bird Management Strategy and Biodiversity Management Plan and, for the first time, signed up as a Participating Organisation. Council agreed to help promote the program and coordinate local events. The Bathurst component included:

- Promotion of the event to local residents through distribution of supplied posters, flyers, bookmarks and stickers and a media release.
- Signage at 7 target locations.
- Creation of social media pages: facebook/bathurstbirdcount and Instagram @bathurstbirdcount.
- Conducting a guided walk with local bird experts.
- Providing participant prizes including bird field guides, nursery gift vouchers, Backyards for Wildlife and Plant Selection and Care Guide booklets and bird baths.

To submit a count, participants were asked to count birds in a location over a 20 minute period. Multiple counts could be conducted over several days. Local residents could download the Aussie Backyard Bird Count app or submit counts online. Council also assisted people who did not have access to the internet. The app was very popular as it made submitting counts very easy and also had an in-built bird field guide to assist in identification.

Council identified seven locations across the local area that could give a snapshot of what bird populations looked like across a range of environments. Council installed signage at these locations to encourage locals to conduct counts in the area. The sites included:

- CBD – Machattie Park
- Riverland – Bicentennial Park and Kath Knowles Pathway
- Peri-Urban – CSU Campus and Elmo Lavis Park
- Urban Bushland Reserve – Boundary Road Reserve
- Rural Bushland Reserve – Peel Flora and Fauna Reserve

The social media campaign was largely successful. The Facebook page received 107 followers in the 3 weeks it was operating. It will be kept active to promote local bird and nature activities throughout the year. The Instagram photography account received 13 followers and reached around 200 contacts around the world during the event.

The guided bird walk; “A Morning Bird Walk in Boundary Road Reserve” was conducted at 8.00am on Saturday 24 October 2015. Twenty locals attended and were treated to a unique insight into the birds and the environment of the reserve. It was deemed a great success with hundreds of birds from 38 species seen over the two hours.

Council will receive further detailed information relating to the counts undertaken in the local government area and 2795 postcode area. Council has also asked for detailed information relating to 10 native indicator birds and pest species. These were chosen to give an idea on

how the local environment is supporting native birds and to determine the spread and size of pest bird populations. The key species included:

- Noisy Miner
- Brown Treecreeper
- Kookaburra
- Striated Pardalote
- Superb Fairy Wren
- Diamond Firetail
- Eastern Spinebill
- Yellow-tailed Black Cockatoo
- Feral Pigeon
- Indian Myna

The local component was deemed a success with over 100 counts conducted and an estimated 3,000-4,000 birds counted. Anecdotally, there was evidence to show that there was a greater diversity of native bird species where native vegetation was maintained and that introduced species dominated in areas with mostly exotic vegetation.

Council will receive the full detailed results for the bird count from BirdLife Australia in March/April 2016.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- | | |
|---|----------------------|
| ● Objective 8: To promote sustainable and energy efficient growth. | Strategy 8.4 |
| ● Objective 10: To protect and enhance the region's biodiversity. | Strategy 10.4, 10.11 |
| ● Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. | Strategy 30.4 |
| ● Objective 33: To be and develop good leaders. | Strategy 33.6 |

MINUTE

- 16** Item 10 BATHURST BACKYARD BIRD COUNT (13.00081)
MOVED: Cr G Westman SECONDED: Cr M Morse

RESOLVED: That the information be noted.

11 2016 LAND IMPROVEMENT AWARDS PROGRAM (13.00064)

Recommendation: That Council:

- (a) note that the 2016 Land Improvement Awards Program will be launched in January 2016; and
- (b) nominate a Councillor to be a part of the assessment panel for the 2016 program.

Report: Council has a budget of \$20,000 in the 2015/16 Operating Plan for the Land Improvement Awards. In previous rounds, grants of up to \$10,000 were made available to landholders who commit to undertaking activities on their property which ensure the maintenance or enhancement of the land's ecological values, or the improvement and sustainability of their agricultural enterprises.

The program has now been running for five years, and a review of the project has been undertaken by Council's Environment section. The key findings were as follows:

- Two or three grants have been awarded in each program.
- Most of the projects included fencing (for stock exclusion), "off stream" water sources for stock, weed management and revegetation activities adjacent to waterways.
- Many of the landholders required advice and assistance from Council Officers and Local Land Services staff to successfully complete their projects, which included multiple site visits by Council Officers.
- Each of the projects enhanced the ecological values at the property, and many have improved water quality of local creeks in both the short and longer term.
- In the 2015 program, the only applications received were from previously successful applicants, meaning the promotion of the program is not reaching a wide audience.
- By releasing the program in Autumn or early Winter each year, the funding is required to span two different financial years, which increases the administrative burden for Council.

There are a couple of areas where the program has failed to reach its original vision, namely inspiring innovation in agricultural practices, and secondly engaging those landholders who may not have otherwise undertaken projects of this nature on the property. This statement is not to be interpreted as a criticism of applicants and projects in previous programs. It is an acknowledgement that the applicants (successful or otherwise) to previous programs were generally aware of the types of activities which would enhance the ecological values of their property, and this program assisted in funding activities they may well have undertaken anyway, but possibly not in the short term. The projects have typically incorporated activities as described above, rather than activities that would be considered "innovative".

In general the program aligns more closely with the daily activities and strategic goals of the Local Land Services rather than Council. Therefore, the Environment Section has also identified the need to more closely align the program with Council's strategic plans, such as the Climate Change & Water Supply Security Plan and the Integrated Water Cycle Management Plan. To aid in this, it is proposed to promote the program as focusing on the following criteria:

- Target areas of land within the drinking water supply catchment.
- Target projects which will improve water quality in this part of the catchment.
- Limit the funding to include purchase of materials (eg fencing materials, plants), with labour to be an in-kind donation from the landholder or funded by the landholder.
- Strengthen the criteria for materials installed (eg must be fauna friendly fencing, with no barbed wire, specific spacing between star pickets, etc).

While it is not suggested that the program exclude applications outside the geographical area or style of project nominated above, the promotion of the project will focus on engaging landholders who best align with these criteria.

Further, if Council resolves to provide funding for the program in the 2016/17 Operating Plan, then the next round will be advertised in September 2016. This will increase the likelihood of subsequent projects being completed and final payments made prior to 30 June 2017 (and therefore negating the requirement for funds to be held into future operating plans). Staff would then continue to open the program around September each year.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 8: To promote sustainable and energy efficient growth. Strategy 8.4
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.7
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.8
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.6
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

- 17** Item 11 2016 LAND IMPROVEMENT AWARDS PROGRAM (13.00064)
MOVED: Cr M Morse SECONDED: Cr G Hanger

RESOLVED: That Council:

- (a) note that the 2016 Land Improvement Awards Program will be launched in January 2016; and
- (b) nominate Cr Jennings to be a part of the assessment panel for the 2016 program.

Yours faithfully



R Denyer
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 DECEMBER 2015

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$67,800,000 was invested at 30 November 2015 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
Bank of Queensland	A2	\$2,500,000.00	3.02%
Bendigo and Adelaide Bank	A2	\$500,000.00	2.85%
IMB Limited	A2	\$500,000.00	2.82%
Commonwealth Bank	A1+	\$1,500,000.00	3.00%
Bankwest	A1+	\$3,500,000.00	2.98%
National Australia Bank Limited	A1+	\$21,500,000.00	3.03%
St George	A1+	\$3,500,000.00	2.95%
Maritime, Mining & Power Credit Union	ADI	\$500,000.00	2.88%
People's Choice Credit Union	ADI	\$1,000,000.00	2.86%
Railways Credit Union Limited	ADI	\$1,000,000.00	3.10%
SGE Credit Union Limited	ADI	<u>\$1,500,000.00</u>	<u>2.90%</u>
		\$37,500,000.00	3.00%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Committed Rolling Investments</u>			
Westpac	AA-	\$2,000,000.00	3.35%
National Australia Bank Limited	AA-	\$2,000,000.00	2.98%
CBA Deposit Plus	AA-	\$1,500,000.00	3.30%
Maritime Mining & Power Credit Union Ltd	ADI	\$2,800,000.00	2.20%
WBC Coupon Select	AA-	<u>\$2,000,000.00</u>	<u>2.98%</u>
		\$10,300,000.00	2.88%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>3.27%</u>
		\$2,000,000.00	3.27%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	3.04%
Suncorp Metway	A+	\$1,000,000.00	3.39%
Macquarie Bank	A	\$1,000,000.00	3.24%
Bendigo & Adelaide Bank Retail Bond	A-	\$1,000,000.00	3.43%
Bank of Queensland	A-	\$1,000,000.00	3.18%
Bank of Queensland 1	A-	\$2,000,000.00	3.29%

Bendigo & Adelaide Bank	A-	\$1,000,000.00	3.11%
Bank of Queensland 2	A-	\$1,000,000.00	3.26%
Credit Union Australia	BBB+	\$3,000,000.00	3.49%
Police Bank Ltd	BBB+	\$1,000,000.00	3.35%
Police Bank Ltd 2	BBB+	\$1,000,000.00	3.34%
Credit Union Australia	BBB+	\$1,000,000.00	3.38%
Newcastle Permanent	BBB+	\$1,000,000.00	3.52%
Members Equity Bank 2	BBB+	\$1,000,000.00	3.23%
Greater Building Society	BBB	<u>\$1,000,000.00</u>	<u>3.56%</u>
		\$18,000,000.00	3.34%

Total Investments **\$67,800,000.00** **3.08%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$32,357,425.00
Grants held for specific purposes		\$2,494,304.00
Section 94 Funds held for specific purposes		<u>\$32,881,697.00</u>
Unrestricted Investments – All Funds		\$66,574.00
General Fund	\$66,574.00	
Water Fund	\$0.00	
Sewer Fund	\$0.00	
Waste Fund	<u>\$0.00</u>	

Total Investments **\$67,800,000.00**

Total Interest Revenue to 30 November 2015 **\$923,143.13** **3.08%**

Year to Date Averages

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	2.00%
AFMA - 90 day Bank Bill Swap Rate (BBSW) Avg Mid	2.17%
Three Year Swap Rate - Commonwealth	2.08%
Five Year Swap Rate - Commonwealth	2.45%
Modified Deitz Calculation	2.95%

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

R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

RESOLVED: That the information be noted.

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

Recommendation: That the information be noted.

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

At **attachment 2** is an update of Council's progress towards achieving the Strategies and Objectives for the 2015-2019 Delivery Plan and the Annual Operating Plan 2015-2016.

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

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

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

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

MOVED: Cr W Aubin SECONDED: Cr M Coote

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 26 November 2015.

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

Section 356:	\$3,664.91
BMEC Community use:	\$Nil
Mount Panorama:	\$9,279.18

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

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

MOVED: Cr G Westman 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.

- Jiang Jiang - 8 Adams Street - Lot 1033, DP 1212670 - Transfer
- LA Brennan & Y Yankovich - 16 Barr Street - Lot 1007, DP 1212670 - Transfer
- PH & K Francis - 4 McLean Street - Lot 1010, DP 1212670 - Transfer
- BK Adams - 10 Adams Street - Lot 1032, DP 1212670 - Transfer
- IR Goldie & RM Parker - 10 McLean Street - Lot 1013, DP 1212670 - Transfer
- MA Kuchin & NK Zamparo - 24 McLean Street - Lot 1020, DP 1212670 - Transfer
- AL Humphreys - 26 Governors Parade - Lot 1021, DP 1212670 - Transfer
- R M Haas - 12 Barr Street - Lot 1005, DP 1212670 - Transfer
- N H Fingleton - 9 Barney Street - Lot 1035, DP 1212670 - Transfer
- R Anderson - Cnr Barney & McLean Streets - Lot 1036, DP 1212670 - Transfer
- G J Edwards - 7 Barney Street - Lot 1034, DP 1212670 - Transfer
- Harvey Homes Investments Pty Ltd - Cnr Governor's Parade & McLean Street - Lot 1024, DP 1212670 - Transfer
- G Coates & Sons Pty Ltd - 6 Grimes Street - Lot 1051, DP 1212670 - Transfer
- W J Harvey - Cnr Grimes & McLean Streets - Lot 1047, DP 1212670 - Transfer
- Kenwood Homes Pty Ltd - 8 McLean Street - Lot 1012, DP 1212670 - Transfer
- JR Oliver - 12 Barney Street - Lot 1038, DP 1212670 - Transfer
- FR Bressi & JL Polk - 17 McGirr Street - Lot 402, DP 1150519 - Transfer
- MW & R Anderson - 4 Grimes Street - Lot 1052, DP 1212670 - Transfer
- MJ Dwyer- 10 Grimes Street - Lot 1049, DP 1212670 - Transfer
- Schedwards Investments Pty Ltd - Cnr Grimes & McLean Streets - Lot 1048, DP 1212670 - Transfer
- VP & SM Edwards - 5 Barr Street - Lot 1054, DP 1212670 - Transfer
- AR Todd - 8 Grimes Street - Lot 1050, DP 1212670 - Transfer
- NJ Henderson - 8 Barney Street - Lot 1040, DP 1212670 - Transfer

Linen Plan Release

- JD & JM Goodfellow - Purchase of land for public purposes - Lot 2, DP 785243 - 65 Piper Street, Bathurst
- JA & CP Stait - 250 lot subdivision - release of 33 lots - Lot 400, DP 1202459 - Graham Drive, 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

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

RESOLVED: That the information be noted.

5 REVENUE POLICY - NEW CHARGE - HIRE OF POLICE PADDOCK (04.00057, 04.00014, 16.00140)

Recommendation: That Council introduce a new charge for the hire of Council sporting grounds for camping, as follows:

- (a) Base fee of \$2,000 per event;
- (b) \$10 for each campsite located on the Council owned ground; and
- (c) Council advertise the proposed new charge to the Revenue Policy for a period of 28 days, and submissions be invited from members of the public. If submissions are received report back to Council. If no submissions are received adopt the new fees and incorporate into the Revenue Policy.

Report: Over the last four years Council has allowed the Police Paddock to be used for camping during the Bathurst 1000. The camp site has grown to around 200 sites and is used to provide accommodation for the Bathurst 1000 race during the October car race weekend.

It is proposed to introduce a fee for the hiring of the Police Paddock and any other Council grounds for the provision of camping for people attending the Bathurst 1000. The proposed fee structure is as follows:

- (a) Base hire fee per ground (Police Paddock or other associated grounds) \$2,000 per event.
- (b) For each camp site located on the Council owned ground \$10 per site for the event period.

The following conditions will apply in relation to the payment of fees:

- (a) Appropriate development application be completed to allow the Council facility to be used as a camp site.
- (b) The base fee is payable 14 days prior to the event.
- (c) The camp site fees are payable 14 days after the event.
- (d) Council will require a copy of the organisation's current public liability insurance policy to cover the use of the grounds for camping.
- (e) The hire organisation to complete the appropriate hire agreement with Council.
- (f) Council advertise the proposed new charge to the Revenue Policy for a period of 28 days, and submissions be invited from members of the public. If submissions are received report back to Council. If no submissions are received adopt the new fee and incorporate it into the Revenue Policy.

Financial Implications: The current hire of the Police Paddock would increase Council's revenue by approximately \$4,000 per annum.

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

22 Item 5 REVENUE POLICY - NEW CHARGE - HIRE OF POLICE Paddock **(04.00057, 04.00014, 16.00140)**

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council introduce a new charge for the hire of Council sporting grounds for camping, as follows:

- (a) Base fee of \$2,000 per event;
- (b) \$10 for each campsite located on the Council owned ground; and
- (c) Council advertise the proposed new charge to the Revenue Policy for a period of 28 days, and submissions be invited from members of the public. If submissions are received report back to Council. If no submissions are received adopt the new fees and incorporate into the Revenue Policy.

6 DYE HARD FUN RUN 2016 (04.00065, 23.00026)

Recommendation: That Council:

- (a) Support the Dye Hard Fun Run Event to be conducted on 30 October 2016.
- (b) Provide Berry Park and river footways between Evans Bridge and Gordon Edgell Bridge at no cost to the organisers.

Report: Council has received a request from the Dye Hard Fun Run organisation to conduct a second event on 30 October 2016 at the Berry Park precinct similar to the event conducted during the 2015 Bathurst 200 celebrations. The 2015 event attracted 2100 participants who paid an average entry fee of \$25. Council supplied the Events Team together with many of the other necessary items such as: water stations, traffic controllers, Facebook and other promotional advertising, provision of hay bales, registration support, rubbish bins, logistical support, etc.

Council incurred costs of approximately \$30,000 to assist the organisation in running the Bathurst200 event.

Discussions between Council and the owner of the Dye Hard Fun Run, Mr Rod Fardell, has resulted in the organisation accepting that Council would not be involved in providing any financial assistance or staff assistance in organising the event in 2016.

In respect to the 2015 event, Council has received positive feedback in relation to the operation and running of the event. However 2015 was the first event run with the support of the Bathurst200 budget which will not be available for the 2016 event.

It is recommended that Council accept the request from Dye Hard Fun Run to conduct the event in 2016 at Berry Park and that the organisers be advised that they will be responsible for all costs associated with the organisation, promotion and running of the event.

Financial Implications: Council would forego a small charge for the hire of Berry Park in relation to this event.

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 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

- 23 Item 6 DYE HARD FUN RUN 2016 (04.00065, 23.00026)
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) Support the Dye Hard Fun Run Event to be conducted on 30 October 2016.
- (b) Provide Berry Park and river footways between Evans Bridge and Gordon Edgell Bridge at no cost to the organisers.

7 REQUEST FOR FINANCIAL ASSISTANCE - INTERNATIONAL WOMEN'S DAY (23.00026)

Recommendation: That Council make available the use of Bathurst Memorial Entertainment Centre (BMEC) for the conduct of an event to celebrate International Women's Day in 2016 at a cost of \$607 to be funded from Section 356 Donations.

Report: The International Women's Day Working Group have requested the waiving of fees for BMEC to host an event to mark International Women's Day 2016.

The group is planning to provide an event that showcases local women, organisations and groups on Tuesday, 8 March 2016. The event will include a forum made up of a diverse range of local women who will present on the theme of 'success.... like a girl'. A broad range of stall holders will also be encouraged to participate.

The event will be free with all community members invited to attend. Special invitations will be forwarded to all local High Schools to encourage their senior female students from years 10, 11 and 12 to attend.

The International Women's Day Working Group would like to formally request the waiving of the fees for BMEC for the amount of \$607 to facilitate this celebration.

Financial Implications: As there are no funds available in the BMEC Community Use Subsidy Vote, this request could be funded from Section 356 Donations currently has a balance of \$3,664.91.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5, 30.6
- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.6

MINUTE

24 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - INTERNATIONAL WOMEN'S DAY (23.00026)

MOVED: Cr M Morse SECONDED: Cr J Jennings

RESOLVED: That Council make available the use of Bathurst Memorial Entertainment Centre (BMEC) for the conduct of an event to celebrate International Women's Day in 2016 at a cost of \$607 to be funded from Section 356 Donations.

Yours faithfully



R Roach

**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 DECEMBER 2015

1 SUTTOR STREET TREES (25.00072)

Recommendation: That the information be noted.

Report: During Council's Policy Committee Meeting held 2 September 2015, a report was requested on the condition of trees within the traffic island of Suttor Street, between Bradwardine Road and the Water Reservoir.

Council officers have conducted an investigation of the trees and have prepared a condition report which is shown at **attachment 1**.

As indicated within the report, it is considered that almost all trees within the traffic Island of Suttor Street have been assessed as being in a healthy stable condition and provide high landscape and cultural amenity to the surrounding area.

A small number of trees have been assessed to be in poor condition and will be monitored in the future with any necessary action to be taken should any further decline cause safety issues. The assessment also identified a number of general maintenance works that should be undertaken to all trees within the Suttor Street median island and these will be implemented within Council's general street tree maintenance program, as resources permit. Such works relate to dead wood removal, directional pruning and other minor tree maintenance practices.

The report has identified that some damage has been sustained in various sections of the kerbing / retaining walls of the traffic island, caused by the trees as they have matured. It is considered that the traffic island and the general tree scape could be aesthetically enhanced by undertaking repair works to the concrete kerbing and applying a mulching treatment throughout the traffic island. An estimate for such works will be developed within the coming months and presented for consideration in future Management Plan deliberations.

Financial Implications: Cost for restoration of kerbing and mulching treatment to the Suttor Street traffic Island is to be developed for future budget considerations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

- 25** **Item 1 SUTOR STREET TREES (25.00072)**
MOVED: Cr G Hanger SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

2 2015 ROAD SAFETY AWARDS - RACING ROAD SAFETY TO THE MOUNT (28.00002)

Recommendation: That the information be noted.

Report: In September 2015 Council received advice that the road safety project 'Racing Road Safety to the Mount' was named as a finalist in the Australasian College of Road Safety 3M National Diamond Road Safety Awards 2015. The award ceremony was held at the Gold Coast Convention Centre Queensland in October 2015.

Further to this, Council was awarded by the Institute of Public Works Engineering Australia (IPWEA), a Highly Commended for Local Government Excellence in Road Safety for the 'Racing Road Safety to the Mount' project. The award was presented in Terrigal on 15 October 2015.

Background:

With an average 200,000 car racing enthusiasts attending the Bathurst V8 Races annually, this event creates an excellent opportunity to provide road safety education to event patrons.

The majority of attendees travel via the road network. Many journey from interstate, exposing themselves to the many road safety implications that present with long distance travel, especially speed and fatigue.

In an effort to encourage road safety in the area, Council and Bathurst Highway Patrol identified a need and an opportunity to use this event to deliver road safety directly to this road user group. In its infancy in 2012, Council and the Highway Patrol combined to deliver road safety messages relating to fatigue, speed and alcohol. This was delivered over 3 days on the Friday, Saturday and Sunday. The successful delivery of this display encouraged Council and the Highway Patrol to expand, and introduce additional resources and staffing in the following years.

In 2013 and 2014 a combined effort between Council, Traffic and Highway Patrol Command NSW Police, Roads and Maritime Services (RMS) and V8 Supercars has delivered a free road safety display that operates at Bathurst V8 Races for the 4 day period of the race event, Thursday to Sunday inclusive.

While the main target group for the display focuses on males aged 18-45 and the educational package was primarily focused on speed, it catered for all road users by providing an excellent opportunity to showcase and deliver road safety education and information on all road safety topics including:

- highlighting the consequences of speeding
- impaired driving – drink and drugs
- driver distraction
- fatigue
- child restraints
- mobile phones
- other topics as may be raised by event patrons.

The display was located in a high pedestrian activity point in the grounds of the National Motor Racing Museum at the eastern side of a pedestrian footbridge linking the 2 sides of the Track. This provided immediate impact and opportunity for race attendees to connect and interact directly with Police and the local Road Safety Officer, and to access literature,

resources, and technical information.

A static and electronic display featured a Random Breath Test Unit, Police performance vehicles, Highway Patrol vehicles and vintage vehicles. The RMS crash lab cars were on view while an accompanying video loop relaying road safety advice on the consequences of speed was aired on a large screen. Police provided giveaway show bags containing educational and promotional resources, while Council's Road Safety Program provided relevant road safety giveaways and educational resources. Many families and patrons took advantage of the hands on interaction and unique photo opportunities that accompanied this display.

An objective of presenting the display was to profile and raise road safety awareness. This proved to be successful, as apart from the crowds the display attracted, it gained excellent media coverage with newsprint, television and radio all promoting the display. Social media also buzzed with reports of the display as many attendees took to various streams to share their experience, photos and comments. Excellent feedback was forthcoming from display attendees. Feedback from V8 Supercars was exceptionally positive with them commending the display and committing their ongoing support for future Bathurst events. The display is planned for ongoing delivery.

The Judges synopsis of the program stated:

1. Good project – growth and application over the years shows dedication and effectiveness.
2. The event target group is relative to overall road user safety awareness.
3. This project builds on existing high profile event, high cooperation between Council, NSW Police, RMS and V8 Race organisers, effective in targeting captured audience, opportunity to expand to other road safety areas, transferable to other LGAs for other similar community events.
4. Good enhancement of an existing project and builds on a high profile event to promote road safety to target audience, good cooperation with Police to deliver project. This event is unique to Bathurst and likely to continue into the future and grow in scale.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.6
- Objective 33: To be and develop good leaders. Strategy 33.5 33.6

MINUTE

26 Item 2 2015 ROAD SAFETY AWARDS - RACING ROAD SAFETY TO THE MOUNT (28.00002)

MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

3 2015 ROAD SAFETY AWARDS - FREE CUPPA FOR THE DRIVER SCHEME (28.00002)

Recommendation: That the information be noted.

Report: Bathurst and Blayney Councils were presented by the Institute of Public Works Engineering Australia (IPWEA), with the 'Winner' award for Local Government Excellence in Road Safety for the 'Free Cuppa for the Driver Scheme' project at the Excellence Awards Dinner in Terrigal on 15 October 2015.

At the same time in Sydney, the 'Free Cuppa for the Driver' Scheme's free Smartphone Apps were awarded a silver medal at the 2015 App Design Awards in the 'Health' category.

Further to this, the 'Free Cuppa for the Driver Scheme' was named as a finalist in the Australasian College of Road Safety 3M National Diamond Road Safety Awards 2015. The award ceremony was held at the Gold Coast Convention Centre Queensland in October 2015.

Background:

The Free Cuppa for the Driver Scheme is a road safety project targeting driver fatigue. The scheme encourages visiting drivers to stop at participating businesses for a free cup of tea or coffee so as to take a break from driving long distances.

The scheme involves partnerships formed between 14 participating Western Region Councils and local participating businesses.

The free Smartphone Apps (for iPhones and Androids) were a new initiative in phase 5 and were developed with GPS technology which can tell drivers how close the next participating business is and provided essential information such as opening hours and directions.

Both Councils are committed to delivering this project again in 2016.

The Judges synopsis of the program stated:

1. Clever extension into the digital media (app), growth of participating Councils and businesses, reinforces RMS state program messaging and desired actions. Wide coverage with numerous parties participating. Positive increase in uptake by drivers, good link to RMS road safety message, broad coverage of the rural area, growth of prior project (5th cycle). Transferable to rural / regional areas, effectively targeted at interest group, good project structure and delivery, incentives built into project for participants.
2. The innovation of applying technology i.e. Smartphone App, the depth of research and analysis and community cooperation and wider audience expanded over a number of years demonstrates high quality delivery in an ongoing program.
3. Simple but effective, need established from crash stats, specific for regional areas, good cooperation with a no. councils and many members of the community, large no. participants, good use of surveys and electronic media to assess outcomes, project continues after 5 years, no. participants increasing to 1,721, Council's image improve through media.
4. Enhancement of an existing project, good cooperation with local businesses and neighbouring councils, good measurement of success through app downloads and free cuppas, project unique to the region, established and likely to continue.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.6
- Objective 33: To be and develop good leaders. Strategy 33.5 33.6

MINUTE

27 Item 3 2015 ROAD SAFETY AWARDS - FREE CUPPA FOR THE DRIVER SCHEME (28.00002)

MOVED: Cr W Aubin SECONDED: Cr M Coote

RESOLVED: That the information be noted.

4 PROCTOR PARK MASTER PLAN (04.00044)

Recommendation: That Council endorse the Draft Master Plan proposal for the development of the Proctor Park Football (Soccer) Precinct, Bathurst

Report: In 2008, in conjunction with various stakeholders of Proctor Park, Council began preliminary investigations for the future development of the precinct as a central football complex in Bathurst.

At its ordinary meeting held 1 April 2015, Council resolved to:

- a) *Endorse the Draft Master Plan proposal for the development of the Proctor Park Football (Soccer) precinct, Bathurst and;*
- b) *Commence with the consultation process with all relevant stakeholders in order to finalise the draft plan and prepare the final document for Council's endorsement.*

The Draft Master Plan was sent to Proctor Park stakeholders and user groups on 5 May 2015, seeking input, comments, suggestions and general feedback for consideration to deliver the final Master Plan document for the development of the Proctor Park Football Precinct. Stakeholders and user groups were offered four (4) weeks to present written submissions to the draft plan.

List of Stakeholders / User Groups

- | | |
|---|-----------------------------------|
| - Football NSW Club | - Bathurst City Colts Football |
| - Western NSW Football | - Churches United Football Club |
| - Western Mariners Football | - Collegians Football Club |
| - Bathurst District Football Inc. | - CSU Football Club |
| - Abercrombie Football Club | - Eglinton District Football Club |
| - All Saints College Soccer Coordinator | - Macquarie United Football Club |
| - Bathurst 75's Football Club | - Panda Football Club |
| - Bathurst Athletic Football Club | - Scots School FC |

Submissions Received

Council received a total of three (3) submissions to the draft Master Plan and one letter from Football NSW supporting the process of the proposed development of Football within Bathurst. The three submissions received were from;

- Bathurst 75 FC Committee
- Bathurst District Football
- Macquarie United FC

A copy of each of the submissions, with comments provided by Council Staff against each specific item raised by the stakeholder groups is provided at **attachment 1**.

It was found that a number of comments were consistent throughout the submissions received, namely;

- The closure of fields due to wet weather
- Poor amenities and toilet facilities
- Deficient field drainage and surface
- Inferior car parking facilities

Proposed Alterations to Draft Master Plan Document

In review of all comments provided by stakeholders, it was determined that the Draft Master Plan document was not adequately addressing the issues relating to the ongoing use and development of existing fields within the Football Precinct. It was the general consensus that all existing fields within the Proctor Park Precinct are in poor condition and deteriorate very quickly during season use.

Although it is believed that the construction of more fields would in part solve the over use issues that do affect the condition of fields during the playing season, it is believed that field performance and playability of the grass surface of fields will continue to cause concern for the Proctor Park user groups due to a lack of adequate in field drainage.

It is therefore believed warranted that improvements to the existing fields within Proctor Park and Police Paddock be identified and included in any Master Plan proposal for the Proctor Park Football Precinct.

On the 19 November 2015, a meeting was held with Councillors, Staff and delegates from Bathurst District Football to further discuss the priorities of the Association in respect the future development of the Football Precinct and their concerns with the current field conditions. At the meeting, Bathurst District Football were advised to provide to Council, in writing, their preference to the future development of the Precinct, including the level of funding contribution they were able to provide to assist in the development of their sport. A copy of their letter is shown at **attachment 2**.

In consideration of the various discussions and consultation process, the Draft Master Plan Proposal for the future development of the Precinct has been amended to reflect the specific concerns of Bathurst District Football and the user groups that regularly utilise the Proctor Park facility. A copy of the amended Master Plan document is provided at **attachment 3**.

Due to the extent of existing services and infrastructure needing to be altered, as well as new underground infrastructure installed, and to avoid rework in respect to new underground services in the future (i.e future drainage systems), it is proposed that the construction of the synthetic field be undertaken as part of the first stage of the development works.

Financial Implications: Council has made the following provisions within the 2015/2016 Management Plan to commence Stage 1 of the Master Plan:-

Council Funds	\$500,000
Grant Funding	\$500,000

Bathurst District
Football Contribution \$500,000

Total \$1.5M

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4, 21.6

MINUTE

- 28 Item 4 PROCTOR PARK MASTER PLAN (04.00044)
MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That Council endorse the Draft Master Plan proposal for the development of the Proctor Park Football (Soccer) Precinct, Bathurst, with priority being given to remediation works.

5 CROWN ROADS AT WATTLE FLAT (25.00115)

Recommendation: That Council approve the transfer of Crown public roads located at the Village of Wattle Flat, as detailed in the Director Engineering Services' report.

Report: Council will recall at its ordinary meeting on 18 March 2015 that the ownership of Crown Roads within Rockley was considered. Council resolved to:

“Approve the transfer of the Crown public road located in the Village of Rockley, as detailed in the Director Engineering Services' report.”

There are a number of Crown roads within the Villages surrounding Bathurst that have been constructed and maintained by Council. Due to the fact that the road is owned by the Crown and is not a Council asset, the level of construction and maintenance may not always be up to the same standard as a Council owned road. In order to overcome this problem, Council Engineers have investigated the Crown roads within the village of Wattle Flat and have found it necessary to transfer some Crown public roads to its ownership for improved maintenance and access within Wattle Flat.

The criteria that were considered when looking at each road in Wattle Flat was:

- Is the road improved (e.g. sealed or formed to a suitable standard)?
- Is the road on its correct alignment?
- Does it provide continuity with other Council owned roads?
- Does the road serve 3 or more residents?
- Does it offer too great a liability to Council if transferred?

Following this investigation, there are a number of roads that meet these criteria. It is recommended that Council make application to the Crown for the transfer of the following roads to Councils ownership:

- (a) Crawford Lane – From Sofala Lane to Beath Street
- (b) School Lane - From Thomson Street to Public School
- (c) Reilly Lane – From Limekilns Road to the end
- (d) Fogharty Lane - From Sofala Road to the end
- (e) Batterham Lane – From Limekilns Lane to existing Council owned section.
- (f) 23 Mile Lane – From existing Council owned section to end of constructed road.
- (g) Jones Lane – From Sofala Road to the end
- (h) Solitary Road – From Sofala Road to the end

The following roads do not satisfy the criteria and therefore will remain as Crown road:

- 1 Beath Street

Reason: The road does not serve 3 or more residents (serves 2 residents); the road is unimproved and is not constructed to a sufficient standard.

2 Short Street

Reason: The road does not serve 3 or more residents (serves 2 resident), the road is off alignment, unimproved and not constructed to a sufficient standard.

3 Brae Lane

Reason: The road is not constructed to a sufficient standard and it is off the road alignment.

Please refer to the plan of road ownership in the village of Wattle Flat at **attachment 1**.

Financial Implications: The Crown Lands application fee is \$200.00 per road (total of \$1,600.00). Ongoing road maintenance costs to be funded from road maintenance 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
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.6
- 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 29.1

MINUTE

- 29 Item 5 CROWN ROADS AT WATTLE FLAT (25.00115)
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council approve the transfer of Crown public roads located at the Village of Wattle Flat, as detailed in the Director Engineering Services' report.

**6 PROPOSED COMPULSORY ACQUISITION FOR COUNCIL SERVICE
FUNCTIONS LOTS 1 & 2 DP856918 & LOT 5 DP1191423 WILLIAM AND HOWICK
STREETS, BATHURST (22.01387)**

Recommendation: That Council:

- (1) make application to the Minister and/or Governor for the compulsory acquisition of Lots 1 and 2 DP856918 and Lot 5 DP1191423 for service functions located at William and Howick Streets, Bathurst. The application will not include mineral rights, is to follow the provisions of the Local Government Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991 and is to preserve the following Easements burdening 1/856918 benefiting 1/1155530:
 - (a) Easement for concrete strip 1 wide
 - (a) Easement to drain water 1 wide
 - (a) Easement to permit encroaching structure to remain 1 wide
 - (a) Easement for overhang 1 wide
 - (a) Easement for services 1 wide
 - (a) Easement for waterproofing 1 wide

 - (b) Easement for handrails 0.25 wide
 - (b) Easement for retaining wall 0.25 wide
 - (b) Easement for waterproofing 0.25 wide

 - (c) Easement for gas pipe over existing gas pipe (approximate position)
- (2) The acquired land is to be classified as operational land.

Report: Council will recall at its meeting held 19 June 2013 that it resolved to:

- (a) Accept the offer that the TAFE site be vested in Bathurst Regional Council as Torrens Title land;
- (b) The land be classified as operational.

Since this time Council has been liaising with Government Property NSW and the Office of Local Government to facilitate the transfer of the land to Council. Both departments have confirmed that Council is required to acquire the land by the compulsory acquisition process outlined in the Land Acquisition (Just Terms Compensation) Act 1991.

Government Property NSW and Council have agreed on the terms of the acquisition, yet to be formalised by a section 29 Agreement, made pursuant to the Land Acquisition (Just Terms Compensation) Act 1991. The terms agreed provide that the property will be transferred to Council with no compensation being payable by Council.

The Local Government Act 1993 ("the Act") provides the ability for Council to acquire land for a "public purpose". The public purpose for Council to exercise its service functions as outlined in chapter 5 of the Act.

It is recommended that Council resolve to make application to the Minister and/or Governor for the compulsory acquisition of Lots 1 and 2 DP856918 and Lot 5 DP1191423 located at William and Howick Streets, Bathurst. The application will not include mineral rights, is to follow the provisions of the Local Government Act 1993 and the Land Acquisition (Just

Terms Compensation) Act 1991 and is to preserve the following Easements burdening 1/856918 benefiting 1/1155530:

- (a) Easement for concrete strip 1 wide
- (a) Easement to drain water 1 wide
- (a) Easement to permit encroaching structure to remain 1 wide
- (a) Easement for overhang 1 wide
- (a) Easement for services 1 wide
- (a) Easement for waterproofing 1 wide

- (b) Easement for handrails 0.25 wide
- (b) Easement for retaining wall 0.25 wide
- (b) Easement for waterproofing 0.25 wide

- (c) Easement for gas pipe over existing gas pipe (Approximate position)

The acquired land should be classified as operational land.

Financial Implications: The cost of the application and acquisition is estimated to be \$1,000.00 and is to be funded from other Land and Building allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.5

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

- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1

MINUTE

30 Item 6 PROPOSED COMPULSORY ACQUISITION FOR COUNCIL SERVICE FUNCTIONS LOTS 1 & 2 DP856918 & LOT 5 DP1191425 WILLIAM AND HOWICK STREETS, BATHURST (22.01387)

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council:

- (1) make application to the Minister and/or Governor for the compulsory acquisition of Lots 1 and 2 DP856918 and Lot 5 DP1191423 for service functions located at William and Howick Streets, Bathurst. The application will not include mineral rights, is to follow the provisions of the Local Government Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991 and is to preserve the following Easements burdening 1/856918 benefiting 1/1155530:
 - (a) Easement for concrete strip 1 wide
 - (a) Easement to drain water 1 wide
 - (a) Easement to permit encroaching structure to remain 1 wide
 - (a) Easement for overhang 1 wide
 - (a) Easement for services 1 wide
 - (a) Easement for waterproofing 1 wide

 - (b) Easement for handrails 0.25 wide
 - (b) Easement for retaining wall 0.25 wide
 - (b) Easement for waterproofing 0.25 wide

 - (c) Easement for gas pipe over existing gas pipe (approximate position)
- (2) The acquired land is to be classified as operational land.

Yours faithfully



Doug Patterson

**DIRECTOR
ENGINEERING SERVICES**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 DECEMBER 2015

1 BATHURST REGION TOURISM REFERENCE GROUP MEMBERSHIP (07.00116)

Recommendation: That Council endorse the membership of the Bathurst Region Tourism Reference Group as outlined in the report.

Report: Council, at its meeting held 15 July 2015, resolved to:

- (a) *adopt the draft charter for the Bathurst Region Destination Management Plan Reference Group; and*
- (b) *seek expressions of interest for members of the Destination Management Plan Reference Group.*

In accordance with this resolution, applications were sought through local media advertising, with the closing date of Friday 23 October 2015.

There was considerable interest in participating in this group with over 25 applications received for the 12 member reference group.

The Australian Regional Tourism Network (ARTN) assisted Council in the selection of the group.

While many worthy applications were received, the aim, as supported by the ARTN, is to create a group which attempts to provide a broad cross-section of industry reflecting a well-balanced group encompassing the key sectors of the visitor economy. Due to each sector being represented by the suggested list below, not all applicants were successful in being recommended for appointment as a member of the group at this time.

The following list is provided for Council's consideration and endorsement:

	Name	Sector
1	Ms Gerarda Mader	Accommodation
2	Ms Hannah Madden	Young Graduate (International Tourism Management)
3	Mr Ray Pickard	Education
4	Ms Fiona McWilliam	Broad skill base (Marketing and Promotion)
5	Ms Christine LeFevre	Accommodation
6	Mr Mark Renzaglia	Wines of Bathurst
7	Ms Suzanne Ingram	Aboriginal Tourism
8	Mr Christopher Morgan	Attractions/ Events/ Culture/ Heritage and History/ Education
9	Mr Andrew McKenna	Accommodation
10	Mr Tony McBurney	Accommodation, etc
11	Ms Fran White	Heritage Tourism

It is noted that a regular review of the group will be undertaken as part of the Terms of Reference for the group.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 4: To market Bathurst as a great place to live, work, study, invest and play. Strategy 4.1, 4.3, 4.4, 4.6
- Objective 5: To facilitate and foster partnerships, networks and infrastructure to support and attract knowledge, innovation and research. Strategy 5.1
- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2, 30.3, 30.6

MINUTE

31 Item 1 BATHURST REGION TOURISM REFERENCE GROUP MEMBERSHIP
(07.00116)

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That Council endorse the membership of the Bathurst Region Tourism Reference Group as outlined in the report.

2 BATHURST REGIONAL YOUTH COUNCIL - "YOU'VE GOT THIS" PROJECT PILOT (11.00020)

Recommendation: That the information be noted.

Report: 'You've Got This' is a youth led, mental health campaign. The campaign was conceived and developed by members of the Bathurst Regional Youth Council and the headspace Bathurst Youth Reference Group. The goal of the campaign is to help young people understand that stress is a normal part of everyday life and how to cope with stressful situations. There is a particular focus on the importance of exercise, social connections, and sleep hygiene as coping mechanisms.

The 'You've Got This' campaign comprises a number of key elements aimed at engaging young people about the issue of stress and the coping strategies. These elements include presentations at the assemblies of all secondary schools and colleges in Bathurst, developing three short videos focusing on the coping strategies, developing a zine (a small, self-produced comic focusing on the themes of the campaign) for distribution after the presentations, and developing pens to promote the campaign.

On Friday 20 November 2015 members of the Bathurst Regional Youth Council and headspace Bathurst Youth Reference Group presented to a MacKillop College school assembly. This presentation was a pilot for the campaign, with the presentations at the remaining secondary schools planned to take place during 2016. The presentation provided an overview of the campaign, discussed stress and the focus areas on how to reduce stress, and showed two of the videos. Zines and headspace wristbands were provided to the school to be distributed to students following the presentation.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 27: To encourage youth engagement, participation and achievement across all areas of the Bathurst community. Strategy 27.1, 27.4, 27.9
- Objective 33: To be and develop good leaders. Strategy 33.2, 33.3

MINUTE

**32 Item 2 BATHURST REGIONAL YOUTH COUNCIL - "YOU'VE GOT THIS"
PROJECT PILOT (11.00020)**

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That the information be noted.

3 BATHURST REGIONAL ART GALLERY WINS TWO HIGHLY COMMENDED AWARDS AT THE 2015 IMAGINE AWARDS (21.00039)

Recommendation: That the information be noted.

Report: The IMAGInE Awards are an initiative of Museums & Galleries of NSW and recognise the people, museums and galleries across NSW and the contribution they make.

Bathurst Regional Art Gallery's award winning *Bathurst Possum Skin Cloak Healing Workshop* and *Stars + Stripes: American Art of the 21st Century from the Goldberg Collection* exhibition were awarded Highly Commended awards at the 2015 IMAGInE Awards in the Engagement Programs (3-10 paid staff) and Exhibition Projects (Galleries: 3-10 paid staff) categories. There were nine entries in the Engagement Programs category and 24 entries in the Exhibition Programs category. Entries originated from all over NSW.

The *Bathurst Possum Skin Cloak Healing Workshops*, a partnership project between Bathurst Regional Art Gallery and the Bathurst Wiradyuri and Community Elders, has already received the Outstanding Community Contribution to Local Heritage Award and the John Copeman Award as the Overall Winner across all Categories at the Bathurst Bicentenary National Trust Heritage Awards. The project also won a Highly Commended in the 2015 Museums Australia MAGNA Awards (Museums and Galleries National Awards) in the Indigenous Project or Keeping Place Category. With the addition of this IMAGInE award, this project has now won awards on local, state and national levels.

The *Stars + Stripes: American Art of the 21st Century from the Goldberg Collection* exhibition has just opened at the fourth venue on an eight venue regional tour of New South Wales, Victoria and Queensland. The exhibition project was an important strategic partnership between the Bathurst Regional Art Gallery (BRAG), private collectors Danny and Lisa Goldberg and touring agency M&GNSW, and was curated by BRAG's Director and opened in Bathurst in October 2014.

The total visitation for the exhibition duration in Bathurst was 3,030 patrons, which is on par with our exhibition visitation. So far 11,171 patrons have visited the exhibition across three tour venues; Grafton Regional Art Gallery, Grafton NSW (1,840), Manly Art Gallery and Museum, Sydney NSW (8,285), and Cowra Regional Art Gallery, Cowra NSW (1,046).

Financial Implications: Funding of \$10,000 for the *Bathurst Possum Skin Cloak Healing Workshops* in October/November 2014 was provided by Bathurst Regional Council B200 Projects. Additionally, Bathurst Regional Art Gallery contributed \$5,000 to the project from its Arts NSW artistic program funding.

Funding for the *Stars + Stripes: American Art of the 21st Century from the Goldberg Collection* exhibition and tour was contained within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.6, 11.9
- 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 23.5

MINUTE

**33 Item 3 BATHURST REGIONAL ART GALLERY WINS TWO HIGHLY
COMMENDED AWARDS AT THE 2015 IMAGINE AWARDS (21.00039)
MOVED: Cr M Morse SECONDED: Cr W Aubin**

RESOLVED: That the information be noted.

4 ARTS NSW TRIENNIAL FUNDING - BATHURST REGIONAL ART GALLERY AND BATHURST MEMORIAL ENTERTAINMENT CENTRE (16.00017, 16.00049)

Recommendation: That the information be noted.

Report: In the recent Arts NSW announcements for arts funding both Bathurst Regional Art Gallery and Bathurst Memorial Entertainment Centre (BMEC) were awarded triennial funding for the period 2016-2018 inclusive.

This will be the first time BMEC has been awarded triennial funding and marks an acknowledgement by Arts NSW of the important and continuing role BMEC plays in the cultural life of Bathurst.

Funding of \$80,000 per annum will be given in 2016, 2017 and 2018 to enable BMEC to continue to deliver its Local Stages program, together with other programs to develop performing arts practice and engage audiences in the Bathurst Region and Central West NSW as well as deliver programs that engage young people and Aboriginal people.

For the second time BRAG has been awarded triennial funding and like BMEC marks an acknowledgement by Arts NSW of the important and continuing role BRAG continues to play in the cultural life of Bathurst.

Funding of \$80,000 per annum will be given in 2016, 2017 and 2018 to enable BRAG to develop and present a diverse mix of gallery-initiated and incoming touring exhibitions with a public program of activities. The Gallery will support local regional artists through survey exhibitions and scholarly publications, and will continue to manage the well-known *Hill End Artists in Residence Program*. Over the next three years, BRAG will deliver educational access and research programs to the local area, with targeted activities for the local Indigenous community and young people and will continue to run its free school educational transport scheme to bring students to the gallery.

Financial Implications: Funding by Arts NSW of \$80,000 per annum (excluding GST) will be given to both BRAG and BMEC in the calendar years 2016, 2017 and 2018 to support the operations of each institution.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.3
- Objective 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, 20.4, 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 26.1, 26.2
- Objective 27: To encourage youth engagement, Strategy 27.9

participation and achievement across all areas of the Bathurst community.

MINUTE

34 Item 4 ARTS NSW TRIENNIAL FUNDING - BATHURST REGIONAL ART GALLERY AND BATHURST MEMORIAL ENTERTAINMENT CENTRE (16.00017, 16.00049)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the information be noted.

5 PROPOSED FIRST HOUSE PUBLIC ART PROJECT (21.00015)

Recommendation: That Council:

- (a) support, in principle, the investigation of the feasibility of a public art work that celebrates the first public house in Bathurst, to be sited in Elizabeth Park, corner of William and Elizabeth Streets, Bathurst.
- (b) prepare a report, including results of the investigation of a public art work, for further consideration.
- (c) refer the funding for the project to the 2016/2017 budget process for consideration.

Report: In May 2015 the Bathurst and District Branch of the National Trust of Australia (New South Wales) wrote to the Mayor proposing that a public art project commemorating the first permanent house in Bathurst be considered for Elizabeth Park at the corner of William and Elizabeth Streets, Bathurst. Elizabeth Park was the site of Bathurst's first house built in 1816. The Branch estimated on their calculations that the total cost of the project would be in the region of \$25,000 and they were confident that they could secure private underwriting for the project.

The Branch met with the Mayor and General Manager on 9 June 2015 to discuss their proposal.

Since that date there have been two meetings between members of the Branch and Council staff regarding the proposal.

It has become apparent from those meetings and from the advice of Council staff, that the project is a major public art project that needs to be developed according to a proper tender process, a detailed project brief and with an appropriate budget.

A Development Application will need to be lodged, as part of the approval process.

Investigations will commence shortly to define a project brief and develop cost estimates for the project for consideration in future management plan processes.

Further reports will be presented to Council.

Financial Implications: Based on the budget for the Peter Brock Memorial at the National Motor Racing Museum, a public art project of a similar scale to the First House Project; funding of at least \$200,000 will need to be allocated in the 2016/2017 draft Budget for the project to proceed.

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 11.6, 11.9
- 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 23.5

MINUTE

35 Item 5 PROPOSED FIRST HOUSE PUBLIC ART PROJECT (21.00015)
MOVED: Cr J Jennings SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) support, in principle, the investigation of the feasibility of a public art work that celebrates the first house in Bathurst, to be sited in Elizabeth Park, corner of William and Elizabeth Streets, Bathurst.
- (b) prepare a report, including results of the investigation of a public art work, for further consideration.
- (c) refer the funding for the project to the 2016/2017 budget process for consideration.

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 DECEMBER 2015 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 1 December 2015 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 1 December 2015, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

36 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 DECEMBER 2015
(07.00006)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 1 December 2015 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 1 DECEMBER 2015

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Cr Warren Aubin (Chair), Senior Constable Jason Marks (Police), David Vant and Deanne Freeman (Roads & Maritime Services).

Present: Doug Patterson (Director Engineering Services), Paul Kendrick (Traffic & Design Engineer), Iris Dorsett (Tablelands Area Road Safety Officer).

APOLOGIES

2 APOLOGIES

That the apologies of David Veness (MP Representative) be accepted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 NOVEMBER 2015 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 3 November 2015 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 3 NOVEMBER 2015 (07.00006)**

That the information be noted and necessary actions be taken.

6 **Item 2 REQUEST TO EXTEND POLICE PARKING IN RANKIN STREET (25.00009-02/112)**

That approval be given for the existing "No Stopping Police Vehicles Excepted" zone on Rankin Street to be extended by 3 car parking spaces.

7 **Item 3 ST VINCENT DE PAUL SOCIETY VEHICLE ACCESS ONTO KEPPEL STREET - PROPOSED NO STOPPING SIGNS (22.00712-024)**

That Council approve the placement of "No Stopping" signs on both sides of the shared driveway of 64-66 Keppel Street and 68 Keppel Street.

8 **Item 4 NO STOPPING SIGNS – KEPPEL STREET NEAR STEWART STREET (25.00039-05)**

That Council approve the relocation of a "No Stopping" sign closer to the intersection and remove the lane line.

9 **Item 5 NO STOPPING SIGNS – BATHURST PANTHERS ACCESS ONTO GEORGE STREET (28.00007-05/158)**

That Council approve the placement of a "No Stopping" zone on the Piper Street

side of the George Street driveway of Bathurst Panthers and an edge line between the Piper Street corner extending to just past the Panthers' driveway.

10 **Item 6 NEW YEAR'S EVE CELEBRATIONS TEMPORARY REMOVAL OF 12 T LOAD LIMIT ON BRADWARDINE ROAD (23.00131)**

That Council approve the temporary removal of the 12T Load Limit on Bradwardine Road for the New Year's Eve celebrations in Victoria Park on Thursday 31 December 2015.

11 **Item 7 BEYERS ROAD, HILL END – “NO PARKING” SIGNS (22.09635-009)**

That Council approve the installation of 'No Parking' signs on the Beyers Road frontage of the General Store and Visitor's Centre in Hill End.

12 **Item 8 BATHURST CYCLING CLUB ROAD RACING AND TRAINING EVENTS 2016 (18.00022-05)**

That Council endorse the traffic management for the Bathurst Cycling Club road racing and training events for 2016. The events are to be classified as Class 2 events and approved subject to conditions detailed in the Director Engineering Services' report.

13 **Item 9 1/2P PARKING 132 DURHAM STREET (25.00089-02)**

That Council:

- (a) Not replace the existing unrestricted parking outside the business at 132 Durham Street with 1/2P "8.30am-6.00pm" parking.
- (b) Further investigate parking in front of the 2 businesses located at 130 and 132 Durham Street and report back to the next Traffic Committee meeting.

DELEGATES REPORTS AND MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 DECEMBER 2015

1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11 NOVEMBER 2015 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Councillors Rush (Chair), Aubin, Bourke, Morse, North, Westman

Apologies: Crs Coote, Hanger and Jennings

1. BATHURST REGIONAL HERITAGE REFERENCE GROUP (18.0091)

Representatives from the Bathurst Regional Heritage Reference Group met with Council to discuss Main Street Improvements and signage compliance.

The Group tabled a submission on signage and colour schemes in the Bathurst Conservation Areas.

Discussion included:

- Central Business District signage and colour schemes are important as strategic issue and as a legacy for the community.
- have opportunity to claim Bathurst as a pre-eminent heritage destination in NSW.
- Bathurst has heritage conservation area which covers Central Business District.
- Issues discussed included:
 - Provided photographic examples and colour schemes of signage throughout the Central Business District.
 - building and business identification vs advertising.
- DCP has some good guidance of signage and colour schemes but it does not appear to be followed.

Group requested:

1. need proper implementation of DCP and follow up (by Council).
2. need proactive approach to encourage people to consider their signage in a way that promotes the heritage of Bathurst.

2. APPLICANTS - REZONING - DA LOT 182 SYDNEY ROAD, KELSO (20.00293)

The proponents of the DA were invited to address Councillors on the rezoning application.

Discussion included:

- Spoke to Planning Proposal referred to Council 16 September 2015.
- Thanked Council for opportunity

- Have owned land for 12 years and made previous submissions in regard to rezoning of land.
- Treatment of this land is inconsistent with other entrances to the city.
- Servicing of the land is well underway from planning point of view.
- Bathurst City Housing Strategy in 2001 said land is suitable for rezoning up to 700 m contour level. Propose any residential land development would be limited to 728 m.
- Would have 50 m buffer to highway.
- Reservoir is a good reason why this proposal should be acted upon now.
- Bathurst is growing rapidly and need residential land spread through different areas. Currently no blocks in Kelso area.
- Request Council support for rezoning application.

3. CULTURAL FUND - FRANK HOWARTH (09.000049)

Consultant, Mr Frank Howarth gave a presentation to outline the aims and objectives, the governance and steps to form a Bathurst Cultural Fund to improve the financial sustainability of our cultural facilities.

Discussion included:

- Regional Australia gives higher percentage of income to Philanthropy than city people.
- Spoke to types of philanthropy.
- Difference between philanthropy and sponsorship.
- Bathurst in prime position to capitalise in philanthropy with proximity to Sydney and the number of cultural facilities.
- Donors do not want to give to Council and want to be sure their funds will be spent where they want.
- Suggest Council creates a cultural facility fund:
 - quarantined from Council day to day operations.
 - independent advisory committee to decide where money goes.
 - Promote this to potential donors.
 - funds only to be used for operating maintenance and enhancement of the cultural facilities.
 - committee established by resolution of Council.
- Council will need to invest money into program in order to achieve outcomes (returns).

Next step for Council

- Create a part time fundraising position.

- Work with facility staff and volunteers to raise awareness of potential of fundraising.
- Establish systems and processes for the fund.
- Establish Advisory Committee.
- Raise money.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

**37 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 11 NOVEMBER 2015 (11.00019)**
MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That the information be noted.

**2 MINUTES - AUSTRALIA DAY WORKING PARTY - 17 NOVEMBER 2015
(23.00033)**

Recommendation: That the information be noted.

Report: The minutes of the Australia Day Working Party held on 17 November 2015 are shown at **attachment 1**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

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

MINUTE

38 Item 2 MINUTES - AUSTRALIA DAY WORKING PARTY - 17 NOVEMBER 2015
(23.00033)

MOVED: Cr G Westman SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 10 NOVEMBER 2015 (11.00020)

Recommendation: That the information be noted.

Report: The Youth Council addressed the following items at their meeting held on 10 November 2015:

- Collaborative project, "You've Got This" with the headspace Youth Reference Group. This youth led project addresses the issue of stress. The campaign looks at the importance of sleep, social connections and exercise as ways to manage stress. The campaign was rolled out as a pilot at MacKillop College on 20 November 2015. The project shows a series of short videos, accompanied by a presentation and the distribution of resources. The campaign will continue in 2016, with the roll out in the other five secondary schools in Bathurst.
- Final preparation for the "Soundwaves" event to be held at the Bathurst Aquatic Centre on 28 November 2015.
- Youth Week 2016 and in particular the possibility of incorporating celebrations into the Bathurst Show as Youth Week 2016 falls during the Bathurst Show.
- End of year celebration.

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

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

39 Item 3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 10 NOVEMBER 2015 (11.00020)

MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That the information be noted.

MINUTE

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

MOVED: Cr I North 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.

The following representation was made

M Nicholls, Western Advocate - made representations on Item #4 of the Director Corporate Services & Finance Report, Mount Panorama Fauna and Item #1 of the Director Corporate Services & Finance Report, Purchase or Commerical Site in Howick Street.

The Director Corporate Services advised Item #4 contains information on the operations of Mount Panorama and details on 12 Hour Contract and V8 Contract.

The General Manager advised that the potential purchase of the commercial site in Howick Street would remain confidential until negotiations are complete.

RESOLVED: That:

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

*** MAYORAL MINUTE**

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PURCHASE OF	10A (2) (d) (i) – contains

	COMMERCIAL SITE IN HOWICK STREET, BATHURST	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED NEW 'MARKET REVIEW' LEASE FEE INCREASE AT THE BATHURST AERODROME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW LICENCE AGREEMENT - LOT 291 IN DP863083 KNOWN AS 8 STANLEY STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	MOUNT PANORAMA FAUNA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	MISS TRAILL'S HOUSE - WATER CONSUMPTION	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer,

	disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	NETWASTE TENDER FOR COLLECTION AND RECYCLING OF WASTE TYRES	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 MANAGEMENT OF THE BATHURST AQUATIC CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	FLUSHING OF WATER MAINS CONTRACT	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	TENDER FOR BATHURST REGIONAL ART GALLERY REFURBISHMENT WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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MAYORAL MINUTE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

MINUTE

- (a) Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)
MOVED: Cr B Bourke SECONDED: Cr G Westman

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

Reason: Concerns Contract of Employment.

That Council note:

- (a) the performance review of the General Manager, which was rated as more than satisfactory;
- (b) that the General Manager's employment package has been set at \$320,153.

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 DECEMBER 2015

MINUTE

(b) Item 1 PURCHASE OF COMMERCIAL SITE IN HOWICK STREET, BATHURST (22.02141)

MOVED: Cr M Coote SECONDED: Cr W Aubin

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

MINUTE

**(c) Item 2 PROPOSED NEW 'MARKET REVIEW' LEASE FEE INCREASE
AT THE BATHURST AERODROME (21.00131)**

MOVED: Cr M Coote SECONDED: Cr I North

That Council approves the new lease fee from 'market review' process for Lot 35 in DP1159302 located on Windssock Way at the Bathurst Aerodrome, as detailed in the report.

MINUTE

**(d) Item 3 PROPOSED NEW LICENCE AGREEMENT - LOT 291 IN
DP863083 KNOWN AS 8 STANLEY STREET BATHURST (22.05803)**

MOVED: Cr I North SECONDED: Cr M Coote

That Council approves entering into a new Licence agreement with the Macquarie Lions Club of Bathurst for part Lot 291 in DP863083 located at 8 Stanley Street Bathurst and known as the Stanley Street Sporting Complex and provide assistance with the construction of a slab for a storage shed, as detailed in the report.

MINUTE

- (e) Item 4 MOUNT PANORAMA FAUNA (14.00665)**
MOVED: Cr M Coote SECONDED: Cr G Westman

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

MINUTE

- (f) Item 5 MISS TRAILL'S HOUSE - WATER CONSUMPTION (22.00507)**
MOVED: Cr G Hanger SECONDED: Cr M Morse

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

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

9 DECEMBER 2015

MINUTE

(g) Item 1 NETWASTE TENDER FOR COLLECTION AND RECYCLING OF WASTE TYRES (14.00007)

MOVED: Cr I North SECONDED: Cr B Bourke

That Council accept the NetWaste evaluation panel recommended tenderer for the collection and recycling of tyres as detailed in the Director Engineering Services' Report.

MINUTE

(h) Item 2 TENDER FOR MANAGEMENT OF THE BATHURST AQUATIC CENTRE (36.00570)

MOVED: Cr I North SECONDED: Cr W Aubin

That Council accept the tender of Belgravia Leisure in the amount of \$3,280,060 (incl GST) for the management of the Bathurst Aquatic Centre, for a period of 5 years, subject to adjustments and provisional items.

MINUTE

(i) Item 3 FLUSHING OF WATER MAINS CONTRACT (21.00119)
MOVED: Cr I North SECONDED: Cr B Bourke

That Council:

- (a) determine that in the case of a contract for ice-pigging of water mains, that a satisfactory result would not be achieved by inviting companies to tender due to the lack of companies in the market place, and
- (b) approve the engagement of Degremont Pty Ltd to carry out 15 days of ice-pigging as detailed in the report.

MINUTE

(i) Item 4 TENDER FOR BATHURST REGIONAL ART GALLERY REFURBISHMENT WORKS (36.00578)

MOVED: Cr W Aubin SECONDED: Cr I North

That:

- (a) Council decline to accept any of the tenders
- (b) Council enter into negotiations with Inscape Projects Group with a view to entering into a contract in relation to the Art Gallery Refurbishment Works
- (c) the reasons for declining to invite fresh tenders are due to funding limitations, construction timing and coordination restrictions
- (d) the reason for determining to enter into negotiations with Inscape Projects Group is that they are the preferred tenderer in accordance with the Selection Criteria for the tendered works.

MINUTE

41 **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr M Morse SECONDED: Cr M Coote

RESOLVED: That Council resume Open Council.

MINUTE

42 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr I North SECONDED: Cr G Westman

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

MINUTE

43 MEETING CLOSE

The Meeting closed at 9.26 pm.

CHAIRMAN: _____

Date: _____ **(3 February 2016)**