



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

12 May 2010

His Worship the Mayor & Councillors

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 19 May 2010 commencing at 6.00 pm.

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

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

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 19 MAY 2010**

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 of The Ordinary Meeting of Bathurst Regional Council held 21 April 2010
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
9. REPORTS OF OTHER COMMITTEES  
  - \* Minutes of The Policy Committee Meeting held 5 May 2010
  - \* Minutes of The Traffic Committee Meeting held 4 May 2010
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil
12. DELEGATES REPORTS  
  - \* Councillors Meeting With Community Groups/representatives held 14 April 2010

\* Minutes of The Bathurst Regional Youth Council Meeting held on 11 March 2010

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

**\* Director Environmental Planning & Building Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REVIEW OF BATHURST RETAIL STRATEGY	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
2	DEMOLITION OF DWELLING AT 46 STANLEY STREET, BATHURST	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RESIDENTIAL LEASE - 12 WHITEMAN PLACE,	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	BATHURST	if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF LEASE - CNR COMMONWEALTH, MORRISSET AND PATNA STREETS, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	HANGAR LEASE BATHURST AERODROME - MESSRS MEULMAN AND FULCHER	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	RENEWAL OF LEASE - SMASH REPAIR TEAM LTD - MT PANORAMA PIT COMPLEX	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	SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE	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	PROPOSED NEW LEASE TO MAXHIRE - FORMER EVANS SHIRE COUNCIL DEPOT	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	BATHURST CARILLON THEATRICAL SOCIETY	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 SEWER MAINS CLEANING, RELINING AND CCTV INSPECTION 2010 B	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

2	TENDER FOR THE CONSTRUCTION OF CHIFLEY ENGINE SHED	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 ACQUISITION, PART LOT 43 DP1059396 - DARWIN DRIVE, LLANARTH	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

**MINUTE**

**1      6.00 PM - MEETING COMMENCES**

**Present:** Councillors Toole (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, Thompson, Westman.

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to the Council Meeting 19/05/2010

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GENERAL MANAGER

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MAYOR  
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## MINUTE

### 2 PUBLIC QUESTION TIME

#### Mr G Crisp – resident - water accounts

Sought information around charging for water, spoke of charges raised and format of these for 2009/2010. Spoke of fixed charge and variable charge levels.

The General Manager spoke to 75:25 split, level of fixed charges raised, when Management Plan is advertised.

#### Mr G Russell – Freemantle Road - 167 & 201 Freemantle Road (DEPBS #4)

Has raised an objection to this development. Appears letter he sent in has not been provided to Councillors.

Concern of use of land by Pipers Field Aero Club. Will include grading/bulldozing etc. Not correct to state agricultural use will continue, the club has supported the fact that it will not.

Several local residents are concerned about this, the proposal will allow expansion of activities. This is an area that is growing, spoke to his submission, who do you contact if problem occurs. Not in the public interest.

**Councillors** - all advised they had received the letter.

#### Mr B Triming – Bathurst Access Committee

Congratulated the Mayor on initiative about the private hospital and the community desexing program. In regards to Access Committee issue, disappointed at level of funds granted under Section 356 Donations for the budget, sought \$4,000 from Council. Spoke of various funding grants that are given by Council, timelines for applications. The Committee will put in an additional letter on the request.

#### P Hamlyn - Gliding Club - 167 & 201 Freemantle Road (DEPBS #4)

Area referred to by Mr Russell is a 40 acre area adjacent to Gliding Club. Spoke to proposal and noted congestion issues. The purpose is for safety, it is not good agricultural land. Area may be able to be used for grazing. Don't anticipate any more activity, only operate weekends. This is to provide additional safety at the western end.



**MINUTE**

**3     APOLOGIES**

**MOVED: B Bourke SECONDED: M Morse**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MINUTES

**MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**MEETING HELD ON 19 MAY 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**HELD 21 APRIL 2010 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 April 2010 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 21 April 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**4 Item 1 MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 21 APRIL 2010**

**MOVED: G Hanger SECONDED: G Westman**

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 April 2010 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 21 APRIL 2010**

**6.00 PM - MEETING COMMENCES**

**1 6.00 PM - MEETING COMMENCES**

Councillors Toole (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Westman.

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**J Clague – West Bathurst Preschool DCSF #8**

Requested Council waive the fees as required by Council. The proposed development costs will eat into their resources. The additions will provide extra childcare places for the city. The preschool is a non-profit organisation. The expansion allows for disadvantaged children to access childcare services. If Council does not waive fees would request a meeting with Council for the deferment of fees.

**G Crisp – Ratepayer**

1. Waste - What time are refuse collectors supposed to start collections?  
The **Director Engineering Services** advised they generally start at 5.00 am and go until completed.
2. Roundabouts - Why is a new roundabout at Eglinton still uncompleted?  
The **Director Engineering Services** advised there was a problems including the supply of asphalt and substantial rain and issues with utilities.
3. Councillors time with the community - Mayor quoted as saying Councillors work 40 hours per week. Is this right? Does this 40 hours take into account just meetings. Mr Crisp spoke of an analysis in 2007 of the hours he worked. The **Mayor** noted his comments and responded.
4. Superannuation Funds - made allegations of corruptly stealing superannuation funds from him.

**B Trimming – Bathurst Access Committee**

1. Small Business Grants DCCS #5 - Requests Council to roll over unused access grant funds to next years budget. Spoke to brochure "Missed Business" which has been distributed by the BRA Committee. Proper equal access is required by law.
2. Anzac Day - Spoke to sale of badges for Anzac Day and thanked Mayor for purchase of a badge.

**APOLOGIES**

**3 APOLOGIES**

Nil.

## MINUTES

**4** Item 1 MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 17 MARCH 2010 (11.00005)

MOVED Cr I North and SECONDED Cr B Bourke

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 March 2010 be adopted.

**5** Item 2 MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE HELD 7 APRIL 2010 (11.00005)

MOVED Cr G Westman and SECONDED Cr G Hanger

**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 7 April 2010 be adopted.

## DECLARATION OF INTEREST

**6** DECLARATION OF INTEREST

MOVED Cr M Morse and SECONDED Cr W Aubin

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

Cr Thompson

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

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

Item #5 of the Director Cultural and Community Services' report

Cr Westman

Item #3 of the Director Corporate Services & Finance's Confidential report

Rick Foster, Property Officer

Item #2 of the Director Corporate Services & Finance's Confidential report

## RECEIVE AND DEAL WITH DIRECTORS' REPORTS

### Director Environmental Planning & Building Services' Report

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

MOVED Cr I North and SECONDED Cr M Morse

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

**8** Item 2 GENERAL REPORT (03.00053)

MOVED Cr R Thompson and SECONDED Cr G Westman

**RESOLVED:** That the information be noted

**9** Item 3 NSW HERITAGE GRANTS LOCAL GOVERNMENT HERITAGE MANAGEMENT FUNDING OFFER FOR 2010-11 (16.00122)

MOVED Cr B Bourke and SECONDED Cr T Carpenter

**RESOLVED:** That Council:

- (a) fund the shortfall of \$6,500 from the Heritage Consultancy Reserve; and
- (b) express its disappointment to the Minister for Planning that this is another example of cost shifting by the State Government.

**10 Item 4 DEVELOPMENT APPLICATION NO. 2010/0539. GILMOUR STREET, KELSO. APPLICANT: OLD BATHURSTIANS UNION OF ALL SAINTS COLLEGE. OWNER: BATHURST REGIONAL COUNCIL (2010/0539)**  
**MOVED** Cr R Thompson and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0539, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Prior to the commencement of demolition, the applicant is to submit to Council at least two (2) printed photographs and either photographic negatives or a CD containing high quality digital copies of the existing gates in accordance with the attached Guidelines for photographic recording of sites for which approval has been granted for demolition.
- (b) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman

Against the motion - Nil.

Absent - Nil.

Abstain - Nil.

**11 Item 5 ABS POPULATION STATISTICS (03.00008)**  
**MOVED** Cr R Thompson and **SECONDED** Cr G Westman

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

**12 Item 6 CLEAN-UP AUSTRALIA DAY (13.00006)**  
**MOVED** Cr M Morse and **SECONDED** Cr I North

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

**13 Item 7 2010 COUNTRYLINK INLAND TOURISM AWARDS JUDGING (35.00976)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

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

**14 Item 8 EVOCITIES (18.00208)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

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

- 15** **Item 9 CENTRAL NSW ECONOMIC DEVELOPMENT FORUM (18.00041)**  
**MOVED** Cr R Thompson and **SECONDED** Cr T Carpenter

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

- 16** **Item 10 LGSA TOURISM CONFERENCE 2010 (18.00105)**  
**MOVED** Cr G Hanger and **SECONDED** Cr G Westman

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

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

- 17** **Item 1 STATEMENT OF INVESTMENTS - MARCH 2010 (16.00001)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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

- 18** **Item 2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET (16.00116)**  
**MOVED** Cr I North and **SECONDED** Cr R Thompson

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

- 19** **Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY (18.00004)**  
**MOVED** Cr M Morse and **SECONDED** Cr W Aubin

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

- 20** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

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

- 21** **Item 5 REQUEST FOR FINANCIAL SUPPORT - INDUSTRY LINKS PROGRAM (18.00004)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council contribute \$500 to the Industry Links Program, on the basis that it goes to a Bathurst student for out of pocket expenses to be funded from Sundry Section 356 Donations

- 22** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CITY COLTS SPORTING CLUB (18.00195)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

Cr Thompson declared a non-pecuniary interest in this item and took part in discussions and voting.



**Reason: was a long-term former member of the Bathurst City Colts Sporting Club.**

**RESOLVED:** That Council approve the payment of water usage charges for the Bathurst City Colts Sporting Club for the use of Loco Oval Sports Complex as follows:

- a) Bathurst City Colts Sporting Club are to be responsible for the first \$500 of the annual water account (per annum indexed to CPI).
- b) Bathurst Regional Council is to contribute the balance of the water account to a maximum of \$3,500 (per annum indexed to CPI).
- c) Bathurst City Colts are to pay all amounts of water used over and above \$4,000 per annum.
- d) Include this as an item in the Recreation Section of the 2010/2011 Management Plan with the amounts to be indexed at CPI each year.

**23 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST GOLF CLUB (22.00126)**

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

**Cr Thompson declared a non-pecuniary interest in this item and took part in discussions and voting.**

**Reason: is a member of the Bathurst Golf Club.**

**RESOLVED:** That Council introduce in the 2010/11 Management Plan a raw water charge for the Bathurst Golf Club as follows:

- a) meter access charge of \$3,128 per annum,
- b) raw water charge of 60 cents per kilolitre for the first 18 megalitres of water,
- c) raw water charge of \$1.20 per kilolitre for all water consumed over 18 megalitres,
- d) the above charges be subject to annual CPI increases
- e) that these charges be reviewed annually as part of the Management Plan process

**24 Item 8 DEVELOPMENT APPLICATION NO. 2010/0498 – ADDITION TO PRESCHOOL AT 7 WARK PARADE, WINDRADYNE. APPLICANT: WEST BATHURST PRESCHOOL INC. OWNER: WEST BATHURST PRESCHOOL INC (2010/0498)**

**MOVED** Cr T Carpenter and **SECONDED** Cr B Bourke

**RESOLVED:** That the matter be deferred and further discussions being held with the applicants.

**25 Item 9 DEVELOPMENT APPLICATION 2010/0485 ADDITION TO AMENITIES BLOCK AT BATHURST SHOWGROUND (2010/0485)**

**MOVED** Cr R Thompson and **SECONDED** Cr I North

**RESOLVED:** That Council not waive the Council charges as listed.

**26 Item 10 2010 SISTER CITY DELEGATION TO OHKUMA (23.00011)**

**MOVED** Cr B Bourke and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council nominate the Mayor and Councillors Morse and North to lead a Bathurst delegation to Ohkuma in early November 2010.

**27 Item 11 LOCAL GOVERNMENT & SHIRES ASSOCOATION OF NSW - LEGAL ASSISTANCE POLICY AND GUIDELINES (03.00025)**  
**MOVED** Cr I North and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council advise the Local Government and Shires Association that it supports the current agreement of providing financial support for legal costs incurred by other NSW Councils in accordance with the Local Government and Shires Association's Legal Assistance and Policy Guidelines.

**Director Engineering Services' Report**

**28 Item 1 PROCEDURES FOR NAMING OF COUNCIL FACILITIES (04.00008-08 & 41.00008)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr R Thompson

**RESOLVED:** That :

- (a) Council amend the following sections of the Draft Procedures for Naming of Council Facilities as detailed below:
  - (i) **Objective** - include the words *To allow for the recognition of both the European and Indigenous cultural heritage of the Bathurst Region .*
  - (ii) **Policy** - in the last dot point include the words *Local Aboriginal Land Council .*
  - (iii) **Approval** - include the words *Council will ensure the origin of the name will be clearly stated and recorded .*
- (b) Council place the Draft Procedures for Naming of Council Facilities on public exhibition for a period of 28 days and,
- (c) following consideration of any feedback from the community, a further report be presented to Council's Policy Committee for its adoption.

**29 Item 2 RESURFACING OF 2 INTERNATIONAL COURTS AT JOHN MATTHEWS TENNIS CENTRE (04.00013)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council utilise part of the Reserve Funding allocated to the John Matthews Tennis Centre to resurface the 2 international courts with a new synthetic turf sport surface.

**30 Item 3 PROGRAM FOR THE INSTALLATION OF DRINKING FOUNTAINS (14.00008)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) Implement a program for the installation of drinking fountains for public usage to encourage the drinking of town water within the Bathurst area.
- (b) Commit an amount of \$5,000 per annum for the next 5 years in Council's Annual Management Plan to allow for the purchase and installation of drinking

fountains at selected sites within Bathurst.

**Director Cultural & Community Services' Report**

- 31** **Item 1 SOCIAL & COMMUNITY PLAN UPDATE (20.00056)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

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

- 32** **Item 2 CHIFLEY HOME INTERPRETATION CENTRE UPDATE (22.03361)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

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

- 33** **Item 3 CHARLES STURT UNIVERSITY - STUDENT WORK PLACEMENTS (29.00002)**  
**MOVED** Cr I North and **SECONDED** Cr G Hanger

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

- 34** **Item 4 VILLAGE INFRASTRUCTURE IMPROVEMENT PROGRAM - YETHOLME & DISTRICT PROGRESS ASSOCIATION INC (16.00104)**  
**MOVED** Cr G Westman and **SECONDED** Cr T Carpenter

**RESOLVED:** That the Yetholme & District Progress Association Inc be permitted to reallocate \$19,516.20 of the funds allocated in the 2009/2010 Village Infrastructure Improvement Program to commence the projects indicated in the report.

- 35** **Item 5 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS FUND (16.00107)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

**Cr Thompson declared a non-pecuniary interest in this item and took part in discussions and voting.**

**Reason: is a member of the Bathurst Golf Club.**

**RESOLVED:** That Council provide \$7,400 under the 2009/2010 Small Business and Non-Profit Organisations Disabled Access Fund for the following applicants:

- (a) The Cathedral Parish of St Michael & St John - \$4,400; and
- (b) The Bathurst Golf Club - \$3,000.

**REPORTS OF OTHER COMMITTEES**

**Policy Committee Meeting**

- 36** **Item 1 MINUTES OF THE POLICY COMMITTEE MEETING HELD 7 APRIL 2010 (07.00064)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 7 April 2010 be adopted.

**Traffic Committee Meeting****37      Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 APRIL 2010 (07.00006)****MOVED** Cr W Aubinand **SECONDED** Cr B Bourke

**RESOLVED:** That having received confirmation of items 1 to 12 from the New South Wales Police, that the Minutes of the Traffic Committee Meeting held 6 April 2010 be adopted.

**DELEGATES REPORTS****38      Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD 10 MARCH 2010 (11.00019)****MOVED** Cr B Bourkeand **SECONDED** Cr M Morse

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

**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****39      LATE CONFIDENTIAL REPORTS****MOVED** Cr B Bourkeand **SECONDED** Cr W Aubin

**RESOLVED:** That the following late confidential items be transacted at the meeting in accordance with Clauses 243(1) and 241(3)(b) of the Local Government (General) Regulation:

- (i) Mayoral Minute - Ron Camplin Award
- (ii) General Manager's Report - Bathurst Regional Council ats Trackcorp Adrenalin.

Item (i) is a matter for consideration in accordance with 243(1) of the Local Government (General) Regulation.

Item (ii) is a matter for consideration in accordance with 241(3)(b) of the Local Government (General) Regulation.

**40      RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****MOVED** Cr B Bourkeand **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 the two late reports tabled at the meeting.
  - (i) Mayoral Minute - Ron Camplin Award
  - (ii) General Manager's Report - Bathurst Regional Council ats Trackcorp Adrenalin.

- (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	RON CAMPLIN AWARD	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**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMPREHENSIVE ARCHAEOLOGICAL MANAGEMENT PLAN FOR THE BATHURST REGIONAL LOCAL GOVERNMENT AREA – EXPRESSIONS OF INTEREST	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	RURAL LEASE AGREEMENT - 4040 O'CONNELL ROAD,	10A (2) (d) (i) – contains commercial information of a confidential nature that

	BATHURST	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 RENEWAL OF RESIDENTIAL LEASE - 519 MITCHELL HIGHWAY, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	EXPRESSION OF INTEREST - CONVEYANCING SERVICES	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	12 MONTH EXTENSION - MOWING MAINTENANCE 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.
2	PROPOSED ROAD WIDENING - LOT 2 DP1111173 AND PART LOT 27 DP1121812 - LACHLAN ROAD, CALOOLA	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 ROAD WIDENING - LOT 16 DP1047248 AND LOT 160 DP750357 - HEN AND CHICKEN LANE PERTHVILLE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR SOCCER FIELD LIGHTING, PROCTOR PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDER FOR THE SUPPLY AND DELIVERY OF FOUR LIGHT TRUCKS	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	ACQUISITION OF LAND, GEORGE STREET CAR PARK, LOT 28 DP550388 AND LOT 67 DP550389, RANKIN 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.

**\* General Manager's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BATHURST REGIONAL COUNCIL ATS TRACKCORP ADRENALIN	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**Mayoral Minute**

**a**      **Item 1 RON CAMPLIN AWARD (23.00017)**  
**MOVED** Cr P Toole

**That Council:**

- (a) act in accordance with the report in awarding the second Ron Camplin Award.
- (b) affix the Council seal to the Bathurst Regional Council Ron Camplin Award Certificate.

**Director Environmental Planning & Building Services' Report**

**b**      **Item 1 COMPREHENSIVE ARCHAEOLOGICAL MANAGEMENT PLAN FOR THE BATHURST REGIONAL LOCAL GOVERNMENT AREA – EXPRESSIONS OF**



**INTEREST (20.00164)****MOVED** Cr B Bourkeand **SECONDED** Cr M Morse

That Council engage Edward Higginbotham & Associates Pty Ltd to undertake the Comprehensive Archaeological Management Plan for the Bathurst Regional Local Government Area.

**Director Corporate Services & Finance's Report****c** **Item 1 RURAL LEASE AGREEMENT - 4040 O'CONNELL ROAD, BATHURST (22.05149)****MOVED** Cr G Westmanand **SECONDED** Cr G Hanger

That Council approves entering into a new licence agreement with William Alderton for Lot 3 DP 1127323 and part Lot 1006 in DP1129907 and Lot 1 DP624336 located at 4040 O'Connell Road, Bathurst for a period of three (3) years at a yearly lease fee of \$10,600 per annum as detailed in the report.

**d** **Item 2 PROPOSED RENEWAL OF RESIDENTIAL LEASE - 519 MITCHELL HIGHWAY, BATHURST (22.05345)****MOVED** Cr B Bourkeand **SECONDED** Cr I North

The Property Officer declared a pecuniary interest in this item and left the Chamber.

Reason: Lodged expression of interest in leasing of residence.

That Council approve entering into a new residential lease agreement for part Lot C DP158611 known as 519 Mitchell Highway, Bathurst with Mr Rick Foster for a period of one (1) year with a one (1) year option period as detailed in the report.

**e** **Item 3 EXPRESSION OF INTEREST - CONVEYANCING SERVICES (10.00009)****MOVED** Cr R Thompsonand **SECONDED** Cr G Hanger

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

Reason: he is a client of one of the tenderers.

That Council accepts the Expression of Interest for conveyancing services submitted by Kenny Spring Solicitors, McIntosh McPhillamy & Co. Solicitors and Ben Gelin Solicitors for a period of three (3) years commencing on 17 May 2010 and concluding on 16 May 2013 as detailed in the report.

**Director Engineering Services' Report****f** **Item 1 12 MONTH EXTENSION - MOWING MAINTENANCE CONTRACT (36.00234)****MOVED** Cr B Bourkeand **SECONDED** Cr M Morse

That Council act in accordance with the Report.

- g** **Item 2 PROPOSED ROAD WIDENING - LOT 2 DP1111173 AND PART LOT 27 DP1121812 - LACHLAN ROAD, CALOOLA (25.00389)**  
MOVED Cr R Thompson and SECONDED Cr G Westman

That Council approve the acquisition of land from Lot 2 DP1111173 and Lot 27 DP1121812 at Lachlan Road Caloola for road widening purposes, and classify the land as operational, subject to conditions outlined in the Director Engineering Services' Report.

- h** **Item 3 PROPOSED ROAD WIDENING - LOT 16 DP1047248 AND LOT 160 DP750357 - HEN AND CHICKEN LANE PERTHVILLE (25.00055)**  
MOVED Cr I North and SECONDED Cr M Morse

That Council approve the acquisition of land for road widening purposes affecting Lot 16 DP1047248 and Lot 160 DP750357 at Hen and Chicken Lane Perthville, and classify the land as operational, as detailed in the Director Engineering Services' Report.

- i** **Item 4 TENDER FOR SOCCER FIELD LIGHTING, PROCTOR PARK (36.00379)**  
MOVED Cr B Bourke and SECONDED Cr I North

That Council accept the tender of MRG Electrical Services Pty Ltd for the design and construction of the Proctor Park Soccer Field lighting, in the amount of \$102,403 (inc. GST), subject to variations and provisional items.

- j** **Item 5 TENDER FOR THE SUPPLY AND DELIVERY OF FOUR LIGHT TRUCKS (36.00381)**  
MOVED Cr I North and SECONDED Cr G Westman

That Council accept the tender from -

- (1) Tracserv P/L for the change over figure of \$35,891.00, this includes the body by Almighty Industries,
- (2) Tracserv P/L for the change over figure of \$41,904.00, this includes the body by Almighty Industries with a new tailgate lifter by Tieman
- (3) West Orange Motors P/L for the change over figure of \$49,933.00, this includes the body by G&C Manufacturing with a new tailgate lifter by Tieman
- (4) West Orange Motors P/L for the change over figure of \$43,867.00, this includes the body by G&C Manufacturing.

- k** **Item 6 ACQUISITION OF LAND, GEORGE STREET CAR PARK, LOT 28 DP550388 AND LOT 67 DP550389, RANKIN STREET, BATHURST (22.00556)**  
MOVED Cr W Aubin and SECONDED Cr T Carpenter

That Council approve the acquisition of Lot 28 DP5580388 and Lot 67 DP550389 at Rankin Street, Bathurst, for consolidation into the George Street car park.

### General Manager's Report

- l** **Item 1 BATHURST REGIONAL COUNCIL ATS TRACKCORP ADRENALIN**

**(34.00065 & 04.00110)**

**MOVED** Cr B Bourke

and **SECONDED** Cr G Westman

That the General Manager be delegated the authority to negotiate a settlement in this matter.

**RESOLVE INTO OPEN COUNCIL**

**41** **RESOLVE INTO OPEN COUNCIL**

**MOVED** Cr W Aubin

and **SECONDED** Cr B Bourke

**RESOLVED:** That Council resume Open Council.

**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**42** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**MOVED** Cr M Morse

and **SECONDED** Cr I North

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

**MEETING CLOSE**

**43** **MEETING CLOSE**

The Meeting Closed at 7.21 pm

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(19 May 2010)**

**MINUTE**

**5     DECLARATION OF INTEREST**

**MOVED: R Thompson SECONDED: W Aubin**

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

Cr Westman

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

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to the Council Meeting 19/05/2010

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GENERAL MANAGER

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MAYOR  
Page 28

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
19 MAY 2010

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE  
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 19  
MAY 2010**

General Manager  
Bathurst Regional Council

**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.

**MINUTE**

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

**MOVED: R Thompson SECONDED: B Bourke**

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

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

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

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during April 2010 (**attachment 1**)
- (b) Applications refused during April 2010 (**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 approved in April 2010 (**attachment 5**).

**Financial Implications:** Nil.



**MINUTE**

**7     Item 2   GENERAL REPORT**

**MOVED: M Morse SECONDED: G Westman**

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

**3 DEVELOPMENT APPLICATION NO. 2010/0577 – TWO LOT SUBDIVISION AT 314 FREEMANTLE ROAD & 55 MOUNT RANKIN ROAD, MOUNT RANKIN. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: I & R BILLINGHURST, BINGARRA INN PTY LTD, D & A CORSE (DA 2010/0577)**

**Recommendation:** That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 251 and 252;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 251 and 252;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0577, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a two lot subdivision (boundary adjustment) at 314 Freemantle Road and 55 Mount Rankin Road, Mount Rankin, described as Lot 2, DP 883267 and Lot 5, DP 242779 (see location plan at **attachment 1**).

Both lots currently contain dwellings and associated outbuildings.

The proposal

The proposal involves an exchange of a 6600 square metre parcel of land from Lot 5, DP 242779 (55 Mount Rankin Road) to Lot 2, DP 883267 (314 Freemantle Road) in order to facilitate access to, and ownership of, an existing pump and bore already used by 314 Freemantle Road (see plan of proposed development at **attachment 2**).

Planning Context

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

The subject site is zoned 1(e) Outer Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(e) Outer Rural zone is 100 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for the erection of a dwelling-house.

Proposed Lot 251 and 252 are therefore contrary to Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that they will have areas of 11.39 hectares and 10.15 hectares respectively.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 3**) in relation to the creation of proposed Lots 251 and 252 which indicates the nature of the

subdivision and their objection to the current standards because:

1. Both lots are already well below the minimum lot size of 100 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots or dwelling entitlements are being created; and
4. The agricultural use of the lots will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. Both proposed lots already contain dwellings and the agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

#### Concurrence

The variation to the development standard does not require concurrence of the Department of Planning as it does not seek any additional entitlement.

#### Need for Council Concurrence

In accordance with the Department of Planning's circular PS08-014 "Reporting Variations to Development Standards", all Development Applications where there is a variation to a development standard of greater than 10% must be determined by Council.

Accordingly this is not a matter that may be dealt with under delegated authority.

#### Conclusion

The subdivision between the lots will not create any dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

**Financial Implications:** Nil.

## MINUTE

**8 Item 3 DEVELOPMENT APPLICATION NO. 2010/0577 – TWO LOT SUBDIVISION AT 314 FREEMANTLE ROAD & 55 MOUNT RANKIN ROAD, MOUNT RANKIN. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: I & R BILLINGHURST, BINGARRA INN PTY LTD, D & A CORSE**

**MOVED: R Thompson SECONDED: T Carpenter**

**RESOLVED:** That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 251 and 252;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 251 and 252;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0577, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - Nil

Absent - Cr Ian North,

Abstain - Nil

**4 DEVELOPMENT APPLICATION NO. 2010/0572 – TWO LOT SUBDIVISION AT 167 & 201 FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: MRS J MCGIRR & BATHURST SOARING CLUB LTD (DA 2010/0572)**

**Recommendation:** That Council:

- (a) support the variation to the 1(a) Inner Rural Zone 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 21;
- (b) support the variation to the 1(a) Inner Rural Zone 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 21;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0572, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a two lot subdivision (boundary adjustment) at 167 and 201 Freemantle Road, Eglinton, described as Lot 5, DP 594198 and Lot 1, DP 591063 (see location plan at **attachment 1**)

Lot 5, DP 594198 (167 Freemantle Road) currently contains an airfield (known as "Pipers Airfield) and associated infrastructure including hangers, caravans, a club house and an amenities building. Lot 1, DP 591063 (201 Freemantle Road) currently contains a dwelling and associated outbuildings.

The proposal

The proposal involves an exchange of a parcel of land approximately 16.19 hectares from Lot 1, DP 591063 (currently containing the dwelling) to Lot 5, DP 594198 (currently containing the airfield) in order to facilitate safer take off and landing at the airfield (see plan of proposed development at **attachment 2**)

Planning Context

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

The subject site is zoned 1(a) Inner Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(a) Inner Rural zone is 200 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 200 hectares for the erection of a dwelling-house.

Proposed Lot 21 is therefore contrary to Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 in that it will have an area of approximately 76.07 hectares.

It should be noted that the creation of proposed Lot 22 is permissible notwithstanding that it is less than the 200 hectares required by the Bathurst Regional (Interim) Local Environmental Plan 2005 as its use is not for the purposes of agriculture or a dwelling-house.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 3**) in relation to the creation of proposed Lot 21 which indicates the nature of the subdivision and their objection to the current standards because:

- Both lots are already well below the minimum lot size of 200 hectares;
- The proposed lot sizes are consistent with the surrounding pattern of subdivision;
- No new lots or dwelling entitlements are being created; and
- The agricultural use of the lot containing the existing dwelling will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. Proposed Lot 21 already contains a dwelling and the agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

The creation of proposed Lot 22 is permissible under Clause 27(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005 as it is intended for purposes other than agriculture or a dwelling-house. A minimum lot size does not apply to lots created for purposes other than agriculture or a dwelling-house.

#### Concurrence

The variation to the development standard does not require concurrence of the Department of Planning as it does not seek any additional entitlement.

#### Need for Council Concurrence

In accordance with the Department of Planning's circular PS08-014 "Reporting Variations to Development Standards", all Development Applications where there is a variation to a development standard of greater than 10% must be determined by Council.

Accordingly this is not a matter that may be dealt with under delegated authority.

#### Use of the site

The proposed boundary adjustment is not being carried out in order to intensify the use of the subject site but merely to facilitate safer take off and landing at the airfield. Any intensification of the use would need to be the subject of a further Development Application.

#### Conclusion

The subdivision between the lots will not create any dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

**Financial Implications:** Nil.

**MINUTE**

**9 Item 4 DEVELOPMENT APPLICATION NO. 2010/0572 – TWO LOT SUBDIVISION AT 167 & 201 FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: MRS J MCGIRR & BATHURST SOARING CLUB LTD**

**MOVED: R Thompson SECONDED: T Carpenter**

**RESOLVED:** That Council:

- (a) defer the matter to the next meeting of Council.
- (b) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - Nil

Absent - Cr Ian North

Abstain - Nil

**5 DEVELOPMENT APPLICATION NO. 2010/0540 DEMOLITION OF DWELLINGS AND CONSTRUCTION OF OFFICES AT 166-170 RUSSELL STREET, BATHURST. APPLICANT: PETER BASHA PLANNING & DEVELOPMENT. OWNER: EASTERN DEVELOPMENTS (NSW) PTY LTD (DA 2010/0540)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0540, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Prior to the issue of the Construction Certificate the developer is to submit amended plans addressing the recommendations of Council's Heritage Advisor in relation to the façade of the building;
  - (ii) Prior to the issue of the Construction Certificate, the developer is to submit to Council details of the colours of the external materials to be used in the construction;
  - (iii) Prior to the issue of the Construction Certificate, the developer is to submit to Council a photographic record of the three dwellings in accordance with the Guidelines for photographic recording of sites;
  - (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 Branch, Department of Planning, and Council. 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;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the demolition of three dwellings and the construction of a new commercial premises at 166-170 Russell Street, Bathurst, described as Lot 1, DP 741195 (see location plan at **attachment 1**).

The subject site currently contains three detached single storey brick dwellings.

**History of the Site/Proposal**

A previous Development Application for the demolition of the three dwellings on the subject site and the construction of a cinema complex was put on hold at the request of the then owner, Bombo Nominees Pty Ltd, pending the submission of amended plans. In December 2007, after many unsuccessful requests for these amended plans, the Development Application was determined by way of refusal.

**The proposal**

This proposal involves the following:

- Demolition of three dwellings (166, 168 & 170 Russell Street)
- Construction of a two storey commercial building with basement car park
- Car parking for 25 vehicles in the basement car park and 18 vehicles outside at ground



level

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

### Planning Context

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

The subject site is zoned 3(a) General Business under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. A commercial premises is permissible with consent in the 3(a) zone. The proposal is consistent with the objectives of the zone.

#### *Clause 23 Protection of environmental heritage*

The site in question is within the Bathurst Heritage Conservation Area and is therefore subject to the provisions of Clause 23 Protection of environmental heritage, of the Bathurst Regional (Interim) Local Environmental Plan 2005.

A Heritage Impact Statement was submitted with the Development Application. The Heritage Impact Statement made the following conclusions and recommendations:

*It is considered that the proposed works, including demolition of the c.1934 dwellings and construction of a two storey commercial building will have a minor impact on the heritage significance of the Bathurst Heritage Conservation Area. It is acknowledged that the existing site has some contributory value, principally associated with the fact that the site presents an identified streetscape group, rather than any individual aesthetic merit to the cottages. It is considered however that in this transitional zone on the edge of the commercial area, with mixed uses and development to the south and opposite the site, that the integrity of the residential streetscape does not depend on the retention of the dwellings.*

*Condition of the site and opportunity for uses in the context of the expanding commercial city centre should also be considered and balanced against the relative contributory value of the dwellings. The site has been vacant for a number of years and all show evidence of squatting and various unauthorised access. The houses have been damaged, likely in association with this (vandalism and possibly the fire damage to 166).*

*The proposed building is sympathetic in its form, proportion and design and references traditional built forms. Impacts to the neighbouring single storey buildings have been minimised through sympathetic siting. The building will read as a sympathetic contemporary infill and will be a neutral element in the conservation area.*

The Development Application was referred to Council's Heritage Advisor. Council's Heritage Advisor made the following recommendations in relation to the façade of the proposed building:

1. *Piers to be constructed in face brickwork, similar to Bathurst redbrick;*
2. *Colour change attached piers in tone to accentuate detail in the façade;*
3. *Attached piers are to be at least 100mm out from the main wall;*
4. *Moulding to sit out from the main wall;*
5. *North East (Russell Street) Elevation:*
  - i. *Break up windows into groupings of 2;*

- ii. *Implement design features between window groups for visual interest;*
  - iii. *Implement brick piers either side of the proposed fence, in front of the access ramp;*
6. *North West Elevation:*
- i. *Continue brick piers around side for visual interest, as this elevation will be visible from the street, due to the car park;*
  - ii. *Include moulding detailing at least on brick piers and possibly on concrete tilt up panels as well.*

A condition can be imposed to request amended plans accommodating the above recommendations, prior to the issue of the Construction Certificate.

In order to assess the conservation significance of the dwellings proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken in consultation with Council's Heritage Advisor (see full Demolition Report at **attachment 3**).

The following table provides a summary of the assessment:

Date of construction	1934
BCAMS results:	
Integrity	3 - substantially intact
Streetscape Rating	3 - contributory
Heritage Significance	3 - historically significant in a local context
Overall Rating (out of 10)	9
Significant historical matters	Historically significant in a local context as the dwellings were built for the Webb family.
Cost of repairs	\$237,000
Compliance with infill policy	Achieved, appropriate design, scale, materials, detailing
Impact of demolition on streetscape	Neutral

A full copy of the Historical Assessments undertaken by the Bathurst District Historical Society in 2003 are provided at **attachment 4**. A full copy of the Structural Assessments undertaken by Baker Saran Pty Ltd in 2003 are provided at **attachment 5**.

Despite the very high BCAMS rating of 9, approval for the demolition of the dwellings at 166, 168 and 170 Russell Street can be supported in this instance because of:

- The substantial neglect and subsequent damage that has occurred to the buildings and the high cost of restoration works; and
- The location of the dwellings in a commercial area and the pressures for a higher use of the land.

#### *Infill Development Policy*

The Demolition Report considers the proposed infill development in detail (see full Demolition Report at **attachment 3**).

It is considered that this proposal will have a neutral impact on the streetscape as the proposed building demonstrates sympathy to surrounding architectural styles. The removal of three dwellings and their replacement with a commercial scale building will alter the appearance of the street but this is not unusual in the CBD as pressure mounts to convert

previous residential scaled properties to a commercial use.

Development Control Plan – Business Development

As the site is zoned 3(a) General Business it is subject to the provisions of the Development Control Plan – Business Development.

Standard	Permissible	Proposed	Compliance
<b>Floor space ratio</b>	2:1	0.88:1	<b>YES</b>
<b>Height</b>	Three storeys (above ground level)	Two storeys with basement carpark (below ground level)	<b>YES</b>
<b>Setbacks</b> <b>Front</b> <b>Rear</b> <b>Side</b>	Consistent with existing As per BCA As per BCA	0.8m (consistent) As per BCA As per BCA	<b>YES</b>
<b>Building materials</b>	Complementary to surrounds	Textured, coloured and detailed tilt-panel concrete,  Sheet metal roofing	<b>YES</b>
<b>Parking</b>	1 space per 50m <sup>2</sup> for commercial premises (38 spaces required based on a gross floor area of 1899.9m <sup>2</sup> )	43 spaces (25 spaces in basement & 18 spaces outside at ground level)	<b>YES</b>
<b>Access</b>	Minimum 6.0m	6.5m	<b>YES</b>
<b>Manoeuvring</b>	Adequate for type of development proposed	Manoeuvring area will accommodate cars and small service vehicles	<b>YES</b>
<b>Landscaping</b>	All areas not covered with building or paving to be landscaped	Only basic landscaping indicated on plans. A condition will be imposed to request a full landscape plan prior to the issue of the Construction Certificate.	<b>YES</b>
<b>Advertising</b>	Compatible with building and streetscape	Only basic advertising indicated on plans. A further Development Application will be required for advertising prior to its installation.	<b>YES</b>

Submissions

The Development Application was advertised and notified to adjoining property owners from 6 April 2010 to 20 April 2010. During the advertising and notification period only one submission was received (see submission at **attachment 6**).

A discussion forum was convened by the Director Environmental Planning and Building Services on 3 May 2010 (see minutes of discussion forum at **attachment 7**). Issues raised in the submission and at the discussion forum included:

- (a) The need for easements over the adjoining property.

**Comment:** The developers have indicated that it will not be necessary for any services to be run through the CWA site and therefore there will be no need for easements.

- (b) Disturbance to adjoining property from excavation.

**Comment:** The developers are a firm of Structural Engineers who are conscious of the potential impact of the construction works on the adjoining buildings. The developers have advised that the CWA building will be monitored throughout the construction phase.

- (c) Provision of fencing and retaining walls.

**Comment:** The developers have advised that a substantial fence of at least 1.8 metres high will be erected between the subject site and the CWA site. This fence will be constructed at full cost to the developer.

### Conclusion

Council has received a Development Application (DA) for the demolition of three dwellings and the construction of a new commercial premises at 166-170 Russell Street, Bathurst. The subject site is zoned 3(a) General Business under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Commercial premises are permissible with consent in the 3(a) zone. The site in question is within the Bathurst Heritage Conservation Area and is therefore subject to the provisions of Clause 23 Protection of environmental heritage. It is considered that this proposal will have a neutral impact on the streetscape as the proposed building demonstrates sympathy to surrounding architectural styles. Despite the very high BCAMS rating of 9, approval for the demolition of the dwellings at 166, 168 and 170 Russell Street can be supported in this instance because of the substantial neglect and subsequent damage that has occurred to the building, the high cost of restoration works and the location of the dwellings in a commercial area and the pressures for a higher use of the land.

**Financial Implications:** Nil.

## MINUTE

### **10 Item 5 DEVELOPMENT APPLICATION NO. 2010/0540 DEMOLITION OF DWELLINGS AND CONSTRUCTION OF OFFICES AT 166-170 RUSSELL STREET, BATHURST. APPLICANT: PETER BASHA PLANNING & DEVELOPMENT. OWNER: EASTERN DEVELOPMENTS (NSW) PTY LTD**

**MOVED: B Bourke SECONDED: W Aubin**

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0540, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Prior to the issue of the Construction Certificate the developer is to submit amended plans addressing the recommendations of Council's Heritage Advisor in relation to the façade of the building;
  - (ii) Prior to the issue of the Construction Certificate, the developer is to submit to Council details of the colours of the external materials to be used in the construction;
  - (iii) Prior to the issue of the Construction Certificate, the developer is to submit to Council a photographic record of the three dwellings in accordance with the Guidelines for photographic recording of sites;
  - (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 Branch, Department of Planning, and Council. 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;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr R Thompson, Cr P Toole, Cr G Westman

Against the motion - Nil

Absent - Cr Ian North

Abstain - Nil

**6 DEVELOPMENT APPLICATION NO. 2010/0509 WORKSHOP AT 24 HILL STREET, ROCKLEY. APPLICANT: MR I KIERNAN. OWNER: MR I KIERNAN & MR J BUTTLE (DA 2010/0509)**

**Recommendation:** That Council:

- (a) support the variation to the development standards applying to the subject site prescribed in the Development Control Plan - Village;
- (b) direct the Director Environmental, Planning & Building Services to approve Development Applications No. 2010/0509, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Prior to the issue of the Construction Certificate the applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a workshop at 24 Hill Street, Rockley, described as Lot 247 DP 726517 (see location plan at **attachment 1**).

The subject site is currently vacant land.

**The proposal**

The proposal involves the construction of a workshop (see plan of proposed development at **attachment 2**).

**Planning Context**

*Bathurst Regional (Interim) Local Environmental Plan 2005*

The subject site is zoned 2(v) Village under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The proposed development, while not specifically defined, is being assessed as an outbuilding and is permissible with consent in the 2(v) Village zone. The proposal is consistent with the objectives of the zone.

Clause 23 Protection of environmental heritage

*The subject site is within the Rockley Heritage Conservation Area. The proposal was referred to Council's Heritage Advisor for comment. Council's Heritage Advisor was supportive of the proposal as the design and materials will compliment the overall character of the Rockley Heritage Conservation Area.*

*Development Control Plan - Village*

Under the provisions of the Development Control Plan – Village the subject site is identified as being within Development Area “A” and also within the “Core Area” of the village.

The Development Control Plan prescribes the following development standards for

Development Area "A":

- No new subdivision will be permitted
- New buildings are discouraged
- All development is to be screened by landscaping
- Natural vegetation in gully areas should be regenerated

Given that the Development Control Plan generally discourages new development in Development Area "A", consideration needs to be given to the following matters.

### 1. Visual impact

Comment: The subject site is highly visible on the approach to the village from the Bathurst side. The subject site, while currently vacant, is surrounded to the south, east and west by existing development in similarly prominent locations also highly visible on the approach to the village. The proposed siting of the building places it adjacent to existing development and preserves a significant area of open space on the lower part of the site. The overall character of the proposed workshop will compliment the village character. The proposed placement of the workshop will screen the neighbouring dwelling to the west from the village, especially when viewed from Church Street. As this is a contemporary dwelling, this is considered acceptable as the workshop building will be more in keeping with the village character than the neighbouring dwelling.

Due to the considerable setback from Church Street, the workshop will not contribute to the immediate streetscape. However, it will contribute to the overall character of the village as it will be one of the first buildings visible when driving into the village from Bathurst.

### 2. Disturbance to natural ground level

Comment: In order to minimise ground disturbance and to accommodate for the steep slope of the site, the proposed building will be constructed on masonry piers. The undercroft will be utilised for rainwater storage tanks. While some battering and possibly retaining walls will be necessary these will be minimal.

### 3. Appropriateness of design

Comment: The Village DCP identifies the distinctive Georgian character of most of the older buildings, namely their rectangular proportioning, simplicity in design, minimum decoration and their distinctive short span, narrow eaved, hipped iron roofs.

The proposed building is a simple rectangular form with a gabled roof and wrap-around verandah under a skillion roof. The window openings are in the "golden proportion", i.e. the height is one and a half times the measurement of the width. This is characteristic of Georgian and Victorian architecture and will therefore be appropriate to Rockley. It is noted the proposed placement of windows at the gable ends is not traditional, being located at each end of the walls, though they are still symmetrical.

The 30 degree roof pitch is appropriate, especially considering the raised elevation of the building site. If any higher, the roof would appear bulky, given it will be highly visible from Church Street.

The Village DCP requires a general height limit of one storey. The proposal complies with this requirement.

Though hipped roofs are identified as characteristic within the Rockley village by the DCP, the proposed gabled roof is considered acceptable due to the physical separation from the village centre and the fact that it is a workshop and not a dwelling. The wrap around verandah will ensure the overall form of the building is sympathetic to the village character.

#### **4. Appropriateness of materials**

Comment: The walls of the proposed building will be clad in hardwood slabs. The Village DCP states the predominance of face brick buildings within the village. However, given the physical separation of the proposed workshop from the village, it is considered appropriate that hardwood slabs be used. Such materials will give a rural appearance to the building, which is considered appropriate and should be able to be identified as a less significant building. The slabs, as opposed to the characteristic brickwork, will assist in such identification.

The roof of the proposed building will be clad in sheet metal (Colorbond) of an as yet unspecified colour. It is recommended that should Council grant consent, that a Standard Condition be included requiring the submission of a letter or report detailing the types and colours of the external materials to be used in the construction, as details are inconclusive in the plans provided.

#### **5. Siting**

Comment: The Village DCP requires that new buildings do not detract from the existing buildings. Due to the large setback of the proposed workshop, and given the building will appear to be “separated” from the original village centre, it will not detract from existing buildings.

#### **6. Density**

Comment: As the subject site is located within the “core” area of the village, new buildings need to be well set back from the street and for larger blocks a site coverage of 25% is the maximum coverage allowed. The site is 2.08 hectares and the proposed footprint of the workshop is 36.75 square metres. This equates to 0.18% of the site area, which ensures the proposal is well below the maximum 25% site coverage and also ensuring the low density character of the village is maintained.

#### **7. Setbacks**

Comment: The Village DCP requires that new buildings are to be surrounded by generous open areas and should be set well back from the road, particularly if more modern in design. The proposed workshop will be located approximately 75 metres back from Church Street, towards the southern boundary which complies as it will allow for generous open areas surrounding the development.

#### **8. Landscaping**

Comment: The Village DCP states denser tree plantings are appropriate on individual properties, particularly on steeper hill slopes. As the subject land is located within Development Area A, all development is required to be screened by landscaping and natural vegetation in gully areas should be regenerated.



It is recommended that should Council grant consent, that a Standard Condition be included requiring the applicant to prepare a landscape plan in accordance with Council's Landscape Code, to ensure compliance with the requirements of the Village DCP, given the site topography and new development proposal.

In light of the above considerations and notwithstanding the provisions of the Development Control Plan, it is recommended that the Development Application be approved.

### Conclusion

Council has received a Development Application (DA) for a workshop at 24 Hill Street, Rockley. The subject site is zoned 2(v) Village under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under the provisions of the Development Control Plan – Village the subject site is identified as being within Development Area "A" and also within the "Core Area" of the village. New buildings in Development Area "A" are generally discouraged. Notwithstanding this general Development Control Plan requirement, the proposed design and siting of the building is considered appropriate and for these reasons the proposal can be supported.

**Financial Implications:** Nil.

**MINUTE**

**11 Item 6 DEVELOPMENT APPLICATION NO. 2010/0509 WORKSHOP AT 24 HILL STREET, ROCKLEY. APPLICANT: MR I KIERNAN. OWNER: MR I KIERNAN & MR J BUTTLE**

**MOVED: R Thompson SECONDED: T Carpenter**

**RESOLVED:** That Council:

- (a) support the variation to the development standards applying to the subject site prescribed in the Development Control Plan - Village;
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0509, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Prior to the issue of the Construction Certificate the applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code; and
- (c) call a division.

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

**The result of the division was:**

**In favour of the motion** - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr R Thompson, Cr P Toole, Cr G Westman

**Against the motion** - Nil

**Absent** - Cr Ian North

**Abstain** - Nil

**7 DRAFT BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005 (AMENDMENT NO. 3) AND DRAFT BATHURST LOCAL ENVIRONMENTAL PLAN (CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND) 1997 (AMENDMENT NO. 4) (20.00155)**

**Recommendation:** That Council forward the draft Bathurst Regional (Interim) Local Environmental Plan 2005 (Amendment No. 3) and draft Bathurst Local Environmental Plan (Classification and Reclassification of Public Land) 1997 (Amendment No. 4) to the Department of Planning under section 68(4) of the *Environmental Planning and Assessment Act (1979)*.

**Report:** Council, at its meeting held 9 December 2009, resolved to forward the abovementioned draft LEP to the Department of Planning (see **attachment 1**). Council subsequently received notification from the Department that a Public Hearing must be held.

Pursuant to section 69 of the Environmental Planning and Assessment Act 1979 and section 29 of the Local Government Act 1993, a public hearing must be held with respect to the classification and reclassification of public land through a local environmental plan.

Whilst this matter has been previously considered by Council, a public hearing had not been held as required by the Act and was subsequently held on 5 May 2010.

There were no other significant matters raised at the Public Hearing that had not been adequately addressed in correspondence with Council or the affected landowners, as outlined in the previous report to Council.

It is therefore recommended that Council forward the draft LEP's (**attachments 2 & 3**) onto the Department for gazettal.

**Financial Implications:** Nil.

## MINUTE

### **12 Item 7 DRAFT BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005 (AMENDMENT NO. 3) AND DRAFT BATHURST LOCAL ENVIRONMENTAL PLAN (CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND) 1997 (AMENDMENT NO. 4)**

**MOVED: R Thompson SECONDED: M Morse**

**RESOLVED:** That Council

- (a) forward the draft Bathurst Regional (Interim) Local Environmental Plan 2005 (Amendment No. 3) and draft Bathurst Local Environmental Plan (Classification and Reclassification of Public Land) 1997 (Amendment No. 4) to the Department of Planning under section 68(4) of the *Environmental Planning and Assessment Act (1979)*.
- (b) call a division.

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

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

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr R Thompson, Cr P Toole, Cr G Westman

Against the motion - Nil

Absent - Cr Ian North

Abstain - Nil

## **8 AMENDMENT TO BLUE RIDGE ESTATE DEVELOPMENT CONTROL PLAN (DCP) (20.00077)**

**Recommendation:** That Council

- (a) adopt the amendment to the Blue Ridge DCP to remove the scenic protection buffer area from the DCP map noting that the proposed maximum front building line setback has been excluded from the amended plan; and
- (b) advise those persons who lodged submissions of Council's decision.

**Report:** The Blue Ridge Estate DCP applies to land situated in Bathurst shown edged by a heavy black line on the map at **attachment 1**.

Council has been approached by a landowner to amend the Blue Ridge DCP to remove the Scenic Protection Buffer from those affected lots. The effect of the amendment will be to enable buildings to be constructed where they have previously been prohibited.

Council has already adopted a DCP for the Estate which provides guidance for the subdivision of the land. The DCP currently contains a Scenic Protection Buffer which affects lots, or part thereof, above the 704m contour level. The purpose of the proposed amendment to the DCP would be to remove the Scenic Protection Buffer from those affected lots without altering the zoning of any land within the estate, or removing the agriculture buffer from those affected lots.

As part of the initial subdivision and rezoning of the land to create the estate, a Local Environmental Study was prepared outlining the potential impacts, constraints etc on developing the land and the surrounding land uses which recommended restricting development below the 704m contour level. There is evidence on Council records indicating that the restriction above the 704m contour related to the inability of lots to be serviced with appropriate water pressures. The DCP introduced a Scenic Protection Buffer above the 704m contour level prohibiting buildings, (ie dwellings, sheds and the like) to below the 704m contour level.

Council's Engineering Department have since indicated that there is adequate pressure and sufficient capacity within existing sewer mains to service additional lots above the 704m contour. On this basis, Council resolved at its meeting held 17 February 2010 to proceed with the preparation of the DCP amendment to remove the Scenic Protection Buffer.

The anticipated impact of the DCP amendment will be to permit the further subdivision of Lots 1, 2 & 3, DP 1062075 (being the only lots large enough to support further subdivision) and the erection of ancillary outbuildings in the scenic protection area, where buildings were previously prohibited.

Council prepared a draft DCP and subsequently placed the draft DCP on public exhibition over the period 22 February 2010 to 22 March 2010. A total of five submissions were received in relation to the matter (see **attachment 2**). Three submissions were in favour of the proposal and two were opposed. A Discussion Forum was held on 7 April 2010.

The issues raised in the submissions opposing the proposal include:

- a) increase in the number of dwellings;
- b) provision of services; and
- c) increase in traffic.

The proposed amendment to the DCP will ultimately result in the potential for an additional 6 lots, but at a minimum 3 additional lots, to be created. The additional lots are able to be created by resubdividing existing lots which are significantly larger than the minimum lot size of 4000 sqm. The minimum lot size, as set by the zoning of the land, is not being altered and remains at 4000sqm (i.e consistent with Clause 27(1) of the Bathurst Regional (Interim) Local Environmental Plan 2005).

It is anticipated that an additional dwelling will be erected on each lot that is created, up to 6 additional dwellings total as a result of this DCP amendment. The water and sewer services provided at the original subdivision stage and the capacity of the road network are sufficient to cater for these additional dwellings.

It is therefore considered that the impact on the estate, the surrounding land and the existing services as a result of the additional lots is unlikely to have a detrimental impact.

The draft DCP Amendment was exhibited with a maximum front building line setback in order to maintain the existing setback of buildings already established in the estate. From the submissions received it is clear that this would disadvantage some landowners and not significantly benefit Council. It is therefore recommended that this amendment to the DCP not include the proposed maximum front building line setback as exhibited.

The amended DCP is provided at **attachment 3**.

### Conclusion

Council has been approached by a landowner to amend the Blue Ridge DCP to remove the Scenic Protection Buffer from those affected lots, enabling buildings to be constructed where they have previously been prohibited. Council's Engineering Department have indicated that there is adequate pressure and sufficient capacity within existing sewer mains to service additional lots.

There are no environmental or planning grounds to prevent the amendment from proceeding, noting that it is recommended that the proposed maximum front building line setback be excluded from the plan. It is recommended that Council adopt the amendment to the DCP.

**Financial Implications:** Nil.

## MINUTE

### 13 Item 8 AMENDMENT TO BLUE RIDGE ESTATE DEVELOPMENT CONTROL PLAN (DCP)

**MOVED: G Westman SECONDED: R Thompson**

**RESOLVED:** That Council

- (a) adopt the amendment to the Blue Ridge DCP to remove the scenic protection buffer area from the DCP map noting that the proposed maximum front building line setback has been excluded from the amended plan; and
- (b) advise those persons who lodged submissions of Council's decision.
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr M Morse, Cr R Thompson, Cr P Toole, Cr G Westman

Against the motion - Nil

Absent - Cr Ian North

Abstain - Nil

## **9 MANUFACTURING WORKSHOP (21.00005)**

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

**Report:** Industry and Investment held a manufacturing workshop “5 Steps to better profits” in Bathurst on 4 May at the National Motor Racing Museum. The workshop sponsored by Council (venue and light lunch) attracted over 30 representatives from Manufacturing businesses from the region.

Council also assisted by promoting the event to local manufacturing firms in the Bathurst Region. Councillor Westman warmly welcomed representatives to Bathurst and the workshop and gave a short talk on the manufacturing industry as a key industry sector and the economic benefits for the Bathurst region.

In providing a nominal sponsorship Council is supporting Industry and Investment by demonstrating a strong partnership and desire to work with local industries.

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



**MINUTE**

**14    Item 9    MANUFACTURING WORKSHOP**

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

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

## **10 ENVIRONMENTAL SUSTAINABILITY ACTION PLAN – UPDATE OF MANAGEMENT ACTION PLANS (16.00021)**

**Recommendation:** That Council note the revised Management Action Plans for the Environmental Sustainability Action Plan.

**Report:** In August 2008 Council adopted the Environmental Sustainability Action Plan as a working document. Since that time Management Action Plan (MAP) groups have been working to implement the listed actions under each of the six MAP areas of water, biodiversity, waste, energy, salinity and pollution. Substantial progress has been made against the plans.

A review of the MAP's was completed by staff from the three Councils in December 2009. As part of this review, progress against actions has been noted and new actions have been identified and incorporated into the plans.

Key highlights from the MAPs indicate substantial progress has been made:

Water	<ul style="list-style-type: none"> <li>● Integrated Water Cycle Management Plans including water conservation plans were completed or partially completed for all Councils.</li> <li>● Regional water restriction criteria were established and regular meetings conducted to focus on delivery and review of Water Action Plans.</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>● Projects scoped and funded through the \$2M BOD Urban Sustainability Program, including Urban Drainage Reserve Revegetation Program, and Biodiversity Management Plan.</li> <li>● Threatened species database completed.</li> <li>● Improved protection of remnant vegetation through the LEP process.</li> </ul>
Waste	<ul style="list-style-type: none"> <li>● Waste auditing of sectors within Local Council Areas were completed or partially completed for all Councils and targeted programs adopted.</li> </ul>
Energy	<ul style="list-style-type: none"> <li>● Audits of energy use were completed across Councils' service areas by Planet Footprint.</li> <li>● A base level audit of Greenhouse Gas Emissions was completed for Bathurst and Orange which included landfill emissions.</li> <li>● Bathurst and Dubbo commenced a Climate Change Risk Assessment and Adaptation Plan.</li> </ul>
Salinity	<ul style="list-style-type: none"> <li>● Partnerships were established with community groups (e.g. Landcare) to deliver Councils' salinity management outcomes (Dubbo).</li> </ul>
Pollution	<ul style="list-style-type: none"> <li>● A Regional State of the Environment report was completed including pollution data across land, water, air and waste.</li> <li>● Litter management plans and community engagement plans were partially completed for all Councils and regular meetings held.</li> </ul>

Copies of the revised MAPs are included as **attachment 1**. The format of the MAPs has been revised to highlight Common (Joint) Actions.

The Management Action Plans will not be reprinted however updated versions will be available for download from each of the Council websites.

**Financial Implications:** This project is funded from existing allocations and from external grant funding.

**MINUTE**

**15 Item 10 ENVIRONMENTAL SUSTAINABILITY ACTION PLAN – UPDATE OF MANAGEMENT ACTION PLANS**

**MOVED: R Thompson SECONDED: T Carpenter**

**RESOLVED:** That Council note the revised Management Action Plans for the Environmental Sustainability Action Plan.

## **11 RECOMMENDED CHANGES TO THE TOILESMART PROGRAM (14.00517)**

**Recommendation:** That Council support the change from the Caroma ToileSMART Installation Program to a \$100 4-Star Toilet replacement rebate.

**Report:** In 2008-09, Council was approached by Caroma and Prime Industries to conduct a toilet replacement program whereby older style and less efficient toilets could be replaced by local Master Plumbers at low cost. This ToileSMART Program was coordinated by Prime Industries and used Caroma toilets purchased through local retailers. To increase the uptake, Council offered a \$100 rebate as a discount so that fully installed toilets started at a cost of just \$335. This program was also funded \$20,000 for the 2009-10 financial year.

Since its inception, the program has resulted in around 180 older style toilets being replaced, resulting in savings of approximately 5.4 million litres of water each year. Unfortunately, the uptake of the program has slowed considerably (~2 installations per month), even after the distribution of over 13,000 brochures to Bathurst Region ratepayers. The program in its current guise and price concluded on 31 March 2010.

Rather than renegotiating a new price and terms as well as dedicating funds towards promoting the program again, it is proposed to use the remaining funds to provide a pure rebate to Bathurst Region residents who replace a single-flush toilet with a 4-Star system, with the installation completed by a qualified plumber. A \$100 rebate is proposed for the program which will augment current rebates being offered by the NSW State Government.

The program will be promoted along with Council's popular Household Retrofit Program (Solar, Wind, Greywater Rebates) with local retailers also informed of the new program. With funds available for approximately 100 more installations, this program is likely to save another 3 million litres of water annually.

**Financial Implications:** The proposed rebate can be funded from the existing ToileSMART Program allocation.

**MINUTE**

**16     Item 11    RECOMMENDED CHANGES TO THE TOILETSMART PROGRAM**

**MOVED: G Hanger   SECONDED: W Aubin**

**RESOLVED:** That Council support the change from the Caroma Toiletsmart Installation Program to a \$100 4-Star Toilet replacement rebate.

## **12 OUTBACK & BEYOND: THE FUTURE OF HISTORIC TOWNS, INDUSTRIAL HERITAGE AND PASTORALISM (35.01265)**

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

**Report:** Council's Heritage Advisor, Manager, Strategic Planning and Senior Strategic Planner attended the above conference in Broken Hill in April. Topics at the seminar covered current views, methods, policies and case studies regarding rural, industrial and remote heritage. Speakers and case studies were Australia wide and from as far a field as the UK and USA. The conference included excursions to sites within and around Broken Hill.

The main points at the conference applicable to Bathurst Regional Council, or that could potentially be implemented by Council, are summarised below.

### **Broken Hill City Council Revolving Heritage Fund**

Broken Hill City Council established this fund for the Verandah Reinstatement Program. It has been a sound program, as demonstrated by its popularity and general improvement within the streetscapes of the city. The fund is run in the following manner.

- Council initially covers the total cost of the project
- 80% is paid back by private property owners over a 4 year period at half the current interest rate
- The remaining 20% is provided as a grant (covered by Council)
- Any unpaid monies is listed as a debt against the property when sold
- The fund is revolving as when monies are paid back, it is loaned to other projects

Such a fund could be utilised for large restoration projects within the Bathurst Regional Council Local Government Area.

### **Industrial Heritage**

A keynote speaker at the conference, Sir Neil Cossons, retired Chairman of English Heritage and the UK Government's principal adviser on the historic environment, highlighted that certain industrial sites are becoming exceptionally rare around the world, given industrial sites are generally the first sites to be redeveloped. It is rarer for some of these sites to have their machinery intact. Such factors demonstrate the rarity and increasing level of significance, including local, State, national and potentially international significance for particular sites.

As discussed in Sir Neil's paper, where it is not possible to source appropriate levels of funding for restoration works or not practical to find an appropriate use for a site, it may be more appropriate to manage the site as a ruin, as at numerous sites in the UK and around the world. Alternatively, potential sites could be "mothballed" in anticipation of future funding becoming available.

### **Thematic Listings**

Heritage bodies and other legislative listing authorities, including councils, have traditionally listed heritage items because of individual merits. Thematic listings are becoming the preferred method of listing on the world heritage list as they provide comparative examples. The Department of Environment, Water, Heritage and the Arts, have adopted this process for listing, e.g. the 2007 listing of convict sites on the National Heritage List, including the Woolmer's and [Brickendon Estates](#), Tasmania, Sydney's [Hyde Park Barracks](#), [Fremantle](#)

[Prison](#) and the [Kingston and Arthur's Vale Historic Area](#) on Norfolk Island. The Heritage Branch, Department of Planning, has also adopted this process, such as the investigation of potential listings on the State Heritage Register by theme, e.g. Governor Macquarie, Aboriginal heritage and World Wars I and II.

This method could be considered by Council with its future annual review of listings and as part of future heritage studies for the region. Examples of potential thematic listings within the region may include:

- Webb's Stores Group including buildings in George and Keppel Streets and the two storey commercial building near the railway station
- Community Halls within the region
- Sites associated with certain people, such as Ben Chifley

This method would provide a comparative analysis of associated sites within the Local Government Area, determining levels of significance of different components within the group and may potentially illustrate significant sites that have been overlooked in the past.

### **National Advertising Programs**

The Cornish Mining World Heritage organisation in the UK carried out a successful advertising campaign of its heritage sites by displaying large posters at the busy London Paddington Station. The posters were viewed by approximately 30,000,000 commuters in the year. The key component of this program was identifying a link between the Cornish Mining sites and the commuters which was that they were most likely to be descendants of Cornish miners.

Such an advertising campaign could be prepared for Bathurst Regional Council at a main city railway station in Sydney, such as Central, Circular Quay or the rail line from Mascot. Another possibility could be posters of the region and its attractions at Sydney Airport which greet international travellers to the country when disembarking aeroplanes, such as the current posters for the Hunter Valley region and its vineyards. Ideally, a common link should be identified with tourists and Bathurst, such as descendants of convicts, miners, etc, to make the potential trip personalised.

### **Cultural Advertising Opportunities**

As developing countries grow in population, it was highlighted at the conference that the Chinese will become the dominant global race in the future. Therefore, this could be a target area for potential tourism. For example, the Chinese heritage brochures for the Bathurst City and the Bathurst Region could be expanded and marketed appropriately to either China or Australians of Chinese descent.

### **Broken Hill: A Guide to the Silver City**

A tourist book with the above title was launched at the conference. The book includes:

- History of Broken Hill and the mines
- National heritage values of the city and why Broken Hill City Council nominated its city for listing on the National Heritage Register
- Development of the city
- Architectural heritage
- Heritage rejuvenation of the city, with before and after photographs
- Broken Hill art

- Heritage Trails
- Heroes, Larrikins and Visionaries Walk
- Historical Chronology

A similar book could be prepared for the Bathurst region, with chapters relevant to its history and the region's culture, e.g. Aboriginal history, the first European settlement west of the Blue Mountains, mining history, the history of motor racing and the Bathurst 1000 and the Autumn Colours Festival.

### **Visitor Experiences**

Council could consider constructing a visitor experience, such as the Sculpture Park outside Broken Hill, but specific to the region and possibly located on Mount Panorama. One suggestion could be a viewing platform out over the race track where spectators view the race track and its surrounds from a glass platform.

A visitor's walk to a lookout could be constructed with interpretation signs possibly on Mount Panorama, identifying points of interest such as past thrills and spills, Peter Brock's unofficial memorial, the esses, the tree falling on the track during the 2010 24 hour race, etc. Future walks could also be considered on private property, with negotiation and agreement from the owners, such as Major General Stewart's obelisk monument on top of Stewart's Mount.

### **Pilot Tourism Sessions**

Council could introduce pilot sessions where it invites vital tourism operators to weekend trips escorted in, and around, Bathurst to trial new technologies or methods for tourism.

### **General Brochure**

Council could consider promoting all of the region's assets in one brochure, as has been done in Wales. Such a brochure would be unique as current brochures focus on different areas, e.g. Chinese heritage, Ben Chifley, Bathurst heritage trail, etc.

### **Council as a Heritage Entrepreneur**

Broken Hill City Council has established a program where it purchases a heritage building, restores it, and finds an appropriate use for the building. Upon the completion of each project, it moves to another, ensuring there is always a project underway. Their current project consists of the change of use of the former power generating complex into a movie production complex, of which the first movie to be made there will be Mad Max 4 this year.

Such a program illustrates to the community, and the State, the proactive and sustainable attitude of Council and demonstrates it is a leading heritage manager of its assets. Bathurst Regional Council could consider a similar program in the future to encourage private owners to do the same.

### **Future ICCOMOS Conferences**

At the conclusion of the conference the conference Committee sought nominations for future conference venues/locations. Conferences of this type, particularly with a heritage or tourism related theme, could be targeted by Council to come to Bathurst in 2015 as part of the City's bicentennial year. Council might also consider offering a keynote speaker to such events to provide a history of the Bathurst Region and to promote the City's bicentenary.



## Snapshot Presentation

Council's Senior Strategic Planner presented an abstract at the conference at one of the "Snapshot Sessions". The abstract summarised how Bathurst Regional Council manages its heritage assets and focused on its *Heritage Asset Register*, the *Historic Roads and Structures Inventory* and Conservation Management Plans. The abstract was well received.

**Financial Implications:** Attendance at the seminar was covered by Council in accordance with its Training Policy.

Any works resulting from the above points will be carried out by Council staff as part of Council's existing Management Plan, or may be proposed as components of Council's future Management Plans.

**MINUTE**

**17 Item 12 OUTBACK & BEYOND: THE FUTURE OF HISTORIC TOWNS,  
INDUSTRIAL HERITAGE AND PASTORALISM**

**MOVED: R Thompson SECONDED: M Morse**

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

### **13 ACCREDITATION OF COUNCIL BUILDING SURVEYORS (41.00088)**

**Recommendation:** That Council grant delegated authority to the General Manager to make recommendations in relation to applications for accreditation of Council Building Surveyors under the Building Professionals Act 2005.

**Report:** On 1 March 2010 the Building Professionals Plan formally introduced a scheme requiring the accreditation of Council building surveyors.

Effective as of 1 September 2010 all building surveyors undertake certification works on behalf of Council. This includes issuing Complying Development Certificates, Construction Certificates, compliance certificates and occupation certificates.

As part of the accreditation process Council is required to make a recommendation to the Building Professionals Board that its building surveyors be accredited on the basis of a combination of qualifications and experiences that they are a “fit and proper person”.

In order to facilitate this process the Building Professionals Board has advised that it is necessary for the Council to delegate authority to the General Manager to make the necessary recommendations to the Board.

**Financial Implications:** Nil.

**MINUTE**

**18     Item 13    ACCREDITATION OF COUNCIL BUILDING SURVEYORS**

**MOVED: B Bourke SECONDED: T Carpenter**

**RESOLVED:** That Council grant delegated authority to the General Manager to make recommendations in relation to applications for accreditation of Council Building Surveyors under the Building Professionals Act 2005.

#### **14 2010 KINDY KITS PROGRAM (28.00002)**

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

**Report:** Council's Road Safety and Environmental Officers recently delivered the 2010 Kindy Kits program to approximately 600 Kindergarten children in the Bathurst Region. The program aims to promote the important messages of road safety and caring for the environment to all Kindergarten students in the Local Government Area.

The program utilises two mascots, Safetysaurus and Recycle Roo. Safetysaurus is the road safety mascot who delivers road safety messages and encourages children to abide by them. The Recycle Roo mascot helps to raise awareness about how simple changes in behaviour can reduce our impact on the environment.

As part of the program each child received a library bag, which carries the Safetysaurus and Recycle Roo mascots, along with other educational material. The final aspect of the program was a colouring competition to assist in reinforcing the environmental and road safety messages. Short listed entries were displayed at the library over the school holidays, with the Mayor judging the winning entries. The winner and 11 highly commended entries were awarded book vouchers from BooksPlus.

**Financial Implications:** Nil.

**MINUTE**

**19    Item 14    2010 KINDY KITS PROGRAM**

**MOVED: G Hanger SECONDED: G Westman**

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

Yours faithfully

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
19 MAY 2010

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 19 MAY 2010**

General Manager  
Bathurst Regional Council

**1 STATEMENT OF INVESTMENTS - 30 APRIL 2010 (16.00001)**

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

**Report:** \$44,433,737.83 was invested at 30 April 2010 in accordance with Council's investment policies, the Minister's Investment Order dated 31 July 2008, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

**Year to Date Averages** (as per the CBA & RBA for comparison purposes)

90 day Bank Bill Swap Rate (BBSW)	3.99%
Three Year Treasury Bond Yield	4.96%

**Short Term 1 – 365 Days**

**(comprising Commercial Bills, Term Deposits and Certificates of Deposits):**

**Average Return**

Bankwest	\$1,000,000.00	5.08%
Bendigo and Adelaide Bank Limited	\$4,500,000.00	4.94%
IMB Ltd	\$2,000,000.00	4.55%
Railways Credit Union	\$9,000,000.00	5.05%
Reliance Credit Union	\$2,000,000.00	4.91%
Savings and Loans Credit Union	\$10,000,000.00	4.96%
SGE Credit Union	\$500,000.00	4.61%
Westpac Banking Corporation	<u>\$8,000,000.00</u>	<u>5.58%</u>
	\$37,000,000.00	5.09%

**Long Term**

**(comprising Commercial Bills, Term Deposits and Bonds):**

Railways Credit Union	\$2,000,000.00	6.25%
Government & Semi Government Bonds	<u>\$2,630.25</u>	<u>5.00%</u>
	\$2,002,630.25	6.25%

**Community Income Note**

*Rembrandt Australia Trust	<u>\$931,107.58</u>	<u>0.00%</u>
(refer to DCSF C#1 report of 19/3/2008)	\$931,107.58	0.00%

**Floating Rate Notes**

ANZ	\$2,000,000.00	4.92%
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Bendigo Bank 2007	\$2,000,000.00	4.83%
Mackay Permanent Building Society	<u>\$500,000.00</u>	<u>5.14%</u>
	\$4,500,000.00	4.90%
<b>Total Investments</b>	<b><u>\$44,433,737.83</u></b>	<b><u>5.01%</u></b>

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

Reserves Total (includes unexpended loan funds)	\$23,965,265.83
Grants held for specific purposes	\$3,463,629.94
Section 94 Funds held for specific purposes	\$14,704,444.22
Unrestricted Investments – All Funds	\$2,300,397.84
*General Fund	\$11,006.24
*Water Fund	\$877,456.95
*Sewer Fund	\$601,483.07
*Waste Fund	<u>\$810,451.58</u>

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

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

**MINUTE**

**20    Item 1    STATEMENT OF INVESTMENTS - 30 APRIL 2010**

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

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

**2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET (16.00116)**

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

**Report:** At **attachment 1 and 2** is the revised summary and detail of the Management Plan and Budget for the period to 30 April 2010.

	<b>Original Estimate</b>	<b>Previously Revised Estimate</b>	<b>Revised Estimate</b>	<b>Variance for the Month</b>
<b>Engineering Services</b>	11,055,708	11,138,114	11,138,114	0
<b>Corporate Services &amp; Finance</b>	(18,133,074)	(18,169,860)	(18,169,860)	0
<b>Cultural &amp; Community Services</b>	4,113,018	4,129,691	4,129,691	0
<b>Environmental Planning &amp; Building Services</b>	2,913,786	2,851,493	2,851,493	0
<b>TOTAL</b>	(50,562)	(50,562)	(50,562)	0

Variations for the Month of April 2010 - Nil.

At **attachment 3** is an update of Strategies for the 2009/2010 Management Plan

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

**Financial Implications:** Council's budget will be varied in accordance with the above table.

**MINUTE**

**21 Item 2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET**

**MOVED: B Bourke SECONDED: M Morse**

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

**3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE 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 and Bathurst Memorial Entertainment Centre Community Use Subsidies granted by Council for the period ending 30 April 2010.

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

Section 356:	(\$1,231.32)
BMEC Community use:	\$106.84

**MINUTE**

**22 Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY**

**MOVED: R Thompson SECONDED: M Morse**

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

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

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

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

- BRC Transfer to All Saints College - Lot 1 DP1018033, Lot 5 DP879846, Lot 6 DP878187, Lot 11 DP1045265, Lot 12 DP1045265, Eglinton Road - Plan of Consultation DP1150184
- Optus Mobile P/L - Part A DP398238, Pit Complex Mount Panorama - Lease
- Vodafone - Part Lot 40 DP1056379, Mount Panorama - Lease
- Renmeul P/L & Ross Aviation Services P/L - Lot 21 DP1108205, Bathurst Aerodrome - Assignment of Lease

#### **Linen Plan Release**

- Ratsep/WMN Developments - 7 Lot Strata Subdivision - 57 Rosemont Ave, Kelso
- Barnson - Mudgee/BRC - 22 Lot Residential Subdivision - Stage 4 Blaxland Drive & McGirr St, Llanarth

**Financial Implications:** Nil.

**MINUTE**

**23    Item 4    POWER OF ATTORNEY**

**MOVED: B Bourke SECONDED: T Carpenter**

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



## **5 GOODS AND SERVICES TAX - COUNCIL COMPLIANCE REQUIREMENTS FOR 2009/2010 (16.00054)**

**Recommendation:** That Council authorise the signing of the Goods & Services Tax Certificate, payment of voluntary GST 1 May 2009 - 30 April 2010.

**Report:** It is no longer mandatory for Councils to have their auditors undertake a review of their GST systems. The approach is now for Councils to supply a certificate of confirmation to the Department of Local Government in place of the Audit Review Report.

By 8 June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies. Accordingly, local government bodies are requested to provide the Department with this advice before 1 June each year. The Department will then provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Shown at **attachment 1** is a certificate for the period 1 May 2009 to 30 April 2010 that meets these requirements. The certificate is to be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer in accordance with a resolution of Council.

Several councils have questioned the use of the term "voluntary" used in the certificate. Section 5 of *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, subsection 3 (d) refers to "*amounts of voluntary GST payment*". It follows from this Act that Treasury has requested on behalf of the Taxation Office to include the term voluntary.

**Financial Implications:** Funding for this is contained within Council's budget.

**MINUTE**

**24 Item 5 GOODS AND SERVICES TAX - COUNCIL COMPLIANCE REQUIREMENTS FOR 2009/2010**

**MOVED: T Carpenter SECONDED: G Hanger**

**RESOLVED:** That Council authorise the signing of the Goods & Services Tax Certificate, payment of voluntary GST 1 May 2009 - 30 April 2010.

## **6 2010 SPORTING GRANTS (16.00048)**

**Recommendation:** That Council authorise the payment of the following Sporting Grants for the 2010/2011 Year of \$29,980 as recommended by the Bathurst Sports Council.

\$5,400	Bathurst District Sport & Rec	Display Trophy Cabinet
\$1,120	Bathurst Cycling Club	Junior Bikes & Road Brake Kits
\$5,000	Bathurst Carillon City Tennis Club	Two Shade Shelters
\$3,000	St Patricks Sporting Club	Upgrade of Equipment & Watering System
\$1,200	Bathurst Bushrangers ARFC	Kelso Estate AFL Project
\$900	Bathurst Little Athletics	BBQ
\$3,141	Bathurst District Football	Players & Officials Benches – Proctor Park
\$4,000	Rugby Union Cricket Club	Field Mower
\$869	Bathurst Basketball Association	Wall Mounted Vertical Ball Lockers
\$1,350	Collegians Netball Club	Equipment for Volunteer Coaching
\$4,000	Central West Dressage Group	Arena Equipment Trailer

**Report:** Council has provided \$30,000 in its Management Plan for the sporting organisations of Bathurst to make an application for financial support. Council sent these applications to the Bathurst Sports Council for their review and recommendations of those organisations to receive a grant.

Council has received the following list from the Sports Council showing details of the associations who will receive these grants.

\$5,400	Bathurst District Sport & Rec	Display Trophy Cabinet
\$1,120	Bathurst Cycling Club	Junior Bikes & Road Brake Kits
\$5,000	Bathurst Carillon City Tennis Club	Two Shade Shelters
\$3,000	St Patricks Sporting Club	Upgrade of Equipment & Watering System
\$1,200	Bathurst Bushrangers ARFC	Kelso Estate AFL Project
\$900	Bathurst Little Athletics	BBQ
\$3,141	Bathurst District Football	Players & Officials Benches – Proctor Park
\$4,000	Rugby Union Cricket Club	Field Mower
\$869	Bathurst Basketball Association	Wall Mounted Vertical Ball Lockers
\$1,350	Collegians Netball Club	Equipment for Volunteer Coaching
\$4,000	Central West Dressage Group	Arena Equipment Trailer
<b>\$29,980</b>	<b>Total</b>	

**Financial Implications:** Council has allocated this expenditure in its 2010/2011 Management Plan.

## MINUTE

### 25 Item 6 2010 SPORTING GRANTS

**MOVED: W Aubin SECONDED: G Hanger**

**Cr Westman declared a non-pecuniary interest in this item and took part in discussions and voting.**

**Reason:** Member of Cycle club (not a sponsor)

**RESOLVED:** That Council authorise the payment of the following Sporting Grants for the 2010/2011 Year of \$29,980 as recommended by the Bathurst Sports Council.

\$5,400	Bathurst District Sport & Rec	Display Trophy Cabinet
\$1,120	Bathurst Cycling Club	Junior Bikes & Road Brake Kits
\$5,000	Bathurst Carillon City Tennis Club	Two Shade Shelters
\$3,000	St Patricks Sporting Club	Upgrade of Equipment & Watering System
\$1,200	Bathurst Bushrangers ARFC	Kelso Estate AFL Project
\$900	Bathurst Little Athletics	BBQ
\$3,141	Bathurst District Football	Players & Officials Benches – Proctor Park
\$4,000	Rugby Union Cricket Club	Field Mower
\$869	Bathurst Basketball Association	Wall Mounted Vertical Ball Lockers
\$1,350	Collegians Netball Club	Equipment for Volunteer Coaching
\$4,000	Central West Dressage Group	Arena Equipment Trailer

## **7 BATHURST 12 HOUR EVENT (04.00097)**

**Recommendation:** For Council's consideration.

**Report:** At the Bathurst 12 Hour Event Meeting held in Sydney on Thursday, 29 April 2010, Council was advised that its partner Mr James O'Brien of Yeehah Events will be attending the Malaysian 12 Hour Race from 4 to 7 August 2010.

The Malaysian Race will be held at the Sepang International Circuit and from discussions Mr O'Brien has had with Mr Razlan Razali CEO of the Malaysian Grand Prix he has indicated that they wish to make contact with the Bathurst 12 Hour Race organisation to look at possibility of having cross promotional discussions so that both races may be promoted.

Councillors are aware that there will be a new category of motor vehicles participating with the 2011 Event that being the GT group status which involves Ferrari, Lamborghini etc. The Malaysian Race also includes this category. It is requested that consideration be given to allow Councillor Aubin to attend the race as an observer with Council's promoter Mr O'Brien. Costs associated would be approximately \$3,500 which would include flights, 4 nights accommodation and meals.

Councillors are requested to consider the above request.

**Financial Implications:** Council would need to fund this from the Mount Panorama 12 Hour race operations.

**MINUTE**

**26    Item 7    BATHURST 12 HOUR EVENT**

**MOVED: B Bourke   SECONDED: M Morse**

**RESOLVED:** That Council authorise the attendance of Cr Aubin at the Malaysian 12 Hour Race in August 2010 and pay relevant expenses including travel and accommodation.

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

19 MAY 2010

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL MEETING HELD ON 19 MAY 2010**

General Manager  
Bathurst Regional Council

**1 LAND CLASSIFICATION AND RECLASSIFICATION, LOT 421 DP1043237, LOTS  
1340 AND 1341 DP1142980 AND LOT 1825 DP1146965 AT KELSO (22.13566 to  
22.13569)**

**Recommendation:** That Council classify and reclassify the land in Lot 421 DP1043237, Lots 1340 and 1341 DP1142980, and Lot 1825 DP1146965 at Kelso as Community Land through the provisions of the Local Government Act 1993.

**Report:** Following the registration of appurtenant subdivision plans, the Land and Property Management Authority has transferred to Council:

- (a) Lot 421 DP1043237 at Hughes Street, Kelso;
- (b) Lot 1340 DP1142980 Marsden Lane, Kelso;
- (c) Lot 1341 DP1142980 She Oak Close, Kelso; and
- (d) Lot 1825 DP1146965 Marsden Lane, Kelso. Please refer to sketch plans at **attachment 1.**

At registration of the plans, all properties were dedicated as drainage reserves and zoned either 2a Residential or 6a Local Recreational. However, land status on properties b) to d) has not been allocated while the status of a) is Operational land and requires reclassification.

Council, pursuant to the Local Government Act 1993, is required to:

- 1 Classify land as Operational or Community within 3 months of acquisition; and
- 2 Publish a public notice of intended classification or reclassification for not less than 28 days.

It is proposed to advertise the reclassifications in the Western Advocate to allow the public time to offer submissions.

It is recommended that Council classify and reclassify properties including Lot 421 DP1043237, Lots 1340 and 1341 DP1142980, and Lot 1825 DP1146965 at Kelso pursuant to the Local Government Act 1993 as Community land.

**Financial Implications:** Nil.



**MINUTE**

**27    Item 1    LAND CLASSIFICATION AND RECLASSIFICATION, LOT 421  
DP1043237, LOTS 1340 AND 1341 DP1142980 AND LOT 1825 DP1146965 AT KELSO**

**MOVED: B Bourke SECONDED: T Carpenter**

**RESOLVED:** That Council classify and reclassify the land in Lot 421 DP1043237, Lots 1340 and 1341 DP1142980, and Lot 1825 DP1146965 at Kelso as Community Land through the provisions of the Local Government Act 1993.

## **2 CENTROC JOINT REGIONAL FUEL CONTRACT (15.00017)**

**Recommendation:** That Council participates in the CENTROC regional contract for fuel.

**Report:** Council, as a member of the Centroc group of Councils, has been involved in a number of supply contracts that have proven financially beneficial to it over the years. Such contracts have included Bitumen Emulsion, Clothing and Signs.

The purchase of fuel by Council is required to be through an appropriate contract and this currently necessitates the utilisation of the State Government contract.

Feedback from various Councils in the Centroc region indicates that this contract rate is high and supply through local suppliers could result in significantly better rates.

To improve the purchasing power and result in a more financially attractive contract rate, Centroc has written to member Councils to establish interest in inclusion in a Regional Fuel Supply Contract.

Under section 55A of the Local Government Act, Council may call tenders in accordance with the act through a joint entity such as Centroc as has been the case as indicated above.

It is anticipated that such a tender would be financially advantageous to Council and it is recommended that Council participate in the joint tender.

**Financial Implications:** The cost of Council's fuel is currently incorporated in various budgets in the approved Management Plan.

**MINUTE**

**28    Item 2    CENTROC JOINT REGIONAL FUEL CONTRACT**

**MOVED: G Hanger SECONDED: G Westman**

**RESOLVED:** That Council participates in the CENTROC regional contract for fuel.

### **3 ROAD SAFETY OFFICER - SECONDMENT (16.00018)**

**Recommendation:** That Council provide in principle, support to the secondment of the Road Safety Officer to the Mine Safety Advisory Council for the development and delivery of a road safety community engagement program in the Cobar region at no cost to Council.

**Report:** Council has received a request from the NSW Mine Safety Advisory Council (MSAC) seeking support for the secondment of The Tablelands Road Safety Officer (RSO) to conduct a pilot community engagement project on its behalf in the Cobar region.

As the Occupational Health and Safety (OHS) body representing the mining and extractives industry in NSW, MSAC continues to pursue improvements to OHS within the mining industry. One element within its OHS improvement strategy is to educate mining communities about good OHS practices beyond workplace.

The MSAC has proposed to trial this within the Cobar community, and were made aware of the "Kids of Cadia" program undertaken by the apprentice group at Cadia Valley with support from the RSO.

As the RSO position is jointly funded by Bathurst Regional Council (BRC), Blayney Shire Council (BSC) and the NSW Roads and Traffic Authority (RTA), the proposal requires the approval of all parties prior to being developed and undertaken.

Discussions about the program already run by the RSO, and the feasibility of it being run in Cobar have already been held between Industry and Investment NSW (I&I), BSC and the RSO, with the cost of running the program estimated at \$5,000 including travel and accommodation. The full cost of the training programme will be met by NSW Mine Safety Advisory Council.

Councillors may recall the recommendation adopted at its Ordinary Meeting of Council, on 3 February 2010 approved the extension of the RSO position until 30 June 2012.

The continuation of the Road Safety program within Bathurst and Blayney Local Government areas is considered an important tool in addressing the road toll, the social impact of motor vehicle accidents on the community, and providing for improved education opportunities for the local community. The provision of an RSO also provides opportunities to source funding from other agencies that may not otherwise have been available to Council.

The current road safety action plan developed by the RSO in conjunction with the RTA, BRC and Blayney does not provide any opportunity for the RSO to work on this project until approximately October 2010.

In 2008/09 the RTA, in conjunction with the Australian Road Research Board (ARRB), undertook a review of the Local Government Road Safety program. As a result of the review, ARRB recommended that the RTA adopt a safe systems approach to road safety and Council's be offered grants (rather than direct funding), as an alternative delivery model to address road safety.

The NSW Centre for Road Safety has subsequently advised Council that it is moving towards a Safe Systems model, requiring an holistic approach to local road safety projects, and requires those designing and managing the road system to be accountable for the safety performance of the road network, and the design of vehicles and road environments be undertaken on the basis of human limitations.

The RTA proposes to pilot test the model with a number of councils in 2010/12, with outcomes used to provide guidance, prior to moving toward full implementation.

It is noted that the Cobar region does not have the services of an RSO, and Council remains concerned that with the progression toward an alternative road safety model, the approach by MSAC may provide the RTA with a method of providing an RSO to the Cobar region at the expense of the Blayney and Bathurst communities.

There are concerns that the Safe Systems model will allow the RTA to justify the cessation of the Road Safety Officer program, and place additional funding demands upon Councils, should they wish to continue with the provision of a RSO.

It is therefore recommended that Council provide in principle support to the secondment of the Road Safety Officer to the Mine Safety Advisory Council for the development and delivery of a road safety community engagement program in the Cobar region at no cost to Council.

**Financial Implications:** Nil.

**MINUTE**

**29     Item 3    ROAD SAFETY OFFICER - SECONDMENT**

**MOVED: T Carpenter   SECONDED: B Bourke**

**RESOLVED:** That Council provide in principle, support to the secondment of the Road Safety Officer to the Mine Safety Advisory Council for the development and delivery of a road safety community engagement program in the Cobar region at no cost to Council.

#### **4 MOUNT PANORAMA CAPITAL WORKS (20.00156)**

**Recommendation:** That Council allocate funding under the Mount Panorama Capital Works Loans Program for the construction of Amenities Buildings in the Paddock area and Police Compound in Sulman Park, in accordance with the Director Engineering Services' report.

**Report:** As part of the adopted 2009 / 2010 Management Plan Council has proposed to provide \$2,500,000 from loan funds for capital works upgrade at Mount Panorama.

This in part was proposed as Council's contribution to the overall capital improvement program for the precinct as adopted by Council in 2009 and subject of submissions to State and Federal Governments for assistance under current funding programs.

Two substantial items are proposed to be undertaken with the view to be operational for the 2010 Supercheap 1000 in October as follows:

1. Paddock Amenities Building – Replication of the existing amenities building is proposed in the upper paddock area to assist in catering for the high density of camping sites in this location. Estimated cost \$380,000.
2. Police Compound building and fencing – Following the escalation of police numbers allocated to Bathurst and Mount Panorama in recent years the safety of the camping patrons, spectators and visitors to the circuit and town has markedly improved. This has had a major impact on the success of the event and attraction of a far more desirable crowd demographic.

Council has developed very successful working relations with the Police from the Major Events and Incidents Group and their ongoing assistance and cooperation is considered pivotal to the success of the October event.

To date the Police compound has been catered for by utilisation of concrete barriers and protective fencing contracted to the Police initially from the APEC forum meetings in Sydney in 2007. This contract has now terminated and alternative housing and security for the compound in Sulman Park is required.

Council has been in discussion with the Police for a considerable period endeavouring to resolve the most suitable means of addressing the compound's need and setup and have agreed on provision of a purpose built structure and security fencing as per the plan at **attachment 1** and **attachment 2**.

The estimated cost of the building and compound is \$350,000.

It is essential that Council continues to carry out improvements to the circuit and spectator facilities and environs and both of these improvement projects are high priority in Council's objectives.

**Financial Implications:** Funding for the above proposed works is included in the 2009 / 2010 Management Plan Loans Program.

**MINUTE**

**30    Item 4    MOUNT PANORAMA CAPITAL WORKS**

**MOVED: G Westman    SECONDED: M Morse**

**RESOLVED:** That Council allocate funding under the Mount Panorama Capital Works Loans Program for the construction of Amenities Buildings in the Paddock area and Police Compound in Sulman Park, in accordance with the Director Engineering Services' report.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**



ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 19 MAY 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES OF THE POLICY COMMITTEE MEETING HELD 5 MAY 2010 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 5 May 2010 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 5 May 2010 are attached.

**Financial Implications:** N/A

**MINUTE**

**31     Item 1     MINUTES OF THE POLICY COMMITTEE MEETING HELD 5 MAY 2010**

**MOVED: B Bourke SECONDED: W Aubin**

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 5 May 2010 be adopted, with the following amendments to the Minutes:

- General Business - Minute #5 - Poplars - Cr Thompson - requested item be reworded to state, "thinning the poplars to provide an opportunity for re-establishment".
- General Business - Minute #4 - Art Development - Cr Carpenter - requested the item should be reworded to state "Public Art".

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 5 MAY 2010**

**5PM MEETING COMMENCES**

**1 5PM MEETING COMMENCES**

**PRESENT:** Councillors Toole (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Westman.

**In Attendance:** General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Environmental Planning & Building Services, Manager Community Services, Manager Corporate Governance, Manager Strategic Planning, Manager Recreation, Manager Technical Services, Parks Operations Manager, Operations Manager Water & Wastewater, Development Control Planner.

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES OF THE POLICY COMMITTEE MEETING HELD 7 APRIL 2010 (07.00064)**

**MOVED** Cr I North

and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 April 2010 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**

**MOVED** Cr I North

and **SECONDED** Cr W Aubin

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**General Manager's Report**

**5 Item 1 DEPARTMENT OF LOCAL GOVERNMENT - PROMOTING BETTER PRACTICE REVIEW REPORT (NOVEMBER 2006) (03.00142)**

**MOVED** Cr B Bourke

and **SECONDED** Cr G Westman

**RESOLVED:** That Council note the updated report (as at May 2010) of the Department of Local Government, PBP Review of November 2006.

**GENERAL BUSINESS**

**6** **ART DEVELOPMENT (11.00006)**

**Cr Carpenter** - request Council consider including an Art Policy component in major works.

**The Mayor** advised will refer to a Working Party.

**7** **POPLARS ON ROAD (13.00019)**

**Cr Thompson** - advised were knocked down and now there are a lot of suckers. Can we look at these for clearance.

**The Director Engineering Services** will review this matter.

**8** **CRICKET PITCHES (04.00034)**

**Cr Aubin** - advised that synthetic cricket pitches can become unplayable during the year due to condition of approaches. Can we look at putting extensions onto the pitches. With the turf pitches, in wet weather often get a lot of water pooling, may be due to age, can we look at building them up.

**The Director Engineering Services** will investigate these matters and spoke to maintenance works undertaken.

**9** **ANTI GRAFITTI DAY (20.00045)**

**Cr Bourke** - advised was held last Sunday. Would like to do another day in the future, but co-ordinated with the Council. PCYC would like to come on board. Request Council advise what is spent on graffiti by Council.

**10** **MEETING ADJOURNMENT**

The meeting adjourned at 5.10 pm as interested persons had been advised the Discussion Forum was 5.30 pm.

The meeting reconvened at 5.30 pm.

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**Director Environmental Planning & Building Services' Report**

- 11** **Item 1 PUBLIC HEARING - DRAFT BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005 (AMENDMENT NO. 3) AND DRAFT BATHURST LOCAL ENVIRONMENTAL PLAN (CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND) 1997 (AMENDMENT NO. 4) (20.00155)**  
**MOVED** Cr G Westman and **SECONDED** Cr R Thompson

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

**The Director Environmental Planning & Building Services** gave an introduction in the proposed amendment to the Interim LEP.

Discussion included:

**Mark Bayliss** - 97 Boundary Road - Have a rear access to their property through the site. When RTA undertook works on Boundary Road it caused problems. RTA gave rights to use access point and then Council has queried this. Spoke to his submission.

**MEETING CLOSE**

**12**      **MEETING CLOSE**

The Meeting Closed at 5.35 pm.

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(19 May 2010)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 19 MAY 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 MAY 2010 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on Tuesday, 4 May 2010 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held Tuesday, 4 May 2010, are attached.

**Financial Implications:** N/A



**MINUTE**

**32    Item 1    MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 MAY 2010**

**MOVED: W Aubin SECONDED: G Hanger**

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on Tuesday, 4 May 2010 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 4 MAY 2010**

**2 PM MEETING COMMENCES**

**1 PRESENT**

**Members:** Luke Cole (Police), Robert Walker (RTA), Cr Warren Aubin (BRC), Jeff Crompton (MP Representative)

**Observers:** Manager Technical Services, Senior Technical Officer, Road Safety Officer

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 APRIL 2010 (07.00006)**

That having received confirmation of items 1 to 12 from the New South Wales Police, that the Minutes of the Traffic Committee Meeting held 6 April 2010 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 APRIL 2010 (07.00006)**

That the information be noted and necessary actions be taken.

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

That the information be noted.

**7**      **Item 3 PROPOSED DIRECTIONAL SIGN TO KELSO CHILDREN'S CENTRE (28.00007-04)**

That Council approve the installation of a directional sign to Kelso Children's Centre at the intersection of Boyd Street and Alambie Boulevard.

**8**      **Item 4 PROPOSED NEW SCHOOL BUS SERVICE ON THOMPSONS HILL RETREAT OFF WHITE ROCK ROAD (25.00511)**

That Council approve the operation of the proposed new School Bus Service on Thompsons Hill Retreat.

**9**      **Item 5 GIVE WAY SIGNAGE AT TEMPORARY ACCESS ROAD OFF COLVILLE STREET FOR WARK PARADE DEVELOPMENT (25.00138)**

That the Committee accept and deal with the Late Report from the Director Engineering Services on this item at the Traffic Committee Meeting of 4 May 2010.

**10**     **Item 5 GIVE WAY SIGNAGE AT TEMPORARY ACCESS ROAD OFF COLVILLE STREET FOR WARK PARADE DEVELOPMENT (25.00138)**

That Council approve the installation of Give Way signage on the Temporary Access Road intersection with Colville Street, during construction of a new road adjacent to Wark Parade.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**12**      **MEETING CLOSE**

The Meeting Closed at 2.33 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL  
COUNCIL MEETING HELD ON 19 MAY 2010**

General Manager  
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD  
14 APRIL 2010 (11.00019)**

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

**Report: PRESENT:**

Crs Toole (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Westman.

General Manager, Director Corporate Services & Finance, Director Environmental Planning & Building Services, Acting Director Engineering Services, Acting Director Cultural & Community Services, Manager Corporate Governance

**APOLOGIES:** Nil

**1. CARILLION THEATRICAL SOCIETY**

Representatives from Carillion Theatrical Society, Cynthia McNeil, Roland Auguszczak, Rick Plummer and Janelle Eastment attended the meeting and addressed Council on the activities of the Carillion Theatrical Society.

Discussion included:

- First major shows in 1958 and 1959
- It is becoming increasingly difficult to function economically due to the increase in costs associated with copyright, hall hire, etc.
- 30 to 40 people involved on stage in a show generally. They have 170 members in total.
- Carillion Theatrical Society currently has 72 junior dancers ranging from 3 to 11 years old and are not competitive. The aim of these junior dancers is to provide them with skills in hope that one day they will perform in the Theatrical Society shows.
- Identified one of the major expenses for the society as the cost in hiring BMEC as they are the only ones who use all the aspects of BMEC, eg, stage lighting, stage pit etc.
- Identified some costs, the average show over the last 6 years costs \$22,600, annual payments of \$14,000 on their mortgage.
- Requested Council to consider a 2 year moratorium on principle payment on their mortgage, also a reduction in interest rates to 3.25 %, assistance is also needed with the costs of hire of BMEC.

**2. COUNTRY ENERGY**

Chas McPhail from Country Energy addressed Council on Country Energy's activities and proposed price increases.

Discussion included:

- The retail reform has been delayed, however the sell off will only affect 350-400 of their 4000 staff members.
- IPART determination on price increases for the next 3 years:

2010/2011	13% increase
2011/2012	13% increase plus a 4 % increase if the carbon pollution reduction scheme is implemented
2012/2013	11% increase plus a 13 % increase if the carbon pollution reduction scheme is implemented

\*This equates to approximately \$3 a week for the average user.
- Country Energy currently employs 460 apprentices and had an intake of 90 new apprentices in January 2010.
- Country Energy has set up a dedicated team to consider street lighting including efficiency, replacement program, maintenance and reporting.
- Country Energy Country Support Program assists people suffering hardship in payment of their account.
- Country Energy has a service called Energy Answers where customers can get advice on how they can save or conserve energy.
- Country Energy also has an energy calculator available on their website where people can get estimated costs on running particular appliances.
- Also provided Council with a sample of some of the projects undertaken during the last 12 months and projected to be undertaken in the near future.

**Financial Implications:** Nil

**MINUTE**

**33 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES HELD 14 APRIL 2010**

**MOVED: M Morse SECONDED: W Aubin**

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

## **2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 11 MARCH 2010 (11.00020)**

**Recommendation:** That:

- (a) The information be noted; and
- (b) Council adopt the membership for the Bathurst Regional Youth Council for 2010.

### **Report: MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON THURSDAY, 11 MARCH 2010**

**PRESENT:** Carmen Stassen, Maddison Luchetti, Georgia Brancourt, Charlotte Inwood, Hugo Newell, Hannah Condon, Ben Larnarch, Nathan Inwood, Mitchell Dwyer, Brianna Wade, Cindy Butler, Olivia Guilbert, Georgie Richardson, Melinda Nancarrow, Ryan Fitch, Chris Killham

**IN ATTENDANCE:** Megan Bargwanna (Youth Development Officer), Jessica Lewis (Trainee Cultural & Community Services), Janelle Middleton (Manager Community Services)

#### **1. APOLOGIES**

**RESOLVED** that the apologies from Cr North, Cr Hanger and Olivia Chua be accepted.

#### **2. ADOPTION OF PREVIOUS MINUTES**

**RESOLVED** that the minutes of the meeting held 12 November 2009 be accepted.

#### **3. YOUTH COUNCIL STRUCTURE**

**RESOLVED** that the Youth Council structure be as follows:

- (a) That the following structure apply for 2010:

- Youth Mayor (1 position)
- Youth Deputy Mayor (1 position)
- Youth General Manager (1 position)
- Youth Secretary (2 positions)

- (b) The positions at item (a) above will be elected by all youth councillors at the first meeting of the full Youth Council.

#### **4. ELECTION OF YOUTH MAYOR AND YOUTH DEPUTY MAYOR**

**RESOLVED** that, by process of secret ballot, Youth Councillor Melinda Nancarrow be elected as Youth Mayor of Bathurst for 2010 **and further** that Youth Councillor Nathan Inwood be elected as Youth Deputy Mayor of Bathurst for 2010.

#### **5. NOMINATION AND APPOINTMENT OF YOUTH COUNCIL GENERAL MANAGER AND SECRETARIES**

**RESOLVED** that, by process of determination through secret ballot, the following



representatives hold the following positions on the Bathurst Regional Youth Council for 2010:

**Youth General Manager** - Chris Killham

**Youth Council Secretary** - Georgie Richardson

**Youth Council Secretary** - Georgia Brancourt

## **6. YOUTH COUNCIL MEMBERSHIP**

**RESOLVED** that the Youth Council request the Senior Council to adopt the membership for the Bathurst Regional Youth Council for 2010.

## **7. YOUTH COUNCIL MEETINGS FOR 2010**

**RESOLVED** that the Youth Council note the following meeting schedule for 2010 and hold working party meetings as required:

<b><u>MONTH</u></b>	<b><u>MEETING DAY &amp; DATE</u></b>	<b><u>AGENDA CLOSES</u></b>
March	Thursday 11 March	2 March
May	Thursday 13 May	4 May
July	Thursday 8 July	29 June
September	Thursday 9 September	31 August
November	Thursday 11 November	2 November

## **8. YOUTH COUNCIL WORKING PARTIES (3) AND PROJECTS**

**RESOLVED** that the Youth Council:

(a) Consider issues or projects they would like to work on during 2010:

- Events (nickname "Shin-digs"). To consider fundraising for local charities/groups as part of the events organised.
- Health and Safety
- Website

(b) Establish the following working parties to work on these projects; and

- Events:** Ben, Chris, Hannah, Georgia, Georgie, Hugo, Ryan, Mitchell, Melinda, Olivia G, Carmen, Cindy, Brianna, Charlotte, Nathan, Maddison.  
First meeting: Friday 26<sup>th</sup> March, 3.45-4.45pm
- Health and Safety:** Ben, Chris, Hannah, Maddison, Carmen, Hugo, Charlotte, Ryan, Nathan, Brianna, Cindy, Mitchell, Melinda, Georgie, Georgia, Olivia G.  
First meeting: Friday 23<sup>rd</sup> April, 3.45-4.45pm
- Website:** Ben, Chris, Cindy, Melinda, Mitchell.

First meeting: Wednesday, 31<sup>st</sup> March, 3.45-4.45pm

(c) That the following team leaders be selected for each working party.

- (i) Events- Georgia Brancourt
- (ii) Health and Safety- Hugo Newell
- (iii) Website- Chris Killham

#### **9. "LIVE IT NOW" YOUTH WEEK FESTIVAL 2010 SATURDAY 17<sup>th</sup> APRIL**

- Learmonth Park, 2.00-7.00pm.
- Stage for performances- back of a truck- main focus of Festival.
- Not running as a competition- rather an opportunity to perform. One drum-kit will be provided to allow smooth transition of acts
- Creative arts workshop facilitated by local art teacher.
- Activities including archery, Nintendo Wii tent, PCYC van, food and drinks for sale, Red Frog Crew present, St John's will provide first aid, local services including headspace will be providing information and activities.
- Drug and alcohol free event.
- Cecilia Hunt (headspace) has offered to screen print T-shirts for the Youth Council for the day with "Live it Now" on the front (theme for Youth Week 2010).
- Youth Council to hand out chocolates on the day and work in the information tent.
- Security guards will be present.
- Information flyers to be handed out to peers (promotion).

#### **10. SOCIAL & COMMUNITY PLAN CONSULTATION AND "100 EYES"**

- Council is currently developing the new Social & Community Plan which includes young people as one of the seven mandatory groups to consult with.
- Information was distributed explaining the process.
- Youth Council handed out packs of five interviews to distribute to their peers and encourage to complete and return.
- Youth Council invited to attend the Open workshops- information distributed.
- Two "100" eyes cameras distributed to Chris Killham and Maddison Luchetti.
- People are able to do a submission on Councils website.
- Other Plans currently being developed are a Community Safety Plan and a Cultural Plan.

#### **11. GENERAL BUSINESS**

##### **Indent Open Day Friday 12<sup>th</sup> March-**

- Megan and Chris Killham will be attending the Indent Open Day in Sydney tomorrow. The Youth Council have been nominated for as Isaac Award for Rock Up 2009 in the best media category.
- The open day is for those groups who have been successful obtaining a grant (which will be used towards Youth Week).
- Indent is celebrating their 10 year anniversary of funding all ages music events this year and are organising a regional tour with headline bands. Bathurst will possibly be included in the tour in July and if so, the Youth Council events working party will be involved in the project.

#### **12. NEXT MEETING**

The next meeting will be held on Thursday, 13 May 2010 at 11.15am.

**13. MEETING CLOSURE**

There being no further business, the meeting closed at 2.04 pm.

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

**MINUTE**

**34 Item 2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 11 MARCH 2010**

**MOVED: T Carpenter SECONDED: G Hanger**

**RESOLVED:** That:

- (a) The information be noted; and
- (b) Council adopt the membership for the Bathurst Regional Youth Council for 2010.

## MINUTE

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

**MOVED: R Thompson SECONDED: B Bourke**

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	REVIEW OF BATHURST RETAIL STRATEGY	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.
2	DEMOLITION OF DWELLING AT 46 STANLEY STREET, BATHURST	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RESIDENTIAL LEASE - 12 WHITEMAN PLACE, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

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MAYOR  
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		commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	RENEWAL OF LEASE - CNR COMMONWEALTH, MORRISSET AND PATNA STREETS, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	HANGAR LEASE BATHURST AERODROME - MESSRS MEULMAN AND FULCHER	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	RENEWAL OF LEASE - SMASH REPAIR TEAM LTD - MT PANORAMA PIT COMPLEX	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	SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

to the Council Meeting 19/05/2010

		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	PROPOSED NEW LEASE TO MAXHIRE - FORMER EVANS SHIRE COUNCIL DEPOT	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	BATHURST CARILLON THEATRICAL SOCIETY	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 SEWER MAINS CLEANING, RELINING AND CCTV INSPECTION 2010 B	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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GENERAL MANAGER

MAYOR  
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2	TENDER FOR THE CONSTRUCTION OF CHIFLEY ENGINE SHED	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 ACQUISITION, PART LOT 43 DP1059396 - DARWIN DRIVE, LLANARTH	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.



ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
CONFIDENTIAL DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
19 MAY 2010

## MINUTE

### a Item 1 REVIEW OF BATHURST RETAIL STRATEGY

**MOVED: B Bourke SECONDED: W Aubin**

That Council engage Renaissance Planning Pty Ltd to complete the Bathurst CBD and Bulky Goods Business Development Strategy 2010-2030 subject to further negotiations for a revised Study cost given the additional data now able to be provided by Council.

**MINUTE**

**b Item 2 DEMOLITION OF DWELLING AT 46 STANLEY STREET, BATHURST**

**MOVED: B Bourke SECONDED: W Aubin**

That Council act in accordance with the Director Environmental, Planning & Building Services report.

Yours faithfully

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
CONFIDENTIAL DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
19 MAY 2010

**MINUTE**

**c Item 1 RENEWAL OF RESIDENTIAL LEASE - 12 WHITEMAN PLACE, BATHURST**

**MOVED: T Carpenter SECONDED: G Westman**

That Council approve entering into a new residential lease agreement with Doreen Morgan for 12 Whiteman Place, Bathurst for a period of twelve (12) months with a twelve (12) month option as detailed in the report.

**MINUTE**

**d Item 2 RENEWAL OF LEASE - CNR COMMONWEALTH, MORRISSET AND PATNA STREETS, BATHURST**

**MOVED: T Carpenter SECONDED: M Morse**

That Council approves entering into a new licence agreement over Lot 1 DP995205 and Lot 1 DP1007963 located on Commonwealth, Morrisset and Patna Streets, Bathurst to Mr Scott Turnbull for a period of three (3) years for horse agistment, as detailed in the report.

**MINUTE**

**e Item 3 HANGAR LEASE BATHURST AERODROME - MESSRS MEULMAN AND FULCHER**

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

That Council approves entering into a new hangar lease agreement for Lot 21 DP1108205 located at the Bathurst Aerodrome with Messrs Meulman and Fulcher at the conclusion of their current lease agreement as detailed in the report.

**MINUTE**

**f Item 4 RENEWAL OF LEASE - SMASH REPAIR TEAM LTD - MT PANORAMA  
PIT COMPLEX**

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

That Council approves entering into a new Licence Agreement with The Smash Repair Team for part Lot 3 and part Lot 4 DP112509 Conrod Straight located at Mt Panorama as detailed in the report.



**MINUTE**

**g     Item 5   SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE**

**MOVED: W Aubin SECONDED: T Carpenter**

That Council authorise the General Manager to execute the Lease Agreement as detailed in this report.

**MINUTE**

**h Item 6 PROPOSED NEW LEASE TO MAXHIRE - FORMER EVANS SHIRE COUNCIL DEPOT**

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

That Council approves entering into a new lease agreement with MaxHire for part Lot 1 DP1001027, part Lot 16 DP712197 and part Lot 1 DP1090555 Lee Street Kelso (Former Evans Shire Council depot) for a period of three (3) years with a three (3) year option period as detailed in the report.

## MINUTE

### i Item 7 BATHURST CARILLON THEATRICAL SOCIETY

A **MOTION** was **MOVED** Cr T Carpenter **SECONDED** Cr M Morse

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

The following **AMENDMENT** was **MOVED** Cr R Thompson **SECONDED** Cr B Bourke

**That** Council:

- (a) waive half the interest charged on the loan for the Bathurst Carillon Theatrical Society for the period 29 December 2009 to 29 December 2011
- (b) defer principal repayments on the loan for the same period.

On being **PUT** to the **VOTE** the **AMENDMENT** was **CARRIED** and **BECAME** the **MOTION**

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

**Cr Hanger asked that his negative vote be recorded.**

Yours faithfully



R Roach  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
CONFIDENTIAL DIRECTOR ENGINEERING SERVICES' REPORT  
19 MAY 2010

**MINUTE**

**j Item 1 TENDER FOR SEWER MAINS CLEANING, RELINING AND CCTV INSPECTION 2010 B**

**MOVED: T Carpenter SECONDED: W Aubin**

That Council accepts the tender from Kembla Water Tech Pty Ltd for the sum of \$122,130.80 (inclusive GST).

## MINUTE

### k Item 2 TENDER FOR THE CONSTRUCTION OF CHIFLEY ENGINE SHED

MOVED: R Thompson SECONDED: B Bourke

That Council:

- (a) not accept the tender of Webber Concrete Constructions Pty Ltd., and
- (b) recall fresh tenders at a later date.

**MINUTE**

**I Item 3 PROPOSED ACQUISITION, PART LOT 43 DP1059396 - DARWIN DRIVE, LLANARTH**

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

That Council approve the proposed acquisition of part Lot 43 DP1059396 for consolidation with Lot 504 DP1092658 located at 65 Darwin Drive, Llanarth, as detailed in the Director Engineering Services' report.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

**MINUTE**

**36     RESOLVE INTO OPEN COUNCIL**

**MOVED: B Bourke SECONDED: R Thompson**

**RESOLVED:** That Council resume Open Council.

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to the Council Meeting 19/05/2010

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GENERAL MANAGER

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MAYOR  
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**MINUTE**

**37     ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**MOVED: B Bourke SECONDED: R Thompson**

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

**MINUTE**

**38     MEETING CLOSE**

The Meeting Closed at 7.26 pm.

**CHAIRMAN:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **(16 June 2010)**

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to the Council Meeting 19/05/2010

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GENERAL MANAGER

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MAYOR  
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