



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

26 January 2011

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, 2 February 2011 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, 2 FEBRUARY 2011

1. 6.00 PM - MEETING COMMENCES
2. PUBLIC QUESTION TIME
3. PRAYER
Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.
4. APOLOGIES
5. MINUTES
 - * Minutes - Ordinary Meeting Of Bathurst Regional Council - 8 December 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
 - * Queensland Flood Appeal
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
 - * Director Cultural & Community Services' Report
9. REPORTS OF OTHER COMMITTEES
 - * Minutes - Traffic Committee Meeting 7 December 2010
10. NOTICES OF MOTION
11. RESCISSION MOTIONS
12. DELEGATES REPORTS

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

Recommendation: That:

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

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

- 1. In 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 Corporate Services & Finance's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND RELEASE - WESTBOURNE DRIVE, CARLYLE AVENUE & OPHIR ROAD - AVONLEA STAGE 6 RESIDENTIAL SUBDIVISION	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
2	TRANSFER OF LICENCE AGREEMENT - O'ROURKE TO PETERSON, BEN CHIFLEY DAM.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would

		prejudice the commercial position of the person who supplied it.
3	PROPOSED SUBDIVISION OF LAND - HAMPDEN PARK ROAD, KELSO INDUSTRIAL PARK AND SALE TO OAKLEIGH PLUMBING.	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council’s position in negotiating commercial and or financial arrangements.
4	VARIATION - RESTRICTION AS TO USER - 11 HOBSON CLOSE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGE 11 AND LLANARTH STAGE 12	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMPULSORY ACQUISITION FOR CARLINGFORD LEVEE - LOT 21 DP1160509 ALPHA 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.
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- 14. RESOLVE INTO OPEN COUNCIL

- 15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

Mr G Crisp – Rate Payer

- Does Mayor deny that at the December 2010 meeting the Mayor and General Manager said the Director Environmental Planning and Building Services was not to answer questions about parking.
- Accusation that General Manager didn't comply with the Local Government Act in a number of sections.
- Made allegations of non declarations of interests.
- Made allegations regarding parking in Court House Lane.
- Alleges conspiracy

Mr B Triming – Rate Payer

- Loud speakers in Chamber - much clearer for hearing.
- Aboriginal Flags - Congratulated Council on flying the flag in the Chamber and outside of the building.
- Drinking outside of hotel & dog attacks - Happy that Councilors addressed his issue. However, has received response from Council, did not address all issues about access around the hotel. Can the problem of the black dog and drinking on the footpath be addressed.
- Corner Commonwealth Street and McKenzie Place - There is a unit development being approved in this location and this will increase carparking and there is no footpath here. What will be done in this location?

The Director Environmental Planning & Building Services spoke to duplex being the subject of a Development Application. The Director Environmental Planning & Building Services advised he would contact Mr Triming.

MINUTE

3 APOLOGIES

Nil

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 2 FEBRUARY 2011

General Manager
Bathurst Regional Council

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 8
DECEMBER 2010 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 8 December 2010 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 8 December 2010, are attached.

Financial Implications: N/A

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 8 DECEMBER 2010 (11.00005)

MOVED: R Thompson SECONDED: T Carpenter

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 8 December 2010 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 8 DECEMBER 2010**

4.00 PM - MEETING COMMENCES

1 MEETING COMMENCES

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

M Woods – Quinn Court (DEPBS #5) - spoke to vegetation proposal and impact on Darwin Drive. Would like shrubs, not the originally proposed trees. Still concerned at mixed bed plantings proposed as a result of the review, unable to ascertain what trees will go in. Spoke of local amenity, motorbike drivers and possibility of anti-social behaviour. Need support of Council for the residents views. Spoke of drainage reserve concerns, width of Darwin Drive, it is too skinny, and adjoining land has trade waste on it. Does not want trees that will block views, wants shrubs no higher than 2 metres high.

G Crisp – Ratepayer (Confidential Mayoral Minute - General Manager's appraisal) - spoke of complaints re parking by DEPBS and statutory declaration he submitted. Made numerous allegations about parking. Spoke of his recent rates notice and incorrect charges made on him. Alleged corrupt conduct by General Manager. Spoke to timing of meeting 8 December 2010.

The Mayor referred to responses sent to Mr Crisp re his complaint and request for certain actions Mr Crisp has been asked to enact.

The General Manager noted he would be declaring a pecuniary interest in the Mayor's Confidential Minute.

APOLOGIES

3 APOLOGIES

Nil

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 NOVEMBER 2010 (11.00005)

MOVED Cr B Bourke

and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council

held on 17 November 2010 be adopted.

5 Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 24 NOVEMBER 2010 (11.00005)

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

RESOLVED: That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 24 November 2010 be adopted.

DECLARATION OF INTEREST

6 DECLARATION OF INTEREST

MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

RESOLVED: That the following Declaration of Interest be noted.

General Manager

Item #1 - Confidential Mayoral Minute.

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 B Bourke

RESOLVED: That the information be noted.

8 Item 2 GENERAL REPORT (03.00053)

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

RESOLVED: That the information be noted.

9 Item 3 TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS POLICY (11.00011)

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

RESOLVED: That Council:

(a) adopt the Policy entitled Telecommunications and Radiocommunications; and

(b) that the Policy become effective from midday on 9 December 2010.

10 Item 4 VISITOR INFORMATION CENTRE STATISTICS (21.00041)

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

RESOLVED: That the information be noted.

11 Item 5 URBAN DRAINAGE RESERVE VEGETATION LINK: REVEGETATION PLAN (20.00174)

MOVED Cr T Carpenter and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) adopt the Bathurst Urban Drainage Reserve Vegetation Link Stage 1 and 2; and
- (b) amend "Darwin Drive section – sheet 8" in the two highlighted sections from "woodland planting" to "mixed bed planting" as shown in attachment 2.

Director Corporate Services & Finance's Report

- 12** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 13** **Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00121)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

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

- 14** **Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY (18.00004)**
MOVED Cr G Hanger and **SECONDED** Cr T Carpenter

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

- 15** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr R Thompson and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 16** **Item 5 BATHURST REGIONAL COUNCIL PICNIC DAY (07.00046)**
MOVED Cr T Carpenter and **SECONDED** Cr I North

RESOLVED: That Council designate Friday 18 February 2011 as the Picnic Day holiday.

- 17** **Item 6 SUPPORT FOR BATHURST SEYMOUR CENTRE - APPROVAL IN PRINCIPLE (22.00185)**
MOVED Cr T Carpenter and **SECONDED** Cr B Bourke

RESOLVED: That Council approves, in principle, to support the Bathurst Seymour Centre located at 55 Seymour Street, Bathurst (Lot 180 DP862410), as detailed in the report.

Director Engineering Services' Report

- 18** **Item 1 PROPOSED TRANSFER OF LOT 12 DP719838 WIMBLEDON ROAD, GEORGES PLAINS (25.00447)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council approve the transfer of Lot 12 DP719838 at Wimbledon Road, Georges Plains, as public road, as detailed in the Director Engineering Services' report.

19 Item 2 WATERWISE BATHURST: WATER CONSERVATION AWARENESS AND EDUCATION CAMPAIGN FOR SUMMER 2010/2011 (18.00243)

MOVED Cr G Hanger and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

20 Item 3 ROAD TRANSFER AND DEDICATION, PARTIAL ROAD CLOSURE AND TRANSFER OF LAND - GREEN GULLY ROAD, MOUNT RANKIN (25.00513)

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

RESOLVED: That Council :-

- (a) approve the application to the Land and Property Management Authority to transfer the section of Crown public road Green Gully Road, Mount Rankin between Willow Tree and Briar Lanes;
- (b) dedicate to the public as road the 'constructed' section of Green Gully Road severing Lot 9 DP1080900; and
- (c) close and transfer the 'paper' sections of road considered not necessary to the owner of Lot 9 DP1080900 under the provisions of the Roads Act 1993, as per the Director Engineering Services report.

21 Item 4 ASSET MANAGEMENT PLANS (03.00170)

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

RESOLVED: That the Asset Management Plans for Water, Sewer, Buildings, Drainage and Parks and Recreation be adopted.

22 Item 5 REPORT ON 2010 NATIONAL LOCAL ROADS & TRANSPORT CONGRESS, BUNBURY, WA (18.00008)

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

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

23 Item 1 BATHURST REGIONAL YOUTH COUNCIL ACHIEVEMENTS FOR 2010 (11.00020)

MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

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

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

MOVED Cr B Bourke

and **SECONDED** Cr I North

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

There we 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.

Note: Late Report, Director Engineering Services Confidential #11 - Tender for Bathurst Wastewater Treatment Works Inlet Structure remedial works (36.00397) will be dealt with at the meeting. Notice of the business included in this report was given to Councillors at Director Engineering Services Confidential Report #1.

- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	AUTOFEST MOTORCAR EVENT MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENANCY OF 200 COLLEGE ROAD,	10A (2) (d) (i) – contains commercial information of a

	BATHURST	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	TRANSFER OF LICENCE AGREEMENT, COUNTER SPACE, BATHURST AERODROME TERMINAL	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	AUSTRALIAN GT	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	BATHURST SOCCER EXTENSIONS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

	supplied it.
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*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR BATHURST WASTE WATER TREATMENT WORKS INLET STRUCTURE REMEDIAL WORKS (CONCRETE)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	ANNUAL TENDER FOR STORMWATER DRAINAGE PIPES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	ANNUAL TENDER FOR THE HIRE OF 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.
4	ANNUAL TENDER FOR SAND AND/OR TOPSOIL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed,

		prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	ANNUAL TENDER FOR NATURAL GRAVEL QUARRY ACCESS & EXTRACTION	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	LICENCE FEES: BUYBACK FACILITY, BATHURST WASTE MANAGEMENT CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	ANNUAL TENDER FOR HIRE OF PLANT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	TENDER FOR SUPPLY &	10A (2) (d) (i) – contains

	DELIVERY OF ONE 16,500KG GVM BITUMEN MAINTENANCE TRUCK	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	TENDER FOR THE SUPPLY & DELIVERY OF ONE ONLY SIDE LOADING GARBAGE COMPACTOR TRUCK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	TENDER FOR SUPPLY, DELIVERY & LAYING OF ASPHALTIC CONCRETE SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
11	TENDER FOR BATHURST WASTE WATER TREATMENT WORKS INLET STRUCTURE REMEDIAL WORKS (CONCRETE)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

- e** **Item 5 BATHURST SOCCER EXTENSIONS (36.00379-02)**
MOVED Cr W Aubin and SECONDED Cr B Bourke

That Council:

- (a) allow Bathurst 75's to remain at Alec Lamberton field to the end of the 2011 football season, with no extensions.
- (b) the proposal for future development of the Proctor Park/Police Paddock precinct be referred to a Working Party in early 2011.

Director Engineering Services' Report

- f** **Item 1 TENDER FOR BATHURST WASTE WATER TREATMENT WORKS INLET STRUCTURE REMEDIAL WORKS (CONCRETE) (36.00397)**
MOVED Cr M Morse and SECONDED Cr I North

That the information be noted.

- g** **Item 2 ANNUAL TENDER FOR STORMWATER DRAINAGE PIPES (36.00402)**
MOVED Cr B Bourke and SECONDED Cr G Westman

That Council accept the tender from Rocla Pipeline Products for supply of stormwater drainage pipes, headwalls and lintels for 2011.

- h** **Item 3 ANNUAL TENDER FOR THE HIRE OF TRUCKS (36.00400)**
MOVED Cr W Aubin and SECONDED Cr B Bourke

That Council accept the Tenders for Hire of Trucks, as listed in the Director Engineering Services' Report, subject to the submission of complete particulars required by the documents, and in accordance with the General Conditions for the Hire of Trucks for casual hire of tip trucks during 2011.

- i** **Item 4 ANNUAL TENDER FOR SAND AND/OR TOPSOIL (36.00401)**
MOVED Cr T Carpenter and SECONDED Cr R Thompson

That Council accept the tender from -

- (a) Australian Native Landscapes for the supply of topsoil for 2011, and
- (b) Burke's Earthmoving and Haulage for the supply of filling sand for 2011.

- j** **Item 5 ANNUAL TENDER FOR NATURAL GRAVEL QUARRY ACCESS & EXTRACTION (36.00403)**
MOVED Cr G Hanger and SECONDED Cr M Morse

That Council accept the tender from Macquarie Vale Pty Ltd for Natural Gravel Quarry Access and Extraction, under Contract No. 36.00403.

- k** **Item 6 LICENCE FEES: BUYBACK FACILITY, BATHURST WASTE MANAGEMENT CENTRE (14.00568)**
MOVED Cr T Carpenter and **SECONDED** Cr B Bourke

That Council authorise the General Manager to act in accordance with the report.

- l** **Item 7 ANNUAL TENDER FOR HIRE OF PLANT (36.00399)**
MOVED Cr B Bourke and **SECONDED** Cr I North

That Council accept the Tenders for the hire of plant for 2011, as listed in the report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Plant.

- m** **Item 8 TENDER FOR SUPPLY & DELIVERY OF ONE 16,500KG GVM BITUMEN MAINTENANCE TRUCK (36.00404)**
MOVED Cr G Hanger and **SECONDED** Cr G Westman

That Council purchase the unit from Ausroads Systems with the Isuzu FVD 1000 cab chassis for a purchase price of \$271,781.00 and accept the trade offer from Ausroads Systems of \$32,000.00.

- n** **Item 9 TENDER FOR THE SUPPLY & DELIVERY OF ONE ONLY SIDE LOADING GARBAGE COMPACTOR TRUCK (36.00395)**
MOVED Cr R Thompson and **SECONDED** Cr B Bourke

That Council accept the tender from Iveco Trucks Australia for an Iveco F2350G truck, fitted with Superior Pak Raptor side loader garbage compactor body, for a purchase price of \$375,739.10.

- o** **Item 10 TENDER FOR SUPPLY, DELIVERY & LAYING OF ASPHALTIC CONCRETE SURFACING (36.00405)**
MOVED Cr R Thompson and **SECONDED** Cr B Bourke

That Council accept the tender from Downer EDI Limited for the Supply, Delivery and Laying of Asphaltic Concrete Surfacing for Contract No. 36.00405.

- p** **Item 11 TENDER FOR BATHURST WASTE WATER TREATMENT WORKS INLET STRUCTURE REMEDIAL WORKS (CONCRETE) (36.00397)**
MOVED Cr G Westman and **SECONDED** Cr R Thompson

That Council accept the tender from Interflow Pty Ltd for the remediation of the Inlet Works (Concrete) at the Waste Water Treatment Works for the sum of \$200,658 subject to provisional items and variations.

Mayoral Minute

- q** **Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)**
MOVED Cr P Toole

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

room.

Reason: Refers to General Manager's Contract of Employment.

That Council note:

- (1) The performance review of the General Manager, which was rated as better than satisfactory
- (2) That the General Manager's employment package has been set at \$267,788.

RESOLVE INTO OPEN COUNCIL

32 **RESOLVE INTO OPEN COUNCIL**
MOVED Cr R Thompson and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

33 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr T Carpenter and **SECONDED** Cr R Thompson

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

MEETING CLOSE

34 **MEETING CLOSE**

The Meeting closed at 5.34 pm.

CHAIRMAN: _____

Date: _____ **(2 February 2011)**

MINUTE

5 DECLARATION OF INTEREST
MOVED: B Bourke SECONDED: W Aubin

RESOLVED: That the following Declarations of Interest be noted.

Cr Morse

Item #10 of the Director Corporate Services & Finance's report

Cr Westman

Item #12 of the Director Corporate Services & Finance's report

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MAYORAL MINUTE

**MAYORAL MINUTE TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 2 FEBRUARY 2011**

General Manager
Bathurst Regional Council

1 QUEENSLAND FLOOD APPEAL (18.00004)

Recommendation: That Council donate \$10,000 to the Queensland Premier's Disaster Relief Appeal.

Report: Councillors would be aware of the current flood crisis facing many areas of Australia with the most prominent being Queensland. Council has in the past made donations to emergencies such as this with the most recent being \$10,000 to the Victorian Bush Fires appeal.

Councillors may wish to consider making a donation to the Queensland Premier's Disaster Relief Appeal.

Financial Implications: This amount can be funded from Section 356 Donations which has a current balance of \$33,965.10

MINUTE

6 Item 1 QUEENSLAND FLOOD APPEAL (18.00004)

MOVED: P Toole **SECONDED:** Nil

RESOLVED: That Council:

- (a) donate \$10,000 worth of Whitegoods to Toowoomba City Council for disaster relief, to be funded from Section 356 Donations.
- (b) authorise Crs Bourke & North to travel to Toowoomba to represent Council re the distribution of the whitegoods.
- (c) meet costs incurred by Crs North & Bourke, in representing Council.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
2 FEBRUARY 2011

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 2
FEBRUARY 2011**

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

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

MOVED: I North 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 December 2010 (**attachment 1**)
- (b) Applications refused during December 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 December 2010 (**attachment 5**).

Financial Implications: Nil.

MINUTE

8 Item 2 GENERAL REPORT (03.00053)

MOVED: G Westman SECONDED: R Thompson

RESOLVED: That the information be noted.

3 MODIFICATION TO DEVELOPMENT APPLICATION NO 2007/0210 – TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT AT 112 & 136 HOLLIS LANE, PERTHVILLE. APPLICANT: MR G INWOOD. OWNER: MR W & MRS L BERRY & MR G & MRS N INWOOD (DA/2007/0210)

Recommendation: That Council:

- (a) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 172 and proposed Lot 173;
- (b) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 172 and proposed Lot 173;
- (c) direct the Director Environmental, Planning & Building Services to approve the modification to Development Application No. 2007/0210, 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 an application to modify a previously approved Development Application (DA) for a two lot subdivision (boundary adjustment) at 112 and 136 Hollis Lane, Perthville, described as Lot 72, DP 1067738 and Lot 73, DP 1083828 (see location plan at **attachment 1**).

Each of the existing lot contains a dwelling and associated outbuildings.

The proposal

Original Proposal (as previously approved)

The original proposal was for a boundary adjustment resulting in the transfer of approximately 9929m², from Lot 72 known as 112 Hollis Lane (currently 34.09 hectares) to Lot 73 known as 136 Hollis Lane (currently 1.992 hectares).

Following the boundary adjustment proposed Lot 172 would have had an area of 33.1 hectares, while proposed Lot 173 would have had an area of 2.985 hectares.

Modified Proposal (currently being considered)

The modified proposal is for a boundary adjustment resulting in the transfer of approximately 5926m², from 112 Hollis Lane (currently 34.09 hectares) to 136 Hollis Lane (currently 1.992 hectares). See plan of proposed development at **attachment 2**.

Following the boundary adjustment proposed Lot 172 will have an area of 33.5 hectares, while proposed Lot 173 will have an area of 2.585 hectares.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 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 each allotment is 100 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for a dwelling. The development as it relates to proposed Lot 172 and proposed Lot 173 is therefore contrary to Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005.

The applicant has submitted a SEPP 1 objection (see **attachment 3**) which indicates the nature of the subdivision and their objection to the current standards which include:

1. The area of both existing lots being less than the 100 hectare minimum area already;
2. The fact that no new lots or dwelling entitlements will be created;
3. Consistency with the surrounding pattern of subdivision;
4. The fact that the existing or potential agricultural use of the land will not be compromised; and
5. Increase in boundary setback from existing dwelling on Lot 73 (from approximately 8.0 metres to approximately 30 metres).

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. Both lots already have dwellings on them. The subdivision will not compromise the agricultural potential of the land.

Concurrence

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

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.

It should be noted that the original Development Application was determined under delegated authority prior to the abovementioned circular.

Conclusion

Council has received an application to modify a previously approved Development Application (DA) for a two lot subdivision (boundary adjustment) at 112 and 136 Hollis Lane, The proposal is for a boundary adjustment resulting in the transfer of approximately 5926m², from Lot 72 (currently 34.09 hectares) to Lot 73 (currently 1.992 hectares). The proposal will not create any additional dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 objection is supportable.

Financial Implications: Nil.

MINUTE

9 Item 3 MODIFICATION TO DEVELOPMENT APPLICATION NO 2007/0210 – TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT AT 112 & 136 HOLLIS LANE, PERTHVILLE. APPLICANT: MR G INWOOD. OWNER: MR W & MRS L BERRY & MR G & MRS N INWOOD (DA/2007/0210)

MOVED: I North SECONDED: W Aubin

RESOLVED: That Council:

- (a) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 172 and proposed Lot 173;
- (b) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 172 and proposed Lot 173;
- (c) direct the Director Environmental, Planning & Building Services to approve the modification to Development Application No. 2007/0210, 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 I North, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - NIL

Absent - NIL

Abstain - NIL

4 DEVELOPMENT APPLICATION NO. 2010/0884 – THREE SINGLE STOREY UNITS AND ALTERATIONS TO EXISTING DWELLING AT 185 ROCKET STREET, BATHURST. APPLICANT: MR STEVE RALPH. OWNER: MRS J BARLOW AND MRS L RALPH (2010/0884)

Recommendation: That Council:

- (a) support the variation to the site Coverage/Population density development standards prescribed in the Development Control Plan Residential Housing; and
- (b) support the variation to the Private Open Space development standards prescribed in the Control Plan Residential Housing Development; and
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0884, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of existing outbuildings, erection of three new single storey units and alterations to the existing dwelling at 185 Rocket Street, Bathurst, described as Lot 3 DP 663991. See location plan at **attachment 1**.

The site currently contains an existing dwelling with numerous outbuildings.

The proposal

The proposal involves the demolition of existing outbuildings, erection of 3 x two bedroom units and alterations to the existing dwelling house (see plan of proposed development at **attachment 2**). This will result in 4 residential units in total onsite.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 2 (a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. Residential Units are permissible with consent in the 2 (a) zone. The proposal is consistent with the objectives of the zone.

Development Control Plan – Residential Housing

The site is within Precinct 1 pursuant to the *Residential Housing Development Control Plan* (DCP). Residential Units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for residential units with the exception of a minor variation to the population density and open space configuration:

Development Standard	Proposed	Permissible	Compliance

Min lot size	942 sqm	690 sqm	Yes
Density (persons/ha)	93.42	88	No*
The proposal is 6% above the development control plan density standard; however the proposal is able to be supported as the applicant will retain the existing dwelling and is able to achieve the required setbacks, adequate onsite vehicle manoeuvring and provide adequate open space.			
Height	Single storey	Two storey	Yes
The proposed new dwellings will be single storey however; the existing dwelling has a bedroom located within the existing roof line. The existing dwelling will retain its current height of 6.5 m.			
Setbacks			
Front	2.7 m	N/A	Yes
Rear	3 m	As per BCA	Yes
Side	1 m	As per BCA	Yes
The proposal involves reducing the existing street setback from 4 m to 2.7 m. This is considered appropriate as there are no direct adjoining dwellings and the dwelling does not appear to be imposing on the road frontage.			
Carparking			
Resident	4	4	Yes
Visitor	1	1	Yes
Access way width	4 m	3-6 m	Yes
Open space			
Unit 1	32 sqm	20 sqm	Yes
Unit 2	30 sqm	20 sqm	Yes
Unit 3	30 sqm	20 sqm	Yes
Unit 4	30 sqm	20 sqm	Yes
The proposal provides greater than 20 square metres of open space per unit; however it does not meet the Residential Housing development control plan requirement of at least 4m wide. To compensate for this the applicant has extended the open space to make it wider and as a result creates adequate useable open space which is larger than the minimum standard set out in the DCP.			

Heritage and Conservation.

Overall, there are no concerns with the proposal on heritage grounds. The proposal is located within the Bathurst Heritage Conservation Area. The proposal has been designed to retain the 1920's Cape Cod style Cottage, with a BCAMS rating of 10. The proposed alterations have been designed to be sympathetic to the existing building and will allow the Rocket Street Streetscape to be maintained while allowing a suitable adaptive reuse of the site. The applicant has indicated that the proposed finishes will be sympathetic to the surrounding buildings. Councils Heritage Planner is pleased with the adaptive reuse of the existing dwelling onsite.

Submissions

The development application was advertised and notified to adjoining property owners from 8 November 2010 to 22 November 2010.

No submissions were received.

Conclusion

Council has received a Development Application (DA) for the erection of three x two

bedroom units and alterations to the existing dwelling. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Residential Units are permissible.

The proposal is 6% above population density development standard. The proposal provides greater than 20 square metres of open space per unit; however it does not meet the Residential Housing development control plan requirement of at least 4 m wide. The proposal is able to be supported in this instance as the applicant will retain the existing dwelling and the applicant has extended the open space to make it wider and as a result creates adequate useable open space which is larger than the minimum standard set out in the DCP. The proposal achieves all other requirements of the Residential Housing Development Control Plan.

Financial Implications: Nil.

MINUTE

10 Item 4 DEVELOPMENT APPLICATION NO. 2010/0884 – THREE SINGLE STOREY UNITS AND ALTERATIONS TO EXISTING DWELLING AT 185 ROCKET STREET, BATHURST. APPLICANT: MR STEVE RALPH. OWNER: MRS J BARLOW AND MRS L RALPH (2010/0884)

MOVED: G Hanger SECONDED: G Westman

RESOLVED:That Council:

- (a) support the variation to the site Coverage/Population density development standards prescribed in the Development Control Plan Residential Housing; and
- (b) support the variation to the Private Open Space development standards prescribed in the Control Plan Residential Housing Development; and
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0884, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended.
- (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 I North, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - NIL

Absent - NIL

Abstain - NIL

Yours faithfully



D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
2 FEBRUARY 2011

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 2 FEBRUARY
2011**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$59,021,107.58 was invested at 31 December 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)

Reserve Bank of Australia - Cash Rate	4.75%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	4.74%
Three Year Swap Rate - Commonwealth	5.07%

Short Term 1 – 365 Days

**(Comprising Commercial Bills,
Debentures and Certificates of
Deposit:**

	<u>Rating</u>		<u>Average Return</u>
Bankwest	A-1+	\$6,000,000.00	6.11%
Bank of Queensland	A-2	\$5,500,000.00	6.13%
Bendigo and Adelaide Bank Ltd	A-2	\$6,000,000.00	6.17%
IMB Ltd	A-3	\$9,000,000.00	6.13%
National Australia Bank	A-1+	\$7,500,000.00	6.06%
Railways Credit Union	ADI	\$2,500,000.00	6.17%
Reliance Credit Union	ADI	\$1,000,000.00	6.01%
Savings and Loans Credit Union	ADI	\$1,000,000.00	6.14%
SGE Credit Union	ADI	\$2,000,000.00	6.19%
Westpac Banking Corporation	A-1+	<u>\$1,000,000.00</u>	<u>6.13%</u>
		\$41,500,000.00	6.12%

Long Term

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

Railways Credit Union	ADI	<u>\$0.00</u>	<u>0%</u>
		\$0.00	0%

Committed Rolling Investments

Westpac	AA	\$2,000,000.00	5.94%
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Westpac	AA	\$2,000,000.00	6.36%
Westpac	AA	<u>\$2,000,000.00</u>	<u>6.29%</u>
		\$6,000,000.00	6.20%

Community Income Note

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

Negotiable & tradeable Certificates of Deposits

Commonwealth Bank	AA	<u>\$2,000,000.00</u>	<u>5.75%</u>
		\$2,000,000.00	5.75%

Floating Rate Notes

ANZ	AA	\$2,000,000.00	5.94%
Barclays Bank PLC – Australian Branch	AA-	\$2,000,000.00	6.58%
Bendigo Bank 2007	BBB	\$2,000,000.00	6.05%
Lehman Brothers Treasury Co		\$90,000.00	0.00%
Mackay Permanent building Society	BBB-	\$500,000.00	5.86%
The Royal Bank of Scotland – Australian Branch	A+	<u>\$2,000,000.00</u>	<u>7.28%</u>
		<u>\$8,590,000.00</u>	<u>6.36%</u>

Total Investments **\$59,021,107.58** **6.06%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$36,597,876.01	
Grants held for specific purposes		\$3,865,705.90	
Section 94 Funds held for specific purposes		\$18,469,978.85	
Unrestricted Investments – All Funds		\$87,546.82	
*General Fund	\$14,384.92		
*Water Fund	\$30,512.57		
*Sewer Fund	\$16,443.60		
*Waste Fund	<u>\$26,205.73</u>		

Total Investments **\$59,021,107.58**

Total interest revenue to 31/12/2010 on investments **\$1,871,914.11** **6.06%**

R Roach
Responsible Accounting Officer

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

MINUTE

11 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED: G Westman SECONDED: M Morse

RESOLVED: That the information be noted.

2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00121)

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 31 December 2010.

	Original Estimate	Previously Revised Estimate	Revised Estimate	Variance for the Month
Engineering Services	12,535,291	12,590,922	12,590,922	0
Corporate Services & Finance	(20,125,874)	(20,169,840)	(20,169,840)	0
Cultural & Community Services	4,437,528	4,437,527	4,437,528	1
Environmental Planning & Building Services	3,050,100	3,038,435	3,038,435	0
TOTAL	(102,955)	(102,956)	(102,955)	1

Variations for the Month of December 2010 - Nil (\$1 shown in table is due to rounding.)

At **attachment 3** is an update of Strategies for the 2010/2011 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.

Fines or penalty notices this month - Nil.

Council recently had a costs order for costs incurred in the discovery of a confidential document made against Council in litigation initiated by Trackcorp. To date the costs involved in this litigation have not been forwarded to Council.

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

MINUTE

12 Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00121)

MOVED: W Aubin SECONDED: I North

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

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidy granted by Council for the period ending 31 December 2010.

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

Section 356:	\$33,965.10
BMEC Community use:	\$19,769.95
Mount Panorama :	\$30,000.00

MINUTE

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

MOVED: B Bourke SECONDED: G Hanger

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.

- Home Care Service of NSW - Seymour Street - Part Lot 180 DP862410 - Variation of Lease
- Harris V & S - 200 College Road - Lot 2 DP749758 - Licence
- Anderson K, P, M & R - Irving Place - Lot 710 DP1103109 - Transfer
- Bathurst Christian Life Centre Inc (Junktion) - College Road - Part Lot 20 DP1119593 - License
- Nicolson D, D & L - Dogs Rocks Road - Lot 1 DP1157332 - Transfer
- Lambiris A & M - Gilmour Street - Lot 221 DP1147157 - Transfer
- Mercieca P & M - Eglinton Bridge - Part Lot 103 DP1006130 - Licence
- BRC - Old Evans Shire Depot - Lot 1 DP1007027, Lot 16 DP712197, Lot 1 DP1090555 - Variation to lease
- BRC - Old Evans Shire Depot - Lot 1 DP1001027 and Lot 16 DP712197 - variation to lease
- Forests NSW - Mount David, State Forest # 1058 - Occupation Permit
- BRC - 116 Keppel Street, Bathurst - Lot 22 DP634259 - Withdrawal of Caveat
- BRC from C J & S M Brown - Eglinton Road, Abercrombie - for Sewer Pump Station - Lot 1001 DP1151447 part formerly in Lot 100 DP1123635 - Transfer
- BRC from R J & H C Brown - Eglinton Road, Abercrombie - for Sewer Pump Station - Lot 1001 DP1151447 part formerly in Lot 100 DP1123635 - Transfer

Linen Plan Release

- BRC/RSL Sub Branch - Consolidation - George Street Car Park, Bathurst
- Bayliss/BRC - 4 Lot Industrial Subdivision & 1 Residual Lot - Corporation Avenue, Robin Hill
- Tooby/Stanford - 2 Lot Residential Subdivision - 53 Morrisset Street, Bathurst
- Tooby/BRC - Subdivision & Road Dedication - George Street, Bathurst
- Searl/Tooby - New Road - Bradwardine Road, West Bathurst
- Ratsep/Hazlett/Cameron Brae P/L - 7 Lot Residential Subdivision - 244 Eglinton Road, Abercrombie

Financial Implications: Nil.

MINUTE

14 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That the information be noted.

5 REQUEST FOR FINANCIAL ASSISTANCE - INTERNATIONAL FRIENDSHIP GROUP OF BATHURST (18.00004-23/073)

Recommendation: That Council donate \$418.00 to International Friendship Group of Bathurst towards the cost of displaying a banner in William Street in February 2011 from Section 356 Donations.

Report: Council has received a request from International Friendship Group of Bathurst for financial support to hang the banner in William Street in February 2011. A copy of the request is provided at **attachment 1**.

The cost of providing this service is \$418.00.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$33,965.10.

MINUTE

15 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - INTERNATIONAL FRIENDSHIP GROUP OF BATHURST (18.00004-23/073)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council donate \$418 to International Friendship Group of Bathurst towards the cost of displaying a banner in William Street in February 2011 from Section 356 Donations.

6 BATHURST GOLF CLUB LIMITED WATER CHARGE VARIATIONS
(22.00126-02/012)

Recommendation: That Council refer the proposed changes to the water charges for Bathurst Golf Club to the 2011/2012 Management Plan

Report: Council has received a request from Bathurst Golf Club Limited for a variation to the method of charging water. Currently water is charged to Bathurst Golf Club Limited as follows:

Bathurst Golf Club Limited Raw Water Usage

1-18 megalitres	\$0.60/kilolitre
+18 megaliters	\$1.20/kilolitre

The Bathurst Golf Club Limited has requested a variation to the water charges as follows:

1-18 megalitres	\$0.60/kilolitre
19-32 megalitres	\$0.80/kilolitre
+32 megalitres	\$1.20/kilolitre

The current water charges were set as part of the 2010/2011 Management Plan Process. The Bathurst Golf Club Ltd made representations to Council requesting a variation to the charges and were advised to put their request in writing. Council has now received that request (shown at **attachment 1**) and their letter is reflective of the discussion that took place.

It is recommended that the new charges for the Bathurst Golf Club usage be referred to the 2011/2012 Management Plan process for consideration.

Financial Implications: There will be no cost to Council at this stage.

MINUTE

16 Item 6 BATHURST GOLF CLUB LIMITED WATER CHARGE VARIATIONS
(22.00126-02/012)

MOVED: R Thompson SECONDED: I North

RESOLVED: That Council refer the proposed changes to the water charges for Bathurst Golf Club to the 2011/2012 Management Plan

7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PISTOL CLUB INC.
(22.00042-02/004)

Recommendation: That this matter be referred to the 2011/2012 Management Plan.

Report: Council has received a request from Bathurst Pistol Club Inc. for financial assistance in constructing a small Club House at its shooting complex at Mount Panorama. Bathurst Pistol Club advise that their Club House project will cost approximately \$36,000 to construct using a kit shed and club voluntary labour to erect the club house. Councillor's are aware that it has dealt with the Bathurst Pistol Club on two previous occasions and assisted them in the construction of their indoor shooting range and bullet facility.

Attachment 1 is a copy of the request seeking support.

Financial Implications: Will be discussed during the 2011/2012 Management Plan process.

MINUTE

17 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PISTOL CLUB INC. (22.00042-02/004)

MOVED: B Bourke SECONDED: W Aubin

RESOLVED: That this matter be referred to the 2011/2012 Management Plan.

8 COST SHIFTING SURVEY (03.00020-02)

Recommendation: That the information be noted.

Report: Council has received advise from LGSA that they have released the results of their cost shifting survey for the financial year 2008/2009. The results confirm that cost shifting continues to place a significant burden on Councils' financial situation. The survey estimates that cost shifting amounts to 5.74% of Local Government's total income before capital amounts or \$440 million.

This ratio is consistent with ratios established for previous financial years (5.92% for the financial year 2007/2008; 5.95% for 2006/07; and 5.84% for 2005/06). In absolute terms, the estimated cost shifting amount of \$440 million has increased significantly from \$431 million in 2007/08, \$412 million in 2006/07 and \$380 million in 2005/06.

The growing level of cost shifting has a significant impact on Councils' finances. It almost equals the estimated annual infrastructure renewal gap of \$500 million per annum, as identified by the Independent Inquiry into Financial Sustainability of NSW Local Government.

Contributions to the NSW Fire Brigade and Rural Fire Services, lack of adequate funding for public libraries and the NSW Government's failure to reimburse for mandatory pensioner rebates for rates are major examples. Councils are also denied sufficient financial resources to adequately meet their responsibilities for regulation of companion animals, management of contaminated land, control noxious weeds, flood mitigation works and administration of environmental regulation.

Background

As recommended by the Independent Inquiry into Financial Sustainability of NSW Local Government, the LGSA undertook an annual cost shifting survey of NSW Councils to help quantify the actual amount of cost shifting by the Australian and NSW Governments on to NSW Local Government.

Cost shifting describes a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are "shifted" from a higher level of government on to a lower level of government without the provision of corresponding funding or the conferral of corresponding and adequate revenue raising capacity.

The survey for 2008/09 asked councils to estimate the cost associated with 23 cost shifting examples and add further significant examples. The survey received a good response with 77 councils returning the survey.

The LGSA thanked all councils, and particularly the staff involved in the completion of the survey, for their efforts.

Financial Implications: Council's continue to bare the burden of cost shifting from the state and federal government as outlined in the above report.

MINUTE

18 Item 8 COST SHIFTING SURVEY (03.00020-02)

MOVED: T Carpenter SECONDED: M Morse

RESOLVED: That the information be noted.

9 REQUEST FOR FINANCIAL ASSISTANCE - LOCAL GOVERNMENT & SHIRES ASSOCIATION OF NSW (03.00025/054)

Recommendation: That Council approve the request for assistance with the funding of legal costs incurred by Ballina Shire Council amounting to \$714.70 to be funded from Council's legal allocations.

Report: Council has received a request from Ballina Shire Council (through the Local Government & Shires Association of NSW) for assistance with legal cost incurred in litigation in which it has been involved. See **attachment 1**.

Ballina Shire Council has recently been the respondent in a Class 4 matter in the Land and Environment Court.

Class 4 of the Land and Environment Court deals with environmental planning and protection matters (civil enforcement and judicial review).

The question that the Court was required to answer was whether the development proposed is designated development within the meaning of the Environmental Planning and Assessment Act 1979.

Council argued that the development was designated development, being an extractive industry, and therefore an environmental impact statement was required and as such would not determine the development application.

The applicant contended that the development was not an extractive industry and therefore was not designated development.

The site in question was a residue allotment following compulsory acquisition of land by the RTA for construction of the Ballina Bypass.

There were 2 engineering constraints on the site. Firstly, that the road was being built on land which is subject to flood inundation and secondly the road was being constructed on land that was described as soft soil.

In the road construction process excess road material from soft soil road compaction needs to be disposed of so that the construction process can proceed.

The applicant lodged a development application with council being for the temporary stockpile of 100,000m³ of soil and rock on the residue lot.

Council received advice from their solicitors that the proposal came within the definition of extractive industry and therefore was designated development.

The joint Executive of the two Associations has given approval for these costs to be sought. In accordance with the usual formula, Council's proportion of this amount is \$714.70 and the Local Government & Shires Association would appreciate receipt of this amount in due course.

Financial Implications: This request could be funded from Council's legal allocations.

MINUTE

19 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - LOCAL GOVERNMENT & SHIRES ASSOCIATION OF NSW (03.00025/054)

MOVED: I North SECONDED: G Westman

RESOLVED: That Council approve the request for assistance with the funding of legal costs incurred by Ballina Shire Council amounting to \$714.70 to be funded from Council's legal allocations.

10 SUPPLY OF ELECTRICITY (16.00007-06)

Recommendation: That:

- (a) the information be noted.
- (b) Council adopt the recommendations contained in the report.

Report: Council has received advice from Country Energy that its energy retail business has been purchased by Origin Energy.

Origin is one of Australia's largest integrated energy companies providing natural gas, electricity and LPG to more than 3.5 million customers across Australia, New Zealand and the Pacific.

The sale of the retail business is part of the NSW Government's Energy Reform Strategy, and will involve the transfer of Country Energy's electricity, LPG and natural gas retail operations to Origin.

Country Energy advises that the sale does not include Country Energy's electricity network business, or Country Water operations in far West NSW. This means it will remain one of regional NSW's largest employers and there will be no change to the core business of delivering safe and reliable essential services to families and businesses.

Through the network operations it will retain strong community partnerships and customer service they have worked hard to achieve within the 1,500 communities it serves, and will continue to deliver the five-year plan to invest \$6 billion maintaining and building electricity infrastructure across regional NSW.

Councillors are aware that Council has a contract for electricity supply from Country Energy for its various electricity supply requirements. This notification by Country Energy advises Council that the contract it has with Country Energy has now been transferred to Origin Energy.

Country Energy advises that as part of the sale agreement, and to ensure continuity of retail services to customers, there will be a transition period where Country Energy will continue to manage retail operations on behalf of Origin. This means customers will not see any immediate changes to retail services.

Councillors will note in the final sentence that "this means customers will not see any immediate changes to retail services" is an indication that there will be future changes once this transfer settles down.

It is recommended that

1. Council write to the local member objecting to the sale of Country Energy Retail business.
2. Write to Country Energy to determine the future of the current contract.
3. Request Chas McPhail Regional General Manager Central Western to address councillors on the implications of this proposed change.

Financial Implications: The cost of electricity is currently controlled by way of contract.

MINUTE

20 Item 10 SUPPY OF ELECTRICITY (16.00007-06)

MOVED: I North SECONDED: T Carpenter

Cr Morse declared a pecuniary interest in this item and left the room.

Reason: Owns business that carries out contract work for Country Energy.

RESOLVED: That:

- (a) the information be noted.
- (b) Council adopt the recommendations contained in the report.

11 RURAL FIRE SERVICE - FIRE CONTROL CENTRE (13.00020)

Recommendation: That Council refer this item for consideration at a Working Party to be held early 2011.

Report: Council has been approached by Tom Shirt Zone Manager Chifley Zone NSW Rural Fire Service (RFS) in recent months to discuss the option of development of a new fire control centre for the Chifley Zone. Currently Chifley Zone has an office in Lee Street Kelso, an Office in Oberon (which Oberon consider as the zone office) and an office in Lithgow. Oberon and Bathurst are part of the Chifley Zone while Lithgow is a stand alone district. It is further complicated by the fact that some RFS staff are shared throughout all three offices.

In order to consider the construction of a new Fire Control Centre (FCC) the RFS Zone Liaison Committee established a Fire Control Centre Working Party which consisted of RFS staff members, volunteers, Councillors North and Thompson and Council's Manager Corporate Governance. The Working Party held several meetings and undertook site visits to Illawarra Fire Control Centre and Dubbo Fire Control Centre.

For Council's information there are three designs approved by the RFS for Fire Control Centres being small, medium and large. Floor plans for each size are shown at **attachment 1**. To accommodate the number of staff currently in the zone office a medium size would be the minimum required for Chifley Zone, however, it has been recommended that a large size be constructed. The main difference between the medium and large control centre is essentially the dark green area for planning and logistics which is shown on the large building floor plan. It is also slightly larger in the general office space area.

The Council should it proceed to construct a new Fire Control Centre (FCC) would need to provide a block of land. RFS Chifley Zone has advised that it would be preferable to have the FCC located in an area where it may be possible during times of emergency to land a helicopter and on a block large enough to house the FCC, a large shed and a hard stand (concrete) area that could be utilised for training purposes. Council staff identified a potential block in the industrial estate at Kelso on Hampden Park Road (shown at **attachment 2**). The block is approximately 5,500 sq m in size and located on a corner which would allow easier access for large vehicles. As it is a block in Council's industrial subdivision there would be a cost should council provide this block being the loss of potential revenue if it was sold commercially. Council's Property Officer has advised that there has been an offer to purchase this block received by Council so it will now be necessary to identify another block with similar properties. Should Council agree to construct a new FCC then an alternative location would be further investigated and reported to Council.

As a result of the Working Party Council has now received a submission from the Zone Manager outlining the proposal developed by the Working Party (shown at **attachment 3**) and also a submission on a possible funding option for the centre (shown at **attachment 4**). The proposal involves the construction of a large FCC on the Hampden Park Road block of land. The proposal also requests council to consider providing additional land to the existing block to accommodate the hard stand area and better access and egress for large vehicles. If approved a driveway would be allocated down the side of the block to allow large vehicles to drive in from the front of the block and out on the side road. This additional land amounts to 1,600 sq m. The total cost (excluding the block of land) to construct the FCC would be approximately \$2 million and Council's contribution would be 11.7 % (\$234,000). In response to a request from Council the Chifley Zone Manager provided additional information (shown at **attachment 5**) on the size of the proposed shed and the reallocation of funding priorities from Tankers to the FCC.

It is proposed that funding would be allocated over 4 years with \$500,000 being included in the RFS estimates in years 1 & 2, Council to borrow \$1 million in year 3 and construct the facility. The \$1 million Council borrowed would then be recovered from the RFS in years 3 & 4. This means that Council's annual contribution to the Rural Fire Fund for the construction of the FCC would be \$58,500 per annum and Council would also have to pay any interest incurred on the loan over two years.

Council has written to the Regional Office of NSW Rural Fire Service to ascertain whether the funding proposal received from Chifley Zone (borrow the full amount and claim interest and repayments on the loan over four years) would be an option that would be available to Council. At the date of writing this report no response had been received from RFS.

Council should also be aware that Council agreed to fund a program of purchasing additional tankers of \$500,000 per annum for three years and this would then be subject to review as to whether it was continued. \$500,000 approximately was allocated in the 2010/2011 estimates and this is the second year of the three year program. The 2011/2012 estimates have been submitted with this amount replaced by an amount of \$500,000 for the new FCC (pending Council's decision on funding for the FCC). Under this scenario Council's contribution would remain relatively unchanged except that the initial program was for three years (the last year being 2011/2012) and the change of focus to the FCC would extend that level of contribution by a further three years without review by Council.

In view of recent concerns raised by the Local Unit of the NSW State Emergency Service as to the adequacy of their current facilities Council may wish to consider the option of combining the headquarters for both agencies in the one location with some shared facilities.

Financial Implications: If Council were to agree to construct a new Fire Control Centre then Council would incur a cost for the block of land (approximately \$270,000 - \$350,000 depending upon final size) and also an annual contribution of approximately \$60,000 to the Rural Fire Fighting Fund over the next four years.

MINUTE

21 **Item 11 RURAL FIRE SERVICE - FIRE CONTROL CENTRE (13.00020)**

MOVED: R Thompson SECONDED: B Bourke

RESOLVED: That Council refer this item for consideration at a Working Party to be held early 2011.

12 BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE - REQUEST FOR SUPPORT (23.00128)

Recommendation: That Council agrees to support and donate the fees associated with the requirements to successfully run the Rotary Club of Bathurst Daybreak Inc Cycling Weekend on the 9 and 10 April 2011.

Report: Bathurst Regional Council has been approached by the Rotary Club of Bathurst Daybreak Inc to assist with preparations for a Cycling Weekend planned for the 9 and 10 April 2011.

The event was held in 2004, 2005, 2006, 2007, 2008, 2009 and 2010 with support from Council and in 2010 attracted approximately 1,000 cyclists plus supporters.

It is also intended to include a Family Fun Challenge in order to attract interest and participation from the broader Bathurst community.

The organisers have provided Council with a Traffic Management Plan for the event.

The Rotary Club of Bathurst Daybreak Inc has requested the following support and equipment from Council for this event as shown at **attachment 1**.

Mount Panorama – Saturday 09 April 2010

- Access to The Pits and 6 garages of the Pits Complex from 7 am to 5 pm for the conduct of criterium racing.
- Use of all 4 Toilets and access to power in "The Pits" complex.
- Hire of 50 meters of water fill barriers in Conrod Straight (required for Traffic Control)
- Hire of 200m of crowd control barriers for Pit Straight.
- Access to Harris Park including toilets for marshalling and start of Hill climb racing.
- Access to power at Harris Park entrance gates and The Pits Complex.
- Sweeping of the Criterium circuit as indicted in the Traffic Control Plans.
- Sweeping of access roads through Harris Park to the top of Mount Panorama via Barry Gurdon Drive. Sweeping of Sulman/Reid Park.
- Use of toilets, power and facilities at Harris and Sulman Parks from Saturday morning.
- Use of green otto bins for Sulman Park and The Pits.
- Mowing of a 2m to 4m strip around circuits at Sulman Park
- Clear pit area including empty otto bins at the end of Saturday's activities.

B2B Cyclo sportif Event – Sunday 10 April 2010

- Access to The Pits and 6 garages of the Pits Complex from 6 am to 5 pm for the conduct of criterium racing.
- Access to all toilet blocks in "The Pits" garage area.
- Opening access roads to rear of The Pits and the tunnel under Conrod Straight.
- Access to power at the Pits Complex.
- Closure of the dirt section of road of Cow Flat Road to Rockley Mountain to one way traffic only between 10 am and 1 pm only (as per traffic control plan).
- Loan of 'No Parking' signs x 10.
- Loan of 'Road Closed' signs x 6.
- Loan of volunteers safety vests x 40.
- Hire of 50 meters of water fill barriers in Conrod Straight (required for Traffic Control)
- Hire of 200m of crowd control barriers for Pit Straight.
- Assistance with clean up after the event. It is not envisaged that this will be extensive. The main help required is removal of rubbish and emptying of otto bins.

Financial Implications: The maximum total cost to Council for race and equipment requirements is \$6,265. Funds are available in Section 356 donations - Mount Panorama Fees - which has a current balance of \$30,000.

Below is a detailed budget outlining what the cost of each request is.

EVENT	TASK	COST \$
Saturday 9 April 2011	Access to The Pits and 6 garages of the Pits Complex from 7 am to 5 pm for the conduct of criterium racing.	1666
	Access to Harris Park for marshalling and start of Hill climb racing.	167
	Access to power at Harris Park entrance gates and The Pits Complex.	-
	Sweeping of access roads through Harris Park to the top of Mount Panorama via Barry Gurdon Drive, sweeping of Sulman/Reid Park, sweeping of criterium circuit.	1470
	Use of toilets and power facilities at Harris and Sulman Parks from Saturday morning.	446
	Use of green otto bins for Sulman and the Pit Complex	see below
	Mowing of a 2m to 4m strip around circuits at Sulman Park.	100
B2B – Sunday 10 April 2011	Access to The Pits and 6 garages of the Pits Complex from 6 am to 5 pm for the conduct of criterium racing.	1666
	Opening access roads to rear of The Pits and the tunnel under Conrod Straight.	-
	Access to power and the Pits Complex.	-
	Closure of the dirt section of road of Cow Flat Road to Rockley Mountain to one way traffic only between 10 am and 1 pm only (as per traffic control plan).	not provided by Council
	Loan of 'No Parking' signs x 10.	50
	Loan of 'Road Closed' signs x 6	50
	Loan of volunteers safety vests x 40.	150
	Assistance with clean up after the event. It is not envisaged that this will be extensive. The main help required is removal of rubbish and emptying of otto bins.	500 (all waste services)
TOTAL		\$6,265

MINUTE

22 Item 12 BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE - REQUEST FOR SUPPORT (23.00128)

MOVED: I North SECONDED: W Aubin

Cr Westman declared a pecuniary interest in this item and left the room.

Reason: Owns business that sponsors the event.

RESOLVED: That Council agrees to support and donate the fees associated with the requirements to successfully run the Rotary Club of Bathurst Daybreak Inc Cycling Weekend on the 9 and 10 April 2011.

13 REQUEST FOR FINANCIAL ASSISTANCE - ROTARY YOUTH DRIVER AWARENESS PROGRAM (18.00004-23/052)

Recommendation: That Council donate the costs of \$5,558 associated with the hire of Pit Complex for the Rotary Youth Driver Awareness program to be held 14-17 March 2011 from Section 356 Donations - Mount Panorama Fees.

Report: Council has received a request from Bathurst East Rotary for financial assistance to conduct the Rotary Youth Driver Awareness program from 14-17 March 2011. A copy of the request is shown at **attachment 1**.

This program has been conducted for the last 5 years at the pit complex and Council continues to support this worthwhile event.

Bathurst East Rotary advise that the other supporters are the RTA, Department of Education, Driving Instructors, Police Students, Teachers and Council's Road Safety Officer.t.

The cost of hiring the complex is approximately \$5,558. This could be funded from Section 356 donations - Mount Panorama Fees.

Financial Implications: This request could be funded from Council's Mount Panorama Section 356 Donations - Mount Panorama Fees which currently has a balance of \$30,000.00.

MINUTE

23 Item 13 REQUEST FOR FINANCIAL ASSISTANCE - ROTARY YOUTH DRIVER AWARENESS PROGRAM (18.00004-23/052)

MOVED: I North SECONDED: W Aubin

RESOLVED: That Council donate the costs of \$5,558 associated with the hire of Pit Complex for the Rotary Youth Driver Awareness program to be held 14-17 March 2011 from Section 356 Donations - Mount Panorama Fees.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

2 FEBRUARY 2011

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 2 FEBRUARY 2011**

General Manager
Bathurst Regional Council

1 PROPOSED ROAD DEDICATION - LOT 31 DP748459, TURONDALE ROAD, MILLAH MURRAH (22.10357)

Recommendation: That Council approve the dedication of land in Lot 31 DP748459 to the public as road under Section 10 of the Roads Act 1993, as detailed in the Director Engineering Services' report.

Report: The former Evans Shire Council purchased Lot 31 DP748459 from Unity Merchandising Pty Ltd with Council finalising the transfer on 29 March 2006. The property is a tapering lot adjoining rural parcels with frontage to Turondale Road at Millah Murrah. Please refer to aerial picture at **attachment 1**.

The land contains a road which is partly bitumen seal and gravel. Please refer to copy DP748459 at **attachment 2**. The purpose of the road is to connect 3 rural properties having Crown Road frontage to Turondale Road.

For Council to dedicate the road to the public it is required to advertise the proposal in the Government Gazette under Section 10 of the Roads Act 1993.

It is recommended that Council approve the dedication of Lot 31 DP748459 as public road.

Financial Implications: Advertising costs are estimated to be \$300. This will be financed from the Laneway Opening and Closing Fund.

MINUTE

24 Item 1 PROPOSED ROAD DEDICATION - LOT 31 DP748459, TURONDALE ROAD, MILLAH MURRAH (22.10357)

MOVED: M Morse SECONDED: G Westman

RESOLVED: That Council approve the dedication of land in Lot 31 DP748459 to the public as road under Section 10 of the Roads Act 1993, as detailed in the Director Engineering Services' report.

2 PROPOSED ACQUISITION AND CONSOLIDATION OF CROWN LAND - LOT 7005 & 7006 DP1057676, JOHN MATTHEWS SPORTS COMPLEX, DURHAM STREET BATHURST (04.00013-06)

Recommendation: That Council:-

- (a) Approve the acquisition of Lot 7005 and 7006 DP1057676 from The Crown for inclusion in the John Matthews Sporting Complex;
 - (b) Classify Lot 7006 DP1057676 as Community land and consolidate it with Lots 10 to 15 Section 58 DP758065, Lots 2 and 3 DP552313, and Lot B DP158447, to become 1 super lot;
 - (c) Classify Lot 7005 DP1057676 as Operational land,
- as detailed in the Director Engineering Services' report.

Report: On 12 March 1976, an unformed section of Mitre Street (Lot 7005 DP1057676 being 3,099m² in area) located near the Bathurst Ten Pin Bowling Alley (the business) was advertised in the Government Gazette as becoming a closed road. The land has been held in the ownership of The Crown and placed under Council's care and control.

In 2007, the business approached Council to have the connection between Mitre Street and Morrisset Street re-opened. The business sought to prevent motorists driving through its car park, and using it as a means of access between Mitre Street and Morrisset Street.

Following Council's meeting held 12 December 2007, it wrote to the business recommending it permanently close one of the car park access points to inhibit motorists driving through.

In 1999, an unformed section of Hope Street (Lot 7006 DP1057676 being 6,047m² in area), located between the Council Depot and John Matthews Sporting Complex, was closed and vested in The Crown, and placed under Council's care and control. This section of closed road contains parts of the John Matthews Sporting Complex (tennis courts) and the Bathurst Miniature Railway Cooperative Limited exhibition.

As both areas of land, (totalling 9,146m² in area) are vested in The Crown and are under Council's care and control, Council should make application to The Crown to acquire the land for inclusion in the John Matthews Sporting Complex.

As the tennis courts and miniature train exhibition are constructed on Lot 7006 DP1057676, it is recommended that the land, when acquired, be classified as Community land.

As Lot 7005 DP1057676 is vacant land and with a view to leaving Council's future options open, it is recommended that this land, when acquired, be classified as Operational land.

It is recommended that Council:-

- 1 Acquire Lots 7005 and 7006 DP1057676 (please refer to plan at **attachment 1**) from The Crown by agreement for inclusion in the John Matthews Sporting Complex;
- 2 Classify Lot 7006 DP1057676 as Community land and consolidate it with Lots 10 to 15 Section 58 DP758065, Lots 2 and 3 DP552313, and Lot B DP158447 to become

- 1 super lot;
- 3 Classify Lot 7005 DP1057676 as Operational land;
- 4 Pay all reasonable acquisition, legal, survey and valuation fees associated with the transfers and consolidation of the properties.

Financial Implications: Based on the Land and Property Management Authority valuation assessment of \$4/m², together with the inclusion of reasonable legal, survey and valuation fees, it is estimated the cost to acquire and consolidate the land would be in the order of \$50,000. This could be funded from the land reserve.

MINUTE

25 Item 2 PROPOSED ACQUISITION AND CONSOLIDATION OF CROWN LAND - LOT 7005 & 7006 DP1057676, JOHN MATTHEWS SPORTS COMPLEX, DURHAM STREET BATHURST (04.00013-06)

MOVED: G Westman SECONDED: M Morse

RESOLVED: That Council:-

- (a) Approve the acquisition of Lot 7005 and 7006 DP1057676 from The Crown for inclusion in the John Matthews Sporting Complex;
 - (b) Classify Lot 7006 DP1057676 as Community land and consolidate it with Lots 10 to 15 Section 58 DP758065, Lots 2 and 3 DP552313, and Lot B DP158447, to become 1 super lot;
 - (c) Classify Lot 7005 DP1057676 as Operational land,
- as detailed in the Director Engineering Services' report.

3 PROPOSED ROAD DEDICATION - TWO SECTIONS OF HAMILTON STREET EGLINTON (25.00050)

Recommendation: That Council approve the transfer and dedication of 2 parcels of land in Hamilton Street, Eglinton. The land is to be:-

- (a) Dedicated to the public as road;
- (b) Known as Hamilton Street;
- (c) Classified as Operational land;
- (d) Pay all reasonable legal and survey fees associated with dedicating the road under Division 2 Section 16 of the Roads Act 1993,

as detailed in the Director Engineering Services' report.

Report: Following Council's recent upgrade of Hamilton Street Eglinton, 2 sections of road shown as Hutchinson Street and Victoria Street in DP786472 (the land) have been found to be unformed roadways in private ownership, and not dedicated to the public as road. Please refer to plan at **attachment 1**.

In order to dedicate the land as public road, Council will need to acquire the land (both 4.91m x 15.09m in area). At this stage, Council's information indicates the property is Old System Title in the name of George Rankin who was granted 2,000 acres at Eglinton in 1864.

To acquire the land, Council will make submission by survey plan to Land and Property Management Authority and claim ownership under Division 2 Section 16 of the Roads Act 1993, which states, in part:-

“Division 2 Resolution of doubts concerning status of certain roads

16 Council may dedicate certain land as a public road

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

It is recommended that Council approve the acquisition and dedication of the land, for dedication as public road; call the acquired land Hamilton Street; classify the land as Operational land; and pay all reasonable legal and survey fees associated with the dedication of the road.

Financial Implications: The cost to finalise the transfer is estimated to be \$5,000 and is to be financed from the Roads Opening and Closing Fund.

MINUTE

26 Item 3 PROPOSED ROAD DEDICATION - TWO SECTIONS OF HAMILTON STREET EGLINTON (25.00050)

MOVED: I North SECONDED: R Thompson

RESOLVED:That Council approve the transfer and dedication of 2 parcels of land in Hamilton Street, Eglinton. The land is to be:-

- (a) Dedicated to the public as road;
- (b) Known as Hamilton Street;
- (c) Classified as Operational land;
- (d) Pay all reasonable legal and survey fees associated with dedicating the road under Division 2 Section 16 of the Roads Act 1993,

as detailed in the Director Engineering Services' report.

4 TRANSFER OF CROWN ROADS - MOORES LANE HILL END AND UNNAMED ROAD OFF RIVULET ROAD PEEL (25.00115)

Recommendation: That Council approve:-

- (a) The transfer of the Crown public road located at Moores Lane, Hill End, and
- (b) The partial transfer of the unnamed road off Rivulet Road at Peel,

as detailed in the Director Engineering Services' report.

Report: Following the amalgamation of Council, it has been found that a number of Crown public roads require a higher standard of maintenance than the users of the roads are applying to their roads. For this reason, Council has been found it necessary to transfer some Crown public roads to its care and control for improved maintenance and access.

Two of these roads include.

1 Moores Lane, Hill End

Moores Lane, Hill End, is a Crown public road constructed of bitumen seal and gravel which is in a poor condition with large water ruts and holes requiring maintenance.

The Hill End Rural Fire Service shed is located at the north eastern end of Moores Lane (please refer to plan at **attachment 1**). In order to upgrade and maintain Moores Lane to allow the Rural Fire Service better access to Beyers Avenue in times of emergencies, it is recommend Council transfer Moores Lane Hill End to its care and control.

2 Unnamed Road off Rivulet Road, Peel

The unnamed road off Rivulet Road at Peel, is a single lane Crown public road in fair condition containing 2 cattle grids, and with piped culverts which will require regular maintenance. One poorly drained section, located about 200 metres from its intersection with Rivulet Road, will require upgrading to be determined by Council's Engineering Services.

Although unnamed, the road is known locally as 'Bullock Hollow Road' and is a 'no through road' serving many properties to the north.

The section of Crown road to be transferred is located between 2 sections of Council public road, being Rivulet Road and a second unnamed road dedicated to the public following the registration of DP867131 shown by hatching (Please refer to plan at **attachment 2**).

It is recommended that Council:-

- (i) Transfer the Crown public road located at Moores Lane, Hill End, and
- (ii) Transfer the section of unnamed road off Rivulet Road at Peel between Lot 95 DP755804 and Lot 702 DP867131, to its care and control.

Financial Implications: The cost to transfer each road to Council's care and control is estimated to cost \$200 with each application with the funding to come from the Laneway Opening and Closing funds.

MINUTE

27 Item 4 TRANSFER OF CROWN ROADS - MOORES LANE HILL END AND UNNAMED ROAD OFF RIVULET ROAD PEEL (25.00115)

MOVED: W Aubin SECONDED: G Westman

RESOLVED: That Council approve

- (a) The transfer of the Crown public road located at Moores Lane, Hill End
 - (b) The partial transfer of the unnamed road off Rivulet Road at Peel,
- as detailed in the Director Engineering Services' report.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT
2 FEBRUARY 2011

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 2 FEBRUARY
2011**

General Manager
Bathurst Regional Council

**1 TRANS CULTURAL EXCHANGE CONFERENCE - BOSTON, USA - APRIL 2011
(21.00039)**

Recommendation: That Council approve the attendance of the Art Gallery Director to the Trans Cultural Exchange Conference in Boston, USA on 7-10 April 2011.

Report: Approval is sought for a recall to duty while Richard Perram, Director of the Bathurst Regional Art Gallery is representing the Gallery at the Trans Cultural Exchange Conference on *International Opportunities in the Arts* in Boston, USA in April 2011. The recall to duty is for the period from Monday, 4 April 2011 to Sunday, 10 April 2011 (five working days).

The 2011 conference from 7 to 10 April brings to Boston some 70 residency programs from around the world and over 500 Conference delegates from the Americas and the world. The conference provides an ideal opportunity to promote BRAG's unique Hill End Artists in Residence Program. The Art Gallery Director presented a paper at the 2007 and 2009 Trans Cultural Exchange Conference and he is the only presenter at those conferences to be invited back to present a paper at the 2011 Conference. A letter of invitation from the Trans Cultural Exchange is at **Attachment 1**.

During the time he is away Mr Perram will be additionally spending, at his own expense, a total of ten days in New York visiting art museums and galleries (three days before the conference and seven days after the conference).

At the Boston conference Mr Perram will be presenting a paper on the Hill End Artists in Residence Program and will speak on the following panel:

The Missed Opportunity: Beyond Youth

Are we too focused on helping young artists? What about mid-career or established artists, people who turned to art after a career in another field or who need time to consider a new direction for their work?

Additionally, he will give two mentoring sessions for artists inspecting portfolios and advising strategies for professional development.

Bathurst Regional Art Gallery is a member of Res Artis, a not for profit professional organisation based in the Netherlands which represents some 200 residency programs world wide. Mr Perram was, until recently, a Board member responsible for matters related to governance of the organisation. Res Artis will be holding a meeting in Boston to coincide with the conference and Mr Perram will attend that meeting as part of his attendance at the conference.

On two previous occasions Bathurst Regional Council has provided a recall to duty and

financial assistance of AUD\$1,000 for Mr Perram to attend international conferences in Berlin and in Mexico City. This previous financial assistance has been used in part to cover the cost of conference accommodation.

The Trans Cultural Exchange organisers will be covering Mr Perram's accommodation and meals while he is in Boston at the conference, so no financial assistance is required.

Previously, for the 2009 conference, Council approved a recall to duty for Mr Perram to attend the Trans Cultural Exchange conference for eight working days. On this occasion Council is only being asked to approve a recall to duty while the Art Gallery Director is in New York and Boston from Monday, 4 April 2011 to Sunday, 10 April 2011 (five working days).

Financial Implications: Nil, normal wages to be paid.

MINUTE

28 Item 1 TRANS CULTURAL EXCHANGE CONFERENCE - BOSTON, USA -
APRIL 2011 (21.00039)

MOVED: B Bourke SECONDED: G Hanger

RESOLVED: That Council approve the attendance of the Art Gallery Director to the Trans Cultural Exchange Conference in Boston, USA on 7-10 April 2011.

2 SENIORS WEEK 2011 (07.00016)

Recommendation: That the information be noted.

Report: In 2011, NSW Seniors Week will be held from 20 – 27 March. Seniors Week celebrates older people and their continuing contribution to our community. A varied program of events has been organised for Bathurst's seniors. The program provides a diverse range of activities which enable seniors to get active, socialise and learn. Over fifteen activities are available across the week, including golf lessons, aquacise sessions, movies, lawn bowls, excursions, concerts and computer lessons. Most of the events will be free of charge or have a minimal cover charge.

The highlight of the celebrations in Bathurst this year will be the *Moments to Remember* concert at the Bathurst Memorial Entertainment Centre (BMEC), featuring Australian music legends Julie Anthony and Simon Gallaher. The *Moments to Remember* concert will be held in the theatre of the BMEC at 11.00 am on Wednesday, 23 March 2011.

A full events guide will be distributed to businesses and seniors organisations during February. Flyers and posters will also be displayed extensively throughout the Bathurst region.

Financial Implications: Funding for this item is contained within existing budgets as well as \$500 received from the NSW Seniors Week Grants Program.

MINUTE

29 **Item 2 SENIORS WEEK 2011 (07.00016)**

MOVED: G Westman SECONDED: M Morse

RESOLVED: That the information be noted.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 2 FEBRUARY 2011**

General Manager
Bathurst Regional Council

1 MINUTES - TRAFFIC COMMITTEE MEETING 7 DECEMBER 2010 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 7 December 2010 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 7 December 2010, are attached.

Financial Implications: N/A

MINUTE

30 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 7 DECEMBER 2010
(07.00006)

MOVED: W Aubin SECONDED: I North

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 7 December 2010 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 7 DECEMBER 2010

2 PM MEETING COMMENCES

1 PRESENT

Members: Warren Bow (NSW Police), Robert Walker (RTA), Jeff Crompton (MP Representative)

Present: Manager Technical Services, Senior Technical Officer, Road Safety Officer

APOLOGIES

2 APOLOGIES

Cr Warren Aubin (BRC)

In the absence of Cr Aubin, the Committee requested that the Manager Technical Services Chair the meeting.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 NOVEMBER 2010 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 2 November 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 2 NOVEMBER 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 TIME LIMITED PARKING, 90 RANKIN STREET BATHURST (22.01284)

That Council not approve the placement of 2 hour time limited parking at 90 Rankin Street, between Durham Street and Howick Street, directly adjacent to Bathurst Veterinary Hospital.

8 Item 4 RELOCATION OF NO PARKING SIGN IN COURT HOUSE LANE BATHURST (25.00044)

That Council approve the relocation of an existing "No Parking/No Parking – Council Vehicles Excepted" sign 1.4 m to the west to aid in the parking of vehicles.

9 Item 5 NSW SHORT COURSE HILL CLIMB CHAMPIONSHIP (18.00022)

That Council approve the Bathurst Cycling Club NSW Short Course Hill Climb road racing event to be held on Saturday 9 April 2011. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

10 Item 6 INTERNATIONAL CYCLING GRAND PRIX SERIES (23.00026-13)

That Council approve the International Cycling Grand Prix Series event to be held on 8 December 2010 in Bathurst. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

11 Item 7 CRITERIUM RACING IN THE PITS COMPLEX AT MT PANORAMA (18.00022)

That Council approve the Bathurst Cycling Club Criterium Racing in the Pits Complex at Mt Panorama event for 2011. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

12 Item 8 MOUNT PANORAMA CYCLING FESTIVAL 2011 (04.00009-14/046)

That Council approve the Mt Panorama Cycling Festival, an event being organised and run by Council. The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

13 Item 9 BLAYNEY TO BATHURST CYCLO SPORTIF CHALLENGE EVENTS-2011 (23.00128-035)

That Council approve the Blayney to Bathurst Cyclo Sportif Challenge Event

between Blayney and Mount Panorama, and the Family Challenge Event between Mount Panorama and Charles Sturt University internal roads on Sunday 10 April 2011. The events are to be classified as Class 1 and Class 4 events respectively and approved subject to conditions decided by the Traffic Committee.

14 **Item 10 BATHURST CYCLING CLUB ROAD RACING AND TRAINING EVENTS 2011 (18.00022)**

That Council approve the Bathurst Cycling Club road racing and training events for 2011. The events are to be classified as Class 2 events and approved subject to conditions decided by the Traffic Committee.

15 **Item 11 PROPOSED NO STOPPING SIGNS FOR DRIVEWAY ACCESS TO 165 RUSSELL STREET (25.00011-05/059)**

That Council

- (a) Not approve the installation of 2 No Stopping [R5-400 (L) & (R)] signs on either side of the driveway to 165 Russell Street.
- (b) Not approve the painting of a no parking area on the roadway in front of the driveway to 165 Russell Street.

16 **Item 12 GIVE WAY SIGNS IN LOREN STREET AT THE INTERSECTION WITH COX LANE, EGLINTON (28.00007)**

That Council approve the placing of 2 Give Way (R1-2) signs in Loren Street on either side of the intersection with Cox Lane at Eglinton, and appropriate hold line marking.

17 **Item 13 TEMPORARY CLOSURE OF DENISON STREET SOFALA - 2011 AUSTRALIA DAY CELEBRATIONS (25.00002)**

That Council approve the temporary closure of Denison Street Sofala, between Bowen Street and Davis Street, from 7.00 am to 6.00 pm on Monday 26 January 2011, for the staging of Australia Day celebrations. The event is to be classified as a Class 3 event and be subject to conditions decided by the Traffic Committee.

18 **Item 14 2011 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (04.00097-09)**

That Council approve the proposal put forward by Mr Greg Hirst to hold the 2011 Bathurst Street and Custom Motorcycle Show in Russell Street adjacent to the Civic Centre on Saturday 5 February 2011.

The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

19 **Item 15 BATHURST WALLABIES TRIATHLON CLUB EVENTS 2010/2011 SERIES (23.00026-13)**

That Council approve the revised date for the staging of the Bathurst Wallabies Triathlon Club 2010/2011 Series of events.

The event is to be classified as a Class 2 event and approved subject to conditions decided by the Traffic Committee.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

21 **MEETING CLOSE**

The Meeting closed at 2.47 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

MINUTE

31 Item 999 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

MOVED: I North SECONDED: T Carpenter

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

There were no representations from the public.

RESOLVED: That:

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

* Director Corporate Services & Finance's Report

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND RELEASE - WESTBOURNE DRIVE, CARLYLE AVENUE & OPHIR ROAD - AVONLEA STAGE 6 RESIDENTIAL SUBDIVISION	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
2	TRANSFER OF LICENCE AGREEMENT - O'ROURKE TO PETERSON, BEN CHIFLEY DAM.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who

		supplied it.
3	PROPOSED SUBDIVISION OF LAND - HAMPDEN PARK ROAD, KELSO INDUSTRIAL PARK AND SALE TO OAKLEIGH PLUMBING.	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council’s position in negotiating commercial and or financial arrangements.
4	VARIATION - RESTRICTION AS TO USER - 11 HOBSON CLOSE, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGE 11 AND LLANARTH STAGE 12	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMPULSORY ACQUISITION FOR CARLINGFORD LEVEE - LOT 21 DP1160509 ALPHA 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.
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ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
2 FEBRUARY 2011

MINUTE

a Item 1 LAND RELEASE - WESTBOURNE DRIVE, CARLYLE AVENUE & OPHIR ROAD - AVONLEA STAGE 6 RESIDENTIAL SUBDIVISION (20.00102)

MOVED: I North SECONDED: G Westman

That Council approves:

- (a) the release for sale of twenty nine (29) lots, namely Lot 600 to Lot 628, in current Lot 734 DP1155783 located on Westbourne Drive, Carlyle Avenue and Ophir Road in the new residential subdivision to be known as Avonlea Stage 6, under the ballot system.
- (b) the sale prices as detailed in the report.

MINUTE

b Item 2 TRANSFER OF LICENCE AGREEMENT - O'ROURKE TO PETERSON, BEN CHIFLEY DAM. (32.00005)

MOVED: R Thompson SECONDED: B Bourke

That Council approves the transfer of the current Licence Agreement for part Lot 1 DP632418 Ben Chifley Dam in the name of PJ & CM O'Rourke to M & B Peterson as detailed in the report.

MINUTE

c Item 3 PROPOSED SUBDIVISION OF LAND - HAMPDEN PARK ROAD, KELSO INDUSTRIAL PARK AND SALE TO OAKLEIGH PLUMBING. (20.00138)

MOVED: G Westman SECONDED: T Carpenter

That Council approve the proposed subdivision of Lot 1006 DP1129907 Hampden Park Road, Kelso Industrial Park and subsequent sale of land to Oakleigh Plumbing as detailed in the report.

MINUTE

d Item 4 VARIATION - RESTRICTION AS TO USER - 11 HOBSON CLOSE, EGLINTON (22.03685)

MOVED: I North SECONDED: B Bourke

That Council approve the request to vary the clause relating to the distance a building must be constructed from the boundary ("Restriction as to User (e)") for 11 Hobson Close Eglinton as detailed in the report.

MINUTE

e Item 5 PROPOSED NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGE 11 AND LLANARTH STAGE 12 (20.00085)

MOVED: B Bourke SECONDED: T Carpenter

That Council:

- (a) approve the forty-three (43) lot residential subdivisions to be known as Llanarth Stage 11 (twenty lots) and Llanarth Stage 12 (twenty three lots) in current Lot 734 DP1155783 located at Westbourne Drive, Blaxland Drive and Evernden Road at an estimated cost as detailed in the report including civil and electrical works to be funded from Council's Land Development Reserves.
- (b) approve the commencement of construction to start as soon as possible subject to a satisfactory Development Application approval.
- (c) seek a further report regarding a release date and appropriate lot prices once construction works have commenced.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

2 FEBRUARY 2011

MINUTE

f Item 1 COMPULSORY ACQUISITION FOR CARLINGFORD LEVEE - LOT 21 DP1160509 ALPHA STREET BATHURST (31.00001-07)

MOVED: R Thompson SECONDED: W Aubin

That Council.

- (a) Make application to the Minister/Governor to compulsorily acquire Lot 21 DP1160509 Alpha Street, Bathurst through the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act, to allow construction of the Carlingford Levee;
- (b) Enter into a Licence to Construct with RailCorp allowing levee construction to progress while following the compulsory acquisition process; and
- (c) Classify the acquired land (2338m²) as Operational;
- (d) Pay all reasonable legal, survey and valuation fees associated with the transfer of land.
- (e) Advise that Council does not want any of the mines or mineral contained within the acquired land.

MINUTE

32 RESOLVE INTO OPEN COUNCIL
MOVED: I North SECONDED: R Thompson

RESOLVED: That Council resume Open Council.

MINUTE

33 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED: M Morse SECONDED: R Thompson

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

MINUTE

34 MEETING CLOSE

The Meeting closed at 6.44 pm.

CHAIRMAN: _____

Date: _____ **(16 February 2011)**