



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

9 March 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, 16 March 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, 16 MARCH 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 - 16 February 2011
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. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
 - * Director Cultural & Community Services' Report
 - * General Manager's Report
8. REPORTS OF OTHER COMMITTEES
 - * Minutes - Policy Committee Meeting - 2 March 2011
 - * Minutes - Traffic Committee Meeting 1 March 2011
 - * Minutes - Mount Panorama Racing Committee Meeting - 23 February 2011
 - * Minutes - Mount Panorama Racing Committee Meeting - 2 March 2011
9. NOTICES OF MOTION - Nil
10. RESCISSION MOTIONS - Nil
11. DELEGATES REPORTS

- * Councillors Meeting With Community Groups/representatives Held 9 February 2011
- * 2015 Bicentenary Celebrations Committee Meeting - Minutes

12. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

H Hesse – 15 Thomas Close - spoke to concern about dirty water. Feels it is becoming more frequent and staff are not responding. Not addressing the problem and criticised Councillors. Has Council a plan to rectify the problem? If can't fix pipes need to be flushed every week. Has been going on for 10 years.

G Crisp – Rate Payer - Spoke of issues concerning parking. Made various allegations. Raised issues concerning his superannuation when he ceased being a Councillor. Made allegations of deception against staff and the Mayor.

K O'Donnell – 249 Howick Street (DEPS #8 DA 2010/0959) - Expressed concerns about impact on an adjoining development of the proposal. Included issues such as ability to undertake repairs to the adjoining house.

P Dowling – Disrepair of houses - Spoke of problem of people buying houses and letting them run down by neglect. This is wrong, what does Council have in place?

The Director Environmental, Planning & Building Services Spoke of judicial powers resting with the State.

Mayor, Councillor Toole

- **Ohkuma** - spoke of what is occurring and conveyed information received to date on damage occurred and power station issues.
- **John B Chifley** - notes Mr Chifley passed away this week. He is Ben Chifley's nephew. John Chifley was a Councillor for 26 years from 1965.

The Mayor declared one minute silence in respect of our Sister City, Ohkuma and the passing of John Chifley.

MINUTE

3 APOLOGIES

Nil

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 16 MARCH 2011

General Manager
Bathurst Regional Council

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16
FEBRUARY 2011 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 February 2011 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 16 February 2011, are attached.

Financial Implications: N/A

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 16 FEBRUARY 2011 (11.00005)

MOVED: W Aubin SECONDED: B Bourke

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 February 2011 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 16 FEBRUARY 2011**

6.00 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

G Crisp – Ratepayer

- Raised questions with Councillors and staff.
- Spoke of attendance of Councillors at October 2010 meeting.
- Spoke of Statutory Declarations provided regarding parking in Court House Lane.
- Spoke of ICAC investigations.
- Does General Manager deny lack of action is illegal and spoke of various allegations and requested Mayor stand aside.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 FEBRUARY 2011 (11.00005)

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 2 February 2011 be adopted.

DECLARATION OF INTEREST

5 DECLARATION OF INTEREST

MOVED Cr I North

and **SECONDED** Cr T Carpenter

RESOLVED: That the following Declarations of Interest be noted.

Development Application No. 2010/0735 for the following reasons:

- (i) Council is of the opinion that the development as submitted will have an adverse impact on the amenity of the area.
- (ii) Council is of the opinion that a zero set back onto Brilliant Street will have a detrimental impact on the existing streetscape and is therefore not appropriate in this location.

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

(c) call a division.

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

The result of the division was:

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

Against the motion - Cr T Carpenter

Absent - Cr P Toole

Abstain - Nil

9 Item 4 LOCAL GOVERNMENT HERITAGE STRATEGY REPORT COMPARISON (20.00123)

MOVED Cr I North

and **SECONDED** Cr G Westman

RESOLVED: That Council:

- (a) note the information; and
- (b) note that a copy of this report be forwarded to the Heritage Branch, Department of Planning, for their information.

10 Item 5 DEVELOPMENT APPLICATION 2010/0924 – DEMOLITION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION OF NEW SHOPPING CENTRE – APPLICANT: CAMFLEX PTY LTD. OWNER: CAMFLEX PTY LTD AND BATHURST REGIONAL COUNCIL (DA/2010/0924)

MOVED Cr G Westman

and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) advise the applicant that the following principles should govern the calculation of carparking spaces for Development Application 2010/0924:
 - i. The “warehouse” area of the development is to be distributed proportionally between the supermarket use and the general retail use based on the respective floor area for each.
 - ii. Based on the current submitted plans and the assumption above the number of required spaces is 111.
 - iii. Council is willing to forego 9 spaces being the area of parallel parking to allow 2 way access between the development and the Council carpark.
 - iv. Any further shortfall may be offset by way of a contribution in

accordance with Council's Section 94 contribution plan.

- (b) advise the applicant that it has no objection to the carrying out of works within its carpark subject to:
- i. all works being done at the developers costs;
 - ii. the works are done in a timely and appropriate manner: and
 - iii. there is no reduction in the number of parking spaces in Council's carpark or impact on the overall functionality within the carpark.
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

11 Item 6 NEW SOUTH WALES FIRE BRIGADE INSPECTION OF 90 KEPPEL STREET, BATHURST (22.00930)

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

RESOLVED: That Council:

- (a) require the outstanding work be completed by 17 March 2011; and
- (b) in the event that the outstanding work is not completed, undertake procedures to issue an Order under the Environmental Planning and Assessment Act.

12 Item 7 DRAFT BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2010 20.00163

MOVED Cr T Carpenter and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 subject to the inclusion of the amendments/alterations outlined in this report but note that Section 10.6 (Perthville Heritage Conservation Area) and Section 10.7 (Chifley Memorial Housing Estate) will not become effective until gazettal of Council's heritage planning proposal.
- (b) repeal the following Development Control Plans, Policies and Codes:
 - Bathurst Regional Council Off Street Carparking Code
 - Bathurst Regional Council Landscaping Code
 - DCP – Residential Housing
 - DCP – Residential Subdivision
 - DCP – Advertising and Notification of Development Applications
 - DCP – Blue Ridge Estate

- DCP – Business Development
- DCP – Industrial Development
- DCP – Mount Haven Estate
- DCP – Mount Panorama and Environs
- DCP – Outdoor Advertising and Directional Signs
- DCP – Robin Hill
- DCP – Wallaroi
- DCP – Wentworth Estate
- DCP – Village
- DCP – Rural Lands
- DCP – William Street Carpark
- DCP – Lots 1 & 2 DP 1067087, White Rock
- Demolition of Built Environment Policy
- Commercial Infill Policy
- Residential Infill Policy

(c) repeal the following sections of the Bathurst Floodplain Management Policy:

- Section 4 – Part 3, Part 4, Part 5, and Part 10.

(d) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 and repeal of plans, policies and codes listed in (2) and (3) above in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until this date.

(e) notify those who lodged submissions of Council's decision; and

(f) 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

13 **Item 8 AMENDMENT TO THE DEVELOPMENT CONTROL PLAN - COMPLYING DEVELOPMENT (20.00176)**

MOVED Cr T Carpenter

and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) adopt the new Bathurst Regional Council Development Control Plan - Complying Development which amends parts 18.2.2 and 19.2.2 to reduce the front building alignment for new dwellings and exhibition homes to be a minimum of 6 metres and a maximum of 10 metres, and in the case of corner allotments the combined distance of the two building line setbacks to the two roads to be not less than 8 metres, provided that neither setback is less than 2 metres,

- (b) resolve to prepare a Planning Proposal to amend Clause 20(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005,
- (c) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act 1979, and
- (d) note that the new DCP will not come into effect until gazettal of the Planning proposal.
- (e) call a division.

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

The result of the division was:

In favour of the motion - Cr W Aubin, Cr 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

14 Item 9 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT CODES) 2008 (02.00018)

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

RESOLVED: That the information be noted.

15 Item 10 DRAFT BATHURST COMMUNITY ACCESS AND CYCLING PLAN 2011 (20.00165)

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

RESOLVED: That Council place the draft Bathurst Community Access and Cycling Plan 2011 on public exhibition for a period of one (1) month.

16 Item 11 BIODIVERSITY MANAGEMENT ISSUES PAPER (37.00304)

MOVED Cr R Thompson and **SECONDED** Cr B Bourke

RESOLVED: That Council place the Biodiversity Management Issues Paper on public exhibition for a period of 28 days.

17 Item 12 BATHURST URBAN DRAINAGE RESERVE VEGETATION LINK: REVEGETATION PLAN (37.00297)

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

RESOLVED: That the information be noted.

18 Item 13 NEW RESIDENT SURVEY (03.00051)

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

RESOLVED: That the information be noted.

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

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

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

- 24** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 25** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - A START IN THE ARTS (18.00004)**
MOVED Cr T Carpenter and **SECONDED** Cr B Bourke

RESOLVED: That Council provide \$200 assistance to A Start in Life project for a proposed camp at Charles Sturt University for students to be funded from Section 356 Donations.

- 26** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - THE CATHEDRAL BELLS OF BATHURST PROJECT (18.00004)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That council refer the request for further financial support for the Cathedral Bells of Bathurst Project to the 2011/2012 Management Plan.

- 27** **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - NSW RURAL DOCTOR NETWORK (18.00004 / 18.00158/039)**
MOVED Cr I North and **SECONDED** Cr R Thompson

RESOLVED: That Council refer this request for a \$3000 donation to its 2011/2012 Management Plan process to provide for NSW Rural Doctors Bursary Scholarship.

- 28** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST DISTRICT PROSTATE CANCER SUPPORT GROUP (18.00004-23/083)**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

Reason: Prostate support group is a contracted client of Belinda's Business Centre of which the Councillor is a joint owner.

RESOLVED: That the information be noted.

- 34** **Item 4 AERODROME ASSET MANAGEMENT PLAN (03.00170)**
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That Council place the Asset Management Plan for the Bathurst Aerodrome on public exhibition for 28 days, inviting comments.

- 35** **Item 5 USE OF MOUNT PANORAMA PIT COMPLEX - TAFE NSW - WESTERN INSTITUTE (04.00120)**
MOVED Cr I North and **SECONDED** Cr R Thompson

RESOLVED: That Council:

- (a) Enter into a new Memorandum of Understanding between TAFE NSW - Western Institute (TAFE) and Bathurst Regional Council for the use of the Pit Complex at Mount Panorama in providing a motorsport course.
- (b) The General Manager be delegated authority to extend the Memorandum of Understanding on an annual basis.

Director Cultural & Community Services' Report

- 36** **Item 1 INTERNATIONAL WOMEN'S DAY EVENT - 8 MARCH 2011 (23.00026)**
MOVED Cr R Thompson and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 37** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 FEBRUARY 2011 (07.00064)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That the recommendations of the Policy Committee Meeting held on 2 February 2011 be adopted.

Traffic Committee Meeting

- 38** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 FEBRUARY 2011 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr G Hanger

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 1 February 2011 be adopted.

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

39 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS
MOVED Cr M Morse and **SECONDED** Cr W Aubin

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LICENCE AGREEMENT - BATHURST GREYHOUND RACING CLUB - LOT 23 DP701345 AND LOT 24 SECTION 100 DP811166 UPFOLD 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.
2	PROPOSED NEW TELECOMMUNICATION LEASES	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	RESIDENTIAL TENANCY - 200 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED SUBDIVISION OF LOT 705 DP1103109 AND SALE OF LAND - IRVING PLACE, BATHURST TRADE CENTRE	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	MOUNT PANORAMA - PROPOSED EVENT - MARCH 2011	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	PROPOSED PURCHASE	10A (2) (d) (i) – contains

	OF LOT 1 DP 1086580 SYDNEY ROAD, BATHURST	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
--	---	--

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ROADBASE ANNUAL TENDER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION WITHIN THE PIT Paddock, MOUNT PANORAMA RACING CIRCUIT BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION AT WINDRADYNE RESIDENTIAL ESTATE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who

	STAGE 900	supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR CONSTRUCTION OF CIVIL WORKS AT WINDRADYNE RESIDENTIAL ESTATE STAGE 900	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 ROAD DEDICATION - PARTIAL ROAD CLOSURE AND TRANSFER - MOUNT HORRIBLE ROAD, LIMEKILNS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	PROPOSED PARTIAL ROAD CLOSURE - EGLINTON ROAD, ABERCROMBIE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Corporate Services & Finance's Report

- a** **Item 1 RENEWAL OF LICENCE AGREEMENT - BATHURST GREYHOUND RACING CLUB - LOT 23 DP701345 AND LOT 24 SECTION 100 DP811166 UPFOLD STREET BATHURST (22.09990)**
MOVED Cr R Thompson and **SECONDED** Cr G Westman

That Council approves entering into a new five (5) year licence agreement for Lot 23 DP701345 and Lot 24 Section 100 DP811166 Upfold Street, Bathurst with the Bathurst Greyhound Racing Club as detailed in the report.

- b** **Item 2 PROPOSED NEW TELECOMMUNICATION LEASES (04.00075 and 22.03832)**
MOVED Cr G Westman and **SECONDED** Cr T Carpenter

That Council approves, in principle, the entering into lease agreements with Total Communications Infrastructure Pty Ltd (TCI) for part Lot 4 DP786946 Eglinton Road, Bathurst and Part Lot 201 DP1074567 Hampden Park Road, Kelso Industrial Park, subject to the normal development approval.

- c** **Item 3 RESIDENTIAL TENANCY - 200 COLLEGE ROAD, BATHURST (22.05258)**
MOVED Cr W Aubin and **SECONDED** Cr I North

That Council approves entering into a new Residential Tenancy Agreement with Leslie Mulligan and Ian and Valerie McMillan for 200 College Road, Bathurst (Lot 2 DP749758) for an initial rental period of twelve (12) months with a twelve (12) month option period as detailed in the report.

- d** **Item 4 PROPOSED SUBDIVISION OF LOT 705 DP1103109 AND SALE OF LAND - IRVING PLACE, BATHURST TRADE CENTRE (20.00030)**
MOVED Cr G Westman and **SECONDED** Cr B Bourke

That Council approves the proposed subdivision of Lot 705 DP1103109 Irving Place, Bathurst Trade Centre and subsequent sale of the newly created lot to Truflo Industrial Pty Ltd at a sale price of \$59 per square metre (GST inclusive) as detailed in the report.

- e** **Item 5 MOUNT PANORAMA - PROPOSED EVENT - MARCH 2011 (04.00009)**
MOVED Cr W Aubin and **SECONDED** Cr R Thompson

That the information be noted.

- f** **Item 6 PROPOSED PURCHASE OF LOT 1 DP 1086580 SYDNEY ROAD, BATHURST (22.12424)**
MOVED Cr I North and **SECONDED** Cr T Carpenter

That Council approves the purchase of Lot 1 DP1086580 Sydney Road, Kelso as

detailed in the report.

Director Engineering Services' Report

- g** **Item 1 ROADBASE ANNUAL TENDER (36.00398)**
MOVED Cr G Westman and **SECONDED** Cr M Morse

That Council accept the tender from Hanson Construction Materials Pty Ltd for supply of roadbase material (DGB20) for 2011.

- h** **Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION WITHIN THE PIT PADDOCK, MOUNT PANORAMA RACING CIRCUIT BATHURST (36.00406)**
MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

That Council accepts the tender of Active Energy for the Stage 1 and Stage 3 works for the design and construction of electrical reticulation within the Pit Paddock at Mount Panorama Racing Circuit Bathurst in the amount of \$308,650 (incl GST) subject to adjustments and provisional items.

- i** **Item 3 TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION AT WINDRADYNE RESIDENTIAL ESTATE STAGE 900 (36.00408)**
MOVED Cr R Thompson and **SECONDED** Cr W Aubin

That Council accepts the tender of Active Energy for the design and construction of the electrical reticulation at Windradyne Residential Estate Stage 900 in the amount of \$203,126.00 (incl. GST) subject to adjustments and provisional items.

- j** **Item 4 TENDER FOR CONSTRUCTION OF CIVIL WORKS AT WINDRADYNE RESIDENTIAL ESTATE STAGE 900 (36.00407)**
MOVED Cr B Bourke and **SECONDED** Cr I North

That Council accepts the tender of JH & MJ Trindade Pty Ltd, for the construction of Civil Works at Windradyne Residential Estate Stage 900 in the amount of \$1,262,118.48 (incl. GST) subject to adjustments and provisional items.

- k** **Item 5 PROPOSED ROAD DEDICATION - PARTIAL ROAD CLOSURE AND TRANSFER - MOUNT HORRIBLE ROAD, LIMEKILNS (25.00516)**
MOVED Cr R Thompson and **SECONDED** Cr G Westman

That Council:-

- (a) approve the proposed dedication and partial closure of a disused section of Mount Horrible Road;
- (b) transfer the closed road to the owners of Portion 122 DP755780 at 281 Mount Horrible Road, Limekilns; and
- (c) classify the closed section of road as Operational land

as detailed in the Director Engineering Services' report.

- I** **Item 6 PROPOSED PARTIAL ROAD CLOSURE - EGLINTON ROAD, ABERCROMBIE (2010/0607 and 25.00045-02)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

That Council approve the proposed partial road closure of Eglinton Road, Abercrombie and transfer the section of closed road as compensation for land gained by the subdivision of Lot 98 DP864476, as detailed in the Director Engineering Services' report. The road closure land is to be classified as Operational land.

RESOLVE INTO OPEN COUNCIL

- 40** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 41** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr I North and **SECONDED** Cr B Bourke

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

MEETING CLOSE

- 42** **MEETING CLOSE**

The Meeting closed at 7.02 pm.

CHAIRMAN: _____

Date: _____ (16 March 2010)

MINUTE

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

RESOLVED: That the Declaration of Interest be noted.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
16 MARCH 2011

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16
MARCH 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

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

MOVED: G Westman SECONDED: R Thompson

RESOLVED:That the information be noted.

MINUTE

7 Item 1 ACT OF DISORDER

At this point, Mr Crisp, being a member of the public interrupted the Council meeting by standing at the Councillors table, blowing a whistle and yelling out while the meeting was in progress.

The Mayor advised that Mr Crisp had no right to address the Council meeting and asked him to return to the public gallery and refrain from any further interjections. Mr Crisp then continued his interruption of the meeting.

MINUTE

8 Item 1 ADJOURNMENT - ACT OF DISORDER

MOVED: M Morse SECONDED: G Westman

RESOLVED: That the meeting be adjourned for 15 minutes at 6.25pm due to the act of disorder created by Mr G Crisp.

The meeting recommenced at 6.47pm.

Mr Crisp continued to yell out and create disorder for a short period and then left the meeting.

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 February 2011 (**attachment 1**)
- (b) Applications refused during February 2011 (**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 February 2011 (**attachment 5**).

Financial Implications: Nil.

MINUTE

9 Item 2 GENERAL REPORT (03.00053)

MOVED: R Thompson SECONDED: I North

RESOLVED: That the information be noted.

3 STANDARD INSTRUMENT - LOCAL ENVIRONMENTAL PLAN (20.11143)

Recommendation: That the information be noted.

Report: On 25 February 2011, the NSW Government gazetted 55 pages of changes to the Standard Instrument - Local Environmental Plan. This is not the first time the standard instrument has been amended. These new changes directly impact on the ongoing drafting of Council's new comprehensive LEP.

Key changes to the Standard Instrument LEP include:

- changes to the RU4 Rural Small Holdings Zone - now the RU4 Primary Production Small Lots.
- amendments to the subdivision clause which will subsequently impact on the exempt development schedule.
- new directions for the landuse table including a new list of development types that can be listed in the zoning tables.
- various changes to most of the zones and various compulsory clause provisions.
- deletion of clause 5.10 Heritage Conservation and the insertion of a new heritage conservation clause.
- new clause for eco-tourist facilities.
- deletion of 131 definitions of the original 268 definitions in the LEP (ie, nearly 50% of the LEP's dictionary) and insertion of 148 new definitions.

Whilst many of the changes made by these amendments are supported and needed (eg, clarification of the grouping of definitions) these changes will require staff to complete another major review of the draft comprehensive LEP as prepared to date. In particular, all zoning tables will need to be reviewed in light of the definition changes and new directions for drafting. Staff will also need to further consider impacts on heritage conservation provisions as well as changes to other provisions.

Needless to say whilst most of the changes to the Standard Template are overdue and needed, this only highlights perhaps the impossibility of creating a template LEP suitable for use across the State. Council staff remain incredibly frustrated by the whole process and particularly frustrated at not being able to see a new comprehensive LEP reach fruition in a reasonable time.

Financial Implications: Nil.

MINUTE

10 Item 3 STANDARD INSTRUMENT - LOCAL ENVIRONMENTAL PLAN
(20.11143)

MOVED: G Hanger SECONDED: M Morse

RESOLVED: That the information be noted.

4 NAMING OF PUBLIC ROADS - ICELY STREET, EGLINTON (20.00024)

Recommendation: That Council:

- (a) adopt the name Icely Street for the new street on the eastern side of the intersection of Cox Lane, Hamilton Street and Loren Street in Eglinton; and
- (b) direct the Director Environmental, Planning & Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: The recent registration of a residential subdivision on Cox Lane/Hamilton Street in Eglinton has resulted in the creation of a new street (see location map at **attachment 1**).

Council has received a nomination for the name "Icely".

The name Icely was taken from Thomas Icely (1 November 1797 – 13 February 1874) a pastoralist, stock breeder and a member of the NSW Parliament who took up the 2,000 acre Land Grant of Portion 72 in the Parish of Jedburgh in 1823. This area of land is named "Saltram" on the Parish map. This new road will be located within this original Land Grant.

Thomas Icely was a Non-Elective Member of the first NSW Legislative Council from 17 July 1843 to 29 February 1856 and had a Life Appointment under the Constitution Act as a Member of the NSW Legislative Council from 26 October 1864 until his death on 13 February 1874.

The use of the name Icely gives a very close connection with Eglinton as all of the current residential areas in Eglinton are located within the original Land Grant of 2000 acres to Thomas Icely.

The name complies with Bathurst Regional Council's Guidelines for the Naming of Roads.

Financial Implications: Nil.

MINUTE

11 Item 4 NAMING OF PUBLIC ROADS - ICELY STREET, EGLINTON (20.00024)

MOVED: R Thompson SECONDED: G Westman

RESOLVED:That Council:

- (a) adopt the name Icely Street for the new street on the eastern side of the intersection of Cox Lane, Hamilton Street and Loren Street in Eglinton; and
- (b) direct the Director Environmental, Planning & Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

5 REVOLVING ENERGY FUND GUIDELINES (13.00061)

Recommendation: That Council amend clauses 3.7 and 4.3 of the Revolving Energy Fund Guidelines as follows:

- 3.7 Individual projects will be limited to a maximum of \$25,000 from the Revolving Energy Fund. The amount of funding available at any given time will depend upon:
- The actual balance of the fund at the time of the application; and
 - The balance of funds scheduled for reinvestment into the Fund.
- 4.3 Reinvestment to the fund will occur with the initial repayment of the funding at a rate of 100 percent of actual savings until the initial project outlay has been repaid. Upon full repayment 50% of the savings will continue to be reinvested for a further two years in order to fund future energy saving initiatives.

Report: In the 2010/2011 Management Plan Council committed \$100,000 seed funding to establish a Revolving Energy Fund (REF). The Fund which is a financial mechanism whereby a proportion of the savings made as a result of energy saving projects is diverted into a designated fund to allow funding of future energy saving initiatives.

The first project to be funded by the REF has been approved by the Internal Environment Committee. The project is a lighting efficiency upgrade at the National Motor Racing Museum. It involves the replacement of 400W and 250W High and Low Bay lights with 150W and 100W LED High Bays and 20W LED Fluorescent. This project will reduce power consumption by 26,616kWh per annum, saving an estimated \$10,900 per annum and 27.7 tonnes CO₂. The project has an estimated payback of 2.4 years and will be implemented in the coming weeks.

Following feedback from a number of staff and by agreement of the Internal Environment Committee the REF guidelines have been amended as follows:

- 3.7 Individual projects will be limited to a maximum of \$25,000 from the Revolving Energy Fund. The amount of funding available at any given time will depend upon:
- The actual balance of the fund at the time of the application; and
 - The balance of funds scheduled for reinvestment into the Fund.
- 4.3 Reinvestment to the fund will occur with the initial repayment of the funding at a rate of 100 percent of actual savings until the initial project outlay has been repaid. Upon full repayment 50% of the savings will continue to be reinvested for a further two years in order to fund future energy saving initiatives.

A copy of the revised guidelines is included as **attachment 1**.

Financial Implications: This project is funded from existing allocations.

MINUTE

12 Item 5 REVOLVING ENERGY FUND GUIDELINES (13.00061)

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

RESOLVED: That Council amend clauses 3.7 and 4.3 of the Revolving Energy Fund Guidelines as follows:

- 3.7 Individual projects will be limited to a maximum of \$25,000 from the Revolving Energy Fund. The amount of funding available at any given time will depend upon:
- The actual balance of the fund at the time of the application; and
 - The balance of funds scheduled for reinvestment into the Fund.
- 4.3 Reinvestment to the fund will occur with the initial repayment of the funding at a rate of 100 percent of actual savings until the initial project outlay has been repaid. Upon full repayment 50% of the savings will continue to be reinvested for a further two years in order to fund future energy saving initiatives.

6 LOVE FOOD HATE WASTE PARTNERSHIP PROGRAM (14.00008)

Recommendation: That the information be noted.

Report: In mid 2010 the Department of Environment, Climate Change and Water (DECCW) launched a food waste reduction education program called ***Love Food Hate Waste***.

The need for the program was identified by DECCW to support the NSW Government Waste Avoidance and Resource Recovery Strategy. This strategy aims to reduce municipal waste by approximately 60% by 2014.

According to DECCW, NSW households throw away more than 800 000 tonnes of food, which equates to more than \$2.5 billion worth of edible food each year. A brochure on the program is included as **attachment 1**.

The Love Food Hate Waste program aims to:

- Improve individual's knowledge and awareness of the economic and environmental impacts of wasteful consumption of food
- Promote new sustainable behaviours to avoid food waste particularly food planning, preparation and storage
- Encourage new behaviours to manage food waste better (if food waste cannot be avoided).

The Local Government and Shires Association is one of the inaugural partners of the program, and DECCW is encouraging Councils to become involved. Bathurst Regional Council has registered as a program partner and plans to undertake a number of initiatives to support this program, including:

- Provide information on the BRC website with links to the Love Food Hate Waste website
- Promotion of the program through articles in the "Making a Difference" sustainability newsletter which is published twice a year and delivered to households with the rates notices
- Displays and information at the Sustainable Living Expo on 26 March 2011 (and in future years)
- Distribution of information and advice to local food businesses by Council's Environmental Health Officers as a part of the routine inspection regime
- Undertake community education activities as part of Council's annual Waste Education Program with regard to household composting and worm farming as sustainable methods of unavoidable food waste disposal.

Other initiatives are currently being formulated to include in the program.

The Love Food Hate Waste program will complement the existing suite of community education programs already in place which are designed to build environmental capacity within the Bathurst community. Council uses a common message of "Refuse, reduce, reuse and recycle" across many of its education and awareness raising activities so as to encourage positive behaviours towards waste management.

This program will assist residents and businesses with reducing the amount of food waste produced, thereby reducing the amount of food waste entering Council's landfill. This will in turn contribute to Council's target of reducing waste to landfill by approximately 60% by the year 2014.

The Love Food Hate Waste program incorporates a very important health element by reinforcing the messages of good nutrition and portion control. The website contains a large number of recipes and tips to assist households in planning and preparing meals.

Council has made an application to DECCW for grant funding to assist in the implementation of the Love Food Hate Waste program. All successful applicants will be advised in May. If the application is successful, the funding will contribute towards expanding the current waste education activities.

Financial Implications: Nil

MINUTE

13 Item 6 LOVE FOOD HATE WASTE PARTNERSHIP PROGRAM (14.00008)

MOVED: I North SECONDED: M Morse

RESOLVED:That the information be noted.

7 DEMOLITION OF EXISTING DWELLING AND OUTBUILDING AND ERECTION OF A SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 21 WILLIAM STREET, BATHURST. APPLICANT/OWNER: K WEAL (DA 2011/0005)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0005, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) The applicant is to provide a detailed photographic record of the building to Council and the Bathurst Historical Society, prior to demolition.
 - (ii) Any archaeological remains discovered during the demolition are reported to the Heritage Branch, Department of Planning.
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for Demolition of an existing dwelling and outbuilding and erection of a single storey dwelling with attached garage at 21 William Street, Bathurst, described as Lot 1 DP 13467 (see location plan at **attachment 1**).

The site currently contains a single storey dwelling and associated outbuildings.

The proposal

The proposal involves the demolition of the existing building and outbuilding and the erection of a single storey dwelling with attached garage (see plan of proposed development at **attachment 2**).

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*. A Dwelling house is permissible with consent in the 2 (a) Residential zone. The proposal is consistent with the objectives of the zone.

Clause 23: Protection of Environmental Heritage

In order to assess the conservation significance of the dwelling proposed for demolition an assessment in accordance with section 10.3 of the Bathurst Regional (Interim) Development Control Plan 2011 was undertaken in consultation with Council's Heritage Advisor (See full copy of assessment at **attachment 3**). Note the Assessment requirements under the current Development Control Plan are largely the same as those under Council's former demolition policy which was current at the time of lodgement of this Development Application.

The following table provides a summary of the assessment.

Date of construction	Circa 1950s
----------------------	-------------

BCAMS results: Integrity Streetscape rating Heritage significance Overall rating (out of 10)	Substantially intact (3) Contributory (3) Significant in a local context (2) 8
Significant historical matters	<ul style="list-style-type: none"> Land was originally within the Police Barracks and Gaol. Land owned by Charles Corry.
Cost of repairs	\$132,000
Compliance with infill policy	Yes
Impact of demolition on streetscape	Will result in the loss of a contributory building within the streetscape. Existing dwelling is not a rare or representative architectural example of the Post War period.

The site of the existing dwelling is historically significant from a social perspective, given its locality within the historic compound of the first police barracks and gaol. Also, its association with Charles Corry, who appears to have had an interesting life and was a prominent resident within the Bathurst region. However, the demolition of the current dwelling will not impact upon this significance as it is the land and not the dwelling which is significant.

The plain Post War functionalist architecture of the dwelling is contributory to the heritage conservation area, however, there are numerous other examples within Bathurst and examples of much more architectural and visual interest. The dwelling is in a very bad state of repair. The cost of essential works is relatively high at \$132,000. Associated desirable works are also extensive at a further \$66,000.

The proposed infill dwelling will generally compliment the overall character of the Bathurst Conservation Area within an already mixed architectural streetscape. Therefore, the proposed infill development is considered appropriate in terms of the overall form, design and character.

Based on the very poor condition of the dwelling, it is recommended consent be granted for the demolition of the dwelling and construction of the new dwelling, providing conditions relating to materials, building colours, fencing, photographic record and archaeological are included in the consent.

As part of the assessment process the applicant has prepared a Heritage Impact Statement in accordance with Councils policy ([attachment 4](#)).

A copy of the Residential Infill Form is at [attachment 5](#).

Development Control Plan - Residential Housing

This application is assessed under the former Development Control Plan as it was lodged prior to Councils adoption of the Bathurst Regional (Interim) Development Control Plan 2011.

Development Standard	Proposed	Permissible	Compliance
Min. lot size	581.7sqm	550sqm	Yes

Height	Single storey	Two-storey	Yes
Setbacks			
Front	3m	N/A	Yes
Rear	15m	As per BCA	Yes
Side	0m	As per BCA	Yes
Proposed setback is complimentary to the existing streetscape			
Car parking Resident	1	1	Yes

It should be noted that the proposal complies with the requirements of Bathurst Regional (Interim) Development Control Plan 2011.

Submissions

The development application was advertised and notified to adjoining property owners from 17 January 2011 to 1 February 2011. Following the advertising and notification period no submissions were received.

Conclusion

Council has received a Development Application (DA) for the demolition of a dwelling and, construction of a single storey dwelling at 21 William Street, Bathurst. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Dwelling houses are permissible. The existing dwelling has significant structural issues. It is considered that the proposed infill development will have a complimentary impact on the streetscape as the proposed building demonstrates sympathy to surrounding architectural styles and uses complimentary materials. Inspection of the existing building has revealed that it is in an extremely degraded state with significant structural problems. Approval for the demolition of the dwelling at 21 William Street can be supported in this instance because the proposed replacement dwelling will compliment the existing streetscape and the existing building is no longer structurally sound.

Unfortunately this represents another example of a building being left unmaintained to a point where demolition remains the only option.

Financial Implications: Nil

MINUTE

14 Item 7 DEMOLITION OF EXISTING DWELLING AND OUTBUILDING AND ERECTION OF A SINGLE STOREY DWELLING WITH ATTACHED GARAGE AT 21 WILLIAM STREET, BATHURST. APPLICANT/OWNER: K WEAL (DA 2011/0005)

MOVED: B Bourke SECONDED: I North

RESOLVED:That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0005, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) The applicant is to provide a detailed photographic record of the building to Council and the Bathurst Historical Society, prior to demolition.
 - (ii) Any archaeological remains discovered during the demolition are reported to the Heritage Branch, Department of Planning.
- (b) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

8 DEMOLITION OF DWELLING AND OUTBUILDINGS AND CONSTRUCTION OF 5 X TWO BEDROOM AND 2 X THREE BEDROOM UNITS AT 129 STEWART STREET, BATHURST. APPLICANT/OWNER: M & M WATTS (DA 2010/0959)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0959, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) The applicant is to provide a detailed photographic record of the building to Council prior to demolition commencing.
 - (ii) Any archaeological remains discovered during the demolition are reported to the Heritage Branch, Department of Planning and to Council.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of an existing dwelling and construction of seven single storey residential units at 129 Stewart Street, Bathurst, described as Lot 8 DP 758065 (see location plan at **attachment 1**).

The site currently contains a single storey dwelling and outbuilding.

The proposal

The proposal involves demolition of the existing building and the erection of seven single storey residential units, comprising five two-bedroom units and two three bedroom units (see plan of proposed development at **attachment 2**).

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.

Clause 11 Tree preservation order

The proposal will require the removal of 6 trees onsite.

The applicants will be required to lodge an application to remove trees under the Tree Preservation order prior the issue of a construction certificate.

During the discussion forum Councils Parks and Gardens section were generally in support of the proposed tree removals due to potential future safety concerns with the species of trees onsite.

Clause 23: Protection of Environmental Heritage

In order to assess the conservation significance of the dwelling proposed for demolition an assessment in accordance with section 10.3 of the Bathurst Regional (Interim) Development Control Plan 2011 was undertaken in consultation with Council's Heritage Advisor (full copy of assessment at **attachment 3**). Note the Assessment requirements under the current Development Control Plan are largely the same as those under Council's former demolition policy which was current at the time of lodgement of this Development Application.

The following table provides a summary of the assessment.

Date of construction	Circa 1950s
BCAMS results: Integrity Streetscape Rating Heritage Significance Overall Rating (out of 10)	Altered sympathetically (2) Contributory (3) Significant in a local context (2) 7
Significant historical matters	Association with Aaron Gainsborg, watchmaker and jeweller.
Cost of repairs	\$93,000
Compliance with infill policy	Yes
Impact of demolition on streetscape	<ul style="list-style-type: none">• Will result in the loss of the current aesthetics the existing dwelling and its setback contribute to Stewart Street.• Will result in the removal of the most prominent representative example Bathurst has of Post War architecture, which will ultimately impact on the range of architectural styles within the Stewart Street streetscape.

From a heritage perspective, the current proposal would be improved by retaining and incorporating the existing dwelling into the proposal. This is based on the aesthetics and rarity of the heritage significance of the existing dwelling and front garden in terms of its contribution to the streetscape and the character of the Bathurst Conservation Area.

Post War architecture is common within Bathurst, however, this dwelling is one of the most substantial examples known within the region. Therefore, it is considered a rare example of its architectural period.

The cost of essential works, being \$93,000, is considered reasonable when compared to other dwellings and the essential works identified.

The existing dwelling, whilst probably not considered by most as significant, is a rare example of Post War architecture in Bathurst. Retention of the existing dwelling would be the preferred option. This option has not been pursued by the applicant probably for two main reasons:

1. Cost of repair.
2. Unfortunate siting of the existing dwelling.

The existing dwelling is set well back from the street. Whilst this provides good views to the building the setback is not consistent with surrounding buildings and limits the development

potential of the land. The retention of the dwelling and construction of a new building in front might further optimise the potential of the site but would limit views to the building.

On the basis then of the unfortunate siting of the existing dwelling and the appropriateness of the infill development proposed, the proposal is reluctantly supported in this instance.

The proposed infill development is considered appropriate in terms of the overall form, design and character of the unit proposal. Should consent be granted for the dwelling's demolition, it is recommended the conditions relating to photographic records, archaeology, materials and colour scheme be included in the consent.

A copy of the Residential Infill Form lodged by the applicant is at **attachment 4**.

A copy of the Heritage Impact Statement lodged by the applicant is at **attachment 5**.

Development Control Plan - Residential Housing

This application is assessed under the former Development Control Plan as it was lodged prior to Councils adoption of the Bathurst Regional (Interim) Development Control Plan 2011.

The site is within Precinct 1 pursuant to the *Development Control Plan – Residential Housing*. 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.

Development Standard	Proposed	Permissible	Compliance
Min. lot size	2023sqm	690sqm	Yes
Density (persons/ha)	87 persons	88 persons	Yes
Height	Single storey	Two storey	Yes
Setbacks			
Front	2.7m	N/A	Yes
Rear	3m	as per BCA	Yes
Side	1m	as per BCA	Yes
Car parking			
Resident	8	7	Yes
Visitor	2	2	Yes
Access way width	4m	3-6m	Yes
Open Space			
Unit 1	37.4	20sqm	Yes
Unit 2	41.6	20sqm	Yes
Unit 3	26.8	20sqm	Yes
Unit 4	26.8	20sqm	Yes
Unit 5	26.8	20sqm	Yes
Unit 6	26.8	20sqm	Yes
Unit 7	62.3	20sqm	Yes

It should be noted that the proposal generally complies with the recently adopted Bathurst Regional (Interim) Development Control Plan 2011.

Submissions

The development application was advertised and notified to adjoining property owners from 10 January 2011 to 24 January 2011. Following the advertising and notification period a total of 1 submission was received (see submissions at **attachment 6**).

A discussion forum was convened by the Director Environmental, Planning & Building Services on 11 February (see minutes of discussion forum at **attachment 7**). Issues raised in the submissions and at the discussion forum included **removal of existing trees onsite**.

During the discussion forum Councils Parks and Gardens section were generally in support of the proposed tree removals due to potential future safety concerns with the species of trees onsite. A Tree Preservation Order application is required to be lodged prior to removal.

Conclusion

Council has received a Development Application (DA) for the demolition of a dwelling and outbuildings and the construction of seven single storey dwellings at 129 Stewart Street, Bathurst. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Units are permissible with consent in the 2(a) zone.

The site is located within the Bathurst Heritage Conservation Area and the dwelling is a rare example of Post War architecture in Bathurst. Buildings from this period of construction are generally not perceived by the public as being of heritage significance. Nonetheless redevelopment pressures will continue on these later building types. The proposed infill development will have a neutral impact on the streetscape as the proposed building demonstrates sympathy to surrounding architectural styles and uses complimentary materials.

Whilst it would be preferable to retain the existing dwelling as a part of the proposed development, this option has not been pursued by the applicant. The application is therefore only supported on the basis of the appropriateness of the infill development proposed and the unfortunate siting of the existing dwelling.

The development will require the removal of several trees however given the risk they pose to the development, Councils Parks and Gardens section have indicated that they will support the removal once a Tree removal application is made.

Financial Implications: Nil

MINUTE

15 Item 8 DEMOLITION OF DWELLING AND OUTBUILDINGS AND CONSTRUCTION OF 5 X TWO BEDROOM AND 2 X THREE BEDROOM UNITS AT 129 STEWART STREET, BATHURST. APPLICANT/OWNER: M & M WATTS (DA 2010/0959)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That Council:

- (a) Direct the Director Environmental Planning & Building Services to not approve Development Application number 2010/0959, due to the heritage significance of the building.
- (b) Notify those that made submissions of its decision
- (c) call a division.

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

The result of the division was:


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

Against the motion - Cr B Bourke, Cr G Westman,

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
16 MARCH 2011

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$53,021,107.58 was invested at 28 February 2011 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

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)	4.87%
Three Year Swap Rate - Commonwealth	5.16%

Short Term 1 – 365 Days

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

Deposit:

	<u>Rating</u>		<u>Average Return</u>
Bankwest	A-1+	\$ 500,000.00	6.12%
Bank of Queensland	A-2	\$5,000,000.00	6.13%
Bendigo and Adelaide Bank Ltd	A-2	\$8,000,000.00	6.17%
IMB Ltd	A-3	\$8,500,000.00	6.14%
National Australia Bank	A-1+	\$9,000,000.00	6.09%
Railways Credit Union	ADI	\$2,500,000.00	6.16%
Reliance Credit Union	ADI	\$1,000,000.00	6.00%
Savings and Loans Credit Union	ADI	\$1,000,000.00	6.13%
SGE Credit Union	ADI	\$2,000,000.00	6.19%
Westpac Banking Corporation	A-1+	<u>\$1,000,000.00</u>	<u>6.09%</u>
		\$38,500,000.00	6.13%

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	6.09%
Westpac	AA	\$2,000,000.00	6.36%

Westpac	AA	<u>\$2,000,000.00</u>	<u>6.19%</u>
		<u>\$6,000,000.00</u>	<u>6.21%</u>

Community Income Note

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

Negotiable & tradeable Certificates of Deposits

Commonwealth Bank	AA	<u>\$2,000,000.00</u>	<u>5.84%</u>
		<u>\$2,000,000.00</u>	<u>5.84%</u>

Floating Rate Notes

ANZ	AA	\$2,000,000.00	5.98%
Barclays Bank PLC – Australian Branch	AA-	\$2,000,000.00	6.63%
Bendigo Bank 2007	BBB	\$2,000,000.00	6.08%
Lehman Brothers Treasury Co		\$90,000.00	0.00%
Mackay Permanent Building Society	BBB-	\$500,000.00	4.27%
The Royal Bank of Scotland – Australian Branch	A+	<u>\$2,000,000.00</u>	<u>7.36%</u>
		<u>\$8,590,000.00</u>	<u>6.31%</u>

Total Investments		<u>\$56,021,107.58</u>	<u>6.05%</u>
--------------------------	--	-------------------------------	---------------------

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$34,790,679.90	
Grants held for specific purposes		\$3,865,705.90	
Section 94 Funds held for specific purposes		\$17,352,579.55	
Unrestricted Investments – All Funds		\$12,142.23	
*General Fund	\$4,270.64		
*Water Fund	\$3,282.89		
*Sewer Fund	\$1,769.19		
*Waste Fund	<u>\$2,819.51</u>		

Total Investments		<u>\$56,021,107.58</u>	
--------------------------	--	-------------------------------	--

<u>Total interest revenue to 28/02/2011 on investments</u>		<u>\$2,467,772.23</u>	<u>6.05%</u>
---	--	------------------------------	---------------------

R Roach
Responsible Accounting Officer

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

MINUTE

16 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED: W Aubin SECONDED: R Thompson

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 28 February 2011.

	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	4,437,528	4,437,528	0
Environmental Planning & Building Services	3,050,100	3,038,435	3,038,435	0
TOTAL	(102,955)	(102,955)	(102,955)	0

Variations for the Month of February 2011 - Nil

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.

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

MINUTE

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

MOVED: G Westman SECONDED: G Hanger

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

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 28 February 2011.

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:	\$20,715.46
BMEC Community:	\$ 9,131.12
Mount Panorama:	\$18,177.00

MINUTE

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

MOVED: I North SECONDED: T Carpenter

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.

- Woldhuis E - Brilliant Street Lot 12 DP1067873 - Mortgage
- Woldhuis E - Brilliant Street Lot 12 DP1067873 - Deed of Loan
- Meals on Wheels - Watt Drive - Lot 802 DP1160678 - Surrender of Lease
- Acquired Brain Injury Service NSW - Miller St - Part Lot 137 DP1123180 - Transfer
- Land & Property Management Authority - Bathurst Aerodrome - Lot 5 DP847356 - Variation to Lease
- Death RB & K - Part 32 Carlingford Street - Part Lot 41 DP252817 - Transfer
- Downie MP - Part 16 Beresford Street - Part Lot 1 DP1007965 - Transfer
- Baxter RP & I - 2 Vale Road - Part Lot 2 DP719983 - Transfer
- Taylor KT & SA - 28 Carlingford Street - Part Lot 1 DP732767 - Transfer

Linen Plan Release

- Nil

Financial Implications: Nil.

MINUTE

19 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: W Aubin SECONDED: T Carpenter

RESOLVED:That the information be noted.

5 REQUEST FOR FINANCIAL SUPPORT - INDUSTRY LINKS PROGRAM (18.00004-23)

Recommendation: That Council contribute \$500 to the Industry Links Program to be funded from Sundry Section 356 Donations.

Report: Council has received a request for financial support towards the operations of the Industry Links Program. The letter of request is shown at **attachment 1**.

This program is run in conjunction with the NSW Department of Education and Training and aims to link schools with businesses and give students the chance to experience a type of business without leaving school and giving students more involvement than just a week of work experience.

Financial Implications: This request would need to be funded from Council's Section 356 Donations which currently has a balance of \$20,715.46.

MINUTE

20 Item 5 REQUEST FOR FINANCIAL SUPPORT - INDUSTRY LINKS PROGRAM
(18.00004-23)

MOVED: B Bourke SECONDED: I North

RESOLVED:That Council contribute \$500 to the Industry Links Program to be funded from Sundry Section 356 Donations.

**6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SURF LIFE SAVING CLUB
(18.00004-21/027)**

Recommendation: That Council donate \$500 to Bathurst Surf Life Saving Club towards the cost of their participation in the Kidney Kar Rally 2011 from Section 356 Donations.

Report: Council has received a request from Bathurst Surf Life Saving Club for financial assistance towards the cost of their participation in the Kidney Kar Rally 2011. A copy of the request is provided at **attachment 1**.

Council, in the past, has supported this team with a donation of \$500 each year to assist with their fund raising. Council has always been appropriately represented and acknowledged for their donation.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$20,716.46.

MINUTE

21 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SURF LIFE SAVING CLUB (18.00004-21/027)

MOVED: I North SECONDED: B Bourke

RESOLVED:That Council donate \$500 to Bathurst Surf Life Saving Club towards the cost of their participation in the Kidney Kar Rally 2011 from Section 356 Donations.

7 ADDITIONAL FUNDING - EVOCITIES CAMPAIGN (18.00208-03/033)

Recommendation: For Council's consideration..

Report: Council has received a request for an additional \$20,000 for the current year to assist with the funding of the Evocities campaign. See **attachment 1.**

Council has provided \$40,000 in its budget for 2010/2011 to finance this operation and has been requested to increase this funding to \$60,000 in the 2011/2012 Management Plan.

Financial Implications: Council has not allowed for this increase in its contribution to the Evocities campaign.

MINUTE

22 Item 7 ADDITIONAL FUNDING - EVOCITIES CAMPAIGN (18.00208-03/033)

MOVED: R Thompson SECONDED: B Bourke

RESOLVED: That Council fund the additional \$20,000 for 2010/2011 for the Evocities Program, subject to the other six Evocities contributing an equivalent amount each.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

16 MARCH 2011

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

**1 PROPOSED CLOSURE OF CROWN ROAD AND TRANSFER, LOT 1 DP1128133
BULLOCKS FLAT ROAD WATTLE FLAT (22.12259)**

Recommendation: That Council make an application to the Land and Property Management Authority to close a Crown public road and transfer the land to the registered proprietors of Lot 1 DP1128133 as compensation, as detailed in the Director Engineering Services' report.

Report: Prior to the amalgamation of Evans Shire Council and Bathurst City Council, a Development Application was approved by the Evans Shire Council to dedicate a section of land (shown as 'A' on the plan at **attachment 1**) within Lot 278 DP755790. The property had nothing to do with the proposed development, however, the owners were required to give their property (3060 m² in area) for dedication of the public road.

Bathurst Regional Council carried out the procedures and the plan was registered in June 2008 as DP 1128133 (copy at **attachment 2**) being an extension of Bullocks Flat Road, Wattle Flat.

As a gesture of goodwill, at the time of the dedication, Council agreed to close the unformed Crown Road (shown as 'B' on **attachment 1**) adjoining the Council public road, and to transfer this area to the land owner as compensation.

For this to be finalised, Council will pay all legal and survey costs associated with the transfer of the closed section of the Crown public road.

It is recommended that Council make application to the Land and Property Management Authority to close a Crown public road, and for this land to be transferred to the owners of Lot 1 DP1128133, as compensation for land lost.

Financial Implications: It is estimated that the cost to close the Crown Road and transfer the property is \$3,000. The proposal is to be funded from Rural Road Maintenance.

MINUTE

**23 Item 1 PROPOSED CLOSURE OF CROWN ROAD AND TRANSFER, LOT 1
DP1128133 BULLOCKS FLAT ROAD WATTLE FLAT (22.12259)**

MOVED: W Aubin SECONDED: G Westman

RESOLVED:That Council make an application to the Land and Property Management Authority to close a Crown public road and transfer the land to the registered proprietors of Lot 1 DP1128133 as compensation, as detailed in the Director Engineering Services' report.

2 INFRASTRUCTURE AUSTRALIA: REGIONAL TOWNS WATER QUALITY AND SECURITY REVIEW (32.00026)

Recommendation: That Council:

- (a) send a submission to Infrastructure Australia which addresses the issues outlined in the report vigorously opposing the blanket reform of governance structure of all regional water utilities in New South Wales, and
- (b) issue a media release outlining Council's position.

Report: **Executive Summary**

Consultants engaged by the Australian Government have released a report for comments prior to 25 March 2011 that reviews regional towns' water quality and security.

Eleven of the twelve recommendations can be wholeheartedly supported, as they will improve the management, delivery and reporting for water and sewer services to customers.

However, the final, most important and far-reaching recommendation relates to the reform of governance structure in NSW and Queensland.

The preferred model would see water and sewer functions (including water and sewer funds) currently performed by local government in NSW and Queensland transferred to (State) Government owned Regional Water Corporations, the responsible boundaries of which would match catchments to the extent practical.

The report proposes to take water and sewer functions, assets, staff and funds away from Bathurst Regional Council, and this would have very serious implications for staff, customers and the community as the range and breadth of services that Council could sustain would be greatly reduced.

Council must identify and actively pursue a sound position in regards to the proposed reform of governance structure.

Introduction

Please note that italics indicates a direct quote throughout this Council Report.

On 31 January 2011, Infrastructure Australia issued the following Press Release.

Infrastructure Australia engaged AECOM Australia Pty Ltd to help identify opportunities to improve Australia's regional towns' water quality and security and to form practical recommendations for change at the federal, state and local government levels.

Infrastructure Australia's initial infrastructure audit identified concerns that in many regional towns, water quality does not always meet health standards and that planning for security is often inadequate.

The review looked at a sample of towns across Australia with populations between 2,000 and 15,000 and with a reticulated water supply. The AECOM report outlines the problems, analyses their causes, explores options and recommends a range of solutions. The key recommendations are to:

- *Mandate compliance with Australian Drinking Water Guidelines through legislation or regulation*
- *Implement a nationally consistent Best Practice Management Framework for all regional water utilities*
- *Move toward more cost reflective pricing water pricing (sic)*
- *Develop a more highly skilled workforce to operate and maintain water systems in regional water utilities by developing a nationally consistent trade qualification*
- *Reform the governance structure of regional water utilities in NSW and Queensland*

Infrastructure Australia is now developing a plan of action to respond to the findings and recommendations in the AECOM report.

Infrastructure Australia welcomes feedback on the findings and recommendations in the AECOM report. The report is available on Infrastructure Australia's website at http://www.infrastructureaustralia.gov.au/public_submissions/ .

Feedback should be sent to mail@infrastructureaustralia.gov.au

Infrastructure Australia will accept comments until 25 March 2011.

There is no known date for Infrastructure Australia's response and/or plan of action to the AECOM report.

Background on Infrastructure Australia

Infrastructure Australia's website introduces itself as follows:

The Australian Government has announced a new, national approach to planning, funding and implementing the nation's future infrastructure needs.

The Infrastructure Australia Act 2008 came into effect on 9 April 2008 paving the way to establish Infrastructure Australia.

Infrastructure Australia will develop a strategic blueprint for our nation's future infrastructure needs and - in partnership with the states, territories, local government and the private sector - facilitate its implementation.

It will provide advice to Australian governments about infrastructure gaps and bottlenecks that hinder economic growth and prosperity. It will also identify investment priorities and policy and regulatory reforms that will be necessary to enable timely and coordinated delivery of national infrastructure investment.

In the 2008-09 Budget the Government announced the establishment of a Building Australia Fund. Allocations from the Fund will be guided by Infrastructure Australia's national audit and infrastructure priority list.

Major Implications of the Report

The full report is available in two volumes on the Infrastructure Australia website, with volume one being the main report and volume two being the appendices. A full copy of the executive summary is provided at **attachment 1**.

The first four key recommendations (as outlined in the press release in the Introduction

section above) are reasonable, logical, and reflect much of the direction and work by Council over recent years. Almost all councils would support these recommendations.

The fifth and the major implication of the report is that the governance structure of regional water utilities in NSW and Queensland will be reformed. **The preferred model would see water and sewer functions (and funds) currently performed by local government in NSW and Queensland transferred to (State) Government owned Regional Water Corporations**, the responsible boundaries of which would match catchments to the extent practical.

Each Regional Water Corporation would be governed by an independent board, with appointments to that board based on expertise in water utility management. The board would appoint the senior management team of the Corporation. The board would report to a relevant Government Minister against a set of conditions set in an operating licence. Compliance with licence conditions would be mandated via relevant legislation. The larger corporate structure is likely to give rise to increased efficiency. Government would remain the sole shareholder of each corporation. Regional Water Corporations would be large enough to warrant supervision by independent pricing and regulatory authorities in each state, and compliance with licence conditions, including tariff setting, would be formally assessed by those authorities.

There are a number of key advantages from implementing this governance model. First, the Regional Water Corporation Board and management would have unambiguous objectives related to the efficient and effective management of the Regional Water Corporation. In particular, strategic decisions regarding maintenance and capital expenditure would no longer be made by local council General Managers. Second, the larger size of each Regional Water Corporation is likely to have a better chance of attracting appropriately qualified professional staff. Third, the larger customer base of each Water Corporation means that the expense of 'lumpy' capital assets required to improve water quality and security in smaller towns can be spread across a larger number of customers, spreading the impact from increases in residential bills. Finally, in time, Regional Water Corporations may be able to raise capital on wholesale financial markets in their own right, a funding option that is rarely available to local government in Australia.

Government would remain the sole shareholder of each corporation. There are two models currently in operation in Australia. Victorian Regional Water Corporations are wholly owned by the State Government of Victoria. In Tasmania, recent reform of the urban water sector in that state saw Water Corporations formed that are jointly owned by the councils that fall within the boundary of each Water Corporation.

The AECOM report suggests that to facilitate reform of the regional urban water sector, the Commonwealth Government could consider entering into funding agreements with the States, whereby successful and efficient implementation of agreed reforms by each State could attract a payment from the Commonwealth, in recognition of the costs of implementing wide-ranging reform.

The AECOM report also states:

If the Regional Water Corporation model is adopted, we propose that this be completed within two years. While our view is that the reforms will deliver substantial benefits in the medium to long term, there are likely to be some short term distributional impacts, particularly for smaller councils. Therefore, transitional assistance is likely to be required.

As the reform process in Victoria demonstrated, one-off grants were required to enable

some of the smallest utilities to upgrade neglected infrastructure. This is also likely to be the case in NSW and Queensland. This represents an ideal case for COAG to implement a National Partnership Agreement.

Many local government Councils rely on water utility revenue to their fund general purpose functions, and separation would therefore result in a loss of revenue. To offset this, a proportion of the dividend to be paid by the Regional Water Corporations could be transferred to local councils for a pre-defined transition period once certain reform outcomes had been achieved. This would mimic the practice of making performance payments to the States under the National Competition Policy reforms of the 1990s.

It should be noted that in the case of New South Wales no such payments have ever been made to local government.

The Regional Water Corporations should be regulated to return dividends to the State Government when they become profitable, with the model adopted being similar to the Victorian model. Alternatively, the Tasmanian model could be adopted with dividends returned to the legacy Local Government.

It should be noted, and is of concern that it would be Local Government assets that are generating the dividends which are being "returned" to the State Government.

To reiterate and to make the implications clear, the AECOM report proposes within two years to take water and sewer functions, assets, staff and funds away from Bathurst Regional Council. The current 2010/2011 budget shows the water fund income being \$13.8M and sewer fund income being \$9.9M, which totals \$23.7M or 20% of the overall \$118.9M Bathurst Regional Council budget. Water and sewer assets have a replacement cost well over \$300M. It is unclear as to what compensation or return if any may be available.

Alternate reform models

The report includes two alternate reform models:

If removal of urban water utility functions from councils is not adopted, at the very least water utility planning should be undertaken at a catchment level. There is precedent for this in a number of Alliances between neighbouring councils in NSW. The regional planning alliance model should include representation from the local water and wastewater utilities, local Catchment Management Authorities and the State's water department (DECCW in NSW, DERM in Queensland) to ensure State Government objectives are appropriately incorporated into local planning processes.

If the regional planning alliance model is adopted it should be completed within one year. Regional planning alliances should be formed as a "mandatory alliance" as per the Lower Macquarie Water Utilities Alliance in NSW.

The lower Macquarie Water Utilities Alliance signed a deed of agreement on 1 July 2008, and initially comprised of six (now eight) councils downstream of Burrendong Dam. The deed is based on a committee structure under Section 355 (d) of the Local Government Act.

Council should also be aware that the CENTROC Water Utilities Alliance (comprising 16 of the 17 CENTROC Councils) has commenced in late 2010, with two technical committee meetings held to date. Bathurst Regional Council is participating in this alliance. This has not created any extra levels of red tape nor any extra administration costs.

An alternative to the above models is State-wide water utilities, such as those operated in South Australia and Western Australia. Due to the number and complexity of catchments in NSW and Queensland, the State's water supplies would still be required to be managed on a regional basis. Regional issues would also be better managed by local staff living within the supply area, and consumers would also expect a level of local presence.

Due to the significant effort invested in managing large metropolitan water supplies, and the considerable amount of work also required in regional areas to ensure they achieve the water quality and water security objectives outlined in this report, it would be unviable for one entity to manage such a large and diverse scope of work in States the size and population of NSW and Queensland. We recommend this option entail combining all non-metropolitan water utilities, and that metropolitan water utilities be allowed to continue to focus on what they do well, which is servicing densely populated urban communities.

The metropolitan water utilities referred to are Sydney Water, Hunter Water, and the Central Coast Water Corporation (Gosford and Wyong Councils).

Project Methodology

Initially, the project brief required towns with a population from 5,000 to 15,000 people to be identified from around Australia. This means that cities such as Bathurst, Orange and Dubbo etc were not included. Due to the limited number of towns within that range, the report states that a lower limit of approximately 2,000 was adopted. The identified towns were checked to ensure they had a reticulated water supply, and assessed for known water quality and security issues. Towns meeting these criteria were selected for further analysis. It is not known if the converse is true (were towns not meeting one or both criteria not selected for further analysis).

AECOM note that due to time and budget constraints that not every town could be studied, that the approach was strategic and only a sample of towns would be studied. The water quality data selected for the review ranges from 2003/2004 through to 2007/2008, with no apparent consideration of data for 2008/2009 and 2009/2010 or the first half of 2010/2011.

For the ACT, no towns satisfied the criteria and none were selected for further investigation.

AECOM sourced data (from websites, reports, and federal state and local stakeholders) on the selected towns, although Western Australia was excluded from this part of the investigation, as the Water Corporation was unable to provide the necessary information. A literature review and the knowledge and experience of the AECOM project team identified issues and a broad range of solutions that were considered at stakeholder workshops.

The workshops considered what solutions may be implemented from a Commonwealth, state and utility level. While the objective of the project was to provide recommendations for improvement, workshop participants were also asked to focus on what is done well at a Commonwealth, state and utility level.

Workshops were held for each state and territory to ensure local issues and solutions were identified and incorporated. A national stakeholder workshop was also held to capture broader issues, as well as those solutions that may be implemented at a Commonwealth level.

A workshop was not held in Western Australia following a decision by Water Corporation not to participate. Water Corporation also requested that the other stakeholders, the

Department of Health and the Department of Water, not participate in the workshop.

In NSW there were 18 towns chosen out of 117 that meet the population criteria. Lithgow (2006 census population of 11,298), Cowra (8,426), Corowa (5,628), Yamba (5,515), Wellington (4,660), and Bega (4,536) were the largest towns, with the remaining 12 towns all less than 4,000 people. Tumbarumba (1,487) and Wentworth (1,305) are well below the minimum population criteria of 2,000 people.

Apart from Newcastle, Sydney and Wollongong (with a total 2006 census population of 4,994,518 people), there are 24 cities in NSW with greater than 15,000 people (with a total 2006 census population of 684,388), and for the 117 towns with greater than 2,000 people and less than 15,000 people the total 2006 census population is 586,995.

The water quality data selected for the review ranges from 2003/2004 through to 2007/2008, with no apparent consideration of data for 2008/2009 and 2009/2010 or the first half of 2010/2011.

Queensland had 22 towns selected, ranging in population from 830 to 12,562. Victoria had 18 towns selected, ranging in population from 164 to 9,379 and regional water corporations have been in place since July 2004. South Australia had 20 towns selected, ranging in population from 2,304 to 13,752 and there is a single water authority. Western Australia had 14 towns selected, ranging in population from 1,843 to 11,727 and there is a single water authority. Northern Territory had 7 towns selected, ranging in population from 1,186 to 27,481 (Alice Springs) and there is a single water authority. Tasmania had 2 towns selected, ranging in population from 4,400 to 9,514 with 3 regional water corporations serving that state.

For every town selected, AECOM determined the distance to the coast, raising a question of for what purpose they would require this information. Whilst many cities and towns are on or near the coast, and could therefore possibly consider desalination to improve water security, this is an extremely expensive capital and operating solution, and whilst it means that the supply would never be exhausted, it could never be feasible for inland centres.

The report also includes eight brief water quality case studies from around Australia and overseas. Two of these relate to NSW, with one being the Sydney Water cryptosporidium and giardia contamination in 1998. The other case study identified an undetected sewer overflow from a sewer pump station behind the Lake Jindabyne Bowling Club in 2009, and a gastroenteritis outbreak at the Smiggin Holes ski resort, also in 2009 when a tank ran out of water, and the residue from the bottom of the tank was flushed down the lines.

In addition, media monitoring identified 26 Australian articles from 1998 to 2009 related to water quality, and 16 articles on water security during 2009.

The Local Government and Shires Association issued a media release on 1 February 2011 as follows:

The Local Government and Shires Associations of NSW (LGSA) have rejected key findings in a Report into Local Water Utilities (LWUs) released today by Infrastructure Australia, saying there was no consultation with key players and relevant data that acknowledges councils are best placed to deliver these services has been conveniently ignored.

The Regional Towns Water Quality and Security Review Report recommends wholesale amalgamation and corporatisation of non-metropolitan LWUs in NSW, with

the transfer of ownership to State Government Water Corporations.

President of the Shires Association of NSW, Cr Bruce Miller, said the LGSA challenges many of the key findings and strongly objects to the way the Review has been conducted.

"We're furious at the lack of consultation, selective data collection and clearly flawed findings of the Infrastructure Australia Report in to Local Water Utilities," said Cr Miller.

"The LGSA have already called on the Minister for Infrastructure and Transport, the Hon Anthony Albanese, not to accept this Report on face value and requested that he consult with us and the relevant NSW State Government agencies before acting on it. We're also calling on the NSW Government and Opposition to immediately and publicly reject the Report," he said.

"Local Government is responsible for water and sewerage services outside the Sydney and Hunter regions of NSW and the consultants that have "researched" this Report have not even bothered getting our opinion and have appeared not to have even sought the relevant state agencies'.

"These eleventh hour proposals threaten to derail the comprehensive and all but concluded LWU review process that has been underway in NSW with the State Government since 2007.

"The Report barely brushes on the NSW Review and also conveniently ignores objective data which shows the strong performance of NSW LWUs and solid improvements in quality, productivity and water security that have been made by this sector over the past decade."

President of the Local Government Association, Cr Keith Rhoades AFSM, said it is widely acknowledged that councils are consistently delivering best-practice water management and the 106 Local Water Utilities in NSW are well placed to manage water supplies and sewerage.

"Contrary to the outdated and discredited leanings of agencies such as Infrastructure Australia, it's not necessary to have national uniformity in service delivery models," said Cr Rhoades.

Key findings and evidence

The report discusses eight areas of key findings and evidence:

- Pricing is only Part of the Problem

This section starts by discussing full cost recovery (however, neglects to mention that for NSW in 2008/2009, 96% of the utilities are achieving full cost recovery for water supply and 97% for sewerage). Bathurst Regional Council has full cost recovery for both water and sewer funds. After a poor conflicting argument, it goes on to their main point:

Appropriate frameworks are therefore required to ensure the best and most efficient use of water funds by water utilities. A case study to demonstrate this is the amalgamations in Victoria. While the benefits of improved economies of scale and subsequent pricing practices were well recognised when over 370 water service providers were amalgamated to 12 in 1994, the amalgamations did not generate equal improvement across the state.

Poor water quality and water security planning are still evident in some parts of the State. The issue of how to price water supplied to regional communities has also been challenging, with some controversy regarding larger communities subsidising smaller ones. However, overall the improvement generated by governance reform in Victoria has been significant.

- Inadequate Pricing Practices

This section also starts by discussing full cost recovery (however, again neglects to mention that for NSW in 2008/2009, 96% of the utilities are achieving full cost recovery for water supply and 97% for sewerage). Bathurst Regional Council has full cost recovery for both water and sewer funds. After a poor conflicting argument using outdated information, it goes on to their main point that deals with economies of scale:

the low connection figures for the towns listed above demonstrate that many regional towns are the only town on the local water supply scheme. This arrangement reduces the capability to draw upon economies of scale associated with servicing larger areas. This issue is most significant in NSW and Queensland, where the water utilities are generally local government operated; a model that potentially prevents nearby communities from being connected because they are run by separate water utilities.

This supposedly shows further “reasons” why the authors’ apparent bias for the Victorian Regional Water Corporation model is justified.

- Non-Compliance with ADWG

This section commences by discussing the Australian Drinking Water Guidelines (ADWG), which have not yet been a requirement of the NSW Best Practice Guidelines. The report notes:

The level of treatment on some surface water supplies is inadequate. Communities are at risk of being exposed to harmful disinfection by-products, cyanotoxins and pathogens .

The report goes on to discuss water quality issues and events from around Australia. It also discusses monitoring and reporting issues. No real conclusions are reached.

All water authorities strive to provide the best quality water they can, and all have constraints they must work within. Compliance with the ADWG is an issue that all water authorities would happily support. Of course, water quality issues also occur in the large capital cities that have fully documented plans showing how they will meet the ADWG.

- Absence of a Skilled Workforce

The report discusses that they believe that a key reason for non-compliance with the ADWG is the *absence of the necessary skills, experience and knowledge in water in many regional communities.*

Both water supply managers and operators have a critical role in achieving Australian Drinking Water Guidelines compliance. Inadequate systems and investment to ensure sufficient knowledge, skills and training in regional areas at the managerial and operations levels, result in a poor understanding of the scope of the Australian Drinking Water Guidelines, how they should be implemented, and why implementation is important. The potential consequences of compliance breaches are not fully appreciated and the role of the operator in actively managing water quality is poorly understood. This leads to inadequate

operation, maintenance and documentation practices that contribute to poor water quality.

Treatment plant operators working in regional areas do not receive access to the same level of training provided in the larger metropolitan areas. This is significant due to the link between the knowledge and experience of operation and maintenance staff and the safety of drinking water delivered to consumers .

The report continues with:

Based on anecdotal accounts from water industry professionals, a number of significant scenarios have been witnessed firsthand. These include the following:

Staff retention issues – a trained water treatment plant operator who had decided to work at the local bottle shop due to lack of remuneration; Councils preventing staff from completing the final subjects in water treatment certification for fear of them being “poached” by mining operations once certified.

Inadequate skills – water treatment plant operators who are unable to calculate a dose rate; jar testing equipment for use in the calculation of chemical dose rates that was locked in a cupboard and had never been used; water treatment process equipment that had been disabled.

Repeated and widespread instances of filter failure – causing inadequate filtration, clogging of filter nozzles, mixing of filtered and unfiltered water and structural damage

Treated water storage issues - poor management and maintenance of treated water reservoirs – and Appendix K), which is also supported by Magill and Barry (2009); prolonged storage of treated water (due to supply not matching demand or oversized reservoirs), leading to poor chlorine residual/disinfection.

Poor implementation practices - risk management plans (such as Hazard Analysis and Critical Control Points, or HACCP) are prepared, but trigger levels in the plant do not match those in the risk management plan.

Failures in auditing processes – audits that are a quick documentation check, rather than auditing the implementation of plans and procedures. A key reason for non-compliance is the absence of the necessary skills, experience and knowledge in water in many regional communities.

Failure in governance - The data collection period revealed some failures in governance to provide safe and reliable drinking water systems. For example, one Council – who was also the water utility – was fined in the Land and Environment Court for breaches of their Environment Protection Licence conditions, due to noncompliant operation and maintenance of their water treatment plant. Another Council was fined for failing to prevent and manage a sewer overflow into the drinking water supply.

The report acknowledges that:

The most concerning factor is that these scenarios are common across Australia, not just limited to regional towns, with some also observed in major cities.

No conclusions are reached, with the reader left to do that themselves.

- Inadequate Operator Training

Improving training and wider compliance with ADWG could deliver significant benefits.

No water authority would argue with that statement.

Operator training is poorly delivered and inadequately utilised in regional towns. Numerous stakeholders engaged during this Review identified current operator training practices as an inhibitor to the delivery of safe drinking water.

To support that statement the report provides numerous examples and 15 photographs taken at regional Australian water treatment plants, which are concerning and should be addressed by the relevant water authority.

This section also mentions rainfall and drought, and identifies other water security risk factors that are all prevalent in many of the selected towns.

No conclusions are reached, with the reader left to do that themselves.

- Poor Catchment-Based Planning

The following “argument” is given:

It has long been recognised that the management of Australia’s water resources according to institutional boundaries (such as State borders) has been a key barrier to achieving sustainable outcomes. Indeed, the Murray Darling Basin Plan is designed to remove this impediment.

The report continues:

The fact that urban water planning in parts of regional Australia continues to be defined by local government boundaries stands out as an oddity in Australia’s water resource management framework. It contrasts with the approach in NSW, for example, where catchment-based water sharing plans provide a rational approach to sharing the water resource between users and the environment and, for users, between town supply, rural domestic supply, stock watering, industry and irrigation. This approach indicates that more sustainable models can be implemented.

For supporting evidence the report states:

Traditionally, most states have encouraged “catchment to tap” management systems and plans. However, in an era of drought and increased reliance on manufactured water supplies such as recycled water and desalination, a “catchment to coast” approach that follows water from the source to the coast and considers the full range of users would be more suitable.

Catchment based planning improves management of water supplies in a number of ways... (examples given).

For Bathurst, the catchment to coast model would cover a river length well over 2,500km, and cross three states. This is what the Murray Darling Basin Plan, State Governments, and the (draft) Water Sharing Plans are working on right now.

This section reaches a conclusion:

Victoria currently employs a “catchment to coast” model for water planning, while regional approaches to drought proofing are currently being implemented across some parts of NSW via alliances and Regional Organisation of Councils. This approach also provides better access to technical expertise and economies of scale in procurement.

What the report fails to discuss is IWCM (Integrated Water Cycle Management) or storm water. Victorian Regional Water Corporations have no responsibility or ability to manage or integrate storm water, whereas NSW Local Government manages water supply, storm water and sewerage services together.

- Inadequate and Inconsistent Planning Frameworks

Water business related planning is not performed well in regional areas compared with the planning undertaken for metropolitan utilities and larger regional centres. Planning practices also differ between States, and as a result, the management of factors such as drought, demand, water quality, climate change and capital infrastructure is not achieved in a consistent manner and more importantly, not performed adequately in some parts of the country.

As with all frameworks, a standard national approach would streamline performance statistics and assist governments in evaluating the need for supplemental funding.

Data to support the inconsistency in water security planning and water restriction definitions, water consumption and asset management is provided...

The report raises further concerns:

The general lack of planning for water security has meant that shortages have been addressed through extended and strict water restrictions in many towns. However it is difficult to compare severity across towns as most restrictions are framed in terms of prohibited usage rather than consumption per person – the latter being difficult to enforce with the presently limited metering.

No conclusions are reached, with the reader left to do that themselves.

- Governance Arrangements

The solution to all of the above concerns and issues is:

Under a model similar to that in Victoria, water quality and security planning could be implemented more efficiently and, as noted in Section 2.6 (Poor Catchment-Based Planning), would be consistent with existing catchment based resource management plans.

The supporting evidence includes the following:

Delivery of water supply is becoming increasingly complex and costly, and the advantages offered by larger service providers are becoming more widely recognised and embraced. ATSE 2007 identified that the institutional model adopted has a direct impact on the extent and quality of water supply planning undertaken.

ATSE (2007) also questioned the capacity of local government owned water utilities to meet future challenges due to the increasing complexity of water management in Australia and the difficulty in sourcing specialised skills. A direct comparison between Victoria and NSW demonstrated that the smaller utilities in NSW were slower to commence urban water

planning even with the support of the state government. Similarly, Byrnes et al. (2009) found that Victorian water utilities were managed relatively more efficiently than comparable NSW utilities.

Some of the many advantages that can be derived through governance reform have included:

Significant scale economies in service provision, that come from sharing of resources and knowledge

Capacity to attract good quality staff increases

Ability to pay for new capital projects and renewals improves through greater customer base

Adaptability to new complexities arising in water quality management

'Catchment to coast' based planning is made simpler

Less dependency on government funding in the long term

Potential to implement better and fairer pricing models.

Armstrong and Gellatly's (2008) independent inquiry into water supply and sewerage services for non-metropolitan NSW identified two clear trends, compliance with both the Australian Drinking Water Guidelines and the NSW Best Practice Management Guidelines for Water Supply and Sewerage decreases as the number of connections served by a water utility decreases

The solution to these issues is clear:

The delivery of water and wastewater services to urban communities across regional Victoria for household, commercial and industrial use is the responsibility of Regional Water Corporations (RWC), that have no connection with local government.

In 2008, the Tasmanian Government passed the Water and Sewerage Industry Act and the Water and Sewerage Corporations Act, removing the responsibility for water and sewerage services from the 12 Local Councils and transferring it to three new regionally based Corporations

Queensland has consolidated a large number of council owned water utilities in the past two years. The newly formed Seqwater came about after the Queensland State Government took over control of the water supply systems in South East Queensland and amalgamated the regional council responsibilities.

If the AECOM report is any guide to the future of water and sewer services in regional NSW, then it is clear that the Australian Government will take action to ensure Local Government plays no part in that future.

Three recent media articles highlight some recent events in Victoria, showing that not everything is going well, and contradicting some of the AECOM report views:

"Minister turns off tap on Target 155 (Sydney Morning Herald, 25/2/11)

Victorians will no longer live with personal water consumption targets, with the new Coalition

government to dump the high-profile "Target 155" policy.

More than two years after Victorians were asked to limit their consumption to 155 litres each day, new Water Minister Peter Walsh said the strategy had been little more than a "political slogan" and would be discontinued.

Moves are under way to wipe Target 155 references from household water bills, while Mr Walsh confirmed that billboards, websites and other paraphernalia would also go.

Water authorities spent close to \$9 million last financial year on promotional campaigns to influence water consumption in Melbourne, of which Target 155 was the most prominent.

Mr Walsh said the target had not played a major role in reducing water consumption.

"I think in general Melbournians did a great job with the water restrictions that were in place, and I don't think they needed the political spin of the Target 155 campaign to know that they needed to be sensible with water use," he said."

"Goulburn Murray Water board resigns (ABC, 25/2/11)

The entire board of Victoria's largest rural water authority, Goulburn Murray Water, has resigned.

The Water Minister, Peter Walsh, wrote to the board earlier this week, demanding explanations about its financial management and recent senior staff departures."

"Wonthaggi desalination plant could see \$24 billion down the drain (Herald Sun, 1/3/11)

Former (Victorian) Premier John Brumby has refused to respond to Premier Ted Baillieu's scathing criticism of the former government's desalination plant project.

Mr Baillieu has blamed the former government for the massive cost blowout for the desalination plant, of which Mr Brumby was a major supporter.

It was revealed yesterday that every Melbourne household will have to pay more than \$11,000 in water charges in the next 30 years before turning on the tap.

Premier Ted Baillieu yesterday said the contract signed by the former Labor government for the "white elephant" desalination plant couldn't be broken and households would have the red ink on their bills for years.

The Government yesterday said the plant's cost could rise to \$23.9 billion - just over \$14,000 a household - if the maximum water allocation was used.

Three months after trying to find a way out of the Wonthaggi plant's contract, Mr Baillieu said "there were no material savings" to be made.

The average annual water bill is expected to double over the next two years to more than \$1000.

A PriceWaterhouseCoopers report shows the cost of the project without any water being sent to homes is \$19.3 billion in nominal terms, allowing for inflation and interest rates.

The key advocate of the plant, former premier John Brumby, stepped down after last year's election defeat with a pension of about \$3.6 million after almost 25 years in politics.

In its first operating year of 2013 the plant will cost households \$654 million - even if no water is produced.

The Coalition Government claims the water will cost up to \$13.50 a kilolitre, compared to just \$1.50 a kilolitre for current supplies."

AECOM Report Recommendations

As our key findings suggest, this review found that in terms of water quality, there is an Australia-wide need for improvement, while the institutional barriers to delivering water security are largely confined to NSW and Queensland. Reform of governance arrangements in NSW and Queensland is a crucial first step to implementation of a number of the recommendations outlined below. In particular, cost reflective pricing is unlikely to be feasible unless 'postage stamp' pricing can be implemented across generally larger water utilities. Similarly, corporately structured, independently managed and larger water utilities are first required to attract the highly skilled water industry professionals to address the water quality and security challenges facing many of the smaller towns in regional Australia.

Bathurst Regional Council already has cost reflective pricing in place.

The report contains twelve recommendations, eleven of which can be wholeheartedly supported.

It should be noted that there has been no consultation with NSW or Queensland councils or water utilities on the report recommendations.

The recommendations are:

1. *Regulate or Legislate Compliance with the ADWG*
2. *Establish Independent Review and Reporting of Compliance with the ADWG*
3. *Instigate Appropriate Responses to ADWG Non-Compliant Results*
4. *Improved Reporting Requirements*
5. *Develop Guidelines for Best Practice Planning and Management of Water Supplies*
6. *Develop a Self Assessment and Audit Tool for Planning*
7. *Regulate or Legislate the Best Practice Planning Framework*
8. *Investigate Pricing Structures to Provide Improved Water Pricing*
9. *Develop a Nationally Consistent Water Treatment Operator Trade Qualification*
10. *Improve the Delivery of Water Treatment Plant Operator Training*
11. *Include New Operator Training Requirements in the ADWG*

The final, most important and far-reaching recommendation relates to the governance structure in NSW and Queensland:

As we argued at the beginning of this chapter, it is recognised that implementation of the above recommendations is unlikely to be achievable in NSW and Queensland without reform of governance structures. In particular, this reform will make it feasible for the majority of urban water authorities to achieve the recommendations associated with improved water pricing, best practice management and reporting.

We have proposed three alternate governance models below, however our preferred model is the formation of Government owned Regional Water Corporations.

The report does not even canvass the possibility of the first eleven recommendations being achieved in NSW by the NSW Government and councils, despite major progress on

numerous fronts over recent years. It seems that the real reason for the report is the last recommendation (reform of governance structures), and the remainder has been used to justify that end without properly justifying that recommendation.

NSW Local Water Utilities Inquiry

In August 2007, the Hon Nathan Rees MP, then Minister for Water Utilities, announced an inquiry into the institutional and regulatory arrangements by which town water supply and sewerage services are provided in country NSW. The Government appointed two members of the community as the Inquiry Panel: the former Deputy Premier, the Hon Ian Armstrong, and the former head of the Premier's Department, Dr. Colin Gellatly.

The major relevant recommendation of the report (released in December 2008) is summarised as follows:

Good governance: The 106 local water utilities be aggregated into 32 regional groups that are broadly based on submissions provided by stakeholders. (Bathurst, Oberon, Lithgow, Mid-Western)

(There was also a catchment aggregation option canvassed, which proposed 15 groupings for the state. For Bathurst Regional Council, this meant Bathurst, Oberon, Lithgow, Mid-Western, Wellington, Dubbo, Narromine, Warren, Bogan, and Cobar).

Organisation models: Three organisational structure options should be considered for the regional groups of local water utilities. The models are:

- *binding alliance (for planning and technical functions)*
- *council-owned regional water corporation; and*
- *status quo for some large general purpose councils and county councils.*

The "binding alliance" and "status quo" options allow councils to retain ownership and management of water supply and sewerage assets and to continue providing customer services.

The NSW Local Water Utilities Inquiry Report indicated that Councils with greater than 10,000 connected properties would meet the viability criterion for remaining a stand alone water authority:

The status quo model remains an option for some local water utilities that operate sustainable water supply and sewerage businesses.

Other options should be considered for local water utilities with fewer than 10,000 connected properties.

It should be noted that Bathurst Regional Council has greater than 10,000 connected properties (now closer to 14,000), and therefore working on the State Government's criteria Council should stand alone. Also to be noted that Council is working with other CENTROC councils on water, sewer and other relevant matters.

The "council-owned regional water corporation" option involves the transfer of water supply and sewerage assets, related staff and service delivery responsibilities from councils to the corporation. Councils that are the beneficiaries of the corporation's services would be the only shareholders of the corporation.

The NSW Office of Water website states that

The independent Inquiry report does not recommend amalgamating councils or creating state-owned enterprises. Council amalgamations are outside the Inquiry's terms of reference. The Government ruled out the forced transfer of water supply and sewerage delivery functions and related assets to State-owned corporations.

The NSW Office of Water is working with stakeholders to analyse the recommendations in the independent inquiry report and develop a NSW Government response.

The report was placed on public exhibition from 14 January to 20 March 2009. Submissions have been provided by a wide range of stakeholders, including local water utilities, community groups, individuals and other interested organisations.

The NSW Office of Water, with other NSW Government agencies, is now considering the issues raised in submissions and undertaking further analysis of report recommendations in order to devise specific strategies to meet the goals of sustainable, secure long term water supply and sewerage services in non-metropolitan NSW.

Council would be aware that it is now fully compliant with the 19 best practice criteria, as shown in the following table:

Required Outcomes for Best-Practice Criteria		
Criterion Required	Required Outcome	Status
1. Strategic Business Planning	A current, sound Strategic Business Plan (SBP) and financial plan.	Compliant (report complete) [W & S]
Financial Planning	A robust financial plan which includes a capital works plan.	Compliant (plan complete) [W & S]
2. Pricing 18 and Developer (a) Charges	Full cost-recovery for each of water supply and sewerage businesses.	Compliant [W & S]
(b)	Complying water supply tariff.	Compliant [W]
(c)	Complying sewerage tariff.	Compliant [S]
(d)	Complying liquid trade waste fees and charges for all liquid trade waste dischargers.	Compliant [S]
Developer (e) Charges (DC)	Commercial Developer Charges.	Compliant [W & S]
Liquid Trade (f) Waste Approvals	Liquid trade waste approval issued to each trade waste discharger.	Compliant [S]
Dual Water (g) Supplies	Complying tariffs for dual water supplies.	Compliant [W]
3. Water Conservation	Sound water conservation and demand management in place.	Compliant [W]
4. Drought Management	Sound drought management in place.	Compliant [W]
5. Performance Reporting	Completed performance reporting forms to DWE. Review 2-page LWU Performance Report, prepare Action Plan.	Compliant (ongoing requirement) [W & S]
6. Integrated Water Cycle Management (IWCM)	Sound IWCM implemented.	Strategy Report complete. Implementation commenced. [W & S]

Since 9 June 2010 to mid February 2011, the NSW Office of Water webpage on the inquiry indicated that the NSW Government is expected to release its response to the Independent Inquiry Report in 2010, although following a web-page update on 22 February 2011, this comment no longer appears.

In response to that report, Council determined that it should remain a stand alone independent water authority. Further, Council did not want to be part of any compulsory alliance.

Response from Infrastructure Australia, Australian Government and State Government

At the time of writing the report, there has not been any response to the report issued by Infrastructure Australia, the Australian Government, or the State Government (current or future).

Council will be kept informed of any responses.

Response to Infrastructure Australia

Whilst the position of remaining a stand alone independent water authority was an option identified by the NSW commissioned report, this is not the case for the Infrastructure Australia AECOM report.

Council therefore needs to identify its position in relation to the AECOM report, and to make this clear to Infrastructure Australia, the Australian Government, and the State Government (current and future).

Around Australia, NSW and Queensland are the only states where local councils are responsible for water delivery, and this is outside the major capital city areas.

What is clear is that successfully implementing proposed reforms of any kind (without amendment) is proving difficult. The Australian Government is very keen to get any reform completed. Council should not underestimate the Australian Government's commitment to implementing reform wherever possible, and this AECOM report could be an area that is pursued vigorously.

Council should therefore carefully consider a future without water and sewer funds, staff, functions, and assets. Council should identify a realistic and defensible position that is communicated to the community, and take all steps necessary to ensure the best outcomes for the Bathurst Region.

Depending on what perspective is chosen, the various stakeholders involved in the future provision of water and sewer services (Australian Government, State Government, Councils, community, customers, and regulators) will all have a particular preference as to the governance structure.

What seems clear from the report is that the status quo for Bathurst Regional Council is not an option. The report pushes extremely hard for the Regional Water Corporation model, where dividends are returned to the State Government, not councils and their communities. This may suit the Australian Government, and the State Government, but not necessarily community, customers, and regulators. One just needs to look at the problems with the electricity industry to see it is not as simple as some may think.

From Council's perspective, it must consider adopting the catchment planning alliance model as a fall back position, whilst vigorously pursuing Council's preferred option of a stand alone authority. This is particularly important if the consultant's report is adopted by Infrastructure Australia, the Australian Government and the Senate, and also gains support

from the New South Wales Government.

Financial Implications: Should the recommendations of the Report proceed then the financial implications for Council and our community are as follows:

- Customer's water and sewer bills will increase (for example the recent electricity forecast increase of up to 60% for the State Government owned electricity corporations).
- The removal of Bathurst Regional Council assets (well over \$300,000,000) at nil or minimum return. This process would occur across the over 100 councils currently providing water and sewer services from around New South Wales, amounting to a very substantial rip-off of community resources. For 22 councils (for which data is available), the written down replacement cost (not the asset replacement value) for their water sewer assets is about \$10 billion alone.
- The State Government will take a dividend from Council, and if it applies to assets for example, $3\% \times \$300,000,000 = \$9,000,000$ per annum (stolen from our ratepayers). This process would occur across the over 100 councils currently providing water and sewer services from around New South Wales, amounting to a very substantial rip-off of community resources. To understand the impact of this on Bathurst Regional Council ratepayers, the total water/sewer charges levied by Council last year was \$17,000,000.
- There will be a loss of Council services.
- There will be many Council job losses.
- The recommendations are serious threat to the financial viability of Local Government Councils which will lead to either significant reductions in service levels or major increases in rates and charges.

MINUTE

24 Item 2 INFRASTRUCTURE AUSTRALIA: REGIONAL TOWNS WATER QUALITY AND SECURITY REVIEW (32.00026)

MOVED: G Westman SECONDED: M Morse

RESOLVED:That Council:

- (a) send a submission to Infrastructure Australia which addresses the issues outlined in the report vigorously opposing the blanket reform of governance structure of all regional water utilities in New South Wales, and
- (b) issue a media release outlining Council's position.

3 EXTINGUISHMENT OF RIGHT OF WAY, LOTS A, B AND PART C DP161902, CHURCH LANE KELSO (31.00003-05)

Recommendation: That Council approve the extinguishment of its rights regarding access to Lots A, B and part Lot C DP161902, Church Lane Kelso, in accordance with the Director Engineering Services' report.

Report: Council is the owner of property having frontage to Church Lane and River Road at Kelso which has been consolidated with other Council owned land to create one super lot on the Macquarie River flood plain. This consolidated area is shown as Lot 6 in unregistered plan DP1074887. Please refer to plan at **attachment 1**.

The Land and Property Management Authority has raised a Plan Requisition. To enable registration of the plan to be effected, the LPMA recommends that Council extinguish its dominant tenement rights over the Right of Way affecting Lot C in DP161902, shown in Deed of Conveyance Book 2432 No 622 (a copy of which is **attachment 2**).

As Council owns all the property adjoining the land with the exception of a triangular section to the south-west, Council's access to the property is no longer required over Lot C DP161902.

It is recommended to Council that the easement rights be extinguished by the due process as they are no longer required to gain access. This would cancel the recording of the easement on Council's property and permit the development of any land previously affected by the easement.

Financial Implications: Council's expenditure to the extinguishment of the easement is to be funded from the Gilmour Street Levee Fund.

MINUTE

**25 Item 3 EXTINGUISHMENT OF RIGHT OF WAY, LOTS A, B AND PART C
DP161902, CHURCH LANE KELSO (31.00003-05)**

MOVED: R Thompson SECONDED: G Westman

RESOLVED:That Council approve the extinguishment of its rights regarding access to Lots A, B and part Lot C DP161902, Church Lane Kelso, in accordance with the Director Engineering Services' report.

4 TENNIS NSW REGIONAL PARTNERSHIP (04.00013)

Recommendation: That Council:

- a) Note the information, and
- b) Sign the Memorandum of Understanding with Tennis NSW

Report: Recently representatives from Tennis NSW met with Council Officers, General Manager, Director Engineering Services, Manager Recreation and Manager Corporate Governance, to highlight to Council the role of Tennis NSW in relation to establishing Regional Partnerships with Councils and tennis complexes owned by Councils. In addition, the officers from Tennis NSW, Brett Andrews, Facility Development Manager and Nathan Wilkins, Central West Community Tennis Officer, advised on ways that tennis centres throughout the State, including Bathurst, can be made more sustainable and attract a greater number of participants in the sport.

One aspect that was highlighted to Council was a Regional Partnership MOU joining with Tennis NSW. Councils that are responsible for tennis facilities, (Bathurst Regional Council are responsible for 4 separate facilities in Bathurst), are encouraged to become a partner in this program and sign the MOU. Whilst the MOU is not binding, it can be an avenue for Council to access performance data, benchmark against other centres and have the ability to attend specific conferences, avail themselves of the use of Tennis NSW corporate branding, promotional opportunities and quality monitoring. In addition, it may provide opportunities for Council to access loans from Tennis NSW up to \$80,000 for a repayment term of up to eight years and in some instances Tennis NSW may fund up to 50% of project costs for projects that will enhance the profile of tennis in the city. Signing of the MOU opens up opportunities for the operator of the facilities in relation to tournaments, workshops and the like. Such opportunities can be instrumental in luring greater numbers of participants to tennis tournaments in Bathurst which then have a positive economic outcome for the city. Council has always encouraged and supported sporting events that bring an influx of visitors to the city for this reason.

The signing of an MOU with Tennis NSW may open up new avenues for securing higher profile tournaments to the city as it is feasible to believe that a party to the MOU may have an improved chance of securing such tournaments over a party that has no MOU in place. As there is nil cost to Council and the MOU is not binding, it is recommended that Council enter into the MOU with Tennis NSW for the betterment of the sport throughout Bathurst.

Financial Implications: Nil.

MINUTE

26 Item 4 TENNIS NSW REGIONAL PARTNERSHIP (04.00013)

MOVED: G Westman SECONDED: G Hanger

RESOLVED: That Council:

- a) Note the information, and
- b) Sign the Memorandum of Understanding with Tennis NSW

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT
16 MARCH 2011

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

1 CHANGES TO EARLY CHILDHOOD EDUCATION AND CARE (09.00007, 09.00008)

Recommendation: That the report be noted.

Report: In December 2009 all Australian Governments agreed to a new National Quality Framework for Early Childhood Education and Child Care.

The National Quality Framework (NQF) will encompass Long Day Care, Family Day Care and Outside School Hours Care, Pre School and put into place a new National Quality Standard to ensure high quality and consistent early childhood education and school age care across Australia.

It will improve quality through:

- Improved staff to child ratios to ensure each child gets more individual attention;
- New staff qualification requirements to ensure staff have the skills to help children learn and develop;
- A new quality rating system to ensure Australian families have access to transparent information relating to the quality of each early childhood education and care services;
- The establishment of a new National Body to ensure early childhood education and care is of high quality.

The National Quality Framework has three parts:

1. A National Quality Standard (NQS)
2. A National Rating System
3. An Early Years Learning Framework that guides all care providers in developing play based learning and development activities from children in early childhood education and school age settings (EYLF).

The main changes are as follows:

- The current National Childcare Accreditation (NCAC) process will cease from December 2011. Bathurst Family Day Care is due for an accreditation review in December 2011, the Scheme has been advised this will not occur, as any child care service due for accreditation renewal from January 2011, will not be required to submit a Self Study to NCAC. Services will next submit under the National Quality Framework.
- The current NSW Children's Services regulation and the accreditation process will be combined into one.
- All above Early Childhood Services will be governed by one regulation, which will be

based on the National Quality Standard (NQS).

- The Department of Human Services (Community Services) will be responsible for giving services approval to operate and a rating against the National Quality Standard.
- A new national body called the Australian Children's Education and Care Quality Authority (CECQA), will oversee the National Quality Standard but Community Services will be responsible for managing the rating and spot checks.

CHILDREN'S SERVICES OPERATIONS

The following are impacts on Council's children's services operations:

Section One of the National Quality Standard relates to the implementation of the Early Years Learning Framework.

The Early Years Learning Framework (EYLF) is the first part of the National Quality Standard: Educational Program and Practice. For Bathurst Regional Council's Family Day Care Scheme to rate well under the National Quality Standard and to therefore be given an approval to operate, our Scheme must be using this Framework.

The Framework provides broad direction for early childhood educators in Family Day Care to assist with children's learning. It guides practice and supports quality teaching and learning. It is Australia's first National Curriculum Framework for Early Childhood Education. The aim of the Framework is to extend and enrich children's learning. The Framework describes the broad principles, practice and outcomes required to support children's learning. It has a specific emphasis on play based learning and supports early childhood educators to work in partnership with families.

The Early Years Learning Framework acknowledges that a person who works directly with children in an early childhood setting is referred to as an Educator. Therefore, all Carers registered with Bathurst Regional Council Children's Services will be known as Family Day Care Educators.

In preparation of these changes staff have attended a number of training sessions in relation to the implementation of the Framework during 2010. Child Development Officers are completing the weekly playgroup reflective diary based upon the Framework and will be training all Educators to implement the EYLF in 2011 when completing their reflective diary.

Section Four of the National Quality Standards relates to Staffing arrangements: Qualifications, Ratios.

From 1 January 2014 the following needs to be adhered to:

1. One Educator to seven (7) children, with a maximum of four (4) children not yet attending School;
2. Educators will be required to have a minimum Certificate III level qualification (or be enrolled and studying) by 1 January 2014.

In relation to Point 1: The decrease of child numbers from five (5) under School Age to four (4) under School age will impact on the Educator's financial business operations and also on Scheme Occupied Places and Carer/Family Levy. It will be an approximate 25% decrease in funding.

The changes however will not come into effect until January 2014, giving both the Scheme and Educators time to forecast financial business plans.

Relevant training for Staff has already been undertaken regarding financial planning and the implications on the Scheme and Educators. Further training is planned for the future for both staff and Educators to ensure that strategies are in place prior to the changes coming into effect in 2014.

The Scheme Coordinator and Administration Officer have been proactive in compiling a Business Management Power Point presentation for Family Day Care Educators to assist in this transition. Family Day Care Australia has expressed interest in this presentation for use in training Family Day Care Schemes Australia wide.

In relation to Point 2: The Scheme has already been pro-active in sourcing training providers for Educators to attain Certificate III in Children's Services. The Children's Services Coordinator has already mentored ten (10) Educators through PEAK Training (Training arm of NSW Family Day Care Association). Currently the Scheme is liaising with Bathurst TAFE to provide training for a further ten (10) Educators.

The current NSW Children's Services Regulation will cease to operate from December 2011. The State Government has introduced a Children's Service Amendment Regulation 2010 and accompanying Regulatory Impact Statement. All Services were invited to comment at the end of 2010. The purpose of the amendment is to bring the NSW regulatory framework for Children's Services into better alignment with the National Quality Framework.

One of the main changes in relation to the amendment regulation surrounds supervision of children and conduct of excursions. The Scheme has already updated policies and procedures and has consulted with Scheme Educators in relation to these changes.

SCALLYWAGS AND LITTLE SCALLYWAGS OPERATIONS

Three main areas of impact of the new National Quality Framework for Early Childhood Education and Child Care on the operation of Scallywags and Little Scallywags are:

1. Improved staff to child ratios;
2. New staff qualification requirements; and
3. A new National Rating System.

1. Improved staff to child ratios

The following staff to child ratios to be introduced will be as follows:

Age	Staff to Child Ratio	Compliance date
Birth to 24 months	1 staff member to 4 children	1 Jan 2012
25 to 35 months	1 staff member to 5 children	1 Jan 2016
36 months to school	1 staff member to 10 children	1 Jan 2016
Mixed age groups	Proportional formula based on above ratios	1 Jan 2010

Impact on service provision at Scallywags:

Currently Scallywags already operates in compliance with the new ratios for the Birth to 24

month age group and the 36 months to school aged group. In the 25 to 35 months group an additional staff member will be required by 2016 as current ratios are one (1) staff member to eight (8) children.

Strategies are currently in place to phase in an additional staff member in the 25 to 35 months group beginning with an additional 2 hours per day in 2011 – 2012 financial year and increasing to full time before the compliance date of 1 January 2016.

Impact on service provision at Little Scallywags:

Currently Little Scallywags has a mixed age group, with licensed places for up to twelve (12) children aged birth to 24 months and eight (8) children over 25 months.

In the Birth to 24 months age group three staff members currently operate which complies with new ratios. In the 25 to 36 months group currently there is one (1) designated staff member. Casuals are used to cover lunch breaks and periods of high attendance for example collection times at the end of the day.

Strategies are currently in place to provide an additional staff member for 25 hours per week to cover breaks and ensure compliance with new ratios, at all times of the day. This may need to be increase to a full time position by 2016 dependant on numbers of children at the service.

2. New staff qualification requirements

To comply with the new standards the following will need to be in place by 1 January 2014:

- (a) An early childhood teacher will need to be in attendance all of the time when long day care and preschool services are being provided to 25 children or more.
- (b) An early childhood teacher will need to be in attendance some of the time when long day care and preschool services are being provided to less than 25 children.
- (c) Within each long day care centre or preschool, half of the staff will need to have or to be actively working towards a diploma-level early childhood education and care qualification or above, and the remaining staff will all be required to have or be actively working towards a Certificate III level early childhood education and care qualification or equivalent.

Impact on service provision at Scallywags:

Currently only one (1) staff member does not hold a certificate III or higher qualification, as this individual has a Mothercraft nurse certificate (which has been acceptable under current Regulations). Three (3) staff have Early Childhood Teaching qualifications, three (3) staff have Diploma qualifications, and three (3) staff have Certificate III qualification.

The three (3) Child Care Helper positions will require updating to reflect the required minimum training. These positions currently have no training requirement, however perform the same duties as staff employed as Child Care Assistant.

Impact on service provision at Little Scallywags:

Changes in staffing requirements will have little impact on Little Scallywags based on the current staffing.

All staff have required qualifications or are working towards them.

3. A new National Rating System

The new National Rating System will be introduced with each service being rated on the quality of service they provide. Each service will be assessed on their performance across the seven quality areas that make up the new National Quality Standards and given one overall rating. This will replace the current Quality Improvement and Accreditation System (QIAS). The National Quality Standard will cover long day care, family day care, outside school hours care and preschool services and centres will be assessed against the new quality standards from January 2012.

Impact on service provision at Scallywags:

Scallywags is currently accredited until January 2012. The centre will be required to comply with the new National Quality Standard.

Impact on service provision at Little Scallywags:

The centre is currently undertaking formal accreditation under the current national Childcare Accreditation System. The Self Study was submitted to the NCAC in December 2010.

Summary

Changes across all of Bathurst Regional Council's Children Services under the new National Quality Framework for Early Childhood Education and Child Care are consistently monitored and will be phased in over time to ensure compliance and the continuation of high quality care.

Financial Implications: The impact of the National Quality Framework will have distinctive financial implications as follows:

- (a) requirement for increased levels of training and hence budgetary allocation.
- (b) review of current staffing positions to meet legislative changes will reflect on position gradings and possibly result in changes to staff salaries.
- (c) impact of ratio adjustments will affect profitability for Children Services Educators which may impact on Educators provision of service.

Each of these changes will necessarily affect the level of service provided by Council in child care services. These will be at the fore front of any budgetary and service fee decisions for each service in coming years. It is likely that significant fee rises will occur, staff will work to keep these to a minimum.

MINUTE

27 Item 1 CHANGES TO EARLY CHILDHOOD EDUCATION AND CARE (09.00007, 09.00008)

MOVED: W Aubin SECONDED: I North

RESOLVED:That the report be noted.

2 KELSO COMMUNITY CENTRE - MULTI-PURPOSE OUTDOOR SPORTS COURT (16.00119)

Recommendation: That Council:

- (a) Accept the \$15,000 grant funding offered by NSW Government Community Building Partnership (CBP), and
- (b) Allocate an additional \$15,000 from Capital Works Reserve as Council's contribution to the project.

Report: Council has been successful in gaining \$15,000 funding under the NSW Government Community Building Partnership (CBP) Program to construct a new multi-purpose outdoor sports court at the Kelso Community Centre. The terms of this funding requires Council to match dollar for dollar giving the total project funding a value of \$30,000.

Kelso Community Centre has an existing concrete half-court with one goal post, situated between the main building and the oval. The area is not fenced and there is no shade provision.

The project funding provides for laying a new slab of concrete, approximately 19m x 17m and adjoining the existing slab. This will create a concrete full-size basketball court. The court will be marked for basketball and netball. Posts will be placed at either end with correct height and size goal rings. A single flood-light will be erected adjoining the court.

Once in place the court will provide a facility that can be used for training and coaching clinics, in conjunction with NSW Sport and Recreation, CSU, local schools and clubs together with general community use. In addition, it is to be placed alongside the football oval so that the facility is better equipped to host events such as indigenous sports carnivals in the future.

Financial Implications: Council is required to match the \$15,000 grant funding with \$15,000 of its own funds. this funding has not previously been allocated, however could be made available from Council's Capital Works Reserve.

MINUTE

28 Item 2 KELSO COMMUNITY CENTRE - MULTI-PURPOSE OUTDOOR SPORTS COURT (16.00119)

MOVED: B Bourke SECONDED: T Carpenter

RESOLVED:That Council:

- (a) Accept the \$15,000 grant funding offered by NSW Government Community Building Partnership (CBP), and
- (b) Allocate an additional \$15,000 from Capital Works Reserve as Council's contribution to the project.

3 HARMONY DAY EVENT - SUNDAY, 20 MARCH 2011 (09.00032)

Recommendation: That the information be noted.

Report: The Culturally and Linguistically Diverse (CALD) Working Group, the Harmony Day Working Party and Council Staff have been working to create a fun and inclusive celebration for National Harmony Day 2011.

Harmony Day is a chance to celebrate what makes each Australian unique and also to share what we have in common. It provides an opportunity to reflect on where Australia has come from, recognising the traditional owners of this land. It is also about community participation, inclusiveness and respect – celebrating the different cultures that make Australia a great place to live.

Harmony Day 2011 will include a picnic and celebration on Sunday, 20 March 2011 at the Peace Park, from 4.00 until 6.00pm. The event will also include:

- Choir performances
- Filipino Dancers
- Readings of different interpretations of the theme “Everyone Belongs”
- A circle to symbolise harmony and inclusion.

Families and individuals are welcome to remain afterward to enjoy a picnic in the tranquil settings of Peace Park, and the organisers encourage all Bathurst residents to attend.

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

MINUTE

29 Item 3 HARMONY DAY EVENT - SUNDAY, 20 MARCH 2011 (09.00032)

MOVED: T Carpenter SECONDED: M Morse

RESOLVED:That the information be noted.

4 YOUTH WEEK EVENT - SATURDAY, 2 APRIL 2011 (23.00047)

Recommendation: That the information be noted.

Report: Youth Week 2011 will see a first for Bathurst. This year's Youth Week celebration will be in the form of a 'Dive In' Movie, utilising the state of the art Bathurst Aquatic Centre facility.

The idea was first suggested by the 2010 Bathurst Youth Council. A Youth Week Working Party that includes Council staff and representatives from youth service providers across Bathurst was then formed to stage the event.

The Bathurst Regional Youth Council will reconvene on 10 March 2011 and will assist with final preparations for the 'Dive In' Movie event. The event will include a live performance by Will Tremain, a talented young local musician; a free BBQ and of course the big screen movie.

The 2011 Youth Week event will be held on Saturday, 2 April 2011 at the Bathurst Aquatic Centre, commencing with live music at 6.30 pm and movie at 7.30 pm.

Tickets will be \$5 per person and will be available for purchase shortly from Council and Headspace, Cnr Havannah and Piper Streets, Bathurst. Young people in the community aged between 12 and 24 are encouraged to attend.

2011 National Youth Week runs from 1 -10 April.

Financial Implications: Funding for this item is contained within existing budgets as well as \$2,500 received from Indent (Music NSW) and \$1,537.50 from Communities NSW.

MINUTE

30 Item 4 YOUTH WEEK EVENT - SATURDAY, 2 APRIL 2011 (23.00047)

MOVED: B Bourke SECONDED: T Carpenter

RESOLVED:That the information be noted.

5 DONATION BY FAMILY RELATIONSHIP CENTRE (21.00002)

Recommendation: That the information be noted.

Report: The Bathurst Library has launched a new collection of books and DVDs all donated, by the Bathurst Family Relationship Centre. The Bathurst Family Relationship Centre, managed by Relationships Australia, is one of 65 Australian Government funded Family Relationship Centres set up across Australia since 2006. Family Relationship Centres are the cornerstone of the family law system and a source of information for families; for people starting relationships, those wanting to make their relationships stronger, people having relationship difficulties and families affected by separation.

Separated parents often face a range of issues which they need to work through and the Centre provides a practical, confidential process that helps former partners discuss parenting issues including living arrangements, education, holiday arrangements and parental communication. Skilled practitioners' help clients look at options, focus on the needs of their children and jointly develop agreements for the future that suit both parents and their children."

These books deal with relationship help and parenting both preceding breakdown, grouped under the heading 'Keeping it Together', and after separation, categorised as 'Shared Care', and can be easily accessed by asking for a catalogue card at the front desk.

There are also children's books which would be beneficial in helping children make sense of divorce and relationship breakdown. Some of these include Dinosaurs Divorce, Fred Stays with Me, The Suitcase Kid and When Mum and Dad Talk.

Some of the more interesting titles for parents include: Ex-Etiquette for Parents, Helping Children Cope with Divorce, Keeping Kids out of the Middle, Shared Parenting, The Jigsaw Puzzle Family, Relationship Rescue, The Seven Principles for Making Marriage Work, Screamfree Parenting and the Five Love Languages of Your Family. "

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

MINUTE

31 Item 5 DONATION BY FAMILY RELATIONSHIP CENTRE (21.00002)

MOVED: M Morse SECONDED: W Aubin

RESOLVED:That the information be noted.

6 BABY BOUNCE PROGRAM AT BATHURST LIBRARY (21.00072)

Recommendation: That the information be noted.

Report: A new program for Bathurst children is being developed by Bathurst library staff.

Parents who encourage 'live' language learning by reading with their babies and singing and chanting rhymes can give their children a head start of up to five years of language-rich interaction before starting school, according to University of South Australia's, Associate Professor in Early Childhood Education, Susan Hill.

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

MINUTE

32 Item 6 BABY BOUNCE PROGRAM AT BATHURST LIBRARY (21.00072)

MOVED: R Thompson SECONDED: T Carpenter

RESOLVED:That the information be noted.

7 CHARLES STURT UNIVERSITY LIAISON WITH AUSTRALIAN FOSSIL AND MINERAL MUSEUM (21.00186)

Recommendation: That the information be noted.

Report: A cooperative project with Charles Sturt University, titled "Bringing the Museum Home" is being developed, involving the Australian Fossil and Mineral Museum and students from the School of Communication and Creative Industries.

It is envisaged that the project will facilitate the students working in a "live" environment where a client, that is the Museum, conveys a brief and the students then create a campaign of advertising and activities to meet the brief requirements.

The aim of the project is to increase local knowledge of the Australian Fossil and Mineral Museum and to increase local visitation.

Discussions are also being held with CSU to provide access to students to observe the Australian Fossil and Mineral Museums, Scattered bones program. Scattered Bones is a live interactive broadcast made by the Museum into school classrooms the length and breadth of NSW.

Participating as observers in this highly successful program will allow students to experience first hand the interactive broadcasts to schools that the Museum is pioneering.

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

MINUTE

33 Item 7 CHARLES STURT UNIVERSITY LIAISON WITH AUSTRALIAN FOSSIL AND MINERAL MUSEUM (21.00186)

MOVED: G Hanger SECONDED: T Carpenter

RESOLVED:That the information be noted.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

GENERAL MANAGER'S REPORT

16 MARCH 2011

**GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

1 SENIOR STAFF CONTRACTS (19.00030)

Recommendation: That the information be noted.

Report: The provisions of Section 339 of the Local Government Act (1993), requires that,

"The General Manager must, at least once annually, report to the Council on the contractual conditions of senior staff."

The only staff position that is appointed by the governing body of Council is that of the General Manager. The position of General Manager is a senior staff position under Section 334(1) of the Local Government Act (1993).

The General Manager is responsible for the appointment of all other staff (including senior staff) in accordance with the organisation structure and resources approved by the Council's governing body.

The following staff are employed as senior staff:

- General Manager
- Director Corporate Services & Finance
- Director Engineering Services
- Director Environmental Planning & Building Services, and,
- Director Cultural & Community Services

Each senior staff member is employed on a five year fixed term performance based contract. Employment Contracts are in accordance with the Department of Local Government's Standard contracts for General Managers and Senior Staff.

Performance of senior staff is reviewed annually by the General Manager. A sub-committee of Council undertakes the performance review of the General Manager, which is reported to the full Council.

All contracts have the same conditions, which include four (4) weeks annual leave (cumulative), three (3) weeks sick leave (cumulative), long service leave in accordance with the Local Government Award, public holidays as gazetted, and motor vehicle included in the salary package.

Financial Implications: Staff costs are provided for in the Council's adopted budget.

MINUTE

34 Item 1 SENIOR STAFF CONTRACTS (19.00030)

MOVED: B Bourke SECONDED: R Thompson

RESOLVED:That the information be noted.

Yours faithfully



D J Sherley
GENERAL MANAGER

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 2 MARCH 2011 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 2 March 2011 be adopted.

Report: The Minutes of the Policy Committee Meeting held 2 March 2011, are attached.

Financial Implications: N/A

MINUTE

35 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 MARCH 2011 (07.00064)

MOVED: G Westman SECONDED: W Aubin

RESOLVED:That the recommendations of the Policy Committee Meeting held on 2 March 2011 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 2 MARCH 2011

5PM MEETING COMMENCES

1 MEETING COMMENCES

Present: Councillors Tool (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson.

In attendance: General Manager, Director Corporate Services & Finance, Director Cultural & Community Services, Director Environmental Planning & Building Services, Director Engineering Services, Manager Corporate Governance, Manager Recreation, Manager Water & Waste, Manager Environment, Manager Technical Services.

APOLOGIES

2 APOLOGIES

MOVED Cr B Bourke

and **SECONDED** Cr I North

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 FEBRUARY 2011 (07.00064)

MOVED Cr M Morse

and **SECONDED** Cr R Thompson

RESOLVED: That the Minutes of the Policy Committee Meeting held on 2 February 2011 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr T Carpenter

and **SECONDED** Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

MAYORAL MINUTE

5 Item 1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT (18.00008)

MOVED Cr P Toole

RESOLVED: That Bathurst Regional Council declares its support for financial recognition of local government in the Australian Constitution so, that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the constitution to achieve this recognition.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

- 6** **Item 1 POLICY - STAFF - PROVISION OF INFORMATION TO, AND INTERACTION BETWEEN COUNCILLORS AND STAFF (07.00088, 11.00015, 41.00089)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council adopt the amended Policy - Staff - Provision of Information to, and Interaction between Councillors and Staff and update the Policy Manual accordingly.

- 7** **Item 2 POLICY - INVESTMENT OF SURPLUS FUNDS (16.00001, 41.00089)**
MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That Council rescind its current Investment Policy and adopt the Policy - Investment of Surplus Funds, which reflects the new Local Government Investment Order dated 12 January 2011.

- 8** **Item 3 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 23 NOVEMBER 2010 (07.00096)**
MOVED Cr I North and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

GENERAL BUSINESS

- 9** **TRINITY HEIGHTS PARKING 25.00031**

Cr Bourke - requested update on this issue.

The Director Engineering Services advised bollards have been ordered and should be installed within 2-3 weeks. Noted a letter has been received from a resident.

- 10** **WILLIAM & RUSSELL STREET LAYBACK 25.00002**

Cr North - asked where we are at with looking at reducing access heights.

The Director Engineering Services advised the works would be substantial due to cost of moving Telstra pits.

- 11** **RANKIN STREET / JORDAN CREEK 31.00005**

Cr North - advised this area very overgrown - can this be looked at by Council?

The Director Engineering Services advised Council will examine the area.

- 12** **COUNCIL CHAMBERS CLOCK 21.00036**

Cr Aubin - asked can we look at getting this repaired.

The Director Engineering Services advised of process in place - a clockmaker has been engaged and hopefully works will commence within 4 weeks.

13 LEARMONTH PARK 04.00033

Cr Aubin - asked can Council install a low fence along Raglan Creek.

The Mayor advised Council will get costing and refer to the Management Plan.

14 CHIFLEY DAM - DRAGON BOATS 18.00283 & 32.00005

Cr Morse - asked can Councillors go out for an inspection of the area to assess issues raised.

Mayor Toole noted discussions with NSW rowing. The facility is only temporary and Council awaits further proposals.

15 AGED CARE STUDY 09.00040

Cr Thompson - asked where are we at with the \$30,000 Aged Care Study.

The Director Cultural & Community Services advised of meetings with Charles Sturt University to get the study progressed.

16 SIGNAGE ENTRANCE WAYS 23.00045

Cr Thompson - asked where is this at?

The Director Environment Planning & Building Services advised of inclusion in Economic Development Strategy.

17 MOUNT PANORAMA PIT USAGE REPORT 04.00041

Cr Thompson - asked where is this at.

The Director Corporate Services & Finance advised the report is currently being prepared.

18 DOG ATTACK 05.00002

Cr Thompson - received request from resident who asked where this issue is at.

The Director Environment Planning & Building Services advised that a request for additional rangers will go to 2011/2012 Budget.

19 MACHATTIE PARK POSSUMS 04.00012

Cr Thompson - asked where is this at.

The Director Engineering Services advised of program being implemented.

20 MACHATTIE PARK BEES NEST 04.00012

Cr Carpenter - advised of her understanding that there are 2 bees nests in

Machattie Park - how are these dealt with?

The Manager Recreation advised of usual practice that when beehives are around, either contact experts to move them or don't touch them.

21 **PROCTOR PARK LIGHTING 04.00044 & 36.00379**

Cr Carpenter - received a complaint about new lighting impacting residents, who say they were not consulted.

The Director Engineering Services advised Council submitted a Development Application for lights. They have only been tested and have not yet been aligned.

22 **OWNER CORNER BUILDING - KEPPEL & BENTINCK STREETS 25.00039**

Cr Carpenter - advised that the owner is trying to get the building painted, but can't do it as needs scaffolding to be put in place. This is impossible due to power lines. Can we look at doing underground in this area.

The Director Engineering Services advised of detailed discussions with Country Energy and currently awaiting a quotation for the Keppel Street area.

23 **KEPPEL STREET PARKING 25.00039 & 22.00653**

Cr Carpenter - advised there is a problem with parking in this area. Can Council investigate possible linkage of carpark behind BINC on eastern side to Keppel Street.

24 **BUS STOP OUTSIDE LIBRARY 20.00019**

Cr Carpenter - advised of limited use of this bus stop. Can we review its use and need? Also could Council look at nominating Keppel Street as the next priority stage of the CBD Infrastructure program?

The Mayor advised infrastructure matter will be referred to a Working Party.

25 **HAWTHORNDEN CREEK 31.00013**

Cr Carpenter - asked does Council have to do any review of environmental factors for this type of works?

The Director Environmental Planning & Building Services advised reviews are carried out.

26 **LEEVE BANKS - GILMOUR STREET 31.00001**

Cr Carpenter - asked has any actions been taken on clearing water.

The Director Engineering Services advised currently purchasing land to help address the matter. The RTA has an involvement in this proposal but design is being carried out.

27 **2015 BICENTENARY CELEBRATIONS COMMITTEE 23.00125**

Cr Carpenter - advised that the 2015 committee is consulting with the BLACC Committee on the celebrations to be held. Spoke of \$10,000 allocated for the Windradyne Memorial and its possible use.

28 **RECYCLING - COMMERCIAL SECTOR 14.00053**

Cr Carpenter - advised that to date it has been left with contractors to deal with the commercial sector. Could a report be prepared on dealing with waste in the commercial sector, particularly with recycling.

29 **SIGNS IN BATHURST 28.00007**

Cr North - noted recently there have been a lot of signs knocked down in town. Can this be followed up.

30 **ENVIRONMENTAL LAND GRANTS 16.00021**

Cr Thompson - requested time lines for approval of grants.

The Director Environment Planning & Building Services spoke to time lines for approval of grants.

31 **SES VEHICLE HANDOVER 18.00043**

Mayor Toole - advised this occurred today. The SES have expressed thanks to Council and particularly to Terry Morgan.

MEETING CLOSE

32 **MEETING CLOSE**

The Meeting closed at 5.40 pm.

CHAIRMAN: _____

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

1 MINUTES - TRAFFIC COMMITTEE MEETING 1 MARCH 2011 (07.00006)

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

Report: The Minutes of the Traffic Committee Meeting held 1 March 2011, are attached.

Financial Implications: N/A

MINUTE

36 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 1 MARCH 2011 (07.00006)

MOVED: W Aubin SECONDED: B Bourke

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

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 1 MARCH 2011

2 PM MEETING COMMENCES

1 PRESENT

Members: Cr Warren Aubin (BRC), Jeff Crompton (MP Representative), Richard Dunbar (RTA), Superintendent Ross Wilkinson (NSW Police)

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

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 FEBRUARY 2011 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 1 February 2011 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 1 FEBRUARY 2011 (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 NO RIGHT TURN OFF STEWART STREET INTO PIPER STREET (0700006-12/011)

MOVED J Crompton

and **SECONDED** Cr W Aubin

RESOLVED: That Council investigate traffic control measures at the intersection of Piper Street and Rankin Street and report back to the next available Traffic Committee meeting.

8 Item 4 TEMPORARY CLOSURE OF DENISON STREET SOFALA - REBELLION ON THE TURON EVENT (25.00002)

That Council approve the temporary closure of Denison Street Sofala, between Bowen Street and Davis Street, from midday to 4.00 pm on Sunday 13 March 2011, for the staging of the Rebellion on the Turon. The event is to be classified as a Class 3 event and be subject to conditions as per the Director Engineering Services' report.

9 Item 5 TIME LIMITED PARKING, WILLIAM STREET OUTSIDE THE BATHURST MEMORIAL ENTERTAINMENT CENTRE (28.00006)

That Council approve the placement of time controlled authorised parking in William Street adjacent to the Bathurst Memorial Entertainment Centre.

10 Item 6 KEPPEL STREET AND STEWART STREET INTERSECTION – ALLOW THROUGH TRAFFIC FOR KEPPEL STREET (25.00039-05)

MOVED J Crompton

and **SECONDED** R Wilkinson

RESOLVED: That Council:-

- (a) Support that the traffic lights at the intersection of Keppel Street and Stewart Street be altered to allow the 4 way flow of traffic.
- (b) Request the Road & Traffic Authority implement the alteration as requested.
- (c) Note that the Traffic Committee considers the undertaking of a traffic study to be unnecessary since it has extensively investigated the matter.

11 Item 7 BATHURST HALF MARATHON 2011 EVENT (23.00026)

That Council classify the Bathurst Half Marathon and 10 km Run to be staged on Sunday 1 May 2011 as a Class 2 event, and approve the event subject to conditions detailed in the Director Engineering Services' Report.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

13 **MEETING CLOSE**

The Meeting closed at 3.45pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MOUNT PANORAMA RACING COMMITTEE

**MOUNT PANORAMA RACING COMMITTEE TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

**1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 23 FEBRUARY
2011 (04.00001)**

Recommendation: That the Minutes of the Mount Panorama Racing Committee Meeting held on 23 February 2011 be adopted.

Report: The Minutes of the Mount Panorama Racing Committee Meeting held on 23 February 2011, are attached:

Financial Implications: N/A

MINUTE

37 Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 23 FEBRUARY 2011 (04.00001)

MOVED: G Westman SECONDED: W Aubin

RESOLVED:That the Minutes of the Mount Panorama Racing Committee Meeting held on 23 February 2011 be adopted.

**2 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 2 MARCH 2011
(04.00001)**

Recommendation: That the Minutes of the Mount Panorama Racing Committee Meeting held on 2 March 2011 be adopted.

Report: The Minutes of the Mount Panorama Racing Committee Meeting held on 2 March 2011, are attached:

Financial Implications: N/A

MINUTE

38 Item 2 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 2 MARCH 2011 (04.00001)

MOVED: G Hanger SECONDED: B Bourke

RESOLVED:That the Minutes of the Mount Panorama Racing Committee Meeting held on 2 March 2011 be adopted.

MINUTES OF THE MOUNT PANORAMA RACING COMMITTEE
HELD ON 23 FEBRUARY 2011

MEETING COMMENCES

1 MEETING COMMENCES

Present: Councillors Morse, North, Thompson, Westman

In Attendance: General Manager, Manager Corporate Governance (acting Director Corporate Services & Finance), Manager Recreation (acting Director Engineering Services)

MEETING ADJOURNMENT

2 MEETING ADJOURNMENT

The General Manager noted that a quorum was not in attendance and advised would wait until 5:10pm.

At 5:10pm **the General Manager** noted there was still no quorum present.

MEETING RECONVENED

3 MEETING RECONVENED

MOVED Cr R Thompson

and **SECONDED** Cr M Morse

RESOLVED: that as there was no quorum in attendance the majority of Councillors agreed to adjourn the meeting in accordance with Clause 233 (2)(b) to a date and time to be set in March 2011.

MINUTES OF THE MOUNT PANORAMA RACING COMMITTEE
HELD ON 2 MARCH 2011

5.40 PM MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Environmental Planning & Building Services, Manager Corporate Governance.

APOLOGIES

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

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

It is noted that Cr Westman arrived at 5.45 pm.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE - 25 MARCH 2009 (04.00001)
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Mount Panorama Racing Committee Meeting held on 25 March 2009 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr G Hanger and **SECONDED** Cr T Carpenter

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 DEBRIEF - 12 HOUR RACE (04.00097)
MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 6** **Item 2 TRACKCORP EVENT NOVEMBER 2011 (04.00110)**
MOVED Cr G Hanger and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

Cr Westman arrived at 5.45 pm.

- 7** **Item 3 NEWTONS NATION 2012 EVENT (04.00122)**
MOVED Cr T Carpenter and **SECONDED** Cr M Morse

RESOLVED: That Council agree to the request from Newtons Nation for a date change for their next Event, from November 2011 to March 2012.

Director Engineering Services' Report

- 8** **Item 1 MOUNT PANORAMA CAPITAL WORKS (04.00001)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That the Mount Panorama Capital works program be referred to the 2011/2012 Management Plan.

- 9** **Item 2 FEASIBILITY STUDY INTO 2ND CIRCUIT AT MOUNT PANORAMA (07.00084)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

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

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

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.
- (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	FINANCIAL REPORT	<p>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.</p> <p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>

Director Corporate Services & Finance's Report

- a** **Item 1 FINANCIAL REPORT (04.000049)**
MOVED Cr I North and **SECONDED** Cr T Carpenter

That the information be noted.

RESOLVE INTO OPEN COMMITTEE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 16 MARCH 2011**

General Manager
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD
9 FEBRUARY 2011 (11.00019)**

Recommendation: That the information be noted.

Report: PRESENT:

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

General Manager, Acting Director Corporate Services & Finance,
Director Environmental Planning and Building Services, Director
Engineering Services, Director Cultural & Community Services,
Manager Water & Waste

APOLOGIES: Cr Bourke.

1. BATHURST PAN DRAGONS INC - USE OF BEN CHIFLEY DAM (32.00005)

Representatives from Bathurst Pan Dragons - Kathie Hamilton, Helen Healey and Linda Hurford attended the Council meeting to discuss the use of Ben Chifley Dam for Dragon Boat Racing. They also gave an apology from Ray Green.

Issues raised included:

- A brief history of the Bathurst Pan Dragons stating that the Group arose out of a fundraising effort which commenced at Bathurst hospital two to three years ago.
- Dragon Boat Racing is considered a good sport for fitness.
- Most of the people in the Bathurst Pan Dragons Club are new to Dragon Boat Racing
- Sixty people attended the 'come and try' day and their first paddling session will be this week.
- Some Club members would like to hold a Regatta on Chifley Dam in the future, similar to the one Orange holds.
- There are generally 20 people in a Dragon Boat crew, but you can do it with 14.
- In the long term, the Club would like a more permanent location.
- They also questioned the phone call that they had received, advising that the enclosure that they had established was not in the correct location.

The Director of Engineering Services advised that the location was not where the Development Application approval had been granted.

2. CENTRAL WEST CATCHMENT MANAGEMENT AUTHORITY (07.00047)

Diana Kureen from the Central West Catchment Management Authority attended the meeting and gave a presentation to Council on activities undertaken by the Central West Catchment Management Authority (CMA).

Discussion included:

- That the Central West Catchment Management Authority collaborated with 16 Councils.
- CWCMA covers 85000 Sq Km area including the Castlereagh, Macquarie and Bogan River areas.
- CWCMA holds quarterly reference meetings with the 16 Councils.
- Collaborates with the Salinity and Water Quality Alliance. Its aim is to address Salinity through a whole of catchment approach.
- Between 2007 and 2010 the Central West CMA injected \$2m funding into Council areas with the Council putting in a further \$1.5m in funding and in kind contributions.
- Have developed a Catchment Action Plan which links to the NSW State Plan.
- CMA have employed a Project Officer to implement the Plan, currently subsidised 50% by the Council.
- Some of the Projects include Weed Control, Regeneration, Replanting, Storm Water Management and Education of the public
- The CMA has supported a number of training programmes for Staff and Councillors.

Financial Implications: N/A

MINUTE

**39 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES HELD 9 FEBRUARY 2011 (11.00019)**

MOVED: T Carpenter SECONDED: R Thompson

RESOLVED:That the information be noted.

2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - MINUTES
(23.00080)

Recommendation: That the information be noted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 7 December 2010 and Tuesday 22 February are provided at **attachment 1** and **attachment 2**.

Financial Implications: N/A

MINUTE

40 Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - MINUTES (23.00080)

MOVED: M Morse SECONDED: B Bourke

RESOLVED:That the information be noted.

MINUTE

41 Item 999 MEETING CLOSE

The Meeting closed at 7.28pm.

CHAIRMAN: _____

Date: _____ **(20 April 2010)**