



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

13 April 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, 20 April 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, 20 APRIL 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 March 2011
 - * Minutes - Ordinary Meeting of Bathurst Regional Council following Policy - 6 April 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. MAYORAL MINUTE - Nil
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
 - * Director Cultural & Community Services' Report
9. REPORTS OF OTHER COMMITTEES
 - * Minutes - Climate Change Committee Meeting - 6 April 2011
 - * Minutes - Policy Committee Meeting - 6 April 2011
 - * Minutes - Traffic Committee Meeting 5 April 2011
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- * Councillors Meeting With Community Groups/representatives held 9 March 2011
- * Minutes of The Bathurst Regional Youth Council Meeting Held on 10 March 2011

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

Recommendation: That:

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

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

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

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|---|
| 1 | PROPOSED PURCHASE OF LAND, LLOYDS 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. |
| 2 | EARLY REPAYMENT OF LOANS | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the |

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| | | commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 3 | PROPOSED NEW LEASE - STATE PROPERTY AUTHORITY - PART LEVEL 2, 230 HOWICK STREET, BATHURST | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 4 | KELSO FLOODPLAIN VOLUNTARY ACQUISITION - PROPOSED PURCHASE OF 29 CHURCH LANE, KELSO FROM PARKES | 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 CHANGE TO SALE CONDITIONS - GRAINFORCE COMMODITIES PTY LTD - INDUSTRIAL LAND AT KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 6 | RURAL LEASE AGREEMENT - LAFFING WATERS LANE, KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the |

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| | | person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
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*** Director Engineering Services' Report**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|--|
| 1 | TENDER FOR PROVISION OF HOUSEHOLD HAZARDOUS WASTE STORAGE UNITS | 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 LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12 | 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 LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12 CIVIL WORKS | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

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|---|---|---|
| 4 | TENDER FOR DESIGN DEVELOPMENT & CONSTRUCTION OF SLUDGE LAGOON SUPERNATANT RECYCLE SYSTEM AT BATHURST WATER FILTRATION PLANT | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 5 | TENDER FOR CONSTRUCTION OF CREEK REGRADING WORKS HAWTHORNDEN CREEK 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. |
| 6 | TENDER FOR SUPPLY AND DELIVERY OF ONE CRANE TRUCK | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 7 | TENDER FOR SUPPLY AND DELIVERY OF ONE WHEEL LOADER | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

Brett Kenworthy – AH & P - DCSF Item #7 - Spoke to request for assistance and the development of a formalised partnership with Council.

Dowling - Ratepayer - Raised the following matters:

- Car Lot on Corner Gilmour and Marsden Lane - surprised this was blocked off. Would like to see proposal to provide car sale area on Hereford Street followed up.
- Speed on Gilmour Street near ABC Centre - Jumps from 50km per hour to 60km per hour just before the roundabout. Would like to see Council approach RTA about reducing to 50km per hour, then after the round-a-bout it is OK for 60km per hour to commence towards the St Pats Club.

G Crisp - Ratepayer - spoke to loss and insurance claim due to Hadley/Newman matter. Referred to his qualifications and submissions he has made to the Council and accusations he has made about Council's Auditors. Continued making allegations against staff and Councillors.

B Triming - Ratepayer - Raised the following matters:

- DEPBS Item #4 - Has concerns there are no accessible sealed footpaths to the Wellness Clinic. There needs to be a connected footpath to the pedestrian lights at Stewart Street and to Rankin Street. The lights at Stewart Street and Durham Street needs a pedestrian crossing on the city side of the intersection.
- DEPBS Item #5 - Shopping Centre - Objects to the number of accessible parking spaces. Whilst 2 is what is required with the number of spaces provided, there should be 3 based on the 102 required under the code. The number of spaces reduced by Council previously should not be taken into account when finalising accessible spaces. Spoke to taxi access, accessible paths through traffic islands, ramp access and traffic issues in Rankin Street.
- EBP on Web - Noted files on web are too large to open, can items be broken up into smaller packages. Tabled letter for Council.

D Killiby - Ratepayer - DEPBS Item #3 - Spoke to the development proposed and in particular parking requirements for the site. Will monitor parking requirements and noted there is space to cater for more parking if needed. Further, advised of village rules for the site to control behaviour on the site eg residential advisors, Res-Life program, standards expected.

MINUTE

3 APOLOGIES

Nil

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 20 APRIL 2011

General Manager
Bathurst Regional Council

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

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

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

Financial Implications: N/A

MINUTE

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

MOVED: I North SECONDED: B Bourke

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

**2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
FOLLOWING POLICY - 6 APRIL 2011 (11.00005)**

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 6 April 2011 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 6 April 2011, are attached.

Financial Implications: N/A

MINUTE

**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
FOLLOWING POLICY - 6 APRIL 2011 (11.00005)**

MOVED: G Westman SECONDED: W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council following Policy held on 6 April 2011 be adopted.

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

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.

APOLOGIES

3 APOLOGIES

Nil

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 FEBRUARY 2011 (11.00005)
MOVED Cr W Aubin and **SECONDED** Cr B Bourke

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

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

- 6** Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)
MOVED Cr G Westman and SECONDED Cr R Thompson

RESOLVED: That the information be noted.

7 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.

- 8** ADJOURNMENT - ACT OF DISORDER
MOVED Cr M Morse and SECONDED Cr 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.

- 9** Item 2 GENERAL REPORT (03.00053)
MOVED Cr R Thompson and SECONDED Cr I North

RESOLVED: That the information be noted.

- 10** Item 3 STANDARD INSTRUMENT - LOCAL ENVIRONMENTAL PLAN (20.11143)
MOVED Cr G Hanger and SECONDED Cr M Morse

RESOLVED: That the information be noted.

- 11** Item 4 NAMING OF PUBLIC ROADS - ICELY STREET, EGLINTON (20.00024)
MOVED Cr R Thompson and SECONDED Cr G Westman

RESOLVED:That Council:

- (a) adopt the name Icelly 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.

12 Item 5 REVOLVING ENERGY FUND GUIDELINES (13.00061)

MOVED Cr T Carpenter and **SECONDED** Cr 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.

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

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

RESOLVED:That the information be noted.

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 Cr B Bourke and **SECONDED** Cr 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

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 Cr T Carpenter

and **SECONDED** Cr 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

Director Corporate Services & Finance's Report

16 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED Cr W Aubin

and **SECONDED** Cr R Thompson

RESOLVED: That the information be noted.

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

MOVED Cr G Westman

and **SECONDED** Cr G Hanger

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

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

MOVED Cr I North

and **SECONDED** Cr T Carpenter

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

- 19** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr W Aubin and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 20** **Item 5 REQUEST FOR FINANCIAL SUPPORT - INDUSTRY LINKS PROGRAM (18.00004-23)**
MOVED Cr B Bourke and **SECONDED** Cr I North

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

- 21** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST SURF LIFE SAVING CLUB (18.00004-21/027)**
MOVED Cr I North and **SECONDED** Cr 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.

- 22** **Item 7 ADDITIONAL FUNDING - EVOCITIES CAMPAIGN (18.00208-03/033)**
MOVED Cr R Thompson and **SECONDED** Cr 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.

Director Engineering Services' Report

- 23** **Item 1 PROPOSED CLOSURE OF CROWN ROAD AND TRANSFER, LOT 1 DP1128133 BULLOCKS FLAT ROAD WATTLE FLAT (22.12259)**
MOVED Cr W Aubin and **SECONDED** Cr 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.

- 24** **Item 2 INFRASTRUCTURE AUSTRALIA: REGIONAL TOWNS WATER QUALITY AND SECURITY REVIEW (32.00026)**
MOVED Cr G Westman and **SECONDED** Cr 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.

- 25** **Item 3 EXTINGUISHMENT OF RIGHT OF WAY, LOTS A, B AND PART C DP161902, CHURCH LANE KELSO (31.00003-05)**
MOVED Cr R Thompson and **SECONDED** Cr 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.

- 26** **Item 4 TENNIS NSW REGIONAL PARTNERSHIP (04.00013)**
MOVED Cr G Westman and **SECONDED** Cr G Hanger

RESOLVED: That Council:

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

Director Cultural & Community Services' Report

- 27** **Item 1 CHANGES TO EARLY CHILDHOOD EDUCATION AND CARE (09.00007, 09.00008)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the report be noted.

- 28** **Item 2 KELSO COMMUNITY CENTRE - MULTI-PURPOSE OUTDOOR SPORTS COURT (16.00119)**
MOVED Cr B Bourke and **SECONDED** Cr 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.

- 29** **Item 3 HARMONY DAY EVENT - SUNDAY, 20 MARCH 2011 (09.00032)**
MOVED Cr T Carpenter and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 30** **Item 4 YOUTH WEEK EVENT - SATURDAY, 2 APRIL 2011 (23.00047)**
MOVED Cr B Bourke and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 31** **Item 5 DONATION BY FAMILY RELATIONSHIP CENTRE (21.00002)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 32** **Item 6 BABY BOUNCE PROGRAM AT BATHURST LIBRARY (21.00072)**
MOVED Cr R Thompson and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 33** **Item 7 CHARLES STURT UNIVERSITY LIAISON WITH AUSTRALIAN FOSSIL**

AND MINERAL MUSEUM (21.00186)**MOVED** Cr G Hangerand **SECONDED** Cr T Carpenter**RESOLVED:**That the information be noted.**General Manager's Report****34 Item 1 SENIOR STAFF CONTRACTS (19.00030)****MOVED** Cr B Bourkeand **SECONDED** Cr R Thompson**RESOLVED:**That the information be noted.**REPORTS OF OTHER COMMITTEES****Policy Committee Meeting****35 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 MARCH 2011 (07.00064)****MOVED** Cr G Westmanand **SECONDED** Cr W Aubin**RESOLVED:**That the recommendations of the Policy Committee Meeting held on 2 March 2011 be adopted.**Traffic Committee Meeting****36 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 1 MARCH 2011 (07.00006)****MOVED** Cr W Aubinand **SECONDED** Cr B Bourke**RESOLVED:**That the recommendations of the Traffic Committee Meeting held on 1 March be adopted.**Mount Panorama Racing Committee****37 Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 23 FEBRUARY 2011 (04.00001)****MOVED** Cr G Westmanand **SECONDED** Cr W Aubin**RESOLVED:**That the Minutes of the Mount Panorama Racing Committee Meeting held on 23 February 2011 be adopted.**38 Item 2 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 2 MARCH 2011 (04.00001)****MOVED** Cr G Hangerand **SECONDED** Cr B Bourke**RESOLVED:**That the Minutes of the Mount Panorama Racing Committee Meeting held on 2 March 2011 be adopted.**DELEGATES REPORTS****39 Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD 9 FEBRUARY 2011 (11.00019)****MOVED** Cr T Carpenterand **SECONDED** Cr R Thompson**RESOLVED:**That the information be noted.

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE
HELD ON 6 APRIL 2011**

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

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

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

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the Declaration of Interest be noted.

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

**4 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH
CONFIDENTIAL REPORTS**
MOVED Cr I North 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 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 | PURCHASE OF PROPERTY - 449 CONROD STRAIGHT, MT PANORAMA | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

Director Corporate Services & Finance's Report

- a** **Item 1 PURCHASE OF PROPERTY - 449 CONROD STRAIGHT, MT PANORAMA (22.04682)**
MOVED Cr G Hanger and **SECONDED** Cr B Bourke

That Council approves the purchase of Lot G DP161903 known as 449 Conrod Straight, Mt Panorama in accordance with the report.

RESOLVE INTO OPEN COUNCIL

- 5** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That Council resume Open Council.

MINUTE

6 ACT OF DISORDER

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

The Mayor requested Mr Crisp cease his act of disorder. Mr Crisp continued his interruption of the meeting, for several minutes whilst reports were dealt with, he then left the meeting at 6.26pm.

MINUTE

7 DECLARATION OF INTEREST 11.00002
MOVED: I North SECONDED: M Morse

RESOLVED: That the following Declarations of Interest be noted.

Cr Thompson

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
20 APRIL 2011

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 20
APRIL 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

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

MOVED: T Carpenter SECONDED: R Thompson

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during March 2011 (**attachment 1**)
- (b) Applications refused during March 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 March 2011 (**attachment 5**).

Financial Implications: Nil.

MINUTE

9 Item 2 GENERAL REPORT (03.00053)

MOVED: R Thompson SECONDED: G Westman

RESOLVED: That the information be noted.

3 DEVELOPMENT APPLICATION NO. 2010/0945 - RESTORATION OF EXISTING "ALL HALLOWS" BUILDING AND CONSTRUCTION OF STUDENT ACCOMMODATION COMPLEX AT 42 LLOYDS ROAD, SOUTH BATHURST. APPLICANT: DIONYSUS GROUP PTY LTD. OWNER: INDIGENOUS BUSINESS AUSTRALIA (DA 2010/0945)

Recommendation: That Council:

- (a) Support the use of Clause 24 (1) – Conservation incentives permitting a Boarding House in the 5(a) Special Uses – Public Purpose zone;
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No 2010/0945, 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) All the required restoration and maintenance works identified in Section 7.4: Maintenance, of the *Summary Conservation Management Plan + Heritage Impact Statement – Adaptive Reuse for "All Hallows" Convent and School*, are to be carried out and completed as part of Stages 1 and 2 of the proposal.
 - (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, Department of Planning, prior to the disturbance of the archaeological relics.
 - (iii) The external materials to be used in the proposed development are to compliment those used on the existing building. The submission of a letter or a report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction are to be approved by Council.
- (c) notify those who made submissions of its decision; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a student accommodation complex including restoration of an existing building at 42 Lloyds Road, South Bathurst, described as Lot 1 DP 838931 (see location plan at **attachment 1**).

The current site contains the former "All Hallows" Convent and School, Child Care Centre and a separate manager's residence. The site is 4.058 hectares in area and is zoned 5(a) Special Uses – Public Purposes zone.

Under a previously approved consent the Towri Child Care Centre is to be subdivided from the "All Hallows" part of the site. The Child Care Centre land does not form part of this application.

History of the Site/Proposal

The site has a long history which is detailed in the Conservation Management Plan including a private homestead, convent, student accommodation by Towri and School (Bathurst Christian School) and Child Care Centre.

The "All Hallows" building was most recently occupied by the Bathurst Christian School.

With the dissolution of ATSIC, the property came under the control of Indigenous Business Australia.

The proposal

The proposal involves restoration of the former "All Hallows" building and the erection of 11 student accommodation blocks with a total of 490 beds along with landscaped open space and recreational areas.

The "All Hallows" building will comprise accommodation for 50 beds which forms part of the 490 bed total. The building will be upgraded and restored as part of these works.

Eleven separate two storey student accommodation blocks will also be constructed on the site. Each block contains 40 beds. Each unit is broken into four sections containing five bedrooms with ensuites and a communal kitchen and lounge areas. Laundry facilities are to be provided although they are not noted on the submitted plans.

Car parking on site is proposed for 168 vehicles.

A manager's residence currently exists on the site.

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

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 5(a) Special Uses – Public Purpose zone under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005 (BRILEP 2005)*.

The 5(a) Special Uses zone is restrictive in its range of permissible uses. The Special Uses zone is typically applied to significant public infrastructure sites such as CSU, Bathurst Gaol, Bathurst Base Hospital, Bathurst Airport, LPMA and TAFE and schools such as St Stanislaus and St Philomenas.

The surrounding land is zoned 5(a) Special Uses (St Philomenas), 1(d) Rural Special Purposes (Stannies agricultural land) and 6(b) Regional Recreation zone (Council land surrounding Mt Panorama).

The nearest residentially zoned land are the houses in Willman Place, approximately 65 metres to the north east.

The proposed development is defined as a "boarding house" pursuant to BRILEP 2005. A boarding house *means a residential building (other than a single dwelling) let in lodgings where accommodation, meals and laundry facilities are provided to residents of the*

boarding house or place, but that is not licensed to sell liquor within the meaning of the Liquor Act 1982, and includes a hostel, lodging house and bed and breakfast establishment (if they are not Class 1a or 1b buildings within the meaning of the Building Code of Australia).

A Boarding House is prohibited in the 5(a) Special Uses - Public Purpose zone.

Conservation Status

The "All Hallows" building is not currently listed as a Heritage Item under BRILEP 2005 nor is it located in the Bathurst Heritage Conservation Area.

The building is however of an age and has a history of use which warrants its consideration as a building of significance. It is intended to include the building as a "Heritage Item" under the comprehensive LEP. The building was not included as a Heritage Item under the recent Heritage Planning Proposal.

The original 'Hawthorne' homestead was built prior to 1858 by W Thompson. The original building consisted of a cottage with seven bedrooms and associated house paddocks and orchards. In 1888 Mr F J Smith extended the building. The property was subject to numerous additions between 1888 and the 1950's.

Lord Kitchener dined at the Hawthorne homestead during his visit to Bathurst to unveil the Boer War Memorial in 1910. His visit was full of controversy due to Lt Peter Handcock and Breaker Morant name appearing on the memorial. This visit to a rural area by Lord Kitchener was rare as it was his only venture outside of the capital cities.

In 1930 the property was sold for the purpose of establishing a Dominican boarding school. Initially the property was used as a convent before being expanded to take in boarders. In 1941 the western wing was added to the building. In 1952 the south wing was added along with a chapel and convent wing. The building was used as a school up until 1984 when the building was converted to accommodation for Aboriginal students attending Charles Sturt University. In 1993 the property was gifted to ATSIC. In 2005 the property was transferred to Indigenous Business Australia, during this time the site was used as a primary school and a pre school was also established on the site.

Clause 24 - Conservation Incentives

Notwithstanding that boarding houses are prohibited in the 5(a) Special Uses zone, Council has the option under Clause 24 of the BRILEP2005 to approve a development that would be otherwise prohibited where it considers the development will facilitate the retention, restoration and ongoing preservation of a building of heritage significance. This option is available where Council is satisfied that it meets the following criteria:

(a) the retention of the building depends on the granting of consent

As noted above the "All Hallows" site is significant in a local context and has a historical usage which warrants its retention. The size of the building is such that it requires a substantive commercial use to ensure its ongoing preservation.

The site has for some time been underutilised. Up until recently the school occupied part of the site and the remainder of the site was left unused. With the exception the area occupied by the Christian School and Towri Pre School the whole of the site has not been used since Towri ceased its use in early 1990's. Student accommodation at

the site has not occurred on the site since early 1990's.

It is desirable that a more intensive use be established within the building to ensure that required restoration and maintenance works be undertaken and to ensure the building is retained and utilised into the future. Therefore, the continued use of the building is both desirable and appropriate as it will result in the overall retention and maintenance of the building into the future.

(b) the proposed development is in accordance with a conservation management plan that has been endorsed by the consent authority

A Summary Conservation Management Plan (CMP), a copy of which is at **attachment 3**, has been prepared by Integrated Design Associates and accompanied the proposal. The development is in accordance with the CMP. The CMP provides a comprehensive history of the building, identifies the works to be undertaken and provides guidance to the works to be undertaken.

The CMP has been prepared in accordance with Heritage Branch guidelines and consultation has occurred with Council's Heritage Adviser throughout the process.

Council's Heritage Adviser is satisfied with the content and recommendations of the CMP.

The building has historically been used for boarding facilities by Towri and prior to that as a convent. Its ongoing use for accommodation is part of the historical use of school. Therefore, the proposed student accommodation within the building is considered appropriate from a historical viewpoint and is an appropriate adaptive reuse of the building.

(c) the granting of consent to the proposed development would ensure that all necessary conservation work identified in the conservation management plan is carried out

Section 6 of the summary CMP, *Issues Affecting the Future of the Property*, identifies the structural condition of "All Hallows" and the requirements for upgrading facilities for modern use, safety and Building Code of Australia requirements.

Section 7.4, *Maintenance of the Summary CMP*, provides a comprehensive list of areas of maintenance required for the building. It also identifies future opportunities for the building, of which accommodation is listed as an appropriate use. The plans accompanying the CMP illustrate the maintenance and restoration works will be carried out during Stages 1 and 2 of the proposal. Therefore, should Council grant consent as per the proposed stages, the necessary conservation work will be carried out to ensure "All Hallows" can be utilised for accommodation. Conditions will be imposed to ensure the works identified in the Conservation Management Plan are undertaken during the staged development.

(d) the proposed development would not adversely affect the heritage significance of the building or its setting

Views to the site will not be affected as view corridors are primarily from Lloyds Road. No development is proposed in front of the existing building line.

Distances between the "All Hallows" building and the proposed two storey buildings

will ensure that the generally modern design will not affect the heritage significance of the building and will be complimentary with their solid form, scale and the proposed face brickwork. The proposed colonnades on the new buildings will be complimentary to those on the "All Hallows" building. Conditions will be imposed to ensure the proposed building materials for the new buildings compliment the existing building.

In particular, the following design elements of the two storey buildings will ensure that "All Hallows" is not affected detrimentally:

- Setback of proposed buildings from "All Hallows".
- Block sizes of proposed buildings are generally smaller in bulk than the "All Hallows" building.
- Proposed height of the new buildings will be lower than "All Hallows", given lower internal ceiling heights and skillion roofs.
- The "All Hallows" group is located on the highest point of the site.
- The proposed buildings consist of a series of detached buildings and will include landscaping and open space between.

The proposed setbacks of the new buildings from "All Hallows" will ensure the curtilage of the item is not detrimentally affected when viewed from Lloyds Road.

As identified in the CMP, the proposed site layout will preserve the site corridors through the gaps and will include a large area of open space in the centre of the site. The CMP states the retention of the rural setting to "All Hallows" is dependant upon the consideration of this proposal as an individual case, not setting a precedent for surrounding areas. Council's LEP limits potential uses of the surrounding area. The proposed use will ensure the rural setting is maintained.

The use as student accommodation can be provided within the current layout of the building without significant alterations and changes to the historic building fabric. Therefore, the convent accommodation style layout will remain intact.

It is noted the CMP mentions the possibility of archaeological significance on the site given former outbuildings or possible artefacts. Conditions will be imposed regarding the discovery of any artefacts.

(e) the proposed development would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent

The site is in close proximity to Charles Sturt University, the Western Institute of TAFE, Flannery Centre and proposed Australian Centre for Science, Technology and Emerging Industries. The area is developing into an area with a distinct education focus. The need to provide accommodation for students within these areas is a necessary adjunct to these uses.

The development is not dissimilar to that recently undertaken by CSU on its own campus which also has a 5(a) Special Uses zoning.

The nearest affected residential properties are those located in Willman Place to the north east of the site and the larger South Bathurst precinct located beyond that. Boarding Houses are otherwise permissible in 2a (Residential) zoned areas.

Proximity to Mount Panorama

The subject land is in close proximity to Mount Panorama and is located within the area designated by the "50dBA noise contour".

In accordance with Clause 12 of BRILEP the only residential development to which consent may be granted is development that would have been permissible under Bathurst LEP 1997.

In order that the development is consistent with Clause 12 and such that it does not jeopardise the operations of the Mount Panorama Racing Circuit it is proposed that conditions to the effect of the following should be imposed:

- The premises are not to be used for permanent residential accommodation or for long term lease.
- The property is not to be used for "commercial motor race hosting" meaning the use of land to provide viewing areas for motor racing for a fee or reward to 13 or more persons. It may or may not include the provision of accommodation, food or drink.

Development Control Plan

There are no Development Control Plans applicable in the 5 (a) Special Uses – Public Purposes zone.

Off Street Car parking Code

Council's car parking code requires one car space for every three beds provided in a boarding house plus one for every three employees. The proposal will provide for 490 beds and is expected to have one full-time staff member. 178 car parking spaces have been provided which is in excess of the required 164 required.

Crime Prevention Through Environmental Design (CPTED)

The development proposal was referred to the Chifley Crime Prevention Officer for comment.

The Chifley Crime Prevention Officer raised no objections to the proposal and has identified the proposal as low risk.

A copy of this letter is at **attachment 4**.

Submissions

The development application was advertised and notified to adjoining property owners from 10 January 2011 to Monday 24 January 2011. Following the advertising and notification period no submissions were received.

After the advertising and notification period closed a total two submissions and one petition containing 13 signatures was received objecting to the proposal. Six submissions in support of the proposal were also received (see **attachment 5**).

Issues raised in the submissions against the development included:

(a) Vandalism and anti social behaviour

The proposal has been reviewed by Chifley Crime Prevention Officer who rated the proposal as low risk. Anti-social behaviour off site is not a matter which can

be controlled by Council.

(b) Storm water management

Conditions will be included requiring storm water management plans detailing how storm water collected on site will be dealt with.

Generally, where there are drainage issues surrounding an area, development of the area improves drainage conditions as storm water is collected and dealt with in a controlled manner. Council has drainage infrastructure within the vicinity of the site.

(c) Traffic and parking congestion

The proposal complies with the requirements of Chapter 14 - Parking of the BR(l)DCP2011. The proposal provides more spaces than the DCP requires. On street parking within the vicinity of the development is not monitored by Council and is untimed.

Notwithstanding the assertion that parking is inadequate it complies with Council's DCP. Council's code is modelled on studies research carried out by the RTA.

(d) Impact on Streetscape and Views

The proposed additions are located to the rear of the existing building and conditions will be imposed requiring the proposal to contain screening vegetation around the boundaries.

(e) Impact on amenity

The proposal will be screened by vegetation and is well set back from all boundaries. The applicant has indicated that the proposal will be operated in such a way that noise and other amenity impacts will be controlled.

(f) Adequacy of sewerage infrastructure

Conditions will be imposed requiring the upgrading of sewerage infrastructure to service the proposal, if required.

A copy of letter from the applicant addressing the issues raised is at **attachment 6**.

A Council Discussion Forum was held 6 April 2011, a copy of the minutes are at **attachment 7**.

Conclusion

The land is zoned 5(a) Special Uses - Public Purposes, and the proposed use would be prohibited except for Council's application of Clause 24 of the BRILEP2005 to this development proposal. As stated throughout the report above the use is considered appropriate. If preservation of the building is to be ensured it is imperative a substantive commercial use is found to ensure it does not fall into a state of decay. Buildings of this size require an income stream to ensure funding is available for maintenance purposes.

Issues surrounding drainage, preservation of the building, car parking, landscaping, permanency of residents, potential impacts on the operation of Mount Panorama and

management of the facility have been addressed in the report above.

Appropriate conditions of consent will be imposed, some of which are contained within the recommendation.

The proposed development is considered appropriate and as controls can be imposed to ensure compliance it is recommended that Council support the recommendation for approval, subject to appropriate conditions being imposed.

Financial Implications: Nil.

MINUTE

10 Item 3 DEVELOPMENT APPLICATION NO. 2010/0945 - RESTORATION OF EXISTING "ALL HALLOWS" BUILDING AND CONSTRUCTION OF STUDENT ACCOMMODATION COMPLEX AT 42 LLOYDS ROAD, SOUTH BATHURST. APPLICANT: DIONYSUS GROUP PTY LTD. OWNER: INDIGENOUS BUSINESS AUSTRALIA (DA 2010/0945)

MOVED: R Thompson SECONDED: I North

RESOLVED: That Council:

- (a) Support the use of Clause 24 (1) – Conservation incentives permitting a Boarding House in the 5(a) Special Uses – Public Purpose zone;
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No 2010/0945, 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) All the required restoration and maintenance works identified in Section 7.4: Maintenance, of the *Summary Conservation Management Plan + Heritage Impact Statement – Adaptive Reuse for "All Hallows" Convent and School*, are to be carried out and completed as part of Stages 1 and 2 of the proposal.
 - (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, Department of Planning, prior to the disturbance of the archaeological relics.
 - (iii) The external materials to be used in the proposed development are to compliment those used on the existing building. The submission of a letter or a report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction are to be approved by Council.
 - (iv) The developer is to discuss parking requirements (with Council) for subsequent stages of the development, in accordance with the suggestions made in correspondence dated 11 April 2011 and signed by Dion Killiby on behalf of the developer. Council in consultation with the developer/owner will monitor parking requirements for 12 months following completion of stage one of the development, and the developer will agree to increase the number of parking spaces (if required) to a reasonable number as agreed between both parties for subsequent stages.
- (c) notify those who made submissions of its decision; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - Cr G Hanger

Absent - Nil

Abstain - Nil

4 DEVELOPMENT APPLICATION NO. 2011/0038 – DEMOLITION OF THREE DWELLINGS AND CONSTRUCTION OF NEW MEDICAL CENTRE AT 139-145 DURHAM STREET, BATHURST. APPLICANT & OWNER: THE WELLNESS HOUSE PTY LTD (2011/0038)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0038, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Prior to the commencement of demolition the applicant is to submit to Council a photographic record of the three dwellings;
 - (ii) Prior to the issue of the Construction Certificate for the infill development the applicant is to submit to Council for approval details of colours, materials and finishes;
 - (iii) Any archaeological remains discovered during the demolition are to be reported to the Heritage Branch, Department of Planning and to Council;
 - (iv) The historical connection of Edward Austin with the dual occupancy proposed to be demolished and the site is to be recorded through appropriate interpretive signage which is to be incorporated as part of the new medical centre. The text of the signage is to be approved by Council's Heritage Advisor and the signage is to be erected within six (6) months of the issue of the Occupation Certificate; and
 - (v) The roof elevation to Durham Street is to be redesigned to include a central gable.
- (b) call a division.

Report: The Site

Council has received a Development Application for the demolition of three existing dwellings at 139, 143 and 145 Durham Street, Bathurst, described as Lot B in DP 156675 and Lots 1 & 2 in DP 539729 (see location plan at **attachment 1**).

139 Durham Street contains a single storey timber-clad (masonry underneath cladding) dwelling. This site also contains a carport, garage and small garden shed.

143 and 145 Durham Street, contain two semi-detached rendered masonry dwellings. A garage is located behind the dwelling at 143 Durham Street.

The proposal

The proposal involves the demolition of the three existing dwellings on the subject site and the construction of a two storey medical centre which will include a chemist and cafe (see plan of proposed development at **attachment 2** and Statement of Environmental Effects at **attachment 3**).

The medical centre will be two storey in height. The ground floor will contain a mixture of

medical treatment rooms, café/dining room and pharmacy with a total area of approximately 734 sq metres. The second floor comprises medical treatment rooms with an area of 571 sq metres.

On site parking is proposed with thirty seven (37) spaces.

The building will be located towards the Durham Street frontage of the site and will present as a single façade to the street.

Planning Context

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The proposal is defined as a *medical centre, shop and refreshment room*.

Medical centres, shops and refreshment rooms are permissible with consent in the 2(a) Residential zone. The chemist and café components of the proposal are defined as *shop* and *refreshment room* respectively. While a shop is generally not considered to be consistent with the objectives of the 2(a) Residential zone it can be supported in this instance as it is ancillary to the dominant permissible use (being the medical centre).

The proposal is not inconsistent with the objectives of the zone.

Clause 23: Protection of Environmental Heritage

In order to assess the conservation significance of the dwellings 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 assessment at **attachment 4**). 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 lodgment of this Development Application.

The following tables provide a summary of the assessment.

| 139 Durham Street | |
|---|--|
| Date of construction | Circa 1950s |
| BCAMS results: <ul style="list-style-type: none"> ● Integrity ● Streetscape Rating ● Heritage Significance ● Overall Rating (out of 10) | Altered sympathetically (2) Neutral (1) Significant in a local context (2) 5 |
| Significant historical matters | N/A |
| Cost of repairs | N/A |
| Value of the existing fabric | Little. Double brick construction clad in PVC cladding |
| Compliance with infill policy | Yes |
| Impact of demolition on streetscape | Little. The existing building is not of any heritage significance and the replacement building will be complimentary |

| 143-145 Durham Street | |
|------------------------------|------|
| Date of construction | 1849 |
| BCAMS results: | |

| | |
|--|---|
| <ul style="list-style-type: none"> ● Integrity ● Streetscape Rating ● Heritage Significance ● Overall Rating (out of 10) | <p>Altered sympathetically (2) Contributory (3) Historically significant in a local context (3) 8</p> |
| Significant historical matters | Land and dwelling associated with Edward Austin, an early Bathurst merchant |
| Cost of repairs | \$260,000 |
| Value of the existing fabric | Little. Has been altered with additions, stucco finish, etc and requires significant repairs |
| Compliance with infill policy | Yes |
| Impact of demolition on streetscape | The replacement building will be complimentary. Whilst retention of the buildings is preferred its structural integrity precludes its retention |

It is noted 143-145 Durham Street is potentially one of the oldest remaining buildings in Bathurst being constructed in 1849 and has linkages to Edward Austin who was the first buyer of gold discovered near Bathurst and has links to the establishment of Haymarket Reserve.

The dwellings at 143-145 Durham have however been significantly modified over the years, including conversion from a dwelling to a dual occupancy, the addition of the front verandah, removal of internal walls and the stucco finish to the exterior walls. It is noted from the 1877 bird's eye view of Bathurst that the front door to the dwelling on the left hand side has been relocated to its current position.

The engineers reports into the condition of the dwellings note the following essential works:

143 Durham Street

Essential repairs required to be undertaken should include, but not be limited to the following items:

- Partial demolition and reconstruction of the following walls:
 - Southwest corner of bedroom 1; and
 - Front wall of verandah.
- Repairs to cracks in the internal and external walls, and subsequent repainting.
- Repair of internal floors, including re-packing and re-leveling of timber bearers.
- Repairs to ceiling cladding, and securing of ceiling to ceiling joists where applicable.
- Excavation of sub-floor space in order to achieve adequate ventilation, and ground clearances.
- Completion of renovation works.
- Replacement / repair of roof cladding, ridge capping, flashing, gutters, and down pipes as required.
- Correction of site drainage by way of site regrading to ensure that the ground slopes away from the dwelling, and removal of garden beds and vegetation in close proximity to the external walls of the building.
- Repairs/removal of external concrete paving to front verandah.
- Remedial works to correct rising damp.
- Demolition of rear lean-to structure.
- Repair of broken windows.

The estimated cost of essential repairs for 143 Durham is therefore in the order of \$110-120,000.

145 Durham

Essential repairs required to be undertaken should include, but not be limited to the following items:

- Partial demolition and reconstruction of the following walls:
 - Northern wall;
 - Rear wall of lounge room; and
 - Replacement of front wall to verandah.
- Repairs to cracks in the internal and external walls, and subsequent repainting.
- Repair of internal floors, including re-packing and re-leveling of timber bearers.
- Structural review of roof structure, and possible strengthening of structure over lounge room, where sag in ceiling noted.
- Repairs to ceiling cladding, and securing of ceiling to ceiling joists where applicable.
- Excavation of sub-floor space in order to achieve adequate ventilation, and ground clearances.
- Replacement / repair of roof cladding, ridge capping, flashing, gutters, and down pipes as required.
- Correction of site drainage by way of site regrading to ensure that the ground slopes away from the dwelling, and removal of garden beds and vegetation in close proximity to the external walls of the building.
- Repairs/removal of external concrete paving to front and rear of premises.
- Remedial works to correct rising damp.
- Demolition of rear lean-to structure.
- Repair of broken windows.

The estimate cost of essential repairs for 145 Durham is therefore in the order of \$130 – 140,000.

From a heritage perspective, it is accepted the current dual occupancy at 143-145 Durham Street is in poor condition and as illustrated by the Engineer's Structural Report, is not economically viable to restore. The significant amount of the building which would need to be reconstructed, and the relatively small amount that would be retained in its original condition justifies the proposed demolition.

Given the average rating from BCAMS for 139 Durham Street which has no real heritage significance, there are no concerns with the proposed demolition of this building.

Though large in scale, the proposed medical centre is considered to be appropriate, particularly in terms of detailing, and it will compliment the streetscape and the character of the Bathurst Conservation Area.

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

State Environmental Planning Policy (Infrastructure) 2007

The Development Application was referred to the RTA under State Environmental Planning Policy (Infrastructure) 2007 (Traffic Generating Development) as the proposal is for a shop and commercial premises with a floor area in excess of 1000m² and with direct access to a classified road. The RTA raised no objections to the proposed development.

Bathurst Regional (Interim) Local Environmental Plan 2005

Development Control Plan

As the proposal is for a commercial development in the 2(a) Residential zone, the Development Control Plan – Residential Housing and the Development Control Plan – Business Development are not applicable. The Development Control Plan – Residential Housing applies only to residential development in the 2(a) Residential zone while the Development Control Plan – Business Development applies only to business development in the 3(a) General Business zone and the 3(b) Service Business zone.

It should be noted that the Development Application was lodged prior to Council adopting the BR(l)DCP 2011. therefore assessment under Council's previous DCPS and codes has been undertaken.

Off-Street Car Parking Code

In accordance with Council's Off-Street Car Parking Code the number of car parks required has been calculated using the following ratio:

| Ratio | Floor Area (approx GFA) | Number of Spaces Required |
|--|--------------------------------|----------------------------------|
| Commercial premises - 1 space per 50m ² | 1305m ² | 26 |

Plans for the proposed development indicate thirty-seven (37) car parks.

Crime Prevention Through Environmental Design (CPTED)

In accordance with the agreed protocol this Development Application was referred to the NSW Police Service for comment in relation to the *Crime Prevention through Environmental Design* (CPTED) principles.

The Crime Prevention Officer who assessed the proposal raised no objections to the proposal and has identified the proposal as low risk.

Submissions

The Development Application was advertised and notified to adjoining property owners from 14 February 2011 to 28 February 2011. No submissions were received during the advertising and notification period.

Conclusion

Council has received a Development Application for the demolition of three dwellings at 139, 143 and 145 Durham Street, Bathurst. Lot B in DP 156675, 139 Durham Street, contains a single storey timber-clad (masonry underneath cladding) dwelling. This site also contains a carport, garage and small garden shed. Lots 1 and 2 in DP 539729, 143 and 145 Durham Street, contain two semi-detached rendered masonry dwellings. A garage is located behind the dwelling at 143 Durham Street. From a heritage perspective, it is accepted the current dual occupancy at 143 to 145 Durham Street is in poor condition and as illustrated by the Engineer's Structural Report, is not economically viable to restore. The significant amount of the building which would have to be reconstructed, and the relatively small amount that would be retained in its original condition justifies the proposed demolition. Given the average rating from BCAMS for 139 Durham Street which has no real heritage significance,

there are no concerns with the proposed demolition of this building. Though large in scale, the proposed medical centre is considered to be appropriate, particularly in terms of detailing, and it will compliment the streetscape and the character of the Bathurst Heritage Conservation Area.

Financial Implications: Nil.

MINUTE

11 Item 4 DEVELOPMENT APPLICATION NO. 2011/0038 – DEMOLITION OF THREE DWELLINGS AND CONSTRUCTION OF NEW MEDICAL CENTRE AT 139-145 DURHAM STREET, BATHURST. APPLICANT & OWNER: THE WELLNESS HOUSE PTY LTD (2011/0038)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0038, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) Prior to the commencement of demolition the applicant is to submit to Council a photographic record of the three dwellings;
 - (ii) Prior to the issue of the Construction Certificate for the infill development the applicant is to submit to Council for approval details of colours, materials and finishes;
 - (iii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1997, recorded, and details given to Council prior to the continuing of works.
- NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, Department of Planning, prior to the disturbance of the archaeological relics.
- (iv) The historical connection of Edward Austin with the dual occupancy proposed to be demolished and the site is to be recorded through appropriate interpretive signage which is to be incorporated as part of the new medical centre. The text of the signage is to be approved by Council's Heritage Advisor and the signage is to be erected within six (6) months of the issue of the Occupation Certificate; and
 - (v) The roof elevation to Durham Street is to be redesigned to include a central gable.
- (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

5 DEVELOPMENT APPLICATION NO. 2010/0924 – DEMOLITION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION OF NEW SHOPPING CENTRE AND CARPARK AT 72 & 86 RANKIN STREET, BATHURST. APPLICANT: CAMFLEX PTY LTD. OWNER: CAMFLEX PTY LTD AND BATHURST REGIONAL COUNCIL (2010/0924)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0924, 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) Any archaeological remains discovered during the demolition are reported to Heritage Branch, Department of Planning and to Council.
 - (ii) The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.
 - (iii) The applicant is to install a solid fence along the boundary of those adjoining properties facing Durham Street that is consistent with the submitted acoustics report.
 - (iv) The applicant is to install a fence along Rankin Street between the parking area and the street to provide visual interest to the streetscape, to the satisfaction of the Director Environmental, Planning & Building Services.
 - (v) Prior to the issue of the construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
 - a) Traffic management, including:
 - i) Loading, unloading area and material storage areas;
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties);
 - b) Noise;
 - c) Dust;
 - d) Stabilisation and monitoring of adjoining buildings;
 - e) Vibration; and
 - f) Proposed methods of communication, including:
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.
- (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 the existing

motor vehicle showroom and construction of a new supermarket and specialty shop and associated car park at 72 and 86 Rankin Street, Bathurst, described as lot 22 DP 717600 and Lot 1 DP 33832. (See location plan at **attachment 1**).

The site is an amalgamation of two sites namely the former O'Connor Nissan site which was until recently used for motor vehicle sales and repairs and part of the Council owned public car park.

The proposal

The proposal involves;

- Demolition of all existing buildings and structures on the amalgamated site;
- Construction of a new supermarket and one specialty shop;
- On site parking for 98 cars.

The supermarket comprises an area of 1460 sq m whilst the specialty shop has an area of 875 sq m. A shared loading dock and storage facility is attached to the supermarket area. The supermarket includes a liquor shop component.

A plan of the proposed development is at **attachment 2**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 3 (a) General Business under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*.

Shops are permissible with consent in the 3(a) General Business zone.

Supermarkets are not separately defined for the purposes of BRILEP and are for the purposes of assessment considered as a shop. The proposal is consistent with the objectives of the zone.

Clause 23 Heritage Conservation

The subject land is located within the Heritage Conservation Area although the buildings themselves are not listed as individual heritage items.

The application was referred to Councils Heritage Advisor for comments. The Heritage Advisor supported the proposed demolition of the existing building as it is of no heritage significance and does not contribute to the streetscape. The proposed supermarket is acceptable in terms of a use within the Bathurst Conservation Area, as is the proposed car parking to the front of the building is sympathetic with the heritage conservation area and other buildings in the vicinity.

Bathurst Regional (Interim) Development Control Plan 2011

Chapter 5 Business Development

The Bathurst Regional (Interim) Development Control Plan 2011 came into effect on 19 February 2011.

A summary of compliance is provided below.

| Development Standard | Proposed | Permissible/Required | Compliance |
|-----------------------------------|------------------------|---|--------------------------------|
| Floor area | 2,635 m ² | ----- | Yes |
| Floor space ratio | 0.4:1 | 2:1 | Yes |
| Height | Single storey | Three storey | Yes |
| Setbacks Front Rear Side | Suitable 0 m 0 m | Complementary as per BCA as per BCA | Yes ¹ Yes Yes |
| Car parking | 98 | 111 | No ² |
| Bicycle parking | 0 | 11 | No ³ |
| Accessway Width | 14.5 m total | 6 m | Yes |
| 16.5 m vehicle manoeuvring | Yes | Yes | Yes |
| Landscaping | Yes | Yes | Yes |
| Appropriate signage | Yes | Yes | Yes ⁴ |

¹ The location of the proposed building is similar to the existing building.

² See comments below on car parking. Appropriate section 94 conditions will be imposed.

³ Conditions will be imposed to ensure adequate bicycle parking is provided.

⁴ Conditions will be imposed to ensure a landscape plan is approved prior to issue of Construction Certificate. Conditions will be imposed to ensure a fence is provided between the parking area and the street to provide visual interest.

Car parking

The required level of car parking as per Councils Development Control Plan is as follows:

| Development Type | Floor area (sqm) | Parking Ratio | Parking Required |
|-------------------------|------------------|--------------------|------------------------|
| Supermarket | 1460 | 1 space per 20sqm | 73 |
| Shops | 875 | 1 space per 35 sqm | 25 |
| Warehouse (supermarket) | 187.5 | 1 space per 20sqm | 9.4 |
| Warehouse (retail) | 112.5 | 1 space per 35 sqm | 3.2 |
| TOTAL | | | 110.6 (say 111) |

Council resolved at its ordinary meeting on 16 February 2011 to advise the applicant that it is willing to forego 9 spaces being the area of parallel parking to allow 2 way access between the development and the Council car park.

The development would therefore require 102 spaces to be provided (i.e 111 – 9 = 102).

The applicant has indicated that 98 spaces are able to be provided on site. This leaves a shortfall of 4 spaces between the proposal and the Council required amount. It is proposed that this shortfall will be the subject of a contribution in accordance with Council's Section 94 contribution plan (currently 4 x \$8127.20 = \$32, 508.80).

State Environmental Planning Policy Infrastructure

In accordance with Council's obligations under the SEPP the original Development Application plans and supporting documentation was referred to the RTA for comments. Comments were subsequently provided by Regional Development Committee – Western Region provided at **attachment 3**.

Council should note that the comments provided relate to the original proposal. The amended plans and revised traffic report was also provided to the RTA for further comment. At the time of preparation of this report no response has been provided within the statutory 21 day period.

The matters originally raised by the RTA's Regional Development Committee are addressed below:

Service Vehicles

- *The width of the northern access driveway for service vehicles is 6 metres. The plans do not provide for kerb returns. The RTA Guide to Traffic Generating Developments recommends separate entry and exit driveways 8 - 10 metres wide with kerb return turn out radii of 2 - 9 metres and a minimum of 3 metres separation for heavy vehicles accessing a development with frontage to a minor road. The service vehicle driveways should be designed in accordance with the RTA Guide to Traffic Generating Developments.*

Comment: Since the RTA's comments on the application, amended plans have been received which indicate that the driveways are now designed as 9m wide. The proposed service vehicle access will comply with Council requirements and the RTA Guide to Traffic Generating Development.

- *Swept paths should be provided demonstrating that the maximum length service vehicles (19 metre semi-trailer) can turn left-in-to and left-out of the development without crossing the centre-line of Rankin Street and without encroaching onto on-street parking spaces.*

Comment: The amended plans demonstrate that heavy vehicles may enter from Durham Street without crossing the centre line of Rankin Street (i.e left in/left out).

Heavy vehicles will be unable to perform a right turn into the site (i.e from Russell Street).

In order to accommodate the left turn out of the site for heavy vehicles it will be necessary to remove approximately 12 metres of existing 45 degree parking on the eastern side of Rankin Street. This is equivalent to approximately 4 spaces lost from the available on street parking.

Heavy vehicles wishing to turn right out of the site would need to travel a substantive way down Rankin Street before being wholly located in the travelling lane.

- *The swept paths provided demonstrate the service vehicle reversing in the public car park. The service vehicle access and loading dock should be physically separated from the public car park. There should be no reversing of heavy vehicles in the public car park.*

Comment: Access to the loading dock will be by way of a reversing movement within

the car park. This treatment is not dissimilar to other shopping centres in the CBD such as Bathurst Chase and Aldi where reversing movements occur within the publicly accessible section of the car park.

Most critical is to ensure that heavy movements are wholly occurring on the site and do not occur in Rankin Street. It is proposed that a condition be imposed requiring all heavy vehicle manoeuvring movements are to occur on site. Responsibility for ensuring that delivery companies and drivers are aware of this condition and ensure that heavy vehicles comply will rest with the owners/centre management.

- *The height clearance under the mezzanine extending over the garbage dock and part of parking space 84 must be sufficient to allow access by a garbage collection vehicle.*

Comment: This matter may be dealt with by appropriate condition of consent.

- *Swept paths should be provided demonstrating access to and exit from the garbage collection dock by a garbage collection vehicle.*

Comment: The loading dock will be utilised for both deliveries and waste removal. The plans demonstrate access for heavy vehicles up to 19.0 metres i.e larger than a garbage truck. It is unlikely that two vehicles will be requiring access at the same time. The design of the loading area precludes both the garbage truck and service vehicle accessing the loading area together.

- *Formal agreement for connectivity between the development car park and the Council car park to the South needs to be reached for the flow of traffic to be permitted from one car park to the other. Assuming agreement is reached the direction of the one-way movement should be reconsidered as:*
 - *The movement from the Council car park to the development car park is counter-intuitive. It is more likely that customers would firstly attempt to park in the development car park;*
 - *The design of the building restricts sight to pedestrian and vehicle movements at the entry to the building if the direction of travel is South Westerly as proposed.*

Comment: The proposal has been amended to include a two way flow between the development and Councils car park.

- *The width of the proposed western access driveway for customer use is 6 metres. The plans do not provide for splays or kerb returns. The RTA Guide to Traffic Generating Developments recommends a combined entry and exit driveway of 6 - 9 metres wide with splays of 1 metre for light vehicle access to a car park serving 25 to 100 parking spaces with frontage to a minor road. The Western access driveway should be designed in accordance with the RTA Guide to Traffic Generating Developments. If there is to be access from the development car park to the Council car park the access driveway should be designed to serve the total number of parking spaces provided by the two car parks.*

Comment: Engineering details for driveway design and levels will be required prior to issue of construction certificate.

- *The proposal to limit access to service vehicles through the northern driveway is impractical and unlikely to be enforced. The plans show one-way directional arrows which will encourage access and egress from that driveway by customer vehicles as the*

design of the driveway gives the perception that it is intended to also serve the public car park.

Comment: It is considered extremely desirable to ensure that there is a clear delineation between the heavy vehicle entrance and the general public entrance and to ensure that the heavy vehicle entrance does not become a “de facto” entry/exit point. A number of management options exist including:

- A system of line marking and signage
- A constructed median in Rankin Street (limiting any use to left in/left out)
- A manual boom gate across the entry to be operated by centre management.

The applicant has proposed signage and line marking to clearly identify vehicle access and the separate service vehicle access. It is however unlikely that lines and signs alone would be sufficient leading to potential conflicts on site and the possibility for two conflict points in Rankin Street as opposed to one.

In order to limit the number of conflict points in Rankin Street and to maintain traffic flows it is proposed that an entry/exit from the heavy vehicle entry be governed by a boom gate that is only opened by Centre Management for heavy vehicles when necessary.

The public carpark entry would need to be treated particularly to control the right turn into and out of the site. In order to address these issues it is proposed that a sheltered right turn bay be installed in Rankin Street to accommodate right turning traffic. Council should note that this will result in the need to alter the existing 45° parking on the western side of Rankin Street to parallel parking. This will reduce the availability of on street parking in this area.

It would be appropriate to review the on street parking restrictions following construction to determine whether it is appropriate to time limit sections of Rankin Street.

- *The chevron marked pedestrian footpath abutting the South Western wall of the building should be physically separated from the parking aisle by means of a raised kerb, or similar measure*
- *The pavement surface extending from the paved entrance to parking space six and across to parking space ten will be a high conflict area and should be highlighted by visual and tactile means as a traffic calming measure*

Comment: Conditions will be imposed to ensure that pedestrian and vehicle manoeuvring areas are clearly delineated. Conditions will be imposed requiring the pedestrian crossing to be raised will be imposed as part of the consent.

- *The development will result in the loss of a long term public car park from Lot 1 DP 33832. The Traffic Impact Analysis does not quantify the number of existing parking spaces or the demand within the existing car park there is no information as to the impact of the loss of the existing facility on the surrounding road network and no proposal to accommodate that parking elsewhere. There is also no information as to the likely impact of the loss of the existing car park increasing the demand in the Council car park immediately south of the development Council should consider the need for alternative long term parking to accommodate the existing demand following the loss of the existing public car park.*

- *The RTA Guide to traffic Generating Developments indicates a minimum recommended level of off street parking of 116 parking spaces (retail 111, warehouse 3. commercial 2). The plan provides for a total of 99 parking spaces: a shortfall of 5 when compared to the Guide.*
- *The Traffic Impact Analysis suggests a 10% discount should be applied to the provision of parking spaces to allow for common usage. There is no empirical evidence provided which supports the 10% discount is based if the parking requirement is to be discounted the percentage discount should be justified.*
- *The dimensions of the parking spaces and aisle widths should be designed in accordance with the AS/NZS 2890.1:2004 parking facilities Off-street car parking and those dimensions demonstrated on the plans. The RDC specifically notes its concerns with respect to the design of parking spaces 1 to 6, 29, 78. 83 and 84 to 88.*
- *The parking spaces numbered 29 and 78 should be removed due to the need to manoeuvre beyond. The property boundary and the high risk of conflict with entering and exiting vehicles. The removal of these parking spaces will increase the shortfall to 7 spaces when compared to the RTA Guide to Traffic Generating Developments.*

Comment: Council resolved in its ordinary meeting on 16 February 2011 to advise the applicant that it is willing to forego nine spaces being the area of parallel parking to allow two way access between the development and the Council car park. The applicant has indicated that 98 spaces are able to be provided with this development and that they intend to offset the four space shortfall by way of contribution in accordance with Council's Section 94 contribution plan.

- *A dedicated taxi parking bay should be provided outside of the parking aisle.*

Comment: Council has not in the past required internal taxi ranks within shopping centre development preferring instead to provide on street ranks when necessary.

- *Agreement with Council should be formalised for lease of the public car park to enable enforcement of the 1 hour time limit.*

Comment: Any arrangement to establish and enforce time limits within the car park is a matter outside the parameters of the Development Consent and is considered as an operational matter.

Economic Impact

The Applicant has provided an economic impact assessment (**attachment 4**) to accompany the development. The proposal is expected to have a positive economic impact with the creation of additional 75-100 full time employees within the centre. This would result in up to an additional \$1.9-2.5 million in additional wages within the local economy.

The proposal will also support up to 30 fulltime positions during the construction phase.

The project is therefore considered to contribute positively to the Bathurst economy.

Noise

The applicant has submitted a noise impact assessment (**attachment 5**) to accompany the application. The assessment details that the proposal will have a minimal impact on

adjoining properties. Recommendations made in the report include the erection of fencing to reduce potential noise impacts on residents backing onto the loading dock.

Given the existing use of the site as a car parking area the additional increase in traffic noise is not expected to be noticeable. Additionally the area is predominantly commercial with few residential buildings, the nearest residential premises 25 metres to the north.

Traffic

The proposed vehicle movement will include two direction entry and exit from Rankin Street and into the Council car park at the rear of the development. The proposed development will allow for onsite manoeuvring of articulated vehicles. There will be a separate service vehicle ingress point located on the northern side to separate service vehicles from general car park traffic.

The Traffic Study submitted (**attachment 6**) with the proposal identifies that the increase in vehicle movements will not result in an increase in the average vehicle queue lengths in the subject section of Rankin Street.

The RTA commented on the proposed development and raised no concerns as to the impact of the development in traffic in the vicinity of the development.

Contamination

The sites have historically been used as a car dealership with associated fuel storage areas and, prior to Council's purchase, as a depot for the Post Master General (the forerunner of Telstra). This gives rise to a number of potentially contaminating uses. The applicant has provided a preliminary contamination report which identified possible contamination onsite.

The report recommends further investigations once the existing buildings are demolished and where appropriate remediation may be necessary to comply with commercial/industrial standards. The site is required to be remediated if further test warrant such action.

Crime Prevention Through Environmental Design (CPTED)

The proposal was referred to the Chifley Crime Prevention Officer for comment in accordance with Council's Crime Prevention Through Environmental Design (CPTED) protocols.

The Chifley Crime Prevention Officer raised no objections to the proposal and has identified the proposal as low risk.

A copy of this letter is at **attachment 7**.

The applicant has also provided a CPTED assessment of the development which makes a number of recommendations in relation to surveillance, access control and management for the development which can be incorporated into the consent.

Construction Management Plan

The development has the potential to impact on the surrounding properties and adjoining road network. Accordingly, a condition of consent will be imposed to require a Construction Management Plan prior to the issue of the construction certificate to address the following issues:

- (a) Traffic management, including:
 - (i) Loading, unloading area and material storage areas
 - (ii) Access to adjoining properties
 - (iii) Parking areas (for construction workers and surrounding properties);
- (b) Noise;
- (c) Dust;
- (d) Stabilisation and monitoring of adjoining buildings;
- (e) Vibration; and
- (f) Proposed methods of communication, including:
 - (i) Communication with adjoining property owners,
 - (ii) Communication with the general public,
 - (iii) Complaints management.

Overshadowing

Shadow diagrams submitted with the Development Application demonstrate the extent of shadows created by the proposed development at 9.00 am, 12 noon and 3.00 pm on 21 June (being the winter solstice). This date is typically used to illustrate "worst case scenario".

It is not considered that overshadowing presents a significant adverse impact. The overshadowing of adjacent properties is consistent with the standards established in the Bathurst Regional (interim) Development Control Plan 2011.

Submissions

The Development Application was advertised and notified to adjoining property owners from 6 December 2010 to 20 December 2010. Following the advertising and notification period one submission was received from Charter Hall (the owners of Bathurst Chase Shopping Centre) (**attachment 8**).

The submission from Charter Hall (the owners of Bathurst Chase Shopping Centre) raised a number of concerns regarding the calculation of parking spaces as originally imposed for that centre.

Councillors will recall that as part of the most recent redevelopment of the Bathurst Chase Shopping Centre the owners were required to make a contribution under Council's Section 94 Plan for a shortfall in the number of spaces of approximately 16 spaces.

With respect to carparking as part of this Development Application, the issue of the quantum of the number of spaces was dealt with by Council at its ordinary meeting on 16 February 2011 where it resolved to advise the applicant that Council is willing to forego 9 spaces being the area of parallel parking to allow 2 way access between the development and the Council car park.

The circumstances applying to this case are different to those that applied in the Charter Hall case. In the Charter Hall case there was an under provision of parking relative to the amount required by the Car Parking Code and the shortfall the subject of a contribution under Council's Section 94 Plan.

In this particular case Council has resolved to reduce the number of spaces required to facilitate 2 way access between the development and the adjoining Council car park. The remaining shortfall is the subject of a contribution under Council's Section 94 Plan.

Charter Hall also raised concerns with the proposed setback and loading dock location and access.

The proposed setback is similar to the existing setback and will not result in adverse impacts to the streetscape. The design of the building also prevents a blank façade being built closer to the street.

The proposed loading dock does face the street, however it has been designed to have a minimal visual impact and the proposed plans clearly demonstrate there is adequate onsite space for manoeuvring of service vehicles. The proposed reversing of service vehicles in the car park will be minimal and will not have a significant impact on the car park flow. It should be noted that Aldi Supermarket's loading dock faces Russell Street, therefore this proposal is not a unique case.

In accordance with Council's usual practice Charter Hall was invited to attend an internal discussion forum. Due to scheduling conflicts Charter Hall was unable to attend. Charter Hall were however provided a copy of the revised plans and invited to provide additional comments, and lodged a further submission regarding the amended plans (**attachment 9**).

Car Parking

- *Firstly, it is noted that not only does the proposal still include car parking between the building line and the street alignment, but the building has been set back further from Rankin Street, contrary to both the Off-Street Car Parking Code, and the Business Development DCP. It is not considered that the applicant has demonstrated exceptional circumstances to justify this format, in accordance with the car parking code.*

Comment: The proposal maintains the existing streetscape by including a car park in front of the building line, the provision of a fence between the footpath and the proposed development further enhance the streetscape.

- *The applicant has proposed to maintain the loading dock in its current position, and has not included any amended details showing appropriate turning areas for loading vehicles. It is therefore considered that an issue still exists regarding pedestrian safety that has not been addressed by the applicant.*

Comment: The issue of the safety and utility of the loading dock has been addressed above.

- *Whilst the requirement for car parking at the site has been reduced due to the reduction in proposed floor space, the proposed development still does not comply with the required car parking, falling short by some 15 spaces. We therefore assume that Council will require the applicant to make up for this short fall through the payment of Section 94 contributions.*
- *It is noted in an article in the Western Advocate on 15 February 2011, that Council have relaxed the requirement for the shortfall of car parking spaces through the provision of two-way access to the site from the Council car park at the rear of the site.*
- *A review of Council's Section 94 Contributions Plan, however, does not indicate provision for this arrangement, and considers that the applicant should be required to pay for the full shortfall in parking via Section 94 Contributions.*

Comment: Council have varied the Car parking code and not the section 94 as the letter suggests.

- *The significant setback proposed, failing to activate Rankin Street.*

Comment: The proposed setback is similar to the existing setback. There is no development standard that requires activation of Rankin Street however; the proposed use of the site will itself activate lower Rankin Street.

- *The location and visibility of the loading dock from Rankin Street and conflict between loading vehicles and parking and pedestrian areas.*

Comment: The applicant has proposed signage and line marking to clearly identify vehicle access and the separate service vehicle access. The proposed loading dock has been designed to minimise the visual impact. The operator has indicated that the business is operated differently to other larger supermarket that may receive many deliveries a day. The proposal will receive only a few with stock stored onsite rather than delivered through an on demand delivery system.

- *We note the proposed changes still do not show concern for the location of the site within the Heritage Conservation Area in which it is located.*

Comment: The Application was referred to Councils Heritage Advisor, who reviewed the plans and supported the proposed demolition of the existing building as it is of no heritage significance and does not contribute to the streetscape.

Conclusion

Council has received a Development Application (DA) for a shopping centre and carpark at 72-82 Rankin Street, Bathurst. The Development Application was advertised in accordance with Clause 10 of Bathurst (Interim) Local Environmental Plan 2005. One submission was received during the public exhibition period. The subject land is zoned 3(a) General Business under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The proposal is defined as *shop* and *car park* which are permissible with consent in the 3(a) General Business zone. The proposed development is subject to the provisions of the Bathurst Regional Council (Interim) Development Control Plan 2011. As detailed in this report the proposal complies with the provisions the Development Control Plan.

The proposal is expected to have a positive economic impact with the creation of additional 75-100 full time employees within the centre. This would result in up to an additional \$1.9-2.5 million in additional wages within the local economy as well as increase the choice of shopping locations available within Bathurst.

The application was referred to Councils Heritage Advisor, who reviewed the plans and supported the proposed demolition of the existing building as it is of no heritage significance and does not contribute to the streetscape.

Financial Implications: Nil.

MINUTE

12 Item 5 DEVELOPMENT APPLICATION NO. 2010/0924 – DEMOLITION OF EXISTING COMMERCIAL PREMISES AND CONSTRUCTION OF NEW SHOPPING CENTRE AND CARPARK AT 72 & 86 RANKIN STREET, BATHURST – APPLICANT: CAMFLEX PTY LTD. OWNER: CAMFLEX PTY LTD AND BATHURST REGIONAL COUNCIL (2010/0924)

MOVED: T Carpenter SECONDED: B Bourke

RESOLVED: That Council:

(a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0924, 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) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1997, recorded, and details given to Council prior to the continuing of works.

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, Department of Planning, prior to the disturbance of the archaeological relics.

(ii) The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.

(iii) The applicant is to install a solid fence along the boundary of those adjoining properties facing Durham Street that is consistent with the submitted acoustics report.

(iv) The applicant is to install a fence along Rankin Street between the parking area and the street to provide visual interest to the streetscape, to the satisfaction of the Director Environmental, Planning & Building Services.

(v) Prior to the issue of the construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:

- a) Traffic management, including:
 - i) Loading, unloading area and material storage areas;
 - ii) Access to adjoining properties; and
 - iii) Parking areas (for construction workers and surrounding properties);
- b) Noise;
- c) Dust;
- d) Stabilisation and monitoring of adjoining buildings;

- e) Vibration; and
- f) Proposed methods of communication, including:
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.

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

(c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

6 DEVELOPMENT APPLICATION NO. 2011/0105 – ADVERTISING SIGNAGE AT 46-48 GEORGE STREET, BATHURST. APPLICANT: DIGI CORPORATE. OWNER: TINDALLS CORNER PTY LTD (2011/0105)

Recommendation: That Council:

- (a) support the variation to the provisions of Bathurst Regional (Interim) Development Control Plan 2011 relating to advertising signage;
- (b) approve the modification of Development Application 2011/0105; and
- (c) call a division.

Report: Council has recently received and dealt with a Development Application for advertising signage associated with the new Bob Jane T-Mart building at 46 – 48 George Street, Bathurst. A copy of the submitted plans is provided at **attachment 1**.

The Development Application was determined in accordance with the provisions of the Bathurst Regional (Interim) Development Control Plan 2011 adopted by Council at its meeting held 16 February 2011.

Conditions imposed upon the consent (in accordance with the DCP provisions) require:

- The flush wall signage on the George Street façade to be redesigned so that it does not extend above the parapet of the building.
- The total area of signage on the George Street façade (inclusive of the logo, text and associated background) does not exceed 2% of the elevation of the building.
- The proposed pylon sign is to be no greater than 5 square metres and no taller than the roof height of the original building.

Council has since received a request to modify the conditions imposed upon the consent (**attachment 2**). The modification request relates to the area of the proposed signage upon the George Street façade and the area of the proposed pylon sign.

George Street facade

In accordance with the condition imposed upon the consent this sign would need to be in the order of 1.56 square metres. What this means in effect is that the majority of the signage on the George Street façade would not have been possible.

The proposal would see the increase in the area of advertising to approximately 6 square metres.

The proposal whilst larger than the standard adopted in the DCP is however supportable for the following reasons:

- The sign will be located below the parapet of the building (as originally conditioned).
- The signage will not cover any elements of the building of architectural merit.
- The overall façade treatment and extensive use of corporate colour scheme means any advertising signage will be recessive and not dominate the building façade.

Pylon signage

The original proposal was for a pylon sign 6.7 metres high by 2.4 metres wide. The sign

was proposed to be in the order of 16 square metres or slightly more than 3 times the standard adopted in the DCP.

The applicant's alternate proposal is to make the sign no taller than the roof height of the original building (approximately 5.4 metres) but maintain the 2.4 metres width as originally proposed. This means the sign would be in the order of 13 square metres.

The critical element for the proposed pylon sign is to keep it in scale with the building it relates to such that it does not dominate the overall streetscape. Under the circumstance the retention of the scale relative to the building is achieved. The sign relative to the other signage particularly in Durham Street will not dominate the streetscape and accordingly is acceptable.

BR(I)DCP 2011

This Development Application has highlighted that some of the prescriptive (numerical) provisions can be overly restrictive and do not necessarily take into account the existing environment in which they are erected.

As a separate matter to this Development Application, it is proposed to commence the process of reviewing the standards for advertising signage relating to:

- The height of pylon signs.
- The areas of the advertising panels on pylon signs.
- The area of the façade of a building that may be used for advertising .

An amendment to the Development Control Plan will be drafted and placed on public exhibition (minimum 28 days) prior to the matter being referred back to Council for further consideration.

Financial Implications: Nil.

MINUTE

13 Item 6 DEVELOPMENT APPLICATION NO. 2011/0105 – ADVERTISING SIGNAGE AT 46-48 GEORGE STREET, BATHURST. APPLICANT: DIGI CORPORATE. OWNER: TINDALLS CORNER PTY LTD (2011/0105)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council:

- (a) support the variation to the provisions of Bathurst Regional (Interim) Development Control Plan 2011 relating to advertising signage;
- (b) approve the modification of Development Application 2011/0105; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

7 PLANNING PROPOSAL - COMPLYING DEVELOPMENT (20.00176)

Recommendation: That Council:

- (a) forward the finalised Planning Proposal - Development Control Plan - Complying Development, as outlined in this report, to the Department of Planning for the making of the Local Environmental Plan under Section 59 of the Environmental Planning & Assessment Act 1979; and

- (b) call a division.

Report: Council, at its meeting held 16 February 2011, resolved to prepare and submit a planning proposal to the Department of Planning to amend Clause 20(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005 to insert the new adoption date of the amended DCP - Complying Development. By inserting the new adoption date, this will enable the Bathurst community to lodge Complying Development Applications with the reduced setback of 6 metres, which is then consistent with the Bathurst Regional (Interim) DCP 2011.

Council received a gateway determination on 14 March 2011 which enable Council to proceed with the planning proposal. The gateway determination is provided at **attachment 1**.

In accordance with the Department's conditions, no further community consultation or government department consultation was required under sections 56(2)(c), 56(2)(d) or 57 of the Act, and no public hearing is required under Section 56(2)(e) of the Act. However it should be noted that the Development Control Plan - Complying Development was placed on public exhibition for a period of 28 days from 20 November 2010 to 20 December 2010. As a result of the public exhibition process, Council did not receive any submissions in relation to the amendment. The Interim DCP 2011 was also exhibited with the reduced setback of 6m, and has since been adopted by Council.

There are no planning reasons why this proposal should not proceed. It is recommended that Council forward the planning proposal to the Department of Planning to be made.

Financial Implications: Nil.

MINUTE

14 Item 7 PLANNING PROPOSAL - COMPLYING DEVELOPMENT (20.00176)

MOVED: W Aubin SECONDED: G Westman

RESOLVED: That Council:

- (a) forward the finalised Planning Proposal - Development Control Plan - Complying Development, as outlined in this report, to the Department of Planning for the making of the Local Environmental Plan under Section 59 of the Environmental Planning & Assessment Act 1979; and
- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr 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 NSW ENERGY SAVINGS SCHEME (13.00065)

Recommendation: That Council:

- (a) apply to become an Accredited Certificate Provider under the NSW Energy Saving Scheme for a one-off cost of \$500; and
- (b) apply to register the lighting upgrade at the National Motor Racing Museum as a Recognised Energy Savings Activity under the NSW Energy Saving Scheme.

Report: The NSW Energy Savings Scheme provides a financial incentive to reduce electricity use and helps businesses improve their environmental performance. The Scheme is part of the NSW Government's plan to cut greenhouse emissions by 60% by 2050.

Under the scheme businesses can become accredited to create energy savings certificates (ESC's) for undertaking recognised energy savings activities (RESA's). There are four types of RESA's:

1. Modification of equipment or how it is used
2. Replacement of equipment
3. Installation of new high efficiency equipment, and/or
4. Removal of equipment that results in reduced electricity consumption.

Production or service levels cannot be reduced by the RESA.

Examples of recognised activities are:

1. Installation of energy efficient lighting
2. Replacing old equipment with a more energy efficient model
3. Replacement of an old motor with a high efficiency motor.

Each certificate represents a saving of approximately 1 megawatt hour. As of 10 January 2011, forward trades for ESCs were reported around \$31.00 per certificate.

The lighting efficiency upgrade at the National Motor Racing Museum (the first project approved under Council's Revolving Energy Fund) would for example, allow Council to create approximately 27 ESC's per year under the scheme (for the effective life of the replacement lighting).

Financial Implications: The registration costs can be funded from existing allocations. Funds generated as a result of participation in the scheme will be directed to the Revolving Energy Fund to support future energy savings projects.

MINUTE

15 Item 8 NSW ENERGY SAVINGS SCHEME (13.00065)

MOVED: G Hanger SECONDED: I North

RESOLVED: That Council:

- (a) apply to become an Accredited Certificate Provider under the NSW Energy Saving Scheme for a one-off cost of \$500; and
- (b) apply to register the lighting upgrade at the National Motor Racing Museum as a Recognised Energy Savings Activity under the NSW Energy Saving Scheme.

9 NSW SUSTAINABILITY ADVANTAGE – ENERGY SAVER (13.00065)

Recommendation: That Council:

- (a) register for the resource efficiency component of the Sustainability Advantage Program for a cost of \$500; and
- (b) undertake subsidised energy audits at three to four of Council's top 10 electricity consuming facilities (excluding the Civic Centre which has already been completed).

Report: The NSW Department of Environment, Climate Change and Water (DECCW) Sustainability Advantage program helps medium to large organisations understand sustainability and strengthen their environmental performance. The Sustainability Advantage Energy Saver is the arm of this program which supports the NSW Government's Energy Efficiency Strategy which aims to reduce carbon pollution and power bills for businesses and communities. Through this program eligible organisations can receive energy audits for only 20 – 50% of the actual cost.

To be eligible for the subsidised energy audits Council must:

- Use between 160MWh and 10GWh of electricity per year at its largest site;
- Sign up for the Resource Efficiency Component of the Sustainability Advantage Program;
- Commit to paying 20 – 50% of the audit cost;
- Collect pre-audit energy data and develop a resource consumption baseline;
- Develop an active resource efficiency team;
- Be willing to implement cost effective energy efficiency recommendations; and
- Commit to reporting on resource savings at 6, 12, & 18 month intervals.

Subsidised energy audits can be level 1, 2 or 3 energy audits:

- Level 1 audits are available for 20% of the actual cost (usually less than \$3,000). A level 1 energy audit is a base level audit which provides advice on efficiency opportunities in areas such as lighting, heating, ventilation and electric motors.
- Level 2 audits are available for 30% of the actual cost (\$3,000 to \$30,000). A level 2 audit is a detailed audit concentrating on areas of high energy use. It recommends energy efficiency measures and outlines the potential costs, savings and benefits of implementing the recommended measures.
- Level 3 audits are available for 50% of the actual cost (\$10,000 - \$50,000+). A level 3 audit provides highly detailed analysis of the whole site, or may focus on specific machinery or processes, and may use data logging equipment.

Staff from the NSW Office of Environment and Heritage will assist Council to scope the audits and will engage an appropriate auditor on Council's behalf. Council will only be invoiced for its contribution to the cost of the audits by the NSW Office of Environment and Heritage once a satisfactorily completed audit report is received.

Once the audits are completed the program provides support to implement cost effective energy savings actions identified.

Financial Implications: The registration and audit costs can be funded from existing allocations.

MINUTE

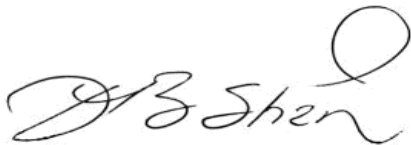
16 Item 9 NSW SUSTAINABILITY ADVANTAGE – ENERGY SAVER (13.00065)

MOVED: R Thompson SECONDED: G Westman

RESOLVED: That Council:

- (a) register for the resource efficiency component of the Sustainability Advantage Program for a cost of \$500; and
- (b) undertake subsidised energy audits at three to four of Council's top 10 electricity consuming facilities (excluding the Civic Centre which has already been completed).

Yours faithfully



D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
20 APRIL 2011

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 20 APRIL 2011**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$58,521,107.58 was invested at 31 March 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) | 4.90% |
| 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 | \$6,000,000.00 | 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+ | \$8,000,000.00 | 6.10% |
| Railways Credit Union | ADI | \$4,000,000.00 | 6.15% |
| Reliance Credit Union | ADI | \$1,000,000.00 | 6.01% |
| Savings and Loans Credit Union | ADI | \$1,000,000.00 | 6.13% |
| SGE Credit Union | ADI | \$1,000,000.00 | 6.19% |
| Westpac Banking Corporation | A-1+ | <u>\$1,000,000.00</u> | <u>6.06%</u> |
| | | \$39,000,000.00 | 6.13% |

Long Term

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

Committed Rolling Investments

| | | | |
|---------|----|-----------------------|--------------|
| Westpac | AA | \$2,000,000.00 | 6.09% |
| Westpac | AA | \$2,000,000.00 | 6.21% |
| Westpac | AA | <u>\$2,000,000.00</u> | <u>6.19%</u> |
| | | \$6,000,000.00 | 6.17% |

Community Income Note

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

Negotiable & tradeable Certificates of Deposits

| | | | |
|-------------------|----|-----------------------|--------------|
| Commonwealth Bank | AA | <u>\$2,000,000.00</u> | <u>5.44%</u> |
| | | \$2,000,000.00 | 5.44% |

Floating Rate Notes

| | | | |
|--|------|------------------------|--------------|
| ANZ | AA | \$2,000,000.00 | 6.00% |
| Barclays Bank PLC – Australian Branch | AA- | \$2,000,000.00 | 6.63% |
| Bendigo Bank 2007 | BBB | \$2,000,000.00 | 6.09% |
| Bendigo & Adelaide Bank Retail Bond | BBB | \$2,000,000.00 | 6.34% |
| Lehman Brothers Treasury Co | | \$90,000.00 | 0.00% |
| Mackay Permanent Building Society | BBB- | \$500,000.00 | 5.93% |
| The Royal Bank of Scotland – Australian Branch | A+ | <u>\$2,000,000.00</u> | <u>7.37%</u> |
| | | <u>\$10,590,000.00</u> | <u>6.40%</u> |

Total Investments \$58,521,107.58 6.06%

These funds were held as follows:

| | | | |
|---|---------------------|-----------------|--|
| Reserves Total (includes unexpended loan funds) | | \$36,022,368.44 | |
| Grants held for specific purposes | | \$3,865,705.90 | |
| Section 94 Funds held for specific purposes | | \$16,641,819.75 | |
| Unrestricted Investments – All Funds | | \$1,991,213.49 | |
| *General Fund | \$7,261.18 | | |
| *Water Fund | \$827,418.16 | | |
| *Sewer Fund | \$445,905.72 | | |
| *Waste Fund | <u>\$710,628.43</u> | | |

Total Investments \$58,521,107.58

Total interest revenue to 31/03/2011 on investments \$2,710,402.82 6.06%

R Roach
Responsible Accounting Officer

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

MINUTE

17 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED: B Bourke SECONDED: I North

RESOLVED: That the information be noted.

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

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

Report: At **attachment 1 and 2** is the revised summary and detail of the Management Plan and Budget for the period to 31 March 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 March 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

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

MOVED: G Westman SECONDED: R Thompson

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 31 March 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: | \$19,093.64 |
| BMEC Community use: | \$5,485.39 |
| Mount Panorama : | \$18,177.00 |

MINUTE

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

MOVED: W Aubin SECONDED: M Morse

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- Howard R - Church Lane - Part Lot 6 DP 1142438 - Licence
- Hotham C - Vale & Lloyds Roads - Lot 134, 137, 138, 144 & 145 DP 750357, Part Lot 1 DP 784476 - Licence
- Cutler Construction P/L - Freeman Circuit - Lot 733 DP 1155783 - Transfer
- Department of Defence - Bathurst Aerodrome - Lot 36 DP 1159302 - Lease

Linen Plan Release

Nil

Financial Implications: Nil.

MINUTE

20 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: G Hanger SECONDED: G Westman

RESOLVED: That the information be noted.

5 AUSTRALIA DAY ACTIVITIES 2011 (23.00033)

Recommendation: That the information be noted.

Report: On 26 January 2011 several celebrations took place around the Region to celebrate Australia Day. Bathurst Regional Council facilitated these celebrations which enabled residents and visitors the chance to attend either one or many of the festivities that took place.

The day began in Eglinton where a BBQ breakfast was provided by the Lions Club, the Citizenship Ceremony was held at the Bathurst Goldfields, the city celebration was at Bicentennial Park and Sofala held the Village Celebrations. Each celebration has their own achievements, outcomes and target audiences that they cater for on the day.

To avoid problems that occurred at the 2010 Australia Day celebrations a new time format was introduced. This new format allowed most of the celebrations to take place in the morning rather than the evening. This made the event incident free, avoiding the hottest part of the day and appealing to our target market- families. However, the new time format received mixed reviews from the community.

The day saw approximately 850 people at all four events, families with small children making up majority of the crowd.

Positive:

- The Rotary Duck Race – most entries yet to date
- Stall numbers at Sofala were up from last celebration
- Live entertainment was well received at Bicentennial Park
- The presence of the Mayor, Ambassador and Citizens of the Year at all four events

Negative:

- Numbers were down in comparison to previous celebrations due to Australia Day falling midweek and the heat also deterred people away
- The Bathurst Triathlon posed as a problem regarding utilisation of the park
- The Sports Awards became too long which made the official ceremony at Bicentennial Park longer than it should be to maintain public interest

Recommendations:

- Implement a new, fresh format that will maintain public interest
- Introduce iconic activities and displays to the celebrations
- More attendance is required at the Australia Day Working Party meetings

Overall there were no incidents that occurred.

Financial Implications: Covered in the 2011 Australia Day budget.

Financial Implications: Nil.

MINUTE

21 **Item 5 AUSTRALIA DAY ACTIVITIES 2011 (23.00033)**

MOVED: I North **SECONDED:** B Bourke

RESOLVED: That the information be noted.

6 NEW YEARS EVE PARTY IN THE PARK 2011 (23.00131)

Recommendation: That the information be noted.

Report: On Friday 31 December 2010, Bathurst Regional Council hosted the second *Party in the Park* New Years Eve celebrations in Victoria Park, Bathurst. Residents and guests of the Bathurst Region were treated to a fun, family oriented night with live music, children's performances and a fireworks display to complete the evening. This was only the second time the *Party in the Park* had been held, but attendance numbers were substantially increased from the inaugural event.

The event was well received by the community, with very little complaints and none of which severely impacted on anyone's evening. Approximately 4,500 – 5,000 people attended the event. The park has room to accommodate more people as the event continues to grow in popularity. The adventure playground continued to be the focus of the event. The only major change was that of the stage, which this year was supplied by Burke's Transport in the form of a flatbed trailer and was built on by Bathurst Sound and Lighting.

Surveyed participants and general observations and comments resulted in the following positive and negative results:

Positive

- A great alternative to travelling
- Fantastic adventure playground still an attraction
- Fireworks display
- Children's performances
- Acoustic musicians

Negative

- Lack of amenities (toilets) in general, and the location of those was far away
- The speakers used for announcements and music did not reach those patrons up the back of the park
- Fireworks should be shot at 9.00pm, not 9.30pm, as they were in 2009
- More activities to meet the crowd numbers
- Additional food vendors to meet demand
- The headline musical group were not the right band for the crowd in attendance

Recommendations

- Increase toilets available with Port-a-loos
- Invite additional food vendors, and allow the Lions club to provide two BBQ's
- Hire carnival rides to provide additional entertainment and activities
- Hire temporary fencing to prevent patrons from walking through the fireworks fall-out zone

Overall there were no major problems that couldn't be dealt with on the night. Security reported no incidents other than having to inform patrons to move out of the fall-out zone. Positive feedback was reported in all forms of local media, with Council receiving numerous letters of thanks and encouragement for the event.

Financial Implications: Nil.

MINUTE

22 Item 6 NEW YEARS EVE PARTY IN THE PARK 2011 (23.00131)

MOVED: B Bourke SECONDED: G Westman

RESOLVED: That the information be noted.

7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST AH&P ASSOCIATION INC. (18.00004, 41.00089)

Recommendation: For Council's consideration.

Report: Council have been approached by the Bathurst AH&P Association Inc for Council to financially assist with the running of the Annual Bathurst Show.

The AH&P Association are seeking the following:

1. A formalised commitment of support of the Association by Council for a 3-5 year agreement including:
 - a. Maintaining the current sponsorship of the Royal Bathurst Show Supreme exhibits.
 - b. Continuing the major sponsorship of the community stage or a similar major section of the Royal Bathurst Show.
2. The allocation of a duty Councillor.
3. Inclusion in tourism and promotion planning generally and specifically with the Autumn Program brochure.
4. The provision of Council advice assisting with marketing, event management, safety and risk logistics and staging.
5. Assistance with conducting ongoing visitor/patron surveys to be used for the Tourism Grant Application, Marketing and Planning.

Council has also received a further request for more assistance as per **attachment 1** document which sets out the area of assistance headed

- a. On the Grounds
- b. Off the Grounds

Council's engineering staff have examined each of these requests and it is estimated that to support the requests for On the Grounds would cost in the vicinity of approximately \$1,250 per annum and for work Off the Grounds it is estimated it will cost in the vicinity of \$2,200.

The AH&P Association have indicated that they are seeking in addition to the above the financial commitment to the community stage of \$5,000 per annum and the supreme exhibits section to which Council contributes \$1,000 per annum.

The other items listed as number 3, 4 and 5 would also have a cost to Council in that Council staff would be required to provide services to this organisation. Where it is not easy to put a price on the items 3, 4 and 5 I believe somewhere in the vicinity of approximately \$3,000 to \$5,000 per annum would not be unreasonable given the extent of their request.

This would make a total contribution to the Bathurst Show of around \$15,000 per annum either in cash or in kind.

The new committee which met with Council has indicated a new approach to the marketing and to the running of the Royal Bathurst Show in 2011 and onwards.

As pointed out by the Bathurst AH&P Executive the Bathurst Show is an intricate part of the operations of the Bathurst community throughout the year and attracts crowds of around 20,000 per annum. Councillors have been requested to consider what support they are prepared to make to the Bathurst Show for 2011 and into future years.

Financial Implications: Should Council decide to support the Bathurst AH&P Association in 2011 they will need to find approximately \$14,000 (amount requested \$15,000 less \$1,000 already included in budget for supreme exhibits). Councillors will need to decide where they are going to fund this operation from as the 2010/2011 budget has no excess funds for this type of financial support to this type of operation.

MINUTE

23 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST AH&P ASSOCIATION INC. (18.00004, 41.00089)

MOVED: R Thompson SECONDED: B Bourke

Cr Thompson declared a non pecuniary interest in this item.

Reason: Paid up member AH&P with extensive history of involvement in the Bathurst Show.

RESOLVED: That Council:

1. Include in the management plan for 2011/12:
 - (a) Funds to maintain the current sponsorship of the Royal Bathurst Show Supreme exhibits, (\$1,000).
 - (b) Major sponsorship funding of the community stage or a similar major section of the Royal Bathurst Show, (\$5,000).
2. Nominate a duty Councillor to the AH&P.
3. Include reference to the AH&P in tourism and promotion planning generally and specifically with the Autumn Program brochure.
4. Provide assistance by way of:
 - (a) Loan of 370 metres of parawebbing
 - (b) Loan of 140 star pickets with caps and picket remover machine
5. Erect a fence along length of Kendall Avenue on Morse Park side of road to deter pedestrians crossing highway.
6. Erect fencing to protect cricket pitches on Morse Park.

To be funded from section 356 donations.

8 CENTROC REGIONAL SUMMIT - USE OF MOUNT PANORAMA (18.00004 07.00017)

Recommendation: That Council sponsor the CENTROC Regional Summit to be held on 25 and 26 August 2011 in the form of:

- (a) financial support in waiving hire fees for the Mount Panorama Pit Complex to be funded from Mt Panorama donations; and
- (b) in kind support through assistance from Council's Events Team.

Report: Bathurst Regional Council has been approached by CENTROC to support financially and in-kind the hosting of a Regional Summit on 25 and 26 August 2011. Bathurst Regional Council's General Manager is the sponsoring General Manager for this project.

Bathurst has been selected as the ideal centre because of its central regional location, the profile of State and Federal politicians operating in our electorate and the variety of conference venues available.

The Summit will provide the opportunity for members to meet with the new government. The Summit dates are set for 25 and 26 August 2011.

The theme is "Summit at the Mount 2011 - CENTROC on track" and has been developed to capture the activities in the Federal and State arena and the opportunities and implications for the CENTROC region.

The CENTROC Board supports a higher order conference which will be a two day event which will allow for the opportunity to have representation from both parties in government. The day may commence with the August CENTROC Board meeting.

The Summit will draw attention to a number of key regional issues to Government at all levels (Local, State and Federal) with the primary aim to raise media and political attention to what affects people in our Region and Western NSW in general.

There has been unanimous support from Mayors and Councillors across the CENTROC region who will attend as well as strong interest from State and Federal ministers who have indicated their willingness to participate pending confirmation of the programme.

As an aside, the event also supports Bathurst Regional Council's Marketing Strategy with one of its outcomes being to develop a Conference Strategy to promote the Region as a conference venue of choice. Securing the Regional Summit would add value to the conference strategy.

CENTROC is also exploring the possibility of working with TAFE Western to utilise students undertaking Hospitality and Event Management studies at the Bathurst and Orange Campuses to help with resourcing the Summit. This will provide invaluable experience to students and may form part of the major assessments.

It is anticipated registration fees for delegates will cover cost of catering and any speaker requirements so that with support from Bathurst Regional Council the event could run on a cost recovery basis.

Bathurst Sponsorship inclusions:

| | |
|---|-----------------------|
| (1) Windradyne Room (2 days) | \$1,000 |
| (2) 1 block garages in the Pit Complex (2 days) | \$1,400 |
| (3) Tables and chairs (up to 150 people) | \$200 |
| (4) AV & Sound equipment (lectern, mic & portable PA) | \$200 |
| (5) Office spaces at Pit Complex | \$450 |
| (6) Event staff 2 staff x 3.5 hrs @ \$50/hr | \$350 |
| (7) Race Track Manager support @ 2 days | \$600 |
| (8) Council staff - venue & location set up 4 staff x 7.5 hrs @ \$40/hr | \$1,200 |
| (9) Signage | \$300 |
| (10) Traffic Control Management 2 @ 3hrs @ \$40/hr | \$360 |
| (11) Security on-call (late lock up) | <u>\$150</u> |
| Total: | <u>\$6,210</u> |

In-kind support offered by Council's Events Department would be considered part of the function of managing special events at Mt Panorama and is not expected to exceed the number of normal service hours. This is included in Items (6) and (8) above.

Financial Implications: Funding is available in the Mt Panorama Subsidy allocation in Council's Management Plan.

MINUTE

24 Item 8 CENTROC REGIONAL SUMMIT - USE OF MOUNT PANORAMA
(18.00004 07.00017)

MOVED: I North SECONDED: W Aubin

RESOLVED: That Council sponsor the CENTROC Regional Summit to be held on 25 and 26 August 2011 in the form of:

- (a) financial support in waiving hire fees for the Mount Panorama Pit Complex to be funded from Mt Panorama donations; and
- (b) in kind support through assistance from Council's Events Team.

9 USE OF BATHURST CITY COAT OF ARMS - AUSTRALIAN AIR FORCE CADETS (23.00017)

Recommendation: That Council:

- (a) approve the use of the Bathurst City Coat of Arms in the banner of the Australian Air Force Cadets 328 (City of Bathurst) Squadron
- (b) agree to the Squadron using the City of Bathurst in its name.

Report: Council has received a request (shown at **attachment 1**) from the Australian Air Force Cadets 328 (City of Bathurst) Squadron.

The current banner used by the Squadron reflects the status of the Squadron at that time as 28 (City of Bathurst) Flight and bears the shield from the Bathurst Coat of Arms. The Squadron have requested Council's assistance in either providing copies of the original documents that allow the use of the Bathurst Coat of Arms or to put in motion procedures to confirm the Squadron's right to use the Bathurst Coat of Arms. Research of Council's records was unable to find any original documents and it is therefore considered that new approval should be considered by Council.

It is recommended that Council approve the use of the Bathurst Coat of Arms in the Squadron Banner of the 328 (City of Bathurst) Squadron Australian Airforce Cadets and agree to the use of the City of Bathurst in its name.

Financial Implications: Nil.

MINUTE

25 Item 9 USE OF BATHURST CITY COAT OF ARMS - AUSTRALIAN AIR FORCE CADETS (23.00017)

MOVED: I North SECONDED: G Westman

RESOLVED: That Council:

- (a) approve the use of the Bathurst City Coat of Arms in the banner of the Australian Air Force Cadets 328 (City of Bathurst) Squadron
- (b) agree to the Squadron using the City of Bathurst in its name.

10 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (18.00004-23/125)

Recommendation: That Council donate \$500 to Australian Local Government Association - Clean Up Australia - Boomerang Alliance towards the Cash for Containers Campaign from Section 356 Donations.

Report: Council has received a request from Australian Local Government Association - Clean Up Australia - Boomerang Alliance for financial assistance towards the Cash for Containers Campaign. A copy of the request is provided at **attachment 1**.

This organisation advises that Australia's Environment Minister has decided to undertake a formal process of assessment of new packaging laws including for beverage containers.

There has been a lot of research and debate about container deposits but the organisation believes the level of public support is now overwhelming.

Australian Local Government Association advised they have joined together to ensure that all Governments get a clear message about the desirability and benefits of the Container Deposit System (CDS). They advise that this is a massive exercise to make people aware of a deposit system which will assist with the recycling of waste to various collection centres.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$19,093.64

MINUTE

26 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (18.00004-23/125)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That Council donate \$500 to Australian Local Government Association - Clean Up Australia - Boomerang Alliance towards the Cash for Containers Campaign from the waste fund.

11 DEVELOPMENT APPLICATION NO. 2011/0021 – ADDITIONS AND ALTERATIONS OF EXISTING BUILDING AND CHANGE OF USE TO GROUP HOME AT 9 COLLINS CLOSE, KELSO. APPLICANT: HAVENHAND AND MATHER. OWNER: GLENRAY INDUSTRIES (DA2011/0021)

Recommendation: For Council's consideration.

Report: Council has received and dealt with a Development Application on behalf of Glenray Industries for redevelopment of their land at Collins Close.

The development involved alterations to the existing hostel building. The project cost is in the order of \$400,000.00.

As the proposed development will result in additional amenities and habitable rooms conditions were imposed requiring contributions under Council's Section 94 and Headworks Plans as follows:

| Charge | Amount |
|-----------------------------------|--------------------|
| Water Headworks | \$4,077.90 |
| Sewer Headworks | \$3,698.10 |
| Provision of Community Facilities | \$2,342.70 |
| TOTAL | \$10,118.70 |

Council has received a request for Council to consider waiving the above development contributions (**attachment 1**). Council should note that it does not generally nor is it appropriate to waive Water and Sewer Headworks charges and Section 94 contributions.

Council should note that it previously agreed to waive the Development Application fees of \$1,880 on behalf of Glenray for other developments on this site (Council Meeting 16 September 2009).

Should Council decide to offer assistance in this matter it would normally pay the contribution on behalf of Glenray from Section 356 Donations.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$19,093.64

MINUTE

27 Item 11 DEVELOPMENT APPLICATION NO. 2011/0021 – ADDITIONS AND ALTERATIONS OF EXISTING BUILDING AND CHANGE OF USE TO GROUP HOME AT 9 COLLINS CLOSE, KELSO. APPLICANT: HAVENHAND AND MATHER. OWNER: GLENRAY INDUSTRIES (DA2011/0021, 18.00004)

MOVED: R Thompson SECONDED: T Carpenter

RESOLVED: That Council not agree to waiving the fees.

12 REGIONAL SOCCER FACILITY PROCTOR PARK (04.00044)

Recommendation: That Council proceed to discuss with Football Federation Australia the preparation of plans for the extension of soccer facilities at Proctor Park.

Report: Councillor's are aware that Council has been meeting with representatives from Bathurst 75 Football Club, Western NSW Panthers Football Club and Bathurst District Soccer Association and Football Federation Australia in relation to the regionalisation of soccer to the Proctor Park complex. This matter has been ongoing since 2008 and currently has not progressed to the level it should due to the reluctance of each of the associations to work together to find a solution.

Recently Council received a letter from Football Federation Australia advising that they were prepared to make a grant available in the amount of \$20,000 to undertake a feasibility study. See **attachment 1**.

In order to resolve this matter Council now needs to prepare this document in conjunction with Football Federation Australia in respect to the regionalisation of soccer within Bathurst.

Council will work with Football Federation Australia's representative Matt Bulkeley in the preparation of the document and will seek the input of each of the associations to ensure that there is ownership of this document before going out and having the study completed which will then be presented back to Council for their final determination.

Financial Implications: Council will receive \$20,000 from Football Federation Australia and should there be any shortfalls in this study preparation a further report back to Council will be made for additional funds.

MINUTE

28 Item 12 REGIONAL SOCCER FACILITY PROCTOR PARK (04.00044)

MOVED: I North SECONDED: W Aubin

RESOLVED: That Council proceed to discuss with Football Federation Australia the preparation of plans for the extension of soccer facilities at Proctor Park.

13 LEHMAN BROTHERS HOLDINGS INC (16.00001, 34.00061)

Recommendation: That the information be noted.

Report: There have been a number of reports in the media regarding Lehman Brothers and Councils who had purchased Collateralised Debt Obligations (CDO's). Those reports naming the Lehman Brother's case are related to the company Lehman Brothers Australia Limited. This company was previously known as Grange Securities and under that former ownership, had sold CDO's to numerous councils. A Class action against this company is being headed by IMF (Australia) Ltd representing those councils. In October 2009 the Australian High Court placed Lehman Brothers Australia Limited in liquidation, and appointed PPB Advisory (Joint & Several Official Liquidators) as liquidators. At no time has Bathurst Regional Council ever held a CDO and therefore those media reports are not connected to this Council in any way.

Council purchased an investment known as a floating rate note that was attached to a Constant Proportion Debt Obligation (CPDO). A CPDO has much less risk attached to it than a CDO because of the underlying securities. The floating rate note Council owns was issued by Lehman Brothers Treasury Co B.V. (Netherlands) and guaranteed by Lehman Brothers Holdings Inc (USA). Houthoff Buruma (HB) is the company involved as the Bankruptcy Trustee of Lehman Brothers Treasury Co B.V. filed through the Amsterdam District Court in the Netherlands. HB's Bankruptcy Report No 2 was reported to the 20 May 2009 Council meeting. Bankruptcy Reports No 3, 4, 5, 6, 7 are shown at **attachments 1 - 5.**

Lehman Brothers Treasury Co B.V. is a wholly-owned subsidiary of Lehman Brothers UK Holdings (Delaware) Inc., which in turn is wholly-owned by Lehman Brothers Holdings Inc., the holding company of the worldwide operating Lehman Brothers Group.

A Proof Of Claim form was lodged with the United States Bankruptcy Court (Southern District of New York Case No 08-13555), to protect Council's investment interests for \$1,034,691.46 AUD, Claim Number 6577 against Lehman Brothers Holding Inc for Chapter 11 bankruptcy proceedings on 5 August 2009. On 15 October 2009, Computershare (Austraclear Settlements - Council's independent clearing house holding it's Security Notes) advised that they had received documentation and instructions from HB in relation to the filing of claims against Lehman Brothers Holdings Inc. Part of the claim filing process required that the holders of notes obtain a formal blocking reference number against the amount of stock they own. This was applied for through Computershare and received on 27 October 2009 (#63543581), along with Council's Proofs of Claim lodged in New York on 29 October 2009 for the amount of \$847,793.17 USD (the principal and interest amount claimable as at 15 September 2008, in United States dollars (USD) at the exchange rate for that day).

The United States Bankruptcy Court (Southern District of New York) informed Council that Lehman Brothers Holdings Inc. filed a Notice of Hearing on Debtors' Fifth omnibus objection to claims on 1 April 2010. This was to have claims expunged, reclassified, and / or disallowed. Council retained a full claim for \$847,793.17 USD (Surviving Claim Number 59116).

On 20 January 2011, Bankruptcy Report No 7 of the Bankruptcy Trustees of Lehman Brothers Treasury Co. B.V. was released outlining developments from 1 July to 31 December 2010. Due to the complex web of companies involved in this bankruptcy, and intercompany transaction claims, it may take a considerable amount of time before any repayments are made to Creditors and the winding-up of the Bankruptcy will depend on the completion of the Chapter 11 proceedings of Lehman Brothers Holdings Inc.

Advice from two independent Australian brokers has confirmed that in early March 2011 the floating rate note was traded on the market between \$20 to \$23 per \$100 Face value (\$230,000).

Financial Implications: Council has previously recorded this investment on its books at \$90,000, a higher recoverable amount is now more likely.

MINUTE

29 Item 13 LEHMAN BROTHERS HOLDINGS INC (16.00001, 34.00061)

MOVED: G Westman SECONDED: G Hanger

RESOLVED: That the information be noted.

14 REQUEST FOR FINANCIAL ASSISTANCE - OHKUMA APPEAL - MOVIE FUNDRAISER - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00012)

Recommendation: That Council donate the costs associated with the hire of the Theatre at the Bathurst Memorial Entertainment Centre for a Japanese Movie Night on 6 May 2011 from the BMEC Community use Subsidy for approximately \$1,000.

Report: Council has received a request from Juanita Kwok for the use of BMEC to hold a Japanese Movie Night on Friday 6 May 2011 as a fundraiser for the Ohkuma Appeal. The request is shown at **attachment 1**.

The event is to be held in the Theatre and requirements would include the following, totalling approximately \$1,000.

- hire of the theatre
- labour for technician
- box office staff
- front of house staff
- projector setup
- ticketing fee

As this is a fundraiser for the Ohkuma Appeal, it is recommended that Council donate the costs of hire of the Theatre at BMEC for the Japanese Movie Night from the BMEC Community use Subsidy.

Financial Implications: The cost of approximately \$1,000 could be funded from the Bathurst Memorial Entertainment Centre Community Use Subsidy Vote, which currently has a balance of \$5,485.39.

MINUTE

**30 Item 14 REQUEST FOR FINANCIAL ASSISTANCE - OHKUMA APPEAL -
MOVIE FUNDRAISER - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE
(BMEC) (21.00012)**

MOVED: T Carpenter SECONDED: M Morse

RESOLVED: That Council donate the costs associated with the hire of the Theatre at the Bathurst Memorial Entertainment Centre for a Japanese Movie Night on 6 May 2011 from the BMEC Community use Subsidy for approximately \$1,000.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

20 APRIL 2011

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 20 APRIL 2011**

General Manager
Bathurst Regional Council

1 CLEAN-UP AUSTRALIA DAY (13.00006)

Recommendation: That the information be noted.

Report: Council in conjunction with the Bathurst Tidy Towns Committee and numerous community groups held the local Clean Up Australia Day Campaign on Sunday, 6 March 2011.

Ten individual sites were registered on the Clean Up Australia Day website across the Bathurst Region including Yetholme and Mt Rankin as well as sites across the city; this represents an increase of site numbers compared to 2010. The main site was again run by the Tidy Towns Committee at Morse Park. From these sites, volunteers fanned out across the parks and roads of the region cleaning up as they went.

Advertising encouraging participation was increased in 2011, with radio advertising, print media, direct mail outs, electronic signage and word of mouth advertising being employed. The result was an increase in the number of registered sites, the number of volunteers participating and the volume of material collected. A total of 66 volunteers were registered across the three main sites with many more participating in addition to this.

As in the past the local Girl Guides and Scouts organisations participated in cleaning up areas around the Kelso Industrial Area and Learmonth Park and their contribution was greatly valued.

A total of 1,300 kg of mixed waste was registered as being received at the Waste Management Centre as a result of Clean Up Australia Day activities. This waste was collected by Council officers from designated collection points or delivered by participants at no cost.

The day was so successful in part because the local Clean Up Australia Day activities had returned to the date upon which they are held across Australia. In 2010 the local date was moved back due to a clash of dates with the Royal Bathurst Show.

Council supported the day by assisting with organisation and advertising, by collecting rubbish from designated collection points and by sponsoring a BBQ breakfast for volunteers at the Morse Park site and a giveaway of native seedlings at the Hector Park site. Council plans to continue to support this important environmental and community initiative in 2012.

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

MINUTE

31 Item 1 CLEAN-UP AUSTRALIA DAY (13.00006)

MOVED: T Carpenter SECONDED: R Thompson

RESOLVED: That the information be noted.

2 REVIEW OF 2008/09 NEW SOUTH WALES OFFICE OF WATER PERFORMANCE MONITORING REPORT (03.00086)

Recommendation: That the information be noted.

Report: Council is now fully compliant with 2007 Best Practice Management of Water and Supply Sewerage Guidelines. Most of the required items are plans which have been completed, however one item is an annual review of the New South Wales Office of Water Performance Monitoring Report. Part of maintaining the Best Practice Compliance requires Council to develop an Action Plan on actions to maintain existing high levels of service and act on levels of service where there is opportunity for improvement, and to provide this to Council.

Council submits a wide range of data annually to the New South Wales Office of Water on almost every aspect of its service to its customers. The data includes but is not limited to Health, Financial and Social aspects of the service supplied. The completed report is a detailed document comparing Local Water Utilities of similar size on the standard of Service they provide. This is a NSW wide process for all Local Water Utilities who manage water and sewerage services.

The latest data available is for 2008-09. All aspects of the summary detailing Bathurst Regional Councils performance levels have been reviewed and Council's service delivery strengths have been acknowledged and areas of improvement have been identified. Council is aware that there have been several improvements made since 2008/09, and changes to pricing, meaning that some issues identified have either changed or been resolved.

The following Action Plan represents a sample of the measures in place to quantify High Scoring Services and Actions to address Medium or Low Ranking Scoring Services. A high ranking means that Council is performing better than most, a medium ranking indicates that Council is performing equal to most, and a low ranking means not performing as well as others.

| Target | Councils Actions contributing to achieving Target |
|---|---|
| Water Supply Services - Social Indicator – Charges | |
| Typical Residential Bill \$535 per assessment. (medium ranking) | This will change as the 25/75 split in access / consumption charge comes into effect. |
| Water Supply Services - Social Indicator – Health | |
| Maintain current ranking of 100% compliance on Microbiological Compliance of potable water supplied. (high ranking) | Council will continue to maintain its existing testing regime of testing, monitoring and upgrading processes to meet increasing compliance standards. |
| Water Supply Services - Social Indicator – Level of Service | |
| Water Quality Complaints (low ranking) | All dirty water complaints are logged on a data base and mains flushing programme is prioritised on the frequency of complaints in various areas. |

| | |
|--|--|
| Water Supply Services - Social Indicator – Economic | |
| Interest Cover (medium ranking) | Low levels of debt ensure costs are better controlled. |
| Management Cost (may require review) | Bathurst Regional Council is currently reviewing attribution methods to ensure contribution rates are reflective of current costs. |
| Capital Expenditure (may require review) | Council's water infrastructure was reviewed during an Asset Revaluation Process and assets were found to be in very good condition. Asset Management Plans have been adopted and are being utilised. |
| Sewerage Services - Social Indicator – Charges | |
| Typical Developer Charge in 2008/9 was \$2050 per Assessment. (medium ranking) | Council has developed, displayed and adopted a Developer Servicing Plan and developer Charges are now in place as per Best Practice Guidelines. |
| Sewerage Services - Social – Health | |
| Percentage of Sewage Treated to Tertiary Level is 100% (high ranking) | Council will continue to maintain its existing treatment regime, monitoring and upgrading processes to meet continually improving standards. |
| Sewerage Services - Social – Level of Service | |
| Sewage Overflow to the Environment (low ranking) | Council's Systems records all overflows. A large number of overflows occur on private property and are beyond Council control. Council prefers to inspect all overflows and advise residents on correct action when necessary. |
| Sewerage Services - Social Indicator – Economic | |
| Return on Assets (high ranking) | Council has secured a high return on assets due to good financial planning over the past twenty years. |
| Pumping Cost (high ranking) | Council installed 6 high volume Variable Speed Drive pumps which continue to reduce electricity consumption and pumping costs as well as increase efficiency. |
| Capital Expenditure (may require review) | Council's sewerage infrastructure was reviewed during an Asset Revaluation Process and assets were found to be in very good condition. Asset Management Plans have been adopted and are being utilised. |

Staff will continue to monitor those actions in place which relate to already high ranking Services to ensure that these Service levels are maintained. Where Service levels are at low, medium or requiring review staff will continue to investigate feasible options to ensure that wherever possible Service levels may increase.

Future reviews of performance data will be undertaken annually when the data is made available to Council from the New South Wales Office of Water and the results from these reviews will be reported to Council accordingly.

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

MINUTE

32 Item 2 REVIEW OF 2008/09 NEW SOUTH WALES OFFICE OF WATER PERFORMANCE MONITORING REPORT (03.00086)

MOVED: M Morse SECONDED: B Bourke

RESOLVED: That the information be noted.

3 2011 UPDATE OF TRADE WASTE POLICY (26.00001, 41.00089)

Recommendation: That Council:

- (a) advertise the draft 2011 Trade Waste Policy by placing it on public exhibition for the statutory 28-day period and receive submissions until Tuesday, 24 May 2011, and
- (b) if submissions are received, refer these to a further Council meeting for consideration. If no submissions are received, adopt the 2011 Trade Waste Policy.

Report: In July 2005 Council adopted its current Trade Waste Policy which was based on the model policy from the then Department of Energy, Utilities and Sustainability (DEUS). This Department has since changed to the Department of Environment, Climate Change and Water (DECCW) and may be changing again.

Since adopting this policy there are currently an approximate 314 businesses ranging from hairdressers, butchers, restaurants, dentists, takeaways, workshops and factory's that have been identified as discharging trade waste to Councils sewer, of these around 275 businesses have already received approval. Council has been granted approval by the Director General of Department of Environment, Climate Change and Water to assume concurrence for 3 of the 4 categories of discharges (A, B, and S), with the larger more complex category "C" discharges still needing concurrence from the New South Wales Office of Water.

Council is required to update their current policy in line with the Liquid Trade Waste Regulation Guideline 2009. In April 2009 the New South Wales Department of Water and Energy updated their 2005 Liquid Trade Waste Management Guidelines. These changes incorporate the National Wastewater Source Management Guidelines which includes the National Framework for Wastewater Source Management. The State Government advises that in order to align with the National Framework, all Local Water Utilities responsible for sewerage services are required to adopt a policy based on the 2009 Model Policy by June 2011.

These changes are generally minor and administrative, with minimal if any impact on any existing trade waste customers. Minor changes advised by New South Wales Office of Water (NOW) have been implemented since the 2005 policy was adopted.

Council continues to use the Model Policy from the NSW Office of Water as the foundation of its draft Trade Waste Policy 2011. An early draft has already been sent through to NOW with about a dozen minor changes required, which have since been done. **Attachment 1** highlights the amendments that have been made to the draft Trade Waste Policy in line with the New South Wales Office of Water Guidelines.

Once council adopts the changes to the 2011 Trade Waste Policy (a full copy is provided at **attachment 2**), a copy will be forwarded to the New South Wales Office of Water for their concurrence, along with the charging rates from the current Management Plan and Revenue Policy.

Financial Implications: Income will continue to be provided from supplying Trade Waste services.

MINUTE

33 Item 3 2011 UPDATE OF TRADE WASTE POLICY (26.00001, 41.00089)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That Council:

- (a) advertise the draft 2011 Trade Waste Policy by placing it on public exhibition for the statutory 28-day period and receive submissions until Tuesday, 24 May 2011, and
- (b) if submissions are received, refer these to a further Council meeting for consideration. If no submissions are received, adopt the 2011 Trade Waste Policy.

4 NATIONAL WATER COMMISSION REPORT - "URBAN WATER IN AUSTRALIA: FUTURE DIRECTIONS 2011" (32.00026)

Recommendation: That the information be noted.

Report: Introduction

On 7 April 2011 the Australian Government National Water Commission released the above report.

Background

The National Water Commission (NWC) is responsible for driving progress towards the sustainable management and use of Australia's water resources under our blueprint for water reform - the National Water Initiative.

This inter-governmental agreement was signed by all governments at the June 2004 Council of Australian Governments (COAG) meeting, with the exception of Tasmania which signed the Agreement on 3 June 2005 and Western Australia which signed the Agreement on 6 April 2006.

Established under the National Water Commission Act 2004, the Commission advises COAG and the Australian Government on national water issues and the progress of the National Water Initiative.

Review of NWC Report

A copy of the Executive Summary is provided at **Attachment 1.**

The full report is available at
http://www.nwc.gov.au/resources/documents/Future_directions.pdf

This report draws on previous reports, including the NSW Armstrong and Gellatly Inquiry, and the AECOM report prepared for Infrastructure Australia and reported to the March 2011 Council meeting.

Some of the relevant quotes in the report are:

- The capacity and resourcing of service providers in some rural and regional areas is inadequate, particularly in New South Wales and Queensland
- Regional and rural areas: Governments and service providers should undertake reforms in regional, rural and remote areas to ensure that there is sufficient organisational, financial, technical and managerial capacity to meet service delivery requirements and protect public health and the environment, particularly in New South Wales and Queensland.
- The absence of institutional reform in non-metropolitan New South Wales and Queensland is clearly limiting service level performance and transparency in these areas, and creating public health and environmental risks
- Public health, the environment and basic levels of service in regional and rural areas, particularly in New South Wales and Queensland, are at risk from inadequate processes, skills shortages and poor pricing policies.

- As demonstrated in Section 3, there are major concerns about the standard of urban water services provided in rural and regional areas, particularly in relation to public health and safety risks. There are particular concerns about the institutional arrangements for and capacity of local council service provision in New South Wales and Queensland. Due to the nature of the problems and in the context of the future challenges facing the sector, the Commission is convinced that structural and institutional reform of local council service provision in New South Wales and Queensland is urgently needed

The report seems quite clear as to the future reform of urban water providers in regional New South Wales.

Council should also note that the Australian Government Productivity Commission is due to release its draft report in mid April 2011, into Australia's urban water sector.

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

MINUTE

34 Item 4 NATIONAL WATER COMMISSION REPORT - "URBAN WATER IN AUSTRALIA: FUTURE DIRECTIONS 2011" (32.00026)

MOVED: G Westman SECONDED: T Carpenter

RESOLVED: That the information be noted.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT
20 APRIL 2011

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 20 APRIL 2011**

General Manager
Bathurst Regional Council

1 PUBLIC LIBRARIES NSW COUNTRY - SPECIAL GENERAL MEETING (18.00127)

Recommendation: That the information be noted.

Report: At a special general meeting attended by the Bathurst Library Manager, a new peak body for the NSW public library sector has been established. It is *Public Libraries New South Wales*. Public Libraries NSW Country, which has previously successfully represented rural and regional libraries across the state since 1989, resolved at the meeting to change its name to *Public Libraries New South Wales*.

Where formerly Metropolitan and Country Libraries were formed into separate associations, the new body will act now as a state wide association, Membership of *Public Libraries New South Wales* is open to all councils and regional libraries across the state – including metropolitan libraries.

Councillor, Graham Smith, Chairman of Public Libraries New South Wales said, “The establishment of Public Libraries New South Wales represents an important step in the development of a single voice for councils and their libraries across the state, the association has a long history of successfully representing the interests of rural and regional libraries, and the time is right to extend the same benefits to metropolitan libraries.”

As a state wide peak body, Public Libraries New South Wales will provide improved advocacy, support and political lobbying for the continuing improvement of funding and service development across the NSW public library network.

At the meeting a new scholarship, for young leaders in libraries was announced, the Kath Knowles Young Leaders' Award is in memory of former Bathurst Councillor, Mayor and Administrator, Kath Knowles.

The Award is to be presented to a staff member within the NSW public library network, aged under 40 years, whose Council or Library is a member of Public Libraries NSW or Public Libraries NSW-Metropolitan.

Applicants will demonstrate skills in the following areas:

- Collaborative leadership;
- Innovative programs, with a particular emphasis on socially-inclusive initiatives (in recognition of Kath's deep commitment to people with disabilities);
- Commitment to lifelong learning;
- The age restriction is significant in that Kath would have turned 40 on 7 December 2010;

- This award will strengthen the Association's commitment to professional development of our younger generation.

\$5,000 will be awarded to a library staff member who meets the above mentioned criteria each year. The funding will cover:

- Wages, travel and living costs for a period of 1 week to be spent with a nominated mentor;
- Ongoing communication with mentor for a period of 12 months.

Sponsorship

The Kath Knowles Young Leaders' Award is being generously sponsored by Local Government Procurement Pty Ltd for its initial three years (2011-2013).

Financial Implications: Nil.

MINUTE

35 Item 1 PUBLIC LIBRARIES NSW COUNTRY - SPECIAL GENERAL MEETING
(18.00127)

MOVED: M Morse SECONDED: B Bourke

RESOLVED: That the information be noted.

2 2010/2011 RURAL VILLAGE INFRASTRUCTURE IMPROVEMENT PROGRAM - HILL END & TAMBAROORA PROGRESS ASSOCIATION (16.00104)

Recommendation: That Council make available \$9,865 from its 2010/2011 Rural Village Infrastructure Improvement Program to the Hill End & Tambaroora Progress Association to install stage lights and repair curtains in The Royal Hall, Hill End.

Report: Councillors will recall that the Hill End & Tambaroora Progress Association (HETPA) lodged an application for a grant under the 2010/2011 Rural Village Infrastructure Improvement Program for the construction of unisex toilets including a disabled facility and access at the Hill End Art Gallery on 30 September 2010.

The application was not successful and Council resolved to request HETPA to provide an amended project (or projects) to the value of \$10,000 for the Hill End area and that this advice be received by Council for its consideration.

HETPA have since met and considered a further program under the Village Infrastructure Program and have submitted the following project for Council's consideration:

Project - Installation of Stage Lights and Repair and Refix Curtains in The Royal Hall, Hill End

| | |
|--|------------|
| Lighting installation, new curtain track and refit | \$7,177.50 |
| Electrician | \$1,628.00 |
| Supply and install stage curtain mounting frame | \$1,000.00 |
| Steel brackets for lights | \$ 60.00 |
| | ----- |
| | \$9,865.50 |
| | ===== |

Financial Implications: Council has provided \$10,000 in its Village Infrastructure Improvement Program to be allocated to HETPA.

MINUTE

36 Item 2 2010/2011 RURAL VILLAGE INFRASTRUCTURE IMPROVEMENT PROGRAM - HILL END & TAMBAROORA PROGRESS ASSOCIATION (16.00104)

MOVED: I North SECONDED: R Thompson

RESOLVED: That Council make available \$9,865 from its 2010/2011 Rural Village Infrastructure Improvement Program to the Hill End & Tambaroora Progress Association to install stage lights and repair curtains in The Royal Hall, Hill End.

3 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS (16.00107)

Recommendation: That Council:

- (a) Provide \$5,000 under the 2010/2011 Small Business and Non-profit Organisations Disabled Access Fund to Bathurst PCYC to upgrade a disabled toilet facility and install a wall mounted baby change station.
- (b) Roll over any unspent funds to be added to any base amount the Council allocates to this scheme in the 2011/2012 Management Plan.

Report: At its meeting held on 21 March 2011, the Bathurst Regional Access Committee considered an application under the 2010/2011 Small Business and Non-profit Organisations Disabled Access Fund from the Bathurst PCYC seeking funds to upgrade a disabled toilet facility and install a wall mounted baby change station (\$5,000).

The Committee reviewed the application' in terms of meeting the criteria for improved access in line with both or either the Disability Discrimination Act (DDA) and the Australian Building Standards.

As detailed in the letter (shown at **attachment 1**) from the Chairperson of the Bathurst Regional Access Committee, the applicant was deemed to meet the criteria of improved access.

Initially the applicant was not compliant with the stipulated requirements within the fund Guidelines. The applicant had not supplied the three requisite quotations as outlined in the application guidelines. Bathurst PCYC have since supplied an additional quote to Council and as such have now complied with the guidelines for the grant.

The Bathurst Regional Access Committee have recommended that the application be approved.

Council allocated \$20,000 in the 2010/2011 Management Plan for the Small Business and Non-profit Organisations Disabled Access Fund. Residual funds of \$25,269 from the 2009/2010 budget increased the total budget to \$45,269 in 2010/2011. Eight applications were approved in the first round of funding, leaving an amount of \$15,774 for the second round of grants. It is recommended that any unspent funds be rolled over and added to any base amount the Council will allocate to this scheme in the next financial year.

Financial Implications: The current balance of the Small Business and Non-profit Organisations Disabled Access Fund is \$15,774. Any unspent funds are requested to be rolled over and added to any base amount Council allocates to this scheme in the 2011/2012 financial year.

MINUTE

37 Item 3 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS (16.00107)

MOVED: G Westman SECONDED: M Morse

RESOLVED: That Council:

- (a) Provide \$5,000 under the 2010/2011 Small Business and Non-profit Organisations Disabled Access Fund to Bathurst PCYC to upgrade a disabled toilet facility and install a wall mounted baby change station.
- (b) Roll over any unspent funds to be added to any base amount the Council allocates to this scheme in the 2011/2012 Management Plan.

4 THE AUSTRALIAN FOSSIL & MINERAL MUSEUM - HOME OF THE SOMERVILLE COLLECTION (20.00060)

Recommendation: That the information be noted.

Report: The Australian Fossil and Mineral Museum – home of the Somerville Collection has developed a range of activities and events that promote and enhance the Museum experience. In March, the Australian Fossil and Mineral Museum celebrated the milestone of its 150,000th visitor since opening in 2004.

Some 12,500 students from 95 remote and urban NSW schools have visited the museum via the medium of Scattered Bones. A state of the art, interactive classroom broadcast conducted by the Museum's education officer.

The Museum hosts school holiday programs, functions such as cocktail parties and the Dead Bones Society, a literary program for boys.

The Museum has, in the years since opening won a number of prestigious awards including, the Local Government Cultural Award and a Museums and Galleries NSW Award.

Planning meetings for the Museum strategic plan were held in March, and involved both staff and volunteers in a number of planning sessions.

Within budgetary limits the Museum is regularly promoted in the Local Media and in Television promotions during school holidays. Advertisements for the Museum have been placed in a wide range of magazines including, The Pensioner, School Excursion magazines and Blue Mountains Wonderland.

The Museum has featured on The Collectors on ABC television and on, Robin William's Science program on ABC radio. A Current Affair, and in The Daily Telegraph Best Weekend lift out section and has an entry in the Lonely Planet.

To facilitate communication with volunteers the Museum Manager is meeting on a one to one basis with Volunteers once a month.

Some reduction in visitor numbers, particularly from Queensland and Victoria has been evidenced. A campaign to promote the Museum to a local audience is being developed with the intention of providing an alternative source of visitors.

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

MINUTE

38 Item 4 THE AUSTRALIAN FOSSIL & MINERAL MUSEUM - HOME OF THE SOMERVILLE COLLECTION (20.00060)

MOVED: W Aubin SECONDED: M Morse

RESOLVED: That the information be noted.

5 COMMUNITY SERVICES EVENTS - MARCH AND APRIL 2011 (23.00026, 09.00032, 07.00016, 23.00047)

Recommendation: That the information be noted.

Report: International Women's Day 2011 - '100 Women for 100 Years' (Tuesday, 8 March 2011)

On the evening of Tuesday, 8 March, Council and the Central West Women's Health Centre hosted the '100 Years for 100 Women' dinner. The dinner celebrated 100 years of International Women's Day (IWD) with 100 women attending the dinner.

The evening commenced with a complimentary drink in the garden of the restaurant. Whilst enjoying their drink, guests were inspired and energized by local flamenco dancers and an African drumming group.

After the first course, participants heard from a local academic and historian, Associate Professor Leonora Ritter. Leonora's presentation celebrated the past and embraced the future, starting with some history of IWD, but also focusing on what women have to offer in making today's world a better place. Leonora challenged the audience to consider the values of nurturing, sensitivity, communication and cooperation in the workplace and broader public sphere.

Over forty local women from all walks of life and ages in the community were photographed for a Power Point presentation shown on the night. Women were asked to nominate 'The Best Innovation for Women in the Last 100 Years'. The women's photographs and quotes were displayed on the night. A diverse range of innovations were mentioned, including electricity, the contraceptive pill, the washing machine, mammograms and improved telecommunications.

The dinner was extremely well received with glowing reviews from many participants who have asked for a similar event in 2012.

Funding for the event was provided by Council and the NSW Government Office for Women's Policy.

Harmony Day Event (Sunday, 20 March 2011)

Harmony Day was celebrated with a picnic and festivities on Sunday, 20 March 2011 in Peace Park. Approximately 150 people of diverse cultural backgrounds celebrated the cultural diversity of the Bathurst region and the importance of inclusiveness, respect and acceptance.

Entertainment was provided by the Sounds Live Choir who sang two songs of South African origin, colourful Filipina dancers and young saxophone player Gunner Scott. Various members of Bathurst's culturally diverse community also gave readings on the theme 'Everyone Belongs'. Councillor Morse acted as Master of Ceremonies during the festivities and was responsible for the friendly and inclusive atmosphere throughout the event.

Children had the opportunity to receive a Harmony Day temporary tattoo or decorate chains of paper people. Many children participated in these activities, producing coloured artwork that was displayed at the picnic.

The festivities were completed with the formation of a friendship circle lead by Sister Pat

Linnane of Rahamim. Several songs were sung and participants observed a minutes silence to acknowledge the suffering of the Japanese people because of the tsunami.

After the formalities, many participants stayed in the park for a relaxed picnic with friends and family.

The Culturally and Linguistically Diverse Working Group received extremely positive feedback about the event and plan to follow a similar model in 2012.

Funding for the event was provided by Council.

Seniors' Week 2011 (20-27 March 2011)

In 2011, a full program of events took place in Bathurst during Seniors Week 2011, which ran from March 20 – 27. Seniors Week in Bathurst offered over 15 diverse activities for seniors to enjoy. Events included open days and tours, shows and performances, a family history workshop at the library, discounted movie days, and a relaxing afternoon tea at Miss Trill's House.

The musical highlight of the week was the Australian stars Julie Anthony and Simon Gallaher performing together in 'Moments to Remember' at the Bathurst Memorial Entertainment Centre. A capacity audience of 642 people filled the main theatre and enjoyed the two hour long show.

Participation at all events was good, although bad weather hampered participation in outdoor activities later in the week. Feedback about all activities, from both participants and organisers was overwhelmingly positive. The Seniors Week Organising Committee has already been contacted by various organisations wanting to participate in Seniors Week 2012.

Funding for the events was provided by Council and NSW Seniors Week Grants Program.

Youth Week Event (Saturday, 2 April 2011)

National Youth Week was celebrated in Bathurst by the staging of a 'Dive In' movie at the Bathurst Aquatic Centre on Saturday, 2 April 2011. The event was organised in consultation with the 2010 and current Bathurst Regional Youth Council. A Youth Week Working Party was established, which included Council staff and representatives from youth service providers across Bathurst.

The event saw over 140 young people enjoy a swim, BBQ, live entertainment from Will Tremain and the screening of the movie "Furry Vengeance".

A free shuttle bus service was also provided at the end of the night for transport to various sites across Bathurst.

Funding for the event was provided by Council, Communities NSW, Indent NSW and Motor Accidents Authority.

Financial Implications: Funding for this item is contained within existing budgets and funding was also received from various funding bodies.

MINUTE

39 Item 5 COMMUNITY SERVICES EVENTS - MARCH AND APRIL 2011
(23.00026, 09.00032, 07.00016, 23.00047)

MOVED: I North SECONDED: M Morse

RESOLVED: That the information be noted.

6 REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP) ROUND 2- REALLOCATION OF FUNDS (16.00120)

Recommendation: That Council:

- (a) Accepts the transfer of \$35,000 of RLCIP Round 2 funding from the alternate energy source at the Bathurst Aerodrome to the Australian Fossil and Mineral Museum.
- (b) Commits to funding the restoration of the Australian Fossil and Mineral Museum project as described and required by the Australian Federal Government.
- (c) Council pursues the NSW State Government for funding to support restorative works.
- (d) Funds any shortfall to the amount of \$75,000 from general revenue fund reserves.

Report: As part of the Federal Government's Round 2 of the RLCIP program Council applied for and was successful in allocating \$35,000 to alternate energy sources, specifically a wind turbine, at the Bathurst Aerodrome. Council staff pursued this option and appointed a company to install the turbine.

Conversations with the company continued, identifying difficulties in shipping the turbine from China. These issues threatened to delay the project past its scheduled completion date of 31 December 2010, the last day possible for completion of projects under the RLCIP round 2 grant allocation. Council successfully applied for an extension of time until 31 January 2011 to complete this project as a result of these delays.

On 15 February 2011, the company advised that they were no longer able to deliver the contract and withdrew from the project. Council immediately notified the Department of Infrastructure, Transport, Regional Development and Local Government to advise of the withdrawal and commenced negotiations on the requirements of Council, as the scheduled timeframes of the funding program had passed. As part of this process Council identified that the funding could be transferred to the Australian Fossil and Mineral Museum to compliment the works being undertaken on this facility. The position of the Government was initially that the funds should be returned as the agreed project could not be completed.

Negotiations have progressed and Council was informally notified (Friday 1 April 2011) that the \$35,000 has been transferred to the Australian Fossil and Mineral Museum for completion prior to 30 June 2011. Contributions from the RLCIP Round 2 now stand at \$75,000 for the Australian Fossil and Mineral Museum.

As previously discussed with Councillors works commenced on the original project in accordance with the agreements made by Council. These initial works quickly highlighted significant critical issues for the building, including continued weathering, the aging of existing building materials (particularly dry rot) and vermin are contributing to the ongoing damage occurring at the site. Without restoration the buildings architectural features of the Victorian Rustic Gothic Style will deteriorate to a point where they are removed from the building permanently, greatly reducing the heritage significance of the building.

As a result works ceased as there were not funds available to undertake the repairs required in order for the original scope of works to continue. Initial costings were obtained for the repair of the building and are in the order of \$150,000.

An unsuccessful application for funding was lodged with NSW Heritage for funding of this project. Initial discussions with the new State Government have indicated there may be

funding available to assist with this project; however until the Government settles into operation, confirmation of any funding can not be made.

Council are lessees of the Old Bathurst Public School from the NSW State Government. The AFMM is housed within this site as per the diagram found at **Attachment 1** of this report. The lease agreement requires Council to undertake maintenance of the building; therefore it is Council's responsibility to maintain the buildings in a sound manner that allows for continued use. Council has budgeted an amount of \$18,113 for maintenance in the current year, \$10,000 of which has been expended on minor maintenance requirements for the buildings.

The Old Bathurst School is a site with strong cultural significance. Originally granted as a school site in 1854, being one of the first large schools built entirely from government funds. In 1905 it became a District School and 1923 a District Rural School. In 2005 it reopened as the Australian Fossil and Mineral Museum.

The required works will include the restoration of the Victorian Rustic Gothic Style fine architectural detail of the fascia, gables, barge boards, turrets and louvers that are the dominating feature in the schools design ensuring conservation of this building is maintained.

Council's Heritage Advisor has clearly outlined specific works which will be undertaken as part of this project and Council is confident that by undertaking the restoration works identified that all future risks can be managed from annual maintenance votes to the site.

Council has been a leader in conservation works on this site. Council undertook internal repairs to the building in 2003 and 2004 returning the interior to that sympathetic of its construction era. The restoration of the exterior of the building will cement Council's leadership in conserving significant historical items in the community and provide a basis on which ongoing promotion and education of these issues can and will occur.

Financial Implications: Should Council recommend funding the shortfall of the amount of \$75,000 this would need to be funded from the General Revenue Fund Reserves.

MINUTE

40 Item 6 REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP) ROUND 2- REALLOCATION OF FUNDS (16.00120)

MOVED: R Thompson SECONDED: T Carpenter

RESOLVED: That Council:

- (a) Accepts the transfer of \$35,000 of RLCIP Round 2 funding from the alternate energy source at the Bathurst Aerodrome to the Australian Fossil and Mineral Museum.
- (b) Commits to funding the restoration of the Australian Fossil and Mineral Museum project as described and required by the Australian Federal Government.
- (c) Council pursues the NSW State Government for funding to support restorative works.
- (d) Funds any shortfall to the amount of \$75,000 from general revenue fund reserves.

7 CATERING SERVICES - BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00060)

Recommendation: That Council approve the issuing of a call for tenders for Catering services at the Bathurst Memorial Entertainment Centre (BMEC) for a three (3) year period from 1 July 2011.

Report: Council entered into a contract for the BMEC catering for a 12 month period. This contract has proven to be effective in lessening work loads, client stress and errors, omissions and oversights between BMEC users, caterers and BMEC staff.

While the current contract has proven generally successful, there are benefits that can still be achieved within this service. The ability for any business to develop a product and generate profit within one year is limited, especially in an industry which does not hold regular hours and depends upon other events to generate opportunities to excel in. The limitation of a 12 month contract has been described by other interested parties as being detrimental to Council's cause. These businesses see a viable future for the resident caterer, although recognise they need time to establish a stable and viable business that operates from BMEC. In their words, and bluntly, a twelve month contract does not allow these business practices to be viable.

Staff also recommend that in any future contract Council should exclude the exclusive rights for the resident caterer for morning and afternoon teas or lunches for less than 50 people, functions with finger food and, in general events requiring catering which can be prepared off site and where use of the BMEC kitchen is not required. There would be no access available to the kitchen for these groups, however a nominal charge for clean up would be instituted.

In reviewing these comments, and from the experience gained over the last 18 months it is recommended that the resident catering contract at BMEC be offered on a three (3) year term.

Financial Implications: Income generated from the contract would be recognised in the Bathurst Memorial Entertainment Centre operating budget.

MINUTE

41 Item 7 CATERING SERVICES - BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00060)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That Council approve the issuing of a call for tenders for Catering services at the Bathurst Memorial Entertainment Centre (BMEC) for a three (3) year period from 1 July 2011.

8 VACATION CARE - QUALITY ASSURANCE RESULTS (09.00005)

Recommendation: That the information be noted.

Report: Established in 1993, National Childcare Accreditation Council (NCAC) has been responsible for administering Child Care Quality Assurance for Family Day Care, Long Day Care and Outside School Hours Care services in Australia. The NCAC is a non-profit organisation funded by and accountable to the Australian Government. The guiding principle of the NCAC is "Putting Children First" and its vision is to ensure quality experiences and positive outcomes for all children.

The broad objective of the Quality Assurance system is to ensure that children in care have stimulating, positive experiences and interactions that nurture all aspects of their development. They do this by defining quality child care, providing a way to measure the quality of care provided by the service and identifying areas for ongoing quality improvement.

While there are voluntary accreditation systems for children's services in other countries, the Australian systems are unique as they are the first in the world to be linked to child care funding through legislation and to be funded and supported by a Federal Government.

The five steps of Outside School Hours Care Quality Assurance (OSHCQA) are:

1. Registration

The Outside School Hours Care (OSHC) registers with NCAC to participate in OSHCQA. Upon registration the service receives a Certificate of Registration.

2. Self-Study and Continuing Improvement

In October 2010, Bathurst Regional Council's Vacation Care submitted a Self Study report. This report is a self-assessment of the quality of our practices written in consultation with all staff, families and children at the service. The evaluation focuses on the eight Quality Areas and 30 Principles set out in the OSHCQA.

3. Validation

On Tuesday, 18 January 2011, Bathurst Regional Council's Vacation Care underwent Validation for the last time under current legislation. This involved a visit from an OSHC validator for a whole day of Vacation Care. During this time the Service Coordinator, Staff, Policies and Venue were assessed and rated against the criteria for Accreditation.

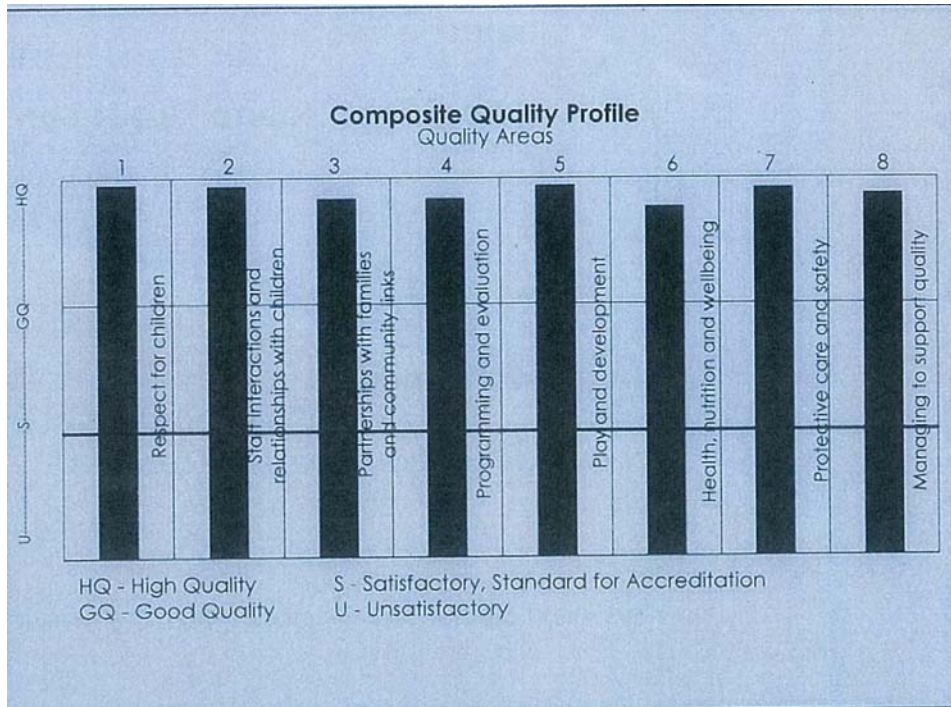
4. Moderation

During the Moderation process, surveys from the Vacation Care children and staff are submitted. These results are also taken into consideration in the final decision.

The process of Moderation helps to ensure that all services participating in OSHCQA are treated consistently on a national basis. Moderators assess the quality of the service's practice, guided by information in the service's *Self-study Report*, *Validation Surveys* and the *Validation Report*. Moderators also consider information from the service's *Validation Evaluation Form*, where available.

5. Accreditation Decision

The Accreditation Decision is the final step in OSHCQA and is made by NCAC. To be Accredited, a service must achieve a rating of satisfactory or higher in all eight Quality Areas as detailed on the composite Quality Profile shown below:



Bathurst Regional Council's Vacation Care has been advised of its accreditation decision result, successfully achieving continuing accreditation with the NCAC.

As can be seen from the graph the Service has achieved extremely high quality results in all eight Quality Areas.

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

MINUTE

42 **Item 8 VACATION CARE - QUALITY ASSURANCE RESULTS (09.00005)**

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

RESOLVED: That the information be noted.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
CLIMATE CHANGE COMMITTEE

**CLIMATE CHANGE COMMITTEE TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 20 APRIL 2011**

General Manager
Bathurst Regional Council

1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 6 APRIL 2011 (07.00093)

Recommendation: That the recommendations of the Climate Change Committee Meeting held on 6 April 2011 be adopted.

Report: The Minutes of the Climate Change Committee Meeting held on 6 April 2011 , are attached:

Financial Implications: N/A

MINUTE

43 Item 1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 6 APRIL 2011
(07.00093)

MOVED: G Westman SECONDED: B Bourke

RESOLVED: That the recommendations of the Climate Change Committee Meeting held on 6 April 2011 be adopted.

MINUTES OF THE CLIMATE CHANGE COMMITTEE
HELD ON 6 APRIL 2011

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

2 APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 23 JUNE 2010 (07.00093)

MOVED Cr G Westman and **SECONDED** Cr R Thompson

RESOLVED: That the Minutes of the Climate Change Committee Meeting held on 23 June 2010 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 Item 1 GENERAL REPORT (07.00093)

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

RESOLVED: That the information be noted.

6 Item 2 ENERGY FOOTPRINT UP TO QUARTER 2 2010/11 (13.00027)

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 20 APRIL 2011**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 6 APRIL 2011 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 6 April 2011 be adopted.

Report: The Minutes of the Policy Committee Meeting held 6 April 2011, are attached.

Financial Implications: N/A

MINUTE

44 **Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 APRIL 2011 (07.00064)**

MOVED: I North **SECONDED:** W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 6 April 2011 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 6 APRIL 2011

5PM MEETING COMMENCES

1 MEETING COMMENCES

Present: Councillors Toole (Chair), Aubin, Bourke, Carpenter, Hanger, North Thomson, Westman.

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, Sustainability Strategy Officer, Environmental Officers (2), Development Control Planners (2).

APOLOGIES

2 APOLOGIES

MOVED Cr B Bourke

and **SECONDED** Cr I North

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

REPORT OF PREVIOUS MEETING

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

MOVED Cr G Hanger

and **SECONDED** Cr W Aubin

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

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr R Thompson

and **SECONDED** Cr G Westman

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

General Manager's Report

5 Item 1 COMMUNITY STRATEGIC PLAN - INTEGRATED PLANNING & REPORTING FRAMEWORK - COMMUNITY ENGAGEMENT STRATEGY (02.00003, 41.00089)

MOVED Cr G Westman

and **SECONDED** Cr I North

This is page 1 of Minutes of the Policy Committee held on 6 April 2011.

General Manager

Page 147
Mayor

RESOLVED: That Council:

- (a) Note the report
- (b) Adopt:
 - (1) Policy: Community Engagement Strategy
 - (2) Draft Community Engagement Strategy.

GENERAL BUSINESS

6 BOLLARDS AT TRINITY HEIGHTS - CAR SALES (25.00031)

Cr Bourke - thanked Council for installing bollards. Spoke to parking of cars for sale, is an issue that needs to be addressed. Spoke of potential site at Edgell Lane which could be used.

7 SOCCER COMPLEX PROPOSAL (04.00044, 18.00175)

Cr North - spoke to meeting held with local representatives and the Football Federation Australia representative and Council to discuss future options. Report will come to Council.

8 VEGETATION ON ROUNDABOUTS (28.00004)

Cr Aubin - asked does Council have a Policy on this.

The Director Engineering Services spoke about sight lines and trimming when excessive growth occurs.

9 BEAUTIFICATION ENTRANCES (20.00168)

Cr Aubin - asked where are we at with this issue. Could we treat weeds on islands and paint the islands.

The Director Environmental Planning & Building Services noted signage will be part of the economic strategy which will come to Council around June/July 2011.

The Director Engineering Services advised Council does not paint traffic islands, due to future costs and maintenance.

10 ADMINISTRATION BUILDING CLOCK (21.00036)

Cr Aubin - asked when is replacement clock due to arrive.

The Director Corporate Services & Finance advised that clock will be here soon.

11 CAR SALES - PRIVATE VEHICLES (28.00021)

Cr Aubin - asked can we have a report on possible locations where private car sales could go.

12 CORNER KEPPEL/BENTINCK STREETS (25.00039)

Cr Carpenter - asked where are we at with this matter.

The Director Engineering Services advised has spoken to shop owner. Council awaiting a quote and advice from Essential Energy.

13 NEW RAILWAY BRIDGE (31.00010)

Cr Carpenter - asked about concerns re cleaning and repairing of this area. Sought status of discussions with State Rail Authority.

The Director Engineering Services advised ongoing discussions are being held with State Rail Authority.

14 ABORIGINAL WORKING PARTY (09.00031)

Cr Carpenter - advised that this new group will be holding a launch session on 7 April 2011 at the Art Gallery.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

15 Item 1 DEVELOPMENT APPLICATION NO 2010/0945 – RESTORATION OF EXISTING “ALL HALLOWS” BUILDING AND CONSTRUCTION OF STUDENT ACCOMMODATION COMPLEX AT 42 LLOYDS ROAD, SOUTH BATHURST. APPLICANT: DIONYSUS GROUP PTY LTD. OWNER: INDIGENOUS BUSINESS AUSTRALIA) (2010/0945)

The Director Environmental Planning & Building Services gave an introduction on the proposal received.

Discussion included:

Robert Rawlings (representing 13 people who signed a petition)

Spoke to issues and/or responses by applicant on:

1. Problems that exist, e.g. flooding, stormwater and impact on Willman Place and Lloyds Road. The development will have an adverse impact.
2. Vandalism problems offsite and onsite, and noise problems.
3. Parking is short of what is needed. Up to 90% of students will have cars. There will be over 490 students accommodated. This level is dangerously inadequate.

4. LEP Clause 23 & 24 and s:79C of the Act. Spoke to requirements of the LEP and the Act. Matters included heritage impact, heights (elevation), size, form, scale and architecture issues.
5. Spoke of role of Councillors and the question of what is "temporary" accommodation and linkage to Mount Panorama Act. Feels students are not "temporary" but rather "permanent" tenants.
6. Spoke to 50 decibel restriction and its impact.
7. Referred to previous history of the site and prior proposals.
8. Made allegations of institutional discrimination potentially by Council.

Geoff Fry (2nd Circuit Action Group) - expressed concern at 50 decibel zone that exists. Development may jeopardise future use of the Mount, if noise complaints are received into the future. Concern that area is zoned residential and this may not allow this type of development.

Dion Killiby (Development Manager of the project) - Spoke to development and noted not here on behalf of CSU. Believes this provides opportunity to increase accommodation in an educational precinct. Spoke to vision for the site and maintenance of heritage values. The project is about enhancing the education experience. The development will be staged and behaviours will be managed. All issues can be addressed, that have been raised. Mentioned on site living management, safety issues, vegetation, site layout, apartment styles, off-street car parking. Site is 4 ha and there is a large buffer to residences.

Key areas:

- Addresses student accommodation shortage.
- Ideal location.
- Reduces pressure on tight residential market.
- Complements CSU and education needs.
- Allows maintaining of a heritage item.

Seeks Council support for the development.

MEETING CLOSE

16 MEETING CLOSE

The Meeting closed at 5.52 pm.

CHAIRMAN: _____

Date: _____ **(20 April 2011)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 20 APRIL 2011**

General Manager
Bathurst Regional Council

1 MINUTES - TRAFFIC COMMITTEE MEETING 5 APRIL 2011 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 5 April 2011 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 5 April 2011, are attached.

Financial Implications: N/A

MINUTE

45 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 5 APRIL 2011 (07.00006)

MOVED: W Aubin SECONDED: G Westman

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 5 April 2011 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 5 APRIL 2011

2 PM MEETING COMMENCES

1 PRESENT

Members: Cr Warren Aubin (BRC), Sgt Warren Bow (Police), Richard Dunbar (RTA)

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

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

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

That the Minutes of the Traffic Committee Meeting held on 1 March 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 MARCH 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 PEDESTRIAN CROSSING, BOYD STREET KELSO (25.00046)

That Council not approve the installation of a pedestrian crossing in Boyd Street Kelso near the existing shopping centre.

8 **Item 4 GIVE WAY SIGN, HOLD LINE AND BARRIER LINES FOR CARDINIA AVENUE, WENTWORTH ESTATE (28.00007-04)**

That Council approve the placement of a Give Way sign (R1-2) and associated hold line in Cardinia Avenue at the intersection with Hartwood Avenue in Wentworth Estate, as well as double barrier lines leading up to the intersection in both Cardinia Avenue and Hartwood Avenue.

9 **Item 5 DIRECTIONAL SIGNS FOR THE POLICE CITIZENS YOUTH CLUB (23.00047)**

That Council approve one community facility directional sign (white legend on blue background) only at the intersection of Durham Street and Commonwealth Street and that the sign only display the community facility name "PCYC" with no logo.

10 **Item 6 BATHURST ANZAC DAY SERVICE AND MARCH - 2011, TEMPORARY ROAD CLOSURES WITHIN CBD (23.00076)**

That Council approve the holding of the 2011 Anzac Day Service and March within the Bathurst Central Business District on Monday 25 April 2011. The Dawn Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

11 **Item 7 ROCKLEY ANZAC DAY SERVICE AND MARCH 2011 - TEMPORARY ROAD CLOSURES (23.00076)**

That Council approve the holding of the Anzac Day Service and March within Rockley on Monday, 25 April 2011. The Commemorative Service road closure and the Anzac Day March are to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

12 **Item 8 PIPER STREET AND RANKIN STREET INTERSECTION (07.00006-12)**

That Council approve the placement of a second median island with associated line marking and signage in Piper Street, on the northern side of Rankin Street, and to ensure that the existing median island in Piper Street complies with current standards.

13 **Item 9 PROPOSED NO STOPPING SIGNS FOR DRIVEWAY ACCESS TO 120 RUSSELL STREET (28.00007-04)**

That Council not approve the installation of 2 No Stopping signs on either side of the driveway to 120 Russell Street.

14 **Item 10 NO STOPPING SIGNS – CHURCH STREET – PERTHVILLE PUBLIC**

SCHOOL (25.00225/006)

That Council approve the relocation and alteration of the No Stopping signs that were installed in Church Street outside of the Perthville Public School.

15 **Item 11 NO STOPPING SIGNS - MARS PETCARE - ADRIENNE STREET RAGLAN (2011/0082/001)**

That Council not approve the placement of 2 "No Stopping" signs opposite to the proposed access roadway at the Mars Petcare facility at 16 Adrienne Street Raglan.

16 **Item 12 BUS AND TAXI ZONE - BATHURST PUBLIC SCHOOL (25.00077/051)**

That Council examine the taxi zone and bus zone in Lambert Street and report back to the next available Traffic Committee Meeting.

17 **Item 13 CAIRN ANZAC DAY SERVICE 2011 – TEMPORARY SPEED RESTRICTION ON LIMEKILNS ROAD (23.00076)**

That Council approve the holding of the Anzac Day Service at the Memorial Cairn with a temporary speed restriction of 40km/hr on Limekilns Road on Monday 25 April 2011. The Commemorative Service and temporary speed restriction to 40km/hr is to be classified as a Class 2 Event, as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

19 **MEETING CLOSE**

The meeting closed at 2.35 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 20 APRIL 2011**

General Manager
Bathurst Regional Council

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

Recommendation: That the information be noted.

Report: PRESENT:

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

General Manager, Director Corporate Services & Finance, Director
Engineering Services, Director Cultural & Community Services,
Manager Corporate Governance.

APOLOGIES: Crs Aubin, Hanger.

1. RTA - UPGRADE OF THE GREAT WESTERN HIGHWAY (25.00018)

Representatives from the RTA, Dion Killiby and Geoff Hall, attended the meeting to discuss the upgrade of the Great Western Highway at Kelso. They provided information on the status of the project and stated that there was a letter being prepared to be sent out to residents in the vicinity.

Discussion included:

- Advised that there had been a series of Community consultations, with over 200 feedback forms received since they had last met with Council.
- Issues arising from the consultation included:
 - . Job was long overdue
 - . Congestion in the area
 - . Accidents in the vicinity
 - . Issue of access for residents in Kelso
 - . Concern over the island in the middle of the road
 - . Better pedestrian and cycle access
 - . Traffic delays during construction
- Advised that the issue report would be available on the RTA website within the next few days.
- Advised that the RTA were considering cycleways and pedestrian access and also the Gateway to the City. It was stressed that the project was only at the development funding stage and no construction funds had been allocated.

2. BATHURST AGRICULTURAL HORTICULTURAL & PASTORAL ASSOCIATION INC (AH & P) - ROYAL BATHURST SHOW (18.00108-02)

Representatives from the Agricultural Horticultural & Pastoral Association Inc (AH & P) - Brett Kenworthy, Mark Bradbury, Sam Ramsay attended the meeting to discuss the 2011 Royal Bathurst Show scheduled to be held on the 6 - 8 May .

The group provided statistics on the Bathurst Show: Bathurst AH & P have been in operation since 1862 and they outlined their objectives.

- Largest and longest running community event in Bathurst.
- During the past 10 years they have spent \$4.5 million, with \$2.9 million contributed to the local economy.
- They outlined Council's support over recent years with the Supreme Exhibit and over the last two years with the community stage sponsorship of \$5,000 from the S356 Programme.
- Bathurst AH & P needs to develop a stronger relationship with Council and Bathurst organisations in order to strengthen the Royal Bathurst Show.
- They requested Council to consider the following items:
 - . Long Term Financial Commitment from 3-5 years, instead of the current annual commitment.
 - . Allocation of a duty Councillor.
 - . Inclusion in Tourism Information.
 - . Utilising Council Staff including Marketing and OH & S etc.
 - . Assistance with the Visitors Patron Survey.

Financial Implications: N/A

MINUTE

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

MOVED: G Westman SECONDED: R Thompson

RESOLVED: That the information be noted.

2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 10 MARCH 2011 (11.00020)

Recommendation: That Council:

- (a) Note the information; and
- (b) Adopt the membership for the Bathurst Regional Youth Council for 2011.

Report: MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON THURSDAY, 10 MARCH 2011

PRESENT: Jess Seaman, Melinda Nockles, Elizabeth Boylan-Smith, Lauren Inwood, Anne Murray, Eric Mayhew, Dominica Condon, Laura Cole, Liz Pickford, Caitlin Sharp, Zack Marlan, Kanja le Roux, Hayden Callan, Gemma Bates, Mitchell Dwyer, Ryan Fitch, Hugo Newell

IN ATTENDANCE: Kiri Armstrong, Robyn Doig (Youth Development Officers), Janelle Middleton (Manager Community Services).

1. APOLOGIES

RESOLVED that the apologies from Cr Tracey Carpenter, Cr Ian North, Cr Graeme Hanger, Cr Bobby Bourke, Iris Dorsett (Road Safety Officer) and Carmen Stassen (Youth Councillor) be accepted.

2. ADOPTION OF PREVIOUS MINUTES

RESOLVED that the minutes of the meeting held 11 November 2010 be accepted.

3. YOUTH COUNCIL STRUCTURE

RESOLVED that the Youth Council structure be as follows:

- (a) That the following structure apply for 2011:

- Youth Mayor (1 position)
- Youth Deputy Mayor (1 position)
- Youth Secretary (2 positions)
- Public Relations (2 positions)
- Web Master (1 position)

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

4. ELECTION OF YOUTH MAYOR AND YOUTH DEPUTY MAYOR

RESOLVED that, by process of secret ballot, Youth Councillor Mitchell Dwyer be elected as Youth Mayor of Bathurst for 2011 **and further** that Youth Councillor Hugo Newell be elected as Youth Deputy Mayor of Bathurst for 2011.

5. NOMINATION AND APPOINTMENT OF YOUTH COUNCIL SECRETARIES, PUBLIC RELATIONS AND WEB MASTER

RESOLVED that, by process of determination through secret ballot, the following representatives hold the following positions on the Bathurst Regional Youth Council for 2011:

Youth Council Secretary - Gemma Bates.

Youth Council Secretary - Eric Mayhew.

Youth Council Public Relations – Caitlin Sharp.

Youth Council Public Relations – Dominica Condon.

Web Master – Melinda Nockles.

6. YOUTH COUNCIL MEMBERSHIP

RESOLVED that the Youth Council request the Senior Council to adopt the membership for the Bathurst Regional Youth Council for 2011.

7. YOUTH COUNCIL MEETINGS FOR 2011

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

| <u>MONTH</u> | <u>MEETING DAY & DATE</u> | <u>AGENDA CLOSES</u> |
|---------------------|--------------------------------------|-----------------------------|
| March | Thursday 10 March | 1 March |
| May | Thursday 12 May | 3 May |
| July | Thursday 21 July | 12 July |
| September | Thursday 8 September | 30 August |
| November | Thursday 10 November | 1 November |

8. YOUTH COUNCIL WORKING PARTIES (3) AND PROJECTS

RESOLVED that the Youth Council:

(a) Consider issues or projects they would like to work on during 2011:

- Wall/mural around the community for students to express themselves (under supervision).
- Youth safety on the streets, after parties and social networking sites.
- Events (event working party to work on).
- BRYC magazine, providing information about upcoming events, information about the community. Sponsored by local business.
- Input of BRYC into Ryan Fitch's booklet.
- Multicultural day.
- Fundraising YAPA.

- (b) Establish the following working parties to work on these projects; and
- (i) Promotion - Ryan (leader), Kanja, Liz B, Liz P, Mel, Caitlin, Hayden, Ryan, Dominica, Lauren, Jess.
 - (ii) Events - Everyone of BRYC. Suggestion of Multicultural day.
 - (iii) Youth Safety - Melinda (leader), Laura, Mel, Mitch, Hugo, Carmen
 - (vi) Environmental Issues - Kanja, Liz Pickford (leaders), Ann, Eric, Mitch, Hugo.
- (c) That the following team leaders be selected for each working party.
- (i) Promotion - Ryan Fitch.
 - (ii) Events – All.
 - (iii) Youth Safety – Melinda Nockles.
 - (vi) Environmental Issues – Kanja le Roux, Liz Pickford.

9. "OWN IT" YOUTH WEEK FESTIVAL 2011 SATURDAY, 2 APRIL

- Movie chosen for Youth Week event was "Furry Vengeance".
- Working party meeting will be held Monday 14th March, 4:00pm-5:00pm to discuss.
- Event will be held on 2nd April, 2011. Pool closes to public at 6:00pm. Re-opens at 6:30pm. Movie starts 7:30pm. Entry fee \$5.00, includes free sausage sizzle.
- Working Party: Ryan, Hayden, Hugo, Mitch, Liz P, Caitlin, Mel, Jess, Dominica, Laura, Kanja.

10. GENERAL BUSINESS

- Nathan Inwood gave a brief outline given of potential funding through the Youth Participation Grants Program (YAPA) Project.
- Funding is available up to a maximum of \$3,300 per project for a student run event for under 18's to benefit Regional Youth.
- Working Party meeting to be held on Monday, 14 March 2011 to discuss Youth Week event and YAPA Project.

11. NEXT MEETING

The next meeting will be held on Thursday, 12 May 2011 at 11.15am.

Working Party meeting held on Monday, 14th March 2011 at 4:00pm- 5:00pm

12. MEETING CLOSURE

There being no further business, the meeting closed at 2:16pm.

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

MINUTE

47 Item 2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 10 MARCH 2011 (11.00020)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That Council:

- (a) Note the information; and
- (b) Adopt the membership for the Bathurst Regional Youth Council for 2011.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

MINUTE

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

MOVED: M Morse SECONDED: B Bourke

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

There were no representations from the public.

RESOLVED: That:

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

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|---|
| 1 | PROPOSED PURCHASE OF LAND, LLOYDS 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. |
| 2 | EARLY REPAYMENT OF LOANS | 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 |

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|---|---|---|
| | | supplied it. |
| 3 | PROPOSED NEW LEASE - STATE PROPERTY AUTHORITY - PART LEVEL 2, 230 HOWICK STREET, BATHURST | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 4 | KELSO FLOODPLAIN VOLUNTARY ACQUISITION - PROPOSED PURCHASE OF 29 CHURCH LANE, KELSO FROM PARKES | 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 CHANGE TO SALE CONDITIONS - GRAINFORCE COMMODITIES PTY LTD - INDUSTRIAL LAND AT KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 6 | RURAL LEASE AGREEMENT - LAFFING WATERS LANE, KELSO | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

*** Director Engineering Services' Report**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|---|---|
| 1 | TENDER FOR PROVISION OF HOUSEHOLD HAZARDOUS WASTE STORAGE UNITS | 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 LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12 | 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 LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12 CIVIL WORKS | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 4 | TENDER FOR DESIGN DEVELOPMENT & CONSTRUCTION OF SLUDGE LAGOON SUPERNATANT RECYCLE SYSTEM AT BATHURST WATER FILTRATION PLANT | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would |

| | | |
|---|---|---|
| | | prejudice the commercial position of the person who supplied it. |
| 5 | TENDER FOR CONSTRUCTION OF CREEK REGRADING WORKS HAWTHORNDEN CREEK 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. |
| 6 | TENDER FOR SUPPLY AND DELIVERY OF ONE CRANE TRUCK | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |
| 7 | TENDER FOR SUPPLY AND DELIVERY OF ONE WHEEL LOADER | 10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it. |

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
20 APRIL 2011

MINUTE

a Item 1 PROPOSED PURCHASE OF LAND, LLOYDS ROAD, BATHURST
(22.12840)

MOVED: G Westman SECONDED: I North

That Council authorise the General Manager to negotiate the proposed purchase of part Lot 1 DP775726, Lot 15 DP262606 and Lots 34A and Lot 35A DP750357 located on Lloyds Road, Bathurst.

MINUTE

b Item 2 EARLY REPAYMENT OF LOANS (16.00020)

MOVED: M Morse SECONDED: B Bourke

That Council:

- (a) make early repayment of all outstanding loans in the Water and Sewer funds.
- (b) not payout the Waste Fund loan early, but continue to make loan payments in accordance with the original agreed schedule.

MINUTE

c Item 3 PROPOSED NEW LEASE - STATE PROPERTY AUTHORITY - PART LEVEL 2, 230 HOWICK STREET, BATHURST (22.00041)

MOVED: I North SECONDED: W Aubin

That Council approves entering into a new commercial lease for Part Level 2, 230 Howick Street, Bathurst with the State Property Authority for a period of one (1) year with two (2) x one (1) year option periods as detailed in the report.

MINUTE

d Item 4 KELSO FLOODPLAIN VOLUNTARY ACQUISITION - PROPOSED PURCHASE OF 29 CHURCH LANE, KELSO FROM PARKES (22.02821)

MOVED: T Carpenter SECONDED: B Bourke

That Council:

- (a) authorise the purchase of Lot 17 DP1120478, known as 29 Church Lane, Kelso, under the Government's Voluntary Acquisition Scheme as detailed in the report.
- (b) classify the land as operational.

MINUTE

**e Item 5 PROPOSED CHANGE TO SALE CONDITIONS - GRAINFORCE
COMMODITIES PTY LTD - INDUSTRIAL LAND AT KELSO (22.00485)**

MOVED: I North SECONDED: M Morse

That Council approves the change to sale conditions for part Lot 9 DP1087621 located on Stockland Drive, Kelso to Wetjed Investments Pty Ltd atf Larnach Family Trust as detailed in the report.

MINUTE

f Item 6 RURAL LEASE AGREEMENT - LAFFING WATERS LANE, KELSO (22.00677)

MOVED: I North SECONDED: G Hanger

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

Reason: Involves persons with whom the Councillor conducts business.

That Council approves entering into a new licence agreement with David Loudoun-Shand for Lot 11 in DP857116 located on Laffing Waters Lane, Kelso for a period of three (3) years at a yearly lease fee of \$18,100.00 per annum plus annual CPI increases as detailed in the report.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

20 APRIL 2011

MINUTE

g Item 1 TENDER FOR PROVISION OF HOUSEHOLD HAZARDOUS WASTE STORAGE UNITS (14.00007)

MOVED: G Hanger SECONDED: I North

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

MINUTE

h Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12 (36.00412)

MOVED: B Bourke SECONDED: M Morse

That Council accepts the tender of JLE Electrical, for the design and construction of the electrical reticulation at Llanarth Residential Estate Stages 11 an 12 in the amount of \$189,904.00 Inc. GST subject to adjustments and provisional items.

MINUTE

**i Item 3 TENDER FOR LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12
CIVIL WORKS (36.00413)**

MOVED: G Westman SECONDED: I North

That Council accepts the tender of Bustin' Free Earthworks, for the construction of Civil Works at Llanarth Residential Estate Stages 11 & 12 in the amount of \$1,646,442.50 Inc. GST subject to adjustments and provisional items.

MINUTE

**j Item 4 TENDER FOR DESIGN DEVELOPMENT & CONSTRUCTION OF
SLUDGE LAGOON SUPERNATANT RECYCLE SYSTEM AT BATHURST WATER
FILTRATION PLANT (16.00103)**

MOVED: T Carpenter SECONDED: M Morse

That Council accepts the tender of Poonindie Pty Ltd for the design development and construction of a Sludge Lagoon Supernatant Recycle System at the Bathurst Water Filtration Plant in the amount of \$801,308.00 inclusive of GST, subject to adjustments and provisional items.

MINUTE

**k Item 5 TENDER FOR CONSTRUCTION OF CREEK REGRADING WORKS
HAWTHORNDEN CREEK BATHURST (36.00409)**

MOVED: I North SECONDED: B Bourke

That Council accepts the tender of Hynash Constructions, for the construction of Creek Regrading Works at Hawthornden Creek Bathurst in the amount of \$202,533.00 (incl. GST) subject to adjustments and provisional items.

MINUTE

I Item 6 TENDER FOR SUPPLY AND DELIVERY OF ONE CRANE TRUCK
(36.00410)

MOVED: G Westman SECONDED: G Hanger

That Council:

- (a) accept the tender from West Orange Motors for the purchase of a Hino 1728 XL fitted with body and crane at a price of \$182,003 including GST.
- (b) accept the tender from Brigold Pty Ltd for the purchase of trade vehicle Plant No 221 at a price of \$35,611 including GST.

MINUTE

m Item 7 TENDER FOR SUPPLY AND DELIVERY OF ONE WHEEL LOADER
(36.00411)

MOVED: B Bourke SECONDED: M Morse

That Council accept the tender from WesTrac Pty Ltd for a CAT 950H Wheel Loader at a changeover price of \$221,490.76 including GST.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

MINUTE

49 **RESOLVE INTO OPEN COUNCIL**
MOVED: M Morse SECONDED: G Westman

RESOLVED: That Council resume Open Council.

MINUTE

50 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED: I North **SECONDED: T Carpenter**

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

MINUTE

51 MEETING CLOSE

The Meeting closed at 7.42 pm.

CHAIRMAN: _____

Date: _____ **(18 May 2011)**