



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

14 September 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, 21 September 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, 21 SEPTEMBER 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 - Nil
5. MINUTES
  - \* Minutes - Ordinary Meeting Of Bathurst Regional Council - 16 August 2011
  - \* Minutes - Ordinary Meeting Of Council Following Policy - 7 September 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
  - \* General Manager's Report
  - \* 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 - Policy Committee Meeting - 7 September 2011
  - \* Minutes - Traffic Committee Meeting - 6 September 2011
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- \* Councillors Meeting With Community Groups/representatives - 10 August 2011.
- \* 2015 Bicentenary Celebrations Committee Meeting - 2 August 2011 Minutes
- \* Minutes - Bathurst Regional Youth Council Meeting - 21 July 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 Environmental Planning & Building Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND AND ENVIRONMENT COURT PROCEEDINGS - XJS WORLD ATS BATHURST REGIONAL COUNCIL	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2	LAND IMPROVEMENT AWARDS	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the

		public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
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**\* Director Corporate Services & Finance's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND RELEASE - EVERNDEN ROAD, BLAXLAND DRIVE AND WESTBOURNE DRIVE - NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGES 11 AND 12	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	RESIDENTIAL LEASE - 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.
3	RENEWAL OF LICENCE AGREEMENT - CHURCH 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.
4	RENEWAL OF LICENCE AGREEMENT - STEPHENS 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.
5	LOCAL GOVERNMENT FINANCIAL SERVICES	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
6	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ROAD WIDENING AT PORTION 70 DP755785 TURONDALE ROAD, DURAMANA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED PARTIAL CLOSURE OF ROAD AND CONSOLIDATION OF LOT	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	45 DP806142 DENISON ROAD, SOFALA	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	NETWASTE QUOTATION 145/534/987/3 – QUOTATION FOR NETWASTE REGIONAL HOUSEHOLD CHEMICAL COLLECTION	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 SUPPLY AND DELIVERY OF 2 X 4495 GVM TRUCKS, 1 X 4495 GVM CREW CAB TRUCK, 1 X 8000 GVM CREW CAB TIPPER AND 1 X 7500 GVM CREW CAB TRUCK WITH TAIL GATE 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

**Terry Barnhurst** – Public Service Jobs - asked the Mayor why he lied to the Council and the ratepayers about loss of public service jobs. Made accusations of the Mayor about why he has let Kirkconnell close. Read from emails received from people in the area and the loss of 57 jobs spoke to budget cutbacks, redundancies, and economic loss to the region. Tabled a copy of written emails/letter.

**The Mayor** noted Council has written to Attorney General about concerns over the closure. Spoke to actions being taken to try and get jobs provided in the area for those displaced.

**Anthony Craig** – Representing Democratic Labour Party - speaking on behalf of the nurses who have been told strange things. Spoke of nurses working for justice health. Finding alternative jobs is not that easy. The National/Liberal coalition have treated regional areas poorly.

**Bob Trimming** - Ratepayer - spoke to Mayoral election and A. Meenahan's article in a recent copy of the Western Advocate. Voiced his objection to Councillor Westman becoming Mayor. Further spoke to Access Committee issues. Raised a number of criticisms of Councillor Westman. Spoke to capability of Councillor North.

Requested a hard copy of the Management Plan and has been told it will cost \$45. Isn't this a Council public document.

**The Director Corporate Services & Finance** noted the fee was set in the Revenue Policy.

**Melinda Nottle & Doreen Morgan** - McKibbin Place West Bathurst - DA 2011/0273 Spoke of Development Application concerning communication tower to be placed at Walmer Park. Why weren't residents informed. Raised concerns about health issues and loss of property values.

**The Acting Director Environmental Planning & Building Services** spoke of Australian Radiation Protection and Nuclear Safety Agency Standards in place for emissions and Council's Policy on notification of these developments.

Doreen Morgan spoke of her cardiac issues and is concerned towers will cause impacts.

**Ken Hamer** - Perthville - Policy Questions - asked what is the policy on issuing water to Orange for them to pipe. Further, spoke to Perthville and Georges's Plains flood mitigation and property recently purchased in Kelso by Council.

**The Mayor** advised no policy change no excess water will be released.

**The Director Engineering Services** advised that property was purchased in Kelso to help alleviate the flooding on the highway. Then gave status of levee development for Perthville.

**Peter Dowling** - Rate Payer - Safety concern speed in Gilmour Street near ABC Centre - advised speed goes from 50kmh to 60 kmh near the roundabout. Spoke of responses to date and asks Council to put this request to the Traffic Committee. Seeks written confirmation of where this request is up to.



Cleaning Public Buildings Portions 1 & 3 - asked which buildings are these.

**The Director Engineering Services** believes they were administration building and Depot area, and the Post Office Building, but not sure.

Aboriginal Knockout - spoke to waiving of fees for Aboriginal Knockout and he queried the fees being raised by the promoters.

**The Mayor** noted the comments and advised this is not a Council run event.

Land & Environment Proceedings - DEPBS #4 - asked in confidential where is this at and what is cost to ratepayers.

**The General Manager** noted the matter has been withdrawn, the discussion tonight is on these costs.

Beautification Entrances to Bathurst - asked what is being done.

**The Mayor** gave status of this matter.

Aged Facilities - asked what is happening with the development.

**The Acting Director Environment Planning & Building Services** advised have not received anything additional from Crichton's at this time.

Mayoral Election - spoke to role Councillor Ian North has played as Deputy Mayor, has been good. Feels community should pick Mayor & Deputy Mayor.

**Dean Campbell** - B Double Application Delaware Crescent - Traffic Committee - Spoke to proposal, has left notes for Council to read on this. Requests Council approval. Need to utilise B-Doubles on Delaware Crescent for efficiency purposes, reduces impact on road from a tonnage perspective and trip numbers are reduced.

**Laurie Parkes** - Mayor Role - Councillor Toole - Congratulated the Mayor on the job he has done.

**MINUTE**

**3     MINUTE SILENCE**

**The Mayor** asked for a minute silence to show respect following the sudden death of Gloria Shaw, wife of Director Environmental, Planning & Building Services.

**MINUTE**

**4     APOLOGIES**

Nil

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MINUTES

**MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**MEETING HELD ON 21 SEPTEMBER 2011**

General Manager  
Bathurst Regional Council

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

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

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

**Financial Implications:** N/A

**MINUTE**

**5 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 16 AUGUST 2011 (11.00005)**

**MOVED: I North SECONDED: G Westman**

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

**2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY - 7  
SEPTEMBER 2011 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 7 September 2011 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Council following Policy Committee held on 7 September 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

**6 Item 2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY -**  
**7 SEPTEMBER 2011 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 7 September 2011 be adopted.



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

**M Ridings – DES #9 Traffic Committee - Delaware Crescent**

Spoke to B-Double route matter. Has concerns about safety if the route is approved. Spoke about the condition of the road and the damage that can be done to the pavement. Also impact on two-way traffic. This is a rural environment, road is not lit, many walkers frequent this road including children. Entry and Exit sections are not suitable for a B-Double. Has forwarded a detailed submission to Councillors.

**G Crisp – Ratepayer & Pensioner**

Raised a number of issues concerning the theft of his superannuation. Made various allegations of corrupt conduct against Councillors and staff.

**P Lane and C Gates – Theatre Media Students, CSU**

Spoke to the Sprung Festival to be held at the end of this year. Seeking Council's support for this event. There will be a soiree at BMEC on 17 August 2011. The festival will be held at the Pontoon Theatre.

**APOLOGIES**

**3 APOLOGIES**

Nil.

**MINUTES**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL -  
20 JULY 2011 (11.00005)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 July 2011 be adopted.



**RESOLVED** That Council place the draft Bathurst CBD & Bulky Goods Business Development Strategy on public exhibition for one month.

**10 ADJOURNMENT - ACT OF DISORDER (20.00161)**

**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

**RESOLVED:** That the meeting be adjourned at 6.18 pm due to acts of disorder created by Mr Crisp who would not cease his actions.

After approximately 10 minutes a security officer arrived and Mr Crisp voluntarily left the Chamber.

In accordance with Clause 257 of the Local Government (General) Regulation 2005, the Mayor asked Councillors whether the business of the meeting should proceed.

**The meeting recommenced at 6.30pm**

**11 Item 4 BROWN AND WHITE TOURISM SIGNAGE (28.00007)**

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

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

**12 RECOMMIT ITEM 3 DRAFT BATHURST CBD & BULKY GOODS BUSINESS DEVELOPMENT STRATEGY (20.00161)**

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

**RESOLVED:** That Council, as a result of the act of disorder by Mr Crisp, recommit Item #3, Draft Bathurst CBD & Bulky Goods Business Development Strategy, to allow further discussion.

**13 Item 3 DRAFT BATHURST CBD & BULKY GOODS BUSINESS DEVELOPMENT STRATEGY (20.00161)**

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

**RESOLVED:** That Council place the draft Bathurst CBD & Bulky Goods Business Development Strategy on public exhibition for one month.

**14 Item 5 2011 COUNTRYLINK INLAND TOURISM AWARDS (18.00010)**

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

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

**15 Item 6 AUSTRALIAN CLEAN ENERGY PLAN (CARBON TAX): IMPLICATIONS FOR BATHURST (07.00093)**

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

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

Director Corporate Services & Finance's Report

- 16** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin
- RESOLVED:** That the information be noted.
- 17** **Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00121)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr I North
- 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 R Thompson and **SECONDED** Cr G Westman
- 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 I North
- RESOLVED:** That the information be noted.
- 20** **Item 5 2012 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (04.00097)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman
- That Council donate the cost of the road closures to a maximum of \$750 for the 2012 Bathurst Street and Custom Motorcycle Show to be funded from Section 356 Donations.
- 21** **Item 5 2012 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (04.00097)**  
**MOVED** Cr I North and **SECONDED** Cr T Carpenter
- The following **AMENDMENT** was **MOVED**
- That Council donate the cost of the road closures to a maximum of \$750 for the 2012 Bathurst Street and Custom Motorcycle Show to be funded from Mount Panorama Fee Subsidy
- The **AMENDMENT** was **PUT** and **LOST**.

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

- 22** **Item 5 2012 BATHURST STREET AND CUSTOM MOTORCYCLE SHOW (04.00097)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**RESOLVED:** That Council donate the cost of the road closures to a maximum of \$750 for the 2012 Bathurst Street and Custom Motorcycle Show to be funded from Section 356 Donations.

- 23** **Item 6 2011/2012 REVENUE POLICY - AMENDMENTS TO FEES & CHARGES (16.00126)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) amend its 2011/2012 Revenue Policy to reflect the correct charges as outlined in the report
- (b) place the amendments to the Revenue Policy on public exhibition for 28 days during which time public submissions may be made
- (c) report any submissions received back to Council for consideration
- (d) adopt the amended Revenue Policy if no submissions are received.

- 24** **Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BEAT-IT PROGRAM (21.00101, 18.00004)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

**RESOLVED:** That Council reduce the hire fee for Retrofit Personal Training & Exercise Physiology Studio by \$200 for the hire of the Kelso Community Centre to deliver the Beat-It Program to be funded from Section 356 Donations.

- 25** **Item 8 REQUEST FOR FINANCIAL ASSISTANCE - DISABILITY INFORMATION ADVOCACY SERVICE INC - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00012)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

**RESOLVED:** That Council donate the costs of \$490 associated with the hire of a Conference Room at the Bathurst Memorial Entertainment Centre on 2 December 2011 for the International Day of People with Disability sponsored by Disability Information Advocacy Service Inc (DIAS) to be funded from BMEC Community use Subsidy.

- 26** **Item 9 REQUEST FOR FINANCIAL ASSISTANCE - IMPACT LEADERSHIP - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00012)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

- (a) provide a reduction of 20% off the commercial rate for the costs associated with the hire of Bathurst Memorial Entertainment Centre on 8 May 2012 to Impact leadership for the Impact Student Leadership Conference
- (b) not provide a further reduction off the venue hire.

**27** **Item 10 CARRYOVER WORKS (16.00108)**  
**MOVED** Cr G Westman and **SECONDED** Cr R Thompson

**RESOLVED:** That the items as identified on the list of carry-over works as at 30 June 2011 be carried over and added to the Management Plan for 2011/2012.

### **Director Engineering Services' Report**

**28** **Item 1 VEGETATION MANAGEMENT PLAN IMPLEMENTATION (13.00001)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr G Westman

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

**29** **Item 2 COUNCIL'S WATER SAVING SUCCESS (16.00103)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

**30** **Item 3 REGIONAL ROADS BLOCK GRANT / REPAIR PROGRAM (16.00011)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

**31** **Item 4 FUTURE OF THE STEAM ROLLER LOCATED IN THE MACQUARIE RIVER BICENTENNIAL PARK (04.00015-02)**  
**MOVED** Cr B Bourke and **SECONDED** Cr R Thompson

That Council not call for expressions of interest in the restoration of the Aveling and Porter steam roller currently located in the Macquarie River Bicentennial Park, Bathurst.

The **MOTION** was **PUT** and **LOST**

**32** **Item 4 FUTURE OF THE STEAM ROLLER LOCATED IN THE MACQUARIE RIVER BICENTENNIAL PARK (04.00015-02)**  
**MOVED** Cr G Hanger and **SECONDED** Cr G Westman

**RESOLVED:** That Council call for expressions of interest in the restoration of the Aveling and Porter steam roller currently located in the Macquarie River Bicentennial Park, Bathurst.

Crs Bourke and Aubin asked that their negative vote be recorded.

### Director Cultural & Community Services' Report

- 33** Item 1 LITTLE SCALLYWAGS CHILD CARE CENTRE - ACCREDITATION (09.00007)  
MOVED Cr I North and SECONDED Cr G Westman

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

- 34** Item 2 ALCOHOL-FREE ZONES IN THE BATHURST CBD (20.00126)  
MOVED Cr M Morse and SECONDED Cr B Bourke

**RESOLVED:** That Council:

- (a) commence the process, as outlined in the report, for the re-establishment and extension of alcohol-free zones in the Bathurst CBD for a period of four years commencing October 2011 and concluding October 2015.
- (b) request consideration be given to the inclusion of Bentinck Street, between Piper & Keppel Streets in the alcohol free zone.
- (c) notify the public of the zone establishment as required under Section 644 of the Local Government Act, 1993.
- (d) endorse the continuation of the alcohol-free areas of Machattie Park/Kings Parade and Macquarie River Bicentennial Park (commonly known as Peace Park).

- 35** Item 3 BATHURST LIBRARY - SPOOKY STORYTIME (21.00054)  
MOVED Cr B Bourke and SECONDED Cr R Thompson

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

### REPORTS OF OTHER COMMITTEES

#### Policy Committee Meeting

- 36** Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 AUGUST 2011 (07.00064)  
MOVED Cr G Westman and SECONDED Cr W Aubin

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 3 August 2011 be adopted.





- (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	EXPRESSION OF INTEREST - ZANTE LANE, BATHURST - RURAL LEASE AGREEMENT	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	EXPRESSION OF INTEREST - VALE ROAD, ORTON PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED NEW LEASE - AIRCRAFT REFUELLING FACILITY, BATHURST AERODROME - BP AUSTRALIA PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council

		would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF TELECOMMUNICATION LEASE - REID PARK, MT PANORAMA - VODAFONE NETWORK PTY LTD	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 BOUNDARY ADJUSTMENT - 8 ELM PLACE, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMPULSORY ACQUISITION - LOT 94 DP 879007, EGLINTON ROAD, EGLINTON	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
2	PROPOSED ROAD WIDENING - LOT 4 DP606722, 256 MOLYBDONITE ROAD, YETHOLME	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	TRANSFER OF SECTIONS OF CROWN ROAD, MOLYBDONITE ROAD, YETHOLME	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 - CLEANING OF PUBLIC BUILDINGS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	PROPOSED ROAD WIDENING LOT 100, DP864476 - OPHIR ROAD, ABERCROMBIE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be

		contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	PROPOSED ROAD WIDENING - LOT 81, DP1130445 - MOLYBDONITE ROAD, YETHOLME	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	PROPOSED ROAD DEVIATION AND CLOSURE - LOTS 78 AND 85, DP755805, MOLYBDONITE ROAD, YETHOLME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* General Manager's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	COMPLETE SPORTS MARKETING - SPORTS DECENTRALISATION	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 EXPRESSION OF INTEREST - ZANTE LANE, BATHURST - RURAL LEASE AGREEMENT (22.06378)**

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

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

Reason: personal friend with one of the applicants.

The Mayor vacated the Chair.

The Deputy Mayor, Cr North, took the Chair for this item.

That Council approves entering into a new In-house Licence Agreement with Wayne Loader for Lot 1 DP623416 and Lot 4 DP845477 located on Zante Lane, Bathurst for a period of one (1) year with a one (1) year option period at a lease fee of \$2,340 per annum for grazing purposes only, as detailed in the report.

The General Manager advised that the recommended applicant had withdrawn his offer on the day of the Council Meeting.

**b** **Item 2 EXPRESSION OF INTEREST - VALE ROAD, ORTON PARK (21.00022)**

**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

That:

- (a) Council approves entering into a new In-house Licence Agreement with David Loudoun-Shand for part Lot 20 DP1119593 and Lots 1, 2 and 3 DP778506 located on Vale Road, Bathurst for a period of one (1) year with a one (1) year option period at a lease fee of \$10,600 per annum as detailed in the report.
- (b) A clause be added to the Contract to allow Council to withdraw early from the contract if required to allow for development of the Bike Park.

**c** **Item 3 PROPOSED NEW LEASE - AIRCRAFT REFUELLING FACILITY, BATHURST AERODROME - BP AUSTRALIA PTY LTD (21.00004)**

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

That Council approves entering into a new lease agreement with BP Australia Pty Ltd to enable them to continue operating their business of an aircraft refuelling facility located on Lot 8 DP873722 at the Bathurst Aerodrome for a period of five (5) years with an option period of five (5) years at a lease fee of \$3,100 per annum plus GST and annual CPI adjustments as detailed in the report.

**d** **Item 4 RENEWAL OF TELECOMMUNICATION LEASE - REID PARK, MT PANORAMA - VODAFONE NETWORK PTY LTD (08.00007)**

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

**That** Council approves entering into a new lease agreement for part Lot 40 DP1056379 known as Reid Park Mt Panorama with Vodafone Network Pty Ltd (through their agent CPS Global) for an initial period of five (5) years with two (2) x five (5) year option periods at a yearly lease fee of \$20,789.27 plus GST as detailed in the report.

- e** **Item 5 PROPOSED BOUNDARY ADJUSTMENT - 8 ELM PLACE, KELSO (22.03084)**  
**MOVED** Cr G Hanger and **SECONDED** Cr R Thompson

**That** Council approves the two (2) lot subdivision/boundary adjustment and subsequent sale of part Lot 274 DP735655 to Mr Darryl Bailey of 8 Elm Place, Kelso and allow the consolidation of Mr Bailey's existing land with the new land under the same parcel, as detailed in the report.

### **Director Engineering Services' Report**

- f** **Item 1 COMPULSORY ACQUISITION - LOT 94 DP 879007, EGLINTON ROAD, EGLINTON (22.06165)**  
**MOVED** Cr R Thompson and **SECONDED** Cr G Westman

**That** Council make application to the Minister and/or the Governor to acquire by compulsory acquisition Lot 94 DP879007 to allow the construction of Council's ancillary sewerage pipe works for the extension of the Eglinton sewerage pump station located at Eglinton Road, Eglinton. The application to follow provisions of the Local Government Act 1993 and procedures set out in the Land Acquisition (Just Terms Compensation) Act, 1991, as detailed in the Director Engineering Services report. The acquired parcel of land is to be classified as Operational land.

- g** **Item 2 PROPOSED ROAD WIDENING - LOT 4 DP606722, 256 MOLYBDONITE ROAD, YETHOLME (25.00293)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Morse

**That** Council approve the proposed road widening affecting Lot 4, DP606722 being 256 Molybdonite Road, Yetholme, in accordance with the Director Engineering Services' report.

- h** **Item 3 TRANSFER OF SECTIONS OF CROWN ROAD, MOLYBDONITE ROAD, YETHOLME (25.00293)**  
**MOVED** Cr R Thompson and **SECONDED** Cr I North

**That** Council make application to the Land and Property Management Authority for the transfer of sections of Crown road located in Molybdonite Road north west of Lot 7307 DP1160780 and north of Lot 78 DP755805 at Molybdonite Road, Yetholme, in accordance with the Director Engineering Services' report.

- i** **Item 4 TENDER - CLEANING OF PUBLIC BUILDINGS (36.00431)**  
MOVED Cr M Morse and SECONDED Cr B Bourke

That Council accept the tenders of:

- (a) SKG Pty Ltd for \$62,920 (incl GST) for Separable Portion (i)  
 (b) West Mitchell Cleaning for \$74,495.20 (incl GST) for Separable Portion (iii)

- j** **Item 5 PROPOSED ROAD WIDENING LOT 100, DP864476 - OPHIR ROAD, ABERCROMBIE (25.00040)**  
MOVED Cr G Westman and SECONDED Cr G Hanger

That Council approve the proposed road widening affecting Lot 100, DP864476 at Ophir Road, Abercrombie, and dedicate the road to the public, as detailed in the Director Engineering Services' report. The land to be classified as Operational land.

- k** **Item 6 PROPOSED ROAD WIDENING - LOT 81, DP1130445 - MOLYBDONITE ROAD, YETHOLME (25.00293)**  
MOVED Cr R Thompson and SECONDED Cr I North

That Council approve the proposed road widening affecting Lot 81, DP1130445 at Molybdonite Road, Yetholme, in accordance with the Director Engineering Services' report.

- l** **Item 7 PROPOSED ROAD DEVIATION AND CLOSURE - LOTS 78 AND 85, DP755805, MOLYBDONITE ROAD, YETHOLME (25.00293)**  
MOVED Cr M Morse and SECONDED Cr G Westman

That Council approve the proposed road deviation and transfer of unnecessary sections of road affecting Lots 78 and 85 DP755805 at Molybdonite Road, Yetholme, in accordance with the Director Engineering Services' report.

### General Manager's Report

- m** **Item 1 COMPLETE SPORTS MARKETING - SPORTS DECENTRALISATION (10.00001)**  
MOVED Cr R Thompson and SECONDED Cr M Morse

That the proposal be referred to the 2012/2013 Management Plan for consideration.

### RESOLVE INTO OPEN COUNCIL

- 40** **RESOLVE INTO OPEN COUNCIL**  
MOVED Cr R Thompson and SECONDED Cr B Bourke

RESOLVED: That Council resume Open Council.





**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
HELD ON 7 SEPTEMBER 2011**

**5.30PM - MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**APOLOGIES**

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

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

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr B Bourke and **SECONDED** Cr R Thompson

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**4 Item 1 REQUEST TO WAIVE FEES - 2011 NSW ABORIGINAL RUGBY LEAGUE  
KNOCKOUT (23.00139, 18.00004)**  
**MOVED** Cr G Westman and **SECONDED** Cr R Thompson

**RESOLVED:** That Council waive the fees amounting to \$2,892.00 to the Aboriginal Rugby League Knockout which is being held in Bathurst from 1 – 3 October 2011.

**Director Engineering Services' Report**

**5 Item 1 INSTALLATION OF A LONG & TRIPLE JUMP PIT – ALAN MORSE PARK  
(04.00045)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That Council utilise part of the reserve funding allocated to the Parks Improvements Reserve to install an all weather long jump / triple jump pit at Alan Morse Park.

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

**6 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH  
CONFIDENTIAL REPORTS**  
**MOVED** Cr I North and **SECONDED** Cr 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 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.

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN AND CONSTRUCTION OF NETBALL CLUBHOUSE	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**

- a** **Item 1 TENDER FOR DESIGN AND CONSTRUCTION OF NETBALL CLUBHOUSE (36.00432)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**RESOLVED:** That Council accepts the tender of Patrick and Watts Constructions Pty Ltd, for the design and construction of Netball Clubhouse in Durham Street Bathurst in the amount of \$376,720.00 (incl. GST) subject to adjustments and provisional items.

### **RESOLVE INTO OPEN COUNCIL**

- 7** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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



**MINUTE**

**7     DECLARATION OF INTEREST 11.00002**  
**MOVED: T Carpenter SECONDED: R Thompson**

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

Cr Hanger

Item #5 Minute #9 of the Traffic Committee 6 September 2011

Cr Bourke

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

Cr Thompson

Item #5 Minute #9 of the Traffic Committee 6 September 2011

Item #2 Confidential of the Director Environmental, Planning & Building Services report

Cr North

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

Cr Westman

Item #5 of the Director Corporate Services & Finance's report

Item #7 Minute #11 of the Traffic Committee 6 September 2011

## MINUTE

### 8 MAYORAL ADDRESS

**The Mayor** gave a brief address to Council, stating it has been an honour and privilege to fill the role of Mayor. Thanked Councillors for their support and the team effort given.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
GENERAL MANAGER'S REPORTS AND MINUTES  
21 SEPTEMBER 2011

**GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 21 SEPTEMBER 2011**

General Manager  
Bathurst Regional Council

**1 ELECTION OF MAYOR AND DEPUTY MAYOR (12.00004)**

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

**Report:** In accordance with the provisions of the Local Government Act 1993, the election of Mayor by the Councillors is to be held during the month of September (Section 290). Bathurst Regional Council will therefore be required to elect both the Mayor and Deputy Mayor.

The Local Government (General) Regulation 2005, Schedule 7, prescribes how a Mayor and Deputy Mayor are to be elected.

Nomination forms are at **Attachments 1 and 2** for Councillors and may be returned to me, or handed to me at the commencement of the Council meeting.

The procedure for both Elections will be:

- (i) The General Manager will be the Returning Officer;
- (ii) The General Manager will call for further nominations;
- (iii) Nominations will be closed;
- (iv) The Returning Officer will announce the names of the nominees at the Council meeting at which the election is to be held;
- (v) If more than one nomination is received, an election will be held;
- (vi) Council will be asked to resolve the form of election, if required, ie ordinary ballot, preferential ballot or open voting.
- (vii) The election is to be held at the Council meeting at which the Council resolves on the method of voting.

The following process for nomination applies, as per Clause 2 of Schedule 7:

1. A Councillor may be nominated without notice for election as Mayor or Deputy Mayor;
2. The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing;
3. The nomination is to be delivered or sent to the Returning Officer;
4. The Returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

**Financial Implications:** Nil.

## MINUTE

### 9 Item 1 ELECTION OF MAYOR AND DEPUTY MAYOR (12.00004)

**ELECTION OF MAYOR** - Two nominations were received for the position of Mayor: Councillor North & Councillor Westman.

A **MOTION** was **MOVED** Cr North **SECONDED** Cr Bourke

**RESOLVED:** that the election for Mayor and Deputy Mayor proceed by Open Voting.

The result of the ballot was:

Councillor North 4 votes  
Councillor Westman 5 votes

Councillor Westman was declared elected as Mayor for the period to September 2012.

**ELECTION OF DEPUTY MAYOR** - Five nominations for the position of Deputy Mayor were received: Councillors Bourke, Carpenter, Hanger, Morse and North.

The result of the open vote was:

Councillor Bourke 2 votes  
Councillor Carpenter 2 votes  
Councillor Hanger 1 vote  
Councillor Morse 2 votes  
Councillor North 2 votes

Councillor Hanger was excluded.

The result of the second open vote was:

Councillor Bourke 2 votes  
Councillor Carpenter 3 votes  
Councillor Morse 2 votes  
Councillor North 2 votes

Councillor Bourke was chosen by lot and excluded.

The result of the third open vote was:

Councillor Carpenter 3 votes  
Councillor Morse 3 votes  
Councillor North 3 votes

Councillor Morse was chosen by lot and excluded.

The result of the fourth open vote was:

Councillor Carpenter 5 votes  
Councillor North 4 votes



Councillor Carpenter was declared elected as Deputy Mayor for the period to September 2012.

**Councillor Westman took the Chair**

**A short recess at 6.55pm was declared to allow the Mayor to speak with the media.**

**The Mayor, Councillor Westman resumed the meeting at 7.17pm**

## **2 COMMUNITY STRATEGIC PLAN - INTEGRATED PLANNING & REPORTING FRAMEWORK - COMMUNITY ENGAGEMENT STRATEGY (02.00003, 41.00089)**

**Recommendation:** That Council:

- (a) Commence Stage 2 of the Community Engagement Strategy for the development of the Community Strategic Plan
- (b) Note the timeline for the development and adoption of the Community Strategic Plan.

**Report: Background**

In April 2011, Council adopted its Community Engagement Policy which laid the framework for development of Council's community engagement procedures for the future. The first opportunity to put that policy into practice is now being utilised in the development of the Community Engagement Strategy for the production of the 2011 Community Strategic Plan (CSP) to be titled ***Bathurst 2036***.

The CSP will be the first for the Bathurst Region and aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region.

The plan will represent the "blueprint" for the future by describing the focus of Council's activities. It also recognises that others in our community (individuals, business, governments and agencies) can also contribute to future outcomes, and are key partners in the development and implementation of the plan.

This has come about because of an initiative by the NSW Government requiring all NSW Council's to adopt a Strategic Plan for their community by June 2012, under the Integrated Planning and Reporting framework (IP&R).

Under the banner Bathurst 2036, Council is leading the community in a discussion about the type of place we would all like to be living in now and into the future. The focus for the plan is the next 25 years.

The Bathurst 2036 Community Strategic Plan will provide Council with the goals and objectives required of a high level strategic plan and will be linked to a number of working documents.

The table below sets out what those reporting documents will be and the status of Council's commitment to the IP&R framework to date.

### **Required Integrated Plans and Sept 11**

<b>Required New Plan</b>	<b>Status</b>
<b>Community Strategic Plan</b> Highest level plan to identify communities main priorities and aspirations for the future and to plan strategies to achieve these goals. Includes a <b>Community Engagement Strategy</b> as a required element.	<ul style="list-style-type: none"><li>• Council has in place a significant number of strategic plans. These will inform the CSP. Refer to <b><u>attachment 1.</u></b></li></ul>
<b>The Resourcing Strategy</b> Required to carry out the Community	<ul style="list-style-type: none"><li>• Work is occurring on the long term financial plan.</li></ul>

<p>Strategic Plan consists of three components;          -Long Term Financial Plan          -Workforce Management Plan          -Asset Management Plan</p>	<ul style="list-style-type: none"> <li>• Draft Workforce Management Plan has been developed.</li> <li>• Most Asset Management plans have been developed. Refer <b><u>attachment 1</u></b></li> </ul>
<p><b>Delivery Program and Operational Plan</b>          The principle activities to be undertaken by Council to implement the strategies identified in the Community Strategic Plan within resources available under the Resourcing Strategy relating to the Council's plans for its 4 year term of office. The Delivery Program replaces the Management Plan requirements with all plans, projects, activities and funding allocations directly linked to this program. The Operational Plan spells out the annual projects and activities to achieve Delivery Program outcomes.</p>	<ul style="list-style-type: none"> <li>• Currently this requirement is best met by the existing BRC Management Plan.</li> </ul>
<p><b>The Annual Report</b>          Key point of accountability between the Council and Community. Must be delivered within 5 months of the end of the financial year. Will outline achievements in implementing the Delivery Program. In the year of the ordinary election it will also include outline of achievements in implementing Community Strategic Plan and SOE report.</p>	<ul style="list-style-type: none"> <li>• Currently this requirement is best met by the existing BRC Annual Report and State of the Environment (local and regional) reports.</li> </ul>
<p><b>DLG IP&amp;R self assessment checklist</b>          Must be completed and submitted along with the CSP by June 2012.</p>	<ul style="list-style-type: none"> <li>• See <b><u>attachment 2</u></b></li> </ul>

The CSP is a further development of Council's "Our Vision Our Direction Our Values" document which supports the annual management plan process, (refer to **attachment 3**). The Community Engagement Strategy for the Bathurst 2036 Plan gives Council the opportunity to present the community with a summary of key directions and clarify and agree on its position. The *Bathurst 2036 Community Strategic Plan* is based on a 25 year vision for the future which will be reviewed every four years following the election of a new council. Even though under the IP&R guidelines the minimum timeframe for a CSP is 10 years, Council has developed the Bathurst 2036 plan to fall in line with a broader strategic plan being established by the current NSW Government for local councils.

### **Developing the Plan**

#### **How will the community be involved in preparing the Community Strategic Plan?**

Section 1 of the "Planning a Sustainable Future Guidelines" from the Division of Local Government, explaining the Council's requirements under the Integrated Planning & Reporting framework is shown at **attachment 4** for Council's reference. The two key points in regards to the Community Engagement Strategy are;

*“1.5 As a minimum, the Community Engagement Strategy prepared and implemented by Council must identify relevant stakeholder groups within the community and outline methods that will be used to engage each group.*

*1.6 Council must place the Draft Community Strategic Plan on public exhibition for a period of at least 28 days and comments from the community must be accepted and considered prior to the endorsement of the final Community Strategic Plan.”*

Council has taken this reference and developed a comprehensive Community Engagement Strategy.

The new Bathurst Regional Council began a process of community engagement to determine a future for the Bathurst Regional local government area in 2005 as it commenced its land use planning strategies. Engagement has continued through community surveys; village meetings; the preparation of studies such as the Bathurst Community Access and Cycling Plan, the CBD and Bulky Goods Development Strategy, the Economic Development Strategy, Integrated Water Catchment Management Plans and various environmental studies; and most recently through Council’s Social and Community Plan & Village Plans.

The **Community Engagement Strategy** has been developed in three keys stages to assist in the development of the Bathurst 2036 Community Strategic Plan;

- **Stage 1** – Identifying a vision.
- **Stage 2** – Discussing a vision and strategies for the future
- **Stage 3** – Finalising the plan

According to the community engagement principles adopted by Council in April 2011, the following criteria were considered in development of the Bathurst 2036 Community Engagement Strategy.

#### **How will council involve the community?**

Stage 1 of the plan considered a broad range of existing and recently completed strategic documents. Plans were reviewed and community feedback and priorities from these were collated into key Bathurst 2036 Fact Sheets. Discussion Papers for the Bathurst 2036 Community Strategic Plan (Refer to **attachment 5**) have been made available to provide the context for community engagement in this process.

#### **Who needs to be involved?**

Council, community, key partners and government agencies. A full database of contacts has been created specifically for the Bathurst 2036 project. It considers all known contacts in previous BRC community engagement databases and has been amended to reflect changes in Government agencies.

#### **Who are the relevant stakeholder groups?**

Based on the Bathurst Region demographic study and other key stakeholders as identified in the Stage 1 research (as above), in particular reference to those groups identified based on the social justice principles guiding the Council’s *Social, Community and Cultural Plan 2011*.

#### **How will community engagement be done?**

See the Community Engagement Timeline below in this report for details. Stage 1 is essentially the researching and scoping phase where community feedback from previously

completed plans is being reviewed. Stage 2 is the activity stage where a series of actions will gather input into the plan. Stage 3 is the consolidation and further review including public consultation.

**What methods of engagement will be used?**

See Community Engagement Timeline table below for details. In summary the main tools will include a Bathurst 2036 website, the Bathurst 2036 Convention, a Bathurst 2036 online and face-to-face survey and the 2011 Community Survey and an extensive advertising campaign promoting opportunities for the process. Refer to **attachment 6**.

**How will council involve enough members of the community to feel confident that the views being expressed are representative?**

A representative sample will be consulted with reference to key stakeholders as determined by reference to Council’s Social Community and Cultural Plan 2011. The 2011 Community Survey will utilise random sample survey methods. An extensive advertising campaign will endeavour to reach the general public while direct mail will reach those groups who have previously been part of Council’s engagement.

**What evidence based information will be discussed with the community, and how will it be presented?**

A series of Fact Sheets/Discussion Papers have been prepared for the community covering a range of visions, challenges and opportunities under the four key themes; economic prosperity; liveable communities; environmental sustainability; and sound leadership. A Discussion Paper (**attachment 6**) for the Draft Bathurst 2036 Community Strategic Plan is also being made available to put these issues in context and as a point of reference for participants in the consultation process.

**Community Engagement Plan and Timeline**

The table below outlines the timeline and summary of activities outlined in the Bathurst 2036 Community Engagement Strategy.

<b>Activity</b>	<b>Timeframe</b>	<b>Results</b>
<b>STAGE 1 – IDENTIFYING A VISION</b>		
Review and analysis of community visions as presented in various existing strategic plans since 2005	Completed in July 2011	Fact Sheets prepared for community  Draft Bathurst 2036 Discussion Paper prepared  Database of key target groups collected.  Community Engagement Plan developed
<b>STAGE 2 – DISCUSSING A VISION AND STRATEGIES FOR THE FUTURE</b>		
Bathurst 2036 Convention	Nov 9 Will include opportunities for interactive elements, surveys, games, competitions (youth), debate.	Direct presentations to key target groups and those identified in previous analysis as well as the general community. Professional facilitation.
Bathurst 2036 Webportal <a href="http://www.bathurstregion.c">www.bathurstregion.c</a>	Sept 2011- early 2012 Website forum for information, data collection interactive	Dedicated pages added to the Bathurst Region website as the cornerstone of promotion of the draft plan.

<a href="http://om.au/bathurst2036">om.au/bathurst2036</a>	format, social media element.	Website contains all relevant information including Discussion Paper - Draft Bathurst 2036 plan, Fact Sheets and copies of Council's existing strategic plans, electronic survey and feedback
Bathurst 2036 Survey	Sept – Nov 2011	Brief survey distributed on-line or through face-to-face contact at targeted community events and activities.
General Advertising campaign	Sept 2011 to early 2012. Supporting the CSP and mainly to promote community engagement	Local media campaign Council promotional channels
Community Survey 2011	Nov 2011 (TBC) Random sample	Conducted externally by research consultants. Survey will include questions relevant to the draft Bathurst 2036 plan as part of annual survey
Council Vision competition	Key outcome of engagement	Run online, at Convention and interactive outlets.

### STAGE 3 - FINALISING THE PLAN

Public exhibition of the final draft Bathurst 2036 plan	December 2011- Feb 2012	28 day advertising period and request for written submissions on the final draft plan.
Adoption of the Bathurst 2036 Community Strategic Plan	March/April 2012	To bring the strategy in line with Council's annual management plan timetable

**Stage 2** of the Community Engagement Process seeks feedback on;

1. What matters in the draft plan Discussion Paper do you agree with?
2. What matters in the draft plan Discussion Paper do you disagree with?
3. What matters have not been included in the draft plan Discussion Paper that should be?

The engagement process also seeks input on the final wording that Council should adopt for its overall vision and mission statements.

To assist the community in providing meaningful feedback on the CSP some engagement tools (**attachment 6**) have been prepared including;

- Facts sheets on the key visions and themes
- Bathurst 2036 survey (**attachment 7**)
- Vote for a Vision forms.

**Financial Implications:** The cost to date of Integrated Planning has been maintained within existing budgets. An approximate budget for the Community Engagement Strategy and associated activities has been developed that will utilise existing Community Survey and Council public relations budgets of approximately \$20,000.

**MINUTE**

**10 Item 2 COMMUNITY STRATEGIC PLAN - INTEGRATED PLANNING & REPORTING FRAMEWORK - COMMUNITY ENGAGEMENT STRATEGY (02.00003, 41.00089)**

**MOVED: P Toole SECONDED: M Morse**

**RESOLVED:** That Council:

- (a) Commence Stage 2 of the Community Engagement Strategy for the development of the Community Strategic Plan
- (b) Note the timeline for the development and adoption of the Community Strategic Plan.

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORTS AND MINUTES  
21 SEPTEMBER 2011



**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE  
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21  
SEPTEMBER 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**

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

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

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

**Financial Implications:** Nil.

**MINUTE**

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

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

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

**3 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2010/0801 – TWELVE SENIORS LIVING UNITS (8 X 3 BEDROOM & 4 X 2 BEDROOM) AT 190 GILMOUR STREET, KELSO. APPLICANT: MR B GODDARD. OWNER: GICO PTY LTD (DA/2010/0801)**

**Recommendation:** That Council:

- (a) support the variation to the density and open space development standards prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) direct the Director Environmental, Planning & Building Services to approve the modification to Development Application No. 2010/0801, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

**Report:** The Site

Council has received an application to modify a Development Application (DA) for twelve seniors living units at 190 Gilmour Street, Kelso, described as Lot 10, DP 1165695 (see location plan at **attachment 1**).

**History of the Proposal**

On 28 October 2010 Council, under delegated authority approved Development Application 2010/0801 for twelve seniors residential units on the subject land. The development was permissible and complied with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The original proposal comprised 8 x 3 bedroom units and 4 x 2 bedroom units. A condition was imposed on the consent to limit occupation of the proposed units to seniors or people with a disability in accordance with the requirement of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

It should be noted that the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prevails over any Local Environmental Plan or Development Control Plan that would otherwise govern (and in some cases prohibit) such development.

Council's Development Control Plan – Residential Housing, which applied at the time the original application was assessed, did not permit residential units on the subject site.

With the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 residential units have been made permissible in the suburbs subject to various location criteria and a maximum density of 60 persons per site hectare.

**The proposal**

The proposed modification is twofold namely to change the development from being exclusively for seniors and people with a disability to a conventional residential unit development open to any occupants and change the configuration of the units from 8 x 3 bedroom units and 4 x 2 bedroom units to 12 x 2 bedroom units (see plan of modified proposal at **attachment 2**).

**On the whole there is a reduction in the site density.**

**The external appearance of the development remains for the most part unaffected.**

Planning Context

*Bathurst Regional (Interim) Local Environmental Plan 2005*

The subject site is zoned 2(a) Residential and 1(b) Market Garden under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. Residential units are permissible with consent in the 2(a) Residential zone but are prohibited in the 1(b) Market Garden zone. It should be noted that no part of the proposed development will be constructed on the 1(b) Market Garden section of the subject site. The proposal is consistent with the objectives of the 2(a) Residential zone.

*Development Control Plan*

As the proposed modification is to change the approved development from being exclusively for seniors and people with a disability to a conventional residential unit development open to any occupants it must now be assessed under the Bathurst Regional (Interim) Development Control Plan 2011.

***Bathurst Regional (Interim) Development Control Plan 2011 – Chapter 4 Residential Development***

The site is located within Precinct 2 pursuant to the *Residential Housing Development Control Plan (DCP)*. Residential units are permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and generally complies with the development standards for residential units (see table below).

For the purposes of assessment the area zoned residential is taken to be 4166m<sup>2</sup>. The total area of the subject site including land zoned 1(b) Market Garden is 5519m<sup>2</sup>.

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	4166m <sup>2</sup>	1300m <sup>2</sup>	<b>Yes</b>
Density	63.37pax/ha	60 pax/ha	<b>No<sup>1</sup></b>
Height	Single storey	Two storey	<b>Yes</b>
Setbacks Front Rear Side	6m 15m 1m	6m In accordance with BCA In accordance with BCA	<b>Yes</b> <b>Yes</b> <b>Yes</b>
Car parking Resident Visitor	1 per unit (min) 4	1 per unit required 3 required	<b>Yes</b> <b>Yes</b>
Accessway width	4m minimum	3-6m wide	<b>Yes</b>
Open space area	20m <sup>2</sup>	30m <sup>2</sup> minimum	<b>No<sup>2</sup></b>
Open space width	3.3m wide	4m wide	<b>No<sup>2</sup></b>
Battle-axe allotment	Regular	Regular allotments only	<b>Yes</b>

Proximity to public open space	30m	500m maximum	Yes
Cul-de-sac	Not in cul-de-sac	Not in cul-de-sac	Yes
Frontage width	78m	Minimum 20 metres	Yes

### *<sup>1</sup> Density non-compliance*

Based on a site area of 4166m<sup>2</sup> a total of 25 persons are permissible on the subject site. The proposed development, 12 x 2 bedroom units, equates to 26.4 persons. This variation of 1.4 persons is the equivalent of one bedroom (1.5 persons) and represents a variation of approximately 6%. It is considered that the variation can be supported for the following reasons:

- The original development achieved a density of 35.2 persons or 84.4 persons per site hectare
- The proposed density is significantly less than that approved with the original proposal under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- The appearance and footprint of the units remain the same as that approved with the original proposal;
- With the exception of the open space requirements, all other prescribed standards have been met or exceeded;
- Overall amenity is enhanced with common open space at the rear of the development and surrounding rural and recreational land.

### *<sup>2</sup> Open space area and width non-compliance*

Those units with direct frontage to Gilmour Street will have internal courtyards with an area of 20m<sup>2</sup> and a width of 3.3 metres. The DCP prescribes a minimum area of 30m<sup>2</sup> and a minimum width of 4 metres for 2 bedroom units. It is considered that the variation can be supported for the following reasons:

- Additional open space of approximately 40m<sup>2</sup> is available in front of each unit;
- Common open space is available behind the proposed development on that section of the subject site zoned 1(b) Market Land;
- The internal courtyards are generally north-facing.

### Submissions

The modified proposal was advertised and notified to adjoining property owners from 19 July 2011 to 8 August 2011. No submissions were received during the advertising and notification period.

### Conclusion

Council has received an application to modify a Development Application (DA) for twelve seniors living units at 190 Gilmour Street, Kelso. The original proposal comprised 8 x 3 bedroom units and 4 x 2 bedroom units. A condition was imposed on the consent to limit occupation of the proposed units to seniors or people with a disability in accordance with the requirement of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposed modification is twofold namely to change the development from being exclusively for seniors and people with a disability to a conventional residential unit development open to any occupants and change the configuration of the units from 8 x 3 bedroom units and 4 x 2 bedroom units to 12 x 2 bedroom units. On the whole there is a

reduction in the site density and the external appearance of the development remains for the most part unaffected.



## MINUTE

**13 Item 3 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2010/0801 – TWELVE SENIORS LIVING UNITS (8 X 3 BEDROOM & 4 X 2 BEDROOM) AT 190 GILMOUR STREET, KELSO. APPLICANT: MR B GODDARD. OWNER: GICO PTY LTD (DA/2010/0801)**

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

**RESOLVED:** That Council:

- (a) support the variation to the density and open space development standards prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) direct the Director Environmental, Planning & Building Services to approve the modification to Development Application No. 2010/0801, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; 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.

**4 DEVELOPMENT APPLICATION NO. 2011/0273 – TELECOMMUNICATION BASE STATION AT LOT: 2 DP: 1140980, WALMER PARK, BRADWARDINE ROAD, WINDRADYNE. APPLICANT: TCI PTY LTD. OWNER: BATHURST REGIONAL COUNCIL (DA 2011/0273)**

**Recommendation:** That Council:

(a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0273, 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 responsible for:

- (1) The maintenance and upgrading of infrastructure and maintenance of the site.
- (2) Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration.
- (3) Removing infrastructure within 3 months of decommissioning;
- (4) Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager.

(ii) The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within thirty (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields – 3khz to 300Ghz', Radiation Protection Series No. 3.

(iii) The installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.

(b) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a mobile telecommunications base station at Walmer Park, Bradwardine Road, Windradyne, described as Lot 2 DP 1140980. (see location plan at **attachment 1**).

The tower is to be operated by Vodafone.

The site currently contains sporting fields, a clubhouse and 2 telecommunication base stations (operated by Telstra and Optus).

Walmer Park is owned by Bathurst Regional Council. Council has resolved, in principle, to

enter into a lease for the land for a 5 year period.

The proposal

The proposal involves the erection of an 3 m x 2.5 m equipment shelter and a 22.4 m tall monopole. Attached to the top of the pole will be 3 panel antennas. (See plan of proposed development at **attachment 2**).

The proposal will replace an existing 19m light tower.

The locality

The site is located within an existing park owned and maintained by Council. Walmer Park is bound on the northern and western sides by residential properties.

The nearest dwellings in McKibbin Place will be approximately 55-60 metres from the tower.

Alternate Sites

As part of the site assessment process Vodaphone examined 2 alternate sites within the vicinity. These sites, along with reasons why the proposed site was ultimately chosen are described below.

Proposed Site	Proposed Facility	Suitability of site/ reasons for refusal.
Walmer Park, Bradwardine Road, Windradyne	Proposed light pole swap-out for 22.4 metre Slim-line Monopole	<p>Preferred Option:</p> <p>The location allows infrastructure to be sited together;</p> <p>Telstra and Optus have already done similar swap outs, although they are approx 120m from houses. Elevation of 727m;</p> <p>Although the site is zoned for local recreation , it is currently used for sports and recreation purposes which is considered acceptable;</p> <p>VHA equipment cabin will be colour matched to the existing club house, minimising infrastructure and potential visual impact;</p> <p>There is adequate site access for construction and maintenance purposes;</p> <p>The subject site has sufficient</p>

		<p>power available;</p> <p>The subject site allows for a central location to provide the best coverage and network performance;</p> <p>RF Comments: Preference: 1st. 100% coverage both on North and West of the township. Good coverage on Mitchell Highway to the west.</p>
Bathurst Fire Station, 1 Alexander Street, Bathurst	Existing 17.50 metre Monopole	<p>Radio Frequency requirements and objectives not satisfactory;</p> <p>RF Comments: Preference: 2nd. 100% coverage of West and North of township.</p> <p>Increasing antenna height to 25 meters or above will improve coverage on Mitchell Hwy to the west.</p>
Bathurst Base Hospital, 361 Howick Street, Bathurst	Roof top hospital at 23 metres	<p>Highly visible at round about from all three roads;</p> <p>Property acquisition currently being investigated;</p> <p>Telstra and Optus have existing installations.</p> <p>Located on edge of search ring.</p> <p>Poor elevation of 691m;</p> <p>RF Comments: Preference: 3rd. 100% coverage of West and North of township. However it has large overlapping coverage on east of township with VHA sites (2795007) on SE of the town.</p>

**It is further noted that it was not possible to co-locate on the existing Telstra and Optus tower due to the structural capacity of the poles and the available space would not meet RF objectives.**

#### Background

The proposal will enable the augmentation of Vodafone's 3G mobile phone network in the area.

The following extract from the Mobile Carriers Forum outlines the nature of the proposal and its context within the provision of mobile phone services to the community.

*What is a Mobile Base Station? And how they work?*

*A mobile phone base station provides coverage to a geographic area known as a "cell". Cells are aligned next to each other in a similar pattern to a honeycomb, and it is for this reason that mobile phone networks are sometimes referred to as "cellular" networks. The location of the base station within the cell is determined by a number of factors, including topography and other physical constraints such as trees and buildings, the cell 'capacity' or number of calls expected to be made in the cell, and the radio frequency at which the base station will operate.*

*Mobile phone base station antennas need to be located clear of obstructions like trees and buildings to ensure good signal quality. In essence, a mobile phone needs to have 'sight' of a mobile phone base station. In other words, the radio signal from the phone to the base station needs to be uninterrupted. Hills, trees and tall buildings can obscure this line of sight and so base stations need to be very carefully located to maximise the coverage available.*

*Each base station can only carry a finite number of calls. In areas of high mobile phone use, such as central business districts and high density areas, more base stations are required to handle the level of call traffic. In high use areas, there are often a range of base stations, from very specific in-building solutions (designed to give quality coverage within a specific building), to very small base stations known as 'microcells'. Microcells cover a small geographic area and are often found at intersections and in heavy pedestrian traffic areas. In rural areas, or areas where mobile phone use is not as high, base stations will often be located on hills or tall structures to maximise the coverage area.  
(Source: MCF Fact Sheet - How the mobile phone network operates).*

*What is 3G? And How it Works?*

*When a call is made from a mobile phone, the first step in the process is for the phone to check that there is coverage in the area that the call is made. Once the phone has verified that there is sufficient signal strength to make the call, the phone establishes a connection with a nearby mobile phone base station. This base station then establishes the call and holds the call as long as the phone user remains on the call and in the range of that base station. The introduction of the Third Generation (3G) of mobile phone networks in Australia has already brought significant changes to the way we currently use mobile phones and other wireless products, such as personal digital assistants or handheld computers.*

*What is a Mobile Base Station? And How they work?*

*A Mobile Base Station is essentially a radio transmitter / transceiver and an antenna, which transmits and receives radio frequency (RF) or electromagnetic energy (EME) signals from mobile phones.*

*Mobile phones work by sending and receiving low power radio signals, much like a two-way radio system. The signals are sent to and received from antennas that are attached to radio transmitters and receivers, commonly referred to as mobile phone base stations. The base stations are linked to the rest of the mobile and fixed phone*

network and pass the signal/call on into those networks.

A base station typically consists of an Equipment Cabin (which houses all the electronics required to send and receive mobile phone calls, a series of Panel Antennas (which transmit and receive signals to and from the handset) and a Radio Transmission (RT) Dish or Optical Fibre Cable which links the base station to the rest of the network.

The main difference between 3G and earlier generation networks is how quickly data can be sent and received. 3G networks can send data up to 40 times the rates of earlier digital networks, which means that in addition to audio, graphics and text it can also send and receive video, email, live TV and deliver information and services based on the location a handset.

Third generation operates in a different way to 2G digital mobile networks. When a call is made on 2G, a slot or 'line' is held open for the user's conversation throughout the duration of the call. Whereas, with 3G networks, the data sent across them is parcelled up into little 'packets' which are reassembled in the correct order at the receiving end. This smart encoding means more data can be sent and it is sent more efficiently. This encoding also allows 3G phones to continuously receive or send data. Because of this, 3G mobile phone users can receive the daily specials as they pass near a certain shop or service that interests them. Some people call 3G, 'mobile broadband' because the evolution is similar to the difference between dial-up internet and the always available broadband internet services. Smart 3G technology will also enable mobile carriers to know the location of each of the handsets connected to their service at any time, to within a few metres. This ability is very useful in time of emergency when a user is unable to tell emergency services their exact location, such as when a very young child calls '000'.

(Source: Mobile Carriers Forum, 2005- Third Generation Mobile Networks - mobile broadband).

## Planning Context

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

The subject site is zoned 6(a) Local Recreation under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. While not specifically defined, the proposal is being assessed as a telecommunications facility, which is permissible with consent in the 6(a) Local Recreation. The proposal is not inconsistent with any of the objectives of the zone.

It is acknowledged that mobile phone towers create a significant amount of debate within the community. This debate generally centres on the issues of electro magnetic emissions and visual impact.

As a result of the ongoing debate there has been a significant amount of work done by Council's, the government most recently through the Department of Planning and through the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA) to address these issues in a policy format. In addition the Land and Environment Court has handed down many decisions dealing the with issues of emission levels and the application of the "precautionary principle", most notably Telstra Corporation vs Hornsby Shire Council 2006.

Whilst the existing policy framework and decisions through the Courts may not satisfy the whole community they do represent the planning and statutory regime which currently exists. Council has the responsibility to determine every Development Application in accordance with this regime.

## Telecommunication Facilities Guideline including Broadband 2010

The NSW Department of Planning has released its Telecommunication Facilities Guideline including Broadband in July 2010. The Guidelines aim to provide an explanation of the existing Telecommunications legislation and provided guidance for the erection of Telecommunication facilities within NSW (**attachment 3**).

In particular the Guideline provides principles for the location of telecommunications facilities. These principles are as follows:

- Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.
- Principle 2: Telecommunications facilities should be co-located wherever practical.
- Principle 3: Health Standards for exposure to radio emissions will be met.
- Principle 4: Minimise disturbance and risk, and maximise compliance.

Clause 115(3) of SEPP (Infrastructure) requires that any facility must be consistent with the principles established in the Guidelines.

### PRINCIPLE 1 - VISUAL IMPACT

The applicable principles relating to visual impact of proposal are as follows:

1. *As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.*
2. *The visual impact should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.*
3. *Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.*
4. *Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.*
5. *A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

The tower replaces an existing 19m high light tower. The proposed new tower will be 5m higher than the existing light tower it will replace. The lights will be relocated onto the new tower.

The site also contains 2 existing phone towers of similar height and construction.

Given that the pole is a slimline structure and not dissimilar to the existing telecommunications facilities on the site and the existing lighting structures it is not

considered to be visually intrusive or dominant.

## PRINCIPLE 2 - CO LOCATION

The applicable principles relating to co-location are as follows:

1. *If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable*

Co-location is “not practicable” where there is no existing tower or other suitable telecommunications facility that can provide equivalent site.

The tower will be co-located on the same property as existing infrastructure but not co-located with other towers on Walmer Park. The applicant has demonstrated that to achieve the required coverage footprint co-location on one of the existing poles is impractical for the following reasons:

- The existing Telstra and Optus towers are unable to structurally support Vodafone infrastructure;
- The space below the Telstra and Optus antennas would not have achieved RF objectives;
- In order to achieve RF objectives existing towers would need to be increased by approximately 5m;
- For safety and ease of maintenance of lights it is best to have any occupational RF zone located above the lights. This allows maintenance staff to access lights safely.

## PRINCIPLE 3 - EMISSION LEVELS

The applicable principles relating to emission levels are as follows:

1. *A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.*
2. *An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.*

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Commonwealth body charged with the responsibility for establishing standards that protect the health and safety of the community, including the Radiation Protection Standard.

The current Australian Standard is the Australian Radiation Protection Standard “Maximum Exposure Levels to Radiofrequency Fields 3kHz to 300GHz: Radiation Protection Series No. 3 (Australian Standard RPS3) formulated by the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA).

ARPANSA states that the standards which protect people from EME exposures do not set any distances between mobile base station locations and areas which may be considered to



be sensitive. ARPANSA similarly highlights that the Australian Communications Industry Forum (ACIF) Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a sensitive area may need to operate at a higher power any may result in higher EME exposures in that sensitive area.

ARPANSA states that “public concern has also been expressed regarding the possibility of adverse health effects from mobile phone base stations that are sited on or near places where children spend large amounts of time, for example, in or outside their home, kindergartens, schools, playgrounds etc.

The balance of evidence does not indicate a risk to the health of people, including children, living in the vicinity of base stations where exposure levels are only small fractions of the ARPANSA standard.

#### Applicability of the Australian Standard

The applicability of ARPANSA Australian Standard RPS3 has been dealt with on numerous occasions by the Land & Environment Court.

In terms of the standing of RPS3 the following principles would apply (*Telstra Corporation vs Hornsby Shire Council 2006* ).

1. His Honour (Preston CJ) found that it is not appropriate for the Court to set aside or disregard such an authoritative and scientifically credible standard as the Australian Standard RPS3.
2. Nor is it appropriate for the Court to pioneer standards of its own. The creation of new standards is the responsibility of other authorities with special expertise, such as ARPANSA.
3. The Court should accept and apply the Australian Standard.
4. His Honour (Preston CJ) found that the levels of RF EME emitted from the proposed base station would easily comply with the Australian Standard RPS3 and the risk of any harm to the health and safety of people or the environment caused by exposure to such extremely low levels of RF EME was negligible. Accordingly, there was no basis on which the precautionary principle could be applied to the proposal.
5. Preston CJ stated that the conclusion was a direct consequence of the fact that a precautionary approach has already been adopted in the standard setting process, the terms of the Australian Standard RPS3, the design and location of the proposed base station, the equipment to be provided, the operation of the equipment, the application of the Standard to the RF EME generated from the base station, and the likelihood of actual RF EME being significantly less than predicted RF EME.

The findings of Preston CJ in *Telstra v Hornsby* have recently been adopted into the NSW Department of Planning’s Telecommunication Facilities Guideline including Broadband July 2010.

While the proposed telecommunications facility is located within 55-60 metres of the nearest residential dwelling, the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. The proposal complies

with Councils Telecommunication policy as the EME emissions are well within the Australian Standard RSP3.

It is intended that the proposed telecommunications facility will emit a maximum cumulative RF EME level of 0.65% (at a distance of 100 – 200m) of the ARPANSA mandated exposure limits. The maximum exposure limits in the 50 – 100 m range (corresponding with the nearest affected residences) is 0.64% of the mandated exposure limits. It should be noted that this maximum level is extremely low considering that carriers are permitted to operate base stations with RF EME levels up to 100% of the ARPANSA standard.

The maximum cumulative RF EME level was calculated 1.5m from ground level at specific distance intervals from the proposed location of the development, in accordance with Radiation Protection Series Publication No.3 ARPANSA.

The proposed emission levels are well within the standards established in RPS3. It is therefore not appropriate to refuse the application on the grounds of emission levels.

**Attachment 4** shows a comparison between Mobile Phone and other Emissions that people are exposed to daily.

#### PRINCIPLE 4 – MINIMISE DISTURBANCE & MAXIMISE COMPLIANCE

The applicable principles are as follows:

1. *The siting and height of any telecommunications facility must comply with any relevant site and height must comply with any relevant and height requirements specified by the Civil Aviation Regulations and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.*

The site is located within the vicinity of Council's airport but is located below the Obstacle Limitation Surface.

*Bathurst Telecommunications Policy 2008 (as amended).*

It should be noted that Council has adopted its own Policy in relation to the siting of Telecommunications Facilities.

Council's Policy requires that emission levels be in accordance with the ARPANSA standard. The development is to have a Cumulative RF EME of 0.65% of Australian Communications and Media Authority Mandated Exposure Limit.

The development therefore complies with Council's existing Telecommunications Policy.

#### Existing Facilities at Walmer Park

Council should note that Walmer Park also contains two other floodlight poles with telecommunications antennas which are operated by Optus and Telstra. The existing Optus facility consists of a 24.6 metre pole with two antennas and associated base station. The existing Telstra facility is 31.45m in height.

#### Existing Telecommunications Towers

It is worth noting that there are already many telecommunications base stations located in Bathurst, many of these would be located close to residential or other sensitive land uses. Examples include, Bathurst Base Hospital, the Post Office building, Knickerbocker Hotel, the NSW State Office building and Boundary Road Reserve. Reports received from operators of these facilities have indicated that they are operating in accordance with the ARPANSA standards.

### Submissions

Council should note that, having regard to the criteria in Bathurst Regional (Interim) Development Control Plan 2011, the Development Application was *not* notified or advertised. These are considered below:

**1. The views to and the views from surrounding land.**

Comment: Given that the pole is a slimline structure and not dissimilar to the existing telecommunications facilities on the site and the existing lighting structures it is not considered to be visually intrusive or dominant.

**2. Potential overshadowing of surrounding land.**

Comment: The nearest affected dwelling is some 55-60 metres away. The dwelling will not be impacted by overshadowing.

**3. Privacy of surrounding land.**

Comment: No identifiable impact on privacy.

**4. Potential noise transmission to the surrounding land.**

Comment: The facility will not generate any noise.

**5. The likely visual impact of the proposed building in relation to the streetscape.**

Comment: Given that the pole is a slimline structure and not dissimilar to the existing telecommunications facility on the site and the existing lighting structures it is not considered to be visually intrusive or dominant. Further, the subject site does not form part of a significant streetscape.

**6. Any other issues considered by Council to be relevant to the application.**

Comment: While it is acknowledged that there is some public concern about the health effects of such a facility, it is intended that the proposed telecommunications facility (coupled with the existing facility on the site) will emit a maximum RF EME level of 0.65% of the Australian Communications and Media Authority mandated exposure limits. It should be noted that this maximum level is extremely low considering that carriers are permitted to operate base stations with RF EME levels up to 100% of the Australian Communications and Media Authority standard.

### Conclusion

Council has received a Development Application (DA) for the replacement of a light pole and

construction of a telecommunications facility at Walmer Park. A telecommunication facility is permissible with consent in the 6(a) Local Recreation Zone. While the proposed telecommunications facility is located within approximately 55-60 metres of the nearest residential dwelling, the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. As there are no Planning or Environmental reasons to refuse the application, approval is recommended.

**Financial Implications:** Nil

## MINUTE

**14 Item 4 DEVELOPMENT APPLICATION NO. 2011/0273 –  
TELECOMMUNICATION BASE STATION AT LOT: 2 DP: 1140980, WALMER PARK,  
BRADWARDINE ROAD, WINDRADYNE. APPLICANT: TCI PTY LTD. OWNER:  
BATHURST REGIONAL COUNCIL (DA 2011/0273)**

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

**RESOLVED:** That Council:

- (a) defer Development Application No.2011/0273 for further consideration at a public discussion forum of this matter.
- (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 I North, Cr P Toole, Cr G Westman,

Against the motion - Cr M Morse, Cr R Thompson,

Absent - NIL

Abstain - NIL

**5 DEVELOPMENT APPLICATION NO. 2011/0281 – TELECOMMUNICATIONS BASE STATION AT 27 HAMPDEN PARK ROAD, KELSO. APPLICANT: TELSTRA CORPORATION. OWNER: BATHURST REGIONAL COUNCIL (DA/2011/0281)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0281, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
1. The applicant is responsible for:
    - (i) The maintenance and upgrading of infrastructure and maintenance of the site;
    - (ii) Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration;
    - (iii) Removing infrastructure within 3 months of decommissioning; and
    - (iv) Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager.
  2. The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within thirty (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields – 3khz to 300Ghz', Radiation Protection Series No. 3.
  3. The installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.
- (b) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a telecommunications base station at 27 Hampden Park Road, described as Lot 201, DP 1074567 (see location plan at **attachment 1**).

The subject site is currently vacant land owned by Council.

The subject site is bounded by the Western Railway Line to the north, vacant land to the east, Hampden Park Road to the south and the Essential Energy (formerly Country Energy) depot to the west. The locality is characterised by various industrial premises.

**The proposal**

The proposal involves the erection of a 3.2 metre by 2.2 metre equipment shelter and a 40 metre high monopole. Attached to the top of the monopole will be six panel antennas. The overall height of the structure including antennas is 41.57 metres (see plan of proposed

development at **attachment 2**).

### The locality

The locality is characterised by various large industrial premises and the vacant Council industrial lands within the Kelso Industrial Park.

The nearest residentially zoned areas are the Kelso area located approximately 600 metres to the north and the Blue Ridge rural residential area approximately 1 km to the south. Scots School is located approximately 550 metres to the south (measured to the property boundary).

The nearest dwelling (4156 O'Connell Road) is in excess of 500 metres from the subject site.

### Alternate Sites

As part of the site assessment process Telstra examined alternate sites within the vicinity. These sites, along with reasons why the proposed site was ultimately chosen are described below.

<b>Proposed Site</b>	<b>Proposed Facility</b>	<b>Suitability of site/ reasons for refusal</b>
Council owned vacant land. 27 Hampden Park Road.	New monopole and associated equipment.	<ul style="list-style-type: none"> <li>- New 40m monopole to be installed.</li> <li>- Vacant land owned by Council.</li> <li>- Within an industrial precinct.</li> <li>- Landowner willing to enter agreement.</li> </ul>
Essential Energy (formerly Country Energy) site. 21 Hampden Park Road.	New monopole and associated equipment.	<ul style="list-style-type: none"> <li>- Swap out of existing private pole.</li> <li>- Essential Energy impose strict access conditions.</li> <li>- Essential Energy not willing to allow swap out of existing pole.</li> </ul>
Industrial unit. 3 Hampden Park Road.	New monopole and associated equipment.	<ul style="list-style-type: none"> <li>- New monopole installed within lot boundary.</li> <li>- Located within an industrial precinct.</li> <li>- Owner willing to enter into tenure agreement.</li> </ul>
Industrial lot.	New monopole and associated equipment.	<ul style="list-style-type: none"> <li>- New monopole.</li> <li>- Located within an industrial precinct.</li> <li>- Owner willing to enter into tenure agreement.</li> </ul>
Industrial unit. Lot 10 Hampden Park Road.	New monopole and associated equipment.	<ul style="list-style-type: none"> <li>- New monopole installed within the lot boundary.</li> <li>- Located within an industrial</li> </ul>

## Background

The proposal will enable the augmentation of Telstra's 3G mobile phone network in the area.

The following extract from the Mobile Carriers Forum outlines the nature of the proposal and its context within the provision of mobile phone services to the community.

### ***What is a Mobile Base Station? And how they work?***

*A Mobile Base Station is essentially a radio transmitter / transceiver and an antenna, which transmits and receives radio frequency (RF) or electromagnetic energy (EME) signals from mobile phones.*

*Mobile phones work by sending and receiving low power radio signals, much like a two-way radio system. The signals are sent to and received from antennas that are attached to radio transmitters and receivers, commonly referred to as mobile phone base stations. The base stations are linked to the rest of the mobile and fixed phone network and pass the signal/call on into those networks.*

*A base station typically consists of an Equipment Cabin (which houses all the electronics required to send and receive mobile phone calls, a series of Panel Antennas (which transmit and receive signals to and from the handset) and a Radio Transmission (RT) Dish or Optical Fibre Cable which links the base station to the rest of the network.*

*When a call is made from a mobile phone, the first step in the process is for the phone to check that there is coverage in the area that the call is made. Once the phone has verified that there is sufficient signal strength to make the call, the phone establishes a connection with a nearby mobile phone base station. This base station then establishes the call and holds the call as long as the phone user remains on the call and in the range of that base station.*

*A mobile phone base station provides coverage to a geographic area known as a "cell". Cells are aligned next to each other in a similar pattern to a honeycomb, and it is for this reason that mobile phone networks are sometimes referred to as "cellular" networks. The location of the base station within the cell is determined by a number of factors, including topography and other physical constraints such as trees and buildings, the cell 'capacity' or number of calls expected to be made in the cell, and the radio frequency at which the base station will operate.*

*Mobile phone base station antennas need to be located clear of obstructions like trees and buildings to ensure good signal quality. In essence, a mobile phone needs to have 'sight' of a mobile phone base station. In other words, the radio signal from the phone to the base station needs to be uninterrupted. Hills, trees and tall buildings can obscure this line of sight and so base stations need to be very carefully located to maximise the coverage available.*

*Each base station can only carry a finite number of calls. In areas of high mobile phone use, such as central business districts and high density areas, more base stations are required to handle the level of call traffic. In high use*



areas, there are often a range of base stations, from very specific in-building solutions (designed to give quality coverage within a specific building), to very small base stations known as 'microcells'. Microcells cover a small geographic area and are often found at intersections and in heavy pedestrian traffic areas. In rural areas, or areas where mobile phone use is not as high, base stations will often be located on hills or tall structures to maximise the coverage area. (Source: MCF Fact Sheet - How the mobile phone network operates).

### **What is 3G? And How it Works?**

Third generation operates in a different way to 2G digital mobile networks. When a call is made on 2G, a slot or 'line' is held open for the user's conversation throughout the duration of the call. Whereas, with 3G networks, the data sent across them is parcelled up into little 'packets' which are reassembled in the correct order at the receiving end. This smart encoding means more data can be sent and it is sent more efficiently. This encoding also allows 3G phones to continuously receive or send data. Because of this, 3G mobile phone users can receive the daily specials as they pass near a certain shop or service that interests them. Some people call 3G, 'mobile broadband' because the evolution is similar to the difference between dial-up internet and the always available broadband internet services. Smart 3G technology will also enable mobile carriers to know the location of each of the handsets connected to their service at any time, to within a few metres. This ability is very useful in time of emergency when a user is unable to tell emergency services their exact location, such as when a very young child calls '000'.

(Source: Mobile Carriers Forum, 2005- Third Generation Mobile Networks - mobile broadband).

### Planning Context

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

The subject site is zoned 4(a) Industrial under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. While not specifically defined, the proposal is being assessed as a telecommunications facility, which is permissible with consent in the 4(a) Industrial. The proposal is not inconsistent with any of the objectives of the zone.

#### *Clause 15 Bathurst airport environs*

The site is located within the Bathurst Airport environs and is subject to Clause 15 of BRILEP 2005.

The existing ground level of the site is in the order of 680 metres AHD. The Obstacle Limitation Surface associated with the airport is 779.5 metres AHD. The maximum allowable height of any structure at the subject site is therefore 99.5 metres. The proposed monopole will have an overall height of 41.57 metres which remains below the maximum allowable height of 99.5 metres.

#### *Bathurst Regional (Interim) Development Control Plan 2011*

The Bathurst Regional (Interim) Development Control Plan 2011 prescribes specific development standards for the Hampden Park Road area.

Section 5.12.3 of the DCP prescribes that:

- (a) *Buildings generally should not exceed a height of 8 metres.*
- (b) *Buildings may exceed a height of 8 metres only where the actual tree height of trees within the tree screen buffer (open space) exceed the building height and adequately screen the building when viewed from the front of the Scots School Administration Office (at elevation 682m).*

The monopole will be substantially larger than the 8 metre high figure normally associated with buildings within the Kelso Industrial Park.

The ground level of the site (680 m AHD) is marginally lower than the front of the Scots School Administration Office (at elevation 682m). In this particular case the tower will also exceed the height of the trees within the vegetated buffer.

Whilst the structure will be taller than what would normally be acceptable in the Kelso Industrial Park it lacks the bulk associated with industrial buildings. Given that the pole is a slimline structure it is not considered to be visually intrusive or dominant.

#### *Public Interest*

It is acknowledged that mobile phone towers create a significant amount of debate within the community. This debate generally centres on the issues of electro magnetic emissions and visual impact.

As a result of the ongoing debate there has been a significant amount of work done by Council's, the government most recently through the Department of Planning and through the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA) to address these issues in a policy format. In addition the Land and Environment Court has handed down many decisions dealing with the issues of emission levels and the application of the "precautionary principle", most notably Telstra Corporation vs Hornsby Shire Council 2006.

Whilst the existing policy framework and decisions through the Courts may not satisfy the whole community they do represent the planning and statutory regime which currently exists. Council has the responsibility to determine every Development Application in accordance with this regime.

#### Telecommunication Facilities Guideline including Broadband 2010

The NSW Department of Planning has released its Telecommunication Facilities Guideline including Broadband in July 2010. The Guidelines aim to provide an explanation of the existing Telecommunications legislation and provided guidance for the erection of Telecommunication facilities within NSW (see **attachment 3**).

In particular the Guideline provides principles for the location of telecommunications facilities. These principles are as follows:

- Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.
- Principle 2: Telecommunications facilities should be co-located wherever practical.
- Principle 3: Health Standards for exposure to radio emissions will be met.
- Principle 4: Minimise disturbance and risk, and maximise compliance.

Clause 115(3) of SEPP (Infrastructure) requires that any facility must be consistent with the principles established in the Guidelines.

#### PRINCIPLE 1 - VISUAL IMPACT

The applicable principles relating to visual impact of proposal are as follows:

1. *As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.*
2. *The visual impact should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.*
3. *Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.*
4. *Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.*
5. *A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

Given that the pole is a slimline structure it is not considered to be visually intrusive or dominant.

#### PRINCIPLE 2 - CO LOCATION

The applicable principles relating to co-location are as follows:

1. *If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.*

Co-location is “not practicable” where there is no existing tower or other suitable telecommunications facility that can provide equivalent site.

Opportunities to co-locate with existing telecommunications facilities and public utility structure were considered.

The nearest existing telecommunications facilities around the proposed site at Hampden Park Road are as follows:

- Essential Energy on Littlebourne Street, Kelso, have two internal communications facilities;
- Optus monopole on Council Water Reservoir, off Great Western Highway, Raglan.

The nearest operating base station, owned by Optus, is 1.5 kilometres away from the

subject site. This facility is considered too far from the area requiring Telstra coverage.

### PRINCIPLE 3 - EMISSION LEVELS

The applicable principles relating to emission levels are as follows:

1. *A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.*
2. *An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.*

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Commonwealth body charged with the responsibility for establishing standards that protect the health and safety of the community, including the Radiation Protection Standard.

The current Australian Standard is the Australian Radiation Protection Standard "Maximum Exposure Levels to Radiofrequency Fields 3kHz to 300GHz: Radiation Protection Series No. 3 (Australian Standard RPS3) formulated by the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA).

ARPANSA states that the standards which protect people from EME exposures do not set any distances between mobile base station locations and areas which may be considered to be sensitive. ARPANSA similarly highlights that the Australian Communications Industry Forum (ACIF) Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a sensitive area may need to operate at a higher power any may result in higher EME exposures in that sensitive area.

ARPANSA states that "public concern has also been expressed regarding the possibility of adverse health effects from mobile phone base stations that are sited on or near places where children spend large amounts of time, for example, in or outside their home, kindergartens, schools, playgrounds etc.

The balance of evidence does not indicate a risk to the health of people, including children, living in the vicinity of base stations where exposure levels are only small fractions of the ARPANSA standard.

#### Applicability of the Australian Standard

The applicability of ARPANSA Australian Standard RPS3 has been dealt with on numerous occasions by the Land & Environment Court.

In terms of the standing of RPS3 the following principles would apply (*Telstra Corporation vs Hornsby Shire Council 2006* ).

1. His Honour (Preston CJ) found that it is not appropriate for the Court to set aside or disregard such an authoritative and scientifically credible standard as the Australian Standard RPS3.
2. Nor is it appropriate for the Court to pioneer standards of its own. The creation of new standards is the responsibility of other authorities with special expertise, such as ARPANSA.
3. The Court should accept and apply the Australian Standard.
4. His Honour (Preston CJ) found that the levels of RF EME emitted from the proposed base station would easily comply with the Australian Standard RPS3 and the risk of any harm to the health and safety of people or the environment caused by exposure to such extremely low levels of RF EME was negligible. Accordingly, there was no basis on which the precautionary principle could be applied to the proposal
5. Preston CJ stated that the conclusion was a direct consequence of the fact that a precautionary approach has already been adopted in the standard setting process, the terms of the Australian Standard RPS3, the design and location of the proposed base station, the equipment to be provided, the operation of the equipment, the application of the Standard to the RF EME generated from the base station, and the likelihood of actual RF EME being significantly less than predicted RF EME.

The findings of Preston CJ in *Telstra v Hornsby* have recently been adopted into the NSW Department of Planning's Telecommunication Facilities Guideline including Broadband July 2010.

The proposed telecommunications facility is located over 500 metres from the nearest residential dwelling and the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. The proposal complies with Councils Telecommunication policy as the EME emissions are well within the Australian Standard RSP3

It is intended that the proposed telecommunications facility will emit a maximum cumulative RF EME level of 0.06% (at a distance of 273.36 metres) of the ARPANSA mandated exposure limits. It should be noted that this maximum level is extremely low considering that carriers are permitted to operate base stations with RF EME levels up to 100% of the ARPANSA standard.

The maximum cumulative RF EME level was calculated 1.5m from ground level at specific distance intervals from the proposed location of the development, in accordance with Radiation Protection Series Publication No.3 ARPANSA.

The proposed emission levels are well within the standards established in RPS3. It is therefore not appropriate to refuse the application on the grounds of emission levels.

**Attachment 4** shows a comparison between Mobile Phone and other Emissions that people are exposed to daily.

#### PRINCIPLE 4 – MINIMISE DISTURBANCE & MAXIMISE COMPLIANCE

The applicable principles are as follows:

1. *The siting and height of any telecommunications facility must comply with any relevant*

*site and height must comply with any relevant and height requirements specified by the Civil Aviation Regulations and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.*

The subject site is within the Bathurst airport environs. The existing ground level of the site is in the order of 680 metres AHD. The Obstacle Limitation Surface is 779.5 metres AHD above the subject site. The maximum allowable height of any structure at the subject site is therefore 99.5 metres. The proposed monopole will have an overall height of 40 metres which remains below the maximum allowable height of 99.5 metres.

*Bathurst Telecommunications Policy 2008 (as amended)*

It should be noted that Council has adopted its own Policy in relation to the siting of Telecommunications Facilities.

Council's Policy requires that emission levels be in accordance with the ARPANSA standard. The development is to have a Cumulative RF EME of 0.06% of Australian Communications and Media Authority Mandated Exposure Limit.

The development therefore complies with Council's existing Telecommunications Policy.

Submissions

Council should note that, having regard to the criteria in Bathurst Regional (Interim) Development Control Plan 2011, the Development Application was *not* notified or advertised. These are considered below:

1. **The views to and the views from surrounding land.**

**Comment:** Given that the pole is a slimline structure it is not considered to be visually intrusive or dominant.

2. **Potential overshadowing of surrounding land.**

**Comment:** The nearest affected dwelling is over 500 metres away. The dwelling will not be impacted by overshadowing.

3. **Privacy of surrounding land.**

**Comment:** No identifiable impact on privacy.

4. **Potential noise transmission to the surrounding land.**

**Comment:** The facility will not generate any noise.

5. **The likely visual impact of the proposed building in relation to the streetscape.**

**Comment:** Given that the pole is a slimline structure it is not considered to be visually intrusive or dominant. Further, the subject site does not form part of a significant streetscape.

6. **Any other issues considered by Council to be relevant to the application.**

**Comment:** While it is acknowledged that there is some public concern about the health effects of such a facility, it is intended that the proposed telecommunications facility (coupled with the existing facility on the site) will emit a maximum RF EME level of 0.06% of the Australian Communications and Media Authority mandated exposure limits. It should be noted that this maximum level is extremely low considering that carriers are permitted to operate base stations with RF EME levels up to 100% of the Australian Communications and Media Authority standard.

Conclusion

Council has received a Development Application (DA) for the creation of a telecommunication base station (including a 40 metre monopole) at 27 Hampden Park Road, Kelso. A telecommunication facility is permissible with consent in the 4(a) Industrial Zone. The proposed telecommunications facility is located over 500 metres from the nearest residential dwelling. The Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. As there are no Planning or Environmental reasons to refuse the application, approval is recommended.

**Financial Implications:** Nil.

## MINUTE

**15 Item 5 DEVELOPMENT APPLICATION NO. 2011/0281 – TELECOMMUNICATIONS BASE STATION AT 27 HAMPDEN PARK ROAD, KELSO. APPLICANT: TELSTRA CORPORATION. OWNER: BATHURST REGIONAL COUNCIL (DA/2011/0281)**

**MOVED: P Toole SECONDED: R Thompson**

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0281, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
1. The applicant is responsible for:
    - (i) The maintenance and upgrading of infrastructure and maintenance of the site;
    - (ii) Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration;
    - (iii) Removing infrastructure within 3 months of decommissioning; and
    - (iv) Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager.
  2. The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within thirty (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields – 3khz to 300Ghz', Radiation Protection Series No. 3.
  3. The installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.

(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 T Carpenter, Cr G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - Cr B Bourke,

Absent - NIL

Abstain - NIL



## **6 BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2011 – 2016** **(20.00168)**

**Recommendation:** That Council place the draft Economic Development Strategy for the period 2011 – 2016 on public exhibition for a period of 28 days.

**Report:** The Economic Development Strategy provides a strategic framework for Bathurst Regional Council for a short to medium timeframe, 2011-2016. The Strategy represents a new focused direction for Council, community and the private sector to drive growth in the Region. A copy of the Strategy is provided under separate cover.

Most important is the recognition that the success of any economic activities depends entirely on the willingness of all stakeholders (community, industry and government) to work together towards achieving the shared vision and objectives outlined in the Strategy.

The Strategy's development required consideration and articulation of values and priorities by key stakeholders and the community. To gather a range of inputs Council hosted six forums and an online survey which was marketed to the local community through the media. Council representatives also presented at various external forums including the Bathurst Business Chamber and Bathurst Superannuants and Pensioners meeting (attended by over 170 Bathurst residents) to gather feedback and suggestions as key inputs into the development of the Strategy.

The Economic Development Strategy is developed for a five year period, complementing Council's Community and Social Plan. The Strategy is a key component of the new planning model - Integrated Planning and Reporting (IPR), as it assists in providing a guiding mechanism for the growth of the City. It is important to note that there is a direct correlation with performance measures, outcomes and Council's resourcing of Economic Development. As such an action plan is placed at the back of the Strategy, which will essentially be the Economic Development sections workplan. The Action Plan will be monitored and reported to Council on a regular basis.

Following a review of the situation analysis, the priority areas are broken to three core areas of Foundation Initiatives, Bridging Initiatives and Key Strategic Growth Sectors. Foundation Initiatives are those areas that underpin the Strategy, these are identified as sound infrastructure, a skilled workforce and ongoing business support.

Investment, strategic partnerships and marketing act as a bridge to the strategic growth sectors and core foundation initiatives. By themselves they do not create employment or drive wealth, however provide support and direction to other initiatives both public and private. Specifically they include:-

- Investment through facilitation and attraction;
- Collaboration through the formation of strategic partnership and stakeholder relations;
- Strategic Marketing.

To maintain Bathurst Regions growth and be sustainable, several Strategic Growth Sectors have been identified as key priority areas for the 2011-2016 period. These sectors include:

- Knowledge Innovation and Research;
- Advanced Manufacturing;
- Information Technology;
- Education;
- Eco-Innovation;

- Small, Micro and Home Based Business;
- Tourism;
- Aviation.

Economic Development can be described as a 'moveable feast', therefore other opportunities and issues will be assessed as they arise. Many of the activities are ongoing and will be budgeted against Councils annual Economic Development Allocations. Verbal discussion with Industry and Investment indicate external funding may be available to assist with funding the identified Tourism Plan. Other major funding items include an Airport Masterplan, Assessment of Economic Impacts of events within the Bathurst Region and an Industry Gap analysis.

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

**MINUTE**

**16 Item 6 BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2011 – 2016 (20.00168)**

**MOVED: T Carpenter SECONDED: I North**

**RESOLVED:** That Council place the draft Economic Development Strategy for the period 2011 – 2016 on public exhibition for a period of 28 days.

## **7 SCORES ON DOORS PILOT FOR FOOD PREMISES (14.00002)**

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

**Report:** The NSW Food Authority has implemented a Pilot Scheme for Scores on Doors. The Scheme is designed to disclose inspection results achieved by food premises with particular emphasis on those food handling practices known to be linked to food borne illness.

The assessment is done using a standardised checklist with a scoring scheme to generate a star rating of 3, 4 or 5, with 5 stars being excellent. A Certificate with the star rating is issued for the food premise to display in a prominent position in their business to enable consumers to make informed choices about places where they dine.

Council has recently written to all high risk businesses seeking their participation in the program on a voluntary basis. The trial is expected to run until August 2012 before it is re-assessed.

The Scores on Doors scheme is limited to certain higher risk retail food service businesses which sell ready to eat food, potentially hazardous food (that is requires temperature control) and for immediate consumption.

Businesses would include restaurants, take away shops, pubs, cafes, bakeries and clubs.

A star rating can only be awarded during a routine inspection and not a reinspection following a routine inspection which means a food premises cannot keep being reinspected until they achieve the rating they may desire.

The star rating also clearly states the date of the inspection when the star rating was determined and that the rating applied at that inspection only.

If at any subsequent inspection the rating was to change then the business owner would be required to remove the certificate. Council and the NSW Food Authority will retain ownership of these certificates at all times.

A Scores on Doors factsheet is provided at **attachment 1**, a copy of the Food Premises Assessment Report used by Council's officers is at **attachment 2** and an example of the certificates to be issued are at **attachment 3**.

**Financial Implications:** Nil.


**MINUTE**

17 Item 7 SCORES ON DOORS PILOT FOR FOOD PREMISES (14.00002)

MOVED: R Thompson SECONDED: W Aubin

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

Yours faithfully

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORTS AND MINUTES  
21 SEPTEMBER 2011

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21 SEPTEMBER  
2011**

General Manager  
Bathurst Regional Council

**1 STATEMENT OF INVESTMENTS (16.00001)**

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

**Report:** \$63,521,107.58 was invested at 31 August 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)	4.95%
Three Year Swap Rate - Commonwealth	5.16%

**Short Term 1 – 365 Days**

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

	<b><u>Rating</u></b>		<b><u>Average Return</u></b>
ANZ Banking Group Ltd	A-1+	\$2,500,000.00	5.94%
Bank of Western Australia Ltd	A-1+	\$5,000,000.00	6.04%
Bank of Queensland Limited	A-2	\$4,500,000.00	6.10%
Bendigo and Adelaide Bank Ltd	A-2	\$7,000,000.00	6.12%
IMB Ltd	A-3	\$10,000,000.00	6.09%
Maritime, Mining & Power Credit Union	ADI	\$1,000,000.00	6.03%
National Australia Bank	A-1+	\$5,000,000.00	6.08%
Peoples Choice Credit Union	ADI	\$1,000,000.00	6.02%
Railways Credit Union Limited	ADI	\$3,000,000.00	6.18%
SGE Credit Union	ADI	<u>\$1,000,000.00</u>	<u>6.02%</u>
		\$40,000,000.00	6.08%

**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	6.26%
Westpac	AA	\$2,000,000.00	6.16%
Westpac	AA	<u>\$2,000,000.00</u>	<u>6.16%</u>

		\$8,000,000.00	6.17%
<b><u>Community Income Note</u></b>			
*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%

**Fixed, Negotiable & Tradeable  
Certificates of Deposits**

Commonwealth Bank	AA	\$2,000,000.00	5.90%
Commonwealth Bank	AA	<u>\$2,000,000.00</u>	<u>6.20%</u>
		\$4,000,000.00	6.05%

**Floating Rate Notes**

ANZ	AA	\$2,000,000.00	6.04%
Barclays Bank PLC – Australian Branch	AA-	\$2,000,000.00	6.63%
Bendigo Bank 2007	BBB	\$2,000,000.00	6.19%
Bendigo & Adelaide Bank Retail Bond	BBB	\$2,000,000.00	6.42%
Lehman Brothers Treasury Co		\$90,000.00	0.00%
Mackay Permanent Building Society	BBB-	\$500,000.00	5.89%
The Royal Bank of Scotland – Australian Branch	A+	<u>\$2,000,000.00</u>	<u>7.33%</u>
		<u>\$10,590,000.00</u>	<u>6.44%</u>

**Total Investments** **\$63,521,107.58** **6.06%**

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

Reserves Total (includes unexpended loan funds)		\$33,984,884.10
Grants held for specific purposes		\$3,865,705.90
Section 94 Funds held for specific purposes		\$22,024,414.46
Unrestricted Investments – All Funds		\$3,646,103.12
*General Fund	\$1,964.63	
*Water Fund	\$1,519,807.89	
*Sewer Fund	\$819,042.98	
*Waste Fund	<u>\$1,305,287.62</u>	

**Total Investments** **\$63,521,107.58**

**Total interest revenue to 31/08/2011  
on investments** **\$644,804.92** **6.06%**

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

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



**MINUTE**

**18    Item 1    STATEMENT OF INVESTMENTS (16.00001)**

**MOVED: P Toole SECONDED: I North**

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

**2 YEAR TO DATE REVIEW - 2011/2012 MANAGEMENT PLAN AND BUDGET**  
**(16.00126)**

**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 August 2011.

	<b>Original Estimate</b>	<b>Previously Revised Estimate</b>	<b>Revised Estimate</b>	<b>Variance for the Month</b>
<b>Engineering Services</b>	14,803,498	14,803,498	14,803,498	0
<b>Corporate Services &amp; Finance</b>	(22,707,049)	(22,707,049)	(22,707,049)	0
<b>Cultural &amp; Community Services</b>	4,768,362	4,768,362	4,778,362	10,000
<b>Environmental Planning &amp; Building Services</b>	3,102,124	3,102,124	3,102,124	0
<b>TOTAL</b>	(33,065)	(33,065)	(23,065)	10,000

Variations for the Month of August 2011:

- Increase Expenditure - MR 216 Repair Program \$100,000
- Decrease Expenditure - MR 390 Repair Program (\$100,000)
- Increase Expenditure - Flood Repair Works \$689,050
- Increase Income - RTA Funding for Flood Repair Works (\$689,050)
- Increase Expenditure - Building Maintenance at Little Scallywags \$10,000

The Responsible Accounting Officer believes that the above statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

At **attachment 3** is an update of Strategies for the 2011/2012 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**

**19 Item 2 YEAR TO DATE REVIEW - 2011/2012 MANAGEMENT PLAN AND BUDGET (16.00126)**

**MOVED: M Morse SECONDED: I North**

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

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

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

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 August 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:	\$27,292.55
BMEC Community use:	\$49,510.00
Mount Panorama :	\$35,000.00

**MINUTE**

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

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

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

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

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

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

- Sitecar P/L - Carlyle Avenue - Lot 615 DP1164690 - Transfer.
- Loudoun-Shand D - Vale Road, Orton Park - Lot 1, 2, 3 DP778506 & Part Lot DP1119593 - Licence Agreement.

#### **Linen Plan Release**

- Polson/Stevens Holdings Pty Ltd - 5 Lot Subdivision - 1 Pat O'Leary Drive, Kelso.
- Bayliss/BRC - 2 Lot Industrial Subdivision - Hampden Park Road, Kelso.
- Searl/BRC/Cody/Hill - Road Aquisition and Closure - Hill End Road, Sofala.

**Financial Implications:** Nil.

**MINUTE**

21 **Item 4 POWER OF ATTORNEY (11.00007)**

**MOVED:** I North **SECONDED:** R Thompson

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

## **5 BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE - REQUEST FOR SUPPORT (23.00128)**

**Recommendation:** That Council agrees to support and donate the fees of \$6,473 associated with the requirements to successfully run the Rotary Club of Bathurst Daybreak Inc Cycling Weekend on 21 and 22 April 2012 in accordance with the report.

**Report:** Bathurst Regional Council has been approached by the Rotary Club of Bathurst Daybreak Inc to once again assist with preparations for a Cycling Weekend planned for 21 and 22 April 2012. The request is shown at **attachment 1**

The event has been held and supported by Council since 2004 and the event now attracts approximately 1,000 cyclists plus supporters.

In 2012 the event will be extended to include an additional Extreme Challenge Cyclo Sportif and Elite Cycle Race of 170km.

The organisers have provided Council with a Traffic Management Plan for the event which will be considered at the next Traffic Committee meeting.

The Rotary Club of Bathurst Daybreak Inc has requested the following support and equipment from Council for this event:

### **Mount Panorama – Saturday 21 April 2011**

- Access to The Pits and 6 garages of the Pit Complex from 7 am to 5 pm for the conduct of Criterium racing.
- Opening of breezeway and gate at Harris Park for cycle access between Harris Park and Pit Complex.
- Use of all 4 toilets and access to power in The Pit Complex.
- Hire of 50 metres of water filled barriers in Conrod Straight (required for Traffic Control)
- Hire of 200m of crowd control barriers for Pit Straight.
- Access to Harris Park including toilets for marshalling and start of Hill climb racing.
- Access to power at Harris Park entrance gates and The Pit Complex.
- Sweeping of the Criterium circuit as indicated in the Traffic Control Plans.
- Sweeping of access roads through Harris Park to the top of Mount Panorama via Barry Gurdon Drive. Sweeping of Sulman Park.
- Use of toilets, power and facilities at Harris and Sulman Parks from Saturday morning.
- Use of green otto bins for Sulman Park and The Pits (ensuring that bins are empty)
- Mowing of a 2m to 4m strip around circuits at Sulman Park
- Clear pit area including emptying otto bins at the end of Saturday's activities.
- Cleaning of toilet blocks in preparation for Sunday's event

### **B2B Cyclo Sportif Event – Sunday 22 April 2011**

- Access to The Pits and 6 garages of the Pit Complex from 6 am to 5 pm for the conduct of criterium racing.
- Access to all 4 toilet blocks in The Pits garage area.
- Opening access roads to rear of The Pits via the tunnel under Conrod Straight.
- Access to power at the Pit Complex.
- Closure of the dirt section of road of Cow Flat Road to Rockley Mountain to one way traffic between 10 am and 1 pm only (as per Traffic Control Plan).
- Loan of 'No Parking' signs x 10.
- Loan of 'Road Closed' signs x 6.
- Loan of volunteers safety vests x 40.
- Hire of 50 meters of water filled barriers in Conrod Straight (required for Traffic Control)



- Hire of 100m of crowd control barriers for finish area.
- Assistance with clean up after the event. It is not envisaged that this will be extensive. The main assistance required is removal of rubbish and emptying of otto bins (also prior to the event).

**Financial Implications:** The maximum total cost to Council for race and equipment requirements is \$6,473. Funds are available in Section 356 donations - Mount Panorama Fees - which has a current balance of \$35,000.

Below is a detailed budget outlining the cost of each request:

EVENT	TASK	COST \$
Saturday 21 April 2012	Access to The Pits and 6 garages of the Pit Complex from 7 am to 5 pm for the conduct of Criterium racing.	\$1,456
	Opening of breezeway and gate at Harris Park for cycle access between Harris Park and Pit Complex (2 days).	\$140
	Use of all 4 toilets and access to power in The Pits complex.	no standard fee
	Hire of 50 metres of water filled barriers in Conrod Straight (required for Traffic Control)	\$1,300
	Hire of 200m of crowd control barriers for Pit Straight.	Donated by Dunbars
	Access to Harris Park including toilets for marshalling and start of Hill climb racing.	\$432
	Access to power at Harris Park entrance gates and The Pit Complex.	no standard rate
	Sweeping of access roads through Harris Park to the top of Mount Panorama via Barry Gurdon Drive. Sweeping of Sulman Park	\$720
	Use of toilets and power facilities at Harris and Sulman Parks from Saturday morning.	\$244
	Use of green otto bins for Sulman and the Pit Complex	see below
	Mowing of a 2m to 4m strip around circuits at Sulman Park.	\$300
	Clear pit area including emptying otto bins at the end of Saturday's activities	\$200
	Cleaning of toilet blocks in preparation for Sunday's event	\$75
B2B – Sunday 22 April 2012	Access to The Pits and 6 garages of the Pit Complex from 6 am to 5 pm for the conduct of criterium racing.	\$1,456
	Access to all 4 toilet blocks in The Pits garage area.	no standard rate
	Opening access roads to rear of The Pits and the tunnel under Conrod Straight.	included in Saturdays
	Access to power and the Pit Complex.	no rate
	Closure of the dirt section of road of Cow Flat Road to Rockley Mountain to one way traffic only between 10 am and 1 pm only (as per Traffic Control Plan).	not provided by Council
	Loan of 'No Parking' signs x 10.	\$50
	Loan of 'Road Closed' signs x 6	\$50
	Loan of volunteers safety vests x 40.	\$50
	Hire of 50 meters of water filled barriers in Conrod Straight (required for Traffic Control)	included above

	Hire of 100m of crowd control barriers for finish area.	donated by Dunbars
	Assistance with clean up after the event. It is not envisaged that this will be extensive. The main help required is removal of rubbish and emptying of otto bins.	no set fee would be done as part of waste management staff daily duties
<b>TOTAL</b>		<b>\$6,473</b>

**MINUTE**

**22 Item 5 BLAYNEY TO BATHURST (B2B) CYCLO SPORTIF CHALLENGE - REQUEST FOR SUPPORT (23.00128)**

**MOVED: P Toole SECONDED: R Thompson**

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

**Reason: Sponsor of the event.**

**The Mayor vacated the Chair.**

**The Deputy Mayor, Cr Carpenter, took the Chair for this item.**

**RESOLVED:** That Council agrees to support and donate the fees of \$6,473 associated with the requirements to successfully run the Rotary Club of Bathurst Daybreak Inc Cycling Weekend on 21 and 22 April 2012 in accordance with the report.

## **6 2015 BICENTENARY CELEBRATIONS COMMITTEE (20.00153)**

**Recommendation:** That Council refer the provision of funding for the 2015 Bicentenary Celebrations, including use of BMEC, to the 2012/2013 Management Plan for consideration.

**Report:** At the 2015 Bicentenary Celebrations Committee Meeting held on 2 August 2011, the Committee resolved to request that Council consider the following options to assist with the planning of celebrations for the 200th Anniversary of the Proclamation of Bathurst.

- (a) Booking Bathurst Memorial Entertainment Centre from Friday 1 May 2015 to Sunday 10 May 2015
- (b) Establish funding for 2015 Celebrations in future budgets

### **Bathurst Memorial Entertainment Centre**

As the City of Bathurst was proclaimed on 7 May 1815, it is anticipated that the main celebrations of the Proclamation of Bathurst will occur between Friday 1 May 2015 and Sunday 10 May 2015.

In order to facilitate these celebrations the Committee has requested that Council book a venue at the Bathurst Memorial Entertainment Centre for this 10 day period. It is suggested that the booking would include the City Hall, a Conference Room and the Wattle Foyer.

### **Funding of celebrations**

In order to facilitate official functions and associated activities for these celebrations it would be necessary for some funding to be allocated. The Committee has requested that Council consider setting aside funds in future budgets.

**Financial Implications:** Should Council agree to book the Bathurst Memorial Entertainment Centre it could be funded from BMEC Community Use Subsidy in 2015.

Any budget allocations would not affect the current budget but would be included in future budgets leading up to 2015.

**MINUTE**

**23     Item 6   2015 BICENTENARY CELEBRATIONS COMMITTEE (20.00153)**

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

**RESOLVED:** That Council refer the provision of funding for the 2015 Bicentenary Celebrations, including use of BMEC, to the 2012/2013 Management Plan for consideration.

## **7 NSW INTERNATIONAL CYCLING GRAND PRIX SERIES (23.00141)**

**Recommendation:** That Council support the NSW International Grand Prix Series opening round to be held in Bathurst from 23 to 27 November 2011 and that the event be funded from the Special Events cost centre.

**Report:** Councillors will recall that in December 2010 the first round of the NSW International Cycling Grand Prix Series was held in Bathurst and was an outstanding success.

Following on from the success of the inaugural event, correspondence has now been received from Mr Phill Bates, representing the NSW International Cycling Grand Prix Series, seeking Council's support and consideration to once again stage the Opening round of the 2011 NSW Grand Prix Series in Bathurst. It is noted that an additional event has been added this year, a Masters division that will be staged prior to the Women and Elite Professional Men, adding to the overall economic benefits to the City through increased competitor numbers.

Mr Bates advises that the date for this year's event has been moved forward to November due to both television and cycling commitments. The Opening round will now be held from 23 to 27 November 2011.

Mr Bates is seeking from Council a venue, with Council covering the costs associated with road closures of the proposed circuit, including the Traffic Management Report, RTA and Police costs, plus a dedicated person from Council to assist with the local promotion. Mr Bates will provide all of the facilities to stage the event and make it safe for cyclists and the public including the provision of crowd control barricades for the entire circuit, a mobile stage truck complete with public address system, an overhead finish structure plus television camera platforms and VIP hospitality.

The circuit in the centre of town around Federation Square proved to be an ideal venue last year which created excitement and good vision for spectators and it is therefore proposed to use the same circuit again for this year's event. A breakdown of the events is shown at **attachment 1** and a map showing the layout of the track is shown at **attachment 2**.

It is noted that the 2010 event received strong support from Events NSW and media outlets which is expected to continue again this year as National Nine Network is working with the Grand Prix Series organiser to package television for world exposure to maximise the publicity and promotion of Bathurst.

A report will be prepared for the Traffic Committee with respect to the imposition of conditions that the Event Organiser will need to adhere to, including Traffic Management Plan and relevant statutory approvals.

**Financial Implications:** It is estimated that Council will be exposed for an amount between \$5,000 and \$10,000 for the Traffic Management Report, road closures and general support of the event to be funded from the Special Events cost centre.

**MINUTE**

**24     Item 7     NSW INTERNATIONAL CYCLING GRAND PRIX SERIES (23.00141)**

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

**RESOLVED:** That Council support the NSW International Grand Prix Series opening round to be held in Bathurst from 23 to 27 November 2011 and that the event be funded from the Special Events cost centre.

**8 BATHURST 75 FOOTBALL CLUB VENUE FOR 2012 FOOTBALL SEASON**  
**(04.00018-02/006)**

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

**Report:** Council is in the process of conducting a feasibility study into a regional football facility to be located at Proctor Park.

This study is being undertaken in conjunction with Football Federation Australia and all other interested parties.

This feasibility study has taken longer than first anticipated and will not be completed until the end of the year. Bathurst 75 Football Club and Western NSW Panthers Football Club have enquired of Council as to a venue for the 2012 season.

Councillors are required to consider a playing venue for these two Bathurst teams for the 2012 season.

**Financial Implications:** Council continues to talk with Bathurst 75 Football Club in respect to their outstanding debt.



**MINUTE**

**25 Item 8 BATHURST 75 FOOTBALL CLUB VENUE FOR 2012 FOOTBALL SEASON (04.00018-02/006)**

**MOVED: P Toole SECONDED: R Thompson**

**RESOLVED:** That the Bathurst 75 Football Club remain at Alec Lamberton Field for the 2012 year.

## **9 REAPPOINTMENT OF INTERNAL AUDITOR (18.00244, 19.00071)**

**Recommendation:** That Council agree to the reappointment of Mr Shephard Shambira to the position of Internal Auditor for a further two years commencing April 2012.

**Report:** Bathurst Regional Council, in conjunction with Orange and Dubbo City Councils, appointed an Internal Auditor in April 2009 to carry out the internal auditing functions of these Councils. Mr Shephard Shambira was appointed to the position and has been carrying out the duties of Internal Auditor since that time.

The initial employment contract was for a period of three years commencing April 2009 and is therefore due to expire in April 2012. Discussions have been held with Orange and Dubbo City Councils regarding the continuation of the position and all Councils are in agreement that the benefits and improvements gained through the employment of an internal auditor are a valuable investment.

The Internal Auditor is employed directly through Orange City Council who has requested this Council to endorse the reappointment of Mr Shambira to the position of Internal Auditor for a further two years in accordance with their employment policies.

**Financial Implications:** Council has allowed for this expenditure in its 2011/2012 Management Plan.

**MINUTE**

**26     Item 9   REAPPOINTMENT OF INTERNAL AUDITOR (18.00244, 19.00071)**

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

**RESOLVED:** That Council agree to the reappointment of Mr Shephard Shambira to the position of Internal Auditor for a further two years commencing April 2012.

## **10 AUDIT AND RISK MANAGEMENT COMMITTEE (07.00096, 41.00088)**

**Recommendation:** That Council continue the operations of the Audit and Risk Management Committee for a further two year period commencing April 2012.

**Report:** Council, at its meeting held on 15 July 2009, resolved to establish an Audit and Risk Management Committee to which Councillors and other members were appointed. The establishment of the Committee was a result of the appointment of an Internal Auditor by Bathurst, Orange and Dubbo Councils in April 2009. A copy of the Committee Charter is at **attachment 1** and the Internal Audit Activity Charter is at **attachment 2**.

The Committee is comprised of the following members:

- (a) members:
- Council's Mayor of the day
  - One other Councillor, being the Deputy Mayor
  - One Alternate Councillor Delegate
  - Two independent external members (not members of Council and one to be Chairperson)
- (b) employees to attend the Management Committee Meeting:
- General Manager
  - Internal Auditor
  - Director Corporate Services & Finance
- (c) non voting representatives invited to attend:
- Representatives from Council's external auditor

The Audit & Risk Management Committee is granted delegated authority by Council to carry out its duties and responsibilities as defined in the charter. The Audit & Risk Management Committee has delegated authority to approve investigations into any matters within its scope of responsibility.

- Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).
- Pre-approve all auditing and non-audit services
- After due consultation with the General Manager, retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.
- Meet with Council management, external auditors, or outside counsel, as necessary.

Bathurst Regional Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective Audit & Risk Management Committee. The Bathurst Regional Council and the General Manager are therefore committed to uphold and guarantee the professional independence and objectivity of the Audit & Risk Management Committee.

It is proposed to continue the operations of the Committee following the reappointment of the Internal Auditor for a further period of two years commencing April 2012.

**Financial Implications:** Council has allowed for this expenditure in its 2011/2012 Management Plan.

**MINUTE**

**27     Item 10   AUDIT AND RISK MANAGEMENT COMMITTEE (07.00096, 41.00088)**

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

**RESOLVED:** That Council continue the operations of the Audit and Risk Management Committee for a further two year period commencing April 2012.

## **11 COX'S ROAD SIGNAGE PROJECT (20.00153)**

**Recommendation:** That Council:

- (a) re-allocate funds in its 2011/2012 Management Plan from the Signs Reserve to fund Stage 1 of the Cox's Road signage project as outlined in the report; and
- (b) refer Stages 2 and 3 to the 2012/2013 Management Plan process for consideration.

**Report:** Council has received correspondence from the Cox's Road Project Committee (refer to **attachment 1**) seeking Council's consideration of the placement of interpretive signage identifying the salient sites of the Cox's Road in the Bathurst Regional Council area and to provide funding to achieve this in time for the 2014/2015 Bicentenary celebrations.

Council's Strategic Planning staff have met with a representative of the Committee and have identified possible locations for the proposed signage which would include three (3) large signs and six (6) small signs. In order to achieve the objectives of the project committee in time for Bicentenary celebrations it is proposed to stage the purchase and installation of the signage as outlined below.

### ***Stage 1 – 2011/2012***

1 x large sign placed at Visitor Information Centre

6 x small directional signs

Total estimated cost including installation \$15,000

### ***Stage 2 – 2012/2013***

1 x large sign located at The Lagoon (excluding installation)

\$4,000

### ***Stage 3 – 2013/2014***

1 x large sign located at Peace Park (excluding installation)

\$4,000\*

\* If Stage 3 was included as part of a larger Bicentenary project Council could consider a more substantial project to interpret the site including new interpretative signage and the reinstatement of a replica flagstaff at the site. If such a project were developed then the incorporation of signage relating to Cox's Road at the same time would be most appropriate.

It is recommended that should Council proceed with the funding of this project that the Project Committee be required to liaise with and submit to Council the proposed content, form and style of each sign for approval. The location of any directional signs would also be subject to approval from Council's Engineering Department and, if required, the Traffic Committee.

**Financial Implications:** Funding for Stage 1 can be provided from Council's Signs reserve which currently has a balance of \$30,000.

## MINUTE

### 28 Item 11 COX'S ROAD SIGNAGE PROJECT (20.00153)

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

**RESOLVED:** That Council:

- (a) re-allocate funds in its 2011/2012 Management Plan from the Signs Reserve to fund Stage 1 of the Cox's Road signage project as outlined in the report; and
- (b) refer Stages 2 and 3 to the 2012/2013 Management Plan process for consideration.

## **12 PURCHASE OF 519 MITCHELL HIGHWAY, BATHURST (22.05345)**

**Recommendation:** That Council classify the property known as 519 Mitchell Highway, Bathurst as operational land.

**Report:** Council, at its Ordinary meeting held on Wednesday 19 September 2007, (Director, Business & Economic Development's Confidential Report #5) resolved to purchase Lot C DP158611 known as 519 Mitchell Highway, Bathurst, as it was identified as strategic to Council. A map of the property is shown at **attachment 1.**

Under the Local Government Act 1993, the abovementioned land must be classified as either community or operational land.

It is recommended that this property be classified as operational land.

**Financial Implications:** Nil



**MINUTE**

29 **Item 12 PURCHASE OF 519 MITCHELL HIGHWAY, BATHURST (22.05345)**

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

**RESOLVED:** That Council classify the property known as 519 Mitchell Highway, Bathurst as operational land.

### **13 PURCHASE OF LAND - MT PANORAMA (25.00195)**

**Recommendation:** That the portion of land known as Lot 141 DP1132770 located at Mt Panorama be classified as operational land.

**Report:** Council at its Ordinary meeting held on Wednesday 16 June 2008 (see Confidential section, Director Corporate Services & Finance, Item 3) resolved to subdivide and purchase land from Mr Stamatopoulos, the owner of 151 Mountain Straight, Mt Panorama. The subdivision and purchase was approved by Council and resulted in the creation of Lot 141 DP1132770. See map at **Attachment 1**. The land was identified as strategic to Council for resident access on Mt Panorama.

Under the Local Government Act 1993 the abovementioned land must be classified as either community or operational land.

It is recommended that this land be classified as operational land.

**Financial Implications:** Nil

**MINUTE**

**30    Item 13    PURCHASE OF LAND - MT PANORAMA (25.00195)**

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

**RESOLVED:** That the portion of land known as Lot 141 DP1132770 located at Mt Panorama be classified as operational land.

#### **14 PURCHASE OF LAND - CONROD STRAIGHT, MT PANORAMA (22.01329)**

**Recommendation:** That the portion of land known as Lot 661 DP1138351 Conrod Straight Mt Panorama be classified as operational land.

**Report:** Council at its Ordinary meeting held on Wednesday 10 December 2008 (see Confidential section, Director Engineering Services, Item 11) resolved to subdivide and purchase land from Mrs Leonie Neale, the owner of 435 Conrod Straight, Mt Panorama.

The subdivision and purchase were approved by Council and resulted in the creation of Lot 661 DP1138351. See map at **attachment 1**. The land was identified as strategic to Council for resident access on Mt Panorama.

Under the Local Government Act 1993 the abovementioned land must be classified as either community or operational land.

It is recommended that this portion of land be classified as operational land.

**Financial Implications:** Nil

**MINUTE**

**31    Item 14    PURCHASE OF LAND - CONROD STRAIGHT, MT PANORAMA**  
**(22.01329)**

**MOVED: R Thompson SECONDED: G Hanger**

**RESOLVED:** That the portion of land known as Lot 661 DP1138351 Conrod Straight Mt Panorama be classified as operational land.

## **15 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00055)**

**Recommendation:** That Council sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Statements for the year ended 30 June 2011.

**Report:** Council is required, pursuant to Section 413 (2)(c) of the Local Government Act 1993, to make a statement in the prescribed form in respect of its General Purpose Financial Statements and Special Purpose Financial Statements. These Statements are required pursuant to the National Competition Policy Guidelines imposed on all Councils. (See **attachment 1** and **attachment 2** for the prescribed forms.)

Council's draft Financial Statements are currently being completed for referral to Council's Auditors. Following completion of the audit the Financial Statements will be placed on public exhibition.

**Financial Implications:** Nil.

**MINUTE**

**32    Item 15    STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00055)**

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

**RESOLVED:** That Council sign the Certificates with respect to the General Purpose Financial Statements and the Special Purpose Statements for the year ended 30 June 2011.

Yours faithfully



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENGINEERING SERVICES' REPORTS AND MINUTES  
21 SEPTEMBER 2011



**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL MEETING HELD ON 21 SEPTEMBER 2011**

General Manager  
Bathurst Regional Council

**1 LOAD LIMITS - BRADWARDINE ROAD (28.00012)**

**Recommendation:** That Council monitor and review the traffic volume and mix on Bradwardine Road between the Mitchell Highway and Suttor Street at a period of 6 months following the opening and report back to the Traffic Committee.

**Report:** The August meeting of the Traffic Committee considered a report regarding the potential imposition of a load limit on Bradwardine Road following the completion of the link to the Mitchell Highway. The following was recommended to Council from the committee:

*“That Council:-*

- (a) Not approve that the section of Bradwardine Road between Suttor Street and Vittoria Street be classified as a Light Traffic Thoroughfare.*
- (b) Monitor the traffic volume and mix 6 months after opening Bradwardine Road between the Mitchell Highway and Suttor Street and report back to the Traffic Committee.”*

Council subsequently resolved:

*“That a report come back to Council addressing the issue of the imposition of a load limit between Suttor Street and Vittoria Street on Bradwardine Road”*

The Roads and Traffic Authority of NSW recommends in the Guidelines for Traffic Facilities Part 9: Light Traffic Thoroughfares, that arterial roads, sub-arterial roads and collector roads not be classified as Light Traffic Thoroughfares, and that load limits should generally be restricted to local roads.

Load limits may be imposed for a number of considerations, including structural limitations on road pavements or components such as bridges or culverts, or to restrict excessive heavy vehicle usage on local roads and thus transfer their movements back to the State Highway network.

Bradwardine Road has been built as an arterial road and has been shown on the Bathurst LEP as such for a period of 20 years. At this stage there are no structural reasons to provide a load limit to Bradwardine Road.

Upon consideration of likely traffic increase, it is unlikely that there will be a significant change to the heavy vehicle traffic volume on Bradwardine Road. There would be little advantage in heavy vehicles using Bradwardine Road from the Mitchell Highway through to Eglinton Road and thence to the intersection of Stewart and Durham Street with this route being approximately 1.8km longer whilst still having to negotiate an intersection where priority is not provided. It is expected that there will be an increase in local stock truck usage

and heavy vehicles accessing Simplot on Eglinton Road however this increase is expected to be minimal.

Traffic classifiers have been installed on Bradwardine Road, between Suttor Street and Eglinton Road, to determine the traffic volumes and makeup prior to the opening of the new section of Bradwardine Road. It is proposed that once the new Bradwardine Road link between Mitchell Highway and Suttor Street has been opened for a period of 6 months, that traffic classifiers be reinstalled to determine what changes, if any, to traffic volume and mix has occurred.

After the collection and analysis of this data, a second report was proposed to be presented to the Traffic Committee for its consideration. This subsequent report would consider whether a load limit was justified to avoid the premature imposition of a possibly unwarranted restriction which is non-discriminatory in its elimination of all heavy vehicles regardless of their legitimacy of access.

**Financial Implications:** Nil.

**MINUTE**

**33    Item 1    LOAD LIMITS - BRADWARDINE ROAD (28.00012)**

**MOVED: P Toole   SECONDED: I North**

**RESOLVED:** That Council classify that portion of Bradwardine Road between Suttor Street and Vittoria Street as light traffic only.

Yours faithfully



Doug Patterson  
**DIRECTOR**  
**ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORTS AND MINUTES  
21 SEPTEMBER 2011

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21 SEPTEMBER  
2011**

General Manager  
Bathurst Regional Council

**1 2011/2012 RURAL VILLAGE INFRASTRUCTURE IMPROVEMENT PROGRAM  
(16.00104)**

**Recommendation:** That Council:

- (a) allocate 2011/2012 Rural Village Infrastructure Improvement Program funds as follows:

<b>APPLICANT/ ORGANISATION</b>	<b>PROJECT SUMMARY</b>	<b>GRANTED</b>	<b>TOTAL/ GROUP</b>
Sofala and District Agricultural and Horticultural Show Society Inc	Connect power to new pavilion	\$1,430	<b>\$1,430</b>
Sofala Progress Association Inc	Plumbing of water tanks to composting toilet tank	\$803	<b>\$803</b>
Trunkey Creek Progress Association	Upgrade kitchen doors to be fireproof and improve security of Showground kitchen	\$4,250	<b>\$10,074</b>
	Complete concreting stalls and paths	\$2,125	
	Upgrade three old refrigerators with one triple glass door upright refrigerator	\$3,699	
Wattle Flat Heritage Lands Trust	Solitary Mine Resurrection and Display Area – Stage 1	\$12,100	<b>\$12,100</b>
Wattle Flat Progress Association	Racecourse – upgrade racecourse and public area grounds	\$2,736	<b>\$16,341</b>
	Racecourse – re-gravel internal roadway	\$3,664	
	Wattle Flat Oval – top dress oval	\$1,520	
	Recreational Hall – upgrade drainage and replace carpet damaged by stormwater flooding	\$5,531	
	<b>TOTAL</b>		<b>\$40,748</b>

- (b) Council to hold the remainder of funds, being \$34,252, in Reserve for projects to be completed as a result of the Village Plans.

**Report:** Bathurst Regional Council instituted a Rural Village Improvement Program in 2005/2006 to facilitate the long term viability of the villages in the Bathurst Regional Council area. The program is based on the premise of horizontal equity – “the provision of public facilities each of a similar grade” to villages across the local government area.

Since the program’s introduction, Council has made significant contributions to the villages of Hill End, Rockley, Sofala, Trunkey Creek, Wattle Flat and Yetholme in improving the infrastructure available to their residents. A listing of these projects and allocated funding is available at **attachment 1**. The majority of these programs have been completed, however the following remain outstanding:

1. Rockley Sportsground storage shed, signs and bollards (2007/2008)
2. Rockley fencing playground in Stevens Park (2007/2008)
3. Yetholme Hall repairs (2009/2010) - this grant was reallocated as funding was also received from the NSW Government - \$1,782 still remaining.

The Rockley Sportsground and Rodeo Committees have been contacted and letters sent requesting a completion/commencement date of the outstanding projects. No response has been received. These funds have now carried forward for five years.

The village of Sunny Corner is able to access this grant program, however to date no application has been received for improvements in the Sunny Corner village.

Advertising for the current program commenced in the Western Advocate on 25 June, continuing on 2, 9, 16 July 2011 with a closing date of Tuesday, 19 July 2011, allowing 3.5 weeks to prepare and lodge an application. Formal advice was provided to each known community group eligible to apply, together with an application form on 20 June 2011. This was in addition to the informal discussions held as part of the previous project inspections. This letter is shown at **attachment 2**.

The process and timeline has not changed from the 2010/2011 program. The application form remained in the same format, requiring no additional information. However, an acquittal form was introduced as part of the 2010/2011 process requiring all grant recipients to detail their projects and expenditure, a copy of the acquittal form is at **attachment 3**.

The current program allocation, in accordance with Bathurst Regional Council's 2011/2012 Management Plan and Budget, is \$75,000. Shown at **attachment 4** are the guidelines provided for the program and distribution of funds.

The table below lists briefly the applications received by the Village community organisations for the 2011/2012 program:

	APPLICANT ORGANISATION	No.	PROJECT SUMMARY	APPLICATION AMOUNT
1	Hill End Arts Council	H1	Kitchen/toilet compound - former Sacred Heart Catholic Church	\$37,500
2	Rockley & District Community Association		Replacement of public toilet block in Stevens Park	Unknown
3	Sofala and District Agricultural	SS1	Connect power to new pavilion	\$1,430
4	Sofala and District Agricultural	SS2	New toilet block to replace old pit toilet	\$27,500
5	Sofala Progress Association Inc	SP1	Cementing pathways, handrail to toilet, new lid for septic, etc	\$4,760
6		SP2	Plumbing of water tanks to composting toilet tank	\$803
7	Sofala Progress Association	SP3	New roof/guttering, etc on red hall	\$30,745
8	Trunkey Creek Progress Association	T1	Upgrade kitchen doors to be fireproof and improve security of Showground kitchen	\$4,250
		T2	Complete concreting stalls and paths	\$2,125
		T3	Upgrade 3 old refrigerators with one Triple glass Door upright Fridge	\$3,699
9	Wattle Flat Heritage Lands Trust	WH1	Solitary Mine Resurrection and Display Area - Stage 1	\$12,100
10	Wattle Flat Progress Association	WF1	Racecourse - upgrade racecourse and public area grounds	\$2,736
11			Racecourse - re-gravel internal roadway	\$3,664
12		WF3	Wattle Flat Park - plant trees and install watering system	\$2,890
13	Wattle Flat Progress Association	WF4	Wattle Flat Park - tank and guttering on sheds	\$2,970
14		WF5	Wattle flat Oval - top dress oval	\$1,520
15		WF6	Recreational Hall - upgrade drainage and replace carpet damaged by stormwater flooding	\$5,531
			<b>TOTAL</b>	<b>144,223.00</b>
				excludes unknown

The Village Improvement Program, whilst an infrastructure program, has also built invaluable social capital and capacity in each village that is essential in maintaining a quality of life to attract residents and visitors alike. The level of pride and satisfaction that members of the community displayed is admirable. It is abundantly clear the residents in these villages are committed to ensuring they maintain a high level of social interaction and in doing so have developed an acute sense of place.

In building upon this community pride Council has commenced the Village planning process for eight Villages within the Bathurst Regional Council local government area – Trunkey Creek, Rockley, Yetholme, Sunny Corner, Peel, Hill End, Sofala and Wattle Flat. The funds for this project were partly sourced from the 2011/2012 Village Infrastructure grants. These plans are scheduled for completion by the end of 2012. Prior to this, draft plans will be presented back to each Village for their final input and enhancement. Further details regarding each Plan will be presented to Council as the drafts are provided to the communities.

Council met in a working party to discuss these proposals and determine those that met the guidelines and intent of the program for funding in 2011/2012. The successful projects from the working party are identified as:

	APPLICANT ORGANISATION	PROJECT SUMMARY	APPLICATION AMOUNT	COMMENDATION
1	Hill End & Tambaroora Progress Association Inc	Kitchen/toilet compound - former Sacred Heart Catholic Church	\$37,500	\$0
2	Rockley & District Community Association	Replacement of public toilet block in Stevens Park	Unknown	\$0
3	Sofala and District Agricultural	Connect power to new pavilion	\$1,430	\$1,430
4		New toilet block to replace old pit toilet	\$27,500	\$0
5	Sofala Progress Association Inc	Cementing pathways, handrail to toilet, new lid for septic, etc	\$4,760	\$0
6		Plumbing of water tanks to composting toilet tank	\$803	\$803
7		New roof/guttering, etc on red hall	\$30,745	\$0
8	Trunkey Creek Progress Association	Upgrade kitchen doors to be fireproof and improve security of Showground kitchen	\$4,250	\$4,250
		Complete concreting stalls and paths	\$2,125	\$2,125
		Upgrade 3 old refridgerators with one Triple glass Door upright Fridge	\$3,699	\$3,699
9	Wattle Flat Heritage Lands Trust	Solitary Mine Resurrection and Display Area - Stage 1	\$12,100	\$12,100
10	Wattle Flat Progress Association	Racecourse - upgrade racecourse and public area grounds	\$2,736	\$2,736
11		Racecourse - re-gravel internal roadway	\$3,664	\$3,664
12		Wattle Flat Park - plant trees and install watering system	\$2,890	\$2,890
13		Wattle Flat Park - tank and guttering on sheds	\$2,970	\$0
14		Wattle flat Oval - top dress oval	\$1,520	\$1,520
15		Recreational Hall - upgrade drainage and replace carpet damaged by stormwater flooding	\$5,531	\$5,531
		<b>TOTAL</b>	<b>144,223.00</b>	<b>40,748.00</b>

The Working Party further recommended the remaining \$34,252 be allocated to undertaking projects that arise from the completion of the Village Plans.

**Financial Implications:** Council has previously allocated \$75,000 in the 2011/2012 Management Plan and Budget for the Rural Village Infrastructure Improvement Program.

Grant funding allocated in Council's Working Party on 24 August 2011 totalling \$40,748 will be allocated from these funds. The remaining \$34,252 will be held in Reserve for projects to be completed from the Village Plans, once adopted.



## MINUTE

### **34 Item 1 2011/2012 RURAL VILLAGE INFRASTRUCTURE IMPROVEMENT PROGRAM (16.00104)**

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

**RESOLVED:** That Council:

- (a) allocate 2011/2012 Rural Village Infrastructure Improvement Program funds as follows:

<b>APPLICANT/ ORGANISATION</b>	<b>PROJECT SUMMARY</b>	<b>GRANTED</b>	<b>TOTAL/ GROUP</b>
Sofala and District Agricultural and Horticultural Show Society Inc	Connect power to new pavilion	\$1,430	<b>\$1,430</b>
Sofala Progress Association Inc	Plumbing of water tanks to composting toilet tank	\$803	<b>\$803</b>
Trunkey Creek Progress Association	Upgrade kitchen doors to be fireproof and improve security of Showground kitchen	\$4,250	<b>\$10,074</b>
	Complete concreting stalls and paths	\$2,125	
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Wattle Flat Heritage Lands Trust	Solitary Mine Resurrection and Display Area – Stage 1	\$12,100	<b>\$12,100</b>
Wattle Flat Progress Association	Racecourse – upgrade racecourse and public area grounds	\$2,736	<b>\$16,341</b>
	Racecourse – re-gravel internal roadway	\$3,664	
	Wattle Flat Oval – top dress oval	\$1,520	
	Recreational Hall – upgrade drainage and replace carpet damaged by stormwater flooding	\$5,531	
	<b>TOTAL</b>		<b>\$40,748</b>

- (b) Council to hold the remainder of funds, being \$34,252, in Reserve for projects to be completed as a result of the Village Plans.

## **2 CHILDREN'S BOOK WEEK 2011 (21.00029)**

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

**Report:** Bathurst Library recently held celebrations for Children's Book Week, 22 to 26 August.

The theme for 2011 Children's Book Week was '*One World, Many Stories*', and Bathurst Library worked closely with staff at BooksPlus to bring a special children's book character to the library for children to enjoy.

This year sourced Maisy Mouse, a character from author Lucy Cousins's beloved stories, from Walker Books Australia. The library held seven story reading sessions over the Wednesday 24 and Thursday 25 August. These sessions were for both the public and schools.

BooksPlus sponsored this event by sharing half the cost of the hire of Maisy and supplying prizes for a corresponding colouring competition. BooksPlus also attended the public sessions with Lucy Cousins' books and Maisy paraphernalia for sale.

The Library worked closely with Council's Information Technology (IT) section to create a unique storytelling experience for the large numbers of children who attended each session. IT assisted Library Staff with the use of a smart board to project the stories onto, and built in PA system, so everyone could hear the stories loud and clear. This method of storytelling was a great success as large numbers were able to hear and see what was going on, which resulted in full engagement throughout the 30 minutes of each story reading.

Library staff included a mix of Lucy Cousins' Maisy books, and Children's Book Council of Australia (CBCA) shortlisted/award winning stories for 2011. The CBCA shortlisted stories followed the Book Week theme of '*One World, Many Stories*', and introduced listeners to cultural and familial difference.

Maisy greeted the children for the last 15 minutes of each session, and every child had their chance to personally meet Maisy and have a photo taken.

A total of 735 people, averaging just over 100 people per session, attended the Maisy Book Week story sessions which was a great success for Bathurst Library.

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

**MINUTE**

**35     Item 2    CHILDREN'S BOOK WEEK 2011 (21.00029)**

**MOVED: G Hanger SECONDED: M Morse**

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

### **3 2011/2012 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS FUND (16.00107)**

**Recommendation:** That Council:

- (a) Provide \$7,926.17 under the 2011/2012 Small Business and Non-Profit Organisations Disabled Access fund for the following applicants:
- i. Bathurst PCYC \$5,000 (approved in 2010/2011)
  - ii. Masonic Lodge \$2,926.17
- (b) The remainder of unspent funds of \$35,844.83 be utilised to improve access to Council facilities identified by the Bathurst Regional Access Committee as requiring improvements.

**Report:** At its meeting held on 15 August 2011, the Bathurst Regional Access Committee considered the following applications under the 2011/2012 Small Business and Non-Profit Organisations Disabled Access Fund.

1. Bathurst PCYC: Seeking funds to upgrade a disabled toilet facility and install a wall mounted baby change station (\$5,000).
2. Masonic Lodge: Seeking funds to convert female toilet to a unisex accessible toilet. (\$2926.17).

The Committee reviewed the applications 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.

It is recommended that funding for the above applications be approved.

The Bathurst Regional Access Committee has further recommended that any unspent funds be utilised to improve access to Council facilities identified by the Committee as requiring improvements.

**Financial Implications:** Council allocated \$20,000 in the 2011/2012 Management Plan for the Small Business and Non-Profit Organisations Disabled Access Fund. Residual funds of \$23,774 from the 2010/2011 budget were rolled over into 2011/2012 as per DCCS Report #3 to Council on 20 April 2011. The current balance of the Small Business and Non-Profit Organisations Disabled Access Fund is \$43,774.

**MINUTE**

**36 Item 3 2011/2012 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS  
DISABLED ACCESS FUND (16.00107)**

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

**RESOLVED:** That Council:

- (a) Provide \$7,926.17 under the 2011/2012 Small Business and Non-Profit Organisations Disabled Access fund for the following applicants:
- i. Bathurst PCYC \$5,000 (approved in 2010/2011)
  - ii. Masonic Lodge \$2,926.17
- (b) The remainder of unspent funds of \$35,844.83 be utilised to improve access to Council facilities identified by the Bathurst Regional Access Committee as requiring improvements.

#### **4 YOUTH COUNCIL - 24 HOUR SHORT FILM COMPETITION (11.00020)**

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

**Report:** The Bathurst Regional Youth Council, with funding of \$3,300 provided by the Youth Action and Policy Association (YAPA), recently co-ordinated the Bathurst 24 Hour Short Film Competition which was held over the weekend of 27 and 28 August 2011.

The competition challenged young people between the ages of 12 and 24 to get together and create a short film in 24 hours. Each team collected a package on Saturday 27 August, including compulsory items that had to appear in each film. Participants had to incorporate the Court House, a lollypop, a remote control, the Western Advocate for Saturday, 27 August and the word custard had to appear. 17 completed films were returned at the end of the 24 hour period for judging.

The official screening took place at the Bathurst Memorial Entertainment Centre on Sunday 28 August 2011 with a crowd of approximately 250 people attending. The calibre of films entered in the competition was excellent.

The support from the Bathurst community has been overwhelming with many positive comments being received from sponsors, participants and members of the public. Much interest has been expressed for a continuation of this initiative in 2012.

Representatives from the Youth Action and Policy Association were guest judges for the competition and travelled from Sydney for the day.

**Financial Implications:** Funding has been received from YAPA of \$3,300 and existing budgets.

**MINUTE**

**37     Item 4    YOUTH COUNCIL - 24 HOUR SHORT FILM COMPETITION (11.00020)**

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

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

## **5 BATHURST COMMUNITY SAFETY PLAN 2011-2014 (20.00056)**

**Recommendation:** That Council endorse the placement of the Bathurst Community Safety Plan 2011-2014 on public exhibition for the statutory 42 day period and receive submissions until Wednesday, 2 November 2011.

**Report:** The Bathurst Community Safety Plan 2011-2014 has been developed through consultation and in partnership with the broader Bathurst community. The Plan seeks to enable a coordinated community approach to developing community safety through strategically implemented crime prevention programs.

Bathurst Regional Council, as part of its community planning process, has resolved to take the lead agency role in the development of the Bathurst Community Safety Plan 2011 - 2014. The plan has been developed, and will be implemented and reviewed, in partnership with the broader community, key agencies and groups that operated within it.

There is no legislation that states Council must prepare a Community Safety Plan or a Crime Prevention Plan. However, without a plan, funding for crime prevention initiatives is very difficult to obtain.

The five stages outlined in the Attorney General Guidelines and Advisory clauses of The Children (Protection and Parental Responsibility) Act 1997 have been followed in the development of the draft plan and include:

- 1 Develop a crime profile;
- 2 Research crime prevention approaches;
- 3 Negotiate support;
- 4 Develop an action plan;
- 5 Implement and monitor.

Custodianship of the Plan will rest with Bathurst Regional Council until such time as it expires (ie 2014) or is revoked. Bathurst Regional Council will continue to negotiate with its partners to develop a Community Safety Committee whose role it will be to oversee and implement the Plan together with reviewing and reporting on the actions contained in the Plan on a 6 monthly basis.

Council is required to place the draft document on public exhibition for 42 days in which public submissions may be lodged.

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



**MINUTE**

**38     Item 5    BATHURST COMMUNITY SAFETY PLAN 2011-2014 (20.00056)**

**MOVED: I North SECONDED: T Carpenter**

**RESOLVED:** That Council endorse the placement of the Bathurst Community Safety Plan 2011-2014 on public exhibition for the statutory 42 day period and receive submissions until Wednesday, 2 November 2011.

Yours faithfully



Annabell Miller  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 21 SEPTEMBER 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - POLICY COMMITTEE MEETING - 7 SEPTEMBER 2011 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 7 September 2011 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 7 September 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

**39** Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 SEPTEMBER 2011  
(07.00064)

**MOVED:** T Carpenter **SECONDED:** P Toole

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 7 September 2011 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 7 SEPTEMBER 2011**

**5PM MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**In attendance:** General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Cultural & Community Services, Director Environmental Planning & Building Services, Acting Manager Corporate Governance, Manager Recreation, Manager Environment, Environmental Officer, Manager Water & Waste, Parkes Operations Manager, Manager Tourism.

**APOLOGIES**

**2 APOLOGIES**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 AUGUST 2011 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr T Carpenter

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 3 August 2011 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

**MOVED** Cr I North

and **SECONDED** Cr G Westman

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 APPROVED HANDLING OF FILL POLICY (11.00006)**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) place the draft Approved Handling of Fill Policy on public exhibition for a period of 28 days;
- (b) note if no submissions are received, adopt the Policy; and

(c) note if submissions are received, a further report will be presented to Council.

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

- 6** **Item 1 POLICY - PUBLIC ACCESS TO INFORMATION (11.00006, 11.00003, 41.00089)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council adopt the amended Public Access to Information Policy and update the Policy Manual accordingly.

### **General Manager's Report**

- 7** **Item 1 CODE OF CONDUCT COMPLAINTS (07.00088)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Morse

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

### **GENERAL BUSINESS**

- 8** **ASSET MANAGEMENT PLANNING (NATURAL RESOURCE MANGEMENT) (13.00001)**

**Cr Carpenter** - Noted Natural Resource Management is not part of the asset registers prepared for Integrated Planning and Reporting. The Natural Resource Management assets are of significance to the region. It would be beneficial to account for the Natural Estate. Requested we look at the ability to set up a register for our natural resources so they can be accounted for in an 'accounting' format.

- 9** **SUSTAINABLE HOUSE OPENING (21.00109)**

**Cr Carpenter** - advised this occurs this Sunday. Noted the built environment community are opening up five other houses.

- 10** **AUSTRALIAN FASHION BEAUTY PAGEANT (23.00026)**

**Cr Thompson** - advised that it will be held in the next year with June Dally-Watkins. Would like to see the Bathurst Business Chamber involved. Tabled relevant letter.

- 11** **BATHURST RSL FISHING CLUB (32.00005)**

**Cr Westman** - advised of the club's interest in a wharf being constructed at Chifley Dam. Have there been any discussions held on this?

The **Director Engineering Services** gave a history of proposed fishing platform. Discussions are occurring, major issue is location proposed. Also referred to proposed clubhouse by the club.

- 12** **EISTEDDFOD (18.00141)**

**Cr Morse** - advised has received complaints from the public about the cost of attending the Eisteddfod. Last year Bathurst Regional Council subsidised the event to approximately \$40,000. Also the Eisteddfod raises money through catering. Can we get a report on the finances of the Eisteddfod Society.

**13      FIRE BRIGADE TRAINING AREA LEARMONTH PARK (04.00033)**

**Cr Aubin** - advised that after heavy rain there are drainage problems with this area. Can we look at undertaking drainage works in this location.

**14      BEAUTIFICATION - CITY ENTRANCES (13.00056)**

**Cr Aubin** -asked where are we up to with this process. In particular areas such as near the RTA and Basketball Stadium.

The **Director Environmental Planning & Building Services** spoke to the signage strategy which will be reported to Council in the near future.

**15      SUNNY CORNER - SIGNAGE (22.13915 & 28.00007)**

**Cr North** - has received concerns about names of streets at Sunny Corner, eg. Mitchell Street and Austral Street. Can Council have a look at this, tabled a letter concerning this matter.

**16      ST PATS CLUB - SPORTING CLUBS (22.01560)**

**Cr North** - tabled letter from St Pats Junior Cricket Club about support for an alternate venue should they be unable to continue utilising St Pats sporting fields.

**17      24 HOUR FIRE STATION (22.07106)**

**Cr North** - pleased to note that funding for 24 Hour Fire Station has been provided for in the State budget.

**18      CAR PARKING - BMEC COUNCILLORS SPACE (21.00061)**

**Cr North** - asked if we can review the need for the Councillors car space at BMEC.

**19      CORRECTIVE SERVICES - CLOSURE KIRKCONNELL GAOL (18.00202)**

**Cr North** - spoke to the closure by State Government and impact on people and the community.

**20      TOOWOOMBA 04.00001)**

**Cr North** - requested Joe Romano be invited to the V8 race due to the help he provided during the Queensland Flood Appeal.

**21      RELIANCE CREDIT UNION - PARKING (28.00006)**

**Cr Bourke** - advised of need for a ten minute loading zone behind Reliance Credit Union, can we look at this? Could Council contact the relevant owner in this location.

The **Manager Environment** spoke of laws in place concerning loading zones and use thereof, also width of laneway is a problem. Further investigations are occurring.

**22      POPULARLY ELECTED MAYOR (12.00005)**

**Cr Bourke** - requested a report to October meeting on the procedures required to put in place a popularly elected Mayor.

**MEETING CLOSE**

**23      MEETING CLOSE**

The Meeting closed at 5.33 pm.

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

**Date:** \_\_\_\_\_ **(21 September 2011)**



ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 21 SEPTEMBER 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2011 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 6 September 2011 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held 6 September 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

**41    Item 1    MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2011**  
**(07.00006)**

**The Mayor resumed the Chair:**

**Cr Thompson declared a non-pecuniary interest in Item #5 Minute #9 but remained in the Chamber.**

**Reason: Relatives living in street.**

**Cr Hanger declared a non-pecuniary interest in Item #5 Minute #9 but remained in the Chamber.**

**Reason: Has family that live in Delaware Crescent.**

**RESOLVED:** That Council not approve the B-Double route application for Delaware Crescent.

**MINUTE**

**40    Item 1    MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2011**  
**(07.00006)**

**MOVED: I North SECONDED: P Toole**

**Cr Westman declared a pecuniary interest in Item #7 Minute #11, left the Chamber and took no part in discussion or voting.**

**Reason: Operates a bicycle shop in Bathurst and involved in the event**

**The Mayor vacated the Chair.**

**The Deputy Mayor, Cr Carpenter, took the Chair.**

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 6 September 2011 be adopted except Minute #9 Item #5 - Delaware Crescent.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 6 SEPTEMBER 2011**

**2 PM MEETING COMMENCES**

**1 PRESENT**

**Members:** Cr Warren Aubin (BRC), Richard Dunbar (RTA), Luke Cole (Police), David Veness (MP Representative)

**Present:** Director Engineering Services, Investigation & Design Engineer, Tablelands Area Road Safety Officer.

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 AUGUST 2011 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 2 August 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 2 AUGUST 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 TEMPORARY BUS ZONES FOR 2011 SUPERCHEAP AUTO BATHURST 1000 (28.00022)**

That Council approve the request for temporary bus zones to be put in place for Jones Bros Bus Company for the duration of the 2011 Supercheap Auto Bathurst 1000 weekend.

**8 Item 4 GILMOUR STREET PEDESTRIAN REFUGE BATHURST (25.00031)**

That Council approve the installation of a Pedestrian Refuge on Gilmour Street approximately 200 metres south of the intersection with Marsden Lane and Hereford Street.

**9 Item 5 B-DOUBLE ROUTE – DELAWARE CRESCENT (28.00012)**

That Council approve the B-double route application for Delaware Crescent for the purpose of allowing the resident to park his vehicle within the boundaries of 8 Delaware Crescent and include the following conditions:

- (a) That only a left turn in off the Mid Western Highway and a left turn out onto the Mid Western Highway is permitted.
- (b) That all parking and turning manoeuvres be conducted within the boundary and hardstand of 8 Delaware Crescent (Lot 81 DP 1026448).

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

**10 Item 6 2011 NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT (09.00024-29)**

That Council classify the 2011 NSW Aboriginal Rugby League Knockout to be held from 30 September to 3 October 2011, as a Class 2 event, and the event be approved subject to conditions as detailed in the Director Engineering Services' Report.

**11 Item 7 2011 BATHURST REGIONAL COUNCIL MT PANORAMA CYCLING FESTIVAL (04.00009)**

That Council approve the 2011 Mt Panorama Cycling Festival which is a Council run event to be held from Thursday 24 to Saturday 26 November 2011. The events on 24 and 25 November are to be classified as Class 2 and the event being held on 26 November is to be a Class 4 event, and approved subject to conditions decided by the Traffic Committee.

**12 Item 8 SUPERCHEAP 1000 TRAFFIC MANAGEMENT PLAN (04.00001)**

That Council adopt the following zones and restrictions as part of the Traffic Management Plan for the 2012 Supercheap 1000:

- Havannah Street – 'No Stopping' between College Rd and Rocket Street on the North Western side on Sunday 9 October 2011 only.
- Havannah Street – 'No Stopping' between Panorama Avenue and College Road both sides from Wednesday 5 October to Sunday 9 October 2011 inclusive.
- Panorama Avenue – 'No Stopping' between Havannah Street and Charles Sturt

University (CSU) main Entrance both sides from Wednesday 5 October to Sunday 9 October 2011 inclusive.

- Panorama Avenue – ‘No Stopping’ between CSU main entrance and Browning Street on the north western side on Saturday 8 and Sunday 9 October 2011.
- Lloyds Road closure to west bound traffic at the intersection of Havannah Street on Friday 7 October to Sunday 9 October 2011 inclusive.

### **TRAFFIC REGISTER**

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

That the information be noted.

### **MEETING CLOSE**

**14**      **MEETING CLOSE**

The Meeting closed at 2.45 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DELEGATES REPORTS



**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL  
COUNCIL MEETING HELD ON 21 SEPTEMBER 2011**

General Manager  
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10  
AUGUST 2011. (11.00019)**

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

**Report:** **Present:** Crs North (Chair), Aubin, Bourke, Carpenter, Hanger, Morse, Thompson, Westman.

**In attendance:** General Manager, Director Engineering Services, Director Environmental Planning and Building Services, Acting Director Corporate Services & Finance, Director Cultural & Community Services, Manager Recreation, Manager Environment.

**APOLOGIES:** Cr Toole.

**1. BATHURST SEYMOUR CENTRE (22.00185)**

Terisa Ashworth, Manager of the Bathurst Seymour Centre, attended the meeting to give Council an update of the services provided by the Seymour Centre and how the Centre operates.

- Seymour Centre commenced approximately 31 years ago and originally was a volunteer Church based service.
- Approximately 18 years ago this changed and it began to receive Government Funds to provide the services.
- Staffing consists of paid and voluntary staff members.
- It offers an environment to enjoy social interaction activities, leisure and outings and respite care.
- It is a Centre based Day Care Centre for people who are frail, aged or with disabilities and their carers and operates Monday -Friday 8.30am - 5.00pm.
- Some of the groups that operate from the Centre are: Seymour Centre Carers Group, Seymour Centre Mens' Shed, Thursday evening group for people with a disability, NEC Broadband for Seniors Kiosk, Vision Impaired Support Group.
- The Centre has developed an Older Persons Guide to Bathurst.

**2. CENTRAL WEST CATCHMENT MANAGEMENT AUTHORITY - CATCHMENT  
ACTION PLAN (07.00047)**

Diana Kureen and Ian Rogan from the Central West Catchment Management Authority attended the meeting to give Council an update on the Catchment Management Authority Action Plan.

- It is a Regional Natural Resource management document.
- Needs to align with Council's strategic plans, LEP and DCPs.
- The Plan was developed following workshops held with Landcare, Local Government, Aboriginal Communities and State Agencies.
- 500 natural assets were identified throughout the Catchment area.
- Also gave a brief outline of how the plan was developed and the outcomes expected as part of the Catchment Action Plan Implementation.

### **3. PANTHERS BATHURST (22.01429)**

Norm Mann, Tim Geyer and John Fearnley from the Panthers Group attended the meeting to give Council an update on the activities of Panthers over the last 12 months.

**Financial Implications:** N/A

**MINUTE**

**42 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES - 10 AUGUST 2011. (11.00019)**

**MOVED: B Bourke SECONDED: P Toole**

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

**2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 AUGUST 2011**  
**MINUTES (23.00080)**

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

**Report:** The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 2 August 2011 are provided at **attachment 1**.

**Financial Implications:** N/A

**MINUTE**

**43 Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2**  
**AUGUST 2011 MINUTES (23.00080)**

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

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

**3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL MEETING - 21 JULY 2011 (11.00020)**

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

**Report: MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON THURSDAY, 21 JULY 2011 AT 11.15AM**

**PRESENT:** Mitchell Dwyer (Youth Mayor), Eric Mayhew, Nathan Inwood, Liz Pickford, Zack Marlan, Caitlin Sharp, Dominica Condon, Kanja le Roux, Hayden Callan, Anne Murray, Melinda Nockles, Jess Seaman, Ryan Fitch, Laura Cole, Carmen Stassen, Hugo Newell

**IN ATTENDANCE:** Cr Ian North, Kiri Armstrong, Robyn Doig (Youth Development Officers).

**1. APOLOGIES**

**RESOLVED** that the apologies from Cr Bobby Bourke, Cr Tracey Carpenter, Cr Graeme Hanger be accepted.

Apology from Hugo Newell who will be late and Liz Pickford for having to leave at 2.00 pm.

**2. ADOPTION OF PREVIOUS MINUTES**

**RESOLVED** that the minutes of the meeting held on 12 May 2011 be accepted, subject to at Item 7(e) Youth Week Launch noting the inclusion of Carmen Stassen as attending the launch.

**MOVED** Ryan Fitch and **SECONDED** Nathan Inwood.

**3. BUSINESS ARISING FROM PREVIOUS MINUTES**

**Update Item 7 (a) Short Film** – Kiri Armstrong updated meeting on her attendance at the Youth Network meeting in Orange. Kiri was accompanied by Narelle Stocks from headspace and made a presentation on the resource pack being put together about underage drinking.

Advice was given that headspace will be producing the package which will be trialled in Denison College – Bathurst High campus.

Hugo Newell arrived at 11.25 am.

**4. YOUTH COUNCILLOR RESIGNATION**

Advice was given that Lauren Inwood had resigned from the Youth Council due to school and other commitments.

**RESOLVED** that the resignation received from Lauren Inwood be noted.

**5. DEBRIEF – DANCE PARTY 25 JUNE 2011**

Discussions took place about the dance party, with the following comments offered:

- 368 people attended the evening.
- A lot of people chose not to dance or dress up.
- There was too many younger people that attended (suggested that in future separate age groups).
- Some commented that the DJ`s music was not very good.
- Anne Murray commented that a large range of people said they had a good time.
- Some people were unhappy that the doors shut early.
- Security Guards did not check bags thoroughly enough as some people brought alcohol in and some people who had previously been drinking were let in.

Cr Ian North arrived at 11.30 am.

- Next time we hold an event similar to this would it be suitable to have the police there the whole time and possibility of having Police standing at the entry checking bags.
- Cr Ian North suggested the use of staff from PCYC to attend future events – have a better rapport with young people.
- Four people were directly told to leave the event.
- The dance party was fairly incident free – in comparison to dance parties in previous years.
- Stronger guidelines and better plans will need to be organised for next year
- Majority of the older people were the people that didn't enjoy the dance party
- The dance party was bad timing as it clashed with school holidays.
- Security guards need to be clearer in communicating with patrons.
- Police officers did patrol the dance party for a short time.
- Theme of the dance party was a problem – no theme next time.
- Suggested add something else as part of event, ie temporary tattoo artist, pinball machines, have a DJ and a band, professional photograph or photobooth.
- Cloak room was very full and difficult to find items. Suggest that in future items be set up in a conference room with better lighting.
- Would be good to hold another dance party this year.

## **6. YAPA FILM COMPETITION UPDATE**

- YAPA film competition has been put back to weekend of 27 and 28 August.
- Posters were viewed and amended. Colour combinations – it was agreed red posters worked better than white poster.
- Promotion will be at Stockland and Chase Shopping Centre. Roster to be organised by Laura Cole.
- \$20 sponsorship received from Target.
- Bing Lee and Good Guys to be approached. Eric Mayhew will check with Eagle Boys and Jess Seaman with Coles.
- Metro Cinema vouchers already available.
- Letters of introduction to be printed for Ryan Fitch, Jess Seaman, Kanja le Roux and Mitchell Dwyer.
- Nathan Inwood and Mitchell Dwyer to make appointment at Western Advocate.
- Website ready to go live.

## **7. GENERAL BUSINESS**

### **(a) Photos**

- Photos of Youth Council to be updated and the location will be Machattie Park. Sue Cady will take photos.

Cr Ian North left meeting at 12 noon.

**(b) Attendance a meetings**

- Carmen addressed meeting about the Youth Council Code of Conduct and how important it was that members of the Youth Council turn up for meetings, particularly working party meetings.
- Concern was expressed that only a few people were turning up where important decisions were being made.
- It is important to let someone know if you are not able to attend a meeting. If you cannot attend but have some ideas or suggestions, let someone know about them.
- Working party meetings have been changed to Mondays which suits more people.
- Communicating by Facebook is a good way of advising of attendance.

**(c) Youth Magazine**

- Project will continue at some stage and Ryan Fitch would like everyone involved. If not completed this year, it may be completed early next year.

**(d) Youth “Conversation”**

- The meeting was advised of money which Council has allocated for a Youth Strategy or “Conversation” with youth in Bathurst. Ideas were sought on the best way of communicating with young people to find out what they really want in terms of entertainment, services, etc.
- Suggestion of a “forum” at BMEC where young people could meet and discuss issues and concerns they have.
- Important to include a cross section of youth from within Bathurst, including schools, service providers, university, TAFE, etc.
- Information could be set up on a forum site for postings.
- Could be run through SRC or presented at school assemblies.

**(e) Young People’s Advisory Committee (YPAC)**

- Nathan Inwood advised of his attendance at the judging of the Youth Week Local Government Awards.

**(f) Council meeting**

- Hugo and Mitchell advised they would be attending a Council meeting to get some ideas on chairing meetings. Details will be circulated to members of the Youth Council on a suitable date to attend the meeting, suggested meeting date, 6 August 2011 at 6 pm.

**8. NEXT MEETING**



The next meeting will be on Thursday, 8 September 2011 at 11:15 am.

**9. MEETING CLOSE**

There being no further business, the meeting closed at 12:22 pm.

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

**MINUTE**

**44 Item 3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL MEETING - 21 JULY 2011 (11.00020)**

**MOVED: T Carpenter SECONDED: P Toole**

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

**MINUTE**

**45 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL MINUTES**

**MOVED: P Toole SECONDED: 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 Environmental Planning & Building Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND AND ENVIRONMENT COURT PROCEEDINGS - XJS WORLD ATS BATHURST REGIONAL COUNCIL	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2	LAND IMPROVEMENT AWARDS	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND RELEASE - EVERNDEN ROAD, BLAXLAND DRIVE AND WESTBOURNE DRIVE - NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGES 11 AND 12	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	RESIDENTIAL LEASE - 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.
3	RENEWAL OF LICENCE AGREEMENT - CHURCH 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.
4	RENEWAL OF LICENCE AGREEMENT - STEPHENS 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.
5	LOCAL GOVERNMENT FINANCIAL SERVICES	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council’s position in negotiating commercial and or financial arrangements.
6	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ROAD WIDENING AT PORTION 70 DP755785 TURONDALE ROAD, DURAMANA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED PARTIAL CLOSURE OF ROAD AND CONSOLIDATION OF LOT 45 DP806142 DENISON ROAD, SOFALA	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	NETWASTE QUOTATION 145/534/987/3 – QUOTATION FOR NETWASTE REGIONAL HOUSEHOLD CHEMICAL COLLECTION	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 SUPPLY AND DELIVERY OF 2 X 4495 GVM TRUCKS, 1 X 4495 GVM CREW CAB TRUCK, 1 X 8000 GVM CREW CAB TIPPER AND 1 X 7500 GVM CREW CAB TRUCK WITH TAIL GATE 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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' CONFIDENTIAL MINUTES  
21 SEPTEMBER 2011

**MINUTE**

**a Item 1 LAND AND ENVIRONMENT COURT PROCEEDINGS - XJS WORLD ATS BATHURST REGIONAL COUNCIL (34.00069)**

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

**That** Council continue to pursue its costs (as agreed or assessed) associated with defending the appeal lodged by XJS World Pty Ltd.



**MINUTE**

**b     Item 2   LAND IMPROVEMENT AWARDS (13.00064)**

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

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

**Reason: Has commercial dealings with some of the applicants.**

**That Council:**

- (a) award the 2010/11 Land Improvement Awards grants to:
  - i) Hen & Chicken Lane Biodiversity Corridor for \$6,000.00 (ex GST), and
  - ii) Kingarra Gully Revegetation Project for \$9,524.00 (ex GST);
- (b) launch the 2011/12 Land Improvement Awards in October 2011, with applications to close in November 2011.
- (c) nominate Councillor Carpenter to be a member of the assessment panel for the 2011/12 program.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES  
21 SEPTEMBER 2011

**MINUTE**

**c Item 1 LAND RELEASE - EVERNDEN ROAD, BLAXLAND DRIVE AND WESTBOURNE DRIVE - NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGES 11 AND 12 (20.00085)**

**MOVED: W Aubin SECONDED: P Toole**

**That Council:**

- (a) approve the release for sale of forty-three (43) lots, namely Lots 1104 -1146 in a subdivision of Lot 629 DP1164690 located on Evernden Road, Blaxland Drive and Westbourne Drive in the new residential subdivision to be known as Llanarth Stages 11 and 12, under the ballot system.
- (b) approve the sale prices as detailed in the report.

**MINUTE**

d Item 2 RESIDENTIAL LEASE - 449 CONROD STRAIGHT, MT PANORAMA (22.04682)

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

**Cr Bourke declared a non-pecuniary interest in this item but remained in the Chamber.**

**Reason: One of the tenants mother works at Op Shop.**

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

**Reason: Undertakes work for one of the tenants.**

**That Council approves entering into a new residential lease with Jason Price , Josie Fry-Larking, Lawrence and Margaret Price for Lot G DP161903 known as 449 Conrod Straight, Mt Panorama, for a period of one (1) year only at a lease fee of \$450 per week plus annual CPI adjustments.**

**MINUTE**

**e Item 3 RENEWAL OF LICENCE AGREEMENT - CHURCH LANE KELSO**  
**(21.00022)**

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

**That** Council approves entering into a new licence agreement for Lot 1 DP792363 located on Church Lane, Kelso with Mr Ken and Mrs Helen Jeffers for a period of two (2) years at a lease fee of \$617.32 per annum plus annual CPI adjustments detailed in the report.

**MINUTE**

f **Item 4 RENEWAL OF LICENCE AGREEMENT - STEPHENS LANE KELSO**  
**(21.00022)**

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

**That** Council approves entering into a new licence agreement with Mr John Corby for Lot 2 DP154468 located on Stephens Lane Kelso for a period of two (2) years at a lease fee of \$75.00 per annum plus annual CPI increases as detailed in the report.

**MINUTE**

**g** Item 5 LOCAL GOVERNMENT FINANCIAL SERVICES (34.00057)

MOVED: T Carpenter SECONDED: P Toole

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

**MINUTE**

h **Item 6 TRACKCORP ADRENALIN PTY LTD (04.00110, 34.00065)**

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

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



ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES  
21 SEPTEMBER 2011

**MINUTE**

**i Item 1 PROPOSED ROAD WIDENING AT PORTION 70 DP755785  
TURONDALE ROAD, DURAMANA (25.00340)**

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

**That** Council approve the acquisition of land for road widening purposes affecting Portion 70 DP755785 at Turondale Road, Duramana and classify the land as Operational, as detailed in the Director Engineering Services' report.

**MINUTE**

**j     Item 2   PROPOSED PARTIAL CLOSURE OF ROAD AND CONSOLIDATION OF  
LOT 45 DP806142 DENISON ROAD, SOFALA (22.10938 and 25.00280)**

**MOVED: R Thompson SECONDED: P Toole**

**That Council:**

- (a) approve the partial closure of Denison Street, Sofala for consolidation with Lot 45 DP806142 and classify the road closure land transferred from The Crown as Operational land;
- (b) not support the closure of the unconstructed Crown Road east of Lot 45 DP806142 as detailed in the Director Engineering Services' report.

**MINUTE**

**k Item 3 NETWASTE QUOTATION 145/534/987/3 – QUOTATION FOR NETWASTE REGIONAL HOUSEHOLD CHEMICAL COLLECTION (14.00007)**

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

**That** Council act in accordance with the Director Engineering Service's report.

## MINUTE

**I Item 4 TENDER FOR SUPPLY AND DELIVERY OF 2 X 4495 GVM TRUCKS, 1 X 4495 GVM CREW CAB TRUCK, 1 X 8000 GVM CREW CAB TIPPER AND 1 X 7500 GVM CREW CAB TRUCK WITH TAIL GATE LOADER. (36.00433)**

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

**That** Council purchase the trucks and accept the trade offers from the following:

- (a) Item 1 - Purchase Fuso 515 Canter from West Orange Motors and accept the trade also from this company.
- (b) Item 2 - Purchase Fuso 515 Canter from West Orange Motors and accept the trade also from this company.
- (c) Item 3 - Purchase Isuzu NPR250 Crew Cab from Tracserv Trucks and accept the trade also from this company.
- (d) Item 4 - Purchase Fuso Canter 918 Crew Cab from West Orange Motors and accept the trade also from this company.
- (e) Item 5 - Purchase Fuso Canter 918 Crew Cab from West Orange Motors and accept the trade also from this company.

**MINUTE**

**46**    **RESOLVE INTO OPEN COUNCIL**  
**MOVED: R Thompson SECONDED: P Toole**

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

**MINUTE**

**47     ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: T Carpenter SECONDED: R Thompson**

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

**MINUTE**

**48    MEETING CLOSE**

The Meeting closed at 8.20 pm.

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

**Date:** \_\_\_\_\_ **(19 October 2011)**