



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

11 May 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, 18 May 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, 18 MAY 2011**

1. 6.00 PM - MEETING COMMENCES
2. PUBLIC QUESTION TIME
3. PRAYER  
Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.
4. APOLOGIES
5. MINUTES
  - \* Minutes - Ordinary Meeting of Bathurst Regional Council - 20 April 2011
  - \* Minutes - Ordinary Meeting of Council Following Policy Committee - 4 May 2011
6. DECLARATION OF INTEREST  
To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.
7. MAYORAL MINUTE - Nil
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
  - \* Director Environmental Planning & Building Services' Report
  - \* Director Corporate Services & Finance's Report
  - \* Director Cultural & Community Services' Report
  - \* General Manager's Report
9. REPORTS OF OTHER COMMITTEES
  - \* Minutes - Policy Committee Meeting - 4 May 2011
  - \* Minutes - Traffic Committee Meeting - 3 May 2011
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil
12. DELEGATES REPORTS

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

**Recommendation:** That:

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

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

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

**\* Mayoral Minute**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	EXTENSION OF V8 SUPERCAR CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR FINANCIAL ASSISTANCE - LIONS CLUB OF BATHURST INC	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	LEGAL ACTION WITH 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.
3	CONTRACTUAL AGREEMENT BETWEEN BATHURST REGIONAL COUNCIL AND SPRING CAR NATIONALS	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
4	BATHURST 75 FOOTBALL CLUB FINANCIAL POSITION	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	TENDER FOR PROVISION OF LABOUR AND EQUIPMENT - MOWING MAINTENANCE CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

		commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED TRANSFER OF LOTS 13 AND 14 DP1049399 EGLINTON ROAD LLANARTH	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.
3	RELEASE AND CREATION OF RIGHT OF CARRIAGEWAY VARIABLE WIDTH - LOT 111 DP1145879 CARLYLE AVENUE LLANARTH	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	COMPULSORY ACQUISITION LOT 94 DP8799007 EGLINTON ROAD EGLINTON	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	COMPULSORY ACQUISITION - LOT 11 DP814483 SYDNEY ROAD	10A (2) (c) – contains information that would, if disclosed, confer a

	KELSO	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	TENDER FOR CONSTRUCTION OF AFL CLUBHOUSE, GEORGE PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	TENDER FOR CONSTRUCTION BOX CULVERT AND ROAD WORKS, SCHUMACHERS ROAD TRIANGLE FLAT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	TENDER FOR CLEANING OF PUBLIC TOILETS	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.
9	TENDER FOR PROVISION OF SANITARY SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

		commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT BERRY PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
11	TENDER FOR ROAD STABILISING WORK	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.
12	TENDERS FOR PROVISION OF TRAFFIC CONTROL SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
13	TENDERS FOR SPRAYED BITUMINOUS SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
14	PROPOSED ACQUISITION FOR DIVERSION CHANNEL AND ROAD SIGNAGE, PART LOT 10 DP814483, AND THE TRANSFER OF PART LOT 1 DP1086580, GREAT WESTERN HIGHWAY (SYDNEY ROAD), 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.
15	TENDER FOR PREFERRED CONTRACTORS LIST	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.
16	TENDER FOR 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.

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, Morse, North, Thompson, Westman

## MINUTE

### 2 PUBLIC QUESTION TIME

**D Tyson** – History of Bathurst Saleyards - DCSF Item #7 - Spoke to request for funds to produce a book on the history of the Bathurst Saleyards. Asked Council to kindly consider the request, funds raised will go to Glenray.

**M. Watts** – Development Application 129 Stewart Street - DEPBS Item #3 - Spoke to Development Application before Council and cost of repairs. Notes how development will be put together and comply with infill policy and heritage values.

**G Crisp** – Ratepayer - Raised a number of issues including; money stolen from his superannuation, contacting of Police and says prosecution will be occurring, spoke to legislative requirements concerning actions of Councillors and staff.

**B Triming** – Resident & Disability Advocate - GM Item #1 - Spoke to report where survey for 2010/2011 will not occur and funds will be transferred to little Scallywags facility. Has concern the survey will be scrapped and asks Council not to agree to the proposal. Raised issues about Council budget allocations including areas such as footpaths, cycle facility and compliance with access laws. Asked when will the plans of the velodrome be made available to the public.

## MINUTE

### 3 APOLOGIES MOVED: I North SECONDED: B Bourke

**RESOLVED:** That the apology from Cr Hanger for late arrival to the meeting be accepted and leave of absence granted.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MINUTES

**MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**MEETING HELD ON 18 MAY 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 APRIL 2011 (11.00005)**

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

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 20 April 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 20 APRIL 2011 (11.00005)**

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

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

**2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE -  
4 MAY 2011 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 4 May 2011 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Council following Policy Committee held on 4 May 2011, are attached.

**Financial Implications:** N/A



**MINUTE**

**5 Item 2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE - 4 MAY 2011 (11.00005)**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 4 May 2011 be adopted.

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

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

**Dowling** - Ratepayer - Raised the following matters:

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

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

**B Trimming** - Ratepayer - Raised the following matters:

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

**D Killiby** - Ratepayer - **DEPBS Item #3** - Spoke to the development proposed and in particular parking requirements for the site. Will monitor parking requirements and noted there is space to cater for more parking if needed. Further, advised of

village rules for the site to control behaviour on the site eg residential advisors, Res-Life program, standards expected.

### **APOLOGIES**

#### **3 APOLOGIES**

Nil

### **MINUTES**

#### **4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 MARCH 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 16 March 2011 be adopted.

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

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

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

#### **6 Item 2.01 ACT OF DISORDER**

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

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

### **DECLARATION OF INTEREST**

#### **7 DECLARATION OF INTEREST 11.00002**

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

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

Cr Thompson

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

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

### **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

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

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

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

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

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

**RESOLVED:** That Council:

- (a) Support the use of Clause 24 (1) – Conservation incentives permitting a Boarding House in the 5(a) Special Uses – Public Purpose zone;
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No 2010/0945, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) All the required restoration and maintenance works identified in Section 7.4: Maintenance, of the *Summary Conservation Management Plan + Heritage Impact Statement – Adaptive Reuse for "All Hallows" Convent and School*, are to be carried out and completed as part of Stages 1 and 2 of the proposal.
  - (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

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

- (iii) The external materials to be used in the proposed development are to compliment those used on the existing building. The submission of a letter or a report, rendered drawings, manufacturer's brochures and/or samples sufficient to detail the types and colours of the external materials to be used in the construction are to be approved by Council.
- (iv) The developer is to discuss parking requirements (with Council) for subsequent stages of the development, in accordance with the suggestions made in correspondence dated 11 April 2011 and signed by Dion Killiby on behalf of the developer. Council in consultation with the developer/owner will monitor

parking requirements for 12 months following completion of stage one of the development, and the developer will agree to increase the number of parking spaces (if required) to a reasonable number as agreed between both parties for subsequent stages.

- (c) notify those who made submissions of its decision; and
- (d) call a division.

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

**The result of the division was:**

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

Against the motion - Cr G Hanger

Absent - Nil

Abstain - Nil

**11**

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

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0038, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) Prior to the commencement of demolition the applicant is to submit to Council a photographic record of the three dwellings;
  - (ii) Prior to the issue of the Construction Certificate for the infill development the applicant is to submit to Council for approval details of colours, materials and finishes;
  - (iii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1997, recorded, and details given to Council prior to the continuing of works.

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

- (iv) The historical connection of Edward Austin with the dual occupancy proposed to be demolished and the site is to be recorded through appropriate interpretive signage which is to be incorporated as part of the new medical centre. The text of the signage is to be approved by Council's Heritage Advisor and the signage is to be erected within six (6) months of the issue of the Occupation Certificate; and

- (v) The roof elevation to Durham Street is to be redesigned to include a central gable.
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**12**

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

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0924, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1997, recorded, and details given to Council prior to the continuing of works.
 

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, Department of Planning, prior to the disturbance of the archaeological relics.
  - (ii) The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.
  - (iii) The applicant is to install a solid fence along the boundary of those adjoining properties facing Durham Street that is consistent with the submitted acoustics report.
  - (iv) The applicant is to install a fence along Rankin Street between the parking area and the street to provide visual interest to the streetscape, to the satisfaction of the Director Environmental, Planning & Building Services.

- (v) Prior to the issue of the construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:
- a) Traffic management, including:
    - i) Loading, unloading area and material storage areas;
    - ii) Access to adjoining properties; and
    - iii) Parking areas (for construction workers and surrounding properties);
  - b) Noise;
  - c) Dust;
  - d) Stabilisation and monitoring of adjoining buildings;
  - e) Vibration; and
  - f) Proposed methods of communication, including:
    - i) Communication with adjoining property owners;
    - ii) Communication with the general public; and
    - iii) Complaints management.

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

(c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

**13**

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

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

**RESOLVED:** That Council:

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

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Nil

Abstain - Nil





**BUDGET (16.00121)****MOVED** Cr G Westmanand **SECONDED** Cr R Thompson**RESOLVED:** That the information be noted and any variations to income and expenditure be voted.**19****Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)****MOVED** Cr W Aubinand **SECONDED** Cr M Morse**RESOLVED:** That the information be noted and any additional expenditure be voted.**20****Item 4 POWER OF ATTORNEY (11.00007)****MOVED** Cr G Hangerand **SECONDED** Cr G Westman**RESOLVED:** That the information be noted.**21****Item 5 AUSTRALIA DAY ACTIVITIES 2011 (23.00033)****MOVED** Cr I Northand **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**22****Item 6 NEW YEARS EVE PARTY IN THE PARK 2011 (23.00131)****MOVED** Cr B Bourkeand **SECONDED** Cr G Westman**RESOLVED:** That the information be noted.**23****Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST AH&P ASSOCIATION INC. (18.00004, 41.00089)****MOVED** Cr R Thompsonand **SECONDED** Cr B Bourke**Cr Thompson declared a non pecuniary interest in this item.****Reason: Paid up member AH&P with extensive history of involvement in the Bathurst Show.****RESOLVED:** That Council:

1. Include in the management plan for 2011/12:
  - (a) Funds to maintain the current sponsorship of the Royal Bathurst Show Supreme exhibits, (\$1,000).
  - (b) Major sponsorship funding of the community stage or a similar major section of the Royal Bathurst Show, (\$5,000).
1. Nominate a duty Councillor to the AH&P.
2. Include reference to the AH&P in tourism and promotion planning generally and specifically with the Autumn Program brochure.
3. Provide assistance by way of:
  - (a) Loan of 370 metres of parawebbing

- (b) Loan of 140 star pickets with caps and picket remover machine
- 4. Erect a fence along length of Kendall Avenue on Morse Park side of road to deter pedestrians crossing highway.
- 5. Erect fencing to protect cricket pitches on Morse Park.

To be funded from section 356 donations.

**24 Item 8 CENTROC REGIONAL SUMMIT - USE OF MOUNT PANORAMA (18.00004 07.00017)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

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

**25 Item 9 USE OF BATHURST CITY COAT OF ARMS - AUSTRALIAN AIR FORCE CADETS (23.00017)**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

**RESOLVED:** That Council:

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

**26 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (18.00004-23/125)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr I North

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

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

**RESOLVED:** That Council not agree to waiving the fees.

**28 Item 12 REGIONAL SOCCER FACILITY PROCTOR PARK (04.00044)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

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

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

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

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

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

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

**Director Engineering Services' Report**

**31** **Item 1 CLEAN-UP AUSTRALIA DAY (13.00006)**

**MOVED** Cr T Carpenter and **SECONDED** Cr R Thompson

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

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

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

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

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

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

**RESOLVED:** That Council:

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

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

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

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

**Director Cultural & Community Services' Report**

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

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

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

- 36** **Item 2 2010/2011 RURAL VILLAGE INFRASTRUCTURE IMPROVEMENT PROGRAM - HILL END & TAMBAROORA PROGRESS ASSOCIATION (16.00104)**  
**MOVED** Cr I North and **SECONDED** Cr R Thompson

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

- 37** **Item 3 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS (16.00107)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

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

- 38** **Item 4 THE AUSTRALIAN FOSSIL & MINERAL MUSEUM - HOME OF THE SOMERVILLE COLLECTION (20.00060)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Morse

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

- 39** **Item 5 COMMUNITY SERVICES EVENTS - MARCH AND APRIL 2011 (23.00026, 09.00032, 07.00016, 23.00047)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

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

- 40** **Item 6 REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP) ROUND 2- REALLOCATION OF FUNDS (16.00120)**  
**MOVED** Cr R Thompson and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council:

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

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

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

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

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

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

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

**REPORTS OF OTHER COMMITTEES**

**Climate Change Committee**

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

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

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

**Policy Committee Meeting**

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

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

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

**Traffic Committee Meeting**

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

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

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

**DELEGATES REPORTS**

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

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

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

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

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

**RESOLVED:** That Council:

(a) Note the information; and

- (b) Adopt the membership for the Bathurst Regional Youth Council for 2011.

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

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

**MOVED** Cr M Morse

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.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED PURCHASE OF LAND, LLOYDS ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	EARLY REPAYMENT OF LOANS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be

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

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

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



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



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

Reason: Involves persons with whom the Councillor conducts business.

That Council approves entering into a new licence agreement with David Loudoun-Shand for Lot 11 in DP857116 located on Laffing Waters Lane, Kelso for a period of three (3) years at a yearly lease fee of \$18,100.00 per annum plus annual CPI increases as detailed in the report.

### Director Engineering Services' Report

- g** Item 1 TENDER FOR PROVISION OF HOUSEHOLD HAZARDOUS WASTE STORAGE UNITS (14.00007)  
MOVED Cr G Hanger and SECONDED Cr I North

That Council act in accordance with the Director Engineering Services' report.

- h** Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF ELECTRICAL RETICULATION LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12 (36.00412)  
MOVED Cr B Bourke and SECONDED Cr M Morse

That Council accepts the tender of JLE Electrical, for the design and construction of the electrical reticulation at Llanarth Residential Estate Stages 11 and 12 in the amount of \$189,904.00 Inc. GST subject to adjustments and provisional items.

- i** Item 3 TENDER FOR LLANARTH RESIDENTIAL ESTATE STAGES 11 & 12 CIVIL WORKS (36.00413)  
MOVED Cr G Westman and SECONDED Cr I North

That Council accepts the tender of Bustin' Free Earthworks, for the construction of Civil Works at Llanarth Residential Estate Stages 11 & 12 in the amount of \$1,646,442.50 Inc. GST subject to adjustments and provisional items.

- j** Item 4 TENDER FOR DESIGN DEVELOPMENT & CONSTRUCTION OF SLUDGE LAGOON SUPERNATANT RECYCLE SYSTEM AT BATHURST WATER FILTRATION PLANT (16.00103)  
MOVED Cr T Carpenter and SECONDED Cr M Morse

That Council accepts the tender of Poonindie Pty Ltd for the design development and construction of a Sludge Lagoon Supernatant Recycle System at the Bathurst Water Filtration Plant in the amount of \$801,308.00 inclusive of GST, subject to adjustments and provisional items.

- k** Item 5 TENDER FOR CONSTRUCTION OF CREEK REGRADING WORKS HAWTHORNDEN CREEK BATHURST (36.00409)  
MOVED Cr I North and SECONDED Cr B Bourke

That Council accepts the tender of Hynash Constructions, for the construction of Creek Regrading Works at Hawthornden Creek Bathurst in the amount of \$202,533.00 (incl. GST) subject to adjustments and provisional items.

- l** Item 6 TENDER FOR SUPPLY AND DELIVERY OF ONE CRANE TRUCK

**(36.00410)****MOVED** Cr G Westmanand **SECONDED** Cr G Hanger

That Council:

- (a) accept the tender from West Orange Motors for the purchase of a Hino 1728 XL fitted with body and crane at a price of \$182,003 including GST.
- (b) accept the tender from Brigold Pty Ltd for the purchase of trade vehicle Plant No 221 at a price of \$35,611 including GST.

**m****Item 7 TENDER FOR SUPPLY AND DELIVERY OF ONE WHEEL LOADER****(36.00411)****MOVED** Cr B Bourkeand **SECONDED** Cr M Morse

That Council accept the tender from WesTrac Pty Ltd for a CAT 950H Wheel Loader at a changeover price of \$221,490.76 including GST.

**RESOLVE INTO OPEN COUNCIL****49****RESOLVE INTO OPEN COUNCIL****MOVED** Cr M Morseand **SECONDED** Cr G Westman**RESOLVED:** That Council resume Open Council.**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****50****ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****MOVED** Cr I Northand **SECONDED** Cr T Carpenter

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

**MEETING CLOSE****51****MEETING CLOSE**

The Meeting closed at 7.42 pm.

**CHAIRMAN:** \_\_\_\_\_**Date:** \_\_\_\_\_ **(18 May 2011)**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
HELD ON 4 MAY 2011**

**5.15PM MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**APOLOGIES**

**2 APOLOGIES**

**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That the apologies from Crs Toole & Thompson be accepted and leave of absence granted.

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**4 Item 1 DRAFT 2011/2012 MANAGEMENT PLAN (16.00126)**

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

**RESOLVED:** That Council place the Draft 2011/2012 Management Plan, including the Revenue Policy for 2011/2012, on public exhibition for the statutory 28 day period and receive submissions until 4:00 pm Thursday 2 June 2011.

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

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

**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

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

**There were no representations from the public.**

**RESOLVED:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media

and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER 36.00414 - URBAN DRAINS REVEGETATION PLAN: REVEGETATION PROGRAM	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

**a Item 1 TENDER 36.00414 - URBAN DRAINS REVEGETATION PLAN: REVEGETATION PROGRAM (36.00414)**

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

**RESOLVED:** That Council:

- (a) reject the tenders received in accordance with CI178 (3) of the Local Government (General) Regulation 2005;
- (b) enter into negotiations with both Australian Wetlands Pty Ltd and Toolijooa Environmental Restoration with a view to entering into a contract in relation to the works described in tender 36.00414;
- (c) note that amending the scope of works to allow completion within the available budget would be deemed a significant change to the scope of works and would not be compliant with the requirements of the Local Government (General) Regulation 2005 with regard to considering tenders;
- (d) note that both Australian Wetlands Pty Ltd and Toolijooa Environmental Restoration are both suitably qualified and experienced contractors who have the capacity to complete the works to the required standard; and
- (e) will not release a fresh tender as the project is grant funded and the additional time required would require an extension to the grant program, whereas negotiations can be completed without requiring an extension to the grant.

**RESOLVE INTO OPEN COUNCIL**

- 6**      **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr G Westman                      and **SECONDED** Cr M Morse

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

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

- 7**      **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr B Bourke                      and **SECONDED** Cr T Carpenter

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

**MEETING CLOSE**

- 8**      **MEETING CLOSE**

The Meeting closed at 5.32 pm.

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

**Date:** \_\_\_\_\_ **(18 May 2011)**

**MINUTE**

**6**     **DECLARATION OF INTEREST 11.00002**  
**MOVED: B Bourke** **SECONDED: I North**

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

Cr Carpenter

Item #4 of the Director DEPBS's report

Cr North

Item #12 of the Director DES's Confidential report

Cr Thompson

Item #7 of the Director DCSF's report

Cr Toole

Item #6 of the Director DES's Confidential report

Item #10 of the Director DES's Confidential report

Cr Westman

Item #3 of the Director DEPBS's report



ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
18 MAY 2011

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE  
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 18  
MAY 2011**

General Manager  
Bathurst Regional Council

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

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

**Report:** A copy of Section 79C of the Environmental Planning and Assessment Act 1979 is provided at **attachment 1** to assist Council in the assessment of Development Applications.

**Financial Implications:** Nil.

**MINUTE**

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

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

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

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

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

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

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

**Financial Implications:** Nil.

**MINUTE**

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

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

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

**Cr Hanger arrived at 6.20pm**

**3 DEVELOPMENT APPLICATION NO. 2010/0959 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 5 X 2 BEDROOM UNITS AND 2 X 3 BEDROOM UNITS AT 129 STEWART STREET, BATHURST. APPLICANT & OWNER: M & M WATTS (DA/2010/0959)**

**Recommendation:** That Council:

(a) approve Development Application 2010/0959 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) the applicant is to provide a detailed photographic record of the building to Council prior to demolition; and
- (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

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

(b) call a division.

**Report:** Council has received a request to review its decision to refuse the above Development Application pursuant to the provisions of Section 82A of the Environmental Planning and Assessment Act 1979.

The Development Application was refused by Council at its meeting held 16 March 2011 “due to the heritage significance of the building”. The heritage significant building referred to is the existing dwelling located on the property.

The request to review the refusal was supported by a number of documents comprising:

1. Request for review prepared by the applicants
2. Review of determination – Response to Council report prepared by Ian Rufus
3. Heritage Impact Statement prepared by Rose Deco Planning and Design (previously provided at attachment 5 to the meeting held 16 March 2011)
4. Director Environmental, Planning & Building Services Report to the 16 March 2011 Council meeting
5. Council internal heritage assessment prepared by its Senior Strategic Planner (previously provided as attachment 3 to the meeting held 16 March 2011)
6. Structural Report prepared by Calare Civil
7. Estimate for undertaking building works prepared by D & M Board
8. Estimate for the demolition of the dwelling and associated infrastructure prepared by TPEC
9. Heritage Report prepared by Bathurst Historical Society (included within attachment 5 to the meeting held 16 March 2011)
10. Western Advocate article dated 16 March 2011
11. Building Report prepared by Gillbanks Building
12. Pest Report prepared by Gillbanks Building

The documents (excluding the Heritage Impact Statement, internal heritage assessment and

Heritage Report previously provided to Council) are included at attachment 1.

The development remains unchanged from that previously refused by Council. Plans of the proposed development and a locality plan were included as attachments 1 & 2 to the meeting held 16 March 2011.

### The Site

The subject land is located at 129 Stewart Street, Bathurst. The land is 2023 square metres in size.

On the land is a substantive dwelling house setback approximately 19 -20 metres from Stewart Street. The dwelling was constructed in the 1950's.

A total of 6 trees will need to be removed to accommodate the development.

### Proposed Development

The development involves the demolition of the existing dwelling and associated infrastructure and trees on site and construction in its place 5 x 2 bedroom and 2 x 3 bedroom units.

### Previous consideration by Council

The Development Application was previously the subject of a report by the Director Environmental, Planning & Building Services to Council at its meeting held 16 March 2011. The Director's recommendation was to the effect that Council approve Development Application 2010/0959 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) The applicant is to provide a detailed photographic record of the building to Council prior to demolition; and
- (ii) Any archaeological remains discovered during the demolition are reported to the Heritage Branch, Department of Planning and to Council.

The recommendation was not adopted with Council instead resolving to refuse the Development Application.

### Issues to be resolved

The development was assessed in full against the provisions of Council's Residential Housing DCP as in force at the time of lodgment and was found to comply with the applicable standards.

Consideration of the development will focus upon the only issue of contention that is the heritage significance of the dwelling on the property.

### Heritage status

The subject land is located within the Bathurst Heritage Conservation Area as identified in Bathurst Regional (Interim) Local Environmental Plan 2005.

Clause 23(4) of BRILEP provides that the consent authority should not grant consent on

land that contains a heritage item, is within the vicinity of a heritage item or located within the heritage conservation area unless it is satisfied that the impact of the proposed development is acceptable.

The property does not contain a listed heritage item but is located within the Heritage Conservation Area.

The nearest listed heritage item is Miss Trail's House on the corner of Peel and Russell Streets. It is not suggested that there is any impact upon Miss Trail's House.

**The assessment of the development application relative to the heritage significance of the conservation area was previously discussed in some detail in the previous report to Council. There are no new matters that need to be addressed and accordingly the recommendations made remain unchanged.**

#### Public Notification

In accordance with the requirements of Council's (Interim) Development Control Plan the request for review was re-advertised and re-notified in the same manner as the original Development Application.

In response Council received 4 further submissions. These are included at **attachment 2**.

The issues raised in those submissions are discussed below.

#### **National Trust of Australia**

The National Trust's position is that the dwelling should be retained and incorporated into the development.

The site plan accompanying the submitted plans overlays the proposed development with the footprint of the existing dwelling.

The existing dwelling largely corresponds with the area of proposed Unit 2.

To incorporate the dwelling into the development would include a major redesign including relocation of the driveway to the other side of the allotment. It would obviously not be possible to consider what impact the retention and incorporation would have on the overall significance of the dwelling. Certainly a new unit in front of the dwelling would obscure any view from the street to the existing dwelling.

This option has not been pursued by the applicants and accordingly the Development Application should be determined on the basis of the plans as submitted.

#### **T & W Scott of 148 Peel Street**

148 Peel Street adjoins the rear of the development site.

Raises no objection to the unit development as such but have concerns regarding the impact of the development on 2 eucalypts at the rear of the site.

The development involves the removal of 6 trees inclusive of the 2 large eucalypts mentioned.

Whilst the formal tree preservation order process still remains to be done Council's Parks



and Gardens was previously in general support of the removal of the trees due to future safety concerns.

### **Federation Legal Services on behalf of Units 1 & 3 125 Stewart Street**

125 Stewart Street adjoins the side boundary for approximately half the length of the development site. The owners of 125 Stewart did not lodge a submission to the Development Application when originally notified.

Issues raised concern the heritage significance of the building and its importance to the conservation area. These issues have been dealt with previously by Council. The concerns raised do not alter the opinions previously expressed.

The “park like” nature of the property is noted however the land is zoned for “higher density” development. Accordingly the development of the land for residential units is consistent with Council’s adopted planning schemes.

The adjoining units at 125 Stewart Street are located at a similar distance to the common boundary from those proposed to be built on the development site. It is not uncommon in residential unit zoned areas for active outdoor living areas to adjoin the residential properties. The issues raised regarding privacy and potential noise transmission are noted however the reality is they are a factor of the higher density residential living and not the result of poor or non-compliant design.

The suggestion that the development be mirror reversed would see similar impacts upon any future development at 133 Stewart Street.

The nature of the past stormwater problems are not specified however as would be the case with all new development, conditions would be imposed which relate to the collection and disposal of stormwater.

The fear that the existing dwelling at 127 Stewart Street may fall into a state of disrepair is not a factor for consideration in this development. There is no evidence to support this position and it is merely supposition.

### **Federation Legal Services on behalf of 127 Stewart Street**

127 Stewart Street adjoins the front of the development site.

Whilst the property has the “benefit” of the gardens currently located on the development site Council’s obligation is to assess the proposed development against its adopted development standards. Whilst this may have an impact upon the views and privacy as they currently exist it is well within the scope of development anticipated by Council’s planning schemes.

The development complies with Council’s adopted standards in relation to parking spaces.

The issue of the ongoing capacity for the owner of 127 Stewart Street to gain access via the development site to undertake maintenance is not a matter to be addressed by Council. The existing dwelling at 127 Stewart Street is located very close to the common boundary between the properties. To Council’s knowledge there are no legal obligations to compel the owners of 129 Stewart Street to allow ongoing access to the side wall for maintenance purposes. It is certainly well beyond the scope of development consent to mandate some form of ongoing access or to require it to be redesigned in these types of situations.

### **Katherine O'Donnell of 249 Howick Street**

The issues raised in Ms O'Donnell's personal submission mirror those raised on behalf of the unit owners of 125 Stewart Street and the owner of 127 Stewart Street.

#### Conclusion

The Development Application was originally refused by Council due to the "heritage significance" building.

The Development Application was originally recommended for approval by Council. This recommendation remains appropriate, in the opinion of the Director.

The Development Application is therefore recommended for approval subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) the applicant is to provide a detailed photographic record of the building to Council prior to demolition; and
- (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

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

**Financial Implications:** Nil.

## MINUTE

### **9 Item 3 DEVELOPMENT APPLICATION NO. 2010/0959 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 5 X 2 BEDROOM UNITS AND 2 X 3 BEDROOM UNITS AT 129 STEWART STREET, BATHURST. APPLICANT & OWNER: M & M WATTS (DA/2010/0959)**

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

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

**Reason: Lease commercial premise from proposed builder.**

**RESOLVED:** That Council:

- (a) approve Development Application 2010/0959 subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) the applicant is to provide a detailed photographic record of the building to Council prior to demolition; and
  - (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

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

- (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 G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole,  
Against the motion - Cr TCarpenter,  
Absent - Cr G Westman,  
Abstain - NIL

**4 DEVELOPMENT APPLICATION NO. 2011/0120 – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 X 2 BEDROOM UNITS AT 141-143 WILLIAM STREET BATHURST. APPLICANT: ROBBIE LEE DEVELOPMENTS. OWNER: SA, RA & MW LEE (DA/2011/0120)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0959, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) the applicant is to provide a detailed photographic record of the building to Council prior to demolition commencing; and
  - (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

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

- (b) call a division.

**Report:** The Site

Council has received a Development Application (DA) for demolition of the existing dwelling at 141 William Street and construction of three x two bedroom units at 141-143 William Street, Bathurst, described as Lots 1 ,2, 3 DP 1105396 and Lot 5 DP 1041190. A location plan is provided at **attachment 1**.

The site currently contains two residential dwellings.

The proposal

The proposal involves demolition of the building known as 141 William Street and construction of 3 two bedroom units. See plan of proposed development at **attachment 2**.

The existing dwelling at 143 William Street is to be retained as part of the final development.

Planning Context

*Bathurst Regional (Interim) Local Environmental Plan 2005*

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

**Clause 23: Protection of Environmental Heritage**

In order to assess the conservation significance of the dwelling proposed for demolition an assessment in accordance with section 10.3 of the Bathurst Regional (Interim) Development

Control Plan 2011 was undertaken in consultation with Council's Heritage Advisor. A full copy of the assessment is at **attachment 3**.

The following provides a summary of the assessment.

Date of construction	Circa 1920s
BCAMS results: Integrity Streetscape rating Heritage Significance Overall Rating (out of 10)	Substantially intact (3) Neutral (1) Significant in a local context (2) 6
Significant historical matters	No significant historical matters or associations were found.
Cost of repairs	\$110,000 essential \$ 80,000 desirable
Compliance with infill policy	Yes
Impact of demolition on streetscape	Will result in the loss of a contributory building within the streetscape.

The dwelling at 141 William Street is a good example of a 1920s bungalow. It is a 3 bedroom dwelling of red face brickwork construction with a verandah incorporating interesting timber freted detailing.

The SoHI states that the value of the dwelling lies in its contributory role as part of an earlier residential streetscape of Edwardian and Federation era bungalows. However, due to the development of the 1970s motel adjoining the site and the earlier demolition of dwellings to make way for the Leagues Club car park the residential character of this side and end of William Street has been obscured and the streetscape is no longer in tact.

The BCAMs rating of 6 (lowest score is 0 and most significant is 10), is lower than might be expected for a building of this age because it has been rated as neutral to the streetscape. This neutral rating of the building in relation to its contribution to the streetscape has been given only because its level of contribution has been diminished over time by other demolition approvals granted to make way for the Leagues Club car park and the construction of the intrusive 1970s motel. These past decisions have significantly adversely affected the streetscape on this side and this end of William Street. Had these decisions not previously been made it is likely that the building would be given a rating under BCAMS of 8 because it would have made a more substantial contribution to what once was a residential scaled streetscape. This certainly would have led to a different recommendation in relation to this application.

Unfortunately, the fair to poor condition of the building forms part of the argument for the proposed demolition of the dwelling. The costs of essential and desirable repair works (\$190,000) are similar to those for the dwelling at 21 William St, where demolition consent was recently granted by Council. It is noted however that the essential and desirable works are less than the replacement costs of approximately \$220,000 per unit.

No significant association with individuals has been identified through historical research.

The scale of the new development is particularly good as it will hide the Leagues Club building at the rear of the property and it will complement the height of the remaining dwelling at 143 William and the height of the 1970s motel. It will also help to strengthen the presence of the corner of William/Piper Street which has suffered from the earlier demolition of dwellings to make way for the Leagues Club car park.

Council's Heritage Advisor has made the comment that the choice to retain the younger of the 2 dwellings which has a greater mass to the street is in fact a better outcome than retaining the older building with a smaller mass as it allows for the 2 storey infill development to match the scale of the larger motel and Leagues Club buildings which adjoin the site. The result, in her opinion, will in fact be an overall improvement in this section of the streetscape.

Therefore demolition of 141 William Street, whilst a contributory building, is supported in this instance on the grounds that:

- It is in fair to poor condition.
- Its value to the existing streetscape and the surrounding conservation area has been lost by past demolition approvals to make way for the Leagues Club car park and the construction of the intrusive 1970s motel.
- The infill development will strengthen this part of the streetscape by enabling a 2 storey infill taking its character from the remaining dwelling at 143 William Street.

A copy of the Heritage Impact Statement lodged by the applicant is at **attachment 4**.

A copy of the Residential Infill Form lodged by the applicant is at **attachment 5**.

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

The site is contained within Precinct 1 pursuant to *Chapter 4 - Residential Development*; residential units are permissible with consent in the precinct. The proposal Complies with the objectives of the Precinct and the development standards for Residential units:

<b>Development Standard</b>	<b>Proposed</b>	<b>Permissible</b>	<b>Compliance</b>
Minimum lot size	1243 m <sup>2</sup>	900 m <sup>2</sup>	Yes
Density/Site coverage	70.8	88 persons	Yes
Height	two storey	two storey	Yes
Setbacks Front Rear Side	Complementary 1.5 1.5	Complement existing In accordance with BCA In accordance with BCA	Yes Yes Yes
Car parking Resident Visitor	4 2	4 1	Yes Yes
Access way width	3.2	3-6 m wide	Yes
Open space area Unit 141A Unit 141B Unit 143A Unit 143B	44 m <sup>2</sup> 46 m <sup>2</sup> 34 m <sup>2</sup> 34 m <sup>2</sup>	30 m <sup>2</sup> 30 m <sup>2</sup> 30 m <sup>2</sup> 30 m <sup>2</sup>	Yes Yes Yes Yes
Open space width	4 m wide	4 m wide	Yes

The applicant submitted shadow diagrams that demonstrated that the proposal will not significantly overshadow adjoining properties.

### Submissions

The development application was advertised and notified to adjoining property owners from 4 to 18 April 2011. Following the advertising and notification period no submissions were received.

### Conclusion

Council has received a Development Application (DA) for the demolition of a dwelling and outbuildings and the construction of three x two bedroom units at 141-143 William Street. The subject site is zoned 2(a) Residential under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Units are permissible with consent in the 2(a) zone. The site is located within the Bathurst Heritage Conservation Area. Demolition of 141 William Street, whilst a contributory building, is supported in this instance because, the building is in fair to poor condition, its value to the existing streetscape and the surrounding conservation area has been lost by past demolition approvals to make way for the Leagues Club car park and the construction of the intrusive 1970s motel. The infill development will strengthen this part of the streetscape by enabling a 2 storey infill taking its character from the remaining dwelling at 143 William Street.

**Financial Implications:** Nil.

## MINUTE

**10 Item 4 DEVELOPMENT APPLICATION NO. 2011/0120 – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 X 2 BEDROOM UNITS AT 141-143 WILLIAM STREET BATHURST. APPLICANT: ROBBIE LEE DEVELOPMENTS. OWNER: SA, RA & MW LEE (DA/2011/0120)**

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

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

**Reason: Husband works for applicant.**

**RESOLVED:** That Council:

(a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0959, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) the applicant is to provide a detailed photographic record of the building to Council prior to demolition commencing; and
- (ii) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.

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

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

Against the motion - NIL

Absent - Cr T Carpenter,

Abstain - NIL



## **5 SUSTAINABLE LIVING EXPO (23.00124)**

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

**Report:** Council held the 2011 Sustainable Living Expo (SLE) on Saturday 26 March 2011 in association with the Bathurst Farmer's Market. In the past this event has been held on Australia Day as part of the Bicentennial Park celebrations. However, feedback from SLE exhibitors relating to the difficulties of resourcing the event on a public holiday prompted a change of date and venue. Council staff approached Bathurst Lions Club with a proposal to hold the SLE in conjunction with the Farmer's Market and it was agreed that the two events would work well together.

The SLE continues to grow and this year there were 20 exhibitors in addition to the three Council exhibits. When combined with the Farmer's market stalls, live music, reptile displays and jumping castles, the showground was a hive of activity throughout the morning. It was estimated by Bathurst Lions Club that approximately 3000 people passed through the gate and one exhibitor recorded talking to more than 150 people during the morning. Further, Bathurst Lions Club has estimated that there was a 35-50% increase in the number of people visiting the event relative to the "average" Farmer's Markets events.

Although in the process of changing their name, Essential Energy agreed to sponsor the SLE with a \$1,500.00 financial contribution towards the costs of running and advertising the event. Council will note that (the former) Country Energy has assisted in sponsoring the event since its inception in 2008.

Feed back from Bathurst Lions Club, the exhibitors and the public has been overwhelmingly positive. Council asked the exhibitors to provide written feedback and 11 exhibitors did so. The feedback confirmed verbal feedback received on the day including:

- The SLE was very successful and an excellent opportunity for local businesses, non-government organisations, community groups and others to showcase their sustainable ideas, products, services and volunteer opportunities;
- The SLE and the Bathurst Farmers work well together and the association should continue;
- The change of date was viewed positively.

A full summary of the feedback is provided at **attachment 1**.

**Financial Implications:** The Sustainable Living Expo is funded from existing allocations. Council received sponsorship of \$1,500.00 from Essential Energy to support the event.

**MINUTE**

11 **Item 5 SUSTAINABLE LIVING EXPO (23.00124)**

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

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

Yours faithfully

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
18 MAY 2011

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 18 MAY 2011**

General Manager  
Bathurst Regional Council

**1 STATEMENT OF INVESTMENTS (16.00001)**

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

**Report:** \$54,021,107.58 was invested at 30 April 2011 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

**Year to Date Averages**

(as per the CBA & RBA for comparison purposes)

Reserve Bank of Australia - Cash Rate	4.75%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	4.90%
Three Year Swap Rate - Commonwealth	5.16%

**Short Term 1 – 365 Days**

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

**Deposit:**

	<b><u>Rating</u></b>		<b><u>Average Return</u></b>
Bankwest	A-1+	\$ 500,000.00	6.12%
Bank of Queensland	A-2	\$3,500,000.00	6.13%
Bendigo and Adelaide Bank Ltd	A-2	\$6,000,000.00	6.17%
IMB Ltd	A-3	\$8,500,000.00	6.15%
National Australia Bank	A-1+	\$8,000,000.00	6.11%
Railways Credit Union	ADI	\$4,000,000.00	6.15%
Reliance Credit Union	ADI	\$1,000,000.00	6.02%
Savings and Loans Credit Union	ADI	\$1,000,000.00	6.13%
SGE Credit Union	ADI	\$1,000,000.00	6.18%
Westpac Banking Corporation	A-1+	<u>\$1,000,000.00</u>	<u>6.05%</u>
		\$34,500,000.00	6.13%

**Long Term**

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

**Committed Rolling Investments**

Westpac	AA	\$2,000,000.00	6.01%
Westpac	AA	\$2,000,000.00	6.21%
Westpac	AA	<u>\$2,000,000.00</u>	<u>6.19%</u>
		\$6,000,000.00	6.14%

**Community Income Note**

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

**Negotiable & tradeable Certificates of Deposits**

Commonwealth Bank	AA	<u>\$2,000,000.00</u>	<u>5.85%</u>
		\$2,000,000.00	5.85%

**Floating Rate Notes**

ANZ	AA	\$2,000,000.00	6.01%
Barclays Bank PLC – Australian Branch	AA-	\$2,000,000.00	6.64%
Bendigo Bank 2007	BBB	\$2,000,000.00	6.08%
Bendigo & Adelaide Bank Retail Bond	BBB	\$2,000,000.00	6.34%
Lehman Brothers Treasury Co		\$90,000.00	0.00%
Mackay Permanent Building Society	BBB-	\$500,000.00	5.94%
The Royal Bank of Scotland – Australian Branch	A+	<u>\$2,000,000.00</u>	<u>7.37%</u>
		<u>\$10,590,000.00</u>	<u>6.41%</u>

**Total Investments** **\$54,021,107.58** **6.07%**

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

Reserves Total (includes unexpended loan funds)		\$33,384,435.94
Grants held for specific purposes		\$3,865,705.90
Section 94 Funds held for specific purposes		\$16,496,007.97
Unrestricted Investments – All Funds		\$274,957.77
*General Fund	\$40,139.10	
*Water Fund	\$97,932.41	
*Sewer Fund	\$52,776.97	
*Waste Fund	<u>\$84,109.29</u>	

**Total Investments** **\$54,021,107.58**

**Total interest revenue to 30/04/2011 on investments** **\$2,965,569.55** **6.07%**

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

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

**MINUTE**

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

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

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

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

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

**Report:** At **attachment 1 and 2** is the revised summary and detail of the Management Plan and Budget for the period to 30 April 2011.

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

Variations for the Month of April 2011 - Nil

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 2010/2011 Management Plan

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

Fines or penalty notices this month - Nil.

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

**MINUTE**

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

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

**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 30 April 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:	\$18,816.37
BMEC Community use:	\$10,126.03
Mount Panorama :	\$18,177.00

**MINUTE**

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

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

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

#### **4 BATHURST MOTOR FESTIVAL - EASTER 2011 (04.00125)**

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

**Report:** Councillors would be aware that Yeehah Events and Council recently joined to run the Bathurst Motor Festival. The event was held over the Easter weekend with three days featuring various categories of racing and the fourth day featured hot laps for individual race fans.

The event attracted 270 competitors in 7 different categories. Event organiser, Yeehah Events, have advised that competitors were very happy with the racing and the format of the event and most have indicated a desire to return if the event is rescheduled for next year.

Though there was no cost for the public to attend the event, crowds were estimated to be in excess of 5,000 people over the three days of spectator viewing. When accredited and ticketed personnel are added to this total attendance over the three days increases to 9,500 (estimated).

Financially, the event showed a small profit of approximately \$1,600 and the event promoter is keen to pursue this event at Easter in future years.

**Financial Implications:** Costs associated with this event have been included in the budget.

**MINUTE**

15 **Item 4 BATHURST MOTOR FESTIVAL - EASTER 2011 (04.00125)**

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

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

**5 REQUEST FOR FINANCIAL ASSISTANCE - LIONS CLUB OF BATHURST (18.00004, 18.00296/018, 41.00089)**

**Recommendation:** That Council

- (a) provide \$2,000 annually to Lions Club of Bathurst towards the cost of purchasing of flags for the Evans Bridge flag poles from Council's Promotions Budget.
- (b) update the Policy Manual accordingly.

**Report:** Council has received a request from Lions Club of Bathurst for financial assistance to purchase flags for the Evans Bridge flag poles. A copy of the request is provided at **attachment 1**.

The flags are flown on the six flag poles at the bridge and are maintained by members of the Lions Club of Bathurst. The Lions Club of Bathurst advise that they are seeking help from Council to continue with this project they are seeking \$2,000 each year.

**Financial Implications:** This request could be funded from Council's Promotions Budget.

**MINUTE**

**16 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - LIONS CLUB OF BATHURST (18.00004, 18.00296/018, 41.00089)**

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

**RESOLVED:** That Council

- (a) provide \$2,000 annually to Lions Club of Bathurst towards the cost of purchasing of flags for the Evans Bridge flag poles from Council's Promotions Budget.
- (b) update the Policy Manual accordingly.

## **6 GOODS AND SERVICES TAX - COUNCIL COMPLIANCE REQUIREMENTS FOR 2010/2011 (16.00054)**

**Recommendation:** That Council authorise the signing of the Goods & Services Tax Certificate, payment of voluntary GST 1 May 2010 - 30 April 2011.

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

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

Shown at **attachment 1** is a certificate for the period 1 May 2010 to 30 April 2011 that meets these requirements. The certificate is to be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer in accordance with a resolution of Council.

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

**Financial Implications:** Nil.

**MINUTE**

**17 Item 6 GOODS AND SERVICES TAX - COUNCIL COMPLIANCE REQUIREMENTS FOR 2010/2011 (16.00054)**

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

**RESOLVED:** That Council authorise the signing of the Goods & Services Tax Certificate, payment of voluntary GST 1 May 2010 - 30 April 2011.



**7 REQUEST FOR FINANCIAL ASSISTANCE - MR DENNIS TYSON (18.00004, 21.00035)**

**Recommendation:** That :

- (a) Council provide financial assistance of \$5,120 to Mr D Tyson to print 500 copies of the book "Going, Going, Gone ... a History of the Bathurst Saleyards"
- (b) 3 copies of the book be provided to the Australian National Library
- (c) 3 copies of the book be provided to the NSW State Library
- (d) 5 copies of the book be provided to the Bathurst Library
- (e) the remaining copies be distributed by Mr Tyson and that the profit from the sale be given to a local charity of Mr Tyson's choice.

**Report:** Council has been approached by Mr Dennis Tyson, a local former Saleyards user, who has written a book entitled "GOING, GOING, GONE... A History of the Bathurst Saleyards from 1857 to 2008".

This book contains information of the history of the Saleyards and includes many pictorial photographs of the Sale Yards over the 1857 to 2008 era. Mr Tyson has approached Council for assistance in producing this booklet. Mr Tyson has advised that it will cost \$5,120.00 to produce 500 booklets. A copy of the cover of the book is shown at **attachment 1**.

Mr Tyson advised that he has spoken with local book sellers who believe the book can be sold for a retail price of between \$20-\$25.

It is recommended:

- 1. Council provide financial assistance of \$5,120 to Mr D Tyson to print 500 copies of this book
- 2. That the Australian National Library be provided with 3 copies of this book
- 3. That the NSW State Library be provided with 3 copies of this book
- 4. That the Bathurst Library be provided with 5 copies of this book
- 5. That the remaining copies be distributed by Mr Tyson and that the profit from the sale be given to a local charity of Mr Tyson's choice.

**Financial Implications:** The \$5,120.00 can be funded from Council's Sale Yards Reserves.

**MINUTE**

**18 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - MR DENNIS TYSON**  
**(18.00004, 21.00035)**

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

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

**Reason: Has occasional business dealings with proponent.**

**RESOLVED: That :**

- (a) Council provide financial assistance of \$5,120 to Mr D Tyson to print 500 copies of the book "Going, Going, Gone ... a History of the Bathurst Saleyards"
- (b) 3 copies of the book be provided to the Australian National Library
- (c) 3 copies of the book be provided to the NSW State Library
- (d) 5 copies of the book be provided to the Bathurst Library
- (e) the remaining copies be distributed by Mr Tyson and that the profit from the sale be given to Glenray Industries.

Yours faithfully



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT  
18 MAY 2011

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 18 MAY 2011**

General Manager  
Bathurst Regional Council

**1 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST THEATRE  
COMPANY/YOUTH THEATRE DRAMA CLASSES - USE OF BATHURST MEMORIAL  
ENTERTAINMENT CENTRE (BMEC) (21.00012)**

**Recommendation:** That Council donate the costs associated with the hire of the Bathurst Memorial Entertainment Centre for the Bathurst Theatre Company's annual production and classes for the Youth Theatre in the City Hall up to a value of \$6,000 to be funded from BMEC Community Use Subsidy.

**Report:** The Bathurst Theatre Company's Youth Theatre has approached Council seeking confirmation that they can once again use the facilities provided through the Bathurst Memorial Entertainment Centre (BMEC) for classes to be held for the Youth Theatre in the City Hall on Wednesdays between 4.00pm and 5.00pm each week during school terms and for a one-off show, usually held in December, at no cost to the Company.

In 2006 the Theatre Company met with Councillors to discuss their proposed development of the Theatre Company over the coming years and in 2006 Council agreed to fully support their event by providing the venue and labour required at no cost to the Company. Whilst the Theatre Company sought this level of support for three years in advance, Council preferred to review it annually, with the Company being encouraged to submit an application for financial support each year for the three year period.

The financial support required for the rehearsal and performance times of the Theatre Company for their annual production is approximately \$6,000 (before community rate discount). This fee would cover three days of venue hire with "bump in" time and labour for the rehearsal and three days venue hire for performances, as well as labour provided by BMEC.

**Financial Implications:** The cost of \$6,000 could be funded from the Bathurst Memorial Entertainment Centre Community Use Subsidy Vote, which currently has a balance of \$10,126.03.

**MINUTE**

**19 Item 1 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST THEATRE COMPANY/YOUTH THEATRE DRAMA CLASSES - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00012)**

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

**RESOLVED:** That Council donate the costs associated with the hire of the Bathurst Memorial Entertainment Centre for the Bathurst Theatre Company's annual production and classes for the Youth Theatre in the City Hall up to a value of \$6,000 to be funded from BMEC Community Use Subsidy.

## **2 MUSEUMS AUSTRALIA SYMPOSIUM WORKSHOP PRESENTATION (18-19 APRIL 2011) (21.00106)**

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

**Report:** The Australian Fossil and Mineral Museum's Public Programs Officer was invited to present a workshop at the Museum Australia Symposium *Place, Space & Identity: New Directions for Australian Museums* at Macquarie University on 18-19 April 2011.

In New South Wales, Arts NSW is developing a Strategic Plan for the Visual Arts and Museum Sector in NSW. The focus of this work is on the small to medium sector throughout the state. Museums Australia (NSW) is preparing a submission and is planning a comprehensive needs analysis. For this reason, the NSW branch of Museums Australia broadened its annual Chapter Representatives' meeting into a state symposium with speakers on a range of issues, including technology, advocacy, sustainability and Aboriginal culture. They intend that the symposium outcomes will be a lasting and significant resource for sector planners, policy makers and museum workers and volunteers.

The Public Programs Officer presented a workshop at the following session at the symposium entitled:

### **The Connected Classroom – new opportunities for collections, together with:**

*Karen Player, Coordinator, Museum in the Box, Australian Museum, and Andrew Glassop, Manager of the Western Plains Cultural Centre.*

Connected Classrooms Program is a NSW Government initiative providing the department's staff and students with new opportunities to connect with each other using enhanced technology facilities for sharing resources and data collaboration. This session presented two case studies describing how museums are using this program to connect with school audiences. It also explored the opportunities for all museums, big or small, to become involved.

Council has also been requested to join a state wide Video Conference Working Group by the NSW Science Communication Project Officer Vanessa Barrett. This group meets regularly in Sydney to discuss the future development and funding opportunities of education programs via video conference.

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

**MINUTE**

**20    Item 2    MUSEUMS AUSTRALIA SYMPOSIUM WORKSHOP PRESENTATION**  
**(18-19 APRIL 2011) (21.00106)**

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

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

### **3 AUSTRALIAN FOSSIL & MINERAL MUSEUM - TORCHLIGHT TOURS (21.00106)**

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

**Report:** The Australian Fossil and Mineral Museum regularly provides outreach activities and holds events to highlight the Museum and provide fresh insights and experiences of the collection. These include but are not limited to school holiday activities and the Dead Bones Literary Society.

A regular and very popular activity is the torchlight tour conducted by the Museum's Public Programs Officer. The most recent tour *A Night at the Museum*, was very successful. The tour was held on Thursday, 14 April 2011 at 7.00 pm, with some 94 people attending.

Torchlight tours present the Museum in a unique way, giving emphasis to areas and aspects of the collection that may be overlooked in a daylight visit, as such these tours greatly add value to the Bathurst Museum experience and increase visitation.

**Financial Implications:** Expenditure to fund this program was from allocated funding. Income generated from the 94 participants is included in Australia Fossil and Mineral Museum revenue.



**MINUTE**

21 Item 3 AUSTRALIAN FOSSIL & MINERAL MUSEUM - TORCHLIGHT TOURS  
(21.00106)

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

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

#### **4 AUSTRALIAN FOSSIL & MINERAL MUSEUM - SCATTERED BONES - BROADCAST TO ALASKA (21.00106)**

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

**Report:** The Australian Fossil and Mineral Museum's Scattered Bones program has been invited to broadcast three video conference sessions to three schools in the remote communities in Alaska.

The three schools are located in small communities on the coast of the Bering Sea, and are predominately native American. The schools include Brevig School, Alaska (community population 276), Unalakleet School, Alaska (community population 747) and Shishmaref School, Alaska (community population 562).

Two sessions have been run with the Alaskan schools on 14 and 29 April at 8.00am (3.00pm Alaska), with a third session planned for late May.

Feedback from Ann Stone, teacher Unalakleet School for the first session was extremely positive.

"The session was amazing. I am on a four day field trip in Nome and some of the students asked if they could take their stories with them to work on during the field trip. Truly, I cannot think a better compliment, and I am pleased to pass it on to you. The presentation was relevant, age appropriate and enjoyable."

The Scattered Bones video conference has been leading the way in the development of education concepts of the future. It is a collaborative program between the Australian Fossil and Mineral Museum (AFMM), author Paul Stafford and the Department of Education and Training Distance and Rural Technologies Connections program.

Delivered by the AFMM Public Programs Officer and author Paul Stafford, Scattered Bones is a fun and interactive combination of palaeontology and creative narrative writing. Thousands of school students across NSW have visited the AFMM in Bathurst from connected classrooms using video conference technology. The Scattered Bones program is a series of dinosaur themed writing workshops delivered to regionally isolated schools across NSW (including School of the Air).

**Financial Implications:** Funding for this program occurred from previously allocated funds.

**MINUTE**

**22 Item 4 AUSTRALIAN FOSSIL & MINERAL MUSEUM - SCATTERED BONES - BROADCAST TO ALASKA (21.00106)**

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

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

## **5 BATHURST LIBRARY - ATTENDANCE (21.00054)**

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

**Report:** At the end of 2010 the Australian Bureau of Statistics released the latest edition of 4114.0 - Attendance at Selected Cultural Venues and Events, Australia, 2009-2010 (<http://tinyurl.com/2e738ja>)

During the 12 months before 2009-10 survey, 15.0 million or 86% of the Australian population aged 15 years and over (17.5 million) attended at least one of the cultural venues and events asked about in the survey. The highest attendance rates were at cinemas (67% of people aged 15 years and over), zoological parks and aquariums (37%), botanic gardens (35%) and libraries (34%).

Bathurst Library is a popular venue for our Community, operating in the modern sense, as a community hub, where all are welcome and indeed catered for seven days a week. The library allows eating and drinking inside so as to provide a relaxing atmosphere where the individual or group feels welcome.

Children and families are at home in an atmosphere where the outmoded silent library is long gone. Yet students and serious researchers have quiet areas where they can concentrate in peace.

The library provides easy browse sections with books displayed cover out for patrons facilitating easy access and where best sellers are promoted.

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

**MINUTE**

**23    Item 5    BATHURST LIBRARY - ATTENDANCE (21.00054)**

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

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

Yours faithfully



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

GENERAL MANAGER'S REPORT

18 MAY 2011

**GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 18 MAY 2011**

General Manager  
Bathurst Regional Council

**1 CHILDCARE SERVICES - LITTLE SCALLYWAGS (09.00007, 09.00008, 09.00005)**

**Recommendation:** That Council reallocate the funding of \$20,000 provided in the 2010/2011 budget for the Community Survey to the Little Scallywags cost centre.

**Report:** Council has recently received a number of reports concerning childcare services operated by Bathurst Regional Council, refer:

1. Director Cultural & Community Services Report #1 to the Ordinary Meeting of 16 March 2011.

This report dealt with changes to early childhood education and care [National Quality Framework (NQF)], that was agreed to by government in December 2009.

2. Director Cultural & Community Services Report #8 to the Ordinary Meeting of 20 April 2011.

This report dealt with quality assurance results for Vacation Care.

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

The current accreditation with the National Childcare Accreditation Council (NCAC) will cease in December 2011. Services after that date will be accredited under the National Quality framework, with a staged implementation program occurring, refer to Director Cultural & Community Services' Report #1 to the Ordinary Meeting of 16 March 2011.

Currently Little Scallywags is undergoing formal accreditation under the current Childcare Accreditation Scheme (NCAC). The self study was submitted to the NCAC in December 2010. The assessment procedure takes into account the backyard of the facility, which does not meet current requirements for safe child play. The current area requires upgrades, these are estimated to be around \$20,000.

Councillors will recall that Council is required to develop a community strategic plan under the Governments Integrated Planning & Reporting Framework. At the Policy Committee Meeting of 6 April 2011 (General Manager's report #1) Council adopted a Community Engagement Strategy which provides the platform for engaging with the community in developing the Community Strategic Plan.

Funding for a Community Survey has been provided in Council's budgets as follows:

2010/2011	\$20,000
2011/2012	\$20,640

In regards to the Integrated Planning & Reporting Framework the following, amongst other things, has occurred:

1. Community Engagement Strategy Policy & Procedure - adopted 6 April 2011.
2. Asset Management Plans - refer to General Manager's Report #1 to the Policy Committee Meeting of 4 May 2011 - Promoting Better Practice. Plans have been completed for Urban and Rural Roads, Footpaths and Cycleways, Bridges and Major Culverts, Water, Sewer, Buildings, Drainage, Parks & Gardens and the Aerodrome.
3. Rural Villages Review - consultant currently undertaking this review.
4. Urban Planning and Draft Rural Strategies have been developed.
5. Social and Community Plan adopted - Director Cultural & Community Services' Report #2 to the Ordinary Meeting of 17 November 2010.
6. State of Environment Plan - most recently updated; Director Environmental Planning & Building Services' Report #6 to the Ordinary Meeting of 17 November 2010.

Council has been carrying out Community Surveys on an annual basis since the amalgamation. Given the requirement of Integrated Planning & Reporting and Council's current response to Integrated Planning & Reporting, the survey for 2010/2011 is considered unnecessary at this point in time.

It is recommended that these funds be utilised for the necessary works required at Little Scallywags. It is noted funds are provided in the 2011/2012 budget to undertake community survey(s) in conjunction with Integrated Planning & Reporting requirements.

**Financial Implications:** Funding provided for the community survey 2010/2011 of \$20,000 will be reallocated to works required at Little Scallywags.

For Councillors information the forecast budgets for 2011/2012 for Childcare Services are:

Scheme	Budget		Net
	Income	Expenditure	
Family Day Care	\$1,729,246	\$1,719,013	+ \$10,234
Vacation Care	\$87,113	\$84,228	+ \$ 2,885
Scallywags	\$788,832	\$788,255	+ \$ 557
Little Scallywags	\$260,284	\$273,304	(\$13,020)
			Total + \$676



**MINUTE**

**24 Item 1 CHILDCARE SERVICES - LITTLE SCALLYWAGS (09.00007, 09.00008, 09.00005)**

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

**RESOLVED:** That Council reallocate the funding of \$20,000 provided in the 2010/2011 budget for the Community Survey to the Little Scallywags cost centre.

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 18 MAY 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2011 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 4 May 2011 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 4 May 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

25 **Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2011 (07.00064)**

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

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 4 May 2011 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 4 MAY 2011**

**5PM MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**In attendance:** General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Cultural & Community Services, Director Environmental Planning & Building Services, Manager Corporate Governance, Manager Financial Services, Management Accountant, Manager Recreation, Manager Environment, Sustainability Strategy Officer, Manager Water & Waste, Parks Operations Manager.

**APOLOGIES**

**2 APOLOGIES**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

**RESOLVED:** That the apologies from Crs Toole & Thompson be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

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

**MOVED** Cr G Westman

and **SECONDED** Cr T Carpenter

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

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

**MOVED** Cr B Bourke

and **SECONDED** Cr G Hanger

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 23 MARCH 2011 (07.00096)**

**MOVED** Cr B Bourke

and **SECONDED** Cr M Morse

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

**6 Item 2 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)**

**MOVED** Cr B Bourke

and **SECONDED** Cr G Westman

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This is page 1 of Minutes of the Policy Committee held on 4 May 2011.

**RESOLVED:**That:

- (a) Council place the revised Policy on Payment of Expenses and Provision of Facilities for Councillors on public exhibition for a period of 28 days.
- (b) Council forward the revised Policy to the Division of Local Government, Department of Premier & Cabinet
- (c) If no submissions received; adopt the Policy, update the Policy Manual and place on Council's website.
- (d) if submissions received; report back to Council.

**General Manager's Report**

- 7** **Item 1 DEPARTMENT OF LOCAL GOVERNMENT - PROMOTING BETTER PRACTICE REVIEW REPORT (NOVEMBER 2006) (03.00142)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

**RESOLVED:** That Council note the updated report (as at May 2011) of the Department of Local Government, Promoting Better Practice Review of November 2006.

**GENERAL BUSINESS**

- 8** **PROSTATE CANCER FOUNDATION - TIE CHALLENGE (23.00133)**

**Cr Hanger** - advised latest Prostate Cancer Foundation pamphlet carries an article on the recent Mount Panorama Tie Challenge. The article congratulates all involved.

- 9** **CHERRY BLOSSOM TREES COMMEMORATIVE PLANTING PLANTING FOR OHKUMA (23.00011)**

**Cr Carpenter** - requested Council look at a suitable location for such a planting with a relevant plaque.

**The Director Engineering Services** advised the matter will be reviewed.

- 10** **DRINKING WATER FOUNTAINS (04.00034)**

**Cr Carpenter** - drinking water fountains installed at Adventure Playground & Bicentennial Park are good. Can we look at signage to encourage people to use them to fill water bottles.

**The Director Engineering Services** advised the matter will be investigated.

- 11** **OHKUMA FUNDRAISING (23.00011)**

**Cr Morse** - advised over \$20,000 has been raised to date. Fundraising is Still ongoing, funds are targeted for youth.

- 12** **EASTER - COUNCIL FACILITIES OPENED (04.00034, 21.00106)**



ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
TRAFFIC COMMITTEE MEETING



**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 18 MAY 2011**

General Manager  
Bathurst Regional Council

**1 MINUTES - TRAFFIC COMMITTEE MEETING 3 MAY 2011 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 3 May 2011 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held 3 May 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

26 **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 3 MAY 2011 (07.00006)**

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

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

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 3 MAY 2011**

**2 PM MEETING COMMENCES**

**1 PRESENT**

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

**Present:** Manager Technical Services, Tablelands Area Road Safety Officer, Senior Technical Officer/Traffic Engineer

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

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

That the Minutes of the Traffic Committee Meeting held on 5 April 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 5 APRIL 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 SUNNY CORNER TRAIL BIKE RALLY 2011 (23.00015-06)**

That Council classify the Sunny Corner Trail Bike Rally to be staged on Forests NSW roads on Saturday 17 and Sunday 18 September 2011 as a Class 4 event and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

**8 Item 4 REQUEST TO WIDEN KEPPEL STREET FROM MITRE STREET TO EDGELL STREET (22.05378)**

That Council:

- (a) Not approve the widening of Keppel Street from Mitre Street to Edgell Street.
- (b) Approve the installation of barrier line in Keppel Street between Mitre Street and Esrom Street, in accordance with Roads & Traffic Authority Guidelines and Australian Standards.

**9** **Item 5 NO STOPPING SIGNS FOR ONE SIDE OF CLEMENTS STREET (28.00007-04)**

That Council approve the placement of No Stopping Signs along the full extent of Clements Street, on the left hand side when travelling north to enable garbage trucks to manoeuvre safely amongst the cars parked at the kerb.

**10** **Item 6 INTERSECTION BETWEEN FRENCH SMITH PLACE AND MARSDEN LANE (25.00151/026)**

That Council not approve the placement of centre line markings and left and right turn arrows at the exit of French Smith Place onto Marsden Lane.

**11** **Item 7 CLASSIC RALLY CLUB INC – 2011 ALPINE CLASSIC EVENT (23.00015-06/057)**

That Council classify the Classic Rally Club Inc. 2011 Alpine Classic to be held on Saturday 15 October 2011 and Sunday 16 October 2011 as a Class 2 event, and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

**12** **Item 8 CHUBB SECURITY IN LAMBERT ST – 45° ANGLE PARKING (28.00007-04)**

That Council approve the placement of three 45° Angle Parking (Rear to Kerb) signs on the western side of Lambert Street south of Havannah Street.

**13** **Item 9 BATHURST PUBLIC SCHOOL – BUS AND TAXI ZONE (25.00077/051)**

That Council approve the extension of the existing taxi zone that currently caters for 1 taxi, to accommodate 2 taxis at the northern end of the existing Bus Zone, in Lambert Street, between George Street and Rankin Street.

**14** **Item 10 WESTBOURNE DRIVE/OPHIR ROAD AND DARWIN DRIVE INTERSECTION (25.00040-03)**

That Council approve:

- (a) Removal of all current traffic control devices at the intersection of Westbourne Drive, Ophir Road and Darwin Drive,
- (b) Installation of Stop Signs to Darwin Drive and Ophir Road,
- (c) Installation of concrete medians to all 4 junctions of the intersection, in accordance with Australian Standards,

as at **attachment 1**.

**15      Item 11 TRAFFIC CONGESTION ASSOCIATED WITH DAN MURPHY'S LIQUOR STORE BATHURST (25.00036-04)**

That Council:

- (a) Liaise with Dan Murphy's Liquor Store with a view to improving road safety and traffic flow at the entry and exit points of its car park.
- (b) Approve the placement of a median island in George Street to improve road safety and traffic flow at the intersection of George Street and Durham Street.

**16      Item 12 MEDIAN ISLAND FOR WARK PARADE ROUNDABOUT (25.00172-04)**

That Council approve the placement of a median island at the approach to the roundabout in Wark Parade.

**17      Item 13 BATHURST HOSPITAL CARPARK ENTRANCE SIGHT DISTANCES (28.00007-04)**

That Council approve the relocation of the two No Stopping signs at the entrance to the Bathurst Hospital Public car park on Mitre Street (closest to Howick Street) to improve sight distance for vehicles exiting the car park.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**19      MEETING CLOSE**

The Meeting Closed at 3.25 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL  
COUNCIL MEETING HELD ON 18 MAY 2011**

General Manager  
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD  
13 APRIL 2011 (11.00019)**

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

**Report: PRESENT:**

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

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

**1. MARITIME, MINING & POWER CREDIT UNION (INCORPORATING RELIANCE  
CREDIT UNION) (21.00069)**

Representatives from the Maritime, Mining and Power Credit Union ( Reliance Credit Union), Mark Genovese, Mark Hayley and Adrian Finch attended the meeting to discuss the recent merger of Maritime Credit Union with Reliance Credit Union.

Discussion included:

- Background on how the Credit Union achieved the status it has today.
- Maritime Credit Union merged with Power Credit Union.
- Reliance Credit Union Board looked for a partner and called for expressions of interest. They listed five and selected Maritime Mining and Power Credit Union as its partner.
- No offices will be closed as a result of the merger and they will keep their Reliance Brand as it is well known throughout this area.
- Credit Unions are regulated the same as Banks and their aim is to earn enough money to make the Credit Union financially strong, not to pay dividends to members.
- The aim is to achieve a balance between low loan rates, high investments rates and low fees.
- Across the Central West Reliance Credit Union has 7960 members.
- Reliance Credit Union sponsors a number of community facilities, programmes and organisations.

## **2. ESSENTIAL ENERGY (FORMERLY COUNTRY ENERGY) (18.00124)**

Chas McPhail Regional General Manager of Essential Energy attended the meeting to discuss the recent changes to the retail sector in Electricity.

Discussion included:

- Retail arm sold off together with the Country Energy brand. Origin purchasing both Integral and Country Energy.
- Essential Energy is a network business, there is no retail arm associated with Essential Energy.
- Customer Service Centres would remain as they are at the present time.
- The network charges which Essential Energy are able to charge are determined by the Australian Energy Regulator for a five year period.
- Essential Energy is looking to find an additional 2% in efficiencies each year.
- Employment levels for Essential Energy will not change, if anything they are looking to increase numbers.
- He explained the break up of electricity bills, energy charges and network use of service charges.

**Financial Implications:** N/A



**MINUTE**

**27 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES HELD 13 APRIL 2011 (11.00019)**

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

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

## MINUTE

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

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

The Mayor advised that a Confidential Mayoral Minute had been added to the agenda.

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

**There were no representations from the public.**

**RESOLVED:** That:

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

#### **\* Mayoral Minute**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	EXTENSION OF V8 SUPERCAR CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR FINANCIAL ASSISTANCE - LIONS CLUB	10A (2) (c) – contains information that would, if

	OF BATHURST INC	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	LEGAL ACTION WITH 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.
3	CONTRACTUAL AGREEMENT BETWEEN BATHURST REGIONAL COUNCIL AND SPRING CAR NATIONALS	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
4	BATHURST 75 FOOTBALL CLUB FINANCIAL POSITION	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	TENDER FOR PROVISION OF LABOUR AND EQUIPMENT - MOWING	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	MAINTENANCE CONTRACT	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 TRANSFER OF LOTS 13 AND 14 DP1049399 EGLINTON ROAD LLANARTH	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.
3	RELEASE AND CREATION OF RIGHT OF CARRIAGEWAY VARIABLE WIDTH - LOT 111 DP1145879 CARLYLE AVENUE LLANARTH	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	COMPULSORY ACQUISITION LOTS 94 DP8799007 EGLINTON ROAD EGLINTON	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	COMPULSORY ACQUISITION - LOT 11	10A (2) (c) – contains information that would, if

	DP814483 SYDNEY ROAD KELSO	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	TENDER FOR CONSTRUCTION OF AFL CLUBHOUSE, GEORGE PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	TENDER FOR CONSTRUCTION BOX CULVERT AND ROAD WORKS, SCHUMACHERS ROAD TRIANGLE FLAT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	TENDER FOR CLEANING OF PUBLIC TOILETS	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.
9	TENDER FOR PROVISION OF SANITARY SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 18/05/2011

		if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT BERRY PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
11	TENDER FOR ROAD STABILISING WORK	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.
12	TENDERS FOR PROVISION OF TRAFFIC CONTROL SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
13	TENDERS FOR SPRAYED BITUMINOUS SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

		<p>person who supplied it.  Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
14	<p>PROPOSED ACQUISITION FOR DIVERSION CHANNEL AND ROAD SIGNAGE, PART LOT 10 DP814483, AND THE TRANSFER OF PART LOT 1 DP1086580, GREAT WESTERN HIGHWAY (SYDNEY ROAD), KELSO</p>	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.  Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
15	<p>TENDER FOR PREFERRED CONTRACTORS LIST</p>	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.  Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>
16	<p>TENDER FOR CLEANING OF PUBLIC BUILDINGS</p>	<p>10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.  Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.</p>

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MAYORAL MINUTE



**MINUTE**

a **Item 1 EXTENSION OF V8 SUPERCAR CONTRACT (04.00001)**

**MOVED: P Toole SECONDED: Nil**

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

Yours faithfully



Paul Toole  
**MAYOR OF BATHURST**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
18 MAY 2011

**MINUTE**

**b Item 1 REQUEST FOR FINANCIAL ASSISTANCE - LIONS CLUB OF BATHURST INC (18.00004, 22.00645-02/013)**

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

**That** Council provide a loan to the Bathurst Lions Club of \$10,000 @ 8.47% over five years to fund the proposed modifications to an existing shed.

**MINUTE**

**c Item 2 LEGAL ACTION WITH TRACKCORP ADRENALIN PTY LTD**  
**(34.00065-06/016)**

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

**That the information be noted.**

**MINUTE**

**d Item 3 CONTRACTUAL AGREEMENT BETWEEN BATHURST REGIONAL COUNCIL AND SPRING CAR NATIONALS (04.00126)**

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

**That** Council act in accordance with the Director Corporate Services & Finance report.

**MINUTE**

e **Item 4 BATHURST 75 FOOTBALL CLUB FINANCIAL POSITION (18.00175)**

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

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

Yours faithfully



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

18 MAY 2011

**MINUTE**

f **Item 1 TENDER FOR PROVISION OF LABOUR AND EQUIPMENT - MOWING MAINTENANCE CONTRACT (36.00415)**

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

**That** Council accept the tender of Glenray Industries Pty Ltd in the amount of \$554,348.18 (GST Exclusive), subject to adjustments and provisional sums, for a three year contract to provide labour and equipment - mowing maintenance.



**MINUTE**

**g Item 2 PROPOSED TRANSFER OF LOTS 13 AND 14 DP1049399 EGLINTON ROAD LLANARTH (2002/0522)**

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

**That** Council approve the transfer of Lots 13 and 14 DP1049399 to All Saints College Bathurst Council, and consolidate the property into the All Saints College Bathurst Council land, as detailed in the Director Engineering Services' report.

**MINUTE**

h Item 3 RELEASE AND CREATION OF RIGHT OF CARRIAGEWAY VARIABLE WIDTH - LOT 111 DP1145879 CARLYLE AVENUE LLANARTH (22.01240)

MOVED: G Hanger SECONDED: I North

**That** Council approve the release and creation of a Right of Carriageway to Lot 111 DP1145879 having proposed frontage to Westbourne Drive at Llanarth, as detailed in the Director Engineering Services' report.

**MINUTE**

**i Item 4 COMPULSORY ACQUISITION LOT 94 DP8799007 EGLINTON ROAD  
EGLINTON (22.06165)**

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

**That** Council make application to the Minister and/or the Governor to compulsorily acquire Lot 94 DP879007 to allow the construction of Council's future works 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.

**MINUTE**

**j Item 5 COMPULSORY ACQUISITION - LOT 11 DP814483 SYDNEY ROAD  
KELSO (22.00270-03)**

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

**That** Council make application to the Minister and/or the Governor to compulsorily acquire Lot 11 DP814483 to allow the construction of Council's diversion channel and future works at Sydney Road and the Macquarie River, Kelso. 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.

**MINUTE**

**k Item 6 TENDER FOR CONSTRUCTION OF AFL CLUBHOUSE, GEORGE PARK BATHURST (36.00421)**

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

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

**Reason: Family relationship with one of the tenderers.**

**That Council accept the tender of Warren Harvey Homes Pty Ltd for the amount of \$462,230 (inc GST), subject to alterations and provisional items.**

**MINUTE**

**I Item 7 TENDER FOR CONSTRUCTION BOX CULVERT AND ROAD WORKS, SCHUMACHERS ROAD TRIANGLE FLAT (36.00419)**

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

**That Council not accept any tenders.**

**MINUTE**

m **Item 8 TENDER FOR CLEANING OF PUBLIC TOILETS (36.00422)**

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

**That** Council accept the tender of Nimdor Cleaning Services Pty Ltd for the amount of \$132,984 (incl. GST), subject to alterations and provisional items.

**MINUTE**

n **Item 9 TENDER FOR PROVISION OF SANITARY SERVICES (36.00423)**

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

**That** Council accept the tender of ISS Hygiene Services Pty Ltd for the amount of \$51,114.80 (incl. GST), for the provision of sanitary services, subject to alterations and provisional items.



**MINUTE**

**o Item 10 TENDER FOR CONSTRUCTION OF AMENITIES BLOCK AT BERRY PARK BATHURST (36.00420)**

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

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

**Reason: Family relationship with one of the tenderers.**

**That Council accept the tender of Warren Harvey Homes Pty Ltd for the amount of \$143,550 (incl. GST), subject to variations and provisional items.**

**MINUTE**

p **Item 11 TENDER FOR ROAD STABILISING WORK (36.00418)**

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

**That** Council accept the tender from Stabiltrac for Road Stabilising Work for Contract No. 36.00418.

**MINUTE**

q Item 12 TENDERS FOR PROVISION OF TRAFFIC CONTROL SERVICES  
(36.00416)

MOVED: B Bourke SECONDED: R Thompson

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

**Reason: Has had business dealings with one of the tenderers.**

**That** Council accept the tender from Mid West Traffic Management for the provision of Traffic Control Services for Contract No. 36.00416.

**MINUTE**

r **Item 13 TENDERS FOR SPRAYED BITUMINOUS SURFACING (36.00417)**

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

**That** Council accept the tender from Downer EDI Works for the provision of Sprayed Bituminous Surfacing for Contract No. 36.00417.

**MINUTE**

**s Item 14 PROPOSED ACQUISITION FOR DIVERSION CHANNEL AND ROAD SIGNAGE, PART LOT 10 DP814483, AND THE TRANSFER OF PART LOT 1 DP1086580, GREAT WESTERN HIGHWAY (SYDNEY ROAD), KELSO (22.01283)**

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

**That** Council approve the proposed acquisition of land for construction of a diversion channel for the Raglan Creek and road signage within part Lot 10 DP814483, and the transfer of part Lot 1 DP1086580 at Sydney Road, Kelso, subject to conditions outlined in the Director Engineering Service's report. The acquired land is to be classified as Operational land.

## MINUTE

t Item 15 TENDER FOR PREFERRED CONTRACTORS LIST (36.00425)

MOVED: G Hanger SECONDED: M Morse

**That** Council accept the Preferred Contractor List for the engagement of contractors for minor building works up to the value of \$20,000 (incl. GST) as listed in the report, subject to submission of complete information being supplied for casual hire and in accordance with the General Conditions of Tender.

**MINUTE**

**u     Item 16   TENDER FOR CLEANING OF PUBLIC BUILDINGS (36.00427)**

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

**That** Council accept the tenders of (incl. GST):

- |     |  |                               |
|-----|--|-------------------------------|
| (a) | Elizabeth Vasquez for \$78,000           | [for Separable Portion (i)]   |
| (b) | Northern Contract Cleaning for \$128,740 | [for Separable Portion (ii)]  |
| (c) | Pam Evans for \$78,000                   | [for Separable Portion (iii)] |
| (d) | Northern Contract Cleaning for \$62,600  | [for Separable Portion (iv)]  |
| (e) | Northern Contract Cleaning for \$97,100  | [for Separable Portion (v)]   |
| (f) | Northern Contract Cleaning for \$71,960  | [for Separable Portion (vi)]  |
| (g) | Northern Contract Cleaning for \$36,343  | [for Separable Portion (vii)] |

subject to alterations and provisional items.

Yours faithfully



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

**MINUTE**

**29**    **RESOLVE INTO OPEN COUNCIL**  
**MOVED: M Morse SECONDED: I North**

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



**MINUTE**

**30**     **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: I North**   **SECONDED: W Aubin**

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

**MINUTE**

**31     MEETING CLOSE**

The Meeting closed at 7.34 pm.

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

**Date:** \_\_\_\_\_ **(15 June 2011)**