



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

12 October 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, 19 October 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, 19 OCTOBER 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 - 21 September 2011
6. DECLARATION OF INTEREST
To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.
7. MAYORAL MINUTE - Nil
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
 - * Director Cultural & Community Services' Report
 - * General Manager's Report
9. REPORTS OF OTHER COMMITTEES
 - * Minutes - Mount Panorama Racing Committee Meeting - 28 September 2011
 - * Minutes - Policy Committee Meeting - 28 September 2011
 - * Minutes - Traffic Committee Meeting - 4 October 2011
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- * Malaysian 12 Hour Race - Sepang - 17/09/2011 - Cr Aubin
- * Bathurst Information & Neighbourhood Centre Agm - Cr Morse
- * Councillors Meeting With Community Groups/representatives - 14 September 2011
- * 2015 Bicentenary Celebrations Committee Meeting - 4 October 2011 Minutes

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	DEED OF AGREEMENT: USER PAYS CHARGES IN RESPECT OF THE BATHURST 1000 WITH THE COMMISSIONER OF POLICE	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	RENEWAL OF LEASE - BATHURST SEYMOUR	10A (2) (d) (i) – contains commercial information of a

	CENTRE - UNIT 3, 55 SEYMOUR STREET BATHURST	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	INTEREST ON OUTSTANDING RATES - 133 GEORGE STREET BATHURST	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
4	PROPOSED SALE OF PROPERTY - 22 RUSSELL 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.
5	PROPOSED REDEVELOPMENT OF 17 HINTON ROAD, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	BOUNDARY ADJUSTMENT - LOTS 1 AND 2 DP749758 200 COLLEGE ROAD, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

		balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	NEW TELECOMMUNICATION LEASE - MCPHILLAMY PARK, MT PANORAMA - ESSENTIAL ENERGY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ACQUISITION OF LAND FOR LEVEE CONSTRUCTION - PERTHVILLE	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 BOUNDARY ADJUSTMENT AND RIGHT OF CARRIAGEWAY VARIABLE WIDTH LOT G DP161903 LOT B DP161789 AND LOT F DP161903: 447-451 CONROD STRAIGHT MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED BOUNDARY ADJUSTMENT LOTS 4 AND 5 DP847225 - 197	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

	LIMEKILNS ROAD KELSO	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 PURCHASE OF ONE SIDE LOADING GARBAGE 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.

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

G Crisp – ratepayer

- ICAC Inquiry: raised a number of issues in relation to the ICAC Inquiry. Asked questions directed at the General Manager (about internal controls to prevent fraud by staff), Director Corporate Services & Finance, Cr Toole and Cr Carpenter.

The Acting General Manager advised Mr Crisp to put his questions in writing to the General Manager

Mr Crisp tabled his questions.

- Asked why is Cr Bourke seeking to waste ratepayer funds on referendum for popularly elected Mayor.

P Dowling – ratepayer

- Advised of complaint regarding the "Bathurst" signage on top of Mount Panorama and the fading of paint.
- Expressed view that Ratepayers should have a say in the election of the Mayor. Would like the \$150,000 costs explained.
- Thanked the General Manager for letter explaining issues raised at last meeting.

B Bolam – ratepayer - Popularly Elected Mayor (GM#1)

- Spoke in support of Councillor Bourke in his role as Councillor
- Advised would recommend extreme caution in moving to a popularly elected Mayor. Spoke of process for selecting State and Federal leaders and Chairmen of companies. Stated current system has worked well. Mayor must be a leader and gain the respect of other Councillors.

A Smith – ratepayer - Popularly Elected Mayor (GM#1)

- Asked can a popularly elected Mayor be ejected from office within the 4 year term.

The Acting General Manager replied No. Once popularly elected they will remain in office unless they resign.

C Kingston – ratepayer

- Spoke to differing opinions on matter of popularly elected Mayor.
- Spoke to Heritage Buildings in Bathurst, particularly the TAFE building. Understands was offered to Council, now sits unused. What plans does Council have to keep it in order and used.

The Director Cultural & Community Services advised discussions have been held with State Government over the past 2-3 years with respect to Council taking control of the building.

- Asked does Council have any authority to change old Fosseys site in William Street.

M Hollis – ratepayer - Popularly Elected Mayor (GM#1)

- Asked if popularly elected Mayor resigned how is another Mayor elected.

The Director Cultural & Community Services advised a new election would be required.

MINUTE

3 APOLOGIES
MOVED: I North SECONDED: B Bourke

RESOLVED: That the apology from Cr Toole 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 19 OCTOBER 2011

General Manager
Bathurst Regional Council

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21
SEPTEMBER 2011 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 September 2011 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 September 2011 are attached.

Financial Implications: N/A

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 21 SEPTEMBER 2011 (11.00005)

MOVED: I North SECONDED: W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 September 2011 be adopted.

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

6 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

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

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

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

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

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

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

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

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

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

Ken Hamer - Perthville - Policy Questions - asked what is the policy on issuing

water to Orange for them to pipe. Further, spoke to Perthville and Georges's Plains flood mitigation and property recently purchased in Kelso by Council.

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

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

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

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

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

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

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

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

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

Beautification Entrances to Bathurst - asked what is being done.

The Mayor gave status of this matter.

Aged Facilities - asked what is happening with the development.

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

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

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

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

3

MINUTE SILENCE

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

APOLOGIES**4 APOLOGIES**

Nil

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

MOVED Cr I North

and **SECONDED** Cr G Westman

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

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

MOVED Cr I North

and **SECONDED** Cr B Bourke

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

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

MOVED Cr T Carpenter

and **SECONDED** Cr R Thompson

RESOLVED: That the following Declarations of Interest be noted.

Cr Hanger

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

Cr Bourke

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

Cr Thompson

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

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

Cr North

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

Cr Westman

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

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

RECEIVE AND DEAL WITH DIRECTORS' REPORTS**8 MAYORAL ADDRESS**

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

effort given.

General Manager's Report

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

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

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

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

The result of the ballot was:

Councillor North	4 votes
Councillor Westman	5 votes

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

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

The result of the open vote was:

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

Councillor Hanger was excluded.

The result of the second open vote was:

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

Councillor Bourke was chosen by lot and excluded.

The result of the third open vote was:

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

Councillor Morse was chosen by lot and excluded.

The result of the fourth open vote was:

Councillor Carpenter 5 votes
Councillor North 4 votes

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

Councillor Westman took the Chair

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

The Mayor, Councillor Westman resumed the meeting at 7.17pm

- 10 Item 2 COMMUNITY STRATEGIC PLAN - INTEGRATED PLANNING & REPORTING FRAMEWORK - COMMUNITY ENGAGEMENT STRATEGY (02.00003, 41.00089)**
MOVED Cr P Toole and SECONDED Cr M Morse

RESOLVED: That Council:

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

Director Environmental Planning & Building Services' Report

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

RESOLVED: That the information be noted.

- 12 Item 2 GENERAL REPORT (03.00053)**
MOVED Cr W Aubin and SECONDED Cr T Carpenter

RESOLVED: That the information be noted.

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

RESOLVED: That Council:

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

- (c) call a division

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL.

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

MOVED Cr I North

and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) defer Development Application No.2011/0273 for further consideration at a public discussion forum of this matter.
- (b) call a division.

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

The result of the division was:

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

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

Absent - NIL

Abstain - NIL

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

MOVED Cr P Toole

and **SECONDED** Cr R Thompson

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0281, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
1. The applicant is responsible for:
 - (i) The maintenance and upgrading of infrastructure and maintenance of the site;
 - (ii) Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration;

- (iii) Removing infrastructure within 3 months of decommissioning; and
 - (iv) Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager.
2. The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within thirty (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields – 3khz to 300Ghz', Radiation Protection Series No. 3.
 3. The installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.
- (b) call a division.

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

The result of the division was:

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

Against the motion - Cr B Bourke,

Absent - NIL

Abstain - NIL

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

MOVED Cr T Carpenter

and **SECONDED** Cr I North

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

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

MOVED Cr R Thompson

and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

18 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED Cr P Toole

and **SECONDED** Cr I North

RESOLVED: That the information be noted.

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

MOVED Cr M Morse

and **SECONDED** Cr I North

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

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

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

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

21 Item 4 POWER OF ATTORNEY (11.00007)

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

RESOLVED: That the information be noted.

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

MOVED Cr P Toole and **SECONDED** Cr R Thompson

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

Reason: Sponsor of the event.

The Mayor vacated the Chair.

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

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

23 Item 6 2015 BICENTENARY CELEBRATIONS COMMITTEE (20.00153)

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

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

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

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

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

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

MOVED Cr P Toole and **SECONDED** Cr R Thompson

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

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

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

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

27 **Item 10 AUDIT AND RISK MANAGEMENT COMMITTEE (07.00096, 41.00088)**
MOVED Cr T Carpenter and **SECONDED** Cr R Thompson

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

28 **Item 11 COX'S ROAD SIGNAGE PROJECT (20.00153)**
MOVED Cr R Thompson and **SECONDED** Cr T Carpenter

RESOLVED: That Council:

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

29 **Item 12 PURCHASE OF 519 MITCHELL HIGHWAY, BATHURST (22.05345)**
MOVED Cr B Bourke and **SECONDED** Cr T Carpenter

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

30 **Item 13 PURCHASE OF LAND - MT PANORAMA (25.00195)**
MOVED Cr B Bourke and **SECONDED** Cr R Thompson

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

31 **Item 14 PURCHASE OF LAND - CONROD STRAIGHT, MT PANORAMA (22.01329)**
MOVED Cr R Thompson and **SECONDED** Cr G Hanger

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

32 **Item 15 STATEMENT BY COUNCIL ON FINANCIAL REPORTS (16.00055)**
MOVED Cr B Bourke and **SECONDED** Cr T Carpenter

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

Director Engineering Services' Report

33 **Item 1 LOAD LIMITS - BRADWARDINE ROAD (28.00012)**
MOVED Cr P Toole and **SECONDED** Cr I North

RESOLVED: That Council classify that portion of Bradwardine Road between Suttor

Street and Vittoria Street as light traffic only.

Director Cultural & Community Services' Report

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

MOVED Cr R Thompson

and **SECONDED** Cr T Carpenter

RESOLVED: That Council:

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

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

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

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

MOVED Cr G Hanger

and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

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

MOVED Cr I North

and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) Provide \$7,926.17 under the 2011/2012 Small Business and Non-Profit Organisations Disabled Access fund for the following applicants:
- i. Bathurst PCYC \$5,000 (approved in 2010/2011)
 - ii. Masonic Lodge \$2,926.17

- (b) The remainder of unspent funds of \$35,844.83 be utilised to improve access to Council facilities identified by the Bathurst Regional Access Committee as requiring improvements.

37 Item 4 YOUTH COUNCIL - 24 HOUR SHORT FILM COMPETITION (11.00020)
MOVED Cr G Hanger and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

38 Item 5 BATHURST COMMUNITY SAFETY PLAN 2011-2014 (20.00056)
MOVED Cr I North and **SECONDED** Cr T Carpenter

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

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

39 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 SEPTEMBER 2011
(07.00064)
MOVED Cr T Carpenter and **SECONDED** Cr P Toole

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

Traffic Committee Meeting

40 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2011
(07.00006)
MOVED Cr I North and **SECONDED** Cr P Toole

Cr Westman declared a pecuniary interest in Item #7 Minute #11, left the Chamber and took no part in discussion or voting.

Reason: Operates a bicycle shop in Bathurst and involved in the event

The Mayor vacated the Chair.

The Deputy Mayor, Cr Carpenter, took the Chair.

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 6 September 2011 be adopted except Minute #9 Item #5 - Delaware Crescent.

41 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2011
(07.00006)

The Mayor resumed the Chair:

Cr Thompson declared a non-pecuniary interest in Item #5 Minute #9 but remained in the Chamber.

Reason: Relatives living in street.

Cr Hanger declared a non-pecuniary interest in Item #5 Minute #9 but remained in the Chamber.

Reason: Has family that live in Delaware Crescent.

RESOLVED: That Council not approve the B-Double route application for Delaware Crescent.

DELEGATES REPORTS

- 42 Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 AUGUST 2011. (11.00019)**
MOVED Cr B Bourke and **SECONDED** Cr P Toole

RESOLVED: That the information be noted.

- 43 Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 2 AUGUST 2011 MINUTES (23.00080)**
MOVED Cr R Thompson and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 44 Item 3 MINUTES - BATHURST REGIONAL YOUTH COUNCIL MEETING - 21 JULY 2011 (11.00020)**
MOVED Cr T Carpenter and **SECONDED** Cr P Toole

RESOLVED: That the information be noted.

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

- 45 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr P Toole 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	LAND AND ENVIRONMENT COURT PROCEEDINGS - XJS WORLD ATS BATHURST REGIONAL COUNCIL	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2	LAND IMPROVEMENT AWARDS	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LAND RELEASE - EVERNDEN ROAD, BLAXLAND DRIVE AND WESTBOURNE DRIVE - NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGES 11 AND 12	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
2	RESIDENTIAL LEASE -	10A (2) (d) (i) – contains

	449 CONROD STRAIGHT, MT PANORAMA	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF LICENCE AGREEMENT - CHURCH LANE KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF LICENCE AGREEMENT - STEPHENS LANE KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	LOCAL GOVERNMENT FINANCIAL SERVICES	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would

		prejudice council's position in negotiating commercial and or financial arrangements.
6	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ROAD WIDENING AT PORTION 70 DP755785 TURONDALE ROAD, DURAMANA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED PARTIAL CLOSURE OF ROAD AND CONSOLIDATION OF LOT 45 DP806142 DENISON ROAD, SOFALA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	NETWASTE QUOTATION 145/534/987/3 – QUOTATION FOR NETWASTE REGIONAL HOUSEHOLD CHEMICAL COLLECTION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of

		the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR SUPPLY AND DELIVERY OF 2 X 4495 GVM TRUCKS, 1 X 4495 GVM CREW CAB TRUCK, 1 X 8000 GVM CREW CAB TIPPER AND 1 X 7500 GVM CREW CAB TRUCK WITH TAIL GATE LOADER.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Environmental Planning & Building Services' Report

- a** **Item 1 LAND AND ENVIRONMENT COURT PROCEEDINGS - XJS WORLD ATS BATHURST REGIONAL COUNCIL (34.00069)**
MOVED Cr M Morse and **SECONDED** Cr R Thompson

That Council continue to pursue its costs (as agreed or assessed) associated with defending the appeal lodged by XJS World Pty Ltd.

- b** **Item 2 LAND IMPROVEMENT AWARDS (13.00064)**
MOVED Cr T Carpenter and **SECONDED** Cr W Aubin

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

Reason: Has commercial dealings with some of the applicants.

That Council:

- (a) award the 2010/11 Land Improvement Awards grants to:
- i) Hen & Chicken Lane Biodiversity Corridor for \$6,000.00 (ex GST), and
 - ii) Kingarra Gully Revegetation Project for \$9,524.00 (ex GST);
- (b) launch the 2011/12 Land Improvement Awards in October 2011, with applications to close in November 2011.
- (c) nominate Councillor Carpenter to be a member of the assessment panel for the 2011/12 program.

Director Corporate Services & Finance's Report

- c** **Item 1 LAND RELEASE - EVERNDEN ROAD, BLAXLAND DRIVE AND WESTBOURNE DRIVE - NEW RESIDENTIAL SUBDIVISIONS TO BE KNOWN AS LLANARTH STAGES 11 AND 12 (20.00085)**
MOVED Cr W Aubin and **SECONDED** Cr P Toole

That Council:

- (a) approve the release for sale of forty-three (43) lots, namely Lots 1104 -1146 in a subdivision of Lot 629 DP1164690 located on Evernden Road, Blaxland Drive and Westbourne Drive in the new residential subdivision to be known as Llanarth Stages 11 and 12, under the ballot system.
- (b) approve the sale prices as detailed in the report.

- d** **Item 2 RESIDENTIAL LEASE - 449 CONROD STRAIGHT, MT PANORAMA (22.04682)**
MOVED Cr B Bourke and **SECONDED** Cr T Carpenter

Cr Bourke declared a non-pecuniary interest in this item but remained in the Chamber.

Reason: One of the tenants mother works at Op Shop.

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

Reason: Undertakes work for one of the tenants.

That Council approves entering into a new residential lease with Jason Price, Josie Fry-Larking, Lawrence and Margaret Price for Lot G DP161903 known as 449 Conrod Straight, Mt Panorama, for a period of one (1) year only at a lease fee of \$450 per week plus annual CPI adjustments.

- e** **Item 3 RENEWAL OF LICENCE AGREEMENT - CHURCH LANE KELSO (21.00022)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger

That Council approves entering into a new licence agreement for Lot 1 DP792363 located on Church Lane, Kelso with Mr Ken and Mrs Helen Jeffers for a period of two (2) years at a lease fee of \$617.32 per annum plus annual CPI adjustments detailed in the report.

- f** **Item 4 RENEWAL OF LICENCE AGREEMENT - STEPHENS LANE KELSO (21.00022)**
MOVED Cr B Bourke and **SECONDED** Cr R Thompson

That Council approves entering into a new licence agreement with Mr John Corby for Lot 2 DP154468 located on Stephens Lane Kelso for a period of two (2) years at a lease fee of \$75.00 per annum plus annual CPI increases as detailed in the report.

- g** **Item 5 LOCAL GOVERNMENT FINANCIAL SERVICES (34.00057)**
MOVED Cr T Carpenter and **SECONDED** Cr P Toole

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

- h** **Item 6 TRACKCORP ADRENALIN PTY LTD (04.00110, 34.00065)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council act in accordance with the recommendations of the report.

Director Engineering Services' Report

- i** **Item 1 PROPOSED ROAD WIDENING AT PORTION 70 DP755785 TURONDALE ROAD, DURAMANA (25.00340)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

That Council approve the acquisition of land for road widening purposes affecting Portion 70 DP755785 at Turondale Road, Duramana and classify the land as Operational, as detailed in the Director Engineering Services' report.

- j** **Item 2 PROPOSED PARTIAL CLOSURE OF ROAD AND CONSOLIDATION OF LOT 45 DP806142 DENISON ROAD, SOFALA (22.10938 and 25.00280)**
MOVED Cr R Thompson and **SECONDED** Cr P Toole

That Council:

- (a) approve the partial closure of Denison Street, Sofala for consolidation with Lot 45 DP806142 and classify the road closure land transferred from The Crown as Operational land;
- (b) not support the closure of the unconstructed Crown Road east of Lot 45 DP806142

as detailed in the Director Engineering Services' report.

- k** **Item 3 NETWASTE QUOTATION 145/534/987/3 – QUOTATION FOR NETWASTE REGIONAL HOUSEHOLD CHEMICAL COLLECTION (14.00007)**
MOVED Cr M Morse and **SECONDED** Cr T Carpenter

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

- l** **Item 4 TENDER FOR SUPPLY AND DELIVERY OF 2 X 4495 GVM TRUCKS, 1 X 4495 GVM CREW CAB TRUCK, 1 X 8000 GVM CREW CAB TIPPER AND 1 X 7500 GVM CREW CAB TRUCK WITH TAIL GATE LOADER. (36.00433)**
MOVED Cr W Aubin and **SECONDED** Cr R Thompson

That Council purchase the trucks and accept the trade offers from the following:

- (a) Item 1 - Purchase Fuso 515 Canter from West Orange Motors and accept the trade also from this company.
- (b) Item 2 - Purchase Fuso 515 Canter from West Orange Motors and accept the trade also from this company.
- (c) Item 3 - Purchase Isuzu NPR250 Crew Cab from Tracserv Trucks and accept

MINUTE

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

RESOLVED: That the following Declaration of Interest be noted.

Cr Westman

Items # 5, 6 & 7 (Minute # 9, 10 & 11) of the Director Engineering Services" Report to the Traffic Committee Meeting held 4 October 2011.

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

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 19
OCTOBER 2011**

General Manager
Bathurst Regional Council

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

MINUTE

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

MOVED: R Thompson SECONDED: M Morse

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

Financial Implications: Nil.

MINUTE

7 Item 2 GENERAL REPORT (03.00053)

MOVED: T Carpenter SECONDED: G Hanger

RESOLVED: That the information be noted.

3 BATHURST REGIONAL COUNCIL ARCHAEOLOGICAL MANAGEMENT PLAN (20.00164)

Recommendation: That Council place the draft Bathurst Regional Archaeological Management Plan on public exhibition for one month.

Report: Council engaged Edward Higginbotham & Associates Pty Ltd to prepare the Bathurst Regional Archaeological Management Plan (AMP). The AMP was funded by Council with the assistance of the NSW Heritage Office.

The aim of the AMP is to promote the heritage and archaeology of the region. It identifies opportunities for conservation, research, archaeological investigation, interpretation and display as well as education and cultural tourism.

Even with unlimited funding, it would be impossible to identify, survey, assess and list every single item in the LGA of archaeological significance or every location that might produce relics. Clearly there needs to be some selection of sites. Therefore, the major themes that this AMP investigates are:

1. Penal Settlement
2. Road Construction using Convict Labour
3. Pastoral Settlement
4. Cities, Towns & Villages
5. Mining & Mineral Extractions.

Level of significance

The archaeological level of significance of the Bathurst Region in relation to the themes in the study has been assessed by the consultant as follows:

1. Penal Settlement – State Significance.
2. Road construction using convict labour – State Significance (note that not all significance criterion has been assessed).
3. Pastoral Settlement – State Significance.
4. Cities, Towns and Villages – those centres founded as part of the penal establishment or to service the needs of settlers up to the end of convict transportation in 1840 are assessed as being of State Significance. Those centres directly associated with mining for gold or other metals are assessed as being of State Significance. Those centres which developed to serve the needs of settlers during the period of closer settlement (1850s onwards) and those that serviced the needs of miners but were remote from mines are assessed as being of local significance.
5. Mining and Mineral Extraction – State Significance (excluding the Fernbrooke Marble Quarry & the Dam near Belmore Bridge (Mulgunnia Creek).

Proposed Listings

The AMP makes a series of recommendations for individual sites and/or areas within the LGA to be listed.

Key areas include:

- Bathurst Penal Settlement Archaeological Conservation Area (ACA). This ACA includes sites such as the former hospital (Dairy Farmers), Police Barracks (Haymarket), Military Barracks (Bowling Club), Flagstaff and so on.

- Individual penal sites outside of Bathurst, eg, Lime Roasting Pits (Limekilns), various government stations.
- Sections of the Great Western Road at Napoleon Reef and Yetholme.
- Archaeological Conservation Areas for:
 - Bathurst Settlement up to 1843 and up to 1847 to 1857;
 - Kelso
 - Chambers Creek
 - Evans Plains
 - Georges Plains
 - Tambaroora & Hill End
 - Napoleon Reef
 - Peel
 - Perthville
 - Quartz Ridge/Turondale
 - Rockley
 - Sofala
 - Sunny Corner
 - The Lagoon
 - Trunkey Creek
 - Wattle Flat
 - Yetholme
- Mining Archaeological Conservation Areas for:
 - Sofala, Wattle Flat and Paling Yards
 - Quartz Ridge and Turondale
 - Tambaroora, Hill End, Lower Turon, Macquarie River & Chambers Creek
 - Duramana, Peel and Clear Creek
 - Dark Corner and Sunny Corner
 - Napoleon and Fontana Reefs
 - O'Connell and Tarana
 - Caloola, Cow Flat, Apsley and Perthville
 - Newbridge (only partially in the LGA)
 - Trunkey Creek
 - Abercrombie.

Council staff will now need to consider how best to implement these proposed listings in the LEP/DCP. At this stage introducing an archaeological sensitivity map might be a more practical solution than actually listing sites and areas. A further report will be presented to Council when this matter has been fully considered.

Key Recommendations

For the listed sites/areas the AMP recommends that:

1. An archaeological assessment report (AAR) should be completed for any DA's involving demolition or disturbance below ground prior to consideration of that DA (in the case of pastoral settlement this would be required for subdivision applications).
2. An AAR be prepared before any road maintenance, excavation for services or street landscaping is undertaken on any sites/areas.
3. The AAR make recommendations for conservation in-situ, archaeological investigation as well as interpretation and display.
4. An excavation permit or permit for exemption/exception be obtained under the NSW Heritage Act prior to disturbance of any of the sites.

The AMP makes recommendations for more detailed and specific AMPs to be prepared for:

- Cox's Road river crossing
- Great Western Road
- Pastoral properties under significant development pressure (as part of rezoning proposals)
- Most significant mining sites
- Bathurst Penal Settlement
- Former burial grounds at George, Lambert and Havannah Streets.

In this regard the preparation of AMPs particularly for the Cox's Road and the Bathurst Penal settlement would make ideal projects prior to 2015 celebrations and funding opportunities will be investigated.

Other recommendations include:

- Need to reconsider heritage item curtilages for pastoral properties.
- Opportunities for interpretation and display (again the Bathurst Penal Settlement and the Cox's Road offer ideal opportunities as part of 2015 celebrations).
- Need for archaeological relics to be considered in the preparation of heritage impact statements for existing heritage items.

Conclusion

It is now appropriate to place the draft AMP on public exhibition to allow for additional community input. The plan will then be presented to Council for adoption. Note the draft Plan will be notified to over 100 property owners contacted during the study process as site inspections were being undertaken.

Financial Implications: Preparation of the AMP has been funded from existing Council budgets with some assistance from the NSW Heritage Office.

MINUTE

8 Item 3 BATHURST REGIONAL COUNCIL ARCHAEOLOGICAL MANAGEMENT PLAN (20.00164)

MOVED: M Morse SECONDED: T Carpenter

RESOLVED: That Council place the draft Bathurst Regional Archaeological Management Plan on public exhibition for one month.

4 PLANNING SYSTEM REVIEW (02.00018)

Recommendation: That the information be noted.

Report: The NSW State Government is undertaking a major review of the planning system for NSW. The review process has commenced with a consultation phase seeking views on what should be the broad underpinning principles for legislation to replace the EPA Act and what measures the State Government might need to adopt to implement the proposed changes.

Council's submission to the Department is provided at **attachment 1** and was presented to the review panel at their session held in Bathurst on 21 September 2011.

Overall, the following key principles were presented to the review panel.

1. Local planning to suit local circumstances and a move away from the one-size-fits-all approach to planning, such as the Standard Instrument Order and the Codes SEPP.
2. A tiered development assessment regime that cuts red tape, approval times and the cost of development to the community.
3. Development decisions that rest with the local community unless development is of state significance, provided that local community views are considered and valued.
4. The ability for local government to collect revenue for infrastructure projects generated as a result of new development.
5. A private certification system, if it must continue, that is placed on a level playing field with local government such that certifiers are held responsible and to account by the State Government.

It is understood that further consultation will occur as this matter proceeds.

Financial Implications: Nil.

MINUTE

9 Item 4 PLANNING SYSTEM REVIEW (02.00018)

MOVED: I North SECONDED: T Carpenter

RESOLVED: That the information be noted.

5 GO GREEN CHALLENGE: SUSTAINABLE SCHOOLS UPDATE (13.00059)

Recommendation: That the information be noted.

Report: In early 2011 Council offered grants of up to \$300.00 for schools and preschools within the Bathurst Region to undertake sustainability or environmental projects, with involvement from the students. Council will recall that the Go Green Challenge has been run each year since 2007, and that this is the second year the program has been formulated to offer "Sustainable Schools" grants. This year the program was extended to include pre-schools and childcare facilities, as there was considerable interest from these organisations in the 2010 program.

In 2011 the twelve successful projects are as follows:

School	Project
All Saints College	Worm Farm
Bathurst Public School	WORMS – We Organise and Recycle Management Systems
Bathurst West Public School	Community Vegetable Garden
Eglinton Public School	From Paddock to Plate and Beyond
Hill End Public School	Organic Waste to Garden Compost
Mackillop College	Poultry Waste Management Program
Mitchell Child Care	Mushroom Makers
Raglan Public School	Food for Thought
Sallywags Child Care	Kitchen Garden
Sofala Public School	Waste Audit and reduction Programme
St Philomena's School	Chooks for Phils
Wattle Flat Public School	The Vegie Patch

Photographs showing some of the completed projects are included as **attachment 1**. The programme has been enthusiastically received by students, teachers and parents in each school community. A number of schools have taken the opportunity to build on projects funded by the 2010 programme.

As the programme nears completion Council will continue to support the programme through site visits and the distribution of the final project newsletter. The programme concludes in November 2011 with a visual presentation being displayed in the Bathurst City Centre from Monday 31 October until Monday 7 November 2011.

Council has set aside funds in the 2011/12 Management Plan that will enable the program to be offered again in early 2012.

Financial Implications: The Go Green Challenge has been funded from existing allocations.

MINUTE

10 Item 5 GO GREEN CHALLENGE: SUSTAINABLE SCHOOLS UPDATE
(13.00059)

MOVED: I North SECONDED: G Hanger

RESOLVED: That the information be noted.

6 RURAL LIVING HANDBOOK (16.00021)

Recommendation: That the information be noted.

Report: As part of the Bathurst Orange Dubbo (BOD) Alliance, Council has been pursuing the development of a local Rural Living Handbook, based upon the Goulburn-Mulwaree document. This handbook is intended to be an introduction to the various responsibilities in regards to land management and is aimed at residents purchasing a rural property for the first time.

The booklet covers areas such as:

1. Buying your property: living in the region and property planning.
2. Natural resources: water, soil, native plants and animals, fire, weeds and pest animals.
3. Property management: waste and effluent management, chemicals, stock, fences, farm and rural road safety and rates.
4. Local information: Local strategies and environment plans, guide to native and pest plant species, threatened species and local contacts.

The development of the handbook was identified as a priority action under Biodiversity Action 4B of the BOD Environmental Sustainability Action Plan.

As the handbook covers a range of issues that are relevant to many Councils, the Central West Catchment Management Authority have contributed \$6,000.00 to the costs associated with designing and printing the handbook on the basis of a Central West version also being developed and made available as at digital copy. Orange and Dubbo City Councils have also contributed \$2,000.00 each to the production costs with Council matching this \$2,000.00 contribution. As it is expected that the total production costs may exceed this amount, Council will also seek sponsorship from Central West businesses.

The booklet is in final stages of updating. Council will shortly engage a designer to produce the document, before seeking quotations from local printing companies to produce the handbook. It is expected that the handbook will be ready for distribution before the end of 2011.

Financial Implications: The Central West CMA and Dubbo and Orange City Councils are contributing \$10,000.00 (ex GST) to the cost of production. Council's \$2,000.00 (ex GST) contribution will be funded from existing allocations.

MINUTE

11 **Item 6 RURAL LIVING HANDBOOK (16.00021)**

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

RESOLVED: That the information be noted.

7 BATHURST SUSTAINABLE LIFESTYLE HOUSE (21.00109)

Recommendation: That the information be noted.

Report: Official Launch

The Bathurst Sustainable Lifestyle House was officially opened on the 10th Annual Sustainable House Day, Sunday 11 September, 2011. This first open day attracted over 500 people, including many visitors from outside the Bathurst Region.

The official launch was undertaken by Cr Greg Westman and supported by other Councillors and Senior Staff. The project received wide coverage through local television networks and newspapers.

Staff from Environmental, Planning and Building Services and Engineering Services were on hand to greet the visitors, answer questions and provide advice relating to the features. The Principal Architect from Envirotecture Projects Pty Ltd, Mr Dick Clarke, was also present at the launch and was kept busy throughout the day with questions from interested visitors. Local businesses that supplied products and services for the House were also given the opportunity to provide promotional material and product information which was made available to visitors at the launch.

Open Days

The second open house day was held on Saturday 24 September 2011, again attracting strong interest, with an estimated 50-60 visitors viewing the house during the three hours the house was open.

The strong visitor numbers viewing the house shows the high level of interest by the public in building and living more sustainably.

A broad cross section of community has been visiting the House, ranging from young couples/ families to retired couples, plus builders and trades people. Interest has also ranged from those looking to build a new home, to those looking to renovate older homes more sustainably, to many people curious as to "what is" a sustainable house.

Council staff have prepared fact sheets which provide detailed information on the following aspects of the house:

- Material Selection
- Passive Design
- Thermal Efficiency
- Energy Efficiency
- Water Efficiency
- Garden and Landscaping

The fact sheets have proven very popular during the open days held thus far, as many members of the public were keen to take away information on the various products at the house, the local suppliers used, and where to find further information.

These fact sheets, and the information on Council's website, will continue to be updated as new information becomes available, and to reflect the desired information of the public.

In the last week of October, a specific open day session for local builders, architects and

draftspersons will be held. All relevant contacts have been sent an invitation to the afternoon event. As with other events, Council staff will be available to answer questions and provide information regarding the features of the House.

The House will continue to be open to the public on a monthly basis, with opening dates being widely advertised. All open days will be Saturdays 9am to 12 midday. The next open day has been scheduled for Saturday 22 October 2011. Dates for November and December were being finalised at the time of writing this report.

In 2012 the open days will be scheduled on the first Saturday of each month. This will simplify promotion of open days over an extended time period. Therefore the dates for open days in 2012 will be:

- 7 January 2012
- 4 February 2012
- 3 March 2012
- 14 April 2012 (delayed by one week to avoid a conflict with Easter Saturday)
- 5 May 2012
- 2 June 2012
- 7 July 2012
- 4 August 2012
- 1 September 2012
- 6 October 2012
- 3 November 2012
- 1 December 2012

Other open days will be scheduled in 2012 as the need arises. For example, the House will be open during the 2012 National Sustainable House Day, which is expected to be held on Sunday 9 September 2012.

Virtual Reality Video Tour

Early in the planning of the House, Council requested that a “video tour” of the completed House was produced and made available through Council’s website. Through an open quotation process, Council has engaged Omnipix, a local company to produce a Virtual Reality Video Tour of the House (including the gardens and outdoor features).

The Virtual Reality Video Tour will feature a guided path through twelve different scenes (eight internal and four external). The Virtual Reality Video Tour will allow 360 degree rotation through each scene and the ability to “zoom in” on various features. Each scene will also include four “hotspots” where the viewer can click to see more information on a particular feature. For example, the external scene of the eastern side of the House would include a hotspot associated with the greywater treatment system. Clicking on the hotspot will open a new window that will contain text which explains the operation of the system, why it is relevant to a sustainable house, and website links to the manufacturer and supplier.

Production is currently underway and the Virtual Reality Tour will “go live” in November 2011 and be viewed through the “Sustainable Living” page on Council’s website.

Operational Footprint of the House

Staff are currently developing pages for Council’s website which will provide an ongoing assessment of the “operational footprint” of the House. This will include energy efficiency (eg electricity production by the solar panels, actual electricity and gas consumed, log of internal

and external temperatures), water efficiency (reticulated water use, operation of the irrigation system, local rainfall) and numerous other features such as comments on the gardens, waste management (composting, etc) and comfort of the House (use of heating/cooling systems, features of the layout).

In the future, staff will prepare fact sheets on the operational performance of the House with “real” data, allowing for a comparison with a “typical” house of a similar size. This would be an important component of the overall education plan for the House.

Further detail on the operational performance of the House will be provided to Council in subsequent reports.

Financial Implications: This project has been funded from existing allocations.


MINUTE

12 **Item 7 BATHURST SUSTAINABLE LIFESTYLE HOUSE (21.00109)**

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

RESOLVED: That the information be noted.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

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

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 19 OCTOBER
2011**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$64,521,107.58 was invested at 30 September 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)	4.94%
Three Year Swap Rate - Commonwealth	5.06%

Short Term 1 – 365 Days

(Comprising Commercial Bills,

Debentures and Certificates of

Deposit:

	<u>Rating</u>		<u>Average Return</u>
ANZ Banking Group Ltd	A-1+	\$3,500,000.00	5.80%
Bank of Western Australia Ltd	A-1+	\$4,500,000.00	6.00%
Bank of Queensland Limited	A-2	\$4,500,000.00	6.10%
Bendigo and Adelaide Bank Ltd	A-2	\$7,000,000.00	6.11%
IMB Ltd	A-3	\$9,000,000.00	6.06%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	5.97%
National Australia Bank	A-1+	\$3,500,000.00	6.09%
Peoples Choice Credit Union	ADI	\$1,000,000.00	6.01%
Railways Credit Union Limited	ADI	\$3,000,000.00	6.20%
SGE Credit Union	ADI	\$1,000,000.00	5.98%
Westpac Banking Corporation	A-1+	<u>\$1,000,000.00</u>	<u>6.00%</u>
		\$41,000,000.00	6.05%

Long Term

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

Committed Rolling Investments

Westpac	AA	\$2,000,000.00	6.09%
Westpac	AA	\$2,000,000.00	6.12%
Westpac	AA	\$2,000,000.00	6.16%
Westpac	AA	<u>\$2,000,000.00</u>	<u>6.16%</u>

		\$8,000,000.00	6.13%
<u>Community Income Note</u>			
*Rembrandt Australia Trust		<u>\$931,107.58</u>	<u>0.00%</u>
(refer to DCSF C#1 report of 19/3/2008)		\$931,107.58	0.00%

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

Commonwealth Bank	AA	\$2,000,000.00	5.76%
Commonwealth Bank	AA	<u>\$2,000,000.00</u>	<u>6.20%</u>
		\$4,000,000.00	5.98%

Floating Rate Notes

ANZ	AA	\$2,000,000.00	6.04%
Barclays Bank PLC – Australian Branch	AA-	\$2,000,000.00	6.63%
Bendigo Bank 2007	BBB	\$2,000,000.00	5.95%
Bendigo & Adelaide Bank Retail Bond	BBB	\$2,000,000.00	6.27%
Lehman Brothers Treasury Co		\$90,000.00	0.00%
Mackay Permanent Building Society	BBB-	\$500,000.00	5.89%
The Royal Bank of Scotland – Australian Branch	A+	<u>\$2,000,000.00</u>	<u>7.33%</u>
		<u>\$10,590,000.00</u>	<u>6.36%</u>

Total Investments **\$64,521,107.58** **6.02%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$33,984,884.10
Grants held for specific purposes		\$3,865,705.90
Section 94 Funds held for specific purposes		\$22,024,414.46
Unrestricted Investments – All Funds		\$4,646,103.12
*General Fund	\$2,503.46	
*Water Fund	\$1,936,638.64	
*Sewer Fund	\$1,043,678.14	
*Waste Fund	<u>\$1,663,282.88</u>	

Total Investments **\$64,521,107.58**

Total interest revenue to 30/09/2011 on investments **\$942,546.51** **6.02%**

R Roach
Responsible Accounting Officer

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

MINUTE

13 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED: R Thompson SECONDED: I North

RESOLVED: That the information be noted.

2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET
(16.00126)

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

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

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

Variations for the Month of September 2011

Increase Expenditure - Carry Over Vote form 2010/11	\$2,949,390
Increase Income - Transfer from Carry Over Reserve	(\$2,949,390)
Increase Expenditure - AFL Clubhouse	\$203,612
Increase Expenditure - Bradwardine Road	\$172,043
Increase Expenditure - Mount Panorama capital Works	\$189,166
Increase Income - Transfer from Loan Reserves	(\$564,821)

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

14 Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00126)

MOVED: R Thompson SECONDED: T Carpenter

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 September 2011.

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

Section 356:	\$27,041.70
BMEC Community use:	\$49,610.00
Mount Panorama :	\$28,627.00

MINUTE

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

MOVED: M Morse SECONDED: W Aubin

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- Colley, N & P - Mount Panorama - Lot 3 DP232111 - Licence Agreement.
- Roughley Property P/L - Westbourne Drive - 613/1164690 - Transfer.
- BRC McPhee, RG & SG - 365 Limekilns Road, Kelso - Part Lot 1 / DP813615 - Transfer.
- Loader, W - Zante Lane - Lot 1 DP623416 / Lot 4 DP845477 - Licence Agreement.
- Redpath, I & K - Bathurst Aerodrome - Lot 271 / 1162107 - Variation of Lease.
- Drummond, D - Bathurst Aerodrome - Lot 270 / 1162107 - Variation of Lease.
- Hundy, M & T - Hampden Park Road - 1006/1168702 - Transfer.

Linen Plan Release

- Streeter/BRC/Webjet Investments P/L – Two Lot Industrial Subdivision – Stockland Drive, Kelso
- Bayliss/Haas/Alan Barnes P/L/BRC – 9 Lot Subdivision – Sydney Road, Kelso
- Bayliss/BRC – 2 Lot Commercial Subdivision – Corporation Avenue, Robin Hill
- Tooby/Anglican Property Trust Diocese of Bathurst/BRC - Two Lot Subdivision - 428 Conrod Straight Mt Panorama

Financial Implications: Nil.

MINUTE

16 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: R Thompson SECONDED: I North

RESOLVED: That the information be noted.

5 REQUEST FOR FINANCIAL ASSISTANCE - BOOKLINK AWARDS PRESENTATION (18.00004)

Recommendation: That Council fund the use of Bathurst Memorial Entertainment Centre (BMEC) for the presentation of the 2011 Booklink Awards at a total cost of \$1,028.90.

Report: Council has received a request for the use of BMEC for the presentation of the Booklink Awards for 2011.

Bathurst Library works together with sponsors, BooksPlus, CWA Bathurst Branch and Australian Education Suppliers of Penrith. Library staff also work with all the schools in Bathurst and rural villages to encourage as many children as possible to participate.

All children who participate receive recognition and fantastic prizes funded by the Library and donated by the sponsors. Schools are now also eligible to win prizes for their libraries as well.

This is a great community program which helps encourage the joy of reading, vocabulary and literature skills, and the promotion of parents reading aloud to their children.

It is recommended that Council fund the use of BMEC for the Booklink Awards from the BMEC Community Use Subsidy.

Financial Implications: This request could be funded from Council's BMEC Community Use Subsidy which currently has a balance of \$49,610.00.

MINUTE

17 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BOOKLINK AWARDS PRESENTATION (18.00004)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council fund the use of Bathurst Memorial Entertainment Centre (BMEC) for the presentation of the 2011 Booklink Awards at a total cost of \$1,028.90.

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

Recommendation: 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 are received; adopt the Policy, update the Policy Manual and place on Council's website.
- (d) if submissions received; report back to Council.

Report: Section 252(1) of the Local Government Act 1993 states "*within five months after the end of each year, a Council must adopt a Policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office*". Council's last review of the policy was on 4 May 2011 however to comply with this Section Council must review and adopt the policy within five months of 30 June.

In reviewing the Payment of Expenses and Provision of Facilities for Councillors Policy, consideration has been given to providing Councillors with improved access to Council operated facilities.

Councillors, as part of their civic responsibilities, must be adequately informed on the operations and functions of the Council. In order to provide Councillors with this knowledge, access to Council facilities and events, without imposing any financial hardship on a Councillor, is considered essential.

In considering the above, the following addition is proposed to the Payment of Expenses and Provision of Facilities for Councillors Policy - **Section 8 - Access and Use of Facilities/Equipment:**

Access to Council Operated Facilities

- (b) That Councillors be provided one adult ticket (for the use of the Councillor only) to each of the Theatre Season performances at the Bathurst Memorial Entertainment Centre.

A copy of the revised Policy is shown at **attachment 1**.

It is therefore recommended 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 are received; adopt the Policy, update the Policy Manual and place on Council's website.

(d) if submissions received; report back to Council

Financial Implications: Expenses incurred under this Policy are already provided for in Council's adopted budget.

MINUTE

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

MOVED: M Morse SECONDED: T Carpenter

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 are received; adopt the Policy, update the Policy Manual and place on Council's website.
- (d) if submissions received; report back to Council.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' REPORTS AND MINUTES
19 OCTOBER 2011

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 19 OCTOBER 2011**

General Manager
Bathurst Regional Council

**1 OFF LINE WASTE WATER STORAGE – GILMOUR STREET SEWER PUMP
STATION (36.00273)**

Recommendation: That Council allocate \$2,000,000 from the Sewer Reserve to allow the construction of the Gilmour Street Off Line Waste Water Storage Structure.

Report: Council will be aware that in 2005 a sewer model was developed for the Bathurst sewer network. The model was developed as a result of then NSW EPA publishing its "Licensing Guidelines for Sewerage Treatment Systems." The licence required sewerage system operating authorities to ensure they work within new operating licenses for their sewerage systems on a total system basis incorporating both the collection / transport components and treatment components as a whole. The model was based on calibrated sewer flows under a variety of flow conditions.

The model identified various locations in Bathurst where deficiencies existed in the sewer network for current conditions and future conditions given average growth rate for Bathurst. Of primary concern was the capacity of 6 sewer pump stations. They did not meet the EPA requirement for a minimum 8 hours of storage in dry weather. Should an overflow occur from Council's Sewer Pump Stations, Council may be in breach of its licence.

Designs were carried out for the 6 structures to capture the excess flow and return the flow to the sewer network when conditions allowed. Five of the six structures have subsequently been built and have captured excess flows during electrical and mechanical breakdowns as well as storing surcharges in times of heavy rain.

The largest structure was designed for the Gilmour Street Sewer Pump Station and was not built at the time due to the estimated cost of between \$1.5 million to \$2.0 million dollars. Gilmour Street is the largest of Council's Sewer Pump Stations (SPS). Approximately 33% of the sewage generated in Bathurst is pumped through this SPS via a single 525mm diameter pipeline for 3.8km to the western side of the Macquarie River to the Treatment Works. Recent growth and expected future growth in the Kelso area has highlighted the need to install this storage structure and fully comply with Licensing Guidelines for Sewerage Treatment Systems which decreases the likelihood of surcharges to the environment in the event of breakdowns and system failures.

Financial Implications: Council has adequate funds in the sewer reserves to cover this development.

MINUTE

19 Item 1 OFF LINE WASTE WATER STORAGE – GILMOUR STREET SEWER PUMP STATION (36.00273)

MOVED: R Thompson SECONDED: T Carpenter

RESOLVED: That Council allocate \$2,000,000 from the Sewer Reserve to allow the construction of the Gilmour Street Off Line Waste Water Storage Structure.

2 REVIEW OF 2009/10 NEW SOUTH WALES OFFICE OF WATER PERFORMANCE MONITORING REPORT (03.00086)

Recommendation: That the information be noted.

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

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

The latest data available is for 2009-10. All aspects of the summary detailing Bathurst Regional Council's performance levels have been reviewed, service delivery strengths acknowledged, and areas of improvement identified. Council is aware that there have been several improvements made since 2009/10, and changes to pricing, meaning that some issues identified have either changed or been resolved.

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

Target	Councils Actions contributing to achieving Target
Water Supply Services - Social Indicator – Charges	
Typical Residential Bill \$454 per assessment. (medium ranking)	Bathurst Regional Council has improved from low to medium ranking due to adoption of 25/75 split in access/consumption charges.
Water Supply Services - Social Indicator – Health	
Maintain current ranking of 100% compliance on Microbiological Compliance of potable water supplied. (high ranking)	Council will continue to maintain its existing testing regime, monitoring and upgrading processes to meet increasing compliance standards.
Water Supply Services - Social Indicator – Level of Service	
Water Quality Complaints (low ranking)	All dirty water complaints are logged on a data base and mains flushing programme is prioritised on the frequency of complaints in various areas.

	Council's low ranking is due, in part, to the inconsistent method of recording complaints across New South Wales Councils.
Water Supply Services - Social Indicator – Economic	
Interest Cover (high ranking)	Low levels of debt ensure costs are better controlled.
Management Cost (may require review)	Bathurst Regional Council is currently reviewing attribution methods to ensure contribution rates are reflective of current costs.
Capital Expenditure (may require review)	Council's water infrastructure was reviewed during an Asset Revaluation Process and assets were found to be in very good condition. Asset Management Plans have been adopted and are being utilised.
Sewerage Services - Social Indicator – Charges	
Typical Developer Charge in 2009/10 was \$2,650 per Assessment. (medium ranking)	Council has developed, displayed and adopted a Developer Servicing Plan and developer charges are now in place as per Best Practice Guidelines. It is anticipated that Council's future ranking will be high.
Sewerage Services - Social – Health	
Percentage of Sewage Treated to Tertiary Level is 100% (high ranking)	Council will continue to maintain its existing treatment regime, monitoring and upgrading processes to meet continually improving standards.
Sewerage Services - Social – Level of Service	
Sewage Overflow to the Environment (low ranking)	Council's Systems records all overflows. A large number of overflows occur on private property and are beyond Council control. Council prefers to inspect all overflows and advise residents on correct action when necessary.
Sewerage Services - Social Indicator – Economic	
Return on Assets (high ranking)	Council has secured a high return on assets due to good financial planning over the past twenty years.
Pumping Cost (high ranking)	Council installed 6 high volume Variable Speed Drive pumps which continue to reduce electricity consumption and pumping costs as well as increase efficiency.
Capital Expenditure (may require review)	Council's sewerage infrastructure was reviewed

during an Asset Revaluation Process and assets were found to be in very good condition. Asset Management Plans have been adopted and are being utilised.

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

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

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

MINUTE

20 Item 2 REVIEW OF 2009/10 NEW SOUTH WALES OFFICE OF WATER PERFORMANCE MONITORING REPORT (03.00086)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That the information be noted.

3 PROPOSED COMMUNITY CONTRIBUTION TO RAGLAN VILLAGE BY MARS PETCARE (20.00177)

Recommendation: That Council permit Mars Petcare to undertake vegetation and infrastructure projects within a number of reserves in the Raglan Village area, including Elmo Lavis Park, Christie Street Drainage Reserve, Adrienne Street Open Space and Napoleon Street Open Space, under Council's direction.

Report: Representatives from the Raglan Petfood Plant, MARS Petcare, approached Council in June 2011 to advise that they are interested in undertaking some long term environmental restoration / park enhancement projects within Raglan in conjunction with a major plant upgrade that is soon to commence at their factory site in Raglan.

A number of meetings have been held with Council officers and MARS representatives to develop concept proposals on the types of activities that they are willing to undertake and that would fit into the Council's strategic plan for the various sites discussed. MARS are proposing to concentrate their community works within Raglan's parks and reserves as these sites are within close proximity to their factory, will provide ease of transportation and make it possible for their staff to become involved in some hands on revegetation works. MARS advised that they have a preference to invest back into their immediate surrounding community as a first priority, before looking at other possible locations within Bathurst.

As a result of the meetings held with MARS, the following reserve locations and anticipated works have been identified in which they are keen to instigate over a number of years, under Council's direction. Maps of these sites are shown at **attachment 1**:

Reserve / Park	Activities
Elmo Lavis Park	Screen Plantings
	Mass planting areas
	Tree planting
	Shelter installations
	Park seating
	Path installations
	Dog agility equipment
Adrienne Street Open Space	Screen Plantings
Napoleon Street Open Space	Open Woodland restoration
	Creek / riparian restoration
Christie Street Drainage Reserve	Drainage revegetation
	Tree planting

To commence their community project, MARS have indicated that they wish to concentrate on Elmo Lavis Park in the first instance. The proposed works at Elmo Lavis Park include vegetation works incorporating screening plantings along the western boundary, individual tree plantings and garden bed plantings consisting of local native species. In addition the construction of a walking track loop, installation of park benches and the construction of a shelter are also proposed. Other ideas for the site that have been incorporated within the plan but are yet to be confirmed include the possible installation of outdoor fitness equipment, dog agility equipment and fencing of the park as this is a dog off leash area.

MARS Petcare as well as parent company MARS Inc. have a history of philanthropic pursuits in the communities in which they operate. It is with this purpose in mind that the organisation wants to give back to the Raglan community as part of the major upgrades occurring at the Raglan plant. As a pet food manufacturer it is deemed appropriate that the first of their proposed projects will be centred on Elmo Lavis Park, the towns recognised off leash dog park.

It is believed that the proposed works would be appreciated and be of benefit to the Raglan community, providing both amenity values and physical assets to the village.

Should Council permit MARS Petcare to undertake revegetation and associated infrastructure works on the above mentioned parks and reserves of Raglan, it is anticipated that works are likely to commence within the near future.

Financial Implications: MARS Petcare are offering to undertake this community project entirely at their cost. Should all of the scope of works that have been discussed be implemented by MARS, it is estimated that their contribution back into the Raglan community could be in the vicinity of \$50,000 to \$100,000. Council would contribute to the project only by providing occasional supervision of the various works to ensure that works were being installed to Council's satisfaction and in accordance with the required expectation.

MINUTE

21 Item 3 PROPOSED COMMUNITY CONTRIBUTION TO RAGLAN VILLAGE BY MARS PETCARE (20.00177)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council permit Mars Petcare to undertake vegetation and infrastructure projects within a number of reserves in the Raglan Village area, including Elmo Lavis Park, Christie Street Drainage Reserve, Adrienne Street Open Space and Napoleon Street Open Space, under Council's direction.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

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

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 19 OCTOBER
2011**

General Manager
Bathurst Regional Council

1 ALCOHOL-FREE ZONES IN THE BATHURST CBD (20.00126)

Recommendation: That Council:

- (a) Re-establish and extend the alcohol-free zones in the Bathurst CBD, in the following streets, for a period of four years commencing October 2011 and concluding October 2015:

William Street - from Durham to Piper Streets
George Street - from Durham to Piper Streets
Howick Street - from Rankin to Bentinck Streets
Russell Street - from Rankin to Bentinck Streets
Keppel Street - from Rankin to Havannah Streets
Piper Street - from Rankin to Bentinck Streets
Rankin Street - from Durham to Piper Streets
Church Street - from William to George Streets
Bentinck Street - from Durham to Piper Streets
Court House Lane

- (b) Notify the public of the zone establishment as required under Section 644 of the Local Government Act, 1993.
- (c) Endorse the continuation of the alcohol-free areas of Machattie Park/Kings Parade and Macquarie River Bicentennial Park (commonly known as Peace Park).

Report: At its meeting on 16 August 2011, Council resolved to commence the process to re-establish and extend the alcohol-free zones in the CBD, following the expiry of the present zones.

A map is at **Attachment 1** showing alcohol-free zones recommended for implementation for the period October 2011 to October 2015.

The Ministerial Guidelines on alcohol-free zones limits the operation of an alcohol-free zone to a maximum period of four years. This is done so a Council may consider the changes occurring in public behaviour and consider whether or not a zone needs to be in place.

Council undertook to seek submission/objections in relation to the alcohol-free zones by way of:

- (a) Notice in the Council Notices of the Western Advocate (20, 27 August 2011 and 3, 10 September 2011).
- (b) Notice provided on Council's Website for public consultation.
- (c) Correspondence to Chifley Local Area Command.

- (d) Correspondence to local liquor establishments.
- (e) Correspondence to the Bathurst Aboriginal Community Working Party.

A letter of support from the Chifley Local Area Command has been received and a copy is provided at **Attachment 2**. To date, Council has not received any objections to the proposed alcohol-free zones.

For Council's information the following **alcohol-free areas** are also in place and are not required to be re-established under Section 632 of the Local Government Act:

- * Macquarie River Bicentennial Park (commonly known as Peace Park) - commenced 7 May 2008.
- * Machattie Park/Kings Parade - commence 8 July 2009.

It is, however, prudent for Council to continue to review and endorse these alcohol-free areas following ongoing consultation with the Bathurst community.

Financial Implications: Amendment and placement of signs to be funded from the Engineering Sign Maintenance budget.

MINUTE

22 Item 1 ALCOHOL-FREE ZONES IN THE BATHURST CBD (20.00126)

MOVED: R Thompson SECONDED: B Bourke

RESOLVED:That Council:

- (a) Re-establish and extend the alcohol-free zones in the Bathurst CBD, in the following streets, for a period of four years commencing October 2011 and concluding October 2015:
- William Street - from Durham to Piper Streets
 - George Street - from Durham to Piper Streets
 - Howick Street - from Rankin to Bentinck Streets
 - Russell Street - from Rankin to Bentinck Streets
 - Keppel Street - from Rankin to Havannah Streets
 - Piper Street - from Rankin to Bentinck Streets
 - Rankin Street - from Durham to Piper Streets
 - Church Street - from William to George Streets
 - Bentinck Street - from Durham to Piper Streets
 - Court House Lane
- (b) Notify the public of the zone establishment as required under Section 644 of the Local Government Act, 1993.
- (c) Endorse the continuation of the alcohol-free areas of Machattie Park/Kings Parade and Macquarie River Bicentennial Park (commonly known as Peace Park).

2 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC), LOCAL STAGES - THE DISAPPEARANCES PROJECT (21.00060)

Recommendation: That BMEC Local Stages program be commended for its achievements, in particular the success of The Disappearances Project.

Report: The BMEC Local Stages program assists the development of the performing arts in the region. The program receives funding support from the Theatre Board of the Australia Council for the Arts (triennial Presenting Partner funding), Arts NSW (employment of the Local Stages Creative Producer) and Bathurst Regional Council (venue and BMEC technical staff subsidy).

The BMEC Local Stages program is one of only 16 organisations in Australia to receive Australia Council Presenting Partner funds to develop and present new work. BMEC is the only regional theatre in the country to be funded in this way.

In 2009 the BMEC Local Stages program commenced a three year residency based partnership with multi award winning verbatim theatre company version 1.0. The aim of the partnership was threefold: to develop a world class piece of theatre based on a theme with regional relevance; to produce this work and premiere it in Bathurst; and to provide local performing artists the opportunity to engage with company over the period of the works development.

The theme suggested by BMEC was “disappearances” – missing persons cases that remain unsolved. There have been notable examples which deeply affect the Bathurst community but this is also a theme with universal relevance.

During 2009 and 2010 version 1.0 spent time in Bathurst researching, interviewing and filming. They also gave lectures to CSU students and the local community, conducted workshops and took part in local cabaret performance.

The outcome of the three year partnership was the world premiere of *The Disappearances Project* at BMEC in April 2011.

Extract from program notes

*The world is full of missing persons, and their numbers increase all the time. The space they occupy lies somewhere between what we know about the ways of being alive, and what we hear about the ways of being dead.” Andrew O’Hagan, *The Missing* (1996), p98*

*“Going missing presented those left behind with a void. While other losses may be uncertain, missingness was not only uncertain but also intangible. What had happened was unknown and what might happen was entirely outside the control of those left behind. [They] found it difficult to grieve because of the uncertainty about what exactly it was they were grieving.” Julie Clark, *Adult Siblings of long-term missing persons: Loss and “unending not knowing”* (2007), p17.*

When a missing persons case is discussed in the media, the focus seems primarily concerned with the mystery and drama associated with the disappearance, and on the logistics of the investigative process marshalled in hope of finding this person. Perhaps captured by the dramatic conventions of television crime shows, the stories about missing persons that circulate throughout the media sphere almost always propose disappearances as cases that will eventually be solved, with the victim rescued or located and the villain punished. In its simplest formulation, public discussions around missing persons cases work

under the assumption that in such cases the case will be closed, and answer will be found. In many cases this is correct, with 86% of the 30,000 persons reported missing each year found within seven days. But those statistics leave a great many people unfound.

What is almost always lost in this focus on the mystery of the missing person is the plight of those left behind. Recent research estimates that each missing persons case directly affects the lives of twelve other people, and be they family, friends or community members, the journeys of the left behind are far from straightforward. As Julie Clark observes in the second epigraph, the left-behind must exist in a state of not-knowing, left 'stuck' or 'frozen' in a state of grief in which they cannot ever be sure what it is that they are grieving for, leaving everyday existence as "a void". version 1.0's *The Disappearances Project* quietly traces the edges of this void, hoping to shed light on the emotional journeys and trajectories of hope of those left behind, with the great hope that we as a society might begin better helping those faced with experiences.

David Williams, Bathurst, April 2011

Following the Bathurst premiere *The Disappearances Project* has gone on to critically acclaimed seasons in Sydney (Carriageworks) and Perth (Perth Theatre Company). Negotiations are currently being held to tour the work to Dublin, Ireland.

The Disappearances Project is a successful example of a regional theatre being intrinsically involved in the creation of new Australian work which resonates across the country and abroad. The work helps to promote Bathurst as a creative hub.

Extract from the Perth and Sydney programs

The Disappearances Project was commissioned by BMEC, supported by Bathurst Regional Council, and premiered on 8 April 2011. The Disappearances Project was assisted through HotHouse Theatre's A Month in the Country residential program, a project delivered in partnership with Albury City. version 1.0 inc. is supported by the Australian Government through the Australia Council, its arts funding and advisory body, and by the NSW Government through Arts NSW.

Extracts from reviews

"Illuminating, immensely moving theatre", Stage Noise

"A spare, beautifully crafted and moving work ...", Sydney Morning Herald

"If you are a fan of theatres and haven't heard of Version 1.0, you haven't been listening properly", Daily Telegraph

"Lights the way to the theatre of the future", The Age

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

MINUTE

23 Item 2 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC), LOCAL STAGES - THE DISAPPEARANCES PROJECT (21.00060)

MOVED: T Carpenter SECONDED: M Morse

RESOLVED: That BMEC Local Stages program be commended for its achievements, in particular the success of The Disappearances Project.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
GENERAL MANAGER'S REPORTS AND MINUTES
19 OCTOBER 2011

**GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 19 OCTOBER 2011**

General Manager
Bathurst Regional Council

1 POPULARLY ELECTED MAYOR (12.00005)

Recommendation: For Council's determination.

Report: At the Policy Committee meeting of 7 September 2011, Council requested a report on the procedures required to be put in place for a popularly elected Mayor. Council currently elects its Mayor from one of its number in September each year.

Statutory Framework

The Local Government Act provides two methods by which the Mayor can be elected – by popular vote at an ordinary election or by vote among the Councillors.

[s227] Who elects the mayor?

- 227** *The mayor of an area is the person elected to the office of mayor by:*
- (a) the councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors;*
 - or*
 - (b) the electors, if such a decision is in force.*

The method by which the Mayor is elected can be altered via section 228 and 229 of the Local Government Act.

[s228] How is it decided that the mayor be elected by the electors?

- 228** (1) *(Constitutional referendum) It may be decided at a constitutional referendum that the mayor be elected by the electors.*
- (2) *(Electors) A decision that the mayor be elected by the electors takes effect in relation to the next ordinary election after the decision is made.*

[s229] Can the decision be changed?

- 229** (1) *(Constitutional referendum) A decision that the mayor be elected by the electors is rescinded only if a constitutional referendum decides in favour of discontinuing that means of election.*
- (2) *(Election or vacancy) The rescission takes effect in relation to the next ordinary election after the rescission occurs.*

Thus, if Council should determine to change the way it elects the Mayor, a constitutional referendum will need to be held.

In respect of constitutional referendums, the Local Government Act contains the following:

[s15] What is a constitutional referendum?

15 *A constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in section 16.*

(s16) What matters must be dealt with at a constitutional referendum?

- 16** *A council may not do any of the following unless approval to do so has been given at a constitutional referendum.*
- (a) divide its area into wards or abolish all wards in its area;*
 - (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors);*
 - (c) increase or decrease the number of councillors in accordance with the limits under section 224;*
 - (d) change the method of ordinary election of councillors for an area divided into wards;*
 - (e) [repealed].*

[s17] What is the effect of a constitutional referendum?

- 17** (1) *(Binding decision) The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.*
- (2) *(By-election exception) However, such a decision does not apply to a by-election held after the constitutional referendum and before the next ordinary election.*

Any constitutional referendum would be held in conjunction with the 2012 elections. If electors approved the change to the way the Mayor is elected, that change will come into effect for the electoral term commencing in September 2016.

Where the Mayor is to be popularly elected, the Local Government Act stipulates all electors of the area are to be included in the electorate.

[s282] Election of mayor

- 282** (1) *The mayor of an area who is to be elected by the electors is to be elected by an electorate comprising all the electors for the area, even if the area is divided into wards.*

Community Consultation

If Council should determine to explore the option for a popularly elected Mayor (by electors) then it is recommended that such a proposition be placed on public exhibition for 28 days, during which time written submissions would be invited from the community. After this time a further report would come back to council for a final decision.

Timeline

If Councillors chose to pursue the option of a popularly elected mayor (by the electors) the matter should be placed on public exhibition, a report would be prepared for either the November or December council meeting for a final determination. This would allow time for council to organise for the matter to be considered at the September 2012 council poll.

Schedule 10, Clause 4 of the Local Government (General) Regulation includes the following concerning constitutional referendums;

The following additional provisions apply to constitutional referendums and council polls under Part 3 of Chapter 4 of the Act:

- (a) *if a council resolves to take a constitutional referendum or council poll, the general manager is to notify the Electoral Commission of the resolution within 21 days after the council makes the resolution,*
- (a1) *if a constitutional referendum or council poll is to be held in conjunction with an election of councillors, the general manager must (if he or she has not already done so) notify the Electoral Commission of the question to be asked at the referendum or poll no later than 12 noon on the nomination day for the election.*

For and Against

Dubbo City Council recently gave consideration to the question of a popularly elected Mayor (by electors). The Council produced a list of for and against points after enquiring of other councils, who had undertaken similar exercises. This list is provided at **Attachment 1**.

Options

Council could give consideration to the following options:

1. That the report be noted; or,
2. That the proposition for altering the method of electing the Mayor be placed on public exhibition for 28 days, during which time written submissions will be invited; a further report to be then prepared for Council detailing the submissions received.

Financial Implications: There are no financial implications at this time. There will be some costs incurred if council should determine to go to public consultation on this matter.

Costs will be incurred should Council pursue the course of a Constitutional Referendum in accordance with the Local Government Act.

MINUTE

24 Item 1 POPULARLY ELECTED MAYOR (12.00005)

MOVED: B Bourke SECONDED: I North

That the proposition for altering the method of electing the mayor be placed on public exhibition for 28 days, during which time written submissions will be invited; a further report to be then prepared for Council detailing the submissions received.

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

MINUTE

25 Item 1 POPULARLY ELECTED MAYOR (12.00005)

MOVED: R Thompson SECONDED: W Aubin

RESOLVED: That the information be noted and no further action be taken at this time.

2 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS
(11.00002)

Recommendation: That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

Report: In accordance with the provisions of Section 450(A) of the Local Government Act, the Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff, will be tabled at the meeting.

Financial Implications: Nil

MINUTE

26 Item 2 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002)

MOVED: I North SECONDED: B Bourke

RESOLVED: That the completed Disclosure of Interest of Councillors and Designated Persons Returns for Councillors and relevant staff be noted.

Yours faithfully



D J Sherley
GENERAL MANAGER

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MOUNT PANORAMA RACING COMMITTEE

**MOUNT PANORAMA RACING COMMITTEE TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 19 OCTOBER 2011**

General Manager
Bathurst Regional Council

**1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 28 SEPTEMBER
2011 (04.00001)**

Recommendation: That the Minutes of the Mount Panorama Racing Committee Meeting held on 28 September 2011 be adopted.

Report: The Minutes of the Mount Panorama Racing Committee Meeting held on 28 September 2011, are attached:

Financial Implications: N/A

MINUTE

27 Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 28 SEPTEMBER 2011 (04.00001)

MOVED: T Carpenter SECONDED: B Bourke

RESOLVED: That the Minutes of the Mount Panorama Racing Committee Meeting held on 28 September 2011 be adopted.

MINUTES OF THE MOUNT PANORAMA RACING COMMITTEE
HELD ON 28 SEPTEMBER 2011

MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Director Corporate Services & Finance, Director Engineering Services, Acting Director Environmental Planning & Building Services, Director Cultural & Community Services, Acting Manager Corporate Governance, Senior Water & Sewer Engineer, Acting Manager Recreation.

APOLOGIES

2 APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

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

MOVED Cr P Toole and **SECONDED** Cr R Thompson

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

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

MOVED Cr T Carpenter and **SECONDED** Cr W Aubin

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

DECLARATION OF INTEREST

5 DECLARATION OF INTEREST 11.00002

MOVED Cr P Toole and **SECONDED** Cr R Thompson

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

6 Item 1 2011 SUPERCHEAP AUTO BATHURST 1000 (04.00001)

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

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 7** **Item 1 MOUNT PANORAMA IMPROVEMENT WORKS (04.00001)**
MOVED Cr R Thompson and **SECONDED** Cr P Toole

RESOLVED: That the information be noted.

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

- 8** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr P Toole and **SECONDED** Cr R Thompson

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	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.
2	FINANCIAL REPORT	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.
3	EASTER BATHURST MOTOR FESTIVAL	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.

Director Corporate Services & Finance's Report

- a** **Item 1 TRACKCORP ADRENALIN PTY LTD (04.00110, 34.00065)**
MOVED Cr W Aubin and **SECONDED** Cr R Thompson

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

- b** **Item 2 FINANCIAL REPORT (04.000049)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

That the information be noted.

- c** **Item 3 EASTER BATHURST MOTOR FESTIVAL (04.00125)**
MOVED Cr P Toole and **SECONDED** Cr W Aubin

That the information be noted.

RESOLVE INTO OPEN COMMITTEE

- 9** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr R Thompson and **SECONDED** Cr P Toole

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 10** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

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

MEETING CLOSE

- 11** **MEETING CLOSE**

The Meeting closed at 5.34 pm.

CHAIRMAN: _____

Date: _____ **(19 October 2011)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 19 OCTOBER 2011**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 28 SEPTEMBER 2011 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 28 September 2011 be adopted.

Report: The Minutes of the Policy Committee Meeting held 28 September 2011, are attached.

Financial Implications: N/A

MINUTE

28 Item 1 MINUTES - POLICY COMMITTEE MEETING - 28 SEPTEMBER 2011
(07.00064)

MOVED: W Aubin SECONDED: R Thompson

RESOLVED: That the recommendations of the Policy Committee Meeting held on 28 September 2011 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 28 SEPTEMBER 2011

5 pm MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Director Corporate Services & Finance, Director Cultural & Community Services, Director Engineering Services, Acting Director Environmental Planning & Building Services, Acting Manager Corporate Governance, Manager Environment, Acting Manager Recreation, Senior Water & Sewer Engineer.

APOLOGIES

2 APOLOGIES

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

RESOLVED: That the apologies from Crs Morse and North be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

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

MOVED Cr T Carpenter and **SECONDED** Cr W Aubin

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

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr P Toole and **SECONDED** Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 NSW OFFICE OF WATER - DRAFT WATER SHARING PLAN (32.00026)

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

RESOLVED: That the information be noted.

GENERAL BUSINESS

6 BLOSSOM TREES (23.00011)

Cr Carpenter - asked has there been any progress on this.

The Director Engineering Services advised some have been planted in Ohkuma Garden. Finalising of the plaque has not yet occurred.

7 MOUNT PANORAMA BATHURST SIGN (04.00019)

Cr Thompson - asked where is this at.

The Director Engineering Services advised the sign has been completed.

8 MANAGEMENT PLAN COSTING (16.00126)

Cr Thompson - queried issue of cost of Management Plan. Feels if persons make a submission can a copy be provided free of charge. Please refer this to the 2012/2013 Management Plan process.

9 LIBRARY NOTICES (21.00054)

Cr Toole - complimented staff on processes in place.

10 TOILET BLOCK, BERRY PARK (04.00065)

Cr Bourke - congratulated Council on new toilet block. Could Council look at painting men/womens symbols on the toilet entrance.

11 RSL FISHING CLUB PONTOON (32.00005)

Cr Bourke - asked for the status on this matter.

The Director Engineering Services advised he will report back to Council.

12 VALE ROAD, CLEANLINESS OF PROPERTY (22.12383)

Cr Bourke - advised people are raising issues as to the state of the block on Vale Road. Could planning department look at this.

13 BUSINESS AWARDS, AUSTRALIAN FOSSIL & MINERAL MUSEUM (21.00106)

Mayor, Cr Westman - congratulated the Australian Fossil & Mineral Museum on winning the tourism award at the recent Bathurst Business Awards presentation.

MEETING CLOSE

14 MEETING CLOSE

The Meeting closed at 5.11 pm.

CHAIRMAN: _____

Date: _____ **(19 October 2011)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 19 OCTOBER 2011**

General Manager
Bathurst Regional Council

1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 OCTOBER 2011 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 4 October be adopted.

Report: The Minutes of the Traffic Committee Meeting held 4 October 2011, are attached.

Financial Implications: N/A

MINUTE

29 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 OCTOBER 2011
(07.00006)

MOVED: R Thompson SECONDED: B Bourke

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 4 October be adopted except for the Director Engineering Services Report Items 5, 6 and 7 (Minute #9, 10 and 11).

MINUTE

30 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 OCTOBER 2011
(07.00006)

MOVED: R Thompson SECONDED: W Aubin

The Mayor (Cr Westman) declared a pecuniary interest in Items #5, 6 and 7 (Minute #9, 10 and 11), left the Chamber and took no part in discussion or voting.

Reason: owner of bike shop sponsoring event.

The Mayor vacated the Chair.

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

RESOLVED: That the recommendations of the Director Engineering Services Report Items 5, 6 and 7 (Minute #9, 10 and 11) of the Traffic Committee Meeting held on 4 October 2011 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 4 OCTOBER 2011

2 pm MEETING COMMENCES

1 PRESENT

Members: Cr Warren Aubin (BRC), Sgt Warren Bow (Police), Tony Hendry (RTA), Jackie Barry (RTA)

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

APOLOGIES

2 APOLOGIES

David Veness (MP Representative)

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 SEPTEMBER 2011 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 6 September 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 6 SEPTEMBER 2011 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 EXTENSION OF BUS ZONE IN HOWICK STREET BATHURST (25.00006)

That Council not approve the extension of the bus zone in Howick Street Bathurst.

7 Item 3 PROVISION OF A DISABLED PARKING SPACE – 117 GEORGE STREET BATHURST (28.00006-09/097)

That Council not approve the request to provide a disabled parking space in front of John Matthews Pharmacy at 117 George Street Bathurst.

8 Item 4 BATHURST WALLABIES TRIATHLON CLUB EVENTS 2011/2012 SERIES

(23.00026-14)

That Council approve the staging of the Bathurst Wallabies Triathlon Club 2011/2012 Series of events. The events are to be classified as Class 2 events and approved subject to conditions as detailed in the Director Engineering Services' Report.

9 **Item 5 2012 NSW SHORT COURSE HILL CLIMB CHAMPIONSHIP (23.00128/035)**

That Council approve the Bathurst Cycling Club NSW Short Course Hill Climb road racing event to be held on Saturday 21 April 2012. The event is to be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' Report.

10 **Item 6 2012 CRITERIUM RACING IN THE PIT COMPLEX AT MT PANORAMA (23.00128)**

That Council approve the Bathurst Cycling Club Criterium Racing Event in the Pit Complex at Mt Panorama on 21 April 2012. The event is to be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' Report.

11 **Item 7 2012 BLAYNEY TO BATHURST CYCLO SPORTIF CHALLENGE EVENTS (23.00128/035)**

That Council approve the Blayney to Bathurst Cyclo Sportif Challenge Events between Blayney, Millthorpe and Mount Panorama, and the Family Challenge Event between Mount Panorama and Charles Sturt University internal roads on Sunday 22 April 2012. The events are to be classified as Class 1 and Class 4 events respectively and approved subject to conditions as detailed in the Director Engineering Services' Report.

12 **Item 8 2012 BATHURST HISTORIC CAR CLUB SWAP MEET (22.00053-07)**

That Council approve the staging of the Bathurst Historic Car Club 2012 Swap Meet at the Bathurst Showground on 4 and 5 February 2012. The event is to be classified as a Class 2 and approved subject to conditions as detailed in the Director Engineering Services' Report.

13 **Item 9 2011 INTERNATIONAL CYCLING GRAND PRIX SERIES (23.00026-13)**

That Council approve the International Cycling Grand Prix Series event to be held on Wednesday 23 November 2011 in Bathurst. The event is to be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' Report.

14 **Item 10 GILMOUR STREET - REVIEW OF SPEED ZONES (28.00011)**

That Council note the request to the Roads and Traffic Authority to review the Gilmour Street speed zones.

15 **Item 11 PROVISION OF A DISABLED PARKING SPACE – 77 WILLIAM STREET BATHURST (28.00006)**

That Council not approve the request to provide a disabled parking space in front of the Bank of Queensland at 77 William Street Bathurst.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

17 **MEETING CLOSE**

The Meeting closed at 3.10 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 19 OCTOBER 2011**

General Manager
Bathurst Regional Council

1 MALAYSIAN 12 HOUR RACE - SEPANG - 17/09/2011 - CR AUBIN (04.00097)

Recommendation: That the report be noted.

Report: Council, at its Policy Meeting 3 August 2011, resolved to authorise my attendance at the Malaysian-Sepang 12 Hour Car Race held in September 2011. Following is a summary of matters covered during the trip.

Wednesday 14 September 2011

Began meeting team managers and drivers whom I had previously met on last visit to Sepang. Had lengthy talk with the manager of Clearwater Racing, Arjunan Kulasegaram, and came away with an entry of their Ferrari 458. Clearwater racing is a team based in Singapore and they have been racing the Ferrari this season with factory backing from Ferrari. They will field a driver lineup of Craig Baird from Australia, team owner Mok Weng Son and ex F1 driver Gianmaria Bruni.

Next team that I spoke to was the Liqui Moly Team Engstler from Germany who ran a BMW Z4. Team owner Franz Engstler is putting in a conditional entry which as he explained was good to go depending on their commitment at Daytona in the USA in January. If they don't go to Daytona they will be racing at Bathurst.

The rest of Wednesday was spent attending the official teams' press conference and drivers' briefing. This was a great place to meet with team owners and managers to set up meetings for the next 2 days.

Thursday 15 September 2011

A very interesting entry in this year's race was a team of 17 VW Scirroccos from China. These cars are a 2 litre turbocharged petrol engine with an automatic gearbox with gearchange paddles on the steering wheel (ie F1). Apparently the VW Scirrocco is being launched into the Australian market in 2012 so, as I suggested to team manager Davide De Gobbi, what better place to market this car than our famous Mt Panorama. As this was their first go at endurance racing, he said that he would wait and see how they performed at Sepang. At the end of the race he only had 3 DNF and was naturally delighted with the result and told me that he had 25 of them racing back in China. We could actually run them as a separate class in our race and James O'Brien is now in negotiations with Davide to see if they may appear on our grid in 2012. One of the Scirroccos finished eleventh in the race so they would be a great addition to our field.

The next meeting was with Craft Eurasia Racing. They were racing a Ford GT3 and are based in Hong Kong. Proprietor of the team, Mark Goddard, has a vast history of racing in Australia with Formula 3 cars and is desperate to come and race at the Mount. It was indeed surreal to sit around a table in the team office with Mark and the three drivers including ex McLaren F1 driver, Stefan Johansson, who said that he had never been to Bathurst but it was on his "Bucket List" of things to do before he dies. Car owner and driver

Frank Yu told me that he had promised his wife a holiday in Oz in February so the 12 Hour Race would work in well. Depending on the calendar for the Asian GT Series would determine if they bring the Ford or an Aston Martin which he also has in his garage.

Next team to chat to was a small operation based in Malaysia by the name of Nexus Racing. This team runs an Aston Martin Vantage in the sports touring class and team boss Adrian D'Silva was excited by the prospect of racing at the Mount. The team are competing in the Dubai 24 Hour Race in January and then hope to be able to race in our 12 Hour in February. They finished an incredible seventh outright in the race and reckon they could do the same here.

Next was another of the smaller teams made up of three brothers. They had a team name called Brothers in Racing who were a very happy lot and are keen to come and race here in February. Their car is a Nissan GTR and they are also racing in the Dubai 24 Hour.

Friday 16 September 2011

A big meeting first up with David Wong from the Petronas Syntium Team who are the official Mercedes Benz team of Asia. They run two of the latest model SLS cars and they finished first and third in the race. David Wong was extremely receptive to the idea of racing at the Mount as he has a long history with motorsport in Oz going back to the days of his good friend Allan Moffat and Russell Stuckey of Dunlop Tyres. David asked if it would be possible to use Moffat's two pit garages and his two racing numbers. He said that they would bring a team of 40 over here and asked what could we do to help them. He then introduced me to Ulrich Fritz who is a senior manager of AMG the racing arm of Mercedes Benz. Ulrich said that they will be coming to Bathurst with at least 1 car. (Attach. 1). If the Australian Mercedes driver, Peter Hackett, doesn't enter, then they will bring two cars. If he does enter, then they will bring out one car and join with Hackett to run a two car team.

Then came a nice surprise. Aussie driver, Mark Williamson, introduced me to Jeffrey Lee who owns one of the Audi R8s that was racing under the name of Absolute Racing and was being run as a third car in the Audi garage. Both Mark and Jeffrey race in the GT Asia series in Japan and China and they both really want to come to our 12 Hour Race in February, so Mark is putting Bathurst 12 Hour stickers on his race car to help with promotion in the Asian market and I went off to do a deal with Audi. I had a meeting with Dietmar Ponticelli, who is the project leader with Audi Sport customer racing and he said that it was a definite possibility that they could run a third car at our race.

Saturday 17 September 2011 - Race Day

During the running of the race I had a meeting with the CEO of the Sepang race, the CEO of the Dubai 24 Hour Race and the representative from freight company, Creventic, in relation to starting a three race SE Asian Endurance series. These talks will be ongoing with all participants very keen to progress with the first thing being to give the winners of each race free freight and entry to the next round. This could be a huge step forward for the future of our race.

It is also interesting to note that four of the officials from the Sepang circuit will be attending next year's Bathurst event to discuss synergies between the two events plus the Dubai 24 Hour.

Financial Implications: The cost of the trip was approximately \$3,000. This cost funded from Mount Panorama 12 Hour operations.

MINUTE

31 Item 1 MALAYSIAN 12 HOUR RACE - SEPANG - 17/09/2011 - CR AUBIN
(04.00097)

MOVED: B Bourke SECONDED: R Thompson

RESOLVED: That the report be noted.

2 BATHURST INFORMATION & NEIGHBOURHOOD CENTRE AGM - CR MORSE (18.00017)

Recommendation: That the information be noted.

Report: At its annual general meeting on 20 September 2011 Bathurst Information and Neighbourhood Centre (BINC) reported a particularly successful year. It adopted as its mission "Making Bathurst a better place to live". BINC is managed by Jean Fell and staff with the support of a volunteer committee consisting of representatives of community groups and service providers. BINC has grown from its beginnings in 1976 to a multi service provider with an annual budget of over \$1million and a team of volunteers of over 200.

BINC's Front Desk Volunteers handled about 21,000 enquiries and the total hours donated by all volunteers was 5840. The meeting room was used 1362 times by 98 groups for 2261 hours. This reflects a significant input by the members of the Bathurst community to the programs that BINC provides to meet community needs.

Bathurst Information and Neighbourhood Centre receives grants to offer a wide range of programs including: Bathurst Home Modification and Maintenance, Migrant Support Service, International Friendship Group, Lawn Mowing, Volunteering Bathurst, Learner Education Assistance Program, Volunteering Central West, HaCC Volunteer Training, Community Visitors Scheme, ENCORE, Bathurst Eisteddfod Catering, the Knit-ins and the Orange Migrant and Refugee Mentoring Project. One-off projects are funded by NSW Department of Ageing, Disability & Home Care.

Other services are located at BINC, including Disability Information Advocacy Service, the MERIT program for adult defendants with alcohol or drug abuse problems, the Josephite Foundation No Interest Loans Scheme, the University of the Third Age and Step Up Loans.

Other volunteer activities include Volunteer Computer Tutoring and Phone and Camera Help. These programs offer one hour tutoring on basic computer operations and the basics of digital camera or mobile phone operations. In 2010 a group of young volunteers helped celebrate Christmas at nursing homes in Bathurst.

BINC has assisted in the establishment of an Information and Neighbourhood Centre in Oberon and assists volunteers organisations throughout the Central West.

The installation by Council of an automatic sliding door has improved access to the building for wheelchairs.

The complete BINC Report to the Community 2011 and Annual Report – 2011 have been supplied to Councillors separately.

Financial Implications: N/A

MINUTE

32 Item 2 BATHURST INFORMATION & NEIGHBOURHOOD CENTRE AGM - CR MORSE (18.00017)

MOVED: M Morse SECONDED: T Carpenter

RESOLVED: That the information be noted.

3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 SEPTEMBER 2011 (11.00019)

Recommendation: That the information be noted.

Report: **Present:** Crs Westman, Bourke, North, Morse, Hanger, Carpenter, Thompson.

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

APOLOGIES: Crs Toole and Aubin.

1. BATHURST HOCKEY ASSOCIATION (04.00033)

Libby Milligan and P. Dodds from the Bathurst Hockey Association attended the meeting to give Council an update on the Bathurst Hockey Association's progress and 2011 at a glance.

- Incorporated for 20 years (1991). Structure - 9 Member Board
- Employs 5 - part-time workers
- 2011 Member = 1091 (130 Minkey, 422 U/18's, 536 Seniors)
- Competition Teams - Juniors - 17 boys/18 girls, 19 mens and 27 womens (includes 5 PL teams)
- Bathurst Hockey Association had Representatives at District Level, Regional School Level, Western Conference, WRAS 2011, NSW School Level, NSW Country Reps (incl. Opens), NSW State Squads, NSW Teams, NSW Institute of Sport & Australian U/16 All Schools.
- NSW Women's Veterans Carnival was held in Bathurst during 2011 and approx. 2500 visitors attended the Carnival.

Bathurst Hockey Association gave a thank you to Bathurst Regional Council's Parks & Gardens asking that a "Thank You" letter be written on their behalf.

They have also extended an invitation for the Councillors to view the Complex.

2. BATHURST INFORMATION & NEIGHBOURHOOD CENTRE (22.00653)

Monique Van Toor, the Migrant Support Worker at Bathurst Information & Neighbourhood Centre attended the meeting to give Council an update of the current projects and services provided by BINC.

- In operation since May 1999. Council negotiated a five year option on 6 April 2009 which expires on 5 April 2014.
- Bathurst Information Neighbourhood Centre Inc (BINC) is a community based organisation which aims to build resilient communities by developing stronger links between community members and by assisting members of disadvantaged

community to participate in community life and activities.

- Some of the programs that are run through BINC are: Neighbourhood Centre project, Oberon Neighbourhood Centre, Community Visitors Scheme, Home and Community Care Training, Home Maintenance and Modification Project, HMM Lawn Mowing Services, Migrant Support Service, Bathurst Migrant and Refugee Mentoring Project, Volunteering Bathurst, Volunteering Central West.
- Other activities and projects include:- International Friendship Group, Bathurst Eisteddfod Catering, Computer Tutoring, The Knit-ins, Learner Education Assistance Program, State Debt Recovery, Free Legal Advice, Tax Help Program, Golden Gurus.
- As well as other co-located services at BINC - Disability Information Advocacy Service, MERIT, Josephite Foundation No Interest Loans Scheme, Step Up Loans, University of the Third Age. Also, approximately 100 other community groups use the services of BINC in a range of ways.

Financial Implications: N/A

MINUTE

**33 Item 3 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 14 SEPTEMBER 2011 (11.00019)**

MOVED: R Thompson SECONDED: B Bourke

RESOLVED: That the information be noted.

**4 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4 OCTOBER 2011
MINUTES (23.00080)**

Recommendation: That the information be noted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 4 October 2011 are provided at **attachment 1**.

Financial Implications: N/A

MINUTE

34 Item 4 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4
OCTOBER 2011 MINUTES (23.00080)

MOVED: I North SECONDED: W Aubin

RESOLVED: That the information be noted.

MINUTE

35 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL MINUTES

MOVED: M Morse SECONDED: W Aubin

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

There were no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	DEED OF AGREEMENT: USER PAYS CHARGES IN RESPECT OF THE BATHURST 1000 WITH THE COMMISSIONER OF POLICE	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	RENEWAL OF LEASE - BATHURST SEYMOUR CENTRE - UNIT 3, 55 SEYMOUR 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.
3	INTEREST ON OUTSTANDING RATES - 133 GEORGE STREET BATHURST	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
4	PROPOSED SALE OF PROPERTY - 22 RUSSELL 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.
5	PROPOSED REDEVELOPMENT OF 17 HINTON ROAD, MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	BOUNDARY ADJUSTMENT - LOTS 1 AND 2 DP749758 200 COLLEGE ROAD, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	NEW TELECOMMUNICATION LEASE - MCPHILLAMY PARK, MT PANORAMA -	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	ESSENTIAL ENERGY	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	PROPOSED ACQUISITION OF LAND FOR LEVEE CONSTRUCTION - PERTHVILLE	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 BOUNDARY ADJUSTMENT AND RIGHT OF CARRIAGEWAY VARIABLE WIDTH LOT G DP161903 LOT B DP161789 AND LOT F DP161903: 447-451 CONROD STRAIGHT MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED BOUNDARY ADJUSTMENT LOTS 4 AND 5 DP847225 - 197 LIMEKILNS 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.

4	TENDER FOR PURCHASE OF ONE SIDE LOADING GARBAGE 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.
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ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES
19 OCTOBER 2011

MINUTE

a **Item 1 DEED OF AGREEMENT: USER PAYS CHARGES IN RESPECT OF THE BATHURST 1000 WITH THE COMMISSIONER OF POLICE (04.00001-37/024)**

MOVED: W Aubin SECONDED: R Thompson

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

MINUTE

b Item 2 RENEWAL OF LEASE - BATHURST SEYMOUR CENTRE - UNIT 3, 55 SEYMOUR STREET BATHURST (22.00185)

MOVED: R Thompson SECONDED: T Carpenter

That Council approves entering into a new lease agreement for part Lot 180 DP862410 known as Unit 3, 55 Seymour Street Bathurst with the Bathurst Seymour Centre Inc. for a period of five (5) years with a five (5) year option period as detailed in the report.

MINUTE

c Item 3 INTEREST ON OUTSTANDING RATES - 133 GEORGE STREET BATHURST (22.01376)

MOVED: R Thompson SECONDED: W Aubin

That Council write off the accrued interest on rates for Rate Assessment Number 128339 at 133 George Street amounting to \$3162.93.

MINUTE

d Item 4 PROPOSED SALE OF PROPERTY - 22 RUSSELL STREET, BATHURST (22.00413)

MOVED: T Carpenter SECONDED: R Thompson

That Council approves the listing for sale of Lot 3 DP1076805 known as 22 Russell Street, Bathurst, and direct the General Manager to negotiate the sale of the property.

MINUTE

e Item 5 PROPOSED REDEVELOPMENT OF 17 HINTON ROAD, MOUNT PANORAMA (22.03648)

MOVED: R Thompson SECONDED: W Aubin

That Council

- (a) authorise the General Manager to lodge a development application for the demolition of the dwelling on Lot 1 DP 232111, 17 Hinton Road, Mount Panorama.
- (b) seek a further report for the redevelopment of the vacant land once the development application has been determined.

MINUTE

f Item 6 BOUNDARY ADJUSTMENT - LOTS 1 AND 2 DP749758 200 COLLEGE ROAD, MT PANORAMA (22.05258, 22.11530)

MOVED: B Bourke SECONDED: W Aubin

That Council

- (a) approve the boundary adjustment of Lots 1 and 2 DP749758
- (b) create a right of carriage way for Lot 2 DP749758

MINUTE

g Item 7 NEW TELECOMMUNICATION LEASE - MCPHILLAMY PARK, MT PANORAMA - ESSENTIAL ENERGY (08.00007)

MOVED: T Carpenter SECONDED: W Aubin

That Council approves entering into a new lease agreement for part Lot 1 DP634401 known as McPhillamy Park, Mt Panorama with Essential Energy for a lease period of five (5) years with an option period of five (5) years as detailed in the report.

Cr Bourke asked that his negative vote be recorded.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES
19 OCTOBER 2011

MINUTE

**h Item 1 PROPOSED ACQUISITION OF LAND FOR LEVEE CONSTRUCTION -
PERTHVILLE (31.00001)**

MOVED: I North SECONDED: R Thompson

That Council approve the commencement of the acquisition of land for construction of the Perthville Levee affecting properties at Perthville and classify the acquired parcels as Operational and under the provisions of Section 31(2) of the Local Government Act 1993, as detailed in the Director Engineering Services' report.

MINUTE

i Item 2 PROPOSED BOUNDARY ADJUSTMENT AND RIGHT OF CARRIAGEWAY VARIABLE WIDTH LOT G DP161903 LOT B DP161789 AND LOT F DP161903: 447- 451 CONROD STRAIGHT MOUNT PANORAMA (22.04682)

MOVED: R Thompson SECONDED: W Aubin

That Council approve the proposed boundary adjustment between Lot G DP161903 and Lot B DP161789 and the creation of a Right of Carriageway Variable Width within 449 Conrod Straight, Mount Panorama, as detailed in the Director Engineering Services' report.

MINUTE

j Item 3 PROPOSED BOUNDARY ADJUSTMENT LOTS 4 AND 5 DP847225 - 197 LIMEKILNS ROAD KELSO (22.00358-02)

MOVED: R Thompson SECONDED: G Hanger

That Council approve the proposed boundary adjustment between Lots 4 and 5 DP847225 being 197 Limekilns Road, Kelso for construction to expand the water pump station site, subject to conditions outlined in the Director Engineering Services' report. The acquired property to be classified as Operational land.

MINUTE

k Item 4 TENDER FOR PURCHASE OF ONE SIDE LOADING GARBAGE TRUCK (36.00434)

MOVED: T Carpenter SECONDED: R Thompson

That Council accept the tender from Iveco Trucks Australia for one Iveco F2350G truck fitted with Superior Pak Raptor side loader garbage compactor body for a purchase price of \$377,086.60 and the existing truck Plant No. F2519 be disposed of by auction.

MINUTE

36 **RESOLVE INTO OPEN COUNCIL**
MOVED: R Thompson SECONDED: W Aubin

RESOLVED: That Council resume Open Council.

MINUTE

37 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: R Thompson SECONDED: W Aubin

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

MINUTE

38 MEETING CLOSE

The Meeting closed at 7.18 pm.

CHAIRMAN: _____

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