



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

9 November 2011

His Worship the Mayor & Councillors

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 16 November 2011 commencing at 6.00 pm.

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley  
GENERAL MANAGER

# **BUSINESS AGENDA**

## **ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**

**TO BE HELD ON WEDNESDAY, 16 NOVEMBER 2011**

1. 6:00 PM - MEETING COMMENCES

2. PUBLIC QUESTION TIME

3. PRAYER

Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

4. APOLOGIES - Nil

5. MINUTES

\* Minutes - Ordinary Meeting of Bathurst Regional Council - 19 October 2011

\* Minutes - Extraordinary Meeting of Bathurst Regional Council - 2 November 2011

6. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

7. MAYORAL MINUTE - Nil

8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

\* Director Environmental Planning & Building Services' Report

\* Director Corporate Services & Finance's Report

\* Director Engineering Services' Report

\* Director Cultural & Community Services' Report

9. REPORTS OF OTHER COMMITTEES

\* Minutes - Policy Committee Meeting - 2 November 2011

\* Minutes - Traffic Committee Meeting - 1 November 2011

10. NOTICES OF MOTION - Nil

11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- \* Councillors Meeting with Community Groups/Representatives - 12 October 2011
- \* Councillors Meeting with Community Groups/Representatives - 26 October 2011

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

**Recommendation:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST TO ACCEPT BOND FOR OUTSTANDING WORKS APPROVED UNDER DEVELOPMENT APPLICATION 2009/0009	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.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BATHURST EISTEDDFOD SOCIETY	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 LICENCE AGREEMENT - BATHURST HISTORICAL SOCIETY - OLD GOVERNMENT COTTAGE AND MITRE STREET ANNEX	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 SALE OF VACANT LAND - 24 RUSSELL STREET, BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	PROPOSED SALE OF PROPERTY, 449 CONROD STRAIGHT, MT PANORAMA	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	RENEWAL OF AGREEMENT - TRACKCORP ADRENALIN PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	2012 ARMOR ALL BATHURST 12 HOUR	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	BATHURST MOTOR FESTIVAL - EASTER EVENT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SUPPLY AND DELIVERY OF 2 X 10500 GVM CAB TIPPERS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED ROAD DEDICATION AND	10A (2) (d) (i) – contains commercial information of a

	CLOSURE OF UNNECESSARY ROAD - LOT 1 DP225172, 946 TURONDALE ROAD DURAMANA	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	AVELING & PORTER STEAM ROLLER RESTORATION	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, Toole

## MINUTE

### 2 PUBLIC QUESTION TIME

#### M Knockles – ratepayer - DEPBS Item #12 - DA Walmer Park:

- Concerned at what is happening at Walmer Park.
- Developments are occurring without community consultation.
- Need Council to stop this, asks Council to save their park.
- Referred to other towers on the site.

#### J Taylor - ratepayer- DEPBS Item #12 - DA Walmer Park:

- Spoke to the DA matter and advised purchased property in 2004 - solicitors Kenny Spring.
- Noted history of buying the property and seeks DA be approved.
- Did not know he needed an approval for residing in the building.
- Did not get approval and will lose tens of thousands of dollars.
- Would like someone from Council to come out and look at the home.
- Need permission to put the house on the market - before reject please look at this site.

#### R Collins - ratepayer - DEPBS Item #12 - DA Walmer Park:

- Disappointed Councillors have been put in a conflict with residents.
- Spoke of Councillors viewing the site and future potential for Walmer Park.
- The Park belongs to the people and short-term gain should not override long-term planning.
- Walmer Park is not Vodafone land - Council should negotiate the best deal for the residents.
- Has Council investigated other sites e.g. Industrial estate etc.?
- Has Council undertaken cell phone site investigations - what about health issues?

#### Abbey - ratepayer - DEPBS Item #12 - DA Walmer Park:

- Against the tower.
- Everyone loves the park and does not like all the towers being erected.
- If tower goes up will this effect the park?
- Please think about proposal.

#### L Burton - ratepayer - DEPBS Item #12 - DA Walmer Park:

- Lives near the park.
- Spoke of visual impact of the towers.
- Asked if Councillors went to the site and examined the proposal.
- Issues raised; views, privacy, visual impact and overshadowing.
- Have provided evidence why the DA should be refused.
- Council should fight this matter and use rates to pay legal.
- Spoke of other sites that could be looked at.
- Already have 2 towers - do not need more buildings and blockages.

#### D Cosgrove - ratepayer - DEPBS Item #12 - DA Walmer Park:



- Feels should look at placing towers out in country areas.

**G Crisp** - ratepayer:

- Spoke of questions raised at October meeting by him - Why has he not received a reply?

**Mayor** spoke to Mr Crisp raising his concerns with the appropriate authorities.

- Submissions on Financial Statements - when will they be presented to Council?

**Mayor** advised December meeting.

- Made accusations of negligence against senior officers and against the auditors.
- Queried when General Manager and Director Corporate Services & Finance would resign or be sacked.

**M Gooley** - ratepayer - DEPBS Item #12 - DA Walmer Park:

- Spoke of communication towers and issue at Ilumba Way.
- Spoke to health concerns that exist and the concerns with communication towers.
- Spoke against Council giving consent orders for proposal at Ilumba Way.

**B Trimming** - ratepayer:

- Understands Walmer Park is designated for sport and recreation - not aware has been re-categorised as business land.
- Congratulated Councillor North on his position on this matter.
- Small Business Disabled Access Fund - advised he was the person who suggested that Council should use excess funds on Council facilities.
- Disappointed at \$4,000 proposed for Art Gallery/Library toilets - this is a maintenance item and money should not be spent on this.
- Footpath Sydney Road - Lee Street to Bunnings - Congratulations Council on doing these works, annoyed it took a year to fix.
- Speed of scooters on footpaths - needs to look at how this can be managed - police can't enforce limits, can Council and the Local Members take this matter up?
- Sustainability House - noted it is on the business paper - the report is wrong, it is a public building - referred to taking this matter to the Human Rights Commission - noted building does not have flat floors at front and back.

**P Dowling** - ratepayer - DEPBS Item #12 - DA Walmer Park:

- Noted the prayer says "seek the common good" so in relation to the towers, please refuse.

**M Johnson** - ratepayer - DEPBS Item #12 - DA Walmer Park:

- The proposal is wrong.

**MINUTE**

**3     APOLOGIES**

Nil

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MINUTES

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

General Manager  
Bathurst Regional Council

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19**  
**OCTOBER 2011 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 October 2011 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 19 October 2011, are attached.

**Financial Implications:** N/A

**MINUTE**

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

**MOVED: B Bourke SECONDED: P Toole**

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 October 2011 be adopted.

**2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 NOVEMBER 2011 (11.00005)**

**Recommendation:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 2 November 2011 be adopted.

**Report:** The Minutes of the Extraordinary Meeting held on 2 November 2011 are attached.

**Financial Implications:** N/A

**MINUTE**

**5 Item 2 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 2 NOVEMBER 2011 (11.00005)**

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

**RESOLVED:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 2 November 2011 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 19 OCTOBER 2011**

**MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**PUBLIC QUESTION TIME**

**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.

**APOLOGIES**

**3**

**APOLOGIES**

**MOVED** Cr I North

and **SECONDED** Cr B Bourke

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

**MINUTES**

**4**

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

**MOVED** Cr I North

and **SECONDED** Cr W Aubin

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

**DECLARATION OF INTEREST**

**5**

**DECLARATION OF INTEREST 11.00002**

**MOVED** Cr T Carpenter

and **SECONDED** Cr 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.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

### Director Environmental Planning & Building Services' Report

- 6** **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**  
**MOVED** Cr R Thompson and **SECONDED** Cr M Morse
- RESOLVED: That the information be noted.
- 7** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr G Hanger
- RESOLVED: That the information be noted.
- 8** **Item 3 BATHURST REGIONAL COUNCIL ARCHAEOLOGICAL MANAGEMENT PLAN (20.00164)**  
**MOVED** Cr M Morse and **SECONDED** Cr T Carpenter
- RESOLVED: That Council place the draft Bathurst Regional Archaeological Management Plan on public exhibition for one month.
- 9** **Item 4 PLANNING SYSTEM REVIEW (02.00018)**  
**MOVED** Cr I North and **SECONDED** Cr T Carpenter
- RESOLVED: That the information be noted.
- 10** **Item 5 GO GREEN CHALLENGE: SUSTAINABLE SCHOOLS UPDATE (13.00059)**  
**MOVED** Cr I North and **SECONDED** Cr G Hanger
- RESOLVED: That the information be noted.
- 11** **Item 6 RURAL LIVING HANDBOOK (16.00021)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr R Thompson
- RESOLVED: That the information be noted.
- 12** **Item 7 BATHURST SUSTAINABLE LIFESTYLE HOUSE (21.00109)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr M Morse
- RESOLVED: That the information be noted.

### Director Corporate Services & Finance's Report

- 13** **Item 1 STATEMENT OF INVESTMENTS (16.00001)**  
**MOVED** Cr R Thompson and **SECONDED** Cr I North
- RESOLVED: That the information be noted.
- 14** **Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN AND BUDGET (16.00126)**  
**MOVED** Cr R Thompson and **SECONDED** Cr T Carpenter
- RESOLVED: That the information be noted and any variations to income and expenditure be voted.



**MARS PETCARE (20.00177)****MOVED** Cr B Bourkeand **SECONDED** Cr 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.

**Director Cultural & Community Services' Report****22****Item 1 ALCOHOL-FREE ZONES IN THE BATHURST CBD (20.00126)****MOVED** Cr R Thompsonand **SECONDED** Cr 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).

**23****Item 2 BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC), LOCAL STAGES - THE DISAPPEARANCES PROJECT (21.00060)****MOVED** Cr T Carpenterand **SECONDED** Cr M Morse

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

**General Manager's Report****24****Item 1 POPULARLY ELECTED MAYOR (12.00005)****MOVED** Cr B Bourkeand **SECONDED** Cr 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**

- 25** **Item 1 POPULARLY ELECTED MAYOR (12.00005)**  
**MOVED** Cr R Thompson and **SECONDED** Cr W Aubin

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

- 26** **Item 2 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS (11.00002)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

## **REPORTS OF OTHER COMMITTEES**

### **Mount Panorama Racing Committee**

- 27** **Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 28 SEPTEMBER 2011 (04.00001)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr B Bourke

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

### **Policy Committee Meeting**

- 28** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 28 SEPTEMBER 2011 (07.00064)**  
**MOVED** Cr W Aubin and **SECONDED** Cr R Thompson

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

### **Traffic Committee Meeting**

- 29** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 OCTOBER 2011 (07.00006)**  
**MOVED** Cr R Thompson and **SECONDED** Cr 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).

- 30** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 OCTOBER 2011 (07.00006)**  
**MOVED** Cr R Thompson and **SECONDED** Cr 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.

### DELEGATES REPORTS

- 31** **Item 1 MALAYSIAN 12 HOUR RACE - SEPANG - 17/09/2011 - CR AUBIN (04.00097)**  
**MOVED** Cr B Bourke and **SECONDED** Cr R Thompson

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

- 32** **Item 2 BATHURST INFORMATION & NEIGHBOURHOOD CENTRE AGM - CR MORSE (18.00017)**  
**MOVED** Cr M Morse and **SECONDED** Cr T Carpenter

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

- 33** **Item 3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 14 SEPTEMBER 2011 (11.00019)**  
**MOVED** Cr R Thompson and **SECONDED** Cr B Bourke

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

- 34** **Item 4 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 4 OCTOBER 2011 MINUTES (23.00080)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

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

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

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

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

**RESOLVED:** That:

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	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 - 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	10A (2) (d) (i) – contains



	ACQUISITION OF LAND FOR LEVEE CONSTRUCTION - PERTHVILLE	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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### Director Corporate Services & Finance's Report

- 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 Cr W Aubin and SECONDED Cr R Thompson

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

- b** Item 2 RENEWAL OF LEASE - BATHURST SEYMOUR CENTRE - UNIT 3, 55 SEYMOUR STREET BATHURST (22.00185)  
MOVED Cr R Thompson and SECONDED Cr 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.

- c** Item 3 INTEREST ON OUTSTANDING RATES - 133 GEORGE STREET BATHURST (22.01376)  
MOVED Cr R Thompson and SECONDED Cr W Aubin

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

- d** Item 4 PROPOSED SALE OF PROPERTY - 22 RUSSELL STREET, BATHURST (22.00413)  
MOVED Cr T Carpenter and SECONDED Cr 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.

- e** Item 5 PROPOSED REDEVELOPMENT OF 17 HINTON ROAD, MOUNT PANORAMA (22.03648)  
MOVED Cr R Thompson and SECONDED Cr 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.

- f** Item 6 BOUNDARY ADJUSTMENT - LOTS 1 AND 2 DP749758 200 COLLEGE ROAD, MT PANORAMA (22.05258, 22.11530)  
MOVED Cr B Bourke and SECONDED Cr 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

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

MOVED Cr T Carpenter and SECONDED Cr 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.**

**Director Engineering Services' Report**

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

MOVED Cr I North and SECONDED Cr 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.

**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 Cr R Thompson and SECONDED Cr 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.

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

MOVED Cr R Thompson and SECONDED Cr 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.

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

MOVED Cr T Carpenter and SECONDED Cr 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.



**MINUTES OF THE EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 2 NOVEMBER 2011**

**MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**APOLOGIES**

**2 APOLOGIES**

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

**RESOLVED:** That the apologies from Cr G Hanger and Cr P Toole be accepted and leave of absence granted.

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**4 Item 1 AUDITED FINANCIAL REPORTS (16.00055)**

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

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

**MEETING CLOSE**

**5 MEETING CLOSE**

The Meeting closed at 7.13pm.

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

**Date:** \_\_\_\_\_ **(16 November 2011)**

**MINUTE**

**6     DECLARATION OF INTEREST 11.00002  
MOVED: W Aubin SECONDED: P Toole**

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

Cr Thompson

Item Confidential #2 of the Director Engineering Services report

Cr North

Item Confidential #4 of the Director Corporate Services & Finance's report

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORTS & MINUTES  
16 NOVEMBER 2011

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE  
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16  
NOVEMBER 2011**

General Manager  
Bathurst Regional Council

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

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

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

**Financial Implications:** Nil.



**MINUTE**

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

**MOVED: P Toole SECONDED: B Bourke**

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

**MINUTE**

**8      SUSPENSION OF STANDING ORDERS (03.00053)**

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

**RESOLVE:** That Standing Orders be suspended to allow Council to deal with Item 12 of the Director Environmental, Planning & Building Services report - Development Application No 2011/0273 - Telecommunications Base Station at Lot 2, DP 1140980, Walmer Park, Bradwardine Road, Windradyne after Item 2 General Report.

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

**Financial Implications:** Nil.

**MINUTE**

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

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

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

## MINUTE

**10 Item 12 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 (03.00053)**

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

**RESOLVED:** That Council:

- (a) Direct the Director Environmental Planning & Building Services to refuse Development Application No 2011/0273, on the grounds of visual amenity issues and health concerns.
- (b) notify those who lodged a submission of its decision.
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Cr W Aubin, Cr T Carpenter, Cr M Morse, Cr R Thompson,

Absent - NIL

Abstain - NIL

**MINUTE**

**11     EXTENSION OF TIME (03.00053)**

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

**RESOLVED:** That an extension of time be granted to Cr North for Minute #10 in accordance with Clause 250(3) of the Local Government (General) Regulation 2005.

**MINUTE**

**12     RESUMPTION OF STANDING ORDERS (03.00053)**

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

That Council resume Standing Orders.

**3 DEVELOPMENT APPLICATION 2010/0937 – USE OF EXISTING SHED AS DWELLING AT 2 ROBERTSON STREET, ROCKLEY. APPLICANT &. OWNER: J TAYLOR (DA/2010/0937)**

**Recommendation:** That Council:

- (a) having undertaken a review of Development Application 2010/0937 reaffirm its decision to refuse the application for the reasons outlined in its Notice of Determination dated 7 February 2011; and
- (b) call a division.

**Report:** Council has received a request to undertake a review of the refusal of the above Development Application under Section 82A of the Environmental Planning and Assessment Act 1979.

A copy of the request for review and accompanying documents prepared by McPhee Kelshaw is submitted at **attachment 1**.

**Subject land**

The Development Application notes that the subject land is Lot 238 in DP753052 known as 2 Robertson Street, Rockley.

Lot 238 is located at the intersection of Triangle Flat Road and Robertson Street, Rockley.

Lot 238 is approximately 1.614 hectares.

The land is located approximately 550 metres to the south of the zoned boundary of the Village of Rockley.

The applicant also owns 2 allotments of land immediately to the south of Lot 238. These are Lots 8 & 9, Section 34 in DP758884. These lots are 0.1796 ha & 0.1783 ha respectively.

Collectively the area of the 3 allotments is 1.97ha.

Upon Lot 238 is a single storey metal clad building approximately 50 metres x 15 metres. The building has historically been used for the manufacturing of furniture although this use has now ceased.

An area within the shed is being used as a dwelling house including 4 bedrooms, kitchen and dining areas, bathroom and laundry.

A locality plan is provided at **attachment 2**.

**The proposal**

It would appear at some point in time part of the shed has been converted into a dwelling. It is stated in the review documents that this was originally undertaken by the previous owners (Lusby) with further works being undertaken by the current owners. Works undertaken by the current owners according to the review documents include:

- Forming up bedrooms 1 & 2 and the lounge room within an area previously part of the factory.
- Conversion of a second toilet for the factory into the laundry and the former factory meal



room into the kitchen for the dwelling.

The proposal as described in the review request documentation is “the use of part of the building on Lot 238 as a dwelling”. That is the Development Application ultimately seeks to legitimise the existing use of part of the shed as a dwelling.

It is noted within the documentation that no alterations to the exterior of the building are proposed. It is unclear from any of the documentation as to whether any building works would be required to meet the BASIX commitments or BCA compliance.

#### Reasons for refusal

The Development Application was refused by Council, under delegated authority, on 7 February 2011. The reasons for refusal were:

**The subject land is not land that would be entitled to have a dwelling-house erected on it under the provisions Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that:**

- (a) **The subject land has an area less than the minimum area of 100 hectares, as required by Clause 28(1)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and**
- (b) **The subject land does not comprise an “existing holding” as defined in Clause 28(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as the land formed part of a larger Crown land holding, at the appointed day, being 31 March 1967 (Interim Development Order No 2 - Shire of Abercrombie).**
- (c) **The subject land does not comprise an allotment created in accordance with Clause 27(4) of the Bathurst Regional (Interim) Local Environmental Plan 2005, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005; and**
- (d) **The subject land does not comprise an allotment created in accordance with a consent granted before the appointed day, being 13 April 2006, as required by Clause 28(1)(d) of the Bathurst Regional (Interim) Local Environmental Plan 2005**

#### Whether the development application has been determined

The issue has been raised within the review documentation as to whether the Development Application has in fact been determined by the Council. The issue was raised due to the fact that the applicant has apparently not received a copy of the Notice of Determination (refusal).

Council records indicate that the Notice of Determination was issued on 7 February 2011. The postal address provided on the Notice was 2 Robertson Street, Rockley which is as indicated by the applicant on the Development Application form.

It is noted that all other correspondence from Council to the applicant relating to the Development Application and Building Certificate sent to this address appears to have been received.

A determination under Section 80 to refuse consent to a Development Application is effective from the time of determination notwithstanding that the applicant may not have

received the Notice of Determination.

The application is therefore being treated as a review pursuant to Section 82A of the Environmental Planning and Assessment Act 1979.

#### History of allotment

Lots 8, 9 and 238 are all old systems allotments created as part of the original parish layouts for the Village of Rockley.

Council records indicate that as at the appointed day (31 March 1967) for determining the “existing holding” Lot 238 was Crown Land held under Lease by JJ Lewis.

Council records indicate that JJ Lewis leased additional adjoining land from the Crown being Lots 239 (now owned by McLaren) and Lots 240 (now owned by Marks). The Crown land itself was again part of a much larger holding of Crown Land including the former Crown Reserve on the northern side of Robertson Street now owned by Standen and Black.

Lots 8 & 9 were also owned by JJ Lewis who also owned the adjoining Lot 5 (now known as 135 Triangle Flat Road owned by Hodgson and Freer) and Lots 1 & 2 in Section 42 (now known as 62 Common Road owned by Marks).

The net result of the ownership pattern as at 31 March 1967 is that Lots 8, 9 and 238 in isolation or in any combination cannot be considered as an “existing holding”.

#### Previous consents

A review of the records held by Council reveals that the existing building on the property was approved by Evans Shire Council on 23 July 1990 for the purposes of a furniture manufacturing business (Durapine). A copy of the plans approved by Council is at **attachment 3**.

It can clearly be seen from the approved plans that there was no dwelling or living quarters approved as part of that Development Application.

There is no consent relating to the conversion of part of the shed into living quarters (purportedly undertaken by Lusby) or for the building works undertaken by the current owners to expand and upgrade the living quarters/dwelling.

Any building works necessary to convert part of the factory into living quarters and to expand that use would have at all times required development consent.

#### Previous advice in relation to permissibility

The applicant has also provided Council with a copy of a 149 (planning) Certificate issued by Evans Shire Council in 2004 which indicates that the land has a “building entitlement” available.

Evans Shire used to provide information on the availability of building entitlements as part of their 149 Planning Certificates. The Council was under no obligation to do so and in fact the provision of this information would be outside of the matters to which Council was obliged to provide advice. The practice was immediately stopped following the amalgamation of Evans Shire and Bathurst City.

In the present case further investigation as part of this Development Application has

ultimately revealed that the land does not have a building entitlement.

Whilst the above is acknowledged Council must deal with the Development Application as submitted and on the basis of the planning provisions as they relate to the property. Acceptance of the planning provisions as they relate to the property in turn leads to the refusal of the Development Application.

### Statutory context

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

The subject land is zoned 1(e) Outer Rural under the provisions of Bathurst Regional (Interim) Local Environmental Plan 2005 (BRILEP 2005).

Clause 6(3) of BRILEP 2005 provides that the Council must consider the objectives of the zone. Clause 6(3) is as follows:

*Consent must not be granted to the carrying out of development within a particular zone unless the consent authority has taken the objects of the zone into account and:*

- (a) *is satisfied that the proposed development is consistent with one or more of the objects, or*
- (b) *if the proposed development is development of the kind that is identified by this plan as usually not consistent with those objects-is satisfied that in the particular circumstances of the case, it is appropriate that the proposed development is carried out.*

The objectives of the 1(e) Outer Rural Zone are as follows:

- (a) *to support and maintain the continued viability of agricultural development in rural lands located in the outer rural areas of the local government area of Bathurst Regional;*
- (b) *to enable the carrying out of development that is appropriate for broad acre productive land used for grazing and cropping;*
- (c) *to protect and conserve the scenic environment by controlling the location of buildings and materials used, particularly in respect of development adjacent to a major road or located within a scenic protection area or within an identified remnant bushland area;*
- (d) *to protect and conserve valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development to enable the efficient extraction of those deposits;*

A dwelling house is permissible with consent subject to compliance with the development standards prescribed by Clause 28 of BRILEP 2005. The relevant parts of Clause 28 are repeated below:

### **28 Dwelling-houses—rural zones**

- (1) *The consent authority must not consent to the erection of a dwelling-house within one of the zones specified in the Table to this subclause unless the lot on which the dwelling-house is proposed to be erected:*

- (a) has an area not less than the minimum area set by the Table for a lot in that zone, and is vacant, or
- (b) comprises the whole of an existing holding, the area of which is less than the minimum area set by the Table for a lot in that zone, and is vacant, or
- (c) comprises a lot created pursuant to clause 27 (4) and is used for intensive agriculture and is vacant, or
- (d) comprises a lot that was created in accordance with a consent granted before the appointed day, being a lot on which a dwelling-house could have been lawfully erected immediately before the appointed day, and is vacant.

**Table**

<b>Zone No</b>	<b>Minimum area for erection of dwelling-house</b>
1 (a)	200 ha
1 (b)	20 ha
1 (c)	1 ha
1 (d)	200 ha
1 (e)	100 ha

(2) .....

(3) .....

(4) In this clause:

**existing holding** means:

- (a) the area of a lot, portion or parcel as it was at the relevant date, or
- (b) if, as at the relevant date, a person owned 2 or more adjoining or adjacent lots, portions or parcels, the aggregation of the areas of those lots, portions or parcels as they were at the relevant date.

**relevant date** means:

- (a) ....., or
- (b) ....., or
- (c) 31 March 1967, in relation to land within the former local government area of Evans Shire Local Government Area to which Interim Development Order No 2—Shire of Abercrombie applied.

**vacant** means devoid of a dwelling-house.

Basis for granting consent

In order for Council to be able to grant consent to a dwelling on the land (be it a stand alone dwelling or within the existing shed) it must be permissible and consistent with the objectives of the zone.

In broad terms dwelling houses are permissible within the 1(e) Outer Rural Zone under Clause 28 where the allotment of land is in excess of 100 hectares, the allotment is an allotment created by development consent on which a dwelling could have been erected or the allotment is an “existing holding”.

The review request provides no evidence that any of these preconditions to the granting of consent are available. Accordingly the granting of consent would be prohibited by virtue of Clause 28 of BRILEP 2005. This is in effect the same conclusion reached by Council when first determining the Development Application.

The review request is predicated on the fact that Clause 28 has no work to do (i.e does not apply) in that the consent seeks the “use of” an existing dwelling (the conversion of which was undertaken without consent) as opposed to the “erection of a dwelling house”.

Section 4(2) of the Environmental Planning and Assessment Act defines the erection of a building as:

(2) *A reference in this Act to:*

- (a) *the use of land includes a reference to a change of building use, and*
- (b) *the erection of a building includes a reference to:*
  - (i) *the rebuilding of, the making of alterations to, or the enlargement or extension of, a building, or*
  - (ii) *the placing or relocating of a building on land, or*
  - (iii) *enclosing a public place in connection with the construction of a building, or*
  - (iv) *erecting an advertising structure over a public road, or*
  - (v) *extending a balcony, awning, sunshade or similar structure or an essential service pipe beyond the alignment of a public road, and*

The Environmental Planning and Assessment Act does not allow Council to grant retrospective approval for the building works undertaken to date. Approval can however be given prospectively for the ongoing use as a dwelling provided that it is satisfied that it is appropriate to grant consent having regard to the objects of the Environmental Planning and Assessment Act and the objectives of the 1(e) Outer Rural Zone.

The objects of the Environmental Planning and Assessment Act are:

- (a) *to encourage:*
  - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment*

The applicant provides no evidence that the development satisfies any of the criteria within Clause 28 that would otherwise enable Council to grant consent to a dwelling house were the land vacant. Lot 238 is just 1.6 ha or 1.6% of the 100 ha development standard that would otherwise apply to the land.

In terms of what consideration should be given to the existing unlawful use occurring on site the generally acceptable principle is that *“although an applicant for consent should derive no advantage, direct or indirect, from the unlawful use, I do not think that it should be an impediment to the consideration of his application on its planning merits. If on the merits a planning consent should be given, it is desirable in the public interest that it should be given irrespective of the past conduct of the applicant. It is desirable that the position should be regularised leaving the past unlawful conduct to be punished by penal sanctions.”* (Kouflidis v City of Salisbury).

**Even if it were the case that Clause 28 is not applicable it would remain an extremely curious state of affairs in that a person could undertake building work without consent to allow a use which would otherwise not be permissible and then rely upon those works to negate the planning rules as they apply. In that sense it could not be said that a Development Application that relies upon that premise could be consistent with the objects of the EP&A Act itself relating to orderly and economic use of the land and the objectives of the 1(e) Outer Rural Zone. In that sense consent could not and should not be given on the merits of the application.**

In support of this position it is noted that:

- As noted in Ratsep vs Bathurst Regional Council (relating to the subdivision of land into 100 ha allotments) *“it is generally the case that when a Council prepares a Local Environmental Plan which contains aims and objectives of the plan and a particular zone, that any development standards contained within the Local Environmental Plan, e.g. the 100ha minimum lot size as contained in the Bathurst Regional (Interim) Local Environmental Plan 2005, should have been prepared by the Council to fulfil the relevant aims and objectives of both the planning instrument and the particular zone to which the development standard relates”*
- As noted in Thorncraft vs Bathurst Regional Council (relating to the construction of a dwelling on 2.4 hectares in the 1(e) Outer Rural zone)

*Because of the size of the subject land, namely 2.4 hectares, it is clearly of insufficient size for purely grazing purposes.*

*As I have said an objection has been lodged under SEPP No. 1, and it is necessary for the proposed development to pass a number of tests posed by that policy.*

*The first question is: whether the control here, namely, the minimum lot size of 100 hectares for a dwelling house, is a development standard. The answer to that is clearly, yes.*

*The next question is: what is the underlying object or purpose of the standard? That purpose is not stated in the instrument. However, Mr L M Fletcher, the Court appointed Consultant Town Planner, states in his report:*

*Although the objective of the development standard is not stated, the key objective is to protect and secure agricultural land for the future.*

*It is also an underlying objective of the standard, according to Mr Fletcher, to protect the value of land for agricultural purposes. Clearly, if the land is used for other than purely agricultural purposes, that is, for rural residential purposes, or even for a hobby farm, then it would undermine the underlying objective. The proposed development would contravene the underlying objective of the standard.*

*The next question is: does compliance with the standard tend to hinder the aims of the policy, in particular does it hinder the objects specified in s 5(a)(i) and (ii) of the EP&A Act? Those objects are to encourage the proper management, development and conservation of natural and artificial resources, including agricultural land; and also the promotion and co-ordination of the orderly and economic use and development of land.*

*The subject land clearly is not a viable agricultural holding. Its use for the raising of horses is really, in effect, a hobby farm, and can only be carried on if the owner has some other source of income. The answer to the third question is clearly, no.*

*The fourth question is: is compliance unreasonable or unnecessary in the circumstances? In the present case, the Court agrees with the opinion expressed by Mr Fletcher, the Court appointed expert: the 100 hectare minimum standard for a dwelling house, he says, was to discourage rural residential lifestyle development, it is a standard of long standing, it is accepted by the community, there is no proposal to change it and what is proposed here is in effect tantamount to a re-zoning. SEPP No. 1 is not to be used to effect planning changes: Hooker Corporation Pty Ltd v Hornsby Shire Council, NSWLEC, unreported, Cripps J, 2 June 1986; Winten Property Group Ltd v North Sydney Council [\[2001\] NSWLEC 46](#) ; [\(2001\) 130 LGERA 79](#) at 89.*

*The fourth question can be answered by posing a further question, would a development which complies with the development standard be unreasonable or unnecessary? Clearly the answer is, no. As Mr Fletcher has pointed out, the proposal represents a massive 97 per cent variation from a long-standing development standard that appears to have no or little prospect of being changed in the foreseeable future.*

*Mr Fletcher also refers to the question of precedent. It is clear that there are many lots within a two-kilometre radius of the site which are considerably less than 100 hectares in area. Those lots in most cases comprise part of a larger holding, but there is no reason why they could not be separately sold and become the subject of similar applications to the present. Under these circumstances the Court is of the view that the precedent effect is another factor which should be taken into account. As was noted in *Goldin v Minister for Transport* [\[2002\] NSWLEC 75](#) ; [\(2002\) 121 LGERA 101](#) at 110, if there is an application for development which is both objectionable in itself, and where there is a sufficient probability that there will be further applications of a like kind, then the fact that a consent would operate as a precedent may be taken into consideration.*

*This stands as a further reason for refusing the present development application. As I have said, what is proposed here is a hobby farm. It could lead to other hobby farms on the other allotments which are less than 100 hectares in area in the immediate vicinity.*

*In short, the Court is of the opinion that the tests posed by SEPP No. 1 have not been satisfied. It therefore follows that the development standard should be observed. It also follows that the appeal must be dismissed and the development application refused.*

As illustrated in these past Court hearings the application would not merit approval.

## Conclusion

Council has received a request to undertake a review of its refusal of a Development Application for the use of part of an industrial building as a dwelling at 2 Robertson Street, Rockley.

The application is notable because the dwelling is in existence having been erected within the shed by the current and previous owners without either having been granted consent to do so.

A review of the planning provisions controlling the erection of a dwelling on the land reveal that a dwelling house is not permissible under any interpretation of Clause 28 of BRILEP 2005 relating to dwelling houses in the 1(e) Outer Rural zone. Indeed the argument is run that Clause 28 does not apply because the development seeks the "use of" as opposed to the "erection of" a dwelling house on the land. Even if this interpretation were to be correct then the development would remain unacceptable in terms of the overall objectives of the Environmental Planning and Assessment Act and the 1(e) Outer Rural Zone. It is therefore recommended that Council reaffirm its decision to refuse the Development Application.

**Financial Implications:** Nil.



**MINUTE**

**13 Item 3 DEVELOPMENT APPLICATION 2010/0937 – USE OF EXISTING SHED AS DWELLING AT 2 ROBERTSON STREET, ROCKLEY. APPLICANT &. OWNER: J TAYLOR (DA/2010/0937)**

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

**RESOLVED:** That Council:

- (a) having undertaken a review of Development Application 2010/0937 reaffirm its decision to refuse the application for the reasons outlined in its Notice of Determination dated 7 February 2011; and
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

#### **4 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 - AMENDMENT NO. 1 (20.00180)**

**Recommendation:** That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 1);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.1) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate; and
- (c) call a division.

**Report:** The Bathurst Regional (Interim) Development Control Plan 2011 provides details and criteria for assessing Development Applications under Council's current Local Environmental Plan (Bathurst Regional (Interim) Local Environmental Plan 2005) (LEP).

The purpose of this amendment is to:

- a) Amend the residential density precinct on map 1 of the DCP in which the following lots are located:
  - a. Lot 121 DP 634473 13 Busby Street, South Bathurst
  - b. Lot 1 DP 1016761, 65 Bant Street, South Bathurst
  - c. Lot 1 DP 797161, 63 Bant Street, South Bathurst
  - d. Lot 18 DP 996458 61 Bant Street, South Bathurst

A location plan is at **attachment 1**.

The subject land is currently within residential density Precinct 2. The purpose of this amendment is to place the subject land within residential density Precinct 1.

Council placed the draft DCP Amendment No. 1 on public exhibition for 28 days from 5 September 2011 to 4 October 2011 and did not receive any submissions in relation to the proposed amendment.

The Plan enables the land to be developed for residential units as was enabled by Council's previous DCP. The Plan therefore reinstates past planning provisions.

#### **Conclusion**

The draft DCP (Amendment No. 1) has been placed on public exhibition. No submissions were received. The proposed change is consistent with previous planning provisions which applied to the land.

Council should note that the DCP will become effective from the date of notification of Council's adoption in the Western Advocate.

**Financial Implications:** Nil.

## MINUTE

### **14 Item 4 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 - AMENDMENT NO. 1 (20.00180)**

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

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 1);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.1) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate; 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

**5 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO. 2) (20.00181)**

**Recommendation:** That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 2);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.2) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate; and
- (c) call a division.

**Report:** Council adopted the Bathurst Regional (Interim) Development Control Plan (DCP) 2011 at its Ordinary meeting held on 16 February 2011. Council's DCP provides details and criteria for assessing Development Applications under Council's current Local Environmental Plan (Bathurst Regional (Interim) Local Environmental Plan 2005) (LEP). Council has also recently adopted the Bathurst Community Access & Cycling Plan 2011 which identifies a number of new and updated cycleways through a number of residential areas.

That Plan recommends the inclusion of new suburban routes on the relevant DCP maps. Through the practical application of the Bathurst Regional (Interim) Development Control Plan 2011, Council officers have also found that some standards within the DCP require further clarification or are too restrictive.

The key changes proposed within this DCP amendment are outlined below:

No	DCP Chapter	Description	Key Changes
1.	4.1.3 and 4.13.3	Shop Top Housing	Clarified that the commercial premises, general store or shop and dwelling are to be located on the same lot, although the dwelling may be detached from the commercial premises, general store or shop.
2.	New Section 5.2A	Floor Space Ratios	Floor Space Ratios were contained in Council's Development Control Plan – Business Development (2005) (repealed) and Development Control Plan – Industrial (2005) (repealed). The Floor Space Ratios for the 3(a) General Business, 3(b) Service Business and 4(a) Industrial were not translated to the Bathurst Regional (Interim) Development Control Plan 2011. The standards are identical to those contained in the previous DCPs.
3.	New Section 5.3A	Building standards for land zoned 3(b) – Service Business	Building standards existed within the Bathurst Regional Council Development Control Plan – Business Development (2005) (repealed). These building standards for the Trade Centre were not translated to the Bathurst Regional (Interim) Development Control Plan 2011. The standards are identical to those contained in the previous DCP.
4.	12.2.1	Definition for 'Blade Sign'	Introduce a new definition for a blade sign.
5.	12.2.4	Development standards for Blade Signs	Introduce a new development standard for blade signs.

6.	12.2.5	Development standards within Heritage Conservation Areas.	The development standards for advertising signage within Heritage Conservation Areas (HCA) have been found to be too restrictive when assessing Development Applications. The amendment brings the HCA in line with the standards outside the HCA. (ie enables 5% of the façade to incorporate advertising signage rather than the current 2%)
7.	14.3	Car Parking – Development Standards.  Engineering and building standards	Additional development standards were contained in Council's Offstreet Carparking Code (repealed). A standard applied to ensure that all parking spaces were provided such that: <i>“sufficient manoeuvring area shall be provided for vehicles to be parked on the site in a manner which ensures that they can enter and exit the site in a forward direction.”</i>  This standard was not translated to the Bathurst Regional (Interim) Development Control Plan 2011. The standard introduced has the same intent to that contained in the previous DCPs.
8	Maps	Cycle routes	Council adopted the Bathurst Community Access & Cycling Plan (BCA&CP) 2011. The Plan identifies a number of cycle routes through the new residential areas. This amendment will amend the maps of the DCP with the adopted routes of the BCA&CP 2011.  It should be noted that Map No. 2 - Raglan differs from that identified in the BCA&CP 2011 and the DCP map exhibited. The amended map reflects the 'as constructed' paths and does not alter the intent of the Plan.

Council placed the draft DCP Amendment No. 2 on Public Exhibition for 28 days from 24 September 2011 to 24 October 2011 and did not receive any submissions in relation to the proposed amendment.

#### Conclusion

The draft DCP (Amendment No. 2) has been placed on public exhibition. No submissions were received. The key changes are outlined in the above table, the majority of these reinstate provisions that were not translated over to the new DCP from the previous DCP. Importantly this amendment also highlights the new cycle/access routes on the relevant DCP maps.

Council should note that the DCP will become effective from the date of notification of Council's adoption in the Western Advocate.

**Financial Implications:** Nil.

## MINUTE

### **15 Item 5 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO. 2) (20.00181)**

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

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 2);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.2) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate; and
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

**6 BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005 – AMENDMENT NO'S 5 & 6 (20.00162 & 20.00176)**

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

**Report: Amendment No. 5**

Amendment No 5 to the LEP was gazetted on 9 September 2011. This amendment was to give effect to Council's Development Control Plan – Complying Development which brought the Complying Development DCP in line with the new Bathurst Regional (Interim) DCP 2011 with respect to dwelling setbacks (ie provide for a 6m front building line setback instead of the previous 8m setback).

A copy of the amendment is included at **attachment 1**.

**Amendment No. 6**

Amendment No 6 to the LEP was gazetted on 14 October 2011. This amendment was to correct a minor error in the property description of Heritage Item 108.

A copy of the amendment is included at **attachment 2**.

**Financial Implications:** Nil.

**MINUTE**

**16 Item 6 BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN  
2005 – AMENDMENT NO'S 5 & 6 (20.00162 & 20.00176)**

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

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



## **7 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT (13.00004)**

**Recommendation:** That Council:

- (a) note that the 2011 Supplementary Regional State of the Environment Report has been completed;
- (b) note that a copy of the 2011 Supplementary Regional State of the Environment Report will be forwarded to the Minister for Local Government in accordance with Council's statutory obligations; and
- (c) note that the 2011 Supplementary Regional State of the Environment Report will be placed on Bathurst Regional Council's Website.

**Report:** For the last four reporting years Bathurst Regional Council has participated in the Greater Central West Regional State of the Environment Reporting process. In light of the success of the previous Regional State of the Environment Reports (SoE), participating Councils have committed to continue the collaboration and Molino Stewart has been engaged to prepare the reports for the 2011 and 2012 reporting years.

There are 17 councils participating in the project including: Bathurst Regional, Blayney Shire, Bogan Shire, Bourke Shire, Cabonne Shire, Coonamble Shire, Cowra Shire, Dubbo City, Gilgandra Shire, Lachlan Shire, Mid-Western Regional, Narromine Shire, Oberon Shire, Orange City, Warren Shire, Warrumbungle Shire, and Wellington Shire.

The Central West Catchment Management Authority (Central West CMA) and each participating Council make an annual financial contribution to the preparation and printing of the Regional SoE.

The report has been prepared using a common set of environmental indicators to capture data which allows a comparison of trends and changes across the Greater Central West Council areas.

A steering committee made up of representatives from the Central West CMA, Mid-Western Regional, Dubbo City, Blayney Shire and Bathurst Regional Councils have guided the preparation of this year's Regional SoE. Under the guidance of the steering committee the report has continued to be refined and improved and the collaboration is now used as an example of how local governments can work together on environmental matters to improve quality and efficiency of outcomes.

The 2011 Regional SoE Report will be provided under separate cover to the Councillors and is available to members of the public from the Environmental, Planning and Building Services Department.

While this Regional SoE provides the opportunity for smaller Councils to use it to meet statutory reporting requirements, Bathurst Regional Council continues to prepare its own SoE each year. This will ensure that key monitoring of a broader range of environmental indicators can continue and will enable the comprehensive reporting of trends in the SoE to the wider community.

**Financial Implications:** The report has been prepared from existing allocations.

**MINUTE**

**17 Item 7 GREATER CENTRAL WEST REGIONAL STATE OF ENVIRONMENT REPORT (13.00004)**

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

**RESOLVED:** That Council:

- (a) note that the 2011 Supplementary Regional State of the Environment Report has been completed;
- (b) note that a copy of the 2011 Supplementary Regional State of the Environment Report will be forwarded to the Minister for Local Government in accordance with Council's statutory obligations; and
- (c) note that the 2011 Supplementary Regional State of the Environment Report will be placed on Bathurst Regional Council's Website.

## **8 STATE OF THE ENVIRONMENT REPORT (13.00004)**

**Recommendation:** That Council:

- (a) note that the 2011 Supplementary State of the Environment Report has been completed;
- (b) forward a copy of the 2011 Supplementary State of the Environment Report to the Minister for Local Government; and
- (c) make electronic copies of the 2011 Supplementary State of the Environment Report available on Bathurst Regional Council's Website.

**Report:** NSW Local Councils are required to prepare a State of the Environment Report (SoE) on an annual basis; a Comprehensive Report in the year following a full Council election, and a Supplementary Report every other year. Bathurst Regional Council (BRC) prepared the Comprehensive Report in 2009, thus the 2011 SoE Report is Supplementary in nature. The report is prepared based on financial years.

A local SoE is a document that provides a summary of the attributes of the local government environment and human impacts on the environment. It also provides a public record of activities undertaken by Council and the community to protect and restore the environment.

A Supplementary Report in particular serves to:

1. Identify any new environmental impacts since the Council's last SoE; and
2. Update the trends in environmental indicators that are important to each environmental sector.

As such, the 2011 SoE does not serve to repeat the information in the Comprehensive report; rather it should be read as an addendum to it.

The 2011 Supplementary SoE Report highlights areas which have been identified as placing pressure on the natural environment during the reporting period including:

- A population that continues to grow;
- A substantial increase in the volume of waste disposed at the Bathurst Waste Management Centre.

The 2010-11 SoE report outlines a number of actions undertaken by Council during the reporting period to address environmental pressures and highlights achievements in improving environmental performance including:

- The construction of the Sustainable Lifestyle House;
- Commenced the rehabilitation of highly eroded reaches of Hawthornden Creek in Boundary Road Reserve, as recommended by the Urban Waterways Management Plan;
- The preparation of a Climate Change and Water Security Plan for the LGA;
- The lowest amount of water pumped to reticulation for town use in 26 years;
- The launch of Council's Revolving Energy Fund; and
- Installation of a 6kW photovoltaic system at the NMRM and a 7.2 kW system at Scallywags funded by the Federal Government stimulus package.

The 2011 SoE also contains information on the current condition of the local environment such as regional air quality, water quality of the Macquarie River, the number of threatened

species identified in the local area and heritage items listed on the State Heritage Register and Council's LEP.

The Executive Summary of the report is provided at **attachment 1**. A full copy of the report will be provided under separate cover to the Councillors and is available to members of the public from the Environmental, Planning & Building Services Department.

### Conclusion

Bathurst Regional Council has prepared the 2011 Supplementary State of Environment Report. The report serves to highlight initiatives undertaken to improve the local environment and any major changes to the condition of the local environment.

**Financial Implications:** Nil. The preparation of the SoE is undertaken using existing allocations.

## MINUTE

### 18 Item 8 STATE OF THE ENVIRONMENT REPORT (13.00004)

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

**RESOLVED:** That Council:

- (a) note that the 2011 Supplementary State of the Environment Report has been completed;
- (b) forward a copy of the 2011 Supplementary State of the Environment Report to the Minister for Local Government; and
- (c) make electronic copies of the 2011 Supplementary State of the Environment Report available on Bathurst Regional Council's Website.

## **9 EVOCITIES INITIATIVE - 'REINVENT YOUR CAREER' EXPO (18.00208)**

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

**Report:** Bathurst Regional Council attended the 2011 'Reinvent your Career' Expo held at Darling Harbour on 24 & 25 September 2011. Council exhibited as part of the Evocities initiative, sharing the stand with NSW Trade and Investment.

There were a total of 5,012 'Real Age' career seekers who purchased tickets and attended over the two days to meet face to face with potential employers, educators and trainers in an attempt to increase their 'VQ' - Vocational Intelligence and learn about the diversity of opportunities in certain industries and organisations.

Marketed through the Sydney Morning Herald, the event held dynamic seminars, career counselling, career workshops, resume services, graduate employment, traineeships, apprenticeships, small business and franchising opportunities under the one roof over two days.

Evocities partnered with NSW Trade and Investment to host a stand in the Expo, with each of the Steering Committee members attending. Bathurst distributed over 260 lifestyle promotional packs and provided access to Evojobs, with all major employers and employment agencies being contacted prior to the event to ensure as many jobs were posted on the Bathurst Evojobs site as possible.

'Post Sydney Marketing Analysis' which is comprised from the information taken from a total of 15% of attendees over the two days indicated the following:

- A massive 64% of attendees said they were willing to re-locate if they found the right job.
- 71% of attendees said that they have found it hard to find adult careers and employment information until the 'Reinvent your Career' Expo.
- An overwhelming 78% of attendees said they were willing to take a pay cut for the right job.
- 50% of attendees are currently earning between \$30,000 and \$80,000 and 22% are earning \$80,000 or above.
- 55% of attendees hold a Bachelor's Degree or above and 34% hold a Certificate, Diploma or Trade Apprenticeship qualification.

Considering the quality and number of direct enquiries regarding available positions in Bathurst, the small cost in attending (accommodation and travel expenses) the 'Reinvent your Career' Expo proved to be a valuable tradeshow in which to promote the Bathurst Region.

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

**MINUTE**

**19     Item 9   EVOCITIES INITIATIVE - 'REINVENT YOUR CAREER' EXPO (18.00208)**

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

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

**10 DEVELOPMENT APPLICATION NO. 2011/0296 DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF SINGLE STOREY DWELLING WITH ATTACHED GARAGE – LOT 3 DP 1089373 – 66 RAILWAY PARADE, BATHURST. APPLICANT: ANDREW CHILD. OWNER: ANDREW CHILD (DA/2011/0296)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0296, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
  - (i) The external materials are to be consistent with those used within the local streetscape.
  - (ii) Prior to the issue of a Construction Certificate, the developer is to submit a photographic archival report in accordance with Council Guidelines.
  - (iii) The original timber joinery (inc. double hung windows and doors) is to be assessed by a joiner for future reuse in the new building. The report detailing what can be reused is to be submitted to Council for consideration and approval prior to issue of Construction Certificate.
  - (iv) A schedule of materials and finishes is to be provided to Council prior to the issue of Construction Certificate.
- (b) call a division.

**Report:** The Site

Council is in receipt of a Development Application seeking consent for the demolition of a dwelling within the Bathurst City Conservation Area and to erect a new brick cottage at 66 Railway Parade, Bathurst. The property is zoned 2(a) Residential under Bathurst Regional (Interim) Local Environmental Plan 2005 with erection of a residential dwelling permissible with the consent from Council.

The subject property is located off Bant Street on Railway Parade within 100m from the Western Line railway corridor. The property is approximately 414 sq. metres in total area with a gentle slope from the south west towards the north east. See location plan at **attachment 1**.

The proposal

The applicant is proposing demolition of the existing timber railway workers cottage and construction of a new 3 bedroom brick cottage of Victorian style. A plan of the proposed development is provided at **attachment 2**.

Planning Context

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

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The construction of a single residential dwelling is permissible with consent in the 2(a) Residential zone.



The proposal seeks to demolish the existing timber cottage and construct a new residential cottage of Victorian style. The existing cottage is a simple structure predominantly of timber with brick chimneys. The structure has changed little since the late 1800's and is showing significant signs of deterioration due to weather and termites.

Internally, the structure is presenting significant cracking and movement due to foundation and structure issues which have been compounded by a structural fire at one stage in the buildings history.

The proposed new building draws its inspiration from the Victorian brick cottage at 62 Railway Parade. The symmetrical single storey appearance of the building with a deep gun barrel form represents the unique characteristics of the traditional Victorian era cottage which will ensure the building blends into the existing streetscape.

The proposed development is consistent with the objectives of the zone.

#### *Part 4 Heritage Provisions – Clause 23 Protection of Environmental Heritage*

In accordance with Clause 23 of the LEP, development consent is required from Council to demolish a building within a heritage conservation area and erect a new building.

In the assessment of the development application in a heritage conservation area, Council must not grant consent to development of land, unless it is satisfied that the impact of the proposed development on the heritage significance of the heritage conservation area is acceptable.

As a part of the development application, the applicant submitted a Statement of Heritage Impact in conjunction with a historical assessment prepared by the Bathurst District Historical Society and a structural assessment by local structural engineers Calare Civil.

#### History of the Site

The following history has been sourced from Bathurst District Historical Society by the applicant Mr A Child:

*In 1829 a series of grants were taken up around the perimeter of the town boundary of Bathurst. One of these, of 100 acres, was granted to a Mr Richard Mortimer (66 Railway Parade was developed from this original land grant). The block was a long rectangle. The long northern side was bounded by a 62 acre grant given to James Vincent and a 40 acre block which was the Presbyterian Glebe. The southern side of the block was adjacent to a 85 acre grant owned by William Clarke and part of a block of 100 acres which was also part of the township's southern boundary, owned by Sir John Jamison.*

*Little is known of Richard Mortimer, he was married to Ms Catherine Hamilton and their son John was born at Parramatta in 1808. It is assumed that he moved to Bathurst in 1830 to take up his grant. By this time his son would have been about 22 years old. John was a cabinet maker in Bathurst in 1875 and had also been a publican in Emu Plains in the 1830's and 1840's.*

*Twenty acres of Mortimers block on the western side of Queen Charlotte's Vale Creek was later subdivided into eight small, long portions ranging from two to five acres in size. A ninth, similar portion was carved out of adjoining Presbyterian Glebe. This portion and the one adjoining it to the south were purchased by Thomas Pye. The next four were purchased by Francis Lord and the southernmost three were purchased by Nicholas Read.*

*Thomas Pye was one of four brothers whose father, convict John Pye who arrived in*

Australia in 1791, became a very successful farmer in Baulkham Hills and Parramatta. Thomas held a 'Ticket of Occupation' over a tract of land at Peel in 1822 but was displaced by grant holders within two years. He later established the substantial farm Bunnamagoo with his brother Joseph in the Campbell's River/Rockley district south of Bathurst. Thomas bought his ten and a half acres at South Bathurst in about the early 1840s.

In 1876 the railway line was laid in South Bathurst causing significant alteration to the nine portions of land fronting Bant Street. The line passed through all nine portions. The land south of the railway owned by Pye and Lord was sold as private subdivision and became the site of a new suburb called Charlotte Town.

On the western side of the railway line a small narrow lane bisected Pye's two portions and because it was aligned with Pye Street on the other side of the line, was also named Pye Street. The portions were subdivided and lots were sold on both sides of this narrow lane, probably at the same time as the sale of lots across the line, in 1883. The site of No.66 Pye Street (now Railway Parade) was one of the lots established in the 1870s 'subdivision' although probably not built on at this time.

During the early 1880's the Railway Commission established railway workshops in the vicinity of the Pye Street subdivision and a railway workers community sprang up in the area. The dwelling at 66 Pye Street is likely to have been built as a home for a railway worker at this time.

Pye Street (west of the railway line) was renamed Railway Parade in the 20<sup>th</sup> century. The Bathurst Town Plan (9<sup>th</sup> edition) of 1962 shows the new name gazetted in 1955. Bathurst District Historical Society in summary stated:

*"Although the cottage and its site has an interesting history and a connection to the development of the railway community in South Bathurst there are quite a number of similar period cottages extant in South Bathurst, and the building is not listed in any of the wide array of heritage inventories for Bathurst buildings".*

The Society acknowledged that the building was erected in the late 1800's potentially as a railway's workers cottage. The Society was unable to identify a builder, architect or any original plans or records. The building has been identified as not being associated with any notable people, however, it has a minor association with the development of the railways in the Central West.

### Structural Condition

Calare Civil inspected the property on the 12 July 2011 and the following is a summary of their report:

*"Our inspection has revealed that the building has suffered extensive damage due to lack of maintenance and exposure to weather, is structurally inadequate, and is not at a standard fit for habitation.*

*Due to the extensive damage and deterioration of nearly all structural and cosmetic building elements, we do not consider that remedial measures are applicable for the subject dwelling".*

The inspection identified Category 3 damage to wall linings in accordance with AS2870, large deflections and moisture damage to structural elements within the floor system, large deflection of some visible sections of roof framing indicates under sizing, water ingress through the roof and eaves which caused damage to ceiling linings.

The report identifies that options for restoration and repair are limited for the subject dwelling, with components of the dwelling being beyond repair.

Therefore if the building is to be retained, elements including external and internal wall linings and the wall, roof and floor timber structure, would need to be completely replaced at substantial cost to the owner and the significance of the building.

The Burra Charter states that the significance of a building is an accumulation of all its parts, this includes not just the history but the fabric, and in most cases where the history has limited value the significance is wholly vested in the fabric. In this particular case the significance of the railway workers cottage is vested in the style, structure and the fabric of the building. To undertake a complete restoration of the building would result in the permanent loss of the significant fabric thereby adversely impacting on the significance of the cottage.

It is acknowledged that had the building been in a better state, Council and the owner would have investigated options for restoration and retention. The state of the building being structurally unsound meant that the objective of careful restoration was considered to be unachievable.

The proposed new residential dwelling has been carefully considered to draw on the attributes of the brick Victorian cottages located within the vicinity of Railway Parade. The Victorian brick cottage possess a number of significant attributes which included a symmetrical appearance, gun barrel alignment, exposed natural brick, a roof with a high pitch of 30 degrees and a separated front awning.

The new dwelling has continued these elements with the use of modern available materials which match the surrounding streetscape. In addition the applicant has proposed to reuse where possible the existing timber doors and double hung windows. The bulk and scale of the proposed cottage is considered to be compatible with the surrounding structures and will present a positive appearance to the street.

It is acknowledged that the demolition of the existing structure will have an impact on the locality, however, due to the run down nature of the property and the style of the proposed new dwelling, it has been determined that the proposed development will have a positive impact on the historical streetscape.

#### *Clause 26 Advertising of heritage applications*

The application was advertised and neighbours notified in accordance with this clause. The application was placed on public exhibition between 10 October 2001 and 24 October 2011. No submissions were received.

### ***Bathurst Regional (Interim) Development Control Plan 201***

#### *Section 10.3 Demolition of Buildings.*

As noted above, Council received a Statement of Heritage Impact supporting the proposed development with advice provided by the Bathurst District Historical Society and Calare Civil as summarised above.

It was concluded within the Statement of Heritage Impact that despite efforts to attempt a restoration, the building was beyond repair and the proposed new infill development would be compatible within the locality.

The structural engineers did not provide an "Order of Cost" as the building would require a complete rebuild to meet current habitable building standards. Most of the original fabric would therefore be lost if a rebuild was pursued.

#### *Section 10.3.4 Bathurst Conservation Area Management Strategy*

In accordance with this section, Council Officers assessed the property in relation to the Bathurst Conservation Area Management Strategy. The following rating was given to the property:

Integrity:	<b>3</b>
Streetscape Rating:	<b>3</b>
<u>Heritage Significance:</u>	<u><b>2</b></u>
Total:	<b>8</b>

This high rating presents a need for a deeper consideration of the proposed development with the need to way up the rating against the overall structural adequacy of the building.

Drawing on the above, in order for the building to be saved, significant replacement of all structural elements including the internal and external wall fabric would be required. This would reduce the integrity of the building to **0**, and as the building would no longer be a true example of its origin its streetscape rating would reduce to **1**. Thereby if the building was to be retained (ie rebuilt) its BCAMS rating would be **3**.

This clearly indicates that the retention of the building is not considered the best option if the majority of original fabric will be lost.

#### *Section 10.5 Development within the Bathurst and Kelso Heritage Conservation Areas.*

##### *Building Design*

##### *Development Standards*

- a) *New infill buildings must meet the requirements of section 10.- Infill Development of this Plan.*

The development application has been lodged in accordance with section 10.4. Council has received an Infill form for the proposal with a preliminary assessment in relation to the provisions of *10.4.4 What needs to be included in an Infill form?* .

The building follows the traditional Victorian character which is compatible with the local area. The bulk and scale of the building is in proportion to the size of the block and to the scale of the surrounding buildings. The building provides simple detailing which ensures the building avoids being a direct copy of a Victorian cottage.

The building is a true contemporary take on the traditional Victorian style which complies with the Burra Charter, the NSW Heritage Office infill development guidelines, and Council's Standards for infill development in its DCP

- b) *Where visible from the street, roof pitches are generally to be at least 30 degrees or compliment adjoining roof pitches.*

Complies

- c) *Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions in the street.*

Complies – applicant has proposed to reuse original double hung windows.

- g) *Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.*

Will be conditioned as a part of the material schedule.

- h) *Verandahs and awnings are encouraged and should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.*

Complies – verandah consistent with existing Victorian cottage style.

- i) *Good quality second hand materials and local and vernacular materials are encouraged.*

Predominantly the building will make use of new materials, however, existing joinery including doors and double hung windows will be assessed for structural integrity and will be reused where appropriate.

- j) *Bricks are to be chosen to blend with surrounding developments. Textured or brick blends are generally not acceptable.*

Will be conditioned as a part of the material schedule.

#### Heritage Advisor's comments

Council's Heritage Advisor inspected the property and considered the proposed development. No objections to the demolition were made on the basis that restoration of the building would see the majority of the original fabric lost, thus reducing the building's significance.

The Heritage Advisor was satisfied that the proposed infill development satisfied the requirements of Council's DCP.

#### Conclusion

The proposed development for the demolition of the existing railway workers cottage and the construction of a new brick cottage of Victorian style has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 NSW.

It has been acknowledged that with the absence of any significant historical or associative links, the significance of this building is embodied in its fabric, however, to retain the building, the fabric will almost certainly be required to be completely replaced due to significant structural integrity issues. As a result the restoration of the building would have a severe adverse effect on the significance of the building.

The proposed new infill cottage possesses a simple Victorian form in architecture and scale which draws on the attributes of the local vernacular. The bulk and scale of the building represents a distinct compatibility to both the size of the block and the surrounding buildings.

Had the building been in a better state and more of the original fabric had been able to be

retained Council and the applicant would have been in a better position to consider the restoration of the site. However, due to the works required to restore the building and the positives displayed by the proposed infill building, it is recommended that the application be approved.

**Financial Implications:** Nil.

## MINUTE

**20 Item 10 DEVELOPMENT APPLICATION NO. 2011/0296 DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF SINGLE STOREY DWELLING WITH ATTACHED GARAGE – LOT 3 DP 1089373 – 66 RAILWAY PARADE, BATHURST. APPLICANT: ANDREW CHILD. OWNER: ANDREW CHILD (DA/2011/0296)**

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0296, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The external materials are to be consistent with those used within the local streetscape.
  - (ii) Prior to the issue of a Construction Certificate, the developer is to submit a photographic archival report in accordance with Council Guidelines.
  - (iii) The original timber joinery (inc. double hung windows and doors) is to be assessed by a joiner for future reuse in the new building. The report detailing what can be reused is to be submitted to Council for consideration and approval prior to issue of Construction Certificate.
  - (iv) A schedule of materials and finishes is to be provided to Council prior to the issue of Construction Certificate.
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

**11 NAMING OF PUBLIC ROADS - BULLOCK HOLLOW ROAD & WARAI LANE  
(20.00024)**

**Recommendation:** That Council:

- (a) adopt the names Bullock Hollow Road and Warai Lane; and
- (b) direct the Director Environmental Planning & Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

**Report:** Bullock Hollow Road

Council have recently taken control of a former Crown Road off Rivulet Road in the locality of Peel. This road has been informally known as Bullock Hollow Road for many years. The area itself is known as Bullock Hollow because bullock team drivers would often find the bullock teams in this location after they had strayed to find water.

See location map at **attachment 1.**

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

**Warai Lane**

Whilst in the process of transferring the Crown Road mentioned above to Council control, a previously unnamed road already under Council's control was discovered, this road has been known locally for many years as Warai Lane.

See location map at **attachment 1.**

The name generally complies with Bathurst Regional Council's *Guidelines for the Naming of Road*.

**Financial Implications:** Nil



**MINUTE**

**21 Item 11 NAMING OF PUBLIC ROADS - BULLOCK HOLLOW ROAD & WARAI LANE (20.00024)**

**MOVED: P Toole SECONDED: B Bourke**

**RESOLVED:** That Council:

- (a) adopt the names Bullock Hollow Road and Warai Lane; and
- (b) direct the Director Environmental Planning & Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

**12 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 (DA2011/0273)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No 2011/0273, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- (i) The applicant is responsible for:
1. The maintenance and upgrading of infrastructure and maintenance of the site.
  2. Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration.
  3. Removing infrastructure within three months of decommissioning.
  4. Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager.
- (b) 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.
- (c) The installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.
- (b) notify those who lodged a submission of its decision.
- (c) call a division.

**Report:** Council, at its meeting held 21 September 2011 resolved to defer DA 2011/0273 for further consideration at a discussion forum. The discussion forum was held on 2 November 2011. This report is therefore resubmitted for Council's determination of the DA.

**The Site**

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

The tower is to be operated by Vodafone.

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

Walmer Park is owned by Bathurst Regional Council. Council has resolved, in principle, to enter into a lease for the land for a five year period.

The proposal

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

The proposal will replace an existing 19m light tower.

The locality

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

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

Alternate Sites

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

Proposed Site	Proposed Facility	Suitability of site/reasons for refusal
Walmer Park Bradwardine Road Windradyne, NSW 2795  Lot 2 on Deposited Plan 1140980	Proposed light pole swap-out for 22.4 metre Slim-line Monopole	<u>Preferred Option:</u>  The location allows infrastructure to be sited together.  Telstra and Optus have already done similar swap outs, although they are approx 120m from houses. Elevation of 727m.  Although the site is zoned for local recreation , it is currently used for sports and recreation purposes which is considered acceptable.  VHA equipment cabin will be colour matched to the existing club house, minimising infrastructure and potential visual impact.

		<p>There is adequate site access for construction and maintenance purposes.</p> <p>The subject site has sufficient power available.</p> <p>The subject site allows for a central location to provide the best coverage and network performance.</p> <p><u>RF Comments</u> Preference: 1st. 100% coverage both on north and west of the township. Good coverage on Mitchell HWY to the west.</p>
Bathurst Fire Station 1 Alexander Street Bathurst, NSW 2795	Existing 17.50 metre Monopole	<p>Radio Frequency requirements and objectives not satisfactory.</p> <p><u>RF Comments</u> Preference: 2nd. 100% coverage of west and north of township.</p> <p>Increasing antenna height to 25 metres or above will improve coverage on Mitchell Hwy to the west.</p>
Bathurst Base Hospital 361 Howick Street Bathurst NSW 2795	Roof top hospital at 23 metres	<p>Highly visible at roundabout from all three roads.</p> <p>Property acquisition currently being investigated.</p> <p>Telstra and Optus have existing installations.</p> <p>Located on edge of search ring.</p> <p>Poor elevation of 691m.</p> <p><u>RF Comments</u> Preference: 3rd 100% coverage of west and north of township. However it has large overlapping coverage on east of township with VHA sites (2795007) on SE of the town.</p>

It is further noted that it was not possible to co-locate on the existing Telstra and Optus

tower due to the structural capacity of the poles and the available space would not meet RF objectives.

## Background

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

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

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

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

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

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

*(Source: MCF Fact Sheet - How the mobile phone network operates).*

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

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

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

*A Mobile Base Station is essentially a radio transmitter / transceiver and an antenna,*

*which transmits and receives radio frequency (RF) or electromagnetic energy (EME) signals from mobile phones.*

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

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

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

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

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

## Planning Context

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

The subject site is zoned 6 (a) Local Recreation under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. A "utility installation" is permissible with consent in the 6 (a) Local Recreation zone. The proposal is consistent with the objectives of the zone.

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

As a result of the ongoing debate there has been a significant amount of work done by Councils, the government most recently through the Department of Planning and through the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA) to address these

issues in a policy format. In addition the Land and Environment Court has handed down many decisions dealing with the issues of emission levels and the application of the “precautionary principle”, most notably Telstra Corporation vs Hornsby Shire Council 2006

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

### Telecommunication Facilities Guideline including Broadband 2010

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

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

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

It is stressed that these principles are guidelines only and not statutory requirements.

#### PRINCIPLE 1 - VISUAL IMPACT

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

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

The proposed tower replaces an existing 19m high light tower. The proposed new tower will

be 5m higher than the existing light tower it will replace. The lights will be relocated onto the new tower.

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

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

## PRINCIPLE 2 - CO LOCATION

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

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

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

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

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

## PRINCIPLE 3 - EMISSION LEVELS

The applicable principles relating to emission levels are as follows:

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

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

The current Australian Standard is the Australian Radiation Protection Standard “Maximum



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

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

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

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

#### Applicability of the Australian Standard

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

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

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

The findings of Preston CJ in *Telstra v Hornsby* have recently been adopted into the NSW

Department of Planning's Telecommunication Facilities Guideline including Broadband July 2010.

While the proposed telecommunications facility is located within 55-60 metres of the nearest residential dwelling, the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. The proposal complies with Council's Telecommunication policy as the EME emissions are well within the Australian Standard RPS3.

It is intended that the proposed telecommunications facilities at Walmer Park will emit a maximum cumulative RF EME level of 2.28%% (at a distance of 100 – 200m) of the ARPANSA mandated exposure limits. The maximum exposure limits in the 50 – 100 m range (corresponding with the nearest affected residences) is 1.73% of the mandated exposure limits. These figures include current emissions at the site. It should be noted that this maximum level is extremely low considering that carriers are permitted to operate base stations with RF EME levels up to 100% of the ARPANSA standard.

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

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

**Attachment 4** shows a comparison between mobile phone and other emissions that people are exposed to daily.

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

The applicable principles are as follows:

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

The site is located on land subject to the Obstacle Limitation Surface Plan for the Bathurst airport but is located below the Obstacle Limitation Surface.

*Bathurst Telecommunications Policy 2008 (as amended)*

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

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

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

#### Existing Facilities at Walmer Park

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

### Existing Telecommunications Towers

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

### Submissions

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

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

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

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

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

3. **Privacy of surrounding land.**

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

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

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

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

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

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

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

Council at its meeting held 21 September 2011 resolved to defer Development Application No.2011/0273 for further consideration at a public discussion.

Following Council's meeting a total of 98 properties were notified of the meeting and given the opportunity to lodge a written submission.

At the time of preparation of this report two submissions were received raising concerns about the impacts of RF EME. (A copy of the submissions are at **attachment 5**).

A copy of the minutes of the discussion forum is at **attachment 6**.

### Conclusion

Council has received a Development Application (DA) for the replacement of a light pole and construction of a telecommunications facility at Walmer Park. A telecommunication facility is permissible with consent in the 6(a) Local Recreation Zone. While the proposed telecommunications facility is located within approximately 70 metres of the nearest residential dwelling, the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. As there are no Planning or Environmental reasons to refuse the application, Approval is recommended.

**Financial Implications:** Nil

**MINUTE**

**22 Item 12 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 (DA2011/0273)**

This item was dealt with at Minute #10

### **13 INSPIRING AND INTEGRATING CHANGE GRANT PROJECT (16.00021)**

**Recommendation:** That Council note the progress of the “Inspiring and Integrating Change” project being undertaken by the Bathurst Orange Dubbo Alliance.

**Report:** Council will recall that Bathurst Regional, Orange City and Dubbo City Councils were the recipients of a \$2 million grant from the NSW Environmental Trust under its Urban Sustainability Program.

The project commenced in early 2009 and a variety of projects are being undertaken both individually and across the three Councils. Each Council has an area of particular focus – Bathurst is biodiversity, Orange is water and Dubbo is energy. All of the sub-projects being undertaken as a part of the grant relate to actions identified in the Bathurst-Orange-Dubbo Environmental Sustainability Action Plan (2008).

An application was recently made to the NSW Environmental Trust to extend the completion date for the overall project, which was originally scheduled to finish in early March 2012. There are a number of reasons why the extension was sought, including delays in implementing some projects. However, the main reason for the extension is that savings have been made within the original project budget. This will allow for an extension to the employment contracts of the Project Manager and Project Officer, and more time to implement the community consultation phase of sub-projects such as the Urban Drains Revegetation Program and the cultural change projects within each Council.

The NSW Environmental Trust has approved the project variation request, with the overall project now scheduled for completion on 31 December 2012. This is an excellent outcome for each of the Alliance Councils and their communities. It will also ensure that the staff at each of the Alliance Councils have ongoing support from the Project Manager to continue implementing the sub-projects.

Updates on the status of the sub-projects included in this project are detailed below.

#### **Biodiversity Management Plan**

Council has engaged MacTaggart Natural Resource Management to prepare a Biodiversity Management Plan (BMP) for the Bathurst Regional Local Government Area. The consultant has completed the field component of this project, which included a rapid condition assessment of nearly 700 lots of Council owned or controlled land. Some lots were eliminated from requiring an on-ground assessment through a desktop analysis (eg small parcel surrounding a sewage pumping station), whereas others were assessed collectively (eg multiple lots which made up a single holding).

A steering committee has been formed to assist Council and the consultant in guiding the overall development and implementation of the BMP. The committee has met twice so far and is made up of representatives from:

- Council’s Strategic Planning and Environmental Sections
- Central West Catchment Management Authority
- Office of Environment and Heritage – Biodiversity and Threatened Species Unit
- Two community members – both of whom are active members of local environmental groups and have a working knowledge of local biodiversity issues

The steering committee will review the draft BMP and provide comments and amendments to the consultant prior to its presentation to Council to place on public exhibition.

A public consultation forum has been scheduled for 29 November 2011 (date to be confirmed) and all interested members of the public are invited to attend. The consultants will make a presentation regarding the outcomes of the field assessment and the overall structure of BMP.

#### Urban Drainage Reserve Revegetation Link

Council engaged a consultant to prepare a revegetation plan for 11 Urban Drainage Reserves in the city area.

Revegetation works at five of these sites has commenced with site preparation beginning on 7 November 2011. Works will include weed spraying and soil ripping to prepare the reserve for planting. The planting of approximately 25,000 native seedlings will commence early in December 2011. Sites include:

- Sandy Creek reserves, adjacent to Marsden Lane & Rosemont Avenue, Kelso
- Raglan Creek tributary originating in Laffing Waters, Kelso
- Darwin Drive reserve, adjoining Eglinton Road, Endurance Court & Quinn Court, Llanarth
- Sawpit Creek tributary from Richardson Street basin and past Lavelle Street and Usher Crescent.

Revegetation of these areas will improve water quality, increase habitat connectivity, reduce soil erosion and result in greater community involvement. Council is encouraging the local community to take part in community planting days, which are expected to take place in early 2012. Council wrote to all of the adjoining residents on 31 October 2011 to advise that works were about to commence. Council will continue to update the residents and the broader public as the project progresses.

#### Blayney Road Common Restoration and Revegetation Project

The “biodiversity” component of the overall project involves not only the preparation of the BMP, but on-ground works to enhance local biodiversity. Blayney Road Common has been identified as a high priority area for action in the Bathurst Urban Waterways Management Plan (BUWMP), and has been chosen as the on-ground project for the Inspiring and Integrating Change project. The western end of Blayney Road Common contains remnant Grassy Box Woodland, an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*.

This area was chosen not only because of its very high priority in the BUWMP, but also as it represents a “missing link” in the Hawthornden Creek catchment between the Boundary Road Reserve and the Browning Street Reserve. Both of these areas have active Landcare groups and volunteers who make a very important ongoing contribution to the health and management of the Hawthornden Creek catchment.

This project will build on the excellent works undertaken by these groups through the following activities:

- Removal of woody weeds
- Revegetation with endemic native species
- Ongoing weed control while the new plants are establishing

Works are scheduled to commence in early 2012 to ensure minimal disruption to native fauna (eg avoid breeding season for birds).

**Financial Implications:** This project has been funded by the NSW Government through

its Environmental Trust to the value of \$2 million. Each Alliance Council has made significant in-kind and financial contributions to the project.



**MINUTE**

**23 Item 13 INSPIRING AND INTEGRATING CHANGE GRANT PROJECT**  
**(16.00021)**

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

**RESOLVED:** That Council note the progress of the “Inspiring and Integrating Change” project being undertaken by the Bathurst Orange Dubbo Alliance.

Yours faithfully

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORTS & MINUTES  
16 NOVEMBER 2011

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

General Manager  
Bathurst Regional Council

**1 STATEMENT OF INVESTMENTS (16.00001)**

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

**Report:** \$62,521,107.58 was invested at 31 October 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:**

	<b><u>Rating</u></b>		<b><u>Average Return</u></b>
ANZ Banking Group Ltd	A-1+	\$3,000,000.00	5.78%
Bank of Western Australia Ltd	A-1+	\$4,000,000.00	5.97%
Bank of Queensland Limited	A-2	\$4,500,000.00	6.10%
Bendigo and Adelaide Bank Ltd	A-2	\$7,000,000.00	6.08%
IMB Ltd	A-3	\$9,000,000.00	6.03%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	5.93%
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	\$2,000,000.00	6.21%
SGE Credit Union	ADI	\$1,000,000.00	5.96%
Westpac Banking Corporation	A-1+	<u>\$1,000,000.00</u>	<u>6.00%</u>
		\$39,000,000.00	6.03%

**Long Term**

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

**Committed Rolling Investments**

Westpac	AA	\$2,000,000.00	5.80%
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>5.94%</u>
		<u>\$8,000,000.00</u>	<u>6.01%</u>

**Community Income Note**

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

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

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

**Floating Rate Notes**

ANZ	AA	<u>\$2,000,000.00</u>	<u>5.96%</u>
Barclays Bank PLC – Australian Branch	AA-	<u>\$2,000,000.00</u>	<u>6.63%</u>
Bendigo Bank 2007	BBB	<u>\$2,000,000.00</u>	<u>5.95%</u>
Bendigo & Adelaide Bank Retail Bond	BBB	<u>\$2,000,000.00</u>	<u>6.27%</u>
Lehman Brothers Treasury Co		<u>\$90,000.00</u>	<u>0.00%</u>
Mackay Permanent Building Society	BBB-	<u>\$500,000.00</u>	<u>5.89%</u>
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>6.35%</u>

**Total Investments** **\$62,521,107.58** **5.99%**

***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		\$21,911,664.97
Unrestricted Investments – All Funds		\$2,758,852.61
*General Fund	\$1,486.55	
*Water Fund	\$1,149,974.60	
*Sewer Fund	\$619,735.31	
*Waste Fund	<u>\$987,656.15</u>	

**Total Investments** **\$62,521,107.58**

**Total interest revenue to 31/10/2011  
on investments** **\$1,273,390.53** **5.99%**

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

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

**MINUTE**

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

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

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

## **2 QUARTERLY BUDGET REVIEW STATEMENT, SEPTEMBER 2011 (16.00126)**

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

**Report:** Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the management plan or operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year. It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

Council has previously received a monthly financial report complying with the above quarterly requirements. The Division of Local Government has now set a prescribed format for the Quarterly Budget Review Statement (QBRs). The new statement is in the same format as the requirements for the new Annual Operational Plan that will replace the Management Plan from 1 July 2012. This format is substantially different to previously presented Management Plans and is in the format of a commercial Income and Expenditure Statement. **Attachment 1** is the new report that has been prepared in the specified format.

At **attachment 2** is an update of the strategies for the 2010/2011 Management Plan.

**Financial Implications:** Council's budget will be varied in accordance with the Quarterly Budget Review Statement.

**MINUTE**

**25    Item 2    QUARTERLY BUDGET REVIEW STATEMENT, SEPTEMBER 2011**  
**(16.00126)**

**MOVED: W Aubin SECONDED: R Thompson**

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

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

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

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 October 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:	\$26,741.70
BMEC Community use:	\$354.35
Mount Panorama:	\$28,527.00



**MINUTE**

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

**MOVED: I North 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.

- Miles, M - Morrisset Street, Bathurst - Lot 14 DP1089380, Lot 15 DP1089380 - Licence Agreement.
- Bernardi Group Pty Ltd - 86 Rankin Street, Bathurst - Lot 1 DP33832 - Deed of Option.
- Telstra Corporation Ltd - 27 Hampden Park Road, Kelso - Lot 201 DP1074567 - Lease Agreement - 2011 - 2016.
- Telstra Corporation Ltd - 27 Hampden Park Road, Kelso - Lot 201 DP1074567 - Lease Agreement - 2016 - 2021.
- Telstra Corporation Ltd - 27 Hampden Park Road, Kelso - Lot 201 DP1074567 - Lease Agreement - 2021 - 2026.
- Telstra Corporation Ltd - 27 Hampden Park Road, Kelso - Lot 201 DP1074567 - Lease Agreement - 2026 - 2031.
- Bernardi Group Pty Ltd - 86 Rankin Street, Bathurst - Lot 1 DP33832 - Transfer.
- Australian Postal Corporation - Ground Floor, 230 Howick Street, Bathurst - Lot 1 DP774489 - Surrender of Lease.
- Australian Postal Corporation - Shop 1, Ground Floor, 230 Howick Street, Bathurst - Lot 1 DP774489 - Lease.
- Polesso A & S - Part 26, Carlingford Street, South Bathurst - Lots 1, 2, 3 & 4 DP1160720 (for Carlingford Levee) - Transfer.

#### **Linen Plan Release**

- Searl/BRC - Two Lot Subdivision for Road Widening - Ophir Road, Abercrombie.
- Craig/Trustees Roman Catholic Church - Three Lot Subdivision - French Smith Place, Kelso.

**Financial Implications:** Nil.

**MINUTE**

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

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

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

## **5 BICENTENARY CROSSING COMMEMORATIONS (20.00153)**

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

**Report:** Council has received advice from the office of the Mayor, Blue Mountains City Council requesting Council to consider a combined LGA response to the commemorations of the bicentenary of the crossing of the Blue Mountains 2013-2015. A copy of the request is shown at **attachment 1**.

On 2 June 2011 representatives from Penrith, Lithgow and Blue Mountains City Councils met and agreed to enter into a Memorandum of Understanding to formalise intentions to work co-operatively in the planning and scheduling of events and in liaison with State and Federal government agencies in support of the commemorations.

It was discussed that similar approaches be made to Bathurst, Hawkesbury and Oberon Councils to assist in strengthening the alliance.

Council have been requested to consider its position in respect to being part of this alliance .

**Financial Implications:** There are no financial implications at this stage.

**MINUTE**

**28    Item 5    BICENTENARY CROSSING COMMEMORATIONS (20.00153)**

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

**RESOLVED:** That Council

- (a) agree to join the Bicentenary of the Crossings of the Blue Mountains Alliance 2013-2015.
- (b) sign the Memorandum of Understanding to formalise the arrangement to work cooperatively in the planning and scheduling of events.
- (c) nominate Councillor Morse as the Bathurst Regional Council delegate to the alliance.

Yours faithfully



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENGINEERING SERVICES' REPORTS & MINUTES  
16 NOVEMBER 2011

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

General Manager  
Bathurst Regional Council

**1 BATHURST WATER FILTRATION PLANT - MANGANESE PILOT PLANT TRIAL  
(16.00103)**

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

**Report: INTRODUCTION**

Bathurst Regional Council strives to supply clean and safe drinking water at all times, though occasionally cases of "dirty water" occur. Bathurst has had reticulated water for almost 100 years and while the system largely works very efficiently, at times dirty water can be an issue. Dirty water in hot weather is usually caused by manganese which is common in many drinking water supply systems in Australia. In Bathurst, the soils in our catchments contain manganese and some iron which is very difficult to remove completely during the treatment process.

Over time the manganese is deposited on the walls of pipe work where it normally stays unless disturbed. Consequently, it is often worse in areas where the pipe work is older. Manganese can be disturbed when the flow (speed) of water in the pipe is increased. This increase can be due to a water main break, a shutdown for maintenance or when large demands are placed on the water supply due to a fire or high water demand due to warm or hot weather.

**CURRENT METHODS OF MANAGING MANGANESE**

It should be noted that Council already has a number of measures in place to assist residents affected by dirty water, this includes extensive information available on Council's website including advice on how to remove stains from washing, how to flush the pipes to bring the water clean and how to contact Council for assistance at any time in rectifying the matter. Council staff respond to enquiries from residents regarding "dirty water" as a matter of priority and endeavour to resolve this matter as quickly as possible whilst minimising water wastage. Changes to pipework are also considered on a case by case basis.

It has been a priority to identify suitable improvements to deal with the issue at the source, and it has only been this year that details of successful full scale implementation (details below) have been made available.

**TECHNICAL BACKGROUND**

The Bathurst Water Filtration Plant (WFP) treats water released from Chifley Dam and Macquarie River flows for distribution to consumers in Bathurst Region. The basic filtration processes at the WFP comprise of the addition of alum and polymer to the raw water for coagulation, flocculation, sedimentation, gravity sand filtration, chlorination disinfection, pH control and fluoridation. Powder activated carbon (PAC) is also dosed to the raw water periodically for taste, odour and toxin removal due to the presence of algae in the raw water.

Potassium permanganate is also pre-dosed to the raw water for the oxidation of manganese. Manganese is an iron based compound naturally occurring in river water. It does not create any public health concerns but is unsightly as the iron colouring will often turn the filtered water to varying shades of brown. The soil in the catchments above the Bathurst Water Filtration Plant is naturally rich in manganese.

The WFP was designed to consistently produce water which complies with the current Australian Drinking Water Guidelines. However, due to limitations with the plant design, the existing potassium permanganate dosing plant cannot cope with the manganese problem associated with the feed water. Councils' current objective is to determine an alternative method of removing the manganese from the raw water.

## INVESTIGATIONS

Council staff have been involved in a series of discussions with NSW Public Works regarding the potential to remove manganese from the raw water for some time. In June 2011, Council requested NSW Public Works to undertake specific investigations on Council's behalf into potential manganese removal methods which had been successful in those areas where the feed water was similar to that in Bathurst. One of the most significant challenges associated with this project is the variability of feed water entering the WFP, Bathurst draws water from the Macquarie River which is fed by both the Fish and Campbell's Rivers, the chemical breakdown of water from these two sources is considerably different and Council has no control over the Fish River flows but must manage the variation of water quality and quantity despite this.

The result of recent investigations was that NSW Public Works prepared a proposal for Council which covered a three stage trial. Council staff approached the Commonwealth Government Department of Sustainability, Water, Environment, Population and Communities to ascertain whether the Department would consider funding 50% of the Stage 1 and 2 trial costs under the Water for the Future Cities and Towns Program. This program is the source of funding for the current Supernatant Recycling Project also being undertaken at the WFP. This request was successful and Council staff have allocated existing funds to cover the other 50% of the Stage 1 and 2 trial costs. Stage 1 of the trial is currently underway and further details are outlined below.

## STAGE 1 TRIAL

Stage 1 of the pilot plant trial has involved the construction of a replica filter which functions in the same way as the 14 filters operational at the WFP. This equipment termed a Pilot Plant has been hired from GHCE Engineering located in QLD. The Pilot Plant had previously been used by SEQ Water in South East Queensland to undertake similar trials with successful results. The results from these QLD trials were presented at the OzWater 2011 Conference and have generally been accepted by the water industry as a successful method of manganese removal.

The Pilot Plant is designed to replicate operations at the WFP and the replica filter is being used to dose various chemicals to determine the most effective method of oxidising the manganese in the raw water. Different parameters such as water temperature, PH levels, turbidity and residual chlorine levels have been employed to ensure that the test dosing takes into consideration the changing attributes of the feed or raw water.

Early results have been very positive and indicate that a high level of manganese removal will be possible by dosing sodium hypochlorite to the raw water prior to filtration. If this were the case it would mean not having to augment the WFP infrastructure significantly and that



Council would be able to still employ current filtration processes with additional steps. WFP staff are undertaking daily testing through the pilot plant and NSW Public Works are assisting Council with analysing the results. It appears that early tests have produced consistently positive results however it must be reiterated that this Pilot Plant Trial is still in an early stage.

### FUTURE STEPS

Should the results from Stage 1 conclude that the dosing of sodium hypochlorite to the raw water be successful in oxidising the manganese then Council will proceed to Stage 2. Stage 2 will involve 1 of the 14 working filters at the WFP being used to further test the methodology and obtain consistent results. If Stage 2 should be successful then Council staff would prepare a detailed feasibility study to determine whether the methodology could be rolled out across the entire plant.

If successful the methodology would ensure that only minimal manganese remained in the filtered water distributed to the reticulated network. Over time this would make a significant impact on the frequency and severity of "dirty water" across Bathurst.

### CONCLUSION

At the conclusion of Stage 1 testing, NSW Public Works will prepare a formal report to Council staff including recommendations as to whether to progress to Stage 2 testing. At the conclusion of Stage 2 testing a formal report will be prepared for Council including details of findings and confirming whether it is recommended that Council proceed to Stage 3.

Stage 2 and 3 will be dependant upon reviewing the appropriate approvals from the NSW Office of Water and Council staff are currently preparing documents to commence this approval process so that should Stage 1 be considered successful then Stage 2 approvals will already be underway. Stages 1 and 2 will be completed prior to June 2012 and this will meet the agreed timeline to secure the 50% funding which has been made available from the Department of Sustainability, Environment, Water, Population and Communities. Should Stage 1 and 2 prove successful Council staff would present a recommendation to Council to complete Stage 3 during the 2012/2013 Financial Year.

Council will be provided with further updates as future major milestones are met.

**Financial Implications:** Funding has been provided within Council's (2011/2012) Management Plan for this work.

**MINUTE**

**29 Item 1 BATHURST WATER FILTRATION PLANT - MANGANESE PILOT PLANT TRIAL (16.00103)**

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

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

## **2 SUSTAINABLE LIFESTYLE HOUSE ACCESS (21.00109)**

**Recommendation:** That Council not proceed with modification to the driveway to the sustainability lifestyle house, located at 17 McGirr Street, Bathurst.

**Report:** The sustainable lifestyle house, constructed at 17 McGirr Street, Bathurst was opened to the public on 11 September 2011.

At Council's meeting dated 19 October 2011, it was requested that a report be submitted to Council for its consideration regarding access issues with respect to the driveway, considering that complaints were received from members of the public.

The Building Code of Australia does not require the house, which is classified as a Class 1a building, to comply with the requirements of the Premises Standards.

Councillors will be aware that the sustainable lifestyle house was designed by a consulting architect, whose design plans included the finished floor level of the house and garage.

The grade of the concrete driveway at its steepest part, is approximately 1:7 which would mean that any changes to the kerb and gutter would still mean that the property would not be considered accessible within the meaning of the Premises Standards. Removing the entire driveway and reinstating at a constant grade would provide a grade of approximately 1:13. To meet the requirement of the Premises Standards, a ramp grade of 1:14 maximum; fitted with handrails and suitable intermediate landings or a 1:20 ramp grade without handrails is required.

However, a quotation has been received for \$3,674 (inc GST) for the removal of the rollover kerb and the first 2 metres of the driveway and replacement with a layback which would improve accessibility. Alternatively, a second quotation has been received for \$2,371 (inc GST) for the construction of a standard pram ramp beside the existing driveway.

It is recommended not to proceed with the modification to the driveway and layback since any modification will not provide a suitable ramp grade within the requirement of the Premises Standards.

**Financial Implications:** Funds are not available in Council's current Management Plan for this work.

## MINUTE

### 30 Item 2 SUSTAINABLE LIFESTYLE HOUSE ACCESS (21.00109)

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

**RESOLVED:** That Council proceed with modification to the driveways and roll-over kerb to the Sustainable Lifestyle House, located at 17 McGirr Street, Bathurst at an estimated cost of \$3,674 (inc GST), to be funded from equity.

**Cr Morse & Cr Thompson asked that their negative votes be recorded.**

### **3 PRODUCTIVITY COMMISSION DRAFT REPORT: AUSTRALIA'S URBAN WATER SECTOR – FINAL REPORT (32.00026)**

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

**Report:** The Australian Government Productivity Commission released the final report into the Urban Water Sector on 13 October 2011.

This report follows the Draft Productivity Report of 13 April 2011 (to which Council made submissions), the Infrastructure Australia report, the National Water Commission report and the Armstrong Gellatly report on the same topic, all of which have been reported to Council.

The Productivity Commission report is very detailed at well over 800 pages, and is more comprehensive than the two previous reports.

Full details are available at: <http://www.pc.gov.au/projects/inquiry/urban-water/report>. The entire report or selected chapters are available for reading or download.

As the report is very extensive, it is difficult to condense it to a couple of pages, however, the executive summary is helpful.

#### **Summary of Executive Briefing Note**

##### **1.0 Summary provided by the Local Government Association of NSW and the Shires Association of NSW**

The Commissions' preferred option is a Regional Water Corporation (formed by aggregating existing regional water utilities to form larger utilities) which would be owned by the aggregated water utility.

The Commission also acknowledges the relative appropriateness of County Council Model and the Regional Alliance Model.

##### **1.1 Reform in Regional Areas**

Where regional aggregation is efficient, this is the Commissions' preferred option. However, the Commission also acknowledges the relative appropriateness of the County Council Model and the Regional Alliance Model. (Bathurst Regional Council is currently part of the CENTROC Water Utility Alliance which has saved (on average) around \$60,000 for each member Council by undertaking three major best practice projects jointly (rather than independently) — a total saving of about \$960,000 across all 16 member councils.)

Note: Regional aggregation is defined as "Aggregating two or more water utilities to form a single water business."

The Commission recommends that should aggregation take place the Commission "supports the case by case assessment of the scale benefits from horizontal aggregation, with due regard to the specific circumstance of the region."

The following contains the Key Points for the current Productivity Commission's Report regarding reform in regional areas.

### **1.1.1 Key points**

- Regional water utilities face diverse supply and demand circumstances and are subject to a wide range of governance and institutional arrangements. Some regional utilities are confronting complex and significant challenges (including skills shortages, rising regulatory standards, significant capital requirements and a declining customer base). The universally applicable reforms will deliver important efficiency gains. Structural reform might generate additional benefits for regional areas and alleviate some of these challenges.
- A significant number of regional water utilities do not fully recover costs (including capital costs). It is difficult to estimate the extent of this issue as data is incomplete and approaches to assessing full cost recovery vary. Adoption of the universally applicable reforms would ensure that (1) the financial performance of all utilities is reported on annually and (2) all utilities achieve genuine full cost recovery (either via customer charges or subsidy funding) within three years.
- Horizontal aggregation of regional utilities (including the transfer of water assets and revenue from councils) can generate economies of scale efficiencies and provide utilities with better access to skilled labour. Where aggregation is efficient, a (council-owned) corporation is the best-practice organisational structure, although the county council model has considerable merit. Alternatively, a regional alliance approach can lead to cost savings and facilitate greater resource sharing, and does not involve any significant changes to the assets and responsibilities of councils.
- There is scope to achieve material efficiency gains in areas of regional New South Wales and Queensland by either aggregating utilities or establishing regional alliances. State Governments, in consultation with Local Governments, affected communities and other parties should determine the precise approach to reform.
- The quality of water supply and wastewater services provided to Indigenous communities should be comparable to the standards of services provided to non-Indigenous communities of a similar size and circumstance. Outcomes in Indigenous communities should be reviewed and reported on regularly, using the same metrics used for non-Indigenous communities.

### **1.2 Improving Institutional Arrangements**

The commission sets out universally applicable reform of institutional and regulatory arrangements that could achieve improvements without having to implement major structural reform. This includes a recommendation for all utilities to achieve full cost recovery including a return on assets.

The following table contains the Key Points for the current Productivity Commission's Report regarding institutional arrangements.

### **1.2.2 Key points**

- Reforming existing institutional arrangements for urban water provision is central to achieving the efficiency gains discussed in the report. The majority of the improvements can be achieved independently of structural reform.
- There is a need for better definition and separation of the roles and responsibilities of organisations in the urban water sector. In particular, there is a need for clear delineation between the roles and responsibilities of elected representatives (those decisions regarding 'public interest' considerations), water utilities (typically commercial and operational decisions), regulatory agencies, and consumers.
- Procurement of supply augmentation should be assigned to retailer–distributors to appropriately align risks and incentives.
- In many instances, particularly relating to health and the environment, objectives given to water utilities would be more appropriately re-assigned to other agencies.

Utilities should then operate within the health and environmental policies determined by governments.

- Although progress has been made, there is scope to further improve governance arrangements of government-owned urban water utilities to ensure their independence, to clarify their responsibilities and to ensure they are accountable for their performance against the government's objectives. Utilities (except where embedded in Local Government) should be incorporated under the Corporations Act 2001 (Commonwealth), governments should ensure directors of utilities are appointed on merit, and there should be requirements for ministerial directions to be publicly disclosed.
- Further, State and Territory Governments should introduce charters for urban water utilities incorporating best practice governance arrangements. The charters would provide guidance to utilities on items such as:
  - obligations to serve (security of supply and obligation to procure),
  - obligations regarding public health and the environment,
  - transparent processes and procedures for supply augmentation,
  - principles for pricing and service offerings, and transparent processes and procedures for setting prices,
  - nature and funding of Community Service Obligations, and
  - annual performance reporting requirements, provision for independent reviews and sanctions for poor performance against the charter.

### **1.3 Armstrong Gellatly Report**

As a matter of priority the Commission recommends that the NSW Government make a "formal response to the recommendations of the Armstrong and Gellatly inquiry" of December 2008, refer **attachment 1**.

The Armstrong Gellatly report was published in December 2008 and drew on data up to 2007. Many of the performance criteria used in this report to arrive at recommendations have been met or exceeded by many councils since 2007.

However, the report is heavily referenced by the Productivity Commission and many of the conclusions in the Armstrong Gellatly report are still relevant.

In brief the Armstrong Gellatly Report proposed two options for aggregation.

**1.3.1 Option 1 Regional Aggregation** – proposed that Bathurst Regional Council should be aggregated with Lithgow, Oberon and Mudgee making up the completed area.

**1.3.2 Option 2 Catchment Aggregation** – proposed that Bathurst Regional Council should be in the Macquarie River catchment with 11 Population centres as follows: Bathurst Regional, Bogan, Cobar, Dubbo, Lithgow, Mid-Western Regional, Narromine, Oberon, Warren, and Wellington.

The full report is available at

[http://www.lgsa.org.au/resources/documents/lwu-inquiry-final-report\\_1208.pdf](http://www.lgsa.org.au/resources/documents/lwu-inquiry-final-report_1208.pdf)

### **1.3.3 ORGANISATIONAL STRUCTURE MODELS – EVALUATION**

The Armstrong Gellatly Report summarised the various options for structural reform as follows:-

#### **1.3.4 Voluntary Utilities Alliance - Summary and Verdict**

The alliance model proposed by the Lower Macquarie Valley Alliance fails to meet the

viability, effectiveness and efficiency criteria. Although the model provides Alliance members with an opportunity to benefit from professional strategic business planning, the model leaves it to members' discretion as to the adoption of the strategic business plans developed by the Alliance's coordinating body. In addition, members are not compelled to remain in the Alliance after the term specified in the Alliance's deed of agreement. Consequently, the benefits gained by the community from the operation of the Alliance would diminish if any members left the Alliance at the expiry date of the deed of agreement.

The Alliance's nominated pricing model, the status quo, is not the preferred model of the Inquiry.

### **1.3.5 Binding Utilities Alliance – ie RAMROC**

The RAMROC Alliance body is a distinct legal entity from its member councils and formulates strategic planning initiatives for implementation by the alliance members. The alliance body is proposed to be established as a corporation. The model also provides for service level agreements between the alliance body and the member councils to specify all of the parties' responsibilities. The alliance body is responsible for identifying and funding infrastructure requirements in accordance with its strategic plans. Funding is obtained from annual contributions provided by member councils. The alliance body is also responsible for price setting while the member councils are responsible for billing. This alliance model is predicated on binding membership by constituent councils.

*(Council Should note – Although this model is favoured by the Armstrong Gellatly report – since 2008 very little progress has been made while the Lower Macquarie Valley Alliance is functioning and productive.)*

### **1.3.6 Council-Owned Regional Water Corporation**

A council-owned regional water corporation would be established by legislation. The only shareholders of the corporation would be the constituent councils. The shareholding councils are accountable to their respective communities and this will ensure that the operation of the corporation broadly reflects the communities' interests. The corporation's board of directors would be nominated / appointed by the shareholders and could include independent directors with relevant expertise. The corporation would be able to make dividend and tax equivalent payments to the shareholders.

All water supply and sewerage assets and related staff would be transferred from the constituent councils to the corporation. The corporation would be responsible for all aspects of water supply and sewerage service delivery including maintenance, pricing, billing and handling customer enquiries, connection applications and complaints. Notwithstanding the transfer of assets to the corporation, the councils as shareholders will have considerable influence on the corporation's operations and set the broad strategic direction for the corporation.

The corporation model is widely accepted as the "best practice" model for commercial undertakings.

### **1.3.7 County Council (Asset Owning)**

The county council asset owning model is in use in New South Wales. There are currently five county councils providing urban water supply or both urban water supply and sewerage. The county councils are:

- Central Tablelands County Council;
- Goldenfields County Council;
- Mid Coast County Council;
- Riverina County Council; and
- Rous County Council.



Under the county council asset-owning model, the county council is responsible for all facets of sewerage and / or water supply service provision. For local councils, this means that all their sewerage and / or water supply assets and relevant staff would be transferred to the county council. The county council would also assume responsibility for sewerage and / or water supply pricing, billing and customer interface (complaints, inquiries etc).

The model is proposed as a preferred option by only one council and strongly opposed by many. The reason for the opposition to this model is that member councils' water supply and sewerage assets are transferred to the county council and there is no corresponding compensation for member councils. In the case of the council-owned regional water corporation model, the transfer of assets from the councils to the corporation is compensated by the value of shares held by the shareholding councils. However, the member council will only benefit directly from this shareholding if the corporation pays a dividend to the member council. Such dividends may also be paid by a county council. The impacts on employment and economies of scope are also reasons for the opposition to this model.

#### **1.4 The Way Forward**

The Commission recommends that the State government formally respond to the Armstrong Gellatly report of 2008. It is anticipated that this response will further recommend preferred models for water reform and set in place processes for that reform.

#### Conclusion

Council will be kept informed of any further developments.

**Financial Implications:** Nil, at this stage.

**MINUTE**

**31 Item 3 PRODUCTIVITY COMMISSION DRAFT REPORT: AUSTRALIA'S URBAN WATER SECTOR – FINAL REPORT (32.00026)**

**MOVED: B Bourke SECONDED: P Toole**

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

Yours faithfully



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORTS & MINUTES  
16 NOVEMBER 2011

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

General Manager  
Bathurst Regional Council

**1 UNITED NATIONS DAY 2011 - MONDAY, 24 OCTOBER 2011 (09.00032)**

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

**Report:** The rich diversity of the Bathurst Region was celebrated with a function held at the Bathurst Memorial Entertainment Centre (BMEC) to mark United Nations Day 2011. United Nations Day is observed internationally each year. It highlights the aims and achievements of the United Nations organisation, which was created through the ratification of the UN Charter on October 24, 1945.

In Bathurst the day was celebrated with a reception and film screening at BMEC on 24 October. Celebrations commenced at 5:30pm with refreshments and formalities, followed at 6:30pm by a screening of the documentary, 'In the footsteps of the ancestors – Muslims Down Under'. Approximately 50 people attended the reception.

Councillor Graeme Hanger, representing Council, made a welcoming speech about the richness and diversity of Bathurst's community. Dr Rabuil Islam, Chairperson of the Culturally Diverse Working Group, spoke about the role of the working group and the group's achievements to date. Mr Col Sharp, Head of Campus Charles Sturt University, Bathurst spoke about the CSU Public Lecture series and introduced the film.

At the conclusion of the speeches, guests watched the film by Nada Roude. The film explored the ethnic, linguistic and cultural diversity of Muslims in Australia. The documentary told the stories of Australian Muslims, from the pioneering Afghan camel herders, through to the successful integration Muslims have made into modern Australian society.

The United Nations Day celebrations were made possible through a collaboration of Council, Charles Sturt University, the Islamic Council of New South Wales, the Bathurst Information and Neighbourhood Centre and Bathurst's Culturally Diverse Working Group.

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

**MINUTE**

**32     Item 1    UNITED NATIONS DAY 2011 - MONDAY, 24 OCTOBER 2011 (09.00032)**

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

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

## **2 LITTLE SCALLYWAGS CHILD CARE CENTRE - OUTDOOR PLAY AREA UPGRADE (22.00579)**

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

**Report:** The upgrade of the Little Scallywags outdoor play area is now complete. The project sees the development of a stimulating and safe space accommodating the needs of the children and their families as well as fulfilling current licensing and quality assurance requirements.

Funding for the project was provided through the Bathurst Education Advancement Group Award, 2010 and the reallocated funding from the Community Survey 2010/2011 as resolved at the ordinary meeting of Bathurst Regional Council 18 May, 2011.

Work undertaken included:

- The removal of existing above-ground sandpit;
- The construction of an in-ground, concrete bounded sandpit;
- The installation of shade cover over sandpit;
- The construction of storm water drain;
- The laying of colourful rubber soft fall ; and the
- The repair of outside ramp.

The design on the soft fall includes a red road for the children to ride their bikes and run around, two pedestrian crossings, colourful stepping stones and a blue surface around the sandpit representing water.

The next stage in the development of the space will be to incorporate more natural elements in consultation with the staff, children and their families.

Positive feedback has been received from both the parents and children, who are currently enjoying the chance to run, play and explore their new space. An informal opening/morning tea was held at Little Scallywags on Thursday, 10 November, 2011 to launch the new play area.

**Financial Implications:** Funding of \$7,000 was provided through the Bathurst Education Advancement Group (BEAG) grant together with funding reallocated from the Community Survey 2010/2011 budget.

**MINUTE**

**33 Item 2 LITTLE SCALLYWAGS CHILD CARE CENTRE - OUTDOOR PLAY AREA UPGRADE (22.00579)**

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

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

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

**Recommendation:** That Council undertake the following works to be funded from the reserve balance allocated to the Bathurst Small Business and Non-Profit Organisations Disabled Fund:

- (a) Bathurst Memorial Entertainment Centre - replace tiles on front steps to non-slip contrast tiles on the step nosings to increase visibility; replace hand rails at front steps to stainless steel; install Braille signage in and out of the lift car and other locations.
- (b) Australian Fossil & Mineral Museum - install handles on outside wall of male and female toilets to assist with step into toilet; erect signage
- (c) Library/Art Gallery toilets - lift existing vinyl to ensure flush with metal lip to remove any trip hazard.
- (d) Adventure Playground (Durham Street) - install pathway to link old and new sections of playground.

**Report:** At its meeting held on 21 September 2011 (DCCS Report #3), Council approved that the unspent funds from the Small Business and Non-Profit Organisations Disabled Access Fund could be utilised to improve access to Council facilities recommended by the Committee.

Subsequently, Bathurst Regional Access Committee (BRAC), at its meeting held on 19 October 2011, identified a range of projects they consider as being most suitable for recommendation to Council for completion utilising the unspent funds from the Small Business and Not-For-Profit Access Funds.

The following projects were considered by BRAC as being most suitable for Council to complete utilising the unspent funds from the Small Business and Not-For-Profit Access Funds (see **Attachment 1** letter from BRAC):

<b>Council Facility</b>	<b>Access Issue identified</b>	<b>Estimated Cost</b>
Bathurst Memorial Entertainment Centre	<ul style="list-style-type: none"> <li>● Front steps – non-slip contrast tile on the step nosings to increase visibility.</li> <li>● Front Step railings – Replace the hand rails. Work to be completed prior to tiles being replaced.</li> <li>● Installation of Braille signage in and out of lift car and other locations.</li> </ul>	<ul style="list-style-type: none"> <li>● \$7500 - \$10,000 for replacement tiles.</li> <li>● \$5000 - \$10,000 for new stainless steel rails.</li> <li>● \$150 per sign (approx 4 to 5 required).</li> </ul>
Australian Fossil and Mineral Museum toilets	Handles on outside wall of male and female toilets to assist with step into the toilet.	\$500 for two handles
AFMM signage front gate	Signage to indicate accessible parking at rear of building.	\$500 (dependent on heritage considerations).
Library/Art Gallery toilets	Lift existing vinyl and ensure flush with metal lip to remove any trip hazard.	\$4,000
Adventure playground (Durham St)	Pathway to link old and new sections of the playground.	\$110 per metre (approx \$1000-\$1200 dependent on exact distance).

**Financial Implications:** The current balance of the Small Business and Non-Profit



Organisations Disabled Access Fund is \$43,774. Currently, \$7,926.17 has been allocated to two projects to be completed within the 2011/2012 financial year. Therefore \$35,847.83 is available for the projects improving accessibility to Council facilities as recommended by the Bathurst Regional Access Committee.

The Bathurst Regional Access Committee has further recommended that any unspent funds be utilised to either improve access to Council facilities as recommended by the Committee as requiring improvements, or be rolled over for use in Small Business and Non-Profit Organisations Disabled Access Fund in the 2012/2013 financial year.

## MINUTE

### **34 Item 3 SMALL BUSINESS AND NON-PROFIT ORGANISATIONS DISABLED ACCESS FUND (16.00107)**

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

**RESOLVED:** That Council undertake the following works to be funded from the reserve balance allocated to the Bathurst Small Business and Non-Profit Organisations Disabled Fund:

- (a) Bathurst Memorial Entertainment Centre - replace tiles on front steps to non-slip contrast tiles on the step nosings to increase visibility; replace hand rails at front steps to stainless steel; install Braille signage in and out of the lift car and other locations.
- (b) Australian Fossil & Mineral Museum - install handles on outside wall of male and female toilets to assist with step into toilet; erect signage
- (c) Library/Art Gallery toilets - lift existing vinyl to ensure flush with metal lip to remove any trip hazard.
- (d) Adventure Playground (Durham Street) - install pathway to link old and new sections of playground.

#### **4 KELSO COMMUNITY CENTRE - CHRONIC DISEASE CARE AND MANAGEMENT PROGRAM - CLOSING THE GAP (09.00026)**

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

**Report:** As part of the Federal Government's 'Closing the Gap' initiative the Central West Division of General Practice have been working hard to ensure local General Practitioners are aware of their obligations in regards to Indigenous clients across their communities. This has included ensuring local General Practitioners and medical practices perform general health checks on their Indigenous patients and registering all eligible patients for Indigenous Health Incentives.

Once the initial screening had taken place and the incidents of chronic disease had been identified across communities the establishment of long-term care plans and disease management programs was to take place.

In order to achieve this in Bathurst, the Program Coordinator and Aboriginal Health Coordinator from the Central West Division of General Practice approached Kelso Community Centre as a potential site for service delivery for Bathurst Indigenous Chronic Disease Care. Discussions have been underway over the past six months to develop a collaborative service delivery model that:

- (a) operates from Kelso Community Centre one day per week;
- (b) provides a venue for medical specialists to operate in with referred clients;
- (c) prioritises Indigenous patient referrals with non-Indigenous patients still able to access the service where possible;
- (d) addresses long-term care plans and disease management for diabetes, heart disease and obesity; and
- (e) allows for additional health education and promotion.

Specialists involved in the program will include an endocrinologist, a dietician, a podiatrist, a diabetes educator and a cardio specialist sourced locally or alternatively from Sydney. Appointments will be coordinated by an appointed receptionist for the program.

As Bathurst does not have a resident endocrinologist the services of a specialist from Sydney has been secured. This has been a major coup for Bathurst and will provide an opportunity for local General Practitioners to also refer non-Indigenous clients to this clinic. Whilst clients are prioritised as stipulated in funding arrangements there is potential for the endocrinologist, in particular, to become a highly sort-after commodity.

All parties believe that this program will better meet the needs of the indigenous community of Kelso, as well as the broader Bathurst community.

The Bathurst Indigenous Chronic Disease Care clinics will operate out of the Kelso Community Centre on Thursdays beginning 5 November between 9.30am and 4.00pm.

All current user groups of the Kelso Community Centre have offered their full support to this program and have been willing to change their hours of operation to accommodate the Indigenous Chronic Disease Care Program. The provision of such a vital, targeted and accessible health program operating out of the Kelso Community Centre will ensure good quality outcomes for the whole community. Securing this program for the Kelso community is another step towards providing a collaborative service delivery approach to the Kelso community via the Kelso Community Centre.

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

**MINUTE**

**35 Item 4 KELSO COMMUNITY CENTRE - CHRONIC DISEASE CARE AND MANAGEMENT PROGRAM - CLOSING THE GAP (09.00026)**

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

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

## **5 BATHURST COMMUNITY SAFETY PLAN 2011-2014 (20.00179)**

**Recommendation:** That the Bathurst Regional Council Community Safety Plan 2011–2014 be adopted with minor amendments as outlined in the report.

**Report:** Council resolved, at its meeting held 21 September 2011 (DCCS report # 5), that the Bathurst Regional Council Community Safety Plan 2011-14 be placed on public exhibition for the statutory period of 42 days.

Subsequently, the draft Plan was placed on public exhibition from 22 September until 2 November. Advertisements were placed in the Council Notices and classified sections of the Western Advocate and Western Times during this period notifying members of the public of the plan and calling for submissions. Copies of the draft Plan were also made available at Council's Civic Centre and Library, together with full access via Council's website.

The Bathurst Community Safety Plan 2011-2014 was developed through consultation and in partnership with the broader Bathurst community. The plan will be implemented and reviewed, in partnership with the broader community, key agencies and groups that operate within it. Bathurst Regional Council will continue to negotiate with its partners to develop a Community Safety Committee.

At the conclusion of the public exhibition period, no formal amendments had been received by Bathurst Regional Council however the following minor amendments were identified and will be made prior to printing of the plan:

- Minor grammatical errors as identified; and
- Mayor's name and photo added to Mayors Introduction;

**Financial Implications:** There are no immediate financial implications from adopting the 2011-2014 Bathurst Community Safety Plan. However, through this adoption Council commits to the actions and strategies identified in improving its community. To meet the expectations generated from this adoption will require Council to commit to ongoing resourcing of these actions and strategies.

Consequently, Council will consider financing the implementation of actions contained in the Bathurst Community Safety Plan 2011-2014 that have been identified as Council's core business within its annual management planning processes. Cost estimates for strategies recommended for completion during a particular year will be put to Council in the development of the budget for that year and will compete with all other budget items. Other actions identified in the plan that are the core business of outside agencies/groups will be funded according to that organisations financial plan and as such are not the responsibility of Bathurst Regional Council.

**MINUTE**

**36     Item 5   BATHURST COMMUNITY SAFETY PLAN 2011-2014 (20.00179)**

**MOVED: I North SECONDED: G Hanger**

**RESOLVED:** That the Bathurst Regional Council Community Safety Plan 2011–2014 be adopted with minor amendments as outlined in the report.

## **6 VACATION CARE PROGRAM - SEPTEMBER/OCTOBER 2011 (09.00005)**

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

**Report:** The recent Council Vacation Care Program operated from Monday, 26 September through to Friday, 7 October 2011 excluding the public holiday Monday, 3 October 2011. A total of 49 children enrolled in the program with an average of 21 children per day.

The program contained activities that ranged from kite making, clay animation, games and craft activities through to excursions to the movies and the Pantech Parade. The children especially enjoyed making compost rockets as part of the Envirocom Sustainability Workshop.

The program continues to provide a valuable service to children and families of the broader Bathurst community, operating within the principals of creating a play based learning environment that is fun and stimulating. These principles aim to develop a child's:

- sense of identity;
- opportunities to connect and contribute to their world;
- understanding and awareness of well being;
- ability to become confident and involved learners; and
- use of effective and appropriate communication.

Vacation Care is scheduled to again be operational in the Christmas/New Year holiday period.

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

**MINUTE**

**37 Item 6 VACATION CARE PROGRAM - SEPTEMBER/OCTOBER 2011**  
**(09.00005)**

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

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



**7 CHIFLEY HOME AND EDUCATION CENTRE - ROUND TABLE CONFERENCE,  
AUSTRALIAN PRIME MINISTERIAL RESEARCH AND COLLECTING AGENCIES -  
THURSDAY, 22 SEPTEMBER 2011 (21.00112)**

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

**Report:** The Chifley Home Education Centre recently hosted the annual 'Round Table' conference of *Australian Prime Ministerial Research and Collecting Agencies*, organised by the Australian Prime Ministers Centre based at the Museum of Australian Democracy in Canberra.

This was the first time that the conference has been held outside Canberra. Institutions represented included the Museum of Australian Democracy at Old Parliament House; National Archives of Australia; National Film and Sound Archive; National Library of Australia; Alfred Deakin Prime Ministerial Library; Bob Hawke Prime Ministerial Library; John Curtin Prime Ministerial Library; University of Melbourne Archives (Malcolm Fraser Collection); and the Whitlam Institute at the University of Western Sydney. Also represented was 'Home Hill' in Tasmania - the family home of Prime Minister Joseph Lyons and his wife, Dame Enid Lyons.

The meeting included a special presentation by the Chifley Home Coordinator on his recent Fellowship with the Australian Prime Ministers Centre which examined the house museums of Ben Chifley, John Curtin and Joseph Lyons.

Round Table participants also toured the Bathurst Region following a trail of the varied and numerous locations that influenced, or were influenced by Ben and Elizabeth Chifley. Feedback from this conference has noted the high quality of the Chifley Home and Education Centre and its potential in contributing to the interpretation of Australian social and political history.

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

**MINUTE**

**38 Item 7 CHIFLEY HOME AND EDUCATION CENTRE - ROUND TABLE  
CONFERENCE, AUSTRALIAN PRIME MINISTERIAL RESEARCH AND COLLECTING  
AGENCIES - THURSDAY, 22 SEPTEMBER 2011 (21.00112)**

**MOVED: W Aubin SECONDED: M Morse**

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

Yours faithfully



Annabell Miller  
**DIRECTOR  
CULTURAL & COMMUNITY SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
POLICY COMMITTEE MEETING

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

General Manager  
Bathurst Regional Council

**1 MINUTES - POLICY COMMITTEE MEETING - 2 NOVEMBER 2011 (07.00064)**

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

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

**Financial Implications:** N/A

**MINUTE**

**39** Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 NOVEMBER 2011  
(07.00064)

**MOVED: W Aubin SECONDED: R Thompson**

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

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 2 NOVEMBER 2011**

**MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**In attendance:** Director Corporate Services & Finance, Director Cultural & Community Services, Director Engineering Services, Director Environmental Planning & Building Services, Manager Corporate Governance, Manager Financial Services, Parks Operations Manager, Manager Recreation, Manager Water & Waste, Development Control Planner.

**APOLOGIES**

**2 APOLOGIES**

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

**RESOLVED:** That the apologies from Cr G Hanger and Cr P Toole be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

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

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

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

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

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

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28 SEPTEMBER 2011 (07.00096)**

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

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

**6 Item 2 POLICY - PUBLIC INTEREST DISCLOSURES (FORMERLY PROTECTED DISCLOSURES) (11.00006, 18.00132, 41.00089)**

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

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This is page 1 of Minutes of the Policy Committee held on 2 November 2011.

General Manager

Page 134  
Mayor

**RESOLVED:** That Council:

- (a) adopt the amended Public Interest Disclosures Policy
- (b) update the Policy Manual accordingly
- (c) enact this resolution immediately.

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

- 7** **Item 1 CONDUCT OF 2012 COUNCIL ELECTIONS (12.00010)**  
**MOVED** Cr M Morse and **SECONDED** Cr I North

**RESOLVED:** That Council enter into a contract with the Electoral Commission for the NSW Electoral Commission to administer Council's Elections, Constitutional Referendums and Polls until the conclusion of 2012 Ordinary Elections.

**Cr Thompson and Cr Aubin arrived at 5.05pm**

- 8** **Item 2 DEPARTMENT OF LOCAL GOVERNMENT - PROMOTING BETTER PRACTICE REVIEW REPORT (NOVEMBER 2006) (03.00142)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr B Bourke

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

### **GENERAL BUSINESS**

- 9** **KELSO COMMUNITY CENTRE (9.00026)**

**Cr Bourke** - asked has there been cuts as only open 3 1/2 days. Is more grant funding available to access. Need to keep centre open as much as we can.

The **Director Cultural & Community Services** advised that program funding has been lost and operating 3 1/2 days is temporary.

**Cr Bourke** - asked to approach State Member for funding.

- 10** **BUNORA PARK (04.00043)**

**Cr Aubin** - asked about status of report.

The **Director Engineering Services** responded that the report will be submitted to the January meeting.

- 11** **HOWICK & GEORGE STREETS ROUNDABOUT (25.00006)**

**Cr Aubin** - asked if the roundabout at the intersections of Howick and George Streets is to be resurfaced.

The **Director Engineering Services** advised that no plan to reseal due to prospect of traffic lights.

- 12** **TREE REMOVAL HILL STREET (25.00382)**

**Cr North** - advised that the resident stated that Council staff were very courteous when completing this job. Resident now feels that concrete needs to be placed on the footpath area.

Tabled letter from resident.

**13**      **MARANATHA LAWN CEMETERY (09.00009)**

**Cr North** - tabled a letter from K Kearney suggesting that chapel in the grounds of the cemetery be reopened to the public.

**14**      **RATES LEVIED ON PROPERTY ON LORD STREET (22.01578)**

**Cr North** - raised issue of rates levied on a property in Lord Street asked if the gentleman could meet with the director to discuss the issue.

**15**      **DELWARE CRESCENT - B DOUBLE ROUTE (28.00012)**

**Cr North** - asked how this matter could be revisited by the applicant (tabled letter from applicant)

The **Director Engineering Services** advised the process available to the applicant.

**16**      **CAR EVENTS MOUNT PANORAMA (04.00009)**

**Cr North** - asked if GT nationals and Australian Early Holden Federation could discuss with Council Officers proposed dates of events at Mount Panorama.

**17**      **AUSTRALIA DAY CELEBRATIONS (23.00033)**

**Cr North** - feels that Villages are not being supported on Australia Day. We need to reconsider the decision of the Australia Day Working Party.

**18**      **DIRTY WATER COMPLAINTS (32.00013)**

**Cr Morse** - acknowledged the efforts of Council's water section in providing her with advice and in dealing with the dirty water complaints received.

**19**      **CARRINGTON PARK - LONG JUMP PIT (04.00008)**

**Cr Morse** - asked whether the new long jump pit would be made less obvious.

The **Director Engineering Services** advised that the completion of the project would involve the installation of synthetic grass on top of the concrete.

**20**      **OPHIR ROAD (25.00040)**

**Cr Morse** - asked whether section between Eglinton Road and Abercrombie House could be resealed or the speed limit reduced.

The **Director Engineering Services** advised funding for reseal works has been approved this financial year and can discuss the speed limit with the RTA.

**21**      **SUPPORT OF SPORTING CLUBS (16.00044)**



**Cr Morse** - asked for figures on the cost of sporting facilities and the usage.

The **Director Corporate Services & Finance** advised that the operating costs of these facilities are included in the Management Plan. Usage figures are something not able to be collected by Council would need to be done by sporting bodies.

**22**      **AUSTRALIA DAY CELEBRATIONS (23.00033)**

**Cr Morse** - advised Sofala last year were very disappointed with support of event. Feels that it is spreading support rather than reducing it if Council provides each Village with a small sum of money.

**23**      **OPHIR ROAD (25.00040)**

**Cr Thompson** - asked if Council was to discuss speed limits on Ophir Road with the RTA would be residents be consulted.

The **Director Engineering Services** responded that the speed limit considerations are based solely on the road conditions.

**24**      **SPRING SPECTACULAR & BOOK SALE (23.00026)**

**Cr Thompson** - advised that these events were a great success.

**25**      **ROYAL BATHURST SHOW (18.00108, 16.00129)**

**Cr Thompson** - feels that Council should consider including an amount for the show in the 2012/13 Management Plan.

**26**      **SEWER CHARGE MODELLING (26.00010)**

**Cr Thompson** - asked when some figures on sewer modelling would be available.

The **Director Corporate Services & Finance** advised that preliminary figures should be available shortly.

**27**      **BLUE HELIOTROPE (18.00004)**

**Cr Thompson** - would like to see Council provide a small amount of funding for follow up work on Blue Heliotrope.

**28**      **WEEDS IN URBAN AREA (13.00022)**

**Cr Carpenter** - mentioned that we should not forget the cost of weeds in the urban area.

**29**      **AUSTRALIA DAY CELEBRATIONS (23.00033)**

**Cr Carpenter** - advised that she thought village celebrations were to be held every second year.

**30**      **OPHIR ROAD (25.00040)**

**Cr Carpenter** - asked weather any works were proposed on the dangerous corner just past Abercrombie House.

The **Director Engineering Services** advised no funding available at present time.

**31 TOURISM PROMOTION (20.00020)**

**Cr Carpenter** - advised that on a recent bus trip to Sydney she noticed Orange tourist brochures on the back of the seats. Perhaps Council could look at a similar promotion.

**32 CONSTITUTIONAL RECOGNITION (18.00008)**

**Cr Carpenter** - asked whether Council was putting a submission in on constitutional recognition.

The **Mayor** advised that a letter had already been sent.

**33 CHILD CARE PLACES (09.00008)**

**Cr Carpenter** - asked whether a report could be supplied on supply and demand for child care places in Bathurst.

**34 KELSO COMMUNITY CENTRE (09.00026)**

**Cr Carpenter** - supports Cr Bourke on the benefits of the Kelso Community Centre. Need to put pressure on State Member for funding.

**35 OLD TAFE BUILDING (22.01387)**

**Cr Carpenter** - need to be pressuring State Member for funding of this facility.

The **Director Cultural & Community Services** advised that Council has met twice with the State Member in relation to this matter.

**36 DEVELOPMENT APPLICATION NOTIFICATION (11.00003)**

**Cr Carpenter** - wasn't aware that Development Application Policy was a Council policy. Believes people should be advised.

The **Director Environment Planning & Building Services** gave advice on Council's policies.

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**37 Item 1 DEVELOPMENT APPLICATION NO. 2011/0273 – TELECOMMUNICATION BASE STATION AT LOT: 1 DP 1140980, WALMER PARK, BRADWARDINE ROAD WINDRADYNE. APPLICANT: TCI LTD. OWNER: BATHURST REGIONAL COUNCIL (DA/2011/0273)**

**Mayor** advised the residents of procedure for addressing Council.

Discussion included:

**Michelle Knockles (McKibbin Place)** - spoke to lack of notification on all three communication towers. Believes there is real health issues. Cumulative effect of all three towers. Will sell if tower proceeds. Council has a duty of care to residents.

**Albert Ashbury** - public often ill informed in these matters. Council doesn't appear to follow its notification procedures. There are conflicting reports over the health issues. Urged Council to consider carefully. Asked Council to adhere to own principals and consult people affected by these types of applications.

**Janetta Roth** - believes there is evidence supporting the health concerns. Development standards for residential area. Towers should be 500m away. Against having 3 towers in the area, Walmer Park is a recreation area.

**Melissa Johnson** - would prefer to live in comfort and not near towers. Reduced property values. Area is a low income area, why are these developments not in high income areas. What does Council get from it.

**Lee Burden (McKibbin Place)** - tower is 55m from her home, concerns are the same as Kelso residents. It is a recreation area. Towers have huge visual impact. Raised health concerns. Believes Council should install towers in new areas. Graffiti on buildings.

**Bob Collins (Stack Street)** - area developed by Bathurst Orange Development Corporation. Covenants in place. No poles in estate. Too visible. Towers 55m from residences. Will have visual impact. Has a farm in Rylstone and there are no towers in the villages there.

**Sharon Evans (Whiteman Place)** - will sell if tower goes in. Wants children to be able to play safely. Objects to graffiti on current buildings.

**Doreen Morgan** - concerned over possible lack of brain development in under 14 year olds.

**Clarissa Tyrell** - mentioned international study. EF waves impact on the human body but we are not sure to what extent. Raised health concerns, no long term studies in Australia.

**TCI Ltd Adilla (Environmental Planner)** - involved in a long planning process, looked at several sites. Selected the colour of tower to blend in. Monopole structure gives less visual impact.

**Engineer (Vodaphone)** - monopole structure and underground cabling used to lessen visual impact.

**Michael Bangay (Radass Consulting)** - world health organisation had a clear statement based on facts that there are no adverse health concerns. Phone base stations are low level emissions compared to broadcast towers. Tabled a fact sheet from the World Health Organisation.

**38**

**Item 2 BATHURST CBD & BULKY GOODS BUSINESS DEVELOPMENT STRATEGY (20.00161)**

**Mayor** advised the residents of procedure for addressing Council.

Discussion included:

**Hugh Zopling (Representative Trinity Heights Shopping Centre)** - wants to ensure owners can maintain a vibrant centre. Should be same as Westpoint. Site can

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**This is page 6 of Minutes of the Policy Committee held on 2 November 2011.**

physically accommodate a larger supermarket. Would like to see strategy modified to include this.

The **Director Environment Planning Building Services** responded Council has been talking to the consultant.

**MEETING CLOSE**

**39 MEETING CLOSE**

The Meeting closed at 6.34 pm.

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

**Date:** \_\_\_\_\_ **(16 November 2011)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
TRAFFIC COMMITTEE MEETING

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

General Manager  
Bathurst Regional Council

**1 MINUTES - TRAFFIC COMMITTEE MEETING 1 NOVEMBER 2011 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 1 November 2011 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held 1 November 2011 are attached.

**Financial Implications:** N/A

**MINUTE**

**40** Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 1 NOVEMBER 2011  
(07.00006)

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

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

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 1 NOVEMBER 2011**

**2 pm MEETING COMMENCES**

**1 PRESENT**

**Members:** Cr Warren Aubin (BRC), Sgt Warren Bow (Police), Jackie Barry (RTA), David Veness (MP Representative).

**Present:** Manager Technical Services.

**APOLOGIES**

**2 APOLOGIES**

Nil.

**REPORT OF PREVIOUS MEETING**

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

**MOVED** Warren Bow and **SECONDED** David Veness

**RESOLVED:** That The Minutes of the Traffic Committee Meeting held on 4 October 2011 be adopted with the following changes:

Minute #9, Item 5 - 2012 NSW Short Course Hill Climb Championship - remove Bathurst Cycling Club.

Minute #10, Item 6 – 2012 Criterium Racing in the Pit Complex at Mt Panorama - remove Bathurst Cycling Club.

**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 4 OCTOBER**

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This is page 1 of Minutes of the Traffic Committee held on 1 November 2011.



**2011 (07.00006)**

That the information be noted and necessary actions be taken.

**6** **Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)**

That the information be noted.

**7** **Item 3 TIME RESTRICTED PARKING FOR ONE SIDE OF CLEMENTS STREET (28.00007-04)**

That Council approve the placement of time restricted No Parking Signs (6.00 am -12.00 pm Tuesdays) along the full extent of Clements Street, on the left hand side when travelling north to enable garbage trucks to manoeuvre their vehicles safely amongst the cars parked at the kerb.

**8** **Item 4 REMOVAL OF COUNCILLOR PARKING AT THE BATHURST MEMORIAL ENTERTAINMENT CENTRE (28.00006)**

That Council approve:

- (a) the removal of the Councillor parking on the western side of the Bathurst Memorial Entertainment Centre.
- (b) Provide an extra disabled parking space and re configure the disabled parking to be at a 45 degree angle to the existing kerb line.

**9** **Item 5 ON STREET PARKING 61 GEORGE STREET BATHURST (28.00007-04)**

That Council:

- (a) Not approve the removal of the 45 degree rear to kerb parking at the front of 61 George Street with the replacement to be parallel parking.
- (b) Approve the reduction in the parking spaces from 3 to 2 spaces.

**10** **Item 6 NO STOPPING SIGNS AT THE INTERSECTION OF ISAACS STREET WITH EDGELL STREET (28.00007-04)**

That Council approve the placement of 2 No Stopping signs (R5-400) at either side of the corner when turning left from Isaacs Street into Edgell Street.

**11** **Item 7 NO STOPPING SIGN AT THE INTERSECTION OF TAREENA AVENUE WITH ALCHERINGA ROAD (28.00007-04)**

That Council approve the placement a No Stopping (R5-400) sign at the right hand side of Tareena Avenue when heading in a north easterly direction.

**12** **Item 8 ELEVEN MILE DRIVE AND THOMAS DRIVE INTERSECTION EGLINTON**

**(28.00007-04)**

That Council approve the installation of double barrier lines and shoulder widening on Eleven Mile Drive at the intersection with Thomas Drive.

**13**      **Item 9 AMSAG - PIPE KING SOUTHERN CROSS RALLY SERIES SUNNY CORNER (23.00015-06/068)**

That Council note the information regarding the AMSAG Pipe King Southern Cross Rally Series to be held in the Sunny Corner State Forest on 12 November 2011.

**14**      **Item 10 NEW YEARS EVE CELEBRATIONS IN VICTORIA PARK (23.00131)**

That Council approve the holding of New Years Eve celebrations in Victoria Park on Saturday 31 December 2011, including:-

- (a) temporary closure of Durham Street, between Hope Street and Mitre Street
- (b) temporary closure of Hope Street, between Durham Street and Howick Street, and Loftus Street
- (c) temporary road closure of Mitre Street north towards the Bathurst Netball Courts
- (d) temporary closure of parking bays along Morrisset Street with No Parking signs in effect
- (e) Durham Street traffic diversion to be via Peel, Morrisset and Commonwealth Streets.

The event to be classified as a Class 2 event and approved subject to conditions as detailed in the Director Engineering Services' report.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**16**      **MEETING CLOSE**

The Meeting closed at 2.45 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DELEGATES REPORTS

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

General Manager  
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 12  
OCTOBER 2011 (11.00019)**

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

**Report:** **Present:** Crs Westman (Chair), Aubin, Bourke, Carpenter, Hanger, North Thompson.

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

**APOLOGIES:** Crs Morse, Toole.

**1. BATHURST HEALTH COUNCIL (18.00035)**

David Wright (Manager) and John Kellet (Chair) from the Bathurst Health Council attended the meeting to give Councillors an update on the Bathurst Health Council and Health Service.

- The Bathurst Health Service (BHS) was commissioned in January 2008 following an extensive redevelopment program.
- It is a referral centre and provides support to nearby services in Blayney & Oberon.
- BHS provides training opportunities for new health professionals and is committed to increasing the number of specialists in the region.
- The services provided include in-patient medical and surgical care, a range of outpatients and allied health and community based services including Mental Health and Drug and Alcohol.
- The Bathurst Health Service comprises of 12 people plus the GM, It is currently in the process of appointing 3 new employees.
- Bathurst Health Council members participate in a range of Committees

Clinical Council  
Quality, Safety and Improvements  
Health Council Planning days  
Health Service Accreditation  
Property Control Group  
Art in Health  
Stroke

Western LHD Health Council Working Group

- A new program is being launched by Patient Transport, Monday and Wednesday providing a service to Nepean, RPA and St Vincent's Hospitals for patients with specialist appointments.
- Bathurst Health Council's aim is to bring a community perspective to the Planning, Service delivery and evaluation of Bathurst Health Service.
- BHS asked Council for ideas on the best way to distribute their information flyer to the community. It was suggested that it could be distributed with the ratepayer newsletter.
- The organisation is also seeking a partnership with EVOCITIES in the hope of securing medical specialists to the Central West.

**Financial Implications:** N/A

**MINUTE**

**41 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES - 12 OCTOBER 2011 (11.00019)**

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

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

## **2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 26 OCTOBER 2011 (11.00019)**

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

**Report:** **Present:** Crs Westman (Chair), Aubin, Bourke, Hanger, Morse, North Thompson.

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

**APOLOGIES:** Crs Carpenter, Toole.

### **1. THE HON JOHN COBB MP, MEMBER FOR CALARE (11.00019)**

The Hon John Cobb attended the meeting to give Councillors an update on issues that are relevant to the Region and the Federal Government.

- Discussed the shutting off of Analogue TV and its associated problems.
- Shut off date June 2012.
- Suggested meeting with Senator Conroy and John Forrest to discuss and work out a process of change.
- John Cobb to advise of a meeting date.
- Councillors requested further information on the following issues:
  - NBN fall out.
  - John Cobb's visit to New Zealand - Apple Industries
  - Carbon Tax
  - Orange Pipeline
- Ian North discussed pipeline from Chifley Dam.

### **2. BATHURST AGRICULTURAL, HORTICULTURAL & PASTORAL ASSOCIATION INC (18.00108)**

Brett Kenworthy, S Faraway and Mark Bradbury attended the meeting to give Councillors an update on the outcomes of the 2011 Royal Bathurst Show and plans for 2012.

- Bathurst Regional Council Mayor is the Patron of the Bathurst Show.
- Bathurst Agricultural, Horticultural & Pastoral Association Inc. gave a presentation on the Bathurst Show activities.
- Bathurst Regional Council provides two awards at the Show - Supreme Livestock Exhibit and Supreme Static Exhibit totalling \$1000 in prize money and \$5000 in sponsorship of the Community Stage. Parking and Camping Support and Traffic Committee Liason.
- Council has been asked to consider a multi-year commitment with annual review to enable better planning for the future.

- The Show which commenced in 1862, is the largest, and longest running community event in the region.
- The Bathurst Agricultural, Horticultural & Pastoral Association Inc aims to continue and encourage development, improvement and promotion of the region.

**Financial Implications:** Nil.



**MINUTE**

**42 Item 2 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES - 26 OCTOBER 2011 (11.00019)**

**MOVED: R Thompson SECONDED: W Aubin**

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

**MINUTE**

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

**MOVED: P Toole SECONDED: W Aubin**

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

**There 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	REQUEST TO ACCEPT BOND FOR OUTSTANDING WORKS APPROVED UNDER DEVELOPMENT APPLICATION 2009/0009	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.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	BATHURST EISTEDDFOD SOCIETY	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 LICENCE AGREEMENT - BATHURST HISTORICAL SOCIETY - OLD GOVERNMENT COTTAGE AND MITRE STREET ANNEX	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 SALE OF VACANT LAND - 24 RUSSELL STREET, BATHURST	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
4	PROPOSED SALE OF PROPERTY, 449 CONROD STRAIGHT, MT PANORAMA	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
5	RENEWAL OF AGREEMENT - TRACKCORP ADRENALIN PTY LTD	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

		position of the person who supplied it.
6	2012 ARMOR ALL BATHURST 12 HOUR	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	BATHURST MOTOR FESTIVAL - EASTER EVENT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SUPPLY AND DELIVERY OF 2 X 10500 GVM CAB TIPPERS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED ROAD DEDICATION AND CLOSURE OF UNNECESSARY ROAD - LOT 1 DP225172, 946 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

Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 16/11/2011

		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	AVELING & PORTER STEAM ROLLER RESTORATION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' CONFIDENTIAL MINUTE  
16 NOVEMBER 2011

## MINUTE

### a Item 1 REQUEST TO ACCEPT BOND FOR OUTSTANDING WORKS APPROVED UNDER DEVELOPMENT APPLICATION 2009/0009 (DA/2009/0009)

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

**That Council:**

- (a) agree to accept a bond/bank guarantee for twice the value of the outstanding works approved under Development Application 2009/0009;
- (b) commence procedures to complete the outstanding works after six months of the date of receipt of the bond/bank guarantee should the works not be completed by the developer; 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

Yours faithfully



D R Shaw

**DIRECTOR**

**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES  
16 NOVEMBER 2011



**MINUTE**

**b Item 1 BATHURST EISTEDDFOD SOCIETY (18.00141)**

**MOVED: R Thompson SECONDED: M Morse**

**That** the information be noted.

**MINUTE**

**c Item 2 RENEWAL OF LICENCE AGREEMENT - BATHURST HISTORICAL SOCIETY - OLD GOVERNMENT COTTAGE AND MITRE STREET ANNEX (22.08584 and 22.00862)**

**MOVED: R Thompson SECONDED: M Morse**

**That** Council approves entering into a new licence agreement with the Bathurst Historical Society for Lot 1 DP88005 known as 16 Stanley Street, Bathurst (Old Government Cottage) and Lot 57 DP 613544 Mitre Street known as the Mitre Street Annex for a period of five (5) years as detailed in the report.

**MINUTE**

d Item 3 PROPOSED SALE OF VACANT LAND - 24 RUSSELL STREET, BATHURST (22.01140)

MOVED: B Bourke SECONDED: P Toole

**That** Council approves the listing for sale of Lot 2 DP1076805 known as 24 Russell Street, Bathurst, and direct the General Manager to negotiate the sale of the vacant land.

**MINUTE**

e Item 4 PROPOSED SALE OF PROPERTY, 449 CONROD STRAIGHT, MT PANORAMA (22.04682)

MOVED: R Thompson SECONDED: P Toole

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

**Reason:** Employed by the person who is leasing 449 Conrod Straight Mount Panorama.

**That** Council approves the listing for sale of Lot G DP161903 known as 449 Conrod Straight, Mount Panorama, and direct the General Manager to negotiate the sale of the property, pending the completion of required access road works.

**MINUTE**

f Item 5 RENEWAL OF AGREEMENT - TRACKCORP ADRENALIN PTY LTD  
(04.00110, 34.00065)

**MOVED: P Toole SECONDED: W Aubin**

**That** the information be noted.

**MINUTE**

**g**     Item 6 2012 ARMOR ALL BATHURST 12 HOUR (04.00097)

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

**That** Council provide one three day entry pass per permanent employee to attend the 2012 Armor All Bathurst 12 Hour.

**MINUTE**

h Item 7 BATHURST MOTOR FESTIVAL - EASTER EVENT (04.00001, 04.00125)

MOVED: G Hanger SECONDED: P Toole

**That** the information be noted.

Yours faithfully



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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES  
16 NOVEMBER 2011



**MINUTE**

**i Item 1 TENDER FOR SUPPLY AND DELIVERY OF 2 X 10500 GVM CAB TIPPERS (36.00436)**

**MOVED: P Toole SECONDED: W Aubin**

**That Council:**

- (a) accept the tender from Trackserv Trucks (Option 2) for 2 Isuzu FRR500 Crew Cab tippers, fitted with body and toolbox lockers supplied by Obieco Industries;
- (b) accept the trade offered by Tracserv Trucks for Fleet 641 and Fleet 759.

**MINUTE**

**j     Item 2   PROPOSED ROAD DEDICATION AND CLOSURE OF UNNECESSARY ROAD - LOT 1 DP225172, 946 TURONDALE ROAD DURAMANA (25.00340)**

**MOVED: P Toole SECONDED: W Aubin**

**Cr Thompson declared a non-pecuniary interest in this item.**

**Reason: Commercial tenant of the land to which the parcels of land will be co-joined.**

**That** Council approve the preparation of a plan of subdivision for the dedication as public road the constructed section of Turondale Road Duramana within Lot 1 DP225172 and close the adjoining former unnecessary road, as detailed in the Director Engineering Services' report. The acquired parcels of land are to be classified as Operational land.

**MINUTE**

k **Item 3 AVELING & PORTER STEAM ROLLER RESTORATION (36.00435)**

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

**That** no further action be taken by the Council on this matter.

Yours faithfully



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

**MINUTE**

**44**    **RESOLVE INTO OPEN COUNCIL**  
**MOVED: W Aubin SECONDED: T Carpenter**

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

**MINUTE**

**45     ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: R Thompson SECONDED: T Carpenter**

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

**MINUTE**

**46    MEETING CLOSE**

The Meeting closed at 8.25 pm.

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

**Date:** \_\_\_\_\_ **(14 December 2011)**