



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

25 January 2012

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, 1 February 2012 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, 1 FEBRUARY 2012

1. 6:00 PM - MEETING COMMENCES
2. PUBLIC QUESTION TIME
3. PRAYER
Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.
4. APOLOGIES
5. MINUTES
 - * Minutes - Ordinary Meeting of Council Following Policy - 7 December 2011
 - * Minutes - Ordinary Meeting of Bathurst Regional Council - 14 December 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 - 7 December 2011
 - * Minutes - Climate Change Committee Meeting - 7 December 2011
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil
12. DELEGATES REPORTS

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

Recommendation: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LEASE - MITCHELL CONSERVATORIUM INC. - MACHATTIE PARK COTTAGE	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 - UNIT 4 55 SEYMOUR STREET BATHURST - ACQUIRED BRAIN INJURY SERVICES NSW INC.	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 PROPERTY, 12 WHITEMAN PLACE, 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 NEW LICENCE AGREEMENT - BATHURST BUSHRANGERS - AFL CLUBHOUSE - GEORGE PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	WATER CHARGES - BATHURST 75 FOOTBALL CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	RURAL FIRE SERVICE - PROPOSED SITE FOR A NEW CHIFLEY ZONE FIRE CONTROL CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ROAD WIDENING LOT 1 DP749758 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.
2	PROPOSED ACQUISITION OF LAND FOR CONSTRUCTION OF THE PERTHVILLE LEVEE, LOTS 279 AND 299 DP750354 2 NORTH STREET PERTHVILLE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING, LOTS 7034 AND 7035 DP1114692, PARTS OF LOTS 7032 AND 7033 DP1114695, PANORAMA AVENUE, 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.
4	ENDORSEMENT OF	10A (2) (d) (i) – contains

	ACQUISITION PLAN FOR ROAD WIDENING, LOT 105 DP756873, 3246 HILL END ROAD, HILL END	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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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

G Crisp – Ratepayer

- Spoke to submission he had previously made on Councillor expenses and use of computers by Councillors and access to various sites.
- Raised the cost of insurance premiums due to the Hadley case, the details of the ICAC inquiry, sacking of staff and responsibility for internal controls.
- Spoke to Wivenhoe Dam report and liabilities over water releases, Council policies and procedures on dam control.

The **General Manager** and **Director Engineering Services** responded to issues raised, noting changes to insurance, ICAC is yet to hand down its report, responsibility and controls at Chifley Dam.

I McPherson – National Trust - DEPBS #5 DA2011/0384 - 133-137 Keppel St - asked is there a commitment by Council to preserve heritage. Is demolition by neglect a way of getting around Council's decisions?

Have some issues with respect to the report. Proceeded to speak to the report and history of DA's on the site. Queried figures in report on preserving the site as quoted. Concern this will create a precedent for others. Council has powers in the conservation area, please exercise these. Recently participated in Bathurst 2036 process - this included preservation of heritage and peoples' pride in the local area.

S Bathgate – National Trust - DEPBS #5 DA2011/0384 - 133-137 Keppel St - stated this is a difficult matter to make a decision on. There is flimsy evidence and assertions on which to base a decision. More information should have been provided - reports are currently flawed and incomplete. Also no plan exists for any infill development. Plans for any proposal should come to Council and be commenced, if approved, before any demolition commences. Building setback should be 30 metres and scale/style to same size should occur. The site should be controlled. The applicants heritage report misses the issue of streetscape and there is no independent report. There are no engineers reports only unsubstantiated assertions. This is "cherry picking" the Development Application. Questioned where are the various studies that should be provided.

C Sharah - Owner - DEPBS #5 DA2011/0384 - 133-137 Keppel St - advised inherited property from Father. Spoke to history of the site and the structural state of the buildings. The cottages have passed their use-by date, it is not demolition by neglect. Have restored 141 & 143 Keppel Street at great cost to himself. The state of the properties subject to the DA does not allow restoration. Requests approval by Council.

M McMillan - Volunteer Representative - Rural Fire Service - DCSF Confidential #6 - Site for new Fire Control Centre - seeks Council support on land allocation for the new Fire Control Centre. Thanks Council for support to date.

B Triming – Resident

- DEPBS #5 DA2011/0384 - 133-137 Keppel St - surprised at outburst on these buildings, this has not been demolition by neglect.

- DEPBS #7 DA2011/0435 - 13-15 Cross St - spoke to proposed development in Cross Street and the benefit of heritage and who pays for it.
- DEPBS #9 - Car parking at Bathurst Chase - Council needs to keep close observation on this proposed change. Expressed concerns at how the change will be implemented, issues such as boom-gates, restricted parking monitoring etc were raised. Possible issues in the future as to how people will be treated, what are fine levels. If carpark is lost, will we see a reduction in Council parking officers.

MINUTE

3 APOLOGIES

Nil.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 1 FEBRUARY 2012

General Manager
Bathurst Regional Council

1 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY - 7
DECEMBER 2011 (11.00005)

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

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

Financial Implications: N/A

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY - 7 DECEMBER 2011 (11.00005)

MOVED: P Toole SECONDED: M Morse

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

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 14 DECEMBER 2011 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 14 December 2011 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 14 December 2011, are attached.

Financial Implications: N/A

MINUTE

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 14 DECEMBER 2011 (11.00005)

MOVED: I North SECONDED: T Carpenter

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 14 December 2011 be adopted.

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

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

2 APOLOGIES

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

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

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the following Declarations of Interest be noted.

Cr North

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

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

4 Item 1 BLUE HELIOTROPE (18.00004)

MOVED Cr R Thompson and **SECONDED** Cr W Aubin

RESOLVED: That Council contribute \$5,000 to Upper Macquarie County Council to be used in the control of Blue Heliotrope.

5 Item 2 SUBMISSION ON FINANCIAL STATEMENTS (16.00034-07/041)

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

RESOLVED: That the submissions be noted and that they be referred to Council's auditors.

6 Item 3 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANORAMA CHORUS (18.00004)

MOVED Cr P Toole and **SECONDED** Cr T Carpenter

RESOLVED: That Council donate \$806.25 to Bathurst Panorama Chorus towards the cost of hiring Bathurst Memorial Entertainment Centre for the 20th Anniversary Concert from Section 356 Donations. By allowing for:

1. 50% reduction in venue hire charge for the Theatre (8 hour hire for evening

performance)

2. 50% reduction in hire charge for acoustic panels
3. 50% reduction in hire charge for Grand Piano
4. 50% reduction in hire charge for Audio Visual projector screens

7 Item 4 BATHURST REGIONAL COUNCIL PICNIC DAY (07.00046)
MOVED Cr P Toole and **SECONDED** Cr W Aubin

RESOLVED: That Council:

- (a) designate Friday 17 February 2012 as the Picnic Day holiday.

8 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST HEALTH COUNCIL (18.00004)
MOVED Cr T Carpenter and **SECONDED** Cr R Thompson

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

Reason: Member of Bathurst Health Council

RESOLVED: That Council donate \$1500 to Bathurst Health Council towards the cost of hiring Bathurst Memorial Entertainment Centre for meetings to be held in February and March 2012 from Section 356 Donations to cover hire of:

- (a) City Hall for Seniors Expo with an additional meeting room.
- (b) Provision of meeting room for industry forum and tea and coffee.

9 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - THE RICHMOND FELLOWSHIP (18.00004)
MOVED Cr P Toole and **SECONDED** Cr G Hanger

RESOLVED: That Council donate \$405 to The Richmond Fellowship towards the cost of hiring the Library Meeting Room from Section 356 Donations.

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

10 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS
MOVED Cr P Toole and **SECONDED** Cr W Aubin

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

There were no representations from the public.

RESOLVED: That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANTHERS FOOTBALL CLUB	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	BAD DEBT WRITE OFF - JFTA PTY LTD	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.
3	CARILLON THEATRICAL SOCIETY INC	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
	RURAL FIRE SERVICE - POTENTIAL LOCATIONS FOR A NEW CHIFLEY	10A (2) (d) (i) – contains commercial information of a confidential nature that

	ZONE FIRE CONTROL CENTRE	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 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANTHERS FOOTBALL CLUB (04.00008-09/069)
MOVED Cr T Carpenter and SECONDED Cr R Thompson

That the information be noted.

- b** Item 2 BAD DEBT WRITE OFF - JFTA PTY LTD (16.00041-06/029)
MOVED Cr T Carpenter and SECONDED Cr W Aubin

That Council write off the amount of \$26,728.00 for tip charges incurred during May 2011.

- c** Item 3 CARILLON THEATRICAL SOCIETY INC (18.00203/036)
MOVED Cr T Carpenter and SECONDED Cr I North

That Council agree to a further extension of twelve (12) months of:

1. no principal repayments to be made for the period to December 2012, and
2. reducing the current interest rate of 6.23% by half to 3.12%

- d** Item 4 RURAL FIRE SERVICE - POTENTIAL LOCATIONS FOR A NEW CHIFLEY ZONE FIRE CONTROL CENTRE (13.00020)
MOVED Cr R Thompson and SECONDED Cr W Aubin

That Council

- (a) continue the feasibility study into Lot 201 DP 1074567 Hampden Park Road to determine its suitability as the site for the construction of a proposed Fire Control Centre for Chifley Zone NSW Rural Fire Service and Bathurst SES unit
- (b) continue negotiations with RFS regarding the design and construction of the proposed facilities to determine a total cost for the project
- (c) refer the provision of contribution to the Rural Fire Fighting Fund for the proposed facility to the 2012/2013 Management Plan
- (d) continue negotiations with State Emergency Service to ascertain requirements for their proposed facility and funding options

RESOLVE INTO OPEN COUNCIL

- 11 **RESOLVE INTO OPEN COUNCIL**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 12 **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr W Aubin and **SECONDED** Cr R Thompson

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

MEETING CLOSE

- 13 **MEETING CLOSE**

The Meeting closed at 6.03 pm.

CHAIRMAN: _____

Date: _____ **(1 February 2012)**

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 14 DECEMBER 2011**

MEETING COMMENCES

1 6 PM MEETING COMMENCES

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

T Short – Resident, Mt Rankin - Advised does a lot of recycling, currently have to go to the tip. Will Council look at putting in a more convenient service.

The Director Engineering Services gave history of recycling system and noted no intention at this time to expand the service.

G Crisp - Ratepayer - Spoke to minutes from November 2011 and the submissions to the financial statements. Spoke to allegations about "dodgy investments". Accused General Manager and Director Corporate Services & Finance of losing funds and asked will staff reimburse losses. Made accusations of ICAC investigations, stated General Manager had broken the law and requested General Manager and Director Corporate Services & Finance be sacked.

L Pearce - BINC - Volunteering Central West - DCSF Confidential #5 - Bathurst City Community Club - Spoke to proposal to create Bathurst City Community Club and the item listed for tonight. Referred to Futsal proposal and income generation opportunities. Asked Council to provide a loan to assist the Club. Have provided a business plan to Council.

P Dowling - Ratepayer - Spoke about 133 George Street next to Duggans Hotel, was write-off of rates allowed?

The Director Corporate Services & Finance advised this was a confidential matter and involved individual hardship.

B Trimming - Ratepayer -

- Spoke to recent International Day for People with Disabilities Forum and Cr North's assistance.
- Raised issues with the sustainability house and access problems.
- Spoke to the use of the term 'disabled' and its derogatory connotations.
- Criticised Director Cultural & Community Services about comments made and spoke to disabled access funds and that she provided mis-advice. Feels last proposal to Access Committee was rushed through by Council.

The General Manager raised his concern at this session being misused to attack staff. This is inappropriate. If Mr Triming has a problem with staff the Code of Conduct is available for his use. If Mr Triming has any issues re the sustainable house please provide these in writing.

- Raised concerns about Development Applications for phone towers and processes followed and use of delegated authorities.

APOLOGIES

3 **APOLOGIES**
MOVED Cr G Hanger and **SECONDED** Cr P Toole

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

MINUTES

4 **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 NOVEMBER 2011 (11.00005)**
MOVED Cr T Carpenter and **SECONDED** Cr I North

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

DECLARATION OF INTEREST

5 **DECLARATION OF INTEREST 11.00002**
MOVED Cr P Toole and **SECONDED** Cr B Bourke

RESOLVED: That the following Declarations of Interest be noted.

Cr Westman

Minute 14, Item 10 of the Director Engineering Services Report to the Traffic Committee of 6 December 2011

General Manager

Item #1 of the Confidential Mayoral Minute

Cr Bourke

Item #4 of the Director Corporate Services & Finance Confidential Report
Item #5 of the Director Corporate Services & Finance Confidential Report

Cr Toole

Item #1 of the Director Engineering Services Report
Item #4 of the Director Corporate Services & Finance Confidential Report

Cr Hanger

Minute 12, Item 8 of the Director Engineering Services Report to the Traffic Committee of 6 December 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 B Bourke and **SECONDED** Cr I North

RESOLVED: That the information be noted

- 7** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr P Toole and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 8** **Item 3 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2008/0249 – FOURTEEN SELF CARE SENIORS UNITS (10X3 BEDROOM & 4X2 BEDROOM) AT 57 ROSEMONT AVENUE, KELSO. APPLICANT: WMN DEVELOPMENTS PTY LTD. OWNER: WMN DEVELOPMENTS PTY LTD (DA/2008/0249)**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That Council:

- (a) support the variation to the density development standard prescribed in the Bathurst Regional (Interim) Development Control Plan 2011;
- (b) direct the Director Environmental, Planning & Building Services to approve the modification to Development Application No. 2008/0249, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - Cr R Thompson,

Abstain - NIL

- 9** **Item 4 DEVELOPMENT APPLICATION NO. 2011/0398 – TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) LIMEKILNS ROAD, FOREST GROVE. APPLICANT: MR L MERTON, HERITAGE PARK PTY LTD. OWNER: MR R & MRS C PICKARD & ZAIT PTY LTD (DA/2011/0398)**
MOVED Cr B Bourke and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in Clause 27 (3) of *Bathurst Regional (Interim) Local*

Environmental Plan 2005 for proposed Lots 251 and 252;

- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0398, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; 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 P Toole, Cr G Westman,

Against the motion - NIL

Absent - Cr R Thompson,

Abstain - NIL

10

Item 5 DEVELOPMENT APPLICATION NO. 2011/0382 – ADDITIONS AND ALTERATIONS TO EXISTING DWELLING, 1X1 BEDROOM, 2X2 BEDROOM UNITS AND THREE LOT RESIDENTIAL SUBDIVISION AT 67 MORRISSET STREET, BATHURST. APPLICANT: MS A BALCOMB. OWNER: MS A BALCOMB (DA/2011/0382)

MOVED Cr P Toole

and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) support the variation to the density development standards prescribed in the Bathurst Regional (Interim) Development Control Plan 2011; and
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/382, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) **During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Office of Environment and Heritage and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.**

NOTE: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Branch, Office of Environment and Heritage, prior to the disturbance of the archaeological relics; 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 P Toole, Cr G Westman,
Against the motion - NIL
Absent - Cr R Thompson,
Abstain - NIL

11 Item 6 PEEL SCHOOL (FORMER) CONSERVATION MANAGEMENT PLAN (13.00054)

MOVED Cr P Toole and **SECONDED** Cr T Carpenter

RESOLVED: That Council:

- (a) endorse the Conservation Management Plan for the Peel School (former);
- (b) update the Statement of Significance for the Peel School (former) in Council's State Heritage Inventory database; and
- (c) distribute copies of the Conservation Management Plan to:
 - Peel Recreation Reserve Trust,
 - Crown Lands Office, (Orange),
 - Bathurst and District Historical Society,
 - National Trust, (Bathurst Branch),
 - Bathurst Regional Council Library, and
 - NSW Heritage Office.

12 Item 7 BATHURST CBD & BULKY GOODS BUSINESS DEVELOPMENT STRATEGY (20.00161)

MOVED Cr T Carpenter and **SECONDED** Cr P Toole

RESOLVED: That Council:

- (a) adopt the Bathurst CBD & Bulky Goods Business Development Strategy with the amendment to allow for the Trinity Height Supermarket to expand to a maximum floor area of 2,500 m²;
- (b) amend the Bathurst Region Rural Strategy 2008 and Bathurst Region Urban Strategy 2007 to designate Lot 1 DP746589, Lot C DP158611 and part Lot 1 DP536650, Mitchell Highway for service business growth rather than rural residential growth; and
- (c) notify those who made submissions of its decision.

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

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

RESOLVED: That Council adopt the Bathurst Regional Council Archaeological Management Plan.

14 Item 9 KEEP AUSTRALIA BEAUTIFUL WASTE WATCHERS PRIMARY SCHOOL PROGRAM (18.00034)

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

RESOLVED: That the information be noted.

15 **Item 10 GRANT FUNDING FOR THE HOME POWER SAVINGS PROGRAM (16.00128)**

MOVED Cr P Toole and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

16 **Item 11 BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2011 – 2016 (20.00168)**

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

RESOLVED: That Council:

- (a) adopt the Economic Development Strategy for the period 2011 – 2016 (as amended); and
- (b) advise those who lodged a submission of its decision.

17 **Item 12 BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2011 – 2016 LATE REPORT (20.00168)**

This item was dealt with at Item 11.

Director Corporate Services & Finance's Report

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

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

RESOLVED: That the information be noted.

19 **Item 2 YEAR TO DATE REVIEW - 2010/2011 MANAGEMENT PLAN (16.00126)**

MOVED Cr M Morse and **SECONDED** Cr P Toole

RESOLVED: That the information be noted.

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

MOVED Cr T Carpenter and **SECONDED** Cr P Toole

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

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

MOVED Cr P Toole and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 22** **Item 1 PROPOSED TRANSFER OF PYMONTS LANE, PEEL (25.00289)**
MOVED Cr T Carpenter and **SECONDED** Cr M Morse

Cr Toole declared a non pecuniary interest in this item and remained in the Chamber.

Reason: relatives live along Pymonts Lane.

RESOLVED: That Council resolve to approach the Department of Primary Industries with the proposal to finalise the dedication as Crown public road of Pymonts Lane, Peel and then apply to transfer the Crown road to Council's care and control, as detailed in the Director Engineering Services report.

- 23** **Item 2 PROPOSED TRANSFER OF CROWN ROAD - MCMANUS ROAD AT SUNNY CORNER (25.00542)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council approve the transfer of the section of Crown Road at the northern end of McManus Road Sunny Corner to its care and control, as detailed in the Director Engineering Services' report.

- 24** **Item 3 SOLID WASTE ASSETS MANAGEMENT PLAN (13.00007)**
MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

RESOLVED: That Council place the Asset Management Plan for the Solid Waste Assets on public exhibition for 28 days, inviting comments.

- 25** **Item 4 CONTRIBUTION TO UNDERGROUND POWER CONVERSION (25.00067)**
MOVED Cr P Toole and **SECONDED** Cr T Carpenter

RESOLVED: That Council approve the contribution of \$228,025 (excluding GST) to Essential Energy for part cost of converting the overhead power to underground in Bentinck Street, between Russell and Keppel Streets, as per quotation 2.

- 26** **Item 5 RAGLAN CREEK DIVERSION CHANNEL (22.05868)**
MOVED Cr P Toole and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

- 27** **Item 1 MAYS - THE MAY LANE STREET ART PROJECT (21.00002)**
MOVED Cr T Carpenter and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 28** **Item 2 NEW SCULPTURE INSTALLED IN FORECOURT TO ART GALLERY/LIBRARY (21.00002)**
MOVED Cr M Morse and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 29** **Item 3 STRATEGIC DIRECTIONS FOR THE BATHURST REGION CULTURAL FACILITIES (20.00056)**
MOVED Cr T Carpenter and **SECONDED** Cr I North

RESOLVED: That Council refer consideration of \$150,000 for the preparation and implementation of a Cultural Plan for the Bathurst Region local government area to the 2012/2013 management plan and budget.

- 30** **Item 4 NATIONAL HONOUR FOR THE AUSTRALIAN FOSSIL AND MINERAL MUSEUM (20.00060)**
MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

RESOLVED: That the receipt of the prestigious MAGNA award, in Public Programs to the AFMM, be recognised.

General Manager's Report

- 31** **Item 1 SENIOR STAFF CONTRACTS (19.00030)**
MOVED Cr P Toole and **SECONDED** Cr I North

RESOLVED: That the information be noted.

- 32** **Item 2 DRAFT BATHURST 2036 COMMUNITY STRATEGIC PLAN (02.00003)**
MOVED Cr T Carpenter and **SECONDED** Cr M Morse

RESOLVED: That Council seek community input by placing the draft Bathurst 2036 Community Strategic Plan on public exhibition for a minimum 28 days.

REPORTS OF OTHER COMMITTEES

Traffic Committee Meeting

- 33** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 DECEMBER 2011 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr T Carpenter

Cr Hanger declared a non pecuniary interest in Minute 12, Item #8 of this item and remained in the Chamber.

Reason: relative living in Bradwardine Road.

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 6 December 2011 be adopted excluding Minute 14, Item #10.

- 34** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 DECEMBER 2011 (07.00006)**
MOVED Cr P Toole and **SECONDED** Cr W Aubin

Cr Westman declared a pecuniary interest in Minute 14, Item #10 of the Traffic Committee Minutes of 6 December 2011 and left the Chamber for this item.

Reason: owns a bicycle shop.

Cr Carpenter took the Chair for this item.

RESOLVED: That the recommendation of Minute 14, Item #10 of the Traffic Committee Meeting held on 6 December 2011 be adopted.

DELEGATES REPORTS

- 35** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 23 NOVEMBER 2011 (11.00019)**
MOVED Cr P Toole and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 36** **Item 2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESNTATIVES - 30 NOVEMBER 2011 (11.00019)**
MOVED Cr T Carpenter and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

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

- 37** **LATE CONFIDENTIAL REPORT**
MOVED Cr P Toole and **SECONDED** Cr M Morse

RESOLVED: That the following late confidential item be transacted at the meeting in accordance with Clause 241(3)(b) of the Local Government (General) Regulation 2005 as the Chairman ruled that the item was of great urgency.

Trackcorp Adrenalin Pty Ltd - DCSF Confidential #7.

- 38** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**
MOVED Cr M Morse and **SECONDED** Cr P Toole

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

There we no representations from the public.

RESOLVED: That:

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

*** Mayoral Minute**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	GENERAL MANAGER'S APPRAISAL	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED NEW COMMUNICATION LICENCE AGREEMENT - MCPHILLAMY PARK, MT PANORAMA - TAXI CABS OF BATHURST COOPERATIVE SOCIETY 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.
2	RIGHT OF CARRIAGEWAY - DURHAM 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	PROPOSAL TO BUILD A MULTI DISCIPLINE MOTOR SPORT FACILITY IN THE BATHURST AREA - MOTORCYCLING NSW LIMITED	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	BATHURST HARNESS RACING CLUB	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	BATHURST CITY COMMUNITY CLUB	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	ELECTRICITY SUPPLY	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	TRACKCORP ADRENALIN PTY LTD	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. 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	ANNUAL TENDER FOR STORMWATER DRAINAGE PIPES	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	ANNUAL TENDER FOR SAND	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	ANNUAL TENDER FOR TOP SOIL	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	ANNUAL TENDER FOR ROAD BASE MATERIAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDER FOR HIRE OF TRUCKS	10A (2) (d) (i) – contains commercial information of a confidential nature that

		would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TENDER FOR HIRE OF PLANT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	PROPOSED COMPULSORY ACQUISITION OF LOT 23 DP1169512 PANORAMA AVENUE, MITCHELL (TECHNOLOGY PARK)	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED COMPULSORY ACQUISITION OF LOTS 37 AND 38 DP1163423 (CARLINGFORD LEVEE) PYE 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.

9	COMPULSORY ACQUISITION FOR LEVEE CONSTRUCTION, LOT 31 DP1163423 CARLINGFORD STREET AND LOT 32 DP1163423 BERESFORD 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.
10	COMPULSORY ACQUISITION FOR LEVEE CONSTRUCTION, LOT 33 DP1163423, BERESFORD 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.
11	PROPOSED RELOCATION OF CROWN PUBLIC ROAD - LOTS 276 AND 277 DP755790 BULLOCKS FLAT ROAD, WATTLE FLAT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
12	PROPOSED COMPULSORY ACQUISITION OF LAND FOR DEDICATION AS ROAD - LOT 34 BERESFORD STREET, LOT 35 LEA STREET AND LOT 36 CARLINGFORD STREET (DP1163423) 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.
13	CENTROC JOINT TENDER FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** General Manager's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPERTY WARK PARADE - INLAND DEVELOPMENTS	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.

Mayoral Minute

- a** **Item 1 GENERAL MANAGER'S APPRAISAL (35.01136)**
MOVED Cr G Westman and **SECONDED** Cr T Carpenter

The General Manager declared a pecuniary interest and left the Chamber.

Reason: Refers to General Manager's Contract of employment.

That Council note:

- (1) the performance review of the General Manager, which was rated as better than satisfactory;

- (2) that the General Manager's employment package has been set at \$281,177.

Director Corporate Services & Finance's Report

- b** **Item 1 PROPOSED NEW COMMUNICATION LICENCE AGREEMENT - MCPHILLAMY PARK, MT PANORAMA - TAXI CABS OF BATHURST COOPERATIVE SOCIETY LTD (08.00007)**
MOVED Cr P Toole and **SECONDED** Cr T Carpenter

That Council approves entering into a new licence agreement with Taxi Cabs of Bathurst Cooperative Society Ltd for part usage of the Council owned communications hut located on Lot 1 DP6334401 McPhillamy Park, Mt Panorama for five (5) years with a five (5) year option period as detailed in the report.

- c** **Item 2 RIGHT OF CARRIAGEWAY - DURHAM STREET, BATHURST (22.08029)**
MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

A MOTION was moved

That Council:

- (a) not approve, in principle, the sale of the addition of a Right of Carriageway onto Lot 1 DP995189 as detailed in the report.
- (b) a further report be prepared for Council.

The MOTION was PUT and LOST.

- d** **Item 2 RIGHT OF CARRIAGEWAY - DURHAM STREET, BATHURST (22.08029)**
MOVED Cr P Toole and **SECONDED** Cr B Bourke

That Council approves, in principle, the sale of the addition of a Right of Carriageway onto Lot 1 DP995189 as detailed in the report.

- e** **Item 3 PROPOSAL TO BUILD A MULTI DISCIPLINE MOTOR SPORT FACILITY IN THE BATHURST AREA - MOTORCYCLING NSW LIMITED (20.00010)**
MOVED Cr I North and **SECONDED** Cr W Aubin

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

- f** **Item 4 BATHURST HARNESS RACING CLUB (18.00107, 22.04170)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

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

Reason: Part owner of a trotter.

Cr Toole declared a non pecuniary interest in this item and remained in the Chamber.

Reason: Part owner of a trotter.

A MOTION was moved

That Council act in accordance with the recommendations of the report and advise the Bathurst Harness Racing Club that in regards to land ownership, Council is willing to include an option to purchase in 20 years time.

- g** **Item 4 BATHURST HARNESS RACING CLUB (18.00107, 22.04170)**
MOVED Cr M Morse and **SECONDED** Cr T Carpenter

The following AMENDMENT was MOVED

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

The AMENDMENT was PUT and LOST.

- h** **Item 4 BATHURST HARNESS RACING CLUB (18.00107, 22.04170)**
MOVED Cr I North and **SECONDED** Cr B Bourke

The following AMENDMENT was MOVED

That:

- (a) Council act in accordance with the recommendations of the report
- (b) Advise the Bathurst Harness Racing Club that in regards to land ownership, Council is willing, in principle, to consider an option to purchase in the future.

The AMENDMENT was PUT and CARRIED

The AMENDMENT then became the MOTION.

The MOTION was PUT and CARRIED.

Cr Carpenter and Hanger asked that their negative vote be recorded.

- i** **Item 5 BATHURST CITY COMMUNITY CLUB (22.01429)**
MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

Cr Bourke declared a non pecuniary interest in this item, and remained in the Chamber.

Reason: Member of the Panthers Bowling Club

That

- (a) Council act in accordance with the Director Corporate Services & Finance report with the subsidy level to be reviewed in 3 years.
- (b) Defer decision on the loan to the Bathurst City Community Club to develop the Futsal facility for consideration in the 2012/2013 Management Plan process.

i **Item 6 ELECTRICITY SUPPLY (07.00017)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

That Council advise CENTROC that it wishes to participate in the Electricity Supply Contract process.

k **Item 7 TRACKCORP ADRENALIN PTY LTD (04.00110)**
MOVED Cr B Bourke and **SECONDED** Cr I North

That Council act in accordance with the report.

Director Engineering Services' Report

l **Item 1 ANNUAL TENDER FOR STORMWATER DRAINAGE PIPES (36.00437)**
MOVED Cr P Toole and **SECONDED** Cr W Aubin

That Council accept the tender from Rocla Pipeline Products for the supply of stormwater drainage pipes, headwalls and lintels for 2012

m **Item 2 ANNUAL TENDER FOR SAND (36.00438)**
MOVED Cr P Toole and **SECONDED** Cr W Aubin

That Council accept the tender from Australian Native Landscapes for the supply of filling sand for 2012.

n **Item 3 ANNUAL TENDER FOR TOP SOIL (36.00439)**
MOVED Cr W Aubin and **SECONDED** Cr M Morse

That Council accept the tender from Australian Native Landscapes for the supply of top soil for 2012.

o **Item 4 ANNUAL TENDER FOR ROAD BASE MATERIAL (36.00443)**
MOVED Cr T Carpenter and **SECONDED** Cr P Toole

That Council accept the tender from Oberon Quarries Pty Ltd for supply of road base material (DGB20) for 2012.

p **Item 5 TENDER FOR HIRE OF TRUCKS (36.00440)**
MOVED Cr G Hanger and **SECONDED** Cr B Bourke

That Council accept the Tenders for Hire of Trucks, as listed in the Director Engineering Services' report, subject to the submission of complete particulars

required by the documents, and in accordance with the General Conditions for the Hire of Trucks for casual hire of tip trucks during 2012.

- g** **Item 6 TENDER FOR HIRE OF PLANT (36.00441)**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

That Council accept the tenders for the hire of plant for 2012, as listed in the report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Condition for the Hire of Plant.

- r** **Item 7 PROPOSED COMPULSORY ACQUISITION OF LOT 23 DP1169512 PANORAMA AVENUE, MITCHELL (TECHNOLOGY PARK) (20.00105-03)**
MOVED Cr T Carpenter and **SECONDED** Cr B Bourke

That Council make application to the Minister and Governor to compulsory acquire Lot 23 DP1169512 for the construction of the Technology Park in Panorama Avenue at Mitchell. The application is to follow the provisions of the Local Government Act 1993, the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991 and does not include mineral rights. The acquired land is to be classified as operational land.

- s** **Item 8 PROPOSED COMPULSORY ACQUISITION OF LOTS 37 AND 38 DP1163423 (CARLINGFORD LEVEE) PYE STREET BATHURST (31.00001-07)**
MOVED Cr B Bourke and **SECONDED** Cr G Hanger

That Council make application to the Minister and/or Governor to compulsory acquire Lots 37 and 38 DP1163423 Pye Street, Bathurst through the provisions of the Local Government Act 1993, Section 188 (2) (a) and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991 for construction of the Carlingford levee, apply for a notice period of 60 days and the minerals to be exempted from the application, as set out in the Director Engineering Services' report. The acquired land is to be classified as Operational land.

- t** **Item 9 COMPULSORY ACQUISITION FOR LEVEE CONSTRUCTION, LOT 31 DP1163423 CARLINGFORD STREET AND LOT 32 DP1163423 BERESFORD STREET, BATHURST (31.00001-10)**
MOVED Cr W Aubin and **SECONDED** Cr P Toole

That Council approve the application to the Minister/Governor for the compulsory acquisition of Lots 31 and 32 DP1163423 through the provision of the Local Government Act 1993 section 188 (2)(a) and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991. The application is minerals exempt and the acquired land is to be classified as Operational land, as detailed in the Director Engineering Services' report.

- u** **Item 10 COMPULSORY ACQUISITION FOR LEVEE CONSTRUCTION, LOT 33 DP1163423, BERESFORD STREET, BATHURST (31.00001-10)**
MOVED Cr T Carpenter and **SECONDED** Cr M Morse

That Council approve the application to the Minister/Governor for the compulsory acquisition of Lot 33 DP1163423 through the provision of the Local Government Act 1993 Section 188(2)(a) and the procedures set out in the Land Acquisition (Just

Terms Compensation) Act 1991. The application is minerals exempt and the acquired land is to be classified as Operational land, as detailed in the Director Engineering Services' report.

- v** **Item 11 PROPOSED RELOCATION OF CROWN PUBLIC ROAD - LOTS 276 AND 277 DP755790 BULLOCKS FLAT ROAD, WATTLE FLAT (25.00541)**
MOVED Cr I North and **SECONDED** Cr M Morse

That Council approve the endorsement by the General Manager of a plan of subdivision of Lots 276 and 277 DP 755790 which will create a new Crown public road through Lots 276 and 277 and amend the alignment of Bullocks Flat Road at Wattle Flat.

- w** **Item 12 PROPOSED COMPULSORY ACQUISITION OF LAND FOR DEDICATION AS ROAD - LOT 34 BERESFORD STREET, LOT 35 LEA STREET AND LOT 36 CARLINGFORD STREET (DP1163423) BATHURST (31.00001-10)**
MOVED Cr G Hanger and **SECONDED** Cr T Carpenter

That Council approve the application to the Minister/Governor for the compulsory acquisition of Lots 34, 35 and 36 DP1163423 through the provision of the Roads Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991. The application is minerals exempt and the acquired land is to be classified as Operational land, as detailed in the Director Engineering Services report.

- x** **Item 13 CENTROC JOINT TENDER FOR THE SUPPLY AND DELIVERY OF ROAD SIGNS (07.00017)**
MOVED Cr P Toole and **SECONDED** Cr B Bourke

That Council endorse the selection of Artcraft and Road Management Solutions (RMS) as the 2 preferred providers on the panel for Council's road signs provider.

General Manager's Report

- v** **Item 1 PROPERTY WARK PARADE - INLAND DEVELOPMENTS (34.0051 & 22.02583)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

That:

- (1) Council note the settlement of this matter.
- (2) Council note the transfer of Lots 8 and 9, DP 1165068 to Inland Developments Pty Ltd.

RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 40** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr M Morse and **SECONDED** Cr W Aubin

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

MEETING CLOSE

- 41** **MEETING CLOSE**

The Meeting closed at 8.44 pm.

CHAIRMAN: _____

Date: _____ (**1 February 2011**)

MINUTE

6 DECLARATION OF INTEREST 11.00002

MOVED: B Bourke SECONDED: T Carpenter

RESOLVED: That the following Declarations of Interest be noted.

Cr Aubin

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

Cr Carpenter

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

Cr North

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
1 FEBRUARY 2012

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 1
FEBRUARY 2012**

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: M Morse

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

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

Financial Implications: Nil.

MINUTE

8 Item 2 GENERAL REPORT (03.00053)

MOVED: P Toole SECONDED: T Carpenter

RESOLVED: That the information be noted.

3 BATHURST REGION RURAL STRATEGY - GROWTH IN THE VICINITY OF SOFALA (20.00099)

Recommendation: That the information be noted.

Report: Council adopted the Bathurst Region Rural Strategy in 2008. One of its recommendations was to request the Mid-Western Regional Council to consider opportunities to provide for rural residential growth in the vicinity of Sofala (north of Turon River).

This recommendation was raised with the Mid-Western Regional Council as it prepared its landuse strategies and again when its draft LEP was recently exhibited.

In its most recent advice, Mid-Western Regional Council has advised that it has made no amendment to its draft LEP in relation to Sofala. Thus no growth has been planned north of Sofala in the Mid-Western Regional Council area.

Financial Implications: Nil.

MINUTE

9 Item 3 BATHURST REGION RURAL STRATEGY - GROWTH IN THE VICINITY OF SOFALA (20.00099)

MOVED: R Thompson SECONDED: I North

RESOLVED: That the information be noted.

**4 DEVELOPMENT APPLICATION NO. 2011/0421 – THREE LOT RURAL SUBDIVISION
– 1395 TARANA ROAD, LOCKSLEY. APPLICANT: ANTHONY DAINTITH TOWN
PLANNING. OWNER: MR M & MRS A MILLER (DA/2011/0421)**

Recommendation: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 3;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 3;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0421, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a three lot rural subdivision at 1395 Tarana Road, Locksley. The subject land currently consists of 11 separate allotments, described as:

Lot 55 DP 755805
Lot 56 DP 755805
Lot 57 DP 755805
Lot 58 DP 755805
Lot 59 DP 755805
Lot 60 DP 755805
Lot 61 DP 755805
Lot 63 DP 1107641
Lot 1 DP 1108123
Lot 2 DP 1108123
Lot 3 DP 1108123

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

The total area of the 11 allotments is 306.88 hectares.

The subject site is currently vacant and is used for grazing. The land is bounded by the Fish River to the south, Kingshorne Falls Road to the east, the Great Western Railway to the north and private grazing land (also owned by the applicants) to the west.

The proposal

The proposal is for the resubdivision of the subject land into three allotments (see plan of proposed development at **attachment 2**).

The proposed lots are to be as follows:

Lot 1 – 108.3 ha
Lot 2 – 103.2 ha
Lot 3 – 95.38 ha

Planning Context

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

The subject site is zoned 1(e) Outer Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(e) Outer Rural is 100 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for the erection of a dwelling-house.

Proposed Lot 3 is therefore contrary to Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 95.38 hectares.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection within Statement of Environmental Effects at **attachment 3**) in relation to the creation of proposed Lot 3 which indicates the nature of the subdivision and their objection to the prescribed standards because:

1. The land is not considered prime crop or pasture land.
2. The land is capable of the disposal of effluent on site.
3. There is good quality road access to the site.
4. A dwelling on the subject land would not impact the activities of surrounding properties.
5. The land will continue to be used for agricultural purposes.
6. There are no surrounding offensive or hazardous industries that would impact on a dwelling on the subject land.
7. The land is already fragmented.
8. The variation sought is less than 5%.
9. The lot takes into account existing infrastructure, fencing, topography, watercourses and natural features. Strict compliance would compromise the above items.
10. There will be no new fencing required (with the exception of the creation of the battleaxe to Lot 2.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. The proposed area of 95.38 hectares represents a variation of less than 5%. Further, construction of a dwelling on proposed Lot 3 will not impact on the continued use of the land itself for agricultural purposes or on existing uses on adjoining properties. The proposed development is not inconsistent with any of the Objectives of the 1(e) Outer Rural zone.

Most notably the boundaries between Lots 1 & 2 and Lots 2 & 3 have been chosen to follow existing fencelines on the property and therefore reflect the current land management regime. It would be possible to adjust the boundaries between the respective allotments to achieve a wholly compliant subdivision however it would not ultimately achieve an improved outcome. The variation is therefore considered acceptable.

Concurrence from the Department of Planning

The variation to the development standard does not require the concurrence of the Department of Planning as only one of the proposed allotments is below the minimum lot

size and as the proposed area of the subject allotment is greater than 90% of the minimum lot size.

Notwithstanding that this application for a Variation (to the Standard) is less than 10%, it is considered appropriate that it be determined by Council, as it is a Rural zone.

Bathurst Regional (Interim) Development Control Plan 2011

The proposed subdivision is not inconsistent with any of the provisions in Chapter 3 *Subdivision of Land* and Chapter 6 *Rural and Rural Lifestyle Development* of the Bathurst Regional (Interim) Development Control Plan 2011.

Conclusion

Council has received a Development Application for a three lot rural subdivision at 1395 Tarana Road, Locksley. Proposed Lot 3 is contrary to Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that it will have an area of 95.38 hectares. Proposed Lot 3 will not impact on the continued use of the land itself for agricultural purposes or on existing uses on adjoining properties. The proposed development is not inconsistent with any of the Objectives of the 1(e) Outer Rural zone. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

MINUTE

10 Item 4 DEVELOPMENT APPLICATION NO. 2011/0421 – THREE LOT RURAL SUBDIVISION – 1395 TARANA ROAD, LOCKSLEY. APPLICANT: ANTHONY DAINTITH TOWN PLANNING. OWNER: MR M & MRS A MILLER (DA/2011/0421)

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

RESOLVED: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 3;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 3;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0421, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

5 DEVELOPMENT APPLICATION NO. 2011/0384 - DEMOLITION OF EXISTING 4 BUILDINGS, LOTS 4 & 7 DP 758065 AND LOT 1 DP 794563, 133-137 KEPPEL STREET, BATHURST. APPLICANT: CRAIG SHARAH. OWNER: VIVIENNE SHARAH AND PAUL SHARAH (DA/2011/0384)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0384, 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 bricks are to be carefully removed from the building, cleaned and securely stored offsite, protected from vandalism, stealing and the weather for reuse for a future development proposal on the property.
- (b) call a division.

Report: The Site

Council has received a Development Application for the demolition of 4 existing buildings at 133-137 Keppel Street, Bathurst. The property is zoned 3(a) General Business under Bathurst Region (Interim) Local Environmental Plan 2005.

The subject property is located between the intersections of Rankin and George Street. The property is approximately 2647.90 sq. metres in total area with a gentle slope towards the east. A location plan is provided at **attachment 1**.

The proposal

The applicant is proposing demolition of 4 existing Victorian brick buildings.

The proposal is not accompanied by any plans for redevelopment. The plans and Heritage Impact Statement for the demolition are provided at **attachment 2**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 3(a) General Business under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The demolition of a building within the zoning is permissible with consent from Council.

The applicant seeks permission from Council to demolish the 4 buildings on the subject site. The buildings are within the Bathurst City Conservation Area and furthermore are of some historical significance due to the age of the structures.

Typically within the Bathurst City Conservation Area Council has strong preference for dealing with a development for demolition of a building of historical importance as part of an overall proposal including the replacement buildings to enable Council to assess the true impacts of a proposal.

Due to the poor structural condition of the building and the potential for further deterioration whilst waiting for future proposals, it is deemed appropriate in this case to allow for

demolition, thereby allowing for additional time for a proposal to be considered for the site.

Any future development proposal will still be assessed based on the urban nature of the surrounding sites including the impact upon the streetscape, and it will be a condition of consent that the owner carefully remove and safely secure the bricks of the existing buildings to be used on any future development.

Part 4 Heritage Provisions – 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.

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 Heritage Consultant Ian Rufus and a structural assessment by Baker Saran.

It is noted that the structural assessment was undertaken in 2003 as part of the supporting material for Development Application 2004/0187.

Previous Development Applications

2004/0187

On 28 August 2003, the applicant submitted a Development Application requesting permission to demolish the four buildings on Keppel Street. The application was refused by Bathurst City Council on 24 November 2003 for the following reasons:

1. 133 to 137 Keppel Street are significant buildings in a local context, they remain largely intact, form a building group in their own right and contribute to the streetscape. The proposed demolition will have an adverse impact on the streetscape and the Bathurst Conservation Area in general. Section 79(c)(b) of the Environmental Planning and Assessment Act 1997 as amended.
2. The proposal is contrary to the requirements of Clause 20 BLEP (1997), as it would have an adverse effect on heritage significance of the heritage conservation area. Section 79(c)(a) and (b) of the Environmental Planning and Assessment Act 1997 as amended;
3. Insufficient information was lodged with the Development Application to indicate what impact an infill development would have on the existing streetscape. Section 79(c)(b) of the Environmental Planning and Assessment Act 1997 as amended.

Comment:

It is acknowledged that the refusal in this application relates significantly to the current application and the proposals are the same, however, it is important to recognise that the building has deteriorated significantly in the last few years. The possibility of retention has reduced and the scope of works required to restore and protect are considered financially prohibitive.

2005/1177

In 2005 Council approved a development application for the retention of the front four buildings, their restoration and the construction of a new multi unit residential development behind. The proposal was the result of lengthy periods of consultation between Council, the National Trust and the applicant, with the outcome being one that everyone agreed to.

In the period since approval, the applicant has indicated difficulty in obtaining finance and/or project partner to assist in the development and implementation of the proposal. As a result it was conveyed to Council that the only available option for the site was demolition.

History of the Site

The following history has been sourced from the Historical assessment by Ian Rufus:

The building is located on Section 7, Lot 4 on the town Plan of Bathurst. According to the Parish Maps which date back to 1860, the first owner of the lot was C.H. Chambers. Chambers also bought Lot 3 of Section 7. The entire site stretches partly over the neighbouring lot (Lot 5) which was owned by J. Blackman, who also owned Lot 6 on Section 7.

In the rates records for Lot 4 date back to 1875, at this time the property was owned by James Coleman until 1876, when it was listed as a property of 'Brick, four rooms' and was sold to Thomas Nixon for £14.

A birds-eye view sketch of Bathurst drawn in 1877 shows a building in the approximate location of Section 7 Lot 4. Lot 5 is shown to have a sizable creek running through it, the vegetation on either side of the creek bed still remains.

In 1881 the house was sold to William Bowhill for £16.10, he extended the building, creating three houses by 1885. In 1903 the three houses are referred to as 133, 135 & 137 Keppel St as this was the first year street numbers were used. Bowhill died in 1910 and his wife Elizabeth sold it to Charles Sarah in 1911 for £382. Sarah used it as a fruiterer's. The shopfront on Lot 5 at 131 Keppel Street is also known as #133, was built in 1940 and a storeroom was added in 1952. The property was leased to other grocers when Sarah retired in c.1947.

Bathurst District Historical Society stated:

It is probable that some part of the terrace, known as 133-137 Keppel Street, predates 1875. The earliest surviving assessment (rates) book that for 1875 to 1877 indicates that in 1875 the owner of portion 4 of Section 7 of the Map of Bathurst had a brick house on his land. The owner for 1875 is listed as James Coleman and, in 1876, the house is described as "Brick 4 Rooms".

Thomas Nixon acquired the house before 1876. Mr Nixon owned it until sometime in 1881 when it was bought by William Bowhill. By 1883 Mr Bowhill had added another house against the first one and by 1885 had completed the terrace with a third house.

The three houses can be traced through the rates books until 1903. This is the first year when street numbering was used at Bathurst. Mr Bowhill's terrace houses were given the street numbers 133, 135 and 137 Keppel Street. Bathurst. Mr

Bowhill died in November 1910 and in September 1911 Elizabeth, his widow, sold the terrace to Charles Sharah. The purchase price was £382. The enlargement of a window in the front wall of No. 133 suggests that Mr Sharah conducted his fruiterer's business from his house. Entries in the 1955 rate book indicate that Charles Sharah still owned the terrace in that year. The shop, known as 131 Keppel Street, was built onto the terrace in 1940. On 8 February of that year J Newton applied to Bathurst City Council for permission to build a brick shop and kitchen for C. Sharah in Keppel Street. In 1952 a storeroom was added to the shop.

Mr Sharah retired in about 1947 and business directories indicate that after this time the shop was Let or Leased to other grocers. Charles Sharah died in August 1967 and is buried in the Catholic portion of the Bathurst Cemetery.

Structural Condition

The original structural assessment of the buildings was undertaken in 2003 as part of a previous proposal to demolish the properties.

The buildings were inspected by Council officers and Councils Heritage Advisor on Wednesday 16 November 2011. It was identified that across the four buildings there has been significant vandalism and neglect of the property meaning that the condition has deteriorate significantly since it was originally assessed in 2003. Based on the most recent inspection little was remaining of the original fabric with the majority of the internal and external timber joinery having been vandalised and removed as well as significant portions of the window glazing and roof structure.

The original structural report prepared for the buildings estimated a repair costs to be as follows:

133 Keppel - \$160,000 - \$170,000
135 Keppel - \$120,000 - \$130,000
137 Keppel - \$120,000 - \$130,000

Due to the age of the buildings and the extended period of deterioration these costs would have increased considerably.

It is acknowledged that had the building been in a better state, Council and the owner could 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.

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, retention of the buildings is considered impracticable. Council will work within the current and future owners of the site to ensure any future proposals for the site retain the existing streetscape and will be compatible with the historical setting of Bathurst.

26 Advertising of heritage applications

The application was advertised and neighbour notified in accordance with Clause 26 of the Bathurst Regional (Interim) Development Control Plan 2011. The proposal was advertised from 31 October 2011 until 14 November 2011.

Council received one submission from the National Trust objecting to the proposal and one

petition countersigned by a number of residents in vicinity supporting the demolition. An internal discussion forum was held on 6 December 2011 between the applicants, the National Trust and Council. An additional submission has been received by Council after the discussion forum was held. Copies of all the submissions detailed above are provided at **attachment 3**. The minutes of the Discussion Forum are at **attachment 4**.

Development Control Plan

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 Baker Saran 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 any proposed development would be compatible within the locality.

The structural engineers did not provide an up to date "Order of Cost" as the buildings would require a complete rebuild to meet current habitable building standards.

10.3.4 Bathurst Conservation Area Management Strategy

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

Integrity:	1
Streetscape Rating:	1
<u>Heritage Significance:</u>	<u>2</u>
Total:	4

Had the buildings been in a better condition and held substantially more of the original fabric the rating may have been higher, however, in their current state the buildings represent little of the historical form.

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.

Conclusion

The proposed development for the demolition of 4 existing buildings 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 these buildings 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.

Had the building been in a better state and more of the original fabric had been able to be retained the recommendation to Council may well have been for retention as opposed to demolition. However, due to the works required to restore the building, retention of the

buildings is considered cost prohibitive.

Financial Implications: Nil.

MINUTE

11 Item 5 DEVELOPMENT APPLICATION NO. 2011/0384 - DEMOLITION OF EXISTING 4 BUILDINGS, LOTS 4 & 7 DP 758065 AND LOT 1 DP 794563, 133-137 KEPPEL STREET, BATHURST. APPLICANT: CRAIG SHARAH. OWNER: VIVIENNE SHARAH AND PAUL SHARAH (DA/2011/0384)

MOVED: B Bourke SECONDED: R Thompson

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0384, 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 bricks are to be carefully removed from the building, cleaned and securely stored offsite, protected from vandalism, stealing and the weather for reuse for a future development proposal on the property.
- (b) call a division.

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

The result of the division was:

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

Against the motion - Cr T Carpenter,

Absent - NIL

Abstain - NIL

6 DEVELOPMENT APPLICATION NO. 2011/0489 – TWO LOT SUBDIVISION AT 761 & 783 ROCKLEY ROAD, ROCKLEY MOUNT. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: MR M GODDARD, MR G & MRS T RANKINE (DA/2011/0489)

Recommendation: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 2 and 3;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 2 and 3;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0489, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

Report: The Site

Council has received a Development Application (DA) for a two lot subdivision at 761 and 783 Rockley Road, Rockley Mount, Lots 2, 3 and 4 in Deposited Plan 809773. A location plan is provided at **attachment 1**.

761 Rockley Road (Lot 3) is 1.679 ha and contains an existing dwelling and associated outbuildings.

783 Rockley Road (Lots 2 & 4) comprises two allotments of 14.19 ha and 14.2 ha respectively. Both lots are currently vacant.

The proposal

The proposal is for the resubdivision of three existing lots into two. A plan of the proposed development is at **attachment 2**.

Lot 2 is currently vacant and was originally created as a concessional allotment under the Interim Development Order No. 1 Shire of Evans. A dwelling-house is therefore permissible on Lot 2.

Lot 4, DP 809773 is also currently vacant however it was not created for the purpose of a dwelling-house. A dwelling-house is therefore not permissible on Lot 4.

The effect of the subdivision is to therefore incorporate the allotment without any dwelling entitlement (Lot 4) into each of the allotments with dwelling entitlements. The land on the eastern side of Lot 2 as it currently stands cannot be accessed because of a deeply eroded gully. It is therefore proposed to transfer this tract of land to the adjoining lot to the south which has the benefit of an existing bridge across the eroded gully.

Planning Context

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

The subject site is zoned 1(e) Outer Rural under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Under Clause 27 of the Bathurst Regional (Interim) Local Environmental Plan 2005 the minimum area for an allotment created for the purposes of agriculture or a dwelling-house in the 1(e) Outer Rural zone is 100 hectares. Likewise Clause 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005 requires a minimum area of 100 hectares for the erection of a dwelling-house.

Proposed Lots 2 and 3 are therefore contrary to Clause 27 and 28 of the Bathurst Regional (Interim) Local Environmental Plan 2005, in that they will have areas of 10.2 hectares and 19.9 hectares respectively.

The applicant has submitted a SEPP 1 Objection (**attachment 3**) in relation to the creation of proposed Lots 2 and 3 which indicates the nature of the subdivision and their objection to the current standards because:

1. Both lots are already well below the minimum lot size of 100 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created, in fact the number of lots is reduced with existing Lots 3 and 4 being absorbed into proposed Lot 3;
4. No new dwelling entitlements are being created as proposed Lot 3 will contain the existing dwelling and proposed Lot 2 will retain the dwelling entitlement granted to existing Lot 2 (the concessional allotment); and
5. The agricultural use of the lots will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. Proposed Lot 3 will contain the existing dwelling and proposed Lot 2 will retain the dwelling entitlement granted to existing Lot 2 and the agricultural potential of the land is unlikely to be compromised by the proposed boundary adjustment.

Concurrence

The variation to the development standard does not require concurrence of the Department of Planning as it does not seek any additional dwelling entitlement.

Need for Councils Determination

In accordance with the Department of Planning's circular PS08-014 "Reporting Variations to Development Standards", all Development Applications where there is a variation to a development standard of greater than 10% must be determined by Council.

Accordingly this is not a matter that may be dealt with under delegated authority.

Conclusion

Council has received a Development Application (DA) for a two lot subdivision at 761 and 783 Rockley Road, Rockley Mount. The resubdivision of three existing lots will not create any new dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

MINUTE

12 Item 6 DEVELOPMENT APPLICATION NO. 2011/0489 – TWO LOT SUBDIVISION AT 761 & 783 ROCKLEY ROAD, ROCKLEY MOUNT. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: MR M GODDARD, MR G & MRS T RANKINE (DA/2011/0489)

MOVED: I North SECONDED: P Toole

RESOLVED: That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 2 and 3;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 2 and 3;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0489, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

7 DEVELOPMENT APPLICATION NO. 2011/0435 - 4 X 3 BEDROOM AND 2 X 2 BEDROOM UNITS, THREE LOT SUBDIVISION AND DEMOLITION OF TWO DWELLINGS, LOTS 1 AND 2 DP 584337, 13 - 15 CROSS STREET. APPLICANT/OWNER: MS B G GARROOD (DA/2011/0435)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0435, 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 issue of Construction Certificate, the developer is to submit a photographic archival report in accordance with Council Guidelines.
 - (iii) A schedule of materials and finishes is to be provided to Council prior to the issue of Construction Certificate.
 - (iv) A Construction/Traffic Management Plan is to be prepared and submitted to Council prior to issue of Construction Certificate for approval. The Plan is to specifically address the management of the impacts of construction of the buildings on Cross Street and prescribe measures to ensure Cross Street remains open for all residents.
- (b) call a division.

Report: The Site

Council has received a Development Application for the demolition of two existing dwellings and the construction of 6 villa units within the Bathurst City Conservation Area at 13-15 Cross Street, Bathurst. The property is zoned 2(a) Residential under Bathurst Region (Interim) Local Environmental Plan 2005 with the erection of a residential multi unit housing development permissible with consent from Council.

The property is located on Cross Street off Seymour Street (see location plan at **attachment 1**). The site has a total land area of 1043 sq. metres in area and slopes towards the east with direct vehicle access from Cross Street.

Cross Street is a one way laneway running between Seymour Street and Havannah Street. Cross Street is signposted as No Parking on both sides of the laneway.

The proposal

The applicant is proposing to demolish the existing two dwellings and erect 4 x 3 Bedroom Villas and 2 x 2 Bedroom Villas (see plan of proposed development 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 multi unit residential development is permissible with consent in the 2(a) Residential zone.

The proposal seeks to demolish two residential dwellings, one being a 1930's Californian Bungalow, the other being a small Miners Shack from the early 1900's. Three of the units to be built will be directly accessible from Cross Street, the other three being located directly behind with access from a common driveway.

The proposed villas are single storey in appearance and represent a conservative design which is compatible with the surrounding cottages and retains the simplistic nature of building alignment, orientation and structural appearance.

Consideration was given to the retention of the existing buildings, however, structurally they represent little of the original fabric and context of the buildings and aesthetically they do not contribute to the overall significance of the Cross Street Streetscape.

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

Part 4 Heritage Provisions – 23 Protection of Environmental Heritage

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

A Statement of Heritage Impact was not submitted as a part of this development proposal, however, previous investigations by Councils Heritage Advisor into the structural condition and historical importance of the building determined that no Statement of Heritage Impact was warranted for the proposal.

History of the Site

Little is known as to the history of the two respective sites, it is understood that the sites do not have any connections to historical events or identities within the history of Bathurst and as a result hold no significant historical connection to Bathurst.

Structural Condition

The buildings have been briefly assessed by Councils Heritage Advisor prior to the lodgement of this Development Application. It is acknowledged that structurally the buildings offer little in terms of technical significance.

26 Advertising of heritage applications

The application was advertised and neighbours notified in accordance with this clause. The application was notified between 28 November 2011 to 12 December 2011 with no submissions being received.

Development Control Plan

The site is contained within Precinct 1 pursuant to the *Residential Housing* section within *Bathurst Regional (Interim) Development Control Plan 2011*. The proposal for the erection

of 6 residential units is permissible with consent in the precinct. The proposal complies with the objectives of the Precinct and the development standards for Residential Units.

Development Standard	Proposed	Permissible	Compliance
Minimum lot size	2043m ²	900m ²	Yes
Density/Site Coverage	17.6	18	Yes
Height	Single Storey	Two- storey	Yes
Setbacks: Front Rear Side	1.5m	Consistent with adjacent blocks In accordance with BCA In accordance with BCA	Yes
Car parking: Resident Visitor	7 4	6 2	Yes Yes
Accessway Width	3m	3-6m	Yes
Open space area: 2 bedroom 3 bedroom	66m ² 50m ²	30m ² 40m ²	Yes Yes
Open space width	4m	4m wide	Yes

10.3 Demolition of Buildings.

Council has been involved in prelodgement discussions with the applicants regarding the condition and future progress of the development of this particular site. This period of consultation gave Council a clear understanding of the structural condition of the building as well as the historical context of the area.

The proposed demolition would not be imposing a negative impact on the locality, but will introduce a new compatible development which will benefit the surrounding residences.

10.3.4 Bathurst Conservation Area Management Strategy

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

13 Cross Street
 Integrity: **1**
 Streetscape Rating: **1**
Heritage Significance: **1**
 Total: **3**

15 Cross Street
 Integrity: **1**
 Streetscape Rating: **1**
Heritage Significance: **1**
 Total: **3**

In light of this rating being moderate in importance, the proposed development would not present an adverse impact on the Bathurst Conservation Area.

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 building follows the traditional cottage design 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 buildings are a contemporary take on the traditional architectural style which complies with the Burra Charter and the NSW Heritage Office infill development guidelines.

- b) *Where visible from the street, roof pitches are generally 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

- 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

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

Predominantly the building will make use of new materials. A material schedule will be requested as a condition of development consent.

- 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.

Conclusion

The proposed development for the demolition of two existing structures and the construction of a 6 unit single storey multi unit development has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 NSW.

It has been acknowledged that the buildings in question lack any significant historical and physical links which would warrant retention. Furthermore, the streetscape of Cross Street is already significantly varied, therefore the proposed development would not adversely impact on the streetscape.

The proposed new structures are simple in their architecture and would continue with the small cottage appearance at the front, with the larger buildings being located at the rear, away from the public view.

Financial Implications: Nil.

MINUTE

13 Item 7 DEVELOPMENT APPLICATION NO. 2011/0435 - 4 X 3 BEDROOM AND 2 X 2 BEDROOM UNITS, THREE LOT SUBDIVISION AND DEMOLITION OF TWO DWELLINGS, LOTS 1 AND 2 DP 584337, 13 - 15 CROSS STREET. APPLICANT/OWNER: MS B G GARROOD (DA/2011/0435)

MOVED: P Toole SECONDED: W Aubin

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0435, 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 issue of Construction Certificate, the developer is to submit a photographic archival report in accordance with Council Guidelines.
 - (iii) A schedule of materials and finishes is to be provided to Council prior to the issue of Construction Certificate.
 - (iv) A Construction/Traffic Management Plan is to be prepared and submitted to Council prior to issue of Construction Certificate for approval. The Plan is to specifically address the management of the impacts of construction of the buildings on Cross Street and prescribe measures to ensure Cross Street remains open for all residents.
- (b) call a division.

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

The result of the division was:

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

Against the motion - Cr B Bourke,

Absent - NIL

Abstain - NIL

8 LAND AND ENVIRONMENT COURT PROCEEDINGS - TELSTRA CORPORATION ATS BATHURST REGIONAL COUNCIL (34.00070 & 2010/0629)

Recommendation: That the information be noted.

Report: As Councillors are aware it has been involved in Land and Environment Court proceedings regarding a proposed mobile phone tower at 9 Ilumba Way, Kelso.

The Development Application proposed the erection of a 20.0 metre high concrete pole referred to as a monopole.

Fixed to the top of the pole are to be a series of 3 antennas. These were originally proposed as a series of 3 "panel antennas" attached to a "Mercedes" headframe. The total height of the monopole and antennas was proposed to be 21.315 metres above the existing ground level.

On 26 August 2011 leave was granted by the Land and Environment Court to rely upon amended plans.

The amended plans altered the headframe and antenna to an arrangement known as a "collar mounted antenna" and introduced some screen planting. The overall height of the monopole and headframe remained unaffected.

The applicant's landscape plan proposed the screen planting outside of the fenced compound 2 x *Fraxinus griffithii* (Flowering Ash) trees and 4 x *Elaeocarpus reticulatus* (Blueberry Ash) trees.

It is noted that the 2 x Flowering Ash trees are to be planted outside the proposed Compound and Lease area and that the 4 x Blueberry Ash trees are to be planted upon the Crown land located to the rear of the subject land.

The amended plans note the potential for 3 future panel antennas located below proposed antennas. These do not form part of the Development Application but may be carried out without the need for further consent pursuant to the provisions of State Environmental Planning Policy (Infrastructure).

The Development Application was originally considered by Council at its meeting 18 August 2010. The report was accompanied by the staff recommendation that the Development Application be approved subject to conditions.

Council at its meeting of 18 August 2010 resolved to refuse the Development Application for the following reasons:

- 1 *The adverse visual impact caused by the height of the tower, relative to the surrounding residential development,*
2. *The development being in a community sensitive environment area, i.e. near an aged care facility, Kelso High School & residential areas.*

During the course of defending the appeal Council received an approach by the legal representatives of Telstra offering Council the opportunity to agree to enter into consent orders on the basis that each party pay its own costs. Failure to accept the offer would have opened up the opportunity for Telstra to seek an order that Council pay its costs on the basis that Council's actions were "unreasonable and inappropriate" i.e. it continued to press issues

that it had no reasonable basis to hold.

The advice from Council's solicitors was that Council's reasons for refusal cited by Council had little foundation in planning terms and that Council's case was weak. In the face of the advice from Council's solicitors Council subsequently agreed to consent orders as suggested by Telstra. Acceptance of any other position would have placed Council in the unenviable position of having ignored the advice of its professional staff when dealing with the Development Application and the independent advice of its solicitors that its reasons for refusal would have no chance of being defended.

Council's agreement to consent orders still enabled the residents within the neighbourhood to be heard as part of the Land and Environment Court proceedings.

The matters came before the Land and Environment Court on 8 December 2011 before Commissioner Murrell. The on site hearing was attended by representatives of Telstra, Council and residents. All residents were invited to voice (orally) their individual concerns regarding the proposals. The issues raised centred on visual impact, health issues and the need to look for alternate sites. The Commissioner also undertook inspections of the proposal from various vantage points in the area and including the properties of the objectors in the immediate vicinity.

On 19 December 2011 Commissioner Murrell advised that the Land and Environment Court had upheld the appeal and granted consent to the Development Application subject to conditions as agreed between the parties.

A written judgment was later handed down by the Commissioner and is provided at **attachment 1**.

In terms of the issues raised the Court noted that the development is to occur in an urban area and nonetheless infrastructure required for an urban area is an accepted part of the built environment albeit the impact should be minimised in terms of visual intrusion. The development itself would not have a visual impact which would warrant refusal. That is not to say that the tower would not be seen but that the visual impact of the tower would be punctuated by landscaping.

In terms of the health hazards and risks the Commissioner held that it is not for the Court to substitute its own standard where standards have been identified in appropriately scientific terms. The role of the consent authority, be it Council or the Court, is to assess the Development Application relative to that adopted standard. This position is consistent with the approach previously taken by the Court and reaffirms the position that community concerns regarding emission levels will be given no weight where a development complies with the ARPANSA standard.

Financial Implications: The costs associated with the defending the appeal is not known at this stage. Council's costs will be limited to those of its own legal advisers and will be funded from existing budgets.

MINUTE

14 Item 8 LAND AND ENVIRONMENT COURT PROCEEDINGS - TELSTRA CORPORATION ATS BATHURST REGIONAL COUNCIL (34.00070 & 2010/0629)

MOVED: R Thompson SECONDED: T Carpenter

RESOLVED: That the information be noted.

9 TERMINATION OF CAR PARK MONITORING AGREEMENT: BATHURST CHASE (28.00001)

Recommendation: That the information be noted.

Report: Under agreement since 2000, Council has been licensed to operate the Bathurst Chase (Coles) Shopping Centre car park as a free three-hour car park for the public. As part of this agreement Council has been authorised to enforce the three-hour limit of the car park. Since 2002, the parking agreement has been on a monthly extension.

On 22 December 2011, Council received notification from the Bathurst Chase Management (Charter Hall Real Estate Management Services) that they would be engaging a new contractor to undertake the car park monitoring service. Council's last day of service of the site will be 29 February 2012.

Council has been informed that Secure Parking will be undertaking future monitoring but has not been provided with any further details regarding the process of this monitoring and enforcement.

Financial Implications: It is expected the parking officer will continue to be revenue neutral however this will be monitored over time.

MINUTE

**15 Item 9 TERMINATION OF CAR PARK MONITORING AGREEMENT:
BATHURST CHASE (28.00001)**

MOVED: P Toole SECONDED: M Morse

RESOLVED: That the information be noted.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
1 FEBRUARY 2012

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 1 FEBRUARY
2012**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$61,021,107.58 was invested at 31 December 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	4.25%
AFMA - 90 day Bank Bill Swap Rate (BBSW)	4.84%
Three Year Swap Rate - Commonwealth	4.73%

Short Term 1 – 365 Days

(Comprising Commercial Bills,

Debentures and Certificates of

Deposit:

	<u>Rating</u>		<u>Average Return</u>
ANZ Banking Group Ltd	A1+	\$2,000,000.00	5.75%
Bank of Western Australia Ltd	A1+	\$4,000,000.00	5.91%
Bank of Queensland Limited	A2	\$4,500,000.00	6.07%
Bendigo and Adelaide Bank Ltd	A2	\$5,500,000.00	5.99%
IMB Ltd	A3	\$9,000,000.00	5.95%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	5.89%
National Australia Bank	A1+	\$5,500,000.00	6.04%
Peoples Choice Credit Union	ADI	-	-
Railways Credit Union Limited	ADI	\$1,000,000.00	6.22%
SGE Credit Union	ADI	\$1,000,000.00	5.94%
Westpac Banking Corporation	A1+	<u>\$2,500,000.00</u>	<u>5.92%</u>
		<u>\$38,000,000.00</u>	<u>5.97%</u>

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	5.75%
Westpac	AA-	\$2,000,000.00	5.96%

Westpac	AA-	<u>\$2,000,000.00</u>	<u>5.94%</u>
		<u>\$8,000,000.00</u>	<u>5.87%</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>4.39%</u>
Commonwealth Bank	AA-	<u>\$2,000,000.00</u>	<u>5.79%</u>
		<u>\$4,000,000.00</u>	<u>5.09%</u>

Floating Rate Notes

ANZ	AA-	<u>\$2,000,000.00</u>	<u>5.96%</u>
Barclays Bank PLC – Australia	AA-	<u>\$2,000,000.00</u>	<u>6.34%</u>
Bendigo Bank 2007	A-	<u>\$2,000,000.00</u>	<u>5.64%</u>
Bendigo & Adelaide Bank Retail Bond	A-	<u>\$2,000,000.00</u>	<u>5.95%</u>
Lehman Brothers Treasury Co	-	<u>\$90,000.00</u>	<u>0.00%</u>
Mackay Permanent Building Society	BBB-	-	-
The Royal Bank of Scotland – Australia	A+	<u>\$2,000,000.00</u>	<u>7.08%</u>
		<u>\$10,090,000.00</u>	<u>6.14%</u>

Total Investments \$61,021,107.58 5.84%

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 purpose		\$21,675,612.88
Unrestricted Investments – All Funds		\$1,494,904.70
*General Fund	\$805.50	
*Water Fund	\$623,122.24	
*Sewer Fund	\$335,808.17	
*Waste Fund	<u>\$535,168.79</u>	

Total Investments \$61,021,107.58

**Total interest revenue to 30/12/2011
on investments** \$1,977,723.90 5.84%

**R Roach
Responsible Accounting Officer**

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

MINUTE

16 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED: B Bourke SECONDED: W Aubin

RESOLVED: That the information be noted.

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

Recommendation: That the information be noted.

Report: Due to the introduction of the quarterly budget review statement by the Division of Local Government, monthly reporting of financial information will be replaced by quarterly reporting.

At **attachment 1** is an update of Strategies for the 2011/2012 Management Plan

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

Fines or penalty notices this month - Nil.

Financial Implications: Nil.

MINUTE

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

MOVED: G Hanger SECONDED: I North

RESOLVED: That the information be noted.

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 December 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:	\$20,639.74
BMEC Community use:	\$Nil
Mount Panorama:	\$28,527.00

MINUTE

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

MOVED: B Bourke SECONDED: P Toole

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.

- BRC - Lot 21, DP1160509 - Alpha Street - Compulsory Acquisition Request.
- Bathurst Seymour Centre Inc - Unit 3, 55 Seymour Street - Lot 180, DP862410 - Variation Licence Agreement.
- Harris, S & V - 200 College Road - Lot 2, DP749758 - Variation Licence Agreement.

Linen Plan Release

- Bayliss/BRC - 2 Lot Commercial Subdivision - Corporation Avenue - Robin Hill.

Financial Implications: Nil.

MINUTE

19 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: R Thompson SECONDED: W Aubin

RESOLVED: That the information be noted.

5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANTHERS FOOTBALL CLUB (18.00004)

Recommendation: That Council donate \$3,000 to Bathurst Panthers Football Club towards the cost of Bathurst Rugby League Knockout from Section 356 Donations.

Report: Council has received a request from Bathurst Panthers Football Club for financial assistance towards the Bathurst Rugby League Knockout. A copy of the request is provided at **attachment 1**.

The Bathurst Rugby League Knockout has a history of approximately 28 years and is an annual event on the Group 10 rugby league calendar.

The event attracts teams from Oberon, Lithgow, Mudgee, Orange and Cowra as well as the two local rugby league clubs. In 2012 it is hoped that the second division teams will be involved which will also attract Kandos, Portland, Wallerawang and Blackheath.

The event expects to bring in approximately 700 players and support staff over the two day event plus approximately 1,500 spectators.

As the finals will be played on the Saturday it is reasonable to expect that many of the visiting spectators will take advantage of the shopping available in Bathurst along with utilizing the many fine restaurants and take away facilities.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$20,639.74.

MINUTE

20 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST PANTHERS FOOTBALL CLUB (18.00004)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council donate \$3,000 to Bathurst Panthers Football Club towards the cost of Bathurst Rugby League Knockout from Section 356 Donations.

6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST WOMEN'S HOUSING PROGRAM INCORPORATED (18.00004)

Recommendation: That Council not donate \$439.00 to Bathurst Women's Housing Program Inc towards the cost of hanging the banner across William Street from Section 356 Donations.

Report: Council has received a request from Bathurst Women's Housing Program Inc for financial assistance to waive or reduce the cost to hang a banner promoting White Ribbon Day across William Street. The Banner was coordinated by the Bathurst Domestic Violence Liaison Committee. A copy of the request is provided at **attachment 1**.

The Bathurst Domestic Violence Liaison Committee is made up of individuals within our community. Members are mostly employed by agencies and services within the local Community Service network. They meet regularly with the aim to brainstorm and implement ideas which promote the awareness of domestic violence issues within our local community. With this promotion comes community education and then greater community involvement.

Financial Implications: Should Council wish to donate this, the request could be funded from Council's Section 356 Donations which currently has a balance of \$20,639.74.

MINUTE

21 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST WOMEN'S HOUSING PROGRAM INCORPORATED (18.00004)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That Council donate \$439.00 to Bathurst Women's Housing Program Inc towards the cost of hanging the banner across William Street from Section 356 Donations.

7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST DISTRICT PROSTATE CANCER SUPPORT GROUP (18.00004)

Recommendation: That Council donate \$400 to Bathurst District Prostate Cancer Support Group towards the cost of conducting a Men's Health Night from Section 356 Donations.

Report: Council has received a request from Bathurst District Prostate Cancer Support Group for financial assistance to conduct a Men's Health Night. A copy of the request is provided at **attachment 1**.

The Bathurst District Prostate Cancer Support Group has arranged a Men's Health Night on Tuesday 27th March 2012. This night will consist of talks by Greg Millan, a Men's Health Consultant of International Renown, Dr Philip Katelaris a Urological surgeon from The Seventh Day Adventist Hospital, Sydney and Pam and David Sandoe both of whom have received an OAM for their work for the Prostate Cancer Foundation of Australia (PCFA) over many years.

Bathurst District Prostate Cancer Support Group require assistance to fund travel expenses for speakers.

Financial Implications: This request could be funded from Council's Section 356 Donations which currently has a balance of \$20,639.74.

MINUTE

22 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST DISTRICT PROSTATE CANCER SUPPORT GROUP (18.00004)

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council donate \$400 to Bathurst District Prostate Cancer Support Group towards the cost of conducting a Men's Health Night from Section 356 Donations.

**8 REQUEST FOR FINANCIAL ASSISTANCE - ROTARY CLUB OF BATHURST
(18.00004)**

Recommendation: That Council:

- a) Provide the use of the Bathurst Memorial Entertainment Centre City Hall in the way of a Section 356 Donation of \$456 for the Sports Award Gala Evening.
- b) Not provide catering.
- c) Not provide a contribution towards the cost of a guest speaker.

Report: Council has received a request from Rotary Club of Bathurst for financial assistance in presenting the Sports Awards Gala Evening to be held at the BMEC City Hall. A copy of the request is provided at **attachment 1**.

The Rotary Club have been discussing with the Bathurst Sports Council and Bathurst Broadcasters a new format of hosting the Bathurst Sports Awards. Previously the Sports Awards have been presented on Australia Day and over the last few years have not received the support that this prestigious event should receive. The Rotary Club of Bathurst in conjunction with the other two parties wish to hold a gala evening to celebrate the Sports Awards to recognise the sporting achievements of the various winners.

This new event is proposed to be held during April/May 2012 in the Bathurst Memorial Entertainment Centre City Hall. The Rotary Club of Bathurst have requested Council to consider financial support by supplying:

- a) BMEC City Hall as the venue
- b) Providing catering in a cocktail format for year 1
- c) Providing a guest speaker to assist in the promotion of the event

The Rotary Club of Bathurst advise they would be prepared to work with all bodies to achieve a successful event.

Financial Implications: The cost of hiring BMEC City Hall could be funded from Council's Section 356 Donations which currently has a balance of \$20,639.74.

MINUTE

23 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - ROTARY CLUB OF BATHURST (18.00004)

MOVED: P Toole SECONDED: B Bourke

RESOLVED: That Council:

- a) Provide the use of the Bathurst Memorial Entertainment Centre City Hall in the way of a Section 356 Donation of \$456 for the Sports Award Gala Evening.
- b) Not provide catering.
- c) Not provide a contribution towards the cost of a guest speaker.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

1 FEBRUARY 2012

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 1 FEBRUARY 2012**

General Manager
Bathurst Regional Council

**1 PROPOSED RESERVATION, ROCKLEY BUSHFIRE SHED - LOT 2 DP48619 PINE
HILL CRESCENT ROCKLEY (22.08894-02)**

Recommendation: That Council:

- (a) Rescind the resolution made at its meeting held 19 October 2005, in part, to compulsorily acquire Lot 2 DP48619 located at Pine Hill Crescent Rockley, and
- (b) Approve Council entering an agreement with the Department of Primary Industries to become Trust Manager of Lot 2 DP48619 being land reserved for a public purpose as detailed in the Director Engineering Services' report.

Report: In 1992 the former Evans Shire Council, in conjunction with the Rockley Bush Fire Brigade, constructed a fire shed on Crown Land in Pine Hill Crescent, Rockley. The Crown consented to the erection of the shed and was "prepared to waive the acquisition fees with respect to the lots to be acquired for the Bushfire shed and road."

Council at its meeting of 19 October 2005 gave approval for Lot 2 and Lot 3 DP48619 to be acquired under the Land Acquisition (Just Terms Compensation) Act 1991 to conclude the matter. Please refer to report at **attachment 1**).

In June 2006, a second shed was constructed abutting the original shed on Lot 2 together with a large water tank which encroached onto Lot 1.

Since then, Council and The Crown have been liaising regarding the payment of compensation, which was originally to be waived. Council engaged a Registered Valuer who assessed the Lots be valued at \$20,000 (GST exclusive). Council advised The Crown it did not have funding to acquire the land, and that it was not in favour of the proposal.

By letter from the Department of Primary Industries to Council received 23 November 2011, The Crown advised the land assessment requirement has been waived. The Crown proposes to make the property (Lot 2 DP48619) a reserve for a public purposes, and placed it under Council's control as Trust Manager.

To facilitate this, it is recommended that Council rescind the resolution made at its Meeting held 19 October 2005 (in part) to compulsorily acquire Lot 2 DP48619 located at Pine Hill Crescent Rockley, and instead approve Council entering an agreement with the Department of Primary Industries to become Trust Manager of Lot 2 DP48619 being land to be reserved for a public purpose.

Financial Implications: Costs to complete the process are minimal.

MINUTE

24 Item 1 PROPOSED RESERVATION, ROCKLEY BUSHFIRE SHED - LOT 2 DP48619 PINE HILL CRESCENT ROCKLEY (22.08894-02)

MOVED: P Toole SECONDED: T Carpenter

RESOLVED: That Council:

- (a) Rescind the resolution made at its meeting held 19 October 2005, in part, to compulsorily acquire Lot 2 DP48619 located at Pine Hill Crescent Rockley, and
- (b) Approve Council entering an agreement with the Department of Primary Industries to become Trust Manager of Lot 2 DP48619 being land reserved for a public purpose as detailed in the Director Engineering Services' report.

2 PROPOSED DEDICATION OF PUBLIC ROAD - LOT 47 DP843032 BRADWARDINE ROAD, ROBIN HILL (25.00047-04)

Recommendation: That Council approve the dedication of land as public road under Section 10 of the Roads Act 1993 the land contained in Lot 47 DP843032 and name that section of road Bradwardine Road, as detailed in the Director Engineering Services' report.

Report: Construction of a new section of road between the Mitchell Highway and Suttor Street within Council land at Lot 47 DP843032 has occurred as part of the new roundabout project at the intersection of the Mitchell Highway and Bradwardine Road. Please see sketch plan at **attachment 1**.

It is recommended that Council approve dedication of the land as public road, under Section 10 of the Roads Act 1993, the land contained in Lot 47 DP843032, and the naming of that section of road as Bradwardine Road. The process occurs by advertisement in the Government Gazette.

Financial Implications: The cost of the advertisement is minimal.

MINUTE

25 Item 2 PROPOSED DEDICATION OF PUBLIC ROAD - LOT 47 DP843032
BRADWARDINE ROAD, ROBIN HILL (25.00047-04)

MOVED: W Aubin SECONDED: B Bourke

RESOLVED: That Council approve the dedication of land as public road under Section 10 of the Roads Act 1993 the land contained in Lot 47 DP843032 and name that section of road Bradwardine Road, as detailed in the Director Engineering Services' report.

3 PROPOSED ROAD DEDICATION, LOT 1 DP48361, GILMOUR STREET, KELSO (25.00031-04)

Recommendation: That Council approve the dedication of land in Lot 1 DP48361 to the public as road under Section 10 of the Roads Act 1993, as detailed in the Director Engineering Services' report.

Report: As part of the ongoing upgrade of Council's records, it has been found that Lot 1 DP48361 (see plan **attachment 1**) was created for a proposed road. The land forms the road frontage adjoining Lot 2 DP233861 at 36 Gilmour Street, Kelso.

Council's property searching of Gazettal Notices at the Land and Property Information has found that Lot 1 DP48361 has not been dedicated to the public as road.

It is recommended that Council approve the dedication of land in Lot 1 DP48361 to the public as road under Section 10 of the Roads Act 1993 by advertisement in the Government Gazette.

Financial Implications: It is estimated that the cost of the advertisement will be \$300. This will be financed from the Laneway Opening and Closing Fund.

MINUTE

26 Item 3 PROPOSED ROAD DEDICATION, LOT 1 DP48361, GILMOUR STREET, KELSO (25.00031-04)

MOVED: I North SECONDED: R Thompson

RESOLVED: That Council approve the dedication of land in Lot 1 DP48361 to the public as road under Section 10 of the Roads Act 1993, as detailed in the Director Engineering Services' report.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT
1 FEBRUARY 2012

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 1 FEBRUARY
2012**

General Manager
Bathurst Regional Council

1 SCATTERED BONES PROGRAM (21.00106)

Recommendation: That the information be noted.

Report: Scattered Bones is a literacy program created and run by the Australian Fossil and Mineral Museum. It is based around interaction with the Museum displays and exhibits, and features a published author and a museum expert.

Scattered Bones has been broadcast live from the Australian Fossil and Mineral Museum via video conferencing technology since 2008, reaching a total 15,000 students with an award-winning module that represents a unique mix of science and literacy.

Partners in the project include the Australian Fossil and Mineral Museum and Bathurst Regional Council, with Council's Public Programs Officer, the Department of Education and Training, School of Distance Education Connections program and local author Paul Stafford.

The program has won a number of prestigious Awards, both local and nationwide, these include the LGSA Cultural Award (2011), IMAGinE Award (2010) and MAGNA (2011).

The program has been funded by small grants from Arts NSW, *ConnectEd* and the Copyright Agency Limited's *Cultural Fund*.

The benefits of Scattered Bones to Bathurst include:

- It promotes and advertises Bathurst's unique cultural resources in a medium that utilises the collection without diverting resources from established programs or clashing with tradition museum/gallery usage;
- It enhances the reputation of the Australian Fossil and Mineral Museum;
- It reinforces Bathurst's reputation as a city of education while building a new reputation as a hub of quality educational broadcasting;
- It attracts media attention and positive publicity;
- It introduces a new audience of students to the Somerville Collection
- It attracts new visitors/tourists to the city;
- It directly benefits schools in the Bathurst region by delivering affordable educational programs and boosting NAPLAN literacy scores.

The benefits to students/schools include:

- Setting up and developing the museum program to share expertise and increase knowledge and understanding of Earth science and literacy;
- Provides opportunities to develop and improve students' speaking and listening skills, (key elements of the national curriculum across all key stages);

- Enables students' to demonstrate their presentation skills to different audiences;
- Increases students' confidence and motivation;
- Working directly with schools to enable teachers to raise the standards of teaching and learning in the classroom;
- Enables schools to bring a variety of different cultures & experiences into their classroom from other classrooms around the world (AFMM has broadcast to Alaskan schools located on the Bering Sea).

The module has been adopted as a model of best practice in museums and galleries, and the Australian Fossil and Mineral Museum team have coached various groups in video conferencing, such as the Powerhouse Museum, and created a how-to training video for the NSW Department of Education.

The Scattered Bones project has received an enthusiastic response from all stakeholders. Evaluation forms were completed by participating schools. A few comments follow:

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

Kootingal Public - "Museum was a great location for stimulus. The children responded well to tasks. The whole thing was a great learning experience and we would love to be able to offer it to other classes as well. Congratulations!"

Narrabri West - "All students had a great time and learnt something new. Learning about dinosaurs as well as how to write a narrative was very effective and exciting for them. I was inundated with dinosaur books each day!"

Rydalmere - "The content was excellent and the students became motivated in writing narratives. They particularly found it useful to think about the genre of a narrative and ways to plan their ideas to develop their story."

O'Connell Public School - "All of the students enjoyed the experience and look forward to participating again in the future. The module was very beneficial and we used the guidelines provided to work on our narratives in class. We would love the opportunity to participate in the persuasive writing conferences."

Albury Public School - "Students found the structured approach beneficial and have been able to express some of their new understandings. It has helped students break down the sometimes daunting task of writing a narrative into manageable chunks. It also provided me with some ideas how to help students develop better narratives."

Sofala Public School - "What were the most beneficial aspects? The author experience for the students. The step by step guidance and the time gap to do some more work between sessions."

Financial Implications: There are no financial implications arising from this report. Further financial support will be sought as part of all future budgets.

MINUTE

27 **Item 1 SCATTERED BONES PROGRAM (21.00106)**

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

RESOLVED: That the information be noted.

2 BATHURST REGIONAL ART GALLERY - FEDERAL GOVERNMENT'S CULTURAL GIFTS PROGRAM (21.00039)

Recommendation: That the information be noted.

Report: In November artworks valued at \$285,655 entered the Bathurst Regional Art Gallery's permanent collection as donations under the Federal Government's Cultural Gifts Program.

Seven people including artists Anneke Silver, Peter Cooley and Danie Mellor, collectors Yvon Gatineau, Professor Ronald Newman and Joshua Pieterse and author, collector and retired gallery director Lin Bloomfield donated some 50 works to the Gallery's permanent collection.

The Federal Government's Cultural Gifts Program allows donors a taxation deduction of 100% of the value of the works donated for their tax assessment.

The works include:

- A major installation *The Native's Chest* by Canberra based artist Danie Mellor, recently exhibited in BRAG's 2011 exhibition *@eclaimed: contemporary Australian art* (\$51,500).
- Three paintings by Anneke Silver a Townsville based artist arising from her 2005 Hill End residency (\$11,825).
- Three works on paper and a major ceramic work *Leura Saplings* by Blue Mountains based artist Peter Cooley (\$16,950).
- Two sculptures one by Michael Le Grand, the other by Philip Spelman donated by Yvon Gatineau (\$15,450).
- An early sculpture incorporating two Coles shopping trolleys by contemporary artist Sean Cordeiro donated by Professor Ronald Newman (\$7,000).
- Three drawings and three sculptures by Kirsteen Pieterse donated by Joshua Pieterse (\$52,750).
- Sixteen (16) works by Frank Hinder, two (2) sculptures by Margel Hinder, eight (8) prints by Vincent Brown, an 1926 etching by Norman Lindsay, a 1955 sculpture by Lyndon Dadswell, a 1961 *Matter Painting* by Ralph Balson and four (4) rare books: *Frank Hinder's Lithographs*, *Vincent Brown, Life and Work*, *L. Roy Davies: Wood Engravings* and *Complete Etchings of Norman Lindsay* all donated by Lin Bloomfield (\$130,180).

These generous donations will all make an important contribution to Bathurst Regional Art Gallery's permanent collection.

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

MINUTE

28 Item 2 BATHURST REGIONAL ART GALLERY - FEDERAL GOVERNMENT'S CULTURAL GIFTS PROGRAM (21.00039)

MOVED: M Morse SECONDED: T Carpenter

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 1 FEBRUARY 2012**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 7 DECEMBER 2011 (07.00064)

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

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

Financial Implications: N/A

MINUTE

29 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 DECEMBER 2011
(07.00064)

MOVED: B Bourke SECONDED: I North

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

MINUTES OF THE POLICY COMMITTEE
HELD ON 7 DECEMBER 2011

MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Director Corporate Services & Finance, Director Cultural & Community Services, Director Engineering Services, Director Environmental Planning & Building Services, Manager Corporate Governance, Manager Recreation, Manager Water & Waste, Manager Economic Development, Manager Technical Services, Acting Manager Environment, Sustainability Strategy Officer.

APOLOGIES

2 APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

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

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

RESOLVED: That the Minutes of the Policy Committee Meeting held on 2 November 2011 be adopted with the following spelling correction to Item #30 "weather" should be "whether".

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 SUBMISSION - POLICY - GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)

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

RESOLVED: That Council

- (a) make no change to the Policy as a result of the submission received
- (b) confirm adoption of the Policy
- (c) forward the adopted Policy to the Division of Local Government

6 Item 2 AUSTRALIA DAY ACTIVITIES - 2012 (23.00033)
MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

7 Item 3 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 23 NOVEMBER 2011 (07.00096)
MOVED Cr T Carpenter and **SECONDED** Cr R Thompson

RESOLVED: That the information be noted.

8 Item 4 ENTERPRISE RISK MANAGEMENT PLAN (03.00162)
MOVED Cr W Aubin and **SECONDED** Cr T Carpenter

RESOLVED: That Council refer the consideration of the Draft Enterprise Risk Management Plan to a Working Party.

Director Engineering Services' Report

9 Item 1 ROADSIDE TRIBUTES POLICY (15.00017)
MOVED Cr P Toole and **SECONDED** Cr R Thompson

RESOLVED: That Council adopt the the Roadside Tributes Policy for Local Roads in the Bathurst Region.

GENERAL BUSINESS

10 THANK YOU COUNCIL STAFF (23.00012)

Cr Hanger - Thanked staff for efforts they have put in during the past year. Has been very good.

11 RURAL FIRE SERVICE FUND (18.00233, 13.00020)

Cr Carpenter - Notes Local Government & Shires Association has advised Government has miscalculated contributions for next year, have we received amended prices.

The **Manager Corporate Governance** advised Council has received the amended contribution.

12 GREAT WESTERN HIGHWAY UPGRADE - UNDERGROUND POWER (25.00018)

Cr Carpenter - Asked if Council could approach RMS (formerly RTA) to get services underground when upgrade occurs.

The **Mayor** advised letter has already been sent.

13 **ONE LOCAL GOVERNMENT ASSOCIATION PROPOSAL (18.00105)**

Cr Carpenter - Spoke to voting proposal contained in the memorandum which in fact splits the association into two groups. Feels regional councils are disadvantaged with number of votes. Could this be included in any response made by Council.

14 **MEDIA OUTLETS (08.00001)**

Cr Thompson - Feels Council is under utilising the media in explaining issues to the community. Could we look at use.

15 **DELEGATED AUTHORITY - DEVELOPMENT APPLICATIONS (11.00007)**

Cr Thompson - asked if a working party could be held in new year to discuss these matters.

16 **JUBILEE PARK (04.00061)**

Cr Thompson - asked Council to look at recent horticultural actions taken in this area.

17 **YEAR OF THE FARMER (16.00129)**

Cr Thompson - advised this is next year. Could Council look at a farmer of the year award, in 2012/13 Management Plan.

18 **BILLBOARDS ON SYDNEY ROAD (18.00208)**

Cr Toole - asked is the billboard we are talking about the one at Meadow Flat.

The **Director Environmental Planning & Building Services** advised yes that is correct.

19 **CARBON TAX (16.00130)**

Cr Aubin - asked have guidelines been received as to the impact of carbon tax on councils.

The **General Manager** noted awaiting final advice, but a letter has been received from Federal Government this week providing some guidelines, these are being assessed at this time. Noted next years rate increase from IPART allows 0.4% to cover for carbon costs.

20 **INTERNATIONAL DAY OF DISABILITY (23.00066)**

Cr North - Spoke to recent event held in Bathurst and the presentations made. A number of people raised an issue with access the Russell & William Streets intersection. Council needs to action this and requested a report be prepared for Council.

21 **PURCHASING OF TREES BY COMMUNITY (13.00019)**

Cr North - stated that we put in place a tree purchasing scheme in 2010. Have we

replaced those that died?

The **Manager Recreation** advised officers are checking plantings, those that have died will be replaced.

22 **LLOYDS ROAD DEVELOPMENT (2010/0945)**

Cr North - asked if this is due to start in the near future.

The **Director Environmental Planning & Building Services** spoke to advice received on the development.

23 **RATES OVERCHARGE (22.01578)**

Cr North - Raised at last Policy meeting how is this matter going?

The **Director Corporate Services & Finance** advised this matter has been resolved.

24 **SUSPENSION OF MEETING**

Meeting suspended at 5.25pm till Discussion Forum commenced as advertised at 5.30pm.

DISCUSSION FORUM OTHER

25 **Item 1 BATHURST REGION ECONOMIC DEVELOPMENT STRATEGY 2011 – 2016 (20.00168)**

J Hollis Rail Action Bathurst - The strategy on integrated transport did not appear to include mention of rail service (daily) to Sydney. Requests that it be included as it is an important facet of internal transport systems eg. light rail system. Council should also look at impacts of a larger Council area.

J Jennings Sustainable Bathurst Network - Involves a number of groups. Trying to develop a more coordinated program. Spoke to submission made and possibilities that are available. Would like a coordinator to be employed.

MEETING CLOSE

26 **MEETING CLOSE**

The Meeting closed at 5.38 pm.

CHAIRMAN: _____

Date: _____ **(1 February 2012)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
CLIMATE CHANGE COMMITTEE MEETING

**CLIMATE CHANGE COMMITTEE MEETING TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 1 FEBRUARY 2012**

General Manager
Bathurst Regional Council

**1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 7 DECEMBER 2011
(07.00006)**

Recommendation: That the recommendations of the Climate Change Committee Meeting held on 7 December 2011 be adopted.

Report: The Minutes of the Climate Change Committee Meeting held 7 December 2011, are attached.

Financial Implications: N/A

MINUTE

30 Item 1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 7 DECEMBER 2011 (07.00006)

MOVED: P Toole SECONDED: W Aubin

RESOLVED: That the recommendations of the Climate Change Committee Meeting held on 7 December 2011 be adopted.

MINUTES OF THE CLIMATE CHANGE COMMITTEE
HELD ON 7 DECEMBER 2011

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 6 APRIL 2011 (07.00093)
MOVED Cr P Toole and **SECONDED** Cr R Thompson

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

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr P Toole and **SECONDED** Cr R Thompson

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 Item 1 GENERAL REPORT (07.00093)
MOVED Cr T Carpenter and **SECONDED** Cr R Thompson

RESOLVED: That the information be noted.

6 Item 2 COUNCIL ENERGY USE (13.00027)
MOVED Cr P Toole and **SECONDED** Cr W Aubin

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 1 FEBRUARY 2012**

General Manager
Bathurst Regional Council

**1 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 6 DECEMBER 2011
MINUTES (23.00080)**

Recommendation: That the information be noted.

Report: The Minutes of the 2015 Bicentenary Celebrations Committee held on Tuesday 6 December 2011 are provided at **attachment 1**.

Financial Implications: N/A

MINUTE

31 Item 1 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 6
DECEMBER 2011 MINUTES (23.00080)

MOVED: T Carpenter SECONDED: M Morse

RESOLVED: That the information be noted.

MINUTE

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

MOVED: P Toole SECONDED: M Morse

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

There we no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF LEASE - MITCHELL CONSERVATORIUM INC. - MACHATTIE PARK COTTAGE	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 - UNIT 4 55 SEYMOUR STREET BATHURST - ACQUIRED BRAIN INJURY SERVICES NSW INC.	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 PROPERTY, 12 WHITEMAN PLACE, 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 NEW LICENCE AGREEMENT - BATHURST BUSHRANGERS - AFL CLUBHOUSE - GEORGE PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	WATER CHARGES - BATHURST 75 FOOTBALL CLUB	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	RURAL FIRE SERVICE - PROPOSED SITE FOR A NEW CHIFLEY ZONE FIRE CONTROL CENTRE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the

		public interest as it would prejudice the commercial position of the person who supplied it.
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*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED ROAD WIDENING LOT 1 DP749758 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.
2	PROPOSED ACQUISITION OF LAND FOR CONSTRUCTION OF THE PERTHVILLE LEVEE, LOTS 279 AND 299 DP750354 2 NORTH STREET PERTHVILLE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING, LOTS 7034 AND 7035 DP1114692, PARTS OF LOTS 7032 AND 7033 DP1114695, PANORAMA AVENUE, 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.
4	ENDORSEMENT OF ACQUISITION PLAN FOR ROAD WIDENING, LOT 105 DP756873, 3246 HILL END	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

	ROAD, HILL END	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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CONFIDENTIAL MINUTES

MINUTE

CONFIDENTIAL MINUTES

MINUTE

(a) Item 1 RENEWAL OF LEASE - MITCHELL CONSERVATORIUM INC. - MACHATTIE PARK COTTAGE (04.00012)

MOVED: R Thompson SECONDED: B Bourke

That Council approves entering into a new commercial lease agreement for part Lot 11 DP851096 known as the Machattie Park Cottage with the Mitchell Conservatorium Inc. for a period of two (2) years as detailed in the report.

MINUTE

(b) Item 2 RENEWAL OF LEASE - UNIT 4 55 SEYMOUR STREET BATHURST - ACQUIRED BRAIN INJURY SERVICES NSW INC. (22.00185)

MOVED: R Thompson SECONDED: B Bourke

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

Reason: Daughter works for applicant on a casual basis.

That Council approves entering into a new lease agreement with Acquired Brain Injury Services NSW Inc. (formerly Wareemba Community Living Services (WCL) Inc.) for part Lot 180 DP862410 known as Unit 4, 55 Seymour Street, Bathurst for a period of six (6) months with a six (6) month option period as detailed in the report.

MINUTE

(c) Item 3 PROPOSED SALE OF PROPERTY, 12 WHITEMAN PLACE, BATHURST (22.00202)

MOVED: W Aubin SECONDED: M Morse

That Council approves the listing for sale of Lot 127 DP249576 known as 12 Whiteman Place, Bathurst and direct the General Manager to negotiate the sale of the property.

MINUTE

**(d) Item 4 PROPOSED NEW LICENCE AGREEMENT - BATHURST
BUSHRANGERS - AFL CLUBHOUSE - GEORGE PARK BATHURST (04.00042)**

MOVED: R Thompson SECONDED: B Bourke

That Council approves entering into a new licence agreement with the Bathurst Bushrangers ARFC Inc for the AFL clubhouse located on part Lot 7324 DP1157012 known as George Park, Bathurst for a period of five (5) years as detailed in the report.

MINUTE

(e) **Item 5 WATER CHARGES - BATHURST 75 FOOTBALL CLUB (04.00018-02)**

MOVED: R Thompson SECONDED: M Morse

Cr Aubin declared a non pecuniary interest in this item and remained in the Chamber.

Reason: Son plays soccer for Bathurst 75's

Cr Carpenter declared a non pecuniary interest in this item and remained in the Chamber.

Reason: Son plays soccer for Bathurst 75's

That Council act in accordance with the recommendation of this report.

MINUTE

(f) Item 6 RURAL FIRE SERVICE - PROPOSED SITE FOR A NEW CHIFLEY ZONE FIRE CONTROL CENTRE (13.00020)

MOVED: I North SECONDED: R Thompson

That Council

- (a) subdivide Lot 201 DP1074567 as per the provided site plan.
- (b) reserve new Lot 2011 for the location of the new Rural Fire Service & State Emergency Service facilities.
- (c) include a bid in the 2012/2013 Rural Fire Service Estimates for the new Fire Control Centre of \$2 million (Council's contribution being 11.7% or \$234,000).
- (d) If funding is not available from the Rural Fire Service within two years, then Council reconsider its position in relation to the allocation of funding to this project.

MINUTE

(g) Item 1 PROPOSED ROAD WIDENING LOT 1 DP749758 CONROD STRAIGHT MOUNT PANORAMA (25.00155)

MOVED: I North SECONDED: B Bourke

That Council approve the proposed road widening affecting Lot 1 DP749758 at Conrod Straight, Mount Panorama, and dedicate the road to the public as road, as detailed in the Director Engineering Services' report. The land is to be classified as Operational land.

MINUTE

(h) Item 2 PROPOSED ACQUISITION OF LAND FOR CONSTRUCTION OF THE PERTHVILLE LEVEE, LOTS 279 AND 299 DP750354 2 NORTH STREET PERTHVILLE (22.05810 and 31.00001-10)

MOVED: W Aubin SECONDED: P Toole

That Council approve the proposed acquisition of land for construction of the Perthville Levee located at Lot 279 and Lot 299 DP750354 being 2 North Street, Perthville, subject to the conditions outlined in the Director Engineering Services' report. The acquired land is to be classified as Operational land under the provisions of Section 31(2) of the Local Government Act 1993.

MINUTE

(i) **Item 3 PROPOSED COMPULSORY ACQUISITION FOR ROAD WIDENING, LOTS 7034 AND 7035 DP1114692, PARTS OF LOTS 7032 AND 7033 DP1114695, PANORAMA AVENUE, MOUNT PANORAMA (25.00105-02)**

MOVED: P Toole SECONDED: W Aubin

That Council make application to the Department of Primary Industries Crown Lands Division to compulsorily acquire Lot 7034 and Lot 7035 DP1114692, and parts of Lot 7032 and Lot 7033 DP1114695 at Panorama Avenue Mount Panorama, for the construction of a roundabout. The application to follow the provisions of the Roads Act 1993 and the procedures set out in the Land Acquisition (Just Terms Compensation) Act 1991, and does not include mineral rights. The acquired land is to be classified as operational land.

MINUTE

(j) Item 4 ENDORSEMENT OF ACQUISITION PLAN FOR ROAD WIDENING, LOT 105 DP756873, 3246 HILL END ROAD, HILL END (25.00262-05, 22.12580 & 25.00340)

MOVED: I North SECONDED: T Carpenter

That Council approve endorsement by the General Manager of an acquisition plan for road widening of Hill End Road affecting Lot 105 DP756873 being 3246 Hill End Road, Hill End, as detailed in the Director Engineering Services' report.

MINUTE

33 RESOLVE INTO OPEN COUNCIL

MOVED: W Aubin SECONDED: R Thompson

RESOLVED: That Council resume Open Council.

MINUTE

34 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED: W Aubin SECONDED: I North

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

MINUTE

35 MEETING CLOSE

The Meeting closed at 7.54 pm.

CHAIRMAN: _____

Date: _____ **(15 February 2012)**