



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

9 May 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, 16 May 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, 16 MAY 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 Bathurst Regional Council - 18 April 2012
 - * Minutes - Ordinary Meeting of Council Following Policy - 2 May 2012
6. DECLARATION OF INTEREST
To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.
7. MAYORAL MINUTE - Nil
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
 - * Director Cultural & Community Services' Report
 - * General Manager's Report
9. REPORTS OF OTHER COMMITTEES
 - * Minutes - Policy Committee Meeting - 2 May 2012
 - * Minutes - Traffic Committee Meeting - 1 May 2012
 - * Minutes - Mount Panorama Racing Committee Meeting - 2 May 2012
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

* Councillors Meeting With Community Groups/representatives - 11 April 2012

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	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2	RENEWAL OF LICENCE AGREEMENT - 193 MORRISSET 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	RENEWAL OF LICENCE AGREEMENT - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES - LEE STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	SALE AND SUBDIVISION OF PROPOSED LOT 807, BRADWARDINE ROAD, BATHURST TRADE CENTRE.	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
5	PROPOSED RENEWAL OF EXISTING TELECOMMUNICATION LEASE - WALMER PARK, BRADWARDINE ROAD, BATHURST - TELSTRA CORPORATION 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.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED BOUNDARY ADJUSTMENT BETWEEN LOT 3 DP951 AND LOT 15 DP1173379 - 8 BRIDGE 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.
2	PROPOSED ACQUISITION FOR STORM WATER RETENTION BASIN, PART LOT 102 DP 748062, 38A GILMOUR STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	FINAL ACQUISITION COSTS FOR PERTHVILLE LEVEE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

G Crisp – ratepayer - DCSF Item #1 and #9 - Spoke to Rembrandt Trust Investment and what is the expected return. Further spoke to Lehman Brothers Investment and returns Council were getting on its investments. Made allegations (various) about comments made by staff and Councillors. Spoke to fraud perpetrated on Council and that Council officers were negligent and when will Council sack these officers.

R McAlary - Rotary Daybreak and B2B - Thanked Council for their support of the B2B which has gone from 28 participants to 3,000 over 7 years. Spoke to economic return to the community and donations made. Numbers are expected to continue to grow. Would like to have more detailed discussions with Council on next years event. Special thanks to Cr Warren Aubin and Mayor Greg Westman who gave significant support. Presented Rotary Hero Award to Mayor Greg Westman.

A Robin - Price Parade, Abercrombie - Communication Tower, Abercrombie - Spoke to proposed communication tower and queried whether a Development Application has been received. What can the community do as they object to this?

The Director Environmental, Planning & Building Services advised a DA for original location has been received and is awaiting an amendment to be received and then residents will be notified.

The Mayor spoke of letter submissions, approaching Councillors etc.

A Bland - Raqlan Creek - DES Item #3 - Speaking on behalf of Greening Bathurst - Spoke to flooding of highway and issues effecting flora and fauna. Spoke against dredging of the creek. Supports the diversion channel, however, need to be aware of environmental impacts. Do not just work for simplistic solutions.

B Triming - resident - Support proposal for public toilets at crematorium. Understands:

- Cycle Path Eglinton Bridge to Ohir Road - recently built and spoke of lay backs needed at Peace Park.
- Bicentennial Park - no path leading to disability toilet, can this be looked at?

R Collins - Walmer Park Communication Towers - Spoke of concerns that towers have reduced available space at Walmer Park. Has written to Councillors about his concerns and feels over one and a quarter acres will be lost. Expressed concern at deterioration of facilities in the park and problems with trees. Council has not responded to his concerns, requests response from Council.

L Burton - Vodafone Tower, Walmer Park - Thanked Council for the refusal of the prior Development Application. Spoke to possible structures that may be proposed by TCI for the site. Concerned other sites have not been adequately examined. Noted proposal for Abercrombie for a tower. These are unsightly and a better solution needs to be found. Asks Council to refuse a third tower at Walmer Park.

Abbey - Walmer Park 3rd Tower - Thanked Council for refusing the tower. Spoke against future proposals. Asked for playground and swing set.

P Dowling - Ratepayer - Asked who owns the Denison Bridge, it has dry rot, when will it be inspected?

The Director Engineering Services Council owns the bridge it is inspected every 2 years, not aware of dry rot.

MINUTE

3 APOLOGIES

Nil

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 16 MAY 2012

General Manager
Bathurst Regional Council

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 18 APRIL 2012 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 April 2012 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 18 April 2012, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 18 APRIL 2012 (11.00005)

MOVED: T Carpenter SECONDED: M Morse

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 18 April 2012 be adopted.

2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY - 2 MAY 2012 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 May 2012 be adopted.

Report: The Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 May 2012, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

5 Item 2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY -
2 MAY 2012 (11.00005)

MOVED: P Toole SECONDED: I North

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 May 2012 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 18 APRIL 2012**

MEETING COMMENCES

1 MEETING COMMENCES

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

PUBLIC QUESTION TIME

2 PUBLIC QUESTION TIME

P Hennessy – DA 2011/0481 - 168 Seymour Street - DEPBS Item #4 - here on behalf of residents (Betts). Interested in the proposed development. Spoke to letter circulated today for Councillors information. Referred to Betts purchase of the unit in Seymour Street and the impact on it by the development. Issue of sunlight raised and overshadowing. Feels overshadowing diagrams do not show all relevant impacts. The development eliminates sunlight from the Betts unit. The application fails the minimum test and so must be denied

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

RESOLVED: That an extension of time be granted to allow Mr Hennessy to continue his presentation.

Mr Hennessy noted construction proposal issues, such as a 3 metre wall and a two storey development. Mrs Betts will only have a wall to look at. Also spoke to driveway matter.

G Johnson - (Barnsons Pty Ltd) – DA 2011/0481 - 168 Seymour Street - DEPBS Item #4 - on behalf of applicant. Feels DA meets all requirements except minor issue on driveway. The Development has been altered to ensure meets overshadowing guidelines.

M Reeks - (170 Seymour Street) – DA 2011/0481 - 168 Seymour Street - DEPBS Item #4 - neighbour to proposed development. Concern at number of delivery vehicles which will use the narrow driveway and damage concerns to property. Worried driveway will be blocked as it is a shared driveway. Questioned if property will be broken up and then a corporate body could be put in place, will this mean they have to pay corporate fees?

The Director Environmental, Planning & Building Services spoke to right of way access rights.

K Miller - Raglan Creek - asked is the local member on side to clean out the Creek? There is a lot of silt and debris in the creek that needs clearing out. Will Council do this? The flooding causes major damage to farming areas.

The Mayor spoke to plans re diversion channel. Will talk to Fisheries NSW and

NSW Office of Water to see if clearance can occur. Council must comply with statutory requirements.

R Sullivan - (166 Seymour Street) – DA 2011/0481 - 168 Seymour Street - DEPBS Item #4 - spoke to attendance by Council at the site. Was the raised slab taken into account in the shadow diagrams?

The Director Environmental, Planning & Building Services advised the diagrams take this into account and reflect the proposal of the developer.

T Hickson - (Lambert Street resident) – DA 2011/0481 - 168 Seymour Street - DEPBS Item #4 - spoke to proposed development and feels intrudes on neighbours. Feels development should be moved back.

W Reeks - (177 Seymour Street) – DA 2011/0481 - 168 Seymour Street - DEPBS Item #4 - spoke to rules he had to comply with and if he has to comply so should the developers.

APOLOGIES

- 3** **APOLOGIES**
MOVED Cr B Bourke and **SECONDED** Cr I North

RESOLVED: That the apology from Cr Thompson be accepted and leave of absence granted. Cr Thompson advised that he will be arriving late to the meeting. Cr Thompson arrived at 7.02 pm

MINUTES

- 4** **Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 MARCH 2012 (11.00005)**
MOVED Cr P Toole and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 March 2012 be adopted.

- 5** **Item 2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY - 4 APRIL 2012 (11.00005)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 4 April 2012 be adopted.

DECLARATION OF INTEREST

- 6** **DECLARATION OF INTEREST 11.00002**
MOVED Cr I North and **SECONDED** Cr P Toole

RESOLVED: That the following Declarations of Interest be noted.

Cr Thompson

Item #4 of the Director Environmental, Planning & Building Services report.

Cr Morse

Item #1 of the Director Corporate Services & Finance's Confidential report.
Item #3 of the Director Corporate Services & Finance's Confidential report.

Cr Aubin

Item #1 of the Director Corporate Services & Finance's Confidential report.

Cr Toole

Item #1 of the Director Corporate Services & Finance's Confidential report.
Item #3 of the Director Corporate Services & Finance's Confidential report.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS**Director Environmental Planning & Building Services' Report****7 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

MOVED Cr P Toole and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

8 Item 2 GENERAL REPORT (03.00053)

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

RESOLVED: That the information be noted.

9 Item 3 DEVELOPMENT APPLICATION NO. 2012/0102 – TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT 1423 ROCKLEY ROAD. APPLICANT: MARK BUTTSWORTH. OWNER: YVONNE TODD (DA/2012/0102)

MOVED Cr I North and **SECONDED** Cr 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 the *Bathurst Regional (Interim) Local Environmental Plan 2005* ;
- (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 1 and 2, noting that proposed lot 2 will retain the capacity for the erection of a dwelling house;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0102, 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 P Toole, Cr G Westman,

Against the motion - NIL

Absent - Cr R Thompson,

Abstain - NIL

- 10** **Item 4 DEVELOPMENT APPLICATION NO. 2011/0481 – DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF TWO (2) X DOUBLE STOREY TWO BEDROOM UNITS, REPLACEMENT GARAGE AND THREE LOT SUBDIVISION AT 168 SEYMOUR STREET, BATHURST. APPLICANT: EKP HOLDINGS PTY LTD & SAGE MOTELS PTY LTD. OWNER: EKP HOLDINGS PTY LTD & SAGE MOTELS PTY LTD (DA/2011/0481)**
MOVED Cr P Toole and **SECONDED** Cr T Carpenter

Cr Thompson had advised of a non-pecuniary interest in this item. However, Cr Thompson was not in attendance at the meeting for this item.

Reason: Employee's wife's family owns adjoining building and are objectors to the DA.

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2011/0481, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended;
- (b) notify those that made submissions of its decision: and
- (c) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - Cr R Thompson,

Abstain - NIL

- 11** **Item 5 2012 SUSTAINABLE LIVING EXPO (23.00124)**
MOVED Cr P Toole and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

- 12** **Item 6 BACKYARDS FOR WILDLIFE BOOKLET (13.00053)**
MOVED Cr I North and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

13 Item 7 BATHURST URBAN DRAINAGE RESERVE REVEGETATION LINK (20.00174)**MOVED** Cr T Carpenter and **SECONDED** Cr I North**RESOLVED:** That the information be noted.**14 Item 8 COMMUNITY ENERGY EFFICIENCY PROGRAM (13.00065)****MOVED** Cr T Carpenter and **SECONDED** Cr M Morse**RESOLVED:** That the information be noted.**15 Item 9 PEST BIRD MANAGEMENT PLAN: SURVEY RESULTS (37.00350)****MOVED** Cr P Toole and **SECONDED** Cr M Morse**RESOLVED:** That the information be noted.**16 Item 10 JAPANESE TOUR - 2013 (20.00020)****MOVED** Cr I North and **SECONDED** Cr T Carpenter**RESOLVED:** That the information be noted.**Director Corporate Services & Finance's Report****17 Item 1 STATEMENT OF INVESTMENTS (16.00116)****MOVED** Cr P Toole and **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**18 Item 2 YEAR TO DATE REVIEW - 2011/2012 MANAGEMENT PLAN AND BUDGET - 31 MARCH 2012 (16.00126)****MOVED** Cr M Morse and **SECONDED** Cr B Bourke**RESOLVED:** That the information be noted.**19 Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)****MOVED** Cr W Aubin and **SECONDED** Cr G Hanger**RESOLVED:** That the information be noted and any additional expenditure be voted.**20 Item 4 POWER OF ATTORNEY (11.00007)****MOVED** Cr G Hanger and **SECONDED** Cr I North**RESOLVED:** That the information be noted.**21 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - THE BATHURST SPRING SPECTACULAR (18.00004, 23.00081/071)****MOVED** Cr G Hanger and **SECONDED** Cr T Carpenter**RESOLVED:** That Council donate \$300 to The Bathurst Spring Garden Spectacular

towards the cost of the 2012 event from Section 356 Donations.

22 Item 6 REQUEST FOR FINANCIAL SUPPORT - INDUSTRY LINKS PROGRAM (18.00004-23)

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

RESOLVED: That Council contribute \$500 to the Industry Links Program to be funded from Sundry Section 356 Donations.

23 Item 7 REQUEST FOR DISCOUNT - GT NATIONAL CAR EVENT, MARCH 2012 (18.00004)

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

RESOLVED: That Council support the 2013 GT National car event by offering a \$20 group pass to attend the National Motor Racing Museum, Australian Fossil and Mineral Museum and Chifley Home.

24 Item 8 BATHURST DISTRICT HISTORICAL SOCIETY (18.00183)

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

RESOLVED: That Council advise the Bathurst District Historical Society:

- (a) that Council would consider allowing the construction of a storage shed behind the existing annex.
- (b) that Council currently has no funds to assist with the construction of the storage shed.
- (c) that Council will assist the Bathurst District Historical Society with grant fund applications
- (d) that Council consider funding for the project in the 2012/2013 Budget.

25 Item 9 REQUEST FOR FINANCIAL ASSISTANCE - COUNTRY WOMEN'S ASSOCIATION OF NSW (18.00004, 14.00065-05/058)

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

RESOLVED: That Council donate \$105 to Country Women's Association of NSW towards the cost of Health Inspection Fee for their Bathurst Show site from Section 356 Donations.

Director Engineering Services' Report

26 Item 1 REQUEST TO NAME MACQUARIE RIVER WALKWAY/CYCLEWAY (04.00015)

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

RESOLVED: That Council resolve to act in accordance with the recommendation contained within the body of the Report.

27 Item 2 ROAD RESEALING PROGRAM (16.00061)

MOVED Cr P Toole and **SECONDED** Cr I North

RESOLVED: That the matter be deferred for consideration at a later date.

Director Cultural & Community Services' Report

- 28** **Item 1 SENIORS' WEEK 2012 (18-25 MARCH 2012) (07.00016)**
MOVED Cr P Toole and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 29** **Item 2 HARMONY DAY EVENT (SUNDAY, 18 MARCH 2012) (09.00032)**
MOVED Cr T Carpenter and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 30** **Item 3 BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE (07.00100)**
MOVED Cr I North and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 31** **Item 4 AUSTRALIAN FOSSIL & MINERAL MUSEUM - AUSTRALASIAN
INSTITUTE OF MINING AND METALLURGY (AUSIMM) JOURNAL PAPER
(21.00106)**
MOVED Cr M Morse and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

- 32** **Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 APRIL 2012 (07.00064)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the recommendations of the Policy Committee Meeting held on 4 April 2012 be adopted.

Cr Thompson arrived at the meeting at 7.02 pm.

Traffic Committee Meeting

- 33** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 3 APRIL 2012 (07.00006)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 3 April 2012 be adopted.

DELEGATES REPORTS

- 34** **Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 14 MARCH 2012 (11.00019)**
MOVED Cr B Bourke and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

35 Item 2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 13 MARCH 2012 (11.00020)

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

RESOLVED: That Council:

- (a) Note the information; and
- (b) Adopt the membership for the Bathurst Regional Youth Council for 2012.
- (c) note attendance by Councillors Carpenter, Hanger & North at the induction day

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

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

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

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

There we no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	DEVELOPMENT APPLICATION NO. 2010/0607, 148 LOT RESIDENTIAL SUBDIVISION, OPHIR ROAD, ABERCROMBIE. OWNER: B, D & G LENEHAN. APPLICANT:	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

	LLANDCO	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**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	MOUNT PANORAMA - ADVANCED DRIVING COURSE	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 RURAL LICENCE AGREEMENT - 519 MITCHELL HIGHWAY, 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	REQUEST FOR FINANCIAL ASSISTANCE - CATHOLIC DIOCESE OF 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.
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*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED RIGHT OF CARRIAGEWAY 6 METRES WIDE - 51 BATHURST 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.

Director Environmental Planning & Building Services' Report

- a** **Item 1 DEVELOPMENT APPLICATION NO. 2010/0607, 148 LOT RESIDENTIAL SUBDIVISION, OPHIR ROAD, ABERCROMBIE. OWNER: B, D & G LENEHAN. APPLICANT: LLANDCO (DA/2010/0607)**
MOVED Cr R Thompson and **SECONDED** Cr M Morse

That Council act in accordance with the Director Environmental, Planning & Building Services report.

Director Corporate Services & Finance's Report

- b** **Item 1 MOUNT PANORAMA - ADVANCED DRIVING COURSE (04.00009)**
MOVED Cr R Thompson and **SECONDED** Cr B Bourke

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

Reason: Owner of Survive the Drive business.

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

Reason: Related to the applicant.

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

Reason: Survive the Drive is a client of the Councillor's business - Belinda's

Business Centre.

That Council:

- (a) set an additional fee of \$5 per participant for those using the skid pan at the Paddock, Mount Panorama.
- (b) review charges for skid pan usage as part of the 2012/2013 Management Plan

c Item 2 RENEWAL OF RURAL LICENCE AGREEMENT - 519 MITCHELL HIGHWAY, BATHURST (22.05345)
MOVED Cr I North and **SECONDED** Cr T Carpenter

That Council approves entering into a new licence agreement with Ms Nicole Treanor for part Lot C DP158611 located on 519 Mitchell Highway, Bathurst for a period of twelve (12) months with a twelve (12) month option period.

d Item 3 REQUEST FOR FINANCIAL ASSISTANCE - CATHOLIC DIOCESE OF BATHURST (22.01209/010)
MOVED Cr B Bourke and **SECONDED** Cr T Carpenter

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

Reason: Patron of the Cathedral Appeal Committee.

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

Reason: Member of Cathedral Appeal Committee.

That Council act in accordance with the report.

Director Engineering Services' Report

e Item 1 PROPOSED RIGHT OF CARRIAGEWAY 6 METRES WIDE - 51 BATHURST STREET PERTHVILLE (31.00001-12)
MOVED Cr B Bourke and **SECONDED** Cr R Thompson

That Council approve the creation of a Proposed Right of Carriageway 6 metres wide within Lot 3 DP1173379 in favour of Lot D DP399095 and Lot 1 DP1173379 at 51 Bathurst Street Perthville, as per the Director Engineering Services' report.

RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE
HELD ON 2 MAY 2012**

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

2 APOLOGIES

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

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

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That the following Declaration of Interest be noted.

Cr Westman

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

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

4 Item 1 DRAFT BATHURST 2016 (4 YEAR DELIVERY PLAN & ANNUAL OPERATING PLAN) (16.00129)

MOVED Cr W Aubin

and **SECONDED** Cr T Carpenter

RESOLVED: That Council place the draft Bathurst 2016 plan including the Revenue Policy for 2012/2013, on public exhibition for the statutory 28 day period and receive submissions until 4:00pm Tuesday 5 June 2012.

- 5** Item 2 2015 BICENTENARY CELEBRATIONS COMMITTEE MEETING - 3 APRIL 2012 MINUTES (20.00153)
MOVED Cr M Morse and SECONDED Cr T Carpenter

RESOLVED: That the information be noted.

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

- 6** RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS
MOVED Cr I North and SECONDED Cr 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	2015 BICENTENARY CELEBRATIONS PROJECT - GRAHAM LUPP	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	REQUEST FOR	10A (2) (d) (i) – contains

	FINANCIAL ASSISTANCE - BATHURST CYCLING CLUB	commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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Director Corporate Services & Finance's Report

- a** **Item 1 2015 BICENTENARY CELEBRATIONS PROJECT - GRAHAM LUPP (20.00153)**
MOVED Cr M Morse and **SECONDED** Cr T Carpenter

That Council act in accordance with the report.

- b** **Item 2 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST CYCLING CLUB (18.00004, 18.00022-04/034)**
MOVED Cr W Aubin and **SECONDED** Cr I North

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

Reason: Operates a Bike Shop in Bathurst and is a member of the club.

The Mayor vacated the chair.

The Deputy Mayor, Cr Carpenter, took the chair.

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

RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

MINUTE

6 DECLARATION OF INTEREST 11.00002

MOVED: I North SECONDED: T Carpenter

RESOLVED: That the following Declarations of Interest be noted.

Cr North

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

Cr Toole

Item #3 Confidential of the Director Engineering Service's report

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT AND MINUTES
16 MAY 2012

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

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

MOVED: B Bourke SECONDED: W Aubin

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during April 2012 (**attachment 1**)
- (b) Applications refused during April 2012 (**attachment 2**)
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**)
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**)
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 approved in April 2012 (**attachment 5**).

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

8 Item 2 GENERAL REPORT (03.00053)

MOVED: I North SECONDED: M Morse

RESOLVED: That the information be noted.

3 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO. 3) (20.00238)

Recommendation: That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 3);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.3) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate; and
- (c) call a division.

Report: Council adopted the Bathurst Regional (Interim) Development Control Plan (DCP) 2011 at its Ordinary meeting held on 16 February 2011. Council's DCP provides details and criteria for assessing Development Applications under Council's current Local Environmental Plan (Bathurst Regional (Interim) Local Environmental Plan 2005) (LEP).

Council has also recently adopted the Bathurst CBD & Bulky Goods Business Development Strategy at its meeting held 14 December 2011. This Strategy recommended an increase to the maximum permissible floor area for supermarkets at the Trinity Heights and Westpoint Neighbourhood Shopping Centres.

The Bathurst Regional (Interim) Development Control Plan (DCP) 2011 currently limits the permissible floor area for any individual shop in any neighbourhood shopping centre to 700m².

The purpose of this amendment is to:

Amend the maximum permissible floor area for supermarkets at the Trinity Heights and Westpoint Neighbourhood Shopping Centres to 2500m². The amendment implements the recommendation in the Bathurst CBD & Bulky Goods Business Development Strategy 2011 to increase the maximum permissible floor area of supermarkets at these locations from 700m² to 2500m². The maximum permissible floor area for other individual shops at these locations and for all individual shops (including supermarkets) at other neighbourhood shopping centres will remain at 700m².

The Development Control Plan (DCP) amendment will enable Council to consent to a supermarket with a maximum floor area of 2500m² at the Trinity Heights and Westpoint Neighbourhood Shopping Centres.

Council placed the draft DCP Amendment No. 3 on Public Exhibition for 28 days from 19 March 2012 to Monday 16 April 2012. Adjoining owners and the property owner were notified of the proposal. Council did not receive any submissions in relation to the proposed amendment.

Council should note that DCP Amendment No. 3 will become effective from the date of notification of Council's adoption in the Western Advocate.

Conclusion

The DCP Amendment No 3 implements Council's adopted CBD & Bulky Goods Business Development Strategy. Adoption of the amendment is therefore recommended.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 3: To protect a vibrant CBD and support and grow retail diversity. Strategy 3.1, 3.3
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

9 Item 3 BATHURST REGIONAL (INTERIM) DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT NO. 3) (20.00238)

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

RESOLVED: That Council:

- (a) adopt the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No. 3);
- (b) give notice of the adoption of the Bathurst Regional (Interim) Development Control Plan 2011 (Amendment No.3) in accordance with the requirements of the Environmental Planning and Assessment Act (1979), and note that the DCP does not become effective until notice is given in the Western Advocate; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - NIL

Absent - NIL

Abstain - NIL

4 NAMING OF PUBLIC ROADS – COATES DRIVE, DILLON DRIVE, GIBSONE DRIVE, KEANE DRIVE, MCGILLAN DRIVE, MENDEL DRIVE, REDDING DRIVE (20.00024)

Recommendation: That Council:

- (a) adopt the names Coates Drive, Dillon Drive, Gibsone Drive, Keane Drive, McGillan Drive, Mendel Drive and Redding Drive for the new subdivision off Eltham Drive and Graham Drive in the suburb of Kelso; and
- (b) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

Report: Council has received a request from Voerman & Ratsep Consulting Surveyors to name seven new streets in the subdivision of Lot 1, DP 1064148, off Eltham Drive and Graham Drive in Kelso. This subdivision was approved by Council on 20 May 2011 and Stage 1 is nearing completion.

A location map is provided at **attachment 1** and the plan of subdivision at **attachment 2**.

The following names have been nominated for use in the subdivision as they all have direct links to the suburb of Kelso:

COATES DRIVE

John William COATES – An educated Convict, Excise Officer, Police Clerk, School Teacher and Kelso landowner.

DILLON DRIVE

Mrs Mary DILLON – well-known early innkeeper at Kelso and celebrated personality around Kelso.

GIBSONE DRIVE

The GIBSONE Boys of ‘Kelsoville’ – The three brothers – Eric, Gerald and John who served in WWI from the same Kelso family. The spelling of GIBSONE with an “E” has been confirmed by local historian Carol Churches.

KEANE DRIVE

The Reverend John Espy KEANE – In 1825 was appointed as first Rector of Holy Trinity Parish Kelso which extended from Hartley to the West.

MCGILLAN DRIVE

Constable J MCGILLAN – A Policeman at Kelso from 1876 until September 1906. Amateur singer for charities (especially Catholic charities). It is understood that during his time at Kelso Constable MCGILLAN never once placed a Kelso resident under arrest!

MENDEL DRIVE

Frederick Moritz MENDEL – A Kelso volunteer who went to the Sudan War in 1885.

REDDING DRIVE

REDDING brothers – Three brothers who served during WWI – Arthur William Redding, Edgar Ebernezer (“Ted”) Redding, Francis S (“Frank”) Redding.

It is worth noting the extensive research undertaken by local historians Alan McRae and Carol Churches in the preparation of the above list of names.

The names comply with Bathurst Regional Council's *Guidelines for the Naming of Roads* .

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems. Strategy 24.2

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

10 Item 4 NAMING OF PUBLIC ROADS – COATES DRIVE, DILLON DRIVE, GIBSONE DRIVE, KEANE DRIVE, MCGILLAN DRIVE, MENDEL DRIVE, REDDING DRIVE (20.00024)

MOVED: I North SECONDED: G Hanger

RESOLVED: That Council:

- (a) adopt the names Coates Drive, Dillon Drive, Gibsone Drive, Keane Drive, McGillan Drive, Mendel Drive and Redding Drive for the new subdivision off Eltham Drive and Graham Drive in the suburb of Kelso; and
- (b) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.

5 DEVELOPMENT APPLICATION NO. 2012/0163 – TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT LOTS 2 & 3 DP 758840, 43 BATHURST STREET, PERTHVILLE. OWNER: P ETCCELL (DA/2012/0163)

Recommendation: That Council:

- (a) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 7 and 8;
- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 7 only;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0163 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 (boundary adjustment) at 43 Bathurst Street, Perthville, described as Lots 2 & 3 DP 758840. A location plan is provided at **attachment 1**.

Lot 2 is 7,031m² and contains a building previously used as a nursery. This property does not have a dwelling entitlement.

Lot 3 is 6,222m² contains an existing dwelling and associated out buildings.

The proposal

The proposal involves a boundary adjustment. A plan of the proposed development is at **attachment 2**.

The boundary adjustment is necessary to allow the retention of a bore on each property and to rectify some minor encroachments. The DA has been lodged by Council as part of the agreement with the owners regarding the construction of the Perthville Levee.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 1 (a) Inner Rural under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. A subdivision is permissible with consent in the 1 (a) Inner Rural zone. The proposal is consistent with the objectives of the zone.

The applicant has submitted a SEPP 1 Objection (see SEPP 1 Objection at **attachment 3**) in relation to the creation of proposed Lots 7 and 8 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 200 hectares;
2. The proposed lot sizes are consistent with the surrounding pattern of subdivision;
3. No new lots are created,
4. No new dwelling entitlements are being created, as only one lot (Lot 3) currently has an entitlement. This will remain the same following the boundary adjustment.
5. Both lots are connected to Councils reticulated water and sewer.

Concurrence

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

Need for Council Concurrence

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

The subdivision between the lots will not create any dwelling entitlements. Accordingly the SEPP 1 Objection is supportable.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

MINUTE

11 Item 5 DEVELOPMENT APPLICATION NO. 2012/0163 – TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AT LOTS 2 & 3 DP 758840, 43 BATHURST STREET, PERTHVILLE. OWNER: P ETCCELL (DA/2012/0163)

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

RESOLVED: That Council:

- (a) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 7 and 8;
- (b) support the variation to the 1(a) Inner Rural 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 7 only;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2012/0163 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

6 FORMER BATHURST SALEYARDS: UPDATE ON REMEDIATION ACTIVITIES (37.00347)

Recommendation: That the information be noted.

Report: Following the closure of the Bathurst Saleyards as a livestock selling facility, Council engaged Parsons Brinckerhoff to conduct a Phase II Environmental Site Assessment in 2010. This assessment found localised impacts from historic septic tank locations and recommended remediation in the 2011 Remedial Action Plan.

In November 2011, Council engaged Envirowest Consulting to implement the remediation activities recommended by Parsons Brinckerhoff. Those works are now completed. However, this remediation uncovered material that was thought to be asbestos, which was not identified in previous site assessments.

Following further investigation Asbestos material was confirmed to be located in two small sites, one near the previous remediation works area and another about twenty metres away. Council will now develop a consultant brief to remove the remaining asbestos fragments from the two locations and to conduct an 'emu pick' to remove any other isolated fragments. It is expected that the works will be completed by the end of June 2012. This is the final works to be completed and will result in site validation. The site has been remediated to a commercial or industrial standard.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.4
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.8

MINUTE

12 Item 6 FORMER BATHURST SALEYARDS: UPDATE ON REMEDIATION ACTIVITIES (37.00347)

MOVED: M Morse SECONDED: I North

RESOLVED: That the information be noted.

7 LAND IMPROVEMENT AWARDS (13.00064)

Recommendation: That the information be noted.

Report: Council has included a budget of \$20,000 in the 2011/12 Management Plan for the Land Improvement Awards. Two grants of up to \$10,000 are to be made available to landholders who commit to undertaking activities on their property which ensure the maintenance or enhancement of the land's ecological values, or the improvement and sustainability of their agricultural enterprises.

A panel of judges including Councillor Tracey Carpenter, Council staff and a representative of the Catchment Management Authority, inspected the shortlisted applicant's project sites on 2 April 2012. Site inspection and project assessment criteria included identified potential Natural Resource Management outcomes, demonstration of ongoing commitment, whether the projects were value for money and in line with current best-practice methods, and whether the project demonstrated innovation in land management.

The shortlisted projects in order of ranking are provided below:

Rank	Project Title	Project Description
1	Stabilising creek bank erosion and gully formation on Duramana Creek	"Stabilising creek bank erosion and gully formation on Duramana Creek" at Traveller's Rest, on Turondale Rd, Duramana. Ms Glanville's project set aside 5 hectares of productive land along the creek line for the project site. The project clearly identified a staged, best-practice approach to achieving the specific NRM goals of preventing further degeneration to the length of Duramana Creek that runs through the property (750m of creekline), whilst simultaneously connecting significant stands of remnant vegetation either side of the block with a biodiversity corridor, and as such increasing species diversity and overall health in the greater area.
2	Duraleigh Land Improvement: Riparian Zone	"Duraleigh Land Improvement: Riparian Zone", at Duraleigh on the Bridle Track, Duramana. Ms Armstrong and Mr Parker's project demonstrated innovation in land management through the use of natural methods for the removal of dense blackberry along 800m of creekline. Ms Armstrong and Mr Parker also demonstrated a long-term commitment to the project, as part of their overall farm plan, to increase the health of the creekline that runs through their property using ecologically sensitive methods.
3	Riparian fencing, exclusion and repair	"Riparian fencing, exclusion and repair" on Turondale Rd, Duramana. This project was part of a whole farm plan to connect remnant vegetation through the length of the property. The project included fencing off and excluding livestock from riparian areas, replanting native vegetation for the purpose of lowering the water table, reducing salinity and increasing groundcover to prevent further erosion.
4	Jarara Rehabilitation Plan	"Jarara Rehabilitation Plan", Rock Forest. This project was designed to rectify ongoing issues faced on the property caused by historic over-grazing, pest and weed infestation and erosion, to create a viable and sustainable grazing farm. The project demonstrated a whole-farm approach, with considerable NRM benefits anticipated from further enhancing the large patch of high quality remnant vegetation in the back corner of

		the property.
5	Duraleigh Land Improvement: Dam Zones	“Duraleigh Land Improvement: Dam Zones”, Duramana. This project demonstrated an innovative approach to completing the necessary agricultural function of providing water for stock. The project included the fencing off of dams to prevent erosion and water pollution, and then pumping water via a solar pump to a holding tank, to then allow gravity feed to water troughs. The project also proposed revegetation around the dams to improve water quality, attract wildlife and create shade over the water to prevent algal growth. The project was part of an overall farm plan.

The grants were awarded by the Judging Committee to:

1. Ann Glanville, for her project “Stabilising creek bank erosion and gully formation on Duramana Creek” at Traveller’s Rest, on Turondale Rd, Duramana. This project will result in a large section of creekline being protected and remnant vegetation linked via a 500m long wildlife corridor. Five hectares of land will be set aside for permanent conservation.
2. Cheryl Armstrong and Michael Parker, for their project “Duraleigh Land Improvement: Riparian Zone”, at Duraleigh on the Bridle Track, Duramana. This project showed innovation in land management through the use of livestock (goats) in the effective control of noxious weeds, resulting in enhanced land values without chemical application. The 800m of creekline will then be set aside for revegetation.

The successful applicants were announced at the official opening of the Royal Bathurst Show on Saturday, 28 April 2012 at 12:30 pm. Cr Greg Westman, Mayor of Bathurst, made the presentation as official Patron of the Show. Cheryl Armstrong and Michael Parker were present at the Show to receive a Certificate. Ann Glanville was an apology on the day. Successful applicants will shortly be required to sign a project grant agreement prior to receiving the first progress payment.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 2: To encourage, promote and protect the region’s primary resources. Strategy 2.2
- Objective 10: To protect and enhance the region’s biodiversity. Strategy 10.6, 10.8
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4
- Objective 33: To be and develop good leaders. Strategy 33.6

MINUTE

13 Item 7 LAND IMPROVEMENT AWARDS (13.00064)

MOVED: T Carpenter SECONDED: R Thompson

RESOLVED: That the information be noted.

8 PROPOSED CHANGES TO HEALTH INSPECTION OF MOBILE VENDORS AND TEMPORARY EVENTS (14.00065)

Recommendation: That the information be noted.

Report: The NSW Food Authority State Liaison Group recently advised Council that the Food Authority is currently drafting a policy that would make significant changes to the way mobile vendors and temporary events are inspected by Council Officers.

Council's Environmental Health Officers currently inspect food selling vendors at major events such as the Royal Bathurst Show, Bathurst 1000 and other temporary events that attract multiple mobile food outlets. Council considers that in a general sense that mobile vendors at temporary events are of "high risk" due to the lack of facilities (compared to a café or restaurant), the itinerant and casual nature of staff employed and greater potential exposure to temperature and vermin and high patronage.

The proposed changes, which are designed to "minimise any unnecessary duplication" of inspection would potentially result in:

- Introduction of a "home" Council jurisdiction rule for the carrying out of routine food safety inspections ie. the place where the van is based.
- Clear risk criteria to guide Councils and operators as to when additional inspections may be required.
- Recognition by Councils of a "current" (<12 month old) inspection report issued by the "home" Council.
- The scope of policy around fees and charges be limited to those charges linked to the food inspection process and the Food Act 2003 and Food Regulation 2010, namely the annual administration charge and the inspection fee.

Council's officers have significant concerns of the impact on the local and visiting public who attend the events if mobile food vendors are only inspected once a year.

The recent Royal Bathurst Show is an excellent example whereby numerous food vendors complained of having to be reinspected within a week of being inspected at the Royal Easter Show but still fail to comply with aspects of the food safety standards (eg. one outlet had frozen meat with a use by date of 2007 which operator claimed was for personal use and hot dog sausages with a use by date of June 2011). If mobile food vendors are failing to meet minimum standards after a short period, then Council has serious concerns regarding the health and hygiene of such vendors if they are only inspected annually. The risk of food borne illnesses resulting from such failures is considered to be unacceptable.

Council's Environmental, Planning & Building Services Department will therefore strenuously object to any such recommendations in the draft policy when it is released.

Financial Implications: Mobile food vendor inspections are currently required to pay for the inspections undertaken at these events.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 22: To improve community safety. Strategy 22.11
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.4, 30.7

MINUTE

14 Item 8 PROPOSED CHANGES TO HEALTH INSPECTION OF MOBILE VENDORS AND TEMPORARY EVENTS (14.00065)

MOVED: B Bourke SECONDED: I North

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 AND MINUTES
16 MAY 2012

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MAY 2012**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$62,931,107.58 was invested at 30 April 2012 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)	4.65%
Three Year Swap Rate - Commonwealth	4.28%

Short Term 1 – 365 Days

(Comprising Commercial Bills,

Debentures and Certificates of

Deposit:

	<u>Rating</u>		<u>Average Return</u>
Bank of Western Australia	A1+	\$5,500,000.00	5.85%
Bank of Queensland	A2	\$7,500,000.00	5.98%
Bendigo and Adelaide Bank	A2	\$4,000,000.00	5.89%
IMB	A3	\$9,000,000.00	5.87%
Maritime, Mining & Power Credit Union	ADI	\$3,000,000.00	5.76%
National Australia Bank	A1+	\$6,000,000.00	5.96%
People's Choice Credit Union	ADI	\$2,000,000.00	5.88%
Railways Credit Union	ADI	\$2,000,000.00	6.12%
SGE Credit Union	ADI	<u>\$1,000,000.00</u>	<u>5.85%</u>
		\$40,000,000.00	5.91%

Long Term

(comprising Commercial Bills, Term

Deposits and Bonds):

Committed Rolling Investments

Westpac	AA-	\$2,000,000.00	5.37%
Westpac	AA-	\$2,000,000.00	5.73%
Westpac	AA-	\$2,000,000.00	5.71%
Westpac	AA-	<u>\$2,000,000.00</u>	<u>5.33%</u>
		\$8,000,000.00	5.53%

Community Income Note

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

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

Commonwealth Bank	AA	\$2,000,000.00	5.45%
Commonwealth Bank	AA	<u>\$2,000,000.00</u>	<u>5.48%</u>
		\$4,000,000.00	5.46%

Floating Rate Notes

ANZ	AA-	\$2,000,000.00	5.59%
Barclays Bank PLC – Australia	AA-	\$2,000,000.00	6.11%
Bendigo Bank 2007	A-	\$2,000,000.00	5.63%
Bendigo & Adelaide Bank Retail Bond	A-	\$2,000,000.00	5.86%
The Royal Bank of Scotland – Australia	A+	<u>\$2,000,000.00</u>	<u>6.90%</u>
		\$10,000,000.00	6.02%

Total Investments **\$62,931,107.58** **5.76%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)		\$33,961,789.94	
Grants held for specific purposes		\$3,865,705.90	
Section 94 Funds held for specific purposes		\$21,509,665.47	
Unrestricted Investments – All Funds		\$3,593,946.27	
*General Fund	\$22,041.06		
*Water Fund	\$1,489,682.60		
*Sewer Fund	\$802,808.10		
*Waste Fund	<u>\$1,279,414.51</u>		

Total Investments **\$62,931,107.58**

**Total interest revenue to 30/04/2012
on investments** **\$3,118,720.41** **5.76%**

R Roach
Responsible Accounting Officer

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

MINUTE

15 Item 1 STATEMENT OF INVESTMENTS (16.00001)

MOVED: W Aubin SECONDED: P Toole

RESOLVED: That the information be noted.

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

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

Report: Bathurst Regional Council has in place the Bathurst 2036 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in Part VI of the Community Strategic Plan which was adopted by Council on 15 February 2012. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au. Shown at **attachment 1** is a listing of the Objectives and Strategies from the Bathurst 2036 Community Strategic Plan.

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

The Division of Local Government has now set a prescribed format for the Quarterly Budget Review Statement (QBRS). The new statement is in the same format as the requirements for the new Annual Operational Plan that will replace the Management Plan from 1 July 2012. The Report shown at **attachment 2** is in the format of a commercial Income and Expenditure Statement as per the Division of Local Government Guidelines. At **attachment 3** is an update of the 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 Maritime Services 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.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

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

MOVED: I North SECONDED: R Thompson

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

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

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

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre, Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 30 April 2012.

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:	\$	0.00
BMEC Community use:	\$	0.00
Mount Panorama:	\$	26,623.17

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

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

MOVED: B Bourke SECONDED: W Aubin

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- Ning Geng, D - Westbourne Drive - Lot 1140, DP1170286 - Transfer.
- Roughley Property P/L - Evernden Road - Lot 1141, DP1170286 - Transfer.
- Ballard B - Evernden Road - Lot 1144, DP1170286 - Transfer.
- Allman C - Evernden Road - Lot 1109, DP1170286 - Transfer.
- Brown S - Evernden Road - Lot 1131, DP1170286 - Transfer.
- Booth S & Press M - Evernden Road - Lot 1108, DP1170286 - Transfer.
- Hagney B - Westbourne Drive, Lot 1127, DP1170286 - Transfer.
- Locke M - Blaxland Drive, Lot 1121, DP1170286 - Transfer.
- Field D - Blaxland Drive, Lot 1117, DP1170286 - Transfer.
- Stephen M & C - Evernden Road, Lot 1105, DP1170286 - Transfer.
- Fulthorpe D & A - Evernden Road - Lot 1115, DP1170286 - Transfer.
- Taxi Cabs of Bathurst Co-op - Reid Park - Lot 1, DP6334401 - Transfer.
- Cutler Constructions P/L - Evernden Road - Lot 1114, DP1170286 - Transfer.
- Farroway B - Evernden Road - Lot 1136, DP1170286 - Transfer.
- Farroway S - Evernden Road - Lot 1134, DP1170286 - Transfer.
- Feebrey S - Evernden Road - Lot 1132, DP1170286 - Transfer.
- Barrow A & C - Evernden Road - Lot 1106, DP1170286 - Transfer.
- Law D - Evernden Road - Lot 1140, DP1170286 - Transfer.
- Kenwood Homes P/L - Westbourne Drive, Lot 1126, DP1170286 - Transfer.

Linen Plan Release

- Bayliss/BRC - Residential Subdivision - Lot G DP161903 , Lot B DP161789 - 447 and 449 Conrod Straight, Mount Panorama.
- Ratsep/H20 on Durham Pty Ltd Duel occupancy and two lot Residential Subdivision - Lot 19 DP812656 - 81 Opperman Way.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

18 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: T Carpenter SECONDED: P Toole

RESOLVED: That the information be noted.

5 ENTERPRISE RISK MANAGEMENT PLAN (03.00162)

Recommendation: That Council adopt the enterprise Risk Management Plan.

Report: Council has developed an Enterprise Risk Management Plan (ERM Plan) to assist in the implementation of an organisational approach to risk management. By adopting appropriate risk management measures Council seeks to achieve the following outcomes:

- limit council's risk profile
- achieve gains in efficiency at strategic and operational levels
- ensure transparency and accountability within Council

The Enterprise Risk Management Plan is a strategic document that requires input from all levels of Council, including Councillors.

The Draft Enterprise Risk Management Plan and Strategic Risk Register were recently presented to the Audit and Risk Management Committee (ARMC) for their consideration prior to submission to Council. The ARMC resolved to

" recommend to Council that Council refer the Draft Enterprise Risk Management Plan to a Working Party of Council for consideration of the risks, risk ratings, mitigation strategies and completion dates".

Council referred the consideration of the Draft Enterprise Risk Management Plan to a Working Party on 11 April 2012. Following from discussions at that Working Party some changes have been made to the ERM Plan and the Strategic Risk Register. The Strategic Risk Register is an attachment to the ERM Plan and may change over time as risks are removed or downgraded in priority.

The updated documents are provided for Councillors and it is recommended that Council adopt the Enterprise Risk Management Plan. The ERM Plan is shown at **attachment 1** and the Strategic Risk Register is shown at **attachment 2**.

Financial Implications: Implementation of strategies from the ERM Plan will occur as funding allows from within existing budgets.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

19 Item 5 ENTERPRISE RISK MANAGEMENT PLAN (03.00162)

MOVED: I North SECONDED: T Carpenter

RESOLVED: That Council adopt the Enterprise Risk Management Plan.

6 BEN CHIFLEY STEAM TRAIN CARRIAGES (23.00022-10/061)

Recommendation: That the information be noted.

Report: Councillors are aware that the carriages associated with the Ben Chifley Engine are located at the Orange East Fork Locomotive Depot.

Councillors have previously been advised by the Crown Solicitors Office that these carriages were purchased under the Charitable Trust Act 1993 and the subject of ownership disputes between Central West Rail Preservation and Bathurst Regional Council.

The Crown Solicitors Office advised that under the Charitable Trust Act 1993 that they would take possession of these carriages and arrange to dispose of them to a suitable authority.

The Crown Solicitors Office have advised that they have agreed to accept an offer by Southern Shorthaul Railroad for \$10,000. The Solicitor General has approved that the funds raised from the sale of the trust property is to be split 50/50 between Lithgow State Mine Railway Ltd /COC Ltd and Bathurst Regional Council. The \$5,000 income from the sale of these carriages is for the purpose of the maintenance of the Ben Chifley Engine which is on static display at the Bathurst Railway Station.

Financial Implications: Council will use the \$5,000 to offset maintenance costs.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 11: To protect the region's unique heritage and history. To protect a unique identity. Strategy 11.9

MINUTE

20 Item 6 BEN CHIFLEY STEAM TRAIN CARRIAGES (23.00022-10/061)

MOVED: G Hanger SECONDED: M Morse

RESOLVED: That the information be noted.

**7 REQUEST FOR FINANCIAL ASSISTANCE - THE LIONS CLUB OF BATHURST INC
(18.00004, 23.00013-03/081)**

Recommendation: That Council:

- a) advise The Lions Club of Bathurst Inc that the banner space in William Street is booked out.
- b) provide a Civic Reception for officials and delegates, which could be funded from Council's Section 356 Donations.
- c) advise The Lions Club of Bathurst Inc that it is their responsibility to invite State and Federal members to the Civic Reception.

Report: Council has received a request from The Lions Club of Bathurst Inc to:

- a) Provide a banner across William Street welcoming Convention delegates.
- b) Host a Civic Reception for approximately 30 Officials & Delegates.
- c) Extend an invitation to both the State and Federal Members speaking at the Conference to the Civic Reception.

A copy of the request is provided at **attachment 1**.

The Lions Club of Bathurst Inc is to host the District 201-N4 Convention on the weekend from the 19 to the 21 October 2012. It is expected that a contingent of 250 Lions and partners will attend the event.

Lions District 201-N4 has 56 clubs ranging from Springwood in the east to Ivanhoe in the West, the Queensland border in the North and Darlington Point in the South. Major Clubs include Griffith, Wagga Wagga, Dubbo, Orange, Bathurst, Lithgow, Parkes and Cowra.

In relation to The Lions Club of Bathurst request the following is provided for Councillors information:

- a) The banner across William Street is completely booked out prior to this event and is therefore not available for promotion of the Lions Club Convention.
- b) The cost to hold a civic reception would be approximately \$1000.
- c) Council normally provides the venue and catering for Civic Receptions only. Inviting attendees to these functions is the responsibility of the organisation (in this case the Lions Club).

It is therefore recommended that Council:

- a) advise The Lions Club of Bathurst Inc that the banner space in William Street is booked out.
- b) provide a Civic Reception for officials and delegates, which could be funded from Council's Section 356 Donations.
- c) advise The Lions Club of Bathurst Inc that it is their responsibility to invite State and

Federal members to the Civic Reception.

Financial Implications: Section 356 Donations currently has a nil balance although the approximate cost of holding the Civic Reception would be \$1000 which could be funded from Council's Mount Panorama Fee Subsidy which currently has a balance of \$26,623.17.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.2

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

MINUTE

21 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - THE LIONS CLUB OF BATHURST INC (18.00004, 23.00013-03/081)

MOVED: B Bourke SECONDED: R Thompson

Cr North declared a non pecuniary interest in this item and took part in discussions and voting.

Reason: Member of The Lions Club of Bathurst Inc.

RESOLVED: That Council:

- a) advise The Lions Club of Bathurst Inc that the banner space in William Street is booked out.
- b) provide a Civic Reception for officials and delegates, which could be funded from Council's Section 356 Donations.
- c) advise The Lions Club of Bathurst Inc that it is their responsibility to invite State and Federal members to the Civic Reception.

8 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT INC (18.00004, 18.0004-25/102)

Recommendation: That Council donate \$500 to Central Tablelands Woodcraft Inc towards the cost of promoting their club through media outlets from Section 356 Donations.

Report: Council has received a request from Central Tablelands Woodcraft Inc for financial assistance of \$1,500 to assist with increasing the public awareness of their club by using media outlets for the Craft and Art on Show exhibition. A copy of the request is provided at **attachment 1**.

The President advises that they are a non-profit organisation who wants to increase their membership and awareness to encourage more people to participate in this organisation.

Council has previously assisted Craft on Show exhibition in 2009 (\$200) and 2010 (\$250).

Financial Implications: Section 356 Donations currently has a nil balance although this request could be funded from Council's Mount Panorama Section 356 Donations which currently has a balance of \$26,623.17.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6

MINUTE

22 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL TABLELANDS WOODCRAFT INC (18.00004, 18.0004-25/102)

MOVED: P Toole SECONDED: I North

RESOLVED: That Council donate \$500 to Central Tablelands Woodcraft Inc towards the cost of promoting their club through media outlets from Section 356 Donations.

9 LEHMAN BROTHERS HOLDINGS INC (34.00061-04/014)

Recommendation: That the information be noted.

Report: Councillors are aware that during the Global Financial Crisis Council had purchased a Floating Rate Note for \$1 million from Lehman Brothers Holdings Inc as part of its investment program.

On advice from Council's auditors Council wrote off the \$1 million in the 2009/2010 financial year and was recorded within Council's books as a write off.

Council has been dealing with a bankruptcy solutions firm in the USA in respect to the release of some funds from this investment. Council has received advise from EPIQ Bankruptcy Solutions of a distribution of funds in accordance with this matter.

Council has received a cheque for \$29,341.53 being a distribution of funds from the sale of assets.

Financial Implications: Council will include these funds in its general fund.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

MINUTE

23 Item 9 LEHMAN BROTHERS HOLDINGS INC (34.00061-04/014)

MOVED: P Toole SECONDED: T Carpenter

RESOLVED: That the information be noted.

10 REQUEST FOR FINANCIAL ASSISTANCE - LOCAL GOVERNMENT & SHIRES ASSOCIATION OF NSW (03.00025/061)

Recommendation: That Council approve the request for assistance with the funding of legal costs incurred by Blacktown City Council amounting to \$160.49 from Council's Legal Costs.

Report: Council has received advice through the Local Government & Shires Association of NSW (LGA) that Blacktown City Council is taking a matter to the Administrative Decisions Tribunal (ADT) regarding the performance assessment report of the General Manager. The advice is shown at **attachment 1**.

Blacktown City Council have been approached to supply this information under the Government Information (Public Access) Act (GIPA) and have refused the application. The Office of the Information Commissioner (OIC) has supported the view of the applicant for this information, claiming that it is in the public interest to release this information. Blacktown City Council has resolved to defend the decision in the ADT.

The cost of defending this matter will be \$12,000 of which the LGA have advised that Bathurst Regional Council's contribution is \$160.49 as set out in the terms of the Legal Assistance Policy and Guidelines.

Financial Implications: The \$160.49 could be funded from Council's legal allocations.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

24 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - LOCAL GOVERNMENT & SHIRES ASSOCIATION OF NSW (03.00025/061)

MOVED: M Morse SECONDED: T Carpenter

RESOLVED: That Council approve the request for assistance with the funding of legal costs incurred by Blacktown City Council amounting to \$160.49 from Council's Legal Costs.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES
16 MAY 2012

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MAY 2012**

General Manager
Bathurst Regional Council

1 ROCKLEY WASTE TRANSFER STATION (14.00007)

Recommendation: That the information be noted.

Report: At the April 2012 Policy Committee meeting, a report was requested on the opening hours of the Rockley waste transfer station. Rockley is Council's only manned rural waste facility, and is currently open from 1pm to 5pm on Wednesdays and Saturdays, and during daylight savings it is open from 2pm to 6pm on Wednesdays and Saturdays.

On Wednesdays the transfer station is staffed by a Council Waste Collection Service employee who travels from Bathurst and returns afterwards. On Saturdays, it is staffed by depot works staff.

The reasons behind Rockley being the only manned rural waste facility are that Council had contaminated waste (asbestos) and industrial waste being dumped, with a lot of waste coming from out of Council's area. The fill rate increased markedly, and staff were unable to properly monitor or maintain the facility. The facility is Council owned and maintained, and meant for Household waste only not commercial or industrial waste. The reason the Rockley tip was (the only) manned tip in the rural area was that it was treated so poorly. With staff in attendance the station is used correctly, with minimal issues currently.

The Rockley Waste Transfer Station is no longer a tip, but is a manned transfer station with 2 x 30m³ waste bins, a 15m³ metal only bin, 30 co-mingled recycling bins, and a 1,500L waste oil container. Servicing is arranged as required (usually weekly). Council would be aware that the 2011/2012 waste management levy that applies to all rural properties with access to transfer stations is \$65 per year.

Previously the Rockley facility was the most abused in Council's area, and following the conversion to a transfer station and including staffing in March 2003, this site is now the model facility for rural waste sites. This model may need considering at other rural facilities into the future.

It is considered that the two days of four hours opening per week (8 hours in total) are more than adequate to allow the Rockley and nearby residents (estimated to be around 200 people) to dispose of their domestic waste. Council has no records of feedback from residents about the open days and hours, however there are rarely if any queues when the facility is open, and nor are there any dumping issues of note. Any increase in hours would require additional funding to that provided in the Management Plan.

Financial Implications: Nil, at this stage.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 16: To encourage sustainable waste Strategy 16.1

management practices, incorporating opportunities for energy generation.

- Objective 22: To improve community safety. Strategy 22.5
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.1
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

25 **Item 1 ROCKLEY WASTE TRANSFER STATION (14.00007)**

MOVED: W Aubin SECONDED: P Toole

RESOLVED: That the information be noted.

2 NSW LONG TERM TRANSPORT MASTER PLAN (18.00194)

Recommendation: That the information be noted.

Report: A discussion paper on the NSW Long Term Transport Master Plan was released by the NSW Government on 24 February 2012 with a view to provide the public with the opportunity to have a say in the transport planning future for New South Wales over the next 20 years.

The focus of the plan is in the setting of objectives for transport and to identify the priorities to establish a truly integrated transport system to meet a wide range of needs.

The purpose of the Discussion Paper was stated by Transport for NSW as being to:

- Examine the issues, challenges and opportunities facing the transport system in Sydney and across NSW.
- Put forward some options to stimulate debate, in particular asking how innovation and carefully integrated planning and investment might achieve a sustainable transport system that meets the state's needs.
- Seek views from the community and industry on how the NSW Long Term Transport Master Plan should respond to the issues, challenges and opportunities facing the transport system.

A series of Regional Forums were held throughout NSW with the Central West forum held in Orange on the evening of Thursday 26 April. The Mayor Councillor Westman and the Director Engineering attended on behalf of Council.

The forums are one of the processes undertaken as part of the consultation program of Transport for NSW which also includes strategy meetings with advisory groups, one on one consultation and on line surveys and social media.

It was indicated by Transport for NSW that at the Orange forum 47 participants had registered to attend but an estimated approximately 100 were in attendance representing not only Councils but also transport and general public with interest in road, rail and cycling.

The NSW Government was represented by the Minister for Roads and Ports Duncan Gay, Minister for Transport Gladys Berejiklian and the Minister for Western NSW Kevin Humphries together with the Member for Bathurst Paul Toole and Member for Orange Andrew Gee.

The forum was addressed and advised of the reason for the discussion paper and the plan and the structure of the forum and then subsequently addressed by both the Minister for Roads and Minister for Transport.

Those attending were generally seated at group tables of up to 8 including representatives of Transport for NSW with two questions asked of the forum being:

- What are the Transport Challenges for the Central West Region
- What are the desired long term transport outcomes for the Central West region.

The information provided by the tables was subsequently collated and general outcomes published by Transport for NSW as follows:

The transport challenges for the Central West region:

- Maintaining regional flight access to Kingsford Smith airport.
- Improving the connectivity and integration between modes and services.
- Improving public and community transport access especially as the region's population ages.
- Funding for the spectrum of transport services and infrastructure.
- Freight – shifting freight off road and onto dedicated rail and establishing regional freight hubs.
- Planning for the growth of regional centres through a coordinated approach to land use planning and transport.
- Improving regional links – for example the Bells Line of Road, and connections between Mudgee to Orange.
- Prioritising key road and rail infrastructure.
- Improving the reliability and frequency of rail.
- Road safety.
- Enabling industry and government departments to work together towards shared outcomes.

The desired long term transport outcomes for the Central West region:

- Delivery of the Bells Line of Road – safer, more efficient, possibly with a rail link or second crossing over the Blue Mountains.
- A cost effective transport system.
- A freight system that focuses on rail rather than roads with regional, multi-modal interchanges, e.g. at Parkes.
- Increased investment in roads to ensure safety for future generations, e.g. through more funding or innovative user pays systems; with bypass routes for heavy vehicles; with overtaking lanes.
- Co-ordinated and integrated transport that connects the region with Sydney and other regional centres.
- Improved rail services including improved timetabling and linkages to other services.

From discussion and feedback on the night every table highlighted the need for the provision of the upgraded Bells Line Expressway and a high level of the need for rail improvement and connectivity to the road transport system.

Following the closure of submissions on 27 April, Transport for NSW proposes to release a Draft Plan mid 2012 and the release of the final Long Term Transport Master Plan in November 2012.

Financial Implications: Nil at this stage

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.1, 7.2, 7.3, 7.4, 7.6
- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1, 6.2

- Objective 14: To encourage less car dependency. Strategy 14.2, 14.4
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.7

MINUTE

26 Item 2 NSW LONG TERM TRANSPORT MASTER PLAN (18.00194)

MOVED: I North SECONDED: W Aubin

RESOLVED: That the information be noted.

3 RAGLAN CREEK (31.00006)

Recommendation: That the information be noted.

Report: At the Policy Committee meeting of the 4 April 2012, Council requested a report on the proposal to carry out clearance work along Raglan Creek to address flooding concerns on the Great Western Highway and adjacent property.

Council's Environmental staff have carried out a review of the environmental issues associated with dredging a section of Raglan Creek and this together with information on the hydraulics of the system from the Engineering Department form the amalgam of the report.

For the purposes of this review, 'dredging' includes the removal of vegetation and earth to create a wider, deeper and more uniform system within the channel. The channel itself would not be modified.

This review will assume that the dredging would occur along a section of the creek, commencing on the northern side of the Great Western Highway (Learmonth Park, Lot 5 DP 776928 Sydney Road) and concluding in proximity to the St Pat's Club (234 Gilmour Street, Kelso) a distance of approximately 2.2km. A map of the subject site is at **attachment 1**. A substantive part of this length is in private ownership. Dredging immediately above and below (± 10 m) of the creek crossing to remove blockages is already conducted as part of existing flood mitigation activities and therefore is not considered as part of this review. Engineering assessments (i.e. flood modelling and impact of flood behaviour) are not considered as part of this review.

Representatives of the NSW Office of Environment & Heritage and NSW Department of Primary Industries (Fisheries) have been consulted as part of this review.

RAGLAN CREEK HYDRAULICS

In a 1% Average Exceedance probability (AEP) event, Raglan Creek at the Great Western Highway carries a total flow of approximately 106 cubic metres per second. In a 5% AEP event, this flow reduces to approximately 53 cubic metres per second with a 20% AEP event 26 cubic metres per second.

The capacity of the culverts at the Great Western Highway has been calculated to have a capacity of approximately 17 cubic metres per second, which is considerably lower than the 20% AEP Raglan Creek event. The consequence of this capacity means that regardless of the capacity of the Raglan Creek Channel, the Great Western Highway will suffer some degree of inundation in events of 20% AEP and greater.

The capacity of the Raglan Creek channel, when flowing to top of bank, downstream of the Great Western Highway, has a capacity with the existing vegetation in place of approximately 5 cubic metres per second. With the vegetation removed and Raglan Creek subsequently kept with grass lined batters and earth base, the capacity would increase to approximately 8 cubic metres. It is acknowledged that removal of vegetation improves the flowrate, however when compared against the 20% AEP of Raglan Creek, of 26 cubic metres per second the improvement is insignificant.

It should be noted that Raglan Creek can experience extensive flows at times when the Macquarie River has not had a significant change to its level. However, when the Macquarie River is experiencing flooding, the Macquarie river floodplain will become operational in events slightly larger than 5% AEP and so will significantly impact the flow regime of Raglan Creek.

The length of Raglan Creek from the Great Western Highway to its discharge point at the Macquarie River is over 2.2 kilometres, with a significant portion of it in private ownership. A significant increase in capacity is required so that the existing creek alignment can cater for even a 5% AEP event, which will also require extensive culvert upgrades to the Great Western Highway, Hereford Street, Church and Stevens Lane.

For this reason it is considered that the proposed diversion channel upstream of the Great Western Highway will be a more cost effective, simpler and more practical solution to the issue of both interruptions to traffic flow on the Great Western Highway and localised flooding issues to the Raglan Creek floodplain.

History of Raglan Creek

Prior to European settlement, Raglan Creek as it existed along the floodplain would have consisted of a series of sinuous interconnecting streams, swamps and ponds. It is likely to have had numerous connections to the Macquarie River along its length. Activities such as cropping, dredging and road and railway building have resulted in a singular channelised system which concentrates flows and provides limited opportunity for dispersal except to the floodplain. The construction of the Great Western Highway and the railway line and development of the Kelso area has meant that a catchment area of approximately 23 square kilometres now converges at a single point at the road.

The creek was historically dredged in an attempt to increase the flow of water and reduce the impact of flooding on road users. This practice ceased as it was increasingly recognised that the presence of flexible reeds in the bed, and the extremely low gradient (~0.09%) meant that the minor changes to the channel made little difference to the large volumes of water attempting to move through the single channel system. There is also anecdotal evidence that significant species such as the endangered Green and Golden Bell Frog have not been seen in the creek system since dredging activities commenced around the 1970's. Though heavily modified, Raglan Creek feeds at least one seasonal wetland on private land, which is known to support listed threatened species and species covered by international migratory bird conventions. The creek itself is also known to provide important wildlife habitat.

Benefits of current situation

Maintaining instream vegetation has a variety of recognised benefits that extend far beyond just directly providing habitat for local wildlife species. Such benefits include:

- Collecting rubbish that would otherwise reach the Macquarie River;
- Reeds and rushes filter nutrients, coliforms and pollutants from the water and therefore help to maintain water quality;
- Provides essential creek bed and bank stabilisation and therefore reduces the likelihood of erosion and soil loss;
- Provides habitat for threatened species;
- Has the potential to reduce flow rates, reduce or minimise downstream flood impacts and increase groundwater absorption.

Potential Environmental IMPACTS of undertaking dredging

The possible detrimental impacts of dredging would therefore include:

- Increase pollution to lower Raglan Creek and Macquarie River.
- Increased erosion, bank slumping and sediment loss.
- Loss of protected and threatened species habitat.

- Increased downstream flood impacts due to higher pulse flows through the Raglan Creek
- Impact to downstream protected and threatened species habitat due to increased pollution and sediment migration resulting in reduced water quality and flood impacts.

Potential Environmental Benefits of undertaking dredging

Some wildlife species may favour open and clear water channels, and therefore, the dredging of the creek may enhance habitat for some species. However, it would need to be conducted in discrete locations (i.e. creating separate pools) and any benefits for individual species may be outweighed by the extensive loss of habitat for other species.

Some members of the Bathurst community may prefer open waterways and therefore there may be some increased visual amenity associated with removing instream vegetation.

Current Council Obligations

Council has existing obligations to maintain the Raglan Creek structure for a variety of reasons including to meet its charter under the Local Government Act which includes to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development. Raglan Creek has been the focus of a range of rehabilitation and waterway improvement works over the past decade. This has included Central West Catchment Management Authority funded work to remove weeds and plant native species upstream of the Great Western Highway.

Raglan Creek is also visited by the local birdwatching community and is recognised as providing important wetland bird habitat where a variety of native bird species may be observed.

Urban Waterways management plan

In 2010, Council adopted the Urban Waterways Management Plan (UWMP). The UWMP was funded by the Central West CMA and is the first comprehensive document that reports on the current condition of the 6 main urban waterways, including Raglan Creek, and provides long-term strategies for their management and restoration. The UWMP recognises the following continuing threats as operating within the Raglan Creek subcatchment:

1. Grazing and cropping;
2. Erosion and movement of sediment and nutrients;
3. Urban expansion and stormwater pollution;
4. Dredging of channels;
5. Change in hydrology (flow regimes and connection to floodplains and other water courses).

The UWMP was developed with extensive consultation with Council, state government and the local community. Relevant recommendations from the UWMP (pp137 & 138) with regard to the Raglan Creek include:

- (a) Constructing a levee parallel to the Road (GWH) to prevent water crossing the road. This would also increase discharge rates through the culvert and channel.
- (b) Construct a channel or pipe upstream of the road culvert to direct water directly to the Macquarie River. (This is the current proposal by Council)
- (c) Replace culvert with a larger unit. Flooding may still impact upon the road.

Dredging is not a recommendation of the plan and is recognised as a threat to environmental qualities of urban waterways.

Land Management

As a land manager and local authority, Council also has obligations to ensure activities do not adversely impact upon surrounding lands, water and native flora and fauna. Dredging the channel may result in:

- Increased water velocity resulting in greater erosion of the bed and bank, requiring additional maintenance;
- Increased discharges resulting in altered flooding impacts on downstream properties;
- Increased pollutant (rubbish, chemicals, nutrients, sediment) migration which can impact upon downstream landholders and identified threatened species habitat.
- Reduced habitat for native animals including fish, frogs and birds.
- Reduced visual amenity due to the above impacts.

Bathurst 2036 Community Strategic Plan (2036 Plan)

As part of the 2036 Plan development in 2011, Council undertook extensive community consultation and reviewed all previous Council plans and documents. Relevant to the Raglan Creek environment are several objectives whereby Council needs to ensure that the proposed activity is in concurrence with the needs and expectations of the community:

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development.
- Objective 7: To support Integrated Transport Infrastructure Development.
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River.
- Objective 10: To protect and enhance the region's biodiversity.
- Objective 12: To protect and enhance water quality and riparian ecology.
- Objective 22: To improve community safety.
- Objective 24: To provide and support the provision of accessible, affordable and well planned transport systems.
- Objective 28: To plan for the growth of the region and the protection of the region's envi-ronmental, economic, social and cultural assets.
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community.
- Objective 33: To be and develop good leaders.

Public Consultation

Aside of the general requirements of the above, additional public consultation may be required to ascertain the overall community view with regards to any potential dredging activity.

Considering the amount of private land potentially impacted by the activity, consultation with affected landholders resulting in an agreement to undertake works on their land may also be necessary.

INVESTIGATIVE SURVEYS

Prior to implementing any actions, Council would be required to undertake ecological surveys. This would include a flora and fauna survey to identify a representative sample of species and communities within the subject site and study area. Results from this survey will then be used to formulate any additional environmental review or permit/approval

application.

Legislative Requirements

There are several pieces of legislation that were created to manage impacts upon waters, fisheries and threatened species and are relevant to this review. The following provides an overview of what needs to be considered to undertake dredging activities in any third order stream such as the Raglan Creek.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION (EPBC) ACT 1999

The Commonwealth EPBC Act requires ministerial approval for actions that may have a significant impact on matters of national environmental significance. Under sections 18 and 20 of the Act, actions which have a significant impact upon listed threatened species, listed threatened ecological communities and listed migratory species.

Council would therefore be required to undertake a Review of Environmental Factors (REF) prior to undertaking dredging activities. Should any significant impacts upon threatened species be identified, then a 'Referral of Proposed Action' would need to be made to the Commonwealth Minister to determine if further approvals are necessary.

LOCAL GOVERNMENT (LG) ACT 1993

The LG Act provides exemptions under Section 733 so that:

1. A council does not incur any liability in respect of:
 - (a) any advice furnished in good faith by the council relating to the likelihood of any land being flooded or the nature or extent of any such flooding, or
 - (b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.

This exemption from liability including carrying out or not carrying out flood mitigation works as long as Council is acting in good faith, basin actions and development on merit and in accordance with ecologically sustainable development principles as per the NSW Floodplain Management Policy.

Council is not liable for not undertaking activities if the decision is based upon potential for environmental risk.

Environmental Planning & Assessment (EP&A) Act (1979)

Dredging is classed as an 'Activity' under Part 5, Section 110 of the EP&A Act and therefore does not require development consent. However, Section 111 of the EP&A Act states that Council should:

“take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.”

Council currently uses the Review of Environmental Factors (REF) process as the minimum environmental assessment required for an activity.

Council would therefore be required to undertake a Review of Environmental Factors (REF) prior to undertaking dredging activities. Should any impacts upon threatened species be identified, then an Assessment of Significance would need to be

undertaken. Council does not require development consent under the EP&A Act.

Native Vegetation (NV) Act 2003

The clearing of vegetation is protected unless it is classed as regrowth under Section 7 or is excluded under Section 12 of the NV Act as it can be approved under the Fisheries Management Act (1994).

Vegetation removal approval as part of dredging works is not applicable as it may be classed as regrowth under the NV Act and requires approval under the FM Act.

State Environmental Planning Policy (SEPP) (Infrastructure)

Dredging would be classed as 'Flood Mitigation Work' under Division 7 of the SEPP as, per Section 49, it includes:

“excavation, construction or enlargement of any fill, wall or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.”

Under Section 50 of the SEPP, Council would be able to undertake such development for the purposes of flood mitigation without development consent.

Council can undertake dredging activities without development consent under the SEPP (Infrastructure).

Water Management (WM) Act (2000)

Dredging activities are classed as controlled activities under the WM Act (2000). As per Section 91E of the WM Act, a controlled activity approval from the NSW Office of Water is required, unless exempt, for controlled activities carried out in, on or under waterfront land (rivers, lakes estuaries etc).

A controlled activity means:

“the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise,”

Water Management (General) Regulation 2011

Council, as a local authority, may apply for a 'Subdivision 4 Exemption from requirement for controlled activity approval'. Section 38 of the WM Regulation states:

38 Controlled activities—public authorities

“A public authority is exempt from section 91E (1) of the Act in relation to all controlled activities that it carries out in, on or under waterfront land.”

Council is therefore exempt from requiring a Controlled Activity Approval under the Water Management Act 2000. Consultation with the NSW Office of Water is recommended.

Fisheries Management Act (1994) (FM Act)

Under the FM Act, a local government authority proposing to undertake dredging, excavation or removal of material (including large woody debris, aquatic vegetation, boulders, gravel beds) reclamation or filling work within a waterway requires a Part 7 permit from NSW Department of Primary Industries (DPI) unless the work has been authorised under the

Crown Lands Act 1989 or by a relevant public authority (not a local government authority).

DPI, (www.dpi.nsw.gov.au) which enforces the FM Act, states:

“There are instances where NSW DPI will approve dredging and reclamation, such as for essential public navigation and environmental rehabilitation purposes. However, it's unlikely the activity would be allowed if it would:

- reduce water quality
- damage or destroy marine vegetation, including mangroves, seagrasses, and wetlands
- damage or destroy riparian vegetation, gravel beds, reefs, or snags, or interfere with commercial and recreational fishing or aquaculture activities.”

Under Schedule 6 of the FM Act, dredging is classed as a key threatening process as it may result in “Degradation of native riparian vegetation along New South Wales water courses” and results in the “Removal of large woody debris from New South Wales rivers and streams.”

A Part 7 permit is controlled via Division 3 of the FM Act. Under Division 3, Section 198A:

“dredging work means:

- (a) any work that involves excavating water land, or
- (b) any work that involves the removal of material from water land that is prescribed by the regulations as being dredging work to which this Division applies.

water land means land submerged by water:

- (a) whether permanently or intermittently, or
- (b) whether forming an artificial or natural body of water,”

Section 200(1) of the FM Act states

- (1) A local government authority must not carry out dredging or reclamation work except under the authority of a permit issued by the Minister.
Maximum penalty: 2,000 penalty units.

Council is required to seek a Part 7 permit from the NSW Department of Primary Industries to undertake dredging work. Should the REF show that aquatic threatened species or threatened species habitat exists within the subject site and that they may be significantly impacted by the works, then this application would need to include a Species Impact Statement.

Threatened Species Conservation (Tsc) Act (1993)

Under Section 91(1) of the TSC Act, a ‘License to Harm’ is required should any action be undertaken that results in one or more of the following:

- (a) harm to any animal that is of, or is part of, a threatened species, population or ecological community, and
- (b) damage to habitat of a threatened species, population or ecological community.

Should the REF show that threatened species or threatened species habitat exists

within the subject site (direct impact zone) or study area (indirect impact zone) and that they may be damaged or harmed by the works, then Council may be required to submit an application for a permit to harm. This application would need to include a Species Impact Statement.

National Parks & Wildlife (NP&W) Act (1974)

Part 7 of the NP&W Act provides details with regards to fauna. Sections 98(1) and 99(1) deal with protected local and interstate fauna, other than threatened species. The Act states that a person must not harm such fauna unless the activity that results in such harm is approved under another Act. This includes approved activities under Part 5 of the EP&A Act.

It does not include harm to threatened species which would therefore trigger Section 91 of the TSC Act.

Council is not required to seek a Section 120 or 121 approval (Permit to Harm) under the National Parks & Wildlife Act (1974).

Conclusion

The following actions would therefore be required should Council wish to pursue undertaking dredging work as part of flood mitigation activities in a third order stream such as Raglan Creek.

1. Show benefit from dredging the creek through flood modelling and engineering diagrams.
2. Undertake community and state government (NSW Office of Water, NSW Office of Environment & Heritage, NSW DPI Fisheries) consultation with regards to the proposed works.
3. Undertake a Flora and Fauna Study
4. Undertake a Review of Environmental Factors (or Environmental Impact Statement) to assess environmental impacts from dredging activities.
 - a. If threatened species or habitats are identified in the flora and fauna study, complete an Assessment of Significance (AoS).
 - b. If a significant effect on threatened species is identified through AoS, complete a Species Impact Statement.
5. Obtain a Fisheries Management Act (1994) Part 7 Approval from the NSW Department of Primary Industries.
6. Negotiate with Office of Environment & Heritage with regards to the need to obtain a Permit to Harm under the Threatened Species Conservation Act (1993).

It should be noted that the proposal to construct an overflow open channel upstream of the Great Western Highway has been pursued by both Council and the Roads and Maritime Services (RMS) with the completion of extensive project and environmental documentation by the RMS.

The application to construct this project has been lodged with the NSW Office of Water for approval and the RMS is confident of available funding for the project in the 2012/2013 financial year.

Financial Implications: There are no costs associated with this environmental review. Costs associated with proposed alternative works will be sourced from the NSW Roads & Maritime Services.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.6
- Objective 7: To support Integrated Transport Infrastructure Development. Strategy 7.1, 7.5
- Objective 9: To protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River. Strategy 9.2, 9.5, 9.7, 9.9
- Objective 10: To protect and enhance the region's biodiversity. Strategy 10.4, 10.11
- Objective 12: To protect and enhance water quality and riparian ecology. Strategy 12.1, 12.2, 12.6, 12.11

MINUTE

27 **Item 3 RAGLAN CREEK (31.00006)**

MOVED: B Bourke SECONDED: R Thompson

RESOLVED: That the information be noted.

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND MINUTES
16 MAY 2012

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MAY 2012

General Manager
Bathurst Regional Council

1 AUSTRALIAN FOSSIL & MINERAL MUSEUM - SOMERVILLE LECTURE (TUESDAY, 17 APRIL 2012) (20.00060)

Recommendation: That the information be noted.

Report: The Australian Fossil and Mineral Museum holds an annual lecture to raise funds and promote the Museum.

This year the venue was the new Flannery centre and the third Somerville Lecture was entitled, "Reconciling Modern Climate Change with the Geological Record", the lecture was presented by Dr Andrew Rawson a Senior Scientist (Climate Change) within the Office of Environment and Heritage and Adjunct Associate Professor at Charles Sturt University, Orange, teaching climate change science.

The talk focused on the evidence used by geologists to infer past environments and hence climates and how this has become a key element in the arguments between climate scientists and sceptics. Dr Rawson also provided an update on modern climate change and promoted the view that despite the relatively cooler, wetter years of late, the problem hasn't gone away.

Professor Warren Somerville spoke to introduce Dr Rawson.

The lecture was well attended with some 120 people coming, and was an appropriate first night for the new Flannery centre.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.2, 20.6

MINUTE

28 Item 1 AUSTRALIAN FOSSIL & MINERAL MUSEUM - SOMERVILLE LECTURE
(TUESDAY, 17 APRIL 2012) (20.00060)

MOVED: I North SECONDED: T Carpenter

RESOLVED: That the information be noted.

2 CHIFLEY HOME AND EDUCATION CENTRE & CHARLES STURT UNIVERSITY - LEARNING AND TEACHING IN PUBLIC SPACES (21.00112)

Recommendation: Council receive and note Chifley Home and Education Centre's participation in the Learning and Teaching in Public Spaces 2011-13 research project; in collaboration with Charles Sturt University.

Report: Chifley Home and Education Centre is one member of an elite collaboration of Museums and Universities that has been successful in receiving Australian Learning and Teaching Council 2011-13 Innovation and Development Research project funding. The project '*Learning and Teaching in Public Spaces 2011-13*' has been designed to:

- * To provide pedagogical support for curriculum renewal in pre-service education, social science and humanities course programs;
- * Distil these principles into a framework for effective collaboration with museums;
- * Produce guides and a digital resource; and
- * Analyse the process and products to inform a final version of pedagogical resources.

The desired outcomes of the research project to enhance learning and teaching within higher education are identified as:

- * The development of a national pedagogical resource for Higher Education Humanities/Arts and Social Science staff to assist them to collaborate with museums effectively as learning spaces/sites; and
- * To develop understanding and principles that will equip universities to engage with museums effectively so that they may involve students in the processes that develop dispositions towards active citizenship through authentic, purposeful learning which has a public use.

This collaboration effectively pairs a University with a Museum. The members include:

Higher Education Institution	Museum
Victoria University	Immigration Museum (Melbourne)
Deakin University (Victoria)	Flagstaff Hill Maritime Museum (Warrnambool) and Immigration Museum (Melbourne)
Queensland University of Technology	Redland Museum (Brisbane)
Charles Sturt University (New South Wales)	Chifley Home and Education Centre (Bathurst)

This project carries further research undertaken by Victoria and Deakin Universities, together with the Immigration Museum and Flagstaff Hill Maritime Museum that has been progressing since 2007. Initially the project involved students producing a podcast for the Immigration Museum. This created an opportunity for participating students to 'shift from passive to active participation in the Museum space'.

Expansion of the project in 2008 allowed for the cross cultivation of work between courses where Victorian University Liberal Arts students were the clients of Multimedia students. This cultivation added a further dimension to the research program where students explored their own collaborations, reflected on personal connections to the designed themes, considered the concepts of citizenship, what influence historical narratives have and how to engage audiences with complex subject matter. This research project has continued to flourish; it was expanded to Deakin University and Flagstaff Hill Maritime Museum as well as developing student exhibitions which were held in 2010 and 2011.

Chifley Home and Education Centre's involvement in this project will be based around two teaching subjects at Charles Sturt University. Students enrolled in the Bachelor of Teaching (Secondary) Course with a specific aim to be secondary Visual Arts Teachers will be involved in this project. In the first subject, students, who are studying by distance, and are therefore located in various places, will address how and why museums can be utilised as public learning spaces, apply this knowledge to similar sites within their own communities and develop their own resources for delivery to school students. Chifley Home and Education Centre will be utilised as an exemplar for this subject.

A second subject will allow students to further explore this methodology, providing historical and contextual interpretation, and developing their own artworks with a view to progressing to an exhibition to be held at Chifley Home and supported by a virtual exhibition. This subject will again utilise the skills and collection of Chifley Home and Education Centre, however shift to encompass a range of other skills that are utilised within Bathurst Regional Council Cultural Facilities.

Each student enrolled in the subjects that are the focus of this research at Charles Sturt University is enrolled via distance education, therefore adding another element to the research project. The challenges of engaging with students across electronic media, rather than physically visiting a museum will be tested within CSU's course delivery. This will give great insight into communication methods and approaches to engage virtual visitors to Council's cultural facilities.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1, 20.6
- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.4, 26.7

MINUTE

29 Item 2 CHIFLEY HOME AND EDUCATION CENTRE & CHARLES STURT UNIVERSITY - LEARNING AND TEACHING IN PUBLIC SPACES (21.00112)

MOVED: M Morse SECONDED: T Carpenter

RESOLVED: Council receive and note Chifley Home and Education Centre's participation in the Learning and Teaching in Public Spaces 2011-13 research project; in collaboration with Charles Sturt University.

3 CULTURALLY DIVERSE WORKING GROUP (09.00032)

Recommendation: That Council accedes to the request of the Culturally Diverse Working Group to move into recess for a 12 month period.

Report: The most recent Culturally Diverse working Group meeting resolved the following:

MOTION: *Working Group to be suspended for 12 month period. With the following undertakings:*

1. *Council to negotiate with Bathurst Information and Neighbourhood Centre (BINC) to develop another committee or group.*
2. *Council representative to attend meetings of the Bathurst Multicultural Reference Group*
3. *Council to negotiate with Country Women's Association regarding hosting a Harmony Day event.*
4. *Cr. Morse to table report to Council regarding the future of the Culturally Diverse Working Group.*

MOVED by Cr. Monica Morse and **SECONDED** by Manor Cooper

VOTE All members agreed.

ACTION: *Working Group to be suspended for a 12 month period, with the understanding that the undertakings will proceed.*

These minutes are provided for Councillors information at **Attachment 1**.

Council has commenced negotiations with the Bathurst Information and Neighbourhood Centre regarding points one and two of the resolution above. It appears from initial discussions that there are alternatives that can be explored in this vein.

With regard to point 3, informal discussions have been held with the Country Women's Association to host a Harmony Day event in 2013, but as yet there have been no formal commitments by either party.

Staff will continue to ensure that the Culturally Diverse Community is included in planning and events held within the community.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

MINUTE

30 Item 3 CULTURALLY DIVERSE WORKING GROUP (09.00032)

MOVED: G Hanger SECONDED: R Thompson

RESOLVED: That Council accedes to the request of the Culturally Diverse Working Group to move into recess for a 12 month period.

Yours faithfully



Annabell Miller
DIRECTOR
CULTURAL & COMMUNITY SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

GENERAL MANAGER'S REPORT AND MINUTES

16 MAY 2012

**GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 16 MAY 2012**

General Manager
Bathurst Regional Council

1 POPULARLY ELECTED MAYOR (12.00005)

Recommendation: For Council's determination.

Report: Introduction

Council, at the Policy Committee meeting on 2 May 2012, requested that a report be prepared for Council on this matter.

Background

Council, at the Policy Committee meeting on 7 September 2011, requested:

"... a report to the October meeting on the procedures required to put in place a popularly elected Mayor."

A report (General Manager's Item No 1) was presented to the Ordinary Council Meeting on 19 October 2011. Council resolved:

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

Report

Council has requested a report on the matter of a popularly elected Mayor for Bathurst Regional Council. A report on this matter was last prepared to Council at the Ordinary Meeting of 19 October 2011. The report included:

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

Statutory Framework

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

[s227] Who elects the mayor?

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

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

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

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

[s229] Can the decision be changed?

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

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

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

[s15] What is a constitutional referendum?

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

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

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

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

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

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

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

[s282] Election of mayor

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

Community Consultation

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

Timeline

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

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

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

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

For and Against

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

Options

Council could give consideration to the following options:

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

The attachment referred to in the above report is attachment 1.

The matter of a Popularly Elected Mayor was also discussed in the Public Question Time section of the Meeting of 19 October 2011. A copy of the Minutes of that session is shown at **attachment 2**.

Councillors should note if a referendum is held on this proposal, the decision is binding. That is, a referendum cannot be used as a survey result, which would then allow Council to give further consideration to such a proposition.

With regard to timelines, recent advice from the Electoral Commission of NSW included the following:

"16. *Referenda and Polls*

We have become aware through media cuttings that some Councils are still contemplating conducting a referendum and/or polls at the September Local Government Elections. We would greatly appreciate Councils sorting out whether or not they plan to conduct such referenda and polls by 30 April 2012. It is important that the NSWEC has early advice as to whether a Council is likely to conduct such referenda and polls as this affects the costing of ballot paper production.

Whilst the NSWEC cannot provide legal advice we would be happy to look at any questions that you are proposing and give advice based on past practice."

The Division of Local Government issued Circular 11-30 - Constitutional Referendums in 2011. A copy of this Circular is at **Attachment 3** for Councillors' information.

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

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

31 Item 1 POPULARLY ELECTED MAYOR (12.00005)

MOVED: R Thompson SECONDED: M Morse

RESOLVED: The information be noted and no further action be taken.

2 LOCAL GOVERNMENT & SHIRES ASSOCIATION - ONE ASSOCIATION PROPOSAL **- LIST OF DELEGATES (18.00105)**

Recommendation: For Council's consideration.

Report: Introduction

Councillors will be aware that over a number of years consultation has been ongoing concerning the creation of One Local Government Association to represent Councils in New South Wales. The Local Government Association of NSW, of which Council is a full member, has forwarded the following report:

*"One Association - Update & Status report
May 2012*

Summary - This report provides Council with an update regarding the progress towards One Association, outlines next steps and outlines what Council needs to do next. A number of Frequently Asked Questions are also provided with answers to assist Council with their discussions surrounding this very important matter.

*Report
Status as at end April 2012*

On the 17 April 2012 the Shires Executive and on 20 April 2012 the Local Government Association Executive passed the formal resolutions required to progress the One Association matter to go to a vote of the members' delegates.

The Shires Association Executive unanimously resolved in favour of the resolutions. The Local Government Association Executive adopted the resolutions by a majority of 21 to 3.

The formal documentation has been lodged with Fair Work Australia. Shortly Fair Work Australia will engage the Australian Electoral Commission to undertake the secret postal ballot of members' delegates.

It is important to note that there are actually two separate secret postal ballots; one will be a ballot of LGA members' delegates, and the other will be a ballot of SA members' delegates. Both ballots need to achieve a majority of "yes" votes to enable the formation of One Association.

It is anticipated that the ballots will occur before the September 2012 Local Government general elections but exact timing will depend on Fair Work Australia.

What Councils need to do

All Councils need to supply the following to the Association by 31 May 2012:

- 1. the full name of their voting delegate/s, and,*
- 2. the private mailing address of the delegate/s*

This is very important as the Association is required to prepare the Roll of Voters for the Australian Electoral Commission.

Frequently Asked Questions

Q *Why is the ballot being held before the September elections?*

A *This process has been ongoing for many years. Currently Councillors should be aware of the progress of the matter. If the ballot is held over until after the 2012 general elections new councillors will not be aware of the history or the process and would not be in a position to make an informed decision.*

Q *When would One Association take effect?*

A *Assuming that the majority of delegates vote "yes" forming One Association would not take place until after 1 March 2013, but no later than 2 June 2013. Even after a positive vote there is significant work to be done in conjunction with Fair Work Australia as well as making provision for the numerous administrative changes which would have to take place, such as transferring assets and transitioning staff. The transition however needs to take effect before 2 June 2013, otherwise the Shires Association would need to hold fresh Executive elections.*

Q *Why is the ballot a secret postal ballot?*

A *Because it is a requirement under the Fair Work (Registered Organisations) Act. The Associations have no choice in this decision.*

Q *Has there been enough consultation?*

A *The issue of One Association has been discussed over many years. In more recent times it has been discussed:*

- *At the 2003 LGA Conference*
- *At the 2004 SA Conference*
- *At the 2004 LGA Conference*
- *As part of the 2005 Woods/Wearne report titled "Options for One Local Government Association in NSW"*
- *At the 2005 SA Conference*
- *At the 2005 LGA Conference*
- *At the 2006 SA Conference*
- *At the 2006 LGA Conference*
- *At the 2007 SA Conference*
- *At the 2007 LGA Conference*
- *At the 2008 SA Conference*
- *At the 2008 LGA Conference*
- *At the 2009 SA Conference*
- *At the 2009 LGA Conference*
- *At the One Association Convention held in August 2010*
- *At the 2010 LGA Conference*
- *In February 2011 the Associations sent all Councils a draft Constitution requesting feedback and comments*
- *In February 2011 the SA held a special conference to discuss the principles set out at the 2010 Convention*
- *At the 2011 SA Conference*
- *In November 2011 the Associations sent all Councils a further draft Constitution requesting feedback and comments*

In addition there have been numerous presentations made to all Shires Divisional meetings at various times and to various LGA ROC meetings and in other forums.

Q *Why is there no "No" case?*

A *There are two reasons, firstly the Fair Work (Registered Organisations) Act does not require a "No" case to be prepared because it presumes a process towards an*

amalgamation would not have started in the first place unless it had been directed by members - which is the case in this instance. The issue of One Association has arrived at the stage of a ballot after repeated Conference resolutions calling for a single Association. It is not in the interests of the Association to prepare a case which cuts across the wishes and resolutions of the majority of our members.

Q *How many voting delegates does my Council have for the secret postal ballot?*

A *The numbers are calculated under the current rules of each Association, so for:*

- *Shires Association members, each has one voting delegate, and for*
- *Local Government Association members, it depends on the member's population, and is calculated in accordance with the following scale:*

<i>Group No</i>	<i>Population</i>	<i>Delegates</i>
<i>1</i>	<i>Less than 10,000</i>	<i>1</i>
<i>2</i>	<i>10,000 - 20,000</i>	<i>2</i>
<i>3</i>	<i>20,000 - 50,000</i>	<i>3</i>
<i>4</i>	<i>50,000 - 100,000</i>	<i>4</i>
<i>5</i>	<i>100,000 -150,000</i>	<i>5</i>
<i>6</i>	<i>Over 150,000</i>	<i>7</i>
<i>7</i>	<i>County Councils</i>	<i>2</i>
<i>8</i>	<i>Aboriginal Land Council</i>	<i>27</i>

(To independently determine a Council's population see the latest release of Australian Bureau of Statistics publication 3218.0)

Q *Can Associate members vote?*

A *No, only ordinary members can vote in the secret ballot. The Fair Work (Registered Organisations) Act treats this ballot the same as if it was a ballot for the election of members of the Executive.*

Q *How does voting work under One Association:*

A *One of the key principles to come from the One Association Convention held in August 2010 was to enshrine the concept that the overall voting numbers of the rural/regional area would be the same as the overall voting numbers of the Metropolitan/Urban areas. This was covered as Principles 4 and 5 and was, with the other Principles ratified by subsequent Conferences of both Associations. These Principles say:*

4 "For the purpose of voting for the Board of Directors, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member Councils who fall within that region, with all ordinary member Councils receiving at least one vote."

5 "For the purpose of voting on motions at Conference, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member Councils who fall within that region, with all ordinary members Councils receiving at least one vote."

The voting arrangements satisfy the overarching requirements of equality among the regions. What this means in effect is that Councils in the same region with similar populations will have the same number of votes, but this will not always be the case for similar sized Councils in different regions. The reason for this is the difference in Council numbers between the regions. The Rural/Regional Region has 114 general

purpose Councils, 10 County Councils and 8 Regional Aboriginal Lands Councils. The Metropolitan/Urban Region has 38 general purpose Councils, 2 County Councils and 1 Regional Aboriginal Lands Council. Due to the larger number of Councils in the Rural/Regional Region additional votes needed to be allocated to the Councils in the Metropolitan/Urban Region to balance the overall voting numbers.

Q But is this "fair"?

A The One Association rules have been developed to ensure equity across the membership in a number of ways. Importantly, the One Association rules provide that only Rural/Regional voting delegates are able to vote for the 10 Rural/Regional Board members and the Rural/Regional Vice President in the same way that only Metropolitan/Urban voting delegates are able to vote for the 10 Metropolitan/Urban Board members and the Metropolitan/Urban Council with the same population has a different number of voting delegates to a Rural/Regional Council with a similar population as they won't be voting for the same candidates in the same elections.

For the positions of President and Treasurer both regions have the same number of votes in total. This will allow for these positions to be popularly elected overall - however, the rules also ensures that the position of president must alternate between the Metropolitan/Urban and Rural/Regional areas. This further enhances the equity.

Similarly with Conference motions, both Regions have the same overall numbers. This provides for Association policy to be made which has the sanction of the majority of members, and ensures that no Regional can dominate the other.

Q What about the Assets of my current Association?

A The assets of both Associations will be merged together on the amalgamation date. Neither Association will be financially detrimentally affected in any consequential way by this merger. To illustrate this we need to use the last full year's financial statements, 2010/2011 which showed the total equity of each Association as follows:

	Total Equity (\$)	% Equity	Subscriptions \$	% Subscriptions
LGA	19,015,275	66.19	2,876,208	65.77
SA	9,713,269	33.81	1,496,629	34.23
Total Combined	28,728,544	100.00	4,372,837	100.00

The Associations' Rules (and the rules for the new One Association) provide that if the Association is dissolved any surplus funds are paid to the members in the proportion which each member's subscription for the year bears to the total amount of subscriptions for that year.

What this means is that had the Associations dissolved at the end of the 2010/11 financial year the members of each Association would have received in total the complete equity of their Association, that is for the LGA members 100% x \$19,015,275 and for the SA 100% x \$9,713,269.

If the Associations had merged and immediately dissolved at the end of the 2010/11 financial year:

LGA members would have received: 65.77% of \$28,728,544 = \$18,894,763
 SA members would have received: 34.23% of \$28,728,544 = \$9,833,781

The overall affect would be:

	No Merge \$	Merge \$	Difference \$
LGA	19,015,275	18,894,783	(120,512)
SA	9,713,269	9,833,781	120,512
Total Combined	28,728,544	28,728,544	0

For this example, at this point in time, the LGA members combined would be "worse off" by \$120,512 on dissolution, and SA members combined would be "better off" by the same amount. On an individual Council basis Association's calculations have shown the "worse off" Councils range in dollar terms from (\$43.05) to (\$2,202.46) while the "better off" Councils range in dollar terms from \$165.47 to \$2,457.64. As the combined difference represents less than half a percent of overall total equity ($\$120,512/\$28,728,544 \times 100 = .419\%$) it is not considered significant.

Recommendation: That Councillor/s xxxxx be nominated as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters."

Attachment 1 for Council's information is the relevant covering letter relating to the report provided above and accordingly, Council needs to determine who those delegates will be.

Financial Implications: There are nil financial implications at this stage.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.7
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.6
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.6
- Objective 33: To be and develop good leaders. Strategy 33.3

MINUTE

32 Item 2 LOCAL GOVERNMENT & SHIRES ASSOCIATION - ONE ASSOCIATION PROPOSAL - LIST OF DELEGATES (18.00105)

A **MOTION** was **MOVED** Cr T Carpenter **SECONDED** Cr G Hanger

That:

- a) Bathurst Regional Council support the One Association proposal.
- b) The Mayor, Deputy Mayor and Cr North be nominated as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the roll of voters.
- c) Council write to advise Fair Work Australia (FWA) and the Local Government Association that in regard to the ballot regarding the current proposal to form One Association, Bathurst Regional Council believes that both a yes and no case should be prepared and submitted.

MINUTE

33 Item 2 LOCAL GOVERNMENT & SHIRES ASSOCIATION - ONE ASSOCIATION PROPOSAL - LIST OF DELEGATES (18.00105)

The following **AMENDMENT** was **MOVED** Cr P Toole **SECONDED** Cr I North.

That:

- a) Bathurst Regional Council support the One Association proposal.
- b) The Mayor, Deputy Mayor and Cr North be nominated as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the roll of voters.

On being **PUT** to the **VOTE** the **AMENDMENT** was **CARRIED** and **BECAME** the **MOTION**

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

Cr Morse left the meeting at 7.41pm.

Yours faithfully



D J Sherley
GENERAL MANAGER

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 16 MAY 2012**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 2 MAY 2012 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 2 May 2012 be adopted.

Report: The Minutes of the Policy Committee Meeting held 2 May 2012, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

34 **Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 MAY 2012 (07.00064)**

MOVED: B Bourke SECONDED: I North

RESOLVED: That the recommendations of the Policy Committee Meeting held on 2 May 2012 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 2 MAY 2012

MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Director Corporate Services & Finance, Director Cultural & Community Services, Director Engineering Services, Director Environmental Planning & Building Services, Acting Manager Environment, Environmental Officer, Manager Financial Services, Manager Water & Waste.

APOLOGIES

2 APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 APRIL 2012 (07.00064)
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 April 2012 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 Item 1 BATHURST REGION ECONOMIC DEVELOPMENT ACTIVITIES (20.00071)

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

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

6 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28 MARCH 2012 (07.00096)

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

RESOLVED: That the information be noted.

General Manager's Report

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

RESOLVED: That Council note the updated report (as at May 2012) of the Department of Local Government, PBP Review of November 2006.

GENERAL BUSINESS

- 8** **METHANE FLARE AT WASTE MANAGEMENT CENTRE (14.00007)**

Cr Carpenter - requested a report on the status of this development, including generation opportunities.

- 9** **CCTV - 2011/2012 BUDGET ALLOCATION, \$20,000 (16.00126)**

Cr Morse - spoke to Safety Committee process in place and work being undertaken. Requested \$20,000 be allocated:

- (a) \$10,000 for a Strategic Planning document for 2015 Bicentenary Celebrations.
- (b) \$10,000 be allocated to Centennial Park facilities review.

as original \$20,000 for CTV review not needed, due to Committee being in place which is undertaking this work with Charles Sturt University.

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

RESOLVED: That the \$20,000 allocated in the 2011/2012 Budget for CCTV planning be reallocated as funding for:

- (a) Strategic Planning Document for 2015 Bicentenary Celebrations - \$10,000
- (b) Feasibility Study Centennial Park upgrade - \$10,000.

- 10** **KEPPEL/STEWART STREET INTERSECTION (25.00036)**

Cr North - congratulated Cr Aubin on the resolution of this issue. Suggested access on Howick/Stewart Streets to hospital could be looked at by the Traffic Committee.

- 11** **SALEYARDS (22.12383)**

Cr North - asked have we initiated a remediation plan?

The Director Environmental, Planning & Building Services advised a report will come to the May meeting providing status of this matter.

- 12** **GREEN WASTE BIN SERVICE (14.00053)**

Cr North - asked where are we at with this service?

The Director Engineering Services spoke to the problem with catering for the amount of waste. Have been looking at the Orange hub proposal, as Bathurst Waste Management Centre does not have the capacity to take the material. The Hub is the best alternative.

13 **GASWORKS SITE (22.00052)**

Cr Bourke - asked where is remediation at? What has Jemena done? Can we find out where the State Member is up to on this matter? Requested a report come to Council.

The Director Environmental, Planning & Building Services spoke to voluntary remediation (soil) program works Jemena have undertaken. Aware Jemena and State Government are holding discussions on this matter. Waiting to hear the results.

14 **POPULARLY ELECTED MAYOR (12.00005)**

MOVED Cr B Bourke

That Council hold a referendum to determine whether Council should have a popularly elected Mayor.

The General Manager noted Council has dealt with this matter in 2011.

Cr Bourke withdrew the **MOTION** and requested that a report be prepared for the May meeting.

15 **CEMETERY - TOILETS (09.00009)**

Cr Bourke - stated there are no public toilets at the cemetery, could Council look at placing a facility at the cemetery. Cr Bourke requested a report on this.

MEETING CLOSE

16 **MEETING CLOSE**

The Meeting closed at 5.34 pm.

CHAIRMAN: _____

Date: _____ **(16 May 2012)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 16 MAY 2012**

General Manager
Bathurst Regional Council

1 MINUTES - TRAFFIC COMMITTEE MEETING 1 MAY 2012 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 1 May 2012 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 1 May 2012, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

35 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING 1 MAY 2012 (07.00006)

MOVED: W Aubin SECONDED: R Thompson

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 1 May 2012 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 1 MAY 2012

MEETING COMMENCES

1 MEETING COMMENCES

Members: Cr Warren Aubin (Chair), A/Sgt Luke Cole (Police), Jackie Barry (Roads and Maritime Services), David Veness (MP Representative)

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

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 APRIL 2012 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 3 April 2012 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 3 APRIL 2012 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

7 Item 3 USE OF MOTORISED PUSHBIKES IN BATHURST (07.00006-15)

That the information be noted, and a response requesting that a further review occur be sent to Mr Geoff Provest MP.

8 Item 4 EGLINTON PUBLIC SCHOOL PEDAL PUSH 2012 (23.00026)

That Council classify the Eglinton School Pedal Push to be held on Friday 21 September 2012 as a Class 4 event and the event be approved subject to

conditions detailed in the Director Engineering Services' report.

9 **Item 5 CLASSIC RALLY CLUB INC – 2012 ALPINE CLASSIC EVENT**
(23.00015-07/012)

That Council classify the Classic Rally Club Inc. 2012 Alpine Classic to be held on Saturday 13 October 2012 and Sunday 14 October 2012 as a Class 2 event, and the event be approved subject to conditions as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

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

That the information be noted.

MEETING CLOSE

11 **MEETING CLOSE**

The Meeting closed at 2.31 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MOUNT PANORAMA RACING COMMITTEE

**MOUNT PANORAMA RACING COMMITTEE TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 16 MAY 2012**

General Manager
Bathurst Regional Council

**1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 2 MAY 2012
(04.00001)**

Recommendation: That the Minutes of the Mount Panorama Racing Committee Meeting held on 2 May 2012 be adopted.

Report: The Minutes of the Mount Panorama Racing Committee Meeting held on 2 May 2012, are attached:

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.5

MINUTE

36 Item 1 MINUTES - MOUNT PANORAMA RACING COMMITTEE MEETING - 2
MAY 2012 (04.00001)

MOVED: B Bourke SECONDED: T Carpenter

RESOLVED: That the Minutes of the Mount Panorama Racing Committee Meeting held on 2 May 2012 be adopted.

MINUTES OF THE MOUNT PANORAMA RACING COMMITTEE
HELD ON 2 MAY 2012

MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Environmental Planning & Building Services, Director Cultural & Community Services, Manager Corporate Governance, Manager Financial Services, Manager Water & Waste, Parks Operations Manager.

APOLOGIES

2 APOLOGIES

MOVED Cr B Bourke

and **SECONDED** Cr I North

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

REPORT OF PREVIOUS MEETING

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

MOVED Cr I North

and **SECONDED** Cr W Aubin

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

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

- 5** **Item 1 2012 BATHURST 12 HOUR (04.00097)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 6** **Item 2 2012 BATHURST MOTOR FESTIVAL (04.00125)**
MOVED Cr I North and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

- 7** **Item 3 2012 BATHURST AUTOFEST (04.00126)**
MOVED Cr I North and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 8** **Item 1 MOUNT PANORAMA FIA INSPECTION (04.00029-07)**
MOVED Cr T Carpenter and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

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

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

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

There were no representations from the public.

RESOLVED: That:

(a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.

(b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as

outlined above.

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

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

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

Director Corporate Services & Finance's Report

- a** **Item 1 ALTERNATE FACILITY AT MOUNT PANORAMA (20.00010-10/072)**
MOVED Cr B Bourke and **SECONDED** Cr T Carpenter

That the information be noted.

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

That the information be noted.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DELEGATES REPORTS AND MINUTES

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 16 MAY 2012**

General Manager
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 11
APRIL 2012 (11.00019)**

Recommendation: That the information be noted.

Report: **Present:** Crs Westman (Chair), Carpenter, Morse, North, Thompson, Aubin, Toole,

In attendance: General Manager, Director Environmental Planning & Building Services, Acting Director Engineering Services, Manager Corporate Governance, Manager Works.

APOLOGIES: Cr Bourke, Cr Hanger

1. BRIDLE TRACK RESIDENTS GROUP (25.00283)

Seven residents from along the Bridle Track attended the meeting to discuss the closure of the Bridle Track.

Discussions included:-

- Reopening of the Bridle Track through to Hill End;
- Received a lot of enquiries from Sydney regarding the use of the road;
- Is featured in 4WD magazines;
- A big tourism feature;
- Hundreds of cars at camping sites;
- Bridle Track – sections not wide enough. Edges drop off;
- Council has done a lot of work which is appreciated, but more work is needed – one creek crossing is very rocky;
- If not maintained it will deteriorate. Root Hog crossing not safe as it is U-shaped and have had vehicles run off the crossing into water;
- A large area of the country is “land locked” – if there is a fire then there is no way to get people out;
- Loss of trade for local businesses as the number of campers had diminished;
- Travellers trying to access Hill End via private property are causing damage;
- Suggested bridging the gap – rough costing \$178,000;
- Asked whether the Army may be interested in an exceptional circumstance project?
- Cr Morse asked if we can provide a plan of action that we can take to funding bodies;
- Stated they will provide a list of items they would like addressed on the Bridle Track.

A report will be prepared for Council on this project.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.3
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

**37 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 11 APRIL 2012 (11.00019)**

MOVED: W Aubin SECONDED: I North

RESOLVED: That the information be noted.

MINUTE

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

MOVED: T Carpenter SECONDED: P Toole

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

There we no representations from the public.

RESOLVED: That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TRACKCORP ADRENALIN PTY LTD	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2	RENEWAL OF LICENCE AGREEMENT - 193 MORRISSET 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	RENEWAL OF LICENCE AGREEMENT - BATHURST	10A (2) (d) (i) – contains commercial information of a

	REGIONAL COUNCIL CHILDREN'S SERVICES - LEE STREET, KELSO	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	SALE AND SUBDIVISION OF PROPOSED LOT 807, BRADWARDINE ROAD, BATHURST TRADE CENTRE.	10A (2) (d) (ii) – contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the Council.
5	PROPOSED RENEWAL OF EXISTING TELECOMMUNICATION LEASE - WALMER PARK, BRADWARDINE ROAD, BATHURST - TELSTRA CORPORATION 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.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED BOUNDARY ADJUSTMENT BETWEEN LOT 3 DP951 AND LOT 15 DP1173379 - 8 BRIDGE 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.
2	PROPOSED ACQUISITION FOR STORM WATER RETENTION BASIN, PART LOT 102 DP 748062, 38A GILMOUR STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	FINAL ACQUISITION COSTS FOR PERTHVILLE LEVEE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL MINUTES
16 MAY 2012

MINUTE

a Item 1 TRACKCORP ADRENALIN PTY LTD (34.00065-08/009)

MOVED: I North SECONDED: P Toole

That the information be noted.

MINUTE

b Item 2 RENEWAL OF LICENCE AGREEMENT - 193 MORRISSET STREET, BATHURST (22.01199)

MOVED: R Thompson SECONDED: W Aubin

That Council approves entering into a new licence agreement with Ms Michelle Miles for Lot 14 and 15 DP1089380 located at 193 Morrisset Street, Bathurst for a period of two (2) years as detailed in the report.

MINUTE

c Item 3 RENEWAL OF LICENCE AGREEMENT - BATHURST REGIONAL COUNCIL CHILDREN'S SERVICES - LEE STREET, KELSO (22.02268)

MOVED: T Carpenter SECONDED: I North

That Council approves entering into a new licence agreement with Bathurst Regional Council Children's Services incorporating Family Day Care, Vacation Care and In Home Care for 7 Lee Street, Kelso (part Lot 1 DP1001027) for a period of two (2) years as detailed in the report.

MINUTE

d Item 4 SALE AND SUBDIVISION OF PROPOSED LOT 807, BRADWARDINE ROAD, BATHURST TRADE CENTRE. (22.13775)

MOVED: P Toole SECONDED: B Bourke

That Council approves the subdivision and subsequent sale of proposed Lot 807 in Lot 806 DP1169443 Bradwardine Road, Bathurst Trade Centre as detailed in the report.

MINUTE

e Item 5 PROPOSED RENEWAL OF EXISTING TELECOMMUNICATION LEASE - WALMER PARK, BRADWARDINE ROAD, BATHURST - TELSTRA CORPORATION LIMITED (04.00068)

A **MOTION** was **MOVED** Cr R Thompson **SECONDED** Cr T Carpenter

That: Council approves entering into a new lease agreement with Telstra Corporation Limited (through their agent United Group Services Pty Ltd.) for part Lot 2 DP1140980 known as Walmer Park for a period of five (5) years at a yearly lease fee of \$16,000 (GST inclusive) as detailed in the report.

The MOTION was WITHDRAWN

MINUTE

f Item 5 PROPOSED RENEWAL OF EXISTING TELECOMMUNICATION LEASE - WALMER PARK, BRADWARDINE ROAD, BATHURST - TELSTRA CORPORATION LIMITED (04.00068)

A **MOTION** was **MOVED** Cr I North **SECONDED** Cr T Carpenter

That Council defer the matter to the next Policy Committee session for further consideration.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES
16 MAY 2012

MINUTE

g Item 1 PROPOSED BOUNDARY ADJUSTMENT BETWEEN LOT 3 DP951 AND LOT 15 DP1173379 - 8 BRIDGE STREET PERTHVILLE (31.00001-12)

MOVED: R Thompson SECONDED: P Toole

That Council approve the proposed boundary adjustment of Lot 3 DP951 and Lot 15 DP1173379 at 8 Bridge Street Perthville, in accordance with the Director Engineering Services' report.

MINUTE

h Item 2 PROPOSED ACQUISITION FOR STORM WATER RETENTION BASIN, PART LOT 102 DP 748062, 38A GILMOUR STREET, KELSO (31.00001-12 AND 22.02632)

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

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

MINUTE

i Item 3 FINAL ACQUISITION COSTS FOR PERTHVILLE LEVEE (31.00001)

MOVED: I North SECONDED: W Aubin

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

Reason: Related to land owner involved in acquisition process.

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

MINUTE

39 RESOLVE INTO OPEN COUNCIL

MOVED: I North SECONDED: W Aubin

RESOLVED: That Council resume Open Council.

MINUTE

40 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED: T Carpenter SECONDED: R Thompson

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

MINUTE

41 MEETING CLOSE

The Meeting closed at 8.12pm.

CHAIRMAN: _____

Date: _____ **(20 June 2012)**