



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

27 January 2010

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, 3 February 2010 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, 3 FEBRUARY 2010

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 of The Ordinary Meeting of Bathurst Regional Council held 9 December 2009
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. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
8. REPORTS OF OTHER COMMITTEES
 - * Minutes of The Policy Committee Meeting held 2 December 2009
 - * Minutes of The Climate Change Committee Meeting held 2 December 2009
9. 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 Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ACQUISITION OF LAND GEORGE STREET CAR PARK, LOT 28 DP550388 AND LOT 67 DP550389 RANKIN 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.
2	TENDER FOR DESIGN AND CONSTRUCTION OF COMMUNITY CLUBHOUSE STANLEY STREET BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

10. RESOLVE INTO OPEN COUNCIL

11. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

12. MEETING CLOSE

MINUTE

1 6.00 PM - MEETING COMMENCES

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

MINUTE

2 PUBLIC QUESTION TIME

L Sullivan - Bradwardine Road/Mitchell Hwy Roundabout (DCSF#8) - Spoke to the history of trying to get a roundabout at this location. Hopes Council will approve the development, it would be a travesty to return unused funds. It is wrong that RTA is funding only 40%, but the investment it will bring is very important and will be sizeable. The project should have been completed 30 years ago. Commends option 1 (a) and (b) to Council.

T Albutt (Truflow)- Bradwardine Road/Mitchell Highway Roundabout (DCSF#8) - Spoke of the Trade Centre and the businesses that operate in this facility. The Centre is extensively used every day and is growing. To assist with growth, need commitment of Council and businesses, the proposed roadworks will create significant savings, in Truflow's case, it is estimated at around \$100,000. The proposal would also reduce accidents and takes pressure off Alexander Street and other locations. Council should invest in this proposal.

B Triming - Chairman of Access Committee

1. Royal Bathurst Show (DCSF#6) - Noted request for financial support. If granted, can a condition be placed for provision of disabled access within the crowd structure.
2. Life Centre (DEPBS#6) - spoke to need for footpath in the area so disabled people do not have to go on street. A letter on this issue will be sent from the Access Committee.
3. Adventure Playground - Advised there are often dogs in this area. There are conflicting signs in the area. At Hope and Durham Street, signs say no dogs, in another area of Park (Howick Street) says can have dogs if controlled. Can Council look at banning dogs from Victoria Park.
4. Shopping Trolleys - Has sent in correspondence and has had limited response. Will Council address this issue?

The Mayor noted correspondence has been sent to local shopping centres.

Tabled documents for Council.

D Carr - Camping at Ben Chifley Dam - Would like to see camping be allowed at the dam. Advised will be riding for a Legacy fundraiser this weekend from Bathurst to the Dam and back.

G Crisp - Ratepayer -

1. Spoke to Parking issues in laneway, behind Administration Building.
2. Spoke to Code of Conduct complaints and of 4 determinations by Mayor.
3. Spoke to Code of Conduct complaints and of 7 determinations by General Manager.
4. Spoke of processes under the Code of Conduct and reporting to Council.
5. Stated DCSF lied to him about pensioner discounts - what is going to happen.

Tabled document for Council.

MINUTE

3 APOLOGIES

Nil.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

**MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 3 FEBRUARY 2010**

General Manager
Bathurst Regional Council

**1 MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD 9 DECEMBER 2009 (11.00005)**

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 9 December 2009 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held 9 December 2009, Minute Folio 10816 to 10839 are attached.

Financial Implications: N/A

MINUTE

4 Item 1 MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 9 DECEMBER 2009 (11.00005)

MOVED: Ross Thompson SECONDED: Greg Westman

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 9 December 2009 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON WEDNESDAY, 09 DECEMBER 2009 AT 6.00 PM**

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

6.00PM - MEETING COMMENCES

PUBLIC QUESTION TIME

Mr G Crisp - Ratepayer

Raised a number of items including:

1. Pensioner Rate Rebates.

The Director Corporate Services & Finance noted reply sent December 2009.

2. Development Application - noted the Director Environmental Planning & Building Services has acknowledged number on DA wrong.

The Director Environmental, Planning & Building Services advised current status.

3. Spoke of peoples problems.
4. Spoke of submission to annual statements

Mr Bob Triming - Chair, Bathurst Access Committee

Raised the following issues:

1. Request Councillors remember the fire fighters who have been injured during prayers tonight.
2. Thanked Mayor for recent support to the Access Committee.

3. Noted residents have raised issues with parking that may go into Hope Street for the Adventure Playground. Can Council call for submissions when determining what to put in this area.
4. Asked could tomato plant at bottom of BMEC ramp be looked at.

P Dowling

Raised the following issues:

1. From lights at Durham Street to Kelso and then Gilmour Street to ABC Childcare Centre numerous speed changes occur. Why 60 km ph near ABC Centre and not 50 km ph.

The Mayor noted this is an RTA road.

2. Family Day Care are not permitted to go into certain play areas, will this occur in new Adventure Playground.

The General Manager noted access is based on risk assessments.

3. Roundabout Peel and Durham Streets - Is there any proposed roundabout at this location.

The Mayor advised not at this time.

4. Crematorium - Is there a chance that operation of cemetery could be taken over as could increase costs.

The Mayor advised Council is currently reviewing proposal and is very aware of costing issues.

APOLOGIES

Nil.

MINUTES

- 1 **Item 1 MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 18 NOVEMBER 2009 (11.00005)**
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held 18 November 2009 be adopted.

DECLARATION OF INTEREST

- 2 **DECLARATION OF INTEREST**
MOVED: Cr T Carpenter **SECONDED:** Cr I North

RESOLVED: That the following Declarations of Interest be noted.

General Manager
Item #1 Mayoral Confidential Minute

Cr Westman
Item #12 Director Corporate Services & Finance's Report
Minute #15, Item #12 Director Engineering Services Report to Traffic Committee

RECEIVE AND DEAL WITH DEPARTMENT HEADS' REPORTS:

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

- 3 **Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**
MOVED: Cr M Morse **SECONDED:** Cr I North

RESOLVED: That the information be noted.

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

RESOLVED: That the information be noted.

- 5 **Item 3 BATHURST REGION RURAL STRATEGY (20.00133)**
MOVED: Cr R Thompson **SECONDED:** Cr W Aubin

RESOLVED: That the information be noted.

- 6 **Item 4 DEVELOPMENT CONTRIBUTION GUIDELINES (20.00036)**
MOVED: Cr W Aubin SECONDED: Cr R Thompson

RESOLVED: That Council note representations to the Minister for Planning have been made in respect of briefing sessions for the developer contribution planning reforms.

- 7 **Item 5 HOOD RURAL RESOURCES ATS BRC (34.00062)**
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the information be noted.

- 8 **Item 6 DRAFT BATHURST REGIONAL (INTERIM) LOCAL**
ENVIRONMENTAL PLAN 2005 (AMENDMENT NO. 3) AND DRAFT
BATHURST LOCAL ENVIRONMENTAL PLAN (CLASSIFICATION AND
RECLASSIFICATION OF PUBLIC LAND) 1997 (AMENDMENT NO. 4)
(20.00155)
MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

- (a) forward the draft Bathurst Regional (Interim) Local Environmental Plan 2005 (Amendment No. 3) and draft Bathurst Local Environmental Plan (Classification and Reclassification of Public Land) 1997 (Amendment No. 4) to the Department of Planning under section 68(4) of the *Environmental Planning and Assessment Act (1979)*;
- (b) notify those who lodged submissions of Council's decision; and
- (c) that a division be called.

The result of the division was:

In favour of the motion - Crs Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Toole, Westman

- 9 **Item 7 DEVELOPMENT APPLICATION NO. 2010/0202 – TWO LOT SUBDIVISION AT 2162, 2224 AND 2230 LIMEKILNS ROAD, LIMEKILNS. APPLICANT: VOERMAN AND RATSEP CONSULTING SURVEYORS. OWNER: JM & SA HINCHCLIFFE AND JA & MM AHERN (DA/2010/0202) MOVED: Cr R Thompson SECONDED: Cr I North**

RESOLVED: That Council:

- (a) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 53;
- (b) support the variation to the 1(e) – Outer Rural Zone 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lot 53;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0202, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) that a division be called.

The result of the division was:

In favour of the motion - Crs Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Toole, Westman

- 10 **Item 8 DEVELOPMENT APPLICATION NO. 2010/0279 – TWO LOT SUBDIVISION AT 201 FREEMANTLE ROAD AND 194 MILL LANE, EGLINTON, APPLICANT: VOERMAN AND RATSEP CONSULTING SURVEYORS. OWNER: MRS JA MCGIRR AND B & D REYNOLDS (DA/2010/0279) MOVED: Cr R Thompson SECONDED: Cr W Aubin**

RESOLVED: That Council:

- (a) support the variation to the 1(a) – Inner Rural Zone 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 11 and 12;
- (b) support the variation to the 1(a) – Inner Rural Zone 200 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 11 and 12;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0279, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- (d) that a division be called.

The result of the division was:

In favour of the motion - Crs Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Toole, Westman

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

- 11 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the information be noted

- 12 **Item 2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET (16.00116)**
MOVED: Cr R Thompson SECONDED: Cr G Westman

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

- 13 **Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY (18.00004)**

MOVED: Cr G Hanger SECONDED: Cr W Aubin

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

- 14 **Item 4 REQUEST FOR FINANCIAL ASSISTANCE - MARK RENSHAW (18.00004)**
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That Council donate the use of the Bathurst Memorial Entertainment Centre to Mark Renshaw to hold a dinner, from which the proceeds will be donated to the Prostate Cancer Foundation of Australia, to be held on 30 January 2010.

- 15 **Item 5 PENSIONER CONCESSION REBATES (16.00037-03, 41.00089)**
MOVED: Cr G Westman SECONDED: Cr R Thompson

RESOLVED: That Council allow pensioner rate reductions in respect of current year's rates only (2009), where there is conclusive proof that the person did in fact permanently reside in the subject premises at the relevant time.

- 16 **Item 6 NOXIOUS WEEDS FUNDING - UPPER MACQUARIE COUNTY COUNCIL (13.00022)**
MOVED: Cr R Thompson SECONDED: Cr W Aubin

RESOLVED: That:

- (a) the information be noted.
- (b) Council write a letter of support for Upper Macquarie County Council to the Minister for Primary Industries.

- 17 **Item 7 BATHURST REGIONAL COUNCIL PICNIC DAY (07.00046)**
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) designate Friday, 12 February 2010 as the Picnic Day holiday
- (b) give public notice that all Council's activities will be closed for the day, including child care services
- (c) allow all members of Council staff time off for the Picnic Day

- 18 **Item 8 LAND - PANORAMA AVENUE, BATHURST (21.00110)**
MOVED: Cr G Hanger SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

- 19 **Item 9 COST SHIFTING SURVEY (03.00020)**
MOVED: Cr G Westman SECONDED: Cr M Morse

RESOLVED: That the information be noted.

- 20 **Item 10 COMMUNITY STRATEGIC PLAN - INTEGRATED PLANNING & REPORTING FRAMEWORK (02.00003-04)**
MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That Council adopt the method - Group 3: Community Strategic Planning and Delivery Program - to be completed by 30 June 2012

- 21 **Item 11 REQUEST OF FINANCIAL ASSISTANCE - ORANGE CITY COUNCIL'S 'SHAVE-OFF' FUNDRAISER FOR CAREWEST LODGE (18.00004)**
MOVED: Cr B Bourke SECONDED: Cr R Thompson

RESOLVED: That Council donate \$500 from Section 356 Donations to the Orange City Council's Shave-off Fundraiser for Carewest Lodge.

- 22 **Item 12 REQUEST FOR FINANCIAL ASSISTANCE - JOHN MACLEAN FOUNDATION (18.00004)**
MOVED: Cr B Bourke SECONDED: Cr I North

Cr Westman declared a non-pecuniary interest in this item and took no part in discussion or voting.

Reason: is a member and sponsor of the Triathlon Club.

RESOLVED: That Council donate the sum of \$250 from Section 356 Donations in support of the John Maclean Foundation for fundraising for Emilie Miller.

- 23 **Item 13 POWER OF ATTORNEY (11.00007)**
MOVED: Cr T Carpenter SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

DIRECTOR ENGINEERING SERVICES' REPORT

- 24 **Item 1 STREET TREE ISSUES (13.00019)**

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

- (a) vote the necessary funds required to continue the tree watering program for the summer period, estimated to be \$20,000 from Equity;
- (b) authorise the Director Engineering Services to determine the implementation of street tree watering should it become necessary in the future.

The following **AMENDMENT** was **MOVED** Cr G Westman **SECONDED** Cr M Morse

- (a) vote the necessary funds required to continue the tree watering program for the summer period, estimated to be \$20,000 from Vegetation Management Plan funds;
- (b) authorise the Director Engineering Services to determine the implementation of street tree watering should it become necessary in the future.

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

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

- 25 **Item 2 COLLECTION, RECYCLING AND REUSE OF E-WASTE**
(14.00007)
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the information be noted.

- 26 **Item 3 WATER FOR THE FUTURE: STRENGTHENING BASIN**
COMMUNITIES – FEDERAL GRANT FUNDING (16.00103/045)
MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

- 27 **Item 1 SENIORS WEEK ACTIVITIES 2010 - USE OF BMEC - 23**
MARCH 2010 (07.00016, 21.00012)
MOVED: Cr G Hanger SECONDED: Cr M Morse

RESOLVED: That Council donate the costs associated with the use of BMEC for Seniors Week activities, as detailed in the report, to be funded from the BMEC Section 356 Subsidy Vote.

REPORTS OF OTHER COMMITTEES

TRAFFIC COMMITTEE MEETING

- 28 **Item 1 REPORT OF THE TRAFFIC COMMITTEE MEETING HELD 1 DECEMBER 2009 (07.00006)**
MOVED: Cr W Aubin SECONDED: Cr I North

Cr Westman declared a pecuniary interest in Minute #15, Item #12 of the Director Engineering Services' report, left the room for this item and took no part in discussion or voting.

Reason: owner of a bike shop

RESOLVED: That the report of the Traffic Committee Meeting held on 1 December 2009 be confirmed.

CLIMATE CHANGE COMMITTEE

- 29 **Item 1 MINUTES OF THE CLIMATE CHANGE COMMITTEE MEETING HELD 10 NOVEMBER 2009 (07.00093)**
MOVED: Cr T Carpenter SECONDED: Cr W Aubin

RESOLVED: That the recommendations of the Climate Change Committee Meeting held Tuesday, 10 November 2009 be noted.

DELEGATES REPORTS

- 30 **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD 11 NOVEMBER 2009 (11.00019)**
MOVED: Cr T Carpenter SECONDED: Cr I North

RESOLVED: That the information be noted.

- 31 **Item 2 CR MORSE: REPORT OF LIBRARY CONFERENCE HELD 22-24 NOVEMBER 2009 (18.00127)**
MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

- 32 **Item 3 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 12 NOVEMBER 2009 (11.00020)**
MOVED: Cr T Carpenter SECONDED: Cr I North

RESOLVED: That the information be noted.

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

- 33 **CONFIDENTIAL COMMITTEE**
MOVED: Cr I North SECONDED: Cr R Thompson

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

*** Director Environmental Planning & Building Services**

Item	Subject	Reason for confidentiality
1	Sale of Commercial Land Located at 86 Rankin 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.
2	Bathurst Sustainable	10A (2) (d) (i) – contains commercial information of a

	Lifestyle House - Concept Designs - Quotation	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**

Item	Subject	Reason for confidentiality
1	Mount Panorama Resort - Citigate	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	Renewal of Licence Agreement - Stephens Lane, Kelso	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	Renewal of Licence Agreement - Church Lane, Kelso	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	Proposed Lease to Optus - Rear of Pit Complex, 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.
5	Sale of Land to Seaman - Bradwardine Road, Bathurst Trade Centre	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

6	Renewal of Lease - Greater Western Area Health Service - Post Office Building	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	Insurance Claim - Lift Damage - 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.
8	Council owned Land at 112 Bentinck Street, Bathurst	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	Tender for Civil Works at Wark Parade, Bathurst	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	Request for Financial Assistance - Ms K Drew	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
11	Bathurst Motor Festival	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**

Item	Subject	Reason for confidentiality
1	Proposed Acquisition	10A (2) (d) (i) – contains commercial information of a

	of Land for Reservoir - 365 Limekilns Road, 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.
2	Proposed Acquisition of Land for Dedication as Road, Lot 16 DP1138897 Sallys Flat Road, Sallys Flat	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	Acquisition of Land for Road Widening Part Lot 1 DP 137459 Vale Road, 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.
4	Annual Tenders for Roadbase	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	Request to Name Grandstand	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	Annual Tenders for Stormwater Drainage Pipes	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	Expressions of Interest for the Hire of Plant	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

8	Expressions of Interest for the Hire of Trucks	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	Tender for Civil Works at Wark Parade, Bathurst	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
10	Tender for the Supply and Delivery of Sand and Top Soil	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
11	Tender for one Self Propelled Vibrating Smooth Drum Roller	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

* **Mayoral Minute**

Item	Subject	Reason for confidentiality
1	General Manager's Annual Performance Review 2008/2009	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned.

There were no representations from the public.

RESOLVED: That:

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

- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

- (a) **Item 1 SALE OF COMMERCIAL LAND LOCATED AT 86 RANKIN STREET, BATHURST (22.13408)**
MOVED: Cr I North SECONDED: Cr G Hanger

That Council:

- a) call for expressions of interest for the sale of Lot 1 DP 33832 known as 86 Rankin Street for commercial purposes, and
- b) note that following receipt of those expressions of interest a further report will be submitted to Council for its consideration and determination.

- (b) **Item 2 BATHURST SUSTAINABLE LIFESTYLE HOUSE – CONCEPT DESIGNS – QUOTATION (37.00277)**
MOVED: Cr T Carpenter SECONDED: Cr I North

That Council award the quotation for design of the Bathurst Sustainable Lifestyle House to Envirotecure Projects Pty Ltd

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

- (c) **Item 1 MOUNT PANORAMA RESORT - CITIGATE (21.09179)**
MOVED: Cr R Thompson SECONDED: Cr T Carpenter

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

- (d) **Item 2 RENEWAL OF LICENCE AGREEMENT - STEPHENS LANE
KELSO (21.00022)**
MOVED: Cr I North SECONDED: Cr W Aubin

That Council approves entering into a new licence agreement with Mr John Corby for Lot 2 DP154468 located on Stephens Lane Kelso for a period of two (2) years as detailed in the report.

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

That Council approves entering into a new licence agreement with Mr Ken and Mrs Helen Jeffers for Lot 1 DP792363 located on Church Lane Kelso for a period of two (2) years as detailed in the report.

- (f) **Item 4 PROPOSED LEASE TO OPTUS - REAR OF PIT COMPLEX, MT
PANORAMA (08.00002-08)**
MOVED: Cr G Westman SECONDED: Cr B Bourke

That Council approves entering into a new lease agreement with Optus (through their agent Daly International) for the construction of a communication hut and erection of a transmission pole on Part Lot A DP398238 (rear of the Pit Complex) Mt Panorama as detailed in the report.

- (g) **Item 5 SALE OF LAND TO SEAMAN - BRADWARDINE ROAD,
BATHURST TRADE CENTRE (20.00030)**
MOVED: Cr G Westman SECONDED: Cr M Morse

That Council approves the further subdivision of part Lot 714 DP1103109 located on Bradwardine Road, Bathurst Trade Centre and subsequent sale of

the new lot (proposed Lot 807) to Paul Seaman as detailed in the report.

- (h) **Item 6 RENEWAL OF LEASE - GREATER WESTERN AREA HEALTH SERVICE - POST OFFICE BUILDING (22.00041)**
MOVED: Cr R Thompson SECONDED: Cr M Morse

That Council approves entering into a new lease agreement with the Greater Western Area Health Service over Level 2, 230 Howick Street, Bathurst (Post Office building) for a period of five (5) years as detailed in the report.

- (i) **Item 7 INSURANCE CLAIM - LIFT DAMAGE - MOUNT PANORAMA (16.00015)**
MOVED: Cr R Thompson SECONDED: Cr T Carpenter

That Council act in accordance with the report.

- (j) **Item 8 COUNCIL OWNED LAND AT 112 BENTINCK STREET, BATHURST (22.00830)**
MOVED: Cr G Westman SECONDED: Cr B Bourke

That the information be noted.

- (k) **Item 9 BATHURST 75 SOCCER CLUB (04.00018)**
MOVED: Cr I North SECONDED: Cr B Bourke

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

- (l) **Item 10 REQUEST FOR FINANCIAL ASSISTANCE - MS K DREW (22.02133)**
MOVED: Cr R Thompson SECONDED: Cr W Aubin

That Council maintain its current position on rates and charges.

Cr Carpenter asked that her negative vote be recorded.

- (m) **Item 11 BATHURST MOTOR FESTIVAL (04.00097)**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

That Council provide one three day entry pass per permanent employee to attend the 2010 Bathurst Motor Festival.

DIRECTOR ENGINEERING SERVICES' REPORT

- (n) **Item 1 PROPOSED ACQUISITION OF LAND FOR RESERVOIR - 365 LIMEKILNS ROAD KELSO (22.06857)**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

That Council approve the proposed acquisition of land for water reservoir and an access strip (Easement for Services 8 metres wide) for future works, being part Lot 1 DP813615 at 365 Limekilns Road Kelso, subject to conditions outlined in the Director Engineering Services' report.

- (o) **Item 2 PROPOSED ACQUISITION OF LAND FOR DEDICATION AS ROAD - LOT 16 DP 1138897 SALLYS FLAT ROAD SALLYS FLAT (22.13184 and 25.00496)**
MOVED: Cr I North SECONDED: Cr M Morse

That Council approve the acquisition of Lot 16 DP1138897 for road purposes and dedicate the land to the public as road to be known as Sallys Flat Road Sallys Flat, in accordance with the Director Engineering Services' report. The acquired land is to be classified as Operational land.

- (p) **Item 3 ACQUISITION OF LAND FOR ROAD WIDENING, PART LOT 1 DP 137459 VALE ROAD PERTHVILLE (25.00033-02)**

MOVED: Cr B Bourke SECONDED: Cr G Hanger

That Council approve the acquisition of land for road widening purposes at Lot 1 DP 137459 Vale Road Perthville and classify the land as operational, as detailed in the Director Engineering Services' report.

- (q) **Item 4 ANNUAL TENDERS FOR ROADBASE (36.00369)**
MOVED: Cr W Aubin SECONDED: Cr I North

That Council accept the tender from Hanson Construction Materials Pty Ltd for supply of roadbase material (DGB20) for 2010.

- (r) **Item 5 REQUEST TO NAME GRANDSTAND (04.00008-08)**

A **MOTION** was **MOVED** Cr G Hanger **SECONDED** Cr W Aubin

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

The following **AMENDMENT** was **MOVED** Cr T Carpenter **SECONDED** Cr G Hanger

That Council:

- (a) Decline the request for naming of the Grandstand.
- (b) Formulate guidelines for requests for the naming of council facilities.

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

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

- (s) **Item 6 ANNUAL TENDERS FOR STORMWATER DRAINAGE PIPES**

(36.003687)

MOVED: Cr B Bourke SECONDED: Cr G Westman

That Council accept the tender from Hunter Concrete Products for supply of stormwater drainage pipes, headwalls and lintels for 2010.

Cr North asked for his negative vote to be recorded.

(t) **Item 7 EXPRESSIONS OF INTEREST FOR THE HIRE OF PLANT**

(36.00370)

MOVED: Cr B Bourke SECONDED: Cr G Westman

That Council accept the Expressions of Interest for the Hire of Plant for 2010, as listed in the report, subject to submission of complete information being supplied for casual hire, and in accordance with the General Conditions for the Hire of Plant.

(u) **Item 8 EXPRESSIONS OF INTEREST FOR THE HIRE OF TRUCKS**

(36.00371)

MOVED: Cr W Aubin SECONDED: Cr I North

That Council accept the Expressions of Interest for the Hire of Trucks, as listed in the Engineer's Report, subject to the submission of complete particulars required by the documents, and in accordance with the General Conditions for the Hire of Trucks for casual hire of tip trucks during 2010.

(v) **Item 9 TENDER FOR CIVIL WORKS AT WARK PARADE, BATHURST**

(36.00332)

MOVED: Cr G Westman SECONDED: Cr W Aubin

That Council accept the price from Hynash Constructions Pty Ltd for the construction of civil works at Wark Parade Windradyne, in the amount of \$430,296 (incl. GST) subject to adjustments and provisional items.

- (w) **Item 10 TENDER FOR THE SUPPLY AND DELIVERY OF SAND AND TOP SOIL (36.00368)**
MOVED: Cr T Carpenter **SECONDED: Cr W Aubin**

That Council accept the tender from Australian Native Landscapes for the supply of topsoil for 2010, and that Council accept the tender from Burke's Earthmoving and Haulage for the supply of filling sand for 2010.

- (x) **Item 11 TENDER FOR ONE SELF PROPELLED VIBRATING SMOOTH DRUM ROLLER (36.00365)**
MOVED: Cr G Hanger **SECONDED: Cr I North**

That Council Purchase the Hamm 3414 smoothdrum roller from Wirtgen Australia P/L for the sum of \$150,700 and that Council accept the trade in offer of \$24,200 from Wirtgen Australia P/L for the Multipac W1004D.

Mayoral Minute

- (y) **Item 1 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2008/2009 (11.00001, 35.01136)**

The General Manager declared a pecuniary interest in this item, left the Chamber and took no part in the discussion.

Reason: Item refers to General Manager's Contract of employment.

MOVED: Mayor (Cr P Toole)

That Council note the performance review, which was rated as better than satisfactory, of the General Manager and that the General Manager's employment package has been set at \$254,431.

RESOLVE INTO OPEN COUNCIL

- 34 **OPEN COUNCIL**

MOVED: Cr B Bourke SECONDED: Cr M Morse

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

35 **REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

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

MEETING CLOSE

The meeting closed at 8.37 pm.

CHAIRMAN: _____

Date: _____ **3 February 2009**

MINUTE

5 DECLARATION OF INTEREST

MOVED: Bobby Bourke SECONDED: Ian North

RESOLVED: That the following Declarations of Interest be noted.

Cr Toole

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

Cr Thompson

Item #9 of the Director Corporate Services & Finance's report.

Cr Westman

Item #2 of the Director Engineering Services' Confidential report.

Cr Carpenter

Item #10 of the Director Environmental Planning & Building Services' report.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
3 FEBRUARY 2010

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 3
FEBRUARY 2010**

General Manager
Bathurst Regional Council

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

Recommendation: That the information be noted.

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

Financial Implications: Nil.

MINUTE

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

MOVED: Bobby Bourke SECONDED: Ross Thompson

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during December 2010 (**attachment 1**)
- (b) Applications refused during December 2010 (**attachment 2**)
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**)
- (d) Applications pending approval for greater than 40 days as at the date of compilation of this report (**attachment 4**)
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 approved in December 2010 (**attachment 5**).

Financial Implications: Nil.

MINUTE

7 Item 2 GENERAL REPORT (03.00053)

MOVED: Monica Morse SECONDED: Ian North

RESOLVED: That the information be noted.

3 COMPREHENSIVE ARCHAEOLOGICAL MANAGEMENT PLAN FUNDING (20.00164)

Recommendation: That the information be noted.

Report: Bathurst Regional Council submitted an application to the Heritage Branch, Department of Planning, for \$15,000 funding to assist with the undertaking of a Comprehensive Archaeological Management Plan, (AMP), for the Bathurst Regional Council Local Government Area, (LGA).

Council was informed in December 2009 by the Heritage Branch that it had been successful in applying for \$15,000 funding for the preparation of an AMP. This is the maximum amount of funding available from the Heritage Branch.

The AMP will assist Council in the identification, assessment and management of the archaeological resources within the LGA based on its significance and statutory requirements. From this assessment, the heritage schedule of the Bathurst Regional (Interim) Local Environmental Plan 2005 will be amended to include any archaeological items recommended to be listed as heritage items. Council's State Heritage Inventory database will also be updated accordingly.

Expressions of interest will be called for after confirmation of Council's financial contribution from the AMP. It is expected the AMP will be completed within 2 years.

It is expected that the total cost of the Plan will be in the order of \$60,000 to \$70,000. Council's contribution of up to \$55,000 can be funded from existing budgets.

Financial Implications: It is estimated the total cost of the AMP will be up to \$70,000. Council's contribution of up to \$55,000 can be funded within the existing Strategic Studies budget in the 2010/2011 and 2011/2012 financial years.

MINUTE

8 Item 3 COMPREHENSIVE ARCHAEOLOGICAL MANAGEMENT PLAN FUNDING (20.00164)

MOVED: Warren Aubin SECONDED: Tracey Carpenter

RESOLVED: That the information be noted.

4 OUTBACK & BEYOND – THE FUTURE OF HISTORIC TOWNS, INDUSTRIAL HERITAGE AND PASTORALISM (35.01265)

Recommendation: That the information be noted.

Report: Bathurst Regional Council's Senior Strategic Planner, Sinclair Croft, has been successful in applying to present at the *Outback & Beyond – The Future of Historic Towns, Industrial Heritage and Pastoralism* heritage seminar to be held in Broken Hill in April 2010.

The Australian chapter of the International Council on Monuments and Sites, (ICOMOS), The International Committee for the Conservation of the Industrial Heritage, (TICCIH), and the City of Broken Hill are convening the annual Australia ICOMOS conference.

Papers were sought in October 2009, requesting applicants to submit abstracts related to the three conference themes:

- *Theme 1 - Management of Historic Towns:* General management issues in addition to local, national and world heritage listing of historic towns and associated protective mechanisms.
- *Theme 2 - Industrial Heritage:* The management challenges of industrial infrastructure.
- *Theme 3 - Remote Pastoralism:* The changing cultural landscapes and the technology of pastoralism.

The abstract was submitted in response to Theme 1 and is entitled: *Management of Heritage Assets Owned by Bathurst Regional Council* . The paper illustrates how Council manages its heritage assets and will focus on Council's *Heritage Asset Register* and the *Historic Roads and Structures Inventory* .

Council was informed there had been an overwhelming response to the call for papers for the conference, including many from overseas, including the UK, Germany, USA, New Zealand and Asian Countries. As a result, the Committee requested that selected submissions be converted into *Snap Shot* , (8 minute), presentations to enable as many as possible to present. The submission from Bathurst Regional Council was chosen for this form of presentation.

Financial Implications: Attendance fees will be covered by Council's training budget.

MINUTE

9 Item 4 OUTBACK & BEYOND – THE FUTURE OF HISTORIC TOWNS, INDUSTRIAL HERITAGE AND PASTORALISM (35.01265)

MOVED: Tracey Carpenter SECONDED: Monica Morse

RESOLVED: That the information be noted.

5 HOUSEHOLD RETROFIT PROGRAMME (13.00058)

Recommendation: That Council adopt the changes to the Household Retrofit Programme.

Report: As part of the 2009-10 Management Plan, Council allocated funds to conduct the Household Retrofit Programme which was intended to provide Bathurst Region residents access to a comprehensive domestic energy and water audit process. However, this audit is now available at zero cost through the Federal Government's Green Loan programme.

Council staff have since been investigating alternatives for how the objectives of the programme can still be met to improve household energy and water efficiency. It is therefore proposed to provide a series of rebates and incentives aimed at specific areas where key savings can be made. The following projects have been proposed.

No.	Description	Rebate / Incentive	Notes	Potential Annual Savings per Household
1	Solar Panel Rebate	\$300	Min 1kW. Must meet Fed. Govt. conditions.	1,640 kWh1.6t CO ₂ e
2	Wind Turbine Rebate	\$300	Min 500W. Must meet Fed. Govt. conditions.	0.8 kWh0.8t CO ₂ e
3	Greywater Treatment System	\$500	Must meet Fed. Govt. and Council Conditions.	Up to 80kL-
4	Energy Saving Downlights	Exchange	Exchange for halogen downlights. Limited number per household	Up to 79kWh0.079t CO ₂ e

The projects are designed to increase the currently slow uptake of renewable energy systems (solar and wind) and increase awareness of suitable greywater systems available. The voucher and exchange aspects are designed to prompt residents to take steps to reduce their household energy and water use through simple measures.

Further details will be confirmed prior to programme commencement though it is envisaged to split the funds evenly between higher level rebates (1-3) and lower level incentives (4-6). It is endeavoured for the programme to commence on 1 March 2010 and be completed when funds are exhausted.

Financial Implications: This programme can be funded from the existing allocation of \$30,000 as part of the Household Retrofit Programme.

MINUTE

10 Item 5 HOUSEHOLD RETROFIT PROGRAMME (13.00058)

MOVED: Tracey Carpenter SECONDED: Greg Westman

RESOLVED: That Council adopt the changes to the Household Retrofit Programme.

**6 BATHURST REGIONAL COUNCIL ATS BATHURST CHRISTIAN LIFE CENTRE
(34.00064)**

Recommendation: That the information be noted.

Report: Council has recently been involved in Land & Environment Court proceedings with the Bathurst Christian Life Centre.

The proceedings relate to Council's Order under the Environmental Planning & Assessment Act issued to the Christian Life Centre requiring them to comply with conditions of their development consent to:

- construct and seal the road shoulder (including kerb and gutter) for the full frontage of the land to Gilmour Street;
- pave and linemark the carpark; and
- construct a footpath for the full frontage of the land to Gilmour Street.

The following background is provided:

1. The Development Application was lodged on 26 July 2006.
2. The Development Application was referred to the Council Traffic Generating Development Advisory Committee ("the Committee") meeting held 5 September 2006. The report identified that the Council proposed to impose conditions of consent requiring the following:
 - the construction of kerb and gutter along the full frontage of the land to Gilmour Street;
 - the construction of footpath along the full frontage of the land to Gilmour Street; and
 - the provision of driveways to Gilmour and Hereford Streets at least 6 metres wide.
3. Following consideration the Committee resolved to advise the Director Planning and Development that the Development Application should address the following issues:
 - Bus access, parking and manoeuvring
 - Pedestrian access to Gilmour Street
 - Driveway conflict with shopping centre on Gilmour Street
 - On street parking
 - Vehicle queues at both entry points
 - Delivery vehicles to ingress/egress points in a forward direction
 - Worksite authority from the RTA
4. On 9 October 2006, Council received a letter from the RTA advising that the RTA had no objection to the proposed development provided that certain criteria were satisfied. Relevantly, the placement and location of kerb and guttering and the width of the carriageway on Gilmour Street.
5. Council granted Development Consent to the Application on 16 October 2006. The Development Consent was subject to 83 conditions which included the following:

Condition 30:

The construction and sealing of the road shoulder and the construction of a barrier, kerbing and guttering, including the provision of street drainage where necessary in Gilmour Street for the full frontage of the subject land. All such works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

Condition 52:

The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

Condition 53:

The construction of a concrete footpath 1.2m wide and a 100mm thick and for the full frontage of the subject land to Gilmour Street in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

6. On 21 December 2006, Council issued a Construction Certificate.
7. On 20 March 2008, the Bathurst Christian Life Centre wrote to Council proposing that the Council or the RTA complete the works necessary to achieve compliance with Condition 30 of the Development Consent (at the Bathurst Christian Life Centre's expense) or in the alternative, that Council grant an extension of 18 months for the Bathurst Christian Life Centre to comply with Condition 30.
8. On 31 March 2008 Council advised the Bathurst Christian Life Centre that it required the construction of kerb and gutter prior to the issue of the Occupation Certificate.
9. On 8 May 2008 Council granted an extension of time for compliance with Condition 30 of the Development Consent. The extension was granted on the basis that the kerb, gutter and footpath in Gilmour Street were constructed within six months from the date that the interim occupation certificate was issued, and that until the kerb and gutter were complete, that access to the site occur from the Hereford Street entrance only.
10. On 30 May 2008, an interim occupation certificate was issued by Council. Outstanding works were therefore to be completed by 30 November 2008.
11. On 26 September 2008, Council wrote to the Bathurst Christian Life Centre identifying the outstanding conditions of Development Consent and requesting compliance with the Development Consent by 30 November 2008.
12. A further letter was sent to the Bathurst Christian Life Centre on 5 May 2009 requesting that they provide a timetable for the completion of the outstanding works within 14 days.
13. At the request of the Bathurst Christian Life Centre Council provided a quote for undertaking the required works. The quote was provided by letter dated 2 June 2009 in the amount of \$98,350.00.
14. On 11 August 2009 Council issued the Bathurst Christian Life Centre a Notice of Intention to issue an Order No. 15 under Section 121B of the Environmental Planning and Assessment Act 1979 to require compliance with the outstanding conditions of the Development Consent.

15. In response by letter dated 11 September 2009, the Bathurst Christian Life Centre proposed that Council complete the works necessary to achieve compliance with the conditions of the Development Consent with the Bathurst Christian Life Centre to contribute an initial payment of \$20,000.00 and a further payment of \$10,000.00 per annum over the next three years (\$50,000.00 in total).
16. On 17 September 2009 Council issued the Bathurst Christian Life Centre with an Order No. 15 under s. 121B of the Environmental Planning and Assessment Act 1979 requiring compliance with conditions 30, 52 and 53 of the Development Consent 2007/0059 within three months.
17. On 14 October 2009 the Bathurst Christian Life Centre lodged an Appeal against the issuing of this Order in the Land and Environment Court.

The matter was referred to a Section 34 Conference (mediation) before Commissioner Hussey on 1 December 2009.

Following discussions between the parties agreement could not be reached regarding the timetable for completion of the works. The Commissioner then proceeded to deal with the matter on its merit.

Following consideration of the issues the Commissioner modified the terms of Council's Order to require the works to be completed as follows:

- kerb and gutter by 31 December 2010;
- sealing the carpark by 31 December 2011; and
- footpath by 31 December 2011.

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

Financial Implications: Each party is responsible for its own costs. Council's costs are funded from existing allocations.

MINUTE

11 Item 6 BATHURST REGIONAL COUNCIL ATS BATHURST CHRISTIAN LIFE CENTRE (34.00064)

MOVED: Bobby Bourke SECONDED: Ian North

RESOLVED: That the information be noted.

7 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT CODES) 2008 (02.00018)

Recommendation: That the information be noted.

Report: The Department of Planning introduced SEPP (Exempt & Complying Development Codes) 2008 in February 2009. The SEPP immediately overrode local exempt provisions for the same development type and will override all local complying development provisions in February 2010.

The SEPP had an immediate adverse impact on the Bathurst Region as it removed a significant amount of development that could be considered as exempt development. Council was ultimately able to negotiate an exclusion from the SEPP in September 2009 on this basis.

Following the commencement of the SEPP, the LGSA committed to monitoring its impact on Councils in NSW. This included a survey of all Councils following 6 months of operation. This is the same time period that the SEPP was in force in the Bathurst Region.

A full copy of the report from the LGSA is provided at **attachment 1** and is summarised below in relation to Bathurst's experience.

Key findings

- Fewer CDCs issued under SEPP than Council's Codes. For responding Councils: 968 issued under SEPP and 1284 issued under Council Codes. In Bathurst 91 were issued under Council's DCP with only 5 issued under the SEPP (3 of which would have previously been exempt development).
- A significant number of Regional Councils issued a high number of CDCs under Council Codes with very few (or nil) CDCs issued under the SEPP. It appears that these Council Codes have very strong local support, are easy to understand and deliver acceptable outcomes to applicants.
- It appears that the SEPP has more relevance to greenfield metropolitan areas.
- The majority of Councils believe the SEPP is too complex and difficult to understand.
- Some Council's indicated that exempt development criteria in the SEPP was too stringent (Bathurst) whereas others thought it wasn't stringent enough. The SEPP did not account for local context.

Conclusions

- SEPP has not delivered on its intended outcomes (i.e. increase CDCs and reduce approval times).
- SEPP is too complex and difficult to understand and use.
- Need for greater flexibility in the SEPP to reflect local context and better alignment with local planning objectives.

Recommendations to the Department of Planning

- Reconsider the extinguishment of all Council Codes in February 2010.
- Consider ways of reducing the complexity of the SEPP.
- Reduce the complexity of exempt development and explore options for improving an applicant's compliance with the Exempt Code (i.e. assuring themselves that their development is legally exempt).
- Improve flexibility of SEPP so that controls can be adjusted to suit the local context.

Conclusion

As indicated earlier, Bathurst was successful in being excluded from the SEPP in September 2009. Council subsequently responded to the LGSA Survey and directly to the Department of Planning (see **attachment 2**).

Key issues raised in Council's letter to the Department were:

- complexity of SEPP
- lack of local flexibility, particularly in relation to exempt development

It is also worth noting that Council already has a notification system in place for exempt development as suggested in the LGSA report.

Council has received further correspondence from the Department of Planning (see **attachment 3**) indicating that Bathurst's exclusion from the SEPP was only provided for a temporary period to 27 February 2010. Council staff have not been able to identify where this date is enforced through legislation although it appears that the Department will extend the exclusion until amendments to the SEPP are made.

It is extremely concerning that the Department seem intent on holding the position that one set of standards will ultimately apply to the State. Council cannot foresee how this will not leave centres like Bathurst worse off.

Council staff are holding further discussions with the Department of Planning.

Financial Implications: Nil.

MINUTE

12 Item 7 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT CODES) 2008 (02.00018)

MOVED: Warren Aubin SECONDED: Monica Morse

RESOLVED: That the information be noted.

8 DRAFT BATHURST SOUTHERN RING ROAD STUDY 2008 (28.00025)

Recommendation: That Council:

- (a) adopt the Draft Bathurst Southern Ring Road Study 2008 for Strategic Planning purposes only noting that the indicative route shown in the study is **not** a preferred or recommended route; and
- (b) refer the matter of funding further investigative studies to identify a preferred or recommended route to the 2010/2011 Management Plan.

Report: Council adopted the Bathurst Regional Urban Strategy in 2007. The Urban Strategy recommended that a planning/environmental study be initiated as a priority to link proposed industrial areas of the City. Council engaged Parsons Brinkerhoff (PB) to prepare the Draft Bathurst Southern Ring Road Study in 2008.

Objective of the Study

The objective of the Draft Bathurst Southern Ring Road Study is to identify whether there is a need for a Bathurst Southern Ring Road (SRR) to reduce the need for increased regional traffic passing through the City and to reduce the need for heavy vehicles to use local roads within the City.

A full copy of the draft Study and a report and presentation on the Study has already been made available to Councillors at the Councillor Working Party held on 12 August 2009. Should Councillors require a further copy they are available from the Environmental, Planning & Building Services Department.

Indicative Route

The study provides a figure showing the indicative route chosen for the purposes of the draft Study. This route was chosen for the purposes of this early strategic study because it would not only function as a bypass route to remove heavy vehicles from the centre of the City but it would also function as a local ring road for travel from one side of town to the other.

The indicative route must **not** be taken as the preferred or recommended route. It is indicative only and the draft Study clearly indicates that further detailed investigations are required to determine the exact location of the route.

Study Findings

The draft Study highlights that the need for the Southern Ring Road comes from:

- The diversion of existing and future heavy vehicle traffic away from existing and future residential areas, and
- The relief to local traffic routes within Bathurst.

The draft Study concludes that a Southern Ring Road would provide many benefits to Council to justify further investigation of the route. The draft Study suggests that future investigations should concentrate on integrating the Southern Ring Road with the existing road network to relieve local traffic congestions and not treat the Southern Ring Road purely as a bypass route.

The study indicates that if Council chooses to pursue the concept of a Southern Ring Road

more detailed investigations would need to be undertaken to:

- Identify the exact route
- Identify engineering works required
- Identify costs of construction.

Public Exhibition

Council, at its meeting held 16 September 2009, resolved to place the draft Study on public exhibition. The draft Study was exhibited for a month from 19 September to 23 October 2009. Twelve submissions were received. The matter proceeded to a Discussion Forum on 2 December 2009. The submissions received were attached to the Discussion Forum report.

The most significant issue raised during public exhibition was concern that the indicative route shown in the Study would form the final adopted route. Concerns were raised that this route would impact on:

- Residential properties
- Prime agricultural land
- Conservation areas, eg Boundary Road Reserve
- Mt Panorama
- Flood Plain

In this regard, the indicative route cannot be removed from the Study itself. The Study references it for the purposes of predicting likely traffic flows. Council can, however, in its resolution acknowledge that the indicative route shown in the Study is not a preferred or recommended route.

Where to from here?

The Study indicates that if Council chooses to pursue the concept of a Southern Ring Road more detailed investigations are required to:

- Identify a route
- Identify engineering costs
- Identify costs of construction

These investigations will need to be staged and it is envisaged that they will take a number of years to complete. Studies required will include:

- route identification which will likely provide a number of route options
- reassessment of route benefits based on an actual route
- overall cost/benefit analysis
- environmental impact statement.

A ball park figure of \$1 million is estimated to complete the necessary studies to identify a route.

It is going to be particularly difficult to identify a route free of any environmental, physical or social constraints. The very matters raised by the public in their submissions to this study highlight the type and range of issues that will be faced and will need to be addressed in identifying a route. There cannot, at this stage, be any guarantee that a preferred route will be able to be identified that will be acceptable in terms of these constraints, yet still offer a transport route that will benefit the city.

Based on the outcomes of the current Study it is considered that there is sufficient justification to proceed with further investigation although Council needs to consider the risk that:

- a preferred route may not be able to be identified (or agreed upon), and/or
- the preferred route may be cost prohibitive.

Council has not budgeted monies to undertake further investigations. Therefore it is appropriate that this matter be referred to the 2010/2011 Management Plan process. It would be suggested that at a minimum Council would need to allocate and reserve \$200,000 over 5 years.

Conclusion

The PB Study has identified benefits to the City of a Southern Ring Road. Public exhibition of the Study has highlighted the many constraints Council will need to address to identify a preferred route. At this stage it cannot be guaranteed that future investigations will be able to identify a route that:

- addresses the various environmental, physical and social constraints yet still offer a transport route of benefit to the City, and
- will be cost effective.

If Council proceeds to investigate a Southern Ring Road funding will need to be set aside in its next and subsequent management plans.

Whether or not Council proceeds with further investigations it would be appropriate for Council to adopt the current study for Strategic Planning purposes only noting that the indicative route shown within the Study is not the preferred or recommended route.

Financial Implications: Further investigations into a southern ring road will need to be referred to the 2010/2011 Management Plan process for funding consideration.

MINUTE

13 Item 8 DRAFT BATHURST SOUTHERN RING ROAD STUDY 2008 (28.00025)

MOVED: Tracey Carpenter **SECONDED:** Ian North

RESOLVED: That Council:

- (a) adopt the Draft Bathurst Southern Ring Road Study 2008 for Strategic Planning purposes only noting that the indicative route shown in the study is **not** a preferred or recommended route
- (b) refer the matter of funding further investigative studies to identify a preferred or recommended route to the 2010/2011 Management Plan.

9 DEVELOPMENT APPLICATION NO. 2010/0375 – TWO LOT SUBDIVISION AT 24 & 38 STEWART STREET, EVANS PLAINS, APPLICANT: ANTHONY DAINITH TOWN PLANNING. OWNER: J L BLACKWOOD AND F G & N ROWLAND (DA/2010/0375)

Recommendation: That Council:

- (a) support the variation to the 1(a) – Inner Rural Zone 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 101 and 102;
- (b) support the variation to the 1(a) – Inner Rural Zone 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 101 and 102;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0375, 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: Council has received a Development Application (DA) for a two lot subdivision (boundary adjustment) between 2 properties at Evans Plains. A location plan is provided at **attachment 1**.

The Site

The development involves the adjustment of the boundary between two properties each consisting of multiple lots. 24 Stewart Street comprises 4 lots (Lots 1, 2 & 3 DP 758719 and Lot 5 DP 114143) with a combined area of approximately 0.91ha, and 38 Stewart Street comprises 2 lots (Lot 3 DP 114143 and Lot 1 DP 852012) with a combined area of 1.56 ha.

Both properties currently contain dwellings. The dwelling located at 38 Stewart Street is a heritage item pursuant to Council's current LEP. It is described as a house (formerly a convent), known as "The Mill".

The proposal

The proposal involves a boundary adjustment between the properties. This will result in 24 Stewart Street increasing to 1.01 hectares and 38 Stewart reducing to 1.46 hectares. Each of the proposed lots will retain their respective existing dwellings. A plan of the proposed development is at **attachment 2**.

Planning Context

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

The subject site is zoned 1a – Inner Rural under the provisions of the BRLEP 2005. Under Clause 27 of the BRLEP 2005 the minimum area for each allotment is 200 hectares. Likewise Clause 28 of the BRLEP 2005 requires a minimum area of 200 hectares for a dwelling. The development is therefore contrary to Clause 27 and 28 of the BRLEP 2005.

The applicant has submitted a SEPP 1 objection (**attachment 3**) which indicates the nature of the subdivision and their objection to the current standards due to:

1. Both lots comprise allotments less than the 200 hectare minimum area;
2. No additional dwelling entitlements will be created; and
3. The existing or potential agricultural use of the land will not be compromised.

The intention behind the development standards is to limit new dwelling entitlements on allotments less than the minimum area. Both lots already have dwellings on them. The subdivision will not compromise the agricultural potential of the land.

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 of Lots 3 & 5 DP114143, Lots 1, 2 & 3 DP 758719 and Lot 1 DP 852012 will not create any dwelling entitlements nor compromise the agricultural potential of the land. Accordingly the SEPP 1 objection is supportable.

Financial Implications: Nil.

MINUTE

14 Item 9 DEVELOPMENT APPLICATION NO. 2010/0375 – TWO LOT SUBDIVISION AT 24 & 38 STEWART STREET, EVANS PLAINS, APPLICANT: ANTHONY DAINTITH TOWN PLANNING. OWNER: J L BLACKWOOD AND F G & N ROWLAND (DA/2010/0375)

MOVED: Ian North SECONDED: Monica Morse

RESOLVED: That Council:

- (a) support the variation to the 1(a) – Inner Rural Zone 200 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 101 and 102;
- (b) support the variation to the 1(a) – Inner Rural Zone 100 hectare minimum lot size as prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 101 and 102;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0375, 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 -

Absent -

10 DEVELOPMENT APPLICATION NO. 2010/0340 – DEMOLITION OF EXISTING DWELLING AND NEW DUAL OCCUPANCY AT 46 LAMBERT STREET, BATHURST. APPLICANT: PETER ROGERS REAL ESTATE SUPER FUND. OWNER: ROGERS FAMILY SUPER FUND (DA/2010/0340)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0340, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) **The demolition of the existing dwelling on the subject land is not to commence until a construction certificate for the proposed dual occupancy has been issued by the Principal Certifying Authority.**
- (b) support the variation to the minimum lot size for a dual occupancy prescribed in the Residential Housing Development Control Plan;
- (c) call a division.

Report: The Site

Council has received a Development Application (DA) for the demolition of the existing dwelling and the erection of a dual occupancy at 46 Lambert Street, Bathurst, described as Lot 1 DP 819261. A location plan is provided at **attachment 1**.

The site contains a single storey dwelling which sustained significant fire damage in the centre of the dwelling in a recent fire and is currently uninhabitable. The dwelling is generally constructed from masonry with an iron roof.

History of the Site

Council has requested a historic report for the site, although it had not been received at the time of writing the report. A copy of the report will be tabled at a future Council meeting.

The proposal

The proposal involves:

- a) the demolition of the dwelling; and
- b) construction of a new single storey attached dual occupancy.

A plan of the proposed development is at **attachment 2**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

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

Clause 23 - Protection of Environmental Heritage

The subject land is located within the Bathurst Conservation Area but is not a listed heritage item.

The developer had previously engaged a structural engineer, Calare Civil, to prepare a report on the building in relation to the threat of public safety and whether the building could be economically repaired. Council did not request an additional engineers report from Calare Civil as it was unlikely to provide any further significant information.

The assessment report identified that fire and smoke damage was evident at the northern end of the building. Significant cracking and lateral deflection of masonry was noted on all external masonry, in particular to the western half of the building. The report notes that the fire did not cause the deflection in the masonry, however the long term stability of the area has been compromised by the fire.

The inspection revealed that the building has suffered significant damage to many building structure elements including ground floor and mainly the roof structure. The building has been affected by reactive clay movement prior to the fire, and the structural integrity of the building is now severely compromised. Structural repair of the building would not be viable.

The building has also been inspected by Council's Heritage Adviser who concurs with the recommendations of the Calare Civil engineers report. The consideration of the building demonstrates it has reached the end of its economic life.

In order to assess the conservation significance of the dwelling proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken in consultation with Council's Heritage Advisor (see demolition report at [attachment 3](#), Engineers report at [attachment 4](#), Infill development application at [attachment 5](#)). The following table provides a summary of the assessment.

Date of construction	Late Victorian (1880-1900)
BCAMS results: Rare/Representative building Integrity Item Rating Streetscape Rating Overall Rating	6 Representative Altered Unsympathetically Contributory Significant in local context 6 out of 9
Significant historical matters	Unlikely to be significant. Council has requested a historic report, although it had not been received at the time of writing the report.
Cost of repairs	Uneconomic
Compliance with infill policy	Yes, Council's Heritage Advisor has commented on the proposed development and it is considered that the replacement dwellings are sympathetic with the streetscape.
Impact of demolition on streetscape	Minimal

The dwelling has an overall rating of 6 out of 9.

A single storey Victorian cottage with a hipped roof clad in colorbond iron and a separately supported bull nosed iron front verandah roof across the full façade. The façade is not quite symmetrical with a window, door and then two windows on the other side. The bull nosed roof is supported on half height cast iron columns supported in turn on face brickwork in red textured brick of half height. This support is probably not original.

Development Control Plan – Residential Housing:

Development Standard	Proposed	Permissible	Compliance
Min. lot size	501.1 sqm	550 sqm	No*
Height	Single Storey	Two-storey	Yes
Setbacks			
Front	300 mm	Various	No**
Rear	300 mm	1.5 m	No**
Side	600 mm	1 m	No**
Carparking			
Dwelling 1 resident	1	1	Yes
Dwelling 2 resident	1	1	Yes
Development Visitor	1	1	Yes^
Accessway Width			
Unit 1	3.5 m	3-6 m	Yes
Unit 2	3.5m	3-6 m	Yes
Open Space			
Dwelling 1	20 sqm	20 sqm	Yes
Dwelling 2	22 sqm	20 sqm	Yes

* The proposed development, being a dual occupancy, requires a minimum lot size of 550sqm. Whilst it is below the minimum lot size, it is considered supportable for the following reasons:

- a) the proposed development allows for adequate vehicle manoeuvring and parking arrangements and open space;
- b) the density of the site is below the standards described in the Residential Housing DCP;
- c) the use of a reduced front setback increases the area available for building;
- d) the proposed replacement building generally follows the footprint of the existing dwelling.

It is therefore recommended that Council support the variation to the minimum lot size.

** The proposed setbacks of the dwellings are similar to that of the original dwelling and associated outbuildings. The reduced setbacks are considered acceptable although not complying with Council's DCP standards. The reduced setbacks are considered acceptable given that there is an existing driveway access on the north western and south eastern boundaries which will reduce the impact on the adjoining unit developments. The reduced setbacks are unlikely to alter the impact on adjoining properties from that of the existing dwelling.

^ The applicant has provided 1 visitor car parking space in accordance with Council's DCP.

Council's heritage advisor has commented on the proposed development and considers that the proposed development is an appropriate infill development for the site and the streetscape.

Submissions

The development application was advertised and notified to adjoining property owners from 7 December 2009 to 21 December 2009. Following the advertising and notification period

no submissions were received.

Conclusion

Council has received a Development Application (DA) for the demolition of the existing dwelling located on the site at 46 Lambert Street, Bathurst. The building has been damaged recently by fire and the site is currently fenced off. The engineering report received by Council includes commentary that the building is uneconomical to repair. Council has received an appropriate infill development for the site for an attached dual occupancy. It is therefore recommended that Council approve the Development Application for the demolition of the building, erection of a single storey attached dual occupancy and support the variation to the minimum lot size for the erection of the dual occupancy.

Financial Implications: Nil.

MINUTE

15 Item 10 DEVELOPMENT APPLICATION NO. 2010/0340 – DEMOLITION OF EXISTING DWELLING AND NEW DUAL OCCUPANCY AT 46 LAMBERT STREET, BATHURST. APPLICANT: PETER ROGERS REAL ESTATE SUPER FUND. OWNER: ROGERS FAMILY SUPER FUND (DA/2010/0340)

MOVED: Bobby Bourke SECONDED: Warren Aubin

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

Reason: Husband is employed by Contractor.

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0340, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
 - (i) **The demolition of the existing dwelling on the subject land is not to commence until a construction certificate for the proposed dual occupancy has been issued by the Principal Certifying Authority.**
- (b) support the variation to the minimum lot size for a dual occupancy prescribed in the Residential Housing Development Control Plan;
- (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 G Hanger, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion -

Absent - Cr T Carpenter

11 DISMANTLE AND AUCTION OF FORMER BATHURST SALEYARDS (37.00266)

Recommendation: That the information be noted.

Report: As Council is aware the dismantling and auction sale of the former Bathurst Saleyards was undertaken in the second half of 2009.

Dismantling of the former Saleyards was undertaken over a twenty week period.

The subsequent auction of the saleyards was awarded to Pickles Auctions Pty Ltd of Dubbo. This auction was carried out on 26 November 2009.

The number of items for sale was in excess of 9000 with registration for bidding on the day being reasonable considering the dry climatic conditions and the economic climate at the time.

There was a total clearance of saleyard items put up for sale with the exception of the workshop shed, which will be used as a storage area until the site has been finalised. Most of the longer timber railing was sold to a timber recycling firm, with the steel items being sold to local farmers and scrap metal merchants, depending on length and quality.

It should be noted that Council also used the opportunity of the auction to sell some surplus items from other areas within Council.

At the conclusion of the sale the net proceeds were \$208,615.75.

Council therefore has a gain of \$87,689.25 following the auction sale. These funds will be required to carry out remediation of the soil (if required) plus remove the concrete flooring in the former yards. Options for removing the concrete are being investigated.

Financial Implications: Funds received will be reserved until all expenses are met.

MINUTE

16 Item 11 DISMANTLE AND AUCTION OF FORMER BATHURST SALEYARDS
(37.00266)

MOVED: Ross Thompson SECONDED: Greg Westman

RESOLVED: That the information be noted.

Yours faithfully

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

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
3 FEBRUARY 2010

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 3 FEBRUARY
2010**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS - DECEMBER 2009 (16.00001)

Recommendation: That the information be noted.

Report: \$50,433,737.83 was invested at 31 December 2009 in accordance with Council's investment policies, the Minister's Investment Order dated 31 July 2008, 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)

90 day Bank Bill Swap Rate (BBSW)	3.61%
Three Year Treasury Bond Yield	4.89%

**Short Term 1 – 365 Days
(comprising Commercial Bills, Term Deposits and
Certificates of Deposits):**

Adelaide Bank	\$4,000,000.00
Australian Central Credit Union	\$6,500,000.00
Bankwest	\$3,000,000.00
IMB Ltd	\$4,000,000.00
Railways Credit Union	\$7,500,000.00
Reliance Credit Union	\$2,000,000.00
SGE Credit Union	\$5,000,000.00
Westpac	<u>\$8,000,000.00</u>
	\$40,000,000.00

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

Railways Credit Union	\$2,000,000.00
Government & Semi Government Bonds	<u>\$2,630.25</u>
	\$2,002630.25

Community Income Note

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

Floating Rate Notes

ANZ	\$2,000,000.00
Bendigo Bank #7	\$1,000,000.00
Bendigo Bank 2007	\$2,000,000.00
Lehman Brothers Treasury Co	\$1,000,000.00
Mackay Permanent Building Society	\$500,000.00
Savings & Loans Credit Union	<u>\$1,000,000.00</u>
	<u>\$7,500,000.00</u>

Total Investments **\$50,433,737.83**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$24,182,732.93
Grants held for specific purposes	\$3,463,629.94
Section 94 Funds held for specific purposes	\$16,562,294.65
Unrestricted Investments – All Funds	\$6,225,080.31
*General Fund	\$39,584.32
*Water Fund	\$2,370,720.01
*Sewer Fund	\$1,625,091.62
*Waste Fund	<u>\$2,189,684.36</u>

Total Investments **\$50,433,737.83**

R Roach
Responsible Accounting Officer

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

MINUTE

17 **Item 1 STATEMENT OF INVESTMENTS - DECEMBER 2009 (16.00001)**

MOVED: Bobby Bourke SECONDED: Ross Thompson

RESOLVED: That the information be noted.

2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET (16.00116)

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

Report: Due to the implementation of the new computer system, a detailed financial report is not available. The table below reflects the current budget position as at 31 December 2009.

	Original Estimate	Previously Revised Estimate	Revised Estimate	Variance for the Month
Engineering Services	11,055,708 Deficit	11,055,708 Deficit	11,055,708 Deficit	0
Corporate Services & Finance	(18,133,074) Surplus	(18,133,074) Surplus	(18,133,074) Surplus	0
Cultural & Community Services	4,113,018 Deficit	4,113,018 Deficit	4,113,018 Deficit	0
Environmental Planning & Building Services	2,913,786 Deficit	2,913,786 Deficit	2,913,786 Deficit	0
TOTAL	(50,562) Surplus	(50,562) Deficit	(50,562) Deficit	0

Variations for the Month of December 2009 - Nil

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

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

MINUTE

18 Item 2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET (16.00116)

MOVED: Ross Thompson SECONDED: Ian North

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

3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE 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 and Bathurst Memorial Entertainment Centre Community Use Subsidies granted by Council for the period ending 31 December 2009.

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

Section 356:	(\$50.29)
BMEC Community use:	\$11,269.20

MINUTE

19 Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY (18.00004)

MOVED: Warren Aubin SECONDED: Greg Westman

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.

- I & T Press - Part Lot 13 DP1041715, Sections 1, 2, 3 & 4 - Bathurst Aerodrome - Licence
- N & P Colley - Lot 3 DP232111 - Mount Panorama - Licence
- Anglican Property Trust Diocese of Bathurst - Lot 1 DP125430 - Bathurst Cemetery - Deed of Agreement
- Attorney General of NSW - Part Lot 2 DP758065 - Russell Street - Deed of Licence
- Harvey Homes Pty Ltd - Lot 201 & 202, DP1137628 - Blaxland Drive - Transfer
- Norwood - Bathurst Cemetery - Lease Agreement
- Bathurst Regional Council - Part Lot 30 DP1062485 - Bathurst Railway Station - Lease
- Thrifty Bathurst/Orange - Bathurst Aerodrome Terminal - Licence
- Avis/Budget - Bathurst Aerodrome Terminal - Licence
- K & H Jeffers - Lot 1 DP792363 - Church Lane - Licence
- Rail Infrastructure Corporation - Part Lot 30 DP1062485 - Bathurst Railway - Lease
- J Corby - Lot 2 DP154468 - Stephens Lane - Licence

Linen Plan Release

- Geolyse/BRC - Road Widening - Lot 22, DP593889 - 792 Vale Road, Perthville
- Ratsep/Roxburgh Downs - 3 Lot Subdivision + 1 Residual Lot - Cheviot Drive, Kelso

Financial Implications: Nil.

MINUTE

20 Item 4 POWER OF ATTORNEY (11.00007)

MOVED: Ian North SECONDED: Graeme Hanger

RESOLVED: That the information be noted.

5 REQUEST FOR FINANCIAL ASSISTANCE - TELSTRA CHILDFLIGHT (18.00195-17)

Recommendation: That Council not donate funds to Telstra Childflight Inc to purchase fire works for a fundraising event to be held in July 2010.

Report: Council has received a request from Telstra Childflight Inc for a donation of \$3000 for the purchase of fire works for the Telstra Childflight bonfire night. A fun evening with fire works and bonfire is planned for July 2010 to raise money for the Telstra Childflight Emergency Helicopter Service. A copy of the request is provided at **attachment 1**.

In support of the recommendation above, Councillors are asked to review the cash flow statements of Telstra Childflight Inc, which Shows the financial position of this organisation. Councillors have received a copy of the organisations financial position under separate cover.

Financial Implications: Council currently has no funds available in Section 356 Donations.

MINUTE

21 Item 5 REQUEST FOR FINANCIAL ASSISTANCE - TELSTRA CHILDFLIGHT
(18.00195-17)

MOVED: Ross Thompson **SECONDED:** Warren Aubin

RESOLVED: That Council not donate funds to Telstra Childflight Inc to purchase fire works for a fundraising event to be held in July 2010.

6 REQUEST FOR FINANCIAL ASSISTANCE - 2010 ROYAL BATHURST SHOW - BATHURST AH&P ASSOCIATION (18.00195-17)

Recommendation: For Council's consideration.

Report: Council has received a request from the Bathurst Agricultural Horticultural & Pastoral Association for financial support to assist with the running of a Stage in front of the Pavilions to feature local performers at the 2010 Royal Bathurst Show 3 day event. A copy of the request is provided at **attachment 1**.

To increase the level of community involvement at the 2010 show and beyond the Bathurst AH&P Association are planning the following new event:

The large grass area opposite the main pavilions and just to the left of the Showgrounds main entrance will be used as a "community green" area. There will be displays from local community groups, food outlets, rides for children , face painting etc. This area will be a showcase for local groups and community organisations and an opportunity for the Bathurst public to see and support what goes on within the community.

A large stage will be constructed in front of the Pavilions that will exclusively feature local performances. Performers already booked include The Carillion City Show Band, Swing Factor, Bathurst RSL Show Band and Circus Surreal. A 100 seat covered crowd structure will be erected opposite the stage on the grass so the public can enjoy the performances. This will give the Bathurst community the unique opportunity to experience the best local entertainment that Bathurst has to offer.

The Bathurst BH&P Assoc request funding from Council to cover costs in running the stage and to provide a small payment to performers to help cover their costs. Breakdown of costs as follows:

Hire of Stage, crowd structure and seating	\$2,715.24
Hire of PA system	\$1,000.00
Donation to performers to cover costs	<u>\$1,000.00</u>
Total	\$4,715.24

Financial Implications: Council currently has no funds available in Section 356 Donations.

MINUTE

22 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - 2010 ROYAL BATHURST SHOW - BATHURST AH&P ASSOCIATION (18.00195-17)

MOVED: Tracey Carpenter SECONDED: Warren Aubin

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

Reason: Related to a member of the Bathurst AH&P Association Board.

The Mayor vacated the Chair.

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

RESOLVED: That

- (a) Council provide \$4,715.24 to the Bathurst AH&P Association as a Section 356 Donation to be funded from Equity.
- (b) The AH&P Association repay the \$4,715.24 donation to Council if the 2010 Show is run at a profit.
- (c) The Bathurst AH&P Association be asked to provide disabled access and seating to the crowd structure proposed as a condition of the funding.
- (d) Suitable recognition of the donation be made at the venue.

7 RATING MATTERS - 3 YEAR RATING CYCLE (16.00004-11)

Recommendation: That the information be noted.

Report: Council has received advice from the Office of the NSW Valuer General that it proposes to introduce the provision of land values based on a three (3) year cycle.

The Valuer General believes that by implementing a more frequent review of land values, land owners will not be subject to the variation in land values that currently occur. The present land value system that Council uses at the moment is on a cycle of 4+ years system and relies upon the Valuer General to advise Council of the variations to land values. The 3 year cycle is to apply from 1 July 2009 and there will be a time certainty of valuations being issued every three years.

Councillors are aware that when revaluation of land in the Council district occurs there are numerous problems created. This causes Council and the Valuer General considerable problems in adjusting land values to the correct amount.

The three year cycle should reflect a better market value of the land, and as well as being for a shorter time frame from the 4+ years, back to the 3 year cycle, then the increases in land values will not be as dramatic.

Financial Implications: There are no financial implications at the present time.

MINUTE

23 Item 7 RATING MATTERS - 3 YEAR RATING CYCLE (16.00004-11)

MOVED: Tracey Carpenter SECONDED: Bobby Bourke

RESOLVED: That the information be noted.

8 ROUNDABOUT - CNR BRADWARDINE ROAD AND MITCHELL HIGHWAY (25.00047)

Recommendation: For Council's consideration and adoption of an option.

Report: Council has been negotiating with the Roads & Transport Authority (RTA) for the provision of a Roundabout at the Corner of Bradwardine Road and Mitchell Highway.

Council has now received advice that the RTA has committed funding of \$350,000 towards this project which has been assessed by Council at costing \$875,000 for the Roundabout. The RTA have advised that these funds must be spent before the 30 June 2010, as they will not be carried over to the new financial year.

Councils Engineering Department have advised that the estimated costs to build the Roundabout is \$875,000, which is calculated as follows:

- Two lane, B Double standard and kerb & gutter approaches
- Large round-about - 20 metre outer radius & 8 metre centre radius (12 metre carriageway width)
- RTA pavement design - 505 mm (150mm select gravel, 180mm leanmix, 175 mm asphaltic concrete)
- Approximately 100 metres of Mitchell Highway construction
- Note does not include utility adjustment if required or the construction of a bypass road if required

This leaves Council with a shortfall of \$525,000 towards the cost of the Roundabout which has to be found from within Council's 2009/10 Management Plan.

Councillors are aware that Council have been collecting Section 94 funds for roads in the Windradyne area which includes this extension of the Bradwardine Road and the connection of the road to the highway. It currently has approximately \$400,000 in reserves to cover the costs of road construction in the Windradyne area. This leaves a balance of \$125,000 to be found from either the current Management Plan in order to complete the Roundabout or this shortfall of \$125,000 will need to form part of Council's Management Plan process for the 2010/11 Management Plan.

Council's Engineering Department have advised that the Bradwardine road extension will cost approximately \$1,127,000 to complete it in addition to the Roundabout at Mitchell Highway and the Suttor Street Roundabout.

The Bradwardine road extension includes:

- Road extension of approximately 650 metres in length
- Costs for pavement and asphalt surfacing for the full length
- Kerb & gutter for the full length
- Drainage
- Intersection treatment with Larkin Street and cemetery entrances (including turn bays)
- Estimate of \$112,00 for street lighting
- Note does not include utility adjustment if required.
- Should be noted that the road is proposed to be constructed to a full urban road standard with kerb and gutter and asphalt surface. The original proposal as an interim measure was construction to a rural road standard.

Council has not included this cost of \$1,127,000 in its current Management Plan and will

need to include this amount in the 2010/11 Management Plan for consideration.

Council's Engineering Department have further advised that the Roundabout at Suttor Street will cost approximately \$379,000 to construct. These costs include:

- Full pavement reconstruction
- Full asphalt resurfacing
- Median and approach lane separations
- Estimate of \$15,000 for street lighting
- Note does not include utility adjustment if required

The total construction of the Roundabout on the highway, Bradwardine Road extension and Suttor Street has been assessed at \$2,381,000 which will need to be funded from Council's Management Plan in 2010/11 less the \$350,000 Council will receive from the RTA during the current financial year.

In order to progress this matter Councillors are requested to select an option from the list below:

Option 1

- (a) Council needs to proceed with the construction of the roundabout during the 2009/10 period as it has received advice from the RTA that it must spend the grant of \$350,000 during this financial year. Council has available approximately \$400,00 but will need to make an adjustment to its current Management Plan by reducing an area of expenditure by \$125,000 to cover the total cost of the construction of the Roundabout. These funds of \$125,000 will be found from within the Engineering Budget for the current year.
- (b) Refer the construction of the Bradwardine Road extension amounting to \$1,127,000 the 2010/11 Management Plan. Funding details will form part of the Management Plan process for Councillors consideration.
- (c) Refer the construction of the Suttor Street Roundabout to a future Management Plan depending upon funds being accumulated in Section 94 Funds to cover road construction in the Windradyne area.

Option 2

- (a) Construct the Roundabout as shown in option 1(a).
- (b) Defer the construction of the Bradwardine Road construction until Council is able to obtain grant funds to assist in the construction of this extension.
- (c) Defer the construction of the Suttor Street Roundabout to a future Management Plan.

Financial Implications: Council's Financial Implications will be affected by each of the above options, depending upon which option is chosen.

MINUTE

24 Item 8 ROUNDABOUT - CNR BRADWARDINE ROAD AND MITCHELL HIGHWAY (25.00047)

MOVED: Ian North SECONDED: Warren Aubin

RESOLVED: That Council:

- (a) Council needs to proceed with the construction of the roundabout during the 2009/10 period as it has received advice from the RTA that it must spend the grant of \$350,000 during this financial year. Council has available approximately \$400,00 but will need to make an adjustment to its current Management Plan by reducing an area of expenditure by \$125,000 to cover the total cost of the construction of the Roundabout. These funds of \$125,000 will be found from within the Engineering Budget for the current year.
- (b) Refer the construction of the Bradwardine Road extension amounting to \$1,127,000 the 2010/11 Management Plan. Funding details will form part of the Management Plan process for Councillors consideration.
- (c) Refer the construction of the Suttor Street Roundabout to a future Management Plan depending upon funds being accumulated in Section 94 Funds to cover road construction in the Windradyne area.
- (d) write a letter to the local member noting that the Mitchell Highway is a State Government road, seeking additional funding.

9 PROPOSED EASEMENT OVER COUNCIL LAND - PART LOT 16 DP712197 AND PART LOT 1 DP1090666 (2010/0134, 22.07308)

Recommendation: That Council approves the creation of an easement on Council owned land namely part Lot 16 DP712197 and part Lot 1 DP1090555 to allow Mr Gullifer's development application over Lot 11 DP1094735 located on Stockland Drive, Kelso to proceed.

Report: Council has been in discussion with Mr Tony Gullifer regarding his proposed development at Lot 11 DP1094734 located on Stockland Drive at Kelso. See map at **Attachment 1.**

A condition of his DA is that Mr Gullifer is required to drain water from his site. The natural fall of the land is to the rear of the lot. Mr Gullifer has permission from the adjoining land owner to run an easement through his land and is now seeking the same approval from Council regarding the land owned by Council namely part Lot 16 DP712197 and part Lot 1 DP1090555 which is located at the very rear of the former Evans Shire Council Depot bordering the Bunnings complex.

Council's subdivision supervisor has advised that this proposed easement is actually Council's preferred method of draining water from the site. Council's Environmental, Planning and Building Services Department have also been consulted and have no concerns with the proposal.

Mr Gullifer will be liable for all costs associated with the easement, if approved.

It is therefore recommended that Council approves the creation of an easement on Council owned land namely part Lot 16 DP712197 and part Lot 1 DP1090555 to allow Mr Gullifer's development application over Lot 11 DP1094734 Stockland Drive, Kelso to proceed.

Financial Implications: Nil

MINUTE

25 Item 9 PROPOSED EASEMENT OVER COUNCIL LAND - PART LOT 16 DP712197 AND PART LOT 1 DP1090666 (2010/0134, 22.07308)

MOVED: Greg Westman SECONDED: Warren Aubin

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

Reason: Close business association and political sponsor.

RESOLVED: That Council approves the creation of an easement on Council owned land namely part Lot 16 DP712197 and part Lot 1 DP1090555 to allow Mr Gullifer's development application over Lot 11 DP1094735 located on Stockland Drive, Kelso to proceed.

10 REQUEST FOR FINANCIAL ASSISTANCE - WATTLE SOCIAL CLUB (22.00159)

Recommendation: That Council donate \$1,482.03 to the Wattle Social Club to cover the cost of rates.

Report: Council considered a request at its August 2009 meeting from the Wattle Social Club for financial assistance to cover the cost of rates levied on the tennis courts in Havannah Street, Bathurst.

At this meeting, Council resolved to refer this request to a Working Party during which Councillors would discuss the allocation of section 356 Donations. Councillors have now been advised of the process required.

The following rates and charges have been levied for the Wattle Social Club:

Business Urban	\$ 954.30
Water Availability Charge	\$ 125.00
Sewer Non-Res Access	<u>\$ 399.00</u>
TOTAL	<u>\$1,478.30</u>

There is currently an arrears of \$3.73.

The Wattle Social Club has advised that they are a small Club of seniors consisting mainly of pensioners who play tennis on these courts. The members of this Club enjoy their tennis and also find it great exercise as well as a time of fellowship. The only income received by the Club is the amount of fees paid by its members from which the rent is paid to RailCorp, the public liability insurance paid and the cost of marking the courts is also met from the fees.

The Wattle Social Club advised that the payment of a large amount of money like this would create a very real hardship for the Club. The Club has advised that if they are unable to raise these fees the Club would have to consider terminating the lease and therefore deprive the members of the Club the opportunity to enjoy their tennis.

Councillors have received a copy of the Club's financial position under separate cover.

Financial Implications: This donation will be funded from Equity as there are no funds available in Section 356 Donations.

MINUTE

26 Item 10 REQUEST FOR FINANCIAL ASSISTANCE - WATTLE SOCIAL CLUB
(22.00159)

MOVED: Bobby Bourke SECONDED: Ian North

RESOLVED: That Council donate \$1,482.03 to the Wattle Social Club to cover the cost of rates.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' REPORT
3 FEBRUARY 2010

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 3 FEBRUARY 2010**

General Manager
Bathurst Regional Council

**1 EXTINGUISHMENT OF EASEMENTS FOR WATER SUPPLY AT WEST BATHURST
(32.00001-04)**

Recommendation: That Council:

- (a) Approve the extinguishment of easements for water supply affecting various properties in West Bathurst.
- (b) Approve the General Manager endorsing Applications for Cancellation or Extinguishment of Easements as required in accordance with the Director Engineering Services' report.

Report: Council is continually receiving enquiries from residents and developers regarding the status of an Easement for Water Supply affecting properties at West Bathurst.

Over time, Deposited Plans have been registered at the Land and Property Management Authority indicating the location of a "paper" (unconstructed) easement for proposed water supply from the West Bathurst Water Reservoir to Edgells Pty Ltd. The same "paper" easement has been defined inconsistently by 3 different descriptions including:

- 1 Easement for Water Supply
- 2 Proposed Easement for Water Supply 4 Feet Wide, or
- 3 Site of Proposed Easement for Water Supply 10 Feet Wide.

The extinguishment of the easements affects properties located at:

- (i) Lots 1 and 2 DP39439
- (ii) Lot 1 DP884159 (shown in DP39439)
- (iii) Lot 37 DP505086
- (iv) Lots 26, 27 and Lots 29 to 32 DP212740
- (v) Lots 13, 14 and 19 DP214037
- (vi) Lots 30 to 32 DP217899
- (vii) Lots 51 to 53 DP217899
- (viii) Lot 542 DP520668
- (ix) Lots 39, 46 and 61 DP28260.

Please refer to **attachment 1** containing copy relevant Deposited Plans with easement marked in red.

It has been found that the easements are redundant as the water supply line was never constructed within the easement, however, was constructed within the road reserves of Suttor Street, Osborne Avenue and Edgell Street. Council considers that there is no requirement for the easements to be retained.

It is recommended to Council that the easements be extinguished by endorsing Applications for Cancellation or Extinguishment of Easement, and permit the development of any land previously affected by the easements.

Financial Implications: Council's expenditure to extinguish the easements, as required, is to be funded from Water Main Maintenance.

MINUTE

27 Item 1 EXTINGUISHMENT OF EASEMENTS FOR WATER SUPPLY AT WEST BATHURST (32.00001-04)

MOVED: Warren Aubin SECONDED: Ian North

RESOLVED: That Council:

- (a) Approve the extinguishment of easements for water supply affecting various properties in West Bathurst.
- (b) Approve the General Manager endorsing Applications for Cancellation of Extinguishment of Easements as required in accordance with the Director Engineering Services' report.

2 NO SMOKING POLICY FOR PLAYGROUNDS AND SPORTING VENUES (18.00021 and 04.00034)

Recommendation: That Council:

- (a) adopt a no smoking policy within 10m of all children's playgrounds and within all Council sporting venues within the Bathurst Local Government area.
- (b) purchase and install signage displaying the international "no smoking" symbol together with suitable wording in prominent places at Council's playgrounds and sporting venues.

Report: Following concern raised by Council in relation to smoking at sporting events and in proximity to playgrounds, an investigation has been undertaken into the ability of Council to enforce any no smoking policy for such areas. Under the NSW Local Government Act 1993, Council has the power to:

- Erect suitably worded and strategically placed notices prohibiting smoking in "public places" (such places including but not limited to public reserves, Crown reserves, public swimming pools and public parks) within the local government area of Bathurst.
- Serve, by means of an authorised person, (Council Ranger/Ordinance Officer) a penalty notice upon any person who fails to comply with the terms of any such notice.
- Remove from community land, by means of an authorised person, any person who fails to comply with the terms of any such notice.

In addition, Council requested the delegates to the Bathurst District Sport and Recreation Council to raise this matter to ascertain the general feeling of that body towards smoking at sporting venues. Following such action, it has been reported that "the Bathurst District Sport and Recreation Council has unanimously resolved to prohibit smoking at events at all sporting fields."

The objectives of Bathurst Regional Council in banning smoking in various Council areas are to:

- Improve the health of community members.
- Improve public amenity and maintenance of Council property.
- Raise community awareness of the issues associated with smoking.
- Provide community leadership in taking measures to protect the health and social well-being of the community.
- Minimise cigarette butt pollution at Council owned facilities, waterways, parks and other open spaces.

In addition to the health impacts, cigarettes are also an environmental issue. Cigarette butts take up to five years to break down and are consistently one of the most common items collected during the annual Clean Up Australia Day. Outdoor smoking bans can help to reduce the amount of cigarette butt litter and provide a substantial cost saving through reduced clean-up costs.

Community attitude towards smoking has changed over time. Due to the mounting evidence showing the harmful effects of passive smoking and also because of litigation, by the mid

1990's smoke-free workplace policies have been introduced extensively throughout both public and private sectors. Bans and restrictions have also been introduced in many shopping centres, hospitals, schools and entertainment venues, as well as in the transport sector.

In 2004, the NSW Smoke Free Environment Act was amended and from July 2007 smoking was banned in all enclosed public places except the Sydney Casino.

There is strong public support for better and more wide reaching tobacco control activities. In December 2006 the Centre for Health Research and Psycho-oncology conducted a survey of 2400 NSW residents, who found overwhelming support for smoking restrictions in the following areas:

- 92% support bans in children's playgrounds
- 85% support bans outside workplace doors / entrances
- 80% support bans in sports stadiums
- In addition, 65% say they avoid places where they may be exposed to other peoples smoke.

Council has a role in advocating better health for its residents and it is therefore proposed that, in the interests of the health of our local community and the environment, Council consider the adoption of a comprehensive tobacco smoke free environment policy.

However, Council should note that if such a policy is adopted, the resources to police it at the venues listed do not currently exist. Council officers would need to act only if they were in attendance at a venue, were on duty, and witnessed the policy being ignored by members of the public at that time.

In relation to enforcing the policy at sporting events, it is believed that individual sporting groups should accept the responsibility of enforcing it. This action will be more convenient for the various sporting groups as the majority of events are conducted out of normal working hours of Council officers.

Should Council adopt a no smoking policy, it is believed that local media outlets will sufficiently report the matter so that the greater majority of residents will be aware of Council's decision. In addition, the policy can be advertised in the various Council newsletters and electronic media spots that are currently utilised to advise residents of Council's business. Each sign will cost up to \$15.00 to be made. Some will be able to be attached to existing infrastructure such as fences and building walls while others will need to be erected on a suitable post/pole. It is anticipated that up to 50 signs may be required in the first instance. Therefore funding up to \$4,000.00 will be necessary to implement this action in the short term.

Financial Implications: The cost of having suitable signs produced and erected has been calculated at approximately \$75.00 per sign. This amount includes the sign (\$15.00), post (\$30.00), fittings (\$8.00), concrete (\$12.00) and labour (\$10.00). No specific funding has been allocated for the provision and erection of signage at appropriate venues.

MINUTE

28 Item 2 NO SMOKING POLICY FOR PLAYGROUNDS AND SPORTING VENUES
(18.00021 and 04.00034)

MOVED: Monica Morse SECONDED: Bobby Bourke

RESOLVED: That Council:

- (a) adopt a no smoking policy within 10m of all children's playgrounds and within all Council sporting venues within the Bathurst Local Government area.
- (b) purchase and install signage displaying the international "no smoking" symbol together with suitable wording in prominent places at Council's playgrounds and sporting venues.
- (c) encourage owners of privately owned sporting facilities to adopt a similar policy.

3 ROAD SAFETY OFFICER PROGRAM (16.00018)

Recommendation: That Council continues its commitment to the Road Safety Officer Program and extends the current RSO employment contract to 30 June 2012, subject to the ongoing support of Blayney Shire Council and the Roads and Traffic Authority.

Report: A report was presented to Council on 19 November 2008 which outlined the then status of the Road Safety Program and the position of Road Safety Officer (RSO). At that meeting Council adopted a recommendation in support of the Program and the position of Tablelands RSO, on a contract basis.

The contract term for the RSO position expires on 30 June 2010 and it is therefore opportune that Council considers its ongoing commitment to the program.

Council has been a part of the Roads and Traffic Authority's (RTA) RSO Program since 1999 when it joined Oberon, Evans, Rylstone, Blayney and the RTA to form the Tablelands Road Safety Group. The program and Council's participation continues today, although due to amalgamations and the withdrawal of Oberon Shire Council the membership has been reduced to Blayney, Bathurst and the RTA.

The program arrangements are defined by the Program Funding Agreement on the basis that 50% of employment costs are borne by the RTA, while the remainder is provided by the member Councils. Bathurst's current share is 33% plus the provision of office space. The cost of individual projects conducted within any year, is subject to RTA approval and fully funded by the RTA.

The RTA has advised that the Road Safety Program remains a State Government commitment with funding provided to 30 June 2012. Beyond this time they are unable to comment whether the program will continue.

Blayney Shire Council is also considering its future membership in the Tablelands RSO Group. However, it is expected that it will continue to support the program.

Given the benefits of the Road Safety Program in implementing road safety behavioural projects and increasing road safety awareness at a local level, it is recommended that Council continue to participate in the Program until 30 June 2012. Should Blayney withdraw from the program then a further report will be presented to Council.

Financial Implications: The annual funding for the position is 33% of 50% employment costs, estimated to be \$20,000.

MINUTE

29 Item 3 ROAD SAFETY OFFICER PROGRAM (16.00018)

MOVED: Warren Aubin SECONDED: Greg Westman

RESOLVED: That Council continues its commitment to the Road Safety Officer Program and extends the current RSO employment contract to 30 June 2012, subject to the ongoing support of Blayney Shire Council and the Roads and Traffic Authority.

4 IMPLEMENTATION OF INTEGRATED WATER CYCLE MANAGEMENT STRATEGY (36.00215)

Recommendation: That Council note the implementation of Integrated Water Cycle Management in accordance with the Strategy.

Report: The NSW Department of Water and Energy (currently the NSW Office of Water, or NOW) Best-Practice Management of Water Supply and Sewerage Guidelines (August 2007) include Integrated Water Cycle Management (IWCM) as one of the six main criteria.

Council commissioned MWH to prepare the above strategy, which was completed in February 2009, and was adopted by Council at the April 2009 Council meeting.

Council adopted IWCM2 as the preferred scenario for implementation, which contains 34 components (see **attachment 1**). The strategy noted that the key features are:

Water Supply and Demand - water demand management and source substitution measures including planning controls, pricing review, retrofit and rebate programs, monitoring, regulation and education. Many water supply and demand management activities and programs are currently in place. Some of the options included represent an extension to these programs. These activities would be funded from the Water Fund.

Wastewater Treatment – increased investment in infiltration and inflow rehabilitation, introduction of ‘smart sewers’ for new development areas and reduction of wastewater production through reduced water consumption (see above). These activities would be funded from the Sewer Fund.

Stormwater - increased requirements for new developments to meet stormwater volume and quality improvement targets. Increased monitoring of stormwater quality to better identify stormwater pollution hot spots, and prioritise management activities. These activities would be funded from the General Fund.

Waterway Health/ Catchment Management - increased Council control of riparian corridors and buffers on public and private land. Increased investment in rehabilitation programs and in school- based waterway program to improve the condition of waterways. Increased monitoring of river water quality to better inform land, river and riparian zone management, and prioritise rehabilitation activities. These activities would be funded from the General Fund.

The strategy also noted that:

The BRC IWCM Strategy will be implemented through incorporation into planning programs and budgets. To ensure that this IWCM Strategy resolves the identified IWCM issues, and contributes to improved water cycle management in the BRC area, ongoing monitoring and review is required. The IWCM Strategy requires integrated implementation to be successful. Early implementation of the components is required to achieve the outcomes projected through this study.

A recent review of the IWCM2 options has found that all of the components have been commenced and are underway. **Attachment 2** provides further details.

Council would be aware that some of the component projects require collaboration from Federal and State Government Departments or other key stakeholders, and that there are 22 out of the 34 components that are ongoing in their nature.

Financial Implications: The current budget includes provision for the works required. Future budgets will need to include funding to continue the ongoing projects.

MINUTE

30 Item 4 IMPLEMENTATION OF INTEGRATED WATER CYCLE MANAGEMENT STRATEGY (36.00215)

MOVED: Bobby Bourke SECONDED: Warren Aubin

RESOLVED: That Council note the implementation of Integrated Water Cycle Management in accordance with the Strategy.

5 STRATEGIC BUSINESS PLAN: WATER SUPPLY AND SEWERAGE SERVICES **(03.00030)**

Recommendation: That Council adopt the Strategic Business Plan for Water supply and Sewerage Services, and forward a copy to the NSW Office of Water for their records.

Report: The NSW Department of Water and Energy (currently the NSW Office of Water, or NOW) Best-Practice Management of Water Supply and Sewerage Guidelines (August 2007) include Strategic Business Planning as one of the six main criteria.

Council has commissioned DLM Consulting to prepare the above Plan, which has been completed. The Executive Summary is at **attachment 1**.

The overall objective of the Strategic Business Plan is to provide Council with a clear framework for the ongoing operation and management of its Water Business (water supply and sewerage functions) with a 30 year planning horizon (and an eye to development in the City over the next 50 years).

However, it should be noted that the plan is able to be reviewed and updated as circumstances require, or at least every 5 years.

The key elements of the Plan are the 30 year Forward Capital Works Programs and the associated Financial Management Plan.

The Plan fully satisfies the "Best Practice" requirement of NOW, and has been prepared to integrate with Council's overall management planning processes, and specifically to align with the 2009/10 Management Plan.

The overall goals of the Financial Management Plan are to optimise the long term funding strategy to meet the demands of the capital works program and the day to day operations of the business, whilst ensuring a minimum level of cash liquidity and a stable level of average residential charges.

The financial modelling has indicated that for both the water supply and sewerage businesses, the current income stream provides a significant source of revenue. This is shown by the positive economic real rate of return, and the accumulation of cash and investments. The analysis suggests that dividends could be yielded from each business, without affecting business sustainability, with the annual dividend increasing proportionately with growth.

The review of the business' operating environment has revealed:

- A very sound level of development in Bathurst with a steady population growth rate of 0.9% pa.
- The Water Business is significant, not only to Council, but also to the community of Bathurst. With annual (combined water and sewerage) revenue of more than \$20 million and assets with a combined value of nearly \$190 million, the Bathurst Water Business is an important contributor to the economy of the City.
- A number of issues have been identified as being important to the future operations of the water supply and sewerage systems. The executive summary contains an action plan with details of the issues, along with the area for the issue to be resolved and indicative timing.

There are also a number of challenges facing the business into the future, including:

- Aging infrastructure (annual maintenance funding requirements will need to be reviewed as part of the management plan process).
- The need to comply with licences and other statutory requirements
- Population growth and development which are expected to place increasing strains on the systems
- The possible impacts of climate change and/or prolonged drought periods and the likely need to identify and develop alternate and/or additional water sources – as well as to generally effect reductions in residential water use
- The need to develop sound Asset Management and Facility Management Plans and, in particular, to continue to identify and correct water losses throughout the supply system.

The Strategic Business Plan addresses the following key planning elements:

- Assessment of the current operating environment.
- Key strategic objectives.
- Principal focus areas (customer service, financial management, asset management, human resources and environment).
- 30 Year Capital Works Program.
- Financial management over the 30 year planning horizon.
- Performance measurement & performance standards.
- A review of Council's operating environment and the influence of externalities

Financial Implications: There are no new financial implications in adopting the plan.

MINUTE

31 Item 5 STRATEGIC BUSINESS PLAN: WATER SUPPLY AND SEWERAGE SERVICES (03.00030)

MOVED: Greg Westman SECONDED: Ross Thompson

RESOLVED: That Council adopt the Strategic Business Plan for Water Supply and Sewerage Services, and forward a copy to the NSW Office of Water for their records.

**6 PROPOSED ACQUISITION OF LAND FOR RESERVOIR, 365 LIMEKILNS ROAD
KELSO (22.06857)**

Recommendation: That Council classify the land being acquired for the proposed water reservoir at Lot 1 DP 813615, 365 Limekilns Road, Kelso, as operational land.

Report: Council at its meeting held 9 December 2009, approved the proposed acquisition of 3600m² of land for future construction of a water reservoir (refer to plans at **attachment 1**).

It is recommended to Council that the parcel of land acquired be classified as operational land.

Financial Implications: Nil.

MINUTE

32 Item 6 PROPOSED ACQUISITION OF LAND FOR RESERVOIR, 365 LIMEKILNS ROAD KELSO (22.06857)

MOVED: Greg Westman SECONDED: Ian North

RESOLVED: That Council classify the land being acquired for the proposed water reservoir at Lot 1 DP 813615, 365 Limekilns Road, Kelso, as operational land.

7 INCLUSION OF LAND - LOT 1 DP667874 INTO RALPH CAMERON PARK, RAGLAN (04.00058)

Recommendation: That Council approve the inclusion of Lot 1 DP667874 into the description of property defining Ralph Cameron Park at Raglan for Council's continued care and control, as per the Director Engineering Services' report.

Report: Ralph Cameron Park is located at Christie, Eugenie and Frome Streets, Raglan (please refer to maps at **attachment 1** and **attachment 2**). The Park incorporates land under the following ownership:-

- (a) Council - Lots 1 to 5 Section 9 DP75864, as depicted in **attachment 2**.
- (b) Her Most Gracious Majesty Queen Elizabeth II - Lot 1 DP47246 (please refer to **attachment 2** and **attachment 4**).
- (c) The State of New South Wales - Lots 2 to 6 Section 8 DP758864 (please refer to **attachment 2**).

The Park (R96591 – see **attachment 1**) was advertised in the Government Gazette on 11 February 1983 as a reserve for public recreation. Council has managed the Park since 12 May 1995, via the Crown Reserve Trust, and is responsible for maintenance, care and control. Since that time Council has maintained Lot 1 DP667874 (see **attachment 3** and **attachment 5**) as part of Ralph Cameron Park.

Council has liaised with the Land and Property Management Authority regarding the inclusion of Lot 1 DP667874 into the recreational reserve and for it to be included into the property description of the Park. For this to occur, the Land and Property Management Authority will advertise the description of the Reserve in the Government Gazette at no cost to Council.

It is recommended that Council approve the inclusion of Lot 1 DP667874 into the property description for Ralph Cameron Park (Reserve 96591) at Raglan.

Financial Implications: Nil.

MINUTE

33 Item 7 INCLUSION OF LAND - LOT 1 DP667874 INTO RALPH CAMERON PARK, RAGLAN (04.00058)

MOVED: Graeme Hanger SECONDED: Ross Thompson

RESOLVED: That Council approve the inclusion of Lot 1 DP667874 into the description of property defining Ralph Cameron Park at Raglan for Council's continued care and control, as per the Director Engineering Services' report.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 3 FEBRUARY 2010**

General Manager
Bathurst Regional Council

**1 MINUTES OF THE POLICY COMMITTEE MEETING HELD 2 DECEMBER 2009
(07.00064)**

Recommendation: That the recommendations of the Policy Committee Meeting held on 2 December 2009 be adopted.

Report: The Minutes of the Policy Committee Meeting held 2 December 2009 are attached.

Financial Implications: N/A

MINUTE

34 Item 1 MINUTES OF THE POLICY COMMITTEE MEETING HELD 2 DECEMBER 2009 (07.00064)

MOVED: Ross Thompson SECONDED: Warren Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 2 December 2009 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON WEDNESDAY, 02 DECEMBER 2009 AT 5.00 PM

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

APOLOGIES

Nil.

IN ATTENDANCE

General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Environmental Planning & Building Services, Manager Corporate Governance, Manager Financial Services, Manager Bathurst Memorial Entertainment Centre, Manager Water & Waste Authority, Manager Bathurst Recreation, Manager Strategic Planning, Manager Environment, Environmental Officer, Sustainability Strategy Officer, Senior Development Control Planner.

REPORT OF PREVIOUS MEETING

- 1 **Item 1 MINUTES OF THE POLICY COMMITTEE MEETING HELD 4 NOVEMBER 2009 (07.00064)**
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held 4 November 2009 be adopted.

DECLARATION OF INTEREST

- 2 **DECLARATION OF INTEREST**
MOVED: Cr W Aubin SECONDED: Cr R Thompson

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DEPARTMENT HEADS' REPORTS

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

- 3 **Item 1 SUNNY CORNER - CONTAMINATED LAND POLICY (13.00008 & 41.00089)**
MOVED: Cr R Thompson SECONDED: Cr I North

RESOLVED: That Council:

- (a) place the Sunny Corner – Contaminated Land Policy on public exhibition for a period of 60 days; and
- (b) notify all landowners within the area to which the Policy applies of the existence of the Draft Policy and the exhibition period.

- 4 **Item 2 ON-SITE SEWAGE MANAGEMENT STRATEGY (14.00057)**
MOVED: Cr M Morse SECONDED: Cr R Thompson

RESOLVED: That Council:

- (a) place the revised On-site Sewage Management Strategy on public exhibition for a period of 28 days;
- (b) if no submissions received; adopt the Strategy; or
- (c) if submissions received; report back to Council.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

- 5 **Item 1 POLICY - STAFF - PAYMENT OF LEGAL EXPENSES**
(03.00049, 41.00089)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council adopt the revised Policy - Staff - Payment of Legal Expenses.

- 6 **Item 2 DELEGATIONS REGISTER (41.00088)**
MOVED: Cr R Thompson SECONDED: Cr G Hanger

RESOLVED: That Council adopt the Delegations Register as tabled.

- 7 **Item 3 2009 COMMUNITY SURVEY (23.00103)**
MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED: That:

- (a) the report be noted
- (b) the report be made available on Council's Website

GENERAL BUSINESS

- 8 **CHIFLEY ENGINE (23.00022)**

Cr Bourke - enquired if any problems occurring re display of engine.

The Director Corporate Services & Finance advised that the engine is complete. Lease has now been received from Rail Authority and this is currently being reviewed.

- 9 **DERELICT HOUSES IN TOWN (02.00005)**

Cr North - advised had received concerns from residents about houses in town which are derelict - can we address these problems in the Local Environmental Plan.

The Director Environmental, Planning & Building Services spoke to powers in place and lack of jurisdiction. Needs to be a public safety matter.

10 **ADVENTURE PLAYGROUND - SMOKE FREE AREA (04.00069)**

Cr North - asked where this matter is at.

The Director Engineering Services advised a report is being prepared, hopefully for the February 2010 meeting of Council. The report will cover various parks/sporting ovals, not just the Adventure Playground.

11 **LIBRARY USAGE (21.00054)**

Cr Morse - advised that recent statistics show a record usage for the Bathurst Library

12 **HOWICK STREET INFRASTRUCTURE (TRAPDOOR) (25.00006)**

Cr Morse - thanked the Engineering Department for its prompt response on this matter.

13 **BCCAN SUSTAINABILITY SEMINAR 2010 (18.00251)**

Cr Morse - advised that Sally Dominguez (sustainability consultant) will be at the BCANN Sustainability Seminar in March 2010. Can we promote the sustainable house initiative at this seminar.

14 **CLEARING OF TIMBER ON ROADS (13.00020)**

Cr Thompson - advised that with dry weather, timber from clearing activities can cause a problem. Could we look at developing a Policy.

15 **LIGHTING AT VICTORIA PARK (04.00069)**

Cr Thompson - advised has been approached by a member of the public regarding lighting at Victoria Park.

The Mayor advised that a reply has been sent.

16 **LGSA SUSTAINABILITY SEMINARS (18.00244)**

Cr Carpenter - asked could Council nominate itself as a proposed site for the seminar.

17 **ADVENTURE PLAYGROUND (04.00069)**

Cr Carpenter - asked will there be recycling bins at the site.

The Director Engineering Services spoke of the bins to be placed at strategic entry points.

18 **RIVULET ROAD, PEEL (25.00306)**

Cr Carpenter - advised concern has been expressed about the public roads in this area and the Department of Lands will not do anything. Apparently the Department of Lands will hand-over roads, however, Council will not take over. Need matter to be resolved.

The Mayor noted Rivulet Road is a public road. The area off this is Crown Road. Council will not take these over unless brought up to a standard that is acceptable to Council.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS.

19 **Item 1 DRAFT BATHURST SOUTHERN RING ROAD STUDY 2008 (28.00025)**

The Director Environmental, Planning & Building Services gave a background on the matter.

Discussion included:

Tiffany Mason (Boundary Road Landcare Group) - concern is that a proposed route is shown and this bisects the reserve. The map shows the Reserve as mixed industrial/business. This area is not this and contains endangered species.

Margaret Glen (Boundary Road Landcare Group) - advised the Reserve was started twelve years ago under the auspices of Cr John Cousins. Tabled a brochure on the Reserve operations. This year the Reserve won two CMA Awards. Council supports the Reserve with funding, which allows works to be undertaken. Have put in a submission, notes the route is only notional but it is of concern. Request Council to give assurance conceptual route will be changed.

Wendy Smith (Primary Producer) - runs a 225 acre vegetable growing business in Bathurst. The proposed Southern Ringroad will destroy the business. Referred to Bathurst Region Urban Strategy Plan and tabled a letter at the meeting covering issues raised. These included Economic Strategy Outlook and Rural Lands Principles included in the Strategy. Feels the Ringroad as proposed conflicts with Council's Urban Strategy.

Andrew Wells (Morrow Place, Robin Hill) - Confirms contents of submission made to Council. Detailed history of bypass proposal, both to North and South of the city. concern at lack of information that is available and feels route needs to not impact on residents or property. The threat is highly distressing and raises the possibility of compulsory acquisition. Suggests Council look at Orange distributor road to see widths required. When bought land did not expect this to occur. The Ringroad is located too close to development and some of the proposed benefits are questionable by extra traffic on Gorman's Hill Road. Threats and dangers are not removed, just located on other people. Also what need is there to connect trade centre and industrial area as mentioned in the report. Council needs to be aware of public expectation issues such as natural and community environments are very important. The Bypass should be looked at as a national benefit not just local, spoke of various federal projects.

The solution is to put the route well away from residential areas. Any proposed routes should not impinge on existing residential areas. Tabled a submission.

G Dunn (CW Transport Forum) - noted Councillors have the Forum's submission. Spoke to the submission and issues such as lack of State Planning, RTA shortfalls. Concerned at BRC getting federal funding for roads (local), the Forum is against this. Referred Councillors to the forums website and full submissions made to Federal Government and RTA. It is only early days, but there are too many problems with the southern option.

B Roberson (White Gate Estate) - asks Council to consider if they could divorce themselves from the indicative route. Land values have plummeted, this would provide support to residents. Need to have a lot of community consultation in this process.

A Bland - advised communities are facing many issues, eg, ETS, water, etc. The bypass might be an almighty cricket pitch that no one will use. Perhaps should put the pause button on, as there is unprecedented uncertainty at the moment.

Chris Stewart (Lloyds Road) - has made a submission to council. Questions the data provided. The traffic in South Bathurst included the last days of the Saleyards. Spoke of putting in a bridge across the river to join to industrial estate.

MEETING CLOSE

The meeting closed at 6.08 pm

CHAIRMAN: _____

Date: **3 February 2010**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
CLIMATE CHANGE COMMITTEE

**CLIMATE CHANGE COMMITTEE TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 3 FEBRUARY 2010**

General Manager
Bathurst Regional Council

**1 MINUTES OF THE CLIMATE CHANGE COMMITTEE MEETING HELD 2 DECEMBER
2009 (07.00093)**

Recommendation: That the recommendations of the Climate Change Committee Meeting held on 2 December 2009 be adopted.

Report: The Minutes of the Climate Change Committee Meeting held on 2 December 2009 are attached:

Financial Implications: N/A

MINUTE

35 Item 1 MINUTES OF THE CLIMATE CHANGE COMMITTEE MEETING HELD 2 DECEMBER 2009 (07.00093)

MOVED: Ross Thompson SECONDED: Monica Morse

RESOLVED: That the recommendations of the Climate Change Committee Meeting held on 2 December 2009 be adopted.

**MINUTES OF THE CLIMATE CHANGE COMMITTEE RECONVENED FROM 10
NOVEMBER 2009
HELD ON WEDNESDAY, 02 DECEMBER 2009 AT 6.08 PM**

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

APOLOGIES

Nil

IN ATTENDANCE

General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Environmental Planning & Building Services, Manager Corporate Governance, Manager Financial Services, Manager Bathurst Memorial Entertainment Centre, Manager Water & Waste Authority, Manager Bathurst Recreation, Manager Environment, Environmental Officer, Sustainability Strategy Officer.

REPORT OF PREVIOUS MEETING

- 1 **Item 1 MINUTES OF THE CLIMATE CHANGE COMMITTEE MEETING
HELD 21 JULY 2009 (07.00093)
MOVED: Cr B Bourke SECONDED: Cr G Westman**

RESOLVED: That the recommendations of the Climate Change Committee Meeting held Tuesday, 21 July 2009 be noted.

DECLARATION OF INTEREST

- 2 **DECLARATION OF INTEREST
MOVED: Cr G Westman SECONDED: Cr I North**

RESOLVED: That the Declaration be noted.

RECEIVE AND DEAL WITH DEPARTMENT HEADS' REPORTS

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

- 3 **Item 1 GENERAL REPORT (07.00093)**
MOVED: Cr R Thompson SECONDED: Cr G Westman

RESOLVED: That the information be noted.

- 4 **Item 2 BATHURST VISITOR INFORMATION SOLAR GENERATION**
UPDATE (37.00263)
MOVED: Cr G Westman SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

- 5 **Item 3 BATHURST ORANGE DUBBO ENVIRONMENTAL**
SUSTAINABILITY ACTION PLAN UPDATE (16.00021)
MOVED: Cr G Hanger SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

- 6 **Item 4 CAROMA TOILETSMART PROGRAM RELAUNCHED**
(14.00517)
MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED: That the information be noted.

- 7 **Item 5 CIVIC CENTRE ENERGY & WATER AUDIT UPDATE (37.00278)**
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

- 8 **Item 6 BATHURST REGIONAL COUNCIL ORGANISATIONAL
GREENHOUSE GAS EMISSIONS (13.00027)**
MOVED: Cr G Westman SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

- 9 **Item 7 GO GREEN CHALLENGE REPORT ON ACTIVITY (09.00003)**
MOVED: Cr B Bourke SECONDED: Cr G Westman

RESOLVED: That the information be noted.

- 10 **Item 8 CENTRAL WEST SALINITY AND WATER QUALITY ALLIANCE
- GREEN TEAM (07.00047)**
MOVED: Cr M Morse SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

- 11 **Item 9 STATEWIDE CLIMATE CHANGE RISK ASSESSMENT
ADAPTATION REPORTS (18.00139)**
MOVED: Cr B Bourke SECONDED: Cr G Hanger

RESOLVED: That the information be noted.

- 12 **Item 10 SUSTAINABLE LIFESTYLE HOUSE (21.00109)**
MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: That the information be noted.

- 13 Item 11 THREATENED SPECIES DATABASE UPDATE (13.00057)
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the information be noted.

- 14 Item 12 WHITE ROCK ROAD PROJECT (16.00021)
MOVED: Cr R Thompson SECONDED: Cr G Westman

RESOLVED: That the information be noted.

- 15 Item 13 WOODSMOKE REDUCTION PROGRAM REPORT (13.00042)
MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

DIRECTOR ENGINEERING SERVICES' REPORT

- 16 Item 1 STRATEGIC WASTE INITIATIVE (14.00007)
MOVED: Cr R Thompson SECONDED: Cr G Westman

RESOLVED: That the information be noted.

- 17 Item 2 VEGETATION MANAGEMENT PLANT PROGRESS REPORT
(13.00001)
MOVED: Cr I North SECONDED: Cr G Westman

RESOLVED: That the information be noted.

MEETING CLOSE

The meeting closed at 6.17 pm

CHAIRMAN: _____

Date: _____ **3 February 2010**

MINUTE

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

MOVED: Ian North SECONDED: Bobby Bourke

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

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ACQUISITION OF LAND GEORGE STREET CAR PARK, LOT 28 DP550388 AND LOT 67 DP550389 RANKIN 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.
2	TENDER FOR DESIGN AND CONSTRUCTION OF COMMUNITY CLUBHOUSE STANLEY 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.

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.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENGINEERING SERVICES' REPORT
3 FEBRUARY 2010

MINUTE

a Item 1 ACQUISITION OF LAND GEORGE STREET CAR PARK, LOT 28 DP550388 AND LOT 67 DP550389 RANKIN STREET BATHURST (22.00556-05)

MOVED: Ross Thompson SECONDED: Tracey Carpenter

That Council approve the acquisition of Lot 28 DP550388 and Lot 67 DP550389 at Rankin Street Bathurst for consolidation with the George Street Car Park in accordance with the Director Engineering Services' report.

MINUTE

b Item 2 TENDER FOR DESIGN AND CONSTRUCTION OF COMMUNITY CLUBHOUSE STANLEY STREET BATHURST (36.00372)

MOVED: Ian North SECONDED: Bobby Bourke

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

Reason: Sponsor of Triathlon Club.

That Council accept the tender of BAR Constructions Pty Ltd for the construction of the Stanley Street Community Clubhouse, in the amount of \$257,290 (inc. GST), subject to variations and provisional items.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

MINUTE

37 RESOLVE INTO OPEN COUNCIL

MOVED: Ian North SECONDED: Monica Morse

RESOLVED: That Council resume Open Council.

MINUTE

38 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED: Ross Thompson SECONDED: Tracey Carpenter

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

MINUTE

39 MEETING CLOSE

The Meeting Closed at 7.13 pm.

CHAIRMAN: _____

Date: _____ **(17 February 2010)**