



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

9 June 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, 16 June 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 black ink, appearing to read "D J Sherley".

D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

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

**TO BE HELD ON WEDNESDAY, 16 JUNE 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 - Extraordinary Meeting of Bathurst Regional Council - 12 May 2010
  - \* Minutes - Ordinary Meeting of Bathurst Regional Council - 19 May 2010
  - \* Minutes - Ordinary Meeting of Council Following Policy Committee - 2 June 2010
6. DECLARATION OF INTEREST  
To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.
7. MAYORAL MINUTE - Nil
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
  - \* Director Environmental Planning & Building Services' Report
  - \* Director Corporate Services & Finance's Report
  - \* Director Engineering Services' Report
  - \* Director Cultural & Community Services' Report
9. REPORTS OF OTHER COMMITTEES
  - \* Minutes - Policy Committee Meeting - 2 June 2010
  - \* Minutes - Traffic Committee Meeting - 1 June 2010
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- \* Councillors Meeting With Community Groups/representatives held 12 May 2010
- \* Minutes of The Bathurst Regional Youth Council Meeting held on 13 May 2010

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

**Recommendation:** That:

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

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

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LOAN BORROWING REQUIREMENTS 2009/2010	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	INSURANCE SETTLEMENT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

		<p>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.</p>
3	<p>RENEWAL OF  RESIDENTIAL LEASE - 17  HINTON ROAD, MT  PANORAMA</p>	<p>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.</p>
4	<p>PROPOSED SUBDIVISION  OF HANGAR SITE AND  TRANSFER OF HANGAR  LEASE - BATHURST  AERODROME TO REDPATH</p>	<p>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.</p>
5	<p>EXPRESSION OF INTEREST  - LAND AT BATHURST  AERODROME</p>	<p>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.</p>
6	<p>SIGNAGE AT MOUNT  PANORAMA - LEASE TO  MARS PETCARE</p>	<p>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.</p>

		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	RENEWAL OF LICENCE AGREEMENT - LOT 3 DP232111 MOUNTAIN STRAIGHT MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER 145/534/987/1 - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER	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 CONSTRUCTION OF AMENITIES BUILDING AT MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

14. RESOLVE INTO OPEN COUNCIL
15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
16. MEETING CLOSE

## MINUTE

### 1 MEETING COMMENCES

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

## MINUTE

### 2 PUBLIC QUESTION TIME

#### Kathryn O'Donnell (249 Howick Street) - DA 66-68 George Street (DEPBS #3)

advised has lodged an objection on the basis of the noise of the development. There is high pitched machinery noises. The construction noise will never stop, it will effect residents, businesses and Church goers. Requests DA condition of 'no work on Saturday afternoon, Sunday or Public Holidays'.

#### Dave Pennells (Inland Building Constructions) - DA 66-68 George Street (DEPBS #3)

advised work within guidelines of the Council. If CBD is to grow, take advantage of quiet times to help city grow.

#### Judy Mackay ("Westbourne", Freemantle Road) - 167 & 201 Freemantle Road (DEPBS #4)

Live near the Soaring Club. The field has been expanding operations and Councillors should be aware of Graham Russell's submission. There will be an increase in activity if this is approved. Spoke to report on use by Soaring Club which was completed last year. The usage can get up to 60 flights each day. Motorised gliders are becoming more frequent. There are houses near the air strip - there is noise and loss of privacy. There is also damage to fences. Mr Hanneman has indicated greater usage of airfield. May also get additional caravans as well. If council consents to boundary change, it will by default approve increased usage. There is little control of current operations.

#### Dennis Tyson (representing Judy McGirr) – 167 & 201 Freemantle Road (DEPBS #4)

Spoke of safety factors. The gravel being placed on McGirr's land is in relation to bridge being built. The land is not suitable for agricultural purposes.

#### B Reynolds (Glider Club Member) 167 & 201 Freemantle Road (DEPBS #4)

Feels land is suitable for agricultural purposes. The Glider Club has no restrictions on its operations. Does not like to see good agricultural land being lost.

#### G Russell ("Osbourne", Freemantle Road) - 167 & 201 Freemantle Road (DEPBS #4)

Own land adjoining the site. Spoke to minutes of the May meeting, it was Mr P Hanneman addressed Council, not Mr P Hamlyn. At that time Mr Hanneman said proposal would lead to expansion of operations, hopes at appropriate time this will be corrected. Report is a recommendation only, decision is for the Councillors. There is a principle at stake included in the LEP. The land is prime agricultural land. There is also concern for neighbours as there will be expanded activities. This will mean increased noise and disturbances. Requests refusal.

#### Rebecca Wood and Jane Perfect (students) – Bathurst Regional Council Scholarships

Thanked Council for assistance in providing scholarships to help them with their studies.

#### G Crisp (ratepayer) – Submissions to Draft Management Plan (DCSF #5)

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to the Council Meeting 16/06/2010

GENERAL MANAGER

MAYOR  
Page 8



States submissions not attached. Have councillors received them. Attended Library, submissions not attached to business paper - these need to be. Has there been a departure in this instance.

**The Director Corporate Services & Finance** advised submissions were provided to Councillors and available at Administration building.

**G Crisp (ratepayer) – Water Charges (DCSF #5, #6)**

States there is considerable dissatisfaction with water, has information been concealed.

**The Director Corporate Services & Finance** advised of content of submissions.

**G Crisp (ratepayer) – Rate Levy (DCSF #8)**

Spoke of recommendation to Council and the wording of the resolution. Made numerous allegations against Council and staff. Further he spoke of allegations of 50 years of Fraud and alleged that the General Manager broke into his computer and stole his document.

**Bob Triming (Chairman, Bathurst Regional Access Committee)**

Advised will be resigning as Chairman of the Bathurst regional access Committee next week. Spoke to access at the AFMM and problems with access to female toilets. Why do volunteers have to overcome these problems. Further spoke of Traffic committee Minutes and that no reference to Access Committee requests are in the minutes. It does not appear that Committee will address the issues at the Showground.

The budget comes up for acceptance tonight. There is a request of Council to consider funds for the Access Committee. Have never had to ask for this before - why now?

**The General Manager** advised existing service to the Committee will be maintained. Council will consider additional requests.

**MINUTE**

**3     APOLOGIES**

Nil.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MINUTES

**MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**MEETING HELD ON 16 JUNE 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 12**  
**MAY 2010 (11.00005)**

**Recommendation:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 12 May 2010 be adopted.

**Report:** The Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 12 May 2010 to consider the Draft 2010/2011 Management Plan, are attached.

**Financial Implications:** N/A

**MINUTE**

**4 Item 1 MINUTES - EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 12 MAY 2010**

**MOVED: B Bourke SECONDED: G Westman**

**RESOLVED:** That the Minutes of the Extraordinary Meeting of Bathurst Regional Council held on 12 May 2010 be adopted.

**2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 19 MAY 2010 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 May 2010 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 19 May 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 19 MAY 2010**

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

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 19 May 2010 be adopted.

**3 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE -  
2 JUNE 2010 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 June 2010 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 June 2010, are attached.

**Financial Implications:** N/A



**MINUTE**

**6 Item 3 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE - 2 JUNE 2010**

**MOVED: G Hanger SECONDED: B Bourke**

**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy Committee held on 2 June 2010 be adopted.

**MINUTES OF THE EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 12 MAY 2010**

**MEETING COMMENCES**

**1 MEETING COMMENCES**

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

**APOLOGIES**

**2 APOLOGIES**

Nil.

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST**

**MOVED** Cr B Bourke

and **SECONDED** Cr T Carpenter

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**4 Item 1 DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**

**MOVED** Cr R Thompson

and **SECONDED** Cr B Bourke

**RESOLVED:** That Council place the Draft 2010/2011 Management Plan, including the Revenue Policy for 2010/2011, on public exhibition for the statutory 28 day period and receive submissions until 11 June 2010.

**Director Engineering Services' Report**

**5 Item 1 CHIFLEY DAM CAMPING (32.00005)**

**MOVED** Cr B Bourke

and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council vote \$30,000 for the construction of 4 campsites at Chifley Dam.

**6 Item 2 ASSET MANAGEMENT PLANS (03.00170)**

**MOVED** Cr I North

and **SECONDED** Cr M Morse

**RESOLVED:** That Council place the Asset Management Plans for Urban Roads, Rural Roads, Bridges and Culverts, and Footpaths and Cycleways on public exhibition with the 2010 / 2011 Management Plan.

**MEETING CLOSE**

**7**      **MEETING CLOSE**

The Meeting Closed at 6.48 pm.

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

**Date:** \_\_\_\_\_ **(16 June 2010)**

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 19 MAY 2010**

**6.00 PM - MEETING COMMENCES**

**1 6.00 PM - MEETING COMMENCES**

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

**PUBLIC QUESTION TIME**

**2 PUBLIC QUESTION TIME**

**Mr G Crisp – resident - water accounts**

Sought information around charging for water, spoke of charges raised and format of these for 2009/2010. Spoke of fixed charge and variable charge levels.

**The General Manager** spoke to 75:25 split, level of fixed charges raised, when Management Plan is advertised.

**Mr G Russell – Freemantle Road - 167 & 201 Freemantle Road (DEPBS #4)**

Has raised an objection to this development. Appears letter he sent in has not been provided to Councillors.

Concern of use of land by Pipers Field Aero Club. Will include grading/bulldozing etc. Not correct to state agricultural use will continue, the club has supported the fact that it will not.

Several local residents are concerned about this, the proposal will allow expansion of activities. This is an area that is growing, spoke to his submission, who do you contact if problem occurs. Not in the public interest.

**Councillors** - all advised they had received the letter.

**Mr B Trimming – Bathurst Access Committee**

Congratulated the Mayor on initiative about the private hospital and the community desexing program. In regards to Access Committee issue, disappointed at level of funds granted under Section 356 Donations for the budget, sought \$4,000 from Council. Spoke of various funding grants that are given by Council, timelines for applications. The Committee will put in an additional letter on the request.

**P Hamlyn - Gliding Club - 167 & 201 Freemantle Road (DEPBS #4)**

Area referred to by Mr Russell is a 40 acre area adjacent to Gliding Club. Spoke to proposal and noted congestion issues. The purpose is for safety, it is not good agricultural land. Area may be able to be used for grazing. Don't anticipate any more activity, only operate weekends. This is to provide additional safety at the western end.

**APOLOGIES**

- 3** **APOLOGIES**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

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

## **MINUTES**

- 4** **Item 1 MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL HELD 21 APRIL 2010 (11.00005)**  
**MOVED** Cr G Hanger and **SECONDED** Cr G Westman

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 April 2010 be adopted.

## **DECLARATION OF INTEREST**

- 5** **DECLARATION OF INTEREST**  
**MOVED** Cr R Thompson and **SECONDED** Cr W Aubin

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

Cr Westman

Item #6 of the Director Corporate Services & Finance's Report.

## **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

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

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

- 7** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr M Morse and **SECONDED** Cr G Westman

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

- 8** **Item 3 DEVELOPMENT APPLICATION NO. 2010/0577 – TWO LOT SUBDIVISION AT 314 FREEMANTLE ROAD & 55 MOUNT RANKIN ROAD, MOUNT RANKIN. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: I & R BILLINGHURST, BINGARRA INN PTY LTD, D & A CORSE (DA 2010/0577)**  
**MOVED** Cr R Thompson and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council:

- (a) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as prescribed in the Clause 27 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 251 and 252;
- (b) support the variation to the 1(e) Outer Rural 100 hectare minimum lot size as

prescribed in the Clause 28 (1) of *Bathurst Regional (Interim) Local Environmental Plan 2005* for proposed Lots 251 and 252;

- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0577, 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 R Thompson, Cr P Toole, Cr G Westman,

Against the motion - Nil

Absent - Cr Ian North,

Abstain - Nil

- 9** **Item 4 DEVELOPMENT APPLICATION NO. 2010/0572 – TWO LOT SUBDIVISION AT 167 & 201 FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: MRS J MCGIRR & BATHURST SOARING CLUB LTD (DA 2010/0572)**  
**MOVED** Cr R Thompson and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council:

- (a) defer the matter to the next meeting of Council.
- (b) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr Ian North

Abstain - Nil

- 10** **Item 5 DEVELOPMENT APPLICATION NO. 2010/0540 DEMOLITION OF DWELLINGS AND CONSTRUCTION OF OFFICES AT 166-170 RUSSELL STREET, BATHURST. APPLICANT: PETER BASHA PLANNING & DEVELOPMENT. OWNER: EASTERN DEVELOPMENTS (NSW) PTY LTD (DA 2010/0540)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0540, 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) Prior to the issue of the Construction Certificate the developer is to submit amended plans addressing the recommendations of Council's Heritage Advisor in relation to the façade of the building;
  - (ii) Prior to the issue of the Construction Certificate, the developer is to submit to Council details of the colours of the external materials to be used in the construction;
  - (iii) Prior to the issue of the Construction Certificate, the developer is to submit to Council a photographic record of the three dwellings in accordance with the Guidelines for photographic recording of sites;
  - (iv) During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Branch, Department of Planning, and Council. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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

**The result of the division was:**

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

Against the motion - Nil

Absent - Cr Ian North

Abstain - Nil

**11** **Item 6 DEVELOPMENT APPLICATION NO. 2010/0509 WORKSHOP AT 24 HILL STREET, ROCKLEY. APPLICANT: MR I KIERNAN. OWNER: MR I KIERNAN & MR J BUTTLE (DA 2010/0509)**

**MOVED** Cr R Thompson

and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council:

- (a) support the variation to the development standards applying to the subject site prescribed in the Development Control Plan - Village;
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0509, 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) Prior to the issue of the Construction Certificate the applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code; and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr T Carpenter, Cr G Hanger, Cr

M Morse, Cr R Thompson, Cr P Toole, Cr G Westman  
Against the motion - Nil  
Absent - Cr Ian North  
Abstain - Nil

- 12** Item 7 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 R Thompson and **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) 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 R Thompson, Cr P Toole, Cr G Westman  
Against the motion - Nil  
Absent - Cr Ian North  
Abstain - Nil

- 13** Item 8 AMENDMENT TO BLUE RIDGE ESTATE DEVELOPMENT CONTROL PLAN (DCP) (20.00077)  
**MOVED** Cr G Westman and **SECONDED** Cr R Thompson

**RESOLVED:** That Council

- (a) adopt the amendment to the Blue Ridge DCP to remove the scenic protection buffer area from the DCP map noting that the proposed maximum front building line setback has been excluded from the amended plan; and
- (b) advise those persons who lodged submissions of Council's decision.
- (c) call a division.

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

**The result of the division was:**

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



- 14** **Item 9 MANUFACTURING WORKSHOP (21.00005)**  
**MOVED** Cr G Westman and **SECONDED** Cr B Bourke

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

- 15** **Item 10 ENVIRONMENTAL SUSTAINABILITY ACTION PLAN – UPDATE OF MANAGEMENT ACTION PLANS (16.00021)**  
**MOVED** Cr R Thompson and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council note the revised Management Action Plans for the Environmental Sustainability Action Plan.

- 16** **Item 11 RECOMMENDED CHANGES TO THE TOILESMART PROGRAM (14.00517)**  
**MOVED** Cr G Hanger and **SECONDED** Cr W Aubin

**RESOLVED:** That Council support the change from the Caroma Toilesmart Installation Program to a \$100 4-Star Toilet replacement rebate.

- 17** **Item 12 OUTBACK & BEYOND: THE FUTURE OF HISTORIC TOWNS, INDUSTRIAL HERITAGE AND PASTORALISM (35.01265)**  
**MOVED** Cr R Thompson and **SECONDED** Cr M Morse

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

- 18** **Item 13 ACCREDITATION OF COUNCIL BUILDING SURVEYORS (41.00088)**  
**MOVED** Cr B Bourke and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council grant delegated authority to the General Manager to make recommendations in relation to applications for accreditation of Council Building Surveyors under the Building Professionals Act 2005.

- 19** **Item 14 2010 KINDY KITS PROGRAM (28.00002)**  
**MOVED** Cr G Hanger and **SECONDED** Cr G Westman

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

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

- 20** **Item 1 STATEMENT OF INVESTMENTS - 30 APRIL 2010 (16.00001)**  
**MOVED** Cr W Aubin and **SECONDED** Cr G Westman

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

- 21** **Item 2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET (16.00116)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Morse

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

- 22** **Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY (18.00004)**  
**MOVED** Cr R Thompson and **SECONDED** Cr M Morse

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

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

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

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

**24 Item 5 GOODS AND SERVICES TAX - COUNCIL COMPLIANCE REQUIREMENTS FOR 2009/2010 (16.00054)**

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

**RESOLVED:** That Council authorise the signing of the Goods & Services Tax Certificate, payment of voluntary GST 1 May 2009 - 30 April 2010.

**25 Item 6 2010 SPORTING GRANTS (16.00048)**

**MOVED** Cr W Aubin and **SECONDED** Cr G Hanger

**Cr Westman declared a non-pecuniary interest in this item and took part in discussions and voting.**

**Reason:** Member of Cycle club (not a sponsor)

**RESOLVED:** That Council authorise the payment of the following Sporting Grants for the 2010/2011 Year of \$29,980 as recommended by the Bathurst Sports Council.

\$5,400	Bathurst District Sport & Rec	Display Trophy Cabinet
\$1,120	Bathurst Cycling Club	Junior Bikes & Road Brake Kits
\$5,000	Bathurst Carillon City Tennis Club	Two Shade Shelters
\$3,000	St Patricks Sporting Club	Upgrade of Equipment & Watering System
\$1,200	Bathurst Bushrangers ARFC	Kelso Estate AFL Project
\$900	Bathurst Little Athletics	BBQ
\$3,141	Bathurst District Football	Players & Officials Benches – Proctor Park
\$4,000	Rugby Union Cricket Club	Field Mower
\$869	Bathurst Basketball Association	Wall Mounted Vertical Ball Lockers
\$1,350	Collegians Netball Club	Equipment for Volunteer Coaching
\$4,000	Central West Dressage Group	Arena Equipment Trailer

**26 Item 7 BATHURST 12 HOUR EVENT (04.00097)**

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

**RESOLVED:** That Council authorise the attendance of Cr Aubin at the Malaysian 12 Hour Race in August 2010 and pay relevant expenses including travel and accommodation.

Director Engineering Services' Report

- 27** **Item 1 LAND CLASSIFICATION AND RECLASSIFICATION, LOT 421 DP1043237, LOTS 1340 AND 1341 DP1142980 AND LOT 1825 DP1146965 AT KELSO (22.13566 to 22.13569)**  
**MOVED** Cr B Bourke and **SECONDED** Cr T Carpenter

**RESOLVED:** That Council classify and reclassify the land in Lot 421 DP1043237, Lots 1340 and 1341 DP1142980, and Lot 1825 DP1146965 at Kelso as Community Land through the provisions of the Local Government Act 1993.

- 28** **Item 2 CENTROC JOINT REGIONAL FUEL CONTRACT (15.00017)**  
**MOVED** Cr G Hanger and **SECONDED** Cr G Westman

**RESOLVED:** That Council participates in the CENTROC regional contract for fuel.

- 29** **Item 3 ROAD SAFETY OFFICER - SECONDMENT (16.00018)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr B Bourke

**RESOLVED:** That Council provide in principle, support to the secondment of the Road Safety Officer to the Mine Safety Advisory Council for the development and delivery of a road safety community engagement program in the Cobar region at no cost to Council.

- 30** **Item 4 MOUNT PANORAMA CAPITAL WORKS (20.00156)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Morse

**RESOLVED:** That Council allocate funding under the Mount Panorama Capital Works Loans Program for the construction of Amenities Buildings in the Paddock area and Police Compound in Sulman Park, in accordance with the Director Engineering Services' report.

REPORTS OF OTHER COMMITTEESPolicy Committee Meeting

- 31** **Item 1 MINUTES OF THE POLICY COMMITTEE MEETING HELD 5 MAY 2010 (07.00064)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 5 May 2010 be adopted, with the following amendments to the Minutes:

- General Business - Minute #5 - Poplars - Cr Thompson - requested item be reworded to state, "thinning the poplars to provide an opportunity for re-establishment".
- General Business - Minute #4 - Art Development - Cr Carpenter - requested the item should be reworded to state "Public Art".

Traffic Committee Meeting

- 32** **Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 MAY 2010 (07.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr G Hanger

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on Tuesday, 4 May 2010 be adopted.

### DELEGATES REPORTS

- 33** Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD 14 APRIL 2010 (11.00019)  
MOVED Cr M Morse and SECONDED Cr W Aubin

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

- 34** Item 2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 11 MARCH 2010 (11.00020)  
MOVED Cr T Carpenter and SECONDED Cr G Hanger

**RESOLVED:** That:

- (a) The information be noted; and
- (b) Council adopt the membership for the Bathurst Regional Youth Council for 2010.

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

- 35** RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS  
MOVED Cr R Thompson and SECONDED Cr B 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.

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

**RESOLVED:** That:

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REVIEW OF BATHURST RETAIL STRATEGY	10A (2) (d) (iii) – contains commercial information of a confidential nature that

		would, if disclosed, reveal a trade secret.
2	DEMOLITION OF DWELLING AT 46 STANLEY STREET, BATHURST	10A (2) (g) – contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RENEWAL OF RESIDENTIAL LEASE - 12 WHITEMAN PLACE, 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	RENEWAL OF LEASE - CNR COMMONWEALTH, MORRISSET AND PATNA STREETS, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	HANGAR LEASE BATHURST AERODROME - MESSRS MEULMAN AND FULCHER	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public

		interest as it would prejudice the commercial position of the person who supplied it.
4	RENEWAL OF LEASE - SMASH REPAIR TEAM LTD - MT PANORAMA PIT COMPLEX	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	SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE	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	PROPOSED NEW LEASE TO MAXHIRE - FORMER EVANS SHIRE COUNCIL DEPOT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	BATHURST CARILLON THEATRICAL SOCIETY	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SEWER MAINS CLEANING, RELINING AND CCTV INSPECTION 2010 B	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 THE CONSTRUCTION OF CHIFLEY ENGINE SHED	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED ACQUISITION, PART LOT 43 DP1059396 - DARWIN DRIVE, LLANARTH	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

### Director Environmental Planning & Building Services' Report

- a** Item 1 REVIEW OF BATHURST RETAIL STRATEGY (20.00161)  
MOVED Cr B Bourke and SECONDED Cr W Aubin

That Council engage Renaissance Planning Pty Ltd to complete the Bathurst CBD and Bulky Goods Business Development Strategy 2010-2030 subject to further negotiations for a revised Study cost given the additional data now able to be provided by Council.

- b** Item 2 DEMOLITION OF DWELLING AT 46 STANLEY STREET, BATHURST (22.12641)  
MOVED Cr B Bourke and SECONDED Cr W Aubin

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

### Director Corporate Services & Finance's Report

- c** Item 1 RENEWAL OF RESIDENTIAL LEASE - 12 WHITEMAN PLACE, BATHURST (22.00202)  
MOVED Cr T Carpenter and SECONDED Cr G Westman

That Council approve entering into a new residential lease agreement with Doreen Morgan for 12 Whiteman Place, Bathurst for a period of twelve (12) months with a twelve (12) month option as detailed in the report.

- d** Item 2 RENEWAL OF LEASE - CNR COMMONWEALTH, MORRISSET AND PATNA STREETS, BATHURST (22.00654)  
MOVED Cr T Carpenter and SECONDED Cr M Morse

That Council approves entering into a new licence agreement over Lot 1 DP995205 and Lot 1 DP1007963 located on Commonwealth, Morrisset and Patna Streets, Bathurst to Mr Scott Turnbull for a period of three (3) years for horse agistment, as detailed in the report.

- e** Item 3 HANGAR LEASE BATHURST AERODROME - MESSRS MEULMAN AND FULCHER (21.00053)  
MOVED Cr B Bourke and SECONDED Cr G Hanger

That Council approves entering into a new hangar lease agreement for Lot 21 DP1108205 located at the Bathurst Aerodrome with Messrs Meulman and Fulcher at the conclusion of their current lease agreement as detailed in the report.

- f** Item 4 RENEWAL OF LEASE - SMASH REPAIR TEAM LTD - MT PANORAMA PIT COMPLEX (04.00041)  
MOVED Cr W Aubin and SECONDED Cr G Westman

That Council approves entering into a new Licence Agreement with The Smash Repair Team for part Lot 3 and part Lot 4 DP112509 Conrod Straight located at Mt Panorama as detailed in the report.

- g** Item 5 SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE



**(04.00028)**

**MOVED** Cr W Aubin

and **SECONDED** Cr T Carpenter

That Council authorise the General Manager to execute the Lease Agreement as detailed in this report.

**h** **Item 6 PROPOSED NEW LEASE TO MAXHIRE - FORMER EVANS SHIRE COUNCIL DEPOT (22.02268)**

**MOVED** Cr G Westman

and **SECONDED** Cr B Bourke

That Council approves entering into a new lease agreement with MaxHire for part Lot 1 DP1001027, part Lot 16 DP712197 and part Lot 1 DP1090555 Lee Street Kelso (Former Evans Shire Council depot) for a period of three (3) years with a three (3) year option period as detailed in the report.

**i** **Item 7 BATHURST CARILLON THEATRICAL SOCIETY (22.00351)**

A **MOTION** was **MOVED** Cr T Carpenter **SECONDED** Cr M Morse

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

The following **AMENDMENT** was **MOVED** Cr R Thompson **SECONDED** Cr B Bourke

**That** Council:

- (a) waive half the interest charged on the loan for the Bathurst Carillon Theatrical Society for the period 29 December 2009 to 29 December 2011
- (b) defer principal repayments on the loan for the same period.

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

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

**Cr Hanger asked that his negative vote be recorded.**

**Director Engineering Services' Report**

**i** **Item 1 TENDER FOR SEWER MAINS CLEANING, RELINING AND CCTV INSPECTION 2010 B (36.00380)**

**MOVED** Cr T Carpenter

and **SECONDED** Cr W Aubin

That Council accepts the tender from Kembla Water Tech Pty Ltd for the sum of \$122,130.80 (inclusive GST).

**k** **Item 2 TENDER FOR THE CONSTRUCTION OF CHIFLEY ENGINE SHED (36.00373)**

**MOVED** Cr R Thompson

and **SECONDED** Cr B Bourke

That Council:

- (a) not accept the tender of Webber Concrete Constructions Pty Ltd., and
- (b) recall fresh tenders at a later date.

**I** **Item 3 PROPOSED ACQUISITION, PART LOT 43 DP1059396 - DARWIN DRIVE, LLANARTH (22.10717)**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

That Council approve the proposed acquisition of part Lot 43 DP1059396 for consolidation with Lot 504 DP1092658 located at 65 Darwin Drive, Llanarth, as detailed in the Director Engineering Services' report.

**RESOLVE INTO OPEN COUNCIL**

**36** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr B Bourke and **SECONDED** Cr R Thompson

**RESOLVED:** That Council resume Open Council.

**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**37** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr B Bourke and **SECONDED** Cr R Thompson

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

**MEETING CLOSE**

**38** **MEETING CLOSE**

The Meeting Closed at 7.26 pm.

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

**Date:** \_\_\_\_\_ **(16 June 2010)**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
HELD ON 2 JUNE 2010**

**MEETING COMMENCES**

**1 6.25 pm MEETING COMMENCES**

**Present:** Councillors Toole (Chair), Aubin, Bourke, Hanger, Morse, Thompson, Westman.

**APOLOGIES**

**2 APOLOGIES**  
**MOVED** Cr G Westman and **SECONDED** Cr W Aubin

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

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST**  
**MOVED** Cr G Hanger and **SECONDED** Cr B Bourke

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

**4 Item 1 DEVELOPMENT APPLICATION NO. 2010/0574 – TWO LOT  
SUBDIVISION AT 31 AND 134 MOUNT HAVEN WAY, MEADOW FLAT.  
APPLICANT: M WORRAD. OWNER: MR M WORRAD AND HOOD RURAL  
RESOURCES PTY LTD (2010/0574)**  
**MOVED** Cr G Westman and **SECONDED** Cr M Morse

**RESOLVED:** That Council:

- (a) support the variation to the 1(f) – Special Rural Small Holdings maximum lot size development standard prescribed in Clause 31 (2)(a) of the Bathurst Regional (Interim) Local Environmental Plan 2005 for proposed Lot 101.
- (b) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0574, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

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

**The result of the division was:**

In favour of the motion - Cr Warren Aubin, Cr Bobby Bourke, Cr Graeme Hanger,  
Cr Monica Morse, Cr Ross Thompson, Cr Paul Toole, Cr Greg Westman,

Against the motion - Nil

Absent - Cr Tracey Carpenter, Cr Ian North,

Abstain - Nil

**Director Engineering Services' Report****5 Item 1 MACHATTIE PARK AND KINGS PARADE TREE REMOVALS (04.00012 & 04.00039)**

**MOVED** Cr W Aubin

and **SECONDED** Cr B Bourke

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

**MEETING CLOSE****6 MEETING CLOSE**

The Meeting closed at 6.30 pm.

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

**Date:** \_\_\_\_\_ **(16 June 2010)**

**MINUTE**

**7     DECLARATION OF INTEREST**

**MOVED: B Bourke SECONDED: G Hanger**

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

Cr Thompson

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

Cr Carpenter

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
16 JUNE 2010

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

**8 Item 1 SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**MOVED: B Bourke SECONDED: R 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 May 2010 (**attachment 1**)
- (b) Applications refused during May 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 May 2010 (**attachment 5**).

**Financial Implications:** Nil.

**MINUTE**

**9     Item 2   GENERAL REPORT**

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

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

**3 DEVELOPMENT APPLICATION NO. 2010/0461 – DEMOLITION OF COMMERCIAL BUILDING AT 66-68 GEORGE STREET. APPLICANT: BOLAM PROPERTY INVESTMENTS PTY LTD. OWNER: BOLAM PROPERTY INVESTMENTS PTY LTD. (2010/0461)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0461, 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. No demolition is to occur until a development application and construction certificate is approved for the replacement dwelling
  - ii. The applicant is to submit to Council and The Bathurst Historical Society, a detailed photographic record of the building prior to demolition.
  - iii. Any archaeological remains discovered during the demolition are reported to the Heritage Branch, Department of Planning, and any such find is dealt with in accordance with the Heritage Act 1977
  - iv. Prior to demolition commencing the applicant is to submit to Council a report prepared by a suitably qualified heritage consultant which assesses whether any remaining significant fabric can and should be removed during the building's demolition and reused and how that might be able to be reused in the infill building.
- (b) notify those that made submissions of its decision.
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the demolition of an existing commercial premises at 66-68 George Street, described as Lot A DP 164538 (see location plan at **attachment 1**).

The site currently contains a two storey masonry commercial building. The site also contains a small single storey brick building at the rear.

**History of the Site**

The site has been identified as being one of the earliest surviving commercial premises in Bathurst, built in 1853. The building is associated with Patrick Sullivan and John Meagher who were important men in the history of Bathurst.

The site was originally known as the London Hotel around 1853 and has had a variety of commercial uses since.

The age of the building in itself contributes to its significance.

**The proposal**

The proposal is for demolition of the existing building only and does not include any infill development at this stage.

A concept plan for the infill development submitted with this Development Application for information only is at **attachment 2**.

If the development is approved it will be conditional upon a further Development Application being lodged for the construction of the infill development and that demolition does not commence until the Development Application and Construction Certificate for the infill development are lodged and approved.

### Planning Context

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

The subject site is zoned 3 (a) General Business under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. Demolition is permissible with consent in the 3(a) zone. The proposal is consistent with the objectives of the zone.

The site which contains the building is located within the Bathurst Heritage Conservation Area and is therefore subject to the provisions of Clause 23 *Protection of environmental heritage*, of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. The subject building is located is not individually listed as a heritage item in Schedule 5 of the Bathurst Regional (Interim) Local Environmental Plan 2005.

It is highlighted the subject DA was lodged on Thursday 11 February 2010. Council, at its Ordinary Council meeting, held on Wednesday 17 March 2010, amended its Demolition Policy. Therefore, the policy prior to this amendment applies to this application.

As a result, Council only requires a Structural Engineer's Report and Historical Assessment from the Bathurst & District Historical Society to assist in its assessment for proposed demolition.

A Statement of Heritage Impact was provided for the proposal. However, the statement, and the subsequent amendment to it, does not address the considerations required for such an assessment, as outlined in the Heritage Branch, Department of Planning, Guidelines. A copy of the guidelines, as well as Council's, were provided to the consultant.

The Heritage Impact statement in itself does not justify demolition of the building. It fails to appropriately identify the significance of the building as a whole and its fabric, and therefore does not outline why alternatives to demolish or partially demolish are not feasible or warranted.

Therefore, the assessment below excludes the Statement of Heritage Impact and is made on the grounds of the Historical Assessment and Engineer's Reports prepared for the building.

#### Bathurst Conservation Area Management Strategy (BCAMS)

Council's BCAMS policy does not apply to this building as it is located within the Bathurst CBD, e.g. BCAMS only rates residential dwellings.

### Historical Assessment

An historical assessment is critical to determine significance that may not be obvious, (e.g. association with an important person). Even if a building is significantly altered, the historical assessment may illustrate significance for other reasons.

An historical assessment of the building was undertaken by the Bathurst & District Historical Society (**attachment 3**). In light of the findings of the assessment and subsequent site inspections, the following assessment has been made in accordance with the Heritage Council criteria:

Important in the course, or pattern, of the region's cultural or natural history:

- *Constructed in 1853.*
- *Construction coincided with the early gold rush of the region.*

An item has strong or special association with the life or works of a person, or group of persons, of importance in the region's cultural or natural history:

- *Patrick Sullivan.*
- *Charles Ogg & Co.*
- *John Meagher & Co.*
- *Mockler Bros (Lawrence & M. D. Mockler).*

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative technical achievement within the region:

- *Constructed in the Georgian era, the building has an unusual waived parapet.*
- *Historical photos indicate the parapet existed as early as the 1860s.*
- *The building has been much altered from its original condition, including:*
  - *1850's: Skillion verandah added.*
  - *Circa 1870's: Installed bullnose verandah (John Meagher).*
  - *After 1930's: Verandah removed, false shutters added to façade, doors / entrances & windows modified, significant internal modifications and alterations.*

An item has strong or special association with a particular community or cultural group within the region for social, cultural or spiritual reasons:

- *The continued commercial use since constructed illustrates the building's long association to the commercial development within the Bathurst CBD.*

An item has potential to yield information that will contribute to an understanding of the region's cultural or natural history:

- *During a site inspection, it was noted the George Street façade foundation is partially constructed from bluestone, which is not common in Bathurst. Therefore, the building construction methods may be of interest.*

An item possesses uncommon, rare or endangered aspects of the region's cultural or natural history:

- *The building is not identified as rare as there are other similar commercial architectural examples within Bathurst, including:*
  - *169 – 181 George Street.*
  - *221 George Street.*
  - *Edinboro Castle Hotel, William Street.*
  - *Royal Hotel, William Street.*

An item is important in demonstrating the principal characteristics of a class of the region's

cultural or natural places:

- *Due to the much altered state of the building, it is unlikely the building can demonstrate the principal characteristics of a class within the region.*

The Statement of Significance for the building, as identified as part of the Bathurst Region Heritage Study, states:

- *A building with a long history and much streetscape potential. Associated with some important men of Bathurst such as Patrick Sullivan, and later John Meagher.*

Based on the historical report provided by the Bathurst & District Historical Society, the following can be added to the building's significance:

- *Constructed in 1853.*
- *Continued commercial use since constructed.*
- *Building construction methods may be of interest.*

It is therefore concluded that the building is of considerable heritage significance to the city, especially because of its age, type of construction, its association with important men in Bathurst and its long association with commercial development in the city.

#### Building Integrity

This section aims to provide a more detailed assessment of the building's integrity in terms of its structural capacity and the impacts of any past alterations on its level of significance.

The structural reports (**attachment 4**) have detailed significant structural problems with the building including a structurally unsound façade and significant failure of second storey floor supports. Significant structural alterations to the building and substantial replacement of original fabric would be required to save the building.

An independent Structural Assessment was undertaken by Calare Civil, dated 9 March 2010. The report concluded the following as essential work:

- Repair damaged external timber & eaves.
- Replace roofing & guttering.
- Replace damaged flooring.
- Replace unsound brickwork.
- Demolish single storey component at the back of 68 George Street.

Remedial works were estimated at \$490,000 and desirable works were estimated at \$180,000. This report was found to be inconclusive as it did not specifically identify problem areas, e.g. where brickwork needed replacing.

As a result, the applicant engaged Warwick Donnelly Pty Ltd, Consulting Structural & Civil Engineers, to undertake a second Structural Assessment of the building. This report did not provide an overall estimate for remedial works, but concluded:

#### Rising Damp & Brick Deterioration:

The base of the walls contained closely spaced drill holes indicating a chemical injection damp course had been installed, but was ineffective.

Lime mortar joints and some bricks have deteriorated significantly up to a level of 800mm internally and 1,500 externally at the rear.

#### Termite Activity:

All structural timber will require detailed inspection for termite activity if the building is to be retained.

#### Foundation Settlement:

Areas supported by columns and timber lintels display moderate cracking, possibly as a result of differential settlements at concentrated loads.

#### Upper Floor Performance:

Upper timber floors display excessive long term deflections of up to 200mm. The roof displays similar deflections.

Floor joist spans to the north and south areas are of the order of 6,000mm and the floor joists to the central area span 6,900mm.

Some joists contained sapwood and were consequently undersize.

Tops of the joists have been notched to a depth of 40mm at midspan to accommodate a now disused gas lighting pipe which will affect the overall strength of the joists.

The floor joists of the first floor level support the weight of the lath and plaster walls and a central party wall. These walls in turn support the upper roof framing. The weight of the walls and roof framing is transferred back to the floor joists.

Predicted long term joist deflections are 110mm for F4 hardwood and 130mm for F11 hardwood. Observed deflections exceed these figures and may be a result of increased local loadings, poorer than assessed timber quality or termite activity.

Excessive deflections have resulted in severe cracking of lath and plaster walls with resultant distress at adjoining walls, ceilings and roof framing. Door openings display extreme distortions.

As a result of the above, the upper floors are considered to be structurally unsound. Structural assessment indicates the floor framing is inadequate for strength, live load deflection and long term permanent load deflection. Some timber framed lath and plaster walls, including the central party wall, are considered structurally unsound for the resistance of lateral loads.

Replacement of the upper floor framing would necessitate demolition of the roof and upper floor lath and plaster walls. Alternatively, steel framing could be inserted to reduce the span of the existing floor joists. Such steelwork would be substantial and the ability of the existing masonry to accept concentrated loads would need to be assessed.

#### George Street Façade:

The façade is considered to be structurally unsound.

Detailed structural investigation would be required if the façade was to be retained.

Additional lateral support structures would be required and demolition and reconstruction of the central section is likely to be necessary.

In light of the above findings, it is evident that works would require the replacement of the first storey floor, the roof structure and part of the front façade, at a minimum.

### Streetscape values

This section aims to examine in more detail the impact on the streetscape if the building is demolished and the impact on the streetscape of the proposed infill development, (where infill plans have been provided).

### Existing streetscape

The lower George Street streetscape consists of a mixture of architectural styles ranging from the late Georgian period, through to the 1990's. Buildings are generally of masonry construction and range from two storey to single storey development. Given the range of architectural styles, this will give the applicant a larger scope of potential designs.

### Infill development proposal

As part of the proposal, an indicative façade for a replacement building accompanied the DA for demolition.

As the site is located within the Bathurst CBD, the proposed building will need to address the requirements of Council's Commercial Infill Policy. The applicant has requested the proposed demolition be considered by Council separately, prior to the preparation of detailed plans of a replacement building.

Due to the range of architectural periods evident within the lower George Street streetscape, this will provide the applicant with a variety of potential designs for the replacement building.

### Comments from Council's Heritage Advisor

Council's Heritage Advisor inspected the subject building and met with the applicant to discuss the proposal. A summary of the Heritage Advisor's comments are below:

- The building is in very poor condition.
- The many alterations made appear to have gradually reduced the structural stability of the building.
- Original fabric of the façade is still intact, including:
  - The spacings of the window openings
  - Shape of the windows
  - Ground floor openings
  - Hipped roof

Council's Heritage Advisor feels that every attempt should be made to retain what remains of the original building and recommends more detailed investigations be undertaken to assess alternatives such as partial demolition or the removal and reuse of significant fabric. Note this recommendation was made prior to Council receiving the second, more detailed, Engineers report.

### Other comments



As a result of the findings of the Historical Assessment, the subject building is of local significance. Given the findings of the Engineer's reports, the existing condition of the building is poor and substantial reconstruction works will need to be undertaken to address the issues. Also, repairs to the building will mean there will be little original fabric remaining.

### Submissions

The Development Application was advertised and notified to adjoining property owners from 12 April to 26 April 2010. Following the advertising and notification period a total of two (2) submissions were received (see submissions at **attachment 5**).

A Council discussion forum was held on 2 June 2010 with the developer and those who lodged objections in attendance. See minutes of the discussion forum at **attachment 6**.

Issues raised in the submissions and at the discussion forum included:

- (a) The building is one of the earliest commercial buildings in Bathurst.

As outlined above the building is very old and for this reason alone is of significance to the city.

- (b) The existing building complements the existing Georgian streetscape in lower George Street. As noted above there are other similar examples of Georgian architecture within the city.

The lower George Street streetscape consists of a mixture of architectural styles ranging from the late Georgian period, through to the 1990's. Buildings are generally of masonry construction and range from two storey to single storey development. Given the range of architectural styles, this will give the applicant a larger scope of potential designs.

- (c) Potential for partial reuse of the existing building.

In order to address this matter, it is recommended that if approval is granted a condition of consent be imposed requiring lodgement of a detailed assessment of whether or not any remaining significant fabric can and should be removed and reused, including the potential reuse of fabric in the infill building. This report will need to be prepared by a suitably qualified heritage consultant.

- (d) Noise generated from building works on weekends and public holidays affecting the amenity of the area.

It has been Council's long standing practice to limit noisy construction to between 7.00am and 8.00pm on weekdays and 8.00am and 8.00pm on weekends and public holidays. Given the location of the building and the commercial uses surrounding the proposal, Council sees no need to vary this standard.

### Conclusion

Council has received a Development Application (DA) for the demolition of a commercial building at 66-68 George Street, Bathurst. The subject site is zoned 3(a) General Business under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. The site in question is within the Bathurst Heritage Conservation Area and is therefore subject to

the provisions of Clause 23 Protection of environmental heritage. The proposal is for demolition only. Despite the heritage significance of the building, approval of its demolition is reluctantly recommended on the basis of its structural condition and the high costs of restoration works.

**Financial Implications:** Nil.

## MINUTE

### **10 Item 3 DEVELOPMENT APPLICATION NO. 2010/0461 – DEMOLITION OF COMMERCIAL BUILDING AT 66-68 GEORGE STREET. APPLICANT: BOLAM PROPERTY INVESTMENTS PTY LTD. OWNER: BOLAM PROPERTY INVESTMENTS PTY LTD.**

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

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0461, 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. No demolition is to occur until a development application and construction certificate is approved for the replacement dwelling
  - ii. The applicant is to submit to Council and The Bathurst Historical Society, a detailed photographic record of the building prior to demolition.
  - iii. Any archaeological remains discovered during the demolition are reported to the Heritage Branch, Department of Planning, and any such find is dealt with in accordance with the Heritage Act 1977
  - iv. Prior to demolition commencing the applicant is to submit to Council a report prepared by a suitably qualified heritage consultant which assesses whether any remaining significant fabric can and should be removed during the building's demolition and reused and how that might be able to be reused in the infill building.
- (b) notify those that made submissions of its decision.
- (c) call a division.

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

#### **The result of the division was:**

**In favour of the motion** - Cr Warren Aubin, Cr Bobby Bourke, Cr Tracey Carpenter, Cr Graeme Hanger, Cr Monica Morse, Cr Ian North, Cr Ross Thompson, Cr Paul Toole, Cr Greg Westman,

**Against the motion** - Nil

**Absent** - Nil

**Abstain** - Nil

**4 DEVELOPMENT APPLICATION NO. 2010/0572 – TWO LOT SUBDIVISION AT 167 & 201 FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: MRS J MCGIRR & BATHURST SOARING CLUB LTD (DA/2010/0572)**

**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 Lot 21;
- (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 Lot 21;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0572, 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, at its Ordinary Meeting held 19 May 2010, resolved to defer consideration of Development Application 2010/0572 until its next Ordinary Meeting.

A copy of the original report to Council's Ordinary Meeting held 19 May 2010 is at **attachment 1.**

**Submissions**

In accordance with Council's Policy the Development Application was not advertised nor notified. However, on 3 May 2010 Council received a submission from Mr and Mrs Russell who are direct adjoining neighbours at 257 Freemantle Road. While this submission arrived after completion of the previous report, the Director Environmental Planning & Building Services forwarded a memo to all Councillors, however for some unknown reason it was not received by Councillors in time for the meeting.

See copy of the submission from Mr and Mrs Russell at **attachment 2.**

The issues raised in the submission included:

- Plans for future development at Pipers Airfield and the lack of regulation over operating procedures; and
- Conversion of agricultural land to non-agricultural purposes.

**Creation of Proposed Lot 21 – Dwelling Lot**

The minimum lot size for agriculture and a dwelling-house for the 1(a) Inner Rural zone is 200 hectares. Proposed Lot 21 is 76.07 hectares and accordingly an Objection under State Environmental Planning Policy No 1 demonstrating that the “development standard is unreasonable and/or unnecessary” is required. In formulating their opinion Council should have regard to the Objectives of the 1(a) Inner Rural zone, notwithstanding the minimum lot size of 200 hectares is not being achieved.

- (a) To support and maintain the continued viability of agricultural development in rural areas located near the urban fringe areas of Bathurst

**Comment:** The land being acquired is variously mapped as being of Agricultural Suitability Class 2 and Land Capability Class 3. It should be noted that such mapping is undertaken on a macro scale and does not necessarily reflect individual sites at a micro level. Visual inspection of the land indicates it is not suitable for regular cultivation and is generally only suitable for grazing. Currently it is used for occasional short-term grazing. The area in question (16.19 hectares) is however minimal within the context of the overall land available for agriculture throughout the LGA. Given that the proposal is for a boundary adjustment only and therefore does not involve the creation of new lots for the purpose of agriculture or a dwelling-house, the consideration of the site's agricultural capability is irrelevant.

- (b) To enable development that is appropriate for broad acre productive land used for grazing and cropping to be carried out,

**Comment:** Refer to comment in (a) above.

- (c) To provide for a range of compatible land uses to be carried out on land within the zone that are in keeping with the rural character of the locality and do not unnecessarily convert prime crop and pasture land to non-agricultural land uses,

**Comment:** The Pipers Airfield is a long standing landuse where operations are not in conflict with surrounding rural landuses. The proposal will not alter the use of the proposed lots and will therefore not hinder the agricultural use of surrounding land. The portion of land being exchanged is not prime crop or pasture land. The proposal is therefore not inconsistent with this Objective.

- (d) To protect and conserve the scenic environment by controlling the location of buildings and materials used, particularly in development adjacent to a major road or located within a scenic protection area or within an identified remnant bush land area,

**Comment:** The proposed development does not involve any building work. The proposal is therefore not inconsistent with this Objective.

- (e) To protect and conserve valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development to enable the efficient extraction of those deposits.

**Comment:** There are no known natural resources on the subject site or in the vicinity of the subject site. The proposal is therefore not inconsistent with this Objective.

Consistency with the Objectives of the zone does not necessarily require a positive finding. Rather, consistency means that the development is not "anti" the Objectives. Given the above, the development is not considered contrary to the Objectives.

#### Creation of Proposed Lot 22 – Airfield Lot

The creation of proposed Lot 22, being the lot containing the existing airfield, is permissible under Clause 27(3) of the Bathurst Regional (Interim) Local Environmental Plan 2005 as its use is not for the purpose of agriculture or a dwelling-house. Such lots may be subdivided to a size less than the minimum lot size so long as Council is satisfied that their use is not for the purpose of agriculture or a dwelling-house.

**Financial Implications:** Nil.

## MINUTE

**11 Item 4 DEVELOPMENT APPLICATION NO. 2010/0572 – TWO LOT SUBDIVISION AT 167 & 201 FREEMANTLE ROAD, EGLINTON. APPLICANT: VOERMAN & RATSEP CONSULTING SURVEYORS. OWNER: MRS J MCGIRR & BATHURST SOARING CLUB LTD**

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

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

**Reason:** Personal friend and Business contact of applicant (a stock agent who supports councillor's business).

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

**Reason:** friend of applicants family.

**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 Lot 21;
- (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 Lot 21;
- (c) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0572, 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 Warren Aubin, Cr Bobby Bourke, Cr Graeme Hanger, Cr Monica Morse, Cr Ian North, Cr Paul Toole,

**Against the motion** - Cr Greg Westman,

**Absent** - Cr Tracey Carpenter, Cr Ross Thompson,

**Abstain** - Nil

## **5 GAZETTAL OF THE LOCALITY OF THE BATHURST TOWN SQUARE (20.00107)**

**Recommendation:** That Council advise the Bathurst Town Square Group that it supports its place name application of the "Bathurst Town Square" to be made to the NSW Geographical Names Board.

**Report:** At the Bathurst Town Square Group's April meeting, the Group resolved to proceed with an application to the Geographical Names Board to recognise the place name of the Bathurst Town Square, (being the land bounded by William, Howick, George and Russell Streets). In association with this decision, the Group has written to Council requesting its support of the application.

At the Bathurst Town Square Group's February meeting, Mr Greg Windsor from the Geographical Names Board, Department of Lands, was a guest speaker. Mr Windsor gave a summary of the purpose of the Board in light of recognising the history of NSW place names, such as the Bathurst Town Square.

It was explained the Board can officially gazette a name in the Government Gazette and recognises places / areas on maps, etc. Advertising to the community for a 4 week period is required as part of the process. Mr Windsor explained that names gazetted by the Board are only formally recognised in the Geographical Names Register and Government Gazette and will not alter existing property addresses or property descriptions. Mr Windsor suggested a resolution from Council would be desirable to support the application.

As a result of the above, at the Group's April meeting, it was resolved to write to the Geographical Names Board regarding the recognition of the Bathurst Town Square. As part of the resolution, the Group has written to Council seeking its support for the Group to prepare the place name application to the Board. A copy of the letter is at **attachment 1**.

It is recommended that Council support the application given the historical importance of this locality and its overall contribution to the development of Bathurst.

**Financial Implications:** Cost of advertising will be covered by existing allocations in Management Plan.

**MINUTE**

**12     Item 5    GAZETTAL OF THE LOCALITY OF THE BATHURST TOWN SQUARE**

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

**RESOLVED:** That Council advise the Bathurst Town Square Group that it supports its place name application of the “Bathurst Town Square” to be made to the NSW Geographical Names Board.



## **6 HUNTER VALLEY CARAVAN, CAMPING, 4WD, FISH & BOAT SHOW, MAITLAND SHOWGROUND FRIDAY 21 – SUNDAY 23 MAY 2010 (21.00041)**

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

**Report:** The three day Hunter Valley Caravan, Camping, 4WD, Fish & Boat Show attracted a crowd of 20,500 visitors over the three days.

The Bathurst Region had representation at the show in a 3x3 stand staffed by Visitor Information Centre staff. This was the first time the Bathurst Region had gone alone, in previous years assisting the Central NSW Tourism (CNSWT) stand.

The following information was distributed from the Bathurst stand: over 600 visitor guides, 400 children's activity books, 500 information sheets (a selection of camping, fishing, fossicking and a how to get there with itineraries and must sees), also a selection of pens and notepads. It is felt that if attending in 2011 more of the outdoor activity sheets could have been distributed as well as pet friendly and bike track information.

This information was available:

- by individual selection from the table;
- starter kits within a Bathurst Region bag. Children's kit - activity book and visitor guide, adult kit - note pad and visitor guide. Then visitors to stand could add any extras they wanted; and
- all inclusive kits were made up for those who wanted all the information available.

There was good general interest in visiting the Bathurst Region and the newly created information sheet with suggested routes of travel was well received and gave people a few alternatives with time and distance.

The Hunter Valley show is a good show for awareness of the Bathurst Region as a short break or long weekend destination. Attendance in 2011 would be recommended with a review of the range and amount of information taken.

**Financial Implications:** \$1,500 for show stand and fixtures costs, as well as accommodation, food and transport for 1 staff member, all covered from existing allocations within the Management Plan.

**MINUTE**

**13 Item 6 HUNTER VALLEY CARAVAN, CAMPING, 4WD, FISH & BOAT SHOW, MAITLAND SHOWGROUND FRIDAY 21 – SUNDAY 23 MAY 2010**

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

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

## **7 REVIEW OF JOINT REGIONAL PLANNING PANEL (18.00274)**

**Recommendation:** That Council advise the Ministers office that it is not supportive of the overall operation of JRPP, however at this point in time is supportive of the proposed reforms for the trial period of twelve months following which it will make further representation with respect to the operation of the Joint Regional Planning Panels.

**Report:** Councillors are aware that Joint Regional Planning Panels (JRPP) came into operation on 1 July 2009. The Mayor and the General Manager are Council's representatives on the JRPP. There are also three government representatives.

Councillors are also aware that Development Applications which meet regional significance are referred to the panel for its determination. The referral is accompanied by a report and recommendation from Council's Director Environmental, Planning & Building Services.

The Department has undertaken a review of the operation of the panel and has recommended to the government that a number of reforms be implemented; these are discussed in detail below. A copy of the correspondence from the Ministers office is provided at **attachment 1**.

**Councillors should note that all the proposed delegations mentioned below are all prefaced on the basis that applications of regional significance are to be determined by a Senior Council officer and not referred to Council for its determination.**

The main items are mentioned below for the benefit of simplicity.

1. Modification of Development applications pursuant to Section 96 (1A) of the EPA Act 1979.

**Comment:** This in effect means that Council's senior staff can modify a development application previously approved by the JRPP.

2. Proposed Delegations

The proposal is that the panel chair will have the authority to delegate back to Council certain JRPP applications. The circumstances whereby the panel chair will delegate back to Council's are outlined under the following headings in the attachment.

- Straight Forward applications: An example would be an application that triggered the JRPP determination but no submissions from the public received
- Designated Development: This proposed delegation back to Council will enable Council to determine an application for designated development with a capital investment value (CIV) of less than five million dollars (\$5 000 000.00) The proposed delegation will apply regardless of whether a submission from the public is received or not.
- Areas and Precincts: This proposed delegation will enable Council to determine regionally significant applications located in particular areas provided it is in compliance with Council's strategic planning objectives for the area e.g Industrial Park, Service Trades Centre precincts.

3. Delegation to Officer Level

**Comment:** The delegation of the authority back to Council is predicated on the determination being made at officer level rather than at Council level. In the absence of this authority the delegation will remain with the JRPP. Council already has extensive delegation in place so there is no issue with meeting the criteria.

4. Determination

**Comment:** This paragraph from the Ministers office is self explanatory and needs no expansion.

An issue could arise whereby an application of regional significance is lodged in an area and it fails to comply with a policy of Council or a State Environmental Planning Policy No. 1 objection is received. In this instance, the chair of the JRPP could delegate to Council for it to determine the application but the application is contrary to a Council policy or below a minimum standard and requires an SEPP1 objection to be lodged.

The above situation creates a conflict between the senior officer involved and a policy put in place by the elected representatives. There needs to be a mechanism whereby if such a situation arises Council can advise the JRPP to revoke its delegation.

5. Trial Period

**Comment:** The proposed delegations are going to be trialed for a period of 12 months

6. Implementation

**Comment:** Council is to give a written commitment to the Ministers office that it is supportive of the above proposed delegations within 21 days of the date of the Ministers correspondence. The Ministers office has been advised that this is not possible due to the Council meeting schedule. The Ministerial file has noted Councils meeting schedule and it raises no issues.

Conclusion

Council over a period of time has been opposed to the implementation of JRPP for the determination of development applications of regional significance. Regardless of this, the system came into operation commencing 1 July 2009. After a trial period of twelve months the Ministers office is now reviewing its operation and attempting to streamline the process whilst (**in the departments opinion**) removing the potential for political decisions as opposed to merit based decisions.

Council has always had extensive delegations in place for dealing with the bulk of development applications. Councillors are aware approximately ninety five (95%) of development applications are presently determined under delegated authority.

The above proposed delegations are a least a step in the right direction in that certain regionally significant development applications will come back to Council for determination.

It would be prudent for Council to support the proposed reforms, but continue to lobby for the abolition of the JRPP or at the very minimum have the trigger thresholds lifted.

The alternative for Council is if it doesn't support the above reforms is that it be shut out of

the process totally, as is presently the situation.

It will therefore be recommended that Council support the reforms for the trial period of twelve months.

**Financial Implications:** Nil.

## MINUTE

### 14 Item 7 REVIEW OF JOINT REGIONAL PLANNING PANEL

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

**RESOLVED:** That Council:

- (a) makes a strong submission to the Premier and Minister requesting
  - (i) that Joint Regional Planning Panels (JRPP) be abolished
  - (ii) withdrawal of Part 3A of the Environmental Planning & Assessment Act 1979
  - (iii) that all planning powers be returned to Councils.
- (b) At this point in time Council supports the proposed reforms for the trial period of twelve months following which it will make further representation with respect to the operation of the Joint regional Planning Panels.

## **8 NAMING OF PUBLIC ROADS – HARGRAVES PLACE, TWEED PARADE, COBB AVENUE, FREEMAN CIRCUIT (41.00088)**

**Recommendation:** That Council:

- (a) adopt the name for Hargraves Place for the cul-de-sac off McBrien Drive, Kelso;
- (b) adopt the name Tweed Parade for the road between McBrien Drive and Hughes Street, Kelso;
- (c) adopt the name Cobb Avenue for the new road created by the subdivision of Lot 224, DP 1137628 off Darwin Drive, Llanarth;
- (d) adopt the name Freeman Circuit for the new road created by the subdivision of Lot 224, DP 1137628 off Darwin Drive, Llanarth; and
- (e) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

**Report:** Hargraves Place & Tweed Parade

It has been brought to Council's attention by the Land & Property Management Authority (LPMA) that the road names "Hargraves Place" and "Tweed Parade" have not been adopted by Council or advertised in the Government Gazette. Variations of both road names were previously adopted by Council and advertised in the Government Gazette however these names were not reflected on the final plan of subdivision. Such anomalies often arise when the final plan of subdivision shows names slightly different to those adopted and gazetted prior to the completion of the subdivision.

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

### **Cobb Avenue**

The name "Cobb Avenue" has been chosen for the new road to be created by the subdivision of Lot 224, DP 1137628 off Darwin Drive in the suburb of Llanarth. The proposed road is within Stage 9 of the Avonlea Estate. See location map at **attachment 2**.

The name "Cobb" originates from Cobb & Co. Coaches, which have significant historical links to Bathurst. Such links began in 1862 when the company's headquarters were relocated to Bathurst from Victoria.

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

### **Freeman Circuit**

The name "Freeman Circuit" has been chosen for the new road to be created by the subdivision of Lot 224, DP 1137628 off Darwin Drive in the suburb of Llanarth. The proposed road is within Stages 7 and 9 of the Avonlea Estate. See location map at **attachment 2**.

The name "Freeman" originates from the surname of an early settler in Bathurst – Mr James Freeman. In the 1850s, James Freeman was a teacher at a Catholic school. Records indicate that he was head of the school between 1850 and 1852.

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

**Financial Implications:** Nil.



## MINUTE

### 15 Item 8 NAMING OF PUBLIC ROADS – HARGRAVES PLACE, TWEED PARADE, COBB AVENUE, FREEMAN CIRCUIT

**MOVED: B Bourke SECONDED: G Hanger**

**RESOLVED:** That Council:

- (a) adopt the name for Hargraves Place for the cul-de-sac off McBrien Drive, Kelso;
- (b) adopt the name Tweed Parade for the road between McBrien Drive and Hughes Street, Kelso;
- (c) adopt the name Cobb Avenue for the new road created by the subdivision of Lot 224, DP 1137628 off Darwin Drive, Llanarth;
- (d) adopt the name Freeman Circuit for the new road created by the subdivision of Lot 224, DP 1137628 off Darwin Drive, Llanarth; and
- (e) direct the Director Environmental Planning and Building Services Department to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the names gazetted, should no objections be received.

## **9 HERITAGE STRATEGY ANNUAL REPORT 2009-10 FOR BATHURST REGIONAL COUNCIL (20.00123)**

**Recommendation:** That Council:

- (a) adopt the 2009 to 2010 Heritage Strategy Annual Report, and
- (b) note that a copy of the Annual Report has been referred to the Heritage Branch, Department of Planning, for their information.

**Report:** As part of Council's Heritage Management Program, it is a requirement of the Heritage Branch, Department of Planning, that Council prepare an annual report in respect of the implementation of Council's Heritage Strategy. The report is prepared in conjunction with its Heritage Advisor to identify achievements and shortfalls in accordance with the Heritage Branch *Annual Report Template for 2009 to 2010* .

The Heritage Strategy Annual Report addresses the achievements and shortfalls of Council's Heritage Management Program for the current financial year, and identifies Council's direction for heritage management for the following financial year.

The draft Heritage Strategy Annual Report 2009 - 2010 is provided at **attachment 1**.

The highlights of the report are summarised below:

- The Gateway Determination for the Planning Proposal – Heritage.
- The Bathurst Region Heritage Fund continues to be very popular with 53 initial applications, of which 50 were successful in applying and 39 projects completed.
  - The Heritage Branch confirmed that Bathurst Regional Council had the greatest number of funded projects out of all local heritage funds.
- The fund resulted in:
  - Total Project value: \$273,535.21
  - Total heritage fund contribution from Council: \$39,300
  - Total owner contribution: \$234,235.21
- Council hosted the Central West Heritage Network, (CWHN), Seminar in September 2009. This was the most successful seminar Council has hosted with 55 attending the morning session and an additional 10 for the afternoon excursion.
- The launch of the "100 Lives of the Bathurst Region" book by the Mayor at the CWHN Seminar.
- Council hosted a CWHN meeting for planners and Heritage Advisors in April 2010. The day was productive and some good ideas were discussed in terms of potential ways of distributing heritage funding.
- The BCAMS rating system has been amended to be more transparent and easier for owners, developers and planning staff to understand.
- Council refined its demolition proposal guidelines to speed up the DA process for the proposed demolition of buildings.
- Council adopted the recommendations of the Bridle Track CMP.

The major disappointments identified in the report are listed below:

- The 3 attempts, (6 months), for Council to receive an appropriate Gateway determination for the Heritage Planning Proposal before the recommendations of the Heritage Study were accepted.
  - As it has now been 3 years since the completion and adoption of the Heritage Study, up to one third of ownership details for proposed heritage items have

- changed.
- As a result, the resources and effort put into the consultation process during the Heritage Study has been wasted.
  - The refusal by the Heritage Council of the nomination for the Bathurst Showground to be listed as an item on the State Heritage Register was very disappointing particularly when the former Heritage Office initially instigated the nomination for the precinct.
  - The Comprehensive LEP process continues to be slow, frustrating and problematic resulting in the revised and updated Urban Design and Heritage Conservation DCP still not yet in use, notwithstanding it has been completed for some time.
  - Council finds it both frustrating and disappointing when approval can be given by the Planning Minister to unsympathetic development under the (SEPP Infrastructure) 2007. Examples include the proposed administration building at the Bathurst Gaol and the new railway bridge over the Macquarie River.
  - The Heritage Branch announcement of its reduction of its contribution to the Bathurst Region Heritage Fund from \$15,000 to \$8,500 for 2010-11.
    - **Note: In response to Council's letter to the Planning Minister, Council has received a revised funding offer of \$12,000 for the 2010-11 Heritage Fund, (an increase of \$3,500 to that previously offered).**

### Conclusion

It is a requirement of Council's funding agreements with the Heritage Branch, Department of Planning, that it prepare and adopt an annual report with respect to the implementation of Council's Heritage Strategy. It is recommended that Council adopt the draft Heritage Strategy Annual Report for 2009 to 2010.

**Financial Implications:** Council receives grant funding from the Heritage Branch, Department of Planning, to assist in the provision of a heritage advisory service, the Bathurst Region Heritage Fund and any shortfall for the CWHN. Council's contribution is provided for as part of its Management Plan.

**MINUTE**

**16 Item 9 HERITAGE STRATEGY ANNUAL REPORT 2009-10 FOR BATHURST REGIONAL COUNCIL**

**MOVED: I North SECONDED: T Carpenter**

**RESOLVED:** That Council:

- (a) adopt the 2009 to 2010 Heritage Strategy Annual Report, and
- (b) note that a copy of the Annual Report has been referred to the Heritage Branch, Department of Planning, for their information.

## **10 PLANNING REFORMS (02.00018)**

**Recommendation:** That Council note that representations are being sought with the Department of Planning and the Minister for Planning to discuss concerns with the Planning Reform agenda.

**Report:** The Department of Planning have recently provided councils with the opportunity to comment on three papers:

1. Draft Potential Amendments to the Standard Instrument - March 2010;
2. NSW Exempt Development Review - Draft Report; and
3. The Codes SEPP - Dwellings as Complying Development in Rural, Village and Large Lot Residential Areas.

All three papers highlight to Council staff the failings of the Planning Reform Process because they are so focussed on a "one-size-fits-all" approach across the State. In the staff's opinion such an approach cannot and has not worked because it fails to provide sufficient adjustments for local circumstances and requires micro management by the Department to a point where simply nothing gets done.

Proof of the above is the fact that Council has been endeavouring to prepare a comprehensive LEP since 2005 and is continually frustrated by the (out of touch) micro management from the Department of Planning.

The following summary of Council's submissions to the Department is provided below. Full copies of the submissions are provided at **attachment 1**.

### 1. Draft Potential Amendments to the Standard Instrument

Whilst most of the amendments proposed to the Standard Instrument are supported, the extent of amendments, particularly to the Plan's definition, highlights how flawed the Instrument is to begin with.

Changes to over 80 land use definitions are proposed, particularly to identify or clarify the way the plan groups definitions and their sub terms. The definitions of an LEP are its building blocks. The changes proposed are critical to the correct drafting of the LEP and ultimately how it will be implemented and interpreted. That such a fundamental flaw is only now being fixed is incredible. Yet the Department seems happy for councils to proceed with LEPs now without these definitions being fixed.

Council should not release to the public an LEP which is based on a template that in its current form is so fundamentally flawed. Not only does Council risk an incorrectly drafted LEP, it is simply an embarrassment professionally for staff and the Council.

Again Council will need to undertake a major review and redraft of the comprehensive LEP once these proposed amendments are gazetted.

A time frame for completion of the comprehensive LEP (supposedly in 2011) remains of considerable frustration to staff given the fact that the template is so obviously flawed and the ongoing micro-management of the process by the Department.

### 2. NSW Exempt Development Review

This paper proposes shifting all exempt development from council prepared LEPs to a State

Government controlled SEPP. Council knows already how flawed the first SEPP was where Bathurst was made considerably worse off under a one-size-fits-all exempt State Policy.

It is considered that SEPP based provisions will:

- hinder the opportunity for councils to identify and introduce new types of development as exempt development beyond the SEPP
- hinder councils from identifying and offering more generous exempt standards than those provided by the SEPP

Whilst the paper indirectly states that provisions for the Bathurst Region will be provided through variations to the SEPP, this is not a clear recommendation of the paper.

Council needs to seek an absolute guarantee from the Department that it will be no worse off under future SEPP based provisions and that those provisions will be able to be readily changed into the future to improve on and expand the use of exempt development in the Bathurst Region.

### 3. The Codes SEPP – Dwellings as Complying Development in Rural, Village and Large Lot Residential Areas

This Code seeks to set up provisions to enable complying development certificates to be issued for the erection of dwellings in rural, rural residential and village locations. This would mean no merit assessment of applications and the ability of a private certifier to approve new dwellings in these areas.

The Code does exclude the following lands:

- bushfire prone land (at this time, however, the Department is examining opportunities to include these lands);
- flood prone land;
- land within a heritage conservation area; and
- lots below the minimum lot size.

Consequently much of the Bathurst Regional Local Government Area will not be eligible to be considered under the Code.

Notwithstanding this the Code will still apply to a number of rural villages, to all existing rural residential areas and to rural lands above the minimum lot size.

It is considered that the proposed Code is fundamentally flawed (again because it tries to adopt a one-size-fits-all approach) and this should be of very serious concern to Council, particularly given the amount of work Council has undertaken in the area of rural and village planning in the last 6 years.

Briefly the proposed Code will fail to:

- address the need to consider on-site effluent disposal at the same time as the dwelling;
- protect Mt Panorama as an international motor racing circuit;
- implement Council's existing DCPs in village and rural residential locations (e.g. siting of buildings)
- provide adequate buffers between dwellings and different rural activities (e.g. mines and forestry);
- address the need for specific assessment on environmentally sensitive lands and in

- particular the removal of vegetation;
- consider clause 29 and 31 of Council's LEP relating to lands at Wattle Flat and Mt Haven respectively;
- address the issue of access to Crown Roads;
- address the Governments own State Policies i.e. SEPP44 Koala Habitat, Rural Lands SEPP and SEPP (Mining, Petroleum Productions and Extractive Industries).

On the whole the proposed Code does not demonstrate to Council a full understanding of the issues associated with rural planning and will undermine Council's existing rural and village planning.

It is patently obvious that the city based planners within the Department of Planning have no understanding of rural issues.

### Conclusion

Council staff remain frustrated by the continual release of so called planning reform from the Department. To date Council staff cannot see any positive outcomes achieved by the Department for the Bathurst Region. The next round of reforms seems destined to follow all previous efforts of the Department with disastrous results predicted for the Bathurst Region .

The comprehensive LEP process seems doomed to failure because of the failings of the Standard Instrument template and the Departments micro-management of the process and the timetable for completion unlikely to be achieved. Council staff are seeking urgent representations with the Department to discuss the concerns raised in this report.

**Financial Implications:** Nil.

**MINUTE**

**17     Item 10    PLANNING REFORMS**

**MOVED: T Carpenter   SECONDED: B Bourke**

**RESOLVED:** That Council note that representations are being sought with the Department of Planning and the Minister for Planning to discuss concerns with the Planning Reform agenda.



## **11 CENTRAL WEST HERITAGE NETWORK (CWHN) MEETING (18.00096)**

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

**Report:** As part of the Bathurst Region Heritage Strategy 2008-09 to 2010-11, Council hosted a CWHN meeting for Heritage Advisors and town planners.

The meeting was held on Thursday 13 May 2010 at BMEC. There were 12 participants representing 6 Councils, 2 Heritage Advisors and 2 representatives from the Heritage Branch, Department of Planning.

The heritage related government issues were covered during the meeting, included:

- Round table discussion of current heritage issues faced by Councils.
- Archaeological Management Plans.
- Update, including new guidelines and templates for Local Heritage Funds.
- Standard Instrument Order – Heritage Provisions – Bathurst’s Perspective.
- Summary of the ICOMOS Conference – Outback & Beyond, Broken Hill.

The day was productive and some good ideas were discussed in terms of potential ways of distributing funding as part of local heritage funds. Examples included potentially funding on a \$1 for \$3 basis, rather than \$1 for \$1, for pensioners, or providing the services of a free tradesman to those who can not afford to contribute to ongoing restoration and maintenance. Such possibilities will be further investigated by Council at a later date.

Feedback from attendees regarding the meeting was positive.

Regarding the future of the CWHN, it was previously agreed that Cabonne Shire Council will host the network for the 2010-11 financial year. However, they have since informed Council they are not able to host the network, though still interested in hosting in the future. As a result, Council is currently negotiating with Orange City Council to see if it can host the network in 2010-11.

**Financial Implications:** Expenses were covered from Council’s Heritage Seminar component of its Management Plan and also from a small contribution made from the Heritage Branch, Department of Planning.

**MINUTE**

**18    Item 11    CENTRAL WEST HERITAGE NETWORK (CWHN) MEETING**

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

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

Yours faithfully

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

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
16 JUNE 2010

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 JUNE 2010**

General Manager  
Bathurst Regional Council

**1 STATEMENT OF INVESTMENTS - MAY 2010 (16.00001)**

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

**Report:** \$49,023,737.83 was invested at 31 May 2010 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)

Reserve Bank of Australia - Cash Rate	4.50%
90 day Bank Bill Swap Rate (BBSW)	4.07%
Three Year Treasury Bond Yield	4.94%

**Short Term 1 – 365 Days**

**(comprising Commercial Bills, Term Deposits and Certificates of Deposits):**

**Average Return**

Bankwest	\$1,000,000.00	5.10%
Bendigo and Adelaide Bank Limited	\$3,500,000.00	5.01%
IMB Ltd	\$5,500,000.00	4.62%
Railways Credit Union	\$10,000,000.00	5.15%
Reliance Credit Union	\$2,000,000.00	5.00%
Savings and Loans Credit Union	\$12,000,000.00	5.09%
SGE Credit Union	\$2,500,000.00	4.65%
Westpac Banking Corporation	\$5,000,000.00	5.64%
	<u>\$41,500,000.00</u>	5.07%

**Long Term**

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

Railways Credit Union	\$2,000,000.00	6.25%
Government & Semi Government Bonds	\$2,630.25	5.00%
	<u>\$2,002,630.25</u>	6.25%

**Community Income Note**

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

**Floating Rate Notes**

ANZ	\$2,000,000.00	4.98%
Bendigo Bank 2007	\$2,000,000.00	4.87%
Lehman Brothers Treasury Co	\$90,000.00	0.00%
Mackay Permanent Building Society	<u>\$500,000.00</u>	<u>5.16%</u>
	\$4,590,000.00	4.85%

**Total Investments** **\$49,023,737.83** **5.00%**

***These funds were held as follows:***

Reserves Total (includes unexpended loan funds)	\$23,965,265.83
Grants held for specific purposes	\$3,463,629.94
Section 94 Funds held for specific purposes	\$14,327,723.35
Unrestricted Investments – All Funds	\$7,267,118.71
*General Fund	\$34,769.48
*Water Fund	\$2,771,948.29
*Sewer Fund	\$1,900,127.35
*Waste Fund	<u>\$2,560,273.59</u>

**Total Investments** **\$49,023,737.83**

**Total Interest Revenue to 31 May 2010** **\$2,259,393.94** **5.00%**

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

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

**MINUTE**

**19    Item 1    STATEMENT OF INVESTMENTS - MAY 2010**

**MOVED: W Aubin SECONDED: T Carpenter**

**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:** At **attachment 1 and 2** is the revised summary and detail of the Management Plan and Budget for the period to 31 May 2010.

	<b>Original Estimate</b>	<b>Previously Revised Estimate</b>	<b>Revised Estimate</b>	<b>Variance for the Month</b>
<b>Engineering Services</b>	11,055,708	11,138,114	11,138,114	0
<b>Corporate Services &amp; Finance</b>	(18,133,074)	(18,169,860)	(18,169,860)	0
<b>Cultural &amp; Community Services</b>	4,113,018	4,129,691	4,129,691	0
<b>Environmental Planning &amp; Building Services</b>	2,913,786	2,851,493	2,851,493	0
<b>TOTAL</b>	(50,562)	(50,562)	(50,562)	0

Variations for the Month of May 2010 - Nil

At **attachment 3** is an update of Strategies for the 2009/2010 Management Plan

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

Fines/Notices for month of May 2010 - Nil.

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

**MINUTE**

**20 Item 2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET**

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

**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 May 2010.

**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:	(\$13,110.64)
BMEC Community use:	\$10.91

**MINUTE**

**21 Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY**

**MOVED: G Hanger SECONDED: B Bourke**

**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.

- Arcav Air Pty Limited - Lot 12 DP1024590, Bathurst Aerodrome - Lease Variation
- E Roughley - Lot 403 DP1150519, McGirr Street -Transfer
- J & C McManus - Lot 417 DP1150519, McGirr Street -Transfer
- P & K Watter - Lot 409 DP1150519, McGirr Street -Transfer
- C & S Smithers - Lot 404 DP1150519, McGirr Street -Transfer
- P & K Miller - Lot 415 DP1150519, McGirr Street -Transfer
- W Alderton & Sunset Fencing - Lot 3 DP1127323 & Lot 1 DP624336, Part Lot 1006 DP1129907, 4040 O' Connell Road - License
- S Tyson & P Cook - Lot 413 DP1150519, McGirr Street - Transfer
- Skegar Pty Limited - Lot 413 DP1150519, McGirr Street -Transfer
- Bethetu Pty Limited - Lot 213 DP1137628, Blaxland Drive -Transfer
- Trinity Heights Pty Limited - Lot 30 DP1124308, Blue Ridge Estate -Transfer

#### **Linen Plan Release**

- Buttsworth/BRC - Acquired Land - Thompson Street, Wattle Flat
- Burge & Cole/BRC - Widening - Lot 192 Sofala Road, Wattle Flat
- Dunstall/BRC/Hockey/Cambooya - Widening - Lot 244 & Lot 678 Lachlan Road, Caloola
- Burge/BRC/Stokes/Vella - Widening - 3326 Turondale Road, Crudine
- Bayliss/BRC/McPhee - 2 Lot Subdivision - 365 Limekilns Road, Kelso
- Forsyth/BRC/Tomlinson - Widening - 71 Dunkeld Road, Dunkeld
- Buttsworth/BRC - Waste Disposal - Acquisition of Crown Land, Bald Hill Road, Hill End

**Financial Implications:** Nil.

**MINUTE**

**22    Item 4    POWER OF ATTORNEY**

**MOVED: M Morse SECONDED: G Westman**

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

## **5 SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**

**Recommendation:** That Council consider the submissions individually.

**Report:** Council currently has the Draft Management Plan for 2010/2011 on exhibition for the required period of 28 days.

Due to the computer system changeover, the timing of the display period and closing date for submissions has been unavoidably extended to close at 4:00pm on Friday 11 June 2010. Council is required to consider public submissions before adopting the Management Plan.

Submissions will be forwarded to Councillors and be available to the public on Tuesday 15 June 2010 for consideration under this item.

**Financial Implications:** There are no financial implications at present however, if any submissions are received the implications of each submission will be provided individually.

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### **UPDATED REPORT FOLLOWING CLOSING OF SUBMISSIONS AT 4 PM ON FRIDAY 11 JUNE 2010**

Council has received five (5) submissions in relation to the 2010/2011 Draft Management Plan.

Submissions have been made on various matters and are detailed below for Councillors information.

(a) **Bathurst Regional Access Committee**

**Recommendation:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Bathurst Regional Access Committee.

**Report:** Council has received a request in relation to Bathurst Regional Access Committees application for a Section 356 Donation. Bathurst Regional Access Committee have applied for a grant of \$4,410.63 to cover various costs as detailed within their submission shown at **attachment 1**.

For Councillors information, Council provides the following supporting role to the Bathurst Regional Access Committee:

- Provision of administrative support (undertaken by Council's Project Officer) including collation of agenda items, business papers following submissions from committee members, preparation of minutes at meetings
- Venue
- Limited catering
- Councillor Delegate to Committee (currently Cr Westman)
- Reimbursement costs for one delegate to attend the Western Regional Access Committee meetings
- Assist with agenda distribution for Western Regional Access Committee meetings.

Council has recommended an amount of \$1,000 be granted to the Bathurst Regional Access Committee in respect of this application.

**Financial Implications** If Council adopts this recommendation, there will be no alteration to the Draft Budget.

(b) **G A Crisp**

**Recommendation:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Mr G A Crisp.

**Report:** Council has received a submission from Mr G A Crisp in relation to various matters as shown at **attachment 2**.

**Financial Implications** If Council adopts this recommendation, there will be no alteration to the Draft Budget.

(c) **Ray Carter**

**Recommendation:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Mr Ray Carter.

**Report:** Council has received a submission from Mr Ray Carter in relation to sewer access charges as introduced by Bathurst Regional Council on 1 July 2004.

There is a long history of submissions and letters in respect to this matter raised by Mr Carter. Mr Carter has been advised on previous occasions that Council has the option to adopt either of two methods in relation to sewer charges.

The first method is the sewer discharge factor method which this Council has adopted. Council has been charging its ratepayers using this method since 2004 as the preferred charge for access to the sewer system.

The second method is the Equivalent Tenement method (ET method) which uses a nominal size of water meter to arrive at a charge for access to the sewer system.

Numerous reports to Councillors for their information and decisions have been made in detail over a long period of time.

The submission received from Mr Ray Carter is shown at **attachment 3**. The attachments referred to in the submission will be provided to Councillors under separate cover and tabled at the meeting.

**Financial Implications** If Council adopts this recommendation, there will be no alteration to the Draft Budget.

(d) **Bruce & Elizabeth Irvine - Eusdale Road**

**Recommendation:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Bruce & Elizabeth Irvine in relation to Eusdale Road..

**Report:** Council has received a submission from Bruce & Elizabeth Irvine in relation to funding for Eusdale Road requesting that \$120,000 be shown in the 2011/2012 column to demonstrate a continuation of the 2010/2011 Work Program.

Council has allowed an amount of \$120,000 for Eusdale Road under the Roads to Recovery Program in the 2010/2011 Management Plan. This work will be carried out throughout the year. Council will review expenditure on this Road again during the preparation of the 2011/2012 Management Plan.

**Financial Implications** If Council adopts this recommendation, there will be no alteration to the Draft Budget.

(e) **Management Plan - additional information - water charges**

**Recommendation:** That Council include information on comparative water charges in the adopted 2010/2011 Management Plan.

**Report:** Councillors would be aware of the recent issues regarding the third quarter water invoices. In order to assist the community to understand the issues involved, a comparison document (shown at **attachment 5**) has been developed that compares Bathurst Regional Council water charges to other Councils.

It is recommended that Council include this information as part of the adopted 2010/2011 Management Plan.

**Financial Implications:** Nil

**MINUTE**

**23    Item 5    SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN**

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

**RESOLVED:** That Council consider the submissions individually.



**MINUTE**

**24    Item 5    SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN**

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

(a)    **Bathurst Regional Access Committee**

**RESOLVED:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Bathurst Regional Access Committee.

**MINUTE**

**25    Item 5    SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN**

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

(b)    **G A Crisp**

**RESOLVED:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Mr G A Crisp.

**MINUTE**

**26    Item 5    SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN**

**MOVED: B Bourke   SECONDED: G Westman**

(c)    **Ray Carter**

**RESOLVED:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Mr Ray Carter.

**MINUTE**

**27    Item 5    SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN**

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

(d)    **Bruce & Elizabeth Irvine - Eusdale Road**

**RESOLVED:** That Council not amend its Management Plan for 2010/2011 in respect of the submission received from Bruce & Elizabeth Irvine in relation to Eusdale Road.

**MINUTE**

**28     Item 5     SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN**

**MOVED: G Westman   SECONDED: M Morse**

(e)     **Management Plan - additional information - water charges**

**RESOLVED:**     That Council include information on comparative water charges in the adopted 2010/2011 Management Plan.

## **6 2010/2011 MANAGEMENT PLAN (16.00112)**

**Recommendation:** That following consideration of the submissions received by Council, the 2010/2011 Draft Management Plan be adopted as the Bathurst Regional Council 2010/2011 Management Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the 2010/2011 Budget be voted.

**Report:** The Draft Management Plan has been advertised for the statutory 28 days and submissions considered by Council.

Submissions have been received and it will be necessary for Council to consider any adjustments to the Management Plan.

**Financial Implications:** The 2010/2011 Management Plan is the budget of the Bathurst Regional Council for the 2010/2011 financial year.

## MINUTE

### 29 Item 6 2010/2011 MANAGEMENT PLAN

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

**RESOLVED:** That following consideration of the submissions received by Council, the 2010/2011 Draft Management Plan be adopted as the Bathurst Regional Council 2010/2011 Management Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the 2010/2011 Budget be voted.

## **7 2010/2011 REVENUE POLICY (16.00112)**

**Recommendation:** That following consideration of the submissions received by Council, the Revenue Policy for 2010/2011 as presented to Council be adopted as the Bathurst Regional Council 2010/2011 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

**Report:** Council's Revenue Policy for 2010/2011 has been advertised for the statutory 28 days and submissions considered by Council.

Included in this year's Management Plan is the provision of six waste management vouchers consisting of 3 Mixed Refuse Vouchers of 200kg each and 3 Green Waste Vouchers of 200kg each. It is proposed that this service continue for ratepayers as part of issuing of rates and charges during 2010/2011. For Councillors' information the number of vouchers used for the last six years is as follows:

<u>YEAR</u>	<u>QUANTITY</u>
2003/2004	6,357 (500kg vouchers)
2004/2005	4,357 (500kg vouchers)
2005/2006	5,082 (500kg vouchers)
2006/2007	13,696 (200kg vouchers)
2007/2008	14,186 (200kg vouchers)
2008/2009	17,537 (200kg vouchers)
2009/2010 YTD	16,082 (200kg vouchers)

**Financial Implications:** The 2010/2011 Revenue Policy sets out the fees and charges for Council services for the 2010/2011 financial year. These fees and charges assist Council to achieve its budgeted income for the year.



**MINUTE**

**30     Item 7    2010/2011 REVENUE POLICY**

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

**RESOLVED:** That following consideration of the submissions received by Council, the Revenue Policy for 2010/2011 as presented to Council be adopted as the Bathurst Regional Council 2010/2011 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

## **8 2010/2011 RATE LEVY (16.00112)**

**Recommendation:** That Council formally resolve to make the following rates and charges in relation to the 2010/2011 Rating Year:

- (a) ORDINARY RATES FOR 2010/2011 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Management Plan for the twelve months to 30 June 2011 was adopted by the Council on 16 June 2010 it is hereby recommended that:
1. a **Residential Rate** of zero point three two five six eight five (0.325685) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
  2. a **Residential Town/Villages Rate** of zero point nine six three one six two (0.963162) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
  3. a **Farmland Rate** of zero point two three eight nine six eight (0.238968) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
  4. a **Business Rate** of zero point three three zero three six one (0.330361) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst Urban", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Electricity Sub - Evans Plains" AND THAT
  5. a **Business Bathurst Urban Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  6. a **Business Forest Grove Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  7. a **Business Ceramic Avenue Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  8. a **Business Eglinton Non-Urban Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  9. a **Business Orton Park Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land

sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

10. a **Business Stewarts Mount Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Electricity Sub - Evans Plains Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Electricity Sub - Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three nine three nine seven one (0.393971) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2010/2011 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	<b>Residential</b>		\$215.00	32
2	<b>Residential/Town Village</b>	\$315.00		
3	<b>Farmland</b>		\$292.00	23
4	<b>Business</b>	\$338.00		
5	<b>Business Bathurst Urban</b>	\$338.00		
6	<b>Business Forest Grove</b>	\$338.00		
7	<b>Business Ceramic Avenue</b>	\$338.00		
8	<b>Business Eglinton Non-Urban</b>	\$338.00		
9	<b>Business Orton Park</b>	\$338.00		
10	<b>Business Stewarts Mount</b>	\$338.00		
11	<b>Business Electricity Sub - Evans Plains</b>	\$338.00		
12	<b>Mining</b>		\$215.00	47

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2010/2011 - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the weekly removal of garbage and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2010 being two hundred and three dollars (\$203.00) for the provision of one waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2010 being five dollars (\$5.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and forty dollars (\$140.00) per mobile bin and for each additional fortnightly

recycling collection service of sixty three dollars (\$63.00) per mobile bin be made by the Council.

- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2010/2011 (NON DOMESTIC) – That the annual charge where the service is provided under Section 501/503 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and forty dollars (\$140.00) per mobile bin and the fortnightly collection of material for recycling being sixty three dollars (\$63.00) per mobile bin for the twelve months commencing 1 July 2010 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2010/2011 – That the annual waste charge for each property where rural tip access is provided under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2010 being sixty three dollars (\$63.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS - That the Council provide to all rateable properties six waste management vouchers, consisting of 3 Mixed Refuse Vouchers of 200kg each and 3 Green Waste Vouchers of 200kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2010/2011 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2010.
  1. That the annual charge for single residential (including residential strata) and un-metered properties be three hundred and ninety nine dollars and zero cents (\$399.00).
  2. That the annual charge for vacant land be two hundred and eleven dollars and zero cents (\$211.00).
  3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2010/2011 \$
20	342
25	534
32	877
40	1,371
50	2,143
65	3,622
80	5,486
100	8,572
150	19,288
Strata Properties (Each non-residential lot)	342
Assumption School	1,072

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and zero cents (\$1.00) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2010/2011

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2010.

1. That the Annual Trade Waste Fee for individual businesses be eighty dollars and twenty cents (\$80.20).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be five hundred and thirty seven dollars and twenty cents (\$537.20).

(h) WATER CHARGES 2010/2011 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2010.

1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2010/2011 \$
20	125
25	195
32	320
40	500
50	782
65	1,322
80	2,002
100	3,128
150	7,039
Hillview Water Supply	128

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and twenty five dollars (\$125.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and twenty five dollars (\$125.00).
4. That the annual water availability charge for unmetered properties be four hundred and eighty five dollars (\$485.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and twenty five dollars (\$125.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2010/2011
Hillview Estate Water Supply	First 250 kl	\$1.51
	> 250 kl	\$3.18
Residential Filtered	First 250 kl	\$1.30
	> 250 kl	\$1.95

Residential Raw	First 250 kl	\$0.58
	> 250 kl	\$0.99
Other Filtered	First 250 kl	\$1.30
	> 250 kl	\$1.95
Other Raw	First 250 kl	\$0.58
	> 250 kl	\$0.99
Large Industrial Filtered	>0 kl	\$1.30
Large Industrial Raw	>0 kl	\$0.85
Bathurst Golf Club Raw	First 18,000 kl	\$0.60
	>18,000kl	\$1.20
Strata Unit property	First 250 kl (for each unit)	\$1.30
	>250 kl (for each unit)	\$1.95
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$1.30
	>250 kl	\$1.95

- (i) Included in this year's Management Plan in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Management Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2010/2011 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 9.0% per annum for the 12 month period commencing 1 July 2010 or the rate as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.6%, a 4.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the Department of Energy, Utilities and Sustainability.

**Report:** As per recommendation.

**Financial Implications:** The rate and charges listed above, once set, assist council to achieve its budgeted income for the year.

## MINUTE

### 31 Item 8 2010/2011 RATE LEVY

**MOVED: R Thompson SECONDED: M Morse**

**RESOLVED:** That Council formally resolve to make the following rates and charges in relation to the 2010/2011 Rating Year:

- (a) ORDINARY RATES FOR 2010/2011 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Management Plan for the twelve months to 30 June 2011 was adopted by the Council on 16 June 2010 it is hereby recommended that:
1. a **Residential Rate** of zero point three two five six eight five (0.325685) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
  2. a **Residential Town/Villages Rate** of zero point nine six three one six two (0.963162) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
  3. a **Farmland Rate** of zero point two three eight nine six eight (0.238968) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
  4. a **Business Rate** of zero point three three zero three six one (0.330361) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst Urban", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Electricity Sub - Evans Plains" AND THAT
  5. a **Business Bathurst Urban Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  6. a **Business Forest Grove Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  7. a **Business Ceramic Avenue Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
  8. a **Business Eglinton Non-Urban Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land

sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

9. a **Business Orton Park Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
10. a **Business Stewarts Mount Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Electricity Sub - Evans Plains Rate** of one point seven four eight zero six five (1.748065) cents in the dollar on the land value of all rateable land sub-categorised as Business Electricity Sub - Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three nine three nine seven one (0.393971) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2010/2011 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	<b>Residential</b>		\$215.00	32
2	<b>Residential/Town Village</b>	\$315.00		
3	<b>Farmland</b>		\$292.00	23
4	<b>Business</b>	\$338.00		
5	<b>Business Bathurst Urban</b>	\$338.00		
6	<b>Business Forest Grove</b>	\$338.00		
7	<b>Business Ceramic Avenue</b>	\$338.00		
8	<b>Business Eglinton Non-Urban</b>	\$338.00		
9	<b>Business Orton Park</b>	\$338.00		
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12	<b>Mining</b>		\$215.00	47

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2010/2011 - That the annual charge for each parcel of rateable land where the service is available under Section 496 of the Local Government Act, 1993, for the weekly removal of garbage and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2010 being two hundred and three dollars (\$203.00) for the provision of one waste mobile bin and one recycle mobile bin be made by the Council, and that the annual charge to be made for each parcel of rateable vacant land where the service is



available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2010 being five dollars (\$5.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of one hundred and forty dollars (\$140.00) per mobile bin and for each additional fortnightly recycling collection service of sixty three dollars (\$63.00) per mobile bin be made by the Council.

- (c) WASTE MANAGEMENT SERVICE CHARGES FOR 2010/2011 (NON DOMESTIC) – That the annual charge where the service is provided under Section 501/503 of the Local Government Act, 1993, for the weekly removal of garbage being one hundred and forty dollars (\$140.00) per mobile bin and the fortnightly collection of material for recycling being sixty three dollars (\$63.00) per mobile bin for the twelve months commencing 1 July 2010 be made by the Council.
- (d) WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2010/2011 – That the annual waste charge for each property where rural tip access is provided under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2010 being sixty three dollars (\$63.00) be made by the Council.
- (e) WASTE MANAGEMENT VOUCHERS - That the Council provide to all rateable properties six waste management vouchers, consisting of 3 Mixed Refuse Vouchers of 200kg each and 3 Green Waste Vouchers of 200kg each, at no charge.
- (f) SEWERAGE CHARGES FOR 2010/2011 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2010.
1. That the annual charge for single residential (including residential strata) and un-metered properties be three hundred and ninety nine dollars and zero cents (\$399.00).
  2. That the annual charge for vacant land be two hundred and eleven dollars and zero cents (\$211.00).
  3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2010/2011 \$
20	342
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80	5,486
100	8,572
150	19,288
Strata Properties (Each non-residential lot)	342
Assumption School	1,072

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and zero cents (\$1.00) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2010/2011

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2010.

1. That the Annual Trade Waste Fee for individual businesses be eighty dollars and twenty cents (\$80.20).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be five hundred and thirty seven dollars and twenty cents (\$537.20).

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1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

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Hillview Water Supply	128

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and twenty five dollars (\$125.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and twenty five dollars (\$125.00).
4. That the annual water availability charge for unmetered properties be four hundred and eighty five dollars (\$485.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and twenty five dollars (\$125.00).
6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2010/2011

Hillview Estate Water Supply	First 250 kl	\$1.51
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Large Industrial Filtered	>0 kl	\$1.30
Large Industrial Raw	>0 kl	\$0.85
Bathurst Golf Club Raw	First 18,000 kl	\$0.60
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Strata Unit property	First 250 kl (for each unit)	\$1.30
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Home Dialysis – subject to doctors certificate	First 200 kl	Free
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- (i) Included in this year's Management Plan in the Water Fund are amounts for Operational expenditure at the Aquatic Centre. This is to be financed from revenue raised from the Water Fund as detailed in the Management Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2010/2011 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 9.0% per annum for the 12 month period commencing 1 July 2010 or the rate as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.6%, a 4.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the Department of Energy, Utilities and Sustainability.

**9 REQUEST TO WAIVE FEE - CHAIN OF CAMPFIRES, BATHURST GIRL GUIDES (04.00024)**

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

**Report:** Council has received a request from the Bathurst Girl Guides, to waive the fees for the use of McPhillamy Park, in order to host a campfire for the "Chain of Campfires" event, to be held on 19 June 2010, from 7.00pm.

2010 marks the global centenary of Girl Guides. To celebrate this historic event, Guides from all around Australia will be participating in the "Chain of Campfires".

Bathurst Girl Guides have been advised that permission to utilise McPhillamy Park would be granted, with the following conditions -

- NSW Fire Brigade are notified
- any fires are extinguished before leaving the area
- the site to be left clean and tidy.

Bathurst Girl Guides anticipate that approximately 100 people will attend.

The fee for the use of McPhillamy Park is \$167.00.

**Financial Implications:** Council's Section 356 Donations currently has no funds available.

**MINUTE**

**32 Item 9 REQUEST TO WAIVE FEE - CHAIN OF CAMPFIRES, BATHURST GIRL GUIDES**

**MOVED: B Bourke SECONDED: G Hanger**

**RESOLVED:** That Council waive the \$167 fee and that it be funded from Section 356 Donations.

## **10 PROPOSED NEW RESIDENTIAL SUBDIVISION TO BE KNOWN AS - AVONLEA STAGE 6 (20.00102)**

**Recommendation:** That Council

- (a) approve the thirty-one (31) lot residential subdivision to be known as Avonlea Stage 6 (Lot 423 DP1150519) located at Westbourne Drive Avonlea at an estimated cost of approximately \$1.8 million including civil and electrical works to be funded from Council's Land Development Reserves.
- (b) approve the commencement of construction to start as soon as possible subject to a satisfactory Development Application approval.
- (c) seek a further report regarding a release date and appropriate lot prices once construction works have commenced.

**Report:** Council's latest residential subdivision known as Avonlea Stage 7 was released for sale, by ballot, on Tuesday 25 May 2010 under Council's Land Sale Policy/Process. Twenty three (23) lots were sold on the day of the ballot draw. One (1) lot was sold on the day after the ballot and two (2) lots sold on the second day after the ballot draw.

Council's Property Officer has had numerous telephone enquiries regarding Avonlea Stage 7 along with face to face enquiry. Investor enquiry is also on the increase.

At the time of writing this report, Council's Property Section has only seven (7) blocks available for sale, namely 2 lots in Swanbrooke Street (Llanarth Stage 9), 1 Lot in McGirr Street (Avonlea Stage 4) and four (4) lots in Avonlea 7.

Land sales in the past twelve (12) months have been unprecedented in Bathurst, with local agents reporting a shortage of reasonably priced land available on the market. As previously reported to Council, Bathurst is the fastest growing inland city, ahead of its neighbours Orange and Dubbo. It should also be pointed out that Council has received a DA for new stages of this subdivision known as Riverview, which is Council's direct neighbour in the Avonlea area.

Council's Property Section aims to have a constant supply of residential land available for sale on the open market and is seeking the approval of Council to release Avonlea Stage 6 for development. See a draft map of Avonlea Stage 6 at **Attachment 1**.

It is recommended that Council approves the commencement of the construction process of the new thirty-one (31) lot residential subdivision of Lot 423 DP1150519 Westbourne Drive, Avonlea Stage 6.

**Financial Implications:** With Council approving the above recommendation, the Land Development Reserves will fund the construction costs.

**MINUTE**

**33 Item 10 PROPOSED NEW RESIDENTIAL SUBDIVISION TO BE KNOWN AS - AVONLEA STAGE 6**

**MOVED: I North SECONDED: G Westman**

**RESOLVED:** That Council

- (a) approve the thirty-one (31) lot residential subdivision to be known as Avonlea Stage 6 (Lot 423 DP1150519) located at Westbourne Drive Avonlea at an estimated cost of approximately \$1.8 million including civil and electrical works to be funded from Council's Land Development Reserves.
- (b) approve the commencement of construction to start as soon as possible subject to a satisfactory Development Application approval.
- (c) seek a further report regarding a release date and appropriate lot prices once construction works have commenced.

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

16 JUNE 2010



**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL MEETING HELD ON 16 JUNE 2010**

General Manager  
Bathurst Regional Council

**1 PARTIAL ROAD CLOSURE, WARK PARADE, WINDRADYNE (25.00172-04)**

**Recommendation:** That Council approve the partial road closure of Wark Parade, Windradyne and classifies the land as operational as detailed in the Director Engineering Services' report.

**Report:** With the sale of land to the owners of Westpoint Shopping Centre and the subsequent re-alignment of Wark Parade, part of Wark Parade from Suttor Street up to the new road is required. This section of road is proposed to be closed and transferred to the owners of the Westpoint Shopping Centre for redevelopment, as part of the settlement of this matter. Please refer to plan at **attachment 1**.

It is recommended that Council make application to the Department of Lands to close this section of Wark Parade and following the road closure the land will be transferred to the owners of the Westpoint Shopping Centre.

**Financial Implications:** The costs of the road closure and transfer are to come from the Roadway Opening and Closing Fund. Costs are estimated to be \$5000.

**MINUTE**

**34     Item 1     PARTIAL ROAD CLOSURE, WARK PARADE, WINDRADYNE**

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

**RESOLVED:** That Council approve the partial road closure of Wark Parade, Windradyne and classifies the land as operational as detailed in the Director Engineering Services' report.

## **2 TABLELANDS ROAD SAFETY PROGRAM - EXCELLENCE IN ROAD SAFETY AWARD (28.00002-07)**

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

**Report:** An initiative of Council's Tablelands Area Road Safety Officer (RSO) was recently recognised by the Institute of Public Works Engineering Australia (IPWEA) at its Excellence Awards Dinner held in Wollongong on Monday 17 May 2010. Council's RSO received a Highly Commended Award in the Local Government Excellence in Road Safety category for the "KIDS of CADIA" road safety project. A total of 14 nominations were received in this category, including 9 from regional centres.

"KIDS of CADIA" is a road safety program designed to educate young local road users regarding issues and consequences associated with driving. The focus of the program was to improve and develop respectful and safe behaviour, and awareness of the consequences of poor driving behaviours.

The RSO worked with apprentices at the Newcrest Mine Cadia, to design and deliver their own road safety program targeting Learner, P1 and P2 licence holders.

Six months of planning resulted in the production of a free 6 week program (1 night per week for 2 hours) that covered the topics of:-

- Crash investigation
- Stress management/road rage/drugs and alcohol
- Permanent injuries/lost loved ones
- SES - crash and rescue
- Licensing/policing/demerits/hazard perception
- Senior First Aid Certificate.

The program was developed under the guidance of Council's RSO in order to impress upon the apprentices the need to be conscious of road safety, and to provide them an opportunity to pass on their knowledge to other young road users.

The Judge's synopsis of the program stated:-

*"Anyone who deals with road safety issues knows that it is only when people take responsibility for safety themselves that things change.*

*This project shows the difference a program makes when it is developed with apprentices, not just for them.*

*The results of this project should be published for all to learn from, as it is designed in such a way to allow it to be portable to many areas.*

*Included in this project are road safety problems associated with remote locations and a safe system approach overarches all aspects of this excellent example of locally focused ingenuity".*

The "KIDS of CADIA" road safety project involved:-

- 5 months planning and research resulting in a 6 week program covering all planned topics delivered by the road safety professionals, hosted and funded by the Cadia Valley Operations (CVO) Road Safety Apprentice Group.

- 25 participants, with an outstanding 100% attendance record.
- All participants receiving a Senior First Aid Certificate.
- CVO providing a commitment to continuing the program.
- The adoption of road safety policies by CVO as part of its safe working practices.
- CVO Apprentice Road Safety Group being recognised internally within the Newcrest Mining Ltd "Living the Values" Award Program in 2 categories – "We Care About People" and "We Work Together".
- A request from the Mines Safety Advisory Council to second Council's RSO to deliver projects in other mining areas.

This award by the Institute of Public Works Engineering Australia shows the value of the Tablelands Area Road Safety Program to the local community.

**Financial Implications:** Nil.

**MINUTE**

**35 Item 2 TABLELANDS ROAD SAFETY PROGRAM - EXCELLENCE IN ROAD SAFETY AWARD**

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

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

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT  
16 JUNE 2010

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 16 JUNE 2010**

General Manager  
Bathurst Regional Council

**1 ARTS OUTWEST 2009 ANNUAL REPORT (18.00036)**

**Recommendation:** That Council note that a copy of the Arts OutWest annual report for 2009 is available on request from the Cultural and Community Services Department.

**Report:** Council has received a copy of the Arts OutWest Annual Report for 2009. The Report is available in the Cultural and Community Services Department for anyone wishing to review the same.

Council, in its annual Management Plan, provides funds to assist in the operations of Arts OutWest. The mission of Arts OutWest is to "promote, facilitate, educate and advocate for arts and cultural development in our region."

Arts OutWest has provided support to Council during 2009. At **attachment 1** is a summary that details support within the Bathurst Region.

**Financial Implications:** Council has provided \$19,247 in the draft Management Plan for 2010/2011 for Community Arts and this contribution is made directly to Arts OutWest.

**MINUTE**

**36     Item 1     ARTS OUTWEST 2009 ANNUAL REPORT**

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

**RESOLVED:** That Council note that a copy of the Arts OutWest annual report for 2009 is available on request from the Cultural and Community Services Department.



## **2 ATTENDANCE AT CULTURAL FACILITIES (21.00029, 21.00107)**

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

**Report:** The Australian Fossil & Mineral Museum and Bathurst Library continually develop and produce a variety of programs and activities designed to attract visitors. During April 2010 some 856 visitors used either facility to attend such events.

Attendance was recorded as follows:

Library family History Writing Workshop	23
Don Tate, Vietnam veteran Author talk	20
Fiona McIntosh author talk	30
Pirate Pete school holiday activity	50
A day at the Museum, Monkey madness	439
Museum Torchlight tour	45
Storytime, April 29 <sup>th</sup>	50
Museum holiday workshops	45
Museum Dead Bones Society meeting	23
Governor Macquarie talk by Paul Brunton	85
Library Holiday workshops	46
Total	856

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

**MINUTE**

**37    Item 2    ATTENDANCE AT CULTURAL FACILITIES**

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

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

### **3 BATHURST LIBRARY BOOK LOANS (18.00115)**

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

**Report:** A modern public library such as Bathurst, provides resources and materials for loan in many formats. These include DVDs, videos, CDs and cassettes. Despite this range of formats, loan of the printed word in the form of books and magazines remains the primary activity of our service.

Bathurst Library has recorded increases in both visits to the library and loans of library material during this first decade of the 21<sup>st</sup> Century.

According to latest State Library of NSW published statistics the loan of printed material has increased by 98.8% in the period 1962 to 2008.

Circulation of printed material

1962	129, 000
1983	210, 056
2001	207, 535
2008	256, 491

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

**MINUTE**

**38    Item 3    BATHURST LIBRARY BOOK LOANS**

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

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

Yours faithfully



Annabell Miller  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
POLICY COMMITTEE MEETING

**POLICY COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 16 JUNE 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES - POLICY COMMITTEE MEETING - 2 JUNE 2010 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 2 June 2010 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 2 June 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**39    Item 1    MINUTES - POLICY COMMITTEE MEETING - 2 JUNE 2010**

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

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 2 June 2010 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 2 JUNE 2010**

**5PM MEETING COMMENCES**

**1        MEETING COMMENCES**

**Present:** Councillors Toole (Chair), Aubin, Bourke, Hanger, Morse, Thompson, Westman.

**In attendance:** General Manager, Director Corporate Services & Finance, Director Environmental Planning & Building Services, Director Engineering Services, Director Cultural & Community Services, Manager Corporate Governance, Manager Recreation, Manager Water & Waste, Manager Technical Services, Manager Environment, Manager Economic Development, Senior Development Control Planner, Development Control Planner.

**APOLOGIES**

**2        APOLOGIES**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

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

**REPORT OF PREVIOUS MEETING**

**3        Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 MAY 2010 (07.00064)**

**MOVED** Cr G Westman

and **SECONDED** Cr M Morse

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 5 May 2010 be adopted with the following amendments.

- General Business - Minute #5 - Poplars - Cr Thompson - requested item be reworded to state, "thinning the poplars to provide an opportunity for re-establishment".
- General Business - Minute #4 - Art Development - Cr Carpenter - requested the item should be reworded to state "Public Art".

**DECLARATION OF INTEREST**

**4        DECLARATION OF INTEREST**

**MOVED** Cr B Bourke

and **SECONDED** Cr G Westman

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



## **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

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

- 5** **Item 1 REVIEW OF CODE OF CONDUCT PROCEDURES- UNREASONABLE  
COMPLAINANT BEHAVIOUR (11.00024 41.0089)**  
**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

**RESOLVED:** That Council:

- (a) Adopt the amended Code of Conduct Complaints - Principles and Procedures Policy;
- (b) Note the report on experiences with the Code of Conduct.

## **GENERAL BUSINESS**

- 6** **ECONOMIC DEVELOPMENT FORUM (07.00090)**

**Cr Thompson** – congratulated Economic Development Department for setting up the Forum, which is being held this week.

- 7** **OFF TRACK EVENTS - V8 (04.00073)**

**Cr Thompson** – congratulated Council on the review. Opportunity to get Farmers Markets involved is exciting.

- 8** **SYDNEY FESTIVAL (23.00026)**

**Cr Morse** – advised that Bathurst was represented in the Macquarie Visions Light Show at the Sydney Festival - it was excellent,

- 9** **ADJOURNMENT (23.00026)**

The meeting adjourned at 5.05 pm for the Discussion Forum to be held at 5.15 pm.

The meeting reconvened at 5.15 pm.

## **DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

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

- 10** **Item 1 DEVELOPMENT APPLICATION NO. 2010/0461 – DEMOLITION OF  
COMMERCIAL BUILDING AT 66-68 GEORGE STREET. APPLICANT: BOLAM  
PROPERTY INVESTMENTS PTY LTD. OWNER: BOLAM PROPERTY**

## **INVESTMENTS PTY LTD. (2010/0461)**

Discussion included:

### **Ian McPherson (National Trust)**

There are 200 members of the Trust in Bathurst. People are concerned about Bathurst Heritage. We need constant vigilance about this heritage. Heritage is a tourism asset. Councillors are the custodian of community assets. Bathurst is Australia's oldest inland city and we need to protect evidence of this. Often have to argue on Bathurst Heritage and seem to keep losing. There is pressure on the CBD with growth, we are seeing incremental loss, often by neglect. We need to be brave about saving existing buildings. Adaptive re-use is an option, demolition should occur rarely. Streetscape of key CBD streets is very important. Where replacements occur we must ensure it is appropriate; colour, roof, pitch, etc.

### **Margaret Glen (National Trust)**

Would like to reinforce what Ian McPherson said. Councillors need to be aware of heritage uses. Spoke to National Trust submission. This is a significant building built in 1853. Notes that engineers' report says building is unsound. The National Trust does not want to see demolition. If it does happen, then National Trust asks that consultation occur on the replacement building. The Trust Committee objects to total demolition, requests facade be retained where possible. Any replacement building should be 21st Century, reminding us of elements that have been lost.

### **Henry Bialowas (Heritage Architect - representing Developer)**

Supports Heritage conservation, but spoke to issues involved with the building. Raised the concept of redundancy and the building structure with weight load down onto the bricks. The bricks (1850's) have issues with consistency and strength, and then eventual erosion of the bricks. The mortar is loose lime style and has issues with holding the bricks together. The building began as a hotel and after 1 year ceased trading and became shops/stores. Structural needs of these two structures are very different and many internal walls downstairs have been removed. The building may last a while but who knows? There has also been termite attacks of the building and the size of some floor beams have been compromised. The front wall is leaning into George street by 125mm. Spoke to heritage nature of the building and whether it is significant, just because it is 157 years old, does not in its own right make it significant. Referred to heritage assessments done on the building and site.

### **David Pennells (Builder - representing the Developer)**

Undertook an assessment of the building. Has seen both Heritage assessments (Donaldsons & Calare Civil) and reviewed them. Spoke to costings if tried to restore, building scaffolding would cost \$175,000. Building cost would be double new structure. Noted issues with walls, termites etc. Replacing timbers would cost over \$500,000. Rising damp is very bad and significant failure has occurred. To comply with Australian Standards can only occur through demolition. The building has sick building syndrome due to rising damp, mildew, poor air quality (lack of ventilation). Can only recommend that the building be demolished. To repair to first class standard, would be more than double new building cost.

**Bruce Bolam (Purchaser)**

Considers himself to be a builder of businesses and property in Bathurst. Spoke to building works he has already done in Bathurst. As a long term business holder they need to be economically viable and add to the charm and style of Bathurst. Has an understanding of the heritage nature of Bathurst. Will soon be submitting a Development Application on Tindall's corner that will be sympathetic to the nature of Bathurst. Has done a lot of work to restore and revive the George and Howick Streets area in Bathurst. There is a significant problem with 66-68 George Street. In its current form, can never be economically viable. The building structurally is unsafe.

**Bob Triming (Chairman, Bathurst Regional Access Committee)**

In regards to the building in question, there has long been access problems. The law was changed last year that tenants must provide equal access to all persons. There is no way that the existing building can be altered to provide this. Further, next year greater access requirements will be brought in.

**11 Item 2 SUNNY CORNER - CONTAMINATED LAND POLICY (13.00008 & 41.00089)**

**The Director Environmental Planning & Building Services** gave history on this matter at Sunny Corner, and the implementation of the notation on S:149 Certificates by the former Evans Shire Council and the grant of \$50,000 from the State Government to undertake soil testing. Advised legal advice has been received on the development of a contaminated land policy. Tests were only on arsenic and lead levels. If people wish to live there and do no works on their properties, will not be required to undertake remediation.

Discussion included:

**Alvin Lawson (1317, Lot 2 Mitchell Street, Sunny Corner)**

Has been subject to testing by Barnson's. The report advises no contamination detected on site and properties either side were below problem levels. It does not appear lead is a problem in Mitchell Street. The site is suitable for residential use and does not pose significant risk of harm. Is there any reason a residential dwelling cannot be permitted and can either S:149 (2) or (5) Certificates be issued?

**The Director Environmental Planning & Building Services** spoke to legal advice and that only lead and arsenic were tested for. If a new dwelling is to be established, Council would want a site audit statement to say site OK for residence, as Council believes Sunny Corner is a contaminated area.

**B Ingham (West Mitchell Road - 3 miles outside village)**

Do not understand why involved in this, as outside the village. There is one hot spot on her property, cannot understand why, has had testing undertaken, area has been ploughed, still hotspot there. Cannot find subsequently any contamination at this site. Why is farmland included in the study area? Queried how sampling occurred.

**The Manager Environment** spoke to testing regime put in place and how measured. At this time, would need to take on notice the question why property was included in the study area.

**Alvin Lawson** (1317, Lot 2 Mitchell Street, Sunny Corner)

Spoke to significant risk of harm issue in Barnon's report. Why do residents need a 2nd report, surely Barnson's report is sufficient?

**MEETING CLOSE**

**12**      **MEETING CLOSE**

The Meeting closed at 6.25 pm.

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

**Date:** \_\_\_\_\_ **(16 June 2010)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 16 JUNE 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 JUNE 2010 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 1 June 2010 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 1 June 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**40    Item 1    MINUTES - TRAFFIC COMMITTEE MEETING - 1 JUNE 2010**

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

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 1 June 2010 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 1 JUNE 2010**

**2 PM MEETING COMMENCES**

**1 PRESENT**

**Members:** Luke Cole (Police), Robert Walker (RTA), Cr Warren Aubin (BRC)

**Observers:** Manager Technical Services, Senior Technical Officer, Road Safety Officer.

**APOLOGIES**

**2 APOLOGIES**

Jeff Crompton (MP Representative)

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 4 MAY 2010 (07.00006)**

That the Minutes of the Traffic Committee Meeting held on 4 May 2010 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**

That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Engineering Services' Report**

**5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 MAY 2010 (07.00006)**

That the information be noted and necessary actions be taken.

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



That the information be noted.

**7      Item 3 CENTRAL WEST ENDURANCE RIDERS CLUB INC. - 2010 HORSE RIDE (23.00026-13)**

That Council classify the 2010 Central West Endurance Horse Ride to be held on Saturday 7 August 2010 and Sunday 8 August 2010 as a Class 2 event, and the event be approved subject to conditions detailed in the Director Engineering Services' Report.

**8      Item 4 CLASSIC RALLY CLUB INC. - 2010 ALPINE CLASSIC EVENT (23.00015-06)**

That Council classify the Classic Rally Club Inc 2010 Alpine Classic to be held on Saturday 25 September 2010 and Sunday 26 September 2010 as a Class 2 event, and the event be approved subject to conditions as detailed in the Director Engineering Services' Report.

**9      Item 5 TRINITY HEIGHTS SHOPPING CENTRE TRAFFIC ACCESS ISSUES (25.00031-04)**

That Council approve the installation of No Stopping signage on Gilmour Street and Lane Lines on Marsden Lane adjacent to the Trinity Heights Shopping Complex at Kelso.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**11      MEETING CLOSE**

The Meeting closed at 3 pm.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL  
COUNCIL MEETING HELD ON 16 JUNE 2010**

General Manager  
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD  
12 MAY 2010 (11.00019)**

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

**Report: PRESENT:**

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

General Manager, Director Corporate Services & Finance, Director Environmental Planning & Building Services, Director Engineering Services, Director Cultural & Community Services, Manager Corporate Governance, Manager Bathurst Recreation Services, Manager Water & Waste Authority

**APOLOGIES:** Cr Bourke

**1. NSW RURAL FIRE SERVICE - CHIFLEY ZONE**

Superintendent Tom Shirt, Team Manager Chifley Zone attended and addressed the Council on the following matters

Discussion included:

- Over the last twelve months, the Rural Fire Service has attended 232 incidents, two major ones being the Section 44 fires at Rockley and Macquarie Woods. The last Section 44 fire prior to that was 2006 and there has been none in the 15 years prior to that period.
- There are 22 Brigade areas in the Chifley Zone
- The Royal Commission following the Victoria fires has changed the way the Rural Fire Service operates. A lot of new things have been implemented hastily.
- Emergency Warning System involving the use of SMS and paging was still evolving and was being tested at the present time.
- Neighbourhood safer places (NSP)-places of last resort for people to congregate for protection from fire front. This is, Superintendent Shirt stressed, not an evacuation centre but a place of last resort during the passing of the fire front.
- Community Engagement target for hazard reduction and community engagement has been set for the next five years.
- Other activities undertaken by RFS include assessment of development applications on Bush Fire Crown Land; Hazard reduction burns on private land; Section 66 notices
- Advised that there is a hot training facility. This consisted of a car with gas burners in it to provide firefighters with the ability to train on a burning vehicle.
- Staffing-Zone office is located at Bathurst, (Lee Street, Kelso) and the issues associated with this have been worked through with volunteers and Oberon Council. Business

Officer, Operations Officer and Administration Assistant located in Lee Street office. The Learning and Development Officer is at Oberon three days a week and the office at Oberon is open five days per week.

- The greatest need for the Chifley Zone at present is a purpose built Fire Control Centre and training facility.
- Rural Fire Service have just removed their last petrol vehicle from the Chifley Zone fleet.

**Financial Implications:** Nil

**MINUTE**

**41 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES HELD 12 MAY 2010**

**MOVED: T Carpenter SECONDED: I North**

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

## **2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 13 MAY 2010 (11.00020)**

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

### **Report: MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON THURSDAY, 13 MAY 2010**

**PRESENT:** Melinda Nancarrow, Nathan Inwood, Georgia Brancourt, Mitchell Dwyer, Cindy Butler, Brianna Wade, Hugo Newell, Charlotte Inwood, Hannah Condon, Chris Killham, Maddison Luchetti, Carmen Stassen, Ryan Fitch

**IN ATTENDANCE:** Megan Bargwanna (Youth Development Officer), Nicholas Murphy (Acting Senior Strategic Planner)

#### **1. APOLOGIES**

**RESOLVED** that the apologies from Iris Dorsett (Road Safety Officer), Olivia Chua, Olivia Guilbert and Georgie Richardson be accepted.

#### **2. NICHOLAS MURPHY- ACTING SENIOR STRATEGIC PLANNER, BATHURST REGIONAL COUNCIL. DISCUSSION ON CONSULTATION PROCESS FOR THE BATHURST COMMUNITY ACCESS & CYCLING PLAN 2020**

- Documentation distributed regarding the consultation including information flyers, surveys, discussion paper and information about the workshop being held on 27 May 2010 at 10.00am, which Youth Councillors are invited to attend
- It is an opportunity to have input into where new cycle ways and footpaths should be located and how they should be prioritised over the next ten years
- Young people are encouraged to complete surveys and return to Council (downstairs in Planning Department) or by post

#### **3. ADOPTION OF PREVIOUS MINUTES**

**RESOLVED** that the minutes of the meeting held 11 March 2010 be accepted.

#### **4. BUSINESS ARISING FROM PREVIOUS MINUTES**

**RESOLVED** that there was no business arising from the previous minutes.

#### **5. DE-BRIEF "LIVE IT NOW" YOUTH WEEK FESTIVAL 2010 - SATURDAY, 17 APRIL 2010**

- Event was successful.
- Best musicians were at the end when the majority of the crowd had dispersed.
- Heavy metal bands attracted most of the crowd - once they had finished a lot of the crowd left, however not everyone liked their genre of music.
- Suggestion to perhaps spread out the heavy bands throughout the day - not all grouped together.
- Free water needed more advertising - not everyone knew water or chocolates were free - better signage required.
- Cost of food offered by food vans was thought to be too expensive.

- Wii tent not obvious - better signage required. Perhaps advertise a competition may attract more numbers.
- Not as many activities necessary - people happy to chat and socialise. Archery was popular. Health stand banner painting was a good idea as was the GarbaRRRT.
- More advertising required or more time to advertise.
- Timing of event difficult as was during school holidays (end) and first day of a lot of sporting competitions.
- Event was perhaps too long and it was cold towards the end - people left.
- Concentration of people attending during the day was good. Attendance was transient.
- Facebook advertising was beneficial.
- Parents did not know what the event was - need to consider in future advertising.
- Advertising of event as drug and alcohol free was successful.
- There were no reported incidents at the event.
- Venue - Learmonth Park generally a good venue, however no obvious entrance, would be better to make the "boundary" smaller.
- Other venue options: Bicentennial Park where the open cinema was for Australia Day, Adventure Playground - some concerns about walking home safely having to cross the highway.
- The shuttle bus was not utilised. There was a breakdown in communication between the person who took the booking at the bus company and the drivers - it was not obvious that the bus had even arrived - didn't make themselves known to Council staff.
- There was one band who swore - need to consider a contract for musicians.
- Advertise to bring picnic blankets to future events.
- Agreement that there was potential to build on the event- events working party to consider working on throughout the year.

## **6. WORKING PARTY REPORTS:**

### **(i) Events - Georgia Brancourt**

- Discussed as previous item.

### **(ii) Health and Safety - Hugo Newell**

- Desert Pea Media will be assisting with filming the short film.
- Workshop to be held next Wednesday, 19 May 2010.
- Filming hopefully completed by July.
- Guidelines for Play Now Act Now (PNAN) competition will be followed.

### **(iii) Website - Chris Killham**

- Mitchell Dwyer reported as Chris has not attended meetings to date.
- Sue Cady - Council's Web Administrator has completed training with group members regarding updating information on the website.
- Chris requested a new folder of the information he is to update.
- Ben, Cindy and Melinda still have some work to complete.
- Mitchell has completed his component.
- Next meeting - after school next Monday, 17 May 2010.
- Photos to be taken today to update pages.

## **7. CHANGE OF MEETING DATE - 8 JULY 2010 CHANGED TO 22 JULY 2010**

**RESOLVED** that the meeting scheduled for 8 July 2010 be changed to 22 July 2010.

## **8. GENERAL BUSINESS**

### **8.1 Website Photos**

- Previously photos taken at Peace and Machattie Parks.
- Decision to have photos taken as follows:
  - Adventure Playground – Monday, 24 May 2010, 4.00pm-5.00pm - dress casual.
  - Mount Panorama - Friday, 18 June 2010, 4.00pm-5.00pm - dress school uniform.

### **8.2 Indent 10 Year Tour and Skills Enhancement Program (SEP) Update**

- Tour has now been consolidated into the September/October school holidays in an attempt to attract a bigger headline act - will be an Australian band.
- Bathurst gig date is Sunday, 3 October - which is Sunday of the long weekend and the weekend before race weekend.
- The applications for SEP have been extended to Friday, 14 May 2010 due the change of date so that all Youth Councillors have the opportunity to apply.
- Once finalised SEP positions will be notified to Indent.
- SEP participants will receive a “black box” with all necessary information about their role and tasks to undertake. All information is to be documented and included in the box which eventually goes to TAFE for assessment. This will determine what level of qualification the participant receives.
- There will be a technical workshop on the day open to musicians/bands to attend.
- All of Youth Council will be involved - not just six SEP participants. A “street crew” will be required to assist and this will be made up of Youth Councillors.

### **8.3 Code of Conduct**

- Code of Conduct determined at the first meeting was handed out again. It is important to be reminded of the Code of Conduct and to ensure everyone abides by it. As part of this, please remember not to waste your spot on Youth Council - to be committed and involved.
- Ensure you email Megan if you are unable to attend meetings.

### **8.4 Letter from John Coady Consulting Regarding Extension of Trading Hours - The Oxford Hotel**

- Letter received notifying Youth Council of application to extend trading hours by two hours at the Oxford Hotel on Sundays - 10.00pm-midnight.
- Youth Council decision - no need to respond as it really does not affect the majority of members.

## **9. NEXT MEETING**

The next meeting will be held on Thursday, 22 July at 11.15am.

## **10. MEETING CLOSURE**



There being no further business, the meeting closed at 12.28 pm.

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

**MINUTE**

**42 Item 2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING  
HELD ON 13 MAY 2010**

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

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

## MINUTE

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

**MOVED: G Westman SECONDED: W Aubin**

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

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

**RESOLVED: That**

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

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	LOAN BORROWING REQUIREMENTS 2009/2010	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	INSURANCE SETTLEMENT	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

to the Council Meeting 16/06/2010

GENERAL MANAGER

MAYOR  
Page 147

		public interest as it would prejudice the commercial position of the person who supplied it.
3	RENEWAL OF RESIDENTIAL LEASE - 17 HINTON ROAD, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED SUBDIVISION OF HANGAR SITE AND TRANSFER OF HANGAR LEASE - BATHURST AERODROME TO REDPATH	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	EXPRESSION OF INTEREST - LAND AT BATHURST AERODROME	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	SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE	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

to the Council Meeting 16/06/2010

GENERAL MANAGER

MAYOR  
Page 148

		prejudice the commercial position of the person who supplied it.
7	RENEWAL OF LICENCE AGREEMENT - LOT 3 DP232111 MOUNTAIN STRAIGHT MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER 145/534/987/1 - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER	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 CONSTRUCTION OF AMENITIES BUILDING AT MOUNT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
CONFIDENTIAL DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

16 JUNE 2010

**MINUTE**

**a Item 1 LOAN BORROWING REQUIREMENTS 2009/2010**

**MOVED: B Bourke SECONDED: G Hanger**

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

**MINUTE**

**b     Item 2   INSURANCE SETTLEMENT**

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

That Council authorise the General Manager to act in accordance with the report.



**MINUTE**

**c Item 3 RENEWAL OF RESIDENTIAL LEASE - 17 HINTON ROAD, MT PANORAMA**

**MOVED: W Aubin SECONDED: T Carpenter**

That Council approves entering into a new residential lease for 17 Hinton Road, Mt Panorama with Ms Alice Hopwood for a period of twelve (12) months with a twelve (12) month option as detailed in the report.

## MINUTE

### d Item 4 PROPOSED SUBDIVISION OF HANGAR SITE AND TRANSFER OF HANGAR LEASE - BATHURST AERODROME TO REDPATH

**MOVED: G Westman SECONDED: M Morse**

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

**Reason:** Friend of applicants family.

That Council

- (a) approves the proposed subdivision of Lot 27 DP1127322 Windssock Way located at the Bathurst Aerodrome by Mr Douglas Drummond.
- (b) enters into a new lease agreement with Mr Ian Redpath for the newly subdivided lot under the same terms and conditions as the current lease.

as detailed in the report.

**MINUTE**

**e Item 5 EXPRESSION OF INTEREST - LAND AT BATHURST AERODROME**

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

That Council approves entering into a new lease agreement/licence agreement with Terrence Dolbel for Sections 1, 2, 3 and 4 in Part Lot 13 in DP1041715 located at Bathurst Aerodrome as detailed in the report.

**MINUTE**

f **Item 6 SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE**

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

That Council authorise the General Manager to execute the Lease Agreement as detailed in this report.

**MINUTE**

**g Item 7 RENEWAL OF LICENCE AGREEMENT - LOT 3 DP232111 MOUNTAIN STRAIGHT MT PANORAMA**

**MOVED: G Westman SECONDED: W Aubin**

That Council approves entering into a new licence agreement for Lot 3 DP232111 Mountain Straight, Mt Panorama to Mr Neil and Mrs Patricia Colley for a licence period of one (1) year with two (2) x one (1) year option periods as detailed in the report.

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
CONFIDENTIAL DIRECTOR ENGINEERING SERVICES' REPORT  
16 JUNE 2010

**MINUTE**

h Item 1 TENDER 145/534/987/1 - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER

**MOVED:** T Carpenter **SECONDED:** W Aubin

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

**MINUTE**

**i Item 2 TENDER FOR CONSTRUCTION OF AMENITIES BUILDING AT MOUNT PANORAMA**

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

That Council accept the tender of Warren Harvey Homes Pty Ltd for the construction of an amenities building at Mount Panorama in the amount of \$394,896 (incl. GST), subject to adjustments and provisional items.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**



**MINUTE**

**44     RESOLVE INTO OPEN COUNCIL**

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

**RESOLVED:** That Council resume Open Council.

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to the Council Meeting 16/06/2010

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GENERAL MANAGER

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MAYOR  
Page 161

**MINUTE**

**45     ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

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

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

**MINUTE**

**46     MEETING CLOSE**

The Meeting closed at 7.44 pm.

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

**Date:** \_\_\_\_\_ **(21 July 2010)**

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to the Council Meeting 16/06/2010

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GENERAL MANAGER

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MAYOR  
Page 163