



ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL

14 July 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, 21 July 2010 commencing at 6.00 pm.

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

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

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 21 JULY 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 - Ordinary Meeting of Bathurst Regional Council - 16 June 2010
 - * Minutes - Ordinary Meeting of Council Following Policy Committee - 7 July 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
 - * One Association - Local Government NSW
8. RECEIVE AND DEAL WITH DIRECTORS' REPORTS
 - * Director Environmental Planning & Building Services' Report
 - * Director Corporate Services & Finance's Report
 - * Director Engineering Services' Report
 - * Director Cultural & Community Services' Report
9. REPORTS OF OTHER COMMITTEES
 - * Minutes - Policy Committee Meeting - 7 July 2010
 - * Minutes - Traffic Committee Meeting - 6 July 2010
 - * Minutes - Climate Change Committee Meeting - 23 June 2010
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

* Councillors Meeting With Community Groups/Representatives held 9 June 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	RENEWAL OF LICENCE AGREEMENTS - CONROD STRAIGHT AND COLLEGE ROAD MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR
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		CONFIDENTIALITY
1	TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS 2010-2011	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 6.00 PM - MEETING COMMENCES

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

to the Council Meeting 21/07/2010

GENERAL MANAGER

MAYOR
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MINUTE

2 PUBLIC QUESTION TIME

Maurice McNeil – Ron Camplin Award

Thanked Council for his receipt of the Ron Camplin Award. Noted opportunities the community has embraced and congratulates Council on the enrichment of the City. Again thanks on behalf of himself, Cynthia and family.

Trevor Gunter – Transfer Crown Roads - DES #2

Tabled a submission for Council's consideration. Feels report is incorrect and does not contain all relevant facts. Some segments of Crown Road listed as not maintained by Council have been maintained - referred to photos tabled.

Further, referred to Green Gully Road - should be taken over by Council.

Requests Council not accept report and transfer all sections of Crown Road to Council, including central section of Howards Drive. Requests do not transfer 2.5 km section of Mount Rankin Road. Overall additional costings from Department of Lands for transfer is \$nil.

R Rotherham – DA 78 Bant Street - DEPBS #6

Spoke to the DA submitted. Feels the use is approvable and can be done so with conditions as stated in the report. Spoke to history of the land and zoning issues.

Have previously spoken to Council and feels was told could have residence on the lot. Was told by staff no problem but had to go to his boss and then it was refused. Mr Rotherham then stated that staff did not say it would be approved.

Have got further advice from private planner and barrister as was suggested. Nothing in report points to nature of locality and referred to four other residences approved in the area. The objection is primarily against the residence for owner/manager. The development will also stop illegal access over the railway line. Requests Council approve DA.

William Amer – 4 Budden Street, Rockley

Advised presenting petition concerning safety in the Rockley Village in respect to the Peppers Creek Bridge. Requests a walkway be installed in this location. Spoke further to the petition and its contents.

The Mayor advised that this matter would be referred to the 2011/2012 Management Plan.

MINUTE

3 APOLOGIES

Nil.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MINUTES

MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MEETING HELD ON 21 JULY 2010

General Manager
Bathurst Regional Council

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 JUNE 2010 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 June 2010 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 June 2010, are attached.

Financial Implications: N/A

MINUTE

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
- 16 JUNE 2010**

MOVED: G Westman SECONDED: G Hanger

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 16 June 2010 be adopted.

**2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE -
7 JULY 2010 (11.00005)**

Recommendation: That the Minutes of the Ordinary Meeting of Council Following Policy Committee held on 7 July 2010 be adopted.

Report: The Minutes of the Ordinary Meeting of Council following Policy Committee held on 7 July 2010, are attached.

Financial Implications: N/A

MINUTE

5 Item 2 MINUTES - ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE - 7 JULY 2010

MOVED: B Bourke SECONDED: R Thompson

RESOLVED: That the Minutes of the Ordinary Meeting of Council Following Policy Committee held on 7 July 2010 be adopted.

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

6.00 PM - MEETING COMMENCES

1 MEETING COMMENCES

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

PUBLIC QUESTION TIME

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)

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.

APOLOGIES

3 APOLOGIES

Nil.

MINUTES

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

MOVED Cr B Bourke

and **SECONDED** Cr G Westman

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

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

MOVED Cr M Morse

and **SECONDED** Cr T Carpenter

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

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

MOVED Cr G Hanger

and **SECONDED** Cr B Bourke

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

DECLARATION OF INTEREST

7 DECLARATION OF INTEREST

MOVED Cr B Bourke

and **SECONDED** Cr 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.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS**Director Environmental Planning & Building Services' Report**

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

RESOLVED: That the information be noted.

- 9** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

- 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. (2010/0461)**
MOVED Cr R Thompson and **SECONDED** Cr 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

- 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 (DA/2010/0572)
MOVED Cr I North and **SECONDED** Cr 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

- 22** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr M Morse and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

- 23** **Item 5 SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**
MOVED Cr R Thompson and **SECONDED** Cr I North

RESOLVED: That Council consider the submissions individually.

- 24** **Item 5 SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**
MOVED Cr B Bourke and **SECONDED** Cr 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.

- 25** **Item 5 SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**
MOVED Cr I North and **SECONDED** Cr 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.

- 26** **Item 5 SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**
MOVED Cr B Bourke and **SECONDED** Cr 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.

- 27** **Item 5 SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**
MOVED Cr I North and **SECONDED** Cr 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.

28 **Item 5 SUBMISSIONS - DRAFT 2010/2011 MANAGEMENT PLAN (16.00121)**
MOVED Cr G Westman and **SECONDED** Cr 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.

29 **Item 6 2010/2011 MANAGEMENT PLAN (16.00112)**
MOVED Cr I North and **SECONDED** Cr 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.

30 **Item 7 2010/2011 REVENUE POLICY (16.00112)**
MOVED Cr I North and **SECONDED** Cr 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.

31 **Item 8 2010/2011 RATE LEVY (16.00112)**
MOVED Cr R Thompson and **SECONDED** Cr 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	Residential		\$215.00	32
2	Residential/Town Village	\$315.00		
3	Farmland		\$292.00	23
4	Business	\$338.00		
5	Business Bathurst Urban	\$338.00		
6	Business Forest Grove	\$338.00		
7	Business Ceramic Avenue	\$338.00		
8	Business Eglinton Non-Urban	\$338.00		
9	Business Orton Park	\$338.00		
10	Business Stewarts Mount	\$338.00		
11	Business Electricity Sub - Evans Plains	\$338.00		
12	Mining		\$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.

32 Item 9 REQUEST TO WAIVE FEE - CHAIN OF CAMPFIRE, BATHURST GIRL GUIDES (04.00024)

MOVED Cr B Bourke

and **SECONDED** Cr G Hanger

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

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

MOVED Cr I North

and **SECONDED** Cr 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.

Director Engineering Services' Report

34 Item 1 PARTIAL ROAD CLOSURE, WARK PARADE, WINDRADYNE

(25.00172-04)

MOVED Cr I North

and **SECONDED** Cr 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.

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

MOVED Cr W Aubin

and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

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

MOVED Cr M Morse

and **SECONDED** Cr 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.

37 **Item 2 ATTENDANCE AT CULTURAL FACILITIES (21.00029, 21.00107)**

MOVED Cr I North

and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

38 **Item 3 BATHURST LIBRARY BOOK LOANS (18.00115)**

MOVED Cr B Bourke

and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

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

MOVED Cr W Aubin

and **SECONDED** Cr M Morse

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

Traffic Committee Meeting

- 40** Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 1 JUNE 2010 (07.00006)
MOVED Cr W Aubin and SECONDED Cr B Bourke

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

DELEGATES REPORTS

- 41** Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD 12 MAY 2010 (11.00019)
MOVED Cr T Carpenter and SECONDED Cr I North

RESOLVED: That the information be noted.

- 42** Item 2 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON 13 MAY 2010 (11.00020)
MOVED Cr G Hanger and SECONDED Cr T Carpenter

RESOLVED: That the information be noted.

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

- 43** RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS
MOVED Cr G Westman and SECONDED Cr W Aubin

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

There were no representations from the public.

RESOLVED: That

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

* Director Corporate Services & Finance's Report

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	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 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	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial

	AERODROME TO REDPATH	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 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.

Director Corporate Services & Finance's Report

- a** Item 1 LOAN BORROWING REQUIREMENTS 2009/2010 (16.00020)
MOVED Cr B Bourke and SECONDED Cr G Hanger

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

- b** Item 2 INSURANCE SETTLEMENT (46.00075)
MOVED Cr B Bourke and SECONDED Cr I North

That Council authorise the General Manager to act in accordance with the report.

- c** Item 3 RENEWAL OF RESIDENTIAL LEASE - 17 HINTON ROAD, MT PANORAMA (22.03648)

MOVED Cr W Aubin and **SECONDED** Cr 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.

d **Item 4 PROPOSED SUBDIVISION OF HANGAR SITE AND TRANSFER OF HANGAR LEASE - BATHURST AERODROME TO REDPATH (21.00079)**

MOVED Cr G Westman and **SECONDED** Cr 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 Windsack 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.

e **Item 5 EXPRESSION OF INTEREST - LAND AT BATHURST AERODROME (21.00093)**

MOVED Cr B Bourke and **SECONDED** Cr 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.

f **Item 6 SIGNAGE AT MOUNT PANORAMA - LEASE TO MARS PETCARE (04.00028)**

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

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

g **Item 7 RENEWAL OF LICENCE AGREEMENT - LOT 3 DP232111 MOUNTAIN STRAIGHT MT PANORAMA (22.00054)**

MOVED Cr G Westman and **SECONDED** Cr 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.

Director Engineering Services' Report

- h** **Item 1 TENDER 145/534/987/1 - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER (14.00007)**
MOVED Cr T Carpenter and **SECONDED** Cr W Aubin

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

- i** **Item 2 TENDER FOR CONSTRUCTION OF AMENITIES BUILDING AT MOUNT PANORAMA (36.00382)**
MOVED Cr B Bourke and **SECONDED** Cr 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.

RESOLVE INTO OPEN COUNCIL

- 44** **RESOLVE INTO OPEN COUNCIL**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 45** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr I North and **SECONDED** Cr B Bourke

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

MEETING CLOSE

- 46** **MEETING CLOSE**

The Meeting closed at 7.44 pm.

CHAIRMAN: _____

Date: _____ **(21 July 2010)**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE
HELD ON 7 JULY 2010**

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

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

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

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST
MOVED Cr T Carpenter and **SECONDED** Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

4 Item 1 SOLAR ELECTRICITY GENERATION - MOUNT PANORAMA (37.00284)
MOVED Cr T Carpenter and **SECONDED** Cr I North

RESOLVED: That:

- (a) Council proceed with the proposal to install solar generation into the amenities building at Mount Panorama
- (b) That the cost be funded from the Environmental Revolving Energy Fund Vote.
- (c) Profits from the sale of energy be returned to the Environmental Revolving Energy Fund.

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

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

MOVED Cr I North

and **SECONDED** Cr G Westman

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 Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDERS FOR CONSTRUCTION OF POLICE COMPOUND 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.

Director Engineering Services' Report

- a** **Item 1 TENDERS FOR CONSTRUCTION OF POLICE COMPOUND SHED (36.00385)**
MOVED Cr I North and **SECONDED** Cr W Aubin

That Council accept the tender from Tablelands Builders Pty Ltd in the sum of \$229,422.60 (including GST), subject to variations and provisional items.

RESOLVE INTO OPEN COUNCIL

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

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

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

RESOLVED: That the Report of the committee of the whole, Item (a) be adopted.

MEETING CLOSE

- 8** **MEETING CLOSE**

The Meeting closed at 5.28 pm.

CHAIRMAN: _____

Date: _____ **(21 July 2010)**

MINUTE

6 DECLARATION OF INTEREST

MOVED: I North SECONDED: B Bourke

RESOLVED: That the Declaration of Interest be noted.

to the Council Meeting 21/07/2010

GENERAL MANAGER

MAYOR
Page 38

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
MAYORAL MINUTE

**MAYORAL MINUTE TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 21 JULY 2010**

General Manager
Bathurst Regional Council

1 ONE ASSOCIATION - LOCAL GOVERNMENT NSW (18.00105)

Recommendation: That the information be noted.

Report: The Local Government Association of NSW and the Shires Associations of NSW have undertaken to progress the formation of One Association to represent and provide a strong and uniform voice for all NSW Councils. Recent Conferences, of both Associations have called for the formation of One Association, recognising that a change in how the sector is represented and perceived is required to better serve the sector into the future. To assist with this process, the Associations have established a One Association Taskforce. The Taskforce is comprised of five representatives from each Association and an Independent Chairperson.

The Taskforce advises the following:

Why a Taskforce and Convention?

***The Taskforce was established** following widespread support from both Associations. The survey undertaken last year proved councils in NSW clearly recognised the benefits of having One Association to represent Local Government in NSW.*

It was resolved by your Associations Executives that a small taskforce with an independent chair, be established to progress the formation of One Association.

The Taskforce is comprised of an Independent chair and ten representatives, five representing each of the Associations, the LGA representatives chosen by the Executive, and the Shires Association representatives chosen by the President of the Association.

These ten highly experienced Councillors have been chosen because they fully support the ideals and the benefits of having a single Association to represent Local Government in NSW.

It was resolved that a Convention would take place for member councils to contribute and share what they would like to see in a new Association.

The Convention will take place on 16 and 17 August at Star City Sydney and all Mayors, Councillors and General Managers are highly encouraged to attend what will be a monumental undertaking, seeing representatives from

both Associations under the one roof participating in the formation of One Association.

It is envisaged that the Convention, will develop guiding principles for the formation of One Association before being discussed, deliberated and ratified by the respective Conference of both Associations.

A copy of the Taskforce's first newsletter is at **attachment 1**. I will be representing Bathurst Regional Council at the Convention.

Prior to the Convention, the Taskforce will distribute a discussion paper to all Councils. The paper will include the base principles to be presented to delegates for consideration, discussion and feedback. When received, this document will be distributed to Councillors.

Voting at the Convention will be *One Vote* per full member council and a majority vote will be represented by 66% of delegates present. Any vote of the Convention will not be binding on either Association, but will signify a way forward for the Taskforce and the respective Associations to vote on, at their respective conferences.

With respect to this matter, in 2009, the Shires Association resolved:

That the Shires Association continue to engage the Local Government Association in discussions to achieve amalgamation of the two Associations.

That the Association develop alternative models for consideration by both Associations.

And, in the same year the Local Government Association resolved:

That the Local Government Association conference, as a matter of priority, proceed with the formation of one Association to represent Local Government in New South Wales. In order to facilitate this move, it is recommended that a constitutional convention of both organisations take place to consider the formal amalgamation or the dissolution of both associations and the formation of one new representative body.

That the consultative paper prepared by Woods and Wearne be utilised as the discussion paper in the constitutional convention.

In 2009 the Associations conducted surveys to gauge the view of members on the issue of One Association. The majority of councils supported the concept of One Association, a copy of the survey results is at **attachment 2**. The Woods/Wearne report is at **attachment 3**. This was an options paper released in May 2005, concerning the creation of One Local Government Association in NSW.

Once more information comes to hand, a further report will be prepared for Council. Council is currently a member of the Local Government Association and an Associate of the Shires Association.

Financial Implications: Nil.

MINUTE

7 Item 1 ONE ASSOCIATION - LOCAL GOVERNMENT NSW

MOVED: P Toole SECONDED: Nil

RESOLVED: That the information be noted.

Yours faithfully



Paul Toole
MAYOR OF BATHURST

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
21 JULY 2010

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21
JULY 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: I North SECONDED: W Aubin

RESOLVED: That the information be noted.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

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

- (a) Applications determined using authority delegated to the Director Environmental Planning & Building Services during June 2010 (**attachment 1**)
- (b) Applications refused during June 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 June 2010 (**attachment 5**).

Financial Implications: Nil.

MINUTE

9 Item 2 GENERAL REPORT

MOVED: W Aubin SECONDED: B Bourke

RESOLVED: That the information be noted.

3 LOCALITY BOUNDARY ALTERATION - GEMALLA, MEADOW FLAT & TARANA (20.00059)

Recommendation: That Council direct the Director Environmental, Planning & Building Services to submit the proposed locality boundary adjustment to the Geographic Names Board for its consideration.

Report: The Mount Haven Estate and associated land currently straddles the boundaries of the Gemalla, Meadow Flat and Tarana localities. The purpose of the proposed alteration is to ensure that the Mount Haven Estate and associated land is contained wholly within the locality of Meadow Flat. See map of existing and proposed locality boundaries at **attachment 1.**

It should be noted that all rural residential properties within the Mount Haven Estate already use Meadow Flat for their addressing even though many are not currently within the Meadow Flat locality boundary.

The proposed alteration was advertised and notified to all affected residents from 27 April 2010 to 25 May 2010. During the advertising and notification period no submissions were received.

Financial Implications: Nil.

MINUTE

10 Item 3 LOCALITY BOUNDARY ALTERATION - GEMALLA, MEADOW FLAT & TARANA

MOVED: I North SECONDED: T Carpenter

RESOLVED: That Council direct the Director Environmental, Planning & Building Services to submit the proposed locality boundary adjustment to the Geographic Names Board for its consideration.

4 DEVELOPMENT APPLICATION 2010/0634 – ALTERATIONS AND ADDITIONS TO EXISTING SHOPS AT 91 RANKIN STREET, BATHURST. APPLICANT & OWNER: FANTASIA (AUST) PTY LTD (DA/2010/0634)

Recommendation: That Council:

- (a) having undertaken a review of Development Application 2010/0634 resolve to change its determination and approve the application subject to conditions able to be imposed under Section 80A of the Environmental Planning and Assessment Act; and
- (b) call a division.

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

A copy of the request for review and submitted plans are provided at **attachment 1**.

Subject land

The subject land is described as Lot 3 in DP 539484 and is known as 91 Rankin Street, Bathurst. A location plan is provided at **attachment 2**.

The site comprises an area of approximately 493 sqm.

The land currently contains a commercial building of some 340.5 sqm used up until recently as a shop.

Located directly behind the shop is Jordan Creek.

The existing building covers the majority of the site with the exception of Jordan Creek and an area to the right hand side of the building which is currently used as a mixture of parking spaces, loading and unloading areas and garbage bin storage.

Original proposal

The original Development Application as lodged proposed carrying out additions and alterations to the existing premises. The net effect of these additions and alterations was to infill the existing parking, loading and garbage areas with retail floor spaces.

Under the proposal the retail floor space increased from 340.5 sqm to 411 sqm. This represents an increase of 70.5 square metres.

The development would therefore have no provision for on site parking, loading and waste management.

Reasons for refusal

The Development Application was refused under delegated authority on 15 June 2010.

The reasons cited for refusal were as follows:

1. **The proposed development fails to comply with Part 5 of the Development Control Plan – Business Development and Council’s Off-Street Car Parking**

Code, in that a total of four (4) car parking spaces are required by the existing and proposed floor areas and these have not been provided.

Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.

- 2. The proposed development fails to comply with Part 6 of the Development Control Plan – Business Development, in that off-street loading and unloading facilities have not been provided.**

Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.

- 3. The proposed development fails to make provision for the storage of garbage bins or similar garbage receptacles.**

Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

Amended proposal

Following Council's refusal of the Development Application the applicant has submitted an amended proposal.

The current proposal includes the demolition of a substantive part of the building and the construction of a new retail building consisting of 2 tenancies.

Overall the retail floor space will increase from 340.5 sqm to 373 sqm. This represents an increase of 32.5 sqm.

Parking is provided for by way of 3 indented parking spaces with direct access of Rankin Street. No provision is made for on site loading or garbage facilities.

Parking

The property currently has room to accommodate approximately 2 parking spaces which are provided in a stack parking arrangement to the side of the building. Access to this area is partially restricted by a low height concrete block fence which encroaches onto the property.

Under Council's Off Street Carparking Code it is necessary for parking to be provided for the additional floor space. Carparking is required at a rate of 1 space per 35 sqm of retail floor space.

In practical terms this means that the development requires the retention of the existing 2 spaces plus the additional spaces required for the additional floor space. Based on an increase of 32.5 sqm an additional one space would be required.

The amended plans indicate 3 parking spaces will be provided with direct access onto Rankin Street. Access to this area will be obtained by demolishing the encroaching low wall and widening the existing driveway from Rankin Street.

The development now complies with Council's Development Control Plan – Business Development and the Off Street Carparking Code.

Loading/unloading facilities

Council's existing Business Development Control Plan and Off Street Carparking Code is silent on the need to provide a fixed number of loading/unloading facilities. The RTA Guide to Traffic Generating Developments advises that an "adequate number of parking spaces should be provided on site at convenient locations" but stops short of specifying a standard.

In the absence of designated on site facilities all loading and unloading will by necessity need to occur on street. Generally this occurs in the CBD by way of designated loading bays centrally located in the street e.g. William, George and Keppel Street with the attendant problems associated with these bays.

Ultimately the requirement to install central loading facilities in the CBD is the result of the historical inadequacies of the on site facilities provided by the surrounding businesses. This is exacerbated where demand for on street parking is high.

The review request advises that the "number of deliveries to the premises are by courier or by Australia Post with an average of 2 deliveries per week. The quantity of cartons delivered is usually 1-2 cartons per shipment with a maximum of 20 kg per carton".

Acceptance of the current proposal means ultimately that any deliveries will need to occur on street.

Garbage facilities

The service bay to the side of the premises up until recently housed a large industrial type bin.

The amended plans do not make provision for a similar space.

Garbage services will therefore need to be provided via "otto" type bins. These will need to be located within each tenancy.

Conclusion

Council is in receipt of a request to review its refusal of a Development Application for alterations and additions to retail premises at 91 Rankin. The request was accompanied by amended plans addressing the main reasons for refusal. Accordingly it is now recommended that Council change its determination and approve the Development Application subject to appropriate conditions.

Financial Implications: Nil.

MINUTE

11 Item 4 DEVELOPMENT APPLICATION 2010/0634 – ALTERATIONS AND ADDITIONS TO EXISTING SHOPS AT 91 RANKIN STREET, BATHURST. APPLICANT & OWNER: FANTASIA (AUST) PTY LTD

MOVED: T Carpenter SECONDED: R Thompson

RESOLVED: That Council:

- (a) having undertaken a review of Development Application 2010/0634 resolve to change its determination and approve the application subject to conditions able to be imposed under Section 80A of the Environmental Planning and Assessment Act; and
- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

5 DEVELOPMENT APPLICATION NO. 2010/0570 – DWELLING HOUSE AT 3 CHURCH LANE, KELSO. APPLICANT: DAVID DUNBAR HOMES. OWNER: E TOUBIA (2010/0570)

Recommendation: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0570, 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 Occupation Certificate the applicant is to submit a flood evacuation plan prepared in consultation with the State Emergency Service.
- (b) call a division.

Report: The Site

Council has received a Development Application (DA) for a replacement single storey dwelling with attached garage at 3 Church Lane Kelso, described as Lot 1 DP 194456. A location plan is provided at **attachment 1**.

The site is zoned 1(b) Market garden and is 2023 square metres in area.

The site, up until recently, contained a dwelling and ancillary outbuildings. These were recently demolished following extensive damage by fire in 2009. There is currently a shed located at the rear of the property.

The site is located in the area subject to flooding from the Macquarie River.

The proposal

The proposal involves the erection of a new 4 bedroom single storey dwelling with attached garage. The dwelling is approximately 350 sqm. A plan of the proposed development is at **attachment 2**.

Planning Context

Bathurst Regional (Interim) Local Environmental Plan 2005

The subject site is zoned 1 (b) – Market Garden under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005* .

A dwelling house is permissible with consent in the 1 (b) zone.

It should be noted that the general minimum area for the erection of a dwelling in the 1(b) Market Garden zone is 20 hectares. Clause 28 (3)(c) however permits Council to consent to a dwelling where it is intended to replace a dwelling house that is proposed to be demolished.

Development Control Plan – Rural lands

Siting Considerations

There are no prescribed setbacks for the 1(b) Market Garden Zone. Notwithstanding, the proposed setbacks are considered appropriate and comply with the requirements of the Building Code of Australia.

Effluent Disposal

The subject land is not connected to Council's reticulated sewer. The existing dwelling was serviced via a septic tank system. Conditions will be imposed to request a geotechnical report prior to Construction Certificate to demonstrate the site is suitable for an onsite effluent disposal system.

Water Supply

The proposal will be connected to Council's reticulated water supply. Therefore onsite water storage will not be required.

Clause 13 – Land Liable to Flooding

The subject land is located within the area identified as being liable to flooding on the Bathurst 1% AEP Flood Inundation Map 1992.

Accordingly Council must not grant consent unless it is satisfied that:

- (a) the proposed development will not increase the flood hazard rating of, or likely flood damage to, any other property or persons, and
- (b) the proposed development generally complies with the Bathurst Floodplain Management Plan or Bathurst Floodplain Development Policy (whichever applies).

Flood Hazard Rating

The development has been modelled using Council's Flood Impact Assessment software. The results of the analysis identified that the proposal will have an insignificant effect on flood behaviour during a 1% AEP flood event.

The development will not therefore increase the flood hazard rating or damage to other property or persons.

Floodplain Management Plan

The subject land is located in an area indicatively identified as "low hazard – flood fringe area" in the Bathurst Floodplain Management Plan.

Management options for the properties located in the Kelso Floodplain include a mixture of voluntary acquisition and ensuring that any new developments are flood protected.

Floodplain Development Policy

The standards contained in the Development Policy relating to new developments in the low hazard – flood fringe area include:

- Satisfactory flood impact assessment.
- The floor levels to be a minimum 500mm above the 1%AEP flood level.

The flood impact assessment has previously been noted as complete and satisfactory.

Council can ensure the floor levels will be at least 500mm above through appropriate conditions of consent if approval is granted.

The plan does not specifically prohibit the erection of replacement dwellings being erected on sites that contain or have previously contained a dwelling.

Council's Engineering Department have also requested that a condition be imposed requiring a flood evacuation plan be prepared in consultation with the State Emergency Service.

Conclusion

Council has received a Development Application for a replacement dwelling at 3 Church Lane Kelso. The site is zoned 1 (b) Market Garden under the provisions of the Bathurst Regional (Interim) Local Environmental Plan 2005. Clause 28 (3) of the LEP permits replacement dwellings within the 1 (a) Market Garden Zone. The site is located on the Kelso Flood Plain and is identified as a low hazard area.

Whilst there are ongoing risks associated with persons living in the floodplain the existing policy base does not act to prohibit developments such as this occurring. This is especially the case where the development is a replacement as opposed to a new dwelling. Were the development for a new dwelling on an otherwise vacant land the recommendation would be different.

Financial Implications: Nil.

MINUTE

12 Item 5 DEVELOPMENT APPLICATION NO. 2010/0570 – DWELLING HOUSE AT 3 CHURCH LANE, KELSO. APPLICANT: DAVID DUNBAR HOMES. OWNER: E TOUBIA

MOVED: B Bourke SECONDED: I North

RESOLVED: That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0570, 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 Occupation Certificate the applicant is to submit a flood evacuation plan prepared in consultation with the State Emergency Service.
- (b) call a division.

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

The result of the division was:

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

Against the motion - Nil

Absent - Nil

Abstain - Nil

6 DEVELOPMENT APPLICATION 2009/0607– WORKSHOP, SHOWROOM AND OFFICE AND DWELLING AT 78 BANT STREET, BATHURST. APPLICANT & OWNER: P GREEN (DA/2009/0607)

Recommendation: That Council:

- a) having undertaken a review of Development Application 2009/0607 reaffirm its decision to refuse the application for the reasons outlined in its Notice of Determination dated 20 March 2009.
- (b) call a division.

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

A copy of the request for review, Statement of Environmental Effects and plans are provided at **attachment 1**.

Subject land

The subject land is described as Lot 2 in DP 1087876 and is known as 78 Bant Street, South Bathurst. A location plan is provided at **attachment 2**.

The property comprises an area of 1.457 ha and is currently vacant.

Access to the property is by way of an 8 metre wide access handle to Bant Street. This access is shared with two adjoining (residential) lots to the north of the property (74 and 76 Bant Street).

The locality is typified by a row of dwelling houses fronting Bant Street with industrial land located behind between the dwellings and the railway line.

To the north and forming the northern boundary is Hawthornden Creek. Beyond Hawthornden Creek is Bathurst Recycling.

To the east and forming the majority of the eastern boundary is the Great Western Railway. Also to the east is vacant industrial land forming part of 3 Lloyds Road.

To the south is C & C Taylor Industries.

Zoning

The subject land is zoned part 2(a) Residential and part 4(a) Industrial pursuant to Bathurst Region (Interim) Local Environmental Plan 2005.

Consistent with the overall development pattern occurring within the locality the part of the allotment fronting Bant Street comprising the battle axe handle is zoned 2(a) Residential.

The rear of the site which comprises the majority of the land is zoned 4(a) Industrial. The development is to occur wholly on the industrial component of the property.

History of development

The site was at one time part of a larger allotment of land which included the vacant residential land fronting Bant Street now known as 74 & 76 Bant Street.

In 2004 Council granted consent to the subdivision of the whole parcel into 4 allotments.

The rear portion of the site was to be subdivided into 3 allotments for industrial purposes.

Whilst the development consent has only been partially activated the consent to subdivide the industrial portion remains active and can be enacted at any time.

The proposal

The development will occur as two separate buildings being a workshop/showroom building and a separate dwelling located approximately 5 metres to the north of the workshop.

The workshop/showroom involves the construction of a 7.5 metre x 12.0 metre colorbond shed. In total the building will comprise an area of 90 sq metres.

Internally the building consists of a workshop area of approximately 44 sq metres, a showroom of approximately 22 sq metres, an office area and facilities areas (toilets/kitchenette) of approximately 10 sq metres each.

In response to the application Council requested clarification as to the nature of the activities to be undertaken within the workshop, showroom and office building.

Initial advice provided by the applicant (by letter dated 19 June 2009) indicated the nature of the use to be as follows:

The office studio/showroom and workshop will be used for the production of ethical artworks and picture framing.

The business will trade under the name, Ethical Art.

The business will employ one artist/picture framer and one part time assistant/packer. As you can see there is plenty of room for expansion as the business expands into the future.

Offcuts from framing process will be made into wooden trophy bases, to minimize trade waste.

Machinery will be portable docking saw, mitre saw, both with dust extractor bags.

Our artworks will be sold by mail order and internet and will be delivered by Australia Post and Ipec as required.

We would anticipate one Ipec pick up van per week, plus daily trips to Post Office by our own station wagon.

Further advice received from the applicant (by letter dated 13 July 2009) indicated that:

I now confirm as requested my intention to install and operate a digital print machine for the purpose of creating art quality prints to a maximum 1200 x 1000mm.

The above was not mentioned in my initial letter neither was my proposed intention to

purchase a 1500mm guillotine, or my intentions to import art works and to market local indigenous art and art prints worldwide.

Yes, my business will start small, however my hope is that the industry will develop and provide local jobs.

The Statement of Environmental Effects submitted with the review request describes the development as follows:

The original application proposed an industrial building measuring 12 metres x 7.5 metres and included an office, showroom, workshop and amenities. The industrial use is to be for the production/enhancement of artworks and picture framing. This will involve the purchase of artworks, cleaning, repairing, altering, copying and printing as may be required and framing of finished works. The original artwork will be from within Australia and imported from overseas. It will be required to have machinery within the building including docking saws, mitre saws, and dust extractor facilities in addition to a range of specialized hand tools.

It is also proposed to construct a dwelling house for use by the landowner/business manager. This is required as many of the artworks will be expensive and security is desired by the presence of persons living on site adjacent to the industrial building.

The dwelling proposed under the application is to be a free standing 3 bedroom transportable dwelling. The area of the dwelling is some 115 sq metres. The dwelling is to be located approximately 5 metres to the north of the proposed shed. Main living areas of the dwelling (lounge, kitchen and family rooms) are orientated away from the proposed industrial shed.

The development will be wholly contained on one of the allotments proposed in the 2004 subdivision. The dwelling will be located approximately 5 metres from the future boundary. The main living areas would directly overlook any future development of the remaining two industrial lots to the north. All future traffic entering the remaining two lots will by necessity pass directly in front of the proposed dwelling.

Reasons for refusal

The Development Application was refused under delegated authority on 27 August 2009.

The reasons cited for refusal were as follows:

1. *Council is of the opinion that the proposed development is prohibited development with the 4(a) Industrial Zone which prohibits dwelling houses other than those used in conjunction with a permitted use and situated on land on which that use is conducted for the following reasons:*
 - a. *there is not a relevant nexus between the dwelling and the proposed other uses.*
 - b. *the proposed industrial uses are not of sufficient size in comparison to make that nexus feasible.*
2. *The development acts as an undesirable precedent for other similar applications which will serve to undermine the objectives of the Bathurst (Interim) Local Environmental Plan 2005.*

Permissibility of the development

The development is to occur within the portion of the site zoned 4(a) Industrial.

The development consists of two elements namely the industrial component being the workshop and the dwelling component.

The uses are independent with neither use being considered ancillary to the other.

For the purposes of the BRLEP 2005 an industry is defined as follows:

Industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing cleaning, washing, dismantling, processing, formulating, transforming or adapting of goods or any articles for commercial purposes but, in the zoning control table, does not include a use of land specifically elsewhere defined.

The proposed workshop and its use for the production of artworks and picture framing can be considered as an industry and is therefore permissible with consent in the 4(a) zone

Within the 4(a) Industrial zoning dwelling houses are considered a prohibited use **“other than those used in conjunction with a permitted use and situated on land on which that use is conducted”**.

Permissibility is therefore a factor of the dwelling being “used in conjunction with” the industrial workshop.

The term “used in conjunction with” is a common phrase within Council's planning instruments and indeed occurs within many planning schemes. For example

- Advertising signs are prohibited in all zones other than the 6(b) Regional Recreation zone “except those displayed in conjunction with a permissible use and situated on the land on which that use is conducted”.
- Warehouses in the 3(a) General Business zone are generally not considered consistent with the objectives of the zone “other than those used in conjunction with a permissible use”.
- Warehouses in the 3(b) Service Business zone are generally not considered consistent with the objectives of the zone “other than those used in conjunction with a permissible use and situated on the land on which that use is conducted”.
- Dwellings in the 3(b) Service Business zone are prohibited “other than those used in conjunction with a permissible use and situated on the land on which that use is conducted”.
- Dwellings in the 4(a) Industrial zone are prohibited “other than those used in conjunction with a permissible use and situated on the land on which that use is conducted”.

The review request makes the following observation regarding the reasons for refusal:

There is nothing within the Council's LEP or DCP that requires a nexus between a dwelling and industry on the same land other than the wording within the LEP which prohibits dwellings in the industrial zone.

Therefore dwellings are permissible if used in conjunction with industry. There is no wording on the type or degree of nexus. In fact the word “nexus” doesn’t appear in the LEP or DCP and therefore is not a statutorily required prerequisite. Further there is nothing that requires industry to be of any particular size. It is considered nonsense to refuse an industrial application because it is perceived to be too small. There are many examples of industrial uses that start off small and grow as business accelerates. An industrial use is not necessarily inappropriate merely because it is small. Surely it is the applicant who establishes the size needed for the particular use and not Council?

The term “in conjunction with” is not defined within the planning instrument itself. It has however been subject to judicial review by the Land and Environment Court and this review forms the basis for Council’s consideration of the Development Application.

Based on the various interpretations the following principles should govern Council’s consideration.

- In my opinion the phrase in conjunction with connotes a connection or relationship or association, a quality which it is convenient to refer to as a “nexus” (Sweeney Pastoral Company v Snowy River Shire Council, 1993 NSWLEC 189).
- That nexus is not demonstrated by mere physical location or by the fact that these are both economic activities. The clause requires the nexus to be between two uses. It is a question of function and accordingly it is a functional nexus which is required (Sweeney Pastoral Company v Snowy River Shire Council, 1993 NSWLEC 189).
- If there is to be a functional nexus between the accommodation use and the agricultural use, then each use must be, in comparison, of such size as to make that nexus feasible. Clearly this involves weighing up both the size and intensity of the agricultural use and the size of the tourist accommodation (Sweeney Pastoral Company v Snowy River Shire Council, 1993 NSWLEC 189)
- A nexus or association needs to be demonstrated between the uses – the one permissible and the other not. Mere physical location or proximity is of itself not enough. There needs to be a functional nexus between the uses (GW Parsons & Anor v Hornsby Council, 1995 LEC 69).
- However I do not think that the respective uses need to be interdependent nor the association necessarily a close one (GW Parsons & Anor v Hornsby Council, 1995 LEC 69).
- The words dwelling houses used in conjunction with industry and situated on the same land as the industry clearly exclude dwelling houses owned and tenanted by residents unconnected with a specific industry on specific land (Legal and General Life of Australia Ltd v North Sydney Municipal Council & Anor, 1990 69 LGRA 201).
- These principles may be usefully summarised as:
 1. There must be a relevant nexus between the two purposes.
 2. That nexus is not achieved by mere physical location on the land or by the fact that both are economic activities.
 3. There must be a functional nexus.
 4. Each use must be in comparison of sufficient size so as to make the nexus

- feasible.
5. The uses do not however need to be interdependent nor the association necessarily a close one. (Winten Property Group v Campbelltown City Council, 1999 NSWLEC24)

Having regard to these considerations the following conclusions can be drawn.

It is necessary for the application to demonstrate that the industrial activities occurring on site give rise to the need for the dwelling on the property. The issue is not necessarily the size of the proposed industrial activities but rather does it warrant a dwelling.

The reason cited in the review request is that the dwelling is to be used by the owner/business manager and is necessary due to security concerns. It is noted that the overall orientation of the main living areas are however away from the shed rather than towards it meaning casual surveillance opportunities are limited.

The need to address security concerns must, in Council's opinion, be a sufficient nexus, if it is to grant approval. It is not considered that the convenience of being located in the immediate vicinity would in itself create that nexus.

The second issue that needs to be addressed is that industrial activities must be of sufficient size to warrant that nexus. Based on the information available the area to be dedicated to the industrial activities is limited to 90 square metres. Industrial activities within the building are limited to approximately 44 square metres.

Council has been advised that the industrial activities will employ one person artist/framer and one part time packer. No information is provided as to the overall operating conditions i.e. hours of operation, expected inputs and expected output etc. It is therefore difficult to conclude that the size and intensity of the industrial activities are such as to make that link feasible.

The need to provide security to industrial and commercial activities can be legitimate and there are examples of dwellings being provided in conjunction with industrial/commercial activities throughout the City. The dwellings however tend to be incorporated into the development e.g. caretakers flats within the buildings themselves and the industrial/commercial activities are on a much larger scale.

Whilst it is open for Council to approve the Development Application on the basis that it is satisfied that there is a clear need for the dwelling, the link itself is tenuous in terms of the scale of the industrial activities occurring on the site.

Should Council be of a mind to approve the Development Application it should only do so on the basis that the dwelling is used and continues to be used in conjunction with the industrial use.

On this basis conditions would need to be imposed requiring:

- The industrial activities would need to have commenced prior to the dwelling being occupied.
- The dwelling to only be occupied by persons directly connected to the industrial activities occurring on the site,
- In the event that the industrial activities cease the use of the dwelling for residential purposes must also cease.

On the whole it is considered that the dwelling should be refused for the reasons outlined in the original Notice of Determination.

Financial Implications: Nil.

MINUTE

13 Item 6 DEVELOPMENT APPLICATION 2009/0607– WORKSHOP, SHOWROOM AND OFFICE AND DWELLING AT 78 BANT STREET, BATHURST. APPLICANT & OWNER: P GREEN

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

MOVED: That Council:

- a) Direct the Director Environmental, Planning & Building Services to approve Development Application 2009/0607, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning & Assessment Act 1979 as amended and including conditions to the effect that:
 - (i) Industrial activities would need to have commenced prior to the dwelling being occupied.
 - (ii) The dwelling to only be occupied by persons directly connected to the industrial activities occurring on the site.
 - (iii) In the event that the industrial activities cease the use of the dwelling for residential purposes must also cease.
- (b) call a division.

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

The result of the division was:

In favour of the motion - Cr T Carpenter, Cr R Thompson,

Against the motion - Cr W Aubin, Cr B Bourke, Cr G Hanger, Cr M Morse, Cr I North, Cr P Toole, Cr G Westman,

Absent - Nil.

Abstain - Nil.

MINUTE

14 Item 6 DEVELOPMENT APPLICATION 2009/0607– WORKSHOP, SHOWROOM AND OFFICE AND DWELLING AT 78 BANT STREET, BATHURST. APPLICANT & OWNER: P GREEN

MOVED: M Morse SECONDED: G Hanger

RESOLVED: That Council:

- a) having undertaken a review of Development Application 2009/0607 reaffirm its decision to refuse the application for the reasons outlined in its Notice of Determination dated 20 March 2009.
- (b) call a division.

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

The result of the division was:

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

Against the motion - Cr T Carpenter

Absent - Nil

Abstain - Nil

7 'BACKYARDS FOR WILDLIFE' SURVEY AND BOOKLET DEVELOPMENT (13.00053)

Recommendation: That the information be noted.

Report: Discussions between Council's Environment Section and community members have identified a need to assist Bathurst Region residents in improving the habitat available to wildlife in urban, peri-urban and rural backyards. To identify where improvements are needed and what actions the community itself is interested in implementing, Council has developed a 'Backyards for Wildlife' survey for the community. A copy of this survey is provided at **attachment 1**.

This survey has been distributed through the Civic Centre, the Bathurst Regional Library and a local book store. Council staff also received this survey as an attachment to the staff newsletter. An on-line survey has also been developed and is linked via council's websites in the Environment / Biodiversity page, as well as being distributed through local community groups.

Once the survey is completed in July, the results will be analysed and this information will be used to guide the contents in the booklet. Initially the booklet will only be developed as a digital version. Should the necessary financial support (Council or otherwise) become available a hard copy version could then be distributed through the library, university and schools. This version could then be sold through local bookshops and Council, if deemed feasible.

It is expected that the booklet will be developed by the end of 2010.

Financial Implications: The Bathurst Region 'Backyards for Wildlife' booklet development will be funded through existing allocations.

MINUTE

15 Item 7 'BACKYARDS FOR WILDLIFE' SURVEY AND BOOKLET DEVELOPMENT

MOVED: M Morse SECONDED: B Bourke

RESOLVED: That the information be noted.

**8 DRAFT BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005
(AMENDMENT NO. 2) (20.00158)**

Recommendation: That the information be noted.

Report: Council resolved to prepare draft Local Environmental Plan (LEP) in respect of land within Deposited Plan 270159, known as the Mount Haven Estate, Meadow Flat.

The purpose of the Plan was to correct the application and intent of Clause 31 Subdivision – Zone 1(f) of the Local Environmental Plan so that it applies to all land within Deposited Plan 270159 in the same way in which Clause 29 of Interim Development Order No. 1 – Evans, as amended, originally applied.

Council has received notification from the Department of Planning that the LEP amendment was gazetted on 30 June 2010. The changes to the LEP are effective from that date also.

Financial Implications: Nil.

MINUTE

16 Item 8 DRAFT BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005 (AMENDMENT NO. 2)

MOVED: R Thompson SECONDED: I North

RESOLVED: That the information be noted.

9 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)

Recommendation: That the information be noted.

Report: Council resolved to prepare draft Local Environmental Plans in respect Part Lot 88, DP 249485, Durack Close, West Bathurst, Lot 22, DP 864274, Mid Western Highway, Robin Hill, Part Lot 33, DP 593108, Gilmour Street, Kelso, Part Lot 224, DP 735655, Tyndall Street, Kelso and Part Lot 274, DP 735655, Elm Place, Kelso.

The effect of the draft Plans was to reclassify Part Lot 33, DP 593108, Part Lot 224, DP 735655, Part Lot 88, DP 249485, Lot 22, DP 864274 and Part Lot 274, DP 735655 from community land to operational land under the Local Government Act 1993. The draft Plans also change the zoning of Part Lot 88, DP 249485, Durack Close, West Bathurst and Part Lot 33, DP 593108, Gilmour Street, Kelso from 6(a) Local Recreation to 2(a) Residential.

Council received notification from the Department of Planning that the LEP amendment was gazetted on 26 June 2010. The changes to the LEPs are effective from that date also.

Council has advised the landowners that the amendments have been gazetted and also what the future process is to subdivide and purchase the land from Council.

Financial Implications: Nil.

MINUTE

17 Item 9 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)

MOVED: I North SECONDED: W Aubin

RESOLVED: That the information be noted.

10 PLANNING PROPOSAL – BATHURST REGION HERITAGE (20.00162)

Recommendation: That Council:

- (a) forward the finalised Planning Proposal – Bathurst Region Heritage, as outlined in this report, to the Department of Planning for the making of the Local Environmental Plan under Section 59 of the EPA Act 1979;
- (b) advise those who lodged submissions of Council's decision; and
- (c) call a division.

Report: Council, at its meeting held 19 August 2009, resolved to prepare and submit a planning proposal to the Department of Planning to amend Bathurst Regional (Interim) LEP 2005 to implement the heritage conservation areas and heritage items recommended by the Bathurst Region Heritage Study 2007 and the Bathurst Conservation Area Review 2007.

Council received 3 gateway determinations from the Department of Planning in respect of this planning proposal. The determinations dated 20 October 2009 and 31 January 2010 required Council, amongst other things, to amend its planning proposal to remove the written heritage LEP provisions and definitions and insert the standard template provisions and definitions. Council staff could not accept these determinations as in their opinion the standard template provisions and definitions were inferior to the current LEP provisions and definitions and would have had an adverse impact on the management of the region's heritage assets. This process wasted 6 months in implementing this matter.

Council finally received a gateway determination on the 16 March 2010 which enabled Council to proceed with its planning proposal generally in the manner originally conceived. That Gateway Determination is provided at **attachment 1**.

The Planning Proposal (in accordance with the requirements of the Gateway Determination) was placed on public exhibition for a period of 1 month from 8 May 2010 to 6 June 2010. The proposal was notified in the Western Advocate and all owners of proposed heritage items were notified of the proposal. Council also consulted with the Department of Environment, Climate Change and Water (DECCW) particularly in respect of the village of Hill End.

It was interesting to note that since completion of the Heritage Study in 2007, approximately one third of property owners of the proposed list of heritage items had changed. This meant that Council fielded a higher level of inquiry about the planning proposal as these new owners had not been involved in the Heritage Study process. This was a disappointing result as Council had undertaken extensive consultation when it undertook the Heritage Study and highlights the outcomes of waiting so long to implement the Study through the comprehensive LEP process. In hindsight Council should have proceeded to amend its current LEP as soon as the study had been adopted.

During the exhibition period 12 submissions were received (refer **attachment 2**) and are addressed below. A public hearing has not been held as this was not a requirement of the Gateway Determination and was not requested by persons who lodged submissions. Further in the 3 instances where Council has received objections to the proposed heritage listing of a property it will be recommended in this instance that Council not proceed with that listing. Therefore the need for a discussion forum is not warranted unless Council resolves that those 3 properties should be listed.

Submissions

1. Anglican Property Trust Diocese of Bathurst

This submission provides corrections to names and descriptions of current and former Anglican Church properties proposed to be listed as individual heritage items.

The proposed LEP heritage item schedule has been amended to reflect the advice received in this submission.

2. Mr and Mrs Lawson – 237 White Rock Road

This submission objects to the proposed listing of 237 White Rock Road as an individual heritage item.

237 White Rock Road contains a cottage that forms part of a group of soldier settler's cottages which are significant in that they are linked to the soldier settlement scheme after the First World War, being one of the earliest within NSW. The subdivision pattern of the properties is interesting in that it was considered at the time to be a suitable size for the scheme.

Whilst it would be desirable to list this property to acknowledge its significance any future proposal to demolish and replace the existing dwelling can still be considered by Council on its merits whether or not the property is listed as a heritage item as Council's Development Control Plan – Exempt Development only permits the demolition of buildings without consent where they are less than 50 years old.

Without a listing the owners are less likely to be able to secure funding either from Council or other government agencies to maintain the property.

In this instance it will be recommended that Council not proceed to list the property on the basis of the owner's objection to that listing. It should be noted that 3 other soldier settlers cottages will remain on the proposed heritage schedule list. Council should target any future funding towards these 3 cottages as a means to retain this part of Bathurst's history.

3. Mr and Mrs Maurer – 26 Brewongle School Road

This submission does not object to the inclusion of Cheriton (formerly school and residence) as a heritage item but requests that the 1970s extension and double garage be excluded from the listing.

The description of the proposed item has been amended to exclude the 1970s extension and double garage as requested.

4. Land and Property Management Authority

Do not object to the listing of any of the Crown Assets proposed to be listed. Commend Council and in particular its heritage advisor on the Conservation Management Plan prepared for Rural Cemeteries. This document is a valuable asset in managing historic cemeteries. The submission indicates that they have referred the Erskine Flat Burial Ground to the relevant Trust body for consideration of listing and request Council consult with the Wattle Flat Heritage Lands Trust in relation to the Solitary Mine.

Council has received a separate letter from the Central Tablelands Heritage Lands Trust in relation to Erskine Flat Burial Ground (see 6 below).

Council referred the proposed listing of the Solitary Mine to the Wattle Flat Heritage Lands Trust. To date no comment has been received from the Trust.

5. Scott Macallister – Knickerbocker Hotel

This submission objects to the listing of the Knickerbocker Hotel as an individual heritage item.

It was proposed to list the Knickerbocker Hotel because of its significance, as identified in the Bathurst Conservation Area Review 2007:

“Architect designed, this is a prominent three storey brick corner building in an architectural style combining Functionalist and Art Deco elements. A confident building well executed. The Knickerbocker was erected in 1939-40, for George Gunther and his sister Jennie Nicholas. The building is associated with Ben Chifley.”

Whilst it would be desirable to list this property to acknowledge its significance the property is located within the Bathurst Heritage Conservation Area and is therefore subject to the same heritage LEP provisions as if it was listed.

It is disappointing to note that Council has previously provided local heritage funding to this property in 2008-09 to assist with the removal of the window mounted air conditioning units. As part of the Agreement for Funding signed by Mr Macallister, he, as the owner, agreed “not to object to the inclusion of the item in a Local Environmental Plan where this is not already the case”. Council could therefore either pursue its listing or pursue a refund of the grant monies.

Notwithstanding the above, in this instance it will be recommended that Council not proceed to list the property on the basis of the owner’s objection to that listing.

6. Central Tablelands Heritage Lands Trust - Erskine Flat Burial Ground

Confirm that the Erskine Flat Burial Ground is under the control of the Central Tablelands Heritage Lands Trust notwithstanding that the current administrator of that Trust was unaware of the cemetery’s existence.

Do not object to the listing but rather seek Council to take over management of the cemetery.

Whilst Council manages a number of rural cemeteries, it is not in a position to take over the management of additional sites. Council has forwarded a copy of its Conservation Management Plan for rural cemeteries to assist the Trust in its future management. Council may also be able to assist the Trust in the future through its local heritage fund.

7. Peter Crampton – Glanmire Hall

This submission objects to the listing of the Glanmire Hall as an individual heritage item. It also raises concerns about the lack of consultation/notification of the Heritage Study process and the photographs taken of the property without the owners

permission.

It was proposed to list Glanmire Hall because of its heritage significance, as identified in the Bathurst Regional Heritage Study 2007:

“An outstanding Victorian Romantic revival residence set in excellent homestead garden and associated with MLA Edward Coombes (1830-1895). The portable ballroom is an outstanding and rare timber framed portable ballroom constructed in the 'Queensland frame' tradition with main frame members all expressed externally.”

Whilst it would be desirable to list this property to acknowledge its significance it is clear from the submission that the current owners have expended considerable funds on its restoration. Therefore it is unlikely that the property will come under any threat in the near future.

Council did seek to consult with the owner of Glanmire Hall in the same way it consulted with all owners during the preparation of the Heritage Study. Council's records indicate that two letters were posted to Mr Crampton as part of the process as follows:

- a. *To inform owners of the undertaking of the Heritage Study and to request feedback on forms which had been prepared for each individual property, (dated 31 August 2006).*
- b. *To inform owners of the proposed listing of their property as a heritage item, (dated 30 October 2006).*

For reasons unknown to Council, Mr Crampton appears not to have received these letters.

In this instance it will be recommended that Council not proceed to list the property on the basis of the owner's objection to that listing.

8. Forests NSW

Does not object to the listing of the Macquarie Woods Cottage.

9. Department of Environment, Climate Change and Water

Does not object to the Planning Proposal. Notes that the Planning Proposal does not sufficiently cover aboriginal heritage.

In relation to Aboriginal heritage, Council was anticipating that the recommendations of the Central West CMA Aboriginal Heritage Study would place it in a favourable position to recognise and ideally list sites of Aboriginal heritage significance. However, Council has not been advised by the CMA as to the status of completion of that Study and therefore has not been able to consider Aboriginal Heritage as part of this Planning Proposal. When and if this study is made available to Council a separate planning proposal could then be considered if it recommends the listing of any sites.

The Bathurst Region Heritage Study recommended listing a number of Nature Reserves and National Parks as these undisturbed natural lands may potentially contain Aboriginal heritage. However, the Department of Planning, in its Gateway Determination, made Council remove these areas as part of this Planning Proposal,

including:

- *Abercrombie Caves*
- *Bridle Track Surrounds, (roadway will be listed)*
- *Copperhania Nature Reserve*
- *Golden Gully and Archway*
- *Boundary Road Reserve*
- *Wattle Flat Heritage Lands*

It appears, therefore, that DECCW and the Department of Planning need to reach a consensus on the issue of heritage listing of natural environment localities, particularly in relation to the issue of Aboriginal heritage.

10. Messenger and Messenger – on behalf of the owners of 237 White Rock Road

This submission objects to the listing of 237 White Rock Road as an individual heritage item.

See point 2 above which recommends that in this instance it will be recommended that Council not proceed to list the property on the basis of the owner's objection to that listing.

11. Pauline Barker – 5 Church St, Rockley

Seeks to be included as an individual item on the LEP heritage schedule.

The Bathurst Region Heritage Study did not recommend the individual listing of all contributory buildings in Rockley including Mayfield Cottage but rather recommended a Rockley Heritage Conservation Area.

During the Heritage Study process, the view was taken that where there was a conglomeration of buildings within a settlement, that a Heritage Conservation Area would be more appropriate than listing all individual contributory items. Such a process enabled the recognition of historically significant areas and streetscapes. In addition to Heritage Conservation Areas, items within a heritage conservation area of particular heritage significance were recommended for listing as individual heritage items.

Notwithstanding the above, given the owners request it will be recommended that Mayfield Cottage be included in the list of individual heritage items.

12. The Hon Peter Collins and Mrs Leonarder-Collins – 17 Blacks Mill Lane, O'Connell

Do not object to listing but seek assurance from Council that the adjoining parcel of land (old police paddock) will not be given separate dwelling entitlement as this would impact upon the former police station building that they own. They will continue to pursue opportunities to purchase the police paddock.

The listing of the former police station building will give Council greater ability to consider the impact of any future development that may occur on the police paddock on the police station building. Nonetheless given the lot size standards it is unlikely that separate dwelling entitlement for the police paddock will be possible.

Staff Review of Planning Proposal

During the exhibition period staff also reviewed the planning proposal and note that a change needs to be made to proposed item 37 relating to railway land at Keppel/Havannah St. The proposed item included the former railway gasworks building which has since been demolished by the ARTC without Council approval. Note that Council is currently in mediation with the Department of Planning and ARTC in relation to this matter.

Conclusion

Council adopted the Bathurst Region Heritage Study in 2007. This Planning Proposal finally sees Council being able to implement that study in terms of its recommendations relating to heritage conservation areas and heritage items. In particular it will provide recognition and protection to the regions rural assets which previously were not listed on the LEP. This is a positive outcome for the amalgamated Bathurst Regional Council.

It is perhaps disappointing that it has taken so long to get to this point as it was anticipated that the Study would be implemented under the new comprehensive LEP. Certainly what this process shows is that Council should not further delay implementation of its Studies/Strategies to the comprehensive LEP process.

The final recommended schedule of individual heritage items and heritage conservation areas is provided at **attachment 3**. In this instance it is recommended that Council not proceed to list the following properties as originally proposed:

- 237 White Rock Road
- Knickerbocker Hotel
- Glanmire Hall

In this regard it should be noted that it is only perhaps 237 White Rock Road which will remain under threat without the listing proceeding.

It is further recommended that Council add 5 Church St Rockley to the list of individual heritage items and that it update other item descriptions according with advice received during the exhibition period.

Note that no changes are recommended to the heritage conservation areas as originally exhibited.

There are no environmental or planning reasons why this proposal should not proceed. It will be recommended that Council forward the finalised planning proposal to the Department of Planning to be made.

Financial Implications: Nil.

MINUTE

18 Item 10 PLANNING PROPOSAL – BATHURST REGION HERITAGE

MOVED: G Westman SECONDED: T Carpenter

RESOLVED: That Council:

- (a) forward the finalised Planning Proposal – Bathurst Region Heritage, as outlined in this report, to the Department of Planning for the making of the Local Environmental Plan under Section 59 of the EPA Act 1979;
- (b) advise those who lodged submissions of Council's decision; and
- (c) call a division.

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

The result of the division was:

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

Against the motion - Nil.

Absent - Nil.

Abstain - Nil.

11 COMPREHENSIVE LEP & DCP FOR THE BATHURST REGION (20.000143)

Recommendation: That Council:

- (a) Prepare and submit a Planning Proposal under Section 55 of the Environmental Planning & Assessment Act to the Department of Planning to amend Bathurst Regional (Interim) LEP 2005 to expand the village of Eglinton as recommended by the Bathurst Region Urban Strategy;
- (b) Prepare and submit a Planning Proposal under Section 55 of the Environmental Planning & Assessment Act to the Department of Planning to amend Bathurst Regional (Interim) LEP 2005 to expand the provisions for exempt and complying development;
- (c) note that work will continue on the comprehensive LEP & DCP;
- (d) notify the Department of Planning of its decision;
- (e) notify those on its mailing list for the comprehensive LEP of its decision; and
- (f) call a division.

Report: Council last considered a report on the progress of the comprehensive LEP and DCP in August 2009 (copy of report is provided at **attachment 1**).

Since that report the following progress has been made:

1. Bathurst Region Rural Strategy

Advice was received from the Department of Planning on the Strategy and revisions made to it in late 2009. The Department required Council to consult again with relevant government agencies with respect to the Strategy and the subsequent environmental investigations completed by Council. Council received comments from those agencies and again revised the Strategy (minor changes only). The Strategy was referred back to the Department for endorsement in May 2010.

2. Comprehensive LEP

Council still awaits comments from the Department on the draft LEP to enable formal submission for a certificate to place the LEP on public exhibition.

It is expected that the Departments advice when received will be detailed and require major reworking of the LEP as they micro-manage its preparation to ensure it is consistent with the other LEPs across the State.

As reported to the June Council meeting, serious flaws in the LEP template are being rectified by the Department. Until this is done, Council should not release a draft LEP based on the current flawed template. It is not known when the amended template will be gazetted. Major reworking of Council's draft LEP will be required.

In short Council staff continue to wonder if either the Strategy or LEP will ever be finalised. Given the continued ongoing delays, Council could give consideration to further amending its current LEP to implement the Urban Strategy which has received endorsement from the Department.

Key recommendations of the Urban Strategy which require an LEP amendment to be implemented are outlined below.

Amendment Proposed	Can this proceed now
Expansion of Eglinton (Residential)	Yes. Residential land supply is becoming more limited. LES completed.
Expansion east of Kelso (Residential)	No, not in its entirety. Whilst residential land supply is becoming more limited, the rezoning of all land proposed under the Urban Strategy east of Kelso is dependent upon a new water reservoir. Council is proceeding with the reservoir, completion is a few years away. Land below the 708m contour could be zoned now.
Hope Street (behind the Morrisset Street levee) – residential	No. The Department of Planning has indicated to Council that it will not support the rezoning of this land until Council has reviewed the Bathurst Floodplain Management Plan.
Sydney Road – south – industrial/business	Yes, however, demand for land does not make it urgent to expand the business/industrial area immediately. The urgency for release of this land is best considered as part of the Retail Strategy currently being prepared.
Exempt and complying provisions	Yes. Whilst not a direct recommendation of the Urban Strategy the draft comprehensive LEP as written to date provides for expanded exempt and complying provisions to provide greater improvements to the approval process in the Bathurst region.

Eglinton

Council recently received a letter from a landowner of Eglinton requesting that Council proceed now to expand the village rather than wait for the comprehensive LEP.

Council staff agree that because the comprehensive LEP process has been so slow an LEP amendment might see a quicker result.

Current residential vacant land stocks in Bathurst are summarised in the table below.

Location	Land Area	Estimate Lot Yield
Windradyne	233 ha	1747
Kelso	160 ha	1200

Land at Windradyne is owned either by Council or one private developer. Consistent development of this land in line with market demand is expected until it is fully developed.

Land at Kelso is owned by various private property owners. Consistent development in line with market demand is **not** expected for approximately 130 ha due to owners showing little current interest in developing their land. Only 30 ha is therefore likely to be developed in line

with market demand.

Current land stocks might therefore satisfy demand for up to 8 years, however, supply will be limited to 2 developers and will be limited to one location (Windradyne). There would, therefore, be benefits in widening the number of suppliers and providing new locations of supply.

Eglinton offers a further 100 ha of land with a lot yield of about 720 lots. This would increase total supply by about another 4 years. There would be some pent up demand of land at Eglinton due to its popularity and limited lot supply in the last 5 years.

Council has prepared a detailed Local Environmental Study for the expansion of the village and this has been supported by the Bathurst Region Urban Strategy.

Exempt & Complying Development

Work to date on the comprehensive LEP has seen a major review completed of exempt and complying development provisions. This review has sought to expand opportunities for development to be considered as either exempt or complying where appropriate. The outcome will be greater opportunities to complete minor developments without the need for approval or for a quicker approval process as complying development.

As outlined in a report to the June Council meeting, the Department of Planning is considering removing all exempt development from LEPs and instead imposing State standards on councils. This may very well hinder opportunities for councils like Bathurst to expand and improve on their own LEP provisions. It is likely that the State Government might make any such changes by the end of this year. It is therefore considered imperative that Council proceed to amend its LEP now so that at the very least the proposed new exempt and complying provisions can be placed on public exhibition. If acceptable to the community, these expanded provisions can then either be incorporated into the existing LEP or if the State Policy is reapplied to the LGA, Council can urge the government to apply these new expanded standards to the Bathurst Region.

Conclusion

There appears to be no impediment as to why Council could not proceed with an amendment to its current LEP to expand Eglinton and introduce expanded exempt and complying provisions now. This might then be followed by an amendment for Kelso once the water reservoir is nearing completion.

Council staff will continue to work towards a comprehensive LEP & DCP for the LGA, however these amendments may be able to be achieved in the shorter term.

If Council proceeds with LEP amendments to expand the village of Eglinton and expand exempt and complying provisions, these would include a community consultation process.

Financial Implications: Preparation of the amending LEPs will be funded from within existing staff budgets.

MINUTE

19 Item 11 COMPREHENSIVE LEP & DCP FOR THE BATHURST REGION

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

RESOLVED: That Council:

- (a) Prepare and submit a Planning Proposal under Section 55 of the Environmental Planning & Assessment Act to the Department of Planning to amend Bathurst Regional (Interim) LEP 2005 to expand the village of Eglinton as recommended by the Bathurst Region Urban Strategy;
- (b) Prepare and submit a Planning Proposal under Section 55 of the Environmental Planning & Assessment Act to the Department of Planning to amend Bathurst Regional (Interim) LEP 2005 to expand the provisions for exempt and complying development;
- (c) note that work will continue on the comprehensive LEP & DCP;
- (d) notify the Department of Planning of its decision;
- (e) notify those on its mailing list for the comprehensive LEP of its decision; and
- (f) call a division.

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

The result of the division was:

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

Against the motion - Nil.

Absent - Nil.

Abstain - Nil.

12 COUNCIL SECTION 94 PLANS (20.00036)

Recommendation: That the information be noted.

Report: On 17 December 2008 Council was advised of a proposed cap on Section 94 Contributions towards infrastructure.

The cap was proposed at \$20,000 per new residential lot. For the most part, Council's contribution levels are below this level.

Council subsequently applied for and was granted an exemption to the cap for a limited area in the Robin Hill locality where the Section 94 Contributions exceeded \$20,000 per lot (refer Council meetings 18 February 2009 and 16 September 2009). The substantial part of the contribution resulted from contributions necessary to fund the upgrade and sealing of Delaware Crescent. Council has completed the works and was repaying the fund when the land is developed. Potential still exists for approximately 3 new lots within the area.

Council has recently been advised by the Department of Planning that the Minister for Planning has since revoked its previous exemption. Council is effectively capped at the \$20,000 limit meaning there will be some shortfall in repaying the amount already spent.

No consultation or discussions on the revocation has occurred.

Whilst the overall number of properties affected is minimal, it is extremely disappointing that the Department of Planning continues to make policies on the run without any consideration of the financial impact on Councils.

Financial Implications: The cap will result in a reduction in the contributions paid.

MINUTE

20 Item 12 COUNCIL SECTION 94 PLANS

MOVED: G Westman SECONDED: M Morse

RESOLVED: That the information be noted.

13 ECONOMIC DEVELOPMENT FORUMS (07.00090)

Recommendation: That the information be noted.

Report: Council has been hosting a series of Economic Development Forums throughout the month of June with the aim of engaging business and community stakeholders in the development of a united vision for Economic Development for the Bathurst Region. This vision will be the foundation for the development of the Bathurst Region Economic Development Strategy.

The first two Forums attracted representatives from all industry sectors including retail, manufacturing, tourism, small business and education. Representatives from real estate comprised the third Forum, Bathurst Business Chamber Executive the fourth and finally the Youth Forum. Over 100 representatives attended the Forums in total.

Representatives provided insight through open discussion into the opportunities that exist for Bathurst in an effort to create a solid and diverse economic base for Bathurst to prosper into the future.

An anecdotal review of the Forums suggests several key Strategy areas including:

- Build critical mass by priority industries (eg Cluster base food manufacturers)
- Enhance visual appeal of City (eg Town entrance beautification and improvement)
- Maximising enterprise sustainability in the Bathurst Region (Gap analysis, Business support)
- Developing and strengthening existing Tourism base (Tourism Plan and product development)
- Grow Bathurst as hub of Innovation (eg Technology, Green industries)
- Capitalise on Mount Panorama (events, clustering, marketing)

The Forums have received wide media coverage including local and regional newspapers, radio and television. As such there has been demand from local community and business members to be involved. An online survey has been developed and at the time of writing this report over 28 surveys have been completed. All representatives who attended the Forums have been thanked for their input and those unable to attend the Forums have been forwarded the weblink to complete the online survey.

The Economic Development Strategy will be prepared utilising input from the Economic Development Forums, a detailed literature review, situation analysis, followed by the identification and development of key objectives with supporting strategies including partner identification and detailed action plan. Due to the preparation required for Evocities including backend delivery (website, printed collateral), it is envisaged that the Strategy be drafted and presented to Council towards the end of 2010.

Financial Implications: The Economic Development Forums (venue hire and catering) have been funded from existing budgets.

MINUTE

21 Item 13 ECONOMIC DEVELOPMENT FORUMS

MOVED: T Carpenter SECONDED: B Bourke

RESOLVED: That the information be noted.

14 PLANNING INSTITUTE OF AUSTRALIA NSW STATE CONFERENCE (29.00009)

Recommendation: That the information be noted.

Report: The Planning Institute of Australia (PIA) will be hosting the NSW State conference in Bathurst from 1-3 September 2010. The three day event, themed "Start Your Engines", will attract approximately 150 delegates from around NSW with the Institute planning to showcase Bathurst in a number of areas. Council will be supporting the PIA's NSW State Conference by hosting a welcome reception at the National Motor Racing Museum.

PIA is the national peak body for people and organisations involved in planning practice in Australia. The Institute represents and supports almost 5000 planning professionals, Australia-wide and overseas.

The PIA, NSW Conference will showcase Bathurst in a number of ways; through hosting the welcome reception at the National Motor Racing Museum; by incorporating local tours and workshops in the conference program; and by encouraging delegates to extend their stay to cover the weekend through special conference packages. The Conference will be held at Citigate.

The Institute had requested that Council sponsor the welcome reception to be held from 5.30 - 7pm on the Wednesday evening at the National Motor Racing Museum at an anticipated maximum cost of \$2,500. Costs include venue hire and catering. Due to short timeframes and release of conference program, Council's commitment has been granted. It is felt that this event provides an excellent opportunity to showcase the Bathurst Region and in return for sponsorship Council will receive the following package: -

- Exclusive sponsorship of the Welcome reception;
- Corporate Banner display;
- Name and Logo featured on all promotional material and PIA website;
- Promotion as the Welcome Reception sponsor in the conference program along with a 250 word description of Council's objectives/activities in the Conference Program;
- Acknowledgement and half page advertisement in the December 2010 New Planner, the Institutes NSW Journal;
- Inclusion of material in the conference satchel or at an exhibition table at the conference; and
- One full complimentary registration (including main dinner).

Council has also been given the opportunity to showcase local planning effectiveness through hosting bus tours as part of the conference. It is envisaged 3-4 bus tours would be held that showcase Bathurst's heritage, economic development and examples of contested land use.

Financial Implications: The \$2,500 for support, which includes hire venue and catering, be covered from existing budgets.

MINUTE

22 Item 14 PLANNING INSTITUTE OF AUSTRALIA NSW STATE CONFERENCE

MOVED: M Morse SECONDED: I North

RESOLVED: That the information be noted.

15 REGIONAL FILM OFFICES MEETING (35.01864)

Recommendation: That the information be noted.

Report: Council's Economic Development Manager represented the Central NSW region at the Screen NSW, Regional Film Offices meeting held in Sydney on the 25 May 2010. Other regions in attendance included Northern Rivers - Screenworks, Screen Hunter/Central Coast, Mid North Coast and Armidale region – ScreenLinks and Film Broken Hill.

Screen NSW, formally New South Wales Film and Television Office, is a partner agency of Industry and Investment NSW, with a key role in the creative and economic development of the state. The agency hosted a two day meeting to update and discuss various film initiatives including grant funding, NSW Film Friendly policy, location scouting, marketing update and support programs.

Screen NSW also hosted an industry networking function with over thirty location scouts, directors and film production staff. The event gave Regional Film Officers the opportunity to promote their regions for potential films, documentaries and television commercials. Council's Economic Development Manager presented attendees with CDs containing information on the region including images, contact details and unique points of interest.

Financial Implications: Nil.

MINUTE

23 Item 15 REGIONAL FILM OFFICES MEETING

MOVED: G Hanger SECONDED: B Bourke

RESOLVED: That the information be noted.

16 ACCREDITATION OF COUNCIL BUILDING SURVEYORS (02.00005)

Recommendation: That the information be noted.

Report: As Council is aware the State Government has recently introduced legislation requiring Council's Building Surveyors to be accredited by the Building Professionals Board.

Whilst the accreditation process itself is considered wholly redundant it is a system which for the most part is workable.

One issue that has recently come to light which is however wholly unworkable is that by bringing Council's under the scheme it brings with it new conflict of interest provisions. These provisions significantly impact upon Council's functions.

Effective as of 1 September 2010 it will be contrary to the Building Professionals Act for Council's building surveyors to act as the Principal Certifying Authority under the following circumstances:

- Where they have been involved in the design process;
- Where they are "related" to the applicant;
- Where they are associated with the council.

At present being "related to" includes having the same employer i.e. Council.

The Principal Certifying Authority is responsible for issuing any Complying Development Certificates and Construction Certificates and undertaking any inspections during the building process.

The Environmental Planning & Assessment Act gives the responsibility to appointing the PCA to the owners of the land. The requirement for the owner to appoint the PCA was introduced some years ago to break the link between the builder and the certifier due to concerns about the quality of work.

In practical terms it will be a conflict of interest for Council to appoint itself in the following circumstances:

- Where Council is the applicant.
- Where Council is the owner of the land.
- Where the applicant is a member of Council staff or Councillor or is "related to" a staff member or Councillor.

It is understood the last point has been subject to further review by the Building Professionals Board and may change although the details are not known.

In the circumstance where a conflict of interest exists Council will have two options available. It could either:

- Appoint a private accredited certifier; or
- Approach an adjoining Council to undertake approvals and inspections on its behalf.

It is pointedly ludicrous to now have to engage either a private contractor or another Council to undertake tasks which Council currently provides to itself.

The intent of the legislation is to address a perceived "conflict of interest" that exists between

Council's role as the applicant/owner of land and that of its role as a building regulator.

It is interesting to note that historically one of the interesting recommendations of the Campbell Inquiry held into the Quality of Buildings was that the legislation was to be changed such that it is the owners' responsibility to appoint the person they believe to be in the best position to look after their interests. This was due to the close relationships between the builders and some of the private sector certifiers. The principle of the owner being able to choose who is best placed to look after their interests (i.e. to receive a quality building) appears to have been abandoned with this legislation.

It is perhaps helpful to have an understanding about how Council functions in terms of its land development and public infrastructure functions and its building regulatory functions. Presently all works (including its land development and building functions) are arranged through Council's Engineering Sections. This includes the preparation of designs etc. Council itself for the most part engages private building contractors to undertake works on its behalf through the tender process.

The building approval and inspection process is dealt with through Council's Environmental Planning and Building Section under the control of a separate Director. All applications when lodged are allocated randomly amongst staff who are responsible for undertaking the assessment. All approvals are ultimately issued by the Director or other senior managers within the Section. Likewise any inspections are undertaken by staff on a roster system.

The opportunities for corruption and conflict of interest between Councils development functions and building regulatory functions are therefore minimised through its internal processes.

On 29 June Council staff met with the Director of the Building Professionals Board Mr Neil Cocks to raise its concerns regarding the conflict of interest provisions.

The salient points to come out of that meeting was that the Board had heard only limited objections from local government on the effect of the provisions and that legislative change would be necessary to overcome the current situation.

Since that meeting Council staff have met with the Local Member to discuss the issues raised. Mr Martin has also been requested to arrange a meeting with the Minister for Planning to directly discuss these issues.

Council has also prepared a submission directly to the Building Professionals Board seeking amendments to the Act.

Financial Implications: Nil.

MINUTE

24 Item 16 ACCREDITATION OF COUNCIL BUILDING SURVEYORS

MOVED: B Bourke SECONDED: G Westman

RESOLVED: That the information be noted.

**17 CENTRAL NSW ECONOMIC DEVELOPMENT PROFESSIONALS FORUM
(07.00090)**

Recommendation: That the information be noted.

Report: The Central NSW Economic Development Professionals Forum was held on 15 June 2010 at Cowra Council Chambers. The Forum was attended by representatives from Parkes, Cowra, Weddin, Bathurst, Wellington, and Orange Councils. Representatives were also present from Industry and Investment NSW, Regional Development Australia Central NSW, and CENTROC.

Representatives were given the opportunity to have personal training by the Australian Bureau of Statistics (ABS) regarding navigation of the ABS website www.abs.gov.au and the importance of the Census. The next Census will be conducted on 9 August 2011 with over 43,000 people to be employed within a four week period to assist with data gathering and logistics.

The ABS Local Government Portal located on the ABS Website has been updated and was released on Friday 18 June 2010. The portal has been updated to incorporate new formatting standards and to provide the most current and relevant information available. Links to selected relevant external sites have also been incorporated into the portal.

Other agenda items in the meeting included Evocities, Film Central and round table discussions. The next meeting will be hosted by Weddin and invitations have been extended to the Orana ED Professionals group as well as Riverina Region to have a combined Professionals Forum.

Financial Implications: Nil.

MINUTE

25 Item 17 CENTRAL NSW ECONOMIC DEVELOPMENT PROFESSIONALS FORUM

MOVED: G Hanger SECONDED: B Bourke

RESOLVED: That the information be noted.

18 AUTUMN COLOURS 2010 (23.00060)

Recommendation: That the information be noted.

Report: The 2010 Autumn Colours calendar of events has again been a great success with events and activities being held every day over the three months of Autumn.

The hard working Heritage Events working party created six specific activities including: tours of Blair Athol house and gardens, tours of Machattie park, a singing ghost tour around central Bathurst and a walking tour looking at the early settlement area of Bathurst.

Other highlights within the 'history and heritage' section included tours of Logan Brae, night tours at the museums, walking tours of Kelso and great debates and presentations put on by the Bathurst and District Historical Society.

This years colouring competition received 521 entries, with winners being announced and awarded as part of the Proclamation Day celebrations.

Advertising and publicity for the Autumn Colours program was within the following publications: XP Traveller, Blue Mountains Wonderland, Go 55's, Oberon Review, Coach Accommodation Specialists newsletter, Imag and Discover magazine.

Soon work will begin again on the 2011 program, all event suggestions and helpers are welcomed.

Financial Implications: Nil.

MINUTE

26 Item 18 AUTUMN COLOURS 2010

MOVED: W Aubin SECONDED: G Westman

RESOLVED: That the information be noted.

**19 2010 COUNTRYLINK INLAND TOURISM AWARDS PRESENTATION NIGHT
(35.00976)**

Recommendation: That the information be noted.

Report: The Bathurst Visitor Information Centres' 2010 CountryLink Inland Tourism Awards submission in category 7: Visitor Information and Services, has been short listed as a finalist, with the winners to be announced at the gala presentation dinner to be held Saturday 24 July, 2010 at the Temora Aviation Museum. This category is open to Visitor Information Centres, Regional Tourism Associations and Regional Tourism Organisations to recognize their integrated focus on the provision of services to the visitor.

Written submissions were due 14 May and have been through a thorough judging process which involved two separate judges grading the submission and a site inspection of the facility.

Of the 58 entrants, there were 42 finalists across 19 categories. President, Tracey Valenzisi congratulated all the finalists saying "the quality of applications this year was extremely high".

At the May Council meeting it was reported that Felicity Baines, Tourism Manager was to be a judge for these awards and during the process has conducted 9 site inspections and graded 7 nominations within two categories.

Visitor Information Centre staff will attend the dinner.

Financial Implications: The cost of Visitor Information Centre representatives will be covered within the existing budget.

MINUTE

27 Item 19 2010 COUNTRYLINK INLAND TOURISM AWARDS PRESENTATION NIGHT

MOVED: M Morse SECONDED: T Carpenter

RESOLVED: That the information be noted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D R Shaw'. The signature is fluid and cursive, with a large loop at the end.

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
21 JULY 2010

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21 JULY 2010**

General Manager
Bathurst Regional Council

1 STATEMENT OF INVESTMENTS - JUNE 2010 (16.00001)

Recommendation: That the information be noted.

Report: \$52,523,737.83 was invested at 30 June 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):

	\$	<u>Average Return</u>
Bankwest	1,000,000.00	5.13%
Bendigo and Adelaide Bank Limited	7,000,000.00	5.16%
IMB Ltd	9,000,000.00	4.86%
Railways Credit Union	9,500,000.00	5.26%
Reliance Credit Union	1,500,000.00	5.09%
Savings and Loans Credit Union	11,500,000.00	5.24%
SGE Credit Union	2,500,000.00	4.75%
Westpac Banking Corporation	<u>3,000,000.00</u>	<u>5.68%</u>
	\$45,000,000.00	5.15%

Long Term

(comprising Commercial Bills, Term Deposits and Bonds):

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

Community Income Note

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

Floating Rate Notes

ANZ	2,000,000.00	5.04%
Bendigo Bank 2007	2,000,000.00	4.96%
Lehman Brothers Treasury Co - \$1m Face Value	90,000.00	0.00%

Mackay Permanent Building Society	<u>500,000.00</u>	<u>5.22%</u>
	\$4,590,000.00	4.93%
Total Investments	<u>\$52,523,737.83</u>	<u>5.08%</u>

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	\$13,611,248.60	
Unrestricted Investments – All Funds	\$11,483,593.46	
*General Fund		\$54,943.18
*Water Fund		\$4,380,267.96
*Sewer Fund		\$3,002,605.42
*Waste Fund		\$4,045,776.90

R Roach
Responsible Accounting Officer

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

MINUTE

28 Item 1 STATEMENT OF INVESTMENTS - JUNE 2010

MOVED: R Thompson SECONDED: B Bourke

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 30 June 2010. Note that the figures are draft only and are subject to year end and audit adjustments.

	Original Estimate	Previously Revised Estimate	Revised Estimate	Variance for the Month
Engineering Services	11,138,114	11,138,114	11,138,114	0
Corporate Services & Finance	-18,169,860	-18,169,860	-18,169,860	0
Cultural & Community Services	4,129,691	4,129,691	4,129,691	0
Environmental Planning & Building Services	2,851,493	2,851,493	2,851,493	0
TOTAL	-50,562	-50,562	-50,562	0

Variations for the Month of June 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.

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

MINUTE

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

MOVED: W Aubin SECONDED: R Thompson

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

3 SUNDRY SECTION 356 DONATIONS 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 30 June 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:	\$(47,469.78)
BMEC Community use:	\$(2,925.54)

MINUTE

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

MOVED: T Carpenter SECONDED: G Westman

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

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

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

- Cameron J & Fayle R - Lot 121 DP1123180, Adams Street - Transfer
- AJS Building & Design Pty Ltd - Lot 129 DP1123180, Munro Street - Transfer
- Department of Community Services Children's Services - Agreement 2010/2011
- Mars Petcare Australia - Mount Panorama Murray's Corner, Pedestrian Bridge - Lease Agreement
- Sinclair D - Chifley Dam - Part 2 DP224864, Lot 10 & 11 DP224864 - Licence
- Turnbull S - Lot 1 DP995205 and Lot 1 DP1007963, Morrissett Street - Licence
- Toole GS & DM - Lot 420 DP1150519, Blaxland Drive - Transfer
- Dunbar DJ & KR - Lot 419 DP1150519, Blaxland Drive - Transfer
- Taylor BA - Lot 407 DP1150519, McGirr Street- Transfer
- Marr PD & AC - Lot 418 DP1150519, McGirr Street- Transfer

Linen Plan Release

Nil.

Financial Implications: Nil.

MINUTE

31 Item 4 POWER OF ATTORNEY

MOVED: W Aubin SECONDED: I North

RESOLVED: That the information be noted.

5 ESTABLISHMENT OF 2015 BICENTENARY COMMITTEE (23.00080)

Recommendation: That Council

- (a) Establish a Statutory Committee to facilitate and coordinate the 2015 Bicentenary Celebrations
- (b) appoint two delegates to the Committee
- (c) that the 2015 Bicentenary Working Party cease operation.

Report: Council in July 2008 established a 2015 Bicentenary Working Party of interested people from Council and the community to organise the celebration of 200 years of Bathurst in 2015 (see Director Business & Economic Development Report #3 at **attachment 1**).

The Working Party was given the following Charter:

"to facilitate and coordinate the events which make up the 200th Birthday Celebrations of the Proclamation of Bathurst" .

The structure set out was:

<i>"Council Delegates -</i>	<i>2 (Crs Morse & Carpenter)</i>
<i>Alternate Delegate -</i>	<i>1 (Cr Bourke)</i>
<i>Bathurst District Historical Society -</i>	<i>2 representatives</i>
<i>Community -</i>	<i>3 representatives"</i>

As this is a long term project, culminating in festivities during 2015, it would be more appropriate to establish a Council Statutory Committee, rather than a Working Party to cover the operations of this event.

Council already includes within its budget an amount to be placed in reserve to cover the operational costs of this event in 2015. As the event draws closer, Council will need to have strong financial control over the expenditure of funds for these festivities. Council already has in place systems and resources that can cover this event.

In order for this Committee to work successfully the Council Committee will need to establish terms of reference, the parties involved and a Charter to ensure the outcomes of this Committee are met. Shown at **attachment 2** are the draft terms of Reference, Purpose and Procedures. The Charter would be the same as the one given to the 2015 Bicentenary Working Party listed above.

It is proposed to call a community meeting to establish a list of interested groups/persons who can be appointed to the Committee in accordance with membership requirements.

It is imperative that one of the Council delegates is the Chairman of this Committee to ensure that council's governance and financial requirements are met. Council would also act as the secretariat for this committee including the setting of meetings and preparation of business papers.

It is recommended that Council:

- (a) establish a Statutory Committee to facilitate and coordinate the 2015 Bicentenary Celebrations.

- (b) appoint two delegates to the Committee
- (c) that the 2015 Bicentenary Working Party cease operation.

Financial Implications: Funding has been allowed within Council's budget for the 2015 Bicentenary Celebrations.

MINUTE

32 Item 5 ESTABLISHMENT OF 2015 BICENTENARY COMMITTEE

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

RESOLVED: That Council

- (a) Establish a Statutory Committee to facilitate and coordinate the 2015 Bicentenary Celebrations
- (b) appoint Crs Morse & Carpenter as delegates to the Committee and Cr Bourke as alternate delegate.
- (c) that the 2015 Bicentenary Working Party cease operation.

6 DEVELOPMENT APPLICATION 2010/0498 – ADDITIONS TO WEST BATHURST PRESCHOOL, 7 WARK PARADE, BATHURST (2010/0498)

Recommendation: That Council:

- a) not agree to the waiving of the Section 94 and headworks charges payable under Development Application 2010/0492;
- b) reduce the amount of the contribution payable towards the upgrade of roads under Council's Roadworks – New Residential Subdivisions Section 94 Plan to \$3,597.27;
- c) reduce the amount of the contribution payable towards water and sewer headworks to \$2,457.94 and \$2,184.91 respectively if the lesser number of fixture units can be substantiated by the Preschool; and
- d) call a division.

Report: On 2 March 2010 Council received a Development Application from the West Bathurst Preschool for extensions to their premises at 7 Wark Parade, Windradyne.

The proposal involves an extension to the premises by way of an additional playroom and associated infrastructure. The playroom can accommodate an additional 20 students.

The Development Application was subsequently approved on 23 March 2010.

Subsequent to the granting of the consent the Preschool lodged an objection to the payment of contributions as follows:

- \$569.64 under Council's S94 Contribution Plan "Sawpit Creek (East) Stormwater Drainage Management.
- \$8,822.88 under Council's S94 Contribution Plan "Roadworks – New Residential Subdivisions".
- \$3,893.44 towards water headworks and \$3,460.99 towards sewer headworks.

Council should note that in accordance with Council's Management Plan these fees are to be indexed upwards effective as of 1 July.

The contributions currently payable are therefore as follows:

- \$586.73 under Council's S94 Contribution Plan "Sawpit Creek (East) Stormwater Drainage Management.
- \$9,087.84 under Council's S94 Contribution Plan "Roadworks – New Residential Subdivisions".
- \$4,010.32 towards water headworks and \$3,564.85 towards sewer headworks.

The contributions under question therefore amount to \$17,249.74.

The submission requests that the contributions be waived due to the "not for profit" nature of the organization.

The request was initially considered by Council at its meeting held 21 April 2010. Council resolved to defer the matter pending further discussions.

Council subsequently wrote to the Preschool requesting advice as to their financial status.

This advice has been provided to Council under separate cover.

The background to the contributions and their methodology for calculation is outlined below:

Sawpit Creek Section 94 Plan

The Sawpit Creek Section 94 Plan was adopted by Council in 1995.

The Plan provides for funding of catchment management controls in the Sawpit Creek area. The total cost of the works identified was in the order of \$2.1 million (1995 figures).

Contributions towards commercial and special use type developments are charged at the building stage depending on the area of additional impervious (buildings, carparks etc) area.

The charge is currently \$19,557.80 per hectare of impervious area.

The development proposed an additional impervious area of 0.03 hectares. Accordingly a contribution of \$586.73 is payable.

Roadworks – New Residential Subdivisions

The Roadworks – New Residential Subdivisions Section 94 Plan was adopted by Council in 1997.

The Plan applies to the new residential areas in Windradyne, Llanarth, Abercrombie and Eglinton.

The Plan provides for funding upgrading and construction of major roads within the area to accommodate additional traffic generated by the development e.g. the extension of Bradwardine Road and the upgrading of the intersection of Bradwardine and Eglinton Road. The total cost of works identified was in the order of \$7.7 million (1997 figures).

Contributions range from \$1,893.30 per residential lot in the Windradyne area to \$3,751.20 per residential lot in the Eglinton area.

It should be noted that the Section 94 Plan does not relate to upgrading works currently being undertaken in Wark Parade.

Contributions for non-residential developments are based on the estimated traffic generation figures.

The estimated traffic generation figures adopted for the purposes of calculating the contribution are those provided by the RTA in its "Guide to Traffic Generating Developments" of 2.2 per child per day. Based on the additional capacity of the centre of 20 children the estimated traffic generation is in the order of 44 vehicle trips per day.

The traffic generated by the development is therefore equivalent to the daily traffic generated by 4.8 dwellings. Accordingly a contribution of \$9,087.84 is therefore payable.

It should be noted that the Preschool has suggested a much lower traffic generation figure of 124 vehicles per week on the basis that the centre is proposing to only open 4 days per week and on the provision of transport by the centre to students (see attachment 1 Section 1).

Council should note that the original contribution rate was based on 7 day per week usage as opposed to the actual level of usage of 4 days with transport provided. On this basis a reduction in the amount of the contribution is warranted. The reduced figure is to be based on an equivalent generation level of 1.9 dwellings.

If Council were to adopt this lower traffic generation figures the contribution could be reduced to \$3,597.27 (2010/11 figure) based on the actual traffic generation figures provided in the Preschool submission.

Water and Sewer Headworks

Council's current water and sewer headworks plan was adopted in 1992. The plan is currently undergoing review.

The plan provides for funding to upgrade major water and sewer infrastructure throughout the City.

Contributions currently range from \$1,480.70 to \$4,627.60 for water headworks and \$1,565.90 to \$2,374.20 for sewer headworks per equivalent tenement ET.

The contributions for the Windradyne area are \$2,587.30 per ET for water headworks and \$2,299.90 per ET for sewer headworks.

An ET (equivalent tenement) is calculated on the number of additional fixture units (toilet, showers etc) provided for in the development. A single dwelling is generally equivalent to 1 ET.

The contributions calculated for the extensions were based on an additional 5 x WC, 3 x basins, 1 x ablution trough, 1 x shower and 1 x kitchen sink.

This equates to an additional 1.55 ET's or a contribution of \$4,010.32 and \$3,564.85 for water and sewer headworks respectively.

Council should note that there is a slight discrepancy between the number of additional WC's estimated by Council (5) and those estimated by the Preschool (2) (see **attachment 1** Section 2). If the Preschool's figures are adopted the contributions reduce to \$2,457.94 for water headworks and \$2,184.91 for sewer headworks. A review of the approved plans indicates that Council's estimation is correct although it is open for the Preschool to substantiate their figures.

Waiving contribution fees generally

Council should note that these fees are levied on all Development Applications where appropriate.

The contributions are charged notwithstanding the status of the applicants.

The contributions are then put towards funding infrastructure which Council would otherwise have to wholly fund. Any shortfall is then funded by Council by other means.

The contributions themselves are authorised under the Environmental Planning and Assessment Act and the Water Management Act.

Other applicants have wholly legitimate expectation that they will be treated equally in respect of the requirement to pay the contributions.

It is for this reason that it is completely inappropriate for Council to “waive” or reduce the Section 94 and headworks contributions as charged.

Waiving or reducing the contributions leaves a shortfall in the available funding and leads to inequities between applicants.

If Council determines to provide financial assistance to the Preschool it should do so by paying the contribution on its behalf by way of a donation.

In this way it maintains the integrity of its planning systems and its overall capacity to fund infrastructure in the long term.

Financial Implications: If Council adopts the recommendation, contributions would be received in accordance with Council's adopted fees and charges.

MINUTE

33 Item 6 DEVELOPMENT APPLICATION 2010/0498 – ADDITIONS TO WEST BATHURST PRESCHOOL, 7 WARK PARADE, BATHURST

MOVED: I North SECONDED: T Carpenter

RESOLVED: That Council:

- a) not agree to the waiving of the Section 94 and headworks charges payable under Development Application 2010/0492;
- b) reduce the amount of the contribution payable towards the upgrade of roads under Council's Roadworks – New Residential Subdivisions Section 94 Plan to \$3,597.27;
- c) reduce the amount of the contribution payable towards water and sewer headworks to \$2,457.94 and \$2,184.91 respectively if the lesser number of fixture units can be substantiated by the Preschool
- d) Council reduce DA, CC, Plumbing & Inspection fees for the lodgement of the DA by \$1,112 to be funded from Section 356 Donations.
- e) call a division.

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

The result of the division was:

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

Against the motion - Nil.

Absent - Nil.

Abstain - Nil.

Yours faithfully



R Roach

**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

21 JULY 2010

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL MEETING HELD ON 21 JULY 2010**

General Manager
Bathurst Regional Council

1 ASSET MANAGEMENT PLANS (03.00170)

Recommendation: That the Asset Management Plans for Urban Roads, Rural Roads, Bridges and Culverts, and Footpaths and Cycleways be adopted.

Report: Following Council's Meeting of 12 May 2010, the Draft Asset Management Plans for Urban Roads, Rural Roads, Bridges and Culverts, and Footpaths and Cycleways have been advertised for the statutory 28 days, with nil submissions received.

At **attachment 1** is a copy of the previous report to Council's May meeting detailing the need for these plans.

Asset Management Planning is one of the key elements of the Resourcing Strategy to support the Community Strategic Plan under integrated planning requirements. Council has been developing all of the required Asset Management Plans with further plans being developed to draft stage including -

- Water & Sewer
- Buildings
- Parks & Recreation
- Drainage

These plans will be reported to Council in coming months.

The adoption of these plans will provide further input into the Annual Management Plans to ensure the continuing appropriate funding of Council's Asset responsibilities.

It is therefore recommended that Council adopt the above completed plans.

Financial Implications: Funding will need to be incorporated into annual Management Plans.

MINUTE

34 Item 1 ASSET MANAGEMENT PLANS

MOVED: I North SECONDED: T Carpenter

RESOLVED: That the Asset Management Plans for Urban Roads, Rural Roads, Bridges and Culverts, and Footpaths and Cycleways be adopted.

2 TRANSFER OF CROWN ROAD TO COUNCIL - WILLOW TREE LANE & MOUNT RANKIN ROAD (25.00356, 25.00375)

Recommendation: That the segments of Willow Tree Lane and Mount Rankin Road detailed within the Director Engineering Services' report be transferred to Council and included as a part of Council's routine maintenance program.

Report: Willow Tree Lane is the main arterial road feeding the small community at the top of Mount Rankin. At present, the road is partially Council owned as well as partially Crown owned. The Council owned segments are severed by Crown owned segments. Similarly, for Mount Rankin Road. Please refer to **attachment 1**.

For the continuity of maintenance and public safety, logic would dictate, in this particular circumstance, to transfer these segments to Council for future maintenance. Council maintenance crews already conduct maintenance on the Council owned sections of road with the current practice omitting the Crown Road sections. As Council work crews are in the area when maintaining Council owned sections of the road, and in view of the fact that the Crown Road sections provide an essential link to other Council owned sections of road, it is proposed Council maintains these sections of road.

This is a one-off occurrence, Council will continue to maintain its existing policy position with respect to Crown Road areas in the Council area.

The total length of Crown Road proposed to be transferred is approximately 3.8km, equating to about 2 days worth of maintenance grading that will be incorporated into Council's existing maintenance program. The existing sections of Council Road are currently graded (generally) twice per year (maximum).

Financial Implications: Existing operating budgets are sufficient to cater for expenditure on these items.

MINUTE

35 Item 2 TRANSFER OF CROWN ROAD TO COUNCIL - WILLOW TREE LANE & MOUNT RANKIN ROAD

MOVED: I North SECONDED: R Thompson

RESOLVED: That the segments of Willow Tree Lane and Mount Rankin Road detailed within the Director Engineering Services' report be transferred to Council and included as a part of Council's routine maintenance program.

3 KEEP AUSTRALIA BEAUTIFUL GRANT - BEVERAGE RECYCLING TRIAL (14.00008)

Recommendation: That the information be noted.

Report: Council has recently been successful in receiving a small grant from the Keep Australia Beautiful organisation to the amount of \$5,100 in order to trial dedicated beverage recycling containers in the Bathurst Region.

The Keep Australia Beautiful, Beverage Container Recycling Community Grants, funded by The Coca-Cola Foundation provide financial support and guidance to individuals, communities and organisations for the implementation of projects which make long term impacts on the recycling of beverage containers.

The project proposes to undertake a small-scale trial of public place recycling through the placement of three dedicated beverage recycling containers for a five month period in three key locations across the city. The containers are designed to collect plastic PET bottles for recycling whilst minimising contamination from general waste.

The three recycling containers will be located at three key sites which are yet to be determined however each of these sites will be publicly accessible to ensure that maximum exposure of the new recycling opportunity.

The grant funding will cover the cost of the dedicated containers and it is anticipated that they will be placed in locations where recycling collections already exist, thus keeping the cost of the additional collection to a minimum.

A report will be presented to Council at the conclusion of the trial to advise of any environmental benefits or savings made as a result of the beverage recycling trial.

Financial Implications: All costs not covered by the grant monies are included in existing budgets.

MINUTE

36 Item 3 KEEP AUSTRALIA BEAUTIFUL GRANT - BEVERAGE RECYCLING TRIAL

MOVED: G Westman 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
21 JULY 2010

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 21 JULY 2010**

General Manager
Bathurst Regional Council

1 CHIFLEY HOME - COMMEMORATING EMINENT AUSTRALIANS GRANT (22.00235)

Recommendation: That Council:

- (a) allocate \$4,545.00 to Chifley Home for concreting works; and
- (b) accept the Federal Department of Environment, Water, Heritage and the Arts grant of \$8767.27 in their Eminent Australians Program for concreting repairs at Chifley Home.

Report: Bathurst Regional Council has just been awarded funding of \$8,767.27 from the Commonwealth Government under their "Commemorating Eminent Australians Program" for major concrete works at Chifley Home.

The proposed works will concentrate on the section of concrete at the rear of the property which was reportedly laid by Prime Minister Ben Chifley sometime during the 1940s, early 1950s. Being part of the original fabric of the heritage site, this section of concrete forms an important part of Chifley Home's current conservation plan. After careful consideration with Council's Heritage Advisor and the Planning Department, it has been decided that sections of severely decayed and worn concrete in this area be replaced with a similar design and texture, whilst what original concrete can be saved is suitably repaired and stabilised – this includes sections of the concrete support edging.

It is essential that such works take place, not only to maintain the heritage integrity of Chifley Home, but because that area of concrete is now extremely unsafe for both staff and visitors to Chifley Home. A further urgency is that this particular area of the site will shortly act as the main access point for visitors to the new Chifley Home Interpretative Centre. Works are intended to commence within the next few weeks.

In order for Council to accept this grant it must make a commitment of \$4,545.45 to support the works being undertaken.

Financial Implications: Council is required to vote an additional \$4,545.45 to capital expenditure at Chifley Home from general revenue to be eligible to accept federal grant funding of \$8,767.27.

MINUTE

37 Item 1 CHIFLEY HOME - COMMEMORATING EMINENT AUSTRALIANS GRANT

MOVED: B Bourke SECONDED: T Carpenter

RESOLVED: That Council:

- (a) allocate \$4,545.00 to Chifley Home for concreting works; and
- (b) accept the Federal Department of Environment, Water, Heritage and the Arts grant of \$8767.27 in their Eminent Australians Program for concreting repairs at Chifley Home.

2 MAY'S: THE MAY LANE STREET ART PROJECT (21.00002)

Recommendation: That the information be noted.

Report: On 24 June 2010 Bathurst Regional Art Gallery was advised that they had been successful in receiving funding of \$74,375 from the Australian Government's Visions of Australia Scheme to tour their important and innovative exhibition of street art entitled *MAY'S: The May Lane Street Art Project* in 2011/2012.

These funds are additional to the \$28,800 previously received from Visions of Australia to develop the project and the \$14,500 from the Gordon Darling Foundation towards the cost of the catalogue to accompany the exhibition.

This brings the total funding raised for this exhibition to \$117,675.

This exhibition and its tour is an important initiative of the Bathurst Regional Art Gallery to create exhibitions of national importance whereby raising the profile of the gallery and the Council as a centre of artistic excellence and innovation.

MAYS: the May Lane Street Art Project is an important partnership project between Bathurst Regional Art Gallery and May Lane Arts Association Inc.

This exhibition of 25 works is the first touring exhibition in Australia to give a comprehensive overview of what is happening nationally and internationally in street art. The works in the exhibition span a broad range of street art styles: New York graffiti, spray paint, paste ups and stencils. The artworks were created at May Lane between 2005 and 2010 by celebrated Australian and international street artists.

The May's Lane Project is an outdoor gallery space located in St Peters in Sydney's inner west. A local businessman, Tugi Balog, who has curated the exhibition, has turned the exterior walls of his business premises into a site-specific gallery for street artists. Mr Balog has been documenting the May Lane Street Art Project since its inception in 2004. As a result, May's has a collection of over 100 panels spanning the life of the project and incorporating all the artists who have created work in May Lane.

The exhibition opens at Bathurst in October 2010 (15 October – 28 November 2010), and then travel to six (6) venues in three (3) states in 2011 and 2012. The venues are:

- Artspace, Mackay QLD - 11 March -1 May 2011
- Samstag Museum of Art , Adelaide SA - 13 May - 1 July 2011
- Lake Macquarie City Art Gallery, NSW - 29 July -11 Sept 2011
- Belconnen Arts Centre, ACT - 24 Sept - 22 October 2011
- Cockatoo Island, NSW- November - December 2011
- Gosford Regional Gallery, NSW- 4 February -1 April 2012

The exhibition will explore the history and evolution of the international and Australian street art movement which has in recent years gained ground as a legitimate contemporary art form with many street artists exhibiting in major galleries around the world.

Bringing street art into a gallery serves to educate and inform communities by making it accessible to wide variety of people. The exhibition and tour will help to demystify some of the negative issues surrounding street art and provide an important educational resource for galleries and the general public.

The exhibition will have a strong focus on education and public programs. A comprehensive catalogue and a DVD featuring interviews with artists and experts is being produced to accompany the tour.

The artists represented in the exhibition are: Adam Hill, B.U.G.A.U.P, Chor Boogie (USA), Deb, Die Laughing Collective, DLUX!, Dmote, Cultural Urge, Jumbo, Kenji Nakayama (US/Japan), Kid Zone, Kamion (UK), Luna, Mare, Mini Graff, Nails, Numskull, Otis, Peque (Mexico), Peru, Phibs, Scram, Spice, Taring Padi (Indonesia), Zap and Zombe.

Financial Implications: Council's income and expenditure will be both increased by \$74,375 recognising receipt of the Visions of Australia Grant.

MINUTE

38 Item 2 MAY'S: THE MAY LANE STREET ART PROJECT

MOVED: G Westman 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 21 JULY 2010**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 7 JULY 2010 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 7 July 2010 be adopted.

Report: The Minutes of the Policy Committee Meeting held 7 July 2010, are attached.

Financial Implications: N/A

MINUTE

39 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 JULY 2010

MOVED: B Bourke SECONDED: G Westman

RESOLVED: That the recommendations of the Policy Committee Meeting held on 7 July 2010 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 7 JULY 2010

5PM MEETING COMMENCES

1 MEETING COMMENCES

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

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

APOLOGIES

2 APOLOGIES

MOVED Cr M Morse

and **SECONDED** Cr B Bourke

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

REPORT OF PREVIOUS MEETING

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

MOVED Cr I North

and **SECONDED** Cr G Westman

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

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST

MOVED Cr I North

and **SECONDED** Cr M Morse

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

- 5** **Item 1 DELEGATIONS REGISTER UPDATE (13.00020, 41.00088)**
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That Council adopt the change to the Delegations Register as tabled.

- 6** **Item 2 POLICY MANUAL UPDATE - DESIGNATED PERSONS (41.00089, 11.00002)**
MOVED Cr B Bourke and **SECONDED** Cr G Westman

RESOLVED: That Council note the information and update the list of designated positions in the Policy Manual.

GENERAL BUSINESS

- 7** **PIGEONS 14.00009**

Cr Bourke – asked could Councillors be advised of any actions occurring.

- 8** **BERRY PARK & BRIDGE AREA 2010/0491**

Cr Bourke – asked when will work occur that has been budgeted for.

The Director Engineering Services advised money provided for works on townside of the bridge.

- 9** **HEREFORD STREET 25.00035**

Cr Aubin – advised that when rain occurs the road easily floods and covers footpath. Can we look at what could possibly be done to alleviate this.

The Director Engineering Services advised of process needed through fisheries to clean creek.

- 10** **ONE LOCAL GOVERNMENT ASSOCIATION 18.00105**

Cr Morse – asked does Council have a position on this.

The Mayor advised he will come back to Council with LG&SA proposal.

- 11** **HOLY FAMILY, MARSDEN LANE 25.00124**

Cr Westman – suggested may need crossings here, can we look at this?

The Director Engineering Services advised that the matter will be reviewed and

advice will be provided to Councillors.

12 SOARING CLUB 2010/0153

Cr Westman – asked will we look at guidelines for use of site and what can occur.

The Manager Strategic Planning advised can look at this if there is an intensification of use at the site

13 RENAMING OF KELSO 20.00059

Cr Westman – advised a proposal has been received concerning the naming of areas in Kelso. What are we doing about this?

The Manager Strategic Planning advised zoning of area etc is being looked at. It is preferable that renaming awaits finalising of this process.

14 BIKE PARK PROPOSAL 20.00117

Cr Westman – spoke to recent trip to Mt Stromlo re bike facilities and thanked staff for their assistance.

15 SUCCESSION PLAN - MACHATTIE PARK & KINGS PARADE 04.00012, 04.00039

Cr Carpenter – advised that issue of what trees will be used for replacement needs to be considered. Can Council develop a succession plan.

16 STREET BEAUTIFICATION PLAN 20.00019

Cr Carpenter – requests Council review the CBD Beautification Plan and the possibility of planting more trees in this program.

17 ONE ASSOCIATION PROPOSAL 18.00105

Cr Carpenter – spoke to proposal and recent vote by the Shires Association to form one association.

18 AUTUMN COLOURS PROGRAM 23.00060

Cr Hanger – thanked the Visitors Information Centre staff for work put into this program.

19 GET KNOTTED PROGRAM 23.00133

Cr North – thanked the staff for the work they put into this project.

MEETING CLOSE

20 MEETING CLOSE

The Meeting closed at 5.15 pm.

CHAIRMAN: _____

Date: _____ **(21 July 2010)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 21 JULY 2010**

General Manager
Bathurst Regional Council

1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 JULY 2010 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 6 July 2010 be adopted.

Report: The Minutes of the Traffic Committee Meeting held 6 July 2010, are attached.

Financial Implications: N/A

MINUTE

40 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 JULY 2010

MOVED: W Aubin SECONDED: I North

RESOLVED: That the recommendations of the Traffic Committee Meeting held on 6 July 2010 be adopted.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 6 JULY 2010

2 PM MEETING COMMENCES

1 PRESENT

Members: Cr Warren Aubin (BRC), Luke Cole (Police), Robert Walker (RTA), Jeff Crompton (MP Representative)

Observers: Andrew Cope (RTA), Manager Technical Services, Senior Technical Officer, Road Safety Officer.

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 1 JUNE 2010 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 1 June 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 1 JUNE 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 INTERSECTION UPGRADE - OPHIR ROAD, WESTBOURNE DRIVE AND DARWIN DRIVE, LLANARTH (25.00040)

That Council approve the proposed upgrade of the intersection of Ophir Road, Westbourne Drive and Darwin Drive, Llanarth, subject to the conditions decided by

the Traffic Committee.

8 Item 4 CENTRAL TABLELANDS MOTORCYCLE CLUB SUNNY CORNER TRAIL BIKE RIDE - 2010 EVENT (23.00015-06)

That Council classify the Sunny Corner Trail Bike Ride to be staged on Forests NSW and Council roads on Saturday 18 September 2010 and Sunday 19 September 2010 as a Class 2 event and that the event be approved subject to conditions decided by the Traffic Committee

9 LATE REPORT

MOVED J Crompton and **SECONDED** R Walker

RESOLVED: That the Committee accept and deal with the late report on Royal Bathurst Show at the Traffic Committee Meeting held on 6 July 2010.

10 Item 5 ROYAL BATHURST SHOW ACCESS REVIEW (22.00053-07)

That the information be noted.

TRAFFIC REGISTER

11 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

12 MEETING CLOSE

The Meeting closed at 3 pm.

CHAIRMAN: _____

Date: _____ **(21 July 2010)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
CLIMATE CHANGE COMMITTEE

**CLIMATE CHANGE COMMITTEE TO THE ORDINARY MEETING OF BATHURST
REGIONAL COUNCIL MEETING HELD ON 21 JULY 2010**

General Manager
Bathurst Regional Council

1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 23 JUNE 2010 (07.00093)

Recommendation: That the recommendations of the Climate Change Committee Meeting held on 23 June 2010 be adopted.

Report: The Minutes of the Climate Change Committee Meeting held on 23 June 2010, are attached.

Financial Implications: Nil.

MINUTE

41 Item 1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 23 JUNE 2010

MOVED: B Bourke SECONDED: T Carpenter

RESOLVED: That the recommendations of the Climate Change Committee Meeting held on 23 June 2010 be adopted.

MINUTES OF THE CLIMATE CHANGE COMMITTEE
HELD ON 23 JUNE 2010

MEETING COMMENCES

1 MEETING COMMENCES

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

APOLOGIES

2 APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING RECONVENED FROM 10 NOVEMBER 2009 - HELD 2 DECEMBER 2009 (07.00093)

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

RESOLVED: That the recommendations of the Climate Change Committee Meeting reconvened from 10 November 2009 held on 2 December 2009 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST

MOVED Cr M Morse 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

5 Item 1 GENERAL REPORT (07.00093)

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

RESOLVED: That the information be noted.

6 Item 2 ENERGY SAVING PILOT PROGRAM – CIVIC CENTRE FINANCE

SECTION (37.00278)

MOVED Cr T Carpenter

and **SECONDED** Cr R Thompson

RESOLVED: That the information be noted.

7 **Item 3 PLANET FOOTPRINT ELECTRICITY REPORTS TO END OF QUARTER 3 FINANCIAL YEAR 2009/2010 (13.00027)**

MOVED Cr G Westman

and **SECONDED** Cr T Carpenter

RESOLVED: That the information be noted.

8 **Item 4 COMMUNITY PROGRAMS (07.00093)**

MOVED Cr G Hanger

and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

9 **Item 5 EDUCATION PROGRAMS (07.00093)**

MOVED Cr G Hanger

and **SECONDED** Cr B Bourke

RESOLVED: That the information be noted.

10 **Item 6 ENVIRONMENTAL GRANT PROGRAMS – PROGRESS UPDATE (07.00093)**

MOVED Cr G Westman

and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

11 **Item 7 RECENT REPORTS TO COUNCIL (07.00093)**

MOVED Cr B Bourke

and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

12 **Item 8 VEGETATION MANAGEMENT PLAN AND URBAN WATERWAYS MANAGEMENT PLAN UPDATE (13.00001 & 37.00259)**

MOVED Cr M Morse

and **SECONDED** Cr G Westman

RESOLVED: That the information be noted.

MEETING CLOSE

13 **MEETING CLOSE**

The Meeting closed at 5.18pm.

CHAIRMAN: _____

Date: _____ **(21 July 2010):**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL
COUNCIL MEETING HELD ON 21 JULY 2010**

General Manager
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD
9 JUNE 2010 (11.00019)**

Recommendation: That the information be noted.

Report: PRESENT:

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

General Manager, Director Corporate Services & Finance, Director Environmental Planning & Building Services, Director Engineering Services, Director Cultural & Community Services, Manager Corporate Governance, Manager Community Services.

1. BATHURST BASE HOSPITAL (22-01047)

David Wright, General Manager Bathurst Base Hospital attended the meeting and addressed Council on various matters.

Discussion included:

- Programs of appliances for disabled people (PADP) - there is an issue with sustaining service level and that the service was now being operated out of Sydney due to the recent closure of regional centres.
- St Vincent closure - explained that the Bathurst Base Hospital has made a submission to the State Government on the impacts of the impending closure of St Vincent's Hospital on Bathurst Base Hospital. Bathurst Base Hospital is expected to pick up approximately 50% of the patient workload currently experienced at St Vincent's and the rest heading out of town to other hospitals for example Orange and Lithgow. It is seeking \$4.5m from the State to operate private beds.
- State Budget - believe that the funding allocated in the State Budget for the Heritage building at the hospital would be sufficient to complete building works. Also gave insight into the inclusions into the new office buildings and the heritage part of the old hospital.
- Orange Base Hospital - Mr Wright explained that he did not believe Bathurst would suffer as a result of the construction of the new Orange hospital as Bathurst had a \$100m dollar building of its own and a \$44m dollar budget on an annual basis. He stressed it was difficult to attract medical practitioners over the Mountains.

- Seating Clinic - The Mayor raised concerns about the loss of service to Bathurst and the increased process required to access this service. Suggested, may need a workshop for the community to explain the new procedures.
- In summary Mr Wright explained to Council that he believed Bathurst was an excellent facility and that it is moving forward and that the key to it moving forward is an emphasis on medical recruitment to the hospital which will increase patient services.

2. UPPER MACQUARIE COUNTY COUNCIL (18.00172)

Chairman of Upper Macquarie County Council, Mr Howard Fisher and General Manager, Mr Roy Jennison, attended the meeting and addressed Council on issues relating to Upper Macquarie County Council weeds authority.

Discussion included:

- Thanked Bathurst Regional Council for its assistance in establishing Upper Macquarie County Council's website.
- Thanked Council for its commitment to funding the County Council, this enables the County Council to plan better for future years.
- The drought has currently broken and there has been an explosion of weeds throughout the County Council area.
- One of the real successes of Upper Macquarie County Council is the aerial spraying programme which continues to provide good value.
- Upper Macquarie County Council has undertaken considerable amount of public consultation in recent years which has achieved good results.
- They are working towards installation of a mapping system.
- They are introducing a system of signage throughout the Council area advising land holders when to spray weeds.
- Explained that the grant application for funds from NSW Industry and Investments process had changed this year and that Upper Macquarie County Council was submitting their own application rather than through the regional organisation.

Financial Implications: Nil

MINUTE

**42 Item 1 COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES HELD 9 JUNE 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: I North SECONDED: 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 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	RENEWAL OF LICENCE AGREEMENTS - CONROD STRAIGHT AND COLLEGE ROAD MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** Director Engineering Services' Report**

to the Council Meeting 21/07/2010

GENERAL MANAGER

MAYOR
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ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS 2010-2011	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 MINUTES
21 JULY 2010

MINUTE

a Item 1 RENEWAL OF LICENCE AGREEMENTS - CONROD STRAIGHT AND COLLEGE ROAD MT PANORAMA

MOVED: B Bourke SECONDED: W Aubin

That Council approves entering into a new licence agreement with Graham and Maria Ireland for Lot 1 DP749758 Conrod Straight and Lot 117 DP750357 College Road Mt Panorama for a period of one (1) year with two (2) x one (1) year option periods at a yearly lease fee of \$410.40 pa for Lot 1 and \$236.18 pa for Lot 117 as detailed in the report.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
CONFIDENTIAL DIRECTOR ENGINEERING SERVICES' MINUTES
21 JULY 2010

MINUTE

b Item 1 TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS 2010-2011

MOVED: I North SECONDED: T Carpenter

That Council accept the following tenders for the supply and delivery of Water Treatment Chemicals from 1 August 2010 to 30 June 2011:

- (a) Nowra Chemical Manufacturers Pty Ltd for liquid aluminium sulphate
- (b) Redox Pty Ltd for soda ash.

Yours faithfully



Doug Patterson
DIRECTOR
ENGINEERING SERVICES

MINUTE

44 RESOLVE INTO OPEN COUNCIL

MOVED: R Thompson SECONDED: B Bourke

RESOLVED: That Council resume Open Council.

to the Council Meeting 21/07/2010

GENERAL MANAGER

MAYOR
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MINUTE

45 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MOVED: M Morse SECONDED: G Westman

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

MINUTE

46 MEETING CLOSE

The Meeting closed at 7.30 pm.

CHAIRMAN: _____

Date: _____ **(18 August 2010)**

to the Council Meeting 21/07/2010

GENERAL MANAGER

MAYOR
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