



ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL

11 August 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, 18 August 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, 18 AUGUST 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 - 21 July 2010
  - \* Minutes - Ordinary Meeting Of Bathurst Regional Council Following Policy - 4 August 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
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 - 4 August 2010
  - \* Minutes - Traffic Committee Meeting - 3 August 2010
10. NOTICES OF MOTION - Nil
11. RESCISSION MOTIONS - Nil

12. DELEGATES REPORTS

- \* Councillors Meeting With Community Groups/representatives Held 14 July 2010
- \* Councillors Meeting With Community Groups/representatives Held 28 July 2010
- \* Minutes Of The Bathurst Regional Youth Council Meeting Held On Thursday, 22 July 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	BATHURST 12 HOUR EVENT 2010 - STATEMENT OF INCOME AND EXPENDITURE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED AFL CLUBROOMS - BATHURST	10A (2) (d) (i) – contains commercial information of a

	BUSHRANGERS ARFC INC	confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	PROPOSED REDEVELOPMENT OF 88 LEE STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED TRANSFER OF LICENCE AGREEMENT, COUNTER SPACE, BATHURST AERODROME TERMINAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	RENEWAL OF RESIDENTIAL LEASE - 159 EGLINTON ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TRANSFER OF LEASE - 193 MORRISSET STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would,

		if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	EXPRESSION OF INTEREST - BATHURST TENNIS CENTRE - JOHN MATTHEWS SPORTING COMPLEX	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED NEW LEASE OF 8 STANLEY STREET, BATHURST	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned. 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 FOR CONSTRUCTION OF SUSTAINABLE LIFESTYLE HOUSE	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	NATIONAL WATER SECURITY PLAN FOR CITIES AND TOWNS – COMPETITIVE GRANTS ELEMENT BATHURST WATER FILTRATION PLANT – SUPERNATANT RECYCLING PROJECT	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	CHIFLEY ENGINE SHED	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	DEED OF DEDICATION, BANKS AND BLANDFORD STREETS, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**\* General Manager's Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
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1	STAFF UNIFORMS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

## MINUTE

### 1 MEETING COMMENCES

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

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to the Council Meeting 18/08/2010

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GENERAL MANAGER

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MAYOR  
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## MINUTE

### 2 PUBLIC QUESTION TIME

#### Keith Sheehan – Telstra Tower (DEPBS #5)

Stated the tower is too close to schools, residents and aged care facilities, and will impact on property values.

#### Michelle Gooley (57 Miriyan Drive) - Telstra Tower (DEPBS #5)

Stated the tower is too close to residences, Ilumba Gardens and Kelso High School. Perhaps another tower at Mount Panorama would ease the pressure. Why does it need to be in Kelso, should go in an area where residences are not located. Noted petition of over 400 signatures received. Tower will impact on property valuations and health.

#### Peter Dowling – Telstra Tower (DEPBS #5)

Stated has family in the area near the proposed tower. A study has been done on emissions and the impact such as Leukemia and Cancer that may occur. The results are substantive. Spoke to rents charged and costs of towers. Medical issues are a problem and low radiation can play havoc with cells and DNA. Doctors believe towers are radiation hazards.

#### Lou Lucarno (46 Miriyan Drive) – Telstra Tower (DEPBS #5)

Objects on visual and health aspects. Health has not been proven either way and so should err on side of caution. Telstra has other options, appears cost is the only issue for Telstra. Asks Councillors to back residents.

#### Peter O'Hara (14 Ilumba Way) – Telstra Tower (DEPBS #5)

Spoke of Telstra presentation to residents. Felt health issues are a problem, science does not tell us all problems. Would Council with clear conscience subject school students to the unknown.

#### Gordon Crisp (Ratepayer and resident)

1. Parking arrangements Bathurst city - when restrictions enforced are these under delegated authority of Police?

**The Director Environmental Planning & Building Services** took this on notice.

2. Does Council have a current authority to enforce?

**The Mayor** took this on notice.

3. If no authority held, on what basis can enforcement action be taken.

**The Mayor** took this on notice.

4. If senior officers knew no authority held, would they be breaching the law?

5. Raised a query about Council's ability to order residents to clear plants back from pathways.

**Bob Triming (resident)**

1. Sound System in Chambers - requested in 2008 this be fixed up. There are still problems. Can this be attended to , cannot hear at the back. Lithgow has same system, but speakers are not in the ceiling and works well.
2. Security Lighting - Broken Blade Memorial - thanked Director Engineering Services for this being installed. Area is also being kept a lot cleaner.
3. Bathurst & District Vietnam Veterans Association - Thanked Mayor and General Manager for attending commemoration service on 18 August. Noted Carillon was partially wheelchair accessible, can this be further looked at. Thanked Director Engineering Services for roadworks at the Memorial Park recently undertaken on behalf of the Association.

**MINUTE**

**3     APOLOGIES**

Nil.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
MINUTES

**MINUTES TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**MEETING HELD ON 18 AUGUST 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 21 JULY 2010 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 21 July, 2010 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held 21 July 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 21 JULY 2010**

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

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

**2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
FOLLOWING POLICY - 4 AUGUST 2010 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council Following Policy held on 4 August 2010 be adopted..

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council Following Policy held on 4 August 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
FOLLOWING POLICY - 4 AUGUST 2010**

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

**RESOLVED:**That the Minutes of the Ordinary Meeting of Bathurst Regional Council Following Policy held on 4 August 2010 be adopted.



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

**6.00 PM - MEETING COMMENCES**

**1 6.00 PM - MEETING COMMENCES**

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

**PUBLIC QUESTION TIME**

**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.

### **APOLOGIES**

#### **3 APOLOGIES**

Nil.

### **MINUTES**

#### **4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 16 JUNE 2010 (11.00005)**

**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

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

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

**MOVED** Cr B Bourke and **SECONDED** Cr R Thompson

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

### **DECLARATION OF INTEREST**

#### **6 DECLARATION OF INTEREST**

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

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

### **MAYORAL MINUTE**

#### **7 Item 1 ONE ASSOCIATION - LOCAL GOVERNMENT NSW (18.00105)**

**MOVED** Cr P Toole

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

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

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

- 9** **Item 2 GENERAL REPORT (03.00053)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

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

- 10** **Item 3 LOCALITY BOUNDARY ALTERATION - GEMALLA, MEADOW FLAT & TARANA (20.00059)**  
**MOVED** Cr I North and **SECONDED** Cr 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

- 11** **Item 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)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr 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

- 12** **Item 5 DEVELOPMENT APPLICATION NO. 2010/0570 – DWELLING HOUSE AT 3 CHURCH LANE, KELSO. APPLICANT: DAVID DUNBAR HOMES. OWNER: E TOUBIA (2010/0570)**  
**MOVED** Cr B Bourke and **SECONDED** Cr 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

**13**

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

**MOVED** Cr T Carpenter

and **SECONDED** Cr 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.

- 14** **Item 6 DEVELOPMENT APPLICATION 2009/0607– WORKSHOP, SHOWROOM AND OFFICE AND DWELLING AT 78 BANT STREET, BATHURST. APPLICANT & OWNER: P GREEN (DA/2009/0607)**  
**MOVED** Cr M Morse and **SECONDED** Cr 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

- 15** **Item 7 'BACKYARDS FOR WILDLIFE' SURVEY AND BOOKLET DEVELOPMENT (13.00053)**  
**MOVED** Cr M Morse and **SECONDED** Cr B Bourke

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

- 16** **Item 8 DRAFT BATHURST REGIONAL (INTERIM) LOCAL ENVIRONMENTAL PLAN 2005 (AMENDMENT NO. 2) (20.00158)**  
**MOVED** Cr R Thompson and **SECONDED** Cr I North

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

- 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) (20.00155)**  
**MOVED** Cr I North and **SECONDED** Cr W Aubin

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

- 18** **Item 10 PLANNING PROPOSAL – BATHURST REGION HERITAGE (20.00162)**  
**MOVED** Cr G Westman and **SECONDED** Cr 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.

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

**MOVED** Cr I North and **SECONDED** Cr 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.

**20** **Item 12 COUNCIL SECTION 94 PLANS (20.00036)**

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

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

- 21**      **Item 13 ECONOMIC DEVELOPMENT FORUMS (07.00090)**  
**MOVED** Cr T Carpenter                          and **SECONDED** Cr B Bourke

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

- 22**      **Item 14 PLANNING INSTITUTE OF AUSTRALIA NSW STATE CONFERENCE (29.00009)**  
**MOVED** Cr M Morse    and **SECONDED** Cr I North

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

- 23**      **Item 15 REGIONAL FILM OFFICES MEETING (35.01864)**  
**MOVED** Cr G Hanger    and **SECONDED** Cr B Bourke

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

- 24**      **Item 16 ACCREDITATION OF COUNCIL BUILDING SURVEYORS (02.00005)**  
**MOVED** Cr B Bourke    and **SECONDED** Cr G Westman

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

- 25**      **Item 17 CENTRAL NSW ECONOMIC DEVELOPMENT PROFESSIONALS FORUM (07.00090)**  
**MOVED** Cr G Hanger    and **SECONDED** Cr B Bourke

**RESOLVED:** That the information be noted

- 26**      **Item 18 AUTUMN COLOURS 2010 (23.00060)**  
**MOVED** Cr W Aubin    and **SECONDED** Cr G Westman

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

- 27**      **Item 19 2010 COUNTRYLINK INLAND TOURISM AWARDS PRESENTATION NIGHT (35.00976)**  
**MOVED** Cr M Morse    and **SECONDED** Cr T Carpenter

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

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

- 28**      **Item 1 STATEMENT OF INVESTMENTS - JUNE 2010 (16.00001)**  
**MOVED** Cr R Thompson    and **SECONDED** Cr B Bourke

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

- 29** **Item 2 YEAR TO DATE REVIEW - 2009/2010 MANAGEMENT PLAN AND BUDGET (16.00116)**  
**MOVED** Cr W Aubin and **SECONDED** Cr R Thompson

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

- 30** **Item 3 SUNDRY SECTION 356 DONATIONS AND BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY (18.00004)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr G Westman

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

- 31** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

**RESOLVED:** That the information be noted

- 32** **Item 5 ESTABLISHMENT OF 2015 BICENTENARY COMMITTEE (23.00080)**  
**MOVED** Cr T Carpenter and **SECONDED** Cr 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.

- 33** **Item 6 DEVELOPMENT APPLICATION 2010/0498 – ADDITIONS TO WEST BATHURST PRESCHOOL, 7 WARK PARADE, BATHURST (2010/0498)**  
**MOVED** Cr I North and **SECONDED** Cr 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.

**Director Engineering Services' Report**

- 34** **Item 1 ASSET MANAGEMENT PLANS (03.00170)**  
**MOVED** Cr I North and **SECONDED** Cr T Carpenter

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

- 35** **Item 2 TRANSFER OF CROWN ROAD TO COUNCIL - WILLOW TREE LANE & MOUNT RANKIN ROAD (25.00356, 25.00375)**  
**MOVED** Cr I North and **SECONDED** Cr 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.

- 36** **Item 3 KEEP AUSTRALIA BEAUTIFUL GRANT - BEVERAGE RECYCLING TRIAL (14.00008)**  
**MOVED** Cr G Westman and **SECONDED** Cr I North

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

**Director Cultural & Community Services' Report**

- 37** **Item 1 CHIFLEY HOME - COMMEMORATING EMINENT AUSTRALIANS GRANT (22.00235)**  
**MOVED** Cr B Bourke and **SECONDED** Cr 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.

- 38** **Item 2 MAY'S: THE MAY LANE STREET ART PROJECT (21.00002)**  
**MOVED** Cr G Westman 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 - 7 JULY 2010 (07.00064)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

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

### **Traffic Committee Meeting**

- 40** **Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 6 JULY 2010 (07.00006)**  
**MOVED** Cr W Aubin and **SECONDED** Cr I North

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

### **Climate Change Committee**

- 41** **Item 1 MINUTES - CLIMATE CHANGE COMMITTEE MEETING - 23 JUNE 2010 (07.00093)**  
**MOVED** Cr B Bourke and **SECONDED** Cr T Carpenter

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

## **DELEGATES REPORTS**

- 42** **Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD 9 JUNE 2010 (11.00019)**  
**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 I Northand **SECONDED** Cr B Bourke

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

**There 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**

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.
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### Director Corporate Services & Finance's Report

- a** Item 1 RENEWAL OF LICENCE AGREEMENTS - CONROD STRAIGHT AND COLLEGE ROAD MT PANORAMA (22.11530 and 22.04491)  
MOVED Cr B Bourke and SECONDED Cr 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.

### Director Engineering Services' Report

- b** Item 1 TENDER FOR SUPPLY AND DELIVERY OF WATER TREATMENT CHEMICALS 2010-2011 (36.00387)  
MOVED Cr I North and SECONDED Cr 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.

### RESOLVE INTO OPEN COUNCIL

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

**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 M Morse and SECONDED Cr G Westman

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

**MEETING CLOSE**

**46      MEETING CLOSE**

The Meeting closed at 7.30 pm.

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

**Date:** \_\_\_\_\_ **(18 August 2010)**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE  
HELD ON 4 AUGUST 2010**

**MEETING COMMENCES**

**1 6.45 pm MEETING COMMENCES**

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

**APOLOGIES**

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

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

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST**  
**MOVED** Cr I North and **SECONDED** Cr G Westman

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

Cr Westman  
Item 1 of the Director of Corporate Services & Finance's Confidential report

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Cultural & Community Services' Report**

**4 Item 1 ECONOMIC AND SOCIAL CONTRIBUTION OF CULTURAL FACILITIES  
AND ACTIVITIES IN THE CENTRAL WEST - VALUE ADDED (18.00165)**  
**MOVED** Cr B Bourke and **SECONDED** Cr T Carpenter

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

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

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

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

**RESOLVED:** That:

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

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

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

**\* Director Engineering Services' Report**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR CONSTRUCTION OF CIVIL WORKS, AVONLEA ESTATE STAGE 6 - RESIDENTIAL SUBDIVISION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public

		interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR DESIGN & CONSTRUCTION OF ELECTRICAL & TELECOMMUNICATIONS RETICULATION, AVONLEA STAGE 6 - RESIDENTIAL SUBDIVISION	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 MOUNT PANORAMA SUMMER CYCLING FESTIVAL (04.00009)  
MOVED Cr R Thompson and SECONDED Cr G Hanger

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

**Reason:** owns and runs Bicycle shop in Bathurst.

That Council host a two day cycling event at the Mount Panorama precinct on a suitable weekend with a view to it becoming an annual event.

### Director Engineering Services' Report

- b** Item 1 TENDER FOR CONSTRUCTION OF CIVIL WORKS, AVONLEA ESTATE STAGE 6 - RESIDENTIAL SUBDIVISION (36.00384)  
MOVED Cr B Bourke and SECONDED Cr I North

That Council accepts the tender of Hynash Constructions Pty Ltd for the construction of the residential estate known as Avonlea Estate - Stage 6, in the amount of \$1,046,905.00 (inc GST), subject to adjustments and provisional items.

- c** Item 2 TENDER FOR DESIGN & CONSTRUCTION OF ELECTRICAL & TELECOMMUNICATIONS RETICULATION, AVONLEA STAGE 6 - RESIDENTIAL SUBDIVISION (36.00386)  
MOVED Cr R Thompson and SECONDED Cr I North

That Council accepts the tender of Active Energy for the design and construction of the electrical reticulation at Avonlea Stage 6 residential subdivision, in the amount of \$121,803.00, subject to adjustments and provisional items.



**RESOLVE INTO OPEN COUNCIL**

- 6**      **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr R Thompson                      and **SECONDED** Cr G Westman

**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 G Hanger                      and **SECONDED** Cr I North

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

**MEETING CLOSE**

- 8**      **MEETING CLOSE**

The Meeting closed at 7.03 pm.

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

**Date:** \_\_\_\_\_ **(18 August 2010)**

**MINUTE**

**6     DECLARATION OF INTEREST**

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

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

Cr Bourke

Items #5, #6, #8 of the Director Corporate Services & Finance report

Cr Hanger

Items #5, Director Environmental, Planning & Building Services report

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT  
18 AUGUST 2010

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE  
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 18  
AUGUST 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**

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

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

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

## **2 GENERAL REPORT (03.00053)**

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

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

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

**Financial Implications:** Nil.

**MINUTE**

**8     Item 2   GENERAL REPORT**

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

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

### **3 UNIVERSAL HOUSING DESIGN STANDARD (20.00010)**

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

**Report:** On 13 July 2010 the Federal Government, through the Parliamentary Secretary for Disabilities, Bill Shorten, announced new standards for residential development to accommodate an increase in disability friendly development.

The government and representatives of the housing, disability and community sector have agreed to an "aspirational target that all new homes will be built to disability friendly Livable Housing Design standard by 2020".

The Design Guidelines are voluntary in nature although the Property Council, Master Builders Australia & Housing Industry Association have supported the standards & committed to the 2020 target.

The Government has not however formally released the Guidelines themselves or at the least made them widely available. It is therefore difficult to determine what the potential impacts are.

The system is however to be based on a gold, silver and bronze medal rating system. Details of the "silver standards" are as follows.

#### Silver Standards

1. A safe and continuous path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
2. At least one level entrance into the dwelling.
3. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
4. A toilet on the ground (or entry) level that provides easy access.
5. A bathroom that contains a hobless (step-free) shower recess, and;
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.

**Financial Implications:** Nil



**MINUTE**

**9     Item 3   UNIVERSAL HOUSING DESIGN STANDARD**

**MOVED: T Carpenter   SECONDED: G Westman**

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

#### **4 A FRAME SIGNS & FOOTPATH DINING ON COUNCIL CONTROLLED LAND (23.00045)**

**Recommendation:** That Council:

- (a) take no action for "A" Frame Signs and Footpath Dining on Council controlled land outside of the city area covered by Bathurst, Kelso, Perthville, Raglan and Eglinton;
- (b) advise the complainant of Council's decision.

**Report:** Council enforces a policy in the Bathurst, Kelso, Perthville, Raglan and Eglinton areas for the placement of "A" Frame Signs and Footpath Dining facilities on Council controlled land. This approval is granted using previously adopted Policies and the provision of the Roads Act 1993. A fee is charged for these approvals in accordance with Councils Management Plan.

In city areas each premise is allowed one "A" frame sign except corner lots which can have 2 signs subject to complying with Council's Policy. Footpath dining requires a 2 or 3 metre pedestrian way be available at all times (depending on the location).

A public liability insurance policy for a minimum of \$10 million dollars, noting Council as an interested party, is also required.

Council recently received a complaint concerning a property in Sofala. The complaint noted there were numerous "A" frame signs, table and chairs and an umbrella on the street in front of a business. This necessitated pedestrians to walk around the objects onto the road proper.

In the villages normally there are no defining footpaths as such and often buildings are located up to the front boundary. The villages rely on income from tourism and a means of making their premises more attractive is to have footpath dining.

Council has not previously enforced either of these policies in the rural village areas. In addition to this it is considered appropriate to be a little lenient in outlying villages as no issues have been raised previously.

It is therefore recommended that Council take no action in relation to this complaint.

**Financial Implications:** Nil

**MINUTE**

**10 Item 4 A FRAME SIGNS & FOOTPATH DINING ON COUNCIL CONTROLLED LAND**

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

**RESOLVED:** That Council:

- (a) take no action for "A" Frame Signs and Footpath Dining on Council controlled land outside of the city area covered by Bathurst, Kelso, Perthville, Raglan and Eglinton;
- (b) advise the complainant of Council's decision.

**5 DEVELOPMENT APPLICATION NO. 2010/0629 – TELECOMMUNICATION BASE STATION AT LOT: 1 DP 620110, 9 ILUMBA WAY KELSO. APPLICANT: TCI LTD. OWNER: BATHURST MASONIC TEMPLE SOCIETY INC. ) (2010/0629)**

**Recommendation:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to approve Development Application No. 2010/0629, 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:
  - 1. The applicant is responsible for:
    - (a) The maintenance and upgrading of infrastructure and maintenance of the site.
    - (b) Notifying Council and the Department of Environment, Climate Change and Water should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure and recommend a preferred strategy of amelioration.
    - (c) Removing infrastructure within 3 months of decommissioning;
    - (d) Ensuring each facility has a permanent and legible weatherproof sign that must be visible in the immediate proximity of the facility to identify the name and contact details of the operator and site manager.
  - 2. The applicant is to provide Council with the measurement of EME levels at the nearest residence to the proposed site within thirty (30) days of commissioning of the facility and provide the results to Council along with a statement that the EME emission levels from the proposed base station would not differ significantly from that measured, and will at all times comply with the standard specified in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2002, 'Radiation Protection Standard: Maximum Exposure levels to Radiofrequency Fields – 3khz to 300Ghz', Radiation Protection Series No. 3.
  - 3. The installation is to comply at all times with the RF emission standards specified in AS/NZS 2778.1.
- (b) notify those that made submissions of its decision
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for a Telecommunications Base Station at 9 Ilumba Way Kelso, described as Lot 1 DP 620110. A location plan is provided at **attachment 1**.

The site currently contains a single storey commercial building with attached hall.

**The proposal**

The proposal involves the erection of an equipment shelter and a 21.315m tall monopole with 3 panel antennas located at the top of the pole. See plan of proposed development at **attachment 2**.

The facility will be located directly behind the existing commercial building. The existing building has a maximum height of 7.73m.

The locality

The site is located in a predominately residential area with a mixture of residential properties, commercial premises, seniors living housing, vacant Crown land and Kelso High. Residential properties are located to the west (fronting Ilumba Way) and to the south (fronting Miriyan Drive). Located directly to the south west is an existing dwelling (3 Ilumba Way). The dwelling at 3 Ilumba Way will be approximately 35 metres from the tower.

Kelso High School is located approximately 75 metres to the south west. Frank Whiddon Homes is located approximately 95 metres to the north.

Alternate Sites

As part of the site assessment process Telstra examined 7 alternate sites within the vicinity. These sites, along with reasons why the proposed site was ultimately chosen are described below.

	<b>Proposed Site</b>	<b>Suitability of site/ reasons for refusal</b>
Bathurst Masonic Centre, 9 Ilumba Way Kelso	Installation of a new 20m monopole with associated equipment	Preferred option as: <ul style="list-style-type: none"> <li>● Provides sufficient height to achieve the RF objectives of the proposal;</li> <li>● The land owner is agreeable to the proposal;</li> <li>● There is adequate site access and power availability;</li> <li>● No removal of vegetation is required for the proposal;</li> <li>● Existing trees will provide some natural screening to the proposed facility;</li> <li>● The location of the facility was deemed appropriate as it's at the back of the existing Masonic Centre building providing screening for the equipment shelter and compound area from street view.</li> </ul>
Marsden Lane Water Reservoir	Installation of a new monopole and associated equipment	<ul style="list-style-type: none"> <li>● The site is outside of the required search areas and is too far to provide the necessary RF coverage.</li> <li>● A structure would need to be of a considerable height to achieve the required RF coverage.</li> </ul>

Corner of Allambie Boulevard and Boyd Street	Installation of a new monopole with associated equipment	<ul style="list-style-type: none"> <li>● Visually obtrusive. Located too close to the local residences and shops.</li> <li>● A structure would need to be of a considerable height to achieve the required RF coverage</li> </ul>
Greenfield Marsden Lane	Installation of a new monopole with associated equipment	<ul style="list-style-type: none"> <li>● The site is located outside of the required search area. Due to it's distance it will not be viable to provide the necessary RF coverage to the suburb of Kelso.</li> <li>● A structure would need to be of a considerable height (40-50m approx) to achieve the required RF coverage due to low topography.</li> <li>● Difficult site due to inadequate access to power and optical fibre availability.</li> <li>● Exposed location, visually obtrusive.</li> </ul>
7 Lee Street Kelso Evans Shire Council Pole	Replacement of existing pole	<ul style="list-style-type: none"> <li>● A structure would need to be of a considerable height (40-50m approx) to achieve the required RF coverage due low topography.</li> <li>● Limited space as the site is too close to existing power supply pole.</li> </ul>
14 Lee Street Kelso Bill Dando Cars	Installation of a new monopole with associated equipment	<ul style="list-style-type: none"> <li>● Preferable area (industrial) however a structure of considerable height (40-50m approx) would be required to achieve the required RF coverage due to low topography.</li> </ul>
Downer EDI Rail Sydney Road	Installation of a new monopole with associated equipment	<ul style="list-style-type: none"> <li>● Preferable area (industrial) however a structure of considerable height (40-50m approx) would be required to achieve the required RF coverage due to low topography.</li> </ul>

The alternate locations are illustrated in Figure 3.1 of the Statement of Environmental Effects.

### Background

The proposal will enable the augmentation of Telstra's 3G mobile phone network in the area.

The following extract from the Mobile Carriers Forum outlines the nature of the proposal and its context within the provision of mobile phone services to the community.

*What is a Mobile Base Station? And how they work?*

*A mobile phone base station provides coverage to a geographic area known as a "cell". Cells are aligned next to each other in a similar pattern to a honeycomb, and it is for this reason that mobile phone networks are sometimes referred to as "cellular" networks. The location of the base station within the cell is determined by a number of factors, including topography and other physical constraints such as trees and buildings, the cell 'capacity' or number of calls expected to be made in the cell, and the radio frequency at which the base station will operate.*

*Mobile phone base station antennas need to be located clear of obstructions like trees and buildings to ensure good signal quality. In essence, a mobile phone needs to have 'sight' of a mobile phone base station. In other words, the radio signal from the phone to the base station needs to be uninterrupted. Hills, trees and tall buildings can obscure this line of sight and so base stations need to be very carefully located to maximise the coverage available.*

*Each base station can only carry a finite number of calls. In areas of high mobile phone use, such as central business districts and high density areas, more base stations are required to handle the level of call traffic. In high use areas, there are often a range of base stations, from very specific in-building solutions (designed to give quality coverage within a specific building), to very small base stations known as 'microcells'. Microcells cover a small geographic area and are often found at intersections and in heavy pedestrian traffic areas. In rural areas, or areas where mobile phone use is not as high, base stations will often be located on hills or tall structures to maximise the coverage area.*

*(Source: MCF Fact Sheet - How the mobile phone network operates).*

*What is 3G? And How it Works?*

*When a call is made from a mobile phone, the first step in the process is for the phone to check that there is coverage in the area that the call is made. Once the phone has verified that there is sufficient signal strength to make the call, the phone establishes a connection with a nearby mobile phone base station. This base station then establishes the call and holds the call as long as the phone user remains on the call and in the range of that base station. The introduction of the Third Generation (3G) of mobile phone networks in Australia has already brought significant changes to the way we currently use mobile phones and other wireless products, such as personal digital assistants or handheld computers.*

*What is a Mobile Base Station? And How they work?*

*A Mobile Base Station is essentially a radio transmitter / transceiver and an antenna, which transmits and receives radio frequency (RF) or electromagnetic energy (EME) signals from mobile phones.*

*Mobile phones work by sending and receiving low power radio signals, much like a two-way radio system. The signals are sent to and received from antennas that are attached to radio transmitters and receivers, commonly referred to as mobile phone base stations. The base stations are linked to the rest of the mobile and fixed phone network and pass the signal/call on into those networks.*

*A base station typically consists of an Equipment Cabin (which houses all the electronics required to send and receive mobile phone calls), a series of Panel Antennas (which transmit and receive signals to and from the handset) and a Radio*

*Transmission (RT) Dish or Optical Fibre Cable which links the base station to the rest of the network).*

*The main difference between 3G and earlier generation networks is how quickly data can be sent and received. 3G networks can send data up to 40 times the rates of earlier digital networks, which means that in addition to audio, graphics and text it can also send and receive video, email, live TV and deliver information and services based on the location of a handset.*

*Third generation operates in a different way to 2G digital mobile networks. When a call is made on 2G, a slot or 'line' is held open for the user's conversation throughout the duration of the call. Whereas, with 3G networks, the data sent across them is parcelled up into little 'packets' which are reassembled in the correct order at the receiving end. This smart encoding means more data can be sent and it is sent more efficiently. This encoding also allows 3G phones to continuously receive or send data. Because of this, 3G mobile phone users can receive the daily specials as they pass near a certain shop or service that interests them. Some people call 3G, 'mobile broadband' because the evolution is similar to the difference between dial-up internet and the always available broadband internet services. Smart 3G technology will also enable mobile carriers to know the location of each of the handsets connected to their service at any time, to within a few metres. This ability is very useful in time of emergency when a user is unable to tell emergency services their exact location, such as when a very young child calls '000'.*

*(Source: Mobile Carriers Forum, 2005- Third Generation Mobile Networks - mobile broadband).*

## Planning Context

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

The subject site is zoned 2(a) Residential under the provisions of the *Bathurst Regional (Interim) Local Environmental Plan 2005*. A "utility installation" is permissible with consent in the 2(a) Residential zone. The proposal is consistent with the objectives of the zone.

It is acknowledged that mobile phone towers create a significant amount of debate within the community. This debate generally centres around the issues of electro magnetic emissions and visual impact. The issues raised in this Development Application are therefore not dissimilar to those raised in the general debate regarding mobile phone towers.

As a result of the ongoing debate there has been a significant amount of work done by councils, the government most recently through the Department of Planning and through the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA) to address these issues in a policy format.

**In addition, the Land and Environment Court has handed down many decisions dealing with the issues of emission levels and the application of the "precautionary principle", most notably Telstra Corporation vs Hornsby Shire Council 2006. Whilst the existing policy framework and decisions through the Courts may not satisfy the whole community they do represent the planning and statutory regime which currently exists. Council has the responsibility to determine every Development Application in accordance with this regime.**

## Telecommunication Facilities Guideline including Broadband 2010



The NSW Department of Planning has recently released its Telecommunication Facilities Guideline including Broadband in July 2010. The Guidelines aim to provide an explanation of the existing Telecommunications legislation and provide guidance for the erection of Telecommunication facilities within NSW (attachment 3).

In particular the Guideline provides principles for the location of telecommunications facilities. These principles are as follows:

- Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.
- Principle 2: Telecommunications facilities should be co-located wherever practical.
- Principle 3: Health Standards for exposure to radio emissions will be met.
- Principle 4: Minimise disturbance and risk, and maximise compliance.

It is stressed that these principles are guidelines only and not statutory requirements.

#### PRINCIPLE 1 - VISUAL IMPACT

The applicable principles relating to visual impact of a proposal are as follows:

1. *As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.*
2. *The visual impact should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.*
3. *Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.*
4. *Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.*
5. *A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

The tower itself will protrude by approximately 14 metres beyond the highest point of the existing building on site. In terms of the scale it will be approximately 3 times the height of the building.

The location of the tower "behind" the building will limit but not eliminate entirely the visual impact of the tower from the majority of dwellings in Ilumba Way.

Overall the structure itself is a slim pole. In that sense whilst it will be located in the skyline of the closest affected dwellings it will not dominate it. For the reasons mentioned above the impact on the view is considered minor as it will only impact a small part of the overall vista.

## PRINCIPLE 2 - CO LOCATION

The applicable principles relating to co-location are as follows:

1. *If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.*

Co-location is “not practicable” where there is no existing tower or other suitable telecommunications facility that can provide an equivalent site.

As outlined above the consultants examined a number of alternate sites. At present there are no other towers in the vicinity that would enable co-location.

## PRINCIPLE 3 - EMISSION LEVELS

The applicable principles relating to emission levels are as follows:

1. A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.
2. An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection and Nuclear Safety Agency. It is to show that the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Commonwealth body charged with the responsibility for establishing standards that protect the health and safety of the community, including the Radiation Protection Standard.

The current Australian Standard is the Australian Radiation Protection Standard “Maximum Exposure Levels to Radiofrequency Fields 3kHz to 300GHz: Radiation Protection Series No. 3 (Australian Standard RPS3) formulated by the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA).

ARPANSA states that the standards which protect people from EME exposures do not set any distances between mobile base station locations and areas which may be considered to be sensitive. ARPANSA similarly highlights that the Australian Communications Industry Forum (ACIF) Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a sensitive area may need to operate at a higher power and may result in higher EME exposures in that sensitive area.

ARPANSA states that “public concern has also been expressed regarding the possibility of adverse health effects from mobile phone base stations that are sited on or near places where children spend large amounts of time, for example, in or outside their home, kindergartens, schools, playgrounds etc.

The balance of evidence does not indicate a risk to the health of people, including children, living in the vicinity of base stations where exposure levels are only small fractions of the ARPANSA standard.

#### Applicability of the Australian Standard

The applicability of ARPANSA Australian Standard RPS3 has been dealt with on numerous occasions by the Land & Environment Court.

In terms of the standing of RPS3 the following principles would apply (Telstra Corporation vs Hornsby Shire Council 2006).

1. **His Honour (Preston CJ) found that it is not appropriate for the Court to set aside or disregard such an authoritative and scientifically credible standard as the Australian Standard RPS3.**
2. **Nor is it appropriate for the Court to pioneer standards of its own. The creation of new standards is the responsibility of other authorities with special expertise, such as ARPANSA.**
3. **The Court should accept and apply the Australian Standard.**
4. **His Honour (Preston CJ) found that the levels of RF EME emitted from the proposed base station would easily comply with the Australian Standard RPS3 and the risk of any harm to the health and safety of people or the environment caused by exposure to such extremely low levels of RF EME was negligible. Accordingly, there was no basis on which the precautionary principle could be applied to the proposal.**
5. **Preston CJ stated that the conclusion was a direct consequence of the fact that a precautionary approach has already been adopted in the standard setting process, the terms of the Australian Standard RPS3, the design and location of the proposed base station, the equipment to be provided, the operation of the equipment, the application of the Standard to the RF EME generated from the base station, and the likelihood of actual RF EME being significantly less than predicted RF EME.**

**The findings of Preston CJ in Telstra v Hornsby have recently been adopted into the NSW Department of Planning's Telecommunication Facilities Guideline including Broadband July 2010.**

A full copy of the abovementioned legal proceedings (appeal and costs) have been provided to Councillors under separate cover.

While the proposed telecommunications facility is located within approximately 35 metres of the nearest residential dwelling, 75m from the nearest school and 100m from an aged care facility the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. The proposal complies with Councils Telecommunication Policy as the EME emissions are well within the Australian Standard RPS3.

It is intended that the proposed telecommunications facility will emit a maximum RF EME level of 0.33% of the ARPANSA mandated exposure limits. It should be noted that this

maximum level is extremely low considering that carriers are permitted to operate base stations with RF EME levels up to 100% of the ARPANSA standard.

The maximum cumulative RF EME level was calculated 1.5m from ground level at specific distance intervals from the proposed location of the development, in accordance with Radiation Protection Series Publication No.3 ARPANSA.

**The proposed emission levels are well within the standards established in RPS3. It is therefore not appropriate to refuse the application on the grounds of emission levels.**

**Attachment 4** shows a comparison between Mobile Phone and other Emissions that people are exposed to daily.

#### PRINCIPLE 4 – MINIMISE DISTURBANCE & MAXIMISE COMPLIANCE

The applicable principles are as follows:

1. The siting and height of any telecommunications facility must comply with any relevant height requirements specified by the Civil Aviation Regulations and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.

The site is located within the vicinity of Council's airport but is located below the Obstacle Limitation Surface.

*Bathurst Telecommunications Policy 2008 (as amended).*

It should be noted that Council has adopted its own Policy in relation to the siting of Telecommunications Facilities.

Council's own Policy requires an assessment of the likelihood of the site being within, or in close proximity to a community sensitive location (by way of guidance, proposals within 300m of a community sensitive location listed in section 5.1.4 of the ACIF code are deemed to be in close proximity). The assessment undertaken demonstrates compliance with the ACIF Code.

Council's Policy also requires that emission levels be in accordance with the ARPANSA standard. The development is to have a Cumulative RF EME of 0.33% of Australian Communications and Media Authority (ACMA) Mandated Exposure Limit.

The development therefore complies with Council's existing Telecommunications Policy.

Existing Telecommunications Towers

**It is worth noting that there are already many telecommunications base stations located in Bathurst, many of these would be located close to residential or other sensitive land uses. Examples include, Walmer Park, Bathurst Base Hospital, the Post Office building, Knickerbocker Hotel and the NSW State Office building and Boundary Road Reserve. Reports received from operators of these facilities have indicated that they are operating in accordance with the ARPANSA standards.**

## Submissions

The Development Application was initially notified to adjoining property owners from 10 June 2010 to 25 June 2010 but was later extended to 2 July 2010.

During the notification period a total of 16 submissions were received. These submissions have already been provided to Councillors. Late submissions will be forwarded to Councillors under separate cover.

**Council should note that the petition contains signatures from many people who would be well beyond any field of influence of the tower e.g. people from Raglan, Oberon, Eglinton, Sofala, Portland and various other distant locations.**

A Council discussion forum was held on 4 August 2010 with the applicant and those who lodged objections in attendance. The minutes of the discussion forum are at **attachment 5**.

Issues raised at the Discussion Forum and not dealt with elsewhere are addressed below.

1. Devaluation of property

The devaluation of property is not a matter prescribed by Section 79 of the Environmental Planning and Assessment Act 1979 and is therefore generally not considered during the assessment process.

2. Impacts on residents during construction

Conditions can be imposed relating to the hours in which construction may be carried out

## Conclusion

Council has received a Development Application (DA) for equipment shelter and a 21.315m tall monopole with 3 panel antennas located at the top of the pole at 9 Ilumba Way Kelso.

A utility installation is permissible with consent in the 2 (a) Residential zone. While the proposed telecommunications facility is located in close proximity to a number of residential dwellings and other "sensitive" landuses, the Radio Frequency Electromagnetic Energy (RF EME) emission levels are significantly lower than the maximum mandated exposure limits. Whilst the tower itself will be visible from several properties its impact will be minor. As there are no Planning or Environmental reasons to refuse the application, approval is therefore recommended.

**Financial Implications:** Nil.

**MINUTE**

**12     Item 5    EXTENSION OF TIME**

**MOVED: B Bourke SECONDED: R Thompson**

**RESOLVED:** That an extension of time of 2 minutes be granted to Cr North to talk on the matter dealt with in Minute #11 in accordance with Clause 250(3) of the Local Government (General) Regulation 2005.

## MINUTE

**11 Item 5 DEVELOPMENT APPLICATION NO. 2010/0629 – TELECOMMUNICATION BASE STATION AT LOT: 1 DP 620110, 9 ILUMBA WAY KELSO. APPLICANT: TCI LTD. OWNER: BATHURST MASONIC TEMPLE SOCIETY INC.**

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

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

**Reason: Teacher at Kelso High School.**

**RESOLVED:** That Council:

- (a) direct the Director Environmental, Planning & Building Services to refuse Development Applicant No. 2010/0629, due to:
  - 1 the adverse visual impact caused by the height of the tower, relative to the surrounding residential development,
  - 2. The development being in a community sensitive environment area, i.e. near an aged care facility, Kelso High School & residential areas.
- (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 W Aubin, Cr B Bourke, Cr T Carpenter, Cr M Morse, Cr I North, Cr R Thompson, Cr P Toole, Cr G Westman,

Against the motion - NIL

Absent - Cr G Hanger,

Abstain - NIL

## **6 RIGHT OF CARRIAGEWAY, BOUNDARY ROAD (04.00108)**

**Recommendation:** That Council resolve to permit the creation of a right of carriageway over the subject land for the benefit of 97a Boundary Road, Robin Hill.

**Report:** Council, at its meeting held 21 July 2010, noted that the parcel of land known as Lot 22, DP 864274 was reclassified to be operational land to enable a right of carriageway (ROW) to be created over it as an access to the rear of 97a Boundary Road, Robin Hill. Council has subsequently received a letter from the landowner requesting the creation of the ROW over the parcel of land since the reclassification has been completed (**attachment 1**).

The parcel of land is burdened by several existing easements and services including water and sewer mains and a dam. The creation of a ROW will not be detrimental to the value of the land which has little or no commercial value other than for recreation purposes.

Council has held discussions with the affected landowners relating to the reinstatement of the diversion bank as part of the creation of the ROW which will be completed as part of the process. The landowner has agreed that they will be liable for their own survey and legal costs, with no cost to Council. It is proposed that Council not charge the landowner a fee for the creation of the ROW due to the numerous existing easements and services within the parcel.

**Financial Implications:** Nil.



**MINUTE**

**13     Item 6    RIGHT OF CARRIAGEWAY, BOUNDARY ROAD**

**MOVED: I North SECONDED: G Hanger**

**RESOLVED:** That Council resolve to permit the creation of a right of carriageway over the subject land for the benefit of 97a Boundary Road, Robin Hill.

## **7 CENTRAL WEST HERITAGE NETWORK (CWHN) SEMINAR (18.00096)**

**Recommendation:** That Council note that a Central West Heritage Network, (CWHN), Seminar on Salt Attack and Rising Damp, will be held at Bathurst, on Thursday 21 October 2010.

**Report:** As part of Council's Bathurst Region Heritage Strategy 2008-09 to 2010-11, Council is required to run an educative seminar for the community including information on how to maintain older buildings.

As part of the CWHN Council was to hand over the operation of the network to Cabonne Shire Council for the 2010-11 financial year. However, due to unforeseen circumstances, Cabonne is not in the position to host the network until the 2013-14 financial year.

As a result of discussions with future host councils, Orange City and Wellington Shire, it was agreed that Bathurst Regional Council should host the network for the current financial year to ensure the network continues. The network will then pass to Orange for the 2011-12 financial year, followed by Wellington Shire in 2012-13.

Council has had preliminary discussions with David Young, a private heritage consultant, and Elisha Long, Technical Advice Officer from the Department of Planning, Heritage Branch, in relation to it hosting a seminar on Salt Attack and Rising Damp. The Heritage Branch and David Young have prepared a generic seminar in light of David's publication *Salt Attack and Rising Damp: A Guide to Salt Damp in Historic and Older Buildings* as part of the Heritage Branch training program.

The seminar has successfully been hosted in Adelaide and Sydney and the Heritage Branch are keen to run the seminar in regional areas, which has not yet been undertaken. The seminar will therefore be a trial as to how it can be run in regional areas.

Council has discussed the possibility with the Heritage Branch of running the seminar under the CWHN banner, which will ensure that Council and the Heritage Branch can subsidise attendance fees to make the seminar more attractive to potential attendees. The seminar will therefore be a joint event with David Young, the Heritage Branch and its Technical Advisory Group, Council and the CWHN. Council will administer the seminar in terms of registration and payments.

It is proposed the seminar will be aimed at trades people, such as builders and contractors involved in damp remediation, heritage advisors, architects, heritage professionals and owners of older buildings. Council's Heritage Trades Directory will be utilised as a contact for trades people. Due to the structure of the seminar, places will be limited to a total of 25. Of these, 22 will be paying attendees and 3 attendees will be Council's heritage staff.

The seminar, which will run for 8 hours, will focus on David's Technical Guide on Salt Attack and Rising Damp and will include a case study for participants to visit. Note that Council has written to the Director of the Heritage Branch seeking approval to use their material at the proposed seminar.

### **Conclusion**

It is recommended that Council hold a CWHN seminar at Bathurst on Thursday 21 October 2010 in conjunction with David Young, the Heritage Branch and its Technical Advisory Group and the CWHN.

**Financial Implications:** Within metropolitan areas, the Heritage Branch has charged an attendance fee of \$220 per person for the seminar. Such a fee has traditionally been charged because the seminar was set up as a formal Continuing Professional Development points scheme for architects to respond to carefully considered learning outcomes. Attendees also receive copies of the publication and seminar material. It is considered that such a fee within the Central West will be a deterrent as attendance fees for previous CWHN seminars have typically been \$35 per person.

Council has requested a fee proposal from David Young, who will be the presenter for the seminar. The proposal is approximately \$3,300 for the day, including all associated expenses. Venue and meal expenses will be approximately \$1,000 for 25 people for the day at the Bathurst Memorial Entertainment Centre.

Based on the above expenses, and taking into account Council has a heritage budget of \$2,000 in its Management Plan for heritage seminars, (which can be utilised to subsidise fees), attendance fees will equate to approximately \$100 per person, (based on 22 paying attendees as 3 of Council's heritage staff). Council can also claim from the Heritage Branch for any "short fall" for the seminar, e.g. costs not covered by fees, at the end of May 2011.

**MINUTE**

**14     Item 7    CENTRAL WEST HERITAGE NETWORK (CWHN) SEMINAR**

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

**RESOLVED:** That Council note that a Central West Heritage Network, (CWHN), Seminar on Salt Attack and Rising Damp, will be held at Bathurst, on Thursday 21 October 2010.

## **8 SUNNY CORNER - CONTAMINATED LAND POLICY (13.00008 & 41.00089)**

**Recommendation:** That Council adopt the “Sunny Corner – Contaminated Land Policy”

**Report:** Council at its Ordinary Meeting held 18 February 2009 resolved to prepare a policy in relation to contaminated land in the Sunny Corner area following occurrences outlined in this report. The policy was placed on public exhibition on 6 February 2010 and closed on 8 April 2010. Two written submissions were received. A discussion forum was held on 2 June 2010.

The Policy is at **attachment 1**, and the minutes of the discussion forum are at **attachment 2** for Council’s information.

As Council would be aware, mining activities have occurred in the Sunny Corner area for more than one hundred years. In 2003 community concerns over the possibility of heavy metal contamination on residential lots in the village and surrounds resulted in the Premiers Department awarding a grant of \$50,000 to the community for soil testing on residential lots. The former Evans Shire Council (ESC) agreed to coordinate the testing on behalf of the community.

In response to the risk of land contamination the former ESC received advice as to their notification obligations under section 149 of the Environmental, Planning and Assessment Act 1979. On the basis of the advice received from the Local Government and Shires Association, the former ESC placed a notation on the section 149 planning certificates in the Sunny Corner area, noting the possibility of heavy metal contamination in the area.

In mid 2007 Council representatives met with the residents and landowners in Sunny Corner to seek feedback on whether the community wished to implement the project. From the meeting all residents were asked to complete a feedback sheet determining whether or not they wished to participate in the project. The grant from the Premiers Department required that the community reach a consensus on the implementation of the project. Feedback was also sought from the Department of Environment, Climate Change and Water (DECCW) regarding the implementation and results of the project, in response to a number of questions from the community.

Twenty-eight landholders agreed to participate in the project. In mid-2008 Council engaged Barnson Pty Ltd to undertake the soil testing project. Over a period of several months, a “Preliminary Site Investigation” was undertaken on each participating property in accordance with the DECCW guidelines. In December 2008 each landowner received a report detailing the results for their property.

Council has sought advice from its solicitors in regard to the status of the notation on the section 149 planning certificates. Council’s Solicitor has recommended that a policy be prepared specifically for the Sunny Corner area in relation to land contamination. This is also consistent with the Department of Planning guidelines in relation to contaminated land.

The issues raised by the submissions are summarized as follows:

- Amend the policy to incorporate guidelines for “Living with the existing contamination” where there is no intention for development and implement the recommendations made by the Mid Western Area Health Service.
- Develop general conditions of consent for developments that will disturb surface soils and provide a standardized Remediation Action Plan (RAP) to the community for dealing with excavated (potentially) contaminated soils.

- Reword the document such that “contaminant concentrations exceeding health investigation levels” is used rather than “elevated”.
- Qualify statement “No contamination has been found” or amend to “Land where soil testing has been carried out and concentrations of arsenic and lead did not exceed HILS”.
- The legal terminology in the draft policy such as “Contamination”, “Development Restrictions” and “Site Validation Report” is likely to cost landholders a great deal of money.

In light of the submissions received, a number of amendments to the policy have been made:

- Statements such as “contamination” and “elevated” have been removed and replaced with “concentrations above the health-based investigation levels”.
- Statements such as “no contamination has been found” have been removed and replaced with “concentrations below the health-based investigation levels”.
- The meaning of “Health-based investigation levels” is clarified in the definitions section.
- Some anomalies in the numbering of sections have been corrected.

In a submission made by DECCW it was recommended that Council incorporates guidelines for living with existing contamination and develops a standardized RAP (as noted above). While these considerations are valid, the policy is not about the existence of contamination in the Sunny Corner area but rather is a policy aimed at managing those risks when a Development Application is lodged.

This approach is consistent with the Department of Planning’s Contaminated Land Guidelines, which if Council followed it indemnifies Council from potential claims (as per the Martin Street decisions at Armidale).

If the DECCW has ongoing concerns about contamination in the Sunny Corner area then they have the option to declare it an investigation area under Contaminated Land Management Act 1997, which would be shown on the section 149 Certificate.

As the policy relates to the development of land it will be disclosed on any section 149 certificates to alert any potential purchasers. If Council adopts the policy as recommended, all section 149 certificates issued will include a new notation and reference the policy (please refer to **attachment 1** for the wording of each notation).

**Financial Implications:** Nil.

**MINUTE**

**15    Item 8    SUNNY CORNER - CONTAMINATED LAND POLICY**

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

**RESOLVED:** That Council adopt the “Sunny Corner – Contaminated Land Policy”

## **9 BATHURST REGION LOCAL HERITAGE FUND 2010-11 (16.00122)**

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

**Report:** The Bathurst Region Heritage Fund continues to grow in popularity with a record number of applications for the 2010-11 round.

### **Report**

Council received a record number of 80 applications for funding under the 2010-2011 Bathurst Region Heritage Fund representing over \$600,000 worth of proposed works. The number of applications received this year is 27 more than that received last year and is 5 more than the former record of 75 in the 2007-08 round.

Seventy four, (74), of the 80 projects were funded with grants ranging from \$100 to \$2,000. The average grant recommended in 2010-11 is \$934 per property. This is \$66 less than the average grant offered last year which is a result of the increase in applications received.

In addition to the standard considerations for assessing the applications, the following formula was generally applied.

Based on a project cost of \$10,000:

- 10%, (\$1,000), for buildings not listed as heritage items
- 15%, (\$1,500), for heritage items or more important / rare projects

A more generous rate was applied for non profit work for community sites, such as volunteer projects in rural cemeteries and proposed works involving churches. The above formula recognises Council's support to the ongoing maintenance and restoration of the region's built heritage and its support particularly for new and existing heritage items.

Further to the Western Advocate's recent coverage of the derelict buildings in Bathurst and Council's inability to act on these, the public need to be correctly informed that local government does not have the legislative authority to enforce owners to carry out minimum standards of repair for buildings. The Department of Planning, Heritage Branch, have legislative authority under the Heritage Act, 1977, to enforce minimum standards of repair for buildings listed on the State Heritage Register. However, due to limited resources, Council is not aware of the Heritage Branch utilising such authority, particularly in regional areas.

The only tool Council has to encourage maintenance is the Bathurst Region Heritage Fund, which has limited funds to offer as small grants. Little media attention is given to the positives that arise out of this fund, some of which are reiterated below.

The Heritage Branch has recently released their evaluation of the 2008-09 local government heritage funding program. A comparison has been made with the State averages and the Bathurst Region Heritage Fund.

- 74 NSW Councils received funding from the Heritage Branch.
- 436 projects were funded in NSW, 45 of which were in the Bathurst Regional Local Government Area, (LGA).
  - This equates to 10% of NSW projects being undertaken in the Bathurst Regional LGA.
- A total of \$3,228,313 was spent on projects as part of the heritage fund in NSW.
  - Within the Bathurst Regional LGA, a total of \$375,819.11 was spent.



- This equates to 11% of the total amount in NSW being spent within the Bathurst LGA.

In addition to the above, since the heritage fund has been in operation, the table below illustrates how many applicants have benefited as a result of the fund.

<b>Period of Funding</b>	<b>Number of Applications</b>
1998 – 1999	9
1999 – 2000	20
2000 – 2001	26
2001 – 2002	45
2002 – 2003	33
2003 – 2004	39
2004 – 2005	58
2005 – 2006	56
2006 – 2007	50
2007 – 2008	75
2008 – 2009	59
2009 – 2010	80
<b>TOTAL:</b>	<b>550</b>

As can be seen from the above table, since the heritage fund has been in operation, Council has received a total of 550 applications. Therefore, Council has successfully funded approximately 500 restoration and maintenance projects within the Bathurst Region since the inception of the heritage fund in the 1998 – 1999 financial year.

#### Conclusion

Council continues to offer the most popular and successful Local Heritage Fund Scheme in NSW and recognises this through its ongoing support in its contribution to the fund. The city of Bathurst, the villages and older places and sites of heritage significance continue to be maintained and restored which has visually improved the aesthetics of the region's built heritage.

**Financial Implications:** The allocation of funding from this year's fund will include \$12,000 from the Department of Planning, Heritage Branch, \$36,500 from Council's Management Plan and \$9,100 left from unspent monies from last year's round. This results in a total budget of \$57,600 for the 2010-11 round.

**MINUTE**

16 **Item 9 BATHURST REGION LOCAL HERITAGE FUND 2010-11**

**MOVED:** I North **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  
18 AUGUST 2010

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE ORDINARY  
MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 18 AUGUST 2010**

General Manager  
Bathurst Regional Council

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

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

**Report:** \$57,523,737.83 was invested at 31 July 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 Official Cash Rate	4.50%
90 day Bank Bill Swap Rate (BBSW)	4.27%
Three Year Treasury Bond Yield	4.94%

**Short Term 1 – 365 Days**

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

	<b><u>Rating</u></b>		<b><u>Average Return</u></b>
Bankwest	A-1+	\$7,000,000.00	6.01%
Bendigo and Adelaide Bank Limited	A-2	\$7,000,000.00	6.15%
IMB Ltd	A-3	\$9,000,000.00	6.14%
National Australia Bank	A-1+	\$3,000,000.00	6.07%
Railways Credit Union	ADI	\$8,000,000.00	6.21%
Reliance Credit Union	ADI	\$1,500,000.00	6.07%
Savings and Loans Credit Union	ADI	\$9,000,000.00	6.14%
SGE Credit Union	ADI	\$2,500,000.00	6.19%
Westpac Banking Corporation	A-1+	<u>\$1,000,000.00</u>	<u>6.21%</u>
		\$48,000,000.00	6.13%

**Long Term**

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

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

**Committed Rolling Investment**

Westpac	AA	<u>\$2,000,000.00</u>	<u>5.93%</u>
		\$2,000,000.00	5.93%

**Community Income Note**

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

**Floating Rate Notes**

ANZ	AA	\$2,000,000.00	5.79%
Bendigo Bank 2007	BBB	\$2,000,000.00	6.10%
Lehman Bros Treasury Co - \$1mil Face Value	-	\$90,000.00	0.00%
Mackay Permanent Building Society	BBB-	\$500,000.00	5.77%
		<u>\$4,590,000.00</u>	<u>5.81%</u>
<b>Total Investments</b>		<b><u>\$57,523,737.83</u></b>	<b><u>6.00%</u></b>

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

Reserves Total (includes unexpended loan funds)	\$23,785,782.68
Grants held for specific purposes	\$3,463,629.94
Section 94 Funds held for specific purposes	\$16,390,851.52
Unrestricted Investments – All Funds	\$13,883,473.69
<i>*General Fund</i>	\$11,338.61
<i>*Water Fund</i>	\$5,785,449.81
<i>*Sewer Fund</i>	\$3,117,849.35
<i>*Waste Fund</i>	<u>\$4,968,835.92</u>

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

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

**MINUTE**

**17    Item 1    STATEMENT OF INVESTMENTS - JULY 2010**

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

**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. Strategies for the 2009/2010 Management Plan as at 30 June 2010 were provided to Council as part of the Business Paper for the last meeting. As Council's finance staff are currently preparing end of year financial statements no financial details for July (the new financial year) have been provided.

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

Variations for the Month of June 2010 - Nil

At **attachment 3** is the new Strategies for the 2010/2011 Management Plan as at 31 July 2010.

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.

There were no orders made against Council during July 2010.

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

**MINUTE**

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

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

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



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

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

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations and Bathurst Memorial Entertainment Centre Community Use Subsidies granted by Council for the period ending 31 July 2010.

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

Section 356:	\$47,451.83
BMEC Community use:	\$60,000.00
Mt Panorama	\$30,000.00

**MINUTE**

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

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

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

#### **4 POWER OF ATTORNEY (11.00007)**

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

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

- Scott Build Pty Ltd - Lot 410 DP1150519, McGirr Street - Transfer
- Beehive Investments Pty Ltd and Tony Gullifer Pty Ltd - Part Lot 423 DP1150519 - Freeman Circuit - Transfer
- M J Hunter - Lot 901 DP11134978, Swanbrooke Street - Transfer
- Dolbel T - Part Lot 29 DP1127322 - Bathurst Aerodrome - License
- Loader W - Lot 1 DP623416, Lot 4 DP845477 - Zante Lane - License
- Barlow A & C - Lot 422 DP1150519 - Blaxland Drive - Transfer
- Colley N & P - Lot 3 DP232111 - Mountain Straight - License

#### **Linen Plan Release**

- Brooks/Catholic Church - 2 Lot Boundary Adjustment - 31 Gormans Hill Rd, Gormans Hill
- Buttsworth/BRC - Aquisition of Crown Land - Sofala Waste Disposal Area, Sofala
- Monk/BRC - 34 Lot Residential Subdivision - Evernden Road, Llanarth
- Tooby/BRC - 3 Lot Subdivision for Leasing Purpose - P J Moodie Drive, Raglan

**Financial Implications:** Nil.

**MINUTE**

**20    Item 4    POWER OF ATTORNEY**

**MOVED: G Hanger SECONDED: G Westman**

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

**5 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST MENS SHED INC  
(18.00195-19)**

**Recommendation:** That Council not agree to fund an honorarium payment of \$7,800 to the Secretary/Manager of the Men's Shed Inc from Section 356 donations.

**Report:** Council has received a request from the Bathurst Men's Shed Inc for financial assistance of \$7,800 to fund an honorarium payment to the Secretary/Manager of \$150 per week for 12 months. A copy of the request is provided at **attachment 1**.

Council has been advised that the Bathurst Men's Shed has been operating for over 18 months and have been called upon during this time to make minor repairs and carry out maintenance at the Scout Hall in Havannah Street where they operate from.

The Men's Shed advise that the income for 2009/2010 totalled \$42,643 and an expenditure of \$42,790. They also have available cash funds of \$8,703.

**Financial Implications:** Council's Section 356 Donations Vote currently has a balance of \$47,451.83.

**MINUTE**

**21**    **Item 5    REQUEST FOR FINANCIAL ASSISTANCE - BATHURST MENS SHED**  
**INC**

**MOVED: G Westman SECONDED: R Thompson**

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

**Reason: Member of Board**

**RESOLVED:** That Council not agree to fund an honorarium payment of \$7,800 to the Secretary/Manager of the Men's Shed Inc from Section 356 donations.

**6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST HUT INCORPORATED  
(18.00195-19)**

**Recommendation:** That Council not agree to provide financial assistance to the establishment of the Bathurst Hut Incorporated from Section 356 Donations.

**Report:** Council has received a request from the Bathurst Hut Inc for financial assistance of \$10,400 to cover the operational expenses of this organisation. These expenses include, food, refreshments, cleaning and equipment. A copy of the request and details of the project are provided at **attachment 1**.

The Hut is a new organisation that will be established to address the issue of a safe and secure place for members of the community with a mental health problem to meet in a social and safe environment under the supervision of experienced health workers.

**Financial Implications:** Council's Section 356 Donations Vote currently has a balance of \$47,451.83

**MINUTE**

**22 Item 6 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST HUT INCORPORATED**

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

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

**Reason: Member of Board**

**RESOLVED:** That Council not agree to provide financial assistance to the establishment of the Bathurst Hut Incorporated from Section 356 Donations.



**7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST DISTRICT PROSTATE CANCER SUPPORT GROUP - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (23.00007-12)**

**Recommendation:** That Council make available the use of the City Hall at the Bathurst Memorial Entertainment Centre on 25 September 2010 to the Bathurst District Prostate Cancer Support Group from BMEC Community use Subsidy to the value of \$284.

**Report:** Council has received a request from the Bathurst District Prostate Cancer Support Group to use the City Hall at the Bathurst Memorial Entertainment Centre on 25 September 2010 for a public meeting to discuss Prostate Cancer awareness. A copy of the request is shown at **attachment 1**.

The cost of hiring the City Hall for this meeting is \$284.

**Financial Implications:** The cost of \$284 could be funded from the Bathurst Memorial Entertainment Centre Community Use Subsidy Vote, which currently has a balance of \$60,000.

**MINUTE**

**23 Item 7 REQUEST FOR FINANCIAL ASSISTANCE - BATHURST DISTRICT PROSTATE CANCER SUPPORT GROUP - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC)**

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

**RESOLVED:**That Council make available the use of the City Hall at the Bathurst Memorial Entertainment Centre on 25 September 2010 to the Bathurst District Prostate Cancer Support Group from BMEC Community use Subsidy to the value of \$284.

**8 REQUEST FOR FINANCIAL ASSISTANCE - DISABILITY INFORMATION ADVOCACY SERVICE (DIAS) - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC) (21.00012)**

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

**Report:** Council has received a request from the Disability Information Advocacy Service Inc (DIAS) for financial support to hold an International Day of People with Disability event on 3 December 2010.

This day is held annually and encourages support for the dignity, rights and well-being of people with a disability.

DIAS have advised that they intend to conduct a week long event using parts of the Bathurst Memorial Entertainment Centre (BMEC) to house some of the events. The details of their request are shown at **attachment 1**.

The estimated cost to hire BMEC for these activities is \$700.

**Financial Implications:** If Council were to support this event, the cost of \$700 could be funded from the Bathurst Memorial Entertainment Centre Community Use Subsidy Vote, which currently has a balance of \$60,000.

**MINUTE**

**24 Item 8 REQUEST FOR FINANCIAL ASSISTANCE - DISABILITY INFORMATION ADVOCACY SERVICE (DIAS) - USE OF BATHURST MEMORIAL ENTERTAINMENT CENTRE (BMEC)**

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

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

**Reason: Member of Board**

**RESOLVED:** That:

- (a) Council make available the use of the Bathurst Memorial Entertainment Centre on 3 December 2010 as requested to Disability Information Advocacy Service (DIAS).
- (b) the cost of \$700 be funded from the BMEC Community Use Subsidy.

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

18 AUGUST 2010

**DIRECTOR ENGINEERING SERVICES' REPORT TO THE ORDINARY MEETING OF  
BATHURST REGIONAL COUNCIL MEETING HELD ON 18 AUGUST 2010**

General Manager  
Bathurst Regional Council

**1 EASEMENT FOR OVERHEAD POWERLINES WHITE ROCK ROAD TO WHYALLA  
CIRCUIT (25.00388)**

**Recommendation:** That Council approve the execution by the General Manager of the Deposited Plan Administration Sheet and Section 88B Instrument for the registration of Country Energy's Easement for Overhead Power Lines from White Rock Road to Whyalla Circuit as detailed in the Director Engineering Services report.

**Report:** As part of its ongoing works around the city, Country Energy has recently constructed a new overhead power line from White Rock Road to Whyalla Circuit. To protect Country Energy's infrastructure from future development, Country Energy has proposed that an Easement for Overhead Power Lines 20 metres wide and centred over the constructed overhead power line be created and registered with Land and Property Management Authority over Council's land. Location of easement can be seen in **attachment 1**.

The terms of the easement are the standard terms used for Country Energy's overhead power lines. Please refer to **attachment 2**.

The location should not affect the future development of Council's land in this area.

It is recommended that Council approve the execution by the General Manager of the Deposited Plan Administration Sheet and Section 88B Instrument for the registration of Country Energy's Easement for Overhead Power Lines from White Rock Road to Whyalla Circuit.

**Financial Implications:** Nil

**MINUTE**

**25 Item 1 EASEMENT FOR OVERHEAD POWERLINES WHITE ROCK ROAD TO WHYALLA CIRCUIT**

**MOVED: R Thompson SECONDED: W Aubin**

**RESOLVED:** That Council approve the execution by the General Manager of the Deposited Plan Administration Sheet and Section 88B Instrument for the registration of Country Energy's Easement for Overhead Power Lines from White Rock Road to Whyalla Circuit as detailed in the Director Engineering Services report.

## **2 CONSOLIDATION OF COUNCIL DEPOT - 101 PEEL STREET BATHURST (2001/0074)**

**Recommendation:** That Council approve the consolidation of Lot 1 DP88058, Lots 3 to 12 and 14 Section 47 DP758065, Lot 3 DP529645 and Lot 2 DP529646 located at Council's Depot being 106 Peel Street, Bathurst. The consolidated Lot is to be classified as Operational Land.

**Report:** For ease of reference, Council has prepared a consolidation plan of Council's Depot at 101 Peel Street, Bathurst. The plan included the consolidation of Lot 1 DP88058, Lots 3 to 12 and 14 Section 47 DP758065, Lot 3 DP529645 and Lot 2 DP529646.

The plan was never registered as property files containing appurtenant Old System Deeds were missing and good title to the Depot properties could not be established. However, recent searching has located all Deeds to the property and the consolidation can now proceed to registration. Please refer to plan at **attachment 1**.

It is recommended to Council that it approve the consolidation of Lot 1 DP88058, Lots 3 to 12 and 14 Section 47 DP758065, Lot 3 DP529645 and Lot 2 DP529646 located at Council's Depot being 106 Peel Street, Bathurst. The consolidated Lot is to be classified as operational land.

**Financial Implications:** Nil



**MINUTE**

**26 Item 2 CONSOLIDATION OF COUNCIL DEPOT - 101 PEEL STREET**  
**BATHURST**

**MOVED: G Hanger SECONDED: G Westman**

**RESOLVED:**That Council approve the consolidation of Lot 1 DP88058, Lots 3 to 12 and 14 Section 47 DP758065, Lot 3 DP529645 and Lot 2 DP529646 located at Council's Depot being 106 Peel Street, Bathurst. The consolidated Lot is to be classified as Operational Land.

### **3 PEPPERS CREEK PEDESTRIAN BRIDGE (25.00389)**

**Recommendation:** That Council refer the construction of a pedestrian bridge over Pepper's Creek on Rockley Road at Rockley to the 2011/2012 Management Plan for consideration.

**Report:** At its meeting held 21 August 2010, a petition was handed to Council (refer **attachment 1**) detailing concerns about the lack of a pedestrian walkway on or adjacent to the bridge over Pepper's Creek on the entrance to Rockley.

There are currently five (5) houses in close proximity to the bridge on the Bathurst side that would potentially utilise the provision of such a structure to access the village.

The Rockley Road was, up until July 2009, a Classified Main Road with Regional Road status. This meant that although maintained by Council it attracted State Government funding through the Roads and Traffic Authority under the Regional Road block grant. The road has now been classified as a local road.

The result of reclassification is that Council loses funding in the order of \$116,500 for this road which must be met by Council's roads maintenance vote and other appropriate funding sources depending on the work proposed.

The issue of provision of pedestrian access adjacent to the existing bridge would be best addressed with the construction of a separate pedestrian bridge on the northern side of the existing bridge.

The preliminary estimate for such a structure is \$100,000 possibly involving the construction of a steel structure with a timber deck.

No funding is currently available for the provision of such a facility and therefore the proposal would need to be referred to the 2011/2012 Management Plan for consideration.

**Financial Implications:** Funding for the above works has not been included in the current Management Plan.

**MINUTE**

**27     Item 3    PEPPERS CREEK PEDESTRIAN BRIDGE**

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

**RESOLVED:** That Council refer the construction of a pedestrian bridge over Pepper's Creek on Rockley Road at Rockley to the 2011/2012 Management Plan for consideration.

#### **4 REGIONAL ROADS BLOCK GRANT (16.00011)**

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

**Report:** Council has received a letter from the Roads and Traffic Authority (RTA) advising of the allocation to Council for the 2010/2011 Regional Road Block Grant.

Following the reclassification of two Regional Roads in the Bathurst Region to Local Roads effective as from last financial year, Council now has only two roads that are classified as Regional status as follows:

- Main Road 216 (Regional Road) – Hill End Road – Sofala / Hill End / Mudgee (41.6km)
- Main Road 390 (Regional Road) – Trunkey Creek / Blayney (7.6km)

The Block Grant totals \$584,000 and is broken up into three components being:

- Roads Component \$299,000
- Traffic Facilities \$120,000
- Supplementary \$165,000

The reduction of Council's Block Grant due to the reclassification is being phased in over a three year period and is only in the Roads Component.

**Financial Implications:** A reduction of approximately \$165,000 at the end of the three year phase in period in funding of road maintenance under the Block Grant.

**MINUTE**

**28    Item 4    REGIONAL ROADS BLOCK GRANT**

**MOVED: R Thompson SECONDED: G Westman**

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

## **5 DEVELOPMENT SERVICING PLAN FOR WATER SUPPLY AND SEWERAGE SERVICES (20.00167)**

**Recommendation:** That Council:

- (a) adopt the final Development Servicing Plan dated July 2010,
- (b) advertise the changes to the Revenue Policy by placing them on public exhibition for the statutory 28-day period and receive submissions until Tuesday 21 September 2010. If submissions are received, refer the charges to a further Council meeting for consideration of any submissions. If no submissions are received, adopt the Commercial Developer Charges,
- (c) adopt Monday 1 November 2010 as the commencement date for the new charges applying to new development applications,
- (d) note that existing consents or applications received (but not conditioned) prior to Monday 1 November will be subject to the existing charges,
- (e) forward copies of the final Development Servicing Plan to the Urban Development Institute of Australia (UDIA), the Housing Industry Association (HIA) and the New South Wales Office of Water (NOW) and,
- (f) request New South Wales Office of Water to register the Development Servicing Plan in order to comply with Section 306(3) of the Water Management Act 2000 and the Developer Charges Guidelines.

**Report:** Background

The NSW Department of Water and Energy (currently the New South Wales Office of Water, or NOW) Best-Practice Management of Water Supply and Sewerage Guidelines (August 2007) include Commercial Developer Charges as one of the main criteria in regards to best practice pricing that local water utilities (including Bathurst Regional Council) are required to meet.

The appropriate charges are identified through the completion of a Development Servicing Plan (DSP) for Water Supply and Sewerage in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, Department of Land and Water Conservation, New South Wales, 2002. These guidelines are still current, and specify in detail the process that must be followed in completing and adopting a Development Servicing Plan.

Council has commissioned DLM Consulting to prepare the Development Servicing Plan, which has now been completed to a final stage in accordance with the guidelines.

**Context**

Commercial developer charges for water supply and sewerage are the last remaining items required for Council to be fully compliant with the New South Wales Office of Water "Best-Practice Management of Water Supply and Sewerage Guidelines" August 2007. This compliance ensures that Council has effective and sustainable water supply and sewerage businesses, and has demonstrated best-practice management of these businesses as well as their compliance with National Competition Policy and the National Water Initiative.

**Exhibition**

Subsequent to the Ordinary meeting of Council following the Policy Committee Meeting on 7 April 2010, Council wrote to the Urban Development Institute of Australia (UDIA), the Housing Industry Association (HIA) and the New South Wales Office of Water (NOW) 10 working days before the start of the public exhibition period.

Additionally, Council wrote to any developer who had applied for planning approval or for a compliance certificate under section 305 of the Water Management Act 2000 in the previous 6 months, which totalled 674 letters.

Council placed advertisements in the Western Advocate on 5 occasions inviting public submissions, and placed details on the website along with a full copy of the Development Servicing Plan and the Council report. In doing so Council exceeded the exhibition requirements detailed in the guidelines.

Public submissions closed after a minimum period of 30 working days on Tuesday, 8 June 2010 at 4:00pm. No submissions were received.

Final Development Servicing Plan

Subsequent to the close of the exhibition period, Council's working party meeting held on 14 July 2010 considered the exhibition draft and the options available therein. The final Development Servicing Plan reflects the outcome of that meeting, with a full copy at **attachment 1**. The most significant outcome of the meeting was that there should be a single water supply developer charge and a single sewerage developer charge.

The following Developer Charges are proposed to apply:

<b>Development Area</b>	<b>Water Supply Developer Charge (\$/ET)</b>	<b>Sewerage Developer Charge (\$/ET)</b>	<b>Total Developer Charge (\$/ET)</b>
All Serviced Areas – Bathurst, Eglinton, Kelso, Perthville and Raglan	\$4,531.00	\$4,409.00	\$8,940.00

ET is an abbreviation for equivalent tenement, and is considered to represent the demand a development (for example a “standard” house) could create on the water or sewer infrastructure. Council would continue to use the Water Directorate 2005 Guidelines on Section 64 Determinations of Equivalent Tenements to evaluate the potential demand from proposed residential, commercial and industrial developments.

Implementation

The Development Servicing Plan requires adoption by Council, and advertising of the proposed changes to the Revenue Policy in the 2010/2011 Management Plan. Should there be submissions, these will be reported to Council's October 2010 meeting. If there are no submissions, the changes will be implemented as outlined below.

Once the plan is adopted and implemented, copies of the adopted Plan will be forwarded to Urban Development Institute of Australia, the Housing Industry Association and New South Wales Office of Water (the adopted Development Servicing Plan needs to be registered with the State Government, in order to comply with Section 306(3) of the Water Management Act 2000 and the Developer Charges Guidelines).

Key parts of the implementation are considerations around the starting date for the new charges, and as to how existing consents will be dealt with. Looking at the issue of existing

consents first, it is considered that they should be required to pay the amounts specified on the conditions of consent. That is, they will pay the existing charges, and the existing charges will be applied to applications received but not conditioned prior to the starting date.

Only new Development Applications submitted after the commencement date will have the new charges applied.

In terms of the commencement date, this needs to allow for the possibility of reporting submissions back to Council. Accordingly, it is recommended that the starting date be Monday, 1 November 2010.

**Financial Implications:** The adoption of the final Development Servicing Plan will result in an increase in revenue for Council, which is commensurate with the expenditure required to provide the necessary infrastructure for development.



## MINUTE

### 29 Item 5 DEVELOPMENT SERVICING PLAN FOR WATER SUPPLY AND SEWERAGE SERVICES

**MOVED: T Carpenter SECONDED: G Westman**

**RESOLVED:** That Council:

- (a) adopt the final Development Servicing Plan dated July 2010,
- (b) advertise the changes to the Revenue Policy by placing them on public exhibition for the statutory 28-day period and receive submissions until Tuesday 21 September 2010. If submissions are received, refer the charges to a further Council meeting for consideration of any submissions. If no submissions are received, adopt the Commercial Developer Charges,
- (c) adopt Monday 1 November 2010 as the commencement date for the new charges applying to new development applications,
- (d) note that existing consents or applications received (but not conditioned) prior to Monday 1 November will be subject to the existing charges,
- (e) forward copies of the final Development Servicing Plan to the Urban Development Institute of Australia (UDIA), the Housing Industry Association (HIA) and the New South Wales Office of Water (NOW) and,
- (f) request New South Wales Office of Water to register the Development Servicing Plan in order to comply with Section 306(3) of the Water Management Act 2000 and the Developer Charges Guidelines.

## **6 TRANSFER OF SECTION OF CROWN ROAD TO COUNCIL - HOWARDS DRIVE AT MOUNT RANKIN (25.00301)**

**Recommendation:** That Council make application to the Land and Property Management Authority for the transfer of the section of constructed Crown Road located north of Lot 23 DP619336 at Howards Drive, Mount Rankin, in accordance with the Director Engineering Services' report.

**Report:** Council has been approached by the Land and Property Management Authority (Orange) for the transfer of a section of constructed Crown Road at Howards Drive, Mount Rankin to Council. Please refer to copy Email dated 23 July 2010 (P Crain Land and Property Management Authority to J Wood Bathurst Regional Council) and Sketch Plan at **attachment 1.**

Council has investigated the proposal and found the appurtenant section of Howards Drive is constructed to a similar standard as to other sections which are Council public roads under its control.

For this to occur, Council makes application to the Authority for the transfer of the constructed section of Howards Drive fronting Lot 23 DP619336 to its ownership at no cost. Council will not make application to the Authority for transfer of the unformed section of Crown road adjoining Lot 22 DP619336.

It is recommended that Council approve the transfer of the constructed Crown Road section of Howards Drive, Mount Rankin to its ownership.

**Financial Implications:** Nil.

**MINUTE**

**30 Item 6 TRANSFER OF SECTION OF CROWN ROAD TO COUNCIL - HOWARDS DRIVE AT MOUNT RANKIN**

**MOVED: R Thompson SECONDED: B Bourke**

**RESOLVED:**That Council make application to the Land and Property Management Authority for the transfer of the section of constructed Crown Road located north of Lot 23 DP619336 at Howards Drive, Mount Rankin, in accordance with the Director Engineering Services' report.

Yours faithfully



Doug Patterson  
**DIRECTOR  
ENGINEERING SERVICES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT  
18 AUGUST 2010

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT TO THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL MEETING HELD ON 18 AUGUST 2010**

General Manager  
Bathurst Regional Council

**1 REGIONAL LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - ROUND 3 (16.00125)**

**Recommendation:** That Council endorse the following programs under the Regional Local Community Infrastructure Program, Round 3:

	PROJECT	LOCATON	OTHER DETAILS	COSTING
1	Playground - equipment upgrade	Swanbrooke Street Playground	Equipment upgrade	20,000
2	Playground shelter	Adventure Playground	Shelters located on western side of playground	40,000
3	BMEC - Replace Front Canopy	BMEC	Replace front canopy	45,000
4	Solar Panels - Scallywags	Scallywags	Solar panels	35,000
5	Upgrade of security at Woodturners Club	Learmonth Park	Installation of security shutters	6,500
6	Retrofit project in the administration building	Civic Centre	As per study	10,000
7	Kitchen Upgrade - Seymour Centre	55 Seymour Street	Replace kitchen	30,000
8	Toilet Block Replacement	AFMM	Toilet block to include disabled access facilities	50,000
9	Cycleways	Stage II - Rankin Bridge West	Rankin Bridge to Ophir Road	40,000
10	Upgrade Heritage Structure	Machattie Park	Enhance heritage structures within Machattie Park	30,000
11	Building improvements	Scallywags	Replace verandah area	30,000
12	Perthville Hall Storage Extension	Perthville Hall	Construct storage facility adjacent to hall	20,000
13	Play Area - Rankens Bridge (Bathurst side)	Rankens Bridge (Bathurst side)	Installation of playground equipment	45,500
14	Seating	Cemetery	Installation of seating	10,000
	TOTAL			412,000

**Report:** Council will be aware that the Federal Government recently announced Round 3 of the Regional Local Community Infrastructure Program.

Council has been allocated \$412,000 under this program. Consistent with the outcomes of Council's Working Party, the following projects have been forwarded to the Federal Government for approval:

	PROJECT	LOCATON	OTHER DETAILS	COSTING

1	Playground - equipment upgrade	Swanbrooke Street Playground	Equipment upgrade	20,000
2	Playground shelter	Adventure Playground	Shelters located on western side of playground	40,000
3	BMEC - Replace Front Canopy	BMEC	Replace front canopy	45,000
4	Solar Panels - Scallywags	Scallywags	Solar panels	35,000
5	Upgrade of security at Woodturners Club	Learmonth Park	Installation of security shutters	6,500
6	Retrofit project in the administration building	Civic Centre	As per study	10,000
7	Kitchen Upgrade - Seymour Centre	55 Seymour Street	Replace kitchen	30,000
8	Toilet Block Replacement	AFMM	Toilet block to include disabled access facilities	50,000
9	Cycleways	Stage II - Rankin Bridge West	Rankin Bridge to Ophir Road	40,000
10	Upgrade Heritage Structure	Machattie Park	Enhance heritage structures within Machattie Park	30,000
11	Building improvements	Scallywags	Replace verandah area	30,000
12	Perthville Hall Storage Extension	Perthville Hall	Construct storage facility adjacent to hall	20,000
13	Play Area - Rankens Bridge (Bathurst side)	Rankens Bridge (Bathurst side)	Installation of playground equipment	45,500
14	Seating	Cemetery	Installation of seating	10,000
	TOTAL			412,000

Previous reports to Council on earlier rounds were:

1. Director Corporate Services & Finance Report #8 - 10 December 2008 - amount allocated \$959,000.
2. Director Cultural & Community Services Report #1 - 18 November 2009 - amount allocated \$412,000.

**Financial Implications:** Projects will be funded through the Federal Government Grants.

## MINUTE

### **31 Item 1 REGIONAL LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - ROUND 3**

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

**RESOLVED:** That Council endorse the following programs under the Regional Local Community Infrastructure Program, Round 3:

	<b>PROJECT</b>	<b>LOCATON</b>	<b>OTHER DETAILS</b>	<b>COSTING</b>
1	Playground - equipment upgrade	Swanbrooke Street Playground	Equipment upgrade	20,000
2	Playground shelter	Adventure Playground	Shelters located on western side of playground	40,000
3	BMEC - Replace Front Canopy	BMEC	Replace front canopy	45,000
4	Solar Panels - Scallywags	Scallywags	Solar panels	35,000
5	Upgrade of security at Woodturners Club	Learmonth Park	Installation of security shutters	6,500
6	Retrofit project in the administration building	Civic Centre	As per study	10,000
7	Kitchen Upgrade - Seymour Centre	55 Seymour Street	Replace kitchen	30,000
8	Toilet Block Replacement	AFMM	Toilet block to include disabled access facilities	50,000
9	Cycleways	Stage II - Rankin Bridge West	Rankin Bridge to Ophir Road	40,000
10	Upgrade Heritage Structure	Machattie Park	Enhance heritage structures within Machattie Park	30,000
11	Building improvements	Scallywags	Replace verandah area	30,000
12	Perthville Hall Storage Extension	Perthville Hall	Construct storage facility adjacent to hall	20,000
13	Play Area - Rankens Bridge (Bathurst side)	Rankens Bridge (Bathurst side)	Installation of playground equipment	45,500
14	Seating	Cemetery	Installation of seating	10,000
	TOTAL			412,000

## **2 CHIFLEY HOME INTERPRETATIVE CENTRE - ORAL HISTORY SOUND-STATION (21.00112)**

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

**Report:** The Museum of Australian Democracy at Old Parliament House in Canberra has committed \$16,653 towards an Oral History Sound-Station for the new Chifley Home Interpretative Centre and the time-coding of prerecorded oral history interviews on Ben and Elizabeth Chifley.

The Museum of Australian Democracy has been a strong supporter of the new Chifley Interpretative Centre throughout its development which has included the lending of the first temporary exhibition for the Centre, 'Billy Hughes at War'.

The Oral History Sound-Station will feature a selection of short audio interviews of people who remember Prime Minister Ben Chifley and his wife, Elizabeth, from a Bathurst perspective. These interviews were originally recorded for the feature film: 'The Chifleys of Busby Street' made by Ronin Films in Canberra and released in 2008. Ronin Films will be providing the audio-clips for the new Sound-Station. Wizard Projects, also based in Canberra, will be putting together the technology for the Sound-Station which will include two touch-screen PCs with headphones which will relay the selected interviews.

This project is a valuable educational tool for Chifley Home Interpretative Centre in promoting visitors' awareness on the Chifleys' domestic and community lives in Bathurst from those who remember them.

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



**MINUTE**

**32 Item 2 CHIFLEY HOME INTERPRETATIVE CENTRE - ORAL HISTORY SOUND-STATION**

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

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

### **3 BATHURST LIBRARY STATISTICS (18.00115)**

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

**Report:** Each year the State Library of NSW produces a comprehensive report on comparative statistics for all library services in NSW. Some 98 library services are compared in the report.

Bathurst Library uses the State Library statistics as part of an ongoing benchmarking process to compare our library to other services and to drive our aim to continually improve our service. The latest published statistics covers the years 2008 / 2009.

Bathurst Library is constantly rated as performing in the top 20 libraries in terms of comparative statistics as detailed in this report and the charts from the report at **Attachment 1.**

Circulation per staff member: Bathurst is placed sixth from the top out of 98, with 32,795 issues per staff member.

Circulation per capita: Bathurst is placed at number 17, with 9.16 items borrowed per resident.

The average cost of library materials chart shows Bathurst to be ninth lowest at \$11.21 per item.

When benchmarked with similar country library services such as Cessnock and Queanbeyan or with library services of similar size populations, Bathurst has performed well.

<b>Service</b>	<b>Population</b>	<b>Circulation 2008/2009</b>
Cessnock	49,888	247,440
Queanbeyan	53,455	282,797
Botany Bay	38,628	134,524
Bathurst	38,326	350,913
Eurobodalla	37,054	301,163
Strathfield	35,124	241,243

Bathurst Library has achieved a phenomenal 62.4% increase in circulation of library materials since the year 2001.

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

**MINUTE**

**33    Item 3    BATHURST LIBRARY STATISTICS**

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

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

#### **4 BATHURST REGIONAL ART GALLERY'S PERMANENT COLLECTION - GROWTH SINCE 2004 (21.00039)**

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

**Report:** In the last financial year (2009/2010) some 54 works valued at \$194,558 were added to Bathurst Regional Art Gallery's permanent collection.

Of these works 7 were outright donations valued at \$12,800, 24 were purchases valued at nearly \$73,000 and 23 were given as donations under the Australian Government's Cultural Gifts Program valued at just over \$104,000.

This brings the total number of works in the permanent collection to 1,565 valued at \$5,684,302.

The permanent collection has five main collecting areas:

- Contemporary Art and Modernism since the 1950s
- Hill End – including artists from the Residency Program and historic works relating to Hill End
- Studio ceramics
- Small scale sculptures
- Lloyd Rees.

The collection has grown significantly in recent years.

Since 2004 some 473 works valued at \$2.58 million have been added to the permanent collection. These additions can be broken down into the following categories:

- Gifts: 106 works valued at \$147,856
- Gwen Frolich Bequest: 75 works valued at \$1,045,050
- Cultural Gifts Program: 111 works valued at \$1,083,325
- Purchases: 181 works valued at \$303,949.

On average \$50,000 per annum was spent on art purchases. These funds have been provided by Council's annual allocation and through the financial support of BRAGS Inc (Bathurst Regional Art Gallery Society Inc). BRAGS Inc raises funds from gallery openings, the Bathurst Art Fair and art excursions to support the purchase of works for the permanent collection.

The most important gift to the gallery was the bequest made in 2004 by Mrs Gwen Frolich of some 75 works by many of Australia's leading artists. The bequest included 13 works from Fred Williams dated from late 1950s to 1978.

To date 52 individuals and four organisations have donated works to the Bathurst Regional Art Gallery.

Without the generous assistance of these individuals and organisations Bathurst Regional Art Gallery's permanent collection would not be able to grow.

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

**MINUTE**

**34 Item 4 BATHURST REGIONAL ART GALLERY'S PERMANENT COLLECTION - GROWTH SINCE 2004**

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

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

## **5 USE OF NATIONAL MOTOR RACING MUSEUM - ROTARY INTERNATIONAL CONFERENCE 2011 (18.00112)**

**Recommendation:** That Council confirm its previous offer to utilise the National Motor Racing Museum as:

- (a) Entrance to the Museum at a 20% discount per visitor.
- (b) Tour of Circuit - \$25.00 per lap with final numbers to be provided to the Museum Manager two weeks prior to the Conference.
- (c) Presentation of 30 minutes - \$4.00 per person, note this will need to be done in groups of twenty five.

**Report:** Rotary District 9690 Inc has elected to convene its 2011 conference in Bathurst from 18 – 20 March 2011. Rotary District 9690 has approximately 1,000 members and covers the inner suburbs of Sydney, extending past the Blue Mountains to Lithgow, Portland and Wallerawang.

In electing to meet in Bathurst, Rotary 9690 has identified its wish to utilise several of Council's cultural assets: the Bathurst Memorial Entertainment Centre and the National Motor Racing Museum. Conference flyers surrounding the event are at **Attachment 1**.

Rotary District 9690 Inc has requested the use of the National Motor Racing Museum as follows:

- A bulk payment of \$250.00 to allow for any number of Rotarians to visit the Museum, equating to \$1.65 - \$2.50 per person (100 – 150 people). This would also include a presentation by staff at the Museum and access to move their BBQ indoors should the weather be inclement.
- Two or three race cars outside with mechanics/drivers for a lap of the course (to be used as lucky door prizes).
- Advertising material for the Rotary 'Grab Bags'.

Council staff advised Mr Mercer that his request was unable to be accepted and proposed the following on 8 June 2010 (**Attachment 2**):

- Entrance to the Museum at a 20% discount per visitor.
- Tour of Circuit - \$25.00 per lap with final numbers to be provided to the Museum Manager two weeks prior to the Conference.
- Presentation of 30 minutes - \$4.00 per person, note this will need to be done in groups of twenty five.

Mr Mercer advised that this was not acceptable and has since submitted his 'wish list' for use of the National Motor Racing Museum as follows:

*"Bathurst Conference Wish List.*

- A. *A bulk payment (rather than pax) for any number of Rotarians to visit the museum, \$250 was suggested as appropriate. This equates to \$1.65 - \$2.50 pp. with an estimated 100 to 150 attendees at the BBQ, some of whom will not want to visit.*

- B. *A general lecture about the Mountain and its use as a race circuit included in the entry.*
- C. *Two or three race cars outside with mechanics/drivers for a lap of the course which we will use as door or raffle prizes. (Understand a cost involved here)*
- D. *Access to an undercover situation in the event of inclement weather.*

*The rationale behind this request is multifaceted.*

1. *Rotarians and their families who will be staying in, or returning to, Bathurst will have their appetites whetted with a view to returning either during the weekend or at a later date, possibly bringing sons and daughters or grandsons / granddaughters to see the Museum.*
2. *It will engender a desire for non car racing people to visit both during mountain racing times and outside the race time.*
3. *It will pique the interest of attendees in Bathurst and the district.*
4. *It will mean an extra day in Bathurst for a number of Rotarians with the consequent spending on necessary items such as meals thus giving Bathurst business an opportunity to promote their wares. Business will be advised of the chance to add pamphlets or other advertising to the conference "Grab Bag" which will be issued to all attendees*
5. *The addition of a number of intangibles which always accompany the addition of a large group of "out of towners" to the local population.*

*There may be additional things which crop up between now and the date of the Conference but I will communicate them to you for your consideration as and when.*

*Kind regards  
Dudley Mercer  
Aide to DG Marilyn Mercer"*

The planned event is scheduled to run from 6.00pm until 9.00pm. Any use of the museum will require Council staff to undertake overtime, together with any staff required to drive Museum vehicles. Please note that any request to utilise vehicles is subject to mechanical inspection and subsequent release. Vehicles will only be driven on the Mount Panorama circuit and will at all times meet normal driving conditions.

Council has already provided funding in the way of subsidy to this conference when it resolved on 16 September 2009 to allow use of the BMEC local rate for hire of the Bathurst Memorial Entertainment Centre, estimated at the time to be \$1,411.50.

**Financial Implications:** This request could be funded from Council's Section 356 Donations which currently has a balance of \$47,451.83.

**MINUTE**

**35 Item 5 USE OF NATIONAL MOTOR RACING MUSEUM - ROTARY INTERNATIONAL CONFERENCE 2011**

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

**RESOLVED:** That Council confirm its previous offer to utilise the National Motor Racing Museum as:

- (a) Entrance to the Museum at a 20% discount per visitor.
- (b) Tour of Circuit - \$25.00 per lap with final numbers to be provided to the Museum Manager two weeks prior to the Conference.
- (c) Presentation of 30 minutes - \$4.00 per person, note this will need to be done in groups of twenty five.

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 18 AUGUST 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES - POLICY COMMITTEE MEETING - 4 AUGUST 2010 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 4 August 2010 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 4 August 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**36     Item 1     MINUTES - POLICY COMMITTEE MEETING - 4 AUGUST 2010**

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

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 4 August 2010 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 4 AUGUST 2010**

**5PM MEETING COMMENCES**

**1 5PM MEETING COMMENCES**

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

**In attendance:** General Manager, Director Corporate Services & Finance, Director Environmental Planning & Building Services, Director Engineering Services, Director Cultural & Community Services, Manager Water & Waste, Manager Technical Services, Operations Manager Water & Waste, Parks Operations Manager, Development Control Planner.

**APOLOGIES**

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

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 JULY 2010 (07.00064)**  
**MOVED** Cr G Westman and **SECONDED** Cr R Thompson

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

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**  
**MOVED** Cr I North and **SECONDED** Cr R Thompson

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

Cr Hanger  
Discussion Forum - DA Submissions - Telecommunications Base Station.

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

## Director Corporate Services & Finance's Report

- 5** **Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE (07.00096)**  
**MOVED** Cr R Thompson and **SECONDED** Cr G Westman

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

- 6** **Item 2 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPPA) - PUBLICATION GUIDE (02.00035, 41.00088)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) note that Council has, as required under Section 22 of the Government Information (Public Access) Act 2009 sent a copy of the Publication Guide to the Office of the Information Commissioner.
- (b) delegate authority to the General Manager to adopt the Publication Guide for Council as this is an operational matter.
- (c) following adoption of the Publication Guide, place it on the Public Document sections of Council's website.

## General Manager's Report

- 7** **Item 1 CODE OF CONDUCT COMPLAINTS RECEIVED 1 JULY 2009 TO 30 JUNE 2010 (07.00088)**  
**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

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

## GENERAL BUSINESS

- 8** **AGED CARE STUDY 09.00006**

**Cr Thompson** – asked could Council advise where we are at with the Study.

**The Director Cultural & Community Services** advised discussions occurring with CSU in September.

- 9** **ENVIRONMENTAL GRANTS 16.00021**

**Cr Thompson** – asked what is the status of this matter.

**The Director Environmental, Planning & Building Services** advised will go to a Council Working Party in September or October

- 10** **SIGNAGE INTO BATHURST 23.00045**

**Cr Thompson** – asked can we address the signage as part of the Economic Development Strategy.

**11**      **BATHURST HEALTH COUNCIL 18.00035**

**Cr North** – asked currently a member of the Council. Pleased with processes occurring which have been positive.

**12**      **LIGHT STANDARD, CNR HOWICK & WILLIAM STREETS 25.00006**

**Cr Bourke** – referred to letter in media regarding this light standard. If anything is done, can this come back to Council.

**The Mayor** advised the status of the matter.

**13**      **CENTROC SUMMIT - JULY 2010 07.00017**

**Cr Carpenter** – Congratulations on a great event that promoted Bathurst. The precinct around the Mount has had a lot of development. There is a need to look at the area for plantings, etc. Can Council look at this.

**Meeting suspended till 5.15pm for Discussion Forum, DA Submissions.**

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**14**      **Item 1 DEVELOPMENT APPLICATION NO. 2010/0629 – TELECOMMUNICATION BASE STATION AT LOT 1, DP 620110, 9 ILUMBA WAY KELSO. APPLICANT: TCI LTD. OWNER: BATHURST MASONIC TEMPLE SOCIETY INC. (DA2010/0629)**

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

**Reason: Teacher at Kelso High School**

**Discussion Included:**

**Rodney Fairbrother** (47 Miriyan Drive)

Main concern is health issues. Literature from overseas shows there is a great possibility of diseases. Spoke to his submission made to Council. Telstra has not

convinced residents there are no problems. Request another site be chosen. Also understands other carriers could set up on the tower. The area is sensitive with aged care, school and residents nearby. Feel high impact tower and worried information is being concealed.

**Christina Munns (Kelso resident & Homeopath)**

Spoke of how the body works and electromagnetic fields. Exposure is a real problem. Does Council feel electromagnetic fields will not be impacted by tower? Will Council protect its residents? Can Council postpone DA and establish a consultative committee to examine the proposal, will sit on this committee. Other sites need to be examined away from people.

**Michelle Gooley (57 Miriyan Drive)**

This will impact on two nursing homes, schools and residents. The more items put onto the tower will cause greater effects. What is the exposure level when additions go onto the tower. Studies overseas show health risks. e.g. India. It is too close to Keith Sheehan's place. There is no proof there are no health risks, needs more studies to be done. Main concern is health. the information pack from Telstra is contrary to proposal with respect to height.

**Keith Sheehan (3 Ilumba Way)**

The tower is only 30m from my dining room table. There is a perceived real health risk. Telstra needs to prove they do not create injury. Spoke of schools, aged care facilities, tower should not be near it.

**Lou Lucarno (46 Miriyan Drive)**

Telstra have other options. Putting it here as it suits Telstra's bottom line. Will Council back the ratepayers or Telstra.

**Resident**

Real Estate Agents has said house values will decrease 10 - 20% if tower located here. Concern at impact on wildlife. Have concerns for grandchildren and family members who live near the area. The main issue is health, at a lesser value is value of properties.

**Bruce Blatch (resident)**

Live straight across the road from the tower. The area is beautiful to live in and now with a small area of land left, a tower is to go up. This is disgusting.

**Noeleen Mitchell (resident)**

Has just moved into the area. Did not buy in Orange due to transmission lines. Have grandchildren with special needs, have health concerns. The area is lovely, do not want to see this happen.

**Vesna Greig (Telstra)**

A need has been identified for Kelso. The object is to improve 3G system. Spoke

to facility provision needs in the area, which the proposal is intended to address. Held community information sessions in July and over 450 invitations were sent out. The facility will operate within national standards which take into account guidelines from groups such as the World Health Organisation. The facility will operate at less than 1% of the standard. Spoke to alternative sites in the area, e.g. water reservoir, these did not offer adequate coverage. The facility has been designed to limit visual impact. Thanks to Council for opportunity to speak to the matter.

The following questions were asked of Telstra:

**Lou Lucarno**

Telstra have looked at several other sites, if site at Hall was not available, then would have had to look elsewhere. Safety is only what we know now, look at asbestos.

**Telstra**

Site selection was based on servicing the area. Mount Panorama has reached capacity, now need to put in additional smaller towers within areas to provide service. The Masonic hall caters for 3 sectors.

**Keith Sheehan**

When pack was sent to residents, there was not one photo of his house, why? Recently in Darwin and saw a new tower, could not get access from Tower within 50 meters.

**Telstra**

Services will work within 50m of tower. Photos taken to show street view.

**Resident**

Have a commodore, cannot park it near towers due to impact on remote control. What will the tower do to remote controls, e.g. television, car etc.

**Telstra**

Spoke to band width licence within which Telstra must work.

**Michelle Gooley**

On information night asked can Telstra guarantee safety and guarantee properties will not devalue. These questions were not answered.

**Telstra**

Telstra will comply with standard and if it changes, Telstra will comply with this. Proposal will operate at less than 1% of standard.

**Resident**

Have had sufficient information on radiation, do not know what future effects will be.

**DISCUSSION FORUM OTHER**



**Item 1 PROPOSED ROWING AT CHIFLEY DAM (32.00005)**

Discussion included;

**Mr Renford, (CEO NSW Rowing)**

Spoke to proposal for rowing on Chifley Dam. Noted accessibility to water is a prime consideration; have had ongoing discussions with Council and the community. Raised logistics such as getting boats to water, storage needs. Seeking feedback on the proposal.

**Bruce Weal (Water Skiing)**

Does not have a Club or Association. Seeking clarification on what areas will be utilised, when and how often etc. What is the impact on their "spot".

**Mr Renford** advised looking at area near cabins and utilising area (north) up the dam. Expect limited usage initially. The sport is used to working in shared areas eg Lake Jindabyne. The timing will be most likely mornings and afternoons mid-week; does not feel there will be major conflict.

**Mick Dunn (Water Skiing)**

Asked, will there be a permanent course set-up?

**Mr Renford** advised No. Spoke of temporary infrastructure used.

**Mr Booth**

Ben Chifley Dam is not really big and so can cause a problem; Jindabyne is not a good example. He feels dam very small and conflicts will occur.

**Mr Renford** spoke of areas such as Parramatta River, with multiple uses and conflicts that exist and how to deal with them.

**Ben Thomas (Water Skiing)**

Asked, has consideration been given to use of Lake Wallace?

**Mr Renford** advised Yes. Consideration has been given and some use has been made; currently suspended; has looked at other water bodies.

**Rob Strange (Central Tablelands Rowing Club)**

Primary use is for training and development rather than regattas and competition. Length of waterway at Chifley is a major attraction. Only see 1 to 2 days per annum for competition needed.

**Linda Hurford (Bathurst Ratepayer)**

Love to use dam for other things besides water skiing. Excited to hear Rowing Club may start up. Would be great to have another sport on the Dam.

**Bruce Weal (Water Skiing)**

Do not want to exclude anyone. Rowers have used Dam previously. Not sure what the proposal is concerning the shed; skiers want to know what are full details of the proposal. When 20-25 boats are on the dam, area is not large. Need to think about access to the Dam from back of the dam over private property to water speed restricted areas.

**Mr Renford**

Investigating further options. What is being proposed is an initial stage to get rowing up and going.

**Steve Hill (Skier)**

Have family day at Chifley Dam and lots of people go out. Will have problems when areas are restricted due to rowing. There are many children and safety is an issue. Cabins are used mainly by skiers and fishermen. Want to use Dam safely; most people want flat water. Need more signage at Dam to say operate anti-clockwise.

**Mr Renford**

Not proposing any more restrictions and are not closing down the dam.

**Terry Rowling (Fishing Bathurst)**

On weekends bottom of dam is chaos; why not use top area of dam? Go through private property.

**Mr Renford**

Will look at options.

**Hamish Croucher (Kinross Wallaroi School)**

During week rowers are finished by 7.30 am. On weekends need to work with all groups to come to an arrangement. Would like to come to Chifley Dam.

**Terry Jones (RSL Fishing Club)**

This is notified trout waters. Spoke to fish being stocked and future proposals. Infrastructure needs to be looked at and the competing interests need to be addressed and get common areas established. Needs a management plan put in place. Perhaps look at shared facilities. Spoke of ramps, pontoons etc. Council should work with NSW Maritime and Fisheries. It is a great idea; will not conflict with slow boats. Spoke of use times by fishing groups.

**Denise Hall (Skier)**

What is the timeframe for this? Can skiers be kept in the loop? Happy for everyone to use the dam.

**Mr Renford**

Spoke to timeframe and working with schools. Would like to be on dam ideally in September to get going in summer. Trying to get kids interested.

**Les Bingham**

Have used dam for 25 years. Used to be a Sailing club; there was never a problem when they operated. Spoke of fishing use of upper reaches.

**Brett Hurditch (Water Skier)**

Safety is an issue due to dam size. Restricted where can operate due to area's skiing needs. This needs to be taken into account. Skiers operate anti-clockwise; need to be careful that accidents do not occur as do not want dam to be closed.

**Ben Thomas**

Ten to fifteen years ago a local group tried to start a ski club and Clubhouse and this was knocked back. This seems to be promoted by out of towners.

**Mr Renford**

Wishes to work with Council and users. Rowing NSW here to grow accessibility of the sport.

**Steve Allan (Water Skier)**

Rowing is great fun. If wish to expand rowing, need to be aware of conflicts. If everyone is out there at once, then there will be problems.

**Catriona Roach**

Most people do not begin in sculls. There will not be too many boats; conflict can be controlled.

**Bob Trimming**

Issue seems to be conflict with high powered ski-boats. Cannot have dam tied up with one or two sports. Need management plan to maximise usage.

**Bruce Weal**

Water skiers try not to be elite fast boat operators. Want to share facilities; need to be aware of dangers. It is a small dam and size needs to be taken into account.

**MEETING CLOSE**

**16**      **MEETING CLOSE**

The Meeting closed at 6.40 pm.

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

**Date:** \_\_\_\_\_ **(18 August 2010)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
TRAFFIC COMMITTEE MEETING

**TRAFFIC COMMITTEE MEETING TO THE ORDINARY MEETING OF BATHURST  
REGIONAL COUNCIL MEETING HELD ON 18 AUGUST 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES - TRAFFIC COMMITTEE MEETING - 3 AUGUST 2010 (07.00006)**

**Recommendation:** That the recommendations of the Traffic Committee Meeting held on 3 August 2010 be adopted.

**Report:** The Minutes of the Traffic Committee Meeting held on 3 August 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**37    Item 1    MINUTES - TRAFFIC COMMITTEE MEETING - 3 AUGUST 2010**

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

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 3 August 2010 be adopted.

**MINUTES OF THE TRAFFIC COMMITTEE**  
**HELD ON 3 AUGUST 2010**

**2 PM MEETING COMMENCES**

**1 PRESENT**

**Members:** Cr Ian North (BRC) - Chair, Warren Bow (Police), Robert Walker (RTA), Jeff Crompton (MP Representative)

**Observers:** Manager Technical Services

**APOLOGIES**

**2 APOLOGIES**

Cr Warren Aubin (BRC)

**REPORT OF PREVIOUS MEETING**

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

That the Minutes of the Traffic Committee Meeting held on 6 July 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 6 JULY 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 PROPOSED NO STOPPING SIGNS ON GORMANS HILL ROAD AT MACKILLOP COLLEGE NEW CAR PARK (25.00092-03)**



**RESOLVED:**That Council approve the installation of No Stopping signs on Gormans Hill Road at both access points to the new MacKillop College car park.

**8**      **Item 4 PROPOSED LINE WORK ON VINE STREET AT INTERSECTION WITH HAVANNAH STREET (25.00430)**

**RESOLVED:**That Council approve the installation of Double Barrier centre line and Give Way Sign and hold line on Vine Street at the intersection with Havannah Street.

**9**      **Item 5 PROPOSED NO STOPPING SIGNS WARK PARADE (25.00172-04)**

**RESOLVED:**That Council approves the installation of No Stopping signs on Wark Parade and Suttor Street Bathurst.

**10**     **Item 6 PETER ROGERS REAL ESTATE STATE RALLY 2010 (23.00015-06/050)**

That Council classify the 2010 Peter Rogers Real Estate State Rally to be held on Saturday 25 September 2010 as a Class 2 event, and the event be approved subject to conditions as detailed in the Director Engineering Services' Report.

**11**     **Item 7 LATE REPORT (22.00275-02)**

**MOVED** R Walker and **SECONDED** W Bow

**RESOLVED:** That the Committee accept and deal with the late report on Proposed Relocation of Pedestrian Refuge Adjacent to 56C Boyd Street, Kelso at the Traffic Committee Meeting held on 3 August 2010.

**12**     **Item 7 PROPOSED RELOCATION OF PEDESTRIAN REFUGE ADJACENT TO 56C BOYD STREET KELSO (22.00275-02)**

That Council approve the relocation of the pedestrian refuge adjacent to 56C Boyd Street Kelso to facilitate the proposed residential development at that location.

**13**     **Item 8 LATE REPORT (23.00130)**

That the Committee accept and deal with the late report on the Edgell Bathurst Jog at the Traffic Committee Meeting held on 3 August 2010.

**14**     **Item 8 EDGELL BATHURST JOG (23.00130)**

That Council approve the Edgell Bathurst Jog on Sunday 12 September 2010, and that the event be classified as a Class 1, subject to the conditions decided by the Traffic Committee.

**TRAFFIC REGISTER**

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

That the information be noted.

**MEETING CLOSE**

**16**      **MEETING CLOSE**

The Meeting closed at 2.55 pm.

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

**Date:** \_\_\_\_\_ **(18 August 2010)**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DELEGATES REPORTS

**DELEGATES REPORTS TO THE ORDINARY MEETING OF BATHURST REGIONAL  
COUNCIL MEETING HELD ON 18 AUGUST 2010**

General Manager  
Bathurst Regional Council

**1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD  
14 JULY 2010 (11.00019)**

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

**Report: PRESENT:**

Crs Toole (Chair), Aubin, Morse, North, Westman.

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

**APOLOGIES:** Crs Carpenter, Thompson Bourke, Hanger.

**1. WEST BATHURST PRESCHOOL (2010/0498)**

Jeannie Clague, Anita VanDartel and Melissa Colwell attended the meeting and addressed Council on the following matters.

Discussion included:

- West Bathurst Preschool has been in Bathurst since 1974.
- In 1994 they built a bigger Preschool on the present site catering for 40 children per day in the 3-5 year old bracket, covering 110 families throughout the Bathurst and surrounding area including Fitzgerald Valley, O'Connell and Rockley.
- They are developing a reputation for children with additional needs and the services that they can provide for those children.
- Recently, they have been diversifying into the area of disadvantaged children. They lease Council's Lee Street building 2 days per week for this service.
- 50% of their income is derived from grants from the Department of Community Service, the remainder coming from fees.
- They anticipated \$250,000 to carry out the current extensions, the cheapest quote received was \$295,000.
- The extensions will allow an additional 20 places for 4 year old and 20 early start

programme places. The not for-profit organisation are seeking Council assistance in reducing the fees that were associated with the Development Application.

- The building if commenced will be completed by term 3.
- Requested Council to consider a reduction in the fees and a possible option of a payment plan over 2 or 3 years for the fees.

## **2. NATIONAL AUSTRALIA BANK (11.00019)**

Chris Wilkinson and Rachel Lodding from the NAB attended the meeting and addressed Council on the following matters:

- Advised that they had a retail bank and a business bank situated in Bathurst, with a total staff of 21.
- The business banking area covers approximately 150k radius of Bathurst, Lithgow and Blayney
- Has 4 Managers, 4 Support staff, 3 Financial Planners and 1 Assistant.
- Approved 90% of the requests received in Bathurst at Bathurst office. Advised Council on some of the community projects that the NAB were involved in, including a grant to Kelso High for Circus Surreal of \$50,000, a sponsorship programme of the BTB Cycling event and several other initiatives including assistance for Cancer Research and encouraging other sporting activities amongst Juniors.
- The local branch is just about to undertake an internal refurbishment to the value of approximately 1.2m.
- The Bank advised that they were committed to the Bathurst community in the long term because Bathurst has been highlighted as an area of National growth.

**Financial Implications:** Nil

**MINUTE**

**38 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES HELD 14 JULY 2010**

**MOVED: G Westman SECONDED: G Hanger**

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

**2 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES HELD  
28 JULY 2010 (11.00019)**

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

**Report: PRESENT:**

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

General Manager, Director Corporate Services & Finance, Director Environmental Planning & Building Services, Director Engineering Services, Director Cultural & Community Services, Manager Community Services, Kelso Community Centre Coordinator

**APOLOGIES:** Crs Bourke, Morse

**1. NSW HOUSING - KELSO REGENERATION PLAN (09.00026)**

Lesa Dunn from NSW Housing gave a presentation to Council on the Kelso regeneration plan.

In 2007 the NSW State Government announced a new 'innovative approach to the community regeneration of social housing estates in NSW' – Building Stronger Communities. The program was to run until 2010 spending more than \$66 million in 'creating vibrant communities on 18 social housing estates'. Bathurst was named one of the 'priority' locations for this program to be implemented.

As part of the launch of this program the Government promoted the benefits as being to 'improve homes, public spaces and access to services, all to create a better social environment to boost tenants' skills and job opportunities'. The program also identified the creation of neighbourhood management boards, run by the tenants of social housing that will address a range of issues surrounding the management of their communities future. Such issues were identified to include:

- Community safety and anti social behaviour (noise, graffiti and harassment);
- Recreational areas (safety and attractiveness); and
- Community buildings (safety and attractiveness).

The program aimed to include partnerships with the tenants of the social housing areas, community organisations, government agencies and non government organisations as a means to 'Building Stronger Communities'.

**Financial Implications:** Nil

**MINUTE**

**39 Item 2 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES HELD 28 JULY 2010**

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

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



**3 MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON THURSDAY, 22 JULY 2010 (11.00020)**

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

**Report: MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING HELD ON THURSDAY, 22 JULY 2010**

**PRESENT:** Melinda Nancarrow, Nathan Inwood, Georgia Brancourt, Mitchell Dwyer, Cindy Butler, Brianna Wade, Hugo Newell, Charlotte Inwood, Hannah Condon, Chris Killham, Maddison Luchetti, Carmen Stassen, Ben Larnach

**IN ATTENDANCE:** Megan Bargwanna (Youth Development Officer), Michaella Press (Events & Promotions Officer)

**1. APOLOGIES**

**RESOLVED** that the apologies from Olivia Guilbert be accepted.

**2. ADOPTION OF PREVIOUS MINUTES (13 MAY 2010)**

**RESOLVED** that the minutes of the meeting held 13 May 2010 be accepted.

**3. BUSINESS ARISING FROM PREVIOUS MINUTES**

**RESOLVED** that there was no business arising from the previous minutes.

**4. MICHAELLA PRESS EVENTS & PROMOTIONS OFFICER, BRC- NEW YEAR'S EVE 2010**

- New Year's Eve "Party in the Park" 2010 is in the planning stage.
- Key focus is on family and children, events team are trying to incorporate young people more.
- Michaella requested information about what young people (aged 12-25 years) would like to be included.
- Venue is Adventure Playground, commences 4.00pm and concluding 9.30pm/10.00pm.
- Live entertainment, including storytelling, etc. for young children in the afternoon.
- Entertainment was primarily local also included Nintendo Wii tent, jumping castle, fireworks and glow sticks.
- Emphasis on the event is opportunity to "chill out".
- Youth Council listed suggestions for consideration by Michaella, as follows:
  - Include Matt Boyland-Smith in the entertainment line up, as well as more acoustic (not metal) genres, as well as rides.
  - "Bum Box" concept explained and thought to be worthwhile to consider.
  - Food stall to include fairy floss, snow cones and ice cream.
  - Have hay bales in chillout zone similar to Youth Week Festival.
  - Promote the event more widely and include youth element after a certain time.

- Discussion to have a second stage, however, difficulty with music meshing between two stages.
- “Categorise” areas according to layout.
- Promote as opportunity for young musicians to participate.
- Michaela advised that there were no alcohol issues last year. It was stressed this is not an opportunity for young people to consume alcohol and should not be promoted as such.
- Michaela requested that any Youth Councillors wanting to participate and volunteer their assistance to please contact her by email on michaela.press@bathurst.nsw.gov.au

## **5. DANCE PARTY- PLANNING**

- Dance Party to be held Saturday, 21 August 2010 at BMEC from 7.00-10.00pm.
- Discussion about theme, suggestions included: Masquerade Madness, Bows, Beach Party, Multicultural Party, Flouro, Formal, Horror, Rubics Cube, Cartoon. A vote was taken and the “Masquerade Madness” theme was selected.
- No pass out policy, which means people may leave the event, but if they do they cannot re-enter.
- Drug and alcohol free - stress to friends.
- Agreed on \$5.00 cover charge.
- No entry after 8.00pm.
- Security will be present.
- Discussion about age limit. The group agreed to put a minimum age limit of 12 years to alleviate very young people attending and not to have a maximum age limit as some Youth Councillors and their friends are over 18 years. Young people are defined as 12-25 years.
- Chris, Cindy and Melinda offered to draft promotional posters for discussion at the working party meeting tomorrow

## **6. WORKING PARTY REPORTS:**

### **(i) Events - Georgia Brancourt (Indent 10 Year Tour and SEP project)**

- SEP participants are progressing with their checklists of jobs.
- Official announcement of the tour was made on Tuesday, 20 July at 8.30am.
- Date is Sunday, 3 October at BMEC, drug and alcohol free, all ages event.
- 900-1000 capacity of City Hall.
- The event needs broad support and promotion from all - it is a larger scale event than possibly one staged locally- a great opportunity.
- “Urthboy” is the headline act. He is not just a Hip Hop artist. He covers an eclectic range of music
- Update provided by SEP participants including: Hugo (Volunteers Coordinator) recruiting the “street team”/volunteer group to assist. Ryan (Production Coordinator) in the process of securing support acts (local), Melinda (Local Publicist) is in the process of setting up social media pages eg: Facebeook, Nathan (Site Coordinator) has been completing venue related tasks as well as Georgia (Stage Coordinator) and Bri (Sponsorship Coordinator) working on sponsorship concepts
- “Chill out area” will include football, bean bags- sponsored by NRMA

### **(ii) Health and Safety - Hugo Newell (Short Film Project)**

- Next workshop is on Friday, 6 August 2010 at 4.00pm-6.00pm, please RSVP by 30 July 2010 to Megan- all welcome and encouraged to attend. Desert Pea Media will facilitate the workshop again
- Script relates to a girl who wakes up after a party next to someone she does not know. The story then reverses from there. It will prompt discussion around a large range of issues.
- The duration of the film will be two (2) minutes.

**(iii) Website – Mitchell Dwyer**

- All photos are now on the website.
- Minutes have been posted all information has been updated.
- Links to all secondary school newsletters have been added to the “news” section.
- Most profiles are up.
- Anyone who has information on achievements of young people, events etc. please email details to Mitchell to put on website.

**7. GENERAL BUSINESS**

**7.1. Chris Killham- Sydney Fringe Festival**

- Chris will be performing in a play which has been included in The Sydney Fringe Festival at the Cleveland Street Theatre from 22-26 September. Film is entitled: “Into the Shadows”.
- Play may also be included in the next Cabaret at BMEC
- Chris also involved in a black comedy play entitled “It’s my party and I’ll die if I want to” at CSU. Dates are: 21-23 July at 7.00pm. Cost is \$5.00 at the door

**7.2 Centroc Summit at the Mount**

- Letter received inviting Youth Council representatives to attend the Centroc Summit at the Mount on 29 and 30 July 2010.
- The theme of the Summit is a “green” focus looking at recharging the community.
- Mitchell offered to enquire as to cost.

**8. NEXT MEETING**

The next meeting will be held on Thursday, 9 September 2010.

**9. MEETING CLOSURE**

There being no further business, the meeting closed at 12.33 pm.

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

**MINUTE**

**40    Item 3    MINUTES OF THE BATHURST REGIONAL YOUTH COUNCIL MEETING  
HELD ON THURSDAY, 22 JULY 2010**

**MOVED: T Carpenter    SECONDED: G Westman**

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

## MINUTE

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

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

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	BATHURST 12 HOUR EVENT 2010 - STATEMENT OF INCOME AND EXPENDITURE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	PROPOSED AFL CLUBROOMS - BATHURST BUSHRANGERS ARFC INC	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would

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		prejudice the commercial position of the person who supplied it.
3	PROPOSED REDEVELOPMENT OF 88 LEE STREET, KELSO	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED TRANSFER OF LICENCE AGREEMENT, COUNTER SPACE, BATHURST AERODROME TERMINAL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	RENEWAL OF RESIDENTIAL LEASE - 159 EGLINTON ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TRANSFER OF LEASE - 193 MORRISSET STREET, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial

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7	EXPRESSION OF INTEREST - BATHURST TENNIS CENTRE - JOHN MATTHEWS SPORTING COMPLEX	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	PROPOSED NEW LEASE OF 8 STANLEY STREET, BATHURST	10A (2) (a) – Deals with personnel matters concerning particular individuals (other than Councillors) disclosure of which would not be in the public interest as it would reveal personal details of the individuals concerned. 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 FOR CONSTRUCTION OF SUSTAINABLE LIFESTYLE HOUSE	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

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		supplied it.
2	NATIONAL WATER SECURITY PLAN FOR CITIES AND TOWNS – COMPETITIVE GRANTS ELEMENT BATHURST WATER FILTRATION PLANT – SUPERNATANT RECYCLING PROJECT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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## MINUTE

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

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

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.
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ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
18 AUGUST 2010

**MINUTE**

**a Item 1 BATHURST 12 HOUR EVENT 2010 - STATEMENT OF INCOME AND EXPENDITURE**

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

That the information be noted.



**MINUTE**

**b** Item 2 PROPOSED AFL CLUBROOMS - BATHURST BUSHRANGERS ARFC  
**INC**

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

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

**MINUTE**

**c Item 3 PROPOSED REDEVELOPMENT OF 88 LEE STREET, KELSO**

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

That Council approves the proposed redevelopment of Lot 1 DP500552 and Lot 3 DP529516 known as 88 Lee Street Kelso as detailed in the report.

**MINUTE**

**d Item 4 PROPOSED TRANSFER OF LICENCE AGREEMENT, COUNTER SPACE, BATHURST AERODROME TERMINAL**

**MOVED: G Westman SECONDED: T Carpenter**

That Council approves the transfer of the licence agreement from Carway Enterprises (VIC) Pty Ltd trading as Thrifty Bathurst/Orange to Kingmill Pty Ltd trading as Thrifty Car Rental as detailed in the report.

**MINUTE**

**e Item 5 RENEWAL OF RESIDENTIAL LEASE - 159 EGLINTON ROAD, BATHURST**

**MOVED: G Hanger SECONDED: R Thompson**

That Council approve entering into a new residential lease for Lot 1 DP786946 known as 159 Eglinton Road, Bathurst to Jennifer Cummings and Michael Woolley for a period of twelve (12) months with a twelve (12) month option as detailed in the report.

## MINUTE

### f Item 6 TRANSFER OF LEASE - 193 MORRISSET STREET, BATHURST

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

That Council approves the transfer of Mr Danny Miles half interest in the current licence agreement for Lots 14 and 15 DP1089380 known as 193 Morrisset Street, Bathurst to Mrs Michelle Miles as detailed in the report, subject to receipt from Mr Miles of written approval to the lease transfer.

**MINUTE**

**g Item 7 EXPRESSION OF INTEREST - BATHURST TENNIS CENTRE - JOHN MATTHEWS SPORTING COMPLEX**

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

That Council approves entering into a new five (5) year lease agreement with Fran and Andrew Mitton for the Bathurst Tennis Centre located at the John Matthews Sporting Complex, Durham Street, Bathurst as detailed in the report.

**MINUTE**

**h     Item 8   PROPOSED NEW LEASE OF 8 STANLEY STREET, BATHURST**

**MOVED: G Hanger   SECONDED: W Aubin**

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

DIRECTOR ENGINEERING SERVICES' REPORT

18 AUGUST 2010



## MINUTE

### i Item 1 TENDER FOR CONSTRUCTION OF SUSTAINABLE LIFESTYLE HOUSE

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

That Council

- (a) Accept the tender of Warren Harvey Homes Pty Ltd for construction of a Sustainable Lifestyle House in the amount of \$364,221 (incl. GST) subject to alterations and provisional items.
- (b) Provide additional funding of the amount of \$30,000, sourced from the Land Reserve.

**MINUTE**

**j Item 2 NATIONAL WATER SECURITY PLAN FOR CITIES AND TOWNS –  
COMPETITIVE GRANTS ELEMENT BATHURST WATER FILTRATION PLANT –  
SUPERNATANT RECYCLING PROJECT**

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

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

## MINUTE

### I Item 3 CHIFLEY ENGINE SHED

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

That Council accept the tender of Webber Concrete Construction Pty Ltd for the construction of the Chifley Engine Shed, in the amount of \$186,445 (inc. GST), subject to variations and provisional items.

**Cr Bourke & Cr North asked for their negative vote to be recorded.**

**MINUTE**

**k     Item 3   CHIFLEY ENGINE SHED**

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

That Council:

- (a)   decline to accept any of the tenders
- (b)   defer the matter for further consideration.

**The MOTION was PUT and LOST**

## MINUTE

### m Item 4 DEED OF DEDICATION, BANKS AND BLANDFORD STREETS, BATHURST

**MOVED: G Hanger SECONDED: I North**

That Council approve:

- (a) the registration of the Deed of Dedication concerning the transfer of Banks and Blandford Streets and associated laneways from Mr W Roberts to Council,
- (b) to dedicate the roads to the public under the Roads Act 1993,
- (c) to notify adjoining owners of the change in the laneways status, and
- (d) to approach the owners of the laneway between Blandford and Lambert Streets regarding the proposed closure of the laneway, as stated in the Director Engineering Services' report.

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

GENERAL MANAGER'S REPORT

18 AUGUST 2010

## MINUTE

### n Item 1 STAFF UNIFORMS

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

That Council:

- (a) award the contract for the supply of non-compulsory corporate staff uniforms to Totally Corporate Pty Ltd;
- (b) award the contract for the supply of non-compulsory casual staff uniforms to Prestige Embroidery Bathurst.

**MINUTE**

**42     RESOLVE INTO OPEN COUNCIL**

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

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

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**MINUTE**

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

**MOVED: R Thompson SECONDED: W Aubin**

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

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**MINUTE**

**44     MEETING CLOSE**

The Meeting closed at 8.12 pm.

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

**Date:** \_\_\_\_\_ **(15 September 2010)**

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