

24 September 2014

His Worship the Mayor & Councillors

Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 1 October 2014

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 1 October 2014 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 1 OCTOBER 2014

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 3 SEPTEMBER 2014

4. 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.

5. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS - Nil

8. DISCUSSION FORUM OTHER - Nil

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

Present: Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Jennings, Morse, North, Westman.

MINUTE

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 3 SEPTEMBER 2014 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 3 September 2014 be adopted.

Report: The Minutes of the Policy Committee Meeting held 3 September 2014, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 SEPTEMBER 2014
(07.00064)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 September 2014 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 3 SEPTEMBER 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

Present: Councillors Rush (Chair), Aubin, Bourke, Coote, Hanger, Jennings, Morse, North, Westman.

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 AUGUST 2014 (07.00064)
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 5 August 2014 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr M Coote and **SECONDED** Cr G Hanger

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 Item 1 CONTROL OF OPEN BURNING POLICY (13.00030, 41.00089)
MOVED Cr G Westman and **SECONDED** Cr I North

RESOLVED: That Council adopt the updated Control of Open Burning Policy.

Director Corporate Services & Finance's Report

6 **Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 30 JULY 2014 (07.00096)**

MOVED Cr I North

and **SECONDED** Cr G Westman

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 30 July 2014 be adopted.

Director Cultural & Community Services' Report

7 **Item 1 NSW LIBRARIES CONFERENCE, 11-14 NOVEMBER 2014 (MUDGEES) (18.00127)**

MOVED Cr G Hanger

and **SECONDED** Cr I North

RESOLVED: That Council authorise the attendance of Cr Morse to the NSW Libraries Conference, with associated costs.

GENERAL BUSINESS

8 **CCTV: ENGAGING BUSINESS (07.00106)**

Cr Jennings - asked has any work occurred on CCTV?

The Director Cultural Community Services advised Council has written to police, currently starting to collect data on this matter.

9 **Item 2 SECOND RACE TRACK (07.00084)**

Cr Jennings - asked has Council received any money from the Government and where is the second track proposal at?

The Mayor advised negotiations on land are continuing.

The Director Environmental, Planning & Building Services advised consultant has been appointed for acoustical report.

The Director Corporate Services & Finance advised a meeting with Department of Sport & Recreation is to be held this week to discuss arrangements for Government funding.

10 **Item 3 GO-KART APPLICATION: WHITE ROCK (2014/0146)**

Cr Jennings - asked could a development such as the Go-Kart track be considered at Mount Panorama?

The Director Environmental, Planning & Building Services gave details of the current DA process and reason for refusal.

11 **Item 4 SMART PHONE APPLICATION - FACIAL RECOGNITION TECHNOLOGY FOR DOGS (05.00002)**

Cr Jennings - asked has Council considered this facility?

The Director Environmental, Planning & Building Services noted, have not considered details of this app.

12 **Item 5 BUILDING RESILIENCE TO CLIMATE CHANGE GRANT (STATE) (04.00006)**

Cr Jennings - asked would Council apply for shade covers under the Building Resilience to Climate Change Grants?

The Director Engineering Services spoke to history of shade covers and that Council is not generally applying for these. Council will always look at possible grants for other matters.

13 **Item 6 CREMATION/ASHES - MOUNT PANORAMA (04.00085)**

Cr Jennings - raised issue of spreading ashes over Mount Panorama. Is aware people are doing this and spoke to proposed memorial wall at Mount Panorama.

The Director Engineering Services spoke to matter of spreading ashes. Currently developing a design for a memorial wall. Will comeback to Council on this matter.

14 **Item 7 AMBASSADOR PAULA DUNCAN (20.00020)**

Cr Jennings - asked where is this at?

The Mayor noted documentation has been provided to Paula Duncan.

15 **Item 8 HOSPITAL (18.00035)**

Cr Morse - queried how is the review progressing after the community meeting?

16 **Item 9 CARILLON (04.00021)**

Cr Morse - requested a report on works that could be done to the Carillon, noted there are funds held for this. Would like to see some works undertaken before ANZAC Day 2015.

17 **Item 10 SUTOR/BRADWARDINE ROAD ACCIDENTS (25.00047)**

Cr Coote - asked could the intersection of Sutor Street and Bradwardine Road be referred to the Traffic Committee for consideration?

18 **Item 11 LOCAL ENVIRONMENT PLAN (LEP) (20.00143)**

Cr Coote - asked where is Council at with respect to the gazettal of the LEP?

The Director Environmental, Planning & Building Services advised Council received Parliamentary Counsel comment last week, gazettal is imminent.

19 **Item 12 HECTOR PARK (04.00010)**

Cr Coote - noted recent concerns about rubbish in the Hector Park area. What action is being taken?

The Director Engineering Services advised clean up of park itself has occurred. Drain has been cleaned, when water level drops, further cleaning works will occur.

20 **Item 13 YOUTH COUNCIL - BABES & BOGANS DANCE PARTY (11.00020)**

Cr Coote - noted the Babes & Bogans Dance Party went very well, it was a credit to the Youth Council.

21 **Item 14 WATER TOWER: CLAIRVAUX LANE (32.00001)**

Regional Council. Have met with staff previously on this matter, expected staff to get back to them prior to report being finalised. This did not happen. Residents have had to review; Local Government Act, Environmental Planning Assessment Act (EPA Act), talk to vets etc, to understand the process. This has not been satisfactory. Also residents had to contact RMS, this information should have come from staff. There are 11 residents who oppose the DA and residents have had to get an independent noise study.

D Baldwin – Resident

Has a list of 9 items to be raised, copies distributed to Councillors. The questions are to get a better understanding of the planning process. These are:

- (1) Asking Council staff to confirm who needs to be considered during the planning process.
- (2) To hear from Council staff about any investigation or consideration they have undertaken since the resolution passed by Councillors.
- (3) Raise resident concerns about communication processes and its consequences.
- (4) Noise concerns.
- (5) Traffic concerns.
- (6) Environmental risk.
- (7) Council staff's Assessment of other items under Section 79C of the Environmental Planning and Assessment Act 1979.
- (8) Raise our concerns regarding the rationale Council staff have used in treating deficiencies in the application.
- (9) Call for Council to explain what its recommendation to Councillors will be in light of these discussions.

In particular the following were raised in further detail on the items listed:

- (1) Notification Process - Spoke to process of people being notified and submissions by applicant.

The Director Environmental, Planning and Building Services contacted persons as required by the planning process. Council notified adjoining owners and does not exclude people from attending the Discussion Forum.

- (2) Investigations and considerations undertaken

The Director Environmental, Planning and Building Services noted Council wrote to people who had lodged submissions to seek further input. Any further data supplied will be dealt with in the report to Council.

- (4) Noise concerns - There is now a second report commissioned by residents. This raises a number of concerns. As Council has no technical experts, queried the process to be followed. This is a fatal component. Noted issues

such as legal precedent and background noise. Mr Cooper (residents expert) is happy to meet with Council to discuss his review of the noise report. Spoke further to guidelines available for Council to refer to, and the offensive noise test. Concerned proposed noise controls are inadequate. Concern for noise is not only for night periods.

- (5) Traffic concerns - Marys Lane and Mitchell Highway intersection is dangerous. Access road should be sealed. The intersection has already been identified by RMS as needing works. Understands RMS has not been asked to provide comment on the intersection needs. Comments from RMS staff indicate concern and that they feel Council should refer the matter to them.
- (6) Environmental Risk - Reiterated concerns, spoke to waterway, groundwater and other concerns. Have not been able to get access to Calare Civil document. Residents have not been given access to management plan proposed. Residents are frustrated that they feel no response has been given in line with Council's resolution from the last meeting.
- (7) Section 79C considerations - Property values will decline due to proposed development. Shift workers will be impacted by the development. Concerns at; suitability of the site, traffic safety, environmental concerns. Resident concerns have not been addressed. The proposal is not in the public interest.
- (8) Deficiencies in application - The application was lodged in February 2014 and went to Council in July 2014. The Council has repeatedly asked the Developer to address deficiencies, the DA should have been refused as the process has been going on too long. Some issues staff have taken on board from residents, but not the substantial items.
- (9) Recommendation on DA - The DA should not be approved due to; noise, traffic, environmental matters, site suitability and not in the public interest.

M Worthington

Raised concerns with Wilkinson Murray noise report. The critique commissioned by the residents raises concerns. Spoke to offensive noise and Protection of the Environment Operations Act (POEO Act) guidelines. Noted Nicol v. Port Stephens Council case last year raises concerns.

Wilkinson Murray relies on Industrial Noise Policy (INP) and doesn't take into account the Noise Guide for Local Government.

The commissioner found that the matters in the guide are relevant to consider when assessing the impact of a dog kennel in a rural zone. The noise guidelines raise 6 items for consideration. The proposal has a significant degree of noise impact on the locality. Noted the number of people who will be impacted, traffic movements predicted, intersection is a problem (9 people have been killed in this area) and expressed concern about non-referral to RMS and possible future liability for Council. Also spoke to Council and possible liability with environmental problems.

Council does not have to approve the application, requests Council refuse the DA.

B Sewell – Animal Studies Teacher

Lives near a dog kennel and noise is no concern to him. Have there been any

complaints in the Region about dog kennels? Referred to aviaries he put up and no issue with these even though 80 were in place.

The kennel he lives near is an open kennel, the proposal is for a closed kennel at night. Noise will not occur at night. Spoke to devaluation of properties, doesn't see this as an issue. Traffic numbers would be limited. Supports the application and will generate more jobs.

W Fitzpatrick

Currently applying to run a Kelpie Stud. It is essential there is a facility to leave high value dogs at. It is not correct to say this is not in the public interest, there is a need for dog kennels in this area.

S McHugh – Applicant

Everything is state of the art to reduce noise. Will be living there and so wants it to be quiet. Seeks approval of DA.

T Cosgrove

Prior owners had 2 donkeys and these created a lot of noise, 10 dogs will create more. The noise will carry down the creek/valley. Dogs in a strange area will become restless and will bark, as have exceptional hearing. The other issue is road safety. The Dunkeld area has had a history of bad crashes. A lot of money has been spent on alleviating road problems, the intersection of Marys Lane was not done as part of these works. At the Marys Lane intersection, trucks are doing 100 km/h. Concern at possible accident occurring if development is approved.

B McHugh – Applicant

Spoke to traffic movements proposed and these equate to 4-5 movements per day. Environmental considerations have been dealt with, referred to Nicol v. Port Stephens case and sewerage system complies with Council requirements. Suggested Mr Cooper agrees with the proposal and referred to page 9 of Mr Cooper's noise report, which referred to sound proofed kennels. Temperature inversion is irrelevant as this occurs in the evening when the dogs are inside a sound proofed facility.

Council has indicated no complaint has been received concerning the existing open kennels.

The proposal is new and change can be difficult. These delays have been caused by objectors. There are no residents within 200 metres of the proposal.

Mr McHugh advised he had spoken to RMS and they advise him there was no need for Council to come to the RMS. This is only a medium priority junction for the RMS. Feels the Council has acted professionally through this process.

R Little – Neighbour

Was stated by prior speaker, has not complained about the other kennel. Wish it to be noted he had put in a formal complaint.

32 **Item 22 DISABILITY ACCESS - LIBRARY/ART GALLERY (21.00054)**

Cr North - spoke to concerns received from a resident about access issues at the Library and Art Gallery.

The Director Engineering Services advised the matter is being investigated.

33 **Item 23 TERMINAL - LEE STREET, KELSO (22.00209)**

Cr North - asked Mayor to provide an update on this new business.

The Mayor advised they have a contract for around \$70 million (over 3 years), will create 30 jobs. The market is into China: the logs are transported into Lee Street by local transport companies. Companies involved are P.F.Olsen and C3.

34 **Item 24 MASTERS SQUASH COMPETITION (23.00026)**

Cr North - spoke to a person at the event, they raised question of a plaque being put up for Danny Hulme.

35 **Item 25 LOCAL GOVERNMENT WATER CONFERENCE (18.00074)**

Cr Bourke - recently attended the Local Government Water Conference. Water is very important and need to keep an 'eye' on this matter.

36 **Item 26 ANTI-GRAFFITI DAY (20.00045)**

Cr Bourke - advised Anti-graffiti Day will be 26 October 2014, will be coordinating a work group through the Op Shop. Invited Councillors to participate.

37 **Item 27 COMMUNITY GARDEN (22.02574)**

Cr Bourke - updated Council on the Community Garden project. Cleared and fenced, planting should occur in the near future. The support of Verto and Council has been appreciated.

MEETING CLOSE

38 **MEETING CLOSE**

The Meeting closed at 7.42 pm.

CHAIRMAN: _____

Date: _____ **(17 September 2014)**

MINUTE

- 4 **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr I North SECONDED: Cr G Hanger

RESOLVED: That the Declaration of Interest be noted.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

POLICY COMMITTEE

1 OCTOBER 2014

1 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)

Recommendation: That Council:

- (a) Adopt the policy as outlined in the report.
- (b) Note that as there is no changes proposed to the policy that Council does not need to place the policy on public display and seek submissions

Report: Section 252(1) of the Local Government Act 1993 states "*within five months after the end of each year, a Council must adopt a Policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office*".

Council also as part of its governance procedures reviews this policy on a regular basis. There are at the present time no identified changes to the existing policy and it is provided for Councillors to review and suggest changes if required. A copy of the current policy is provided at **attachment 1**.

For Councillors information Council may either provide a facility (e.g. a mobile phone on an \$80 per month plan) or a Councillor can claim actual expenses (e.g. can claim for calls made on a private phone in lieu of a Council provided phone. Calls must be itemised on the account and then claimed as a reimbursement.) It is not possible to have a general expense monthly allowance. Under the Office of Local Government guidelines all expenses claimed must be actually incurred and receipts provided.

It is recommended that Council confirm adoption of the Policy - Payment of Expenses and Provision of Facilities for Councillors and note that there is no requirement to advertise the policy seeking public submissions as there are no proposed changes to the current policy.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

MINUTE

5 Item 1 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That Council:

- (a) Adopt the policy as outlined in the report.
- (b) Note that as there is no changes proposed to the policy that Council does not need to place the policy on public display and seek submissions

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 MAYORAL ELECTION (12.00005)

Cr Coote - Congratulated Mayor & Deputy Mayor on their reappointment.

MINUTE

7 Item 2 DA - PET HOTEL (2014/0044)

Cr Westman - asked are we having a Working Party regarding DA's with noise issue to do things better in the future.

MINUTE

8 Item 3 PUBLIC ART POLICY (11.00006)

Cr Morse - requested the status on the Public Art Policy.

The Acting Director Cultural & Community Services advised that the Cultural Plan is to be completed first. This is due to be completed early next year.

MINUTE

9 Item 4 DOG KENNELS AND CATTERIES (11.00006)

Cr Morse - asked if Council is formulating a policy on the operation of dog kennels and catteries.

The Director Environmental, Planning & Building Services advised this is covered in Development Plans.

MINUTE

10 Item 5 FOOTPATHS (28.00016)

Cr Morse - queried the use of asphalt to repair damage in footpaths.

The Director Engineering Services advised that this is temporary process and the second stage is to properly repair the damage.

MINUTE

11 **Item 6** **COURT HOUSE FOOTPATH (25.00011)**

Cr Morse - asked if repairs to the Court House footpath could be undertaken prior to the 2015 Celebrations.

The Director Engineering Services advised that the majority of this footpath is owned by Court House. Council will liaise with the Court House to request repairs be done before 2015.

MINUTE

12 Item 7 PROPERTY - 8 WILLIAM STREET (22.07517)

Cr Jennings - asked could Council investigate damage to this property . as it could be a safety issue.

The Director Engineering Services advised that this property would be privately owned.

The Director Environmental, Planning & Building Services advised Council could investigate to see if it presents a public health risk.

MINUTE

13 Item 8 ROUND-A-BOUT - KEPPEL & HAVANNAH STREET (28.00007)

Cr Jennings - asked if shopping centre sign on historical lamp post could be removed. Advised that there is already another sign on this corner.

The Director Engineering Services advised could have it removed.

MINUTE

14 Item 9 HISTORICAL LAMPPOSTS (28.00007)

Cr Bourke - asked if Council could look at other historical lamps that have signs on them.

The Director Engineering Services advised that it may be necessary in certain areas of the CBD for this to remain due to lack of alternatives.

MINUTE

15 Item 10 NBN AND TECHNOLOGY PARK (08.00005 & 20.00105)

Cr Jennings - advised that there is a community group lobbying for NBN. Asked if Council could support this group in any way.

The Mayor advised he has spoken with the group.

MINUTE

16 Item 11 LOANS FOR PUBLIC ART (21.00002)

Cr Jennings - advised that interest free loans are available for public art projects. Sydney City Council is launching a public art project. Could a report be prepared for Council on options for Bathurst.

MINUTE

17 Item 12 BATHURST FAMILY VIOLENCE AWARENESS GROUP (07.00100)

Cr Jennings - updated Council on the Family Violence Awareness Group. The group has lost 5 key members and has sought Council support. Bathurst has a very high ratio of reported family violence and group would like to establish link with Bathurst Regional Community Safety Committee.

Asked about banner near Morse Park.

Manager Recreation advised approval has been given.

MINUTE

18 Item 13 CHILDCARE FUNDING CHANGES (09.00002)

Cr Jennings - asked how childcare funding changes will effect Council.

The Acting Director Cultural & Community Services advised not sure what effect on Council at this stage.

MINUTE

19 Item 14 CLIMATE CHANGE GRANTS (13.00027)

Cr Jennings - asked can we create required documentation for next round of climate change grants.

The Director Engineering Services advised a draft report has been completed - suggested significant cost to Council.

MINUTE

20 Item 15 KANGAROOS - MOUNT PANORAMA (14.00665)

Cr Jennings - asked for an update on the kangaroo study.

The Mayor responded.

The Director Environmental, Planning & Building Services advised work has commenced.

MINUTE

21 **Item 16** **MOUNT PANORAMA (04.00001)**

Cr Aubin - Mount Panorama is looking really good. Should be good event.

MINUTE

22 MEETING CLOSE

The Meeting closed at 6.15 pm.

CHAIRMAN: _____

Date: _____ **(15 October 2014)**