

25 June 2014

His Worship the Mayor & Councillors

Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 2 July 2014

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 2 July 2014 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 2 JULY 2014

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 4 JUNE 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 - 4 JUNE 2014 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 4 June 2014 be adopted.

Report: The Minutes of the Policy Committee Meeting held 4 June 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 - 4 JUNE 2014 (07.00064)
MOVED: Cr M Coote SECONDED: Cr B Bourke

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 June 2014 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 4 JUNE 2014

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

2 MINUTE SILENCE

The Mayor observed a minute silence to honour the passing of former Engineer, Peter Gannon.

APOLOGIES

3 APOLOGIES
MOVED Cr M Coote and **SECONDED** Cr I North

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

REPORT OF PREVIOUS MEETING

4 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 MAY 2014 (07.00064)
MOVED Cr G Westman and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Policy Committee Meeting held on 7 May 2014 be adopted.

DECLARATION OF INTEREST

5 DECLARATION OF INTEREST 11.00002
MOVED Cr W Aubin and **SECONDED** Cr G Westman

This is page 1 of Minutes of the Policy Committee held on 4 June 2014.

General Manager

Page 8
Mayor

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

6 **Item 1 SUNNY CORNER – CONTAMINATED LAND POLICY (41.00089 & 13.00008)**

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

RESOLVED: That Council:

- (a) place the draft Sunny Corner – Contaminated Land Policy (Amendment No. 1) on public exhibition for a period of 30 days;
- (b) notify the owners of Lot 10, DP 873545, 1226 Sunny Corner Road to inform them of the Draft Sunny Corner – Contaminated Land Policy (Amendment No. 1) and the applicable exhibition period;
- (c) if no submissions are received, adopt the Policy; and
- (d) delegate the authority to the General Manager to transfer properties between categories of notification of land on a Section 149 certificate as outlined in the policy in accordance with the outcomes of appropriate geotechnical investigations.

Director Corporate Services & Finance's Report

7 **Item 1 APPOINTMENT OF INDEPENDENT COMMITTEE MEMBER - AUDIT AND RISK MANAGEMENT COMMITTEE (07.00096)**

MOVED Cr M Morse and **SECONDED** Cr J Jennings

RESOLVED: That Council appoint Mr Phillip Burgett from 1 July 2014 as an Independent member on the Bathurst Audit & Risk Management Committee (ARMC).

Director Cultural & Community Services' Report

8 **Item 1 BATHURST LIBRARY - NSW PUBLIC LIBRARY FUNDING (16.00030)**

MOVED Cr M Morse and **SECONDED** Cr I North

RESOLVED: That Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries.

GENERAL BUSINESS

9 Item 1 KEPPEL STREET BUS STOP (25.00039)

Cr North - asked could this area be looked at for being made as public parking on a Saturday morning?

The Director Environmental, Planning & Building Services spoke to processes required to review parking restrictions, including involvement of the Traffic Committee.

10 Item 2 2015 EVENT DAY GAZETTAL (20.00153)

Cr North - asked has this been approved for 2015?

The General Manager advised will get back to Cr North on this matter.

11 Item 3 SIGNAGE NEW SUBDIVISIONS (23.00045)

Cr North - advised has received representations about street signage not installed in residential areas. Council should have a policy on when signs are to be installed.

The Director Engineering Services spoke to processes involved and requested details of areas of concern.

12 Item 4 SECURITY COMPANY MSS (07.00106)

Cr North - has held discussions with representatives of this group regarding issues at Stockland Centre and other places. Spoke to action plan at Nowra with youth and how well it worked, will forward details of this plan. The security company is keen to talk with Council. Would like Council to sit down with the community and discuss CCTV and various safety issues.

13 Item 5 COMMUNICATION STRATEGY (11.00003)

Cr North - expressed frustration about how sometimes the message going out is betrayed. Feels Council needs a strategy to be developed.

14 **Item 6 CARPARK ENQUIRY - CARRINGTON PARK (20.00116)**

Cr North - spoke to item raised last month about a carpark in the Carrington Park precinct. Referred to prior history.

The General Manager advised of status of this matter, a report is being prepared.

15 **Item 7 DISABILITY SERVICES - LAND DISABILITY INCLUSION BILL (18.00152)**

Cr North - noted legislation is going through that requires Councils to have an Inclusion Plan in place. Asked where is this at?

The Acting Director Cultural & Community Services spoke to current status of the legislation. Council is awaiting guidelines to assess impact and allow scheduling of a response within resources that are available.

16 **Item 8 MOUNT PANORAMA BUSINESS PLAN (04.00009)**

Cr Aubin - noted a number of conferences have been held at Rydges. Why aren't Mount Panorama facilities being used more often? Is the use of Council facilities increasing at this time?

The Mayor spoke about some recent events.

The General Manager noted working relationship between Rydges and Council.

17 **Item 9 BUSINESS AFTER HOURS (18.00027)**

Cr Coote - congratulated Council on this program.

18 **Item 10 SECOND RACING CIRCUIT LAND PURCHASE (20.00278)**

Cr Coote - asked where is this at?

The Mayor spoke to strategy of purchasing land and current status of this matter.

The General Manager noted current land purchasing process and engagement with the land owner. Further, Council in the near future will be engaging a consultant to undertake a noise study.

19 **Item 11 NETBALL DA - SIGNAGE (04.00013)**

Cr Coote - has heard there is an issue with a signage DA for the Netball Association.

The Director Environmental, Planning & Building Services is unaware of any DA issue, will investigate and advise.

20 **Item 12 TREES CUT DOWN IN GEORGE STREET (25.00007)**

Cr Coote - advised trees have recently been cut down in George Street. Why were these trees cut down?

The Director Engineering Services will investigate the matter and advise Cr Coote.

21 **Item 13 WATER DISRUPTION GEORGE STREET (32.00013)**

Cr Coote - spoke to advice being provided to ratepayers about water outages in this area.

The Director Engineering Services will investigate the matter and advise Cr Coote.

22 **Item 14 PUBLIC QUESTION TIME (11.00005)**

Cr Morse - spoke to conduct of public question time and the issues being raised. Feels a good concept for these sessions is that questions should be based on agenda items only. Requested a report be provided on possible options for public question time for the Council.

23 **Item 15 LIBRARY WALL REMOVAL (22.09965)**

Cr Morse - would like that a report be prepared for Council on the removal of the

library wall proposal.

24 **Item 16 AGED CARE (09.00040)**

Cr Morse - referred to prior issues about lack of Aged Care in the city. Noted Council has recently received \$21 million worth of Development Applications for Aged Care developments, this is good news.

25 **Item 17 DESTINATION NSW FUNDING (37.00421)**

Cr Jennings - noted next round of funding has been opened. Will Council apply for projects and when will the Destination Management Plan (DMP) be completed?

The Director Environmental, Planning & Building Services advised Council is waiting to see the grant guidelines, will work with Central NSW Tourism. Not sure if the DMP will be ready within the required timeline.

26 **Item 18 VICTORS WALK REDEVELOPMENT AND V8 ACTIVITIES IN 2015 (20.00153 & 04.00001)**

Cr Jennings - noted previously raised this matter. Have any advances occurred with respect to this? Also V8 actions for 2015, could an update be provided?

The General Manager advised will need to research and will contact Cr Jennings with respect to the Victor's Walk matter.

The Mayor advised on discussions held with V8 Supercars and various proposals for 2015.

27 **Item 19 CHARLES NEW (18.00004)**

Cr Jennings - received a letter from Mr New, a student in Bathurst who is going to Euro-Science forum. Has sought assistance from Council, seeking \$300.

The General Manager advised a report will be prepared for Council.

28 **Item 20 BATHURST ARTS TRAIL (20.00020)**

Cr Jennings - advised the Bathurst Arts Trail is interested in getting support from

Council for their TV program? Is Council taking any action?

The Mayor advised will be speaking to the Minister for Arts in the near future on this proposal.

29 **Item 21 CSU 2015 PROJECT WITH BRC - PR STUDENTS (20.00153)**

The Mayor - spoke to presentations recently given on 2015 projects by the students. It was a great evening and the ideas were excellent. The proposals will be developed during the next semester and two internships will occur at Council. Projects included a lantern theme.

MEETING CLOSE

30 **MEETING CLOSE**

The Meeting closed at 6.43 pm.

CHAIRMAN: _____

Date: _____ **(18 June 2014)**

MINUTE

- 4** **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

POLICY COMMITTEE

2 JULY 2014

1 AMENDMENTS TO COUNCIL'S LAND SALE POLICY (20.00009, 41.00089)

Recommendation: That Council approves the amendments to the Land Sale Policy as detailed in the report.

Report: Council at its recent Working Party meeting held on Wednesday 11 June 2014 discussed Council's Land Ballot Procedures. For Council's information the Land Sale Policy was adopted by Council at its Policy Committee meeting held on the 1 March 2006 (refer DCSF report #1).

The adopted Policy was last updated at Council's Policy Meeting held on the 5 December 2012 and adopted by Council at its Ordinary Meeting held on the 6 February 2013 (refer DCSF report #1 item 8 Insignificant changes to Policy).

The objective of this Policy is to ensure Bathurst Regional Council's processes for the sale and disposal of land are fair and transparent.

Council has undertaken many land releases under the current Land Sale Policy.

Council has received numerous complaints in relation to the ballot system concerning the number of blocks purchased by builders.

Set out below is the current Land Sale Policy with the new amendments highlighted in **bold** and *italics* .

POLICY:	LAND - SALES
DATE ADOPTED:	Director Corporate Services & Finance's Report #1 Policy 5 December 2012 Council 6 February 2013 Minute Book No. 11477
ORIGINAL ADOPTION:	Director Business & Economic Development's Report #1 Policy 1 March 2006 Council 15 March 2006 Minute Book No. 9799
FILE REFERENCE:	20.00009
OBJECTIVE	To establish a procedure for all land sales

1. POLICY INTRODUCTION

1.1 The *Local Government Act, 1993* requires councils to

prepare and adopt policies on contracts and tenders, including policies on the sale or disposal of land and other assets in addition to those matters addressed in the Purchasing Policy.

2. POLICY OBJECTIVES

- 2.1 The objectives of this policy are to ensure Bathurst Regional Council's processes for the sale and disposal of land are fair and transparent.

3. POLICY STATEMENTS

- 3.1 This Policy includes land as a physical entity including buildings, structures or improvements to land.
- 3.2 Land also includes a legal estate or interest such as a leasehold estate. This Policy does not cover easements or rights of way.
- 3.3 Sale and disposal of land will be consistent with Council's economic, social and/or environmental objectives.
- 3.4 When considering options for the sale and disposal of land, Council will look for opportunities to advance the objectives of the Council's Management Plan.
- 3.6 The process for the sale and disposal of land will be fair and transparent to ensure Council obtains the best outcomes and price.

- 3.7 Commercial confidentiality will apply to negotiations for sale and disposal of land unless Council decides otherwise.

4. MAJOR LEGISLATIVE AND CORPORATE REQUIREMENTS

- 4.1 This Policy complies with the requirements of the *Local Government Act 1993* .

- 4.2 Other major legislative requirements that may be relevant include the following:

- **Property, Stock and Business Agents Act 2002**
- *Real Property Act 19 00*
- *Conveyancing Act 1919*
- *Community Land Development Act 1989*
- *Strata Schemes (Freehold Development) Act 1973*
- *Strata Schemes (Leasehold Development) Act 1986*
- *Roads Act 1993*

- 4.3 This Policy is to be implemented in conjunction with other relevant Council policies and strategies including the following:

- Bathurst Regional Council Operational and Delivery Plan **now Delivery Plan and Annual Operating Plan**
- Purchasing Policy **now Purchasing Manual**
- Public Communication and Consultation Policy **now Community Engagement Strategy**

5. LAND SALE PROCESS (Residential / Commercial)

- 5.1 Report prepared for Council to approve sale, pricing and sale process for a specific area.

- 5.2 Advertise sale and release method minimum two weeks prior to land release.

- 5.3 Land release method:

Ballot Release, followed by General Release “A” then finally, General Release “B”.

5.3.1 Ballot Release

Register for ballot using Ballot Application Form and paying a refundable two thousand dollar (\$2,000) deposit per block with a maximum of **one block** . Registration

would open at 9 am on (date to be specified).
Registration would close at 4 pm on (date to be specified) minimum of five (5) working days since registration opened.

Ballot drawn at Council Chamber, Civic Centre, 158 Russell Street, Bathurst, 10 am (date to be specified)

and within seven (7) days of ballot closing.
Any person (individual or joint), partnership, company or trust may only register once.

Partnerships, companies and trusts must supply their ABN or ACN to validate **their** ballot.

Transfer of land will be in the name/s registered on the ballot **application form**.
It is imperative the correct full name/s and full company details are recorded on the ballot application form.

The ballot applicant/s will have twenty-one (21) days from receipt of Sale Contract issued to their Solicitor/

Conveyancer to finalise an exchange.

Failure to comply will result in the Sale Contract being cancelled and the property being made available to other interested purchasers.

The **ballot applicant or their representative authorized in writing** must be present at the ballot draw to select a lot **in order of the draw**. Failure to attend **the ballot**, **or acknowledge the drawn application number** will result in that **application** number being invalid and another **application** number drawn.

Unsuccessful **ballot applicant/s, and invalid application number holders** will be refunded their \$2,000 deposit within **twenty-one (21) days** of the ballot draw.

5.3.2 General Release "A"

9.00 am – 12 noon next working day after ballot (date to be specified) at Council offices in person only (first come first served arrangement) with sequential numbers provided by Council information desk to ensure correct order of service. A deposit of \$2,000 will be required at time of transaction.

5.3.3 General Release "B"

1.00 pm same day as (5.3.2) and in addition to in

person sales there will then be the option to phone, fax and email to hold a specific block subject to \$2,000 deposit being received by close of business next working day.

6. SPECIAL CONDITIONS

Offer builder's terms with up **to twelve** (12) months delayed settlement -such terms not available until one **(1)** month after the ballot **draw** date. These terms also require lodgment of **a** Development Application within three **(3)** months of exchange of contract otherwise sale will be cancelled and deposit refunded less Council costs. Conditions of General Release "A" & "B" apply on first day of builder's terms being available (date to be specified). **Council requires a copy of the Contractor's Licence and Public Liability Insurance Policy.**

Therefore, it is recommended that Council approves the amendments to the Land Sale Policy.

Financial Implications: Nil.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.8

MINUTE

5 Item 1 AMENDMENTS TO COUNCIL'S LAND SALE POLICY (20.00009, 41.00089)

MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council approves the amendments to the Land Sale Policy as detailed in the report.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 SMART PHONE APPLICATION - STREET BUMP (08.00005)

Cr Jennings - advised application available in USA for recording pot holes in road. Asked have Engineers come across this.

The Director Engineering Services spoke to the various applications that are out in the market.

MINUTE

7 Item 2 DRIVE THROUGH COFFEE SHOP - OLD LIQUORLAND SITE
(2013/0323)

Cr Jennings - asked where this matter is at.

The Acting Director Environmental, Planning and Building Services advised Council has received an application for property in Charlotte Street. There has been no further action on the old Liquorland site.

MINUTE

8 Item 3 SHOP LOCAL CAMPAIGN (20.00071)

Cr Jennings - advised he is aware that 2BS will be running a Shop Local campaign in the near future. Will probably be looking for Councillors to voice some advertisements.

MINUTE

9 Item 4 COMMUNITY GARDEN (22.02574)

Cr Jennings - asked how will this be run and how will community be engaged.

Cr Bourke noted he will advise of current status when he raises item in General Business.

MINUTE

10 Item 5 OPHIR ROAD BETWEEN WESTBOURNE ROAD, EDGE OF EGLINTON VILLAGE AND DUNKELD TURNOFF (25.00040)

Cr Morse - advised community has expressed concerns about speeding vehicles. Could this be referred to the Traffic Committee. Spoke to road width after Abercrombie House and problems this causes.

MINUTE

11 Item 6 MOUNT PANORAMA - MEMORIAL WALL (04.00098)

Cr Westman - asked could Council look at a proposal to put up a low wall where people could put up plaques (commemorative). A fee could be charged for this.

MINUTE

12 Item 7 YOUTH COUNCIL: BABES AND BOGANS NIGHT (11.00020)

Cr Coote - understands a request will come in for Council to waive fees. Seeks Council to give favourable consideration.

MINUTE

13 Item 8 KATH KNOWLES PATHWAY (28.00003)

Cr Aubin - spoke to problem with dog excrement. Asked are facilities going to be placed out there and could the sweeper be sent weekly to clean up the pathway.

MINUTE

14 Item 9 MR ARTIS - DURHAM STREET PLANTING (25.00089)

Cr North - noted a question has been raised by Mr Artis as to the programming of a development plan.

The General Manager noted this matter will be reported back to Council, current resources are being focussed on the Orange and Blayney entrances.

MINUTE

15 Item 10 2015 SIGNAGE (20.00153)

Cr North - noted that city signs will come in prior to end of year. Asked when will Sofala signs be installed.

The Acting Director Environmental Planning & Building Services advised will be subject to funds being made available.

MINUTE

16 Item 11 EMPLOYMENT CONDITIONS (19.00031)

Cr North - queried conditions of employment of persons employed by tenderers to Council.

The Director Engineering Services noted Council does not control the employment of employees by contractors. Spoke to level of involvement by Council.

MINUTE

17 Item 12 BUDGET 2014/2015 - STANLEY STREET CARPARK (20.00153)

Cr North - asked where are we at with a possible carpark in this area.

The Mayor spoke to the need for this, in regards to 2015 celebrations.

The Director Corporate Services & Finance noted no funds yet available. If they become available a report will come back to Council.

MINUTE

18 Item 13 ACCESS COMMITTEE - SEATS IN MACHATTIE PARK (04.00012)

Cr North - advised concerns have been expressed about accessible seats. Cr North will forward a letter to Council on this from the Access Committee.

The Director Engineering Services spoke to heritage issues in the park. Currently looking at seating in the area.

MINUTE

19 **Item 14** **PARKING STATION, MULTI-STOREY (20.00090)**

Cr North - requested Council not to sit on this. Would like Council to see if there are any developers out there who may be interested in constructing a carpark.

MINUTE

20 Item 15 BMEC - HONOURING IAN MACINTOSH (04.00032)

Cr Bourke - asked where is this matter and also the Ivan Stibbard acknowledgement at.

The Director Corporate Services & Finance provided advice on the status of these two matters.

MINUTE

21 Item 16 GO-KART TRACK - ALEC LAMBERTON FIELD (2014/0146)

Cr Bourke - asked have we had any more detail on this matter.

The Acting Director Environmental, Planning & Building Services advised not at this time.

MINUTE

22 Item 17 COMMUNITY GARDEN (22.02574)

Cr Bourke - gave an update on the Community Garden - water has been connected. Ground has been cleared of blackberries. Starting to level off the ground. This is to be a local garden, for local people. Have a number of volunteers and businesses in place assisting with the development of the garden.

MINUTE

23 MEETING CLOSE

The Meeting closed at 6.21 pm.

CHAIRMAN: _____

Date: _____ **(16 July 2014)**