

27 June 2012

His Worship the Mayor & Councillors

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 4 July 2012 commencing at 5.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 4 JULY 2012

1. 5:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* Minutes - Policy Committee Meeting - 6 June 2012

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

* General Manager's Report

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

8. DISCUSSION FORUM OTHER

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

Present: Councillors Westman, Aubin, Bourke, Carpenter, Hanger, Morse, North, Thompson, Toole

MINUTE

2 APOLOGIES

MOVED: P Toole SECONDED: T Carpenter

RESOLVED: That the apology from Cr Thompson be accepted and leave of absence granted. Cr Thompson advised that he will be arriving late to the meeting. Cr Thompson arrived at 5.03pm.

POLICY COMMITTEE
REPORT OF PREVIOUS MEETING

**REPORT OF PREVIOUS MEETING TO THE POLICY COMMITTEE MEETING HELD ON 4
JULY 2012**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 6 JUNE 2012 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 6 June 2012 be adopted.

Report: The Minutes of the Policy Committee Meeting held 6 June 2012, 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. Strategy32.2

MINUTE

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JUNE 2012 (07.00064)

MOVED: T Carpenter SECONDED: P Toole

RESOLVED: That the Minutes of the Policy Committee Meeting held on 6 June 2012 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 6 JUNE 2012

MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Acting Director Corporate Services & Finance, Director Cultural & Community Services, Director Engineering Services, Director Environmental Planning & Building Services, Manager Recreation, Parks Operations Manager, Manager Water & Waste, Senior Strategic Planner, Acting Manager Environment, Development Control Planner, Media & Public Relations Officer.

APOLOGIES

2 APOLOGIES

Nil.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 2 MAY 2012 (07.00064)
MOVED Cr W Aubin and **SECONDED** Cr M Morse

RESOLVED: That the Minutes of the Policy Committee Meeting held on 2 May 2012 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr P Toole and **SECONDED** Cr M Morse

RESOLVED: That the following Declarations of Interest be noted.

Cr Westman
Item #2 of the Director Engineering Services report.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

- 5** **Item 1 STREET TREE WORKS TO COMMENCE IN ROCKLEY AS PART OF BATHURST HERITAGE STREET TREE AUDIT (37.00206)**
MOVED Cr R Thompson and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

- 6** **Item 2 PROPOSED BATHURST BIKE PARK (18.00022)**
MOVED Cr M Morse and **SECONDED** Cr I North

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

Reason: owns a bike shop in Bathurst.

The Mayor vacated the Chair.

RESOLVED: That Cr Toole take the Chair in the absence of the Mayor

Cr Toole took the Chair.

- 7** **Item 2 PROPOSED BATHURST BIKE PARK (18.00022)**
MOVED Cr R Thompson and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

Deputy Mayor, Cr Carpenter arrived at the meeting.

GENERAL BUSINESS

- 8** **Item 1 RAGLAN CREEK CHANNEL (31.00006)**

Cr Bourke - asked where are we at with funding?.

The Director Engineering Services advised RMS confident funding will be available. Awaiting State Budget to be handed down.

- 9** **Item 2 LIGHTS - HAVANNAH ST ONTO HIGHWAY (25.00027)**

Cr Bourke - asked where are we at with two right-hand turn lanes onto highway?

The Mayor noted has been raised with RMS and matter is progressing.

- 10** **Item 3 TAFE BUILDING (22.01387)**

Cr Bourke - asked was this discussed with Minister on Monday?

The Director Cultural & Community Services advised no discussions were held with respect to the TAFE building.

11 **Item 4 GAS WORKS SITE (22.00052)**

Cr Bourke - asked was this matter discussed with Minister on Monday?

The Director Environmental, Planning & Building Services advised that the matter was not discussed.

12 **Item 5 FERNERY, MACHATTIE PARK (04.00012)**

Cr Bourke - advised that in regards to pond in the fernery, understands money is being taken out by children. Could we look at putting in place some mesh or other structure to stop this occurring?

13 **Item 6 MAIL TO COUNCILLORS (03.00049)**

Cr Bourke - advised mail is being opened before it comes to Councillors, could this be halted, may require a Policy change.

The Mayor advised a report will come back to Council on this matter.

14 **Item 7 KENTUCKY FRIED CHICKEN ROAD ACCESS (07.00006)**

Cr Bourke - advised problem occurring with cars queuing up and down George Street. Could this matter be examined and possibly be referred to the Traffic Committee.

15 **Item 8 MR BROWN, EGLINTON (23.00012)**

Cr North - advised received a letter from this ratepayer who noted how good the staff were when doing a footpath in Eglinton.

16 **Item 9 ROCKLEY TOILET (36.00449)**

Cr North - asked where is this at?

The Director Engineering Services spoke to process in place, tenders have been called, hopefully report to June meeting.

17 **Item 10 SES MATTERS (22.02581)**

Cr North - request a report for a future Council, as to having a Councillor delegate to the SES. Referred to building problems the SES have with current site.

18 **Item 11 RMS ROAD MATTERS (18.00121)**

Cr North - talked to the level of decision making rights Council has in respect to issues on RMS roads; e.g. speeding issues. There seems to be difficulty in Council having a say and getting Traffic Committee to consider Council input. Spoke to a resident's concern he had received and lack of response received.

19 **Item 12 CRIGHTON VILLAGE, EGLINTON (22.01826)**

Cr North - asked where is this at?

The Mayor noted Mr Cox is in the audience tonight and may provide advice as to where the proposal is at during the Discussion Forum session.

20 **Item 13 MUSEUM PASS (18.00004)**

Cr North - pleased 3 museum pass has been approved for group coming next year. Would like this to be put in permanently. Requested a report on this come back to Council.

21 **Item 14 RFS - LG&SA PRESS RELEASE (18.00233)**

Cr North - spoke to press release issued by LG&SA on operational disengagement with the RFS. Has concerns with this proposal. Please refer to a working party for future discussion.

Meeting suspended to allow Discussion forum to take place at the advertised time, 5.15 pm.

General Business continued at 5.43 pm.

22 **Item 15 CLEANING OF HIGHWAY (25.00005)**

Cr Aubin - How often do the group do the Highway near the RTA? Could we look at doing it more regularly?

The Director Engineering Services spoke of process in place.

23 **Item 16 CITY ENTRANCE PLANS (25.00005)**

Cr Aubin - Where are we at with this?

The Parks Operation Manager advised they are currently awaiting feedback from Councillors and then will collate these. Program works will start at the Orange approach first.

24 **Item 17 GREEN SPACES IN NEW ESTATES (20.00018)**

Cr Aubin - Do we have a policy for this?

The Director Environmental Planning & Building Services spoke to plans on green space requirements to be included with new LEP and process that is occurring.

25 **Item 18 COURTHOUSE EASTWING (22.01071)**

Cr Morse - Council leases this and sub-leases to Historical Society. There are problems with water getting into the building. Could Council renew its requests to repair the roof of the Court House Wing? Understands Attorney General is sending a representative up to look at this problem.

26 **Item 19 BRIDLE TRACK REPAIRS (25.00283)**

Cr Morse - Where is this at?

The Director Engineering Services advised they are looking at various alternatives, there are a number of issues. Currently obtaining Geotechnical information, will report to Council in July.

27 **Item 20 HOWICK/BENTINCK STREET TRAFFIC PROBLEMS (25.00006)**

Cr Morse - advised has provided a list of issues to General Manager. There are considerable access and behavioural issues impacting this site. Could this matter be reviewed?

28 **Item 21 HEREFORD STREET CAR PARKING - RUGBY CLUB HOUSE (22.10764)**

Cr Toole - requested Council look at sealed car parking in this location.

29 **Item 22 RAIL SERVICE - BATHURST TO SYDNEY (18.00001)**

Cr Toole - congratulated Councillors, particularly Crs North, Carpenter and Westman on their efforts in getting the daily rail service to Bathurst.

30 **Item 23 RAIL SERVICE - BATHURST TO SYDNEY (18.00001)**

Cr Carpenter - congratulated local member for getting this service in place. Recommended Council support this service.

31 **Item 24 INVINCIBLE FLOWER MILLS HERITAGE SIGN (16.00032)**

Cr Carpenter - advised this is covered by vegetation. Could Council look at getting this sign cleared.

32 **Item 25 TAXI RANK NEAR HOSPITAL (22.01047)**

Cr Carpenter - advised has had approaches about locating this closer to the hospital. Could Traffic Committee consider moving the taxi rank.

33 **Item 26 LEVEE BANKS - GRAVEL TRACKS (31.00001)**

Cr Carpenter - asked could Council look at putting gravel tracks on top of the levees to allow cyclists to utilise these facilities.

The Director Engineering Services spoke to concerns at steepness of the batters, safety issues and possible scouring of the levee. Also resident concerns adjacent to levee about privacy issues.

34 **Item 27 ENERGY CONTRACTS (16.00007)**

Cr Carpenter - advised aware renegotiations have occurred on power costs? Can Council be advised of the results.

The General Manager advised a report will come to Council.

35 **Item 28 BIKE PARK (2010/0770)**

Cr Hanger - met with Minister Annesley on this project. The meeting went very well and certainly raised awareness of the project.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

36 **Item 1 PLANNING PROPOSAL - EGLINTON EXPANSION (20.00170)**

Discussion included:

The Director Environmental Planning and Building Services gave an introduction

into this matter.

R Camplin - Ratepayer - Spoke to submissions made and 2BS BRock operations noted the history of communication towers at Eglinton. Will be commissioning new radio stations for Bathurst and spoke to future siting needs and issues with the proposed Eglinton plan. Requested Council reconsider the current proposal and add a small portion of land as identified in Bathurst Broadcasters submission to the proposed expansion area.

G Dunn - Cowra - CW Transport Forum - Concerned at the proposed development and also Kelso Highway proposals and Mount Fitzgerald works. There are problems with State Planning Authority and consultation that is occurring with the Great Western Highway. Feels Eglinton Village proposal is where a Bathurst bypass would go. Local Government may not be acting in the best interests of all, also State Government.

J Smyth - Hamilton Street - Spoke to greenspace and whether compensation is paid where land is taken.

The Director Environmental Planning & Building Services noted land is paid for.

P Cole - General Manager, 2BS BRock - Spoke to and supported request from Mr R Camplin and asked Council to give favourable consideration.

G Cox - Crightons - Provided a submission to Council on the Village proposal and requested a review of the zoning of a strip of land between aged care home and proposed residents zone. Had thought Council would give favourable consideration to this strip of land, but it has not been included in the expansion proposal. Spoke to buffer issues and provision of services up Cox's Lane. Referred to financial issues being experienced with the aged care development. Financial crisis has caused difficulties with getting funding. Group is looking at various funding models to get project commenced.

MEETING CLOSE

37

MEETING CLOSE

The Meeting closed at 6.01 pm.

CHAIRMAN: _____

Date: _____ **(20 June 2012)**

MINUTE

4 DECLARATION OF INTEREST 11.00002

MOVED: I North SECONDED: W Aubin

RESOLVED: That the Declaration of Interest be noted.

Cr Thompson arrived at 5.03pm

POLICY COMMITTEE
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT & MINUTES
4 JULY 2012

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE POLICY COMMITTEE
MEETING HELD ON 4 JULY 2012

General Manager
Bathurst Regional Council

1 OPENING OF COUNCIL MAIL (03.00049, 41.00089)

Recommendation: For Council's consideration.

Report: Councillors, at the Policy Committee Meeting of 6 June 2012 (General Business Item #6, refer **attachment 1**), raised concerns in relation to the Council practice of opening all mail that comes to Council through the regular post.

Council has for many years, in accordance with a Circular from the Department of Local Government (Circular No. 01/67 - refer **attachment 2**) opened all mail that comes into the Council building via Australia Post in a closed room. This is done in order to comply with (i) accepted industry standards, (ii) the Department Circular and is done for the protection of staff opening Council's mail. Council has responsibilities under Health and Safety legislation to provide staff with a safe work place and this procedure is one of the means of providing a safe place of work for staff opening the Council mail. Staff thus check the mail for threat in the contained work area, whilst wearing the appropriate protective clothing. The Records staff do not register or read Councillor's mail.

When this matter was last raised informally with Council, during Cr Mann's time as Mayor (2005-2007), it was agreed that envelopes marked 'private and confidential' would not be opened and all other envelopes would be opened.

Councillors should note that correspondence/envelopes handed directly over the front counter for Councillors is placed into Councillors trays without being opened as has been the practice for many years.

Office of the Information Commissioner

Contact has been made with the Officer of the Information Commissioner (office responsible for overseeing the Government Information (Public Access) Act, 2009) in relation to the opening of mail addressed to Councillors received at Council and they advised that there is an assumed common law principle that an organisation has a right to open any mail that comes addressed to the organisation's normal mail address.

Office of the Privacy Commissioner

Contact has also been made with the Office of the Privacy Commissioner (office responsible for overseeing the Privacy and Personal Information Protection Act, 1998) who advised that they do not have any specific guidelines on this subject except that they alerted council to its

responsibilities in relation to proper keeping of all records.

NSW Ombudsman

The NSW Ombudsman's website does not have any procedures or policies in relation to this matter, however, does point to Councillors statutory requirements to ensure that proper records are kept of all business of the councillor that relates to his/her role on council.

Bathurst Regional Council

Clause 4.5 of Council's Code of Conduct also points to Councillor's responsibilities to keep proper records.

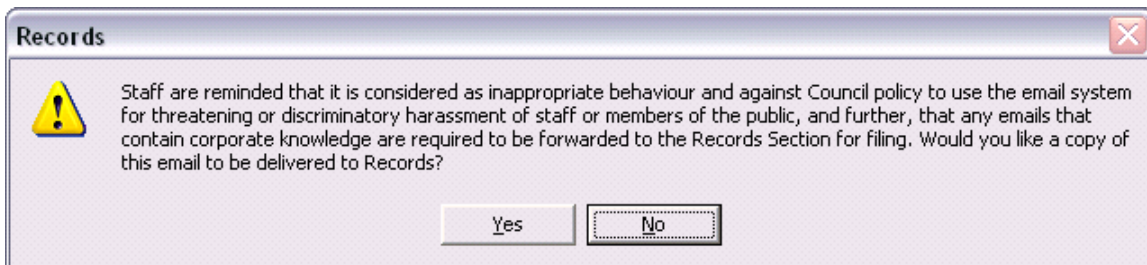
4.5 Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.

This also relates to emails sent by Councillors as referred to in Council's Email and Internet Policy

10. Records/Document Management

All email messages are recognised as organisational records and shall be properly managed for record keeping purposes.



This can be managed by answering Yes to the above question and following the prompts for details

*File Number: Council File i.e. Xx.xxxxx
Your Reference: Other parties reference
Full name: Other party
Title: Position
Organisation: Company name*

Email messages must be registered in the Records Management system if they are of organisational significance and/or will need to be referred to again.

Messages indicated as being of a personal nature may be stored on the computer network, but not necessarily incorporated into the Document Management systems.

Shires Association

Contact has also been made with the Local Government and Shires Association in relation to this matter who advised there is no set regulations or policy governing the opening of mail addressed to council. They advised that the normal council recordkeeping procedures and policies would define how council should deal with opening of councillor mail that is addressed to the council mail box.

NSW State Records

State Records is the authority responsible for ensuring that State Records are properly captured by all public offices. Councils under section 3(1) of the State Records Act are identified as a public office and therefore subject to the requirements of the Act to keep proper and accurate records. The State Records website provides the following:-

Are Councillors' records State records?

A State record is 'any record made and kept or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office' (section 3(1) State Records Act 1998).

A council is identified as a public office under section 3(1) of the Act. Councillors are subject to the Act when they create or receive 'State records' while undertaking business on council's behalf. They are not subject to the Act when conducting personal business or business that is unrelated to their role as councillors.

State Records has developed a *Sample Records Management Policy and Procedures for Councillors* (refer **attachment 3**) which states:-

2.2 Examples of State records

Examples of State records include (but are not limited to):

- correspondence, including emails, regarding building and development matters*
- a petition received from a community group*
- declarations concerning a Councillor's pecuniary interests*
- speech notes made for addresses given at official Council events, and*
- complaints, suggestions or enquiries by rate payers about Council services.*

2.3 Examples of records that are not State records

*Conversely, records which are created, sent or received by Councillors when they are **not** discharging functions of Council are **not** considered to be State records for the purposes of the State Records Act 1998.*

Examples of records that are not State records include (but are not limited to):

- records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances*

- *communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by Councillors or Council*
- *records relating to attendance at sports functions, church fetes, community functions when the Councillor is not representing Council*
- *personal records of councillors such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc that are not related to Council business.*

3 Records as a resource

Records are a vital asset to council. Many records created and received by Councillors have the potential to:

- *support the work of Councillors and Council's program delivery, management and administration*
- *help Councillors and Council to deliver customer services in an efficient, fair and equitable manner*
- *provide evidence of Councillors' actions and decisions and establish precedents for future decision making, and*
- *protect the rights and interests of the Council, Councillors and its clients and rate payers.*

A small percentage of records created and received by Councillors will become archives (See Appendix C: Glossary), part of the cultural resources of the State.

4 Creation and capture of records

4.1 What records to create and capture

Councillors should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- *providing advice, instructions or recommendations*
- *drafts of documents for Council containing significant annotations or submitted for comment or approval by others*
- *correspondence received and sent relating to their work undertaken for Council.*

Council is responsible for:

- *creating and capturing records of Council or committee meetings where the Council is the secretary*
- *capturing any State records it sends to Councillors regarding Council business.*

The *Sample records management policy and procedures for Councillors* also includes the following:-

4.3 How to capture records

Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) should be saved into official Council recordkeeping systems as soon as is practicable so that Council can assist with their long term management.

Paper records

Records created or received in paper format should be forwarded to Council [outline procedure in your Council]. If records are of a sensitive or confidential nature, the Councillor should alert the [relevant position holder] to this fact so that appropriate security controls can be applied.

Example:

One Council recommends that Councillors keep the records together and once a month transfer them to the Records Manager (although matters requiring action by Council need to be forwarded immediately). Their procedure gives the name of the Records Manager, contact details and location within Council to assist the Councillor to meet this requirement.

Email and electronic records

Email and other electronic records should be forwarded to Council promptly for registration [outline procedure in your Council]. If records are of a sensitive or confidential nature, the Councillor should alert the [relevant person] to this fact so that appropriate security controls can be applied.

Example:

One Council, which does not have the ability to capture emails electronically, recommends that emails and electronic records be regularly printed and filed and transferred with other paper records.

Example:

Another Council recommends that records be transferred electronically to a particular Council email address as soon as possible.

See [Section 6 Security and confidentiality of records](#) for information about security controls for sensitive records.

Councillors' copies

If a Councillor retains copies of any records once the originals have been forwarded for registration, these should be retained only while needed for current Council business. [outline procedure in your Council]. The routine destruction of copies of

records is permitted under the *State Records Act* (section 21(2)). See [Section 11 Disposal](#) for more information.

Example:

One Council allows Councillors to destroy duplicates and gives advice on how to do this.

Example:

Another Council recommends that duplicates are also forwarded to Council for destruction, but that these should be clearly stamped 'duplicate'.

It is important to recognise that these copies should be treated like the originals with regard to security controls applied (see [Section 10 Handling and storage of records](#)).

5 Registration of records by Council

5.1 Registration procedures

Records received from Councillors for registration will be handled in accordance with the Council's *Records management procedures*.

See [Section 6 Security and confidentiality of records](#) for information about security controls applied to sensitive records.

5.2 Councillors' mail (including email)

[Outline your Council's procedure for managing Councillor's mail with privacy markings, and mail not marked. Include procedures for email, fax and paper-based mail and for capture of general correspondence that is copied to councillors for their information].

Example:

One Council recommends that incoming mail for Councillors received at Council with no privacy markings will be opened by the records staff. Mail considered to be a State record will be registered into Council's recordkeeping system before being forwarded to the Councillor. Mail with privacy markings is registered in a separate register but forwarded to the Councillor unopened. It is then the Councillor's responsibility to return any mail that is a State record and requires registration in the Council's main recordkeeping system.

Faxes to Councillors are registered in the recordkeeping system, before being forwarded to Councillors.

Electronic mail received through the Council's generic email address that is addressed to Councillors is forwarded to the Councillor, with the exception of unsolicited recruitment material, items which appear to have little or no significance to the Councillor's role or Council operations, pornographic or obscene material, or spam. Again it is the Councillor's responsibility to return any mail that is a State record and requires registration in the Council's main recordkeeping system.

Example:

Another Council recommends that all incoming mail for Councillors received at Council is opened in the presence of two records officers regardless of privacy markings. Mail considered to be a State record will be registered into Council's recordkeeping system before being forwarded to the Councillor. Faxes and email to the Council's generic address which are marked to Councillors are treated in the same way.

In terms of general correspondence which is to be copied to Councillors, the original letter is registered in the recordkeeping system and referred to the appropriate action officer. Copies are forwarded to Councillors, with a copy also referred to the General Manager.

Attached for Councillors' information are two brochures from State Records - *Recordkeeping Reminders* (refer **attachment 4**) and *So, what have records got to do with me* (refer **attachment 5**).

From the matters identified in the report there are several options available to Council at the present time:-

1. Continue the current procedures and practices unchanged
2. Not open any mail addressed to Councillors that comes via the council post office box
3. adopt a policy based on the State Records *Sample records management policy and procedures for Councillors*

As this report has raised several issues it may be appropriate that this matter be considered at a working party.

Financial Implications: Nil at this stage.

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
- Objective 33: To be and develop good leaders. Strategy 33.5

MINUTE

5 Item 1 OPENING OF COUNCIL MAIL (03.00049, 41.00089)

A **MOTION** was **MOVED** Cr B Bourke and **SECONDED** Cr I North

That no mail addressed to any individual Councillors, which is received at Council, is to be opened by Council, unless permission is granted by the individual Councillor.

The **MOTION** was **PUT** and **LOST**

MINUTE

6 Item 1 OPENING OF COUNCIL MAIL (03.00049, 41.00089)

A **MOTION** was **MOVED** Cr G Hanger

That the status quo be maintained.

The **MOTION LAPSED** for want of a **SECONDER.**

MINUTE

7 Item 1 OPENING OF COUNCIL MAIL (03.00049, 41.00089)

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

Council hold a Working Party to develop a policy on mail and records capture for the Council as it relates to Councillors. This is to include hard copy and electronic mail.

The **MOTION** was **PUT** and **CARRIED**

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

POLICY COMMITTEE
GENERAL MANAGER'S REPORT & MINUTE
4 JULY 2012

**GENERAL MANAGER'S REPORT TO THE POLICY COMMITTEE MEETING HELD ON 4
JULY 2012**

General Manager
Bathurst Regional Council

1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT (18.00008)

Recommendation: That the information be noted.

Report: Councillors will recall at the Policy Meeting of 2 March 2011 that Council resolved:

" That Bathurst Regional Council declares its support for financial recognition of local government in the Australian constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the constitution to achieve this recognition."

The matter of Constitutional Recognition of Local Government is a major issue for Councils and as part of the process to examine options for constitutional recognition, the Australian Government appointed an Expert Panel to undertake the review.

The Australian Local Government Association has forwarded correspondence, refer **Attachment 1**, advising that the report of the Expert Panel has been completed. A copy of the report is available in the Administration Office. The report is also accessible on the web at:

<http://localgovrecognition.gov.au/sites/localgovrecognition.gov.au/files/ExpertPanel-FinalReport.pdf>

Further details on the question of constitutional recognition can be obtained from the ALGA website; www.alga.asn.au.

The summary and conclusion of the report is at **Attachment 2**.

This report to Council will serve to heighten public awareness in this process.

Financial Implications: Nil at this stage.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 6: To support infrastructure development necessary to enhance Bathurst's life-style and industry development. Strategy 6.1
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social Strategy 28.7

and cultural assets.

- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.6
- Objective 33: To be and develop good leaders. Strategy 33.4

MINUTE

8 Item 1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT (18.00008)

MOVED: T Carpenter SECONDED: I North

RESOLVED: That the information be noted.

Yours faithfully



D J Sherley
GENERAL MANAGER

POLICY COMMITTEE

GENERAL BUSINESS

4 JULY 2012

MINUTE

9 RECENT DROWNING INCIDENT IN NSW (02.00009-03)

Cr Hanger - spoke to recent incident where a child was drowned in NSW. Queried what is Council's policy with respect to pools.

The **Acting Director Environmental Planning & Building Services** spoke to Council procedures that are in place.

MINUTE

10 MINES - FRACKING (20.00237)

Cr Hanger - asked if any approaches have been made to Council concerning coal seam mining.

The **Mayor** advised not aware of any approaches having been made to Council.

MINUTE

11 PUBLIC LIABILITY INSURANCE COVER FOR EVENTS (03.00006)

Cr Carpenter - has been approached about insurance cover for events Council has been involved in e.g. NAIDOC day. Has a change in procedures occurred and can we help with insurance.

The **Director Cultural & Community Services** advised no change for those events run by Council. If run by groups outside of Council, they need to put their own insurance cover in place. Council will continue to assist NAIDOC week through existing budgets in place.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 34

MINUTE

12 TRAINEESHIP PROPOSAL (16.00129)

Cr Carpenter - raised the Management Plan meeting which dealt with a traineeship proposal that was not taken up. Could Council review trainee opportunities that are available.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 35

MINUTE

13 EVANS ARTS COUNCIL (25.00018)

Cr Carpenter - expressed concerns about the right hand turn into Lee Street not being available, can this be looked at.

The **General Manager** gave history of this matter and noted that the Roads and Maritime Services will not put a right hand turn in. Further planned works for the highway would not facilitate such a turn.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 36

MINUTE

14 LOCAL GOVERNMENT EMPLOYEES IN REGARDS TO ELECTION (12.00010)

Cr Morse - noted there was an article in the Sun Herald about Council staff involvement in elections.

The **Director Cultural & Community Services** advised that the article referred to political activities.

MINUTE

15 LAFFING WATERS LANE (25.00106)

Cr Morse - informed that she has had approaches about concerns with access from Laffing Waters Lane being blocked if there is an accident on the Sofala Road at the entrance to the subdivision. Could Traffic Committee or Engineers look at this.

MINUTE

16 LITTER ON ENTRANCES TO THE CITY (07.00097)

Cr Aubin - informed there is a problem with this. Could a report come to Council on frequency of cleaning and processes in place. Raised as an example the approach from the Orange side of town.

The **Mayor** noted Works Engineer is currently reviewing this matter.

MINUTE

17 ST PATS JUNIOR RUGBY LEAGUE FOOTBALL CLUB - OVAL PROBLEM (22.01560)

Cr North - spoke of an issue with water impact on the grounds out there. Can this be reviewed by staff and St Pats sporting groups be contacted. Also problems with ground highlights need for more ovals into the future, we need to look at future demands.

The **Mayor** spoke to discussions that have been held with St Pats concerning the water problem.

The **Director Corporate Services & Finance** noted we are looking at acquiring various sites particularly on the flood plains.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 40

MINUTE

18 HARNESS RACING (23.00098)

Cr North - spoke of recently going through Goondiwindi and there is a great museum which had paraphernalia on Gunsynd. Bathurst has some great museums and perhaps Bathurst should look at doing something for the recording of harness racing history in Bathurst.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 41

MINUTE

19 SWIMMING POOLS 02.00009)

Cr North - spoke to inspection regime for pool fencing. When a pool is sold can we make sure that the site is inspected to see complies with appropriate standards.

The **Acting Director Environmental Planning & Building Services** advised protocols in place are being assessed as part of the Swimming Pools Act reform process.

MINUTE

20 ST PATS (22.01560)

Cr Bourke - need to look at water problem. There are many teams utilising this facility.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 43

MINUTE

21 RAGLAN CREEK CHANNEL FUNDING (31.00006)

Cr Bourke - asked where are we at with funding.

The **Director Engineering Services** advised Roads and Maritime Services have allocated funding in 2012/2013, currently seeking licence approval from the Office of Water.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 44

MINUTE

22 BENTINCK STREET/CARRINGTON PARK (25.00067)

Cr Bourke - asked when we get a storm, gravel fills the gutters. Could this be looked at, perhaps cement the path along this strip.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 45

MINUTE

23 HAVANNAH STREET TURN ONTO HIGHWAY (25.00027)

Cr Carpenter - asked where are we at trying to get two lanes turning right onto the highway.

The **Director Engineering Services** advised expecting to do heavy patching work in next two weeks. This will then allow Roads and Maritime Services to alter signals.

MINUTE

24 BRIDLE TRACK (25.00283)

Cr Bourke - advised has received approaches about this matter.

The **Mayor** advised a report is being prepared, perhaps may be available for July meeting.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 47

MINUTE

25 OPENING COUNCILLOR MAIL (03.00038)

Cr Bourke - asked is there a policy in place on this. Can he seek legal advice.

The **General Manager** advised there is no policy. Current procedures are that all mail is currently opened, refer to report this business paper. Noted that the Councillor is not able to seek legal advice at the cost of Council.

to the Policy Meeting 04/07/2012

GENERAL MANAGER

MAYOR
Page 48

MINUTE

26 MEETING CLOSE

The Meeting closed at 6.00pm.

CHAIRMAN: _____

Date: _____ **(18 July 2012)**