

30 October 2013

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 6 November 2013**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 6 November 2013 commencing at 6.00 pm.



D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

## **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 6 NOVEMBER 2013**

**1. 6:00 PM - MEETING COMMENCES**

**2. APOLOGIES**

**3. REPORT OF PREVIOUS MEETING**

\* MINUTES - POLICY COMMITTEE MEETING - 9 OCTOBER 2013

**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 ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

\* GENERAL MANAGER'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), Bourke, Coote, Jennings, North, Westman.

**MINUTE**

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

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

**REPORT OF PREVIOUS MEETING**

POLICY COMMITTEE

**1 MINUTES - POLICY COMMITTEE MEETING - 9 OCTOBER 2013 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 9 October 2013 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 9 October 2013, 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 - 9 OCTOBER 2013**  
**(07.00064)**

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

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 9 October 2013 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 9 OCTOBER 2013**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**

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

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

Cr Aubin had advised the General Manager that he will be travelling back from Sydney and may be late for, or unable to attend the meeting.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2013 (07.00064)**

**MOVED** Cr G Westman and **SECONDED** Cr I North

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 August 2013 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**

**MOVED** Cr G Hanger and **SECONDED** Cr J Jennings

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Environmental Planning & Building Services' Report**

**5 Item 1 CAT CONTROL POLICY (14.00009)**

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

**RESOLVED:** That Council repeal the "Cat Control" Policy and remove from the Policy Manual.



- 6** **Item 2 SWIMMING POOL INSPECTION PROGRAM POLICY (02.00009)**  
**MOVED** Cr B Bourke and **SECONDED** Cr M Coote

**RESOLVED:** That Council adopt the draft Swimming Pool Inspection Policy.

Cr Aubin arrived at the meeting at 6.04 pm.

- 7** **Item 3 PROTECTION OF VEGETATION AND HABITAT POLICY (13.00001)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That Council adopt the Protection of Vegetation and Habitat Policy.

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

- 8** **Item 1 ENTERPRISE RISK MANAGEMENT PLAN - STRATEGIC RISK REGISTER (03.00162)**  
**MOVED** Cr B Bourke and **SECONDED** Cr G Westman

**RESOLVED:** That Council adopt the updated Strategic Risk Register and include it in the Enterprise Risk Management Plan.

### **SUSPENSION OF STANDING ORDERS**

- 9** **SUSPENSION OF STANDING ORDERS (11.00005)**  
**MOVED** Cr I North and **SECONDED** Cr M Coote

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with the Discussion Forum - Draft Bathurst Regional Local Environmental Plan 2013 and Draft Bathurst Regional Development Control Plan 2013 - listed on the Agenda.

### **DISCUSSION FORUM OTHER**

- 10** **Item 1 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2013 AND DRAFT BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2013 (20.00143)**

**The Director Environmental, Planning & Building Services** gave background into the process of developing the Draft LEP and DCP including the Rural and Urban Strategies and the Heritage Strategy. Noted proposal will be reported to the November meeting of Council for consideration.

Discussion included:

**Bob Walsh - Gateway Land Corporation** - spoke to site history of the Gateway terminal site and commercial zoning. Has made a formal submission to Council. Agree with most of the DCP provisions, has several concerns including issues such as; bulky goods floor-space availability, setbacks required are excessive, access points from the highway are insufficient (only one available), require a left in left out

at western end of site, no advertising signs allowed in setback zones, this needs to be changed.

Bruce Bolam - Stanley, Hope & Peel Streets (38,000 m<sup>2</sup>) - seeks a zoning change by Council from current zone of market garden. Owns some of this land and has an interest in the balance. Spoke of surrounding land uses, services to the block, considers the land lends itself to development purposes. Seeking the land be zoned to residential.

Mary Moody - 61 Porters Lane, Yetholme - has lived there since 2001. A small section of their block of 5 acres is on the other side of the Highway and not included in proposed village zone. Is not used for agricultural purposes, has rogue pines on it. Wedged near old and new housing areas. Seeks the area be included in the Yetholme Village zone.

David Walker - Geolyse - representing Landco - Ophir Road land - the land is before Council for subdivision approval. Spoke to open space requirements and that the LEP is seeking a further 1 ha of the site for open space. Have forwarded a submission which shows all Lots are within 500m of open space. Seeks additional portion be omitted. Further, spoke to basis of valuation if land is to be acquired by Council.

Keith Hogan - CSU - spoke to letter submitted concerning land near Mount Panorama (Crown Reserve). The zoning is an issue about whether it is for education. Objects to proposed tourism zoning. Will be making a further submission on this to Council.

Toby Jones - on behalf of Edward Jones - speaking to subdivision of 'The Grange' issue. Asks LEP includes reintroduction of section 6.23. Bathurst is proud of its history, it is important that heritage in the rural areas is considered. This appears to be missing from the LEP. Council needs to give attention to preservation of heritage items in the rural area.

Steve Anderson - owner Steve Anderson Building Design - has made a submission to Council, has concerns about the size of "granny flats", secondary dwellings, seeks an increase above the 60 m<sup>2</sup> size proposed. Noted issues such as urban consolidation.

Charles Boag - Wattle Flat - seeks more control from Council in the Wattle Flat area. Noted current dwelling layout and whether it is an entity. There is an opportunity for Council with this LEP/DCP process. There are controls in Sofala and Hill End, yet have not been included for Wattle Flat, eg materials used, siting of roller doors etc. Do not let what is there be 'buried' or 'swallowed up'. Council needs to control what occurs in Wattle Flat. It is a significant stretch of road.

Margus Ratsep - Surveyor - has lodged ten submissions. Items raised in two of the submissions; 132 Durham Street - proposed to be residential zoned, feels this is inappropriate, should be commercial core zoning; 215 Rocket Street (near Stewart Street) - seeks 500m<sup>2</sup> be zoned commercial core land, particularly spoke to the location and possible linkage with adjacent commercial development.

Ian Rufus - 132 & 143 Durham Street (on behalf of owners) - seeks zoning change as mentioned by the previous speaker, Mr Ratsep. The site gets access through a number of right of ways and subdivisions that are proposed, seeks these right of

ways to be zoned commercial or at least a guarantee that access will occur whether zoning occurs or not.

Ashley Bland - Skillset Sustainability Manager - Skillset - concerned whether zoning allows them to serve food and drinks, seeks clarity on this issue.

Further, on behalf of Greening Bathurst - pleased to see the range of effective environmental controls and encourages Councillors to hold the line, spoke to the various environmental plans of Council. Noted a submission has been made.

Shaun Lawer - GHD - 1511 and Lot 5 Mid Western Highway, Robin Hill (on behalf of owners) - proposed to be primary production zoning, feels greater use can occur. Spoke to characteristics of the site, seeks land to be zoned rural residential. Has some concerns with rural strategy; building statistics minimum check to 2011 ABS, availability of rural residential land needs to be reconsidered whether there is enough out there. Client will be submitting a planning proposal to Council.

Anthony Daintith - Planning Consultant - on behalf of clients

- 263 Willow Tree Lane - seeks inclusion of land as part of Mt Rankin, large lot rural land zoning R5. Spoke to factors involved in satisfying the rural strategy adopted by Council.
- 234 Gilmour Street (Liam O'Hara) - not objecting to zoning, but the changes proposed to the land-use planning table, noted deletion of medical centres etc. Have a master plan for the site (former St Pats Sporting Club) and wish to be able to work to this plan.
- 5475 Sydney Road, Raglan - has had a number of development applications on this area. Objects to RU1 proposed zoning which does not even allow existing development on this site, it is not possible to use this land for primary production. Seeks B5 zoning for the site.

Ken Barcham - 73 Clairvaux Lane, Kelso - long term resident. Original draft LEP was to have land rezoned residential, this is no longer included. Reason given is, problem with water pressure when electrical blackout occurs. Seeks Council's reconsideration of this. This is a minor problem which should be able to be resolved. Noted similar circumstances in Bathurst which have not stopped development. Feels Clairvaux Lane would be ideal for retirement village. Referred to servicing of water to Hereford Estate. Requests reconsideration of zoning.

Paul Baldock - Wattle Flat resident and representative on the Wattle Flat Heritage Land Trust -

- Fact sheet #10 has some issues about E2 zoning and map does not reflect current gazetted reserves.
- Agricultural interface around village is an issue. It seems to stop development of housing in areas proposed for housing, as it limits the siting of houses on some of the blocks. Perhaps Council could reduce or eliminate the interface where blocks are impacted.

Ian McPherson - Bathurst District National Trust - noted a submission has been made. Noted there are some issues they seek to be addressed by Council. Appreciative of 11th heritage area proposed and the transfer of items to the LEP.

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**This is page 4 of Minutes of the Policy Committee held on 9 October 2013.**

Referred to seven principles of community participation.

- Clause 1.7 of DCP - Trust supports inclusion of departures clause.
- Gateway Amendments - agree with proposed setbacks, this is a critical site.
- Landmark sites - very important wherever located, eg Dairy Farmers, Squash Courts site. Needs special provisions, eg exhibition 28 days, need 3D models so can see what proposal actually looks like.
- Rural vistas, signage and colour - please enforce the provisions.

Robin White - on behalf of clients - Mr Speight & Ms Beckett, Wattle Flat - referred to concern with agricultural interface, asked for it to be reduced.

Sharon Mulligan - owner 255 Bentinck Street - property proposed to be listed as a heritage item. Cannot find out what this means, nor what area or portion thereof is being listed. Supportive of heritage. Asked Council to share costs in partnership on heritage items.

Robert McDowell - owner 174 McGregors Lane, Mt Rankin - property owned of 110 ha, adjoins the Mt Rankin area proposed for R5 zoning. Seeks inclusion of his land which impacts Kellosiel and Deep Creeks to ensure maintenance of biodiversity and riparian corridors.

Rhonda Arrow - 39 Clairvaux Lane - requests rezoning of land. Thought that area would be included as was shown in draft documents. Noted location of area in terms of services to the city and proximity to town. Also spoke to request to otherwise subdivide the property in two.

Gavin Douglas - 43 Bathurst Street, Perthville - Lots in area are effected, with lots split in half in terms of the zoning. Part residential and part rural. The zoning and Lot boundaries should be aligned as now flood protected.

Hilton Neary - 213 Marsden Lane, Kelso - has put in a submission. Rezoning is up to the edge of the Hereford Estate and around two sides. Spoke to Stage II being developed and water issues. Requests rezoning to residential.

Jack Arrow - 39 Clairvaux Lane - read out letter for Mr Agostini (owner of 86 Clairvaux Lane) who was unable to attend. Mr Agostini bought the land as an investment and seeks review of zoning. Referred to water pressure issues raised and feels it only impacts a small amount of the land. Most of the area can be serviced by the reservoir.

Further, spoke to his own submission concerning 39 Clairvaux Lane and developments undertaken and belief the area was to be rezoned. Considers water can be brought from identified water reservoir site. Nearly all blocks can be serviced. The area is valuable to Council for future development. Asks Council reconsider the rezoning.

Sandy Bathgate - Bathurst 2036 Heritage Action Network - heritage is a key social and economic asset for the area. A submission has been made to Council. The suggestions are made to work in cooperation with Council. Need to protect and enhance current heritage. Noted concern at State Government's one size fits all approach. Appreciative of extra heritage items to be listed and extra conservation

zone. Suggested items to be considered include; landmark sites, maintenance streetscapes, setbacks, gateways, socially responsible development, rural vistas, heritage conservation areas. Asks Council to carefully consider submission. Tabled a document for Council's consideration.

Ryan Cooney - representing J Dixon, 45 - 63 Whiterock Road property owner - seeks land be considered as inner rural land. The site has access to sewer and should have an R5 zoning as it will become an island in this area.

Narelle Druitt - 426 Mt Rankin Road, Mt Rankin - has put in two submissions. Has 100 acre property, in proposed rural lifestyle area. Listed as cultural heritage (Aboriginal). There is no history for this and nothing supporting this. Council did not consult with Ms Druitt on this proposal. They have lived here for 32 years. Seeks Council remove the classification.

Bob Pearce - Mt Rankin zoning - spoke to R5 zoning and have lodged a submission. Feels 10 ha minimum is contrary to other locations in Bathurst, eg Wentworth Estate. Noted factor of effluent disposal, does not see this as an issue. Feels should be able to subdivide down to 1 ha. This will facilitate people enjoying rural residential lifestyle.

Jocelyn Barcham - 73 Clairvaux Lane - representing residents of 38 Clairvaux Lane - spoke to their submission. Referred to size of area, primary production limitations, benefit to City of rezoning. Why is Council excluding site from rezoning? Noted issue of reservoir and services provided to other areas, why not to Clairvaux Lane. Raised long term considerations.

Nicole Schryver -

- 120 Gilmour Street - please rezone to general residential now that area is flood protected.
- 355 Willow Tree Lane, Mt Rankin (mother's property) - please include in rezoning to R5. If not, then stop the rezoning going ahead. Spoke to problem of running a farm in this area.

Ben Linke - 3092 Sofala Road, Wattle Flat - purchased block in 2005 and assumed it had a DA. It is 1.5 acres and is on boundary of village, seeks inclusion in the village zone, area would be an asset to the village.

Brad Shumacher - 51 Bathurst Street, Perthville - part of lot is proposed to be zoned residential, seeks all land be aligned in terms of zoning and lot boundary now that land is flood protected.

Val Neary - 230 Marsden Lane - speaking for the Hamiltons (56 Clairvaux Lane) - they have a vineyard on their block. The agricultural pursuit is not viable due to size of blocks and residential property in the area.

Margus Ratsep - Surveyor - representing owners, Mr & Mrs Wilkinson of 'Ardsley', Ardsley Lane -

- they own around 1,265 ha. The proposed land is controlled by three different minimum lot size requirements of 100 ha, 200 ha and 300 ha - causes problems. Requested consideration be given to some blocks to be split off as residential. Noted submissions made and asked for Council consideration of

the requests.

- Also raised concerns about land changes between former Evans Shire area and Bathurst City Council in 1977 and possible building entitlements.

Margus Ratsep - Surveyor - Representing Mr R Morris, Lagoon Road, The Lagoon

- Lagoon DCP Map 17 - the amount of green area - scenic protection is too large. Hard to know what is being protected, seeks reduction of this area.
- At Lagoon there is a Lot which goes across the road, have previously requested land be zoned as small rural lots. Requests Council allow building on each separated block.

Julius King - King Law - on behalf of submission from William Langdon - spoke to proposal of RU1 for land and seeks reconsideration of zoning. Land is in the village of Peel. Noted adjacent properties have residences on them.

Lucy Waterer - Evans Plains - has 15 acres of land, had a building entitlement, but due to a prior gifting of land, this was lost and seeks this be reinstated. Land is not used for agriculture.

Tony McBurney - Architect - spoke to Plans on exhibition and need to reflect character of the area. Leadership is needed to prepare City for positive growth. Need to fill in the town, not keep spreading out onto the Macquarie Valley floor. Noted the impact of the Baby Boomers generation and their expectations. We need to look at whether the status quo needs to be maintained. The current design of Bathurst would allow an extra 20,000 population to be accommodated in the existing town area. House sizes are changing.

The market is moving from demand for a family house. Noted health issues impacting the community and what people are missing out on. Spoke to proposals for 2 or more storey developments in the LEP and possible review of this.

Margus Ratsep - Surveyor - representing various land owners -

- Map 4, Kelso - spoke to submission for Emerald Drive, Kelso and proposed open space. This seems very generous amount, the land is below the 730m height contour, seeks reduction/change in position of greenspace and spoke to strategic access issues, through Mr Greg Cutler's land. Need relocation of the access road.
- Marsden Lane and Laffing Waters Lane - land owned by the Staits. Currently subdivision has occurred in area. Problem with road alignment, seeks change of road pattern. Impacted by school land in this area. Referred to greenspace issues.
- Ashworth Drive (Amber Close) - submission made concerning location of proposed open space. This was meant to be a building block.

Vianne Tourle - 59 Lambert Street - property listed as a heritage item. Wants to know what the obligations and responsibilities are. Thanked Council for previous assistance provided.

Mr H Grace - Peel resident - in regards to Lot 39, seeks zoning as E2. High

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**This is page 7 of Minutes of the Policy Committee held on 9 October 2013.**

ecological value.

Kelvin Pearce - 656 Cowflat Road - spoke to his submission and request for Boundary adjustments. Requires this to allow best farming practices.

## **RESUMPTION OF STANDING ORDERS**

### **11 RESUMPTION OF STANDING ORDERS (11.00005)**

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

**RESOLVED:** That Council resume Standing Orders.

## **GENERAL BUSINESS**

### **12 Item 1 SIGNAGE SUNNY CORNER (28.00007)**

**Cr Jennings** - thanked staff for details provided. Will provide further information to staff to further develop this matter. Seeks further investigation.

### **13 Item 2 TAFE BUILDING (22.01387)**

**Cr Jennings** - what is current update on this matter and the proposed use of Country Division of Architects?

**The Director Environmental Planning and Building Services** gave update on acquisition process, Council will move to compulsorily acquire the site.

**The Mayor** spoke to future discussion about direction on the TAFE site.

### **14 Item 3 TOURISM FUNDING AND 2015 CELEBRATIONS (20.00153)**

**Cr Jennings** - spoke to getting an ambassador for the 2015 process. Where is this up to? Noted discussions have been held on a national campaign and possibility for Council to put in an application to Tourism NSW for national campaign funding.

**The Mayor** spoke to recent consideration and 2015 working party role and that they could consider such a campaign proposal.

### **15 Item 4 MOUNT PANORAMA WEBSITE ADDRESS (08.00015)**

**Cr Jennings** - seeks a report on potential for advertising revenue from Mount Panorama website. Cr Jennings will advise further information for consideration on this matter.

### **16 Item 5 HONOUR BOARDS OF OLD COUNCILS (20.00153)**

**Cr North** - would like to see these collated/collected for the 2015 celebrations.

**17**      **Item 6 TAFE BUILDING (22.01387)**

**Cr North** - what has happened re clause on possible sale?

**The Director Environmental Planning and Building Services** advised the Government has agreed to consider putting in a 10 year limitation clause. Currently awaiting a response.

**18**      **Item 7 COMMITTEES/DELEGATES (11.00005)**

**Cr Coote** - would like to see a review of committees and Council members on these.

**The General Manager** advised that a schedule of existing Council and community committees and Council representatives on these will be distributed to Councillors for comment.

**MEETING CLOSE**

**19**      **MEETING CLOSE**

The Meeting closed at 8.18 pm.

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

**Date:** \_\_\_\_\_ **(20 November 2013)**



**MINUTE**

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

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

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT AND MINUTES**

POLICY COMMITTEE

6 NOVEMBER 2013

## **1 OPERATION OF TOURIST AND VISITOR ACCOMMODATION ESTABLISHMENTS** **(11.00003) 41.00089**

**Recommendation:** That Council:

- (a) place the Operation of Tourist and Visitor Accommodation Establishments Policy, including: backpackers' accommodation, bed and breakfast accommodation, eco-tourist facilities, farm stay accommodation and serviced apartments on public exhibition for a period of 28 days,
- (b) if no submissions are received, adopt the Policy; and
- (c) note that the Policy will not come into effect until the gazettal of the Bathurst Regional Local Environmental Plan 2013.

**Report:** Council's Local Approvals Policy previously included guidelines for the operation of bed and breakfast accommodation. Recently there have been a number of legislative amendments and the pending gazettal of the Bathurst Regional Local Environmental Plan 2013. Additionally, Council has received a number of applications for establishments, other than bed and breakfast accommodation.

Council's most recently adopted Local Approvals Policy no longer includes those guidelines. The subject Policy has been created to replace those guidelines. The Policy reflects the definitions of the Standard Instrument LEP and the relevant legislative changes. The main difference between the guidelines and this policy include:

- a) inclusion of the definitions consistent with the Standard Instrument LEP,
- b) updating the legislative references,
- c) altering the approval process to either Complying Development or Development Application only. The previous guidelines allowed bed and breakfast operations as exempt development,
- d) inclusion of swimming pool registration and inspection regime, and
- e) inclusion of standards relating to bush fire prone land.

The proposed Policy is shown at **attachment 1**.

**Financial Implications:** Nil.

### **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 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.2 30.7

**MINUTE**

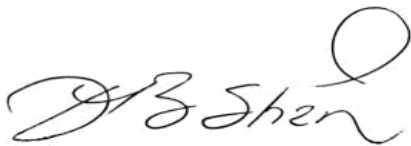
**5 Item 1 OPERATION OF TOURIST AND VISITOR ACCOMMODATION ESTABLISHMENTS (11.00003)**

**MOVED: Cr I North SECONDED: Cr M Coote**

**RESOLVED:** That Council:

- (a) place the Operation of Tourist and Visitor Accommodation Establishments Policy, including: backpackers' accommodation, bed and breakfast accommodation, eco-tourist facilities, farm stay accommodation and serviced apartments on public exhibition for a period of 28 days,
- (b) if no submissions are received, adopt the Policy; and
- (c) note that the Policy will not come into effect until the gazettal of the Bathurst Regional Local Environmental Plan 2013.

Yours faithfully



D R Shaw  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES**

POLICY COMMITTEE

6 NOVEMBER 2013

## **1 WHITE ROCK PROGRESS ASSOCIATION - APPOINTMENT OF DUTY COUNCILLOR (18.00292)**

**Recommendation:** That Council determine whether it wishes to appoint a Duty Councillor to the White Rock Progress Association.

**Report:** Council has been advised that the residents of White Rock agreed to form the White Rock Progress Association in September 2013. The purpose of the Association is to allow discussion of issues affecting the White Rock community. A copy of the letter from the Executive of the White Rock Progress Association is shown at **attachment 1** for Councillors information.

The Association have requested Council to nominate a councillor as a contact person for the Association. Council would normally do this through the appointment of a Duty Councillor to the Association. The appointment of a Duty Councillor is in accordance with Council's normal governance practice. A Duty Councillor provides a point of contact for the group and may not necessarily need to attend all meetings.

Council will need to determine whether it wishes to appoint a Duty Councillor to the White Rock Progress Association.

**Financial Implications:** Nil

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1

**MINUTE**

**6 Item 1 WHITE ROCK PROGRESS ASSOCIATION - APPOINTMENT OF DUTY COUNCILLOR (18.00292)**

**MOVED: Cr M Coote SECONDED: Cr J Jennings**

**RESOLVED:** That Council appoint Cr North as Duty Councillor, with Cr Bourke as alternate, to the White Rock Progress Association.

**2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 2 OCTOBER 2013 (07.00096)**

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

**Report:** The minutes of the Bathurst Regional Council Audit and Risk Management Committee Meeting held on 2 October 2013 are shown at **attachment 1**,

**Financial Implications:** Nil.

**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**

**7 Item 2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 2  
OCTOBER 2013 (07.00096)**

**MOVED: Cr M Coote SECONDED: Cr J Jennings**

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

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

**GENERAL MANAGER'S REPORT AND MINUTES**

POLICY COMMITTEE  
6 NOVEMBER 2013

**1 CODE OF CONDUCT COMPLAINTS - OCTOBER 2012 TO 30 SEPTEMBER 2013 (07.00088)**

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

**Report:** Council's Code of Conduct - Procedures for the Administration of the Code of Conduct, requires at part 12, Clause 12.1 and 12.2 the following:

"12.1 The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September each year:

- (a) the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September;
- (b) the number of Code of Conduct complaints referred to a conduct reviewer;
- (c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;
- (d) the number of Code of Conduct complaints investigated by a conduct reviewer;
- (e) the number of Code of Conduct complaints investigated by a conduct review committee;
- (f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures;
- (g) the number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews; and,
- (h) the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager in the year to September, including staff costs.

12.2 The Council is to provide the Division with a report containing the statistics referred to in Clause 12.1 within 3 months of the end of September of each year.

Code of Conduct Complaints - 1 October 2012 to 30 September 2013 present the following profile, as referred to in Clause 12.1 of the Code of Conduct Procedures for the administration of the Code of Conduct:

12.1 (a) Number of complaints:	Nil
(b) Referred to Reviewer:	Nil
(c) Number finalised by Reviewer and nature of those complaints:	Nil
(d) Number investigated by Reviewer:	Nil
(e) Number investigated by Conduct Review Committee:	Nil
(f) Outcome of reviews under 2.1(d) & (e)	Nil
(g) Number investigated by DLG & nature of those complaints:	Nil
(h) Cost of dealing with complaints:	Nil

Council will recall that it adopted a new Code of Conduct and new Procedures Policy for the Administration of Code of Conduct matters in February 2013. Previously statistics were reported annually to Council based on the period 1 July to 30 June. The new system has altered the reporting period to 1 October to 30 September. As the last public report to

Council on Code of Conduct matters, refer General Manager's report No 1 on 1 August 2012, covered the period 1 July 2011 to 30 June 2012, the following statistics are provided to cover the period 1 July 2012 to 30 September 2012.

Number of complaints received: Nil  
Nature of Issues Raised by Complainants: Not Applicable

Where a complaint has been referred to a Conduct Reviewer, the reviewer in undertaking preliminary assessment of a complaint may have regard to the following considerations (Clause 6.27 Procedures Policy):

- (a) whether the complaint is a "code of conduct complaint";
- (b) whether the complaint is trivial, frivolous, vexatious or not made in good faith;
- (c) whether the complaint discloses prima facie evidence of a breach of the code;
- (d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body;
- (e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of;
- (f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology;
- (g) whether the issues/s giving rise to the complaint have previously been addressed or resolved;
- (h) whether the conduct complained of forms part of a pattern of conduct;
- (i) whether there were mitigating circumstances giving rise to the conduct complained of;
- (j) the seriousness of the alleged conduct;
- (k) the significance of the conduct or the impact of the conduct for the Council;
- (l) how much time has passed since the alleged conduct occurred; or,
- (m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

**Financial Implications:** Nil at this time.

### **Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 33: To be and develop good leaders. Strategy 33.5
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.7

**MINUTE**

**8 Item 1 CODE OF CONDUCT COMPLAINTS - OCTOBER 2012 TO 30 SEPTEMBER 2013 (07.00088)**

**MOVED: Cr G Westman SECONDED: Cr J Jennings**

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

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

**GENERAL BUSINESS MINUTES**

POLICY COMMITTEE

6 NOVEMBER 2013

## MINUTE

### 9 Item 1 BATHURST BASE HOSPITAL (07.00095, 22.01047)

**Cr Jennings** - asked could Council make approaches to the State Government with regard to proposed cuts to Bathurst Health Services. Understands Bathurst Hospital's front line staff will be reduced, has been told over 15 positions will go.

**The Mayor** referred to the meeting the Mayor and Deputy Mayor held with the Health Regions CEO and Bathurst Hospital General Manager this week concerning services provided and future directions.

The Mayor advised that the discussions included the following:

- level of quality of Bathurst Health Services is excellent
- sought assurances that there would be no decrease in service levels, no decrease in full time staff and that the quality of health cover currently provided will remain
- there will be ongoing discussions with administration and the Medical Staff Council of Bathurst Hospital
- three anaesthetists, 1 orthopaedic surgeon and 1 physician are in the process of being appointed to Bathurst
- potentially may achieve better service levels than currently exist

**The Deputy Mayor** also spoke to issues discussed at the meeting.

## **MINUTE**

### **10    Item 2    WI-FI CBD AREAS (08.00005)**

**Cr Jennings** - enquired about Wi-Fi being made available in CBD, could consideration be given to this?

**The Mayor** advised that at the Strategy Workshop it was agreed that this would not be pursued, but the option to visit or review this or any other issue is always open to Councillors.



**MINUTE**

**11 Item 3 LIVE STREAMING OF COUNCIL MEETINGS (11.00005)**

**Cr Jennings** - asked could this be investigated for our Council meetings?

**The Mayor** noted that this could be investigated.

**MINUTE**

**12    Item 4    SNAP, SEND, SOLVE APP (08.00005)**

**Cr Jennings** - asked could an investigation be made into the use of this App, as will help with customer requests of Council. Allows GPS location to be provided to Council.

**The Mayor** spoke of the potential benefits of the App and that an investigation would be undertaken.

**MINUTE**

**13 Item 5 ORANGE ROAD TRUCKS USING AIRBRAKES AT ROUNDABOUT  
(13.00021)**

**Cr Coote** - asked can signage be put up to request trucks not to use airbrakes at this roundabout.

**The Director Engineering Services** will investigate this matter with Roads & Maritime Services (RMS).

**MINUTE**

**14    Item 6    GEORGE ST STREETLIGHTS (25.00007)**

**Cr Coote** - noted these have not been working for the last couple of nights.

**The Director Engineering Services** requested details of section involved to be able to investigate the matter.

**MINUTE**

**15    Item 7    CYCLEWAYS FUNDING (28.00003)**

**Cr Coote** - asked do we do 50:50 funding with State Government on cycleways.

**The Director Engineering Services** advised that Council is involved in this program.

**MINUTE**

**16**    **Item 8**    **ROUNDBABOUTS (28.00004)**

**Cr Coote** - advised plant growth is very high in some locations, could Council look at trimming this growth.

**MINUTE**

**17    Item 9    F1 EVENT AT MOUNT PANORAMA (04.00009)**

**Cr Coote** - asked can Council look at getting F1 here for a promotional event, like the former previously held Vodafone event.

**The Mayor** advised that the 2015 Committee is pursuing this possibility.

**MINUTE**

**18    Item 10    BUSINESS CLOSURES (18.00027)**

**Cr North** - asked could we look at getting various businesses to come to Council when problems are occurring. We need to ensure interaction occurs to keep open dialogue, because at times we may be able to help.

**The Mayor** spoke of Council's Strategic Workshop and the proposed "Getting to Know You" program and the Business Workshops currently being held.



**MINUTE**

**19    Item 11    ROUNABOUTS (28.00004)**

**Cr North** - advised that because of the volume of traffic coming from the highway down Piper Street the corner of Rankin Street/Piper Street has a number of near misses. Could a roundabout be looked at for this corner?

**MINUTE**

**20    Item 12    RAILWAY PRECINCT (22.00159)**

**Cr Bourke** - asked is there an update on this area, particularly with the old half burnt building.

**The Director Environmental, Planning & Building Services** spoke to meetings with Railway group, they are investigating the status of the building and its retention or demolition.

**MINUTE**

**21     Item 13     BERRY PARK (04.00065)**

**Cr Bourke** - advised this area is becoming a haven for groups having wild parties. This is causing problems, can something be done? Perhaps Council should look at putting in an alcohol free zone. Damage to the park is occurring.

**The Director Cultural & Community Services** spoke to process of putting in an alcohol free area. At this time Police have not raised an issue for this area. Can be pursued and the matter could be investigated as to viability of alcohol free area.

**MINUTE**

**22**    **Item 14**    **BUSHFIRE APPEAL (18.00004)**

**Cr Bourke** - thanked Council for its assistance with the Appeal process. Target is around \$10,000 - \$12,000 after the auction. The people of Bathurst deserve a pat on the back for their work over recent years in raising funds for various causes.

**MINUTE**

**23     MEETING CLOSE**

The Meeting closed at 6.43 pm.

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

**Date:** \_\_\_\_\_ **(20 November 2013)**