



POLICY COMMITTEE

31 August 2011

His Worship the Mayor & Councillors

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 7 September 2011 commencing at 5.00 pm.

A handwritten signature in blue ink, appearing to read "DJS", is positioned above the typed name.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 7 SEPTEMBER 2011

1. 5PM MEETING COMMENCES
2. APOLOGIES
3. REPORT OF PREVIOUS MEETING
 - * Minutes - Policy Committee Meeting - 3 August 2011
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 Toole (Chair), Aubin, Bourke, Carpenter, Morse, North, Thompson, Westman.

In attendance: General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Cultural & Community Services, Director Environmental Planning & Building Services, Acting Manager Corporate Governance, Manager Recreation, Manager Environment, Environmental Officer, Manager Water & Waste, Parkes Operations Manager, Manager Tourism.

MINUTE

2 APOLOGIES
MOVED: B Bourke SECONDED: I North

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

**REPORT OF PREVIOUS MEETING TO THE POLICY COMMITTEE MEETING HELD ON 7
SEPTEMBER 2011**

General Manager
Bathurst Regional Council

1 MINUTES - POLICY COMMITTEE MEETING - 3 AUGUST 2011 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 3 August 2011 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 3 August 2011, are attached.

Financial Implications: N/A

MINUTE

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 AUGUST 2011
(07.00064)

MOVED: I North SECONDED: T Carpenter

RESOLVED: That the Minutes of the Policy Committee Meeting held on 3 August 2011 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 3 AUGUST 2011

5PM MEETING COMMENCES

1 MEETING COMMENCES

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

In attendance: General Manager, Acting Director Corporate Services & Finance, Director Engineering Services, Director Environmental Planning & Building Services, Director Cultural & Community Services, Acting Manager Corporate Governance, Manager Recreation, Manager Water & Waste, General Manager's Assistant.

APOLOGIES

2 APOLOGIES
MOVED Cr B Bourke

and **SECONDED** Cr M Morse

RESOLVED: That the apology from Cr Toole be accepted and leave of absence granted, due to his attendance at the Local Government & Shires Association's R Wilson OAM Dinner.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 JULY 2011 (07.00064)
MOVED Cr G Westman

and **SECONDED** Cr M Morse

RESOLVED: That the Minutes of the Policy Committee Meeting held on 6 July 2011 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST (11.00002)

MOVED Cr T Carpenter

and **SECONDED** Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 GUIDELINES FOR THE APPOINTMENT & OVERSIGHT OF GENERAL MANAGER'S DELEGATIONS (02.00003, 41.00088)

MOVED Cr T Carpenter

and **SECONDED** Cr G Westman

RESOLVED: That Council adopt the changes to the Delegations Register as tabled.

6 **Item 2 AUDIT & RISK MANAGEMENT COMMITTEE - DELEGATES (07.00009)**
MOVED Cr G Westman and **SECONDED** Cr M Morse

RESOLVED: That Council appoint Cr Hanger as an alternate Councillor delegate to the Audit & Risk Management Committee.

Director Engineering Services' Report

7 **Item 1 ROADSIDE TRIBUTES POLICY (15.00017, 41.00089)**
MOVED Cr G Westman and **SECONDED** Cr R Thompson

RESOLVED: That:

- (a) Council place the Policy on Roadside Tributes on public exhibition for a period of 28 days.
- (b) If no submissions are received; adopt the Policy.
- (c) If any submissions are received; report back to Council.

General Manager's Report

8 **Item 1 BUILDING PROFESSIONALS BOARD AUDIT (02.00005)**
MOVED Cr G Westman and **SECONDED** Cr G Hanger

RESOLVED: That the information be noted.

GENERAL BUSINESS

9 **KELSO HIGH SCHOOL HISTORY PROJECT - MACHATTIE PARK & KINGS PARADE (23.00004)**

Cr Hanger - thanked Cr Aubin and staff for their assistance with this project on behalf of Kelso High.

10 **WASTE MANAGEMENT CENTRE METHANE PROJECT (14.00007)**

Cr Carpenter - feels good opportunity for Council to put a sign up near the flame providing details of the project.

11 **TRAVELLING STOCK ROUTES (22.03690)**

Cr Carpenter - went to a meeting in Orange about the long term treatment of travelling stock routes and possible sale. Also LH&PA is being examined in terms of its role. There are heritage and environmental issues to be considered. Does Council have many travelling stock routes.

The Director Environmental, Planning & Building Services advised there are a number of travelling stock routes in the Local Government area.

12 **INTEGRATED PLANNING & REPORTING ASSET/FINANCIAL SEMINAR (20.00033)**

Cr Carpenter - gave details of recent seminar attended on these matters. It was very interesting.

13 **GREENING BATHURST (18.00157-02)**

Cr Carpenter - requested by Green Bathurst to forward thanks to Cr Thompson for photos he has provided to Greening Bathurst. They also wish to acknowledge work through the Environmental Department and the Vegetation Management Plan.

14 **PEEL VILLAGE MEETING (20.00177)**

Cr Carpenter - very good attendance at meeting held this week. There were issues raised about road naming and in particular Rivulet Road. Could Council look at this matter as it impacts on emergency services?

15 **SPRUNG FESTIVAL (23.00032)**

Cr Carpenter - advised Sprung Festival to be held in September/October at CSU. Councillors are invited to attend.

16 **SEWER CHARGES REVIEW (26.00010)**

Cr Thompson - asked when will this review occur.

The General Manager advised will go to a Working Party in November 2011.

17 **MT PANORAMA - LETTER FROM A BROWN (20.00020)**

Cr Thompson - asked can we discuss this matter at the next Working Party session.

The Deputy Mayor advised that the matter will be discussed.

18 **CITIGATE TENDERS (22.09179)**

Cr Thompson - asked where this matter is up to.

The General Manager advised of tender process in place and that two groups have approached Council to obtain details as part of the process.

19 **CARPARKING CBD (20.00090)**

Cr Westman - asked where are we up to with this study.

The Director Environmental, Planning & Building Services advised study will not be completed until next year. This is due to the need to collate data over the Xmas/holiday period.

20 **AQUATIC CENTRE - INDOOR POOL (small) (04.00105)**

Cr Morse - asked is it possible to raise temperature of the pool. Can tables and chairs be put in outside area.

The Director Engineering Services gave details of contract conditions regarding temperatures and that these are being met. Noted will talk to Belgravia about tables and chairs.

21 **WEST MITCHELL ROAD, SUNNY CORNER, ROAD WIDENING (25.00267)**

Cr Bourke - asked is there any more money available for this road. Spoke of previous allocations to Evans Shire Council.

The Director Engineering Services gave details of agreement with Forests NSW and works undertaken since the amalgamation. There are no further funds available at this time.

22 **SUNNY CORNER (23.00104, 25.00278)**

Cr Bourke - advised trees around village need cutting back. Copies of photos tabled. Could Council review this.

23 **ROCKLEY - TRAFFIC THROUGH VILLAGE (07.00006)**

Cr Bourke - concerns expressed at trucks going through the village at high speeds. Can we raise this with police.

Cr Aubin noted that this matter was discussed at Traffic Committee meeting and is being reviewed.

24 **PEEL - TRAFFIC SPEED RIVULET ROAD AND VILLAGE MEETING (25.00306, 20.00177)**

Cr Bourke - spoke to speed problems on Rivulet Road and need to have a look at this issue. Also noted village meeting was very constructive and well attended.

25 **PRIVATE HOSPITAL, CSU (07.00099)**

Cr Bourke - asked what is current status of this matter.

The General Manager advised that CSU are still having ongoing discussions with the private hospital group to get this facility established.

MINUTE

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

RESOLVED: That the Declaration of Interest be noted.

POLICY COMMITTEE
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
7 SEPTEMBER 2011

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT TO THE
POLICY COMMITTEE MEETING HELD ON 7 SEPTEMBER 2011**

General Manager
Bathurst Regional Council

1 APPROVED HANDLING OF FILL POLICY (11.00006)

Recommendation: That Council:

- (a) place the draft Approved Handling of Fill Policy on public exhibition for a period of 28 days;
- (b) note if no submissions are received, adopt the Policy; and
- (c) note if submissions are received, a further report will be presented to Council.

Report: The disposal of building and demolition waste material onto land is covered by the Protection of the Environment Operations Act (1997) (the Act) and Protection of the Environment Operations (Waste) Regulation (2005) (the Regulation). Depending on the amount of material being placed on land and the prescribed nature of the material, either Council or the NSW Office of Environment and Heritage (the former EPA) is the Appropriate Regulatory Authority.

Council has noted a consistent increase in the amount of building and demolition waste material disposed contrary to the Act and the Regulation. In most cases Council is the Appropriate Regulatory Authority as the scale of disposal has not triggered thresholds warranting the involvement of the Office of Environment and Heritage. Inappropriate handling, transport and disposal of waste can result in damage to human and environmental health and result in the reduced value of property. Offences can also result in penalty infringement and clean up notices being issued and/or face charges in the Land and Environment Court. Investigations by Council Officers have indicated that inappropriate disposal is due to three main influences:

- Avoidance of waste disposal fees
- Confusion about what can legally be disposed of to unlicensed facilities
- Misunderstandings about the definition of 'clean fill'

In response to this Council has developed a draft Approved Handling of Fill Policy which clarifies the main issues in regards to the disposal of waste, the definition of clean fill and provides information regarding the appropriate recovery and use of resources. A copy of the draft Policy is provided at **attachment 1** for Council's consideration.

The draft Policy provides clear guidelines into what is classified as clean fill, what needs to be undertaken by the contractor, transporter and receiver when dealing with clean fill or waste material, what sites are able to receive clean fill and the materials that are not approved for disposal to land.

The draft Policy has been developed in consultation with Council's Environment, Planning and Waste Management staff and the NSW Office of Environment and Heritage.

The Policy will ensure that Council provides clear guidelines to persons dealing with clean fill and building and demolition waste and has an increased regulatory framework with which to work and reduces the impact on human and environmental health.

Financial Implications: Preparation of the Policy, as well as monitoring and enforcement is undertaken within existing budget allocations.

MINUTE

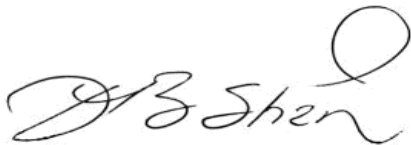
5 Item 1 APPROVED HANDLING OF FILL POLICY (11.00006)

MOVED: B Bourke SECONDED: W Aubin

RESOLVED: That Council:

- (a) place the draft Approved Handling of Fill Policy on public exhibition for a period of 28 days;
- (b) note if no submissions are received, adopt the Policy; and
- (c) note if submissions are received, a further report will be presented to Council.

Yours faithfully

A handwritten signature in cursive script, appearing to read "D R Shaw".

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

POLICY COMMITTEE
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
7 SEPTEMBER 2011

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE POLICY
COMMITTEE MEETING HELD ON 7 SEPTEMBER 2011**

General Manager
Bathurst Regional Council

1 POLICY - PUBLIC ACCESS TO INFORMATION (11.00006, 11.00003, 41.00089)

Recommendation: That Council adopt the amended Public Access to Information Policy and update the Policy Manual accordingly.

Report: Council has reviewed its Policy - Public Access to Information, to include the requirements of the Government Information (Public Access) Act 2009 (GIPA).

A copy of the existing Policy is shown at **attachment 1**. A copy of the revised Policy is shown at **attachment 2**.

Financial Implications: Nil.

MINUTE

6 Item 1 POLICY - PUBLIC ACCESS TO INFORMATION (11.00006, 11.00003, 41.00089)

MOVED: I North SECONDED: B Bourke

RESOLVED: That Council adopt the amended Public Access to Information Policy and update the Policy Manual accordingly.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

POLICY COMMITTEE
GENERAL MANAGER'S REPORT
7 SEPTEMBER 2011

**GENERAL MANAGER'S REPORT TO THE POLICY COMMITTEE MEETING HELD ON 7
SEPTEMBER 2011**

General Manager
Bathurst Regional Council

1 CODE OF CONDUCT COMPLAINTS (07.00088)

Recommendation: That the information be noted.

Report: Council's Code of conduct requires at Clause 12.33 the following:

"The General Manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:

- (a) number of complaints received*
- (b) nature of the issues raised by complainants, and*
- (c) outcomes of complaints."*

Code of Conduct complaints - 1 July 2010 to 30 June 2011, present the following profile, as referred to in Clause 12.33 of the Code of Conduct.

Number of Complaints Received: 6

Nature of Issues Raised by Complainants:

- Carrying out of enforcement actions by council.
- Handling of commercial negotiations.
- Handling of litigation.
- Operational processes implemented by council.
- Traffic management issues
- Staffing matters
- Election processes

The complaints have created a drain on Council resources. A number of the complaints have displayed behaviour that clearly falls within the indicative triggers of various behaviours including:

1. Unreasonable persistence (eg persisting with a complaint where dealt with, inability to accept final decision, reframing complaints, making issues out of anything)
2. Unreasonable demands (eg insisting on outcomes that are unattainable, making unreasonable resource demands, demanding outcomes where no reasonable basis exists) issuing instructions and making demands as to how a complaint should be handled.
3. Unreasonable arguments (eg holding irrational beliefs, holding a conspiracy theory unsupported by evidence, interpreting facts in an unreasonable way)
4. Unreasonable behaviour (eg confronting behaviour - threats)

Outcomes of Complaints:

Complaints, when they are assessed by the General Manager and Mayor, have regard to the following grounds in accordance with Clause 13.1 of the Code of Conduct:

"The General Manager or Mayor, in the case of a complaint about the General Manager, will assess a complaint alleging a breach of the Code of Conduct to determine if the matter should be referred to the Conduct Review Committee/Reviewer. In assessing the complaint, the General Manager and Mayor will have regard to the following grounds:

- (a) whether there is any prima facie evidence of a breach of the code of conduct;*
- (b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as General Manager;*
- (c) whether the complaint is trivial, frivolous, vexatious or not made in good faith;*
- (d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct;*
- (e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police;*
- (f) whether there is an alternative and satisfactory means of redress;*
- (g) how much time has elapsed since the events the subject of the complaint took place;*
- (h) how serious the complaint is and the significance it has for Council;*
- (i) whether the complaint is one of a series indicating a pattern of conduct."*

In accordance with the above criteria, complaints were found to fall within the parameters of 13.1 (a) (b) (c) (f) (g).

It is noted that two of the 6 complaints were not processed further than receipt, as the complainant did not provide supporting data and/or did not provide appropriate details to allow the complaint to be assessed.

All complaints were either handled by the General Manager or Mayor, as appropriate.

Financial Implications: The cost of dealing with Code of Conduct matters was in excess of \$30,000.

MINUTE

7 Item 1 CODE OF CONDUCT COMPLAINTS (07.00088)

MOVED: G Westman SECONDED: M Morse

RESOLVED: That the information be noted.

Yours faithfully



D J Sherley
GENERAL MANAGER

MINUTE

**8 ASSET MANAGEMENT PLANNING (NATURAL RESOURCE MANGEMENT)
(13.00001)**

Cr Carpenter - Noted Natural Resource Management is not part of the asset registers prepared for Integrated Planning and Reporting. The Natural Resource Management assets are of significance to the region. It would be beneficial to account for the Natural Estate. Requested we look at the ability to set up a register for our natural resources so they can be accounted for in an 'accounting' format.

MINUTE

9 SUSTAINABLE HOUSE OPENING (21.00109)

Cr Carpenter - advised this occurs this Sunday. Noted the built environment community are opening up five other houses.

MINUTE

10 AUSTRALIAN FASHION BEAUTY PAGEANT (23.00026)

Cr Thompson - advised that it will be held in the next year with June Dally-Watkins. Would like to see the Bathurst Business Chamber involved. Tabled relevant letter.

MINUTE

11 BATHURST RSL FISHING CLUB (32.00005)

Cr Westman - advised of the club's interest in a wharf being constructed at Chifley Dam. Have there been any discussions held on this?

The **Director Engineering Services** gave a history of proposed fishing platform. Discussions are occurring, major issue is location proposed. Also referred to proposed clubhouse by the club.

MINUTE

12 EISTEDDFOD (18.00141)

Cr Morse - advised has received complaints from the public about the cost of attending the Eisteddfod. Last year Bathurst Regional Council subsidised the event to approximately \$40,000. Also the Eisteddfod raises money through catering. Can we get a report on the finances of the Eisteddfod Society.

MINUTE

13 FIRE BRIGADE TRAINING AREA LEARMONTH PARK (04.00033)

Cr Aubin - advised that after heavy rain there are drainage problems with this area. Can we look at undertaking drainage works in this location.

MINUTE

14 BEAUTIFICATION - CITY ENTRANCES (13.00056)

Cr Aubin -asked where are we up to with this process. In particular areas such as near the RTA and Basketball Stadium.

The **Director Environmental Planning & Building Services** spoke to the signage strategy which will be reported to Council in the near future.

MINUTE

15 SUNNY CORNER - SIGNAGE (22.13915 & 28.00007)

Cr North - has received concerns about names of streets at Sunny Corner, eg. Mitchell Street and Austral Street. Can Council have a look at this, tabled a letter concerning this matter.

MINUTE

16 ST PATS CLUB - SPORTING CLUBS (22.01560)

Cr North - tabled letter from St Pats Junior Cricket Club about support for an alternate venue should they be unable to continue utilising St Pats sporting fields.

MINUTE

17 24 HOUR FIRE STATION (22.07106)

Cr North - pleased to note that funding for 24 Hour Fire Station has been provided for in the State budget.

MINUTE

18 CAR PARKING - BMEC COUNCILLORS SPACE (21.00061)

Cr North - asked if we can review the need for the Councillors car space at BMEC.

MINUTE

19 CORRECTIVE SERVICES - CLOSURE KIRKCONNELL GAOL (18.00202)

Cr North - spoke to the closure by State Government and impact on people and the community.

MINUTE

20 TOOWOOMBA 04.00001)

Cr North - requested Joe Romano be invited to the V8 race due to the help he provided during the Queensland Flood Appeal.

MINUTE

21 RELIANCE CREDIT UNION - PARKING (28.00006)

Cr Bourke - advised of need for a ten minute loading zone behind Reliance Credit Union, can we look at this? Could Council contact the relevant owner in this location.

The **Manager Environment** spoke of laws in place concerning loading zones and use thereof, also width of laneway is a problem. Further investigations are occurring.

MINUTE

22 POPULARLY ELECTED MAYOR (12.00005)

Cr Bourke - requested a report to October meeting on the procedures required to put in place a popularly elected Mayor.

to the Policy Meeting 07/09/2011

GENERAL MANAGER

MAYOR
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MINUTE

23 MEETING CLOSE

The Meeting closed at 5.33 pm.

CHAIRMAN: _____

Date: _____ **(21 September 2011)**