



POLICY COMMITTEE

25 November 2015

His Worship the Mayor & Councillors

Notice of Policy Committee Meeting of Bathurst Regional Council - Wednesday, 2 December 2015

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 2 December 2015 commencing at 6.00 pm.

A handwritten signature in blue ink, appearing to read 'D J Sherley'.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 2 DECEMBER 2015

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 4 NOVEMBER 2015

4. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

5. RECEIVE AND DEAL WITH DIRECTORS' REPORTS

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS - Nil

8. DISCUSSION FORUM OTHER - Nil

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

- 2 **APOLOGIES**
MOVED: Cr B Bourke SECONDED: Cr W Aubin

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

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 4 NOVEMBER 2015 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 4 November 2015 be adopted.

Report: The Minutes of the Policy Committee Meeting held 4 November 2015, are attached.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

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

MINUTE

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 NOVEMBER 2015
(07.00064)

MOVED: Cr M Coote SECONDED: Cr M Morse

RESOLVED: That the Minutes of the Policy Committee Meeting held on 4 November 2015 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 4 NOVEMBER 2015

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

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

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

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 30 SEPTEMBER 2015
(07.00064)
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That the Minutes of the Policy Committee Meeting held on 30 September 2015 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Corporate Services & Finance's Report

5 Item 1 POLICY UPDATE - STAFF - DESIGNATED PERSONS DISCLOSING
INTERESTS (11.00002, 41.00089)
MOVED Cr I North and **SECONDED** Cr G Westman

RESOLVED: That Council note the information and update the list of designated positions in the Policy Manual.

GENERAL BUSINESS

6 Item 1 TAFE BUILDING UPDATE (22.01387)

Cr Bourke - requested status of land acquisition.

The General Manager advised discussions occurring with State Properties, likely compulsory acquisition process will occur.

7 Item 2 GREEN BINS (14.00053)

Cr Bourke - requested update on pricing of green bins.

The Director Corporate Services & Finance advised a report is being prepared for Council.

8 Item 3 YOUTH COUNCIL DYE HARD FUN RUN (11.00020)

Cr North - congratulated Youth Council on this event.

9 Item 4 GREAT WESTERN HIGHWAY UPGRADE STAGE II (25.00018)

Cr North - asked have we had any response from the government.

The Mayor advised correspondence forwarded to local member and the relevant Minister.

10 Item 5 R2R FUNDING (16.00011)

Cr Aubin - asked what Plans are in place for Eleven Mile Drive.

The Director Engineering Services advised there is funding in the extended R2R Program and Council funds for this year, totalling around \$400,000.

11 Item 6 SECOND CIRCUIT (20.00278)

Cr Coote - asked where is this matter at.

The Mayor advised meetings are being organised with Federal Ministers. Discussions have been held with Minister Barilaro.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

This is page 2 of Minutes of the Policy Committee held on 4 November 2015.

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Item 1 DEVELOPMENT APPLICATION NO. 2015/0106 – EXTRACTIVE INDUSTRY AT LOT 3, DP 226520, NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT & OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD (DA/2015/0106)

Discussion included:

B Bailey – Napoleon Reef resident - gave an apology for C & T Aitken not being here. Drew Council's attention to information they provided to the last Discussion Forum. Spoke to issues of mining in various locations and recent bus accident in Europe and road quality. Problems of people not rehabilitating quarries. Why is Council procrastinating on this DA. Councillors should vote no on the development, there is scope to do this under s:79C of the EP&A Act.

G Iacono – Napoleon Reef resident - runs a guest house on his property, the environment is beautiful and quiet and is known as a great community. If development goes ahead this will all change. The high water requirements cannot be sustained, where will the water come from. The quarry will mean noise and dust and a scar on the landscape. There are sufficient quarries around, providing materials into the region for the next 30 years. This is an area that Bathurst should be proud of.

J Page – Napoleon Reef resident - the DA previously could not stand on its own, there is a lack of information on: scale and life, how quarry will operate, will blasting occur in the future. Will the operation be expanded beyond 2 ha. Referred to road works that have already occurred and environmental concerns; plants, birds, offset area proposed. Many trees are to be removed and are not clearly detailed. Sight distances on the road and noise of trucks on the road have not been addressed. There is a depth of concerns within the community, residents have not been responded to by the Council. In regards to the road, will Council have to do significant works to improve the road. There is little consideration given to the lifestyle and businesses of the people in the area. Extractive industries do not belong in this area, people bought into rural lifestyle area. Referred to a letter from Shire Clerk, Mr Dasey of Evans Shire Council. This development will create a precedent. The community strongly urges Council to disallow the DA.

A Iacono – Napoleon Reef resident - struggles to see how this can go ahead, will have an impact on many people. Spoke to problems with noise, dust and devaluation of properties. There will also be visual pollution. The negative factors far outweigh the positives. Against the idea of the quarry.

Reading of submission on behalf of C & T Aitken – Napoleon Reef residents - expressed concerns: - at why additional Discussion Forum held; why Councillors had site visit with the developer; why second Discussion Forum was offered to the developer, this has never been done before; Evans Shire planning strategies for the area; and actions taken by BRC since 2004. The development is a land use conflict. The development is not in the public interest as per s:79C of the EP&A Act.

T Collins - Napoleon Reef resident - do not need trucks in this area. Request Council do not approve the DA. Spoke to St Anthony's Creek crossing issue and water needs. Noted road works that have occurred on the property already. This is a conservation area, consider all the residents.

This is page 3 of Minutes of the Policy Committee held on 4 November 2015.

H Price – Napoleon Reef resident - has spoken previously about the site being a potential koala site and SEPP44. Spoke to inaccuracy of using 10 km bio net search area. There have been koalas sighted in Winburndale Reserve. There needs to be a proper study done. How did works on access roads occur before DA approved, widened access road through Crown Land, cleared trees before DA approved.

J Iacono – Napoleon Reef resident - there are over 320 persons living in the area. House is only one km away from quarry. Raised concerns about trucks, a quarry being put near a rural residential area, property valuation impacts, dust and noise. The development should not be at the cost of residents, also do not lose sight of impact on tourism industry. Requested Council protect residents environment and property.

B Maloney – Napoleon Reef resident - concerns about safety and suitability of Napoleon Reef Road for the development. Issues such as sight distances required under relevant standards which are greater than 180m. The proposal does not meet Austroads or RMS standards. The quality of the road is an issue, no safety shoulders etc, will not meet needs of trucks with a dog trailer. Gravel is not suitable for heavy vehicles and spoke to tonnage impact on the pavement. If DA approved Council will need to put in program of rehabilitation of the road.

G Crisp – Bathurst resident - spoke to concerns about the development. Raised issues of cost and finance. Who will pay for remediation costs? The level of water required is understated, will Council be giving guarantees for supply of water? Who will pay for roads such as upgrading? Dust concerns raised.

C Bailey – Napoleon Reef resident - referred to protection and restoration of the environment and why is Council considering a quarry in this area of high conservation value. Noted species living in the area and prior reports of developer contained glaring faults. Concerns of timelines to make submissions and actions taken by developer prior to environmental studies being undertaken. There are concerns with noise, dust, trucks, water. Actions taken have impacted the environment already, including the Bathurst Copperwing Butterfly and its habitat. The area is very important as a reservoir of unique biodiversity. Referred to tree removals proposed. Noted the submission has a number of inconsistencies, incongruities. Crash grazing proposal was questioned and issue of offset area.

N Hemsley – Walang resident - this is a community which has pride. Used to be able to walk, ride horses and catch bus on the road. With trucks there is no space on the road, there is a safety issue.

G Mader – Napoleon Reef resident - spoke to sustainability, eco tourism and environmental concerns (played a video of plants in the area). The development will be devastating on the environment in the area. Spoke to illegal road on Crown land. What is proposed by Stages II & III? Is the Plan to get approval and then just extract? There have been many submissions, there is clear community objection. The key matter is sustainability, the quarry will destabilise existing businesses. Significant levels of old growth forest will be removed. Habitat removed, dust, noise will have major effects on the area. The residents have formed a Landcare group, asks Council to work with community. Council needs to reject proposal and put in place protections.

R Mottram – Napoleon Reef resident - spoke to Western Advocate article from 3

This is page 4 of Minutes of the Policy Committee held on 4 November 2015.

November 2015. All the issues have not been addressed. There are errors in the Ozard's report. There is nothing about property values, vigilance on bus routes and road conflicts during the day. How will this be monitored? There is insufficient information in reports. Why is there now an issue with Crown Road. Developer should have known this? Raised concerns at last forum which were not answered, eg, meteorological data from monitoring site 20 km away. Why has wind not been considered as an impact? Noise will be an issue for many people. Spoke to acoustic report with the DA. Why should residents be subject to industrial noise? The site is on the side of a hill and will promote noise. Queried modelling technique utilised, conducted under calm conditions only. Concerns at traffic noise assessments undertaken, did not appear to address all noise receptor points. Only point measured was at the property of a supporter of development. Impact on St Anthony's Creek from trucks crossing the waterway.

Noted Council's objectives contained in 2036 CSP. Development for the sake of development will cost community dearly.

T Carpenter – Bathurst Climate Change Action Network (BCCAN) - there has been an error in zoning. Need to protect interests of local environment. Referred to concerns expressed by BCCAN and tabled letters from the group.

Advised Jill Bower unable to attend, but has expressed concerns.

D Willman – Windy Hill resident - disappointed concerns have not been addressed about due process. Councillors did not organise meeting with objectors on site. The applicant has not addressed problems raised. There is a critical problem with safety on Napoleon Reef Road, referred to submission made to Council. Road Design matters do not address heavy haulage vehicle operations. A suggested 60 km/h limit will not address concerns, the road is tight and not wide enough, double lines will not address problems. Referred to Crown Lands refusing applicant the right to utilise the Crown Road access. Concerns at who pays for the road were expressed. Can Council consider itself impartial in this matter? The Council is required to protect the safety and amenity of the community.

D McCaulay – Walang Drive resident - sustainability is a key learning area for schools. The quarry is not sustainable, asks Council to vote no.

DISCUSSION FORUM OTHER

13 **Item 1 DRAFT BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 - ADDITIONAL CLAUSES (20.00290)**

Discussion included:

J Fisher – Sydney Water - Sydney Water supports protection of water quality. However, bio-solids issue can be addressed by other methods. Do not exclude bio-solids from catchment. Considers matter can be dealt with by a collaborative approach. The EPA has legislative controls for bio-solids and Sydney Water and its contractor has to comply with these. Queried whether DA process offers greater controls. There are areas in the catchment that are suitable for bio-solid applications. Willing to meet with Council to discuss processes and locations for acceptable applications. Provided a statement and fact sheet for Council.

J McSpedden – Farmer, Lagoon - has utilised bio-solid over recent years, after advice from agronomist. The bio-solids are only utilised under EPA guidelines, supplies extensive corn to Simplot and yields have increased with bio-solids. Noted safety practices in place, such as bunds. Commend Council to look at EPA guidelines. Also queried issue of feedlots, when do these stop/start, needs clarification.

R Prest – Australian Native Landscapes - delivers bio-solids in the area. Has concerns at change to LEP proposed. Section 3.3 of the Australian Drinking Water Guidelines is of concern with the extent of the issues covered, they are very broad and if adopted maybe interpreted detrimentally to the agriculture industry into the future.

MEETING CLOSE

14 MEETING CLOSE

The Meeting closed at 8.00 pm.

CHAIRMAN: _____

Date: _____ **(18 November 2015)**

MINUTE

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

RESOLVED: That the Declaration of Interest be noted.

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

POLICY COMMITTEE

2 DECEMBER 2015

1 DELEGATIONS REGISTER - CERTIFICATES RELATING TO THE CLASSIFICATION OF PUBLIC LAND (41.00088, 15.00008)

Recommendation: That Council delegate to the General Manager the following function and update the Delegations Register:

226 To sign certificates under Section 54 of the Local Government Act 1993 in relation to the classification of public land.

Report: Under Section 54 of the Local Government Act 1993, a person may apply to the Council for a certificate as to the classification of public land. Whilst this is currently a seldom used part of the Act it is anticipated that the current review of crown lands by the State Government may lead to a raised public awareness of public lands located within the Council area. Should this occur Council may be required to provide a certificate under Section 54. To assist with this process, it is proposed to include a new delegation to the General Manager as follows.

226 To sign certificates under Section 54 of the Local Government Act 1993 in relation to the classification of public land.

The addition of this delegation would make the provision of these certificates easier and it is recommended that this delegation be included in the Delegations Register. A copy of the updated Delegations Register is 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

5 Item 1 DELEGATIONS REGISTER - CERTIFICATES RELATING TO THE CLASSIFICATION OF PUBLIC LAND (41.00088, 15.00008)

MOVED: Cr M Coote SECONDED: Cr W Aubin

RESOLVED: That Council delegate to the General Manager the following function and update the Delegations Register:

- 226 To sign certificates under Section 54 of the Local Government Act 1993 in relation to the classification of public land.

Yours faithfully



R Roach
**DIRECTOR
CORPORATE SERVICES & FINANCE**

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 COASTAL MANAGEMENT CONFERENCE (29.00010)

Cr Hanger - attended the Coastal Management Conference recently, went well.

MINUTE

7 Item 2 67 COMMONWEALTH STREET - ASBESTOS CONCERN (22.08391)

Cr Jennings - asked what is the status of this matter? This is location where fire recently occurred.

The Acting Director Environmental, Planning & Building Services advised the site has been fenced off. Council is awaiting further advice.

MINUTE

8 Item 3 USE OF DRONES IN PUBLIC SPACES (11.00003)

Cr Jennings - asked does Council have a policy on the use of drones in public spaces?

The General Manager advised that at this time Council does not have a policy.

MINUTE

9 Item 4 CIRENCESTER TOWNSHIP, UK (23.00150)

Cr Jennings - met with the Mayor of Cirencester when recently over in UK. Cr Jennings provided information from the visit to Council. Noted the Cirencester Council is keen to develop a relationship with Bathurst.

MINUTE

10 Item 5 COMMUNITY GARDEN (22.02574)

Cr Morse - congratulated Cr Bourke on this facility.

MINUTE

11 Item 6 CENTENNIAL PARK (04.00047)

Cr Morse - noted letters from friends have been received about possible funding, signage etc. Could we include funds in the 2016/2017 budget for consideration?

MINUTE

12 Item 7 ORDINARY MEETING - 2 DECEMBER 2015 - DCSF #7: ANNUAL STATEMENTS (16.00137)

Cr Morse - raised concern at letter that is attached to the report on the annual statements.

MINUTE

13 **Item 8** **LIBRARY - CHARLES BEAN (21.00054)**

Cr Morse - asked where has this suggestion progressed to?

The Director Cultural & Community Services advised where the matter is currently at, and expects it to be resolved next year.

MINUTE

14 Item 9 HILL END RESIDENTS - PROPOSED NUCLEAR WASTE DISPOSAL FACILITY - SALLY'S FLAT (13.00024)

Cr Morse - tabled a document on behalf of Hill End residents for Council's consideration.

MINUTE

15 Item 10 DRONES (11.00003)

Cr Coote - referred to CASA requirements for operating drones that apply in Australia.

MINUTE

16 **Item 11** **SECOND RACE CIRCUIT (20.00278)**

Cr Coote - asked where is this up to?

The Director Corporate Services & Finance noted advice will be provided to Councillors next week. At the moment focus is on the property acquisition process.

MINUTE

17 Item 12 LINEMARKING IN STREETS (28.00006)

Cr Bourke - advised he is against any further linemarking of parking spaces in the streets of Bathurst.

MINUTE

18 Item 13 GREEN BINS 14.00053

Cr Bourke - asked if 50% of people take it up, will the other 50% have to pay?

MINUTE

19 **Item 14** **NUCLEAR WASTE - SALLY'S FLAT (13.00024)**

Cr Bourke - asked for an update on the nuclear waste at Sally's Flat matter.

The General Manager spoke to community meetings held, discussions between Council and the relevant government departments and authorities. Noted Council was not given any forewarning on this matter prior to its release.

MINUTE

20 MEETING CLOSE

The Meeting closed at 6.20 pm.

CHAIRMAN: _____.

Date: _____ **(3 February 2016)**