

29 June 2016

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -  
Wednesday, 6 July 2016**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 6 July 2016 commencing at 6.00 pm.



D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

### **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 6 JULY 2016**

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

**2. APOLOGIES**

**3. REPORT OF PREVIOUS MEETING**

\* MINUTES - POLICY COMMITTEE MEETING - 1 JUNE 2016

**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

\* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

**6. GENERAL BUSINESS**

**7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS - Nil**

**8. DISCUSSION FORUM OTHER - Nil**

**9. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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

## MINUTE

### 2 APOLOGIES

MOVED: Cr G Westman SECONDED: Cr W Aubin

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

**REPORT OF PREVIOUS MEETING AND MINUTES**

POLICY COMMITTEE

## **1 MINUTES - POLICY COMMITTEE MEETING - 1 JUNE 2016 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 1 June 2016 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 1 June 2016, 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 - 1 JUNE 2016 (07.00064)  
MOVED: Cr B Bourke SECONDED: Cr G Westman

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 1 June 2016 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 1 JUNE 2016**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

- 2 APOLOGIES**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North  
Nil.

**REPORT OF PREVIOUS MEETING**

- 3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 4 MAY 2016 (07.00064)**  
**MOVED** Cr M Coote and **SECONDED** Cr I North

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 4 May 2016 be adopted.

**DECLARATION OF INTEREST**

- 4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

**RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

**Director Cultural & Community Services' Report**

- 5 Item 1 FOSSICKING DISTRICT (20.00020)**  
**MOVED** Cr I North and **SECONDED** Cr G Hanger

**RESOLVED:** That Council consents to the Bathurst Regional Council Local Government Area being declared a fossicking district.



## **GENERAL BUSINESS**

### **6 Item 1 AMALGAMATIONS (18.00300)**

**Cr Morse** - requested an update on this matter.

**The Mayor** advised Oberon case is currently being heard and will continue tomorrow. Results are unknown at this time.

### **7 Item 2 AH&P ASSOCIATION (18.00108)**

**Cr Coote** - met with the group after this years show. The AH&PA are happy with the results for this year. They would also like to continue their great working relationship with Council.

### **8 Item 3 HOWICK - GEORGE STREET INTERSECTION (25.00007)**

**Cr Aubin** - asked what is the time frame for clearing/trimming hedges at the Howick & George Street intersection.

**The Director Engineering Services** advised timing is a matter for Council. There have been some works already undertaken.

### **9 Item 4 WINTER FESTIVAL (23.00152)**

**Cr North** - queried about access for trucks in the Russell Street area and heavy vehicle access issues during the festival.

**The Director Engineering Services** noted advance warning signs are normally put in place. Other signs may be considered as required.

### **10 Item 5 GREAT WESTERN HIGHWAY WORKS (25.00018)**

**Cr North** - noted it is good to see works occurring. Is there any chance of works then being scheduled out to aerodrome?

**The General Manager** advised current status of Highway discussion. No advice has been received about additional funding to extend the dual carriageway out to the aerodrome.

### **11 Item 6 PARKING FINES (20.00090)**

**Cr North** - has had approaches from people about parking fines. Have we approached anyone about putting in place a multi-storey carpark for the city?

**The General Manager** noted the proposal for a multi-storey carpark had not progressed, the focus in recent times has been on additional parking at BINC site, Domain carpark and Art Gallery carpark.

**12** **Item 7 FORMER TAFE BUILDING - WILLIAM STREET (22.01387)**

**Cr Bourke** - asked where is the acquisition process at?

**The General Manager** advised that the relevant Government Department has indicated that the transfer is expected to occur in 2-3 months.

**13** **Item 8 RIVER ROAD & LIONS PARK DRIVE (04.00065)**

**Cr Bourke** - advised there is more traffic coming down this road. Could we look at safety issues near Berry Park. There is potential for car and pedestrian conflict in this location.

**14** **Item 8.01 SUSPENSION OF STANDING ORDERS (11.00005)**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with the Ordinary Meeting of Council, scheduled for 6.15 pm.

**15** **Item 8.02 RESUMPTION OF STANDING ORDERS (11.00005)**  
**MOVED** Cr I North and **SECONDED** Cr B Bourke

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

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**16** **Item 1 DEVELOPMENT APPLICATION 2016/0116 – 42 SERVICED APARTMENTS AT 50 BENTINCK STREET, BATHURST. APPLICANT: JOSS CONSTRUCTIONS. OWNER: REGIONAL NOMINEES PTY LTD (DA/2016/0116)**

**The Mayor** noted discussion to cover 42 lots and proposed 6 lot subdivision.

**W Feebrey** – National Trust, Bathurst Heritage Action Network & Greening Bathurst

Spoke to concerns about the proposal. Issues raised by people include;

- Development is ugly, bulky, uninspiring and issues of 5 storeys
- Does nothing for heritage, disregards aesthetics
- Concern the historic character is being changed
- Is not heritage minded and not sympathetic to Bathurst's history
- "Shoddy" building design, no consideration for site and heritage
- Not in keeping with architectural heritage
- An eyesore
- Not consistent with heritage streetscape

Council does not have to rubber stamp poor design. Listen to the public and demand quality outcomes.

**P Wren – 170 Howick Street**

The house they live in is circa. 1860/1870. Happy to have a development but the proposal obstructs views, impacts privacy due to balconies, and there are overshadowing concerns. Visually the building does not fit in. Look seriously hard at the development.

Noted Council is diligent and progressive and thanks Council for its efforts.

**S Birrell – Tremain Mill owner**

Came to Bathurst for its heritage and themes. When purchased Tremains, consulted with Council and the community and this was not painful. Asked developer to work with Council and the community to get something more sympathetic. The proposal is outside Council guidelines. Asks Council to draw a line in the sand.

**T Robertson – Budden's Rockley**

Expressed concern at the heights of the proposed building, how did it get this far? The heights are well outside Council regulations, so why not refuse?

The building will ruin the parkland area. Requests Council follow its own regulations.

**L Sullivan – ratepayer**

Spoke to various plans of Council e.g. Heritage Strategies, LEP and DCP. Why does Council have such strategies, when such a development can be proposed. Referred to concern at the proposed 6 lot subdivision. If the development goes ahead, it would show Council has not learnt. This is today's version of yesterday's mistakes. Noted Council direction on heritage for the city has been enunciated in various statement and policies. We plan for the future of the city and the region, do not lose the plot.

**S Bathagte – Bathurst Heritage Action Network**

Congratulated Council and RMS on the works on the entry to the city, spoke highly of the brickwork being done in conjunction with these works.

Spoke to concerns with the development. This is a cheap build. The key issues are; the building does not comply; it is more than 5 storeys high.

Are the LEP and DCP important? These were developed over many years and represent the community agreement for the city. They are the public wish for planning and they also have legal force, particularly the LEP, through the State Government. Developer has said height limits are unreasonable, yet the LEP took 9 years to develop through great consultation.

If approved, developer gets 20 apartments more than than is allowed. Council does not have to agree. The proposal is an eyesore. Referred to proposed economic benefits, what are these? Noted extra units will create traffic problems. The development does not indicate heritage benefits.

In regards to height, this is a matter of development profit and this is an ambit claim. Where are the details of efficient utilisation. The developer says height breach is not inconsistent with future development, how can developer know?

The developer says LEP unnecessarily restricts transitioning of land to a regionally significant landmark. Queried how does the proposal fit with this claim?

This is a cheap box of a building.

Noted public interest considerations the developer appears to be seeking. The extra 20 apartments will mean around \$5 million is being given up as the public interest, as there is nothing to say what the community gets for the extra apartments. There are no extra benefits e.g. parkland, access to site etc. All profits leave Bathurst. Do not let the developer trash the LEP. The developers arguments are vacuous. Requests Councillors say no to the proposal. Get the developer to come back with revised proposals.

#### **F White – National Trust**

We have a responsibility as custodians of our heritage. The community values its heritage. Once something is gone, it can never be retrieved. New buildings should enhance our streets and settings. Our heritage is who and what we are. It is also our economic future in heritage tourism. The site needs to enhance the Councils heritage and be pedestrian friendly. It needs a master-plan for the whole site. The city needs more accommodation, the site development needs to be right.

#### **I MacPherson – National Trust - Chair Bathurst & District Branch**

Thanked Council for the opportunity to engage on this matter. Spoke to progress of Council in working with the community on heritage, this has been productive. Spoke to National Trust submission. Noted prior DA was not proceeded with, this was under a former LEP. There was community consultation which looked at an integrated vision for this site. Noted how buildings are demolished without a proposal in place. This gives developer extra value to detriment of the community.

Concerns at subdivision proposal, need to look at site as an integrated development. Site is very significant and has great aspects and it is a landmark site on the edge of the CBD. This is not a positive development. Understands Council has not agreed to the proposal. We are likely to end up with a "hodge podge" development. Noted 12 metre planning issues that could lead to problems. The proposal will lead to isolating of heritage items. There will be no public access to the area. Concerned at the 5 storey proposal, this will seriously diminish the adaptive reuse of the site. Support excising lot 5, to allow for adaptive reuse of the

building. But must have access to all areas and the site needs to be looked at in an holistic manner. We need to get a better outcome for the site. Requests Council refuse or defer DA for submission and the building. Not against development but it must enhance the site. Some Quest Buildings are fabulous e.g. Phillip Island. This building does not address the site. It is an unimaginative response. Would like to meet with the developer to come up with a more creative solution. Factors of concern are; bulk, height, problems with basement, Lot 1 should extend to Bentinck Street which would allow height to drop, with better presentation and this could improve community access.

**M Buttsworth – Surveyor - Bentinck Street**

The proposal is a "monstrosity". The Council needs to be aware of what people expect of the heritage area. The facade leaves a lot to be desired, it should be compassionate to Bathurst architecture. We do not need this building in Bathurst. No tourist will come to Bathurst to look at this building.

**MEETING CLOSE**

**17 MEETING CLOSE**

The Meeting closed at 7.08 pm.

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

**MINUTE**

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

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

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

POLICY COMMITTEE

6 JULY 2016

## **1 LEGIONELLA MANAGEMENT (41.00089 & 14.00001)**

**Recommendation:** That Council repeal the “Legionella Management” Policy.

**Report:** In July 2008 Council adopted a Policy of Legionella Management to ensure that cooling towers and warm water systems within the Bathurst Regional local government area were registered and complied with the legislation in relation to operation and maintenance.

Changes to the Public Health Act 2010 and Public Health Regulation 2012 have altered Councils responsibilities in relation to legionella management. NSW Health continue to be the lead organisation in relation to legionella management. Council's current Policy no longer reflects current legislative requirements and thus it is recommended that it be repealed. It should be noted that notwithstanding the repeal of the Policy Council will continue to meet its legislative responsibilities.

**Financial Implications:** Nil.

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

- Objective 22: To improve community safety. Strategy 22.11
- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2



**MINUTE**

- 5**     Item 1   LEGIONELLA MANAGEMENT (41.00089 & 14.00001)  
MOVED: Cr G Westman SECONDED: Cr M Coote

**RESOLVED:** That Council repeal the “Legionella Management” Policy.

## **2 CONTAMINATED LAND POLICY (41.00089 & 16.00141)**

**Recommendation:** That Council:

- (a) place the draft Contaminated Land Policy on public exhibition for a period of 28 days.
- (b) if no submissions are received, adopt the Policy;
- (c) delegate the authority to the General Manager to transfer properties between categories of notification of land on a Section 149 certificate as outlined in the policy in accordance with the outcomes of appropriate geotechnical investigations; and
- (d) repeal the Sunny Corner Contaminated Land Policy.

**Report:** Since 1998 councils have been afforded special exemption from liability in regards to planning functions that involve contaminated land. This exemption is set out in Part 7A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In order to receive the exemption from liability a Council must carry out their planning functions substantially in accordance with the contaminated land planning guidelines. The *Managing Land Contamination Planning Guideline* (EPA 1998), recommends that councils should have a Contaminated Land Policy and what that policy should include. The draft Policy is provided at **attachment 1**.

The most common planning function that a council regularly attends to is the determination of development applications and the provision of information on Section 149 (planning certificates) under the EP&A Act.

*State Environmental Planning Policy 55 Remediation of Land* (SEPP 55) requires that land contamination must be considered on every development application (clause 7 SEPP 55). The current Planning Guideline recommends that Council check its records on land contamination for every Section 149 planning certificate.

Council has responsibility to ensure that when exercising its statutory planning functions in relation to the development of contaminated land, all relevant information is considered.

To do this Council must:

- Consider the likelihood of land contamination as early as possible in the planning and development control process;
- Link decisions about the development of land with the information available about contamination possibilities;
- Adopt a policy approach which will provide strategic and statutory planning options based on the information about contamination; and
- Exercise statutory planning functions with a reasonable standard of care.

This policy will outline how Council will carry out the specific planning functions related to contaminated land and other matters such as the Underground Petroleum Storage System (UPSS) regulation and dealing with illegal dumping of contaminated waste.

### **The need for a policy**

While contaminated land issues are not very common, they can become complex and it is the rarity that means often Council staff do not get the opportunities to develop expertise in this area. Lack of expertise can become a risk to Council if a major contamination issue

arises.

In recognition of this lack of expertise within councils, in 2014, the Environmental Protection Authority made grants available as part of the Contaminated Land Management Regional Capacity Building Program. This program has funded four projects in regional areas including the 'Contamination Central' project which involves Bathurst Regional Council and 18 other Central West councils and Environment & Waterways Alliance members. One of the main objectives of this project alongside targeted staff training has been to provide a Contaminated Land Policy template for each Council to adopt.

It has been considered that a regionally consistent policy will result in a smoother transition and acceptance of the new policy position among local developers and consultants that work across council boundaries.

The draft policy has been edited to be consistent with Council's policy formatting and style but is largely consistent with the Policy Template provided by Contamination Central which is being considered by 18 other councils across the Central West. The draft policy has been reviewed by Senior Counsel to ascertain that the policy is consistent with the Planning Guideline and SEPP 55 and therefore provides the relevant protection for liability specified in Part 7A of the EP&A Act; that it does not expose Council to any unnecessary liabilities; and that s149 planning certificate wordings are legally sound.

### Report

The draft Bathurst Regional Council Contaminated Land Policy will provide Council staff and the community with clear guidance on the application of planning legislation around Contaminated Land Management.

The policy identifies the type of past land uses that may contribute to land contamination and classifies land where those land uses or activities have occurred in the past or present. It also outlines what actions have been undertaken to assess or remediate contamination as well as any contaminated land consultant's recommendation relating to suitability of future land uses.

The policy details what information should be recorded against a property and how that information is used to inform Development Application assessment or other planning decisions. The information also needs to be made available to the public and other agencies and the policy sets out what information will be provided and how it will be provided within the Council's privacy policy and the legislative requirements of *Government Information (Public Access) Act 2009* and *Privacy and Personal Information Protection Act 1998*.

Clause 7, Schedule 4 of the of the *Environmental Planning and Assessment Regulations 2000* requires that a s149 planning certificate identify whether or not the land is affected by any policy (adopted by Council or by a public authority for the express purpose of its adoption being referred to in s149 certificates issued by Council) that restricts the development of land because of the likelihood of any risk. The draft policy intends to be an adopted policy of the kind referred to above, that restricts the development of land because of the likelihood of contamination. The policy will restrict the use of land by:

1. Prescribing the circumstances where land is required to undergo some level of assessment for land contamination, or remediation, before consent can be granted for any development on that land or the land can be rezoned; and
2. Enforce the restrictions that, in the opinion of the consultant or auditor, are required through the imposition of a Site Management Plan that may be imposed on the land following remediation.

Providing information about the contamination of land on planning certificates provides the prospective purchaser of land fair warning that in the event of a development application, Council may require specific contamination assessments to be carried out and/or remediation if warranted for that development.

The policy seeks to provide information about what has occurred on the land and does not seek to prejudice any future proposals by placing blanket development prohibitions on land. Land remediation is only required by Council at the time of redevelopment when it is considered necessary to make the land suitable for the intended use. The proposed s149 notations include:

- Land classed as “A - Identified”. The land has been used for purposes that have the potential to contaminate land though there is insufficient information to determine if contamination exists.
- Land classed as “B - Assessed”. The land has been used for purposes that have the potential to contaminate land and Council has been provided with a report detailing the contamination.
- Land classed as C – “Site Management Plan”. The land has been used for purposes that have the potential to contaminate land. Council has been advised that the site has undergone some remediation of site contamination; however, remains subject to a site management plan to mitigate the risk posed by land contamination on the land.
- Land classed as D – “Suitable for Limited Uses”. The land has been used for purposes that have the potential to contaminate land. An assessment of site contamination has recommended that the land is suitable for certain types of proposed use.
- Land classed as E – “Unrestricted”. The land to which this certificate relates has been used for purposes that have the potential to contaminate land. An assessment of site contamination has recommended that the land is now suitable for all types of use.

The draft policy details a list of activities that may have the potential to contaminate.

Please note that there is a distinction made between land contamination and pollution. While pollution and contamination have similar statutory definitions, and while Council has statutory powers to regulate pollution (in particular under the Protection of the Environment Operations Act 1997) this policy is primarily concerned with contamination. A pollution incident is considered to be a matter that is dealt with in the short term by the relevant powers. Pollution can result in contamination if the pollution is not cleaned up in the short term or Council does not become aware of the issue within a reasonable time to be able to enforce a suitable remedy.

It is important to note that Council plays no role in determining whether or not a property is safe to occupy on the basis of risk from land contamination up until the point of a development application. It is the EPA’s role to regulate significantly contaminated land.

The policy includes specific rezoning and DA procedures with details of when investigation might be triggered. This will provide more certainty for developers to know how to prepare a development application or planning proposal.

New Contaminated Land Consultants Certification schemes have been introduced to ensure the quality of consultants reporting. The policy will require certification under these schemes with a reasonable “grace” period until 1 April 2017. This is in keeping with the EPA’s requirements for consultants’ certification.

Other issues covered by the policy include the requirements for Contaminated Site Audits and regulation of the Underground Petroleum Storage System regulation in 2017 when

responsibility is scheduled to come to Council. There are also details of how contaminated land standards relate to pollution investigations and clean-up of pollution incidents.

The policy also sets out guidance for the conduct of some remediation activities and the minimum requirements for the provision of contaminated site assessment reports.

#### Repeal of Sunny Corner Policy

This new policy is more comprehensive in its coverage of contaminated land issues than the existing Sunny Corner Policy and provides more accurate information in relation to development on potentially contaminated sites. Properties identified in the Sunny Corner Policy will be listed on the Contaminated Land Information System, with a notation on the s149 certificate relevant to that property. The new notations are considered to be less of a barrier to good development than the wording used in the Sunny Corner Policy.

Upon adoption of the Bathurst Regional Council Contaminated Land Policy, the Sunny Corner Contaminated Land Policy is to be repealed.

**Financial Implications:** Council has received grant funding for the Contamination Central project which has been assisted by the New South Wales Government through the EPAs Contaminated Land Program under funding provided by the NSW Environmental Trust.

To assist in the development of targeted training programs Council contributed \$2,500 to the Contamination Central project in the 2014/2015 financial year.

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

- Objective 1: To attract employment, generate investment and attract new economic development opportunities. Strategy 1.8
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.2, 16.6
- Objective 22: To improve community safety. Strategy 22.11
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.9

## MINUTE

**6 Item 2 CONTAMINATED LAND POLICY (41.00089 & 16.00141)**  
**MOVED: Cr G Westman SECONDED: Cr M Coote**

**RESOLVED:** That Council:

- (a) place the draft Contaminated Land Policy on public exhibition for a period of 28 days.
- (b) if no submissions are received, adopt the Policy;
- (c) delegate the authority to the General Manager to transfer properties between categories of notification of land on a Section 149 certificate as outlined in the policy in accordance with the outcomes of appropriate geotechnical investigations; and
- (d) repeal the Sunny Corner Contaminated Land Policy.

Yours faithfully



R Denyer  
**ACTING DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

POLICY COMMITTEE

6 JULY 2016

## **1 POLICY UPDATE - STAFF - DESIGNATED PERSONS DISCLOSING INTERESTS (11.00002, 41.00089)**

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

**Report:** Under Section 441 of the Local Government Act, Council must nominate certain positions as Designated Positions that require Disclosure of Personal Interests. Council's Policy Manual already provides a list of positions.

A review of the Designated Persons list has been undertaken to ensure all appropriate staff have been listed and job titles are correct. The list has been altered to include the Destination Development Manager.

It is recommended that the changes be made to the list of Designated Persons and the Policy Manual be updated accordingly. A copy of the revised Policy 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**

**7 Item 1 POLICY UPDATE - STAFF - DESIGNATED PERSONS DISCLOSING INTERESTS (11.00002, 41.00089)**

**MOVED: Cr G Westman SECONDED: Cr G Hanger**

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

## **2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 22 JUNE 2016 (07.00096)**

**Recommendation:** That the recommendations of the Audit & Risk Management Committee Meeting held on 22 June 2016 be adopted.

**Report:** The minutes of the Bathurst Regional Council Audit and Risk Management Committee Meeting held on 22 June 2016 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**

**8 Item 2 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 22 JUNE 2016 (07.00096)**

**MOVED: Cr G Westman SECONDED: Cr B Bourke**

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 22 June 2016 be adopted.

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND  
MINUTES**

POLICY COMMITTEE

6 JULY 2016

## **1 POLICIES - BATHURST LIBRARY (41.00089, 21.00054)**

**Recommendation:** That Council adopt the Bathurst Library policies as outlined in the report.

**Report:** With a membership of nearly 30,000 enrolled members and a collection numbering in the vicinity of 90,000 - Bathurst Regional Council provides a library service to the community which is highly valued and utilised as indicated in the 2014/2015 figures (Loans 299,512 / Door Count 164,799).

In keeping with the ideology of libraries as community hubs and not just book storehouses, the library is well on track in promoting the various programs we offer (eg. Storytime, New Kids on the Book) and community groups that use the space to meet (eg. Bathurst Family History Group, Knit One Chat 2).

The Bathurst community expects the library to maintain the highest legal, ethical and professional standards with regard to service provision, customer service, customer interaction and equality of service provision. There are no Council policies to inform the services, programs and initiatives and provide guidelines on practical matters such as accessing the collection, internet use and membership. The policies provided at **attachment 1** speak to these standards and practices with reference to:

Library Act 1939 No. 40  
Library Regulation 2010  
Work Health and Safety Act, 2011  
Children and Young Persons (Care and Protection) Act 1998  
Privacy and Personal Information Protection Act 1998  
State Library NSW Legislation and Policies  
Australian Government Federal Register of Legislation

The following policies have been drawn from other NSW libraries and with guidance from the NSW State Library. In summary, the following policies are presented for Council's consideration:

<b>Policy</b>	<b>Summary</b>
Customer Service Charter and Customer Code of Conduct	The policy describes what behaviours and services customers can expect from staff at the Bathurst Library and its outlets/branches, as well as the behaviours that are expected from our customers.
Privacy Statement	This policy ensures that information will only be used by the Bathurst Library to use in library transactions or for law enforcement purposes.
Membership	The purpose of this policy is to outline the conditions of membership of Bathurst Library
Lending	The purpose of this policy is to clearly outline the regulations for library clients in relation to: <ul style="list-style-type: none"><li>• The terms of loan of library materials</li><li>• The renewal of library materials</li><li>• The reservation of library materials</li><li>• The loss or damage of library materials whilst on loan</li></ul>
Public Internet Usage	The purpose of this policy is to clearly outline

	user responsibilities for library clients in relation to access and use of internet application at Bathurst Library.
Customer Exclusion	The policy: (a) Endeavours to provide a safe and pleasant environment for the public to enjoy while at the same time ensuring that the staff, volunteers and visitors are provided with a secure and productive place in which to work and enjoy. (b) Determines the parameters and guidelines for library staff to follow in regards to exclusion of members of the public from libraries. It is the intention of Bathurst Library that these parameters be used in conjunction with staff judgement to make informed decisions that assist in providing safe and pleasant environments for the public and staff.
Children	The policy: (a) Formalises the general principles under which Bathurst Library operates in regard to the provision of services to children as well as outlining the responsibilities of parents/legal guardians and staff in regards to children within the library setting. (b) Determines guidelines for all stakeholders, including staff and the public, in relation to the presence of children within the Bathurst Library Service. Guidelines include parental responsibilities, child safe and child-friendly principles and mandatory reporting of 'at risk' children.
Collection Development	The aim of this policy is to provide a working policy and clear guidelines for Bathurst Library members and the community. This policy also outlines the responsibilities and accountabilities in relation to selection, acquisition and public feedback
Sponsorship	The purpose of the policy is to facilitate receipt of sponsorships by the library service.

**Financial Implications:** Funding for this item is contained within existing budgets.

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

- Objective 20: To provide a range of cultural facilities, programs, activities and events and to support and enhance cultural and social activities across the community. Strategy 20.1

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.1
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 26: To encourage and support the provision of a range of opportunities for life long education across the Bathurst community. Strategy 26.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.5

## MINUTE

9 Item 1 POLICIES - BATHURST LIBRARY (41.00089, 21.00054)  
MOVED: Cr M Morse SECONDED: Cr G Hanger

**RESOLVED:** That Council adopt the Bathurst Library policies as outlined in the report with the following changes:

- (a) Customer Exclusion Policy: Change "Bathurst Library endeavours to provide a safe..." to "Bathurst Library is committed to providing a safe...".
- (b) Children and Young People Policy - Policy Content: 2.1 Service Statement: add "eResources" to the list of programs and services offered to young people.

Yours faithfully



Alan Cattermole  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**



**GENERAL BUSINESS**

POLICY COMMITTEE

## MINUTE

### 10 Item 1 ROADWORKS - EGLINTON ROAD (25.00045)

**Cr Morse** - raised concerns expressed about road works near All Saints' College.

**The Director Engineering Services** noted works that have been undertaken, given the current inclement weather. Contractor will come back to Council with proposal after undertaking various soil tests.

## MINUTE

### 11 Item 2 LANEWAY - 48-50 GILMOUR STREET (04.00033)

**Cr Morse** - noted concern expressed by ratepayer about closure of this laneway. Does Council advise public that laneways will be closed?

**The Director Engineering Services** advised matter has been considered previously by Council and was closed due to resident concerns.

## MINUTE

### 12 Item 3 FRONT FENCE POLICY - MIRIYAN DRIVE (20.00010)

**Cr Morse** - asked can residents put up front fences in this area?

**The Acting Director Environmental, Planning & Building Services** spoke to issues of covenants and Council controls on developments.

**The General Manager** suggested resident needs to contact Council due to technical issues that are concerned.

## **MINUTE**

### **13 Item 4 WINTER FESTIVAL (23.00152)**

**Cr Coote** - requested an update on the Winter Festival. This is great for Council to do this.

**The Mayor** noted:

- The Festival opened last Saturday night, estimated 10,000 people attended. Over 7,000 individual mobile devices were detected in the area by Council wi-fi infrastructure.
- Food and wine stalls were transferred to Church Street this year. This was a success, providers have given very strong feedback to Council.
- Busking stations, illumination, TAFE Building app all worked well.
- Ice skating rink sales as at yesterday are over 11,700.
- Ferris wheel sale of tickets over 4,000.
- Two main stages at either end of Kings Parade worked well.
- Everyone was very well behaved and there has been no damage.
- Provided details of event and food stalls being set up for this Saturday, 9 July 2016.

**MINUTE**

**14 Item 5 WINTER FESTIVAL (23.00152)**

**Cr Aubin** - received very positive feedback on the event.

**MINUTE**

**15 Item 6 ENTRANCE TO THE CITY - HIGHWAY/BRADWARDINE ROAD**  
**(07.00097)**

**Cr Aubin** - noted the entrance to the city in this area looks really good. Can we look at what Norwood is going to do with the dam, what are their plans?

**MINUTE**

**16 Item 7 RESEALING PROGRAM (16.00061)**

**Cr Aubin** - asked can we look at using hot-mix for the reseal programs undertaken by Council in prime areas?



**MINUTE**

**17 Item 8 POTHOLE FIXING MACHINES (15.00002)**

**Cr Aubin** - asked can we look into these machines and see if it is worth purchasing one of these machines. Requests a report comeback to Council.

## MINUTE

### 18 Item 9 ASRA WORLD CUP EVENT (23.00026)

**Cr Aubin** - Australian Skateboard Racing Association is seeking to hold a World Cup skating event in Bathurst. This sport is in the Olympic Games in 2020. Interested in coming to Bathurst next March for a three day event.

**MINUTE**

**19**    **Item 10**    **FORMER TAFE BUILDING (22.01387)**

Cr Bourke - requested an update on where this matter is at.

The General Manager provided an update, currently with the State Government for final processing.

## MINUTE

### 20 MEETING CLOSE

The Meeting closed at 6.31 pm.

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