

30 November 2016

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -
Wednesday, 7 December 2016**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 7 December 2016 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 7 DECEMBER 2016

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 2 NOVEMBER 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

* GENERAL MANAGER'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

* DEVELOPMENT APPLICATION NO. 2016/360 – CHANGE OF USE TO TATTOO STUDIO, SHOP FITOUT AND COFFEE WINDOW AT 106 WILLIAM STREET, BATHURST.
APPLICANT: MR T TILLEY. OWNER: MS P CROGHAN

8. DISCUSSION FORUM OTHER - Nil

9. GENERAL BUSINESS

10. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 APOLOGIES

MOVED: Cr B Bourke SECONDED: Cr I North

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

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 2 NOVEMBER 2016 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 2 November 2016 be adopted.

Report: The Minutes of the Policy Committee Meeting held 2 November 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 - 2 NOVEMBER 2016
(07.00064)

MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the Minutes of the Policy Committee Meeting held on 2 November 2016 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 2 NOVEMBER 2016

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES

Nil

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 28 SEPTEMBER 2016 (07.00064)

MOVED Cr I North

and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Policy Committee Meeting held on 28 September 2016 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr M Coote

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 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28 SEPTEMBER 2016 (07.00096)

MOVED Cr G Westman

and **SECONDED** Cr I North

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 28 September 2016 be adopted.

GENERAL BUSINESS

This is page 1 of Minutes of the Policy Committee held on 2 November 2016

6 **GARDEN SPRING SPECTACULAR (23.00081)**

Cr Hanger - The Garden Spring Spectacular was opened at Miss Trails House last weekend. Council was thanked for its support.

7 **Item 2 AGRICULTURAL RESEARCH STATION (22.03266)**

Cr Hanger - recently inspected the location, it is spectacular and should be treated as a treasure for the region.

8 **Item 3 LISTER CRESCENT DA - VIEWS (DA2016/304)**

Cr Morse - spoke to recent article about protecting views. Requested Council hold discussions on size of sheds, location, garages, etc and whether views can be protected.

9 **Item 4 REGIS RESOURCES UPDATE (21.00137-07)**

Cr Morse - requested an update on this matter.

The Mayor advised had met recently with Regis.

The General Manager noted Council is still awaiting documentation as requested from Regis.

10 **Item 5 TAFE BUILDING (22.01387-08, 13.00073)**

Cr Morse - asked what is the next stage in this matter?

The General Manager noted; Conservation Management Plan completed, site acquired, next stage is to develop a brief for the site on possible options.

11 **Item 6 SEPTEMBER 2017 ELECTIONS (12.00010-08)**

Cr Morse - will Elections be deferred next year due to the delay in the proposed merger?

The Mayor spoke to current processes in place with the courts and their handing down of decisions. Not aware of anything being stated by government in terms of next years scheduled elections.

12 Item 7 DISABLED CAR PARKING SPACES - HOWICK STREET BETWEEN WILLIAM AND BENTINCK (28.00006-13)

Cr Morse - advised has been requested by businesses to get Council to look at the number of disabled parking spaces in this section of the street, across form Stocklands.

13 Item 8 RUSSELL STREET ROAD SIGNAGE (28.00007-06)

Cr Morse - advised the painted signs where you go into Bentinck Street are causing confusion with drivers.

The Mayor provided advice on this matter.

14 Item 9 PLANNING MATTERS (02.00005-10)

Cr Westman - requested a Working Party to be held to discuss acceptable variances on planning standards, eg, sheds, and future direction.

15 Item 10 ROADS (11.00023-14)

Cr Aubin - asked has Council progressed any further on purchasing a road pot hole machine? Also asked if any information has been received on George and Howick Street intersection and proposed lights.

**16 Item 10.1 SUSPENSION OF STANDING ORDERS (11.00005)
MOVED Cr I North and SECONDED Cr B Bourke**

RESOLVED: That Standing Orders be suspended to allow Council to deal with the Discussion Forum Item.

DISCUSSION FORUM OTHER

17 Item 1 PLANNING PROPOSAL – SCHEDULE 5 ENVIRONMENTAL HERITAGE (20.00302)

Discussion included:

L Smiles – Friends of Centennial Park - commends Council on the proposal to include the park as part of the proposed environmental heritage of the Region.

C Perrers – Natural Landscapes - supports the proposed heritage listings. Raised concerns at the clearing of land. Important that Winburndale and Copperhania localities are protected. Supports the listing of all the town sites included and spoke to benefits these locations provide to the community. The sites listed are important for their cultural history. The geology of the area is the backbone of the landscape.

P Barker – National Trust, Bathurst Branch - spoke in regards to the Agricultural Research station curtilage. Supports proposal to increase the curtilage. This is a wonderful site for the Region. Need to ensure cannot be used for housing, it adjoins significant other locations, eg, Boundary Road Reserve. The site is a hidden gem. Requests Council extends proposed curtilage to the whole of the site and does this within six months.

L Menzies - worked at the Research Station for forty years. It is a wonderful resource for the City. Supports the proposal, there are a lot of partnerships that can be developed, eg, with CSU.

18 **Item 1.01 RESUMPTION OF STANDING ORDERS (11.00005)**
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That Council resume Standing Orders.

GENERAL BUSINESS

19 **Item 10 ROADS (11.00023-14)**

Cr Aubin - Cr Aubin - asked has Council progressed any further on purchasing a road pot hole machine? Also asked if any information has been received on George and Howick Street intersection and proposed lights.

The Acting Director of Engineering Services advised:

1. There is an old road pothole machine. Engineering will review replacement options for this.
2. Results of Road & Maritime Services Study on the intersection has been received. It recommends at this time that a roundabout is the most appropriate treatment.

20 **Item 11 KELSO ROADWORKS (25.00018-05)**

Cr Aubin - requested an update on the time frame for the works.

The Acting Director Engineering Services will investigate this matter.

21 **Item 12 ROAD WORKS EGLINTON ROAD, OUTSIDE ALL SAINTS COLLEGE (25.00045-02)**

Cr Aubin - asked when will work commence at this location?

The Acting Director Engineering Services advised that work is scheduled for end of this year, during school holidays.

22 **Item 13 BICENTENNIAL PARK WALKWAY (04.00017-02)**

Cr North - understands a report is being prepared on the works needed. Queried where at with fisheries permit. Noted fence to restrict walkers is open and people are walking around it.

The Acting Director Engineering Services advised:

1. spoke to actions in place and the recent calling of Tenders.
2. noted Council has repaired the fence several times, will review.

23 **Item 14 SIGNING IN VILLAGES (28.00007-06)**

Cr North - spoke to Rockley sign, it is barely readable. Can something be done as an interim measure?

24 **Item 15 LAGOON ROAD FROM VALE ROAD TO CHIFLEY DAM (28.00011-06)**

Cr North - noted speed limit has been reduced from 100 kph to 80 kph. Concern that residents were not provided with advice on this before it occurred. Perhaps a mail drop would have been appropriate.

25 **Item 16 MONOPOLY - AUSTRALIAN VERSION (04.00003-13)**

Cr North - asked can we request Bathurst or Mount Panorama be suggested for inclusion in the Australian version of Monopoly.

The General Manager will investigate this matter.

26 **Item 17 ROAD WORKS (16.00011-11)**

Cr Bourke - congratulated staff on the efforts being made to fix the pot holes, eg, River Road.

27 **Item 18 LIONS CLUB DRIVE - FENCING (25.00120)**

Cr Bourke - requests Council look at replacing the green fencing, suggest to refer to 2017/2018 Budget for consideration.

28 **Item 19 GAS WORKS SITE (22.00052-06)**

Cr Bourke - noted Jemena have said will put in new fencing around the site, this is a good result.

29 **Item 20 HEREFORD STREET FOOTBALL FIELDS (36.00586-02)**

Cr Bourke - could Council be provided with an update on this matter?

30 **Item 20.01 FLOOD APPEAL - FORBES (13.00031-06)**

Cr Bourke - advised the auction raised nearly \$3,000. Thanks to Council for its funding commitment and also thanks to Bob Trimming for the good works he did to help in this matter.

MEETING CLOSE

31 **MEETING CLOSE**

The Meeting closed at 6.40 pm.

CHAIRMAN: _____

MINUTE

4 DECLARATION OF INTEREST 11.00002
MOVED: Cr I North SECONDED: Cr M Coote

RESOLVED: That the Declaration of Interest be noted.

GENERAL MANAGER'S REPORT AND MINUTES

POLICY COMMITTEE

7 DECEMBER 2016

1 SENIOR STAFF CONTRACTS (19.00030)

Recommendation: That the information be noted.

Report: The provisions of Section 339 of the Local Government Act (1993), requires that,

"The General Manager must, at least once annually, report to the Council on the contractual conditions of senior staff."

The only staff position that is appointed by the governing body of Council is that of the General Manager. The position of General Manager is a senior staff position under Section 334(1) of the Local Government Act (1993).

The General Manager is responsible for the appointment of all other staff (including senior staff) in accordance with the organisation structure and resources approved by the Council's governing body.

The following senior staff positions are in Council's structure:

- General Manager
- Director Corporate Services & Finance
- Director Engineering Services
- Director Environmental Planning & Building Services, and,
- Director Cultural & Community Services

Each senior staff member is employed on a five year fixed term performance based contract. Employment Contracts are in accordance with the Office of Local Government's Standard contracts for General Managers and Senior Staff.

Performance of senior staff is reviewed annually by the General Manager. A sub-committee of Council undertakes the performance review of the General Manager, which is reported to the full Council.

All contracts have the same conditions, which include four (4) weeks annual leave (cumulative), three (3) weeks sick leave (cumulative), long service leave in accordance with the Local Government Award, public holidays as gazetted and motor vehicle included in the salary package.

Financial Implications: Staff costs are provided for in the Council's adopted budget.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 33: To be and develop good leaders. Strategy 33.5
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.6

MINUTE

- 5 Item 1 SENIOR STAFF CONTRACTS (19.00030)
MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That the information be noted.

Cr Aubin arrived at 6.03 pm.

Yours faithfully



D J Sherley
GENERAL MANAGER

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 GASWORKS SITE (22.00052)

Cr Bourke - raised concerns about the safety of the site. Jemena need to fence the area off. Noted correspondence has been sent.

MINUTE

7 Item 2 LAGOON ROAD SPEED LIMIT (28.00011)

Cr North - has had concerns expressed about the speed limit recently introduced.
Could Council review in the future?

MINUTE

8 **Item 3 2017/2018 BUDGET (16.00148)**

Cr North - spoke about the land recently acquired at Perthville. Can money be provided for a feasibility study on future uses? Also need money provided for a toilet block at the Police paddock.

MINUTE

9 Item 4 GREAT WESTERN HIGHWAY UPGRADE - EXTENSION (25.00018)

Cr North - asked if Council has made representations to the Government about the widening of the Great Western Highway further east beyond Ashworth Drive.

The General Manager advised letters have been sent. Further, this was raised last week with RMS.

MINUTE

10 Item 5 EGLINTON HALL PLAYGROUP (22.00350)

Cr North - has had approaches about the costs that playgroups incur. The Eglinton Group will be seeking assistance from Council relating to the costs and charges raised by Playgroups NSW.

MINUTE

11 Item 6 MITRE/LAMBERT/SUTOR STREET INTERSECTION (25.00095)

Cr North - feels the Mitre/Lambert/Sutor Street intersection is a street corner Council needs to review, can we try and develop some solutions?

MINUTE

12 Item 7 MITRE/LAMBERT/SUTOR STREET INTERSECTION (25.00095)

Cr Aubin - also feel the Mitre/Lambert/Sutor Street intersection needs a review, agrees with Cr North's comments.

MINUTE

13 Item 8 LAGOON ROAD SPEED LIMIT (28.00011)

Cr Aubin - noted the review occurred after the matter was raised by former Cr Jennings. Could we have these requests come through the Traffic Committee first? Could a policy be developed on this process?

Cr Aubin tabled documents relating to this matter.

MINUTE

14 Item 9 POT HOLE FIXING MACHINE (15.00002)

Cr Aubin - was recently overseas and saw a Caterpillar pot hole fixing machine. Will provide details to the Engineers for follow up.

MINUTE

15 **Item 10 NBN CABINET - MICHEL'S CORNER SHOP (08.00005)**

Cr Coote - has received advice that a proposed cabinet for this location has been refused.

The Acting Director Engineering Services advised Council has no control over the roll-out of the NBN. Not aware of any objection by Council.

MINUTE

16 Item 11 ADVENTURE PLAYGROUND (04.00121)

Cr Coote - noted the signs are very high in the new area. Could Council look at lowering these?

MINUTE

17 Item 12 SPORTS COUNCIL - ISSUES WITH SHOOTERS AT MOUNT PANORAMA (18.00077)

Cr Coote - noted there are use conflicts occurring at Mount Panorama. Could Council look at purchasing a new location as a possibility to alleviate the problem? The Dubbo Club have done this.

MINUTE

18 **Item 12.01 SUSPENSION OF STANDING ORDERS (11.00005)**
MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Standing Orders be suspended to allow Council to deal with the Discussion Forum Item.

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS
AND MINUTES**

POLICY COMMITTEE

1 DEVELOPMENT APPLICATION NO. 2016/360 – CHANGE OF USE TO TATTOO STUDIO, SHOP FITOUT AND COFFEE WINDOW AT 106 WILLIAM STREET, BATHURST. APPLICANT: MR T TILLEY. OWNER: MS P CROGHAN (DA/2016/360)

Recommendation: That the information be noted.

Report: The Site

Council has received a Development Application (DA) for the change of use of an existing business premises to a tattoo studio, shop fitout and coffee window at 106 William Street, Bathurst, described as Lot 11, DP 1056382. A location plan is provided at **attachment 1**.

The subject site currently contains a two storey commercial building with a first floor residential unit. Adjoining and surrounding sites contain commercial buildings. The adjoining Royal Hotel is a heritage item.

The proposal

The proposal involves:

- Change of use of the premises to a tattoo studio;
- Internal fitout/internal alterations; and
- Installation of a coffee window in the front façade and fitout of associated servery area.

The hours of operation are proposed to be 10am to 6pm.

A plan of the proposed development is at **attachment 2**.

Submissions

The Development Application was notified to adjoining property owners from 26 October 2016 to 4 November 2016. At the completion of the notification period a total of eleven (11) submissions were received (see submissions at **attachment 3**).

It is noted that the submissions include one letter of objection and numerous letters of support.

Issues raised in the letter of objection included:

- The proposed business is not in keeping with the style/character of the surrounding businesses;
- The directly adjoining building is the Royal Hotel, a building of historical significance, often photographed by tourists, is this the image Bathurst wants to portray;
- Customers of the adjacent café have voiced concerns about dining in the vicinity of this type of premises;
- Footpath diners in front of the adjacent café will be able to see directly into the premises; and
- This type of premises has its place in society but not necessarily in such a prominent place in the main street.

Issues raised in letters of support noted the business has operated at another location in the CBD for several years without issue and that the industry is highly regulated.

Crime Prevention Through Environmental Design (CPTED) Principles

The Development Application has been referred to the NSW Police – Chifley Local Area Command under the agreed referral protocol for consideration against the Crime Prevention Through Environmental Design (CPTED) Principles. NSW Police have determined the proposed development to be Low Crime Risk.

The Development Application will be reported to the Ordinary Meeting of Council in December 2016.

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

MINUTE

19 Item 1 DEVELOPMENT APPLICATION NO. 2016/360 – CHANGE OF USE TO TATTOO STUDIO, SHOP FITOUT AND COFFEE WINDOW AT 106 WILLIAM STREET, BATHURST. APPLICANT: MR T TILLEY. OWNER: MS P CROGHAN (DA/2016/360)

Discussion included:

David Killen – on behalf of the applicant

Noted:

- Eleven submissions have been received, only one objection.
- This is an existing business operating in Bathurst.
- Noted proposed location is very similar to the nature of businesses that exist where the business currently operates.
- Fits within the commercial core guidelines/objectives.
- The business is well run and is local.
- Will not be identifiable as a tattoo parlour.
- The business is high quality custom tattoo work.
- Most issues raised by the objector can be dealt with by conditions of consent.
- There is not a "style" of person that attends a tattoo studio.
- The industry is highly regulated, the business has had no issues.
- Streetscape issues have been addressed.
- Council should promote a well run business like this.
- This is a discrete business and Council has been provided with details of how it will be advertised.

Sharyn Semmens – Real Estate Agent

Have worked with proponent. The legislation is very onerous. Have spoken to owner who is satisfied with the proposal. Noted the range of people who have tattoos. The proposal has been on the Western Advocate Facebook page, people are overwhelmingly in favour of the proposal.

Stacey Whittaker – President Bathurst Business Chamber

Spoke to the operations of the business and notes that it is currently a very discrete business. The Chamber is in support of local business and this proposal should be encouraged.

MINUTE

20 **Item 1.01 RESUMPTION OF STANDING ORDERS (11.00005)**
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council resume Standing Orders.

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

21 Item 13 AFL CLUBHOUSE (04.00042)

Cr Coote - asked what is happening with the lease on this facility?

The General Manager noted process undertaken and that the Council has recently determined to re-lease the facility to the Bushrangers AFL Club.

MINUTE

22 Item 14 LAGOON ROAD SPEED LIMIT (28.00011)

Cr Morse - noted history of speed limit on Ophir Road and its speed of 100km/hr. Queried why it has stayed at this level, whereas Lagoon Road speed limit was reduced.

The Acting Director Engineering Services advised the matter is one that RMS considers under various guidelines that they have in place.

MINUTE

23 Item 15 KEPPEL STREET CARPARK (22.00653)

Cr Morse - asked has the works in this area finished. Is there a water feature?

The Acting Director Engineering Services advised there will be no water feature, but is being constructed according to Water Sensitive Urban Design Guidelines.

MINUTE

24 Item 16 TREES - CORNER OF KEPPEL & BENTINCK STREET (13.00019)

Cr Morse - thanked Council for the works undertaken in this area. Further noted the proposal to add trees on the street verge at the Trade Centre.

MINUTE

25 Item 17 ROXBURGH DRIVE/HUGHES STREET (13.00019)

Cr Hanger - noted there have been around 20 trees planted on this corner, concerns have been raised about sight distance and safety issues. Could this be looked at?

MINUTE

26 Item 18 ROCKLEY VILLAGE MEETING (20.00177)

Cr Bourke - advised the signage into Rockley needs to be reworked.

MINUTE

27 MEETING CLOSE

The Meeting closed at 6.35 pm.

CHAIRMAN: _____