

30 June 2010

His Worship the Mayor & Councillors

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 7 July 2010 commencing at 5.00 pm.



D J Sherley  
GENERAL MANAGER

# **BUSINESS AGENDA**

## **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 7 JULY 2010**

1. 5PM MEETING COMMENCES
2. APOLOGIES
3. REPORT OF PREVIOUS MEETING
  - \* Minutes - Policy Committee Meeting - 2 June 2010
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. GENERAL BUSINESS
6. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS - Nil
7. DISCUSSION FORUM OTHER - Nil
8. MEETING CLOSE

## MINUTE

### 1 5PM MEETING COMMENCES

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

**In attendance:** General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Cultural & Community Services, Manager Corporate Governance, Acting director Environmental Planning & Building Services, Manager Recreation, Manager Technical Services, Operations Manager Water & Waste, Parks Operations Manager.

**MINUTE**

**2     APOLOGIES**

**MOVED: M Morse SECONDED: B Bourke**

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

POLICY COMMITTEE  
REPORT OF PREVIOUS MEETING

**REPORT OF PREVIOUS MEETING TO THE POLICY COMMITTEE MEETING HELD ON 7  
JULY 2010**

General Manager  
Bathurst Regional Council

**1 MINUTES - POLICY COMMITTEE MEETING - 2 JUNE 2010 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 2 June 2010 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 2 June 2010, are attached.

**Financial Implications:** N/A

**MINUTE**

**3     Item 1   MINUTES - POLICY COMMITTEE MEETING - 2 JUNE 2010**

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

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 2 June 2010 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 2 JUNE 2010**

**5PM MEETING COMMENCES**

**1**        **MEETING COMMENCES**

**Present:** Councillors Toole (Chair), Aubin, Bourke, Hanger, Morse, Thompson, Westman.

**In attendance:** General Manager, Director Corporate Services & Finance, Director Environmental Planning & Building Services, Director Engineering Services, Director Cultural & Community Services, Manager Corporate Governance, Manager Recreation, Manager Water & Waste, Manager Technical Services, Manager Environment, Manager Economic Development, Senior Development Control Planner, Development Control Planner.

**APOLOGIES**

**2**        **APOLOGIES**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

**RESOLVED:** That the apologies from Crs Carpenter & North be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

**3**        **Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 MAY 2010 (07.00064)**

**MOVED** Cr G Westman

and **SECONDED** Cr M Morse

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 5 May 2010 be adopted with the following amendments.

- General Business - Minute #5 - Poplars - Cr Thompson - requested item be reworded to state, "thinning the poplars to provide an opportunity for re-establishment".
- General Business - Minute #4 - Art Development - Cr Carpenter - requested the item should be reworded to state "Public Art".

**DECLARATION OF INTEREST**

**4**        **DECLARATION OF INTEREST**

**MOVED** Cr B Bourke

and **SECONDED** Cr G Westman

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



## **RECEIVE AND DEAL WITH DIRECTORS' REPORTS**

### **General Manager's Report**

**5** **Item 1 REVIEW OF CODE OF CONDUCT PROCEDURES- UNREASONABLE  
COMPLAINANT BEHAVIOUR (11.00024 41.0089)**

**MOVED** Cr G Westman and **SECONDED** Cr G Hanger

**RESOLVED:** That Council:

- (a) Adopt the amended Code of Conduct Complaints - Principles and Procedures Policy;
- (b) Note the report on experiences with the Code of Conduct.

## **GENERAL BUSINESS**

**6** **ECONOMIC DEVELOPMENT FORUM (07.00090)**

**Cr Thompson** – congratulated Economic Development Department for setting up the Forum, which is being held this week.

**7** **OFF TRACK EVENTS - V8 (04.00073)**

**Cr Thompson** – congratulated Council on the review. Opportunity to get Farmers Markets involved is exciting.

**8** **SYDNEY FESTIVAL (23.00026)**

**Cr Morse** – advised that Bathurst was represented in the Macquarie Visions Light Show at the Sydney Festival - it was excellent,

**9** **ADJOURNMENT (23.00026)**

The meeting adjourned at 5.05 pm for the Discussion Forum to be held at 5.15 pm.

The meeting reconvened at 5.15 pm.

## **DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

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

**10** **Item 1 DEVELOPMENT APPLICATION NO. 2010/0461 – DEMOLITION OF  
COMMERCIAL BUILDING AT 66-68 GEORGE STREET. APPLICANT: BOLAM  
PROPERTY INVESTMENTS PTY LTD. OWNER: BOLAM PROPERTY  
INVESTMENTS PTY LTD. (2010/0461)**

Discussion included:

**Ian McPherson (National Trust)**

There are 200 members of the Trust in Bathurst. People are concerned about Bathurst Heritage. We need constant vigilance about this heritage. Heritage is a tourism asset. Councillors are the custodian of community assets. Bathurst is Australia's oldest inland city and we need to protect evidence of this. Often have to argue on Bathurst Heritage and seem to keep losing. There is pressure on the CBD with growth, we are seeing incremental loss, often by neglect. We need to be brave about saving existing buildings. Adaptive re-use is an option, demolition should occur rarely. Streetscape of key CBD streets is very important. Where replacements occur we must ensure it is appropriate; colour, roof, pitch, etc.

**Margaret Glen (National Trust)**

Would like to reinforce what Ian McPherson said. Councillors need to be aware of heritage uses. Spoke to National Trust submission. This is a significant building built in 1853. Notes that engineers' report says building is unsound. The National Trust does not want to see demolition. If it does happen, then National Trust asks that consultation occur on the replacement building. The Trust Committee objects to total demolition, requests facade be retained where possible. Any replacement building should be 21st Century, reminding us of elements that have been lost.

**Henry Bialowas (Heritage Architect - representing Developer)**

Supports Heritage conservation, but spoke to issues involved with the building. Raised the concept of redundancy and the building structure with weight load down onto the bricks. The bricks (1850's) have issues with consistency and strength, and then eventual erosion of the bricks. The mortar is loose lime style and has issues with holding the bricks together. The building began as a hotel and after 1 year ceased trading and became shops/stores. Structural needs of these two structures are very different and many internal walls downstairs have been removed. The building may last a while but who knows? There has also been termite attacks of the building and the size of some floor beams have been compromised. The front wall is leaning into George street by 125mm. Spoke to heritage nature of the building and whether it is significant, just because it is 157 years old, does not in its own right make it significant. Referred to heritage assessments done on the building and site.

**David Pennells (Builder - representing the Developer)**

Undertook an assessment of the building. Has seen both Heritage assessments (Donaldsons & Calare Civil) and reviewed them. Spoke to costings if tried to restore, building scaffolding would cost \$175,000. Building cost would be double new structure. Noted issues with walls, termites etc. Replacing timbers would cost over \$500,000. Rising damp is very bad and significant failure has occurred. To comply with Australian Standards can only occur through demolition. The building has sick building syndrome due to rising damp, mildew, poor air quality (lack of ventilation). Can only recommend that the building be demolished. To repair to first class standard, would be more than double new building cost.

**Bruce Bolam (Purchaser)**

Considers himself to be a builder of businesses and property in Bathurst. Spoke to building works he has already done in Bathurst. As a long term business holder they need to be economically viable and add to the charm and style of Bathurst. Has an understanding of the heritage nature of Bathurst. Will soon be submitting a Development Application on Tindall's corner that will be sympathetic to the nature of Bathurst. Has done a lot of work to restore and revive the George and Howick Streets area in Bathurst. There is a significant problem with 66-68 George Street. In its current form, can never be economically viable. The building structurally is unsafe.

**Bob Triming (Chairman, Bathurst Regional Access Committee)**

In regards to the building in question, there has long been access problems. The law was changed last year that tenants must provide equal access to all persons. There is no way that the existing building can be altered to provide this. Further, next year greater access requirements will be brought in.

**11 Item 2 SUNNY CORNER - CONTAMINATED LAND POLICY (13.00008 & 41.00089)**

**The Director Environmental Planning & Building Services** gave history on this matter at Sunny Corner, and the implementation of the notation on S:149 Certificates by the former Evans Shire Council and the grant of \$50,000 from the State Government to undertake soil testing. Advised legal advice has been received on the development of a contaminated land policy. Tests were only on arsenic and lead levels. If people wish to live there and do no works on their properties, will not be required to undertake remediation.

Discussion included:

**Alvin Lawson (1317, Lot 2 Mitchell Street, Sunny Corner)**

Has been subject to testing by Barnson's. The report advises no contamination detected on site and properties either side were below problem levels. It does not appear lead is a problem in Mitchell Street. The site is suitable for residential use and does not pose significant risk of harm. Is there any reason a residential dwelling cannot be permitted and can either S:149 (2) or (5) Certificates be issued?

**The Director Environmental Planning & Building Services** spoke to legal advice and that only lead and arsenic were tested for. If a new dwelling is to be established, Council would want a site audit statement to say site OK for residence, as Council believes Sunny Corner is a contaminated area.

**B Ingham (West Mitchell Road - 3 miles outside village)**

Do not understand why involved in this, as outside the village. There is one hot spot on her property, cannot understand why, has had testing undertaken, area has been ploughed, still hotspot there. Cannot find subsequently any contamination at this site. Why is farmland included in the study area? Queried how sampling occurred.

**The Manager Environment** spoke to testing regime put in place and how measured. At this time, would need to take on notice the question why property was included in the study area.

Alvin Lawson (1317, Lot 2 Mitchell Street, Sunny Corner)

Spoke to significant risk of harm issue in Barnon's report. Why do residents need a 2nd report, surely Barnson's report is sufficient?

**MEETING CLOSE**

**12 MEETING CLOSE**

The Meeting closed at 6.25 pm.

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

**Date:** \_\_\_\_\_ **(16 June 2010)**

**MINUTE**

**4     DECLARATION OF INTEREST**

**MOVED: I North SECONDED: M Morse**

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

POLICY COMMITTEE  
DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT  
7 JULY 2010

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT TO THE POLICY  
COMMITTEE MEETING HELD ON 7 JULY 2010**

General Manager  
Bathurst Regional Council

**1 DELEGATIONS REGISTER UPDATE (13.00020, 41.00088)**

**Recommendation:** That Council adopt the change to the Delegations Register as tabled.

**Report:** Council has received a request from the NSW Rural Fire Service to amend the Delegations Register as indicated below:

**NSW Rural Fire Service - Chifley Zone**

Council has received a request from the NSW Rural Fire Service (RFS) to allow the Zone Manager authorisation to expend Council funds. The Chifley Zone has a number of line items within Council's budget for which it is ultimately responsible. A Delegation authorising the Zone Manager to approve payments of up to \$1,000 would make the process of organising maintenance and repairs of RFS vehicles run more efficiently. All approvals by the RFS would then be subject to review by the Manager Corporate Governance prior to payment being made.

The suggested wording is as follows:

*That Council Delegate to the Zone Manager, Chifley Zone, NSW Rural Fire Service, the authority to approve payments and expenditure up to \$1,000.*

It is recommended that Council delegate authority to the Zone Manager, NSW Rural Fire Service, Chifley Zone, to authorise payments and expenditure up to \$1,000.

A copy of the updated Delegations Register is shown at **attachment 1** (see Page 3).

**Financial Implications:** There are no financial implications resulting from this report.

**MINUTE**

**5     Item 1   DELEGATIONS REGISTER UPDATE**

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

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



## **2 POLICY MANUAL UPDATE - DESIGNATED PERSONS (41.00089, 11.00002)**

**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, however, the Manager Economic Development has not been included to date.

It is recommended that Manager Economic Development be included on 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:** There are no financial implications resulting from this report.

**MINUTE**

**6     Item 2   POLICY MANUAL UPDATE - DESIGNATED PERSONS**

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

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

Yours faithfully



R Roach  
**DIRECTOR  
CORPORATE SERVICES & FINANCE**

POLICY COMMITTEE  
GENERAL BUSINESS MINUTES  
7 JULY 2010

**MINUTE**

**7      PIGEONS 14.00009**

**Cr Bourke** – asked could Councillors be advised of any actions occurring.

**MINUTE**

**8      BERRY PARK & BRIDGE AREA 2010/0491**

**Cr Bourke** – asked when will work occur that has been budgeted for.

**The Director Engineering Services** advised money provided for works on townside of the bridge.

## MINUTE

### 9 HEREFORD STREET 25.00035

**Cr Aubin** – advised that when rain occurs the road easily floods and covers footpath. Can we look at what could possibly be done to alleviate this.

**The Director Engineering Services** advised of process needed through fisheries to clean creek.

**MINUTE**

**10     ONE LOCAL GOVERNMENT ASSOCIATION 18.00105**

**Cr Morse** – asked does Council have a position on this.

**The Mayor** advised he will come back to Council with LG&SA proposal.

**MINUTE**

**11     HOLY FAMILY, MARSDEN LANE 25.00124**

**Cr Westman** – suggested may need crossings here, can we look at this?

**The Director Engineering Services** advised that the matter will be reviewed and advice will be provided to Councillors.



**MINUTE**

**12     SOARING CLUB 2010/0153**

**Cr Westman** – asked will we look at guidelines for use of site and what can occur .

**The Manager Strategic Planning** advised can look at this if there is an intensification of use at the site

## MINUTE

### 13 RENAMING OF KELSO 20.00059

**Cr Westman** – advised a proposal has been received concerning the naming of areas in Kelso. What are we doing about this?

**The Manager Strategic Planning** advised zoning of area etc is being looked at. It is preferable that renaming awaits finalising of this process.

**MINUTE**

**14     BIKE PARK PROPOSAL 20.00117**

**Cr Westman** – spoke to recent trip to Mt Stromlo re bike facilities and thanked staff for their assistance.

**MINUTE**

**15     SUCCESSION PLAN - MACHATTIE PARK & KINGS PARADE 04.00012, 04.00039**

**Cr Carpenter** – advised that issue of what trees will be used for replacement needs to be considered. Can Council develop a succession plan.

**MINUTE**

**16     STREET BEAUTIFICATION PLAN 20.00019**

**Cr Carpenter** – requests Council review the CBD Beautification Plan and the possibility of planting more trees in this program.

**MINUTE**

**17     ONE ASSOCIATION PROPOSAL 18.00105**

**Cr Carpenter** – spoke to proposal and recent vote by the Shires Association to form one association.

**MINUTE**

**18     AUTUMN COLOURS PROGRAM 23.00060**

**Cr Hanger** – thanked the Visitors Information Centre staff for work put into this program.

**MINUTE**

**19     GET KNOTTED PROGRAM 23.00133**

**Cr North** – thanked the staff for the work they put into this project.



**MINUTE**

**20     MEETING CLOSE**

The Meeting closed at 5.15 pm.

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

**Date:** \_\_\_\_\_ **(21 July 2010)**