

25 September 2019

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -  
Wednesday, 2 October 2019**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 2 October 2019 commencing at 6.00 pm.



D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

## **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 2 OCTOBER 2019**

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

**2. PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

3.01 Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

3.02 I would like to acknowledge that this meeting is being held on the traditional lands of the Wiradjuri people and recognise the strength, resilience and capacity of Aboriginal people in this land.

**3. APOLOGIES**

**4. REPORT OF PREVIOUS MEETING**

\* MINUTES - POLICY COMMITTEE MEETING - 4 SEPTEMBER 2019

**5. 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 Part 4 and Part 5 of the Council Code of Conduct, in relation to Declaration of Interest at meetings.

**6. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

**7. RESOLVE INTO OPEN COMMITTEE**

**8. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**9. GENERAL BUSINESS**

**10. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

**11. DISCUSSION FORUM OTHER**

**12. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

A minute silence was held in respect to the recent passing of Robert Pattinson.

**Present:** Councillors Bourke (Chair), Aubin, Christian, Fry, Hanger, Morse, North, Rudge.

## MINUTE

### 2 APOLOGIES

MOVED: Cr J Rudge SECONDED: Cr A Christian

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

**REPORT OF PREVIOUS MEETING AND MINUTES**

POLICY COMMITTEE

## **1 MINUTES - POLICY COMMITTEE MEETING - 4 SEPTEMBER 2019 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 4 September 2019 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 4 September 2019, are **attached.**

**Financial Implications:** N/A

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

- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**3**     Item 1    MINUTES - POLICY COMMITTEE MEETING - 4 SEPTEMBER 2019  
(07.00064)

MOVED: Cr I North SECONDED: Cr J Rudge

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 4 September 2019 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 4 SEPTEMBER 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Fry, Jennings, Morse, North, Rudge.

**APOLOGIES**

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

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

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 AUGUST 2019 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr J Fry

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 7 August 2019 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

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





**9** **Item 3 RAILWAY MUSEUM 21.00146**

**Cr Bourke** - Noted Museum works are progressing and carriage is now on site.

**10** **Item 4 INTERPRETATION FUND GRANT GROUND PENETRATING RADAR (GRP) 13.00091**

**Cr Rudge** - Noted consultant engaged to undertake GPR in Charlotte Street/ lower William Street area. Hoping to find remnants of old government buildings and the Bathurst Female Factory. Hope to involve community. Construction of plaque commemorating women in the Female Factory has commenced.

**11** **Item 5 COUNCIL WEBSITE CHIFLEY DAM INFORMATION 32.00005**

**Cr Jennings** - Noted current information format and asked if there were other indicators that could be used to give people a better understanding?

**12** **Item 6 WATER TANKS ON PRIVATE PROPERTY 32.00017**

**Cr Jennings** - Asked if Council has data on the number of tanks in private residences and whether this could be utilised for additional storage?

**Director Engineering Services** - Advised no statistics available and believes this will have limited benefit.

**13** **Item 7 AERIAL WATER SURVEYS 32.00005**

**Cr Jennings** - Noted State Government Department is conducting aerial water surveys. Are we part of it?

**Director Engineering Services** - Aware of program and hope to become involved.

**14** **Item 8 PARKING IN LOWER KEPPEL STREET 28.00006**

**Cr Jennings** - Noted with new Businesses in Tremains Mill street parking is at capacity. Can investigate options?

**Director Engineering Services** - Advised this can be reviewed.

**15      Item 9 PARKING BETWEEN SEYMOUR AND HAVANNAH STREETS 28.00006**

**Cr Jennings** - Believes there is an interest in implementing two hour parking.

**Director Engineering Services** - Advised this could be reviewed if a formal request is received.

**16      Item 10 WINTER FESTIVAL 2020 23.00152**

**Cr Jennings** - Will Keppel Street be included in 2020 plans?

**Director Corporate Services and Finance** - Advised yes, this will be included.

**17      Item 11 PROFESSOR BLAKEY VISIT 23.00005**

**Cr Jennings** - Gained a lot from visit and thanked Director for organising visit.

**18      Item 12 ABANDONED MOTOR VEHICLE STEWART STREET 30.00005**

**Cr Aubin** - Noted vehicle has been removed.

**19      Item 13 KEPPEL STREET PARKING 28.00006**

**Cr Aubin** - Noted additional capacity available in railway carpark.

**20      Item 14 WATER PIPELINE 32.00046**

**Cr Aubin** - Can we look at installation of pipeline in conjunction with Regis water pipeline from Lithgow.

**Director Engineering Services** - Advised listed for review in the long term, currently focusing on shorter term options.

**21      Item 15 HOSPITAL SERVICES ACTION GROUP 18.00035**

**Cr Aubin** - Spoke to recent attendance of health representatives at Council, issues relating to services at Bathurst Hospital, and activities of Action Group.

**22**      **Item 16 WATER CONFERENCE 23.00007**

**Cr Fry** - Attended water conference with other Council representatives. State Government is looking seriously at the water issue and hope Council will benefit from State program.

**23**      **Item 17 IRRIGATORS MEETING 32.00017**

**Cr Fry** - Can we ask them to irrigate at night as this is a more efficient use of water?

**Director Engineering Services** - This is dependent of crops being grown.

**24**      **Item 18 WATER RESTRICTIONS 32.00017**

**Cr Fry** - Suspect people will use grey water from their homes in their gardens when restrictions are introduced. Can Council provide information on dangers associated with this practice?

**Director Engineering Services** - Advised Council is preparing information. Noted Council has grey water policy in place.

**25**      **Item 19 ROUNDABOUT MITRE/ SUTTON/ LAMBERT STREET 36.00713**

**Cr North** - Advised Cr Christian requested information on meeting with tenderer.

**Director Engineering Services** - Advised meeting held, however no formal schedule of works available yet.

**26**      **Item 20 STEWART STREET BUSINESSES 28.00006**

**Cr North** - Spoken to Businesses in Stewart Street, can we look at 30 minute parking?

**Director Engineering Services** - Advised investigation is currently underway.

**27**      **Item 21 WILLIAM STREET PARKING 28.00006**

**Cr North** - Have we investigated parking concerns in William and Russell Street area?

**Director Engineering Services** - Advised hope to have report available for October Traffic Committee.

**28**      **Item 22 MOUNT PANORAMA SIGN 04.00019**

**Cr North** - Believes money in budget has been reallocated.

**Director Engineering Services** - Advised cost exceeded funds allocated. Noted sign will be painted prior to October race meeting.

**Cr North** - Asked if sign could be painted more often?

**29**      **Item 23 ROCKLEY SCHOOL TREES 13.00019**

**Cr North** - Thanked Engineer for prompt response to tree issue at school. Asked if we can do a tree audit more often around schools etc?

**Director Engineering Services** - Spoke to previous tree audit and noted that only relates to trees on Council land.

**30**      **Item 24 GO KART TRACK DESIGN 2015/196**

**Cr North** - Asked where the design is up to?

**Director Engineering Services** - Advised awaiting response on proposed design from Karting bodies.

**31**      **Item 25 UPPER MACQUARIE COUNCIL 18.00172**

**Cr North** - Updated Council on activities on last couple months. Noted infringement notices have been issued. Staff will be meeting with constituent Councils and state and federal members before the end of the year. Raised concerns regarding effect weeds and the current drought will have on farmers.

**MEETING CLOSE**

**32**      **MEETING CLOSE**

The Meeting closed at 6.45 pm.

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

Precis:

**MINUTE**

**4 DECLARATION OF INTEREST**  
**MOVED: Cr J Rudge SECONDED: Cr W Aubin**

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

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

POLICY COMMITTEE

2 OCTOBER 2019



## **1 DRAFT AMENDMENT TO FOOTPATH RESTAURANTS POLICY (10.00004 & 07.00064)**

**Recommendation:** That Council:

- (a) place the draft amended Footpath Restaurant Policy on public exhibition for a period of 28 days;
- (b) notify premises and businesses conducting footpath dining of the draft amendment; and
- (c) note a further report will be provided to Council on the outcomes from the exhibition and notification process.

**Report:** Following representations made to Council in regard to footpath restaurant encroachment into pedestrian areas, and given the last review was in 2010, some amendments are proposed to Council's Footpath Restaurants Policy. A comparison between the current Policy and the proposed amendments is contained in **attachment 1**. Preliminary correspondence from Bathurst Region Access Committee, arising from discussions held between Committee representatives and Council staff, is at **attachment 2**.

The proposed changes continue to encourage outdoor dining as an important aspect of activation of the town centre and creating additional customer attraction for hospitality businesses, whilst preserving reasonable pedestrian access.

It is recommended the draft amendments be placed on public exhibition, including notification of all existing premises that have footpath dining. The outcomes of the exhibition process will be reported back to Council, and once the amendments come into effect, Council staff will conduct an awareness and compliance program to make sure the Policy is adhered to.

In summary, the main changes proposed include:

1. Creating a common width for pedestrian access of 2m rather than the differential arrangement in the current policy of 2m in some streets and 3m in high pedestrian areas. This is considered reasonable and sufficient pedestrian access, provided that area is kept clear of obstruction as a result of encroachment by diners, and provides greater certainty in maintaining the Policy objectives.
2. Defining how the 2m clear space is measured where there is reverse parking and footpath obstructions such as verandah posts. The intention is that 2m of pedestrian access is always provided, in addition to any space "lost" as a result of those obstructions.
3. Providing greater detail on places where footpath dining will be restricted because of safety risks (e.g. at intersections, where driver sight lines may be affected).
4. Allowing the approved area designated for footpath dining to be delineated so that all parties know the dimensions of the area that has been approved. This is expected to create clarity for staff setting up footpath furniture and, should the need arise, give greater certainty if compliance action is required. A recent trial has proven effective.
5. Allowing ornaments or pot plants to be included on the footpath (subject to Council approval) to enhance the customer experience, but only in the approved area and not encroaching into the pedestrian space.
6. Providing clarity that the Policy applies to footpath dining that is temporary (i.e. the furniture is taken away outside approved trading hours) and does not apply to permanent arrangements (which would be the subject of a development application and consent)

7. Limiting cross reference to other legislation to that of direct impact on footpath dining (consumption of liquor, smoking prohibited) and removing reference to certain other legislation, on the basis that a Council Policy should not need to remind members of the public to obey other laws.
8. Removing reference to the Building Code in relation to provision of toilets, as it seems onerous to expect a premises to build new toilets as a result of providing temporary footpath dining.
9. Inserting a reminder that a history of complaints or non compliance will be taken into account when a renewal is sought.
10. Inserting a transition clause that allows continuation of an existing approval under its approved terms until the renewal of that approval is due (i.e. a maximum of 12 months), at which time the new Policy requirements will prevail. It is not expected there will be many cases where the new Policy creates a greater restriction than what is already approved, rather, there might be a compliance matter that needs to be resolved.
11. A number of administrative updates and removal of inconsistent terminology.

The preferred location of footpath dining is adjacent to the wall of the premises rather than the kerb side of the footpath. Whilst it is acknowledged this may not be ideal for people with vision impairment, kerb side dining is problematic particularly where it adjoins reverse parking. Further, it minimises the conflict between pedestrians and the staff of the premises crossing the pedestrian area to serve customers.

**Financial Implications:** Nil.

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

- Objective 2: A smart and vibrant economy Strategy 2.1
- Objective 4: Enabling sustainable growth Strategy 4.6

### **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

## MINUTE

### **5 Item 1 DRAFT AMENDMENT TO FOOTPATH RESTAURANTS POLICY** **(07.00031 & 07.00064)**

**MOVED: Cr I North SECONDED: Cr A Christian**

**RESOLVED:** That Council:

- (a) place the draft amended Footpath Restaurant Policy on public exhibition for a period of 28 days;
- (b) notify premises and businesses conducting footpath dining of the draft amendment;  
and
- (c) note a further report will be provided to Council on the outcomes from the exhibition and notification process.

## **2 AMENDMENT TO ENFORCEMENT POLICY – WATER RESTRICTIONS (41.00089 & 03.00142)**

**Recommendation:** That Council:

- (a) adopt the draft amendment to the Enforcement Policy; and
- (b) enact this resolution immediately.

**Report:** Council at its Policy Committee meeting held 7 August 2019 resolved:

That Council:

- (a) place the draft amended Enforcement Policy on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the amended Enforcement Policy; and
- (c) if submissions are received, prepare a further report for Council.

The Policy was placed on the Your Say website and an advertisement was placed in the Western Advocate inviting submissions from the community. The Western Advocate also published an article on its website on 5 August 2019 discussing the proposed amendments to the Enforcement Policy.

One submission was received during the exhibition period (**attachment 1**). The submission requested the inclusion of a clause which allows for a reasonable dialogue with the party to discuss any mitigating circumstances which may relate to an alleged breach.

It is a minimum expectation for any officer investigating an alleged breach of any legislation to provide an opportunity for the alleged offender to discuss their actions and any mitigating circumstances. This practice is outlined in the Enforcement Policy, including the following:

- 11. *Options for dealing with confirmed cases of unlawful activities:*
  - (3) *Counselling the subject of the investigation to educate them on the relevant Council requirements*

and

- 12. *Taking enforcement action*
  - (7) *Does the person in breach show contrition?*  
(...)
  - (18) *Has the alleged offender been given an opportunity, if appropriate, to provide information as to why enforcement action should not be instituted?*

and

*In relation to the principles of natural justice as detailed in section 12:*

- (2) *All parties to the complaint must have the right to be heard*
- (3) *All relevant submissions and evidence must be considered*

Therefore it is not recommended that Council further amend the Policy in light of the submission, as the requested addition is already incorporated into multiple sections of the Enforcement Policy.

## Conclusion

It is therefore recommended that Council adopt the Enforcement Policy as exhibited.

**Financial Implications:** Nil.

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

- Objective 3: Environmental stewardship Strategy 3.2, 3.3, 3.5
- Objective 6: Community leadership and collaboration Strategy 6.1

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**6 Item 2 AMENDMENT TO ENFORCEMENT POLICY – WATER RESTRICTIONS**  
**(41.00089 & 03.00142 & 32.00017)**

**MOVED: Cr W Aubin SECONDED: Cr J Rudge**

**RESOLVED:** That Council:

- (a) adopt the draft amendment to the Enforcement Policy; and
- (b) enact this resolution immediately.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', followed by a period.

N Southorn  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

POLICY COMMITTEE

2 OCTOBER 2019

## **1 WEBCASTING OF COUNCIL MEETINGS POLICY (20.00315, 41.00089)**

**Recommendation:** That Council

- (a) Place the Webcasting of Council Meetings Policy on public exhibition for 28 days, and
- (b) adopt the Webcasting of Council Meetings Policy and update the Council Policy Manual, if no submissions are received.
- (c) receive a further report if any submissions are received during the exhibition period.

**Report:** As Councillors would be aware the Office of Local Government introduced the Code of Meeting Practice for Local Councils and this incorporated a provision for webcasting of council meetings. Council subsequently adopted its Code of Meeting Practice.

Council has installed the equipment to allow webcasting to be undertaken. Prior to any public webcasting of council meetings council must adopt a policy governing the webcasting of council meetings. A policy has been drafted and is provided at **attachment 1**.

It is recommended that Council

- (a) Place the Webcasting of Council Meetings Policy on public exhibition for 28 days, and
- (b) adopt the Webcasting of Council Meetings Policy and update the Council Policy Manual, if no submissions are received.
- (c) receive a further report if any submissions are received during the exhibition period

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

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

- Objective 6: Community leadership and collaboration Strategy 6.1
- Objective 6: Community leadership and collaboration Strategy 6.4
- Objective 6: Community leadership and collaboration Strategy 6.5

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.



## MINUTE

**7 Item 1 WEBCASTING OF COUNCIL MEETINGS POLICY (11.00005, 41.00089)**  
**MOVED: Cr J Fry SECONDED: Cr M Morse**

**RESOLVED:** That Council

- (a) Place the Webcasting of Council Meetings Policy on public exhibition for 28 days, and
- (b) adopt the Webcasting of Council Meetings Policy and update the Council Policy Manual, if no submissions are received.
- (c) receive a further report if any submissions are received during the exhibition period.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jones', written over a large, hand-drawn oval shape.

A Jones  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

**GENERAL BUSINESS**

POLICY COMMITTEE

## MINUTE

### 8 Item 1 BUS SHELTER ROCKLEY 28.00022

**Cr North** - Requested Bathurst Regional Council give consideration to installing a bus shelter near Rockley School.

Cr North tabled a request from the bus line operator

## MINUTE

### 9 Item 2 BATHURST CYCLING CLASSIC - COMMUNITY FEEDBACK 23.00128

**Cr North** - Sought an update on the community feedback that Bathurst Regional Council has received in relation to the Bathurst Cycling Classic.

**Acting General Manager** - advised positive feedback had been received, and reminded Council of the upcoming information sessions.

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to the Policy Meeting 02/10/2019

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GENERAL MANAGER

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MAYOR  
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**MINUTE**

**10 Item 3 PERTHVILLE ROADWORKS 25.00131**

**Cr North** - Requested an update on this project.

**Director Engineering Services** - Advised that as soon as the sealing contractor was available that the works would be completed.

**MINUTE**

**11 Item 4 PERTHVILLE MULTI- PURPOSE COURTS 37.00562**

**Cr North** - Requested an update on this project.

**Director Engineering Services** - Advised that the tenders for this project are anticipated to be called by the end of October.

## MINUTE

### 12 Item 5 MITRE / SUTTOR/ LAMBERT STREETS ROUNDABOUT 36.00713

**Cr North** - Requested an update on the progress of this project.

**Director Engineering Services** - Advised that Bathurst Regional Council is waiting on the availability of service providers to co-ordinate a combined site meeting.

## **MINUTE**

### **13    Item 6    STREET SIGN AUDIT 28.00007**

**Cr Christian** - Asked when Bathurst Regional Council has last undertaken a street sign audit in the CBD?

**Director Engineering Services** - Took the question on notice and will respond directly back to Councillors.



## **MINUTE**

### **14 Item 7 WEEDS ON SYDNEY ROAD & STEWART STREET 25.00018**

**Cr Christian** - Noted that the weeds along Sydney Road - Stewart Street are not being controlled, and requested that Bathurst Regional Council follow- up the RMS.

**Director Engineering Services** - Advised that Sydney Road is part of a regular maintenance contract, and the other roads will have the timing of their programmed maintenance reviewed.

**MINUTE**

**15    Item 8    NEW MAYOR 12.00005**

**Cr Christian** - Congratulated Cr Bourke on his appointment as Mayor, and looks forward to Councillors working together.

## **MINUTE**

### **16    Item 9    STATE OF WATER EMERGENCY 13.00031**

**Cr Fry** - Foreshadowed a notice of Motion seeking Bathurst to be declared in a state of water emergency. Asked the Director Engineering Services whether this declaration would be positive or negative step.

**Mayor** - Responded that a meeting has been secured with the Minister for Water, Melinda Pavey MP on 23 October.

**MINUTE**

**17 Item 10 LANDSCAPE RESILIENCE FIELD DAY 23.00026**

**Cr Fry** - Advised of the Landscape Resilience Field Day being held in Bungendore on 2nd November and encouraged Councillors and Council Staff to attend.

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to the Policy Meeting 02/10/2019

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GENERAL MANAGER

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MAYOR  
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**MINUTE**

**18 Item 11 LARGE DATA CENTRE FOR BATHURST 20.00105**

**Cr Fry** - Requested a report on the scope and feasibility on the development of a large data centre in Bathurst.

**MINUTE**

**19 Item 12 MEALS ON WHEELS 18.00236**

**Cr Morse** - Tabled Meals on Wheels' AGM report, and acknowledged the assistance that Bathurst Regional Council has provided to Meals on Wheels.

## MINUTE

### 20    Item 13    LIBRARY SERVICE IN BATHURST 21.00054

**Cr Morse** - Spoke of the recent article in the Sydney Morning Herald. Commended Bathurst as being one of the leading libraries with the range of services provided. Sought Bathurst Regional Council to continue collaboration with the Historical Society.

**MINUTE**

**21 Item 14 BUS PARKING BEHIND MCDONALDS 25.00004**

**Cr Morse** - Asked if there were any plans to improve the bus parking area behind McDonalds, specifically in relation to signage and accessibility.

**Director Engineering Services** - Advised that Bathurst Regional Council has received funding with works to be completed by December.



**MINUTE**

**22    Item 15    10 WILLIAM STREET 22.03984**

**Cr Morse** - Asked if Bathurst Regional Council could do anything in relation to the current appearance of 10 William Street?

**Director Environmental Planning Building Services** - Noted that the building is in poor condition, and that Bathurst Regional Council has made attempts to contact the owner.

**MINUTE**

**23    Item 16    COUNCIL EMAIL ACKNOWLEDGEMENT 15.00025**

**Cr Morse** - Sought an update on providing an automated acknowledgement to emails sent to Bathurst Regional Council.

**Acting General Manager** - Advised that works on this facility are underway.

## **MINUTE**

### **24    Item 17    BOYD STREET PROPERTY 13.00025**

**Cr Aubin** - Asked what Bathurst Regional Council can do in relation to the rubbish that is being stockpiled on a property in Boyd Street. Mentioned that Vermin appears to be encroaching on neighbouring properties.

**Director Environmental Planning Building Services** - Advised that Bathurst Regional Council have powers when there is a public health risk, and will look into the situation.

**MINUTE**

**25    Item 18    PARKING IN FRONT OF OLD AMBULANCE STATION 28.00006**

**Cr Aubin** - Advised that the traffic Committee have approved the installation of parking signs in front of the old Ambulance Station in William Street.

## **MINUTE**

### **26    Item 19    MAYOR'S MEETINGS WITH MINISTERS 11.00005**

**Cr Aubin** - Requested an update from the Mayor in relation to the recent meetings held with State Ministers.

**Mayor** - Provided an update of the separate meetings held with the Minister for Mental Health, Regional Youth and Women, Bronwyn Taylor MLC, and the Minister for Counter Terrorism and Corrections, Anthony Roberts MP.

**MINUTE**

**27    Item 20    RED BENCH PROJECT 07.00107 & 04.00039**

**Cr Rudge** - Spoke of the launch of the Red Bench in Kings Parade, and thanked the Council staff involved in making this happen.

**MINUTE**

**28    Item 21    BRAG ART FAIR 21.00002**

**Cr Rudge** - Spoke of the BRAG Art Fair and their fundraising activities to buy permanent collection items. Thanked Council staff for their continued support of the BRAGS Committee.

**MINUTE**

**29    Item 22    COLLEGE ROAD PARK 04.00034**

**Cr Rudge** - Thanked Council staff for works that have been completed at the College Road park. Noted that the CWA are intending to donate a bench for the park.



**MINUTE**

**30    Item 23    RIVER ROAD 25.00125**

**Cr Rudge** - Thanked Council staff for repairing the pot hole on River Road. Asked for an update on the installation of no standing signs?

**Director Engineering Services** - Advised that this has been referred to the next traffic committee for consideration.

**MINUTE**

**31    Item 24    HEREFORD STREET CAR PARK 25.00035**

**Cr Rudge** - Thanked Council staff for the works to improve the car park near the low level bridge along Hereford street.

**MINUTE**

**32    Item 25    MACHATTIE PARK AMENITIES 04.00012**

**Cr Rudge** - Thanked Council staff for the recent installation of mirrors into the toilet blocks in Machattie Park.

**MINUTE**

**33    Item 26    MORSE PARK AMENITIES 04.00045**

**Cr Rudge** - Thanked Council staff for the tidy- up that has recently been undertaken at the amenities building in Morse Park.

**MINUTE**

**34    Item 27    WOMEN IN TRADES DAY 23.00026**

**Cr Rudge** - Updated Council on the recent "Women in Trades Day" that was held at CSU.

**MINUTE**

**35    Item 28    OCTOBER - BREAST CANCER AWARENESS MONTH 23.00026**

**Cr Rudge** - Spoke of the recent launch of Pink up Bathurst, and thanked Council staff for their support and involvement with this initiative.

## **MINUTE**

### **36    Item 29    LOCAL HEALTH SERVICE 18.00234**

**Cr Rudge** - On behalf of Cr Jennings acknowledged the work that Cr Aubin has been doing in relation to the local health service situation. Requested Bathurst Regional Council re-establish the Bathurst Health Council, and include appropriate representatives from the sector.

**MINUTE**

**37    MEETING CLOSE**

The Meeting closed at 6.45 pm.

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

Precis:



**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'  
REPORT - ATTACHMENTS**

POLICY COMMITTEE

2 OCTOBER 2019

<b>POLICY:</b>	FOOTPATH RESTAURANTS
<b>DATE ADOPTED:</b>	<b><u>(insert amendment details)</u></b> Director Environmental, Planning & Building Services Report #1 Policy 3 February 2010 Council 17 February 2010 Minute Book No. 10857
<b>ORIGINAL ADOPTION:</b>	Director Environmental, Planning & Building Services Report #7 Council 31 January 2007 Minute Book No. 10040
<b>FILE REFERENCE:</b>	20.00035
<b>OBJECTIVE:</b>	To establish guidelines for the commercial use of public <b><u>areas footpaths for outdoor dining.</u></b>

## 1. INTRODUCTION

Bathurst Regional Council recognises the benefits of commercial use of public areas and its contribution towards the overall streetscape atmosphere. Outdoor eating gives people the opportunity to enjoy the outdoor urban environment.

This policy has been formulated by Bathurst Regional Council under the powers contained within Part 9 Division 1 section 127 of the Roads Act 1993 as amended.

*"Division 1 Footway Restaurants"*

### **125 Approval to Use Footway for Restaurant Purposes**

1. *A Council may grant an approval that allows a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in the Council) to use part of the footway for the purposes of the restaurant.*
2. *An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the Council determines.*
3. *An approval may not be granted in respect of a footway of a classified road except with the concurrence of the RMS.*
4. *The term of an approval is to be such period (not exceeding 7 years) as is specified in the approval.*
5. *An approval lapses at the end of its term or, if the part of the footway the subject of the approval ceases to be used for the purposes of a restaurant, when that use ceases.*

### **126 Authority to Erect Structures**

1. *A Council:*

(a) -may authorise the holder of an approval to erect and maintain structures in, on or over any part of the footway the subject of the approval, or  
 (b) may, at the request and cost of the holder of the approval, erect and maintain any such structure.

2. The Council may erect and maintain structures in, on or over any part of the footway the subject of an approval for the protection of public health and safety.

### 127 Effect of Approval

While an approval is in force:

(a)        The use of the footway for the purposes of a restaurant; and

(b)        The erection and maintenance of structures on the footway in accordance with an authorisation given in respect of the approval are taken not to constitute a public nuisance and do not give rise to an offence against this or any other Act.

## 2. AIM

- 2.1 The aim of this policy is to provide a consistent city wide policy that ensures quality aesthetically pleasing, safe and practical footpath restaurant.
- 2.2 The policy also provides a clear procedure on how to apply for footpath restaurant approval and comply with the appropriate standards.

## 3. BENEFITS

- 3.1 The provision of outdoor living opportunities like footpath restaurants encourages urban regeneration, boosts trade for other retailers and enriches the city's image and lifestyle.
- 3.2 The Footpath Restaurants Policy applies to all outdoor seating areas on public ~~footpaths, land where any food and alcoholic or non-alcoholic refreshments are served to patrons.~~

## 4. APPROVALS FOR FOOTPATH RESTAURANTS

- 4.1 An approval of Council is required prior to the operation of any footpath restaurant.
- 4.2 An application is to be accompanied by the following:
- (a) ~~Council's~~ An application form, ensuring that plans showing ~~proposed~~ estimated area are included.
- (b) Photograph and/or specifications of proposed furniture.
- (c) Clear scaled plan of the proposed layout of the furniture including the location of existing fixed street furniture such as bins, lighting poles, fixed road signs and posts supporting an overhead awning.
- (d) Details of the proposed hours of operation.
- (e) Written evidence of appropriate public liability insurance.
- (f) Where the serving of liquor is involved, a copy of the Liquor Licence.
- (g) A declaration in relation to safety incidents or complaints
- (hf) Fees in accordance with Council's current Revenue Policy ~~schedule for fees and charges.~~

Council will consider each application on its merits and as per guidelines set out in this document.

#### If the Application is Approved

- (a) Applicant will be advised of approval.
- (b) Council's ~~approval consent~~ will be limited to 12 months or the commencement of the next financial year, whichever is the sooner.
- (c) The annual licence fee is to be paid prior to commencement of operations.
- (d) Permits are issued on a financial yearly basis, i.e. 1 July to 30 June.

#### If the Application is Refused

- (a) Council will advise the applicant, in writing, that the application is refused.
- (b) Application fee will not be refunded.
- (c) Private use of footpath will not be permitted.

### 5. INFORMATION FOR FOOTPATH RESTAURANT/OUTDOOR SEATING PERMIT APPLICATION

#### 5.1 Urban Design Guidelines

- 5.1.1 The aim of the urban design guidelines is to enhance the character and vitality of the area and prevent safety hazards and access problems. ~~This also means that the Laws of the Commonwealth Disability and Discrimination Act need to be adhered to.~~
- 5.1.2 A footpath restaurant may be approved in any public area where the local conditions are favorable for it to operate.
- 5.1.3 Footpath restaurants are not permitted in potentially hazardous areas such as corners of street intersections (refer Figure 1 in Attachment 1), however some areas may be considered on merits if safety issues are adequately addressed.
- 5.1.4 The following design considerations are taken in to account when an application for a footpath restaurant is assessed:
  - (a) Pedestrian and Vehicular circulation.
  - (b) Safety and convenience of patrons and public.
  - (c) Existing streetscape elements.

#### 5.2 Circulation

- 5.2.1 An unobstructed passage for pedestrian movement of at least 2.0 metres wide ~~in low pedestrian areas and 3.0 metres wide in high pedestrian areas~~ shall be maintained at all times. ~~Examples of high pedestrian areas include:~~
  - ~~(a) ——— William Street between Durham and Russell Streets;~~
  - ~~(b) ——— George Street between Howick and Russell Streets;~~
  - ~~(c) ——— Keppel Street between Seymour and Bentinck Streets; and~~
  - ~~(d) ——— Howick Street between Bentinck and George Streets.~~
- 5.2.2 The width of the pedestrian movement area is measured as follows:
  - (a) where parallel parking occurs on the road adjacent to the footpath – 600 mm from the rear of the kerb

(b) where reverse angle parking occurs on the road adjacent to the footpath – 900 mm from the rear of the kerb

(c) where there are posts supporting an overhead awning – from the footpath side of the post

Street furniture, plants, advertisement boards etc, are not permitted at any time into the pedestrian movement area.

5.2.3 The preferred location of a footpath restaurant is to be directly adjacent to the respective indoor facility, ~~rather than separated by a pedestrian through gate and not encroach into the frontage of adjoining premises.~~

5.2.4 If required by Council, the approved area shall be delineated on the footpath by a method approved by Council

### 5.3 Safety and Convenience

5.3.1 All footpath restaurants must take patron's safety into account. Council may require confirmation of safe work methods as part of the application and renewal process.

### 5.4 Existing Streetscape Elements

5.4.1 Where possible, the footpath restaurant should visually relate and be visually aligned to the existing features and elements of the street, such as trees, lighting elements, bollards, etc.

### 5.5 Permanent Structures

5.5.1 A footpath restaurant approval does not give approval to permanent structures on, adjoining or above the footpath. An application for development consent must be made to seek approval for permanent structures.

## 6. FURNITURE GUIDELINES

### 6.1 Layout

6.1.1 The layout of the furniture should provide enough space and practicality to ensure patrons comfort and deter patrons from moving furniture outside the approved/licensed area.

6.1.2 The furniture layout must conform to the approved layout at all times to ensure good circulation and safety in accordance with the abovementioned.

~~6.1.3 Barricade fencing and solid obstructing fencing will not be permitted.~~

6.1.4 Umbrellas or other shade structures may be provided for shade and shelter and must be well secured in place to prevent them from being blown by wind.

6.1.5 Other items such as pot plants must be contained in the approved area and be included in the application for approval.

### 6.2 Furniture Style

6.2.1 Tables, chairs and other furniture should be strong durable waterproof and weather resistant, designed for commercial outdoor use and serviceable.

6.2.2 Furniture must be stackable or foldable for storage purposes.

## 7. GENERAL MANAGEMENT ISSUES

### 7.1 Maintenance

7.1.1 All furniture of footpath restaurant must be physically and aesthetically maintained to Council's satisfaction.

### 7.2 Storage

7.2.1 Outdoor furniture including shade umbrellas, pot plants and rigid dividers must be stored away from the public area outside hours of operation.

### 7.3 Hours of Service

7.3.1 The hours which the applicant intends to place tables and chairs on the public area need to be stated in the application and approved by Council and not be greater than any hours of operation set by conditions of development consent.

### 7.4 Rubbish and Cleaning

7.4.1 The site and furniture must be kept free from discarded rubbish and dirt at all times.

7.4.2 Regular cleaning of the area including furniture is required ~~and rubbish bins must be provided.~~

7.4.3 As with any restaurant, the outdoor eating area is subject to the N.S.W. Food Act 2003, Food Regulation 2004-2015 and Food Safety Standards.

### ~~7.5 Toilet Facilities~~

~~7.5.1 The Building Code of Australia requires that:~~

- ~~(a) access to toilet facilities must not be through any food preparation area.~~
- ~~(b) if the premises and footpath dining allows for twenty or more patrons, toilet facilities (including a disabled toilet facility) must be provided.~~

### ~~7.56 Advertising and Signage~~

~~7.56.1 Only the name or logo of the restaurant may be placed on the outdoor furniture and may only appear as a minor element on the furniture.~~

### ~~7.6 Smoking prohibited~~

~~Smoking is prohibited at footpath restaurants and within 4 m of the entrance or exit of a hospitality venue, in accordance with the following NSW Government regulation.~~

~~<https://www.health.nsw.gov.au/tobacco/Pages/commercial-outdoor-dining-laws.aspx>~~

## 8. APPROVAL CONDITIONS

Outlined below are some of the principle conditions that one would find in any Footpath Restaurant Licence. It should be noted that this list is not exhaustive and Council reserves the right to add, remove or amend these conditions.

### 8.1 Term

8.1.1 The length of approval will ~~generally~~ be twelve months or to the commencement of the next financial year whichever is the sooner. A letter will be issued to the applicant, advising of renewal, ~~then of~~ the renewal process and the fees for the financial year.

### 8.2 Maintenance

8.2.1 The grantee of Approval will be responsible for all maintenance and replacement of outdoor furniture ~~and. The grantee of approval~~ must keep the outdoor furniture in a physically sound, clean and aesthetically suitable conditions to Council's satisfaction.

8.2.2 Any damage caused to Council's footway by outdoor furniture and facilities will be the responsibility of the grantee of Approval. Such damage will be repaired by Council at cost to the grantee of Approval.

### 8.3 Site

8.3.1 The grantee of approval must keep all outdoor ~~eating~~ furniture and associated paraphernalia wholly within the approved areasite.

### 8.4 Indemnity

8.4.1 The grantee of approval will be required to indemnify Council against all actions, suits, debts, obligations, claims and other liabilities which may arise during the continuance of the approval.

### 8.5 Insurance

8.5.1 An ~~application approval~~ for footpath restaurant shall not take effect until the applicant has provided Council with a copy of a public risk policy with a minimum value of \$~~2~~40 million which contains the following clause:

"It is hereby agreed that the indemnity given by this policy is extended to the Bathurst Regional Council in respect to the operation of an approved footpath restaurant".

### 8.6 Serving of alcohol

8.6.1 Approval from Council to operate a footpath restaurant does not grant approval to serve alcohol. For the service of alcohol, a Liquor Licence that includes the footpath restaurant area must be obtained from Liquor and Gaming NSW. Any conditions applying to the Liquor Licence must be consistent with conditions imposed by Council for operation of the footpath restaurant. A copy of the Liquor Licence is to be provided to Council and, if proposed for a new footpath restaurant application, attached to the application.

## 9. FEES

9.1 There is an application approval fee for the use of a public road as a footpath restaurant plus an annual fee charged per square meter per annum published in Council's Revenue Policy and to be incorporated within Council schedules of fees and charges and set out in ~~detail in~~ the approval conditions.

9.2 Permits issued after 31 December of each financial year will be charged the annual fee on a monthly pro rata basis.

9.3 These fees will be determined on an annual basis by Council in accordance with the exhibition and adoption of Council's Revenue Policy ~~association with Council's annual review of its fees and charges schedule.~~

## 10. BUSINESS INTERRUPTION

10.1 Council will not accept any responsibility or liability for any interruption to business caused by the need for Council or any other authority to carry out any type of maintenance work on the approved footway area, inclement weather or any other interruption to business whatsoever caused.

## 11. RENEWAL OF APPROVAL LICENCE

11.1 Renewal of an approval is not automatic and will require an annual application.

~~Council will determine the length of the approval period and it will not normally exceed one year. If the use of the footpath as an outdoor eating area ceases, the approval will expire and you will need to reapply for consent.~~

11.2 Renewal of an approval will require previous adherence to all conditions of approval.

## ~~12. IMPROVEMENT OF POLICY~~

~~12.1 Council is aware that the business environment can change and that more efficient processes may become available. It is therefore important for the business community and public advice the Council on ways to improve the policy and to make it easier to understand. Please address your comments in writing to:~~

~~The General Manager  
Bathurst Regional Council  
Private Mail Bag 17  
Bathurst NSW 2795~~

## 12. TRANSITION ARRANGEMENTS

12.1 Should this amended Policy result in a reduction in the approved area for a particular premises, this amended Policy will apply at the time of renewal of an approval.



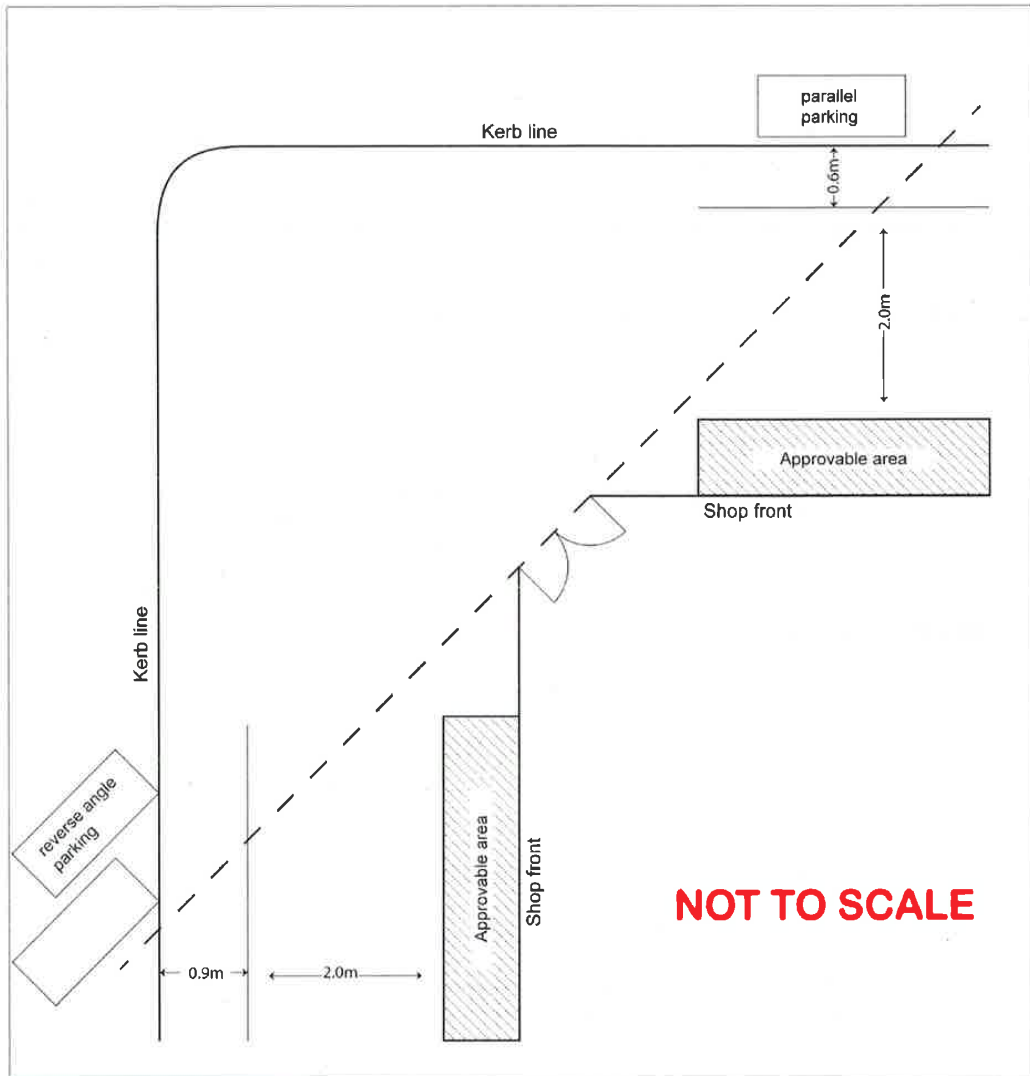


Figure 1. Typical arrangement at intersections

**Mr David Sherley  
General Manager  
Bathurst Regional Council  
158 Russell Street  
Bathurst NSW 2795**

Sunday, 4 August 2019

**For the attention of Mr Neil Southorn – Director Environmental, Planning & Building Services**

**Suggestions for Footpath Restaurants Policy Review**

**Dear Mr Southorn,**

After a lengthy informative discussion between yourself, Cr. North and the three members of the BRAC executive regarding the current difficulties related to the Footpath Restaurants Policy especially its enforcement, we wish to proffer the following suggestions via Cr. North our council delegate:

**1. That council reconsider Clause 5.1 – Circulation.**

Currently this clause has two standards for determining an unobstructed passage for pedestrian movement. One for 2 metres in some sections of the CBD & Keppel Street shopping precincts and in other areas a 3 metre wide unobstructed passage is currently required.

BRAC Suggested alteration:

That one consistent standard for unobstructed passage for pedestrian movement be applied to all areas where Footpath Restaurant dining is permitted. BRAC would agree to the current minimum width of unobstructed passage be adopted which is 2 metres dependent on this being adequately enforced.

The 3 metre width requirement is considered unworkable in all foot path areas and gives preferential treatment to some businesses over others.

Council would have to consider how best to define an obstructed pedestrian path taking into account verandah posts and reverse parked vehicles. BRAC would appreciate being permitted to discuss this with you prior to any draft policy being adopted!

**2. That council consider ways of enforcement.**

The current situation sees an apparent complete disregard for the conditions of approval for Foot path Restaurants as agreed to by some of the Grantees of approval. Council should consider ways of enforcement to avoid breaches of Clause 5.1.4 of the Urban Design Guidelines as outlined in the current policy.

BRAC suggestion:

BRAC would prefer council consider creating a self-enforcement environment with discretion being applied in the case where policy conditions cannot be sensibly met – but only after consultation with relevant stakeholders including the Access Committee.

A clause could be added to indicate that renewals of annual licences may be dependent on the ability of Grantees of exiting licences willingness and ability to adhere to the requirements of the policy as a whole.

When considering enforcement, Council needs to seriously consider Clause 6.1 Layout – 6.1.2 and 6.1.3 as these two clauses are the reason for most complaints to BRAC regarding difficulties of footpath access.

*6.1.2 The furniture layout must conform to the approved layout at all times to ensure good circulation and safety in accordance with the abovementioned.*

*6.1.3 Barricade fencing and solid obstructing fencing will not be permitted.*

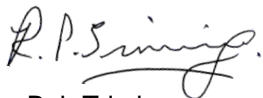
### 3. Transition Period:

BRAC does not consider a transition period should be permitted for any change of this policy. The current policy clearly states in Clause 8 Approval Conditions – That council reserves the right to add, remove or amend these conditions.

As there have been difficulties being encountered at some footpath dining sites for most of this year (detailed in previous correspondence from BRAC dated 7<sup>th</sup> April 2019) and as BRAC's suggested alterations to the current policy actually **benefit** all current Grantees, we don't see any reason for a period transition.

If further information or clarification is required, please do not hesitate to contact us.

Thank you for your time!



Bob Triming  
**Chairman / Secretary**



Irene Hancock  
**Vice Chairperson**



Blake Aubin  
**Vice Chairperson**

"While the new section 14 relates to breach of Water Restriction Levels 4, 5, 6 offenses, nowhere in the whole policy document is there an allowance for arbitration or dialogue between parties. Occasionally, there may be mitigating circumstances that may not be immediately apparent to Council enforcement officers. I suggest that the inclusion of a clause that allows for this reasonable dialogue be considered."

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT -  
ATTACHMENTS**

POLICY COMMITTEE

2 OCTOBER 2019

**POLICY: WEBCASTING OF COUNCIL MEETINGS POLICY**

**DATE ADOPTED:**

**FILE REFERENCE:**

## 1. PURPOSE

The purpose of this policy is to describe the provisions for the webcasting (streaming) of meetings of the Bathurst Regional Council (Council), and any of its committees containing only councillors as members.

## 2. POLICY BACKGROUND

- 2.1 Bathurst Regional Council is committed to transparent, inclusive and effective decision making, as described in its *Code of Meeting Practice* (the Code). All members of the community are entitled to attend Council meetings (except for those parts of meetings that have been closed to the public under section 10A of the Act). Council acknowledges public attendance at Council or Committee meetings may at times be difficult because of the timing and location of the meetings.
- 2.2 Webcasting and storage of these webcasts will provide members of the community with an additional way to access the meetings of the Council, at a time and place more convenient to them. Clause 5.18 of the Code deals specifically with webcasting.
- 2.3 The webcasting of Council meetings will assist in increasing community awareness of decision making at Council, alongside existing agendas, minutes and notices on the Council's website. The confirmed minutes of the Council constitute the definitive record of decisions from the Council meetings.
- 2.4 Confidential sessions of Council meetings, which are closed to the public under section 10A of the *Local Government Act (1993)*, will not be webcast.

## 3. DEFINITIONS

- 3.1 **Act of Disorder** means an act of disorder as defined in clause 15.11 of the Code
- 3.2 **Council** means Bathurst Regional Council.
- 3.3 **Inappropriate comment** means a comment that is deemed to be unacceptable to be made in the Council meeting, at the ruling of the Chair, and may include defamatory or discriminatory comments, comments that breach the privacy of others, and comments that violate the Code.
- 3.4 **Council meeting** means ordinary and extraordinary meetings of Council, as well as meetings of any of its committees containing only Councillors as members, conducted under the Code.
- 3.5 **Confidential session** is part of a meeting of Council or one of its committees from which the public and media have been excluded by a resolution of the Council or committee, in accordance with section 10A of the *Local Government Act 1993*.
- 3.6 **Executive staff** are the General Manager and Directors of Bathurst Regional Council.

#### 4. POLICY

- 4.1 This policy applies to all those persons attending Council meetings, including Councillors, staff, invited speakers, and members of the public, whether observing or contributing to the Council meeting being webcast.
- 4.2 This policy confers no delegated authority on any person or body.
- 4.3 All Council meetings will be webcast and also made available as recordings on the Council website, for a period of time to be determined by Council from time to time (currently six months) and consistent with the *State Records Act 1998*.
- 4.4 The requirements in the Code that no person attending a Council meeting may live stream or record the proceedings continue to apply. Only the official Council webcast may be used as a webcast or other live stream or recording of a Council meeting.
- 4.5 Viewers of the webcast, either live or recorded, are responsible for meeting the technology requirements, including internet connection, to achieve satisfactory viewing results. Council takes no responsibility and accepts no liability for the inability to access the webcast due to issues with the technology at the viewer's location or elsewhere outside the Council's network.
- 4.6 An announcement will be made prior to discussion of items of business in webcast meetings, clarifying that the meeting will be webcast, in addition to signage in the meeting and the meeting papers to the same effect. The announcement will also make clear to all those present that their attendance in the meeting constitutes consent for the webcasting and recording of their participation. The announcement and signage will also make clear that those present should refrain from any potentially defamatory, discriminatory or otherwise inappropriate comments during the meeting.
- 4.7 The webcast will operate with a slight delay, to allow for the webcasting to be halted should any act of disorder occur. Staff responsible for administering the webcasting are authorised to halt the webcast, at the direction of the Chair or members of executive staff present, should an act of disorder occur or where there is concern that an act of disorder has occurred. Staff will re-commence webcasting at the direction of these same persons.
- 4.8 Where in the opinion of the Chair and/or General Manager acts of disorder or otherwise inappropriate comments have been recorded as part of a webcast, the webcast may be edited upon their direction prior to being uploaded to the Council website. Any editing will be reported to a subsequent meeting of the Council.
- 4.9 No protection will be afforded by Council to Councillors, Council staff or members of the public who make comments in a Council meeting that is webcast, which are subsequently challenged in a Court of Law as defamatory, discriminatory or inappropriate in some other way. All those commenting at Council meetings should be aware that there is no absolute privilege for statements made at these meetings.
- 4.10 Prior to the commencement of a confidential session in a Council meeting, the staff administering the webcast will be asked to confirm that the webcast has been halted, before discussion in that session begins.
- 4.11 Where a technical problem causes an interruption to the webcast, Council takes no responsibility and accepts no liability for the affected part of the meeting being unavailable as a webcast.

- 4.12 Access to webcasts will be provided on Council's website for personal and non-commercial use. The contents of the webcast must not be altered, reproduced or republished without the permission of Council. Copyright for the recordings rests with Council.

**ASSOCIATED COUNCIL POLICIES**

- Code of Meeting Practice
- Code of Conduct

**ASSOCIATED LEGISLATION**

- Local Government Act 1993
- State Records Act 1998
- Privacy and Personal Information Protection Act 1998