

12 June 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,
19 June 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 19 June 2019 commencing at 6.15 pm.

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

TO BE HELD ON WEDNESDAY, 19 JUNE 2019

1. 6:15 PM - MEETING COMMENCES

2. PUBLIC FORUM

3. PRAYER

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.

4. APOLOGIES

5. MINUTES

- * MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 MAY 2019
- * MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 JUNE 2019

6. 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.

7. MAYORAL MINUTE

8. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

- * GENERAL MANAGER'S REPORT
- * DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
- * DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
- * DIRECTOR ENGINEERING SERVICES' REPORT
- * DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

9. REPORTS OF OTHER COMMITTEES

- * MINUTES - POLICY COMMITTEE MEETING - 5 JUNE 2019
- * MINUTES - TRAFFIC COMMITTEE MEETING - 7 MAY 2019
- * MINUTES - TRAFFIC COMMITTEE MEETING - 4 JUNE 2019

10. NOTICES OF MOTION

11. RESCISSION MOTIONS

12. COUNCILLORS/ DELEGATES REPORTS

* Nil

13. RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

Recommendation: That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005,:

- 1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
- 2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
- 3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	INTEREST ON OUTSTANDING RATES – ASSESSMENT 103258	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
2	RENEWAL OF RESIDENTIAL LEASE - LOT 2 DP1179272 KNOWN AS 447 CONROD STRAIGHT, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in

		open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	RURAL LICENCE AGREEMENT - LOT 3 AND LOT 10 DP231111 KNOWN AS 68 MOUNTAIN STRAIGHT MT PANORAMA.	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	PROPOSED TRANSFER OF COMMERCIAL LEASE OF ISPY COFFEE AT PART LOT 10 DP1157553 KNOWN AS DURHAM STREET CARPARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDER FOR SUPPLY AND INSTALLATION OF DESKTOPS/WORKSTATIONS AND LAPTOPS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the

		commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR INSTALLATION OF FITNESS STATIONS, BERRY & COUSINS PARK BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	TENDER FOR ROAD STABILISING WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
5	TENDERS FOR CLEANING OF PUBLIC BUILDINGS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

		Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
6	TENDER FOR THE PREFERRED CONTRACTORS LIST FOR MINOR WORKS	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
7	TENDER FOR DESIGN AND DOCUMENTATION OF CARRINGTON PARK GRANDSTAND EXPANSION	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
8	TENDER FOR REFURBISHMENT OF MACHATTIE COTTAGE, AT MACHATTIE PARK, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
9	CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUEL	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on

		balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
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14. RESOLVE INTO OPEN COUNCIL

15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

16. MEETING CLOSE

MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 MAY 2019 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 May 2019 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 May 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.

2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 5 JUNE 2019 (11.00005)

Recommendation: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 5 June 2019 be adopted.

Report: The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 5 June 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.

MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
HELD ON 15 MAY 2019

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

PUBLIC FORUM

2 PUBLIC FORUM

G Boshier & N Burgess – Youth Council spoke to the report to Council including; Y-Jam Event, Structure of the Youth Council and objectives. Applications opened today for the new Council.

J Blackwood – BCCAN and Greening Bathurst spoke of various neuro diseases that are around eg MND, they are terrible. Noted some of these diseases are due to environmental matters, referred to Blue Green Algae at Chifley Dam and the problems this can cause. Noted toxins generated and possible linkage to MND. Expressed concern at increased recreational use of Chifley Dam, noting Council is not measuring the toxins, this is difficult, but every effort needs to be made. Asks Council to obtain independent advice on this issue.

C O'Rourke – Ratepayer raised planning matters. Referred to house at 261 Lambert Street. Also noted house at 190 Rankin Street size, concrete levels utilised. Houses are often giant heat gatherers. People need to exercise, need more footpaths. Noted survey by general practitioners and results on mental health issues. Need to provide green open spaces, need well designed houses and footpaths. Request Council revisit the housing strategy and that a citizens' jury be formed.

EXTENSION OF TIME

MOVED Cr North and **SECONDED** Cr Morse

RESOLVED: That an extension of time be granted for C O'Rourke

S Miller - 720 Vale Road, Orton Park spoke to Development Application 2019/26 and colourbond shed that has been approved. Staff have not taken into account the balance of issues to be considered. Noted, has spoken to Cr Fry who was concerned. The Development Application was signed off by staff who had no knowledge of the historic home - 'Rainham'. The Development Application will destroy views for the 1830's homestead.

R Miller - 720 Vale Road, Orton Park owner of 'Rainham' and noted was not aware of the Development Application, first they knew about it was when a granite plinth arrived. Spoke to heritage nature of 'Rainham' and reference to it in various books. 'Rainham' is a significant heritage item and spoke to the building and people aligned with the building and its development. Suggest Council track down G Lupp's book and the history book on Thomas Raine. In regards to the colourbond shed, no consultation occurred.

S Bathgate - Bathurst Heritage Network (BHN) spoke to issue with 'Rainham' the owners should have been notified, referred to the Manning case and decision of the court. Then spoke to notification requirements of the DCP and public interest tests. There was no pre Development Application meeting as is required, nor is there a heritage assessment with the Development Application. The approval is deficient. Then spoke to the community consultation plan which is currently under consideration. Asks Planning Director get with Millers to get a compromise and that the Consultation Plan include stronger consultation requirements.

G Crisp - Ratepayer and Customer Water Supply currently being taken to court by the Electoral Commission and seeks Council support, relates to last time he stood for Council. Then spoke to s:411 of the Local Government Act and refusal by Council to provide him with explanations as requested. Feels if prosecuted then this could apply to some of the existing Councillors. Then spoke to Australian Electoral Act and whether it may contain similar provisions to the NSW Act may cause issues. Will subpoena Mr Sherley, the General Manager.

D McNab - Ratepayer - Mitre / Suttor / Lambert Intersection thanked the Director Engineering Services and staff for the work done on this project. On behalf of mothers and grandmothers of Bathurst, this was the second best mother's day present possible. Aware this is a large project and disruption will occur. Spoke to problems with existing intersection. Thanked Council for ability to speak at Council meetings and trusts this will continue.

N Cox - Resident suggests a Welcome to Country occurs before formal meetings. Then spoke to Traffic Study and questioned what is happening with the Central Business District (CBD) flow and parking provision in the city. Noted sustainability issues that need to be considered. Also raised Code of Meeting Practice discussion and the ability to speak to the Council in a Public Forum and the proposal for the General Manager to restrict the number of speakers.

P Dowling - Resident thanked the Director of Engineering Services for action taken at the corner of Peel and Lambert Streets, Bathurst. Then raised issue of 'Bathurst' being written under the Mount Panorama sign on the Mount. Needs a permanent sign put in, it goes back 20 years. Has spoken to Councillors many times on this proposal. Council need to provide funding for this work and get it done.

The Director Engineering Services advised planning work has occurred to get approvals in place for these works, also spoke to boardwalk project

B Trimming - Bathurst Regional Access Committee (BRAC) spoke to access to Electric Vehicle (EV) recharge centre, noted this is being looked at. Queried costings and who paid for charging stations and noted the number of EV fittings.

B Trimming - 213 George Street, Bathurst spoke to accessible parking issues, renovations that occurred on this site which meant that parking spot had to be relocated, who will fund.

B Trimming - Bathurst Regional Access Committee (BRAC) congratulations to Council for extra ramps for ANZAC Day. Then raised footpath dining issues and submission made to Council. Noted problems that are occurring and lack of footpath accessibility. Needs to be addressed. Request Council review the policy on footpath dining.

The Director Environmental Planning and Building Services advised that the Electronic Vehicle (EV) station concrete pad was funded by Council, units by Tesla.

The Director Engineering Services with reference to 213 George Street advised Council will pay.

APOLOGIES

3 APOLOGIES

Nil

MINUTES

4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 APRIL 2019 (11.00005)

MOVED Cr B Bourke

and **SECONDED** Cr W Aubin

RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 April 2019 be adopted.

5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 MAY 2019 (11.00005)

MOVED Cr W Aubin

and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Ordinary Meeting of Council following Policy held on 1 May 2019 be adopted.

DECLARATION OF INTEREST

6 DECLARATION OF INTEREST 11.00002

MOVED Cr I North

and **SECONDED** Cr J Rudge

RESOLVED: That the following Declarations of Interest be noted.

Cr Fry

Item #6 of the Director Environmental, Planning & Building Services report
Item #1 of the Director Engineering Services report

RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**General Manager's Report**

- 7** **Item 1 ABORIGINAL CULTURAL HERITAGE (20.00311, 23.00010, 09.00031)**
MOVED Cr W Aubin and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Director Environmental Planning & Building Services' Report

- 8** **Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

- 9** **Item 2 GENERAL REPORT (03.00053)**
MOVED Cr W Aubin and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 10** **Item 3 DEVELOPMENT APPLICATION NO. 2019/35 – DEMOLITION OF EXISTING SHED AND GARDEN SHED AND CONSTRUCTION OF A NEW SHED AT 60 COTTONWOOD DRIVE, EGLINTON. APPLICANT: MR J SMOOTHER. OWNER: MR JM SMOOTHER & MS M KNIGHT (DA/2019/35)**
MOVED Cr I North and **SECONDED** Cr J Fry

RESOLVED: That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2019/35, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and including the following conditions:
- i) The shed is not to be used for commercial or industrial purposes or the storage of goods associated with industrial or commercial undertakings,
 - ii) Provision for landscaping to be provided along the northern and eastern boundaries. The vegetation is to have a mature height of at least three (3) metres. The applicant will be required to submit a landscape plan to demonstrate this is achievable prior to the issue of a Construction Certificate.
 - iii) Restriction on when externally audible equipment can be used consistent with those outlined in the EPA Neighbourhood Noise Guidelines.
 - iv) Restriction that any works must be completed within the building and the doors must be closed when audible equipment is being used;

- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,
Against the motion - Nil
Absent - Nil
Abstain - Nil

11 **Item 4 LOCAL STRATEGIC PLANNING STATEMENT (20.00335)**

MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That Council note the commencement of the preparation of the Bathurst Region Local Strategic Planning Statement.

12 **Item 5 LAFFING WATERS DEVELOPMENT MASTER PLAN (20.00303)**

MOVED Cr M Morse and **SECONDED** Cr B Bourke

RESOLVED: That Council:

- (a) adopt the Laffing Waters Master Plan and place it on public exhibition for 28 days to provide feedback to be considered in the preparation of the subsequent Planning Proposal;
- (b) prepare a Planning Proposal following the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (d) commence an amendment to the Bathurst Regional Open Space Developer Contributions Plan as outlined in this report;
- (e) investigate amendments to Developer Contributions Plans for other types of infrastructure such as roads;
- (f) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (g) accept any delegations from the Department of Planning and Environment relating to this Planning Proposal;
- (h) place the draft Local Environmental Plan, Development Control Plan and Developer Contributions Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and

Assessment Act; and

- (i) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

13 **Item 6 ALEC LAMBERTON MASTER PLAN COMMUNITY CONSULTATION (20.00330)**

MOVED Cr B Bourke

and **SECONDED** Cr J Rudge

Cr Fry declared a non pecuniary interest in this item and remained in the chamber.

Reason: Son is Treasurer of Bathurst 'Goats' soccer team

That Council:

- (a) adopt the Alec Lamberton Field Master Plan Community Consultation report; and
- (b) note that the preparation of a landscape plan will now be commissioned.

14 **Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005 & 22.00052)**

MOVED Cr W Aubin

and **SECONDED** Cr I North

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

15 **Item 1 STATEMENT OF INVESTMENTS (16.00001)**

MOVED Cr W Aubin

and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 16** **Item 2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)**
MOVED Cr B Bourke and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

- 17** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**
MOVED Cr M Morse and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted and any additional expenditure be voted.

- 18** **Item 4 POWER OF ATTORNEY (11.00007)**
MOVED Cr W Aubin and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

- 19** **Item 5 CODE OF CONDUCT (11.00024, 41.00089)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That Council;

1. Adopt the Code of Conduct
2. Adopt the Procedures for the Administration of the Code of Conduct
3. Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Code of Conduct - as an addendum to the new Procedures for the Administration of the Code of Conduct.

- 20** **Item 6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 33,00830, 18.00004)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

Director Engineering Services' Report

- 21** **Item 1 TALS INSTITUTE FUNDING APPLICATION - LETTER OF SUPPORT (13.00031)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

Cr Fry declared a non-pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

Reason: (significant) - Volunteer Director of TALS

That Council provide a letter of support for the funding application made to the Federal Government by TALS

- 22** **Item 2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 36.00703, 36.00704, 36.00698)**
MOVED Cr I North and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

- 23** **Item 1 VISIT OF SEIRITSU HIGH SCHOOL, 18-25 MARCH 2019 (21.00041)**
MOVED Cr B Bourke and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

- 24** **Item 2 ARTS OUTWEST MEMORANDUM OF UNDERSTANDING 2018-2022 (18.00036)**
MOVED Cr J Jennings and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) Sign the Memorandum of Understanding with Arts OutWest 2018-2022.
- (b) Continue to support Arts OutWest in providing the financial contribution as outlined in the report.

- 25** **Item 3 NSW YOUTH WEEK - 10 - 18 APRIL 2019 (11.00020)**
MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

- 26** **Item 4 KELSO COMMUNITY HUB - MAY 2019 UPDATE (09.00026)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

27 Item 5 DOCUMENTS - CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV) (20.00320)

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

RESOLVED: That Council:

- a) Adopt the Central Business District (CBD) Closed Circuit Television (CCTV) Policy, with addition of Section 1.9 as noted in this report.
- b) Note the Central Business District (CBD) Closed Circuit Television (CCTV) Code of Practice and Central Business District (CBD) Closed Circuit Television (CCTV) Standard Operating Procedure.

28 Item 6 BATHURST REGIONAL ART GALLERY 'HOME' EDUCATION PROGRAM (21.00002)

MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

29 Item 7 AUSTRALIAN FOSSIL AND MINERAL MUSEUM, FAMILY DAY, SATURDAY 13 APRIL 2019 (21.00107)

MOVED Cr W Aubin and **SECONDED** Cr M Morse

RESOLVED: That the information be noted.

REPORTS OF OTHER COMMITTEES

Policy Committee Meeting

30 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2019 (07.00064)

MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the recommendations of the Policy Committee Meeting held on 1 May 2019 be adopted.

COUNCILLORS/ DELEGATES REPORTS

31 Item 1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 APRIL 2019 (11.00019)

MOVED Cr I North and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

32 Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 2 APRIL 2019(11.00020)MOVED Cr A Christianand SECONDED Cr I North**RESOLVED:** That the information be noted.**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS****33** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**MOVED Cr J Fryand SECONDED Cr J Rudge

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

There were no representations from the public.

RESOLVED: That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN LANDS) OVER FORMER BATHURST GASWORKS SITE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR	10A (2) (b) – contains advice concerning

	FINANCIAL ASSISTANCE	hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.
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*** DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY AND ELEVATED BOARDWALK AT MOUNT PANORAMA, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT BATHURST AERODROME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Environmental Planning & Building Services' Report

- a** **Item 1 REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN LANDS) OVER FORMER BATHURST GASWORKS SITE (22.00052)**
MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

- b** Item 1 REQUEST FOR FINANCIAL ASSISTANCE (25.0007, 33.00830, 18.00004)
MOVED Cr W Aubin and SECONDED Cr J Jennings

RESOLVED: That Council act in accordance with the recommendation of the report.

Director Engineering Services' Report

- c** Item 1 TENDER FOR DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK (36.00703)
MOVED Cr I North and SECONDED Cr W Aubin

RESOLVED: That Council accepts the tender from Tablelands Builders Pty Ltd to the amount of \$632,767.30 (GST incl.), subject to provisional items and variations.

- d** Item 2 TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY AND ELEVATED BOARDWALK AT MOUNT PANORAMA, BATHURST (36.00704)
MOVED Cr I North and SECONDED Cr W Aubin

RESOLVED: That Council accepts the tender from Webber Concrete Constructions Pty Ltd to the amount of \$2,011,231.00 (GST incl.), subject to provisional items and variations.

- e** Item 3 VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT BATHURST AERODROME (36.00698)
MOVED Cr I North and SECONDED Cr J Rudge

RESOLVED: That Council accepts the variation to Contract 36.00698 in the amount of \$157,664.80 (GST incl.) subject to minor adjustment, as required.

RESOLVE INTO OPEN COUNCIL

- 34** RESOLVE INTO OPEN COUNCIL
MOVED Cr J Rudge and SECONDED Cr B Bourke

RESOLVED: That Council resume Open Council.

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

- 35** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
MOVED Cr A Christian and **SECONDED** Cr W Aubin

RESOLVED: That the Report of the Committee of the Whole, Items (a) to (e) be adopted.

MEETING CLOSE

- 36** **MEETING CLOSE**

The Meeting closed at 9.29 pm.

CHAIRMAN: _____

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY
COMMITTEE
HELD ON 5 JUNE 2019**

MEETING COMMENCES

1 MEETING COMMENCES 6:15 PM

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

APOLOGIES

**2 APOLOGIES
MOVED Cr B Bourke and SECONDED Cr J Rudge**

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

DECLARATION OF INTEREST

**3 DECLARATION OF INTEREST 11.00002
MOVED Cr I North and SECONDED Cr J Rudge**

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

**4 Item 1 THEO BARKER LECTURE (20.00123)
MOVED Cr I North and SECONDED Cr M Morse**

RESOLVED: That Council co-host/sponsor the Theo Barker Lecture as outlined in this report.

**5 Item 2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005 and 16.00007)
MOVED Cr I North and SECONDED Cr J Fry**

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

6 Item 1 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 09.00026)

MOVED Cr W Aubin and **SECONDED** Cr J Fry

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report

7 Item 1 KELSO COMMUNITY HUB - REQUEST FOR DEVELOPER CONTRIBUTION FUNDS (09.00026, 16.00153)

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

RESOLVED: That Council approves funding of \$65,000 from Council's Developer Contributions Fund, to complete building the extension at Kelso Community Hub.

8 Item 2 KELSO COMMUNITY HUB - HOUSING PLUS, OPPORTUNITY PATHWAYS PROGRAM (09.00026)

MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

9 Item 3 AUTUMN COLOURS 2019 (23.00060)

MOVED Cr M Morse and **SECONDED** Cr W Aubin

RESOLVED: That the information be noted.

10 Item 4 AUSTRALIAN FOSSIL AND MINERAL MUSEUM - LOAN OF ALBERT CHAPMAN COLLECTION FROM AUSTRALIAN MUSEUM (21.00106)

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

RESOLVED: That the information be noted.

RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

11 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

MOVED Cr I North and **SECONDED** Cr J Rudge

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

There were no representations from the public.

RESOLVED: That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	ELECTRICITY PROCUREMENT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

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

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	KELSO COMMUNITY HUB - HOUSING PLUS - HIRE AGREEMENT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

Director Environmental Planning & Building Services' Report

- a** **Item 1 ELECTRICITY PROCUREMENT (16.00007)**
MOVED Cr W Aubin and **SECONDED** Cr J Jennings

RESOLVED: That Council:

1. contribute 20% - 35% of Council's electricity load to a renewable energy Power Purchase Agreement should the pricing obtained be financially advantageous, and
2. advise Central NSW Joint Organisation of Council's decision.

Director Corporate Services & Finance's Report**b Item 1 KELSO COMMUNITY HUB - HOUSING PLUS - HIRE AGREEMENT (09.00026)****MOVED** Cr I Northand **SECONDED** Cr B Bourke**RESOLVED:** That Council enter into a twelve (12) month hire agreement with Housing Plus for their use of the Kelso Community Hub, as detailed within this report.**RESOLVE INTO OPEN COUNCIL****12 RESOLVE INTO OPEN COUNCIL****MOVED** Cr I Northand **SECONDED** Cr J Rudge**RESOLVED:** That Council resume Open Council.**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****13 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE****MOVED** Cr J Rudgeand **SECONDED** Cr I North**RESOLVED:** That the Report of the Committee of the Whole, Items (a) to (b) be adopted.**MEETING CLOSE****14 MEETING CLOSE**

The Meeting closed at 6:51 pm.

CHAIRMAN: _____

GENERAL MANAGER'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JUNE 2019

1 POPULARLY ELECTED MAYOR (12.00005)

Recommendation: For Council's consideration.

Report: **Background**

Councillors at the Policy meeting held on 2 May 2018 requested that consideration be given to the matter of a popularly elected Mayor.

The matter was listed for discussion at a Working Party held on 11 July 2018. As a result of that discussion, it was requested that a survey be undertaken before the end of June 2019 to seek feedback from the community on whether there was support or not to further debate the issue within Council. The survey's purpose was not to be a binding result. This report provides the results of the survey, which were advised to Councillors at a Working Party held on 22 May 2019, and seeks direction in this matter from the Council.

This matter has had a history of consideration by Council, including as follows:

- **Council Meeting 19 April 2017, DCSF No 10** - A report on the proposal for a Popularly Elected Mayor was considered by Council. Council resolved that the report be noted.
- **Council Meeting 16 May 2012, GM No 1** - A report on the proposal for a Popularly Elected Mayor was considered by Council. Council resolved that the information be noted and no further action be taken.
- **Council Meeting 19 October 2011, GM No 1** - A report on the proposal for a Popularly Elected Mayor was considered by Council. Council resolved that the information be noted and no further action be taken at this stage.

Statutory Framework

The Local Government Act provides two methods by which the Mayor can be elected - by popular vote at an ordinary election, or by vote among the Councillors:

[s227] Who elects the Mayor?

- 227** *The mayor of an area is the person elected to the office of mayor by:*
- (a) *the councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors;*
 - or
 - (b) *the electors, if such a decision is in force*

The method by which the Mayor is elected can be altered via section 228 and 229 of the Local Government Act.

[s228] How is it decided that the mayor be elected by the electors?

- 228** (1) *(Constitutional referendum) It may be decided at a constitutional referendum that the mayor be elected by the electors.*
- (2) *(Electors) A decision that the mayor be elected by the electors takes effect in relation to the next ordinary election after the decision is made.*

[s229] Can the decision be changed?

- 229** (1) *(Constitutional referendum) A decision that the mayor be elected by the*

electors is rescinded only if a constitutional referendum decides in favour of discontinuing that means of election.

(2) (Election or vacancy) The rescission takes effect in relation to the next ordinary election after the rescission occurs.

Thus, if Council should determine to change the way it elects the Mayor, a constitutional referendum will need to be held.

In respect of constitutional referendums, the Local Government Act contains the following:

[s15] What is a constitutional referendum?

15 *A constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in section 16.*

(s16) What matters must be dealt with at a constitutional referendum?

16 *A council may not do any of the following unless approval to do so has been given at a constitutional referendum.*

- (a) divide its area into wards or abolish all wards in its area;*
- (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors);*
- (c) increase or decrease the number of councillors in accordance with the limits under section 224;*
- (d) change the method of ordinary election of councillors for an area divided into wards;*
- (e) [repealed].*

[s17] What is the effect of a constitutional referendum?

- 17** (1) *(Binding decision) The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.*
- (2) *(By-election exception) However, such a decision does not apply to a by-election held after the constitutional referendum and before the next ordinary election.*

A constitutional referendum could be held in conjunction with the 2020 elections. If electors approved the change to the way the Mayor is elected, that change will come into effect for the electoral term commencing from the following Council Election.

Where the Mayor is to be popularly elected, the Local Government Act stipulates all electors of the area are to be included in the electorate.

[s282] Election of mayor

282 (1) *The mayor of an area who is to be elected by the electors is to be elected by an electorate comprising all the electors for the area, even if the area is divided into wards.*

Schedule 10, Clause 4 of the Local Government (General) Regulation includes the following concerning constitutional referendums;

The following additional provisions apply to constitutional referendums and council polls under Part 3 of Chapter 4 of the Act:

- (a) if a council resolves to take a constitutional referendum or council poll, the general manager is to notify the Electoral Commission of the resolution within 21 days after the council makes the resolution,*

- (a1) *if a constitutional referendum or council poll is to be held in conjunction with an election of councillors, the general manager must (if he or she has not already done so) notify the Electoral Commission of the question to be asked at the referendum or poll no later than 12 noon on the nomination day for the election.*

Councillors should note if a referendum is held on this proposal, the decision is binding. That is, a referendum cannot be used as a survey result, which would then allow Council to give further consideration to such a proposition.

With regard to timelines, previous advice from the Electoral Commission of NSW included the following:

"16. Referenda and Polls

We have become aware through media cuttings that some Councils are still contemplating conducting a referendum and/or polls at the September Local Government Elections. We would greatly appreciate Councils sorting out whether or not they plan to conduct such referenda and polls by 30 April. It is important that the NSWEC has early advice as to whether a Council is likely to conduct such referenda and polls as this affects the costing of ballot paper production.

Whilst the NSWEC cannot provide legal advice we would be happy to look at any questions that you are proposing and give advice based on past practice."

It is noted that recent advice from the Electoral Commission has been that advice of a referendum is required three months out from the election, accordingly Council has until the end of May 2020 to make a determination.

At the previous Council elections, Orange City Council considered this proposal. The wording of the referendum question posed at that election, by Orange, was:

"The Mayor of Orange is currently elected each year by the 12 Councillors. Do you approve of the direct election of the Mayor by the voters of Orange, for a four year term?"

Should Council wish to proceed with a referendum, then consideration of the wording of the question is required.

The Office of Local Government released a Circular to Councils in 2011 concerning constitutional referendums (Circular 11-30) which provides advice for Councils; this is provided at **Attachment 1** for Councillors' information.

The Local Government NSW website advises that there are 33 directly elected Mayors in NSW, out of 128 Councils, **Attachment 2**.

Community Research - Election of the Mayor

In accordance with Council's request to undertake a survey, Council commissioned Micromex Research to undertake a telephone survey during the period 28 - 30 March 2019. A total of 213 interviews were conducted which provides a maximum sampling error of plus or minus 6.7% at 95% confidence. This means for example that an answer "yes" (50%) to a question could vary from 43% to 57%. A copy of the survey result is at **Attachment 3**.

The key findings of the survey were:

- "1. 71% of residents were interested in a Mayor elected by voters;
2. Support for this option declined following the provision of further information around process and cost, with 57% supportive of holding a referendum to determine community support for a popularly elected Mayor."

For and Against

When Dubbo City Council gave consideration to the question of a popularly elected Mayor (by electors) the Council produced a list of for and against points after enquiring of other Councils who have undertaken similar exercises. This list is provided at **Attachment 4**

A factor in the debate around a Popularly Elected Mayor has been concern at the prior practice of having annual Mayoral elections by the Councillor cohort. This has been partly addressed by recent legislative change which has put in place two year Mayoral terms.

Section 230 of the Local Government Act reads as follows:

230 For what period is a mayor elected?

- (1) A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.
- (2) A mayor elected by the electors holds the office of mayor for 4 years, subject to this Act.
- (3) The office of mayor:
 - (a) commences on the day the person elected to the office is declared to be so elected, and
 - (b) becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.
- (4) A person elected to fill a casual vacancy in the office of mayor holds the office for the balance of the predecessor's term.

Timeline

If Councillors chose to pursue the option of a popularly elected Mayor (by the electors), a report would come back to Council within three months on the proposed wording of the referendum question for referral to the Electoral Commission. This would ensure more than adequate time would be available to organise for the matter to be considered at the September 2020 election.

Councillors should note if a referendum is held on the proposal, the decision is binding. That is, a referendum cannot be used as a survey result, which would then allow Council to give further consideration to such a proposition.

Options

Council could give consideration to the following options:

1. That the report be noted and no further action be taken at this time;
2. That the proposition for altering the method of electing the Mayor be further explored,

with a report to come back to Council on the proposed wording of the referendum question.

Financial Implications: The NSW Electoral Commission has indicated in 2017 that the additional cost for a referendum, held with a general election, would be approximately 10% on the normal election fee. This is currently estimated to be around \$28,000.

If the Referendum was carried, future Council elections would then have two ballot papers to fill in; one to elect the eight Councillors and one to select the popularly elected Mayor. This would result in an additional cost for the Local Government Election.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

Yours faithfully



D J Sherley
GENERAL MANAGER

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

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JUNE 2019

1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)

Recommendation: That the information be noted.

Report: Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided below to assist Council in the assessment of Development Applications.

4.15 Evaluation (cf previous s 79C)

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)
- (b) that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains

non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Financial Implications: Nil

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.

2 GENERAL REPORT (03.00053)

Recommendation: That the information be noted.

Report: The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during May 2019 (**attachment 1**).
- (b) Applications refused during May 2019 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in May 2019 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.6
- 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.

3 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123)

Recommendation: That the information be noted.

Report: The Bathurst Region Heritage Reference Group met on 13 May 2019. The minutes of that groups' meeting are provided at **attachment 1**.

The group will meet next on 12 August 2019.

With respect to the implementation of the 2017-2020 Bathurst Region Heritage Plan, the following highlights Council's achievements to date:

- Council's new Heritage Advisor, Kylie Christian has commenced in December 2018.
- 130 site visits have been held and advice provided on 80 Development Applications by Heritage Advisor.
- Applications for Council's Heritage Assistance Grants were open until 31 May 2019 for:
 - Bathurst Region Heritage Fund.
 - CBD Main Street Improvement Fund.
 - Interpretation Fund.
- Draft Community Participation Plan has been prepared and was exhibited in February/March 2019.
- The Draft Bathurst Heritage Conservation Area is on public exhibition until 7 June 2019. The review aims to:
 - Review the HCA boundaries.
 - Determine the significance of housing adjacent to the Bathurst Heritage Conservation Area identified by the 2036 Housing Strategy for possible urban renewal.
- Master Plans have been completed for Laffing Waters and Duramana Road.
- DCP amendment to implement archaeology provisions in relation to Wattle Flat Mining Area and the former Milltown Cemetery have been adopted by Council.
- Archaeological assessment is nearing completion for 128 Bentinck Street, Bathurst.
- A Structural Report has been prepared for the Perthville Anglican Church. A Maintenance Schedule is currently being prepared.
- Council has refocussed the Macquarie Medal as a Bathurst Macquarie Medal Project/Scholarship. The 2019 Macquarie Medal Project winner was the Church Block, Eglinton.
- Council assisted the Bathurst District Historical Society with signage at Old Government Cottage, Bathurst. A new sign has been installed.
- Bus shelter at Piper Street (in front of Bathurst Panthers) has had panels replaced with historic images of former entertainment buildings.
- Annual report for 2018/19 submitted to NSW Office of Environment and Heritage. Council has applied to the OEH for grant funding to assist with the 2019/20 Heritage Advisory consultancy and Local Heritage Grants.

Financial Implications: Administrative costs of the meeting are met within Council's existing budgets.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.1, 1.2, 1.3, 1.5
- 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.

4 DURAMANA ROAD MASTER PLAN (20.00327)

Recommendation: The Council place the Duramana Road Master Plan on public exhibition for 28 days to provide feedback to be considered in the development of a subsequent Planning Proposal.

Report: Council commenced the master planning for the Duramana Road residential precinct within Eglinton (the vacant residential land on the western side of Eglinton, to the north of Freemantle Road) including the land formerly owned by 2BS. Council engaged consultants to develop a Master Plan for the site. The Master Plan includes residential development (low and medium density), open space areas, neighbourhood activity centre (including a supermarket, speciality stores and other community uses) within the subdivision. A locality plan is provided at **attachment 1**.

At the recent Eglinton village meeting in May the community raised concerns in relation to the draft Duramana Master Plan. The concerns largely related to proposed minimum allotment sizes and medium density housing. Support was expressed for the new Neighbourhood Activity Centre.

A community information session was held on 13 June 2019 with respect to the draft Master Plan to more specifically address the community on the proposals included in the draft Master Plan.

A copy of the draft Master Plan is provided at **attachment 2**.

Public exhibition of the draft Master Plan

It is proposed that Council place the draft Duramana Road Master Plan on public exhibition. The exhibition period will allow the local community to formally comment on the draft Master Plan to better inform the preparation of amendments to the planning instruments (LEP and DCP and Developer Contributions Plan). It should be noted that the subsequent changes to Council's Planning Instruments and not the Master Plan itself, will set the minimum lot sizes for the land. The amendments to the Local Environmental Plan, Development Control Plan and contributions plans will then be further exhibited.

Conclusion

Council has developed a Master Plan for the Duramana Road precinct. It is proposed that Council place the draft Duramana Road Master Plan on public exhibition for a period of 28 days. The exhibition period will allow the local community to comment on the draft Master Plan to better inform the preparation of amendments to the planning instruments. A further report will be presented to Council following the public exhibition period to consider adoption of the draft Master Plan and the commencement of a Planning Proposal to amend Council's planning controls.

Financial Implications: The Master Plan was prepared within existing budgets.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.4, 1.5
- Objective 3: Environmental stewardship Strategy 3.3
- Objective 4: Enabling sustainable growth Strategy 4.2, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 **AMENDMENT – VEGETATION MANAGEMENT AND BIODIVERSITY (20.00334)**

Recommendation: That Council:

- (a) adopt the DCP amendment - Vegetation Management and Biodiversity;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act, and
- (c) call a division.

Report: On 25 February 2018, new land management and biodiversity conservation reforms introduced by the NSW Government commenced in NSW. These reforms introduced some significant changes to the way biodiversity is protected in NSW, how development activities are regulated on land and how the impacts of these activities on the natural environment are managed. The reforms included significant changes to the way impacts on biodiversity are measured, managed and offset.

The *Biodiversity Conservation Act 2016*, together with the *Biodiversity Conservation Regulation 2017*, outline the new framework for assessment and approval of biodiversity impacts associated with developments that require consent under the *Environmental Planning and Assessment Act 1979*.

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) now regulates clearing of vegetation in urban and environmental zones across the State where clearing does not otherwise require development consent. The clearing of vegetation regulated under the Vegetation SEPP is to be specified in a Development Control Plan (DCP).

A draft amendment to Council's DCP has been on exhibition and is now proposed for adoption.

This amendment to the Bathurst Regional Council DCP specifies vegetation which will be protected in non-rural zones and heritage conservation zones and provides protection to trees listed as heritage items. The amendment constitutes a new part in Chapter 9 of the existing DCP.

The DCP amendment will declare the following vegetation in non-rural areas to be specified vegetation to which Part 3 of the Vegetation SEPP applies:

- i. All native trees and native vegetation on land in the following zones under the Bathurst Regional Local Environmental Plan 2014.
 - E2 - Environmental Conservation
 - E4 - Environmental Living
 - SP2 - Infrastructure
 - SP3 - Tourist
 - RE1 - Public Recreation
 - R5 - Large Lot Residential
 - RU5 - Village
 - W2 - Recreational Waterways
- ii. Native trees in non-rural areas which are verified and mapped by Council as supporting a threatened ecological community.

- iii. Vegetation within areas identified on a DCP Map (**attachment 1**) as an environmental protection area.

The DCP amendment also declares specified vegetation for heritage conservation purposes as:

- i. Trees and other vegetation that are a heritage item (i.e. individually listed) or within the curtilage of a Heritage Item; and
- ii. Trees located within a heritage conservation area that are greater than 9 metres tall.

Public Exhibition

The draft DCP amendment was placed on public exhibition for a period of 28 days from 8 April 2019 to 13 May 2019. During the public exhibition period, notification was in the Western Advocate, a postcard was mailed to all property owners in zones E4 Environmental Living, RU5 Village and R5 Large Lot Residential and a notice was in the ratepayers newsletter. A summary of the exhibition through Council's Yoursay website is provided as **attachment 2**. As a result of the public exhibition period, Council did not receive any submissions.

Draft DCP Amendment for consideration

A copy of the amendment to be incorporated into the DCP is included at **attachment 3**. The complexity of the draft DCP provisions is a direct result of the complexity of the biodiversity conservation reforms and the Vegetation SEPP. Council staff have prepared a flow chart to simplify the process, which is contained on page 5 of the draft DCP at **attachment 3**.

Conclusion

In 2018, new land management and biodiversity conservation reforms introduced by the NSW Government commenced in NSW. These reforms introduced some significant changes to the way biodiversity is protected in NSW, how development activities are regulated on land and how the impacts of these activities on the natural environment are managed. To give effect to the State Government changes, Council required an amendment to the Bathurst Regional Development Control Plan 2014. The draft DCP was placed on public exhibition and Council did not receive any submissions. It is recommended that Council adopt the DCP amendment.

Financial Implications: The DCP amendment was prepared within existing budgets.

Bathurst Community Strategic Plan - Objectives and Strategies

- | | |
|---|------------------------|
| ● Objective 1: Our sense of place and identity | Strategy 1.2, 1.5 |
| ● Objective 3: Environmental stewardship | Strategy 3.1, 3.4, 3.5 |
| ● Objective 6: Community leadership and collaboration | Strategy 6.1, 6.4 |

Community Engagement

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

6 PEST BIRD MANAGEMENT STRATEGY – AN UPDATE ON PIGEON ACTIVITIES (14.00627)

Recommendation: That Council note the report.

Report: In response to concerns about increasing pigeon and other pest bird populations in Bathurst, Council engaged NGH Environmental to develop a Pest Bird Management Strategy in 2012.

Recommended activities included:

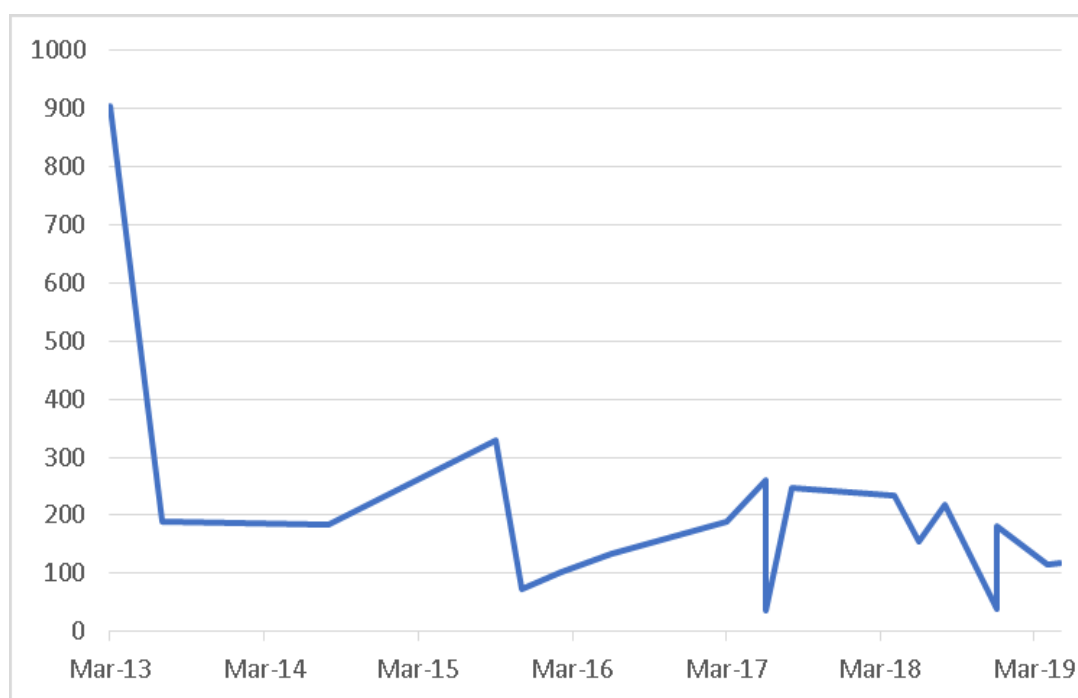
- Conduct ongoing monitoring of pest bird populations;
- Encourage the use of exclusion devices (nets, spikes etc) on private buildings;
- Remove problem birds from high population areas that impact upon public space; and
- Increase the use of native plantings and habitat in the urban and suburban environment which encourages native species rather than pest bird species.

The following table and graph provides an update on the 24 pigeon program activities that have occurred since the adoption of the Pest Bird Management Strategy in 2013.

Date	Activity	Involvement	Results (Pigeons Removed)
March 2013	CBD pigeon trapping	Ten businesses and five Council facilities	904
May 2013	Machattie Park "Don't Feed Pigeon" signs installed	Machattie Park	NA
July 2013	Contract shooting	Three businesses and three Council facilities	189
May 2014	Machattie Park Pigeon Trapping	Machattie Park	0
June – Aug 2014	CBD Pigeon trapping	One private business and two Council facilities	185
September 2015	Contract shooting	12 businesses, five Council facilities	330
October 2015	Exclusion mesh and spikes (partial coverage)	Fossil and Mineral Museum	NA
November 2015	Contract shooting	10 businesses, four Council facilities	74
February 2016	Contract shooting	10 businesses, four Council facilities	102
June 2016	Contract shooting	10 businesses, four Council facilities	135
March 2017	Contract shooting	14 businesses, four Council facilities	189
June 2017	Contract shooting	14 businesses, three Council facilities	261
June 2017	CBD pigeon trapping	Two Council facilities	35
August 2017	Contract shooting	14 businesses, three Council facilities	248
April 2018	Contract shooting	14 businesses, three Council facilities	234
June 2018	Contract shooting	16 businesses, three	156

		Council facilities	
August 2018	Contract shooting	16 businesses, three Council facilities	217
August 2018	Machattie Park "Don't feed the ducks" signs installed	Machattie Park	NA
December 2018	Contract shooting	One Council facility	38
December 2018	Contract shooting	18 businesses, three Council facilities	180
April 2019	Contract shooting	18 businesses, three Council facilities	116
June 2019	Contract shooting	19 businesses, three Council facilities	118
2014 – 2017	Nest box sales	Sales to members of the public – approx 400 boxes	NA
2012 – 2019	Backyards for Wildlife booklet sales	Sales to members of the public – approx. 700 booklets	NA
		Total (pigeons removed)	3711

Pigeons removed through control activities 2013-2019



Pigeon Control Options

There has been a range of pigeon control options explored since the development of the pest bird management strategy. The table below details these options and their effectiveness.

Type	Description	Notes on use	Cost
Trapping	<ul style="list-style-type: none"> Trap set in a secure location, usually on 	<ul style="list-style-type: none"> Good results when first used. 	Around \$600-\$700 per trap site per 4 week

	<p>top of a roof space.</p> <ul style="list-style-type: none"> ● Trap is left open and fed for 1-2 weeks before setting. ● Traps are set / checked morning and night over 2-4 weeks, removed birds are humanely euthanised. 	<ul style="list-style-type: none"> ● Results drop off markedly as birds become trap shy through repeated trapping programs. ● Needs to be put in a secure location for 4-6 weeks at a time. ● Need to be checked twice daily ● Large commercial buildings are the best sites (large flat roof areas). 	<p>program per site.</p>
Shooting (air rifle)	<ul style="list-style-type: none"> ● Contract shooter targets birds roosting at night on building facades. 	<ul style="list-style-type: none"> ● Can only be done at night. ● Residential buildings or public spaces are avoided. ● Contractor can move to where birds are roosting at that time. ● Birds will move locations if conducted too frequently. 	<p>Around \$600 per night.</p>
Exclusion devices	<p>Includes:</p> <ul style="list-style-type: none"> ● Spikes ● Mesh ● Netting ● Hot wire ● Odour emitters 	<ul style="list-style-type: none"> ● Has to cover the entire impacted areas for it to be effective. ● Can be costly. ● Usually needed at high or difficult to reach locations. ● Complex facades need to be covered to completely eliminate roosting opportunities. ● May not be an attractive option for historic buildings. ● Council has installed on own sites where possible or feasible. 	<p>Bird spikes: around \$10/metre.</p> <p>Mesh and netting: depends upon site but can be \$thousands.</p>
Breeding control	<ul style="list-style-type: none"> ● Ovulation control feed station 	<ul style="list-style-type: none"> ● Ovulation control methods apply a bird control pellet via an automatic feed station. ● Are not yet approved for use in Australia though appear to have good results in other countries. ● As birth rates decrease, local population declines. ● New birds still fly in so method needs to be employed on an ongoing basis. ● Has to be monitored 	<p>Unknown.</p>

		to ensure non-target species are not impacted.	
Nest removal	<ul style="list-style-type: none"> ● Removing nests or eggs 	<ul style="list-style-type: none"> ● Works on small and easily accessible locations. ● Does not work for most sites as birds roost too high. ● Artificial nesting sites (which attract birds to an area so eggs can be easily removed) have been unsuccessful. 	Depends upon the site but generally expensive and high maintenance.
Visible Bird Scarers	<ul style="list-style-type: none"> ● Fake owls or hawks ● Strobe lights ● Reflective disks or tape ● Water sprayers ● Lasers 	<ul style="list-style-type: none"> ● Owls, hawks, strobes, disks and tape initially work but lose effectiveness quickly when birds realise they are not a threat. ● Water sprayers work by automatically spraying water on an area when sensor is triggered. Best used on the ground or smaller areas or away from the public. ● The visible laser is said to scare birds. May cause light pollution or other disturbance in CBD. Council has trialled with minimal success. 	<\$50 for fake predators and tape >\$200 for strobes >\$100 for sprayers Lasers \$unknown
Acoustic Bird Scarers	<ul style="list-style-type: none"> ● Guns ● Ultrasonic emitters ● Distress callers 	<ul style="list-style-type: none"> ● Guns and other loud noise emitting devices generally used on crops and orchards. Not good for use in urban and residential areas due to noise complaints. ● Ultrasonic devices emit a high frequency noise to scare animals. Works in a small area when sensor is triggered. Not effective over large areas. Can disturb other animals. ● Distress callers work by emitting the alarm call of the bird so birds flee the area. Multiple callers can cover large areas. May cause a 	\$Hundreds + installation and maintenance. Distress callers need to be monitored to ensure effectiveness. Site specific.

		nuisance to businesses or residents. Yet to be trialled by Council.	
Birds of prey (i.e. falcons)	<ul style="list-style-type: none"> Using trained birds of prey, generally falcons or hawks, to scare birds away from roosting or feeding areas. Drones 	<ul style="list-style-type: none"> Have been used with some success at train stations, airports, horse racing tracks etc. Being trialled by Dubbo Regional Council for starlings. Drones can be used for similar effect. Only moves birds from one location to another so not useful for entire CBD bird control. Welfare and ethics concerns need to be addressed. 	Unknown but likely \$thousands
Tape, glue, gels etc	<ul style="list-style-type: none"> Traps birds that land on the sticky product. 	<ul style="list-style-type: none"> Generally banned for use due to the injuries caused to birds. Not humane. 	Unknown

What is working?

Shooting:

Due to the flexibility and ongoing success of using a professional shooter to remove birds from buildings, Council has continued to employ this method since the program's commencement. Birds however can move from business locations to residential or tenanted properties if the program is conducted too frequently.

Therefore, Council engages the contractor 2-4 times per year. When and how frequently is dependent upon the number of birds, where they are presently congregating and the availability of the contractor.

Over time and as birds move, the number of businesses involved has increased.

Trapping:

Trapping had an immediate impact when first employed by Council with the involvement of ten CBD businesses. However, the program is lengthy and requires twice daily inspections by the contractor for the 4-6 week life of the program. At around \$700 per site, it can be quite expensive.

Despite some businesses engaging contractors with good results, subsequent CBD trapping efforts have not achieved similar results and therefore Council has not employed trapping since 2017.

Exclusion devices:

Council has installed spikes (on pipes, gutters, window ledges etc) and mesh (on gutters and roof openings) on some Council buildings. Businesses have also installed such measures to good success. No further cost effective installations have been identified for Council buildings.

Due to the cost and perceived visual impact, the netting of buildings in the CBD has only been done on a limited scale, and not by Council.

Surveys:

Council conducts surveys of pigeon numbers periodically and to monitor the location of birds in the CBD. These surveys which give an indication of density, not a total number, match the decline seen in the number of birds removed in the CBD over time.

Options for the future

Birth control:

Birth control feeders seem to work well in countries where it is permitted for use. However, Australia is yet to approve their use. Council staff have been in contact with distributors and will conduct trials when it becomes available.

Distress callers:

Callers that emit the species' alarm call may be an option especially where high numbers of birds congregate. Council has purchased a caller but is yet to trial due to the high level of monitoring required to ensure effectiveness on the birds without negatively impacting upon businesses or the public.

Bird Tape / Hot Wire:

Council has investigated that use of a hot wire that works similar to a livestock electric fence, emitting an electrical pulse every 2 seconds so birds receive a minor shock if they land on it. Such control works the same way as spikes, in that it only works where the bird comes in contact with it and is therefore limited to window ledges, gutters, ridgelines and the like which provides some difficulties in installation. If shocked, birds move away from the wire but may remain on the building. The wires also have a higher level of maintenance than spikes to ensure that they have to be continually operating and 'live'. For this reason, Council has not employed this option.

Private landholder involvement

When Council conducts programs, private businesses are invited to participate especially if their property adjoins Council facilities and the façade fronts the street. If business wish for control activities to be undertaken within the property then they are put in direct contact with the contractors as pest control within private properties is the responsibility of the property owner.

Council staff also provide ongoing advice to property owners as to how to deter, reduce or remove birds from their property. The pest bird management strategy is publicly available from the Council website and Civic Centre and people are referred to this document regularly.

Since the last report to Council, Council has included an additional 5 businesses in the

shooting program to bring the total number of properties regularly patrolled in the CBD to 22.

Conclusion

Council has focused on a range of exclusion devices and removal options which are shown to be the most effective and cost-effective method of removing birds from the Bathurst city CBD. Some control options are very effective from removing or deterring birds from a single location. However, no one method has been shown to be suitable for bird control across the more than 15 hectares of CBD infrastructure.

Therefore, Council will continue to employ methods known to effectively manage populations whilst monitoring and testing other cost-effective methods as they become available.

Financial Implications: The Pest Bird Management Strategy implementation is funded through its own allocation.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2
- Objective 3: Environmental stewardship Strategy 3.1, 3.4
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

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

7 BATHURST BACKYARD BIRD COUNT – RESULTS OF 2018 PROGRAM (13.00081)

Recommendation: That Council:

- (a) notes the results of the 2018 Bathurst Backyard Bird Count and supports ongoing participation in the Aussie Backyard Bird count;
- (b) approves making the Backyards for Wildlife booklet available for free for Bathurst Region residents; and
- (c) conduct a review of the suitability of native tree species to be used for future street and suburban park plantings.

Report: Since 2014, as part of BirdLife Australia’s National Bird Week celebrations, BirdLife Australia has run the Aussie Backyard Bird Count, one of the largest community engagement projects of this nature in Australia. Council has participated in and promoted the annual October program since 2015.

The bird count is a great opportunity for locals to participate in ‘citizen science’ – their observations of bird life in their local area provide a snapshot of the how populations are doing across the region and across Australia.

As well as actively promoting the bird count which ran from 22 to 28 October 2018, Council also conducted a guided bird walk through Albens Reserve on Mt Panorama with local naturalist, Tiffany Mason on Sunday 21 October 2018.

Surveying native and introduced bird populations are listed as priority actions in the Bathurst Biodiversity Management and Pest Bird Management Plans.

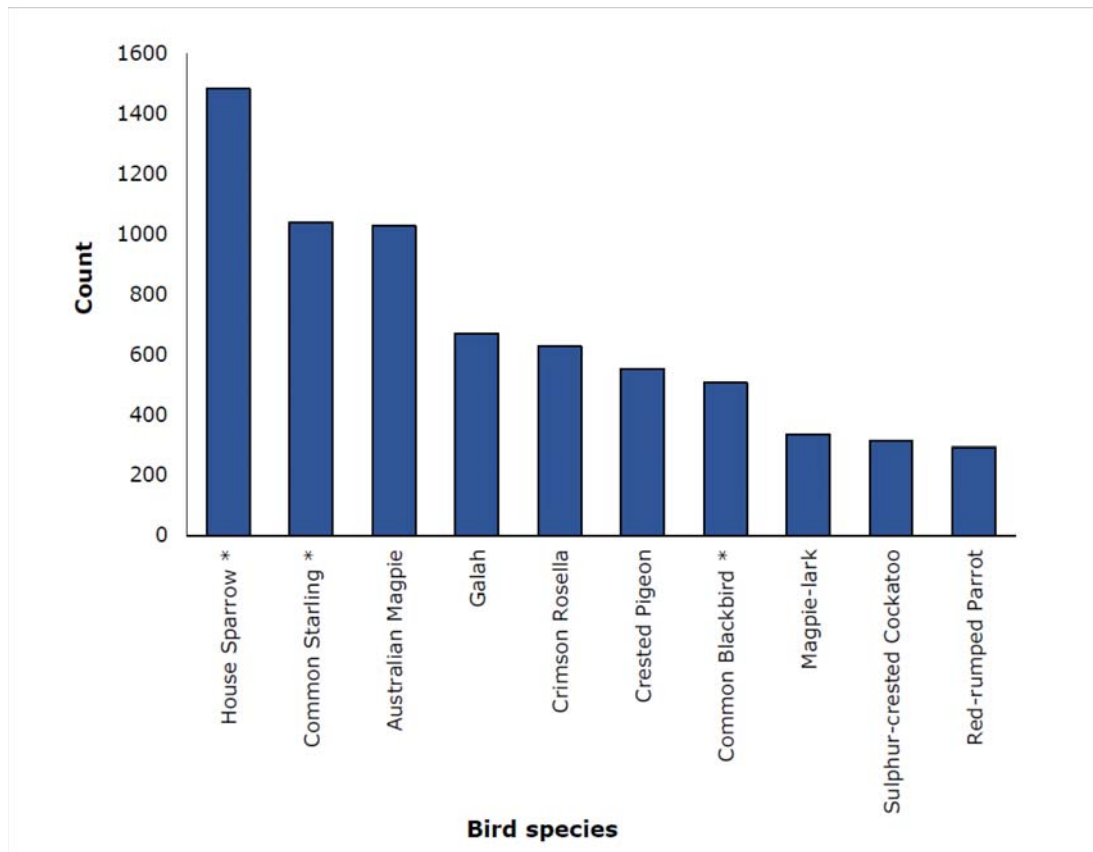
Due to the amount of data collected by BirdLife Australia, there is a time delay between the October bird count and receiving the data for the Bathurst region. The full report has now been received and is included as **attachment 1**.

The following table presents a snapshot of participation and the results for the Bathurst region:

	2015	2016	2017	2018
Total birds counted	4,852	7,426	10,575	11,586
Change from previous year	NA	+2,574	+3149	+1011
Total species recorded	136	132	158	162
Change from previous year	NA	-4	+26	+4
Threatened species recorded	10	13	13	12
No. Pest birds in top 10	3	3	3	3
Number of participants	71	95	218	254
Number of surveys completed	191	191	355	372

The results above indicate that the 2018 event was again a resounding success. Each year, more participants are involved in the event, and more bird species are identified. Encouragingly, the number of threatened species identified has also been stable over the 4 years.

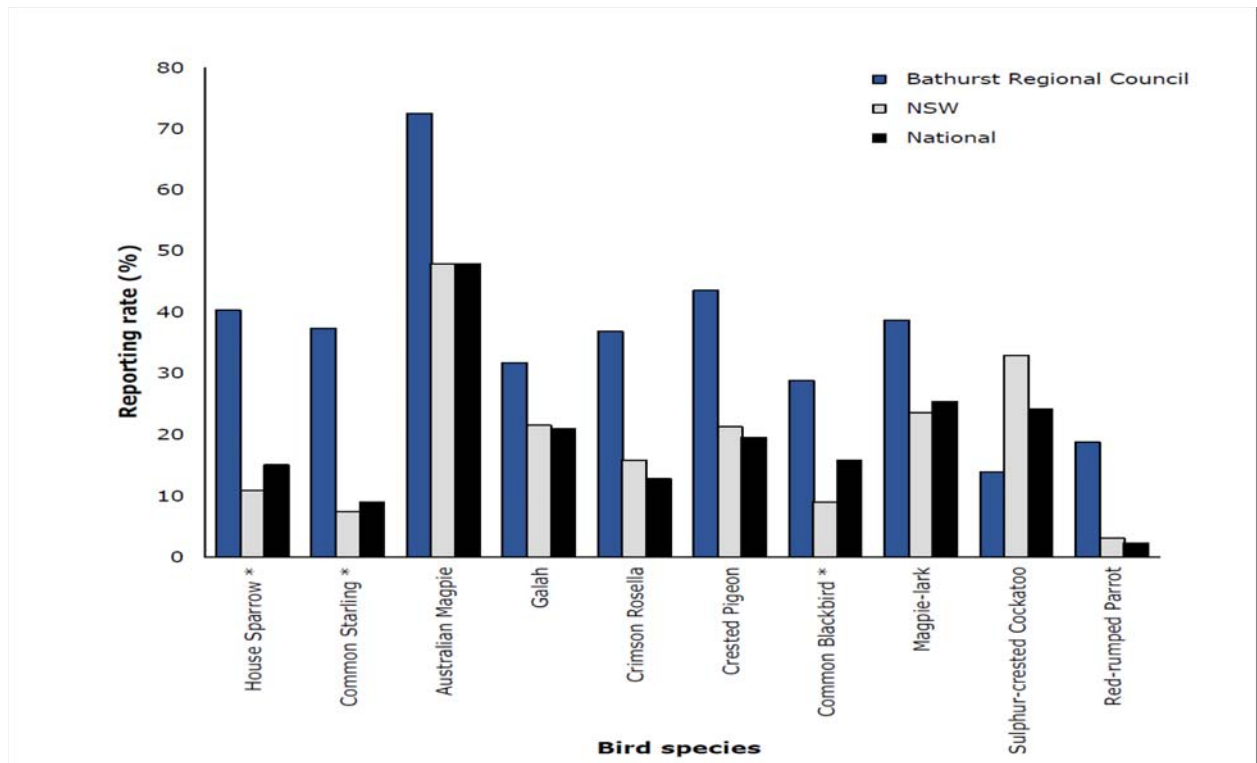
The top 10 species recorded has been consistent across the past 4 years of recording, despite a large increase in the number of bird species recorded and the number of people participating. Once again the most common species was the House Sparrow, an introduced pest species. The Common or European Starling was again the second most common species. This bird is one of the most invasive species on the planet and causes issues for landowners by defecating on property, nesting in ceiling spaces, blocking gutters and posing a health risk.



The graph below shows a comparison in the reporting rate for birds observed in the Bathurst Region, against those reported at the NSW and National Level. As it can be seen, the dominance of pest bird species in Bathurst is not seen at the state or Australian level.

As previously reported, the main reason for a dominance of pest birds in an urban or suburban environment is usually the result of a removal of native vegetation and it being replaced with exotic plant species. Native species are adapted to native plant species. Environments with a high ratio of native plant species tend to have a lower ratio of exotic birds, as well as less other problem animals like pest insect species.

Many Australian suburban developments result in native species planted in parks and streetscapes. It is recognised that there is value placed on the European and northern hemisphere plants in the heritage parts of Bathurst. However, the focus on replacing native plants with exotic trees both on Council land and on private property is likely to have an ongoing and serious impact upon the long-term viability of native wildlife species in the Bathurst Region.



If these trends continue, the Bathurst Region will be dominated by introduced pest species and a handful of adaptable and aggressive native species.

Recommendations

It is recommended for Council to consider opportunities to increase the proportion of native plantings within the urban and suburban environment, not just in Council reserves but in street tree plantings and new developments. Other Councils plant native species in new developments and Council should also investigate the suitability of native species for the Bathurst environment that will support and encourage native wildlife species.

To further help Bathurst Region residents in planting native plant species suitable for the Bathurst Environment and native wildlife species, it is also recommended to make the Backyards for Wildlife Booklet available for free. The booklet, written and produced by Council staff, has been available at cost price (\$3.00) since it was released in 2012. It is hoped that by making it available for free that more people will implement recommendations in the booklet and create additional suburban wildlife habitats.

Financial Implications: Funding for the Backyard Bird Count is contained within existing budgets.

The Backyards for Wildlife Booklet was produced through funding in the 2011-12 Operating Plan.

Street tree planting and urban park landscaping activities are funded through development contributions.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.4
- Objective 3: Environmental stewardship Strategy 3.1, 3.4
- Objective 6: Community leadership and collaboration Strategy 6.1

Community Engagement

- Involve To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Yours faithfully



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JUNE 2019

1 STATEMENT OF INVESTMENTS (16.00001)

Recommendation: That the information be noted.

Report: \$69,780,000 was invested at 31 May 2019 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:
low:

	<u>Rating</u>	<u>Balance</u>	<u>Average Return</u>
<u>Short Term 1 – 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):			
National Australia Bank Limited	A1+	\$15,000,000.00	2.71%
Bankwest	A1+	\$4,500,000.00	2.75%
CBA	A1+	\$1,500,000.00	2.71%
Westpac	A1+	\$1,500,000.00	2.81%
Bank of Queensland Limited	A2	\$1,500,000.00	2.69%
Bendigo & Adelaide	A2	\$3,000,000.00	2.70%
IMB	A2	\$1,500,000.00	2.66%
Auswide Bank	A2	\$1,500,000.00	2.73%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$6,000,000.00</u>	<u>2.70%</u>
		\$36,000,000.00	2.71%
<u>Long Term > 365 Days</u> (comprising Commercial Bills, Term Deposits, Debentures and Bonds):			
<u>Floating Rate Term Deposits</u>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.66%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.83%
CBA Deposit Plus 2	AA-	\$1,500,000.00	2.73%
Westpac Coupon Select	AA-	\$2,000,000.00	2.67%
Westpac Coupon Select 1	AA-	\$3,000,000.00	3.13%
Westpac Coupon Select 2	AA-	\$1,500,000.00	2.95%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,630,000.00</u>	<u>1.70%</u>
		\$12,630,000.00	2.71%
<u>Fixed, Negotiable & Tradeable Certificates of Deposits</u>			
AMP Fixed Rate	A-	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	\$1,000,000.00	2.82%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>2.97%</u>
		\$4,000,000.00	2.94%
<u>Floating Rate Notes</u>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.58%
CBA Climate Bond	AA-	\$1,000,000.00	2.69%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	2.56%

Suncorp Metway	A+	\$1,000,000.00	2.94%
Rabobank	A+	\$1,000,000.00	3.38%
AMP	A-	\$1,000,000.00	2.82%
AMP	A-	\$800,000.00	2.96%
AMP	A-	\$1,000,000.00	2.79%
AMP	A-	\$1,100,000.00	2.94%
Macquarie Bank	A	\$1,000,000.00	2.98%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.91%
Bank of Queensland 2	BBB+	\$1,000,000.00	2.62%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.77%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	2.65%
Members Equity 3	BBB	\$750,000.00	2.90%
Newcastle Permanent	BBB	\$1,000,000.00	3.07%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>3.33%</u>
		\$17,150,000.00	2.89%

Total Investments **\$69,780,000.00** **2.77%**

These funds were held as follows:

Reserves Total (includes unexpended loan funds)	\$16,530,157.00
Grants held for specific purposes	\$11,072,220.00
Section 7.11 Funds held for specific purposes	\$40,713,723.00
Unrestricted Investments	\$1,463,900.00

Total Investments **\$69,780,000.00**

Total Interest Revenue to 31 May 2019 **\$2,141,901.99** **2.77%**

A Jones
Responsible Accounting Officer

Financial Implications: **Attachment 1** shows Council's year to date performance against the benchmarks contained in Council's Investment Policy. Council has outperformed each of the benchmarks required and complied with the Ministers Investment Order.

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.

2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)

Recommendation: That the information be noted.

Report: Bathurst Regional Council has in place the Bathurst 2040 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in the Community Strategic Plan which was adopted by Council on 16 May 2018. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, www.bathurst.nsw.gov.au/council/general-information/public-documents. A listing of the Objectives and Strategies from the Bathurst 2040 Community Strategic Plan can be found within the Plan commencing from page 22.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2018-2022 Delivery Plan and the Annual Operational Plan 2018-2019.

Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council, with the exception of the June quarter. The quarterly budget review statement includes a recommendation to review and approve variances to the original budget that is set out in the management plan or operational plan adopted by council for the relevant year. As the quarterly budget review statement is not prepared for the June quarter, recommended budget variations are not submitted in the usual report for Councils review and approval. At **attachment 2** is a report listing recommended budget variations for April and May 2019 in the quarterly budget review format with Income & Expenditure and Capital statements to show the effect of these changes.

The Local Government (General) Regulation 2005 has been amended by inserting clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Maritime Services or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council.

Fines or penalty notices this month - Refer to attachment 1.

Financial Implications: Nil.

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.

3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)

Recommendation: That the information be noted and any additional expenditure be voted.

Report: At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 31 May 2019, including a report on annual Rental Subsidies granted by Council.

Financial Implications: Council's Sundry Section 356 Donations and Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies are included in the current budget, which currently have a balance as follows:

Section 356:	Nil
BMEC Community use:	\$727.82
Mount Panorama:	Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.3
- 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.

4 POWER OF ATTORNEY (11.00007)

Recommendation: That the information be noted.

Report: That the General Manager's action in affixing the Power of Attorney to the following be noted.

- Steeline Group - 49 Hampden Park Road, Kelso - Lot 1004, DP 1129907 - Contract
- Hibbards Pty Ltd - Proposed Lot 99, Sunnybright, Limekilns Road, Kelso - Lot 5, DP 847225 - Contract
- Hibbards Pty Ltd - Proposed Lot 93, Sunnybright, Limekilns Road, Kelso - Lot 5, DP 847225 - Contract
- Hibbards Pty Ltd - Proposed Lot 96, Sunnybright, Limekilns Road, Kelso - Lot 5, DP 847225 - Contract
- Hibbards Pty Ltd - Proposed Lot 98, Sunnybright, Limekilns Road, Kelso - Lot 5, DP 847225 - Contract
- Hibbards Pty Ltd - Proposed Lot 97, Sunnybright, Limekilns Road, Kelso - Lot 5, DP 847225 - Contract

Linen Plan Release

- The Trustees of the Roman Catholic Church for the Diocese of Bathurst - 29 lot residential subdivision - Lot 111, DP 1145879 & Lot 824, DP 1185390 - Westbourne Drive & Evernden Road, Llanarth
- Mr DJ & Mrs EA Fulton - 9 lot residential subdivision incorporating one open space - Lot 1, 2, & 3, DP 1215901; Lot 11, DP 1077306 - 563 & 567 Eleven Mile Drive, Eglinton

Financial Implications: Nil.

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.

5 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)

Recommendation: That Council consider the submissions individually.

Report: Council has had the Draft Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020 (DP/OP) on exhibition for the required period of 28 days.

Council has received a number of submissions in relation to the DP/OP. Submissions were made on various matters and are detailed below for Councillors information:

(a) Raglan Sporting and Social Committee

Recommendation: That Council not amend the DP/OP in respect of this submission.

Report: Council has received a submission from Raglan Sporting and Social Committee, see **attachment 1**, requesting assistance with the partial replacement of damaged floor coverings for a total of either \$8,500 and \$12,520. The request will be referred to a Council meeting in the new financial year for consideration as a section 356 request.

Financial implications: If the recommendation is adopted, there will be no net change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(b) Mr Peter Innes

Recommendation: That Council not amend the DP/OP with respect to the submission from Mr Innes.

Report: Mr Innes has made a submission, see **attachment 2**, asking about the proposed ratepayer funding for the capital works on the second track at Mount Panorama and how much funding is going towards climate change adaptation and mitigation. Mr Innes is not asking for a change to the Plan.

In terms of climate change adaptation, the environmental projects included in the plan are:

	2019/2020	2020/2021
	\$	\$
Macquarie River Riparian Corridor Rehabilitation	51,440	
Vegetation Management Plan	51,150	
Environmental Projects Implementation	50,000	
Regional State of the Environment Report	50,000	
Brick Pits Wetlands Enhancements		100,000
Strategic Planning - Heritage studies and Urban Design		100,000

Financial implications: If the recommendation is adopted, there will be no financial implication to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(c) Kelso Community Hub Rental Costs

Recommendation: That Council not amend the DP/OP or Revenue policy 2019/2020 in respect of this submission.

Report: Council has received a submission, see **attachment 3**, regarding the 5% increase in rental costs at the Kelso Community Hub and the barrier that creates for local organisations using that facility. The question is also raised about the criteria used for available discounts.

Council's own income is constrained by the NSW Government's rate pegging policy, however, where Council is able to augment its income through other areas, it must take into account its own sustainability to be able to maintain service levels for the community.

The following discounts are included in the Revenue Policy, but will be repeated in the Revenue Policy document closer to the schedule of fees for the use of the Hub for easier reference:

- a) Schools and Universities- being a recognised and accredited education institution - 40% discount on the scheduled rate.
- b) Local Community Organisations - non funded, non professional organisation, where money raised is dispersed into the community - 50% discount or the organisation can apply for fee waiver directly to Council.
- c) All other organisations are to pay the full scheduled amount

Financial implications: If the recommendation is adopted, there will be no financial implication to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(d) Centennial Park Upgrade

Recommendation: That Council note the submission.

Report: The Friends of Centennial Park have made a submission, see **attachment 4**, supporting the \$250,000 upgrade of the park and would like to see further funds committed in future years.

The submission will be considered during the development of the 2020-2024 Delivery Plan for future funding of further upgrades of Centennial Park.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(e) Charles Sturt University (CSU) Financial Contributions

Recommendation: That Council not amend the DP/OP in respect of the submission.

Report: CSU has recently completed market research to identify current and future demand for its full range of courses and content delivery methods. From the results of that review, CSU is now looking at innovative solutions to strengthening its market position and financial sustainability in a rapidly changing market. As a result they are investigating the opportunity to develop a second site for the Bathurst campus in the Bathurst CBD. There is a strong

commitment to the existing campus with the second site allowing new innovative ways of engaging with students. To this end, CSU has submitted a letter, see **attachment 5**, proposing to financially contribute to three key Council driven projects:

	CSU Contribution \$
Town Square Master Plan	100,000
Industry Cluster Strategic Plan	40,000
Practice Performing Arts Concept Development	25,000

Council needs to further consider the scope of the proposed reports and also Council's financial commitments to the studies given this very generous offer. To this end it is not proposed to amend the DP/OP at this stage and a further report will be developed for Council's consideration.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(f) Bathurst Heritage Network

Recommendation: That Council not amend the DP/OP in respect of the submission.

Report: The Bathurst Heritage Network has submitted a letter, see **attachment 6**, seeking funding for the Town Square and former TAFE Building.

Specifically, the group is asking for \$50,000 towards a Town Square Master Concept Plan utilising reserves. There are currently no reserves in place for this item. However, as detailed in the previous item, CSU is committed to providing funding for such a study. It is recommended that the DP/OP not be amended and that the Bathurst Heritage Network be advised of the CSU offer and that Council will be moving forward on the Town Square Plan once negotiations with CSU have been completed.

With regard to the TAFE building, the Bathurst Heritage Network proposes 15% of land sales to be transferred to a reserve to fund this item in future years. The funds from land sales are already committed in the budget to other projects, however the comments will be considered in the preparation of the DP/OP for 2020/2021.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(g) Revenue Policy Amendments

Recommendation: That Council amend the Revenue Policy.

Report: In preparation of the Revenue Policy, one existing item was inadvertently deleted from the document put on display. The line was:

Rec Code	Item	Job Number	GST	2018/2019 \$	2019/2020 \$
069	Temporary Food Premises - Annual License Fee	W432.32	N	25.00	25.00

In May, during the advertising period for the Plans and Revenue Policy, new activities were delegated to Council with the implementation of the Biodiversity Conservation Act 2016 and associated regulations. This requires the assessment of applications to remove vegetation in certain locations which are not covered by the Tree Preservation Order which applies in Heritage Conservation Areas. The proposed fee is:

Rec Code	Item	Job Number	GST	2018/2019 \$	2019/2020 \$
999	Vegetation Clearing Permit	W999.32	N	-	59.00

The Revenue Policy 2018/2019 was developed with the view that the new Scallywags child care centre would be open on 1 July 2019. Due to minor delays, it is apparent that the centre will not be open on the scheduled date. To ensure that parents are not disadvantaged, the current interim child care fees are recommended to stay in place until the new centre is opened. The Revenue Policy will be amended to reflect this.

It is recommended the three items be incorporated into the Revenue Policy 2019/2020.

Financial implications: If the recommendation is adopted, there will be no financial change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(h) **Water and Sewerage Availability Charges**

Recommendation: That Council not amend the DP/OP in respect of the submission.

Report: Council has received a submission from Ray Carter, see **attachment 7**, in relation to water and sewerage service availability charges. The submission request Council to review the method of water and sewer fund non-residential access charges. Council has reviewed these access charges and has found that they reflect a cost recovery on each of the services. Council's Water and Sewer Funds are based on Council recovering its operational costs by way of income received respectively from water and sewerage access charges together with income from usage charges.

Mr Carter contends that Council is unable to make an annual charge under section 501 of the Local Government Act 1993, as amended, for a charge to an essential / fire service through a dedicated pipe or through the same pipe and meter that supplies drinking water.

Section 501 of the Act states that:

- 501 For what services can a council impose an annual charge?*
(1) A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council:

- *water supply services*
 - *sewerage services*
 - *drainage services*
 - *waste management services (other than domestic waste management services)*
 - *any services prescribed by the regulations.*
- (2) *A council may make a single charge for two or more such services.*
- (3) *An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided.*

Council does, in accordance with the Act, impose an annual charge on each parcel of rateable land for which a water service is provided or proposed to be provided. Council's water supply responsibility ends at the meter servicing the property and charges the property based on the size of the meter installed as this reflects the load that can be potentially placed on Council's infrastructure. Council, in relation to that water supply, does not direct, once the water enters the property, how that water is used nor whether it is used for drinking or for fire fighting purposes required under the relevant BCA Standards. Council has previously provided the opportunity for meter downsizing where available.

Council uses the availability pricing method shown in NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines. Council's calculation of the access charges have been reviewed by the Minister for Water and Utilities in 2004 and the Minister for Water in 2009. Both Ministers have supported Council's approach as "responsible" and "appropriate".

The power to impose availability (s501) and usage (s502) charges have also recently been contested in court and found to be legal charges. Horton Rhodes Lawyers represented Prefabricated Buildings Pty Ltd, one of Mr Carter's companies, in the NSW Land and Environment Court against Council regarding this matter. Prefabricated Buildings Pty Ltd's application was dismissed with Robson J finding that "it appears clear that Council is entitled to charge for services based on both actual use and availability of those services" and that the accessibility charges had not been unlawfully levied under the Act. A copy of the decision [2017] NSWLEC 44 is shown at **attachment 8**.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

(i) Water Fund alleged mis-use of funds

Recommendation: That Council not amend the DP/OP in respect of the submission received from Mr G A Crisp.

Report: Council has received a submission from Mr G A Crisp on behalf of himself, his wife and the Management Committee of Strata Plan 47355. The submission does not actually address any content of the DP/OP but is titled as a submission. The submission by Mr Crisp contains complaints and allegations much of which are unrelated to the DP/OP process. It is not possible to dissect those matters from the remainder of the submission. Much of the material:

- (i) has been raised before
- (ii) involves allegations made against a range of persons and is not necessarily related to the Bathurst Delivery Plan 2019-2023 or the Operational Plan 2019/2020

(iii) is defamatory and will not be re-published by Council.

The submission from Mr Crisp has been provided to Councillors as a confidential memorandum **under separate cover**.

Financial implications: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2019-2023 and Operational Plan 2019/2020.

Financial Implications: If the recommendations are adopted, the changes will be incorporated into the Delivery Plan 2019-2023 and Operational Plan 2019/2020 which will become the budget for Bathurst Regional Council for 2019/2020.

Bathurst 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 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

Community Engagement

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

6 DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 **(16.00155)**

Recommendation: That:

- (a) Following consideration of the submissions received by Council, the Draft Delivery Plan 2019-2023 and Operational Plan 2019/2020 be adopted as the Bathurst Regional Council Delivery Plan and Operational Plan, subject to the inclusion of any amendment adopted as a result of the submissions received, and all expenditure and income items incorporated in the Operational Plan 2019/2020 be voted.
- (b) Councillors remuneration be set at the maximum level for the category Regional Rural as published by the Local Government Remuneration Tribunal.
- (c) It be noted that Council has reviewed its organisation structure in accordance with section 333 of the Local Government Act 1993 as amended.
- (d) Proposed borrowing of funds as detailed in the Plan be approved.

Report: The Draft Delivery Plan 2019-2023 and Operational Plan 2019/2020 has been advertised for the statutory 28 days and submissions were received during the exhibition period.

Council considered these submissions in the previous report (DCSF #5 of 20 June 2019) and any adjustment to the Draft Delivery Plan 2019-2023 and Operational Plan 2019/2020 adopted at that item will now have to be included in the formal adoption of the Plan.

The adopted budget contains an allowance for Councillors to be paid in accordance with the maximum level allowed by the Local Government Remuneration Tribunal under the category, Regional Rural, as shown at **attachment 1**.

Under section 333 of the Local Government Act 1993 as amended, the Council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the Council. The organisation structure was reviewed during the Operational Plan development.

Loan funding included in the Operational Plan:

Loan Purpose	2019/2020 Proposed Borrowing \$
W6075 - Hereford Street Sports Complex	700,000
W6427 - Go Kart Track Construction & Consultancy	200,000
W7285 - Bathurst Sportsground - Work Shed / Amenities	305,000
W7302 - Turf wicket restoration treatment - various grounds	150,000
W7990 - Infield Drainage to Ashwood Park no 2 Field	120,000
Street Lighting - LED lights	1,600,000
Road Construction - various	1,300,000
W8625 Perthville Levee	850,000
Aerodrome works	800,000
Mt Panorama works	375,000

W6135 - CCTV in the CBD

250,000

6,650,000

Financial Implications: The Delivery Plan 2019-2023 and Annual Operational Plan 2019/2020 is the budget of the Bathurst Regional Council for the 2019/2020 financial year.

Bathurst 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 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

Community Engagement

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

7 2019/2020 REVENUE POLICY (16.00155)

Recommendation: That, following consideration of the submissions received by Council, the Revenue Policy for 2019/2020, as presented to Council, be adopted as the Bathurst Regional Council 2019/2020 Revenue Policy with the inclusion of any amendments adopted as a result of the submissions received.

Report: Council's Revenue Policy for 2019/2020 has been advertised for the statutory 28 days and submissions considered by Council.

Included in this year's Plan is the provision of eight waste management vouchers consisting of:

- two (2) x Mixed Refuse Vouchers of 200kg each
- two (2) x Mixed Refuse Vouchers of 100kg each
- two (2) x Green Waste Vouchers of 200kg each, and
- two (2) x Green Waste Vouchers of 100kg each.

Vouchers have been issued to ratepayers for a number of years. The number of vouchers was amended last year to assist ratepayers in getting better value from the issued vouchers. The usage will be monitored during 2019/2020 for review and modification, if required, during next year's budget process.

Financial Implications: The 2019/2020 Revenue Policy sets out the fees and charges for Council services for the 2019/2020 financial year. These fees and charges assist Council to achieve its budgeted income for the year.

Bathurst 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 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

Community Engagement

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

8 2019/2020 RATE LEVY - MAKING THE RATES (16.00155)

Recommendation: (a) ORDINARY RATES FOR 2019/2020 - That in accordance with Sections 534 and 535 of the Local Government Act, 1993, WHEREAS the Bathurst Delivery Program 2019-2023 and Annual Operating Plan 2019/2020 for the twelve months to 30 June 2020 was adopted by the Council on 19 June 2019 it is hereby recommended that:

1. a **Residential Rate** of zero point two nine seven three two nine (0.297329) cents in the dollar on the land value of all rateable land categorised as Residential in accordance with Section 516 of the Local Government Act, 1993 excepting those parcels of land sub-categorised as "Residential Town/Villages", AND THAT
2. a **Residential Town/Villages Rate** of zero point nine six seven nine three six (0.967936) cents in the dollar on the land value of all rateable land sub-categorised as Residential – Town/Villages, in accordance with Section 529(2) (b) of the Local Government Act, 1993, AND THAT
3. a **Farmland Rate** of zero point two two six four one seven (0.226417) cents in the dollar on the land value of all rateable land categorised as Farmland in accordance with Section 515 of the Local Government Act, 1993, AND THAT
4. a **Business Rate** of zero point four six seven five zero four (0.467504) cents in the dollar on the land value of all rateable land categorised as Business in accordance with Section 518 of the Local Government Act, 1993, excepting those parcels of land sub-categorised as "Business Bathurst City", "Business Forest Grove", "Business Ceramic Avenue", "Business Eglinton Non-Urban", "Business Orton Park", "Business Stewarts Mount", "Business Evans Plains" AND THAT
5. a **Business Bathurst City Rate** of one point eight nine seven seven six eight (1.897768) cents in the dollar on the land value of all rateable land sub-categorised as Business Bathurst City in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
6. a **Business Forest Grove Rate** of one point six four two eight six two (1.642862) cents in the dollar on the land value of all rateable land sub-categorised as Business Forest Grove in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
7. a **Business Ceramic Avenue Rate** of one point six four two eight six two (1.642862) cents in the dollar on the land value of all rateable land sub-categorised as Business Ceramic Avenue in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
8. a **Business Eglinton Non-Urban Rate** of one point six four two eight six two (1.642862) cents in the dollar on the land value of all rateable land sub-categorised as Business Eglinton Non-Urban in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
9. a **Business Orton Park Rate** of one point six four two eight six two (1.642862) cents in the dollar on the land value of all rateable land sub-categorised as Business Orton Park in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT

10. a **Business Stewarts Mount Rate** of one point six four two eight six two (1.642862) cents in the dollar on the land value of all rateable land sub-categorised as Business Stewarts Mount in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
11. a **Business Evans Plains Rate** of one point six four two eight six two (1.642862) cents in the dollar on the land value of all rateable land sub-categorised as Business Evans Plains in accordance with Section 529(2)(d) of the Local Government Act, 1993, AND THAT
12. a **Mining Rate** of zero point three six one two seven nine (0.361279) cents in the dollar on the land value of all rateable land categorised as Mining in accordance with Section 517 of the Local Government Act, 1993,

BE NOW MADE for the 2019/2020 Rating Year subject to the following Minimum and Base Amounts in accordance with Section 548 and Section 499 of the Local Government Act, 1993, AND THAT aggregation of values of certain parcels of land subject to a minimum or base amount in accordance with Section 548A of the Local Government Act, 1993, be permitted.

	Category	Minimum Amount	Base Amount	%Yield Base Amount
1	Residential		\$269.00	32
2	Residential/Town Village	\$383.00		
3	Farmland		\$364.00	24
4	Business	\$267.00		
5	Business Bathurst City	\$410.00		
6	Business Forest Grove	\$410.00		
7	Business Ceramic Avenue	\$410.00		
8	Business Eglinton Non-Urban	\$410.00		
9	Business Orton Park	\$410.00		
10	Business Stewarts Mount	\$410.00		
11	Business Evans Plains	\$410.00		
12	Mining		\$235.00	48

- (b) DOMESTIC WASTE MANAGEMENT CHARGES FOR 2019/2020 - That the annual residential charge – Standalone Dwellings where the service is available under Section 496 of the Local Government Act, 1993, for the removal of weekly general waste, weekly food and green waste and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2019 being four hundred and thirteen dollars and zero cents (\$413.00) for the provision of one waste mobile bin, one food and green waste mobile bin and one recycle mobile bin be made by the Council, and the annual residential charge for other than standalone dwellings for the removal of weekly general waste, and the fortnightly collection of material for recycling for the twelve months commencing 1 July 2019 being three hundred and six dollars and zero cents (\$306.00), and that the annual charge to be made for each parcel of rateable vacant land where the service is available under Section 496 of the Local Government Act, 1993, for the twelve months commencing 1 July 2019 being six dollars and zero cents (\$6.00) be made by the Council and further that a charge where the service is provided under Section 496 of the Local Government Act, 1993, for each additional domestic waste collection service of two hundred and thirteen dollars and zero cents

(\$213.00) per mobile bin and for each additional food and green waste collection service of one hundred and seven dollars and zero cents (\$107.00) and for each additional fortnightly recycling collection service of ninety three dollars and zero cents (\$93.00) per mobile bin be made by the Council.

- (c) **WASTE MANAGEMENT SERVICE CHARGES FOR 2019/2020 (NON DOMESTIC)** – That the annual charge where the service is provided under Section 501/502 of the Local Government Act, 1993, for the weekly removal of garbage being two hundred and thirteen dollars (\$213.00) per mobile bin and the weekly removal of food and green waste being one hundred and seven dollars (\$107.00) and the fortnightly collection of material for recycling being ninety three dollars (\$93.00) per mobile bin for the twelve months commencing 1 July 2019 be made by the Council.
- (d) **WASTE MANAGEMENT SERVICE CHARGES – RURAL AREAS FOR 2019/2020** That the annual waste charge be levied for each rural rateable property that is outside of the waste collection area, Council provides access to rural transfers stations, under Section 501 of the Local Government Act, 1993, for the twelve months commencing 1 July 2019 being eighty nine dollars (\$89.00) be made by the Council.
- (e) **WASTE MANAGEMENT VOUCHERS** – That the Council provide to all rateable properties eight waste management vouchers, consisting of 4 Mixed Refuse Vouchers consisting of two by 200kg and two by 100kg each and 4 Green Waste Vouchers consisting of two by 200 kg and two by 100kg each, at no charge.
- (f) **SEWERAGE CHARGES FOR 2019/2020** – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2019.
1. That the annual charge for single residential (including residential strata) and un-metered properties, be six hundred and fourteen dollars and zero cents (\$614.00).
 2. That the annual charge for vacant land be three hundred and ninety dollars and zero cents (\$390.00).
 3. That the annual access charges for non-residential and multiple residential properties are to be the total of the metered charges applicable to the property as shown in the table below multiplied by a sewerage discharge factor.

Size of Water Connection (mm)	Charge for 2019/2020
20	\$554.00
25	\$860.00
32	\$1410.00
40	\$2205.00
50	\$3444.00
65	\$5539.00
80	\$8809.00
100	\$13764.00
150	\$30963.00
Strata Properties (Each non-residential lot)	\$554.00
Assumption School	\$1726.00

4. That the Sewer Usage Charge (Section 502) for non-residential and multiple residential properties be one dollar and eighty-five cents (\$1.85) per kilolitre of filtered water supplied multiplied by a sewerage discharge factor.

(g) SEWERAGE CHARGES -TRADE WASTE 2019/2020

That in accordance with Sections 501,503, 539, and 541 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2019.

1. That the Annual Trade Waste Fee for individual businesses be one hundred and twenty-five dollars and zero cents (\$125.00).
2. That the Annual Trade Waste Fee (Large Discharger) for individual business be eight hundred and thirty-four dollars and ten cents (\$834.10).
3. That the Trade Usage Charge for non-residential properties be three dollars and ten cents (\$3.10) per kilolitre of filtered water supplied multiplied by a trade discharge factor.

(h) WATER CHARGES 2019/2020 – That in accordance with Sections 501,502, 503, 539, 541 and 552 of the Local Government Act, 1993, the following charges are made for the twelve months commencing 1 July 2019.

1. That the annual water availability charges are to be the total of the metered charges applicable to the property as shown in the table below for:

Size of Water Connection (mm)	Charge for 2019/2020 \$
20	\$175.00
25	\$274.00
32	\$448.00
40	\$701.00
50	\$1094.00
65	\$1848.00
80	\$2797.00
100	\$4369.00
150	\$9831.00
Hillview Water Supply	\$159.00

2. That the minimum annual water availability charge for each unit within a Strata development be one hundred and seventy-five dollars and zero cents (\$175.00).
3. That the annual water availability charge for vacant unconnected land be one hundred and seventy-five dollars and zero cents (\$175.00).
4. That the annual water availability charge for unmetered or unconnected properties be seven hundred and eighty-three dollars and zero cents (\$783.00).
5. That if water pressure at a property is less than 120 kpa, then a larger service may attract a charge of one hundred and seventy-five dollars and zero cents (\$175.00).

6. That Water Usage Charges (Section 502) be as follows in the below table.

Type	Consumption	Tariff per kilolitre for 2019/2020
Hillview Estate Water Supply	First 250 kl	\$2.32
	> 250 kl	\$4.58
Residential Filtered	First 250 kl	\$2.22
	> 250 kl	\$3.33
Residential Raw	First 250 kl	\$0.97
	> 250 kl	\$1.46
Other Filtered	First 250 kl	\$2.22
	> 250 kl	\$3.33
Other Raw	First 250 kl	\$0.97
	> 250 kl	\$1.46
Large Industrial Filtered	>0 kl	\$1.76
Large Industrial Raw	>0 kl	\$1.11
Community Clubs:	First 18,000 kl	\$0.85
Golf, Majellan & Bathurst Community Club	>18,000kl to 45,000kl	\$1.12
	Balance	\$1.76
Strata Unit property	First 250 kl (for each unit)	\$2.22
	>250 kl (for each unit)	\$3.33
Home Dialysis – subject to doctors certificate	First 200 kl	Free
	200kl-250 kl	\$2.22
	>250 kl	\$3.33
Hospital	1 st x patient average	Free
	Balance per KL	\$3.33

- (i) Included in this year's Bathurst Delivery Program 2019/2023 and Annual Operating Plan 2019/2020 in the Water Fund are amounts for Operational expenditure at the Manning Aquatic Centre Bathurst. This is to be financed from revenue raised from the Water Fund as detailed in the Plan.
- (j) INTEREST ON OVERDUE RATES AND CHARGES FOR 2019/2020 – That in accordance with Section 566 of the Local Government Act, 1993 Council charge interest on overdue rates at a rate of 7.5 % per annum for the 12-month period commencing 1 July 2019 as advised by the Minister.
- (k) The rates and charges have been based upon the advertised estimates of income and expenditure, which provided for increases in Ordinary Rates of 2.7%, a 5.0% increase in Sewer Charges, Waste Charges have been calculated on the basis of the reasonable cost of providing the service and Water Charges have been calculated on achieving a 25/75 basis (25% access charge and 75% usage charge) based on the Best Practice Guidelines introduced by the NSW Office of Water, August 2007.

Report: As per the recommendation.

Financial Implications: The Rates and charges for the year are included in the Revenue Policy which forms part of the adopted Delivery Plan 2019-2023 and Operational Plan 2019/2020.

Bathurst 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 28.6
- Objective 29: To guide the construction and provision of new infrastructure/facilities and services and the management and upgrading of existing assets and service levels. Strategy 29.3
- Objective 33: To be and develop good leaders. Strategy 33.5

Community Engagement

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

9 CODE OF MEETING PRACTICE (07.00064, 07.00065)

Recommendation: That Council adopt the Code of Meeting Practice.

Report: As Councillors would be aware Council received notification from the Office of Local Government (Circular No 18-45) of the commencement of the new Model Code of Meeting Practice for Local Councils in NSW (Model Code).

Council is required, by no later than 14 June 2019, to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code or else the Model Code of Meeting Practice becomes the Council Code until such time as Council adopts its own Code.

The new Model Code of Meeting Practice for Local Councils in NSW necessitated an extensive re-write of Council's currently adopted code and also introduces a number of new provisions. These include, but are not limited to:

- the administration and management of public forums
- the requirement to webcast meetings on or before 14 December 2019
- the provision to deal with agenda items by exception

The Model Code of Meeting Practice also provided clauses that Councils must adopt and other clauses that Councils may implement at their discretion.

As raised at the Councillor Working Party held on 13 February 2019, Council's existing Code of Meeting Practice is not able to be modified or adapted given the extensive redactions that have occurred to the Local Government (General) Regulation 2005. Accordingly, the Model Code was tailored to reflect Council's practices and a draft Code of Meeting Practice (refer **attachment 1** - the "exhibited code") was presented to the March Policy Meeting of Council. Following consideration of the report on the new draft Code of Meeting Practice Council resolved:

That Council:

- (a) place the Draft Code of Meeting Practice on public exhibition for a period of not less than 28 days; and*
- (b) receive a report following the public exhibition period.*

The Draft Code of Meeting Practice (the "exhibited code") was placed on public exhibition for the required 28 days with submissions being received up until 7 May 2019. Council received 12 submissions on the Draft Code from the following people:-

V Comiskey
T Sorensen
N McNab
P Dowling
B Trimming
R England
Mrs B Cowan
Bathurst Regional Access Committee
Bathurst Community Climate Action Network

C O'Rourke
S Pearson
D McNab

Many of the submissions covered the same areas of the Code. A summary of the submissions received is provided below. The particular clause to which the submission relates has been included in this report (in bold text) followed by a brief explanation of the submission/s received. Council's response is then provided for each clause.

5.18 All meetings of the council and committees of the council are to be webcast on the council's website.

Asked why the rules governing live streaming of the council meeting were not included in the draft Code.

Council response: At the present time the Council has not made any decision on how webcasting of Council meetings will be implemented. Councils have until December 2019 to implement webcasting of their meetings.

15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

Clause 2.1 relates to the principles to be observed during meetings. Believes that clause 15.2 means that Councillors can never be brought to order.

Council response: This is a mandatory clause in the Model Code and can not be altered by Council. There are other ways that Councillors can be brought to order within the code.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

Asked why this clause does not include a period of expulsion.

Council response: Council does not believe that the Local Government Act, The Local Government Regulation or the Model Code of Meeting Practice for local Councils in NSW allows for a period of expulsion to be imposed.

15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

Asked if Council is required to live stream Council meetings what is the use of this clause?

Council response: This is a mandatory clause in the Model Code and can not be altered by Council. Also Councils are only required to webcast meetings, this does not necessarily mean it has to be done live.

16.1 All councillors and, where applicable, all other persons, must

declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Believes that Clause 20 (see below) of the Draft Code appears to contradict this section.

20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

(a) a vacancy in a civic office, or

(b) a failure to give notice of the meeting to any councillor or committee member, or

(c) any defect in the election or appointment of a councillor or committee member, or

(d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or

(e) a failure to comply with this code.

Council response: This is a mandatory clause in the Model Code and can not be altered by Council.

The majority of submissions related to the following clauses of the Draft Code.

4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings.

Submissions opposed the proposal to limit submissions at a Public Forum to items on the agenda of that particular council meeting.

Council response: Collective response for all items raised under clause 4 of the exhibited code is listed below.

4.3 Nominated candidates at federal, state or local government elections are not permitted to speak at a public forum.

Felt this was discriminatory as existing Councillors were allowed to "electioneer" during discussions held as part of the remainder of the meeting.

Another submission proposed that the clause around candidates for election at federal, state or local government elections needs to be clarified to better define the time period during which this restriction applies.

Council response: Collective response for all items raised under clause 4 of the exhibited code is listed below.

4.5 Each speaker will be allowed four (4) minutes to address the council, with a one (1) minute warning sounded at three (3) minutes.

This time is to be strictly enforced by the chairperson.

Opposed to the reduction in time to speak from 5 minutes to 4 minutes.

One submission stated that “people can be encouraged to put their points more succinctly, so a four minute limit is probably a reasonable compromise, even though in principle this does cut down public input”.

One submission suggested that Public Forum time be extended from 15 minutes to 30 minutes to “more accurately reflect the actual time normally permitted”.

Council response: Collective response for all items raised under clause 4 of the exhibited code is listed below.

4.6 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Opposed to the requirement to not digress from the item they have applied to address Council on.

Council response to submissions relating to Clause 4 of the exhibited code:- Council following consideration of submissions received amended the exhibited Code as follows.

- Council will hold a Public Forum prior to each ordinary meeting of the Council (with the exception of the ordinary meeting after the policy committee). This change retains the current practice for Public Forums.
- Public Forums will commence at 6.00pm prior to the start of the ordinary meeting.
- Speakers will be allowed 5 minutes in total to address the Council (warning at 4 minutes)
- Requirement for speakers to address Council only on matters on the agenda for that meeting (clause 4.6) has been removed.
- Clause 4.15 of the exhibited code was modified to allow the chairperson at a meeting to refuse further applications from speakers to address Council at a Public Forum if they engage in unruly conduct as defined under the Code.
- Clause 4.3 relating to nominated candidates for election addressing Council was retained but a definition of a nominated candidate was added to the definitions which clearly describes a nominated candidate as a person so declared by the returning officer at the specific election at the close of nominations.

Council considered the submissions at a Working Party held on 22 May 2019 (full copies of all 12 submissions were provided to each councillor as part of the business papers for the Working Party). Council made alterations to the Draft Code following consideration of the submissions. The amended Code of Meeting Practice is provided at **attachment 2** and it is recommended that Council adopt the Code of Meeting Practice.

Financial Implications: Nil.

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.

10 EMERGENCY SERVICES LEVY - 2019/2020 (18.00233)

Recommendation: That Council make representations to the appropriate NSW Government Ministers objecting to the increase proposed for 2019/2020, and seek the annual contributions be aligned to the annual rate peg amount as determined by IPART.

Report: Council has been advised by the Office of Local Government (via Circular No 19-06) on 8 May 2019 of the changes to the emergency services funding arrangements which come into effect from 1 July 2019. A copy of Circular No. 19-06 is provided at **Attachment 1.**

The Circular alerts Council to anticipate an increase in the annual emergency services levy paid by Council due to the changes made by the NSW Government to "*.... workers' compensation to provide better protection for volunteer and career firefighters affected by work-related cancers*".

Council has received its Assessment Notice for 2019/2020. Council's annual contribution for 2019/2020 is \$989,271.67 which is an increase of \$146,525.39 on the 2018/2019 contribution (or an increase of 17.39%). It should be noted that the approved rate peg for 2019/2020 as determined by IPART is 2.7%.

As Council's Draft Budget is already on exhibition (adopted 1 May 2019), and presents a minor surplus, Council will need to consider a reduction in levels of services in order to fund this unexpected extraordinary increase. Alternatively, Council could make representations to the appropriate State Ministers seeking the annual contribution be aligned to the annual rate peg.

Financial Implications: Should Council be required to pay the full contribution as outlined in the Assessment Notice issued 7 May 2019, a further report will need to be considered by Council to identify those levels of service which are to be reduced to offset this increase.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 2: A smart and vibrant economy Strategy 2.1

Community Engagement

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

11 REQUEST FOR FINANCIAL ASSISTANCE - "BATHURST REMEMBERS WORLD WAR 2 EXHIBITION 2020" (18.00004)

Recommendation: That Council include the waiver of BMEC hire charges for the "Bathurst Remembers World War 2 Exhibition 2020" up to a maximum of \$5,000 in the Section 356 BMEC Donations in the 2020/2021 budget.

Report: Council has received a request from the Bathurst Historical Society Inc. for Council to sponsor the cost of the use of the Bathurst Memorial Entertainment Centre (BMEC) for the "Bathurst Remembers World War 2 Exhibition 2020" marking VP Day and the end of World War 2 to be held from 13 to 18 August 2020. A copy of their request is at **attachment 1**.

It is envisaged the event will draw interest from outside the Bathurst region, with advertising to be extended to other Bathurst museums, Cowra Japanese Gardens and the Lithgow Small Arms Factory to encourage visitors to stay several days in the region.

The group is requesting the waiving of the fee for the BMEC hire (this includes room hire, set up, equipment and staffing) which has been estimated at around \$6,162. Other additional costs that might be incurred would be:

- additional labour costs @ \$38 per hour
- bump in cost outside of 8 hours fee @ \$80 per hour
- Staffing for Official Opening @ \$38 per hour
- Catering (Food, Tea & Coffee) unknown cost + additional set up of chairs & tables to be determined.

It should be noted that, as the event is not being held until 2020, the fees quoted above are based on the fees schedule for the 2019/2020 financial year. The fees for the next financial year will increase slightly.

Whilst not a policy position, Council's practice is to generally cap sponsorship of \$5,000 for these type of events, however, Council may wish to provide an increased level of sponsorship.

Financial Implications: Should Council resolve in accordance with the recommendation of this report, the waiver will be included in Council's 2020/2021 Section 356 BMEC Donations.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

**12 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 22.07024, 22.06279)**

Recommendation: That the information be noted.

Report: 1 INTEREST ON OUTSTANDING RATES – ASSESSMENT 103258 (22.07024)

This report relates to write off, of accrued interest on rates.

2 RENEWAL OF RESIDENTIAL LEASE (22.06279)

This report relates to the renewal of a residential lease.

3 RURAL LICENCE AGREEMENT (22.00054)

This report relates to entering into a rural licence agreement.

4 PROPOSED TRANSFER OF COMMERCIAL LEASE (22.01046)

This report relates to proposed transfer of a commercial lease.

5 TENDER FOR SUPPLY AND INSTALLATION OF DESKTOPS/WORKSTATIONS AND LAPTOPS (36.00701)

This report relates to supply and installation of desktops/workstation and laptops.

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 6.4

Community Engagement

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

Yours faithfully



A Jones
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JUNE 2019

1 TRANSFER OF CROWN ROAD - LEENA STREET BETWEEN PANORAMA AVENUE AND HAVANNAH STREET BATHURST (25.00012)

Recommendation: That Council approve the transfer of the Crown Road identified as Leena Street, Bathurst, from the Crown to Council, as detailed in the Director Engineering Services' report.

Report: Leena Street is a road owned by the State of New South Wales and runs in a north-south direction between Havannah Street and Panorama Avenue. Half of the road has been constructed and the other half has not (refer **attachment 1**). The constructed section of Leena Street has often been the subject of discussion and Council reports regarding the maintenance thereof and transfer of ownership. Council has previously resolved not to accept ownership until the remainder of the road was constructed to the appropriate standard.

Council is the owner of two properties located in Leena Street, Bathurst being Lot 23 in DP1169512 and Lot 268 in DP820952. Lot 268 was the subject of a report to Council on 20 February 2019 where the Central Tablelands Collection Facility was discussed. To help facilitate the servicing of these lots it is likely that construction of the currently unconstructed section of Leena Street will be required. In doing so, public vehicular access between Panorama Avenue and Havannah Street would be provided.

Before construction of the road can commence, ownership will need to be transferred to Council. It is therefore recommended that Council make application to NSW Department of Industry - Lands and Water to transfer ownership of the entire length of Leena Street from the Crown to Council.

Financial Implications: Nil

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2

Community Engagement

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

**2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00709, 36.00712, 36.00708, 36.00707, 36.00711, 36.00706, 36.00699
& 36.00710)**

Recommendation: That the information be noted.

Report: The following items have been included in the confidential section of the business paper for Council's consideration:

**1 TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED
BITUMINOUS SURFACING (36.00709)**

This report considers the tender for the supply, delivery and placement of Sprayed Bituminous Surfacing.

**2 TENDER FOR INSTALLATION OF FITNESS STATIONS, BERRY & COUSINS PARK
BATHURST (36.00712)**

This report considers the tender for installation of Fitness Stations, Berry & Cousins Park, Bathurst.

3 TENDER FOR ROAD STABILISING WORKS (36.00708)

This report considers the tender for road stabilising works.

4 TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES (36.00707)

This report considers the tender for provision of Traffic Control Services.

5 TENDERS FOR CLEANING OF PUBLIC BUILDINGS (36.00711)

This report considers the tender for Cleaning of Public Buildings.

**6 TENDER FOR THE PREFERRED CONTRACTORS LIST FOR MINOR WORKS
(36.00706)**

This report considers the tender for the preferred contractors list for Minor Works.

**7 TENDER FOR DESIGN AND DOCUMENTATION OF CARRINGTON PARK
GRANDSTAND EXPANSION (36.00699)**

This report considers the tender for design and documentation of Carrington Park Grandstand expansion.

**8 TENDER FOR REFURBISHMENT OF MACHATTIE COTTAGE, AT MACHATTIE
PARK, BATHURST (36.00710)**

This report considers the tender for the refurbishment of Machattie Cottage, at Machattie Park, Bathurst.

9 CENTROC TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUEL (07.00017)

This report considers the tender for the supply and delivery of Bulk Fuel.

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

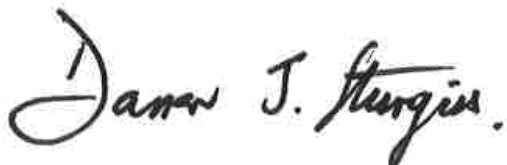
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

Yours faithfully



Darren Sturgiss
**DIRECTOR
ENGINEERING SERVICES**

DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 JUNE 2019

1 ALCOHOL-FREE ZONES IN THE BATHURST CBD 2019 - 2023 (20.00126)

Recommendation: That Council:

- (a) commence the process, as outlined in the report, for the re-establishment of alcohol-free zones in the Bathurst CBD for a period of four years commencing 1 November 2019 and concluding 31 October 2023.
- (b) notify the public of the zone establishment as required under Section 644 of the Local Government Act, 1993.
- (c) endorse the continuation of the alcohol-free areas of Machattie Park/Kings Parade and Macquarie River Bicentennial Park.
- (d) Prepare a further report to Council at the conclusion of the notification period, including submissions received or, if no submissions are received, undertake the establishment of Alcohol Free Zones 2019–2023.

Report: The current alcohol-free zones expire at the end of October 2019 following a four year enforcement period. The current zones are listed below. A map detailing these can be found at **attachment 1:**

William Street - from Durham to Piper Streets
George Street - from Durham to Piper Streets
Howick Street - from Rankin to Bentinck Streets
Russell Street - from Rankin to Bentinck Streets
Keppel Street - from Rankin to Havannah Streets
Piper Street - from Rankin to Bentinck Streets
Rankin Street - from Durham to Piper Streets
Bentinck Street – from Durham to Keppel Streets
Court House Lane
Church Street

Council commenced proceedings to establish alcohol-free zones in Bathurst Regional Council in 2004, re-establishing these zones in 2008, 2011 and 2015. The expiry of the 2015 alcohol-free zones is scheduled to occur as at 31 October 2019.

The above-listed zones are proposed to be re-established from 1 November 2019 to 31 October 2023.

Council has sought feedback from NSW Police Force - Chifley Local Police District and has received a letter of support and recommendation for the re-establishment of these zones. A copy of this correspondence can be found at **attachment 2.** The need to retain these zones has been identified through consultation for the Bathurst Community Safety Plan from residents and stakeholders alike.

The Ministerial Guidelines on alcohol-free zones has a limit of operation to a maximum period of four years. This is done so a Council may consider the changes occurring in public behaviour and consider whether or not a zone needs to be in place.

The Ministerial Guidelines state that *"there is no general provision for an alcohol-free zone to be extended. However, the roads, footpaths or public carparks comprising a zone may be included in another alcohol-free zone of the same or different configuration, immediately following the cessation of the existing zone or at any future time"* . The Guidelines also indicate that, when considering a proposal to re-establish a zone, Council must consider the previous reasons for establishing the zone and the success or otherwise of the zone. All the requirements for the valid establishment of a zone apply, whether or not a previous zone has been established.

The Guidelines outline the following process for the valid establishment of an alcohol-free zone:

1. Reasons to support an Alcohol-Free Zone - relating to the irresponsible consumption of alcohol on roads and footpaths and in public carparks.
2. Location of an Alcohol-Free Zone - may only be established to include a public road, footpath or a public place that is a carpark (ie carparks on public land or Crown land).
3. Duration of an Alcohol-Free Zone - may be established for a maximum period of four years. Once established, it applies twenty-four hours per day.
4. Consultation with the Police - Council must consult with the relevant Police Local Area Commander about the appropriate number and location of alcohol-free zones.

After preparing a proposal to establish an alcohol-free zone Council is required to undertake a public consultation process, which involves all of the following:

- Publishing a notice of the proposal in a newspaper, allowing inspection of the proposal and invite representations or objections within 30 days from the date of publication.
- Sending a copy of the proposal to the Police Local Area Commander and the liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone inviting representations or objections within 30 days.
- Sending a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and inviting representations or objections within 30 days.

Council is to give proper consideration to any representations, submissions or objections received and as a result may amend or withdraw a proposal to establish an alcohol-free zone. However, any amendment that extends the location of the proposed alcohol-free zone must be supported by reasons.

Having completed the above steps Council may, by resolution, adopt a proposal to establish an alcohol-free zone and the following process will be undertaken by Council:

1. Inform interested parties including any applicant, the relevant Police Local Area Commander, affected liquor licensees and club secretaries and other organisations advised of the original proposal.

2. Amend and place signage to reflect the new zoning period, prior to the zone enforcement.
3. Publicly advise the establishment of an alcohol-free zone by notice published in a newspaper seven (7) days prior to the zone's enforcement.

Therefore, the following milestones are required to be achieved prior to the re-establishment/establishment of the alcohol-free zones:

- Proposal with reasons and letter of support from Police Local Area Commander.
- Letters advising of proposal inviting representations/objections to be sent to Police, liquor licensees, Aboriginal and culturally and linguistically diverse groups (30 days).
- Notice in local newspaper of proposal inviting representations/objections (30 days)
- Collate representations/objections and prepare a report to Council.
- Report to Bathurst Regional Council to consider proposal and any representations or objections and make a resolution accordingly.
- Commence amending signage.
- Place notice in local newspaper of upcoming zone implementation date, inform stakeholders.
- Zone effective, place notice in local newspaper.

For Council's information the following **alcohol-free areas** are also in place and are not required to be re-established under Section 632 of the Local Government Act and they will remain established:

- * Machattie Park/Kings Parade - commenced 8 July 2009.
- * Macquarie River Bicentennial Park - commenced 7 May 2008.

Financial Implications: Amendment and placement of signs to be funded from the Engineering Sign Maintenance budget.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 5: Community health, safety and well being Strategy 5.4

Community Engagement

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

3 BATHURST MEMORIAL ENTERTAINMENT CENTRE - 2019 BATHURST WRITERS' AND READERS' FESTIVAL IN ASSOCIATION WITH THE SYDNEY WRITERS' FESTIVAL LIVE & LOCAL (3-5 MAY 2019) (21.00060)

Recommendation: That the information be noted.

Report: Bathurst Writers' and Readers' Festival returned in 2019 for its fifth iteration. Returning to Bathurst Memorial Entertainment Centre (BMEC) after being held Charles Sturt University in 2018, streaming and primary events were held in City Hall with additional workshops breaking out into conference rooms.

Held from Friday 3 May to Sunday 5 May and free to attend (except workshops) this year's program again centred around streaming from Sydney Writer's Festival Live & Local. Also included were panel discussions and workshops, an opening, two poetry launches, a pop-up book shop and a secondary school workshop day. Councillor Graeme Hanger OAM, Mayor of Bathurst, opened the Festival officially on Friday evening. Tea, coffee and soup were available for purchase intermittently throughout the Festival and both evening events were lightly catered.

Again organised by Local Stages and BooksPlus Bathurst the event was supported with funding and sponsorship from BooksPlus, Scribe, Catholic Education Diocese of Bathurst, Bathurst City Life, Keppel St Books and individual sponsors. Funding was received from Create NSW's Regional Arts Fund for the festival, particularly the printing of the Bathurst Poets 2019 Anthology (profits of sale returning to festival).

Survey results indicate that audiences greatly appreciate the Festival, particularly the local panels, workshops and presentations. After a fall in audience numbers last year, numbers increased this year.

Attendance Comparison to previous years

Attendance					
	2015	2016	2017	2018	2019
Secondary School Workshop	N/A	N/A	62	54	56
Friday	429	312	316	268	426
Saturday	437	561	631	453	336
Sunday	229	567	513	354	470
Total (General program)	1,095	1,440	1,460	1,075	1,232

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.3
- Objective 5: Community health, safety and well being Strategy 5.3

- 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.

4 DEDUCTIBLE GIFT RECIPIENT (DGR) STATUS - CHIFLEY HOME AND EDUCATION CENTRE, BATHURST RAIL MUSEUM (21.00112, 21.00120)

Recommendation: That Council:

- (a) Note the 'Chifley Home and Education Centre' is endorsed to operate as a public museum and deductible gift recipient (DGR);
- (b) Expands the activities of the 'Chifley Home and Education Centre' to include the operation of the 'Bathurst Rail Museum', and accordingly, to rename the DGR to 'Bathurst Rail Museum and Chifley Home';
- (c) Develop governing rules for the operation of the 'Bathurst Rail Museum and Chifley Home'; and
- (d) Instruct Prolegis Lawyers to notify the Australian Taxation Office of the change of DGR name and adoption of governing rules.

Report: With the development of the Bathurst Rail Museum work has been undertaken to establish Deductible Gift Recipient (DGR) status. Following advice provide by Prolegis Lawyers it is recommended that the best course of action is to expand the DGR status of Chifley Home and Education Centre to include the Bathurst Rail Museum. Combining the two reflects the operational and thematic connections between the museums.

The formalisation of DGR status will enable the Bathurst Railway Museum to accept monetary donations from the general public. This compliments the Cultural Gifts Program that currently operates through Chifley Home. The Cultural Gifts Program offers tax incentives to individuals who donate cultural items of value which was used for the Brewongle train layout.

In order for the Railway Museum to operate as a Deductible Gift Recipient, Council has been advised by Prolegis Lawyers that the Chifley Home and Education Centre's rules and DGR name be changed to encompass the operation of the Bathurst Rail Museum.

The operational and trading names of both the Bathurst Rail Museum and Chifley Home and Education Centre will remain the same.

Financial Implications: The Railway Museum will be able to accept tax deductible gifts and donations from the public, for the operation of the museum and its function as a not-for-profit public museum.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.6
- Objective 6: Community leadership and collaboration Strategy 6.1, 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.

5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 3 JUNE 2019 (07.00116)

Recommendation: That the information be noted.

Report: The role of the Tourism Reference Group, which is chaired by the Mayor, is to provide strategic advice, review plans and provide recommendations to Council for the implementation of the Destination Management Plan.

The Bathurst Region Tourism Reference Group met at Rydges Mount Panorama on 3 June 2019. The Minutes of the Group's Meeting are provided at **attachment 1.**

Councillors should note that the Minutes of each meeting of the Tourism Reference Group are formally adopted at the next meeting.

The following items were discussed at the Meeting held on Monday 3 June 2019:

- New Bathurst Region Destination Management Plan consultation process
- ATAP accreditation for BVIC
- Bathurst Heritage Trades Trail
- Autumn Colours program
- PR Activity and media engagement
- Reports from Tourism Industry sectors

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

Bathurst Community Strategic Plan - Objectives and Strategies

- | | |
|--|--------------|
| ● Objective 1: Our sense of place and identity | Strategy 1.2 |
| ● Objective 2: A smart and vibrant economy | Strategy 2.1 |
| ● Objective 5: Community health, safety and well being | Strategy 5.2 |
| ● 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.

6 DESTINATION BRAND IMPLEMENTATION REPORT (20.00299)

Recommendation: That the information be noted.

Report: Council, at its meeting held 13 December 2017, resolved to receive Quarterly destination brand strategy implementation progress reports, outlining the performance monitoring data as described in the report.

The following information is provided as an update on the implementation of the Bathurst Destination Brand as at June 2019:

Destination Brand Implementation	Action
Destination Website	The new Visit Bathurst destination website is continuing to perform above expectations with a comparison of the first nine months of the new site against the corresponding period in the previous year being: USERS = 50,308 (+60.7%) PAGEVIEWS = 171,661 (+101.2%) AVERAGE SESSION DURATION = 2.09 (+42.05%) BOUNCE RATE = 55.4% (-11.09%) These figures demonstrate that more visitors are utilising the site and that they stay longer and view more pages. March-May 2019 had the highest usage rate ever for the site.
Online Booking Platform	The new booking engine continues to deliver sales and has been particularly effective in assisting smaller operators and events such as Autumn Colours and the Heritage Trades Trail increase sales. Gross sales of \$79,276 generated YTD with BVIC commission of \$8,444.
Curated Online Content	BVIC is responsible for ongoing content creation with an overarching content strategy currently in draft form. The tourism image gallery was expanded by over 250 images in April/May 2019.
Graphic Design of Branded Collateral	All primary elements identified in the Brand style guide have been created by a local graphic designer, with a range of collateral. The latest additions to this collateral involve design of tourism entry billboards, developed in collaboration with Council's Economic Development Manager.
Development of Marketing Plan	A three-year marketing plan was adopted and implemented as at September 2018 allowing prioritization and tracking of actions. This plan was reviewed and prioritized as a part of planning for the 2019/20 Operating Plan. Priority Actions 1.2, 1.3, 1.4, 1.5,1.6, 1.7, 2.1, 2.3, 2.4, 2.5, 2.6, 3.1, 3.3, 3.4, 3.5, 3.6, 3.7, 4.2, 4.4, 4.5, 4.6, 4.7, 5.1, 5.2 and 5.3 are either completed or implemented and ongoing .
Signage	The re-branding of four highway billboards (located on Mitchell Highway, Orange Road, Blayney Road and Marangaroo) with destination brand and Elton John Concert promotion has been completed.
Touring Trail App	5 Touring apps have been completed. Craig Lowndes has provided the narration of the Mount Panorama driving tour,

	<p>Mayfield Garden's narration (tour production funded by Mayfield Garden) has been delivered by celebrity gardener Graeme Ross, and Grant Denyer has narrated the Town Square Tour. The Town Square tours is also now available in Japanese. A tour of Machattie Park and of the Cathedral of St Michael and St John (tour production funded by the Cathedral) have been added in May. Planning is underway for a formal product launch. Total industry buy in to this project now exceeds \$35,000.</p>
Brand Awareness Campaign	<p>A specialist digital marketing agency (Leonards Media) has commenced a digital campaign to drive website traffic, increase brand awareness and create a consumer database for ongoing use. The campaign is ongoing but has so far added over 2,500 database subscribers and contributed to the website performance over April/May.</p>
Public Relations	<p>A specialist tourism PR agency was engaged to generate media placements for the 2019 Bathurst Heritage Trades Trail. This activity generated the following: Number of placements (print, broadcast and digital): 21 Total reach: 6.56 million Total equivalent PR Value: \$49,419 (ROI of 10:1) A competitive process to select a PR Agency for ongoing targeted work in later 2019 will occur in June/July 2019.</p>
Visitor Guide/Destination Planner	<p>The 2019 Bathurst region visitor guide was printed on Friday 1 February and 50,000 copies delivered 12 February. These have been distributed through the AVIC network, to tourism partners, local businesses and event/conference attendees. Over \$12,000 of advertising revenue was generated and the Planner has been well received by visitors and industry. A photographic shoot was coordinated by BVIC in May 2019 to generate additional Bathurst imagery for use in the 2020 guide as well as for ongoing digital promotion.</p>
Destination Management Plan 2019	<p>Work has commenced on preparation of a new Bathurst Region Destination Management Plan to guide activity from 2019-2024. Council's Tourism Manager has completed a regional product audit and literature review and commenced community and industry consultation utilising the services of specialist firm <i>Flagship Communication</i> to deliver 3 community and 3 industry forums in May/June 2019. Feedback from an online survey and additional direct consultation to 10 June will be added to a final report to be complete by 30 June and which will inform the subsequent preparation of the draft DMP.</p>

Further reports will be provided quarterly to Council on the implementation of the Bathurst Destination Brand.

Financial Implications: Funding is provided in the 2018/2019 Operational Plan for destination brand implementation.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.2, 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6

Community Engagement

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

7 BATHURST HERITAGE TRADES TRAIL 2019 (23.00060)

Recommendation: That the information be noted.

Report: Background

In 2017 the inaugural 'Bathurst Artisan Trades Trail' was held over the weekend of 13-14 May. This event was intended to provide an opportunity for visitors and locals to rediscover traditional craftsmanship through a showcase of arts and trades demonstrations around ten of Bathurst's iconic heritage venues. The event was considered an important enhancement to the existing Autumn Colours program and aligned with objective 7.2.3 of the Bathurst region Destination Management Plan 2015 (DMP). In 2018 the name was changed to the 'Heritage Trades Trail' and a second event was held 12-13 May with 1145 paid attendees, and a total attendance of 1,413. Following the strong growth in its second year (a 91% rise in paid attendance) it was decided to proceed with a third event on the weekend of 18-19 May 2019.

The Event

Following a review of the 2018 event, a number of changes in format were made in 2019 including;

- Reduction in the number of venues from six to four to concentrate attendance and reduce necessity of travel time between sites
- Provide a clearer program of events at each venue including artisan lists and workshop times
- Placing all online ticket sales onto the new Bathurst tourism website via the in-house Bookeasy booking engine
- Coordinating all event marketing, including digital, from BVIC rather than contracting.

The Bathurst Heritage Trades Trail (BHTT) sites in 2019 included four of Bathurst's iconic venues, each presenting a thematic element of the trail:

VENUE	THEME
Walshaw Hall	Soft Trades/Music
Agricultural Research Station	Agricultural and Farm Trades
Uniting Church Hall	Soft Trades/Crafts
CWA Hall	Soft Trades/Crafts

107 exhibitors, including a strong local presence, presented across the four venues showcasing trades from blacksmithing to felting. A number of special presentations, workshops and activities including whip cracking, bucket making, printmaking, Cobb & Co coach rides, Heavy Horse ploughing and wine making were also organized across venues. A delegation from the Grimwade Centre for Cultural Materials Conservation also attended, presenting popular workshops at the Agricultural Research Station.

Attendance

A total of 1,333 tickets were sold for the event representing an increase of 16.4% over 2018 result. An additional 452 free entry passes were issued to children under 16 and event volunteers bringing total attendance over the weekend to 1,785 an overall increase of 26.3%. This level of growth for a

third-year event is considered strong and shows the demand for quality cultural heritage tourism activities. Coupled with an increase in event ticket price (including introduction of an 'early-bird discount') total ticketing revenue increased 57.1% to \$17,992. 653 tickets were pre-sold online, an increase of 109% over 2018, with no external commission payable due to the use of BVIC's booking engine.

The overall proportion of visitors to the event from beyond the Bathurst region increased from 48% in 2018 to 49.5%, of whom the majority were drawn from Sydney (13.8%) and the Central West (30.3%). The increase in attendance from across the broader Central West is particularly significant, reflecting additional targeted marketing of this region in 2019.

Marketing and Promotion

Public relations activity, coordinated by BVIC and by PR Agency *Res Publica*, generated 21 total media clips with a total reach of 6,556,584 and total PRV of \$49,419. This activity did not merely increase ticket sales, but also provided a substantial boost to Bathurst's profile and provided contacts to be leveraged in future marketing and promotional activity.

The event was promoted via a micro-site established by BVIC staff on the www.visitbathurst.com.au website. Pre-sales were available through the 'Bookeasy' online ticketing with staff at BVIC providing assistance and facilitating bookings to visitors to the Centre. All tours were promoted to local target audiences by BVIC via Facebook and Twitter with split tested advertising and direct links to the ticketing site. BVIC Social Media activity had a combined reach of 39,239 with engagement of over 19,000 during the campaign period. Online promotion was supported by a 6-week TV Campaign on WIN, a local radio campaign that ran from mid-April to mid-May and by local print advertising and editorial. The targeted nature of this campaign is reflected in the growth of attendance particularly from Bathurst and the Central West.

Members of the Heritage Working Party, Bathurst District Historical Society, Family History Group and other volunteers involved with Heritage week events and the Heritage Trades Trail were recognised at a function at Bathurst Panthers Club on Friday 31 May.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.6

Community Engagement

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

Yours faithfully



Alan Cattermole
DIRECTOR
CULTURAL & COMMUNITY SERVICES

POLICY COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - POLICY COMMITTEE MEETING - 5 JUNE 2019 (07.00064)

Recommendation: That the recommendations of the Policy Committee Meeting held on 5 June 2019 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 5 June 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.

MINUTES OF THE POLICY COMMITTEE
HELD ON 5 JUNE 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 I North and **SECONDED** Cr B Bourke
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 - 1 MAY 2019 (07.00064)
MOVED Cr J Rudge and **SECONDED** Cr I North

RESOLVED: That the Minutes of the Policy Committee Meeting held on 1 May 2019 be adopted.

DECLARATION OF INTEREST

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

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

Director Environmental Planning & Building Services' Report

5 **Item 1 STREET VENDING AND ROADSIDE STALLS POLICY (41.00089 & 10.00004)**

MOVED Cr J Fry

and **SECONDED** Cr J Jennings

RESOLVED: That Council:

- (a) place the policy "Street Vending and Roadside Stalls – Operation during full track closure motor racing events" on public exhibition for a period of 28 days, and
- (b) if no submissions are received, adopt the policy
- (c) if submissions are received, request an additional report.

Director Corporate Services & Finance's Report

6 **Item 1 STAFF RECOGNITION AWARDS (41.00089)**

MOVED Cr B Bourke

and **SECONDED** Cr J Rudge

RESOLVED: That Council remove the policy Staff - Service Recognition Awards from the Council Policy Manual.

GENERAL BUSINESS

7 **GASWORKS SITE (22.00052-06)**

Cr Bourke - Queried where this matter is at, spoke to; damaged fences, EPA position - toxic issues. Needs more feedback, concern Jemena leaving things until lease runs out. Hasn't progresses in the last 15 years.

Cr Morse - Spoke to feedback she has received from Newcastle.

Director Environmental Planning & Building Services - Jemena Assets group have advised they have been on site and have commenced repairs and have increased security controls. They will be coming again to the site in the near future. Council is pursuing safety of the site.

8 **Item 2 KEPPEL STREET LANEWAY UPGRADE (25.00039)**

Cr Jennings - Seeking update on this matter.

Director Engineering Services - Tenders will be called by end of June.

9 **Item 3 WATER SECURITY (32.00017-03)**

Cr Jennings - Concern at water supply levels, what is Plan 'B'? Noted Dam levels and available water levels from current 43%. Would like to see correspondence sent to other levels of Government to see what options are available. Also what drought support can we provide?

General Manager - Will refer the matter to next Wednesdays working party.

10 **Item 4 DROUGHT SUPPORT (16.00171)**

Cr Jennings - Drought support needs to be discussed eg drought coordinators, rate relief, health support etc.

11 **Item 5 MOBILE 5G NETWORK (08.00002)**

Cr Jennings - Are we aware of any health risks?

Director Environmental Planning & Building Services - Government sources indicate there are no issues.

12 **Item 6 PUBLIC ART POLICY (11.00038)**

Cr Jennings - Where is this at?

Director Engineering Services - Public art directory, register and website are being developed. Terms of reference for committee being developed.

13 **Item 7 COURTHOUSE CLOCK (22.01071)**

Cr Jennings - Noted not on the right time.

Director Corporate Services Finance Courthouse aware clock is not working, has been reported to NSW Property.

14 **Item 8 HEALTH FUNDING GRANTS (16.00110)**

Cr Jennings - Noted grant opportunities through Western NSW Health of \$5-\$50k. Could this be reviewed.

General Manager Noted not generally focussed in Councils operational functions but will review possibilities.

15 **Item 9 HOSPITAL SERVICES (22.01047)**

Cr Aubin - Spoke of recent case where a woman was injured and the experience that occurred in being treated. Unavailability of beds, continual transfer between Bathurst and Orange. The timeline was very poor. There are no emergency orthopaedic services on weekends in Bathurst.

16 **Item 10 REMEDIATION GAS WORKS (22.00052)**

Cr Morse - Spoke to contacts available to assist in this matter.

17 **Item 11 AGM ARTS OUTWEST (18.00036)**

Cr Morse - Hosted by Bathurst Regional Council, went very well noted tours put in place etc. Thanks from Arts Outwest

18 **Item 12 REGIS INFORMATION SESSION BLAYNEY (20.00333)**

Cr Fry - Around 160 - 170 persons attended. Very comprehensive session. Main issues discussed were water and food. Also location of water pipeline and water treatment matters raised, including salt level. Most farmers in attendance were against the mine.

19 **Item 13 STEWART STREET PARKING NEAR THE DUDLEY (25.00036)**

Cr Fry - Noted problems with trucks in this area, can something be done about this parking as it is very tight.

Department Engineering Services matter has been raised at Traffic Committee.

20 **Item 14 HOSPITAL (22.01047)**

Cr North - has received representations about service levels. Staff do a good job, it is the support provided that is a problem. Need to look at calling a public meeting for hospital and also the gas works. Get state and Federal members to attend.

21 **Item 15 PSSA Carnival (04.00044)**

Cr North - Attended on councils behalf. Feed back from all areas on our facilities at Proctor Park was fantastic.

22 **Item 16 PHOTON ENERGY - SOLAR FARM (20.00010)**

Cr North - Has there been anymore feedback on this proposal? Could council look at an energy partnership?

Cr Fry - Spoke to discussions with Photon, they are currently building two farms outside the area and will be coming back to this area.

23 **Item 17 CHIFLEY DAM AND WATER ISSUES (23.00017)**

Cr North - Not sure people understand the severity of the circumstances, need to ramp up our message. Also should look at grey water use into the future. Then raised revenue impacts on the water fund, due to drought conditions.

24 **Item 18 EXTRACTION INDUSTRY (13.00017)**

Cr North - Noted local business has sought changes to conditions. Do we need a specific policy in place for extraction industries.

Director Environmental Planning & Building Services - Noted a policy has been developed in some Councils, could be investigated.

25 **Item 19 PARKING IN CITY (20.00090)**

Cr North - Advised a large parking solutions company has contacted Cr North about possible future option.

26 **Item 20 PERTHVILLE PUBLIC SCHOOL - RECREATION PARK (22.00299)**

Cr North - When will works commence?

Director Engineering Services - Design for park almost completed. There are funds for multi-purpose courts to be built in near future

MEETING CLOSE

27 **MEETING CLOSE**

The Meeting closed at 6.43 pm.

CHAIRMAN: _____

TRAFFIC COMMITTEE MEETING

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 MAY 2019 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 7 May 2019 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 7 May 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.

2 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JUNE 2019 (07.00006)

Recommendation: That the recommendations of the Traffic Committee Meeting held on 4 June 2019 be adopted.

Report: The Minutes of the Traffic Committee Meeting held on 4 June 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.

MINUTES OF THE TRAFFIC COMMITTEE
HELD ON 7 MAY 2019

MEETING COMMENCES

1 MEETING COMMENCES 2:00 PM

Members: Mr David Vant and Ms Angie Drooger (Roads & Maritime Services), Sergeant Peter Foran (NSW Police) and Mr David Veness (MP Representative).

Present: Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Design & Project Engineer), Mr Paul Kendrick (Traffic & Design Engineer) and Mr Andrew Cutts (Tablelands Area Road Safety Officer).

APOLOGIES

2 APOLOGIES

That the apology of Councillor Warren Aubin be accepted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 2 APRIL 2019 (07.00006)

That the Minutes of the Traffic Committee Meeting held on 2 April 2019 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

5 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 2 APRIL 2019 (07.00006)

That the information be noted and necessary actions be taken.

6 Item 2 TEMPORARY DROP OFF/PICK UP CATHEDRAL SCHOOL - WILLIAM STREET (22.00463)

That Council approve the proposed location of a temporary Drop off/Pick up zone subject to conditions as detailed in the Director Engineering Services' report.

7 Item 3 EXPANSION OF NO PARKING ON THE MITCHELL HIGHWAY NEAR THE BRADWARDINE ROAD ROUNDABOUT (25.00061)

That Council approve the expansion of the existing 'No Parking' zone on the Mitchell Highway adjacent to Bathurst Cemetery as detailed in Director Engineering Services' report.

8 Item 4 BATHURST'S BIGGEST EXPO AND CHRISTMAS MARKETS (23.00026)

That Bathurst's Biggest Expo and Christmas Markets to be held on Saturday 16 November and Sunday 17 November 2019 at the Bathurst Showground be classified as a Class 2 event and the traffic management for this event be endorsed subject to conditions as detailed in the Director Engineering Services' report.

TRAFFIC REGISTER

9 Item 1 TRAFFIC REGISTER (07.00006)

That the information be noted.

MEETING CLOSE

10 MEETING CLOSE

The Meeting closed at 2.30pm.