

**MINUTES OF THE POLICY COMMITTEE MEETING  
OF BATHURST REGIONAL COUNCIL  
HELD ON 6 DECEMBER 2023**

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# 1. PUBLIC FORUM

## MINUTE

### Ingrid Pearson – Bathurst Regional Art Gallery

Ms Pearson thanked **DES** for advocating with TFNSW for the line marking in Gilmour Street. Ms Pearson asked whether the Director would advise on the Future Funding of the Art Gallery. **DCCS** provided a response describing it as a high level strategic approach to art and culture of the region. **DCCS** spoke to the philanthropy program occurring, and noted the Art Gallery has deductible gift receipts status. **DCCS** advised that the fund has not been established with any seed funding at this time. Would be working on grant funding. Ms Pearson asked about the process for a new facility. **DCCS** advised that at this stage the Council was only looking at broad outcomes and the details will be determined in due course. Ms Pearson asked about whether there is a prospectus for the project? **DCCS** advised that a prospectus will be an outcome of the program. Ms Pearson asked when will the position Director of the Art Gallery be advertised and how is staff monitoring occurring now. Ms Pearson noted that she has taken on the acting role as the chair of BRAG and would like to work with the new Art Gallery Director. **DCCS** advised of the current staffing arrangements that have been put into place. Ms Pearson advised that she is willing to provide her services to assist with the grant applications and prospectus development.

### Peter Ison – Presentation of the City Centre

Mr Ison spoke to the presentation of the City Centre, he said that it is lacking. Mr Ison circulated a document via email for the councillor's consideration, noting concerns with cleanliness to footpaths and the need for a proper cleaning process to be used for the bus bay interchange in Howick Street. Mr Ison noted concerns with relation to garbage bins and trolleys throughout the CBD. He made note that the garbage bins are not large enough and there are not enough bins provided at sporting facilities. Mr Ison noted that public seating in the CBD is an issue and made a proposal regarding stainless steel seating as it is a higher quality material that should be utilised, as a more costs effective solution and discussed the seating arrangements used in Albury. Mr Ison noted that Tamworth and Wagga Wagga also had some good ideas. Mr Ison urged Council to review its CBD presentation.

### Sophie Wright – New Years Eve Celebrations

1. Ms Wright spoke to the New Years Eve celebrations and fireworks and the proposed cancellation. Ms Wright request clarification on who was responsible for making this decision. **MAYOR** advised the elected body was involved in making a decision. Ms Wright queried what factors were taken into account by councillors. **MAYOR** advised that there was a range factors were considered. Ms Wright asked whether implications of local vendors were considered and whether there were deposits or other costs that will be lost. Ms Wright asked what the approach for future events would be. The **GM** advised that each event will be reviewed individually as to future operations. The **GM** advised that the review will be ongoing and reported to Council.
2. Ms Wright then spoke to the toilet proposal at the Bathurst Regional Art Gallery and Library and whether the accessible toilet is the only one which requires updating because it doesn't meet specification. **DCCS** advised that the toilets have high usage and it would be a benefit for upgrades to take place for all the toilets. Ms Wright discussed the conversation she had with Mr Packham from

Vivability and suggested that the Marveloo be relocated to the Art Gallery/Library carpark. **MAYOR** advised that he would take this on notice.

**Bob Triming – Toilet Facilities, Pedestrian crossing at Cathedral, New Years Eve Event, Motorised Scooter.**

1. Mr Triming agreed with the suggestion from Ms Wright about moving the Marveloo to the Library. Mr Triming raised concerns about notice being given as to when the Marveloo is to be relocated. e.g., Events.
2. Mr Triming discussed the pedestrian crossing at Cathedral Catholic Primary School, he noted that there is a large pothole which needs to be looked at. Mr Triming then spoke to the story on the Today Show about a purported racist demonstration taking place in Bathurst, noting that this was incorrect.
3. Mr Triming noted that the NYE event should have the fireworks cancelled permanently as a cost saving measure.
4. Mr Trimming referred to the previous conversations about motorised scooter safety. He noted that presentations had been given by the Highway Police Office in Cowra and that this initiative should be undertaken in Bathurst.
5. Mr Triming then wished everyone a Merry Christmas.

**Stuart Pearson – NYE Cancellation**

Mr Pearson spoke to the New Years Eve celebrations being cancelled. Mr Pearson noted the Festival of the Bells initiative last year of the ringing of the Carillon Bells around the world. Perhaps this could be actioned for this year to be advertised through Council. Mr Pearson said this may be a good opportunity to still do something on NYE.

## **2. MEETING COMMENCES**

### **MINUTE**

Meeting commenced at 6:27 pm.

**Present:** Cr W Aubin (TEAMS), Cr K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan, Cr A Smith (TEAMS), Cr R Taylor

## **3. RECORDING OF MEETING**

## **4. PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

## **5. APOLOGIES**

### **MINUTE**

**MOVED: Cr M Hogan SECONDED: Cr R Taylor**

### **RESOLVED:**

That the apology of Cr I North be accepted and leave of absence granted.

That the apology of Cr G Hanger be accepted and leave of absence granted.

That the attendance via audio-visual link of Cr W Aubin be accepted.

That the attendance via audio-visual link of Cr A Smith be accepted.

## **6. MINUTES**

### **6.1. Confirmation of Minutes**

**File No: 07.00064**

#### **MINUTE**

**RESOLUTION NUMBER: POL2023-6**

**MOVED: Cr B Fry SECONDED: Cr K Burke**

#### **RESOLVED:**

That the Minutes of the Policy Committee Meeting of Bathurst Regional Council held on 1 November 2023 be adopted.

## **7. DECLARATION OF INTEREST**

### **Declaration of Interest**

#### **MINUTE**

**RESOLUTION NUMBER: POL2023-7**

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

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

### **8.1.1. CENTRAL BUSINESS DISTRICT CLOSED CIRCUIT TELEVISION (CBD CCTV) CODE OF PRACTICE UPDATE**

**File No: 07.00106, 20.00320**

#### **MINUTE**

**RESOLUTION NUMBER: POL2023-8**

**MOVED: Cr B Fry SECONDED: Cr M Hogan**

#### **RESOLVED:**

That Council adopt the updated Central Business District Closed Circuit Television (CBD CCTV) Code of Practice as provided in this report.

## 9. GENERAL BUSINESS

### MINUTE

#### Cr M Hogan -

Integrated Transport Plan – Asked for an update on the Integrated Transport Plan. **DEPBS** advised that work is still continuing with TfNSW.

#### Cr K Bourke –

Aqua Park – Requested clarification about the closing of the Chifley Dam and the operation of the Aqua Park. Cr Burke sought details about a path forward to better manage future closures.

**DES** provided a response including that twice weekly testing for water quality (including blue green algae) occurs on Mondays and Wednesdays. He provided the timeline for receipt of tests from the laboratory and protocols followed. He discussed that 2 positive results have been received above the Red Alert Blue Green algae threshold, requiring closure of the dam for water based recreation. He advised the Aqua Park lease and the Aqua Park Development Application requires a quality assurance program for water quality to manage algal blooms and that the Water Assurance plan needs to be submitted to comply with the DA.

**DEPBS** provided a response that in the absence of a plan, Council's testing plan prevails.

Cr Fry asked a clarification about a management plan for drinking water for off-grid accommodation units. **DES** advised that Council is yet to receive any details of the Aqua Park's management plan to determine whether those standards are appropriate. **DEPBS** advised that there are different standards that apply, including drinking water, however the same principles would apply to the Aqua Park.

Windy 1000 and Larkin Street - Query about Larkin Street and the access to the Windy 1100 site. Will the road damage be repaired. **DES** advised that the contractor has been made aware of the issue of repairs, and the contractor drivers have been again reminded of access route protocols.

#### Cr B Fry –

Saltram Creek - Discussed the allocation of funds to the clearing out of the drainage at Saltram Creek and requested an update. **DES** advised that a contractor is appointed. Expected that the contractor would have commenced works, but there were delays with the contractor, rain and machinery failures and expect that the works will be completed by the end of December.

Keppel/William Street Roundabout - Cr Fry asked about the Keppel William St roundabout. He noted that the works are progressing but would like it to be completed earlier with additional resources allocated.

**DES** advised about the project progress and is on track. Advised that staff are working weekends to complete the project quickly and suppliers are working well with Council.

## **10. MEETING CLOSE**

### **MINUTE**

The Meeting closed at 6:42 pm.

### **CHAIR:**

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# Policy Meeting of Council - 6 December 2023 Attachments

## **6.1. CONFIRMATION OF MINUTES.....2**

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## **8.1.1. CENTRAL BUSINESS DISTRICT CLOSED CIRCUIT**

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**MINUTES OF THE POLICY COMMITTEE MEETING  
OF BATHURST REGIONAL COUNCIL  
HELD ON Wednesday 1 November 2023**

**1. PUBLIC FORUM**

**MINUTE**

**Jane Page** - Process when submission on a DA is put in - Queried what is the process for submission such as acknowledgement of these.

**DEPBS** spoke to processes followed by Council in dealing with the submissions.

**Ingrid Pearson** - Kelso resident - Ingrid raised the following points:

1. Resurfacing of Gilmour Street - Asked when are the works anticipated to be finished?
  - o **DES** noted Council has not been advised.
2. Storm Water Harvesting Project - Requested an update on the Storm Water Harvesting project.
  - o **DES** provided an update with expected completion date of May 2024.
3. Water Supply Management Item 8.3.2 of the October 2023 Meeting - Queried water management and asked who will be appointed drought manager? Also asked whether Clause 137 of the Local Government regulation restricts Council from implementing water restrictions unless a drought is declared?
  - o **DES** provided an update that either the DES or the Manager Water and Waste will act in this role.
  - o **DES** advised on Council's role in implementing water restrictions.

**Stuart Pearson** - Go Kart Track - Spoke to the proposed Go Kart Track and the history of the matter such as noise issues, the McPhillamy Park proposal and the Conrod Straight proposal. Noted that a DA application has been submitted but not accepted. There are serious issues, no business case provided, no economic impact statement. Spoke to costings provided of around \$4 million but could go as high as \$7 million. Notes other buildings that are required to make the track compliant. The Go Kart Track costs could be \$9 million, additional funds have not been identified. Noise will effect 251 properties. Noted that a proposal in this area was previously refused. Given Council's financial health, it is unreasonable to fund this. Then spoke to proposed Greyhound track and conflicts that may occur. The Go Kart Track is in the wrong place and is occurring at the wrong time.

**MAYOR** provided an update on the Greyhound Track proposal.

**Mr Gordon Crisp** - Secretary Manager Strata Corporation. 47355 - Thanks the person who sorted out the electronic issue from last meeting. Then spoke to the Strata Schemes Management Act. Referred to payments owed to Council and requirements of the Act, in particular water charges. Wants Council to tell officers to comply with the Strata Act. Then raised the local Government Act and that Council cannot refuse payment.

**Bob Triming** - Accessibility - Thanked the Mayor and the General Manager for positive meeting recently held. Also thanks Council for the improvements in microphone speakers. Discussed the following matters:

1. Raised crossings - Thanked Council for the new raised crossings. They are excellent.
2. Accessible toilet downstairs - discussed that the door on the accessible toilet downstairs is very heavy and asked if this can be investigated. Also noted that the wet floor signs need to be removed as it makes access difficult.
3. Suggested that the unused disability access grants be allocated to fix Council's buildings and facilities.
4. Discussed that the crossing between Catholic Cathedral and the Service station needs Council to provide funding.
5. Spoke to the increase in negative information on social media against Council. Asked if Council monitors and acts on this mis-information.

**MAYOR** and **GM** provided a brief response.

## 2. MEETING COMMENCES

### MINUTE

Meeting commenced at 6:30 pm.

**Present:** Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith

## 3. RECORDING OF MEETING

## 4. PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

### MINUTE

Minutes silence for John Davis, former Mayor of Orange City Council

## 5. APOLOGIES

### MINUTE

**MOVED: Cr I North SECONDED: Cr M Hogan**

### RESOLVED:

That the apology of Cr W Aubin be accepted and leave of absence granted.

That the apology of Cr R Taylor be accepted and leave of absence granted.

That the attendance via audio-visual link of Cr A Smith be accepted.

**6. MINUTES**

**6.1. Confirmation of Minutes**

**File No: 07.00064**

**MINUTE**

**RESOLUTION NUMBER: POL2023-1**

**MOVED: Cr I North SECONDED: Cr G Hanger**

**RESOLVED:**

**RECOMMENDATION:**

That the Minutes of the Policy Committee of Bathurst Regional Council held on 1 April 2020 be adopted.

## 7. DECLARATION OF INTEREST

### Declaration of Interest

MINUTE

RESOLUTION NUMBER: POL2023-2

RESOLVED: That NIL Declaration of Interest be noted.

## 8. MAYORAL MINUTE

NIL

## 9. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

### 9.1.1. IMPROVING GOVERNANCE AND ECONOMIC REPORTING

File No: 11.00041

MINUTE

RESOLUTION NUMBER: POL2023-3

MOVED: Cr I North SECONDED: Cr B Fry

RESOLVED:

That the information be noted.

**9.2.1. AMENDMENT TO REVENUE POLICY - BATHURST  
MEMORIAL ENTERTAINMENT CENTRE, BOX OFFICE  
TRANSACTION CHARGES**

**File No: 16.00192**

**MINUTE**

**RESOLUTION NUMBER: POL2023-4**

**MOVED: Cr B Fry SECONDED: Cr M Hogan**

**RESOLVED:**

That Council:

- (a) Consider the proposed amendment to the Bathurst Regional Council Annual Statement of Revenue Policy 2023/2024 to increase the fees for Bathurst Memorial Entertainment Centre Transaction Charges to \$3.00 per transaction
- (b) Place the proposed amendment on public exhibition for a period of 28 days.
- (c) If no submissions are received, amend Council's 2023/2024 Revenue Policy.
- (d) If submissions are received, provide a further report for Council's consideration.

## 10. SUBMISSION HEARING - DEVELOPMENT APPLICATION SUBMISSIONS

### 10.1. MODIFICATION TO DEVELOPMENT APPLICATION 2015/106 - EXTRACTIVE INDUSTRY AT NAPOLEON REEF ROAD, NAPOLEON REEF. APPLICANT: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD. OWNER: HOTHAMS SAND SOIL & GRAVEL SUPPLIES PTY LTD.

**File No:** 2015/106-07

#### MINUTE

**RESOLUTION NUMBER:** POL2023-5

**MOVED: Cr B Fry SECONDED: Cr I North**

#### **RESOLVED:**

That the information be noted.

**Gerarda Mader - Submission** - Asked DEPBS for clarification about the Policy around notification of a Submission hearing?

**DEPBS** noted that notification is made in advance as soon as practicable and spoke to processes in place.

Gerarda noted that she was not notified by Council.

**DEPBS** advised that submissions have been received and spoke to the item being reported to Council.

Gerarda noted the content of her submission and the 22 occurrences of non-compliance, holds videos and images of this.

**DEPBS** noted that the assessment team will consider the submissions.

Gerarda asked for clarification about how to submit video evidence.

**DEPBS** provided a pathway for lodgement of video evidence.

Gerarda asked about when a determination of the DA will occur?

**DEPBS** noted lengthy process and unlikely to be at the December meeting.

**Jan Page - Submission** - Noted that the submissions have not been acknowledged and that residents are confused about the process, now there are submission hearings? Noted that a resident was advised that a reply would be provided by Council but this has not occurred.

**Cr Burke** asked when the submissions were lodged? Jan responded that they were lodged end of June.

**DEPBS** noted that not sending out an invitation is not normal practice and will investigate. Reiterated that the submission hearing process is similar to a Public hearing. Noted that the process was different during Covid, but has resumed now Policy Meetings have resumed.



Jan stated that there is a lack of detail about the blasting activities, noting that the original application removed blasting. Noted the inconsistency between EIS and the acoustic report with respect to the number of blastings, e.g. one report said 2-4 per year whilst another said one blast per month.

Jan would request:

- Trial blast be undertaken to assess impact;
- Blasting does not occur on weekends;
- Signage be put out at Walang Drive and Napoleon Reef Rd to advise when blasting will occur. Noted that a mail box drop will not work.
- Asks that Council consider lifestyle.

**Andrew Lemeke** - Submission - Noted that he received no notification. Discussed his submission and noted that there is an inconsistency between size of blast from 30-50kg up to 240kg charge. Spoke to recent compacting work on the highway which could be felt from his house. Noted that we need to know what is proposed with documentation proof and evidence. Suggested Council do a trial blast to know what the proposal means and to assess the impacts.

**Graham Sanders** - Submission - Thanked Council for its response about a recent truck incident. The problem has been partly resolved with white lines. Asked who monitors the size and frequency of blasting? Previously on other matters rules have not been adhered to. Noted truck concerns.

**Mitchell Bland** - R.W Corkery and Co - Noted that the company have written the replies to the submissions document. Spoke to:

- Non-compliance - Noted that the client has reviewed the video evidence and has advised that the vehicles identified are not owned by Hothams. The vehicle that was on the wrong side of the road was an agriculture vehicle not a quarry vehicle.
- Blasting - Explained the process of blasting and the Australian Standards. Noted that the maximum charge (blasting) is 240kg before it disturbs the human comforts, but the blasting operations will be 1/3 less to a maximum of 80kg.
- The quarry self-monitors for blast compliance based on EPA guidelines.
- The client is willing to undertake a test blast, if Council see fit.
- Noted the inconsistencies between the number of blasts, and noted the SEE is correct and there will be no more than 4 blasts.
- Noted that the EPA will normally only approve blasting Monday - Friday, 9am - 5pm, so no weekends or public holidays.
- Noted that the client is willing to work with the community for location signs. Discussed the difficulties in scheduling blasting, which may result in blasting not occurring. Sites will normally only give 24hrs notice before blasting.
- Lifestyle of the area is being considered.
- Discussed the process and methodology for monitoring the blasting activities.
- Spoke to the frequency and volume of truck movements.
- Truck movements - Noted maximum numbers of truck movements and records are maintained.

**Cr K Burke** asked whether a test blast is possible without a DA approval?  
**DEPBS** provided a response.

**Jane Iacano - Submission** - Spoke to the photos submitted and that the photos showed vehicles on the wrong side of the road. The truck was from the quarry and it was very dangerous. The road is not good and there are sheer drops, the road is not an appropriate width. Referred to the dust issues from quarry activities, this is different to road dust. Residents are not aware of monitoring reports, Council should be providing these to residents. Noted they need to do something about the dust, also need assurance blasting will not effect the bore water. Who has access to the monitoring reports?

**DEPBS** took this on notice.

**Michael Bland** spoke to blasting activities and to his knowledge there have not been any impacts on groundwater from blasting in this type of situation. Noted that vehicle movements have been addressed as part of the response document. Spoke to the dust complaints, noted that he hasn't reviewed the data. Spoke to the allowable tolerances. Noted that visible dust should be notified straight away to be corrected. Spoke to annual reporting and noted that the client has agreed to make the report publicly available.

Jane asked whether notification can be made on the annual reports.

**DEPBS** provided a response about needing to work through the process.

**Phil Hotham** - Advised that blasting is the quickest and easiest way to get the material. Alternatives include dozers and jackhammers. Noted that they are trying to do the best for everyone and do it in the least intensive way. Spoke to vehicle movements and discussed the protocols in place, including a complaints process.

*The DA Discussion forum finished at 7:43pm.*

## 11. GENERAL BUSINESS

### MINUTE

#### Cr M Hogan -

Natural Resource Advisory Group - The group is being reinvigorated and just recently met. The group will meet quarterly and will work on Vegetation Management Plan issues. Queried how the review of TPO going? Could an update of the Action Transport Strategy be given.

**DEPBS** noted that the TPO review is occurring and provided an update on works status. Also noted that the Active Transport Plan works have recommenced and meetings have been held with various interest groups.

National Cultural Policy - Spoke to recent discussions with ArtsOutwest and linking the National Cultural Policy with the National Urban Living Framework and whether this is a possibility to use for the TAFE building. Can this be researched?

**DCCS** checked the Revive Policy (Federal) document and has not found it referred to but will investigate further.

#### Cr I North -

Roads funding from state - Asked about road funding, what roads and the availability of contractors?

**DES** noted that Council is currently applying for around \$3 million that has been earmarked for Bathurst Regional Council and noted the difficulty in getting contractors.

Tourism - Referred to the dinosaur museum in Canberra and the possible collaboration opportunities.

**MAYOR** advised of his recent visit and actions occurring.

Cr North requested that Council look at bringing tourism partners together, can a report be prepared on how to bring them together, what opportunities exist and how we operate into the future. Often businesses don't know opportunities that exist. Noted the possibilities with Project Elevate into the future, perhaps Council could put in seed money of \$50,000 in next years budget.

Western Sydney Wanderers Game - Pleased to see the proposed event coming to Bathurst. What is Council doing about this? Noted that it needs to be promoted more.

**DCSF** spoke to discussions with Wanderers media team in getting promotional material out and noted that there have been issues.

Expression of Interest Second Circuit Race Track - Discussed the need to release an expression of interest for the Second Circuit because of the international interest. Referred to the process for the Crematorium and should be mirrored. Suggests that we should be more proactive in securing The Second Circuit.

#### Cr K Burke -

Media Release Homelessness Stakeholders Meeting - Who engaged the stakeholder meeting and do we have estimates on homelessness in Bathurst? How will the meeting be facilitated?

**MAYOR** noted evidence of about 500+ homeless in Bathurst. Council is carrying out a facilitator role, Council does not have the resources to provide facilities. Mayor is coordinating and will be chairing and facilitating the meeting.

## **Cr B Fry -**

Submission Hearing - Noted DEPBS will follow up on communication issues raised. Asked if advice can be provided to Councillors.

BARC - When will BARC be opened? Spoke to issues subcontractors are having with being payed by principle contractors. Has Bathurst Regional Council approached the principle contractors?

**DES** noted that an independent building inspector is expected next week and hopefully an occupation certificate will be issued. Council is talking to the principal contractor over payments. Contractual obligations of Council were noted.

Kelloshiel Bridge and Saltram Creek - Noted the Kelloshiel Bridge works occurring. Asked when are works going to occur for the Eleven Mile culverts?

**DES** noted that a contractor has been engaged after quotes were collated. A timeline is yet to be finalised.

Supercars, Superfest - What discussions are occurring with Supercars for City based events? Also noted Supercars will get economy of scale from not going to Newcastle.

**MAYOR** noted that discussions are occurring in regards to off-track events, this is a priority. Noted it is still too early to define what will occur.

Airport - What are the next steps? Would like a report on the future RPT services.

**DEPBS** noted they have been reviewing possibilities for future use of the airport. RPT is certainly a challenge. There are opportunities for relocation's to the airport from out of Sydney.

**DES** noted Council will try again for another RPT operator. Unlikely to get something soon as Bathurst is marginal. Opportunity for additional businesses at the aerodrome is presented by the subdivision that is occurring.

**MAYOR** noted he will be meeting with Orange Council to discuss airport operations. Also spoke to electric plane developments into the future.

## **Mayor J Jennings -**

AMaGA Local Chapter - Requested that Council investigate creating a local chapter of Museum and Galleries Association for Bathurst incorporating Public and Private museums.

## **12. MEETING CLOSE**

### **MINUTE**

The Meeting closed at 8:20 pm.

### **CHAIR:**

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# Bathurst Regional Council

## Central Business District (CBD) Closed Circuit Television (CCTV) Scheme

### Code of Practice

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## 1. CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV) CODE OF PRACTICE

### 1.1 Introduction

1.1.1. The CBD CCTV Code of Practice (the Code) contains the minimum standards of compliance under which the CBD CCTV scheme will be operated.

1.1.2. The Code will be supplemented by the Standard Operating Procedure, giving instructions on all aspects of the operation of the system. This document will be based on the CBD CCTV Policy and ensure that the principles and purposes on which the CBD CCTV scheme is based are realised.

1.1.3. The CBD CCTV Policy will guide the successful implementation and management of the CBD CCTV Scheme.

1.2. The Code is based on the following key principles:

#### **Principle 1**

The CBD CCTV scheme will be operated fairly, within acceptable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code.

#### **Principle 2**

The CBD CCTV scheme will not limit the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

#### **Principle 3**

Council has primary responsibility for the maintenance, management and security of the CBD CCTV scheme, and the protection of the interests of the public in relation to the CBD CCTV scheme.

#### **Principle 4**

The Police are a partner to the CBD CCTV scheme and agree to act in accordance with the Code.

#### **Principle 5**

The public will be provided with clear and easily accessible information in relation to the operation of the CBD CCTV scheme.

#### **Principle 6**

Regular review and evaluation of the CBD CCTV scheme will be undertaken to identify whether the purposes and objectives of the CBD CCTV scheme are being achieved.

#### **Principle 7**

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CBD CCTV scheme.

#### **Principle 8**

Recorded material will be retained for 30 days.

#### **Principle 9**

Access to recorded material will only be provided in accordance with the purposes provided by the Code.

**Principle 10**  
All contact between Council and the Police in relation to the CBD CCTV scheme will be conducted strictly in accordance with the Code.

1.3. Glossary of Terms

A glossary of terms used in the Code is provided below:

<b>TERM</b>	<b>DEFINITION</b>
Bathurst Central Business District (CBD)	That area of the CBD that will be monitored by CCTV cameras as identified in Section 2 of the Code
Closed Circuit Television (CCTV)	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
CBD CCTV scheme	Council’s CCTV system operating in the Bathurst Central Business District
Code	The Code of Practice developed by Council
Confidentiality Agreement	The Confidentiality Agreement attached to the SOP as <b>APPENDIX 2</b>
Council	Bathurst Regional Council
Evaluation Group	Council and Police representatives who will undertake ongoing review of the CBD CCTV scheme
Image Recording Equipment	The computer that records and stores all footage recorded by the CCTV cameras
Image Recording Point	That area of Council where the Image Recording Equipment is located and secured, which is under Council control
Monitoring Equipment	The monitor and computer that live footage and Recorded Material may be viewed
Monitoring Point	That area of the Bathurst Police Station where the Monitoring Equipment is located and which is under Police control
MOU	The Memorandum of Understanding between Council and the Police in accordance with the Code
PTZ camera	A camera that can be panned, tilted, zoomed
Police	Chifley Police District, which is part of the NSW Police Force
CBD CCTV Scheme Policy	Policy developed by Council to ensure the effective, appropriate and lawful use of CBD CCTV scheme
Recorded Material	The footage recorded by the CCTV cameras
SOP	The Standard Operating Procedure, which give instructions on all aspects of the operation of the CBD CCTV scheme

1.4. Legislative Context

- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- Workplace Surveillance Act 2005



- Police Act 1990 (NSW)

### 1.5. Related Documents

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places
- Central Business District (CBD) Closed Circuit Television (CCTV) Policy
- Central Business District (CBD) Closed Circuit Television (CCTV) Standard Operating Procedure
- Central Business District (CBD) Closed Circuit Television (CCTV) Memorandum of Understanding

## 2. CBD CCTV SCHEME PRELIMINARY INFORMATION

2.1. The area of the Bathurst region in which the CBD CCTV scheme operates can be described as the area bound by:

- a. Stewart Street
- b. Havannah Street
- c. Brilliant Street
- d. Durham Street

2.2. The CBD CCTV scheme is only one of several initiatives designed to assist in preventing crimes against the person and malicious damage to property in the Bathurst CBD. It is recognised, however, that such crime will never totally be prevented.

2.3. Council retains ownership of the CBD CCTV scheme and has copyright on all Intellectual Property, equipment, recorded material and documentation pertaining to all footage captured by the system

2.4. The responsibilities of Council in relation to the system are outlined in Section 9.

2.5. The Police are a partner in Council's CBD CCTV scheme. The responsibilities of the Police in relation to the scheme are outlined in Section 10.

## 3. OPERATION OF THE CBD CCTV SCHEME

3.1. The CBD CCTV scheme will be operated fairly, within applicable law and only for the purposes for which it is established, or which are subsequently agreed in accordance with the Code.

3.2. The CBD CCTV scheme will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

3.3. The public interest in the operation of the CBD CCTV scheme will be recognised by ensuring the security and integrity of operational procedures.

3.4. Council has primary responsibility for compliance with the purposes and objectives of the CBD CCTV scheme, for the maintenance, management and security of the system, and the protection of the interests of the public in relation to the scheme.

3.5. As a partner to Council's CBD CCTV scheme, the Police will act in accordance with the Code and the MOU.

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3.6. Council will be accountable to the public for the effective operation and management of the CBD CCTV scheme.

3.7. The public will be provided with clear and easily accessible information in relation to the operation of Council's CBD CCTV scheme.

3.8. Regular monitoring and evaluation of the CBD CCTV scheme will be undertaken to identify whether the purposes are being complied with and objectives are being achieved.

3.9. Council staff who have delegated authority to provide footage to the Police for evidentiary purposes, whether they be operators or managers, will meet the highest standards of probity.

3.10. Access to recorded material will only be permitted by authorised Council staff.

3.11. Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CBD CCTV scheme.

3.12. Information will be obtained fairly and in accordance with the privacy provisions of the CBD CCTV Policy and the Code.

3.13. The retention of and access to recorded material will be only for the purposes provided for by this Code of Practice. Recorded material will be retained for 30 days. It will then be erased, recorded over, or destroyed.

3.14. Contact related to the CBD CCTV scheme between Council staff and the Police will be conducted strictly in accordance with the Code.

3.15. The CBD CCTV scheme will be confined to address the interests of the Bathurst region and the needs of the NSW Police and judicial system.

#### **4. SYSTEM DESCRIPTION**

4.1. The System involves 22 cameras connected to a central location in the Bathurst Regional Council Civic Centre by a fibre network.

4.2. The cameras will operate on a 24 hour basis.

4.3. Pictures are transmitted live to observation screens at the Monitoring Point which is able to be monitored by the Police.

4.4. The Monitoring Equipment also provides the Police with the ability to review Recorded Material.

4.5. The system is directly linked with the Police to ensure instant communication and enable direct monitoring in certain circumstances such as an emergency. Monitoring will only be undertaken on an as needed basis by the Police.

4.6. All images are recorded and retained for 30 days.

#### **5. CAMERA DESIGN**

5.1. A mix of fixed and PTZ cameras will be utilised to enable effective monitoring.

5.2. Each camera is to be housed in a tinted environmental dome for protection.

5.3. The camera technology used is to ensure maximum resolution and picture quality. The camera and system technology used will be regularly reviewed.

### 6. CAMERA LOCATIONS

6.1. Cameras are installed in areas of the Bathurst CBD, identified by the Police as areas in need. These locations are determined partially on the basis of crime statistics provided by the Chifley Police District. Environmental considerations are also taken into account.

A total of 22 cameras have been installed in the following areas:

- a) 2 – Howick Street
- b) 2 – Cnr William and Russell Street
- c) 1 – Cnr Keppel and Havannah Street
- d) 4 – Machattie Park
- e) 2 – Kings Parade
- f) 3 – Keppel Street
- g) 1 – Bentinck Street
- h) 1 – Court House Lane
- i) 1 – William Street
- j) 1 – Cnr Piper and William Street
- k) 1 – Cnr George and Howick Street
- l) 1 – Cnr Havannah and Lambert Street
- m) 1 – Cnr Havannah and Rocket Street
- n) 1 – Havannah Street
- o) 3 - Parish Lane
- p) 2 - Ribbon Gang Lane
- q) 1 - 224 Howick Street (between AFMM car park, attached to mechanics institute)

### 7. CHANGES TO THE CBD CCTV SCHEME AND/OR THE CODE

7.1. A minor change to the CBD CCTV Policy or Code may be made with the agreement of Council's General Manager. A minor change is a change which may be required for the purposes of adjustment of the scheme or clarification of the Code. An example may be the replacement of one brand of video recorder with another.

7.2. A major change to the CBD CCTV Policy or to the Code will take place only after consultation with relevant interest groups (Police, Business Owners, Public) and upon the agreement of Council. A major change is such as will have a significant impact upon the operation of the scheme or the Code. An example may be a change to the purpose of the scheme or a proposal to install further permanent cameras.

### 8. PURPOSE

8.1. The objectives of the CBD CCTV scheme are:

To reduce the fear of crime as measured by:

- Increased community perception of safety within the CBD

To assist in the apprehension and prosecution of offenders as measured by:

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- Increase in the number of offenders identified
- Increase in the number of offenders apprehended

8.2. The CBD CCTV scheme will only be used to identify crimes occurring within the area covered by the scheme.

8.3. The CBD CCTV scheme will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with the Code.

8.4. The CBD CCTV scheme will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

8.5. The public interest in the operation of the CBD CCTV scheme will be recognised by ensuring the highest levels of security and integrity in relation to recording and retention of material.

### **9. RESPONSIBILITIES OF COUNCIL – OWNER OF THE SCHEME**

9.1. Council will be responsible for the introduction and implementation of the Policy and SOP and for ensuring the compliance with the details contained within the Code.

9.2. Council will comply with the requirements for accountability set out in the Code.

9.3. Council will consult with and provide information to the public about the operation of the CBD CCTV scheme.

9.4. Council has the primary responsibility for compliance with the purposes and objectives of the CBD CCTV scheme, for the maintenance, management and security of the program and the protection of the interests of the public in relation to the scheme.

### **10. RESPONSIBILITIES OF THE POLICE – PARTNER TO THE SCHEME**

10.1. It is the responsibility of the Police to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.

10.2. The Police will develop its own operational procedures in relation to the CBD CCTV scheme to complement those developed by Council.

10.3. An MOU in relation to the CBD CCTV scheme will be entered into both by Council and the Police outlining the respective roles of both parties. The MOU and any variations to it are to be approved by Council's General Manager and the Police, and then circulated to Councillors.

10.4. As a partner to Council's CBD CCTV scheme, the Police agree to act in accordance with the CBD CCTV Policy, SOP, the Code and the agreed final form of the MOU.

### **11. ACCOUNTABILITY**

11.1. Council will be responsible for regular review of the CBD CCTV scheme, including the CBD CCTV Policy and the Code and performance of surveillance equipment:

- a. to identify and report on any deviations from the Code that come to notice during audit; and
- b. to recommend action that will safeguard the scheme from abuse.

11.2. A report on the operation and functioning of Council's CBD CCTV scheme will be presented to Council on a biannual basis.

11.3. Council will nominate authorised Council staff, who are the contact and first point of call, for all applications, technical and operational matters and evaluation of information or requests received.

## 12. PUBLIC INFORMATION ABOUT THE OPERATION OF THE CBD CCTV SCHEME

12.1. Clearly visible signs that CCTV cameras are operating will be displayed within the area covered by the CBD CCTV scheme. These signs will:

- a. inform the public that cameras are in operation and recording
- b. allow people entering the area to make a reasonable approximation of the area covered by the system
- c. identify Council as the owner of the system
- d. identify the footage may be monitored by the Police
- e. confirm the footage is being recorded

12.2. Copies of the CBD CCTV Policy, SOP and Code are available to the public.

12.3. Enquiries in relation to Council's CBD CCTV scheme and its operation can be made in writing to:

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

or, alternatively, can be made by telephone on (02) 6333 6111 or, e-mail [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

12.4. The public will be provided with clear and easily accessible information in relation to the operation of Council's CBD CCTV scheme.

12.5. Upon the request by a member of the public or through a GIPA (Government Information and Public Access) file request for information related to video footage recorded through the CBD CCTV scheme, that the request be assessed by the General Manager of Council or their delegate, to its validity and requirement by law to supply such footage.

## 13. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

13.1. In consultation with the Police, Council will regularly monitor the operation of the CBD CCTV scheme and implementation of the Code.

13.2. Council is responsible for ensuring that the CBD CCTV scheme is regularly subject to evaluation to identify whether its purposes are being complied with and whether objectives

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are being achieved. Resources committed to the system annually will include the cost of evaluation.

13.3. Evaluation will be carried out according to established criteria.

13.4. Evaluation of the CBD CCTV scheme will include as a minimum:

- a. the assessment of its impact upon crime;
- b. the views of the public on the operation of the scheme;
- c. whether the purposes for which the scheme was established still exist

13.5. The results of evaluation will be taken into account in the future functioning, management and operation of the System.

13.6. Regular monitoring and evaluation of the CBD CCTV scheme will be undertaken to identify whether the purposes of the scheme are being complied with and objectives are being achieved.

13.7. Continued involvement of an Evaluation Group throughout the use of the CBD CCTV scheme.

13.8. The functions of the CBD CCTV scheme Evaluation Group are:

- i) to ensure the scheme objectives are being met.
- ii) to provide information regarding public perceptions crime

13.9 The Evaluation Group is made up of relevant Council staff. A letter will be sent by Council to the Police annually requesting crime statistics and feedback about the CBD CCTV system.

## 14. MANAGEMENT OF RECORDED FOOTAGE

14.1. Council staff employed to work on the CBD CCTV scheme will be subject to Council's Code of Conduct and other Council policies.

14.2. A breach of the CBD CCTV Policy, Code and the Council's own Code of Conduct may lead to disciplinary proceedings for staff members.

14.3. Procedures will be put in place to ensure that access to recorded footage is restricted to operating staff and their managers and that the communications room and recorded footage are protected from unauthorised access.

14.4. Access to the recording equipment will be limited to Council staff with that responsibility.

14.5. All authorised staff who have access to recorded footage shall be required to obtain a National Police Certificate.

14.6. Access to recorded footage will be restricted to qualified operating staff. Footage will be protected from unauthorised access.

14.7. All authorised staff will be required to undergo approved induction/familiarisation training and are to be provided with a copy of the CBD CCTV Policy, Code and SOP.

14.8. Each new authorised staff member on completion of their training is to be proficient in:

- a. use and control of camera management systems;
- b. use and control of recording systems;
- c. policy and procedures relating to recording of information;
- d. emergency response and procedures;
- e. accountability and confidentiality issues; and
- f. privacy issues.

14.9. All authorised staff involved in the operation of the CBD CCTV scheme are required to sign a Confidentiality Agreement (attached to the SOP).

14.10. It is the responsibility of Council management to ensure that these agreements are signed prior to any person being involved in and/or having access to the operation of the CBD CCTV scheme.

### **15. CONTROL AND OPERATION OF CAMERAS**

15.1. The locations of cameras will be apparent to the public.

15.2. All use of cameras will accord with the purposes of the CBD CCTV scheme.

15.3. Cameras will not be used to look into adjacent or nearby premises or buildings, unless it is explicitly for the purpose of following (in real time) participants in a crime.

15.4. No sound will be recorded in public places.

15.5. Operators of camera equipment will act in accordance with the highest standards of probity. This will include:

- a. National Police Certificate
- b. Routine audit of the system including adherence to the Code and SOP

15.6. Only authorised staff with responsibility for using the equipment will have access to operating controls.

15.7. Information recorded should be accurate, relevant and not exceed that which is necessary to fulfil the purposes of the Program.

15.8. Information shall be obtained in accordance with the privacy provisions and meet all legislative requirements.

### **16. RECORDED MATERIAL**

16.1. Access to and use of recorded material will only take place:

- a. in connection with the investigation of crime by the Police; or
- b. if necessary for the purposes of legal proceedings; or
- c. in compliance with the Government Information (Public Access) Act 2009.

16.2. Recorded material will not be sold, transferred, copied or used for any commercial purposes or for the provision of entertainment.

16.3. The showing of recorded material to the public will be permitted only in accordance with the needs of the Police in connection with the investigation of crime or in any other circumstances provided by another law.

16.4. The use of recorded material by the media shall only occur to gain public information with respect to the identity of a person/s wanted in connection with a criminal investigation into a serious crime. Subject to the concurrence of the Police, the General Manager may approve such releases. In such cases the recognisable characteristics of all other people and vehicles in the footage must be obscured.

16.5. All images from recorded material shall not, under any circumstances, be used to publicise the existence or success of Council's CBD CCTV scheme.

16.6. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

16.7. The retention of, and access to, recorded material will be only for the purposes provided for by the Code. Recorded material will be retained for 30 days. Images will then be erased, taped over, or destroyed as per recording room procedures.

16.8. Recorded material will be treated according to defined procedures to ensure continuity of evidence.

13.9. The Police may reproduce recorded footage or photographs for Court purposes or for the purposes of review by the NSW Ombudsman in the oversight or investigation of complaints under Part 8A of the Police Act, 1990 (NSW).

### **17. CONTACT WITH POLICE**

17.1. Police officers will not be permitted to remove any recorded material or operate video equipment at any time unless under the terms of the Code or subject to the execution of a search warrant or other relevant legal process.

17.2. Any change in existing arrangements for Police contact with and the use of the CBD CCTV scheme will amount to a major change to the Code and must be agreed to in accordance with the Code before being implemented.

17.3. Contact related to the CBD CCTV scheme between Council staff and the Police will be conducted strictly in accordance with the Code.

### **18. BREACHES OF THE CODE**

18.1. Prime responsibility for ensuring the Code is adhered to rests with Council. This responsibility includes ensuring that breaches of the Code which Council is made aware of and which are within the ambit of Council's power to remedy and investigate, are investigated and remedied.

18.2. Complaints in relation to any aspect of the management or the operation of the CBD CCTV scheme or the behaviour or conduct of Council staff may be made in writing to:

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

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or e-mail [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

### 18.3. General Complaints

- a. All complaints are to be in writing and to be addressed to the General Manager, Bathurst Regional Council.
  - i. First level – Manager Corporate Governance will review and provide a report to the complainant
  - ii. Second level – where the complainant is still dissatisfied, the complaint will be investigated by the Director Corporate Services and Finance, and results of the investigation reported to the complainant
  - iii. Where the complaint cannot be resolved within Council, the complainant is referred to an outside agency to seek resolution.

### 18.4. Privacy Complaints

- i. A complaint regarding the conduct of a Police Officer/s in relation to the operation of the CBD CCTV system or footage shall be referred for investigation in the first instance to the appropriate Section of the NSW Police Force or authority charged with the responsibility for investigating complaints against Police Officers. ([http://www.police.nsw.gov.au/services/complain\\_about\\_a\\_police\\_officer](http://www.police.nsw.gov.au/services/complain_about_a_police_officer))
- ii. The Privacy and Personal Information Protection Act 1998 authorises the Information and Privacy Commission to receive and investigate complaints about alleged violation of, or interference with, the privacy of an individual. Any member of the public is entitled to lodge a complaint with the Information and Privacy Commission at:

Information and Privacy Commission  
GPO Box 7011  
SYDNEY NSW 2001  
Tel: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

18.5. The CBD CCTV scheme must address the interests of all who may be affected by it. The scheme is to reflect the interests of Council, the Police and the needs of the criminal justice system.

18.6. Council will cooperate with the investigation of any complaint by the Information and Privacy Commission.

