

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

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

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/WORKSTATION S 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		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	confidential nature that would,
S	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.

- 14. RESOLVE INTO OPEN COUNCIL
- 15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
- 16. MEETING CLOSE

MINUTE

1 <u>N</u>	IEETING CO	<u>MMENCES</u>	-			
Present:	Councillors Ha	anger (Chair),	Aubin, Bourk	e, Christian,	Fry, Jennings,	Morse, North
		Meeting Comme	nces to the Counc	il Meeting 19/06/2	2019	

MINUTE

2 PUBLIC FORUM

<u>P. Barker – Convenor town Square Group</u> spoke to purpose of the group. The Town Square is gazetted as an historical area. Spoke to the CSU proposal in the budget and also the history of consultation that has occurred. Noted the need for a master plan for the Square and future needs.

The group conditionally supports CSU proposal subject to a number of issues.

- <u>W. Feebrey</u> <u>National Trust Department Chair</u> Spoke to CSU proposal master plan. Need to ensure open/ transparent processes in place. There have been clear <u>principles</u> identified in the 'wish upon a square' process. Need to ensure no inappropriate development. Town Square Group, National Trust and others need to be involved in any heritage activation. The TAFE/ Town Square offer a once in a century opportunity.
- <u>S. Pearson</u> Ratepayer/Town Square Group Member Spoke to tourism strategy of Council which has worked well and generated economic benefits. There is now an emerging cultural / heritage tourism market. This provides great opportunities, noted tourism Australia figures, the market growing at over 8%, spend levels and time spent is higher than other forms of tourism.

Noted the cultural/ heritage items that exist in the area. Need to work on a united/ unifying narrative. Need to rejuvenate town square in favour of joint efforts with CSU.

EXTENSION OF TIME

MOVED Cr North and SECONDED Cr Bourke

RESOLVED Than an extension of time be granted for S. Pearson

<u>J. Page</u>— War Memorial Carillon Spoke to Kings Parade area, the gardeners are a credit to Council, however funds need to be made available for restoration of the Carillon. There is a CMP for the building, noted recommendations for maintenance of the building. Further work was done by Christo Aitken, which provided details on works needed. The works need to be addressed in the near future. The Carillon has the potential to contribute to cultural/heritage tourism. Asked Council to prepare a report on funds spent on the Carillon since 2002.

<u>Napoleon Reef</u> Thanks Council for the works recently undertaken on the gateway and ecological works.

- <u>S. Bathgate</u> Bathurst Heritage Action Network Spoke to the town square, it is an eyesore and a jumble. Needs pedestrian/ people friendly/ social/ cultural hub. Encourages the areas reinvention. Then spoke to the BHAN submission to the budget. Need discussion on funding to commence in August this year. Referred to council's cultural plan and need to utilise the TAFE building. There is interest in the town square, noted a tourism app is about to be released for the area. The town square group needs to be involved in setting the brief.
- <u>S. Bedwell CSU</u> the Uni continues to look at opportunities to service the community. The Uni has over \$170 million of economic impact for the region. Spoke to matters confronting the Uni into the future, and the future of the campus. The concept into the future looks at possible presence in the CBD. This will leverage off heritage/cultural/ innovation/economic factors in the area. It will help economic and cultural plans, aware of the importance of the town square and wished to push forward the master plan.

P	ublic Forum to the Council Meeti	ng 19/06/2019	
	_ GENERAL MANAGER		MAYOR Page 9

- <u>G. Crisp</u> Ratepayer and Water Customer Spoke to request to Council for it to take him to court. Has the ombudsman acting for him, spoke to issuing of final demands for water. Then spoke to strata act legislation, payment of fees and processes to be followed. Stated he is not liable for water charges, referred to various sections of legislation and non-compliance with the law by Council.
- <u>A. Fletcher</u> Bathurst Remembers WWII Project Spoke to the proposal in the business paper, the connection Bathurst has with the military and military service. Noted prior projects in recent years where has worked with the RSL and Council. Proposing a 4 day event in August 2020 to acknowledge end of WWII and referred to the displays to be put up. Asks Council to support to a level of \$7,000.
- <u>C. O'Rourke- Duramana Development</u> Spoke to recent meeting on the proposal and feedback received. Then noted consultation undertaken and processes in place. The people at the meeting don't want small blocks. Council should write to all residents and inform them of all possibilities and impacts on Eglinton Rd, medium density issues, price of land sales, low/medium housing needs. Suggested that Council convene a citizens jury and then spoke to id profile system data and what it provides. Then noted ABS data. Council should consider whether it needs these developments.
- **K. McNab** Ratepayer Mitre/Suttor/ Lambert Roundabout Spoke to need for works and when will tender report be presented to Council. Want to see works started, knows delays etc will occur. Spoke to accident history of intersection and impact on people.

Director Engineering Services Evaluation of tenders occurring, hopefully report to July meeting.

<u>D. McNab</u> - Ratepayer Code of Meeting Practice Notes not all submissions have been acknowledged in the report, particularly those through Your Say. Commented on process for collating submissions and provisions to Councillors. Notes Council has taken on board the comments submitted concerning public forum operations. Noted Councillors have been provided by DCSF with a list of names of those who put in submissions.

<u>Maxine Wake</u> - <u>Duramana Development</u> Residents are opposed to small lots. She is a new resident to the area and wants green space, pathways, better roads. Asks for another meeting with residents to occur.

Public Forum to the Council Meeting 19/06/2019	
Public Forum to the Council Meeting 19/06/2019GENERAL MANAGER	MAYOF Page 10

MINU	MINUTE		
3	APOLOGIES MOVED: Cr B Bourke SECONDED: Cr I North		
RESO	LVED: That the apology from Cr Rudge be accepted and leave of absence granted.		
	Analogies to the Council Meeting 10/06/2010		

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.

Minutes to the Council Meeting 19/06/2019

MAYOR Page 13

GENERAL MANAGER

MINUTE
4 <u>Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 15 MAY 2019 (11.00005)</u>
MOVED: Cr W Aubin SECONDED: Cr I North
RESOLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 May 2019 be adopted.
Minutes to the Council Meeting 19/06/2019

GENERAL MANAGER

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 to the Council Meeting 19/06/2019

MINUTE	
5 <u>Item :</u> - 5 JUNE 201 <u>MOV</u>	
	DLVED: That the Minutes of the Ordinary Meeting of Bathurst Regional Council ne 2019 be adopted.

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

MEETING COMMENCES

<u>1</u> **MEETING COMMENCES 6:15 PM**

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

APOLOGIES

APOLOGIES <u>2</u>

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

<u>3</u> **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

Item 1 THEO BARKER LECTURE (20.00123) <u>4</u>

MOVED Cr I North

and **SECONDED** Cr M Morse

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

Item 2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE <u>5</u>

(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

This is page 1 of Minutes (Minute Book Folio 12972) of the Ordinary Meeting of Council held on 5 June 2019

Page 17

General Manager

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 <u>Item 1 KELSO COMMUNITY HUB - REQUEST FOR DEVELOPER</u> 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 <u>Item 3 AUTUMN COLOURS 2019 (23.00060)</u>

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.

This is page 2 of Minutes (Minute Book Folio 12973) of the Ordinary Meeting of Council held on 5 June 2019

Page 18

General Manager

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
	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

<u>a ltem 1 ELECTRICITY PROCUREMENT (16.00007)</u>

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

RESOLVED: That Council:

- 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.

This is page 3 of Minutes (Minute Book Folio 12974) of the Ordinary Meeting	of Co	ouncil	
held on 5 June 2019			

Director Corporate Services & Finance's Report

<u>b</u>	Item 1 KELSO COMMUNITY F	<u> HUB - HOUSING PLUS - HIRE AGREEMENT</u>
	(09.00026)	
	MOVED On I Novelle	and CECONDED On D Davides

MOVED Cr I North

and **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 North

and **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 Rudge and 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:

This is page 4 of Minutes (Minute Book Folio 12975) of the Ordinary Meeting of	of Council
held on 5 June 2019	
	Page 20

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

MEETING COMMENCES

<u>1</u> <u>MEETING COMMENCES 6:00 PM</u>

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

PUBLIC FORUM

2 PUBLIC FORUM

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

<u>J Blackwood</u> – 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.

<u>C O'Rourke</u> – 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

<u>S Miller - 720 Vale Road, Orton Park</u> 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.

This is page 1 of Minutes (Minute Book Folio 12976) of the Ordinary Meeting of Council held on 19 June 2019

Page 21

- 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.
- <u>S Bathgate</u> 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.
- <u>G Crisp</u> 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.
- <u>D McNab</u> Ratepayer Mitre / Suttor / Lambert Intersection thanked the Director Engineering Services and staff for the work done on this projet. 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.
- <u>N Cox Resident</u> 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.
- <u>P Dowling Resident</u> 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
- <u>B Triming</u> 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.
- <u>B Triming 213 George Street, Bathurst</u> spoke to accessible parking issues, renovations that occurred on this site which meant that parking spot had to be relocated, who will fund.

This is page 2 of Minutes (Minute Book Folio 12977) of the Ordinary Meeting of Council held on 19 June 2019

B Triming - 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.

<u>APOLOGIES</u>

3 APOLOGIES

Nil

MINUTES

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

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 <u>Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 MAY 2019 (11.00005)</u>

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

<u>6</u> <u>DECLARATION OF INTEREST 11.00002</u>

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

This is page 3 of Minutes (Minute Book Folio 12978) of the Ordinary Meeting of Council held on 19 June 2019

Page 23

General Manager

Mayor

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 <u>Item 2 GENERAL REPORT (03.00053)</u>

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;

This is page 4 of Minutes (Minute Book Folio 12979) of the Ordinary Meeting	of Council
held on 19 June 2019	
	Page 24

General Manager

- (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

This is page 5 of Minutes (Minute Book Folio 12980) of the Ordinary Meeting of Council held on 19 June 2019

Page 25

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 <u>Item 6 ALEC LAMBERTON MASTER PLAN COMMUNITY CONSULTATION</u> (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.

This is page 6 of Minutes (Minute Book Folio 12981) of the Ordinary Meeting of Council held on 19 June 2019

General Manager

16 <u>Item 2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)</u>

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.

<u>18</u> <u>Item 4 POWER OF ATTORNEY (11.00007)</u>

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

This is page 7 of Minutes (Minute Book Folio 12982) of the Ordinary Meeting of Council held on 19 June 2019 Page 27

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

<u>11.00005, 36.00703, 36.00704, 36.00698</u>

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 <u>Item 2 ARTS OUTWEST MEMORANDUM OF UNDERSTANDING 2018-2022</u> (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.

This is page 8 of Minutes (Minute Book Folio 12983) of the Ordinary Meeting of Council held on 19 June 2019

Page 28

General Manager

27 <u>Item 5 DOCUMENTS - CENTRAL BUSINESS DISTRICT (CBD) CLOSED</u> 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 | North and SECONDED Cr W Aubin

RESOLVED: That the information be noted.

This is page 9 of Minutes (Minute Book Folio 12984) of the Ordinary Meeting of Council held on 19 June 2019

Page 29

General Manager

32 <u>Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 2 APRIL 2019</u> (11.00020)

MOVED Cr A Christian and **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 Fry

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	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

This is page 10 of Minutes (Minute Book Folio 12985) of the Ordinary Meeting of Council held on 19 June 2019

Ī	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.

* 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

<u>a ltem 1 REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN LANDS) OVER FORMER BATHURST GASWORKS SITE (22.00052)</u>

<u>MOVED Cr B Bourke</u> and <u>SECONDED</u> Cr J Jennings

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report

This is page 11 of Minutes (Minute Book Folio 12986) of the Ordinary Meeting of Council held on 19 June 2019

Page 31

General Manager ______Mayor

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

<u>Litem 1 TENDER FOR DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE</u>
AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK (36.00703)
MOVED Cr I North and <u>SECONDED</u> 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 | 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.

<u>e BATHURST AERODROME (36.00698)</u>

<u>MOVED Cr I North and SECONDED Cr J Rudge</u>

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.

General Manager

____Mayor

ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

<u>35</u>	ADOPT REPORT OF THE COMMITTEE MOVED Cr A Christian	OF THE WHOLE and SECONDED Cr W Aubin
	RESOLVED: That the Report of the Conadopted.	nmittee of the Whole, Items (a) to (e) be
MEETIN	G CLOSE	
<u>36</u>	MEETING CLOSE	
	The Meeting closed at 9.29 pm.	
	CHAIRMAN:	
	CHAIRMAN:	<u> </u>

MINUTE

DECLARATION OF INTEREST 11.00002 6

MOVED: Cr I North SECONDED: Cr W Aubin				
RESOLVED: That the Declaration of Interest be noted.				
Mayor, Cr Hanger Item # 6 of the Director Engineering Service Confidential Report.				

GENERAL MANAGER

GENERAL MANAGER'S REPORT AND MINUTES				
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?

- (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
 - (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

` ' '	,	•	•
	General Manager's Report to the Council Me	eeting 19/06/2019	
	GENERAL MANAGER		MAYOR Page 36

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?

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

(\$16) What matters must be dealt with at a constitutional referendum?

- 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?

- (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

(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,

General Manager's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR

(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 <u>Attachment 1</u> 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:		
General Manager's Report to the Council Meeting 19/06/2019		

- "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

General Manager's Report to the Council Meeting 19/06/2019	

7 <u>Item 1 POPULARLY ELECTED MAYOR (12.00005)</u> <u>MOVED: Cr B Bourke SECONDED: Cr J Jennings</u>

RESOLVED: 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.

On being **PUT** to the **VOTE** the **MOTION** was **LOST**.

 General Manager's Report to the Council Meeting 19/06/201	19
GENERAL MANAGER	MAYOR
	Page 41

<u>8</u>	Item 1.01	POPULARLY ELECTED MAYOR (12.00005)
_	MOVED: C	r I North SECONDED: Cr J Jennings

RESOLVED:	That an extensi	on of time be	granted to C	or Morse for Mi	nute # 1

<u>9</u>	Item 1.01	POPULARLY ELECTED MAYOR (12.00005)
_	MOVED C	r J. Jennings SECONDED: Cr I North

RESOLVED: That an extension of time be granted to Cr Bourke for Minute # 1 General Manager's Report to the Council Meeting 19/06/2019

10 Item 1.02 POPULARLY ELECTED MAYOR (12.00005) MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That an extension of time be granted to Cr Jennings for Minute # 1

Yours faithfully

D J Sherley

GENERAL MANAGER

D J Sherley

GENERAL MANAGER

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT AND MINUTES		
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)
 - 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:

- 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

GENERAL MANAGER

Community Engagement

● Inform	To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.
Director Environmenta	al Planning & Building Services' Report to the Council Meeting 19/06/2019

11 <u>Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)</u>

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the information be noted.

Director Environmental Planning & Building Services' Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYO
	Dage /

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 (<u>attachment</u> <u>3</u>).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (<u>attachment 4</u>).
- (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.

12 <u>Item 2 GENERAL REPORT (03.00053)</u> <u>MOVED: Cr W Aubin SECONDED: Cr I North</u>

RESOLVED: That the information be noted.

Director Environmental Planning & Building Services' Report to the Council Meeting 19/06/2019

GENERAL MANAGER

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.

<u>Financial Implications</u>: 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

Director Environmental Planning & Building Services' Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR Page 52

● Inform	To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.
Director Environmenta	al Planning & Building Services' Report to the Council Meeting 19/06/2019

MINU	TE			
13	Item 3 BATHURST REGION HERITAGE REFERENCE GROUP (20.00123) MOVED: Cr M Morse SECONDED: Cr J Jennings			
	RESOLVED: That the information be noted.			
	Director Environmental Planning & Building Services' Report to the Council Meeting 19/06/2019			

4 DURAMANA ROAD MASTER PLAN (20.00327)

<u>Recommendation</u>: 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.

<u>Financial Implications</u>: 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 						
	and many of an area and area a					

14 <u>Item 4 DURAMANA ROAD MASTER PLAN (20.00327)</u> <u>MOVED: Cr I North SECONDED: Cr A Christian</u>

RESOLVED: 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.

Director Environmental Planning & Building Services' Report to the Council Meeting 19/06/2019

_____ GENERAL MANAGER _____ MAYOR
Page 57

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 (<u>attachment 1</u>) 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 <a href="https://dx.doi.org/10.1001/jat.2016/april 2016/2016/jat.2016/

Draft DCP Amendment for consideration

A copy of the amendment to be incorporated into the DCP is included at <u>attachment 3</u>. 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

15 <u>Item 5 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014</u> <u>AMENDMENT - VEGETATION MANAGEMENT AND BIODIVERSITY (20.00334)</u> <u>MOVED: Cr I North SECONDED: Cr J Jennings</u>

RESOLVED: 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.

Director Environmental Planning & Building Services' Report to the Council Meeting 19/06/2019

GENERAL MANAGER

<u>6 PEST BIRD MANAGEMENT STRATEGY – AN UPDATE ON PIGEON ACTIVITIES (14.00627)</u>

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.

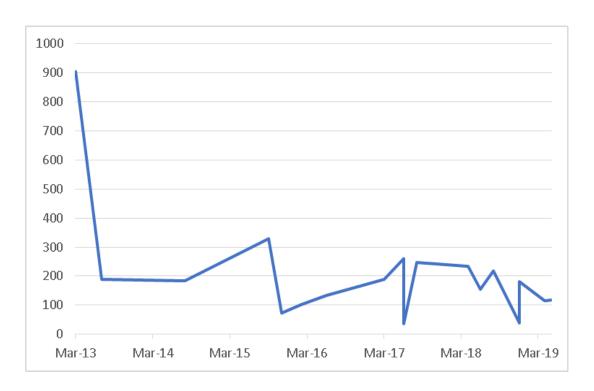
The following table and graph provides an update on the 24 pigeon program activities that have occurred since the adoption of the Pest Bird Management Strategy in 2013.

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

Director Environmental Planning	& Building Services	'Report to the Counc	cil Meeting 19/06/2019
---------------------------------	---------------------	----------------------	------------------------

		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.

Туре	Description	Notes on use	Cost
Trapping	Trap set in a secure location, usually on	 Good results when first used. 	Around \$600-\$700 per trap site per 4 week

	top of a roof space. 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.	 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). 	program per site.
Shooting (air rifle)	targets birds roosting at night on building facades.	 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. 	Around \$600 per night.
Exclusion devices	Includes:	 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. 	Bird spikes: around \$10/metre. Mesh and netting: depends upon site but can be \$thousands.
Breeding control	Ovulation control feed station	 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 	Unknown.

Nest removal	Removing nests or eggs	to ensure non-target species are not impacted. • 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	 Fake owls or hawks Strobe lights Reflective disks or tape Water sprayers Lasers 	 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	 Guns Ultrasonic emitters Distress callers 	 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.

Birds of prey (i.e. falcons)	 Using trained birds of prey, generally falcons or hawks, to scare birds away from roosting or feeding areas. Drones 	nuisance to businesses or residents. Yet to be trialled by Council. 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	Unknown but likely \$thousands
Tape, glue, gels etc	Traps birds that land on the sticky product.	 addressed. 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

Director Environmental Planning & Building Services' Report to the Council Meeting 19/06/2019	
Director Environmentary lamining & building Services Treport to the Council Meeting 13/00/2013	
GENERAL MANAGER	MAYOF

Page 66

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.

<u>Financial Implications</u>: 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

16 <u>Item 6 PEST BIRD MANAGEMENT STRATEGY – AN UPDATE ON PIGEON ACTIVITIES (14.00627)</u>

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That Council note the report.

Director Environmental F	Planning & Building Services' F	Report to the Council Meeting 19/06/2019	
	_ GENERAL MANAGER		MAYOR Page 68

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

Recommendation: That Council:

- 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**.

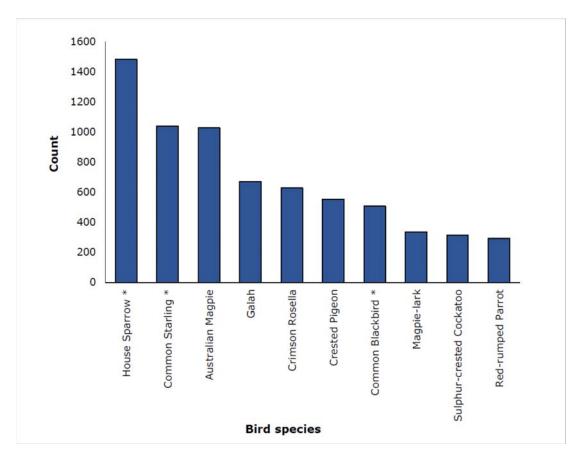
The following table presents a snapshot of participation and the results for the Bathurst region:

	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.

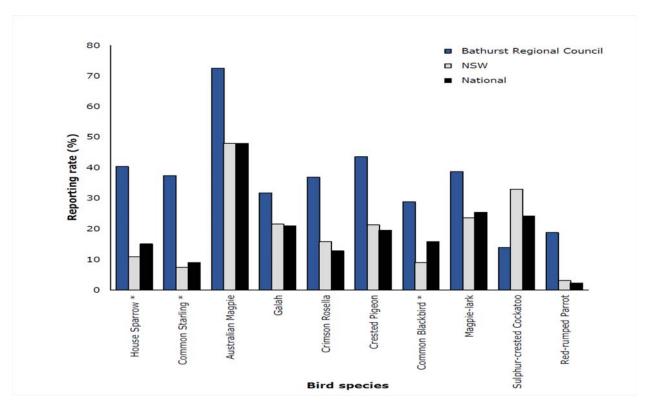
despite a large increase in the number of bird species recorded and the number of people participating. Once again the most common species was the House Sparrow, an introduced pest species. The Common or European Starling was again the second most common species. This bird is one of the most invasive 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.

<u>Financial Implications</u>: 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.

17 <u>Item 7 BATHURST BACKYARD BIRD COUNT – RESULTS OF 2018 PROGRAM (13.00081)</u>

MOVED: Cr M Morse SECONDED: Cr I North

RESOLVED: 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.

Yours faithfully

N Southorn **DIRECTOR**

ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Month.

DIRECTOR CORP MINUTES	ORATE SERVICES	& FINANCE'S REPORT	ΓAND
ORD	INARY MEETING OF BATH	HURST REGIONAL COUNCIL	
	19 JUNE	E 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:

	<u>Rating</u>	<u>Balance</u>	Average Return
Short Term 1 – 365 Days			
(comprising Commercial Bills, Term Deposits, D and Certificates of Deposits):	ebentures		
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	\$6,000,000.00	2.70%
•		\$36,000,000.00	2.71%
Long Term > 365 Days			
(comprising Commercial Bills, Term Deposits, D	ebentures		
and Bonds):			
Floating Rate Term Deposits			
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%
Fixed, Negotiable & Tradeable			
Certificates of Deposits	_	•	
AMP Fixed Rate	A-	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	\$1,000,000.00	2.82%
Greater Bank Ltd	BBB	\$2,000,000.00	<u>2.97%</u>
		\$4,000,000.00	2.94%
Floating Rate Notes		A. A. A. A. A. A. A. A.	
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	Α	\$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	\$1,000,000.00	3.33%
		\$17,150,000.00	2.89%
Total Investments		<u>\$69,780,000.00</u>	<u>2.77%</u>
These funds were held as follows:			
Reserves Total (includes unexpended loan fund	s)	\$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		<u>\$2,141,901.99</u>	<u>2.77%</u>

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.

18	Item 1	STATEMENT OF INVESTMENTS (16.00001)
	MOVED	Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

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 <u>attachment 1</u> 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.

GENERAL MANAGER

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

19 <u>Item 2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)</u>

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYO

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 <u>attachment 1</u> 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.

<u>Financial Implications</u>: 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.

20 <u>Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL</u>
<u>ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE</u>
<u>SUBSIDY (18.00004)</u>

MOVED: Cr W Aubin SECONDED: Cr M Morse

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

Director Corporate Services & Finance's Report to the Council Meeting 19	9/06/2019
Director Corporate Services & Finance's Report to the Council Meeting 19 GENERAL MANAGER	0/06/2019 MAY

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.

21	Item 4	POWER OF ATTORNEY (11.00007)
	MOVED	: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the information be noted.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	

_ GENERAL MANAGER

<u>5 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL</u> 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 <u>attachment 1</u>, 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.

<u>Financial implications</u>: 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 <u>attachment 2</u>, 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

<u>Financial implications</u>: 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

Director Corporate S	Services & Finance's Report to t	he Council Meeting 19/06/2019	
	GENERAL MANAGER	,	MAYOR

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 <u>attachment 3</u>, 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

<u>Financial implications</u>: 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 <u>attachment 4</u>, 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.

<u>Financial implications</u>: 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:

Director Corporate S	Services & Finance's Report to the	he Council Meeting 19/06/2019	
	GENERAL MANAGER		MAYOR
			Page 85

	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.

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

(f) <u>Bathurst Heritage Network</u>

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.

<u>Financial implications</u>: 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	Item	Job	GST	2018/2019	2019/2020
Code		Number		\$	\$
999	Vegetation Clearing Permit	W999.32	Ν	-	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.

<u>Financial implications</u>: 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 <u>attachment 7</u>, 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**.

<u>Financial implications</u>: 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**.

<u>Financial implications</u>: 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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

GENERAL MANAGER MAYOR

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.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

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

MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council consider the submissions individually.

Director Corporate Services	& Finance's Report to the C	Council Meeting 19/06/2019	
Director Corporate dervices	od i manec 3 report to the c	Journal Meeting 15/00/2015	
GENEF	RAL MANAGER		MAYOR
			Page 90

<u>MINUTE</u>

- 23 Item 5.01 SUBMISSIONS DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)

 MOVED: Cr W Aubin SECONDED: Cr B Bourke
 - (a) Raglan Sporting and Social Committee

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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/20)19
GENERAL MANAGER	MA
	Pac

<u>MINUTE</u>

<u>24 Item 5.02 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)</u>

MOVED: Cr I North SECONDED: Cr A Christian

(b) Mr Peter Innes

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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOF
	Page 9

<u>MINUTE</u>

25 Item 5.03 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155) MOVED: Cr I North SECONDED: Cr M Morse

(c) Kelso Community Hub Rental Costs

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

 Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR
 GENERAL WANAGEN	Page 93

- 26 Item 5.04 SUBMISSIONS DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)
 - MOVED: Cr M Morse SECONDED: Cr J Fry
 - (d) <u>Centennial Park Upgrade</u>

RESOLVED: That Council note the submission.

GENERAL MANAGER

27 Item 5.05 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155) MOVED: Cr I North SECONDED: Cr B Bourke

(e) Charles Sturt University (CSU) Financial Contributions

RESOLVED: That Council not amend the DP/OP in respect of the submission, but provide in principle support, subject to a further report coming back to Council addressing the scope of the project and Council's financial commitment.

 Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019 GENERAL MANAGER	
	MAYOF Page 95

28 Item 5.06 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155) MOVED: Cr I North SECONDED: Cr J Jennings

(f) Bathurst Heritage Network

RESOLVED: That Council not amend the DP/OP with respect to the submission.

Page 96

- 29 Item 5.07 SUBMISSIONS DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)

 MOVED: Cr I North SECONDED: Cr A Christian
 - (g) Revenue Policy Amendments

RESOLVED: That Council amend the Revenue Policy.

Director Corporate Services & Finance's Report to tl	the Council Meeting 19/06/2019
GENERAL MANAGER	MAYOR

Page 97

<u>Item 5.08 SUBMISSIONS - DRAFT DELIVERY PLAN 2019-2023 AND</u> OPERATIONAL PLAN 2019/2020 (16.00155) MOVED: Cr I North SECONDED: Cr J Jennings

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

RESOLVED: That Council not amend the DP/OP in respect to the two submissions from Mr Carter, received 28 May 2019 and the other received 4 June 2019.

- 31 Item 5.09 SUBMISSIONS DRAFT DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020 (16.00155)

 MOVED: Cr B Bourke SECONDED: Cr W Aubin
 - (i) Water Fund alleged mis-use of funds

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

Director Corporate Services & Finance's Report to the C	Council Meeting 19/06/2019
GENERAL MANAGER	MAYOR

Page 99

<u>6 DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020</u> (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 <u>attachment 1</u>.

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

250,000

6,650,000

<u>Financial Implications</u>: 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.

32 <u>Item 6 DELIVERY PLAN 2019-2023 AND OPERATIONAL PLAN 2019/2020</u> (16.00155)

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: 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.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR

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.

<u>Financial Implications</u>: 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.

33 <u>Item 7 2019/2020 REVENUE POLICY (16.00155)</u> <u>MOVED: Cr I North SECONDED: Cr A Christian</u>

RESOLVED: 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.

 Director Corporate Services & Finance's Report to the Council Meeting 19/06/	/2019
Director Corporate Services & Finance's Report to the Council Meeting 19/06/	MAY

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
- 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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019
Ziroster dorporate dorridos a rimanicos rioporate ano doaniem modinigiros dorizones

GENERAL MANAGER

- 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
- 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	Base	%Yield
		Amount	Amount	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

DOMESTIC WASTE MANAGEMENT CHARGES FOR 2019/2020 - That the annual (b) 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	Charge for
(mm)	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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

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	Charge for 2019/2020
(mm)	\$
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.

Туре	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.

<u>Financial Implications</u>: 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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019		
GENERAL MANAGER	MAYOR	
	Page 109	

 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.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

34 <u>Item 8 2019/2020 RATE LEVY - MAKING THE RATES (16.00155)</u> MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: (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:

- 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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYO

- 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	Base	%Yield
		Amount	Amount	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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

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	Charge for
(mm)	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

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

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	Charge for 2019/2020
(mm)	\$
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.

Туре	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.

Director	Corporate Services & Finance's I	Report to the Council Meeting	19/06/2019

GENERAL MANAGER

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 Triming
R England
Mrs B Cowan
Bathurst Regional Access Committee
Bathurst Community Climate Action Network

GENERAL MANAGER

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

Director Corpor	ate Services & Finance's Report to	o the Council Meeting 19/06/2019	
	GENERAL MANAGER		MAYOR
			Page 117

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.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYO

Page 118

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 oif 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 <u>attachment 2</u> 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

Director Corporate Services & Finance's Report to t	the Council Meeting 19/06/2019
GENERAL MANAGER	MAYOR

● Inform	To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.
Director Corpor	ate Services & Finance's Report to the Council Meeting 19/06/2019

35	Item 9	CODE OF MEETING PRACTICE (07.00064, 07.00065)
	MOVED	· Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council adopt the Code of Meeting Practice.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

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.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

36 <u>Item 10 EMERGENCY SERVICES LEVY - 2019/2020 (18.00233)</u> MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED: 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.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

_____ GENERAL MANAGER _____ MAYOR
Page 123

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

<u>Recommendation</u>: 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.

<u>Report</u>: 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.

<u>Financial Implications</u>: 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 the

and objective information to help them understand the problem, alternatives

opportunities and/or solutions.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

MAYOR

GENERAL MANAGER

37 <u>Item 11 REQUEST FOR FINANCIAL ASSISTANCE - "BATHURST REMEMBERS WORLD WAR 2 EXHIBITION 2020" (18.00004)</u> <u>MOVED: Cr B Bourke SECONDED: Cr A Christian</u>

RESOLVED: That Council include the waiver of BMEC hire charges for the "Bathurst Remembers World War 2 Exhibition 2020" up to a maximum of \$7,000 in the Section 356 BMEC Donations in the 2020/2021 budget.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOF
	-

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.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

38 <u>Item 12 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.07024, 22.06279)</u>

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the information be noted.

Yours faithfully

A Jones **DIRECTOR**

CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES
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

MAYOR

Community Engagement

Inform

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

Director Engineering Services' Report to the Council Meeting 19/06/2019

GENERAL MANAGER

39 <u>Item 1 TRANSFER OF CROWN ROAD - LEENA STREET BETWEEN PANORAMA AVENUE AND HAVANNAH STREET BATHURST (25.00012)</u> <u>MOVED: Cr M Morse SECONDED: Cr I North</u>

RESOLVED: 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.

 Director Engineering Services' Report to the Council Meeting 19/06/20	019
GENERAL MANAGER	MAYOR
	Page 130

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.

Director Engineering Services' Report to the	Council Meeting 19/06/2019
GENERAL MANAGER	MAYOR
	Page 131

<u>Financial Implications</u>: 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.

Director Engineering Services' Report to the Council Meeting 19/06/2019

40 <u>Item 2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE</u> (11.00005, 36.00709, 36.00712, 36.00708, 36.00707, 36.00711, 36.00706, 36.00699 & 36.00710)

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That the information be noted.

and J. Hurgin.

Yours faithfully

Darren Sturgiss **DIRECTOR**

ENGINEERING SERVICES

TES	CULTURAL & COMMUNITY SERVICES' REPORT AND
	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.

Director Cultural & Community Services' Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYO

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.

<u>Financial Implications</u>: 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.

41 <u>Item 1 ALCOHOL-FREE ZONES IN THE BATHURST CBD 2019 - 2023</u> (20.00126)

MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: 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.

2 BATHURST COMMUNITY SAFETY PLAN 2019 - 2023 (20.00179)

Recommendation: That Council:

- (a) Adopt Bathurst Regional Community Safety Plan 2019 2023.
- (b) Forward Bathurst Regional Community Safety Plan 2019 2023, Safer Community Compact application to the NSW Government Department of Justice, under Part 4 of the Children (Protection and Parental Responsibility) Act 1997.
- (c) Write to the Committee and thank them for their participation and ongoing commitment.

Report: At the ordinary meeting of Council held on 17 April 2019, Council resolved that the draft Bathurst Community Safety Plan 2019 - 2023 be placed on public exhibition for 28 days. A copy of the draft Bathurst Community Safety Plan document was provided at the meeting held 17 April 2019, Director Cultural & Community Services Report #7.

The draft plan was placed on public exhibition from Thursday 18 April 2019 until Thursday 16 May 2019. The draft plan was made available to members of the public at the following locations during this period encouraging review and comment:

- Council's website;
- Council's Civic Centre (ground floor and first floor);

As at the closing date for submissions, no responses were received.

The Committee contributed to the development of the Plan, to provide valuable input into its creation. Implementation of actions and strategies will be developed by the Committee, through the period of the Plan.

A copy of the document will be provided to the NSW Government Department of Justice as a Safety Community Compact under Part 4 of the Children (Protection and Parental Responsibility) Act 1997.

<u>Financial Implications</u>: There are no financial implications resulting from this report.

Bathurst Community Strategic Plan - Objectives and Strategies

Objective 5: Community health, safety and well being
 Strategy 5.3, 5.4, 5.5

Objective 6: Community leadership and collaboration
 Strategy 6.3, 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.

42 <u>Item 2 BATHURST COMMUNITY SAFETY PLAN 2019 - 2023 (20.00179)</u> MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That Council:

- (a) Adopt Bathurst Regional Community Safety Plan 2019 2023.
- (b) Forward Bathurst Regional Community Safety Plan 2019 2023, Safer Community Compact application to the NSW Government Department of Justice, under Part 4 of the Children (Protection and Parental Responsibility) Act 1997.
- (c) Write to the Committee and thank them for their participation and ongoing commitment.

Director Cultural & Community Services' Report to the Council Meeting 19/	06/2019
GENERAL MANAGER	MAYOR

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
 Objective 2: A smart and vibrant economy
 Objective 5: Community health, safety and well being
 Strategy 2.3
 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.

43 <u>Item 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) MOVED: Cr M Morse SECONDED: Cr J Jennings</u>

RESOLVED: That the information be noted.

Dire	ector Cultural & Community S	Services' Report to the	Council Meeting 19/06	/2019
	GENERAL	MANAGER		
	GENERAL	MANAGER		MAY0 Page 1

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.

<u>Financial Implications</u>: 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

Director Cultural & Community Services' Report to the Council Meeting 19/06/2019

an un op	d objective information to he derstand the problem, alter portunities and/or solutions	elp them natives	
Disease O. H. 100	announcib. Com to al December 11. Co		
	ommunity Services' Report to the Cou	incii Meeting 19/06/2019	MANOR
	GENERAL MANAGER		MAYOR Page 145

44 <u>Item 4 DEDUCTIBLE GIFT RECIPIENT (DGR) STATUS - CHIFLEY HOME AND EDUCATION CENTRE, BATHURST RAIL MUSEUM (21.00112, 21.00120)</u> <u>MOVED: Cr I North SECONDED: Cr B Bourke</u>

RESOLVED: 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.

Director Cultural & Community Services' Report to the Council Meeting 19/06/2019	

GENERAL MANAGER

<u>5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD 3</u> 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.

Director Cultural & Community Services' Report to the Council Meeting 19/06/2019

45 <u>Item 5 BATHURST REGION TOURISM REFERENCE GROUP - MEETING HELD</u> 3 JUNE 2019 (07.00116)

MOVED: Cr W Aubin SECONDED: Cr J Fry

RESOLVED: That the information be noted.

Director Cultural & Community Services' Report to the	he Council Meeting 19/06/2019
GENERAL MANAGER	MAYOR Page 148

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	Action
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, Mayfield Garden's narration (tour production funded by

Director Cultural & Community Services' Report to the Council Meeting 19/06/2019

	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.
Brand Awareness Campaign	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.
Public Relations	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.
Visitor Guide/Destination Planner	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.
Destination Management Plan 2019	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.

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

Director Cultural & Community Services' Report to the Council Meeting 19/06/2019

Community Engagement

Inform

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

MINUTE		
46	Item 6 DESTINATION BRAND IMPLEMENTATION REPORT (20.00299) MOVED: Cr A Christian SECONDED: Cr J Jennings	
	RESOLVED: That the information be noted.	

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

Director Cultural & Community Services' Report	to the Council Meeting 19/06/2019
 GENERAL MANAGER	MAYO
	Page 15

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.

Director Cultural & Community Services' Report to the Council Meeting 19/06/2019

47 <u>Item 7 BATHURST HERITAGE TRADES TRAIL 2019 (23.00060)</u> MOVED: Cr M Morse SECONDED: Cr B Bourke

RESOLVED: That the information be noted.

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.

Policy Committee Meeting to the Council	Meeting 19/06/2019
GENERAL MANAGER	MA

48	Item 1	MINUTES - POLICY COMMITTEE MEETING - 5 JUNE 2019 (07.00064)
	MOVED	: Cr I North SECONDED: Cr A Christian

48	Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 JUNE 2019 (07.00064)
	MOVED: Cr I North SECONDED: Cr A Christian
June 2	RESOLVED: That the recommendations of the Policy Committee Meeting held on 5 2019 be adopted.
	Policy Committee Meeting to the Council Meeting 19/06/2019

MINUTES OF THE POLICY COMMITTEE HELD ON 5 JUNE 2019

MEETING COMMENCES

<u>1</u> <u>MEETING COMMENCES 6:00 PM</u>

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

APOLOGIES

<u>2</u> <u>APOLOGIES</u>

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 <u>Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2019 (07.00064)</u> <u>MOVED Cr J Rudge</u> and <u>SECONDED</u> Cr I North

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

DECLARATION OF INTEREST

<u>4</u> <u>DECLARATION OF INTEREST 11.00002</u>

MOVED Cr I North and SECONDED Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

inis is page	1 of Minutes	of the Polic	y Committee	neid on 5	June 2019

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.

This is page	2 01	Minutes of	the	Policy	Committee	held on	5.1	lune 2019
TIIIS IS PAYE		i wiiiiutes oi	uic	I CIIC	COMMITTEE	HEIG OH	\mathbf{J}	ulie Zulij

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 <u>Item 3 WATER SECURITY (32.00017-03)</u>

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.

<u>10</u> <u>Item 4 DROUGHT SUPPORT (16.00171)</u>

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

11 <u>Item 5 MOBILE 5G NETWORK (08.00002)</u>

Cr Jennings - Are we aware of any health risks?

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

<u>12</u> <u>Item 6 PUBLIC ART POLICY (11.00038)</u>

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.

This is page 3 of Minutes of the Policy Committee held on 5 June 2019

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.

<u>17</u> <u>Item 11 AGM ARTS OUTWEST (18.00036)</u>

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 <u>Item 15 PSSA Carnival (04.00044)</u>

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.

<u>124 Item 18 EXTRACTION INDUSTRY (13.</u>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.

<u>26</u>	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
MEETIN	G CLOSE
<u>27</u>	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.

Traffic Committee Meeting to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR

MINUTE		
49 <u>Item 1 MINUTES - TRAFFIC COMMITTEE MEETING - 7 MAY 2019 (07.00006)</u> <u>MOVED: Cr W Aubin SECONDED: Cr B Bourke</u>		
RESOLVED: That the recommendations of the Traffic Committee Meeting held on May 2019 be adopted.		

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.

Traffic Committee Meeting to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR

50	<u>Item 2 MINUTES - TRAFFIC COMMITTEE MEETING - 4 JUNE 2019 (07.00006)</u> <u>MOVED: Cr W Aubin SECONDED: Cr B Bourke</u>
June	RESOLVED: That the recommendations of the Traffic Committee Meeting held on 2019 be adopted.
	Traffic Committee Meeting to the Council Meeting 19/06/2019

MINUTES OF THE TRAFFIC COMMITTEE HELD ON 4 JUNE 2019

MEETING COMMENCES

<u>1 MEETING COMMENCES 2:05 PM</u>

<u>Members</u>: Councillor Warren Aubin (BRC), Mr David Vant (Roads & Maritime Services), Senior Constable Daniel Cooper (NSW Police)

<u>Present</u>: Mr Bernard Drum (Manager Technical Services), Mr Myles Lawrence (Civil Design & Project Engineer), and Mr Paul Kendrick (Traffic & Design Engineer)

APOLOGIES

2 APOLOGIES

That the apology of Mr David Veness (MP Representative), Sergeant Peter Foran (Police), Ms Jackie Barry (Roads & Maritime Services) and Mr Andrew Cutts (Tablelands Area Road Safety Officer) be accepted.

DECLARATION OF INTEREST

<u>3</u> <u>DECLARATION OF INTEREST (11.00002)</u>

That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH DIRECTORS' REPORTS

Director Engineering Services' Report

4 Item 1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 7 MAY 2019 (07.00006)

That the information be noted.

5 Item 2 MONTHLY REPORT FOR LOCAL GOVERNMENT ROAD SAFETY PROGRAM (28.00002)

That the information be noted.

6 Item 3 MOUNT PANORAMA NATIONAL MOTOR RACING MUSEUM (NMRM) IMMERSIVE ROOM FILM SHOOT (23.00026)

That the National Motor Racing Museum Immersive Room Film Shoot to be undertaken from 26-28 June 2019 at the Mount Panorama Motor Racing Circuit be classified as a Class 2 Event and the traffic management endorsed subject to conditions as detailed in the Director Engineering Services' Report

7 <u>Item 4 HOLY FAMILY PRIMARY SCHOOL - PEDESTRIAN REFUGE MARSDEN</u> LANE (23.00026)

That Council:

- (a) note the information contained in this report, and take no further action regarding provision of a pedestrian refuge.
- (b) refer provision of concrete footpath construction to French Smith Place / Marsden Lane to 2020/21 Delivery Plan / Annual Operating plan process.

8 Item 5 2P PARKING RESTRICTIONS FOR COUNCIL'S BANT STREET PARKING AREA LOCATED NEAR THE CORNER OF ROCKET STREET (25.00048)

That Council implement 2P restricted parking for a trial period of 3 months within its Bant Street car parking area.

9 <u>Item 6 BATHURST WALLABIES TRIATHLON CLUB SERIES 2019/2020</u> (23.00026)

That the Bathurst Wallabies Triathlon Club 2019/2020 series be classified as a Class 2 event, and endorsed subject to conditions as detailed in the Director Engineering Services' report.

10 Item 7 EXPANSION OF NO PARKING ON SUTTOR STREET NEAR WESTPOINT SHOPPING CENTRE (25.00072)

That Council approve the expansion of the existing 'No Parking' zone on Suttor Street near Westpoint Shopping Centre as detailed in Director Engineering Services' report.

MEETING CLOSE

11 MEETING CLOSE

The Meeting closed at 2.30pm.

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

MOVED: Cr W Aubin SECONDED: Cr I North

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 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	10A (2) (d) (i) – contains commercial

Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 19/06/2019

	COMMERCIAL LEASE OF ISPY COFFEE AT PART LOT 10 DP1157553 KNOWN AS DURHAM STREET CARPARK	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

Resolve Into Confidential Committee Of The Whole To Deal With Confidential Reports to the Council Meeting 19/06/2019

		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.

PIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL INUTES	
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL	
19 JUNE 2019	

(a)	Item 1	INTEREST ON OUTSTANDING RATES – ASSESSMENT 103258
(22.0	7024)	

MOVED: Cr B Bourke SECONDED: Cr J Jennings

RESOLVED: That Council write off the accrued interest on rates and charges for assessment number 103258, amounting to \$2,857.28

Director Corporate Services & Finance's Report to	the Council Meeting 19/06/2019
GENERAL MANAGER	MAY

(b) Item 2 RENEWAL OF RESIDENTIAL LEASE - LOT 2 DP1179272 KNOWN AS 447 CONROD STRAIGHT, MT PANORAMA (22.06279) MOVED: Cr B Bourke SECONDED: Cr W Aubin

RESOLVED: That Council approve the renewal of the residential lease for Lot 2 DP 1179272 known as 447 Conrod Straight, Mt Panorama for a period of 12 months with a 12 month option (at Council's discretion) as detailed in the report.

 Director Corporate Services & Finance's Report to the Council Meeting 19/0	6/2010
Director Corporate Services & Finance's Neport to the Council Meeting 13/0	0/2019
 GENERAL MANAGER	MAYO Page 17
	-

(c) Item 3 RURAL LICENCE AGREEMENT - LOT 3 AND LOT 10 DP231111 KNOWN AS 68 MOUNTAIN STRAIGHT MT PANORAMA. (22.00054) MOVED: Cr W Aubin SECONDED: Cr B Bourke

RESOLVED: That Council approves entering into a rural licence agreement for Lot 3 & Lot 10 DP232111, known as 68 Mountain Straight, Mt Panorama for a period of 3 years as detailed in the report and subject to Council's Land Management Guidelines and insurance requirements.

Director Corporate Services & Finance's Report to the Council Meeting	19/06/2019
GENERAL MANAGER	MAYOF
	Page 178

(d) Item 4 PROPOSED TRANSFER OF COMMERCIAL LEASE OF ISPY COFFEE AT PART LOT 10 DP1157553 KNOWN AS DURHAM STREET CARPARK (22.01046)

MOVED: Cr B Bourke SECONDED: Cr A Christian

RESOLVED: That Council:

- (a) conditionally approve the transfer of commercial lease agreement for part Lot 10 DP1157553 known as Durham Street Carpark. As per the report.
- (b) authorises the General Manager to approve final transfer of lease after character and financial references have been supplied.

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019	

GENERAL MANAGER

(e) Item 5 TENDER FOR SUPPLY AND INSTALLATION OF DESKTOPS/WORKSTATIONS AND LAPTOPS (36.00701) MOVED: Cr I North SECONDED: Cr B Bourke

RESOLVED: That Council:

- (a) Accept the tender from BT Cyber Pty Ltd for the sum of \$449,767.51 (inc GST), subject to variations and provisions as detailed in this report.
- (b) Pay for this purchase by way of a lease sourced through a request for quotation process.

Yours faithfully

A Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

Director Corporate Services & Finance's Report to the Council Meeting 19/06/2019

DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
19 JUNE 2019

(f) Item 1 TENDER FOR THE SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING (36.00709) MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That Council accept the tender from Colas NSW in the amount of \$5,336,380.00 (incl GST) for the provision of Sprayed Bituminous Surfacing, subject to adjustments and provisional sums.

Director Engineering Services' Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR
	Page 182

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

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council accept the tender from Moduplay Group Pty Ltd in the amount of \$159,566.00 (incl GST), subject to adjustments and provisional sums, for the supply and installation of fitness stations at Berry and Cousins Parks, Bathurst.

	e Council Meeting 19/06/2019	Director Engineering Services' Repo
MAY	e Council Meeting 19/06/2019	Director Engineering Services' Repo

<u>(h)</u> Item 3 TENDER FOR ROAD STABILISING WORKS (36.00708)

MOVED: Cr W Aubin SECONDED: Cr I North RESOLVED: That Council accept the tender from Downer EDI Works in the amount of \$488,784.00 (incl GST) for Road Stabilising Work, subject to adjustments and provisional items.

(i) Item 4 TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES (36.00707)

MOVED: Cr I North SECONDED: Cr A Christian

RESOLVED: That Council accept the tender from Work Control in the amount of \$1,106,937.05 (incl GST) for Provision of Traffic Control Services, subject to adjustments and provisional sums.

Director Engineering Services' Report to the Council	cil Meeting 19/06/2019
GENERAL MANAGER	MAYOR
	Page 185

(j) Item 5 TENDERS FOR CLEANING OF PUBLIC BUILDINGS (36.00711) MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council accept the tendered prices (incl. GST) of:

Separable	Contractor Name	Cost
Portion		
(i)	Facilities First Australia Pty Ltd	\$84,283.03
(ii)	Facilities First Australia Pty Ltd	\$86,473.29
(iii)	Nimdor Cleaning Services Pty Ltd	\$54,600.00
(iv)	Northern Contract Cleaners Pty Ltd	\$59,528.00
(v)	Northern Contract Cleaners Pty Ltd	\$70,720.00
(vi)	Nimdor Cleaning Services Pty Ltd	\$71,080.00
(vii)	Nimdor Cleaning Services Pty Ltd	\$32,000.00
(viii)	Nimdor Cleaning Services Pty Ltd	\$5,200.00
(ix)	Facilities First Australia Pty Ltd	\$36,173.51
(x)	Nimdor Cleaning Services Pty Ltd	\$38,730.00
	TOTAL	\$538,787.83

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

MOVED: Cr I North SECONDED: Cr A Christian

The Mayor, Cr Hanger declared a pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

Reason: Electrical contractor - Enacon Group Pty Ltd: Son is a Director of this Company

The Mayor, Cr Hanger vacated the Chair. The Deputy Mayor, Cr Bourke took the Chair.

That Council accepts the Preferred Contractor List for the engagement of contractors for minor works up to the value of \$20,000 (incl. GST) as listed in the Director Engineering Services' report, subject to submission of complete information being supplied for casual hire and in accordance with the General Conditions of Tender.

Director Engineering Services' Report to the Council Meeting 19/06/2019	
GENERAL MANAGER	MAYOR

(I) Item 7 TENDER FOR DESIGN AND DOCUMENTATION OF CARRINGTON PARK GRANDSTAND EXPANSION (36.00699) MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That Council:

- (a) rejects all tenders
- (b) invite, in accordance with clause 167, fresh tenders based on different details.

Director Engineering Services' Report to the Council Meeting 19/06/2019

<u>MINUTE</u>

(m) Item 8 TENDER FOR REFURBISHMENT OF MACHATTIE COTTAGE, AT MACHATTIE PARK, BATHURST (36.00710) MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That Council accept the tender from River Park Constructions Pty Ltd in the amount of \$162,922.50 (inc GST), subject to adjustments and provisional items.

Director Engineering Services' Report to the	e Council Meeting 19/06/2019	
GENERAL MANAGER		MAYOR
		Page 189
		Director Engineering Services' Report to the Council Meeting 19/06/2019 GENERAL MANAGER

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

MOVED: Cr W Aubin SECONDED: Cr I North

RESOLVED: That Council accept and sign contracts with the following providers for the Supply and Delivery of Bulk Fuel:

- Dib Group
- GBS Distributions
- Liberty Oil Australia
- Ocwen Energy
- Oilplus Holdings Australia
- Park Pty Ltd
- Yours faithfully
- Darren Sturgiss
- DIRECTOR
- ENGINEERING SERVICES

Director Engineering Services' Report to the Council Meeting	19/06/2019

GENERAL MANAGER

52 RESOLVE INTO OPEN COUNCIL MOVED: Cr W Aubin SECONDED: Cr M Morse

RESOLVED: That Council resume Open Council.

53 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE MOVED: Cr I North SECONDED: Cr A Christian

MOVED: Cr I North SECONDED: Cr A Christian		
RESOLVED:	That the Report of the Committee of the Whole, Items (a) to (n) be adopted.	
	Adopt Report Of The Committee Of The Whole to the Council Meeting 19/06/2019	

MEETING CLOSE

54 <u>MEETING CLOSE</u>
The Meeting closed at 8:44 pm.
CHAIRMAN:

GENERAL MANAGER'S REPORT - ATTACHMENTS
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
ONDINARY MEETING OF BATTIONOT REGIONAL GOONGLE
40 11115 0040
19 JUNE 2019



Circular to Councils

Circular No. 11-30

Date Doc ID. 6 October 2011

A259378

Contact Helen Damaschin

02 4428 4212

helen.damaschin@dlg.nsw.gov.au

CONSTITUTIONAL REFERENDUMS

Councils will be aware that the Local Government Act 1993 has been amended by the Local Government Amendment (Elections) Act 2011 (the Amending Act) to return responsibility for administering elections, constitutional referendums and polls to general purpose councils. If councils prefer, they can engage the services of the New South Wales Electoral Commission to administer the September 2012 elections on their behalf. A resolution to this effect must be made by 30 November 2011.

Further details of the arrangements arising from the legislative amendments made to return the administration of elections, constitutional referendums and polls can be found in Circular to Councils 11-11.

Councils will also be aware that the Amending Act introduced a number of new provisions in relation to councils' constitutional arrangements, including a oneoff opportunity to reduce councillor numbers and abolish wards without the need to hold a constitutional referendum. For more information about these amendments, councils are referred to Circular to Councils 11-12.

While councils may decide to improve their governance structures without costly referendums by utilising these new provisions, it is open to councils to decide to hold a constitutional referendum if they consider it is in the best interests of their communities.

If councils choose to hold a constitutional referendum in conjunction with the 2012 elections, councils are reminded that the following matters can be determined through a constitutional referendum:

- 1. divide a council area into wards or abolish wards (sections 16, 210 and 210A of the Act);
- 2. change the number of councillors (section 224(2) of the Act);
- change the method of electing the mayor to either direct election by the 3. electors every 4 years or election by the councillors every year (sections 228 and 229 of the Act):
- change the method by which councillors are elected where the council's 4. area is divided into wards (sections 279(2), 280 and 281 of the Act).

Division of Local Government 5 O'Keefe Avenue NOWRA NSW 2541 Locked Bag 3015 NOWRA NSW 2541 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209 E dlg@dlg.nsw.gov.au www.dlg.nsw.gov.au ABN 99 567 863 195

Divide an area into wards or abolish wards

Section 210(5) of the Act requires a council to seek the approval of its electors at a constitutional referendum to either divide an area into wards or to abolish wards. After receiving elector approval, and before dividing its area into wards, a council must undertake the consultation required by section 210A of the Act.

A constitutional referendum held in conjunction with the next ordinary elections in 2012 where approval is given by electors to divide the council area into wards would, after compliance with the consultation required by section 210A of the Act, come into effect for the electoral term commencing in September 2016. Compliance with section 210A is not required in the instance where approval has been given by electors at a referendum to abolish wards.

Change the number of councillors

Section 224(2) of the Act requires that not less than 12 months before the next ordinary election the council must determine the number of its councillors for the following term.

Council must then seek and receive the approval of its electors at a constitutional referendum for any change. This approval would have the effect of changing the number of councillors for the electoral term commencing in September 2016.

However, if the approval to reduce the number of councillors was obtained at a constitutional referendum held in conjunction with the 2012 elections, then a casual vacancy in the office of a councillor (but not a mayor elected by the councillors) occurring at any time before the September 2016 elections should not be filled if the number of councillors will remain at or above the number approved at the referendum (section 294B of the Act).

Alter ward boundaries

The council of an area that is divided into wards is required by section 211 of the Act to keep ward boundaries under review. If a review is undertaken, the council is required, among other things, to consult the Electoral Commissioner.

The Electoral Commissioner has advised that any council seeking to refer an alteration of ward boundaries must do so by 31 December 2011. For more information about ward name changes and boundary alterations, councils are referred to Circular to Councils 11-26.

Change the way the mayor is elected

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum.

Councils with areas that are divided into wards are reminded that section 280(2) of the Act excludes a popularly elected mayor from consideration when determining the number of councillors to be elected for each ward.

In those circumstances councils should be mindful that changing the method of electing the mayor could result in an increase or decrease in the number of councillors to be elected.

If electors at a constitutional referendum conducted in conjunction with the 2012 ordinary council elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2016.

Alter the method of electing councillors

The councillors for an area that is divided into wards are to be elected in accordance with either section 280 or 281 of the Act.

The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force, which requires the method of election to be conducted under section 281 (method 2).

The decision made at a constitutional referendum must also specify the number of councillors to be elected by the ward electorate and the number of councillors (if any) to be elected by the area electorate.

If electors at a constitutional referendum conducted in conjunction with the 2012 ordinary elections approve a change to the method for electing councillors, this change will come into effect for the electoral term commencing in September 2016.

Conducting a constitutional referendum

If a council resolves that a constitutional referendum is to be conducted by the Electoral Commissioner, the council should refer to clause 274(3) of the Local Government (General) Regulation 2005 and comply with the notification requirements contained in Schedule 10 of the Regulation.

It is of critical importance that the referendum question or questions are carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a 'yes' or 'no' answer.

If more than one referendum question is being asked on a particular subject then extra care needs to be taken to ensure that the possible combinations of 'yes' and 'no' answers do not produce a conflicting decision.

Councils are responsible for the preparation and publicity of the required explanatory material. Councils must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum.

This Circular supersedes Circular to Councils 07-30.

Steve Orr

Acting Chief Executive, Local Government

A Division of the Department of Premier and Cabinet

List all councils

Council name	Elected
Albury City Council	
Armidale Regional Council	
Ballina Shire Council	(popularly elected)
Balranald Shire Council	
Bathurst Regional Council	
Bayside Council	
Bega Valley Shire Council	
Bellingen Shire Council	(popularly elected)
Berrigan Shire Council	
Blacktown City Council	
Bland Shire Council	
Blayney Shire Council	
Blue Mountains City Council	
Bogan Shire Council	
Bourke Shire Council	
Brewarrina Shire Council	
Broken Hill City Council	(popularly elected)
Burwood Council	(popularly elected)
Byron Shire Council	(popularly elected)
Cabonne Council	
Camden Council	
Campbelltown City Council	
Canada Bay Council, City of	(popularly elected)
Canterbury Bankstown Council	
Carrathool Shire Council	
Central Coast Council	
Central Darling Shire Council	
Cessnock City Council	(popularly elected)
Clarence Valley Council	
Cobar Shire Council	
Coffs Harbour City Council	(popularly elected)
Coolamon Shire Council	
Coonamble Shire Council	
Cootamundra-Gundagai Regional Council	
Cowra Shire Council	9
Cumberland Council	
Dubbo Regional Council	
Dungog Shire Council	
Edward River Council	
Eurobodalla Shire Council	(popularly elected)
Fairfield City Council	(popularly elected)

Federation Council

Forbes Shire Council

Georges River Council

Gilgandra Shire Council

Glen Innes Severn Council

Goulburn Mulwaree Council

Greater Hume Shire Council

Griffith City Council

Gunnedah Shire Council Gwydir Shire Council

Hawkesbury City Council

Hay Shire Council

Hills Shire Council, The

Hilltops Council

Hornsby, The Council of the Shire of

Hunters Hill, The Council of the Municipality of

Inner West Council

Inverell Shire Council

Junee Shire Council

Kempsey Shire Council

Kiama, The Council of the Municipality of

Ku-ring-gai Council

Kyogle Council

Lachlan Shire Council

Lake Macquarie City Council

Lane Cove Municipal Council

Leeton Shire Council

Lismore City Council

Lithgow Council, City of

Liverpool City Council

Liverpool Plains Shire Council

Lockhart Shire Council

Maitland City Council

Mid-Coast Council

Mid-Western Regional Council

Moree Plains Shire Council

Mosman Municipal Council

Murray River Council

Murrumbidgee Council Muswellbrook Shire Council

Nambucca Shire Council

Narrabri Shire Council

Narrandera Shire Council

Narromine Shire Council

(popularly elected)

Newcastle City Council North Sydney Council

Northern Beaches Council

Oberon Council

Orange City Council

Parkes Shire Council

Parramatta Council, City of

Penrith City Council

Port Macquarie-Hastings Council

Port Stephens Council

Queanbeyan-Palerang Regional Council

Randwick City Council

Richmond Valley Council

Ryde, Council of the City of

Shellharbour City Council

Shoalhaven City Council

Singleton Council

Snowy Monaro Regional Council

Snowy Valleys Council

Strathfield Municipal Council

Sutherland Shire Council

Sydney, Council of the City of

Tamworth Regional Council

Temora Shire Council

Tenterfield Shire Council

Tweed Shire Council

Upper Hunter Shire Council

Upper Lachian Shire Council

Uralla Shire Council

Wagga Wagga City Council

Walcha Council

Walgett Shire Council

Warren Shire Council

Warrumbungle Shire Council

Waverley Council

Weddin Shire Council

Wentworth Shire Council

Willoughby City Council Wingecarribee Shire Council

WollondIlly Shire Council

Wollongong City Council

Woollahra Municipal Council

Yass Valley Council

(popularly elected)



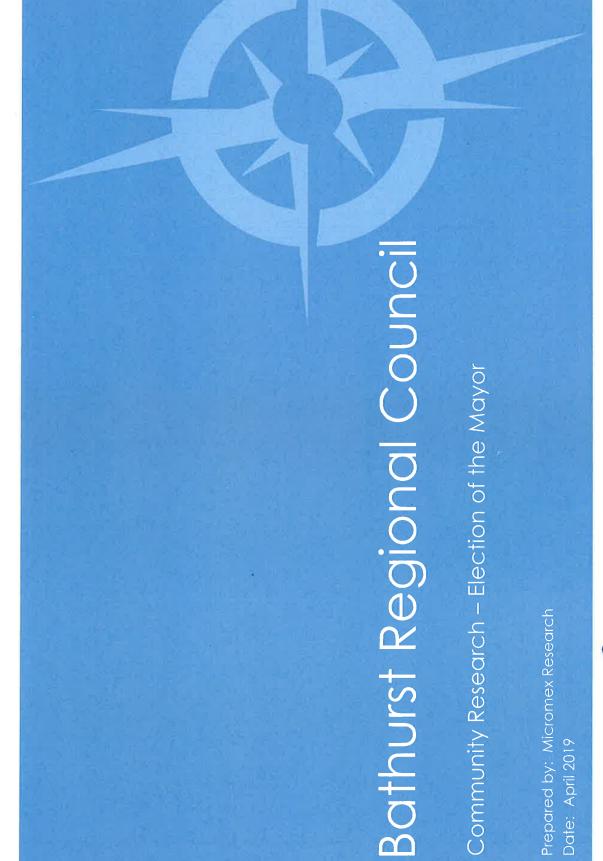




Table of Contents

3	5	7	6	14	16
Background	Sample Profile	Key Findings	Results	Appendix	Questionnaire

The information contained herein is believed to be reliable and accurate, however, no guarantee is given as to its herein, or for any consequences of its use, will be accepted by Micromex Research, or by any person involved in accuracy and reliability, and no responsibility or liability for any information, opinions or commentary contained the preparation of this report







Methodology & Sample

Research objectives

Micromex Research, together with Bathurst Regional Council, developed the questionnaire in order to gain community feedback regarding the election of the Bathurst Regional Council Mayor.

Curently, the Mayor is determined every two years by a vote of the elected councillors. Council sought to measure the community's support for retaining the status quo, or moving to a popularly elected Mayor.

Data collection period

Telephone interviewing (CATI) was conducted during period $28^{\rm th}$ – $30^{\rm th}$ March 2019.

ample

N=213 interviews were conducted. A sample size of 213 provides a maximum sampling error of plus or minus 6.7% at 95% confidence. This means that if the survey was replicated with a new universe of N=213 residents, that 19 times out of 20 we would expect to see the same results, i.e. +/- 6.7%.

the real community profile of Bathurst Regional Council, the outcomes reported here reflect an 'effective sample size'; that is, the weighted data provides outcomes with the same level of confidence as unweighted data of a different sample size. In some cases this effective This means, for example, that an answer 'yes' (50%) to a question could vaiy from 43% to 57%. As the raw data has been weighted to reflect sample size may be smaller than the true number of surveys conducted.

Interviewing

164 of the 213 of respondents were selected by means of a computer based random selection process using the electronic White Pages and 49 respondents using SamplePages

felephone interviewing was conducted in accordance with the AMSRS Code of Professional Behaviour.

Data analysis

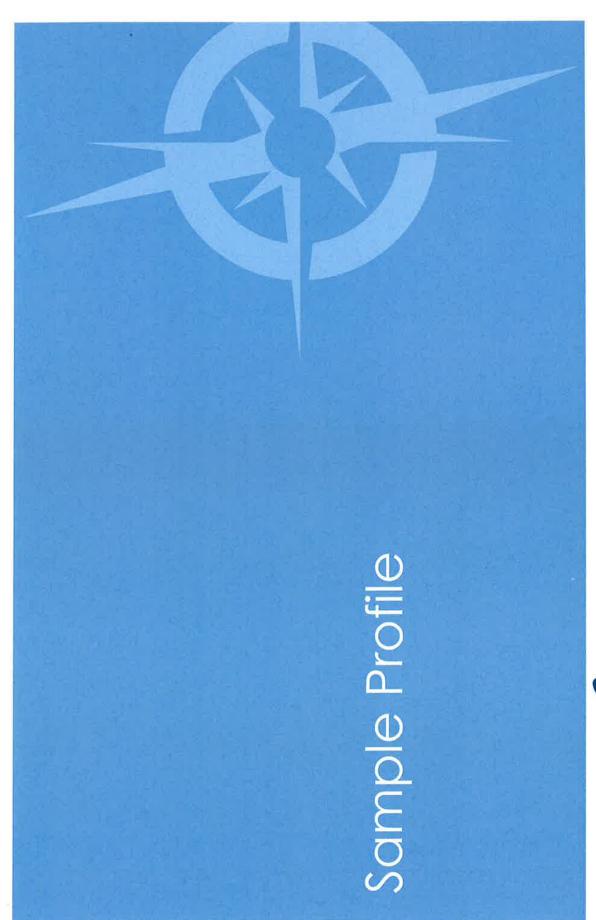
The data within this report was analysed using Q Professional.

Percentages

All percentages are calculated to the nearest whole number and therefore the total may not exactly equal 100%

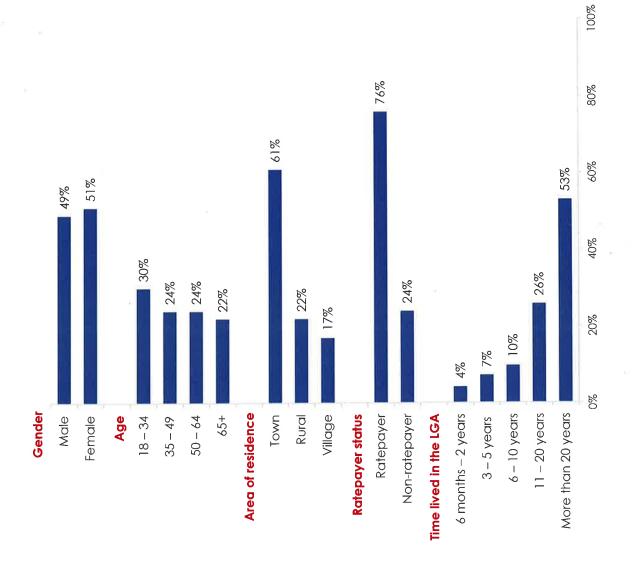




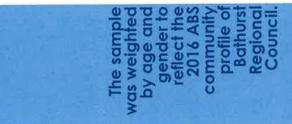




Sample Profile



Base: N = 213









Key Findings

- 71% of residents were interested in a Mayor elected by voters.
- 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. 7

Based on confidence limits, the directional data would indicate that directly electing a mayor is a popular concept for residents – though less so a value proposition







Election of the Mayor

Concept Statement Read to Residents

The next Local Government elections are due to be held in September 2020.

vote of the elected councillors. As at the next election (2020) 95 of 128 NSW councils Currently the Bathurst Regional Council Mayor is determined every two years by a will elect their Mayor in this way.

The other 33 councils have a popularly elected Mayor, elected by voters for a fouryear term.

there is to retain the status quo, or for a move to popularly elected Mayor. This survey Council is undertaking this survey in order to measure how much community support will be used by Council in considering this issue in the future.

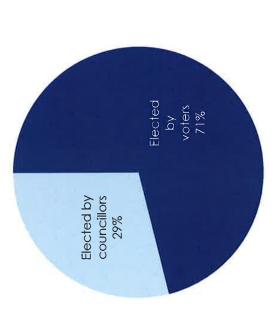


Election of the Mayor

Would you prefer the Mayor to be elected by a vote of councillors or prefer the Mayor to be elected by voters? Q4a.

	Overall	Male	Female	18–34	35-49	50-64	459
Elected by voters	71%	%29	75%	76%	%29	70%	%69
Elected by councillors	29%	33%	25%	24%	33%	30%	31%
Base	213	105	108	65	51	51	46

	Ratepayer	Non- ratepayer	Town	Village	Rural	
Elected by voters	%19	83%	92%	75%	84%	
Elected by councillors		17%	35%	25%	16%	
Base	161	52	129	36	47	



Base: N = 213

Prior to residents being made aware of the process/costs associated with a popularly elected Mayor, 71% preferred a Mayor elected by voters.

Election of the Mayor

Secondary Information Provided to Residents

If Council decides to change the way the Mayor is elected a referendum would be held with the next Council election in 2020. If the community preferenced the Local Government elections. A referendum is an extra one-off cost of around \$28,000. This is in addition to the cost of running the council election, which is popularly elected mayor option, the new method would be introduced for the 2024 approximately \$280,000.

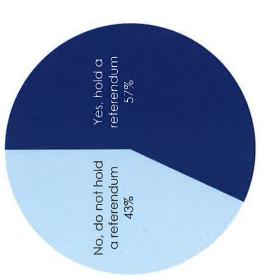
Future Council elections would then have two ballot papers to fill in, one to elect the eight councillors and one to select the popularly elected mayor. This would result in an additional cost for the local government election.



Election of the Mayor

Thinking about the information provided, do you think Council should or should not hold a referendum to determine community support for a popularly elected Mayor?

v	Overall	Male	Female	18–34	35-49	50-64	+59
Yes, hold a referendum	21%	21%	21%	%89	49%	54%	54%
No, do not hold a referendum	43%	43%	43%	32%	51%	46%	46%
Base	213	105	108	92	51	51	46
		Ratepayer	Non- ratepayer	Town	Village	Rural	
Yes, hold a referendum		%09	48%	26%	20%	21%	
No, do not hold a referendum	andum	40%	52%	41%	20%	43%	
Base		161	52	129	36	47	



Base: N = 213

After the provision of further information regarding the process/cost associated with popularly electing the Mayor, 57% of residents were supportive of holding a referendum to determine community support.

Q4b.







Residential Suburb

Where do you live?

	₽%
Walang	1%
White Rock	1%
Arkell	<1%
Bruinbun	<18
Caloola	<1%
Evans Plains	<1%
Hill End	<1%
Laffing Waters	<1%
Limekilns	<1%
Mitchell	<1%
Peel	<1%
Sofala	<1%
Sunny Corner	<1%
The Lagoon	<1%
Wimbeldon	<1>
Yetholme	<1%

	%
Sathurst (includes Bathurst South and West)	31%
Kelso	24%
Raglan	8%
Eglinton	7%
Windradyne	2%
Abercrombie	3%
lanarth	2%
Mount Panorama	2%
Perthville	2%
Robin Hill	2%
Rockley	2%
Upper Turon	2%
Duramana	1%
Glanmire	1%
Gorman's Hill	1%
Irunkey Creek	1%

Base: N = 213









Good mon localisma Co.	Bethrust Regional Council Community Questional Council Good moning/afternoon/evening, my name is March 2019 Good moning/afternoon/evening, my name is Regional Council from a company caled Micromer Research. We are conducting some research about a local issue. The survey will take only a few minutes, would you be able to assist us please? GA. Before we start, I would like to check whether you or an immediate farmity member work for Council? O Yes (If yes, terminate survey) O No Under 18 (terminate) O 18-49 O 50-44 O 65-4 O 65-4 O 65-4 O 65-4 O 65-4 O Merc do you live? O Abercrombie O Bathurs (includes Bathurst South and West) O Ceorges Plains O Ceorges Plains O Laffing Waters Unrekins Unrekins O Laffing Waters O Laffing Waters O Laffing Waters O Laffing Waters O Mr Rankin O Mr Rankin O Mr Rankin O Reckley O Sorial O Sorial	03. How long have you lived in the Council grea? Rompt O Less than 6 months - 2 years O 6 months - 2 years O 3 - 5 years O 6 - 10 years O 6 - 10 years O 6 - 10 years O 11 - 20 years O 11 - 20 years O Concept Statement The next Local Government elections are due to be held in September 2020. Currently the Bathust Regional Council Mayor is determined every two years by a vote of the elected councilions. As at the meat election (2020) 95 of 128 NSW councils will elect their Mayor in this way. The other 38 councils have a popularly elected Mayor, elected by votes for a four-year ferm. Council is undertabling this survey in order to measure how much community support there is to retain the elected by council or a move to popularly elected Mayor. This survey will be used by Council in council active active or a move to popularly elected by a vote of councillars a prefer the Mayor to be elected by votes? O Becaled by votes: If Council decides to change the way the Mayor's elected anyor option, the new method would be youlders? O Becaled the community preferenced the popularly elected mayor option, the new method would be election in 2020, if the community preferenced the popularly elected mayor option, the new method would be election in 2020, if is in addition to the cost of running the council election, which is approximately \$200,000. Future Council elections would then have two bollot papers to fill in, one to elect the eight councillors and one to select the eight councillors and the influencement of the color of selections which is should as the other and the influencement of the color of selections and
0000	Trunkey Creek Wattle Rat White Rock Windradyne	
	Yetholme Other (please specify) Which of the following would best describe the area where you live? Prompt Town Vallage Ward	Q6. Gender (by voice): O Male O Fernale



Telephone: (02) 4352 2388

Fax: (02) 4352 2117 Web: www.micromex.com.au Email: stu@micromex.com.au

S GM 1 1

APPENDIX NO: 1 - POPULARY ELECTED MAYORS

ITEM NO: FPC10/102

POPULARLY ELECTED MAYORS

As of September 2009, the total number of Councils with popularly elected mayors was 33.

Ballina	Bellingen	Botany Bay		
Broken Hill	Byron	Canada Bay		
Canterbury	Cessnock	Coffs Harbour		
Eurobodalla	Fairfield	Greater Tarce		
Griffith	Hornsby	Hunters Hill		
Lake Macquarie	Liemore	Lithgow		
Liverpool	Maitland	Manty		
Nambucca	Newcastle	North Sydney		
Port Macquarie - Hastings	Queanbeyan	Richmond Valley		
Shellbarbour	Shoalhaveo	Sydney		
Warringah	Willoughby	Wallengong		

raike vincioarie	Libinor	-	Made						
10.50	Maitland			Manty North Sydney					
Nambucca	Newcastle	de.							
	Queanbeyan		Richmond Valley	-					
	Shoalhaveo	211	Sydney	-					
Warringah	Willoughby		Wallengong						
version National									
FOR			AGAINST						
The position of Muyor, as the leader of Counci determined directly by the voters with the May accountable to residents.		3	The elected Council (Councillors) should determine the leader of their Council and not have a leader imposed upon them with whom they could be at variance or unable to work co-operatively or constructively	3					
Popular election of the Mayor would give pred about the style and direction of the Council leas stability to the office for a period of four years	ictability dership and	4	Other Councillors should have an opportunity to lead the Council	2					
The Mayor would be able to provide leadership agreed strategic directions and influence long to and policy setting.	o, adhere to erm planning	4	The positions of Prime Minister and Premier are not elected by popular vote	2					
Election of the Mayor by the people would ten- internal politics of Councillors each year during leading up to the election of Mayor.		4	Councillors should retain the option of assessing the performance of their leader on an annual basis and be able to change that person if conflict develops or if the leader does not perform to expectation.	4					
Popular election of Mayor would give residents opportunity to consider Mayoral candidates' po vote accordingly.	s an oficies and	2	A popularly elected Mayor and their planning and policy directions, views and actions may not have the support of a majority of the other Councillors.						
Popular election of Mayor would make the pos Mayor more accountable to residents.	ition of	3	The longer term commitment creates the potential for greater cost of a by-election which must be held across the whole area if an extraordinary vacancy occurs in the office of a popularly elected Mayor.	2					
The possibility of a Mayor being elected "out of avoided in the event of two or more Councillor equal votes from their peers.	f the hat" is s receiving	3	There would be nothing binding the Mayor to carry out the promises made as a Mayoral candidate in the lead up to the election.						
Popular election would give a stronger commu the office of Mayor. Popular election would represent a greater leve		2	The voters would not be able to change an unsatisfactory Mayor before the next election. Councillors need to be satisfied of their capacity to work in	4					
involvement and participation by residents. The community elects the person that they wan local community leader.			co-operation with the Mayor The role of the Mayor is quite specific and popular election attaches more importance to the role than exists, giving the Mayor an artificial mandate.						
from the decision making process. The popular election of Mayor may bring a gre unity and cohesion to the community. Sure knowledge of incumbent simplifies admin	ular election of Mayor may bring a greater sense of dechesion to the community. Popularly elected Mayors are entrenched for for precluding rotation and skills development.								
processes.			Performance is only reviewed every four years No peer review of performance. Councillors are in the best position to judge the performance of the Mayor and therefore the Mayor should be chosen by the elected Councillors The cost of running a Mayoral campaign may prevent some worthy candidates from standing for the position of Mayor.						
			Members of the community may have unrealistic expectations about the Mayor's power to achieve specific outcomes						

Ordinary Meeting

outcomes.

DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT - ATTACHMENTS
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
19 JUNE 2019
10 00NE 2010

1 of 2 DA's Approved

1/05/2019 - 31/05/2019

S_DEPBS_2_1



LIVE

Name							LIVE
Vote No. Vote Description Autoresis Description 2019 35 \$40,000 Shed 10 2019 71 \$3,750 Convert carport to shed 17 7 forch Street SOUTH BATHURST 7,005/2019 10 2019 36 \$60,000 Separate Devolting - Additions and Swimming 277 Howlock Street BATHURST 3,005/2019 2019 37 \$55,000 Actionists and selections to existing drawled 277 Howlock Street BATHURST 3,005/2019 2019 38 \$30,000 Change use from overlage to existing drawled 277 Howlock Street BATHURST 3,005/2019 201	Printed: 8	5/06/2019	3:25:08PM				Date
2019 35 \$40,000 Shed carport to shed 90 Cottonwood Drive EGLBITON 160/82019 10 2019 85 \$60,000 Demolition of existing garage and construction of rinew spiring 71 characteristics 71 characteristics 72 characteristics 72 characteristics 73 characteristics 74 characteristics	Type	Year	No	Value	Description	Address	
2019 2019 35 \$500,000 Denotition of existing garage and construction of new garage 277 Howick Street BATHURST 1005/2019 2019 87 \$500,000 Separate Developer, Additions and Swimming Pool and Carage/Shed 271 Howick Street BATHURST 3/05/2019 2019 88 \$30,000 Change use from dwelling to office premises and additional and selections to existing dwelling and additional and addit							
2019 85 \$00,000 Demolition of existing gaage and construction 34 Vittbria Street WEST BATHURST 1005c219 102 2019 87 \$50,000 Additions and afterations to existing queeling 7 Cross Street BATHURST 3005c219 102 2019 88 \$30,000 Change use from dwelling to find premises and afterations and addition 102 2019 92 \$527,000 Change use from dwelling to find premises and afterations and addition 102 2019 93 \$50,000 Dual accupancy A two lot residential 245 Mid Western Highway FITZGERALDS MG05219 2019 97 \$34,000 Retaining wall 2465 Mid Western Highway FITZGERALDS MG05219 2019 98 \$2,000 Dual accupancy and two lot residential 2465 Mid Western Highway FITZGERALDS MG05219 2019 2019 554,000 Dual accupancy and two lot residential 2019 2019 2019 252,000 Mid Mid weeling with attached garage 2019 201							
10 2018 367 \$800,000 Separate Developing - Additions and Swimming Pool and Carange/Shed 2019 87 \$500,000 Separate Developing - Additions and deterations to existing dwelling 1 Church Street BATHURST 14/05/2019 2019 88 \$30,000 Change use from dwelling to office premises and additional properties of the prope						34 Vittoria Street WEST BATHURST	10/05/2019
2018 367 \$50,000 Separate Dwelling - Additions and Swimming \$77 Howks Street BATHURST \$14,05/2019 \$12 \$18 \$35,000 Additions and atterations to existing dwelling \$7 Cross Street BATHURST \$14,05/2019 \$10 2019 \$92 \$82,000 Change use from dwelling to folice premises \$1 Church Street BATHURST \$10,05/2019 \$10 2019 \$93 \$20,000 Change use from dwelling to folice premises \$1 Church Street BATHURST \$10,05/2019 \$10 2019 \$94 \$20,000 Multi dwelling (3 x 3 bed and 2 x 2 bed) \$20 40 40 40 40 40 40 40				, ,			
10 2019	10	2018	367	\$600,000	• •	277 Howick Street BATHURST	3/05/2019
2019 87 \$55,000 Adultions and atterations to existing dwelling at the control of the contr							
2019 88 \$30,000 Change use from dwelling to office premises and alteriations and addition of the state	10	2019	87	\$55,000	•	7 Cross Street BATHURST	14/05/2019
10 2019 92 \$527,000 Dual occupancy at how lot residential subdivision 2455 Mid Western Highway FITZGERALDS M66/05/2019 2019 97 34,000 Relatining wall 23 Queen Street PEETH-VILLE 105/2019 2019 98 \$2,000,000 Multi weeking (3 x 3 bed and 2 x 2 bed) 20 Queen Street PEETH-VILLE 105/2019 2019 100 \$540,000 Dual occupancy and two lot residential subdivision 2019 102 \$25,000 Shed 20 Queen Street PEETH-VILLE 20 Queen S	10	2019	88			11 Church Street BATHURST	3/05/2019
10 2019 97 \$ 4,000 Relating wall 2455 Mid Western Highway FITZGERALDS Miss/05/2019 2019 97 \$ 4,000 Relating wall 23 Queen Street PERTHYLLE 105/2019 2019 97 \$ 4,000 OWn hult watering (3 x 3 bed and 2 x 2 bed) 23 Queen Street PERTHYLLE 105/2019 2019 100 \$ 54-0,000 Dual accupancy and two lot residential 20 Queen Street PERTHYLLE 27/05/2019 2019 102 \$ 25.000 Shed 20 Queen Street PERTHYLLE 27/05/2019 2019 103 \$ 3275,125 Single storey dwelling with attached garage 78 Samuel Way THE LAGOON 6/05/2019 2019 105 \$ 12,000 Shed 20 Queen Street KELSO 22/05/2019 20 Queen Street Nettern 20 Queen Street Nett							
10 2019 97 \$ 4,000 Relating wall 2455 Mid Western Highway FITZGERALDS Miss/05/2019 2019 97 \$ 4,000 Relating wall 23 Queen Street PERTHYLLE 105/2019 2019 97 \$ 4,000 OWn hult watering (3 x 3 bed and 2 x 2 bed) 23 Queen Street PERTHYLLE 105/2019 2019 100 \$ 54-0,000 Dual accupancy and two lot residential 20 Queen Street PERTHYLLE 27/05/2019 2019 102 \$ 25.000 Shed 20 Queen Street PERTHYLLE 27/05/2019 2019 103 \$ 3275,125 Single storey dwelling with attached garage 78 Samuel Way THE LAGOON 6/05/2019 2019 105 \$ 12,000 Shed 20 Queen Street KELSO 22/05/2019 20 Queen Street Nettern 20 Queen Street Nett	10	2019	92	\$527,000	Dual occupancy & two lot residential	105 Graham Drive KELSO	7/05/2019
10 2019 97 \$4,000 OR hult development and retaining wal 22 Oueen Street PERT-VILLE 105/2019 2019 100 \$54,000 OR hult development and retaining wal 119 Graham Drive KELSO 22/05/2019 2019 102 \$50,000 Shed 20 Outline Standard 20 Outline of St							
2019 98 \$2,000,000 Multi awelling (3 x 3 bed and 2 x 2 bed) 18 Ignatius Place KELSO \$2/05/2019	10	2019	93	\$0	Rural boundary adjustment	2455 Mid Western Highway FITZGERALD	S M(6/05/2019
10 2019 100 \$540,000 Dual occupancy and two lot residential 119 Graham Drive KELSO \$205019 102 \$25,000 Shed 200 Gilmour Street KELSO 22/05/2019 107 350,000 Two lot industrial subdivision 46 Duramman Road EGUINTON 105/2019 107 350,000 Two lot industrial subdivision (boundary 30 Vale Road SOUTH BATHURST 705/2019 107 350,000 Two lot industrial subdivision (boundary 30 Vale Road SOUTH BATHURST 705/2019 102 103 570,000 Dial occupancy and two lot residential Maxwell Drive EGLINTON 705/2019 104 520,000 Shige Storey dwelling Church Street PEEL 22/05/2019 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 1	10	2019	97	\$4,000	Retaining wall	23 Queen Street PERTHVILLE	1/05/2019
10 2019 100 \$540,000 Dual occupancy and two lot residential 119 Graham Drive KELSO \$205019 102 \$25,000 Shed 200 Gilmour Street KELSO 22/05/2019 107 350,000 Two lot industrial subdivision 46 Duramman Road EGUINTON 105/2019 107 350,000 Two lot industrial subdivision (boundary 30 Vale Road SOUTH BATHURST 705/2019 107 350,000 Two lot industrial subdivision (boundary 30 Vale Road SOUTH BATHURST 705/2019 102 103 570,000 Dial occupancy and two lot residential Maxwell Drive EGLINTON 705/2019 104 520,000 Shige Storey dwelling Church Street PEEL 22/05/2019 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 105 512,500 Shed 81.0sos Club Drive KELSO 805/2019 105 1	10	2019	98	\$2,000,000	Multi dwelling (3 x 3 bed and 2 x 2 bed)	18 Ignatius Place KELSO	22/05/2019
2019							
10 2019 102 \$25,000 Shed 200 Gimour Street KELSO 2206/2019 102 103 \$3275,125 Single storey dwelling with attached garage 78 Samuel Way THE LAGOON 6105/2019 103 \$12,000 Shed 46 Duramana Road EGLINTON 105/2019 105 \$12,000 Shed 46 Duramana Road EGLINTON 105/2019 107 \$50,000 Drulo icindustrial subdivision (boundary adjustment), extension to exi subdivision 2019 114 \$280,000 Single storey dwelling Church Street PEEL 22/05/2019 115 \$12,500 Shed 8 Lions Club Drive KELSO 8105/2019 10 2019 116 \$562,320 Dual occupancy and two lot residential 13 Granite Rise KELSO 6105/2019 10 2019 117 \$50,000 Front brick fence 10 Intronstone Avenue WHITE ROCK 6105/2019 10 2019 118 \$580,000 Front brick fence 10 Intronstone Avenue WHITE ROCK 6105/2019 10 2019 119 \$8,000 Brooth brick fence 10 Intronstone Avenue WHITE ROCK 6105/2019 10 2019 120 \$20,000 Cut and fill residential and 13 Samuel Way THE LAGOON 6105/2019 10 2019 121 \$394,633 Single storey dwelling 10 2019 126 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 1006/2019 126 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 1006/2019 129 129 129 120 \$0 0,000 Cut and fill residential 8 Connolly Drive KELSO 28105/2019 129 129 129 120	10	2019	100	\$540,000		119 Graham Drive KELSO	8/05/2019
10 2019 103 \$275,125 Single storey dwelling with attached garage 78 Samuel Way THE LAGOON 6/05/2019 107 \$50,000 Two lot industrial subdivision (boundary adjustment), extension to exi							
10 2019 105 \$12,000 Shed 46 Duramana Road EGLINTON 105/2019 107 2019 107 250,000 Two lot industrial subdivision (boundary adjustment), extension to exi Maxwell Drive EGLINTON 7/05/2019 10 2019 114 \$280,000 Single storey dwelling Church Street PEEL 22/05/2019 22/05/2019 115 \$52,200 Dual occupancy and two lot residential 3 Granile Rise KELSO 6/05/2019 2019 116 \$562,320 Dual occupancy and two lot residential 3 Granile Rise KELSO 6/05/2019 2019 117 \$50,000 Front brick fence 10 Ironstone Avenue WHITE ROCK 6/05/2019 2019 118 \$562,320 Dual occupancy and two lot residential 3 Part of the Residential 2 Part of the Residential 2 Part of the Residential 3 Part of the Residential 4 Part of the Residential 3 Part of t	10	2019	102	\$25,000	Shed	200 Gilmour Street KELSO	22/05/2019
10 2019 107 \$50,000 Two lot industrial subdivision (boundary adjustment), extension to exi Maxwell Drive EGLINTON 7/05/2019 113 \$570,000 Dual occupancy and two lot residential subdivision Subdivision Subdivision Subdivision Subdivision Subdivision Subdivision Subdivision Subdivision S12,500 Shed S12	10	2019	103	\$275,125	Single storey dwelling with attached garage	78 Samuel Way THE LAGOON	6/05/2019
adjustment), extension to exi 10 2019 113 \$570,000 Dual occupancy and two lot residential 2019 114 \$280,000 Single storey dwelling 10 2019 116 \$523,000 Single storey dwelling 110 2019 116 \$523,000 Dual occupancy and two lot residential 110 2019 116 \$562,320 Dual occupancy and two lot residential 110 2019 117 \$50,000 Front brick fence 110 2019 118 \$584,006 Two storey dwelling with attached garage 110 2019 118 \$584,006 Two storey dwelling with attached garage 110 2019 119 \$50,000 Front brick fence 110 2019 120 \$20,000 Cut and fill residential land 110 2019 120 \$20,000 Cut and fill residential land 110 2019 120 \$20,000 Cut and fill residential land 110 2019 125 \$00 Change of use & signage - Hair salon 110 2019 126 \$7,000 Shed 110 2019 126 \$7,000 Shed 110 2019 128 \$523,600 Dual occupancy and two lot residential 111 2019 129 \$523,600 Dual occupancy and two lot residential 112 2019 129 \$523,600 Dual occupancy and two lot residential 113 Commolly Drive KELSO 114 2019 129 \$523,600 Dual occupancy and two lot residential 115 2019 48 \$5,000 Internal building alterations 116 2019 48 \$5,000 Internal building alterations 117 Howick Street BATHURST 110 2019 130 \$60,000 Storage shed & alteration to septic tank 118 2019 48 \$5,000 Internal building alterations 119 2019 130 \$60,000 Storage shed & alteration to septic tank 119 2019 130 \$60,000 Storage shed & alteration to septic tank 12019 49 \$204,800 Single storey dwelling with attached garage 120 Carrol Avenue EGLINTON 120 2019 137 \$16,550 shed 120 2019 137 \$30 Storage Shed & alteration to septic tank 120 2019 137 \$30 Storage Shed & alteration to septic tank 120 2019 137 \$30 Storage Shed & alteration to septic tank 120 2019 137 \$30 Storage Shed & alteration to septic tank 120 2019 137 \$30 Storage Shed & alteration to septic tank 120 2019 137 \$30 St	10	2019	105	\$12,000	Shed	46 Duramana Road EGLINTON	1/05/2019
10 2019 113 \$570.00 Dual occupancy and two lot residential subdivision 2019 114 \$280.000 Single storey dwelling Church Street PEEL 22/05/2019 10 2019 115 \$12,500 Shed 8 Lions Club Drive KELSO 8/05/2019 10 2019 116 \$562,320 Dual occupancy and two lot residential 13 Grantle Raise KELSO 6/05/2019 10 2019 117 \$500.000 Front brick fence 10 Ironstone Avenue WHITE ROCK 6/05/2019 10 2019 118 \$584,606 Two storey dwelling with attached garage 12 Croft Close THE LAGOON 7/05/2019 10 2019 119 \$8,500 Unit residential land 13 Samuel Way THE LAGOON 6/05/2019 110 110 120 120 \$20,000 Cut and fill residential land 13 Samuel Way THE LAGOON 6/05/2019 120 \$394,533 Single storey dwelling with attached garage 5 Croft Close THE LAGOON 6/05/2019 10 2019 125 50 Change of use & signage - Hair salon 253 George Street BATHURST 10/05/2019 120 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 120 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 120	10	2019	107	\$50,000	Two lot industrial subdivision (boundary	30 Vale Road SOUTH BATHURST	7/05/2019
Subdivision					adjustment), extension to exi		
10 2019 114 \$280,000 Single storey dwelling	10	2019	113	\$570,000	Dual occupancy and two lot residential	Maxwell Drive EGLINTON	7/05/2019
10 2019 116 \$562,320 Dual occupancy and two lot residential subdivision 10 2019 117 \$50,000 Front brick fence 10 Ironstone Avenue WHITE ROCK 6/05/2019 10 2019 118 \$584,660 Two storey dwelling with attached garage 12 Croft Close THE LAGOON 7/05/2019 10 2019 119 \$8,500 Business identification sign (one internally 3 Pat O'Leary Drive KELSO 6/05/2019 10 2019 120 \$20,000 Cut and fill residential land 103 Samuel Way THE LAGOON 6/05/2019 10 2019 121 \$394,533 Single storey dwelling of the state of th					subdivision		
10 2019 116 \$562,320 Dual occupancy and two lot residential subdivision \$50,000 Front brick fence 10 Ironstone Avenue WHITE ROCK 6/05/2019 10 2019 118 \$584,606 Two storey dwelling with attached garage 12 Croft Close THE LAGOON 7/05/2019 7/05/2019 7/05/2019 118 \$584,606 Two storey dwelling with attached garage 12 Croft Close THE LAGOON 7/05/2019 120 \$8,500 Business identification sign (one internally illuminated wall sign) 10 2019 121 \$394,533 Single storey dwelling 5 Croft Close THE LAGOON 6/05/2019 10 2019 125 \$30 Change of use & signage - Hair salon 253 George Street BATHURST 10/05/2019 10 2019 126 \$7,000 Shed 27 Bowner BATHURST 10/05/2019 10 2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 10 2019 129 \$500 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 10 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 2/05/2019 10 2019 130 \$60,000 Storage shed & alteration to septic tank 3 Leo Grant Drive KELSO 29/05/2019 10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 9/05/2019 10 2019 50 \$280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 9/05/2019 10 2019 137 \$16,550 shed 280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 9/05/2019 10 2019 137 \$16,550 shed 280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 9/05/2019 10 2019 137 \$16,550 shed 280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 9/05/2019 18 2019 54 \$29,400 Single storey dwelling and attached garage 18 Burlington Rise KELSO 9/05/2019 18 2019 55 \$16,600 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 3/05/2019 18 2019 56 \$310,236 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05	10	2019	114	\$280,000	Single storey dwelling	Church Street PEEL	22/05/2019
Subdivision Space 10 2019 117 \$50,000 Front brick fence 10 Ironstone Avenue WHITE ROCK 6/05/2019 10 2019 118 \$584,606 ft wo storey dwelling with attached garage 12 Croft Close THE LAGOON 7/05/2019 10 2019 119 \$8,500 Business identification sign (one internally 3 Pat O'Leary Drive KELSO 6/05/2019 10 2019 120 \$20,000 Cut and fill residential land 103 Samuel Way THE LAGOON 6/05/2019 10 2019 125 \$394,533 Single storey dwelling 5 Croft Close THE LAGOON 6/05/2019 10 2019 125 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 1/005/2019 10 2019 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 29/05/2019 2019 47 \$300,000 Alterations to existing commercial retail space 39 William Street BATHURST 21/05/2019 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 21/05/2019 2019 130 \$60,000 Storage shed & alteration to septic tank 3 Leo Grant Drive KELSO 29/05/2019 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 21/05/2019 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 21/05/2019 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 20/05/2019 2019	10	2019	115	\$12,500	Shed	8 Lions Club Drive KELSO	8/05/2019
10 2019 118 \$584,606 Two storey dwelling with attached garage 12 Croft Close THE LAGOON 7/05/2019 10 2019 119 \$8,500 Business identification sign (one internally illuminated wall sign) 3 Pat O'Leary Drive KELSO 6/05/2019 10 2019 120 \$20,000 Cut and fill residential land 103 Samuel Way THE LAGOON 6/05/2019 10 2019 121 \$394,533 Single storey dwelling 5 Croft Close THE LAGOON 6/05/2019 10 2019 125 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 10/05/2019 10 2019 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 10 2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 10 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 21/05/2019 10 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 2/05/2019 10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 29/05/2019 10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 9/05/2019 10 2019 49 \$294,800 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 50 \$2280,000 Single storey dwelling with attached garage 20 Carrol Avenue EGLINTON 2/05/2019 10 2019 137 \$16,550 shed 48 Delaware Crescent KELSO 9/05/2019 10 2019 137 \$16,550 shed 48 Delaware Crescent KELSO 9/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot 14 Keppel Street BATHURST 28/05/2019 15 \$340,236 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 19 2019 144 \$235,000 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 19 2019 154 \$299,000 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 15 \$340,236 Single storey dwelling with attached garage 17 Dovey Drive KELSO 15/05/2019 15 \$2,260 Close Storey dwelling with attached garage 17 Dovey Drive KELSO 15/05/2	10	2019	116	\$562,320	Dual occupancy and two lot residential	13 Granite Rise KELSO	6/05/2019
10 2019 118 \$584,606 Two storey dwelling with attached garage 12 Croft Close THE LAGOON 7/05/2019 10 2019 119 \$8.500 Business identification sign (one internally illuminated wall sign) 7/05/2019 119 120 \$20,000 Cut and fill residential land 103 Samuel Way THE LAGOON 6/05/2019 10 2019 125 \$304,533 Single storey dwelling 5 Croft Close THE LAGOON 6/05/2019 10 2019 125 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 10/05/2019 10 2019 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 28/05/2019 28/05/2019 2019 47 \$300,000 Alterations to existing commercial retail space 39 William Street BATHURST 2/05/2019 120 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 2/05/2019 10 2019 130 \$60,000 Storage shed & alteration to septic tank 3 Leo Grant Drive KELSO 29/05/2019 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 3/05/2019 18 2019 49 \$294,800 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 50 \$280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 19 2019 137 \$16,550 shed 48 \$0.500 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 10 2019 137 \$16,550 shed 48 2019 54 \$29,400 Inground swimming pool and safety barrier 10 2019 144 \$235,000 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 150 Stewart Street EVANS PLAINS 23/05/2019 150 \$280,000 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 58 \$45,000 Single storey dwelling with attached garage 17 Dovey Drive KELSO 15/05/2019 150 \$2,200 Single storey dwelling with attached garage 17 Dovey					subdivision		
10 2019 119	10	2019	117	\$50,000	Front brick fence	10 Ironstone Avenue WHITE ROCK	6/05/2019
10 2019 120 \$20,000 Cut and fill residential land 103 Samuel Way THE LAGOON 6/05/2019 10 2019 121 \$394,533 Single storey dwelling 5 Croft Close THE LAGOON 6/05/2019 10 2019 125 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 10/05/2019 10 2019 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 30	10	2019	118	\$584,606	Two storey dwelling with attached garage	12 Croft Close THE LAGOON	7/05/2019
10 2019 120 \$20,000 Cut and fill residential land 103 Samuel Way THE LAGOON 6/05/2019 10 2019 125 \$394,533 Single storey dwelling 5 Croft Close THE LAGOON 6/05/2019 10 2019 126 \$7,000 Shed 27 Bowen Street BATHURST 10/05/2019 10 2019 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 10 2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 28/05/20	10	2019	119	\$8,500	Business identification sign (one internally	3 Pat O'Leary Drive KELSO	6/05/2019
10 2019 121 \$394,533 Single storey dwelling 5 Croft Close THE LAGOON 6/05/2019 125 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 10/05/2019 10 2019 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 27 Bowen Street SOFALA 13/05/2019 27 Bowen Street SOFALA 13/05/2019 28/05/2019 2					illuminated wall sign)		
10 2019 125 \$0 Change of use & signage - Hair salon 253 George Street BATHURST 10/05/2019 129 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 28/05/2019 28/05/2019 28/05/2019 28/05/2019 28/05/2019 28/05/2019 29/05/2019 20/05	10	2019	120	\$20,000	Cut and fill residential land	103 Samuel Way THE LAGOON	6/05/2019
10 2019 126 \$7,000 Shed 27 Bowen Street SOFALA 13/05/2019 129 \$523,600 Dual occupancy and two lot residential 8 Connolly Drive KELSO 28/05/2019 subdivision 28/05/2019 subdivision 21/05/2019 32 300,000 Alterations to existing commercial retail space 39 William Street BATHURST 21/05/2019 18 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 21/05/2019 10 2019 130 \$60,000 Storage shed & alteration to septic tank 3 Leo Grant Drive KELSO 29/05/2019 10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 9/05/2019 18 2019 49 \$294,800 Single storey dwelling with attached garage 7 Keppel Street BATHURST 3/05/2019 18 2019 50 \$280,000 Single storey dwelling and attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 4B Delaware Crescent RELSO 9/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 18 2019 55 \$15,600 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 150 Stewart Street EVANS PLAINS 23/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 16 Stewart Street EVANS PLAINS 23/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 50 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019	10	2019	121	\$394,533	Single storey dwelling	5 Croft Close THE LAGOON	6/05/2019
10 2019 129 \$523,600 Dual occupancy and two lot residential subdivision 21/05/2019 21/05/2019 300,000 Alterations to existing commercial retail space 39 William Street BATHURST 21/05/2019 13 2019 43	10	2019	125			253 George Street BATHURST	10/05/2019
Subdivision	10	2019	126				
18 2019 47 \$300,000 Alterations to existing commercial retail space 39 William Street BATHURST 21/05/2019 18 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 2/05/2019 10 2019 130 \$60,000 Storage shed & alteration to septic tank 3 Leo Grant Drive KELSO 29/05/2019 10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 9/05/2019 10 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 3/05/2019 18 2019 49 \$294,800 Single storey dwelling with attached garage 20 Carrol Avenue EGLINTON 2/05/2019 18 2019 50 \$280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 10 2019 137 \$16,550 shed 4B Delaware Crescent KELSO 9/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage	10	2019	129	\$523,600	Dual occupancy and two lot residential	8 Connolly Drive KELSO	28/05/2019
18 2019 48 \$5,000 Internal building alterations 177 Howick Street BATHURST 2/05/2019 10 2019 130 \$60,000 Storage shed & alteration to septic tank 3 Leo Grant Drive KELSO 29/05/2019 10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 9/05/2019 10 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 3/05/2019 18 2019 49 \$294,800 Single storey dwelling with attached garage 20 Carrol Avenue EGLINTON 2/05/2019 18 2019 50 \$280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 10 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot 141 Keppel Street BATHURST 28/05/2019 10 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey							
10 2019 130 \$60,000 Storage shed & alteration to septic tank 3 Leo Grant Drive KELSO 29/05/2019 10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 9/05/2019 10 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 3/05/2019 18 2019 49 \$294,800 Single storey dwelling with attached garage 20 Carrol Avenue EGLINTON 2/05/2019 18 2019 50 \$280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 18 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>							
10 2019 74 \$2,000 Modification - Commercial - Signs 1 Jacks Close KELSO 9/05/2019 10 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 3/05/2019 18 2019 49 \$294,800 Single storey dwelling with attached garage 20 Carrol Avenue EGLINTON 2/05/2019 18 2019 50 \$280,000 Single storey dwelling and attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 10 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewar					•		
10 2019 132 \$0 Establishment of use 7 Keppel Street BATHURST 3/05/2019 18 2019 49 \$294,800 Single storey dwelling with attached garage 20 Carrol Avenue EGLINTON 2/05/2019 18 2019 50 \$280,000 Single storey dwelling with attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 10 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot 141 Keppel Street BATHURST 28/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage					-		
18 2019 49 \$294,800 Single storey dwelling with attached garage 20 Carrol Avenue EGLINTON 2/05/2019 18 2019 50 \$280,000 Single storey dwelling and attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 10 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot strata subdivision 141 Keppel Street BATHURST 28/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS					_		
18 2019 50 \$280,000 Single storey dwelling and attached garage 18 Burlington Rise KELSO 2/05/2019 18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 10 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot subdivision 141 Keppel Street BATHURST 28/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands C						• •	
18 2019 42 \$0 Single storey dwelling with attached garage 20 Newlands Crescent KELSO 9/05/2019 10 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot strata subdivision 141 Keppel Street BATHURST 28/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Si							
10 2019 137 \$16,550 shed 4B Delaware Crescent ROBIN HILL 17/05/2019 18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot strata subdivision 141 Keppel Street BATHURST 28/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019<						_	
18 2019 51 \$340,236 Single storey dwelling with attached garage 10 Newlands Crescent KELSO 8/05/2019 10 2019 139 \$0 Five Lot residential subdivision & seven Lot strata subdivision 141 Keppel Street BATHURST 28/05/2019 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE RO							
10 2019 139 \$0 Five Lot residential subdivision & seven Lot strata subdivision 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 31/05/2019							
Strata subdivision 18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 19 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019							
18 2019 52 \$317,950 Single storey dwelling with attached garage 17 Dovey Drive KELSO 9/05/2019 18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/	10	2019	139	\$0		141 Keppel Street BATHURST	28/05/2019
18 2019 54 \$29,400 Inground swimming pool and safety barrier 9 Ridgeview Close WHITE ROCK 13/05/2019 10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 S	40	2040	50	#247.050		47 Davies Drive KELCO	0/05/0040
10 2017 93 \$0 Two storey garage with storage 150 Stewart Street EVANS PLAINS 23/05/2019 10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019 <td></td> <td></td> <td></td> <td></td> <td></td> <td>•</td> <td></td>						•	
10 2019 144 \$235,000 Single storey dwelling with attached garage 30 Newlands Crescent KELSO 27/05/2019 18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019							
18 2019 55 \$15,600 Inground swimming pool & safety barrier 42 Lew Avenue EGLINTON 15/05/2019 18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019					, , ,		
18 2019 56 \$415,160 Single storey dwelling with attached garage 6 Keystone Rise KELSO 15/05/2019 18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019							
18 2019 58 \$450,000 Single storey dwelling with attached garage 93 Graham Drive KELSO 15/05/2019 18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019							
18 2019 60 \$336,000 Single storey dwelling and attached garage 5 Darvall Drive KELSO 17/05/2019 10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019						•	
10 2019 150 \$2,600 25,000 litre rain water storage tank 71 White Rock Road WHITE ROCK 24/05/2019 10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019							
10 2019 151 \$32,650 Shed 5 Croft Close THE LAGOON 28/05/2019 18 2019 62 \$301,730 Single storey dwelling and attached garage 4 Alluvial Place KELSO 31/05/2019 18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019							
18201962\$301,730 Single storey dwelling and attached garage4 Alluvial Place KELSO31/05/201918201963\$400,000 Single storey dwelling with attached garage86 Graham Drive KELSO23/05/2019					_		
18 2019 63 \$400,000 Single storey dwelling with attached garage 86 Graham Drive KELSO 23/05/2019							
20/00/2019							
	10	2010	U- 1	Ψ200,000	angle storey awailing with attached garage	10 Burnington Nise NELSO	2010012019

Authority

2 of 2 DA's Approved

1/05/2019 - 31/05/2019

S_DEPBS_2_1



LIVE

Printed: 8	Printed: 5/06/2019 3:25:34PM										
					Date						
Type	Year	No.	Value Description	Address	Determine						
18	2010	67	\$432,000. Single storey dwelling with attached garage	113 Graham Drive KELSO	30/05/2010						

1 of 1 DA's Refused

S_DEPBS_2_2



LIVE

1/05/2019 - 31/05/2019

Printed:	Printed: 5/06/2019 3:26:43PM										
					Date						
Type	Year	No.	Value Description	Address	Determine						
10	2018	426	\$30,000 Addition to existing outbuilding	1585 Sofala Road PEEL	7/05/2019						
10	2013	239	\$0 MOD - Commercial signage	120 Russell Street BATHURST	29/05/2019						

1 of 2 DA's Pending

S_DEPBS_2_3



					LIVE
Printed:	5/06/2019	3:27:21PM			
Туре	Year	No.	Value	Description	Address
10	2017	214		Internal office adidtion to existing hangar	PJ Moodie Drive RAGLAN
10	2018	115		Continued and expanded operation of an extractive industry	1329 Mid Western Highway EVANS PLAINS
10	2018	128		Use of existing habitable space	79 Bonnor Street KELSO
10	2018	227		Mixed use redevelopment	7 Keppel Street BATHURST
10	2018	240		Use of existing spa pool	486 Billywillinga Road BILLYWILLINGA
10	2018	244	\$572,000	One x two bedroom and one x three bedroom two storey	198 Rankin Street BATHURST
				units, three lot	
10	2016	441	\$432,000	MOD - Separate dwelling addition	16 PJ Moodie Drive RAGLAN
10	2018	350	\$0	122 lot residential subdivision with associated new roads	Marsden Lane KELSO
10	2018	380	\$0	124 lot residential subdivision with associated roads	Marsden Lane KELSO
10	2018	395		90 lot residential subdivision, new roads and 1 residue lot	Colville Street WINDRADYNE
10	2018	433	\$396,515	Single storey rural dwelling with attached garage and detached shed	291 Mount Haven Way MEADOW FLAT
10	2019	5	\$680,000	Four residential units & strata subdivision	145 Durham Street BATHURST
10	2019	8	\$0	50 lot and 1 residual commercial subdivision and new roads	PJ Moodie Drive RAGLAN
18	2019	11	\$292,000	Single storey dwelling with attached garage	31 Darling Street EGLINTON
10	2019	45	\$200,000	Alterations and additions to existing second dwelling	310 Eleven Mile Drive EGLINTON
10	2019	54	\$8,100	Amenities block	Stewart Street MITCHELL
10	2017	142	\$0	MOD Internal and external alterations to existing commercial building	205 Howick Street BATHURST
10	2019	80	\$394,993	Single storey dwelling and detached garage	75 McManus Road MEADOW FLAT
10	2019	82	\$476,000	Dual occupancy and two lot residential subdivision	3 Matthews Street WINDRADYNE
10	2019	84	\$0	Three lot rural subdivision	351 Root Hog Road GOWAN
10	2019	89	\$325,000	Two storey dwelling with attached garage and retaining walls	40 Governors Parade WINDRADYNE
10	2019	94	\$25,000	Additions to existing dwelling	14 Torch Street SOUTH BATHURST
10	2019	101	\$240,000	Dual occupancy	24 Russell Street GORMANS HILL
10	2019	108	\$480,000	Alterations and addition to commercial premises and first floor units	217 George Street BATHURST
10	2019	109	\$45,000	Internal alterations to convert place of public worship to dwelling	10 Esrom Street WEST BATHURST
10	2019	122	\$22,800	Commercial LED illuminated sign	250 Stewart Street BATHURST
10	2019	123	\$0	Dual Occupancy (second dwelling) & two lot residential subdivision	16 Albert Street BATHURST
10	2019	124	\$250,000	Demolition of carport, construction of garage and self contained unit	292 William Street BATHURST
10	2019	128	\$0	Two lot rural subdivision (boundary adjustment)	1944 Mitchell Highway THE ROCKS
10	2019	131		Granny flat	1 Cutler Street WEST BATHURST
10	2018	491	\$18,000	, , , , , , , , , , , , , , , , , , ,	7 Croft Close THE LAGOON
10	2019	133		38 residential units and demolition of existing structure	19 Durham Street BATHURST
10	2019	134	\$14,310		4 Cox Lane EGLINTON
10	2019	135	\$84,000	Residential additions and alterations and tree removal	251 Piper Street BATHURST
10	2019	136	\$400,000	Dual occupancy (second dwelling) and two lot residential subdivision	26 Stanley Street BATHURST
10	2019	138	\$549,424	Dual Occupancy and two lot residential subdivision	82 Graham Drive KELSO
10	2019	140		17 Lot residential subdivision and new roads	Limekilns Road KELSO
10	2019	141	\$520,000	Dual occupancy and two lot residential subdivision	58 Mendel Drive KELSO
10	2019	143	\$0	Change of use of premises (unit 8) for vehicle body repair shop	65 Corporation Avenue ROBIN HILL
10	2019	145	\$300,000	Demolish garage & sunroom / construct garage, sunroom, laundry	136 Hope Street BATHURST
10	2019	146	\$0	10 Lot industrial subdivision	Havannah Street BATHURST
10	2019	147	\$200,000	Demolish shed, add & alts to dwelling, workshop, studio, pool & tree r	63 Seymour Street BATHURST
10	2019	148	\$70,000	Additions and alterations to dwelling and demolition of shed	228 Durham Street BATHURST
10	2019	149		Partial demolition and additions and alterations to dwelling	198 Russell Street BATHURST
10	2019	152	\$582,995	Dual Occupancy and two lot residential subdivision	54 Lew Avenue EGLINTON
10	2019	153	\$10,000	Garage	72 Piper Street BATHURST
10	2019	154		Internal alterations to commercial premises	156 Stewart Street BATHURST
10	2014	217		MOD - 56 lot residential subdivision	26 Maxwell Drive EGLINTON
10	2019	155		Internal alterations to existing canteen building	42 Durham Street BATHURST
10	2019	156	\$1,825,000	Eight free standing units and residential strata subdivision	265 Lambert Street BATHURST

2 of 2 DA's Pending

S_DEPBS_2_3



LIVE

Printed: 8	5/06/2019	3:27:24PM		
Туре	Year	No.	Value Description	Address
10	2019	157	\$390,000 Two storey dwelling with attached garage	8 Dovey Drive KELSO
10	2019	159	\$40,000 Use of existing premises for health food store and cafe	205 Howick Street BATHURST
10	2019	160	\$175,000 Additions and alterations to dwelling	49 Dempsey Street PEEL
10	2019	161	\$16,980 External painting of commercial premises	89 William Street BATHURST
10	2019	162	\$39,000 Detached habitable additions to dwelling	27 Commonwealth Street WEST BATHURST
10	2019	163	\$65,000 Alterations to dwelling	60 Stack Street WINDRADYNE
10	2019	164	\$0 Subdivision - boundary adjustment	4 Glazebrooks Road THE LAGOON
10	2019	165	\$58,000 Additions and alterations to existing dwelling and separate garage	37 Godfrey Street RAGLAN
18	2019	69	\$383,593 Single storey dwelling with attached garage	59 Newlands Crescent KELSO
10	2019	166	\$19,000 Shed	1 Links Place ROBIN HILL
10	2019	167	\$4,000 Carport	24 Frome Street RAGLAN
18	2019	70	\$370,000 Single storey dwelling with attached garage	2 Alluvial Place KELSO

Authority





Applications Over 40 Days

Reason	Waiting on amended plans	Additional information requested	Additional information requested	JRPP determined 23 May 2019	Additional information requested	Waiting on information	Additional information requested	Waiting on amended plans	On exhibition	Additional information requested	Waiting on amended plans	Waiting on additional information	Waiting on amended plans	Waiting on additional information	Under assessment	Additional information requested	Under assessment	Awaiting additional information	Waiting on amended plans	Additional information requested	Waiting for PCA, assessment complete	Waitng on RMS response	Under assessment	Under assessment
Stop Days	305		672	366	378	294		119	193	207	200	91	118			88	32	32		20				
Days Open I	312	96	718	421	413	340	328	326	259	242	229	203	147	145	106	96	9/	74	62	99	99	47	42	42
Application Date	27/07/2018	28/02/2019	16/06/2017	9/04/2018	17/04/2018	29/06/2018	11/07/2018	13/07/2018	18/09/2018	5/10/2018	18/10/2018	13/11/2018	8/01/2019	10/01/2019	18/02/2019	28/02/2019	20/03/2019	22/03/2019	3/04/2019	9/04/2019	9/04/2019	18/04/2019	23/04/2019	23/04/2019
Address	16 PJ Moodie Drive RAGLAN	205 Howick Street BATHURST	PJ Moodie Drive RAGLAN	1329 Mid Western Highway EVANS PLAINS	79 Bonnor Street KELSO	7 Keppel Street BATHURST	486 Billywillinga Road BILLYWILLINGA	198 Rankin Street BATHURST	Marsden Lane KELSO	Marsden Lane KELSO	Colville Street WINDRADYNE	291 Mount Haven Way MEADOW FLAT	145 Durham Street BATHURST	PJ Moodie Drive RAGLAN	310 Eleven Mile Drive EGLINTON	Stewart Street MITCHELL	351 Root Hog Road GOWAN	40 Governors Parade WINDRADYNE	24 Russell Street GORMANS HILL	217 George Street BATHURST	10 Esrom Street WEST BATHURST	250 Stewart Street BATHURST	16 Albert Street BATHURST	292 William Street BATHURST
Description	MOD - Dwelling addition	MOD - Alterations to existing building	Internal office adidtion to existing hangar	Continued and expanded operation of quarry	Use of existing habitable space	Mixed use redevelopment	Use of existing spa pool	1×2 bed and 1×3 bed two storey units	122 lot residential subdivision and roads	124 lot residential subdivision and roads	90 lot residential subdivision and roads	Single storey dwelling with garage and shed	Four residential units & strata subdivision	50 lot commercial subdivision and roads	Alterations and additions to second dwelling	Amenities block	Three lot rural subdivision	Two storey dwelling, garage and retaining wall	Dual occupancy	Alterations and addition to commercial premises	Convert place of public worship to dwelling	Commercial LED illuminated sign	Dual Occupancy (second dwelling) & 2 lot subdivision	Demolish carport, construct garage and unit
No	441	142	214	115	128	227	240	244	350	380	395	433	2	80	45	54	84	88	101	108	109	122	123	124
Year	2016	2017	2017	2018	2018	2018	2018	2018	2018	2018	2018	2018	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019
Арр Туре	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10

S_DEPBS_2_5 1 of 1 Page 1 of 1 Date Determined BATHURST REGIONAL COUNCIL Concurring Authority Extent Of Variation Justification Of Variation DA's Approved Under SEPP 1 Development Standard To Be Varied 1/5/2019 - 31/5/2019 Environmental Planning Instrument Zoning Of Land \exists Category Postcode Suburb Street Name Street No Lot DP **Authority** Authority Council DA **Ordinary Meeting** Page 35 of 343 - 19 June 2019

MINUTES OF THE BATHURST REGION HERITAGE REFERENCE GROUP MEETING HELD 13 MAY 2019

MEETING COMMENCED AT 3.00pm

PRESENT

Councillor Graeme Hanger (Chair), Councillor Monica Morse, Neil Southorn (Director Environment Planning and Building Services), Janet Bingham (Manager Strategic Planning), Ashlee Cutter (Senior Heritage Planner), Christopher Morgan (Tourism Reference Group), Marion Perry (Bathurst District Historical Society), Gerada Mader (Accommodation Group), Sandy Bathgate (Bathurst Heritage Network), Ken Webb (Sofala Progress Association), Jan Page (Family History Group and Napoleon Reef Progress Association), Jenner Plomley (Town Square Group), Roy Menzies (Friends of Bathurst Agricultural Research Station), Jenny Grantley (Sunny Corner Progress Association), Murray Tangye (Sunny Corner Progress Association), Fran White (Bathurst Heritage Website).

APOLOGIES

Jacqui Rudge (Councillor), Jasmin Hooper (Rockley Progress Association), Jenny Cheesman (Perthville Progress Association), Pauline Barker (Rockley Mill and Stable Museum), Iain MacPherson (National Trust).

MINUTES

Recommendation: That the Minutes of the Bathurst Region Heritage Reference Group held on 11 February 2019 be adopted.

RECEIVE AND DEAL WITH COUNCIL REPORTS

ITEM 1 2017-2020 HERITAGE PLAN UPDATE

Action: Corrections were made in relation to the status of several 2018/19 HRG priorities, specifically:

2018/19 HRG priorities	Status
Heritage Communication Strategy	Pending the finalisation of the CPP
Develop guidelines to support the	DCP review likely to cover these
reinstatement of buildings versus demolition.	guidelines
Develop a Heritage Activation Plan (products,	Ongoing with BVIC
presentation, promotion)	
Develop heritage activation plan	Ongoing with BVIC
Enhance the presentation of and promote	Ongoing with BVIC
Bathurst as a heritage city.	
Support the development of a story of Bathurst	Ongoing with BVIC
hub	
Engage with Aboriginal community –	Finalising Aboriginal Heritage Strategy
commemoration of martial law	
Complete Aboriginal Cultural Heritage	Aboriginal Assessment underway for 2 nd
investigations at Mount Panorama.	Circuit.

Recommendation: The Heritage Reference Group members email key priorities for 2019/2020 and that the 2019/20 priorities include:

- 1. A working group between members of the Bathurst Region Heritage Reference Group and the Tourism Reference Group be formed to discuss heritage activation.
- 2. A workshop be held with members of the Bathurst Region Heritage Reference Group in relation to the major review of the Bathurst Regional Development Control Plan 2014.

ITEM 2 DRAFT BATHURST HERITAGE CONSERVATION AREA REVIEW

Recommendation: That the report be noted.

RECEIVE AND DEAL WITH COMMUNITY REPORTS

Bathurst Family History Group report – Jan Page

Action: Council to make contact with owners of 174 Russell Street, Bathurst and advise Main Street Fund and Heritage Advisory Service available to assist with property maintenance.

Napoleon Reef, Walang and Glanmire Reef Residents Association – Jan Page Report noted.

Rockley Mill and Stables Museum – Pauline Barker Report noted.

<u>Bathurst Town Square Group Report – Jenner Plomley</u> Report noted.

Friends of Bathurst Agricultural Research Station - Roy Menzies

The movable heritage cataloguing team is soldiering on with surprising enthusiasm. Margot Jolly's tutoring is paying dividends and Pauline's disciplined supervision is continuing to guide the Monday activities and ensure excellent documentation. More volunteers are always welcome.

There was a major interruption to the work and tour for Autumn Colours, but it was greatly appreciated that DPUI instigated repairs to timberwork and four buildings were repainted. It was the lead paint that was cleaned off that halted activities. The end result is excellent.

GENERAL BUSINESS

Additional items for heritage listing on LEP – Bathurst Heritage Network

National Trust in conjunction with the Bathurst Heritage Network are undertaking a survey of small buildings (including stables, outhouses and cottages). This survey can then be forwarded to Council to investigate the potential listing of these sites as heritage items.

Non - Complying signage in CBD - Bathurst Heritage Network

Bathurst Heritage Network is concerned that Council is not pursuing non-compliant signage in the CBD. Neil Southorn advised that Council has been actively monitoring the non-compliant signage in the CBD for over 18 months. Council needs to be cautious in its approach to non-compliant signage and consider the impacts to local business and organisations if issued with a penalty notice. Council has been and will continue to contact owners of non-compliant signage and promote the use of the Main Street Fund as an incentive to encourage good signage outcomes.

The HRG noted the issues with consideration for a detailed report on non-compliant signage into the future.

Residual funding from Macquarie Heritage Medal – Bathurst Heritage Network

Residual funding from this year has been reserved for the Headmasters Residence. In future years, \$20,000 residual is currently below the line in the draft budget to be used for a heritage asset reserve.

Mountain View Homestead - Fran White

Congratulations to the owners of Mountain View Homestead, Wisemans Creek on their very successful open day held in April.

Christopher Morgan (Tourism Reference Group) exited meeting at 3:45pm

Meeting closed at 4.50pm. Next meeting to be held on 12 August 2019.





Important Notice!
This man is not a precise sur

his map is not a precise survey document. Accurate locations notify be determined by a survey on the ground is information has been prepared for Council's internal purposes and international purposes and intability of the information for use for any purpose (whether the urpose has been notified to Council or not). While every care is taken ensure the accuracy of this data, neither the Bathurst Regional puncil nor the LPI makes any representations or warranties about its curcuracy, reliability, completeness or suitability for any particular urpose and disclaims all responsibility and all liability (including hinbut limitation, liability in regigence) for all expenses, losses, single (including indirect or consequented dranape) and countries any war and for any reason.



Drawn By: Nicholas Murphy

Date: 4/06/2019

Projection: GDA94 / MGA zone 5

Map Scale: 1:6000 @ A4





Bathurst Regional Council PMB 17 158 Russell Street BATHURST NSW 2795 Telephone: 02 6333 6111 Fax: 02 6331 7211 Email: council@bathurst.nsw.gov

Important Notice!

Isi map is not a precise survey document. Accurate locations on only be determined by a survey on the ground. Is information has been prepared for Council's internal purposes and no other purpose. No statement is made about the accuracy or initability of the information for use for any purpose (whether the upropes has been notified to Council or not). While every care is taken ensure the accuracy of this data, neither the Bathurst Regional unoull nor the LPI makes any representations or warranties about its cursor, reliability, completeness or sustability for any particular propose and disclaims all responsibility and all liability (including thout limitation, liability in negligence) for all expenses, losses, mages (including indirect or consequential damage) and costs which un ingit in cur as a result of the data being inaccurate or incomplete any way and for any reason.

Drawn By: Nicholas Mur

Date: 4/06/2019

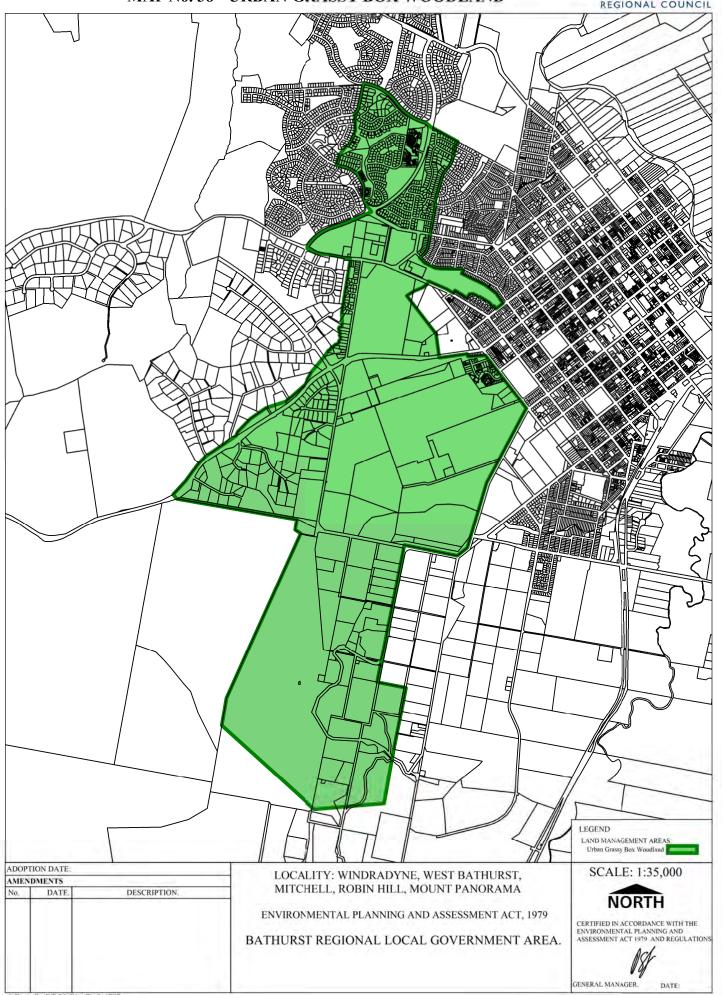
Projection: GDA94 / MGA zone 55

Map Scale: 1:6000 @ A4



BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 MAP No. 38 - URBAN GRASSY BOX WOODLAND



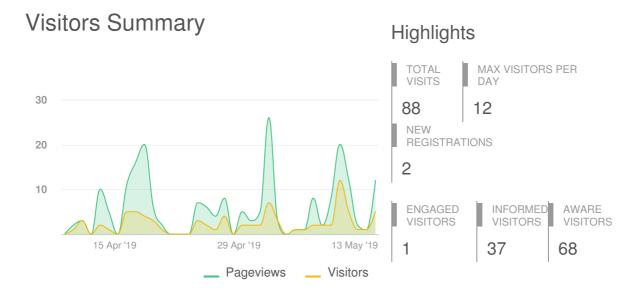


Project Report

08 April 2019 - 13 May 2019

Your Say Bathurst Region Development Control Plan (DCP) Changes





Aware Participants	68	Engaged Participants			
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	68		riogiotoroa	Onvollinoa	7 thonymous
Informed Participants	37	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	1	0	0
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	23	Posted on Guestbooks	0	0	0
Visited the Key Dates page	3	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	35	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	1				

Your Say Bathurst Region : Summary Report for 08 April 2019 to 13 May 2019

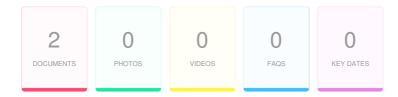
ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status Visitors	Contributors			
			Violetic	Registered	Unverified	Anonymous
Survey Tool	Amendment 18 - Vegetation and Biodiversity	Archived	24	1	0	0
Survey Tool	Amendment 17 - Milltown & Wattle Flat	Archived	1	0	0	0

Your Say Bathurst Region : Summary Report for 08 April 2019 to 13 May 2019

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Draft Bathurst Vegetation DCP Chapter FINAL	20	22
Document	Explanation - veg and biodiversity	12	14
Key Dates	Key Date	3	4

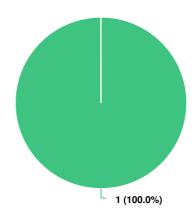
Your Say Bathurst Region: Summary Report for 08 April 2019 to 13 May 2019

ENGAGEMENT TOOL: SURVEY TOOL

Amendment 18 - Vegetation and Biodiversity



What is your preferred contact method?

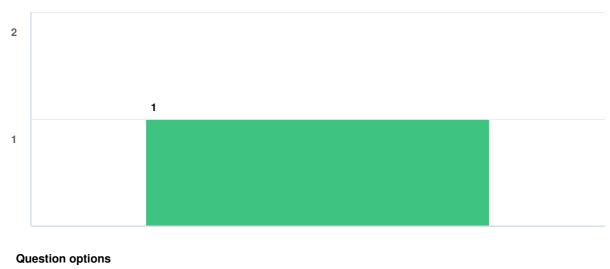


Question options

Email

Optional question (1 responses, 0 skipped)

Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 with...



I have not made a reportable political donation

(1 responses, 0 skipped)

9.10 VEGETATION MANAGEMENT AND BIODIVERSITY

9.10.1 Objectives

- (a) To protect and enhance vegetation, habitat for native fauna and biodiversity within the Bathurst Region.
- (b) To protect trees that are heritage items, located on the site of a heritage item or that are within heritage conservation areas.
- (c) To protect, maintain and improve the diversity and stability of landscapes and waterways, minimise urban heat and other climate change impacts, reduce stormwater runoff and improve the visual amenity of streetscapes and landscapes contributing to community well-being.

9.10.2 Land to which this Section applies

This section applies as follows:

- (a) To the clearing of vegetation in all areas that is proposed in association with a development application.
- (b) To the clearing of specified vegetation in non-rural areas being land in zones E2 Environmental Conservation, E4 Environmental Living, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation, R5 Large Lot Residential, RU5 Village & W2 Recreational Waterways.
- (c) To the clearing of specified vegetation that is a heritage item, or is within the curtilage of a heritage item, or is within a heritage conservation area.

This section does not apply to the clearing of exempt vegetation as identified in subsection 9.10.5.

9.10.3 What approvals are required under this Section?

- (a) If clearing is in association with a development application or in preparation for a development application, development consent is required from Council.
- (b) If clearing specified vegetation in non-rural areas (see section 9.10.5(a)), either an approval from the NSW Native Vegetation Panel or a clearing permit from Council may be required.
- (c) If clearing specified vegetation that is a heritage item, or is within the curtilage of a heritage item or is within a heritage conservation area (see section 9.10.5(b)):
 - i. development consent for clearing of a heritage item or clearing within the curtilage of a heritage item may be required from Council; or
 - ii. a clearing permit for clearing within a heritage conservation area may be required from Council.

Refer to Council's Tree Preservation and Management Policy.

Notes:

1. Clause 9.10.5 of this DCP defines what is "specified vegetation" for the purposes of this DCP Chapter.

- 2. Clause 9.10.6 outlines activities that are exempt from requiring development consent or a clearing permit.
- 3. The clearing of native vegetation in non-rural areas (i.e. all zones except RU1 Primary Production, RU2 Rural Landscapes and RU4 Primary Production Small Lots) above the Biodiversity Offsets Scheme area clearing threshold or identified on the Biodiversity Values Map requires approval of the Native Vegetation Panel. For more information:

 https://www.planning.nsw.gov.au/Policy-and-Legislation/Environment-and-Heritage/Vegetation-SEPP
- 4. The clearing of native vegetation in rural areas (zones RU1 Primary Production, RU2 Rural Landscapes and RU4 Primary Production Small Lots), where not associated with a development application, is regulated under the NSW *Local Land Services Act 2013*. For more information: https://www.lls.nsw.gov.au/sustainable-land-management/land-management/
- 5. The clearing of vegetation exempted or not otherwise specified by this DCP or that does not require approval of the Native Vegetation Panel is permitted without development consent or a clearing permit.
- 6. Notwithstanding any element of this section, if the clearing of vegetation will cause damage to habitat of a threatened species or ecological community or cause harm to an animal that is threatened, part of a threatened ecological community or a protected plant or animal, a Biodiversity Conservation Licence is required under the *Biodiversity Conservation Act2016*. However, a Biodiversity Conservation Licence is not required if a clearing permit or development consent is issued by Council, an approval is granted from the Native Vegetation Panel or the clearing is otherwise authorised under other legislation, such as the *LocalLand Services Act2013* (refer to Part 2 of *Biodiversity Conservation Act2016*).
- 7. This section does not constitute legal advice as to responsibilities under the NSW *Local Land Services Act 2013* or *NSW Biodiversity Conservation Act 2016*.
- 8. Native vegetation has the samemeaning in section 60B of NSW *Local Land Services Act 2013*

9.10.4 Explanation of terms

a) What is clearing?

Clearing means any one or more of the following:

- Cutting down, felling, thinning, logging or removing vegetation;
- ii. Killing, destroying, poisoning, ring-barking, uprooting or burning vegetation;
- iii. Severing, topping or lopping branches, limbs, stems or trunks of vegetation;
- iv. Substantially damaging or injuring vegetation in any other way (see definition for injury).

b) What is injury

Injury means damage to a tree or vegetation and includes:

- i. Lopping and topping;
- Poisoning, including applying herbicides and other toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;

- iii. Cutting, snapping off and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices;
- iv. Ring-barking, scarring the bark when operating machinery (e.g., lawn mowers), fixing objects (e.g., signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches:
- v. Damaging a tree's root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
- vi. Under scrubbing, unless carried out by hand tools, such as brush cutters and the like.

9.10.5 **Specified Vegetation**

- a) What is specified vegetation in non-rural areas (clause 9.10.2(b) of this DCP chapter)?
 - i) All native trees and native vegetation on land in zone E2 Environmental Conservation, E4 Environmental Living, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation, R5 Large Lot Residential, RU5 Village & W2 Recreational Waterways under the Bathurst Regional Council Local Environmental Plan 2014.
 - ii) Native trees in non-rural areas which are verified and mapped by Council as supporting a threatened ecological community (Refer to DCP Map No. 38 Urban Grassy BoxWoodland).
 - iii) Vegetation within areas identified on a DCP Map as an environmental protection area.

The above specified vegetation is declared to be vegetation to which Part 3 of the Vegetation SEPP applies.

- b) What is specified vegetation for heritage conservation purposes (clause 9.10.2(c) of this DCP Chapter)?
 - Trees and other vegetation that are a heritage item (ie individually listed) or within the curtilage of a Heritage Item;
 - ii) Trees located within the Bathurst, Kelso or West Bathurst heritage conservation areas that are greater than 9 metres tall.

Note: Trees within a Heritage Conservation Area <u>and</u> within Zone RU5 Village are to use the approval pathway described in 9.10.2 (a) or (b).

9.10.6 What is the Biodiversity Offsets Scheme (BOS) threshhold

The Biodiversity Offsets Scheme Threshold is a test used to determine when is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

 i. whether the amount of native vegetation being cleared exceeds a threshold area set out in the table below

Minimum lot size associated with the property	Threshold for clearing, above which the BOS	
,	applies	
Less than 1 ha	0.25 ha or more	
1 ha to less than 40 ha	0.5 ha or more	
40 ha to less than 1000 ha	1 ha or more	
1000 ha or more	2 ha or more	

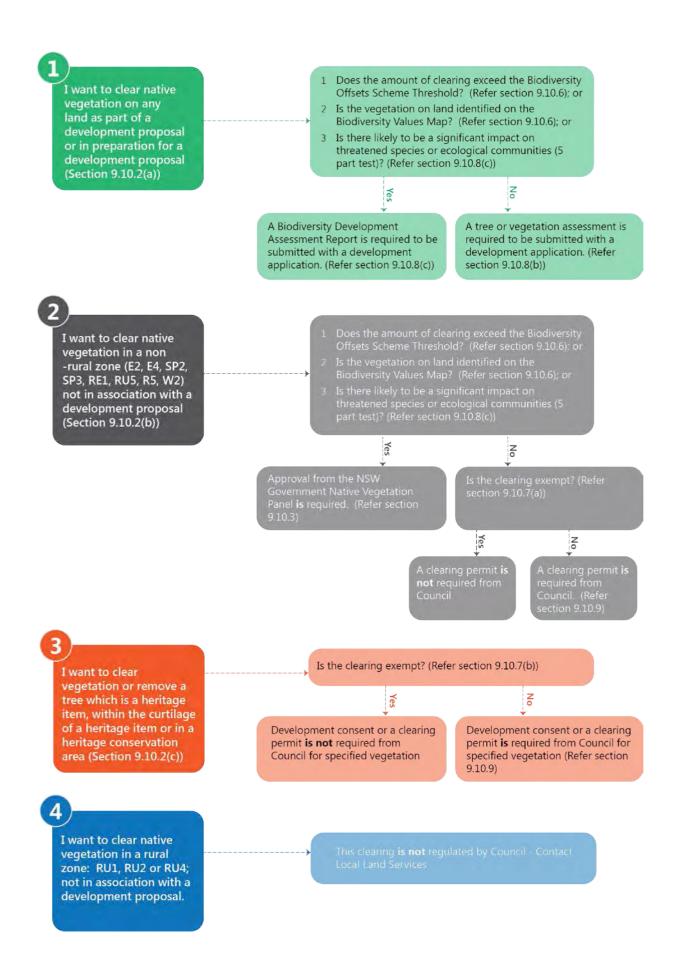
ii. whether the clearing of native vegetation occurs on an area mapped on the Biodiversity Values map published under clause 7.3 of the Biodiversity Conservation Regulation 2017

Further information about the Biodiversity Offsets Scheme can be accessed from:

https://www.environment.nsw.gov.au/biodiversity/entryrequirements.htm

The Biodiversity Values map can be accessed from:

https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap



9.10.7 Exemptions:

- (a) For the purposes of clause 9.10.3 (b) of this DCP, the following activities are exempt from requiring a permit from Council:
 - i. Clearing of State and regional priority weeds under the *Biosecurity Act 2015*.
 - ii. Clearing of vegetation that Council is satisfied is dead or dying and is not required as the habitat of native animals.
 - iii. Clearing of vegetation that Council is satisfied is a risk to human life or property
 - iv. Any works to a specified tree carried out by, or on behalf of, Bathurst Regional Council.
 - v. Clearing on the site of the Bathurst Regional Airport.
 - vi. Clearing that is authorised under other legislation (eg. *Electricity Supply Act* 1995, *Rural Fires Act* 1997, *Local Land Services Act* 2003)
 - vii. Clearing within 3m of a lawful dwelling
 - viii. Clearing that is in accordance with a property vegetation plan or other conservation agreement
 - ix. Pruning that does not exceed 10% of the canopy every three years and complies with Australian Standard 4373 Pruning of Amenity Trees.
- (b) For the purposes of clause 9.10.3 (a) and (c) of this DCP, (in relation to vegetation that is a heritage item or is within the curtilage of a heritage item or in a heritage conservation area), the following activities are exempt from requiring development consent or a clearing permit from Council:
 - Clearing of any of the following species within a heritage conservation area (excluding a tree that is a heritage item or within the curtilage of a heritage item):

Exempt tree list				
Botanical name	Common name			
Eucalyptus nicholii	Narrow-leaved Black Peppermint			
Acacia spp.	Wattles			
Cupressocyparis leylandii	Leylandii Pines (all varieties)			
Salix spp.	Willow			
Ligustrum lucidum	Privet			
Robinia pseudoacacia	Robinia			
Gleditsia triacanthus	Locust			
Populus spp.	Poplars			

- ii. Clearing of trees less than nine (9) metres in height; and have a trunk circumference of less than one (1) metre when measured at a height of one (1) metres from the ground; and has a branch spread of fifteen (15) metres or less.
- iii. Clearing that Council agrees is of a minor nature or is required for the maintenance of the heritage item or heritage conservation area and that would not adversely affect the heritage item or heritage conservation area, is exempt

- from requiring development consent (in accordance with clause 5.10 of the *Bathurst Regional Local Environmental Plan 2014*).
- iv. Any works to a specified tree carried out by, or on behalf of, Bathurst Regional Council.
- v. Clearing of State and regional priority weeds under the *Biosecurity Act 2015*.
- vi. Clearing of vegetation that Council is satisfied is dead or dying and is not required as the habitat of native animals.
- vii. Clearing that is authorised under other legislation (eg. *Electricity Supply Act* 1995, *Rural Fires Act* 1997, *Local Land Services Act* 2013)
 - viii. Any works to make safe a specified tree where there is an immediate threat of injury to persons or damage to property provided that contact has been made with Council's Authorised Officer and verbal approval has been provided, or to comply with a direction from an Emergency Services agency. Evidence must be provided by an Arborist at the earliest possible time following the elimination of the threat.

Note: This does not negate the need for an application to be submitted at the earliest opportunity upon the elimination of the threat of injury or damage.

viii. Pruning that does not exceed 10% of the canopy every three years and complies with Australian Standard 4373 – Pruning of Amenity Trees.

(c) Exclusions

The following vegetation is excluded from the exemptions outlined above:

- i. Any vegetation required to be retained as a condition of a development consent.
- ii. Any vegetation that is identified on Section 88B instruments under the *Conveyancing Act 1919* as vegetation to be retained.
- iii. Any vegetation that is identified on a property vegetation plan or other conservation agreement as vegetation to be retained.
- iv. Any vegetation that is habitat for threatened species.
- v. Any vegetation within a designated buffer area on a DCP Map.

9.10.8 **Development Standards**

This subsection applies when a development application is required.

- (a) A development application that includes the clearing of vegetation must be accompanied by a site plan showing the location of vegetation to be cleared. A survey of the property and the location of trees on the property may be required by Council. The site plan (preferably using an aerial photograph) must detail the following:
 - i. The proposed development, including where all works and buildings are to be located.
 - ii. Existing buildings and other structures on the land.

- iii. Any existing or proposed effluent disposal site.
- iv. Extent of land proposed to be disturbed.
- v. Extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
- vi. Location of bores within 250 metres of the site.
- vii. Any other environmental constraints, as applicable.
- (b) A Statement of Environmental Effects submitted with the development application must include a description of the vegetation to be cleared (type and condition of vegetation), photographs of the vegetation and a statement addressing the biodiversity impact of the proposed development. Council may require the submission of a report from a suitably qualified professional (e.g. ecologist) to provide evidence of the species of vegetation to be cleared and the condition of that vegetation.
- (c) Where development on any land involves clearing of vegetation and:
 - 1. the extent of clearing exceeds the Biodiversity Offsets Scheme Threshold, or
 - 2. the vegetation to be cleared is identified on the Biodiversity Values Map, or
 - 3. the development is likely to have a significant impact on listed threatened species or threatened ecological community;

a Biodiversity Development Assessment Report (prepared in accordance with the NSW Office of Environment and Heritage's Biodiversity Assessment Method) must be submitted with the development application.

- (d) For developments that do not exceed the Biodiversity Offsets Scheme Threshold, applicants are to provide evidence that the BOS threshold is not exceeded. Applicants are also required to carry out a 'test of significance' to consider impacts on threatened species, ecological communities, and their habitats, as a result of the local development proposal. The NSW Office of Environment and Heritage's Threatened Species Test of Significance Guidelines can be found at: https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf
- (e) In relation to clearing of a heritage item or clearing within the curtilage of a heritage item, a Statement of Heritage Impact may be required if, in the opinion of Council, the clearing is likely to have a significant impact on the heritage item or the heritage conservation area. Refer to Chapter 10 of this Plan.
- (f) Consent must not be granted to any development including any building, subdivision or work on land identified as *High or Moderate Biodiversity Sensitivity* on DCP Map No. **31** Biodiversity unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcomes:
 - i) Protect biological diversity, native flora and fauna and their habitat.
 - ii) Protect the ecological processes necessary for ecosystem health.
 - iii) Encourage the recovery of threatened species, communities, populations and their habitats.

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes. In this regard it should include the following information, as a minimum.

Impact of development on biodiversity

This section should summarise how the proposed development will impact on existing biodiversity. This should include how the development might impact on:

- i) native terrestrial flora and fauna, their habitat, and their interrelationship with the environment,
- ii) native aquatic flora and fauna, their habitat, and their interrelationship with the environment, and
- iii) the physical and biological function of the ecosystem.

<u>Note:</u> Where the site plan demonstrates no disruption to existing vegetation or function of the ecosystem all that is required is a statement that the proposed development achieves the required outcome.

Proposed mitigation measures

Impacts may also come in other ways e.g. through additional fencing, removal of dead and fallen timber or domestic pets.

This section should include details of how biodiversity loss will be mitigated, e.g. proposed re-vegetation including maintenance details to ensure survival rate is maximised.

Summary

This section should summarise how the proposed development achieves the required outcomes to:

- i. Protect biological diversity, native flora and fauna and their habitat.
- ii. Protect the ecological processes necessary for ecosystem health.
- iii. Encourage the recovery of threatened species, communities, populations and their habitats.

9.10.9 Requirements for clearing permit applications

This subsection applies when a clearing permit application or an exempt tree notification form is required.

- (a) A **clearing permit application form** must be lodged with Council to undertake clearing of specified vegetation, prior to undertaking any clearing, unless the clearing is exempt (see clause 9.10.7).
- (b) Applications must be accompanied by a site plan showing the location of vegetation to be cleared. A survey of the property and the location of trees on the property may be required by Council. The site plan (preferably using an aerial photograph) must detail the following:
 - i. Existing buildings and other structures on the land
 - ii. Extent of land proposed to be disturbed.

- iii. Extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
- iv. Any other environmental constraints, as applicable.
- (c) Applications must be accompanied by a statement that describes the vegetation to be cleared (type and condition of vegetation), photographs of the vegetation and an assessment of the biodiversity impact of the proposed development. Council may require the submission of a report from a suitably qualified professional (e.g. ecologist) to provide evidence of the species of vegetation to be cleared and the condition of that vegetation.
- (d) If, in the opinion of Council, the clearing, or other activity is likely to have a significant impact on threatened species or threatened ecological communities, Council may require the submission of a test of significance to be completed. The NSW Office of Environment and Heritage's Threatened Species Test of Significance Guidelines can be found at:
 https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf
- (e) In relation to the clearing of exempt trees (see clause 9.10.7 (b).), an exempt tree notification form must be lodged with Council prior to undertaking clearing.
 It is the responsibility of the owner of the land to ensure that the vegetation proposed to be removed is the species identified in the exempt tree list. Evidence (such as the advice of a suitably qualified professional (e.g. ecologist)) is to be provided with the application along with photographs of the vegetation to be removed.

9.10.10 **Assessment Criteria**

Council may take into consideration any or all of the following criteria when assessing an application for clearing (being a clearing permit application, an exempt tree notification or a development application):

- (a) Potential life of the tree whether the tree is senescing or declining.
- (b) Whether the tree is causing structural damage to a building, structure, pipe or sewer.

Note: A report may be required by a suitably qualified and experienced consultant where the damage is not visually evident.

- (c) Whether the tree is severely stressed, diseased or is suffering insect damage and without the opportunity for mitigation.
- (d) Whether the growth habit or mature size of a tree is undesirable in a given situation (e.g. power lines, root interference with service, infrastructure or building).
- (e) Whether the tree shows poor form, shape and/or vigour typical to the species.
- (f) Where the branches are dangerous and overhanging a building or an adjoining property. In this case, the assessing Council officer will determine the amount of pruning permitted to address any public nuisance issue.
- (g) Whether the tree species is appropriate in terms of its proximity to dwellings,

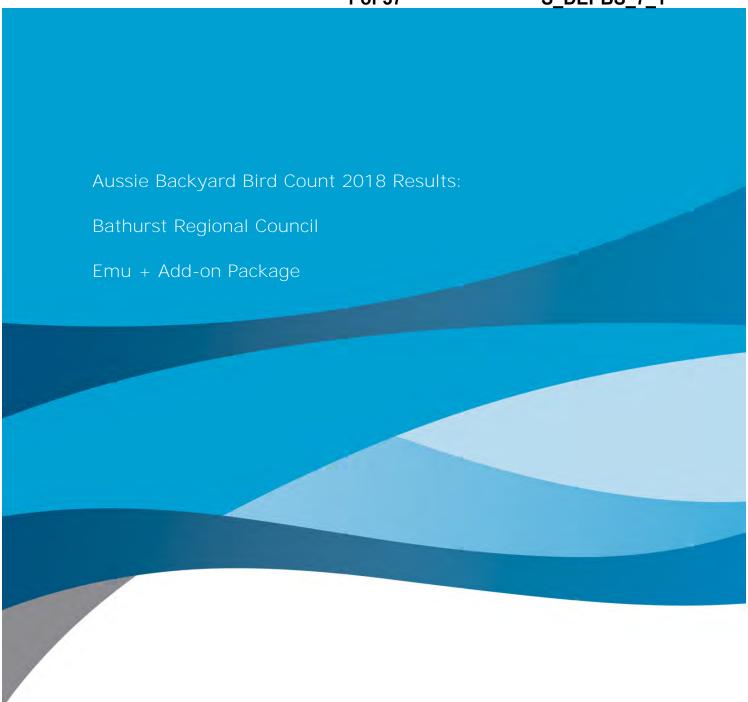
- adjoining dwellings or other buildings.
- (h) Whether the clearing or removal of the tree or other vegetation has the potential to directly or indirectly affect a threatened species, population, ecological community or their habitats, or other protected fauna/flora (e.g. whether the tree(s) involves are habitat trees for any threatened fauna species, or whether the tree(s) involved are part of an endangered population, endangered ecological community or is critical habitat for any threatened fauna species).
- (i) Whether the tree species is of regional significance (i.e. identified regionally as a rare species due to heavily cleared or under-represented vegetation community).
- (j) Whether the tree is of local significance and is considered relatively rare or has limited distribution or is a critical indigenous species.
- (k) Whether the removal of the tree(s) will pose any adverse impact upon the amenity or scenic environmental quality of the locality.
- (I) Whether the removal of the tree(s) is necessary as part of any bushfire hazard reduction work under the Rural Fires Act 1997.
- (m) Whether the removal of the tree(s) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality.
- (n) Whether the applicant has provided a medical certificate from a clinical immunologist/allergyspecialistwhich states that the pruning or removal of a tree is necessary for maintaining quality of life.
- (o) Whether any previous condition of development consent required the retention of the tree(s).
- (p) Whether the proposal involves the planting of replacement vegetation.

9.10.11 Reasons not considered as justification for clearing

These are common requests for tree removal/works which generally provide insufficient reason for a permit or approval to be issued:

- (a) Shedding of flowers, leaves, bark, twigs, fruit, and sap causing nuisance.
- (b) Animals (insect, bird, bat, possum etc.) that inhabit trees causing nuisance.
- (c) To enhance amenity views.
- (d) Damage to underground services (such as sewer lines, water services and the like), where there are alternatives to mitigate and retain the tree.
- (e) Construction of fences.
- (f) Minor heave (lifting) of paths, paving, fences and minor structures where mitigation is not appropriate.
- (g) Tree does not suit the existing or proposed landscape.
- (h) Unsubstantiated fear of tree failure.
- (i) Tree removal for fire hazard reduction, where the property is not within a bushfire prone area as defined by the Rural Fire Service.
- (j) Tree is considered to be too large or high.

- (k) Pruning to reduceheight.
- (I) To increase solar access unless sufficient evidence is provided.
- (m) To allow for a proposed development where alternative locations are available.







birds are in our nature

BirdLife Australia

BirdLife Australia was founded in 1901 and works to conserve native birds and biological diversity in Australasia and Antarctica, through the study and management of birds and their habitats, and the education and involvement of the community.

BirdLife Australia produces a range of publications, including *Emu*, a quarterly scientific journal; *Australian BirdLife*, a quarterly magazine; *Conservation Statements*; *BirdLife Australia Monographs*; the *BirdLife Australia Report series*; and the *Handbook of Australian*, *New Zealand and Antarctic Birds*. It also maintains a comprehensive ornithological library and several scientific databases covering bird distribution and biology.

Membership of BirdLife Australia is open to anyone interested in birds and their habitats, and concerned about the future of our avifauna. For further information about membership, subscriptions and database access, contact

BirdLife Australia

60 Leicester Street, Suite 2-05

Carlton VIC 3053

Tel: (03) 9347 0757 E-mail: info@birdlife.org.au

© BirdLife Australia

This report is copyright. Apart from any fair dealings for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, and as outlined in the Terms and Conditions, no part may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without prior written permission from BirdLife Australia. Results from the data analysis and the provided raw data shall not be provided to third parties and raw data is not permitted to be published. Publications where the data analysis or findings of this report are included in, or which utilise the raw data, must properly acknowledge BirdLife Australia as the data source. All enquiries to BirdLife Australia.

Recommended citation:

BirdLife Australia. 2018. Aussie Backyard Bird Count 2018 results: Bathurst Regional Council. Unpublished report for the Bathurst Regional Council.

Disclaimers:

This publication may be of assistance to the purchaser and every effort has been undertaken to ensure that the information presented within is accurate. BirdLife Australia does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error or other consequences that may arise from you relying on any information in this report.

This report is prepared without prejudice to any governmental or council applications or activities. The results published in this report are reflective only of the trends during National Bird Week as submitted by the public. Trends described in the report may therefore not be a true representative of actual bird trends within the area.

Published by BirdLife Australia, Suite 2-05, 60 Leicester Street, Carlton, Victoria 3053, Australia.

This report was prepared by: Amy Adams.

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

Table of Contents

1. Introduction4
1.1 Aussie Backyard Bird Count (ABBC)
1.2 Birds in Backyards (BIBY)5
2. 2016-2018 Aussie Backyard Bird Count Statistics
3. Distribution Map
4. Species List: Least Common
5. Species List: Most Common
6. Introduced Species
7. Native Species of Management Concern
8. Species-specific results
8. Species-specific results248.1 Common Myna24
8.1 Common Myna
8.1 Common Myna 24 8.2 Laughing Kookaburra 26
8.1 Common Myna 24 8.2 Laughing Kookaburra 26 8.3 Diamond Firetail 28
8.1 Common Myna 24 8.2 Laughing Kookaburra 26 8.3 Diamond Firetail 28 9. Data Limitations 30
8.1 Common Myna 24 8.2 Laughing Kookaburra 26 8.3 Diamond Firetail 28 9. Data Limitations 30 10. What Birds in Backyards (BIBY) Can Offer 31

birds are in our nature

1. Introduction

1.1 Aussie Backyard Bird Count (ABBC)

In 2014, as part of BirdLife Australia's National Bird Week celebrations, BirdLife Australia ran the first ever Aussie Backyard Bird Count — now one of the largest citizen science projects of this nature in Australia. The Aussie Backyard Bird Count provides an opportunity for everyone — from school children, senior citizens, families and community groups — to become citizen scientists for one week every October. With over 90% of Australians living in urban environments with often limited opportunities to experience nature, the Aussie Backyard Bird Count is a great way to get outside and connect with nature.

The data collected by these citizen scientists plays a vital role in providing important information to BirdLife Australia. We know more about our threatened birds than we do about our common backyard birds and the Aussie Backyard Bird Count helps to fill this knowledge gap, as well as increasing our understanding of Australian bird species that live where people live. The Aussie Backyard Bird Count also helps raise the profile of bird species throughout Australia, highlighting their importance and promoting a national passion for Australian birds.

Each year this natural passion is confirmed, with the Aussie Backyard Bird Count attracting significant interest from the public eager to be involved and help contribute to our growing knowledge of Australian birds. Public involvement continues to increase each year the Aussie Backyard Bird Count is run, with the number of birds counted also significantly increasing each year. Additionally, involvement by local councils increases year-on-year with more bird-focused events being held during Bird Week, improving the awareness and importance of local birds within their communities. And with the release of lesson plans which encourages students to participate both at school and at home, the number of schools participating in the Aussie Backyard Bird Count continues to grow.

The national focus on birds is extremely important with data showing Australian backyards have been shrinking since the 1990s, and populations of some of our most familiar birds like the Laughing Kookaburra, have also declined. While data collected from the Aussie Backyard Bird Count is currently only a baseline, results from the past five years show that Australian backyards — in all their shapes and sizes — continue to attract a range of birds, giving us hope that even as the iconic Aussie backyard shrinks, many native birds can and do remain. Results from the Aussie Backyard Bird Count support the decline in Kookaburra numbers over the years while aggressive species such as the Noisy Miner appear to be increasing. With growing national and international concern for the welfare of these iconic Australian birds, citizen science projects such as the ABBC can help provide an insight into how Aussie birds are faring and results can help formulate subsequent management decisions.

birds are in our nature

1.2 Birds in Backyards (BIBY)

Urbanisation is one of the most dramatic and rapidly expanding forms of man-made change to our landscapes. As our urban habitats change, our bird life does as well. The loss of urban bird diversity has both ecological and human/cultural consequences. With over 90% of Australians living in urban and regional centres, for many people, the only place where they connect with the natural world is in their own backyards. The Birds in Backyards Program (BIBY) builds knowledge, skills and practical support to develop action-oriented responses to the decline of bird diversity. BIBY began in 1998 and celebrated its 20th year as a national citizen science program in 2018. Underpinned by bird monitoring and habitat assessments, BIBY encourages people to take conservation action for birds wherever they enjoy them home, school, work, or local parks and reserves. There have been exciting changes recently a new framework and program objectives are seeing BIBY work with stakeholders towards an Urban Bird Conservation Action Plan - a tool to develop focussed strategies and projects to conserve Australia's urban birds and measure our success. In 2017, our surveys joined BirdLife Australia's data portal Birdata and have now joined the Birdata App as well. This survey data is used to inform policies, best practice guidelines, and provide advocacy for threatened species. We want people taking action for birds, informed by their own data.

The ultimate goal of BIBY is a diverse urban native bird community, achieved by behavioural change through action research, education for sustainability and advocacy. Through our dedicated citizen scientists and our partners, BIBY empowers people to make changes at all levels (from individuals in a patch to government at landscape scales) to create and maintain habitat for birds. Local councils can partner with BIBY to achieve education and conservation outcomes for our urban birds – let's get our communities taking action together!

birds are in our nature

2. 2016-2018 Aussie Backyard Bird Count Statistics

The following statistics relate to the Bathurst Regional Council region during the Aussie Backyard Bird Counts that ran from the 17th to 23rd October 2016, 23rd to 29th October 2017 and 22nd to 28th October 2018:

- 2016: 95 observers participated in the bird count, submitting 251 checklists (Figure 1)
 - 2017: 218 observers participated in the bird count, submitting 355 checklists (Figure 1)
 - 2018: 254 observers participated in the bird count, submitting 372 checklists (Figure 1)
- 2016: Submitted checklists ranged from between 1 and 76 per registered user (average of 3.7 per registered user)
 - 2017: Submitted checklists ranged from between 1 and 19 per registered user (average of 2.9 per registered user)
 - 2018: Submitted checklists ranged from between 1 and 15 per registered user (average of 2.7 per registered user)
- 2016: The combined duration that observers surveyed over was 78 hours and 8 minutes
 - 2017: The combined duration that observers surveyed over was 111 hours and 8 minutes
 - 2018: The combined duration that observers surveyed over was 113 hours and 14 minutes
- 2016: The number of birds recorded ranged from 3 to 1,717 per registered user, with an average of 110 birds recorded per registered user
 - 2017: The number of birds recorded ranged from 1 to 729 per registered user, with an average of 85 birds recorded per registered user
 - 2018: The number of birds recorded ranged from 1 to 609 per registered user, with an average of 85 birds recorded per registered user
- 2016: A total of 7,426 individual birds were observed and recorded during bird week (Table 1)
 - 2017: A total of 10,575 individual birds were observed and recorded during bird week (Table 1)
 - 2018: A total of 11,586 individual birds were observed and recorded during bird week (Table 1, Figure 2)
- 2016: 132 bird species were recorded (Table 1)
 - 2017: 158 bird species were recorded (Table 1)
 - 2018: 162 bird species were recorded (Table 1)

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

- 23 bird species detected in the 2018 Aussie Backyard Bird Count were not detected in either the 2017 or 2016 Aussie Backyard Bird Counts. 21 species were detected in 2017 that were not detected in either 2018 or 2016. Six species were only detected in 2016 within the Bathurst Regional Council boundaries (Table 1).
- 2016: The reporting rate for species (percentage of surveys a species was detected in) ranged from 0.40% to 62.95% (Table 1).
 - 2017: The reporting rate for species ranged from 0.28% to 64.23% (Table 1).
 - 2018: The reporting rate for species ranged from 0.27% to 72.58% (Table 1).

Species which had lots of individuals detected but were associated with a low reporting rate indicates that multiple birds were detected within single surveys (i.e. seen in large flocks).

• 45 registered schools (kindergarten to high school) participated in the Aussie Backyard Bird Count within New South Wales which comprised of 377 participants submitting 147 checklists totalling 4,826 birds counted representing 112 bird species

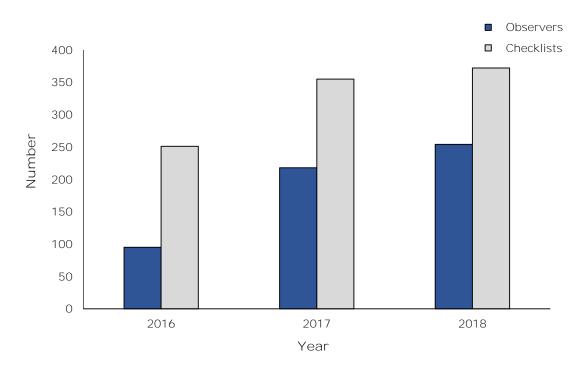


Figure 1: Comparison of the number of observers and number of checklists submitted within the Bathurst Regional Council boundaries during the Aussie Backyard Bird Count over the last three years (2016-2018).

birds are in our nature

Table 1: The complete species list, number of individuals observed and reporting rate within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count.

Pird Species		Count		Repo	orting rate	(%)
Bird Species	2016	2017	2018	2016	2017	2018
House Sparrow*	464	985	1485	33.07	40.28	40.32
Common Starling*	954	982	1039	54.18	36.90	37.37
Australian Magpie	579	806	1027	62.95	64.23	72.58
Galah	509	554	670	37.45	26.48	31.72
Crimson Rosella	349	380	626	43.82	31.55	36.83
Crested Pigeon	306	376	550	38.65	36.34	43.55
Common Blackbird*	206	540	505	29.48	35.21	28.76
Magpie-lark	188	314	334	37.05	38.03	38.71
Sulphur-crested Cockatoo	349	308	313	25.90	16.34	13.98
Red-rumped Parrot	374	147	292	31.87	11.55	18.82
Australian Wood Duck	63	225	277	7.17	10.99	11.02
Superb Fairy-wren	336	409	270	33.07	34.08	23.92
Red Wattlebird	143	197	241	24.30	25.63	21.51
Australian King-Parrot	151	164	237	17.13	19.15	22.31
Pied Currawong	101	208	218	23.11	23.10	21.51
Noisy Miner	69	316	207	6.77	16.90	10.75
Australian Raven	171	113	198	27.09	14.65	22.04
Eastern Rosella	133	137	192	19.52	11.55	17.47
Willie Wagtail	102	223	192	24.70	28.45	22.31
Pacific Black Duck	21	238	172	3.98	6.48	6.72
Little Wattlebird	7	133	160	1.20	12.39	13.71
Common Myna*	63	40	133	9.56	5.07	9.95
White-winged Chough	99	121	123	6.37	6.20	6.99
Welcome Swallow	148	174	118	24.30	15.77	11.02
Dusky Woodswallow (VU)	2	20	117	0.40	2.82	6.18
Laughing Kookaburra	30	59	97	6.77	9.01	11.56
Silvereye	90	91	96	11.16	11.83	5.91
Red-browed Finch	115	64	86	6.37	5.92	5.38
Rock Dove*	119	184	78	3.59	5.07	3.76
Grey Fantail	69	51	72	12.35	8.17	8.87
Weebill	20	13	63	2.79	0.85	3.49
Black-faced Cuckoo-shrike	47	37	62	13.15	7.32	8.87
Yellow-rumped Thornbill	48	94	59	5.18	7.04	5.38
Common Greenfinch*	1	33	57	0.40	3.10	2.96
Masked Lapwing	11	47	47	1.99	6.20	6.99
Striated Pardalote	17	27	45	3.19	3.38	4.57

Co			ount Reporting rate (%			(%)
Bird Species	2016	2017	2018	2016	2017	2018
Yellow-tailed Black-Cockatoo	42	111	40	2.79	4.79	1.88
Noisy Friarbird	42	71	39	6.77	9.58	7.53
Rainbow Lorikeet	20	26	38	1.99	2.54	2.15
Yellow-faced Honeyeater	52	56	37	7.57	6.20	4.03
Yellow Thornbill	47	51	35	4.38	4.23	2.96
White-browed Scrubwren	25	42	34	4.78	5.07	3.49
White-plumed Honeyeater	8	53	34	1.99	5.63	2.69
Common Bronzewing	31	14	33	1.99	2.54	3.49
Eastern Spinebill	26	45	31	5.58	8.45	3.49
Grey Shrike-thrush	7	20	30	1.99	4.23	3.49
Zebra Finch	4	20	27	1.20	1.69	1.34
Buff-rumped Thornbill	34	43	25	4.38	2.82	2.42
Diamond Firetail (VU)	12	2	24	1.59	0.56	1.08
Spotted Pardalote	23	38	24	4.78	4.51	2.42
Australasian Pipit	5	2	23	1.99	0.28	1.88
Little Corella	27	43	23	2.39	1.41	1.61
Grey Butcherbird	21	31	22	5.98	7.04	4.03
Brown Honeyeater	7	10	20	1.99	1.69	3.23
Brown Thornbill	18	19	20	2.79	2.54	0.81
Double-barred Finch	62	35	20	4.38	3.10	1.61
Horsfield's Bushlark	3	0	20	0.40	0.00	1.34
Rufous Songlark	1	5	16	0.40	1.41	2.96
Domestic Duck*	0	1	15	0.00	0.28	1.61
Rainbow Bee-eater	11	4	15	0.80	0.28	1.88
Wedge-tailed Eagle	21	12	15	3.98	1.69	2.42
Australian Reed-Warbler	4	16	14	0.80	1.97	1.34
Peaceful Dove	3	23	14	0.80	2.54	2.15
Rufous Whistler	30	27	14	7.97	5.63	2.96
White-eared Honeyeater	40	36	14	4.78	3.38	2.42
Fairy Martin	0	38	13	0.00	2.25	0.27
Gang-gang Cockatoo	3	7	12	0.40	1.13	1.34
Spotted Dove*	6	3	12	1.20	0.56	0.81
White-faced Heron	10	12	12	2.39	2.82	2.42
Brown-headed Honeyeater	7	4	11	1.59	0.56	0.81
Dollarbird	2	9	11	0.80	1.41	1.61
Pallid Cuckoo	0	5	11	0.00	1.41	2.42
Pink-eared Duck	0	0	11	0.00	0.00	0.27
Restless Flycatcher	1	5	11	0.40	0.85	1.08
Sacred Kingfisher	8	7	11	1.59	1.97	2.96

51.10		Count		Repo	orting rate	(%)
Bird Species	2016	2017	2018	2016	2017	2018
Brown Treecreeper (VU)	2	12	10	0.80	1.41	1.61
Eastern Yellow Robin	1	1	9	0.40	0.28	0.81
Fan-tailed Cuckoo	4	0	9	1.20	0.00	1.88
Australian White Ibis	36	27	8	0.80	1.69	0.81
Budgerigar	0	0	8	0.00	0.00	1.08
Jacky Winter	0	5	8	0.00	0.85	1.34
Little Lorikeet (VU)	0	0	8	0.00	0.00	0.81
Nankeen Night-Heron	0	0	8	0.00	0.00	0.81
Red-browed Treecreeper	0	1	8	0.00	0.28	1.61
Singing Honeyeater	7	2	8	2.39	0.28	1.08
White-throated Treecreeper	25	31	8	5.58	4.23	1.34
Dusky Moorhen	3	13	7	0.80	1.41	0.54
Glossy Black-Cockatoo (VU)	9	4	7	0.40	0.28	0.81
Leaden Flycatcher	4	3	7	1.20	0.56	1.34
Plum-headed Finch	0	2	7	0.00	0.56	0.54
Domestic Goose*	0	3	6	0.00	0.28	0.54
Eastern Koel	13	12	6	1.99	2.54	1.61
Australasian Darter	0	0	5	0.00	0.00	0.54
Black-tailed Native-hen	0	0	5	0.00	0.00	0.27
Eurasian Skylark*	0	0	5	0.00	0.00	0.54
Pied Butcherbird	3	6	5	1.20	1.41	0.81
Tawny Frogmouth	0	5	5	0.00	0.85	1.34
Australian Pelican	0	13	4	0.00	0.28	0.27
Black-eared Cuckoo	2	5	4	0.40	0.56	0.81
Diamond Dove	0	11	4	0.00	1.13	0.27
Grey Teal	4	3	4	0.40	0.28	0.54
Lewin's Honeyeater	3	8	4	0.80	1.41	0.54
Mistletoebird	3	10	4	1.20	1.69	0.54
Nankeen Kestrel	2	4	4	0.40	1.13	1.08
Painted Honeyeater (VU)	0	1	4	0.00	0.28	0.81
Turquoise Parrot (VU)	4	2	4	0.40	0.28	0.27
Australasian Gannet	0	0	3	0.00	0.00	0.27
Black Duck-Mallard hybrid*	0	80	3	0.00	0.28	0.54
Black Kite	0	0	3	0.00	0.00	0.54
Brown Goshawk	5	1	3	1.99	0.28	0.81
European Goldfinch*	2	18	3	0.40	1.97	0.27
Fuscous Honeyeater	0	0	3	0.00	0.00	0.54
Horsfield's Bronze-Cuckoo	1	2	3	0.40	0.56	0.81
Little Grassbird	0	41	3	0.00	1.13	0.54
Ettilo Orassolia	O	71	J	0.00	1.10	0.54

51.10	Count Repor			orting rate	(%)	
Bird Species	2016	2017	2018	2016	2017	2018
Little Raven	3	11	3	0.80	1.41	0.27
Muscovy Duck*	0	0	3	0.00	0.00	0.54
Northern Mallard*	0	10	3	0.00	1.13	0.27
Peregrine Falcon	0	1	3	0.00	0.28	0.81
Pied Cormorant	1	0	3	0.40	0.00	0.27
Satin Bowerbird	0	15	3	0.00	1.13	0.81
Spangled Drongo	0	0	3	0.00	0.00	0.54
Spiny-cheeked Honeyeater	0	1	3	0.00	0.28	0.54
Australasian Shoveler	1	0	2	0.40	0.00	0.27
Azure Kingfisher	6	0	2	0.80	0.00	0.27
Bell Miner	0	0	2	0.00	0.00	0.27
Black-chinned Honeyeater (VU)	13	0	2	1.20	0.00	0.27
Black-fronted Dotterel	0	0	2	0.00	0.00	0.27
Brown Songlark	0	0	2	0.00	0.00	0.54
Cockatiel	2	0	2	0.40	0.00	0.54
Eurasian Coot	9	7	2	0.40	0.85	0.27
Golden Whistler	5	0	2	0.80	0.00	0.54
Golden-headed Cisticola	0	3	2	0.00	0.28	0.27
Hooded Robin (VU)	3	1	2	0.80	0.28	0.27
Olive-backed Oriole	1	0	2	0.40	0.00	0.54
Pied Stilt	0	0	2	0.00	0.00	0.27
Satin Flycatcher	2	0	2	0.40	0.00	0.54
Superb Parrot (VU)	1	5	2	0.40	0.56	0.27
White-winged Triller	0	4	2	0.00	1.13	0.54
Australasian Grebe	0	3	1	0.00	0.28	0.27
Australian Hobby	2	1	1	0.80	0.28	0.27
Australian Owlet-nightjar	0	0	1	0.00	0.00	0.27
Australian Shelduck	0	0	1	0.00	0.00	0.27
Black Falcon (VU)	0	0	1	0.00	0.00	0.27
Black-shouldered Kite	2	0	1	0.80	0.00	0.27
Blue-faced Honeyeater	0	0	1	0.00	0.00	0.27
Brown Quail	1	1	1	0.40	0.28	0.27
Crested Shrike-tit	0	1	1	0.00	0.28	0.27
Grey Currawong	6	9	1	1.20	0.85	0.27
Latham's Snipe	Ο	2	1	0.00	0.28	0.27
Little Black Cormorant	0	105	1	0.00	0.85	0.27
Little Friarbird	0	10	1	0.00	1.13	0.27
Red-backed Kingfisher	0	0	1	0.00	0.00	0.27
Scarlet Robin (VU)	1	3	1	0.40	0.56	0.27

51.10	Count Reporting rate ((%)		
Bird Species	2016	2017	2018	2016	2017	2018
Shining Bronze-Cuckoo	0	0	1	0.00	0.00	0.27
Southern Boobook	2	0	1	0.80	0.00	0.27
Straw-necked Ibis	2	0	1	0.40	0.00	0.27
Striped Honeyeater	10	12	1	1.20	1.13	0.27
Variegated Fairy-wren	4	2	1	0.40	0.28	0.27
Western Gerygone	0	10	1	0.00	1.41	0.27
White-browed Woodswallow	0	0	1	0.00	0.00	0.27
White-necked Heron	0	1	1	0.00	0.28	0.27
White-throated Gerygone	5	4	1	1.20	0.56	0.27
Barn Owl	2	0	0	0.40	0.00	0.00
Bar-shouldered Dove	2	0	0	0.80	0.00	0.00
Black Swan	0	30	0	0.00	0.28	0.00
Black-faced Woodswallow	0	4	0	0.00	0.56	0.00
Blue-faced Honeyeater	0	5	0	0.00	0.85	0.00
Brown Falcon	9	1	0	3.19	0.28	0.00
Brown Gerygone	4	0	0	0.80	0.00	0.00
Cattle Egret	22	1	0	0.80	0.28	0.00
Chestnut Teal	2	0	0	0.40	0.00	0.00
Chestnut-rumped Heathwren	2	5	0	0.40	0.56	0.00
Collared Sparrowhawk	0	1	0	0.00	0.28	0.00
Emu	0	5	0	0.00	0.28	0.00
Eurasian Tree Sparrow*	8	9	0	0.80	0.56	0.00
Freckled Duck (VU)	1	0	0	0.40	0.00	0.00
Fork-tailed Swift	0	4	0	0.00	0.56	0.00
Great Cormorant	0	6	0	0.00	0.28	0.00
Great Egret	0	1	0	0.00	0.28	0.00
Hardhead	0	5	0	0.00	0.28	0.00
Little Eagle (VU)	2	2	0	0.80	0.56	0.00
Little Pied Cormorant	0	2	0	0.00	0.56	0.00
Masked Woodswallow	1	11	0	0.40	0.56	0.00
Musk Lorikeet	6	2	0	0.80	0.28	0.00
New Holland Honeyeater	2	5	0	0.80	0.56	0.00
Powerful Owl (VU)	0	2	0	0.00	0.28	0.00
Red-capped Robin	1	6	0	0.40	1.69	0.00
Regent Honeyeater (Cr End)	2	0	0	0.40	0.00	0.00
Red-winged Parrot	0	2	0	0.00	0.28	0.00
Rufous Fantail	1	1	0	0.40	0.28	0.00
Scarlet Honeyeater	0	2	0	0.00	0.28	0.00
Silver Gull	4	111	0	0.40	0.56	0.00

Dird Species	Count			Repo	orting rate	(%)
Bird Species	2016	2017	2018	2016	2017	2018
Striated Thornbill	21	21	Ο	1.59	1.69	0.00
Tawny Grassbird	0	1	0	0.00	0.28	0.00
Tree Martin	0	12	0	0.00	0.28	0.00
Whistling Kite	2	6	0	0.40	1.41	0.00
White-breasted Woodswallow	0	2	0	0.00	0.28	0.00
White-fronted Chat (VU)	0	3	0	0.00	0.56	0.00
Yellow-billed Spoonbill	0	1	0	0.00	0.28	0.00
Yellow-throated Scrubwren	0	2	0	0.00	0.28	0.00

^{*} Introduced species; VU = Vulnerable; Cr End = Critically Endangered (BirdLife Australia, 2018; NSW Government, 2018).

3. Distribution Map

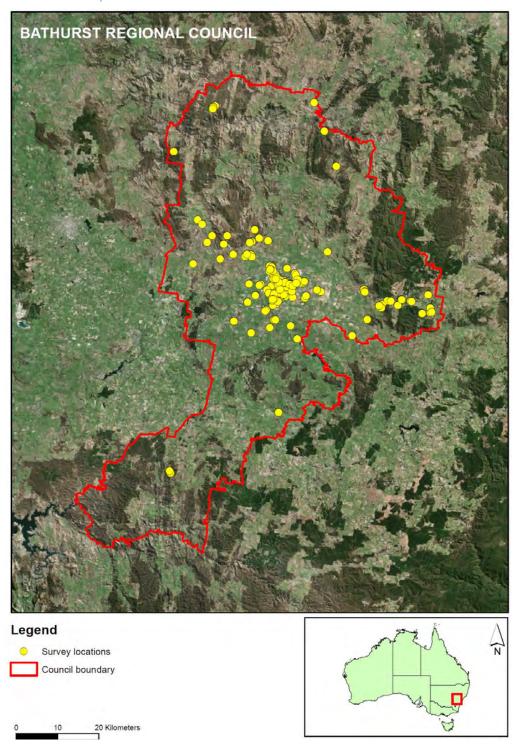


Figure 2: Bird observations recorded within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count. Bird observations recorded in a single survey overlap as they have the same GPS co-ordinates.

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

4. Species List: Least Common

The least commonly observed bird species recorded within the Bathurst Regional Council boundaries all corresponded to one single observation and included:

- Australasian Grebe
- Australian Hobby
- Australian Owlet-nightjar
- Australian Shelduck
- Black-shouldered Kite
- Black Falcon (VU)
- Blue-faced Honeyeater
- Brown Quail
- Crested Shrike-tit
- Grey Currawong
- Latham's Snipe
- Little Black Cormorant

- Little Friarbird
- Red-backed Kingfisher
- Scarlet Robin (VU)
- Shining Bronze-cuckoo
- Southern Boobook
- Straw-necked Ibis
- Striped Honeyeater
- Variegated Fairy-wren
- Western Gerygone
- White-browed Woodswallow
- White-necked Heron
- White-throated Gerygone

All of the least commonly detected birds are native to Australia. Two of the listed species, the Black Falcon and Scarlet Robin, are listed as Vulnerable in New South Wales, while the remaining species are considered to have secure populations within New South Wales. The declining populations of the threatened bird species in New South Wales may account for the single observations recorded for these species during bird week.

Four of the least commonly detected species are raptors, two species are nocturnal and seven species are associated with water habitats. The behaviours and habitat requirements of these species may account for the single observations recorded during bird week, especially if the majority of surveys are occurring in people's backyards during daylight hours.

5. Species List: Most Common

The ten most commonly observed bird species recorded within the Bathurst Regional Council boundaries ranged from 1,485 to 292 observations and included both native and introduced species (Figure 3). All ten species are considered to have secure populations within New South Wales.

Of the top ten species, the Sulphur-crested Cockatoo was also in the top three species counted within New South Wales during the Aussie Backyard Bird Count (Figure 3; Appendix 1). The number of Sulphur-crested Cockatoos observed within the Bathurst Regional Council represented 0.6% of the total number of birds recorded for the species within the entire state. The introduced House Sparrow, which was the most commonly observed species within the Bathurst Regional Council during bird week, was the fifth most frequently counted bird nationally (Figure 3; Appendix 1). Overall, four of the most commonly detected bird species in the Bathurst Regional Council were in the top ten most commonly recorded species nationwide (Appendix 1). The Rainbow Lorikeet which was the most counted bird species both nationally and in New South Wales was not amongst the top ten counted birds within the Bathurst Regional Council.

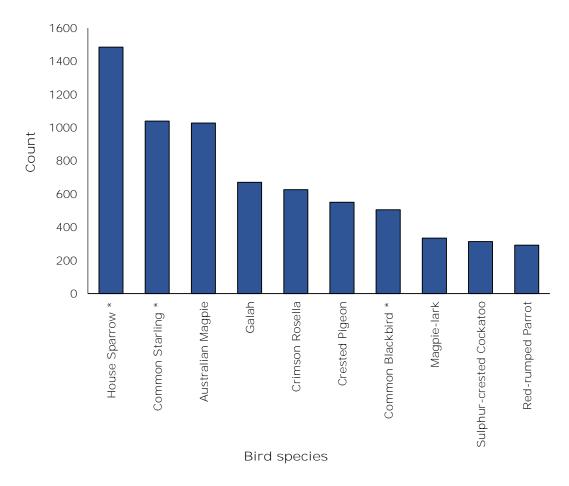


Figure 3: The ten most commonly observed bird species within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count. *Indicates introduced species.

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

All but one (the Sulphur-crested Cockatoo) of the ten most commonly detected species recorded within the Bathurst Regional Council boundaries had higher reporting rates compared to the New South Wales and national reporting rates (Figure 4). The Sulphur-crested Cockatoo was detected in a higher proportion of surveys within New South Wales and nationally. Of interest, the three introduced bird species were recorded in significantly higher proportions of surveys within the Bathurst Regional Council boundaries than the species did both in New South Wales and national surveys (Figure 4). As in 2017, the Australian Magpie was detected in over half of the surveys conducted within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count.

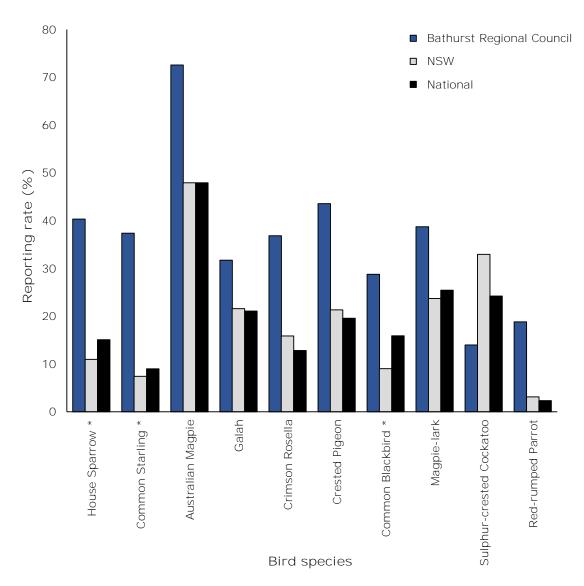


Figure 4: Comparison between the reporting rates of the top ten counted species during the 2018 Aussie Backyard Bird Count within the Bathurst Regional Council boundaries, New South Wales and nationally. *Indicates introduced species.

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

6. Introduced Species

Fourteen introduced bird species were observed and recorded within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count (Table 2, Figure 5). Introduced species were observed all throughout the council's boundaries but were not detected from the northern-most and southern-most areas including Trunkey Creek, Peel, Wattle Flat and Hill End (Figures 5, 6). The majority of the recorded introduced species overlapped in their distribution, however, the European Goldfinch and Northern Mallard were only recorded in one survey each located in White Rock and Kelso respectively (Figure 5). The highest concentrations of introduced species occurred in Bathurst (816 birds) and Eglinton (752 birds; Figure 6).

The House Sparrow was the most commonly recorded introduced species within the Bathurst Regional Council, followed by the Common Starling (Table 2). The number of individuals counted for these two species were over double that of the Common Blackbird which was the third most commonly detected introduced species (Table 2). Of the introduced species detected, the House Sparrow was recorded in the most surveys, being recorded in 40% of all the surveys conducted in the Bathurst Regional Council (Table 2). A high bird count relative to surveys conducted indicates that observers encounter multiple individuals either throughout the duration of the survey period or all together (e.g. in a flock; Table 2).

Table 2: Survey statistics for the introduced bird species recorded within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count.

Species	Count	Proportion of total count (%)	Number of surveys detected in	Reporting rate (%)
House Sparrow	1485	12.82	150	40.32
Common Starling	1039	8.97	139	37.37
Common Blackbird	505	4.36	107	28.76
Common Myna	133	1.15	37	9.95
Rock Dove	78	0.67	14	3.76
Common Greenfinch	57	0.49	11	2.96
Domestic Duck	15	0.13	6	1.61
Spotted Dove	12	0.10	3	0.81
Domestic Goose	6	0.05	2	0.54
Eurasian Skylark	5	0.04	2	0.54
Black Duck-Mallard hybrid	3	0.03	2	0.54
European Goldfinch	3	0.03	1	0.27
Muscovy Duck	3	0.03	2	0.54
Northern Mallard	3	0.03	1	0.27

birds are in our nature

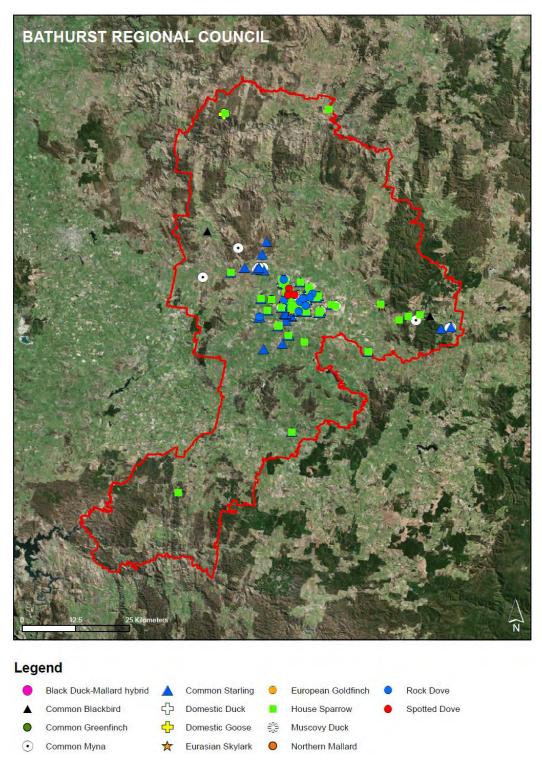
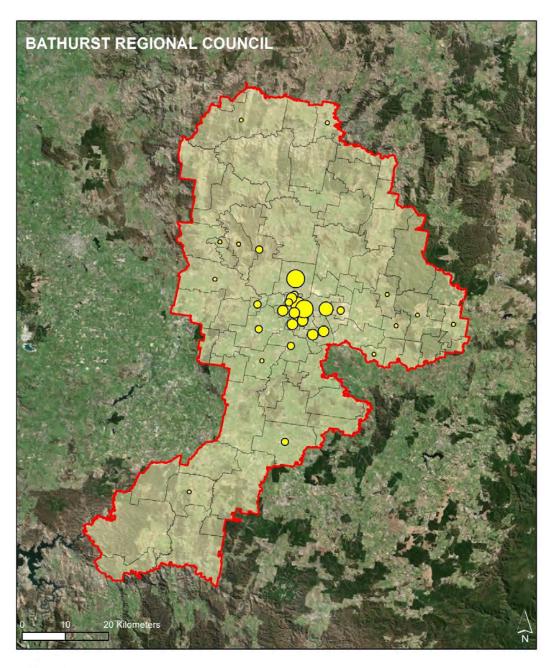


Figure 5: Distribution of the introduced bird species recorded within the Bathurst Regional Council boundaries (red line) during the 2018 Aussie Backyard Bird Count. Bird observations recorded in a single survey overlap as they have the same GPS coordinates.



Legend

- o 1 22
- 0 23 67
- O 68 171
- 172 273
- 274 816

Figure 6: Number of introduced birds recorded per suburb within the Bathurst Regional Council boundaries (red line) during the 2018 Aussie Backyard Bird Count.

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

7. Native Species of Management Concern

Since European settlement, over 80% of Australia's temperate woodlands have been cleared resulting in many woodland-dependent bird species experiencing population declines resulting in species becoming threatened (BirdLife Australia, 2019). The temperate south-eastern regions of Australia have experienced the largest number of woodland species declines. In response to the documented declines in woodland bird species, BirdLife Australia has implemented the *Woodland Birds for Biodiversity Project* to enhance the conservation of declining and threatened woodland bird species. This project builds on the recovery efforts of the Critically Endangered Regent Honeyeater which has been the focus of long-term intensive recovery initiatives by BirdLife Australia and due to their high profile, act as a flagship species for the conservation of other threatened woodland bird species. The *Woodland Birds for Biodiversity Project* aims to:

- Monitor habitat restoration activities and bird populations to determine priority habitat sites and population trends
- Identify and monitor climate change impacts on woodland habitat and woodland-dependent bird species
- Improve the management and protection of woodland habitat on private and public land
- Restoration and revegetation of areas to improve the amount of available habitat and connectivity of this habitat
- Community education and involvement in survey efforts and monitoring

Seven threatened woodland-associated bird species were detected within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count (Table 3; Figure 7):

- Black-chinned Honeyeater (Vulnerable)
- Brown Treecreeper (Vulnerable)
- Diamond Firetail (Vulnerable)
- Dusky Woodswallow (Vulnerable)
- Hooded Robin (Vulnerable)
- Painted Honeyeater (Vulnerable)
- Scarlet Robin (Vulnerable)

Numerous species of Australian parrots are threatened in Australia. Across Australia, each species of parrot faces its own set of conservation challenges. However, the majority of parrot species are experiencing population declines due to the lack of suitable nesting sites, particularly tree hollows which parrots are dependent on especially for successful breeding, and reliable food access. Habitat loss and modification is decreasing the number of tree hollows available for threatened parrot species to nest in and the hollows that do remain are fiercely competed over which are won and subsequently used by the more aggressive bird species (e.g. Crimson Rosellas, Galahs, Starlings) and marsupials (BirdLife Australia, 2019). Without a suitably sized tree hollow, parrots are unable to breed during the breeding season.

birds are in our nature

Aussie Backyard Bird Count 2018
Date: March 2019

Four threatened parrot species were detected within the Bathurst Regional Council boundaries (Table 3; Figure 7):

- Glossy Black-cockatoo (Vulnerable)
- Little Lorikeet (Vulnerable)
- Superb Parrot (Vulnerable)
- Turquoise Parrot (Vulnerable)

A number of Australian raptor species are also threatened due to habitat destruction and fragmentation, loss of nesting hollows and declining prey availability. One Vulnerable raptor species was detected within the Bathurst Regional Council boundaries (Table 3; Figure 7):

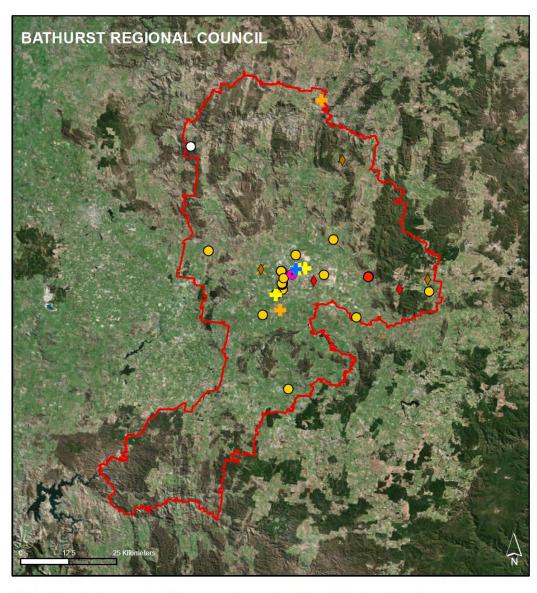
- Black Falcon (Vulnerable)

Table 3: Survey statistics for the threatened bird species recorded within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count.

Species	Count	Number of surveys detected in	Reporting rate (%)
Black Falcon (VU)	1	1	0.27
Black-chinned Honeyeater (VU)	2	1	0.27
Brown Treecreeper (VU)	10	6	1.61
Diamond Firetail (VU)	24	4	1.08
Dusky Woodswallow (VU)	117	23	6.18
Glossy Black-Cockatoo (VU)	7	3	0.81
Hooded Robin (VU)	2	1	0.27
Little Lorikeet (VU)	8	3	0.81
Painted Honeyeater (VU)	4	3	0.81
Scarlet Robin (VU)	1	1	0.27
Superb Parrot (VU)	2	1	0.27
Turquoise Parrot (VU)	4	1	0.27

VU = Vulnerable (BirdLife Australia, 2018; NSW Government, 2018).

birds are in our nature



Legend



Figure 7: Distribution of the threatened NSW bird species within the Bathurst Regional Council boundaries (red line) during the 2018 Aussie Backyard Bird Count. Bird observations recorded in a single survey overlap as they have the same GPS coordinates.

birds are in our nature

8. Species-specific results

8.1 Common Myna

During the 2018 ABBC, 133 Common Mynas were counted within the Bathurst Regional Council boundaries making them 22nd most frequently encountered bird species in the region. The total number observed has increased during the ABBC over the last three years (Figures 8, 9). Standardised count results indicate that Common Mynas have increased since 2016, with a slight decrease occurring in 2017 compared to 2016 (Appendix 2). Common Mynas were detected in 37 surveys in 2018 which has increased since 2016 (Figure 8).

The reporting rate of Common Mynas within the Bathurst Regional Council boundaries was 9.95% (Table 1). This was higher than the reporting rate for the species in both 2017 (5.07%) and 2016 (9.56%). The 2018 reporting rate is lower than the New South Wales reporting rate for the species (20.25%) indicating that Common Mynas were observed in a higher proportion of surveys throughout the entire state.

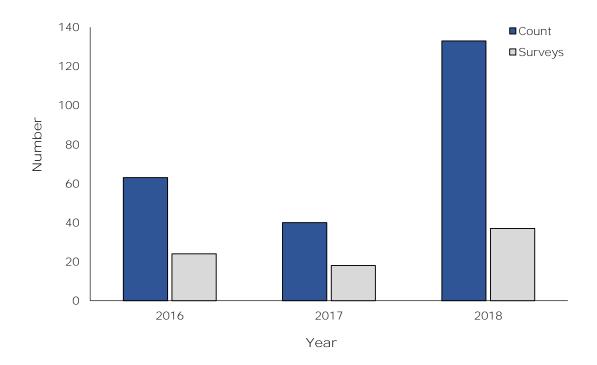


Figure 8: Comparison of the number of Common Mynas counted and the number of surveys Common Mynas were detected in over the last three Aussie Backyard Bird Counts.

Common Mynas were largely observed throughout the central region of the Council's LGA, with no observations occurring in either the northern or southern regions (Figure 9). As in the 2016 and 2017 Aussie Backyard Bird Counts, the highest density of Common Mynas was situated in the urban areas of Bathurst (Figure 9).

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

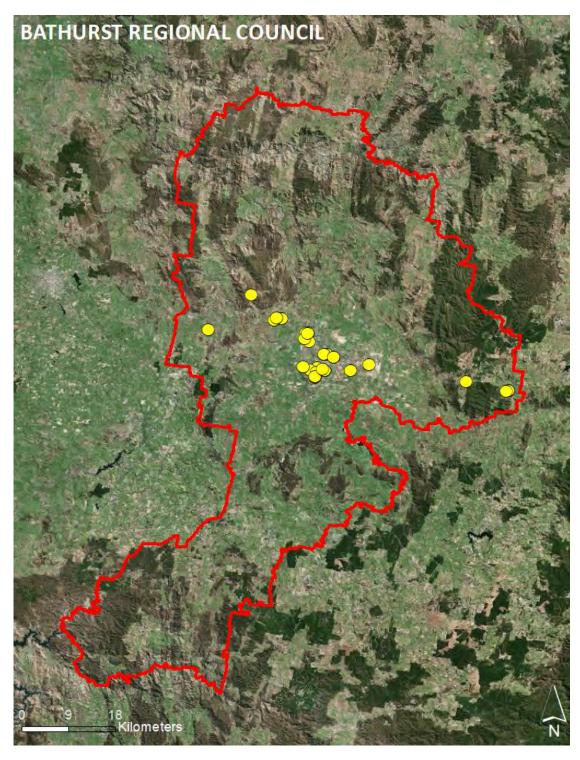


Figure 9: Distribution of Common Mynas within the Bathurst Regional Council boundaries (red line) during the 2018 Aussie Backyard Bird Count. Bird observations recorded in a single survey overlap as they have the same GPS co-ordinates.

8.2 Laughing Kookaburra

A total of 97 Laughing Kookaburras were counted within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count making them 26th most frequently encountered bird species in the region. The total number of individuals counted has increased over the last three Aussie Backyard Bird Counts (Figures 10, 11). Standardised count results also indicate an increase in the number of individuals counted in 2018, while a similar number of birds were counted in 2017 and 2016 (Appendix 2). Laughing Kookaburras were detected in 43 surveys which has increased since 2016 (Figure 10).

The reporting rate of Laughing Kookaburras within the Bathurst Regional Council boundaries was 11.56% (Table 1). This was the highest reporting rate for the species since 2017 (9.01%) and 2016 (6.77%). The 2018 reporting rate is lower than the New South Wales reporting rate for the species (23.46%) indicating that Laughing Kookaburras were observed in a higher proportion of surveys throughout the entire state.

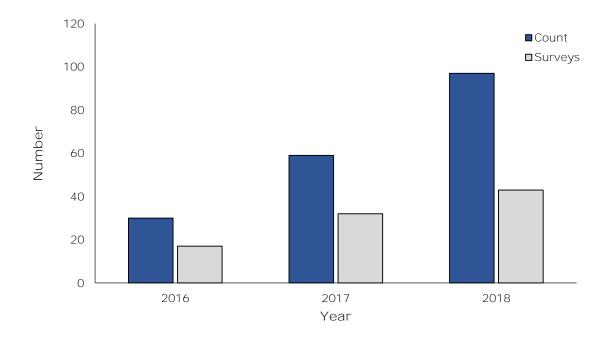


Figure 10: Comparison of the number of Laughing Kookaburras counted and the number of surveys Laughing Kookaburras were detected in over the last three Aussie Backyard Bird Counts.

Laughing Kookaburras were largely observed throughout the central region of the Council's LGA, with some observations occurring in Trunkey Creek, Gowan, Hill End and Crudine (Figure 11). The highest number of Laughing Kookaburras were recorded in Crudine (22 birds) followed by Yetholme (18 birds).

birds are in our nature

Aussie Backyard Bird Count 2018 Date: March 2019

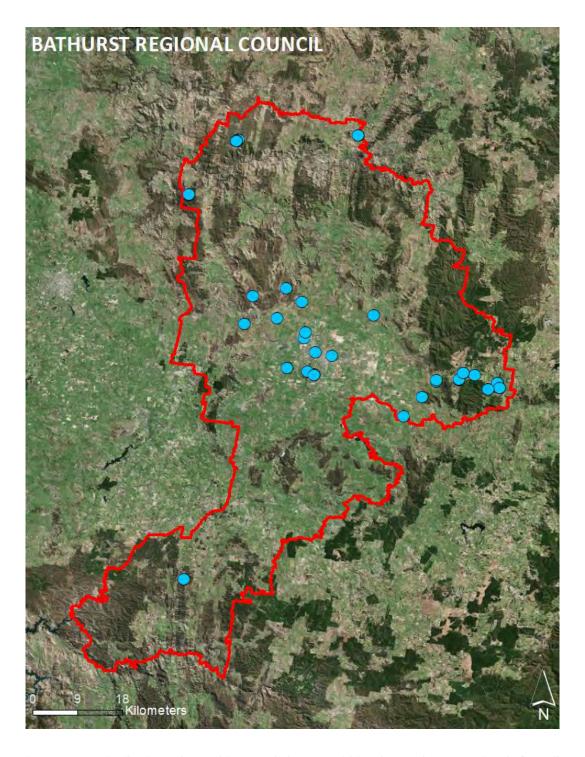


Figure 11: Distribution of Laughing Kookaburras within the Bathurst Regional Council boundaries (red line) during the 2018 Aussie Backyard Bird Count. Bird observations recorded in a single survey overlap as they have the same GPS coordinates.

8.3 Diamond Firetail

The Diamond Firetail is a threatened species within New South Wales with a conservation listing of Vulnerable. Within New South Wales, the distribution of the species is primarily west of the Great Dividing Range. Population numbers have declined in many parts of its range with the species disappearing completely from other areas. The main threats to Diamond Firetail populations is habitat fragmentation, habitat degradation (including from increased grazing pressures) and loss of habitat (populations require patches of native vegetation 200ha or more in size; Major et al., 1996). This impedes dispersal, lowers genetic diversity of local populations and increases the risk of extinction through stochastic events (Barrett et al., 1994). Furthermore, fragmented habitat remnants may lead to increased nest predation by avian predators such as Australian Ravens and Pied Currawongs (Major et al., 1996).

Twenty-four Diamond Firetails were counted within the Bathurst Regional Council boundaries during the 2018 Aussie Backyard Bird Count making them 49th most frequently encountered bird species in the region. The total number observed has increased substantially during the ABBC over the last three years (Figures 12, 13). Standardised count results also indicate that double the number of Diamond Firetails have been counted since 2016 and a significant increase in numbers were counted compared to 2017 (Appendix 2). Diamond Firetails were detected in four surveys in 2018 which was the same as in 2016 and was twice as many surveys than in 2017 (Figure 12). Diamond Firetails were recorded in Mount Panorama (9 birds, 2 surveys), White rock (6 birds, 1 survey) and Yetholme (9 birds, 1 survey; Figure 13).

The reporting rate of Diamond Firetails within the Bathurst Regional Council boundaries was 1.08% (Table 1). This was higher than the reporting rate in 2017 (0.56%) but lower than in 2016 (1.59%). The 2018 reporting rate is higher than the New South Wales reporting rate for the species (0.19%) indicating that Diamond Firetails were observed in a higher proportion of surveys throughout the Bathurst Regional Council region compared to the entire state.

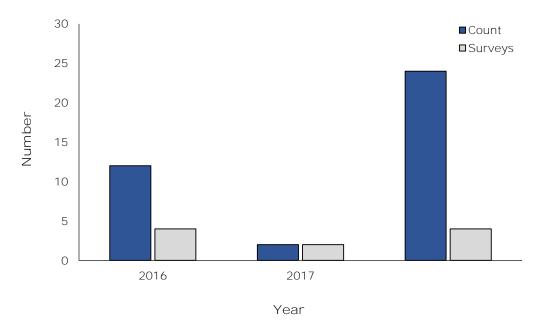


Figure 12: Comparison of the number of Diamond Firetails counted and the number of surveys Diamond Firetails were detected in over the last three Aussie Backyard Bird Counts.

birds are in our nature

Aussie Backyard Bird Count 2018

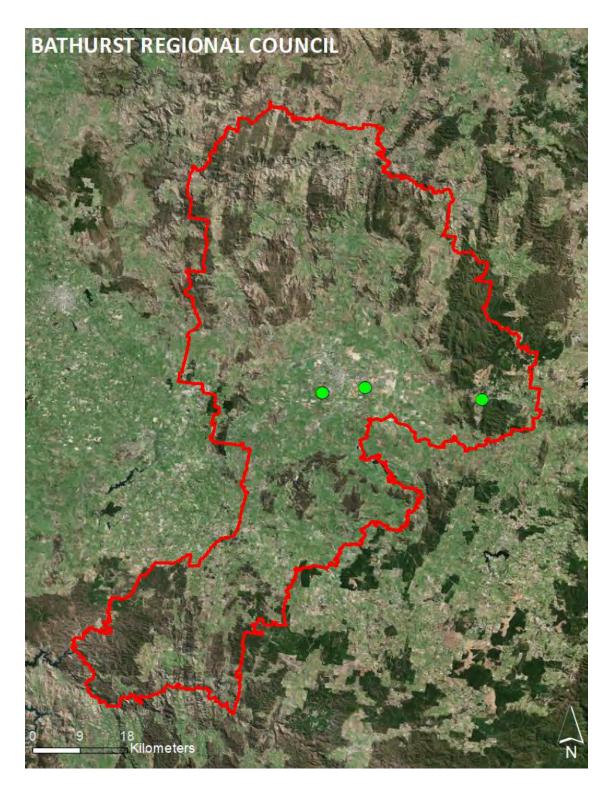


Figure 13: Distribution of Diamond Firetails within the Bathurst Regional Council boundaries (red line) during the 2018 Aussie Backyard Bird Count. Bird observations recorded in a single survey overlap as they have the same GPS co-ordinates.

Aussie Backyard Bird Count 2018

9. Data Limitations

An annual backyard bird survey occurring in gardens across Australia has the potential to be an extremely valuable monitoring tool for Australian bird species and communities. Over years, data collected from regions can be used to detect population trends for target species (both native and introduced), for different species guilds and for bird communities within specific areas. For example, detection of regional and/or national changes in the abundance and distribution of species especially those of management concern, such as downward trends of native species, or upward trends of pest species. Subsequent management actions can therefore be implemented in response to the survey results.

However, some caution must be taken when interpreting the results from such a survey. The backyards that are surveyed will not constitute a random selection of backyards across Australia. Previous analyses of surveys of a similar nature have suggested that participants are more likely to be interested in birds and have more 'bird-friendly' gardens than the country as a whole (Dunn et al., 2005; Spurr, 2012). If this is correct, the number of birds reported from surveyed backyards could be higher than the average number present within a typical Australian backyard. Additionally, bird species that are more likely to utilise habitat associated with backyard gardens are more likely to be recorded, thus represented, in the dataset than species that are specialised to other habitat types such as forests or water bodies. The lack of presence of these species within the dataset does not imply low abundance or scarce distribution but rather their specific habitat was not represented in the survey.

The number of counted birds may also be over-inflated due to the potential for observers to count the same bird/s multiple times during their 20 minute survey period. Furthermore, some regions may have small sample sizes, with some areas being under-represented (or not represented at all) which will influence data interpretation and population trends within an area and across the country. Survey results are also subject to temporal biases and only provide information of bird communities within a one-week period during spring. Hence, the Aussie Backyard Bird Count survey can be said to monitor population and distribution trends within the backyards of participants during the particular time period, but results may not necessarily be applicable to Australia as a whole, or to the entire region specifically being analysed.

Furthermore, the GPS co-ordinates of surveys may not be completely accurate due to numerous factors. User error may occur when selecting their location through the app, as the placement of the survey flag may not precisely fall on their true location. However, the submitted co-ordinates will provide the general location where the survey occurred. Excluding user error, the accuracy of the GPS coordinates should fall within 5-50 metres as the app waits for up to 20 seconds to obtain an accurate GPS fix. If a GPS fix can't be found within this time, less accurate coordinates may be recorded. Being indoors, near tall buildings and heavy cloud cover can all lead to obtaining a poor GPS fix, or no GPS at all. Having Wi-Fi on and being near a Wi-Fi hotspot can give a fast, accurate result in the majority of cases, but occasionally this can also result in an inaccurate point in the case of a moving Wi-Fi hotspot. Most of the time this is not a problem, or will be picked up by the user when they are looking at the map. If the app can't get a GPS fix and can't use Wi-Fi then it will fall back to using mobile towers, which can reduce accuracy to 1 km or more. The accuracy when submitting surveys on the website is much less predictable than the app. Most computers do not have a GPS so co-ordinates are reliant on either Wi-Fi or the IP address. Wi-Fi can be guite accurate, but IP address-based locations are not - only identifying which city you live in.

birds are in our nature

Aussie Backyard Bird Count 2018
Date: March 2019

The skill and experience of observers conducting backyard surveys in correctly identifying birds will vary and also influence the validity of the survey results. The ABBC app provided the first instance of minimising incorrect species identifications by clearly indicating to the user if a species that they had selected to include on their checklist was "unlikely based on survey location". Once the survey data was collected in the BirdLife Australia office, data was further vetted based on species distribution information. While every effort was undertaken to vet the survey data of mis-identified birds, it is still probable that some mis-identifications will be included in the dataset and caution is needed when analysing the results. However, a previous study has implied that identification of species occurring in participants backyards are more likely to be correct as these species are familiar to the observer and are likely to be relatively common species (Cannon, 1999).

10. What Birds in Backyards (BIBY) Can Offer

We are fortunate in Australia to have such a diverse and colourful range of native birds that live amongst us in the urban landscape. These birds provide an opportunity for people to appreciate and connect with wildlife on a daily basis and increasingly, research is linking biodiversity with a person's quality of life. In Britain, bird life is so valued that the UK government uses information about their wild birds as a measure of the health of the environment as a whole. This environmental indicator is published alongside more familiar economic and social indicators and reinforces the point that the maintenance of biodiversity is a key part of sustainability.

But our urban bird communities in Australia are changing. Small birds, like Spinebills and Fairy-wrens, were once more common in parks or gardens are now disappearing and being replaced by large and aggressive species like the Noisy Miner and Pied Currawong. Changes in our gardening practices and increasing urbanisation seem to be largely responsible for this – the simplification of our gardens and the loss of shrubs has removed important food, shelter and nesting locations. If vegetation in gardens could be managed to promote a diversity of native bird species, it will provide a valuable secondary habitat for conserving native bird populations, particularly as natural habitat continues to be destroyed. In the urban landscape, engaging with the wider community is necessary in order to turn around this habitat loss and provides a unique opportunity to engage large numbers of the general community actively in the conservation of biodiversity.

Birds in Backyards (BIBY) encourages people to learn in their own space in order to establish an initial connection with the natural world in a somewhat unnatural setting. It is not simply about providing people with information about birds in their local area, but it is about building on that initial interest and encouraging people to learn more and then take action for birds. The program takes a three-pronged approach: LEARN about Aussie birds, PARTICIPATE in surveying, and CREATE habitat and change.

birds are in our nature

BIBY can work with your council to provide resources or collaborate on projects. For example:

- Hard copy materials such as A4 Backyard Birds of... posters (that can be made available in 6 languages), bookmarks, bird trading cards, gardening advice brochures
- Train the trainer workshops and associated materials or direct public workshops
- Ongoing monitoring programs for participants via our Backyard Bird surveys with feedback provided
- Children's engagement activities and school resources ask us about our Birds in Schools programs. Options available from fully supported to teacher-delivered

For more information, please contact Birds in Backyards Program Manager

Dr. Holly Parsons holly.parsons@birdlife.org.au

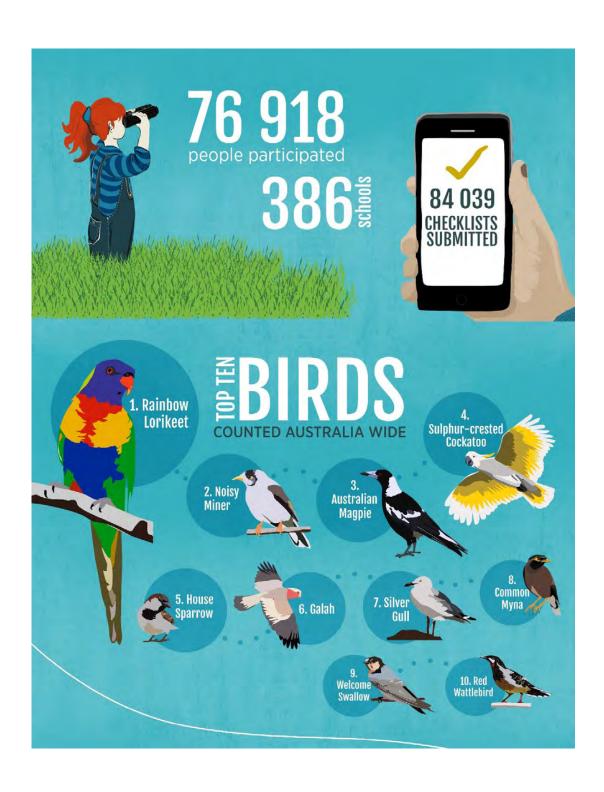
11. References

- Barrett, G.W., Ford, H.A. & Recher, H.F. (1994). Conservation of woodland birds in a fragmented rural landscape. *Pacific Conservation Biology*, 1: 245-256.
- BirdLife Australia (2018). *Working list of Australian birds v2.1.* Retrieved from http://BirdLife.org.au/conservation/science/taxonomy (accessed 30/11/2018).
- BirdLife Australia (2019). *Programs*. Retrieved from http://birdlife.org.au/programs/ (accessed 08/02/2019).
- Cannon, A. (1999). The significance of private gardens for bird conservation. *Bird Conservation International*, 9: 287-297.
- Dunn, E.H., Francis, C.M., Blancher, P.J., Drennan, S.R., Howe, M.A., Lepage, D., Robbins, C.S., Rosenberg, K.V., Sauer, JR., Smith, K.G. (2005). Enhancing the scientific value of the Christmas bird count. *The Auk*, 122: 338-346.
- Major, R., Gowing, G. & Kendal, C. (1996). Nest predation in Australian urban environments and the role of the Pied Currawong, *Strepera graculina*. *Australian Journal of Ecology*, 21: 399-409.
- NSW Government (2018). *Threatened Species*. Retrieved from http://www.environment.nsw.gov.au/threatenedSpeciesApp/SpeciesByType.aspx (accessed 15/12/2018).
- Spurr, E.B. (2012). New Zealand garden bird survey analysis of the first four years. *The New Zealand Journal of Ecology*, 36: 1-13.

12. Appendix 1 – 2018 ABBC Results



birds are in our nature





21–27 OCTOBER 2019



birds are in our nature

12. Appendix 2 – Standardised counts

The below table compares the standardised counts of the selected bird species within Section 8 of the report within the Bathurst Regional Council boundaries over the last three Aussie Backyard Bird Counts.

Year	Common Myna	Laughing Kookaburra	Diamond Firetail
2016	2.63	1.76	3.00
2017	2.22	1.84	1.00
2018	3.59	2.26	6.00

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT - ATTACHMENTS
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL
19 JUNE 2019

1 of 3

DIRECTOR OF CORPORATE SERVICES & FINANCE REPORT TO COUNCIL MEETING TO BE HELD 19 JUNE 2019

1. STATEMENT OF INVESTMENTS (16.00001)

\$69,780,000 was invested at 31/05/19

in accordance with Council's investment policies, the Ministers Investment Order dated 12th January 2011, the Local Government Act 1993, and associated regulations. All investments have been reconciled with Council's general ledger and are listed below;





Short	t Term 1 - 365 Days (Comprising Commercial Bills, Term Deposits, Debentures,	and	Average	
	ates of Deposits):		Return	
Ratings	s by S&P			
A1+	National Australia Bank Limited	15,000,000.00	2.71%	1.13%
A1+	Bankwest	4,500,000.00	2.75%	0.34%
A1+	CBA	1,500,000.00	2.71%	0.11%
A1+	Westpac	1,500,000.00	2.81%	0.12%
A2	Bank of Queensland Limited	1,500,000.00	2.69%	0.11%
A2	Bendigo & Adelaide	3,000,000.00	2.70%	0.22%
A2	IMB	1,500,000.00	2.66%	0.11%
A2	Auswide Bank*	1,500,000.00	2.73%	0.11%
ADI	Maritime, Mining & Power Credit Union Limited	6,000,000.00	2.70%	0.45%
	*Credit rating to Auswide Bank issued by Fitch Ratings, equivalent Rating by S & P shown	36,000,000.00	2.71%	1.40%
Long	Term (Comprising Commercial Bills, Term Deposits, Debentures, and Bonds):			
_	g Rate Term Deposits			
AA-	CBA Deposit Plus (10/9/2020)	1,500,000.00	2.66%	0.32%
AA-	CBA Deposit Plus 1 (3/12/2020)	1,500,000.00	2.83%	0.34%
AA-	CBA Deposit Plus 2 (9/5/2021)	1,500,000.00	2.73%	0.32%
AA-	Westpac Coupon Select (9/11/2020)	2,000,000.00	2.67%	0.42%
AA-	Westpac Coupon Select (3/17/2020)	3,000,000.00	3.13%	0.74%
AA-	Westpac Coupon Select 2 (6/9/2022)	1,500,000.00	2.95%	0.35%
ADI	Maritime Mining & Power Credit Union Limited	1,630,000.00	1.70%	0.22%
		12,630,000.00	2.71%	0.49%
Fixed.	Negotiable, Tradeable Certificates of Deposits	,,		
A-	AMP Fixed Rate (7/12/2020)	1,000,000.00	2.99%	0.75%
BBB	Greater Bank Ltd (29/5/2020) TCD	1,000,000.00	2.82%	0.71%
BBB	Greater Bank Ltd (30/8/2019) TCD	2,000,000.00	2.97%	1.49%
	,	4,000,000.00	2.94%	0.17%
Floatin	g Rate Notes			
AA-	Commonwealth Bank of Aust (17/7/2020)	1,000,000.00	2.58%	0.15%
AA-	CBA Climate Bond (31/3/2022)	1,000,000.00	2.69%	0.16%
AA-	Commonwealth Bank of Aust 2 (16/08/2023)	500,000.00	2.56%	0.07%
A+	Suncorp Metway (20/10/2020)	1,000,000.00	2.94%	0.17%
A+	Rabobank (4/3/2021)	1,000,000.00	3.38%	0.20%
A-	AMP (30/03/2022)	1,000,000.00	2.82%	0.16%
A-	AMP (11/6/2019)	800,000.00	2.96%	0.14%
A-	AMP (24/5/2021)	1,000,000.00	2.79%	0.16%
A-	AMP (10/09/2021)	1,100,000.00	2.94%	0.19%
A	Macquarie Bank (3/3/2020)	1,000,000.00	2.98%	0.17%
BBB+	Bank of Queensland 1 (24/6/2019)	2,000,000.00	2.91%	0.34%
BBB+	Bank of Queensland 2 (6/11/2019)	1,000,000.00	2.62%	0.15%
BBB+	Bendigo & Adelaide Bank 2 (17/09/2019)	1,000,000.00	2.77%	0.16%
BBB+	Bendigo & Adelaide Bank 3 (18/08/2020)	1,000,000.00	2.65%	0.15%
BBB	Members Equity 3 (9/11/2020)	750,000.00	2.90%	0.13%
BBB	Newcastle Permanent (7/4/2020)	1,000,000.00	3.07%	0.18%
BBB	Newcastle Permanent 3 (24/01/2022)	1,000,000.00	3.33%	0.19%
		17,150,000.00	2.89%	0.71%
Total I	nvestments	69,780,000.00	2.77%	
Thoso f	unds were held as follows:			
inese j	Reserves Total (includes unexpended loan funds)	16,530,157		
	Grants held for specific purpose	11,072,220		
	Section 7.11 Funds held for specific purpose	40,713,723		
	Unrestricted Investments	1,463,900		
	nvestments	69,780,000.00		
Total I	nterest Revenue to 31/05/19	2,141,901.99	2.77%	

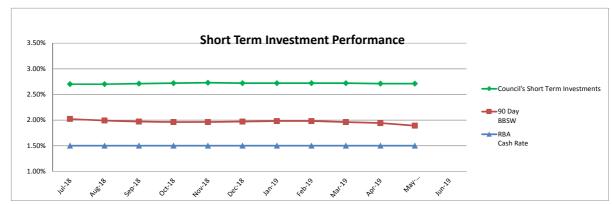
Investment Policy Benchmarks

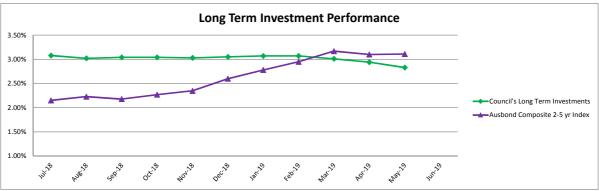
$Benchmark\ 1 - The\ performance\ of\ the\ portfolio\ shall\ be\ against\ the\ industry\ standard\ 90\ Day\ Bank\ Bill\ Index\ or\ the\ official\ RBA\ Cash\ Rate$

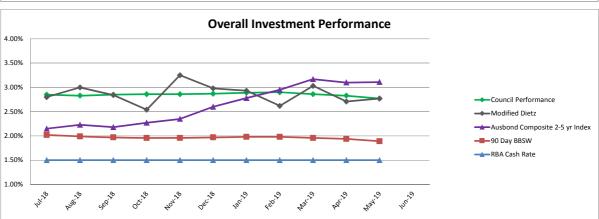
Council's current year to date performance compared to the two benchmarks is shown below. Council has outperformed both benchmarks.

Reserve Bank of Australia - Cash Rate1.50%AFMA - 90 Day Bank Bill Swap Rate (BBSW) Avg Mid1.89%Ausbond Composite 2-5 yr Index3.11%Modified Dietz Calculation2.77%

	Short Term			Long Term		Overall Performance	
				Ausbond	Council's		
	RBA	90 Day	Council's Short	Composite 2-5 yr	Long Term	Modified Dietz	Council
	Cash Rate	BBSW	Term Investments	Index	Investments	Calculation	Performance
Jul-18	1.50%	2.02%	2.70%	2.15%	3.08%	2.80%	2.85%
Aug-18	1.50%	1.99%	2.70%	2.23%	3.02%	3.00%	2.83%
Sep-18	1.50%	1.97%	2.71%	2.18%	3.04%	2.84%	2.85%
Oct-18	1.50%	1.96%	2.72%	2.27%	3.04%	2.54%	2.86%
Nov-18	1.50%	1.96%	2.73%	2.35%	3.03%	3.25%	2.86%
Dec-18	1.50%	1.97%	2.72%	2.60%	3.05%	2.98%	2.87%
Jan-19	1.50%	1.98%	2.72%	2.78%	3.07%	2.93%	2.89%
Feb-19	1.50%	1.98%	2.72%	2.95%	3.07%	2.62%	2.90%
Mar-19	1.50%	1.96%	2.72%	3.17%	3.01%	3.03%	2.86%
Apr-19	1.50%	1.94%	2.71%	3.10%	2.94%	2.71%	2.83%
May-19	1.50%	1.89%	2.71%	3.11%	2.83%	2.77%	2.77%
Jun-19							







2a - Overall Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating. Council will work towards adjusting its Investments to meet the new Investment Policy criteria following the ratings downgrade of several institutions which occurred part way through the existing investments shown below. Council will reinvest int a complying rated institution at the maturity of these investments.

Short Term	Ratings	Maximum Holding %	Actual Holding	
	A-1+	100	63%	Complies
	A-1	100	0%	Complies
	A-2	40	21%	Complies
	A-3 or unrated	Note*	16%	Complies
			100%	
Long Term				
	AAA	100	0%	Complies
	AA+ AA AA- A+ A	100	49%	Complies
	A-	40	14%	Complies
	BBB+ BBB	20	32%	Does not comply
	BBB- & unrated	Note *	5%	Complies
	•		100%	

^{*}Note: For reasons of practicality the number of these investments should be kept to a minimum.

2b - Institutional Credit Framework

To limit single entity exposure each individual institution will be limited by their credit rating, Council will work towards adjusting its Investments to meet the new Investment Policy criteria. Council will reinvest into a complying rated institution at the maturity of these investments.

	Datings	Maximum	Actual Holding	
	Ratings	Holding %	%	
CBA	AA-	40	12%	Complies
National Australia Bank Limited	AA-	40	21%	Complies
Westpac	AA-	40	11%	Complies
Bankwest	AA-	30	6%	Complies
Suncorp Metway	A+	30	2%	Complies
Rabobank	A+	30	2%	Complies
Macquarie Bank Limited	A	30	2%	Complies
AMP	A-	20	7%	Complies
Bank of Queensland Limited	BBB+	5	9%	Does not comply
Bendigo & Adelaide	BBB+	5	7%	Does not comply
IMB	BBB	5	0%	Complies
Newcastle Permanent	BBB	5	3%	Complies
Members Equity Bank	BBB	5	1%	Complies
Greater Building Society	BBB	5	4%	Complies
Credit Union Australia	BBB	5	0%	Complies
Auswide Bank	BBB	5	2%	Complies
Railways Credit Union Limited	ADI	Note*	0%	Complies
Maritime Mining & Power Credit Union	ADI	Note*	11%	Complies
*Note: For reasons of practicality the number of these investor	nents should be kept to a minim	um.	100%	

^{*}Credit rating to Auswide Bank issued by Fitch Ratings, equivalent Rating by S & P shown

2c - Maturity Profile

The Investment Portfolio is to be invested within the following maturity constraints, Council has successfully met this criteria.

	Short Term	FRTD	TCD	FRN	Min %	Max %	Actual %	
Within one year	36,000,000	0	3,000,000	6,800,000	40	100	66%	Complies
One to three years	0	9,500,000	1,000,000	9,850,000	0	60	29%	Complies
Three to Five Years	0	3,130,000	0	500,000	0	30	5%	Complies
Over Five Years	0	0	0	0	0	15	0%	Complies

36,000,000 12,630,000 4,000,000 17,150,000 100%

2018/19 Annual Operational Plan

Bathurst 2040 Community Strategic Plan

As at 31st May 2019

Council's Vision:

Bathurst: A vibrant and innovative region that values our heritage, culture, diversity and strong economy.

As a community it is important to have a plan that outlines what we want and need as a community now and as the region grows. The NSW Government also requires all councils to have such a plan. The Bathurst 2040 Community Strategic Plan (CSP) is the highest level forward planning document of Bathurst Regional Council. It identifies the community's priorities and guides the direction for the Bathurst region over the next 20 years.

Six key objectives have been established in the CSP:

- 1. Our Sense of place and identity
- 2. A smart and vibrant economy
- 3. Environmental stewardship
- 4. Enabling sustainable growth
- 5. Community health, safety and well-being
- 6. Community leadership and collaboration

These objectives are supported by strategies, shown below, aimed at identifying the importance of each objective.

As a 20 year plan, the CSP is not able to be wholly implemented in one term of Council. The Delivery Program represents actions that the Council expects to achieve during the current term of election for the Council, typically four years. This <u>Annual Operational Plan</u> identifies the individual activities and projects that will be completed within the current financial year of the Delivery Program.

OBJECTIVE 1: Our sense of place and identity

- 1.1 Respect, protect and promote the region's Aboriginal heritage assets
- 1.2 Protect, enhance and promote the region's European heritage assets and character
- 1.3 Enhance the cultural vitality of the region
- 1.4 Protect and improve the region's landscapes, views, vistas and open space
- 1.5 Promote good design in the built environment

OBJECTIVE 3: Environmental stewardship

- 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways
- 3.2 Protect the City's water supply
- 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely
- 3.4 Protect and improve the region's biodiversity
- 3.5 Increase resilience to natural hazards and climate change

OBJECTIVE 5: Community health, safety and well being

- 5.1 Provide opportunities for our community to be healthy and active
- 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life
- 5.3 Help build resilient, inclusive communities
- 5.4 Make our public places safe and welcoming
- 5.5 Plan and respond to demographic changes in the community

Bathurst 2040 Community Strategic Plan

OBJECTIVE 2: A smart and vibrant economy

- 2.1 Support local business and industry
- 2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development
- 2.3 Develop Bathurst as a Smart City
- 2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy
- 2.5 Support Mount Panorama as a premier motor sport and event precinct
- 2.6 Promote our City and Villages as a tourist destination

OBJECTIVE 4: Enabling sustainable growth

- 4.1 Facilitate development in the region that considers the current and future needs of our community
- 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility
- 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region
- 4.4 Provide parking to meet the needs of the City
- 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region
- 4.6 Plan for, assess and regulate development activity

OBJECTIVE 6: Community leadership and collaboration

- 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst Region
- 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently
- 6.3 Advocate for our community
- 6.4 Meet legislative and compliance requirements
- 6.5 Be open and fair in our decisions and our dealings with people
- 6.6 Manage our money and our assets to be sustainable now and into the future
- 6.7 Invest in our people
- 6.8 Implement opportunities for organisational improvement

On the following pages, each of Council's principal activities is shown along with their four year Delivery Program actions and the Annual Operational Plan tasks that will be undertaken. These actions and tasks are linked back to the Bathurst 2040 CSP to show the community how its needs and wants are being delivered.

The table below is a guide to reading the Delivery Program and Annual Operational Plan.

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer
From the Objectives shown on Page 2	What actions will be delivered to achieve the objective	What specific projects will be undertaken this year to address the 4 year actions	Measurable KPI - How we will know when we have achieved our plans	Position Title – Director, Manager, Team Leader

The Performance Measures in this Plan have been rated by the responsible Directors as to their status of completion.

Below is a summary of the Status of all Performance Measures:

In progress - tracking as expected	Needs Attention	Urgent Attention
138 / 140	2 / 140	0 / 140
98 %	2 %	0 %

Engineering Services

The key to developing a sound foundation for growth and prosperity of the Bathurst Region is by ensuring infrastructure needs are keeping pace with demand. The Engineering Services Department has the responsibility to ensure the current needs of the community are met and the capacity exists to cater for future growth. A clean and safe water supply, a quality local road network, and environmentally responsible waste management systems are all high priorities for engineering the future of the Bathurst Region.

Asset Management

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.1 4.2 5.1	Improve pedestrian access within the urban area.	Completion of additional concrete footpaths/cycleways in accordance with the Bathurst Regional Community Access and Cycling Plan 2011.	600 lineal metres of footpath and or cycleway completed.	Manager Bathurst Works	Piper St both sides - Havannah to Seymour completed -400m done Esrom St - Mitre St to Mooney Valley PI - complete 200m Peel St - Keppel to Russell St - 200m complete Bradwardine Rd - Mitchell to Corporation Ave 50m complete Mitchell Hwy - Bradwardine Rd to Sawpit creek - 150m Complete Howick St - Seymour to Bentinck 200m complete	
		Monitor condition of footpaths.	100% of urban footpath inspected	Manager Bathurst Works	Urban CBD inspections 100% complete	
4.1 4.5	Maintain and improve the existing road infrastructure consistently throughout the network.	Improvement of road infrastructure to upgrade sub-standard sections of the sealed network.	Reconstruction and resealing works as per Council's 2018/2019 capital works and routine maintenance programs. Completion of 2018/2019 Roads to Recovery Program.	Manager Bathurst Works	Lagoon Rd - 100% complete 1.2km Lachlan Rd - 100% complete 1.8km East St Rockley minor realignment and seal - 100% complete 245m White Rock Rd reconstruct 5.2 - 5.8 km - 100% complete Church St, Peel reconstruction - 100% complete 275m Fitzroy St, Peel reconstruction - 100% complete 460m	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					Goldies Rd – reconstruction – 100% complete 350m Silver St (290m) and Austral St (650m) Sunny Cnr 100% complete Bathampton Rd 100% compete 835m Colo Rd 100% complete 4km Hobbys Yards Rd 100% complete 5km	
		Renewal of gravel road surface throughout the network.	Completion of 2018/2019 Unsealed Roads Gravel Resheeting program.	Manager Bathurst Works	Messners Rd – gravel resheeting completed to quarry. Rivulet Road – gravel resheeting complete Crudine Rd – Gravel resheeting complete Forge Rd – Gravelling complete Lagoon Rd – Gravelling complete Brewongle Rd – Gravelling complete Ridge Rd – Gravelling complete Wambool Rd – Gravelling complete Black Mountain Rd – Gravelling complete	
		Undertake maintenance program in accordance with allocated budget.	Greater than 90% of the urban road network remains at condition index 3 or above. 1 being excellent, 5 being bad	Manager Bathurst Works	Reseal preparations for the 2018/19 program completed. Rural Reseals completed 8 Jan 2019 Urban Reseals completed Ongoing maintenance continues. Condition 1 – 34% Condition 2 – 38% Condition 3 – 23%	
4.1 4.3	Protection of urban areas on the Bathurst Floodplain	Completion of flood mitigation works as outlined in the Bathurst Flood Management Plan.	Commence construction of Perthville Levee.	Manager Technical Services	Stage 1 - bridge and creek widening works 100% complete. Stage 2 - Construction of levee subject to pending grant application to OEH. Expectation for September advice. (Funding announcement not made as at end January). Funding advice provided Feb 2019. Design provision being finalised to coordinate with Perthville drainage. Tenders to be called Early June 2019.	

Mount Panorama

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 6.5 6.8 2.5	Increase profile of Mount Panorama as the premier motor racing venue in Australia.	Development of Legends Lane	Project constructed.	Director Engineering Services	Design Complete. Construction approval being sought.	
		Development of the second circuit.	Design and approval obtained.	Director Engineering Services	Tender accepted for design, documentation and approval for Second Circuit at Ordinary Meeting of Council, 18 July 2018. Completion of design due in 84 weeks.	

Delivery Program 2018-2022 & Annual Operational Plan 2018/2019

Water, Sewer and Waste

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
3.2	Maintain and upgrade existing water and sewer	Operate, maintain, repair and upgrade Water Filtration Plant.	Achieve the Australian Drinking	Manager Water and Waste	Water Filtration Plant daily operations are ongoing, with maintenance and repairs	
3.3	infrastructure to meet the needs of all stakeholders		Water Standards 90% of the time.		conducted as required. The treatment processes are constantly monitored through a	
3.5	into the future.				SCADA system and reviewed daily by staff.	
4.3					Australian Drinking Water Guideline results were achieved over 95% of time.	
6.2						
6.6		Operate, maintain, repair and upgrade water distribution system.	Customer complaints regarding flow and pressure are kept below 52 p.a.	Manager Water and Waste	Water distribution system operations are ongoing, with monitoring, maintenance and repairs conducted as required. Complaints regarding flow and pressure to the end of April totalled 4 for the financial year. Significant reservoir improvements have been completed, with further work planned, to continue to improve the integrity of the drinking water system around Bathurst. With 13 key reservoirs, a total of 172 issues were identified. 141 of these have been addressed (82%). A further 12 issues are underway but not yet complete (will bring work to 88% completed). 26 issues are yet to be commenced. These new issues are to be added to the list, two have been completed. 90% of calls are responded to within 4 hours.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Respond effectively to discoloured water complaints within four hours	Respond to 90% of complaints within 4 hours.	Manager Water and Waste	Complaints regarding discoloured water are actioned within the required timeframe. The number of discoloured water complaints for April 2019 was 2, which were received and actioned. This included calls relating to discoloured water from water main breaks. The financial year to date total calls for discoloured water is 36, over 10 months.	
		Review, update and adhere to Drinking Water Management System (DWMS).	Australian Drinking Water Guidelines & DWMS compliance, reviewed weekly.	Manager Water and Waste	A Drinking Water Management System (DWMS) document has been completed and is in effect. Details on addressing the actions to ensure continuous improvement are being documented. A weekly internal review takes place, along with an external check of our water quality results through the NSW Health laboratory. No breaches of the Bathurst DWMS critical limits have occurred in 2018/2019.	
		Kelso Water Infrastructure Project	Project is constructed and commissioned	Manager Water and Waste	The new system is on line from the end of July 2018, and currently 290 existing homes in Kelso are being provided with water at improved pressure, and 6 new connections in recently released subdivisions.	
		Eglinton Village expansion – provision of trunk water mains and sewer mains for new subdivisions	Project is constructed and completed	Manager Water and Waste	In order to cater for the doubling in size of Eglinton, a number of new water and sewer trunk mains were required. So far, for East Eglinton 70% of the required new trunk mains for water and sewer are in place. For West Eglinton, 100% of the required new trunk mains for water and sewer are in place.	

Delivery Program 2018-2022 & Annual Operational Plan 2018/2019

9 of 61

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					Tenders have been awarded for the upgrade of the existing sewer rising main from Eglinton to Bathurst commencing in July 2019.	
		Review and update existing Best Practice Guidelines plans as required.	Best Practice Guidelines compliance reported quarterly.	Manager Water and Waste	These are no new Best Practice Guidelines introduced since the 2007 Best Practice Guidelines. Compliance remains at 100%.	
		Continue implementation of Trade Waste Policy.	Maintain approvals at over 90% of active businesses	Manager Water and Waste	Trade Waste Policy is current, has been approved by NSW Office of Water, and adopted by Council. As at the end of April 2019 there are 320 approvals in place, with 341 active businesses (94%).	
		Monitor and action developments from State Government in regards to changes in the Best Practice Guidelines	Review Guidelines monthly, then action as required.	Manager Water and Waste	The existing level of compliance with the Best Practice Guidelines is 100% for both Water and Sewer. The review of further initiatives will be commenced, once DPI Water advises the outcomes of their proposed review of the guidelines. To date at the end of May 2019 DPI Water is yet to release their issues paper and monitoring of this continues.	
		Prepare plans and estimates for works highlighted in the computer models of the water network and the sewer network.	Review all outcomes and opportunities from the water and sewer model reports to feed into the Management Plan.	Manager Water and Waste	The water model has previously been reviewed some years ago, with several projects put into effect. The sewer model has been updated to include the expansion of Eglinton and Kelso.	

Delivery Program 2018-2022 & Annual Operational Plan 2018/2019

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					Work on comparing options to service the growth is well underway. Recommendations are being developed.	
					Water modelling improvements have been completed with gauges at 6 main reservoirs installed to allow for calibration during and after summer. The network has been monitored and logged during peak flows in February and March 2018. Calibration has taken place and the water model is being updated and reports provided.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Prepare reports and studies for Winburndale Dam and Chifley Dam to achieve compliance with NSW Dams Safety Committee regulatory requirements.	Compliance with NSW Dam Safety Committee requirements, reported quarterly.	Manager Water and Waste	For both Chifley and Winburndale, a Dam Safety Emergency Plan in in place, though contacts need updating. Inspection and surveillance reports are conducted externally as required and works identified for action as required. Chifley Dam is safe to withstand a 1 in 1000,000 year flood event. Winburndale Dam is not safe to withstand a 1 in 100,000 year flood event, however detailed design is complete and tender assessment is 90% complete. Grant funding was sought through the NSW Safe and Secure Water Program. Council has been successful in procuring \$2.225 million towards this project under the Program. A tender report for Winburndale Dam Safety Upgrade will be available at a future 2019 Council meeting, as tenders closed on Tuesday 19 February 2019, and are currently undergoing a rigorous assessment.	
		Work with CENTROC on Water Utilities Alliance goals	Goals delivered.	Manager Water and Waste	Work is continuing, through meetings and projects. Alliance Business Plan has been developed and adopted. Bi-monthly meetings attended, with other projects and correspondence dealt with as required.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Operate, maintain, repair and upgrade Waste Water Treatment Works to comply with licence conditions.	Achieve over 90 % compliance with EPA licence conditions.	Manager Water and Waste	Waste Water Treatment Works operations are ongoing, with maintenance and repairs conducted as required. Plans for minor upgrades are underway. Daily and weekly sampling and monitoring of the plants performance are continuing, with internal and external testing performed. An Annual Return is completed following the end of the licence year (1 April). 312 samples were tested with over 95% of samples tested meeting the licence requirements, with only 3 minor breaches of the licence conditions in 2018/19 licence year. Next report is due end of May 2020. The Annual Return for 2018/2019 has been completed.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Continue program of sewer main CCTV inspection, and lining if warranted	5,000 m inspected	Manager Water and Waste	Identification of appropriate locations for CCTV is ongoing through customer issues, staff advice and development proposals. To the end of April, over 3,040m of sewer mains have been inspected and recorded on CCTV. Any issues found are scheduled for repair or replacement as required.	
		Identify, plan and undertake water and sewer construction works.	Complete 2018/2019 capital works program	Manager Water and Waste	Liaison with Technical Services staff to obtain advice on road projects and / or developments is continuing. The aim is to ensure water and sewer services are relocated prior to RMS or BRC projects commencing, such as roundabouts (Howick/George Street roundabout being the current project).	
1.4 3.3 4.3	Maintain and upgrade existing waste infrastructure to meet stakeholder requirements.	Replace waste collection vehicles on a 4 yearly cycle.	One waste collection vehicle replaced in 2018/2019	Manager Water and Waste	The waste collection vehicle fleet is up to date, with one replaced this financial year.	
6.2		Review Waste Management Centre filling plans to ensure the optimum long term strategy is delivered, and to enable future planning timelines to be developed.	Survey and monitor the remaining air space of the landfill annually.	Manager Water and Waste	A stormwater management audit has been conducted by EPA staff. A review has been conducted by an independent consultant. The final report has been received and recommendations are being put into effect. Planning is underway to conduct a future aerial survey, which is done annually to monitor actual fill and the final fill plan.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.2	Reduce waste to landfill.	Work with NetWaste on waste projects and opportunities, for greater diversion	Projects delivered.	Manager Water and Waste	Several ongoing projects are supported, with bi-monthly meetings attended. New projects	
3.3 6.1		from landfill and increased efficiencies.			or opportunities are assessed as they arise. All options available to Bathurst Regional Council through NetWaste are supported.	
6.2						
6.6					Examples include recycling of waste tyres, mattresses, Household Chemical Cleanout, Waste 2 Art and collection and recycling of	
					scrap metal. Recycling and organics collection service started in April 2016. The contract is proceeding well.	
		Council to continue education and promotion of appropriate WasteWise behaviours with regard to green waste and recycling.	Promote recycling to maximise diversion from landfill. Combined diversion target is 5,000 tonnes.	Manager Water and Waste	The roll out of information and education will continue throughout 2018 /19. For 2018/2019 to the end of April, food and garden tonnage is 3,474 and recycling is 1,913, giving a total of 5,387 tonnes. 11,258 tonnes of food and garden waste have been sent for composting in the first 36 months (April 2016 to March 2019). Combined with recycling totals show a diversion from landfill of over 18,840 tonnes, or 18.8 million kilograms in the first 3 years. Wastewise education works are continuing, and the recycling contract education strategies are also underway. In March 2018 a cost increase was incurred for recycling due to overseas recyclers increasing	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					prices. Since then Council in conjunction with Net Waste is in the process of developing a Recycling Strategy and applied for an assistance package from NSW EPA. Council was successful in gaining funding, and has now completed the agreed outputs in the Funding Deed.	
		Identify, assess and implement appropriate diversion opportunities.	Opportunities considered and reported quarterly.	Manager Water and Waste	Council participates in all 9 NetWaste Regional collection contracts being used motor oil, scrap metal, E-waste, wood/timber processing, landfill environmental monitoring, regional waste services, tyres, household chemical cleanout, and mattress recycling (tenders underway).	

Recreation

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.4 5.1 5.5	Plan for increasing population and aging population in the provision of suitable recreational projects	opulation in the consultation. rovision of suitable	Construction of 2 x additional rugby league fields between Ashwood Park and Jack Arrow Complex.	Manager Technical Services	Design works still to be completed in relation to Fields, mounding and amenities building at this site. Anticipate design works to be completed May 2019. Tender proposed for release end June 2019. \$2.6M Grant funding made available October 2018 through Regional Sports Infrastructure Fund. Due to specific seasonal requirement for development of sporting fields, contract for construction of fields will need to be called in Spring 2019.	0
			Amenities / club room complex installed at the Bathurst Bike Park Precinct.	Manager Technical Services	Design & Construct documentation Completed, Tenders awarded May 2019. Contractor design currently being prepared. Anticipate commencement of on- site works by end July 2019.	
			Restoration of Cricket Wicket Table Morse Park No.1.	Manager Recreation	Contract to install a new 5 pitch turf wicket table completed November 2018. Wicket not used for 2018/19 Cricket Season.	
			Replacement synthetic surface to Bathurst Sports- ground cricket nets with works to be completed by end March 2019.	Manager Recreation	Works completed. Works involved the synthetic grass resurfacing of 4 x practice wickets.	
			Restoration of court 8 - John Matthews Netball Complex by March 2019.	Manager Recreation	Works Completed. Works involved the installation of a rubber shockpad surface, covering the old asphalt courts.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
			Sand Slit Infield drainage to be installed to Field 2 Ashwood Park.	Manager Recreation	No Funding Provided for in 2018/19 Management Plan for this project.	
1.4 5.1 5.5	Continue construction of new playgrounds in expanding residential areas and upgrade existing	Plan for the construction of new playgrounds in expanding residential areas.	Install new playground at Coates Drive Open Space Park	Manager Recreation	Insufficient funding provided within the 2018/19 Management Plan for new playground installation. Playground repair / upgrade funding was provided and the following works programed for completion this financial year:- Hawkins St Park (equipment & softfall) College Road Park (equipment & softfall) Lavelle St Park (softfall).	
			Installation of shade sail over Trunkey Ck Playground.	Manager Recreation	Grant awarded in December 2018 from Federal Government to assist in project. Installation of shade sail and replacement softfall works completed in April 2019.	
1.4 5.1 5.5	Maintain existing and future recreational areas.	Maintain existing levels of service to all parks, reserves, open space areas and other recreational facilities	Maintenance activities undertaken to all recreation Assets in accordance with adopted maintenance service levels.	Manager Recreation	Ongoing as part of adopted maintenance service levels and funding provisions.	
1.4 5.1 5.5	Continue environmental programs identified within the Bathurst Vegetation Management Plan	To ensure that appropriate Environmental Management Plans for the Bathurst Region are current, relevant and provide long term strategies for the Region	Develop 2018/19 spraying program by December 2018 & complete by April 2019.	Manager Recreation	Weed surveys across Council parks and reserves were completed in Spring 2018. Contracts awarded and spraying works to various community lands were completed in April 2019.	
			Arrange for 11 Tree Planting and volunteer engagement activities.	Manager Recreation	12 community planting days (including school events) have been held since the start of the financial year.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
			Apply for grants to assist completion of VMP program.	Manager Recreation	Council has been awarded a grant of \$77K from the NSW Environmental Trust for a revegetation program within a section of the Macquarie River and \$4,800 from Crown Lands Improvement Program to undertake weed control works within reserve area at Trunkey Creek. \$3,300 also awarded from LLS for weed control in Sunny Corner Waste Transfer Station. Both the Sunny Corner and Trunkey Creek Projects have been completed.	
			Undertake maintenance of previously completed vegetation projects.	Manager Recreation	Ongoing. Maintenance contracts have been awarded and various works occurring to water and weed past vegetation projects, including various sites along the Macquarie River.	
			Revegetation of College Road Open Space Reserve, with 550 trees to be planted.	Manager Recreation	Revegetation works completed in October 2018. Plant maintenance / establishment works arranged over the summer season and completed in March 2019.	

Corporate Services & Finance

Looking after its staff and ensuring open and transparent government is the main priority at Bathurst Regional Council. Council employs approximately 370 staff in 20 locations and attracting and keeping good people is our priority. For the fourth year in succession, in the annual Employee Opinion Survey, Council rated above the Australian Local Government Industry Standard for employee satisfaction.

Human resources

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.5 6.1 6.2	Establish and build on effective networks with other councils to identify areas for operational improvements and efficiencies.	Regularly participate in cross-functional teams with Centroc and Evocities councils to identify opportunities for efficiencies.	Review minimum 2 HR functions and outline how efficiencies will be made.	Manager Human Resources	Council regularly meets with other Councils within the CENTROC area as part of quarterly HR Group meetings as well as twice yearly meetings with HR colleagues from the Evocities Group. Approval was given for the implementation of a new online recruitment, onboarding and performance management system as a collaborative effort through Centroc. Two modules have been rolled out and the performance module commenced implementation during March. During March the HR Manager met with HR colleagues from Evocities Councils to discuss current HR issues and exchange ideas for improved service delivery.	
1.1 5.3 6.4 6.7	Ensure all staff complete induction training, ongoing compliance updates and professional development.	Continuation of staff induction program. E-learning platform is monitored to ensure all staff are enrolled and have completed required compliance training.	100% of new staff complete induction. 80% of staff maintain current competency for compliance training modules.	Manager Human Resources	As at the end of March all new staff have attended the appropriate induction training. The new e-learning system commenced its roll out in July, with a trial group of staff being enrolled in several of the compliance modules. During October staff with computer access were enrolled in the Code of Conduct, Workplace Bullying & Harassment, Aboriginal	

Ordinary Meeting Page 118 of 343 - 19 June 2019 Attachments

					Cultural Awareness and Sexual Harassment Prevention. During February staff have been enrolled in the remaining mandatory e-learning modules. Planning has commenced during March for delivery of compliance modules to field staff.	
6.2 6.7 6.8	Provide a range of education and training opportunities for Council's workforce.	Promote the Learning and Development Policy to encourage upskilling of Council's workforce.	20% increase of staff participating in staff education assistance scheme.	Manager Human Resources	Promotion of Council's Learning and Development Policy commenced via staff newsletters during August. Since this time a number of applications for education assistance were received with six approvals being granted year to date.	
6.7 6.8	Develop and implement programs and initiatives to foster a strong leadership culture.	Undertake staff consultation and develop corporate values to align with Council's vision.	Consultation completed and corporate values established.	Manager Human Resources	A project plan will be developed to outline actions and timelines.	

Governance

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 6.5 6.8	Ensure Council policies reflect community needs and organisational requirements.	Regular review of Council's policies (Policy Manual).	Individual Policies reviewed for relevance and compliance with statutory requirements	Manager Corporate Governance	Manual monitored regularly and updated as required. Last update issued 16 October 2018.	
6.4 6.5	Implementation of the Government Information Public Access Act (GIPA Act)	Provision of Contract Register on Council's website.	Register updated monthly.	Manager Corporate Governance	Register updated after each Council meeting.	
		Action requests for information under GIPA Act.	Information requests (formal and informal) actioned in accordance with statutory guidelines.	Manager Corporate Governance	This month: 2 applications received. YTD 13 applications received. 16 applications completed (4 from 2017/2018). 2 outstanding. 1 application withdrawn.	
4.3 6.4	Ensure Council's continuity of operations.	Review of Disaster Recovery Plan and Business Continuity Plan (BCP).	Plan reviews completed	Manager Corporate Governance	Consultant engaged to update Council's Business Continuity Plan and Information Services Business Recovery Plan (ISBRP). Civic Centre BCP completed. Information Services BCP draft plan currently being reviewed May 2019. Desktop exercise postponed until both plans completed.	
6.4	Compliance with Local Government (General) Regulation 2005	Reporting of fines and penalties issued against Council.	Fines or Penalty Notices issued this month.	Manager Corporate Governance	This month: Nil YTD 1 fine - DPI Fisheries NSW - \$500 fine - Perthville Flood Mitigation works being done by contractor.	

Information Technology

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.3 2.5 6.8	Improve long-term viability and availability of electronic data for both the current and long term.	Develop Information Services strategic plan.	Plan Completed	Manager Information Services	Information Services Strategic Plan has been included on Information and Communication Technology (ICT) Roadmap for completion in 2019. Currently looking for a suitably qualified company to assist in the creation of our strategic plan. Developing materials internally to ensure consultant is quickly up to speed.	
		Review and renew Information Services Business Recovery Plan (ISBRP).	Plan developed and tested	Manager Information Services	Consultancy company "InConsult" has been retained to assist with the development of the ISBRP. Completion has been scheduled 2019. Draft report has been delivered. IS responsibilities from report need to be identified and specific plans developed.	
		Renewal of Council's fleet of Desktop and Notebook computers.	Desktop renewal completed.	Manager Information Services	Tender has closed and currently being reviewed project completed by September 2019.	
2.2 2.3 2.6 5.2	Support the Smart Cities project.	Deliver CBD WiFi for the Bathurst Community.	CBD WiFi installed, tested and live.	Manager Information Services	Installation is almost complete with extension to cabin area of Chifley Dam still to be done. All other sites are now live.	

Finance

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.1 6.6	Ensure Council's long term financial sustainability.	Review need for special variation in rate income.	Long Term Financial Plan complete and adopted by Council. Special Rate Variation considered by Council.	Manager Financial Services	Long Term Financial Plan completed for 2018/19. Long Term Financial Plan in progress for 2019/20. Council did not apply for a special rate variation for 2019/20 Operating/Delivery Plan.	000
		Improve Council's cash flows.	Rates and Charges Outstanding Ratio less than 10%.	Manager Financial Services	As per 2017/18 Financial Statements achieved 6.17% (2016/17 5.68%). (2015/16 5.85%). (2014/15 6.63%).	
		Ensure Council's level of debt is manageable.	Debt service ratio less than 10%.	Manager Financial Services	As per 2017/18 Financial Statements achieved 3.66% (2016/17 4.12%). (2015/16 3.95%). (2014/15 4.10%).	00
		Maximise invested funds within prudential guidelines.	Outperform monthly 90 day bank bill swap rate.	Manager Financial Services	Current year average earnings – 2.77% (2017/18 average 2.80%) 90 day Bank Bill Swap Rate – 1.89%	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.1	Communicate and engage with the community	Bathurst Regional Council Community Survey.	Overall satisfaction rating > 70%	Manager Corporate Communications	Report completed and submitted to Council. 90% of residents are at least somewhat satisfied with the performance of Council. (6% are at least somewhat satisfied with the courteousness of staff; 91% are at least somewhat satisfied with the helpfulness of staff; 93% are at least somewhat satisfied with the knowledge of staff & 84% are at least somewhat satisfied with the responsiveness of staff.	
		Ensure community consultation occurs	All consultation projects included on the "Your Say" platform Followers on social media > 5,000	Manager Corporate Communications	As at 31 May 2019: 100% consultation projects on Your Say (Australian Fossil & Mineral Museum strategy, Heritage Conservation area review, draft code of meeting practice, Rail Layout volunteers, irrigation portal, Bathurst Rail Museum, Pillars of Bathurst, Destination Management Plan 2019, Draft delivery program 2019-2023 & operational plan 2019-2020, LEF changes, Bathurst Library Survey, DCP changes) Social media followers: July: 7,348 August: 7,454 September: 7,562 October: 7,858 November: 7,919 December: 8,006 January: 8,182 February: 8,303 March: 8,634 April: 8,805 BRC Facebook Page – May:: 7,469 followers BRC Twitter Page May: 1,572 followers	

BRC Website visits	May total: 9,041	
> 40,000		
	Website visits: July: 65,766 August: 43, 035 September: 51,675 October: 95,056 November: 53, 312 December: 43, 114 January: 49,955 February: 59,833 March: 67,627 April: 48,381 May: BRC: 22,886 Mount Panorama: 6,766 BMEC: 6,473 Winter Festival: 3,161 NMRM: 1,864 Bathurst Art: 1833 Australian Fossil & Mineral Museum: 991 Hill End Art: 912 Cobb & Co: 823 Bathurst Cycling Festival: 614 May total: 46,350	

Property

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.5 6.4 6.5 6.8	Encourage development of new residential land releases to ensure appropriate level of supply.	Development of residential land in accordance with Council plans.	Provision of land stocks for residential needs.	Property Manager	Sunnybright stage A release of 95 lots completed. Current sold 9 lots by end of May 2019. Further release of 65 lots end of 2019 by ballot. Windy 1100 - Construction due to commence mid-2021. 180 lots in total.	
2.1 4.1 6.4	Manage development of new commercial and industrial land releases as required to meet the needs of new businesses.	Development in Bathurst Trade Centre and Kelso Industrial Park as required.	Provision of land to meet demands.	Property Manager	Bathurst Trade Centre stage 10, Completion and Registration by May 2019. 15 out of 15 sold Kelso Industrial Park has 8 lots still available.	

Cultural & Community Services

Bathurst Regional Council supports a vibrant culture and community. Lifestyle in the Bathurst Region is enriched by providing a diverse range of cultural facilities and programs and by promoting cultural diversity. Community well-being is promoted through social planning, community development and ensuring access to community services.

Community Services

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
5.1 5.2 5.3 5.5	Work in partnership with key stakeholders to develop administer and deliver community planning that reflects the strengths and needs of specific sectors and the community as a whole.	Undertake the actions identified in the Bathurst Community Safety Plan in partnership with the Bathurst Regional Community Safety Committee.	4 meetings with administration support provided to the Bathurst Regional Community Safety Committee. Relevant campaigns /projects developed and implemented as per actions identified in the Bathurst Community Safety Plan.	Manager Community Services	No Community Safety Committee meetings held in May. Five (5) Committee meetings have been held year-to-date. Public exhibition period for Community Safety Plan 2019 – 2023 ended on 16 May.	
6.3		Implementation of the strategies and actions identified in the Disability Inclusion Action Plan (DIAP) that address each of the four focus areas of the plan 2017-2021.	Undertake annual review and evaluation of actions. Ensure continuing public awareness raising and promotion of DIAP.	Manager Community Services	Actions and strategies discussed with internal and external stakeholders during May.	
5.1 4.3 1.3 5.4 6.2	The provision of the Kelso Community Hub as a safe community hub and venue for outreach service provision that	Continue to provide ongoing review of service delivery for future direction of Kelso Community Hub.	Facilitate 2 meetings with Kelso Community Hub stakeholders.	Manager Community Services	No stakeholder meetings held in May. One stakeholder meeting held year-to-date.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.3	meet the needs of the community.		3 Kelso Community Hub update reports to Council.		Report presented to Council at May Ordinary Council Meeting. Two (2) reports presented to Council year-to-date.	
		Encourage and facilitate the use of the Kelso Community Hub by outside service providers to meet the needs of the community.	10% increase on 2017/2018 utilisation by external services providing target services and programs.	Manager Community Services	Summary of external service providers and programs at the Kelso Community Hub during May: Reduced services/numbers due to major capital works. 30 individual uses by external one-off and repeat services and programs (YTD 380). 56% decrease in individual uses by external one-off and repeat services and programs from May 2018. 358 people serviced (YTD 6,872).	
		Develop and provide programs and activities that meet the identified needs of the community.	20 children per day accessing the breakfast program 5% increase of young people accessing afterschool programs per session 5% increase of young people accessing holiday activities. 4 Community celebrations per year.	Manager Community Services	The following programs, activities and celebrations were held at Kelso Community Hub throughout May: Reduced services/numbers due to major capital works. 212 young people were serviced by the Breakfast Program (YTD 1,828). The Breakfast Program has operated for 108 days year-to-date with an average attendance of 17 students each day. 54 young people attended after school programs during May (YTD 579). No school holiday activities were held in May (YTD 140). No community events were held during May (YTD 5).	
5.1 5.3 1.3 6.2 6.3 6.7	Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.	Providing support for the Bathurst Regional Youth Council and their related activities, programs and events	Facilitation of 6 Bathurst Regional Youth Council meetings, including attendance numbers. Undertaking of 2 youth initiatives,	Manager Community Services	No Youth Council meetings held in May. Five (5) Youth Council meetings have been held year-to-date. Youth Network meeting held 15 May 2019. Six (6) Youth Network meetings have been held year-to-date. No Youth Council events held in May.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
			activities, programs and events including attendance numbers.		Four (4) Youth Council Events held year-to-date: YJAM Groove & Grill - 15 July 2018 How to Adult workshops - 2 November and 9 November 2018. Food & Flix Outdoor Movie - 22 February 2019. YJAM in the Park - 5 April 2019	
5.1 5.2 5.3 5.4 6.3 6.4 6.7	Provision of high quality child care facilities to cater for children aged 0- 12 years in the Bathurst Community	Update policies and procedures to ensure alignment with: 1. Education and Care Services National Quality Standards. 2. Education and Care Services National Regulations and Law 3. The Early Years Learning Framework	50% of policies reviewed. Continue to develop and review Service Quality Improvement Plans (QIP). 7 National Quality areas to be reviewed.	Manager Community Services	Year to date 100% of the Children's Service policies have been reviewed. A total of forty-two (42) policies across the three services have been reviewed. During May Scallywags amended Medical Emergency Procedures and Excursion Risk assessment template both under Quality Area 2. Assessment and Rating visits occurred for both Little Scallywags and Family Day Care. The seven (7) quality areas have been reviewed against practices. Results from visits expected in coming weeks. The seven quality areas have been reviewed year-to-date across the three services.	
	The provision of Council's Children Services, setting a benchmark for education and care in the Bathurst LGA	Ongoing review of service delivery for future growth of occupancy rates of all services	Facilitate 2 surveys across services for review of service delivery Children's Services update report to Council	Manager Community Services	No surveys completed for the month of May regarding service delivery. One survey completed year-to-date regarding 2019 enrolments (1 survey YTD). Consultation with a small number of Little Scallywags families in review of current and future service hours. No reports to Council in May or year-to-date.	
	Promotion of Children's Services.	Promotional mechanisms developed and implemented for each child care service.	Undertake 3 promotional strategies through a range of digital platforms. Undertake 3 community consultation activities to promote service 5% increase of new clientele through website	Manager Community Services	An update of the Scallywags refurbishment was promoted through the Family Day Care Facebook page, including images of the project from commencement to date. Fifteen (15) promotional activities conducted year-to-date. No community consultation undertaken during May. Seven (7) community consultation activities were implemented year-to-date. The targeted attainment of new clientele through the website has been reduced due to restriction of enrolments through the transitional	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					period and relocation of Council's long day care.	
	Provision of appropriate resources and learning environments that reflect the National Quality Standards.	Resources obtained to reflect the requirements of the National Quality Standards	75% of resources obtained to reflect requirements of the National Quality Standards	Manager Community Services	Resources purchased by Scallywags during May related to Quality Area1 for the Bush Kinder program. Additional resources were purchased to assist behaviour management strategies for individual children under Quality Area 2. Resources purchased for Little Scallywags related to Quality Area 2 in maintaining a safe environment when feeding infants. FDC did not require additional resources during May. 90% of resources purchased year-to-date reflect National Quality Areas.	

Bathurst Library

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.3	Develop a strategic approach to planning the next-practice library	Develop a library strategic plan	Library strategic plan is completed.	Manager Library Services	Presentation to Councillors Working Party (22 May) Review of Local History service by State Library consultant (28 May) Library Survey goes live (14 May to 7 June) Library Staff Workshop (30 May)	
5.3	Maintain and improve community participation in the Library Services	Maintain and improve membership base	Membership is 25% or more of total population	Manager Library Services	Notes: Percentage based on Bathurst population of 42,900. From August 2018 onwards, active membership calculated using three-year activity (NSW State Library standard) instead of previous calculation on two-year activity. May 2019 membership is 21,024= 49% of Bathurst population (excludes non-2795 members). May 2019 membership for Reciprocal/Temporary (non-2795 postcode) is 1,916. Total active membership is 22,940 = 53% of Bathurst population.	
		Maintain and improve visitations	Visitations are 140,000 or more	Manager Library Services	Monthly target: 11,666 visits average. May 2019 visits: 10,573 (YTD 133,530)	
		Maintain and improve program and event delivery	Deliver 12 or more programs / events per month	Manager Library Services	Programs held in May 2019 = 32 (YTD 257)	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Maintain and improve attendance at programs and events	580 attendees or more to programs / events per month	Manager Library Services	Attendance to programs in May 2019 = 927 (YTD 9,381)	
5.3	Maintain and improve access to information and life-long learning	Maintain and increase circulation of library material	Print loans at least 23,000 per month	Manager Library Services	May 2019 Print loans: 16,070 (YTD 212,223)	
			Electronic loans at least 400 per month		May 2019 electronic loans = 2,489 (YTD 18,360)	
6.1	Communicate and engage with the community	Growth in followers on the library social media platforms	> 1,750 Facebook followers > 800 Twitter followers	Manager Library Services	Total Facebook followers = 2,086 Total Twitter followers = 877	
6.2	Maintain and create partnerships with local organisations and neighbouring councils	Develop program with Save the Children Fund "Programming the Future"	2 programs developed, advertised and held by June 2019	Manager Library Services	Year to date: 2 programs developed, advertised and held 1. Bug Out coding School Holiday activity held 17 July. 13 attendees. 2. Simple Bots school holiday activity held 18 July. 17 attendees.	
		Develop MOU with the Bathurst Family History Group	MOU signed by June 2019	Manager Library Services	Draft MOU reviewed in collaboration and agreement with the president of the Bathurst Family History Group to incorporate the BFHG relocation. Waiting for the group's committee to endorse the MOU.	000
		Maintain or increase current participation in electronic collection consortia with other libraries	Number of active eCollection consortia is >2	Manager Library Services	Year to date: 3 active eCollection Consortia, in collaboration with other Central West libraries. Wheelers: Bathurst, BigSky, Broken Hill, Cobar, Inverell, Parkes	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					BorrowBox: Bathurst, Big Sky, Bourke, Broken Hill, Central West Libraries, Cobar, Lachlan, Mid- Western, Oberon, North Western, Weddin RBDigital: Bathurst, Big Sky, Central West Libraries, Gunnedah, Lithgow, Mid-Western	

Bathurst Regional Art Gallery

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.3	Provide a focus on the visual arts for the community by providing education and public programs that challenge thinking and stimulate creativity, and promote cultural vitality in the region through the development and care of the permanent collection, temporary exhibitions and research facilities.	Develop community access and inclusion to the Gallery's exhibition program through the development education, outreach and public programs.	Staging of six (6) education / public programs in conjunction with BRAG exhibitions. At least 1,200 students from school and 15 community groups or organisations accessing BRAG education / outreach / public programs including the Art in a Suitcase program.	Art Gallery Director	 STEEL/Ellis programs: Number of community/ed groups: 30 Number of students: 209 Number of pp participants: 268 SALIENT/Burrows programs Number of community/ed groups: 21 Number of students: 534 Number of pp participants: 285 Looking Forward-Looking Back programs Number of community/ed groups: 25 Number of students: 94 Number of pp participants: 425 Curiouser & Curiouser programs Number of students: 78 Number of pp participants: 741 BRAGS 50 Years: The Art of Giving Number of students: 47 Number of students: 47 Number of pp participants: 525 ARTEXPRESS/ Fabrice Cazenave: The Garden of Shadows Number of community/ed groups:47 Number of students: 282 Number of pp participants: 427 31 MAY Art in a Suitcase: no activity 30 APR Community/Ed groups: 33 Community group reach: 190 Students: 250 TOTAL YTD: ART IN A SUITCASE REACH: 498 	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					TOTAL YTD: STUDENT REACH: 1,244 TOTAL YTD: PUBLIC PROGRAMS REACH: 2,769	
		Provide opportunities for the professional development of regionally based artists through exhibition.	Staging of two (2) survey exhibitions with at least 3,200 attendees. Production of two (2) exhibition catalogues.	Art Gallery Director	 Survey Exhibitions: Rachel Ellis: Sustaining Light survey. Total Attendance: 4,063 Terry Burrows: Objectivity Total Attendance: 3,357 Michelle Collocott: Three Ponds Series Attendance Total: 3,186 	
					 Catalogues: Rachel Ellis: Sustaining Light Terry Burrows: Objectivity Michelle Collocott: Three Ponds Series Looking Forward: Looking Back: contemporary works from the East Kimberley BRAGS 50 Years: The Art of Giving 	
		Develop community access to the permanent collection through exhibition, research, loans and touring exhibitions on an as needs basis.	Staging of two (2) permanent collection exhibitions including the development of one (1) touring exhibition curated from the permanent collection with at least 3,200 attendees. At least 5 works loaned to other galleries, and visitation of more than 2,500 per venue.	Art Gallery Director	Permanent Collection Exhibitions: 1. BRAGS 50 Years: The Art of Giving (16 Feb – 7 Apr) Apr attendance: 590 Total attendance to date: 3,123 Artwork Loans: 1. 12 works loaned to Blue Mountains Cultural Centre (Peter Rushforth: A Legacy - 30 Nov 2018– 20 Jan 2019) Total Visitation: 3,248 2. Virginia Cuppaidge, Dusk on Grand St loaned to Newcastle City Gallery (Virginia Cuppaidge: The Nature of Abstraction 11 May – 31 July) MAY visitation: 5,463	
5.2	Promote cultural activity in the Bathurst CBD, neighbourhoods and the	Develop community understanding of the achievements of the Hill End Artists in	Staging of three (3) Hill End Artists in Residency	Art Gallery Director	Hill End AIR exhibitions: 1. Wendy Murray: Night & Day (16 Feb - 7 Apr)	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
	region's villages through the development of inclusive and accessible satellite programs and events, and the promotion of Hill End as a significant site of contemporary and historic Australian art and culture.	Residency Program through exhibition and international participation.	exhibitions with at least 3,200 attendees. Two (2) international residencies.		Mar attendance: 1,683 Total attendance to date: 2,533 2. Peter Wegner: Portraits from the End (5 - 23 Apr, Sacred Heart Catholic Church, Hill End) 3. Wendy Murray: Over the Horizon (19 - 23 Apr, The End Festival) Total attendance for 2&3: 6,200 4. Fabrice Cazenave: The Garden of Shaows (12 Apr - 2 Jun 2019) Apr attendance: 1,479 May attendance: 1,921 Total attendance: 3,610 Hill End AIR International Residencies: 1. Mar: Alice Andrea Ewing (UK) 2. Olivia Rosenthal (France)	
		Broaden access and inclusion to the Gallery's exhibition program through the development of a program of off-site and/or satellite programs.	Development of two (2) off-site programs / events. At least 1,000 participants per program / event.	Art Gallery Director	Off-site programs / Events: 1. Dec/Jan: Pop-Up Shop @ AFMM: 252 2. APR: Peter Wegner: Portraits from the End (5 – 23 Apr, Sacred Heart Catholic Church, Hill End) 3. APR: Wendy Murray: Over the Horizon (19 – 23 Apr, The End Festival) Total attendance for 2&3: 6,200	

Bathurst Memorial Entertainment Centre

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.1 1.1 1.2 5.3 6.2	Implement a strategic approach to planning the next-practice Performing Arts Centre	Develop a consultants brief with professional support Call for consultant expressions of interest and appoint consultant	Strategic approach is completed by December 2019	Manager BMEC	The expression of interest has been advertised. Closing date 4 June.	
5.2 5.3	Maintain and improve community participation in BMEC services and activities	Maintain and improve membership/subscription (Friends) base	Friends base is 247 or more	Manager BMEC	2018: Friends base was 252. In 2019 the "Friends" category no longer exists and has been replaced by Membership. This is paid for when less than five shows are booked and is complimentary when five or more shows are booked. By end of May162 memberships had been confirmed. N.B. This year BMEC has increased the number of tickets a Member can purchase for a non-Member, therefore many couples who were previously counted as two members are now just counted as one. With Members able to purchase additional tickets BMEC is seeing an increase in the overall number of tickets sold to Members 2019 as at 30/05/19: Total number of Members: 162 Total Member tickets sold: 1,475 Average Tickets per Member: 9.1 Total number in 2018: Total number of Friends: 253 Friend tickets per Friend: 7.3	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Maintain and improve venue attendance	Attendances are 54,000 or more.	Manager BMEC	53,620 people attended BMEC in 2017/2018 Attendance statistics for the current financial year up to end of April are 44,194. Figures for May are still being collated.	
		Maintain and improve program and event delivery	Deliver approximately 17 Season and other events, 9 associated workshops and a Local Stages Program including LEAP program , local writers and other performing arts development	Manager BMEC	The seventh and eighth Season shows for 2019 were presented in May. Dreaming the Night Field with a company from Wales was presented to 260 people over two performances. Storytelling workshops were conducted in Bathurst and across the Central West. Me & My Shadow was performed to 275 patrons and was accompanied the Glow interactive installation. Local Stages Successfully produced the Bathurst Writers' & Readers' Festival 3-5 May at BMEC. Youth Drama classes running Monday (7 Students) & Tuesday (19 students) evenings. Creative Producer ran Stage & Production Management workshop for 12 CSU students on 20 May.	
		Maintain and improve attendance at programs and events	5,000 attendees or more to Season shows and 5,500 at associated and Local Stages projects per year	Manager BMEC	To date 1,868 people have attended BMEC Season shows in 2019 In the financial year to date 5,229 people have attended Season shows.	
1.1 1.2 5.3	Communicate and engage with the community	Growth in community engagement.	> 2,470 Facebook followers > 530 Twitter followers > 525 Instagram followers	Manager BMEC	BMEC currently has: 3143 Facebook followers 522 Twitter followers 721 Instagram followers This does not include ISoS, Catapult Festival or Central West Short Play Festival followers	

Delivery Program 2018-2022 & Annual Operational Plan 2018/2019

Museums

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6 1.1 1.2 1.3 6.6	An increase in total visitor numbers to the Bathurst Regional Council managed Museums of 8% over 4 years	A 2% increase in total visitor numbers to: Australian Fossil and Mineral Museum National Motor Racing Museum Chifley Home and Education Centre 	Total 2% increase in visitor numbers	Manager Museums	In May 2019 the following total visitor numbers included: Australian Fossil and Mineral Museum 1084 which is a 10% decrease on May 2018 visitor numbers from 1198. National Motor Racing Museum 1770 which is a 0.4 % increase on May 2018 visitor numbers of 1763. Chifley Home 223 which is a 50% decrease on May 2018 visitor numbers of 444. This reduction in numbers is due to the Bathurst Heritage Trades Trail not using Chifley Home in 2019. Total number of visitors across the Museums in May 2019 was 3,077 which is a 10% decrease on May 2018 numbers of 3405. Year to date (YTD) total visitors to Council Museums is 53,870 which is a slight increase from 53,603 YTD 2018.	
2.6 1.1 1.2 1.3 6.6	An increase in the total educational/schools engagement with the Bathurst Regional Council managed Museums of 8% over 4years	A 2% increase in total education/schools engagement at: • Australian Fossil and Mineral Museum • National Motor Racing Museum • Chifley Home and Education Centre	Total 2% increase in education/schools engagement	Manager Museums	In May 2019 the following education/schools engagement included: Australian Fossil and Mineral Museum 202 visitors which is a 39% decrease on May 2018 visitor numbers from 330. National Motor Racing Museum 0 visitors which is the same as May 2018. Chifley Home and Education Centre 162 education/school visits which is a 17% increase on May 2018 visitor numbers from 139. The number of education/school engagement across the Museums in May 2019 was 364 which is a 22% decrease on May 2018 numbers of 469.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6 1.1 1.2 1.3 6.6	The provision of a range of public programs, exhibitions and community events at the Bathurst Regional Council managed museums	Undertake a minimum of six exhibitions, five public programs and two community events across the Bathurst Regional Council managed museums	Minimum six exhibitions, five public programs and two community events	Manager Museums	Year to date (YTD) total education/school visitors to Council Museums is 4,617 which is an 18 % increase from 3,912 YTD 2018. In May 2019 the following has occurred: Australian Fossil and Mineral Museum Exhibition: Meet the Diprotodon. Planning and preparations are underway for the Chapman Collection. Chapman install commenced last week of May. National Motor Racing Museum Loan Vehicle Arrivals – 2003 Bathurst 24-Hour winning Holden Monaro 427 driven by Peter Brock; 1961 Jolus Formula Junior racing car; 2003 Holden Commodore V8 Supercar (Bathurst 12-hour class winner). Craig Lowndes exhibition concluded. Chifley Home and Education Centre Exhibition: Chifley Album Grimwade Centre, University of Melbourne Textile Conservation workshop Rail Museum Exhibition: All Aboard Public Art project, Platform 2 planning commenced Year to date (YTD) exhibitions, public programs and community events (10) Exhibitions (11) Public programs (5) Community events	
2.6 1.1 1.2 1.3 6.6	An overall increase in revenue generated from museum retail outlets and venue hire across the	A 2% increase in revenue generated from museum retail outlets and venue hire across the Bathurst Regional Council managed museums	Total 2% increase in retail and venue hire revenue	Manager Museums	In May 2019 the following retail and venue hire gross revenue was achieved: Australian Fossil and Mineral Museum	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
	Bathurst Regional Council managed museums				\$4193.65 which is a 3% decrease on May 2018 income from \$4325. National Motor Racing Museum \$16,112.70 which is a 22 % increase on May 2018 income of \$13,176. Chifley Home and Education Centre \$81.00 which is a 72% decrease on May 2018 income of \$297. This reduction in numbers is due to the Bathurst Heritage Trades Trail not using Chifley Home in 2019. Total retail and venue hire gross income across the Museums in May 2019 was \$20,387 which is a 15% increase on May 2018 income of \$17,798. Year to date (YTD) total gross revenue for Council Museums is \$364,061 which is a 3% increase from \$353,811 YTD 2018.	
2.6 1.1 1.2 1.3 6.6	The construction and operation of the Bathurst Rail Museum	Undertake the construction and fit out of the Bathurst Rail Museum	Construction of Bathurst Rail Museum commenced	Manager Museums	In May 2019 the following occurred: Painting interior almost complete. Steel framework of layout gallery erected. Layout reconstruction continuing.	
1.1 1.2 1.3 6.6	The construction and operation of the Central Tablelands Collection Facility	Continue to seek external funding for the construction of the collection facility	External funding sources identified and applications submitted	Manager Museums	In May 2019 the following occurred: • Formal process for the Collections Facility build is underway, with the first Project Control Group (PCG) meeting with Create NSW representatives held on 21 May. • Milestone 2 \$200,000 will be met 31 May 2019.	

Tourism

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.1 6.1	Grow the number and engagement of businesses associated with the Visitor Economy	Work with local operators in the provision of visitor services. Grow Regional Tourism Partnership program Inform industry regarding the Bathurst Region brand use and application	Number of tourism partners increased by 10%. Increased attendance at industry events annually	Manager BVIC	Tour and Event Sales increasing in volume on Bookeasy including Autumn Colours heritage tours and Heritage Trades Trail. 56 Operators engaged YTD with new booking engine. NPWS accommodation added. 3 operator renewals/new operators in May. 146 tourism partners as at end of May 19 increase of 4.3% over 2018 equivalent period figure of 140 at end May 2018.	
2.6	Provide visitors and prospective visitors to the area with quality information and services.	Develop new tourism website Develop regional Tours and trails app Develop online booking capability Develop Destination Planner - print and online Create focused local range of retail products at BVIC	Tourism website operational. Tours and trails app available to public. Destination planner published. Increase of 15% in bookings through online booking portal Downloads of Bathurst region app increase by 15% VIC satisfaction rating of 80% or higher maintained Retail sales at BVIC increase by 10% annually	Manager BVIC	146% increase in users against May 2018, avg session duration +36.6%, bounce rate -10.1% App - Machattie Park and Cathedral of St Michael & St John's tours released Destination Planner distributed locally, to conference/event ettendees and through AVIC network \$10,495 in bookings generated through booking portal. YTD bookings total \$79,276, with BVIC Commission of \$8,444 (new income this FY) 331 downloads of Step Beyond App BVIC rated 4.9/5 on Facebook, 4.3/5 on Google and 4.5/5 on TripAdvisor and 4.14/5 in recent Community Satisfaction research \$5,843 retail sales in May, 0.6% increase against \$5,807, in May 2018. YTD \$79,675 2.1% increase against 2017/18.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6	Effectively promote and market the Bathurst Region as a key destination	Develop new tourism website Develop Destination Planner – print and online Develop marketing campaigns based upon pillars of destination brand strategy	Growth in social media following by 20%. Increase in page views to Destination website by 20%.	Manager BVIC	Facebook followers increased by 2.5% to 9,252 YTD increase of 33.2% Instagram followers increased by 2.9% to 2,186, YTD increase of 25.8% 31,500 pageviews of visitbathurst website in May 2019, a 224.6% increase over equivalent period in 2018, YTD increase of 101.2%.	
2.6	Increase total number of visitors and overnight stays in the Bathurst region	Promote Bathurst region to niche and specialist markets as identified in Destination Management Plan and Brand strategy Develop annual events program from major (Tier 1) events to community level events	Day visitor number increase by 5% Overnight visitors increase by 8% Average length of stay increases by 10%	Manager BVIC	4,427 visitors to BVIC in May, (previous year figures unavailable due to log failure in 2018) PR campaign to boost overnight stays for Bathurst Heritage Trades Trail achieved 21 media placements, PRV of \$49,419 50 Events promoted in May 'What's On' sent to database of 1313 and via radio to inform VRF segment.	

Destination Management

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6	Utilise the Destination Management Plan as a basis for marketing, promotion and tourism development	Implement the destination brand: Develop and implement 18 month- three year marketing plan. Publish image library for industry to access.	Marketing Plan adopted by council. > 100 images accessed and used.	Destination Development Manager	Flagship Communications engaged to facilitate community and stakeholder consultation. Forums held 30 May – 1 June. Online survey open to 10 June. Councillor Working Party held 22 May. The three-year marketing plan was adopted by Council on 19 September 2018. Reviewed with DMP in December and in February against draft 2019/20 Operating Plan budget priorities. Nicola Bailey Photography shoot conducted May 10-11 resulting in 250+ additional high-resolution images	
2.6	Support the Tourism Reference Group, which consists of a cross section of the industry	Improved collaboration between industry groups and Council.	6 meetings held > 75% level of attendance	Destination Development Manager	Updates provided to TRG shared Dropbox folder by BRC Tourism Manager. All members encouraged to participate in DMP consultation process.	
2.6	Connect with industry	Host ongoing tourism forums annually.	Annual forum on emerging industry trend hosted.	Destination Development Manager /	BVIC Manager attended Bathurst Heritage Trades Trail meetings, 2BS BRock, HCCA committee, BHT/Autumn Colours function, CSU, EV Steering committee, Flagship Communications, Councillor Working Party, Amada Bathurst. Partner meetings with Bathurst Tours, Spring Spectacular committee, Bathurst Historical Society, Jenolan Caves, St Joseph's Convent Perthville, Rydges Mt Panorama.	
2.6	Set and measure benchmarks	Publish annual market intelligence report to strengthen knowledge and guide investment.	Report produced.	Destination Development Manager / Economic Development Manager	Literature review, product audit and stakeholder engagement list completed for DMP. 18/19 Tourism Awards Submission completed. BVIC now ATAP certified business. LGA specific research commissioned for 2019 with WRI through CENTROC Tourism Group	

Environmental, Planning & Building Services

Council will manage growth and development in alignment with Council's and the NSW Government's planning instruments and controls, and continue forward planning through reviews of the Housing Strategy, Open Space Strategy and Transport and Parking Strategy. Adoption of a new Economic Development Strategy will identify opportunities for continued growth, mindful of Council's obligations to environmental stewardship, heritage conservation and good urban design.

Environmental

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
5.4 Companion Animals A	responsibilities under the Companion Animals Act 1998 by continuing to provide community programs relating to	Complete Responsible Pet Ownership community programs Maintain and enhance areas for off-leash recreation for dogs	Two Community desexing programs conducted Pet Expo held	Team Leader Regulatory Services	First program was completed from 18-30 November 2018, with 110 dogs and cats desexed. "Operation cat" ran from January to May with subsidised desexing and microchipping of 69 cats. Program being run in partnership with the Cat Protection Society.	
	responsible pet ownersnip	pet ownersnip	Educational radio interviews conducted weekly		Next program scheduled for 11 to 21 June 2019. Council hosted a Dog Behaviour and Responsible Pet Ownership presentation at BMEC in February 2019. The event had 350 attendees and was very well received by the	
			Educational social media posts conducted monthly		community. Conducted weekly by Senior Ranger.	
			Maintain Kefford Street Off Leash areas fortnightly		Posts prepared and released monthly in 2019. Contract for maintenance awarded in August 2018 and conducted regularly.	
			Install seating and dog agility equipment at small dogs off leash area by September 2018		Seating and agility equipment was installed in early October 2018. Project now complete.	

Delivery Program 2018-2022 & Annual Operational Plan 2018/2019

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 5.4	Meet Council's responsibilities under the Companion Animals Act 1998 and Impounding Act 1993 by promptly responding to customer requests and implementing enforcement action for breaches	Investigate animal related complaints, including matters reported after hours Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	95% of customer requests responded to within adopted corporate standards 100% response to customer requests reported out of hours	Team Leader Regulatory Services	89.61% responded to within adopted corporate standards during May. 94.41% responded to within adopted corporate standards for the year to date. 100% responded to within adopted service standards.	
6.4	Meet Council's responsibilities under the Prevention of Cruelty to Animals Act 1979 and the Impounding Act 1993 in the operation of the Small and Large Animal Impounding Facilities	Operate Small Animal Pound at Vale Road site	Implement electronic impounding register by December 2018 Implement social media program to promote rehoming of impounded dogs and cats by December 2018 Increase the % of impounded to owner or sold or released to welfare organisation Increase the % of impounded cats returned to owner or sold or released to welfare organisation	Manager Environment/ Team Leader Regulatory Services	Liaison with IT staff ongoing. Interim solution under development. Adoption posts on social media occurring a minimum of fortnightly throughout the reporting period. Council receives many responses from the public and the program has been very successful in increasing the numbers of animals re-homed. Promotion on social media of impounded but not identified animals occurring as and when required, but not less than monthly during the reporting period. Council's website features dogs available for sale and impounded dogs where the owner is unknown.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					Council's website features cats available for sale and impounded cats where the owner is unknown.	
		New Small Animal Impounding Facility designed and construction commenced	Design 100% complete by December 2018		Proposal presented to architectural firm in early November for design and project management of construction. Gap analysis delivered in February and project design meetings held.	
		Large Animal Impounding Facility relocated to Hampden Park Road site	Construction 75% commenced by 1 March 2019		Further design meetings held in March and April 2019. Architect engaged to refine concept designs in late April 2019; two drafts received in May 2019.	
6.2	Explore opportunities to develop a best practice regional impounding facility	Actively engage with neighbouring Councils to develop a model for a regional impounding facility	Seek confirmed participation in a regional impounding facility by August 2018	Manager Environment	Other Councils are pursuing individual facilities.	
			Develop a governance model for a regional impounding facility by February 2019		A regional pound facility is unlikely to proceed.	
			Develop operating procedures for a regional impounding facility by April 2019			

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 4.4 5.2 5.4	Meet Council's responsibilities under the Road Rules 2014 and Fines Act 1996	Monitor and enforce parking regulations on public roads Implement a community education program regarding the Australian Road Rules	Daily monitoring undertaken Educational social media posts conducted monthly	Team Leader Regulatory Services/ Parking Rangers	Monitoring undertaken daily. 100% of customer requests responded to within adopted service standards during May. 94.4% of customer requests responded to within the service standards during the reporting period.	000
			Review and update the educational information on Council's website by December 2018		Post prepared and issued monthly. Minor updates completed in October 2018. Project ongoing.	
6.4 5.2	Meet Council's contractual obligations under the Local Government Act 1993 in monitoring and enforcing parking regulations in off street car parks	Monitor and enforce parking regulations in off street car parks in accordance with contractual obligations	100% compliance with contractual obligations	Team Leader Regulatory Services/ Parking Rangers	All of Council's contractual obligations met in May 2019.	
3.1 3.2 3.3 3.4 6.4 1.4	Meet Council's responsibilities under the Protection of the Environment Operations Act	Investigate customer requests and pollution incidents Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	95% of customer requests responded to within adopted corporate standards	Manager Environment/ Environmental Officers	100% of customer requests responded to within adopted corporate standards during May. 98.29% of customer requests responded to within adopted corporate standards for the reporting year.	
3.3 3.5 6.1	Continue to improve the community's awareness and capacity with regard to environmental sustainability	Communicate sustainability messages via a range of on-line and traditional media sources	Weekly posts on the @sustainablebathurst Facebook page	Manager Environment/ Environmental Officers	Several posts each week on the @sustainablebathurst Facebook page during February with posts on water wise workshops and promotion of the new electric vehicle charging stations.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Conduct sustainability education programs	Conduct Sustainable Living Expo in March 2019 Conduct a sustainability education program targeting primary school aged students by December 2018		The SLE was held on 23 March 2019 with an excellent crowd in attendance, supported by a record number of stallholders. Keynote speakers and workshops were very well received. Thirteen schools awareness grants for a range of projects which are all complete. A newsletter providing details of the projects was delivered to schools in December 2018.	
3.1 3.2 6.4	Implement Council's Onsite Sewage Management Strategy and meet Council's obligations under the Local Government Act 1993	Conduct inspections and issue approvals for existing onsite sewage management systems without approvals or requiring renewal	Increase the number of onsite sewage management systems with a current approval to operate Review and update the Onsite Sewage Management Strategy by January 2019	Manager Environment/ Environmental Officers	Inspections conducted regularly in May and approvals issued where appropriate. Council at its Policy meeting in March resolved to place the Strategy on public exhibition. The revised Policy has been adopted.	
3.1 3.4 3.5 1.4	Meet Council's obligations under the Local Government Act 1993 and community expectations to manage, restore, enhance and conserve the natural environment	Implement the Urban Waterways Management Plan Implement the Biodiversity Management Plan Implement the Pest Bird Management Plan	Implement a priority project identified in the Urban Waterways Management Plan. Implement a priority project identified in the Biodiversity Management Plan. Implement a priority project identified in the Biodiversity Management Plan.	Manager Environment/ Environmental Officers/ Sustainability Strategy Officer	Insufficient funds available for capital works in Sawpit Creek as reserve has been removed. Options for detailed designs to be prepared for future project currently being explored. Biodiversity stewardship site opportunities currently being assessed with field work completed in October 2018. Report finalised with Council feedback in February 2019. Pigeon surveys conducted weekly during August and November 2018. Pigeon cull conducted on 26 & 27 August in CBD, and in Keppel Street in December 2018. A further cull	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Implement the Roadside Vegetation Management Plan	Pest Bird Management Plan Implement a priority project in the Roadside Vegetation Management Plan		was conducted in late April and late May 2019, including Keppel Street. Grant funding received from LLS which will assist in achieving a priority action in the Yetholme area. Field surveys of Purple Copper Butterfly completed in October 2018. Contractor completed the weed removal works in February and March 2019. Monitoring ongoing.	
3.5 3.3 6.6	Implement energy efficiency and renewable energy projects at Council facilities	Identify and prioritise energy efficiency projects at Council facilities Identify and prioritise renewable energy projects at Council facilities	Install a solar array at the Bathurst Aquatic Centre Design and install a solar	Manager Environment/ Sustainability Strategy Officer	Request for Quotation released for the preparation of a detailed design in November. Unfortunately no quotation proposals were received. Contract awarded in April for the design and installation of a 100kW array. Inception meeting held and applications to Essential Energy submitted; detailed design receive by Council in May and contractors completed WHS Induction. Not commenced.	
			shade structure for the Elizabeth Street car park Implement an energy efficiency upgrade at Council facility Implement a renewable energy project through the Revolving Energy fund		Not commenced. Request for quotation documents currently being prepared for a project at the NMRM.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
3.1 3.4 6.4 1.4 4.6	Meet Council's obligations under the Biodiversity Conservation Act 2016, Fisheries Management Act 1994 and Water Management Act 2000	Ensure the assessment of development applications meets all of the requirements of the Biodiversity Conservation Act 2016, Fisheries Management Act 1994 and other relevant planning policies	Number of development applications assessed and professional advice provided	Manager Environment/ Environmental Officers/ Sustainability Strategy Officer	DAs assigned and assessed in May 2019.	
	Meet Council's obligations under SEPP55 and related planning policies	Investigate opportunities for the establishment of biodiversity stewardship sites under the Biodiversity Conservation Act 2016	Identify three priority Council owned sites for assessment as biodiversity stewardship sites		Consultant engaged to assess the suitability of various Council owned parcels of land as stewardship sites. Report finalised in February 2019. Project complete.	
		Ensure that Council activities are compliant with the requirements of the Biodiversity Conservation Act 2016	Formulate a workflow procedure to ensure that all Council activities are compliant with the requirements of the		Informal workflow currently in place. Further work required to formalise this process.	
		Ensure the assessment of development applications meets all of the requirements of SEPP55 and Council's Contaminated Land Policy	relevant legislation by February 2019		Advice provided on numerous DA's during May. Discussions with land owners and potential purchasers also held during May.	
2.3 3.3 5.2	Contribute to the development of Bathurst as a Smart City	Identify the optimum efficiency LED luminaries for the street lighting upgrade	Complete a pilot trial of LED street lights at identified trial sites by September 2018	Manager Environment/ Environmental Officers/ Sustainability	Main trial locations installed between July and September 2018. An additional trial location negotiated with Essential Energy and will be implemented in June 2019, after many delays.	
		Identify the optimum technology for smart controls to be	Complete upgrade of all standard P3, P4 and P5 street lights to LED luminaries.	Strategy Officer	Extensive liaison with Essential Energy ongoing.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		incorporated into LED street lighting upgrade			Locations of P3, P4 and P5 luminaires approved by Department Heads in April 2019. Location of V category luminaires reviewed in May 2019.	
		Establish Bathurst as an EV charging destination	Install Tesla supercharger station by August 2018		Tesla supercharger installation was completed in March 2019 and NRMA universal installation completed in April 2019. Both sites officially launched in April 2019.	
			Identify and install CBD universal EV charge station sites		Potential CBD charge sites have been identified, assessed by an electrician and prioritised.	
					Joint submission made for grant funding for chargers in rural villages made in April 2019.	
					Financial model for feasibility study complete.	
			Complete a feasibility study for the integration of		Feasibility study presented to Department Heads in August 2018.	
			electric vehicles in the Council fleet		First petrol hybrid electric vehicle ordered and received September 2018. Currently in daily use by Records section. Formal media launch conducted in February 2019.	
3.3 3.5 6.4 3.1	Meet Council's statutory reporting obligations under the Local Government Act 1993	Monitor the operational footprint of Council's operations and report on trends identified.	Collate data and prepare the annual State of Environment Report by 30 November 2018	Manager Environment/ Sustainability Strategy Officer	Regional SoE was adopted by Council at its Ordinary meeting in November 2018. The report is published on Council's website.	
		Measure and collate the trends in environmental condition across the Local Government Area			Data collection ongoing.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 5.4	Meet Council's obligations in the Food Regulation Partnership and the Food Act 2003	Conduct a program of inspections of food premises including home-based food premises and Bed & Breakfast establishments to ensure compliance with regulations	Conduct an inspection of all high and medium risk food premises by June 2019	Manager Environment/ Environmental Health Officers	53 food premises, and 132 temporary food premises, inspected in May.	
			Implement a risk based inspection program for B&B and home-based food premises		No B&B inspections in the month of May.	
			Prepare and distribute educational material on food safety three times annually		Food safety newsletter prepared and distributed in December 2018. A food safety calendar was also distributed with newsletter.	
			95% of customer requests responded to within adopted corporate standards		No food related complaints received in May 2019. 67% of customer requests responded to within adopted service standards (2 out of 3) in the reporting year.	
6.4 5.4	Meet Council's obligations under the Public Health Act 2010 and associated regulations	Conduct a program of inspections of skin penetration premises, public swimming and spa pools and cooling towers	Conduct an inspection of all skin penetration premises	Manager Environment/ Environmental Health Officers	No inspections conducted in May 2019.	
	regulations		Conduct an inspection of all public swimming pools and spa pools		No inspections of public swimming pools completed in April 2019. All premises have now been inspected at least once, and reinspections conducted where necessary.	
			Participate in training to determine Council's role in Legionella management and the		Training attended on 7 November 2018.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
			inspection of cooling towers		Letters sent to all system owners advising of the changes to the regulations in January. Register updated and unique identifier numbers issued to all active systems in April.	
			95% of customer requests responded to within adopted corporate standards		100% responded to within adopted service standards during May. 85.37% of customer requests responded to within adopted corporate standards for the reporting year.	

Planning

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.5 2.1 3.3 4.6 5.5 6.4	Prepare relevant planning proposals to ensure Council's planning controls remain relevant and up to date.	Prepare draft LEP and DCP amendments.	Planning proposals referred to NSW Department of Planning & Environment for gazettal	Manager Strategic Planning	 House Keeping LEP Amendment – on public exhibition. Moveable and Monumental Heritage LEP Amendment – Planning proposal being prepared. Limekilns Road LEP and DCP Amendment – Adopted by Council. Gazetted. Bathurst Regional Development Control Plan 2014 – Major Review – report presented to Council at July meeting to commence review. Signage and notification chapters being reviewed. Bathurst Regional DCP 2014 – Housekeeping Amendment – Completed 31/8/18. Community Participation Plan –public exhibition completed. Health Services LEP Amendment in RE2 Private Recreation Zone – on public exhibition. Bathurst Region DCP Amendment – Milltown Cemetery and Wattle Flat Mining Archaeological Sensitivity – adopted. Bathurst Regional DCP 2014 – Vegetation SEPP update – public exhibition completed. To be reported to Council. Laffing Waters Planning Proposal – Planning proposal and amendments to DCP and contributions plans being prepared. 	
1.5 2.1 3.3 4.6 5.5 6.4	Investigate relevant land use and planning issues of the Bathurst Region.	Prepare studies and plans. 1. Laffing Waters Master Plan. 2. Bathurst Integrated Transport Plan.	Draft studies/plans are prepared by 30 June 2020	Manager Strategic Planning	 Bathurst Region Open Space Strategy – final draft Strategy received for review by Council. Stewart/Durham Street Intersection investigations – Plan completed. Adopted by Council. Laffing Waters Master Plan – Adopted by Council. 	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					 Bathurst City Traffic Study/Model (joint project with RMS) – draft report received for review by Council. Aboriginal Cultural Heritage Assessment – 2nd circuit lands –Test excavation program completed. Post excavation analysis – preparation of final report underway. European Archaeological Management Plan – 2nd circuit lands – completed. Due diligence report for the Mount Panorama Boardwalk project completed. Consultation for Wahluu story completed. Duramana Road Master Plan – Master Plan completed. To be exhibited. Building Better Bathurst Advisory Service – Expressions of Interest called and being assessed. 2018 Car Parking Survey – survey counts completed. Alec Lamberton Park Consultation – completed. Adopted by Council. 	
4.1 4.6 6.4	Review and update Council's section 7.11 plans.	Review existing or prepare new s7.11 Plans.	Draft plans considered and adopted by Council	Manager Strategic Planning	 Stormwater drainage – draft study/plan being prepared. Bathurst Region Open Space – valuations report received. Plan being reviewed. 	
1.1 1.2 1.5 4.6 5.5	Implement the Bathurst Regional Heritage Strategy 2014-2017.	Provide a Heritage Advisory Service.	Number of site visits undertaken by the heritage advisory service.	Manager Strategic Planning	Total site visits since 1 July 2018 – 124. New Heritage Advisor appointed.	
		Provide heritage incentive funding programs to protect, maintain, enhance and promote the regions heritage assets.	Value of works generated from Council's incentive funds.	Manager Strategic Planning	2018/19 Bathurst Region Local Heritage Fund - 59 projects have been offered funding. To date (6 June 2019) 39 projects completed with a total project value of \$367,436.86. Applications for 2019/20 closed.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					 2018/19 Bathurst Region Interpretation Fund 12 projects have been offered funding. To date (6 June 2019) 6 projects completed with a total project value of \$52,167.37. Applications for 2019/20 closed. 2018/19 Bathurst CBD Main Street Improvement Fund – 15 projects have been offered funding. To date (6 June 2019) 5 projects completed wit a total project value of \$53,610. Applications for 2019/20 closed. Bathurst Macquarie Medal Heritage Project/Scholarship – 2019 Project awarded to the Church Block Eglinton. 	
		Prepare and implement projects for the interpretation and display of cultural heritage and history information.	New interpretative / promotional information made available.	Manager Strategic Planning	2019 Pillars of Bathurst (11) launched at Proclamation Day.	
		Prepare research/studies into the regions heritage values	Studies/plans considered and adopted by Council. Number of local heritage items included in the Local Environmental Plan.	Manager Strategic Planning	1. Bathurst Heritage Conservation Area Review - draft report on public exhibition. 2. Archaeological Assessment - 128 Bentinck Street - Archaeologist appointed - draft report received for review by Council. Awaiting revised engineering drawing. 3. Building Conservation and Restoration Strategy for Headmasters Residence (former TAFE site) - final report received.	

Development Assessment

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer		Action Year to Date			Status
1.5 4.1 4.6 6.4	Ensure the assessment of development and other applications, in accordance with planning instruments, development control plans and policies, occurs	Process all development applications within statutory time frames set out in the Environmental Planning and Assessment Act 1979.	To be at or below the state average for determination times of development applications	Manager Development Assessment		NSW State Average 2014-2015	Bathurst Regional Council May 2019	Bathurst Regional Council year to date average	
	within appropriate timeframes.				Average gross days taken to determine a DA	71	37.45	47.69	
					Average nett days taken to determine a DA	48	31.30	40.58	
			To be at or below the state average of determination times for complying development	Manager Development Assessment		NSW State Average 2014-2015	Bathurst Regional Council May 2019	Bathurst Regional Council year to date average	
					Average days taken to determine a CDC	22	5.00	3.97	

Economic Development

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.1 2.2 2.3 2.4 2.6 4.1 4.5 5.5 6.3	Implementation of the Economic Development Strategy 2018-2022 and associated actions.	Nurture economic infrastructure development by supporting the development of the aerodrome, industrial precincts and telecommunications.	Seek funding for economic infrastructure projects.	Manager Economic Development	Mobile Black Spot Funding for Limekilns, Sunny Corner, Rock Forest, Sofala and Wattle Flat approved for construction. Business cases submitted for Growing Local Economies Fund (Kelso Industrial Park and Airport). Second Circuit funding received – Federal \$12.5 million, State \$15 million to date.	
		Market-leading promotional campaigns and events through continued participation in Evocities, destination marketing, and maintenance of promotional assets.	Representation at all Evocities meetings. All 4 entrance billboards and signs updated. Bathurst Region website migrated to new destination site.	Manager Economic Development	Evocities Steering Committee and Operations Group meetings attended. Existing Welcome signs updated and 3 additional signs manufactured for Vale, O'Connell and Sofala Roads. Bathurst Region site deactivated and content moved to new destination site.	
		Support local business growth, partnerships and skill development through management of Councils business database (eNewsletters), business cluster groups, business management programs, business events and the ID platform.	12 eNewsletters issued. Manufacturing and technology cluster groups activated Run BizMonth, Gift Card and Business Leaders Lunch programs.	Manager Economic Development	All monthly eNewsletters sent. BBRF grant application successful to activate industry clusters. 2018 BizMonth campaign completed with sponsorship from Commonwealth Bank, Verto, CSU and Rydges. 2018 Drought Buster Gift card Promotion completed.	

	Develop a Precinct Activation Program, support local start-up hubs and manage Council's relationship with the Business Chamber.	Program developed and adopted. Attendance at 75% of Business Chamber After-Hours events. Representation at all "Upstairs" board meetings and implementation of a marketing campaign for "Upstairs".	Manager Economic Development	Chamber Business Expo attended 24 July. MOU signed with the Bathurst Business Chamber. Attendance at 80% of Business Chamber afterhours events Upstairs Board meetings attended and marketing campaign completed. Carillon Business Awards attended. Chamber Christmas Party hosted at Mount Panorama Pit Complex.	
	Grow local employment, investment and attract new businesses	Organise the Bathurst Jobs Expo with 40 stalls and minimum 1,500 attendees. Minimum of 60 new jobs loaded on Evojobs each month. Develop relocation proposals, relocation materials and support the relocation of new businesses.	Manager Economic Development	Jobs Expo completed and confirmed sponsorship from TAFE NSW. 58 stalls & 2,250 attendees. 1658 jobs loaded to date. Average of 138 jobs loaded per month. Qantas Pilot Training Academy submission unsuccessful.	
	Develop Bathurst into a Smart City. Support innovative practices from industry.	Smart City Plan developed and adopted. Monthly Project Group meetings held. Seek funding and roll out Smart City priority projects.	Manager Economic Development	Smart City Plan development underway. Community consultation workshops completed. Monthly meetings held. Smart Cities Round 2 grant application unsuccessful. Sydney Smart City week attended.	

		Tesla/NRMA Electric Vehicle charging hub constructed.
		CCTV Stage 1 completed
		Free CBD wi-Fi project completed/constructed.

Bathurst Regional Council

Budget review for the period 1 April to 31 May 2019

Recommended Budget Variations

Council must be given the opportunity to review and approve variances to the original budget for the year. Any changes to the original budget must be approved by Council and councillors need to be aware by resolving to accept this report they are approving the proposed changes.

The following budget variations are recommended:

Income	\$
Decrease Income - Roads - Transfer from Unspent Grant Funds - Bridle Track	(2,000,000)
Decrease Income - Roads - RMS ordered works grant income	(1,100,000)
Decrease Income - Mt Panorama - Panorama Motorcycle Club amenities grant	· · · · · · · · · · · · · · · · · · ·
Decrease Income - Mt Panorama - Panorama Motorcycle Club amenities transf	· · · · · · · · · · · · · · · · · · ·
Increase Income - Mt Panorama - transfer from reserve	2,000,000
Increase Income - Mt Panorama - grant income - 2nd track	1,010,075
Increase Income - Roads - Turondale Rd widening - Drought Relief grant	300,000
Increase Income - Other L & B - Grant - Meals on Wheels kitchen upgrade	293,414
Increase Income - Parks - Grant - Wattle Flat Recreation Ground multi purpose	•
Increase Income - Sewer - Public Amenities Block - grant income	100,000
Increase Income - BMEC - grant income	71,329
Increase Income - Kelso Community Hub - transfer from Sec 7.11	65,000
Increase Income - NMRM - grant income	50,000
Increase Income - Parks - Grant - Sportsground canteen upgrade	50,000
Increase Income - Mt Panorama - Panorama Motorcycle Club contribution	40,000
Increase Income - Parks - Grant - Adventure Playground	40,000
Increase Income - Events - Sister City income	6,300
· ·	1,026,118
Francia ditura	•
Expenditure Decrease Functions Boods Bridge Treels	(2,000,000)
Decrease Expenditure - Roads - Bridle Track	(2,000,000)
Decrease Expenditure - Roads - RMS ordered works	(1,100,000)
Decrease Expenditure - Roads - RTR Turondale Rd	(262,914)
Decrease Expenditure - Mt Panorama - Panorama Motorcycle Club amenities b Decrease Expenditure - Roads - Footpath Renewals	ouilding (60,000) (50,000)
Decrease Expenditure - Roads - RTR Colleen Hagney Lane	(43,806)
Decrease Expenditure - Post Office - Air Conditioning maintenance	(40,000)
Decrease Expenditure - Post Office - All Conditioning Maintenance Decrease Expenditure - Planning - Employee Costs	(20,000)
Decrease Expenditure - Scallywags - Advertising	(20,000)
Decrease Expenditure - Roads - AC Reconstruction	(18,000)
Decrease Expenditure - Scallywags - building maintenance	(13,580)
Decrease Expenditure - Street Signs Capital - Entry to Bathurst signage	(10,000)
Decrease Expenditure - Street Signs - Entry to Bathurst signage	(10,000)
Decrease Expenditure - HR - Employee costs	(10,000)
Decrease Expenditure - Planning - Heritage studies	(7,000)
Decrease Expenditure - Corporate Communications - Macquarie Medal	(5,000)
Increase Expenditure - Mt Panorama - land	2,000,000
Increase Expenditure - Mt Panorama - roads	1,010,075
Increase Expenditure - Roads - RTR Bathurst St, Perthville	306,720
Increase Expenditure - Roads - Turondale Rd widening	300,000
Increase Expenditure - Other L & B - Buildings - Meals on Wheels kitchen upgra	•
Increase Expenditure - Parks - Structures - Wattle Flat Recreation Ground mult	
Increase Expenditure - Sewer - Public Amenities Block BMX track	100,000
Increase Expenditure - Engineering - Surveyors equipment	68,000
Increase Expenditure - Kelso Community Hub - building refurbishment	65,000
Increase Expenditure - BMEC - furniture	55,000
Increase Expenditure - NMRM - building capital	50,000
Increase Expenditure - Parks - Buildings - Sportsground canteen upgrade	50,000
Increase Expenditure - Scallywags - furniture	40,580

40 000

S_DCSF_2_2

Increase Expenditure - Parks - Structures - Adventure Playground	40,000
Increase Expenditure - Other L & B - Building Mtc	20,000
Increase Expenditure - Senior Citizens - Building Mtc	20,000
Increase Expenditure - Planning - Office Admin expenses	20,000
Increase Expenditure - Economic Development - operating expenses	20,000
Increase Expenditure - BMEC - building capital	16,329
Increase Expenditure - HR - consultancies	10,000
Increase Expenditure - Planning - Laffing Waters Master Plan	7,000
Increase Expenditure - Events - Sister City	6,300
Increase Expenditure - Planning - Macquarie Medal/Scholarship	5,000
Decrease Expenditure - Various < \$5,000	(7,000)
	1,026,118
Total	0

2 of 4

3 of 4

S_DCSF_2_2

Bathurst Regional Council

Budget review for the period 1 April to 31 May 2019

Budget Review Income & Expenditure Statement (Consolidated)

	Original		Approved (Changes		Revised	Recommended	Projected	Actual
	Budget	Carry	September	December	March	Budget	Changes	Year End	YTD
\$'000	2018/2019	Forwards	Review	Review	Review		for Council	Result	
Income from Continuing Operations									
Revenue:									
Rates & Annual Charges	45,127					45,127		45,127	44,701
User Charges & Fees	27,678		139	(262)		27,816		27,816	21,415
Interest & Investments Revenue	2,833					2,833		2,833	2,645
Other Revenue	4,722		1	150	10	4,733	6	4,739	3,815
Grants & Contributions provided for Operating Purposes	11,575		45	351	184	11,804	(1,100)	10,704	8,327
Grants & Contributions provided for Capital Purposes Other Income:	33,009		1,444	(2,595)	(5,296)	29,157	2,088	31,244	11,760
Net gains from the disposal of assets	28,451					28,451		28,451	912
Total Income from Continuing Operations	153,396	_	1,628	(2,356)	(5,103)	149,921	994	150,915	93,574
Expenses from Continuing Operations									
Employee Benefits & On-Costs	29,392		(18)	(85)	(5)	29,369	(30)	29,339	27,675
Borrowing Costs	1,400					1,400		1,400	1,271
Materials & Contractors	37,306	1,236	308	3,368	(91)	38,759	(999)	37,760	29,558
Depreciation & Amortisation	25,815					25,815		25,815	25,830
Other Expenses	11,176	20	(70)		5	11,131		11,131	10,204
Total Expenses from Continuing Operations	105,089	1,256	220	3,283	(92)	106,473	(1,029)	105,444	94,538
Net Operating Result from Continuing Operations	48,307	(1,256)	1,408	(5,639)	(5,011)	43,448	2,023	45,470	(964)
Net Operating Result Before Grants & Contributions Provided for Capital Purposes	15,297	(1,256)	(36)	(3,044)	285	14,291	(65)	14,226	(12,724)

Notes:

Original budget +/- approved budget changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

Interest on unexpended loans is not calculated until the end of financial year, as it is assumed that all loan funds will be used in the period in which they are taken out.

Salaries and wages capital oncost is not calculated until the end of financial year.

Adjustments such as Pre-payments and Accruals have not been processed as they are only done at the end of year/quarter. This impacts some Actual YTD figures.

Bathurst Regional Council

Budget review for the period 1 April to 31 May 2019

Budget Review Capital Budget

	Original		Approved				Recommended		Actual
	Budget	Carry	September	December	March	Budget	Changes	Year End	YTD
\$'000	2018/2019	Forwards	Review	Review	Review		for Council	Result	
0.715									
Capital Expenditure	4.000	074				4.500		4.500	4.000
Plant & Equipment	4,238	271		(00)		4,509		4,509	4,038
Office Equipment	354	200	18	(28)		544	68	612	347
Furniture & Fittings	117	96	17	40		270		325	251
Land	150		615			765	2,000	2,765	2,684
Land Under Roads	-					-		-	-
Land Improvements	4,090	643	(625)	(1,575)	(324)	2,209		2,209	890
Buildings	11,240	5,056	895	615	(4,840)	12,966		13,480	4,967
Structures	7,259	2,274	513	(4,300)	685	6,431	200	6,631	1,481
Roads, Bridges, Footpaths	23,695	40,554	9,381	(2,168)	(46,585)	24,877	(768)	24,109	18,147
Bulk Earthworks	375		1,757		(1,147)	985		985	883
Stormwater	2,130	67			(30)	2,167		2,167	1,292
Water Supply	7,770	9,762		388		17,920		17,920	2,027
Sewerage Network	2,972	4,592		(50)		7,514		7,514	1,179
Other Assets	307			, ,		307		307	261
Investment Property	-	959				959		959	362
Real Estate	18,043		(16,128)		(1,724)	191		191	190
Total Capital Expenditure	82,739	64,473	(3,557)	(7,078)	(53,965)	82,611	2,070	84,681	39,000
Funded by									
Loans	9,470					9,470		9,470	-
Asset Sales	1,650					1,650		1.650	935
Reserves - Internal	7,474	6.065	(57)	(27)	57	13,513		15,513	3.005
Reserves - External	7,808	11,877	(-)	(3,681)	(1,000)	15,003	,	13,035	3,124
Reserves - Loans		11,186	133	. , ,	(57)	10,061	(,===)	10,061	5,942
Grants & Contributions	27,706		2,955	(,,	(50,306)	12,119	2,038	14,157	
Recurrent revenue	28,630	987	(6,588)	425	(2,659)	20,795		,	20,699
Other	-	201	(0,000)	.20	(=,550)		<u> </u>		
Total	82,739	64,473	(3,557)	(7,078)	(53,965)	82,611	2,070	84,681	39,000

Note:

Loans are not drawn down until close to the end of the financial year, in anticipation that interest rates will fall.

Salaries and wages capital oncost is not calculated until the end of financial year.

Adjustments such as Pre-payments and Accruals have not been processed as they are only done at the end of year/quarter. This impacts some Actual YTD figures.

Original budget +/- approved budget changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

2018-2019 Section 356 Donations Report as at 31 May 2019

Details	Reference	Date	Standard Annual Donations	Specific Donations	Sundry Donations	Mt Pan Fee Waived	BMEC Donations	TOTAL
Annual Budget			\$ 64,520.00	\$ 53,416.00	\$ 27,058.28	\$ 41,333.00	\$ 62,053.82	\$ 248,381.10
Spent to date:								
Bathurst City Community Club	DCS&F 18/07/18 Item 5b Operation Plan	25/07/2018	4 717 OF		-3,654.13			-3,654.13 -4,717.8
City Colts Water Account Bathurst Arts Council - Annual Youth Arts Awards	DCS&F 18/07/18 Item 5c	25/07/2018 31/07/2018	-4,717.85		-1,000.00			-4,717.8
National Cool Climate Wine Show - 20th Anniversa		31/07/2018			-1,500.00			-1,500.0
Central Tablelands Woodcraft	DCS&F 18/07/18 Item 5e	31/07/2018			-700.00			-700.0
Monkey Hill UHF Repeater	Operation Plan	31/07/2018	-800.00					-800.00
2BS Junior Sports Awards	Operation Plan	31/07/2018	-5,000.00					-5,000.00
Macquarie Philharmonia - Platinum Donation	Operation Plan	31/07/2018	-2,500.00					-2,500.00
Sofala & District AH&P Association	Operation Plan	31/07/2018	-350.00					-350.00
Sofala Progress Association	Operation Plan	31/07/2018	-2,500.00					-2,500.00
Bathurst Information and Neighbourhood Centre	Operation Plan	31/07/2018	-800.00					-800.00
Bathurst City & RSL Band Association Inc	Operation Plan	31/07/2018	-5,000.00					-5,000.00
3rd Bathurst (All Saints Cathedral) Scout Group	Operation Plan	31/07/2018	3,000.00	-490.00				-490.00
Central Tablelands Woodcraft	Operation Plan	31/07/2018		-500.00				-500.00
Bathurst Seymour Centre Inc	Operation Plan	31/07/2018		-3,500.00				-3,500.00
Miss Trail's House & Garden	Operation Plan	31/07/2018		-1,250.00				-1,250.00
Hill End & Tambaroora Gathering Group	Operation Plan	31/07/2018		-400.00				-400.00
Bathurst City Mens Bowling Club - Carillon Fours Evans Arts Council	Operation Plan Operation Plan	31/07/2018 31/07/2018		-2,500.00 -1,200.00				-2,500.00 -1,200.00
Bathurst Refugee Support Group Inc	Operation Plan	31/07/2018		-3,000.00				-3,000.00
- ''	·							
Quota International of Bathurst - QuoCKa reading	Operation Plan	31/07/2018		-1,000.00				-1,000.00
Peel Residents Association Incorporated	Operation Plan	31/07/2018		-2,606.00				-2,606.00
Bathurst Edgell Jog	Operation Plan	31/07/2018		-13,000.00				-13,000.00
Kelso High School - Crimson Royale album launch	S356 Policy	31/07/2018					-359.27	-359.27
Blayney High School - SLSO Conference - Making	S356 Policy	28/08/2018					-495.09	-495.09
a Difference								
Kelso High School - Future Directions forum	S356 Policy	28/08/2018					-574.91	-574.91
BMEC - CPSA July Meeting	Operation Plan Operation Plan	28/08/2018					-1,157.95	-1,157.95
BMEC - CPSA Aug Meeting Camp Quality's Escarpade - Street Banner	DCS&F 16/05/18 Item 6	28/08/2018 3/09/2018			-1,450.00		-1,065.68	-1,065.68 -1,450.00
Glenray Fundraising Ball	Operation Plan	14/09/2018			-1,450.00		-70.18	-70.18
Home Modification Tip Fees	Operation Plan	14/09/2018	-216.00				70.10	-216.00
Sofala Progress Association - Rebellion on the	•		210.00	5 000 00				
Turon	Operation Plan	26/09/2018		-5,000.00				-5,000.00
CSU Parent Information Evening	Operation Plan	27/09/2018					-53.09	-53.09
Mitchell Conservatorium Winter Showcase	Operation Plan	27/09/2018	0.047.00				-1,473.07	-1,473.07
WRAS Annual Subscription/donation	Operation Plan	27/09/2018	-2,347.00			40.747.07		-2,347.00
Newtons Nation 2018 IDF World Cup	DCS&F 19/09/18 Item 6	30/09/2018	400.04			-12,717.27		-12,717.27
Home Modification Tip Fees	Operation Plan DCS&F 19/09/18 Item 8	18/10/2018	-122.91			2 000 00		-122.91 -2,000.00
Nissan Datsun Drivers Club - Bathurst 2018 Rally	DCS&F 17/10/18 Item 8	18/10/2018 18/10/2018				-2,000.00 -252.00		-252.00
Panorama Motorcycle Club - camping application Meadow Flat Public School - presentation night	S356 Policy	31/10/2018			-60.00	-232.00		-60.00
Morgan Owners Club of Aust 60th Anniversary	Operation Plan	31/10/2018			00.00	-2,500.00		-2,500.00
Home Modification Tip Fees	Operation Plan	18/10/2018	-661.09			,		-661.09
Bathurst West Public School - presentation day	S356 Policy	14/11/2018			-60.00			-60.00
Bathurst Public School - mid year concert	S356 Policy	28/11/2018					-1,855.09	-1,855.09
Camp Quality's Escarpade - Mt Pan charges	DCS&F 16/05/18 Item 6	30/11/2018				-1,904.00		-1,904.00
Camp Quality's Escarpade - BMEC hire	DCS&F 16/05/18 Item 6	30/11/2018					-1,956.74	-1,956.74
Camp Quality's Escarpade - Street Banner charge		30/11/2018			-622.00			-622.00
Rockley Public School - presentation day	S356 Policy	5/12/2018			-60.00			-60.00
Catholic Education Office - Youth Ministry Concert	S356 Policy	14/12/2018					-301.45	-301.45
The Scots School - Blue, Black & Gold ball	S356 Policy	14/12/2018					-301.45	-301.45
MacKillop College - presentation day	S356 Policy	14/12/2018					-301.45	-301.45
BMEC - Bathurst Eisteddfod 2018	Operation Plan	19/12/2018					-30,000.00	-30,000.00
BMEC - Bathurst Eisteddfod 2018 20% Community	S356 Policy	19/12/2018					-10,018.64	-10,018.64
Bathurst Remembers / AVAMS / Communications and Resources Project	Operation Plan	31/12/2018		-5,000.00				-5,000.00
and Resources Project BMEC - CPSA Oct Meeting	Operation Plan	31/12/2018					-1,011.82	-1,011.82
BMEC - CPSA Nov Meeting	Operation Plan	31/12/2018					-1,011.82	-1,011.82
BMEC - CPSA Dec Meeting	Operation Plan	31/12/2018					-1,023.91	-1,023.91
Carenne School Presentation Day	S356 Policy	31/12/2018					-186.18	-186.18
Bathurst Public School Presentation Day	S356 Policy	31/12/2018					-171.64	-171.64
Bathurst Small Schools Visual Arts Performance	S356 Policy	31/12/2018					-547.64	-547.64
Eglinton Country Fair Gold Sponsorship	DCS&F 12/12/18 Item 8	31/12/2018			-500.00			-500.00
City Colts Water Account	Operation Plan	30/01/2019	-1,782.15					-1,782.15
Eglinton District Tennis Club	Operation Plan	31/01/2019	-4,400.00					-4,400.00
Bathurst City Amateur Swimming Club	Operation Plan	31/01/2019	-3,490.00					-3,490.00
Bathurust Carillon Tennis Club	Operation Plan	31/01/2019	-4,800.00					-4,800.00
Bathurst Giants ARFC	Operation Plan	31/01/2019	-1,800.00					-1,800.00
Bathurst BMX Club	Operation Plan	31/01/2019	-2,500.00					-2,500.00
Bathurst Family Fun Day	DCS&F 6/2/19 Item 5	19/02/2019			-500.00			-500.00
Bathurst City Community Club	DCS&F 21/11/18 Item 4	28/02/2019			-13,408.28			-13,408.28
Sofala Progress Association - Rebellion on the Turon	DCS&F 21/11/18 Item 7	27/03/2019			-1,500.00			-1,500.00
Bathurst AH&P Association	Operation Plan	28/03/2019	-6,363.64					-6,363.64
CSU Foundation Trust	Operation Plan	31/03/2019	-5,000.00					-5,000.00
	•		43 - 19 Ju	0040		Λ 4.	tachments	,

2018-2019 Section 356 Donations Report as at 31 May 2019

Details	Reference	Date	Standard Annual Donations	Specific Donations	Sundry Donations	Mt Pan Fee Waived	BMEC Donations	TOTAL
			\$	\$	\$	\$	\$	\$
BMEC - CPSA Feb Meeting	Operation Plan	5/04/2019					-972.73	-972.73
BMEC - CPSA Mar Meeting	Operation Plan	11/04/2019					-1,348.63	-1,348.63
Newtons Nation 2019 (ASRA)	DCS&F 21/11/18 Item 5	30/04/2019				-11,769.00		-11,769.00
EJ-EH Holden Nationals Display	DCS&F 21/11/18 Item 6	30/04/2019			-2,500.00			-2,500.00
Bathurst AH&P Association	DCS&F 18/07/18 Item 5a	30/04/2019			-1,244.00			-1,244.00
Bathurst Street & Custom Motorcycle Show	Operation Plan	30/04/2019		-5,800.00				-5,800.00
Bathurst Arts Council - Annual Youth Arts Concert	DCS&F 18/07/18 Item 5c	30/04/2019					-1,363.64	-1,363.64
BMEC - CPSA Apr Meeting	Operation Plan	15/05/2019					-1,542.05	-1,542.05
Catholic Education Office - Parramatta - Gabriel's Travel	S356 Policy	17/05/2019					-596.54	-596.54
Scots All Saints - Disney Beauty and the Beast	S356 Policy	17/05/2019					-2,377.27	-2,377.27
All Saints College - Godspell (2018 concert)	S356 Policy	17/05/2019					-3,891.09	-3,891.09
Rotary Club of East Bathurst - RYDA	Operation Plan	31/05/2019				-4,333.00		-4,333.00
Amount Spent		-	-55,150.64	-45,246.00	-28,758.41	-35,475.27	-66,087.38	-230,717.70
Available Balance before commitments			9,369.36	8,170.00	-1,700.13	5,857.73	-4,033.56	17,663.40
Committed:								
CSU Foundation Trust (Gordon Bullock Scholarship)	Operation Plan		-3,000.00					-3,000.00
Evans Arts Council	Operation Plan		-2,770.00					-2,770.00
Mitchell Conservatorium - BMEC Concerts	Operation Plan						-5,526.93	-5,526.93
BMEC - Bathurst Youth Council	Operation Plan						-2,000.00	-2,000.00
BMEC - CPSA Monthly Meetings	Operation Plan						-1,807.05	-1,807.05
Bathurst Arts Council - Annual Youth Arts Concert	DCS&F 18/07/18 Item 5c						-1,500.00	-1,500.00
GRIP Leadership 2019 - Bathurst Primary School	DCS&F 21/11/18 Item 8						-331.60	-331.60
Amount Committed		-	-5,770.00	0.00	0.00	0.00	-11,165.58	-16,935.58
Adjustment between Funds			-3,599.36	-8,170.00	1,700.13	-5,857.73	15,926.96	
Available Balance			0.00	0.00	-0.00	-0.00	727.82	727.82

Summary Remaining Budget	\$
Standard Annual Donations	0.00
Specified Donations	0.00
Sundry Donations	-0.00
Mt Pan Fee Waived	-0.00
BMEC Donations	727.82
Total Remaining	727.82

Summary	\$
Total Budget	248,381.10
Less: Amount Spent	-230,717.70
Less: Amount Committed	-16,935.58
Total Remaining	727.82

Market Rental Subsidies for 2018/19

NAME OF TENANT	LOCATION	Current Rent PA	Estimated Market Rent	BRC Rental Subsidy
Mitchell Conservatorium	Machattie Park Cottage	446.68	16,120.00	15,673.32
Central Tablelands Woodcraft Inc.	Learmonth Park	544.00	15,000.00	14,456.00
Community Opportunity Shop Inc	8 Lions Club Drive	1,040.00	20,000.00	18,960.00
Community Opportunity Shop Inc	Veggie Patch Church Lane	1.00	15,000.00	14,999.00
Air Services Australia	Aerodrome - Communication	1.10	18,000.00	17,998.90
Taxi Cabs of Bathurst Co-operative Society	L Communication tower	1,215.62	18,000.00	16,784.38
Master Communications & Electronics Pty	Lt Communication tower	4,400.00	18,000.00	13,600.00
Bathurst City & RSL Band Association	Walmer Park	228.20	20,000.00	19,771.80
Bathurst Lions Club Inc.	Short St	1.10	15,000.00	14,998.90
Evans Arts Council Inc.	Lee Street	500.00	5,000.00	4,500.00
Bathurst District Historical Society Inc.	Mitre Street	1.00	10,000.00	9,999.00
Bathurst District Historical Society Inc.	Stanley Street	1.00	10,000.00	9,999.00
Bathurst Meals on Wheels Service Inc	4 Watt Drive	1.10	50,000.00	49,998.90
				221,739.20

Mr. David Sherley, General Manager Bathurst Regional Manager Russell Street Bathurst

Dear Mr. Sherley,

Re: Floor covering at Raglan.

Further to our conversation at the Council/Village Meeting at Raglan Hall on 30th April, I would like to request Council's assistance.

The Hall Committee has obtained a quote for the partial removal and replacement of damaged/stained carpet tiles on the Hall floor- see attached.

Since the Hall's completion some twenty years ago, the Committee has carried out numerous capital works, such as the installation of solar panels, cement pathways from the carpark, cement pad and awning on the western side of the building to provide shaded viewing of the tennis courts, as well as tables and bench seating underneath the awning to name a few.

The Committee requests that consideration is given by Council to help fund the partial replacement of the Hall floor coverings in its upcoming budget.

Yours sincerely,

Graeme J Stapleton

Hall Booking Officer

On behalf of the Raglan Social and Sporting Committee

237 George Street, Bathurst NSW 2795 ABN: 29 106 694 348

CONTRACT AGREEMENT

PH: 02 6332 3977 Fax: 02 6332 3978 Email: admin@bathurstcarpetcourt.com.au

CLIENT: PAR GRABING TO	80 Lx 70/4	Date: 💍 🐣 🗟
grasmon Who is retire	16 4013	Phone:
INSTALLATION ADDRESS:	COMMENTY FALLS	Mobile: 04-32-3-18-45
		Ť
a to homey AND	install fat his	Last time.
SHRAT VINOYE TO 1	REA CH HREE !	<i>4</i>
RECORDS SALLOS	Con Marine	
SOMMERCIAL KATA		
in ye.		
3 10 30 M 445 T	NETHILL 5 MI VI	
PLANKS TO MKER	+ AS ABOUR-	\$ 9790 -00
COMMERCIAL RATIK	i C-	P E
REMOVE EXTENT CARP	PET TILES AND	TOTAL
GRIND FLOOR TO REP	TOUR ANHEASIVE PLUS	10% GST
AND PAINT (ESTI	1	NCL GST \$2730 -00
* SUBSECT TO INS	SPECTION BY	DEPOSIT
OUR INSTALLER	BALAI	NCE DUE
TYPE ON UNDERLAY:	METAL TRIMS REQUIRED: 465	
OLD TAKE UP: YES	SMOOTH EDGE:	
FURNITURE TO BE MOVED: $\mathcal{N}\mathcal{O}$	TYPE OF FLOOR: CONCRETE	
A DEPOSIT OF 50% IS REQUIRED BEFORE ORDER CA	N BE PLACED BALANCE REQUIRED UPON C	OMPLETION AS PER CONDITIONS OF SALE.
Our sincere thanks to you for your purchase from Bathurst C we would therefore like to arrange for the installation of you televisions, computers, printers, lamps, paintings, glassware, underlay or furniture in areas in which new floor coverings is you have contracted for the provision of these services. If floorcovering selected. In the event of insufficient door cleequipped to carry out this task. For proper care of your carry particles embedded in the carpet fibre are the worst enemy moisture. Never rub the fibre to a point which is abrasive to will not be responsible for any marks on suede paint, all cappearing heron and on the reverse side which the buyer cheque, credit card or electronic funds transfer upon composection 5 "Risk" and we understand that this is a normal checontrol, is not recognized as a fault. CUSTOMER ACCEPTANCE - By my signature I acknowledge.	or floorcovering with a minimum of disruption to y clothing and any other small fragile objects form reto be laid, please have it removed and the floor is your responsibility to ensure that the door-to-flarance after floor coverings have been laid doo bet we recommend the weekly use of a vacuum of yof your carpet. In the event of accidental spills of the fibre. For serious spills please arrange for profesive but no responsibility will be taken for any mark acknowledges having read and agrees to and eletion. The phenomenon known as shading or "warracteristic resulting form changes of direction of paracteristic resulting form changes of direction of paracteristi	vering selection will afford your genuine pleasure; our daily routine. Please: remove electrical items, soms to be covered. If there is existing carpeting, cleaned prior to the arrival of the installers unless oor clearance is sufficient to accommodate the rs may not be refitted since the installers are not leaner in good working order. Remember that dirtiyour carpet use a dry cloth to blot up the excess sional cleaning promptly. Suede effect paint, we s. This sale is subject to the terms and conditions be bound by. Payment is to be made by cash, ratermarking" has been explained overleaf under bile lay, and since it is beyond the manufacturers
Name:	Signature	Date

Please note: A full copy of our Terms & Conditions are available on request

Our preferred method of payment is direct deposit - Please use surname & contract agreement number as reference.

BANK DETAILS: ANZ - BSB: 012 790 - Account No: 108000694 (All card payments will attract a 1% transaction fee)

Buckleye Carpais Pty Ltd T/A Bathurst Carpet Court - Terma & Conditions of Trade

- 1 Definitions
- 1.1 "Seller" shall mean Buckleys Carpets Pty Ltd T/A Bathurst Carpet Court, its successors and assigns or any person acting on behalf of and with the authority of Buckleys Carpets Pfy Ltd T/A Bathurst Carpet Court.
- "Buyer" shall mean the Buyer (or any person acting on behalf of and with the authority of the Buyer) as described on any quotation, work authorisation or other form as provided by the Seller to the Buyer.
- 1.3 "Guarantor" means that person (or persons) who agrees to be tiable for the debts of the Buyer on a principal debtor basis.
- "Goods" shall mean all Goods supplied by the Seller to the Buyer (and where the context so permits shall include any supply of Services as hereinafter defined) and are as described on the invoices, quotation, work authorisation or any other forms as provided by the Seller to the Buyer.
- 1.5 "Services" shall mean all Services supplied by the Seller to the Buyer and includes any advice or recommendations (and where the context so permits shall include any supply of Goods as defined above).
- 1.6 "Price" shall mean the Price payable for the Goods as agreed between the Seller and the Buyer in accordance with clause 4 of this contract.

2. The Competition and Consumer Act 2010 ("CCA") and Fair Trading Acts ("FTA")

- 2.1 Nothing in this agreement is intended to have the effect of contracting out of any applicable provisions of the CCA or the FTA in each of the States and Territories of Australia (including any substitute to those Acts or re-enactment thereof), except to the extent permitted by those Acts where applicable.
- 2.2 Where the Buyer buys Goods as a consumer these terms and conditions shall be subject to any laws or legislation governing the rights of consumers and shall not affect the consumer's statutory rights.

3. Acceptance

- 3.1 Any instructions received by the Seller from the Buyer for the supply of Goods and/or the Buyer's acceptance of Goods supplied by the Seller shall constitute acceptance of the terms and conditions contained herein.
- 3.2 Where more than one Buyer has entered into this agreement, the Buyers shall be jointly and severally liable for all payments of the Price.
- 3.3 Upon acceptance of these terms and conditions by the Buyer the terms and conditions are binding and can only be amended with the written consent of the Seller,
- 3.4 The Buyer shall give the Seller not less than fourteen (14) days prior written notice of any proposed change of ownership of the Buyer or any change in the Buyer's name and/or any other change in the Buyer's details (including but not limited to, changes in the Buyer's address, facsimile number, or business practice). The Buyer shall be liable for any loss incurred by the Seller as a result of the Buyer's failure to comply with this clause.
- 3.5 Goods are supplied by the Seller only on the terms and conditions of trade herein to the exclusion of anything to the contrary in the terms of the Buyer's order notwithstanding that any such order is placed on terms that purport to override these terms and conditions of trade.

4. Price and Payment

- 4.1 At the Seller's sole discretion the Price shall be either:
 - (a) as indicated on invoices provided by the Seller to the Buyer in respect of Goods supplied; or
 - (b) the Seller's quoted Price (subject to clause 4.2) which shall be binding upon the Seller provided that the Buyer shall accept the Seller's quotation in writing within thirty (30) days.
- 4.2 The Seller reserves the right to change the Price in the event of a variation to the Seller's quotation.
- 4.3 At the Seller's sole discretion a deposit may be required.
- 4.4 At the Seller's sole discretion:
 - (a) payment shall be due on delivery of the Goods; or
 - (b) payment shall be due before delivery of the Goods; or
 - (c) payment for approved Buyers shall be made by instalments in accordance with the Seller's payment schedule.
- Time for payment for the Goods shall be of the essence and will be stated on the invoice or any other forms. If no time is stated then payment shall be due seven (7) days following the date of the invoice.
- 4.6 Payment will be made by cash, or by cheque, or by bank cheque, or by credit card (plus a surcharge of up to two and a half percent (2.5%) of the Price), or by direct credit, or by any other method as agreed to between the Buyer and the Seller.
- 4.7 GST and other taxes and duties that may be applicable shall be added to the Price except when they are expressly included in the Price.

5. Delivery of Goods

- 5.1 At the Seller's sole discretion delivery of the Goods shall take place when:
 - (a) the Buyer takes possession of the Goods at the Seller's address; or
 - (b) the Buyer takes possession of the Goods at the Buyer's nominated address (in the event that the Goods are delivered by the Seller or the Seller's nominated carrier); or
 - (c) the Buyer's nominated carrier takes possession of the Goods in which event the carrier shall be deemed to be the Buyer's agent.
- 5.2 At the Seller's sole discretion the costs of delivery are included in the Price.
- 5.3 The Buyer shall make all arrangements necessary to take delivery of the Goods whenever they are tendered for delivery. In the event that the Buyer is unable to take delivery of the Goods as arranged then the Seller shall be entitled to charge a reasonable fee for redelivery.

CM. & INITIAL PLEASE

Buckleys Carpels Ply Ltd T/A Baihurst Carpet Court - Terms & Conditions of Trade

- 5.4 Delivery of the Goods to a third party nominated by the Suyer is deemed to be delivery to the suyer for the purposes of this agreement.
- 5.5 The Seller may deliver the Goods by separate instalments, Each separate instalment shall be invoiced and paid in accordance with the provisions in these terms and conditions.
- 5.6 The failure of the Seller to deliver shall not entitle either party to treat this contract as regudiated.
- 5.7 The Seller shall not be flable for any loss or damage whatsoever due to failure by the Seller to deliver the Goods (or any of them) promptly or at all, where due to circumstances beyond the control of the Seller.

6. Risk

- 6.1 If the Seller retains ownership of the Goods nonetheless, all risk for the Goods passes to the Buyer on delivery.
- 6.2 If any of the Goods are damaged or destroyed following delivery but prior to ownership passing to the Buyer, the Seller is entitled to receive all insurance proceeds payable for the Goods. The production of these terms and conditions by the Seller is sufficient evidence of the Seller's rights to receive the insurance proceeds without the need for any person dealing with the Seller to make further enquiries.
- 6.3 Where the Buyer expressly requests the Seller to leave Goods outside the Seller's premises for collection or to deliver the Goods to an unattended location then such Goods shall be left at the Buyer's sole risk and it shall be the Buyer's responsibility to ensure the Goods are insured adequately or at all.
- 6.4 The Buyer acknowledges that variations of colour, shade and grain are inherent in all natural products and dye lots. While every effort will be taken by the Seller to match colour, shade or grain of product, the Seller shall not be liable for any loss, damages or costs howsoever arising resulting from any variation in colour, shading or grain between batches of product or sale samples and the final product supplied.
- 6.5 The Buyer acknowledges that any damage to floor coverings by an outside agent is the responsibility of the Buyer. Any requests to the Seller to make any repair not caused by the Seller will be charged at the normal current rates.
- 6.6 The Buyer acknowledges that they understand the effects of "Permanent Pile Reversal Shading" and that there are information brochures available from the Seller.
- 6.7 The Buyer acknowledges that some installations of cut-pile carpeting develop irregular light and dark areas. These are caused by some pile yarns changing their original direction of lay, and thereby changing the way light is reflected or absorbed from their surface. The occurrence of permanent pile reversal is related to location of the carpet. It is not a manufacturing fault or defect, and apart from affecting appearance, has no detrimental effect on the performance of the carpet.
- 6.8 In the event the Seller has provided Goods to the Buyer on a 'supply-only' basis, the Seller shall not be liable for the installation of the Goods. It is the Buyer's sole responsibility to follow the manufacturer's installation recommendations.
- 6.9 The Buyer acknowledges and agrees that hardboard underlay joins may show through highly polished or very smooth resilient floor coverings under certain light conditions.

7. Buyers Responsibilities

- 7.1 The Seller reserves the right to charge additional costs due the Buyers failing their responsibility to:
 - (a) supply accurate measurements on any plans submitted to quote on; and
 - (b) have all areas clean and clear to enable scheduled work to be completed in accordance with the schedule of installation; and
 - (c) remove all existing floor coverings, tacks and staples; and
 - (d) remove, cut and replace doors as necessary; and
 - (e) ensure following removal of any previous floor covering that the floor is free of any damage and in no need of any repair required before installation of new floor covering. Where any repair is required the Seller will provide a separate quote; and
 - (f) fully disclose any information that may affect the Sellers installation procedures (including, but not limited to, disclosing known breaks or tears in the membrane, extensions of existing slabs, thickened beams, curing compounds that may have been used or the use of concrete over 25mpa); and
 - (g) ensure the sub-floor is adequately ventilated and is structurally sound; and
 - (h) ensure that the levels of a sub-floor are satisfactory as the floor coverings can only follow the contours of the sub-floor and will not correct unevenness; and
 - (i) warrant that the surface fall off is less than two millimetres (2mm) per metre; and
 - (j) remove all fragile items such as glassware, crockery, pot plants, furniture and ornaments. Breakages and damages are the responsibility of the Buyer. All care taken but no responsibility accepted by the Seller in this regard; and
 - (k) extinguish all naked flames prior to coating including but not limited to pilot lights heaters etc; and
 - (I) supply power to within 8 metres of the project; and
 - (m) supply adequate light, water and toilet facilities on site; and
 - (n) ensure that full and final lighting as designed for the completed project is fully operational prior to sanding works commencing, and are made available for use at no cost for the duration of the project. Any costs incurred by the Seller will be invoiced to the Buyer should this requirement not be met; and
 - (o) make the premises available on the agreed date and time. If installation is interrupted by the failure of the Buyer to adhere to the installation schedule agreed to between the Selfer and the Buyer, any additional costs will be invoiced to the Buyer as an extra.

CM # INITHIS PLEASE

- 8. Title
- 1.1 The Seller and the Guyer agree that ownership of the Goods shall not pass unit;
 - (a) the Buyer has paid the Seller all amounts owing for the particular Goods; and
 - (b) the Buyer has met all other obligations due by the Buyer to the Seller in respect of all contracts between the Seller and the Buyer.
- 8.2 Receipt by the Seller of any form of payment other than cash shall not be deemed to be payment until that form of payment has been honoured, cleared or recognised and until then the Seller's ownership or rights in respect of the Goods shall continue.
- 8.3 It is further agreed that:
 - (a) where practicable the Goods shall be kept separate and identifiable until the Seller shall have received payment and all other obligations of the Buyer are met; and
 - (b) until such time as ownership of the Goods shall pass from the Seller to the Buyer the Seller may give notice in writing to the Buyer to return the Goods or any of them to the Seller. Upon such notice the rights of the Buyer to obtain ownership or any other interest in the Goods shall cease; and
 - (c) the Seller shall have the right of stopping the Goods in transit whether or not delivery has been made; and
 - (d) If the Buyer fails to return the Goods to the Seller then the Seller or the Seller's agent may (as the invitee of the Buyer) enter upon and into land and premises owned, occupied or used by the Buyer, or any premises where the Goods are situated and take possession of the Goods; and
 - (e) the Buyer is only a ballee of the Goods and until such time as the Seller has received payment in full for the Goods then the Buyer shall hold any proceeds from the sale or disposal of the Goods, up to and including the amount the Buyer owes to the Seller for the Goods, on trust for the Seller; and
 - (f) the Buyer shall not deal with the money of the Seller in any way which may be adverse to the Seller; and
 - (g) the Buyer shall not charge the Goods in any way nor grant nor otherwise give any interest in the Goods while they remain the property of the Seller, and
 - (h) the Seller can issue proceedings to recover the Price of the Goods sold notwithstanding that ownership of the Goods may not have passed to the Buyer; and
 - (i) until such time that ownership in the Goods passes to the Buyer, if the Goods are converted into other products, the parties agree that the Seller will be the owner of the end products.

9. Personal Property Securities Act 2009 ("PPSA")

- 9.1 In this clause:
 - (a) financing statement has the meaning given to it by the PPSA;
 - (b) financing change statement has the meaning given to it by the PPSA;
 - (c) security agreement means the security agreement under the PPSA created between the Buyer and the Seller by these terms and conditions; and
 - (d) security interest has the meaning given to it by the PPSA.
- 9.2 Upon assenting to these terms and conditions in writing the Buyer acknowledges and agrees that these terms and conditions:
 - (a) constitute a security agreement for the purposes of the PPSA; and
 - (b) create a security interest in:
 - (i) all Goods previously supplied by the Seller to the Buyer (if any);
 - (ii) all Goods that will be supplied in the future by the Seller to the Buyer.
- 9.3 The Buyer undertakes to:
 - (a) promptly sign any further documents and/or provide any further information (such information to be complete, accurate and up-to-date in all respects) which the Seller may reasonably require to:
 - (i) register a financing statement or financing change statement in relation to a security interest on the Personal Property Securities Register;
 - (ii) register any other document required to be registered by the PPSA; or
 - (iii) correct a defect in a statement referred to in clause 9.3(a)(i) or 9.3(a)(ii);
 - (b) indemnify, and upon demand reimburse, the Seller for all expenses incurred in registering a financing statement or financing change statement on the Personal Property Securities Register established by the PPSA or releasing any Goods charged thereby;
 - (c) not register a financing change statement in respect of a security interest without the prior written consent of the
 - (d) not register, or permit to be registered, a financing statement or a financing change statement in relation to the Goods in favour of a third party without the prior written consent of the Seller; and
 - (e) immediately advise the Seller of any material change in its business practices of selling the Goods which would result in a change in the nature of proceeds derived from such sales.
- 9.4 The Seller and the Buyer agree that sections 96, 115 and 125 of the PPSA do not apply to the security agreement created by these terms and conditions.
- 9.5 The Buyer hereby waives its rights to receive notices under sections 95, 118, 121(4), 130, 132(3)(d) and 132(4) of the PPSA.
- 9.6 The Buyer waives its rights as a grantor and/or a debtor under sections 142 and 143 of the PPSA.
- 9.7 Unless otherwise agreed to in writing by the Seller, the Buyer waives its right to receive a verification statement in accordance with section 157 of the PPSA.
- 9,8 The Buyer shall unconditionally ratify any actions taken by the Seller under clauses 9,3 to 9,5.

OM FINITIAL PLEASE

- 10. Security and Charge
- (ii) 1 Despite anything to the contrary contained herein or any other rights which the Seller may have howsoever:
 - (a) where the Buyer and/or the Guarantor (if any) is the owner of land, realty or any other asset capable of being charged, both the Buyer and/or the Guarantor agree to mortgage and/or charge all of their joint and/or several interest in the said land, realty or any other asset to the Seller or the Seller's nominee to secure all amounts and other monetary obligations payable under these terms and conditions. The Buyer and/or the Guarantor acknowledge and agree that the Seller (or the Seller's nominee) shall be entitled to lodge where appropriate a caveat, which caveat shall be withdrawn once all payments and other monetary obligations payable hereunder have been met.
 - (b) should the Seller elect to proceed in any manner in accordance with this clause and/or its sub-clauses, the Buyer and/or Guarantor shall indemnify the Seller from and against all the Seller's costs and disbursements including legal costs on a solicitor and own client basis.
 - (c) the Buyer and/or the Guarantor (if any) agree to irrevocably nominate constitute and appoint the Seller or the Seller's nominee as the Buyer's and/or Guarantor's true and lawful attorney to perform all necessary acts to give effect to the provisions of this clause 10.1.

11. Defects

- 11.1 The Buyer shall inspect the Goods on delivery and shall within seven (7) days of delivery (time being of the essence) notify the Seller of any alleged defect, shortage in quantity, damage or failure to comply with the description or quote. The Buyer shall afford the Seller an opportunity to inspect the Goods within a reasonable time following delivery if the Buyer believes the Goods are defective in any way. If the Buyer shall fail to comply with these provisions the Goods shall be presumed to be free from any defect or damage. For defective Goods, which the Seller has agreed in writing that the Buyer is entitled to reject, the Seller's liability is limited to either (at the Seller's discretion) replacing the Goods or repairing the Goods except where the Buyer has acquired Goods as a consumer within the meaning of the Competition and Consumer Act 2010 (CWIth) or the Fair Trading Acts of the relevant state or territories of Australia, and is therefore also entitled to, at the consumer's discretion either a refund of the purchase price of the Goods, or repair of the Goods, or replacement of the Goods.
- 11.2 Goods will not be accepted for return other than in accordance with 11.1 above.

12. Warranty

- 12.1 Subject to the conditions of warranty set out in clause 12.2 the Seller warrants that if any defect in any workmanship of the Seller becomes apparent and is reported to the Seller within twelve (12) months of the date of delivery (time being of the essence) then the Seller will either (at the Seller's sole discretion) replace or remedy the workmanship.
- 12.2 The conditions applicable to the warranty given by clause 12.1 are:
 - (a) the warranty shall not cover any defect or damage which may be caused or partly caused by or arise through:
 - (i) failure on the part of the Buyer to properly maintain any Goods; or
 - (ii) failure on the part of the Buyer to follow any instructions or guidelines provided by the Seller; or
 - (iii) any use of any Goods otherwise than for any application specified on a quote or order form; or
 - (iv)the continued use of any Goods after any defect becomes apparent or would have become apparent to a reasonably prudent operator or user; or
 - (v) fair wear and tear, any accident or act of God.
 - (b) the warranty shall cease and the Seller shall thereafter in no circumstances be liable under the terms of the warranty if the workmanship is repaired, altered or overhauled without the Seller's consent.
 - (c) in respect of all claims the Seller shall not be liable to compensate the Buyer for any delay in either replacing or remedying the workmanship or in properly assessing the Buyer's claim.
- 12.3 For Goods not manufactured by the Seller, the warranty shall be the current warranty provided by the manufacturer of the Goods. The Seller shall not be bound by nor be responsible for any term, condition, representation or warranty other than that which is given by the manufacturer of the Goods.

13. Intellectual Property

- 13.1 Where the Seller has designed, drawn or written Goods for the Buyer, then the copyright in those designs and drawings and documents shall remain vested in the Seller, and shall only be used by the Buyer at the Seller's discretion.
- The Buyer warrants that all designs or instructions to the Seller will not cause the Seller to infringe any patent, registered design or trademark in the execution of the Buyer's order and the Buyer agrees to indemnify the Seller against any action taken by a third party against the Seller in respect of any such infringement.
- 13.3 The Buyer agrees that the Seller may use any documents, designs, drawings or Goods created by the Seller for the purposes of advertising, marketing, or entry into any competition.

14. Default and Consequences of Default

- 14.1 Interest on overdue invoices shall accrue daily from the date when payment becomes due, until the date of payment, at a rate of two and a half percent (2.5%) per calendar month (and at the Seller's sole discretion such interest shall compound monthly at such a rate) after as well as before any judgment.
- 14.2 In the event that the Buyer's payment is dishonoured for any reason the Buyer shall be liable for any dishonour fees incurred by the Seller.

CM & INITIAL PLOASE

Buckleys Carpets Pty Ltd T/A Bathurst Carpet Court - Terms & Conditions of Trade

- 14.3 If the Buyer defaults in payment of any invoice when due, the Buyer shall indemnify the Seiter from and against all costs and discursements incurred by the Setter in pursuing the debt including legal costs on a solicitor and own client basis and the Setter's collection agency costs.
- 14.4 Without prejudice to any other remedies the Seller may have, if at any time the Buyer is in breach of any obligation (including those relating to payment) the Seller may suspend or terminate the supply of Goods to the Buyer and any of its other obligations under the terms and conditions. The Seller will not be liable to the Buyer for any loss or damage the Buyer suffers because the Seller has exercised its rights under this clause.
- 14.5 If any account remains overdue after thirty (30) days then an amount of the greater of twenty dollars (\$20.00) or ten percent (10%) of the amount overdue (up to a maximum of two hundred dollars (\$200.00)) shall be levied for administration fees which sum shall become immediately due and payable.
- 14.6 Without prejudice to the Seller's other remedies at law the Seller shall be entitled to cancel all or any part of any order of the Buyer which remains unfulfilled and all amounts owing to the Seller shall, whether or not due for payment, become immediately payable in the event that:
 - (a) any money payable to the Seller becomes overdue, or in the Seller's opinion the Buyer will be unable to meet its payments as they fall due; or
 - (b) the Buyer becomes insolvent, convenes a meeting with its creditors or proposes or enters into an arrangement with creditors, or makes an assignment for the benefit of its creditors; or
 - (c) a receiver, manager, liquidator (provisional or otherwise) or similar person is appointed in respect of the Buyer or any asset of the Buyer.

15. Cancellation

- 15.1 The Seller may cancel any contract to which these terms and conditions apply or cancel delivery of Goods at any time before the Goods are delivered by giving written notice to the Buyer. On giving such notice the Seller shall repay to the Buyer any sums paid in respect of the Price. The Seller shall not be liable for any loss or damage whatsoever arising from such cancellation.
- 15.2 In the event that the Buyer cancels delivery of Goods the Buyer shall be liable for any loss incurred by the Seller (including, but not limited to, any loss of profits) up to the time of cancellation.
- 15.3 Cancellation of orders for Goods made to the Buyer's specifications or non-stocklist items will definitely not be accepted, once production has commenced.

16. Privacy Act 1988

- 16.1 The Buyer and/or the Guarantor/s (herein referred to as the Buyer) agree for the Seller to obtain from a credit reporting agency a credit report containing personal credit information about the Buyer in relation to credit provided by the Seller.
- The Buyer agrees that the Seller may exchange information about the Buyer with those credit providers either named as trade referees by the Buyer or named in a consumer credit report issued by a credit reporting agency for the following purposes:
 - (a) to assess an application by the Buyer; and/or
 - (b) to notify other credit providers of a default by the Buyer, and/or
 - (c) to exchange information with other credit providers as to the status of this credit account, where the Buyer is in default with other credit providers; and/or
 - (d) to assess the creditworthiness of the Buyer.
 - The Buyer understands that the information exchanged can include anything about the Buyer's creditworthiness, credit standing, credit history or credit capacity that credit providers are allowed to exchange under the Privacy Act 1988.
- 16.3 The Buyer consents to the Seller being given a consumer credit report to collect overdue payment on commercial credit (Section 18K(1)(h) Privacy Act 1988).
- The Buyer agrees that personal credit information provided may be used and retained by the Seller for the following purposes (and for other purposes as shall be agreed between the Buyer and Seller or required by law from time to time):
 - (a) the provision of Goods; and/or
 - (b) the marketing of Goods by the Seller, its agents or distributors; and/or
 - (c) analysing, verifying and/or checking the Buyer's credit, payment and/or status in relation to the provision of Goods; and/or
 - (d) processing of any payment instructions, direct debit facilities and/or credit facilities requested by the Buyer; and/or
 - (e) enabling the daily operation of Buyer's account and/or the collection of amounts outstanding in the Buyer's account in relation to the Goods.
- 16.5 The Seller may give information about the Buyer to a credit reporting agency for the following purposes:
 - (a) to obtain a consumer credit report about the Buyer;
 - (b) allow the credit reporting agency to create or maintain a credit information file containing information about the
- 16.6 The information given to the credit reporting agency may include:

M. A Kalirina Dinne

- (a) personal particulars (the Buyer's name, sex, address, previous addresses, date of birth, name of employer and driver's licence number;
- (b) details concerning the Buyer's application for credit or commercial credit and the amount requested;
- (c) advice that the Seller is a current credit provider to the Buyer;
- (d) advice of any overdue accounts, loan repayments, and/or any outstanding monies owing which are overdue by more than sixty (60) days, and for which debt collection action has been started;

- Buckleys Carpets Pty Ltd T/A Sathurst Carpet Court Terms & Conditions of Trade

 (e) that the Buyer's overdue accounts, loan repayments and/or any outstanding monies are no longer overdue in respect of any default that has been listed;
- (i) information that, in the opinion of the Seller, the Buyer has committed a serious credit intringement (that is, fraudulently or shown an intention not to comply with the Buyers credit obligations);
- (g) advice that cheques drawn by the Buyer for one hundred dollars (\$100) or more, have been dishonoured more than once:
- (h) that credit provided to the Buyer by the Seller has been paid or otherwise discharged

Building and Construction Industry Security of Payments Act 1999 17.

- At the Seller's sole discretion, if there are any disputes or claims for unpaid Goods and/or Services then the provisions of the Building and Construction Industry Security of Payments Act 1999 may apply
- Nothing in this agreement is intended to have the affect of contracting out of any applicable provisions of the Building and Construction Industry Security of Payments Act 1999 of New South Wales, except to the extent permitted by the Act where applicable.

18. Unpaid Seller's Rights

- Where the Buyer has left any item with the Seller for repair, modification, exchange or for the Seller to perform any 18.1 other Service in relation to the item and the Seller has not received or been tendered the whole of the Price, or the payment has been dishonoured, the Seller shall have:
 - (a) a lien on the item;
 - (b) the right to retain the item for the Price while the Seller is in possession of the item;
 - (c) a right to sell the item.
- 18.2 The lien of the Seller shall continue despite the commencement of proceedings, or judgment for the Price having been obtained.

19. General

- 19.1 If any provision of these terms and conditions shall be invalid, void, illegal or unenforceable the validity, existence, legality and enforceability of the remaining provisions shall not be affected, prejudiced or impaired.
- 19.2 If any provisions of these terms and conditions are Inconsistent with the PPSA, the PPSA shall prevail to the extent of that inconsistency.
- These terms and conditions and any contract to which they apply shall be governed by the laws of New South 19.3 Wales and are subject to the jurisdiction of the courts of New South Wales.
- 19.4 The Seller shall be under no liability whatsoever to the Buyer for any indirect and/or consequential loss and/or expense (including loss of profit) suffered by the Buyer arising out of a breach by the Seller of these terms and conditions.
- In the event of any breach of this contract by the Seller the remedies of the Buyer shall be limited to damages 19.5 which under no circumstances shall exceed the Price of the Goods.
- 19.6 The Buyer shall not be entitled to set off against, or deduct from the Price, any sums owed or claimed to be owed to the Buyer by the Seller nor to withhold payment of any invoice because part of that invoice is in dispute.
- The Seller may license or sub-contract all or any part of its rights and obligations without the Buyer's consent.
- The Buyer agrees that the Seller may review these terms and conditions at any time. If, following any such review, there is to be any change to these terms and conditions, then that change will take effect from the date on which the Seller notifies the Buyer of such change. The Buyer shall be under no obligation to accept such changes except where the Seller supplies further Goods to the Buyer and the Buyer accepts such Goods.
- 19.9 Neither party shall be liable for any default due to any act of God, war, terrorism, strike, lock-out, industrial action, fire, flood, storm or other event beyond the reasonable control of either party.
- 19.10 The failure by the Seller to enforce any provision of these terms and conditions shall not be treated as a waiver of that provision, nor shall it affect the Seller's right to subsequently enforce that provision. CM & INITIAL PLOASE.

1 of 1 S_DCSF_5_2



Respondent No: 1 Login: Anonymous

Email: n/a

Responded At: May 08, 2019 17:36:08 pm **Last Seen:** May 08, 2019 17:36:08 pm

IP Address: n/a

Q1. Name	peter innes
Q2. Postal Address	116 Mount Haven Way Meadow Flat 2795
Q3. Your email address	pjinnes@gmail.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

Major Projects 2019/2020 Mt Panorama - Second Track 45,789,075 this is a huge amount of money, how much is being funded by ratepayers? how much funding goes towards funding climate change adaptation and mitigation?

Q5. Do you have any other comments in relation to the draft Delivery Program 2019-2023 Operational Plan 2019-2020?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2019-2020?

not answered

Q7. You can upload a document here not answered

1 of 1 S_DCSF_5_3



Respondent No: 2 Login: Anonymous

Email: n/a

Responded At: Jun 03, 2019 12:30:08 pm **Last Seen:** Jun 03, 2019 12:30:08 pm

IP Address: n/a

Q1. Name Shellie Burgess

Q2. Postal Address PO Box 175

Q3. Your email address shellie.burgess@marathonhealth.com.au

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

Q5. Do you have any other comments in relation to the draft Delivery Program 2019-2023 Operational Plan 2019-2020?

not answered

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2019-2020?

It is noted that the rental costs for Kelso Hub are increasing by over 5% for 2019/20. The annual increase in fees for the use of this facility is creating a barrier to local organisations utilising it, as it is progressively becoming a non-financially viable option. While it is acknowledged that there is a process for organisations to request a waiver on fees, it is not clear what criteria is used to make these decisions. This facility is often used for not-for-profit, NGOs who do not have annual increases in funding revenue to match the annual increases in rental fees.

Q7. You can upload a document here not answered

1 of 1 S_DCSF_5_4



Respondent No: 3 Login: Anonymous

Email: n/a

Responded At: Jun 04, 2019 12:02:22 pm **Last Seen:** Jun 04, 2019 12:02:22 pm

IP Address: n/a

Q1. Name	Vianne Tourle
Q2. Postal Address	Lachlan Inn, 59 Lambert Street, Bathurst NSW 2795
Q3. Your email address	vtourle@bigpond.com

Q4. Do you have any comments in regards to the draft Delivery Program & Operational Plan and the strategies and financial resources allocated to deliver facilities and services?

On behalf of The Friends of Centennial Park (Bathurst) Inc, I thank and congratulate Council for including \$250,000 to provide for "Centennial Park upgrade - land improvements" in the financial year 2019-20. We look forward to working to achieve a positive outcome for the Park and its users.

Q5. Do you have any other comments in relation to the draft Delivery Program 2019-2023 Operational Plan 2019-2020?

Passive recreation areas are major attractions for both residents and visitors - these places deserve more attention, regular maintenance and incremental improvement. The Friends of Centennial Park (Bathurst) Inc would like to see major funds allocated also in the years 2020-21, 2021-22 and 2022-23 in order to implement staged improvements to Centennial Park, as per the plan already adopted by Council, 20 February 2019.

Q6. Do you have any comments in regard to the Statement of Revenue Policy for 2019-2020?

No, thank you.

Q7. You can upload a document here not answered



Office of the Vice-Chancellor

14 May 2019

Mr David Sherley General Manager Bathurst Regional Council PMB 17 BATHURST NSW 2795

Dear David

Re: Financial Contribution to Proposed Council Studies

Thank you for your support regarding discussions into the opportunities that a CBD site might bring to both the town and the University.

Of course there is lots to be done to fully develop and test such a scenario, but I understand that there are a few key studies that Council have planned which are of critical importance to both of us in moving towards a possible future proposal.

While we don't wish to change the original intent of the studies, I believe there has been some agreement amongst our staff that with CSU support, we could expand upon the original concepts and gain strong mutual benefit for both parties.

As such, this letter is to confirm CSU's financial support for the following studies as follows:

Study	Amount
Town Square Master Plan	\$100,000
Industry Sector Cluster Strategic Plan	\$40,000
Next Practice Performing Arts Facilities	\$25,000

Thanks again in this matter. If you have any questions or require further information regarding these items, please contact David Bedwell at the Bathurst Campus (Ph 6338 4943 Email dbedwell@csu.edu.au).

Yours sincerely

Professor Andrew Vann

Vice-Chancellor



Bathurst Heritage Network

Bathurst's unique heritage is a key social, cultural and economic asset

Bathurst Regional Council

by email

3 June 2019

Dear Sirs,

On behalf of The Bathurst Heritage Network I wish to make this submission on Council's budget for 2019/2020.

An absolute priority should be to extract the major economic benefits and tourism potential latent in the Town Square and the former TAFE building.

These major assets have huge economic and social potential through tourism and increased economic activity in the heart of the CBD. These have been identified as pivotal in the Bathurst Cultural Plan, and a priority in the Bathurst Heritage Plan.

Very little has occurred and no funding has been allocated, despite various heritage groups and the Heritage Reference Group having made recent recommendations to Council as to how to take them forward, including funding proposals.

This should be an important budget priority for Council.

Please, can an immediate \$50,000 be allocated to commission a Town Square Master Concept Plan, encapturing the community's wishes as expressed in the Wish Upon a Square survey and the submissions of the Town Square Group. This easily can be funded by a transfer from free reserves.

In order to meet the timing concerning activating the former TAFE building as laid out in the Cultural Plan, work needs to start now. We cannot afford as a community to only start thinking about this in 2027. Can Council please adopt a policy of saving up for the major opportunity to develop much needed facilities as expressed by the wishes of the community - exhibition space, conference space, gallery space, recital space, meeting space, performance space. The TAFE building is perfect for these purposes. This can be funded by regular transfer from free reserves to the Heritage Asset Fund. We recommend the discipline be to set aside 15% p.a. of the money council raises through land sales. By doing this it is likely we will have enough money saved to do the work in four years time.

In regard to available reserves we note for 2019/2020 that \$20 million from land sales will be put into reserves for unspecified use. Even if the majority of this is earmarked for the second track, timing and balance of community interests would strongly suggest a small portion be set aside for other important purposes.

Yours sincerely,

AW Bathgate, Convenor, Bathurst Heritage Network

Bathurst District Historical Society Cox's Road Project Group Amazing Bathurst NETWORK PARTNERS

Grooping Pathuret

Greening Bathurst National Trust of NSW Bathurst Family History Group Bathurst Town Square Group Miss Traill's House Boundary Road Reserve Landcare Group

www.heritagebathurst.com

heritagebathurst@gmail.com

29 MAY 2019

Submission to the Bathurst Regional Council Draft Delivery Program 2019-2023 & Operational Plan 2019-2020

This Submission is in regard to S501 Annual Availability Charges that Council makes to Sewer and Water Services at a number of <u>non-residential</u> properties.

Background

- 1- Bathurst Regional Council has, since 2004 made S501 Local Government Act Annual Availability Charges to Sewer and Water Services at non-residential properties based on the full size of water meters.
- 2- Council must cease making S501 Annual Charges based on the full size of water meters given that this is done taking no heed of the Essential / Fire Service supplied simultaneously through the same meter. <u>In doing this Council attacks property rights.</u>
- 3- In many instances these water meters and the associated, Council supplied, Essential Service Pipe, have been increased in size over and above that needed for Drinking Water purposes to provide adequate capacity for Essential / Fire Services mandatory at these properties.
- 4- Drinking Water is defined in the Plumbing Code of Australia at B3 as that water needed for domestic purposes.
- 5- NSW adopted the 2019 Plumbing Code of Australia on 1 May 2019. The Essential / Fire Services to our properties were all connected to the Council's Essential Service pipe an Essential Service at S4(1)(c) of the Essential Service Act 1988 at the boundary of our properties in the same manner described as the "point of connection" at Part B4 Introduction to this part in the 2019 Plumbing Code of Australia.
- 6- Drinking water and fire-fighting water are supplied by Council to our non-residential properties where the Availability Charges are in dispute and are supplied through a common Council owned Essential Service pipe from the water main to our properties.
- 7- Drinking water is supplied to both residential and non-residential properties under the Plumbing and Drainage Act. Residential properties are not supplied with Essential / Fire Service capacity.
- 8- The Plumbing Code of Australia at B4 notes that fire-fighting water in NSW (alone among the States in the Code prior to the 2019 version) was not regulated under the Plumbing Code, a Code enabled by the Plumbing and Drainage Act.
- 9- Fire-fighting water in NSW is regulated under the Environmental Planning and Assessment Act 1979 and Regulations up to the boundary of a property. This is very clear in the Plumbing Code of Australia and correspondence with the Building Codes Board. NSW adopted the 2019 Plumbing Code of Australia on Ma 1 2019 for those Fire Fighting water services from the "point of connection" ie. the Essential Service pipe at the boundary of a property remains the "point of connection" and the Essential Service Pipe remains an Essential Service.
- 10- Fire Hose reels, being Essential Safety Measures are required by Council as per E3 of the Building Code of Australia to comply with AS2441 until the adoption of the 2019 Plumbing Code of Australia and AS2441 were enabled under the Environmental Planning and Assessment Act 1979 with similar conditions required under the 2019 Plumbing Code of Australia.

28 MAY 2019

7654

1939

- 11- AS2441 facilitates and enabled Council to supply both Drinking Water and Fire-fighting water through the same Essential Service Pipe and water meter to a property, even though each was regulated through a different Act.
- 12- The Essential Service Pipe supplying these two Services was and remains conditioned at S1.4 of the EP&A Act as being the same as the "Erection of a building." in the Building Code of Australia prior to 1 May 2019 in AS2441 and now under the 2019 PCA.
- 13- Council, in the Development Approvals and Construction Certificates issued to our properties stipulated AS2441 as the Standard to which Fire-Hose reels are to be installed where mandatorily required. These are the Essential Services, also combining with the Essential Service Pipe originating at the Council water main or Essential Service Pipe and ending at the nozzle of the fire hose reels.
- 14- Essential Safety Measure Fire Hose Reels are Essential / Fire Services required at certain non-residential buildings as per the BCA and are categorised as the "provision Fire-Fighting Services" at \$4(1)(c) of the Essential Services Act 1988.
- 15- The supply of Drinking Water is made through the same Essential Service Pipe that Council erects from its water main in the street to a property for the purpose of supplying fire-fighting water.
- 16- The water that flows to a property for Drinking Water purposes at S4(1)(h) is classified as Essential Service "Goods" at S4(1)(l) of the Essential Service Act and the water supplied for Fire Services at S4(1)(c) is Fire-Fighting Service Goods, also at S4(1)(l).
- 17- The Essential Service "goods" necessary for distinctly different purposes (drinking and fire fighting) are purposefully separated in the Essential Service Act namely because each is regulated under different Acts, these being the Plumbing and Drainage Act and the Environmental Planning and Assessment Act.
- 18- Council in a letter dated 8 February 2019 claims among other things "Council does not make Charge for Fire / Essential Services as Council does not provide Essential/ Fire Services." This is not credible. It reveals a new claim previously "hid" in the attached document. (explanation from Council needed)
- 19- For fifteen years Council has had a policy in place to satisfy the Requirements of the Best Practice Guidelines (issued by the State Government office of Water) to ensure the Availability Charges did not extend to Essential / Fire Services, a Service mandatory in DA's and CC'ç issued, before Occupation certificate is granted by Council), this policy reiterated in the letter from Mayor Paul Toole attached to the Bathurst Business Chamber, yet only ever implemented at one property, the Assumption School. Now, after fifteen years! on 8 February 2019 Council claims not to supply the Essential / Fire Service this policy is designed to remove from the methodology of using the "full size of water meters". I received the same letter from Mr Roach.

In a subsequent meeting at which Mayor Monica Morse and Council's Sewer and Water Engineer were present, former Financial Director Mr Robert Roach said "That letter was not meant to be sent you".

Minister Frank Sartor's letter of 24 December 2014 attached makes clear that Sewer Availability Charges "should reflect a customer's capacity requirements and the <u>load</u> (not peak load as though the fire hose reels are used to cause enormous flow into the sewer system) they place on the sewerage system relative to residential customers". (As per the Guidelines) Minister Sartor's Director General wrote to Council "strongly" advising Council not to do otherwise than comply properly with the Guidelines, a thing Council has completely ignored ever since. Council make a pretence of using their policy and nothing

- more, perversely inviting Submissions such as , summarily dismissed in every case except for the Assumption school.
- 20- Council may not itself physically erect the Essential / Fire Service Fire-Hose reel systems required at our properties, however Council does erect the Essential Service Pipe which is an Essential Service under S4(1)(c) from the Council water main to our properties and supplies the water ie. the "goods" at S4(1)(I), ie. water, for the fire-fighting purpose of the fire hose reels at our properties.
- 21- Council are the Monopoly supplier of Essential Services water ie. "goods" and the Essential Service Essential Service pipe conveying the goods necessary to provision fire-fighting use of the fire hose reels. Under the National Competition Policy a Monopoly supplier must not abuse that privilege in pricing policy or abuse. Council does not (correctly, however, obtusely in this instance) attempt to make S501 Annual Charges to Essential / Fire Service / Fire Hydrant, Essential Service Pipe or Essential Service Goods ie. water supply. To categorise such large Essential / Fire Service water as Drinking would certainly be questionable for its sheer size, never the less it would be a thing done on the same principle.
- 22- Council has issued Development Approvals and Construction Certificates to our properties requiring the installation of Fire Safety Measure Fire Hose Reels in compliance with the BCA and AS2441. (and also Fire Hydrants)
- 23- Compliance with AS2441 for fire hose reels installation involves increasing the diameter size of the Council owned Essential Service Pipe to our properties and Council complies with such request.
- 24- The Essential Service pipe (and therefore the water meter should Council choose to measure the water needs at our properties) is necessarily greater than the diameter needed for Drinking Water purposes.
- 25- This addition supply capacity for fire-fighting water (the "goods" at S4(1)(I) of the Essential Services Act) is required such that volume and flow velocity of the fire-flow water ie the goods is as required in AS2441, the Standard required in the Development Approvals and Construction Certificates granted to our properties by Council.
- 26- AS2441 also requires annual certification of the hose reels at our properties, therefore the supply of S4(1)(I) Essential Service water / fire-fighting water is obviously an ongoing requirement for Council.
- 27- Bathurst Regional Council supplies water and sewerage services to the Bathurst community and being a Local Water Utility exercises functions involving provision of goods, services and facilities goods and activities appropriate to the current and future needs within its local community and of the wider public, subject to Division 2 of Part 3 of Chapter 6 of the Local Government Act 1993. Essential Service / Fire-fighting fire flow water supply is appropriately provided by Bathurst Regional Council for the current and future needs including health and safety of the local community and of the wider public.
- 28- Section 4.31 and S4.59 of the Environment Planning and Assessment Act protects the right to have fire-flow water, the goods at S4(1)(I) of the Essential Service Act and the Essential Service / Essential Service Pipe in continuance, these having been approved in Development Approval and Construction Certificates granted to our properties. Council is aware of this, given the position in law explained in the article published in the Western Advocate on Thursday May 23 2019. (attached.)

- 29- The Occupation Certificates issued by Council to our properties once Council is assured of compliance with all conditions in the Development Approval and Construction Certificate have been complied with, assures the legal right to use the fire flow water provided.
- 30- The Essential Service Pipe supplying the Essential Service Water to a property must remain in place and the water (goods) supplied must be in continuance, otherwise Council puts the Crown at risk as per S10 of the Work Health and Safety Act 2011 and compromises the Primary Duty of Care incumbent on a business operator at a property at S19.
- 31- The claim made by Council is designed to reassign Essential Service / Fire Services at S4(1)(c) of the Essential Service Act 1988 such that the capacity of the water meters provided for that purpose be categorised as Essential Service / Water Services at S4(1)(h) of the Act such that the Essential Service Goods ie. water capacity provided for fire-fighting can have a S501 Annual Charge made to it.
- 32- Bathurst Regional Council's S501 LGA Annual Availability Charges to Sewer and Water Services are illegally constructed, as the methodology used includes Essential Service / Fire Service capacity of the Essential Service Pipe of the Essential Services Act 1988.
- 33- Essential Service / Fire Services at S4(1)(c) and the Essential Service Goods provisioning them at S4(1)(l) are Services not listed in S501 for Annual Charging. The court case Prefabricated Buildings v Bathurst Regional Council makes clear that S501 Local Government Act Annual Charges can only be made to those Services "specifically" listed. See 49 of the Judgement.
- 34- Council has used "peak load", (a term with a reference that does not exist) from the Best-Practice Management of Water Supply and Sewerage Guidelines at 8 page 52, in a manner at odds with b) Sewer Pricing at page 9 in the same Guidelines. Essential Service / Fire Services are absent from listing in S501 of the Local Government Act 1993 and as such cannot attract an Annual Availability Charge.
- 35- Council has made assurances to the Office of Water that it has policy in place to ensure Availability Charges are not made to Essential / Fire Services. Council has misrepresented the approval of Ministers of the NSW Government for having such policy as approval of the use of "peak load" in the sense the full size of water meters is condoned by those Ministers as both Drinking and Fire Flow size together. This is at odds with Availability Charges at residential and non-residential properties be "relative as required at b) Sewer Access Charges, the reason behind the Council policy meant and in place to ensure the Availability Charges are not extended to Essential / Fire Services, a policy that Council ignores but informs Ministers is in place. The policy was used in one instance, for the Assumption School, an anomaly reported to ICAC and the Auditor General under S11 of the ICAC act.
- 36- The overcharge calculated in the Availability Charges to Sewer and Water Services to eleven of our properties, is provided separately to this Submission. The calculations have been done in by Heath Consulting Hydraulic Engineers based on calculation of meter sizes needed for Drinking Water only, supplied to Council in previous Submissions.
 Advice. Council is in demonstrable, calculated and deliberate breach of the Local Government Act 1993, the Work Health and Safety Act 2011, the Essential Services Act 1988 and Sections 4.31 and 4.59 of the Environmental Planning and Assessment Act 1979.

Attached to this Submission

This submission includes documents mentioned in this Submission and / or relevant to it, all available to Bathurst Regional Council. Most important are those from the Australian Law Reform website, given that Council's actions are an erosion of property rights which

must not prevail, setting precedent :-

- 1- All correspondence I have had with and received from Council and State Government Authorities, Departments and Offices in regard to Access / Availability Charges to Sewer and Water Services since 2003.
- 2- All reports to Council made to Council meetings in regard to Access / Availability Charges to Sewer and Water Services since 2003
- 3- All Submissions I have made and caused to be made to Council's various Plans since 2003.
- 4- The Court case Prefabricated Buildings v Bathurst Regional Council.
- 5- Australian Law Reform website at -

https://www.alrc.gov.au/sites/default/files/pdfs/publications/fr_129ch_18._property_rights .pdf

5- All of the material held in Council's Disclosure Log.

File No.	Date Decided	Information Provided	Information Available to Public
03.00179	31/8/2011	Various documents in relation to sewer access charges	Contact the Right to Information Officer

Conclusion

Sewer, Water Services are statutory Services supplied by NSW Council. Fire-fighting Services are Services a property owner causes to be invested in a property by Council upon Council granting of Development Approvals, Construction Certificates and Occupation Certificates to a after application to receive the same from Council has been made.

From the Australian Law Reform Commission website :- <u>The common law and private</u> <u>property</u>

... is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property'. ... property, anchoring it in laws: Property and law are born together, and die together. Before laws were made there was no property; ... Publication - 31 July 2015

Sections 4.31 and 4.59 of the Environmental Planning and Assessment Act 1979 are in place to provide property rights to those Services granted to a property in Development Approvals, Construction Certificates and Occupation Certificates namely Essential / Firefighting Services not being Statutory Services.

Council's claim not to provide Essential / Fire-fighting Services is a perverse claim made for financial gain, and on infringing on our property rights (perverse in the sense that a Council report to Council a meeting on at least one occasion inverts the a) and b), the two tenets of Council's own policy iterated in the Mayor Paul Toole letter attached, perverted the course of democracy in the Council Chamber and causes Council to be culpable in this matter)



Council must cease making S501 Annual Charges based on the full size of water meters given that this is done taking no heed of the supplied simultaneously through the same meter, thereby causing a S501 LGA Annual Charge to Essential / Fire Services, Services not listed in S501.

Given the convoluted lengths and questionable means Council has gone to justify and seek legitimacy for the inclusion Essential / Fire Service capacity in the S501 LGA Annual Availability Charges to Sewer and Water Services, Council must report this matter to the ICAC in accordance with S11 of the ICAC Act, action already taken by IPART and the NSW Auditor General.

Regards

Ray Carter

233 College Rd Bathurst NSW 2795

28th May 2019



Civic Centre 158 Russell Street Private Mail Bag 17 Bathurst NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurstnsw.gov.a
www.bathurstnsw.gov.au

8 February 2019

Mr R Carter 233 College Road BATHURST NSW 2795

Without prejudice

Dear Mr Carter

In response to your letter 14 November 2018, please note that Council does not include a charge for Essential/Fire Fighting services on its rate notices. Council does include water and sewerage availability charges under section 501 of the Local Government Act 1993.

Your assertion that Council's water and sewerage charges include a charge on mandatory Fire/Essential Services is inaccurate. Presumably, you are relying on the definitions included in the Essential Services Act 1988 in which Essential Services includes the provision of water and sewerage services shown at section 4(1)(g) and 4(1)(h). However, Council does not make a charge for Essential Services under any Act; only for the availability of water and sewerage services under section 501 of the Local Government Act 1993.

The water services to your properties are provided on the basis of the load that your respective properties may place on the water reticulation system. That load is determined by the type of building constructed on the property and the requirements of the various building and plumbing codes and regulations. Council's responsibility in this regard is to ensure that the various codes and regulations have been complied with. After construction, Council's responsibility is to provide water and sewerage services to the customer's premises and how the customer uses that water is the decision of the customer based on their requirements and the requirements of the legislative system that they work within; it is not Council's decision.

With regard to the statement that "it is a Council decision that requires the Fire Hose Reel Service water be metered through the same meter as Drinking Water", this is also inaccurate. Council, if requested, will provide a separate meter if required for different size services for a customer, at the rates included in its annual Fees and Charges document where the property's physical location will allow. Where a property has separate meters, each meter has a separate charge based on the size of the meter as per Council's adopted section 501 availability charges.

In terms of your point 4 where you state that "a Council must, when making a charge, give a short separate name for each amount of the charge which makes highly questionable in terms of s316 of the Crimes Act 1900 the intention of 'hid' in reply to then General Manager Perram's questioning of the validity of the Charges in 2004". Council's rate notice shows each charge separately and has a separate name given to each of the

Reference: AJ:RD:26.00010-03/132 Enquiries: Mr Aaron Jones 02 6333 6257 190205_R Carter.docx

BATHURST REGION ... FULL OF LIFE

Proud to be an **evocity** 7

2

Mr R Carter 8 February 2019

charges. There is nothing hidden, the water and sewerage availability charges are shown as exactly that, as per the rates notices that you have supplied with your letter. Council's charge is not for the provision of a Fire/Essential Service as you contend, it is a charge under section 501 of the Local Government Act 1993 for water

Council's calculation of charges for water and sewerage services is in line with the Best Practice Guidelines. The guidelines allow the use of peak load for the calculation and this is what Council has used. This has been confirmed by the relevant state government departments, copies of which have been previously provided to you. Submissions on those Fees and Charges are received and considered each year in June when the charges are adopted.

Your reference to section 318 of the Crimes Act 1900, "Making or using false official instrument to pervert the course of justice", is unjustified. Council makes a legal charge for water and sewerage services under section 501 of the Local Government Act 1993, which was reiterated in the court case Prefabricated Buildings v Bathurst Regional Council. Council does not make a charge for Fire/Essential Services as Council does not provide Fire/Essential Services.

The charges relating to the Assumption School that you have mentioned in your letter were considered as a confidential Council report as it related to the financial dealings of

The Water Management (General) Regulation 2018 has replaced the Water Management (General) Regulation 2011 that you have referred to. The corresponding section to the former s120 is s125. Whilst it is your opinion that Council "abrogates its responsibility to ensure that firefighting services remain serviceable for their intended purpose" under section 120, there is nothing in section 125 that requires Council to monitor fire-fighting services to ensure they remain serviceable for their intended purpose. The link that you have made between the improper use of hose reels, Council's responsibility under section 125, water and sewerage charges, and Fire/Essential Services does not lead to any conclusion regarding Council's improper charging of section 501 for water and sewerage availability charges which, again, are legal under the Local Government Act 1993 and have been validated in the Prefabricated Buildings v Bathurst Regional Council proceedings.

In your paragraph 20 you have asserted that Council has used "methodology deviating from law to include Fire/Essential Services within the water and sewerage availability charges. Council has used the methodology provided to it by the NSW State Government and has not included Fire/Essential Services within those charges. The methodology has been reviewed by the various departments in charge of the Best Practice Guidelines over the years and the methodology has been found to have been correctly applied. There is no fraudulent activity engaged in, as you have suggested; Council is simply carrying out its function in accordance with the Local Government Act 1993 and the Best Practice Guidelines issued for the methodology for calculating water and sewerage charges. Council's auditor is fully aware of the methodology used by

Reference: AJ:RD:26.00010-03/132 Enquiries: Mr Aaron Jones 02 6333 6257

190205_R Carter.docx

3

Mr R Carter 8 February 2019

The rates notices you included with your correspondence are enclosed with this letter as they are yours and are due and payable under Council's normal terms.

Your submission has been referred to the Auditor as required under section 420 of the Local Government Act 1993, thank you for taking the time and interest in Council's affairs.

Yours faithfully

DIRECTOR

CORPORATE SERVICES & FINANCE

Reference: AJ:RD:26.00010-03/132 Enquiries: Mr Aaron Jones 02 6333 6257 190205_R Camer.docx

700000311 041141.000



Civic Centre 158 Russell Street Private Mail Bag 17 Bathurst NSW 2795

Telephone 02 6333 6111 Facsimile 02 6331 7211 council@bathurst.nsw.gov.au www.bathurst.nsw.gov.au

15 October 2018

Mr Ray Carter Prefabricated Buildings Pty Ltd PO Box 9339 BATHURST NSW 2795

Dear Sir

BATHURST REGIONAL COUNCIL ats PREFABRICATED BUILDINGS PTY LTD IN THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES CASE NO 2016/259688

I refer to your letter dated 21 August 2018, alleging that the Water Availability Charge and the Sewer Availability Charge made by Council for the year 2018/19 has been unlawfully made and threatening to:-

- 1. Withhold payment of the Rates and Charges Notice until "the illegally included charge to File/Essential Services within the Total amounts for the Charges to Water and Sewer Availability noted in Items are removed in a re-issued Rates and Charges Notice"; and
- 2. Report allegations of fraudulent behaviour by Council to NSW Police.

The analysis which you have undertaken, leading to the conclusions of illegality and fraud, is in error. The allegations are denied.

In setting out this explanation I will do as you have done, and refer only to the Water and Sewerage Availability Charges and not to the Usage Charge.

The Local Government Act 1993 (LGA 1993) identifies in s.501(1) the services for which a Council may make an annual charge, being for:-

- Water supply
- Sewerage
- Drainage.
- Waste Management (other than domestic)
- Any services prescribed by the Regulations.

Council does not rely upon anything "prescribed by the Regulations" for the making of the Water supply and Sewerage Services annual charges.

Council provides a water supply service for which it imposes an annual charge. Council also provides sewerage services for which it imposes an annual charge.

Reference: BD:SM:22.02306/53 Enquiries: Mr Brian Dwyer 6333 6209 _bd_RAY CARTER_121018.docx

BATHURST REGION ... FULL OF LIFE



2 Ray Carter 15 October 2018

Water supply services and sewerage services annual charges are for those services alone. To re-characterise either or both of the charges as though made under Local misguided.

Water supply services and sewerage services annual charges are for those services alone. To re-characterise either or both of the charges as though made under Local misguided.

Non-residential premises have features which arise by the choices which the landowner makes such as occur by the nature of the development. Some features are including the nature of construction and the need for power, water and sewer associated with the development.

Some of these elements arise as a consequence of the physical needs of the development and some arise by regulation according to the Building Code of Australia or the National Construction Code.

It is not appropriate to seek to re-characterise the availability charge for water supply and sewerage services according to the use to which the land is put by the landowner after the land has been developed.

The water supply and sewerage services are provided by Council. The Availability Charges are based on the size of the water meter, which is determined by the need generated by the development on the land.

Council is not making an annual charge for a fire fighting service.

You contend that Council has been selective in its application of its policy although you have not in your letter of 21 August 2018 been specific. Other correspondence asserts selectivity in favour of the Assumption School from 2004 onward (paragraph 23, submission of Ray Carter 5 June 2018). The analysis applicable to the Assumption School is set out in the Report to the Council Meeting of 18 May 2005. The report identifies the analysis and shows the appropriate operation of Council Policy.

Your statement that you intend not to pay the Rates and Charges Notice is without lawful foundation. Council relies upon the Rates and Charges Notice as issued. Your return of the Notice and your rejection of the obligation to pay appear to be based upon a misguided interpretation of the law. You have extracted material from a Report prepared by the Independent Pricing and Regulatory Tribunal in December 2009. The language used by IPART cannot alter the legislative framework.

The charge for the service made under s.501 is not one in respect of which the users of Council Services can decide not to pay if they are not willing to pay the applicable charge or fee. The charge is one where rate payers cannot choose not to pay if they consider it to be too high.

As the person liable to pay the rates, Prefabricated Building Pty Ltd is the person who is liable to pay the charges (s.561 LGA). As you are aware and as you were reminded in the Rates and Charges Notice, there are limited rights for appeal available. There is no entitlement to simply decide not to pay.

Reference: BD:SM:22.02306/53 Enquiries: Mr Brian Dwyer 6333 6209 _bd_RAY CARTER_121018.docx 3 Ray Carter 15 October 2018

It is noted that you have had a direct debit for the payment of Rates and Charges in place.

Council's position is that it has not acted unlawfully and that if outstanding rates and charges are not paid, Council will continue to seek payment in accordance with its annual recovery practices.

I urge you to reconsider your stated position.

Yours faithfully

DIRECTOR

CORPORATE SERVICES & FINANCE

Reference: BD:SM:22.02306/53 Enquiries: Mr Brian Dwyer 6333 6209 _bd_RAY CARTER_121018.docx



New South Wales Consolidated Acts

[Index] [Table] [Search [Search this Act] [Notes] [Noteup] [Previous] [Next] [Download] [Help]

LOCAL GOVERNMENT ACT 1993 - SECT 501

For what services can a council impose an annual charge?

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.

AustLII: Copyright Policy | Disclaimers | Privacy Policy | Feedback





NEW SOUTH WALES

MINISTER FOR ENERGY AND UTILITIES MINISTER FOR SCIENCE AND MEDICAL RESEARCH MINISTER ASSISTING THE MINISTER FOR HEALTH (CANCER) MINISTER ASSISTING THE PREMIER ON THE ARTS

MSO Ref: 09208 09538 DEUS Ref 04/1832 04/2123

Mr Ray Carter Director Carter Bros Engineering Pty Ltd 3 Toronto Street BATHURST NSW 2795

2 4 DEC 2004

Dear Mr Carter

I refer to your letters of 8 October 2004 and 25 August 2004 regarding the introduction of best-practice sewerage pricing by Bathurst Regional Council. The Member for Bathurst, Mr Gerard Martin MP has also made representations to me on your behalf regarding this matter. I apologise for the delay in responding to you.

Bathurst Regional Council's recent introduction of best-practice sewerage pricing will ensure that the sewerage system operates efficiently. Under such a tariff, customers with significant sewer discharges will pay a fair share of the costs imposed on the system. An important aspect of a fair sewerage tariff is an annual access charge which reflects the peak load that can be placed on the sewerage infrastructure.

I recognise your concerns regarding the sewer access charge. However, Bathurst Regional Council has assured me that customer concerns will be fairly addressed on a case by case basis. Council has also recently increased its resources to assist customers with their queries by appointing a hydraulic engineer. I therefore encourage you to continue working with Council to satisfactorily resolve this issue.

As outlined in the NSW Government's Best-Practice Management of Water Supply and Sewerage Guidelines, the sewer access charge should reflect a customer's capacity requirements and the load they place on the sewerage system relative to residential customers,

In her letter to you of 20 September 2004, Ms Kath Knowles, Administrator, Bathurst Regional Council states "Council will reconsider the implementation of nominal sizing of water meters if it is given enough supporting evidence to establish that there is a more equitable manner of applying charges"

Level M. Covernor Macquarie Tower, 1 Famer Place, Sydney NSW 2000

2

Accordingly, if you believe that the access charge ascribed to you by Council does not reflect your load on the sewerage system, you may wish to commission an independent hydraulic report and present it to Council. Such a report would analyse the historical and likely future water consumption and sewer discharge patterns of your premises and the likely peak discharge requirements.

Best-practice sewerage pricing is sometimes a difficult adjustment to make for local water utilities and some of their customers. Bathurst Regional Council has taken a responsible approach in moving to such a tariff.

Thank you for bringing this matter to my attention.

Yours sincerely

Frank Sartor

Postal Address:

PO BOX 2501 ORANGE NSW 2800

Office Location: 351 SUMMER STREET ORANGE NSW



HEATH CONSULTING ENGINEERS

HENGCON PTY LTD ACN 103 488 348

Our Ref: L12_08_064.doc

20 May 2014

The General Manager
Bathurst Regional Council
PO Box 17
BATHURST NSW 2795

Attention:

Mr David Sherley

Dear Sir,

RE. DRAFT BATHURST DELIVERY PLAN 2014-2018 & ANNUAL OPERATING PLAN 2014-2015

We wish to formally lodge a submission for the draft Bathurst Delivery Plan 2014-2018 and Annual Operating Plan 2014-2015. This submission relates to the sewer access charge for non-residential properties.

We note that the draft plans appear to make no allowance for reducing the sewer discharge factor (SDF) or allowing the "nominal" size water meter to be adopted when levying the sewerage pricing for non-residential properties which generally goes against the NSW Office of Water's best practice guidelines and the true principles of user pays.

The Office of Water (formerly The Department of Water & Energy's) "Best Practice Management of Water Supply and Sewerage Guidelines" states that:

Best-practice sewerage pricing involves a uniform annual sewerage bill for residential customers. For non-residential customers an appropriate sewer usage charge is required for the estimated volume discharged to the sewerage system, together with an access charge based on the capacity requirements that their loads place on the system relative to residential customers."

The key part of the above guideline is outlined above.

Typically Councils base the access charge on the size of the water meter connected to the property. For non-residential properties the water meter is more often sized to accommodate fire hose reels or fire hydrants installed on the property. The majority of Council's require fire hose reels to be connected to the metered supply. This was typically done as in the past fire hose reels were used to wash down hardstand areas or used to wash vehicles and as such Councils wanted to ensure that customers paid for the water that was used. This water typically does not and would have great difficulty entering the sewerage system. To suggest otherwise would be ill informed and demonstrate a clear lack of understanding and knowledge of how water and sewerage systems operate.

In the spirit of true user pays principles many Council's have adopted a policy of either reducing the sewer discharge factor (SDF) or allowing the "nominal" size water meter to be adopted when levying the sewerage pricing for non-residential properties. This is to

Telephone: (02) 6360 0755

Facsimile: (02) 6360 0766

Email: admin@biapond.com

Draft Bathurst Delivery Plan 2014-2018 & Annual Operating Plan 2014-2015

Page 2

account for the properties where larger water meters are installed for fire services. Other Council's have opted not to levy a sewer access charge for dedicated fire service installations where they are required to be metered.

This enables the principles of best practice sewerage pricing to be adhered to by ensuring that the access charge applied to the property reflects the true capacity requirements that the property places on Council's sewerage system. It also ensures that sewerage charges are applied in an equitable manner and are not penalised by having to comply with building code requirements.

To ensure that there are no cross subsidies the sewer usage charge would therefore be higher. This is much more consistent with the true principles of pay for use, ie. the more water that is used by the property the more that is paid. With the correct pricing structure Council would still ensure that there is no cross subsidy between residential and non-residential customers.

If changes are not made Council could easily be accused and no doubt proven to be promoting cross subsidy, whereby, non-residential customers are subsidising residential customers.

We request that Bathurst Regional Council seriously reconsider allowing the nominal water meter size be adopted for the levying of their water and sewer access charges.

If you have any questions or require clarification do not hesitate to contact the undersigned.

Yours faithfully

Heath Consulting Engineers

Per:

ROGER HEATH

Telephone: (02) 6360 0755

Facsimile: (02) 6360 0766

Email: admin@heathce.com

3 2009 FRI 13:55 FAX 61263312338 Bathurst RSL Club Ltd

25/02/2009 09:22

0263322125

BELINDAS BUS CENTRE

2003/004

PAGE 01/02



Civic Centre
Cor Russell & William Sta
Private Mail Bag 17
Bathurst NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurstregion.com.au

19 February 2009

Mr Peter Sargent Bathurst Business Chamber PO Box 293 BATHURST NSW 2795

Dear Peter

Sewerage Access Charges

I refer to your letter of 20 January 2009, regarding sewerage access charges.

In order to understand Council's position on the matter of sewerage access charges the following information is supplied.

- In May 2004, Council received advice from the NSW Government of Guidelines to be used in determining a method to charge customers for the use of Council's sewerage assets.
- From 2003 onwards, Councillors have been presented with various reports and options for the charging of sewer charges.

Council, at its meeting held in July 2004, chose the option that is currently being charged to each customer. The options available to Council were to charge either of the following:

- (a) Base sewerage access charges on the peak load the discharger places on the sewerage system. Such discharges should therefore have the option of providing for Council's consideration, an expert report to establish the peak load in equivalent tenements (ET's) their operations place on the sewerage system.
- (b) In the absence of such a report the Council can determine the access charge on the basis of the square of the service connection size times the discharge factor.

Part (b) is the method that has been adopted by this Council.

- As part of establishing a method of charging Council's engineering staff were requested to categorise each business to determine their sewerage discharge factor (SDF).
- 4) Council on 8 June 2004, wrote to all businesses affected by the introduction of this new system requesting them to advise Council if they required a review of

Reference: RR:AL:26.00010-03/026 Enquiries: Mr Bob Roach (02) 6333 6257

BATHURST REGION ... FULL OF LIFE

/3 2009 FRI 13:55 FAX 61263312338 Bathurst RSL Club Ltd

25/82/2009 09:22 0263322125

BELINDAS BUS CENTRE

2004/004 PAGE 02/02

2

Bathurst Business Chamber 19 February 2009

their business SDF. Council received replies to this request and proceeded to review each property's SDF and where appropriate make the required change.

Council wrote to over 300 landowners who were affected by these proposed changes. Council received replies from 19 landowners and then proceeded to review each of these requests and make any necessary adjustments that were required.

- Council has since 2004 used this method to charge customers for the use of the sewerage assets.
- 6) Each year Council invites submissions from its ratepayers and customers on any aspect of items contained within the Management Plan including the method of charging for sewer as well as the SDF charge contained in the Revenue Policy section of the Management Plan.
- 7) This issue has been raised many times by a member of the Bathurst Business Chamber, and again I would like to reiterate that it was Council's decision to adopt the method they did. That is, the Council determined the access charge on the basis of the square of sewer connection size times the discharge factor.
- 8) As Council has adopted its method of charging then the option you refer to regarding the peak load in equivalent tenements (ET) is not available to Council's customers at the present time. However, as pointed out in item (6) each and every ratepayer has the right to make a submission on the Management Plan including the method of charging for sewer charges.
- Council will invite and consider all submissions made in determining its Management Plan and Revenue Policy for the 2009/10 period.

I trust this explains Council's position in relation to sewer access charges.

Yours faithfully

Paul Toole

au

MAYOR OF BATHURST

Reference: RR:AL:26.00010-03/026 Enquiries: Mr Bob Roach (02) 6333 6257 U:Mentanian, especiationer - sergent rice



New South Wales Consolidated Regulations

[Index] [Table] [Search] [Search this Regulation] [Notes] [Noteup] [Previous] [Next] [Download] Help

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 125

Services for which an annual charge may be imposed (section 501)

125 Services for which an annual charge may be imposed (section 501)

- (1) Emergency services provided or proposed to be provided within the area of the Blue Mountains City Council are prescribed for the purposes of section 501 of the Act.
- (2) In this clause,
- "emergency services" includes (without limitation) bushfire and other fire services, civil emergency services, and management services associated with emergency services.

AustLII: Copyright Policy | Disclaimers | Privacy Policy | Feedback



ESSENTIAL SERVICES ACT 1988 - SECT 4

Essential services

4 Essential services

- (1) For the purposes of this Act, a service is an <u>essential service</u> if it consists of any of the following:
- (a) the production, supply or distribution of any form of energy, power or fuel or of energy, power or fuel resources,
- (b) the public transportation of persons or the transportation of freight (including the provision of rail infrastructure for those purposes),
- (c) the provision of fire-fighting services,
- (d) the provision of public health services (including hospital or medical services),
- (e) the provision of ambulance services,
- (f) the production, supply or distribution of pharmaceutical products,
- (g) the provision of garbage, sanitary cleaning or sewerage services,
- (h) the supply or distribution of water,
- (i) the conduct of a welfare institution,
- (j) the conduct of a prison,
- (k) a service declared to be an essential service under subsection (2),
- (l) a service comprising the supply of goods or services necessary for providing any service referred to in paragraphs (a)-(k).

Environmental Planning and Assessment Act 1979 No 203

Current version for 15 February 2019 to date (accessed 26 May 2019 at 17:55)
Part 1 Section 1.4

1.4 Definitions

(cf previous s 4)

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requir *erection* of a building includes:
- (a) the rebuilding of, the making of alterations to, or the enlargement or extension of, a building, or
- (b) the placing or relocating of a building on land, or
- (c) enclosing a public place in connection with the construction of a building, or
- (d) erecting an advertising structure over a public road, or
- (e) extending a balcony, awning, sunshade or similar structure or an essential service pipe beyond the alignment of a public road,

but does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).

4.31 Validity of complying development certificate

Without limiting the powers of the Court under section 9.46 (1), the Court may by order under that section declare that a complying development certificate is invalid if:

- (a) proceedings for the order are brought within 3 months after the issue of the certificate, and
- (b) the certificate authorises the carrying out of development for which the Court determines that a complying development certificate is not authorised to be issued.

4.59 Validity of development consents and complying development certificates (cf previous s 101)

If public notice of the granting of a consent or a complying development certificate is given in accordance with the regulations by a consent authority or a certifier, the validity of the consent or certificate cannot be questioned in any legal proceedings except those commenced in the Court by any person at any time before the expiration of 3 months from the date on which public notice was so given.

WORK HEALTH AND SAFETY ACT 2011 - SECT 10

Act binds the Crown

10 Act binds the Crown

- (1) This Act binds the Crown in right of this jurisdiction and, in so far as the legislative power of the Parliament of this jurisdiction permits, the Crown in all its other capacities.
- (2) The Crown is liable for an offence against this Act.
- (3) Without limiting subsection (1), the Crown is liable for a contravention of a WHS civil penalty provision.

19 Primary duty of care

- (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:
- (a) workers engaged, or caused to be engaged by the person, and
- (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.
- (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable:
- (a) the provision and maintenance of a work environment without risks to health and safety, and
- (b) the provision and maintenance of safe plant and structures, and
- (c) the provision and maintenance of safe systems of work, and
- (d) the safe use, handling, and storage of plant, structures and substances, and
- (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and
- (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and
- (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

Best-Practice Management of Water Supply and Sewerage Guidelines



LWUs may therefore establish a revenue fluctuation reserve of up to 10% of turnover. LWUs can draw on this reserve to assist them to cope with wet years or drought water restrictions where water sales are lower than predicted. Dry years will result in a corresponding increase in demand and revenue.

For guidance in developing and implementing best-practice pricing tariffs refer to Appendix B.

b) Sewerage Pricing



Best-practice sewerage pricing involves a uniform annual sewerage bill for residential customers. For non-residential customers an appropriate sewer usage charge is required for the estimated volume discharged to the sewerage system, together with an access charge based on the capacity requirements that their loads place on the system relative to residential customers.

For guidance in developing and implementing best-practice pricing tariffs refer to Appendix B.

c) Liquid Trade Waste Pricing, Policy & Approvals

Best-practice liquid trade waste pricing requires appropriate annual trade waste fees and re-inspection fees for all liquid trade waste dischargers. These fees are in addition to the non-residential sewerage bill.

The LWU must also levy an appropriate trade waste usage charge for trade waste dischargers with prescribed pre-treatment¹⁰, and appropriate excess mass charges for large trade waste dischargers (> about 20 kL/d) and for dischargers of industrial waste.

As noted in Appendix B on page 53, any large increases in liquid trade waste fees and charges may be phased-in over a period of up to 3 years.

The Liquid Trade Waste Management Guidelines, March 2005 provide guidance for LWUs on developing an appropriate trade waste policy and assessing, approving, monitoring, pricing and enforcing compliance for liquid trade waste dischargers to the sewerage system.

In order to properly manage dischargers of liquid trade waste to the sewerage system and to protect sewerage system assets and the environment, LWUs must adopt a Liquid Trade Waste Policy in accordance with the *Liquid Trade Waste Management Guidelines*. As noted on page 42 of the Guidelines, DWE consent is required for an LWU's trade waste policy. In addition, LWUs must issue a trade waste approval to each trade waste discharger connected to the sewerage system, and must annually inspect the premises of each discharger.

d) Developer Charges

Developer charges are up-front charges levied to recover part of the infrastructure costs incurred in servicing new development or changes to existing development. Developer charges provide a source of funding for infrastructure and provide signals to the community regarding the cost of urban development.

In essence, where the costs of serving new urban development are in excess of the current and expected costs of servicing existing customers, then the additional



Prescribed pre-treatment comprises the equipment shown in Table 7 of 'Liquid Trade Waste Management Guidelines, March 2005, or any pre-treatment facilities deemed appropriate by the LWU.

Best-Practice Management of Water Supply and Sewerage Guidelines Appendix B



Sewerage and Trade Waste Pricing - Check List **Topic Outcomes Achieved** 6. Sewerage Tariff Uniform annual sewerage bill per residential property (Ref 1, page 28). ☐ Two-part sewerage tariff for non-residential customers (Ref 1, page 29). C. Does not involve land value based tariffs (rates), uniform annual charges or declining block tariffs (Ref 1, page 27). the long-term financial sustainability of the sewerage business and minimising of customer bills (Ref 1, page 7). 7. Sewer Usage Charge ☐ Sewer usage charge/kL reflects the long-run marginal cost of sewerage business (Ref 1, page 29). 8. Sewerage Access Charge ☐ Annual non-residential sewerage access charge reflective of customer's peak load on the system (Ref 1, page 31). 9. Residential Units A. Each strata title residential unit or flat treated as a residential assessment (ie. no distinction between houses and flats) ☐ Similarly, a block of say 4 Torrens Title residential units are to be treated as 4 residential assessments. C. A block of company or community title units or flats treated as a single non-residential assessment. 10. Sewer Discharge Factor ☐ The volume of sewage discharged to the sewerage system may be estimated using a sewer discharge factor times the metered water consumption (Ref 1, pages 29 and 93). 11. Trade WasteTariffs ☐ All liquid trade waste dischargers requiring nil or minimal pre-treatment pay an annual trade waste fee and a re-inspection fee, where required (Ref 1, page 33). B. All liquid trade waste dischargers with **prescribed** pre-treatment pay an annual trade waste fee and a



(Ref 1, page 34).

re-inspection fee (where required) together with an appropriate trade waste usage charge/kL for all liquid trade waste discharged to the sewerage system

Part B3 Non-drinking water services

Delete B3.3(1) and insert NSW B3.3(1) as follows—

NSW B3.3 General requirements

(1)

The design, construction, installation, replacement, repair, alteration and maintenance of a Open link in same page <u>non-drinking water</u> service must be in accordance with the following:

(a)

AS/NZS 3500.1 with the following variations:

(i) After clause 10.3(c) insert (d) and (e) as follows:

(d)

Top up from a drinking water supply shall be by an indirect trickle top up with a visible air gap external to the tank.

(e)
There shall be no connection between treated greywater systems and drinking water, rainwater or other sources of supply.

Part B4 Fire-fighting water services

Part B4 does not apply in New South Wales.

Note:

NSW from 2004 The introduction

of best brackice, weather infroduction

of the 2019 PCA administrated the

of the 2019 PCA administrated the

Essential | Fire Service provision though

Essential | Fire Service provision though

HE EPAH Act., the BCA and

AS 2444! ie the perion

Subject to complaint against BRC

Subject to complaint against bRC

Sewer and Water Availability Charges

Part B3 Non-drinking water services

Vic Introduction to this Part

Introduction to this Part

This Part sets out the requirements for the design, construction, installation, replacement, repair, alteration and maintenance of any part of a non-drinking water service of a property. It covers from the point of connection to the points of discharge.

Explanatory information:

OBJECTIVE

BO3

The Objective of this Part is to-

- safeguard people from illness, injury or loss (including loss of amenity) due to the failure of a non-drinking water installation; and ensure that a non-drinking water installation is suitable; and conserve water and energy; and safeguard the environment; and safeguard public and private infrastructure; and ensure that a non-drinking water installation throughout its serviceable life will be the safeguard to (e).

 TIONAL STATEMENTS
- (b) ensure that a non-drinking water installation is suitable; and
- (c) conserve water and energy; and
- (d) safeguard the environment; and
- (e) safeguard public and private infrastructure; and

FUNCTIONAL STATEMENTS

BF3.1

Sanitary fixtures, sanitary appliances and supply outlets provided with non-drinking water must be adequate.

BF3.2

Non-drinking water must be supplied through plumbing installations in a way that avoids the likelihood of inadvertent contamination of any drinking water service, minimise any adverse impact on building occupants, the Network Utility Operator's infrastructure, property and the environment.

Performance Requirements

BP3.1 Water supply

- (1) A non-drinking water service must only be connected to outlets clearly identified for non-drinking use.
- (2) A non-drinking water service must not have a cross-connection with a drinking water service.

BP3.2 Identification

Pipes, pipe outlets, fittings, storage and holding tanks that are part of a non-drinking water service must be clearly identified.

BP3.3 Design, construction and installation

- (1) A non-drinking water service must ensure the following:
 - (a) Non-drinking water is provided at required flow rates and pressures for the correct functioning of fixtures and appliances.
 - (b) Access for maintenance of mechanical components and operational controls.
 - The system, appliances and devices can be isolated for testing and maintenance.
- (2) A non-drinking water service must be designed, constructed and installed to avoid uncontrolled discharge or failure.

Verification Methods

NCC 2019 Volume Three - Plumbing Code of Australia

Page 55

There are no Verification Methods in this Part.

Deemed-to-Satisfy Provisions

B3.1 Application

(1) Performance Requirements BP3.1 to BP3.3 are satisfied by complying with B3.2 and B3.3.

B3.2 Distribution of non-drinking water

- (1) A non-drinking water service must not be connected to any outlet that supplies water for-
 - (a) human consumption; or
 - (b) food preparation; or
 - (c) food utensil washing; or
 - (d) personal hygiene.

B3.3 General requirements

NSW B3.3(1)

Vic B3.3(1)

(1) The design, construction, installation, replacement, repair, alteration and maintenance of a *non-drinking water* service must be in accordance with Section 9 of AS/NZS 3500.1.

Note 1:

The design, construction, installation, replacement, repair, alteration and maintenance of a *non-drinking water* service used for fire-fighting purposes must be in accordance with Part B4.

Explanatory information: Cross-volume considerations

NCC Volumes One and Two deal with a number of areas of on-site construction which are relevant to a non-drinking water service. These include, but may not be limited to, the following:

Item	NCC Volume One Class 2 to 9 buildings	NCC Volume Two Class 1 and 10 buildings
Excavations for pipework adjacent to a building and footings	B1 Structural provisions	3.1.1 Earthworks
Termite management for attachments to buildings and penetrations through a slab	B1 Structural provisions	3.1.4 Termite risk management
Penetrations for pipework through a vapour barrier	B1 Structural provisions	3.2.2 Preparation
Pipework in timber bearers and joists of solid timber or engineered wood products	B1 Structural provisions	3.4.0 Framing
Fittings, fixtures and pipework installations in steel framed construction	B1 Structural provisions	3.4.2 Steel framing
Penetrations through a fire-resisting wall or floor	C3 Protection of openings	3.7.3 Fire protection of separating walls and floors
Fixtures or fittings in a wet area	F1 Damp and weatherproofing	3.8.1 Wet areas and external weatherproofing
Service pipework external to the building and penetrations through roof cladding in a bushfire prone area	G5 Construction in bushfire prone areas	3.10.5 Construction in bushfire prone areas
Pipework sound insulation	F5 Sound transmission and insulation	3.8.6 Sound insulation

29 of 39 Water Services J. S. DCSF_5_7

Part B4

Fire-fighting water services

NSW B4 NT B4 Old B4

Introduction to this Part

This Part sets out requirements for the design, construction, installation, replacement, repair, alteration and maintenance of any part of a fire-fighting water service from the *point of connection* or other acceptable source(s) of supply to the fire-fighting equipment, including hydrant, hose reel, sprinkler services and wall drencher systems.

Explanatory information:

OBJECTIVE

BO4

The Objective of this Part is to-

- (a) safeguard people from illness, injury or loss (including loss of amenity) due to the failure of a fire-fighting water installation; and
- (b) ensure that a fire-fighting water installation is suitable; and
- (c) conserve water and energy; and
- (d) safeguard the environment; and
- (e) safeguard public and private infrastructure; and
- (f) ensure that a fire-fighting water installation is designed and is capable of being maintained so that throughout its serviceable life it will continue to satisfy Objectives (a) to (e).

FUNCTIONAL STATEMENT

BF4

Fire-fighting equipment must be provided with adequate water for its intended purpose.

Performance Requirements

BP4.1 Design, construction and installation

- (1) A fire-fighting water service must ensure the following:
 - (a) Water is provided at required flow rates and pressures for the correct functioning of the fire-fighting equipment.
 - (b) Access for maintenance of mechanical components and operational controls.
 - (c) The system can be isolated for testing and maintenance.
- (2) A fire-fighting water service must avoid uncontrolled discharge or failure.

Verification Methods

Tas BV4.1

There are no Verification Methods in this Part.

Deemed-to-Satisfy Provisions

B4.1 Application

(1) Performance Requirement BP4.1 is satisfied by complying with B4.2.

B4.2 General requirements

(1) Fire-fighting water services for Class 2 to Class 9 buildings and structures must comply with the requirements of

NCC 2019 Volume Three - Plumbing Code of Australia

Page 57

<u>Financial implications</u>: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2018-2022 and Operational Plan 2018/2019.

(f) Accessibility, Lack of Parking and Employment Opportunities

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

<u>Report</u>: Council has received a submission from Vanessa Comiskey (shown at <u>attachment</u> <u>6</u>) that there is a lack of commitment in the DP/OP to disability access, addressing all day parking opportunities, and strengthening training and employment in the region. The items referred to in this submission are about changes to the Objectives shown in the Bathurst 2040 Community Strategic Plan which is outside the scope of the DP/OP focus.

<u>Financial implications</u>: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2018-2022 and Operational Plan 2018/2019.

(g) 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 <u>attachment 7</u>), Horton Rhodes Lawyers (see <u>attachment 8</u>), Heath Consulting Engineers (see <u>attachment 9</u>) and David Hagney who works for Mr Carter's company (see <u>attachment 10</u>) in relation to water and sewerage service availability charges. The submissions 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, and his related parties, contend 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.

Director Corporate Services & Finance's Report to the Council Meeti	ng 20/06/2018
GENERAL MANAGER	MAYOR
	Page 75



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.

Mr Carter et al assert that under clause 125 of the Local Government Regulation (General) 2005 that he has an "emergency service" at each of his premises where a fire service is maintained.

125 Services for which an annual charge may be imposed (section 501)

(1) Emergency services provided or proposed to be provided within the area of the Blue Mountains City Council are prescribed for the purposes of section 501 of the Act.

(2) In this clause, emergency services includes (without limitation) bushfire and other fire services, civil emergency services, and management services associated with emergency services.

Clause 125 was enacted to give direction under the 5th dot point under section 501(1) of the Act (shown above): "any services prescribed by the regulations". Clause 125 is specifically directed towards emergency services in the Blue Mountains City Council area only.

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 11.

<u>Financial implications</u>: If the recommendation is adopted, there will be no change to the Bathurst Delivery Plan 2018-2022 and Operational Plan 2018/2019.

(h) Submission from Mr G A Crisp

<u>Recommendation</u>: 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 dated 5 June 2017. 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:

Director Corporate Services & Finance's Report t	to the Council Meeting 20/06/2018
GENERAL MANAGER	MAYOR
	Page 76

Act, it is nevertheless useful to consider the question by applying general principles of statutory construction.

- There are two constructions available on a literal reading of the section. First, that Council may make a charge referred to in s 496 or s 501 according to actual use of the service, and second, that, for the services listed in s 496 or s 501, Council may make a charge according to actual use of the service. The first interpretation goes towards the actual charge enabled by s 496 and s 501, whereas the second interpretation goes to the services listed in s 496 and s 501. If the first interpretation is adopted, Council may only charge according to actual use of those specific services. If the second interpretation is adopted, Council may charge for actual use of specific services, and may levy an additional annual charge in respect of those same services.
- For the reasons stated below, I find that the second construction is to be preferred and that the reference in s 502 to s 496 and s 501 is to the *services* listed in those sections, rather than to the *specific charge* enabled under those sections.
- Considering the Act as a whole, the Act clearly envisages two separate charges for certain services. I make this finding by reference to:
 - (1) section 510 of the Act, which prescribes a maximum annual charge for domestic waste services. As a practical matter, Council would not be able to ensure compliance with this section if the 'annual charge' was to be levied by reference to actual use – as Council would not be able to predict how much waste each household would dispose of in the coming year;
 - (2) section 539 of the Act, which sets out the criteria relevant to determining the amount of a charge, with subs (2) providing that the amount of a charge need not be limited to recovering the cost of providing the service for which the charge is made. The section

Objections can't stop shed

COUNCIL

8Y RACHEL CHAMBERLAIN

THERE is no reversing the decision to allow a farm shed to be built around 30 metres away from a historic property at Orton Park.

The owners of 'Rainham'. circa 1830, were furious that Bathurst Regional Council never notified them that a development application had been received to build the shed near their Vale Road ble to rescind approval. property.

They took their concerns to a public forum at council's ordinary meeting last week, a month after the DA was approved.

Council's director of Environmental Planning and Building Services, Neil Southorn, said as the construction certificate had

been issued, it was not possi-

"The notice of determination and construction certificate have been issued so it is not possible to reconsider the application," he said.

"Further, it should be recognised that the points raised by the owners of Raincouncil's decision."

When asked why the

owners of Rainham weren't being approved. notified, given the property's significance. Mr Southorn said the proposal for the farm shed "did not trigger formal notification under council's Development Control Plan".

Although the owners weren't notified, all DAs are publicly available on council's ham may not have altered DA Tracker webpage, and council did consider heritage prior to this particular DA

there is a heritage item near the site of the shed, however council staff considered the impact to be minimal on the opposite side of Vale Road behind a row of mature trees," Mr Southorn said.

of the shed needed to be on flood free land with suitable

truck access from the Vale "It is acknowledged that Road and avoiding a sewer pipe close by.

> "These factors had an influence on council's decision."

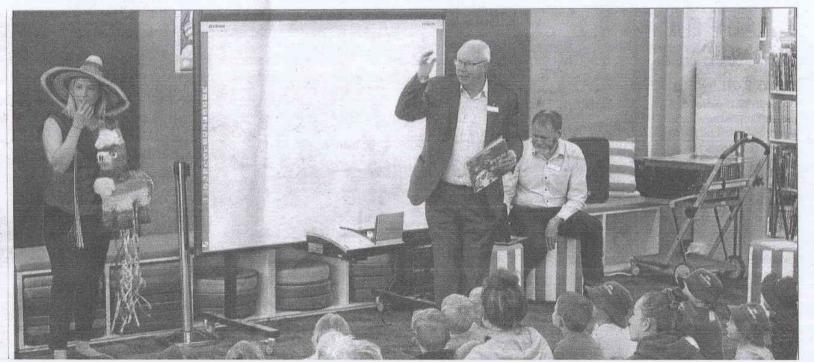
The owners of Rainham because the shed is located have said that building this shed in the location proposed in the DA would adversely impact the rural "In addition, the location views from both the house and garden, which are heritage listed.

RUSSELL ST TO BE CLOSED

ROAD CLOSURE

THE Russell Street rail underpass will be closed for four days as part of refurbishment work. Transport for NSW is planning the refurbishment of the bridge as part of the NSW Government's country rail infrastructure program.

The full road closure will take place from May 24 to 27, with a detour via Rocket Street for motorists. The work is set to be completed by the John Holland Rail.



IPART Discussion Paper Discharge factors for non-residential customers-towards a standardised approach

https://www.ipart.nsw.gov.au/Home/Industries/Water/Reviews/Metro-Pricing/Discharge-factors-for-non-residential-customers-towards-a-standardised-approach

4 Anomalies with Discharge Factors4.1 Fire-Fighting distorting Sewerage Charges

IPART has become aware of an anomaly in the calculation of sewerage discharge factors for customers who have large metered water capacity demand, predominately for fire-fighting purposes, but only low levels of actual demand.19

Discharge factors are calculated as the volume of water discharged to the sewer divided by the volume of water consumed and is expressed as a percentage.

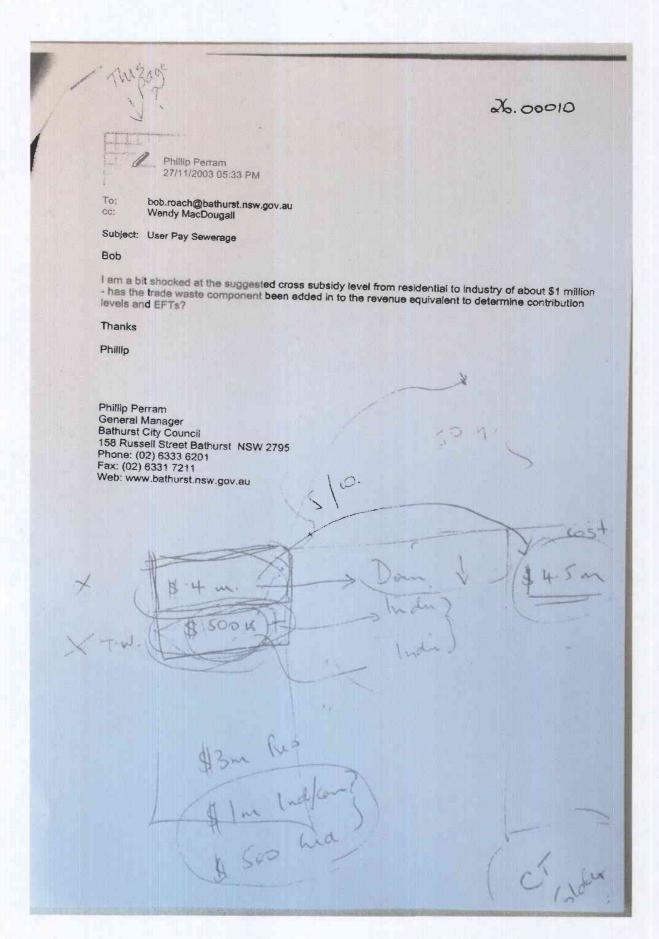
This means that a business such as a wool storage warehouse with large water capacity demand20, as a pre-cautionary fire-fighting capacity, and very low water consumption of say 50 kL/pa would have a measured discharge factor of nearly 100%. Whereas a commercial garden nursery with the same size water meter and the same volume of sewerage discharges, but much larger actual water consumption, may have a measured discharge factor of less than 10%.

This means that while the wool storage warehouse is imposing similar costs on the sewerage system as a small business, it is generally paying significantly more in sewerage service costs.

Where this situation occurs, it is inconsistent with our price structure principles that state "Customers imposing similar costs should pay similar charges" 21 and is clearly unfair.

Many new large developments now have unmetered water supplies for firefighting and it is therefore not an issue for them.

Whilst the numbers of customers in this situation is small and the impact on the utilities' revenue is relatively minor, it is inequitable and can be a significant burden on the customers involved.



LOCAL GOVERNMENT ACT 1993 - SECT 8

Object of principles

8 Object of principles

The object of the principles for councils set out in this Chapter is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

8A Guiding principles for councils

- (1) Exercise of functions generally The following general principles apply to the exercise of functions by councils:
- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.
- (2) Decision-making The following principles apply to decision-making by councils (subject to any other applicable law):
- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.
- (3) Community participation Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

From the Australian Law Reform website

7. Property Rights

The common law and private property

- 7.1 The common law has long regarded a person's property rights as fundamental. William Blackstone said in 1773: 'There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property'. In the national consultation on 'Rights and Responsibilities', conducted by the Australian Human Rights Commission (AHRC) in 2014, 'property rights' was one of the four areas identified as being of key concern. [2]
- 7.2 This chapter and Chapter 8 are about the common law protection of vested property rights. This chapter considers what is comprised in the concept of 'property' rights and how vested property rights are protected from statutory encroachment. The chapter focuses upon interferences with personal property rights; Chapter 8 considers interferences with real property and the rights of landowners.
- Almost a century before Blackstone wrote, conceptualisations of property were bound up in the struggle between parliamentary supremacy and the power of the monarch. This conflict resulted in the 'Glorious Revolution' of 1688, in which the Roman Catholic king, James II, was overthrown in favour of his Protestant daughter, Mary, and her husband, William of Orange, Stadtholder of the Netherlands, as Mary II and William III. John Locke (1632–1704) celebrated property as a 'natural' right, advocating the protection of a citizen in 'his Life, Health, Liberty, or Possessions'. Jeremy Bentham (1748–1832) continued the philosophical argument about property, anchoring it in laws:

Property and law are born together, and die together. Before laws were made there was no property; take away laws, and property ceases. [4]

- 7.4 By the period following World War II, the protection of private property rights from interference had become enshrined in the first international expression of human rights, the *Universal Declaration of Human Rights* (UNDHR) in 1948, in providing that '[n]o one shall be arbitrarily deprived of his property'.
- 7.5 Property and possessory rights are explicitly protected by the law of torts and by criminal laws and are given further protection by rebuttable presumptions in the common law as to statutory interpretation, under the principle of legality, discussed below. An interference with real property in the possession of another may give rise to the tort of trespass to land or of nuisance. In the leading case of *Entick v Carrington*, Lord Camden LCJ said:

By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my licence, but he is liable to an action, though the damage be nothing ... If he admits the fact, he is bound to shew by way of justification, that some positive law has empowered or excused him. [8]

7.6 Similarly, the common law provides protection against unauthorised interference or detention of chattels. *Entick v Carrington* concerned not just an unauthorised search but also

a seizure of private papers. Wilkes v Wood^[9] set out enduring common law principles against unauthorised search and seizure, later reflected in the fourth amendment to the United States Constitution.

7.7 Unauthorised interferences with chattels may be a trespass or conversion of the chattels, while unauthorised detention, even if initially authorised by statute, may give rise to tort actions in conversion or detinue once that authority has lapsed. For example, in *National Crime Authority v Flack*, the plaintiff, Mrs Flack, successfully sued the National Crime Authority and the Commonwealth for the return of money found in her house and seized by the Authority. Heerey J noted a common law restriction on the seizure of property under warrant:

[A]t common law an article seized under warrant cannot be kept for any longer than is reasonably necessary for police to complete their investigations or preserve it for evidence. As Lord Denning MR said in *Ghani v Jones* [1970] 1 QB 693 at 709: 'As soon as the case is over, or it is decided not to go on with it, the article should be returned'. [10]

7.8 Within the modern parliamentary context, many laws have been made that interfere with property rights. The focus then is upon how far such interference can go, before it may be regarded, for example, as an 'arbitrary deprivation', in the language of the UDHR. In his Commentaries on the Laws of England, while calling the right to property an absolute right anchored in the Magna Carta, Blackstone described the limited power of the legislature to encroach upon it in terms that are still reflected in laws today:

The third absolute right, inherent in every Englishman, is that of property: which consists in the free use, enjoyment, and disposal of all his acquisitions, without any control or diminution, save only by the laws of the land ... The laws of England are ... extremely watchful in ascertaining and protecting this right. Upon this principle the great charter has declared that no freeman shall be disseised, or divested, of his freehold, or of his liberties, or free customs, but by the judgment of his peers, or by the law of the land. [12]

7.9 Property rights could be encroached upon 'by the law of the land', but only where reasonable compensation was given:

But how does [the legislature] interpose and compel? Not by absolutely stripping the subject of his property in an arbitrary manner; but by giving him a full indemnification and equivalent for the injury thereby sustained ... All that the legislature does is to oblige the owner to alienate his possessions for a reasonable price; and even this is an exertion of power, which the legislature indulges with caution, and which nothing but the legislature can perform. [13]

- 7.10 As French CJ affirmed in *R & R Fazzolari Ltd v Parramatta City Council*, it 'was and has remained the case in England and Australia that compulsory acquisition and compensation for such acquisition is entirely the creation of statute'. [14]
- William Blackstone, Commentaries on the Laws of England (The Legal Classics Library, 1765) vol II, bk II, ch 1, 2.
- Australian Human Rights Commission, Rights and Responsibilities (Consultation Report, 2015) 8.



- John Locke, *Two Treatises of Government* (Cambridge University Press, First Published 1690, 2nd Ed, Peter Laslett Ed, 1967) 289. The timing of the publication relevant to the negotiation of the ascension of William and Mary is explained by Peter Laslett, in ch III of his introduction to the *Two Treatises*.
- Jeremy Bentham, 'Principles of the Civil Code' in *The Works of Jeremy Bentham*, *Published under the Supervision of His Executor John Bowring* (1843) vol 1 pt I ch VIII 'Of Property', 309a. One of the main 17th century arguments about property was whether it was founded in 'natural' or 'positive' law. Bentham is representative of the positivist approach that was the foundation of modern thinking about property.

18. Property Rights

Contents

Summary 459
The common law and private property 460
Definitions of property 462
What is 'property'? 462
'Vested' property rights 466
The reach of property rights 467
Protections from statutory encroachment 477
Australian Constitution 477
Racial Discrimination Act 484
Principle of legality 485
International law 486
Bills of rights 489
Justifications for interferences 489
Legitimate objectives 490
Balancing rights and interests 491

Summary

18.1 The common law has long regarded a person's property rights as fundamental. Jeremy Bentham said that '[p]roperty and law are born together, and die together'.1 At common law, property rights could be encroached upon 'by the law of the land',2 so long as any deprivation was not arbitrary and only where reasonable compensation was given.3

18.2 This chapter and Chapters 19 and 20 are about the common law protection of vested property rights. This chapter provides the foundation for the two chapters that follow. It considers what is comprised in the concept of 'property' rights and how vested property rights are protected from statutory encroachment. Chapter 19 focuses upon interferences with personal property rights. Chapter 20 considers interferences with real property and the rights of landowners.

1 Jeremy Bentham, 'Principles of the Civil Code' in *The Works of Jeremy Bentham, Published under the Supervision of His Executor John Bowring* (1843) vol 1 pt I ch VIII 'Of Property', 309a.

2 William Blackstone, *Commentaries on the Laws of England* (The Legal Classics Library, 1765) vol I, bk I, ch 1, 134.

3 Ibid vol I, bk I, ch 1, 135. This passage is cited often in Australian courts, eg, R & R Fazzolari Ltd v Parramatta City Council (2009) 237 CLR 603, [41] (French CJ).

S_DCSF_5_7

BATHURST REGIONAL COUNCBathurst Regional Council

Received

-5 JUN 2019 16.00167/044

1- 4 JUN 2019

Submission 2 to the Bathurst Regional Council Draft Delivery Program 2019-2023 & Operational Plan 2019-2020 REF.....

This Submission is in regard to S501 Annual Availability Charges that Council makes to Sewer and Water Services at a number of <u>non-residential</u> properties and is supplementary to an earlier Submission made to the same Plan and references included.

Background

The NSW Government passed the Fire and Emergency Services Levy Act 2017 No 9 in 2017 however this Act has yet to come into effect.

Bathurst Regional Council began making S501 Local Government Annual Availability Charges on Sewer and Water Services based on the full size of water meters in July 2004.

This advice was given by a Minister, a Director General and an Acting Director General at the time as the intention of Council was clearly to include the provision of Essential / Fire Fighting capacity in the calculation when Annual Charges to Sewer and Water Services. A number of rate payers protested Council's intention, most saying in effect that this method clearly created a defacto "fire hose reel levy", which in simplistic terms it is.

For fifteen years since 2004 Council has defended its "methodology", somehow causing early Ministerial and Director General advice in relation to this matter to be disregarded by various Government Authorities since, thereby receiving tacit approval for what could be regarded as a Fire Service levy, albeit an illegal one. We have refused to pay the Rates on several properties as a consequence of this. Council has therefore issued Final Notices to us for non-payment; non-payment clearly the only option to bring this matter to head or light, given the intractable nature of it, illustrated in this Submission.

Only in a letter dated 8 Feb 2019 has Council revealed the thing they have been relying on, thing mentioned in an internal Council email approximately ten years ago, which is that is a Council claim that they "do not provide Essential/ Fire Services to our non-residential properties. This of course of an "unsubstantial" claim given that both the water supplied and the Pipe conveying that water to a property for fire-fighting purposes are both Essential Services as per the Essential Services Act. Councils attempts to designate fire-fighting capacity as drinking water in order to legitimise their "methodology" because ordinary drinking / domestic water is the only water type capacity that can receive a S501 Availability Charge.

This subterfuge just does not work because when Council issues Development Approvals and Construction Certificates for non-residential buildings in an industrial zone the water capacity and the water itself, provided specifically for fire-fighting, must be accepted given Council has provides that Service as the Monopoly provider.

Occupation Certificates cannot be issued by a Council unless all the conditions of the Development Approvals and Construction Certificates have been met and this

DUSF

Pages 1-27

includes certification of Fire Hose reel systems and Fire Hydrants constructed to AS2441 the Standards Council conditions in the Construction Certificate.

The Environmental Planning and Assessment Act, at S4.31 and S4.59, protect the property rights to the Essential/ Fire Services Council provides. Therefore, Council's claim not to provide Essential / Fire Service is a bogus claim, an illegal action and a thing done for revenue raising purposes.

This claim is an attack on property rights and must not stand.

From the Law Reform Commission website.

Summary 18.1 The common law has long regarded a person's property rights as fundamental.

Jeremy Bentham said that '[p]roperty and law are born together, and die together'.1 At common law, property rights could be encroached upon 'by the law of the land',2 so long as any deprivation was not arbitrary and only where reasonable compensation was given.3

18.4 Blackstone observed, in 1773, that the 'right of property' was a deeply rooted idea. In the national consultation on 'Rights and Responsibilities', conducted by the Australian Human Rights Commission (AHRC) in 2014, the recognition and protection of 'property rights' was one of the four areas identified as being of key concern.

Property and law are born together, and die together. Before laws were made there was no property; take away laws, and property ceases. [9]

From the Bathurst Regional Council Your Say website

'The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations.'

We request that Council carry out its statutory obligations.

Ray Carter 233 College Rd

Bathurst NSW 2795

email - ray@carterproperties.com.au

A2

Mr Patrick Trieu

3rd June 2019

Senior Investigation Officer Public Administration Division NSW Ombudsman Level 24 / 580 George Street Sydney NSW 2000

ptrieu@ombo.gov.nsw.au

Dear Mr Trieu

The matter of Bathurst Regional Councils Sewer and Water Annual Availability Charges needs to be looked at by the NSW Ombudsman Office in the following light.

Explanation

When a NSW Council zones land to industrial there is an obligation to supply Essential Statutory Services water and sewer. These are services regulated under the Plumbing and Drainage Act, the Plumbing and Drainage Regulation and the Plumbing Code of Australia. The provision of Fire-flow water primarily Fire Hydrants in the in the streets of industrial zoned land is provided as per the Environmental Planning and Assessment Act 1979, AS2419.1. AS1851 Appendix C which set out the requirements for design of street and any required on-site fire hydrants based on the capability of the water supply. The pipe carrying water from a Council water main to the boundary of a property is an Essential Service pipe for purposes explained in the Essential Services Act 1988, these being Fire-fighting purposes at S4(1)(c) and Drinking water at S4(1)(h). The Essential Service pipe at S1.4 of the Environmental Planning and Assessment Act 1979 and the water itself are Essential Services at S4(1)(I) of the Essential Services Act 1988. Council are Monopoly providers of the Essential Services at S4(1)(I) of the Essential Services Act 1988 and have obligation to require S4(1)(c) Essential Services in buildings erected on industrial zoned land as required by the Environmental Planning and Assessment Act, Regulations, Building Code of Australia and AS2441, these being Essential Safety Measures.

Development Approvals issued by a Council make clear the type of Essential Safety Measures required at a proposed building in an industrial zone. Fire hose reels and Fire Hydrant Essential Safety measures where required are conditioned in the ensuing Construction Certificate issued. As per the requirements of the Building Code of Australia, AS2441 is the Standard required in the Construction Certificate for on-site fire hose reels while AS2419.1 & AS1851 are the Standards for Fire Hydrants.

On-site Essential Safety Measure hose-reel and hydrants are <u>reliant</u> on fire-flow water and the Essential Service Pipe that delivers this water provided by Council for the purpose of extinguishing fire (described as "goods" in the Essential Service Act) to a property where these Essential Safety Measures are mandatorily installed and required to be certified annually as per AS2441.

Fire hose reels and fire hydrants are constructed and maintained at approved properties because this is a requirement and Condition of the Development Approval and Construction Certificate. Council can only issue an Occupation Certificate in accordance with Ss 168 and 170 of the Environmental Planning and Assessment Act 1979.

Council fire flow water supply and the Essential Service pipe Council erects or expands beyond the Drinking Water capacity, for the express purpose of providing that fire flow water

supply for extinguishing fire are Essential Services mandatorily to Occupation Certificate issue required in S168 AND 170 of the Environmental Planning and Assessment Act 1979 as these are Services conditioned in the Development Approval and Construction Certificate issued.

Neither Essential Services or Fire Services are Services listed in S501 of the Local Government Act or 125 of the Local Government Regulation as Services that Council can make an Annual Availability Charge on.

The Judgement in Prefabricated Buildings v Bathurst Regional Council makes clear at 49 that the <u>"specific"</u> Services in S501 Local Government Act 1993 that can attract a S502 Usage Charge are the <u>"same"</u> services that can attract an Annual Charge at S501.

The Sewer and Water Availability Charges as made by Bathurst Regional Council are plainly, illegally constructed therefor illegal as advised many times before this.

The manner in which Council has sought to cover this fact up is not hearsay, an argument between the parties or two different legal opinions as your office has advised in the past.

The treatment of my complaint appears to indicate that the Ombudsman Office has not given sufficient weight to or investigative time to my complaint resolving in inadequate advise given Council's claim in their letter 8 February 2019 is a belated but wrongful explanation of the crux of the argument put up by Council. My complaint is a very real thing with burdensome financial consequences and being treated as a querulant as per the Ombudsman Office, Managing unreasonable complainant conduct practice manual, is not applicable.

Please consider the following in reassessing my complaint.

<u>Attachment 1</u>. Councils "Frequently Asked Questions" What are the issues indicated that Council has with the Best Practice Guidelines for water pricing?

<u>Attachment 2</u>. Council claims in their letter dated 3 May 2019 that the mentioned Court case concludes my complaint. This is a misrepresentation of 49 in the Judgement and not a credible conclusion.

Attachment 3. Acting Director-General Maurice Overy made clear in 2004 to Council that Essential/ Fire Service capacity of water meters should not be included in the calculation of Annual Availability Charges. This acknowledges the existence of Essential / Fire Services provided to a property.

Attachment 4. In the Statement of Facts and Contentions preceding the case Prefabricated Buildings v Bathurst Regional Council, Council in their letter dated 6 June 2016 state that "... Council does comply with the requirements of the Local Government Act in setting its rates and charges." This statement caused the Court case Prefabricated Buildings v Bathurst Regional Council and clearly remains untrue.

Attachment 5. The NSW Ombudsman's Office on the second Page states that Council complies with its statutory obligations when it does not. I request that the Ombudsman Office review the Submission attached made to the Council and the correspondence with NSW Fair Trading to reassess whether "there is no evidence of wrong doing" as stated.

Attachment 6. The understanding given by Bathurst Regional Council to the Office of Water

which in no uncertain terms acknowledges the existence of and need for proper treatment of Essential/ Fire Services when making S501 Annual Availability Charges to Sewer and Water Services.

<u>Attachment 7</u>. A Submission I have made to Council is attached as is correspondence with NSW Fair Trading for clarification.

<u>Attachment 8</u>. Other relevant correspondence, pertinent documents attached for your convenience.

I request that the NSW Ombudsman Office reassess the matter and basis of Bathurst Regional Councils Annual Availability Charges to Sewer and Water Services, which when based on the full size of water meters without regard to those Charges thereby including Essential/ Fire Service capacity (irrevocably supplied by Council) are illegal Charges.

I request that the NSW Ombudsman Office liaise with the NSW Office of Fair Trading relating to correspondence Ref. BN19/417 and NSW Planning correspondence Ref. 19/1712 in relation to this matter and ascertain why:-

- 1) ICAC has allowed in essence 49 in the Judgement Prefabricated Buildings v Bathurst Regional Council to stand in correspondence with me to stand?
- 2) Why IPART did not take this into account in SDFs Toward a Standardised Approach yet consequently referred my correspondence to ICAC on request under S11 of the ICAC Act.
- 3) Why the Audit Office was told that Fire Services were not listed in S501to receive an Annual Availability Charge, yet did nothing about it in the latest Council Audit whilst understanding it sufficiently to refer it to ICAC under S11 of the ICAC Act?

Regards

Ray Carter

Email - ray@carterproperties.com.au

233 College Rd Bathurst NSW 2795

FREQUENTLY ASKED QUESTIONS



1. What are the State Government requirements for water pricing?

The NSW State Government issued Best Practice Guidelines for water pricing which Councils and Local Water Utilities across NSW are required to comply with. Under the Best Practice Guidelines, 75% of charges must be **consumption based** (water usage) and 25% from **fixed access** charges (meter, pipes, etc.).

2. In terms of Best Practice Water Pricing, what has Council done?

Bathurst Regional Council does not agree with the Government's Pricing Policy for residential properties as it is considered to be unsustainable in the long term. Council continues to meet with the State Government on this issue.

3. How/When is my water meter read?

All water meters are read manually over a 4 week period, 4 times a year. Meters are usually read in the months of March, June, September and December. Payment is due with the quarterly instalments.

4. What are the water charges for 2018/2019 compared with 2017/2018

Water Bill Comparison (Residential)				
	2017/2018	2018/2019		
Access charge (20 mm Domestic)	\$175.00	\$175.00		
Residential Consumption Charges				
First 250 kL from 1st July each year	\$1.95	\$2.08		
After 250 kL	\$2.93	\$3.12		
Bill Calculation including access charges (example only)				
Consumption Level (in kL)				
100	\$370.00	\$383.00		
200	\$565.00	\$591.00		
Average water consumption: 253	\$671.29	\$704.36		
300	\$809.00	\$851.00		
400	\$1102.00	\$1163.00		
600	\$1688.00	\$1787.00		
800	\$2274.00	\$2411.00		

(Average usage data from 2016/2017 Bathurst Regional Council residential consumption)

For comparisons of water charges against other regional centres, see Council's website at www.bathurst.nsw.gov.au

5. What do I do if I notice a water leak?

Please contact Council's Engineering Department on 6333 6100 if you notice a leak in your water box and they will advise what options are available.



Civic Centre 158 Russell Street Private Mail Bag 17 Bathurst NSW 2795 Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au

3 May 2019

Mr Ray Carter 233 College Road BATHURST NSW 2795

Dear Sir

I refer to your letter dated 18 February 2019 regarding various earlier letters seeking to debate Council's water availability charge and sewerage availability charge.

You continue to question the power of Council to impose availability charges under Section 501 Local Government Act 1993 (LGA).

The power to levy the availability charges was determined by the Land and Environment Court in your company's Court proceedings identified as <u>Prefabricated Buildings Pty Ltd v Bathurst Regional Council</u> [2017] NSWLEC 44.

At paragraph 3 of the judgement in <u>Prefabricated v BRC</u>, the Court identifies that it was "satisfied that the Act permits Council to charge both for actual use of services and based on availability of services and therefore do not consider that the Availability Charges are unlawful under the Act."

At paragraph 54 of the judgment, the Court observed that "the Act does not specify exactly what methodology should be used to levy annual charges. However, in the absence of any evidence as to why the availability charges may be invalid, it is not for the Court to confine that methodology in these proceedings."

Those proceedings have been concluded.

Council applies the approach upheld by the Court. Council's methodology remains the same as it was in the year in question in <u>Prefabricated v BRC</u>.

I do not consider that it is a reasonable use of Council resources to continue to engage in correspondence debating the existence of the power and the application of the methodology.

You have a statutory entitlement to make submissions (as you have done for a number of years) regarding Council's draft operational plan (Section 405 LGA) and audited financial statements and auditor's report (Section 420 LGA). Such submissions are considered in accordance with the law.

I do not propose to engage in debate over issues of power or methodology already determined by the Court.

Reference: AJ:RD:26.00010-03/133 Enquiries: Mr Aaron Jones 02 6333 6257 190501_R Caner.docx

BATHURST REGION ... FULL OF LIFE



2

Mr R Carter 3 May 2019

The issues contained in your letter under reply have, as their foundation, issues of power and methodology already considered by the Court and I therefore do not propose to enter into further correspondence.

I should inform you that any reply to correspondence with you in future will not traverse issues already dealt with by the Court.

Yours faithfully

A Jones DIRECTOR

CORPORATE SERVICES & FINANCE

Reference: AJ:RD:26.00010-03/133 Enquiries: Mr Aaron Jones 02 6333 6257 190501_R Carter.docx



- Basing sewerage access charges on the peak load the discharger places on the sewerage system (refer to 4(5) above).
- Phasing-in of the increases by the LWU over a period of five years.

If the oversized connection is required only for fire fighting purposes, a reduction in the access charge may be determined as indicated below under "Fire Fighting Connections".

Another alternative is to introduce a tariff that has a high usage charge but no access charges (refer also to 4(2) above). This would remove the difficulty associated with introducing high access charges.

8.3 Fire Fighting Connections

The pricing guidelines (refer to 1 above) are not prescriptive regarding the access charge to be applied where a larger connection size is required for fire fighting purposes. For such a connection, a reasonable approach would be to apply a charge based on the connection size required for water supply and to allow nil or a moderate increase over this charge for provision of the fire fighting capacity.

8.4 Non-Rateable Properties

The pricing guidelines recommend that where an LWU proposes to provide a community service obligation (CSO) to non-rateable properties (eg. schools, hospitals, churches etc.), the CSO should only be applied to reduce the access charges. This will provide an appropriate pricing signal for water usage and sewage discharge to encourage efficient use of the services. At present, about 30% and 60% of LWUs provide a CSO for non-rateable properties for water supply and sewerage respectively.

8.5 Customers with a Number of Service Connections

Customers with a number of service connections will most likely face a higher water bill under the new tariffs due to the increase in their access charges. Such customers are often able to rationalise their number of connections to reduce their access charges.

Maurice Overy Acting Director-General

Form A

Statement of Facts and Contentions

COURT DETAILS

Court

Land and Environment Court of New South Wales

Sydney

Class

3

Case number

2016/00259688

TITLE OF PROCEEDINGS

Applicant

Prefabricated Buildings Pty Ltd

Respondent

Bathurst Regional Council abn 42 173 522 302

FILING DETAILS

Filed for

Prefabricated Buildings Pty Ltd Applicant

Contact name and telephone

Raymond Carter Telephone 0407258882

Contact email

ray@carterproperties.com.au

PART A: FACTS

THE SUBJECT OF THE PROCEEDINGS

- The Applicant owns the land and property being Lot 2 DP 270264, 369 Stewart Street Mitchell NSW 2795 (The Premises).
- The appeal concerns the levying against the Premises of Assessment Notice 232909
 (Notice) by Bathurst Regional Council (BRC) for the year 1 July 2016 to 30 June
 2017. Specifically, the appeal is concerned with the quantum and legality of two
 charges contained in the Notice.

Particulars

- a. 100mm Water Availability Charge Non-Res: \$4,083.00
- b. 100mm Sewer Availability Charge Non-Res: \$11,293.60

(together The Availability Charges)



THE PREMISES

3. The Applicant accepts and agrees with the Respondents description of the Premises.

CHARGES

- The Availability Charges are not based on any measured usage of the water or sewerage services provided by BRC to the premises.
- The Availability Charges are estimates levied on the Premises based on the size of the water meter connection.

HISTORY

- The Applicant has been the registered proprietor and rateable person of the premises and has been since 18/07/ 2001
- BRC has included Access / Availability Charges (Charges) in the annual Rates and Charges Notices levied against the premises since 2004.
- 8. Prior to 2009, the 100mm Water Availability Charge Non-Res in the Rates and Charges Notices was known as the "Water Availability Charge" and the 100mm Sewer Availability Charge Non-Res, was known prior to 2009 as "Sewer Non-Res Access" (together the Charges) Relevant Rate and Charge Notices attached.
- Director and authorised officer of the Applicant is Mr Raymond Carter. Mr Carter.
- On 3 June 2016, Mr Carter, through his legal counsel, wrote to BRC requesting an explanation of the legal justification for the Availability Charges.
- On 6 June 2016, he received a reply from Mr Robert Roach of BRC.

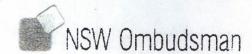
Particulars

a. In answer to the request for legal justification of the availability charges, the letter stated only:

"I refer to your letter of 3 June 2016 and advise that Council does comply with the requirements of the Local Government Act in setting its rates and charges.



From 2004 Council has claimed, in response to letters and submissions and in informing Councillors in regard to their Availability Charges, that these Charges were in



Cur reference:

C/2009/4530

Contact:

Ms Veronica Brogden

Telephone 2: 02 9286 0933

30 June 2009

Level 24 580 George Street Sydney NSW 2000

Phone 02 9286 1000 Fax 02 9283 2911 Toilfres 1800 451 524 TTY 02 9264 8050

Web www.ombo.nsw.gov.au

ABN 76 325 386 267

Mr Ray Carter 3 Toronto Street BATHURST NSW 2795

Dear Mr Carter

Your complaint about Bathurst Regional Council (the Council)

I refer to a bundle of documents that you forwarded to this office seeking a review of your complaint C/2009/2105. It was inadvertently all filed together however during the course of the review, it has been discovered that a separate complaint was made in relation to the sewer access charges set by Council. This portion of your complaint has been separated, reassessed and allocated to me for a response. I apologise for the initial error in filing this matter; you will receive a separate response relating to your review request, R/2009/68.

There does not appear to be evidence of the type of conduct that would warrant formal investigation by this office. The following information is provided to assist you with understanding the reasons for my decision.

You say that you disagree with the method adopted by the Council because "it was not fair as there was no relationship or fairness involved where Sewer Charges had no comparison that could be described as such between residential and non residential".

The level of rates and charges is an important resource issue for councils which the Ombudsman believes is for councils to decide. The Local Government Act 1993 requires that before a rate or charge can be made and levied, it must be detailed in a management plan. The Act requires councils to produce annual management plans that set out the estimates of income and expenditure for the coming year as well as the ordinary and special rates and the charges the council proposes to levy.

The draft plans are usually put on public exhibition in May /June each year. The public exhibition is notified in the local newspaper and on the Council's website, and the public has the chance to comment on the draft plan before it is finalised. Council must consider ail submissions received on the draft plan, which ensures a reasonable level of accountability by councils to electors in determining the levels of rates and charges. As a ratepayer, you have an opportunity to participate in public debate on this issue each year.

Page I of 2

Councils are independent democratically elected bodies accountable to their ratepayers. If the Council adopts policies on rates and charges that you disagree with, you can lobby councillors to change these policies or support candidates for election with more acceptable policies.

Where a Council complies with its statutory obligations and there is no evidence of wrong conduct, the Ombudsman will not tell the Council to use its discretion to set its own fees and charges differently.

For these reasons, this office rarely investigates complaints about the level of rates and charges.

Accordingly, I will take no further action on your complaint.

Yours sincerel

Veronica Brogden

A/Senier Investigation Officer for the Ombudsman

FILE COPY

AH8 7

DEUS Ret: 04/1528

SEWER ACCESS CHARGES AND FIRE FLOW REQUIREMENTS IN BATHURST

BACKGROUND:

On behalf of Bathurst Regional Council, Gerard Martin MP, Member for Bathurst has requested a meeting with the Minister (Tab 1) on implementation of user pays sewerage pricing by the Council. The meeting would be held at 1:00 pm on 5 August 2004 and would be attended by Gerard Martin and Council's Administrator Kath Knowles, General Manager David Sherley and City Treasurer Bob Roach.

Bathurst Regional Council has introduced best-practice sewerage pricing in 2004/05. Under the adopted tariff, residential customers will pay a uniform annual charge. Non-residential sewerage bills are based on a two part tariff comprising:

- a usage charge per kilolitre discharged to the sewerage system (estimated by applying a sewer discharge factor to the customer's water consumption); and
- an access charge based on the square of the water supply connection multiplied by the discharge factor.

Under the adopted tariff, a number of non-residential customers face a significant increase in their sewerage bill. Customers most affected are those with low or medium consumption with a large water service connection or those with low land value and high sewer discharge.

Prior to adopting the tariff, Bathurst Council sent letters to all non-residential customers who would be impacted by the move away from land value based rates to best-practice pricing (example at Tab A – Bathurst letter of 3 June 2004).

The Bathurst Chamber of Commerce made representations to the member for Bathurst, Gerard Martin, MP, regarding high access charges for customers with water supply connections sized for fire flow requirements. A number of customers also contacted Mr Martin, MP regarding the large increase in their bills (Tab B – eg. Assumption School, Sisters of St Joseph, Bathurst Chamber of Commerce).

Following a request from the Bathurst Chamber of Commerce, DEUS contacted Council to discuss the application of access charges to customers with connections sized for fire flows. DEUS understood that Council was not intending to reduce the access charge for customers with such connections. Section 8.3 of DG Circular LWU 3 (Tab C) issued to all LWUs on 24 February, 2004, states:

"For such a connection [sized for fire flows], a reasonable approach would be to apply a charge based on the connection size required for water supply and to allow nil or a moderate increase over this charge for provision of the fire fighting capacity".

On 20 July, the Director General sent a letter to Ms Kath Knowles, Administrator Bathurst Regional Council to this effect (Tab D). Council's Mr Bob Roach - Treasurer indicated that the Council was unhappy that such a strong letter was issued and was considering seeking a meeting with Minister Sartor. Council particularly objected to the 2nd last paragraph:

"I strongly recommend that Council amend its proposed sewerage tariff on this basis".

Council has indicated it is at a loss as to why the Director General would take this position (Tab 1). The reason is that Council had not made an attempt to appropriately address charging for connections sized for fire flows and that Council's approach was inconsistent the above Circular.

2

AH8

At the Bathurst Council meeting of 21 July, 2004, a number of recommendations were resolved by council (Tab E). In earlier discussions with Mr Roach, Mr Sam Samra of DEUS had indicated that DEUS requirements would be met if Council included a rider to the effect that sewerage access charges for connections sized for fire flows would be examined by the Council on a case by case basis to determine appropriate charges. Mr Roach was satisfied with this response and as shown in the 'Possible Solution' for Submissions 2 and 3 of the attached Bathurst Council Resolution of 21 July 2004 (Tab E), 'Option to previde expert report on ET equivalent' for such fire connections accords with DEUS Circular LWU 3.

Mr Roach has advised that Council has now commissioned an expert hydraulic engineer to examine all objections raised by such non-residential customers and should receive a report in about 3 weeks. It will then develop an appropriate means for levying access charges for these customers.

SUGGESTED POSITION:

Non-residential customers that consider their connection size is for fire fighting only should contact Bathurst Council in response to Council's letter at Tab A. The circumstances of such customers would be reviewed by Council on a case by case.

connection size and whether the connection can be downsized. If the connection cannot be downsized due to fire flow requirements, the expert would provide a report to Council on an appropriate ET equivalent for that customer.

DEUS recommends that Council then agree to levying lower access charges for such customers on the basis that a lead seal would be placed on the customer's fire hose. For any billing quarter where the lead seal has remained intact, charges would be levied on the basis of the nominated smaller connection size. However if the seal is broken, the charges for the quarter would be levied on the basis of the actual connection size.

Such an arrangement has now been put in place by Shoalhaven City Council and it is understood that it has received community acceptance.

Sam Samra 5.8.4

Manager, Water Utility Performance

Colin McLean
Executive Director, Water Policy and Reform

David Nemtzow Director-General

Chief of Staff

MINISTER 5/8/04

Scott Chapman Preparing Officer

Notes * Batherst to write to Minister outlining pricing structure.

Mr Patrick Trieu Investigating Officer NSW Ombudsman Office

21/3/2018

Mr Patrick Trieu NSW Ombudsman Office L24 580 George St Sydney 2000

Your reference C/2017/8806

Your previous reference C/2009/4530

Thank you for the Ombudsman NSW continuing investigation of this matter. In C/2017/8806 you have correctly assessed that as per the Community Management Statement that "Ray Carter as proprietor of the front and larger lot, is contracted to maintain service lines and pay relevant sewer and water fees." The key word in the Management Statement is "relevant" and the Availability Charges to the Sewer and Water Services that Bathurst Regional Council continue to make to this property include within them, amounts illegally Charged to Essential Services and these are an irrelevant component of Council's Availability Charges to the Sewer and Water Services.

These <u>irrelevant</u> Charges are fraudulent and illegal and should not be made to any of the Lot holders. The role of the Ombudsman is as an independent and impartial watchdog. The job of the Ombudsman is to make sure that the agencies watched over fulfill their functions properly and improve their delivery of services to the public. The Ombudsman website state "Our complaint handling work is aimed at exposing and eliminating conduct that is illegal, unreasonable, unjust or oppressive, improperly discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong."

The Ombudsman to date has not used its authority and has allowed Bathurst Regional Council to override the Local Government Act 1993 and given support in fact to Councils making of illegal and false Annual Charges to the Essential Service providing the non-drinking water service, (specifically the fire-fighting water service) described in Part B3 and B4 of the Plumbing Code of Australia.

Our complaint, C/209/4530, in regard to Bathurst Regional Council's (Council) Sewer Availability and Water Availability S501 Local Government Act 1993 Annual Charges (Charges) to our non-residential properties is an ongoing complaint to your Office regarding the illegal inclusion of Essential Service provision within these Charges is a continuing and an unresolved one the error of which was pointed out to Council by a number of Ratepayers who made submissions to Council on the introduction of "User Pays Charges" in 2004 in regard to the illegality of Annual Charges to "fire hose reels". Your Office has in the past implied, (in stating that NSW Councils are "autonomous"), that Bathurst Regional Council is able to institute Charges that have no basis in law. In other words you imply that Council is a law unto itself needing no regard to Ss 223 and 335 of the Local Government Act 1992. I put to you that this is an abrogation of the Ombudsman NSW authority stated above considering -

- 1- Your Office is aware that Council claims, as do various NSW Government Authorities, that the term "peak load" from the Best-Practice Management of Water Supply and Sewerage Guidelines is being interpreted as allowing the full size of water meters to be used in the calculation of their Annual Availability Charges to Sewer and Water Services provided.
- 2- Therefore your Office must be aware that Council thereby includes an Essential Service component in their Water and Sewer Availability Charges in using the full size of the water

meter and service pipe for the calculation of these Charges instead of the only on the domestic water (Drinking Water Service, P118 Part B3 of the PCA) supply known as the "nominal size". There is no provision in S501 Local Government Annual Availability Charges for Charges to Fire-Fighting Water Services (which are Essential Services as per S4 of the Essential Services Act 1988) described at Part B4 of the PCA (applicable to States other than NSW) or at S4 of the Environmental Protection & Assessment Act.

- 3- Such calculation including Fire-Fighting Water provision introduces an illegal component to both the Sewer and Water Annual Availability Charges as made therefore the construction of those Charges is false.
- 4- Council supplies services as per S24 of the LG Act including Essential Service to facilitate adequate water supply to Fire Hose Reels and Hydrants, Fire Hose Reels. Hose Reels and Hydrants are mandatory Essential Service Measures required at Council Development Application approval as well as being known as Fire Services.
- 5- As per the National Building Code Volume 3 Part B4 Fire-Fighting Water Service (Performance Requirements) BP4.1 Fire-fighting water service requires - A fire-fighting water service (that is an Essential Service as per Part B4 Fire Fighting Water Services B4.2 (a) Firefighting water services for buildings and structures for which NCC Volume one applies must comply with the requirements of Part E1 of the NCC Volume One which must be designed, constructed and installed in a manner which in accordance with the relevant and stipulated Australian Standards as per — (b) provides water to the fire-fighting equipment at a flow rate and pressure that is for the correct functioning of the equipment; Fire-fighting services are Essential Services as per the Essential Services Act S4 the act of enlargement or extension of an essential service pipe is in turn as per the National Building Code Volume 3. Council is the monopoly supplier of the Essential Service necessary and in accordance with these provisions for the Essential Service Measures (hose and hydrant systems) applicable and constructed by Council in accordance with S4 (2) of the Environmental Planning and Assessment Act 1979.
- 6- Council supplies and owns the water supply as per S24 and S58A of the Local Government Act appropriate to the needs of the community including supply domestic water, ie. the Drinking Water described at B3 and B4 of the PCA is separate and distinct from fire-fighting water which provides the appropriate Essential Service enabling water supply to Fire Services required at a property
- 7- The National Construction Code of Australia BCA Volume One at E1.4 deals with the requirements for Fire Hose Reels. Part B4 of Volume Three, the Plumbing Code of Australia deals with Fire-Fighting Water Services from the "point of connection or other acceptable source(s) of supply to the fire-fighting equipment, including hydrant, hose reels, sprinkler services and wall drench systems." The "point of connection" for the pipe supplying water to the hydrant and hose reel services at our properties is where that Council pipe connects to the Council water main. 8-
- 8- B4 of the PCA does not apply in New South Wales as water supply to fire-fighting water services are at 1.4 Definitions (cf previous s 4) of the Environmental Planning and Assessment Act 1979 "erection" of a building includes to the same end as B4: (a) the rebuilding of, the making of alterations to, or the enlargement or extension of, a building, or
 - (e) extending a balcony, awning, sunshade or similar structure or an essential service pipe beyond the alignment of a public road,



- The "essential service pipe" is the pipe identified as a "building" that Council supplies by "enlargement or extension" from the Council water main "beyond the alignment of a public road" which is on to our property for the service to our Fire Hydrants and Hose Reels.
- 9- Council has a Policy from the Council Meeting, 21/07/2004 Recommendation (e) (attached) that is a false and misleading document in that -
- a) It is a policy used as the basis of an Annual Charge on an Essential Service that is legal to use for only the purpose for which it is provided (S120 Water Management (General) Regulation 2011, without attempt to police this illegal activity alleged to be "common practice". The "nominal" size of meters is that size needed for domestic purposes only, exclusive of the water supply capacity supplied as an Essential Service provision to fire hose reels.
- b) It is a policy that is a dereliction of Duty of Care under the S19 the Work Health and Safety Act putting the Crown at unlimited liability under S10 in that Council hereby abrogates responsibility under S120 Water Management (General) Regulation.
- Is contrary to Coalition of Australian Governments agreement in regard to COAG Neutrality Pricing. (IPART responsibility)
- d) It is contrary \$164 of the Local Government Act which states that a Policy that is more onerous than the Act itself is illegal and therefore void, this being a reflection of \$223 (1) (a) and \$335 (b) of the Act applicable to this matter. Making a Charge on a Service not enabled for a Charge is not simply more onerous than the Act, it is illegal

Your Office must at some point acknowledge that -

- 10- An Annual Charge on an Essential Service has no basis in law, that Service (though being demonstrably provided) not being listed in S501 of the Local Government Act 1993, nor can such a Charge be legally enabled by Council Policy, the Best-Practice Management of Water Supply and Sewerage Guidelines, Ministerial approval or any other means other than change to the Act.
- 11- Council's Policy results in Annual Availability Charges to Water and Sewerage Services on our Rate and Charge Notices that illegally incorporate Charges to an Essential Service and although Treasury NSW may condone Council's use of "peak load" as advised by the Office of Water, this does not legitimise a Charge on an Essential Service nor introduce the same.
- 12- The Council makes an Annual Charge on the Essential Service provision of water to the fire services at our properties by inclusion inherent in their use of "peak load" from the Best-Practice Management of Water Supply and Sewerage Guidelines, (illegally taken to condone the use of the full size of water meters thereby including in the Charge the Essential Service to Fire Services) through S501 of the LG Act not through Ss 495 and 492 special rate provisions.
- 13- The Office of Local Government and Council is out of order wherever it does not recognise that an Essential Service is provided whenever the pipe supplying water to a property, (from the Council's water main to the meter provided on the property) is enlarged from the domestic supply to include that service. (in accordance with S4 (2) (v) of the Environmental Planning and Assessment Act this Essential Service, supplying water to all Class 2 to Class 9 buildings, which are subject to a building approval or fire safety notice or order by the Council, after 1 July 1988, and are therefore automatically and mandatorily subject to the essential fire safety measures requirements of the Environmental Planning and Assessment



- Act 1979. The correspondence from the Office of Local Government, copied below, reflects this.
- 14- The correspondence from the Office of Local Government copied below acknowledges that only those services listed in S501 can have an Annual Charge Imposed, however does not acknowledge that an Essential Service ie. Council's water supply to fire hose reels, is not a Service listed in S501. This is not a plausible explanation from the Office that administers the Local Government Act.
- 15- Council, as per S233 (1) (a) of the Local Government Act must direct it affairs in accordance with the Local Government Act, there being no alternatives. The only decisions that a Council can implement are those that are lawful decisions as per S335 (b). The decision to make an Annual Availability Charge on an Essential Service has no basis in law.
- 16- S501 (2) states that "Council may make a single charge for two or more <u>such</u> services." which makes clear that only the four services listed can be charged together. Council illegally includes an extraneous service (Essential Service) within their Availability Charges for Water and Sewer Service provision. The Rate and Charge Notices we receive from Council include Charges on Essential Services secreted within the Water and Sewer Availability Charges and therefore are false, there being no lawful means by which an Annual S501 Charge can be made on an Essential Service. All attempts by NSW Authorities to justify Council's inclusion of Essential Service Availability within the Water and Sewer Service Availability Charges (le the use of "peak load", is false within the meaning of S307C of the Crimes Act 1900.
- 17- A cursory examination of S501 of the Local Government Act 1993 reveals to anyone that Essential Services are not listed as Services which may attract an Annual Charge. It is inconceivable that this has gone innocently unnoticed by the Office of Water and the Office of Local Government since 2004, considering that in 2004 Director General David Nemztow "strongly advised" Council to not include fire service provision in the Sewer and Water Access Charges. See submissions made to Council.
- 18- In June 2017 the BRC Councillors were advised, for the consideration of submissions to the Management Plan meeting, by Council's Financial Director, that because Council had won the Court Case Prefabricated Buildings v Bathurst Regional Council the Sewer and Water Availability Charges could legitimately be made using the full size of water meters. This is a falsehood because what was decided by the Court was only a point of law, that being that S501 annual Charges are not bound solely by S502 and that S501 institutes Annual Charges and is not just a list of Services subject to S502. The Court ruling does not condone an Annual Charge on an Essential Service where none is listed in S501. (see paragraph 54 of the judgement)
- 19- Similiarly, Council has a policy that at a) which allows the ratepayer to have the load put on the sewer assessed in Equivalent Tenements (which we constantly do each year) and in the absence of this at b) can make the charge based on the full size of the water meter. (which of course is illegal because that is instituting a Charge on an Essential Service.) The Financial Director, in advice to Councillors, changed the a) and b) around, creating a false document, perverting the course of democracy which the Councillors seem to willingly accept in order to maximise Charging. These false document instances are instrumental to making fraudulent Charges and in view of the Submissions made over the years, which I have referred your Office to, are actions contrary to the good faith provisions of \$731 of the Local Government Act 1993 as are the actions of any person acting to support Charges to the Essential Service under other laws that have similar good faith provisions.

- 20- This matter, in its entirety since June 2004 is at best maladministration, however there being copious evidence of coverup entailing demonstrable collusion and complicity as the means to maintaining this fraudulent Charge on the Essential Service (demonstrably provided) yet without lawful facility to be charged for hidden, also fraud. The wider implications of corrupt administration and direction that work to this end are the concern of your Office.
- 21- Therefore this matter must be caused to come under transparent scrutiny in accordance with S11 of the Independent Commission against Corruption Act as the issuing of issuance of Rate and Charge Notices that include a Charge on Essential Services within S501 annual Charges is fraudulent whether made by Bathurst Regional Council and there are number of NSW Councils that do the same and this indicates a reasonable likelihood of involving corrupt conduct which certainly can be considered to be serious and systemic given the large scale of the monetary amounts involved.
- 22- Is your objective and motive to protect a Council revenue stream through a Charge on an Essential Service rather that recognise that Council's policy of including Essential Service provision to fire hose reels in their Water and Sewer Availability Charges puts lives at risk?

I therefore request that IPART either

- a) recognise that the inclusion of a Charge on an Essential Service within the Availability Charges to Sewer and Water Services is illegal and take appropriate action, or
- b) b) recognise the part that your Office has in causing Council to be able to claim that there is Government sanction for their S501 Annual Charges on Sewer and Water to include the component supplied for an Essential Service and cause this matter and the serious coverup, anomalies and perceived corruption involved to be fully and properly brought to the attention of the NSW ICAC, noting ICAC reference E17/1603.

Regards

R W Carter

Ray Carter 233 College Rd Bathurst NSW 2795

Ph 0407258882 email ray@carterproperties.com.au

Ms Pam Priestly

info@lithgowvalleystorage.com.au

Dear Ms Priestly

Thank you for your email of 14 June 2016 seeking reference to water usage charges within the Local Government Act 1993 (the Act).

Local councils in New South Wales have a broad range of discretionary powers under the Act and other legislation. Section 501 of the Act provides councils with the discretion to impose an annual charge for a number of services, including water supply services.

This means that it is a matter for Council to determine the appropriate water usage charges, and neither the Minister for Local Government nor the Office of Local Government can intervene in these determinations.

If you have a particular charge you wish to query, the matter is essentially one for the Council to deal with at a local level. I suggest that if you have not already done so, you contact the Rates Officer at City of Lithgow Council who will be able to assist you with your specific enquiry.

I trust this information is of assistance to you.

Yours sincerely

Mark Hely
Acting Director, Investigations and Sector Performance



Locked Bag 3015, Nowra NSW 2541

e: olg@olg.nsw.gov.au | p: 4428 4100 | f: 4428 4199 | http://www.olg.nsw.gov.au

From: Office of Local Government Response [mailto:OLGResponse@olg.nsw.gov.au]

Sent: Thursday, 16 March 2017 3:18 PM

To: 'info@lithgowvalleystorage.com.au' <info@lithgowvalleystorage.com.au>
Subject: Reply from the Office of Local Government (Our Ref: A535804)

Doc ID: A535804

Ref: A493459

Contact: Tina Baldock

Phone: 02 4428 4145

Ms Pam Priestly

info@lithgowvalleystorage.com.au

Dear Ms Priestly

Thank you for your email of 16 February 2016 seeking clarification about a council's discretion to impose an annual charge for a number of services.

Section 501 of the *Local Government Act 1993* (the Act) enables councils to levy an annual charge for any of the services listed, including water supply, sewerage, drainage and waste management services.

Section 543 of the Act requires the council to give a short separate name for each annual charge.

These annual charges are required to be recorded on a ratepayer's annual rates notices, with section 562 of the Act enabling the payment of these annual rates and charges in either a single instalment or by quarterly instalments.

In previous correspondence I have referenced Lithgow City Council's Delivery Program. The Act requires that, under the Integrated Planning and Reporting framework, Council must prepare:

- a Community Strategic Plan (CSP) this is a minimum ten year plan identifying the community's aspirations and priorities for the future and strategies for achieving these goals;
- a Delivery Program a four year program identifying the main activities Council will
 undertake to implement the strategies set in the CSP; and
- an annual Operational Plan identifying Council's proposed activities, revenue policy, and fees and charges for the next year.

The annual Operational Plan outlines Council's Revenue Policy for the coming year, including details of the proposed rating structure and the fees and charges Council proposes to charge.

When setting fees, Lithgow City Council must consider the cost of providing the service, the importance of the service to the community and the price suggested for that service by any relevant industry body or in any schedule of charges published by the Office of Local Government.

All of the IP&R plans, including the draft Operational Plan, must be available for public comment and Council must consider any submissions made by you or other members of the public before adopting it.

Lithgow City Council is currently in the process of reviewing its IP&R documentation and you may wish to consider making a submission when Council's draft Operational Plan is placed on public exhibition.

Alternatively you may wish to contact your local councillors. As locally elected bodies, councils are directly accountable to their electors. Ultimately, councils are responsible for the pricing policies for services in their area. They are also directly accountable to their local community for the impact these policies have on individual members of the community.

I trust this information is of assistance.

Yours sincerely

Mark Hely

Manager, Performance



5/31/2019

New claim by Bathurst Regional Council - ray@carterproperties.com.au - CARTER BROS. PROPERTIES PTY LTD Mail

20/03/2018 5:19 PM

Dear Mr Carter

Thank you for your detailed submission. However, as previously indicated in my email to you on 8 November 2017, the arguments you have raised are for the court to decide.

If you believe the court's decision in Prefabricated Buildings Pty Ltd v Bathurst Regional Council [2017] NSWLEC 44 is wrong or that it is inadequate to address the outstanding legal issues you have regarding council's charges, it is open to you to consider appealing the decision or commencing a new action.

Our office is not an alternative to the court. We do not have the role or power of a court to determine that council's charges are "illegal".

Regards
Patrick Trieu
Investigation Officer | Public Administration Division | NSW Ombudsman
Level 24, 580 George Street, Sydney NSW 2000
P 02 9286 0975 | F 02 9283 2911 | E ptrieu@ombo.nsw.gov.au<mailto:ptrieu@ombo.nsw.gov.au<
W www.ombo.nsw.gov.au

5/31/2019

New claim by Bathurst Regional Council - ray@carterproperties.com.au - CARTER BROS. PROPERTIES PTY LTD Mail

For Official Use Only From: Patrick Trieu

Sent: Friday, 20 July 2018 1:32 PM

To: 'ray@carterproperties.com.au' <ray@carterproperties.com.au>

Subject: RE: Ombudsman correspondence 2009 and 20/03/2018 [DLM=For-Official-Use-Only]

For Official Use Only Dear Mr Carter

I also note the various responses we have already provided to you regarding this matter dating back some 9 years to 2009.

As you are continuing to dispute the legality of council's charges under the Local Government Act 1993, I again refer you to the court's judgment in Prefabricated Buildings Pty Ltd v Bathurst Regional Council [2017] NSWLEC 44 and confirm that the court, rather than this office, is the appropriate authority to redetermine the matter and provide you with the outcome that you seek.

We will not be able to continue to respond to a matter that we have already reviewed and responded to.

Regards

Patrick Trieu

A/Senior Investigation Officer | Public Administration Division | NSW Ombudsman Level 24, 580 George Street, Sydney NSW 2000

P 02 9286 0975 | F 02 9283 2911 | E ptrieu@ombo.nsw.gov.au<mailto:ptrieu@ombo.nsw.gov.au>

W www.ombo.nsw.gov.au

• Please consider the environment before printing this correspondence.

5/31/2019 .

New claim by Bathurst Regional Council - ray@carterproperties.com.au - CARTER BROS. PROPERTIES PTY LTD Mail

On 11 Jan 2019, at 1:01 pm, Patrick Trieu <ptrieu@ombo.nsw.gov.au> wrote:

For Official Use Only

Dear Mr Carter

I refer to the attached letter from you which we received on 10 January 2019. I note that you are again disputing your liability to pay council's annual water and sewerage charges, a matter this office has repeatedly reviewed and responded to since 2009. I am unable to see how the size of the water metres servicing your commercial property relevantly demonstrates that council's charges somehow involve any specified portion constituting any unlawful essential or emergency services charge.

I would suggest that you seek independent advice about your current claim. In any case, and as previously repeatedly explained, it is appropriate that you dispute the legality of council's charges, based on your current or any other claim, before the court which is the appropriate authority to determine such matters, just as it did in Prefabricated Buildings Pty Ltd v Bathurst Regional Council [2017] NSWLEC 44.

Regards
Patrick Trieu
A/Senior Investigation Officer | Public Administration Division | NSW Ombudsman
Level 24, 580 George Street, Sydney NSW 2000
P 02 9286 0975 | F 02 9283 2911 | E ptrieu@ombo.nsw.gov.au
W www.ombo.nsw.gov.au

• Please consider the environment before printing this correspondence.

5/31/2019

New claim by Bathurst Regional Council - ray@carterproperties.com.au - CARTER BROS. PROPERTIES PTY LTD Mail

From: Ray Carter < ray@carterproperties.com.au > Sent: Tuesday, 5 February 2019 8:32 AM
To: Patrick Trieu < ptrieu@ombo.nsw.gov.au > Cc: David Hagney < david@hagney.net >

Subject: Re: Your further letter to the Ombudsman [DLM=For-Official-Use-Only]

Dear Mr Trieu

The Essential Service providing water to the Fire-Services (fire Fighting Hoses) at our Buildings (S4 (1) (c) of the Essential Services Act is a Service not listed in S501 of the Local Government Act.

The water (goods) provided to our properties through the Essential Service Pipe under S1.4 of the EP&A Act 1979, is the provision of an Essential Service as per S4 (1) (I) of the Essential Service Act 1988 and is a Service omitted from specific listing in S501 of the Local Government Act 1993 for the purpose of Annual Charges.

I hope this helps you understand that the supply of water to our properties from Council's water main in the street for the purpose of fire fighting is undeniably an Essential Service. Council knows this because they have a provision in their Management Plan that would effectively remove any S501 Annual Charge to an Essential Service however have never allowed it except in one case as you know has been referred to ICAC under S11 of the ICAC Act.

Council knowingly makes S501 Annual Charges to an Essential Service in the Rate and Charge Notices by inclusion of the same in the Water and Sewer Availability Charges therefore they commit fraud.

As the matter is one consistent with Schedule 4 of the Ombudsman Act,-

Conduct of a public authority relating to a Bill for an Act or the making of a rule, regulation or by-law.,

This matter is both capable of of being reported to ICAC under S11 of the ICAC Act as well as investigation under S13 of the Ombudsman Act 1974. I formally request that the NSW Ombudsman take action under these Acts.

The basis of this complaint is an extremely serious one based on the breach of law and certainly not not one based on "hearsay" as once suggested by your Office. I look forward to your prompt and considered response.

Regards

Ray Carter

Email - ray@carterproperties.com.au

5/31/2019

New claim by Bathurst Regional Council - ray@carterproperties.com.au - CARTER BROS. PROPERTIES PTY LTD Mail

On 8 Feb 2019, at 9:53 am, Patrick Trieu ptrieu@ombo.nsw.gov.au> wrote:

For Official Use Only

Dear Mr Carter

This matter is not appropriate for conciliation because it involves two opposing legal views about council's charges. It is not possible to expect such charges to be varied for a particular ratepayer through such a process. Whether the charges are or are not allowed to be levied, based on your previous, current and future arguments, will require the determination of the court.

Regards

Patrick Trieu

A/Senior Investigation Officer | Public Administration Division | NSW Ombudsman
Level 24, 580 George Street, Sydney NSW 2000

P 02 9286 0975 | F 02 9283 2911 | E ptrieu@ombo.nsw.gov.au

W www.ombo.nsw.gov.au

Please consider the environment before printing this correspondence.

For Official Use Only

5/31/2019 .

New claim by Bathurst Regional Council - ray@carterproperties.com.au - CARTER BROS. PROPERTIES PTY LTD Mail

Mr Patrick Trieu

A/Senior Investigation Officer | Public Administration Division | NSW Ombudsman Level 24, 580 George Street, Sydney NSW 2000

Dear Mr Trieu

Since your email of 8 February 2019.

I have received a letter from the Bathurst Regional Council in which it states contrary to existing Council policy – "Council does not make a charge for Fire/Essential Services as Council does not provide Fire/ Essential Services."

Council's letter reference is AJ:RD:26.00010-03/132 This is a false claim.

Fire / Essential Services

- Are Services mandatorily supplied to our properties in accordance with S1.4 of the Environmental Planning and Assessment Act 1979 where that physical Service provision is named an "essential service pipe" to be treated in Approvals, Certification and Certificates the same manner as the "Erection of a building".
- 2. Are mandatory Services in our subject non-residential buildings as per
 - a. S4 (1) (c) of the Essential Services Act 1988, the hydrants and fire hose reels at our properties.
 - b. S4 (1) (I) of the Essential Services Act 1988, the supply of the "good" necessary to our hydrants and hose reels that being water / fire flow water and the means by which the goods are transported, that being the essential service pipeerected physically on our properties by Council.
- 3. Are Services that have been approved in Council issued Development Consents and Construction Certificates for construction at our properties in accordance with the Building Code of Australia inclusive of Australian Standard, AS2441 which includes the Council provision and conditioning of the Essential Service Pipe and fire water flow (the goods) supplied to our properties.
- 4. Are Services for which Council in the Construction Certificates issued require certification by a qualified person and approved for use by Council in the Occupation Certificates issued to our properties.
- 5. Are Services mandatory to the continuing safe occupation of the buildings associated with them, in accordance with the Work Health and Safety Act, the Environmental Planning and Assessment Act, the Local Government Act 1993 and the Local Government (General) Regulation 2005.
- 6. Have invioble rights inherent in complying development certificates issued to our properties in accordance with the
- 7. Are Services which cannot be withdrawn or modified from our properties except by property owner or Court rights as per NSW Environmental Planning and Assessment Act Ss 4.29 and 4.30.

Again, Council does not have the legal right to withdraw the Fire / Essential Services from our properties and this claim by Council is a **NEW and** serious / false contention, <u>a maladministrative matter</u> which requires the NSW Ombudsman attention, given that the Ombudsman Office is well aware of the reasoning for making such claim. - "Council does not make a charge for Fire/Essential Services as Council does not provide Fire/ Essential Services."

Please acknowledge receipt of this email. I look forward to your attention to this matter and reply.

Regards
Ray Carter
ray@carterproperties.com.au
233 College Rd
Bathurst
NSW 2795



5/31/2019

New claim by Bathurst Regional Council - ray@carterproperties.com.au - CARTER BROS. PROPERTIES PTY LTD Mail

From: Patrick Trieu

Sent: Monday, 11 February 2019 10:21 AM

To: Ray Carter

Subject: RE: Your further letter to the Ombudsman [DLM=For-Official-Use-Only]

For Official Use Only

Dear Mr Carter

As our office has repeatedly explained, this matter involves your disagreement with council about the legality of its charges. It is not corrupt conduct merely because council does not agree with you. In any case, it is appropriate for you, as the person alleging corrupt conduct, to directly report to the ICAC so it can make an assessment and directly discuss with you about whether or not it will investigate this matter.

There is no further information I can provide to you. As such, I am unable to respond any further.

Regards

Patrick Trieu

A/Senior Investigation Officer | Public Administration Division | NSW Ombudsman
Level 24, 580 George Street, Sydney NSW 2000

P 02 9286 0975 | F 02 9283 2911 | E ptrieu@ombo.nsw.gov.au

W www.ombo.nsw.gov.au

Please consider the environment before printing this correspondence.

For Official Use Only



Land and Environment Court

New South Wales

Case Name: Prefabricated Buildings Pty Ltd v Bathurst Regional

Council

Medium Neutral Citation: [2017] NSWLEC 44

Hearing Date(s): 27 February 2017

Date of Orders: 24 April 2017

Decision Date: 24 April 2017

Jurisdiction: Class 3

Before: Robson J

Decision: See orders at [56]

Catchwords: STATUTORY INTERPRETATION – whether Council

can charge for services based on availability of services and actual use of services – Local Government Act

1993 (NSW) s 501 and s 502

Legislation Cited: Interpretation Act 1987 (NSW) s 9(1)

Land and Environment Court Act 1979 (NSW) s 19(d) Local Government Act 1993 (NSW) ss 405, 491, 496,

501, 502, 574(1)

Cases Cited: Adrenaline Pty Ltd v Bathurst Regional Council (2015)

322 ALR 180; [2015] NSWCA 123

Amalgamated Society of Engineers v Adelaide

Steamship Co Ltd (1920) 28 CLR 129

Australian Securities and Investments Commission (ASIC) v Administrative Appeals Tribunal (2009) 181

FCR 130; [2009] FCAFC 185

Botany Bay City Council v Minister for Local

Government [2016] NSWCA 74; (2016) 214 LGERA

173

BP Refinery (Westernport) Pty Ltd v Hastings Shire

Council (1977) 180 CLR 266

Ordinary Meeting Page 220 of 343 - 19 June 2019 Attachments

Buyinbin Aboriginal Corporation v Richmond Valley Council [2005] NSWLEC 702; (2005) 143 LGERA 168 C & J Clark Ltd v Inland Revenue Commissioners [1975] 1 WLR 413

Cain v New South Wales Land and Housing Corporation (2014) 86 NSWLR 1; [2014] NSWCA 28 Cooper Brookes (Wollongong) Pty Ltd v The Commissioner of Taxation of the Commonwealth of Australia (1981) 147 CLR 297; [1981] HCA 26 Deputy Commissioner of Taxation v Ganke [1975] 1 NSWLR 252

Deputy Federal Commissioner of Taxation v Sheehan (1986) 86 ATC 4718

Ex parte Gleeson [1907] VLR 368

Finance Facilities Pty Ltd v Federal Commissioner of Taxation (1971) 127 CLR 106

Grey v Pearson (1857) 6 HLC 61

K & S Lake City Freighters Pty Ltd v Gordon & Gotch Ltd (1985) 157 CLR 309; [1985] HCA 48

Lee v Minister for Immigration and Citizenship (2007)

241 ALR 363; [2007] FCAFC 62

Marrickville Metro Shopping Centre Pty Ltd v

Marrickville Council [2010] NSWCA 145; (2010) 174 LGERA 67

Meriton Apartments Pty Ltd v Council of the City of Sydney (No 3) (2011) 80 NSWLR 541

Nash Bros Builders Pty Ltd v Riverina Water County Council [2016] NSWCA 225

Newcastle City Council v GIO General Ltd (1997) 191 CLR 85; [1997] HCA 53

Perpetual Executors and Trustees Association of

Australia Ltd v Federal Commissioner of Taxation

(1948) 77 CLR 1; [1948] HCA 24

Project Blue Sky Inc v Australian Broadcasting

Authority (1998) 194 CLR 355; [1998] HCA 28

Reseck v Federal Commissioner of Taxation (1975)

133 CLR 45; [1975] HCA 38

Thompson v Goold & Co [1910] AC 409

Ward v Williams (1955) 92 CLR 496; [1955] HCA 4

Western Australian Trustee Executor and Agency Co

Ltd v Commissioner of State of Taxation of WA (1980)

147 CLR 119; [1980] HCA 50

3 of 17

Texts Cited: D C Pearce & R S Geddes, Statutory Interpretation in

Australia, (8th ed, 2014)

Category: Principal judgment

Parties: Prefabricated Buildings Pty Ltd (Applicant)

Bathurst Regional Council (Respondent)

Representation: Counsel:

R White (Applicant)

P Clay SC with M Seymour (Respondent)

Solicitors:

Horton Rhodes (Applicant)

Crennan Legal Pty Ltd (Respondent)

File Number(s): 2016/00259688

JUDGMENT

- This matter concerns water availability charges and sewerage access charges ('Availability Charges') being levied by the respondent, Bathurst Regional Council ('Council'), against Lot 2 DP 270264, 369 Stewart Street, Mitchell 2795 ('Premises'). The Premises are within the Bathurst Regional Council Local Government Area and are capable of being levied with a charge under the Local Government Act 1993 (NSW) ('Act'). The Premises are owned by the applicant Prefabricated Buildings Pty Ltd ('Prefabricated'), of which Raymond Carter is the director and authorised officer.
- Prefabricated specifically challenges the validity of the 'Rates and Charges Notice Assessment Number 232909' dated 25 July 2016 ('Notice') issued by Council, and appeals the Notice under s 574(1) of the Act. Prefabricated's position is that Council is only permitted under the Act to charge for actual use of services, and is not permitted to make charges based on availability of services. Prefabricated accordingly seeks orders that:
 - (1) the appeal against the levying of the '100mm Water Availability Charge' in Rates and Charges Notice 1/7/2016-30/6/2017 (Assessment No 232909) is upheld; and
 - the appeal against the levying of the '100mm Sewer Availability Charge' in Rates and Charges Notice 1/7/2016-30/6/2017 (Assessment No 232909) is upheld.

For the reasons below I am satisfied that the Act permits Council to charge both for actual use of services and based on availability of services, and therefore do not consider that the Availability Charges are unlawful under the Act.

Background

- The facts that form the basis of these proceedings are largely agreed between the parties.
- It is agreed between the parties that the Premises have been capable of being subject to an annual charge levied under the Act by Council since 18 July 2001. Council has levied the Availability Charges against the Premises since 2004, and such charges have been paid by the applicant. The charges are said to be levied under the authority of s 501 of the Act. Council also issues separate water usage charges and sewer usage charges under s 502 of the Act every three months in arrears, which are included in the rate notices.
- The Notice was issued by Council on 25 July 2016 with the following annual charges:
 - (1) 100mm Water Availability Charge Non-Res \$4,083.00; and
 - (2) 100mm Sewer Availability Charge Non-Res \$11,293.60.
- At the beginning of each year (I note that a "year" is defined in the Dictionary to the Act as being the period from 1 July to the following 30 June), Council is required under s 405 of the Act (set out below) to prepare a draft operational plan, give public notice of the plan and invite and consider submissions in relation to the plan. Council is also required to adopt an operational plan each year that includes a statement of its revenue policy for that year.
- On 4 May 2016 Council resolved to put the 2016/17 financial planning documents, comprising the draft Bathurst Delivery Plan, Annual Operating Plan and Revenue Policy Plan for 2016/17 on public exhibition. Prefabricated made a submission in respect of the 2016/17 financial planning documents on 3 June 2016, complaining, inter alia, that the charges imposed under s 501 of the Act should be subject to s 502 of the Act. This submission incorporated, by reference an earlier submission made on 4 June 2015, which was made on similar terms.

9 On 15 June 2016 Council resolved to adopt the 2016/17 financial planning documents, which included the imposition of the Availability Charges.

Legislative framework

- The jurisdiction of the Court is enlivened by s 19(d) of the Land and Environment Court Act 1979 (NSW).
- 11 The relevant sections of the Act for the purpose of these proceedings are:

405 Operational plan

- (1) A council must have a plan (its *operational plan*) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.
- (2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.
- (3) A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.
- (4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.
- (5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.
- (6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

496 Making and levying of annual charges for domestic waste management services

- (1) A council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available.
- (2) A council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if:
 - (a) the service is available for that land, and
 - (b) the owner of that land requests or agrees to the provision of the service to that land, and
 - (c) the amount of the annual charge is limited to recovering the cost of providing the service to that land.

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.

502 Charges for actual use

A council may make a charge for a service referred to in section 496 or 501 according to the actual use of the service.

12 Section 9(1) of the *Interpretation Act 1987* (NSW) relevantly provides:

9 Meaning of may and shall

(1) In any Act or instrument, the word "may", if used to confer a power, indicates that the power may be exercised or not, at discretion.

Applicant's submissions

- In summary, Prefabricated's position is that Council is only able to charge for water services and sewerage services according to the actual use of the service. Prefabricated submits that Council has no power to make the Availability Charges, which are imposed independently of actual use. Prefabricated relies on the reasoning in *Marrickville Metro Shopping Centre Pty Ltd v Marrickville Council* [2010] NSWCA 145; (2010) 174 LGERA 67 at [201] (per Basten JA) to submit that the Availability Charges in the Notice are ultra vires and unlawful.
- 14 Prefabricated submits that Council's Revenue Policy Plan is demonstrative of the fact that the Availability Charges are based on the size of the meter at the Premises, which, Prefabricated argues, ignores the demands and loads placed on the system by the property. Prefabricated relies on the second reading speech of the Minister in relation to Amending Act No 69 of 1997 which amended s 502 to submit that charging in the manner of the Availability Charges is contrary to the Act, the intention of which is to permit Council to make an annual charge for services only in accordance with actual use (I note

that while Prefabricated identified the relevant amending act to be Amending Act No 61 of 1997, it is in fact Amending Act No 69 of 1997).

Prefabricated further relies on the structure of the Act to submit that charges for services may only be made based on actual use. Prefabricated submits that Chapter 15 of the Act, titled 'How are Council's financed?' sets out the means by which Council may obtain income. Prefabricated further notes the wording of s 491 of the Act, which states that:

A council may, in accordance with this Chapter, obtain income from:

- rates
- charges

. . .

(emphasis added)

- Prefabricated relies on Leeming JA in Adrenaline Pty Ltd v Bathurst Regional Council (2015) 322 ALR 180; [2015] NSWCA 123 at [46] to submit that, "the detailed nature of the statutory scheme governing rates and charges identifies that Part 10 of Chapter 15 'exhausts' the universe of rates and charges which may be applied by a council."
- The above characterisation of the Act is supported, according to Prefabricated, by the principles of statutory construction. In essence, Prefabricated submits that Council's power under s 501 of the Act is not unfettered, but is in fact circumscribed by the words of s 502 of the Act. The provisions are, according to Prefabricated, to be read together, and the general power referred to in s 501 of the Act is qualified and limited by s 502. Prefabricated relies on the following statement in *Botany Bay City Council v Minister for Local Government* [2016] NSWCA 74; (2016) 214 LGERA 173 at [37]:

The principles of statutory construction are well settled: "the task of statutory construction must begin with a consideration of the text [of the legislation]": Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue (2009) 239 CLR 27 at [47]. The meaning of text may require consideration of its context, which includes the general purpose and policy of a provision: Project Blue Sky Inc v Australian Broadcasting Authority (1998) 194 CLR 355.

Prefabricated further relies on Basten JA in Adrenaline Pty Ltd v Bathurst

Regional Council (2015) 322 ALR 180; [2015] NSWCA 123 at [49] to submit that rates and charges are "compulsory exactions and therefore conventionally

regarded as taxes". Consequently, Prefabricated submits that the onus is on Council to "show that a taxing statute imposes a charge on the person sought to be taxed"; *C & J Clark Ltd v Inland Revenue Commissioners* [1975] 1 WLR 413 at 419 per Scarman LJ. Prefabricated submits that the weight of authority is against reading words into an act, particularly as against a fiscal subject, and that a tax should only be given effect if there is a clear intention to impose the tax; see *BP Refinery (Westernport) Pty Ltd v Hastings Shire Council* (1977) 180 CLR 266 at 280; *Western Australian Trustee Executor and Agency Co Ltd v Commissioner of State of Taxation of WA* (1980) 147 CLR 119 at 126; [1980] HCA 50.

- 19 Prefabricated further submits that the word "may" in s 502 of the Act is not indicative of a discretion on the part of Council. Prefabricated contends that s 9 of the *Interpretation Act 1987* (NSW) (relied upon by Council) applies only where there is a conferral of power, and that s 502 of the Act does not confer a power, but rather limits how the power in s 501 is to be interpreted. Prefabricated further relies on D C Pearce & R S Geddes, *Statutory Interpretation in Australia*, (8th ed, 2014) to submit that the word "may" can, depending on the context, mean "must".
- 20 Prefabricated notes that the judgment of Talbot J in *Buyinbin Aboriginal*Corporation v Richmond Valley Council [2005] NSWLEC 702; (2005) 143

 LGERA 168 ('Buyinbin') at [9] appears to be contrary to its submission, with his Honour stating in obiter that a charge levied under s 502 according to "actual use" was an alternative charge levied under s 501, which is a "fixed charge" imposed irrespective of actual use. Prefabricated however submits that his Honour's statements are not applicable to these proceedings for a number of reasons, including:
 - (1) the construction of s 502 did not ultimately arise in that case;
 - (2) the decision is wrong as there is no warrant in s 501 of the Act for distinguishing between a "fixed charge" and a charge for an "intermittent or elective service"; and
 - the paragraph misunderstands the relationship between s 501 and s 502, as s 501 identifies the source of power to make a charge for a service, and s 502 qualifies how that charge is to be exercised.

Council's submissions

- 21 Council submits that there is no express limitation on its power to make an annual charge under s 501. Further, Council submits that a limitation should not be implied for the following reasons:
 - (1) the power is aimed at allowing councils to recover their operating costs, and the requirement that local councils prepare budgetary papers (including notice of any proposed charges) in advance of making charges could not be complied with if services were only able to be charged based on actual use as the charges would not be known in advance;
 - (2) the language of s 501, stating that a charge may be imposed for services "proposed to be provided", is not consistent with a charge only for actual use of existing services; and
 - (3) it would be difficult or impossible to measure the actual use of certain services, such as rubbish collection. The imposition of a charge irrespective of actual use therefore gives councils flexibility to adapt the method of charging to the particular service.
- 22 Council disputes Prefabricated's construction of s 501 and s 502, submitting instead that s 501 is the source of power for the Availability Charges and that s 502 is a separate source of power that allows for usage charges. Council disputes Prefabricated's construction of the second reading speech to the Amending Act No 69 of 1997 (while noting that a second reading speech should not be given undue weight), submitting that the Minister was actually clarifying that councils may levy charges for actual use in addition to the annual charge which applies under s 501.
- Council also disputes Prefabricated's characterisation of the word "may" in s 502 of the Act, submitting that Prefabricated's submission invites the Court to read the word "may" as "must". Rather, Council relies on s 9(1) of the *Interpretation Act 1987* (NSW) to submit that the word "may" indicate a discretionary power, unless a contrary intention exists in the Act. Council further relies on the statement of Leeming JA in *Cain v New South Wales Land and Housing Corporation* (2014) 86 NSWLR 1; [2014] NSWCA 28 at [45] to support this construction, with his Honour stating:

The construction of s 91(1) of the Residential Tenancies Act 2010 favoured by the primary judge displaces the ordinary meaning of "may". That ordinary meaning is confirmed by s 9 of the Interpretation Act 1987. Accordingly, it is necessary to discern a contrary intention: s 5(2). In accordance with ordinary

principles of statutory construction, a contrary intention may be discerned from the text or the context (which may include the legislative purpose: see for example Aussie Vic Plant Hire Pty Ltd v Esanda Finance Corporation Ltd [2008] HCA 9; (2008) 232 CLR 314 at [19]). There is no simple formula for discerning a contrary intention: Deputy Commissioner of Taxation v Mutton (1988) 12 NSWLR 104 at 108 per Mahoney JA.

- 24 Council points to various sections in Part 1 of Chapter 15 of the Act which use the terms "must make" and "may make" submitting that there is a clear distinction between those powers that are discretionary and those that are not, and that there is no contextual indication to suggest that the word "may" in s 502 means "must".
- Further, Council submits that Prefabricated's construction of s 502 leads to absurd results when read in conjunction with s 496 as for example it would require a council to check every week whether a garbage bin had been emptied by council and how much waste was in each bin. Similarly, Council contends that a council must be entitled to make annual charges for water supply services as this power is complementary to the power under s 608 of the Act to charge for services, and the power to charge fees for services is not limited to the recovery of costs associated with actual use: Nash Bros Builders Pty Ltd v Riverina Water County Council [2016] NSWCA 225; Meriton Apartments Pty Ltd v Council of the City of Sydney (No 3) (2011) 80 NSWLR 541 at [44].
- Finally, Council relies on *Bunyinbin* which Council submits is consistent with the fact that s 501(1) is a power to charge for services provided on an annual basis irrespective of use.

Relevant principles of statutory construction

27 The issue of whether s 502 of the Act limits s 501 of the Act is ultimately a question of statutory construction. As with any exercise of statutory interpretation, the Court is to adopt the ordinary and natural meaning of the language used in the act: Amalgamated Society of Engineers v Adelaide Steamship Co Ltd (1920) 28 CLR 129 at 161-2; Project Blue Sky Inc v Australian Broadcasting Authority (1998) 194 CLR 355; [1998] HCA 28. This rule is of course qualified by the principle established in Grey v Pearson (1857) 6 HLC 61 at 106, that:

- ...the grammatical and ordinary sense of the word is to be adhered to, unless that would lead to some absurdity, or some repugnance or inconsistency with the rest of the instrument, in which case the grammatical and ordinary sense of the words may be modified, so as to avoid that absurdity and inconsistency, but no farther.
- Further, provisions are to be construed in the context of the Act as a whole rather than in isolation; see *Cooper Brookes (Wollongong) Pty Ltd v The Commissioner of Taxation of the Commonwealth of Australia* (1981) 147 CLR 297; [1981] HCA 26 at 304; *K & S Lake City Freighters Pty Ltd v Gordon & Gotch Ltd* (1985) 157 CLR 309; [1985] HCA 48 at 315. The contextual approach to statutory construction means that in some circumstances the scope of a section may be limited by another section in the act, so as to give each section a purpose; see *Lee v Minister for Immigration and Citizenship* (2007) 241 ALR 363; [2007] FCAFC 62 at [39].
- It is important to note that where an act contains two inconsistent provisions, the general provision is to give way to the specific provision; see e.g. *Perpetual Executors and Trustees Association of Australia Ltd v Federal Commissioner of Taxation* (1948) 77 CLR 1 at 29; [1948] HCA 24. However, this only applies where the 'contrariety is manifest' as between the provisions; *Reseck v Federal Commissioner of Taxation* (1975) 133 CLR 45 at 53; [1975] HCA 38. Importantly, this rule does not apply where the specific provision adds additional powers to those contained in the general provision: *Australian Securities and Investments Commission (ASIC) v Administrative Appeals Tribunal* (2009) 181 FCR 130; [2009] FCAFC 185 at [78].

Issues

- 30 Prefabricated raised four discrete arguments to support its contention that s
 502 of the Act fetters s 501 and that charges for the services listed in s 496 and
 s 501 may be made only according to actual use of those services. They are:
 - (1) the word "may" in s 502 is to be read as "must";
 - (2) the structure of the Act and the rating regime as a whole do not provide for the Availability Charges;
 - (3) the charges currently being levied by Council are taxes, and there is a statutory presumption against provisions imposing a tax in the absence of a clear legislative intention to do so; and

- (4) there was a legislative intention that charges only be levied according to actual use of services, as indicated by the Minister's second reading speech to Amending Act No 69 of 1997.
- 31 I deal with each in turn.

Whether the word "may" in s 502 of the Act should be read as "must"

- Prefabricated submits that the word "may" in s 502 should be read as "must". I do not accept this submission. There is a prima facie presumption that the word "may" confers a discretion, with the party seeking to overturn this presumption bearing an onus to demonstrate that the legislative intention was otherwise: *Ward v Williams* (1955) 92 CLR 496 at 505–6; [1955] HCA 4; *Ex parte Gleeson* [1907] VLR 368 at 373. This is supported by s 9(1) of the *Interpretation Act 1987* (NSW) (extracted above).
- 33 Prefabricated relies on Finance Facilities Pty Ltd v Federal Commissioner of Taxation (1971) 127 CLR 106 at 134-5 ('Finance Facilities') to support its submission. That decision concerned a provision in the *Income Tax* Assessment Act 1936 (Cth) which stated that the Commissioner "may allow" a taxation rebate to be granted to a private company if satisfied that the shareholder would not pay a dividend to another private company within a certain period. The Court found that, once the Commissioner was satisfied on the facts, he or she must then allow the rebate. The circumstances of that case therefore differ from those in the present proceedings, as, as noted by Windeyer J at 134, the Commissioner's decision was circumscribed by certain conditions precedent. I further note that Owen J (who also found that "may allow" should be read as "must allow") noted at 138 that the words "may allow" could not confer a further discretion on the decision-maker once he or she was satisfied on the facts that the rebate was reasonably allowable. The context of the relevant section therefore was crucial to the decision in that case, as by circumscribing the criteria by which the Commissioner's decision was to be made, the Act did not allow for a further exercise of discretion.
- There is no such circumscription of Council's prima facie discretion in s 502 of the Act, and the facts of the present proceedings are therefore distinguishable from those in *Finance Facilities*.

I note also that *Finance Facilities* was decided prior to the introduction of the *Interpretation Act 1987* (NSW). Prefabricated submits that s 9(1) of the *Interpretation Act 1987* (NSW) does not apply to s 502 of the Act as s 502 does not confer a power, but rather stipulates how the power conferred in s 501 of the Act is to be exercised. The issue in this submission is essentially whether or not s 501 and s 502 are two distinct powers, which I deal with below.

Whether the Act confines charges to 'actual use' charges

- 36 Prefabricated submits that the structure and provisions contained in Chapter 15 and the overall circumstance of the rating regime do not provide for the Availability Charges. I am not satisfied that what Prefabricated describes as the "highly detailed and prescriptive nature" of Chapter 15 precludes Council from levying charges other than in accordance with actual use of services. The fact that the Act does not specify alternative means of charging for services is not necessarily determinative of an intention to allow charging based solely on actual use. Essentially, Prefabricated's submission implies words into s 502, suggesting that the section be read as "a council *must* make a charge for a service referred to in section 496 or 501 according *solely* to the actual use of the service".
- 37 It is a well-established principle that words should not be implied into an act, as stated by Lord Mersey in *Thompson v Goold & Co* [1910] AC 409 at 420:

It is a strong thing to read into an Act of Parliament words which are not there, and in the absence of clear necessity it is a wrong thing to do.

- There is no apparent necessity to confine the Act by implying that charges for the services listed in s 496 and s 502 may be made solely in accordance with actual use of those services. The present proceedings can be distinguished from those cases where such a necessity has been found, e.g. where a provision requires certain acts to take place without specifying the time period; see e.g. *Deputy Commissioner of Taxation v Ganke* [1975] 1 NSWLR 252.
- Apart from the absence of a necessity, it would appear that reading these words into the section would also be contrary to the legislative purpose of the section (see *Newcastle City Council v GIO General Ltd* (1997) 191 CLR 85 at 113-16; [1997] HCA 53), which I consider below at [43]-[46]. It is not apparent

from the Act that actual use charges are the only means of charging for the services set out in s 496 and s 501 and I am not convinced that the Court should draw such an inference.

Whether the statutory presumption against a provision imposing a tax applies to s 501 and s 502

40 Prefabricated submits that s 501 and s 502 are taxing provisions, and that there is a statutory presumption against a provision imposing a tax in the absence of a clear legislative intention to do so. I note first that this principle does not displace ordinary principles of statutory construction, as noted in Cooper Brookes (Wollongong) Pty Ltd v The Commissioner of Taxation of the Commonwealth of Australia (1981) 147 CLR 297 at 323; [1981] HCA 26:

The fact that an Act is a taxing statute does not make it immune to the general principles governing the interpretation of statutes. The courts are as much concerned in the interpretation of revenue statutes as in the case of other statutes to ascertain the legislative intention from the terms of the instrument viewed as a whole.

41 Further, I note the comment of Tadgell J in *Deputy Federal Commissioner of Taxation v Sheehan* (1986) 86 ATC 4718 at 4728 that:

If, therefore, there are two constructions of which a taxing Act is capable, one of which would facilitate the evident object of the legislature and the other of which would plainly thwart it, one is not justified in preferring the latter merely because it would be more favourable to the subject.

42 Having considered Prefabricated's submission in light of these authorities, while I accept that the Court should exercise caution in construing a statute in a way that imposes a tax, for the reasons set out below I find that the Act evinces a clear legislative intention that Council may make the Availability Charges as well as charges in accordance with actual use of services.

Whether there was a legislative intention that charges be levied for services set out in s 496 and s 501 solely in accordance with actual use

- Prefabricated submits that the second reading speech to the Amending Act No 69 of 1997, which amended s 502, is instructive in demonstrating a legislative intention that services listed in s 496 and s 501 are only able to be charged according to actual use.
- 44 Before amendment, s 502 read:

A council may make a charge for the actual use of a service provided by a council.

- Importantly, the Act entitles Council to make an annual charge in respect of other services (e.g. stormwater management services (s 496A) and coastal protection services (s 496B)). Accordingly, by inserting the words "for the services referred to in section 496 or 501", the intention behind the amendment appears to have been to clarify and confine the services which were amenable to having their use measured and for which therefore Council could charge for actual use. This interpretation is supported by the Minister's second reading speech to the Amending Act, which provides:
 - ...it is clarified that the ability of a council to charge for the actual use of a service is *directed at the same services to which annual charges apply.* Further, the charge is applicable only where there is a measurable, "actual use" of the service. (emphasis added)
- Rather than assisting Prefabricated, I find that the Minister's second reading speech serves to further highlight the fact that for certain services Council is able to levy both an annual charge and a charge based on actual usage of services. The Minister makes clear that the actual usage charge is directed at the same services to which annual charges apply, with the use of the present tense indicating that the annual charges continue to apply in respect of those services. If Prefabricated's construction of s 502 were to be applied to the preamendment version, it would require all services to be charged based on actual use, which, practically would not have been possible.
- This purposive reading of s 502 therefore demonstrates a clear intention for actual usage charges to apply in addition to annual charges.

Further consideration

Whether s 502 fetters the exercise of the power in s 501 of the Act

- Though I have effectively dismissed the various arguments that Prefabricated has raised in support of its submission that s 501 is fettered by s 502 of the Act, it is nevertheless useful to consider the question by applying general principles of statutory construction.
- There are two constructions available on a literal reading of the section. First, that Council may *make a charge referred to in s 496 or s 501 according to actual use* of the service, and second, that, *for the services listed in s 496 or s*

- 501, Council may make a charge according to actual use of the service. The first interpretation goes towards the actual charge enabled by s 496 and s 501, whereas the second interpretation goes to the services listed in s 496 and s 501. If the first interpretation is adopted, Council may only charge according to actual use of those specific services. If the second interpretation is adopted, Council may charge for actual use of specific services, and may levy an additional annual charge in respect of those same services.
- For the reasons stated below, I find that the second construction is to be preferred and that the reference in s 502 to s 496 and s 501 is to the *services* listed in those sections, rather than to the *specific charge* enabled under those sections.
- Considering the Act as a whole, the Act clearly envisages two separate charges for certain services. I make this finding by reference to:
 - (1) section 510 of the Act, which prescribes a maximum annual charge for domestic waste services. As a practical matter, Council would not be able to ensure compliance with this section if the 'annual charge' was to be levied by reference to actual use as Council would not be able to predict how much waste each household would dispose of in the coming year;
 - (2) section 539 of the Act, which sets out the criteria relevant to determining the amount of a charge, with subs (2) providing that the amount of a charge need not be limited to recovering the cost of providing the service for which the charge is made. The section therefore contemplates Council being able to make charges not based on usage.
 - (3) section 540 of the Act, which provides that a charge may be expressed as a single amount, a rate per unit or a combination of the two. The note to the section (although not determinative) provides an example of a form of charge, stating that the amount of a charge for a water supply service can be a fixed amount or a rate per kilolitre or a combination. This section clearly contemplates a charge for services otherwise than in proportion to the usage of the service, indicating that services may be charged for other than in accordance with actual use.
 - (4) section 513 of the Act, which provides for a council to request the Valuer-General to provide estimates of increases and decreases in value for purposes of notional rate income. The note to this section (again, though not determinative), is a table of the types of rates and charges available to a council, and in column four, sets out how these rates and charges are to be structured. Importantly, s 501 and s 502 of the Act are listed as distinct 'types' of charges, rather than s 502 being listed in the 'Structure' column as a means by which a charge under s

501 can be made. Further, conceptually, the table demonstrates a further distinction between the powers in that s 501 is to be levied against each parcel of rateable land for which the service is provided, whereas s 502 is levied against the user of the particular service. While this table is not of itself determinative of the fact that s 501 and s 502 are two distinct powers by which the Council may charge for services, it is indicative of a legislative intention as such.

Whether the Availability Charges are available under the Act

- Having found that Council is entitled to make both an actual use charge and an annual charge, the question still remains as to whether Council is entitled to charge specifically in the manner envisaged by the Availability Charges.
- Prefabricated submits that the Availability Charges are not available under the Act as such charges are based on the size of the meter at the Premises and ignore the demands placed on the system by the property. The only argument advanced to support the invalidity of the Availability Charges was therefore premised on the basis that Council is required to consider the demands placed on the system in making charges for services listed in s 496 and s 501, which is quickly disposed of given my finding that Council is not required to charge for such services only by reference to usage.
- The Act does not specify exactly what methodology should be used to levy annual charges. However, in the absence of any evidence as to why the Availability Charges may be invalid, it is not for the Court to confine that methodology in these proceedings.

Conclusion

In the circumstances, I am not satisfied that the Act requires Council to charge for services based only on actual use of those services. On a literal, purposive, and contextual reading of the Act, it appears clear that Council is entitled to charge for services based on both actual use and availability of those services. I am therefore not satisfied that the Accessibility Charges have been unlawfully levied under the Act.

Orders

- 56 The Court orders:
 - (1) Application dismissed.

Annual Report and Determination

Annual report and determination under sections 239 and 241 of the Local Government Act 1993

15 April 2019

2 of 20

Local Government Remuneration Tribunal

Contents

Contents		1
Executive Summary		2
Section 1	Introduction	3
Section 2	Background	3
Section 2	2018 Determination	4
Section 3	2019 Review	4
Categorisa	tion	5
Fees		8
Other mat	ters	10
Conclusion	1	10
Section 4	Determinations	12
Determina	tion No. 1- Determination Pursuant to Section 239 of Categories of Councils and	
County Co	uncils Effective From 1 July 2019	12
-	General Purpose Councils - Metropolitan	
Table 2:	General Purpose Councils – Non-Metropolitan	13
	County Councils	
Determina	tion No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Ma	ayors
		15
Table 4:	Fees for General Purpose and County Councils	15
Appendices		16
Appendix :	1 Criteria that apply to categories	16

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

Section 1 Introduction

- The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the Local Government Act 1993 (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
- On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

Section 2 Background

- 3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
- 4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
- 5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
- 6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.

7. The Tribunal's determinations take effect from 1 July in each year.

Section 2 2018 Determination

- 1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
- 2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
- 3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
- 4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Section 3 2019 Review

- 5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
- 6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
- 7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
- 8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

Categorisation

- 9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
- 10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
- 11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
- 12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
- 13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

- has again sought to be re-categorised to a new category 'Metropolitan Large Growth Centre'.
- 15. Both councils may wish to provide further details for consideration in the 2020 annual review.

Metropolitan Medium Councils

- 16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
- 17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
- 18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

Metropolitan Small Council

- 19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
- 20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of it centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
- 21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
- 22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

- Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.
- 23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW.

 Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

Regional Strategic Area Councils

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

Regional Rural Councils

- 25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
- 26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
- 27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
- 28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

Rural Councils

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

- 30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
- 31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunals findings that re-categorisation at that time was not warranted:
 - "41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.
 - 42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."
- 32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

- also requested that the Tribunal make a recommendation in support of the payment of superannuation.
- 34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
- 35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
- 36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
- 37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
- 38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
- 39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

11 of 20

Local Government Remuneration Tribunal

Other matters

- 40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:
 - "54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69)."
- 41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.
- 42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal's determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.
- 43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal's jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.
- 44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

Conclusion

45. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,

12 of 20 S_DCSF_6_1

Local Government Remuneration Tribunal

pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

The Local Government Remuneration Tribunal

(Signed)

Dr Robert Lang

Dated: 15 April 2019

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

General Purpose Councils - Metropolitan Table 1:

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta

Metropolitan Large (8)
Blacktown
Canterbury-Bankstown
Cumberland
Fairfield
Liverpool
Northern Beaches
Penrith
Sutherland

Metropolitan Medium (9)
Bayside
Campbelltown
Georges River
Hornsby
Ku-ring-gai
Inner West
Randwick
Ryde
The Hills

Metropolitan Small (11)
Burwood
Camden
Canada Bay
Hunters Hill
Lane Cove
Mosman
North Sydney
Strathfield
Waverley
Willoughby
Woollahra

14 of 20

Local Government Remuneration Tribunal

 Table 2:
 General Purpose Councils - Non-Metropolitan

Regional City (2)
Newcastle
Wollongong

Regional Strategic Area (2)
Central Coast
Lake Macquarie

Regional Rural (37)
Albury
Armidale
Ballina
Bathurst
Bega
Blue Mountains
Broken Hill
Byron
Cessnock
Clarence Valley
Coffs Harbour
Dubbo
Eurobodalla
Goulburn Mulwaree
Griffith
Hawkesbury
Kempsey
Kiama
Lismore
Lithgow
Maitland
Mid-Coast
Mid-Western
Orange
Port Macquarie-Hastings
Port Stephens
Queanbeyan-Palerang
Richmond Valley
Shellharbour
Shoalhaven
Singleton
Snowy Monaro
Tamworth
Tweed
Wagga Wagga
Wingecarribee
Wollondilly

Rural (57)		
Balranald	Kyogle	
Bellingen	Lachlan	
Berrigan	Leeton	
Bland	Liverpool Plains	
Blayney	Lockhart	
Bogan	Moree Plains	
Bourke	Murray River	
Brewarrina	Murrumbidgee	
Cabonne	Muswellbrook	
Carrathool	Nambucca	
Central Darling	Narrabri	
Cobar	Narrandera	
Coolamon	Narromine	
Coonamble	Oberon	
Cootamundra-Gundagai	Parkes	
Cowra	Snowy Valleys	
Dungog	Temora	
Edward River	Tenterfield	
Federation	Upper Hunter	
Forbes	Upper Lachlan	
Gilgandra	Uralla	
Glen Innes Severn	Walcha	
Greater Hume	Walgett	
Gunnedah	Warren	
Gwydir	Warrumbungle	
Нау	Weddin	
Hilltops	Wentworth	
Inverell	Yass	
Junee		

15 of 20

Local Government Remuneration Tribunal

Table 3: County Councils

Water (4)
Central Tablelands
Goldenfields Water
Riverina Water
Rous

Other (6)
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Upper Hunter
Upper Macquarie

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

^{*}This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal (Signed)
Dr Robert Lang

Dated: 15 April 2019

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

18 of 20

Local Government Remuneration Tribunal

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

19 of 20

Local Government Remuneration Tribunal

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

20 of 20 Local Government Remuneration Tribunal

Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

BATHURST REGIONAL COUNCIL CODE OF MEETING PRACTICE

2019

Table of Contents

1	INTRODUCTION	3
2	MEETING PRINCIPLES	3
3	BEFORE THE MEETING	3
4	PUBLIC FORUMS	7
5	COMING TOGETHER	9
6	THE CHAIRPERSON	12
7	MODES OF ADDRESS	13
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	14
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	14
10	RULES OF DEBATE	16
11	VOTING	19
12	COMMITTEE OF THE WHOLE	20
13	DEALING WITH ITEMS BY EXCEPTION	21
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	22
15	KEEPING ORDER AT MEETINGS	25
16	CONFLICTS OF INTEREST	28
17	DECISIONS OF THE COUNCIL	28
18	AFTER THE MEETING	30
19	COUNCIL COMMITTEES	31
20	IRREGULARITES	35
21	DEFINITIONS	26

1 INTRODUCTION

This Code of Meeting Practice for Bathurst Regional Council is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of Council and Council's committees of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless Council determines otherwise.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local

community.

Principled: Decisions are informed by the principles prescribed under

Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act

ethically and make decisions in the interests of the whole

community.

Respectful: Councillors, staff and meeting attendees treat each other with

respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that

contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of Council will commence at 6:00pm on the third Wednesday of each month, except that the December meeting will be held on the second Wednesday, and the January meeting will be held on the first Wednesday in February.
- 3.2 An Ordinary meeting of Council will be held, if required, on the first Wednesday of each month. This meeting will commence at 6:30pm or immediately following the Policy Committee and will include matters considered urgent by the Mayor, Councillors or General Manager and Reports of Officers to facilitate decision making.

3.3 Council may change the time or date of any particular meeting, by resolution at a preceding meeting, without prior notice being given.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

3.4 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.4 reflects section 366 of the Act.

Notice to the public of council meetings

3.5 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.5 reflects section 9(1) of the Act.

- 3.6 For the purposes of clause 3.5, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.7 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.8 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.8 reflects section 367(1) of the Act.

3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.9 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.10 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight (8) business days before the meeting is to be held.
- 3.12 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.13 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.14 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion.

Questions with notice

- 3.15 A councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the general manager about the performance or operations of the council.
- 3.16 A councillor is not permitted to ask a question with notice under clause 3.15 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.17 The general manager or their nominee may respond to a question with notice submitted under clause 3.15 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

3.18 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

- 3.19 The general manager must ensure that the agenda for an ordinary meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.11.
- 3.20 Nothing in clause 3.19 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.21 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
 - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.22 reflects section 9(2A)(a) of the Act.

3.23 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

4 PUBLIC FORUMS

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.

- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 Nominated candidates at federal, state or local government elections are not permitted to speak at a public forum.
- 4.4 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 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.
- 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.
- 4.7 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.8 Speakers are under no obligation to answer a question put under clause 4.7. Answers by the speaker, to each question are to be limited to one (1) minute.
- 4.9 Speakers at public forums cannot ask questions of the council, or councillors. Questions may be asked of council staff. Questions of council staff may be taken on notice with a response being provided subsequent to the meeting.
- 4.10 The general manager or their nominee may, with the concurrence of the chairperson, address the council in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.11 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.12 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.13 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.12, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.14 Clause 4.13 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.15 Where a speaker engages in conduct of the type referred to in clause 4.12, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.16 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums are not held as part of a council or committee meeting. Council or committee meetings are reserved for decision-making by the council or committee of council. Where a public forum is held in conjunction with a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
 - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of

councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.4.

Entitlement of the public to attend council meetings

5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.15 reflects section 10(1) of the Act.

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.17 reflects section 10(2) of the Act.

Note: Clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

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

Note: Council will be required to webcast meetings from 14 December 2019.

Note: Council must include supplementary provisions in their adopted code of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for one (1) year. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the general manager and other staff at meetings

5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.22 reflects section 376(1) of the Act.

5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.23 reflects section 376(2) of the Act.

The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.24 reflects section 376(3) of the Act.

5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

6 THE CHAIRPERSON

The chairperson at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
 - (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
 - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the council shall be:
 - 1. Opening of meeting
 - 2. Prayer
 - 3. Acknowledgement of country
 - 4. Apologies and applications for a leave of absence by councillors
 - 5. Confirmation of minutes
 - 6. Disclosures of interests
 - 7. Mayoral minute(s)
 - 8. Receive and Deal with General Manager's and Directors' Reports
 - 9. Reports of committees
 - 10. Notices of motions/Questions with notice
 - 11. Rescission Motions
 - 12. Councillor/Delegates Reports
 - 13. Confidential matters
 - 14. Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 13 allows council to deal with items of business by exception.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
 - (a) unless a councillor has given notice of the business, as required by clause 3.11, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 and 3.15.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
 - (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or

(b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

19 of 37

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on planning decisions

- 11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10-11.13 reflect section 375A of the Act.

Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20-10.30 limit the number and duration of speeches.

21 of 37

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:
 - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

24 of 37

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12 noon before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than five (5) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than five (5) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed two (2) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. 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.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
 - (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction

- of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.15 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 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.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 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.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

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.

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 12 noon on the first working day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

18 AFTER THE MEETING

Minutes of meetings

18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 18.1 reflects section 375(1) of the Act.

- 18.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
 - (a) details of each motion moved at a council meeting and of any amendments moved to it.
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 18.3 reflects section 375(2) of the Act.

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 18.5 reflects section 375(2) of the Act.

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 18.8 reflects section 11(1) of the Act.

18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.9 reflects section 11(2) of the Act.

18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.10 reflects section 11(3) of the Act.

18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

18.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 18.12 reflects section 335(b) of the Act.

19 COUNCIL COMMITTEES

Application of this Part

19.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4 The quorum for a meeting of a committee of the council is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number a majority of the members of the committee.

Functions of committees

19.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
 - (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 19.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
 - (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 19.9 Clause 19.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 19.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 19.11 The chairperson of each committee of the council must be:
 - (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 19.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the

- committee must elect a member of the committee to be acting chairperson of the committee.
- 19.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 19.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.15.
- 19.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 19.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is webcast.

Disorder in committee meetings

19.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 19.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 19.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

<u>Timing of Policy Committee meetings</u>

19.28 Policy Committee meetings of council will commence at 6:00pm on the first Wednesday of each month except for January, where no meeting is held.

Order of Business of Policy Committee meetings

- 19.29 The general order of business for a Policy Committee meeting of the council shall be:
 - 1. Opening of meeting
 - 2. Apologies
 - 3. Confirmation of minutes
 - 4. Disclosures of interest
 - 5. Mayor's reports
 - 6. General Manager's and Directors' reports
 - 7. General business
 - 8. Discussion forum
 - 9. Conclusion of meeting

- 19.30 The order of business as fixed under clause 19.29 may be altered for a particular policy committee meeting of council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 19.31 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 19.30 may speak to the motion before it is put.

20 IRREGULARITES

- 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.

Note: Clause 20.1 reflects section 374 of the Act.

21 DEFINITIONS

the Act	means the Local Government Act 1993
act of disorder	means an act of disorder as defined in clause
act of disorder	15.11 of this code
amendment	in relation to an original motion, means a motion
amenament	moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any
business day	other day the whole or part of which is observed
	as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the
on amporton	person presiding at the meeting as provided by
	section 369 of the Act and clauses 6.1 and 6.2 of
	this code, and
	in relation to a meeting of a committee – means
	the person presiding at the meeting as provided
	by clause 19.11 of this code
this code	means the council's adopted code of meeting
	practice
committee of the	means a committee established by the council in
council	accordance with clause 19.2 of this code (being a
	committee consisting only of councillors) or the
	council when it has resolved itself into committee
	of the whole under clause 12.1
council official	has the same meaning it has in the Model Code
	of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause
	11.6 of this code requiring the recording of the
	names of the councillors who voted both for and
	against a motion
foreshadowed	means a proposed amendment foreshadowed by
amendment	a councillor under clause 10.18 of this code during
Constant and a section of	debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor
	under clause 10.17 of this code during debate on
onen veting	an original motion
open voting	means voting on the voices or by a show of hands
	or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a
pianing ucusion	function of a council under the <i>Environmental</i>
	Planning and Assessment Act 1979 including any
	decision relating to a development application, an
	environmental planning instrument, a
	development control plan or a development
	contribution plan under that Act, but not including
	the making of an order under Division 9.3 of Part
	9 of that Act
performance	means an order issued under section 438A of the
improvement order	Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the Local Government (General) Regulation 2005
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

BATHURST REGIONAL COUNCIL CODE OF MEETING PRACTICE

2019

Table of Contents

1	INTRODUCTION	3
2	MEETING PRINCIPLES	3
3	BEFORE THE MEETING	3
4	PUBLIC FORUMS	8
5	COMING TOGETHER	9
6	THE CHAIRPERSON	12
7	MODES OF ADDRESS	13
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	14
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	14
10	RULES OF DEBATE	16
11	VOTING	19
12	COMMITTEE OF THE WHOLE	20
13	DEALING WITH ITEMS BY EXCEPTION	21
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	22
15	KEEPING ORDER AT MEETINGS	25
16	CONFLICTS OF INTEREST	28
17	DECISIONS OF THE COUNCIL	28
18	AFTER THE MEETING	30
19	COUNCIL COMMITTEES	31
20	IRREGULARITES	35
21	DEFINITIONS	36

1 INTRODUCTION

This Code of Meeting Practice for Bathurst Regional Council is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of Council and Council's committees of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless Council determines otherwise.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local

community.

Principled: Decisions are informed by the principles prescribed under

Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act

ethically and make decisions in the interests of the whole

community.

Respectful: Councillors, staff and meeting attendees treat each other with

respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that

contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of Council will commence at 6:00pm or immediately following the conclusion of Public Forum on the third Wednesday of each month, except that the December meeting will be held on the second Wednesday, and the January meeting will be held on the first Wednesday in February.
- 3.2 An Ordinary meeting of Council will be held, if required, on the first Wednesday of each month. This meeting will commence at 6:30pm or immediately following the Policy Committee and will include matters

- considered urgent by the Mayor, Councillors or General Manager and Reports of Officers to facilitate decision making.
- 3.3 Council may change the time or date of any particular meeting, by resolution at a preceding meeting, without prior notice being given.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

3.4 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.4 reflects section 366 of the Act.

Notice to the public of council meetings

3.5 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.5 reflects section 9(1) of the Act.

- 3.6 For the purposes of clause 3.5, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.7 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.8 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.8 reflects section 367(1) of the Act.

3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all

5 of 37

councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.9 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.10 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight (8) business days before the meeting is to be held.
- 3.12 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.13 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.14 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion.

Questions with notice

- 3.15 A councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the general manager about the performance or operations of the council.
- 3.16 A councillor is not permitted to ask a question with notice under clause 3.15 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.17 The general manager or their nominee may respond to a question with notice submitted under clause 3.15 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.18 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.19 The general manager must ensure that the agenda for an ordinary meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.11.
- 3.20 Nothing in clause 3.19 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.21 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
 - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.22 reflects section 9(2A)(a) of the Act.

3.23 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made

available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

4 PUBLIC FORUMS

- 4.1 The 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) for the purpose of hearing oral submissions from members of the public. Public Forums will commence prior to the start of the Ordinary Meeting at 6.00 p.m.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 Nominated candidates at federal, state or local government elections are not permitted to speak at a public forum.
- 4.4 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when speaking at the public forum.
- 4.5 Each speaker will be allowed five (5) minutes to address the council, with a one (1) minute warning sounded at four (4) minutes. This time is to be strictly enforced by the chairperson.
- 4.6 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.7 Speakers are under no obligation to answer a question put under clause 4.6. Answers by the speaker, to each question are to be limited to one (1) minute.
- 4.8 Speakers at public forums cannot ask questions of the council, or councillors. Questions may be asked of council staff. Questions of council staff may be taken on notice with a response being provided subsequent to the meeting.
- 4.9 The general manager or their nominee may, with the concurrence of the chairperson, address the council in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.10 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.11 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.12 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.11, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker

- fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.13 Clause 4.12 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.14 Where a speaker engages in conduct of the type referred to in clause 4.11, the chairperson may refuse further requests from that person to speak at public forums for such a period as the chairperson considers appropriate.
- 4.15 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums are not held as part of a council or committee meeting. Council or committee meetings are reserved for decision-making by the council or committee of council. Where a public forum is held in conjunction with a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends

- to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
 - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of

- a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.4.

Entitlement of the public to attend council meetings

5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.15 reflects section 10(1) of the Act.

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.17 reflects section 10(2) of the Act.

Note: Clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

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

Note: Council will be required to webcast meetings from 14 December 2019.

Note: Council must include supplementary provisions in their adopted code of meeting practice that specify whether meetings are to be

livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for one (1) year. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the general manager and other staff at meetings

5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.22 reflects section 376(1) of the Act.

5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.23 reflects section 376(2) of the Act.

5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.24 reflects section 376(3) of the Act.

5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

6 THE CHAIRPERSON

The chairperson at meetings

The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
 - (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
 - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.

7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the council shall be:
 - 1. Opening of meeting
 - 2. Prayer
 - 3. Acknowledgement of country
 - 4. Apologies and applications for a leave of absence by councillors
 - 5. Confirmation of minutes
 - 6. Disclosures of interests
 - 7. Mayoral minute(s)
 - 8. Receive and Deal with General Manager's and Directors' Reports
 - 9. Reports of committees
 - 10. Notices of motions/Questions with notice
 - 11. Rescission Motions
 - 12. Councillor/Delegates Reports
 - 13. Confidential matters
 - 14. Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 13 allows council to deal with items of business by exception.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
 - (a) unless a councillor has given notice of the business, as required by clause 3.11, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 and 3.15.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
 - (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

<u>Limitations on the number and duration of speeches</u>

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion

- or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- Despite clauses 10.20 and 10.21, a councillor may move that a motion or an 10.25 amendment be now put:
 - if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - if at least two (2) councillors have spoken in favour of the motion or (b) amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on planning decisions

- 11.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10-11.13 reflect section 375A of the Act.

Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- The council or a committee of council may, at any time, resolve to adopt 13.1 multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:
 - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 12 noon before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than five (5) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than five (5) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed two (2) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. 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.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
 - (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - contravenes the Act or any regulation in force under the Act or this code,

- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.15 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 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.

- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- Councillors, council staff and members of the public must ensure that mobile 15.20 phones are turned to silent during meetings of the council and committees of the council.
- 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.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

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.

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 12 noon on the first working day after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

18 AFTER THE MEETING

Minutes of meetings

18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 18.1 reflects section 375(1) of the Act.

- 18.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
 - details of each motion moved at a council meeting and of any (a) amendments moved to it.
 - the names of the mover and seconder of the motion or amendment, (b)
 - whether the motion or amendment was passed or lost, and (c)
 - such other matters specifically required under this code.
- 18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 18.3 reflects section 375(2) of the Act.

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 18.5 reflects section 375(2) of the Act.

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

The council and committees of the council must, during or at the close of a 18.8 meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 18.8 reflects section 11(1) of the Act.

18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.9 reflects section 11(2) of the Act.

18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.10 reflects section 11(3) of the Act.

18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

18.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 18.12 reflects section 335(b) of the Act.

19 COUNCIL COMMITTEES

Application of this Part

19.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4 The guorum for a meeting of a committee of the council is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number a majority of the members of the committee.

Functions of committees

19.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
 - (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 19.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
 - (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 19.9 Clause 19.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 19.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 19.11 The chairperson of each committee of the council must be:
 - (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 19.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy

- chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 19.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 19.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.15.
- 19.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 19.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is webcast.

Disorder in committee meetings

19.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 19.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 19.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

Timing of Policy Committee meetings

19.28 Policy Committee meetings of council will commence at 6:00pm on the first Wednesday of each month except for January, where no meeting is held.

Order of Business of Policy Committee meetings

- 19.29 The general order of business for a Policy Committee meeting of the council shall be:
 - 1. Opening of meeting
 - 2. Apologies
 - 3. Confirmation of minutes
 - 4. Disclosures of interest
 - 5. Mayor's reports
 - 6. General Manager's and Directors' reports
 - 7. General business

- 8. Discussion forum
- 9. Conclusion of meeting
- 19.30 The order of business as fixed under clause 19.29 may be altered for a particular policy committee meeting of council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 19.31 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 19.30 may speak to the motion before it is put.

20 IRREGULARITES

- 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.

Note: Clause 20.1 reflects section 374 of the Act.

21 DEFINITIONS

the Act	means the Local Government Act 1993		
act of disorder	means an act of disorder as defined in clause 15.11 of this code		
amendment	in relation to an original motion, means a motion moving an amendment to that motion		
audio recorder	any device capable of recording speech		
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales		
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 19.11 of this code		
this code	means the council's adopted code of meeting practice		
committee of the council	means a committee established by the council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1		
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW		
day	means calendar day		
division	means a request by two councillors under clause 11.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion		
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment		
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion		
nominated candidate	Persons listed at the close of nominations by the Returning Officer for the election as a candidate formally nominated for the election		
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means		

planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the Local Government (General) Regulation 2005
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June



Circular to Councils

Circular Details	Circular No 19-06 / 08 May 2019 / A644248
Previous Circular	NA
Who should read this	Mayors/ Councillors / General Managers
Contact	Refer to Where to go for further information
Action required	Information

Changes to emergency services funding arrangements

What's new or changing

- The NSW Government has made changes to workers' compensation to provide better protection for volunteer and career firefighters affected by work-related cancers.
- The reforms reflect existing arrangements in other States and will ensure those who provide vital community services receive adequate medical care and support.
- This will result in an increase in the cost of providing emergency services across the State, which will be shared, as per the usual funding arrangements between insurance providers, the State Government and local councils.
- The local government share will be 11.7% of the cost of the emergency services levy.

What this will mean for your council

- The increase will be included in the annual emergency services levy paid by councils, commencing 1 July 2019.
- Councils will be able to pay the emergency services levy in quarterly
 instalments which will lessen the impact of the increase. The first quarterly
 instalment is not due until 30 September 2019 which provides more time for
 councils to review their budgets.

Key points

- The new emergency services levy amounts will vary between councils, depending on existing funding formulas.
- Councils should have already received a notice of assessment from Revenue NSW.



- Enquiries regarding the new legislative provisions should be directed to the State Insurance Regulatory Authority on 02 9289 1352.
- Enquiries in relation to emergency services levy notices of assessment should be directed to Revenue NSW on 1300 139 817 or ESL@revenue.nsw.gov.au.
- Information on the changes is also available on the <u>Revenue NSW website</u>.

Tim Hurst Chief Executive

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046

1



Bathurst District Historical Society Inc.

POSTAL ADDRESS: P.O. Box 237, Bathurst NSW 2795

Phone: (02) 6332 4755

MUSEUM and ARCHIVES: East Wing, Bathurst Court House,

ABN: 37 301 479 091

Email <u>info@bathursthistory.org.au</u> Email amcrae@lisp.com.au

Mr. David Sherley General Manager, Bathurst Regional Council, PMB 17, Bathurst, N.S.W. 2795

10/5/2019

Dear David.

Re: 'Bathurst Remembers World War 2 Exhibition 2020' - marking VP Day and the end of WW2

As a follow-up of the meeting we had with the Mayor Graeme Hanger and Alan Catermole on 7th May, The Bathurst District Historical Society, with the full support of the Bathurst RSL Sub Branch, would like to apply to use the Bathurst Entertainment Centre from 13th to 18th August, 2020. Setup would be on Thursday 13th August 2020 and pull out on the 18th August 2020. The exhibition would be open to the public on Friday 14th, Saturday 15th, Sunday 16th and Monday 17th, as several local schools would be visiting. The intended opening hours are 9am to 5pm each day.

We would like to request that Council sponsors the cost and use of the Bathurst Entertainment Centre over the six days free of any rental charge or additional charges. We would need to use approximately 30 of the BMEC tables-and some chairs. The format/layout would be similar to our 2015 'Snapshots in Time' display held in BMEC.

We envisage there will be some 500 Snapshots of World War 2 (8inch x 12inch enlargements), all with captions, showing overseas battlefields, training exercises, the Bathurst Army Camp, local associated landmarks, etc. There will also be 100 Snapshots of World War 2 Servicemen and Women. The images will be complimented by some 2,000 militaria items, trench art, and memorabilia.

Already some 16 collectors from outside Bathurst have expressed interest in bringing an educational display on WW2. There will be a theatrette set up showing WW2 documentaries and Newsreels of the day. Many of the photos have not been looked at for some 70 years and there will be many rarely seen memorabilia items.

Based on the last big display to mark the end of WWI last November in the Walshaw Hall, local High Schools already intend bringing students to this term time event. All local primary

Ordinary Meeting

Page 333 of 343 - 19 June 2019

Attachments

2

schools and boarding schools will be approached with invitations for their students to come and visit on the Friday and/or the Monday.

We would envisage that the event will draw considerable interest from outside Bathurst so we intend to include in our advertising the other Bathurst Museums, the Cowra Japanese Gardens and the Lithgow Small Arms Factory and encourage visitors to stay several days in the region.

This event could be enhanced by other add-on events such as memorial services, etc.

2BS is happy to broadcast daily an 'on-this-day' clip from May to August 2020 which I have already commenced to research.

I will be curating the venture, which will be a considerable undertaking with my current health issues. Please do not hesitate to contact me if you require any further information.

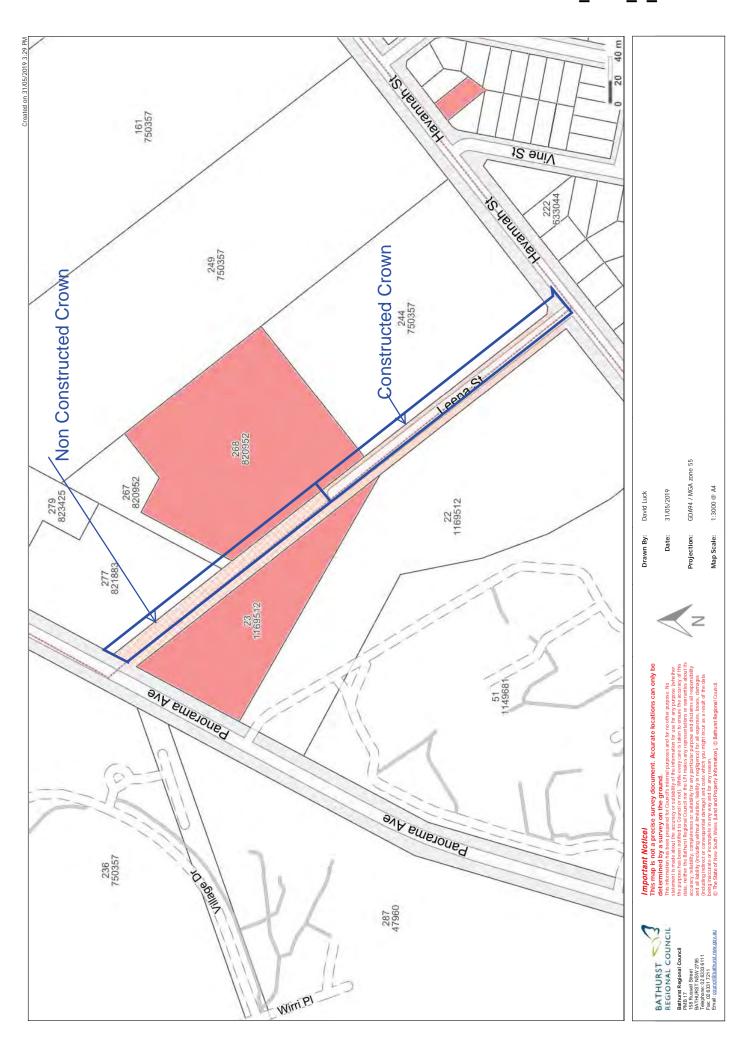
Kind regards,

Alan McRae, FAIHA,

alan K Mikas

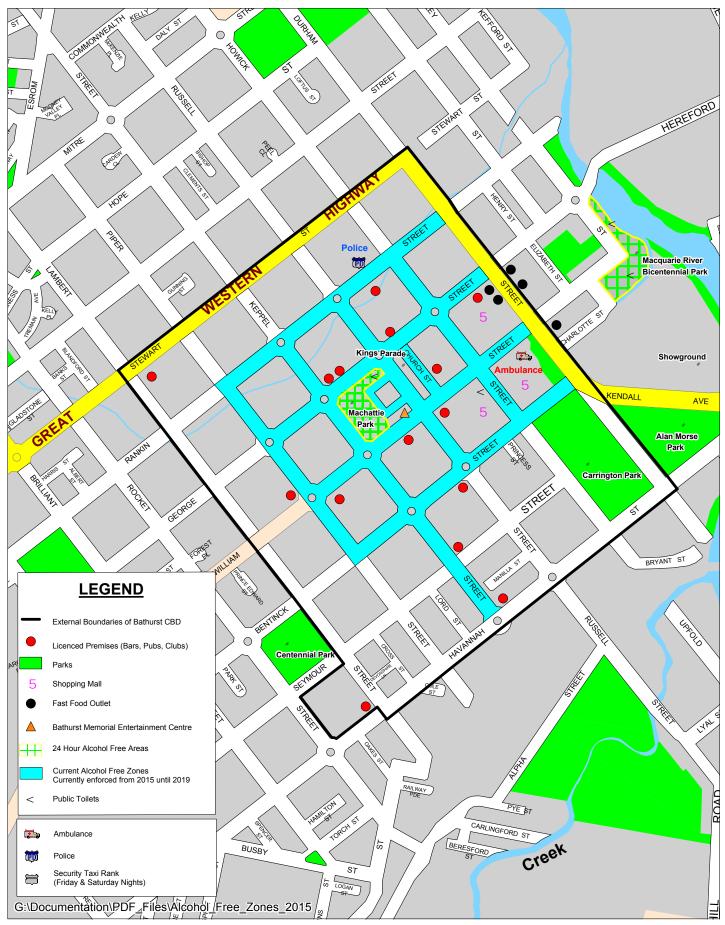
Vice President Bathurst District Historical Society and Curator 'Bathurst Remembers World War 2 Exhibition 2020'.

DIRECTOR ENGINEERING SERVICES' REPORT - ATTACHMENTS				
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL				
19 JUNE 2019				



DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT - ATTACHMENTS				
ORDINARY MEETING OF BATHURST REGIONAL COUNCIL				
19 JUNE 2019				

Bathurst Alcohol Free Areas & Zones 2015-2019



Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or other consequence which may arise from any person relying on information in this Plan.

Note: The colours on this Plan do not indicate landuse zones under the Bathurst Regional (Interim) Local Environment Plan 2014.

For Official Use Only



Chifley Police District Bathurst Police Station 139 Rankin Street, Bathurst 6332 8699

BATHURST REGIONAL COUNCIL

26 MAR 2019

REF. 20.00126-02 021

21 March 2019
Alan CATTERMOLE
Director, Cultural & Community Services
Bathurst Regional Council
158 Russel St,
Bathurst

Director,

Police have received a request from Bathurst Regional Council regarding alcohol free zones (AFZ) within Bathurst CBD, regarding their efficacy and Police views on the renewal of such zones.

It should be noted from the outset, it is extremely difficult to obtain statistics that would allow an objective assessment of the success of AFZ in curbing alcohol related issues for the following reasons:

- Changes in population within the Bathurst Regional Council area naturally would show an increase in alcohol related crime within the CBD, falsely giving the impression AFZ have been less effective than they may otherwise have been.
- 2) Changes in the management and legislative oversight regarding licensed premises and the supply of alcohol will have a direct correlation with alcohol related crime, and this will also impact on the levels of alcohol related incidents within the AFZ.
- 3) Police have no legislative power to issue penalty notices for breaches of an 'Alcohol Free Zone' (or Alcohol Prohibited Area (AFP)) and so any interactions with persons consuming alcohol within these areas are largely unrecorded.
- 4) Changes in the drinking culture of patrons or alcohol users will have an impact upon figures. For example, it is now common practise for the patrons of licensed premises to 'preload' (consume alcohol to excess) at home before having to venture into the licensed premises within the AFZ. Previously, parks within the CBD may have been used for such purposes.
- 5) The current Police intelligence systems available to Chifley Police District will only permit the collation of appropriate data after 2016, making a comparison of 'pre' & 'post' AFZ introduction impossible.

Bathurst Police Station

139 Rankin St, Bathurst

T 02 6332 8699 **F** 6332 8670 **W** <u>www.police.nsw.gov.au</u>
TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

POLICE ASSISTANCE LINE (131 444)

CRIME STOPPERS (1800 333 000)

For Official Use Only

Ordinary Meeting

Page 339 of 343 - 19 June 2019

Attachments

For Official Use Only



This is not to say that NSW Police do not have a 'subjective' opinion on the success of the AFZ within the Bathurst CBD, which the following advantages being, at the very least, anecdotally observed:

- 1) Figures obtained from Bureau of Crime Statistics and Research show a drop in alcohol related assaults (non domestic) between 2015 2018 (Incidents of Alcohol Related Assault (Nondomestic assault) on Road/Street/Footpath Premises from January 2014 to December 2018). This also mirrors a decline in such alcohol related incident across NSW in general.
- 2) The existence of AZF allow Police to utilise other legislative powers and remove persons of interest from the AFZ. For example, a person consuming alcohol within these areas can be stopped and spoken with, the alcohol removed, and pending further enquiries, and if required, be issued a 'move along' direction under the Law Enforcement Powers and Responsibilities Act.
- 3) The existence of the alcohol prohibited areas in the Machattie Park and Kings Parade, along with the Macquarie River Bicentennial Park ensures the areas remain 'family friendly'. Individuals or groups consuming alcohol in the location are able to be moved along before causing offence to other users. Again, having these areas designated as such means Police can proactively deal with such issues before they progress. Prior to the introduction of the AFZ, these areas were regularly used to consume alcohol by persons at all hours of the night.
- 4) NSW Police are committed to a reduction in alcohol related violence across the State. NSW Police appreciate the AFZ assist in this by removing persons consuming, and becoming intoxicated by, alcohol from those higher frequented by other members of the public.

The Commander, Chifley Police District, appreciates the efforts of Council in their efforts to reduce alcohol related crime in the Bathurst area. If there is anything further that NSW Police can do to assist, please do not hesitate to ask.

As per Commander;

Senior Constable Alan BEATTIE, Licensing Supervisor,

21 March 2019 Chifley Police District

Bathurst Police Station

139 Rankin St, Bathurst

T 02 6332 8699 **F** 6332 8670 **W** <u>www.police.nsw.qov.au</u>
TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

POLICE ASSISTANCE LINE (131 444)

CRIME STOPPERS (1800 333 000)

mergency only For non-emergen

Report crime anonymously

For Official Use Only

MINUTES OF THE TOURISM REFERENCE GROUP MEETING HELD AT 5.30PM MONDAY 3 JUNE 2019

PRESENT: Shawn Pyne, Christopher Morgan, Cr Graeme Hanger OAM (Chair),

Alan Cattermole, Dan Cove (BVIC), Ray Pickard, Fran White,

Christine LeFevre, Gerarda Mader, Mark Renzaglia

1. WELCOME Cr Graeme Hanger OAM welcomed the Group to Rydges Mount Panorama and thanked them for their attendance. Shawn Pyne was officially thanked for the hosting of the meeting at Rydges.

2. APOLOGIES

RESOLVED That the apologies from Tony McBurney be noted.

MOVED: Fran White **SECONDED**: Gerarda Mader

3. DECLARATIONS OF INTEREST

RESOLVED That there were no declarations of interest tabled at the meeting.

MOVED: Ray Pickard SECONDED: Shawn Pyne

4. PREVIOUS MINUTES

RESOLVED: That the minutes from the previous meeting held on Monday 1 April 2019 are a true record of the meeting.

MOVED: Shawn Pyne SECONDED: Christopher Morgan

5. ACTIONS ARISING

- Feedback to BVIC manager regarding DMP stakeholder engagement none received. Action completed.
- Creation of night sky experiences Ongoing. Ray Pickard to provide new images to Dan for website.

RESOLVED: That actions be noted with continuing element in progress.

MOVED: Fran White **SECONDED**: Christopher Morgan

6. BATHURST REGION TOURISM BY THE NUMBERS

- Monthly tourism figures were tabled for May.
- Digital results were highlighted, with the tourism website having its three biggest months in March, April, May of 2019.
- Visitation to BVIC remains up this financial year
- Retail sales remain over previous year.

RESOLVED that the report be noted.

MOVED: Christopher Morgan SECONDED: Shawn Pyne

MINUTES OF THE TOURISM REFERENCE GROUP MEETING HELD AT 5.30PM MONDAY 3 JUNE 2019

7. BATHURST VISITOR INFORMATION CENTRE MANAGER'S REPORT

- March tourism report was tabled, items included;
 - Autumn Colours largest program ever with 721 attendees
 - Heritage Trades Trail successful event, with doubling of online sales and 20% overall increase in attendance.
 - ATAP certification achieved for BVIC
 - o 18/19 Tourism Awards submission for BVIC completed and lodged
 - o DMP consultation process underway.

RESOLVED that the Bathurst Visitor Information Centre Manager's report be noted.

MOVED: Fran White SECONDED: Gerarda Mader

9. SECTOR REPORTS

- Shawn Pyne (accommodation) noted solid occupancy. Conferencing remains an 'Achilles Heel' but this is not Bathurst specific Rydges data shows this to be a state-wide problem. There are a number of long lead possibilities.
- Gerarda attended a Bathurst Accommodation Group meeting last week and noted that small operators have been through a quiet period, possibly influenced by drought and the impact of election uncertainty. Christine seconded this, noting also the additional costs of heating in the winter was also an impact on businesses.
- The importance of events to accommodation in Bathurst was generally noted.
- Christopher Morgan (attractions) noted that the coach group market was also down by as much as 25%. The problem is not localised, and the coach operators have identified short cruise tourism as a direct competitor.
- Christopher also noted the recent sale of 2BS and the importance of local content to tourism promotion in the Bathurst region.
- Mark Renzaglia (Wine and Breweries) noted the absence of breweries in the Bathurst region. Renzaglia's have now constructed their cellar door shed. Winter Winery Wander to take place Sunday 16 June. The Mezza/Ginsberg tour will be featuring at Vale Creek in June. Winter Festival will feature the vignerons. Second year of the 'Long Lunch' at Renzaglias.
- Food & Catering new Italian restaurant at Tremain's precinct.
- Sports tourism noted TRA statistic for average spend.
- Heritage Tourism Fran White noted the volume of volunteer hours on the recent BHTT and will be collating total volunteer hours. Fran also noted the personal contribution of Sandy Bathgate to ensuring the success of the event. Future viability of the event may be dependent upon sourcing of additional volunteers and/or additionally financial resourcing. Further need to refresh the event annually. There will be a debrief meeting on Tuesday 18 June. Need for heritage activation – very important to the DMP and requires a whole of Council approach. Town Square is central to this. National Trust provided funding for the Machattie Park tour on the Bathurst 'Step Beyond' app. Christine also suggested the current price structure for the BHTT was far too low, and that the event ultimately needs a working business model that ensures enough capital to pay for staff and fund expansion. Mark added that experiences need to be built around the event.
- Educational Tourism Ray Pickard noted a general downturn in educational tourism across the region. Goldfields and History Hill have undertaken a guide exchange. Astronomy tours at Abercrombie House have been postponed. The Orange Planetarium received funding in the federal budget which is a benefit to Bathurst. The plan is in place for the Bathurst portable planetarium.

MINUTES OF THE TOURISM REFERENCE GROUP MEETING HELD AT 5.30PM MONDAY 3 JUNE 2019

RESOLVED that the sector reports be noted.

MOVED: Ray Pickard **SECONDED**: Christopher Morgan

9. DESTINATION MANAGEMENT PLAN

- Flagship Communications appointed to run the community and stakeholder consultation. Workshops held 30 May-1 June, with online surveys and ongoing targeted consultation through to 10 June. Report due to Tourism Manager by end June 2019.
- Meeting between HRG and TRG regarding the the DMP will be held on 24 June.
- A literature review has been conducted.
- A product audit has been completed.
- Drafting of the plan to commence following receipt of consultation report.

RESOLVED That the report be noted

MOVED: Christine LeFevre **SECONDED**: Shawn Pyne

10. GENERAL BUSINESS

- (a) Gerarda noted the new Napoleon Reef signage recently installed heritage style
- **(b)** The Upstairs Startup Hub was suggested by Gerarda as a potentially interesting area to drive creation of tourism product.
- (c) Shawn offered the use of Rydges for a window display to operators.
- (d) Fran will follow up with Miss Traill's House to consider better engaging the facility with the broader tourism offering in Bathurst
- (e) The highly significant Chapman collection has arrived at AFMM.
- (f) Membership of TRG will be renewed in early 2020 as per term of current group and in line with adoption of the new DMP.
- (g) Reminder regarding the Brick Pits Wetland workshop, Friday 14 June.

RESOLVED: That General Business be noted.

MOVED: Mark Renzaglia SECONDED: Christopher Morgan

12. NEXT MEETING

There being no further business the meeting was closed at 7.25pm

The next meeting of the Tourism Reference Group will be **5.30pm on Monday 2 September 2019 at Bishop's Court Estate**.

ACTION SHEET

ACTION	DUE DATE	RESPONSIBILI TY	STATUS
Upload new content 'Bathurst night life/sky' section on website	When experiences exist	Dan	Ongoing