



ORDINARY MEETING OF
COUNCIL FOLLOWING POLICY
COMMITTEE

29 August 2018

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 5 September 2018

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 5 September 2018 commencing at approximately 6.30 pm (or immediately following the conclusion of the Policy Committee/Discussion Forum).

A handwritten signature in blue ink, appearing to read 'D J Sherley', is positioned above the typed name.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 5 SEPTEMBER 2018

1. 6:30 PM - MEETING COMMENCES

2. APOLOGIES

3. 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.

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

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

5. 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	BATHURST AQUA PARK - LICENCE AND RENTAL	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 LANDSCAPE CONSTRUCTION OF FREEMAN 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.

6. RESOLVE INTO OPEN COUNCIL
7. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
8. MEETING CLOSE

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

5 SEPTEMBER 2018

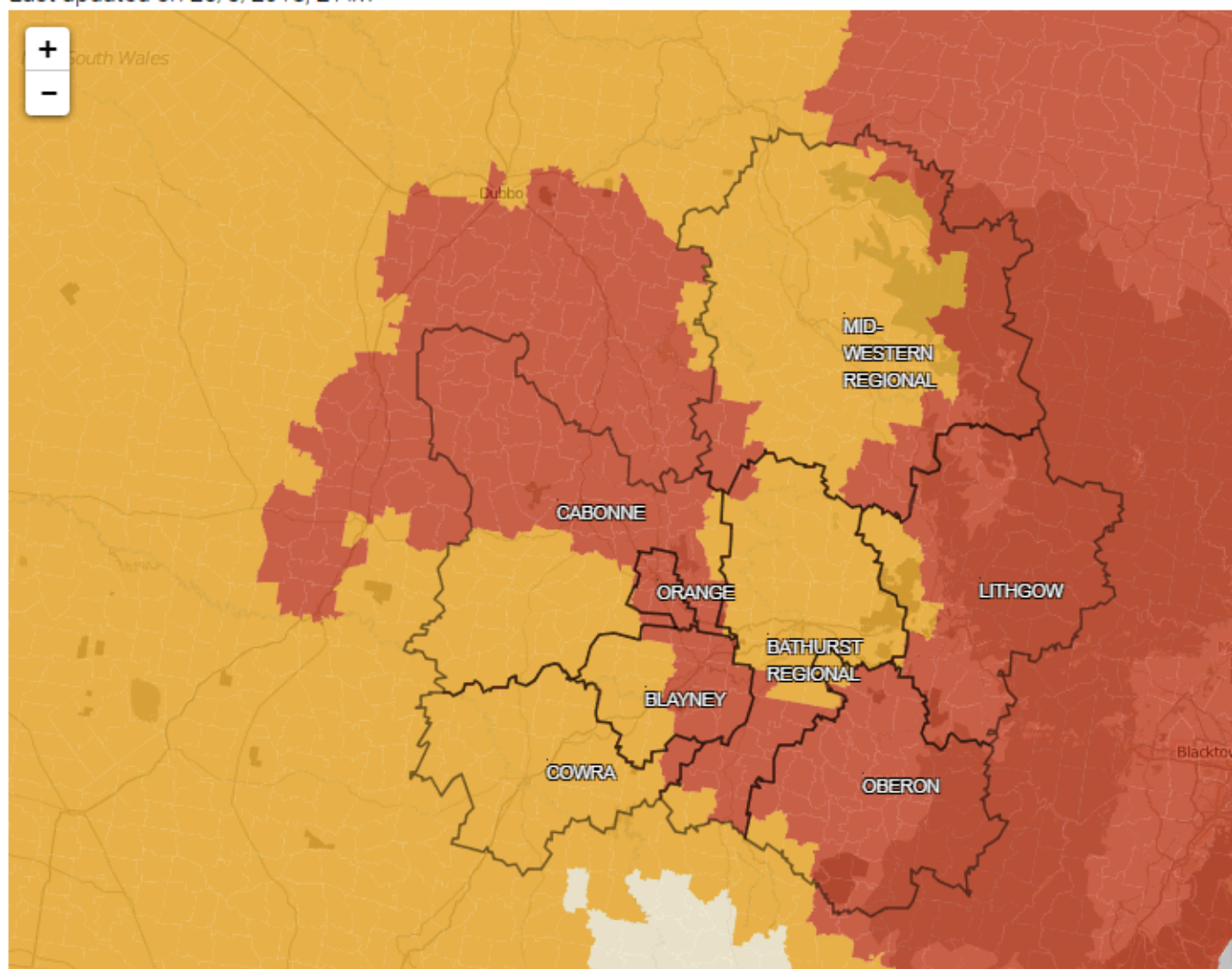
1 FREE WATER FOR VERIFIED PRIMARY PRODUCERS (16.00155)

Recommendation: That Council provides free water for verified primary producers until the drought declaration for the Bathurst Local Government Area has been removed or as resolved by Council.

Report: Drought is an inevitable feature in our landscape, therefore it should be considered in the same light as other risks to farm businesses. However, the length and severity of the current drought is the worst on record and, according to the Department of Primary Industries, 61 per cent of NSW is either in drought or intense drought, while nearly 39 per cent is drought affected.

As at 23 August 2018, the drought statistics for the Central Tablelands are "Intense Drought" at 50.1% and "Drought" at 49.9%, shown in the map below from the Department of Primary Industries.

Last updated on 23/8/2018, 2 AM



Council has a pass card system in place at its standpipes in Hereford Street for the provision of water. This is normally charged out at \$5.00 per kilolitre as per Council's adopted

Revenue Policy 2018/2019. Council, at its Policy Meeting of 6 June 2018, resolved to decrease the price to \$2.50 per kilolitre, in accordance with the Revenue Policy whilst part of the region is drought declared. At the same meeting, Council resolved to consider the provision of free water to verified primary producers, after a period of public consultation. That period has now closed with twelve submissions received; nine in favour and three against. A copy of each submission is provided at **Attachment 1** for consideration by Council.

The proposed scheme will have the following guidelines:

- An application form must be submitted (available on the website or at the Civic Centre).
- The applicant must produce proof of Bathurst LGA residency/ownership of a farmland rate parcel of land, eg drivers licence, Council staff can look up the rates record.
- The applicant must provide a Property Identification Code from Local Land Services.
- The free water allocation will be limited to 20 Kilolitres of water per week per rate notice (non-accruing), to be reviewed regularly and adjusted if necessary based on Ben Chifley Dam levels.
- The water must be used for stock and domestic purposes only, and not be on sold to a third party.
- Council is not responsible for cartage nor the quality of the water once it has been dispensed from the standpipe and users of this service are solely responsible for cleanliness of containers/tanks filled from filling stations.
- Council will monitor usage and reserves the right to cancel access to filling stations if conditions of use are not complied with.
- The scheme will cease in the event of any of the following:
 - (a) When Ben Chifley Dam reaches a capacity of 40% or lower;
 - (b) Drought declaration is lifted for the Bathurst Regional Council area; or
 - (c) Four months from the commencement of the scheme.

Financial Implications: The financial implications of this scheme are very difficult to estimate. Council has approximately 1,450 properties rated as farmland, however, the take-up rate and length of time until the drought declaration is lifted are completely unknown factors. Bulk water sales are estimated at \$30,000 for the 2017/2018 year, the effect of half-price sales, that has already been provided for, means the loss of at least \$15,000 in revenue, however the increased usage also means Council's operating costs will also increase markedly, as well as faster depletion of the Dam water.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.1, 2.4
- Objective 5: Community health, safety and well being Strategy 5.3

Community Engagement

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

**2 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 32.00005)**

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 BATHURST AQUA PARK - LICENCE AND RENTAL (32.00005)

This report relates to a proposal to enter into a licence agreement and rental agreement with the operators of the Bathurst Aqua Park at Ben Chifley Dam.

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

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

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

Yours faithfully



A Jones
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

5 SEPTEMBER 2018

1 INTERSECTION OF MITRE, SUTTOR & LAMBERT STREETS (25.00095)

Recommendation: That Council:

- (a) note results of the public consultation, and
- (b) call tenders once construction plans are finalised.

Report: Council will be aware of the ongoing matter of the intersection of Mitre, Suttor and Lambert Streets, Bathurst, which has been the subject of numerous reports to Council.

At the Ordinary Meeting of Council in June 2018, Council resolved to place plans for the proposed design of a roundabout at this intersection on public consultation for a period of 28 days. Council also resolved to proceed directly to construction, unless any submissions were received on this topic, in which case a further report on the matter would be presented to Council.

By close of the consultation period, 101 submissions were received from 95 individuals or organisations. These consisted of 62 submissions that were hand delivered or emailed, and 39 submissions made through 'YourSay Bathurst'.

It should be noted that approximately 55 of these submissions were received in the same submission format, and contained similar comments. All of these were supportive of the project, with most offering no objections and no further comment on the proposal beyond support. Furthermore, some members of the public submitted via both formats, namely by written submission and via 'YourSay Bathurst'.

Of the 95 individuals and organisations that provided submissions, the majority indicated general support for the project.

However, it should be noted that this general support was in many cases tempered by comments objecting to elements of the design or concerns over the future implications of the project. Other submissions objected to the construction of the roundabout for similar reasons. Comments and objections received included the following:

- *Lack of parking out the front of the existing shops*

Multiple submissions, including the current tenants of each shop and residents in the area who rely on these shops, objected to the removal of the parking lot on the southern side of Suttor Street. It was noted that this, coupled with the removal of the pedestrian crossing over Suttor Street, would substantially reduce the patronage these businesses experience.

It is necessary to remove the existing parking lot to construct a roundabout at this intersection. Preliminary plans proposed an indented parking bay in front of the businesses, but this could not be incorporated into the final design due to geometric constraints. While parking on the opposite side of the road is not ideal, this will still ensure parking is available for access to the shops.

- *Removal of marked pedestrian crossing on Suttor Street*

Many submissions objected to the removal of the Suttor Street marked pedestrian crossing. Key objections related to the reduction of disability access at the intersection, safety concerns for children and parents, and the likely impact on patronage to the

shops. The overall feedback received stated that the intersection would become less pedestrian-friendly should a roundabout be installed.

The existing pedestrian crossing was constructed prior to the adoption of current design guidelines, and no longer complies. While Council is not required to remove any crossing that has met appropriate standards at the time of construction, Council is required to ensure all new or replacement facilities meet current design standards. Low pedestrian volumes at this location mean that a marked pedestrian crossing cannot be accommodated, as this does not meet the warrants for installation in accordance with the Roads and Maritime Services (RMS) Supplement to AS 1742.

The final design will cater for all pedestrian movements through the provision of pedestrian refuges on pedestrian desire lines, connecting to all current footpaths.

- *Negative impact on adjacent businesses and road network during construction*

Submissions noted that the disruption to the road network during works would be significant, particularly with respect to school traffic in the morning peak. It was also stated that the construction process would be likely to negatively impact on the adjacent businesses operating on the corner of Mitre and Suttor Streets.

For these works to be undertaken, access through this intersection for school traffic and members of the public will be substantially restricted. Access through this intersection will not be available for the majority of the construction period, and it is highly unlikely, due to the nature and scope of the works being undertaken, that works can be restricted to the school holiday period. Council will need to prepare a traffic management plan, in consultation with Assumption School and adjacent business owners, to provide appropriate access during this time.

As stated above, the project will require the removal of the existing parking spaces in front of the shops. The construction process will necessitate the removal of this parking before the proposed new carpark is constructed, resulting in limited parking and reduced access to these businesses during the construction period. While the inconvenience to these businesses associated with the proposed works is evident, this is unavoidable for the construction of a roundabout at this intersection.

- *Negative impact on taxi companies*

A submission noted that the proposal requires the removal of the existing taxi rank on Mitre Street during construction of the project, and that the final design does not leave sufficient room for taxis to park at this location to continue to provide the current level of service. It was requested that a temporary taxi zone be provided for the duration of the works, and that the new carpark included specific allocated spaces for six (6) taxis in lieu of the current taxi rank on Mitre Street, which will be replaced by blister islands.

While the inconvenience of removing the taxi rank is recognised, this is necessary for the construction of this project. Council will be required to liaise with the taxi companies to determine the most appropriate means of temporarily relocating these, and to determine a long-term solution for this issue.

- *High cost of project*

Many of the submissions were concerned about the cost of the project, and stated that this was not an appropriate use of Council funds.

The proposed works at this intersection are expensive for the limited benefit they provide, primarily due to service relocations that must be undertaken to realign this intersection. This has been the primary reason no works have been undertaken at this intersection to date, and the key reason Council's application for Black Spot Funding was not successful.

Council has previously been advised of the substantial cost associated with this project, which will be again addressed briefly later in this report.

- *Vehicles will speed through the intersection*

Both supporters and opponents of the proposal noted that the proposed roundabout will improve traffic flow, but may make the intersection more dangerous by increasing speeds through the intersection.

The proposed roundabout has been designed in accordance with current Austroads design standards, which aim to limit entry speeds to reduce the impact of possible collisions. However, it must be acknowledged that the current intersection layout can be confusing to some road users, which necessarily increases caution at the intersection. This has been previously noted as the likely cause for the lack of recorded crash history at this intersection.

Removing confusion through constructing a roundabout is likely to result in higher vehicle speeds through the intersection, with greater possibility of drivers entering dangerously. However, Council cannot force individual drivers to obey the road rules.

- *Proposed vegetation will make a roundabout unsafe*

Several submissions objected to the inclusion of vegetation on the central island of the proposed roundabout, as per the current design. This was noted as being likely to cause sight distance issues at the roundabout.

Council has a current policy, adopted in 2014, which has assessed the risks associated with vegetation at roundabouts, and provides guidelines for the maintenance of this vegetation. The proposed roundabout will be constructed to meet these guidelines.

- *Proposed new carpark has oddly aligned layout*

The proposed carpark layout has been noted as being unusual and may cause difficulties for vehicles accessing parking spaces.

Council engineers, in conjunction with the design consultant, have endeavoured to provide the most practical layout within the space available. The space for this carpark is a difficult shape, and the proposed carpark makes the best use of the space available.

- *Project is unnecessary, as safety issues at the site are due to driver error*

A number of objections to this project provided anecdotal advice that incidents occurring at this intersection were primarily due to driver error, and that this would continue with a roundabout, or even be exacerbated.

A review of the NSW Police crash history for this intersection would appear to support this, as the only significant recorded crashes at this intersection involved apparent driver error. Furthermore, this project was unsuccessful for Black Spot Funding due to

the lack of crash history at the site, which meant that this intersection did not represent a significant safety concern. However, a majority of submissions claimed that they feel unsafe when using this intersection.

Based on the feedback above, it is noted that, while there is significant support for this project in the community, not all community members who were in support of this project were aware of the full implications of constructing this project, and there exists some opposition to the current proposal. However, as has been addressed above, the current proposal is the only feasible design to construct a roundabout at this intersection.

In terms of cost, initial estimates for this project were preliminary for the purpose of assessing the feasibility of this project and seeking funding. The design process is yet to be finalised, as the necessary work of locating utility services within the intersection before the design can be finalised has revealed additional services, along with some services in different locations to that indicated in initial information, and further complexity has been added to the project. Following a period of two months on site locating services, this process is still underway. Once all services are located, all service relocations can be designed, and the overall project design can be finalised.

Construction cost is affected by the need for all existing services to remain operational whilst the relocation of replacement services occurs.

Until this is complete, the final estimate for the cost of works cannot be provided, and the expected timeframe for construction of works cannot be determined, but it should be noted that it is likely that construction cost will be higher.

Based on this advice, should Council wish to proceed with these works, it is recommended that the design be finalised, and that tenders be called at the earliest possible date. This will enable a further report to be provided to Council detailing pricing and construction timelines for these works.

Financial Implications: \$1,700,000 is provided in the current budget for this project.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 4: Enabling sustainable growth Strategy 4.2

Community Engagement

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

**2 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(11.00005, 36.00680)**

Recommendation: That the information be noted.

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

1 TENDER FOR LANDSCAPE CONSTRUCTION OF FREEMAN PARK (36.00680)

This report considers the tender for the construction of Freeman Park.

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

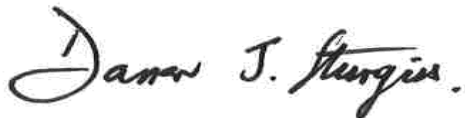
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

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Yours faithfully



Darren Sturgiss
**DIRECTOR
ENGINEERING SERVICES**