



ORDINARY MEETING OF  
COUNCIL FOLLOWING POLICY  
COMMITTEE

27 June 2018

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 4 July 2018**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 4 July 2018 commencing at approximately 6.25 pm (or immediately following the conclusion of the Policy Committee).

A handwritten signature in blue ink, appearing to read "D J Sherley".

D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

### **ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 4 JULY 2018**

**1. 6:25 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. RESCISSION MOTIONS**

**1 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 –  
ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET,  
BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW  
HOLLIS & MRS MP HOLLIS (DA/2018/56)**

\* We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

That Council:

(a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.

(i) The development will not have a negative impact on the streetscape in Stanley Street; and

(b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse  
Cr Graeme Hanger  
Cr Jacqui Rudge

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

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

\* DIRECTOR ENGINEERING SERVICES' REPORT

**6. 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	PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST (22.00219)	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

**7. RESOLVE INTO OPEN COUNCIL**

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

**9. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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

**MINUTE**

**2     APOLOGIES**

Nil.

**MINUTE**

**3     DECLARATION OF INTEREST 11.00002**  
**MOVED: Cr J Rudge SECONDED: Cr M Morse**

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

**MINUTE**

**4 SUSPENSION OF STANDING ORDERS 11.00002**  
**MOVED: Cr I North SECONDED: Cr B Bourke**

**RESOLVED:** That Standing Orders be suspended to allow Council to deal with the Rescission Motion - DA 2018/56 - 6 Stanley Street, Bathurst.

## RESCISSION MOTIONS AND MINUTES

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE



**1 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56)**

**Recommendation:** For Council's consideration.

**Report:** We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.
  - (i) The development will not have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse  
Cr Graeme Hanger  
Cr Jacqui Rudge

The Rescission Motion is shown at **attachment 1**.

For Council's information, a copy of the report presented at 20 June 2018 Ordinary Council Meeting is shown at **attachment 2**.

**Financial Implications:** N/A

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

- Objective 6: Community leadership and collaboration Strategy 6.4

**Community Engagement**

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

## MINUTE

**5 Item 1 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56)**

**MOVED: Cr M Morse SECONDED: Cr J Fry**

We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

That Council:

- (a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.
  - (i) The development will not have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse  
Cr Graeme Hanger  
Cr Jacqui Rudge

**MINUTE**

**6**     **Item 1.01    EXTENSION OF TIME (11.00005)**  
**MOVED: Cr B Bourke SECONDED: Cr J Fry**

**RESOLVED:** That an extension of time of 1 minute be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

**MINUTE**

**7**      **Item 1.02    EXTENSION OF TIME (11.00005)**  
**MOVED: Cr J Jennings SECONDED: Cr J Fry**

**RESOLVED:** That a further extension of time of be granted to Cr Morse for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

## **MINUTE**

### **8 Item 1.03 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 - ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (2018/56)**

**MOVED: Cr M Morse SECONDED: Cr J Fry**

We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

That Council:

- (a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.
  - (i) The development will not have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse  
Cr Graeme Hanger  
Cr Jacqui Rudge

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

#### **The result of the division was:**

In favour of the motion - Cr J Fry, Cr G Hanger, Cr M Morse, Cr J Rudge

Against the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Jennings, Cr I North

Absent - Nil

Abstain - Nil

**MINUTE**

**9**     **Item 1.04 RESUMPTION OF STANDING ORDERS (11.00005)**  
**MOVED: Cr I North SECONDED: Cr B Bourke**

That Council resume Standing Orders.

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

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

4 JULY 2018

**1 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(22.00219) (22.00999)**

**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 PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066  
KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND  
PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST**

This report relates to the proposed boundary adjustment at part Lot 12 DP1040066 known as 176 Russell Street, Bathurst, with part Lot 4, Section 7 DP758065 and part Lot 3, Section 7 DP758065 known as 133 -137 Keppel Street, Bathurst, subject to development consent.

**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 1.5

**Community Engagement**

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



**MINUTE**

**10 Item 1 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(22.00219) (22.00999)**

**MOVED: Cr B Bourke SECONDED: Cr W Aubin**

**RESOLVED:** That the information be noted.

**Cr Christian left the meeting at 6.42 pm**

Yours faithfully

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

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

## **DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

4 JULY 2018

## **1 HILLVIEW WATER (32.00023)**

**Recommendation:** That Council does not supply additional water to the Hillview Estate.

**Report:** In the 1980's the former Evans Shire undertook a land development project, now known as the Hillview Estate. Approximately 30 rural residential lots were created and subsequently developed. As part of this project, a reticulated water supply was installed which made use of a bore, which pumped water to two reservoirs, totalling 270 KL. From the reservoirs, the water gravity feeds to the residents' raw water tanks. Residents are required, under the terms of Development Application Approval, to have a distinctly separate supply of tank water fed by rain water for domestic consumption and fire fighting purposes. The original bore had a history of problems, collapsed and was abandoned. A replacement bore was installed and commissioned. Due to periodic drought and the failure of the bore during these times, a second bore was considered.

Accordingly, a review of the aquifers was undertaken and a second bore installed in 2005 after the amalgamation of the former Evans Shire and Bathurst Council. This occurred when funds were made available by the amalgamated Council. At this time, instrumentation was also upgraded and remote monitoring installed to more efficiently manage the flows from the bores.

### **Development of the Estate**

The Hillview Estate was developed in two stages. Stage 1 centred on Valley View Close and Stage 2 centred on The Ridgeway. When the Estate was initially advertised for sale, a promotion with the former Evans Shire logo indicated that the estate had a reticulated raw water supply. Residents of the estate have corresponded with Council in the past citing this document as an indication that the water supply was guaranteed by Council.

A review of available documentation has been undertaken in relation to Council's commitment to maintain this water supply, in the event of the water source failing. No evidence of any such commitment is available. Original Development Application conditions requesting individual homes to have sufficient rainwater tanks to supply all domestic water and firefighting requirements are cited.

Condition 3 of development application for properties at Hillview in 1983 requires that adequate potable water storage be provided for each property (85,000 litres).

Evans Shire Council Water Supply Policy of 28 March 2003 states the following distinct water requirements for firefighting purposes:

<b>Dwelling Size m<sup>2</sup></b>	<b>Stored Litres</b>
Less than 150	40,000
150-200	65,000
250 and greater	85,000

### **Previous Correspondences with Residents**

On 24 November 2006, Residents were advised in writing that a reduction in bore yield had been detected and residents were requested to decrease water consumption. Further advice was given stating that "*even with the most stringent restrictions the bore may run dry*

”

On 31 January 2007, Bathurst Regional Council resolved that:

*“in the event of a failure of the water source for the Hillview Water Supply, Council would augment the supply by a single filling of the reservoirs (total water 270,000 litres) on one occasion only, to allow residents to make alternative arrangements, and then close the supply until such time as the water source again becomes available, and further, that the Hillview Supply customers be advised that Council does not guarantee supply ”.*

On 5 February 2007, Council wrote to all residents stating that *“if the situation arises that water is no longer available for the Estate, Council will contact all residents and advise them of this situation. Once this is done, Council will fill the estate reservoirs once to allow those affected, time to make alternative arrangements.”* .

On 15 February 2007, Council responded to questions from the State Member for Bathurst outlining that:

- The Hillview supply is non potable and the residents should not have the raw water connected to potable outlets.
- No viable alternative water supply was available for the residents of Hillview.
- Bathurst Regional Council had provided funds to secure the provision of a second bore in 2005.
- Other non-potable sources of water supplied by Council, such as the Winburndale supply, were also not guaranteed.

On 6 March 2007, Council wrote to the residents concerning water security further stating *“should the aquifer run dry Council would fill the reservoir once from the city’s water supply”*.

On 15 August 2007, Council resolved to note the report of 31 January 2007 that *“in the event of a failure of the source for the Hillview water supply, Council would augment the supply by a single filling of the reservoir on one occasion only to allow residents to make alternative arrangements and then close the water supply until such time as the water source again becomes available ”.*

On 23 November 2012, Council wrote to residents at Hillview advising that the bores were running low and asking residents to conserve water.

On 26 November 2012, Council advised all resident that bores had run dry and water carting would commence for 3 days from the 28 November 2012 to allow residents to make alternative arrangements.

On 18 December 2012, at a meeting between the Hillview Estate residents and Council the following was minuted:

- Short term
  - Council will deliver water if the bore runs dry. (as previous correspondence – equal to the volume of the reservoir).
  - Residents should develop an emergency water restriction plan.
  - Water committee should develop a flyer for notification of residents.
  - Emergency telephone number is 6334 2795.
- Medium Term

- Residents should check where their water supply is going in their house.
- Water committee should develop a system for monitoring water levels and implementing water restrictions.
- Long Term
  - Water committee should consider being an incorporated association.
  - Residents should consider purchasing personal water tanks.
  - A pipeline from Winburndale is not economically viable.

Subsequent to this meeting, Council replaced the level indicator on the reservoirs with two highly visible indicators. Doing so allowed residents to quickly check the level of the tanks themselves. Additionally, Council made available extracts from the Bathurst Regional Council Drought Management Plan on water restrictions for the Hillview Water Committee to consider.

Since 2004 Council has been writing annually to all residents connected to the raw water supply advising that the water is not fit for drinking and alerting residents to the limited capacity of the bores to meet supply during extended dry times.

On the 5 April 2018, Council wrote to all residents at Hillview stating in part “*Due the extended dry spell one of the two bores used to supply Hillview with water has run dry. The second bore is limited in capacity and the reservoir is currently at 38%*”.

On the 8 April 2018, the reservoir fell to 17% capacity and residents were advised that the equivalent capacity of the reservoirs would be supplied by water cart by Council. During which time residents should make alternative arrangements to supply raw water for non-drinking purposes.

### **Current Situation – June 2018**

As stated previously, on 5 April 2018 residents were notified of the impending failure of the bores, and subsequently notified when the bores had failed.

In accordance with previous similar situations, Council then supplied an amount of water equivalent to the capacity of the existing water reservoirs (270KL). During which time residents were encouraged to make alternative arrangements for their raw water supply.

Council commenced carting water on 9 April and finished carting water on 12 April during which time 270,000 litres had been provided.

Every year, and as recently as September 2017, residents are reminded in writing that “*they are requested to ensure that a separate potable supply is maintained for domestic consumption independent of the bore supply*” and “*Council wishes to advise residents of its best endeavours to maintain the non-potable supply, however prolonged dry spells in summer in the past have resulted in demand exceeding supply and the ability of the bore to maintain an effective water supply in the reservoirs*”.

It should be noted that the other Council operated raw water system from Winburndale dam is not guaranteed. This supply frequently breaks down due to the age of the pipeline and residents have to rely on tank water or arrange for private water carters to supply them. All residents on raw water supplies are advised annually that the water supply is not guaranteed. In the drought of 1983, Winburndale dam dried up and no water was supplied to the rural residents connected to the Winburndale pipeline.

Note at the Policy Committee Meeting held 6 June 2018, Council resolved to immediately reduce the cost of water available from Hereford Street standpipes from \$5.00/KL to \$2.50/KL. This same offer is available to all Bathurst residents, including those from surrounding villages.

Council will continue to manage the supply as efficiently as possible and advise residents when water supply is at risk or the situation changes.

**Financial Implications:** There are no financial implications should Council accept the recommendation.

Should Council resolve to supply water to Hillview, it would be advised to limit the supply to 2 tanker loads per day (approximately 24,000 litres) and enforce level 6 restrictions on the community. Level 6 restrictions as per Council's currently adopted Drought Management Plan states:

- ***3 X 3min showers per person per day or 1 X 100mm deep bath per person per day.***
- ***2 full loads of washing per week.***
- ***Evaporative air conditioners to be operated between 1800 and 2200 daily (exemptions given on medical grounds).***

The cost of supplying 2 tanker loads of 12,000 litres each would be approximately \$600 per day or \$18,000 per month.

Due to every home having rain water tanks, enforcing water restrictions would not be practical, as it would not be possible to determine where household water was being sourced from.

Further, if Council provides water to Hillview residents, this may set a precedent for users on the Winburndale water pipeline and in other areas of the Bathurst Regional Council.

Delivering water to these users would require water tankers to visit each connected property and make a delivery. The cost of this would be considerably more than providing water to Hillview given the isolated nature of each property and the time to travel between each raw water storage tanks, some of which are located in isolated paddocks. The residents have the opportunity, as with other people, of accessing the discounted water supply which is available at the Hereford Street standpipes at this time.

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

- Objective 2: A smart and vibrant economy Strategy 2.2

### **Community Engagement**

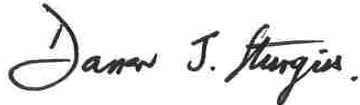
- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

- 11 Item 1 HILLVIEW WATER (32.00023)  
MOVED: Cr W Aubin SECONDED: Cr J Fry

**RESOLVED:** That Council does not supply additional water to the Hillview Estate.

Yours faithfully



Darren Sturgiss  
**DIRECTOR**  
**ENGINEERING SERVICES**

## MINUTE

### **12 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**

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

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	PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST (22.00219)	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.



**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL  
MINUTES**

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

4 JULY 2018

## MINUTE

(a) **Item 1 PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST (22.00219) (22.00999)**

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

**That** Council approve the proposed boundary adjustment at part Lot 12 DP1040066 known as 176 Russell Street, Bathurst, with part Lot 4, Section 7 DP758065 and part Lot 3, Section 7 DP758065 known as 133 -137 Keppel Street, Bathurst, subject to development consent as detailed in the report.

**MINUTE**

- 13**    **RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr I North SECONDED: Cr M Morse**

**RESOLVED:** That Council resume Open Council.

**MINUTE**

**14 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE  
MOVED: Cr J Rudge SECONDED: Cr I North**

**RESOLVED:** That the Report of the Committee of the Whole, Item (a) be adopted.

## MINUTE

### 15 MEETING CLOSE

The Meeting closed at 7.01 pm.

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

## RESCISSION MOTIONS - ATTACHMENTS

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

21 June 2018

We the following Councillors hereby give Notice of Rescission of the following motion of the following motion:

Director Environmental Planning & Building Services 20 June 2018 - Item 3  
DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO  
DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS  
BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56)

*Monica Moore*

*21/06/2018*

*Shangal 21/6/18.*

*J. Ridge 21/6/18*

*Received 11:45 am  
21 June 2018*

*PSJ*

*GM  
DEPBS  
DCSF*

**3 DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56)**

**Recommendation:**

That Council:

- (a) as the consent authority, refuse Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:
- (i) The development is inappropriate in terms of its bulk, size and detailing given its location in Stanley Street and in the Heritage Conservation Area; and
  - (ii) The development will have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.

**Report:**

**Summary**

Development Application 2018/56 is for substantial alterations and 2 storey additions to 6 Stanley Street, Bathurst. The property is located within the Heritage Conservation Area and overlooks Bicentennial Park. Whilst the existing building is not heritage listed, the location and existing streetscape are important to the character of the locality.

The initial application contained plans and elevations. The proposal raised concern with Council staff in relation to bulk and scale of the development and its impact on the locality. Following discussions with the applicant, a statement of heritage impact and a statement of environmental effects was subsequently submitted. The applicant was invited to amend the plans to soften the impact on the street but this suggestion was not taken up. Council staff are of the view that amended plans could be developed to lessen the impact yet retain the floor space needs of the applicant.

The application did not receive any submissions during the notification period. Despite this the application is reported to Council for determination in the public interest.

It is acknowledged that some parts of Stanley Street may warrant significant redevelopment at some point in the future, including two storey dwellings, given the proximity of these areas to the CBD, the pressure to increase dwelling density in parts of the City, the possibility to capture impressive views and their proximity to the public open space and recreation corridor along the Macquarie River. However, this particular proposal in this particular location does represent a significant departure from the existing character of this important precinct.

Under the circumstances, Council staff are unable to support the proposal in its current form and consequently recommend refusal.



### The Site

Council has received a Development Application (DA) for additions and alterations to the existing dwelling at 6 Stanley Street, described as Lot C DP 337737 with an area of 392m<sup>2</sup>. A location plan and aerial photo are provided at **attachment 1**.

The subject site contains a single storey dwelling and detached garage. The dwelling is north facing, overlooking the Macquarie River Bicentennial Park and the Flagstaff. The building is an inter war 1930's building, of rendered masonry walls and tiled roof consistent with nearby dwellings. The site is adjacent to The Domain car park.

The site is located within the Heritage Conservation Area. The existing building is not listed as a significant item but contributory to the existing street character.

### The proposal

The proposal involves:

- Partial demolition involving the entirety of the existing roof structure and rear kitchen, laundry and verandah;
- Extending the ground floor dining, laundry and kitchen areas;
- Adding a two storey component creating four additional bedrooms, kitchenette, family room, bathroom and verandah;
- Replacement of roof tiles with colorbond iron roof sheeting.

The proposed plans are at **attachment 2**.

Dual occupancies are not permissible on this site on the basis of its insufficient land size. The intention is that the building functions as a single dwelling, albeit distinct areas have a degree of shared facilities.

The application was lodged with a set of plans but without a Statement of Environmental Effects nor a summary of the impact of the proposed development on the streetscape generally and heritage character of the specific locality.

Following discussion with Council staff, the applicant has subsequently submitted two documents to support the application, namely an assessment of the "bulk and scale" of the development and a Statement of Environmental Effects. Both of these documents are provided at **attachment 3**.

### Planning Context

#### *Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. Additions to dwellings are permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

### **Clause 4.3 Height of Buildings**

The *Height of Buildings Map* indicates the maximum building height for the subject property is 9.0 metres. The proposed building will have an overall height of approximately 7.9 metres.

### Clause 5.10 Heritage Conservation

Clause 5.10(4) of Bathurst Regional Local Environmental Plan 2014 requires Council to consider the effect of the proposed development on the heritage significance of the Heritage Conservation Area.

The site is located within the Bathurst Heritage Conservation Area. The existing dwelling is not individually listed as a heritage item but is considered to be contributory within the streetscape.

The application has provided only a limited amount of information in terms of the how this development fits within the streetscape. There remains a concern that the development does not sit comfortably within the streetscape due to its bulk, size and scale and its inconsistency with the heritage features within the locality. The proposal intends to add several bedrooms and a kitchenette in a second floor that will occupy a large portion of the site and side and front elevations, the applicant suggesting this will not adversely impact on heritage and the immediate vicinity of the streetscape.

*Bathurst Regional Development Control Plan 2014*

### Chapter 2 – Exhibition and Notification of Development Applications

The Development Application was notified to adjoining property owners from 1 March 2018 to 12 March 2018. Following the notification period, no submissions were received.

### Chapter 4 – Residential Development

An assessment of the development against the principal development standards in Chapter 4 of Council's DCP is provided below. With the exception of the Minimum Lot Size, the development is otherwise compliant.

Development Standard	Required	Proposed	Compliance
Minimum Lot Size	550m <sup>2</sup>	392m <sup>2</sup>	NO*
Height	9.0 metres – two storeys	7.9 metres	YES
Setback - Front	Must complement existing		YES
Setback - Side	As per BCA	As per BCA	YES
Setback – rear	As per BCA	As per BCA	YES
Car parking	1 covered space	1 covered car space	YES
Private open space	Minimum 50m <sup>2</sup> for four bedroom dwellings	Approximately 104m <sup>2</sup>	YES
Driveway width	Minimum 3.0 metres	3.0 metres	YES
Private open space width	Minimum 4.0m wide	8.0 metres, approximately.	YES

\* While the prescribed minimum lot size for a single dwelling is 550m<sup>2</sup> and the subject site has an area of 392m<sup>2</sup>, the lot size is considered appropriate given that the proposal is for additions and alterations to the existing dwelling. It is the bulk and scale of the proposed additions that remain of concern.

### Chapter 10 Urban Design and Heritage Conservation

The applicant was requested to provide a Statement of Heritage Impact to address the

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underlying concerns relating to the impact of the development within the streetscape. Whilst there are many different tools to address these issues, the applicant was provided with a copy of the *NSW Heritage Office Guidelines for Infill Development in the Historic Environment* as a basis for guiding the assessment of the development. This document provides guidance in terms of character, scale, form, siting, materials and colour and detailing when dealing with developments in a Heritage Conservation Area. The Heritage Office Guidelines are consistent with those matters that would typically be dealt with by a Heritage Impact Statement under Section 10.3.3 of Council's DCP. The intention was to provide a detailed discussion on the design and the impact the development will have on the heritage streetscape and contributory significance of the building.

### Character

The existing dwelling on the site forms part of the contributory inter-war (1930's) housing stock in this locality. The existing low rise streetscape in its current form provides a harmonious setting complementary to the public open space of the Macquarie River Bicentennial Park.

Whilst 2 storey developments can sit comfortably within a heritage streetscape, this is largely a factor of the development occurring on the surrounding land. In this particular case there is a strong dominance of single storey developments in the locality along Stanley Street. Whilst there are examples of 2 storey developments in the locality (e.g. 1 George Street) there is a general consistency of single storey housing stock.

It is acknowledged that there is the potential for this area of Stanley Street and William Street to undergo renewal over time given its proximity to the CBD, and the relative significance of much of the existing housing stock. This is likely to include more two storey dwellings to take advantage of the northerly aspect and the views across the open space and floodplain to the hills beyond. Notwithstanding this, it is very important to create an appropriate bulk and scale to complement surrounding single storey buildings. The proposal in its current form is bulky with minimal articulation and in the opinion of Council staff will not enhance the streetscape.

Streetscape impressions are often used to portray a proposed development within the context of its surroundings. With the limited streetscape assessment being provided by the applicant, Council has prepared sketches that portray the proposed development relative to the immediate adjacent streetscape, refer **attachment 4**. The applicant was asked to provide this information, but advised the large frontage would result in an unreasonable scale that would be illegible. **Attachment 4** demonstrates the implication of the proposed development adjacent to a modest building and car park.

### Bulk and scale

Due to the concerns expressed about the bulk and scale of the development it is necessary that this be put into some context. The Land and Environment Court Planning Principles (Veloshin v Randwick Council [2007] NSWLEC 428) provides some guidance to decision makers in relation to assessment of bulk and scale as follows:

*Planning principle: assessment of height and bulk*

The appropriateness of a proposal's height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks. The questions to be asked are:

*Are the impacts consistent with impacts that may be reasonably expected under the*

*controls?* (For complying proposals this question relates to whether the massing has been distributed so as to reduce impacts, rather than to increase them. For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.)

*How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?*

Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are:

*Does the area have a predominant existing character and are the planning controls likely to maintain it?*

*Does the proposal fit into the existing character of the area?*

Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is:

*Is the proposal consistent with the bulk and character intended by the planning controls?*

Where there is an absence of planning controls related to bulk and character, the assessment of a proposal should be based on whether the planning intent for the area appears to be the preservation of the existing character or the creation of a new one. In cases where even this question cannot be answered, reliance on subjective opinion cannot be avoided. The question then is:

*Does the proposal look appropriate in its context?*

*Note: the above questions are not exhaustive; other questions may also be asked.*

The Heritage Office Guidelines provide the following definitions to bulk and scale.

*Bulk is the combined effect of the arrangement, volume, size and shape of a building or group of buildings*

*Scale is the size of a building and its relationship with its surrounding buildings or landscape.*

The proposed development introduces the two storey element at the front building line and covers the entirety of the existing structure as well as further extension to the rear. Development in the immediate vicinity includes the single storey dwelling at 4 Stanley Street and the Domain carpark. The net result of this is that the development will be seen in isolation from other development with limited shielding by surrounding development. It therefore will be seen as a dominant feature within the streetscape and does not relate to the adjoining sites.

The Bulk and Scale Information provided by the applicant, **attachment 3**, states that there are "no heritage buildings in this section of Stanley Street". Whilst it is acknowledged that there are no heritage items in the immediate vicinity there are a number of contributory buildings in this section of Stanley Street that provide a level of significance within the streetscape. The loss of contributory buildings or in this case the significant alteration to a contributory building would have a detrimental impact on the heritage significance of

Bathurst. The objective of Chapter 10 of the Bathurst Regional DCP 2014 is to protect significant streetscapes and enhance a sense of identity and place.

Further, the proximity of the site to the important public space of Bicentennial Park means the development will be highly visible to the public from multiple vantage points.

### Form

The Heritage Office Guidelines provide the following definitions for the form of a building.

*Form – the form of a building is its overall shape and volume and the arrangement of its parts.*

The proposal does not relate to the neighbouring building at 4 Stanley Street. The building, in its current form, has similar roof heights, eave heights, roof colour and material that presents as a consistent streetscape. The loss of these elements will have a significant impact on the streetscape. The proposal being 2 storeys over its entirety will dominate the streetscape, detracting from all other contributory buildings that form the heritage significant streetscape.

The Domain Carpark, adjacent to the site, increases the dominant appearance of the proposal. The carpark is open and wide, providing no covering ability to the proposal.

### Siting

The building maintains the existing footprint of the existing dwelling with further extension to the rear.

### Materials and colour

The proposal involves the removal of roof tiles and replacement with colorbond roof sheeting. The roof tiles are an excellent example of this period of building and roof tiles provide consistency of materials for the dwellings at 4, 10 and 12 Stanley Street, as well as buildings in William Street. The loss of the tiles will be incompatible with the surrounding area and the building in its context. The tiles reflect the architecture and affluence of the time, which today contribute to a sense of place.

It is further noted that Council has historically had discussions with the owners of 4 Stanley regarding the replacement of roof tiles. Council encouraged the owners of 4 Stanley to retain the existing roof tiles as it is representative of the age and style of the building.

### Detailing

The proposed aluminium windows and colorbond roofing are not typical for the period of the existing buildings. Detail of materials used can have a negative impact on the appearance of a building, and these features are not supported.

Whilst the balcony and 25 degree roof pitch are good elements and present articulation on the façade, they are insufficient on their own to warrant support of the development.

### Conclusion

The proposed development seeks consent for additions and alterations to the dwelling at 6 Stanley Street, Bathurst.

The alterations and additions would result in a bulk and scale that is incompatible with the existing streetscape and locality, an adverse impact on the Heritage Conservation Area and a poor urban design outcome. The proposed development does not relate to adjoining properties or consider the scale of the building within the streetscape and its proximity to Bicentennial Park. The loss of terracotta tiles would be disappointing to the period and style of the building.

Whilst there is typically no outright objection to two storey dwellings in the Heritage Conservation Area, specific design elements must be considered carefully and within the context of the neighbouring area. Introducing larger buildings into streetscapes has an impact on the character of that streetscape, and the significant history surrounding it.

### **Financial Implications**

Nil.

### **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 28.8

### **Community Engagement**

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