



ORDINARY MEETING OF
COUNCIL FOLLOWING POLICY
COMMITTEE

27 May 2015

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 3 June 2015

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 3 June 2015 commencing immediately following the conclusion of the Policy Committee/Discussion Forum which commences at 6 pm.

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, 3 JUNE 2015

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 DIRECTORS' REPORTS

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

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|---|
| 1 | VARIATION TO MANGANESE REMOVAL PROJECT | 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

MINUTE

1 MEETING COMMENCES

Present: Councillors Rush (Chair), Bourke, Coote, Hanger, Jennings, Morse, North, Westman.

MINUTE

- 2 **APOLOGIES**
MOVED: Cr B Bourke SECONDED: Cr M Coote

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

MINUTE

- 3** **DECLARATION OF INTEREST 11.00002**
 MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That the Declaration of Interest be noted.

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

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

3 JUNE 2015

1 MODIFICATION TO DEVELOPMENT APPLICATION NO 2013/0445 - ALTERATIONS FOR USE AS A RESPITE COTTAGE (10 WILLIAM STREET), PARTIAL DEMOLITION AND ADDITIONS AND ALTERATIONS FOR USE AS RESPITE COTTAGE (12 WILLIAM STREET), DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF INCLUSION CENTRE AND ADMINISTRATION (16 WILLIAM STREET, BATHURST. APPLICANT: HINES CONSTRUCTIONS PTY LTD OWNER: MR S & MRS T BENNETT (DA/2013/0445)

Recommendation: That Council:

- (a) as the consent authority, grant consent to the modification of Development Application No. 2013/0445 made under Section 96(2) of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i) Prior to the issue of the Construction Certificate the applicant is to submit to Council for approval amended plans for the front façade and visible side returns of the proposed building showing ashlar rendering below the window line and face brickwork above the window line;
 - ii) Prior to the issue of the Construction Certificate the applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused);
- (b) notify those that made submissions of its decision; and
- (c) call a division.

Report: Council has received an application to modify Development Application (DA) 2013/0445.

The original proposal comprised the following:

1. Alterations for use as a respite cottage (10 William Street);
2. Partial demolition and additions and alterations for use as respite cottage (12 William Street); and
3. Demolition of existing dwelling and construction of inclusion centre and administration building (16 William Street).

The modification solely relates to 12 William Street. The development as currently approved for 10 William and 16 William is unaffected.

The site

The subject land comprises:

- 10 William Street, Lot B, DP 319256;
- 12 William Street, Lot A, DP 319256 & Lot 1, DP 1101797; and
- 16 William Street, Lot A, DP 366434.

(see location plan at [attachment 1](#)).

The original proposal - 12 William Street

The original proposal approved by Council included:

- the demolition of the rear portion of the dwelling at 12 William Street;
- the retention of its front façade and side returns;
- new additions to the rear; and
- the use of the building as a respite cottage.

The modified proposal

The modification seeks consent for the complete demolition of the dwelling at 12 William Street (demolition of the remaining front façade and side returns) and the subsequent construction of a replacement building for use as a respite cottage. The façade of the replacement building will replicate that of the existing building.

The modification solely relates to 12 William Street. The development as currently approved for 10 William and 16 William is unaffected.

See plans of the modified proposal at [attachment 2](#).

See Modification Report at [attachment 3](#).

See Statement of Environmental Effects at [attachment 4](#).

See Statement of Heritage Impact at [attachment 5](#).

Advertising and notification

In accordance with the Chapter 2 - *Exhibition & Notification of Development Applications* in the Bathurst Regional Development Control Plan 2014, the proposed modification was advertised and notified to adjoining property owners between 4 May 2015 and 18 May 2015.

During the advertising and notification period one submission was received from the National Trust.

See copy of the National Trust submission at [attachment 6](#).

Following receipt of the submission Council officers discussed the National Trust's submission with the Chairperson, Mr Iain McPherson, and it was determined that the National Trust would not object to the modified development proposal if the applicant were to agree to use "ashlar" rendering below the window line and face brickwork above the window line and reuse existing materials wherever possible.

The applicant has agreed to use ashlar rendering below the window line and face brickwork above the window line and reuse existing materials wherever possible. A condition to this effect has been included in the recommendation and will be included in the consent should the application be approved.

On the basis of these discussions, the National Trust did not wish for their submission to proceed to a formal Discussion Forum.

Planning Context

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned R1 General Residential under the Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014).

The proposed development is permissible with consent in the R1 General Residential zone. The proposal is not inconsistent with the objectives of the zone.

5.10 Heritage Conservation

The site is located within the Bathurst Heritage Conservation Area. The existing dwelling is not individually listed as a heritage item.

Clause 5.10(4) of BRLEP 2014 requires Council to consider the effect of the proposed development on the heritage significance of the heritage conservation area.

Inspections of the property by Council's officers and Council's Heritage Advisor confirms that given the current state of the building, retention and repair is not an option without complete demolition of the remaining structure and its reconstruction.

In its place will be a new building which replicates/rebuilds the existing features of the front of the original dwelling.

The site is identified as being of high archaeological potential on Map 35 of the Early Government Settlement Map in the Bathurst Regional Development Control Plan 2014. The applicant applied to the Heritage Council of NSW for an exception from the need for an excavation permit and this exception was granted on 23 October 2014 in accordance with section 139(4) of the Heritage Act 1977.

The proposed re-building of the dwelling will result in a structurally sound building that reflects the character of the existing dwelling. Whilst the existing dwelling has a high BCAMS rating, the building in its current state will require significant reconstruction work which will ultimately alter the original fabric. The proposed development is a positive outcome on the site that will ensure the character and streetscape of the dwelling is maintained.

Bathurst Regional Development Control Plan 2014

Chapter 10 Urban Design & Heritage Conservation

Statement of Heritage Impact

A Statement of Heritage Impact has been prepared in accordance with Section 10.3.3 of the Bathurst Regional Development Control Plan 2014 (see copy of Statement of Heritage Impact at **attachment 5**).

Structural Assessment

The applicant engaged a structural engineer from Calare Civil to assess the remaining structure at 12 William and make recommendations in relation to its possible retention. Calare Civil recommended that the remainder of the dwelling be demolished.

In an attempt to find a solution that would enable retention of the façade and side returns the

applicant subsequently engaged a structural engineer from Geolyse to assess the remaining structure and make recommendations. Geolyse provided the applicant with a report that detailed the following essential repairs necessary to retain the remainder of the dwelling:

- *Provide a new portable steel frame to support existing walls. This will require its own foundation.*
- *The existing footings will have to be extensively underpinned.*
- *Temporary support will be required for the façade during construction.*
- *Install a new roof including new trusses, sheeting, guttering and ceilings.*
- *A vapour barrier will need to be installed in the walls, to stop moisture rising and causing rising damp.*
- *The floor will need to be replaced.*

While Geolyse did not provide an estimated cost for the above works they did stress that “the cost and technical difficulty of this work should not be underestimated”.

The Geolyse report concluded that:

The house at 12 William Street Bathurst is in very poor condition. Retaining and restoring it would be an expensive, difficult and time consuming exercise. The cost of repairing and upgrading the building would be very high and must be weighed against the heritage value of the building.

See Calare Civil letter and Geolyse report in the Modification Report at **attachment 3**.

Historical Assessment

An Historical Assessment has been prepared by the Bathurst & District Historical Society and is included in the Statement of Heritage Impact.

See Historical Assessment in the Statement of Heritage Impact at **attachment 5**.

Bathurst Conservation Area Management Strategy (BCAMS)

In order to assess the conservation significance of the dwelling proposed for demolition an assessment under the *Bathurst Conservation Area Management Strategy* (BCAMS) was undertaken in consultation with Council’s Heritage Advisor.

The following table provides a summary of the assessment.

| | |
|----------------------------|---|
| Date of construction | 1920s |
| BCAMS results: | |
| Integrity | Altered unsympathetically – reversible |
| Streetscape Rating | Contributory |
| Heritage Significance | Historically significant in a local context (1900 – 1920s) |
| Overall Rating (out of 10) | 7 |

Despite the high BCAMS rating, the very poor condition of the building means that repair

and retention is not feasible. As the rating remains high the best outcome is considered to be demolition and reconstruction with a design and scale that reflects the original building.

Submissions

In accordance with the Chapter 2 - *Exhibition & Notification of Development Applications* in the Bathurst Regional Development Control Plan 2014, the proposed modification was advertised and notified to adjoining property owners between 4 May 2015 and 18 May 2015. During the advertising and notification period one submission was received from the National Trust.

Conclusion

Council has received an application to modify Development Application 2013/0445. This Development Application was for alterations for use as a respite cottage (10 William Street); partial demolition and additions and alterations for use as a respite cottage (12 William Street); and demolition of existing dwelling and construction of inclusion centre and administration building (16 William Street). The modification seeks to completely demolish the existing dwelling at 12 William Street. The complete demolition of the dwelling at 12 William Street is supported for the reasons outlined in this report.

Financial Implications: Nil

Bathurst 2036 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

MINUTE

4 Item 1 MODIFICATION TO DEVELOPMENT APPLICATION NO 2013/0445 - ALTERATIONS FOR USE AS A RESPITE COTTAGE (10 WILLIAM STREET), PARTIAL DEMOLITION AND ADDITIONS AND ALTERATIONS FOR USE AS RESPITE COTTAGE (12 WILLIAM STREET), DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF INCLUSION CENTRE AND ADMINISTRATION (16 WILLIAM STREET, BATHURST. APPLICANT: HINES CONSTRUCTIONS PTY LTD OWNER: MR S & MRS T BENNETT (DA/2013/0445)

MOVED: Cr I North SECONDED: Cr M Morse

RESOLVED: That Council:

- (a) as the consent authority, grant consent to the modification of Development Application No. 2013/0445 made under Section 96(2) of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:
- i) Prior to the issue of the Construction Certificate the applicant is to submit to Council for approval amended plans for the front façade and visible side returns of the proposed building showing ashlar rendering below the window line and face brickwork above the window line;
 - ii) Prior to the issue of the Construction Certificate the applicant is to submit to Council for approval a schedule of materials, colours and finishes (including details of original materials being reused);
- (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 B Bourke, Cr M Coote, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr W Aubin,

Abstain - Nil

Yours faithfully



D R Shaw

DIRECTOR

ENVIRONMENTAL, PLANNING & BUILDING SERVICES

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND MINUTES

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

3 JUNE 2015

1 REQUEST FOR FINANCIAL ASSISTANCE - SHINE FOR KIDS (18.00004)

Recommendation: That Council:

- (a) Provide space for Shine for Kids at the Hector Park precinct, Bathurst (area near the playground, adjacent the gaol complex) to allow the building of the "Welcome Walk" pathway, (consisting of 150 bricks).
- (b) Provide sponsorship, at paver sponsorship level, of \$1,000 towards the project, to be funded from Equity.

Report: Council has received a request from Shine for Kids in relation to the Breaking the Cycle program (see **attachment 1**). The group is seeking financial support for the program following the axing of community funding as a result of government restructuring.

The organisation has requested three types of support:

- (a) Inviting Council to lend its support to the campaign with logo/branding featured on all material as a project partner;
- (b) Council provide a space on which the pathway can be built (150 bricks in total) - support to double as a family day out event/bbq/entertainment, etc; and
- (c) Financial support from Council either a Gold (\$10,000), Silver (\$5,000) or Bronze (\$2,500) sponsorship level.

It is recommended that Council provide space for Shine for Kids at the Hector Park precinct, Bathurst (area near the playground, adjacent the gaol complex) to allow the building of the "Welcome Walk" pathway (consisting of 150 bricks) and that Council become a paver partner at a cost of \$1,000. This work to be funded from Equity.

Financial Implications: Council to provide space at the Hector Park precinct suitable for this project. Funding to be provided from Equity as there are currently no funds remaining in the Section 356 vote.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 23: To encourage a supportive and inclusive community. Strategy 23.1
- Objective 30: To identify the needs of the community and encourage and support communication, interaction and support within the community. Strategy 30.3

MINUTE

5 Item 1 REQUEST FOR FINANCIAL ASSISTANCE - SHINE FOR KIDS
(18.00004)

MOVED: Cr B Bourke SECONDED: Cr G Westman

RESOLVED: That Council:

- (a) Provide space for Shine for Kids at the Hector Park precinct, Bathurst (area near the playground, adjacent the gaol complex) to allow the building of the "Welcome Walk" pathway, (consisting of 150 bricks).
- (b) Provide sponsorship, at paver sponsorship level, of \$1,000 towards the project, to be funded from Equity.

Yours faithfully



R Roach
DIRECTOR
CORPORATE SERVICES & FINANCE

DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

3 JUNE 2015

1 NETWASTE CONTRACT FOR COLLECTION AND RECYCLING SCRAP METAL - EXTENSION (14.00007)

Recommendation: That Council authorise the General Manager to extend the contract for the collection and recycling of scrap metal for the period of 12 months from 25 July 2015, for a maximum of two periods.

Report: In June 2013 Council tendered with Netwaste on behalf of 23 Councils for the Regional Collection and Recycling of Scrap Metal (Netwaste Tender 145/534/984/1).

Since that time Sims Metal Management has performed the work required in accordance with the contract and has met Council's requirements. NetWaste has canvassed staff from all Councils involved along with SIMS who all agree to the proposed 12 month contract extension.

This was provided for in the tender documents and in the report to Council:

“The purpose of this report is to seek Council’s endorsement to engage a contractor for an initial two (2) year period to collect and recycle scrap metal collected from the Council facilities throughout the region with the possibility of extension periods of twelve months, which can occur on two successive occasions.”

Accordingly, it is recommended that Council approve the extension of time to the above contract for the period 25 July 2015 to 26 July 2016 for the collection and recycling of scrap metal. Further consideration of a second (final) 12 months extension will be made next year, and advice will be given to the General Manager at that time.

Financial Implications: This contract provides for income for Council from the scrap metal being processed.

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 13: To minimise the City’s environmental footprint. Strategy 13.2
- Objective 16: To encourage sustainable waste management practices, incorporating opportunities for energy generation. Strategy 16.1

MINUTE

6 Item 1 NETWASTE CONTRACT FOR COLLECTION AND RECYCLING SCRAP METAL - EXTENSION (14.00007)

MOVED: Cr G Westman SECONDED: Cr I North

RESOLVED: That Council authorise the General Manager to extend the contract for the collection and recycling of scrap metal for the period of 12 months from 25 July 2015, for a maximum of two periods.

Yours faithfully



Doug Patterson
**DIRECTOR
ENGINEERING SERVICES**

MINUTE

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

MOVED: Cr B Bourke 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 ENGINEERING SERVICES' REPORT**

| ITEM | SUBJECT | REASON FOR CONFIDENTIALITY |
|------|--|---|
| 1 | VARIATION TO MANGANESE REMOVAL PROJECT | 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' CONFIDENTIAL MINUTES

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

3 JUNE 2015

MINUTE

- a **Item 1 VARIATION TO MANGANESE REMOVAL PROJECT (16.00103)**
MOVED: Cr M Coote SECONDED: Cr I North

RESOLVED: That Council

- (a) determine that in the case of the Manganese Removal Project, a satisfactory result would not be achieved by inviting tenders for the Backwash Filter Water Pipe due to the relatively short period involved, the number and scale of risks involved in having multiple contractors in a complex and congested area, and the knowledge that there is already an existing contractor on site prepared and able to safely complete the work for a reasonable price and,
- (b) approve a variation to the existing Manganese Removal contract, number 1301334 with EODO Pty Ltd, for \$231,335.25 (including GST), for the Backwash Filter Water Pipe.

MINUTE

- 8** **RESOLVE INTO OPEN COUNCIL**
MOVED: Cr M Coote SECONDED: Cr G Westman

RESOLVED: That Council resume Open Council.

MINUTE

9 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE
MOVED: Cr I North SECONDED: Cr J Jennings

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

MINUTE

10 MEETING CLOSE

The Meeting closed at 6.33 pm.

CHAIRMAN: _____.

Date: _____ **(17 June 2015)**