

28 March 2018

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -
Wednesday, 4 April 2018**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 4 April 2018 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 4 APRIL 2018

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 7 MARCH 2018

4. 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.

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

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

* DEVELOPMENT APPLICATION NO. 2017/448 – FIVE X TWO BEDROOM SELF CONTAINED UNITS AT 17 VINE STREET, SOUTH BATHURST. APPLICANT: HOUSING PLUS. OWNER: TRUSTEES ROMAN CATHOLIC CHURCH DIOCESE OF BATHURST

8. DISCUSSION FORUM OTHER - Nil

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

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

MINUTE

2 APOLOGIES

MOVED: Cr I North SECONDED: Cr B Bourke

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

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 7 MARCH 2018 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 7 March 2018 be adopted.

Report: The Minutes of the Policy Committee Meeting held 7 March 2018, are **attached**.

Financial Implications: N/A

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2

Community Engagement

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

MINUTE

- 3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 MARCH 2018 (07.00064)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the Minutes of the Policy Committee Meeting held on 7 March 2018 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 7 MARCH 2018

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

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

APOLOGIES

2 APOLOGIES
MOVED Cr I North and **SECONDED** Cr B Bourke

RESOLVED: That the apologies from Crs Morse & Rudge and the late arrival of Cr Aubin be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 6 DECEMBER 2017 (07.00064)
MOVED Cr B Bourke and **SECONDED** Cr J Fry

RESOLVED: That the Minutes of the Policy Committee Meeting held on 6 December 2017 be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002
MOVED Cr A Christian and **SECONDED** Cr B Bourke

RESOLVED: That the Declaration of Interest be noted.

Cr Aubin arrived at 6.04 pm.

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

Director Corporate Services & Finance's Report

5 Item 1 DELEGATIONS REGISTER (41.00088)
MOVED Cr I North and **SECONDED** Cr J Fry

This is page 1 of Minutes of the Policy Committee held on 7 March 2018

RESOLVED: That Council adopt the amended Delegations Register as tabled.

GENERAL BUSINESS

6 FLOODING, GILMOUR STREET (25.00031)

Cr Bourke - raised concerns about the channel being called a creek. Requests Council write to fisheries to get the "creek" changed back to a drainage channel. Requested more works occur in this location.

The Director Engineering Services advised any works requires a permit from fisheries due to the channel classification.

7 Item 2 TOUCH FOOTBALL FIELD UPGRADE (04.00033)

Cr Jennings - asked where this is up to?

The Director Engineering Services noted that fields are on a floodplain. Any works would need to be referred to future management plans.

The Manager Recreation advised currently collecting information from Touch Football to look at developing a master plan.

8 Item 3 ANGLED CAR PARKING (28.00006)

Cr Jennings - queried where the pilot project is up to.

The Director Engineering Services advised any further rollout would be subject to Traffic Committee approval, trial appears to be working. Any expansion of program would go through the Traffic Committee.

9 Item 4 CLEAR CREEK (25.00468)

Cr Jennings - spoke to condition of road and what works will occur to this Council Road.

The Director Engineering Services believes this is a private road and not a Council road.

10 Item 5 ROCKET STREET GIVE WAY AT BRIDGE (25.00024)

Cr Jennings - advised the signs are not visible enough, could larger signs be installed, or further warnings be put in place?

11 **Item 6 BMEC FACILITY REPLACEMENT (21.00061)**

Cr Jennings - requests Council look at constructing a new facility. Notes another \$4 billion will be going to infrastructure in New South Wales, further NSW Arts Funds and the NSW Infrastructure Plan is being developed. This creates the opportunity to attract funds. Noted issues about the available space in the Administration building.

Meeting was suspended at 6.19 pm for the commencement of the Discussion Forum.

General Business resumed at 6.45 pm following the conclusion of the Discussion Forum.

12 **Item 7 RAISING CHIFLEY DAM WALL (32.00006)**

Cr Aubin - asked has this matter progressed?

The Director Engineering Services advised a report on water security is being prepared.

13 **Item 8 HEREFORD/GILMOUR STREET ROUNDABOUT (25.00031)**

Cr Aubin - advised there are major problems there of an afternoon. Could a plan be developed for this.

The Director Engineering Services advised that the Kelso Traffic Study recommends traffic lights. Funding for design will be recommended in 2018/2019 budget.

14 **Item 9 GEORGE/DURHAM STREET LIGHTS (25.00089)**

Cr Aubin - advised there are major problems with the light timing. Have raised a number of complaints with RMS on the phasing. Apparently Telstra need to do works to facilitate this. Requested a letter be sent to Telstra.

15 **Item 10 STATE GOVERNMENT FUNDING (16.00119)**

Cr Aubin - requested a Working Party be held to discuss projects.

16 **Item 11 SOCCER FIELDS - DUGOUTS (04.00044)**

Cr Aubin - advised that the Dugouts need replacing at this location.

17 **Item 12 ROADSIDE SIGNAGE ON TRAILERS (23.00045)**

Cr Aubin - noted new legislation introduced recently. There is a run of signs going up, it is very messy. Do people come and ask for signs to go up?

The Director Environmental, Planning & Building Services advised there is a Council Policy in place, which is fairly robust.

18 **Item 13 TREE REMOVAL (13.00019)**

Cr Fry - spoke to issues of medium density buildings and removal of trees. Bathurst needs all the trees it can get. Could the S:94 funds include a levy on people who remove trees?

19 **Item 14 RECYCLING (14.00008)**

Cr Fry - spoke to concerns about recycling and the future of this. Can staff look at ways of using recycling materials? For example, sourcing new industries in this area.

20 **Item 15 CSP 2040 PLAN (03.00180)**

Cr Fry - spoke to timelines to put submissions in.

21 **Item 16 CHANNEL OFF GILMOUR STREET (25.00031)**

Cr Fry - spoke to concerns raised by Cr Bourke. Could be addressed through water sensitive urban design being built into new developments.

22 **Item 17 BRIDLE TRACK CONDITION (25.00283, 25.00529)**

Cr Fry - asked have the engineers looked at the condition of Root Hog Road?

The Director Engineering Services advised that regular observational maintenance is undertaken of both the Bridle Track and Root Hog Road.

Cr Fry - requested that the Root Hog Road river crossing be reviewed.

23 **Item 18 COUNCIL INVESTMENTS (16.00001)**

Cr Fry - asked have we reviewed our investment portfolio.

The Director Corporate Services & Finance advised report is being prepared.

24 **Item 19 CCTV FUNDING (16.00145)**

Cr Christian - asked where are we at?

The Director Cultural & Community Services advised Council has two applications in for funds, one to the Government and one within the Council budget, each at \$270,000.

25 **Item 20 AQUA PARK (32.00005)**

Cr Christian - asked where this proposal is up to?

The Director Environmental, Planning & Building Services advised staff have been working with the proponent on what data would be needed. Two government departments have requested to be involved. Awaiting further detail from the proponent.

26 **Item 21 HOWICK/GEORGE STREET INTERSECTION (25.00006)**

Cr Christian - asked where is Council at with respect to funding? Has this project been pushed back?

The Director Engineering Services advised the design is due this month, will then go to Traffic Committee. Funds will be proposed in the 2018/2019 budget. Project has been deferred due to other priorities and available resources.

27 **Item 22 SUTTOR/MITRE/LAMBERT STREET INTERSECTION (37.00593, 25.00095)**

Cr Christian - asked when funds are made available are we ready to go?

The Director Engineering Services advised design is being finalised, awaiting advice on Black Spot funding. When funding is made available works will be scheduled.

28 **Item 23 GREAT WESTERN HIGHWAY/GILMOUR STREET (25.00018)**

Cr Christian - advised that just up from the traffic lights at Sydney Road/Gilmour Street a section of the medium strip is overgrown. Can this be looked at.

The Director Engineering Services advised will follow up with RMS.

29 **Item 24 HOUSE NUMBERS ON GUTTERING (20.00006)**

Cr Christian - Emergency services are having difficulty identifying house numbers, can we do something.

The Director Engineering Services advised residents can paint numbers on if they require. No funds provided for City wide roll out.

30 **Item 25 ROADSIDE SIGNAGE (23.00045)**

Cr North - noted matter raised by Cr Aubin, does show there are some issues. Could Council look at a policy?

31 **Item 26 TREES IN BATHURST (13.00019)**

Cr North - noted that experience of Council is that many more trees are going in than are being removed.

32 **Item 27 BLACK SPOT FUNDING (16.00023)**

Cr North - queried whether if work commences before grant is approved is it then

forfeited.

The General Manager advised if works commence before grant approved, then Council cannot access monies.

33 **Item 28 GEORGE/DURHAM LIGHTS (25.00089)**

Cr North - agrees that light phasing is a problem at this intersection.

34 **Item 29 BMEC LOCATION (21.00061)**

Cr North - could BMEC be relocated to the RSL carpark location?

35 **Item 30 AERODROME (21.00044)**

Cr North - spoke to importance of the Aerodrome and current facilities out there. Need to look at what upgrades are needed, particularly enlarging terminal and putting in security. Would also fit in with needs of car race clients. Please review master plan and also review fees and charges. Requests a report to come back.

36 **Item 31 BMX TRACK (04.00083)**

Cr North - could a report come back on works that could be undertaken to address issues that are being experienced?

37 **Item 32 LIVE STREAMING OF MEETINGS (11.00005)**

Cr North - Council should look at implementing this.

38 **Item 33 TRAFFIC LIGHTS (25.00006)**

Cr North - Russell/William and Howick/William are working really well. Feels this should be looked at for George/Howick intersection. Raised concerns at intra-blocks crossings in the CBD where there are no traffic lights.

39 **Item 34 O'REGANS ROAD BRIDGE AND HOLLIS LANE (25.00453, 25.00114)**

This is page 7 of Minutes of the Policy Committee held on 7 March 2018

Cr North - queried works for 2018/2019.

The Director Engineering Services advised culvert on O'Regans Road in in budget for next year. No funds for Hollis lane at this time.

40 **Item 35 AUSTRALIA DAY EVENTS (23.00033)**

Cr North - noted the City has a lot of heritage and history. Requests a report on upgrading this Event for next year.

41 **Item 36 BRIDLE TRACK (25.00283)**

Cr North - suggested if cannot reinstate, can we look at making it a walking track? Spoke to alternate route around the bluff.

The Director Engineering Services advised that the same safety issues exist. Have looked at alternative route, but not progressed at this time.

42 **Item 37 PROCTOR PARK (04.00044)**

Cr North - advised Police Paddock recently has been excellent, a lot of effort has gone in by Council and the clubs (soccer/cricket). New grounds going in, need to find funds for replacing technical shelters and seating. Please carry out works.

43 **Item 38 QANTAS PILOT SCHOOL (21.00038)**

Cr North - queried are we looking at this, requests a report come back to Council.

44 **Item 39 JOSS DEVELOPMENT SITE - DAIRY FARMERS (2012/0518)**

Cr North - asked are we doing anything to attract industry to this site.

The Director Environmental Planning & Building Services advised actions are occurring.

45 **Item 40 CBD WI FI PROJECT (20.00315)**

Cr North - asked will this go out to tender?

The Director Corporate Services & Finance advised works will go to tender.

46 **Item 41 CARDIOLOGY DEPARTMENT, DURHAM STREET; PEEL/PIPER STREET DEVELOPMENTS (2017/46)**

Cr North - requests information be provided to him due to access concerns raised.

47 **Item 42 ROAD SYSTEM PLANNING (28.00017)**

Cr North - Council needs to look at plan for future road needs of the City. Requests a report to come back to Council.

The meeting closed at 7.38 pm.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

48 **Item 1 DEVELOPMENT APPLICATION NO. 2017/403 – PARTIAL CHANGE OF USE TO OFFICE PREMISES AND SIGNAGE & DEVELOPMENT APPLICATION 2018/5 – PARTIAL CHANGE OF USE TO TAKEAWAY FOOD PREMISES – 125 RUSSELL STREET. APPLICANT: BENJAMIN NEWMAN. OWNER: BMN PTY LTD (DA/2017/405 and 2018/5)**

Discussion included:

Andrew Stewart – on behalf of the applicant

Spoke on behalf of the development and is a user of the space. Is a Sydney based lawyer and it gives the opportunity to meet with clients. The proposed hole in the wall coffee shop will add to the amenity of the area. Spoke to issues raised by objectors; operating without consent; car parking is ample; access to right of way is not restricted and there are no locks on the gates; glare from glass tiles is minimal and not an issue; the fence is 2.1m high and complies with Council requirements; character of building is maintained.

Rev T Stuart – 127 Russell Street

Has made submissions to Council about the development. It would be reprehensible to approve the DA due to the behaviours of the owner. Was not made aware of the development and had no opportunity to see implications and have input. Various comments were made about the relationship with the

proponent. The work has had significant impact on Mr Stuart's property and has blocked right of way access and has been done without any notice. Also noted Dividing Fence movement costs and removal of fences by the proponent. The proponent refuses to meet and resolve problems, tried to get community hearings and the proponent would not acknowledge or attend. Referred to building (structural) problems that exist with the proponent's development.

EXTENSION OF TIME

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

RESOLVED that an extension of time be granted.

David Morris – adjoining property owner

Endorses everything that Rev Stuart has said, everything Andrew Stewart said is wrong, eg; has photos to show locks on the gates. Expressed concern that development has commenced prior to approval. Raised concerns was not notified about the development, does not understand why Council did not notify neighbours. The Private Certifier, does he give the occupation certificate? How can this occur as much of the development does not meet the Building Code. Requests Council deny the DA due to parking problems, belligerent disregard of the law.

Bob Trimming – BRAC Chairman

Spoke to access issues. The proponent has provided 100% support to access issues raised. Only issue is being aware of what is the main access, it is not on Russell Street, just needs a sign to direct people to where the main access, which is accessible, is located. The Access Committee is satisfied with the development.

MEETING CLOSE

49 **MEETING CLOSE**

The Meeting closed at 7.38 pm.

CHAIRMAN: _____

MINUTE

4 DECLARATION OF INTEREST 11.00002
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

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

POLICY COMMITTEE

4 APRIL 2018

1 NAMING OF COUNCIL FACILITIES (20.00038)

Recommendation: That:

- (a) The number 2 field at Ann Ashwood Park be named as the John Maynard Field;
- (b) The newly constructed rugby league facility on Hereford Street be named as the Jack Arrow Sporting Complex; and
- (c) The clubhouse and grandstand area at the new rugby league facility on Hereford Street be named as the Dawson Holden Clubhouse.

Report: Council is in receipt of requests for the naming of a number of Council's sporting facilities, specifically:

- (a) Field 2 at Ann Ashwood Park;
- (b) The newly constructed rugby league complex on Hereford Street; and
- (c) The clubhouse and grandstand area at the new rugby league facility on Hereford Street.

Council has received a representation from the Bathurst Bulldogs Rugby Club to name the number 2 field at An Ashwood Park as the John Maynard Field.

Council has received a representation from the St Patrick's Rugby League Club to name:

- (a) The newly constructed rugby league complex on Hereford Street as the Jack Arrow Sporting Complex; and
- (b) The clubhouse and grandstand area at this complex as the Dawson Holden Clubhouse.

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

Bathurst 2036 Community Strategic Plan - Objectives and Strategies

- Objective 21: To support the provision of community services and facilities to meet the needs of specific community sectors and the community as a whole. Strategy 21.4
- Objective 23: To encourage a supportive and inclusive community. Strategy 23.7

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 NAMING OF COUNCIL FACILITIES (20.00038)
MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That:

- (a) The number 2 field at Ann Ashwood Park be named as the John Maynard Field;
- (b) The newly constructed rugby league facility on Hereford Street be named as the Jack Arrow Sporting Complex; and
- (c) The clubhouse and grandstand area at the new rugby league facility on Hereford Street be named as the Dawson Holden Clubhouse.

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

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

6 Item 1 SHOWGROUND NIGHT MARKETS - TRAFFIC CONTROL (23.00026)

Cr North - spoke to traffic control at Showground Night Markets. There was no fencing on Kendall Avenue, what happened? If procedures were not followed could we contact the Showground owners? Raised concerns of traffic control using drop off zones.

The Director Engineering Services advised no formal notification made to Council, so no referral to RMS of the Event.

MINUTE

7 Item 2 HOPE STREET, BATHURST HIGH SCHOOL (25.00058)

Cr North - advised Road needs repair. Could this be looked at please?

MINUTE

8 Item 3 LIVE STREAMING OF COUNCIL MEETINGS (11.00005)

Cr North - nothing has come back to Council following previous requests on this matter.

The General Manager noted there is a current review of the Code of Meeting Practice by the Office of Local Government and that this is addressing this matter.

MINUTE

9 Item 4 TREES AT PERTHVILLE PUBLIC SCHOOL 36.00624

Cr North - Understands trees are being removed from the park.

The Director Engineering Services advised that kerb and guttering and stormwater drainage works are occurring and the trees are in the drainage reserve and need to be removed.

MINUTE

**10 Item 5 LEARMONTH PARK HOCKEY FIELD #2 - ISSUE WITH SURFACE
(36.00652)**

Cr North - Asked what works are occurring and time frame to have finished?

The Director Engineering Services advised discussions are being held with the contractor to finalise works as soon as possible to ensure field is ready for scheduled tournament.

MINUTE

11 Item 6 POLICE PADDOCK, PROCTOR PARK (36.00643)

Cr North - Asked are the works on track for May usage?

The Director Engineering Services advised fields are still expected to be ready for May usage.

MINUTE

12 Item 7 TENNIS CLUBHOUSE (04.00013)

Cr North - Good to see money approved by State Government under Stronger Country Communities Fund Round 1. What is timing for works? Spoke to accessibility issues.

The Director Engineering Services advised Tenders will be called this Saturday. Building will be required to meet accessibility requirements.

MINUTE

13 Item 8 LIMEKILNS ROAD WORKS (25.00066)

Cr North - noted recent letter about safety concerns, understands significant funds have been spent in recent years.

The General Manager noted that in last 10-12 years \$2.4 million in capital works expended and over \$500,000 in maintenance.

MINUTE

14 Item 9 CARDIOLOGY BUILDING AND PEEL/HOWICK STREET DEVELOPMENT MATTERS (2017/46, 2016/131)

Cr North - How are these matters going?

The Director Environmental, Planning & Building Services advised a meeting being organised with owner of Bathurst Cardiology. Further noted, he understands some works are occurring at the Peel/Howick Street development to put in interim footpath access.

MINUTE

15 Item 10 CLOSURE OF ALAN MORSE PARK TOILETS WHEN FENCING PUT UP AT KENDALL AVENUE FOR EVENTS (23.00026, 04.00045)

Cr North - with these toilets closed, can we look at signage to advise people of nearest public toilets.

The Director Engineering Services advised Council is speaking to RMS about access and will also look at possibility of putting up signage in the area.

Meeting was suspended at 6.15 pm for the commencement of the Discussion Forum

General Business resumed at 6.45 pm following the conclusion of the Discussion Forum

MINUTE

16 Item 11 CITY BEAUTIFICATION

Cr Christian - Spoke to concerns down Stewart Street and Sydney Road. Can we contact RMS asking why islands have gaps and planting problems?

The Director Engineering Services noted this request.

MINUTE

17 Item 12 PARKS & GARDENS (23.00012)

Cr Christian - congratulated staff on fantastic parks and gardens.

MINUTE

18 Item 13 RUSSELL/HOWICK STREET INTERSECTIONS WITH GEORGE STREET (25.00011, 25.00006, 25.00007)

Cr Christian - asked if bushes could be cut back in these areas, as it is causing problems.

MINUTE

19 Item 14 MITRE/SUTTOR/LAMBERT STREET INTERSECTION (25.00095, 37.00593)

Cr Christian - what is timing of this work. Could we ensure there are crossings in any design.

The Director Engineering Services advised a report will come to the next Council meeting.

MINUTE

20 Item 15 SHOPPING TROLLEYS IN CBD (28.00006)

Cr Christian - This is unacceptable, action needs to be taken by large shops. Aldi has locks and there are no problems with their trolleys. Requests a report on impounding of trolleys over recent years. Also could we contact the companies to take action.

MINUTE

21 Item 16 COUNCILLOR DRUG TESTING (19.00089)

Cr Christian - asked why are staff being tested and not Councillors? Could a Policy be put in place?

MINUTE

22 Item 17 BLACK SPOT FUNDING (25.00095)

Cr Christian - noted local federal member has expressed concerns at the application by Council for the Mitre/Suttor/Lambert Street funding.

The Director Engineering Services & General Manager advised a letter has been sent to RMS seeking feedback and further discussions have been held with the local member.

MINUTE

23 Item 18 RECYCLING MATERIALS (14.00007)

Cr Fry - Could we do an assessment of value of recycling materials that are collected by Council. Spoke also to where construction waste is dumped. Would like a report of where we are at in this area.

MINUTE

24 Item 19 COUNCILLOR DRUG TESTING (19.00089)

Cr Fry - noted many persons are tested at their current work places already.

MINUTE

25 Item 20 CLIMATE CHANGE (04,00105)

Cr Fry - With temperatures being the way they are, could we expand the period the Olympic pool is opened. Could we look at solar heating.

The Director Engineering Services advised the matter is being reviewed at this time.

MINUTE

26 Item 21 SECOND CIRCUIT, MOUNT PANORAMA (20.00278)

Cr Fry - are we incorporating environmental factors into the requirements for the circuit including; water sustainable urban design, solar energy, electro voltaic options. Also Go-Kart location could be included in the Second Circuit precinct.

The Director Engineering Services spoke to design requirement which will have water sustainable urban design, can look at renewable energies.

MINUTE

27 Item 22 BOLLARD, WILLIAM STREET (25.00002)

Cr Morse - People have thanked Council for the installation, has improved safety.

MINUTE

28 Item 23 AUSTRALIA WIDE COACHES - DROP OFF ZONE (28.00009)

Cr Morse - The drop-off at Bathurst Visitors Information Centre is not acceptable. Council has met with Australia Wide Coaches and infrastructure has been put into McDonald's car park, yet the company is not using this location and is staying with Bathurst Visitor Information Centre use. Can we put more pressure onto the company.

MINUTE

29 **Item 24** **SMALL DOG OFF LEASH AREA (22.01232)**

Cr Morse - Asked are there any plans to upgrade the small dog off leash area.

The Director Engineering Services advised there are plans to put in seats, will review water needs.

MINUTE

30 Item 25 CIRENCESTER RELATIONSHIP (23.00150)

Cr Morse - spoke to progression of the relationship and report being prepared by Simon King. Requests matter be referred to the Sister City Working Party for future development.

The General Manager noted future working party is being scheduled for Councillors to discuss overall Sister City strategy.

MINUTE

31 Item 26 SHOPPING TROLLEYS IN CBD (28.00006)

Cr Aubin - Much of this is to do with lazy people. Who sets policy for trolley retrieval and the fine? Can we review this and have a report to Council.

MINUTE

32 Item 27 COLES CAR PARK (25.00332)

Cr Jennings - Asked who is responsible for pot holes near Hungry Jack's. If not Council, could we write to them.

The Director Engineering Services advised the entry and exit roads are the responsibility of the building owners. Council has previously written to the owner regarding this matter.

MINUTE

33 Item 28 WEB CAM, MOUNT PANORAMA - PROMOTION (08.00005)

Cr Jennings - Could we look at this for Mount Panorama. Nurburgring has web Cam/stream and it works. Spoke to facebook links, web pages etc. Existing cameras, can these be used for web cam? This could be for fun runs, car races, Inland Sea of Sound, etc.

The Director Corporate Services & Finance spoke to cameras in place, rights to broadcasts for race events. Will review.

MINUTE

34 Item 29 PUBLIC STREET ART (11.00038)

Cr Jennings - Council is now developing a public art policy. Could walkway from Bathurst Neighbourhood Centre carpark to Keppel Street be considered in this process for wall art?

MINUTE

35 Item 30 SPORTS AUDIT (10.00001)

Cr Jennings - Asked did we get any benefit from this?

The Director Corporate Services & Finance spoke to audit by Sports Marketing Australia and noted Junior Football Sports event, and Masters Swimming Championship event were recently held as part of this relationship.

MINUTE

36 Item 31 CIRENCESTER RELATIONSHIP (23.00150)

Cr Jennings - Encourages development of a relationship. If this occurs, could we look at putting in live streaming facilities in bars/cafes to connect the two communities?

MINUTE

37 Item 32 LOCAL GOVERNMENT NSW TOURISM CONFERENCE (18.00074)

Cr Jennings - Spoke to attendance at recent conference. Key messages: conferences/functions and international markets are strong growth areas. Queried if our assets are on the Destination NSW registry list.

The Director Cultural & Community Services noted we are represented on the site and Council is actively pursuing this market.

Cr Jennings - the night time economy has growth potential, we should look at opportunities to increase the night time economy.

Brand Orange group has now morphed to represent three Councils and industry. With the new Destination NSW areas, we should look at how our tourism sector is structured.

Elvis Festival - can we look at a dedicated bus being made available from Bathurst to Parkes, also could we get one of the trains to Parkes to have a stopover in Bathurst. Perhaps an Elvis driver reviver could be set up at Morse Park.

MINUTE

38 Item 33 TOILET TOURISM (04.00035)

Cr Jennings - Toilet upgrades boost tourism. Could we look at not only maintaining our toilets, but upgrade them. This was an item spoken about at the Tourism Conference. There are awards given in this area.

MINUTE

39 Item 34 DISABLED PARKING (28.00006)

Cr Bourke - noted this was a matter Cr Rudge wished to raise. Spoke to disabled parking not being relocated when services relocate. Is a regular assessment occurring of disabled parking space locations?

The Director Engineering Services spoke to Barrett & Smith parking requirements. Noted reviews through Traffic Committee.

MINUTE

40 Item 35 ALCOHOL FREE ZONE (20.00126)

Cr Bourke - Cr Rudge also queried Alcohol Free Zones, are they for both sides of the road outside the RSL Club? Could this be looked at?

The Director Cultural & Community Services advised the placement of signs will be reviewed.

MINUTE

41 Item 36 DEVELOPMENT, VINE STREET (2017/448)

Cr Bourke - when will this come to Council.

The Director Environmental, Planning & Building Services advised a meeting date has not been set as the application is still being reviewed.

MINUTE

42 Item 37 PUBLICLY ELECTED MAYOR (12.00005)

Cr Bourke - This matter has previously been discussed. Council needs to make a decision on this.

MINUTE

43 Item 38 RIVERBANK WALKWAY (26.00603, 04.00017)

Cr Bourke - Congratulations to all on this project, this is a big improvement. Would like to see sandy bank kept as this is a high use area, keep weeds out. Need to talk to relevant authorities.

MINUTE

**44 Item 39 HEREFORD STREET LIGHTING AND ROAD CONNECTION, KELSO
(25.00035, 28.00014)**

Cr Bourke - Need more lighting in this area. There needs to be another road connecting Kelso.

MINUTE

45 Item 40 MACHATTIE PARK - FLYING FOXES (04.00012)

Cr Bourke - Good to see grant money received. Could a report be prepared on damage caused to the trees and the park.

MINUTE

46 Item 41 SHOPPING TROLLEYS (28.00006)

Cr Bourke - Supports action being taken in this matter.

The meeting closed at 7.38 pm

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS
AND MINUTES**

POLICY COMMITTEE

1 DEVELOPMENT APPLICATION NO. 2017/448 – FIVE X TWO BEDROOM SELF CONTAINED UNITS AT 17 VINE STREET, SOUTH BATHURST. APPLICANT: HOUSING PLUS. OWNER: TRUSTEES ROMAN CATHOLIC CHURCH DIOCESE OF BATHURST (DA/2017/448)

Recommendation: That the information be noted.

Report: The Site

Council has received a Development Application (DA) for five x two bedroom self contained units at 17 Vine Street, South Bathurst, described as Lot 16 DP 263190. A location plan and aerial photo are provided at **attachment 1**.

The site contains a single storey brick dwelling accessed off Vine Street. The site is 1,520m². The site is within the Mount Panorama 50(dBA) noise contour.

The area is characterised by single storey dwellings and south of the site is the cul-de-sac.

History of the Site

The site is understood to provide accommodation for retired Priests associated with the Catholic Church.

An exempt development notification exists for the site for demolition of the dwelling issued 10 November 2017. The demolition of the dwelling does not trigger development consent, as per the criteria under Schedule 2, Div 23 Demolition of the Bathurst Regional Local Environmental Plan 2014.

The proposal

The proposal involves construction of five x two bedroom self contained units, associated car parking and landscaping. The application is made under the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004, which enables the proposal to exceed the development standards in the LEP and Council's DCP. The facility is expected to house long term residents who have disabilities that qualify them to live in Specialist Disability Accommodation under the National Disability Insurance Scheme.

Plans of the proposed development are at **attachment 2** and the Statement of Environmental Effects (SoEE) is at **attachment 3**.

Public Notification

The Development Application was advertised and notified to adjoining property owners from 24 November 2017 to 11 December 2017. Following the advertising and notification period a total of twelve (12) submissions were received.

On the 29 November 2017, Council requested clarification on a number of issues including:

- SoEE has numerous references to incorrect planning instruments, property address and matters not shown on the DA plans;
- Further demonstration required for compliance with development standards of SEPP (Housing for Seniors and People with a Disability) 2004;

- Plans needed to show setbacks, consistency with setbacks in streetscape, details on heights and retaining walls, details on communal facilities (i.e. laundry).

The applicant resolved to amend both the SoEE and plans. New documentation was submitted on 21 February 2018. The application was then re-notified and re-advertised between 12 March 2018 to 26 March 2018. Following the advertising and notification period a total of 10 submissions were received at the time of preparing this report (see submissions at **attachment 4**).

Issues raised in the submissions include:

- Traffic increase;
- Lack of accessibility infrastructure in Vine Street including footpaths;
- Lack of amenities at Havannah Street shops, including no ATM or medical centre;
- Shorter setback may reduce access visibility for adjoining residences;
- Covenant on site restricts more than one dwelling and various building materials.

Conclusion

The Development Application will be reported to a future Ordinary Meeting of Council for determination.

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

Community Engagement

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

MINUTE

47 Item 1 DEVELOPMENT APPLICATION NO. 2017/448 – FIVE X TWO BEDROOM SELF CONTAINED UNITS AT 17 VINE STREET, SOUTH BATHURST. APPLICANT: HOUSING PLUS. OWNER: TRUSTEES ROMAN CATHOLIC CHURCH DIOCESE OF BATHURST (DA/2017/448)

Discussion included:

G Sharwood – 15 Vine Street

Concerned at proposal's impact on bedroom, also location of driveway. Need a 1.8m fence in this area if development goes ahead. Concern excavation will cause damage to their building, who is responsible? Not right place for the development as it is a small site. Requests Council come and look at the site, if trees are removed, there will be no privacy.

F Pearce – 19 Vine Street

Spoke to his submission. Issues include what is the facility being used for? Plans are incorrect, type of facilities to be installed, retaining wall heights, setbacks, need for double brick walls, traffic issues, excavation required, asbestos in building, vibration damage to housing, noise problems from air conditioning and dust problems.

T Hesse – 15 Thomas Close

This is a high density development, is the area being rezoned? What is capacity of each unit? This could mean 20 persons. What is capacity of people who will be housed there, are they high risk? Expressed concern with proximity to schools. Housing Plus is a business, so is the area being rezoned business? Who will be responsible for cracking of houses from vibration of the landfill packing? Who is responsible for keeping development under control?

L Hart – 28 Vine Street

Spoke to submission made. Bulk is excessive for a low density area. There will be increased traffic volumes. Development will mean greater light pollution. Noted possible noise impacts from building. Unable to see who will be staying in the facility. Object to the development.

A Marshall – speaking on behalf of residents at 17 Thomas Close

What guarantee is there that more people will not be put into the development than is proposed? Concern at noise pollution from air conditioner. The entertainment area will cause noise and light pollution. Who will cover damage from excavation to adjoining houses? If a problem occurs with resident at night who is responsible? Who is the contact? Problems with; asbestos removal, height of proposed fence. Roof is to be colorbond, yet covenant is tiles.

B Triming – Chair, Bathurst Regional Access Committee

The report from Saunders & Staniforth is unbelievable and unrealistic. It contradicts itself and the Bathurst Community Transport Group knew nothing about this proposal and cannot pick up from this location. Raised other access issues that were inadequately addressed;

scooter access, kerb and guttering, footpath problems. Needs footpaths and better accessibility planning.

J Cantelo – Housing Plus Director

Housing Plus is an NDIS accommodation provider. The NDIS is a fund to address needs in the community of people with a disability. The development promotes choice, independence and privacy for people with high physical support needs.

S Kay – Housing Plus Assets Capital Works Manager

Revolutionary development for people with disabilities. Spoke to access issues. The SEPP standards are exceeded. This is not a social housing development. Any behaviour issues will be dealt with. Spoke to noise concerns, street scape issues, nature of clients. Construction issues are covered by insurance of builder, asbestos will be removed as statutorily required, dust matters will be addressed in accordance with required standards.

R Thompson – 79 Rose Street

Development Department advised that this would only be approved under state laws, not Council codes. There are no footpaths. What Policing will Council have in place to ensure it is a place not for low socio-economic persons?

L Carney – 30 Vine Street

Concern at noise, type of people living there. This is a small community and wish to stay that way. The people who live there, have the right to choose how they live. Do not want high density living.

Yours faithfully



N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

MINUTE

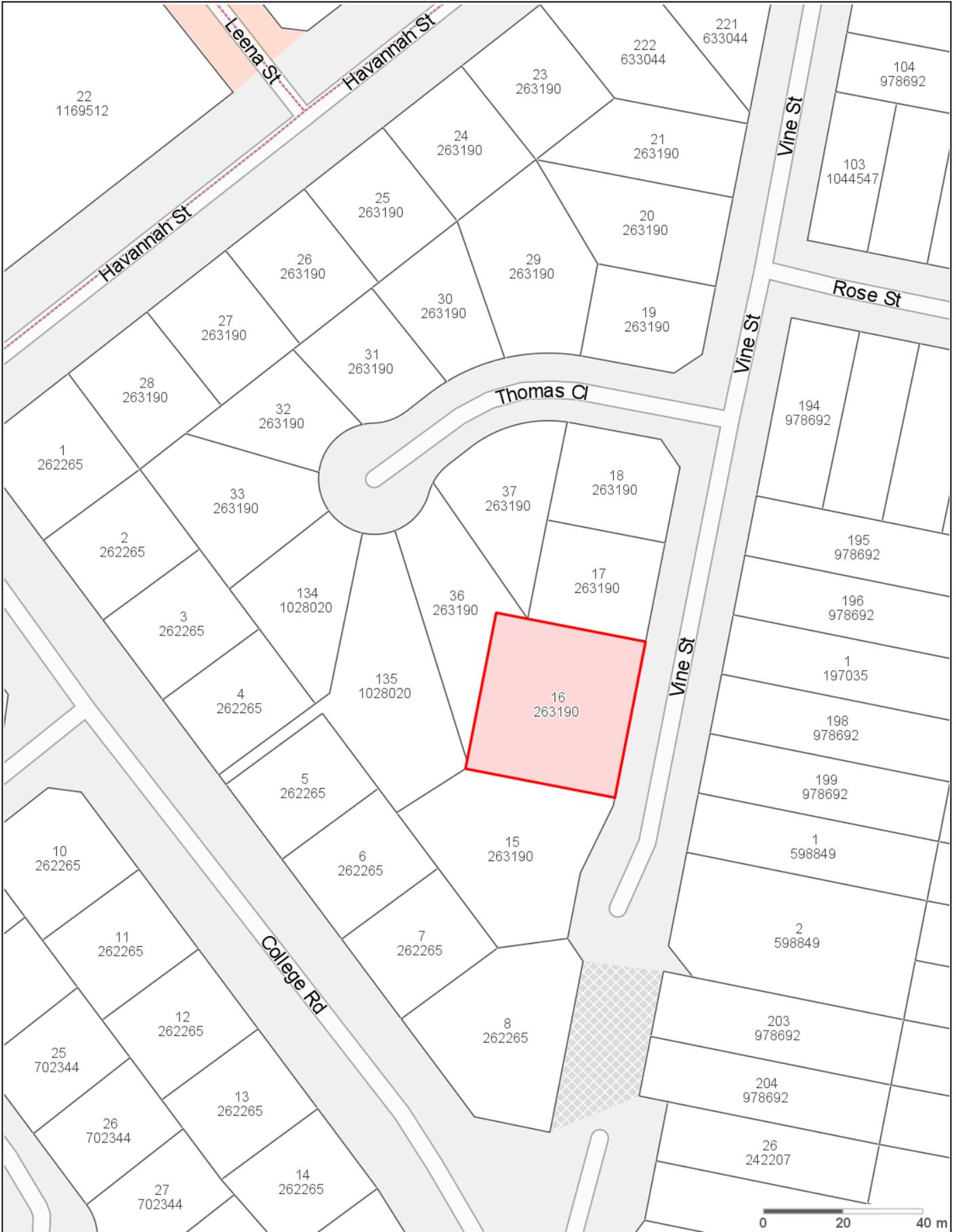
48 MEETING CLOSE

The Meeting closed at 7.38 pm.

CHAIRMAN: _____

**DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS -
ATTACHMENTS**

POLICY COMMITTEE



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

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Bathurst Regional Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
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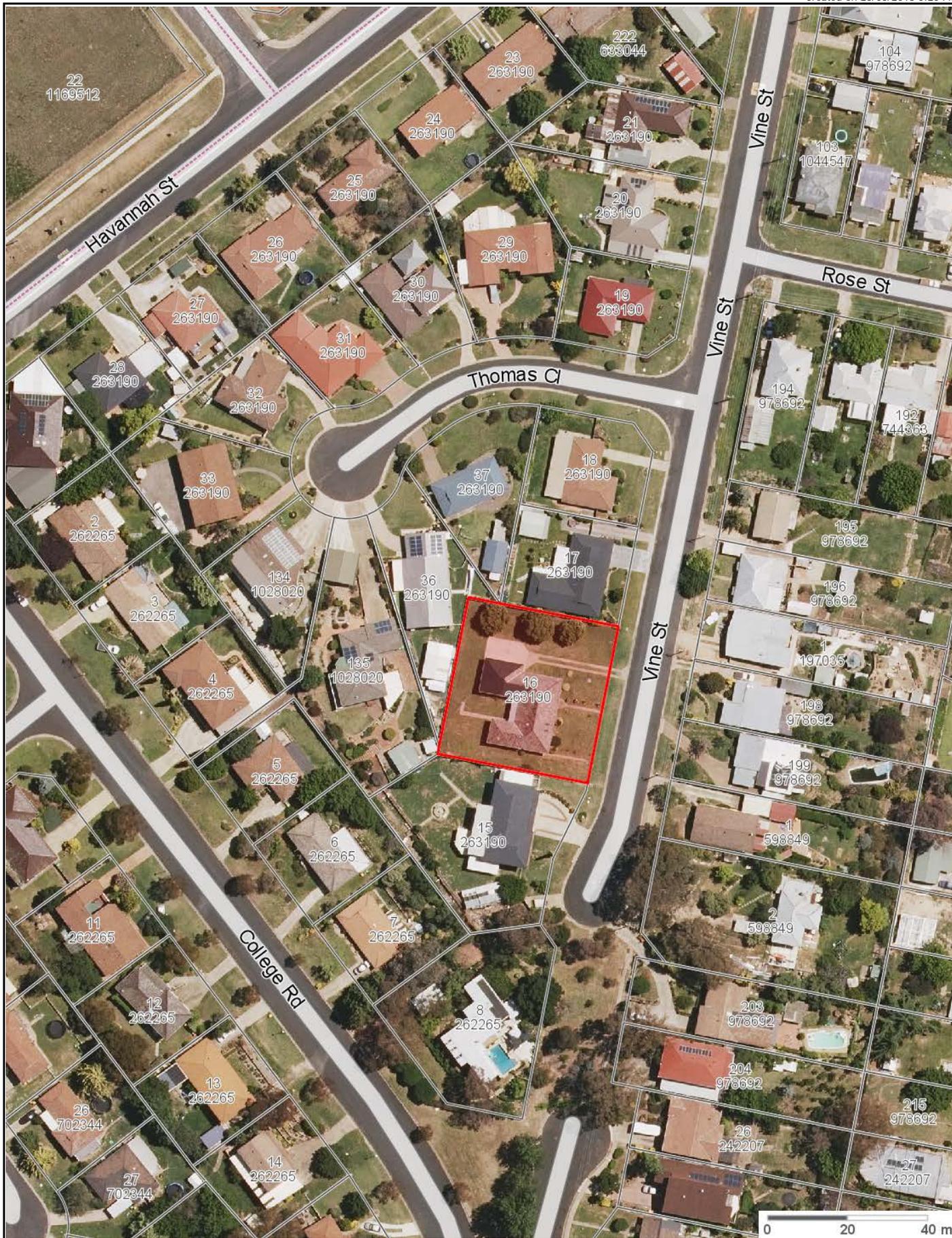


Drawn By: BarnettL

Date: 26/03/2018

Projection: GDA94 / MGA zone 55

Map Scale: 1:1250 @ A4



Bathurst Regional Council
 PMB 17
 158 Russell Street
 BATHURST NSW 2795
 Telephone: 02 6333 6111
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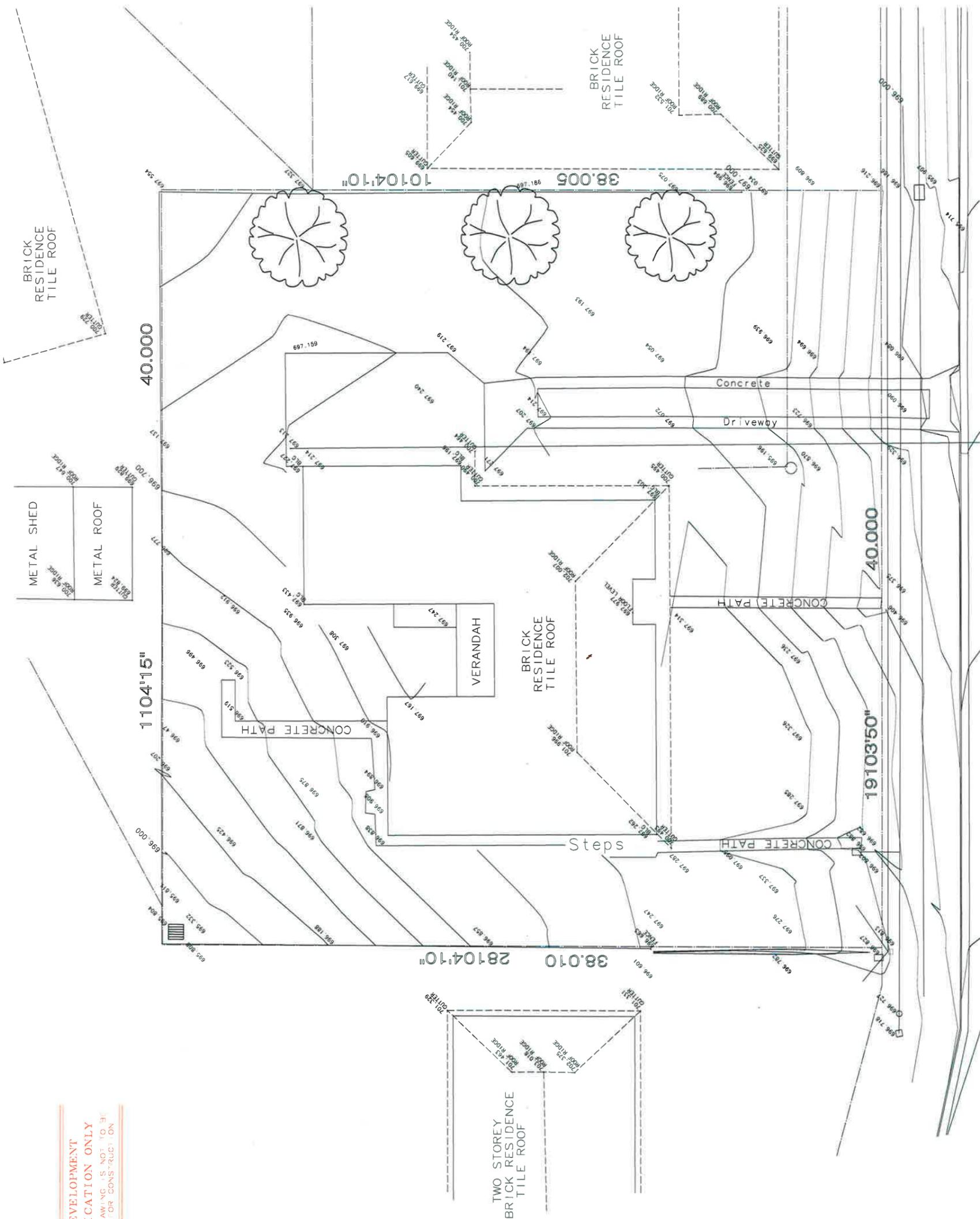


Drawn By: BarnettL

Date: 26/03/2018

Projection: GDA94 / MGA zone 55

Map Scale: 1:1250 @ A4



DEVELOPMENT
APPLICATION ONLY
THIS DRAWING IS NOT TO BE
USED FOR CONSTRUCTION

CATHOLIC DIOCESE OF BATHURST

PROPOSED NEW
SELF CONTAINED DWELLINGS
LOT 16 (D.P.263190)
NO. 17 VINE STREET,
BATHURST N.S.W.

DATE: 17/07/2017
DRAWN BY: C. MULLA, B.
CHECKED BY: C. MULLA, B.
SCALE: 1:100

PROJECT NO: 17017
DRAWING NO: 00

17017
00

Housing Plus

EXISTING SITE PLAN 1:100

1:100

0 1 2 3 4 5 6 7 8 9 10

10 METRES

Housing Plus

EXISTING SITE PLAN 1:100

1:100

0 1 2 3 4 5 6 7 8 9 10

10 METRES

Housing Plus

EXISTING SITE PLAN 1:100

1:100

0 1 2 3 4 5 6 7 8 9 10

10 METRES

Housing Plus

EXISTING SITE PLAN 1:100

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Housing Plus

EXISTING SITE PLAN 1:100

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Housing Plus

EXISTING SITE PLAN 1:100

1:100

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10 METRES

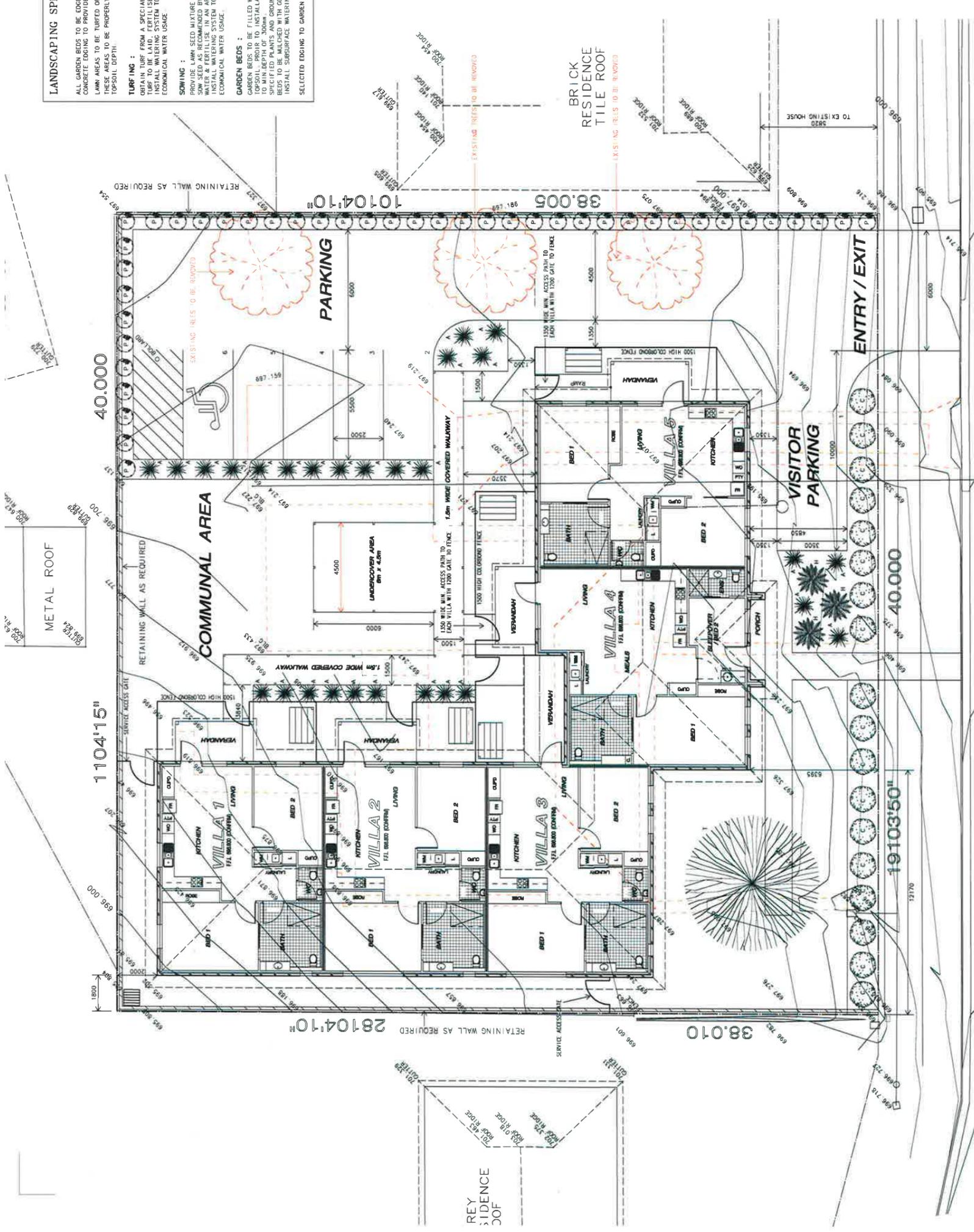
Housing Plus

EXISTING SITE PLAN 1:100

1:100

0 1 2 3 4 5 6 7 8 9 10

10 METRES



LANDSCAPING SPECIFICATION:
 ALL GARDEN BEDS TO BE EDCED WITH BRICK, HARDWOOD OR CONCRETE EDCING TO PROVIDE MOWING STRIPS.
 LAWN AREAS TO BE TURFED OR SOWN.
 THESE AREAS TO BE PROPERLY PREPARED WITH 150mm MIN TOPSOIL DEPTH.
TURFING:
 OBTAIN TURF FROM A SPECIALIST LOCAL GROWER OF CULTIVATED TURF.
 INSTALL TURF WITH THE CORRECT DIRECTION OF THE SUPPLIER.
 INSTALL SUBSURFACE WATERING SYSTEM TO ENSURE PROPER WATERING WITH ECONOMICAL WATER USAGE.
SOWING:
 PROVIDE LAWN SEED MIXTURE SUITABLE FOR LOCAL CLIMATE.
 SOW SEED AS RECOMMENDED BY SUPPLIER.
 INSTALL SUBSURFACE WATERING SYSTEM TO ENSURE PROPER WATERING WITH ECONOMICAL WATER USAGE.
GARDEN BEDS:
 GARDEN BEDS TO BE FILLED WITH 200mm MIN. OF GOOD QUALITY TOPSOIL.
 INSTALLATION OF TOPSOIL, GROUND TO BE RIPPED TO A MIN DEPTH OF 200mm.
 SPECIFIED PLANTS AND GROUND COVERS TO BE PLANTED IN GARDEN BEDS TO BE MULCHED WITH GOOD QUALITY SHREDDED MULCH.
 INSTALL SUBSURFACE WATERING SYSTEM FOR MINIMAL WATER USAGE.
 SELECTED EDCING TO GARDEN BEDS

MULCH:
 MULCH APPLIED TO GARDEN BEDS TO BE MIN DEPTH OF 80mm.
 MULCH TO BE OF GOOD QUALITY ORGANIC MATERIAL.
TREE & PLANT PLANTING:
 EXCAVATE PLANT HOLES LARGE ENOUGH TO ACCEPT ROOT BALLS & 0 (n)3 OF BACKFILLING WITH TOPSOILS BEFORE & IMMEDIATELY AFTER PLANTING.
 AND AS REQUIRED TO MAINTAIN GROWTH RATES FREE OF STRESS.
 USE SUITABLE PLANT FERTILISER AROUND PLANTS AT TIME OF PLANTING.
STAKING OF PLANTS & TREES:
 INSTALL HARDWOOD STAKES DRIVEN INTO THE GROUND AT LEAST 1/3 THEIR LENGTH. AVOID ROOT DAMAGE DURING INSTALLATION.
 STAKE SIZES:
 FOR PLANTS > 2.5m HIGH: THREE 50 x 50 x 2.4m STAKES PER PLANT
 FOR PLANTS 1.5 - 2.5m HIGH: TWO 50 x 50 x 3.0 x 1.5m STAKES PER PLANT
 FOR PLANTS < 1.5m HIGH: ONE 30 x 30 x 1.2m STAKES PER PLANT
 THE PLANTS TO STAKES WITH APPROVED TIES DESIGNED NOT TO DAMAGE PLANT OR TREE.
COMPLETION:
 THROUGHOUT THE PLANTING & ESTABLISHMENT PERIOD, CARRY OUT MAINTENANCE WORK INCLUDING WATERING, MOWING, RUBBISH REMOVAL, FERTILISING, PEST & DISEASE CONTROL, RE-SEEDING, RE-TURFING, TOP DRESSING, WEED CONTROL, AND RE-INSTALLMENT OF MULCH.
 CONTINUE TO REPLACE FAILED, DAMAGED OR STOLEN PLANTS.

DEVELOPMENT DESIGNED IN ACCORDANCE WITH ORANGE CITY COUNCIL DEVELOPMENT CONTROL PLAN 2004

SITE CALCULATIONS:
 PROPOSED DEVELOPMENT at 101 16 (DP 263190)
 ORANGE N.S.W.

SITE AREA = 1500.3 sqm
 TOTAL BUILDING AREA = 498.2 sqm
 UNDERCOVER WALKWAY AREA = 66.5 sqm
 TOTAL FOOTPRINT AREA = 564.7 sqm
 SITE COVERAGE = 37.1 %

PARKING CALCULATIONS:
 ASSUMED 1 SPACE PER UNIT + 1 SPACE FOR STAFF MEMBER
 PARKING REQUIRED = 6 SPACES
 PARKING PROVIDED = 6 SPACES

NOTE: EXTERNAL FENCES
 WHERE ANY EXISTING FENCING AT THE PERIMETER OF THE SITE NEEDS TO BE REMOVED, OR IS OF A TYPE WHICH DOES NOT INSURE THE COMFORT OF ANY ADJOINING RESIDENCE, ACCURATE PRIVACY, BUILDING OR CONSTRUCTION WORK BEING CARRIED OUT WITH THIS DEVELOPMENT.

NOTE: INTERNAL FENCES
 REFER TO DETAILS ON THE SITE PLAN

NOTES:
 1 - FLOOR LEVELS, STORMWATER & SEWAGE DESIGN BY CIVIL ENGINEER.
 2 - FLOOR LEVELS ARE A GUIDE ONLY & TO BE CONFIRMED BY CIVIL ENGINEER.
 3 - BED DIMENSIONS ARE TO BE CONFIRMED BY SURVEY.

NOTES:
 1 - BUILDING CLASSIFICATION CLASS 3 TYPE C CONSTRUCTION
 2 - BUILDING WILL BE SUBJECT TO BCA SECTION J REQUIREMENTS

DEVELOPMENT APPLICATION ONLY
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION

LANDSCAPING LEGEND:

LANDSCAPING	SYMBOL	NO. OF PLANTS
LARGE TREES	(Symbol)	1
1 - TILIA GORDA GREENPINE	(Symbol)	44
MEDIUM TREES	(Symbol)	34
P - PITISPORUM (GREEN PILLARY)	(Symbol)	10
SMALL TREES & SHRUBS	(Symbol)	18
C - CAMELLIA	(Symbol)	3
H - HIRE	(Symbol)	24
A - ADAMIANS	(Symbol)	24
TURF - TURF AREA	(Symbol)	

CATHOLIC DIOCESE OF BATHURST

DEVELOPMENT APPLICATION PROPOSED SITE PLAN

DATE: 17/07/18
 DRAWING NO: 17017
 SHEET NO: 01

PROPOSED NEW SELF CONTAINED DWELLINGS
 LOT 16 (D.P.263190)
 NO. 17 VINE STREET, BATHURST N.S.W.

Housing Plus

1:100

GENERAL NOTES:

- All dimensions are in millimeters unless noted otherwise.
- All work to be done in accordance with the relevant Australian Standards.
- Construction of the building shall be in accordance with the relevant Australian Standards.
- Concrete work shall be done in accordance with the relevant Australian Standards.
- All structural elements to be designed by a practicing structural engineer.
- The building shall be constructed in accordance with the provisions of the Australian Standard AS/NZS 1170:2002.
- The building shall be constructed in accordance with the provisions of the Australian Standard AS/NZS 1170:2002.

DO NOT SCALE

NO.	DESCRIPTION	DATE
C	RETAINING WALLS ADDED TO SITE PLAN	20/02/18
B	SITE PLAN MARKED TO NEW DESIGN	15/02/18
A	GENERALLY MARKED	04/12/17

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CORE DESIGN ELEMENTS AND PERFORMANCE STATEMENT

1. DWELLING ACCESS
STEP-FREE ENTRANCE INTO THE DWELLING TO ENABLE HOME OCCUPANTS TO EASILY ENTER AND EXIT THE DWELLING
2. DWELLING ENTRANCE
THERE IS A SAFE, CONTINUOUS PATHWAY FROM THE STREET ENTRANCE AND/OR PARKING AREA TO A DWELLING ENTRANCE
3. CAR PARKING
EASY & DIRECT FROM PARKING AREA.
4. INTERNAL DOORS & CORRIDORS
INTERNAL DOORS AND CORRIDORS FACILITATE COMFORTABLE AND UNIMPEDED MOVEMENTS BETWEEN SPACES.
5. TOILET & SHOWERS
ALL TOILETS & SHOWERS TO SUPPORT EASY ACCESS FOR HOME OCCUPANTS AND VISITORS.
6. REINFORCEMENT OF BATHROOM AND TOILET WALLS
THE BATHROOM AND TOILET WALLS BUILT TO ENABLE GRAB BAILS TO BE SAFELY AND ECONOMICALLY INSTALLED AT A FUTURE DATE.
7. KITCHEN
THE KITCHEN SPACE IS DESIGNED TO SUPPORT EASY ACCESS FOR HOME OCCUPANTS AND VISITORS.
8. LAUNDRY
LAUNDRY SPACE IS DESIGNED TO INCREASE CIRCULATION SPACE BETWEEN FIXED BENCHES, AND TO SUPPORT EASY ADAPTATION.
9. SWITCHES & POWER POINTS
LIGHT SWITCHES AND POWER POINTS ARE LOCATED AT HEIGHTS THAT ARE EASY TO REACH FOR ALL HOME OCCUPANTS.
10. DOOR & TAP HARDWARE
HOME OCCUPANTS ARE ABLE TO EASILY AND INDEPENDENTLY OPEN AND CLOSE DOORS AND SAFELY USE TAP HARDWARE.
11. FAMILY/LIVING SPACE
THE FAMILY/LIVING ROOM FEATURES CLEAR SPACE TO ENABLE THE HOME OCCUPANT TO MOVE IN AND AROUND THE ROOM WITH EASE.
12. WINDOW SILL
WINDOW SILLS WHERE PRACTICAL, TO BE INSTALLED AT A HEIGHT THAT ENABLES HOME OCCUPANTS TO VIEW THE OUTDOOR SPACE FROM EITHER A SEATED OR A STANDING POSITION.
13. FLOORING
FLOORING TO BE SLIP RESISTANT TO REDUCE THE RISK OF SLIPS, TRIPS AND FALLS IN THE HOME.

LIVABLE HOUSING AUSTRALIA (LHA) PLATINUM COMPLIANCE -

INSTALL 12mm STRUCTURAL PLYWOOD SHEETING TO ALL WALLS (FLOOR TO CEILING) OF THE ACCESSIBLE BATHROOMS/TOILETS.

KITCHEN AND LAUNDRY SHALL INCORPORATE SLIP RESISTANT FLOORING.

KITCHEN AND LAUNDRY SHALL INCORPORATE TASK LIGHTING INSTALLED ABOVE WORK SPACES AND APPLIANCES.

KITCHEN AND LAUNDRY SHALL INCORPORATE FLOOR FINISHES THAT EXTEND UNDER CABINERY TO ENABLE CHAIRPADS TO BE REMOVED IN FUTURE.

ALL LIGHT SWITCHES SHALL BE IN CONSISTENT LOCATION:

- A) BETWEEN 900mm AND 1100mm ABOVE FINISHED FLOOR LEVEL
- B) HORIZONTALLY ALIGNED WITH THE DOOR HANDLE AT THE ENTRANCE TO A ROOM.
- C) HORIZONTALLY ALIGNED WITH THE DOOR HANDLE AT THE ENTRANCE TO A ROOM.

POWER POINTS SHALL BE LOCATED NOT LOWER THAN 300mm ABOVE FINISHED FLOOR.

ALL LIGHT AND POWER POINT SWITCHES SHALL BE INDOOR ACTION, TOGGLE OR PUSH PAD IN DESIGN WITH A RECOMMENDED WIDTH OF 35mm.

DOOR HARDWARE SHALL BE INSTALLED AT A CONSISTENT HEIGHT - BETWEEN 900mm AND 1100mm ABOVE FINISHED FLOOR LEVEL.

DOOR HARDWARE HANDLE CLEARANCES FOR PUSH/PULL STYLE DOOR HARDWARE SHALL BE IN ACCORDANCE WITH AS 1428-1.

BASINS, SINKS AND TUBS SHALL FEATURE LEVER OR CAPSTAN STYLE TAP HARDWARE WITH A CENTRAL SPOUT.

ALL FLOORING COVERINGS SHALL BE EVEN AND FIRM, AND FEATURE A LEVEL TRANSITION BETWEEN ABUTTING SURFACES (A MAXIMUM VERTICAL TOLERANCE OF 5mm BETWEEN ABUTTING SURFACES IS ALLOWABLE PROVIDED THE LIP IS ROUNDED OR BEVELLED).

FIRE ENGINEER

TO BE READ IN CONJUNCTION WITH FIRE ENGINEERS REPORT (REPORT NO. 16269-FER)

SPRINKLER SYSTEM

INSTALLATION OF AUTOMATIC FIRE SPRINKLER SYSTEM TO ENGINEERS DESIGN.

MANAGEMENT

MANAGEMENT IN USE FOR MAINTENANCE OF FIRE SAFETY SYSTEMS.

EGRESS

EGRESS TO BE AVAILABLE FROM EACH UNIT DIRECTLY TO OPEN SPACE CONNECTED TO THE ROAD.

DOORS

ALL DOORS TO UNITS TO BE TIGHT FITTING SOLID CORE DOORS A MINIMUM OF 35mm THICK.

OTHER REQUIREMENTS

STORMWATER TO COMPLY WITH F.1.1
ROOF CONFINING TO COMPLY WITH F.1.5 BEA
SARKING TO COMPLY WITH F.1.6 BEA
WATERPROOFING OF WET AREAS TO COMPLY WITH F.1.7 BEA
VAPOR BARRIER TO COMPLY WITH F.1.8 BEA

NOTES:

FLOOR LEVELS & FINISHED GROUND LEVELS NOTED ARE INDICATIVE ONLY. FINAL FLOOR LEVELS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.

FLOOR LEVEL OF RESIDENCE TO BE MIN. 250mm ABOVE FINISHED GROUND LEVELS.

DAMP-COURSE / MEMPHOLES TO BE A MIN. 50mm ABOVE FINISHED GROUND LEVELS.

MAXIMUM DRAINWAY GRADIENT TO BE IN ACCORDANCE WITH AS 2980-1:1999.

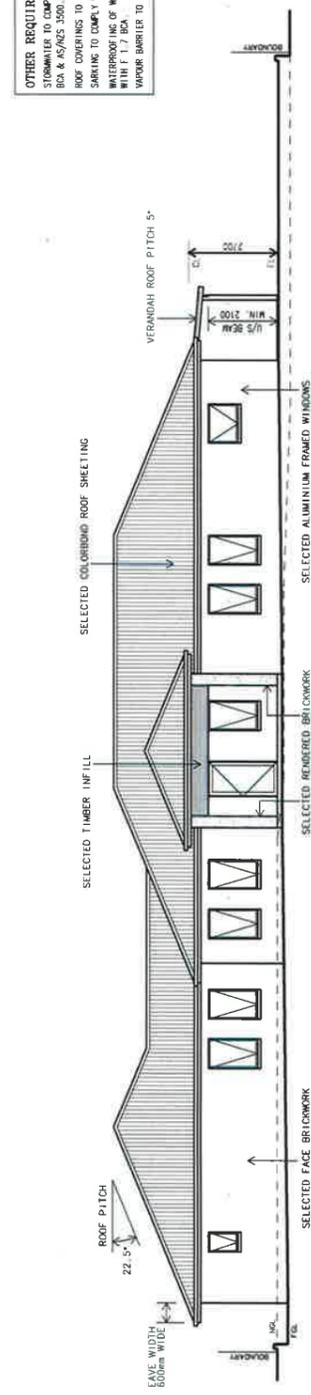
DEVELOPMENT APPLICATION ONLY

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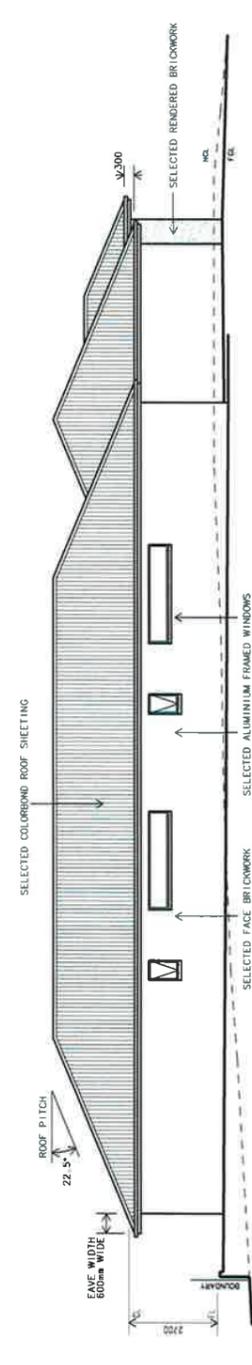
NOTES:

1 - BUILDING CLASSIFICATION CLASS 3 TYPE C CONSTRUCTION
2 - BUILDING WILL BE SUBJECT TO BSA SECTION J REQUIREMENTS

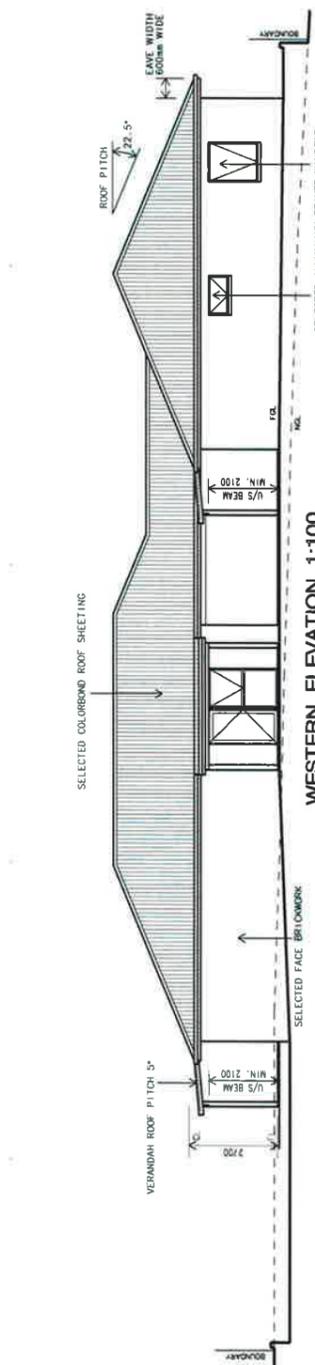
ALL SURFACES FINISHES TO COMPLY WITH AS 1298-1.



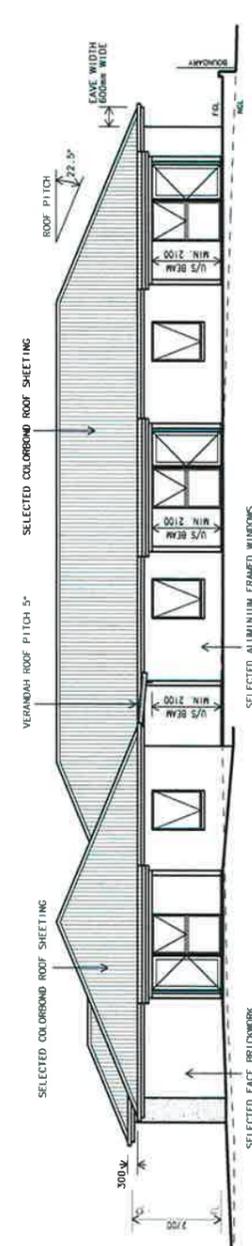
EASTERN ELEVATION 1:100



SOUTHERN ELEVATION 1:100

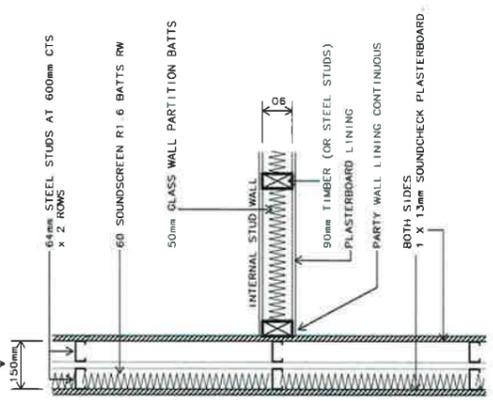


WESTERN ELEVATION 1:100



NORTHERN ELEVATION 1:100

CSR ZOB SYSTEM PARTY WALL (OR EQUIVALENT)



PARTY WALL DETAIL 1:10

NOTE: THIS DETAIL IS NOT FOR ALL PARTY WALLS AND WALLS SEPARATING UNIT AND PEDESTRIAN CORRIDORS/PUBLIC AREAS. BSA REQUIREMENT FOR A WALL SEPARATING SOLE OCCUPANCY UNITS - R_v/R_w + C₁₇ = 54/46

<p>PROPOSED NEW SELF CONTAINED DWELLINGS LOT 16 (D.P.2683190) NO. 17 VINE STREET, BATHURST N.S.W.</p>		<p>CATHOLIC DIOCESE OF BATHURST</p>	<p>DEVELOPMENT APPLICATION ELEVATIONS & DETAIL</p>
<p>GENERAL NOTES:</p> <ol style="list-style-type: none"> 1 - All sheet or plans in millimeters unless noted otherwise. 2 - All dimensions are given in millimeters unless otherwise stated. 3 - All dimensions are given in millimeters unless otherwise stated. 4 - All dimensions are given in millimeters unless otherwise stated. 5 - All dimensions are given in millimeters unless otherwise stated. 6 - All dimensions are given in millimeters unless otherwise stated. 7 - All dimensions are given in millimeters unless otherwise stated. 8 - All dimensions are given in millimeters unless otherwise stated. 9 - All dimensions are given in millimeters unless otherwise stated. 10 - All dimensions are given in millimeters unless otherwise stated. 11 - All dimensions are given in millimeters unless otherwise stated. 12 - All dimensions are given in millimeters unless otherwise stated. 13 - All dimensions are given in millimeters unless otherwise stated. 14 - All dimensions are given in millimeters unless otherwise stated. 15 - 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Suite 2, 204-206 Lords Place Orange NSW 2800
P.02 6362 1880 F.02 6362 1881
5/61 Princes Highway Milton NSW 2538
P.02 4454 5466 F.02 4454 5488
www.svaluers.com.au

**DEVELOPMENT APPLICATION
STATEMENT OF ENVIRONMENT EFFECTS**

PROPOSED SELF CONTAINED DWELLINGS

**17 Vine Street
SOUTH BATHURST NSW 2795**

(19th February 2018)

17 Vine Street, BATHURST NSW 2795

Our Ref: Planning/2017/17-1932

1.0 OVERVIEW

Council's development consent is sought for the construction of self contained dwellings at 17 Vine Street, South Bathurst.

The property is currently contains a 1970's brick veneer dwelling of average condition and presentation. The demolition of the dwelling is Exempt Development.

The proposal will include a 9 bedroom facility with 5 kitchens, 6 bathrooms and attached verandahs.

The proposal will include 5 Villas incorporating 9 bedrooms, a carer's sleepover, 5 kitchens, 6 bathrooms and attached verandahs. An undercover walkway and external barbecue area is also proposed for resident and carer amenity.

The facility is expected to house an average of up to 9 long-term residents. These residents will have disabilities that qualify them to live in Specialist Disability Accommodation under the National Disability Insurance Scheme.

Housing Plus have advised that the units are designed at a level that provides for residents requiring High Physical Support. This includes residents with multiple problems such as physical disabilities, diabetes, spinal problems rather than specific problems such as Downs Syndrome. The proposal requires Council consent under Bathurst Regional Local Environmental Plan 2014.

The building is proposed to operate 24 hours a day as a permanent occupancy with overnight stays by a carer only on occasions.

No signage is proposed as part of the application.

The submission should be read in conjunction with the submitted plans prepared by McKinnon Design and additional supporting information provided in this Statement of Environmental Effects.

This application will also incorporate Council's consideration of land use planning consideration, environmental design and parking assessment.

We have provided further explanation regarding clause 26 of the SEPP regarding access to facilities and transport and clause 33 regarding setbacks.

17 Vine Street, SOUTH BATHURST NSW 2795

2.0 APPLICANT

The applicant is: Housing Plus
113 Byng Street
ORANGE NSW 2800

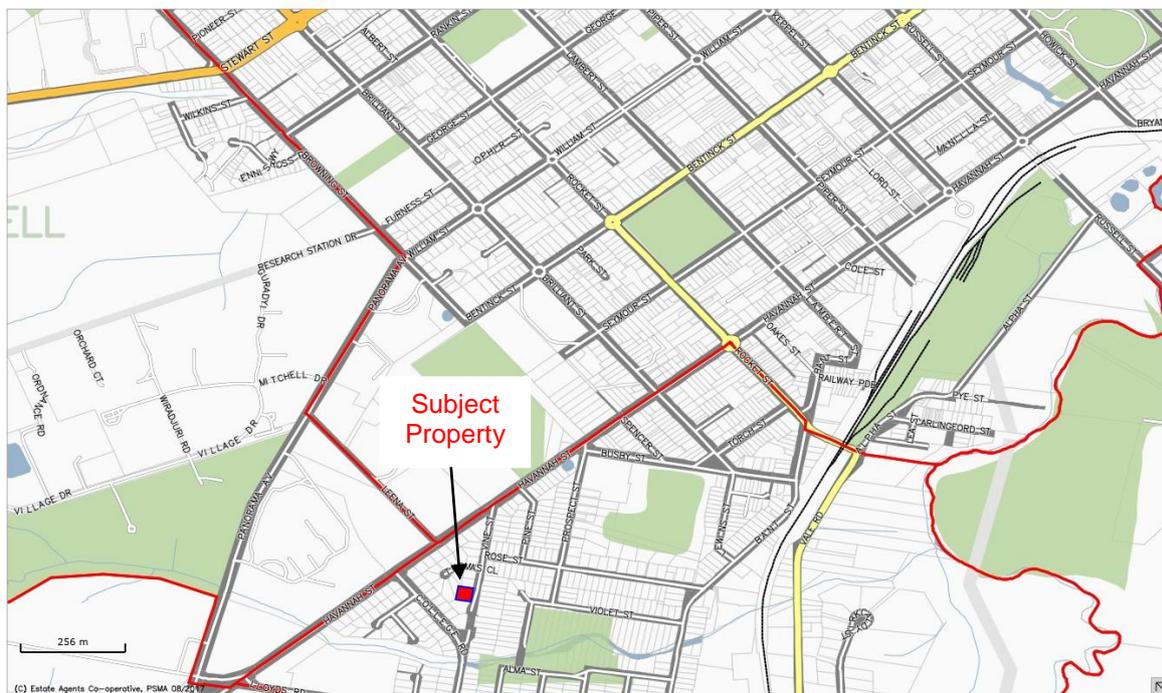
3.0 OWNER

The owner is: Trustees of the Roman Catholic Church – Bathurst
Diosese
William Street
BATHURST NSW 2795

4.0 SUBJECT LAND

4.1 Location and Land Description

The subject property is located on the western side if Vine Street. The property is situated approximately 2 kilometres south of Bathurst CBD.



This information is obtained from various sources and cannot be guaranteed. You must make your own enquiries as to its accuracy.

The site has a slight slope toward the street from an AHD of 697.5 metres to 696.0 at the street frontage being a fall of 1.5 metres.

The property is identified as Lot 16 in Deposited Plan 263190 being 1520 sqm.

17 Vine Street, SOUTH BATHURST NSW 2795

The property is 260 metres from a local neighbourhood shop and 350 metres from a bus stop in Havannah Street near Bathurst South Public School.

5.0 PROPOSAL

The proposal incorporates five self contained dwellings in a purpose built structure as shown on the attached design.

The activity would employ the equivalent to one full time equivalent staff position within a purpose built facility operating on a permanent basis.

6.0 PLANNING REQUIREMENTS

In determining the application, Council is required to consider the relevant matters identified under section 79C(1) of the Environmental Planning and Assessment Act, 1979. This section forms the basis of our assessment below.

6.1 Provisions of Environmental Planning Instruments

The subject land is currently zoned R2 Low Density Residential as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads

3 Permitted with consent

Boarding houses, Centre-based child care facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Kiosks; Markets; Neighbourhood shops; Plant nurseries; Respite day care centres; Roadside stalls; Secondary dwellings; Waste or resource transfer stations; Any other development not specified in item 2 or 4

17 Vine Street, SOUTH BATHURST NSW 2795

4 **Prohibited**

Air transport facilities; Amusement centres; Boat building and repair facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Intensive livestock agriculture; Open cut mining; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Under the current zoning a 'self-contained dwelling' is a permissible use.

Note. *Self-contained dwellings are a type of **seniors housing**—see the definition of that term in this Dictionary.*

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) **a group of self-contained dwellings**, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

Clause 13 of the SEPP provides the relevant land use definition.

There is some preliminary comment by Council staff as to whether each section of the building is self-contained and therefore represents a 9c class of building under the 5 separate self-contained domiciles. Following a further meeting we are satisfied that the proposal should be considered as 5 self-contained dwellings.

As discussed below under the SEPP assessment, we submit that the development allows for a mix of communal interaction in the outdoor areas whilst allowing an element of individuality regarding possessions within their own bedroom, bathroom, laundry and kitchen area.

17 Vine Street, SOUTH BATHURST NSW 2795

Also there is not a carer per section, rather a group carer across the five residential sections.

7.5 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Response

The property is a residential holding with adequate access to town water, power, natural gas and suitable stormwater management back to Vine Street. The roof stormwater and driveway/parking area will be suitably collected.

Suitable road access is available with good sight distance to ensure safe entry and exit in a forward direction.

7.6 Mount Panorama environs

(1) The objectives of this clause are as follows:

(a) to ensure development in and around the Mount Panorama Racing Circuit accounts for potential noise and other land use conflicts associated with motor racing and related events,

(b) to ensure the future of Mount Panorama as an international motor racing circuit.

(2) This clause applies to land identified as "50 dBA" on the Mount Panorama Environs Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered:

(a) whether the development will result in an increase in the number of dwellings or land uses identified by the consent authority as sensitive noise receivers exposed to noise and other land use conflicts from motor racing and associated events, and

(b) whether noise impacts from motor racing and associated events are mitigated by or minimised by the design, siting or construction of the development to ensure that the amenity of the development is not adversely affected.

17 Vine Street, SOUTH BATHURST NSW 2795

The subject land is situated in the Mount Panorama Environs Map and therefore the above consideration is relevant. The rear wall has been designed to face the Mount Panorama Noise source and will present a best case scenario in the context of the residential use of the land.

6.2 Regional Environmental Plans

There are no Regional Environmental Plans that apply to the subject land.

6.3 State Environmental Planning Policies

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Current version for 30 October 2015 to date (accessed 5 May 2016 at 15:53).

Chapter 2 Clause 13

13 Self-contained dwellings

(1) General term: "self-contained dwelling"

*In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

The proposed land use fits the above definition with the proposed layout to include a shared clothes washing laundry and shared access toilet shower room if required.

SEPP Part 2 Site Related Requirements

26 Location and access to facilities

The subject site is well situated close to ATM and retail support with butchery, mini-supermarket, and takeaway food shop within 250 metres in Havannah Street. We have not focused on the local shop as a deemed to comply for the following reasons:

The residents are substantially disabled with multiple conditions such as MS, spinal problems, Downs Syndrome and the like. As such it is highly unlikely that foot path access is required for access to shopping, post office and banking facilities. As discussed, the multiple disability nature of residents will result in no

17 Vine Street, SOUTH BATHURST NSW 2795

use of scooters or the like. Residents in wheelchairs will be able to visit the CBD with guaranteed community transport contractors such as Bathurst Community Transport group, Glenray, FACCS and Live Better. We therefore conclude that the intent of access under clause 26 is satisfied without the need for a sealed footpath or wheelchair access to a local shop within 400 metres.

There may be occasions where it would be possible for an ambulant walking resident to walk to the shop (250 metres away) though would have access to a normal grassed footpath and be with a trained carer. The grade in Vine Street is compliant at less than 1 in 30. The SEPP allows for steeper grades of 1:8 to 1:12. The bus stop is approx. 350 metres. Whilst this complies also with the 400 metre requirement under the SEPP we stress that the residents will be largely relying on community transport options to the CBD.

With regard to medical support the site would have normal urban services in this regard with home visitation, community health access vehicles and the like fully available in Bathurst urban area. Community and recreation opportunities are available with nearby open space opportunities and access to the City's gardens, library and various recreation clubs.

Investigation with Bathurst bus services also allows access from Havannah Street therefore compliant with clause 26 of the SEPP.

The definition of suitable access pathway does not limit to concrete paths and allows consideration of road verges where safe and level access is considered reasonable.

We therefore conclude that in consideration of the intent of clause 26 of the SEPP and within the context of the above mentioned scenario that suitable access to all facilities can be achieved in an efficient and safe manner. Similar development in Dubbo and Orange have been approved, Council's being satisfied that access to facilities adequately and safely provided, acknowledging the physical limitations of the residents in the context of limited pedestrian activity.

27 Bush fire prone land

The site is situated in an established residential area with no Bushfire prone land as defined in the vicinity.

28 Water and sewer

The site has full access to reticulated public utilities such as water and sewer.

17 Vine Street, SOUTH BATHURST NSW 2795

29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

This clause is not relevant to this project as site compatibility criteria are addressed under clause 26-28 regarding site compatibility. A separate site compatibility certificate is not being sought in this instance.

SEPP Part 3

Site Analysis - Clause 30 has been complied with detailed reference to a range of site features, topography, surrounding development, site levels, street features, landscape features, utility services and easements and existing access arrangements.

We recognise the objectives of the SEPP and consider the above definition to best fit the proposed land use.

Clause 31 requirements have been addressed as the site represents a good example of site infill in an established residential location that is consistent with surrounding buildings, character and size and scale similar to the proposed development.

Clause 32 is considered compliant as we have provided detailed justification of Division 2 of Part 3 being clauses 33 to 39 outlined below.

17 Vine Street, SOUTH BATHURST NSW 2795

Clause 33 Neighbourhood amenity and streetscape

The proposed development should:

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
 - (i) providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) using building form and siting that relates to the site's land form, and*
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone.*

Response

The proposed design fits well with surrounding built form and scale, particularly regarding height, construction and design and generally setbacks. Surrounding dwellings are substantial with garages underneath on sloping allotments and therefore of a similar character overall as a single building.

As requested we have amended the front setback from 4.5 metres to 5.65 metres. The adjoining property 19 Vine Street is well setback over 10 metres due to the culdesac bulb design. The amendment overall is considered reasonable in the context of the mixed street character, setbacks and adjoining property 13 and 15 Vine Street situated a similar distance from the front boundary.

17 Vine Street, SOUTH BATHURST NSW 2795

We also draw Council's attention to subclause (d) above that illustrates that the amended design is sympathetic to surrounding development in terms of visual character, visual appearance and varying setbacks in Vine Street.

With regard to setbacks, the car parking area will be well landscaped and the building will have a modest appearance in terms of bulk and scale due to its generous setback. The car parking is also located towards the rear of the site so as to not detract from the streetscape. Landscaping plays a role to integrate the visual appearance into the existing environment.

Other features such as building heights at the street, standard setbacks and typical existing and proposed landscaping all contribute to suitable and consistent design principles and compatibility with surrounding development.

The property is not situated near a heritage precinct, conservation area or heritage item.

No part of the site is part of a riparian zone.

34 Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Response

Visual privacy has been achieved early in the design process with flush walls and some walls without windows to enable visual privacy between the self contained areas. The use of 1.8 metre high fencing between dwellings will also ensure suitable screening whilst enabling private courtyards to be achieved.

Acoustic privacy is also achieved to varying degrees in different parts of the development with private bedroom windows to all villas.

Villa's 1, 2, 3 and 5 will face north and enjoy good sunlight and privacy from the northern neighbours.

The recommended 1.8 metre side fence will significantly reduce impact regarding visual and acoustic privacy.

17 Vine Street, SOUTH BATHURST NSW 2795

35 Solar access and design for climate

The proposed development should:

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Response

As Council would be aware, the principles of good solar design can be achieved in most instances though can be more challenging for units/dwellings on the southern side of the site. Villas 1, 2, 3 and 5 have optimum solar access without impacting surrounding development and their right to sunlight with sunny courtyards, solar access to internal rooms, living areas and kitchen. This exceeds the Clause 50 (e) minimum solar access requirements.

A skylight has been included in the Living Area of Villa 4 to provide sufficient solar access.

The overall design will not impact on the solar access of surrounding development due to the distances to any residences or units nearby and separation by the adjacent driveway to the west or east.

36 Stormwater

The proposed development should:

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

The management of stormwater will be managed on site with turf in open space areas, and minimising large concrete parking areas and paths. It is proposed to have a small porch area to the front door, and covered verandahs to reduce overland flow.

Further the site has been considered at the larger catchment level by allowing a stormwater retention contribution for the development of off site stormwater

17 Vine Street, SOUTH BATHURST NSW 2795

dams and creek management in the vicinity of the South Bathurst Vale Creek precinct.

37 Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

The site is well planned with a main front door porch area facing the street. Single access doors to bedrooms and living areas are glass to enable safe viewing prior to opening a locked door.

The side facing fencing will be 1.8 metres high and will provide good security to the site. Fencing will be lockable to ensure the safety and containment of some tenants with higher levels of disability.

Other measures such as outdoor sensor lights and internal latches only to courtyard gates will also ensure crime can be minimised.

38 Accessibility

The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The site has been planned to allow residents to enjoy practical ease of access to the street and parking areas both at the front and rear of the site with good gate positioning, paths and driveway access.

Ample room is available for pedestrians along the side of parking space 1- 5.

17 Vine Street, SOUTH BATHURST NSW 2795

39 Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

The site will be serviced in the normal citywide waste service including recycling opportunities.

Part 4

40 Development standards—minimum sizes and building height

(1) General

A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

(2) Site size

The size of the site must be at least 1,000 square metres.

(3) Site frontage

The site frontage must be at least 20 metres wide measured at the building line.

(4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted:

(a) the height of all buildings in the proposed development must be 8 metres or less, and

Note. *Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).*

(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

Note. *The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

17 Vine Street, SOUTH BATHURST NSW 2795

(5) Development applications to which clause does not apply
Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:

- (a) the Department of Housing,*
- (b) any other social housing provider.*

Response

The development complies with the above site size, frontage, is less than 2 storeys and is being developed by Housing Plus therefore not applicable.

41 Standards for hostels and self-contained dwellings

(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.

(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.

Response

The development is not multi-storey.

We have addressed Schedule 3 requirements of the SEPP further in our Statement of Environmental Effects.

Part 7

46 Inter-relationship of Part with design principles in Part 3

(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

Note. *It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.*

17 Vine Street, SOUTH BATHURST NSW 2795

(2) *For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.*

Refer to our consideration of clauses 33-39 discussed above. We consider the development addresses and complies with the site and design requirements of Part 3 Division 2 of the SEPP.

47 Part does not apply to certain development applications relating to heritage affected land

Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the [Heritage Act 1977](#) applies.

Heritage matters are not relevant to the site or any nearby Heritage Items.

50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:

- (a) **building height:** *if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

Compliant

- (b) **density and scale:** *if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

Generally compliant at 0.41:1

- (c) **landscaped area:** *if:*

- (i) *in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or*
- (ii) *in any other case—a minimum of 30% of the area of the site is to be landscaped,*

17 Vine Street, SOUTH BATHURST NSW 2795

The site easily contains 35 square metres per dwelling plus other communal open space landscaped areas per dwelling, easily complying with this requirement. The SEPP does not specify whether landscaped areas are to be private or communal spaces.

- (d) **Deep soil zones:** *if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the **deep soil zone**). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

15% of the site represents 228 square metres. Deep soil zones are easily compliant with good areas for vegetation growth on the western side and street setback area are calculated at 200 square metre plus turfed courtyards greater than 3 metres in dimension. We conclude at over 300 square metre of deep soil zone area.

- (e) **solar access:** *if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

As discussed, optimum solar access is available to Villas 1,2,3 and 5 for far more than 3 hours per day to living areas and courtyards therefore representing 80% of the dwellings. To achieve solar access to 100% of the units, Villa 4 has a skylight to the living area.

- (f) **private open space for in-fill self-care housing:** *if:*

- (i) *in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
- (ii) *in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,*

Note. *The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.*

17 Vine Street, SOUTH BATHURST NSW 2795

The proposed dwellings will have a compliant and accessible verandah with direct access to the living area. The development is not multi-storey. The single bedroom dwellings will have greater than 6 square metres.

(g) *(Repealed)*

(h) **parking:** *if at least the following is provided:*

(i) *0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or*

(ii) *1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.*

Note. *The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.*

The development is compliant with 5 spaces plus a disabled space.

Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings

(Clause 41 (1))

Part 1 Standards applying to hostels and self-contained dwellings

1 Application of standards in this Part

The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.

2 Siting standards

(1) Wheelchair access

If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.

The development will be compliant.

(2) If the whole of the site does not have a gradient of less than 1:10:

(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and

17 Vine Street, SOUTH BATHURST NSW 2795

- (b) *the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.*

Note. *For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.*

Refer to subclause (1). Subclause (2) not applicable.

(3) Common areas

Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

All common areas will be wheelchair accessible.

3 Security

Pathway lighting:

- (a) *must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and*
- (b) *must provide at least 20 lux at ground level.*

The developer will ensure compliance.

4 Letterboxes

Letterboxes:

- (a) *must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and*
- (b) *must be lockable, and*
- (c) *must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.*

This will be compliant with a series of locked letterboxes on the front boundary near the centre of the site.

17 Vine Street, SOUTH BATHURST NSW 2795

5 Private car accommodation

If car parking (not being car parking for employees) is provided:

- (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and*
- (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and*
- (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.*

The development is designed for physically moderate to severely disabled persons. No residents will have a drivers licence. One space however will be 3.8 metres including the 'shared zone' shown hatched on the plan. There will be no private garages on site.

6 Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

The developer will ensure compliance in the building tender and specifications.

7 Interior: general

- (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.*
- (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.*
- (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.*

The developer will ensure compliance in the building tender and specifications.

17 Vine Street, SOUTH BATHURST NSW 2795

8 Bedroom

At least one bedroom within each dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a bed sized as follows:
 - (i) in the case of a dwelling in a hostel—a single-size bed,*
 - (ii) in the case of a self-contained dwelling—a queen-size bed, and**
- (b) a clear area for the bed of at least:
 - (i) 1,200 millimetres wide at the foot of the bed, and*
 - (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and**
- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and*
- (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and*
- (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and*
- (f) wiring to allow a potential illumination level of at least 300 lux.*

The developer will ensure compliance in building specifications. The proposed bedroom dimensions with queen beds only 2.0 metres long and 1.8 metres wide will ensure compliance with the above criteria.

9 Bathroom

(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

- (a) a slip-resistant floor surface,*
- (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,*
- (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:
 - (i) a grab rail,*
 - (ii) portable shower head,**

17 Vine Street, SOUTH BATHURST NSW 2795

(iii) folding seat,

(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,

(e) a double general power outlet beside the mirror.

(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

The above criteria have been incorporated into the submitted design and will be further including in the builders specifications.

10 Toilet

A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

Compliant

11 Surface finishes

Balconies and external paved areas must have slip-resistant surfaces.

Note. *Advise regarding finishes may be obtained from AS 1428.1.*

A brushed concrete surface will comply with this criteria.

12 Door hardware

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

The developer will ensure compliance in the building tender and specifications.

13 Ancillary items

Switches and power points must be provided in accordance with AS 4299.

The developer will ensure compliance in the building tender and specifications.

17 Vine Street, SOUTH BATHURST NSW 2795

Part 2 Additional standards for self-contained dwellings

14 Application of standards in this Part

The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.

15 Living room and dining room

(1) A living room in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and*
- (b) a telephone adjacent to a general power outlet.*

(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

The developer will ensure compliance in the building tender and specifications. Circulation space in each living area is above the minimum AS4299 Adaptable Housing.

16 Kitchen

A kitchen in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and*
- (b) a circulation space at door approaches that complies with AS 1428.1, and*
- (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:*
 - (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),*
 - (ii) a tap set (see clause 4.5.6),*
 - (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,*
 - (iv) an oven (see clause 4.5.8), and*
- (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and*
- (e) general power outlets:*

17 Vine Street, SOUTH BATHURST NSW 2795

- (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and*
- (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.*

The submitted plans are compliant with the above. Further detail will be applied in the builder's specifications.

17 Access to kitchen, main bedroom, bathroom and toilet

In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.

Compliant

18 Lifts in multi-storey buildings

In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.

Compliant

19 Laundry

A self-contained dwelling must have a laundry that has:

- (a) a circulation space at door approaches that complies with AS 1428.1, and*
- (b) provision for the installation of an automatic washing machine and a clothes dryer, and*
- (c) a clear space in front of appliances of at least 1,300 millimetres, and*
- (d) a slip-resistant floor surface, and*
- (e) an accessible path of travel to any clothes line provided in relation to the dwelling.*

The developer will ensure compliance in the building tender and specifications. The communal laundry is of ample dimensions with good bench area for a dryer and washing machine with good external access to the western side of the building.

17 Vine Street, SOUTH BATHURST NSW 2795

20 Storage for linen

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

Ample storage for linen is available in the study or bedroom built-in.

21 Garbage

A garbage storage area must be provided in an accessible location.

Garbage storage will be easily accessible in the communal kitchen or in each verandah/courtyard space.

State Environmental Planning Policy 55 relates to the proposal, specifically clause 7 assessment.

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*

17 Vine Street, SOUTH BATHURST NSW 2795

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The land has been previously been used for residential purposes. No fuel tanks or rural pesticides are evident.

6.4 Provisions of Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments

7.0 MERIT BASED APPROACH TO RESIDENTIAL DEVELOPMENT

A merit-based (or performance) approach to residential development focuses on achieving planning outcomes rather than prescriptive or numerical (often minimum) standards. In this Plan, numerical standards are mainly used as a guide. For example, lot sizes are outlined to provide for a range of areas. Small lots also provide more challenges for dwelling design. Development contributions are applied to different categories of lots according to size. In some cases, areas and dimensions are still applied to explain how performance can be achieved. Variations to these may be allowed where an application demonstrates to Council's satisfaction that design objectives and principles are achieved.

The merit-based approach to development permits designers to respond to the individual opportunities and constraints of each site. This means that planners and designers can respond more flexibly to local conditions, both in terms of a site's potential and its impact on neighbourhood character (NSW Model Code).

This Plan promotes a comprehensive approach to site planning, design and assessment for urban-residential development. This requires careful analysis of the site's character (opportunities and constraints to development) and the following design elements:

- *Streetscape*
- *Energy Efficiency*
- *Bulk and Scale*
- *Privacy and Security*
- *Site Access and Circulation*
- *Water and Soil Management*
- *Open Space and Landscaping*
- *Site Facilities*

Development must be able to demonstrate to Council that it achieves the objectives and planning outcomes for these design elements.

The following subheadings are being used as an outline to illustrate that the proposed development adequately addresses significant design issues to ensure that the proposed development provides opportunities for good quality residential development and integrates well with its surrounding environment.

17 Vine Street, SOUTH BATHURST NSW 2795

Cumulative Impact

The cumulative impact outcomes and assessment of cumulative impact in the DCP focusses on clustered urban or industrial development and its potential to have increased environmental impact from a combined development perspective. The proposed development is considered to be within normal expectations for a residential precinct.

The limited traffic movements to the site and the good traffic movement capacity of Vine Street are considered satisfactory from a cumulative perspective.

In terms of water and sewer demand, the 9 bedrooms and sleepover would generate a similar demand to approximately two dwellings. A similar 5 villa development in Orange was recently assessed at 0.5 ETs for water and 0.75 ETs sewer.

7.1 Residential Streetscape and Character

To ensure that the overall neighbourhood character is not compromised, the proposed building has been designed of a residential scale in terms of proposed building materials and similar scale and height to that of surrounding dwellings in the locality.

The proposed building will comply with Council's setback requirements with a proposed setback of 4.5 metres from the front boundary to allow for landscaping and visual amenity.

From a streetscape perspective, the proposed building will comply with Council's streetscape requirements and generally with proposed landscaping, will blend with existing single detached dwellings and medium density development in the locality.

7.2 Site Coverage

The proposed building represent a total coverage of 32% of the 1520 square metre property; generally complying with DCP 2014 site requirements.

On this basis and compliance with other design requirements including parking, solar access, setbacks and landscaping, it is submitted that the proposal is not considered an overdevelopment of the site.

7.3 Energy Efficiency

17 Vine Street, SOUTH BATHURST NSW 2795

The subject land generally has a north/south orientation with optimum solar access toward the northern side boundary where possible. The main communal outdoor area will also have good northerly aspect.

Suitable details will be provided with the CC for the proposed self contained dwellings with regard to energy efficiency including energy ratings, levels of solar access, energy efficiency and landscape design, water saving devices, method of heating and cooling and hot water system selection.

7.4 Bulk and Scale

The overall bulk and scale of the proposed building is considered visually compatible with surrounding residential development.

The proposed building is single storey, built of residential style materials, window sizes, roof pitch and the like. Wall dimensions are irregular and stepped to 'break up' the visual bulk and scale.

The proposal is considered consistent with the existing residential single storey detached character of the locality.

The use of standard residential building materials comprising brick veneer walls and 21 degree colorbond roofing, combined with the overall scale and dimensions used, will ensure the residential character and visual integrity will not be adversely affected.

As recommended by Council's DCP 2014, visual relief with stepped/staggered walls and verandahs setback from the front boundary line are proposed.

7.5 Privacy and Security

To ensure privacy between the occupants of proposed surrounding dwellings, it is envisaged to provide standard residential fencing of 1.5 metres in height along existing boundaries.

The overall window orientation of main living rooms oriented to the north and south are considered to be a suitable distance from boundaries to ensure privacy.

7.6 Overshadowing

17 Vine Street, SOUTH BATHURST NSW 2795

The plans illustrate the location of the proposed building along the southern side of the property. Shadows will be principally cast over 19 Vine Street during the morning period similar to the existing dwelling at 17 Vine Street. The proposed southern wall will be sited 2 metres from the southern boundary compared to 1.5 metres for the existing dwelling.

We do not envisage a greater impact with substantial afternoon shadows being cast onto the street frontage.

Refer to comments under the SEPP.

7.7 Site Access and Circulation

Car parking is to be provided as per SEPP 5 (now Seniors Living SEPP). Schedule 3 states:

5 Private car accommodation

If car parking (not being car parking for employees) is provided:

- (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and*
- (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and*
- (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.*

As stated previously, the residents will not have drivers licences therefore 5 spaces plus a disabled space is ample for compliance with essentially visitor spaces and the full time daytime carer. The above clause is intended for seniors living scenarios where the residents have their own private car and car accommodation. This is not applicable under the proposed disabled person's scenario.

The five spaces fronting Vine Street are considered suitable given that they will be used for a low volume of visitors. There is also good sight distance in this section of Vine Street in both directions.

The existing local road network will not be adversely affected by the moderate level of increased traffic flow generated by the proposed development and the associated single carer and intermittent visitors.

17 Vine Street, SOUTH BATHURST NSW 2795

7.8 DCP - Landscaping

Landscaping comprises a mix of shrubs and trees principally in the vicinity of the car park and to screen headlights from the driveway and also to provide good presentation to Vine Street. The proposed landscaping will create an attractive residential environment including Silver Birch, Pittosporum and Camelia and various ground covers.

7.9 DCP - Water and Soil Management

The proposed development will comply with the specific engineering requirements under Council's Development and Subdivision Code. The site generally slopes to the eastern boundary towards the street and can be adequately drained to the street with some fill likely on the south-western corner of the building.

The required stormwater and soil management plan will be submitted for approval identifying stormwater management and soil erosion measures.

7.10 Council Contributions

We request that Council contributions be assessed based on the development as submitted accounting for the existing dwelling 'credit' applicable to the land.

In regards to Section 64 contributions, we understand that a higher ET level may apply due to the number of toilets and wash basins. This however may be waived due to the applicant status as a social housing provider.

The applicant is a social housing provider therefore Section 94 Contributions are not required.

7.11 Environmental Compatibility

It is considered based on the proposed use being compatible with a mix of residential types including nearby aged care. The proposed use presents a good

17 Vine Street, SOUTH BATHURST NSW 2795

transitional use between the mixed residential densities and single free standing dwellings.

Similarly, the hours of operation of self-contained dwellings for permanent residents are of a similar scale to normal residential living however note that residents will not have drivers licences. Car spaces will only be used by the single carer and visitors reducing the environmental impact of the development.

It is considered given the large land area that this site is compatible with the overall precinct and the relatively central location providing an opportunity for good catchment management in terms of social support and health care whilst being compatible in terms of residential amenity in the locality.

7.12 Utility Services

The site is surrounded by a mix of residential single detached and medium density housing and has good access to a range of utility services including water and sewer reticulation, natural gas and communication infrastructure.

It is understood that this work will need to be addressed prior to CC and/or engineering plan approval.

The land will predominantly be used for residential purposes. Soil erosion will be minimal with grassed areas and landscaping designed to ensure no intensive runoff will erode the soil resource in the urban context of the site.

The measures proposed will be compliant with Council's development and subdivision code regarding sediment control and soil erosion management.

In response to the DCP outcomes, there is no septic facilities to be assessed as part of this application therefore no geotechnical assessment required for on-site waste management.

Council will note stormwater management measures proposed as part of the driveway parking area will ensure that soil erosion control and water quality can be well managed.

17 Vine Street, SOUTH BATHURST NSW 2795

7.13 The Suitability of the Site for Development

As stated in our submission, the site enjoys obvious locational advantages in terms of serving the north eastern sector in an efficient manner.

It is submitted that there is a social need for such accommodation and will be compatible with surrounding medium density housing.

The site presents no physical impediments to development of the site as a relatively level and will present minimal impact to the immediate neighbourhood.

Access opportunities are easily available from Vine Street, with entry and exit available from a logical access point similar to other residential development in South Bathurst.

7.14 The Public Interest

The proposed self-contained dwellings form part of the City's social welfare infrastructure providing accommodation and support care for disabled and permanently ill members of the community. The function of the Bathurst community relies on the efficient location of quality accommodation care facilities in areas that are compatible with surrounding land use and are situated in suitable catchment areas from a social functionality perspective.

It is submitted that it is in the public interest socially, environmentally and in terms of health care support for the City, that the proposal to be considered on the subject land.

17 Vine Street, SOUTH BATHURST NSW 2795

8.0 SUMMARY

The proposal could be supported by Council on the following grounds:

- The proposed site presents social, environmental and employment opportunities for the City.
- Allows for transport efficiency in serving the north eastern catchment for social accommodation and care needs.
- The proposal is supported under the items of consideration specified under Section 79(c) of the Environmental Planning and Assessment Act, 1979.
- The proposal is supported under the items of consideration specified under SEPP (Housing for Seniors or People with a Disability) 2004.
- Minor environmental impact.
- Council's ability to impose relevant conditions of consent relating to access and drainage where appropriate.

We trust the above information satisfies Council's requirements for consideration.

Yours faithfully

SAUNDERS & STANIFORTH



ANDREW SAUNDERS

AAPI Certified Practising Valuer
B Urb Reg Plan
Ass Dip Bus (Val)
Registered Valuer No. 6330

BATHURST REGIONAL COUNCIL

26 MAR 2018

REF. 2017/448-02/003

Lucinda & Kevin Casney³
 30 Vine St
 South Bathurst
 2795

To whom it may concern,

In reference to D.A. no. 2017/448 proposed development of 5x self contained units at 17 Vine St.

We have lived in Vine St for 25 yrs and believe that this development will ruin our quiet little dead end street. The block is only suitable for a single family home. We believe the noise from 5 groups of people living in one house block would be very noisy. Our street is all older people mainly couples & single residences. We work shift work so sleep at all times of the day. We have all stayed because it is a quiet street. We value our privacy & believe this will be lost. The increased traffic in a small street will be dangerous & congested. We have a shop & school at the end of our street so there is already a lot

of traffic.

this will impact our land value

Visually it will be an eye sore for our street.

We are also concerned about our safety. Housing plus have not said what type of residence they will be housing here. I am often home alone & worry that our street won't be safe.

We have been long term Rate payer's & were happy with not being able to subdivide our half an acre block, knowing that we would maintain our quiet country feeling for as long as we are able to live here. I hope council looks after our street & doesn't allow it to be mined.

Kind Regards

Jocinda & Kevin Carney

Jocinda Carney

2017/448-02/001



Att Building and development Dept . Submission to DA 2017/448

L.Hart to: council

23/03/2018 12:42 PM

From: "L.Hart" <LH47@Bigpond.com>
To: <council@bathurst.nsw.gov.au>

Bathurst Regional Council

Please see attached documents detailing my submission to

Development Application No. 2017/448

Proposed Development: 5 x self contained residential units

Premises: Lot 16 DP: 263190 17 Vine St South Bathurst

Applicant: Houses Plus

Email address and postal address supplied not for public exhibition or publication.

Please acknowledge receipt of this submission to the building and development department by return email.

Layton Hart
P.O. Box 1574

Bathurst 2795  - Submission DA 2017-448-1 ammended.pdf  - Submission DA 2017-448-1 ammended.docx

Layton Hart
28 Vine St
South Bathurst
NSW 2795

22 March 2018
Bathurst Regional Council
158 Russell St
Bathurst NSW 2795

Dear Bathurst Regional Council

Development Application No. 2017/448
Proposed Development: 5 x self contained residential units
Premises: Lot 16 DP: 263190 17 Vine St South Bathurst
Applicant: Houses Plus

I object to the above proposed development in its current form for the following reasons;

I disagree with the statement in the Statement of environmental effects that “the building will have a modest appearance in terms of bulk and generally setbacks” in the current application it will be the biggest house in the street. The applicant refers to the site being surrounded by a mix of single detached and medium density housing when the area only contains single detached dwellings of 3 or 4 bedrooms and only one medium density duplex at the other end of the street.

I think the increased traffic volume is understated when you consider the amount of support workers that will be needed to service high needs care and higher level transport needs like mini buses that will impact on traffic volumes and street parking. Increased noise levels possibly at all hours of the night.

I am concerned about increased light pollution entering my property. The DA does state there will be pathway lighting and sensor lighting and also states that the developer will ensure compliance with regards to avoiding glare to adjacent dwellings but there is no lighting plan to show how this will be achieved and it is not stated whether the lighting will be left on all night or be on demand. I would also like more information on what sort of HVAC units will be used and their location as large reverse cycle air conditioning units can be quite noisy in sub zero temperatures in winter.

I also question the suitability for such a development in this area in terms of scale of the development compared to every other house in the street, i.e. one residence per block versus 5 residences per block. And the suitability of this location in terms of access to facilities as required in the SEPP for access to banking, retail outlets and medical services. The mini market referred to is a privately run business which was closed for a period of 18 months and cannot be relied on to provide services as stated in the application. Also access to bus services relies on travelling up the side of the road which narrows at Rose Street and can be busy and congested with parked cars at times.

I am also concerned about the fact that this appears to be a health care facility being established in a low density residential area. These concerns include single carer movements between units with opening and closing of metal gates with noise impact especially at night, the statement in the DA that “fencing will be lockable to ensure safety and containment of some tenants with higher levels of disability” and the vague nature of the description of who this facility is intended to house. I also

note that the nearby aged care facility is now closed. I also seek assurances from the developer that the stated use of the facility will be adhered to in terms of the type of residential accommodation i.e. long term disabled/ aged care and maximum of nine permanent residents and not be turned into general residential/ public housing accommodation.

I also note that the demolition of the existing dwelling is an exempt development but as stated in the development application there is asbestos present but the amount is not stated as required in the application. What controls will be put in place to prevent surrounding properties being exposed to asbestos.

Layton Hart
28 Vine Street
South Bathurst
NSW 2795

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I think the increased traffic volume is understated when you consider the amount of support workers that will be needed to service high needs care and higher level transport needs like mini buses that will impact on traffic volumes and street parking. Increased noise levels possibly at all hours of the night.

I am concerned about increased light pollution entering my property. The DA does state there will be pathway lighting and sensor lighting and also states that the developer will ensure compliance with regards to avoiding glare to adjacent dwellings but there is no lighting plan to show how this will be achieved and it is not stated whether the lighting will be left on all night or be on demand. I would also like more information on what sort of HVAC units will be used and their location as large reverse cycle air conditioning units can be quite noisy in sub zero temperatures in winter.

I also question the suitability for such a development in this area in terms of scale of the development compared to every other house in the street, i.e. one residence per block versus 5 residences per block. And the suitability of this location in terms of access to facilities as required in the SEPP for access to banking, retail outlets and medical services. The mini market referred to is a privately run business which was closed for a period of 18 months and cannot be relied on to provide services as stated in the application. Also access to bus services relies on travelling up the side of the road which narrows at Rose Street and can be busy and congested with parked cars at times.

I am also concerned about the fact that this appears to be a health care facility being established in a low density residential area. These concerns include single carer movements between units with opening and closing of metal gates with noise impact especially at night, the statement in the DA that “fencing will be lockable to ensure safety and containment of some tenants with higher levels of disability” and the vague nature of the description of who this facility is intended to house. I also

note that the nearby aged care facility is now closed. I also seek assurances from the developer that the stated use of the facility will be adhered to in terms of the type of residential accommodation i.e. long term disabled/ aged care and maximum of nine permanent residents and not be turned into general residential/ public housing accommodation.

I also note that the demolition of the existing dwelling is an exempt development but as stated in the development application there is asbestos present but the amount is not stated as required in the application. What controls will be put in place to prevent surrounding properties being exposed to asbestos.

Layton Hart
28 Vine Street
South Bathurst
NSW 2795

26 MAR 2018

To Bathurst City Council concerning the development of 17, Vine Street, South
Bathurst

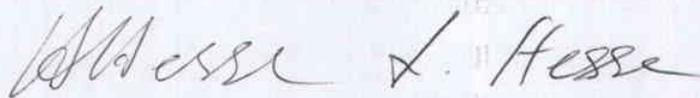
REF. 2017/448-02/002

As Housing Plus is a business, should this project be in a designated business
development area? Or has Council re-designated this area?

In our view, the re-presented plan for 17, Vine Street, remains contentious
because there will be:-

- i. Higher walls and fences will dominate over its neighbours, that besides being unsightly, will also be CLOSER to those boundaries.
- ii. So too will the community area.
- iii. The new plan means that the present trees would be cut down, rather than benefit the aspect for all.
- iv. Housing Plus has not specified how many people would be allowed into each unit, or if they have considered the housed personnel would present any dangers to the many school children that travel to and from school every day past no. 17.
- v. Indeed, we will need to install cameras in order to prosecute if there was anything untoward that happened from the guests at no.17

We would like to remind Council that we are not looking at a family house in a family neighbourhood as previously this area was designated. It also falls to individual house owners to prosecute any problems that may occur.



Horst and Janet Hesse, residing at 15 Thomas Close.

23 March 2018

DEPBS



**Development Application No 2017/448, Lot 16 DP: 263190 17 Vine Street,
Bathurst, NSW, 2795**

Alison McKay to: council

21/03/2018 05:40 PM

From: Alison McKay <amckay0@gmail.com>
To: council@bathurst.nsw.gov.au

Attn: R Denyer

Hi R Denyer,

Please find attached a letter of concern we have in regards to the DA for 2017/448.

Kind regards Christopher and Patricia McKay

[Report this message as spam](#)



- DA2 for Vine Street.docx

18/03/18

Christopher & Patricia McKay
17 Thomas Close
Bathurst, NSW, 2795
0263322829
cwmckay@gmail.com

Dear R Denyer,

Re: Development Application No 2017/448, Lot 16 DP: 263190 17 Vine Street, Bathurst, NSW, 2795.

We wish to make you aware yet again of a number of strong objections and concerns that we have with regards to the proposed development of 5 x self-contained residential units of 17 Vine Street, application number referenced above. As an immediate neighbour to the site of the proposed development, we are of the view that this proposed development will have serious impact on our standard of living. Our specific objections and concerns are as follows:

1. Possible Damage to Our Housing Structure

Our number one main concern is the possible damage to our house structure during the current dwelling's demolition/removal and all excavation work (including cut and fill of land). What protection/support will be used during this time on our land? Will there be retaining walls? How high will these retaining walls be? What distance from our fence line could these be erected?

2. Dust Exposure

What plan is in place to protect our dwelling from dust exposure during the demolition/removal of the current dwelling. Has this site been tested for Asbestos?

3. What is the Meaning of "Containment" of These Clients

On the current proposal on Pg. 12 it states "Fencing will be lockable to ensure the safety and containment of some tenant with high levels of disability". What type of tenant's are living in this proposed dwelling if they must be contained. If they are contained and no full time career how do they get out if there is a fire?

4. Current Proposal Contradicts Clientele Residing in Dwelling

In current proposal on Pg. 1 it states "rather than specific problems such as Down Syndrome", then on pg. 6 it states "with multiple conditions such as MS, spinal problems and Down Syndrome and the like". Do we actually know who is going to reside in this new proposed dwelling? These statement contradict each other.

5. Fencing

On current proposal on Pg. 10 it is still stating 1.8M fencing when the catholic building code states on 1.5M on all the plans. Our concern is building a retaining wall and then a fence on top of that, this will not only not look good, it may block the sun coming into our property affecting the current garden beds.

6. Zoning

On the current proposal on Pg. 3 it states "Zone R2 Low density Residential" and on pg. 32 it states "Will be compatible with surrounding medium density housing". Are we Low or Medium density?

7. Fuel Tank

On current proposal on Pg.25 it states there is no fuel tank, but when this proposal was drawn up, there still was a fuel tank. It was removed after this letter. Will the removal of this fuel tank have any detrimental environment effects for the new building?

8. Roofing

On Current proposal on Pg.28 it still states a colour bond roof when all other dwellings in this area have a tiled roof.

9. Residential Aged Care

On the current proposal on Pg.30 it states "including residential aged care". This establishment is no longer.

10. Facilities Stated in Proposal are Not Available

On Pg. 6 of the current proposal it states that "Subject site stated to be close to an ATM and butcher shop." These facilities are not available at the corner store.

We would again be grateful if the council would take our objections and concerns into consideration when deciding this application.

Regards

Christopher and Patricia McKay

Mr Robert Niven
 26 Vine Street BATHURST REGIONAL COUNCIL
 Bathurst. NSW 2795

19 MAR 2018

ATT: R Denyer
 Manager Development Assessment
 Bathurst Regional Council
 RE: Development Application No. 2017/448, 17 Vine Street, Bathurst.

REF. 2017/448/040

As the owner of property 26 Vine Street, Bathurst, I wish to submit my objection to the above development application based on the following concerns.

- . Increased traffic and noise to a quiet and narrow cul de sac, with a small turning circle, which would become very congested and detrimental to existing driveways
 - Noise due to staffing requirements over a 24 hour day
 - Noise due to 5 air conditioning units
 - Visitor traffic to the facility
- . Creating an institution in a residential area, which I believe will de value properties in the area, as it does not fit the street scape and is unsuitable
- . The demolition of the building is also of an environmental and safety concern as it contains asbestos and there is also an old buried oil tank on site.
 - These aspects have not been taken into account
- . Danger to the residents of the facility with the amount of large 4 wheel drive vehicles with trailers laden with rubbish driving up Vine Street and using the turning circle at the end, when they realise it is not the road to the waste management centre, and by this time, are quiet agitated by this fact, so therefore is not a safe environment for residents with disabilities
- . I have concerns with the plans as there are 5 two bedroom units proposed. It has been stated that only 1 resident will be staying in each unit, but it gives the capability of this number doubling in the future, leading to over crowding on a residential block
- . The infrastructure in the area does not accommodate the disabled occupants that it is supposed to be designed for. There are currently no footpaths in Vine Street, so the mobility would be on the road, which is a safety issue. As far as the requirement of the facility needing to be close to the shops, the small corner store at the end of Vine Street was recently closed for more than 6 months, and the butcher shop mentioned is at the bottom of a very steep hill on the corner of Havannah and Rocket Streets, which would be a difficult climb for mobility scooters and wheel chairs
- . The development does not comply with council in the regard of no dual occupancy or units within the Mount Panorama zone

RECEIVED

19 MAR 2018

BATHURST REGIONAL COUNCIL

DEPBS-R

There is already infrastructure in place at St Catherine's facility in Busby Street
The points mentioned above are what I see as some important factors for Council to consider
when assessing this application and its unsuitability to the area

Yours faithfully



Robert Niven



Mr Fred Pearce
19 Vine Street
South Bathurst NSW 2795

20th March 2018

RECEIVED
21 MAR 2018

The Manager
Environment, Planning & Building Services
Bathurst Regional Council
158 Russell Street
BATHURST NSW 2795

BATHURST REGIONAL COUNCIL

RE: DA 2017/488 17 VINE STREET, SOUTH BATHURST
Attention: Mrs Lucie Barnett

Please find below my concerns and questions relating to the amended Development Application for 17 Vine Street, South Bathurst, submitted on the 19th February 2018.

Page 1/6	<ul style="list-style-type: none"> States no residents with Down Syndrome. Page 6 states yes to residents with Down Syndrome. The purpose of the facility needs to be clearly defined.
Page 6	<ul style="list-style-type: none"> There is no ATM, butchery or medical centre within 250 metres. Existing site plan is incorrect as 17 and 19 are in a straight line which was a condition I had to follow when building my property. On the elevation plan it states item 6, grab rails will be installed at a later date. If the facility is designed to for people with a disability then wouldn't safety features be essential and installed immediately? The plan states retaining walls as required. It does not provide any information about the heights.
Page 9	<ul style="list-style-type: none"> The set back at 19 Vine Street had nothing to do with the cul-de-sac bulb design. This is incorrect as the position was dictated by the Council and I had to stay in line with number 17 Vine Street. New set back as stated is 5.65m but on the plan it is 6.359, this could be pushed back in line with number 19 Vine Street. If the property is passed there is a stone retaining wall approxiamtely .55 high which is on my side of the boundary which has great sentimental value as when Monsignor Grant lived at 17 Vine Street he was involved when I was building it and I don't want it damaged in any excavation work. I don't want any existing fences damaged or removed so retaining walls will have to be clear of fences.
Page 10	<ul style="list-style-type: none"> Windows in bedrooms don't all face the driveways or parking areas. 2 bedrooms and toilets face number 19 Vine Street (southern side). If the property is approved

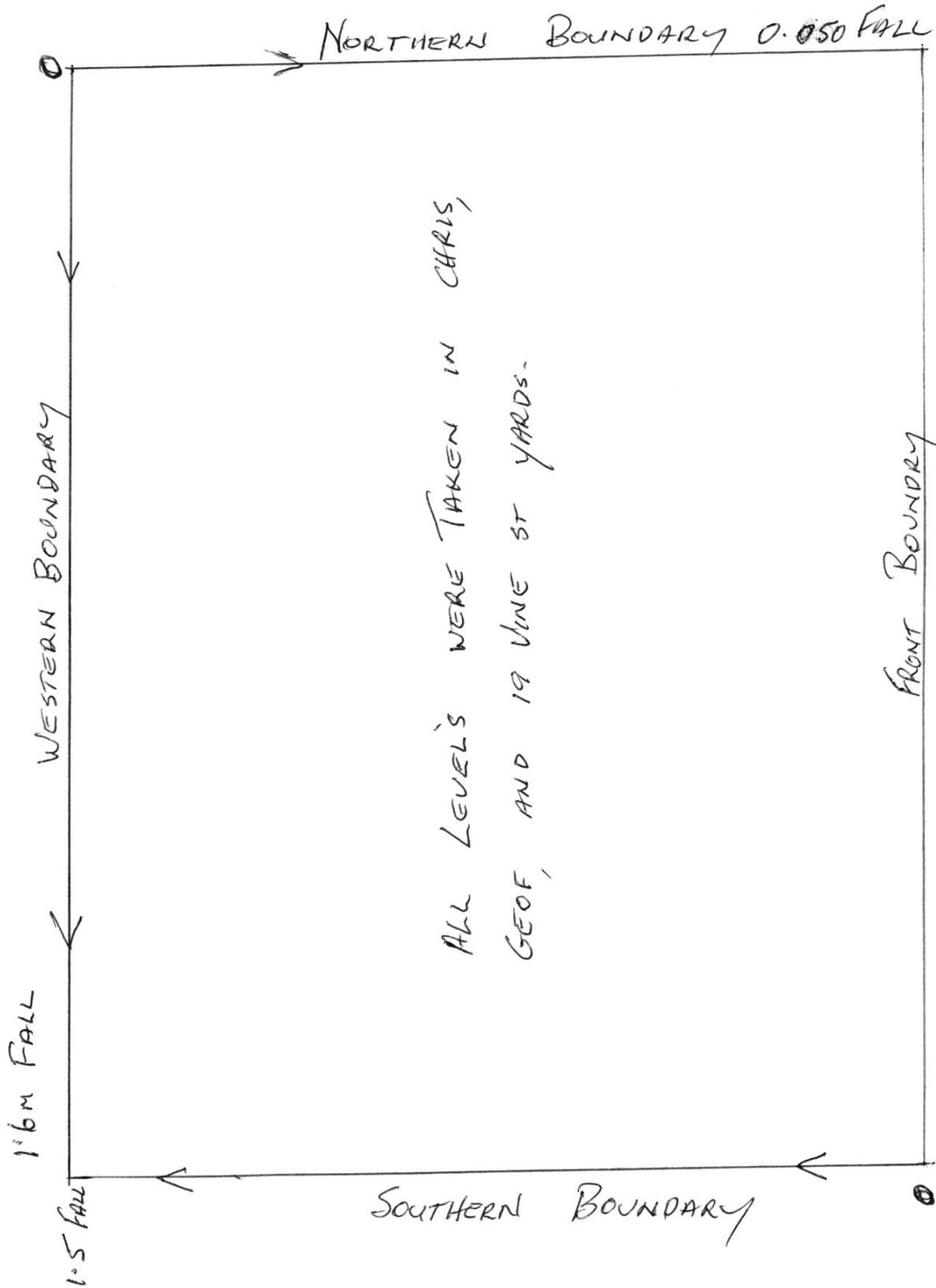
DEPBS ✓

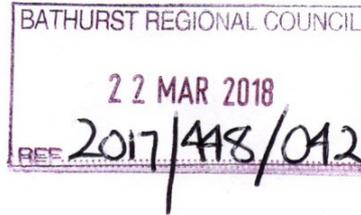
	<p>there needs to be non-opening double glass windows on this side to prevent any noise and double brick walls.</p> <ul style="list-style-type: none"> • Sleep over person is still required to go outside to enter villas.
Page 17	<ul style="list-style-type: none"> • Grass footpaths as stated are not wheelchair friendly and would not provide a safe environment for anyone requiring to use walking aids.
Page 27	<ul style="list-style-type: none"> • Traffic movement will increase extensively, especially when work commence. The impact is likely to be ongoing when residents move in. • The digging out of the land site is large and therefore will require large volumes of material to be transported away from the site. Truck movements therefore will be a problem with noise and traffic flow. • Asbestos has been ticked in the building which will be a pollution concern for me. • Machinery such as rollers/compactor will have an effect on our block with vibration unsettling the ground in my yard and could potentially damage my house. • Each villa is to have air conditioning unit, this is another ongoing noise concern.
Page 27	<ul style="list-style-type: none"> • States set back is 4.5metres from the front boundary. This is the 3rd set back measurements. What is the actual measurement? • There is 1.5 fall on the Southern side of the boundary which means, if 300mm is excavated out on the front there would have to be a retaining wall 1.2 high at the back. This would require a 1.2 high retaining wall plus a fence on top. • It is possible that floor level could be as much as 1.2 higher than existing ground level, with the building on top it would be approx. 6.2m higher than natural ground level which would cast a big shadow over my yard which would include paths and my clothes line. The impact in winter will be significant with ice and frost being unable to melt. This would then be a safety issue for residents of number 19 Vine Street. The propose units are only 1.8m off the boundary.
Page 29	<ul style="list-style-type: none"> • <u>The existing building is 6.0 metres off the boundary on the southern side not 1.5 as stated.</u> • States 2m off the southern boundary on the plan but is 1.8m. • This building is not suitable for this block of land.
	<p>Other safety issues still outstanding is the proposed plan has a tree line across the front boundary. This will prevent me having a clear line of the street and be an issue when backing my caravan which is stored in a carport next to 17 Vine Street. School children walking to and from school will be hard to see without a clear line.</p> <p>The villas are very close to my boundary and I believe the impact of this will be quite significant in several areas which include the demolition state with noise and dust.</p>

Yours sincerely,



Fred Pearce





21st March, 2018.

The Manager
 Environmental, Planning & Building Services
 Bathurst Regional Council
 158 Russell Street
 BATHURST NSW 2795.

Geoff & Bev Sharwood
 15 Vine Street
 South Bathurst NSW 2795.

RECEIVED

21 MAR 2018

BATHURST REGIONAL COUNCIL

RE: DA 2017/448- 17 VINE STREET SOUTH BATHURST
 Att: Mrs Lucie Barnett

We are writing in response to the proposed development of land located at 17 Vine Street South Bathurst.

We currently reside on the northern side of the proposed development and believe that it is not in keeping with residences in the area. When constructing our own house, we had to seek permission from the Trustees of the Catholic Church to have our house built slightly forward of the allowable distance at the front. This was due to a covenant being put in place for houses along our side of Vine Street. Under the covenant the buildings were to have brick walls and a tiled roof, from the plans issued it would appear that a colourbond roof is going to be used. A copy of the covenant is enclosed. Clause 2 of the covenant states that; "the main building shall not be used other than as a single residential dwelling."

We believe the impact of these villas being constructed will impact on us quite significantly in several areas;

- During the demolition stage, there will be a lot of noise and dust
- Asbestos has been ticked in the building which will be a pollution concern for us
- The digging out of the land site is large, and therefore will require large volumes of materials to be transported away from site. Truck movements therefore will be a problem with noise and also traffic flow out of the cul-de-sac.
- With the demolition and excavation work, our concern is that our house will be impacted and could experience damage such as cracking walls
- Our property will be impacted financially with the value dropping as advised by real estate agents in the event of such a development being placed next to us.

The development states that the villas are being used for people with disabilities, on the plans it has been stated that bathroom handrails are to be installed at a later date. Under the building code shouldn't this be done on completion of the building?

As the term disabilities covers a very broad range of people from being physically to mentally disadvantaged, we would like a more comprehensive explanation as to the number and type of clientele that will be housed in this facility.

If the villas are operating on a 24hour operation basis, we have concerns about noise as our bedrooms are located on that side. This will also be the case if traffic is coming in and out of the property.

The plans indicate that internal walls are not of a fire proof standard. Again under the building code shouldn't this be a condition of the development for fire safety regulations.

The report states an ATM being located in the local mini market, there is no ATM in the shop, the nearest ATM would be located in the CBD approximately 2klms away.

DEPB ✓

The footpath is grassed and very uneven which we believe not to be suitable access to the shop and they would need to walk on the road. This would be dangerous for those concerned at peak times with the amount of traffic utilising Vine Street, particularly from the Rose Street intersection. Rose Street is a feeder street for traffic coming from the lower South Bathurst area in to Vine Street servicing the school. The traffic studies don't seem to take in to account the impact of events at Mount Panorama. Parking during the Bathurst 1000 races overflows in to Vine Street as parking is not permitted down Havannah St. Also with traffic, we experience a lot of drivers unknowingly come down to the cul-de-sac looking to go to the tip or the harness racing club. Maps still show this street as a through road to these places.

If this development gets approval and if the trees are to be cut down along our boundary, then I would insist that 1.8mfences be installed with existing lattice placed on the top. This side of our house will be very exposed and no privacy as per photos included with this letter.

Yours sincerely

Geoff and Bev Sharwood

RP 13A

STAMP DUTY

\$1,100 NEW SECT
\$ 70,600 (Stamp Duty)
STAMP DUTY (Sec Instructions for Completion on back of form)



7 JUL 1993 1309 45

T643601

TRANSFER

REAL PROPERTY ACT, 1900

(See Instructions for Completion on back of form)

OFFICE USE ONLY	
1	14
\$	3004

DESCRIPTION OF LAND
Note (a)

LAND being transferred		
Torrens Title Reference	If Part Only, De'ote Whole and G'vs Details	Location
Vol. 14841 Fol. 105	WHOLE	Bathurst

TENEMENTS PANEL
Note (b)

This panel also to be completed for covenants by transferor

Servient Tenement (Land burdened by easement)		Dominant Tenement (Land benefited by easement)	
Torrens Title Reference	Torrens Title Reference	Torrens Title Reference	Torrens Title Reference

TRANSFEROR
Note (c)

THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF BATHURST 84 George Street, Bathurst, N.S.W.

OFFICE USE ONLY
N

Note (d)

(the abovesaid TRANSFEROR) hereby acknowledges receipt of the consideration of \$16,000.00 and transfers an estate in fee simple in the land being transferred above described to the TRANSFEREE

TRANSFEREE
Note (c)

GEOFFREY ALBERT DENSMORE of 2 Busby Street, Bathurst, N.S.W., valuer and LINDA ANNE DENSMORE, his wife

OFFICE USE ONLY
JTC.

TENANCY
Note (e)

as joint tenants/COMMODO COMMODO

PRIOR ENCUMBRANCES
Note (f)

subject to the following PRIOR ENCUMBRANCES 1. 2.

Note (g)

AND the TRANSFEROR:-

- (i) GRANTS/RESERVES an easement or set-out in SCHEDULE ONE hereto
- (ii) COVENANTS with the TRANSFEREE as set out in SCHEDULE TWO hereto

Note (g)

AND the TRANSFEREE COVENANTS with the TRANSFEROR as set out in SCHEDULE THREE hereto

DATE OF TRANSFER 15-6-83

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION
Note (h)

Signed in my presence by the Transferor who is personally known to me.
 THE COMMON SEAL OF THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF BATHURST was hereunto affixed in the presence of the Bishop and two Trustees whose signatures are set out opposite thereto.

AR B. Thomas
Bishop
L. G. Jennings
Trustee
J. M. Heady
Trustee

Note (h)

Signed in my presence by the Transferor who is personally known to me.

Signature of Witness

Number of Witnesses (BLOCK LETTERS)

Address and occupation of Witness

Solicitor for

TO BE COMPLETED BY LODGING PARTY
Notes (i) and (j)

096

LODGED BY		LOCATION OF DOCUMENTS	
COMMONWEALTH TRADING BANK OF AUSTRALIA BRANCH SECURITIES PITT STREET & MARTIN PLACE SYDNEY. PHONE 238-3155 D.X. 1020 SYDNEY 24J		CT	OTHER
Delivery Box Number		Hardwith In R.G.O. with Produced by	
Extra Fee	Checked by EQU FF <i>[Signature]</i> Registrar General	REGISTERED 20-7-1983	ON CV.
			LP.

OFFICE USE ONLY

\$210
8

RP 13A

SCHEDULE THREE HEREINBEFORE REFERRED TO

es (n) and (l) The Transferee hereby covenants with

The TRANSFEEE for himself his heirs executors administrators and assigns COVENANTS with the TRANSFEROR its successors and assigns in relation to the land being transferred as follows:-

1. Not more than one main building shall be erected.
2. The main building shall not be used other than as a single residential dwelling house.
3. The main building shall not have an internal floor area of living space less than 95 square metres (excluding garages, carports, outbuildings and under floor areas) without approval of the TRANSFEROR.
4. The main building shall not have external walls constructed of material other than brick stone brick veneer or such other material as may be approved by the TRANSFEROR.
5. The main building shall not be roofed in any material other than terra cotta cement tile or such other material as may be approved by the TRANSFEROR.
6. No flat roofed building shall be constructed without approval of the TRANSFEROR.
7. No improvements shall have any wall within 1.6 metres of any boundary.
8. No fence shall be erected within 8 metres from any street alignment without approval of the TRANSFEROR.
9. No fence shall be erected on any boundary to a height greater than 1.5 metres without approval of the TRANSFEROR.
10. No fences or walls shall be erected so as to divide the land being transferred from the adjoining land of the TRANSFEROR without the consent of the TRANSFEROR but such consent shall not be withheld if such fence or wall is erected without expense to the TRANSFEROR and in favour of any person dealing with the TRANSFEEE such consent shall be deemed to have been given in respect of fences presently erected.
11. No building material shall be stored except during construction of a building without approval of the TRANSFEROR.
12. Where a common drainage line is provided roof and surface water shall not be drained other than directly into the common drainage line.
13. Where a common drainage line is provided the TRANSFEEE shall not permit any blockage debris or silt within the common drainage line.
14. No structure (including garage or carport) shall be erected so as to protrude to any extent beyond the front alignment of the main building.

AND IT IS AGREED AND DECLARED THAT:

- (a) The land to which the benefit of the restrictions is appurtenant is the whole of the land in D.P. 263190 other than the land being transferred.
- (b) The land which is subject to the burden of the restrictions is the land being transferred.
- (c) The Transferor has the right to release vary or modify the restrictions provided that the person requesting such release variation or modification shall bear the incidental costs.

+ R. L. Thomas
Bishop

L. H. Jennings
Trustee

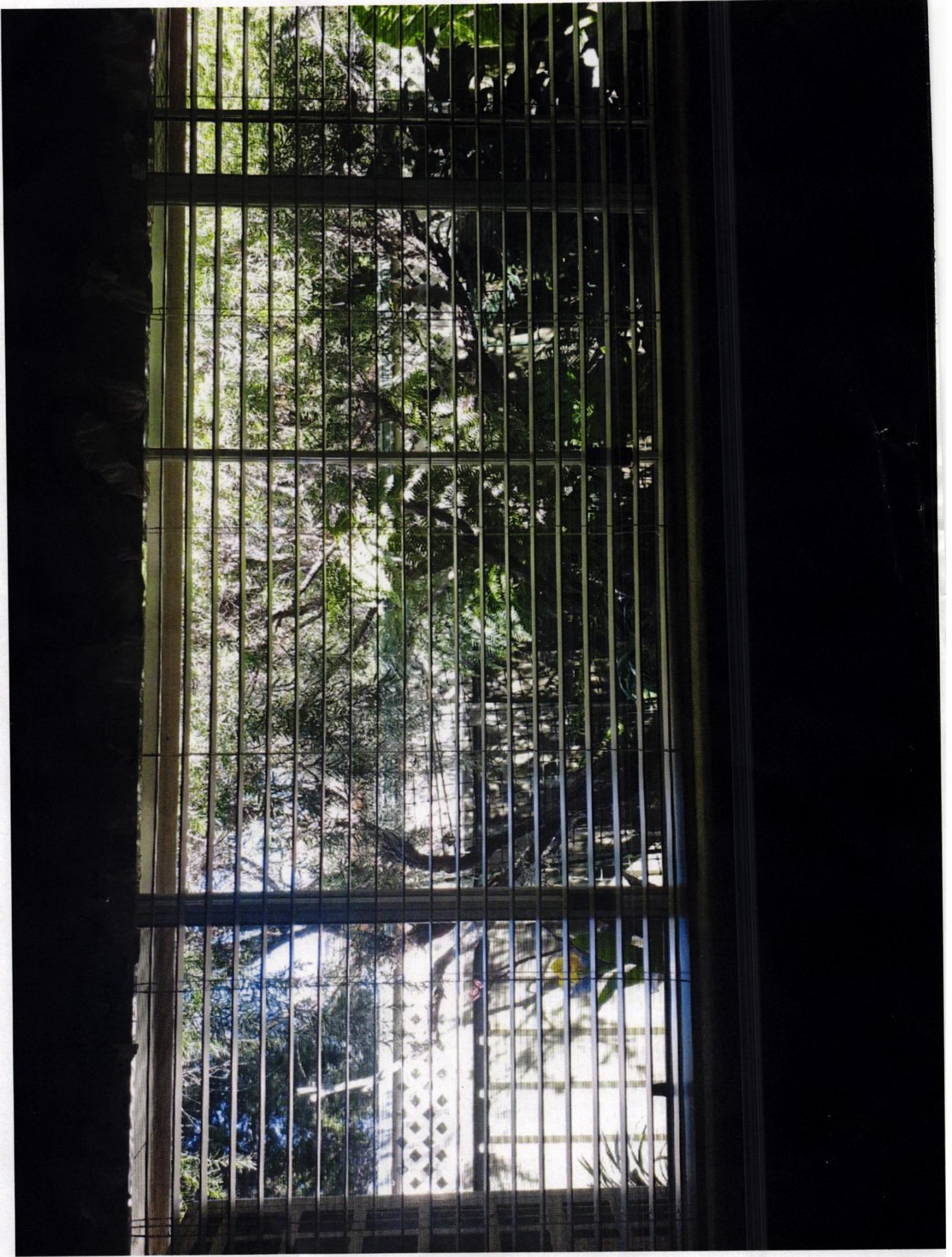
J. M. Heady
Trustee

[Signature]
Solicitor for Transferee

(For continuation of SCHEDULE(S) see annexure(s) hereto)









Fw: Objection to the proposed development at 17 Vine Street Bathurst

mayor to: Council

22/03/2018 11:10 AM

Sent by: **Stephanie Williamson**

Please register on 2017/448

Thanks

Stephanie Williamson
Corporate Services Assistant
Bathurst Regional Council
158 Russell Street Bathurst 2795
Phone: 02 6333 6557
Fax: 02 6331 7211
www.bathurst.nsw.gov.au

----- Forwarded by Stephanie Williamson/BathurstCC on 22/03/2018 11:09 AM -----

From: Laurana Smith <davidlaurana@gmail.com>
To: graeme.hanger@bathurst.nsw.gov.au
Date: 21/03/2018 09:06 PM
Subject: Objection to the proposed development at 17 Vine Street Bathurst

21 March 2018

Cr Graeme Hanger
Bathurst Regional Council

Dear Cr Hanger

RE: DA 2017/448 17 VINE STREET SOUTH BATHURST

We are writing this letter in regard to the proposed development of land located at 17 Vine Street South Bathurst which we understand has now been given approval by Bathurst Council.

Regarding the above proposal we have submitted our objection to Council, but we would also like to let you know personally that we object to this proposal.

We believe that such development is not in keeping with the character of our residential area. We have bought our house in this area of South Bathurst because of its peaceful character.

We understand that the residents of the proposed development could have a range of health issues including intellectual disabilities and mental health problems.

We have young children and we are concerned about their safety and well-being. We do not want our children to be potentially exposed to inappropriate behaviour, swearing and foul language on behalf of these residents or in the worst case, violent or sexual behaviour.

We would also like council to consider where the development is located, down the road from a main thoroughfare to the South Bathurst primary school. There would be primary school children, some unaccompanied, walking right past this development every day also being exposed to the

above-mentioned risks.

In addition, I wish to mention that I David Smith, occasionally work shift hours and do not want loud, disruptive people and increase in local traffic servicing this development disturbing necessary sleep in the day-time.

We also believe this development will impact on the surrounding properties resulting in the decline of real estate values.

We do not believe that this type of development is suited to this location, and we believe council should reconsider its position, and place such development in a more appropriate location.

Yours sincerely

David and Laurana Smith
3 Thomas Close
Bathurst NSW 2795

[Report this message as spam](#)

BATHURST REGIONAL COUNCIL

26 MAR 2018

REF. 2017/448-02/004

RECEIVED

26 MAR 2018

TO COUNCIL BATHURST REGIONAL COUNCIL

I THINK IT IS NOT THE
RIGHT PLACE TO PUT UNITS
FOR OLD PEOPLE OR PLUS +
AS IT IS CALLED.

THERE IS A BIT OF RIF RAF IN
THIS STREET LAST COUPLE OF
YEAR, THING TROWN AT
WINDOWS GARBAGE BIN
KNOCKED OVER, CARS BROKEN,
LV TO, THINGS STOLEN, DOE
TO THE STEPS AT END OF
STREET. YOU DON'T JUST PUT
OLD PEOPLE IN A UNIT,
THEY NEED A LOT OF
CARE, ST CATHERINES AROUND
THE CORNER WOULD BE
MORE THE RIGHT PLACE OR
ST VINCENTS NEW
UNITS.

DEPBS

THIS WILL JUST BE A
PROBLEM FOR PEOPLE IN
THIS STREET, WITH PARKING
IT GETS VERY BUSY AT
CAR RALLING WEEKEND

HAVE A GOOD THING
ABOUT IT, THIS IS NOT
A GOOD SPOT FOR UNITS +
IT COULD BE VALUE
ALL PLACES LIVING
NEAR BY

Thanks

Brian Kestel
Ea Smith



Fw: DA2017/488 - 17 VINE ST SOUTH BATHURST

mayor to: Council

Sent by: **Stephanie Williamson**

22/03/2018 11:11 AM

Please register - 2017/448

Stephanie Williamson
Corporate Services Assistant
Bathurst Regional Council
158 Russell Street Bathurst 2795
Phone: 02 6333 6557
Fax: 02 6331 7211
www.bathurst.nsw.gov.au

----- Forwarded by Stephanie Williamson/BathurstCC on 22/03/2018 11:11 AM -----

From: CATHERINE WOOLFREY <cwoolfre@bigpond.net.au>
To: warren.aubin@bathurst.nsw.gov.au, bobby.bourke@bathurst.nsw.gov.au,
alex.christian@bathurst.nsw.gov.au, john.fry@bathurst.nsw.gov.au,
graeme.hanger@bathurst.nsw.gov.au, jess.jennings@bathurst.nsw.gov.au,
ian.north@bathurst.nsw.gov.au, jacqui.rudge@bathurst.nsw.gov.au,
monica.morse@bathurst.nsw.gov.au
Date: 22/03/2018 09:48 AM
Subject: DA2017/488 - 17 VINE ST SOUTH BATHURST

Dear Councillors

I am writing on behalf of residents in Vine St South Bathurst in regard to the proposed development application as quoted above.

I have attached letters of objection and copies of relevant paperwork and ask that these be taken in to account in regard to this development.

These residents have been long term occupants of this area and would not like to see a development of this nature be given approval which has the potential to destroy the quiet and peaceful surrounds which they currently enjoy.

Attached is a copy of a covenant, while it is not of a local government legislation, it has

been adhered to by those residents in the area and was intended to secure the residential

zoning of South Bathurst. It would be disappointing if no regard is given to this document.

Thank you for your time in this matter

Regards

Cath Woolfrey

9 Vine Street, South Bathurst

Ph: 0427314678

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CCF_000907.pdf



CCF_000908.pdf

Mr Fred Pearce
19 Vine Street
South Bathurst NSW 2795

20th March 2018

The Manager
Environment, Planning & Building Services
Bathurst Regional Council
158 Russell Street
BATHURST NSW 2795

RE: DA 2017/488 17 VINE STREET, SOUTH BATHURST

Attention: Mrs Lucie Barnett

Please find below my concerns and questions relating to the amended Development Application for 17 Vine Street, South Bathurst, submitted on the 19th February 2018.

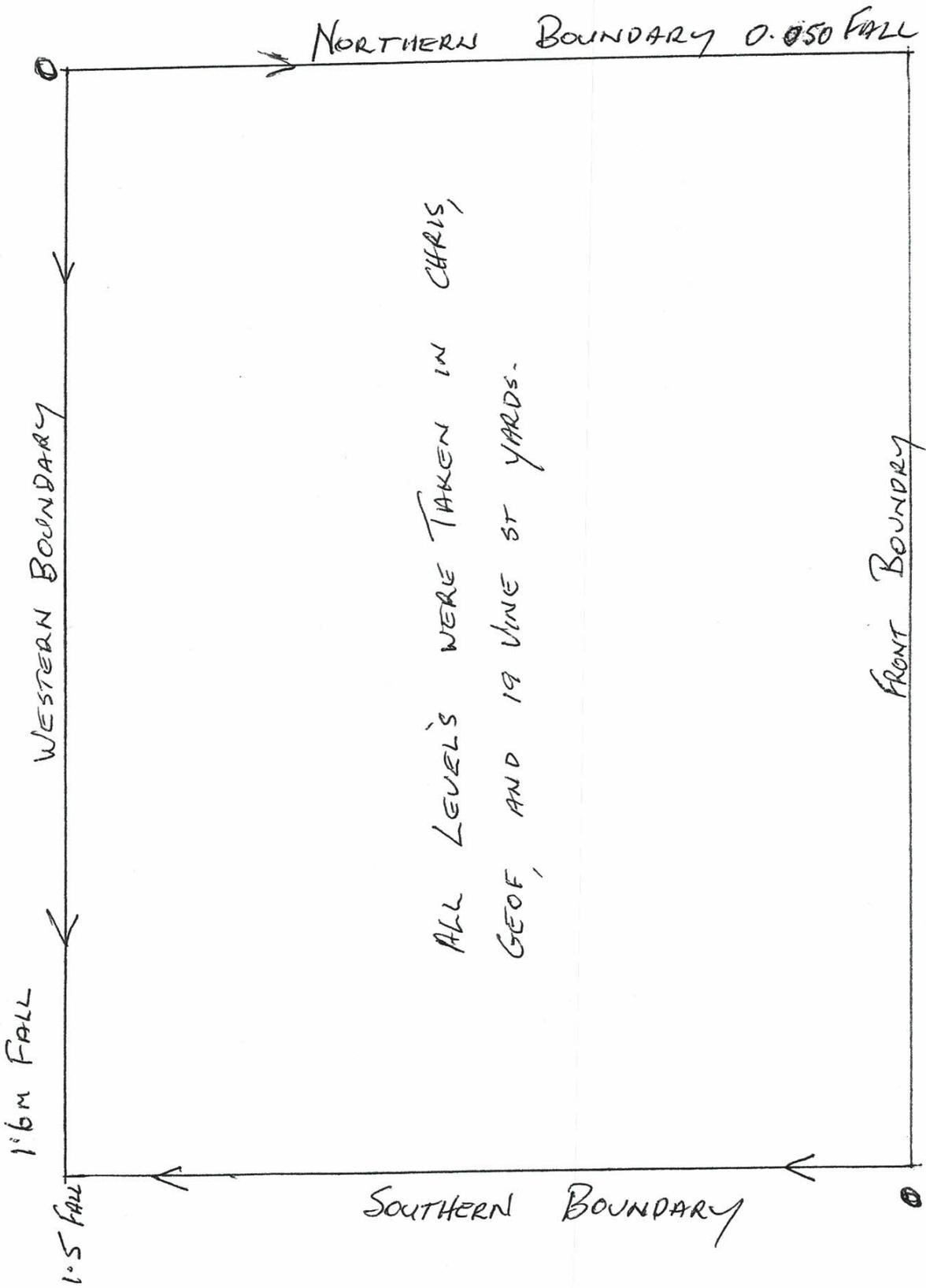
Page 1/6	<ul style="list-style-type: none"> States no residents with Down Syndrome. Page 6 states yes to residents with Down Syndrome. The purpose of the facility needs to be clearly defined.
Page 6	<ul style="list-style-type: none"> There is no ATM, butchery or medical centre within 250 metres. Existing site plan is incorrect as 17 and 19 are in a straight line which was a condition I had to follow when building my property. On the elevation plan it states item 6, grab rails will be installed at a later date. If the facility is designed to for people with a disability then wouldn't safety features be essential and installed immediately? The plan states retaining walls as required. It does not provide any information about the heights.
Page 9	<ul style="list-style-type: none"> The set back at 19 Vine Street had nothing to do with the cul-de-sac bulb design. This is incorrect as the position was dictated by the Council and I had to stay in line with number 17 Vine Street. New set back as stated is 5.65m but on the plan it is 6.359, this could be pushed back in line with number 19 Vine Street. If the property is passed there is a stone retaining wall approxiamtely .55 high which is on my side of the boundary which has great sentimental value as when Monsignor Grant lived at 17 Vine Street he was involved when I was building it and I don't want it damaged in any excavation work. I don't want any existing fences damaged or removed so retaining walls will have to be clear of fences.
Page 10	<ul style="list-style-type: none"> Windows in bedrooms don't all face the driveways or parking areas. 2 bedrooms and toilets face number 19 Vine Street (southern side). If the property is approved

	<p>there needs to be non-opening double glass windows on this side to prevent any noise and double brick walls.</p> <ul style="list-style-type: none"> • Sleep over person is still required to go outside to enter villas.
Page 17	<ul style="list-style-type: none"> • Grass footpaths as stated are not wheelchair friendly and would not provide a safe environment for anyone requiring to use walking aids.
Page 27	<ul style="list-style-type: none"> • Traffic movement will increase extensively, especially when work commence. The impact is likely to be ongoing when residents move in. • The digging out of the land site is large and therefore will require large volumes of material to be transported away from the site. Truck movements therefore will be a problem with noise and traffic flow. • Asbestos has been ticked in the building which will be a pollution concern for me. • Machinery such as rollers/compactor will have an effect on our block with vibration unsettling the ground in my yard and could potentially damage my house. • Each villa is to have air conditioning unit, this is another ongoing noise concern.
Page 27	<ul style="list-style-type: none"> • States set back is 4.5metres from the front boundary. This is the 3rd set back measurements. What is the actual measurement? • There is 1.5 fall on the Southern side of the boundary which means, if 300mm is excavated out on the front there would have to be a retaining wall 1.2 high at the back. This would require a 1.2 high retaining wall plus a fence on top. • It is possible that floor level could be as much as 1.2 higher than existing ground level, with the building on top it would be approx. 6.2m higher than natural ground level which would cast a big shadow over my yard which would include paths and my clothes line. The impact in winter will be significant with ice and frost being unable to melt. This would then be a safety issue for residents of number 19 Vine Street. The propose units are only 1.8m off the boundary.
Page 29	<ul style="list-style-type: none"> • <u>The existing building is 6.0 metres off the boundary on the southern side not 1.5 as stated.</u> • States 2m off the southern boundary on the plan but is 1.8m. • This building is not suitable for this block of land.
	<p>Other safety issues still outstanding is the proposed plan has a tree line across the front boundary. This will prevent me having a clear line of the street and be an issue when backing my caravan which is stored in a carport next to 17 Vine Street. School children walking to and from school will be hard to see without a clear line.</p> <p>The villas are very close to my boundary and I believe the impact of this will be quite significant in several areas which include the demolition state with noise and dust.</p>

Yours sincerely,



Fred Pearce



Geoff & Bev Sharwood
 15 Vine Street
 South Bathurst NSW 2795.

21st March, 2018.

The Manager
 Environmental, Planning & Building Services
 Bathurst Regional Council
 158 Russell Street
 BATHURST NSW 2795.

RE: DA 2017/448- 17 VINE STREET SOUTH BATHURST

Att: Mrs Lucie Barnett

We are writing in response to the proposed development of land located at 17 Vine Street South Bathurst.

We currently reside on the northern side of the proposed development and believe that it is not in keeping with residences in the area. When constructing our own house, we had to seek permission from the Trustees of the Catholic Church to have our house built slightly forward of the allowable distance at the front. This was due to a covenant being put in place for houses along our side of Vine Street. Under the covenant the buildings were to have brick walls and a tiled roof, from the plans issued it would appear that a colourbond roof is going to be used. A copy of the covenant is enclosed. Clause 2 of the covenant states that; "the main building shall not be used other than as a single residential dwelling."

We believe the impact of these villas being constructed will impact on us quite significantly in several areas;

- During the demolition stage, there will be a lot of noise and dust
- Asbestos has been ticked in the building which will be a pollution concern for us
- The digging out of the land site is large, and therefore will require large volumes of materials to be transported away from site. Truck movements therefore will be a problem with noise and also traffic flow out of the cul-de-sac.
- With the demolition and excavation work, our concern is that our house will be impacted and could experience damage such as cracking walls
- Our property will be impacted financially with the value dropping as advised by real estate agents in the event of such a development being placed next to us.

The development states that the villas are being used for people with disabilities, on the plans it has been stated that bathroom handrails are to be installed at a later date. Under the building code shouldn't this be done on completion of the building?

As the term disabilities covers a very broad range of people from being physically to mentally disadvantaged, we would like a more comprehensive explanation as to the number and type of clientele that will be housed in this facility.

If the villas are operating on a 24hour operation basis, we have concerns about noise as our bedrooms are located on that side. This will also be the case if traffic is coming in and out of the property.

The plans indicate that internal walls are not of a fire proof standard. Again under the building code shouldn't this be a condition of the development for fire safety regulations.

The report states an ATM being located in the local mini market, there is no ATM in the shop, the nearest ATM would be located in the CBD approximately 2klms away.

The footpath is grassed and very uneven which we believe not to be suitable access to the shop and they would need to walk on the road. This would be dangerous for those concerned at peak times with the amount of traffic utilising Vine Street, particularly from the Rose Street intersection. Rose Street is a feeder street for traffic coming from the lower South Bathurst area in to Vine Street servicing the school. The traffic studies don't seem to take in to account the impact of events at Mount Panorama. Parking during the Bathurst 1000 races overflows in to Vine Street as parking is not permitted down Havannah St. Also with traffic, we experience a lot of drivers unknowingly come down to the cul-de-sac looking to go to the tip or the harness racing club. Maps still show this street as a through road to these places.

If this development gets approval and if the trees are to be cut down along our boundary, then I would insist that 1.8m fences be installed with existing lattice placed on the top. This side of our house will be very exposed and no privacy as per photos included with this letter.

Yours sincerely

Geoff and Bev Sharwood

RP 13A

STAMP DUTY

\$1100
NEW SOUTH WALES
\$704800
STAMP DUTY (See instructions for Completion on back of form)



7 JUL 1993 1309 45

T643601

TRANSFER

TRANSFER OF EASEMENT/COVENANTS

REAL PROPERTY ACT, 1900
(See instructions for Completion on back of form)

OFFICE USE ONLY	
1	11
\$	3204

DESCRIPTION OF LAND
Note (a)

LAND being transferred		
Torrens Title Reference	If Part Only, De'te Whole and G'vs Details	Location
Vol. 14843 Fol. 105	WHOLE	Bathurst

TENEMENTS PANEL
Note (b)

This panel also to be completed for covenants by transferor

Servient Tenement (Land burdened by easement)		Dominant Tenement (Land benefited by easement)	
Torrens Title Reference	Torrens Title Reference	Torrens Title Reference	Torrens Title Reference

TRANSFEROR
Note (c)

THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF BATHURST 84 George Street, Bathurst, N.S.W.	OFFICE USE ONLY N
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Note (d)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$16,000.00 and transfers an estate in fee simple in the land being transferred above described to the TRANSFEREE

TRANSFEREE
Note (c)

GEOFFREY ALBERT DENSMORE of 2 Busby Street, Bathurst, N.S.W., valuer and LINDA ANNE DENSMORE, his wife	OFFICE USE ONLY JTR.
--	-------------------------

TENANCY
Note (e)

as joint tenants/COMMODO COMMODO

PRIOR ENCUMBRANCES
Note (f)

subject to the following PRIOR ENCUMBRANCES

Note (g)

AND the TRANSFEROR:-

- (i) GRANTS/RESERVES an easement or set out in SCHEDULE ONE hereto
- (ii) COVENANTS with the TRANSFEREE as set out in SCHEDULE TWO hereto

Note (h)

AND the TRANSFEREE COVENANTS with the TRANSFEROR as set out in SCHEDULE THREE hereto

DATE OF TRANSFER 15-6-83

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION
Note (h)

Signed in my presence by the Transferor who is personally known to me

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

THE COMMON SEAL OF THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF BATHURST was hereunto affixed in the presence of the Bishop and two Trustees whose signatures are set out opposite thereto.

MAR R Thomas
Bishop

L. J. J. J.
Trustee

J. M. Keady
Trustee

Note (h)

Signed in my presence by the Transferee who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

Solicitor for

Signature of Transferee

TO BE COMPLETED BY LODGING PARTY
Notes (i) and (j)

098

LODGED BY COMMONWEALTH TRADING BANK OF AUSTRALIA BRANCH SECURITIES PITT STREET & MARTIN PLACE SYDNEY. PHONE 238-3155 D.X. 1020 SYDNEY 24J	LOCATION OF DOCUMENTS	
	CT	OTHER
Delivery Box Number	Hard with	In R.G.O. with
Extra Fee	Produced by	
Checked by E. J. H. 14. Registrar General	REGISTERED 20-7-1983	ON CV.

OFFICE USE ONLY

\$210
8

RP 13A

SCHEDULE THREE HEREINBEFORE REFERRED TO

as (n) and (l) The Transferor hereby covenants with

The TRANSFEREE for himself his heirs executors administrators and assigns COVENANTS with the TRANSFEROR its successors and assigns in relation to the land being transferred as follows:-

1. Not more than one main building shall be erected.
2. The main building shall not be used other than as a single residential dwelling house.
3. The main building shall not have an internal floor area of living space less than 95 square metres (excluding garages, carports, outbuildings and under floor areas) without approval of the TRANSFEROR.
4. The main building shall not have external walls constructed of material other than brick stone brick veneer or such other material as may be approved by the TRANSFEROR.
5. The main building shall not be roofed in any material other than terra cotta cement tile or such other material as may be approved by the TRANSFEROR.
6. No flat roofed building shall be constructed without approval of the TRANSFEROR.
7. No improvements shall have any wall within 1.6 metres of any boundary.
8. No fence shall be erected within 8 metres from any street alignment without approval of the TRANSFEROR.
9. No fence shall be erected on any boundary to a height greater than 1.5 metres without approval of the TRANSFEROR.
10. No fences or walls shall be erected so as to divide the land being transferred from the adjoining land of the TRANSFEROR without the consent of the TRANSFEROR but such consent shall not be withheld if such fence or wall is erected without expense to the TRANSFEROR and in favour of any person dealing with the TRANSFEREE such consent shall be deemed to have been given in respect of fences presently erected.
11. No building material shall be stored except during construction of a building without approval of the TRANSFEROR.
12. Where a common drainage line is provided roof and surface water shall not be drained other than directly into the common drainage line.
13. Where a common drainage line is provided the TRANSFEREE shall not permit any blockage debris or silt within the common drainage line.
14. No structure (including garage or carport) shall be erected so as to protrude to any extent beyond the front alignment of the main building.

AND IT IS AGREED AND DECLARED THAT:

- (a) The land to which the benefit of the restrictions is appurtenant is the whole of the land in D.P. 263190 other than the land being transferred.
- (b) The land which is subject to the burden of the restrictions is the land being transferred.
- (c) The Transferor has the right to release vary or modify the restrictions provided that the person requesting such release variation or modification shall bear the incidental costs.

+ O.R.L. Thomas
Bishop

A.H. Jennings
Trustee

J.M. Heady
Trustee

[Signature]
Solicitor for Transferee

(For continuation of SCHEDULE(S) see annexure(s) hereto)