

**POLICY COMMITTEE MEETING  
BATHURST REGIONAL COUNCIL**

29 January 2020

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council –  
Wednesday 5 February 2020**

I have to advise that a Policy Committee Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 5 February 2020 commencing at 6:00 pm.



D J Sherley  
**GENERAL MANAGER**

**MINUTES OF  
POLICY COMMITTEE MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON WEDNESDAY 5 FEBRUARY 2020**

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## **1. MEETING COMMENCES**

## **2. PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

## **3. APOLOGIES**

### **MINUTE**

**MOVED: Cr I North    SECONDED: Cr J Rudge**

**RESOLVED:** Nil

## **4. MINUTES**

### **4.1.            Confirmation of Minutes - 4 December 2019**

**File No:        07.00064**

### **RECOMMENDATION:**

That the Minutes of the Policy Committee Meeting of Bathurst Regional Council held on 4 December 2019 be adopted.

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### **REPORT:**

The Minutes of the Policy Committee Meeting of Bathurst Regional Council held on 4 December 2019 are **attached**.

### **FINANCIAL IMPLICATIONS:**

N/A

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

**Objective 6:    Community leadership and collaboration.**

Strategy 6.4    Meet legislative and compliance requirements.

### **COMMUNITY ENGAGEMENT:**

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

### **ATTACHMENTS:**

1.    4 December Minutes [4.1.1 - 5 pages]

## **MINUTE**

**RESOLUTION NUMBER: POL2020-3**

**MOVED: Cr I North SECONDED: Cr J Fry**

**RESOLVED:**

That the Minutes of the Policy Committee Meeting of Bathurst Regional Council held on 4 December 2019 be adopted.

## **5. DECLARATION OF INTEREST**

### **Declaration of Interest**

To assist the Councillors and committee members in their correct consideration of business before the meeting, please give consideration to Part 4 and Part 5 of the Council Code of Conduct, in relation to Declaration of Interest at meetings.

## **MINUTE**

**RESOLUTION NUMBER: POL2020-2**

**MOVED: Cr G Hanger SECONDED: Cr J Rudge**

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

## **6. MAYORAL MINUTE**

## **7. SUBMISSION HEARING - DEVELOPMENT APPLICATION SUBMISSIONS**

**7.1. DA 2019/367 - DEMOLITION OF EXISTING COMMERCIAL BUILDING, CONSTRUCTION OF FOOD AND DRINK PREMISES AND CHANGE OF USE OF DWELLING HOUSE TO OFFICE PREMISES - LOT 5 DP 1086710 AND LOT 1 DP 737574, 103 AND 105 STEWART STREET BATHURST NSW 2795**

**File No: DA 2019/367/002**

### **RECOMMENDATION:**

That the information be noted.

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## REPORT:

### The Site

Council has received a Development Application for the demolition of an existing commercial building, construction of a food and drink premises (including drive-through facilities), change of use of an existing dwelling house to an office premises, construction of a carpark and the installation of signage on land as described below:

Lot and DP	Property Address	Area	Description
Lot 1 DP 737574	103 Stewart Street Bathurst NSW 2795	550.1m <sup>2</sup>	Contains an existing single-storey dwelling house. Vehicular access is existing over the South-Eastern boundary from Stewart Street.
Lot 5 DP 1086710	105 Stewart Street Bathurst NSW 2795	1467m <sup>2</sup>	Contains an existing commercial building and associated car park. Vehicular access is existing over the South-Eastern boundary from Stewart Street (in two locations) and the South-Western boundary from Howick Street.

See location plan and aerial photo at **attachment 1**.

### Previous and Existing Land Uses

The commercial building located on Lot 5 DP 1086710 has previously been used as a service station and vehicle sales and hire premises.

The cottage located on Lot 1 DP 737574 has previously been used for residential accommodation (dwelling house).

### The Proposal

The proposed development includes the demolition of the existing commercial building located on Lot 5 DP 1086710, construction of a food and drink premises (including drive-through facilities), change of use of an existing dwelling house to an office premises, construction of a carpark and the installation of signage.

The proposed food and drink premises (approximately 267m<sup>2</sup>) is single-storey and will include: a commercial kitchen, indoor order and pick-up desks, indoor dining area, drive-through payment and pick-up windows, drive-through lane (with double-order bays), awning over drive-through, dry store, freezer, cool room, raw cool room, male accessible toilet, female accessible toilet, cleaners storage and bin enclosure.

Vehicular access will be located over the South-Western boundary from Howick Street and the South-Eastern boundary from Stewart Street. A car park with 21 spaces will be constructed on site.

The food and drink premises will include indoor seating for up to forty-two (42) people and is proposed to be operated during the following hours:

Sundays to Thursdays	10:00am to 10:00pm
Fridays and Saturdays	10:00am to 11:00pm

All deliveries are proposed to be carried out between 7:00am and 6:00pm.

A total of 20 signs will also be installed throughout the site, including:

- 1 x Double-sided pylon sign.
- 6 x Flush wall signs.
- 2 x Vehicle clearance bar signs.
- 4 x Electronic menu signs.
- 6 x Double-sided directional signs.
- 1 x Banner sign within freestanding frame.

See the relevant plans and documentation in the following **attachments**:

Attachment No.	Documentation
2	Development Plans.
3	Landscaping Plan.
4	Electrical Plan.
5	Stormwater Management Plans.
6	Survey Plan of Existing Site.
7	Statement of Environmental Effects.
8	Environmental Noise Assessment.
9	Odour Assessment Report.
10	Statement of Heritage Impact.
11	Plan of Management.
12	Traffic Assessment Report.
13	Security Management Plan.

### Permissibility

The land is zoned R1 General Residential under *Bathurst Regional Local Environmental Plan 2014* (LEP 2014) in which the development of a food and drink premises and office premises (defined below) is permissible.

***food and drink premises*** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note.** Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

***office premises*** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note.** Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

## Public Notification

In accordance with the Community Participation Plan 2019 the Development Application was advertised and notified to adjoining property owners from Monday 2 December 2019 to Monday 16 December 2019, during which time a total of seven (7) submissions were received a copy of submissions have been included at **attachment 14**.

Issues raised in the submissions are summarised as follows:

- Howick Street is a major road providing access to Bathurst Base Hospital and ambulance travel this road daily. The additional traffic on this corner has the potential to impede ambulance flow and put people's health at risk.
- Other take-away establishments and commercial premises in Bathurst (such as Kentucky Fried Chicken (KFC) and Bathurst City Centre experience significant traffic congestion and queues. McDonald's has widened their driveway and constructed a second drive-through on their land to remove traffic blocking Durham Street. Placing a takeaway establishment on the corner of Stewart and Howick Streets will impede traffic travelling East on Stewart Street and towards the Central Business District (CBD) in Howick Street. Council should consider installing a "Do Not Queue Across the Intersection" sign or "Keep Clear" road markings.
- It is stated that there will be car parking for one (1) staff member. The establishment will require more than one (1) staff member to operate the facility. There is concern that overflow car parking on the street will prevent residents and their visitors from accessing the front of their homes for parking. Council should consider restricting parking in Howick and Stewart Streets to residents and their guests only.
- There will be an increase in traffic within Howick Street due to patrons attending the restaurant from 10:00am to 11:00pm. This will result in additional car lights disturbing nearby residences and add to the overall light pollution resulting from the restaurant and signage.
- The proposed development will be a high-traffic business, which is not in keeping with the character of the heritage listed residential area.
- The Statement of Environmental Effects is invalid as it refers to a development in the Tamworth Local Government Area.
- The development will result in noise disturbance from: loud speakers, idling cars queuing, music, car stereos, garbage collection, truck deliveries, hours of operation, refrigeration, air-conditioning, mechanical plant, exhaust fans, car doors closing, cars entering and exiting, cars using the drive-through, speaker boxes and construction noise.
- There will be a lot more noise from patrons talking in the carpark and the surrounds of the outlet. Some patrons will avoid negotiating the carpark altogether and park instead in neighboring streets, creating more noise for residents. There will be increased noise as people walk along Howick Street, to and from the CBD, or while congregating in front of houses to wait for a break in traffic in order to cross the highway.

The increased noise generated by patrons is not something the business can control, or measure in their reports, however, it will affect residents greatly, particularly at night.

- The proposed development will result in odour from: cooking smells, garbage, litter and car fumes.
- Other take-away food establishments in Bathurst, such as KFC and McDonald's, do not appear to be located as close to neighboring residences as this proposal. The proposal will impact on the health and wellbeing of surrounding residents and will result in the devaluation of property.
- There is no evidence that the proposed acoustic fence will sufficiently reduce noise levels to surrounding residences and no reference is made to what type of acoustic fence is proposed.
- The use of terms such as "*unlikely*", "*likely*" and "*are expected*" throughout the Odour Assessment Report is not very assertive and does nothing to lessen concerns.
- The Odour Assessment Report is based on the 2018 Annual Seasonal Wind Roses from Bathurst Airport. The weather patterns changed dramatically in 2019. It has been a very different year, and according to environmental and meteorological science, changes will continue. Odours from other fast food outlets in Bathurst are obvious to passers-by.
- The Odour Assessment Report does not address the consequences of nil air currents to move odour emissions. This scenario should not be dismissed particularly in the present changing climate.
- There is disagreement towards the Odour Assessment Report which states that air quality would not be compromised and that "*The nature of the odour from the Project is not considered inherently unpleasant and the Project is anticipated to have minimal effect on existing conditions.*"
- P-plate drivers are typically drive-through customers in ownership of poorly tuned or malfunctioning cars that will produce other air emissions. The unwillingness of some drivers to adhere to road rules indicates that a sign stating "*please switch engine off*" would be ineffective. This initiative cannot be enforced.
- The recently high-lighted problems in George Street to and from Kelso, over the Hereford Street Low Level Bridge, with built up traffic turning into KFC, should be an example of how extra traffic and lights could cause potential problems.
- The development will result in increased rubbish and litter on footpaths and thrown over fences within the surrounding area. Bathurst High School and Bathurst Base Hospital are both within walking distance of the site and the extra foot traffic generated by the development will result in extra rubbish and litter. Problems have been experienced in the past with people walking past houses and throwing drink containers and food wrapping on the grass verge of properties or poking it into gardens.
- The proposed acoustic wall and vertical landscaping will result in overshadowing of adjoining residential properties.

- There are discrepancies throughout the documentation in relation to the proposed hours of operation and it is unclear as to what the exact proposed hours of operation are.
- The dust, noise and traffic during construction will impact on surrounding residences and the timeframe for construction is unknown.
- It is unclear what mitigation measures would be put in place for the problem of dust and dirt. This has been horrendous in Bathurst over the past few months and would be unbearable if this project went ahead. It could be disastrous to the health of surrounding residents. There would be problems with hanging clothes on the line and having to keep doors and windows closed.
- It is not possible to reduce the noise of earthmoving equipment and the noise would be invasive and constant. The documentation does not state that there will be any relief on weekends.
- The reconstruction of the existing fence line will result in privacy conflicts between neighboring properties.
- The Report states that Lot 5 DP 1086710 was previously a service station and that the Avis Car Rental utilizes the original concrete driveway. There is no reference to the original underground fuel tanks and whether they have been removed. It is highly probable that they are still located on site and that the soil is contaminated. This will impact neighboring properties.
- Based on preliminary valuation advice, it is anticipated that properties will most likely suffer a decrease in value of approximately 10-15%. Whilst the acoustic impact is one element contributing to the diminution in value, there will also be the visual impact, increased traffic and the long-term blight suffered by adjoining properties.
- The proposed development will encourage loitering.
- The proposed development will result in privacy conflicts between neighboring residences.
- A take-away establishment is not compatible with the current land uses of the area. There is currently a hotel, car hire, retail glass and hobby outlets. There is neither a take-away food nor alcohol retail within the immediate block outlined for the development.
- Traffic congestion in the drive-through and carpark will increase noise in the surrounding area. The documentation only acknowledges the drive-through as a source of odour emission.
- The documentation suggests that the drive-through will be closed to reduce noise impacts. This action cannot be enforced by Council and is unlikely to be undertaken as businesses aim to make profit, not send customers away or inconvenience them.
- Deliveries will potentially be during the evening between 10:00pm and 11:00pm. This is a historically significant area of Bathurst. Some houses are aged over 100

years old and contain bedrooms that are located at the front of the dwellings. Deliveries at this time will be disruptive and will lengthen the noise pollution experienced by residents of both Howick and Stewart Streets.

- The documentation references reasonable noise allowances, but it is unclear how this is determined for a residential area. The current businesses in the area are acceptable as they produce zero noise impacts outside of daylight operating hours. A take-away food outlet operating a drive-through and a restaurant from 10:00am to 11:00 pm 7 days a week is not reasonable.
- The volume of the speaker box during the evening will also impact residents until 11:00 pm at night. These noise levels are not within reason. Noise travels some distance.
- Most of the heritage homes have bedrooms located at the front of the house and are located within 3 metres of the street. This means that residents in the area are closer to all the impacts of the proposed new business and the noise of its customers, including car and foot traffic.
- Taco Bell advertises “Beats at the Bell” where live music is provided every Saturday. Residents of the area will be exposed to this and the documentation makes no reference to this matter.
- In relation to odour control, the documentation makes no reference to how food waste will be managed, how frequently bins will be emptied and at what times bins will be emptied.
- The businesses currently located within the surrounding area do not cause any odour impacts. Residents of the surrounding area will be inflicted with the smell of take-away food daily.
- The development includes a proposed illuminated sign to replace the existing non-illuminated sign which has not been used since Mitsubishi left over 10 years ago. Residents in the area will be impacted by light pollution from the new signage between 10:00am to 11:00pm, which will impact their ability to sleep. This will particularly impact residents of heritage dwellings with bedrooms located at the front.
- Three large illuminated signs have been proposed which will spill light into neighboring residences. No curfew has been proposed for these signs and the illumination will be 24 hours a day.
- The Taco Bell building will not be in keeping with the heritage streetscape.
- Taco Bell includes the sale of alcohol which will cause additional disturbance to the character of the surrounding area.
- The documentation states that specific mechanical equipment is to be finalised but will be similar to equipment used at prior restaurants of a similar nature. It is unclear as to how this can be ensured.
- There is concern that the development will be granted longer operating hours in the future.

- There are discrepancies throughout the documentation in relation to the proposed delivery times. In one place it states that deliveries will be between 7:00am and 6:00pm and in another, it states they will be between 10:00pm to 11:00pm. It is unclear as to what hours deliveries will occur.
- The documentation states that there will be no outside seating. However, there is concern that there may be outside seating in the future with loud music played outside.
- It is unclear whether the current trees located on the road reserve will remain in place or be removed.
- It is unclear whether alcohol will be served on the premises.
- It is unclear how long the development will take to complete. Another nearby development has taken years to complete and surrounding residents have been inconvenienced by blockages on the footpath for many months at a time.
- It is unclear whether signage will be illuminated at all hours of the night.
- It is unclear whether the proposed signage complies with Council's requirements.
- The proposal does not follow the town planning philosophy of keeping similar businesses together. The proposed development would be better located elsewhere, such as within proximity of other fast food outlets or in the new commercial strip at Kelso.

Other fast food outlets such as McDonald's or KFC are clustered within the Bathurst CBD, not in a residential area. Patrons can walk safely to these outlets because of traffic lights and pedestrian crossings. Other fast food outlets are located in commercial or light industrial areas.

- Fast food outlets in the CBD or close to other commercial areas, place customers in the vicinity of other shops and businesses, thus strengthening the local economy. The development will draw customers away from the CBD.
- It has been stated that the traffic impacts on the intersection could be reexamined if the business grows. This potential growth of the business should be considered as part of this application as there are other consequences of growth beyond traffic, including noise, light and odour.
- If residents were to contact Council each time they are disturbed by the operation of the proposed development, this would be considered a form of harassment. Residents will not have the right to take action each time and instead are expected to accept this inconvenience as "progress" despite the negative impacts it will have on lives.
- This locality is predominately a residential precinct located in the heart of the Bathurst Heritage Conservation Area. Many of the homes are over 100 years old and owners have spent substantial time and money renovating, extending and improving them, often with the help of Council's Heritage Fund.
- The issues of the appropriateness and height of the proposed Taco Bell signage

and the real potential for continued “commercial creep” along Stewart Street are areas of concern. An approval of this proposal would call into question the commitment of town planning to protecting our heritage housing stock and the potential for significant economic returns from heritage tourism.

- It is currently difficult for pedestrians to cross Stewart Street from the corner of Stewart and Howick. The Traffic Assessment Report quotes the daily traffic volumes as Eastbound 3,032 vehicles per day (vpd) and Westbound 3,022 vpd. Elderly residents and people with prams and young children often struggle to make it to and from the middle refuge. The proposed development would result in an increase in pedestrian safety concerns due to vehicles slowing to enter the site, traffic slowing to accommodate vehicles exiting the site, Westbound vehicles wanting to make a right turn across the highway to the food outlet and more cars turning left out of Howick Street across their path.
- The development would attract increased pedestrian traffic to and from the CBD, including school children, families, other young people and Taco Bell employees walking to work. All these people will have to negotiate a very complex traffic situation in order to cross the busy highway. It is unlikely that they would walk an additional two blocks out of their way, in order to access the pedestrian crossing on the corner of Durham and Stewart Streets or an additional four blocks to cross at the lights on Keppel and Stewart.
- Visiting motorists passing through Bathurst do not anticipate encountering pedestrians crossing the highway at the Stewart and Howick intersection. It is not a built-up area like upper Stewart and no traffic lights or marked crossing exists. It would be impractical to place another set of lights or a pedestrian crossing there as it is so close to the one on Stewart and Durham. The highway flow would back up if there were 3 sets of lights in 4 blocks.
- Numerous motor accidents have occurred right in front of the subject site over many decades. It is a matter of time before more accidents occur in this location. Traffic builds up speed going down this section of Stewart Street. The additional traffic movements in and out of the proposed fast food outlet, plus the complexity of vehicles making a right-hand turn into the premises so close to an intersection, would greatly increase the risk of further accidents.
- More vehicles will attempt to make a right-hand turn onto the highway across multiple lanes of traffic from the hospital side of Howick Street. This is very difficult now, even with the traffic numbers at present. The risk of rear end collisions will rise as cars on the highway stop to turn into the premises. If more people and vehicles were concentrated in this area, the likelihood that someone will be badly injured or killed will be increased.
- The development will open seven days a week, closing at 11:00pm on Fridays and Saturdays and 10:00pm on other days. The hours that staff will be on site will be extended beyond this as they will be setting up, preparing food, packing up and cleaning outside of operating hours. Hence, the disruption to residents is likely to be all week until approximately 11:00pm or 12:00pm.
- Most restaurants in the Bathurst CBD close between 9:00pm to 9:30pm. It is unacceptable to allow a fast food outlet, outside the CBD and in a residential area, to have a closing time of 10:00pm to 11:00pm.



- Many of the reports submitted with this application are based on the idea that patronage will be less than establishments such as McDonald's or KFC, as it is not as well-known. However, this assumption may not be correct. As one of only a few Taco Bells in NSW and being the world's largest Mexican take-away chain, it may attract larger volumes of patrons due to its novelty value. Therefore, the traffic problems and disruption to residents may be understated in these reports.
- The development includes an 8.9-metre-high "signage tower", within the Bathurst Heritage Conservation Area. This tower appears to have no structural or operational purpose other than signage and it rises beyond the height of the top of the adjacent cottages. It is effectively a roof top sign which is prohibited by *Bathurst Regional Development Control Plan 2014* (DCP 2014). Its integration as a purported building element is a distortion and circumvention of the intent of the signage provisions of DCP 2014.
- The signage tower has the form of a four-sided blade sign, with two signage faces. DCP 2014 allows only one blade or pole sign if they can be seen from a highway (Stewart Street) and so with the inclusion of the main pole sign, the applicant is effectively proposing three such signs which should not be permitted.
- The signage tower's height creates an opportunity for the main pole sign to be the same height at 8.9 metres in accordance with DCP 2014. The height of the main pole sign should be reduced to the true height of the building (i.e. not the height of the signage tower).
- The property is zoned R1 General Residential and for the amenity of nearby residents, day and night, it is inappropriate for the illuminated signage to protrude above the true height of the building.

The application will be referred to a later Council Meeting for determination.

## **FINANCIAL IMPLICATIONS:**

Nil

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

**Objective 4: Enabling sustainable growth.**

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

## **COMMUNITY ENGAGEMENT:**

02 **Consult** - to obtain public feedback on alternatives and/or decisions

## **ATTACHMENTS:**

1. Attachment 1 - Map of Site and Surrounding Area [7.1.1 - 2 pages]
2. Attachment 2 - Development Plans [7.1.2 - 10 pages]
3. Attachment 3 - Landscaping Plan [7.1.3 - 2 pages]
4. Attachment 4 - Electrical Plans [7.1.4 - 2 pages]
5. Attachment 5 - Stormwater Management Plans [7.1.5 - 5 pages]
6. Attachment 6 - Survey Plan of Existing Site [7.1.6 - 1 page]
7. Attachment 7 - Statement of Environmental Effects [7.1.7 - 58 pages]
8. Attachment 8 - Environmental Noise Assessment [7.1.8 - 29 pages]
9. Attachment 9 - Odour Assessment Report [7.1.9 - 8 pages]
10. Attachment 10 - Statement of Heritage Impact [7.1.10 - 29 pages]
11. Attachment 11 - Plan of Management [7.1.11 - 2 pages]
12. Attachment 12 - Traffic Assessment Report [7.1.12 - 31 pages]
13. Attachment 13 - Security Management Plan [7.1.13 - 6 pages]
14. Attachment 14 - Public Submissions [7.1.14 - 25 pages]

## **MINUTE**

### **W. Feebrey - On behalf of the National Trust - Bathurst Branch**

- Residents have expressed a number of concerns and have requested the trust to represent. Issues raised include;
- Pedestrian safety, noise, alcohol consumption, opening hours, traffic flows, light pollution
- Development proposed is considered out of character for area

### **B. Lynch - Objection to development**

- LEP issues and the question of compliance
- Illuminated nylon signs and other signage concerns
- Odour concerns
- Council has a responsibility to residents

### **S. Bathgate - Bathurst Heritage Network**

- Existing businesses use rights on a property
- Signage will create a precedence
- Signage is large scale and prominent
- Traffic concerns
- Site is zoned residential
- This is substituting a daytime business

- Site is too small

**D. Kinsela - 330 Howick Street Resident**

- Not against Taco Bell at the right and appropriate location
- Has met with the developer and questioned the car numbers before drive through backlogs onto the road, there are traffic concerns and noted KFC issues
- Exhaust fumes and noise
- "Potentially" the site is too small
- Development will set a precedence

**H. Abbott - Developer of the project**

- Taco Bell have nominated site as the one and only site in Bathurst that is suitable
- Development is permissible within zone subject to DA
- Have received copies of submissions and are currently reviewing with the view to addressing concerns raised
- Taco Bell is owned by an Australia company
- Site is not too small
- Spoke to various reports that have been prepared, heritage, traffic, lighting etc
- Have complied with State and Council regulations

**M.Wales - Planning consultant for the Development**

- Will be addressing the concerns raised by the residents.
- Endeavouring to engage with the residents
- Development is permissible within the zoning
- Potential employment of 70 people part-time
- Traffic assessments undertaken by traffic agencies
- Noise impact undertaken by Environmental Noise consultants
- Currently working on responses to amenity and privacy concerns
- Odour control - development will not add further adverse impact.

## 8. GENERAL BUSINESS

### MINUTE

#### **1. Elton John Concert - Bathurst Beaters Fundraising - 23.00163**

**Cr. Rudge** - Thanks to Events staff and others involved in the Elton John Concert. Bathurst Beaters fundraising for book raised.

#### **2. River Road - no parking signs - 25.00125**

**Cr. Rudge** - No parking signs on River Road. Director Engineering Services will research and advise.

#### **3. Water issues at Aged Care Facility - 32.00017- 06**

**Cr. Rudge** - Information over water restrictions. How is this information conveyed to aged care facilities: Noted use of water by recent Events held in the city.

**Director Engineering Services** - Bathurst Regional Council website carries relevant information, direct contact for larger water users is being made by Council. Events don't necessarily use a lot of water, eg 2018 Supercars event used around 1ML over usual consumption.

#### **4. Freeman Park Garbage Bins - 04.00144**

**Cr. Jennings** - Has been advised by residents that there are no bins at park.

**Director Engineering Services** - Correct, better compliance when bins are not provided. This has become Bathurst Regional Council Practice.

**General Manager** - Matter has been raised in the past at a number of other parks.

#### **5. Library 24 hour operations - 21.00054-07**

**Cr. Jennings** - 24/ 7 access to Library, could this be investigated, advised 24/7 access is available at Parkes and Tullamore

**Director Cultural Community Services** - Online collection is currently available will research proposal for 2020/21 budget.

#### **6. CCTV Facial recognition software - 20.00320**

**Cr. Jennings** - Does the current system provide for facial recognition via the CCTV system?

**Director Cultural Community Services** - Current system does not, system has capacity but not being used.

This is a matter for the NSW Police.

## **7. Coles Driveway Potholes - 22.00553-08**

**Cr. Jennings** - Noticed Coles driveway has been fixed. Has Council had any contact with owners?

**Director Engineering Services** - The driveway is privately owned, not a Council road.

## **8. Toronto Street Railway Crossing: Stop Sign - 25.00110 & 07.00006-24**

**Cr. Jennings** - Railway crossing is a community concern, many feel stop signs unnecessary.

**Director Engineering Services** - This matter has previously been discussed, stop signs must remain while this area is a working train line. Even if only one train per week.

## **9. Keppel Street Walkway Construction - 22.00653-02 & 25.00039-05**

**Cr. Jennings** - When is this due to be completed and how many parking spaces will be available?

**Director Engineering Services** - 50- 60 car parks, lane-way 6 weeks to construct.

## **10. Bathurst Regional Council Heatwave Policy - 11.00015-05**

**Cr. Jennings** - Does Bathurst have one? Spoke to State polices in place. City of Darebin in Victoria have one.

**General Manager** - We don't have one, will investigate.

## **11. Primary Producers - Rate Relief - 16.00004-13**

**Cr. Jennings** - Access to rate relief is occurring in South Australia, could representations be made to the NSW Government? Bathurst Regional Council limited to what we can do.

**General Manager** - NSW State Government has provided rate relief to those impacted by the fires.

## **12. Recycled Water: Use as a water source from WWTW - 32.00017-04**

**Cr. Jennings** - Recycled water needs to be a priority, item for Council's response to the drought.

**Director Engineering Services** - 2008 study considered re-use of treated effluent. Currently two projects (stormwater and Winburndale pipeline) are current focus of the organisation. Recycled effluent part of medium-term projects for consideration.

## **13. Freeman Park Garbage Bins - 04.001445**

**Cr. Aubin** - Could Council look at putting a bin at the end of the pathway.

## **14. Police at Rockley - 07.00107**

**Cr. Aubin** - Police are responding from Oberon but sometimes are unable to as no car is available.

#### **15. Mt Panorama - Fencing - 14.00665-02**

**Cr. Aubin** - How do we stop kangaroos entering the race track when live? How do they get here? Spoke of the race collisions at recent 12 hour. Seeking a report on what type of fencing can be done and requested funding to be included 2020/21 budget.

#### **16. Cr. Morse's OAM - 23.00033-12**

**Cr. Morse** - Honoured by OAM for services to Local Government. A reflection of the service by the staff of Council. Should be shared with the staff.

#### **17. Mt Panorama - disabled access - 04.00019-15**

**Cr. Morse** - Spoke of the absence of signage showing the accessible lift over pit straight. Seeking Bathurst Regional Council to make representations to promoters to ensure signage is made prominent at future events.

#### **18. State of Water Emergency - 32.00017-04**

**Cr. Fry** - We are in a crisis with our water. Water engineering practices over the last 100 years have not changed. Seeking Bathurst Regional Council to redirect some of the next government funding of \$10 million to grey water reticulation systems and other sustainable solutions.

#### **19. 12 Hour Race - 04.00097-18 & 14.00665-02**

**Cr. Fry** - 12 hour race went very well. Believes cheap fencing could be used to control kangaroos.

Requested Bathurst Regional Council to approach Supercars to consider running an Electric Vehicle at a future event at Mount Panorama.

#### **20. Elton John Concert - 23.00163**

**Cr. Fry** - Milestone event. Could Bathurst Regional Council consider the provision of a platform to allow wheelchair users for future concerts.

#### **21. Standalone solar lights - 40.00003-02**

**Cr. Fry** - Could Bathurst Regional Council look at installing standalone solar lights on Denison Bridge.

**Director Engineering Services** - Matter would need to be considered with future budgets.

#### **22. Mitre/ Suttor/ Lambert Streets Roundabout - 36.00713**

**Cr. Christian** - Sought an update on this project.

**Director Engineering Services** - Works have commenced, too early to predict completion time.

**23. Street Sign Audit - 28.00007-06**

**Cr. Christian** - Sought an update on this project. Acknowledged the changes that have already occurred.

**Director Engineering Services** - Majority completed.

**24. Stewart Street parking signage - 25.00036-06**

**Cr. Christian** - Acknowledged parking signage.

**25. Fencing at Mount Panorama - 04.00019-15**

**Cr. Christian** - Support Cr Aubin's position. Needs to be addressed ASAP.

**26. Toronto Street Railway crossing - 25.00110 & 07.00006-24**

**Cr. North** - Noted that a "stop" sign was at the crossing.

**27. Police at Rockley - 07.00107**

**Cr. North** - Commented that the Police residence has been empty since the previous officer retired.

**28. CCTV Screen feeds - 20.00320**

**Cr. North** - Sought an update on the image quality on the CCTV footage.

**Director Cultural Community Services** - Priority for stage two, under-boring commenced.

**29. Mt Panorama Fencing - 04.00019-15**

**Cr. North** - Need to ensure that Bathurst Regional Council engages with residents.

**30. State Government 10 million - 32.00017-04**

**Cr. North** - Asked if Bathurst Regional Council on the list to fast track the process.

**Director Engineering Services** - Responded that Bathurst Regional Council is presently not on the list.

**Cr. North** - Is Bathurst Regional Council still pursuing the water allocation that was identified as not being used?

**Director Engineering Services** - Bathurst Regional Council has sought a review of the earlier State Government decision.

## **9. MEETING CLOSE**

### **MINUTE**

The Meeting closed at 7:25 pm.

### **CHAIR:**

---



## Policy Meeting of Council Agenda - 5 February 2020 Attachments

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**MINUTES OF THE POLICY COMMITTEE MEETING OF  
BATHURST REGIONAL COUNCIL  
HELD ON Wednesday 4 December 2019**

**MINUTE**

Meeting commenced at 6.00pm.

**Present:** Cr B Bourke (Chair), Cr J Rudge, Cr J Fry, Cr I North, Cr W Aubin, Cr J Jennings, Cr G Hanger, Cr A Christian, Cr B Bourke

**3. APOLOGIES**

**MINUTE**

**MOVED: Cr I North SECONDED: Cr J Rudge**

**RESOLVED:** That the apology of Cr M Morse be accepted and leave of absence granted.

Nil

**4.1. Minutes - Policy Committee Meeting - 6 November 2019**

**File No: 07.00064**

**MINUTE**

**RESOLUTION NUMBER: POL2019 - 1**

**MOVED: Cr W Aubin SECONDED: Cr J Rudge**

**RESOLVED:**

That the Minutes of the Policy Committee of Bathurst Regional Council held on 6 November 2019 be adopted.

**Declaration of Interest**

**MINUTE**

**RESOLUTION NUMBER: POL2019 - 2**

**MOVED: Cr I North SECONDED: Cr G Hanger**

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

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

### **DIRECTOR CORPORATE SERVICES AND FINANCE REPORT**

#### **6.1.1. WEBCASTING OF COUNCIL MEETINGS POLICY**

**File No:** 20.00315, 41.00089

##### **MINUTE**

**RESOLUTION NUMBER:** POL2019 - 3

**MOVED: Cr J Rudge SECONDED: Cr J Fry**

##### **RESOLVED:**

That

- (a) Council note the submission received.
- (b) Council adopt the Webcasting of Council Meetings Policy and update the Council Policy Manual.
- (c) The policy will become effective from the 14 December 2019.

## **7. GENERAL BUSINESS**

##### **MINUTE**

#### **1. Mitchell Conservatorium of Music - Bathurst Court House - 22.01071-03 & 00023-02**

**Cr.Hanger** - Department of Community and Justice has requested that the Mitchell Conservatorium vacate the Court House by mid February 2020.

**General Manager** - advised correspondence has been sent to relevant persons.

#### **2. River Area behind Showground - 04.00017-05**

**Cr.Rudge** - Has received approaches about vegetation growing in this area that needs attention.

**Director of Engineering Services** - Discussions with NSW Fisheries ongoing re: potential works required.

### **3. Chiefly Dam Levels - 32.00005-07**

**Cr. Jennings** - Asked what the current dam level is.

**Director of Engineering Services** - Advised that dam level is currently at 38.1% (a drop of 0.9%).

### **4. Cr Morse Notice of Motion last meeting - Regarding weather changes - 13.00027-04**

**Cr. Jennings** - Spoke of Climate Change, facebook entries, Blue Mountains banning of meat, drought, irrigators, drought proofing and energy efficiency.

### **5. 45 Degree Angle Parking Keppel Street - 25.00039-05**

**Cr Jennings** - Parking problems at lower end of Keppel Street. Asks costings be prepared for 2020/2021 budget.

### **6. Masterplan Vision: 200 years - 20.00335**

**Cr Jennings** - Would like to see project developed and costings for 2020/2021 budget consideration. Spoke to various visions for the City probably need \$150K p.a for 2 years to pull documents together.

### **7. Cr Morse Notice of Motion last meeting regarding weather changes - 13.00027-04**

**Cr Jennings** - Spoke to knowledge on technical service. When we spoke about 5G we got an expert in. Then spoke to service on climate change, asks we follow what we did with 5G and get an expert in to upskill Councillors on this topic. Then spoke to water needs, future predictions and funding needed. Requests appropriate expert advice be sought.

### **8. Health and Safety Policy - 03.00107-19**

**Cr Aubin** - Spoke of stop/go contractors, went through Eglinton and contractor had no hat on and was wearing short sleeved shirt.

**Director Engineering Services** - Contractors have own WH&S procedures in place.

### **9. Eglinton Road - 25.00045-02**

**Cr Aubin** - Noted heavy patching occurring, why not resealing all of it?

**Director Engineering Services** - Restricted by funding available.

### **10. Health Action Group meeting with Minister - 18.00035-04**

**Cr Aubin** - Spoke to the meeting held. Made note about phone connected into meeting without telling the attendees. Apart from that it was a good meeting. Follow up meeting with Hospital Board from 3 December 2019 went well, Chair acknowledged there is a problem. There will be a Masterplan done for the hospital in 2020.

### **11. Water Matters - 32.00017-05**

**Cr Fry** - Need to keep focus. Spoke to Bureau of Meteorology, Department of Environment etc advices. We have lost 10% dam water in recent weeks. Spoke to water usage levels occurring. Possibly at 15%/10% by March 2020. Noted Prime 7 McTavish interview this week, and relocation of towns. Need a committee to consider climate refugee influx.

**Director Engineering Services** - Spoke to modelling results at this time. No Discussions on relocation of communities to Bathurst.

### **12. Tankers on Hereford Street accessing standpipes - 32.00017-05**

**Cr Fry** - Some tankers are unknown. Any further details?

**Director Engineering Services** - Spoke to approval to use water and CCTV installation next week.

### **13. Hereford/ Gilmour Street - 25.00031**

**Cr Christian** - Congestion on Hereford and Gilmour Streets, where are the studies at?

**Director Engineering Services** - Gave details of overall study, done early 2020.

### **14. Hereford Street Roundabout - 25.00035-04**

**Cr Christian** - Spoke to concerns at this proposal, Spoke to how this was committed. Feels Council needs to commit to a 4 lane Rd or new road by 2022.

**Director Engineering Services** - Spoke to process followed in design of additional fields.

### **15. Eglinton Road - 25.00045-02**

**Cr Christian** - This is a mess, needs work. We need to commit to 4 lanes by 2025.

### **16. Parking spaces Hereford Street Sporting Precinct - 04.00112 & 04.00146**

**Cr Christian** - Have we spoken to any bus lines about using this space?

**Director Engineering Services** - Have not had discussions. Design will allow for buses to use area.

### **17. Climate Matters - 13.00027-04**

**Cr Christian** - Spoke to investigations being undertaken, ice cores results, CO2 impacts.

### **18. Irrigators & Weir issue - 32.00017-05**

**Cr North** - Has provided advice to General Manager and asks this to be investigated.

### **19. Parks and Gardens water systems - 04.00034-05**

**Cr North** - Can we adjust so the roads don't get watered e.g. Adventure Play Ground and River Walk.

**20. Federal Government Drought Fund Round 2 - 16.00171**

**Cr North** - Noted new round of funding is \$1 million

**21. Australian Airports Association - 21.00008-16**

**Cr North** - Federal Government funds available, have we looked at the fund?

**Director Engineering Services** - yes, we will be applying for funds.

**22. Airport Lease Issues - 21.00147**

**Cr North** - Can we get a report?

**23. Water Projects State Funding - 16.00103-08**

**Cr North** - Are we pursuing extra funding beyond the \$10 million received?

**24. Road Infrastructure - 28.00017-02**

**Cr North** - Looking forward to studies being delivered so can develop future plans.

**25. CCTV Funding - 16.00145-03**

**Cr North** - Noting there is struggle to utilise the full \$10k p.a. If can't be used perhaps support people to put in rainwater tanks

**26. Events - 23.00026-21**

**Cr North** - Noted events for next year including Elton John, BMT International, V8's and Cross Country. All assisting the local economy. Let's keep looking for events to promote the city.

**27. Question regarding water restrictions - 32.00017-05**

**Cr Rudge** - Sought clarification on restriction definitions.

**8. MEETING CLOSE**

**MINUTE**

The Meeting closed at 6.43 pm.

**CHAIR:** \_\_\_\_\_

# Attachment 7.1.1

Created on 7/01/2020 4:12 PM



## Legend:

- Az Parks Text
- Az Lot Text
- Boundaries
- BRC Local Gov. Area
- Suburb
- Contours
  - 100m
  - 50m
  - 10m
  - 2m
- LEP 2014
  - HER Heritage Item
- Strata Levels
  - Strata Level 2
  - Strata Level 1
  - Strata Level Basement
- Property
- Imagery (Latest)
  - Bathurst Dec 2018 75mm
  - Bathurst Regional Dec2017-Jan2018
- Pathway
- Road Corridor (Constructed)
  - Council Road Constructed
  - Crown Road Constructed
  - Private Road
  - Unofficial Crown Road
- Road Corridor (Not Constructed)
  - Closed Road
  - Council Road Not Constructed
  - Crown Reserved Road Not Constructed
  - Crown Road Not Constructed
  - Right of Way
  - RTA Road Not Constructed
  - Vested in NSW Housing Corporation
- Railway Corridor
- Water Corridor
- Parks
- Nat. Parks & Wildlife Reserves
- State Forest



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**Date:** 7/01/2020

**Projection:** GDA94 / MGA zone 55

**Map Scale:** 1:400 @ A4



**Legend:**

- Az Parks Text
- Az Lot Text
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## TACO BELL BATHURST

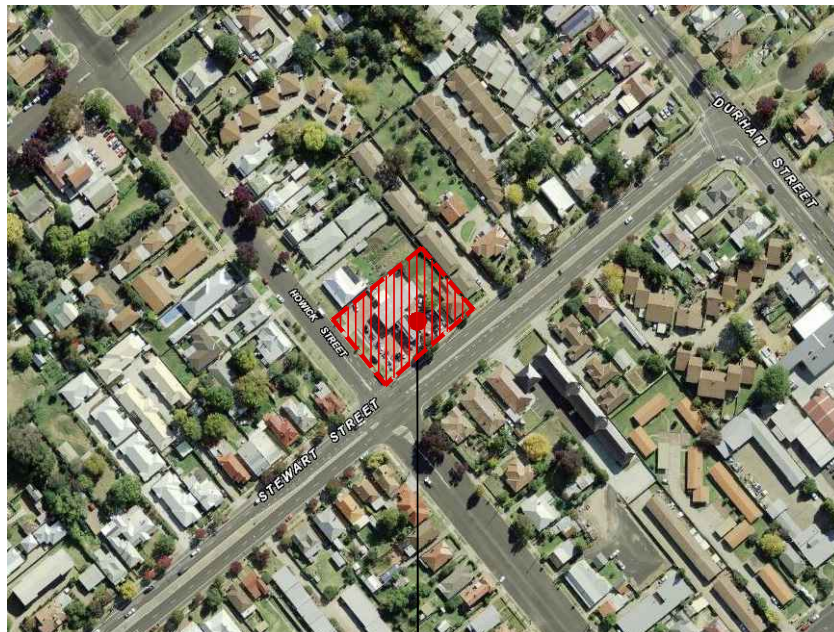
103-105 STEWART STREET, BATHURST, NSW 2795

## DRAWING LIST

DA00	COVER PAGE & LOCATION PLAN
DA01	EXISTING SITE & DEMOLITION PLAN
DA02	PROPOSED SITE PLAN
DA03	SITE TRAFFIC PLAN
DA04	PROPOSED FLOOR PLAN
DA05	PROPOSED EXTERNAL ELEVATIONS
DA06	PROPOSED BOUNDARY ELEVATIONS
DA07	SECTIONS
DA08	SIGNAGE PLAN
DA09	SIGNAGE DETAILS



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 bdal.com.au



## SITE LOCATION

LOT 1-5, DP 737574 & DP 1086710  
 103-105 STEWART STREET  
 BATHURST, NSW 2795



## EXISTING SITE CONDITIONS

NOTE: WORK TO COMPLY WITH AS 4674 2004  
 CONSTRUCTION & FITOUT OF FOOD PREMISES

## DA ISSUE

project  
 TACO BELL BATHURST  
 103-105 STEWART STREET  
 BATHURST, NSW 2795  
 drawing  
 COVER PAGE & LOCATION PLAN

project ref	date	checked
19159	NOV 2019	PS
scale	draw. no.	rev.
NTS @ A3	DA00	A



amendments

21/11/19	DA ISSUE	A
date	issue	rev.
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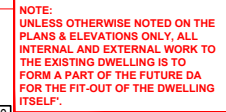
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21/11/19	DA ISSUE	A
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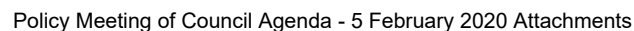


DA ISSUE

## PROPOSED SITE PLAN

21/11/19	DA ISSUE	A
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11 of 216





101 STEWART ST.  
EXISTING NEIGHBOURING  
DWELLING

DA ISSUE

## SITE TRAFFIC PLAN

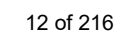
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UNLESS OTHERWISE NOTED ON THE PLANS & ELEVATIONS ONLY, ALL INTERNAL AND EXTERNAL WORK TO THE EXISTING DWELLING IS TO FORM A PART OF THE FUTURE DA FOR THE FIT-OUT OF THE DWELLING ITSELF.

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drawing  
**PROPOSED FLOOR PLAN**

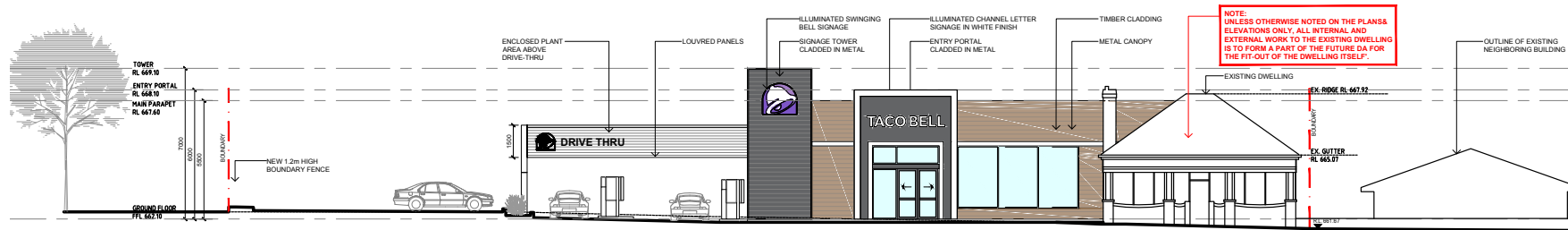
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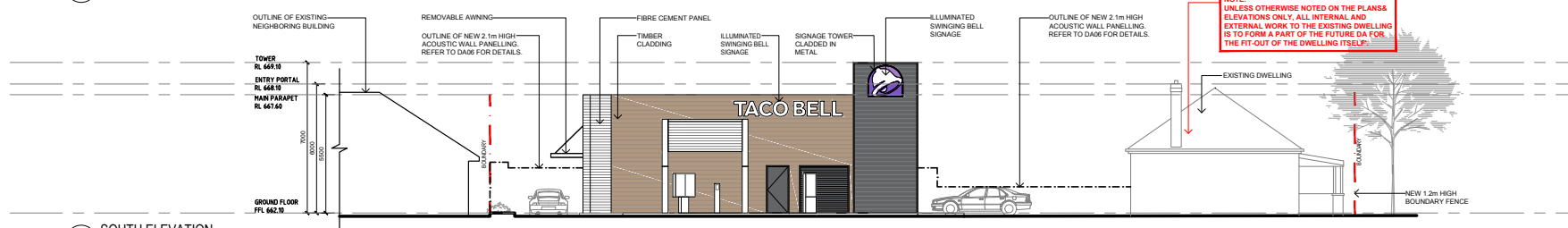
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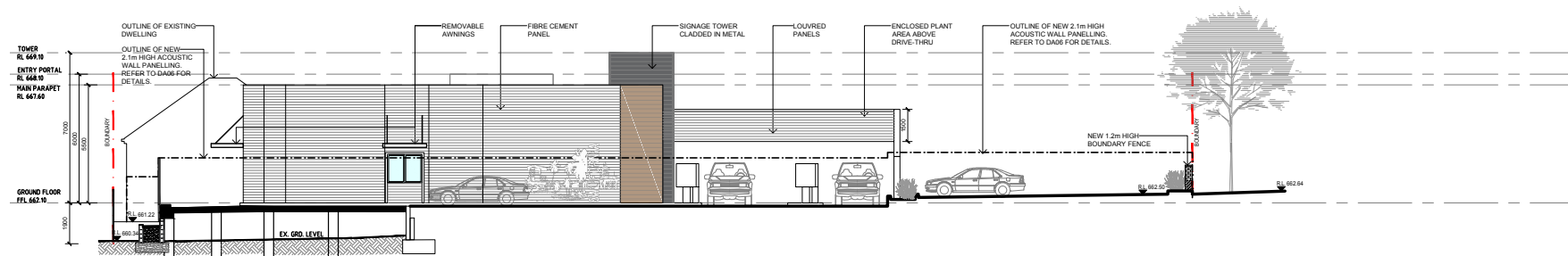




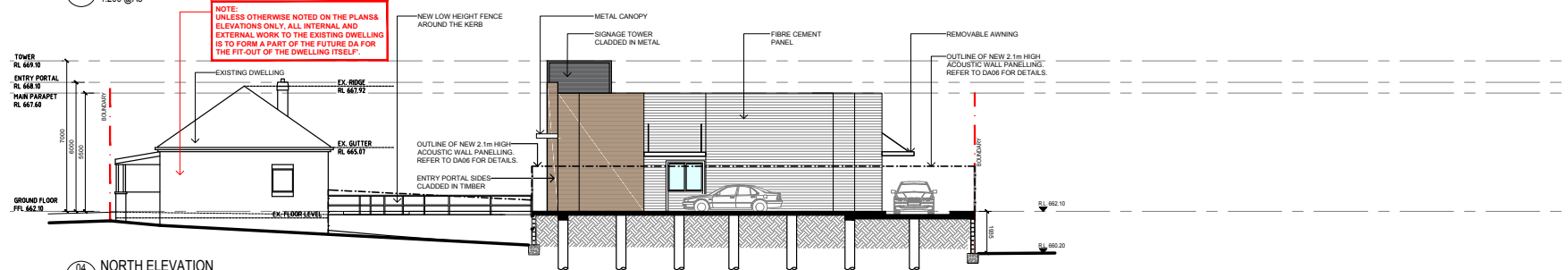
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02 SOUTH ELEVATION  
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03 WEST ELEVATION  
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04 NORTH ELEVATION  
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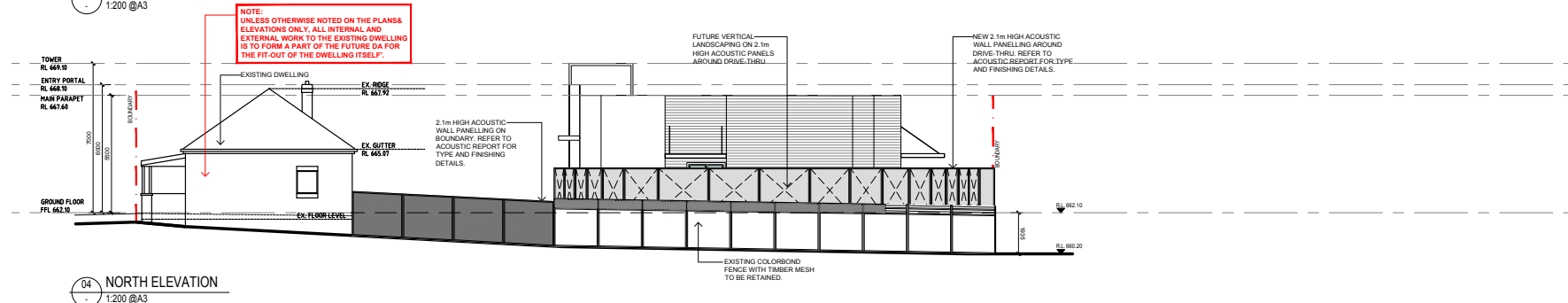
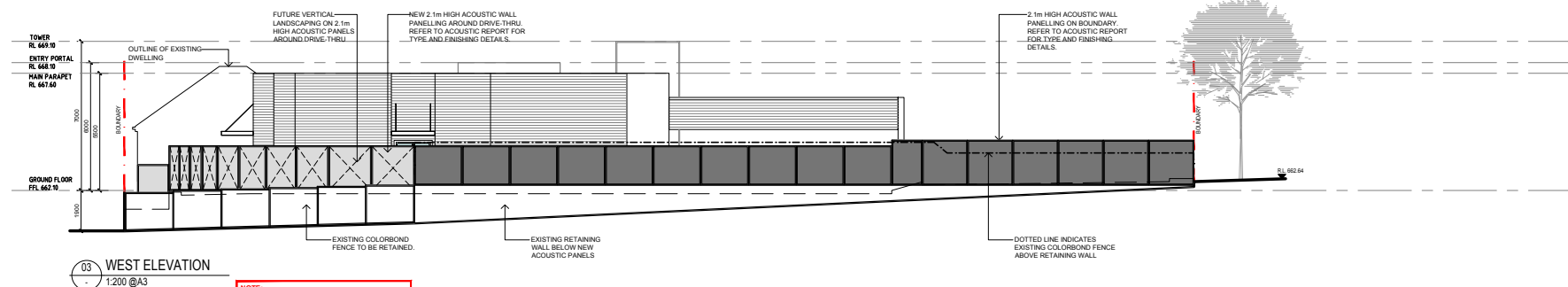
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### PROPOSED ELEVATIONS

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**DA ISSUE**

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drawing  
**BOUNDARY ELEVATIONS**

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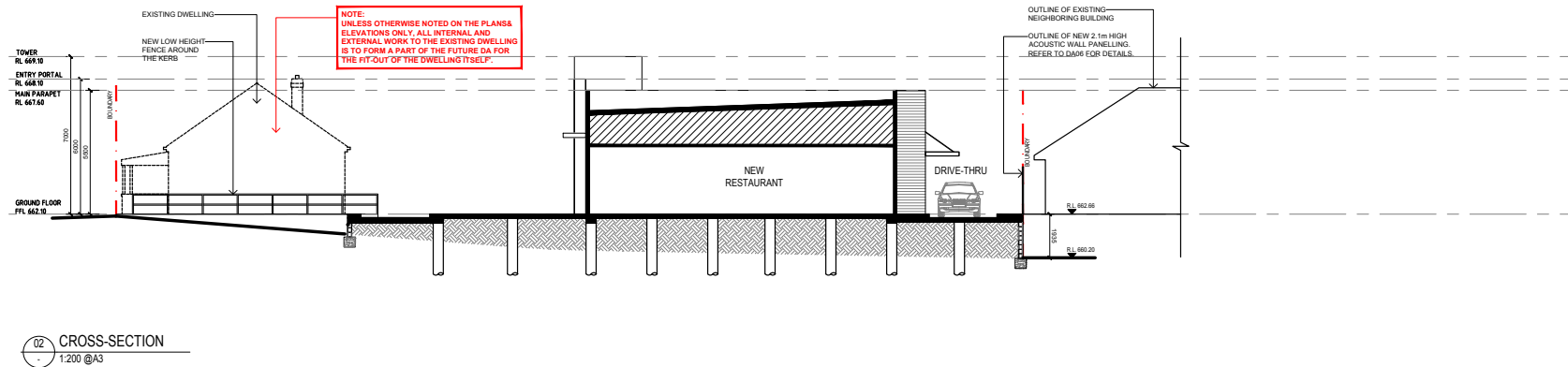
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16 of 216

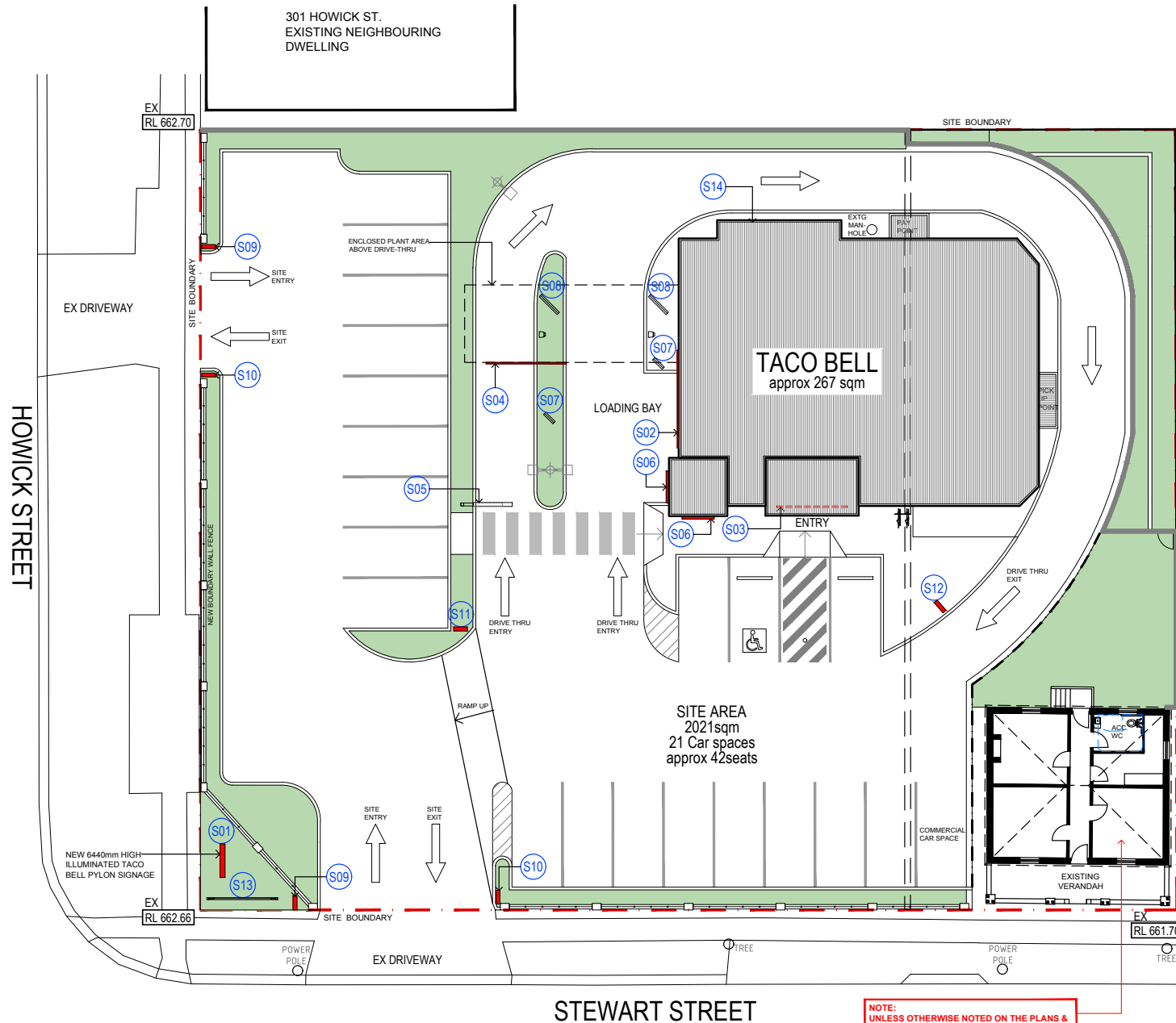




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101 STEWART ST.  
 EXISTING NEIGHBOURING  
 DWELLING



### SIGNAGE LEGEND:

**S--** NEW SIGNAGE

REFER TO **DA09** FOR SIGNAGE DETAILS

- S01 - NEW PYLON SIGN WITH GRAPHICS ON BOTH SIDES
- S02 - NEW NON-ILLUMINATED LETTER FLAT CUT OUT SIGNAGE WITH MATTE WHITE FINISH
- S03 - NEW NON-ILLUMINATED LETTER FLAT CUT OUT SIGNAGE WITH MATTE WHITE FINISH
- S04 - NEW ILLUMINATED DRIVE-THRU SIGN
- S05 - NEW 2.7M HIGH CLEARANCE BAR
- S06 - NEW ILLUMINATED SWINGING BELL SIGN
- S07 - NEW PREVIEW MENUBOARD X2
- S08 - NEW MENUBOARD & ORDER SPEAKER X2
- S09 - NEW 2.1M HIGH 'ENTRY' DIRECTIONAL SIGN
- S10 - NEW 2.1M HIGH 'EXIT' DIRECTIONAL SIGN
- S11 - NEW 2.1M HIGH 'DRIVE-THRU' DIRECTIONAL SIGN
- S12 - NEW 2.1M HIGH 'NO ENTRY' DIRECTIONAL SIGN
- S13 - NEW BANNER SIGN
- S14 - NEW GRAPHIC PANEL 'CALIFORNIA STENCIL'

NOTE: WORK TO COMPLY WITH AS 4674 2004 CONSTRUCTION & FITOUT OF FOOD PREMISES

**DA ISSUE**

project  
 TACO BELL BATHURST  
 103-108 STEWART STREET  
 BATHURST, NSW 2795  
 drawing  
**PROPOSED SIGNAGE PLAN**

project ref 19159	date NOV 2019	checked PS
scale 1:200 @ A3	drawn by DA08	rev. A



amendments	

21/11/19 DA ISSUE A  
 Date Name Rev.  
 Contractor shall verify all levels and dimensions on site prior to commencing any work or shop drawings. Plotted dimensions to be used - to mill scale.  
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# Attachment 7.1.2

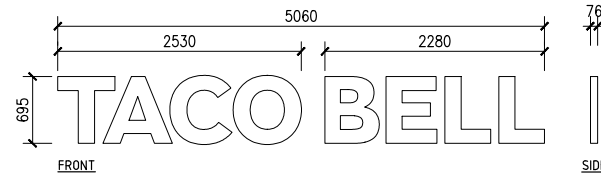


**NOMINATED**  
**ARCHITECT:**  
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 NSW Reg 6354  
 VIC Reg 4884  
 Suite 14, Level 3  
 22-36 Mountain Street  
 Ultimo NSW 2007  
 T 02 9281 6177  
 bdai.com.au



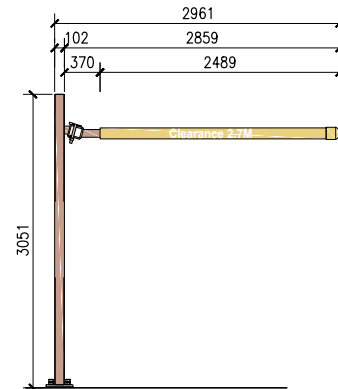
NEW ILLUMINATED PYLON SIGN  
 WITH GRAPHICS ON BOTH SIDES.

**S01** NEW PYLON SIGN  
 DA08 SCALE 1:50

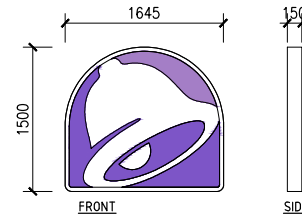


FRONT  
 NEW NON-ILLUMINATED LETTER-FLAT CUT OUT  
 SIGNAGE WITH MATTE WHITE FINISH.

**S02** NEW LETTER SIGN  
 DA08 SCALE 1:50

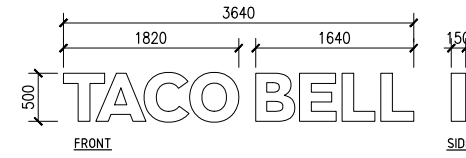


**S05** NEW DT CLEARANCE BAR  
 DA08 SCALE 1:50



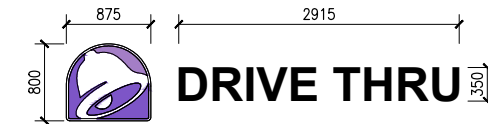
NEW ILLUMINATED SWINGING BELL  
 SIGN.

**S06** NEW SWINGING BELL SIGN  
 DA08 SCALE 1:50



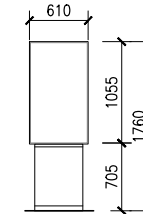
FRONT  
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 SIGNAGE WITH MATTE WHITE FINISH.

**S03** NEW LETTER SIGN  
 DA08 SCALE 1:50



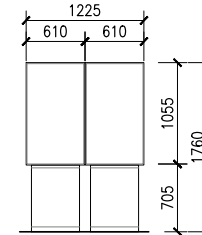
NEW ILLUMINATED DRIVE-THRU SIGNAGE

**S04** NEW DT SIGN  
 DA08 SCALE 1:50



DRIVE THRU DIGITAL PREVIEW BOARD.

**S07** NEW DIGITAL PREVIEW BOARD  
 DA08 SCALE 1:50



DRIVE THRU DIGITAL MENUBOARD.

**S08** NEW DIGITAL MENUBOARD  
 DA08 SCALE 1:50

NOTE: WORK TO COMPLY WITH AS 4674 2004  
 CONSTRUCTION & FITOUT OF FOOD PREMISES

DA ISSUE

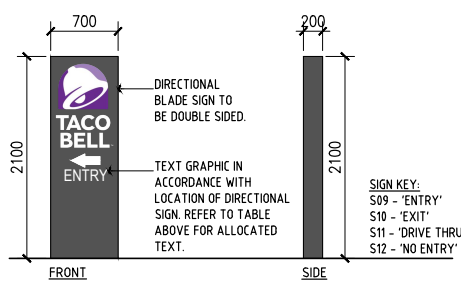
project  
 TACO BELL BATHURST  
 103-108 STEWART STREET  
 BATHURST, NSW 2795

drawing  
 SIGNAGE DETAILS

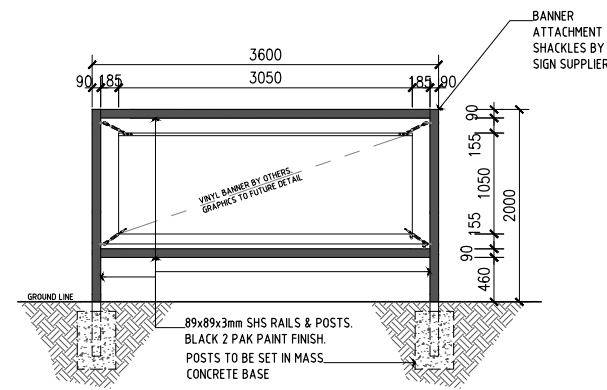
project ref	date	checked
19159	NOV 2019	PS
scale	drawn	rev.
NTS @ A3	DA09	A

amendments

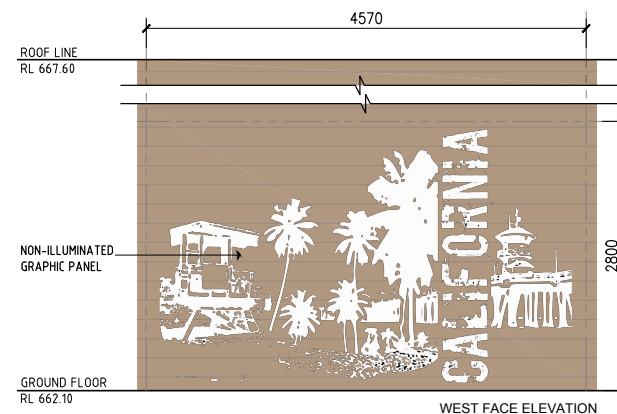
21/11/19 DA ISSUE A  
 Date Name Rev.  
 Contractor shall verify all levels and dimensions on site prior to  
 commencing any work or prior to any other work. If any dimensions to be  
 used - to not scale.  
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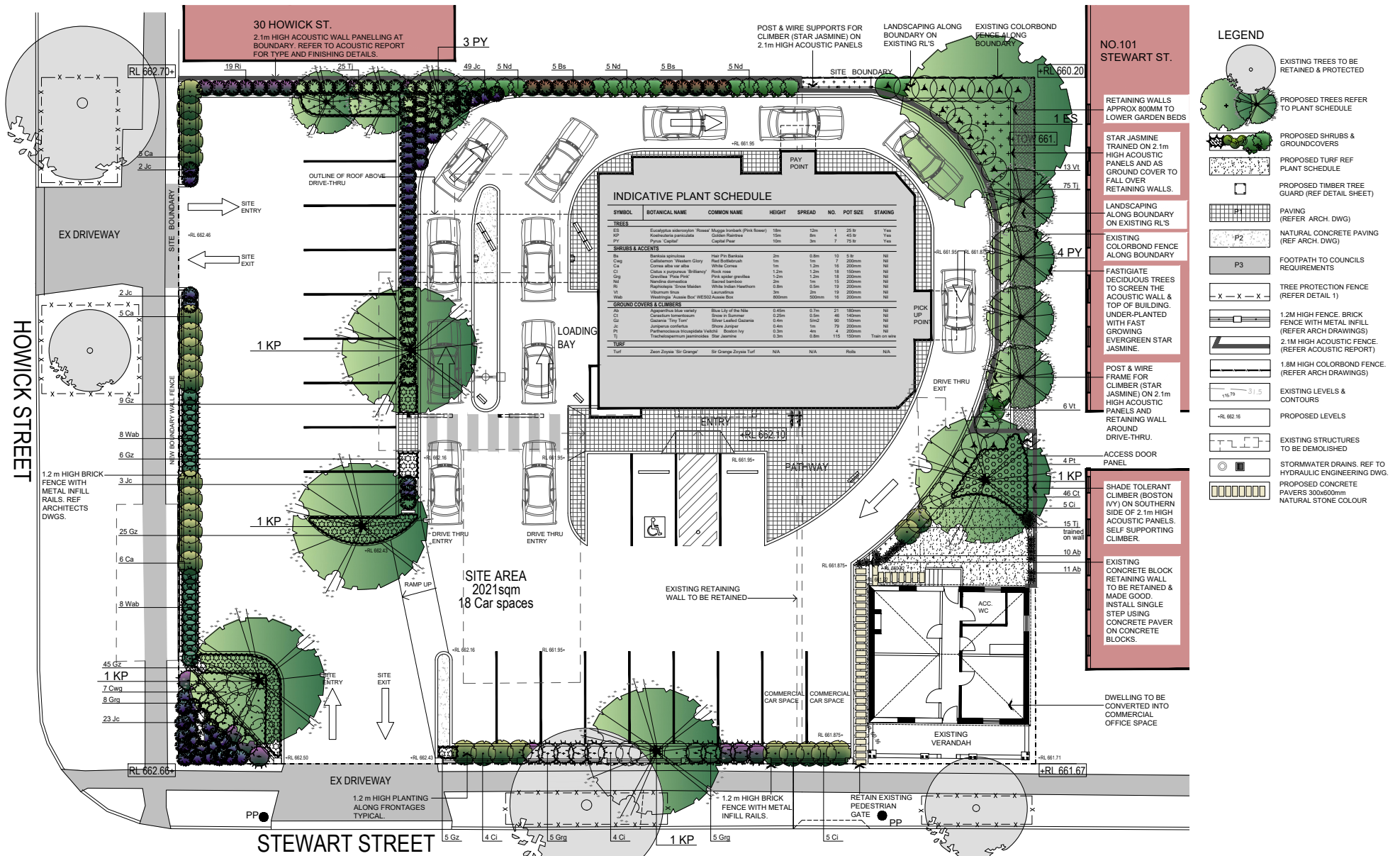
**S09** NEW DIRECTIONAL SIGNAGE  
 DA08 SCALE 1:50



**S13** NEW BANNER SIGN  
 DA08 SCALE 1:50



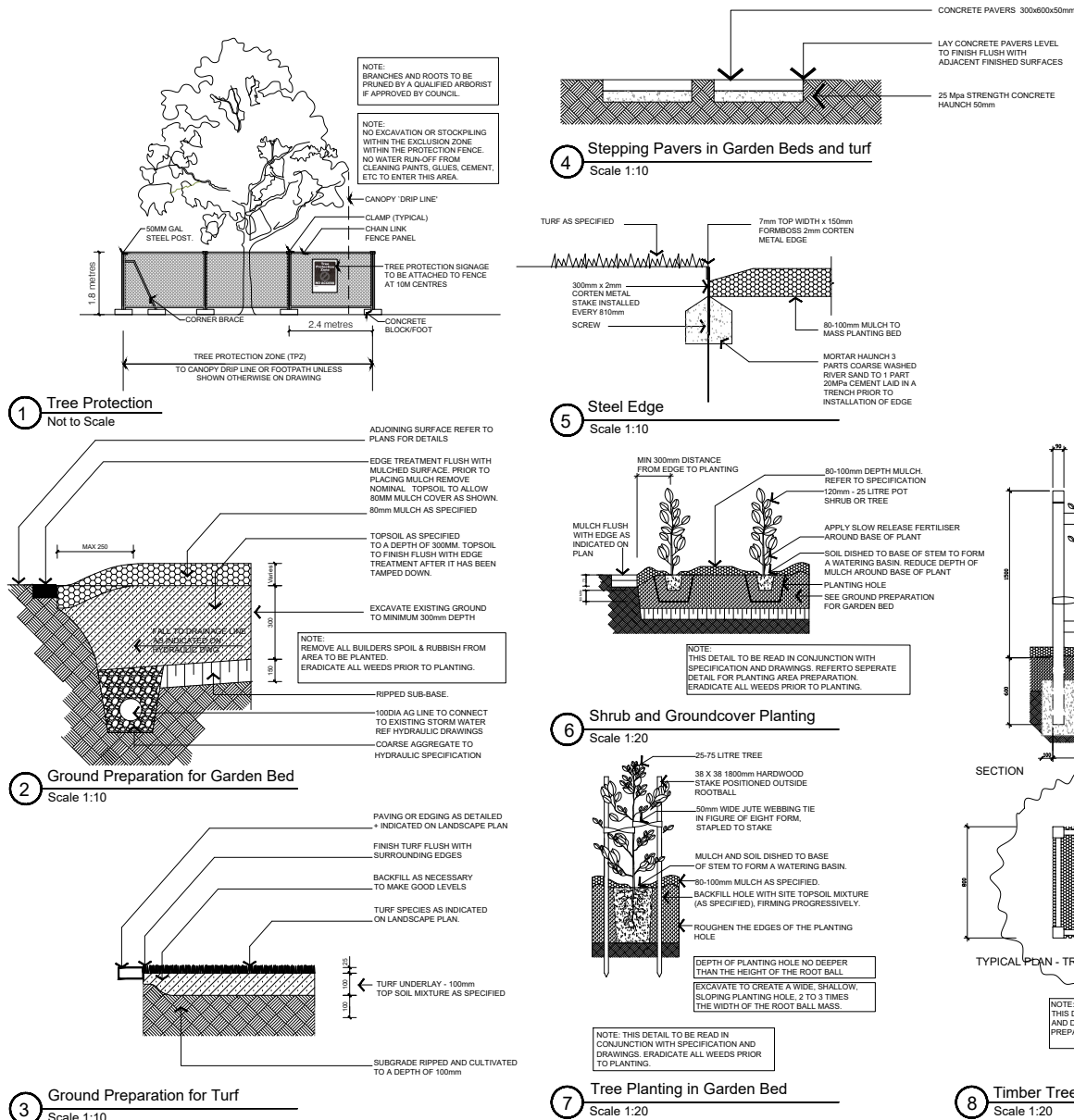
**S14** NEW GRAPHIC PANEL 'CALIFORNIA STENCIL'  
 DA08 SCALE 1:50



<b>LANDSCAPE ARCHITECT</b> <b>SUSAN STRATTON</b> <b>Landscape Architects Pty Ltd</b> ABN 22 074 081 217 Registered Landscape Architect AILA Tel: 02 9547 3157 Email: sstrand@bigpond.net.au Copyright 2019 Susan Stratton. All Rights Reserved.	REVISION	REVISION DESCRIPTION	DATE	NOTES:  SCALE 1:100 at A1	<b>PROJECT</b> <b>TACO BELL BATHURST</b> 105 STEWART STREET, BATHURST, NSW 2795  <b>CLIENT</b> <b>TACO BELL</b>	DRAWING TITLE		
	-	CO-ORDINATION	15.11.19			<b>LANDSCAPE PLAN</b> <b>Development Application</b>		
	-	FINAL	20.11.19					
						JOB NO.	DRAWING NO.	STATUS
						19.008	LA-01	DA
						SCALE 1:200 @ A3 1:100 @ A1	DATE	REVISION
							NOV 2019	

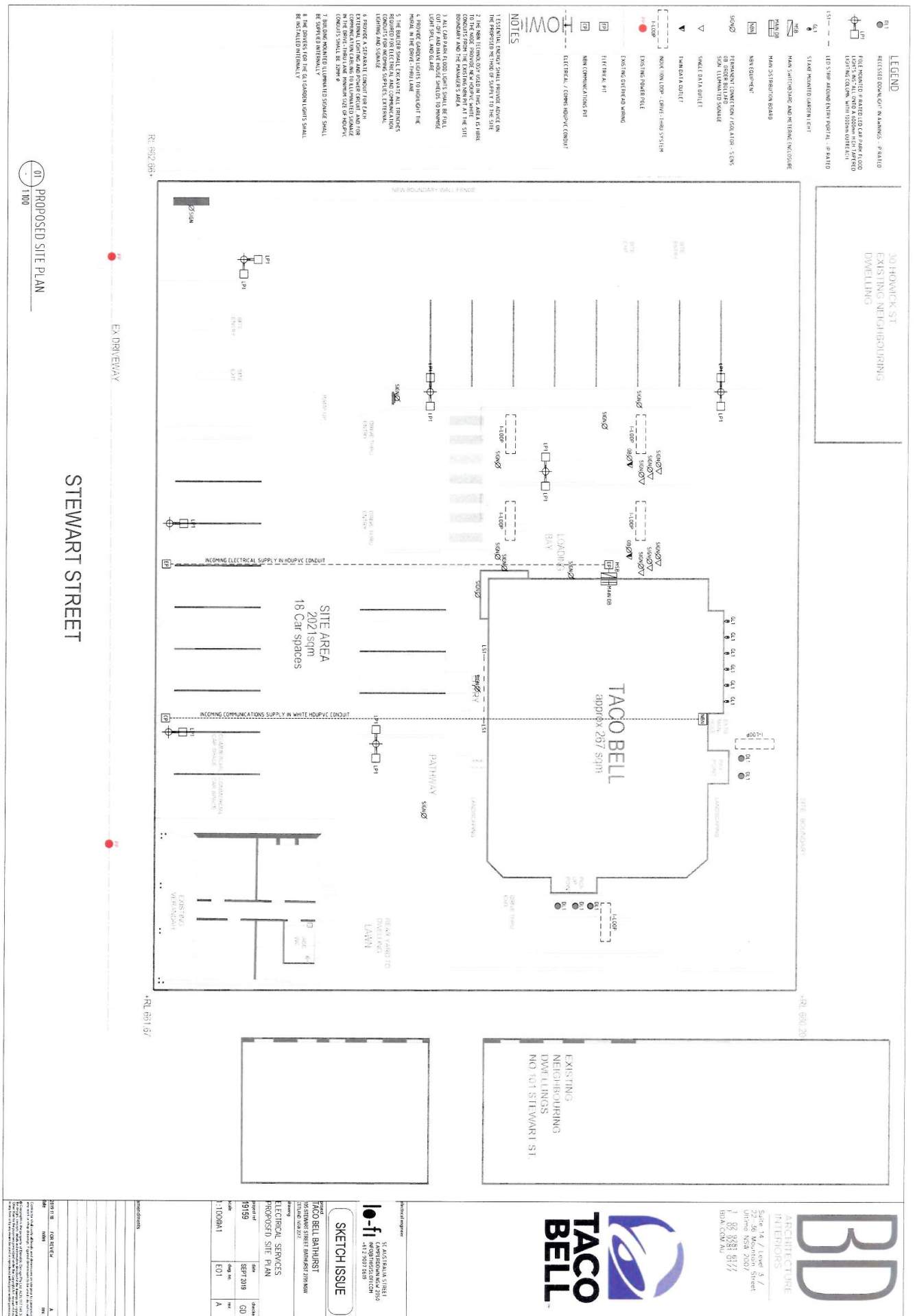
# Attachment 7.1.3

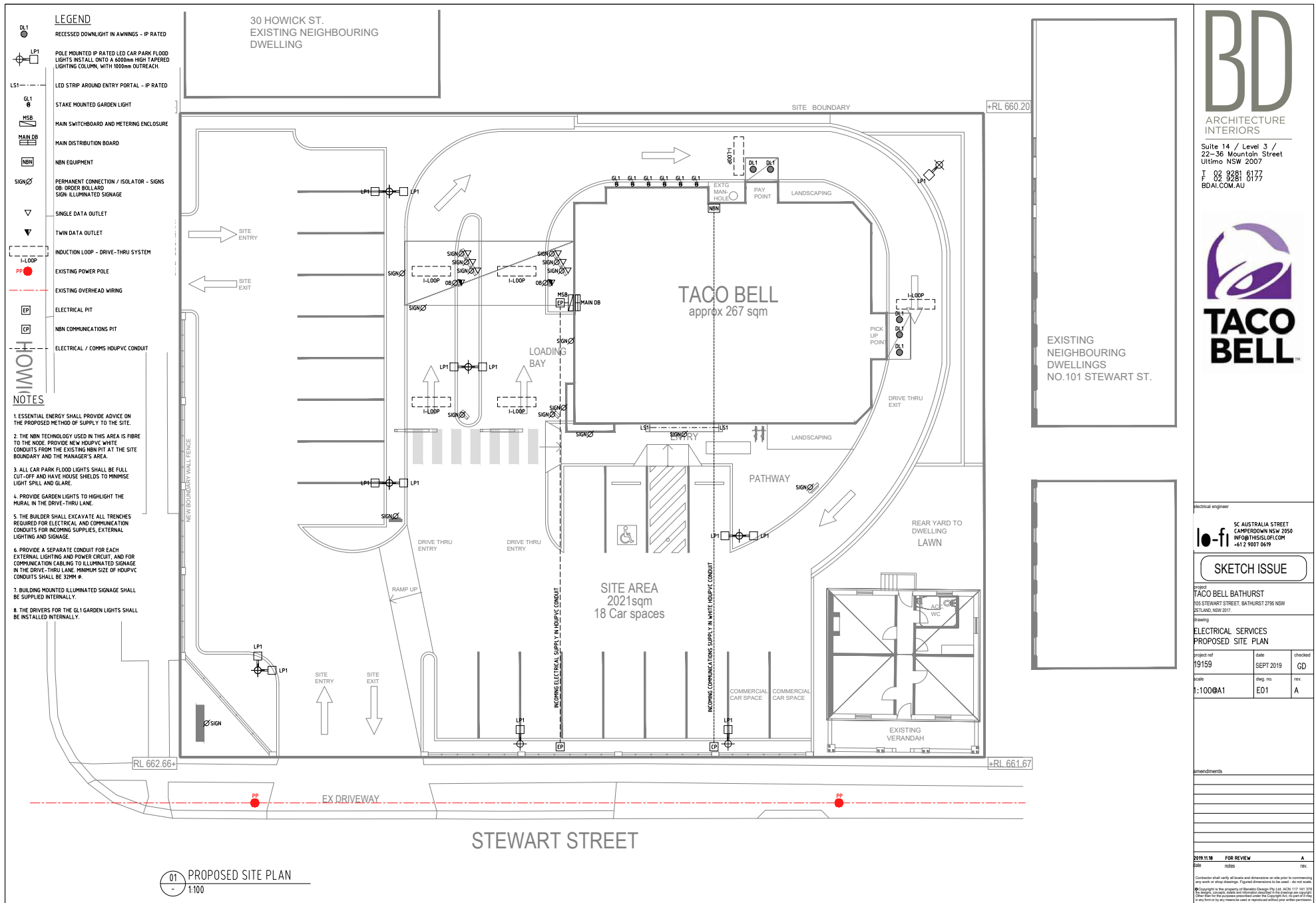
<p><b>SPECIFICATION NOTES</b></p> <p><b>SERVICES</b> Before landscape work is commenced, The Landscape Contractor is to establish the position of all service lines. Service lids, vents and hydrants shall be left exposed and not covered by any landscape finishes (paving, garden beds etc.) Finish adjoining surfaces flush with pit lids.</p> <p><b>REFERENCE DOCUMENTS</b> Attention is drawn to AS4419, AS 3500, AS4970, AS 4373 and AS2303. Obtain copies of the relevant Aust Standards and other pertinent information. Retain these documents on-site for the duration of the works.</p> <p><b>TREE PROTECTION FENCE</b> Install temporary Tree Protection fence during site set-up and prior to installation. Refer to Arborist report for restricted access and maintenance within the Tree Protection Zone.</p> <p><b>TOPSOIL MIXTURES</b> <b>PLANTING MIXTURE:</b> To be used in mass planting beds and for individual plantings as detailed. Shall be homogeneous blend of soil and additives in the following proportions: 50% Stockpiled Site Topsoil or where insufficient soil exists - Imported topsoil sand soil blend 80:20 where sand is double washed coarse river sand. 50% Compost - well rotted vegetative material or animal manure, or other approved material, free from harmful chemicals, grass and weed growth and with neutral pH. Provide a certificate of proof of pH upon request.</p> <p><b>DRAINAGE</b> All landscape areas shall be free draining with positive drainage to storm water outlets or natural drainage systems. Install 100mm diameter PVC drains behind all planting walls set in a bed of 100mm crusher aggregate enclosed in geotextile fabric. Refer Engineers detail.</p> <p><b>GEOTEXTILE:</b> All geotextile fabric shall be equal to Bidim A24 or as nominated by the hydraulic Engineer.</p> <p><b>MULCH</b> <b>APPLICATION:</b> Place mulch to the required depth (refer to drawings) clear of plant stems, and take to an even surface finishing 25mm below adjoining levels. Ensure mulch is watered in and tamped down during installation.</p> <p><b>MULCH TYPE:</b> o Pine bark: From mature trees, graded in size from 15mm to 30mm, free from wood splinters. Dark brown in colour and texture.</p> <p><b>PLANT MATERIAL</b> All plants supplied are to conform with those species listed in the Plant Schedule on the drawings and AS 2303:2015 Tree stock for landscape use. Generally plants shall be vigorous, well established, hardrooted, off of good form consistent with species or variety, not soft or forced, free from disease or insect pests with large healthy root systems and no evidence of having been restricted or damaged. Trees shall have a leading shoot. Immediately reject dried out, damaged or unhealthy plant material before planting. All stock is to be container grown for a minimum of six (6) months prior to delivery to site.</p> <p><b>FERTILISER</b> <b>MASS PLANTING AREAS:</b> Fertiliser shall be 'Nutricote' or approved equivalent in granule form intended for slow release of plant nutrients over a period of approximately nine months. Thoroughly mix fertiliser with planting mixture at the recommended rate, prior to installing plants.</p> <p><b>STAKING AND TYING</b> Stakes shall be straight hardwood, free from knots and twists, pointed at one end and sized according to size of plants to be staked. a. 5/25 litre size plant No staking applicable b. 30-75 litre size plant 2 off 100x30x1000mm or tree guard as proposed. Ties shall be 50mm wide hessian webbing or approved equivalent nailed or stapled to stake. Drive stakes a minimum one third of their length, avoiding damage to the root system, on the windward side of the plant.</p> <p><b>TIMBER TREE GUARDS</b> Supply and install tree guards in locations indicated on the landscape plan. Timber to be straight hardwood, DAR finish as detailed.</p> <p><b>TURF</b> Obtain turf from a specialist grower of cultivated turf. Turf shall be of even thickness, free from weeds and other foreign matter, lay in stretcher pattern with joints staggered and close butted. Water immediately after laying. <b>TURF TYPE:</b> Zeon Zoysia 'Sir Ganga'</p> <p><b>PAVING - STEPPING PADS</b> Supply 600 x 300 x 50mm concrete pavers with none slip surface, colour grey. Install in accordance with details in other landscape detail or surrounded by turf as indicated on the Landscape Plan.</p> <p><b>STEEL EDGE</b> Supply and install Formboss steel edge as indicated on the plan to manufacturers recommendations.</p> <p><b>IRRIGATION SYSTEM</b> Supply and install an automatically controlled sub-surface 'drip irrigation' system to all landscape areas to achieve 25mm/week precipitation rate. This system shall have a rain switch and backflow device fitted in accordance with regulations.</p> <p><b>LANDSCAPE MAINTENANCE PROGRAM</b> Maintenance shall mean the care and maintenance of the landscape works by accepted horticultural practice as rectifying any defects that become apparent in the landscape works under normal use. This shall include, but shall not be limited to, watering, mowing, fertilising, weeding, reurfing, weeding, seed and disease control, staking and tying, replanting, cultivation, pruning, aerating, renovating, suppressing, maintaining the site in a neat and tidy condition as follows:-</p> <p><b>GENERAL</b> The landscape contractor shall maintain the landscape works for the term of the maintenance (or plant establishment) period to the satisfaction of the council. The landscape contractor shall attend to the site on a weekly basis. The maintenance period shall commence at practical completion and continue for a period of twenty six (26) weeks.</p> <p><b>WATERING</b> Grass, trees and garden areas shall be watered regularly so as to ensure continuous healthy growth. Watering to be carried out in accordance with local water restrictions.</p> <p><b>RUBBISH REMOVAL</b> During the term of the maintenance period the landscape contractor shall remove rubbish that may occur and occur throughout the maintenance period. This work shall be carried out regularly so that at weekly intervals the area may be observed in a completely clean and tidy condition.</p> <p><b>PLANT REPLACEMENT</b> The landscape contractor shall replace all plants that are missing, unhealthy or dead at the Landscape Contractor's cost. Replacements shall be of the same size, quality and species as the plant that has failed unless otherwise directed by the Landscape Architect. Replacements shall be made on a continuing basis not exceeding two (2) weeks after the plant has died or is seen to be missing.</p> <p><b>STAKES &amp; TIES</b> The landscape contractor shall replace or adjust plant stakes, and tree guards as necessary. Remove stakes and ties at the end of the maintenance period.</p> <p><b>PRUNING</b> Trees and shrubs shall be pruned so as to maintain dense foliage. Miscellaneous pruning to be carried out All plants where beneficial to the condition of the plants. Any damaged growth shall be pruned. All pruned material shall be removed from the site.</p> <p><b>MULCHED SURFACES</b> All mulched surfaces shall be maintained in a clean and tidy condition and be reinstated if necessary to ensure that the specified depth is maintained. Ensure mulch is kept clear of plant stems at all times.</p> <p><b>PEST &amp; DISEASE CONTROL</b> The landscape contractor shall spray against insect and fungus infestation with all spraying to be carried out in accordance with the manufacturer's directions. Report all instances of pests and diseases (immediately) that are detected to the client.</p> <p><b>GRASS &amp; TURF AREAS</b> The landscape contractor shall maintain all grass and turf areas by watering, weeding, reseeding, rolling, mowing, topping or other operations as necessary. Seed and turf species shall be the same as the original specified mixture. Grass and turf areas shall be sprayed with approved selective herbicide against broad leaved weeds as required in accordance with the manufacturer's directions. Grass and turf areas shall be fertilised once during maintenance period with 'Dynamic Litter' for lawns at a rate of 20kg per 100m<sup>2</sup>. Fertiliser shall be watered in immediately after application. Irregularities in the grass and turf shall be top dressed. Water is immediately after application. Grass and turf areas shall be kept mown to maintain a healthy and vigorous sward. Mowing height: 30-40mm.</p> <p><b>WEED ERADICATION</b> Eradicate weeds by environmentally acceptable methods using a non-residual glyphosate herbicide in any of its registered formulations, at the recommended maximum rate. Ensure protective procedures for use of chemicals are implemented at all times. Regularly remove by hand, weed growth that may occur or recur throughout grassed, planted and mulched areas. Continue eradication throughout the course of the works and during maintenance period.</p> <p><b>IRRIGATION</b> Check irrigation system. Make emergency repairs as needed. Annual cleaning of irrigation filter screens as a minimum and flushing of the pipes, particularly drip lines is required. Adjust the irrigation controllers for current water needs of plants.</p> <p><b>HANDOVER DOCUMENTS</b> The Contractor shall submit a Maintenance Program as part of the Handover Documents. A maintenance log is to be kept for the period of establishment and during the 26 week maintenance period. The completed maintenance log is to be submitted at the end of the maintenance period.</p>	
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<div>LANDSCAPE ARCHITECT</div> <div>SUSAN STRATTON</div> <div>Landscape Architects Pty Ltd</div> <div>Registered Landscape Architect AILA</div> <div>Tel: 02 9547 3157</div> <div>Email: sstrand@bigpond.net.au</div> <div>Copyright 2015 Susan Stratton. All Rights Reserved.</div>	REVISION	REVISION DESCRIPTION	DATE	NOTES:	PROJECT	TACO BELL BATHURST 105 STEWART STREET, BATHURST, NSW 2795	DRAWING TITLE		
	-	CO-ORDINATION	15.11.19				LANDSCAPE PLAN - DETAILS Development Application		
		FINAL	20.11.19						
				CLIENT	JOB NO.	DRAWING NO.	STATUS		
				TACO BELL	19.008	LA-02	DA		
					SCALE	DATE	REVISION		
					1:200 @ A3	NOV 2019			
					1:100 @ A1				







# PROPOSED COMMERCIAL DEVELOPMENT

## 103 & 105 STEWART STREET, BATHURST

### STORMWATER MANAGEMENT PLANS

#### GENERAL NOTES:

- THESE PLANS SHALL BE READ IN CONJUNCTION WITH OTHER RELEVANT CONSULTANTS' PLANS, SPECIFICATIONS, CONDITIONS OF DEVELOPMENT CONSENT AND CONSTRUCTION CERTIFICATE REQUIREMENTS. WHERE DISCREPANCIES ARE FOUND NASTASI & ASSOCIATES MUST BE CONTACTED IMMEDIATELY FOR VERIFICATION.
- WHERE THESE PLANS ARE NOTED FOR DEVELOPMENT APPLICATION PURPOSES ONLY, THEY SHALL NOT BE USED FOR OBTAINING A CONSTRUCTION CERTIFICATE. WORK USED FOR CONSTRUCTION PURPOSES.
- SUBSOIL DRAINAGE SHALL BE DESIGNED AND DETAILED BY THE STRUCTURAL ENGINEER. SUBSOIL DRAINAGE SHALL NOT BE CONNECTED INTO THE STORMWATER SYSTEM IDENTIFIED ON THESE PLANS UNLESS APPROVED BY NASTASI & ASSOCIATES ENGINEERS.

#### STORMWATER CONSTRUCTION NOTES:

- ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS/NZS 3500 CURRENT EDITION AND THE REQUIREMENTS OF THE LOCAL COUNCIL'S POLICIES AND CODES.
- THE MINIMUM SIZE OF THE STORMWATER DRAINS SHALL NOT BE LESS THAN 90 FOR CLASS 1 BUILDINGS AND 100 FOR OTHER CLASSES OF BUILDING OR AS REQUIRED BY REGULATORY AUTHORITY.
- THE MINIMUM GRADIENT OF STORMWATER DRAINS SHALL BE 1%, UNLESS NOTED OTHERWISE.
- COUNCIL'S TREE PRESERVATION ORDER IS TO BE STRICTLY ADHERED TO. NO TREES SHALL BE REMOVED UNTIL PERMIT IS OBTAINED.
- PUBLIC UTILITY SERVICES ARE TO BE ADJUSTED AS NECESSARY AT THE CLIENT'S EXPENSE.
- ALL PITS TO BE BENCH MARKED AND STREAMLINED. PROVIDE STEP RINGS FOR ALL PITS OVER 1200mm DEEP.
- MAKE SMOOTH JUNCTION WITH ALL EXISTING WORK.
- VEHICULAR ACCESS AND ALL SERVICES TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED BY CONSTRUCTION.
- SERVICES SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND FIELD INVESTIGATIONS AND ARE NOT GUARANTEED COMPLETELY CORRECT. IT IS THE CLIENT & CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL PRIOR TO CONSTRUCTION.
- ANY VARIATION TO THE WORKS AS SHOWN ON THE APPROVED DRAWINGS ARE TO BE CONFIRMED BY NASTASI & ASSOCIATES PRIOR TO THEIR COMMENCEMENT.

#### RAINWATER RE-USE NOTES:

- RAINWATER SUPPLY PLUMBING TO BE CONNECTED TO OUTLETS WHERE REQUIRED BY BASIN CERTIFICATE BY OTHERS.
- TOWN WATER CONNECTION TO RAINWATER TANK TO THE SATISFACTION OF THE REGULATORY AUTHORITY. THIS WAY REQUIRE PROVISION OF:  
2.1 PERMANENT AIR GAP  
2.2 BACKFLOW PREVENTION DEVICE
- NO DIRECT CONNECTION BETWEEN TOWN WATER SUPPLY AND THE RAINWATER SUPPLY.
- AN APPROVED STOP VALVE AND/OR PRESSURE LIMITING VALVE AT THE RAINWATER TANK.
- PROVIDE AT LEAST ONE EXTERNAL HOSE COCK ON THE TOWN WATER SUPPLY FOR FIRE FIGHTING.
- PROVIDE APPROPRIATE FLOAT VALVES AND/OR SOLENOID VALVES TO CONTROL TOWN WATER SUPPLY INLET TO TANK IN ORDER TO ACHIEVE THE TOP-UP INDICATED ON THE TYPICAL DETAIL.
- ALL PLUMBING WORKS ARE TO BE CARRIED OUT BY LICENSED PLUMBERS IN ACCORDANCE WITH AS/NZS3500.1 NATIONAL PLUMBING AND DRAINAGE CODE.
- PRESSURE PUMP ELECTRICAL CONNECTION TO BE CARRIED OUT BY A LICENSED ELECTRICIAN.
- ONLY ROOF RUN-OFF IS TO BE DIRECTED TO THE RAINWATER TANK. SURFACE WATER INLETS ARE NOT TO BE CONNECTED.
- PIPE MATERIALS FOR RAINWATER SUPPLY PLUMBING ARE TO BE APPROVED MATERIALS TO AS/NZS3500 PART 1 SECTION 2 AND TO BE CLEARLY AND PERMANENTLY IDENTIFIED AS RAINWATER. THIS MAY BE ACHIEVED FOR BELOW GROUND PIPES USING IDENTIFICATION TAPES MADE IN ACCORDANCE WITH AS2540 OR FOR ABOVE GROUND PIPES BY USING ADHESIVE PIPE MARKERS MADE IN ACCORDANCE WITH AS2543.
- EVERY RAINWATER SUPPLY OUTLET POINT AND THE RAINWATER TANK ARE TO BE LABELED 'RAINWATER' ON A METALLIC SIGN IN ACCORDANCE WITH AS1580.9.
- ALL INLETS AND OUTLETS TO THE RAINWATER TANK ARE TO HAVE SUITABLE MEASURES PROVIDED TO PREVENT MOSQUITO AND VERMIN ENTRY.

#### EROSION AND SEDIMENT NOTES:

- THESE PLANS SHALL BE READ IN CONJUNCTION WITH EROSION AND SEDIMENT CONTROL DETAILS AS ATTACHED.
- THE CONTRACTOR SHALL IMPLEMENT ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES AS NECESSARY AND TO THE SATISFACTION OF THE RELEVANT LOCAL AUTHORITY PRIOR TO THE COMMENCEMENT ANY DURING CONSTRUCTION. NO DISTURBANCE TO THE SITE SHALL BE PERMITTED OTHER THAN IN THE IMMEDIATE AREA OF THE WORKS AND NO MATERIAL SHALL BE REMOVED FROM THE SITE WITHOUT THE RELEVANT LOCAL AUTHORITY APPROVAL. ALL EROSION AND SEDIMENT CONTROL DEVICES TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH STANDARDS OUTLINED IN NSW DEPARTMENT OF HIGHWAYS' 'MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTIONS'.
- TOPSOIL SHALL BE STOCKPILED OUTSIDE HAZARDOUS AREA SHOWN AS DRAINAGE LINES. THIS TOPSOIL SHALL BE RESPADE LATER ON AREAS TO BE REVEGETATED AND STABILIZED ONLY. TOPSOIL SHALL NOT BE RESPADE OR ON ANY OTHER AREA UNLESS SPECIFICALLY INSTRUCTED BY THE SUPERINTENDENT. IF THEY ARE TO REMAIN LONGER THAN ONE MONTH STOCK PILES SHALL BE PROTECTED FROM EROSION BY COVERING THEM WITH A MULCH AND HYDROSEEDING AND, IF NECESSARY, BY LOCATING BANKS OR DRAINS DOWNSTREAM OF A STOCKPILE TO RETARD SILT LAZON RIMOFF.
- THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL EROSION AND SEDIMENT CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SLOPE DEVICES SUCH THAT MORE THAN 60% OF THEIR CAPACITY IS LEFT. ALL THE SILTS TO BE PLACED OUTSIDE THE LIMIT OF WORKS. THE PERIOD FOR MAINTAINING THESE DEVICES SHALL BE AT LEAST UNTIL ALL DISTURBED AREAS ARE REVEGETATED AND FURTHER AS MAY BE DIRECTED BY SUPERINTENDENT OR COUNCIL.
- VEHICULAR TRAFFIC SHALL BE CONTROLLED DURING CONSTRUCTION CONFINING ACCESS WHERE POSSIBLE TO MAINTAINED STABILIZED ACCESS POINTS.
- THE CONTRACTOR SHALL IMPLEMENT DUST CONTROL BY REGULAR WETTING DOWN DISTURBED AREA.
- ALL DRAINAGE PIPE INLETS TO BE CAPPED UNTIL:  
- DOWNPIPES CONNECTED  
- PITS CONSTRUCTED AND PROTECTED WITH SALT BARRIER

#### MINIMUM PIPE COVER NOTES:

LOCATION	MINIMUM COVER
NO SUBJECT TO VEHICLE LOADING	90mm SINGLE RESIDENTIAL
SUBJECT TO VEHICLE LOADING	450mm WHERE NOT IN A ROAD
UNDER A SEALED ROAD	600mm
UNSEALED ROAD	750mm
PAVED DRIVEWAY	100mm PLUS DEPTH OF CONCRETE

SEE AS2502 INSTALLATION OF UPVC PIPES FOR FURTHER INFORMATION.

CONCRETE PIPE COVER SHALL BE IN ACCORDANCE WITH AS3755-1989 LOADS ON BURIED CONCRETE PIPES, HOWEVER A MINIMUM COVER OF 150mm WILL APPLY.

WHERE INSUFFICIENT COVER IS PROVIDED, THE PIPE SHALL BE COVERED AT LEAST 50mm THICK OVERLAY AND SHALL BE PAVED WITH AT LEAST:  
- 50 mm REINFORCED CONCRETE WHERE SUBJECT TO HEAVY VEHICLE TRAFFIC  
- 75mm THICKNESS OF BRICK OR 100mm OF CONCRETE PAVING WHERE SUBJECT TO LIGHT VEHICLE TRAFFIC; OR  
- 50mm THICK BRICK OR CONCRETE PAVING WHERE NOT SUBJECT TO VEHICLE TRAFFIC.

#### SURFACE STORMWATER PIT NOTES:

PIT DEPTH (mm)	MINIMUM PIT SIZE (mm)
UP TO 600	450 x 450
FROM 600mm TO LESS THAN 900mm	600 x 600
FROM 900mm	900 x 900

ALL BASEMENT PIT TO BE FITTED WITH HEAVY DUTY CLASS C GRATE & FRAME

#### LEGEND

	DENOTES BELOW GROUND ON-SITE DETENTION TANK
	DENOTES ON-SITE DETENTION BASIN
	DENOTES Ø100 DOWNPIPE (U.N.O)
	DENOTES INSPECTION OPENING WITH SCREW DOWN LID AT FINISHED SURFACE LEVEL
	DENOTED PLANTER BOX DRAINS
	DENOTED FLOOR DRAINS
	DENOTED CLEANING EYE
	STORMWATER PIT - SOLID COVER
	STORMWATER PIT - GRATED INLET
	DENOTES GRATED DRAIN
	DENOTES ABSORPTION TRENCH
	DENOTES NON RETURN VALVE
	DENOTES OVERLAND FLOW PATH
	INVERT LEVEL
	TOP OF KERB
	REDUCED LEVEL/SURFACE LEVEL
	PROPOSED FINISH SURFACE LEVEL
	DENOTED Ø100mm PVC (SEWER GRADE) @1% MIN. FALL U.N.O
	DENOTED Ø150mm PVC (SEWER GRADE) @1% MIN. FALL U.N.O
	DENOTED Ø225mm PVC (SEWER GRADE) @0.5% MIN. FALL U.N.O
	DENOTE AGG PIPE
	DENOTE RAINWATER TANK

#### SCHEDULE OF DRAWING

DESCRIPTION	SHEET NUMBER
COVER SHEET & NOTES	C1
DRAINAGE PLANS	C2
STORMWATER MANAGEMENT SUMMARY	C3
STORMWATER DETAILS	C4
SEDIMENT CONTROL PLAN	C5

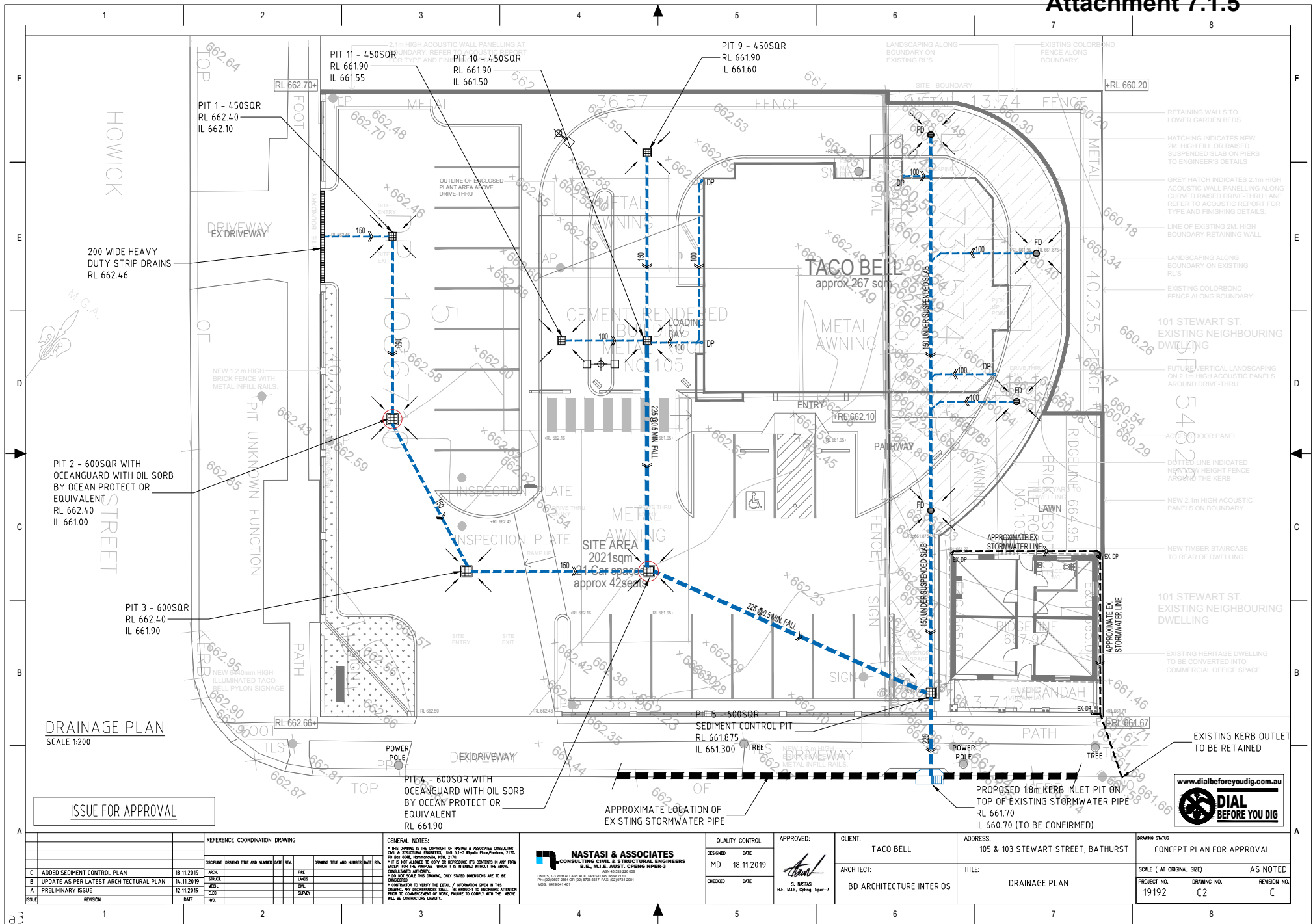
#### LOCATION MAP



#### ISSUE FOR APPROVAL



REFERENCE COORDINATION DRAWING				GENERAL NOTES:				QUALITY CONTROL		APPROVED:		CLIENT:		ADDRESS:		DRAWING STATUS	
DISCIPLINE	DRAWING TITLE	NUMBER	DATE	REV.	DISCIPLINE	DRAWING TITLE	NUMBER	DATE	REV.	DESIGNED	DATE	CLIENT:	TACO BELL	ADDRESS:	105 & 103 STEWART STREET, BATHURST	DRAWING STATUS	CONCEPT PLAN FOR APPROVAL
C	ADDED SEDIMENT CONTROL PLAN	18.11.2019	MD	18.11.2019						MD	18.11.2019						
B	UPDATE AS PER LATEST ARCHITECTURAL PLAN	14.11.2019	MD	14.11.2019													
A	PRELIMINARY ISSUE	12.11.2019	MD	12.11.2019													
ISSUE	REVISION	DATE	BY:	CHK:	DATE	BY:	CHK:	DATE	BY:	DATE	BY:	ARCHITECT:	BD ARCHITECTURE INTERIOS	TITLE:	COVER SHEET & NOTES	SCALE (AT ORIGINAL SIZE)	AS NOTED
1					2					3						PROJECT NO.	19192
																DRAWING NO.	C1
																REVISION NO.	C





**STORMWATER MANAGEMENT SUMMARY**

BATHURST REGIONAL COUNCIL

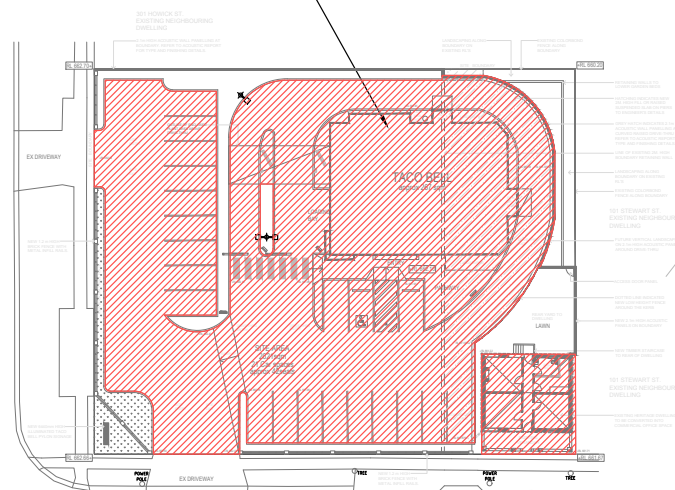
TOTAL SITE AREA = 2021.92 m<sup>2</sup>  
 EXISTING IMPERVIOUS AREA = 1667.24 m<sup>2</sup> (82.45%)  
 PROPOSED IMPERVIOUS AREA = 1666.70 m<sup>2</sup> (82.43%)

**SITE DISCHARGE ASSESSMENT BY DRAINS ILSAX MODEL**

	PRE DEV	POST DEV
ARI	Q <sub>PRE</sub> (l/s)	Q <sub>POST</sub> (l/s)
5	40	39
20	58	56
100	81	79

THE PROPOSED DEVELOPMENT WILL REDUCED TOTAL SITE DISCHARGE IN COMPARISON WITH EXISTING SITE CONDITIONS.

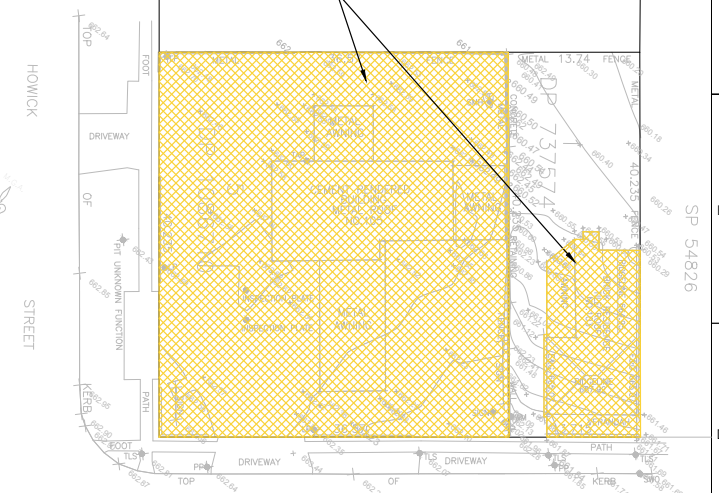
PROVIDE OCEANGUARD WITH OIL SORB ON CARPARK SURFACE PIT TO REQUDE SOILDS AND OIL CONTAMINATION.

PROPOSED IMPERVIOUS AREA = 1666.70m<sup>2</sup>

DP 780821

**PROPOSED IMPERVIOUS AREA PLAN**

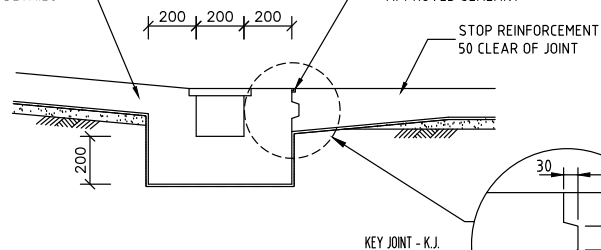
SCALE 1:500

EXISTING IMPERVIOUS AREA = 1667.24 m<sup>2</sup>

DP 780821

**EXISTING IMPERVIOUS AREA PLAN**

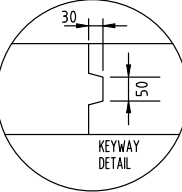
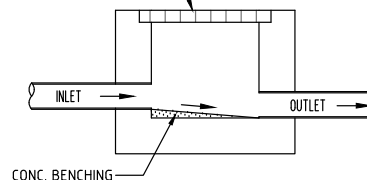
SCALE 1:500

REINFORCEMENT TO  
STRUCTURAL  
ENGINEER'S DETAILS**TYPICAL GRATED DRAINS**

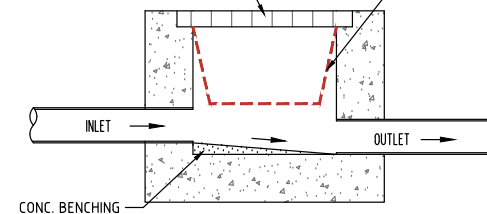
SCALE 1:20

BOND BREAKER TAPE &  
APPROVED SEALANTSTOP REINFORCEMENT  
50 CLEAR OF JOINT

KEY JOINT - K.J.

450SQR REMOVABLE  
GALVANISED SUM GRADE (CLASS  
B WHERE VEHICLE CROSSING)**TYPICAL SURFACE PIT**

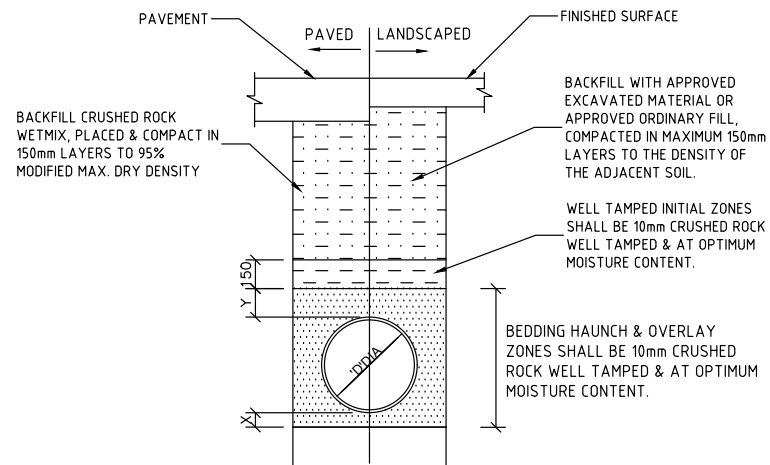
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REMOVABLE GALVANISED SUM  
GRADE (CLASS B WHERE  
VEHICLE CROSSING)OCEANGUARD WITH OIL SORB BY  
OCEAN PROTECT OR EQUIVALENT**TYPICAL SURFACE PIT**

NTS

**ISSUE FOR APPROVAL**

										REFERENCE COORDINATION DRAWING										GENERAL NOTES:										QUALITY CONTROL										APPROVED:										CLIENT:										ADDRESS:										DRAWING 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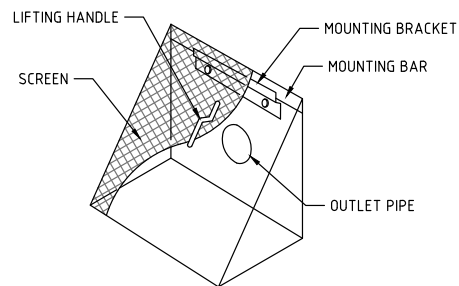


NOTE:  
1 REFER TO PIPE LAYING SPECIFICATIONS  
FOR DETAILS.

PIPE DIA 'D'	W	X MIN.	Y
100-150	300	75	75
225-300	600	75	75

UPVC PIPE

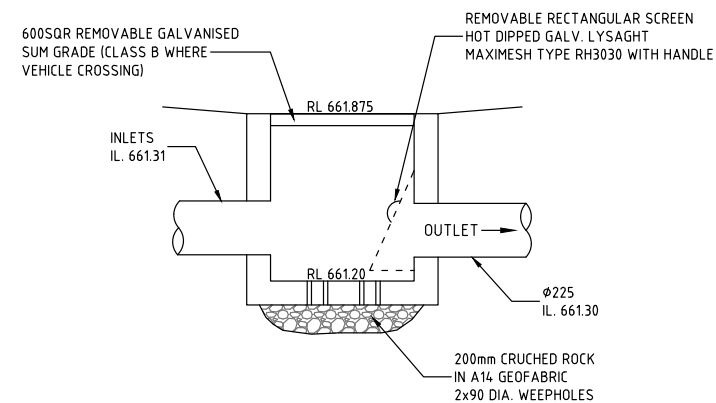
TYPICAL PIPE LAYING DETAIL  
NTS



DEBRIS SCREEN DETAILS  
SCALE 1:20

### POLLUTION CONTROL PIT NOTES:

1. MESH SCREEN IS TO BE GALVANISED LYSAGHT RH3030 MAXI MESH COVERED WITH GEOTEXTILE IN GALVANISED STEEL FRAME WITH LIFTING HANDLES ACROSS BASE.
2. GEOTEXTILE IS TO BE BIDIM A14, PROPEX 4550 OR SIMILAR WITH COEFFICIENT OF PERMEABILITY GREATER THAN 50E-4m/s.

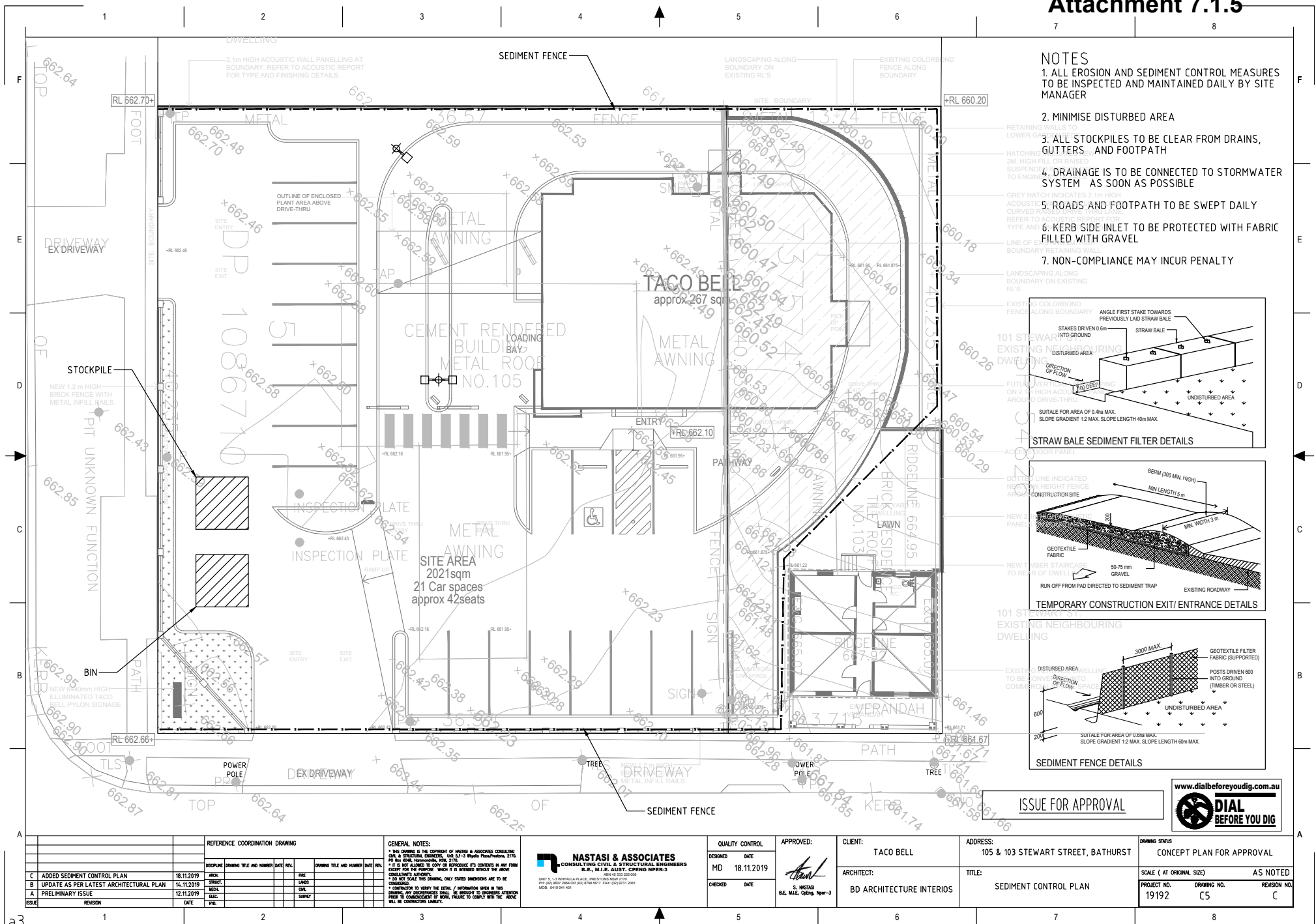


SEDIMENT CONTROL PIT 5 DETAILS  
SCALE 1:20

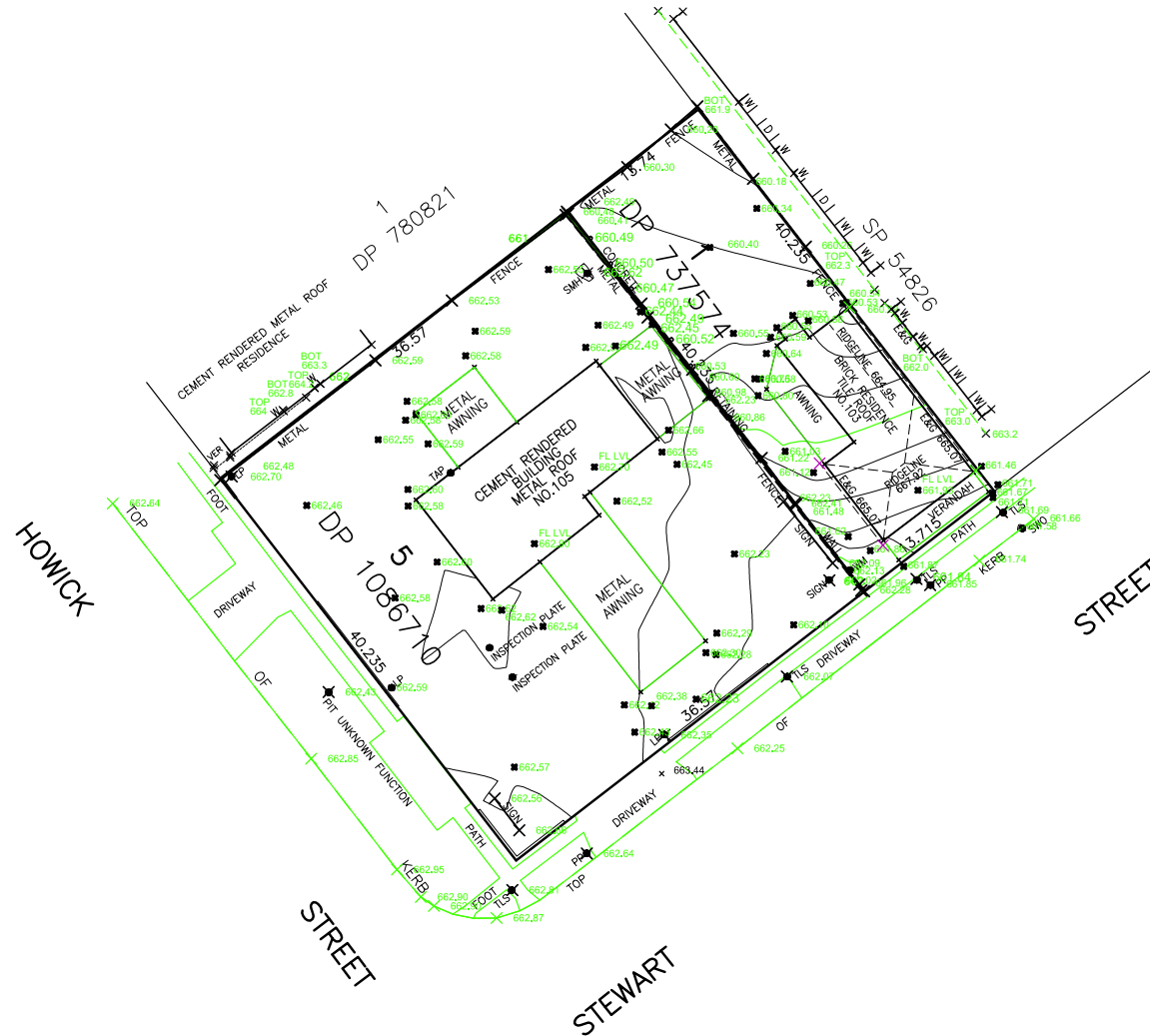
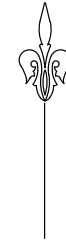
ISSUE FOR APPROVAL



REFERENCE COORDINATION DRAWING		GENERAL NOTES:		QUALITY CONTROL		APPROVED:		CLIENT:		ADDRESS:		DRAWING STATUS	
DISCIPLINE	DRAWING TITLE AND NUMBER	DATE	REV.	DRAWING TITLE AND NUMBER	DATE	DESIGNED	DATE	DESIGNED	DATE	105 & 103 STEWART STREET, BATHURST		CONCEPT PLAN FOR APPROVAL	
C	ADDED SEDIMENT CONTROL PLAN	18.11.2019	MD			MD	18.11.2019						
B	UPDATE AS PER LATEST ARCHITECTURAL PLAN	14.11.2019	MD										
A	PRELIMINARY ISSUE	12.11.2019	MD										
ISSUE	REVISION	DATE	BY:	DATE	BY:	CHECKED	DATE	APPROVED:	DATE			SCALE (AT ORIGINAL SIZE)	AS NOTED
								S. NASTASI				PROJECT NO.	REVISION NO.
								B.E., M.B.E., M.Sc., M.Eng., M.Eng.				19192	C4
													C



M.G.A.



TAP – GARDEN TAP  
 PP – POWER POLE  
 TLS – TELSTRA PIT  
 LP – LAMP POST  
 SMH – SEWER MAN HOLE  
 WM – WATER METER  
 SWO – STORM WATER OUTLET

SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. SERVICES NOT VISIBLE OR BELOW GROUND HAVE NOT BEEN LOCATED.  
 PRIOR TO ANY EXCAVATION ON SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATIONS OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

DRAWING: 19120DET.DWG	HORIZONTAL SCALE 1:400	SHOWING DETAILS OF LOT 5 IN DP 1086710 AND LOT 1 IN DP 737574	CENTRAL WEST SURVEYING PTY LTD PO BOX 938 BATHURST 2795 DATE: 25.07.2019 REFERENCE: 19120DET	LOCALITY BATHURST	C GRADY SURVEYOR
SURVEY BY: J.A.	VERTICAL SCALE			L.G.A. BATHURST REGIONAL	
CALCS BY: C.G.	CONTOUR INTERVAL 0.2m			COUNTY BATHURST	
CHECKED BY: C.G.	DATUM AHD			PARISH BATHURST	
				DATE 25.07.2019 SHEET 1	JOB NO. 19120DET

## **Development Application**

in accordance with the

## **Environmental Planning & Assessment Act 1979**

### **Planning Report and Statement of Environmental Effects**

for

**Part Demolition, Alterations and Additions to Existing  
Buildings and Construction of New Take-away Food and**

**Drink Premises – Bathurst Taco Bell Restaurant**

**Lot 1 in DP737574 and Lot 5 in DP1086710**

**#103-105 Stewart Street at Bathurst**

Bathurst Taco Bell

November 2019

Job Ref: 045 – 2019

Version: 03-045/2019 (FINAL)



**WALES & ASSOCIATES PTY. LTD.**



Urban Design & Development Services

ACN No: 075 903 669 ABN No: 80 075 903 669

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Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

## DOCUMENT CONTROL

Document and Project Details					
Document Title:	Statement of Environmental Effects Part Demolition, Alterations and Additions to Existing Buildings and Construction of Proposed Take-away Food & Drink Premises Lot 1 in DP737574 and Lot 5 in DP1086710 #103-105 Stewart Street at Bathurst				
Author:	Matthew Wales				
Project Manager:	Matthew Wales				
Date of Issue:	17 <sup>th</sup> November 2019				
Job Reference:	#045-2019				
Summary:	Development Report and Statement of Environmental Effects for Part Demolition, Alterations and Additions to Existing Buildings and Construction of Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant				
Client Details					
Client:	McDuck Properties Pty Limited #300 Rainbow Street Coogee 2023				
Contacts:	Matthew Wales Wales & Associates Pty Limited P.O. Box 150 Ettalong Beach 2257 <a href="mailto:matthew@walesassociates.com.au">matthew@walesassociates.com.au</a>				
Document Distribution					
Version Number	Date	Status	Distribution – Number of Copies (p = print copy; e = electronic copy)		
			Client	Council	Other
01-045/2019	20.10.19	Draft			1e
02-045/2019	31.07.19	Final Draft			1e
03-045/2019	17.11.19	<b>FINAL</b>	1e	1e	1e
Document Verification					
Checked by:			Issued by:		
					
D. Wales			M. Wales		

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Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

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**#103-105 Stewart Street at Bathurst**

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Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

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	Site Survey prepared by Central West Surveyors Pty Limited	
	Traffic Assessment Report prepared By B.J. Bradley & Associates	
	Odour Assessment prepared by Todoroski Air Sciences	
	Statement of Heritage Significance prepared by David Scobie Architects Pty Limited	
	Environmental Noise Assessment prepared by Day Design Pty Limited	
	Electrical Service Plan prepared by Lo-Fi (Electrical Engineers)	
	Plan of Management prepared by Taco Bell Pty Limited	
	Robbery Protocol prepared by Taco Bell Pty Limited	
	Security Management Plan prepared by BD Architecture + Interiors	
	Waste Management Plan prepared by BD Architecture + Interiors	

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Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

<b>LIST OF ABBREVIATIONS AND GLOSSARY</b>	
<b>Abbreviation</b>	<b>Meaning</b>
AS	Australian Standard
BDCP	Bathurst Development Control Plan 2014
BRC	Bathurst Regional Council
CC	Construction Certificate
CCTV	Closed Circuit Television
CPTED	Crime Prevention Through Environmental Design
Council	Bathurst Regional Council
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of sound
dB(A)	Frequency weighting filter used to measure ‘A-weighted’ sound pressure levels, which conforms approximately to the human ear response, as our hearing is less sensitive at very low and very high frequencies
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water NSW
EP&A Act	Environmental Planning & Assessment Act
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
DoP	Department of Planning
Emission	The release of material into the surroundings (for example, gas, noise and water)
EP&A Act	Environmental Planning and Assessment Act 1979
GFA	Gross Floor Area
INP	Industrial Noise Policy
LEP	Local Environmental Plan
m <sup>2</sup>	Square metre
m <sup>3</sup>	Cubic metre
POM	Plan of Management
PP	Planning Proposal
REF	Review of Environmental Factors
REP	Regional Environment Plan
RMS	Roads and Maritime Service
ROW	Right-of-way
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
WMP	Waste Management Plan

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Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

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## DEVELOPMENT REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS

in accordance with

### BATHURST REGIONAL COUNCIL DEVELOPMENT APPLICATION MATRIX

<u>Date of Report:</u>	17 <sup>th</sup> November 2019
<u>Applicant:</u>	McDuck Properties Pty Limited C/- <b>WALES &amp; ASSOCIATES</b> P.O. Box 150 Ettalong Beach 2257
<u>Client:</u>	McDuck Properties Pty Limited #300 Rainbow Street Coogee 2023
<u>Location:</u>	Lot 1 in DP737574 and Lot 5 in DP1086710 #103-105 Stewart Street at Bathurst
<u>Subject of Report:</u>	<b>Part Demolition, Alterations and Additions to Existing Buildings and Construction of Proposed Take-away Food &amp; Drink Premises – Bathurst Taco Bell Restaurant</b>
<u>Current Zoning:</u>	R1 – <i>General Residential</i> (see <b>Figure 1</b> on following page)
<u>Site Area:</u>	2,021.00m <sup>2</sup>
<u>Planning Instruments:</u>	<ul style="list-style-type: none"> <li>(i) Environmental Planning &amp; Assessment Act 1979 (as amended); Bathurst Regional Local Environmental Plan 2014;</li> <li>(ii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997; and</li> <li>(iii) State Environmental Planning Policy No. 64 – Signage</li> </ul>
<u>Policy Documents:</u>	<ul style="list-style-type: none"> <li>(i) Bathurst Regional Development Control Plan 2014</li> </ul>

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### EXECUTIVE SUMMARY

This Statement of Environmental Effects for the proposed part demolition and construction of the proposed “take-away food & drink premises” (ie: Taco Bell Restaurant) has been prepared by Wales & Associates Pty Limited (WA) on behalf of McDuck Properties Pty Limited.

It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under s4.15 – *Evaluation* of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

In particular, the proposal has been considered against the relevant provisions of the Bathurst Regional Local Environmental Plan (LEP) 2014. The development proposes the part demolition of the existing dwelling, demolition of the existing commercial building and construction of a new “take-away food & drink premises” branded as Taco Bell Bathurst.

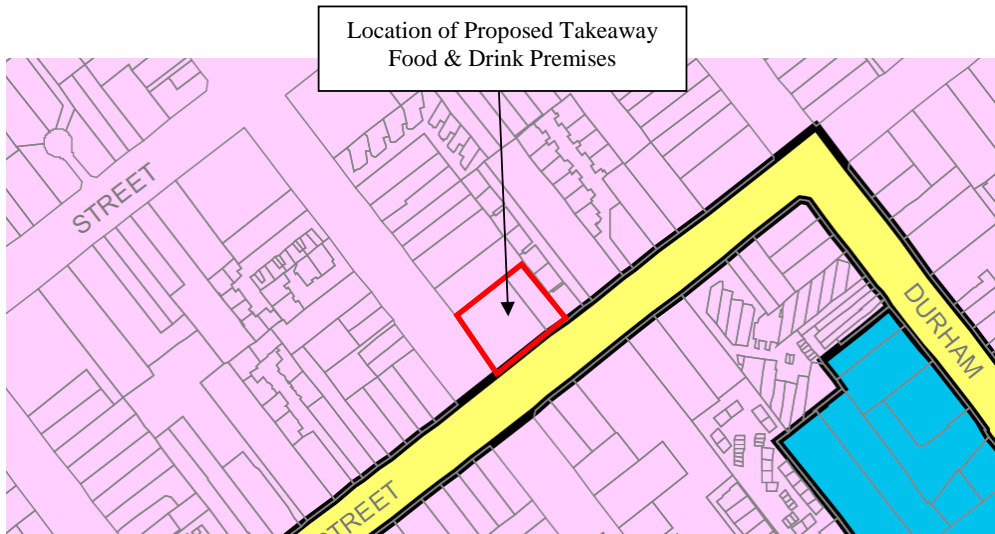
It should be read in conjunction with the supporting information appended to this report including:-

- (i) Architectural Plans prepared by BD Architecture + Interiors;
- (ii) Site Survey prepared by Central West Surveyors Pty Limited;
- (iii) Traffic Impact Assessment prepared by BJ Bradley & Associates;
- (iv) Odour Assessment prepared by Todoroski Air Sciences;
- (v) Waste Management Plan prepared by BD Architecture +Interior;
- (vi) Statement of Heritage Significance prepared by David Scobie Architects Pty Limited;
- (vii) Environmental Noise Assessment prepared by Day Design Pty Limited;
- (viii) Plan of Management prepared by Taco Bell Pty Limited;
- (ix) Robbery Protocol prepared by Taco Bell Pty Limited; and
- (x) Security Management Plan prepared by BD Architecture + Interiors

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Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

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**Figure 1**  
**Extract from the Bathurst Regional Local Environmental Plan 2014 – Map**  
**LZN\_011B**  
(courtesy of Bathurst Regional Local Environmental Plan 2014 through the NSW Legislation website)

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## 1.0 THE PROPOSAL

The following report is for the demolition of the existing single storey commercial building on #105 Stewart Street and part demolition of the adjacent residential dwelling at #103 Stewart Street and construction of a new “take-away food & drink premises” to operate as a Taco Bell Restaurant including:-

- (i) demolition of existing commercial building on #105 Stewart Street and clearing of site;
- (ii) conversion of the existing heritage building on #103 Stewart Street for commercial office space;
- (iii) construction of takeaway food & drink premises with seating for forty two (42) patrons;
- (iv) construction of at-grade car park for twenty one (21) vehicles;
- (v) drive-thru facility;
- (vi) loading dock facilities; and
- (vii) site landscaping

The **Architectural Plans** prepared by **BD Architecture + Interiors** appended to this report show the proposed fast food outlet, car parking and drive-thru facilities.

### 1.1 Proposed Trading Hours

The proposed trading hours are set out in **Table 1**.

**Table 1**  
**Trading Hours**

Trading Day	Trading Hours
Monday	10:00am–10:00pm
Tuesday	10:0am–10:00pm
Wednesday	10:00am–10:00pm
Thursday	10:00am–10:00pm
Friday	10:00am–11:00pm
Saturday	10:00am–11:00pm
Sunday	10:00am–10:00pm

### 1.2 Plan of Management

The attached **Plan of Management** prepared by **Taco Bell Pty Limited** details the following:-

- (i) Noise Management Practices;
- (ii) Safety and Security Management Practices; and
- (iii) Complaint Handling System

### **1.3 Pre-application Meeting**

A pre-application meeting was held with Council on the 25<sup>th</sup> September 2019 at which time the following issues were discussed:-

- (i) retention of heritage building;
- (ii) landscaping requirements;
- (iii) site cut/fill and retaining walls;
- (iv) consolidation of allotments;
- (v) sewer infrastructure;
- (vi) access arrangements from Stewart Street;
- (vii) advertising and signage;
- (viii) provision of Traffic Impact Assessment;
- (ix) Light Spillage Assessment;
- (x) Acoustic Impact Assessment;
- (xi) Odour Impact Assessment;
- (xii) preparation of Heritage Impact Assessment;
- (xiii) provide shadow diagrams;
- (xiv) utilities and services;
- (xv) compliance with the Bathurst Regional LEP 2014; and
- (xvi) compliance with the Bathurst Regional DCP 2014

## **2.0 CONSISTENCY WITH PLANNING CONTROLS**

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

The Bathurst Regional Local Environmental Plan (LEP) 2014 applies to all land within the Bathurst region. The Plan came into effect on the 19<sup>th</sup> November 2014. The Bathurst Regional LEP is a legal document that contains details about zoning, development controls and other provisions that will affect how land in the Bathurst Region can be developed and used in the future. The written instrument should be read in conjunction with the associated LEP maps. The written instrument and maps can be downloaded from the NSW Legislation website.

#### **2.1.1 *Zoning***

The property is current zoned R1 – *General Residential*. The proposed use for the Taco Bell restaurant is permitted with the consent of Council in the zone (ie: food and drink premises are a permitted use as an “innominate” with consent).

The **objectives** of the R1 – *General Residential* zone are:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- (iv) to provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment;
- (v) to protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville; and



Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

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- (vi) 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.

The proposed development **meets the objectives** of zone in that:-

- (i) the development enables the subject site to be uses other land uses (ie: takeaway food & drink premises) that provides facilities or services to meet the day to day needs of residents; and
- (ii) the proposal enables 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 by repurposing the existing rental car yard and conserving the existing heritage building (see **Figure 2**)

Therefore, the proposed development **COMPLIES** with the **objectives** of the zone.



**Figure 2**  
**Front façade of existing dwelling to be retained for its heritage value**  
(image courtesy for McDuck Properties Pty Limited)

### 2.1.2 Permissibility

Take-away food & drink premises are permitted in the R1 – *General Residential* zone as an innominate use. They are neither permitted nor prohibited in the zone.

“*take away food and drink premises*” means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

### 2.1.3 Height of Buildings Map

The provisions under Clause 4.3 – Height of buildings deals with those issues associated with the maximum height of buildings above natural ground level. The objectives of this clause are to establish the maximum height limit to which buildings may be erected in certain locations. The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

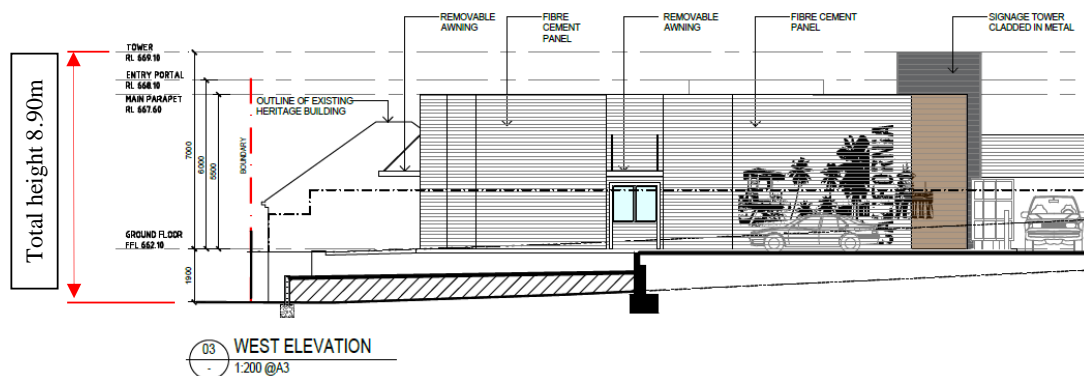
The subject property is denoted “J” and has a maximum building height of nine (9) metres as shown in **Figure 3**.



**Figure 3**  
**Extract from the Bathurst Regional Local Environmental Plan 2014 – Map HOB\_011B**  
 (image courtesy of Bathurst Regional Council through the NSW Legislation portal)

The proposed development has a maximum building height of 8.90 metres from natural ground level to the top of the tower sign as shown in **Figure 4**. The building heights are shown on the appended **Architectural Plans** prepared by **BD Architecture + Interiors**.

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst



**Figure 4**  
**Extract from Architectural Plans showing maximum building height**  
(image courtesy of BD Architecture + Interiors)

#### 2.1.4 Floor Space Ratio

Clause 4.4 – Floor space ratio deals with those issues associated with total floor space as a ratio to site area. The **objectives** of this clause are as follows:-

- (i) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality;
- (ii) to provide a suitable balance between landscaping and built form; and
- (iii) to minimise the effects of bulk and scale of buildings.

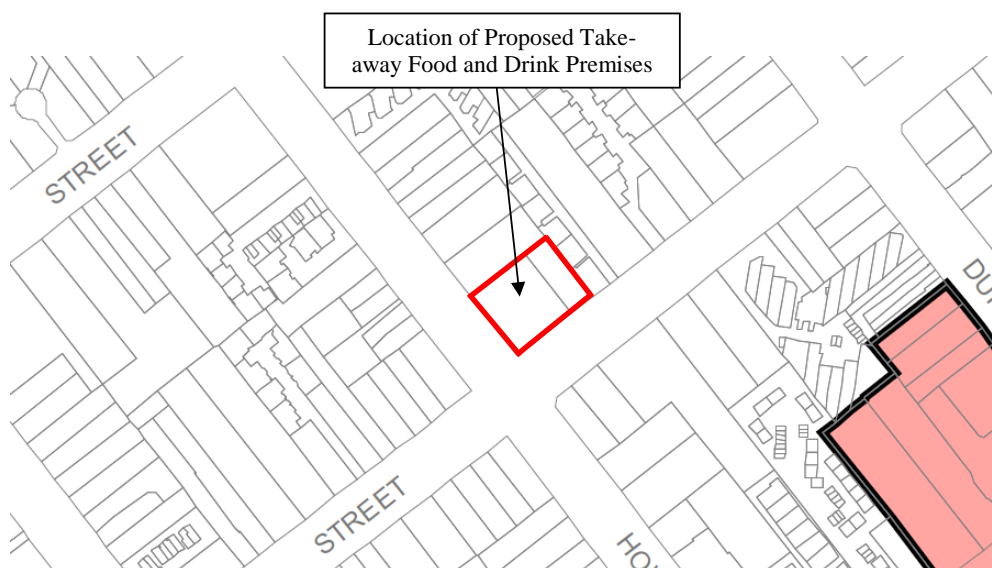
The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

The subject site does not have a specified maximum floor space ratio under the Bathurst Regional Local Environmental Plan 2014 (see **Figure 5** – Floor Space Ratio Map – Sheet FSR\_011B).

Site coverage is controlled by the DCP standards under Section 5.17 – Business Premises and Office Premises within Zones R1 – Residential; R2 – Low Density Residential and RU5 – Village. This is addressed under Section 11.4 – Floor Areas and Floor Space Ratio.

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Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst



**Figure 5**  
**Extract from the Bathurst Regional Local Environmental Plan 2013 – Map FSR\_011B**  
(image courtesy of Bathurst Regional Council through the NSW Legislation portal)

The proposed floor space ratio calculations are shown in *Table 2*.

**Table 2**  
**Floor Space Ratio Calculations**

Component	Proposed GFA	Compliance
Total	267.00m <sup>2</sup>	
Maximum GFA (under Section 5.17 of the Bathurst Regional DCP 2014)	250.00m <sup>2</sup>	<b>NO</b> (variation sought)
Site Area	2,021.00m <sup>2</sup>	
Maximum Permissible FSR	Not applicable	
Proposed FSR	0.13 to 1	<b>Not applicable</b>

Whilst the planning controls do not specify a maximum floor space ratio, the proposal meets the **objectives** of this clause by:-

- (i) ensuring that building is compatible with the bulk and scale of the desired future character of the locality by limiting building height and ensuring adequate setbacks are provided;
- (ii) providing a suitable balance between landscaping and built form; and
- (iii) minimising the effects of bulk and scale of buildings

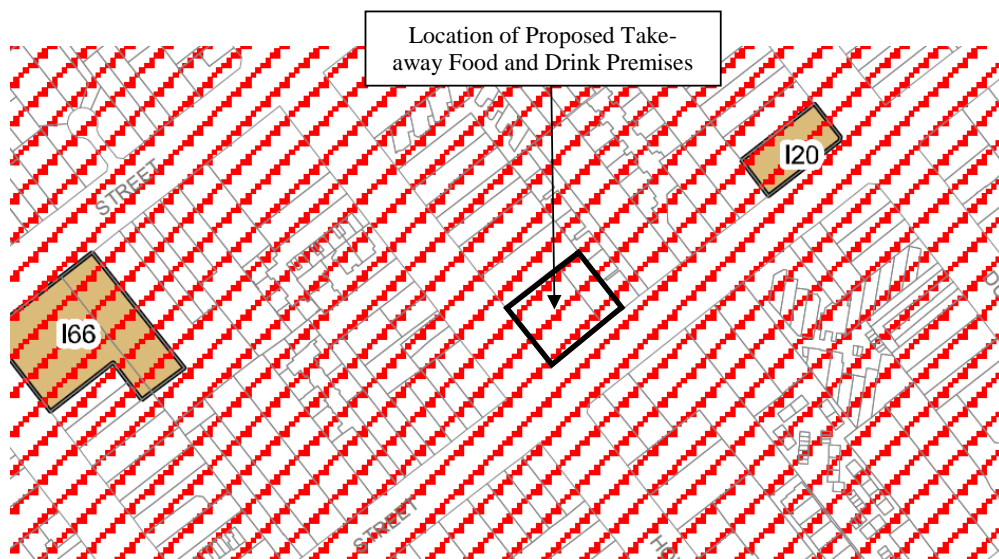
### 2.1.5 Heritage

Clause 5.10 – Heritage conservation deals with those issues relating to heritage items or conservation areas. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

The **objectives** of this clause are as follows:-

- (i) to conserve the environmental heritage of the Bathurst Regional Council area;
- (ii) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;
- (iii) to conserve archaeological sites; and
- (iv) to conserve Aboriginal objects and Aboriginal places of heritage significance

Development consent is required when erecting a building on land on which a heritage item is located or that is within a heritage conservation area. In this instance, the subject lands do not contain a heritage item but does fall within a “Conservation Area” (see **Figure 6**).



**Figure 6**  
**Extract from the Bathurst Regional Local Environmental Plan 2014 – Map**  
**HER\_011B**  
 (image courtesy of Bathurst Regional Council through the NSW Legislation portal)

In relation to the existing residential dwelling, the building is subject to heritage considerations as detailed in the attached **Statement of Heritage Significance** prepared by **David Scobie Architects Pty Limited**.

The report makes the following management recommendations which have been formulated after consideration of all the available information and have been prepared in accordance with the relevant legislation:-

### Recommendation 1

The proposed works to the subject site and in the vicinity of the Cottage located within the Bathurst Heritage Conservation Area would be appropriate on heritage grounds provided Recommendations 2-6 below are followed.

### Recommendation 2

An application for Development is to be lodged with Bathurst Regional Council, reviewed and approved by that body prior to works commencing.

### Recommendation 3

Competent direction and supervision should be maintained at all stages of the design development and construction, and any changes should be implemented by people with appropriate knowledge and skills appropriate to the task.

### Recommendation 4

All relevant staff, contractors and subcontractors should be made aware of their statutory obligations for heritage under the *Heritage Act 1977* and best practice outlined in the *Burra Charter* (1999), which should be implemented as a heritage induction.

### Recommendation 5

The Heritage Consultant will provide a heritage Induction and will advise on providing physical tags to all the items on the Cottage site with heritage significance which are to be retained, decontaminated and incorporated into the works.

### Recommendation 6

Heritage advice is to be provided for outstanding matters including paint scrapes for determining final colour schemes, electrical fittings and fixtures, ceiling details and the modification of services for the facilities required to support the simple commercial use.

Council has advised that the existing residence is an example of mid-Victorian architecture (1860-1875) which is currently on good condition with minimal cracking visible and retains a number of period features. Council's Senior Heritage Planner, Ashlee Cutter has recommended that the front four (4) original rooms should be retained whilst the later additions to the rear can be removed. It was recommended that the original core building be re-purposed for commercial activities.

All existing commercial site improvements will be demolished and removed as part of the redevelopment of the site with the front portion of the dwellings at #103 Stewart Street being retained as shown on the **Architectural Plans** prepared by **BD Architecture + Interiors**.



## 2.2 Compliance with State Environmental Planning Policy No.64 – Signage

Under Clause 8 of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:-

- (i) that the signage is consistent with the objectives of this Policy as set out in clause 3(1); and
- (ii) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Business identification and site identification signage panels are proposed for the site including a 6.44m high illuminated pylon and 7m high tower sign. The proposed signage panels to be utilised on the existing building are shown on the attached **Architectural Plans** appended to this report prepared by **BD Architecture + Interiors**.

The **aims** of SEPP 64 are to ensure that signage:-

- (i) is compatible with the desired amenity and visual character of an area;
- (ii) provides effective communication in suitable locations; and
- (iii) is of high quality design and finish

It is considered that the proposed signage is compatible with the desired character of the area and is consistent with the current signage in the immediate precinct including the existing pole sign on the subject site (see **Figure 7**) and the adjacent signage at the Bathurst Heritage Motor Inn at #102 Stewart Street (see **Figure 8**). The proposed signage will be of an appropriate height, scale and proportion given its location along the busy Stewart Street/Durham Street A32 highway corridor servicing through traffic between Sydney and Orange/Cowra.



**Figure 7**  
**Photograph showing existing pole signage at #105 Stewart Street**  
(image courtesy of Google Earth Pro)

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst



**Figure 8**  
**Photograph showing existing pole signage at #102 Stewart Street – Bathurst Heritage Motor Inn**  
(image courtesy of Google Earth Pro)

The proposed signage:-

- (i) will be of a high quality and finish;
- (ii) will be illuminated at an acceptable level that will not result in unreasonable glare that would affect the safety of vehicles or pedestrians; and
- (iii) the illuminated signage will not detract from the amenity of neighbouring development.

The proposed signage is considered appropriate for the use of the site for “take away food and drink premises” and is consistent with other fast food outlets in the Bathurst arterial road precinct.


The proposed signage meets the objectives and provisions of SEPP 64 as detailed in the criteria of Schedule 1 of the SEPP (see **Table 3**).

**Table 3**  
**Compliance Table – SEPP64 Signage**

Consideration	Comment
<b>1. Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	YES. Whilst the site is located within the heritage conservation area, it is compatible with signage already associated with the site and adjacent signage at #102 Stewart Street




**Table 3**  
**Compliance Table – SEPP64 Signage**  
(continued)

Consideration	Comment
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>YES. The proposed building signage and pylon/tower sign are consistent with the current site signage. The pylon sign is located in the south western corner of the site consistent with the location of the existing pole sign.</p>  <p>Existing pylon type sign</p>
<b>2. Special Areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	NO. As stated above, the proposed building signage, tower sign and pylon are consistent with the current site signage. Whilst located in a heritage conservation area, the signage will not appreciably detract from the visual quality of the area where the subject site is located on the busy A32 highway corridor.
<b>3. Views and vistas</b>	
Does the proposal obscure or compromise important views?	NO. The proposed building signage will not obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	NO. The proposed signage (including the pylon and tower sign) will not dominate the skyline. In particular, the proposed pylon sign is consistent with the existing pylon sign located on the site.
Does the proposal respect the viewing rights of other advertisers?	YES. The proposed signage does not impact on adjacent signage.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	YES. The proposed signage will form an integral part of the streetscape and is consistent with existing signage on the site.

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

**Table 3**  
**Compliance Table – SEPP64 Signage**  
(continued)

Consideration		Comment
<b>4. Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>YES. The proposed building and pylon signage is in similar proportion to the existing site signage and consistent with similar signage at #102 Stewart Street.</p>  <p style="text-align: center;"><b>Existing tower sign at #102 Stewart Street</b></p>	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	YES. The proposed signage will be consistent with the existing site signage and contribute to the visual interest along the A32 highway corridor.	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes. The new signage replaces the old outdated signage (including the existing pole sign) and updates and rationalizes the signage along Stewart Street.	
Does the proposal screen unsightliness?	No. The proposed signage is not intended to screen unsightliness.	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The pylon and tower sign are 6.44 metres in height which is within the existing maximum height limits (ie: 9 metres). The tower sign will protrude above the existing parapet level by 2.0 metres. However, the building and attached signage is set back from the Stewart Street frontage 20.825 metres and the Howick Street frontage by 24.64 metres (to the main wall). It does not protrude above other buildings or tree canopies.	
Does the proposal require ongoing vegetation management?	NO.	

**Table 3**  
**Compliance Table – SEPP64 Signage**  
(continued)

Consideration	Comment
<b>5. Site and building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	YES. The proposed building signage and tower sign are consistent and proportionate with the characteristics (bulk and scale) of the proposed building (see <b>Figure 6</b> )
Does the proposal respect important features of the site or building, or both?	YES. The signage is integral to the operation of the building as a fast food outlet.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	YES. The proposed signage is state-of-the-art brand signage.
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	NO.
<b>7. Illumination</b>	
Would illumination result in unacceptable glare?	NO. Light intensity will be adjusted so as to ensure that there are minimal impacts on adjoining residences or to motorists using the A32.
Would illumination affect safety for pedestrians, vehicles or aircraft?	NO. Light intensity will be adjusted so as to ensure pedestrian safety or vehicle safety.
Would illumination detract from the amenity of any residence or other form of accommodation?	NO. Light intensity will be adjusted so as to ensure that adjoining amenity is protected.
Can the intensity of the illumination be adjusted, if necessary?	YES.
Is the illumination subject to a curfew?	NO.
<b>8. Safety</b>	
Would the proposal reduce the safety for any public road?	NO. The proposal does not impact on traffic safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	NO. The proposal does not impact on bicycle safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	NO. The proposal does not impact on pedestrian safety.

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst



**Figure 9**  
**Extract from Architectural Plans showing eastern elevation and signage**  
(image courtesy of BD Architecture + Interiors)

It is considered that the proposal **COMPLIES** with the relevant criteria outlined within SEPP64 and Schedule 1.

### 2.3 Bathurst Regional Development Control Plan 2014

Development Control Plans (DCPs) are documents that supplement the provisions of Local Environmental Plans (LEPs) with more detailed planning and design guidelines. The Bathurst Regional Development Control Plan 2014 (DCP) applies to all land within Bathurst local government area to which the Bathurst Regional Local Environment Plan 2014 (LEP) applies. The LEP provides the legal framework including the land use zones and whether certain types of development are permitted in that zone. The DCP does not apply to any development considered to be either “exempt” or “complying” development under an environmental planning instrument. These categories of development are currently regulated by various [State Environmental Planning Policies](#).

The primary aim of the DCP is to define “deemed to satisfy” standards which will streamline the approval process where these are achieved. This does not remove the obligation to assess each development application in accordance with the requirements of the Environmental Planning & Assessment legislation.

The Bathurst Regional Development Control Plan (DCP) 2014 applies to all land within the Bathurst region. The Plan came into effect on the 19<sup>th</sup> November 2014 by resolution of Council dated the 16<sup>th</sup> December 2013.

The following controls are addressed in the body of this report:-

- (i) Chapter 5 – Business and Industrial Development;
- (ii) Chapter 10 – Urban Design and Heritage Conservation;
- (iii) Chapter 11 – Outdoor Lighting;
- (iv) Chapter 12 – Signage and Colour Schemes;
- (v) Chapter 13 – Landscaping and Greening;
- (vi) Chapter 14 – Parking;
- (vii) Chapter 15 – Crime Prevention; and
- (viii) Chapter 16 – Earthworks

## 2.4 Climate Change and Sea Level Rise

In relation to climate change and sea level rise, these effects will be felt through:-

- (i) increased in intensity and frequency of storms, storm surges and coastal flooding;
- (ii) increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- (iii) increased coastal erosion;
- (iv) inundation of low lying coastal communities and critical infrastructure;
- (v) loss of important mangroves and other wetlands; and
- (vi) impacts on marine ecosystems

There is a general lack of knowledge on the specifics of climate change and the likely impact it will have on the proposed commercial development. Government action may mitigate the impact of climate change and the question of sea level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time. In the absence of any detailed information, it is considered that such affects will have minimal impact on the proposed development.

## 3.0 **PROPERTY DETAILS**

The property is known as Lot 1 in DP737574 and Lot 5 in DP1086710 #103-105 Stewart Street at Bathurst with a total area of 2,021.00m<sup>2</sup>. The site is wholly contained within the existing R1 – *General Residential* precinct along the busy A32 highway corridor that links through traffic from Sydney to Orange and Cowra (A41) as shown in **Figure 10**.



**Figure 10**  
**Aerial view showing the proposed Taco Bell store location along A32 Highway corridor**  
(image courtesy of Google Earth Pro)



#### 4.0 EASEMENTS/RIGHTS-OF-WAY

The property is not affected by any known easements or rights-of-way.

#### 5.0 EXISTING BUILDINGS AND IMPROVEMENTS

The subject lands consist of a freestanding/single storey commercial building with concrete surrounds occupied by Avis Rental Cars (see **Figure 11**). The development site also includes the adjoining brick residential dwelling with tile roof and associated yard improvements. The residential property has heritage values that Council has sought to preserve as part of the development process through the retention of the front four (4) rooms. The existing commercial building is located on Lot 5 which is retained along the adjoining boundary with Lot 1 (see **Figure 12**).

The site details are shown in **Table 4**. The properties are located along the A32 highway corridor (Stewart Street and Durham Street) which accommodates a range of residential and commercial activities.



**Figure 11**  
**Photograph showing existing single storey commercial and residential buildings**  
**fronting Stewart Street**  
(image courtesy of Google Earth Pro)

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst



**Figure 12**

**Photograph showing existing heritage dwelling and adjoining retaining wall**  
(photograph courtesy of McDuck Properties Pty Limited)

The existing improvements are detailed in **Table 4**:-

**Table 4**  
**Existing Site Improvements**

Allotment	Existing Improvement
#103 Stewart Street	Brick residence with tile roof
#105 Stewart Street	Cement rendered building with metal roof used by Avis Rental Cars

In relation to the existing residential dwelling, the building is subject to heritage considerations as detailed in the attached **Statement of Heritage Significance** prepared by **David Scobie Architects Pty Limited**.

Council has advised that the existing residence is an example of mid-Victorian architecture (1860-1875) which is currently on good condition with minimal cracking visible and retains a number of period features. Council's Senior Heritage Planner, Ashlee Cutter has recommended that the front four (4) original rooms should be retained whilst the later additions to the rear can be removed. It was recommended that the original core building be re-purposed for commercial activities.

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All existing commercial site improvements will be demolished and removed as part of the redevelopment of the site with the front portion of the dwellings at #103 Stewart Street being retained as shown on the **Architectural Plans** prepared by **BD Architecture + Interiors**.

## 6.0 LANDSCAPING

### 6.1 Existing Vegetation

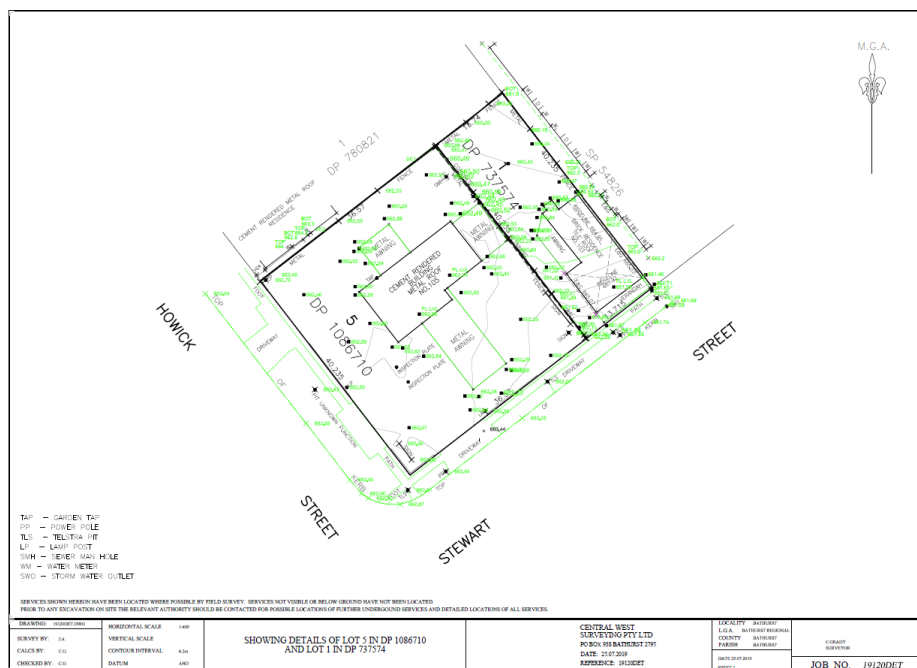
The property has been fully cleared of its natural vegetation in order to accommodate the existing residential dwellings. Some introduced domestic plantings exist. All existing vegetation will be removed as part of the redevelopment of the site.

### 6.2 Proposed Landscaping

The appended **Landscape Plan** prepared by **Susan Stratton Landscape Architects Pty Limited** shows the proposed landscaping treatment for the proposed development.

## 7.0 CONTOUR LEVELS

The attached **Site Survey Plan** prepared by **Central West Surveyors Pty Limited** shows the existing contour levels and site improvements. The subject lands are located on the corner of Stewart Street and Howick Street. The land slopes gently from the Howick Street frontage to the north west corner of the property with levels ranging from RL662.7m AHD (north east corner) and RL661.9m AHD (north west corner) as shown in **Figure 13**.



**Figure 13**  
**Site Survey Plan prepared by Central West Surveyors Pty Limited**  
(survey plan courtesy of Central West Surveyors Pty Limited)



### 8.0 STORMWATER DRAINAGE

#### 8.1 Existing Stormwater Drainage

The existing commercial building currently discharge all roof water and impervious areas to the existing Council kerb and gutter in Howick Street and Stewart Street via a system of pits and pipelines as shown on the appended Site Survey Plan prepared by Central West Surveyors Pty Limited. The existing residence discharges all runoff into an existing on-site disposal system in the rear yard.

#### 8.2 Proposed Stormwater Details

The appended **Stormwater Management Plans** prepared by *Nastasi & Associates* (Consulting Engineers) shows the proposed stormwater discharge arrangements and the location of the proposed internal stormwater lines. All roof and pavement runoff will be directed to the existing stormwater inlet pit in Stewart Street. All works will be designed and constructed in compliance with Council's Minimum Standards for Subdivision and Developments.

### 9.0 WATERWAYS AND WATERCOURSES

No waterways or watercourses exist over the property.

### 10.0 FLOODING

#### 10.1 General

The property is NOT affected by the 1% AEP storm event nor are any localised flooding problems known to exist on or adjacent to the existing development.

#### 10.2 Proposed Mitigation Measures

No further flood mitigation measures are required as part of this application.

### 11.0 CONSTRUCTION DETAILS

#### 11.1 Location

The site is wholly contained within the existing R1 – *General Residential* precinct along the busy A32 highway corridor that links through traffic from Sydney to Orange and Cowra (A41) as shown in **Figure 10**. The site is located on the corner of Stewart Street and Howick Street approximately 700 metres from the centre of Bathurst.

#### 11.2 Construction Materials

The attached **Architectural Plans** prepared by *BD Architecture + Interiors* appended to this report show the proposed construction materials.

#### 11.3 Elevations and Sections

Elevations and sections are shown on the attached **Architectural Plans** prepared by *BD Architecture + Interiors* appended to this report.

#### 11.4 Floor Areas and Floor Space Ratio

Clause 4.4 – *Floor space ratio* deals with those issues associated with total floor space as a ratio to site area. The **objectives** of this clause are as follows:-

- (i) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality;
- (ii) to provide a suitable balance between landscaping and built form; and
- (iii) to minimise the effects of bulk and scale of buildings.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

The subject site does not have a specified maximum floor space ratio under the Bathurst Regional Local Environmental Plan 2014 (see **Figure 5** – Floor Space Ratio Map – Sheet FSR\_011B). Site coverage is controlled by the DCP standards under Section 5.17 – *Business Premises and Office Premises within Zones R1 – Residential; R2 – Low Density Residential and RU5 – Village*. The proposed floor space ratio calculations are shown in **Table 4**.

**Table 4**  
**Floor Space Ratio Calculations**

Component	Proposed GFA	Compliance
Total	267.00m <sup>2</sup>	
Maximum GFA (under Section 5.17 of the Bathurst Regional DCP 2014)	250.00m <sup>2</sup>	<b>NO</b> (variation sought)
Site Area	2,021.00m <sup>2</sup>	
Maximum Permissible FSR	Not applicable	
Proposed FSR	0.13 to 1	<b>Not applicable</b>

The proposed development caters for forty two (42) internal seats and no external seats.

The proposed development therefore **COMPLIES** with the requirements of Clause 4.4 – *Floor Space Ratio*.

Section 5.17 – *Business Premises and Office Premises within Zones R1 – Residential; R2 – Low Density Residential and RU5 – Village* of the Bathurst Regional Development Control Plan 2014 deals with issues relating to the bulk and scale of business premises and office premises within Zones R1 – *General Residential*, R2 – *Low Density Residential* and RU5 – *Village*.

Sub-clause 5.17.2 – Development standards states (in relation to floor areas) that:-

*“buildings used or constructed for business or office premises must not exceed a gross floor area of 250m<sup>2</sup> per lot. Only one (1) building per lot may be used for business or office premises (Note: separate buildings may be erected on the lot for garaging and storage purposes)”*.

The proposed development seeks a variation to the above development standards in that the proposal:-

- (i) has a floor area of 267m<sup>2</sup> (ie: a 6.8% variation to the maximum 250m<sup>2</sup> development standard); and
- (ii) has two separate building to be used for business and commercial purposes

With regards to the question as to whether there are sufficient environmental planning grounds to justify contravening the development standard, it should be noted that the subject site has particular circumstances in relation to the current existing commercial uses (ie: Avis Car Rentals) and the heritage value of the existing residential dwelling which has triggered the specific design response and hence, the departure from the standards. The circumstances are:-

- (i) Existing commercial use – the existing building on Lot 5 was previous operated as a service station which was decommissioned. It has subsequently operated as the Avis Car Rentals outlet. It has a gross floor area (including canopy areas) of 294.5m<sup>2</sup> and a total site coverage of 20%. The proposed development has a gross floor area (GFA) of 267m<sup>2</sup> and proposed site coverage of 18.14%. This is less than the current GFA/site coverage albeit slightly above the maximum GFA specified in the Bathurst Regional DCP 2014. The variation is only consider minor. The proposed floor space is the minimum efficiency based floor area required for the standard Taco Bell foot plate;
- (ii) Heritage values – the existing residential building on Lot 1 has been identified as having heritage values that are worthy of retention. Council has advised that the existing residence is an example of mid-Victorian architecture (1860-1875) which is currently on good condition with minimal cracking visible and retains a number of period features. Council's Senior Heritage Planner, Ashlee Cutter has recommended that the front four (4) original rooms should retained whilst the later additions to the rear can be removed. It was recommended that the original core building be re-purposed for commercial activities. In order to preserve the heritage component of the existing building, it was necessary to ensure that this remained as a detached building element that could subsequently be used for other commercial purposes and hence the departure from the Council's standard. It could not practically be retained as part of the proposed development.

Therefore, a variation to Councils' DCP standard is sought so as to ensure that the proposed development achieves a superior outcome to that which otherwise would have occurred should strict adherence to the standard be observed.

### 11.5 Setbacks

Under Section 5.17.2 – Development standards in the Bathurst Regional Development Control Plan 2014, it does not specifically address setbacks for business premises in the R1 – *General Residential* zone.

It states:-

### *Building Form*

*a) Buildings constructed for business or office premises are to relate in scale and form with surrounding*

In this instance, the proposed building is set back 4.33 metres from the north western boundary with a 2.1 metre high acoustic fence to provide noise attenuation to adjoining residential properties to the north west. The building is set back 7.04 metres from the north eastern boundary with similar acoustic fencing treatment along the extremity of the drive-thru lane to provide noise attenuation to adjoining residential properties to the north east.

## 12.0 TRAFFIC MANAGEMENT

### 12.1 General

Traffic management and vehicle parking is controlled by the RTA publication “*Guide to Traffic Generating Developments*” and Section 14 – Parking under the Bathurst Regional Development Control Plan 2014.

The appended **Traffic Assessment Report** prepared by **B.J. Bradley & Associates** (Traffic Engineers) deals with the proposed parking, deliveries and traffic movements for the development site.

### 12.2 Proposed Parking Provisions

Under the Bathurst Regional DCP 2014, parking demand is controlled by the rates in Parking Schedule on Page 225 which indicates car parking spaces be provided as follows in **Table 5**:-

<b>Takeaway food and drink premises: No seating or drive-through</b>	12 spaces per 100m <sup>2</sup> .
<b>Seating but no drive-through</b>	<p>Whichever is the greater:</p> <ul style="list-style-type: none"> <li>• 12 spaces per 100m<sup>2</sup>, or</li> <li>• 1 space per 5 seats (internal and external) or</li> <li>• 1 space per 2 seats (internal)</li> </ul>
<b>Seating and drive-through</b>	<p>Whichever is the greater:</p> <ul style="list-style-type: none"> <li>• 1 space per 2 seats (internal seats only) or</li> <li>• 1 space per 3 seats (internal and external seats).</li> </ul> <p>In addition to this an exclusive area for queuing of cars for a drive through facility is required in accordance with the RMS <i>Guide to Traffic Generating Developments</i>.</p>

**Table 5**  
**Schedule of Parking Requirements – Drive-in Takeaway Food Shop**  
(courtesy of Bathurst Regional Council – DCP 2014)

The above requirement for “drive-in take-away food shops” is one (1) space per 2 seats (internal seating only).

The proposed drive-through take-away food outlet will have a gross floor area of 267m<sup>2</sup> and will provide seating capacity of forty two (42) seats internal only. Therefore, the application of Council’s DCP 2010 – Parking Schedule would require the following parking provision:-

42 seats @ 1 space per 2 seats = 21 spaces  
Total Parking Requirement = 21 spaces.

This is consistent with the RTA Guide to Traffic Generating Developments which provides for similar car parking requirements for developments that are accepted along State Roads, as shown below in **Figure 14**:-

## 5.8 Refreshments.

### 5.8.1 Drive-in take-away food outlets.

#### Definition.

The three types of *drive-in take-away food outlets* referred to in this section are:

- developments where customers park their vehicles on-site and walk to the food outlet for take-away service, with no seating provided for the on-site consumption of food.
- developments where customers park their vehicles on-site and walk to the food outlet for take-away service, with seating also being provided for on-site food consumption.
- developments with features of the above second category with the addition of a drive-through service for customers not wishing to consume the food on the premises.

#### Parking.

The recommended number of off-street parking spaces for drive-in take-away food outlets is:

- developments with no on-site seating or no drive-through facilities:  
12 spaces per 100m<sup>2</sup> GFA.
- developments with on-site seating but no drive through facilities:  
12 spaces per 100m<sup>2</sup> GFA, or the greater of.  
1 space per 5 seats (both internal and external seating), or.  
1 space per 2 seats (internal seating).
- developments with on-site seating and drive-through facilities greater of.  
1 space per 2 seats (internal), or.  
1 space per 3 seats (internal and external).

In addition to this, an exclusive area for queuing of cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick up point; see below for details). There should also be a minimum of four car spaces for cars queued from ordering point.

**Figure 14**  
**RTA Guide to Traffic Generating Developments – Parking Rates for Drive-in Takeaway Food Outlets**

The proposed drive-through take-away outlet will provide of a total of twenty (20) spaces, including one accessible space in accordance with AS/NZS 2890.6 – 2009.

In addition, one commercial car parking space has been allocated for the existing residence that will be converted for commercial use.

Adequate length will be provided for queuing for twelve (12) cars prior to the pick-up point with dual lanes enabling approximately four (4) cars to queue prior to the order point.

### **TOTAL PARKING PROPOSED = 20 SPACES + 1 COMMERCIAL SPACE**

The number of car spaces to be provided (21) is compliant with the requirements of the RTA “Guide to Traffic Generating Developments” which is accepted State-wide (particularly along much busier State Roads) and other regional Local Government areas.

Car parking spaces will be:-

- (i) 2.6 metres wide and 5.5 metres long with a traffic aisle 7.0 metres wide;
- (ii) 2.6 metres wide with a 2.6-metre-wide shared space for accessible spaces;  
and
- (iii) Compliant with or exceed the requirements of a Class 3 parking facility in AS/NZS 2890.1 – 2004 and also AS/NZS 2890.6 – 2009.

### **12.3 Traffic Movements**

It is proposed that two (2) combined ingress/egress driveways will be provided at the north western end of the Howick Street boundary and the south western corner off Stewart Street (existing).

AS/NZS 2890.1 - 2004 indicates that a Category 2 driveway should be provided for an access serving less than 25 parking spaces, with arterial road frontage. A category 2 driveway is a combined entry / exit driveway 6.0 metres to 9.0 metres wide.

It is proposed that the existing combined entry / exit driveway approximately 8.9 metres wide at the boundary on Stewart Street be retained, in compliance with AS/NZS 2890.1 - 2004. That driveway previously served fuel tankers when the site previously operated as a service station.

All vehicles and deliveries will enter and leave in a forward direction.

### **12.4 Conclusions**

The appended **Traffic Assessment Report** prepared by **B.J. Bradley & Associates** makes the following comments and conclusions:-

- (i) the proposal involves development of a drive-through take-away food outlet over two properties currently occupied by an existing commercial operation

- (ie: Avis Car Rentals) and a heritage-listed dwelling on the northern side of Stewart Street;
- (ii) Stewart Street forms part of the Great Western Highway which is a State Road under the control of RMS (ie: A32);
- (iii) traffic speeds on Stewart Street are relatively low given the 60km/h speed zone and short travel length between Howick Street and the signalised intersection with Durham Street, and between the signalised intersection with Keppel Street and Howick Street and the existence of numerous driveways along this length of Stewart Street;
- (iv) traffic volumes generated by the proposed development are estimated to be approximately 80 trips in the morning peak hour (of which approximately 40 trips would be additional), and approximately 100 trips in the evening peak hour (of which approximately 50 trips would be additional), based on survey data suggested in the RTA Guide to Traffic Generating Developments for a more well-known brand of Drive-Through Take-Away Food outlet (KFC);
- (v) the effect of traffic generated by the proposed development on existing traffic delays and the degree of saturation on Stewart Street would be negligible;
- (vi) the volume of service vehicles will be relatively low and will be scheduled to occur outside periods of peak customer activity, with an authorised employee of the development regulating traffic movements and temporary closure of a drive-through lane when necessary;
- (vii) sight distances along Stewart Street exceed the requirements of Clause 3.2.4 of AS/NZS 2890.1 - 2004 in both directions and ensure traffic safety is not compromised at the proposed driveway location; and
- (viii) the proposed development includes twenty one (21) car parking spaces, including an accessible parking space. This complies with the requirement of Section 14 – Parking of the Bathurst Regional DCP 2014

Customers of drive-through take-away food outlets tend to utilise drive-through facilities in preference to inside seating. It is considered that the provision of twenty one (21) parking spaces in the subject drive-through take-away is compliant with the RTA “Guide to Traffic Generating Developments” will be sufficient for the likely parking demand.

### 13.0 SITE WASTE MANAGENENT

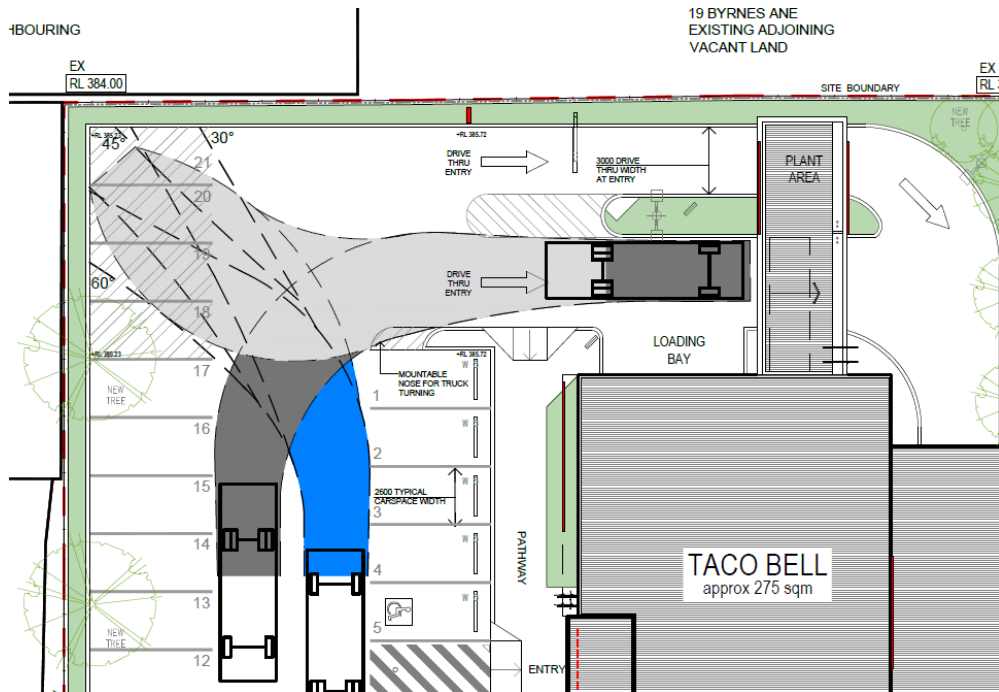
In the absence of waste management controls within the Bathurst Regional Development Control Plan 2014, a **Site Waste Management Plan** prepared by **BD Architecture + Interiors** is attached which:-

- (i) assists in achieving Federal and State Government waste minimisation targets in accordance with regional waste plans;
- (ii) minimises overall environmental impacts of waste and foster the principles of ecologically sustainable development (ESD);and
- (iii) facilitates source separation and provide design standards that complement waste collection and management services offered by Council and private service providers

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
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### 13.1 Garbage Collection Points

The bin enclosure area is located in the south western corner of the proposed building and will accommodate a minimum of one (1) x 1.1m<sup>3</sup> bulk bin which is to be serviced daily by a private waste contractor (see **Figure 15** and **Figure 16**). The bulk bin provisions and frequency of collection may vary depending on operational rates.

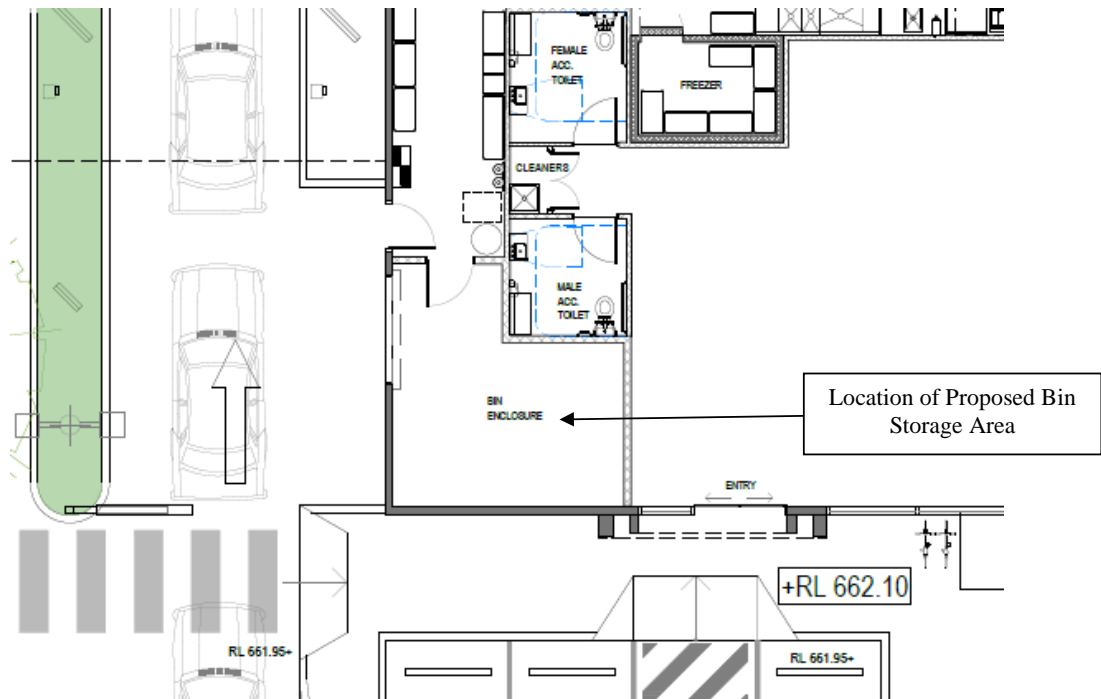


**Figure 15**  
**Plan extract showing waste vehicle sweep paths for servicing of the waste storage area and loading dock**  
(image courtesy of BD Architecture + Interiors)

+



Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
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**Figure 16**  
**Extract from Architectural Plans showing waste/refuse area**  
(courtesy of BD Architecture + Interiors)

### 13.2 Controls for Site Waste Management

A **Site Waste Management Plan** prepared by BD Architecture + Interiors is appended to this report.

### 14.0 EXTENT OF CUT AND FILL

Section 16 – Earthworks under the Bathurst Regional DCP 2014 deals with issues relating to the changing of levels of land during subdivision. The **objectives** of the standard are:-

- (i) to ensure adequate information is submitted with a Development Application (DA) to determine the impact of future development by means of changes in levels of land; and
- (ii) to ensure that inappropriate filling or cutting of land is reduced

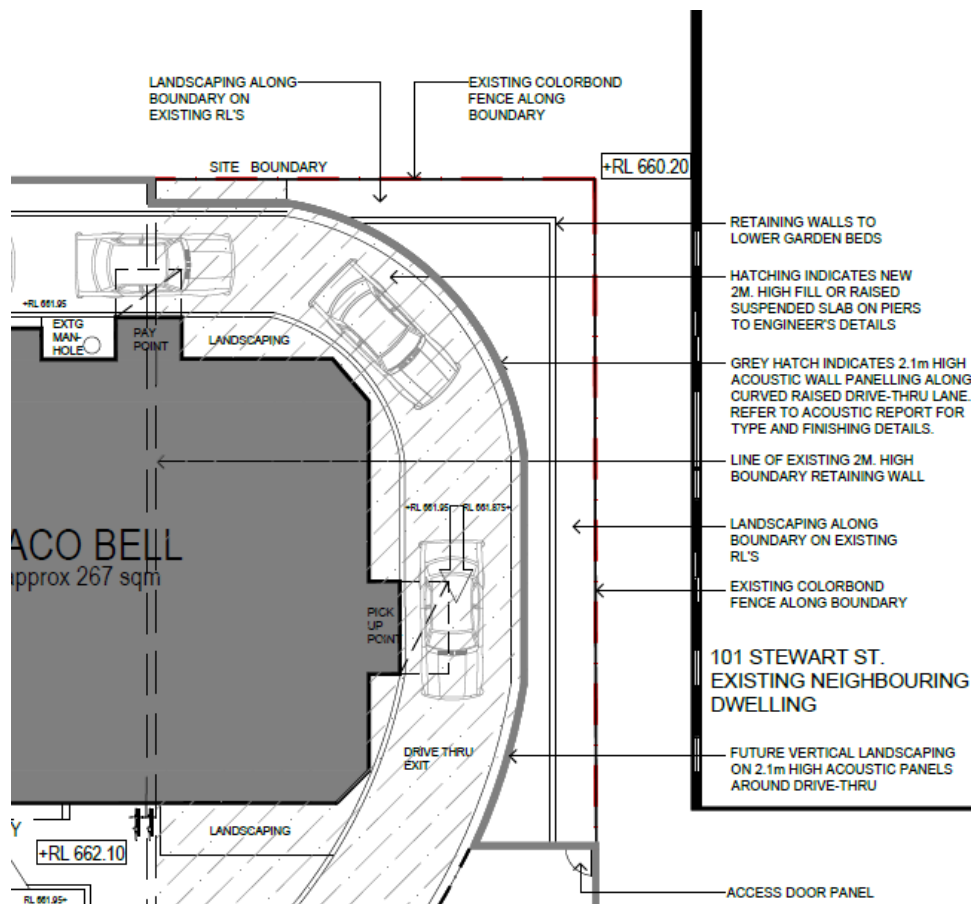
The appended **Architectural Plans** prepared by **BD Architecture + Interiors** show the proposed extent of cut and fill across the site. As the subject lands slope away from both Howick Street and Stewart Street, it will be necessary for the site to be either filled and retained to a height of approximately two (2) metres or a raised suspended slab on piers provided to engineers details.

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Whilst the subject application is not for the purposes of land subdivision, the Council's requirements have been taken into consideration such that:-

- (i) the existing colourbond boundary fencing will be retained;
- (ii) the proposed retaining wall is set back 1.2 metres from the north western boundary with a further 1.0 metre wide landscaping buffer to the edge of the proposed drive-thru access (see **Figure 17**); and
- (iii) a 2.1 metre high acoustic panel fence is to be constructed along the edge of the drive-thru access to provide both privacy to adjoining residential properties and acoustic attenuation

Engineering details will be provided at Construction Certificate stage.



**Figure 17**  
**Extract for Architectural Plans showing retaining wall layout**  
(image courtesy of BD Architecture + Interiors)

## 15.0 EROSION AND SEDIMENTATION CONTROL

As with all development work, the potential for soil erosion and sediment transfer is present.

In order to limit this potential, it is intended to implement the necessary controls to restrict such transfer to within the construction zone and prevent any erosion and sediment transfer onto adjoining lands or to the Council's trunk drainage system.

During the course of construction, filter fences will be provided adjacent to the exposed work face and hay bales anchored with star pickets will be provided at the site low points.

All works will be monitored on a daily basis and the construction area secured with control devices at the conclusion of each day's work. At the completion of each phase of the construction works, all exposed areas will be secured to ensure that the area is stabilised as quickly as possible.

All works will be carried out in accordance with Council's directions and in compliance with Bathurst Regional Council's *Guidelines for Engineering Works*.

## 16.0 ROAD FORMATIONS

### 16.1 Existing Road Formation

The proposed development fronts both Stewart Street and Howick Avenue. Both roads are fully kerbed and guttered with piped stormwater drainage, fully constructed footpaths and public utilities as shown in **Figure 18**.



**Figure 18**  
**Photograph showing existing road infrastructure adjacent to the site looking west towards Durham Street**  
(image courtesy of Google Earth Pro)

### 16.2 Road Upgrading

No road upgrading is required as part of this application other than the provision of improvements to the ingress/egress cross-over points to the new development.

## 17.0 CLEARING

The subject site is fully developed with the existing single storey commercial building (ie: Avis Rental Cars) and existing residence occupying the majority of the site. The existing commercial building will be demolished and removed from the site whilst the existing dwelling will be partly demolished in order to accommodate the proposed development. The front four (4) rooms of the residence will be retained and incorporated in the new development.

## 18.0 PUBLIC UTILITIES AND SERVICES

The following information in relation to existing services and utilities was provided by Dial Before You Dig. The Association of Australian Dial Before You Dig Services Ltd. does not maintain information regarding the location of underground assets. DBYD merely facilitates communication between the users of this service and Members/Participants. DBYD is not responsible for the accuracy of information received from users of this service, as to proposed excavation activity. There are also owners of underground assets which do not participate in the referral service operated by DBYD. Therefore, DBYD cannot make any representation or warranty as to the accuracy, reliability or completeness of the information contained in this notice.



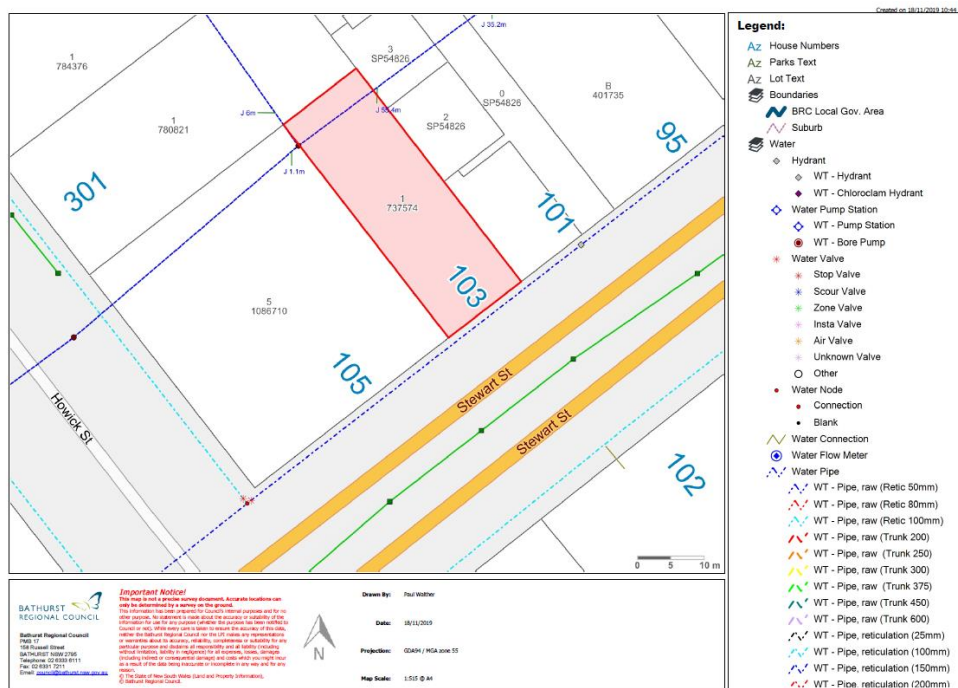
DBYD and its employees, agents and consultants shall have no liability (except insofar as liability under any statute cannot be excluded) arising in respect thereof or in any other way for errors or omissions including responsibility to any person by reason of negligence. All users of this service acknowledge that they have a duty of care to observe with regards to underground networks when digging or excavating. All services should be located by survey prior to the commencement of all works.

### 18.1 Sewer Services

The site is fully serviced from the existing Council sewer main along north western (rear boundary) as shown in **Figure 19**. The existing commercial building and residential dwelling are connected to the sewer main. The proposed development will also have full access to reticulated sewer services.



Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
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**Figure 19**  
**Extract from Bathurst Regional Council's Infrastructure Records**  
(image courtesy of Bathurst Regional Council)

## 18.2 Water Reticulation

Bathurst Regional Council provides water supply from existing water mains located in Stewart Street adjacent to the property frontage (see **Figure 19**). The existing commercial building and residential dwelling are currently connected to Council's mains. The proposed development will have full access to reticulated water supply via the existing services.



## 18.3 Power Supply (Ausgrid)

The site is serviced from existing Essential Energy overhead power cables in Stewart Street from which the existing buildings are currently connected to the power grid as shown in **Figure 20**. The existing Ausgrid infrastructure is shown in **Figure 21**.

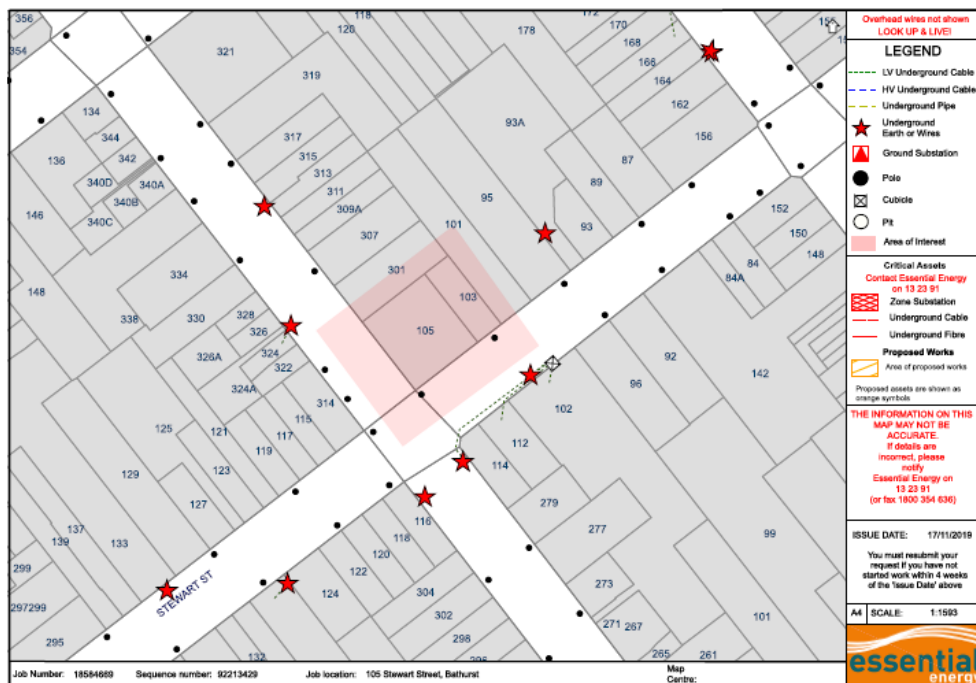




Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
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**Figure 20**  
Photograph showing existing overhead mains and mains power connection  
(image courtesy of Google Earth Pro)



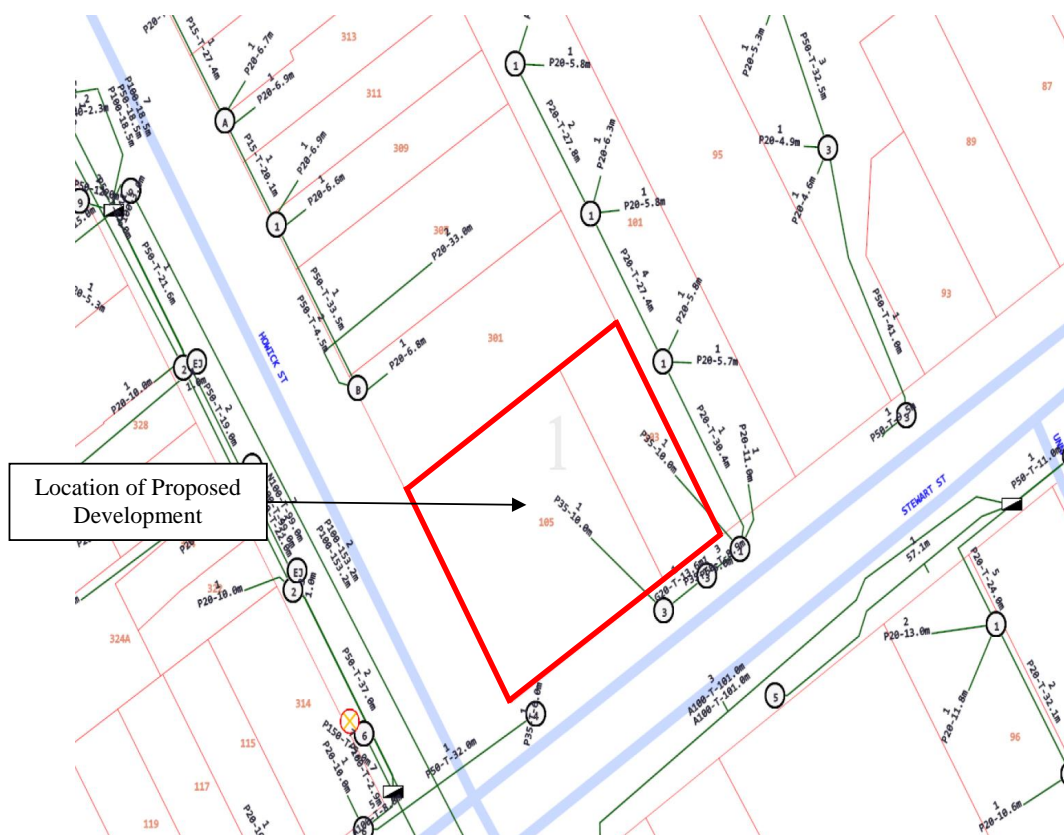
**Figure 21**  
Extract from Essential Energy's Infrastructure Mapping  
(map image courtesy of Essential Energy through the Dial Before You Dig website)

#### 18.4 Telecommunications

NBN Co. has underground telecommunications cables available in both Stewart Street as shown in **Figure 22**. NBN services can be provided to the proposed development.



Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
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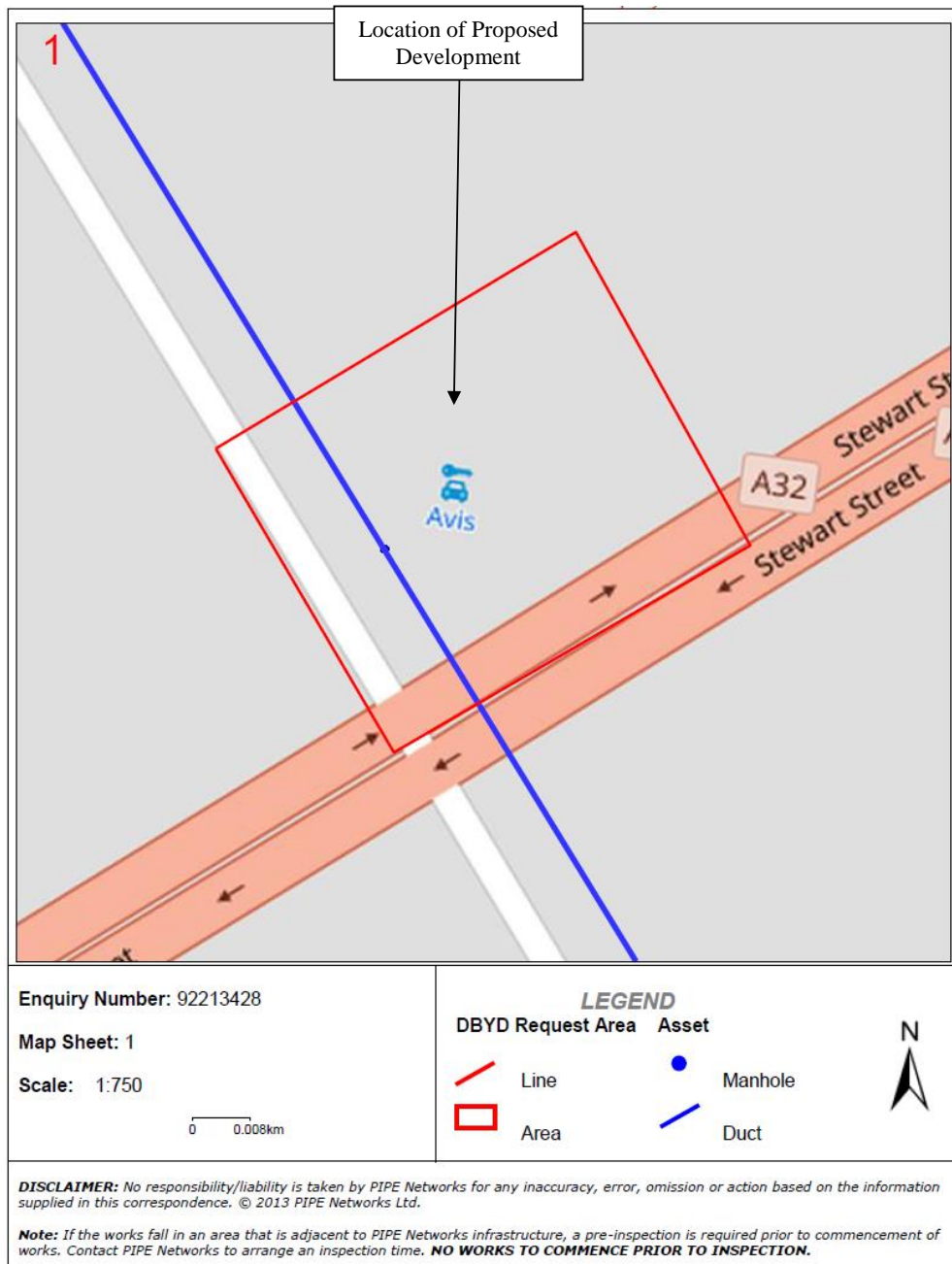
**Figure 22**  
**Extract from the NBN Co. Infrastructure Record**  
(map image courtesy of NBN Co. through the Dial Before You Dig website)

Pipeworks has underground telecommunications cables available in Howick Street as shown in **Figure 23**. Pipeworks services can be provided to the proposed development.





Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
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**Figure 23**  
**Extract from the Pipeworks Infrastructure Record**  
(map image courtesy of Pipeworks through the Dial Before You Dig website)

Optus has underground telecommunications cables available in Howick Street as shown in **Figure 24**. Optus services can be provided to the proposed development.

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
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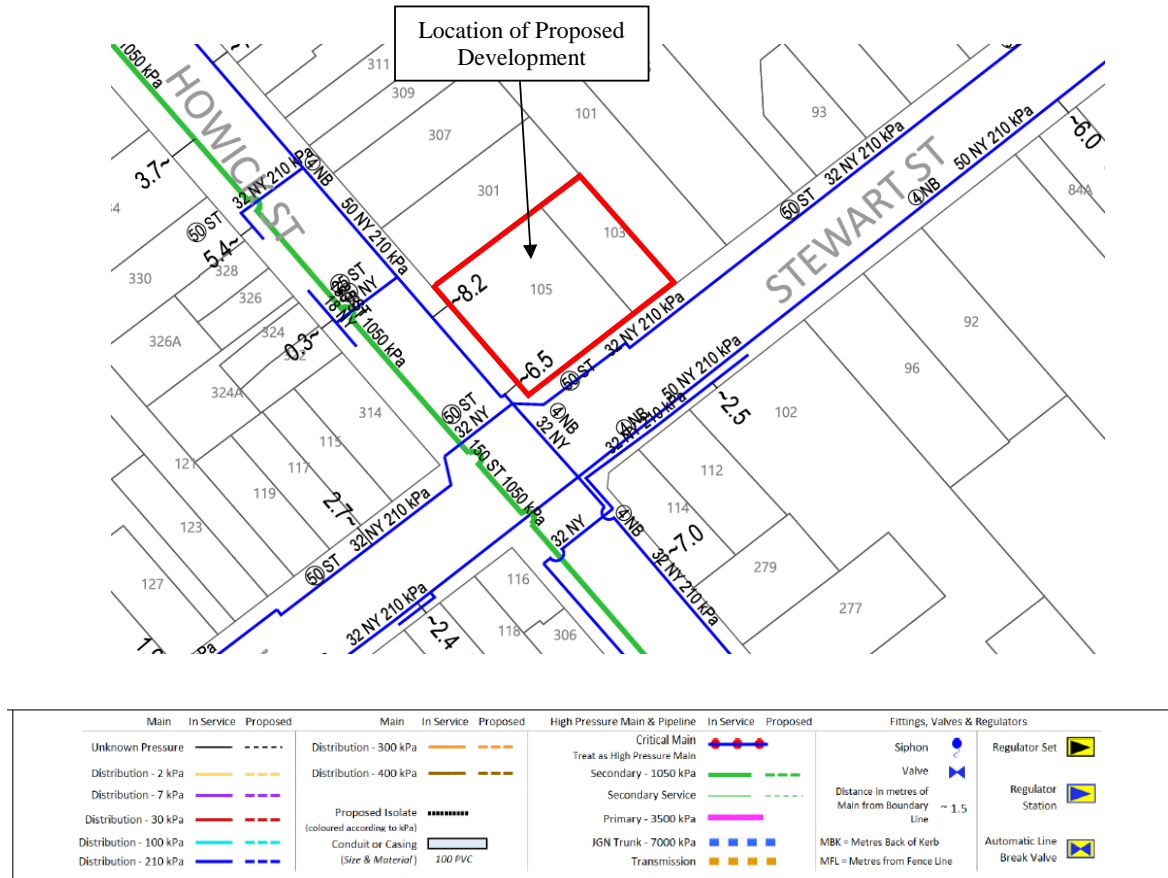
**Figure 24**  
**Extract from the Optus Infrastructure Record**  
(map image courtesy of Optus through the Dial Before You Dig website)

### 18.5 Gas (Jemena)

The location is currently reticulated with town gas supply via a 50mm nylon 210 kPa gas line which is located adjacent to the Howick Street frontage shown on the attached Jemena infrastructure mapping marked **Figure 25**. A 32mm nylon 210kPa gas line is also located in Stewart Street.



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**Figure 25**  
**Extract from Jemena's Infrastructure Mapping**  
(map image courtesy of Jemena through the Dial Before You Dig portal)

## 19.0 STATEMENT OF ENVIRONMENTAL EFFECTS:

The proposed demolition works and construction of the proposed takeaway food and drink premises (ie: Taco Bell) will have only some minor effect on the local environment as will any commercial development project. The following details highlight the measures proposed to reduce the potential effects of the development. All measures will be incorporated into the development so as to create an environmentally acceptable development proposal.

### 19.1 Flora Effects

The subject site area of the development is already fully cleared of its original vegetation. The proposal requires the part demolition and clearing of the existing property and construction of the new takeaway food and drink premises. No significant vegetation exists on the site. Therefore, the proposal will not impact on any vegetation or any rare or endangered flora nor will it affect any wildlife corridors.

## 19.2 Fauna Effects

The proposed development will not impact on local fauna populations as no significant vegetation exists on the site.

## 19.3 Traffic Effects

The appended **Traffic Assessment Report** prepared by *B.J. Bradley & Associates* makes the following comments and conclusions in relation to the traffic impacts:-

- (i) the proposal involves development of a drive-through take-away food outlet over two properties currently occupied by an existing commercial operation (ie: Avis Car Rentals) and a heritage-listed dwelling on the northern side of Stewart Street;
- (ii) Stewart Street forms part of the Great Western Highway which is a State Road under the control of RMS (ie: A32);
- (iii) traffic speeds on Stewart Street are relatively low given the 60km/h speed zone and short travel length between Howick Street and the signalised intersection with Durham Street, and between the signalised intersection with Keppel Street and Howick Street and the existence of numerous driveways along this length of Stewart Street;
- (iv) traffic volumes generated by the proposed development are estimated to be approximately 80 trips in the morning peak hour (of which approximately 40 trips would be additional), and approximately 100 trips in the evening peak hour (of which approximately 50 trips would be additional), based on survey data suggested in the RTA Guide to Traffic Generating Developments for a more well-known brand of Drive-Through Take-Away Food outlet (KFC);
- (v) the effect of traffic generated by the proposed development on existing traffic delays and the degree of saturation on Stewart Street would be negligible;
- (vi) the volume of service vehicles will be relatively low and will be scheduled to occur outside periods of peak customer activity, with an authorised employee of the development regulating traffic movements and temporary closure of a drive-through lane when necessary;
- (vii) sight distances along Stewart Street exceed the requirements of Clause 3.2.4 of AS/NZS 2890.1 - 2004 in both directions and ensure traffic safety is not compromised at the proposed driveway location; and
- (viii) the proposed development includes twenty one (21) car parking spaces, including an accessible parking space. This complies with the requirement of Section 14 – Parking of the Bathurst Regional DCP 2014

Customers of drive-through take-away food outlets tend to utilise drive-through facilities in preference to inside seating. It is considered that the provision of twenty one (21) parking spaces in the subject drive-through take-away is compliant with the RTA “Guide to Traffic Generating Developments” will be sufficient for the likely parking demand (see Section 12 – Traffic Management for further details).

#### 19.4 Noise Effects/Acoustic Impacts

As the proposed development is located adjacent to existing residential properties to the north east and the north west, an **Environmental Noise Assessment** has been prepared by **Day Design Pty Limited** (Consulting Acoustical Engineers) in order to assess the severity of a possible environmental noise problem within the adjoining residential area. Therefore, it is necessary to measure the ambient background noise level at the times and locations of worst possible annoyance. The lower the background noise level, the more perceptible the intrusive noise becomes and the more potentially annoying. The nearest residential premises are located on adjacent blocks to the northwest and north east. It is noted that the floor slab of the site is raised approximately 2.3 metres above the natural ground level of these adjacent lots. More residential dwellings to the southwest on the opposite side of Howick Street and to the southeast on the opposite side of Stewart Street. The nearest noise sensitive receptors to the property, in various directions, are shown in **Figure 26**.



**Figure 26**  
**Plan showing location of noise receptors**  
 (image courtesy of Day Design Pty Limited)



In order to meet the most stringent early night time noise criterion at the nearest residential receptor locations, Day Design has recommend that the following be incorporated into the design of the new Taco Bell restaurant:-

- (i) acoustic fences should be constructed along the northwest and northeast boundaries of the drive-thru driveway to a minimum height 2.1 metres above the subject site ground floor slab height, as shown in Appendix B in the Environmental Noise Assessment;
- (ii) the plant area should be constructed from an acoustically opaque material, such as Colorbond, lapped and capped timber, masonry etc, to a height of either 1.8 metres above ground floor slab height or at least 600 mm above the tallest item of plant (whichever is the greater);
- (iii) the total sound power level of plant installed within the plant area should be no greater than 76 dBA;
- (iv) the total sound power of all rooftop plant shall not exceed 78 dBA;
- (v) truck deliveries to the site shall be scheduled to occur during daytime hours only (7:00am to 6:00pm).

### **19.5 Visual Amenity Effects**

The proposed building fronting Stewart Street has been designed an integral part of the existing streetscape in terms of its style, materials, scale (ie: single storey) and form. The proposed building has been designed in sympathetic manner to as to be complimentary to the adjoining residential dwellings and seek to retain the heritage building to the north west whilst contributing in small way to the heritage conservation of the precinct. The proposal enhances the streetscape by replacing the existing aging structures on the site and providing high quality landscaping.

### **19.6 Air Quality Effects**

The attached **Odour Assessment** prepared by *Todoroski Air Services* has assessed the potential impacts arising from the operation of the proposed Taco Bell restaurant.

The report concludes that given the nature of the odour source, the existing and proposed land use, the receiving environment, prevailing winds and site considerations, it is unlikely that the operation of the Project would lead to an adverse odour impact in this location.

### **19.7 Erosion and Sedimentation Effects**

As with all development work, the potential for soil erosion and sediment transfer is present. In order to limit this potential, it is intended to implement the necessary controls to restrict such transfer to within the construction zone and prevent any erosion and sediment transfer onto adjoining lands or to the Council's trunk drainage system.

During the course of construction, filter fences will be provided adjacent to the exposed work face and hay bales anchored with star pickets will be provided at the site low points. All works will be monitored on a daily basis and the construction area secured with control devices at the conclusion of each day's work. At the completion of each phase of the construction works, all exposed areas will be secured to ensure that the area is stabilised as quickly as possible.

All works will be carried out in accordance with Council's directions and in compliance with Bathurst Regional Council's *Guidelines for Engineering Works*.

### **19.8 Socio-Economic Effects**

The positive social and economic impacts associated with the proposed development include:-

- (i) the redevelopment of the existing aging commercial building;
- (ii) the creation of fifty four (54) direct employment opportunities for local residents, particularly younger people, with flow on employment multipliers benefitting the wider community;
- (iii) compliance with the relevant disability standards such that the facility and subsequent uses will meet the needs of people with physical disabilities, sensory disabilities and intellectual disabilities;
- (iv) the provision of essential services to the area meeting the daily needs of residents, workers and tourists;
- (v) the economic benefits associated with construction and fitout works including construction jobs; and
- (vi) meeting the strategic planning directions of Bathurst

Potential adverse impacts arising from the development include:-

- (i) dust, noise and traffic from construction activities. These impacts on surrounding premises will be temporary in nature with mitigation measures to be included in the construction management plan to ensure construction impacts on surrounding premises are kept to a minimum;
- (ii) increased traffic and vehicle movements. The appended Traffic Report prepared by B.J. Bradley & Associates has assessed the cumulative impact of the development and found that the design in terms of vehicle access, circulation, parking and servicing was appropriate and that there would not be any adverse traffic impacts on the road system serving the site;
- (iii) noise. The appended Environmental Noise Assessment and monitoring has been undertaken as well as noise modelling which found that noise emissions from the site will meet relevant noise criteria. The potential for the proposed use was anticipated in those acoustic assessments (see Section 19.4 – Noise Effects);
- (iv) anti-social behaviour. The potential antisocial behaviour in and around the proposed fast food store is expected to be minimal. Specific security measures will be implemented including external lighting and appropriate landscaping to deter would be offenders. Safety and security will also be addressed through the appended Plan of Management.

The proposed use (ie: Taco Bell) will deliver a range of positive social and economic impacts combined with the implementation of mitigation measures detailed in this report. It is considered that the proposal will provide a net community benefit to the local and wider community.



### **19.9 Proposed Hours of Operation**

The trading hours will not alter and will be retained as detailed below:-

Wednesday	10:00am–10:00pm
Thursday	10:00am–10:00pm
Friday	10:00am–11:00pm
Saturday	10:00am–11:00pm
Sunday	10:00am–10:00pm
Monday	10:00am–10:00pm
Tuesday	10:00am–10:00pm

In terms of the number of employees, the restaurant will employ fifty four (54) employees which are shift workers. Therefore, a maximum of ten (10) employees will be on site at any one time which includes the store manager.

Security measures such as fifteen (15) CCTV cameras of which 3 are external (2 exterior seating/drive thru lane) and two (2) duress buttons (ie: office and on the drive thru pickup window) are currently in operation.

### **19.10 Crime Prevention Through Environmental Design**

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It includes the built environment, open space (including passive recreation space), pedestrian and transport corridors, conflicts of land use etc.

CPTED aims to reduce opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ‘ingredients’ (ie: law, offender, victim or target, opportunity) from intersecting in time and space.

In practice this means that predatory offenders often make “cost benefit assessment” of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- (i) maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- (ii) maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- (iii) minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- (iv) minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are:-

- (i) territorial re-enforcement,
- (ii) surveillance,
- (iii) access control, and

- (iv) space/activity management.

The following strategies are to be included in the development:-

### Territorial Re-enforcement

The use of vegetation will assist in creating territorial reinforcement along the Stewart Street and Howick Street property boundaries. The proposed landscaping ensures that:-

- (i) vegetation does not inhibit a “line of sight” into the development when looking into the development from outside;
- (ii) heavy vegetation has been avoided at the entrance areas of the proposed car park so as not to provide concealment opportunities; and
- (iii) lighting will be installed at key entry points so as to assist in identifying the transition between public and private land

### Surveillance

The proposed landscaping has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. In selecting and maintaining the proposed vegetation, consideration was been given to the possibility of areas becoming entrapment sites in the future. Shrubs are not greater than 1 metre in height and the canopy of the tall street trees are to be higher than six (6) metres.

The proposed takeaway food and drink premises has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities.

It has been designed taking into consideration:-

- (i) the Australian and New Zealand Lighting Standard 1158.1 – *Pedestrian* which requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels; and
- (ii) vision and surveillance in the ground level car park area

### Access controls

- (i) all entry points (pedestrian and vehicle) will be clearly signposted and identify the area as being private property; and
- (ii) pedestrian access markings on site where car park crossings are located will be clearly indicated

### Space / Activity Management

Directional signage is to be provided throughout the car park and food premises. The signage is to be clear, legible and useful so as to aid way finding throughout the development (particularly around entry, fire exits and service areas).

Gardens, hard walls, fencing and perimeter landscaping is to be well maintained. Any evidence of anti-social behaviour (eg: graffiti, malicious damage, broken lights etc) is to be cleaned, fixed, made good and replaced within 24 hours.

A Maintenance Plan is to be prepared for the site. The waste storage area is to be secured and kept clean at all times.

The proposal is supported by the appended documents:-

- (i) a **Robbery Protocol** prepared by *Taco Bell Pty Limited*;
- (ii) a **Plan of Management** prepared by *Taco Bell Pty Limited*; and
- (iii) a **Security Management Plan** prepared by *BD Architecture + Interiors*

## 20.0 SIGNAGE

Under Clause 8 of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:-

- (i) that the signage is consistent with the objectives of this Policy as set out in clause 3(1); and
- (ii) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

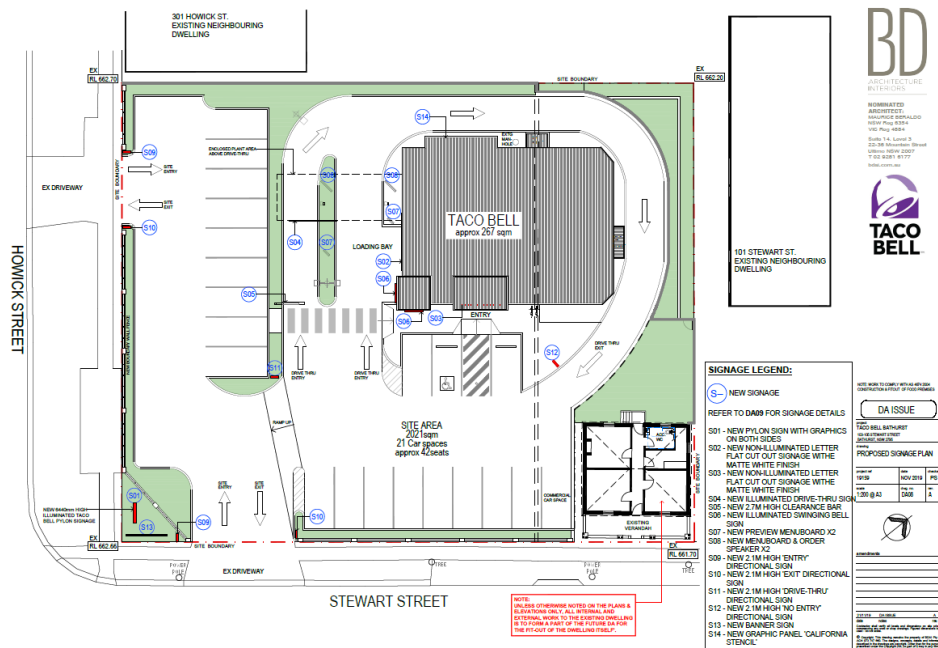
Business identification and site identification signage panels are proposed for the site including a 6.440m high illuminated tower sign. The proposed signage panels to be utilised on the existing building are shown on the attached **Architectural Plans** appended to this report prepared by *BD Architecture + Interiors* and also shown in **Figure 27** and **Figure 28**.

The aims of SEPP 64 are to ensure that signage:-

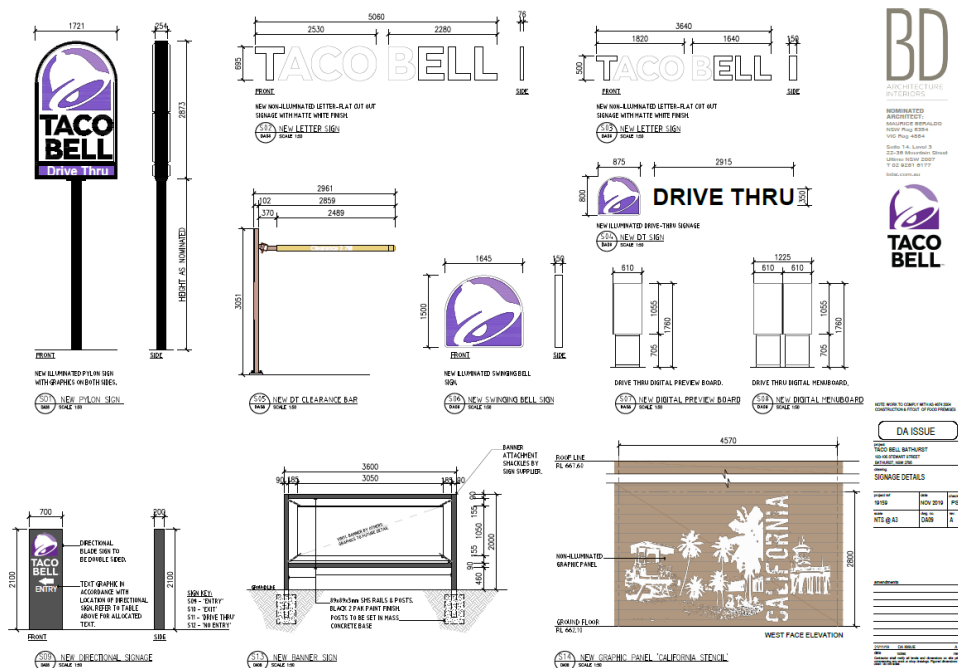
- (iv) is compatible with the desired amenity and visual character of an area;
- (v) provides effective communication in suitable locations; and
- (vi) is of high quality design and finish

It is considered that the proposed signage is compatible with the desired character of the area and is consistent with the current signage approvals in the immediate precinct. The proposed signage will be of an appropriate height, scale and proportion given its proximity to a Classified Road. The proposed signage meets the objectives and provisions of SEPP 64 as detailed in the criteria of Schedule 1 of the SEPP (see **Table 1**).

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst



**Figure 27**  
**Signage Plan**  
(courtesy of BD Architecture + Interiors)



**Figure 28**  
**Plan showing proposed pylon, tower sign and building signage**  
**(image courtesy of BD Architecture + Interiors)**

## 21.0 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

It is prudent to take into consideration the principles of ecologically sustainable development in the management and development of the area. These comments are in accordance with the *New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997*.

Effective integration of economic and environmental considerations is recommended in decision making processes through the implementation of the following processes:-

- (i) *The Precautionary Principle – namely, if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

The site is fully developed for commercial and residential purposes which has established a long term mixed use presence in the locality albeit within the residentially zoned precinct. This is supported by a range of adjoining residential and commercial activities along the A32.

It is proposed to demolish the existing residential commercial building and partly demolish/partly retain the existing residential building so as to construct a new takeaway food and drink premises with appropriate landscaping and car parking.

There are no identified threats that would cause serious irreversible environmental damage nor any lack of scientific certainty in relation to the proposed takeaway food and drink premises.

- (ii) *Inter-generational Equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.*

The demolition of the existing commercial building and part demolition of the existing residential dwelling and construction of the proposed takeaway food and drink premises is to be undertaken in accordance with all current health and environmental regulations and to such a standard that the local environment is protected both during ongoing operation. The proposal will also create short term construction jobs and long term employment opportunities as a result of the new development.

Therefore, the health, diversity and productivity of the environment will not be affected by the proposed development.

- (iii) *Conservation of Biological Diversity and Ecological Integrity – namely, that the conservation of biological diversity and ecological integrity should be a fundamental consideration.*

The property has been developed for commercial purposes since the 1960's with the existing residential dwelling substantially older (circa 1930's).

Therefore, the subject land has been significantly modified and degraded compared to its natural state. It is currently fully developed with the existing single storey commercial building and single storey residential dwelling and associated site improvements.

Therefore, the demolition of the existing commercial building and part demolition of the existing dwelling and construction of the takeaway food and drink premises will not have any appreciable effect on the biodiversity or ecological integrity of the area.

## **22.0 CONCLUSION:**

The demolition of the existing buildings and construction of the proposed Taco Bell takeaway food and drink premises is recommended to the Bathurst Regional Council on the basis that it:-

- (i) is a permissible use under the Bathurst Regional Local Environmental Plan 2014;
- (ii) will replace an aging commercial building with a state-of-the-art takeaway food and drink outlet that will be constructed based on ESD principles;
- (iii) will retain the heritage facade of the existing residential building;
- (iv) will provide employment for fifty four (54) locals in casual, part time and full time employment;
- (v) is serviced by a full range of public utilities; and
- (vi) will further activate the established A32 highway corridor

## **23.0 LIMITATIONS:**

Wales & Associates Pty Limited (WA) has prepared this report for a project at #103-105 Stewart Street at Bathurst in accordance with instructions from McDuck Properties Pty Limited. The report is provided for the exclusive use of McDuck Properties Pty Limited for this project only and for the purpose(s) described in the report. It should not be used for other projects or by a third party. In preparing this report WA has necessarily relied upon information provided by the client and/or their agents.

WA's advice is based upon the information supplied and encountered during this assessment. The accuracy of the advice provided by WA in this report may be limited by undisclosed information provided by other sub-consultants. The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached notes and reports and should be kept in its entirety without separation of individual pages or sections. WA cannot be held responsible for interpretations or conclusions made by others unless they are supported by an express statement, interpretation, outcome or conclusion given in this report.

Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

---

Please contact the undersigned for clarification of the above as necessary.



17<sup>th</sup> November 2019

.....  
Matthew Wales  
Director  
Wales & Associates Pty Limited

.....  
Date

**END**



Proposed Take-away Food & Drink Premises – Bathurst Taco Bell Restaurant  
#103-105 Stewart Street at Bathurst

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<b>REFERENCES</b>
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The following documents were referenced:-

- (i) Environmental Planning & Assessment Act 1979 (as amended);
- (ii) Bathurst Regional Local Environmental Plan 2014;
- (iii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
- (iv) State Environmental Planning Policy No. 64 – Signage; and
- (v) Bathurst Regional Development Control Plan 2014



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# Environmental Noise Assessment

Proposed Taco Bell Restaurant  
195 Stewart Street, Bathurst, NSW

REPORT No  
**6861-1.1R Rev A**

DATE ISSUED  
**17 December 2019**

**Prepared For:**  
Mc Duck Properties Pty Ltd  
300 Rainbow Street  
Coogee NSW 2034

Attention: Mr Hector Abbott



### Revision History

Report	Date	Prepared	Checked	Comment
Draft	11/10/2019	Alexander Mendoza	Stephen Gauld	By email, for client review
Final	21/11/2019	Alexander Mendoza	Stephen Gauld	
Rev A	17/12/2019	Alexander Mendoza	Stephen Gauld	

Document R\6861-1.1R, 22 pages plus attachments

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### **1.0 CONSULTING BRIEF**

Day Design Pty Ltd was engaged by McDuck Properties Pty Ltd carry out an environmental noise impact assessment for a proposed Taco Bell restaurant to be constructed at 105 Stewart Street, Bathurst, NSW.

The scope of work is as follows:

- Inspect the site and environs
- Measure the background noise levels at critical locations and times
- Establish acceptable noise level criterion
- Quantify noise emissions from the restaurant
- Calculate the level of noise emission, taking into account building envelope transmission loss, screen walls and distance attenuation
- Prepare a site plan identifying the development and nearby noise sensitive locations
- Provide recommendations for noise control (if necessary)
- Prepare an Environmental Noise Impact Report.



## 2.0 PROJECT DESCRIPTION

### 2.1 Development Description

Mc Duck Properties Pty Ltd proposes to construct a new Taco Bell restaurant with drive-thru and car park area at 105 Stewart Street, Bathurst, NSW.

Car parking will be provided for 20 vehicles with additional vehicles in the drive-thru queue. Entry and exit from the site is via the existing driveways on Stewart Street and Howick Street.

The proposed operating hours are as follows:

- 10 am - 10 pm Sunday to Thursday, and
- 10 am - 11 pm Friday and Saturday.

An existing heritage listed dwelling is located in the eastern quadrant of the subject site (103 Stewart Street), however, we are advised that this building will remain unoccupied.

### 2.2 Site Description

The site is on land zoned as R1 – *General Residential* under the Bathurst Regional Local Environmental Plan 2014.

The site is located on a corner block with existing driveways on Howick Street and Stewart Street. The Stewart Street section of road to the south of the subject site carries significant traffic volumes and forms part of the Great Western Highway, a Classified Road under the Roads Act 1993.

The nearest residential premises are located on adjacent blocks to the northwest and north east. It is noted that the floor slab of the site is raised approximately 2.3 metres above the natural ground level of these adjacent lots. More residential dwellings to the southwest on the opposite side of Howick Street and to the southeast on the opposite side of Stewart Street.

The nearest noise sensitive receptors to the property, in various directions, are shown in Figure 1 and as follows in Table 1.

**Table 1 Noise Sensitive Receptors**

Receptor and Type	Address	Direction from site	Distance
R1 – Residential	301 Howick Street	Northwest	5 m
R2 – Residential	101 Stewart Street	Northeast	5 m
R3 – Residential	112 Stewart Street	Southwest	30 m
R4 – Residential	314 Howick Street	Southeast	40 m

Receptor locations are considered representative of all adjacent receptor locations in the immediate area. Compliance at these locations ensures compliance at all other nearby receptors.







Figure 1- Location Plan; 105 Stewart Street, Bathurst, NSW



### 3.0 NOISE SURVEY INSTRUMENTATION

Noise level measurements and analysis were made with instrumentation as follows in Table 2:

**Table 2 Noise Instrumentation**

Description	Model No.	Serial No.
Modular Precision Sound Analyser	B&K 2250	2690243
Condenser Microphone 0.5" diameter	B&K 4189	3022960
Acoustical Calibrator	B&K 4231	2721949
Modular Precision Sound Analyser	B&K 2270	3011809
Condenser Microphone 0.5" diameter	B&K 4189	3099836
Acoustical Calibrator	B&K 4231	2721949
Infobyte Noise Logger	iM4	121
Condenser Microphone 0.5" diameter	MK 250	6595

An environmental noise logger is used to continuously monitor ambient noise levels and provide information on the statistical distribution of noise during an extended period of time. The Infobyte Noise Monitor iM4 is a Type 1 precision environmental noise monitor meeting all the applicable requirements of AS1259 for an integrating-averaging sound level meter.

All instrument systems had been laboratory calibrated using instrumentation traceable to Australian National Standards and certified within the last two years thus conforming to Australian Standards. The measurement system was also field calibrated prior to and after noise surveys. Calibration drift was found to be less than 1 dB for long term measurements. No adjustments for instrument drift during the measurement period were warranted.



#### 4.0 MEASURED AMBIENT NOISE LEVELS

##### 4.1 Long Term, Unattended Noise Monitoring

In order to assess the severity of a possible environmental noise problem in a residential area it is necessary to measure the ambient background noise level at the times and locations of worst possible annoyance. The lower the background noise level, the more perceptible the intrusive noise becomes and the more potentially annoying.

The ambient  $L_{90}$  background noise level is a statistical measure of the sound pressure level that is exceeded for 90% of the measuring period (typically 15 minutes).

The Rating Background Level (RBL) is defined by the NSW EPA as the median value of the (lower) tenth percentile of  $L_{90}$  ambient background noise levels for day, evening or night periods, measured over a number of days during the proposed days and times of operation.

The environmental noise logger was placed in the rear yard of 301 Howick Street, Bathurst from Thursday 10 October to Thursday 17 October 2019 to determine the Rating Background Level in the area. This location is shown on Figure 1 below as Location 'A'.

The measured noise levels are presented in the attached Appendix A and also in Table 3 below.

**Table 3 Rating Background Level**

Noise Measurement Location	Time Period	Ambient $L_{eq}$ Noise Level	Rating Background Level
Location 'A' – 305 Howick St Bathurst	Day (7 am – 6 pm)	48 dBA	36 dBA
	Evening (6 pm – 10 pm)	44 dBA	34 dBA
	Early Night (10 pm – 11 pm)	n/a	31 dBA
	Night (12 am – 7 am)	39 dBA	30 dBA <sup>1</sup>

Meteorological conditions during the testing typically consisted of clear skies with temperature of 2°C to 27°C. Atmospheric conditions were generally ideal for noise monitoring, therefore noise measurements were considered reliable and typical for the receptor area.

<sup>1</sup> Minimum RBL applies. Refer NPI Section 2.3. Actual level was 27 dBA.



#### 4.2 Short Term, Attended Noise Monitoring.

Location 'A' is fully shielded from road traffic noise from Stewart Street (Great Western Highway). Location 'A' is therefore considered representative of the most sensitive residential receptors nearby the subject site. However, as other residential receptors to the southeast and southwest ('R3' and 'R4') are fully exposed to road traffic noise, background noise levels, and subsequent noise level criteria, are likely to be higher.

To determine the noise level differences between Location 'A' and residences facing Stewart Street, designated Location 'B', short term attended noise measurements were conducted simultaneously at both locations.

The measured  $L_{90, 15 \text{ min}}$  background noise levels are shown below in Table 4.

**Table 4 Short Term Attended  $L_{90, 15 \text{ min}}$  Noise Levels**

Description	dBA	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Location 'A' 305 Howick St – Rear Yard	<b>38</b>	47	41	36	32	35	27	20	14
Location 'B' 103 Stewart Street – Front Yard	<b>51</b>	55	53	50	47	48	42	33	22
Noise Level Difference	<b>13</b>	9	12	14	15	13	15	13	9

It can be seen from Table 4 that the  $L_{90, 15 \text{ min}}$  noise level was measured to be 13 dB higher at Location 'B'.





## 5.0 ACCEPTABLE NOISE LEVELS

### 5.1 NSW Noise Policy for Industry

The Environment Protection Authority (EPA) published their NSW Noise Policy for Industry (NPI) in October 2017. The NPI is specifically aimed at assessing noise from industrial noise sources scheduled under the Protection of the Environment Operations Act 1997 (POEO, 1997).

The proposed restaurant is not a 'scheduled premises' under the Protection of the Environment Operations Act 1997 as it is not required to hold a licence under that Act for operations at the site.

The appropriate regulatory authority (Council) may, by notice in writing given to such a person, prohibit the person from causing, permitting or allowing:

- (a) any specified activity to be carried on at the premises, or
- (b) any specified article to be used or operated at the premises,

or both, in such a manner as to cause the emission from the premises, at all times or on specified days, or between specified times on all days or on specified days, of noise that, when measured at any specified point (whether within or outside the premises,) is in excess of a specified level.

The NPI provides a useful framework to assess noise emission from non-scheduled premises, whether that premises produces intrusive or non-intrusive noise.

While the NPI is not strictly applicable to this site, as the site is not scheduled, in the absence of other relevant standards the limits set out in the NSW Noise Policy for Industry will be used as a guide in determining whether the level of noise is considered intrusive or not.



## 5.2 Intrusiveness Criteria

The EPA states in Section 2.3 of its NSW Noise Policy for Industry that the  $L_{eq}$  level of noise intrusion from broad-band industrial noise sources may be up to 5 dB above the  $L_{90}$  background noise level at the receptor without being considered intrusive.

The  $L_{90}$  Rating Background Level within the rear yard of 301 Howick Street (Location 'A') was 36 dBA in the day, 34 dBA in the evening, 31 dBA during the early night.

Location 'A' is considered representative of the most sensitive residential receptor locations, i.e, dwellings and rear yards of lots on the north side of Stewart Street.

The acceptable  $L_{eq}$  noise intrusiveness criteria for these receptor locations is:

- $(36 + 5 =) 41$  dBA during the day;
- $(34 + 5 =) 39$  dBA in the evening; and
- $(31 + 5 =) 36$  dBA during the early night.

Location 'B' is considered representative of the noise levels at facades of residential receptor locations with full exposure to road traffic noise from Stewart Street, i.e, dwellings facing Stewart Street.

Based on the measured difference in background noise levels at Location 'A' and 'B' (refer Table 4), the acceptable  $L_{eq}$  noise intrusiveness criteria have been adjusted accordingly for these receptor locations, as follows;

- $(36 + 13 + 5 =) 54$  dBA during the day;
- $(34 + 13 + 5 =) 52$  dBA in the evening; and
- $(31 + 13 + 5 =) 49$  dBA during the early night.



### 5.3 Amenity Criteria

Depending on the type of area in which the noise is being made, there is a certain reasonable expectancy for noise amenity. The NSW NPI provides a schedule of recommended  $L_{eq}$  industrial noise levels that under normal circumstances should not be exceeded. If successive developments occur near a residential area, each one allowing a criterion of background noise level plus 5 dB, the ambient noise level will gradually creep higher.

The recommended  $L_{eq}$  noise levels below in Table 4 are taken from Section 2.4, Table 2.2 of the NPI.

**Table 5 Amenity Criteria**

Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended $L_{eq}$ Noise Level, dBA
Residence	Suburban	Day	55
		Evening	45
		Night	40
Commercial premises	All	When in use	65

The  $L_{Aeq}$  is determined over a 15-minute period for the project intrusiveness noise level and over an assessment period (day, evening and night) for the project amenity noise level. This leads to the situation where, because of the different averaging periods, the same numerical value does not necessarily represent the same amount of noise heard by a person for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, the NPI assumes that the  $L_{Aeq,15min}$  will be taken to be equal to the  $L_{Aeq, period} + 3 \text{ decibels (dB)}$ .

Compliance with the amenity criteria will limit ambient noise creep. Wherever the existing  $L_{eq}$  noise level from industrial noise sources approaches or exceeds the amenity criteria at a critical receptor location, the intrusive  $L_{eq}$  noise from the noise source in question must be reduced to a level that may be as much as 10 dB below the existing  $L_{eq}$  industrial noise level.

The acceptable  $L_{eq}$  amenity criteria for this area is:

- $(55 - 5 + 3 \text{ dB} =) 53 \text{ dBA}$  during the day;
- $(45 - 5 + 3 \text{ dB} =) 43 \text{ dBA}$  in the evening; and
- $(40 - 5 + 3 \text{ dB} =) 38 \text{ dBA}$  at night.





#### 5.4 Sleep Disturbance

The Noise Policy for Industry provides the following guidance (NPI, Section 2.5) for setting appropriate trigger levels for sleep disturbance:

*'Sleep disturbance is considered to be both awakenings and disturbance to sleep stages. Where the subject development/premises night-time noise levels at a residential location exceed:*

- *$L_{Aeq,15min}$  40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or*
- *$L_{AFmax}$  52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,*

*a detailed maximum noise level event assessment should be undertaken.'*

It is proposed that the restaurant will operate up to 11 pm, on Friday and Saturday night. Vehicles may use the drive-thru facility during the early night period. As a conservative approach, we have considered the potential for sleep disturbance upon residents in adjacent residential dwellings from various noise producing facets of the operation, including the arrival of a delivery truck within the loading bay during the early night period (10 pm – 11 pm).

#### 5.5 Project Specific Noise Emission Criteria

The acceptable  $L_{eq}$  noise criteria for dwellings and rear yards of lots on the north side of Stewart Street is:

- (36 + 5 =) 41 dBA during the day;
- (34 + 5 =) 39 dBA in the evening; and
- (31 + 5 =) 36 dBA during the early night.
- 52 dBA  $L_{max}$  trigger noise level for sleep disturbance

The acceptable  $L_{eq}$  noise intrusiveness criteria for facades of residential dwellings facing Stewart Street is:

- 53 dBA during the day;
- 43 dBA in the evening; and
- 38 dBA during the night.
- 59 dBA  $L_{max}$  for sleep disturbance.

These criteria are to be assessed at the most affected point on or within the residential property boundary during the day, evening and night respectively. For upper floors, the noise is assessed outside the nearest window.



## 6.0 NOISE EMISSION

The main sources of noise from these premises will be the mechanical plant which will include air conditioning condensers and exhaust fans, some of which may operate continuously while the restaurant is operating during trading hours.

### 6.1 Plant Noise Emission

Specific items of plant have yet to be finalised, however, for the purposes of this assessment, we have assumed an equipment list used in previous Environmental Noise Assessments typically installed in similar restaurant fitouts prepared by Day Design. A schedule of the sound power levels and the item of plant those levels are based on, is shown in Table 6.

**Table 6 Schedule of Mechanical Plant Sound Power Levels**

Description	dBA	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Toilet Exhaust Fantech – TD-250/100	53	50	59	51	52	48	44	36	28
Kitchen Exhaust Fantech - CGD354M-MM	72	79	77	73	70	61	63	62	52
Kitchen Make-up Fantech - PCD454	73	72	74	74	72	68	62	60	51
Wash Up Exhaust Fantech - CE192V	67	68	69	69	66	59	58	56	49
Outdoor AC Condenser Unit Mitsubishi PUHY-P1000YNW-A	75	97	78	76	74	68	65	62	57

Knowing the sound power level of a noise source (see above Table 6), the sound pressure level (as measured with a sound level meter) can be calculated at a remote location using suitable formulae to account for distance losses, sound barriers, etc.



## 6.2 Car Park and Drive-Thru Noise Emission

Car parking will be provided for 20 cars, with additional vehicles in the drive-thru queue. A loading bay is also provided on the southwest side of the building for deliveries.

The NSW Roads and Traffic Authority Published the '*Guide to Traffic Generating Developments*' in 2002 and provides estimates for traffic generation for various development situations, including fast food restaurants such as McDonalds and KFC. For KFC restaurants, The Guide advises an average evening peak hour vehicle trip rate of 100 vehicles per hour for a typical KFC restaurant.

For the purposes of this noise assessment, we have conservatively assumed a trip rate of 25 passenger vehicle trips within any given 15 minute noise assessment period, equivalent to a typical KFC restaurant.

Day Design has had the opportunity to measure the noise level from a range of vehicles travelling at various speeds. Average  $L_{AE}$  and  $L_{max}$  sound power level for vehicles travelling at 10km/h has been determined from these measurements.

The  $L_{AE}$  and  $L_{max}$  sound power levels for vehicle movements within the carpark used in this noise assessment are shown in Table 7.

**Table 7 Sound Power Levels of Car Park Noise**

Description	dBA	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Car drive by at 10km/h – $L_{AE}$	<b>82</b>	86	82	78	77	78	73	70	64
Car doors closing – $L_{max}$	<b>92</b>	98	92	90	88	88	83	80	76
Truck manoeuvring – $L_{AE}$	<b>98</b>	102	99	94	96	96	92	88	83
Truck manoeuvring – $L_{max}$	<b>101</b>	113	102	98	95	97	94	92	96



### 6.3 Drive Thru Noise Emission

Day Design has previously measured the noise levels generated by speaker boxes at other similar restaurants with drive-thru ordering facilities.

The  $L_{AE}$  and  $L_{max}$  sound power levels of noise from a typical speaker box are shown in Table 8 below.

**Table 8 Sound Power Levels of Drive-Thru Speaker Box**

Description	dBA	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Speaker Box - $L_{AE}$	<b>72</b>	78	76	69	70	68	65	56	53
Speaker Box - $L_{max}$	<b>84</b>	86	85	79	82	79	77	66	69



## 7.0 CALCULATED NOISE LEVELS

Noise levels have been calculated at the nearest receptor locations surrounding the subject site. We have assumed that all items of mechanical plant listed in Table 6 are operating continuously and simultaneously. We have assumed that supply and exhaust fans are located on the roof of the restaurant building with outdoor air conditioning condenser units located in the plant area at ground floor level.

We have included noise attenuation for rooftop plant from a 1 metre high parapet wall on the perimeter of the building. The plant area is assumed to be constructed in accordance with the recommendations provided in Section 8.

We have also assumed a traffic flow rate of up to 25 vehicles entering or leaving the site within any given 15 minute period during operating hours (10 am – 11 pm). We have conservatively assumed that within this 15 minute period, 5 vehicles will enter/leave the carpark areas from the Stewart Street and Howick Street driveways and 15 vehicles within the drive-thru driveway, travelling at 10km/h.

We have assumed that the recommendations for fences on boundaries and drive-thru areas have been constructed in accordance with the recommendations provided in Section 8.

We have assumed that all items of plant have sound power levels at or below those specified in Table 6.

We have conservatively assumed that each speaker box will be in operation for a total of 3 minutes within any given 15 minute assessment period.

For nearby residential receptors the noise levels have been assessed at ground floor level at the nearest/most affected façade.

With the aforementioned assumptions, cumulative noise levels at each receptor location is as calculated in Table 9 in comparison with the most stringent early night time noise criterion relevant to the operation, established in section 5. Compliance with the early night criterion ensures compliance at all other times during the day and evening periods.

**Table 9 Calculated  $L_{eq}$ , 15 minute Noise Levels at Receptor Locations**

Receptor Location	Calculated $L_{eq}$ Noise Level	Acceptable $L_{eq}$ Noise Level	Compliance
'R1' – Residential	36 dBA	36 dBA	Yes
'R2' – Residential	32 dBA	36 dBA	Yes
'R3' - Residential	37 dBA	38 dBA	Yes
'R4' – Residential	37 dBA	38 dBA	Yes

With the aforementioned assumptions, it can be seen that the noise criteria at all receptor locations are met.



## 7.1 Sleep Disturbance

With the aforementioned assumptions,  $L_{max}$  noise levels from various noise producing facets of the restaurant is as calculated at each receptor location in Tables 10 and 11 in comparison with the NPI sleep disturbance criterion.

**Table 10** Calculated  $L_{max}$  Noise Levels at Receptor Locations – R1, R2

Noise Event	Calculated $L_{max}$ Noise Level	Acceptable $L_{max}$ Noise Level	Compliance
‘R1’ – 303 Howick Street			
Vehicles – Howick Street	Up to 51 dBA	52 dBA	Yes
Vehicles – Stewart Street	Up to 42 dBA	52 dBA	Yes
Vehicles – In Drive-Thru	Up to 50 dBA	52 dBA	Yes
Speaker Boxes	24 dBA	52 dBA	Yes
Truck in Loading Bay	Up to 51 dBA	52 dBA	Yes
‘R2’ – 101 Stewart Street			
Vehicles – Howick Street	Up to 31 dBA	52 dBA	Yes
Vehicles – Stewart Street	Up to 41 dBA	52 dBA	Yes
Vehicles – In Drive-Thru	Up to 50 dBA	52 dBA	Yes
Speaker Boxes	35 dBA	52 dBA	Yes
Truck in Loading Bay	Up to 42 dBA	52 dBA	Yes



**Table 11** Calculated  $L_{max}$  Noise Levels at Receptor Locations – R3, R4

Noise Event	Calculated $L_{max}$ Noise Level	Acceptable $L_{max}$ Noise Level	Compliance
<b>'R3' – 112 Stewart Street</b>			
Vehicles – Howick Street	Up to 51 dBA	59 dBA	Yes
Vehicles – Stewart Street	Up to 42 dBA	59 dBA	Yes
Vehicles – In Drive-Thru	Up to 50 dBA	59 dBA	Yes
Speaker Boxes	24 dBA	59 dBA	Yes
Truck in Loading Bay	Up to 57 dBA	59 dBA	Yes
<b>'R4' – 314 Stewart Street</b>			
Vehicles – Howick Street	Up to 52 dBA	59 dBA	Yes
Vehicles – Stewart Street	Up to 50 dBA	59 dBA	Yes
Vehicles – In Drive-Thru	Up to 50 dBA	59 dBA	Yes
Speaker Boxes	40 dBA	59 dBA	Yes
Truck in Loading Bay	Up to 57 dBA	59 dBA	Yes

With the aforementioned assumptions, it can be seen that the sleep disturbance noise criteria at all receptor locations are met.





## 8.0 NOISE CONTROL RECOMMENDATIONS

In order to meet the most stringent early night time noise criterion at the nearest residential receptor locations, we recommend that the following be incorporated into the design of the new restaurant:

### *Acoustic Fences/Barriers*

- Acoustic fences should be constructed along the northwest and northeast boundaries of the drive-thru driveway to a minimum height 2.1 metres above the subject site ground floor slab height, as shown in Appendix B.
- The plant area should be constructed from an acoustically opaque material, such as Colorbond, lapped and capped timber, masonry etc, to a height of either 1.8 metres above ground floor slab height or at least 600 mm above the tallest item of plant (whichever is the greater).

The level of noise attenuation from a fence (or barrier) is dependent on the difference between the length of the noise transmission path over the fence in comparison with the direct path length from source to receiver. The higher the fence, the greater path length difference and therefore, better noise reduction performance. The level of noise passing through a barrier or fence, is typically negligible compared to the residual noise travelling over a fence to the receiver location.

As such, the material the fence is constructed from is less critical than the overall height of the fence and that there are no holes or gaps between panels or between the ground and underside of the fence where noise can leak through. Acoustic fences may be constructed from any solid material such as Colorbond sheet, lapped and capped timber, masonry, fibre cement, glass or any combination of these materials.

### *Mechanical Plant Selection*

- The total sound power level of plant installed within the plant area should be no greater than 76 dBA.
- The total sound power of all rooftop plant shall not exceed 78 dBA.

### *Management Controls*

- Truck deliveries to the site shall be scheduled to occur during daytime hours only (7 am – 6 pm).



**9.0 NOISE IMPACT STATEMENT**

Day Design Pty Ltd was engaged by Mc Duck Properties Pty Ltd to carry out an environmental noise impact assessment for a proposed Taco Bell restaurant to be constructed at 105 Stewart Street, Bathurst, NSW.

Measurements and calculations show that, provided the recommended noise controls outlined in Section 8 of this report are implemented into the design, the level of noise emitted by the proposed Taco Bell restaurant will meet the requirements of the NSW Environment Protection Authority, as detailed in Section 5 of this report.



**Alexander Mendoza**, MDesSc (Audio & Acoustics), MAAS

Acoustic Consultant

for and on behalf of Day Design Pty Ltd

**AAAC MEMBERSHIP**

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.

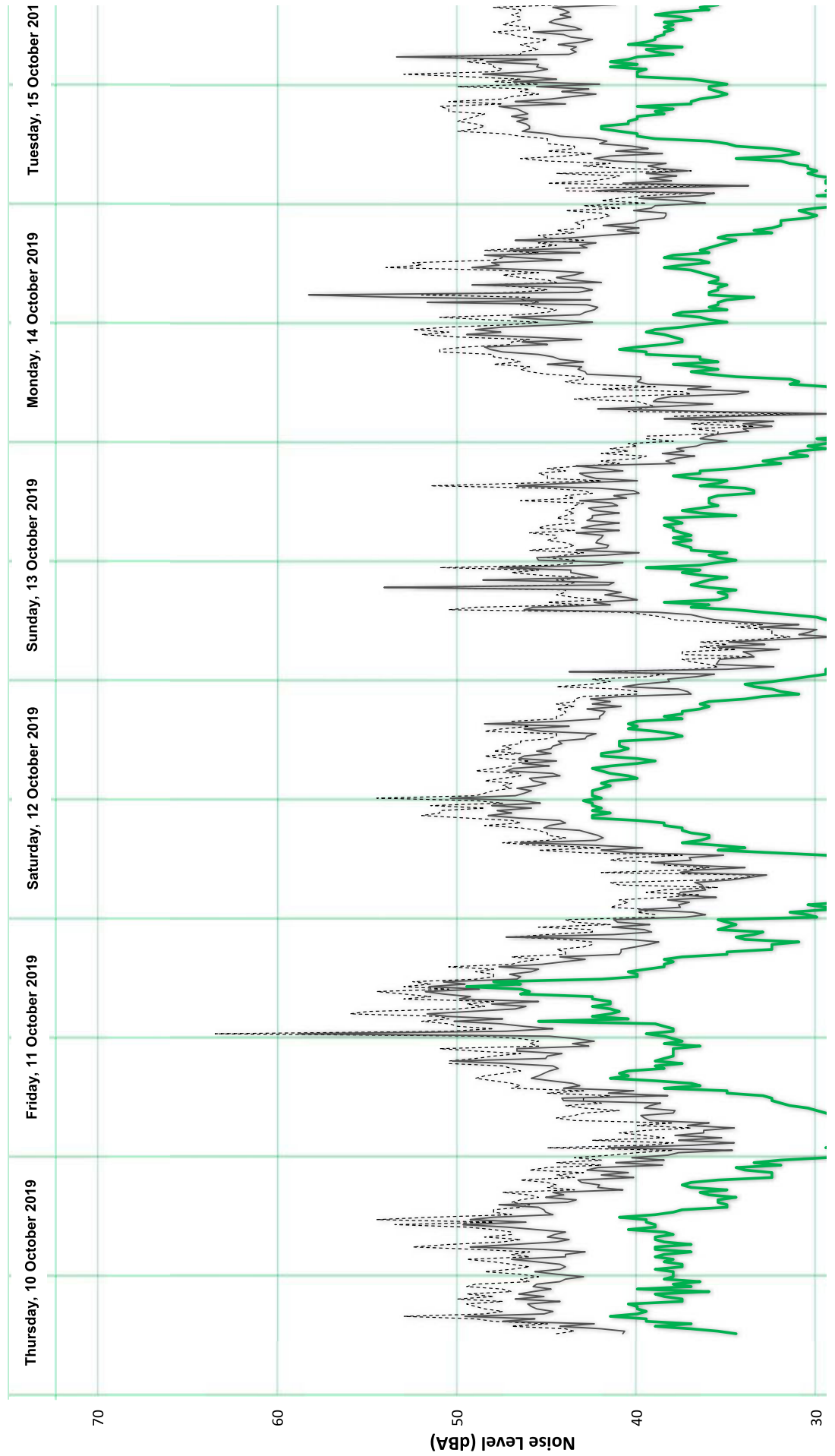
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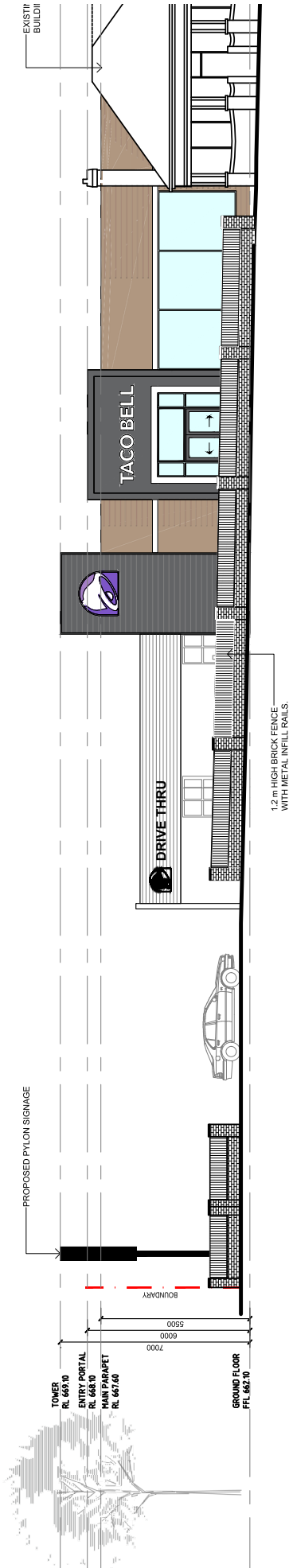
- Appendix A – Ambient Noise Survey
- Appendix B – Architectural Drawings, Acoustic Fence Heights
- AC108-1 to 4 – Glossary of Acoustical Terms



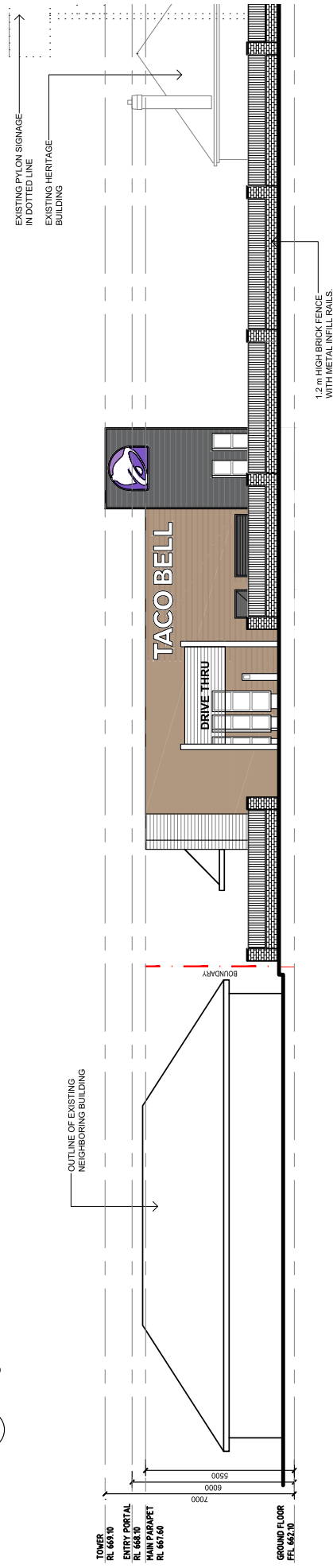
# AMBIENT NOISE SURVEY

Located at 301 Howick Street, Bathurst, NSW

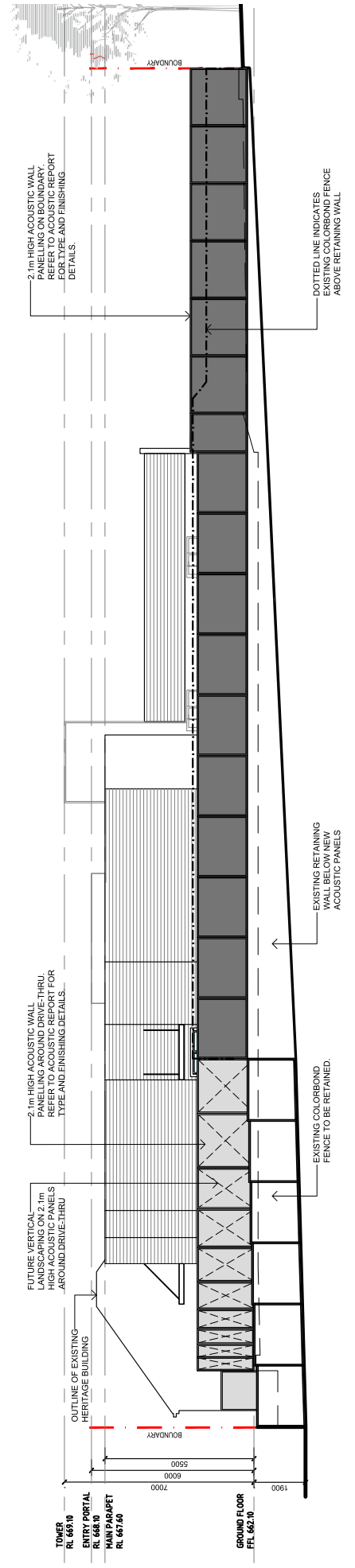


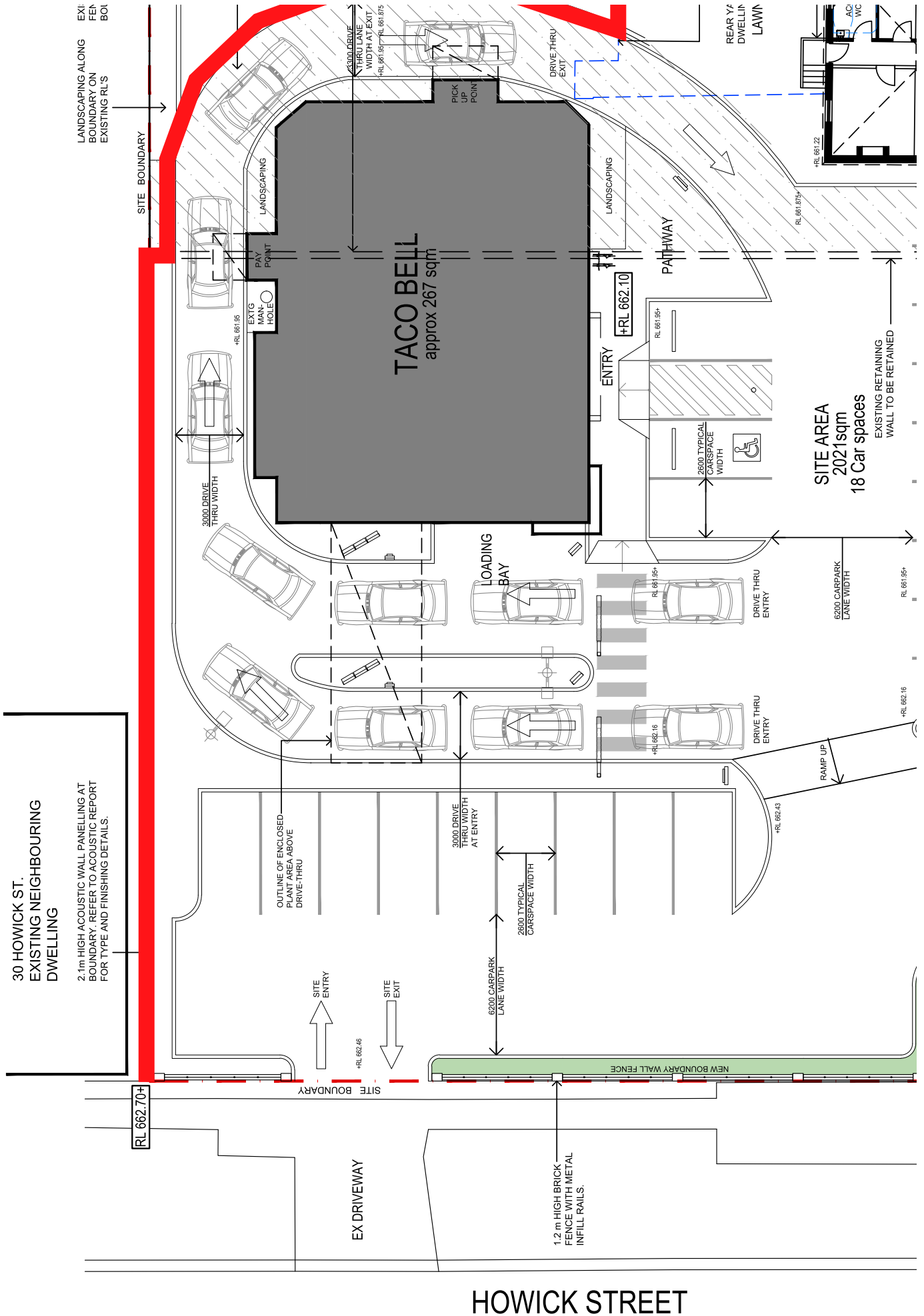


01 EAST ELEVATION  
1:200 @A3



02 SOUTH ELEVATION  
1:200 @A3





## GLOSSARY OF ACOUSTICAL TERMS

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**ACOUSTICAL** – Pertaining to the science of sound, including the generation, propagation, effects and control of both noise and vibration.

**AMBIENT NOISE** – The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including road traffic, factories, wind in the trees, birds, insects, animals, etc.

**AUDIBLE** – means that a sound can be heard. However, there are a wide range of audibility grades, varying from “barely audible” to “just audible”, “clearly audible” and “prominent”. Chapter 83 of the NSW Environment Protection Authority – Environmental Noise Control Manual (1985) states:

*“noise from a particular source might be offensive if it is clearly audible, distinct from the prevailing background noise and of a volume or character that a reasonable person would be conscious of the intrusion and find it annoying or disruptive”.*

It follows that the word “audible” in an environmental noise context means “clearly audible”.

**BACKGROUND NOISE LEVEL** – Silence does not exist in the natural or the built-environment, only varying degrees of noise. The Background Noise Level is the average minimum dBA level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by cicadas, lawnmowers, etc. It is quantified by the  $L_{A90}$  or the dBA noise level that is exceeded for 90 % of the measurement period (usually 15 minutes).

- **Assessment Background Level (ABL)** is the single figure background level representing each assessment period – day, evening and night (ie three assessment background levels are determined for each 24hr period of the monitoring period). Determination of the assessment background level is by calculating the tenth percentile (the lowest tenth percent value) of the background levels ( $L_{A90}$ ) for each period (refer: NSW Industrial Noise Policy, 2000).
- **Rating Background Level (RBL)** as specified by the Environment Protection Authority is the overall single figure ( $L_{A90}$ ) background noise level representing an assessment period (day, evening or night) over a monitoring period of (normally) three to seven days.

The RBL for an assessment period is the median of the daily lowest tenth percentile of  $L_{90}$  background noise levels.

If the measured background noise level is less than 30 dBA, then the Rating Background Level (RBL) is considered to be 30 dBA.

**DECIBEL** – The human ear has a vast sound-sensitivity range of over a thousand billion to one. The decibel is a logarithmic unit that allows this same range to be compressed into a somewhat more comprehensible range of 0 to 120 dB. The decibel is ten times the logarithm of the ratio of a sound level to a reference sound level. See also Sound Pressure Level and Sound Power Level.

Decibel noise levels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dBA, and another similar machine is placed beside it, the level will increase to 53 dBA, not 100 dBA. Ten similar machines placed side by side increase the sound level by 10 dBA, and one hundred machines increase the sound level by 20 dBA.

**dBA** – The human ear is less sensitive to low frequency sound than high frequency sound. We are most sensitive to high frequency sounds, such as a child’s scream. Sound level meters have an inbuilt weighting network, termed the dBA scale, that approximates the human loudness response at quiet sound levels (roughly approximates the 40 phon equal loudness contour).



## GLOSSARY OF ACOUSTICAL TERMS

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However, the dBA sound level provides a poor indication of loudness for sounds that are dominated by low frequency components (below 250 Hz). If the difference between the “C” weighted and the “A” weighted sound level is 15 dB or more, then the NSW Industrial Noise Policy recommends a 5 dBA penalty be applied to the measured dBA level.

**dB C** – The dB C scale of a sound level meter is similar to the dBA scale defined above, except that at high sound intensity levels, the human ear frequency response is more linear. The dB C scale approximates the 100 phon equal loudness contour.

**EQUIVALENT CONTINUOUS NOISE LEVEL,  $L_{Aeq}$**  – Many noises, such as road traffic or construction noise, vary continually in level over a period of time. More sophisticated sound level meters have an integrating electronic device inbuilt, which average the A weighted sound pressure levels over a period of time and then display the energy average or  $L_{Aeq}$  sound level. Because the decibel scale is a logarithmic ratio the higher noise levels have far more sound energy, and therefore the  $L_{Aeq}$  level tends to indicate an average which is strongly influenced by short term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closely to the  $L_{Aeq}$  noise level.

**FREE FIELD** – This is a sound field not subject to significant reflection of acoustical energy. A free field over a reflecting plane is usually outdoors with the noise source resting on hard flat ground, and not closer than 6 metres to any large flat object such as a fence or wall; or inside an anechoic chamber.

**FREQUENCY** – The number of oscillations or cycles of a wave motion per unit time, the SI unit being the Hertz, or one cycle per second.

**IMPACT ISOLATION CLASS (IIC)** – The American Society for Testing and Materials (ASTM) has specified that the IIC of a floor/ceiling system shall be determined by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The IIC is a number found by fitting a reference curve to the measured octave band levels and then deducting the sound pressure level at 500 Hz from 110 decibels. Thus the higher the IIC, the better the impact sound isolation.

**IMPACT SOUND INSULATION ( $L_{nT,w}$ )** – Australian Standard AS ISO 717.2 – 2004 has specified that the Impact Sound Insulation of a floor/ceiling system be quantified by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The Weighted Standardised Impact Sound Pressure Level ( $L_{nT,w}$ ) is the sound pressure level at 500 Hz for a reference curve fitted to the measured octave band levels. Thus the lower  $L_{nT,w}$  the better the impact sound insulation.

**IMPULSE NOISE** – An impulse noise is typified by a sudden rise time and a rapid sound decay, such as a hammer blow, rifle shot or balloon burst.

**INTRUSIVE NOISE LEVEL,  $L_{Aeq}$**  – The level of noise from a factory, place of entertainment, etc. in NSW is assessed on the basis of the average maximum noise level, or the  $L_{Aeq}$  (15 min). This is the energy average A weighted noise level measured over any 15 minute period.

**LOUDNESS** – The degree to which a sound is audible to a listener is termed the loudness. The human ear perceives a 10 dBA noise level increase as a doubling of loudness and a 20 dBA noise increase as a quadrupling of the loudness.





## GLOSSARY OF ACOUSTICAL TERMS

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**MAXIMUM NOISE LEVEL,  $L_{Amax}$**  – The rms maximum sound pressure level measured on the "A" scale of a sound level meter during a noise survey is the  $L_{Amax}$  noise level. It may be measured using either the Fast or Slow response time of the meter. This should be stated.

**NOISE RATING NUMBERS** – A set of empirically developed equal loudness curves has been adopted as Australian Standard AS1469-1983. These curves allow the loudness of a noise to be described with a single NR number. The Noise Rating number is that curve which touches the highest level on the measured spectrum of the subject noise. For broadband noise such as fans and engines, the NR number often equals the dBA level minus five.

**NOISE** – Noise is unwanted sound. Sound is wave motion within matter, be it gaseous, liquid or solid. "Noise includes sound and vibration".

**NOISE REDUCTION COEFFICIENT** – See: "Sound Absorption Coefficient".

**OFFENSIVE NOISE** - (Reference: Dictionary of the Protection of the Environment Operations Act 1997). *"Offensive Noise means noise:*

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*
  - (i) *is harmful to (or likely to be harmful to) a person who is outside the premise from which it is emitted, or*
  - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."*

**PINK NOISE** – Pink noise is a broadband noise with an equal amount of energy in each octave or third octave band width. Because of this, Pink Noise has more energy at the lower frequencies than White Noise and is used widely for Sound Transmission Loss testing.

**REVERBERATION TIME,  $T_{60}$**  – The time in seconds, after a sound signal has ceased, for the sound level inside a room to decay by 60 dB. The first 5 dB decay is often ignored, because of fluctuations that occur while reverberant sound conditions are being established in the room. The decay time for the next 30 dB is measured and the result doubled to determine the  $T_{60}$ . The Early Decay Time (EDT) is the slope of the decay curve in the first 10 dB normalised to 60 dB.

**SOUND ABSORPTION COEFFICIENT,  $\alpha$**  –  $\alpha$  Sound is absorbed in porous materials by the viscous conversion of sound energy to heat energy as the sound waves pass through it. Sound is similarly absorbed by the flexural bending of internally damped panels. The fraction of incident energy that is absorbed is termed the Sound Absorption Coefficient,  $\alpha$ . An absorption coefficient of 0.9 indicates that 90 % of the incident sound energy is absorbed. The average  $\alpha$  from 250 to 2000 Hz is termed the Noise Reduction Coefficient (NRC).

**SOUND ATTENUATION** – If an enclosure is placed around a machine, or a silencer is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 30 dBA, reduces the sound energy by one thousand times.

**SOUND EXPOSURE LEVEL (SEL)** – The total sound energy of a single noise event condensed into a one second duration or in other words it is an  $L_{eq}$  (1 sec).



## GLOSSARY OF ACOUSTICAL TERMS

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**SOUND PRESSURE LEVEL,  $L_p$**  – The level of sound measured on a sound level meter and expressed in decibels, dB, dBA, dBC, etc.  $L_p = 20 \times \log (P/P_0) \dots \text{dB}$

where P is the rms sound pressure in Pascal and  $P_0$  is a reference sound pressure of 20  $\mu\text{Pa}$ .  
 $L_p$  varies with distance from a noise source.

**SOUND POWER LEVEL,  $L_w$**  – The Sound Power Level of a noise source is an absolute that does not vary with distance or with a different acoustic environment.

$L_w = L_p + 10 \log A \dots \text{dB, re: } 1\text{pW}$ ,  
 where A is the measurement noise-emission area in square metres in a free field.

**SOUND TRANSMISSION CLASS (STC)** – An internationally standardised method of rating the sound transmission loss of partition walls to indicate the decibels of noise reduction of a human voice from one side to the other. (Refer: Australian Standard AS1276 – 1979)

**SOUND TRANSMISSION LOSS** – The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 - 2002.

**STATISTICAL EXCEEDENCE SOUND LEVELS,  $L_{A90}$ ,  $L_{A10}$ ,  $L_{A1}$ , etc** – Noise which varies in level over a specific period of time (usually 15 minutes) may be quantified in terms of various statistical descriptors:

The  $L_{A90}$  is the dBA level exceeded for 90 % of the time. In NSW the  $L_{A90}$  is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

The  $L_{A10}$  is the dBA level that is exceeded for 10 % of the time. In NSW the  $L_{A10}$  measured over a period of 10 to 15 minutes. It was until recently used to describe the average maximum noise level, but has largely been replaced by the  $L_{Aeq}$  for describing level-varying noise.

The  $L_{A1}$  is the dBA level that is exceeded for 1 % of the time. In NSW the  $L_{A1}$  may be used for describing short-term noise levels such as could cause sleep arousal during the night.

**STEADY NOISE** – Noise, which varies in level by 6 dBA or less, over the period of interest with the time-weighting set to “Fast”, is considered to be “steady”. (Refer AS 1055.1 1997)

**WEIGHTED SOUND REDUCTION INDEX,  $R_w$**  – This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 to 3,150 Hertz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999).

Internal partition wall  $R_w + C$  ratings are frequency weighted to simulate insulation from human voice noise. The  $R_w + C$  is always similar in value to the STC rating value. External walls, doors and windows may be  $R_w + C_{tr}$  rated to simulate insulation from road traffic noise. This is normally a lower number than the STC rating value.

**WHITE NOISE** – White noise is broadband random noise whose spectral density is constant across its entire frequency range. The sound power is the same for equal bandwidths from low to high frequencies. Because the higher frequency octave bands cover a wider spectrum, white noise has more energy at the higher frequencies and sounds like a hiss.





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20 November 2019

Hector Abbott  
McDuck Properties P/L  
Via email: [h-abbott@iinet.net.au](mailto:h-abbott@iinet.net.au)

**RE: Odour Assessment – Proposed Taco Bell Restaurant, Bathurst**

Dear Hector,

Todoroski Air Sciences have investigated the potential for odour impacts to arise due to the operation of the proposed Taco Bell restaurant at Bathurst, New South Wales (NSW) (hereafter referred to as the Project).

This letter report provides a background to the Project, a review of the existing environmental conditions, a qualitative analysis of potential air quality impacts associated with the Project and suggested odour mitigation and management measures.

**Project background**

The proposed Project site is located at Lot 5 DP 1086710, 105 Stewart Street Bathurst, located approximately 700 metres (m) northwest of Bathurst city centre. **Figure 1** presents the location of the Project.

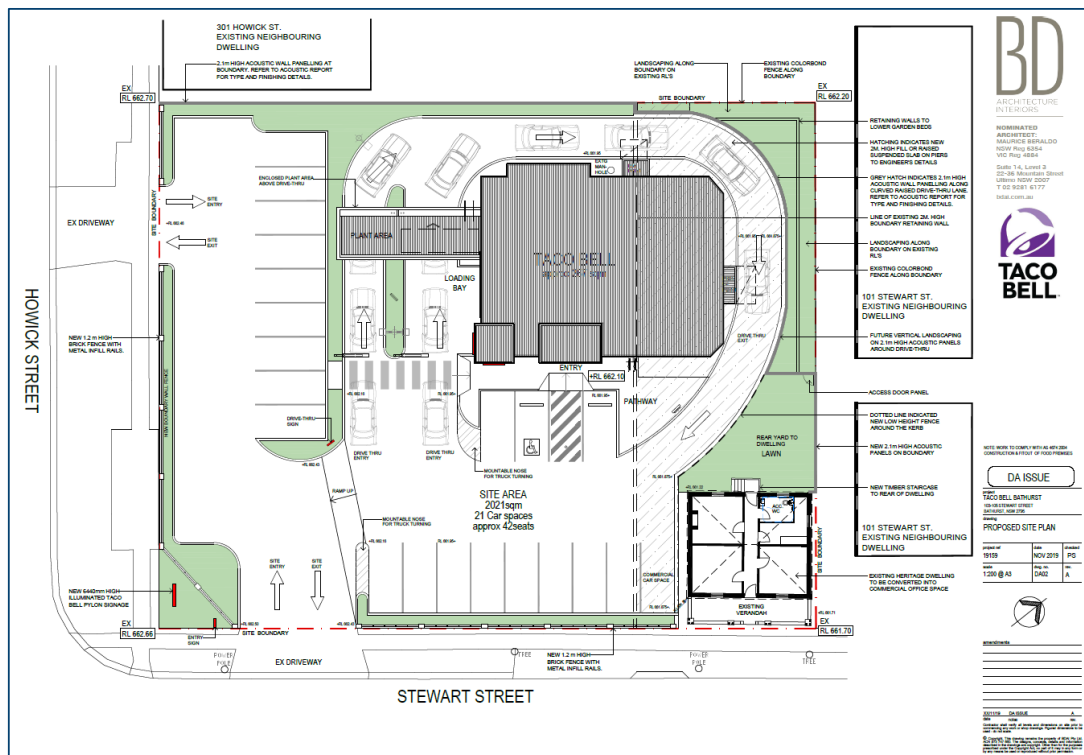
The site is situated in a mixed residential and commercial area with the nearest residential receptors located immediately adjacent to the northwest and northeast of the site.

**Figure 2** presents an indicative site layout for the Project.

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## Existing environmental conditions

### Local climatic conditions

Long-term climatic data from the closest Bureau of Meteorology (BoM) weather station at Bathurst Airport Automatic Weather Station (AWS) (Site No. 063291) were analysed to characterise the local climate in the proximity of the Project. The Bathurst Airport AWS weather station is located approximately 7 kilometres (km) east of the Project.

Error! Reference source not found. and **Figure 3** present a summary of data from the Bathurst Airport AWS weather station collected over an 18 to 28 year period for the various meteorological parameters.

The data indicate that January is the hottest month with a mean maximum temperature of 28.9 degrees Celsius (°C) and July is the coldest month with a mean minimum temperature of 0.8°C.

Rainfall is generally higher during the summer months, with an annual average rainfall of 603.9 millimetres (mm) over 69.4 days. The data indicate that December is the wettest month with an average rainfall of 74.5mm over 7.0 days and April is the driest month with an average rainfall of 31.8mm over 3.8 days.

Relative humidity exhibits variability and seasonal flux across the year. Mean 9am relative humidity ranges from 66% in December to 91% in June. Mean 3pm relative humidity levels range from 40% in January and December to 64% in June.

Wind speeds have a similar spread between 9am and 3pm conditions across the year. Mean 9am wind speeds range from 8.1 kilometres per hour (km/h) in May to 12.5km/h in September and October. Mean 3pm wind speeds range from 15.9km/h in May to 21.0km/h in September.

**Table 1: Monthly climate statistics summary – Bathurst Airport AWS**

Parameter	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann.
<b>Temperature</b>													
Mean max. temp. (°C)	28.9	27.6	24.8	20.9	16.4	12.7	12.0	13.8	17.1	20.5	23.7	26.7	20.4
Mean min. temp. (°C)	13.9	13.5	10.7	6.5	3.1	1.8	0.8	1.1	3.6	6.2	9.4	11.7	6.9
<b>Rainfall</b>													
Rainfall (mm)	63.0	56.8	56.4	31.8	32.5	38.6	40.7	39.0	46.6	52.8	65.5	74.5	603.9
No. of rain days	6.0	5.4	5.3	3.8	4.5	6.2	6.2	5.9	5.3	6.5	7.3	7.0	69.4
<b>9am conditions</b>													
Mean temp. (°C)	19.4	18.2	15.3	12.4	8.0	5.2	4.4	6.0	9.9	13.5	15.6	18.1	12.2
Mean R.H. (%)	67	75	78	78	88	91	90	84	77	69	71	66	78
Mean W.S. (km/h)	10.7	10.1	9.0	8.6	8.1	8.8	9.1	10.9	12.5	12.5	11.8	10.8	10.2
<b>3pm conditions</b>													
Mean temp. (°C)	26.8	25.6	23.4	19.5	15.2	11.5	10.8	12.5	15.6	18.7	21.6	24.7	18.8
Mean R.H. (%)	40	46	44	44	54	64	62	53	50	47	47	40	49
Mean W.S. (km/h)	18.6	17.7	17.3	16.6	15.9	16.6	17.3	20.1	21.0	19.9	19.4	19.5	18.3

Source: **Bureau of Meteorology, 2019**

R.H. – Relative Humidity, W.S. – wind speed



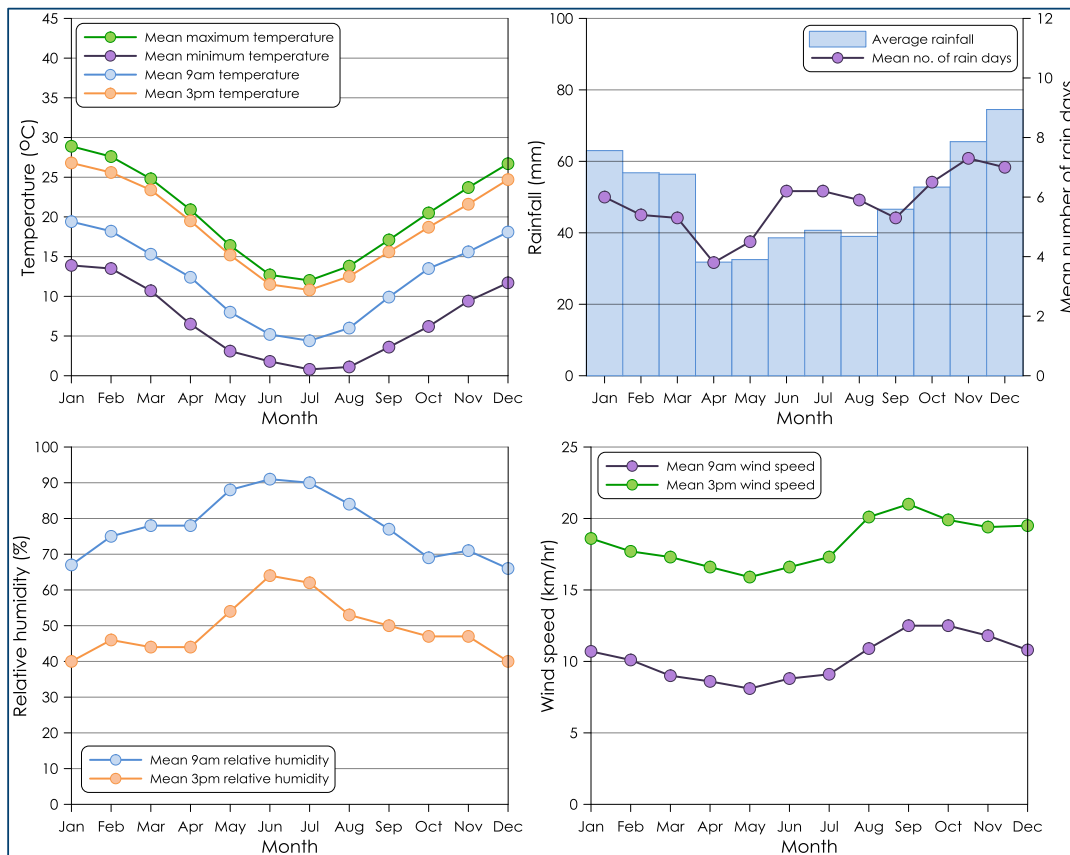


Figure 3: Monthly climate statistics summary – Bathurst Airport AWS

Annual and seasonal windroses for the Bathurst Airport AWS during the 2018 calendar period are presented in **Figure 4**.

On an annual basis, winds are variable and spread across all wind directions with the most predominant winds from the west-southwest and east-northeast. In the summer and spring, winds from the east-northeast are most dominant. During autumn, winds are fairly evenly distributed from all directions. In winter, winds from the west-southwest and north are most predominant.

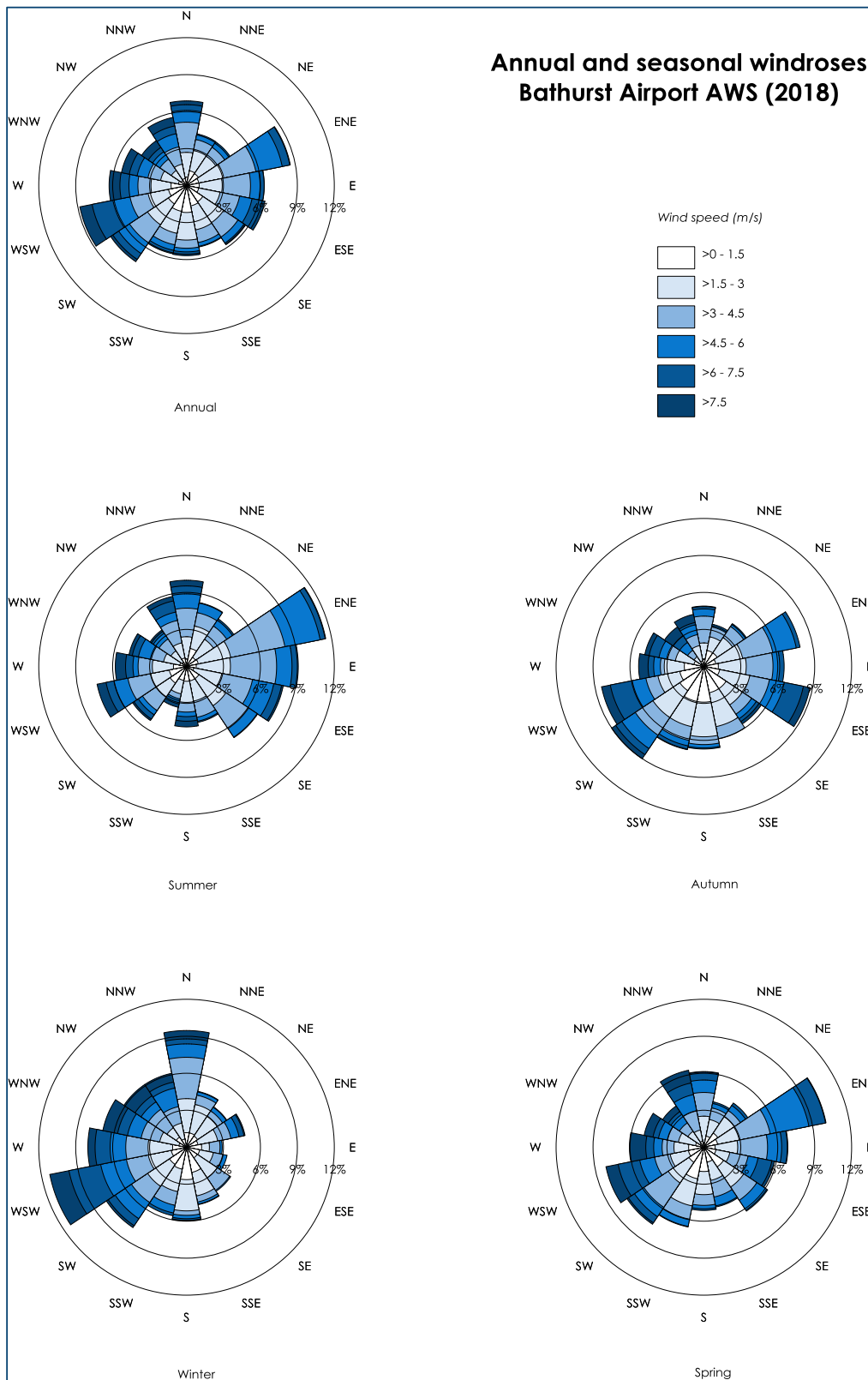


Figure 4: Annual and seasonal windroses – Bathurst Airport AWS (2018)

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**Assessment of potential odour**

To assess the potential for odour impacts from the Project, a qualitative approach has been used which includes the identification of potential odour sources, a review of proposed odour control measures, an assessment of the existing odour levels in the vicinity of the Project, local dispersion conditions and site considerations.

**Potential odour sources**

The primary source of potential odorous air emissions from the Project is identified to arise from the cooking of food products within the kitchen area. The methods for cooking at the Project would include stove top, steamers, grillers and some deep frying. The rate of emissions from these would vary throughout the day depending on the demand with peak times generating more odour.

Other potential sources of odorous emissions may arise from the storage and handling of waste at the site and from the storage of raw materials at the site.

**Odour control measures**

The odour control measures to manage the primary source of odour from the Project include a kitchen ventilation extraction system with ventilation hoods positioned above the main cooking points in the kitchen. The kitchen ventilation extraction system would be equipped with filtration equipment to manage the air emissions generated. The odour emissions from the cooking processes will be captured and dispersed into the ambient air via an exhaust point positioned at roof-top level.

Odour emissions from the operations are expected to be well dispersed into ambient air and therefore highly unlikely to negatively impact the surrounding environment. With regular maintenance and cleaning of the ventilation filtration by Taco Bell's staff, the physical measures are likely to be effective in managing odour.

The potential odour from the storage and handling of waste and raw materials at the site is considered to be minor and can be sufficiently mitigated with normal good housekeeping procedures such as:

- ✦ Store all waste materials in sealed/ enclosed bins;
- ✦ Ensure regular disposal of waste materials from the site;
- ✦ Regularly cleaning and maintaining dining, kitchen and storage areas; and,
- ✦ Ensuring all raw materials are not left out for excessive periods.

**Existing odour levels**

The relative position of the Project to residential premises would be generally similar to the other fast-food operations located within the Bathurst Regional Council area and it is expected that if these operations can operate without issue then the Project would also likely be able to operate without issue.

Compared to other fast-food operations (e.g. McDonalds and Kentucky Fried Chicken) which rely more heavily on deep fry cooking processes that tend to generate more odour, the menu and operation at the Project is noticeably different to these operations and as such has a lower potential for odour generation overall.

The nature of the odour from the Project is not considered inherently unpleasant and the Project is anticipated to have minimal effect on existing conditions and it is unlikely that complaints would arise.

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#### Local dispersion conditions

Annual and seasonal windroses for the Bathurst Airport AWS are presented in **Figure 4**. The windroses indicate that wind speeds are typically moderate with wind directions generally varied throughout the year.

Potential emissions from the exhaust point will most likely be subject to similar wind patterns and be reasonably well distributed throughout the year. This means that it is unlikely for a single receptor to remain downwind of the operations for extended periods of time and overall the prevailing dispersion conditions should allow for odour from Project to be reasonably well dispersed.

#### **Site considerations**

We note that the Project at the site is located in a relatively elevated position compared to the nearest sensitive receptors located to the northwest and northeast of the site. This additional elevation of the site effectively increases the height of the exhaust point for the Project relative to the receptor locations and would further assist with the dilution of potential air emissions before reaching these locations.

Overall the site is considered to be well positioned relative to the nearest sensitive receptors.

#### **Other potential air emissions**

Other potential sources of air emissions associated with the operation of the Project can arise from exhaust emissions from the patron's cars using the drive-thru.

Car exhaust emissions associated with using the drive-thru would be transient in nature as the cars travel along the drive-thru and would only emit emissions over a short period considering the length with the vehicles remaining warm. These emissions can be reasonably expected to be highest when there are the most number of cars with running engines, i.e. during peak periods.

Based on our experience, and in consideration of the design and the relatively small number of vehicles that can be present at any time with running engines, there is low potential for any unacceptable level of adverse impact on nearby sensitive receptors. The only situation with scope for brief adverse impact would be a case of one or more poorly tuned or malfunctioning cars to be present with a running engine under still wind conditions. Whilst there is a relatively low likelihood of this occurring, any potential adverse impacts from this source can be managed with the following suggested controls:

- ✦ A sign saying "Please switch engine off when waiting" (or similar words to that effect); and
- ✦ Temporarily close the drive-thru operation if extensive delays are expected due to food preparation.

#### **Discussion**

Perception of offensive odours can vary greatly between people. Cooking odours are often perceived as pleasant, however the intensity, frequency, duration and circumstances of cooking odours can cause annoyance. Given the context of other land uses in the surrounding area and the receiving environment, it is unlikely that odorous emissions originating from cooking processes within the operation would be considered offensive by a typical person at this location.

To ensure that potential odour emissions from the Project are managed effectively, it is recommended that an odour management plan be developed which includes:

- 
- ★ Regular inspections by Taco Bell's staff for odour sources at the Project and surrounding environment; and,
  - ★ Any incident or complaint regarding odour be recorded as per the standard Taco Bell complaints handling procedure and investigations to be undertaken to identify wherever possible the specific cause, and corrective action to be implemented where possible to prevent similar incidents from occurring in the future.

**Summary and conclusions**

This report has assessed the potential for odour impacts associated with the proposed Taco Bell restaurant at Bathurst, NSW.

Given the nature of the odour source, the existing and proposed land use, the receiving environment, prevailing winds and site considerations, it is unlikely that the operation of the Project would lead to an adverse odour impact in this location.

Please feel free to contact us if you would like to clarify any aspect of this report.

Yours faithfully,  
Todoroski Air Sciences



Katie Trahair



Philip Henschke

**References**

Bureau of Meteorology (2019)

Climate Averages Australia, Bureau of Meteorology website, accessed October 2019.

<<http://www.bom.gov.au/climate/averages>>



## STATEMENT of HERITAGE IMPACT

### *Proposal: New Taco Bell restaurant & Cottage retention with landscape*



*View looking North west: subject site illustrating the intrusive vehicle depot and cottage for retention*

Client: Hector Abbott  
BD Architecture : Interiors

David Scobie Architects Pty Ltd  
Level One, 177A Sailors Bay Road,  
Northbridge NSW 2063

October 24, 2019 REVISION C: 21/11/2019
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David Scobie Architects Pty Ltd

### Executive Summary

#### Client and Author

David Scobie was engaged by Hector Abbott to assist in the process for consideration of the extent of the proposal for the Taco Bell Restaurant replacing a former petrol station and including retention of a cottage with conservation works, located within the heritage listed Bathurst Conservation Area. The proposed works will be constructed entirely within the existing site.

#### Heritage status

The purpose of the Statement of Heritage Impact (SoHI) assessment is to provide a report on the project to satisfy the requirements for consent from Bathurst Regional Council, given the Heritage listing of the Conservation Area. The current application relates to the local heritage listing on the LEP providing for Council as the Consent Authority.

Tasks undertaken for this report included identifying heritage significance, assisting in the design of the proposal, identifying any suitable mitigation for the proposed works, any interpretation considered necessary and ensuring that construction and conservation can be implemented with an acceptable impact on the identified heritage significance of the Conservation Area.

The SoHI report has benefited from the comprehensive heritage listings on the Heritage Inventory.

A detailed site inspection was undertaken by David Scobie in October 2019. The location of the site on the northern corner of Stewart and Howick Streets provides substantial visual and accessible prominence given Stewart Street is the A32 – Great Western Highway.

#### Proposal and Heritage Impact

The proposal includes limited maintenance and conservation works to the cottage: the exterior walls, verandahs, doors and windows and within the interior including provision of facilities to suit an office use and general repairs to the electrical and water services.

The majority of the works are related to the demolition of the existing structures and erection of a Restaurant, vehicle access and parking and hard and soft landscaping with boundary fencing.

#### Recommended Strategy following Approval

The following design and management strategy is recommended to mitigate the impact of the Proposal on the heritage significance of the Cottage and the Bathurst Heritage Conservation Area.

1. The SoHI should be submitted as part of a Development Application to Bathurst Regional Council.
2. The drawings should be checked and modified as required prior to construction to incorporate the recommendations provided in this SoHI.
3. A site induction should be provided to the Contractor & their staff and project sub-contractors by the Heritage Consultant in order that they are aware of their responsibilities under the provisions of the NSW Heritage Act and Bathurst LEP & DCP.
4. Construction works will commence following Council approval and will include removal of any contaminated materials and the installation of new services within the cottage.
5. Completion of predictive and causation works related to subsidence and moisture.
6. Completion of the restoration and reinstatement works having completed the conservation work.
7. During the opening up works required to initiate the restoration and reinstatement, colour scrapes will be completed to determine or confirm the appropriate external colour scheme.
8. The final stage will include the provision of planting for screening purposes to the restaurant site and cottage style planting to the cottage and fencing appropriate to both areas in accord with the Landscape Plan.

Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

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Appendix

# 1 Introduction

## Brief

Hector Abbott commissioned the Statement of Heritage Impact for the proposal located at the corner of Howick and Stewart Streets, in October 2019. The purpose is to assist in the design and specification process for the conservation works to the cottage and general design matters for the restaurant and to prepare a Statement of Heritage Impact suitable for submission to Bathurst Regional Council as part of an Application for Development consistent with the LEP, DCP and provisions of the EP&A Act and Local Government Act.

## Documentation

The report provides a simple Statement of Significance for the property and the Conservation Area. The scope of works and the heritage assessment indicates that the Development Application needs to consider heritage impact on the cottage and Conservation Area is warranted for the project on the basis that they meet the conditions and guidelines prescribed for such works. A Statement of Heritage Impact is provided to meet requirements for works to a place listed on Schedule 5 of the Bathurst LEP – Bathurst Conservation Area.

## Author

David Scobie has prepared the report for David Scobie Architects Pty Ltd.

## References

The report is based on the heritage listings for the site in the Bathurst LEP.

Procedures and practices are as recommended in the document '*Statements of Heritage Impact*' from the NSW Heritage Manual, Heritage Office and Department of Urban Affairs and Planning, 1996.

The report follows the methodology illustrated in '*The Conservation Plan*', J.S. Kerr, Sydney, National Trust of Australia (NSW), 1996. Definitions and procedures are as presented in the Australia ICOMOS Guidelines to the Burra Charter-Cultural Significance and Conservation Policy.

## Definitions

The definitions used in the report are those presented in Article 1 of The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter).

**Place** means site, area, building or other work, group of buildings or other works, together with associated contents and surrounds.

**Cultural significance** means aesthetic, historic, scientific or social value for past, present or future generations.

**Fabric** means all the physical material of the place.

**Conservation** means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

**Maintenance** means the continuous protective care of the fabric, contents and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction and it should be treated accordingly.



### Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

**Preservation** means maintaining the fabric of a place in its existing state and retarding deterioration.

**Restoration** means returning the fabric of a place to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either recreation or conjectural reconstruction, which are outside the scope of the Charter.

**Adaptation** means modifying a place to suit proposed compatible uses.

**Compatible uses** means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact."

2 Bathurst Regional Council Statutory Instruments

The Bathurst Conservation Area (HCA) is a heritage item on the Schedule 5 of the LEP. There are also individual listed heritage items in the vicinity of the site where there will be a limited visual impact. There are also a series of traditional buildings which have retained their character and landscape elements within the streetscapes.



Figure 1 Plan of the Bathurst Conservation Area in the vicinity of the subject site

The Environmental Planning and Assessment Act 1979 and provisions of Bathurst Local Environmental Plan 2011 apply to heritage items which are listed at a local level.

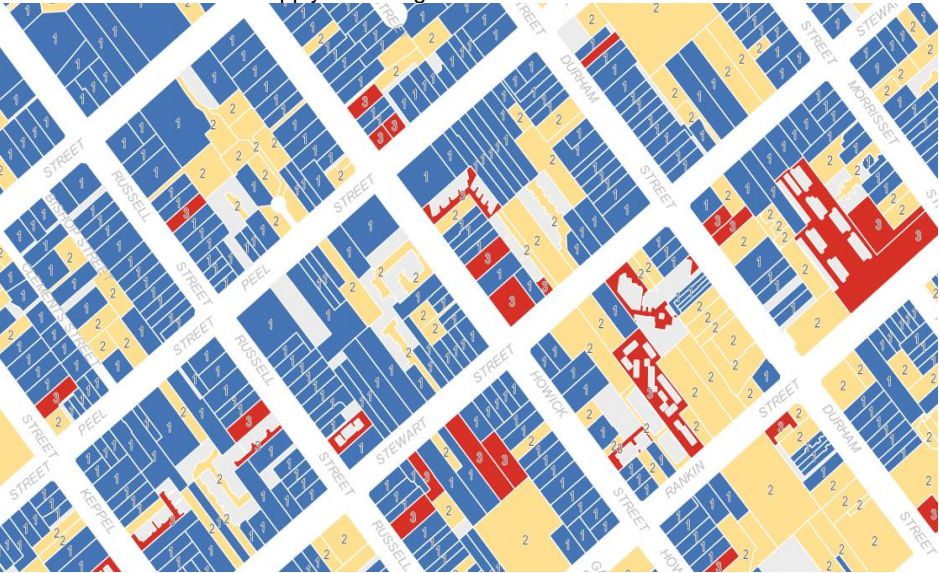


Figure 2 Bathurst Regional Council – BCAMS – Streetscape Ratings

Contributory= Blue (1) and Intrusive = Red (3)  
The information indicates that the cottage is rated as Contributory while the site is rated as Intrusive and generally the setting is contributory.

3 Property Description

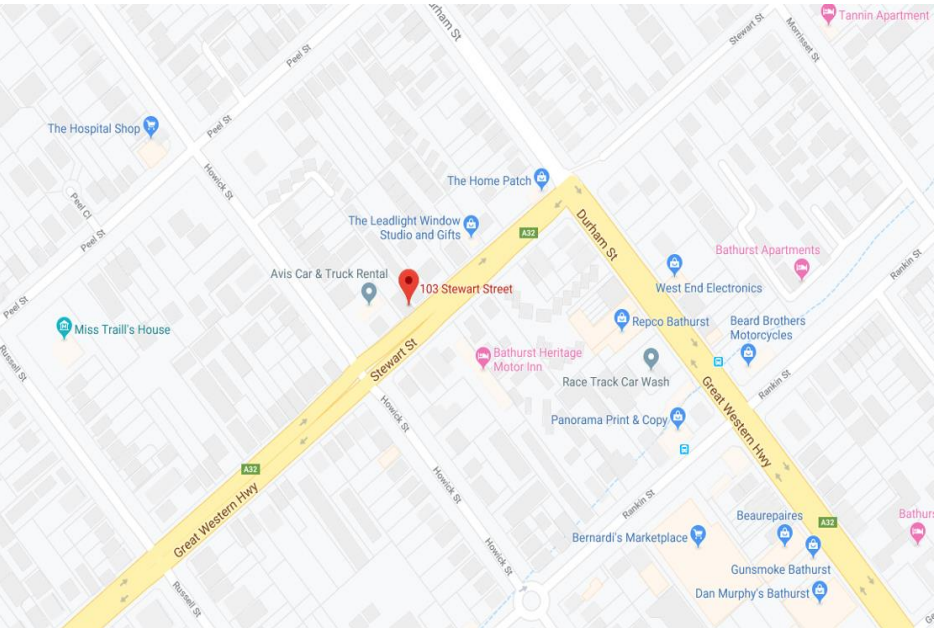


Figure 3 Location Plan, Courtesy Google Maps

The property is located on the northern corner of Stewart Street at the junction with Howick Street. The subject cottage building is located at the north eastern portion of the site while the location is within the Bathurst Conservation Area and within the vicinity of many traditional buildings and heritage listed buildings.

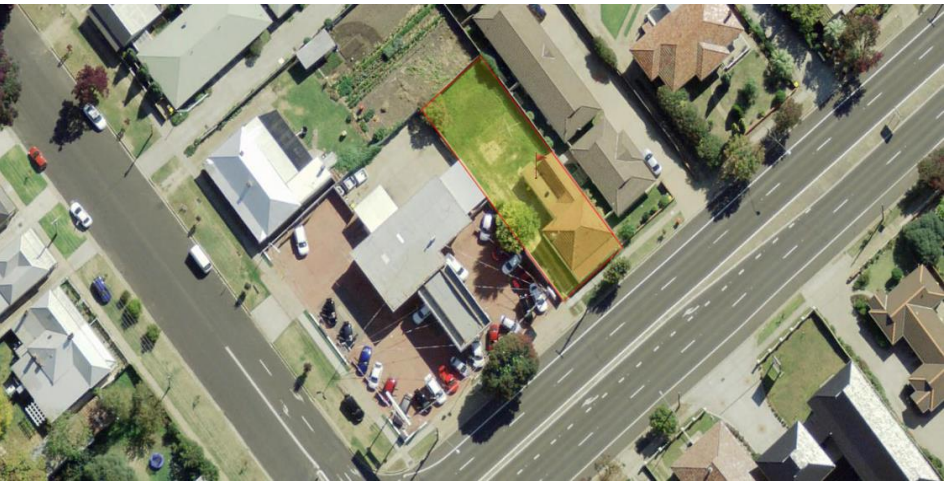


Figure 4 Aerial Photograph courtesy SIX Maps with cottage highlighted

The proposal includes demolition and replacement of the rental vehicle depot located on the northern corner of Howick and Stewart Street and retention and conservation of the hipped roofed portion of the cottage highlighted in yellow.



The following sequence of photographs illustrates the subject site and building.

### The Setting



**Image 1** View of the subject site including the hipped roof cottage looking North east from the opposite South western corner of Howick and Stewart Streets



**Image 2** View of the cottages at 115 Stewart and 314 Howick Street looking North east towards the subject site.

Urban design issues:

- Note the distinctive details including setback, cottage garden, expressed verandah, hipped metal roof and symmetrical dominant chimneys.

### Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

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**Image 3** View of the houses at 116 & 118 Stewart Street diagonally opposite the subject site

Urban design issues:

- Open palisade fence to cottage garden, expressed bungalow styled verandah and gable form roof in terra cotta tile with chimney and finials.



**Image 4** View of the West Elevation of the subject site, across Howick Street

Urban design issues:

- The intrusive elements of the existing vehicle depot/former petrol station are clear – the strong contemporary corporate colours, the metal clad parapet edged flat roofs, large glazed, very tall and large signs, fenestration and no landscape planting



**Image 5** View of the Howick Street East Elevation of the timber cottage at 314 Howick Street, opposite the subject site.

Urban design issues:

- Cottage with hipped steel roof, dominant decorated brick chimneys, weatherboard walls and expressed verandah while traditional side boundary fences are close boarded unpainted timber.

### Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

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**Image 6** View of the West Elevation of the Howick Street house which adjoins the subject site.

Urban design issues:

- A hipped galvanised iron roof with verandah in the form, set below street level and modified elements include verandah posts, metal balustrading and fenestration.



**Image 7** View looking East along the northern boundary of the subject site.

Urban design issues:

- A lack of screening in either traditional fencing or landscape planting produces an intrusive relationship between the subject site and adjoining cottage.



**Image 8** View looking North east at the subject site

Urban design issues:

- A lack of screening in either traditional fencing or landscape planting produces an intrusive relationship between the subject site and Howick Street.





**Image 9** View of the three brick and tile bungalows opposite the site at 114, 110/112 and 102/106 Stewart Street.

Urban design issues:

- A strong and consistent streetscape with a full range of characteristics including the boundary brick wall fencing with expressed capped piers, hedge and floral garden planting, raised floor level with expressed verandahs in light coloured elements and darker toned brick walls topped by 23 degree pitched hipped roofs in darker terra cotta tiles. The corner property facing Howick Street has an expressed gable to acknowledge the corner.



### The Cottage



**Image 10** The front South Elevation of the cottage to Stewart Street

Urban design issues:

- The boundary wall dates from the inter-war era with expressed piers and curved waist high infill walls with capping and a symmetrical entry with a wire and tubular steel gate. The symmetry is reinforced with the tall double hung windows, door with fanlight, paired timber verandah post layout and hipped roof



**Image 11** View of the subject site at the eastern end illustrating the West Elevation of the cottage.

Urban design issues:

- A lack of screening in either traditional fencing or landscape planting produces an intrusive relationship between the subject site and adjoining cottage. The large signs dominate the setting and are not characteristic of or sympathetic with the setting.



**Image 12** A detail view of the cottage verandah with roughcast rendered waist high wall to the verandah

Urban design issues:

- The articulated render finishes are typical of the Inter war period with smooth rendered piers and roughcast capped waisted walls.



**Image 13** The ashlar cement rendered dado wall treatment, inter-war inclined window surrounds to the aluminium double hung sliding sash and roughcast panels to the front facade.

Urban design issues:

- A distinctive applied render to the lower wall within the dado area interprets either ashlar stonework or carved timber while the central panels retain the expressed brickwork and rendered 'Egyptian' bands frame the openings. Modified elements which are intrusive upon the contributory elements include the sheeted soffit to the verandah and aluminium windows.
- As an historic development, it is likely that the brick cottage dates from the period 1900-1914 while the rendering and verandah are modifications constructed during the Inter war period 1919- 1935. Both these works have levels of architectural significance and value. Neither needs modification or removal to preference the other. An appropriate colour scheme would be an appropriate means of interpreting these distinctive features.



**Image 14**      **The East Elevation of the cottage**



**Image 15**      **A detail view of the brick bonding consisting of three stretcher courses and one header course which is known as Flemish garden wall bonding. Note the damaged brickwork in the chimney flue. Restoration of the brickwork and re-pointing will conserve the two chimneys.**



**Image 16** A general view of the West Elevation, noting the wall tie rods, damaged chimney brickwork and the metal roof – ‘Decramastic’ tile sheeting provided to emulate a tile roof.



**Image 17** View looking North west at the change in level between the cottage block and the corner Lot.

Urban design issues:

- The form of screening as steel framed metal deck fencing without landscape planting in combination with the retaining wall, produces an intrusive relationship between the subject site and adjoining cottage.

The proposal will remove the level difference between the properties, alleviating drainage issues and enabling improved fencing and landscaping to produce a more appropriate setting for the cottage.





**Image 18** General view of the rear North west corner of the cottage noting the simple four room bulk which sits beneath the hipped roof with the timber framed rear skillion to the rear.

Urban design issues:

- Intact elements include the brick walls and late Victorian window openings while modifications which intrude include the white acrylic paint, unpainted pvc downpipes, contemporary perforated guttering and 'Decramastic' metal sheet roofing



**Image 19** The West Elevation in detail of the front verandah.

Urban design issues:

- Intact elements include the verandah materials and details with the decorative wrought iron and tubular steel gates despite being an inter-war era overlay addition. The contemporary square folded flashings, perforated gutter to the cottage and sheet lining of the verandah detract from the integrity of the cottage.

## 5 Historical Context

### 5.1 The Heritage Conservation Area

#### The Bathurst historical notes:

*Aboriginal people and colonisation.*

*Aboriginal occupation of the Blue Mountains area dates back at least 12,000 years and appears to have intensified some 3000-4000 years ago. In pre-colonial times, the area now known as Bathurst was inhabited by Aboriginal people of the Wiradjuri linguistic group. The clan associated with Bathurst occupied on a seasonal basis most of the Macquarie River area. They moved regularly in small groups but preferred the open land and used the waterways for a variety of food. There are numerous river flats where debris from recurrent camps accumulated over a long period. European settlement in this Region after the first documented white expedition west of the Blue Mountains in 1813 was tentative because of apprehensions about resistance from Aboriginal people. There was some contact, witnessed by sporadic hostility and by the quantity of surviving artefacts manufactured by the Aborigines from European glass. By 1840 there was widespread dislocation of Aboriginal culture, aggravated after 1850 by the gold rush to the region (HO and DUAP, 1996, 88).*

*Prior to European settlement in Australia, the Wiradjuri Aboriginal group lived in the upper Macquarie Valley. Bathurst was proclaimed a town by Lachlan Macquarie on 7 May 1815, named after Lord Bathurst, Principal Secretary of State for the Colonies (Barker 1992:25). Bathurst is Australia's oldest inland township. It was proclaimed a town in 1815 with the discovery of gold.*

#### *Bathurst:*

*Governor Macquarie chose the site of the future town of Bathurst on 7 May 1815 during his tour over the Blue Mountains, on the road already completed by convict labour supervised by William Cox. Macquarie marked out the boundaries near the depot established by surveyor George Evans and reserved a site for a government house and domain. Reluctant to open the rich Bathurst Plains to a large settlement, Macquarie authorised few grants there initially, one of the first being 1000 acres to William Lawson, one of the three European explorers who crossed the mountains in 1813. The road-maker William Cox was another early grantee but later had to move his establishment to Kelso on the non-government side of the Macquarie River (GAO, 2005, 8).*

*A modest release of land in February 1818 occurred when ten men were chosen to take up 50-acre farms and 2-acre town allotments across the river from the government buildings. When corruption by government supervisor Richard Lewis and acting Commandant William Cox caused their dismissal, they were replaced by Lieutenant William Lawson who became Commandant of the settlement in 1818 (ibid, 8).*

*Macquarie continued to restrict Bathurst settlement and reserved all land on the south side of the Macquarie River for government buildings and stock, a situation that prevailed until 1826. In December 1819 Bathurst had a population of only 120 people in 30 houses, two thirds being in the township of Kelso on the eastern side of the river and the remainder scattered on rural landholdings nearby. The official report in 1820 numbered Bathurst settlers at 114, including only 14 women and 15 children. The government buildings comprised a brick house for the commandant, brick barracks for the military detachment and houses for the stock keeper, and log houses for the 50 convicts who worked the government farm. Never successful, the government farm was closed by Governor Darling in 1828 (ibid, 8).*

*Governor Darling, arriving in Sydney in 1825, promptly commenced a review of colonial administration and subsequently introduced vigorous reforms. On advice from Viscount Goderich, Darling divided colonial expenditure into two parts: one to cover civil administration, funded by New South Wales; the other for the convict system, funded by Britain (ibid, 10).*

*By this time, J. McBrien and Robert Hoddle had surveyed the existing grants in the vicinity. Surveyor James Bym Richards began work on the south side of the river in 1826. But the town was apparently designed by Thomas Mitchell in 1830 and did not open until late 1833 after Richards had completed the layout of the streets with their two-road allotments. The first sales were held in 1831 before the survey was complete (ibid, 10).*

*In 1832 the new Governor, Major General Sir Richard Bourke, visited Bathurst in October. He instructed the Surveyor General Major Thomas L. Mitchell to make arrangements for 'opening the town of Bathurst without delay' and he in turn instructed the Assistant Surveyor at Bathurst J.B. Richards to lay out the blocks and streets. This was done in September 1833. It is believed that Major Mitchell named the streets, with George Street being named after King George III.*

## 6 Analysis of Significance

The Bathurst Heritage Conservation Area (HCA) has no heritage listed sites in the vicinity of the proposal site. The BCAMS analysis indicates a series of Contributory buildings on both sides of Stewart Street and within Howick Street.

The subject site includes a rental vehicle depot which was previously a petrol station and is an Intrusive development which adjoins the cottage. The two sites have been amalgamated to provide sufficient area for the proposed development.

### 6.1 Statement of Significance

*The brick late Victorian styled cottage includes a modified inter war elevation with half posted verandah to Stewart Street and four main intact rooms, making an important contribution to the series of cottages in the vicinity.*

## 7 Heritage Impact Statement

### 7.1 Development Proposal

The Cottage building is currently temporarily occupied and hence the opportunity to conserve the building and the elements which require maintenance and conservation is limited.

David Scobie Architects have reviewed the existing building on site externally only and considered the general outline works proposal. The following considerations relate to the causes of the evident damage and the ability to remedy the elements which are damaged and require conservation, restoration and repair.

Conservation works are recommended to protect and enhance the exterior and integrated with the DA as part of the approval process.

Future works may be proposed to enable a future commercial use of the cottage building. This will prove to be the approach most likely to ensure suitable long term conservation of the cottage and its setting.



### Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

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Perimeter works are related to provide hard and soft landscape appropriate to the cottage and to complement the streetscape setting within the Conservation Area.

In relation to the proposed restaurant, a range of works are recommended to ensure that the building complements the setting within the conservation area.

The key elements of the works include the following:

- Provision of a select red brick boundary wall generally stepping with the levels and consisting of a 230mm wall to a nominal 10 courses/860mm with bull nose capping and expressed piers. The use of a feature colour brick within a course of the wall which reflects a suitable colour within the Taco Bell architecture would be supported. The rhythm will generally interpret the perimeter wall on the cottage without copying or replicating that structure.
- Provision of site entry marker piers in brickwork with circular steel protective bollards adjoining, at both the vehicle entry points and the anticipated pedestrian entry points
- Provision of safe and protected pedestrian pathways within the site using appropriate lighting and hard and soft landscaping to designate the routes to and from the restaurant access points.
- Matching the pathways and access points with the key architectural elements, materials and graphics illustrated on the elevations.
- The use of generally traditional and visually recessive materials and colours on the main architectural walls while the use of bold graphics accompanied by lighter and visually striking colours as appropriate for the access points.
- The use of tall and mature plantings with mature heights of 5-7m is supported to the north and south boundary areas as these provide the background to the building when viewed from the two streets and the screening will benefit the adjoining sites.
- The use of tall and mature plantings within the car parking areas is supported using the tree bay spaces between the front junctions of vehicle parking bays at the nominal ratio of one per four vehicles. The trees provide amenity through shade, reintroduce a level of tree cover prevalent in the conservation area prior to commercial development replacing residential development and as an urban design treatment to modify the impact of the bulk and scale of contemporary development. The layout to be prepared by a Landscape Architect is not expected to limit suitable commercial exposure of key elements of the restaurant. A selection of native and deciduous trees accompanied by low level shrubs and grasses is recommended.
- Cottage garden style planting is recommended in the limited context available in the vicinity of the cottage including the south western portion of the car parking space in the restaurant zone. This will visually expand the setting and establish an appropriate character for the cottage.
- The cottage
  - Remove the acrylic paint on the three main elevations only where the brick is retained, using a standard priority removal system
  - Provide paint colour scheme for the external elements based on a series of paint scrapes and the scheme of traditional colours prepared by the Heritage Consultant
  - Replace the two aluminium windows in the front elevation with traditional timber double hung sliding sash windows and restore the front door following removal of the screen door
  - Replace the verandah soffit lining with traditional painted timber beaded lining boards
  - Conserve,, stabilize and clean the two brick chimneys
  - Restore the sub-floor ventilation to Code standards
  - Conservation works to the interior to support a commercial use
  - Provide a standard cast bronze plaque on the front elevation consistent with the Bathurst heritage trail following consultation with the Bathurst Historical Society concerning the property history.

Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

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David Scobie Architects Pty Ltd

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**7.2 The impacts of the works**

Item	Scope of work	Heritage Impacts	Management Strategy & Mitigation where required	Assessment and Conclusion
1	<b>Preliminaries</b>			
2	Site establishment, supervision, plant temporary services, insurances etc	Short term visual obstruction caused by builder's compound and site fencing  Site traffic, dust, possible damage and loss of significant fabric	Standard signs notices and visual screening to the site should include a heritage photograph with the Project title	The impact will be short term, minimal and acceptable
3	<b>Working Space Preparation</b>			
4	Demolition of former petrol station	Potential for consequential damage to the adjoining structures	Clear instructions on elements to be removed and site heritage induction	The impacts can be reduced with an appropriate risk strategy and impacts minimal
5	Demolition of vehicle circulation and hard standing areas	Loss of elements which detract from significance	Clear instructions on elements to be removed and site heritage induction	The risks of loss in the vicinity of the cottage are minimal and the impacts acceptable
6	Demolition of retaining wall to the cottage site	Loss of elements which detract from significance	Clear instructions on elements to be removed, site heritage induction and Burra Charter principles	The results will be positive, the risks minimal and impact acceptable
7	Demolition of the rear portions of the cottage	Minor consequential damage to the adjoining significant elements of the building	Clear instructions on elements to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
8	Removal of fittings and fixtures within the cottage	Loss of elements which detract from significance following assessment	Clear site management strategy and induction	The results will be positive, the risks minimal and impact acceptable
9	Removal of agreed finishes within the Cottage	Loss of elements which detract from significance		The results will be positive, the risks minimal and impact acceptable
10	Site excavation for services. While there is limited likelihood of relics, the standard procedure is recommended under the NSW Heritage Act.	Potential for consequential damage  Potential for revealing relics	Archaeological assessment  Standard stop work procedure and archaeological assessment	The results will be positive, the risks minimal and impact acceptable

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## Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

Item	Scope of work	Heritage Impacts	Management Strategy & Mitigation where required	Assessment and Conclusion
11	Site excavation for foundations	Minor consequential damage from removal process	Clear instructions on elements to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
12	Site excavation	Consequential damage	Conservation to suit a tenant	The results will be positive, the risks minimal and impact acceptable
13	Construction of new site levels	Potential for impacts on traditional drainage patterns	Prepare and oil the kitchen floor and prepare the laundry floor and install the sheet vinyl	The results will be positive, the risks minimal and impact acceptable
14	Construction of new services and foundations	Minor consequential damage to relics Potential for relic recovery	Provide clear instructions on floor & skirt tiles to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
15	Construction of new restaurant building envelope	Minor visual impacts Vibration impacts on surroundings	Provide clear instructions on elements to be removed, work methods and site heritage induction	The impacts will be minimal and acceptable
16	Construction of ancillary service areas and elements	Minor visual impacts Vibration impacts on surroundings	Select traditional square light grey floor tiles with black border and traditional 'subway' style skirting	The results will be positive, the risks minimal and impact acceptable
17	Building investigations at the cottage	Potential for restoration of previous defects Potential to remedy building and site defects Removal of detracting materials and details	Install the floor and skirting tiling	The results will be positive, the risks minimal and impact acceptable
18	Cottage conservation works to walls and floors	Retention of heritage significance	Clear instructions on elements to be removed, work methods, Helifix and site heritage induction	The impacts will be minimal and acceptable

## Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

Item	Scope of work	Heritage Impacts	Management Strategy & Mitigation where required	Assessment and Conclusion
19	Conserve the roofing and stormwater goods and replace the small number of contemporary items on the verandah with traditional rolled flashings	Reaction between traditional fabric and contemporary systems	Clear instructions on work methods, products and site heritage induction	The impacts will be minimal and acceptable
20	Site enabling works for drains and services to the cottage	Reaction between traditional fabric and contemporary systems; Product selection for heritage and visual impacts	Clear instructions on work methods, colour, products and site heritage induction	The impacts will be minimal and acceptable
21	Provision of internal services to the cottage	Reaction between traditional fabric and contemporary systems; Product selection for heritage impacts	Clear instructions on work methods, products and site heritage induction	The impacts will be minimal and acceptable
22	Provision of new finishes and fixtures to the cottage	Potential for use of inappropriate material	Select 'traditional 'materials, details and finishes	The results will be positive, the risks minimal and impact acceptable
23	Provision of hard landscape to the site	Minor consequential damage to floor from removal process	Clear instructions on elements to be removed, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable
24	Provision of soft landscape elements to the site	Reaction between traditional fabric and contemporary systems; Product selection for heritage and visual impacts	Clear instructions on paint scrapes, product selection and work methods	The results will be positive, the risks minimal and impact acceptable
25	Erection of external signs	Visual impacts on the setting and Conservation Area	Clear instructions on paint scrapes, product selection.	The results will be positive, the risks minimal and impact acceptable
26	Provision of external lighting	Visual impacts on the setting and Conservation Area	Clear instructions on products, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable
27	Erection of perimeter fencing to the west and north boundaries	Enhancing the setting and character of the Conservation Area and streetscape	Clear instructions on paint scrapes, matt finish product selection, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable
28	Erection of new red brick boundary fencing to the south and east boundaries	Consequential damage  Enhancing the setting and character of the Conservation Area and streetscape	Clear instructions on product selection to ensure like for like, work methods and site heritage induction	The results will be positive, the risks minimal and impact acceptable

## **8 Standard Heritage Questionnaire**

8.1 The following aspects of the proposal respect or enhance the heritage significance of the site and on the heritage significance of the Heritage Conservation Area, for the following reasons:

- The works will extend the lifespan of the cottage through the replacement of any contaminants, the removal of elements which are contemporary and detracting from significance and provision of more sustainable services and running costs.
- The proposed perimeter stabilization works and the crack repairs resulting from subsidence will reduce the long-term movement and consequential damage to heritage fabric and significance.
- The proposed works to the boundary and building perimeter will enhance the setting and streetscape and improve the feasibility of attracting appropriate tenants and occupants.
- The conservation works provide opportunities to remedy damage and improve the opportunities for tenancing the building and therefore better securing and protecting its future for the long term.
- The conservation works offer an opportunity to remove earlier works such as contemporary ceilings, kitchen, bathroom, toilet and laundry which detract from the heritage significance and replace them with appropriate materials, details and finishes suiting the proposed commercial use.

8.2 The following aspects of the proposal could detrimentally impact on the heritage significance of the site;

- The proposed works include removal of the existing contemporary finishes, bathroom and kitchen, external stabilisation, fence repair and reinstatement, floor sub-structure repair, repair, prepare and paint doors, skirtings, architraves, picture rails and windows including hardware, repair and paint damaged contemporary ceilings and cornice, review and upgrade electrical services including provision of a security system and replace contemporary light fittings with appropriate fittings and long life lamps, supply and install roller blinds to all windows, fit-out a kitchenette and accessible bathroom.
- The activity associated with the removal of the existing contaminated materials, the kitchen and laundry and the contemporary ceilings and services such as light fittings could impact upon aspects and elements with significance including the external fencing, external materials and finishes and internal materials and finishes. These elements could be physically identified prior to works commencing to avoid any losses of significant fabric.
- The replacement brick boundary wall to the corner site excluding the cottage, will reflect and interpret the late Victorian fences indicated in the sourced photographs and as indicated by Council as a project requirement.
- The risks of consequential damage during the works can be substantially reduced with appropriate contractors, supervision, contract documents and a heritage induction.

8.3 The following sympathetic solutions have been considered and discounted for the following reasons:

- The scope of work has been defined as minimal levels of conservation and maintenance. It does not include the reinstatement of missing details – such as walls between rooms which have been removed, materials such as traditional ceilings and their details or finishes.
- Additional works are recommended for the reinstatement of appropriate fittings related to the electrical services in the most significant two front rooms where the current contemporary items detract from the heritage significance of these spaces. This is the mitigation for the general introduction of contemporary services, fittings and fixtures where they are required and the best acceptable alternative for an adaptive re-use.

### Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

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- Elements of the scope have been determined to attract a tenancy and it is recommended that the current investment be limited to conservation of the original amenity, fabric and services in combination with the upgrading of services and amenities. Further works could be expected to suit a particular tenant once secured.
- The following measures have been taken to mitigate the negative impacts: traditional materials and construction methods are to be used; heritage advice is to be provided for unknown matters, such as paint scrapes and crack repair as they arise during the course of implementation.

#### Heritage advice has been obtained

- Heritage advice has been obtained from the appointed Heritage Consultant, David Scobie. The assessment, advice and recommendations have been included within this Statement.

#### How is the impact of the new development on the heritage significance of the locally listed Bathurst Heritage Conservation Area to be minimized?

- All original fabric, located within the front four roomed cottage capable of being certified as fit for purpose, is to be retained and used within the works.
- The works will be consistent with the Burra Charter.
- Fixtures within the building which have been identified as having heritage significance, are to be indicated and recommended for retention and inclusion within the works.

## 9 Consideration of Statutory issues

### 9.2 The Bathurst LEP 2014

The Bathurst LEP provides objectives for the management of Heritage Conservation. Part 5, Clause 5.10 Heritage Conservation provides for the appropriate measures. They, and our consideration of them, are as follows:

- (a) to conserve the environmental heritage of Bathurst*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- The proposed development aims to conserve and enhance the environmental heritage of Bathurst, the Bathurst Heritage Conservation Area and the cottage through:
  - Removal of the existing rental vehicle facility noted by Council as an Intrusive element in the streetscape through the BCAMS study.
  - Provision of a new single storey building and associated landscape planting.
  - Provision of a sympathetic conservation works to the late Victorian cottage, an item of contributory heritage significance in Bathurst.
  - Increasing the functionality, amenity and sustainability of the cottage through the replacement of any contaminated materials with suitable contemporary materials and details.
  - Reducing the risk from vandalism through the use of an integrated fire & security system.
  - Modifying the causes of subsidence and consequential damage to foundations, ceilings, floors and walls.
  - Improving the presentation to the streetscape in the vicinity and the Conservation Area through improvements to the fencing and perimeter landscaping.



## 9.2 The Bathurst DCP 2014

The Bathurst Regional Development Control Plan 2014 is supported by guidelines, schedules and maps.

Chapter 10 provides for Urban design and heritage

In accordance with the Plan requirements:

- A pre-DA meeting has been held with the appropriate parties and Council has provided advice in relation to the proposal
- This document provides the required Statement of Heritage Impact (SoHI) for the proposal given the site is located within the Bathurst Heritage Conservation Area
- The contributory building is to be conserved and retained within the development
- In relation to the proposed infill on the site in the form of the restaurant, the streetscape assessment documents the relevant contributory buildings in the vicinity of the intersection of Stewart and Howick Streets.
- Urban design issues:
  - Character
    - The setting is predominantly single storey houses and cottages from the late Victorian to Federation periods. A majority of the contributory buildings in Stewart and Howick Streets have retained their distinctive features including pitched roofs with chimneys, front elevations with associated fenestration and verandahs. Many include short cottage gardens with traditional small-scale planting.
  - Scale
    - The cottages are generally single storey with pitched roofs having nominal 30 degree pitched roofs and expressed chimneys
  - Form
    - The cottages range from detached to semi-detached with prominent roofs
  - Siting
    - The cottages generally have short setbacks from the front boundaries at nominal 3-5m
  - Materials and colours
    - The cottages range from timber weatherboard external walls to brickwork which has generally been painted
    - The roofs are commonly metal in painted custom orb with rendered or brick chimneys. Later cottages and houses tend to have terra cotta tiled roofs.
    - The colours used on the walls are generally in dark tones while the details are generally lighter tones
  - Detailing
    - The primary details evident and prominent in the streetscape are chimneys, expressed gutters and downpipes, recessed tall Victorian windows and timber posted verandahs. Boundary details include timber paling/picket fences and low waist high brick and rendered masonry walls.

## 10 Heritage Impact Matters & Responses

The following details are recommended for consideration as part of the works. They are recommended to ensure that the cultural heritage significance of the Cottage is retained through the retention of materials, details, fittings and fixtures which identify the origins of the structure and improvements to conditions which protect the stability of the structure. To ensure that the works are fully coordinated and the specifications are transferred to drawings for construction, these recommendations should be provided to any architectural drawings to be approved:

1. Remove materials and details which have been identified as detracting from the heritage significance of the cottage and reinstall appropriate materials and details;

### Statement of Heritage Impact: 103 -105 Stewart Street, Bathurst – Taco Bell restaurant Proposal

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2. Stabilise the perimeter ground conditions in the vicinity of areas identified as leading to subsidence to at least 1200mm;
3. Retain and restore the timber carpentry and joinery associated with the original internal details;
4. Remove contemporary materials, finishes and details including carpet and tiled floor and wall finishes as part of the demolition works;
5. Review and upgrade the electrical and security services including switches, light fittings and outlets with details appropriate for the level of significance;
6. Conserve the original ceilings and make good as required;
7. Conserve, repair and upgrade all windows with appropriate traditional materials and details including suspension, locks, restrictors and seals;
8. Protect during construction, retain, conserve and repair the perimeter timber fence and gates to the front, side and rear boundaries;
9. Replace the two aluminium cottage windows with painted DHSS units;
10. Stabilise and conserve the two brick chimneys and repoint following paint removal;
11. Pressure wash to clean only the roofing while replacing limited number of contemporary flashings on the front verandah with traditional rolled flashings;
12. Prepare and paint the external elements to the colour scheme prepared by the Heritage Consultant and as modified following paint scrapes;
13. Prepare and paint the interiors in an appropriate traditional colour scheme only to the extent required in order to secure a tenant;
14. Ensure that the architectural drawings include the recommended external colour scheme for the cottage;
15. Perimeter fencing and acoustic panels are to be in the Dulux Windspray or similar;
16. Should any new steel fencing be required, it is to be Metroll Corodeck in Windspray;
17. The red brick boundary wall is to use a select face brick similar to those in the vicinity at 102 – 114 Stewart Street and include standard light grey mortar at to follow the boundary without any acute or angled corners. It should be a 230mm wall to a nominal 10 courses/860mm with bull nose capping and expressed piers. The use of a feature colour brick within a course of the wall which reflects a suitable colour within the Taco Bell architecture would be supported. The rhythm will generally interpret the perimeter wall on the cottage without copying or replicating that structure;
18. Ensure that the architectural drawings include the agreed set of external materials and colours for the buildings;
19. Ensure that the architectural drawings include and coordinate the requirements set out in the Landscape Architect proposal;
20. Provide a mechanical layout to ensure that all roof mounted equipment will be concealed to by the building parapets with a height equal to the tallest component.

### 11 Recommendations

The following management recommendations have been formulated after consideration of all the available information and have been prepared in accordance with the relevant legislation.

#### **Recommendation 1**

The proposed works to the subject site and in the vicinity of the Cottage located within the Bathurst Heritage Conservation Area would be appropriate on heritage grounds provided Recommendations 2-6 below are followed.

#### **Recommendation 2**

An application for Development is to be lodged with Bathurst Regional Council, reviewed and approved by that body prior to works commencing.

#### **Recommendation 3**

Competent direction and supervision should be maintained at all stages of the design development and construction, and any changes should be implemented by people with appropriate knowledge and skills appropriate to the task.

#### **Recommendation 4**

All relevant staff, contractors and subcontractors should be made aware of their statutory obligations for heritage under the *Heritage Act 1977* and best practice outlined in the *Burra Charter* (1999), which should be implemented as a heritage induction.

#### **Recommendation 5**

The Heritage Consultant will provide a heritage Induction and will advise on providing physical tags to all the items on the Cottage site with heritage significance which are to be retained, decontaminated and incorporated into the works.

#### **Recommendation 6**

Heritage advice is to be provided for outstanding matters including paint scrapes for determining final colour schemes, electrical fittings and fixtures, ceiling details and the modification of services for the facilities required to support the simple commercial use.

### APPENDIX

#### Scope of Works as defined by the following:

1. Architectural drawings prepared for DA submission
2. Landscape Plan prepared for submission
3. Traditional Cottage Colour Scheme in Dulux Traditional
  - Expressed brickwork Portland Stone flat (PS)
  - Two brick chimneys Paint removal
  - Verandah posts Deep Bronze Green (DBG)
  - Waist high verandah wall Classic Cream (CC)
  - Capping to waist high wall Wheat (W)
  - Waist high piers W
  - Steel & wire gate DBG
  - Ashlar cottage wall W Flat
  - Cottage walls in brick PS
  - Roughcast render cottage walls CC
  - Gutters W
  - Downpipes to verandah DBG
  - Downpipes to cottage PS
  - Fascias CC
  - Verandah sheeting CC
  - Front Door Red Oxide with ¼ RO to panels
  - Windows RO
  - Electrical board & conduits PS to match wall/background



# Plan of Management

**Taco Bell  
Bathurst**

## Noise Management Practices

- (i) If patrons who enter/exit the store, whether they are individuals or within large groups, and are making a large amount of noise, they will be asked to reduce their noise levels by staff. If the noise emitted from the patrons doesn't reduce to an acceptable level, the patrons will be asked to leave the premises. Following this, if the patrons fail to leave the premises, management will call the police to handle the matter.
- (ii) Music within the restaurant will be kept at an appropriate level at all times of the day.

## Safety/Security Management Practices

- (i) The store is covered by 15 cameras which covers the store internally and externally – with 3 external cameras (external seating x 2 and drive thru lane).
- (ii) Duress Buttons are located in the office and on the drive thru pickup window.
- (iii) The Drive Thru Window only opens 300mm wide.
- (iv) The site will only have one entry point for pedestrian customers, which is the front entry door. Customers have no access to the back of house from the front of the restaurant. This is ensured through the use of a door with a security keypad. The back door of the restaurant, which is used for deliveries, is also not open after dark.
- (v) Taco Bell currently has a policy in place for registers to not have more than \$200, with excess cash skimmed from the register every 60 minutes. Taco Bell also have locked counter caches for every register, which allow staff members to place excess money generated from sales into a locked cache which is out of the public's view.
- (vi) As per current policy, staff members are required to leave in groups of two or more when leaving the premises of the store.
- (vii) Pedestrian customers will only be able to access the restaurant through the front door of the premises. Pedestrian customers will not be served through the drive thru.

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- (viii) The car park lighting of the restaurant will continue to operate during post-sunset and pre-sunrise time periods in order to promote natural guardianship.
- (ix) If patrons who enter/exit the store, whether they are individuals or within large groups, and are impacting on the safety of customers and staff, they will be asked to leave the premises. Following this, if the patrons fail to leave the premises, management will call the police to handle the matter.

Complaint Handling System

A complaint handling system will be used at the site. This system will allow management to record any noise, safety, and security complaints received, how they have been rectified, and how they are being monitored.

**TRAFFIC ASSESSMENT REPORT**

**PROPOSED**

**DRIVE-THROUGH TAKE-AWAY FOOD OUTLET**

**DEVELOPMENT**

**ON**

**STEWART STREET**

**BATHURST**

**11 NOVEMBER 2019**

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## 1.0 INTRODUCTION

The purpose of this Traffic Assessment is to examine the potential traffic and parking impacts of a proposal to provide a Drive-Through Take-Away Food outlet on the corner of Stewart Street and Howick Street, Bathurst.

## 2.0 LOCALITY DIAGRAM



(Image Courtesy of Six Maps)

**PROPOSED DRIVE-  
THROUGH TAKE-AWAY  
FOOD OUTLET**

### **3.0 EXISTING CONDITIONS**

#### **3.1 Existing Use of Site**

The land proposed for the development of a Drive-Through Take-Away Food outlet is currently occupied by a car rental business and a heritage-listed single storey residential dwelling.

#### **3.2 Adjacent Developments**

Development along both sides of Stewart Street (Great Western Highway) near the proposed development is essentially residential.

There is a Motel on the opposite side of Stewart Street and a gift shop on the south-western corner of Stewart Street and Durham Street.

Most of the development along Stewart Street within a block each way of Howick Street consists of residential dwellings.

There are some commercial, retail and hospitality developments further west along Stewart Street, largely between Piper Street and Rocket Street.

#### **3.3 Speed Zoning**

The speed zone along Great Western Highway (Stewart Street) near the site is 60km/h.

Howick Street and most other local streets in Bathurst are zoned at 50km/h.

#### **3.4 Traffic Environment on Stewart Street (Great Western Highway / New England Highway)**

Stewart Street through Bathurst is part of the Great Western Highway (A32) that provides access between regional areas.

Stewart Street is aligned generally south-west / north-east past Howick Street.

Stewart Street through Bathurst provides dual carriageways near Howick Street with two travel lanes in each direction approximately 3.5 metres wide, and a parking lane approximately 3.0 metres wide on each carriageway, separated by a paved median past the site.

Stewart Street has a straight horizontal alignment past Howick Street. Stewart Street has variable downhill gradients past Howick Street towards the signalised intersection with Durham Street (Great Western Highway).

The speed zoning along Stewart Street is 60km/h.

There is street lighting along this section of Stewart Street.

There is a right-turn lane approximately 75 metres long and 3.3 metres wide for westbound traffic to turn into Howick Street and a right-turn lane approximately 75 metres long and 3.3 metres wide for eastbound traffic to turn into Howick Street.

There are signalised intersections with Keppel Street and Lambert Street, approximately 450 metres west 900 metres west of Howick Street respectively, and at Durham Street approximately 200 metres east of Howick Street.

### **3.5 Traffic Environment on Howick Street**

Howick Street in Bathurst is a local street aligned generally south-east / north-west.

Howick Street connects with Macquarie Street at its north-western end and Havannah Street and Bryant Street at its south-eastern end, and passes through the Bathurst CBD.

Howick Street has kerb and gutter along both sides and paved footpaths along both sides.

The south-eastern leg of Howick Street has a raised concrete island and signposting that bans right-turn movements onto Stewart Street.

The north-western leg of Howick Street has two approach lanes with a short narrow raised concrete island, pavement arrows and signposting that bans through-movements across Stewart Street.

Howick Street is approximately 15 metres wide between kerb faces generally north of Stewart Street and approximately 22 metres wide between kerb faces generally south of Stewart Street. Parking along the northern section of Howick Street is unrestricted parallel, whereas the wider southern section of Howick Street enables 45° angle parking along both sides.

Howick Street has relatively level gradients close to the intersection with Stewart Street, with variable downhill gradients from Stewart Street towards Rankin Street and towards Peel Street.

### 3.6 Traffic Volumes along Stewart Street (Great Western Highway)

Traffic volumes along Stewart Street can be assessed from the RMS interactive traffic volume viewer. The latest volumes shown were surveyed in 2008 and 2009 – refer to Appendix B of this Report.

The 2009 eastbound AADT was 1,969 vehicles pe day, with 10.26% being heavy vehicles. The corresponding westbound flow was 1,962 vehicles pe day with 10.96 being heavy vehicles.

The 2009 traffic volumes were approximately 4.4% higher than the 2008 traffic volumes. That rate of traffic growth is higher than what is a typical rate of traffic growth, usually adopted as between 2% and 3% per annum.

Assuming the published rate of traffic growth continued from 2009 until 2019, the approximately 2019 traffic volumes on Stewart Street would be:

Eastbound	3,032 vpd
Westbound	3,022 vpd

Peak hourly flows are adopted generally approximately 10% of AADT, as published in the RTA Guide to Traffic Generating Developments.

The published data indicates that the peak hourly eastbound flows in March 2009 were:

Eastbound (8 - 9 am)	189 vehicles per hour (9.6% of AADT)
Eastbound (3 - 4 pm)	139 vehicles per hour (7.0% of AADT)

The published data suggests that the approximate peak hourly flows along Stewart Street in 2019 would be:

Eastbound (8 - 9 am)	291 vehicles per hour
Eastbound (3 - 4 pm)	212 vehicles per hour

### 3.7 Pedestrian Facilities

There are pedestrian refuge facilities provided in each splitter island of the roundabout at Peel Street and Stewart Street, and kerb blisters provided on both sides of Stewart Street just north of Byrnes Avenue.

The existing facilities enable safe crossing of Stewart Street to access to the Bathurst CBD, commencing approximately a 230 metre walk south of Stewart Street at Rankin Street.

There are paved footpaths along both sides of Stewart Street and Howick Street.

#### 4.0 PROPOSED DEVELOPMENT

##### 4.1 General

The proposal development will provide a Drive-Through Take-Away Food outlet and associated off-street car parking.

The approximate floor area of the proposed Drive-in Take-Away Food outlet is tabulated below:

Component	Approximate Floor Areas (m <sup>2</sup> )
Drive-Through Take-Away Food Restaurant	267

It is proposed that the Drive-Through Take-Away Food outlet will provide 40 seats inside.

It is proposed that 21 car spaces be provided.

##### 4.2 Traffic Generation

The RTA Guide to Traffic Generating Developments traffic generation rates for Drive-Through Take-Away Food outlets are generally as follows:

### 3.7 Refreshments.

#### 3.7.1 Drive-in take away food outlets.

##### Overview.

Surveys in 1990 of McDonalds and Kentucky Fried Chicken outlets found substantially different generation rates. Gross floor area did not provide a good indication of the generation rates. The general guidelines presented provide a basis for assessment. If these guidelines are considered to be inappropriate in the circumstances, the applicant should prove why other rates might be more appropriate, preferably through comparison with other similar sites. The *Land Use Traffic Generation - Data and Analysis 22: Drive-Through Restaurants* (1993), Report provides further information on specific developments. The 1980 report *Land Use Traffic Generation - Data and Analysis 5 - Fast Food*, provides further information.

##### Rates - McDonalds.

Evening peak hour vehicle trips:

- assume 180 veh/hr for average development (mean of survey results).
- for sensitivity test, assess effect of 230 veh/hr (maximum of survey results).

**Factors.**

Daily vehicle trips depend largely on the hours of operation. Sites open for breakfast will generate more daily traffic than sites open only from lunch to dinner.

The peak site traffic generation surveyed was 340 veh/hr, with a mean of 260 veh/hr on weekdays and 280 veh/hr on weekends. If direct access is critical, a peak generation analysis might be required.

The proportion of passing trade is typically about 35%. This discount should be taken into account in assessing external traffic impact.

**Rates - Kentucky Fried Chicken.**

Evening peak hour vehicle trips:

- assume 100 veh/hr for average development (mean of survey results).
- for sensitivity test, assess effect of 120 veh/hr (maximum of survey results).

**Factors.**

Daily vehicle trips depend on the hours of operation.

The peak site traffic generation surveyed was 190 veh/hr (two-way) with a mean of 150 veh/hr on weekdays and 120 veh/hr on weekends. If direct access is critical, a peak generation analysis might be required.

The proportion of passing trade is typically at least 50%. This discount should be taken into account in assessing external traffic impact.

In this instance, the proposed development is for a Taco Bell Drive-Through Take-Away Food outlet.

Taco Bell outlets are less well-known and not as established as either McDonalds or KFC outlets, and are therefore likely to generate traffic generation rates less than KFC outlets. It is assumed that the traffic generation from the proposed development is more likely to be approximately 80% of the traffic generation rates for KFC outlets.

Traffic generation from the proposed Drive-in Take-Away Food outlet is indicated in the RTA publication "Guide to Traffic Generating Developments".

The RTA publication indicates that daily vehicle trips for the proposed Drive-in Take-Away Food outlet would be approximately as tabulated below:

<b><i>Development Component</i></b>	<b><i>Gross Floor Area (m<sup>2</sup>)</i></b>	<b><i>Recommended Generation Rate</i></b>	<b><i>Estimated Peak Hour Trips</i></b>
<b>Fast Food</b>	275	80 trips# to 100 trips#	100

**Note #** The peak traffic generation rate for the subject development is assumed to be 80% of KFC rate.

That is, maximum peak hour traffic generation resulting from the proposed Drive-in Take-Away Food outlet is likely to be approximately one hundred (100) peak hour trips, using the sensitivity test rate.

RTA Guidelines for Traffic Generating Developments recommend using a figure of at least 50% being derived from passing trade and discounting the calculated traffic generation accordingly.

The net generation of additional traffic in the evening peak is therefore estimated to be:

$$100 \times 0.50 = 50 \text{ trips}$$

It is anticipated that approximately 50% of these trips would be arrivals and 50% departures in the PM Peak.

The RTA Guide to Traffic Generating Developments does not suggest traffic generation rates for the weekday morning peak. Traffic generation from Drive-in Take-Away Food outlets in the morning peak is generally lower than during the evening peak.

It is assumed that the morning peak will be approximately 80% of the evening peak traffic generation.

The assumed net traffic generation associated with the proposed Drive-Through Take Away food outlet using the sensitivity rate is therefore:

Weekday Morning Peak (80 trips) - (*40 from Passing Traffic*)

Inward Trips:	40
Outward Trips	40

Weekday Evening Peak (100 trips) - (*50 from Passing Traffic*)

Inward Trips:	50
Outward Trips	50

### 4.3 Origin / Destination Considerations

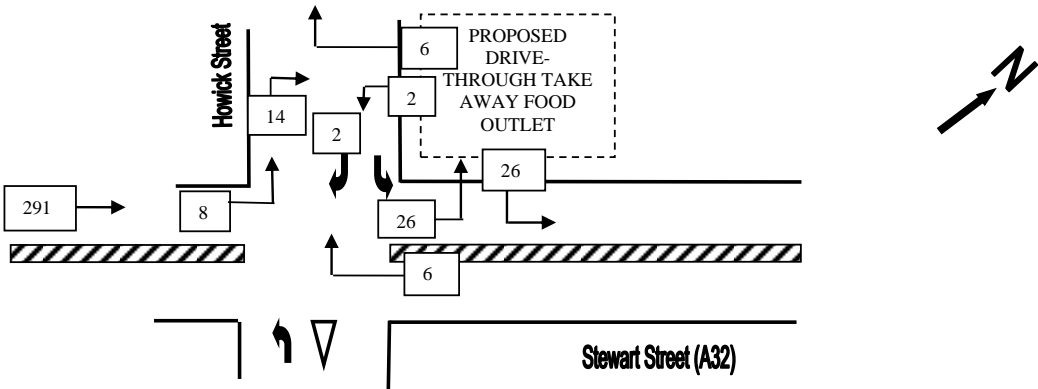
The actual modal split of traffic entering and leaving is assumed to be essentially like the traffic flow along Stewart Street (Great Western Highway). Because of the volume of passing traffic on Stewart Street, it is assumed that most of the traffic generated by the proposed Drive-in Take-Away Food outlet will be associated with traffic using Stewart Street. The modal split of trips may vary from day to day, month to month and year to year.

It is likely that inward peak trips would be approximately the same as outward peak trips for this development.

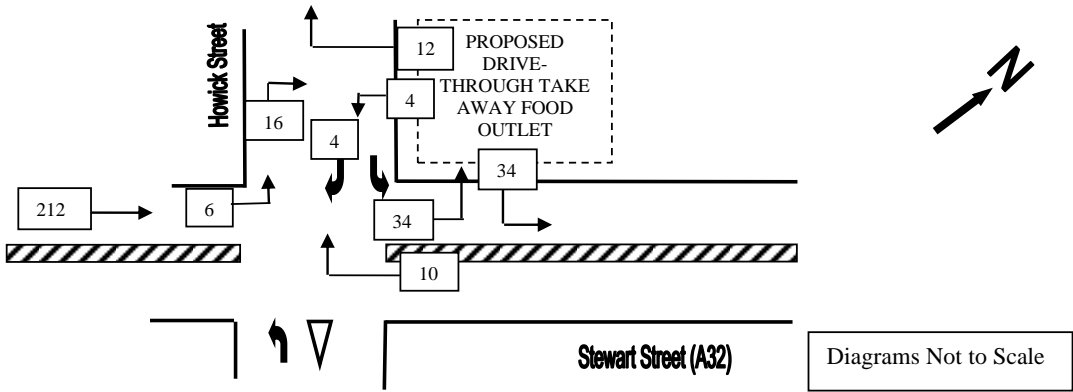
The anticipated average trip generation and distribution in the weekday peak periods for the proposed Drive-in Take-Away Food outlet is as follows:



AM Peak = 80 Trips (40 from Passing Traffic)



PM Peak = 100 Trips (50 from Passing Traffic)



Traffic Capacity of a single lane on Stewart Street:

The theoretical traffic capacity of Stewart Street can be assessed from a recognised formula in AUSTROADS, Guide to Traffic Engineering Practice.

The theoretical roadway capacity is provided by the formula in Section 2.2.1 of the AUSTROADS Guide to Traffic Engineering Practice, Part 2, Roadway Capacity.

Capacity of a single lane:

$$C = 1800 f_w f_{hv}$$

Where:

C = capacity in vehicles per hour under prevailing roadway and traffic conditions

$f_w$  = adjustment factor for narrow lanes and lateral clearances, (obtained from Table 2.1 in the AUSTROADS publication)

$f_{hv}$  = adjustment factor for heavy vehicles  
=  $1 / [ 1 + P_{hv} (E_{hv} - 1) ]$

$P_{hv}$  = the proportion of heavy vehicles in the traffic stream, expressed as a decimal ( $\approx 10\%$  - refer Appendix B).  
 ➔ *effectively 0.1 in this instance*

$E_{hv}$  = the average passenger car equivalents for heavy vehicles (obtained from Table 2.2 in the AUSTROADS publication) ➔ *effectively 4.0 in this instance*

Substitution of the above in the formula is:

$$\begin{aligned} f_{hv} &= 1 \\ f_w &= 0.9 \text{ (for 3.2 m wide lane, and 0m lateral clearance)} \\ C &= 1800 \times 0.9 \times 0.97 \\ C &= 1,570 \end{aligned}$$

That is, the theoretical capacity of a single lane on Stewart Street is **1,570 vehicles per hour**.

The theoretical capacity of each carriageway on Stewart Street is **3,140 vehicles per hour**.

As indicated above, the AM peak volume of traffic travelling east along Stewart Street is approximately 291 vehicles per hour, representing a degree of saturation of:

$$291 / 3,140 \quad \rightarrow \approx 9.3\%$$

The corresponding PM peak volume of traffic travelling east along Stewart Street is approximately 212 vehicles per hour, representing a degree of saturation of:

$$212 / 3,140 \quad \rightarrow \approx 6.8\%$$

The additional trip generation of an additional 40 trips associated with the proposed Drive-In Take-Away food outlet in the morning peak and an additional 50 trips in the evening peak hour would have a negligible impact on the degree of saturation of Stewart Street.

#### 4.4 Parking Provision

Bathurst Regional Council's DCP 2014 – Section 14 - Parking indicates car parking spaces be provided as follows:

<p><b>Takeaway food and drink premises: No seating or drive-through</b></p> <p><b>Seating but no drive-through</b></p> <p><b>Seating and drive-through</b></p>	<p>12 spaces per 100m<sup>2</sup>.</p> <p>Whichever is the greater:</p> <ul style="list-style-type: none"> <li>• 12 spaces per 100m<sup>2</sup>, or</li> <li>• 1 space per 5 seats (internal and external) or</li> <li>• 1 space per 2 seats (internal)</li> </ul> <p>Whichever is the greater:</p> <ul style="list-style-type: none"> <li>• 1 space per 2 seats (internal seats only) or</li> <li>• 1 space per 3 seats (internal and external seats).</li> </ul> <p>In addition to this an exclusive area for queuing of cars for a drive through facility is required in accordance with the <i>RMS Guide to Traffic Generating Developments</i>.</p>
<p><b>Amusement centres</b>  <b>Business premises</b>  <b>Office premises</b>  <b>Industrial retail outlets</b>  <b>Restricted premises</b>  <b>Public administration buildings</b>  <b>Community facilities</b>  <b>Public facility or building</b></p>	<p>1 space per 50m<sup>2</sup>.</p> <p><u>Note:</u> Council may consider stack parking for development within a residential zone.</p>

The proposed Drive-in Take-Away Food outlet will have a gross floor area of 267 m<sup>2</sup> and will provide seating capacity of 40 seats inside.

Application of Bathurst Regional Council's DCP 2014 – Section 14 is therefore:

### Drive-through Take-away Outlet

$$\frac{40 \text{ seats}}{2 \text{ seats per space}} = 20 \text{ spaces}$$

## Commercial Offices

$$54 \text{ m}^2 @ 1 \text{ space per } 50 \text{ m}^2 = 1 \text{ space}$$

**Total Parking Requirement = 21 spaces.**

Bathurst Regional Council's parking requirements for Drive-through Take-away Food outlets are the same as the RTA Guide to Traffic Generating Developments, as shown below.

## 5.8 Refreshments.

### 5.8.1 Drive-in take-away food outlets.

#### Definition.

The three types of *drive-in take-away food outlets* referred to in this section are:

- developments where customers park their vehicles on-site and walk to the food outlet for take-away service, with no seating provided for the on-site consumption of food.
- developments where customers park their vehicles on-site and walk to the food outlet for take-away service, with seating also being provided for on-site food consumption.
- developments with features of the above second category with the addition of a drive-through service for customers not wishing to consume the food on the premises.

#### Parking.

The recommended number of off-street parking spaces for drive-in take-away food outlets is:

- developments with no on-site seating or no drive-through facilities:  
12 spaces per 100m<sup>2</sup> GFA.
- developments with on-site seating but no drive through facilities:  
12 spaces per 100m<sup>2</sup> GFA, or the greater of.  
1 space per 5 seats (both internal and external seating), or.  
1 space per 2 seats (internal seating).
- developments with on-site seating and drive-through facilities greater of.  
1 space per 2 seats (internal), or.  
1 space per 3 seats (internal and external).

In addition to this, an exclusive area for queuing of cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick up point; see below for details). There should also be a minimum of four car spaces for cars queued from ordering point.

The proposed Drive-Through Take-Away Food outlet will provide of a total of 21 spaces, including one accessible space to be designed and delineated in accordance with AS/NZS 2890.6 – 2009.

There will be enough length to provide queuing for 12 cars prior to the pick-up point, with dual lanes enabling approximately 4 cars to queue prior to the order point.

**TOTAL PARKING PROPOSED = 21 SPACES**

The number of car spaces to be provided (21) is compliant with the requirement of Bathurst Regional Council's DCP 2010 – Appendix A and the requirements of the RTA Guide to Traffic Generating Developments which is accepted State-wide and along other State Roads with considerably higher traffic volumes than Stewart Street.

Car parking spaces will be 2.6 metres wide and 5.4 metres long, with a traffic aisle 6.2 metres wide. The accessible space will be 2.6 metres wide with a 2.6-metre-wide shared space. All dimensions comply with the requirements of a Class 3 parking facility in AS/NZS 2890.1 – 2004 and also AS/NZS 2890.6 – 2009.

**4.5 Servicing Requirements**

Servicing requirements for the proposed Drive-in Take-Away Food outlet would be undertaken using a Medium Rigid Vehicles (MRV) as defined in AS/NZS 2890.2 – 2002.

A loading bay will be provided on the north-western end of the Drive-Through Take-Away Food restaurant building, and the car parking area layout has been designed to permit an 8.8-metre-long MRV to utilise the loading bay.

Servicing will normally be undertaken during periods of low demand when patronage is low at the Drive-in Take-Away Food outlet to facilitate manoeuvres by the service vehicles and to minimise any inconvenience for customers. The closer of the drive-through bays will be closed by an authorised employee prior to the arrival of a service vehicle is utilising the service area in off-peak periods, using traffic cones or other approved devices.

Service vehicles will enter the loading dock in a forward direction from the Stewart Street driveway. Service vehicles will exit the loading dock with an initial reverse manoeuvre into the front parking aisle under the supervision of an authorised employee to restrict other vehicular movements. Service vehicles will then depart the front parking aisle onto Stewart Street in a forward direction.

**4.6 Access on Stewart Street and Howick Street**

AS/NZS 2890.1 - 2004 indicates that a Category 2 driveway should be provided for an access serving less than 25 parking spaces, with arterial road frontage. A category 2 driveway is a combined entry / exit driveway 6.0 metres to 9.0 metres wide.

It is proposed that the existing combined entry / exit driveway approximately 8.9 metres wide at the boundary on Stewart Street be retained, in compliance with AS/NZS 2890.1 - 2004. That driveway previously served fuel tankers when the site operated as a service station many years ago.

The existing driveway on Howick Street is a combined entry / exit approximately 5.9-metre-wide and has local road frontage, in compliance with a category 1 driveway, 3.0 to 5.5 metres wide.

There are redundant driveways on Stewart Street and Howick Street that could be removed.

#### 4.7 Sight Distances

Sight distance towards the right along Stewart Street (generally south-west), is in excess of 150 metres. Sight distance to the left is unimportant because of the divided carriageways on Stewart Street.

The sight distance requirements in AS/NZS 2890.1 – 2004 are tabulated below.

Frontage Road Speed (km/h)	Minimum Sight Distance (m)	Desirable Sight Distance (m)
50	45	69
60	65	83

Sight distances at the proposed driveway on Stewart Street considerably exceeds the desirable requirement in AS/NZS 2890.1 – 2004 towards the right along Stewart Street.

Sight distance along Howick Street to the right at the existing driveway is slightly compromised by an existing street tree with low foliage on the eastern footway. Minor trimming of some low branches would be desirable to easily improve sight distance towards the right to more than 100 metres easily achievable along Howick Street.

### 5.0 TRAFFIC IMPACTS

#### 5.1 Safety Issues

##### 5.1.1 General

Developments should be provided such that they do not prove detrimental to the safety or convenience of existing road users. It is desirable to provide developments that are harmonious with the community needs.

##### 5.1.2 Potential Right-Turn Conflicts

Potential right turn conflicts which could be associated with the proposed Drive-in Take-Away Food outlet may occur in the following situations:

- Right turns into Howick Street from Stewart Street.

- Right turns from Development Access into Howick Street.
  - Right turns from the northern leg of Howick Street into Stewart Street.
  - Right turns from Howick Street into Stewart Street.
- a) Motorists undertaking right turns into Howick Street from Stewart Street will be able to do so from a dedicated right-turn that good sight distance along Stewart Street that enables drivers to see approaching traffic and judge safe gaps. The existing right-turn storage bay on the Great Western Highway can easily accommodate the small volume of additional right-turn movements that the proposed development is likely to generate. The signalised intersection of Stewart Street and Keppel Street approximately 450 metres west of Stewart Street provides regular gaps in the eastbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street.
- b) Motorists undertaking right turns out of the proposed development into Howick Street will be able to do so with good sight distance to the right along Howick Street that enables drivers to see approaching traffic and judge gaps. Traffic turning left or right into Howick Street from Stewart Street would generally be doing so at relatively slow speeds and drivers would have enough time to observe vehicles exiting the Howick Street driveway.
- c) Motorists undertaking right turns into the proposed development from Howick Street will have enough sight distance to see approaching traffic and judge safe gaps. It is unlikely that the volume of northbound traffic performing right-turns into the Howick Street access is likely to be relatively low as indicated in Section 4.3 of this Report.
- d) Motorists turning right into Stewart Street from Howick Street will have enough sight distance to see approaching traffic and judge safe gaps. The signalised intersections of Stewart Street / Keppel Street also Stewart Street / Durham Street, approximately 450 metres west of Howick Street and 200 metres east Howick Street respectively, provides regular gaps in the eastbound and westbound traffic flows along Stewart Street past Howick Street, minimising delays for vehicles turning right into Howick Street. Local patrons wishing to travel further west along the Great Western Highway may wish to travel along Peel Street to access the signalised intersection with Keppel Street in peak periods.



### **5.1.3 Potential Rear-End Conflicts**

Potential rear-end conflicts which could be associated with the proposed commercial development could occur in the following situations:

- Left turns into Stewart Street from Howick Street
  - Left turns into Stewart Street Access from Stewart Street
  - Left turns into Howick Street to use Howick Street Access
- a) The additional volume of traffic turning left into Stewart Street from Howick Street as a result of the proposed Drive-Through Take-Away Food is likely to be relatively low and drivers are required to stoop at the intersection with Stewart Street. The potential for rear-end collisions involving southbound traffic on Howick Street into Stewart Street is negligible.
- b) Patrons turning left into the development access on Stewart Street will be able to utilise the kerbside parking lane to diverge into the development access which was originally built to handle fuel tankers. Traffic speeds along the section of Stewart Street between Howick Street and Durham Street are moderated by the existing traffic signals approximately 200 metres east of Howick Street which result in frequent stoppage and queuing. There are numerous driveways along Stewart Street and numerous intersections so drivers would be aware of the potential for drivers to slow or stop. The potential for rear-end collisions associated with vehicles entering is negligible.
- c) Patrons turning left into the Howick Street to use the Howick Street access will be able to utilise the kerbside parking lane to diverge from the through-lane prior to turning left into Howick Street. Traffic speeds along the section of Stewart Street approaching Durham Street are moderated by the existing traffic signals approximately 200 metres east of Howick Street which result in frequent stoppage and queuing. There are numerous driveways along Stewart Street and numerous intersections so drivers would be aware of the potential for drivers to slow or stop. The potential for rear-end collisions associated with vehicles entering is negligible.

## **5.2 Pedestrian Safety**

It is unlikely that a significant volume of additional pedestrian activity will be generated across Stewart Street.

The existing pedestrian refuge facilities provided in the raised concrete medians on both sides of Howick Street are considered satisfactory to cater for any increase in pedestrian activity across Stewart Street associated with the subject Drive-Through Take-Away Food outlet.

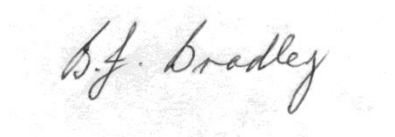
**6.0 SUMMARY AND RECOMMENDATION**

**6.1 Summary**

1. The proposal involves development of a Drive-Through Take-Away Food on two properties currently occupied by an existing commercial usage and a heritage-listed dwelling on the northern side of Stewart Street in Bathurst.
2. Stewart Street forms part of the Great Western Highway which is a State Road under the control of RMS.
3. Traffic speeds on Stewart Street are relatively low given the 60km/h speed zone and short travel length between Howick Street and the signalised intersection with Durham Street, and between the signalised intersection with Keppel Street and Howick Street and the existence of numerous driveways along this length of Stewart Street.
4. Traffic volumes generated by the proposed development are estimated to be approximately 80 trips in the morning peak hour (of which approximately 40 trips would be additional), and approximately 100 trips in the evening peak hour (of which approximately 50 trips would be additional), based on survey data suggested in the RTA Guide to Traffic Generating Developments for a more well-known brand of Drive-Through Take-Away Food outlet (KFC).
5. The effect of traffic generated by the proposed development on existing traffic delays and the degree of saturation on Stewart Street would be negligible.
6. The volume of service vehicles will be relatively low and will be scheduled to occur outside periods of peak customer activity, with an authorised employee of the development regulating traffic movements and temporary closure of a drive-through lane when necessary.
7. Sight distances along Stewart Street exceed the requirements of Clause 3.2.4 of AS/NZS 2890.1 - 2004 in both directions and ensure traffic safety is not compromised at the proposed driveway location.
8. The proposed development includes 21 car parking spaces, including an accessible parking space. This complies with the requirement of Bathurst Regional DCP 2014 – Section 14 Parking.

**6.2 Recommendation**

I recommend the proposed Drive-Through Take Away food outlet development as a suitable development on the site as it would have no significant effect on traffic capacity, vehicular or pedestrian safety, degree of saturation or the level of service of Stewart Street (Great Western Highway), Howick Street or other streets in the Bathurst City area.

A handwritten signature in black ink, reading "B.J. Bradley", is centered on the page. The signature is written in a cursive, slightly slanted style.

B J Bradley BE Grad Dip Man MIE Aust

**7.0 APPENDICES**

**Appendix A - Site Photographs**



Photo No. 1: Looking generally south-east along Howick Street towards Stewart Street from the showing the existing traffic environment and traffic control measures.

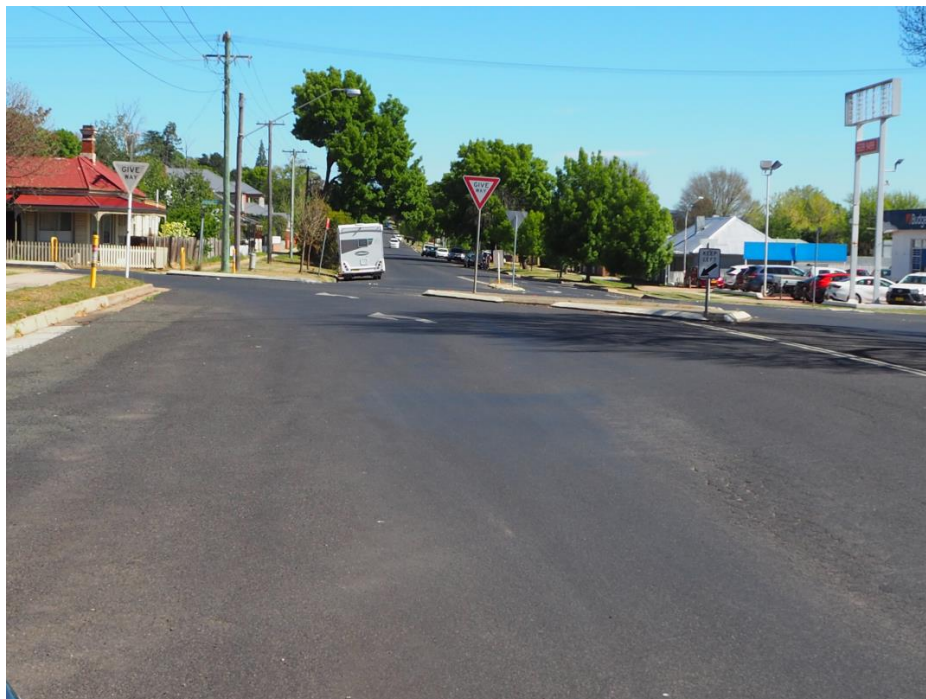


Photo No. 2: Looking generally north-west along Howick Street towards Stewart Street showing the existing traffic environment and traffic control measures. The site is partially visible on the opposite corner of the intersection.





Photo No. 3: Looking right (generally south-west) along Stewart Street from the existing access driveway that will be utilised by the proposed drive-through take-away food outlet showing the existing traffic environment and available sight distance.



Photo No. 4: Looking left (generally north-east) along Stewart Street near the existing access driveway that will be utilised by the proposed drive-through take-away food outlet showing the existing traffic environment.



Photo No. 5: Looking generally south-west along Stewart Street from the existing raised concrete median access driveway that will be utilised by the proposed drive-through take-away food outlet showing the existing traffic environment.

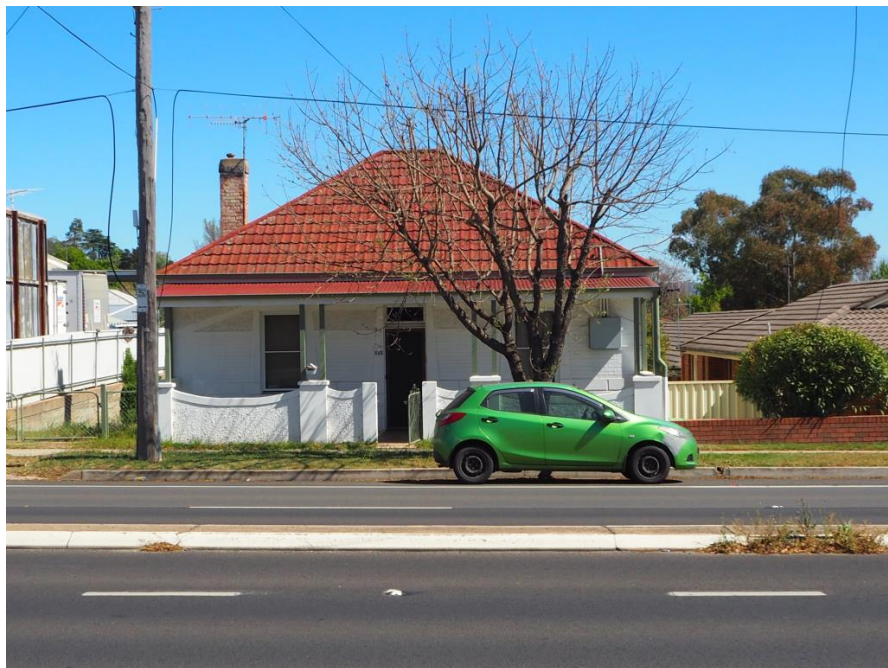


Photo No. 6: Looking generally south-west across Stewart Street showing the heritage-listed building that will incorporate the facade into the development and converted into commercial space.





Photo No. 7: Looking generally north across Stewart Street showing the existing development on the site of the proposed drive-in take-away outlet.



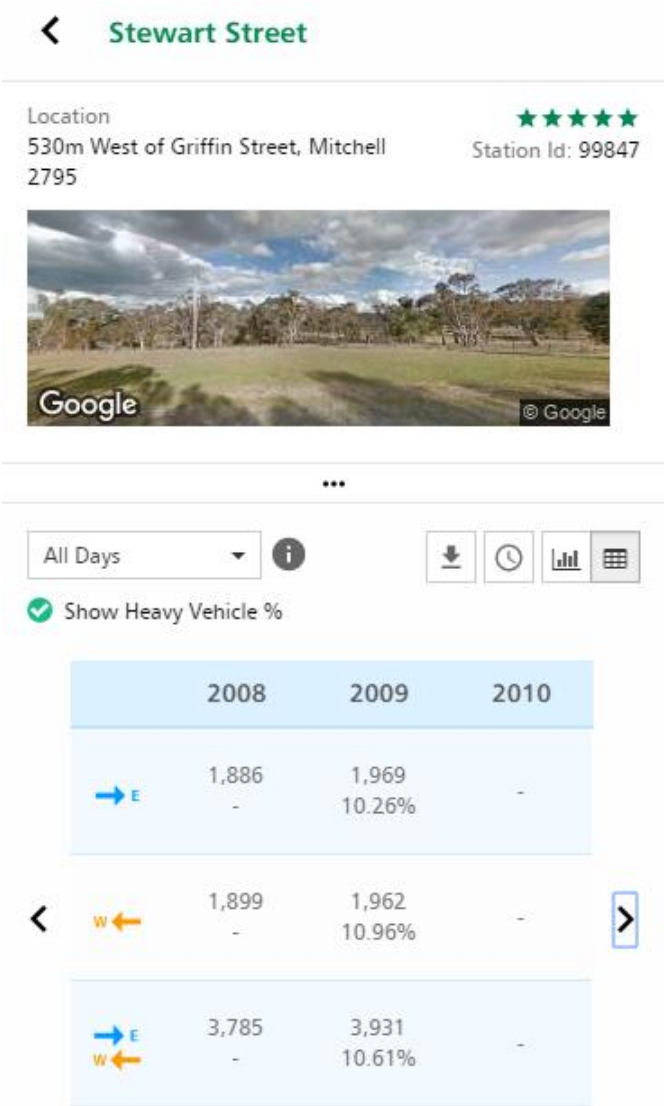
Photo No. 8: Looking generally north across Howick Street showing the existing driveway on the site to be utilised for the proposed drive-through take-away outlet.



Photo No. 9: Looking generally north-west along Howick Street from the existing driveway on the site showing street trees that could be trimmed slightly to enhance sight distance.

APPENDIX B – TRAFFIC VOLUME DATA ON GREAT WESTERN HIGHWAY  
(STEWART STREET)





## Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound Reset

Yearly Views **Monthly Views**  Weekly Table Raw Data Table

YEAR	MONTH	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00
2006	January	Eastbound	All Vehicles	1,504	12	8	7	4	5	12	32	56
2006	January	Eastbound	Heavy Vehicles	133	3	1	2	1	3	2	5	6
2006	January	Eastbound	Light Vehicles	1,386	11	7	6	4	3	10	29	51
2008	February	Eastbound	All Vehicles	2,150	7	6	6	3	5	29	96	141
2008	March	Eastbound	All Vehicles	2,010	7	6	5	5	7	25	76	111
2008	April	Eastbound	All Vehicles	1,979	6	5	5	4	7	26	84	115
2008	May	Eastbound	All Vehicles	1,882	6	5	4	5	8	26	78	106
2008	June	Eastbound	All Vehicles	1,795	7	5	4	4	8	22	68	99
2008	July	Eastbound	All Vehicles	1,857	5	6	5	4	7	26	71	103

## Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound Reset

Yearly Views **Monthly Views**  Weekly Table Raw Data Table

07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00
56	93	101	114	135	117	109	129	108	109	97	79	55	46
6	7	7	9	12	8	7	7	10	6	6	6	5	6
51	87	95	106	123	109	102	122	98	103	91	73	51	40
141	256	164	140	153	127	135	145	146	150	140	111	74	39
111	189	151	142	148	145	141	142	143	146	135	101	71	45
115	187	155	149	145	144	144	140	145	147	132	89	57	36
106	193	142	140	132	133	129	135	134	145	129	90	55	33
99	174	134	132	130	129	125	129	132	140	120	87	53	35
103	182	146	142	143	136	140	139	137	131	120	83	48	31

## Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound Reset

Yearly Views **Monthly Views**  Weekly Table Raw Data Table

YEAR	MONTH	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00
2008	August	Eastbound	All Vehicles	1,798	5	5	4	4	8	23	72	100
2008	September	Eastbound	All Vehicles	1,877	5	5	5	4	9	27	78	110
2008	October	Eastbound	All Vehicles	1,925	6	5	5	4	9	24	75	96
2008	November	Eastbound	All Vehicles	1,911	7	6	5	5	8	24	72	96
2008	December	Eastbound	All Vehicles	2,002	8	6	5	5	9	25	74	100
2009	January	Eastbound	All Vehicles	1,899	7	6	4	4	9	26	69	92
2009	January	Eastbound	Heavy Vehicles	200	3	3	2	2	2	6	9	10
2009	January	Eastbound	Light Vehicles	1,721	6	5	4	3	7	21	62	83
2009	February	Eastbound	All Vehicles	2,000	9	6	5	5	10	29	85	114



## Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound Reset

Yearly Views **Monthly Views**  Weekly Table Raw Data Table

08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
186	141	132	131	125	129	129	128	136	118	83	53	32	28
206	146	131	131	127	127	135	136	139	125	89	53	35	26
189	145	136	145	134	136	132	139	139	127	101	69	41	33
194	144	139	139	129	125	136	133	141	126	103	70	41	32
184	159	153	154	139	137	138	142	137	127	100	70	46	37
163	142	147	147	139	136	136	134	129	124	90	65	47	40
13	12	13	13	14	12	12	14	12	9	8	7	7	7
151	130	134	134	126	125	124	121	118	116	83	58	41	34
210	149	136	135	129	130	135	141	143	128	103	72	47	37

## Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound Reset

Yearly Views **Monthly Views**  Weekly Table Raw Data Table

YEAR	MONTH	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00
2009	January	Eastbound	All Vehicles	1,899	7	6	4	4	9	26	69	92
2009	January	Eastbound	Heavy Vehicles	200	3	3	2	2	2	6	9	10
2009	January	Eastbound	Light Vehicles	1,721	6	5	4	3	7	21	62	83
2009	February	Eastbound	All Vehicles	2,000	9	6	5	5	10	29	85	114
2009	February	Eastbound	Heavy Vehicles	237	3	3	2	2	2	6	10	13
2009	February	Eastbound	Light Vehicles	1,777	6	4	4	4	9	24	76	102
2009	March	Eastbound	All Vehicles	2,026	7	7	5	5	9	27	76	112
2009	March	Eastbound	Heavy Vehicles	238	3	3	3	2	2	7	10	12
2009	March	Eastbound	Light Vehicles	1,812	6	5	3	4	8	22	68	101

## Stewart Street (99847) Data

01/01/2006 - 17/03/2009 All Days 00:00 - 24:00 All Vehicles Eastbound Reset

Yearly Views **Monthly Views**  Weekly Table Raw Data Table

08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
163	142	147	147	139	136	136	134	129	124	90	65	47	40
13	12	13	13	14	12	12	14	12	9	8	7	7	7
151	130	134	134	126	125	124	121	118	116	83	58	41	34
210	149	136	135	129	130	135	141	143	128	103	72	47	37
17	16	16	17	16	15	15	16	15	11	10	8	7	7
194	133	120	118	114	116	120	126	128	118	94	65	40	30
200	147	147	141	143	143	142	144	144	132	101	71	48	37
17	15	14	15	16	16	15	16	16	12	11	8	8	6
185	133	133	126	127	128	128	130	129	121	91	64	41	31

## Stewart Street (99847) Data



01/01/2006 - 17/03/2009

All Days

00:00 - 24:00

All Vehicles

Eastbound

Reset

Yearly Views			Monthly Views			Weekly Table			Raw Data Table			
YEAR	DIRECTION	VEHICLE TYPE	TOTAL	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00
2006	Eastbound	All Vehicles	1,504	12	8	7	4	5	12	32	56	93
2006	Eastbound	Heavy Vehicles	133	3	1	2	1	3	2	5	6	7
2006	Eastbound	Light Vehicles	1,386	11	7	6	4	3	10	29	51	87
2008	Eastbound	All Vehicles	1,904	6	5	5	4	8	25	75	104	189
2009	Eastbound	All Vehicles	1,965	8	6	5	5	9	27	77	105	189
2009	Eastbound	Heavy Vehicles	219	3	3	2	2	2	6	9	11	15
2009	Eastbound	Light Vehicles	1,765	6	5	4	4	8	22	68	94	175

## Stewart Street (99847) Data



01/01/2006 - 17/03/2009

All Days

00:00 - 24:00

All Vehicles

Eastbound

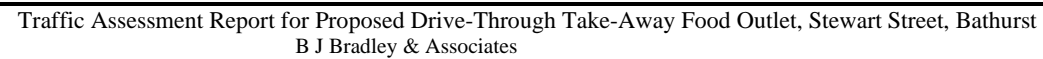
Reset

Yearly Views			Monthly Views			Weekly Table			Raw Data Table					
09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	
101	114	135	117	109	129	108	109	97	79	55	46	33	24	1
7	9	12	8	7	7	10	6	6	6	5	6	7	4	3
95	106	123	109	102	122	98	103	91	73	51	40	28	21	1
146	140	140	134	133	136	137	140	126	92	60	37	30	21	1
145	143	141	136	135	137	139	138	127	98	69	47	38	26	1
14	14	15	15	14	14	15	14	10	9	8	7	7	6	4
132	129	126	122	122	124	125	124	118	89	62	41	32	21	1



**APPENDIX C**

**SERVICE VEHICLE MANOEUVRES**



**SECURITY MANAGEMENT PLAN**

**FOR**

**PROPOSED TACO BELL RESTAURANT**

**105 STEWART ST.**

**BATHURST NSW.**

*By*



**BD Architecture : Interiors**  
Suite 14 / Level 3  
22-36 Mountain Street  
Ultimo NSW 2007  
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**F** 02 9281 0177

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SECURITY MANAGEMENT AND CRIME PREVENTION *prepared by BD*  
*ARCHITECTURE INTERIORS*

### 1. INTRODUCTION

This document is the Crime Risk Analysis Report for 105 Stewart St. Bathurst. This Crime Risk Analysis Report contains a series of management protocols for the overall management and operation of the proposed development. The main aim of the report is targeted crime prevention through identifying crime risk and minimising opportunities for crime through an appropriate built development that responds to the immediate context of the site and the surrounding area of Bathurst.

The Guidelines set out in section 79C of the Environmental Assessment Act 1979 has been duly adhered to.

### 2. ELEMENTS OF THE CRIME RISK ANALYSIS REPORT

This Report consists of a number of sections as set out below.

- A description of the area covered by this Report.
- The management protocols and procedures for implementing the protocols having regard to amenity and security of the area.

### 3. AREA COVERED BY THE CRIME RISK ANALYSIS REPORT

This Report relates to the property located at 105 Stewart St. Bathurst and its immediate surrounding area.

### 4. MANAGEMENT PROTOCOLS AND PROCEDURES

An important element of this report is to ensure that the operation of the proposed fast food restaurant does not detract from the amenity of the surrounding area. The main objective is to propose a built solution that targets Crime Prevention Through Environmental Design (CPTED).

In order to achieve Crime Prevention objectives through identifying Crime Risk and Minimising Opportunities for Crime, the Taco Bell Restaurant proposed at 105 Stewart St. Bathurst will meet the following points:

- increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture
- increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended
- reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'
- removing conditions that create confusion about required norms of behaviour

The following protocols and procedures, associated with issues of crime risk prevention and security, will be met:

### Protocol

- Security Management and Crime
- Evolving and maintaining practice of proactive crime prevention strategies
- Establishing a development control plan that can be actioned
- Recourse to Council Policy on Crime Risk Assessment and liaison with Local Authorities such as Police
- Assessing levels of risk in the Bathurst precinct
- Meet the desired characteristics within the Bathurst precinct and the projections for the vision of Bathurst City.
- Considering the likely impacts of development - including environmental impacts on the natural and built environment notwithstanding the social and economic impacts on the immediate context
- Demonstrating good design-built principles - an appropriate built response - that responds to, and is in keeping with, crime prevention controls
- Provision in the proposed Taco Bell Restaurant that meets basic design principles - those with the aim to minimise crime risk
- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture

### Procedure

- Reducing opportunity by minimising, removing or concealing 'crime benefits'
- Maintaining conditions that encourage norms of behavior, thereby eliminating opportunistic or premeditated crime
- Provide amenity to users and consequently make provision for the future safety and security of the site by promoting use and visibility-gearred user and community interaction
- The Proposal should function within the role of proposed gentrification within the region, thereby eliminating "crime risk inducing" spaces
- The pivotal nature of the site - including the site's visual prominence from Stewart Street - means that good design-built solution will help achieve a high quality of architectural and urban design solution in the Bathurst precinct, setting a safe environment and a precedent for future developments to follow
- The common spaces and generous landscaped areas will create a high quality environment for visitors and staff. These spaces will prompt further adherence to the crime preventative strategy employed by the proposed building at 105 Stewart St. Bathurst by encouraging user engagement.
- Surveillance - clear sightlines between public and private spaces, effective lighting of public places, landscaping that increases user amenity, but landscaping design that does not facilitate offending
- Access Control - restricted access to internal/high risk areas
- Territorial Reinforcement - design geared toward user interaction, landscape design with clear demarcation between public and private space, gates and enclosures which define public and private space
- Space/Activity Management - attractive and well used space through user-orientated space activation, site cleanliness, repair of degradation of facilities, adequate maintenance of security oriented measures such as site lighting and facilities Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture

### 5. PROCEDURE FOR IMPLEMENTATION OF THE CRIME RISK ANALYSIS REPORT

This Report relates to the operation and use of the proposed Taco Bell Restaurant at 105 Stewart St. Bathurst.

The details and approval of this Report, and any future amendments to this Report, must be in accordance with any Planning Approvals relating to the subject property.

This Report comes into effect upon commencement of the use of the premises as a fast food restaurant in accordance with the Planning Permit issued by the responsible authority.

### 6. SECURITY MANAGEMENT AND CRIME PREVENTION

The following are the security management and crime prevention strategies for the proposed Taco Bell Restaurant at 105 Stewart St. Bathurst

These strategies are the result of a pro-active approach to crime prevention by deterring crime, and will also assist police with the apprehension and conviction of perpetrators in the unlikely event that a crime should occur.

Strategies being adopted are:

1. Crime Prevention by Environmental Design (CITED) techniques in relation to illumination, clear lines of view, landscaping, positioning of and control of entry and creating a general environment non-conducive to crime.
2. Visible closed circuit television surveillance and recording system, which shall not only act as a deterrent but shall provide evidence for police if required. Historically, systems of this nature have also proven to be beneficial to police during investigations with other related incidents in the area.
3. Installation of electronic security, security hardware and crime deterrents to deter crime. In the unlikely event that an incident does occur, the above shall assist police with the identification and apprehension of the persons concerned, and with the provision of admissible evidence to assist with the prosecution of offenders. The following is an overview of the initiatives, which shall be taken.

‘Back to Base’ alarm system monitoring by an ASIAL approved Grade One Monitoring Station which shall comply with the requirements of AS2201 Part 2.

Entry door locking facilities at the entrances.

Signage advising the security measures in place.

4. Periodic high-profile security patrols to deter any potential anti-social behavior. This shall be continually monitored, and the level of visitor user security involved adjusted accordingly.
5. Co-operation with local police in relation to regional crime prevention initiatives and issues.



6. Continuous monitoring of the crime and anti-social behavior trends in the area and review, as necessary, of the strategies in place.

### 7. SUMMARY

Design that optimizes safety and security within the development and the public domain is a keystone of good design. Clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose are buoyed by optimal design geared toward user interaction and passive surveillance.

Passive surveillance is prevalent throughout the development. Location of the proposed restaurant (Stewart St. frontage) and drive thru (rear) will activate both north and south boundaries as well as generate and distribute the traffic evenly.

Along the east boundary, the pay window along the drive-through lane allows for surveillance from staff to observe this area.

Along the western boundary, the carpark and entry point off Howick St. will be well lit for passive surveillance and is one of two main entry and exit points.

The main entry point to the building off Stewart St. Bathurst will be clearly articulated and well lit.

The generous and open landscaped area will increase the possibility of detection, challenge and capture.

---

**From:** bathgates@gmail.com  
**Sent:** Wednesday, 11 December 2019 9:28 AM  
**To:** Council  
**Subject:** objection  
**Attachments:** objection.doc

Dear Sirs

Please see attached objection to DA 2019/367 Taco Bell on behalf of the Bathurst Heritage Network.

Yours faithfully

AW Bathgate

[Convenor](#)

[Bathurst Heritage Network](#)



[BathurstHeritageMatters](#)



[ExperienceHeritageBathurst](#)



[BathurstHeritageTradesTrail](#)

[www.heritagebathurst.com](http://www.heritagebathurst.com) [HERITAGE CITY](#) [heritagebathurst@gmail.com](mailto:heritagebathurst@gmail.com)

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## Bathurst Heritage Network

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

General Manager

10 December 2019

by email

Bathurst Regional Council  
Russell St  
Bathurst 2795

Dear Sir,

### DA 2019/ 367 Taco Bell

The Bathurst Heritage Network objects to the Taco Bell DA on the following bases:

It is proposed the building includes an 8.9 metre high "signage tower", within the Bathurst Central Heritage Conservation Area and a residential district of high heritage values. This tower has no other purpose than to carry Taco Bell signs. It appears to have no structural or operational purpose other than signage. It rises beyond the height of the top of the adjacent cottages and is objectionable as it is in reality a sign, not integral to the structure of the building, and should be viewed as such.

1. The signage tower effectively is a roof top sign which is prohibited by the DCP in the conservation area. Its integration as a purported building element is a distortion and circumvention of the intent of the signage provisions of the DCP.
2. The signage tower has the form of a four sided blade sign, with two signage faces, and has no other purpose. The DCP allows only one blade or pole sign if they can be seen from a state highway (Stewart St), and so with the proposed pole sign also, the applicant is effectively proposing three such signs. Only one should be permitted.
3. The signage tower's proposed height then allows an argument for the separate pole sign to be the same 8.9 metre height under the DCP provisions for pole signs. So, the height of the pole sign should be reduced to the real, non signage tower, height of the building.
4. The property is in an R1 residential zone, and we presume is zoned residential. The signs mentioned are illuminated. Therefore, for the amenity of nearby residents both day and night, it is inappropriate for signage to protrude above the effective height of the building.

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

#### NETWORK PARTNERS

Greening Bathurst  
National Trust of NSW  
Bathurst Family History Group

Bathurst Town Square Group  
Miss Traill's House  
Boundary Road Reserve Landcare Group

[www.heritagebathurst.com](http://www.heritagebathurst.com)

[heritagebathurst@gmail.com](mailto:heritagebathurst@gmail.com)

**BATHURST – HERITAGE CITY**

Therefore, both the signage tower and the pole sign are too high, and should be reduced to the real height of the actual building or lower.

Yours faithfully,

AW Bathgate  
Convenor  
Bathurst Heritage Network

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

**NETWORK PARTNERS**

Greening Bathurst  
National Trust of NSW  
Bathurst Family History Group

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[www.heritagebathurst.com](http://www.heritagebathurst.com)

[heritagebathurst@gmail.com](mailto:heritagebathurst@gmail.com)

**BATHURST – HERITAGE CITY**

**From:** wayne feebrey <[feeb4@bigpond.net.au](mailto:feeb4@bigpond.net.au)>  
**Sent:** Wednesday, December 18, 2019 4:25:54 PM  
**To:** Warren Aubin <[Warren.Aubin@bathurstregionalcouncil.onmicrosoft.com](mailto:Warren.Aubin@bathurstregionalcouncil.onmicrosoft.com)>  
**Subject:** FW: Taco Bell D.A. and Community Traffic Concerns

Dear Warren, The National Trust has been approached by residents of Howick Street with concerns about traffic flows, traffic safety as well as pedestrian flows and safety if the Taco Bell DA goes ahead on the corner of Stewart and Howick. One resident Donna Kinsela, has written the following:

***"The proposed DA will increase the traffic volume of both Howick and Stewart streets.***

- ***Howick Street is a major artery to the Bathurst Hospital. Ambulances travel this way to the Bathurst hospital daily. The additional traffic on this corner has the potential to impede ambulance flow and in doing so put at risk people's health and lives.***
- ***One only has to look at the traffic congestion at Kentucky Fried Chicken or the entrance to the Bathurst City centre Shopping centre where traffic is often queued back onto the roundabout. MacDonald's had to widen their driveway and build a second Drive thru lane to remove traffic blocking Durham Street. Placing a takeaway establishment on the corner of Stewart and Howick Street will impede traffic travelling east on Stewart Street as well as potentially traffic travelling to the CBD in Howick Street. How does the council intend to manage queuing traffic up Stewart Street attempting to gain access to the drive thru? Will they be placing a do not queue across intersection sign or keep clear markings?***
- ***The DA advises there will be car parking for 1 staff member. I am sure the establishment will require more than 1 staff member to operate the facility. Where are the staff to park? In addition should the car park be full where will additional guests park? How the applicant and council guarantee residents and their visitors will have access to parking in front of their homes. Is the council going to restrict parking in Howick and Stewart Street to residents and their guests only?***
- ***In addition, there will be increased traffic in Howick Street from people attending the restaurant from 10 am to 11pm. This increase will see additional car lights hitting peoples homes as they enter and exit the car park adding to the light pollution from the restaurant and signs.***
- ***The proposed development, as a high traffic business, is not in keeping with the character of this heritage listed residential area."***

The Trust would ask that the Council Traffic Committee discuss this proposal as a matter of urgency and address the concerns of community members such as Ms. Kinsela. Will the Council or RMS be conducting traffic flow and safety audits? Will there be a safe pedestrian crossing built, or perhaps traffic lights?

Please also find above, a copy of the Trusts submission to Council re this DA proposal. Thanking you for your time and consideration,

Yours Faithfully,  
 Wayne Feebrey  
 Deputy Chair,  
 Bathurst and District Branch of the National Trust

Sent from [Mail](#) for Windows 10

**From:** [wayne feebrey](#)

**Sent:** Sunday, 15 December 2019 11:56 PM

**To:** [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

**Subject:** Taco Bell D.A.

Dear BRC. Please find attached the Bathurst and District National Trust submission re proposed DA Taco Bell. Development 2019/367 at Lot 1 DP:737574 105 Stewart Street Bathurst, 103 Stewart Street Bathurst (Taco Bell).

Many Thanks, Wayne Feebrey  
Deputy Chair  
Bathurst and District National Trust

Sent from [Mail](#) for Windows 10

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2019/367/028

---

**From:** Connie Gulson <connie.gulson@gmail.com>  
**Sent:** Tuesday, 17 December 2019 2:07 AM  
**To:** Council  
**Subject:** Attention! Fern Alice Finn . Environmental, Planning & Building Services Department.

Development Application No 2019/367. Premises: lot5DP: 1086710, lot1DP: 737574 105 & 103 Stewart St, Bathurst. I Maria Gulson, 1 /101 Stewart St, Bathurst. Submission! Against this Development Application.... My concerns! My property value!!! The extra traffic at the intersection at Howick St . Noise. Litter . Cooking Odours . Loitering. I reside at Unit 1 /101 Stewart, I will lose the beautiful privacy! That I have treasured, for so many years in my back yard . It is a residential area! So let's keep that way. Thank you for reading my, submission. Regards Maria Gulson .

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BATHURST REGIONAL COUNCIL

16 DEC 2019

RECEIVED

13 DEC 2019

REF. 2019/367/027

BATHURST REGIONAL COUNCIL

Mark and Donna Kinsela  
330 Howick Street,  
Bathurst  
11/12/2019

**To: Mr. R. Denyer****Manager Development Assessment****Re: Development 2019/367 at Lot 1 DP:737574 105 Stewart Street Bathurst, 103 Stewart Street Bathurst (Taco Bell)**

Dear Mr. Denyer,

As residents of 330 Howick Street for the past 32 years we, Donna and Mark Kinsela, are writing to raise our concerns about the proposed development.

**Objection 1 – Noise pollution**

The area is predominately residential with a mixture of small commercial premises excluding the motel. Most businesses operate during business or daylight hours and have done so for the 32 years in which we have resided at 330 Howick Street.

A take away establishment is not compatible with the current amenities of the area. The area has a hotel, car hire and retail glass and hobby outlets. There is neither take away food nor alcohol retail in the immediate block outlined for development.

If the DA were approved there would be increased noise from:

- Traffic congestion in the drive thru as well as from the car park. In the DA the applicants recognise the drive thru as a potential issue, although only as an odour emission issue, the fact is it will elevate noise pollution in the immediate area. They advise they will mitigate the impact by placing a sign that will request cars to turn off their engines, whilst waiting for the drive thru. We accept that many newer model cars do this however a major group of clientele for the establishment will be a younger audience who will drive older vehicles. How can this initiative be enforced, many customers will refuse to take such action and as such the noise from traffic will be intrusive on the local residents.
- In addition they suggest they will close the drive thru. Who will be the decision maker on this course of action? How will council enforce this action? Businesses are not in the practice of sending away customers or inconveniencing them. They exist to make profits.
- Deliveries will potentially be during the evening between 10 and 11pm. How does this help residents? This is an historically significant area of Bathurst being part of the original grid planned township and located in the Bathurst Heritage Conservation Zone. The house we live in is over 100 years old and as such the bedrooms are at the front of the homes, deliveries at this time will be disruptive. Such deliveries between these suggested hours will lengthen the noise pollution experienced by the residents of both Howick and Stewart Street. This suggestion is being made to suit the business and it is not a reasonable response to the noise pollution such a development will bring.

DEPBS

- The DA references reasonable noise allowances however who determines what is reasonable in a residential area? The current businesses in the area are certainly reasonable as they produce zero noise impacts outside daylight business operating hours. A take away food outlet operating a drive thru and a restaurant from 10 am to 11 pm 7 days a week is not reasonable and should not be inflicted upon the local residents.
- Clients using the establishment will also bring additional noise pollution with car stereo music which will be especially prevalent in the warmer months. How will this be managed?
- The volume of the speaker box during the evening will also impact local residents until 11 pm at night. Despite the DA claiming the noise levels are 'within reason' as a resident, I claim they are not as they do not exist today. Noise travels some distance just last weekend December 8<sup>th</sup> we could hear the carols from Machattie Park a pleasant and happy reminder of our community. They are not the unpleasant sound of a repetitive food order from 8 am to 11 pm each day. What plans do the applicant and council have to manage this noise element of the application?
- As previously stated, the area is one of the oldest in Bathurst and as such bedrooms in the area are located in the front rooms of the homes. Most heritage homes are situated within 3 metres of the street unlike new developments where homes are built 6-8 metres from the property boundary. This close proximity to the street will mean residents in the area are closer to all the impacts of the proposed new business and the noise of its customers both car and foot traffic.
- Taco Bell also advertises 'Beats at the Bell' where live music is provided every Saturday. As residents of the area we will be exposed to this regardless of whether we are patrons or not. The DA makes no mention of live performers every weekend. Why has this been omitted?

### **Objections 2 -Traffic congestion**

The proposed DA will increase the traffic volume of both Howick and Stewart streets.

- Howick Street is a major artery to the Bathurst Hospital. Ambulances travel this way to the Bathurst hospital daily. The additional traffic on this corner has the potential to impede ambulance flow and in doing so put at risk people's health and lives. I acknowledge this is not a deliberate move of the DA applicant or of any councillor who approves the application however increased traffic congestion on this corner will be a by-product of the DA should it be approved.
- One only has to look at the traffic congestion at Kentucky Fried Chicken or the entrance to the Bathurst City centre Shopping centre where traffic is often queued back onto the roundabout. MacDonald's had to widen their driveway and build a second Drive thru lane to remove traffic blocking Durham Street. Placing a takeaway establishment on the corner of Stewart and Howick Street will impede traffic travelling east on Stewart Street as well as potentially traffic travelling to the CBD in Howick Street. How does the council intend to manage queuing traffic up Stewart Street attempting to gain access to the drive thru? Will they be placing a do not queue across intersection sign or keep clear markings?

- The DA advises there will be car parking for 1 staff member. I am sure the establishment will require more than 1 staff member to operate the facility. Where are the staff to park? In addition should the car park be full where will additional guests park? How the applicant and council guarantee residents and their visitors will have access to parking in front of their homes. Is the council going to restrict parking in Howick and Stewart Street to residents and their guests only?

### **Objection 3 - Odour pollution**

- How will Food waste be managed, how frequently will bins be emptied? At what times will bins be emptied?
- The current businesses in operation add no odour pollution to residents. Drive past KFC during the summer months and you are quickly confronted by the cloying scent of the 'secret herbs and spices'. Residents of Howick Street and Stewart Street will have inflicted upon them the smell of Mexican take away food on a daily basis.
- Exhaust fumes from cars using the Drive Thru will also add to odour pollution. As I previously stated, the DA applicant advises they will ask patrons to turn off their engines, I repeat my question who will determine when this is necessary. They also advise they will close the Drive Thru, again who determines when this is necessary? What will be the trigger for employees to take this action?

### **Objection 4 - Light pollution**

- The proposed development also indicates a large sign will replace the existing sign. The facts are that the existing sign has not been used since Mitsubishi moved out more than 10 years ago. In addition this sign was not illuminated at night. Residents in the area will be impacted by light pollution from the new signage from at least 10am to 11pm. Again, with bedrooms at the front of homes this light will penetrate people homes and potentially their ability to sleep.
- In addition, there will be increased traffic in Howick Street from people attending the restaurant from 10 am to 11pm this increase will see additional car lights as they enter and exit the car park adding to the light pollution people will be impacted by.

### **Objection 5- Out of Character**

- The new development as a high traffic business is not in keeping with the character of this heritage listed residential area.

- The area is predominately residential homes where people take refuge from their busy lives. In recent years homes in the area have been renovated to improve the street scape.
- Many of the homes in the area have been standing for 100 years or more. How is a Taco Bell in keeping with the character of this historical area of Bathurst?
- Taco Bell also advertises the service of alcohol including happy hours on Saturday evenings. Again, how is such a business maintaining the character of the area.
- Councillor Alex Christian publically declared this area is a 'perfect location' as there is a lack of similar business this end of Stewart Street this further highlights that the establishment would be out of character for this predominately residential area.

### Additional Questions

- The DA advises that specific mechanical equipment plant are to be finalised and that we are to assume they will install similar equipment to prior restaurant of a similar nature. What if they don't, how will council ensure that they do?
- What will be the real operating hours of this business? The DA suggests some elements will operate less hours for example what time will the drive thru close given the DA advises early evening? Define early evening?
- What guarantee is there that they outlet will not be granted longer operating hours in the future?
- Why does the DA contradict itself? In one area it advises deliveries will be between 7am and 6pm and in another it advises deliveries may occur between 10-11pm. Which is correct?
- The current plans show no outside seating, will there be outside seating now or in the future? If there is outside seating will there be external speakers piping music outside?
- Will there be loss of vegetation on the verge – Will the current trees remain?
- What happened to the town planning philosophy of keeping similar business together?
- Will there be alcohol consumed on the premises? When we approached the council, they advised they were unsure and the response was "that is a good question?"
- How long do they have to complete work? Another DA on the corner of Howick and Peel has taken years to complete and local residents have been inconvenienced through blockages of pathway for many months at a time?

- Will the signage be lit all night?
- Does the current DA plan for signage meet council requirements?

In closing, we are not opposed to progress or additional services being provided to the residents of Bathurst. We are opposed to bad planning and this is what we are highlighting in this submission.

A much better location could be found for his establishment. It would be better planning by council to keep the big corporate fast food companies in a grouped location such as we have today with KFC, Hungry Jacks and MacDonald's. There is a location on the corner of Durham and Rankins Streets where there are already numerous retail outlets. Alternately a location in Kelso would be far better suited than on the last intersection before turning onto Durham Street off the Great Western Highway.

Councillor Warren Auburn, a member of the Traffic Committee has publically stated that should the establishment prove to be more successful than anticipated it is always possible to re-examine the impact on the intersection and traffic. Why would we not consider the growth of potential business in this application? Again, Taco Bell would not be setting up this business if they did not believe they could develop it into a profitable growing business. To do so later may work for traffic control however what about the other impacts on the local residents of a more successful Taco Bell.

What re-examining will the council ensure occurs in relation to noise, light and odour emission and other impacts on the residents of Stewart and Howick Streets.

We also want to respectfully remind all councillors that if this DA is approved the decision made will have a negative impact the lives of long serving rate payers who live in both Stewart and Howick Street.

If we were to contact a councillor each time we were disturbed by the operation of this proposed new business, this would be considered a form of harassment and we are sure action would be taken against us. However, as a resident of the area we will not have the right to take action each time we are inconvenienced or disturbed by this development as we go about our daily lives. We instead are expected to accept this inconvenience as 'progress' despite the negative impacts it will have on our lives.

Thank you for your time in consideration of these objections.

Donna and Mark Kinsela

The image shows two handwritten signatures in black ink. The top signature is 'D Kinsela' and the bottom signature is 'Mark Kinsela'. Both are written in a cursive, flowing style.

The General Manager  
Regional Council  
Bathurst NSW 2795

RECEIVED

16 DEC 2019

BATHURST REGIONAL COUNCIL

15<sup>th</sup> December 2019

BATHURST REGIONAL COUNCIL

RE: Development Application No 2019/367 - Taco Bell

17 DEC 2019

From: [REDACTED]  
2-101 Stewart Street  
Bathurst NSW 2795  
[REDACTED]

REF. 2019/367/029

**I write to express objection to the above**

The boundary/back fence [REDACTED] will be 2.2 metres from the proposed acoustic fence on the drive-thru of the proposed development. I have the following issues/concerns:

***Development Application- Planning Report and Statement of Environmental Effects***

- . document - element of doubt as to validity

***Noise/Sound/Disturbance/Construction noise***

- . loud speakers
- . idling cars queuing
- . music
- . garbage collections
- . truck deliveries
- . hours of operation
- . refrigeration
- . air-conditioning
- . construction noise/disturbance

***Smell/odour***

- . cooking smells
- . garbage
- . litter
- . car fumes

***Traffic***

Following is documentation in support of my objection.

[REDACTED]

**Document: Development Application  
Planning Report and Statement of Environmental Effects**

**Firstly:** The above document makes reference to **Tamworth Regional Council**

- i) **Table of Contents** ...Tamworth Regional Local Environmental Plan 2010 (clause 2.1: p.4)
- ii) **Table of Contents**...Tamworth Regional Development Control Plan (clause 2.3: p.4)
- iii) **Territorial Re-enforcement**...The whole section refers to Roderick Street property boundary (22.0: p.51) - not a Bathurst Street

This suggests that the document was initially prepared for Tamworth Regional Council. It indicates that the submission, or parts thereof, is not relevant to the proposed development. **The complete document could be compromised.**

**Secondly:** Council Pre-Application Meeting 25<sup>th</sup> September (1.3 : p.12)

The existing block of units on the boundary/back fence line of the proposed development (northeast) ie 101 Stewart Street, was not listed as a point of discussion.

██████████ The proposed acoustic fence will be 2.2 metres from the fence line, which makes it 5.2 metres from the unit.

*... "The relative position of the Project to residential premises would be generally similar to the other fast-food operations located within the Bathurst Regional Council area. (Environmental Noise Assessment: p.6)*

KFC and McDonalds don't appear to be as close to actual residences as this proposal. The impact the development would have on occupants, health & well-being and devaluation of property, should be given serious consideration.

**Noise/Sound**

**Document: Environmental Noise Assessment**

The report provides *actual* measured noise information and *calculated* noise information for four sites (noise sensitive receptors - Table 1: p.6 **plus** Figure 1: p.7) chosen to represent the residential areas surrounding the proposed development.

- my residence, ██████████ is immediately adjacent to the north east of the proposal. The boundary is 2.2 metres from the proposed acoustic fence around the drive-thru adjacent to the pick-up point. Noise receptor R2 falls precisely on the unit.
- the current measured noise levels at site R2 are for the evening (6pm-10pm) 34 dba, and early night (10pm-11pm) 31 dba.
- the calculated noise level at site R2 for the drive-thru only operation is *up to 50 dba* (Table 10: p.19). This has assumed that all attenuations, including acoustic fence, are in place.

That would indicate a significant increase in noise levels which would impact on my residence. Any noise increase on an ongoing basis would be unacceptable.

There is no evidence that the proposed acoustic fence will suffice in reducing the noise level to my unit, and I can't find any reference as to what type of acoustic fence is proposed.



***Smell/Odour***

**Document: Odour Assessment Report - Todoroski Air Sciences - 20 November 2019**

The repeated use of the words “*unlikely*”, “*likely*” and “*are expected*” (not so often) throughout the report is not very assertive and does nothing to lessen concerns.

The report has been based on the 2018 Annual and Seasonal windroses - Bathurst Airport (figure 4: p.5). The weather patterns changed dramatically in 2019. It has been a very different year, and according to environmental and meteorological science, changes will continue.

It does not address the consequences of nil air currents to move emissions (p.6). This scenario should not be dismissed particularly in the present changing climate.

I don't believe i) that air quality would not be compromised and ii) that ... “*The nature of the odour from the Project is not considered inherently unpleasant and the Project is anticipated to have minimal effect on existing conditions.*” (p.6).

Apart from food/cooking odours there are so many other contributing factors - including increased odours from waste, garbage and car emissions.

***Other potential air emissions (p.7)***

One or more poorly tuned or malfunctioning car would apply to any number of P-Plate owners who typically would be *drive thru* customers. Also, the unwillingness of some drivers to adhere to road rules, indicates that a sign “*please switch engine off*” would be totally ineffective.

***Traffic***

...(vi) “*will further activate the established A32 highway corridor*” (Development Application - Planning Report and Statement of Environmental Effects - Recommendation to Council (Conclusion 22.0: p.56).

I don't know what this means, but anything that impedes smooth traffic flow would be detrimental.

The recently high-lighted problems in George Street to and from Kelso, over the Hereford Street Low Level Bridge, with built up traffic turning into KFC, should be an example of how extra traffic and lights could cause potential problems.

***Rubbish/Litter***

It is not hard to envisage the amount of rubbish and litter that would appear on the footpaths in and around the area. Taking into account that Bathurst High School and Bathurst Base Hospital are both within walking distance and the extra foot traffic that could be generated and possibly will be, resulting in rubbish and litter being left around surrounding streets. As it is now, the front property of 101 Stewart constantly has rubbish thrown on the footpath and over the fence. Without a doubt this will increase.

***Overshading of Property***

It is difficult to judge what impact the acoustic wall would have on my property but...it is highly possible and probable, that a negative affect would result (eg back door looking directly at acoustic fence with *future vertical landscaping*).

**Hours of Operation**

There are conflicting statements on the hours of operation. Please refer to **Document: Development Application-Planning Report and Statement of Environmental Effects -**

- . Proposed Trading Hours - *the proposed trading hours are set out in Table 1. (1.1: p.11) is different to*
- . Proposed Hours of Operation - *the trading hours will not alter and will be retained as detailed (19.9: p.51),*  
and
- . **Plan of management Bathurst - Safety/security management practices** *store will also only operate one drive thru window from midnight to 6am 7 days a week .(v) page 1*  
This is the only reference to all night trading and it is really concerning.

Also refer to **Document: Environment Noise Assessment**

- . ... *"the proposed operating hours are as follows:  
10 am to 11 pm Monday to Sunday"(2.1: p6)*
- . ... *"it is anticipated that the restaurant will operate up to 11pm, 7 days per week"*  
(5.4: p.14)

**Construction noise/dirt/dust/privacy**

**Document: - Development Application-Planning Report and Statement of Environmental Effects**  
... "Potential adverse impacts arising from the development include:- (i) dust, noise and traffic from construction activities. These impacts on surrounding premises will be temporary in nature with mitigation measures to be included in the construction management plan to ensure construction impacts on surrounding premises are kept to a minimum" (19.8: p.50)

There is no doubt that the dust, noise and traffic during construction will have an impact on surrounding premises. Temporary could mean 1 week - 1 year or anywhere in between.

- . what mitigation measures would be put in place for the problem of dust and dirt? This has been horrendous in Bathurst the past few months - it is not likely to abate in the near future and would be unbearable if this project went ahead. Health wise it could be disastrous to surrounding residents. There would be problems with hanging clothes on line and having to keep doors and windows closed on that side.
- . it is not possible to cut down noise of earth moving equipment etc. It would be invasive and constant. There is nothing to say that there would be relief at weekends.
- . because of the reconstruction of the existing fence line I am concerned my privacy would at some stage, if not permanently, be impinged upon.

**Another Issue**

**Document: Development Application- Planning Report and Statement of Environmental Effects**

... *"the existing building on lot 5 was previously operating as a Service Station which was decommissioned"*  
(p.31)

The Report states that lot 5 was previously a service station, and also that the Avis Car Rental utilizes the original concrete driveway. There is no reference to the original underground fuel tanks and whether or not they had been removed. So it is highly probable that they are still there, and that the soil would be contaminated. This would be another potential issue which would have a direct effect on neighboring properties.

***In summary***

The development project is incompatible with the surrounding residential properties and will have a negative impact on Environmental Standards and Property Value. There are 7 units in the complex of 101 Steward Street, and three are owner occupied. It is causing angst and anxiety.

Based on preliminary valuation advice from the DPD it is anticipated that the property will most likely suffer a decrease in value of approximately 10-15%. Whilst the acoustic impact is one element contributing to the diminution in value, there will also be the visual impact, increased traffic and the long-term blight suffered by adjoining properties.

I [REDACTED] believe that if I was able to sell now (after the announcement) I would have already incurred that loss.

Even though the report indicates that the development meets the noise levels set out in the *Industrial Noise Regulations in NSW*, it does not properly address the additional noise impact on my unit which I believe is a very significant increase, and because of this I'm totally opposed to the proposed development.

It's hard to understand how Council could display for public comment, a document that does not appear to be relevant to the Bathurst Regional Council area.

2019/367/026

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**From:** wayne feebrey <feeb4@bigpond.net.au>  
**Sent:** Sunday, 15 December 2019 11:56 PM  
**To:** Council  
**Subject:** Taco Bell D.A.  
**Attachments:** Taco Bell.docx

Dear BRC. Please find attached the Bathurst and District National Trust submission re proposed DA Taco Bell. Development 2019/367 at Lot 1 DP:737574 105 Stewart Street Bathurst, 103 Stewart Street Bathurst (Taco Bell).

Many Thanks, Wayne Feebrey  
Deputy Chair  
Bathurst and District National Trust

Sent from [Mail](#) for Windows 10

[Report this message as spam](#)



The National Trust of Australia (NSW) Bathurst  
and District Branch

**Mr. R. Denyer**

**Manager Development Assessment**

**Re: Development 2019/367 at Lot 1 DP:737574**

**105 Stewart Street Bathurst, 103 Stewart Street Bathurst (Taco Bell)**

14<sup>th</sup> December 2019

Dear Mr. Denyer

As always, the local branch of the Trust appreciates the opportunity to comment upon this DA. Whilst the Trust does not take issue with Taco Bell wanting to establish in Bathurst per se, our main concerns revolve around the proposed location of the business. In recent weeks, the Trust has been approached by a number of residents of Howick Street, adjacent to the proposed DA, to make comments on their behalf.

Residents have spoken of their concerns in several key areas, including increased traffic flows and congestion, parking issues, increased pedestrian flows, pedestrian safety, noise pollution, light pollution, odor pollution from food cooking smells, long opening hours, delivery and garbage truck noises, alcohol consumption and live music noise, amongst others.

It must be remembered that this locality is a predominately residential area. It is in the heart of Bathurst's Heritage Conservation Zone, and in an historically significant precinct. Many of the homes in this area are over 100 years old and their owners have spent substantial time and money renovating, extending and improving them, often with the help of Council's Heritage Fund.

These older houses are largely built closer to the street, with bedrooms at the front of the house. Hence, noise, traffic, light, odor and the other issues highlighted above, will have a much more significant impact upon the privacy, peace and well-being of these locals.

A multi-national chain restaurant with a busy and noisy drive through is not compatible with the current heritage and residential values of this precinct. There are presently no similar businesses in this locality.

The Trust would argue that there are much better locations for this business in other parts of town, including the opposite end of Stewart Street, which already has a commercial strip; the MacDonald's and KFC precinct in Durham Street as well as the new extensions to the Sydney Road commercial strip at Kelso - Raglan.

The Trust believes that the Taco Bell proposal on this site is highly inappropriate. It is completely out of character for a residential area where locals take refuge from their busy lives. It would be unfair to inflict upon these homeowners a host of daily and nightly disruptions when many have done so much to contribute to the heritage character of these streetscapes.

The issues of the appropriateness and height of the proposed Taco Bell signage and the real potential for continued "commercial creep" along Stewart Street are areas of real concern that the Trust have identified. An approval of this proposal would call into question the commitment of town planning to protecting our heritage housing stock and the potential for significant economic returns from heritage tourism, done well.

We trust that these comments will help Council in their determination on the proposed development.

Yours Faithfully,

Wayne Feebrey

Deputy Chair, Bathurst and District Branch of the National Trust.

2019/367/025

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**From:** Lyndall Whiley <lyndallw@gmail.com>  
**Sent:** Sunday, 15 December 2019 9:20 AM  
**To:** Council  
**Subject:** Objection to DA 2019/367 Taco Bell  
**Attachments:** Taco Bell DA.docx

To :General Manager, Bathurst City Council  
DA:2019/367 Taco Bell

Lyndall Whiley  
114 Stewart St  
Bathurst 2795

M. 0421 139422  
E. [lyndallw@gmail.com](mailto:lyndallw@gmail.com)

Please find attached the reasons for my objection

[Report this message as spam](#)

Attn: General Manager

DA: 2019/367 Taco Bell

From: Lyndall Whiley

Email: [lyndallw@gmail.com](mailto:lyndallw@gmail.com)

Mobile: 0421 139422

I am the owner of 114 Stewart St, Bathurst- on the corner of Stewart and Howick Streets.

I strongly object to the Development Application No 2019/367- erection of a Taco Bell Drive thru, on the following grounds-

### **Pedestrian Safety**

Even with the existing pedestrian refuge facility, it is at present, extremely challenging crossing Stewart St from the corner of Stewart and Howick, in front of my home. The daily traffic volumes quoted in the Traffic Assessment report - Eastbound 3,032 vpd and Westbound 3,022 vpd, highlight why this is so. I regularly watch people with prams and young children, or elderly residents, struggling to make it to and from the middle refuge.

If the proposed development went ahead, pedestrians crossing the highway would find this even more dangerous as they would then have to factor in

- \*vehicles slowing to enter the *Taco Bell* driveways
- \*traffic slowing to accommodate vehicles exiting the premises.
- \*westbound vehicles waiting to make a right hand turn across the highway to access the food outlet.
- \*more cars turning left out of Howick across their path.

Furthermore, I have concerns about risks resulting from pedestrians coming to and from the nearby CBD to *Taco Bell*. This fast food outlet would attract school children, families and other young people walking from the CBD as well as *Taco Bell* employees walking to work. All these people will have to negotiate a very complex traffic situation in order to cross the busy highway. It would be unlikely that they would walk an additional two blocks out of their way, in order to access the pedestrian crossing on the corner of Durham and Stewart Streets or an additional four blocks to cross at the lights on Keppel and Stewart.

Visiting motorists passing through Bathurst do not anticipate encountering pedestrians crossing the highway at the Stewart and Howick intersection. It is not in a built up area like upper Stewart and no traffic lights or marked crossing exist. However, it would be impractical to place another set of lights or a pedestrian crossing there as it is so close to the one on Stewart and Durham. The highway flow would back up if there were 3 sets of lights in 4 blocks.

The increase in pedestrians crossing the highway to reach *Taco Bell* concerns me greatly as I believe locating a fast food outlet on the opposite side of the highway to the CBD would have a negative impact on the safety of both pedestrians and motorists.



### Motorist Safety

Having lived directly opposite for many decades, I have seen numerous accidents occur right in front of the proposed *Taco Bell* site. Although I have not kept a record of these incidents, I have been able to locate photos and articles about three that have been published. I urge councillors to follow the links for more details about these accidents.

Sept 2017 Emergency Services were called to the accident, near the intersection of Howick Street, at 12.25pm on Sunday following reports that a car had left the road and crashed into a house.



<https://www.westernadvocate.com.au/story/4944519/man-45-taken-to-hospital-after-car-crashes-into-house/>

June 2011 A MAN was lucky to suffer only minor injuries in a spectacular crash at the intersection of Howick and Stewart streets yesterday, where a car became airborne and landed on its roof in a Stewart Street car yard.



<https://www.westernadvocate.com.au/story/918547/a-lucky-escape-after-car-flips/>



**March 2013** A minor accident which had one car overturned on highway Stewart Street, caused minor problems with traffic as police directed traffic away from scene until tow trucks righted car.



<http://www.bathurstscan.com/bathurst-accident-stewart-street/>

I believe it is just a matter of time before more accidents occur in this spot.

Traffic builds up speed going down this section of Stewart Street. The additional traffic movements in and out of the proposed fast food outlet, plus the complexity of vehicles making a right hand turn into the premises so close to an intersection, would greatly increase the risk of further accidents. More vehicles will attempt to make a right hand turn onto the highway across multiple lanes of traffic from the hospital side of Howick Street. This is very difficult now, even with the traffic numbers at present. The risk of rear end collisions will also rise as cars on the highway stop to turn into the premises. If more people and vehicles were concentrated into this area, the likelihood that someone will be badly injured or killed will be increased.

### Unsuitable Location

This proposed site is in a R1 – General Residential Zone

Other fast food outlets such as *MacDonald's* or *KFC* are clustered within the Bathurst CBD, not in a residential area. Patrons can walk safely to these outlets because of traffic lights and pedestrian crossings. Other fast food outlets are located in commercial or light industrial areas.

Fast food outlets in the CBD or close to other commercial areas, place customers in the vicinity of other shops and businesses thus strengthening the local economy. Council should not be drawing customers away from the CBD to a site in a residential area.

### Impeded Ambulance Access

Ambulances going to the hospital directly up Howick Street may be delayed due to congestion near the *Taco Bell* Howick Street entry. Traffic may be queuing to enter the drive through or car park.

### Extended Operating hours

At present 103 Stewart St, is used by a company which operates during business hours and only has a relatively small volume of customers frequenting the site.

However, *Taco Bell* will open seven days a week. Opening times will be 10 am -11 pm on Friday and Saturday and 10am-10pm on other days. The hours that staff will be on site will be extended beyond this as they will be setting up, preparing food, packing up and cleaning outside of operating hours. Hence, the disruption to residents is likely to be all week until approximately 11 or 12 pm.

After searching the websites of restaurants and take away shops in the CBD, I found that nearly all close between 9pm and 9.30pm. It is unacceptable to allow a fast food outlet, outside the CBD and in a residential area, to have a closing time of 10pm to 11pm.

### Noise

During these very long opening hours, residents such as myself, will be subjected to noise from the mechanical plant, supply and exhaust fans, air conditioning units, car doors closing, cars entering and exiting, cars going through the drive thru, delivery trucks manoeuvring and garbage trucks collecting waste, plus very intrusive noise as staff talk through the speaker boxes in the drive thru. There is no guarantee that the planned acoustic screens will satisfactorily mitigate the effect of the huge increase in noise levels outlined in the *Noise Assessment Report*. It is concerning that the report predicts levels that are already so close to the accepted guidelines.

In addition, there will be a lot more noise from patrons talking in the carpark and the surrounds of the outlet. Some patrons will avoid negotiating the carpark altogether and park instead in neighbouring streets, thus creating more noise for residents. There will be increased noise as people walk along Howick St, to and from the CBD, or while congregating in front of my house to wait for a break in traffic in order cross the highway.

The increased noise generated by patrons is not something *Taco Bell* can control, or measure in their reports, however it will affect residents greatly. All this extra noise will be particularly intrusive at night as any of these sounds will be heard quite clearly through my front bedroom windows.

More noise will also occur as employees arrive or leave the premises in order to complete tasks outside of operating hours

### **Light Pollution**

There will be additional light coming into my bedroom from the three large illuminated signs.

I note that in the DA, no curfew applies to these signs, hence the illumination will be 24 hours a day.

Also, I will frequently have car headlights shining onto my house as drivers wait in the driveway of the Stewart St exit until there is a gap in the traffic.

### **Odours**

Filtered odours from cooking will be dispersed into the neighbourhood. *The Odour Assessment Report* sighted wind drifts from 2018 but that year may not be reflective of all years, as weather patterns change, so the effect on residents is unclear. Odours from other fast food outlets in Bathurst are obvious to passers-by. There will also be odours from waste storage, plus exhaust emissions from cars waiting in the drive thru, particularly if serving times are delayed.

### **Litter**

Frequently, people walking past my house throw drink containers and food wrapping on the grass verge of my property or poke it into my hedge. I am concerned that this littering would increase with pedestrians and traffic leaving this fast food venue.

### **Finally**

Many of the reports submitted with this DA on traffic flows, noise etc. are based on the assumption that because *Taco Bell* is not as well-known as MacDonald's or KFC, patronage will be less. However, this assumption may not be correct. As one of only a few *Taco Bells* in NSW and being the world's largest Mexican take-away chain, it may attract larger volumes of patrons due to its novelty value. Hence the traffic problems and disruption to residents may actually be understated in these reports.

The proposed location is completely unsuitable. Locating a fast food outlet on such a dangerous intersection would place customers and employees, as well as other passing pedestrians and motorists, at risk.

As it is situated in a Zone R1- General Residential area, there would be unacceptable noise, litter, illumination, odours, inconvenience and disruption to residents, 7 days a week for long hours.

Therefore, I urge the council not to approve this development on this particular site.