

31 July 2019

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -  
Wednesday, 7 August 2019**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 7 August 2019 commencing at 6.00 pm.



D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

## **POLICY COMMITTEE**

**TO BE HELD ON WEDNESDAY, 7 AUGUST 2019**

**1. 6:00 PM - MEETING COMMENCES**

**2. PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

3.01 Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

3.02 I would like to acknowledge that this meeting is being held on the traditional lands of the Wiradjuri people and recognise the strength, resilience and capacity of Aboriginal people in this land.

**3. APOLOGIES**

**4. REPORT OF PREVIOUS MEETING**

\* MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2019

**5. DECLARATION OF INTEREST**

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

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

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

**7. RESOLVE INTO OPEN COMMITTEE**

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

**9. GENERAL BUSINESS**

**10. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS**

\* DEVELOPMENT APPLICATION NO. 2019/133 – DEMOLITION OF 2 EXISTING DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCTION OF 38 RESIDENTIAL UNITS, 48 HAVANNAH STREET BATHURST. APPLICANT: HOUSING PLUS. OWNER: HOUSING PLUS

**11. DISCUSSION FORUM OTHER**

\* HERITAGE CONSERVATION AREA REVIEW 2018

**12. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

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

## MINUTE

### 2 APOLOGIES

MOVED: Cr I North SECONDED: Cr B Bourke

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

## REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

## **1 MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2019 (07.00064)**

**Recommendation:** That the Minutes of the Policy Committee Meeting held on 3 July 2019 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held 3 July 2019, are **attached**.

**Financial Implications:** N/A

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

- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

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

## MINUTE

- 3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 JULY 2019 (07.00064)  
MOVED: Cr I North SECONDED: Cr J Rudge

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 3 July 2019 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 3 JULY 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

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

**APOLOGIES**

**2 APOLOGIES**

Nil

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 June 2019 (07.00064)**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 5 June 2019 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr B Bourke and **SECONDED** Cr I North

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

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

**Director Corporate Services & Finance's Report**

**5 Item 1 GOVERNANCE - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS (11.00008, 41.00089)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That Council:

- (a) Adopt the policy as outlined in the report.
- (b) Note that as there is no changes proposed to the policy that Council does not need to place the policy on public display and seek submissions

**GENERAL BUSINESS**

**6** **BUSINESS OWNER REPRESENTATIONS - PARKING WILLIAM STREET (28.00006)**

**Cr North** - Concerns at parking in area near Council. Could the limit between Russell and Keppel Street be reduced from 2 hours. Tabled a letter of request from business owner.

**7** **Item 2 WORKING PARTY - CONSTRUCTIVE ENERGY (13.00065)**

**Cr North** - Recently held a meeting with this group, would like to ensure this is followed up.

**General Manager** - Will be organising a working party in near future to discuss energy directions.

**8** **Item 3 REGIS RESOURCES (20.00333)**

**Cr North** - Where is the project at? Noted proposal to utilise land in Bathurst Regional Council to run a pipeline?

**General Manager** - Noted Regis is currently working on DA approval.

**9** **Item 4 EGLINTON ROAD (25.00045)**

**Cr North** - The road work recently undertaken is very poor. Need some action taken.

**10** **Item 5 SECOND CIRCUIT (20.00278)**

**Cr North** - Where is this at? Noted benefits of project and need to keep Federal Member up to date.

**Direction Engineering Services** - Provided update on design, EIS and community consultation process.

**11** **Item 6 STEWART STREET (ROCKET/LAMBERT) PARKING TIMES (28.00006)**

**Cr Christian** - Businesses would like parking times reduced from 1 hour to 1/2 hour.

**Director Engineering Services** - Requested businesses write to Council.

**12** **Item 7 TRAFFIC ISLAND HOLY FAMILY SCHOOL- MARSDEN LANE (25.00124)**

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This is page 2 of Minutes of the Policy Committee held on 3 July 2019

**Cr Christian** - could a traffic island be installed?

**Director Engineering Services** - Such a proposal would need to go to Traffic Committee for consideration.

**13**      **Item 8 5G ISSUES / IMPACTS (08.00002)**

**Cr Christian** - Where are we at locating independent studies?

**Director Environmental Planning Building Services** - Noted seeking advice from bodies like CSIRO, when obtained will be reported to Councillors.

**15**      **Item 9 FACEBOOK LIVE COMMUNICATIONS**

**Cr Jennings** - Do we use this type of facility? Perhaps use eg for WMC advice, water advice.

**General Manager** - Will review and get back to Cr Jennings.

**14**      **Item 9 DIGITAL MEDIA ACCESS (11.00008)**

**Cr Fry** - Can Councillors access Sydney Morning Herald (SMH), Australian newspapers etc digitally via a Council licence?

**General Manager** - the matter will be investigated.

**16**      **Item 10 CLIMATE EMERGENCY (07.00047)**

**Cr Fry** - This went to Orange Council and was lost. We need to look at food and water security. Have we voted to join the Murray Darling Association?

**General Manager** - Bathurst Regional Council previously belonged to the Murray Darling Association but withdrew due to limited benefits of membership.

**17**      **Item 11 LEGACY TURNOVER DINNER (09.00011)**

**Cr Fry** - Attended the recent dinner and spoke to members about their role and business. Then referred to CSU spare beds and possible use of their bed capacity for support of veteran families.

**General Manager** - Recommended that Legacy contact the University direct.

**18**      **Item 12 ICE RINK WATER USAGE (23.00152)**

**Cr Morse** - Has received a query about water being used on the ice rink. How do we present a positive story on this?

**Director Engineering Services** - Spoke to water usage and community well-being of the event.

**19**      **Item 13 EMAIL SYSTEM (03.00004)**

**Cr Morse** - With new system in place will people get an automatic response?

**Director Corporate Services Finance** - Programs being put in place to facilitate this.

**20**      **Item 14 PIPER STREET - TRAFFIC ISSUES (28.00007)**

**Cr Morse** - With the volume of traffic, there area concerns with the Bentinck/ Piper street intersection. Could a stop sign be put in place?

**Director Engineering Services** - Would need to be referred to the Traffic Committee.

**21**      **Item 15 AGEING STRATEGY (09.00017)**

**Cr Morse** - Need to consider priorities for an Ageing city, noted recent State Government strategy. Referred to studies completed in the USA.

**22**      **Item 16 WATER SECURITY (32.00006)**

**Cr Aubin** - With our growth and water capacity, we need to consider very hard the raising of the dam wall as well as a pipeline. Noted water security funding actions by the federal government.

**23**      **Item 17 EGLINTON ROAD (25.00045)**

**Cr Aubin** - The works are terrible. Council should not need to comeback and repair the road. Then spoke to cost of hotmix-v-topseal and benefits purported to occur. Bathurst Regional Council should look at hotmix seal for all the road we put down.

**Director Engineering Services** - Spoke to works undertaken and reseal programs implemented.

**24**      **Item 18 BATHURST HEALTH SERVICE ACTION GROUP (18.00035)**

**Cr Aubin** - The local member is meeting with the CEO of Western Health area. The Group has produced a letter of issues/needs for him to present to Western Health. Detailed some of the needs eg cardiology, emergency orthopaedics, anaesthetists, gastric, urology, ears, nose and throat (ENT) and palliative care. Then noted goal extension and the demands it will place on the hospital.

**25**      **Item 20 IPART RECENT STUDIES (16.00004)**

**Cr Jennings** - Spoke to these, are there implications for Council?

**General Manager** - The reviews including rating and red tape are being assessed.

**26**      **Item 21 MARSDEN LANE TRAFFIC ISSUE (25.00124)**

**Cr Jennings** - Spoke of bridges used in Sydney, is a warrant needed for such proposal?

**Director Engineering Services** - Warrant would not be needed, noted cost implications.

**27**      **Item 22 DPI DROUGHT MAP (13.00031)**

**Cr Jennings** - Shows Bathurst is not in drought. Spoke to economic and social impacts being felt. Would like Council to get more insight into drought impacts and asks that Council have meetings with agricultural bodies etc. Eg: Reps from Bathurst Farmers Association, agricultural supply businesses, stock and station agents and Bathurst Business Chamber to discuss the issues.

**28**      **Item 23 KELSO COMMUNITY HUB (09.00026)**

**Cr Rudge** - This was opened today and is an amazing design. Encouraged everyone to have a look.

**29**      **Item 24 SUNRISE VISIT LAST SUNDAY (20.00020)**

**Cr Rudge** - Attended the visit, it was a real coup for Bathurst, visitations were made for a number of facilities. Great publicity for the city. All are to be congratulated.

**30**      **Item 25 MUSEUMS STRATEGY (18.00289, 18.00165)**

**Cr Rudge** - Supports proposed submission to LGNSW in the ordinary meeting tonight.

**31**      **Item 26 HOME OUTREACH EDUCATION PROGRAM (21.00002)**

**Cr Rudge** - Offered by Art Gallery, spoke to this and the participation levels of 220 students. Exciting program which will lead to an exhibition at the end of the year.

**32**      **Item 27 AGEING POPULATION (09.00017, 11.00019)**

**Cr Rudge** - Noted CMWCG session to occur in August on making Bathurst a dementia friendly town.

**33**      **Item 28 ROCKLEY CEMETERY (09.00035)**

**Cr Rudge** - Thanked staff for assistance provided.

**34**      **Item 29 RIVER ROAD CAR PARKING (28.00007)**

**Cr Rudge** - Bridge near Lions Club Drive with cars parking there is causing issues, can this be addressed.

**Director Engineering Services** - Will review this matter, noted prior placement of no parking signs.

**35**      **Item 30 CHURCH LANE / RIVER ROAD POTHOLE (25.00226)**

**Cr Ridge** - Please check this and get repaired.

**36**      **Item 31 GASWORKS SITE (22.00052)**

**Cr Bourke** - Matter is starting to progress. Have spoken to Jemena about actions needed. There will be more patrols, CCTV will be installed, will be covering asbestos. Queried where is Crown Lands on possible funding ?

**Director Environmental Planning Building Services** - Noted interaction in place and there is a working party in July.

**37**      **Item 32 STEWART STREET (25.00036)**

**Cr Bourke** - Raised concerns about parking safely on the road. Need to talk to Roads and Maritime Services (RMS) over these problems.

**38**      **Item 33 GILMOUR / HEREFORD STREET INTERSECTION (25.00031)**

**Cr Bourke** - What is going to happen to this intersection?

**Director Engineering Services** - Noted Roads and Maritime Services (RMS) study being undertaken, previously RMS have favoured traffic lights, any action has been deferred until study has been received.

**39**      **Item 34 ESSENTIAL ENERGY (18.00124)**

**Cr Bourke** - Have advised they are shedding jobs. What is impact to Bathurst of this?

**General Manager** - Council will contact Essential Energy to discuss the implications.

**MEETING CLOSE**

**40**      **MEETING CLOSE**

The Meeting closed at 7.03 pm.

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

**MINUTE**

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

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

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

POLICY COMMITTEE

7 AUGUST 2019

## **1 DRAFT AMENDMENT TO ENFORCEMENT POLICY – WATER RESTRICTIONS (41.00089 & 03.00142)**

**Recommendation:** That Council:

- (a) place the draft amended Enforcement Policy on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the amended Enforcement Policy; and
- (c) if submissions are received, prepare a further report for Council.

**Report:** Council at its Ordinary Meeting on 17 July 2019 adopted a strategy for water security which includes the implementation of Level 4-5 water restrictions commencing on 14 October 2019. As was described in the detailed report presented to Council, a proactive program of monitoring and enforcement is essential to ensuring that Level 4-5 restrictions lead to a decrease in water consumption.

Council's existing Enforcement Policy provides a detailed discussion of the processes followed by staff in determining what type of enforcement action is necessary for a given issue. However, as the City of Bathurst has not been required to enforce Level 4-5 restrictions in recent history, it is appropriate that Council's approach for enforcement of water restrictions is separately described in the Policy.

It is proposed to amend Council's existing Policy by adding a new Section 14 as follows:

### **14. ENFORCEMENT ACTIONS DURING WATER RESTRICTIONS**

*During times of water restrictions, at level 4, 5 or 6, Council may adopt various enforcement options including but not limited to the following;*

(1) Verbal warning

*A verbal warning may be issued by an authorised Council officer to a person for a minor breach incident arising from genuine ignorance of the water restrictions. The authorised officer will provide information to the resident and later record the incident as a verbal warning for the premises.*

(2) Warning letter

*In cases where a minor but deliberate breach of restrictions has occurred Council may issue a formal warning letter to the resident responsible. A second warning letter may be issued subject to circumstances.*

(3) Penalty notice

*Where a warning has been previously given or in cases of more significant and deliberate breaches of water restrictions, a penalty notice may be issued.*

(4) Court Attendance Notice

*In serious breaches of water restrictions or in the case of repeated deliberate offending, Council may initiate legal action against the person responsible through issuing a Court Attendance Notice.*



**MINUTE**

**5 Item 1 DRAFT AMENDMENT TO ENFORCEMENT POLICY – WATER RESTRICTIONS (41.00089 & 03.00142)**

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

**RESOLVED:** That Council:

- (a) place the draft amended Enforcement Policy on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the amended Enforcement Policy; and
- (c) if submissions are received, prepare a further report for Council.

Yours faithfully



N Southorn  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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

POLICY COMMITTEE

7 AUGUST 2019

## **1 IPART - REVIEW OF LOCAL GOVERNMENT ELECTION COSTS (12.00010)**

**Recommendation:** That Council note the submission made to IPART'S review of Local Government Election costs.

**Report:** Councillors would be aware that the NSW Premier has commissioned the Independent Pricing and Regulatory Tribunal (IPART) to review the costs of Local Government elections, and to provide a report "*.... to the Minister for Local Government recommending a costing methodology to be applied in determining the amount the NSWEC (New South Wales Electoral Commission) charges councils which use the NSWEC to administer their ordinary elections*".

In June, IPART released their Draft Report and invited submissions to be lodged by 19 July 2019. Council staff have reviewed IPART's draft report and have lodged a submission, a copy of which is provided at **attachment 1**.

Council historically has engaged the NSWEC to administer its ordinary elections. In 2013 the cost of this service was \$212,493 (excluding GST), and for the 2017 election, the cost was \$235,524 (excluding GST), which equates to an 11% increase over this period. IPART's draft report is recommending that the cost for Council's 2020 election be \$376,000 (excluding GST), being an increase of 60%.

Interestingly, the Executive Summary of the draft report, identifies the need for this review "*...to minimise the financial burden on councils and ratepayers...*". It is quite apparent, from the findings and recommendations of the draft report, that this is unlikely to be achieved.

A full copy of IPART'S draft report is available from [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au).

In addition to the above, Council's submission provided comments in relation to:

- the "near monopoly" market held by the NSWEC;
- the omission of State Government election costs and the costs of other services provided by the NSWEC from the review;
- the vulnerability of the costing methodology applied; and
- the absence of a review of the current legislation.

According to IPART'S draft report, IPART is intending to provide their final recommendations to the Minister for Local Government by 30 August 2019.

**Financial Implications:** There are no financial implications arising from this report. However, should IPART's recommendation be implemented by the NSWEC, Council should expect a 60% increase in the costs of administering the 2020 local government elections.

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

- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

#### **Community Engagement**

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

**MINUTE**

**6 Item 1 IPART - REVIEW OF LOCAL GOVERNMENT ELECTION COSTS**  
**(12.00010)**

**MOVED: Cr J Jennings SECONDED: Cr J Rudge**

**RESOLVED:** That Council note the submission made to IPART'S review of Local Government Election costs.

Yours faithfully

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

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

**GENERAL BUSINESS**

POLICY COMMITTEE

## MINUTE

### 7 Item 1 MEETING WITH HON M. PAVEY- WATER 32.00026

**Cr Bourke** - Noted meeting held in Sydney 6/8/19 with the Water Minister to discuss drought concerns and working together with the state. Meeting went well and many items discussed including; pipelines, irrigation matters and water security. The local member was in attendance and provided assistance.

**Direction Engineering Services** - Provided further details on the meeting including potential infrastructure and water licence issues. Further, today 7/8 meetings were held with State Government representatives (officers) to work on strategic responses.

## MINUTE

### 8 Item 2 AMBULANCE STATION 22.01504

**Cr Bourke** - Where is the acquisition of this building at?

**Director Corporate Services Finance** - Currently seeking further information from the state, understand contracts are being drawn up.

## MINUTE

### 9 Item 3 ROUNDABOUT MITRE/ SUTTOR/ LAMBERT 25.00095

**Cr Bourke** - Advised that Councillor Christian asked that all be thanked for their assistance on this project.

## MINUTE

### 10 Item 4 LOCAL GOVERNMENT WEEK AWARDS 23.00036

**Cr Rudge** - Bathurst Regional Council received two awards, excellence in communication for re-homing rates at the pound and one for cultural services. Congratulated all involved.

## MINUTE

### 11    Item 5    WINTER FESTIVAL 23.00152

**Cr Rudge** - Noted success of the event and the attendance numbers that occurred, particularly the feature nights. The event attracted many visitors and showcased Bathurst.

## MINUTE

### 12 Item 6 LOCAL MEDIA LANDSCAPE 20.00299

**Cr Rudge** - Spoke to recent interview of Murray Nicholls and his comments on identity and success. A very positive look on Bathurst.

## MINUTE

### 13 Item 7 PUBLIC TOILETS 04.00012, 04.00045

**Cr Rudge** - Machattie Park toilets need some works undertaken eg mirrors. Also noted Morse park facilities need works.

**Director Engineering Services** - There is a cleaning contract in place. Will look at the facility for works needed.

**MINUTE**

**14    Item 8    ENTRANCE SIGNAGE VALE ROAD 20.00326**

**Cr Jennings** - Good to see this signage going up.

**MINUTE**

**15    Item 9    SEYMOUR STREET GIVE WAY SIGN    25.00070**

**Cr Jennings** - Thanks for the prompt reinstatement of this sign.

## MINUTE

### 16 Item 10 TORPYS BRIDGE PARKING - SATURDAY MORNINGS 25.00011

**Cr Jennings** - There are problems with No Standing signs not being obeyed. Do we monitor this area on Saturdays?

**General Manager** - Advised no rangers operate generally on Saturdays. If there are safety risk concerns by residents the matter should be referred to police.

## **MINUTE**

### **17 Item 11 SUPERMARKET: SMART CAR PARKING SYSTEMS 28.00006**

**Cr Jennings** - Are there any proposals to upgrade to smart system parking in the shopping centres?

**General Manager** - Advised unaware of any proposals, Council can write to shopping centres to see if any such suggestions have been considered.

**MINUTE**

**18 Item 12 BEN CHIFLEY DAM WATER QUALITY 32.00018**

**Cr Jennings** - As levels go down will we have reduced water quality?

**Director Engineering Services** - Yes there will be some decrease in water quality, however the treatment system is able to cater for those expected levels.

## MINUTE

### 19 Item 13 BEN CHIFLEY DAM: CONTAINING EVAPORATION 32.00018

**Cr Jennings** - Are we looking at this as part of our emergency response/ eg plastic balls?

**Director Engineering Services** - Spoke to review in place, issues with spillway and environmental factors.

**MINUTE**

**20 Item 14 BOARDWALK MOUNT PANORAMA - P.BROCK SHRINE (SELFIE APP) 04.00019**

**Cr Jennigns** - Would like something to happen, can we do a virtual memorial via an app?

**Director Cultural Community Services** - Current tourism apps have this capability, currently reviewing opportunities.

**MINUTE**

**21    Item 15    SOCCER FIELDS - PARKING TORPY'S BRIDGE    25.00011**

**Cr Aubin** - Gate is open on Russell Street side, why aren't we encouraging people to use the new car park? Suggest lock the gate.

## MINUTE

### 22    Item 16    WRECKED MOTOR VEHICLES POLICY ON ROADSIDES    30.00005

**Cr Aubin** - What is Councils practice/ policy? Gave an example of a vehicle in Stewart Street could this be removed.

**Director Environmental Planning Building Services** - Spoke to legislated protocols in place.

## MINUTE

### 23    Item 17    EGLINTON ROAD WORKS    25.00045

**Cr Aubin** - Noted this has now been line marked, why, given road condition concerns?

**Director Engineering Services** - Working with contractor and will have AC applied by end of year. Line marking is a safety matter.

## MINUTE

### 24    Item 18    OBERON DAM WATER USE 32.00026

**Cr Morse** - Can this be used for Sydney?

**Director Engineering Services** - Oberon Dam is operated by the State and there are various licences in place which determines where allocations can go to.

## MINUTE

### 25    Item 19    DEMOLITION BY NEGLECT 20.00162

**Cr Morse** - Is there any possibility, where in the Conservation Area owners can be ordered to maintain buildings. Spoke to concerns with Stanley Street Development and Service station corner (Keppel and William Streets)

**Director Environmental Planning Building Services** - Generally no powers available.

## MINUTE

### 26    Item 20    PETER BROCK - SIGNATURES ON SKYLINE 23.00122

**Cr Morse** - When he died there were many signatures and notes at Brocks skyline, what has happened with this?

**Director Cultural Community Services** - Images are on Council's NMRM website.

**MINUTE**

**27    Item 21    STEWART STREET PARKING    25.00036**

**Cr Morse** - Spoke to an owner about problems on this road with parking/ traffic.  
Feedback has been there are no real issues.

## MINUTE

### 28    **Item 22    SMART CITIES PROSPECTS    20.00315**

**Cr Fry** - This has been discussed, have we moved forward on producing this? Can we produce a document detailing climate risk? Spoke to document form Melbourne.

**Director Environmental Planning and Building Services** - Currently finalising Smart City Plan first, which will list projects for consideration. council could look at a climate action plan and develop a report for Council to consider this matter.

## MINUTE

### 29    Item 23    ACCESS COMMITTEE - FOOTPATH DINING    20.00035

**Cr North** - Thanked staff for responding to BRAC. Asks that dining on footpaths policy be reviewed by Council to ensure appropriate access occurs.

**Director Environmental Planning and Building Services** - Will start review and spoke to actions occurring.

**MINUTE**

**30**    **Item 24**    **CARILLON ACCESS 04.00021**

**Cr North** - Noted not accessible for all persons. Can we review this to see what council could do to allow all people to have an opportunity to spend quiet reflection time in the Carillon.

## MINUTE

### 31 Item 25 DOG POUND (NEW STRUCTURE) 22.03440

**Cr North** - Where is Council at with the new Pound? Also are dog attacks on an increase?

**Director Environmental Planning and Building Services** - There is an increasing trend in the number of dogs not registered and dog attacks are increasing - 53 last year. Report will come back to Council on this and development of the Pound.

## MINUTE

### 32    Item 26    AFL GIANTS 18.00293

**Cr North** - Spoke to the ongoing future of this sport. Noted number of girls participating and referred to document produced by the group for future directions. Tabled document and requested a Working Party be held on this.

## MINUTE

### 33    Item 27    PARAMEDICS/ POLICE/ FIREMEN    20.00179

**Cr North** - Spoke to treatment of these persons and safety issues. Can Council be a voice to ensure their safety and used as an example what recently happened to a Councillor who is a police officer. We need to see what we can do.

## MINUTE

### 34    Item 28    ABORIGINAL COMMUNITY COMMITTEE    09.00031

**Cr North** - Spoke to former BLACC Committee which existed a number of years ago. Council needs to have a committee and spoke to possibility of a liaison officer for Council. Funded through Mount Panorama.  
The Committee could discuss issues occurring and provide feedback to the Council

## MINUTE

### 35    Item 29    HONOUR BOARD 21.00007

**Cr North** - Could Council have a morning tea to recognise those people who have been put on the Board.

**Mayor** - Will be organised.

**MINUTE**

**36**    **Item 30**    **WATER MATTERS**    **32.00046**

**Cr North** - Could Council have a report on the status of the recent meetings and future proposals that could be implemented.

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

POLICY COMMITTEE

**1 DEVELOPMENT APPLICATION NO. 2019/133 – DEMOLITION OF 2 EXISTING DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCTION OF 38 RESIDENTIAL UNITS, 48 HAVANNAH STREET BATHURST. APPLICANT: HOUSING PLUS. OWNER: HOUSING PLUS (DA/2019/133)**

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

**Report:** The Site

Council has received a Development Application (DA) for the demolition of two existing dwellings and associated infrastructure and the construction of 38 residential units at 48 Havannah Street Bathurst described as Lot 100, DP 1082124 and Lot 5, DP 595438. A location plan is provided at **attachment 1**.

The subject site currently contains a single storey residence known as 23 Durham Street and the former dwelling fronting Havannah Street (formerly used as an office). Adjoining and surrounding sites contain residential development.

**The proposal**

The proposal involves:

- The demolition of the two existing dwellings and structures situated on Lot 100 DP 1082124; and
- The erection of 38 residential units comprising 17 one-bedroom units and 21 two-bedroom units with associated landscaping, fencing, 51 parking spaces and manoeuvring areas.

Plans of the proposed development are at **attachment 2**.

**Submissions**

The Development Application was notified to adjoining property owners from 20 May 2019 to 3 June 2019. At the completion of the notification period a total of six (6) submissions were received with one additional submission received after the closing date (see submissions at **attachment 3**).

Issues raised in the letters of objection included:

- Previous applications on the land have not proceeded.
- Management of the remaining residual contamination on the land.
- Applicability of the Environmental Management Plan to the current project and owners.
- Concerns regarding the residue contamination on the site.
- Need for further time to lodge submissions.
- 48 Havannah Street retains a high BCAMS rating.
- Argue for reinstatement of historic building using as much of the original building material as possible.
- A number of the design characteristics (windows and gables) are not suitable.
- Heat island effect caused by dark roofs, lack of trees, paving of landscaped areas, use of colorbond.
- Improve solar access to private open space and windows.

- Consider reduced setbacks in Baillie Street to improve open space internally and create sense of community.
- Landscaping should include street trees and raised garden beds to improve accessibility.
- Provision of footpaths in the vicinity.
- A number of submissions considered that the proposal is generally ill-considered although no detail as to specific matters was raised; and
- Inconsistencies within and a lack of updated supporting detail for the proposal in respect of site analysis and former land uses.

#### Crime Prevention Through Environmental Design (CPTED) Principles

The Development Application has been referred to the NSW Police – Chifley Local Area Command under the agreed referral protocol for consideration against the Crime Prevention Through Environmental Design (CPTED) Principles. NSW Police have determined that the design, purpose and definition of the space are in harmony with the intended function of the development and guidelines of CPTED. There are no adverse findings in the information submitted by police.

#### Comment in relation to contamination

A Site Audit Statement has been prepared by an EPA Accredited Site Auditor and concludes that Lot 100 is suitable for “residential use with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake), excluding poultry” subject to compliance with the Environmental Management Plan. Lot 5 was not part of the previous site investigation and remediation works, however Lot 5 has now been investigated as part of this application. The investigations on Lot 5 reveal that remediation of this area will be required. These matters will be fully discussed in the Council assessment report at the appropriate time.

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

**Financial Implications:** Nil.

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

- Objective 4: Enabling sustainable growth Strategy 4.6

#### **Community Engagement**

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

## MINUTE

### **37 Item 1 DEVELOPMENT APPLICATION NO. 2019/133 – DEMOLITION OF 2 EXISTING DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCTION OF 38 RESIDENTIAL UNITS, 48 HAVANNAH STREET BATHURST. APPLICANT: HOUSING PLUS. OWNER: HOUSING PLUS (DA/2019/133)**

Discussion included:

#### **M. Griffiths - Ratepayer - Resident Havannah St**

Made a number of comments;

1. Refusal being given to access the geotech paperwork.
2. Spoke to Hillside application and linkage with prior applicants.
3. Operator - Watts is not licensed to do works
4. Site not locked off from public and safety concerns eg warning signs
5. Site is contaminated
6. Material has been removed off site which is contaminated, referenced DEC reports.
7. Has there been checks of the background of Hillside, there may be conflicts?
8. Need geotechs available to make fair assessments, there are procedural fairness concerns in the matter
9. Housing Plus have contradicted themselves by now saying there is contamination on site.

#### **W. Feebrey - National Trust**

Concerned at proposed demolition of 48 Havannah Street. Spoke to heritage value of this building and future protection and heritage by neglect. Noted ability to restore the building. If needs to be destroyed then reinstated, utilising as many of the materials that can be reused. Supports increased open space as proposed.

#### **David Fisher - Housing Plus - Chief Executive**

Spoke to role of Housing Plus and facilities it provides and the history of the group. Housing Plus is a provider selected by State Government to provide affordable housing in the Central West. 47 houses/ accommodation will be built in Bathurst. Noted population growth estimates and future demands for accommodation and the levels of housing stress, that are occurring.

#### **Justin Cantello - Housing Plus - Project Director**

The project creates an integrated/ inclusive neighbourhood. There is a mix of social, affordable and private accommodation. It will focus on over 55's and young families. Noted previous successful developments run by Housing Plus. The proposal is compliant and consists of 38 homes. Noted open spaces, access routes, community garden etc. There is a current valid DA for the site. Noted remediation proposal for Lot 5 and actions to occur. there has been consultation and the proposal meets heritage requirements, will utilise Hines Constructions.

**Ingrid Pearson - Architect**

The entrance for over 55's need to comply with Australian standards. The development appears to comply with heritage requirements and spoke to preservation of buildings.

**B. Trimming - BRAC**

Access into buildings need to be accessible, asks Housing Plus ensure lips into houses etc comply with standards. Would like to see sealed footpaths be put in place; to pedestrian traffic lights up to Sydney Rd, as well as Baillie Street and portion of Havannah Street to get to CBD.

**David Stanley - Housing Plus - Housing Manager**

Noted warning signs issue, fences have been repaired, doing best to make site safe. Contamination issues, material does not have to be removed, will be treated on site. Geotech reports are in the DA paperwork. Referred to toxins on site. 48 Havannah Street is structurally unsound and would be prohibitively expensive to retain. Will try and rescue as many of the bricks on the site as possible. Landscaping/ Planting will be increased on the site. Heritage matters have been addressed and changes made where practicable. This is a complementary development for the neighbourhood. Designed to 'silver' level access standards and compliance, will work with Council on footpaths.

**Y. Griffin - GHD Environmental Planners**

Spoke to contamination at the site and their assessments on behalf of Housing Plus. Remediation action plans have been put in place and actioned. Noted removals off site, capping that has and will occur, there is a site management plan. All plans for the site are provided with the DA.

**DISCUSSION FORUM OTHER AND MINUTES**

POLICY COMMITTEE

## **1 HERITAGE CONSERVATION AREA REVIEW 2018 (20.00129)**

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

**Report:** The City of Bathurst incorporates two existing Heritage Conservation Areas (HCAs); the Bathurst Heritage Conversation Area and West Bathurst Heritage Conservation Area.

Council recently adopted the Bathurst 2036 Housing Strategy. The Housing Strategy identified five precincts, the majority outside of the existing HCAs, as areas where urban renewal might be appropriate to increase the density of housing within proximity to the centre of Bathurst. The Housing Strategy recommended that Council investigate the heritage significance of these areas, amongst a range of issues, to determine their suitability or otherwise for urban renewal.

Council's Strategic Planning Section, in conjunction with the Bathurst Region Heritage Advisor, prepared the Heritage Conservation Area Review, 2018 to:

1. Review the boundaries of the Bathurst and West Bathurst HCA.
2. Identify buildings or areas that should be listed as heritage items or included within the existing HCA boundary or a new HCA.
3. Prepare a statement of significance for areas and/or sites recommended for listing or inclusion in a HCA.
4. Review the five precincts identified in the Bathurst 2036 Housing Strategy to determine:
  - a) The significance of the existing building stock;
  - b) Whether all or part of each precinct is suitable for renewal in terms of the significance of that building stock; and
  - c) Prepare desired future character statements for each precinct where urban renewal is supported.

The Study makes the following key recommendations:

1. Increase the HCA boundaries to ensure it accounts for properties on the opposite side of the road to manage non-contributory development (refer Map 1a of the Study).
2. Increase the HCA boundary to include the Munition Cottages, and new parts of West Bathurst (Keppel Street, upper West Street and Edgell Street).
3. Subject to the review of the Bathurst Floodplain Management Plan, consider an increase in the maximum height of buildings permissible to 12m for the lower Havannah Street precinct.
4. Prepare detailed design guidelines to guide the future development of those areas identified as being suitable for future urban renewal.
5. List the following properties as heritage items on the Bathurst Regional LEP 2014:
  - 7-17 West Street, West Bathurst;
  - 52-60 Havannah Street, Bathurst;
  - 12 Gormans Hill Road, Gormans Hill;
  - 23 and 29 Hope Street, Bathurst;
  - 69 Stanley Street, Bathurst; and
  - Former Gasworks site (noting that this property would be included in the LEP list as being of State Significance).

Council, at its meeting held 20 March 2019, resolved to place the Heritage Conservation Area Review on public exhibition for 28 days. The Study was exhibited from 29 April to 7 June 2019. All property owners within the study recommended for a future heritage listing or inclusion within a heritage conservation area were notified, by letter, of the exhibition period.

As a result of the exhibition process, 7 submissions (refer **attachment 1**) were received as follows.

- J Mamou, 307 Keppel Street, Bathurst
  - Does not wish his property to be included in the Heritage Conservation Area as proposed by the Study.
- J Maclean, 18 Tremain Ave, West Bathurst
  - Does not wish her property to be included in the Heritage Conservation Area as proposed by the Study.
  - Want the freedom to be able to change and modify the property into the future.
- Bathurst Heritage Network
  - Generally supportive of the review.
  - Future development of design guidance and character statements as recommended in the Study will be crucial. Recommend collaboration with the Heritage Reference Group.
  - Opportunity to identify important precincts within the Bathurst Heritage Conservation Area and so inform future development and tourism.
  - There is an opportunity for a master planned residential adaptive reuse of the gasworks site to provide new housing close to the CBD subject to further investigation on contamination issues.
- Land and Housing Corporation
  - The report is confusing as to whether it recommends a heritage listing of the houses at 7 to 17 West Street or a heritage conservation area over these properties.
  - The report would benefit from a single map that showed all proposed extensions to the heritage conservation area boundaries.
  - Report needs to clarify the location of the Munitions cottages as relating to Vittoria, Peel and Rocket Streets and the West Bathurst area as Keppel, upper West and Edgell Streets.
  - Limited justification is provided in the report against its recommendation to extend the existing heritage conservation area boundaries to include properties across the road from the current boundaries.
- Natalie Tremain, 16 West Street, Bathurst (20.00129-05/027)
  - Pleased that Council looks at and values heritage conservation.
  - Disagree that in the area west of Esrom Street that there are no buildings, on an individual level, that are of significance to warrant local heritage listing.
  - 16 West Street was the Chemist's house of Edgells built in approximately 1927.



## MINUTE

### 38 Item 1 HERITAGE CONSERVATION AREA REVIEW 2018 (20.00129)

Discussion included:

#### **W. Feebrey - National Trust**

The Trust supports extension of the Heritage Zone and possible future extensions for buildings that haven't been considered heritage at this time, but should be into the future.

#### **I Pearson - Architect**

Spoke to submission made and encourages Council to develop guidelines. Heritage does matter and supports the significance of a place.

**MINUTE**

**39    MEETING COSE**

The Meeting closed at 7.29 pm.

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

Precis:

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

POLICY COMMITTEE

7 AUGUST 2019

<b>POLICY:</b>	ENFORCEMENT POLICY
<b>DATE ADOPTED:</b>	Director Environmental, Planning & Building Services Report #1 Policy 6 July 2011 Council 20 July 2011 Minute Book No. 11154
<b>ORIGINAL ADOPTION:</b>	Director Environmental, Planning & Building Services Report #1 Policy 7 May 2008 Council 18 June 2008 Minute Book No. 10443
<b>FILE REFERENCE:</b>	03.00142 & 41.00088
<b>OBJECTIVE:</b>	To establish guidelines for the enforcement of unlawful activities

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## 1. PREFACE

In recognition of the increase in the regulatory role of all Councils, the NSW Ombudsman in June 2002 published "Enforcement Guidelines for Councils" including a Model Enforcement Policy. That model Enforcement Policy forms the basis of this Bathurst Regional Council Policy.

In April 2007, the Department of Local Government conducted a review of Council under its "Promoting Better Practice" program. Amongst the recommendations of the Department was that Council prepare a formal enforcement and prosecutions policy.

The Enforcement Policy reflects the need for the decision making process of the Council authorised officers to be carried out in a transparent, efficient, fair and consistent manner having regard to all the circumstances.

The inclusion of Appendices A and B at the rear of the policy can be interpreted as a guide to indicate the relative level of seriousness of some offences and therefore, from a consistency viewpoint, to determine whether or not the Council may issue a warning prior to some level of formal action.

## 2. TITLE

Bathurst Regional Council Enforcement Policy.

## 3. PURPOSE

The purpose of this policy is to:

- (1) Enable the Council to acknowledge its obligation under Section 8 of the Local Government Act 1993 to ensure that the regulatory powers are carried out in a consistent manner and without bias, and
- (2) Provide a proactive policy statement regarding the enforcement of compliance with legislation and/or condition/s of development consent, and
- (3) Foster prompt, consistent and effective action by the Council in response to allegations of unlawful activity whilst ensuring that the principles of natural justice are respected.

#### **4. POLICY OBJECTIVES**

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with proactive regulatory action by the Council and customer service requests or complaints about unlawful activity. It provides workable guidelines on:

- (1) How to assess whether complaints of unlawful activity require investigation;
- (2) Options for dealing with unlawful activity;
- (3) How to decide whether enforcement action is warranted.

#### **5. ENFORCEMENT PRINCIPLES**

Bathurst Regional Council is committed to:

- (1) Acting in the interest of protecting community health / safety and or the environment;
- (2) Acting consistently, fairly and impartially;
- (3) Preventing discrimination on the basis of race, religion, sex, national origin, political association or other personal reason/s;
- (4) Ensuring the proposed enforcement action is in keeping with the relative severity of the offence/s;
- (5) Ensuring enforcement action is taken against the right person for the correct offence;
- (6) Ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner;
- (7) Disclosing all evidence relevant to the alleged offence/s;
- (8) Assisting the Court by providing all necessary information whether or not that information is in favour of the Council case;
- (9) Issuing cautions to the alleged offender/s, where necessary;
- (10) Making cost effective decisions concerning enforcement action having regard to the likely outcome at court;
- (11) Ensuring action is instigated within the specified time limits.

## 6. APPLICATION

This policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals and orders.

While primarily directed at the regulation of development activity, the policy is also applicable to pollution control, regulation of parking, control over animals, unauthorised development including buildings, non-compliance with development consent conditions, food safety, public health and safety issues, tree/s removal and land clearing.

## 7. RESPONSIBILITY

All the Council staff (in accordance with delegations) who deal with the proactive enforcement of relevant legislation in addition to written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines.

All notifications of alleged unlawful activity should be appropriately recorded by the Council.

## 8. DEFINITIONS

"Unlawful activity" is any activity or work that has been or is being carried out:

- (1) Contrary to the terms or conditions of a development consent, approval, permission or other written authorisation from the Council;
- (2) Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- (3) Contrary to a legislative provision regulating a particular activity or work;
- (4) Without a required development consent, approval, permission or the like;
- (5) Contrary to New South Wales legislation for which the Council is the appropriate regulatory authority.

## 9. INVESTIGATING UNLAWFUL ACTIVITIES

All complaints and matters regarding unlawful activities will be reviewed to determine whether the matter requires enquiry or investigation. Further enquiries/investigation will not be initiated where:

- (1) The matter has already been investigated and resolved, or
- (2) The Council has no jurisdiction (for example, NSW WorkCover issues on building sites or amusement devices or an internal matter within strata buildings or where the Department of Environment and Climate Change is the Appropriate Regulatory Authority etc), or
- (3) The activity is determined to be lawful without an investigation.

In considering whether a complaint will warrant enquiry or investigation the Council will consider a range of factors.

These include:

- (1) Is the matter within the jurisdiction of the Council?
- (2) Is the complaint premature e.g. does it relate to some unfinished aspect of work that is still in progress?
- (3) Is the activity or work permissible with or without consent?
- (4) If the activity is permissible with consent, is there a consent in place?
- (5) Is it possible to determine from the information available to the Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
- (6) Is the complaint trivial, frivolous or vexatious?
- (7) Has too much time elapsed since the events the subject of the complaint took place?
- (8) Is there another body that is a more appropriate agency to investigate and deal with the matter?
- (9) Is the activity having a significant detrimental effect on the environment, or does it constitute a risk to public safety?
- (10) Does the complaint indicate the existence of a systemic problem e.g. if the complaint is one of a series, could there be a pattern of conduct or a more widespread problem?
- (11) Is there a history of related complaints against this person or organisation?
- (12) Does the complaint have special significance in terms of the priorities of the Council?
- (13) Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
- (14) Is it in the public interest to investigate the complaint?
- (15) The effective use of resources having regard to the circumstances of the case.

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision and the complainant so advised.

## **10. RESPONDING TO COMPLAINTS**

Every effort will be made to ensure that all Customer Service Requests or complaints about alleged unlawful activity are actioned within the 'service standard' time allowed for resolving the category of complaint as indicated in the Customer Service Request system.

Priority for action will be based on the following priorities:

- (1) Urgent and life threatening matters should be actioned as soon as possible following receipt of the complaint. Examples include unsafe building works, dangerous awnings, collapsed building/wall, serious pollution, food safety issues and public health and safety matters, etc.
- (2) General compliance matters will be dealt with on a priority basis having regard to the relative seriousness of the matter. These examples include works not in accordance with consent or construction without consent, illegal use, noise and food complaints.
- (3) Nuisance matters- examples include domestic noise matters, minor non-compliance such as overgrown land or other matters in which there are no likely immediate health or safety implications.

***Note that response times may vary depending on staff and other resources.***

#### CONFIDENTIALITY OF COMPLAINANTS

The Council will respect the privacy and confidentiality of information received. However due to its statutory obligations and other requirements, confidentiality cannot always be guaranteed. In cases where the release of information is considered to be necessary the person who made the complaint will be consulted before such a decision is made. The complainant's identity may be disclosed where:

- (1) the person consents in writing to the disclosure of that information; or
- (2) the principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint, which may enable the complainant to be identified; or
- (3) the Council is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively.

#### ANONYMOUS COMPLAINTS

Council will not accept anonymous complaints from the public (unless there is an immediate risk to public health and safety) for the following reasons:

- (1) Additional information may be necessary in relation to the nature and extent of the complaint.
- (2) It protects against frivolous and vexatious complaints.
- (3) Council may need to support any action through legal proceedings which may need to be supported by witnesses.

### **11. OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITIES**

The Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options.

Approaches to be considered will include:

- (1) Referring the complaint to an external agency for further investigation or prosecution.

- (2) Taking no action on the basis of a lack of evidence or for some other appropriate reason.
- (3) Counselling the subject of the investigation to educate them on the relevant Council requirements.
- (4) Negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation e.g. an application for modification of development consent.
- (5) Referring the parties for mediation with the Community Justice Centre or alternatively for private mediation.
- (6) Issuing a letter requiring work to be done or activity to cease in lieu of more formal action.
- (7) Issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice (Local Government Act (LG Act) ss. 124-128, Environmental Planning & Assessment Act (EP&A Act) s. 121B, and the Protection of the Environment Operations Act (POEO Act) Pts 4.2-4.4 and 8.6).
- (8) Issuing a notice requiring work to be done under various legislation.
- (9) Starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation (s.673 LG Act; s.123 EP&A Act).
- (10) Seeking injunctions from the Land & Environment Court or the Supreme Court.
- (11) Issuing a Court Attendance Notice in the local court.
- (12) Issuing a penalty infringement notice.
- (13) Taking proceedings for an offence against the relevant Act or Regulation (s. 691 LG Act, s.125 EP&A Act, Chapter 5 POEO Act).
- (14) Carrying out the works specified in an order under the LG Act at the cost of the person served with the order (s.678 LG Act).

## **12. TAKING ENFORCEMENT ACTION**

From an operational perspective the Council has a range of enforcement options including, but not limited to the following:

- (1) The issuing of a verbal warning;
- (2) The issuing of a written warning;
- (3) The service of a Notice of Intention to issue an Order;
- (4) The service of written or oral Notices/Orders/Directions;
- (5) The issuing of a penalty infringement notice/s;
- (6) The recommendation to instigate legal action;

- (7) The waiving of certain fees and the granting of an extension of time for compliance;
- (8) The revocation of an approval;
- (9) The removal/ impounding of goods or items;
- (10) The refusal of an application.

When deciding whether to take enforcement action, the Council will consider the circumstances of the case. These include:

- (1) Has the Council created an estoppel\* situation? \* A bar preventing one from making an allegation or a denial that contradicts what one has previously stated as the truth.
- (2) Is the breach a technical breach only?
- (3) When was the unlawful activity carried out and for how long?
- (4) How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?
- (5) Would consent have been given if it had been sought?
- (6) Can the breach be easily remedied?
- (7) Does the person in breach show contrition?
- (8) Are there any particular circumstances of hardship affecting the complainant or the person the subject of the complaint?
- (9) Has the person the subject of the complaint received a previous warning or other non-coercive approach or has formal legal action been taken?
- (10) Would an educative approach be more appropriate than a coercive approach?
- (11) What are the costs and benefits of taking formal enforcement action as opposed to taking informal or no action?
- (12) Is there sufficient evidence to establish a prima facie case? Is there some doubt over the evidence or offence/s?
- (13) Has Council staff acted appropriately in investigating the matter and were standard procedures followed including officers having appropriate authorisation and delegation?
- (14) What are the chances of success if the proposed enforcement action was challenged in court?
- (15) Is there a draft planning instrument on exhibition that would make the unauthorised use legal?
- (16) What action would be reasonable and proportionate in this case?
- (17) Is it in the public interest including there being a reasonable prospect of success?

- (18) Has the alleged offender been given an opportunity, if appropriate, to provide information as to why enforcement action should not be instituted?
- (19) Has the alleged offender been advised, if appropriate, that no response to a show cause letter will result in the commencement of enforcement action?
- (20) What is the likely length and net expense of the legal action.

The Council will ensure that the principles of natural justice are adhered to prior to a decision being made. The following principles will be addressed and implemented by the Council:

- (1) Whoever is the subject of concern must know all the allegations in relation to their action;
- (2) All parties to the complaint must have the right to be heard;
- (3) All relevant submissions and evidence must be considered;
- (4) Matters which are not relevant must not be taken into account;
- (5) The person who makes the complaint must not determine the matter;
- (6) The decision-maker must be fair and just.

The Council will ensure that it gives due consideration to the NSW Attorney General's "Caution Guidelines under the *Fines Act 1996*" when deciding whether or not to take enforcement action which involves the issuing of a Penalty Infringement Notice. The matters that should be taken into account when deciding whether it is appropriate to give a person a caution instead of a Penalty Infringement Notice include:

- (1) The offending behaviour did not involve risks to public safety, damage to property or financial loss, or have a significant impact on other members of the public;
- (2) The person is homeless;
- (3) The person has a mental illness or intellectual disability;
- (4) The person is a child (under 18);
- (5) The person has a special infirmity or is in very poor physical health;
- (6) The offending behaviour is at the lower end of the seriousness scale for that offence;
- (7) The person did not knowingly or deliberately commit the offence;
- (8) The person is cooperative and/or complies with a request to stop the offending conduct;
- (9) It is otherwise reasonable, in all the circumstances of the case, to give the person a caution.

### 13. DELEGATIONS FOR ENFORCEMENT ACTION

Council staff delegated to initiate various levels of enforcement action is set out in the Council Delegation Manual. The legislation applicable to the delegations is as follows:

- (1) The Australian Road Rules
- (2) Roads Act 1993
- (3) Impounding Act 1993
- (4) Companion Animals Act 1998
- (5) Food Act 2003 (see Compliance and Enforcement: Food Safety Policy)
- (6) Public Health Act 1991
- (7) Swimming Pools Act 1992
- (8) Noxious Weeds Act 1993
- (9) Rural Fires Act 1997
- (10) Contaminated Land Management Act 1997
- (11) Environmental Planning and Assessment Act 1979
- (12) Local Government Act 1993
- (13) Protection of the Environment Operations Act 1997 and the various Regulations made there under.

### 14. ENFORCEMENT ACTIONS DURING WATER RESTRICTIONS

During times of water restrictions, at level 4, 5 or 6, Council may adopt various enforcement options including but not limited to the following;

(1) Verbal warning

A verbal warning may be issued by an authorized Council officer to a person for a minor breach incident arising from genuine ignorance of the water restrictions. The authorized officer will provide information to the resident and later record the incident as a verbal warning for the premises.

(2) Warning letter

In cases where a minor but deliberate breach of restrictions has occurred Council may issue a formal warning letter to the resident responsible. A second warning letter may be issued subject to circumstances.

(3) Penalty notice

Where a warning has been previously given or in cases of more significant and deliberate breaches of water restrictions, a penalty notice may be issued.

(4) Court Attendance Notice

In serious breaches of water restrictions or in the case of repeated deliberate offending, Council may initiate legal action against the person responsible through issuing a Court Attendance Notice.

In addition to other enforcement actions Council may also;

(5) Install an electronic meter on a property

Installing an electronic water meter on a property allows for more accurate monitoring of water use. The data gathered may be used as evidence to support further enforcement action.

(6) Install a flow restriction device on a property

A flow restriction device may be installed on the premises of minor recidivist offenders or where previous enforcement action has failed to achieve compliance with water restrictions.

(7) Disconnect Councils water supply to a property

In the most serious cases of breach of water restrictions or where other enforcement action has failed to achieve compliance with water restrictions, the General Manager may approve the disconnection of supply of water from Council.

Additionally, all fees for the installation and later removal of any meter and/or flow restriction devices as well as the disconnection and reconnection of a water supply service, shall be met by the owner of the property.

## APPENDIX A

As a guide the following offences may result in a prior warning being given before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action is undertaken.

- Annual Fire Safety Statement - non submission by owner
- Advertising signs without approval or unsightly
- Air pollution – smoky chimney
- Barking / Roaming dog, unregistered dog
- Commercial swimming pool not properly maintained
- Development / Activity without consent or not in accordance with a condition/s of consent
  - Minor development or old unauthorised development
  - Minor breach of consent condition/s
- Erosion & sediment control matters (owner builder/no prior warning) involving no imminent risk of pollution.
- Fire hazard of a less serious nature.
- Noise pollution
  - Air conditioner\*
  - Intruder alarm\*
  - Musical instrument and sound equipment\*
  - Power tools\*
  - Motor vehicle on residential premises\*
  - Use of refrigeration equipment fitted to motor vehicle\*
- Non compliance with an Order/Notice/Direction- work partly done or other mitigating circumstances
- Obstruction of Public Place / Road – (minor matters)
- Revocation of an approval (eg footpath dining/ place of public entertainment).

\* Mandatory warning required by legislation

Note that the above list of offences is an indication only and any offences not listed will be considered on their individual merits.

## APPENDIX B

As a guide the following offences may result in NO prior warning being given before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action is undertaken.

- Dangerous Dog Order/Attacking Dog/Restricted Dog
- Dangerous building/awning
- Dangerous waterhole
- Deposit litter from vehicle
- Development not in accordance with consent/risk to health & safety/bush fire protection/notice of Intention issued by PCA
- Deposit litter/Dumped Rubbish
- Development without consent – unsatisfactory explanation/no explanation/repeat offender/prohibited development/risk to health & safety or environment
- Dilapidated building
- *Environmental damage of a significant nature*
- Erosion & sediment control matters
- Fire hazard threatening an asset.
- Failure to pay Clean Up/Prevention Notice fee
- Failure to comply with order/notice/cease use of premises/failure to comply with order regarding development consent/demolish remove unlawful building/threatening life/public safety/environment/amenity protection/fence land/keeping of birds and animals/remove object from public place/contravene noise control notice/noise pollution.
- *Land clearing of a significant nature*
- Littering
- Noise abatement direction
- Noise pollution generally after prescribed mandatory warning
- Not comply with condition of development consent/approval to operate
- Nuisance Dog Order
- Obstruction of road/public place involving safety.
- Obstruction/intimidation/assault of a Council officer
- Open burning without approval *or not in accordance with an approval or cause excessive smoke.*
- Pollute Waters
- Parking offences
- Pollution Incident – Failure to notify
- Remove and/or damage tree/s
- Swimming Pool fencing/gates/open
- Street Trading without consent/approval

Note that the above list of offences is an indication only and any offences not listed will be considered on their individual merits.

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT -  
ATTACHMENTS**

POLICY COMMITTEE

7 AUGUST 2019



Civic Centre  
158 Russell Street  
Private Mail Bag 17  
Bathurst NSW 2795

Telephone 02 6333 6111  
Facsimile 02 6331 7211  
council@bathurst.nsw.gov.au  
www.bathurst.nsw.gov.au

18 July 2019

Local Government Election Cost Review  
Independent Pricing and Regulatory Tribunal  
PO Box K35  
HAYMARKET POST SHOP NSW 1240

Dear Sir/Madam

**Submission to Review of Local Government Election costs**

Council refers to the "Draft Report" on the review of Local Government Election Costs as released by the Independent Pricing and Regulatory Tribunal (IPART) dated June 2019, and presents the following as Council's submission to this report.

1. Council commends the introduction of "... a costing methodology.... to minimise the financial burden on councils and ratepayers ...", however, it appears from the findings of the draft report, that the opposite is being recommended, with the average increase in councils' financial burden being 62%.
2. In assessing the current level of competition in the market, the report notes that the provision of these services is a "near-monopoly" held by the NSWEC. Accordingly, any market comparisons or benchmarks are going to be heavily skewed towards NSWEC due to its near-monopoly market share.
3. Whilst it is acknowledged that the review of State Government Election costs is outside the scope of this review, its omission, together with the other services provided by the NSWEC, allow for the estimates of "local government" costs to be subjective, and therefore able to be challenged/criticised. The review of the costs of all services by NSWEC should be included in the terms of reference.
4. The costing methodology proposed appears to provide estimates of costs which are at risk of materially changing depending on the number of councils who engage NSWEC, or more importantly, those councils who presently engage NSWEC (as noted in the report) who later proceed to engage an alternate provider. A similar variability in cost may also arise when councils have "non-contested" elections.
5. The costing methodology does not appear to allow for, or consider, the costs of referendums as and when they arise.
6. The report acknowledges, although does not identify, the "assets" held by the NSWEC. The report appears to be silent on whether the review included an assessment of the NSWEC's assets, specifically to ascertain whether they are appropriate and efficient to the services provided.

2

18 July 2019  
Independent Pricing and Regulatory Tribunal

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7. It is noted that a review of the NSW Legislation, as it relates to elections, was outside the scope of this review, however, there is a missed opportunity to consider the legislation to encourage a more competitive market in response to the present near-monopoly.

Submitted for your consideration.

Yours faithfully



A. Jones

**DIRECTOR  
CORPORATE SERVICES & FINANCE**

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

POLICY COMMITTEE





## Appendix I - Architectural Plans



1 PERSPECTIVE VIEW FROM DURHAM STREET



2 PERSPECTIVE VIEW FROM HAVANNAH STREET

Sheet Number	Sheet Name
DA102	TYPE 02 FLOOR PLAN
DA103	TYPE 02 ELEVATIONS
DA104	TYPE 02 FLOOR PLAN
DA105	TYPE 02 ELEVATIONS
DA001	COVER PAGE
DA002	SITE ANALYSIS AND LOCATION
DA003	SITE PLAN
DA010	GROUND FLOOR PLAN
DA011	DEMOLITION PLAN
DA020	SECTIONS
DA030	STREETSCAPE ELEVATION & EXTERNAL FINISHES
DA031	INTERNAL STREETSCAPE ELEVATION - SHEET 1
DA032	INTERNAL STREETSCAPE ELEVATION - SHEET 2
DA050	SOLAR ACCESS
DA051	SHADOW DIAGRAM - SHEET 1
DA052	SHADOW DIAGRAM - SHEET 2
DA100	TYPE 1 - FLOOR PLAN
DA101	TYPE 1 - ELEVATIONS
DA106	TYPE 4 - FLOOR PLAN
DA107	TYPE 4 - ELEVATIONS
DA108	TYPE 5 - FLOOR PLAN
DA109	TYPE 5 - ELEVATIONS
DA110	TYPE 6 - FLOOR PLAN
DA111	TYPE 6 - ELEVATIONS
DA112	TYPE 7 - FLOOR PLAN
DA113	TYPE 7 - ELEVATIONS
DA114	TYPE 8 - FLOOR PLAN
DA115	TYPE 8 - ELEVATIONS
DA116	TYPE 9 - FLOOR PLAN
DA117	TYPE 9 - ELEVATIONS
DA118	TYPE 10 - FLOOR PLAN
DA119	TYPE 10 - ELEVATIONS

NOTE:  
1. FENCE ON THE STREET FRONTAGES ARE INDICATIVE ONLY.  
REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR FENCE DETAILS.

**PROJECT DESCRIPTION: MULTI HOUSING DEVELOPMENT  
38 DWELLINGS - 19 X 1 BEDROOMS + 19 X 2 BEDROOMS**



**NOMINATED ARCHITECT:**  
BERNARDO DESIGN  
32-34 MONTAGNA ST  
LUTHERBURGH NSW 2157  
PH: 02 9518 9177  
WWW.BDARCHITECTS.COM

Consultor: draft work and drawings and dimensions on set prior to commencing and before starting. Fenced dimensions to be used as not to scale. All dimensions are in millimetres. All drawings are to be read in conjunction with the project brief and the project brief is the primary reference for the design and construction. All drawings are the property of Bernardo Design Pty Ltd. All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means electronic, mechanical, photocopying, recording, or by any information storage and retrieval system without prior written permission.

REV	DATE	DESCRIPTION
A	18/10/19	DA ISSUE
D	20/10/19	DA ISSUE
E	20/10/19	DA ISSUE

**PROJECT:**  
MULTI DWELLING DEVELOPMENT  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE:**  
COVER PAGE

**NUMBER:**  
2004/2019 11:18:09 AM

NO.	DATE	BY	CHECKED BY
DA001	20/10/19	Author	Designer
E		Checker	



**NOMINATED ARCHITECT**  
BERNARD DESIGN  
13/14 MOUNTAIN ST  
MOUNTAIN VIEW NSW 1570  
PH: 08 8388 9177

REV	DATE	DESCRIPTION
A	20/04/19	DA ISSUE
D	20/04/19	DA ISSUE
E	20/04/19	DA ISSUE

**PROJECT**  
MULTI DWELLING DEVELOPMENT  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE**  
SITE ANALYSIS AND LOCATION

DATE	TIME	BY	FOR
20/04/2019	11:30:26 AM	Author	DA002
		Designer	
		Checker	





CONTRACTOR SHALL VERIFY ALL WORK AND DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK. FIGURED DIMENSIONS TO BE USED. CONSULT THE ARCHITECT FOR ANY CLARIFICATION. THE ARCHITECT'S DESIGN IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY. THE ARCHITECT'S DESIGN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.

REV	DATE	DESCRIPTION
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B	27/01/19	DA ISSUE
C	28/01/19	DA ISSUE
D	28/01/19	DA ISSUE
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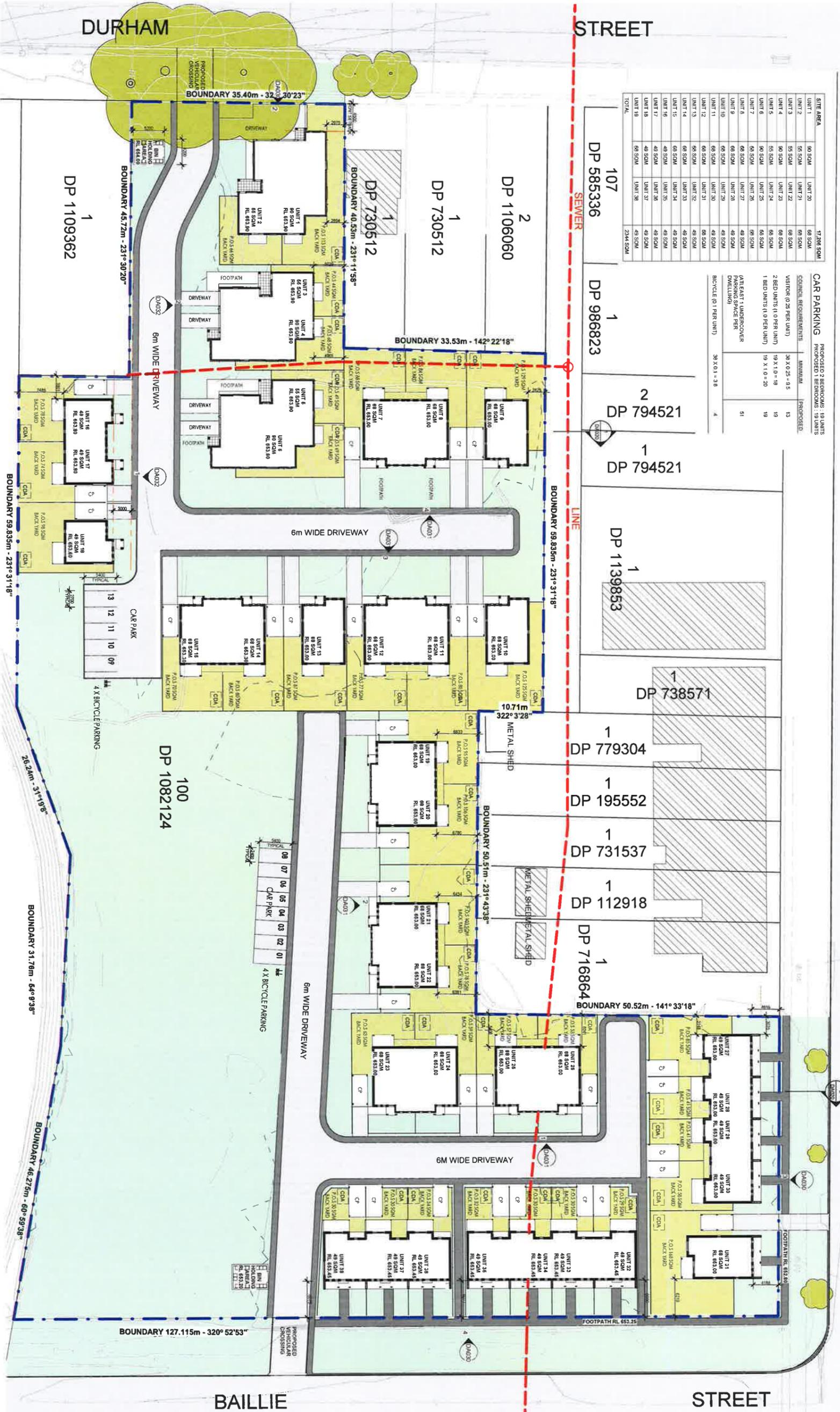
**MULTI DWELLING DEVELOPMENT**  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**SITE PLAN**

NO	DATE	BY	CHECKED
1	11/03/2019	Author	Designer
2	11/03/2019	Designer	Checker

DA ISSUE  
 1.300  
 DA003  
 E

NOTE: CLOTHES DRIVING AREA TO BE ASSUMED TO COMPLY WITH BATHURST DCP



UNIT	FLOOR AREA	ROOMS
UNIT 1	90 SQM	68 ROOMS
UNIT 2	90 SQM	68 ROOMS
UNIT 3	90 SQM	68 ROOMS
UNIT 4	90 SQM	68 ROOMS
UNIT 5	90 SQM	68 ROOMS
UNIT 6	90 SQM	68 ROOMS
UNIT 7	90 SQM	68 ROOMS
UNIT 8	90 SQM	68 ROOMS
UNIT 9	90 SQM	68 ROOMS
UNIT 10	90 SQM	68 ROOMS
UNIT 11	90 SQM	68 ROOMS
UNIT 12	90 SQM	68 ROOMS
UNIT 13	90 SQM	68 ROOMS
UNIT 14	90 SQM	68 ROOMS
UNIT 15	90 SQM	68 ROOMS
UNIT 16	90 SQM	68 ROOMS
UNIT 17	90 SQM	68 ROOMS
UNIT 18	90 SQM	68 ROOMS
UNIT 19	90 SQM	68 ROOMS
UNIT 20	90 SQM	68 ROOMS
UNIT 21	90 SQM	68 ROOMS
UNIT 22	90 SQM	68 ROOMS
UNIT 23	90 SQM	68 ROOMS
UNIT 24	90 SQM	68 ROOMS
UNIT 25	90 SQM	68 ROOMS
UNIT 26	90 SQM	68 ROOMS
UNIT 27	90 SQM	68 ROOMS
UNIT 28	90 SQM	68 ROOMS
UNIT 29	90 SQM	68 ROOMS
UNIT 30	90 SQM	68 ROOMS
TOTAL	2700 SQM	2040 ROOMS

CAR PARKING	PROPOSED 2 BEDROOMS: 18 UNITS	PROPOSED 1 BEDROOMS: 12 UNITS
VISITOR (0.25 PER UNIT)	38 X 0.25 = 9.5	13
2 BED UNITS (1.0 PER UNIT)	19 X 1.0 = 19	19
1 BED UNITS (1.0 PER UNIT)	19 X 1.0 = 19	19
PARKING SPACE PER DWELLING	51	51
BICYCLE (0.1 PER UNIT)	39 X 0.1 = 3.9	4



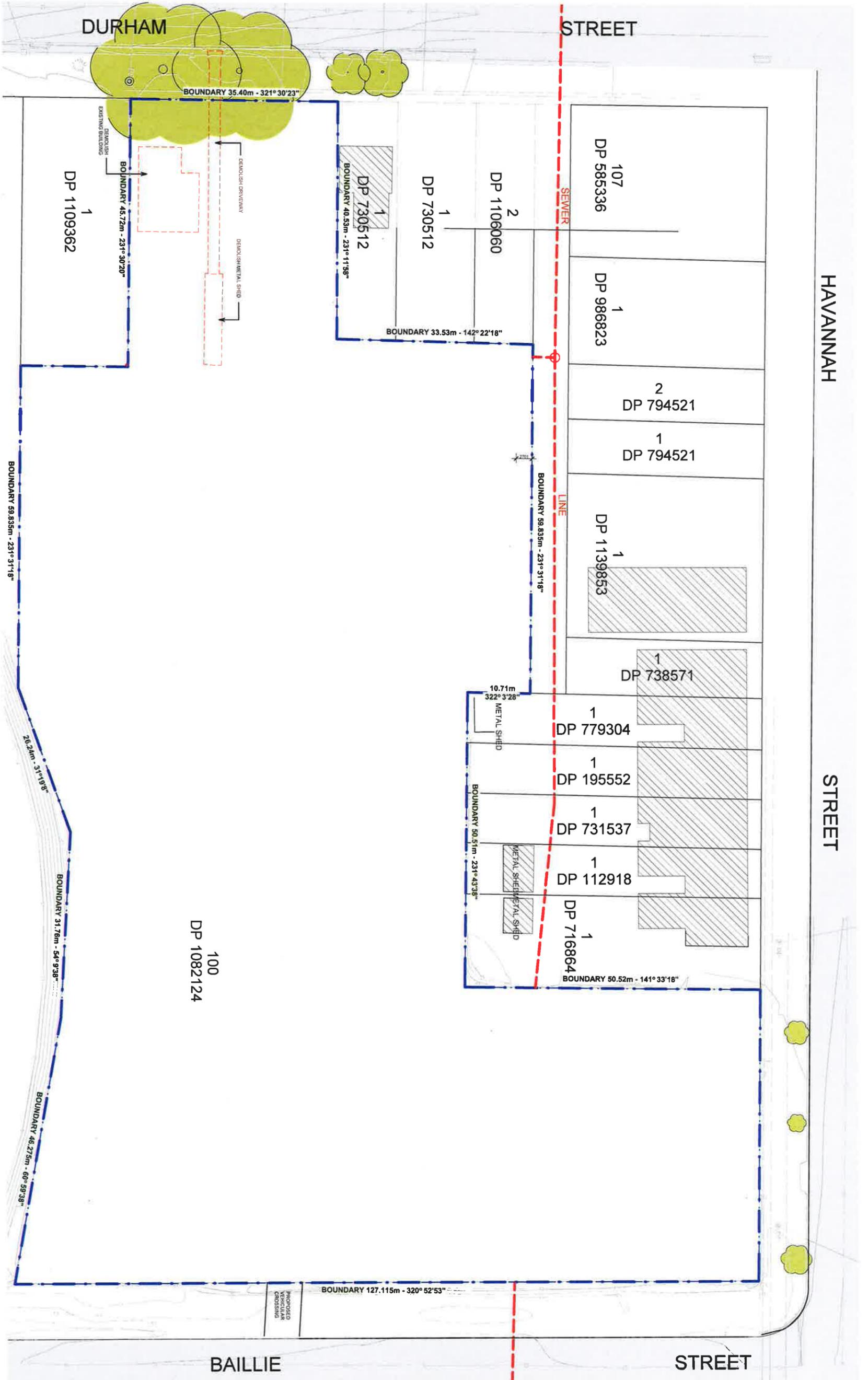
CONSIDERABLE EFFORT HAS BEEN MADE TO VERIFY ALL WORKS AND DIMENSIONS ON THIS PLAN TO BE ACCURATE. HOWEVER, THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE DESIGNER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.

REV	DATE	DESCRIPTION
1	20/01/19	ISSUE FOR PERMIT
2	20/01/19	ISSUE FOR PERMIT
3	20/01/19	ISSUE FOR PERMIT

MULTI DWELLING DEVELOPMENT  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

GROUND FLOOR PLAN

DATE	ISSUE	BY	CHECKED
04/10/19	DA ISSUE	LI	1189
04/10/19	DA	Author	Designer
04/10/19	DA	DA010	E



**NOMINATED ARCHITECTS:**  
**BERALDO DESIGN**  
 22-24 MOUNTAIN ST.  
 LINDFIELD NSW 1585  
 PH: (02) 9881 8177  
 FAX: (02) 9881 8177

Constructors shall verify all levels and dimensions on site prior to commencing any shop drainage. Elected dimensions shall be used. All work shall be carried out in accordance with the relevant Australian Standards. The design is subject to the approval of the Council. The Council is not responsible for the design or construction of the works shown on this plan. The design is subject to the approval of the Council. The Council is not responsible for the design or construction of the works shown on this plan.

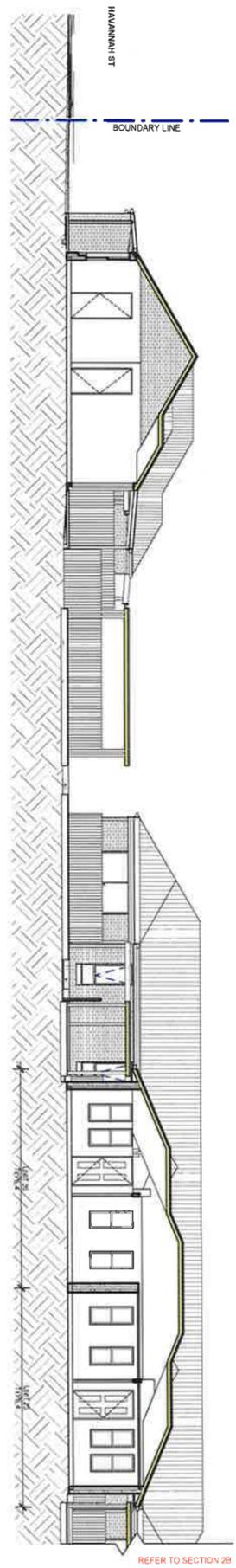
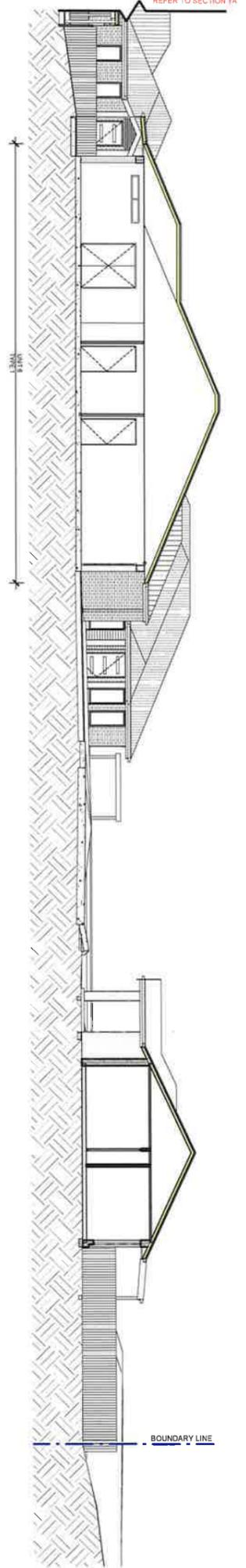
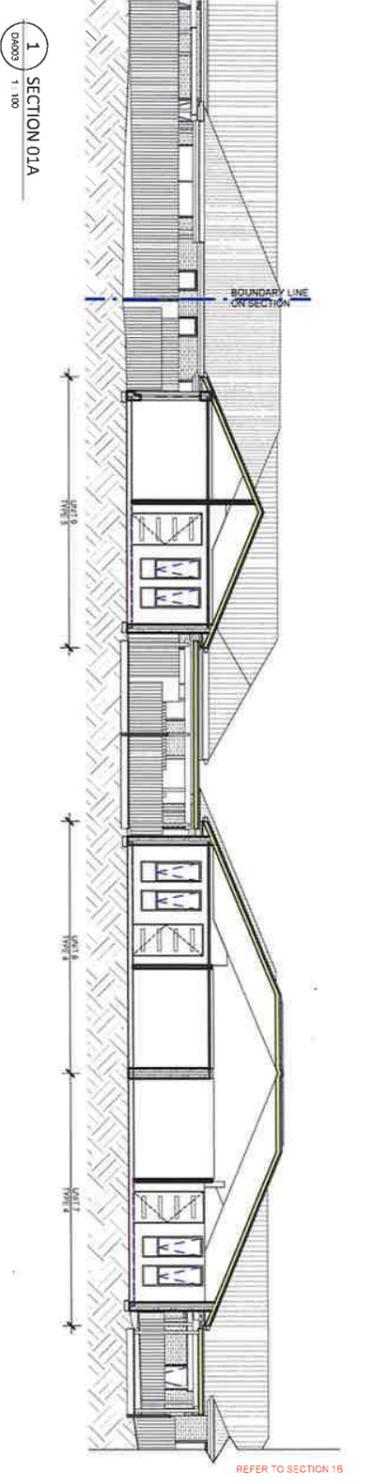
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E	25/01/19	DA ISSUE

**MULTI DWELLING DEVELOPMENT**  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**DEMOLITION PLAN**  
 25/04/2019 11:20:13 AM

**DA ISSUE**  
 SCALE: 1:300  
 DATE: 1/1/2019  
 DRAWN: DA  
 CHECKED: DA011  
 DATE: 1/1/2019





**BD**  
 ARCHITECTURE  
 22-24 ROBERTSON ST  
 SYDNEY NSW 2010  
 PH: (02) 9221 1177  
 WWW.BDARCHITECTURE.COM

Customer shall verify all levels and dimensions on site prior to commencing any above ground works. If any discrepancies are identified, the contractor shall be responsible for rectifying them. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.

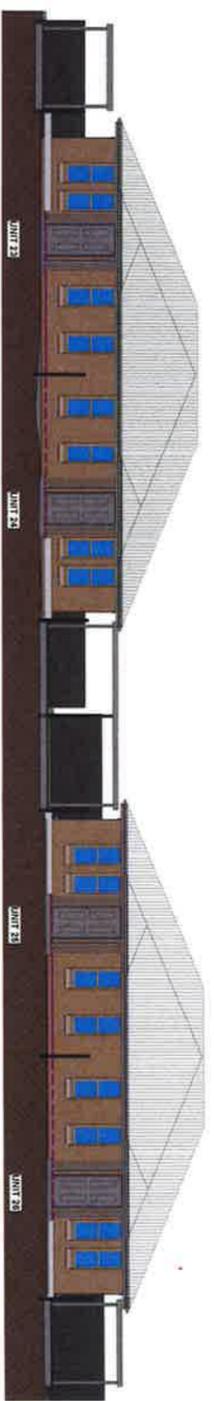
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**MULTI DWELLING DEVELOPMENT**  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**SECTIONS**

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100	04/03/19	DA ISSUE	Author	Designer	1:100





1 INTERNAL STREETSCAPE ELEVATION 01  
DA003 1:100



2 INTERNAL STREETSCAPE ELEVATION 02  
DA003 1:100



3 INTERNAL STREETSCAPE ELEVATION 03  
DA003 1:100



4 INTERNAL STREETSCAPE ELEVATION 04  
DA003 1:100

NOTE:  
HERITAGE COMPLIANT ENTRANCE DOORS TO COMPLY WITH  
HERITAGE REQUIREMENTS



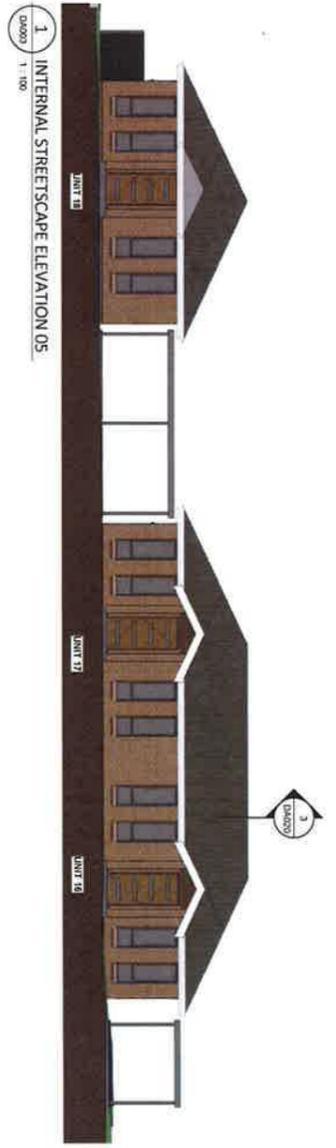
CONSTRUCTION AND SITE WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S REQUIREMENTS FOR CONSTRUCTION AND SITE WORK. FIGURED DIMENSIONS TO BE USED - DO NOT SCALE. THIS DRAWING IS THE PROPERTY OF BERALDO DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION IS STRICTLY PROHIBITED.

REV	DATE	DESCRIPTION
A	30/04/19	ISSUE FOR PERMIT
D	20/04/19	ISSUE FOR PERMIT
E	20/04/19	ISSUE FOR PERMIT

**MULTI DWELLING DEVELOPMENT**  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

INTERNAL STREETSCAPE ELEVATION - SHEET 1  
20/04/2019 17:25:55 AM

DATE	SCALE	BY	CHECKED
04/03/19	1:100	Author	18/189
DA	Author	Designer	Checker
DA031			E



2 INTERNAL STREETSCAPE ELEVATION 06  
Scale: 1:100



**NONNANBY ARCHITECTS DESIGN**  
22/28 ROBERTSON ST  
SYDNEY NSW 1517  
PH: (02) 9281 6117  
WWW.BDARCHITECTS.COM

Construction that every detail and dimension on the ground is correct. All drawings are subject to change without notice. All dimensions are to be taken as indicated on the drawings. All dimensions are to be taken as indicated on the drawings. All dimensions are to be taken as indicated on the drawings. All dimensions are to be taken as indicated on the drawings.

REV	DATE	DESCRIPTION
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B	20/11/19	DA ISSUE
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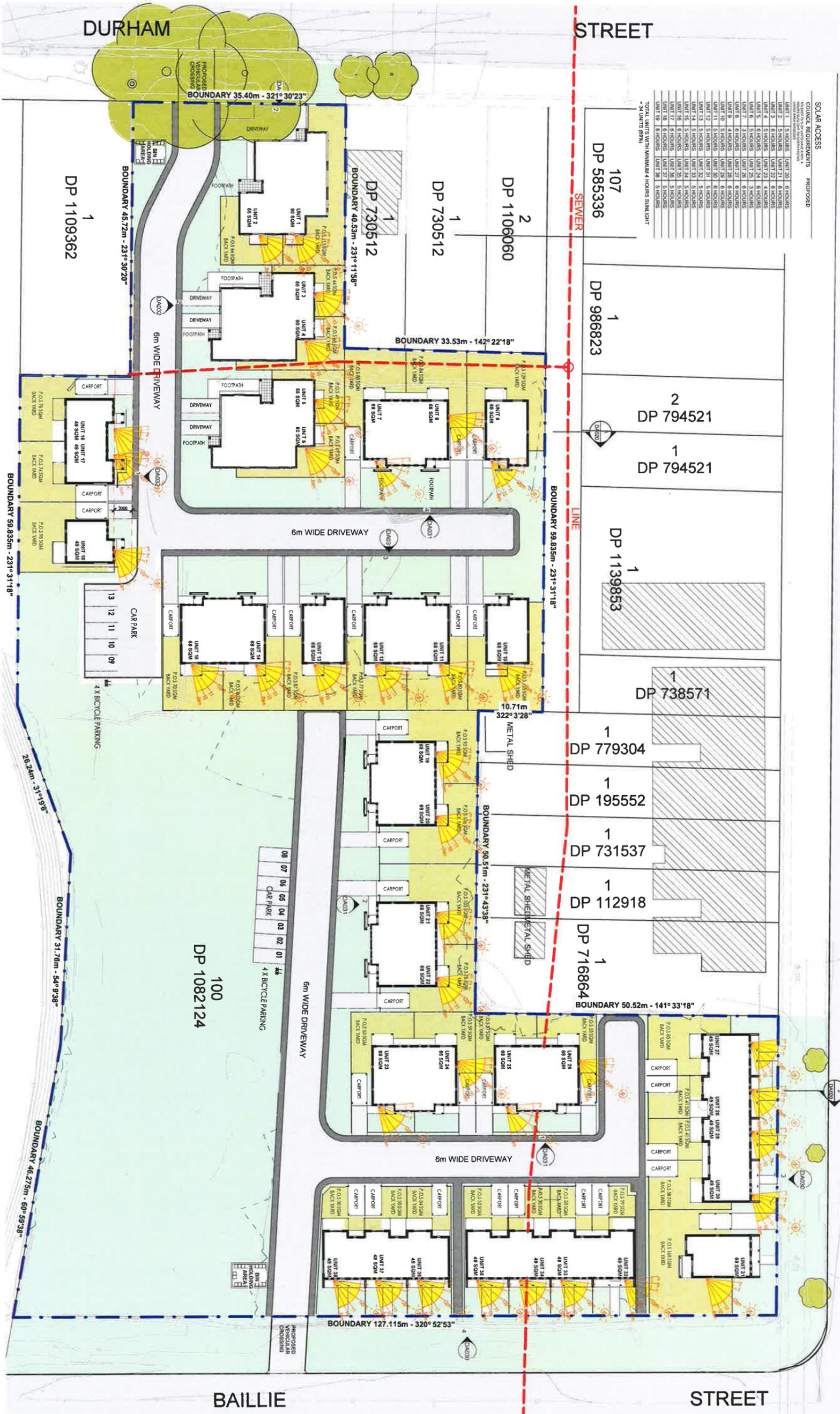
**PROJECT**  
MULTI DWELLING DEVELOPMENT  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE**  
INTERNAL STREETSCAPE ELEVATION - SHEET 2

DATE	SCALE	TYPE	PROJECT
04/03/19	1:100	DA	DA ISSUE
		Author	DA032
		Designer	
		Checker	E

HAVANNAH STREET

STREET



**NON-REGISTERED ARCHITECTS**  
 BENJAMIN DESIGN  
 19-27 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795  
 PHONE: 02 9391 1177  
 FAX: 02 9391 1177

NO.	DATE	DESCRIPTION
A	20/01/19	DA ISSUE
D	20/01/19	DA ISSUE
E	20/01/19	DA ISSUE

**MULTI DWELLING DEVELOPMENT**  
 19-27 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**SOLAR ACCESS**

NO.	DATE	DESCRIPTION
DA0019	19/01/2019	DA ISSUE
DA050	29/02/2019	DA ISSUE





**BD**  
ARCHITECTS  
22-28 MOUNTAIN ST.  
MELBOURNE VIC 3048  
PH: 03 9488 8177  
WWW.BDARCHITECTS.COM

Consultant shall verify all levels and dimensions on site prior to commencing any site works. Figures and dimensions to be used - do not rely on site measurements. All dimensions shall be taken from the approved DA. The design, concept, details and construction are dependent on the design and construction of the site. The design is for the site as shown and is not to be used for any other purpose without the prior written permission of the consultant.

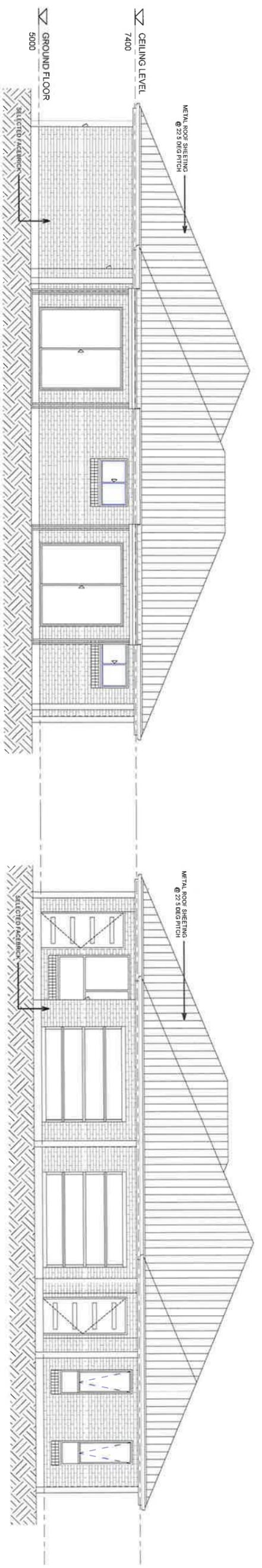
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D	25/01/19	DA ISSUE
E	28/01/19	DA ISSUE

**MULTI DWELLING DEVELOPMENT**  
PROPERTY ADDRESS  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

THIS SHADOW DIAGRAM - SHEET 2  
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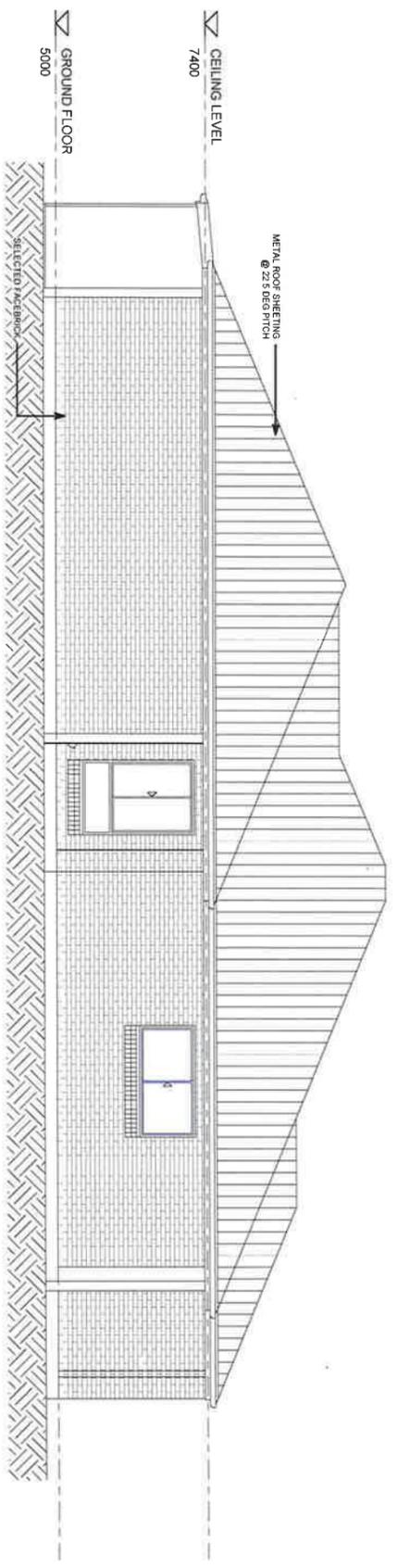
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DA052	DA052	DA052	DA052
E	E	E	E



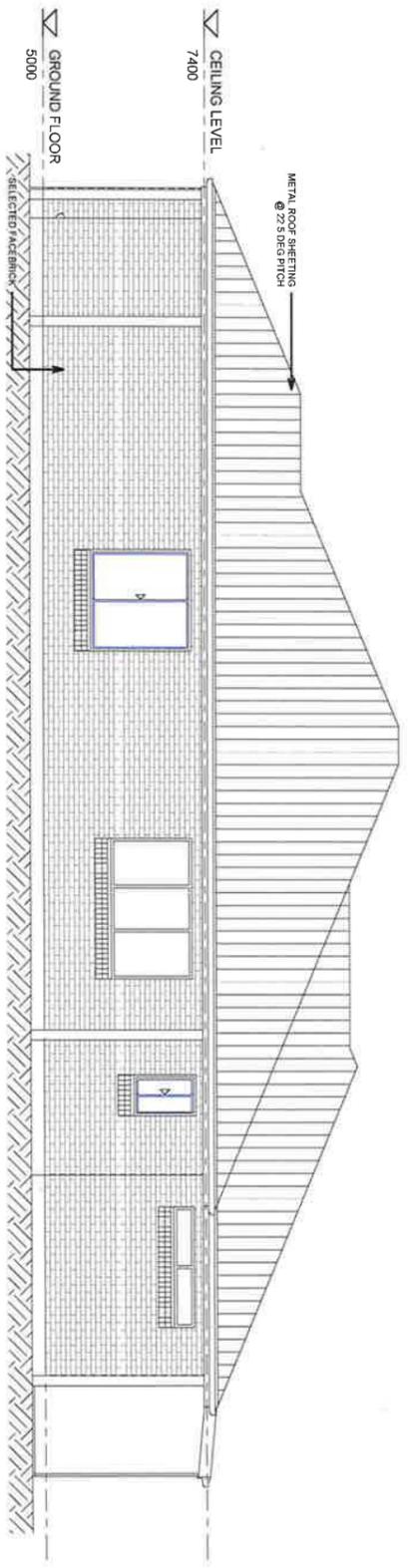


1 REAR ELEVATION  
DATE: 1 : 50

4 FRONT ELEVATION  
DATE: 1 : 50



2 LEFT ELEVATION  
DATE: 1 : 50



3 RIGHT ELEVATION  
DATE: 1 : 50



**BD ARCHITECTURE**  
ARCHITECTS  
22-24 MOULTON ST.  
LIVEYVILLE NSW  
PH: (02) 9391 1177  
WWW.BDARCHITECTURE.COM.AU

CONTRACTOR AND CLIENT TO VERIFY ALL DIMENSIONS ON THIS PLAN TO CORRESPOND TO THE PROPOSED CONSTRUCTION. DIMENSIONS TO BE USED FOR CONSTRUCTION ARE THE DIMENSIONS SHOWN ON THIS PLAN UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES.

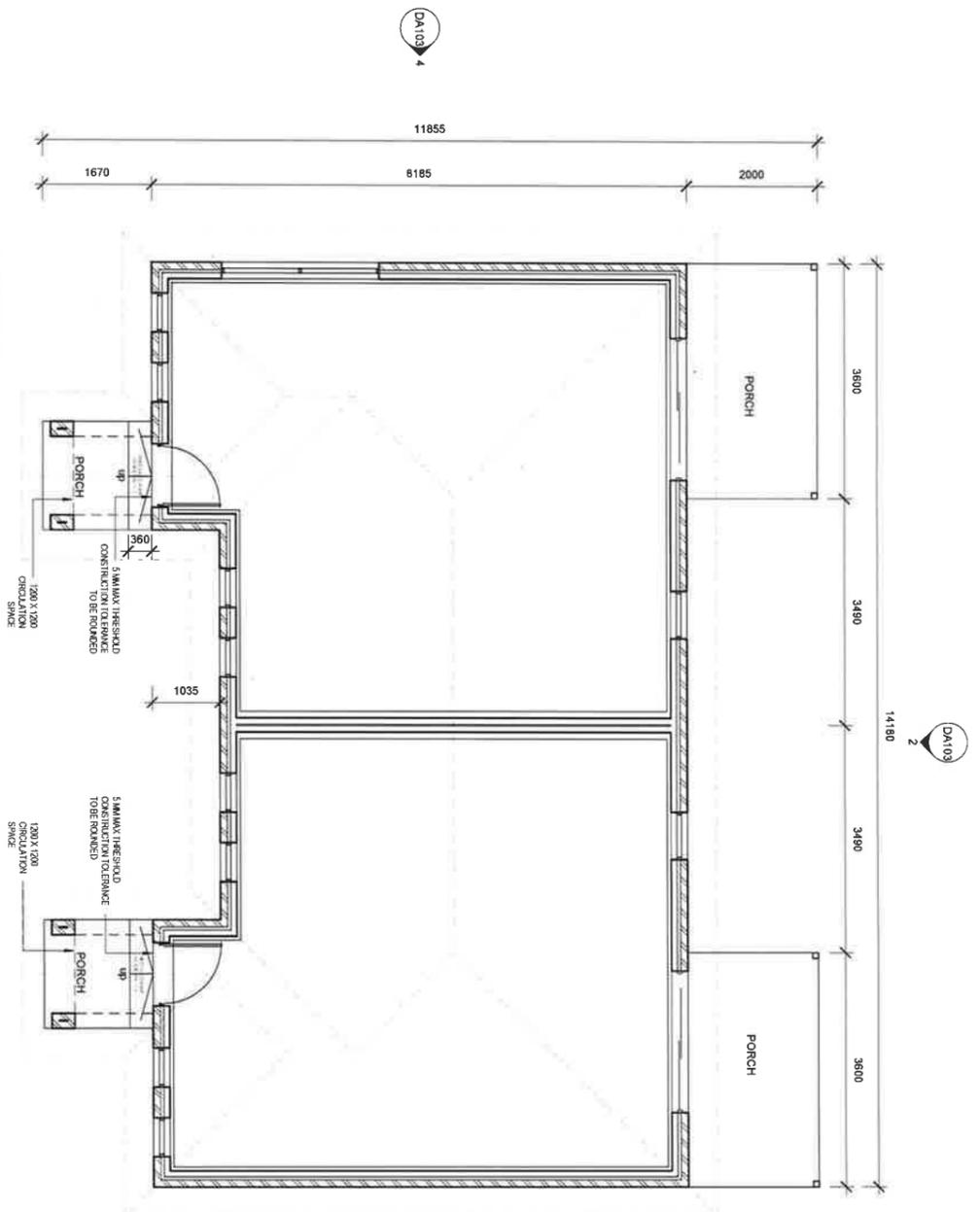
REV	DATE	DESCRIPTION
A	18/01/19	ISSUE
D	25/01/19	REVISED
E	26/01/19	REVISED

**MULTI DWELLING DEVELOPMENT**  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TYPE 1 - ELEVATIONS**  
DATE: 28/02/2019 4:48:48 PM

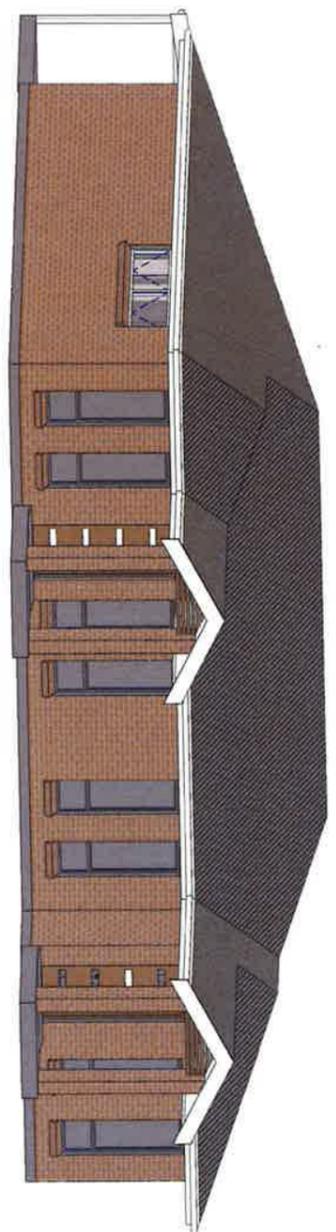
DATE	BY	CHECKED	APPROVED
04/01/19	DA	DA	DA
15/01/19	DA	DA	DA
16/01/19	DA	DA	DA

DA101 E



FLOOR PLAN  
SCALE: 1 : 50

**NOTE:**  
TYPE 02 APPLIES TO UNITS 16 & 17



3D PERSPECTIVE  
SCALE:



**NONMINOR ARCHITECTURAL DESIGN**  
12-26-2019  
19-21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

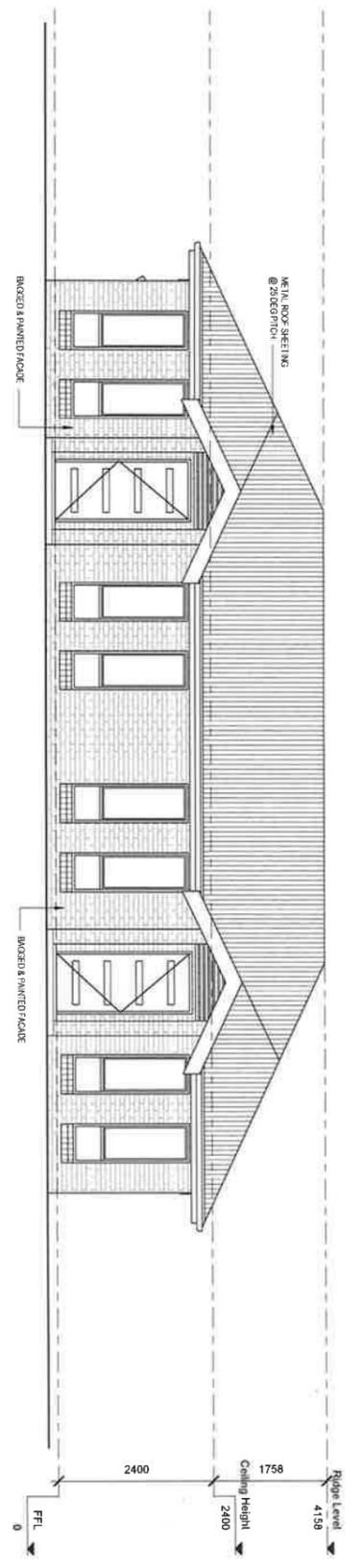
Consistent with every other drawings and dimensions on this plan to the extent that they are not otherwise indicated. The drawings are the property of the architect and shall remain the property of the architect. The drawings are not to be used for any other purpose without the prior written permission of the architect.

REV	DATE	DESCRIPTION
A	19/04/2019	DA ISSUE
B	27/05/2019	DA ISSUE
C	28/04/19	DA ISSUE

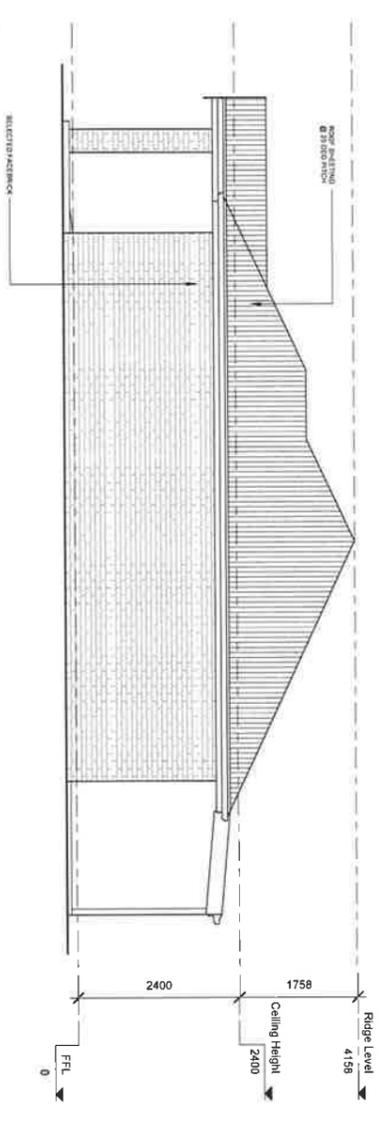
**PROJECT:**  
MULTI DWELLING DEVELOPMENT  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE:**  
TYPE 02 FLOOR PLAN

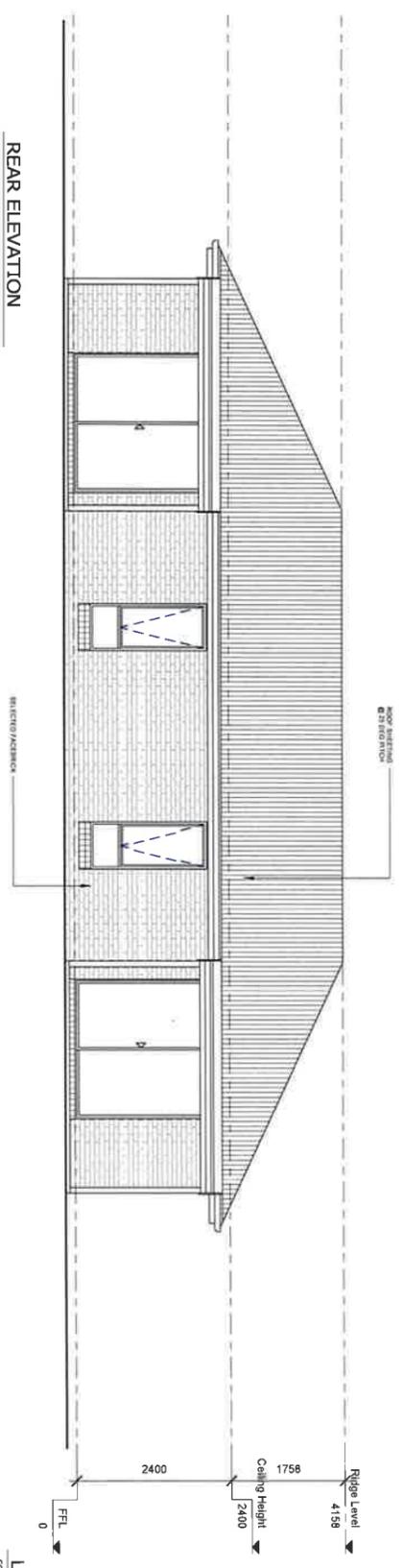
DATE		BY		CHECKED	
DATE	BY	DATE	BY	DATE	BY
09/03/19	Author	11	Designer	18/09	Checker
DA102		DA102		E	



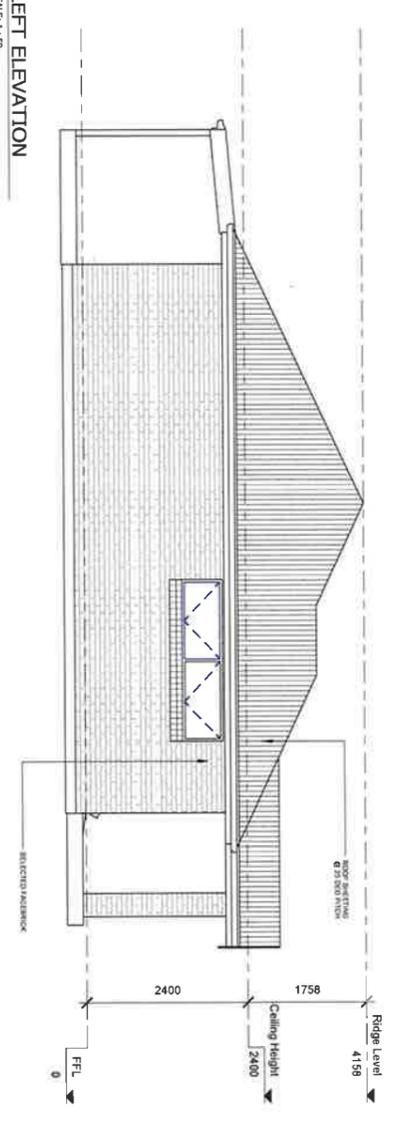
FRONT ELEVATION  
SCALE: 1:50



RIGHT ELEVATION  
SCALE: 1:50



REAR ELEVATION  
SCALE: 1:50



LEFT ELEVATION  
SCALE: 1:50



**NOMINATED ARCHITECTS:**  
**BEVALDO DESIGN**  
 22-24 MONTAGNA ST  
 URBAN  
 M1 203 1177  
 FAX 08 858 9177

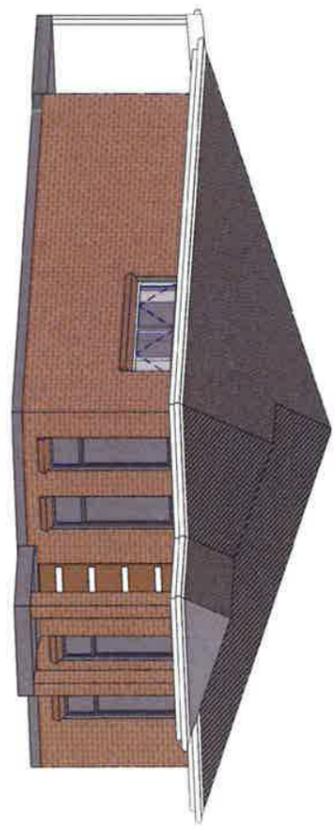
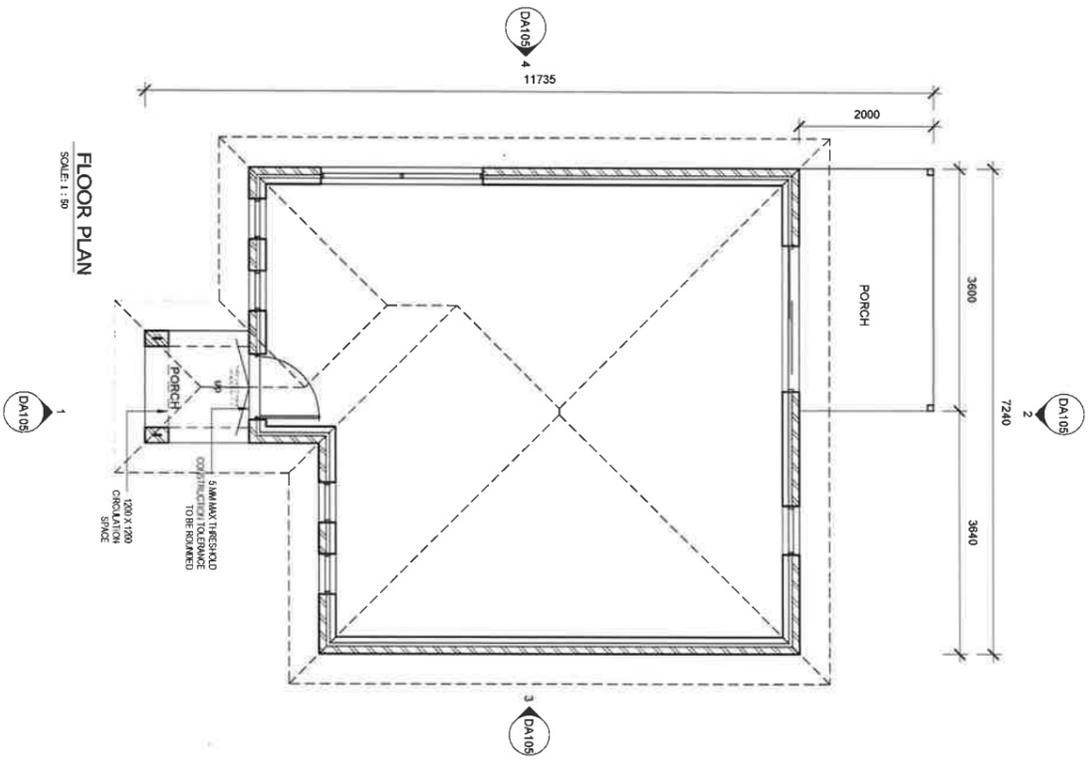
Consultant shall verify all walls and dimensions of site prior to commencing any fabric change. Figures dimensions to be used as per the drawings. All dimensions shall be in millimetres. The drawings are the property of Bevaldo Design Pty Ltd. All rights reserved. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, without prior written permission.

REV	DATE	DESCRIPTION
A	18.02.2019	DA SCALE
D	23.07.2019	DA SCALE
E	29.01.19	DA SCALE

**MULTI DWELLING DEVELOPMENT**  
 PROJECT ADDRESS  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**TYPE 02 ELEVATIONS**

**DA ISSUE**  
 DATE: 03/05/19  
 SCALE: 1:50  
 DRAWN: Author  
 CHECKED: Designer  
 DATE: DA103  
 PROJECT: 19169  
 SHEET: 18 OF 18  
 CHECKED: E



3D PERSPECTIVE  
SCALE:

NOTE:  
TYPE 03 APPLIES TO UNIT 18



**NOMINATED ARCHITECT**  
**REVOLUTION DESIGN**  
 1/100 WILSON ST  
 SYDNEY NSW 1517  
 PH (02) 9554 4171  
 WWW.REVOLUTIONDESIGN.COM.AU

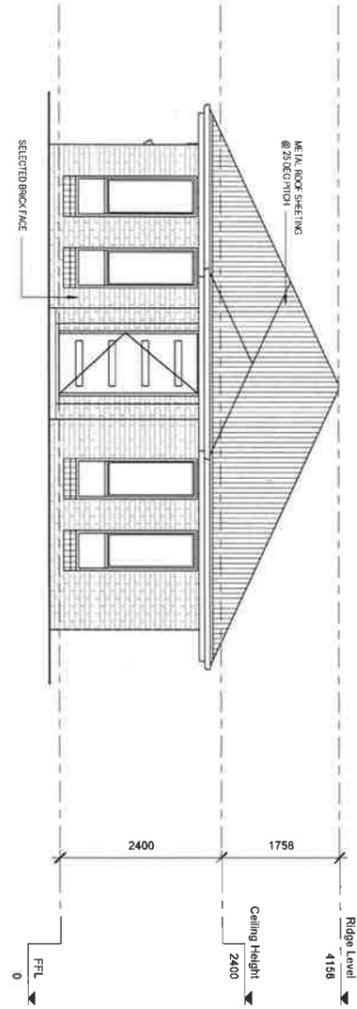
Customer shall verify all works and dimensions on site prior to commencing any other works. If any discrepancies are identified, the contractor shall be responsible for rectification. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for ensuring that all works are completed in accordance with the approved plans and specifications. The contractor shall be responsible for ensuring that all works are completed in accordance with the approved plans and specifications.

REV	DATE	DESCRIPTION
A	18/01/19	DA ISSUE
0	20/01/19	DA ISSUE
E	28/01/19	DA ISSUE

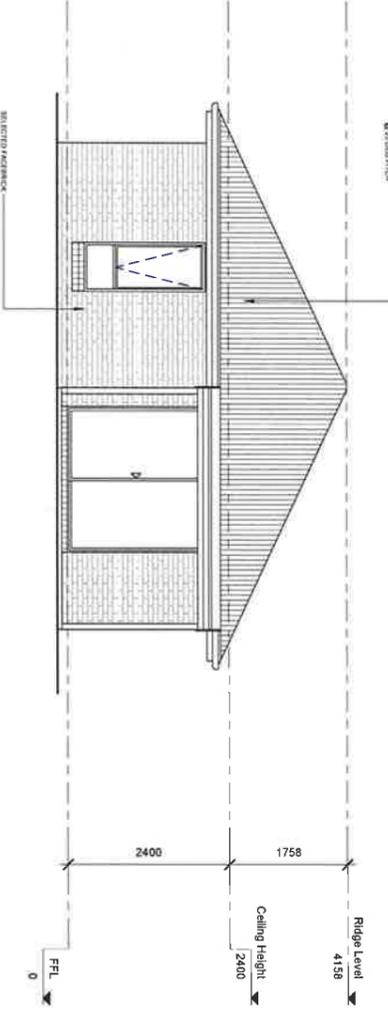
**MULTI DWELLING DEVELOPMENT**  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**TYPE 03 FLOOR PLAN**  
 DATE: 28/01/2019 4:38:18 PM

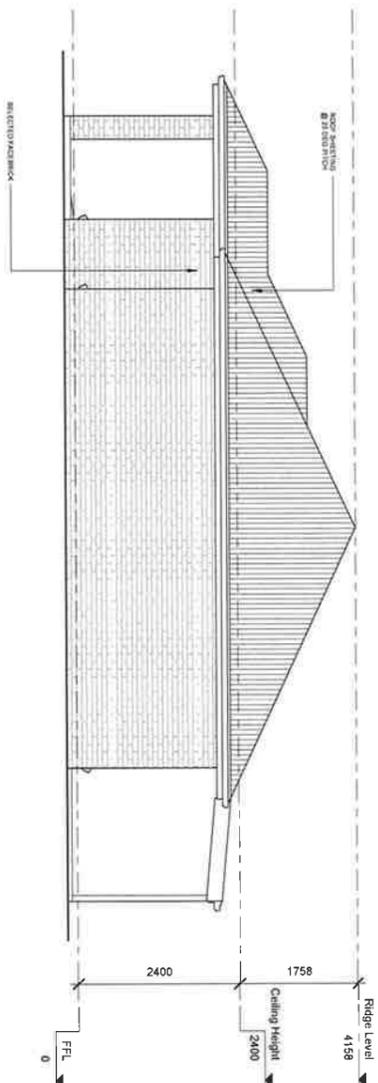
DA ISSUE		REVISION	
DATE	SCALE	BY	CHECKED
28/01/19	1:50	Author	Checker
DA		DA104	E



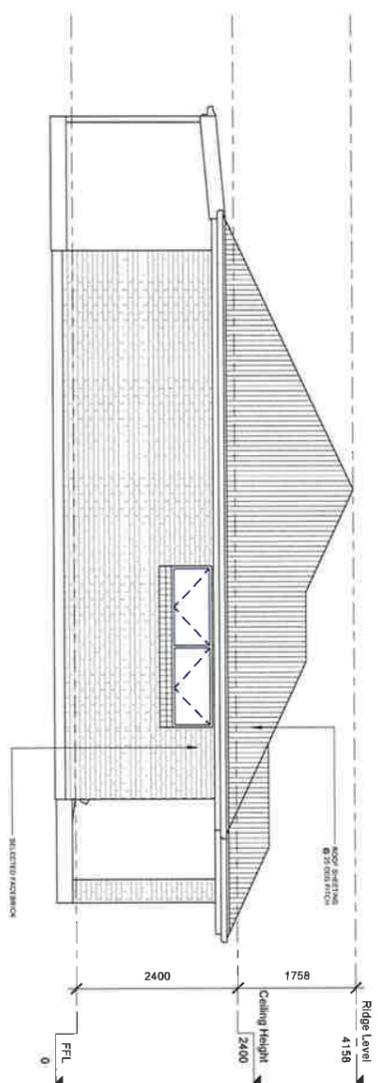
FRONT ELEVATION  
SCALE: 1:50



REAR ELEVATION  
SCALE: 1:50



RIGHT ELEVATION  
SCALE: 1:50



LEFT ELEVATION  
SCALE: 1:50



**BD**  
ARCHITECTS  
22-28 MOUNTAIN ST  
LISVADE  
NSW 1585  
PH: (02) 9881 8177  
FAX: (02) 9881 9177

Consultant's work shall be used in whole or in part for any other project without the written consent of the consultant. The consultant shall not be responsible for any errors or omissions in the drawings or specifications. The consultant shall not be responsible for any delays or costs incurred by the client due to the consultant's negligence or failure to perform its duties. The consultant shall not be responsible for any claims or damages arising from the use of the drawings or specifications. The consultant shall not be responsible for any claims or damages arising from the use of the drawings or specifications.

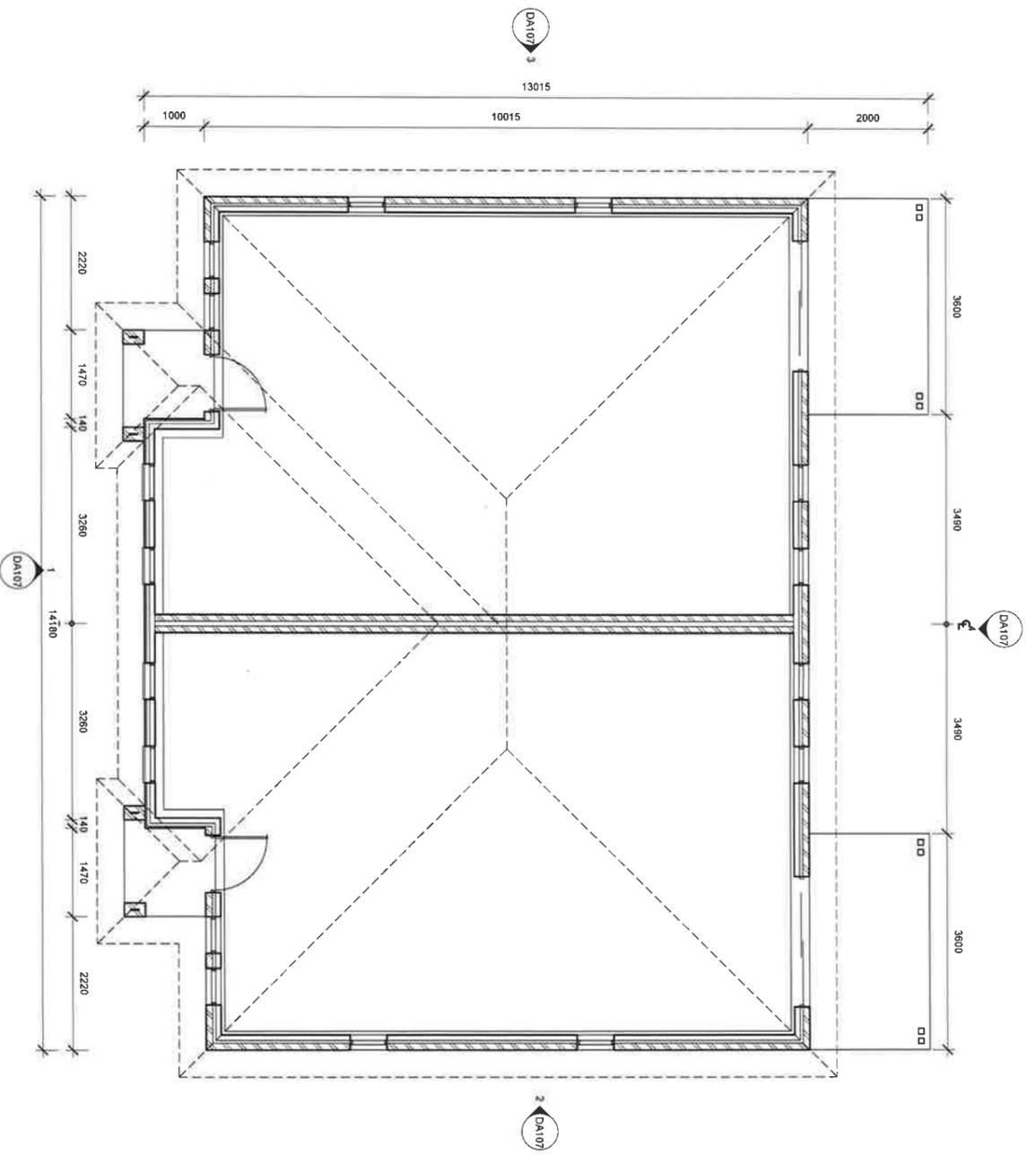
REV	DATE	DESCRIPTION
A	18/01/19	DA ISSUE
B	20/04/19	DA ISSUE
C	28/04/19	DA ISSUE

**MULTI DWELLING DEVELOPMENT**  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TYPE 03 ELEVATIONS**  
29/04/2019 4:54:14 PM

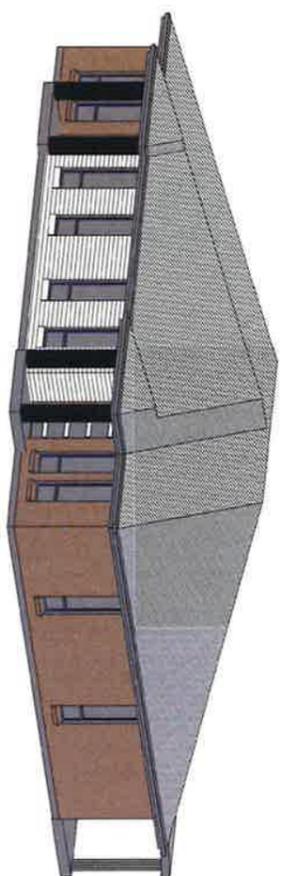
DATE	BY	CHECKED	SCALE
03/05/19	Author	LH	1:50
	Designer		

DA ISSUE  
DA105  
E



GROUND FLOOR  
SCALE: 1:50

**NOTE:**  
TYPE 4 APPLIES TO UNITS 7, 8, 11,  
12, 14 AND 15



3D PERSPECTIVE  
SCALE:



**NOMINATED ARCHITECTS:**  
BENJAMIN DESIGN  
22-28 HUNTER ST  
SYDNEY  
NSW 2000  
PH: (02) 9221 1177  
WWW.BENJAMINDSIGN.COM

Contractor shall verify all work and dimensions on site prior to commencing and report drawings. Reported dimensions to be used - do not rely on drawings for dimensions. Reported dimensions to be used - do not rely on drawings for dimensions. Reported dimensions to be used - do not rely on drawings for dimensions. Reported dimensions to be used - do not rely on drawings for dimensions.

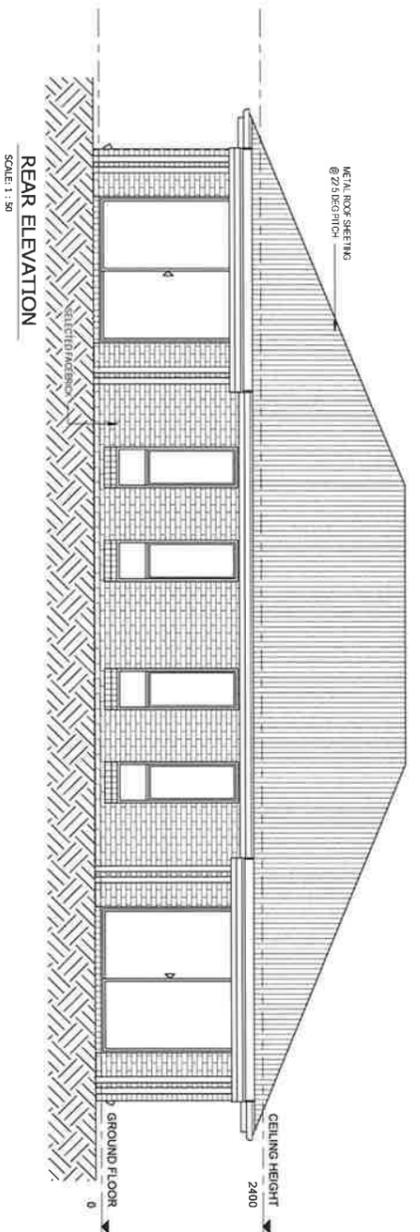
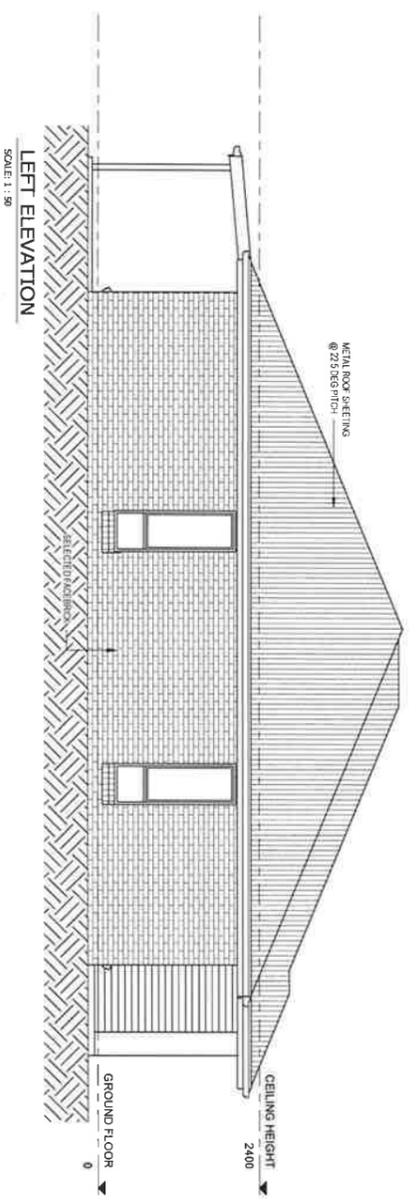
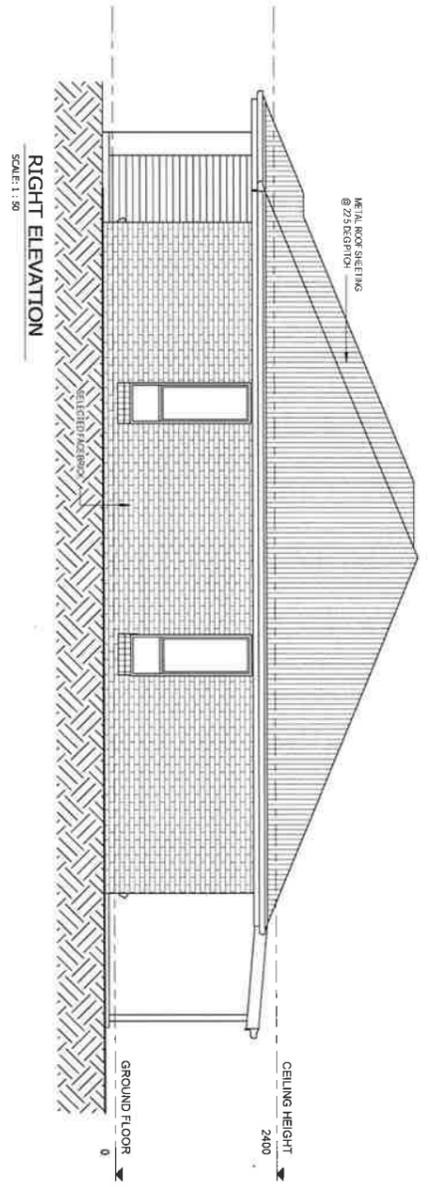
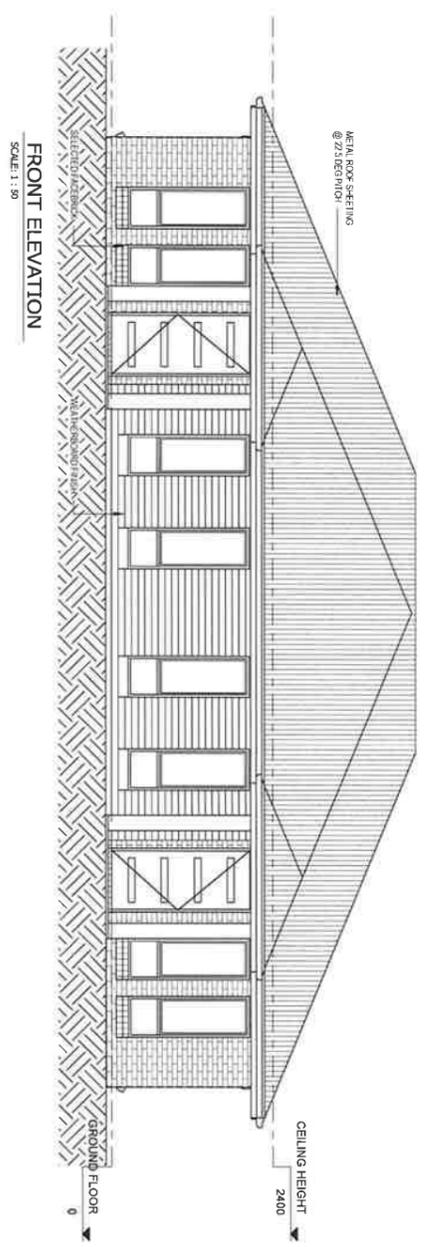
REV	DATE	DESCRIPTION
A	18.04.19	DA ISSUE
B	20.01.19	DA ISSUE
E	26.04.19	DA ISSUE

**PROJECT:**  
MULTI DWELLING DEVELOPMENT  
PROPOSER ADDRESS:  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE:**  
TYPE 4 - FLOOR PLAN  
DATE: 20/02/2010 2:45:30 PM

NO.	DATE	BY	CHKD BY	DESCRIPTION
1	18.04.19	LH		DA ISSUE

**DA ISSUE**  
DATE: 18.04.19  
SCALE: 1:50  
DRAWN: LH  
CHECKED: LH  
DATE: 18.04.19  
SCALE: 1:50  
DRAWN: LH  
CHECKED: LH



**BD**  
 NOMINATED ARCHITECTS DESIGN  
 22/24 MOUNTAIN ST  
 SYDNEY NSW 2002  
 PH: (02) 9291 4177  
 FAX: (02) 9291 4177

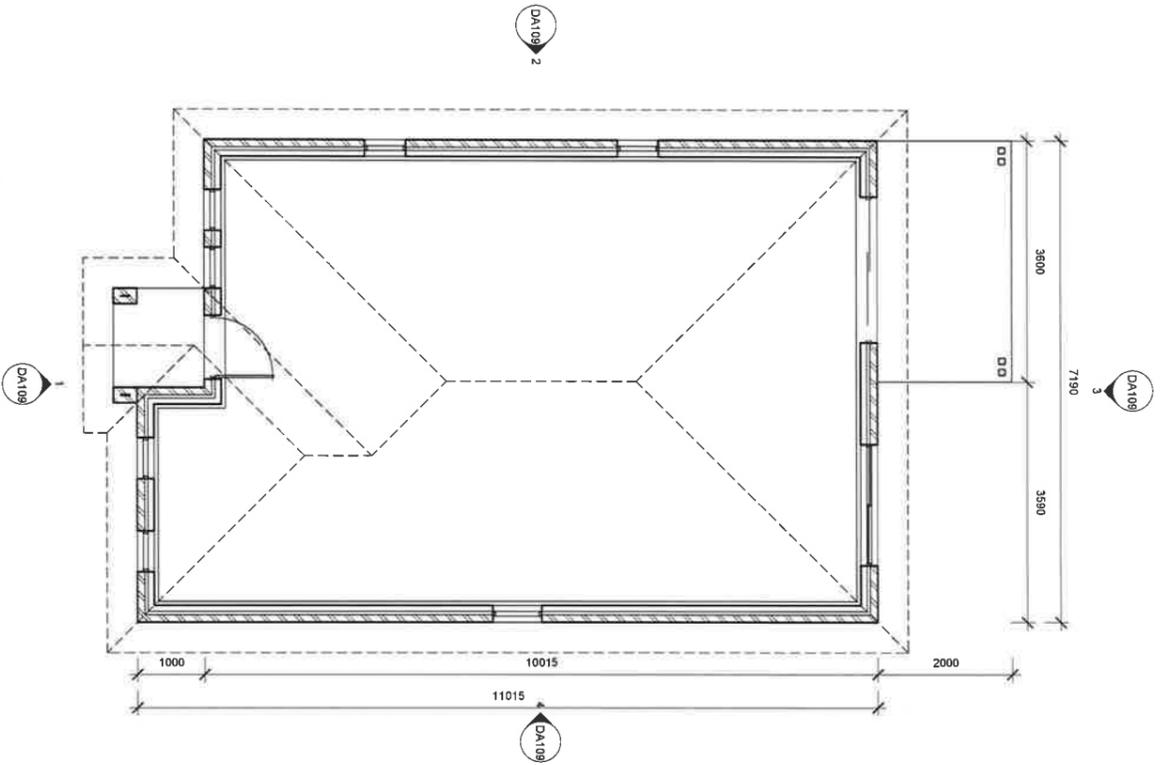
Contractor shall verify all levels and dimensions on the ground before commencing any site works. If any discrepancies are noted, the contractor shall advise the architect immediately. The architect shall not be responsible for any errors or omissions in the drawings or specifications. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for the safety of all workers and the public. The contractor shall be responsible for the disposal of all waste. The contractor shall be responsible for the protection of all existing structures and utilities. The contractor shall be responsible for the completion of all works within the specified time frame. The contractor shall be responsible for the maintenance of all records. The contractor shall be responsible for the payment of all bills. The contractor shall be responsible for the insurance of all workers and the public. The contractor shall be responsible for the compliance with all applicable laws and regulations. The contractor shall be responsible for the protection of the environment. The contractor shall be responsible for the safety of all workers and the public. The contractor shall be responsible for the disposal of all waste. The contractor shall be responsible for the protection of all existing structures and utilities. The contractor shall be responsible for the completion of all works within the specified time frame. The contractor shall be responsible for the maintenance of all records. The contractor shall be responsible for the payment of all bills. The contractor shall be responsible for the insurance of all workers and the public. The contractor shall be responsible for the compliance with all applicable laws and regulations. The contractor shall be responsible for the protection of the environment.

NO.	DATE	DESCRIPTION
A	20/01/19	ISSUE FOR PERMIT
B	20/01/19	ISSUE FOR PERMIT
C	20/01/19	ISSUE FOR PERMIT
D	20/01/19	ISSUE FOR PERMIT
E	20/01/19	ISSUE FOR PERMIT

**MULTI DWELLING DEVELOPMENT**  
 PROPERTY ADDRESS  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**TYPE 4 - ELEVATIONS**  
 DATE: 28/04/2019 2:43:36 PM

DATE	BY	REVISION
28/04/19	DA	ISSUE



GROUND FLOOR  
SCALE: 1:50

NOTE:  
TYPE 5 APPLIES TO UNITS 9, 10  
AND 13.



3D PERSPECTIVE  
SCALE

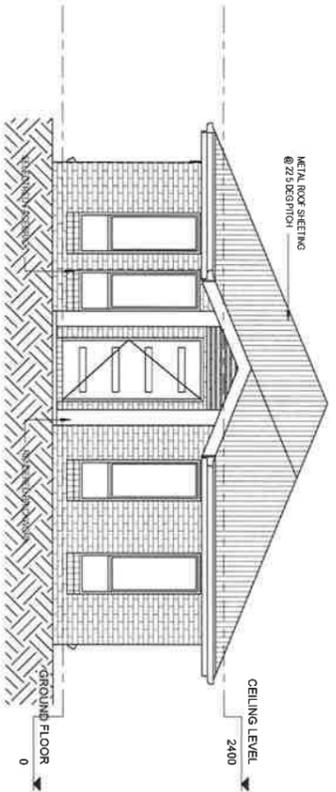


CONSIDER THAT EVERY ASPECT AND DIMENSION ON THE PLAN IS CONSIDERED TO BE A PART OF THE DESIGN. FIGURED DIMENSIONS TO BE USED - DO NOT SCALE. THE DESIGNER'S INTENT IS TO PROVIDE A CLEAR AND UNAMBIGUOUS REPRESENTATION OF THE DESIGN. THE DESIGNER'S INTENT IS TO PROVIDE A CLEAR AND UNAMBIGUOUS REPRESENTATION OF THE DESIGN. THE DESIGNER'S INTENT IS TO PROVIDE A CLEAR AND UNAMBIGUOUS REPRESENTATION OF THE DESIGN.

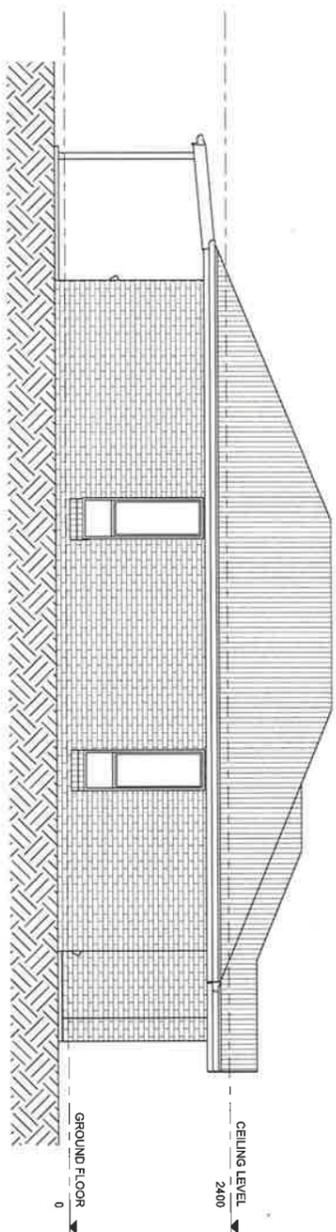
REV	DATE	DESCRIPTION
A	18/04/19	DA ISSUE
D	20/04/19	DA ISSUE
E	26/04/19	DA ISSUE

PROJECT: MULTI DWELLING DEVELOPMENT  
PROPERTY ADDRESS: 19 - 21 DURHAM STREET, 48 HAVANNAH STREET BATHURST NSW 2795

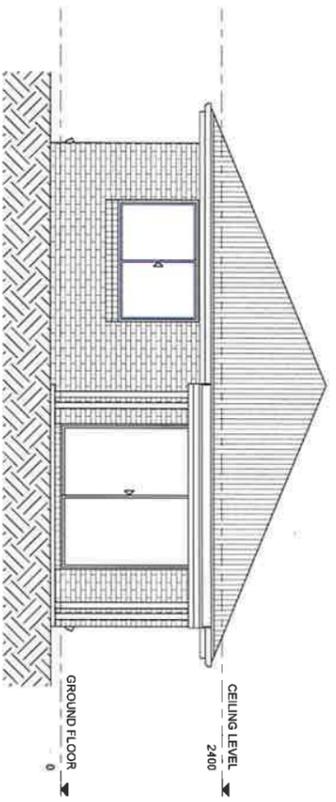
DATE	26/04/2019 5:02:56 PM
TYPE	DA ISSUE
SCALE	1:50
PROJECT	Author
DATE	DA108
PROJECT	U4
PROJECT	19169
PROJECT	Checker
PROJECT	E



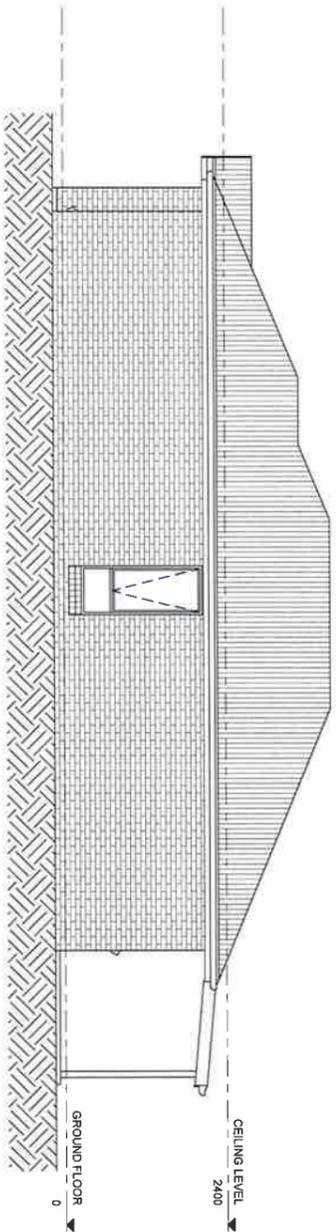
FRONT ELEVATION  
SCALE: 1:30



LEFT ELEVATION  
SCALE: 1:30



REAR ELEVATION  
SCALE: 1:30



RIGHT ELEVATION  
SCALE: 1:30



**NONIAMB**  
ARCHITECTS  
RESEARCH DESIGN  
32/46 MCKENZIE ST  
LISVADE  
NSW 2225  
PH: (02) 8831 9177  
WWW.BDARCHITECTS.COM

Consultation and work at levels and dimensions on the part to  
commencing in. All top drawings. Ground dimensions to be used - do not  
scale. All drawings are the property of BDBD. Copyright © 2014. All rights reserved.  
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transmitted in any form or by any means, electronic, mechanical, photocopying, recording,  
or by any information storage and retrieval system, without prior written permission  
from BDBD.

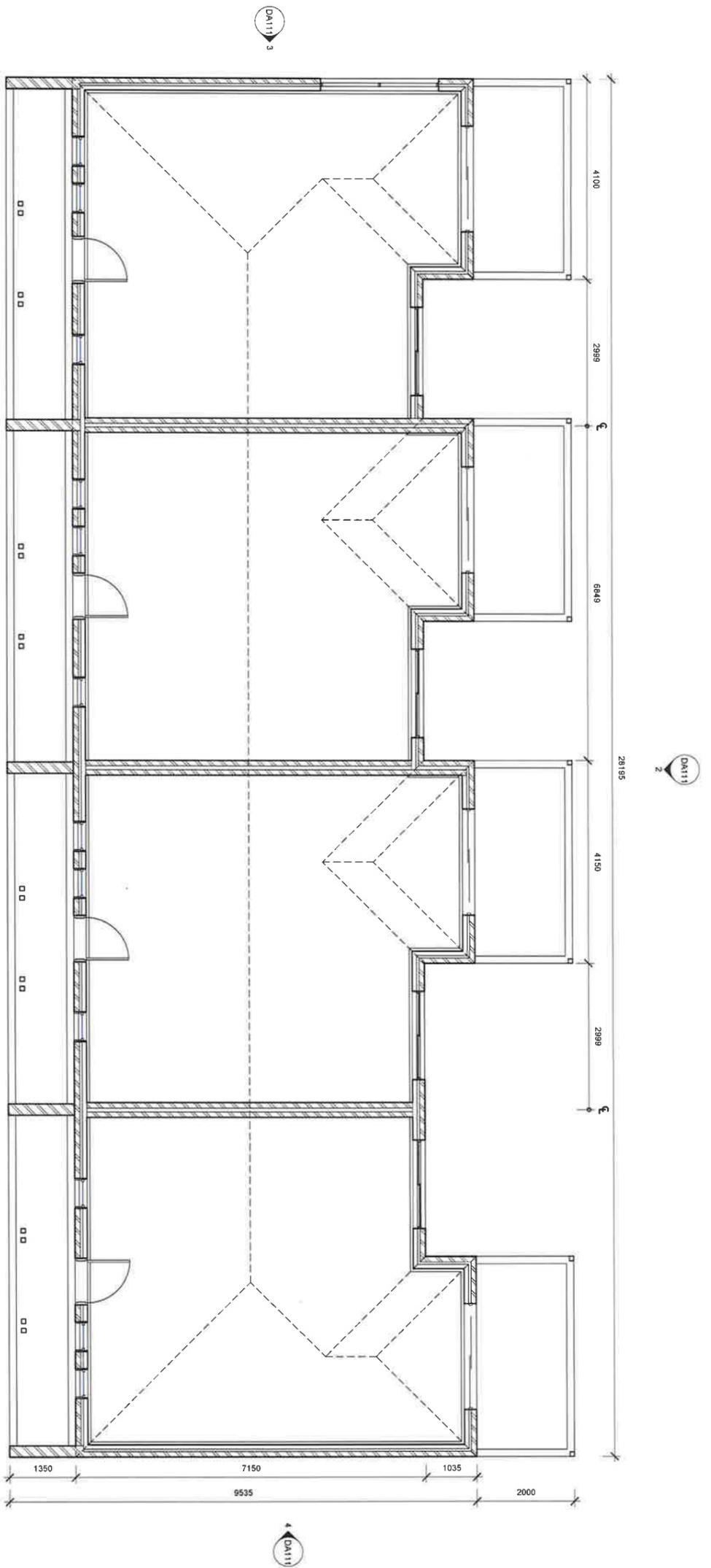
REV	DATE	DESCRIPTION
A	18/01/19	DA SCALE
D	27/01/19	DA SCALE
E	28/01/19	DA SCALE

**PROJECT**  
**MULTI DWELLING DEVELOPMENT**  
PROJECT ADDRESS  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

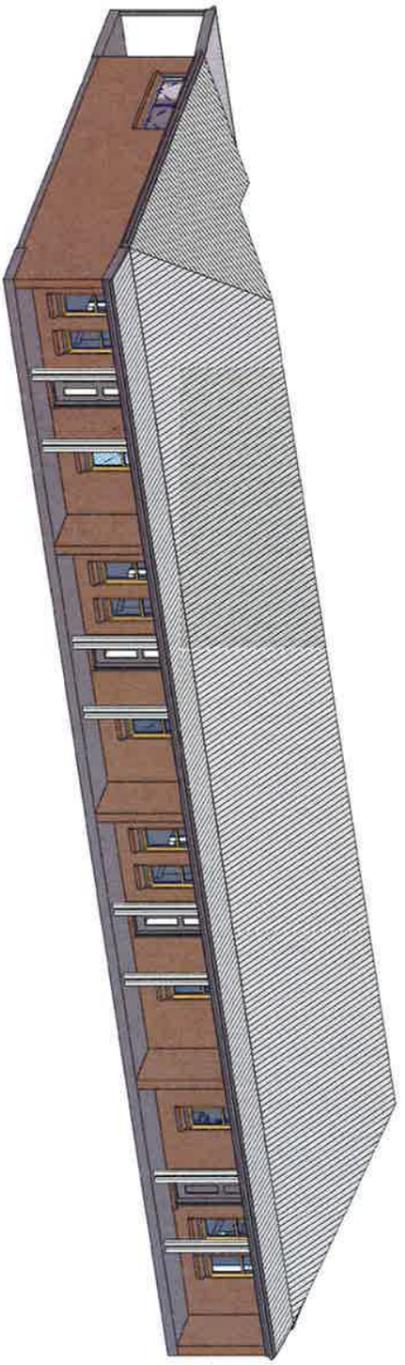
**TITLE**  
**TYPE 5 - ELEVATIONS**

NO.	DATE	BY	CHECKED	SCALE	REVISION
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2	28/01/19	Author	Author	1:30	LIH
3	28/01/19	Author	Author	1:30	LIH
4	28/01/19	Author	Author	1:30	LIH
5	28/01/19	Author	Author	1:30	LIH
6	28/01/19	Author	Author	1:30	LIH
7	28/01/19	Author	Author	1:30	LIH
8	28/01/19	Author	Author	1:30	LIH
9	28/01/19	Author	Author	1:30	LIH
10	28/01/19	Author	Author	1:30	LIH
11	28/01/19	Author	Author	1:30	LIH
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13	28/01/19	Author	Author	1:30	LIH
14	28/01/19	Author	Author	1:30	LIH
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16	28/01/19	Author	Author	1:30	LIH
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18	28/01/19	Author	Author	1:30	LIH
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44	28/01/19	Author	Author	1:30	LIH
45	28/01/19	Author	Author	1:30	LIH
46	28/01/19	Author	Author	1:30	LIH
47	28/01/19	Author	Author	1:30	LIH
48	28/01/19	Author	Author	1:30	LIH
49	28/01/19	Author	Author	1:30	LIH
50	28/01/19	Author	Author	1:30	LIH

**DA ISSUE**  
DA109



**NOTE:**  
TYPE 6 APPLIES TO UNITS 27, 28,  
29 AND 30.



**CONTRACTOR:**  
BERALDO DESIGN  
LVL 2, UNIT 14  
22-28 MOONBINE ST  
NEWCASTLE  
PH: (081) 881 4177  
FAX: (081) 881 5117

**CONTRACTOR'S NOTE:**  
Contractor shall verify all levels and dimensions on site prior to commencing any work. If any discrepancies are noted, the contractor shall advise the designer immediately. The designer shall be notified of any discrepancies in writing. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for the safety of all workers and the public. The contractor shall be responsible for the protection of all existing structures and utilities. The contractor shall be responsible for the removal of all debris and waste. The contractor shall be responsible for the final inspection and certification of the work.

REV	DATE	DESCRIPTION
A	18 OCT 19	DA ISSUE
B	20 OCT 19	DA ISSUE
C	26 OCT 19	DA ISSUE

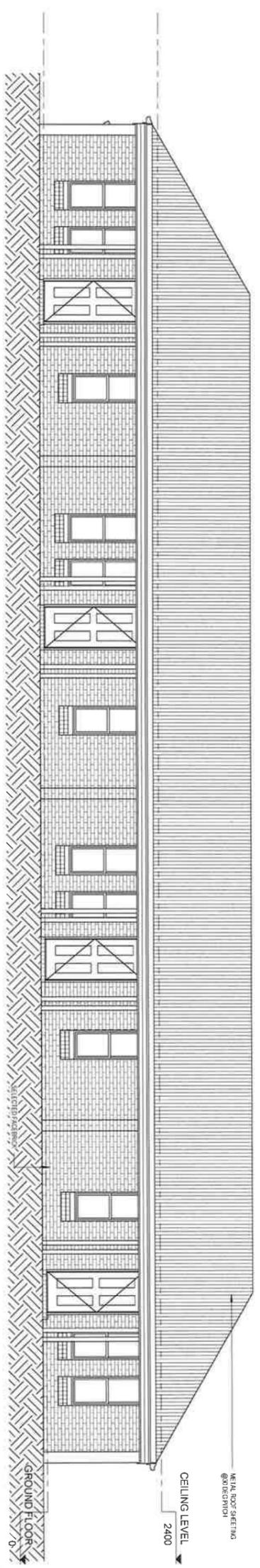
**PROJECT:**  
MULTI DWELLING DEVELOPMENT  
PROPERTY ADDRESS:  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE:**  
TYPE 6 - FLOOR PLAN

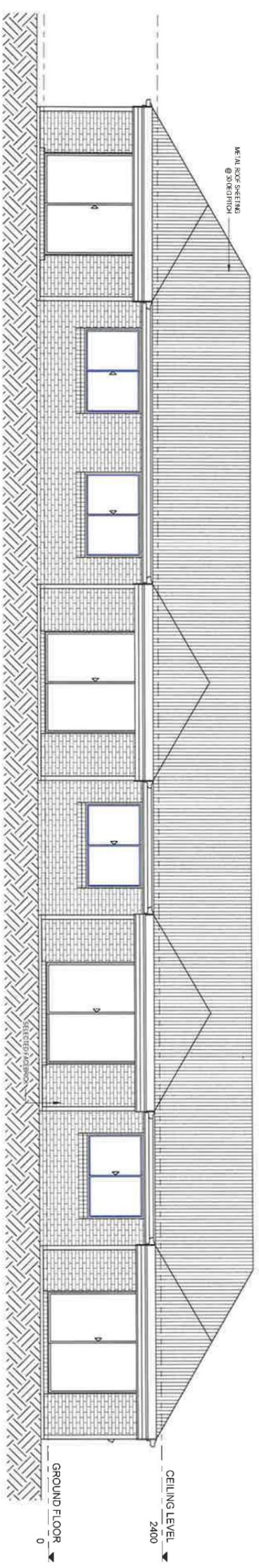
DATE	SCALE	BY	CHECKED	DATE
18 OCT 19	1:50	Author	Designer	18 OCT 19
20 OCT 19	1:50	Author	Designer	20 OCT 19
26 OCT 19	1:50	Author	Designer	26 OCT 19

DA ISSUE  
DA110  
E

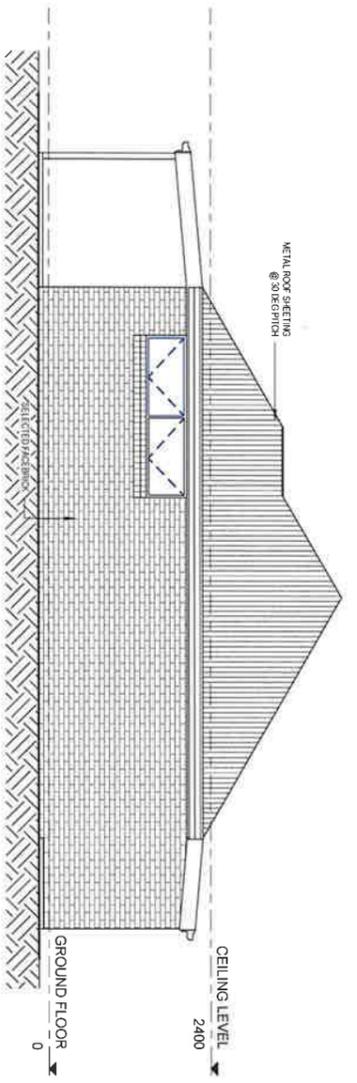
FRONT ELEVATION  
SCALE: 1 : 50



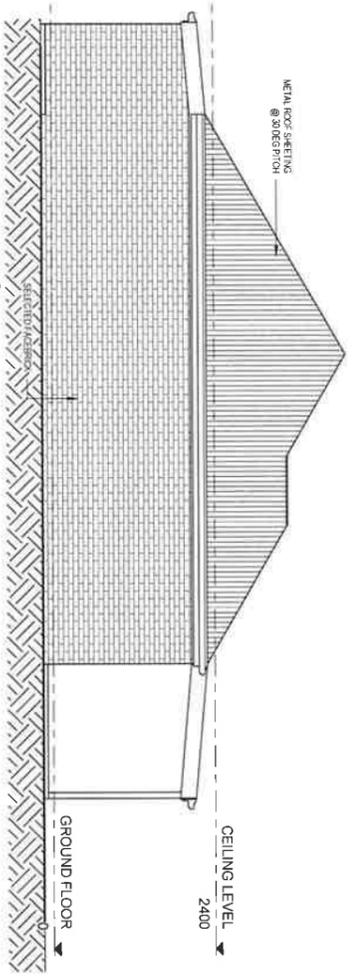
REAR ELEVATION  
SCALE: 1 : 50



LEFT ELEVATION  
SCALE: 1 : 50



RIGHT ELEVATION  
SCALE: 1 : 50



**NOMINATED ARCHITECTS**  
**BD ARCHITECTS DESIGN**  
 22-28 MOUNTAIN VIEW  
 LINDSEY  
 NSW 1585  
 PH: (02) 9881 8177  
 FAX: (02) 9881 8177

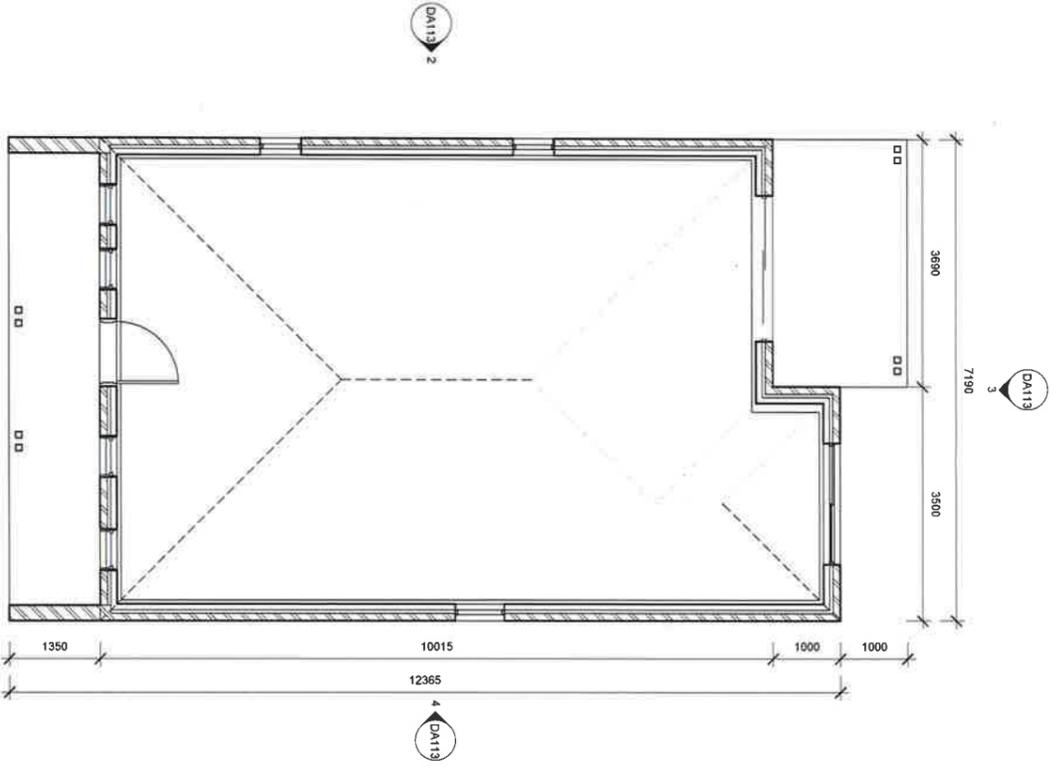
Consultant shall verify all walls and dimensions on site prior to commencing any above ground works. Final dimensions to be used - 200 and 2400mm. All dimensions shall be in accordance with the Australian Standard AS/NZS 4455.1:2016. The design is based on the information provided. The design is not to be used for any other purpose without the written consent of the architect.

REV	DATE	DESCRIPTION
A	28/01/19	DA ISSUE
D	29/01/19	DA ISSUE
E	29/01/19	DA ISSUE

**MULTI DWELLING DEVELOPMENT**  
 PROJECT ADDRESS  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

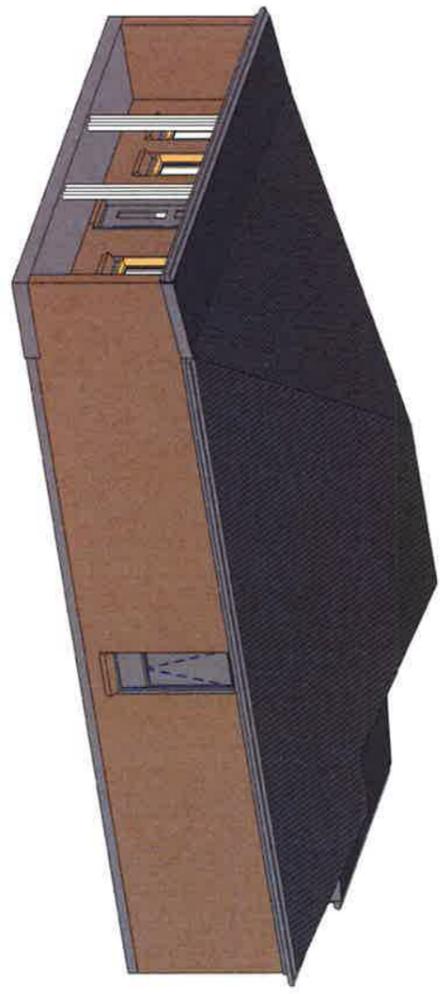
**TYPE 6 - ELEVATIONS**  
 TITLE  
 NUMBER 286/2018 3 15:19 PM

DATE	ISSUE	BY	CHECKED BY
28/01/19	DA ISSUE	Author	Designer
		DA111	Checker



GROUND FLOOR  
SCALE: 1:50

NOTE:  
TYPE 7 APPLIES TO UNIT 31.



3D PERSPECTIVE  
SCALE:



**BD**  
ARCHITECTS  
22-28 MOUNTAIN ST.  
SYDNEY NSW 1577

Consider that every detail and dimension on this plan to be constructed and also drawings. Fixed dimensions to be used - do not vary. All dimensions are in millimetres unless otherwise stated. All dimensions are to the face of the work unless otherwise stated. All dimensions are to the face of the work unless otherwise stated. All dimensions are to the face of the work unless otherwise stated.

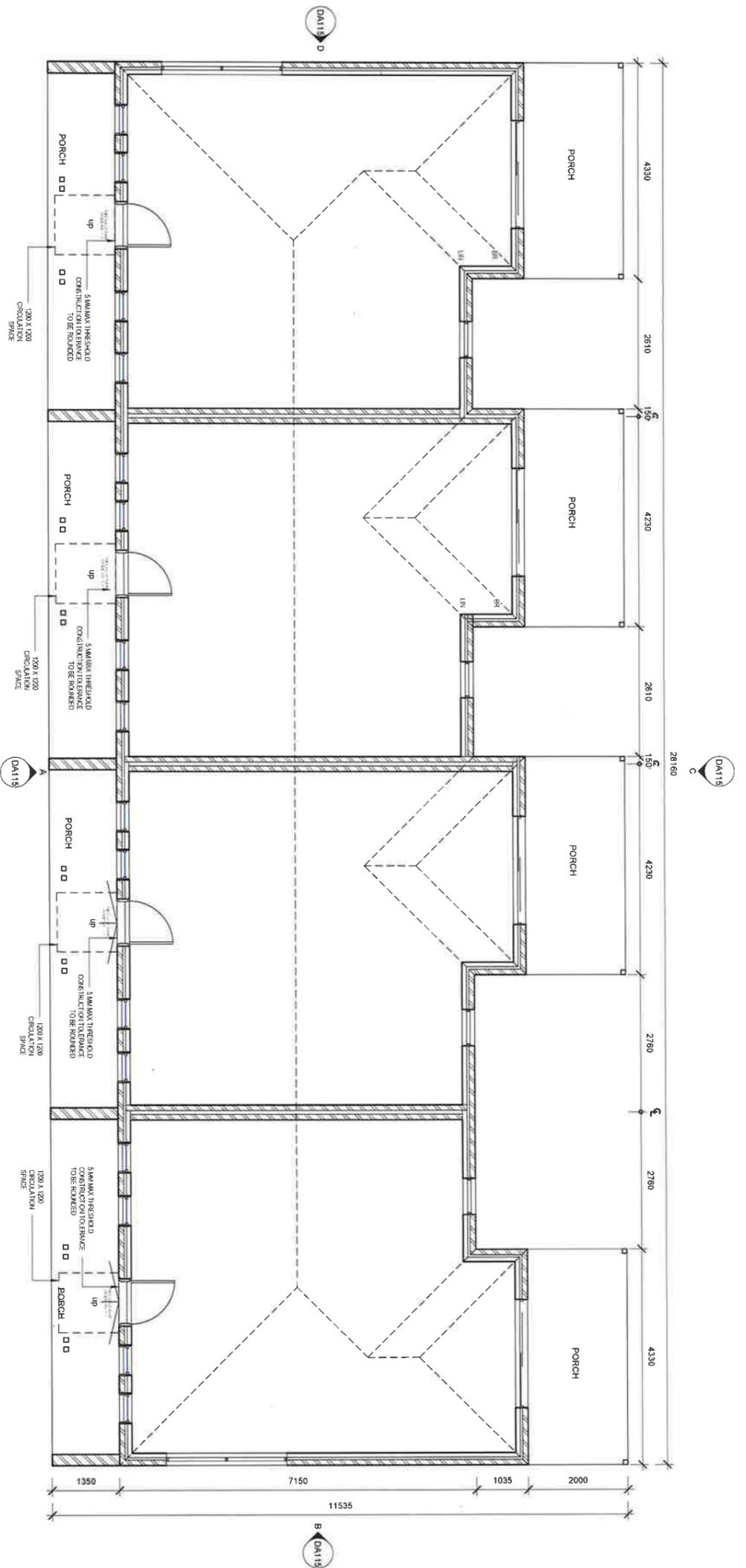
REV	DATE	DESCRIPTION
A	18/01/19	DA ISSUE
B	20/01/19	DA ISSUE
C	20/01/19	DA ISSUE
D	20/01/19	DA ISSUE
E	20/01/19	DA ISSUE

**PROJECT**  
MULTI DWELLING DEVELOPMENT  
PROPERTY ADDRESS  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE**  
TYPE 7 - FLOOR PLAN  
DATE  
20/01/2019 3:21:48 PM

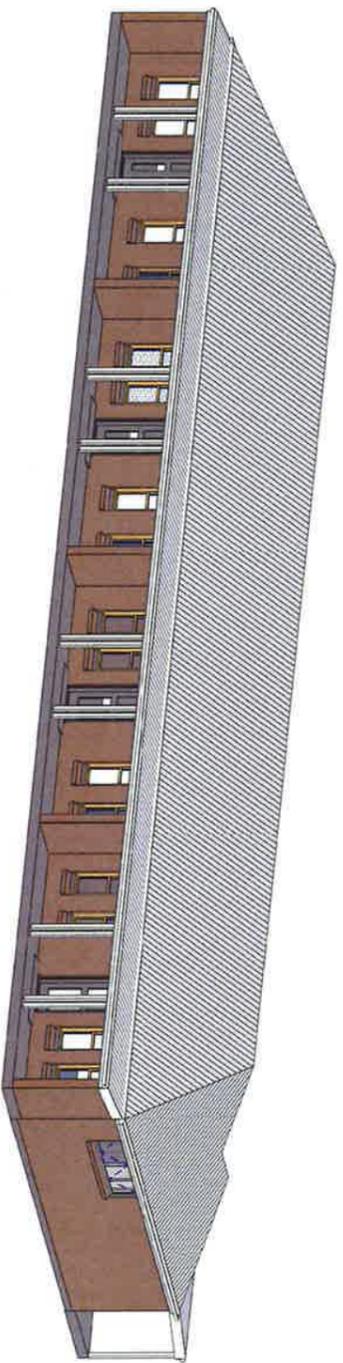
NO.	DATE	BY	CHKD BY	REVISION
1	01/2019	Author	Designer	PRELIMINARY
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GROUND FLOOR  
SCALE: 1:50

NOTE:  
TYPE 8 APPLIES TO UNITS 32, 33,  
34 AND 35.



3D PERSPECTIVE  
SCALE:



CONVEYOR DATA WITH ALL LEVELS AND DIMENSIONS OF THE PLAN TO  
CORRECTING AND SHOP DRAWING. FIGURED DIMENSIONS TO BE USED - DO NOT  
SCALE. THIS DRAWING IS THE PROPERTY OF BUILDING DESIGN GROUP PTY LTD. ALL RIGHTS RESERVED.  
NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS  
WITHOUT PRIOR WRITTEN PERMISSION.

REV	DATE	DESCRIPTION
A	18/04/19	DA115/14
D	27/04/19	DA115/14
E	28/04/19	DA115/14

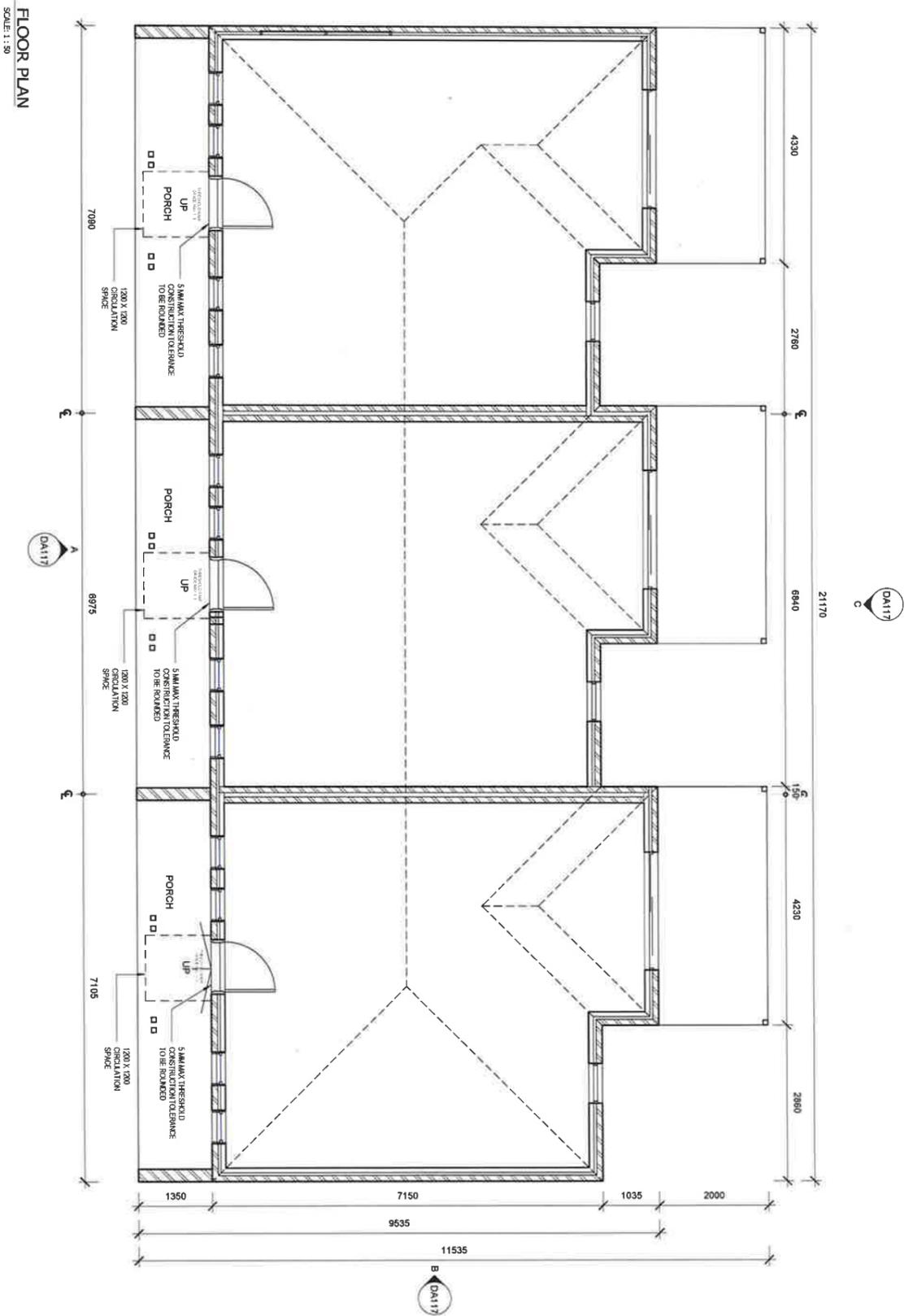
**MULTI DWELLING DEVELOPMENT**  
PROJECT ADDRESS  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TYPE 8 - FLOOR PLAN**  
DATE: 28/04/2019 5:31:38 PM

DATE	SCALE	PROJECT	DESIGNER	CHECKER
DA	1:50	U4	DA114	E

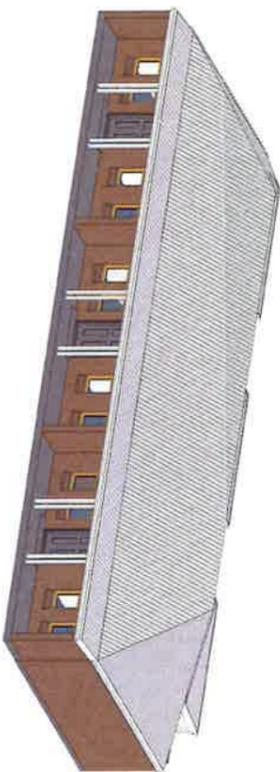
PRELIMINARY  
DATE: 18/04/19





FLOOR PLAN  
SCALE: 1:30

**NOTE:**  
TYPE 09 APPLIES TO UNITS 36, 37  
AND 38



**NOTED:**  
CONSTRUCTION AND FINISHES AND DIMENSIONS ON THIS PLAN TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2015. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE DIMENSIONS AND FINISHES ON THE DRAWING AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2015.

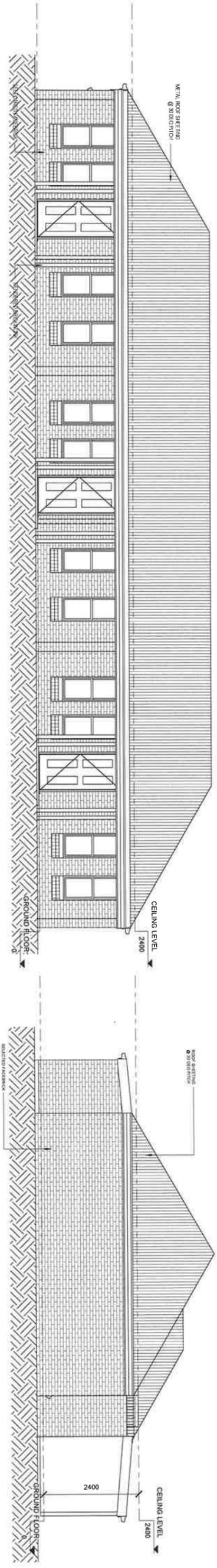
REV	DATE	DESCRIPTION
A	18/03/19	DA ISSUE
B	22/04/19	DA ISSUE
C	25/04/19	DA ISSUE

**PROJECT:**  
MULTI DWELLING DEVELOPMENT  
PROPERTY ADDRESS:  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE:**  
TYPE 9 - FLOOR PLAN  
DATE: 29/03/2019 4:07:22 PM

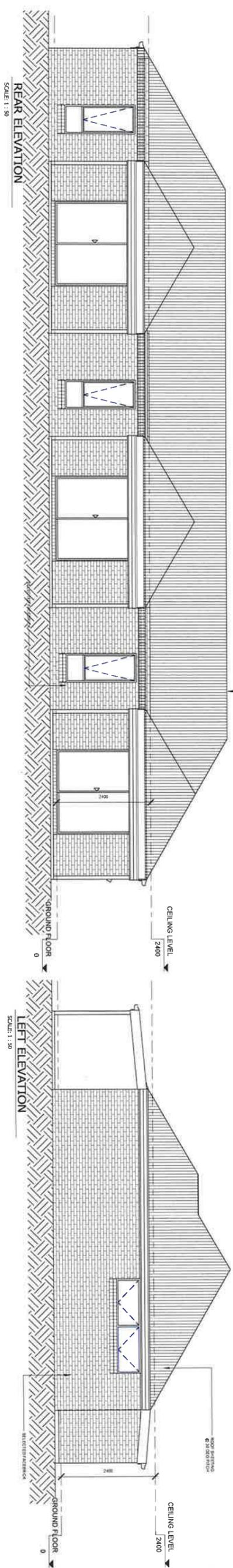
NO.	DATE	BY	CHKD BY	REVISION
1	18/03/19	Author	LH	DA ISSUE
2	22/04/19	Author	DM	DA ISSUE
3	25/04/19	Author	DM	DA ISSUE

DA116 E



FRONT ELEVATION  
SCALE: 1:50

RIGHT ELEVATION  
SCALE: 1:50



REAR ELEVATION  
SCALE: 1:50

LEFT ELEVATION  
SCALE: 1:50




**NOVEMBER**  
ARCHITECTS  
22-24 MOOREVIEW ST.  
MELBOURNE VIC 3000  
PH: (03) 9439 9177

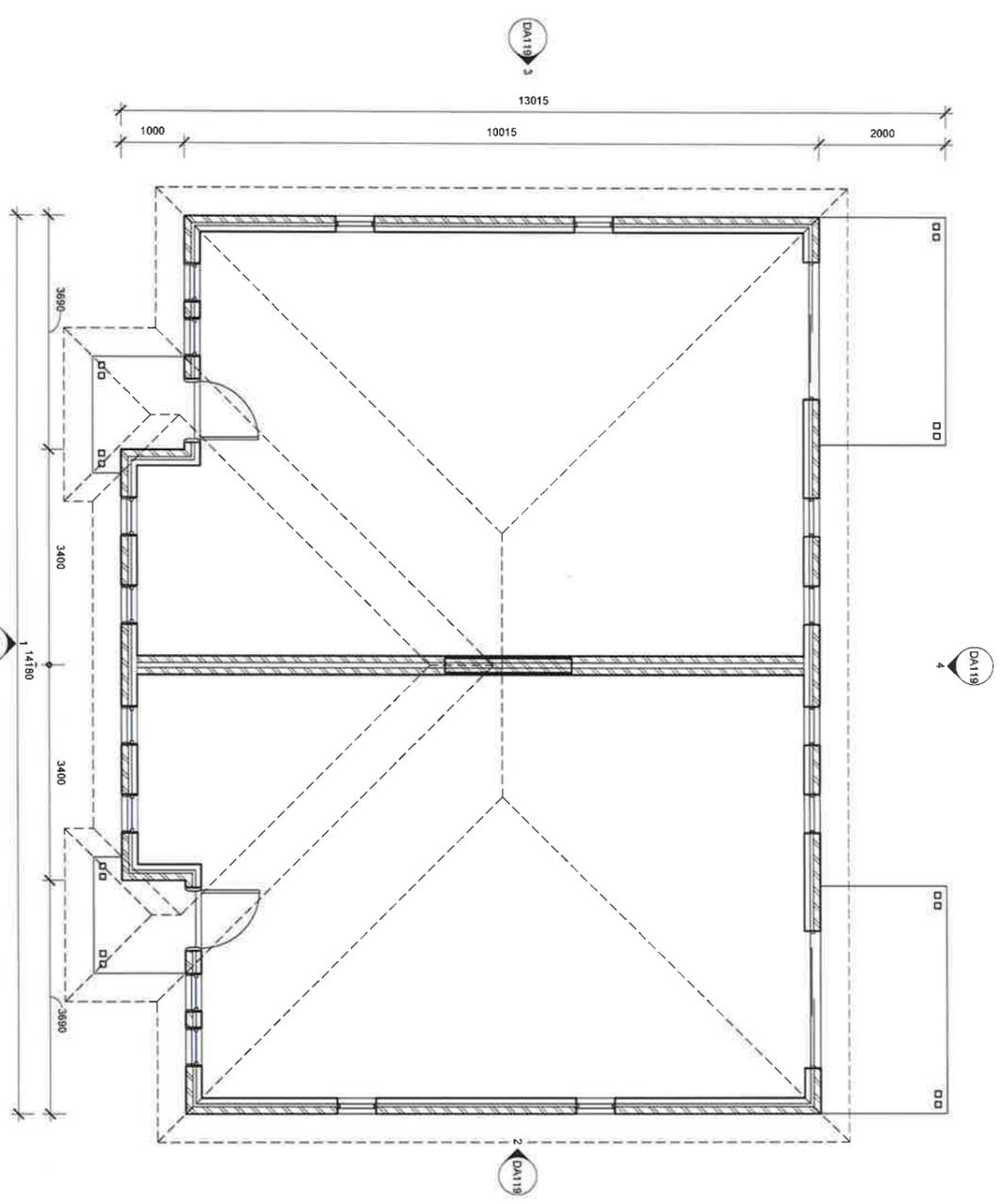
Consultation shall verify all walls and dimensions on site prior to commencing any other drawings. Proposed dimensions to be used - do not rely on site measurements. All drawings shall be prepared in accordance with the relevant standards and specifications. The drawings are prepared on the basis of the information provided and are not to be used for any other purpose without prior written permission.

REV	DATE	DESCRIPTION
A	19/01/19	DA ISSUE
D	27/01/19	DA ISSUE
E	28/04/19	DA ISSUE

**PROJECT**  
MULTI DWELLING DEVELOPMENT  
PROPERTY ADDRESS  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

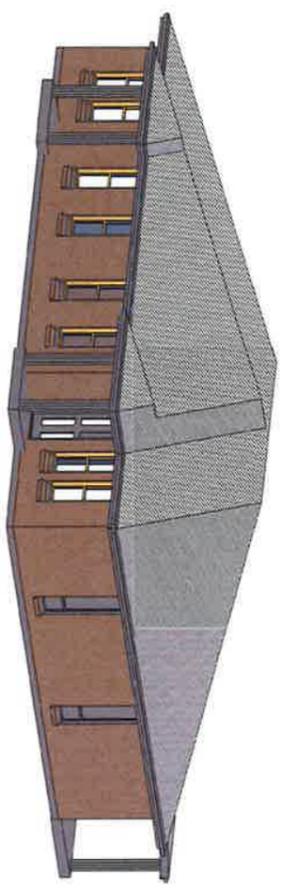
**DATE**  
TYPE 9 - ELEVATIONS  
28/04/2019 4:02:33 PM

ROLE	NAME	DATE
DA ISSUE	Author	1:50
DA	Designer	
DA117	Checker	
E		



GROUND FLOOR  
SCALE: 1:50

**NOTE:**  
TYPE 10 APPLIES TO UNITS 19, 20,  
21, 22, 23, 24, 25 AND 26.



3D PERSPECTIVE  
SCALE:



**NOMINATED ARCHITECTS:**  
BERNARD DESIGN  
22/46 MONTANA ST.  
ULSTER  
P.O. BOX 8811  
P.O. BOX 8811 77

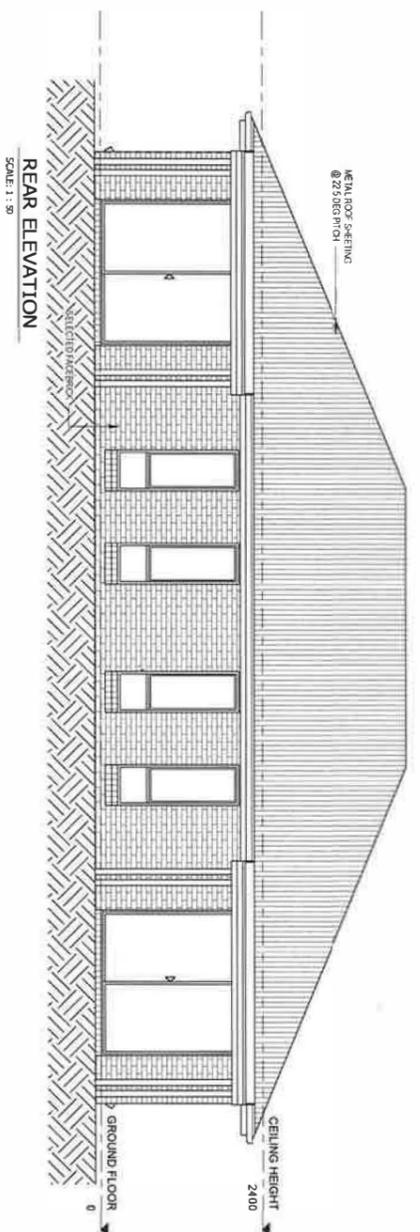
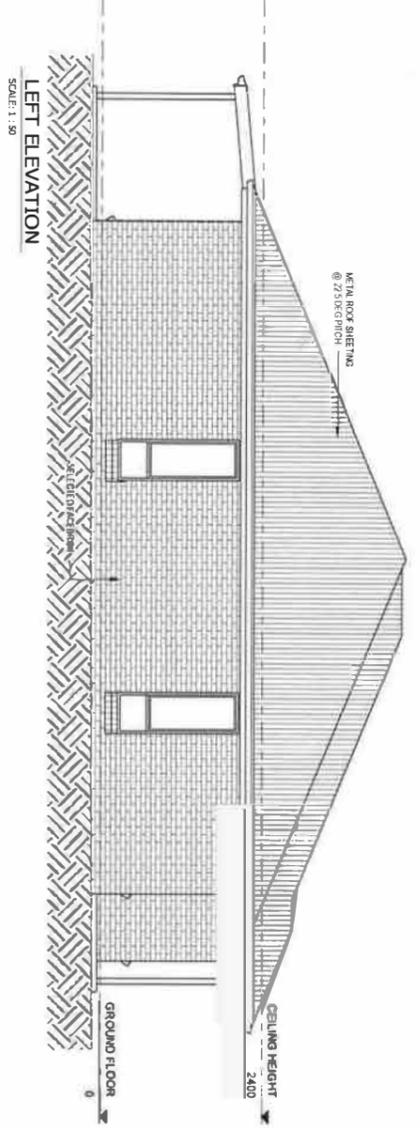
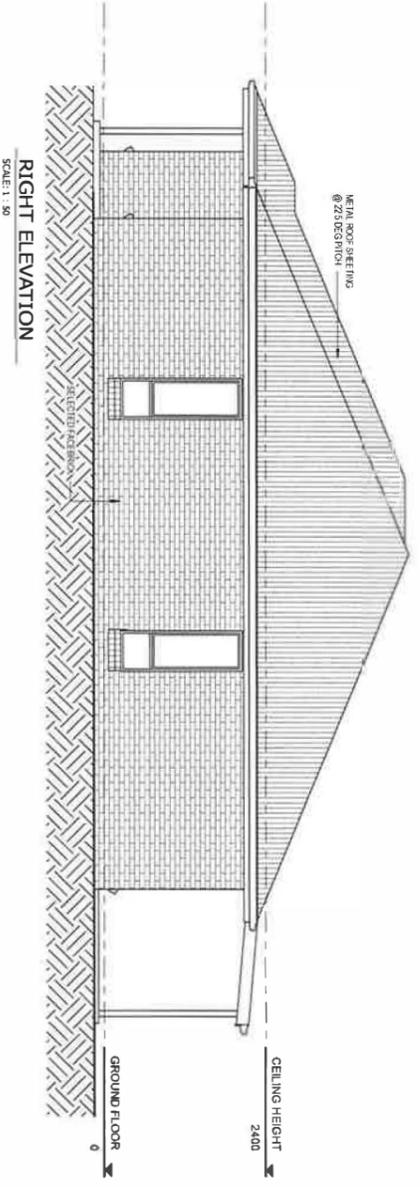
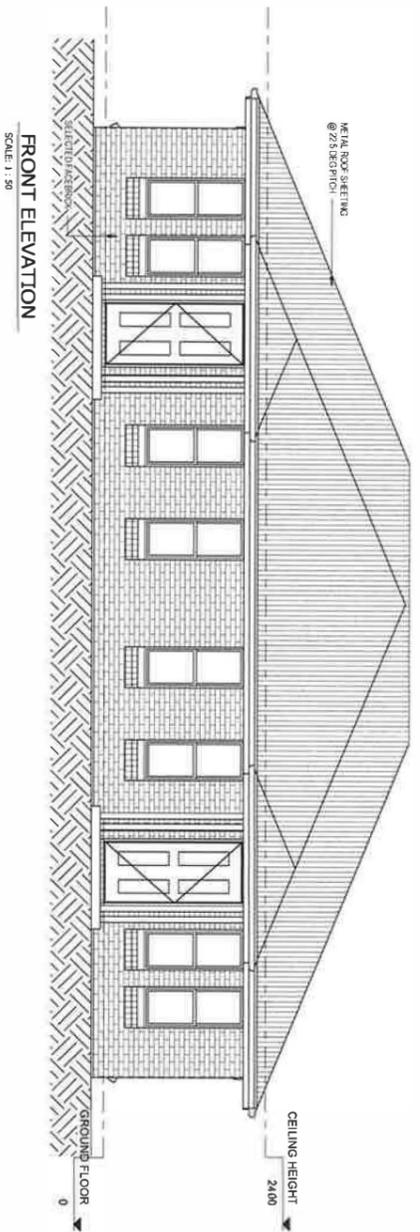
Contractor shall verify all levels and dimensions on site prior to commencing any work and shall be responsible for any errors or omissions. The design is based on the information provided and is not to be used for any other purpose. The design is not to be used for any other purpose. The design is not to be used for any other purpose.

REV	DATE	DESCRIPTION
A	18.04.19	ISSUE
D	21.04.19	ISSUE
E	25.04.19	ISSUE

**PROJECT:**  
MULTI DWELLING DEVELOPMENT  
**PROPOSER ADDRESS:**  
19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
BATHURST NSW 2795

**TITLE:**  
TYPE 10 - FLOOR  
PLAN

NO.	DATE	BY	CHECKED BY	SCALE	STATUS
1	19.04.19	Author	LM	1:50	ISSUE
2	19.04.19	Author	LM	1:50	ISSUE
3	19.04.19	Author	LM	1:50	ISSUE
4	19.04.19	Author	LM	1:50	ISSUE
5	19.04.19	Author	LM	1:50	ISSUE
6	19.04.19	Author	LM	1:50	ISSUE
7	19.04.19	Author	LM	1:50	ISSUE
8	19.04.19	Author	LM	1:50	ISSUE
9	19.04.19	Author	LM	1:50	ISSUE
10	19.04.19	Author	LM	1:50	ISSUE
11	19.04.19	Author	LM	1:50	ISSUE
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15	19.04.19	Author	LM	1:50	ISSUE
16	19.04.19	Author	LM	1:50	ISSUE
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19	19.04.19	Author	LM	1:50	ISSUE
20	19.04.19	Author	LM	1:50	ISSUE
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46	19.04.19	Author	LM	1:50	ISSUE
47	19.04.19	Author	LM	1:50	ISSUE
48	19.04.19	Author	LM	1:50	ISSUE
49	19.04.19	Author	LM	1:50	ISSUE
50	19.04.19	Author	LM	1:50	ISSUE



**NO. NAME:**  
**BERALDO DESIGN**  
 22-28 ROBERTSON ST  
 NEWCASTLE NSW 2260  
 PH: (049) 381 4177  
 FAX: (049) 381 4177

Consultation and review at levels and dimensions contained in this scale drawings are for general reference only. Final dimensions to be used on site are those shown on the final construction drawings. It is the responsibility of the client to ensure that all dimensions and details are correct and that all necessary approvals are obtained before construction commences. No liability is accepted for any errors or omissions in these drawings or for any consequences arising from their use.

REV	DATE	DESCRIPTION
A	18/04/19	DATE ISSUE
D	20/04/19	DATE ISSUE
E	25/04/19	DATE ISSUE

**SUBJECT:**  
**MULTI DWELLING DEVELOPMENT**  
 PROJECT ADDRESS  
 19 - 21 DURHAM STREET, 48 HAVANNAH STREET  
 BATHURST NSW 2795

**TITLE:**  
**TYPE 10 - ELEVATIONS**

DATE		SCALE		DRAWN BY		CHECKED BY		APPROVED BY	
DATE	SCALE	DRAWN BY	CHECKED BY	APPROVED BY	DATE	SCALE	DRAWN BY	CHECKED BY	APPROVED BY
		DA	1:50	LH	18/04/19				
<b>DA ISSUE</b>									
<b>DA119</b>									
<b>E</b>									

30th May 2019

~~Mr Peter Bailey~~ **BRADY**  
60 Havannah Street  
Bathurst Nsw 2795

RECEIVED

31 MAY 2019

BATHURST REGIONAL COUNCIL

BATHURST REGIONAL COUNCIL

Attention : Wayne Mc Donald  
Enviromental, Planning & Building Services.

- 3 JUN 2019

Richard Denyer  
Manager Development Assessment

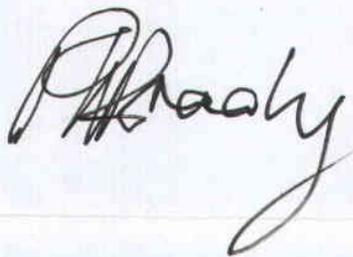
REF. 2019/133-02/023

I write in connection with the **Development Application No 2019 / 133**  
**Proposed Development: Demolition of two residences and associated structures and construction of 38 residential units.**  
**Premises : Lot : 100 DP: 1082124, Lot: 5 DP: 595438, 48 Havannah Street Bathurst**  
**19 Durham street Bathurst**  
**Name of Applicant: Housing Plus.**

I have examined the plans and know the site well. I wish to **STRONGLY OBJECT** to the proposed development and believe that the proposed application is particularly ill-considered.

Regards

~~Peter Bailey~~ **BRADY**



30th May 2019

Mr Tom Gransden  
54 Havannah Street  
Bathurst Nsw 2795

RECEIVED

31 MAY 2019

BATHURST REGIONAL COUNCIL

BATHURST REGIONAL COUNCIL

Attention : Wayne Mc Donald  
Enviromental, Planning & Building Services.

- 3 JUN 2019

Richard Denyer  
Manager Development Assessment

REF...2019/133-02/020

I write in connection with the **Development Application No 2019 / 133**  
**Proposed Development: Demolition of two residences and associated structures and construction of 38 residential units.**  
**Premises : Lot : 100 DP: 1082124, Lot: 5 DP: 595438, 48 Havannah Street Bathurst**  
**19 Durham street Bathurst**  
**Name of Applicant: Housing Plus.**

I have examined the plans and know the site well. I wish to **STRONGLY OBJECT** to the proposed development and believe that the proposed application is particularly ill-considered.

Regards

Tom Gransden



2019/133-02/027



Mayor Hanger

Bathurst Regional Council

Bathurst NSW 2795

*Justine Cantelo*  
5 ~~May~~ 2019.

ATTS MAYOR HANGER (URGENT).

SUBJECT : DEVELOPMENT APPLICATION 2019/133 RE 48 HAVANNAH STREET BATHURST.

Sir,

I have this date received a response, dated 31 May 2019, to my earlier correspondence of 15 May 2019 relative to the subject matter.

Please note, the contents of that response are misleading.

I ask you note the contents of paragraph 3 of that response.

I then further ask that you note the contents of paragraph 4.

“Then report sought, by Envirowest Consulting form, a part of the application” that in itself is misleading when you refer back to the above.

The Envirowest report is dated 15 November 2018 and by admission therein, (Page 4, Item 3, @ 2<sup>nd</sup> Paragraph), was prepared relative to a former DA.

The current Applicant, Housing Plus did not own the property at that time nor were they part of that prior application, thus as pertaining to the advice same such report by Envirowest does not relate to this ‘new proposal’ thus it cannot be used nor referred to, other than as a historical matter.

In so lodging and referring to the Envirowest report, the applicant and most importantly council MUST then accept similar referral to the known other geo-tech type reports prepared and held by council, per Macquarie Geo-tech and Calare Civil and most importantly those prepared by the DEC.

Page 5 @ Item 5 is misleading to say the least and is contrary to the much publicised and known site history.

I do stress, the Site Audit report as per Envirowest, is false as at 2<sup>nd</sup> page in that the site has not been notified to the EPA’ when in fact that is not true with reference to the past involvement of the DEC cum EPA!!

I also not that there are several references to Envirowest’s past involvement as far back as 2008, BUT there is no mention in regards to those other known site accessors including those of the DEC!!

It must also be borne in mind that the applicant per Justin Cantelo, has prior advised, 25 February 2019, that the site does not contain any toxins. The subject report of Envirowest refutes that claim!

Later advice from the applicant 1 May 2019, acknowledges that toxins do exist, however claims that same only exist in the 'brick works pit area' this contrary to the known and published history of the site.

It is also contrary to the earlier advice from Envirowest per , as so brought to council's attention in the past, that there remains the 11,000 cubic metres of contaminated fill that must be removed prior to construction as pertaining to the formal reports of the DEC!

NOTE only 90 tonnes have been removed as per written advise from council leaving some 10,900 cubic metres still on site!

Only 90 tonnes removed, what about the 500 tonnes reburied on the site as a temporary means of securing same, it is still there!!

I also bring to notice that any related report by GHD is based on hearsay to say the very least as pertaining to the fact that, as per their own admissions, they did not at any time carryout nor cause to be carried out a full site assessment, (visual inspection of the site only) and in being so, cannot use and or be seen to be used as an, for want of a better word, authority in regards to any report they have so issued and or is included in the current "fresh application"!

I ask that council note that this fresh application and related reports (sic) do not at any time address the risks of hydrostatic flows that will occur in times when the Macquarie River is at flood levels. Council in the past, per then P & D Manager, David Shaw stated that same such matters were controllable vide a special pumping system in place, when council now advise that no such special pumps are in place!

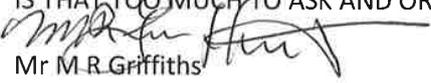
In view of the contents of this latest response from council and the fact I have only just this date (5/6/2019) received it, I have the justified need and legal entitlement to seek a delay in the closing date for submissions. To deny me is to then deny me procedural fairness in that I, as a known and interested party, cannot be justly and fairly heard prior to the now stated closing date.

I am in the process of preparing a full and concise submission, however that may well take a few weeks to allow for background investigative type inquiries to be carried out, especially when considering this latest response from council and the viewing, this date, of that Envirowest report.

Just for information purposes, Housing Plus left a letterbox drop item in my mail box last Sunday and in it, it is claimed "In line with our practice of keeping our neighbours informed" and "as a result of our community consultation" I point out here at no time was any consultation carried out with me, nor was I informed, despite my twice prior offering Justin Cantelo access to the historical geo-tech reports and the held photograph and video evidence.

I stress, no one objects to the site being built on, but, just demand that it be done properly this in the best interests of public health and the environmental risks!

IS THAT TOO MUCH TO ASK AND OR EXPECT!

  
Mr M.R. Griffiths  
70 Havannah Street  
Bathurst NSW 2795.

Mayor Hanger

Bathurst Regional Council.

15 May 2019.



2:35pm

BATHURST REGIONAL COUNCIL

**SUBJECT : DEVELOPMENT APPLICATION (10-2019-133-1)**

20 MAY 2019

REF. 2019 | 133-02 | 017

**ATTS: Mayor Hanger.**

I have this date availed the DA application and I am currently examining the formal documents lodged with it that became just available of more recent times.

I reiterate my past submissions and comments to Council, we do not object to any construction on the site, but, all we ask is that it be done properly. Is that too much to ask and or expect?

Just after brief examination and on what I can decipher, I may most strongly object to this application in its current format.

I stress the Development Application will hence be referred to as the DA.

I do note that in this application's covering sheet, as pertaining to 'Related applications' it is recorded "NO DATA". That can in its self can be seen to be misleading as it is a well known fact that some 3 other DAs have been lodged and considered in the past.

After only brief limited examination of the now available DA, four critical questions arise;

1. With the apparent present simplistic terms set out in this DA, the question arises, why didn't the original applicant use those very same terms in the original DA and or the following amended DAs?
2. Why did that original applicant stop work on the site?
3. Why hasn't there been any work on the site to remove the known and acknowledged remaining 11,000 cubic metres of toxic material as it just can't up and disappear?
4. Does the current Applicant accept full responsibility, accountability and liability for past, current and future risk that has and or may well arise, this especially applicable if the sale of the site was and or is unconditioned?

None of the 4 questions appear to have been answered, per se, and or addressed now and or in the past, so a response addressing all 4 is sought as a matter of urgency?

One further essential and critical matter, the DA mentions a report and or reports by Envirowest. Same such report and or reports I have sought on at least two prior occasions without success. A full and concise copy of that referred to report and or reports is immediately sought, this under the provisions of 'procedural fairness.'

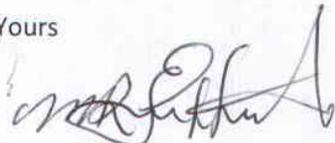
DEPBS-R ✓  
Mayor

'Procedural fairness', as per multi State Cases including the High Court of Aust – the right of access to the material used and the right to be heard prior to the related executive decision coming into full effect. I also refer you to the NSW Ombudsman Fact Sheet 14 of 2005.

This, in all fairness, to allow for a full, fair and proper submission to be made prior to the closing date. IF not met within the allowed time, then an application will be made to extend that closing date, to the point of, if necessary, the seeking a Supreme Court Injunction to so extend it and or to stand the application aside until such time that the provisions of procedural fairness are met.

I do thank you for the two (2) separate letters of same content and date as received in the post this date in regards to the DA.

Yours



Mr M R Griffiths

70 Havannah Street

Bathurst NSW 2795

30th May 2019

Ms Catherine Miles  
58 Havannah Street  
Bathurst Nsw 2795

RECEIVED

31 MAY 2019

BATHURST REGIONAL COUNCIL

BATHURST REGIONAL COUNCIL

Attention : Wayne Mc Donald  
Environmental, Planning & Building Services.

- 3 JUN 2019

Richard Denyer  
Manager Development Assessment

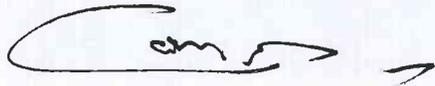
REF. 2019/133-02/022

I write in connection with the **Development Application No 2019 / 133**  
**Proposed Development: Demolition of two residences and associated structures and construction of 38 residential units.**  
**Premises : Lot : 100 DP: 1082124, Lot: 5 DP: 595438, 48 Havannah Street Bathurst**  
**19 Durham street Bathurst**  
**Name of Applicant: Housing Plus.**

I have examined the plans and know the site well. I wish to **STRONGLY OBJECT** to the proposed development and believe that the proposed application is particularly ill-considered.

Regards

Catherine Miles



0488 621 297 7

2019/133-02/024

---

**From:** Chris O'Rourke <corourke@mac.com>  
**Sent:** Saturday, 1 June 2019 3:23 PM  
**To:** Council  
**Cc:** Wayne McDonald  
**Subject:** Re: DA (10 - 2019 - 133 - 1) (INFORMATION)  
**Attachments:** Feedback on DA 2019 -133.pdf

Dear Wayne

Please find attached my comments in regard to DA 133.

regards

Chris O'Rourke

> On 14 May 2019, at 8:36 am, Wayne.McDonald@bathurst.nsw.gov.au wrote:  
>  
> Please reply to : council@bathurst.nsw.gov.au  
>  
> Good Morning Chris  
>  
> The application is proposed to be advertised and notified commencing  
> 20th  
> May ending 3rd June  
>  
>  
>  
> Regards  
>  
>  
>  
> Wayne McDonald  
> Development Control Planner  
> (Embedded image moved to file: pic32528.gif)  
> 158 Russell Street  
> BATHURST NSW 2795  
>  
> Phone: 02 6333 6272  
> Email: wayne.mcdonald@bathurst.nsw.gov.au  
>  
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<https://console.mailguard.com.au/ras/1VOVGwuja4/3DDn3KKV4UfcUjmNE08TWE/5.8>

(See attached file: Feedback on DA 2019 -133.pdf)

**Feedback on DA 133-1**

(Housing Plus development in Havannah and Durham Streets)

from Chris O'Rourke (resident of Mitchell)

**Please note:** I have contacted Housing Plus by phone and by email regarding this project but they have not replied.

**General**

There appears to be a genuine effort on the part of the planners to respect the heritage of the area, by designing buildings which appear to be generally consistent with surrounding houses.

**Suggestions****Goal: to maintain heritage appearance**

The windows and doors of most of the units appear to be in a 21<sup>st</sup> Century style. Doors with horizontal "stacked" glass inserts and aluminium framed (?) windows which are taller than they are wide. There are many pairs of narrow windows on the elevation plans. This is not a characteristic of nearby houses. Doors should be solid and windows should be timber framed with proportions more in keeping with existing houses in the immediate area, especially those on Havannah street (eg. avoid pairs of narrow windows, see also below re solar access).

The gable shaped cover over the entrances of some of the units is not in keeping with nearby houses.

**Goal: to reduce "heat island" effect**

There appears to be a combination of colours of the colorbond roofs and brickwork. Is it a deliberate choice? Are these indicative colours only?

Dark roofs and dark brick attract heat and increase electricity costs. Is there a provision for deciduous trees for summer shade? There should be an even distribution of trees over a significant area: only then will be benefits of aesthetics, natural drainage and microclimate (natural air-conditioning) be realised.

The "private open space" according to the plans is shaded brown (refer to DA010). Will this be pavers or a similar non-porous surface? If so it will contribute further to the heat island effect?

Consideration should also be given to the material to be used in fencing. The plans suggest that it will be colorbond. In summer this too will contribute to the heat island effect. High quality timber fencing would be preferred and reduce the prevalence of hard, reflective and impervious surfaces.

**Goal: to achieve a greater use of solar access areas.**

Reduce the front set back of units in Baillie Street and move space for solar access to another part of the lot. Residents are more likely to use a private space for solar access rather than a public one (ie the front yard).

A number of units have the standard 6m front setback. Is this deliberate?

Some units appear to have small north / north-west facing windows. Larger windows protected by wider eaves will better facilitate winter solar access in some units.

In some cases solar access has been calculated from non-existent windows or behind / below carports and entrance ways.

Solar access and outlook generally will be much improved by the use of larger windows, instead of the twinned narrow windows.

**Goal: to achieve a greater sense of community**

How to achieve this goal: decrease the front setback on the streets other than Havannah and Durham from 6 to 3 metres to make room for more personal private and communal space. **Create a community garden and shared open green space** (from the land freed up by the reduction in front setbacks). Alternatively there is a large area which could be used for an even larger community garden and children's playground.

The backyard fences should be realigned to:

1. maintain privacy when needed, and
2. encourage residents to use the open green space

This can be achieved by having rear gates closer to one another, and by reducing fence heights in strategic parts of lot boundaries.

The covered BBQ area is too far from most of the units to be effective in creating a sense of community.

The bin area is quite distant from some of the houses.

Will this be suitable if some of the residents will be seniors and /or have mobility issues?

What are the anticipated arrangements for waste and recycling collection?

Are there screened areas in each yard for bins to be placed out of sight?

Some clarity needed in the design of this aspect of the project.

How will this be an improvement?

**Community gardens**

- bring people together as a community
- contribute to the health and wellbeing of residents
- help reduce household waste through composting.
- reduce cost of living through the availability of fresh produce
- improve physical and mental health (reduce obesity-related diseases)

- help educate about sustainable living

What research supports this view?

### **The Role of Community Gardens in Sustaining Healthy**

**Communities** by Susan Thompson, Linda Corkery and Bruce Judd

Faculty of the Built Environment, UNSW, Sydney, NSW, Australia

“ ... a cost effective strategy for community renewal, empowerment and capacity building. ... Community gardens provide active participants with significant physical and psychological health benefits. These outcomes encompass exercise in the fresh air which maintains and builds good health and can reduce depressive conditions. The availability of fresh produce means that a more nutritious diet is available – both cheaply and conveniently... “

### **New research reveals the extraordinary benefits of community gardens**

**Key outcomes of the research (Royal Botanic Gardens, Sydney)**

“ 79% of participants reported that the garden had made a difference to their complex, building and community as a whole. These new greenspaces helped build stronger community relationships by socialising, meeting neighbours for the first time, having the opportunity to learn a new hobby and an increased time outdoors ... “

<https://www.rbg Syd.nsw.gov.au/stories/2018/new-research-reveals-the-extraordinary-benefits-of>

### **COMMUNITY GARDENS HELP PEOPLE TO GROW STRONGER - TOGETHER**

"Our study found that community gardens have the potential to build local adaptive responses to climate change and food security. They can also act as a mechanism for strengthening community cohesion by building ongoing inter-generational valuing of and attachment to the environment.

"We also found that almost every garden has a waiting list, some for up to two years, which means there is greater demand for such gardens in our community than was previously thought."

<https://www.adelaide.edu.au/news/news83242.html>

## **Landscaping**

Will canopy trees be planted in the streets?

Provision should be made for raised planter boxes and garden beds both in individual units and in communal green space. This will allow older residents (or those with reduced mobility) to have and access their gardens. These should include some ADA-Compliant Forward-Facing Wheelchair Gardens.

There should also be provision for a children's playground.

## **Vehicle / Pedestrian Access / Walkability**

Is there provision for footpaths? How will residents access the bin area?

Will there be a path to Havannah St., Durham St. and the levy bank?

Will a cycle / footpath be included on the top of the levy bank to encourage physical activity?

Mr David Sherley  
General Manager  
Bathurst Regional Council  
PMB 17  
Bathurst NSW 2795

Delivered via email to: [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

Dear Mr Sherley,

**DA 133/2019 (1) – Submission – 19 Durham Street, 48 Havannah Street and 23 Durham Street, Bathurst NSW 2795**

I am writing in regard to your letter relating to the development application DA 133/2019 (1). I understand the notified period concludes on 7 June 2019.

I would like to thank you for the opportunity to comment on the proposal. I would like to point out that I do not object to the proposal, but wish to make the following comments in relation to the permissibility and merits of the proposal.

I note the intended operator of the facility is Housing Plus. The Statement of Environmental Effects outlines Housing Plus as a Community Housing Provider. The project is being carried out as part of the NSW Governments '*Social and Affordable Housing Fund*' (SAHF). I am supportive of the role a facility of this nature would play in regional NSW. I recognise there is a shortage of affordable housing in our communities, and believe everyone should have the same opportunity to live comfortably and safely with a roof over their heads.

Notwithstanding, I note the proposal outlines the permissibility in relation to the proposal is grounded on the basis that multi-dwelling housing is a permissible use in the zone under the Bathurst Local Environmental Plan 2014. I question as to why, if the proposal is of such importance to the NSW State government, and is being implemented as part of the '*Social and Affordable Housing Fund*' (SAHF), the application has failed to address the requirements of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Demonstrating permissibility under this SEPP would be more appropriate in this instance given the preamble contained in the introduction of the Statement of Environmental Effects (SEE) relating to the importance of the development in addressing a need for affordable housing within our community. I agree this housing is vitally important to the community, and this is why I think this SEPP should be explored in its entirety to ensure the appropriate conditions are placed on the consent, requiring that the facility be managed as such, now and into the future. Of particular note to an application of this nature is Part 2, Division 1, which discusses In-fill affordable housing. I would recommend an amendment to the SEE to address these requirements, and Council include appropriate consent conditions to meet the provisions of this SEPP and ensure the facility achieves the intended use. Simply approving a development for "multi-dwelling housing" could result in the facility being sold in future to a buyer that does not intend to maintain the facility as affordable housing infrastructure, meaning this important resource would be lost, contrary to the justification for the facility in the first place.

I further note that the SEE states that the proposal will cater to over 55's, however this "cannot be guaranteed". I believe that this is an understatement in light of other matters raised, as there is no guarantee that an approval of "multi-dwelling housing" will ensure the facility will even be retained as affordable housing. As such, addressing the SEPP would go some way to guaranteeing that the facility will be utilised in line with that identified in the SEE and support the greatly needed infrastructure, albeit potentially not strictly for over 55's. Further, to ensure the proposed facility does cater to the over 55's occupant, the Application could further address the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, and go some way to providing certainty to the community that the facility will be owned and operated in line with the way it has been proposed.

I would further like to point out that *State Environmental Planning Policy (State and Regional Development) 2011* outlines development that should be considered Regionally Significant Development. Schedule 7, outlines that private infrastructure and community facilities development for affordable housing over \$5 million is Regionally Significant Development. I note the proposed development has an estimated cost of \$8.5 million.

As such, given the cost of proposed works and the owner of the development a "Community Housing Provider", this development should be considered Regionally Significant development. As such, the proposal should be considered by the Joint Regional Planning Panel and not Council, pursuant to clause 2.15 and 4.5 of the *Environmental Planning and Assessment Act 1979*. I would also recommend, given that the proposal is of regional significance and as such, in the public interest, that the proposal be re-exhibited and identified as such.

In relation to contamination on the site and the proposed use as residential, it would be my understanding that Council would need to be satisfied that the land is suitable in its contaminated state for the proposed use. I have concerns in relation to a proposed residential use particularly in regard to past land use history and known asbestos contamination which is identified in the Site Survey. I note that this report identifies in relation to Lot 5 that:

*"given the observations of waste materials and exceedances of health and ecological criteria associated with the brick pit fill, remediation and/or management is considered necessary for the site to be deemed suitable for residential land use."*

As the land adjoins the Macquarie River, and is identified as flood planning area on the Flood Planning Map contained in the Bathurst Local Environmental Plan 2014, would Category 1 remediation works not be required for this site, pursuant to Section 9 of *State Environmental Planning Policy No 55 – Remediation of Land*? As such, pursuant to Section 29A (or current equivalent) of the Environmental Planning and Assessment Act, should the proposal not be placed on exhibition for a period of 30 days?

I would further note the proximity of the site to the Macquarie River, which is downstream from the Gas Works site, a site listed on the Environmental Protection Authority Contaminated Land Register. I note that the Department of Planning and Environment outlined in the recently exhibited Draft Explanation of Intended Effect for the Remediation of Land SEPP that potential groundwater contamination from adjoining sites should be taken into consideration when assessing potential contamination. Table 1 of Planning Guidelines SEPP 55 – Managing Land Contamination outlines Gas Works are a potentially contaminating industry and ammonia, cyanide, nitrate, sulfide, thiocyanate, aluminium, antimony, arsenic, barium, cadmium, chromium, copper, iron, lead manganese, mercury, nickel, selenium, silver, vanadium and zinc are chemicals associated with this land use. This is of

particular importance given the example as occurred in Armidale in relation to downstream contamination arising from an existing Gas Works. I have included some links below that may be of interest:

<https://www.legislation.nsw.gov.au/#/view/EPI/2012/589/part6/cl6.8>

<https://www.armidaleexpress.com.au/story/2424642/ugly-toxic-sites/?cs=12>

<http://asl-2012.m.asnevents.com.au/schedule/session/840/abstract/3680>

<https://apps.epa.nsw.gov.au/prclmapp/sitedetails.aspx>

<http://hfrc.une.edu.au/heritagefutures/nearchaecology/frame.php?enterFlg=front&area=site&ID=S44&form=3&fileLetter=S&userID=MMu634115477812>

Given this is a proposed residential site, to house presumably a number of people over many years, I would hope all measures are taken to ensure the use of the site is appropriate and the contamination is thoroughly addressed in line with existing and Draft Environmental Planning Instruments.

In relation to the *Biodiversity Conservation Act 2016*, the level of clearing/disturbance has not been identified as outlined under clause 7.2 of the *Biodiversity Conservation Regulations*. Clearing or disturbance relates to grasses and understory, shrubs, and trees. Further, no Test of Significance has been undertaken in line with the requirements of clause 7.3 of the Act. It is my understanding that, where vegetation removal/disturbance is proposed, these requirements are to be undertaken and that simply identifying that species are exotic is not adequate information to assess whether the proposed removal of vegetation will not cause significant impacts. Further the Test of Significance is to be undertaken in line with the guidelines. Given the environmentally sensitive area, adjoining the Macquarie River, and the identification of this river as Biodiversity Value on Biodiversity Value Map, I would assume Council would require a robust Test of Significance in line with the Guidelines, to ensure the development does not trigger the Biodiversity Offsets Scheme. Further, I would hope that existing mature vegetation in the road reserve along Durham Street would be protected, with tree protection zones, in line with the Australian Standard, erected during construction to prevent any accidental damage.

Other matters that I hope would be addressed prior to determination include:

- The required approvals for works in waterfront land are sought in accordance with legislation. I note some of the proposed lot boundaries are within 40 metres of the highest bank of the Macquarie River and are such considered waterfront land, pursuant to the Water Management Act. It is noted that there is open space proposed as part of this plan along areas that are in close proximity to the river. This should be maintained to control both the density on the site and the health of the river system as part of this, and any future development that is contemplated on the site. I would recommend a covenant or restriction be required to maintain the use of the residual portion for open space purposes within the site.
- That the fencing and landscaping proposed is maintained and required, as this is a key element in relation to assisting the development to blend into the Heritage Conservation Area and the character of the surrounding streetscape. I am fully supportive of infill development, provided it integrates with surrounding development.

- I further think that appropriate landscaping should be provided to the end of the driveway accessible via Baillie Street. The presentation of the current arrangement internally isn't considered acceptable. Further, the amenity to the Private Open Space of Unit 13 in this arrangement is questioned. Landscaping to soften impacts in both regards would be considered appropriate.

I would like to reiterate I am not opposed to the development for affordable housing, but would like to see that the site, which is sensitive land due to many aspects, is managed in accordance with the legislation and established community expectations for the benefit of existing neighbours and future occupants. I would also suggest that the matters raised regarding permissibility and the consent authority be addressed and rectified prior to Council issuing a positive determination. I thank you for the opportunity to comment on the proposal.

Kind regards,

Greg Wilkinson  
Resident  
76 Havannah Street  
Bathurst NSW 2795

30th May 2019

Ms Terry Ward  
56 Havannah Street  
Bathurst Nsw 2795

RECEIVED

31 MAY 2019

BATHURST REGIONAL COUNCIL

BATHURST REGIONAL COUNCIL

- 3 JUN 2019

Attention : Wayne Mc Donald  
Environmental, Planning & Building Services.

REF. 2019/133-02/021

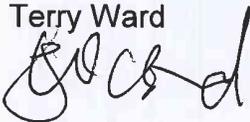
Richard Denyer  
Manager Development Assessment

I write in connection with the **Development Application No 2019 / 133**  
**Proposed Development: Demolition of two residences and associated structures and construction of 38 residential units.**  
**Premises : Lot : 100 DP: 1082124, Lot: 5 DP: 595438, 48 Havannah Street Bathurst**  
**19 Durham street Bathurst**  
**Name of Applicant: Housing Plus.**

I have examined the plans and know the site well. I wish to **STRONGLY OBJECT** to the proposed development and believe that the proposed application is particularly ill-considered.

Regards

Terry Ward



**DISCUSSION FORUM OTHER - ATTACHMENTS**

POLICY COMMITTEE

**From:** [Corinne.Boer@bathurst.nsw.gov.au](mailto:Corinne.Boer@bathurst.nsw.gov.au)  
**To:** [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)  
**Subject:** Fw: Bathurst Regional Council: 307 Keppel St, Bathurst  
**Date:** Wednesday, 1 May 2019 3:10:40 PM

---

Hi Records

Another email that is meant for someone else.

Cheers

Corinne Boer  
Media and Communications Officer  
Bathurst Regional Council  
158 Russell Street Bathurst 2795  
Phone: 02 6333 6179  
Fax: 02 6331 7211  
Mobile: 0448 685 340  
[www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)

----- Forwarded by Corinne Boer/BathurstCC on 01/05/2019 03:09 PM -----

From: Bathurst Regional Council <noreply@bathurst.nsw.gov.au>  
To: corinne.boer@bathurst.nsw.gov.au  
Date: 01/05/2019 02:50 PM  
Subject: Bathurst Regional Council: 307 Keppel St, Bathurst

---

This is an enquiry email via <https://www.bathurst.nsw.gov.au/> from:  
Joseph Mamou <Info@denovoconveyancing.com.au>

To Whom it may concern,

We refer to your letter received today regarding the heritage conservation listing.

I confirm I do not wish for my property to be heritage conservation listed.

Please acknowledge receipt of this email.

--

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<https://console.mailguard.com.au/ras/1VC9ZuxikR/1C93kqzCSO2XEHxTjJNcEb/9.6>

**From:** [Julie Maclean](#)  
**To:** [Council](#)  
**Subject:** Heritage Conservation Area Review 2018  
**Date:** Sunday, 2 June 2019 1:40:26 PM

---

Dear J E Bingham, Council or to whomever it may concern,

I wish to express my opposition toward the recommendation that my property - Lot: 23 DP: 35131, 18 Tremain Avenue WEST BATHURST NSW 2795 - be exempt from the inclusion of the area's study that may see this and other properties be listed within a heritage conservation area under the Bathurst Regional Local Environmental Plan.

While I do express interest in the history of Bathurst, I wish my property not to be included in any listings as I have only been in occupancy of the property for around 18 months and wish to carry on with the freedom of being able to change and modify the property as I should wish in years to come.

I have not yet reached 30 years of age so do not wish to be restricted so much as Council wishes by including this property within a heritage conservation plan.

Please do not proceed to list my property under this plan and exclude it from further studies as I appreciate heritage conservation areas but do not wish to be listed under such restrictive bounds for my future.

Yours faithfully,

Julie Maclean

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# Bathurst Heritage Network

Bathurst's unique heritage is a key social, cultural and economic asset

Bathurst Regional Council

by email

3 June 2019

Dear Sirs,

On behalf of the Bathurst Heritage Network I wish to make this submission on the Heritage Conservation Area Review 2019.

We are generally supportive of the Review and have the following suggestions:

1. Emphasis is given to developing design guidance and significant character statements. In regard to the Heritage Conservation Areas this is crucial. Collaboration with the Heritage Reference Group is recommended.
2. Reference is made to Precincts. In the Central Heritage Conservation Area, there is an opportunity to identify important precincts in the public consciousness, and so inform future development and tourism – First Settlement, Keppel St Village, Railway & Milltown, and the various critical single story Victorian streetscape precincts e.g. Rankin St.
3. Reference is made to the Gasworks site, and listing. There is a major opportunity here to develop new housing stock close to the CBD and with little new infrastructure required. This could be done through Council's direct leadership, by controlling and incentivating private development. Whilst retaining important heritage elements, demolition of the main building and substituting apartments in exactly the same building envelope would create an exciting new dimension for our city, and resolve a running sore. A developer could be granted appropriate new zoning and height provisions based on certain benchmarks.

An initial step must be to obtain a report on the extent of residual contamination, how to deal with it and the likely cost of remediation. This could be done by a developer as part of the conditions attached to planning incentives.

If Council were inclined, it could take on the role of masterplanning the site, obtaining the option, and finding the right developer, thus providing the framework for significant revenue for Council.

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

Bathurst Town Square Group  
Miss Traill's House  
Boundary Road Reserve Landcare Group

**Ashlee Cutter**

**From:** Your Say Bathurst Region <notifications@engagementhq.com>  
**Sent:** Monday, 29 April 2019 3:59 PM  
**To:** Ashlee Cutter; Council  
**Subject:** Mirande completed Submission - Heritage Conservation Area Review (20.00334)

Mirande just submitted the survey 'Submission - Heritage Conservation Area Review' with the responses below.

**Name**

BATHURST REGIONAL COUNCIL

Natalie Tremain

20 JUN 2019

**What is your preferred contact method?**

Email

REF 20.00129-05/027

**Your email address**

natalie.tremain@hotmail.com

**Please outline your submission**

Thank you for the opportunity to have my say. I am pleased that Bathurst looks at and values heritage conservation. As the oldest inland city, our children and visitors seem to appreciate the heritage and that's why so many of us choose to reside in this wonderful town. I would slightly disagree with the statement in relation to Sub-area 1: Land generally to the west of Esrom Street: "No buildings, on an individual level, are identified to be of significance for a local heritage listing, but collectively represent a very good example of 1950's/60's architecture worthy of ongoing protection." Significant local history is the property of 16 West Street. It was the Chemist' house of Edgells, which I believe was build approx in 1927. And not that I am a garden expert, however, you will also find the Chinese Ornamental Pistachio tree at the front of the property might have been planted a very long time ago and is arguably one of Bathurst' biggest trees of that kind. The original Edgells family home, which is located closer to the factory and entry from Durham Street was I believed build a few years earlier in 1925-26. When 16 West Street was build, apparently the materials became too expensive compared to the family's brick house, hence it looks not as grand. There is still remnants of gate posts on the corner of Esrom and West Streets and it would be interesting to find out what they looked like in the olden days. Neighbours in Keppel Street talked about walking through West Street and the property to get to work at the Edgells factory. The Edgells' original family home, the factory and the chemist' house history continues to be part of Bathurst history and in my opinion does not constitute "no building of no significance". I am not seeking any heritage acknowledgment for this property, although a resurrection of the gates would be a wonderful acknowledgement to Edgells and a positive addition to the neighbourhood; I just think that the Edgell's might disagree with "no significance" of the house they build over 90 years ago...

**Would you like to upload a document?**

[https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/dde93bcd50a16b0ac7cb343783c6e72b4fffc2ea/file\\_answers/files/032/963/765/original/chinese\\_pistachio.jpg?1556515778](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/dde93bcd50a16b0ac7cb343783c6e72b4fffc2ea/file_answers/files/032/963/765/original/chinese_pistachio.jpg?1556515778)

**Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councillor of the Council or any gifts to any local Councillor or employee of that Council.**

I have not made a reportable political donation

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

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**Ashlee Cutter**

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**From:** Your Say Bathurst Region <notifications@engagementhq.com>  
**Sent:** Friday, 7 June 2019 11:30 AM  
**To:** Ashlee Cutter; Council  
**Subject:** Ingrid completed Submission - Heritage Conservation Area Review (20.00334)

Ingrid just submitted the survey 'Submission - Heritage Conservation Area Review' with the responses below.

**Name**

Ingrid Pearson

BATHURST REGIONAL COUNCIL

**What is your preferred contact method?**

20 JUN 2019

**Email**

REF. 20.00129-05/028

**Your email address**

ingrid@bigpond.com

**Please outline your submission**

I endorse the recommendation for Council to develop suitable design guidelines for conservation areas that will ensure that new development, adaptive reuse and conservation of historic precincts and those reflective of our built environment history reflects the growth of this first inland colonial settlement to the present and project into the future. Please refer to the attachment.

**Would you like to upload a document?**

[https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/39c70ab7bd3241d67441aae201e8013005b5837b/file\\_answers/files/034/097/073/original/Council Submission Conservation Areas 20190607.docx?1559870968](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/39c70ab7bd3241d67441aae201e8013005b5837b/file_answers/files/034/097/073/original/Council_Submission_Conservation_Areas_20190607.docx?1559870968)

**Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councillor of the Council or any gifts to any local Councillor or employee of that Council.**

I have not made a reportable political donation

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\*\*\*\*\*

**Ashlee Cutter**

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**From:** Your Say Bathurst Region <notifications@engagementhq.com>  
**Sent:** Monday, 29 April 2019 1:20 PM  
**To:** Ashlee Cutter; Council  
**Subject:** Wayne A Feebrey completed Submission - Heritage Conservation Area Review (20.00334)

Wayne A Feebrey just submitted the survey 'Submission - Heritage Conservation Area Review' with the responses below.

BATHURST REGIONAL COUNCIL

**Name**

Wayne Feebrey

20 JUN 2019

**What is your preferred contact method?**

REF 20.00129-05/029

Postal address

**Postal Address**

15 Brilliant Street

**Please outline your submission**

Good to see council maintaining the existing boundaries and looking to expand the list into adjacent areas and historically significant precincts and properties. Need to provide more protection to 50's' and 60's buildings, some of which have become subject to demolition to build inappropriate buildings in their place. The new two story construction in Rankin Street that saw a perfectly sound one story building demolished and replaced is a classic example of this problem. Thank You.

**Would you like to upload a document?**

No Answer

**Have you made a reportable political donation within the meaning of the Environmental Planning and Assessment Act 1979 within the last two years to any local Councillor of the Council or any gifts to any local Councillor or employee of that Council.**

I have not made a reportable political donation

**The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.**

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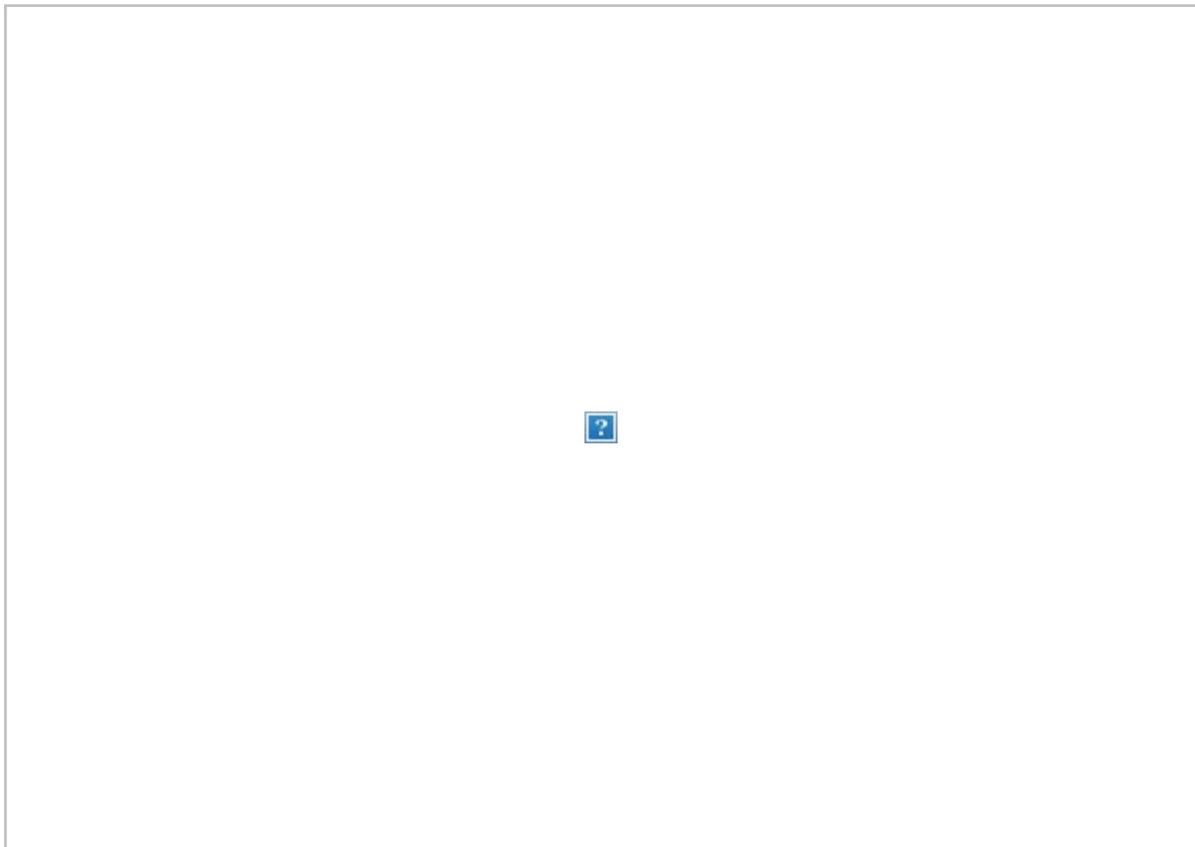
copied or forwarded are work related.

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**From:** Robert Stark <Robert.Stark@fac.s.nsw.gov.au>  
**Sent:** Friday, 5 July 2019 5:04 PM  
**To:** Janet Bingham <janet.bingham@bathurst.nsw.gov.au>  
**Subject:** Review of Bathurst and West Bathurst Conservation Areas

Hi Janet

Thank you for providing Land and Housing Corporation (LAHC) the opportunity to comment on the Review of Bathurst and West Bathurst Conservation Areas. We have reviewed the study in-depth, noting its recommendations to expand existing heritage conservation areas (HCAs) and list items of local significance. These recommendations affect a total of 15 LAHC properties as shown below. It appears that there may be several inconsistencies in the study, and therefore we seek a number of clarifications.



	Subject to proposed conservation area
	Subject to proposed conservation area but not included in notification
	Subject to proposed listing and conservation area

The first relates to the proposed listing of 7-17 West Street, West Bathurst (recommendation 6). The report and accompanying maps make it clear that it proposes an extension of the Bathurst Conservation Area (C1) to include these properties. The notification that LAHC received only included reference to the proposed listing, not this proposed extension. Confusingly, the recommendation that proposes this extension (recommendation 3) refers to the properties as 'Munition Cottages, West Bathurst (Keppel Street, upper West Street and Edgell Street)'. A closer reading of the report reveals this to mean two separate precincts. This confusion is exacerbated by a reference to Map 2 which is an unrelated study area for Stanley Street. As to the justification

for the listing, the assessment contained in the report neither supports nor makes such a recommendation. In fact it include a contrary statement on page 16 that “no individual buildings are recommended for heritage listing in this sub area”. There are also no maps showing the ‘proposed listings’ as there are for ‘proposed extensions’. Can Council confirm if the recommendation to list 7-17 West Street as heritage items is an error? If so, can it also confirm that the only recommending affecting these properties is to include them in the Bathurst Conservation Area?

The second relates to the proposed extensions of the Bathurst Conservation Area that would include LAHC-owned properties on Mitre, Hill, Rocket and Vittoria Street (recommendations 2 and 3). Recommendation 2 proposes an extension of the boundary to include properties on the other side of the road. Discussion of this proposed extension is limited to two paragraphs in the report (pages 7 and 35) whereas LAHC would expect a greater level of detail in justifying these changes.

Inconsistencies in the mapping, as well as the lack of a single map showing all proposed changes, create particular difficult in forming a clear picture of what is being proposed. I have attached a document that discusses these issues in further detail. We therefore encourage Council to review the submitted study and ensure that any recommendations are entirely consistent with and supported by the preceding assessments and maps.

Thanks and regards

**Robert Stark | Director, Urban Planning**

Land & Housing Corporation | Department of Planning, Industry & Environment  
02 8753 8495 | 0409 839 498 | [robert.stark@fac.s.nsw.gov.au](mailto:robert.stark@fac.s.nsw.gov.au)  
Level 5, 219-241 Cleveland Street, Strawberry Hills NSW 2012

cid:image002.jpg@01D52DC1.B87633F0



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**From:** Janet Bingham <[janet.bingham@bathurst.nsw.gov.au](mailto:janet.bingham@bathurst.nsw.gov.au)>

**Sent:** Friday, 5 July 2019 11:29 AM

**To:** Robert Stark <[Robert.Stark@fac.s.nsw.gov.au](mailto:Robert.Stark@fac.s.nsw.gov.au)>

**Subject:** RE: Attention: J E Bingham: Review of Bathurst and West Bathurst Conservation Areas  
[SEC=OFFICIAL]

Hi Robert,

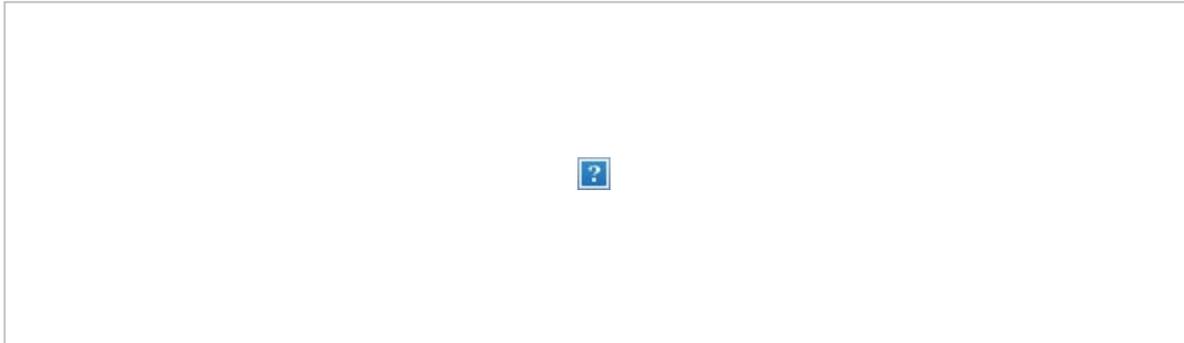
I refer to your email below, Council has not yet received a submission from you with respect to this matter. Council is preparing reports to Council on this matter and intends holding a submission hearing with those who lodged submissions at the beginning of August so it is critical that you provide a submission by next week.

Many thanks

Janet

**Janet Bingham**

Manager Strategic Planning  
Bathurst Regional Council  
158 Russell Street Bathurst 2795  
P: 02 6333 6214 | M: 0428 308 250  
W: [www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)



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**From:** Robert Stark <[Robert.Stark@facs.nsw.gov.au](mailto:Robert.Stark@facs.nsw.gov.au)>

**Sent:** Friday, 7 June 2019 11:32 AM

**To:** Council <[council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)>

**Subject:** Attention: J E Bingham: Review of Bathurst and West Bathurst Conservation Areas

Dear Ms Bingham,

Thank you for notifying Land and Housing Corporation (LAHC) on 18 April 2019 about the Review of Bathurst and West Bathurst Conservation Areas.

We are currently preparing a response that will some concerns we have with the documentation and we will provide a submission to Council shortly.

My apologies that our feedback will likely come after the public exhibition period ends this Friday, 7 June 2019.

Thanks and regards

**Robert Stark | Director, Urban Planning**

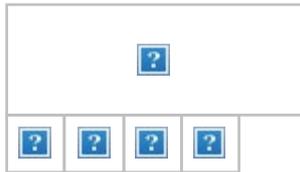
Department of Family and Community Services | Land and Housing Corporation

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W [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au)



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