

BATHURST REGIONAL COUNCIL

10/10/2012

12 OCT 2012

Environmental, Planning & Building Services
Bathurst Regional Council

REF... 2012/0416/015

Submission to Bathurst Regional Council in regard to
Proposed Development: Recreation facility including Harness Racing Track,
Licenced Club building and stables
Premises: College Road, South Bathurst

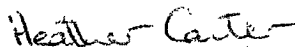
In response to Council's invitation for submission dated 3 October 2012
Council reference DD:MM:DA/2012/0416

Our property is at 233 College Rd, immediately to the south of the proposed development.

While I was surprised to be invited to make a submission to the proposed trotting track Development Application, seeing it has been touted in the media and Council as fait accompli I raise the following questions and comment.

- 1- To what standards will the noise from the facility be regulated ?
- 2- To what standards will the facility lighting be constructed and conditioned ?
- 3- What hours will the facility operate?
- 4- Why has this facility been proposed at the opposite side of town to the existing horse racing facility, namely Tyers Park where good planning and in the long term, business viability, one would have thought, would sensibly dictate?

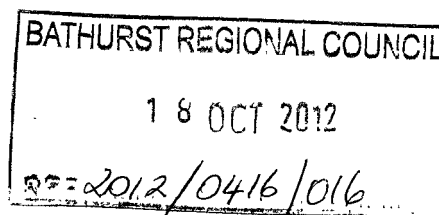
Regards



Heather Carter
233 College Rd
Bathurst 2795

DEPB

23 Ethelton Avenue
P O Box 104
Bathurst
NSW 2795



The General Manager
Bathurst Regional Council
158 Russell Street
Bathurst
NSW 2795

17 October 2012

Dear Sir

Re: Development Application 2012/0416/002
Proposed Harness Racing Track, College Road, Bathurst

I wish to voice concerns that I have concerning the proposed harness racing track on land adjacent to my home. This home has been my family residence for over thirty two years where we have enjoyed a peaceful, safe and quiet existence. The land in question borders my property on three sides.

My concerns about the new development cover such areas as Safety, Security and Crime Prevention, Under-Utilised Land, Noise, Lighting, Traffic, Heritage, and Aesthetic Issues.

I am currently obtaining advice relevant to these issues.

I wish to advise that such advice will not be available to me by Monday 22 October 2012. I expect to be able to make a submission regarding the Development Application by Monday 5 November 2012.

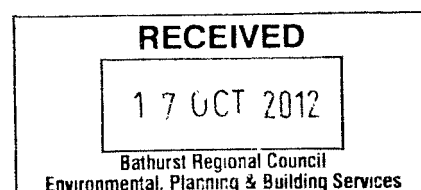
Should I require more time, I will advise you accordingly.

Yours faithfully

A handwritten signature in cursive script, appearing to read "W. S. Kierath".

William Kierath

DEPB

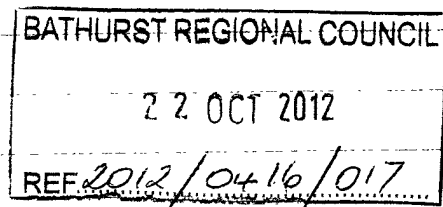




Patrick & Carolyn M'Grath
182 College Road
Bathurst 2795

19 October 2012

To Whom it May Concern



We are writing to you to strongly object to the proposed recreational facility and harness race track.

Our concerns are:

1. The heritage of the area.
2. The noise and lighting. We will lose our rural peace and quiet that we have in a area where we have had no crime or any other problems.
3. Security is going to be a big problem, as a licenced premises and a lot of people will naturally create problems and we have had a 100% crime free area.
4. Traffic. The amount of traffic that will be using College Road will cause a lot of problems as College Road is only a two lane road. On Gold Crown and other events how will people be able to not get caught up in major traffic to get to our homes.
5. Our family has been the longest residents of this area covering 5 generations. We have a beautiful rural life and now are faced with a life we do not want.

6. We need to know what else has been planned for the recreation facilities and for the land that's not used for the track, as the harness events average 1 per week how many other days will we have to deal with events and what kind of events will they be.
7. Views. Will we lose our spectacular views, will there be tall fences around the area?
8. Smells and increase in flies etc. because of the track.
9. As four out of the family is asthmatic, the dust could cause a major health concern.
10. One of the big problems is the devaluation of our property as noise and the other problems will greatly depreciate our homes and land.
11. What form of compensation will be offered for our loss of a safe, private peaceful rural life that we have always had and would like to keep.

Carolyn M. Frost
Patrick M. Frost

BATHURST REGIONAL COUNCIL

23 Ethelton Avenue
P O Box 104
Bathurst
NSW 2795

01 NOV 2012

REF. 2012/0416/023

The General Manager
Bathurst Regional Council
158 Russell Street
Bathurst
NSW 2795

31 October 2012

Dear Sir

Re: Development Application 2012/0416/002
Proposed Recreation Facility Including Harness Racing Track

I wish to voice concerns that I have regarding the proposed harness racing track adjacent to my home. The land in question borders my property on three sides. This home has been my family residence for over thirty two years. It is where we have enjoyed a peaceful, safe and quiet existence.

At this point I wish to express my annoyance at the unfairness of the responding process. Costs in both time and money have been imposed on me by an external party. The only objective I have is to preserve the way of life my family and I have enjoyed since 1980.

Safety, Security and Crime Prevention

Guidelines prepared by the NSW Department of Urban Affairs and Planning are quoted in the Geolyse report that "...Development Applications are to ensure developments do not create or exacerbate crime risk".

"Ethelton" has been my home for over 32 years. In that time my property has been 100% crime free. There has not been a single robbery, break-in or crime of any sort on any part of my property during that entire period. The guidelines quoted above require that this crime free history shall continue subsequent to the construction of the proposed trotting facility.

Corrupt activities are not uncommon in the harness racing industry. As recently as 26 August 2012 the Sydney Morning Herald reported that performance affecting drugs were being routinely administered to horses. Such corrupt acts were covered up by paying bribes to stewards to not swab certain horses. There has been a ring of corruption operating within and throughout the industry. Channel Seven news on 19 September 2011 reported that the doping allegedly involved more than 100 races over a period of more than 18 months

DEPB



The incentive for such activities is that the horse doping has been effective. The Sydney Morning Herald reported on both 2 and 9 September 2011 that 80% of doped harness racing horses won their races.

The Bathurst harness racing fraternity has been involved in the doping scandals. The Western Advocate reported on 22 March 2012 that Bathurst owner/trainer Michael Seijka has been “warned off” all harness racing facilities in Australia, for life, for failing to co operate with the investigation into corrupt activities.

I have been informed by Bathurst solicitor Mark Ireland, that a substantial amount of other crime, often unreported, occurs at the existing trotting facility at the Bathurst Showground.

Such information is not surprising. When a trotting and gambling facility is established, at which alcohol is available, and horses are stabled, with the attendant personnel, (perhaps on a permanent basis), an environment is created where the crime risk will be high.

This is the industry that is being proposed to move into the area in which I live.

At the Bathurst Harness Racing’s present location at the Bathurst Showground, the security issues have been recognised. The entire site is surrounded by 2 metre high fences or walls. There are few entrances and exits. Nearby residents are buffered by vacant land.

The crime problem is consequently contained within the site of the Bathurst Showground.

The impact on local residents of moving such a facility to our neighbourhood in South Bathurst will be considerable. Where currently we live in a zero crime environment, we will have a crime generating facility placed in our midst.

I have met with and discussed the situation regarding the security issues of the proposed development with Constable Sue Rose of the Bathurst Police. She informed me that she considers the proposed development will present a low to medium crime risk.

That exceeds the present crime risk of the locality

I do not believe the impact of the security risk has been properly considered in the Development Application. How will the developers comply with the stated Guidelines prepared by the NSW Department of Urban Affairs and Planning, that Development Applications are to ensure developments do not create or exacerbate crime risk?

Under-Utilised Land

A portion of the land made available for the harness racing facility will apparently not be used for the track, the buildings, spectator areas, or for the road and parking areas. The Development Application makes no mention of how this land will be maintained. Vermin, weeds and bush fire risk conditions will need to be managed. How will the developers manage this land?

Noise

I am concerned about the level of noise that will be generated by the new facility.

I acknowledge the Noise Report produced by Wilkinson Murray Pty Ltd. There are a number of queries arising from that report.

- 1 The Wilkinson Murray Pty Ltd report on Acoustics and Air that forms part of the Development Application has 'Draft' stamped on each page. The 'Draft' report was written on 23 March 2012, which would give ample time for a final report to be prepared. Why has a Draft report been submitted? Has Wilkinson Murray Pty Ltd given approval for the release of the report in 'Draft' form? Could we see the final report from Wilkinson Murray Pty Ltd?
- 2 It is my understanding that a Noise Report for a Development Application such as this must contain 7 days of valid data. According to the Daily Statistical Plot produced by Wilkinson Murray Pty Ltd, the Plot started at 2100 hours on 13 March 2012, and the Plot was completed 1600 hours on 19 March 2012. The plot, therefore, covers 6 days and 19 hours, which is less than the required 7 days required. Why have 7 days of valid data not been produced as required?
- 3 There is no description of the weather conditions at the site adjacent to my home during the testing period of 12 to 18 March 2012.

It is my understanding that the daily noise data is invalid if the wind speed exceeds 10 metres per second, or if there is rain.

The Bureau of Metrology have recorded the following conditions at Bathurst during the testing period 12 – 19 March 2012:

15 March 2012 at 10.51 am: wind gust 28 km/h (7.8 m/s) from the north
16 March 2012 at 20.05 pm: wind gust 35 km/h (9.7 m/s) from the west
18 March 2012 at 13.35 pm: wind gust 43 km/h (11.9 m/s) from the wsw
17 March 2012: 15 mm rain

If these conditions were present at the monitoring site, is the data for at least 2 days invalid? If the requirement for 7 days of valid noise data has not been met, I would request that new noise monitoring readings be

collected and reported. I believe a different consultant to Wilkinson Murray Pty Ltd should be used in such circumstances.

- 4 I would have expected lower reported ambient noise levels for the site adjacent to my home than is presented in the draft noise report. Traffic noise from Vale Road is minimal at night, and is faint at all times. There is no industry, and railway noise is only occasional. Are the noise levels appearing in the draft noise report consistent with those expected from agricultural land?
- 5 It is interesting that the Ambient Noise Levels presented in the draft report for the site adjacent to my home are considerably higher from 6.00 pm to 10.00 pm (when there is virtually no traffic on College Road, and little traffic on Vale Road) than from 7.00 am to 6.00 pm (when there is steady traffic on both Vale Road and College Road). That the noise levels from 10.00 pm until 7.00 am are slightly higher than those from 7.00 am to 6.00 pm also is interesting. Why are the relative noise levels not equating to periods of community activity?
- 6 What would be the predicted noise levels from the new facility at my home for horse racing? For the P. A. system? The report only gives a predicted combined noise level at my home.
- 7 Parts of my home are double storied. What assurances are there that the suggested dirt mounds will control the noise from the proposed development to my home, particularly to the upper stories of my home? This question is particularly relevant when the wind is coming from the south-west, which is the prevailing direction for wind during the winter months.
- 8 If the dirt mounds do not control the noise from the new facility to my home to a level that complies with the regulations, what rights will I have? Will the mounds be removed? Will alternative noise mitigation measures be used to enable the proposed facility to comply with the regulations?
- 9 The dirt mounds, should they be constructed, will diminish the outlook from my home, and will also affect the heritage nature of 'Ethelton'. What aesthetic considerations are planned should the dirt mounds be constructed adjacent to my home?
- 10 What level of noise will be generated, and at what times, by the sporting club that has been indicated will share the site with the trotting activity?

To date I have not had the opportunity to check the readings provided by Wilkinson Murray Pty Ltd. I will endeavour to do so. Should the readings I obtain differ significantly from those in the Report, I will communicate that information to you.

I have raised my concerns about the development in general, and the shortcomings of the Noise Report in particular with the Director of the Environmental, Planning and Building Services Department, Bathurst Regional Council, Mr David Shaw.

Traffic

I am concerned at the considerable changes to traffic conditions that will be caused by the new development.

Firstly, it is proposed to block Ethelton Avenue to through traffic. The proposal would achieve this by closing the railway level crossing at the Vale Road, or eastern end of Ethelton Avenue.

Such a proposal diminishes the alternatives available for entering and exiting my home property. Costs and inefficiencies are increased as users of my property are unable to use the most direct route to their destination. The costs are cumulative, year after year, as they will continue to be imposed for as long as people live on the property.

In the event that Ethelton Avenue is blocked at the level crossing at the eastern end, access would only be by College Road. Is compensation payable for these costs imposed on me by the developer?

The Development Application includes a Traffic Impact Assessment prepared by Geolyse, which focuses on College Road. There are some issues arising from the Traffic Impact Assessment.

- 1 The average daily traffic counts on College Road were calculated to be 300 vehicles per day. These measurements were made on College Road 60 metres south of Ethelton Avenue. The count is used to show the total anticipated vehicle movements by adding the expected additional movements from the new development to the existing number of vehicle movements. The placement of the traffic counters should have been where College Road meets Lloyds Road from the south. Local traffic in the urban area, and traffic using the camp-ground would then have been included.

This is important, as the readings would show the total existing traffic using the most constricted part of College Road where a wide median strip and curb side parking inhibit traffic flow.

It is my opinion that the expected total traffic flow on the most constricted portion of College Road has been under estimated in the Geolyse report. Will the report be re-written to show more useful predictions?

- 2 The most congested section of College Road is from Lloyds Road, south to the turn in to the new camping area constructed on the western side of College Road. Much of the portion of the road is an urban area with curb side parking,

a 60 kph speed restriction, a wide central median strip, and considerable traffic generated at certain times of the year from the large camping area. All traffic to and from the proposed new trotting track must use this section of College Road. The real possibility of requiring 'No Stopping' signs during times of traffic surges associated with trotting meetings on this area of College Road has not been mentioned.

Such a restriction will significantly impact on local residents, who will be unable to park their vehicles on the street outside their homes. Have the affected residents been informed of the possibility of such changes?

- 3 The traffic assessment states that College road has a two way capacity of 1,800 vehicle per hour, i.e. one vehicle every 2 seconds. It seems most unlikely that such a flow rate would be achieved on that section of College Road which has a speed limit of 60 kph, has kerb side parking, and has a wide median strip. (In fact few motorists would dare to drive at 60 kph on that section of roadway, as children are often playing on the footpaths and verges.) Will this assumption be re-examined, and will more accurate traffic flow forecasts be produced?
- 4 The traffic assessment has not included the impact of additional traffic generated by the sporting club that is anticipated to use the facility.

How will the traffic flow estimates be affected by the additional traffic generated by such a club?

In the event that Ethelton Avenue will be blocked at its eastern end, I will be forced to use College Road, with its increased traffic congestion, for access. This represents an impairment to my way of life.

Waste and Effluent

The proposed trotting facility will accommodate significant numbers of horses. (The proposed stable complex will accommodate 89 horses.) Necessarily, quantities of effluent and waste will be produced by the animals, and as a by-product of caring for the animals.

The existing trotting facility at the Bathurst Showground accumulates the waste and effluent in concrete bays, and permits gardeners and others to remove the waste. This approach results in the decomposition of the waste and effluent. Odours, insects and vermin are produced by such waste management techniques.

I would like to know what management methods of waste and effluent will be used at the proposed trotting facility so as to prevent my home being affected by odours, insects and vermin in all weather conditions.

Conclusion

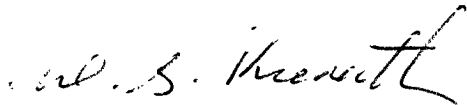
The proposed trotting facility will have a detrimental effect on my way of life by way of Security, Safety and Crime Prevention, Under Utilised Land, Noise, and Traffic. In addition, the value of my home and property will be detrimentally affected by having such a development in close proximity.

I would, therefore, disagree with the Geolyse conclusion ".....that the development will not have a significant or detrimental impact on the way of life of adjoining or adjacent residential occupiers."

I request that my rights and entitlements under the acts and regulations be protected. I further request that the development be planned and executed so as not to impact adversely on my way of life, or on the value of my property.

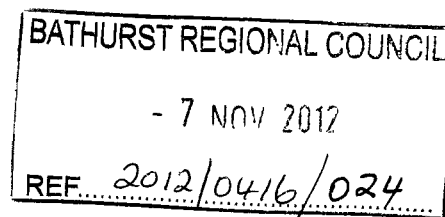
I therefore object to the proposed development of a harness racing track next to my home until the queries raised in this letter have been addressed to my satisfaction.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W. Kierath', with a stylized flourish at the end.

William Kierath

23 Ethelton Avenue
P O Box 104
Bathurst
NSW 2795



The General Manager
Bathurst Regional Council
158 Russell Street
Bathurst
NSW 2795

6 November 2012

Dear Sir

Re: Development Application 2012/0416/002
Proposed Recreation Facility Including Harness Racing Track
Noise Readings

I refer to my letter to you dated 31 October 2012. I undertook to advise you if ambient noise level readings taken by me differed significantly from those taken by Wilkinson Murray Pty Ltd.

I have taken samples of ambient noise level readings over the past 2 weeks, and have found them to be significantly lower than those taken by Wilkinson Murray Pty Ltd..

I request that further noise level readings be taken, to accurately establish the ambient noise levels of the site adjacent to my home.

Yours faithfully

A handwritten signature in cursive script, appearing to read "W. B. Kierath".

William Kierath

DEPB-R.

