



**STATEMENT OF ENVIRONMENTAL EFFECTS  
TO ACCOMPANY A DEVELOPMENT APPLICATION  
FOR A NEW RESIDENTIAL AGED CARE FACILITY  
  
AT STANLEY STREET, BATHURST**

**Prepared for  
Opal Aged Care**

**By  
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# **1. INTRODUCTION**

## **1.1 Overview**

This Statement of Environmental Effects (“the SEE”) has been prepared by BBC Consulting Planners on behalf of Opal Aged Care (“the applicant”) to accompany a development application (“DA”), lodged pursuant to Section 78A of the Environmental Planning and Assessment Act 1979, for the construction of a new 164-bedroom residential aged care facility (“RACF”) and associated works (“the proposal”) on land at Stanley Street, Bathurst.

This SEE details the site’s location and context and describes the proposed development. An assessment of the proposal addresses relevant matters for consideration, including State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Bathurst Regional Local Environmental Plan 2014, Bathurst Regional Development Control Plan 2014, and Section 79C of the Environmental Planning and Assessment Act 1979.

This SEE demonstrates that the proposal is reasonable and acceptable. The proposal will deliver a high quality residential aged care facility which will fulfil an important social purpose.

## **1.2 Relationship to previous consent**

A development application for bulk earthworks (site filing) at the site was approved by Bathurst Regional Council on 17 December 2015 (DA Ref: 2015/407). The purpose of this bulk earthworks application was to ensure that the site could be prepared in advance of subsequent construction for a new residential aged care facility (to which this SEE relates).

The current development application includes these early works for consistency and to facilitate construction management and construction certificates.

## **1.3 Consent Authority**

The proposed development has an approximate construction cost of \$26,500,000. Accordingly, the Western Joint Regional Planning Panel (“JRPP”) will be the determining consent authority for the DA as it has a capital investment value that exceeds \$20 million.

## **1.4 Purpose of the Statement of Environmental Effects**

The purpose of this SEE is to:

- describe the site to which the DA relates;
- describe the character of the surrounding locality and adjacent uses;
- describe the form of the proposed development;
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development in light of all relevant heads of consideration.

## **1.5 Pre-Lodgement Consultation**

A formal pre-lodgement meeting was held at Bathurst Regional Council on 1 October 2015 between representatives of the applicant and senior Council officers in order to introduce the proposal, discuss DA lodgement requirements and obtain comments and considerations.

## **1.6 Supporting Documentation**

The SEE is supported by the following documentation (provided under separate cover):-

- Architectural Drawings prepared by Group GSA Pty Ltd;
- Landscape Plans prepared by Taylor Brammer Landscape Architects;
- Site Survey prepared by Linker Surveying;
- Sediment & Erosion Control Plan prepared by Henry & Hymas;
- Stormwater Management Plan prepared by Henry & Hymas;
- BCA Compliance Report prepared by Blackett Maguire + Goldsmith Pty Ltd;
- Civil and Engineering Drawings prepared by Henry & Hymas;
- Flood Advice and Concept Drainage Plan prepared by Henry & Hymas;
- Acoustic Assessment prepared by Acoustic Logic;
- Report on Detailed Site (Contamination) Investigation prepared by Douglas Partners;
- Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd; and
- Accessibility Report prepared by Morris Goding Accessibility Consulting.

## 2. SITE ANALYSIS

### 2.1 Introduction

This site analysis has been informed by a detailed site survey, inspection of the site and surroundings, and a Site Analysis Plan prepared by Group GSA. Section 3 of this SEE details how the design of the proposed development has regard to the site analysis.

### 2.2 Location

The land to which this SEE relates is located on the northeast side of Stanley Street, Bathurst (herein referred to as “the site”). The location of the site is identified on **Figure 1**.

The site contains four small rural allotments which are configured to form an irregular-shaped parcel of land extending to some 1.68 hectares. It has a primary southwest frontage of 61 metres to Stanley Street, side frontages of 202 metres and 203 metres to the southeast and northwest boundaries respectively, and a rear northeast boundary of 103 metres that runs along a raised levee bank. **Figures 3A** and **3B** illustrate features of the site relative to its adjoining land uses.

The south-east portion of the site abuts a newly constructed child care centre (‘Milestones Bathurst’) which is located at No 81 Stanley Street. External play areas for the child care centre are located within close proximity of the boundary with the subject site.

### 2.3 Real Property Description and Ownership

The site to which this DA relates is located on land comprising Lots 2, 3, 4 and 5 in Deposited Plan 1089380 and Lots 103 to 105 in Deposited Plan 1198864 (see **Figure 2**).

The site is owned by Opal Aged Care (Principal Healthcare Finance Pty Limited).

### 2.4 Site Improvements

Whilst the site is largely devoid of any built development or operational land uses, there are several small structures and vacant outbuildings (including derelict farm sheds) along the south-east and north-west boundaries and several unpaved dirt tracks traversing the site.

### 2.5 Topography

The gradient of the site is relatively flat; however there is a marginal slope from the south-west boundary to the north-east boundary from. Detailed measurements of the site gradient are provided in the Site Survey prepared by Linker Surveying (under separate cover).

### 2.6 Parking and Site Access

A wire fence prevents direct pedestrian and vehicular access to the site from Stanley Street.

Informal pedestrian and vehicular access can be gained via the east boundary to Peel Street and via the unpaved dirt tracks that traverse the rear boundary along the levee bank.

## **2.7 Infrastructure and Site Services**

Existing infrastructure connections are available to the site. Where necessary, these services will be extended, adapted and augmented to meet the demands of the proposal.

## **2.8 Contamination**

A site contamination investigation has been undertaken by Douglas Partners to identify potential contamination sources at the site and to assess the suitability of the site for development. The investigation found that the site is not subject to any major contamination and that it can be made suitable for the proposed residential aged care facility subject to the preparation of, and adherence to, a Remediation Action Plan as part of construction works.

## **2.9 Heritage**

The site does not contain any items of heritage significance and it is not either within or adjacent to a heritage conservation area. There is no known indigenous heritage on the site.

## **2.10 Bushfire**

The site is not identified as containing any bushfire prone land.

## **2.11 Surrounding Area**

The site is on the northern fringes of the Bathurst urban area towards the Macquarie River. Stanley Street and neighbouring streets are largely residential in nature, generally characterised by single-storey detached dwelling houses.

The site adjoins a child care centre ('Milestones Bathurst') located at No 81 Stanley Street (on the corner of Stanley Street and Peel Street). Adjoining land to the north-west is the subject of development approval for a 52-unit seniors housing proposal that includes a community centre and ancillary amenity facilities (DA2014/314). It is understood that construction works have commenced on this site.

## **2.12 Movement Systems and Local Services**

The site is accessible in a local and regional context given its proximity to the main road system and to the Bathurst town centre. The site is within walking distance to Durham Street which provides regular bus services to Bathurst, Eglinton, and surrounding suburbs (via Route 523).

The site also has pedestrian connectivity to local shops, amenities and services in the Bathurst town centre and to the Bathurst Base Hospital located on Howick Street.

## **3. THE PROPOSAL**

### **3.1 Primary Objectives**

The primary objectives of the proposed development are:-

- to meet the growing needs for aged high care services in Bathurst and surrounding areas through the provision of a new residential aged care facility; and
- to ensure that the development in terms of its scale and its operation is compatible with the character of the site and its surroundings and has no significant impact on the amenity of the adjoining child care centre and nearby residential properties.

### **3.2 Summary of Development for which Consent is Sought**

The development application seeks development consent for the erection of a two-storey residential aged care facility ("RACF") comprising 164 bedrooms and ancillary amenities and facilities. Associated works include demolition of existing buildings and structures, removal of all trees, vegetation and planting, earthworks to provide building platforms and access, integration of a new hardstanding car parking area, internal access roads, landscaping, provision of site services, stormwater drainage and other related works. The proposal also includes site remediation.

A description of the residential aged care facility is as follows:

#### **Ground Floor**

- four divisions (wings) providing accommodation for residents with dementia and high care needs comprising a total of 78 bedrooms and ancillary sitting areas;
- dining rooms and servery areas;
- staff offices and other administration facilities (including holding room);
- foyer/reception area;
- back-of-house facilities including laundry, kitchen, utilities, amenities, loading dock, storage areas, and garbage rooms (access to which is restricted to staff only);
- hair salon;
- activity areas for residents (including lounge rooms);
- nurse stations;
- a non-commercial and wholly ancillary café for use by residents, staff and visitors;
- outdoor decking and terraces (including a read terrace to each resident bedroom);
- lift cores and fire stairs;
- secure passive recreation areas;
- substantial landscaping;
- maintenance shed/men's shed; and
- porte-cochère.

## **First Floor**

- four divisions (wings) providing accommodation for patients with dementia and high care needs comprising a total of 86 bedrooms and ancillary sitting areas;
- resident amenity areas (including television room, quiet areas, and lounges);
- administration facilities (including archive storage, communications room, hot desk, and clinic manager's office room);
- dining rooms and servery areas;
- male and female bathrooms;
- multi-purpose room;
- outdoor balcony; and
- nurse stations.

Further details of the proposed development are provided in the architectural drawings prepared by Group GSA Pty Ltd, the Landscape Plans prepared by Taylor Brammer Landscape Architects and the civil/engineering drawings prepared by Henry & Hymas.

## **3.3 Design Rationale**

Group GSA Pty Ltd has prepared a detailed design statement that reads as follows:-

*"The proposed Bathurst Residential Aged Care Facility is a sympathetic response to an effectively green field site on the outer perimeter of the historical precinct of Bathurst.*

*The facility is a direct response to the site's northern solar aspects and district views over the Macquarie River. The planning is an extraverted response to the 'traditional' aged care typology with all courtyards and external spaces expanding outwards. This means there are no enclosed external spaces and natural light and outlook are maximised.*

*All common / communal spaces inside the building are located within central the nodes of the wings. As a result the communal areas which house the lounge, dining and sitting areas also become important circulation spaces to the 4x residential wings promoting strong socialisation for the residents. The end of residential wings also have intimate sitting areas with an abundance of natural light and views out to create a destination space to the end of the internal corridors.*

*The building is set back significantly from Stanley Street. This was done to reduce the impact of the building on its surrounding residential neighbours. It also allowed for a large landscaped buffer which also contains the main driveway and parking. The setback also allows for a grand entry experience with the main tree lined driveway inspired by the large trees lining nearby Morisset Street.*

*The exterior design is a modern interpretation of the heritage buildings found in the Bathurst area. The use of brick, lightweight cladding and simple metal pitched roof forms help to reinforce this. To break up the horizontality of the façade, vertical expressions were added in the form of brick fins, clustered windows to the rooms and timber screens conceal the air-conditioning units which have the added benefit of giving depth to the façade."*

### **3.3.1 Materials and Finishes**

A materials and finishes schedule prepared by Group GSA is provided under separate cover.

### 3.3.2 Gross Floor Area

The RACF will have a total gross floor area of 8,110.28 sqm (comprising 4,075.68 sqm GFA for the ground floor level and 4,034.6 sqm GFA for the first floor level). This is contained within a two storey built form.

## 3.4 Earthworks

Earthworks are required to prepare the building platform and access ways in advance of the construction of the new RACF and associated car parking and landscaping. The site is to be cleared through tree removal and demolition of outbuildings and brought to the condition required for the proposal by levelling, placing and compacting fill material. If necessary, clean fill material will be imported to site.

It is understood that an adjoining site to the north-west is currently being remediated and filled to make the site suitable for a new 55-unit seniors housing development (pursuant to DA2014/314).

The cut and fill will be generally no more than 1 metre in depth (with some fill to depths of 1.2 metres in isolated locations). Clean fill would be imported to the site for this purpose. The total earthworks fill will be approximately 8,000 m<sup>3</sup> in volume.

The earthworks will include the following:-

- clearing of the site (including tree removal, demolition of outbuildings etc);
- placing and compaction of fill material; and
- ground preparation necessary to bring the site to the correct shape, level and compaction for subsequent development.

Following the bulk earthworks, the surface will be compacted to be suitable for building and grass seeded to stabilise the surface until construction commences. Erosion and sedimentation control measures will remain in place following completion of the earthworks.

The accompanying Sediment Erosion Control Plan and Typical Sections & Details Plan prepared by Henry & Hyman will be implemented during the earthworks and will remain operational until completion. The Plans provide details of the sediment control plan relating to site access (with shaker ramp), sediment fences and stockpiles.

## 3.5 Access and Parking

The primary vehicular access to the site is to be via a joint entry and exit driveway off Stanley Street. A dedicated pedestrian walkway through the car parking area will provide staff, resident and visitor access from Stanley Street to the main reception area of the RACF.

Internal vehicular movement within the site is to be facilitated by a two-way access road.

A separate loading dock and service access drive is to be integrated into the south-facing wing of the RACF. The width of service access drive allows delivery and services vehicles to reverse into the dock and leave in a forward direction.



Parking is provided in a designated car parking area situated to the front of the reception area within the south portion of the site. This will provide a total of 46 at-grade parking spaces. As detailed in the accompanying Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd, this provision satisfies the parking requirements of the Seniors Housing SEPP.

Car parking spaces will be a minimum of 2.5 metres wide and 5.4 metres long. Accessible parking spaces will be a minimum of 2.4 metres wide, with an adjacent 2.4 metre wide area for wheelchairs. Spaces adjacent to obstructions will be 300mm wider to allow door opening.

The proposal also includes provision for designated ambulance parking.

The proposed internal access roads car parking dimensions are designed in accordance with the Australian Standard for Parking Facilities (Part 1: Off-Street Car Parking and Part 6: Off-Street Parking for People with Disabilities), AS 2890.1:2004 and AS 2890.6:2009.

### **3.6 Landscaping**

A landscape concept plan for the proposal provides for generous, accessible and well-planned landscape areas around the development site and includes grasses and shrubs, concrete paving, mounded ground, deep soil planting and passive recreation areas.

Careful consideration has been given to internal courtyards and communal landscaped gardens in order to achieve a safe and reflective experience for residents that complements the aged care environment and provides shade and seasonal variety. The perimeters of the site will be landscaped to match the existing established grounds and surrounding uses.

Due to the requirement for clearing of the site to accommodate the new development, the proposal includes the removal of vegetation, planting, shrub and trees on site.

### **3.7 BCA Compliance**

The proposed RACF has been designed to comply with the Building Code of Australia 2014 ("BCA"). Compliance with the BCA is a prescribed condition of development consent. The BCA Compliance Statement prepared by Blackett, Maguire + Goldsmith concludes that the proposal achieves necessary compliance with the BCA and Access to Premises Standards.

### **3.8 Accessibility**

The proposed RACF has been designed to allow ease of access for all residents and their visitors by providing continuous paths of travel, circulation spaces and appropriate gradients. Resident bedrooms and communal amenities will be accessible from the main entrance to the reception area and the main paths of travel will be accessible and continuous throughout.

The development has been designed to comply with access requirements of the following:

- Disability Access to Premises Standards 2010 (DDA Access Code),
- Building Code of Australia 2015 - Parts D3, E3; and
- Accessibility Standards: AS1428.1:2009, AS1428.4.1:2009, AS2890.6:2009, AS1735.12:1999.

The Accessibility Review prepared by Morris Goding Accessibility Consulting assesses the capability of the proposal to access for people with a disability. This relates to access throughout the building, access into and around rooms and communal areas, accessible car parking, stairs, ramps, passenger lifts, ground surfaces and staff facilities.

### **3.9 Safety and Security**

The safety and security of the residents has been carefully considered in the design of the proposed RACF. Adequate surveillance will be provided throughout the site with the use of effective lighting, appropriate fencing, landscaping, clear identification of the site entrances, and avoidance of dark spaces between buildings. Private and secure external courtyards will assist in the management and safety of residents, including those with dementia.

### **3.10 Staff and Management**

Upon completion of the proposal, the facility will be staffed 24 hours/day as is appropriate for a residential care facility.

The proposed RACF will be constructed, owned and operated by Opal Aged Care. The organisation will be responsible for the ongoing operation and maintenance of the facility in accordance with the requirements of the Commonwealth Department of Health and Aging.

### **3.11 Stormwater Infrastructure**

Stormwater infrastructure will be constructed as part of the proposal as detailed in the stormwater management plans and Flood Planning Report prepared by Henry & Hymas.

### **3.12 Infrastructure and Site Services**

Existing infrastructure connections are available to the site. Where necessary, these services will be extended, adapted and augmented in order to meet the demands of the proposal.

#### **Water and Sewer**

The site is capable of connection to existing Council water and sewerage infrastructure.

#### **Electricity**

Electricity services to the site can be readily connected to the existing electricity grid on Stanley Street.

#### **Fire Hydrants**

Council would supply water required for fire-fighting on the site in accordance with the requirements of the Building Code of Australia.

#### **Heating and Ventilation**

The Commonwealth Department of Social Services require adequate heating and cooling to provide residents with comfortable conditions. The residential aged care facility (including

residents' bedrooms) will be air conditioned. Mechanical ventilation will be provided to the toilets, bathrooms, ensuites, utilities rooms, communal recreation area and all back-of-house areas such as the laundry and kitchen.

### **3.13 Demolition**

As illustrated on the accompanying civil and engineering drawings, the proposal includes the demolition of all existing outbuildings and structures contained on the site. All demolition work will be carried out in accordance with AS2601-2001-The Demolition of Structures.

### **3.14 Waste Management**

Waste material arising from preparatory site works (including earthworks, demolition of outbuildings and removal of vegetation), construction operations and ongoing operation of the facility will be appropriately managed and minimised. The RACF incorporates a garbage room within the ground floor of the south-facing wing. Day-to-day waste will be appropriately managed by recycling and disposal using appropriate waste management practices.

### **3.15 Contamination**

A site contamination investigation was undertaken by Douglas Partners to assess the contamination status of the land and provide an opinion on the suitability of the site for the proposal. The investigation concluded that the site can be made suitable for the proposed use subject to the preparation and implementation of a Remediation Action Plan ("RAP"). The RAP will be prepared to determine the nature of remediation required to ensure that the land is suitable for the proposal. Remediation will be carried out as part of the earthworks.

### **3.16 Construction Management**

A Construction Management Plan ("CMP") will be prepared prior to the commencement of construction works. The CMP will provide details of appropriate mitigation measures to control emissions during construction including dust minimisation, noise control and traffic movement. Consideration will be given to the proximity of the site to the adjoining child care centre and adjacent seniors housing development on Stanley Street.

### **3.17 Signage**

Signage is proposed at the Stanley Street frontage as wayfinding and directional signage to the new facility and is shown on the accompanying architectural and landscape drawings. This signage will be integrated into the design of the development.

### **3.18 Noise Attenuation**

Mechanical plant and equipment including air conditioning will be attenuated so as not to give rise to "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

An Acoustic Assessment has been prepared by Acoustic Logic to assess the potential noise impacts of the proposal. The Assessment is provided under separate cover.

## **4. STATUTORY PLANNING CONSIDERATIONS**

### **4.1 State Environmental Planning Policy 55 (SEPP55) – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land (“SEPP 55”) provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated. SEPP 55 further requires the preparation of a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines, to be considered by the consent authority before determining an application for development consent on that land.

The site contains four rural allotments that largely comprise agricultural land, clusters of mature trees, derelict outbuildings, and unpaved dirt tracks. Given the predominant use and features of the site, it is considered that the risk of potential contamination is very low.

Nevertheless, a site contamination investigation was undertaken by Douglas Partners to:-

- review current and historic information in order to assess likely current and past landuses and site activities which may be potentially contaminating;
- assess potential contamination sources; and
- provide an opinion on the suitability of the site for the proposed development.

The findings of the investigation are presented in the Report on Detailed Site (Contamination) Investigation (submitted under separate cover). The Report concluded that the site can be made suitable for the proposal subject to the preparation of a Remediation Action Plan (“RAP”) prior to the commencement of construction works. The RAP is to include:-

- an unexpected finds protocol;
- surface inspection of the western, southern and central parts of the site (in the area of the shallower filling) following stripping of the grass coverage and removal of the sheds and fly tipping;
- the remediation of the asbestos impacted filling at the rear of the site; and
- validation of remediation works by a qualified environmental consultant.

This investigation is considered to satisfy Section 7(2) of SEPP 55 and further detailed investigation is not warranted. The site is considered suitable for the proposed construction of a residential aged care facility and associated works subject to construction works being undertaken in accordance with a Remediation Action Plan (to be prepared).

In this regard, the relevant provisions of SEPP 55 have been addressed and satisfied.

### **4.2 State Environmental Planning Policy (State and Regional Development) 2011**

Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 applies to “development that has a capital investment value of more than \$20 million.” The capital investment value of the proposal will exceed \$20 million; accordingly Part 4 of the SEPP applies and the consent authority for the development application will be the JRPP.

### 4.3 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Development consent is sought under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("the Seniors Housing SEPP"). Compliance with the provisions of the Seniors Housing SEPP is provided as follows.

#### 4.3.1 Aims of the Seniors Housing SEPP

**Clause 2** of the Seniors Housing SEPP aims to encourage the provision of housing that will:

- (a) *"increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) *make efficient use of existing infrastructure and services, and*
- (c) *be of good design."*

The above aims will be achieved by:

- (a) *"setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- (b) *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes."*

The proposal achieves the above aims in that:-

- the RACF will increase housing diversity for seniors or people with disability;
- the proposal makes efficient use of existing infrastructure and services; and
- the proposal is of good design (as detailed elsewhere in this SEE).

#### 4.3.2 Applicability of the Seniors Housing SEPP

**Clause 4** of the Seniors Housing SEPP states:-

**"(1) General**

*This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

- (a) *development for the purpose of any of the following is permitted on the land:*
  - i) *dwelling-houses,*
  - ii) *residential flat buildings,*
  - iii) *hospitals,*
  - iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) *the land is being used for the purposes of an existing registered club."*

Under the Bathurst Regional LEP 2014, the site is zoned R1 (General Residential) within which dwelling houses are permitted with consent. Accordingly, the site is on land zoned for urban purposes and therefore the Seniors Housing SEPP applies.

**Clause 15** of the SEPP allows development on land zoned primarily for urban purposes for the purpose of any form of seniors housing despite the provisions of any other environmental planning instrument if the development is carried out in accordance with the SEPP.

As seniors housing is permissible under both the Seniors Housing SEPP and LEP (detailed in Section 4.4 of this SEE), an applicant can choose which instrument under which consent is sought. Development consent is sought under the provisions of the Seniors Housing SEPP.

### 4.3.3 Consistency with the Provisions of the Seniors Housing SEPP

The table below details the proposal's compliance with relevant provisions and development standards of the Seniors Housing SEPP.

SENIORS HOUSING SEPP CRITERIA	COMPLIANCE	COMMENT
<b>PART 2 – SITE RELATED REQUIREMENTS</b>		
<b>Clause 26 – Location and Access to Facilities</b>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> <li>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</li> <li>(b) community services and recreation facilities, and</li> <li>(c) the practice of a general medical practitioner.</li> </ul> <p>(2) Access complies with this clause if:</p> <ul style="list-style-type: none"> <li>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable: <ul style="list-style-type: none"> <li>i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</li> <li>ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</li> <li>iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</li> </ul> </li> <li>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development: <ul style="list-style-type: none"> <li>i) that is located at a distance of not more than 400 metres from the site of the proposed development</li> </ul> </li> </ul>		<p>Clause 26(2)(c) sets out the relevant requirements.</p> <p>The proposed development is within close proximity to public transport services.</p> <p>Residents of the proposed residential aged care facility are frail and aged and do not generally make trips by public transport or by walking to any nearby shopping facility. Residents will move to the facility because they are in need of care. Part of this care is the provision of services and facilities as required by the residents. Consequently the facilities and services referred to in clause 26(1) will be provided for the residents on the site.</p> <p>It is therefore considered that the intention of clause 26 is satisfied.</p>

SENIORS HOUSING SEPP CRITERIA	COMPLIANCE	COMMENT
<p>and the distance is accessible by means of a suitable access pathway, and</p> <p>ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> <p>i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) <b>a suitable access pathway</b> is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p>		



SENIORS HOUSING SEPP CRITERIA	COMPLIANCE	COMMENT
(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.		
<b>Clause 27 – Bush Fire Prone Land</b>		
A consent authority must not consent to development made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, December 2006.	N/A	The site is not located on bushfire prone land.
<b>Clause 28 – Water and Sewer</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	N/A	The proposed development will connect to the existing water and sewerage system serving the site.
<b>PART 3 – DESIGN REQUIREMENTS (DIVISION 1 GENERAL)</b>		
<b>Clause 30 – Site Analysis</b>		
1) A consent authority must not consent to a development application unless it is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	Noted	Addressed below.
2) A site analysis must: <ul style="list-style-type: none"> <li>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</li> <li>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site): <ul style="list-style-type: none"> <li>i) explaining how the design of the proposed development has regard to the site analysis, and</li> <li>ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</li> </ul> </li> </ul>	Yes	The site analysis is provided in <b>Section 2</b> of the SEE and is supported by figures forming part of this SEE.  Also, a Site Analysis Plan has been included in the accompanying architectural drawings.
3) The following information about a site is to be identified in a site analysis: <ul style="list-style-type: none"> <li>(a) Site dimensions</li> <li>(b) Topography</li> <li>(c) Services</li> <li>(d) Existing vegetation</li> <li>(e) Micro climates</li> <li>(f) Location of</li> <li>(g) Views to and from the site</li> <li>(h) Overshadowing by neighbouring structures</li> </ul>	Yes	The site analysis in <b>Section 2</b> of this SEE identifies all relevant matters referred to Clause 30(3).



SENIORS HOUSING SEPP CRITERIA	COMPLIANCE	COMMENT
4) The following information about the surrounds of a site is to be identified in a site analysis: <ul style="list-style-type: none"> <li>(a) Neighbouring buildings</li> <li>(b) Privacy</li> <li>(c) Walls built to the site's boundary</li> <li>(d) Difference in levels between the site and adjacent properties at their boundaries</li> <li>(e) Views and solar access enjoyed by neighbouring properties</li> <li>(f) Major trees on adjacent properties</li> <li>(g) Street frontage features</li> <li>(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted)</li> <li>(i) Heritage features of surrounding locality and landscape</li> <li>(j) Direction and distance to local facilities</li> <li>(k) Public open space</li> <li>(l) Adjoining bushland or environmentally sensitive land</li> <li>(m) Sources of nuisance</li> <li>(n) Adjoining land uses and activities (such as agricultural activities)</li> </ul>	Yes	The site analysis in <b>Section 2</b> of this SEE identifies all relevant matters referred to Clause 30(4).
<b>Clause 32 – Design of Residential Development</b>		
A consent authority must not consent to a development application unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Noted	Addressed below.
<b>PART 3 – DESIGN REQUIREMENTS (DIVISION 2 DESIGN PRINCIPLES)</b>		
<b>Clause 33 – Neighbourhood Amenity and Streetscape</b>		
The proposed development should: <ul style="list-style-type: none"> <li>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</li> </ul>	Yes	The proposal provides for a new residential aged care facility that complements the prevailing character of the surrounding area.  It will be visually appealing and sympathetic to the natural topography of the land and will maintain the neighbourhood amenity and character of the local area. It has a two storey height consistent with the prevailing height limit in the area. The facades are modelled to provide interest and reduce the scale of the development.

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		The development would be located next to a seniors housing development and to a child care centre which together provide a development solution for the northern side of Stanley Street between Peel Street and Hope Street.
(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	Yes	The site is not located within a heritage conservation area and does not contain any heritage items.
(c) maintain reasonable neighbourhood amenity and appropriate residential character by: <ul style="list-style-type: none"> <li>i) providing building setbacks to reduce bulk and overshadowing;</li> <li>ii) using building form and siting that relates to the site's land form;</li> <li>iii) adopting building heights at the street frontage that are compatible in scale with adjacent development;</li> <li>iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</li> </ul>		The proposed building setbacks have been designed to reduce perceived bulk and overshadowing, and the form and configuration of the proposal is sympathetic to the land form.  The maximum two-storey building height is compatible in scale of other development in the vicinity.
(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	N/A	The building is well setback from the street frontage.
(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	N/A	Landscaping will be provided to the street frontage and parking area.
(f) retain, wherever reasonable, major existing trees, and	Yes	The trees to be removed have no significant value and their removal is required to facilitate the proposal.
(g) be designed so that no building is constructed in a riparian zone.	N/A	The site is not located within a designated riparian zone.
<b>Clause 34 – Visual and acoustic privacy</b>		
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: <ul style="list-style-type: none"> <li>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</li> </ul>		The proposal has been designed having regard to visual and acoustic privacy to the adjoining child care centre to the south-east and to the seniors housing residential development to the north-west (under construction).  This has been achieved through the setting back of development from the north-west and south-east boundaries, landscaping of the setback areas, changes in site levels and positioning

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(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.		<p>of windows away from potential overlooking perspectives.</p> <p>An Acoustic Assessment has been prepared for the proposal which includes noise mitigation measures. The Assessment concludes that provided recommended mitigation measures are adopted, the proposal will comply with all nominated acoustic criteria.</p>
<b>Clause 35 - Solar access and design for climate</b>		
<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	Yes	<p>Adequate daylight will be maintained to the proposed bedrooms, living areas and open space areas.</p> <p>The RACF has been designed to maximise natural lighting. Dining, lounge and sitting rooms are located to provide solar access to residents.</p> <p>Refer to the accompanying architectural drawings and Landscape Plan for further details.</p>
<b>Clause 36 – Stormwater</b>		
<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	Yes	<p>Stormwater drainage concept plans have been prepared for the proposal and are provided under separate cover.</p>
<b>Clause 37 – Crime prevention</b>		
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open</p>	Yes	<p>The safety and security of residents and staff has been considered in the design of the proposed RACF.</p> <p>Adequate surveillance will be provided throughout the new development with the use of effective lighting, clear identification signs, appropriate landscaping and avoidance of dark spaces between buildings.</p>

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the front door.		
<b>Clause 38 – Accessibility</b>		
<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	Yes	<p>To the extent relevant to the proposal and to the site.</p> <p>To the extent relevant to the proposal and to the site.</p> <p>An Accessibility Report has been prepared to describe the access provisions of the proposal.</p>
<b>Clause 39 – Waste management</b>		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Yes	Further details are provided in <b>Section 3</b> of this SEE.
<b>PART 4 - DEVELOPMENT STANDARDS TO BE COMPLIED WITH</b>		
<b>Clause 40 - Development standards—minimum sizes and building height</b>		
<p>(1) <b>General</b></p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</p>	Noted.	Addressed below.
<p>(2) <b>Site size</b></p> <p>The size of the site must be at least 1,000 square metres.</p>	Yes	The site area is 1.679 ha.
<p>(3) <b>Site frontage</b></p> <p>The site frontage must be at least 20 metres wide measured at the building line.</p>	Yes	The site frontage to Stanley Street exceeds this requirement.
<p>(4) <b>Height in zones where residential flat buildings are not permitted</b></p> <p>If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p> <p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	Yes	The site is located in the R1 Zone within which residential flat buildings are permitted. Notwithstanding, the proposal has a maximum building height of 7.5 metres as per the Seniors Housing SEPP definition of building height.
<b>PART 7 – DEVELOPMENT STANDARDS THAT CANNOT BE USED AS GROUNDS TO REFUSE CONSENT</b>		
<b>Clause 46 - Inter-relationship of Part with design principles in Part 3</b>		
Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the		Noted.

SENIORS HOUSING SEPP CRITERIA	COMPLIANCE	COMMENT
consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.		
<b>Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities</b>		
(a) <i>“building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</i>	Yes	As per the Seniors Housing SEPP definition of building height, the proposal has a maximum building height of 7.5 metres.
(b) <i>density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</i>	Yes	The proposed FSR is calculated to be 0.48:1.
(c) <i>landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</i>	Yes	The proposed landscaped area equates to a minimum of 25 sqm per residential care facility bed.
(d) <i>parking for residents and visitors: if at least the following is provided:</i> i) <i>1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and</i> ii) <i>1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</i> iii) <i>1 parking space suitable for an ambulance.”</i>	Yes	The RACF provides a total of 164 beds (including 19 dementia beds). Based on staff numbers, the proposal would require 37 parking spaces.  The proposal provides for a total of 46 car parking spaces which satisfies the nominated parking standards.

## 4.4 Bathurst Regional Local Environmental Plan 2014

Development consent for the residential aged care facility and associated works is sought under the provisions of the Seniors Housing SEPP. Notwithstanding, the following section provides a detailed assessment of the proposal's compliance with relevant development controls and provisions of the Bathurst Regional Local Environmental Plan 2014 ("LEP").

### 4.4.1 Zoning and Objectives

The site is zoned R1 (General Residential) pursuant to the LEP (see **Figure 4A**).

The objectives of Zone R1 are:

- *"To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment.*
- *To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville.*
- *To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst."*

The proposal is consistent with the above objectives in that the construction of a new residential aged care facility providing 164 bedrooms will increase housing diversity and supply for seniors and people with a disability. The proposal will complement the surrounding residential environment.

Additional seniors housing will meet housing needs of the local community and will contribute to meeting the day-to-day needs of local residents.

### 4.4.2 Permissibility

Development permitted without consent in the R1 Zone is:

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

Development permitted with consent in the R1 Zone is:

*"Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care centres; Roadside stalls; Semi-detached dwellings; **Seniors housing**; Shop top housing; Waste or resource transfer stations; Any other development not specified in item 2 or 4" (our emphasis)*

Development prohibited in the R1 Zone is:

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

Accordingly, the proposed development for the construction of a residential aged care facility under the definition of ‘Seniors housing’ is permissible with consent pursuant to the LEP.

As defined in the LEP Dictionary, **seniors housing** means a building or place that is:

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

The LEP Dictionary defines **residential care facility** to mean:

*“accommodation for seniors or people with a disability that includes:*

- (a) *meals and cleaning services, and*
- (b) *personal care or nursing care, or both, and*
- (c) *appropriate staffing, furniture, furnishings and equipment for the provision of that  
accommodation and care,  
but does not include a dwelling, hostel, hospital or psychiatric facility.*

**Note.** *Residential care facilities are a type of **seniors housing**—see the definition of that term  
in this Dictionary.”*

The proposal comprises the construction of a new residential aged care facility that provides 164 bedrooms and associated amenities and care, nursing and cleaning services. In this regard, the proposal fully accords with the definitions of ‘seniors housing’ and ‘residential aged care facility’ and is thus permissible with consent under the Bathurst LEP.

#### 4.4.3 Floor Space Ratio

The site is not subject to a maximum floor space ratio (FSR) under LEP Clause 4.4.



#### 4.4.4 Maximum Building Height

Pursuant to Clause 4.3 ('Height of Buildings'), the site is subject to a maximum building height of 9 metres.

The maximum height of the proposal from the existing ground level to the roof apex is 11 metres. However, the proposal is designed to present an articulated façade and represents a two storey building in appearance. The non-compliant elements of the height are generally for servicing, plant and roof structures.

Notwithstanding this non-compliance, the proposal complies with the definition of maximum building height as set out in the Seniors Housing SEPP.

#### 4.4.5 Minimum Subdivision Lot Size

The site has a minimum lot size of 550 metres pursuant to Clause 4.1. The proposed development will not result in any changes to existing lot sizes.

#### 4.4.6 Preservation of Trees or Vegetation

The objective of Clause 5.9 ('Preservation of trees or vegetation') is to preserve the amenity of an area through the preservation of trees and other vegetation. The proposal provides for the complete clearing of the site including the removal of trees, shrubs, plantings and all other vegetation on the site. Details of the trees to be removed are provided in the Sediment Control Plan prepared by Henry & Hymas (submitted under separate cover).

#### 4.4.7 Flood Planning

The site is identified as being within a 'Flood Planning Area' under Clause 7.1. Accordingly, development consent will not be granted unless Council is satisfied that the development:

- (a) *"is compatible with the flood hazard of the land, and*
- (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding."*

In terms of existing flood mitigation, it is understood that the site is protected from flooding from the Macquarie River by the levee bank constructed along the north eastern boundary.

A Flood Planning Report has been prepared by Henry & Hymas (submitted under separate cover) which provides an assessment of the impacts of the proposed development on the flooding characteristics of the site and adjoining land. The Report details compliance of the proposed development with the flood planning requirements of LEP Clause 7.1 as follows:



- *“The floor level is set above the Flood Planning Level which means the development is compatible with the flood hazard of the land. With the floor level being set above the Flood Planning Level, the development is no longer affected by the 1 in 100 year flood event.*
- *The Development is outside the extent of the localised ponding in the overland flow channel, and as such, the filling of the site will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.*
- *The development incorporates appropriate measures to manage risk to life from flood in that residents and staff may remain on site at a level above the 1 in 100 year storm event in the event of a localised flood.*
- *The site will be developed with either built form or landscaping and as such the development will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- *Stormwater discharge and runoff from the site will be either piped directly to the existing piped drainage network in Stanley Street or discharged in a controlled manner to the existing stormwater channel in Peel Street. The outlet to the channel will be stabilised in the form of scour protection.*
- *Since the development will be located above the 1 in 100 year storm event, there will be no social and economic costs to the community as a consequence of flooding.”*

#### **4.4.8 Obstacle Limitation Surface**

Whilst the site is affected by airspace operations under Clause 7.3 (‘Airspace operations’), the height of the proposal would not penetrate the limitations or operations surface.

#### **4.4.9 Heritage**

The site does not contain any items of heritage significance and it is not located either within or adjacent to a designated heritage conservation area.

#### **4.4.10 Bush Fire Prone Land**

The site is not identified as containing as bushfire prone land.

#### **4.4.11 Essential Services**

As required by Clause 7.5 (‘Essential Services’), essential services are to be made available to serve the new residential aged care facility. These services include water and electricity supplies, sewerage facilities, stormwater drainage and vehicular access.

#### **4.4.12 Other LEP Provisions**

There are no other relevant LEP provisions that affect the site relating to additional permitted uses, miscellaneous permissible uses, land reservation acquisition, or development in areas subject to aircraft noise.

## 4.5 Bathurst Development Control Plan 2014

The following table details the proposal's compliance with relevant provisions and development controls in the Bathurst Regional Development Control Plan 2014 ("DCP").

DCP CONTROLS	COMMENTS	COMPLIANCE
<b>Section 4 - Residential Development</b>		
<b>Part 4.1 Preliminary</b>  Applies to residential activity in Zone R1.	Noted. The site is zoned R1.	Yes
<b>Part 4.2 Residential Density</b>  The site is located within Precinct 1 (Medium Density). Housing which may be permissible in Precinct 1 include 'seniors housing'.  Residential density in Precinct 1 is:-  <ul style="list-style-type: none"> <li>no greater than 88 persons per site hectare on lots less than 4000 square metres; and</li> <li>no greater than 93.5 persons per site hectare on lots greater than 4000 square metres.</li> </ul>	<p>The site is located within Precinct 1.</p> <p>The proposal represents a medium density housing form in that the FSR is 0.48:1 and the building comprises two storeys.</p> <p>The site has a total area of 1.69 ha. The approximate residential density of the development is 97 persons per hectare. This is considered that to be entirely appropriate for the proposed use.</p>	Yes
<b>Part 4.3 Minimum Lot Size</b>  <ul style="list-style-type: none"> <li>Ensure that sufficient site area is available to provide a reasonable standard of amenity and functionality for housing developments.</li> <li>Facilitate the provision of a variety of housing types in all residential areas throughout the City.</li> </ul>	The proposal provides significant landscaped area in the form of plantings, vegetation and passive lawns. This is considered to be entirely reasonable in the circumstances of the proposed land use and site constraints.	Yes
<b>Part 4.4 General Siting Considerations – All Residential Development</b>  <u>General Development Standards</u>  Where cut and/or fill in excess of 1 metre is proposed, a cross section plan is required to show compliance with AS 2890 with respect to the driveway and cut and fill provisions outlined in DCP Chapter 16.  <u>Minimum Building Line Setbacks</u>  <ul style="list-style-type: none"> <li>Normal allotments – 6 metres, unless the existing streetscape is already established at 8 metres.</li> </ul>	<p>Bulk earthworks plans are provided in the supporting DA Documentation.</p> <p>Setbacks comply.</p>	<p>Yes</p> <p>Yes</p>

DCP CONTROLS	COMMENTS	COMPLIANCE
<ul style="list-style-type: none"> <li>Corner allotments – The combined distance of the 2 building line setbacks to the 2 roads is to be not less than 8 metres, provided that neither is less than 2 metres.</li> </ul> <p><u>Side and Rear Building Line Setbacks</u></p> <p>For a two-storey seniors housing development, the side and rear building lines setbacks must achieve:-</p> <ul style="list-style-type: none"> <li>for continuous walls of less than 10 metres (and noncontinuous walls of any length), at least 1.5 metres.</li> <li>for continuous walls of more than 10 metres must be staggered to include setbacks exceeding 1.5 metres, or broken into lengths of 10 metres and interspersed with open space.</li> </ul> <p>Two storey development are to provide an assessment of overshadowing to all adjoining properties on the winter solstice in June.</p>	Setbacks comply.	Yes
<p><b>Part 4.8 Height of Buildings</b></p> <p>LEP Clause 4.3 sets out building height limits in Zone R1 (General Residential).</p>	The proposal complies with the Seniors Housing SEPP maximum building height.	Yes
<p><b>Part 4.10 Services and Facilities</b></p> <p>Ensure that all essential services and facilities are provided to new development.</p>	Existing infrastructure is available to the site. Where necessary, services will be extended, adapted and augmented to meet the demands of the proposal.	Yes
<p><b>Part 4.11 Soil and Water Management</b></p> <p>Development must result in minimal impact on both onsite and off-site soil resources and surface water quality.</p>	A Sediment and Erosion Control Plan has been prepared to address matters of soil and water management.	Yes
<b>Section 9 - Environmental Considerations</b>		
<p><b>9.6 Flooding</b></p> <p>Part 9.6 applies to all land to which LEP Clause 7.1 applies and any land identified or known by Council as having the possibility of flooding.</p>	The floor level is set above the Flood Planning Level; therefore the proposed development is compatible with the flood hazard of the land.	Yes
<p><b>9.8 Flora and Fauna Surveys</b></p> <p>Flora and fauna objectives include:-</p>	The proposal is not likely to have an impact on matters of national	Yes

DCP CONTROLS	COMMENTS	COMPLIANCE
<ul style="list-style-type: none"> <li>to establish minimum accepted standards for the quality, collection and reporting of biodiversity data; and</li> <li>to minimise the impact from development on local biodiversity.</li> </ul>	<p>environmental significance or on threatened species of populations or ecological communities.</p> <p>The proposal does not involve the clearing of native vegetation or native vegetation for bushfire hazard reduction purposes.</p>	
<p><b>9.9 Sustainable Building Design and Energy Efficiency</b></p> <p>All new residential development is to comply with BASIX requirements.</p>	N/A	N/A
<b>Section 13 – Landscaping and Greening</b>		
<p><b>13.3 Landscape Plans</b></p> <p>A Landscape Plan is required for certain types of development, including medium density housing.</p>	Detailed Landscape Plans have been prepared for the proposal and are provided under separate cover.	Yes
<b>Section 14 – Parking</b>		
<p><b>14.3 Car Parking</b></p> <p>Minimum car parking standards for residential care facilities are 1 space per 10 beds, plus one space per employee and one ambulance bay.</p>	The proposed car parking provision meets the nominated standards of the Seniors Housing SEPP.	Yes
<p><b>14.4 Bicycle Parking</b></p> <p>Bicycle parking standards for residential care facilities are:-</p> <ul style="list-style-type: none"> <li>Employee/resident – 1 per 7 beds;</li> <li>Customer/visitor – 1 per 60 beds.</li> </ul>	The proposal does not provide any specific purpose bicycle parking spaces. It is not expected that the residents of the proposed facility will require bicycle parking. There is ample room on the site for staff bicycle parking.	No
<b>Section 15 – Crime Prevention</b>		
<p><b>15.5 Crime Risk Assessment</b></p> <p>A Crime Risk Assessment is to be provided to assess the susceptibility of development to certain crimes.</p>	The proposal is considered to pose a very low risk in terms of susceptibility to crime.	N/A
<b>Section 16 – Earthworks</b>		
<p><b>16.3 Changing the Level of Land</b></p> <p>Adequate information is to be submitted with an application to determine the impact of future development by means of changes in levels of land.</p>	The proposed earthworks would have minimal impact on the existing streetscape, neighbouring uses and prevailing density of the area.	Yes

## 5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 5.1 Statutory Planning Considerations

In determining the development application, the Council is required to consider the matters listed in Section 79C of the *Environmental Planning and Assessment Act, 1979* ("the Act"). Each of the relevant matters is addressed below.

### 5.2 Section 79C(1)(a) – Statutory Planning Considerations

Section 79C(a) of the Act requires the consent authority to take into consideration:-

"(a) *the provisions of:*

- (i) *any environmental planning instrument; and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved); and*
- (iii) *any development control plan; and*
- (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

*that apply to the land to which the development application relates,"*

In relation to **Section 79C(1)(a)(i)** and **(a)(iii)** of the Act, these matters are addressed in Section 5 of this SEE.

In relation to **Section 79C(1)(a)(ii)**, there are no draft environmental planning instruments relevant to the proposed development.

In relation to **Section 79C(1)(a)(iii)(a)**, no planning agreement is proposed.

In relation to **Section 79C(1)(a)(iv)**, Clause 92 of the *Environmental Planning and Assessment Regulation 2000* relevantly requires that in the case of development involving demolition of a building, the provisions of Australian Standard AS 2601 – 2001: the Demolition of Structures need to be taken into consideration.

In relation to **Section 79C(1)(a)(v)**, this sub-section does not apply to this DA.

## 5.3 Section 79C(b) – Environmental, Social and Economic Impacts

Section 79C(1)(b) requires the consent authority to consider:-

*“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.”*

The relevant matters are addressed below.

### 5.3.1 Impacts on the natural environment

The site is located within an established area which is predominately residential in nature, although there are other land uses interspersed throughout the locality (for instance the adjoining child care centre to the south-east of the site).

The trees toward the centre of the site that are proposed to be removed do not have any significant value and their removal will facilitate construction of the RACF. Appropriate measures will be implemented during the construction phase of the proposal to ensure that existing trees within close proximity to the development site are protected. Replacement planting would be provided.

The proposed vegetation will be extensive, generous and well-planned. New landscaping features will include deep soil planting, grasses and shrubs, concrete paving, mounded ground, deep soil planting and passive recreation areas. It is anticipated that the new vegetation will be used in an opportunistic manner by a range of fauna species including birds. The development will support a large number of trees, vegetation and additional plantings associated with the new facility as detailed in the accompanying Landscape Plan.

Consequently, it is anticipated that the proposal will not have any significant impact on threatened species populations or ecological communities and will result in no adverse impacts on the natural environment in terms of tree conditions, local ecology, flora and fauna.

### 5.3.2 Bulk and scale impacts

The proposal has been designed having regard to the existing context of the site and its likely future context. The development has an overall height of two storeys and provides appropriate setbacks to both streets (Stanley Street and Peel Street) and side boundaries. Facades are well articulated by steps in walls, balcony elements, landscaping and stairs. The main entrance to the RACF is clearly defined with the separate pedestrian access on Stanley Street leading to a reception / foyer area.

The bulk and scale of the proposal is compatible with the locality in that the two-storey building is set back from the street front and adjoining development and will maintain the residential and rural character of the locality where low density development predominates.

### 5.3.3 Overshadowing

The proposed RACF will not result in any unreasonable overshadowing of the adjoining properties (particularly the child care centre) due to its siting, location and orientation.

Shadow diagrams are provided under separate cover.

#### **5.3.4 Aesthetics**

Views to the proposed development from the adjoining child care centre and the residences to the south have been considered in the design of the proposal and will be minimal. There are no adjacent residences that will suffer adverse visual impacts from the proposal.

The new building is two storeys in height and results in minimal visual impact when viewed from the perspective of adjoining uses and from Stanley Street and Peel Street.

The built development is confined towards the rear north and east boundaries and will therefore have an acceptable appearance when viewed from outside the site, particularly from the perspective along Stanley Street.

#### **5.3.5 Amenity**

It is considered that there will be no adverse amenity impacts arising from the proposal in relation to overshadowing or and significant overlooking, obstruction of light or air, obstruction of views or any other such impacts on the adjoining child care centre or nearby residential properties.

New trees will be planted along the Stanley Street frontage and within the front building setback to screen the RACF and provide adequate landscape character of the development.

#### **5.3.6 Bushfire Impacts**

The development site is not identified as bushfire prone land.

#### **5.3.7 Traffic and parking impacts**

A Traffic Report has been prepared by Colston Budd Hunt & Kafes Pty Ltd (provided under separate cover) to describe the existing network conditions and traffic patterns around the site, estimate the traffic generation post-development, assess the likely traffic impacts, review the car park layout and access arrangements, and determine the impact on road users.

The conclusion to the Traffic Report provides the following observations and comments:-

- *“the proposed development would increase residential densities close to public transport services;*
- *the proposed parking provision is considered appropriate;*
- *access and internal layout will be provided in accordance with AS 2890.1:2004, AS 2890.2 – 2002 and AS2890.6:2009;*
- *the proposed development would have a low traffic generation, and*
- *such a low generation would not have noticeable effects on the operation of the surrounding road network.”*



In this regard, it is considered that the proposal provides ample parking for staff and visitors to the facility. Accordingly, the proposal will not have any adverse impact on surrounding streets in terms of traffic movement, congestion or car parking operations.

Potential impacts relating to construction traffic management will be addressed in the Construction Management Plan (CMP) to be prepared prior to the commencement of works.

### **5.3.8 Heritage impacts**

The site does not contain any items of heritage significance and it is not either within or adjacent to a heritage conservation area. There is no known indigenous heritage on the site.

### **5.3.9 Noise impacts**

Potential noise impacts associated with the proposed development from surrounding roadways, the on-site carpark and the adjoining child care centre have been assessed in accordance with relevant standards and criteria set out in Australian Standard 2107:2000 and the Seniors Housing SEPP. Acoustic mitigation measures required to achieve acceptable noise emission levels are included in the accompanying Acoustic Assessment.

Noise emission criteria have been determined based on AS1055.3 and noise emission guidelines adopted by Bathurst City Council and the NSW Environment Protection Authority.

The Acoustic Assessment confirms that the proposed development will comply with all nominated acoustic criteria providing that recommended noise mitigation treatment stated in Sections 4.3 and 5.4 of the Acoustic Assessment are adopted.

It is anticipated that there will be no significant noise impacts as a result of the proposal in terms of construction works or the ongoing operation of the facility upon construction. The works are not in close proximity to any sensitive receptors; however there may be some temporary noise impacts on the adjoining child care centre during the construction period.

Any adverse noise impacts will be addressed in the Construction Management Plan (CMP) which will be prepared prior to the commencement of bulk earthworks and construction. Suggested noise mitigation measures during the construction phase may include:

- noise mitigation equipment fitted to construction plant, machinery and equipment;
- concrete pumping operations located to minimise impacts to neighbours;
- rubbish removal operations located to minimise impacts to neighbours;
- sound screening positioned to ensure separation on construction activities from adjoining neighbours; and
- restrictions that no work is to occur outside approved working hours.

### **5.3.10 Stormwater impacts**

The accompanying stormwater management strategy has been prepared by Henry & Hymas and is provided in the accompanying documentation (under separate cover). Provision is made for the collection of runoff and transfer to drainage watercourses.

It is anticipated that there will be no adverse drainage impacts as a result of the proposal.



### 5.3.11 Social and economic impacts

The proposal will have significant positive social and economic effects in that it will provide 164 high care beds (including 19 dementia bedrooms) within the Bathurst LGA. There is a recognised shortage of aged care accommodation that complies with current Commonwealth Accreditation requirements and that is capable of providing 24 hour care for seniors who can no longer remain in their own home.

It is proposed that the residential care facility will be well managed, operate responsibly and be located in an appropriate location within the Bathurst LGA.

The proposal will bring a number of social and economic benefits to the area in that:-

- strong community demand for aged care facilities will be better satisfied;
- an increased number of beds will be available for residents of Bathurst and surrounding areas;
- future residents will have excellent amenity and will have excellent access to high quality care;
- adjoining properties and land uses will suffer no unreasonable impacts; and
- employment opportunities will be created during construction and on completion.

## 5.4 Section 79C(c) – The suitability of the site

Section 79C(c) requires the consent authority to consider:

*“(c) the suitability of the site for the development.”*

The site is suitable for the proposed construction of a new residential aged care facility as is evident from the detailed site analysis and assessment of relevant considerations of the Seniors Housing SEPP.

## 5.5 Section 79C(d) – Submissions

Section 79C(d) requires the consent authority to consider:

*“(d) any submissions made in accordance with this Act or the regulations”.*

Any relevant submissions will be considered by the JRPP and Bathurst Regional Council in the assessment and determination of the development application.

## 5.6 Section 79C(e) – Public interest

Section 79C(e) requires the consent authority to consider:

*“(e) the public interest”.*

The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development

on surrounding land and which satisfies the need for contemporary residential aged care accommodation in the Bathurst locality.

The proposal is in the public interest in that it will:-

- provide additional high care seniors housing accommodation within the local area to meet existing and future demand;
- transform the existing under-utilised site in a manner which is compatible with and sympathetic to the locality;
- have positive social and economic impacts; and
- exhibit a high-quality design which will provide a high level of amenity for future residents without impact unreasonably on nearby properties.

## **6. CONCLUSION**

The proposal involves the construction of a new residential aged care facility (containing 164 high care beds) and associated works on land to the north of Stanley Street, Bathurst.

The proposal displays a high level of compliance when assessed against relevant planning and environmental controls relating to the site, most notably State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Bathurst Regional Local Environmental Plan 2014, and Bathurst Regional Development Control Plan 2014.

This SEE demonstrates that the proposal is reasonable and acceptable. The proposal will deliver a high quality residential aged care facility which will fulfil an important social purpose and assist in satisfying an increasing need in the local area for high care facilities. The proposal is sympathetic to, and compatible with, immediately adjoining uses, particularly the neighbouring seniors housing development (under construction) and the child care centre.

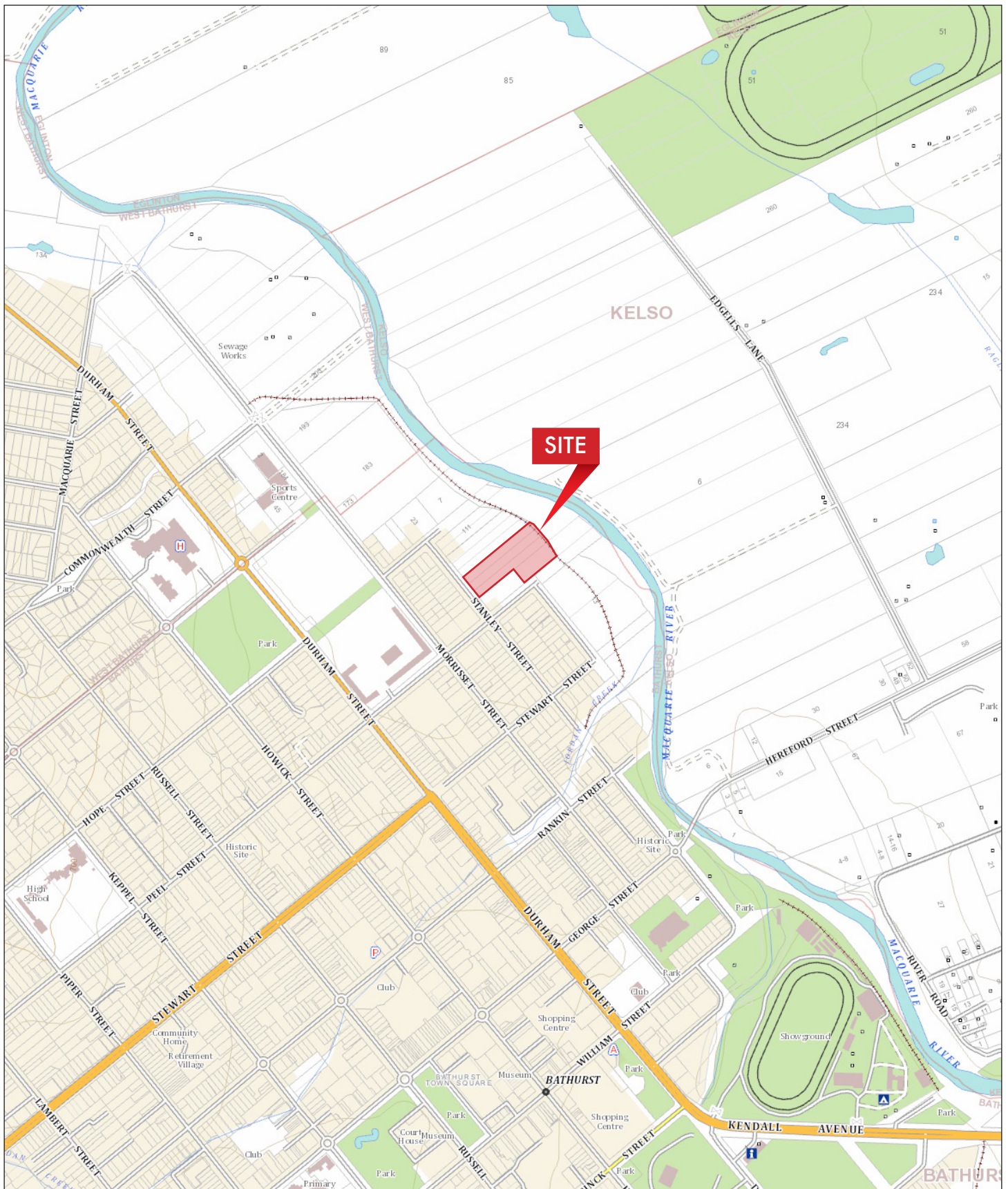
The proposal will provide an excellent living environment for seniors requiring high care and improve the viability and economic efficiency of local services for the aged in the locality.

The proposal is in the public interest.

Having regard to the above, and in light of the relevant heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act, 1979, the proposal is considered to be reasonable and appropriate and warrants favourable assessment by Bathurst Regional Council and approval from the Western Joint Regional Planning Panel.

## FIGURES

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Source: <http://maps.six.nsw.gov.au>



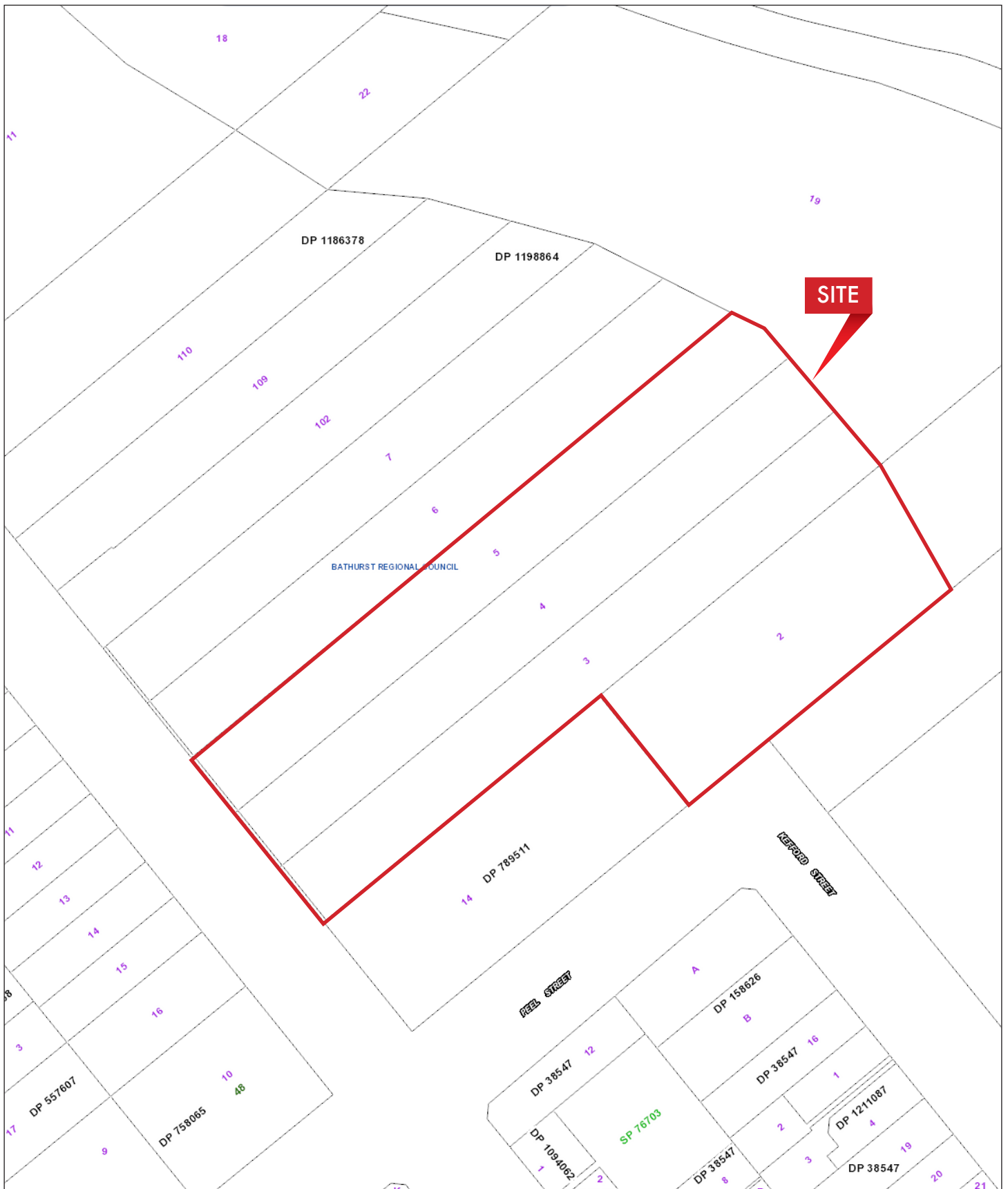
## STATEMENT OF ENVIRONMENTAL EFFECTS

### Stanley Street, Bathurst

**FIGURE 1**  
Location

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**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 2**  
Site

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Source: NearMap 2015

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 3A**  
Aerial Photo - Detail

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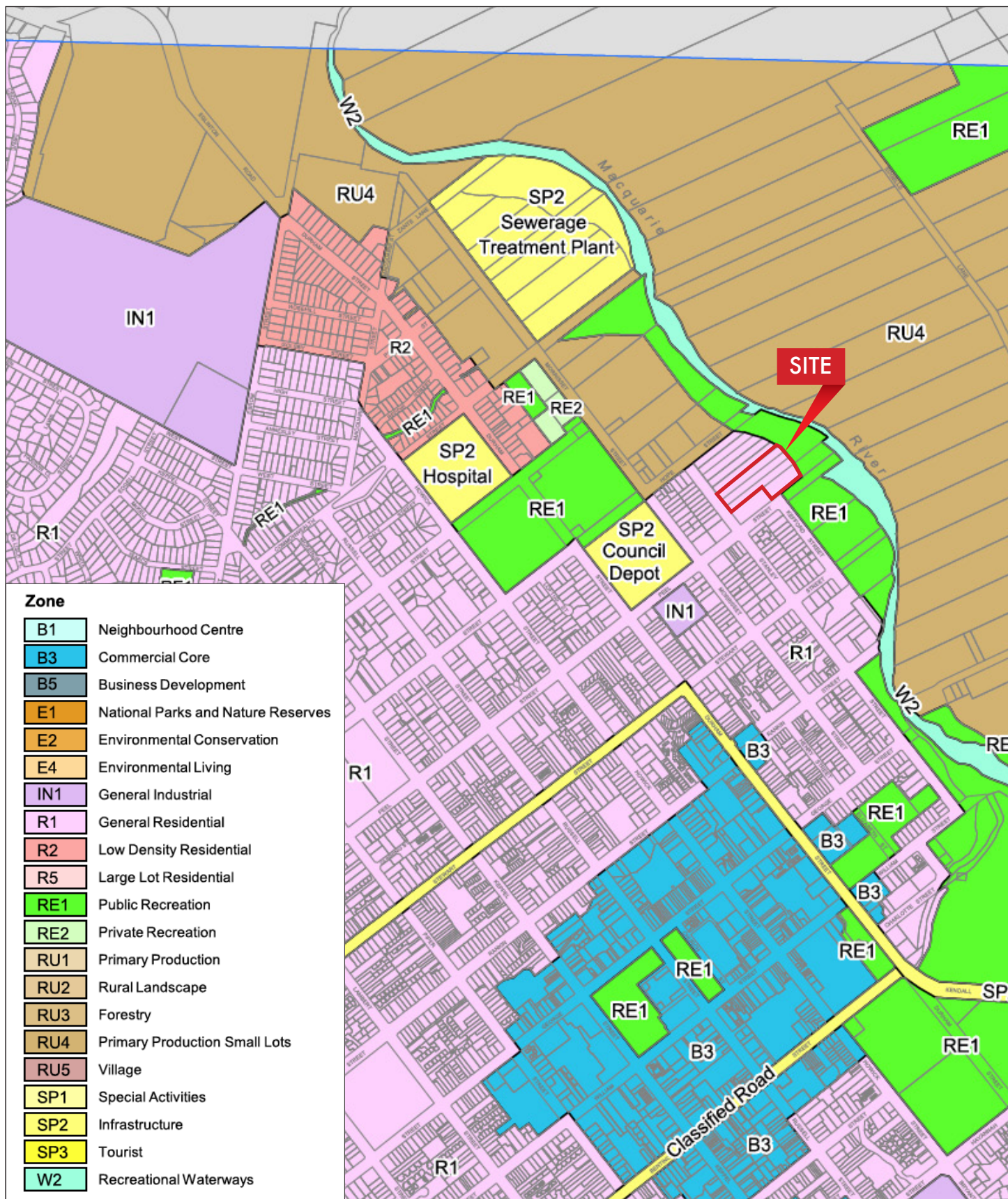
Source: NearMap 2015

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 3B**  
Aerial Photo - Wider Area

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#### STATEMENT OF ENVIRONMENTAL EFFECTS

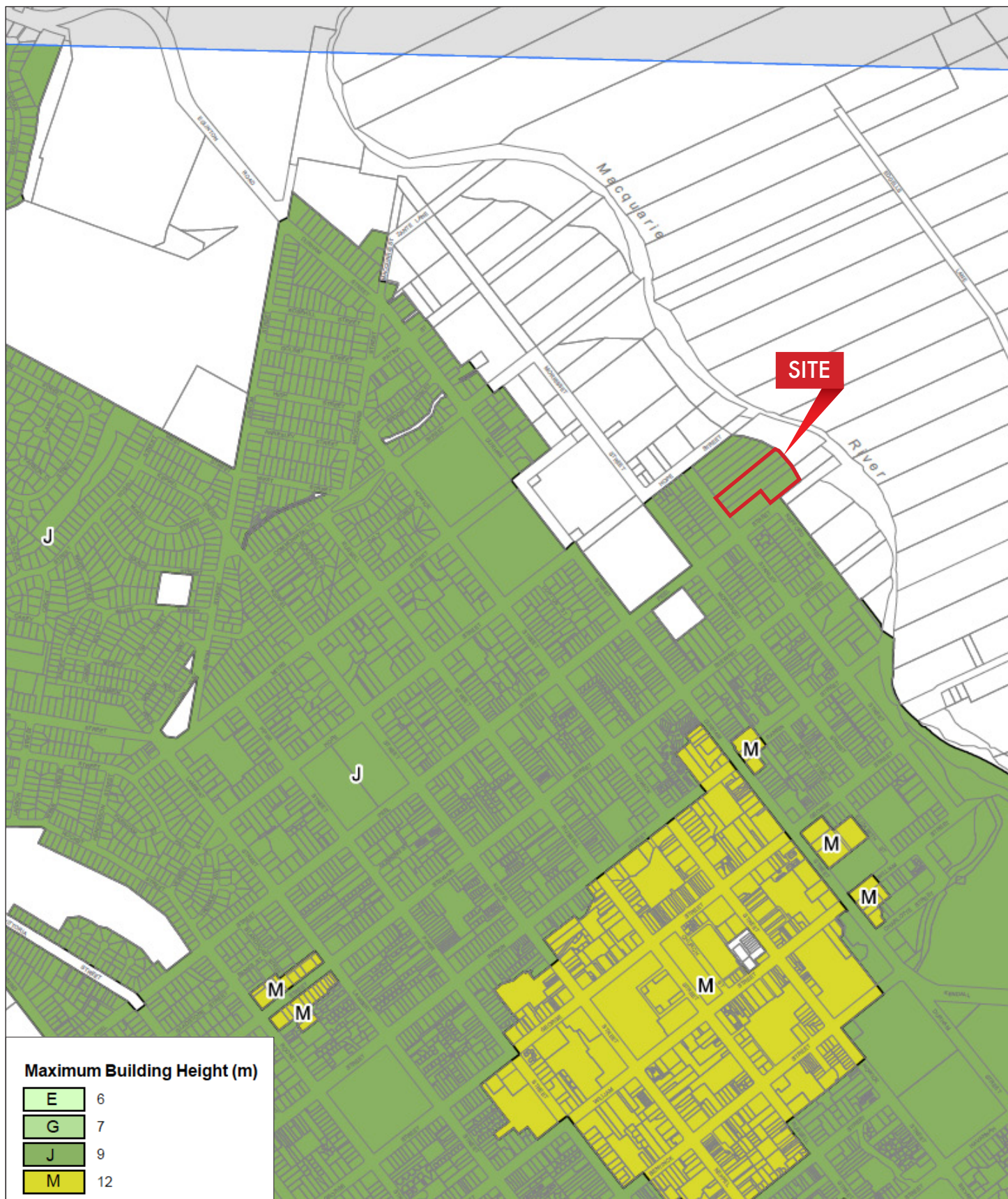
Stanley Street, Bathurst

**FIGURE 4A**

Zoning Map - Bathurst LEP 2014

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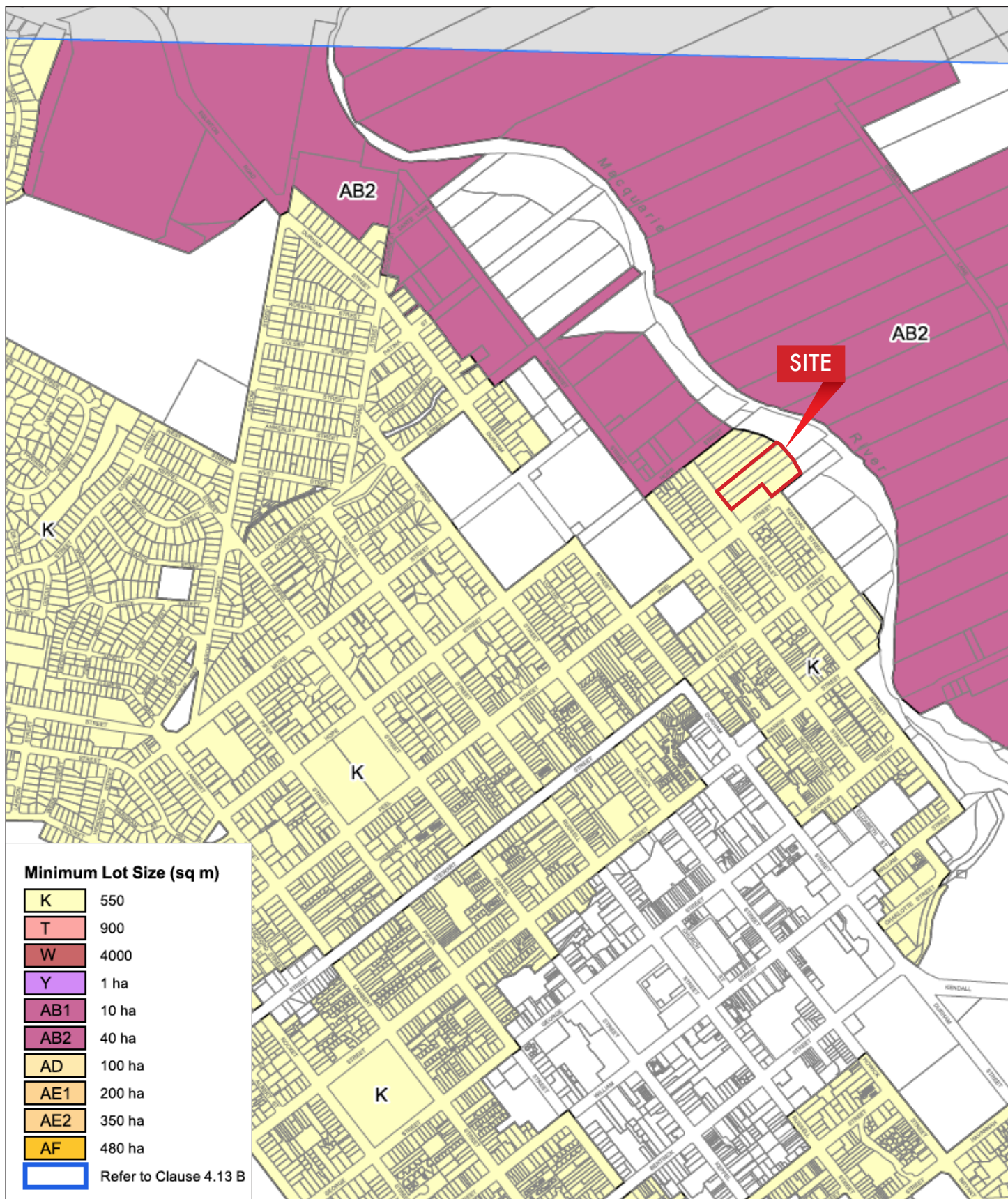


**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 4B**  
Height of Buildings Map - Bathurst LEP 2014

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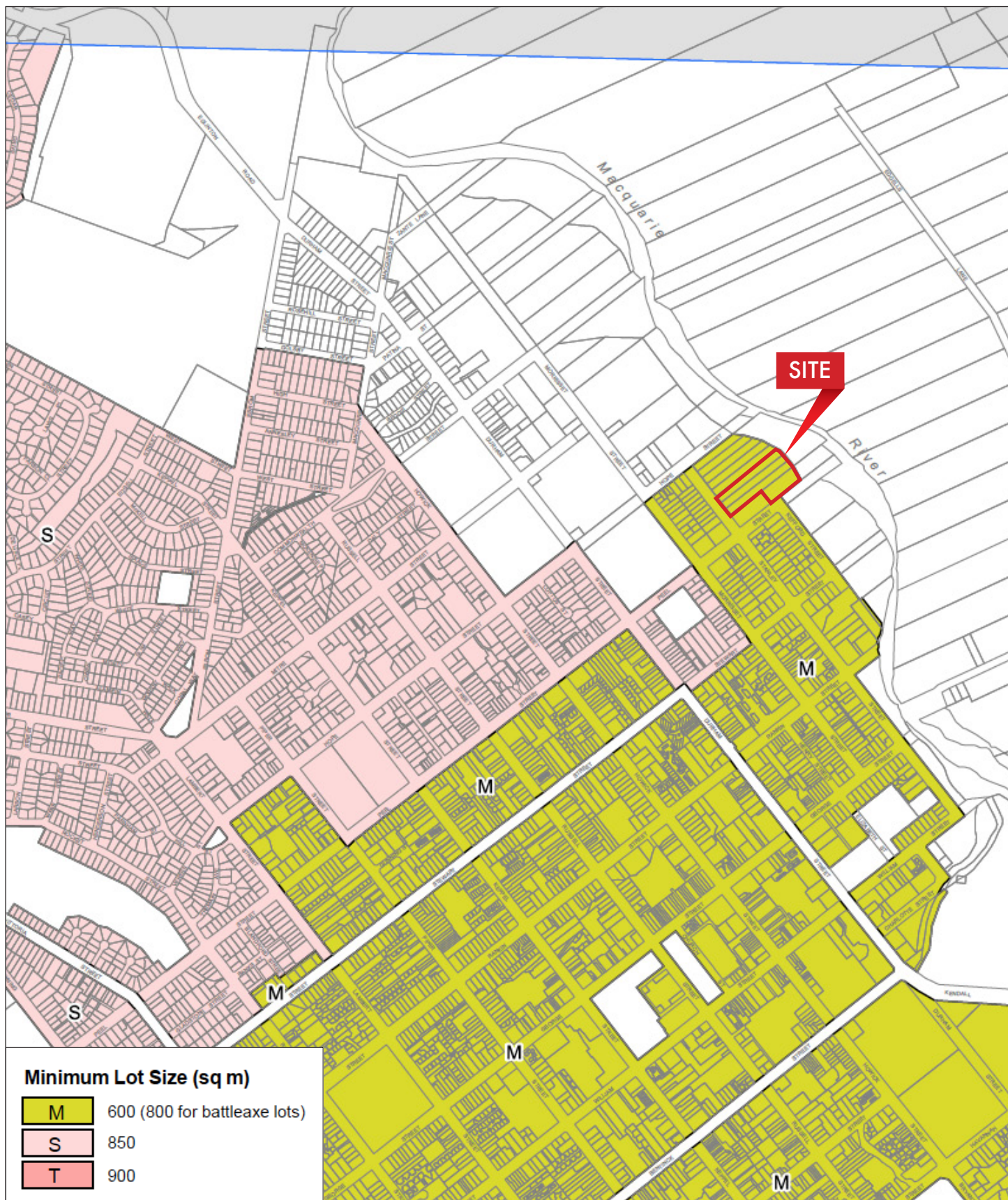


**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 4C**  
Minimum Lot Size Map - Bathurst LEP 2014

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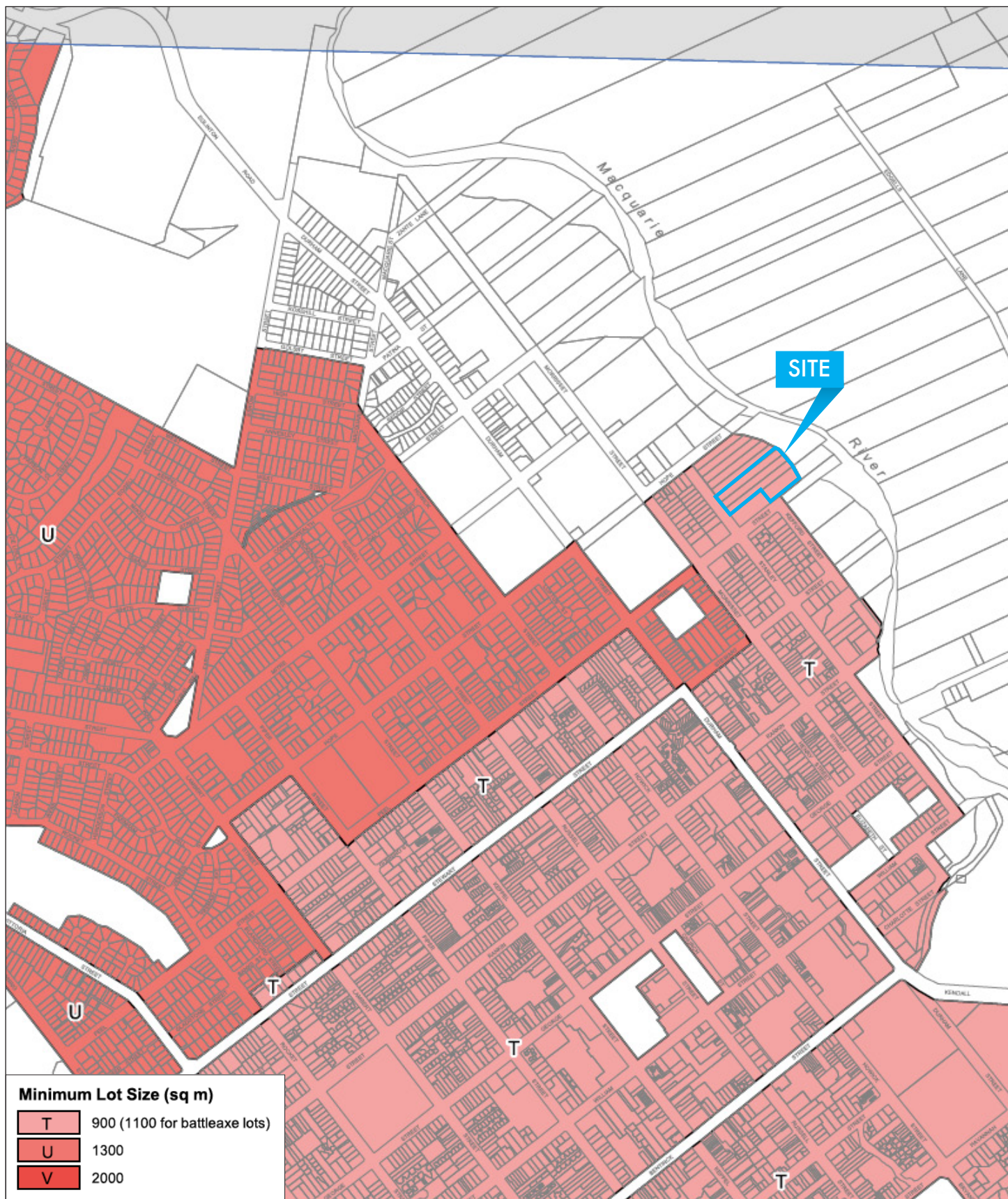


**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 4D**  
Minimum Lot Size (Dual Occupancy) Map - Bathurst LEP 2014

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**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 4E**  
Minimum Lot Size (Multi Dwelling Housing and Residential Flat Buildings) Map - Bathurst LEP 2014

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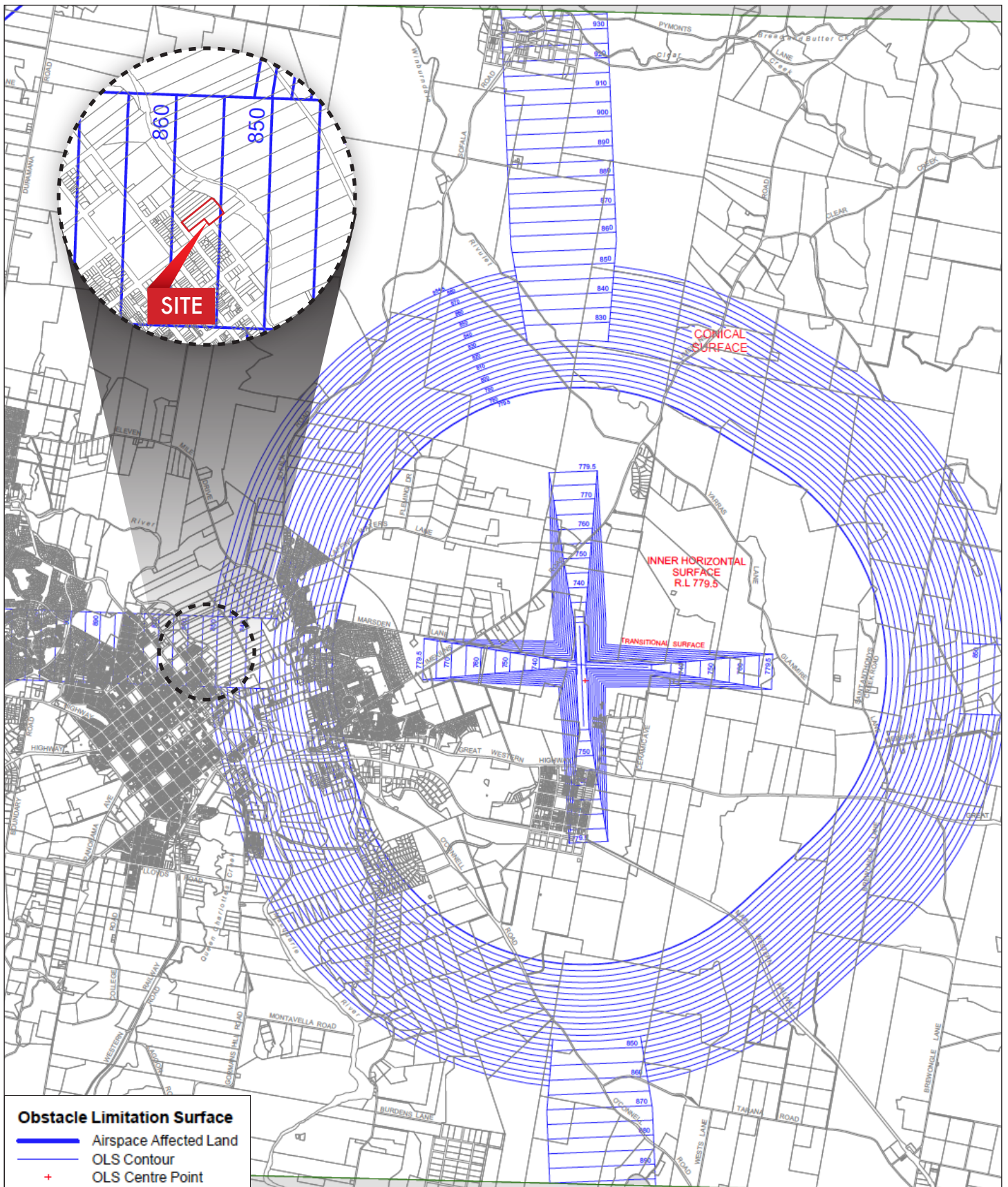


**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 4F**  
Flood Planning Map - Bathurst LEP 2014

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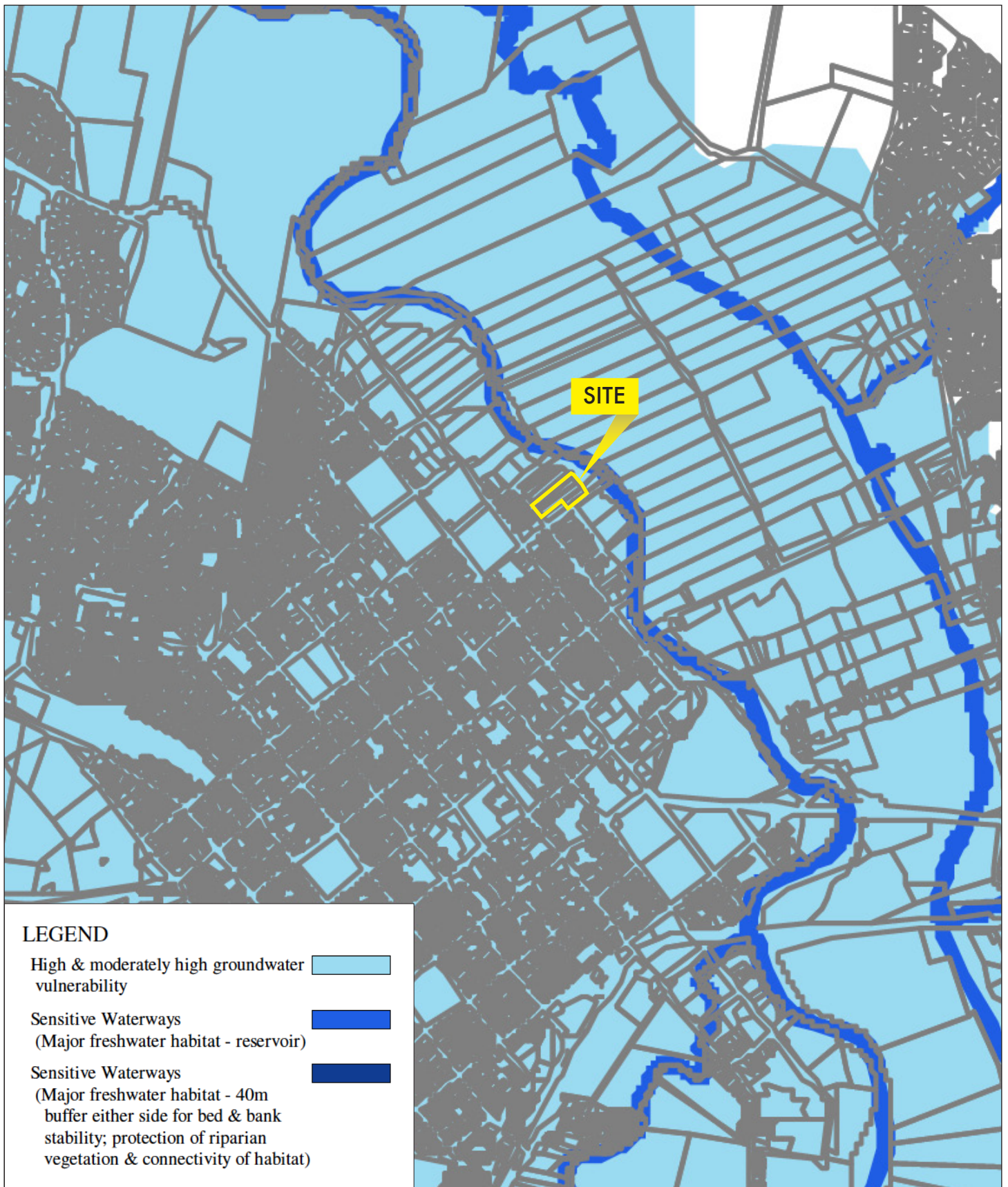


**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 4G**  
Obstacle Limitation Surface Map - Bathurst LEP 2014

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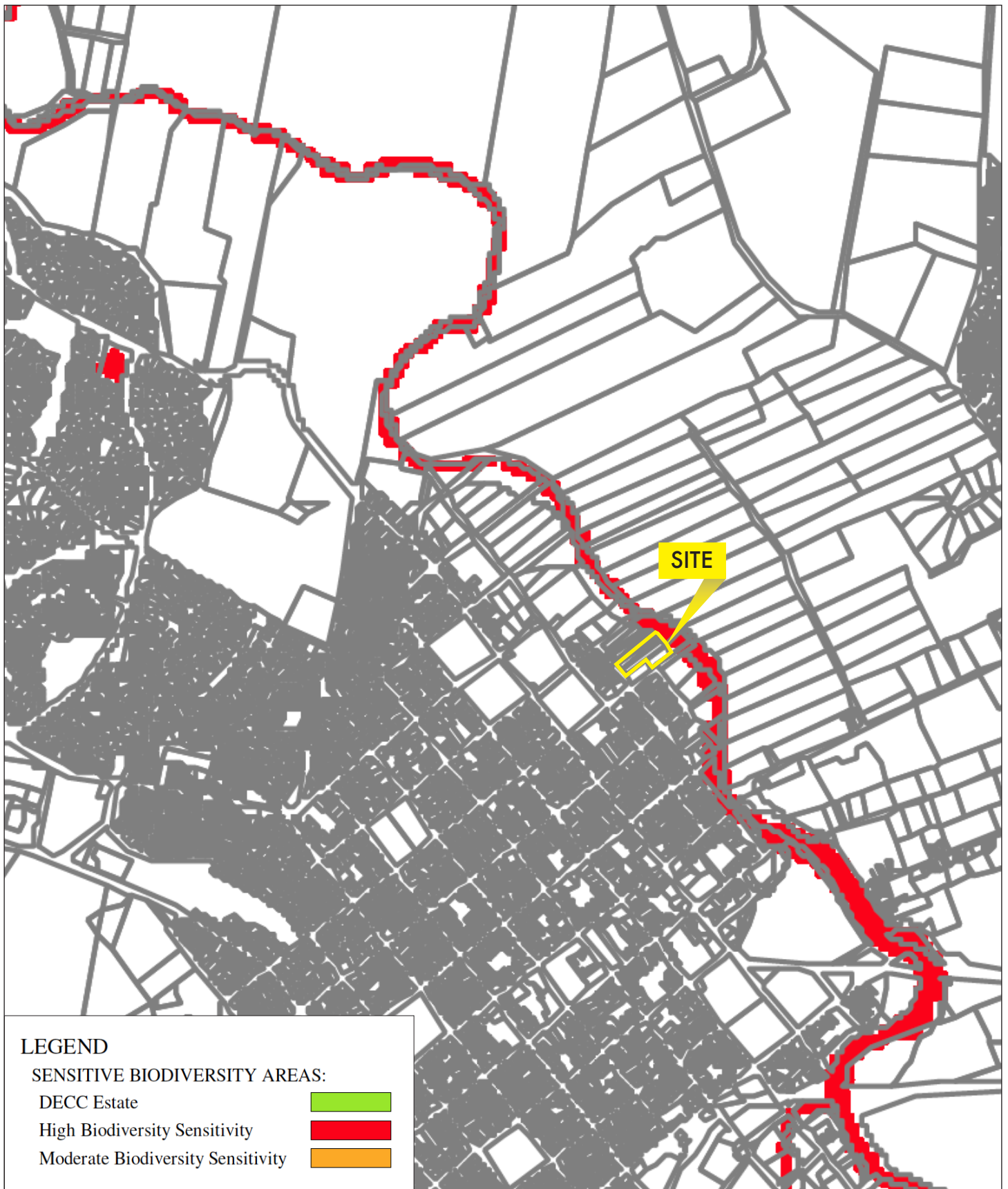


**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 5A**  
Riparian Lands and Waterways Map - Bathurst DCP 2014

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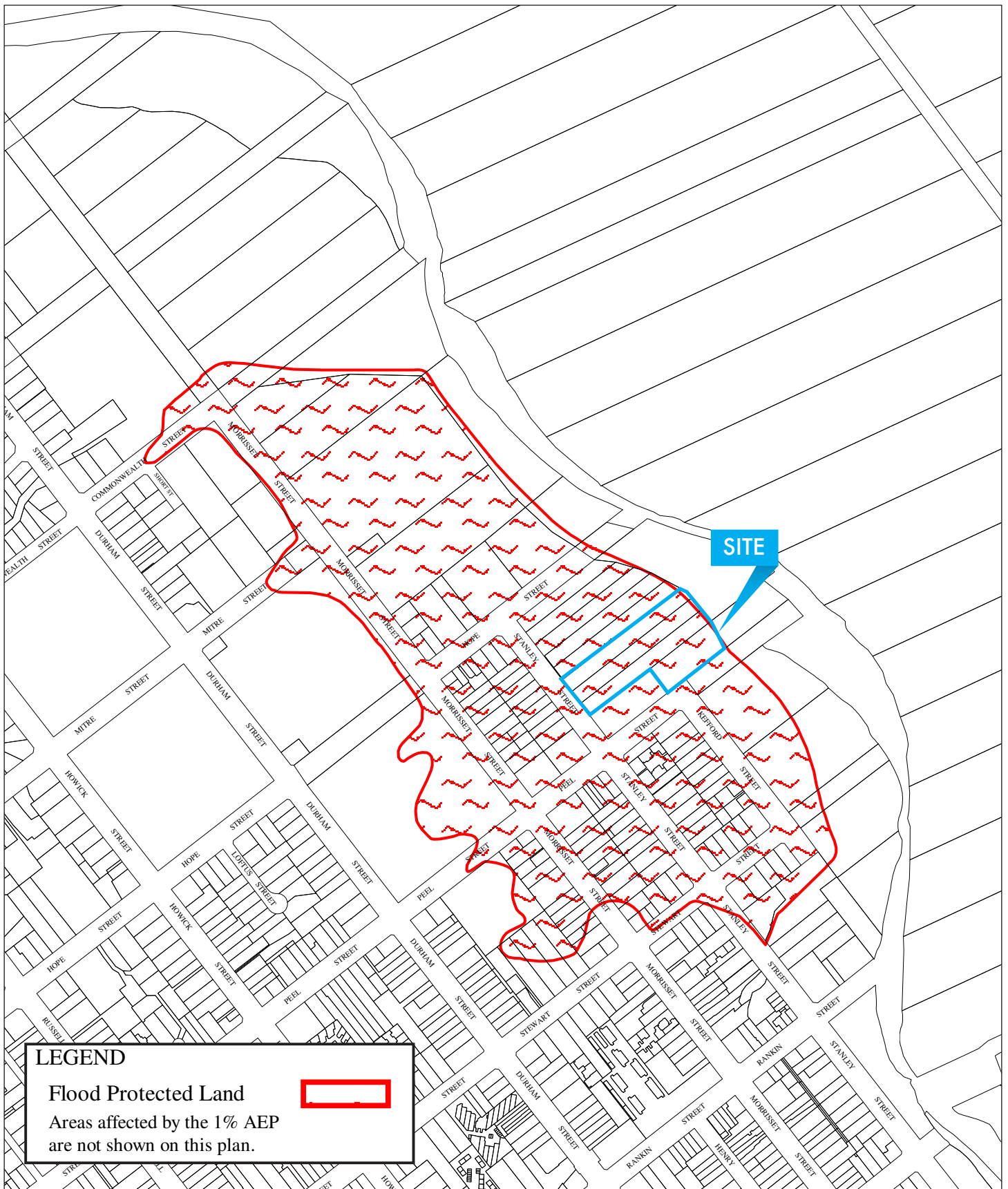




**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 5B**  
Biodiversity Map - Bathurst DCP 2014

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**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Stanley Street, Bathurst

**FIGURE 5C**  
Morrisset Street Area Map - Bathurst DCP 2014

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