

9.2.7 PLANNING PROPOSAL – BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT – HERITAGE CONSERVATION AREA REVIEW

File No: 20.00346

RECOMMENDATION:

That Council:

- a) adopt the Bathurst Regional Local Environmental Plan amendment to implement the recommendations of the Bathurst Heritage Conservation Area Review as outlined in this report;
- b) adopt the Bathurst Regional Development Control Plan 2014 amendment as outlined in this report;
- c) forward the Bathurst Regional Local Environmental Plan – Heritage Conservation Area Review Planning Proposal to the NSW Department of Planning, Industry and Environment for gazettal;
- d) notify those who lodged a submission of Council's decision; and
- e) call a division.

Report:

Council prepared the Heritage Conservation Area Review in 2018 in response to the Bathurst 2036 Housing Strategy. The Heritage Conservation Area Review was a fundamental investigation to review and consider the fringes of the existing Heritage Conservation Area boundaries and to provide further information on areas previously considered to have limited significance to the history of Bathurst.

Council, at its meeting held 18 September 2019, resolved to prepare a Planning Proposal to implement the recommendations of the of Heritage Conservation Area Review 2018.

The Bathurst Region Heritage Plan (2021 – 2025) includes actions in relation to protecting the region's heritage:

Action 2.1.3- Develop local character statements for the region's heritage conservation areas and for special precincts within each Heritage Conservation Area (HCA), giving regard to:

- The importance of each locality.
- Maintaining the integrity of heritage places, streetscapes and vistas.
- Promoting good design and infill development.
- Integrating new growth within heritage conservation areas

Action 2.2.1 - Undertake regular review of the Local Environmental Plan in relation to listed heritage items and heritage conservation areas and heritage provisions to manage, protect and enhance our heritage buildings, streetscapes, vistas, natural environments and objects.

Action 2.2.2 - Undertake regular reviews of the development control plan in relation to heritage management and urban design provisions.

Action 2.2.3 - Implement the recommendations of Council's studies, into Council's heritage and urban design planning controls

Action 2.4.1 - Continue to research and record information in relation to the Bathurst Region Heritage assets and update the State Heritage Inventory database.

To implement the recommendations of the Heritage Conservation Area Review 2018 and to support the actions of the Bathurst Region Heritage Plan, Council resolved, at its meeting held 18 September 2019, to prepare a Planning Proposal to update Schedule 5 - Environmental Heritage of Bathurst Regional Local Environmental Plan (LEP) 2014 to:

1. Amend the Bathurst and West Bathurst Heritage Conservation Areas as recommended by the Bathurst Heritage Conservation Area Review 2018 to:
 - Expand the Bathurst Heritage Conservation Area to protect lands across the road along the current boundaries of the existing Heritage Conservation Area.
 - Include the existing West Bathurst Heritage Conservation area into an expanded Bathurst Heritage Conservation Area and expansion of this area to include the Duration Cottages, Munitions Cottages and other Mid-Century buildings.
2. List the following properties as heritage items on the Bathurst Regional Local Environmental Plan 2014:

▪ 52 - 60 Havannah Street, Bathurst	(proposed new heritage item no. 356)
▪ 23 Hope Street, Bathurst	(proposed new heritage item no. 357)
▪ 29 Hope Street, Bathurst	(proposed new heritage item no. 358)
▪ Former Gasworks site, Bathurst	(proposed new heritage item no. 359)
▪ 12 Gormans Hill Road, Gormans Hill	(proposed new heritage item no. 360)
▪ 7-17 West St, West Bathurst	(proposed new heritage item no. 361)
▪ 69 Stanley Street, Bathurst	(not to be listed, see below)
▪ 16 West Street, West Bathurst	(not to be listed, see below)
3. Amend the Height of Buildings Map for the areas known as the Duration Cottages and the Munitions Cottages from 9 metres to 7 metres. The objective of changing the Height of Buildings Map is to maintain single storey dwellings within these two areas as these areas are already typically single storey dwellings.

The explanation document outlining the Planning Proposal is provided at **attachment 1**.

The Planning Proposal was exhibited for 28 days from 16 August 2021 to 13 September 2021.

All property owners, relevant interest groups and agencies were notified of the Planning Proposal. As a result of the public exhibition period, 7 submissions were received. A copy of each of the submissions is provided at **attachment 2**.

The following matters were raised during public exhibition.

On the advice received from Heritage NSW, it is proposed to amend the listing of the former Gasworks Site to change its heritage significance within Schedule 5 from state to local. Whilst the draft Conservation Management Plan for the site indicated that it is of state significance, it is not listed on the State Heritage Register. Should a state listing be considered in the future Schedule 5 can be updated accordingly.

Crown Lands were notified of the Planning Proposal as owners of the former Gasworks site. Crown Lands acknowledged the sites heritage significance but noted concerns that listing might impact on:

- investigations or remediation works required to manage land contamination; or
- works to manage risk to public safety.

Council also notified the tenant of the of the former Gasworks site (Jemena) and no response was received.

Heritage listing of the property will not necessarily prevent remediation works from being undertaken at the former Gasworks site. Rather the listing would require an application for remediation works to consider heritage impact and how heritage impact can be minimised. Additionally, any demolition works now or after heritage listing would require approval which, after listing, would require heritage impact to be a consideration but that would not necessarily prevent demolition or removal of fabric from occurring depending upon how heritage impact might be mitigated (e.g. through interpretation).

It was requested by the property owners of 69 Stanley Street, Bathurst and 16 West Street, West Bathurst to not be listed as heritage items. 16 West St will remain in the new extended heritage conservation area. As these properties are neither rare or representative an amendment to the Planning Proposal is to be made to delete these properties as items of local heritage significance at this time. Council could reconsider listing them in the future.

A summary of the submissions received and a recommended response to each submission is provided at **attachment 3**.

A submission hearing was not held due to COVID 19 restrictions. In accordance with Council's resolution the submissions were provided to Councillors by memorandum on 23 September 2021 to enable sufficient time for their consideration prior to the matter being referred to Council. The majority of feedback received during the exhibition process was positive. As a result of the public exhibition process it is recommended that the Planning Proposal proceed with minor changes.

A copy of the final Planning Proposal recommended for adoption by Council is provided at **attachment 4**. The final Planning Proposal recommends:

1. Amending the Bathurst and West Bathurst Heritage Conservation Areas as recommended by the Bathurst Heritage Conservation Area Review 2018.
2. The listing of 6 new heritage items (14 properties in total).
3. Amending the Height of Buildings Map for the areas known as the Duration Cottages and the Munitions Cottages from 9 metres to 7 metres.

At the request of the property owners of 69 Stanley Street, Bathurst and 16 West Street, West Bathurst it is no longer proposed to proceed with the heritage listing of these two

properties at this time. 16 West Street will remain in the new extended heritage conservation area.

The Planning Proposal is supported by an amendment to the Bathurst Regional Development Control Plan 2014 to include urban design provisions for the Mid – Century Precincts identified in the DCP Map. The DCP amendment was exhibited in conjunction with the Planning Proposal and no submissions were received in relation to the provisions proposed. It is therefore recommended that Council adopt the DCP amendment unchanged from the exhibited version. The DCP provisions as exhibited are provided at **attachment 5**.

CONCLUSION:

The Planning Proposal is consistent with the actions in Council's Heritage Plan and the adopted Heritage Conservation Area review. The Planning Proposal and associated DCP amendment were exhibited for 28 days. Minor amendments to the Planning Proposal are proposed to exclude the specific heritage listing of 69 Stanley Street and 16 West Street and to alter the significance of the Gasworks listing from state to local. It is recommended that Council adopt the amendment to the Local Environmental Plan and associated Development Control Plan amendment as outlined in this report.

FINANCIAL IMPLICATIONS:

The Heritage Conservation Area review and Planning Proposal were completed within existing budgets.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

- Strategy 1.2 Protect, enhance and promote the region's European heritage assets and character.
- Strategy 1.5 Promote good design in the built environment.

Objective 4: Enabling sustainable growth.

- Strategy 4.6 Plan for, assess and regulate development activity.

COMMUNITY ENGAGEMENT:

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

ATTACHMENTS:

1. Explanation HCA Review 2 [9.2.7.1 - 6 pages]
2. Final Submissions [9.2.7.2 - 24 pages]
3. Public Exhibition Submission Summary [9.2.7.3 - 2 pages]
4. Planning Proposal [9.2.7.4 - 164 pages]
5. DCP Provisions & Map [9.2.7.5 - 6 pages]

MINUTE

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MOVED: Cr G Hanger SECONDED: Cr J Jennings

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- e) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr I North, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse , Cr W Aubin and Cr J Rudge

Against the Motion - Nil

Absent - Nil

Abstain - Nil

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Against the Motion - Nil

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