



IRF21/4899

Gateway determination report – PP- 2021-6620

Bathurst Regional LEP 2014 –inserting a new site specific clause to increase the maximum FSR and the maximum building height at 250 Howick Street and George Street, Bathurst to facilitate a new health services facility and a multi storey car park.

May 22



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal Report prepared by Keylan Consulting dated 21 March 2022
Bathurst Regional Council Recommendation dated 20 October 2021
Site Survey prepared by Zauner Construction dated June 2021
Appendix 1 - Indicative Architectural Plans prepared by Leffler Simes Architects dated February 2022
Appendix 2 - Design Report prepared by Leffler Simes Architects dated February 2022
Appendix 3 - Traffic Impact Assessment prepared by Spotto Consulting dated January 2022

Appendix 4 - Heritage Impact Statement prepared by Deborah Kemp dated February 2022

Appendix 5 - Economic Impact Assessment prepared by Location IQ dated 25 January 2022

Appendix 6 - Preliminary Contamination Report prepared by Envirowest Consulting dated June 2021

Appendix 7 – Consultation with Bathurst Regional Council

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bathurst Regional Council
PPA	Bathurst Regional Council
NAME	Bathurst health services facility and multistorey carpark, 250 Howick Street and George Street, Bathurst. Insert a new site specific clause to increase the maximum FSR and the maximum building height
NUMBER	PP-2021-6620
LEP TO BE AMENDED	Bathurst Regional LEP 2014 (LEP)
ADDRESS	250 Howick Street and George Street, Bathurst
DESCRIPTION	Lot 2 in DP568837, Lot 71 in DP579908, Lots A and B in DP163425, Lot 20 in DP549764, Lot 17 in DP584625 and Lot 11 in DP1160748
RECEIVED	28/03/2022
FILE NO.	IRF21/ 4899
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (on page 33) contains objectives and intended outcomes that adequately explain the intent of the proposal. The proposal seeks to enable the redevelopment of land at 250 Howick Street and George Street, Bathurst (the site) for the purposes of a new health services facility and a multi storey car park. This is proposed to be achieved by inserting a new site specific clause under the Bathurst Regional LEP 2014 (LEP) that sets out:

- A new increased density (maximum FSR and building height controls) for the site when redeveloped for the purposes of a health services facility and a car park; and
- Clear design excellence requirements that are to be met by any future development proposal for the site.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal (page 34) contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The proposal recommends a new site specific clause under Part 7 of the LEP that sets out the new increased density (outlined in **Table 3**) when the site is redeveloped for the purposes of a new health services facility and multi storey car park and the design excellence requirements are met.

Table 3 Current and proposed controls

Control	Current	Proposed	Change
Zone	B3 Commercial Core	B3 Commercial Core	No change
Maximum height of the building	12m	29m for a health services facility 21m for a car park	Current 12 m +17m for a health services facility Current 12 m +9m for a car park
Floor space ratio	2:1	2.6:1 for a health services facility 2:1 for a car park	Current 2.0:1 +0.6:1 for a health services facility No change for a car park
Design excellence	Nil	New development for the purposes of a health services facility and multi storey car park will need to exhibit design excellence	New design excellence requirements

Design excellence

A new local clause is proposed for future development of the site with the intent to address the following:-

- building design and siting including bulk, massing, modulation, setbacks and materials
- visual impacts and impacts on views
- heritage and streetscape
- environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- pedestrian, cycle, vehicular and service access, circulation and requirements
- relationship to the public domain
- landscaping

The Department supports the intent of the proposed clause that will be subject to final drafting by Parliamentary Counsel.

1.4 Site description and surrounding area

The planning proposal relates to Lot 2 DP568837, Lot 71 DP579908, Lots A and B DP163425, Lot 20 DP549764, Lot 17 DP584625 and Lot 11 DP1160748, collectively known as 250 Howick Street and George Street, Bathurst.

The site is located within the Bathurst Central Business District area, has a total area of 1.55ha and is irregular in shape.

The site is zoned B3 Commercial Core and contains an at grade Council car park (western portion of the site) known as the George Street car park (GSC) and a single storey commercial building, formerly occupied by a car dealership known as the Clancy Motor Group (eastern portion of the site). The former car dealership building fronts Howick Street (to the east) and Gallipoli Road (to the west) and the Council car park is located to the rear (west) of the car dealership.

The proposed uses as health services facility, educational facilities and car park in zone B3 are permissible with consent.

The site has frontage to Howick Street to the east. Further east, across Howick Street is a mix of industrial, commercial/retail uses and some residential dwelling. North of the site is the Bathurst RSL, Cityfit Fitness Club and a commercial office building fronting Rankin Street and some residential dwellings (that front Howick Street). To the west and south is a row of commercial shops which front Russell Street and George Street respectively.

The Bathurst Base Hospital is located 1.2km north of the site and the Bathurst Private Hospital and St Vincents Private Hospital is situated approximately 2.5km south of the site.

The location of the site comprising the GSC and the future health services facility site (referred to as the Bathurst Integrated Medical Centre or BIMC) and its surrounding context is shown in **Figure 1**.

The Department notes that the exact boundary of the subject site is unclear from the documentation submitted for the planning proposal. Clarification is sought on whether the northern end of Gallipoli Road is included in the site boundary as a condition of Gateway Determination.



Figure 1 Site context (source: Council's planning proposal report)

1.5 Mapping

The planning proposal states that it does not seek to amend any existing mapping under the LEP noting that proposed amendments (new FSR and building height) will be introduced by way of a new clause under the LEP.

The Department notes Council's preference to outline the proposed amendments in words. Notwithstanding, the Department considers that it may be necessary to identify the extent of the land (i.e. area of the site) subject to the new clause is mapped and identified on a map. The Department recommends that Council outline the extent of the site on the respective FSR and Building Height Maps (refer to **Figures 2 and 3**). References to the new clause is to be added to the legends of these maps. The final mechanism to achieve the intended outcome will be determined in consultation with Parliamentary Counsel.



Bathurst Regional Local Environmental Plan 2014

Floor Space Ratio Map - Sheet FSR_011B

Maximum Floor Space Ratio (n:1)

N	1	Refer to Clause 7.XX
T	2	

Cadastral

Base data 23/04/1997 © Land and Property Information (LPI)
Addendum data 16/07/2013 © Bathurst Regional Council

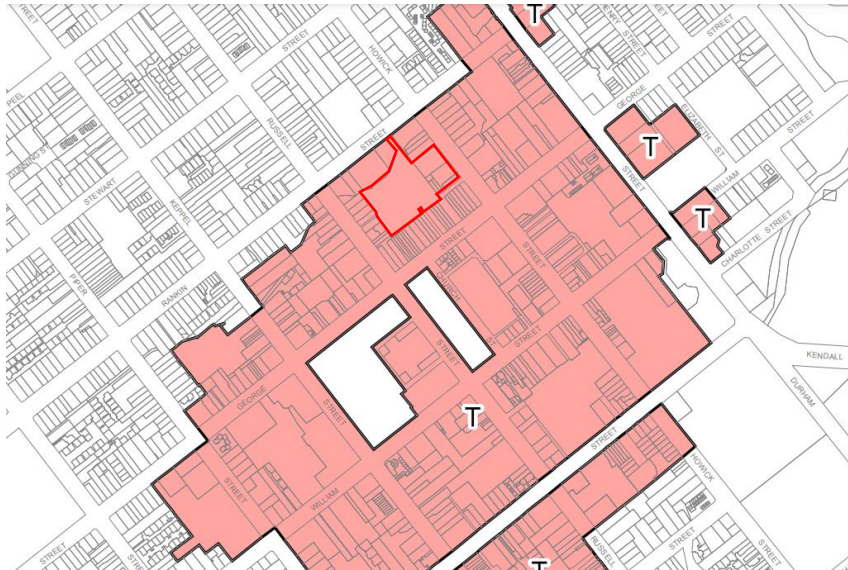


Figure 2 Amendments to the FSR Map (source: base map, LEP, FSR_011B)



Bathurst Regional Local Environmental Plan 2014

Height of Buildings Map - Sheet HOB_011B

Maximum Building Height (m)

E	6	Refer to Clause 7.XX
G	7	
J	9	
M	12	

Cadastral

Base data 23/04/1997 © Land and Property Information (LPI)
Addendum data 18/12/2020 © Bathurst Regional Council

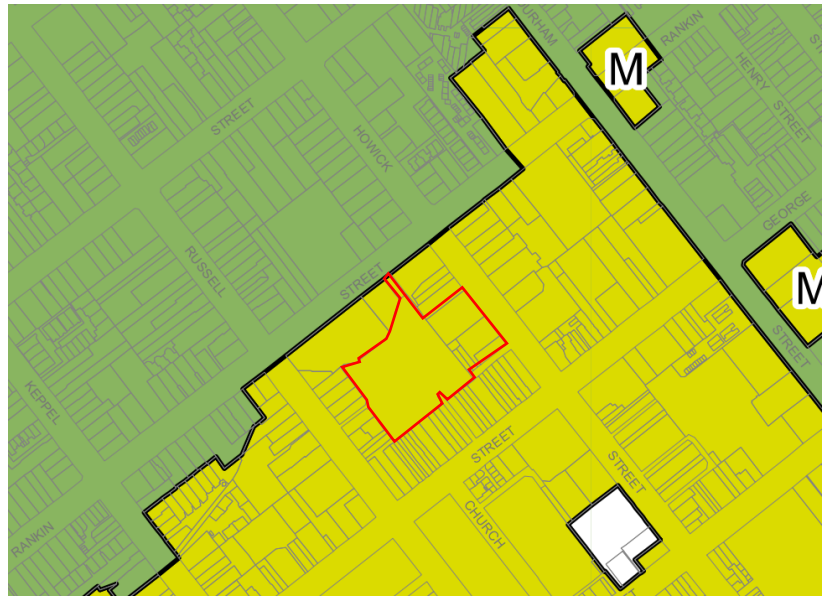


Figure 3 Amendments to the Building Height Map (source: base map, LEP, HOB_011B)

2 Indicative scheme

The planning proposal is accompanied by an indicative scheme prepared by Leffler Architects. The scheme proposes a six storey (28m) health care facility with a floorplate of approximately 1500m² – 1800m² and a four storey (17m) car park for 915 car spaces.

The proposed GSC HOB of 21m will allow for future expansion of the GSC.

The health care facility scheme has a total GFA of 9,634m² which equates to an FSR of approximately 2.4:1 (based on a site area of 4,055m²).

The indicative BIMC scheme also includes some additional at grade parking as well as a public plaza area near the main building entrance at ground level.

The BIMC scheme and elevational views of the indicative BIMC and GSC scheme are shown at **Figures 4 to 6**.

It is to be clearly noted that this planning proposal does not approve the design of the proposed development and it will be subject to a detailed development application. The planning proposal facilitates the proposed development in terms of the FSR, HOB and design considerations.



Figure 4 View of the indicative scheme from Howick Street (source: planning proposal package)



Figure 5 Elevational view (west elevation) of the indicative scheme (source: planning proposal package)



Figure 6 Elevational view (east elevation) of the indicative scheme (source: planning proposal package)

3 Need for the planning proposal

The planning proposal (on pages 35 to 37) adequately addresses the need for a planning proposal.

The planning proposal submits that there is an increasing demand for medical care and other health services in Bathurst, due to a growing resident population in Bathurst as well as increasing demand from smaller neighbouring towns and villages. Further, the Economic Impact Assessment prepared by Location IQ (Appendix 5 of the planning proposal package) identified an anticipated increase in the cohort of Bathurst residents aged 60 years and over that will need access to health care and specialised aged care services. The proposal also notes a significant shortage in off-street car parking spaces in Bathurst CBD which has started affecting businesses and essential services in the town centre.

The Department notes that proposed amendment will enable the delivery of a health care facility and a car park that will address current and future demand for health care services, including specialised health care services for local Bathurst residents and the wider region. The planning proposal will also enable the delivery of a multi storey car park and address shortage for off-street car parking in Bathurst CBD. The proposal will provide a secure, multi-storey car park (adjacent to the proposed BIMC) for hospital staff, visitors and the public that is centrally located within Bathurst CBD.

The Department notes that the current density controls (FSR and height) that apply to the site do not lend themselves to the development of an integrated medical facility or a multi storey car park as proposed. A planning proposal is required to feasibly redevelop the site for the submitted purposes.

4 Strategic assessment

4.1 Regional Plan

The planning proposal has undertaken an assessment against the Central West and Orana Regional Plan 2036 (the 2036 plan) on pages 18-19. The draft Central West and Orana Regional Plan 2041 (draft 2041 plan) was on exhibition from 22 November 2021 and 18 February 2022. Submissions received during exhibition are currently being considered.

The following table provides an assessment of the planning proposal against relevant aspects of the 2036 plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 5: Improve access to health and aged care services	The proposal is in keeping with this direction as it seeks to deliver a new integrated medical facility within Bathurst CBD, improving access to health care services for residents of Bathurst, neighbouring regional towns and the broader central west region. The proposal will strengthen the health offering at Bathurst by co-locating a number of new specialty allied health services in proximity to the existing health services offered at Bathurst Base Hospital, Bathurst Private Hospital and St Vincent's Private Hospital.

Direction 12: Plan for greater land use compatibility	The proposal is in keeping with the objectives of the B3 Commercial land use zone and will provide land uses suitable to serve the needs of the local and wider community. The proposed health care facility is also highly compatible and complementary to the commercial, retail, residential and health services use in Bathurst CBD. The proposed multi storey car park will address the current shortage of off-street car parking in Bathurst CBD and improve access for patrons and visitors of various businesses and services in the Bathurst CBD.
Direction 22: Manage growth and change in regional cities and strategic and local centres	The Department notes that Bathurst is identified as a strategic centre under the 2036 plan. The proposal will deliver additional health services and public parking in the CBD in line with anticipated population growth and increase in the cohort of aged residents in Bathurst.
Direction 23: Build the resilience of towns and villages	The proposal will deliver essential health care services and public parking, ensuring that Bathurst CBD is resilient to changing demographic and increase demand for health services as its population grows and changes.

4.2 Local

The planning proposal (pages 34-36) demonstrates the proposal's consistency with relevant local strategies. It is also consistent with the strategic direction and objectives of the Bathurst Local Strategic Planning Statement 2040 (LSPS), as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Bathurst LSPS 2040	<p>The LSPS identifies a need for more specialist health services in Bathurst including aged care health services as the cohort of older residents (aged 60 and over) is set to proportionally increase by 34.6% of the total population. Planning Priority 19 of the LSPS also advocates for adequate social and community infrastructure. Improving transport and access to essential services, including hospitals in Bathurst CBD is also identified as a priority for both the community and Council.</p> <p>The Department finds that the proposal is directly in keeping with the vision, priorities and actions of the Bathurst LSPS 2040. For local residents and the wider community, the proposed multistorey car park will increase access to existing and new health care services as well as other essential services in Bathurst CBD. The proposal is also in keeping with the regional significance of Bathurst as a strategic centre in the Central West Region. The new health care facility will provide opportunities for more diversified, specialist health care services in Bathurst.</p>

Draft Bathurst
Town Centre
Masterplan
(BTCMP)

The draft Bathurst Town Centre Masterplan (BTCMP) identifies key opportunities and constraints for Bathurst CBD and sets out a masterplan to ensure Bathurst town centre continues to grow as a vibrant, mixed use centre.

Some key themes in the masterplan are healthy communities, more public parking in Bathurst CBD and pedestrian friendly streets. The masterplan also identifies opportunities for increased density on certain blocks of the CBD, noting that whilst the entire town centre sits within a heritage conservation area, not all street frontages in the CBD have heritage value. The masterplan notes that the northern end of Howick Street (location of the site) in particular has poor urban character and could benefit from increased density and height to incentivise redevelopment.

The Department considers the proposal directly responds to the Draft Bathurst Town Centre Masterplan. The proposal presents the opportunities to revitalise a centrally located block in Bathurst CBD that has been identified for increased density. The proposal will also improve connectivity and walkability, present opportunities for an improved public domain, provide off-street car parking addressing the CBD car parking shortage, as well as improve access to health care services in Bathurst.

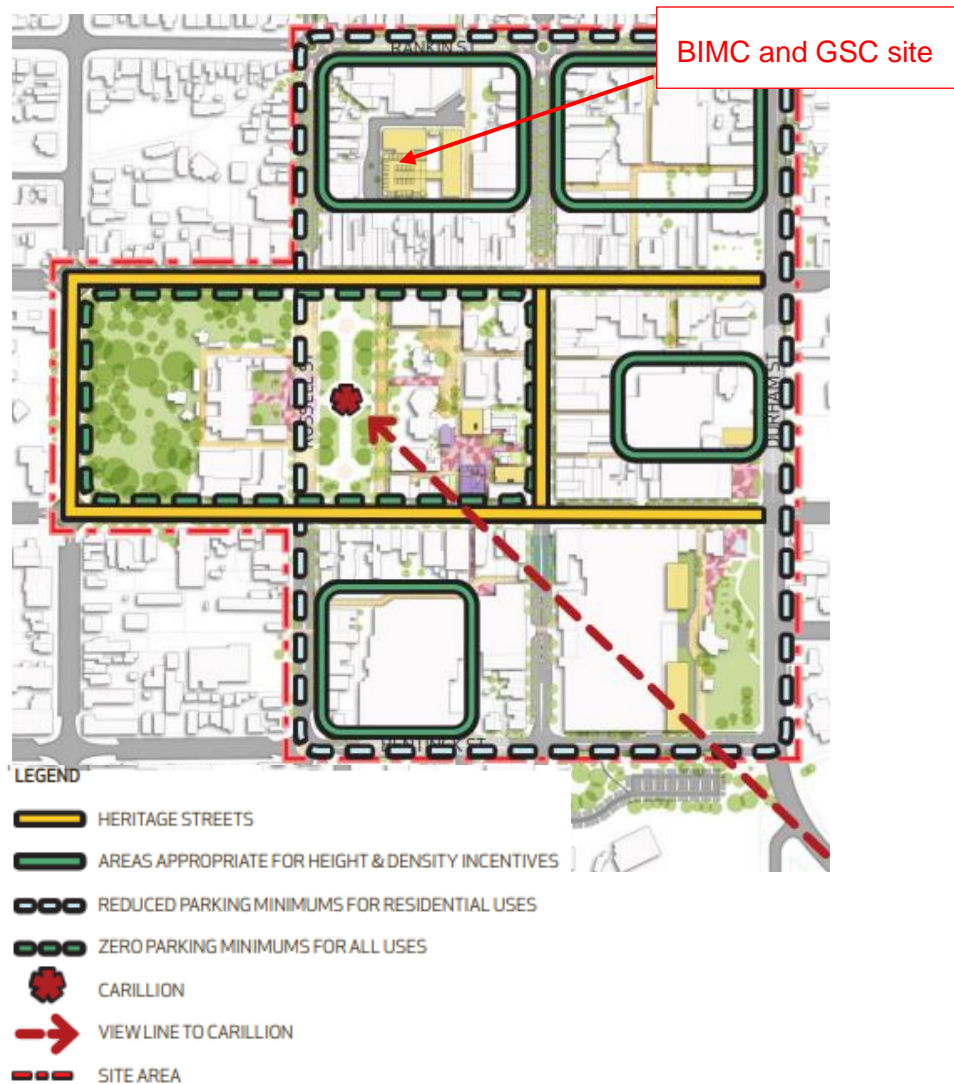


Figure 7 Areas identified for additional density under the BTCMP

4.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 7** below. The Department notes that the planning proposal was prepared prior to the release of the revised Section 9.1 ministerial directions. However, the changes in the revised directions are largely minor and housekeeping related.

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of regional plans	Consistent	The proposal is consistent with this Direction (see discussion in Section 4.1 of this report).
1.3 Approval and referral requirements	Not Applicable	The proposal is consistent with the Direction as it does not introduce any new referrals or consultation requirements
1.4 Site specific provisions	Consistent	<p>The proposed clause does not limit development potential or impose restrictive development standards. Rather, the proposed site specific clause awards additional development potential should the site be developed for the purposes of a health care services facility and a multi storey car park, both permissible land uses under the B3 Commercial Core land use zone. The proposal is therefore consistent with this Direction.</p> <p>Whilst the new clause outlines additional design excellence requirements, the Department considers that these do not restrict or limit the development potential of the site. The design excellence requirements would ensure the site is developed to a high design standard and that any future proposal demonstrates that design excellence can be achieved.</p>
3.2 Heritage conservation	Consistent	<p>The site is not heritage listed and does not contain any heritage listed items, however it forms a part of the Bathurst Heritage Conservation Area (BHCA). The site itself is identified as an intrusive item within the BHCA.</p> <p>The Department also notes the proposal is also in the vicinity of several State Heritage listed items such as the Carillion (200m south of the site), the Bathurst Courthouse (188m south west of the site), the Bathurst Uniting Church and Chapel (400m south west of the site), the street lamps of Machattie Park (300m south of the site). The Department considers that the proposal is consistent with the Direction as there are no changes to LEP heritage considerations. Clause 5.10 Heritage Conservation of the LEP would continue to apply to any future Development</p>

		Application ensuring that heritage items, including State heritage items in vicinity to the site are conserved and protected.
4.1 Flooding	Consistent	The proposal is not identified as flood prone land under the LEP. However, the site is located 600m east of land identified as flood planning area.
4.3 Planning for bushfire protection	Not Applicable	The proposal is not identified as bushfire prone land.
4.4 Remediation of contaminated land	Consistent	<p>This direction applies to the proposal as the site was previously used as a motor vehicle dealership, service station and a workshop which are activities identified, under Table 1 of the Contaminated Land Planning Guidelines, to cause contamination. Further, the proposal relates to the future development of the site for the purposes of a health facility.</p> <p>A preliminary contamination investigation report has been prepared by Envirowest Consulting (Appendix 6) and submitted with this report. The report identified a potential area of hydrocarbon contamination on the site. An oil storage tank also remains in the former workshop area of the site. The preliminary investigation report concludes that the site can be made suitable for the purposes of a health care facility.</p> <p>The Department notes that this proposal does not seek to rezone the site or include any additional land uses on the site that are not already permissible under the current B3 Commercial Core zone. The proposal is therefore consistent with this direction. Further relevant planning controls under SEPP (Resilience and Hazards) 2021 will ensure that adequate contamination investigation is carried out to inform any future Development Application proposal for the site.</p>
4.5 Acid sulfate soils	Not Applicable	The proposal is not mapped as land containing Acid Sulfate Soil.
5.1 Integrating land use and transport	Consistent	<p>The proposal will deliver a new health care facility and a multi storey car park within Bathurst CBD, providing additional health services and jobs in health care and allied services within the city centre. The proposed multistorey car park will improve access to the various existing business, hospitals and essential services provided within Bathurst CBD.</p> <p>The Department therefore finds the proposal to be consistent with this direction.</p>

7.1 Business and industrial zones	Consistent	<p>The proposal will create new jobs and employment within Bathurst CBD, a centre of strategic significance in the region. It will increase employment floorspace, specifically for health care and community related services.</p> <p>The Department considers the proposal to be consistent with this direction.</p>
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4.4 State environmental planning policies (SEPPs)

The planning proposal identifies SEPPs that apply to the proposal and provides an assessment of the proposal's consistency with the SEPP on page 38-40. The Department notes that the planning proposal was prepared prior to the Department carrying out a consolidation of 45 SEPPs into 11 new SEPPs. The Department considers the following consolidated SEPPs relevant to the planning proposal:

- SEPP (Resilience and Hazards) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021; and
- SEPP (Planning Systems) 2021

The Department notes that medical centres with a Capital Investment Value over \$30 million qualify as State Significant Development (SSD) under Schedule 1 of SEPP (Planning Systems) 2021. A future development proposal is likely to be determined as an SSD Application under Part 4 of the EP&A Act 1979.

The planning proposal is also consistent with the objectives within the other SEPPs identified above. The specific controls and provisions in each of the SEPPs are not relevant to determining the strategic or site-specific merit of the planning proposal and may be considered as part of any future development applications for the subject land.

5 Site-specific assessment

5.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Bulk and Scale	<p>The site is identified as having potential for increased height and density under Council's draft BTCMP. The draft BTCMP sets out a methodology to determine suitable increase in density and height controls for eligible sites. The new building height is to be derived by drawing a view line from the eye level height of an average adult (1.6m) standing on any point of a heritage street (George Street, William Street and the southern portion of Howick Street and Keppel Street) to the current LEP height control. The maximum building height is however to be limited by at least a storey (approximately 3m) below the height datum of the State heritage listed Bathurst War Memorial Carillon building (RL 703.48). (Figure 8)</p>

The planning proposal loosely applied the above methodology to derive the building height (29m for the BIMC and 21m for the GSC). The planning proposal considers that the proposed height and density (FSR of 2.6:1 for the BIMC and no change to the FSR for the GSC) are acceptable as the proposed building height remains an entire storey (RL 694) below the height of the Carillion building (RL 703.48) and upper-level setbacks and modulation of the built form at Development Application stage will ensure that any future development proposal is of an appropriate bulk and scale.

The Department accepts that the subject site is centrally located on an underutilised lot and can benefit from some increased density and height as also identified by the draft BTCMP. The Department also notes that if the BTCMP height methodology were strictly applied from south east Howick Street, the development potential of the site would be limited to current planning controls, sterilising redevelopment of the site (**Figure 9**). The Department recognises that the BTCMP allows for some variation to the BTCMP height methodology for development blocks on certain street fronts like the northern end of Howard Street (location of the subject site) provided they respond to the predominant scale of Bathurst streets through significant upper level setbacks. The Department finds that:

- The planning proposal seeks a full building height increase to 29m for the BIMC site. Limited justification is offered on the impact of building envelope that is 29m in height and FSR of 2.6:1. The Department considers that the planning proposal should be assessing bulk and scale impacts for the proposed building envelope that is 29m in height and has an FSR of 2.6:1 from all four streetscapes and demonstrate how the envelope predominantly respond to the scale of Bathurst streets.
- While the indicative scheme includes upper-level setback to address the BTCMP setback requirement, the planning proposal has not given much consideration into how the requirements for upper-level setbacks can be enforced at a Development Application stage. The Department considers that at minimum, upper-level setbacks and consideration of impacts to all four streetscapes (Howick Street, George Street, Russell and Rankin Street) are to be heads of consideration under the new design excellence clause for the site. The final wording of the design excellence clause will be subject to Parliamentary Counsel.
- Further clarification for proposed height increase of the GSC site (being 21m) is also warranted, noting that the indicative GSC scheme submitted with the planning proposal application only reaches a maximum building height of 17m. A condition seeking clarification on the 4m discrepancy in building height is included in the gateway determination.
- Clarification also is to be sought in relation to the maximum FSR for the health care facility. The planning proposal report proposes an overall GFA of 10,300m² (which equates to a FSR of 2.54:1) while the architectural plans propose a GFA of 9,634m² (which equates to an FSR of 2.4:1). The Department requests that the planning proposal clarify the overall GFA of the indicative scheme and provide further clarification on the 0.06:1 to 0.2:1 FSR discrepancy between the indicative scheme and the new maximum FSR control sought by the planning proposal.

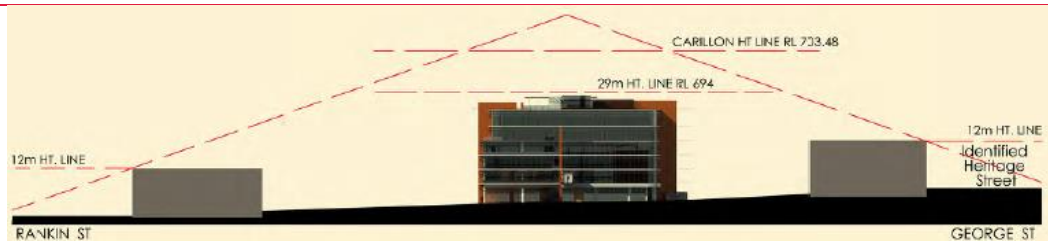


Figure 8 Deriving the maximum building height for the site using the BTCMP methodology

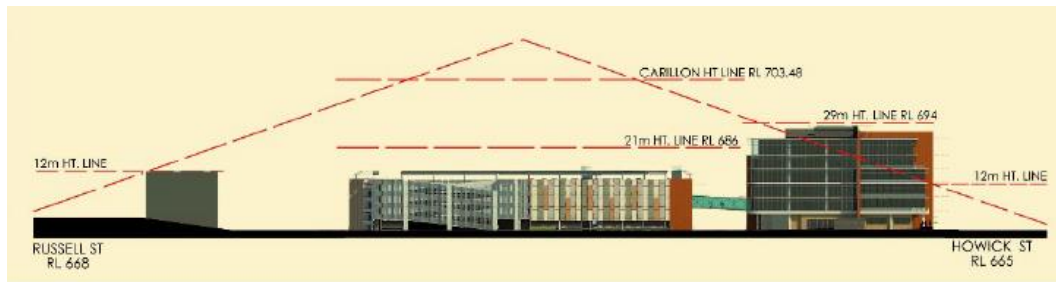


FIGURE 6.3 ANALYSIS NORTH SOUTH SECTION

Figure 9 Deriving the maximum building height for the site using the BTCMP methodology

Heritage impact

The site is not a heritage item and does not contain any heritage listed items. The site is in the vicinity of a number of local and State Heritage listed items. The site also forms a part of the Bathurst Heritage Conservation area, however the site itself is identified as intrusive to the heritage character of the conservation area. The proposal is accompanied by a Heritage Impact Assessment (HIA) which considers the proposal impacts on neighbouring heritage listed items and undertakes a heritage view impact assessment. The HIA concludes that the proposal will have an acceptable impact on the surrounding heritage character as it replaces intrusive built forms with a development that is more sympathetic to the surrounding heritage character of the HCA.

The Department accepts that the overall proposal will likely improve heritage impact by replacing intrusive buildings with a development that can respond to its immediate heritage setting. Notwithstanding this, the Department notes that HIA carries out a full heritage impact assessment against the indicative scheme for which approval is not granted under this planning proposal application. The Department considers that the justification provided in the submitted HIA is more suited for a Development Application proposal when materiality and upper level setbacks are being considered.

The HIA for the planning proposal should undertake a detailed assessment of building envelope impacts (bulk, scale and view impacts) on the surrounding heritage. A condition to update the HIA to undertake an assessment of the heritage impacts of the proposed building envelope is included in the Gateway Determination.

Traffic and parking impact

A Traffic Impact Assessment (TIA) prepared by Spotto Consulting (Appendix 3) is submitted with this planning proposal. The TIA carried out an assessment of potential traffic and parking impacts based on the indicative scheme for a multistorey car park providing 915 car spaces and a health facility with a GFA of approximately 10,300m². The TIA submits that:

- the proposal will not result in adverse traffic impacts. The existing surrounding intersections operate at an excellent Level of Service (LoS) or better. Similarly, midblock LoS on all surrounding roads is satisfactory (LoS C) or better. Further, the

	<p>additional vehicle trips resultant from the development of the BIMC and GSC is not expected to have a detrimental impact to the surrounding road network, including nearby intersections, midblocks, or site access points. The midblocks of Howick Street (west of George Street) and Rankin Street (south of Howick) are expected to have a minor reduction in LoS during afternoon hours.</p> <ul style="list-style-type: none"> the proposal will significantly alleviate the off-street car parking shortage in Bathurst CBD. <p>Based on the information provided, the Department considers that the proposal will have an acceptable traffic impact. It will have an overall positive impact by delivering additional off-street car parking spaces and addressing the current parking shortage in Bathurst CBD. Further, detailed traffic and parking impacts will be considered at the Development Application stage. This includes further design consideration toward pedestrian pathways and traffic movements along the surrounding streets and the site.</p>
Overshadowing impact	<p>The planning proposal is accompanied by an Overshadowing Study (see Design Statement dated February 2022 (Appendix 2)). The study illustrates maximum shadows cast during winter solstice as a result of the proposed increase in building height and FSR. Based on the findings of the study, the planning proposal submits that the overall overshadowing impact is minimal. The proposal will not affect solar access to any residential properties. Most shadows fall on to the roofs of shops and commercial premises to the east (along Russell Street) and south (George Street) of the site (Figures 10 - 12).</p> <p>Based on the information provided:</p> <ul style="list-style-type: none"> The overall overshadowing impact is acceptable, noting that the overshadowing study submitted with the planning proposal illustrates the worst case scenario during winter solstice. The residential properties located to the north of the site along Howick Street remain unaffected by the proposal. A majority of the shadows resulting from the proposal fall on to roads or the roofs of commercial and retail shops along Russell Street and George Street. Overshadowing impact of any future BIMC and GSC proposal will be far less than the maximum impact of a 29m and 12m high building on the site (Figures 7 to 9) owing to some upper-level setbacks and modulation of the built form. In this instance, the shadows cast by the indicative scheme is comparable to shadows that would be cast by a proposal that complies with current building height controls. <p>The Department notes that any future development proposal for the site will also need to demonstrate how overshadowing is being minimised. Overshadowing impact is proposed to be one of the heads of consideration in the new design excellence clause that will apply to the site. As such, overshadowing impacts would be carefully considered at Development Application stage to ensure they are minimal.</p> <p>The Department however notes that the shadow diagrams submitted with the Design Statement differ from the shadow diagrams submitted with the Architectural Plans. A recommendation has been included as part of the Gateway Determination to resolve the discrepancy, verify the accuracy of the overshadowing study and clarify accurate overshadowing of a 29m and 21m building envelope for the purposes of this planning proposal application.</p>

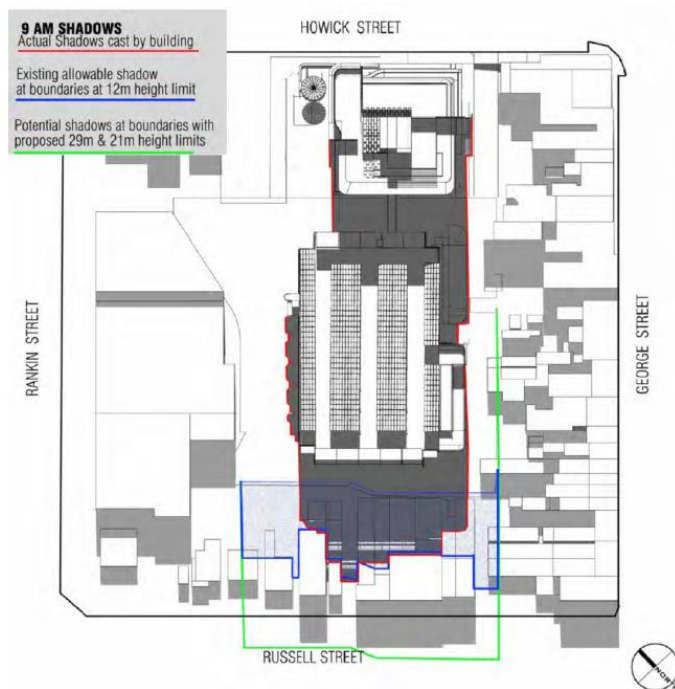


Figure 10 Shadows cast by envelope at 9am during winter solstice

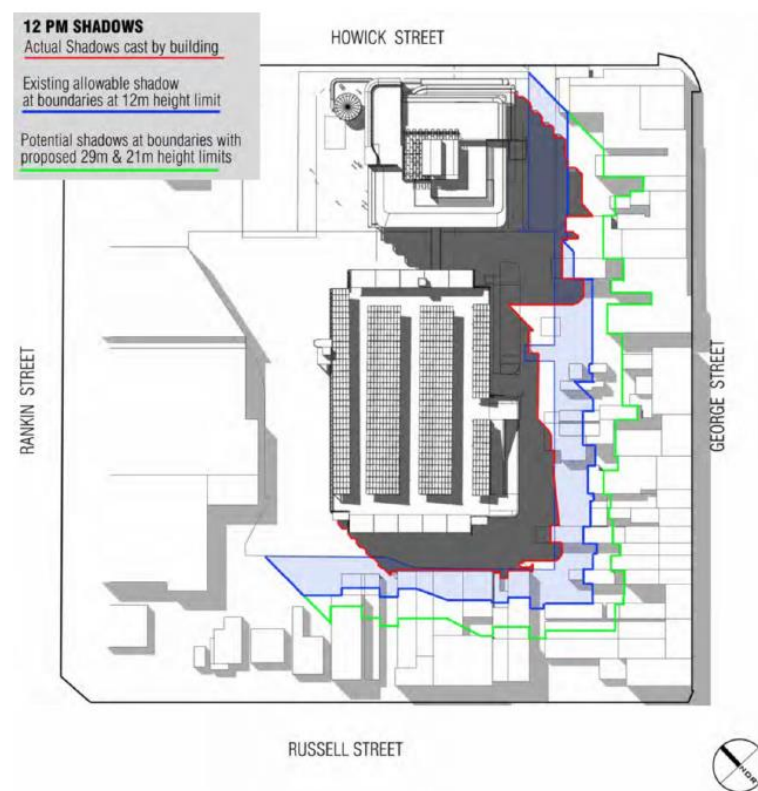


Figure 11 Shadows cast by envelope at 12pm during winter solstice

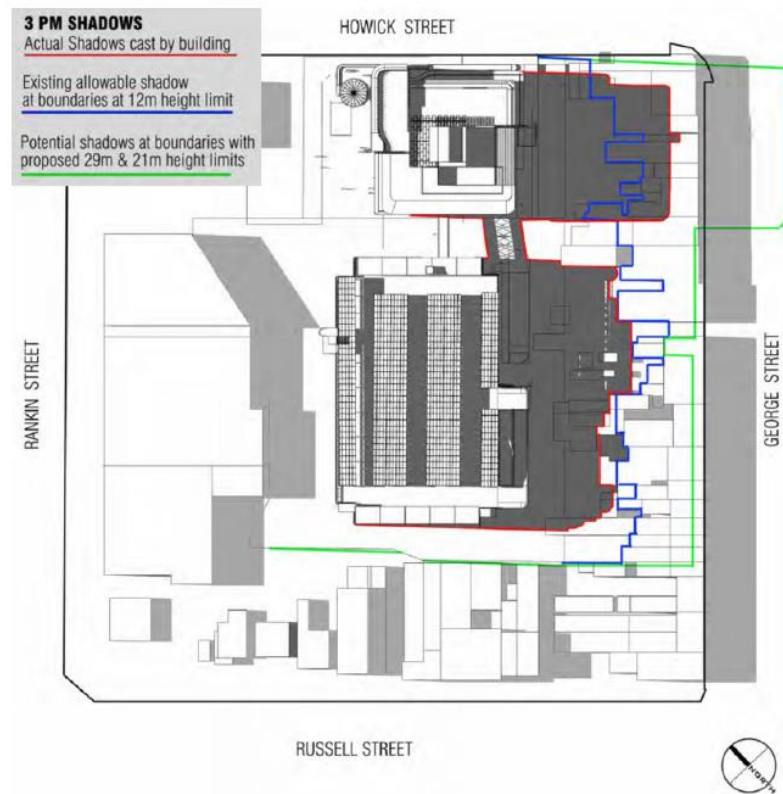


Figure 12 Shadows cast by envelope at 3pm during winter solstice

5.2 Social and economic

The proposal will provide the following positive social and economic benefits:

- create 393 new jobs in the region
- improve access to health care services in Bathurst in line with population growth and, specifically, an increase in residents aged 60 years and over that would need more accessible health care
- increase local offerings of health care services, including specialised health care services for the residents of Bathurst and the wider central west region
- the proposed car park will alleviate parking shortages in Bathurst CBD and support businesses in Bathurst CBD by improving access to their shops and services

5.3 Infrastructure

Page 53 of the planning proposal advises that the site has access and can be serviced by existing urban essential services and utilities infrastructure, albeit that some services may need to be upgraded. The necessary upgrades to existing services and utilities infrastructure can be addressed at the Development Application stage.

6 Consultation

6.1 Community

The Department notes that the proposed scheme for the BIMC and GSC was exhibited by Bathurst Council from 23 August 2021 to 30 September 2021 for early community consultation purposes. A total of 577 submissions were received, of which 422 submission supported the proposal, 60 provided comments and 95 submissions raised concerns to the proposal.

The planning proposal report does not outline a specific period for community consultation following Gateway Determination. Council's recommendation report nominates 28 days of community consultation in keeping with the minimum exhibition timeframes for planning proposals outlined in their Community Participation Plan. Under the Local Environmental Plan Making Guideline December 2021, the planning proposal is categorised as 'standard' which indicates a maximum of 20 working days consultation. The Department considers the proposed 28 day exhibition period proposed is appropriate and forms one of the conditions of the Gateway determination.

6.2 Agencies

The proposal does not specifically raise which agencies will be consulted. The Department recommends that Heritage NSW is consulted, noting the sites proximity to several State Heritage listed items and be offered a minimum of 21 days to provide comment.

7 Timeframe

The planning proposal does not outline a timeline to complete the LEP amendment. All planning proposal reports are required to provide a timeframe for completion in accordance with the Local Plan Making Guidelines. The Department recommends that the planning proposal report be updated to include a timeframe for the planning proposal to be complete. A copy of the updated planning proposal with an indicative timeframe is to be submitted to the Department prior to exhibition of the proposal.

8 Local plan-making authority

The planning proposal notes that Bathurst Regional Council is the land owner the George Street Car Park site.

Given the circumstances, the Department acknowledges that Council should not be the local plan making authority for the planning proposal. As such, the Department as a delegate of the Minister for Planning will be the local plan making authority. This is also consistent with the SSD process.

9 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is set to deliver 396 ongoing new jobs, in addition to jobs during construction which can stimulate economic activity in Bathurst
- The proposal will improve access to health care services, including access to specialised health care services for the residents of Bathurst and surrounding regions
- The proposal will revitalise a centrally located block within Bathurst CBD and enhance the amenity and character of the Bathurst CBD

- The proposal will alleviate car parking shortages in the CBD and improve access to existing services and shops in Bathurst CBD
- The proposal is consistent with relevant local plans, including the Bathurst LSPS and Bathurst Town Centre Masterplan, the regional plan and relevant SEPPs.

The proposal should be updated to prior to community consultation to:

- a) clarify the extent of the site boundary and the site area (i.e. whether the northern end of Gallipoli Road forms a part of the site)
- b) include a timeframe for the LEP amendment to be complete
- c) clarify the bulk and scale impacts of a 29m and 21m high building envelope for the BIMC site and GSC site. Revised visual impact assessment is to be undertaken considering impacts of the full building envelope from all four streetscapes
- d) update the Heritage Impact Assessment to undertake a detailed assessment of the heritage impacts, including heritage view impacts associated with the proposed building envelope
- e) provide additional justification and clarification for a building height increase of 21m for the GSC site noting that the indicative scheme only achieves a building height of 17m
- f) provide additional justification for an FSR 2.6:1 for the health care facility noting that the proposed scheme only requires an FSR of 2.4 (based on a GFA of 9,634m² as shown on the architectural plans)
- g) clarify if the overshadowing diagrams provided in the Design Statement dated February 2022 is accurate and resolve the discrepancy between the overshadowing diagrams provided in the Architectural Plans dated February 2022 and the Design Statement.
- h) The design excellence clause is to include upper level setbacks as a head of consideration under the proposed design excellence clause

10 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the proposal is consistent with the relevant section 9.1 Directions and no further work is required

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
 - a) to clarify the extent of the site boundary and the site area (i.e. whether the northern end of Gallipoli Road forms a part of the site)
 - b) to include a timeframe for the LEP amendment to be complete
 - c) clarify the bulk and scale impacts of a 29m and 21m high building envelope for the BIMC site and GSC site. Revised visual impact assessment is to be undertaken considering impacts of the full building envelope from all four streetscapes
 - d) update the Heritage Impact Assessment to undertake a detailed assessment of the heritage impacts, including heritage view impacts associated with the proposed building envelope
 - e) provide additional justification and clarification for a building height increase of 21m for the GSC site noting that the indicative scheme only achieves a building height of 17m
 - f) provide additional justification for an FSR 2.6:1 for the health care facility noting that the proposed scheme only requires an FSR of 2.4 (based on a GFA of 9,634m² as shown on the architectural plans)

- g) clarify if the overshadowing diagrams provided in the Design Statement is accurate and resolve the discrepancy between the overshadowing diagrams provided in the Architectural Plans, dated February 2022 and the Design Statement dated February 2022
- h) The design excellence clause is to include upper-level setbacks as a head of consideration under the proposed design excellence clause

Council is to seek the approval from the Department of Planning and Environment- Western Region prior to undertaking community consultation.

- 2. The planning proposal should be made available for community consultation for a minimum of 28 days
- 3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
- 4. No public hearing is required
- 5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



(Signature)

23 May 2022

(Date)

Wayne Garnsey

Manager, Western Region

Noted:



(Signature)

23 May 2022

(Date)

Garry Hopkins

Director, Western Region

Local and Regional Planning

Assessment officer

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