

Gateway Determination

Planning proposal (Department Ref: PP_2021_6620): to insert 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

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bathurst Regional Local Environmental Plan (LEP) 2014 to *insert a new site-specific clause to increase the maximum FSR and the maximum building height at 250 Howick Street and George Street, Bathurst* should proceed subject to the following conditions:

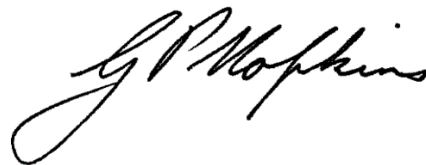
1. Prior to community consultation the planning proposal is to be updated to:
 - (a) clarify the extent of the site boundary and the site area (i.e. whether the northern end of Gallipoli Road forms a part of the site)
 - (b) include a timeframe for the LEP amendment to be complete
 - (c) clarify the 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 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)
 - (f) 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.

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

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with Heritage NSW under section 3.34(2)(d) of the Act. Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
 6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 23rd day of May 2022.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning