

**PLANNING PROPOSAL  
BATHURST INTEGRATED MEDICAL CENTRE  
EXPLANATION DOCUMENT**



**BATHURST  
REGIONAL  
COUNCIL**

## Summary

A Planning Proposal has been submitted by BIMC Pty Ltd to Council which seeks to insert a site-specific planning control (new local provision) into the Bathurst Regional Local Environmental Plan 2014 (LEP 2014). The Planning Proposal relates to the following sites:

- Bathurst Integrated Medical Centre (BIMC) site – Privately owned 252 Howick Street being Lot 2 in DP568837; Lot 71 in DP579908; Lots A and B in DP163425; Lot 20 in DP549764; Lot 17 in DP584625.
- George Street Carpark (GSC) site – Council owned being Lot 11 in DP1160748.

The intention is to facilitate the ability for the sites to be developed into a six-storey Integrated Medical Centre and a four-storey carpark. The current planning controls would not permit the envisaged development. The Planning Proposal seeks to amend the LEP 2014 as follows:

Planning control	Existing development controls	Proposed development controls (BIMC Site)	Proposed development controls (GSC Site)
Height of buildings (HOB)	12m	29m	21m
Floor space ratio (FSR)	2:1	2.6:1	2:1 (no change)

The height and FSR changes will only apply to development for the purposes of an integrated medical centre and associated car parking. Should development for these purposes not proceed then the existing height and FSR controls would continue to apply to the land.

The new local provision will also include urban design heads of consideration which are additional assessment criteria designed to manage the proposed change in height. To be drafted after the public exhibition phase, it is anticipated that the heads of consideration will include such matters as:

- How the development engages with the history and culture of the Bathurst Town Centre.
- How the development integrates into the Bathurst Town Centre and its streetscapes.

### Definition help tips

#### What is the Bathurst Regional Local Environmental Plan 2014 (LEP 2014)?

It is a planning instrument which provides a local framework for the way that land in the Bathurst Region can be developed and used. It defines Bathurst into land use zones, outlines uses that are permitted in those zones and specific controls (e.g. height) as to how land uses may be carried out.

#### What does Height of Buildings mean?

The LEP 2014 defines building height (or height of building) as—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the roof level of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

- How the development integrates with the environment and landscape of the Bathurst Town Centre.
- How the development revitalises the streets and the Bathurst Town Centre.
- How the development prioritises connectivity, walkability and cycling opportunities for Bathurst.
- How the development responds to climate conditions and their impacts on the Bathurst Town Centre.

A State Significant Development (SSD) application will be required to be assessed against these additional assessment criteria to ensure the design of the development responds to and complements the existing streetscape and heritage qualities of the broader Bathurst CBD.

The Planning Proposal does not approve the development. The Planning Proposal only seeks to amend the Planning Controls to facilitate development of the site for an integrated medical centre and a car park at a building height and floor space ratio greater than that which is currently permissible under the LEP 2014. The proposed BIMC is State Significant Development (SSD) under the Environmental Planning and Assessment (EPA) Act 1979. The EPA Act 1979 provides the necessary legislative framework to ensure appropriate assessment is afforded to the State Significant Development application, inclusive of the new local provision proposed by this Planning Proposal. A development application for the proposed development is yet to be assessed by the NSW Department of Planning and Environment (NSW DPE).

### Stages of Consultation/Engagement

The table below outlines the stages of community consultation that have or will be undertaken as the Bathurst Integrated Medical Centre development proceeds. The Planning Proposal represents stage 2 of the consultation process.

Stage	Purpose/Intent	Who undertakes consultation and receives submissions?	Is it a legislated requirement?	Status
1. Pre-lodgement	Introduce the development proposal to the community.	Proponent. Submissions were not provided to Council.	No. Pre-lodgement consultation is voluntary.	Completed.

### Definition help tips

#### What is Floor Space Ratio (FSR)?

FSR is the maximum floor area you can build over the total area of a block of land. An FSR of 2:1 means that the floor area of a building can be 2 times the total area of the land. This could mean the building completely covers the land for two storeys, or the building could be taller (has more storeys) with more open space around it.

<b>2. Planning Proposal</b>	Seek community comment in relation to the planning proposal to amend the Local Environmental Plan (LEP) to permit a greater height and floor space ratio across the development site.	Council.	Yes. Council must exhibit the Planning Proposal (being the proposed LEP amendment) for a minimum 28 days.	<b>Currently underway.</b>
<b>3. State Significant Development Application (DA)</b>	Seek community comment in relation to the proposed development plans, including the detailed design of the building/s.	NSW Department of Planning and Environment (DPE)	Yes. NSW DPE in conjunction with Council must exhibit a State Significant DA for a minimum of 28 days.	Not yet commenced.

### Why is the Planning Proposal happening?

Amendments to the LEP 2014 to increase the maximum height of buildings and FSR on a site-specific basis would allow the future consideration of a development application for a six-storey medical centre on the BIMC site and a four-storey car park on the GSC site.

The proposed BIMC will provide approximately 10,300m<sup>2</sup> of floor area for the provision of a variety of health and related services catering to the population of the Bathurst region. The BIMC will include the provision of a pedestrian bridge on Level 1, connecting it to the GSC. This will allow for community, primary and allied health, and social support uses ancillary to the hospital uses. The co-location of such services within the Bathurst CBD ensures high accessibility and amenity to residents and visitors.

The redevelopment of the GSC will serve future visitors to the BIMC in addition to providing car parking for surrounding uses within the Town Centre. The total parking provided by the GSC is anticipated to cater for approximately 915 car spaces.

### Definition help tips

#### Will I still be able to park in the George Street Carpark?

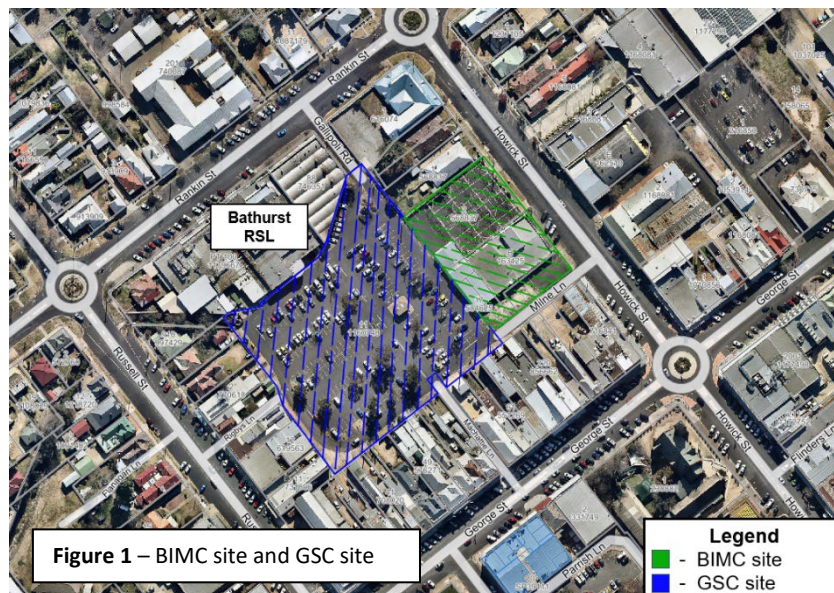
The proposed 4-storey carpark will introduce approximately 915 car spaces. Some of those spaces will be restricted or reserved for use by the BIMC. The remaining spaces will be available for public use. It is anticipated that parking will remain free and be time limited. The GSC will remain in the ownership of Council as a public carpark.

### Who is the applicant?

The applicant of the Planning Proposal is The Trustee for BIMC Unit Trust and the Planning Proposal has been prepared by Keylan Consulting Ptd Ltd on behalf of the applicant. The BIMC site is privately owned 252 Howick Street which consists of Lot 2 in DP568837, Lot 71 in DP579908, Lots A and B in DP163425, Lot 20 in DP549764, and Lot 17 in DP584625. The GSC site is owned by Bathurst Regional Council and is Lot 11 in DP1160748.

### Where does the Planning Proposal apply?

The Planning Proposal seeks to increase the HOB and FSR only to the BIMC and GSC sites which are identified in Figure 1 below.



### BIMC Site

252 Howick Street, Bathurst is owned privately and is legally known as Lot 2 in DP568837, Lot 71 in DP579908, Lots A and B in DP163425, Lot 20 in DP549764 and Lot 17 in DP584625. It currently contains the former showroom for the Clancy Motor Group which is a single storey glass and concrete building. The building includes a vehicle showroom floor and offices. It is located in the Bathurst Heritage Conservation Area (HCA) however the existing building has been identified as 'intrusive' in that the existing building does not contribute positively to the HCA.

Due to the previous use of the site as a vehicle car sales premises, the BIMC site has been identified as potentially contaminated. The applicant has submitted a Preliminary Contamination Investigation (PCI) prepared by Envirowest Consulting with the Planning Proposal.

The PCI notes that previous uses on the BIMC site for motor vehicle servicing has resulted in hydrocarbon contamination, limited to a small portion of the site occupied by the Clancy Motor Group showroom in the eastern corner of the site. Underground storage tanks previously located in the street footpath north-west of Lot B have been removed and the condition of this part of the site has been validated. An oil storage tank remains in the former workshop of Lot B.

The PCI report concludes that the Site can be made readily suitable for the proposed BIMC and GSC. It will be recommended that a detailed investigation be undertaken for the GSC Site whilst effective remediation works are undertaken for the future BIMC Site.

### GSC Site

The George Street Car park is owned by Council and is legally known as Lot 11 in DP003078. The existing GSC site currently contains 320 car parking spaces, several existing trees and an amenities block. It is located in the HCA. The site can currently be accessed from Howick Street through Milne Lane, from George Street through Machattie Lane (pedestrian only), from Rankin Street through Gallipoli Road, and from Russell Street through Rigby's Lane.

**What are the planning controls that are relevant to the proposal?**

The Planning Instruments that currently apply to the land are:

Local Planning Instruments

- Bathurst Regional Local Environmental Plan 2014 (LEP 2014)
- Bathurst Regional Development Control Plan 2014 (DCP 2014)

Policy documents

- Central West and Orana Regional Plan 2036
- Vision Bathurst 2040: Bathurst Regional Local Strategic Planning Statement
- Bathurst Bulky Goods and Business Development Strategy 2011
- Bathurst Town Centre Master Plan (TCMP)
- Our Region Our Future, the Bathurst Regional Community Strategic Plan 2022 (CSP)

State Environmental Planning Policies (SEPPs)

- SEPP (Infrastructure)
- SEPP 55 - Remediation of Land
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP 64 - Advertising and Signage

LEP 2014

The LEP 2014 is an Environmental Planning Instrument and therefore has statutory importance. It contains details about zoning, development controls and other provisions that will affect how land in the Bathurst Region may be developed and used in the future. The key provisions of the LEP 2014 relevant to the Planning Proposal are:

- B3 Commercial Core zone land uses
- Clause 4.3 – Height of Buildings
- Clause 4.4 – Floor Space Ratio
- Clause 5.10 – Heritage Conservation

The B3 Commercial Core zone lists a number of land uses that are permissible with consent. The BIMC will provide health services, education services and a car park. “Health services facilities”, “educational establishments” and “car parks” are permissible with consent in the B3 zone. The Planning Proposal does not propose any alterations to the land uses permitted or prohibited in the B3 zone.

The existing control that applies to the site for maximum height of buildings is that buildings cannot be taller than 12m. The BIMC project requires that the height limit be increased to 29m for the BIMC site and 21m to the GSC site. The Planning Proposal seeks to increase the permitted height to enable a six-storey Integrated Medical Centre and a four-storey car park.

The existing FSR that applies to the site is 2:1. The Planning Proposal seeks to increase the FSR to 2.6:1 for the BIMC site and retain the existing 2:1 FSR for the GSC site. The proposed FSR for the BIMC of 2.6:1 has been calculated to an appropriate degree of flexibility for ongoing detailed design. While the concept architectural plans show a FSR of 2.4:1, there may be slight increases in FSR as the design progresses through to Development Application stage.

The site is located in the Bathurst HCA and adjoins an item of local heritage significance which is a ‘Bronze Soldier’ statue located within the Bathurst RSL at 114 Rankin Street. While the statue cannot be seen outside of the building, potential heritage impacts must be considered, particularly how the impact of a change in height is best managed. The existing building on the BIMC site is identified as being intrusive in nature in the Bathurst Conservation Area Management Strategy (BCAMS) mapping. There are no key heritage components of the existing GSC site.

A Heritage Impact Statement has been submitted as part of the application to increase the height and FSR planning controls.

#### Central West and Orana Regional Plan 2036 (CW&O 2036)

The CW&O 2036 plan places Bathurst as one of the many regional cities that will require opportunities for growth of service hubs for surrounding communities, providing access to jobs, health and education services as the region’s population increases.



Direction 5 of the plan seeks to improve access to health and aged care services across the region through the following actions:

- 5.1 Establish health precincts around hospitals in regional cities and strategic centres.
- 5.2 Promote mixed-use facilities and research and accommodation precincts for the health and aged care service sectors.
- 5.3 Facilitate the development of multipurpose, flexible and adaptable health and education infrastructure.
- 5.4 Minimise the encroachment of inappropriate and incompatible land uses near existing and proposed health facilities.

The Planning Proposal is consistent with the CW&O 2036 plan as it will facilitate access to health services in the Bathurst Region.

#### Vision Bathurst 2040: Bathurst Region Local Strategic Planning Statement (LSPS)

The structure plan map within the LSPS identifies the Bathurst Base Hospital as the key medical precinct to service the city of Bathurst. Notwithstanding, there are four main locations in the city that service health being the Base Hospital, the Central Business District (CBD), the existing private hospital site and Charles Sturt University. The CBD is able to accommodate a greater amount of community, primary and allied health and social support related activity.

Whilst locating a new private hospital in close proximity to the Base Hospital could be considered desirable, a CBD location remains as a logical extension to other existing medical services already located in the CBD. The proposed new private hospital will increase resident options for meeting health needs, enhance accessibility to health services, take pressure off the public system and increase the self-sufficiency of health services in Bathurst. A CBD location would enhance the existing strengths of the CBD by increasing activity, adding new anchors to the CBD and putting in place the enabling elements of increasing density and residential activity.

A CBD location for the private hospital will enhance the existing strengths of the CBD as a regional destination and employment precinct. This is consistent with the Planning Priorities established under the LSPS.

### Bathurst CBD Bulky Goods and Business Development Strategy 2011 (Retail Strategy)

Prepared in 2011, the Retail Strategy identified the GSC site as the optimum site for the next regional level shopping centre for the CBD. It is considered that the future retail floor estimates provided in the 2011 Strategy are now out of date and do not account for more recent changes in retailing and in particular the impacts of online retailing.

The Planning Proposal proposes an increase in height to facilitate a multi-level car park on the GSC site. This would not negate a future opportunity to redevelop/readapt all or part of that multilevel car park for business purposes should floor space demands warrant and/or transport trends reduce the need for car parking within the CBD.

A CBD location for the private hospital will enhance the existing strengths of the CBD as a regional destination and employment precinct. It will increase activity and add a new anchor to this part of the CBD. This is consistent with the objectives of the Retail Strategy to maintain the primacy of the CBD, within the City's retail hierarchy.

### Bathurst Town Centre Master Plan (TCMP)

The Bathurst TCMP was adopted by Council as a reference document in 2022. The TCMP supports opportunities for additional height within the centre of the CBD blocks and supports additional car parking provision on the GSC site.

The Planning Proposal is consistent with the TCMP which identifies both the Bathurst Integrated Medical Centre (BIMC) and GSC sites as being sites that may be appropriate for height limit increases.

Whilst the TCMP did not contemplate a health use in this part of the CBD, the Master Plan supported new uses that continued to activate the CBD particularly as a response to changes in retailing. A CBD location for the private hospital will enhance the existing strengths of the CBD as a regional destination and employment precinct. It will increase activity and add a new anchor to this part of the CBD. This is consistent with the objectives of the TCMP.

### **Definition help tips**

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#### **What are heads of consideration?**

The heads of consideration are urban design criteria that will be included in the site-specific planning control (additional local provision). The heads of consideration will outline specific requirements for how a future development application is assessed to manage how the proposed new building height is managed in relation to surrounding buildings and amenities. The heads of consideration would require the submission of a statement assessing the extent that the proposal (i.e. the BIMC) achieves design

The TCMP recommends a particular methodology to increase building height within the CBD to mitigate impact on the CBD's heritage streetscapes and the existing 2 and 3 storey building height within the CBD. The building design for the BIMC site in relation to the Howick Street frontage does not achieve the outcomes sought from the methodology proposed in the TCMP. However, the TCMP acknowledges that a merit-based consideration outside of the recommended methodology may be appropriate for street blocks of lesser heritage value (this includes this block of Howick Street).

At Council's request, the Planning Proposal proposes that the site-specific planning control includes urban design heads of consideration to ensure the allowable new height is effectively managed. It is proposed that a new LEP clause be drafted with assistance and advice from the NSW Government Architect after public exhibition to ensure community sentiment is captured. At this stage Council considers that the clause would encompass, at a minimum, the following considerations:

- How the development engages with the history and culture of the Bathurst Town Centre?
- How the appearance of the development integrates with the Bathurst Town Centre and its streetscapes?
- How the development integrates with the environment and landscape of the Bathurst Town Centre?
- How the development revitalises the streets and the Bathurst Town Centre?
- How the development prioritises connectivity, walkability and cycling opportunities for Bathurst?
- How the development responds to climate conditions and their impacts on the Bathurst Town Centre?

#### Our Region Our Future, the Bathurst Regional Community Strategic Plan 2022 (CSP)

The Bathurst CSP outlines objectives and strategies to guide the future development of the Bathurst Region. Relevant to this Planning Proposal are the following strategies:

- 1.2 Protect, enhance and promote the region's non-indigenous heritage assets and character
- 4.1 Facilitate development in the region that considers the current and future needs of our community
- 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region
- 4.4 Provide parking to meet the needs of the City
- 5.1 Provide opportunities for our community to be healthy and active
- 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life

#### **Definition help tips**

excellence through architectural form, urban design and landscaping. The heads of consideration would apply to the future assessment of a State Significant Development application by the Department of Planning and Environment (DPE).

## 5.5 Plan and respond to demographic changes in the community

The Planning Proposal will facilitate access to health services in the Bathurst Region and additional car parking supply.

### State Environmental Planning Policies

SEPP (Infrastructure) - Clause 104 requires that applications for certain traffic generating developments be referred to Transport for New South Wales (TfNSW). The Planning Proposal is accompanied by an assessment of traffic impacts. The Planning Proposal has been referred to TfNSW as part of the public exhibition process.

SEPP 55 - Remediation of Land - a contamination report has been submitted as part of the Planning Proposal. The report identifies that site remediation and further investigations can be undertaken as part of the State Designated Development application for the site. The future State Significant DA will be referred to NSW EPA.

SEPP (Vegetation in Non-Rural Areas) 2017 - the site has already been heavily modified by an existing on ground car park and former car sales yard. There is no significant native vegetation on the site.

SEPP 64 - Advertising and Signage - not relevant at Planning Proposal stage. The future State Significant Development application will address the development against this SEPP.

### **How will the new height be managed?**

At Council's request, the Planning Proposal will incorporate the inclusion of urban design heads of consideration to ensure the allowable new height can be effectively managed. This will add additional requirements to the site-specific control to ensure the site is developed with the following design excellence considerations:

- Building design and siting including bulk, massing, modulation, lower and upper level setbacks and materials.
- Visual impacts and impacts on views.

- Heritage and streetscape.
- Environmental impacts such as sustainable design, overshadowing, wind, reflectivity and night time light pollution.
- Pedestrian, cycle, vehicular and service access, circulation and requirements.
- Relationship to the public domain.
- Landscaping.

The site-specific control will only relate to a proposed health services facility and car park on the site. Note that the Planning Proposal does not approve the future development application.

A new LEP clause will be drafted with assistance from the Government Architect and will incorporate heads of consideration to help manage development of the sites. An assessment of the development application under the relevant heads of consideration proposed within the new clause may alter the final building designs.

The draft Planning Proposal has also been referred to NSW Heritage as part of the public exhibition process.

### **What process does a Planning Proposal follow?**

The applicant, BIMC Pty Ltd, has submitted the Planning Proposal to Bathurst Regional Council. Council has referred the Planning Proposal to the Department of Planning and Environment (DPE) for review and a Gateway determination to enable its public exhibition. The Gateway determination does not approve the Planning Proposal itself, it 'opens the gate' for Council to further consider amending the LEP 2014 as proposed by the Planning Proposal and enables Council to seek public comment through a formal public exhibition process. DPE authorised public exhibition on 21 September 2022 (see letter in document library).

If the Planning Proposal is supported and the subsequent amendments to the LEP 2014 are made, then this will allow the applicant to propose to construct the BIMC and GSC through a State Significant Development (SSD) application. The NSW Department of Planning and Environment will determine the development application. Council will not be determining the application for the construction of the buildings. Council will remain the owner of the GSC site and associated land.

### **Definition help tips**

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#### **What is a State Significant Development (SSD)?**

An SSD is a type of development that is deemed to be significant to the state of NSW or to the region due to the size, economic value or potential impacts of the development. The BIMC is likely to exceed \$5M and will have Council involvement therefore, it will be SSD. This means that Council will not be the determining authority. The NSW Department of Planning and Environment will determine the development application.

### **Where can I read the Planning Proposal?**

If you would like to find out more information about the Planning Proposal, it is available to read on Council's YourSay website: <https://yoursay.bathurst.nsw.gov.au/BIMC>

Any queries should be directed to Council's Manager Strategic Planning, Ms Janet Bingham on (02) 6333 6211.

### **How can I make a submission?**

The Planning Proposal is on public exhibition for 28 days from 5 October to 2 November 2022. Submissions must be in writing and directed to the General Manger of Bathurst Regional Council. Submissions must be submitted by 4.00pm on 2 November 2022 via YourSay website link or email [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au) or post to Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795.