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**MINUTES OF THE ORDINARY MEETING OF
BATHURST REGIONAL COUNCIL
HELD ON Wednesday 15 March 2023**

1 PUBLIC FORUM

MINUTE

Pat Conway - Resident Wattle Flat - Crown Road matters - DES 8.3.1 & 8.3.2 - Spoke to development he had approved and section 7.11 levies he had paid and yet no works done on his road. Also spoke to park area which needs to be maintained. Requests roads be maintained and spoke to conditions to get area classified as in the village. Further, there are 3 persons who access his lane, also it is utilised by campers. Know funding is an issue and will work with Council.

Nick Jones - Bathurst Grange Distillery DCCS 8.4.4 - Spoke to the report and the industry reference group created and how it links to DMP. New audiences are being attracted to the region and asks for an Industry Reference Group be reconstituted.

Stephen Howes - Harmony Week - Spoke to event next week and community members doing a video resource with Council. Thanks to Council. Asks Council to fund next years multicultural events for the community which are then free. Noted events occurring in Orange. The Bathurst community are getting more residents from overseas countries.

G.Crisp - Spoke to Robodebt Royal Commission and breaking of the law. Was tempted to make a submission to the Royal Commission but wants everyone to pay the full penalty. Then created demands of Council and continued his allegations without any evidence to support his allegations. Then spoke to crimes Act.

H. Keith - Wilga Station Operator - Spoke to Tourism Reference Group, he is excited about directions occurring.

Lorraine Sargeant - Congratulated Council on IWD. Then spoke to email received from a Ms G Shoemark and the item on Heritage list. Why is 169 Stewart Street not on the list? Spoke to the history of the site. Then noted a proposal has been made to demolish the heritage dwelling. This is inappropriate and will mean over development of the site. Ms Sargeant will forward the email to Council. Spoke to issues of trees being removed. Then queried existence of Heritage Reference Group.

Bob Trimming - Spoke to the Disability tourism Industry and the opportunities it presents. Noted the number of businesses moving from accessible sites to non-accessible sites. Then spoke to the showground Land Management Group, what is their linkage to the Council? Had concern the land managers have closed the 'accessible' toilets at the Showground - this is inappropriate.

General Manager - provided advice on the operations of the showground.

2 RECORDING OF MEETINGS

3 MEETING COMMENCES

MINUTE

Meeting commenced at 6.26pm.

Present: Cr W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith, Cr R Taylor

4 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

5 APOLOGIES OR ATTENDANCE BY AUDIO-VISUAL LINK

MINUTE

RESOLVED:

Nil

6 MINUTES

6.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF COUNCIL - 15 FEBRUARY 2023

File No: 11.00005

MINUTE

RESOLUTION NUMBER: ORD2023-41

MOVED: Cr W Aubin SECONDED: Cr A Smith

RESOLVED:

That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 15 February 2023 be adopted.

7 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2023-42

MOVED: Cr B Fry SECONDED: Cr K Burke

RESOLVED: That the Declaration of Interest be noted.

Cr A Smith declared a non-pecuniary non-significant interest in item 4 of the Confidential Corporate Services Report.

Reason: Bathurst Golf Club is a customer of Cr Smith's employer of which he conducts monthly visits.

8 RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

8.1 DIRECTOR ENVIRONMENTAL PLANNING AND BUILDING SERVICES REPORT

8.1.1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2023-43

MOVED: Cr B Fry SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

8.1.2 GENERAL REPORT

File No: 03.00053

MINUTE

RESOLUTION NUMBER: ORD2023-44

MOVED: Cr M Hogan SECONDED: Cr K Burke

RESOLVED:

That the information be noted.

**8.1.3 DEVELOPMENT APPLICATION 2022/519 – PROPOSED
SINGLE DWELLING, LOT 3, DP1259811 MAXWELL DRIVE,
LOT 21, DP1215818 HAMILTON STREET, EGLINTON.
APPLICANT: J GULLIFER. OWNER: J GULLIFER**

File No: 2022/519

MINUTE

RESOLUTION NUMBER: ORD2023-45

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That Council:

- a) support the variation to the development standard prescribed in Clause 4.2B Erection of dwelling houses on land in certain rural zones of the Bathurst Regional Local Environmental Plan 2014;
- b) refer the Development Application to NSW Department of Planning, Industry and Environment and seek the concurrence of the Secretary to vary the development standard prescribed in Clause 4.2B Erection of dwelling houses on land in certain rural zones of the Bathurst Regional Local Environmental Plan 2014;
- c) should the Secretary of the NSW Department of Planning and Environment grant concurrence, as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2022/519, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979; and
- d) 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 W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr G Hanger, Cr M Hogan, Cr I North, Cr A Smith and Cr R Taylor

Against the Motion - Nil

Absent - Nil

Abstain - Nil

**8.1.4 PLANNING PROPOSAL – BATHURST
REGIONAL LOCAL ENVIRONMENTAL PLAN
2014 AMENDMENT – SCHEDULE 5
ENVIRONMENTAL HERITAGE**

File No: 20.00344

MINUTE

RESOLUTION NUMBER: ORD2023-46

MOVED: Cr I North SECONDED: Cr K Burke

RESOLVED:

That the information be noted.

**8.1.5 NAMING OF PUBLIC ROADS – BURDETT
GROVE**

File No: 20.00024

MINUTE

RESOLUTION NUMBER: ORD2023-47

MOVED: Cr I North SECONDED: Cr K Burke

RESOLVED:

That Council:

- a) give notice of its intention to adopt the name Burdett Grove for the new road created by the subdivision of Lot 6 DP 255968; and
- b) direct the General Manager to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be

received.

**8.1.6 TELECOMMUNICATIONS AND
RADIOCOMMUNICATIONS POLICY**

File No: 11.00011

MINUTE

RESOLUTION NUMBER: ORD2023-48

MOVED: Cr J Jennings SECONDED: Cr M Hogan

RESOLVED:

That Council repeal the *Telecommunications and Radiocommunications Policy*.

8.2 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

8.2.1 STATEMENT OF INVESTMENTS

File No: 16.00001

MINUTE

RESOLUTION NUMBER: ORD2023-49

MOVED: Cr K Burke SECONDED: Cr A Smith

RESOLVED:

That the information be noted.

**8.2.2 MONTHLY REVIEW - 2022/2026 DELIVERY
PLAN AND OPERATIONAL PLAN 2022/2023**

File No: 16.00187

MINUTE

RESOLUTION NUMBER: ORD2023-50

MOVED: Cr A Smith SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

**8.2.3 SUNDRY SECTION 356 DONATIONS, BATHURST
MEMORIAL ENTERTAINMENT CENTRE COMMUNITY
USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY**

File No: 18.00004

MINUTE

RESOLUTION NUMBER: ORD2023-51

MOVED: Cr B Fry SECONDED: Cr A Smith

RESOLVED:

That the information be noted and any additional expenditure be voted.

8.2.4 POWER OF ATTORNEY

File No: 11.00007

MINUTE

RESOLUTION NUMBER: ORD2023-52

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

**8.2.5 COUNCIL POLICY REVIEW - POLICIES
REVIEWED WITH NO OR MINIMAL CHANGES
IDENTIFIED**

File No: 11.00006

MINUTE

RESOLUTION NUMBER: ORD2023-53

MOVED: Cr M Hogan SECONDED: Cr A Smith

RESOLVED:

That Council adopt the following Policy as amended:

a) Protected Interest Disclosure Policy

**8.2.6 REQUEST FOR FINANCIAL ASSISTANCE -
GRIP LEADERSHIP**

File No: 21.00012

MINUTE

RESOLUTION NUMBER: ORD2023-54

MOVED: Cr I North SECONDED: Cr B Fry

RESOLVED:

That Council provide a reduction of \$641.20 in BMEC venue hire fees to GRIP Leadership for their 2023 Bathurst Primary School GRIP Leadership Conference, to be funded from Section 356 – BMEC Community Use Budget.

**8.2.7 COMMUNITY LEASE AGREEMENT -- LOT A
AND LOT C DP 157645, KNOWN AS 5 CHURCH
LANE, KELSO**

File No: 22.02574

MINUTE

RESOLUTION NUMBER: ORD2023-55

MOVED: Cr B Fry SECONDED: Cr G Hanger

RESOLVED:

That Council approves entering into a Community Lease Agreement with Bathurst Community Opportunity Shop Inc for Lot A and Lot C DP157645, known as 5 Church Lane, Kelso for a period of five (5) years, as detailed in the report.

8.2.8 NEW POLICY - HARDSHIP RATE RELIEF

File No: 11.00006, 16.00004

MINUTE

RESOLUTION NUMBER: ORD2023-56

MOVED: Cr G Hanger SECONDED: Cr A Smith

RESOLVED:

That Council;

- a) Place the draft Hardship Rate Relief Policy on public display for 28 days and receive submissions
- b) If no submissions are received adopt the policy
- c) If submissions are received prepare a further report to Council for consideration

8.3 DIRECTOR ENGINEERING SERVICES' REPORT

**8.3.1 POTENTIAL TRANSFER OF CROWN PUBLIC
ROAD TO COUNCIL - 4087 SOFALA ROAD,
WATTLE FLAT**

File No: 25.00161

MINUTE

RESOLUTION NUMBER: ORD2023-57

MOVED: Cr M Hogan SECONDED: Cr A Smith

RESOLVED:

That Council does not take over ownership of the Crown road adjacent to 4087 Sofala Road, Wattle Flat.

**8.3.2 POTENTIAL TRANSFER OF CROWN PUBLIC
ROAD TO COUNCIL - 3725 SOFALA ROAD,
WATTLE FLAT**

File No: 2020/137

MINUTE

RESOLUTION NUMBER: ORD2023-58

MOVED: Cr K Burke SECONDED: Cr B Fry

RESOLVED:

- a. Does not take over ownership of the Crown road adjacent to 3725 Sofala Road, Wattle Flat.
- b. Make representation to Crown Lands Department for them to access and provide funding for the Crown Roads in the L.G Area at 3725 Sofala Road and 4087 Sofala Road at Wattle Flat.

8.3.3 WATER RESTRICTIONS

File No: 32.00017

MINUTE

RESOLUTION NUMBER: ORD2023-59

MOVED: Cr B Fry SECONDED: Cr M Hogan

RESOLVED:

That Council:

- (a) introduce Level 1 Water Smart encouraged actions effective immediately, and
- (b) consider water restrictions changes as required prior to the summer of 2023/24

8.3.4 WATER SUPPLY UPDATE

File No: 32.00017

MINUTE

RESOLUTION NUMBER: ORD2023-60

MOVED: Cr B Fry SECONDED: Cr M Hogan

RESOLVED:

That the information be noted.

8.4 DIRECTOR CULTURAL AND COMMUNITY SERVICES' REPORT

**8.4.1 BATHURST LIBRARY - FEDERAL GOVERNMENT
FUNDING FOR TROVE**

File No: 21.00054, 16.00059

MINUTE

RESOLUTION NUMBER: ORD2023-61

MOVED: Cr J Jennings SECONDED: Cr K Burke

RESOLVED:

That Council:

- (a) Make representation to the local Federal Member, the Hon. Andrew Gee MP, in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove
- (b) Write to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
- (c) Endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

**8.4.2 LOCAL GOVERNMENT NSW - DESTINATION
AND VISITOR ECONOMY CONFERENCE, 29-31
MAY 2023, MANLY**

File No: 18.00074

MINUTE

RESOLUTION NUMBER: ORD2023-62

MOVED: Cr B Fry SECONDED: Cr A Smith

RESOLVED:

That Council:

- (a) Note the information contained in the report regarding the 2023 Destination and Visitor Economy Conference being hosted by Northern Beaches Council at Manly.
- (b) Appoint Cr B Fry and Cr J Jennings to attend the conference.
- (c) Approve registration and associated costs, incurred in attending the conference, to be met by Council.

**8.4.3 DESTINATION BRAND IMPLEMENTATION AND
DESTINATION MANAGEMENT PLAN QUARTERLY
REPORT, MARCH 2023**

File No: 20.00299

MINUTE

RESOLUTION NUMBER: ORD2023-63

MOVED: Cr B Fry SECONDED: Cr A Smith

RESOLVED:

That the information be noted.

**8.4.4 BATHURST TOURISM INDUSTRY ENGAGEMENT
FRAMEWORK UPDATE, MARCH 2023**

File No: 20.00299

MINUTE

RESOLUTION NUMBER: ORD2023-64

MOVED: Cr B Fry SECONDED: Cr J Jennings

RESOLVED:

- a. Note the implementation and future actions concerning tourism industry engagement.
- b. Explore the possibility of forming a Tourism Reference Group

8.4.5 RECONNECT BATHURST PROJECT

File No: 21.00152

MINUTE

RESOLUTION NUMBER: ORD2023-65

MOVED: Cr B Fry SECONDED: Cr A Smith

RESOLVED:

That the information be noted

9 REPORTS OF OTHER COMMITTEES

9.1 TRAFFIC COMMITTEE REPORT - 7 MARCH 2023

File No: 07.00006

MINUTE

RESOLUTION NUMBER: ORD2023-66

MOVED: Cr W Aubin SECONDED: Cr B Fry

RESOLVED:

That the recommendations of the Traffic Committee Meeting of Bathurst Regional Council held on 7 March 2023 be adopted.

10 NOTICE OF MOTION

**10.1 COUNCILLOR JENNINGS - 2023 NATIONAL
GENERAL ASSEMBLY OF LOCAL
GOVERNMENT**

File No: 18.00008-15, 11.00004-06

MINUTE

RESOLUTION NUMBER: ORD2023-67

MOVED: Cr J Jennings SECONDED: Cr W Aubin

RESOLVED:

That Council approve Cr Jess Jennings to attend the Australia Local Government Association's (ALGA) **2023 National General Assembly of Local Government** (NGS) to be held 13-16 June in Canberra.

**10.2 COUNCILLOR BURKE, HOGAN & JENNINGS -
INVESTIGATE FREE HYGIENE PRODUCTS FOR
WOMEN**

File No: 11.00004

MINUTE

RESOLUTION NUMBER: ORD2023-68

MOVED: Cr M Hogan SECONDED: Cr J Jennings

RESOLVED:

That Council investigate offering free period products for women at selected Council facilities, such as public toilets and community centres (e.g., art gallery and library, Kelso Community Centre, Manning Aquatic Centre etc)

**10.3 COUNCILLOR AUBIN - BUDGET
REALLOCATION**

File No: 11.00004

MINUTE

RESOLUTION NUMBER: ORD2023-69

MOVED: Cr K Burke SECONDED: Cr W Aubin

RESOLVED:

That Council reallocate the \$4.25 million for the redevelopment of the Carrington Park Grandstand to "Repair and improvement of our local roads.

The MOTION was PUT and LOST

11 COUNCILLORS / DELEGATES REPORTS

**11.1 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 7
FEBRUARY 2023**

File No: 11.00020

MINUTE

RESOLUTION NUMBER: ORD2023-70

MOVED: Cr B Fry SECONDED: Cr M Hogan

RESOLVED: That the information be noted.

**11.2 MINUTES - COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 8 FEBRUARY 2023**

File No: 11.00019

MINUTE

RESOLUTION NUMBER: ORD2023-71

MOVED: Cr K Burke SECONDED: Cr A Smith

RESOLVED:

That the information be noted.

**11.3 MINUTES - BATHURST COMMUNITY SAFETY
COMMITTEE - 9 FEBRUARY 2023**

File No: 07.00107

MINUTE

RESOLUTION NUMBER: ORD2023-72

MOVED: Cr B Fry SECONDED: Cr A Smith

RESOLVED:

That the information be noted.

**11.4 MINUTES - COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 22 FEBRUARY 2023**

File No: 11.00019

MINUTE

RESOLUTION NUMBER: ORD2023-73

MOVED: Cr J Jennings SECONDED: Cr K Burke

RESOLVED:

That the information be noted.

**11.5 MINUTES - COUNCILLORS MEETING WITH COMMUNITY
GROUPS/REPRESENTATIVES - 1 MARCH 2023**

File No: 11.00019

MINUTE

RESOLUTION NUMBER: ORD2023-74

MOVED: Cr M Hogan SECONDED: Cr G Hanger

RESOLVED:

That the information be noted.

12 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

12.0 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2023-75

MOVED: Cr W Aubin SECONDED: Cr K Burke

The Mayor invited members of the public to make submissions on whether the matter/s should or should not be dealt with in Confidential Committee.

The General Manager advised the item 2 -TENDER 36.00808 - DESIGN, CONSTRUCTION & MAINTENANCE OF BIOGAS COLLECTION SYSTEM AT BATHURST WASTE MANAGEMENT CENTRE of the Director of Engineering Report is withdrawn from the Agenda.

There were no representation from the public.

RESOLVED:

That:

Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.

- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005:

1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

12.1 DIRECTOR CORPORATE SERVICES AND FINANCE'S REPORT

12.1.1 RURAL LICENCE AGREEMENT – LOT 6 DP1142438 – LOT 6 CHURCH LANE, KELSO

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposal for Council to enter into a Rural Licence Agreement at 6 Church Lane, Kelso.

MINUTE

RESOLUTION NUMBER: CONF2023-14

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED:

That Council approves entering into a Rural Licence Agreement for Lot 6 DP1142438, Lot 6 Church Lane, Kelso, as detailed in the report.

12.1.2 COMMUNICATIONS LICENCE AGREEMENT – LOT 1 DP534118 – PIT STRAIGHT, MOUNT PANORAMA

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposal for Council to enter into a new Communications Licence Agreement at Lot 1 Pit Straight, Mount Panorama.

MINUTE

RESOLUTION NUMBER: CONF2023-15

MOVED: Cr J Jennings SECONDED: Cr A Smith

RESOLVED:

That Council approves entering into a new Communications Licence Agreement for Lot 1 DP534118, Pit Straight, Mount Panorama, with four consecutive five-year licences, as detailed in the report.

12.1.3 SPORTING CROWN LICENCE AGREEMENT – LOT 7003 DP1028774 – BRIAN BOOTH RECREATIONAL GROUND, PERTHVILLE

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposal for Council to enter into Crown Licence Agreement at Brian Booth Recreational Ground, Perthville.

MINUTE

RESOLUTION NUMBER: CONF2023-16

MOVED: Cr W Aubin SECONDED: Cr A Smith

RESOLVED:

That Council approves entering into a new non-exclusive Crown Licence Agreement for Lot 7003 DP1028774, Brian Booth Recreational Ground, Perthville, for a period of twelve (12) months, as detailed in the report.

12.1.4 REQUEST FOR WATER CHARGES ADJUSTMENT - BATHURST GOLF CLUB

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposal to adjust water charges for Bathurst Golf Club.

Cr A Smith declared a non-pecuniary non-significant interest in this item and left the room.

Reason: Bathurst Golf Club is a customer of Cr Smith's employer of which he conducts monthly visits.

MINUTE

RESOLUTION NUMBER: CONF2023-17

MOVED: Cr B Fry SECONDED: Cr M Hogan

RESOLVED:

That Council act in accordance with the recommendations as detailed within this report.

12.1.5 EXTENSION OF FINANCIAL SUPPORT PERIOD

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposal to extend a financial support period.

MINUTE

RESOLUTION NUMBER: CONF2023-18

MOVED: Cr K Burke SECONDED: Cr A Smith

RESOLVED:

That Council act in accordance with the recommendations as detailed in this report.

12.2 DIRECTOR ENGINEERING SERVICES' REPORT

12.2.1 TENDER 36.00788 - DESIGN AND CONSTRUCTION OF STONY CREEK BRIDGE, GEMALLA

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposed tender for the Design and Construction of Stony Creek Bridge, Gemalla.

MINUTE

RESOLUTION NUMBER: CONF2023-19

MOVED: Cr I North SECONDED: Cr M Hogan

RESOLVED:

That Council accepts the tender for the Design and Construction of Stony Creek Bridge from Murray Constructions Pty Ltd in the amount of \$935,566.50 (incl. GST), subject to provisional items and variations.

12.2.2 TENDER 36.00808 - DESIGN, CONSTRUCTION & MAINTENANCE OF BIOGAS COLLECTION SYSTEM AT BATHURST WASTE MANAGEMENT CENTRE

Reason: 10A (2) (d) (i) Contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

This item relates to the proposed tender for the Design, Construction & Maintenance of Biogas Collection System at Bathurst Waste Management Centre.

This item was withdrawn

13 RESOLVE INTO OPEN COUNCIL

MINUTE

RESOLUTION NUMBER: CONF2023-20

MOVED: Cr K Burke SECONDED: Cr B Fry

RESOLVED: That Council resume open Council.

14 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE

MINUTE

RESOLUTION NUMBER: ORD2023-76

MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2022-14, Conf2022-15, Conf2022-16, Conf2022-18, Conf2022-19 and Conf2022-20 to be adopted.

Cr A Smith left the room

MINUTE

RESOLUTION NUMBER: ORD2023-77

MOVED: Cr I North SECONDED: Cr K Burke

RESOLVED:

That the Report of the Committee of the Whole, resolution numbers Conf2022-14 to be adopted.

15 MEETING CLOSE

MINUTE

The Meeting closed at 8:45pm

CHAIR:

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Type	Year	No.	Value	Description	Address	Date Determine
10	2020	272	\$20,000	MOD - Construction of garage	5 Delaware Crescent ROBIN HILL	13/03/2023
10	2022	348	\$8,000	Installation of an illuminated pillar sign	92 Durham Street BATHURST	13/03/2023
10	2022	467	\$5,000,000	rural industry development	Mitchell Highway VITTORIA	6/03/2023
10	2022	527	\$20,000	Alterations & additions to existing commercial premises - cellar door	3249 O'Connell Road BREWONGLE	14/03/2023
10	2022	529	\$27,718	Shed	29 East Street ROCKLEY	6/03/2023
10	2022	534	\$1,500	Alterations to a commercial development	61 Corporation Avenue ROBIN HILL	2/03/2023
10	2022	537	\$2,442,000	Two storey dwelling with attached carport and a single storey secondar	1848 Ophir Road ROCK FOREST	28/03/2023
10	2022	539	\$1,600,000	Single storey dwelling with attached garage, separate detached garage	14 Appledore Drive KELSO	6/03/2023
10	2021	383	\$626,300	MOD - Second rural dwelling and shed	73 Clairvaux Lane KELSO	20/03/2023
10	2022	406	\$891,000	MOD - Alts & Adds, 3 new dwellings and staged subdivision	78 Stanley Street BATHURST	14/03/2023
10	2012	229	\$550,000	MOD - Addition to dwelling, dual occupancy and two lot subdivision	212 Rankin Street BATHURST	23/03/2023
10	2023	9	\$0	Demolition of an existing dwelling, construction of a replacement dwel	105 Willow Tree Lane MOUNT RANKIN	28/03/2023
10	2023	12	\$20,000	Construction of a shed	4 Clifton Court KELSO	3/03/2023
10	2023	14	\$550,000	Single storey dwelling with attached garage	9 Appledore Drive KELSO	2/03/2023
10	2023	17	\$345,635	Single storey dwelling	109 Briar Lane MOUNT RANKIN	13/03/2023
10	2022	192	\$30,000	MOD - Shed	300 Mount Haven Way MEADOW FLAT	10/03/2023
10	2023	30	\$12,000	Shed	2 Poole Street EGLINTON	8/03/2023
10	2023	31	\$85,000	Change of use to health consulting rooms	150 Gilmour Street KELSO	24/03/2023
10	2023	32	\$11,000	Storage shed	Havannah Street BATHURST	13/03/2023
10	2023	34	\$75,000	Demolition of an existing garage and construction of a shed with bathr	28 Christie Street RAGLAN	21/03/2023
10	2023	37	\$50,000	shed and shipping container	28 The Ridgeway NAPOLEON REEF	22/03/2023
10	2023	42	\$33,998	Carport	3 Opal Court KELSO	6/03/2023
10	2023	44	\$10,000	Installation of an aboveground swimming pool and safety barrier	10A Loren Street EGLINTON	17/03/2023
10	2023	45	\$93,375	Demolition of existing sheds and construction of a shed	383 Eusdale Road YETHOLME	13/03/2023
10	2022	24	\$41,195	MOD - Subdivision, tree removal, shed & driveway	14 Messenger Street WINDRADYNE	20/03/2023
10	2023	54	\$10,000	Alterations to an existing commercial premises & signage	49 William Street BATHURST	28/03/2023
10	2023	55	\$7,000	Carport	2 Wellesley Court RAGLAN	20/03/2023
10	2023	57	\$13,000	Alterations and additions to an existing dwelling	45 Tom Close KELSO	7/03/2023
10	2023	58	\$22,000	Conversion of an existing garage into habitable rooms	1562 Limekilns Road CLEAR CREEK	23/03/2023
18	2023	12	\$55,500	Inground swimming pool and safety barrier	50 Marsden Lane KELSO	24/03/2023
18	2023	14	\$49,500	Additions to dwelling	1 Abercrombie Drive ABERCROMBIE	10/03/2023
10	2023	64	\$47,000	Alterations to an existing dwelling - replace existing tile roof with	21 Huaba Close ROBIN HILL	17/03/2023
10	2022	497	\$400,000	MOD - Alterations and additions to an existing dwelling	205 White Rock Road WHITE ROCK	23/03/2023
10	2023	85	\$150,000	Temporary marquees for the Bathurst 6 Hour race	Mountain Straight MOUNT PANORAMA	30/03/2023
10	2023	86	\$100,000	Temporary structures for Bathurst NRL events	48 Durham Street BATHURST	31/03/2023
18	2023	18	\$648,000	Construction of a single storey dwelling with attached garage	9 Cain Drive KELSO	27/03/2023
18	2023	19	\$12,386	Construction of an inground swimming pool with safety barrier and reta	1 Vista Place WHITE ROCK	30/03/2023

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Type	Year	No.	Value	Description	Address	Date Determine
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NIL

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Type	Year	No.	Value	Description	Address
10	2020	314	\$15,000	Change of use from garage to habitable rooms	1336 Limekilns Road CLEAR CREEK
10	2021	72	\$303,537	Single storey dwelling	7 Bolton Street KELSO
10	2021	75	\$10,000	Intensification of existing mining facility	Trunkay Road CALOOLA
10	2021	21	\$320,000	Second storey extension to existing residential dwelling	208 Boundary Road ROBIN HILL
10	2021	429	\$1,155,000	Six two-bedroom units & seven lot community title subdivision	38A Stanley Street BATHURST
10	2022	166	\$48,475	Two lot subdivision, demolition, tree removal and dividing fence	42 Lloyds Road SOUTH BATHURST
10	2022	228	\$2,656,500	6 two storey dwellings, 8 lot strata subdivision, 1 tree removal	135 Durham Street BATHURST
10	2022	246	\$0	22 lot residential subdivision, drainage channel works and new road	3 Poplar Place KELSO
10	2022	252	\$150,000	Five lot subdivision	Toronto Street KELSO
10	2022	302	\$10,000	Construction of a carport	21 Freeman Circuit LLANARTH
10	2022	310	\$576,000	Two double storey residential units and three lot subdivision	185 Havannah Street BATHURST
10	2022	317	\$240,000	Relocation of existing shed on block	4 Lee Street KELSO
10	2022	350	\$1,300,000	Demolish existing dwelling, erect 6 new dwell, 6 lot strata subd	177 Seymour Street BATHURST
10	2022	373	\$1,500,000	1.42 lot subdivision, bulk earthworks, drainage channel improvement	Marsden Lane KELSO
10	2022	433	\$0	Two lot rural boundary adjustment	145 Sinclairs Lane THE LAGOON
10	2022	436	\$0	Demolition, two storey alterations and additions to existing dwelling	168 George Street BATHURST
10	2021	475	\$52,120	Enclosed Sun Room addition and Patio	17 Bathurst Street PERTHVILLE
10	2022	446	\$424,600	Single storey dwelling with attached garage	92 McManus Road MEADOW FLAT
10	2022	449	\$500,000	4 x industrial units	44 Hampden Park Road KELSO
10	2022	454	\$885,990	Relocatable dwelling and four tourist and visitor accommodation cabins	374 Clear Creek Road CLEAR CREEK
10	2022	464	\$0	Two lot residential subdivision	43 Wellington Street EGLINTON
10	2022	475	\$1,655,000	Industrial building	16A Kirkcaldy Street SOUTH BATHURST
10	2022	478	\$0	6 lot residential subdivision	Campbell Close LLANARTH
10	2022	482	\$585,000	Partial demolition, additions and alterations to existing industry	4 Eglinton Road LLANARTH
10	2022	499	\$10,000	RETURNED - allow additional caravan sites at the Bathurst Soaring Club	167 Freemantle Road EGLINTON
10	2007	225	\$0	REJECTED - MOD Seven Lot subdivision and new road	37 Loren Street EGLINTON
18	2022	99	\$36,000	inground swimming pool with safety barrier	12 Sunbright Road KELSO
18	2022	161	\$19,210	Construction of a retaining wall	88 George Thomas Close THE LAGOON
10	2022	515	\$0	Use of an existing industrial building as a manufacturing facility	105 Sydney Road KELSO
10	2022	517	\$29,648	construction of a garage	14 Munro Street WINDRADYNE
10	2022	519	\$327,433	Single storey dwelling with attached garage	Maxwell Drive EGLINTON
10	2022	523	\$28,215,000	Concept Development Application - Redevelopment of Tremain Mill	7 Keppel Street BATHURST
10	2022	528	\$504,200	Two storey dual occupancy and subdivision	13 Campbell Close LLANARTH
10	2022	533	\$80,000	Construction of a carport and pergola	3 Kensington Place PERTHVILLE
10	2022	538	\$0	8 lot strata subdivision and common property	32 Corporation Avenue ROBIN HILL
10	2022	543	\$75,000	Primitive campground, six decks and tents with facilities	2104 Turndale Road TURONDALE
10	2022	546	\$381,864	Alterations and additions to an existing dwelling	3 Park Street BATHURST
10	2022	547	\$0	Two lot rural residential subdivision	439 Whalans Lane MOUNT RANKIN
10	2022	548	\$3,848,366	Partial demolition, additions and alterations to existing industry	4 Eglinton Road LLANARTH
10	2022	549	\$1,657,501	Demolish existing sheds, maintenance shed & container handling area	4 Eglinton Road LLANARTH
10	2022	551	\$279,747	Installation of eight temporary buildings	4 Eglinton Road LLANARTH
10	2022	552	\$8,585,615	Partial demolition, additions and alterations to existing industry	4 Eglinton Road LLANARTH
10	2022	553	\$3,886,620	Motor vehicle showroom with service centre & basement carpark	180 Sydney Road KELSO
10	2022	554	\$0	Two lot rural subdivision	45 Napoleon Reef Road NAPOLEON REEF
10	2020	95	\$2,716,000	MOD - alterations & additions to existing hotel	170 William Street BATHURST
10	2022	555	\$2,399,067	Partial demolition, additions and alterations to existing industry	4 Eglinton Road LLANARTH

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Type	Year	No.	Value	Description	Address
10	2023	8	\$214,380	Dual occupancy (second dwelling) & two lot residential subdivision	2 High Street WEST BATHURST
10	2023	11	\$5,507,521	Partial demolition, additions and alterations to existing industry	4 Eglinton Road LLANARTH
10	2023	20	\$500,000	Industrial warehouse	5475 Great Western Highway RAGLAN
10	2023	21	\$781,000	Demolition of an existing dwelling, construction of three single store	48 Stanley Street BATHURST
10	2023	22	\$906,422	Demolition of existing dwelling, residential units, strata subdivision	169 Stewart Street BATHURST
10	2023	26	\$300,000	Dual occupancy (second dwelling) and two lot residential subdivision	17 Manilla Street BATHURST
10	2023	27	\$1,925	Commercial signage	196 Howick Street BATHURST
10	2023	33	\$0	Four lot residential subdivision	37 Loren Street EGLINTON
10	2023	38	\$28,534,000	Demolition, Alterations & additions to existing educational facility	220 Bentinck Street BATHURST
10	2023	40	\$35,000	Construction of a garage	44 Currawong Street SOUTH BATHURST
18	2023	8	\$700,000	Alterations and additions to an existing educational establishment	158 Browning Street MITCHELL
10	2023	43	\$1,500,000	Alterations to an existing recreation facility	51 Eleven Mile Drive EGLINTON
10	2023	46	\$89,000	Ancillary dwelling (employee accommodation)	1557 Rockley Road FOSTERS VALLEY
10	2023	47	\$0	Four lot strata subdivision	189 Rocket Street BATHURST
10	2023	48	\$0	Three lot rural subdivision	612 Tarana Road BREWONGLE
10	2023	49	\$638,000	Demolition of an existing dwelling, construction of a dwelling and sep	2171 Sofala Road PEEL
10	2023	50	\$0	Alterations and additions to an existing dwelling and garage	253 Keppel Street BATHURST
10	2023	51	\$0	Four lot residential subdivision including tree removal	51 Nelson Street RAGLAN
10	2023	52	\$38,280	Retaining walls	68 Mendel Drive KELSO
10	2023	59	\$859,482	Demolition of an existing toilet block and construction of a toilet bl	William Street BATHURST
10	2023	60	\$282,100	RETURNED - Detached habitable rooms	86 Gormans Hill Road GORMANS HILL
10	2023	61	\$124,740	Second rural dwelling (relocatable)	374 Clear Creek Road CLEAR CREEK
10	2023	62	\$682,000	Single storey dwelling	118 Samuel Way THE LAGOON
10	2023	63	\$839,538	Single storey dwelling with attached garage	300 Mount Haven Way MEADOW FLAT
10	2020	45	\$650,000	MOD - Change of use to transitional group home & business premises	61 Boyd Street KELSO
10	2023	65	\$0	Concept plan for partial demo, additions & alterations to industry	4 Eglinton Road LLANARTH
10	2023	66	\$10,000,000	Specialised Retail Premises	1 Ingersole Drive KELSO
10	2023	68	\$250,000	Farm building	151 Mountain Straight MOUNT PANORAMA
10	2023	69	\$0	Three lot rural subdivision	1435 Tarana Road LOCKSLEY
10	2023	70	\$15,000	Earthworks and retaining walls	Marsden Lane KELSO
18	2023	17	\$50,000	Inground swimming pool and safety barrier	67 Duramana Road EGLINTON
10	2023	71	\$12,531	Construction of a garage	Vale Road SOUTH BATHURST
10	2023	72	\$14,110	Construction of a shed	Davis Street SOFALA
10	2023	74	\$440,000	Alterations and additions to an existing dwelling	112 Hollis Lane PERTHVILLE
10	2015	171	\$0	MOD - 10 lot subdivision and new road	38 Gilmour Street KELSO
10	2023	75	\$80,000	Alterations and additions to dwelling 1 and swim spa	104 Marion Close WIMBLEDON
10	2023	76	\$48,587	Construction of a garage	94 Gilmour Street KELSO
10	2023	77	\$631,000	13 lot residential subdivision including new roads	Claremont Drive WHITE ROCK
10	2023	78	\$330,000	Use of existing dwelling and construction of a shed	1989 Tarana Road GEMALLA
10	2023	79	\$230,000	Alterations and additions to existing dwelling and partial demolition	248 Russell Street BATHURST
10	2023	80	\$1,310,000	Alterations and additions to an existing dwelling, construction of 3 s	316 Stewart Street BATHURST
10	2023	81	\$0	use of existing dwelling and cat breeding facility	Diamond Swamp Road MEADOW FLAT
10	2023	82	\$941,424	Single storey replacement dwelling	2531 Sofala Road WIAGDON
10	2023	84	\$739,458	Demolition and rebuilding of staff facilities	101 Peel Street BATHURST
10	2020	469	\$620,000	MOD - Two storey dwelling with attached garage & swimming pool	1974 Limekilns Road LIMEKILNS
10	2023	87	\$5,000	Change of use to specialised retail premises	300 Stewart Street BATHURST
10	2016	444	\$70,000	MOD - Two lot subdivision & construction of 2 detached carports	108 Keppel Street BATHURST
10	2023	88	\$500,000	Dual occupancy and two lot residential subdivision	41 Macquarie Street WEST BATHURST

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Type	Year	No.	Value Description	Address
10	2023	89	\$498,350 Construction of single storey dwelling	17 River Street ROCKLEY
10	2023	90	\$12,000 Spa	7 Blacks Mill Lane O'CONNELL
10	2023	91	\$650,000 Dual occupancy and two lot residential subdivision	10 Bradbury Drive KELSO
10	2023	92	\$15,000 Demolition and construction of a shed & associated earthworks	14 Esrom Street WEST BATHURST
10	2023	93	\$10,000 front fence	86 Russell Street BATHURST
10	2023	94	\$19,715 Construction of a shed	138 Bentinck Street BATHURST
10	2023	95	\$0 3 lot torrens subdivision & 4 lot strata subdivision	165 Keppel Street BATHURST
10	2019	101	\$9,000 MOD - Two lot residential subdivision	24 Russell Street GORMANS HILL
18	2023	20	\$673,580 REJECTED - dwelling	4 Sunbright Road KELSO
10	2023	96	\$98,790 Single storey dwelling	539 Curragh Road ABERCROMBIE RIVER
10	2023	97	\$20,000 Alterations and additions to existing dwelling.	240 Havannah Street SOUTH BATHURST
10	2023	98	\$275,000 Dual occupancy and second dwelling	317 Rankin Street BATHURST
10	2023	99	\$338,972 Dual occupancy and second dwelling	4 Hamilton Street EGLINTON

App Type	Year	No	Description	Address	Application Date	Days Open	Stop Days	Reason
10	2020	95	MOD - alterations & additions to existing hotel	170 William Street BATHURST	6/01/2023	88		Additional information requested
10	2020	314	Change of use from garage to habitable rooms	1336 Limekilns Road CLEAR CREEK	8/09/2020	938	932	Additional information requested
10	2021	75	Intensification of existing mining facility	Trunkey Road CALOOLA	24/02/2021	769	743	TfNSW request for additional information
10	2021	429	Six two-bedroom units & seven lot subdivision	38A Stanley Street BATHURST	24/08/2021	588		Under assessment
10	2022	166	Two lot subdivision, demolition, tree removal and fence	42 Lloyds Road SOUTH BATHURST	6/04/2022	363	322	Additional information requested
10	2022	228	6 two storey dwellings, 8 lot strata subdivision, 1 tree	135 Durham Street BATHURST	9/06/2022	299	68	Additional information requested
10	2022	246	22 lot residential subdivision, drainage channel works and	3 Poplar Place KELSO	3/06/2022	305	59	Additional information requested
10	2022	252	Five lot subdivision	Toronto Street KELSO	22/07/2022	256	230	Preliminary Contamination Report
10	2022	302	Construction of a carport	21 Freeman Circuit LLANARTH	7/07/2022	271	259	Additional information requested
10	2022	310	Two double storey residential units and subdivision	185 Havannah Street BATHURST	13/07/2022	265	224	Amended plans requested
10	2022	317	Relocation of existing shed on block	4 Lee Street KELSO	18/07/2022	260	218	Under assessment
10	2022	350	Demolish existing dwelling, erect 6 new dwell, 6 lot strata	177 Seymour Street BATHURST	11/08/2022	236	44	Additional information requested
10	2022	373	1.42 lot subdivision, bulk earthworks, drainage channel	Marsden Lane KELSO	12/09/2022	204		Waiting on DPIE - Water
10	2022	433	Two lot rural boundary adjustment	145 Sinclairs Lane THE LAGOON	5/10/2022	181	154	Additional information requested
10	2022	436	Demolition, two storey alterations and additions to	168 George Street BATHURST	10/10/2022	176	128	Under assessment
10	2022	446	Single storey dwelling with attached garage	92 McManus Road MEADOW FLAT	8/11/2022	147		Under assessment
10	2022	449	4 x industrial units	44 Hampden Park Road KELSO	13/10/2022	173	145	Under assessment
10	2022	454	Relocatable dwelling and four tourist and visitor	374 Clear Creek Road CLEAR CREEK	17/10/2022	169		Additional information requested
10	2022	464	Two lot residential subdivision	43 Wellington Street EGLINTON	3/11/2022	152		Additional information requested
10	2022	475	Industrial building	16A Kirkcaldy Street SOUTH BATHURST	1/11/2022	154		Under assessment
10	2022	478	6 lot residential subdivision	Campbell Close LLANARTH	2/11/2022	153		Under assessment
10	2022	482	Partial demolition, additions and alterations to existing	4 Eglinton Road LLANARTH	1/12/2022	124	106	Under assessment
10	2022	515	Use of an existing industrial building as a manufacturing	105 Sydney Road KELSO	28/11/2022	127	1	Under assessment
10	2022	517	construction of a garage	14 Munro Street WINDRADYNE	6/12/2022	119	118	Additional information requested
10	2022	519	Single storey dwelling with attached garage	Hamilton Street EGLINTON	7/12/2022	118		Waiting on DPIE - Concurrence

10	2022	523	Concept Development Application - Redevelopment of	7 Keppel Street BATHURST	6/12/2022	119		Report to April Council meeting
10	2022	528	Two storey dual occupancy and subdivision	13 Campbell Close LLANARTH	12/12/2022	113		Amended site plan needed
10	2022	533	Construction of a carport and pergola	3 Kensington Place PERTHVILLE	13/12/2022	112	112	Under Assessment
10	2022	538	8 lot strata subdivision and common property	32 Corporation Avenue ROBIN HILL	21/12/2022	104		Under assessment
10	2022	543	Primitive campground, six decks and tents with facilities	2104 Turondale Road TURONDALE	20/12/2022	105		Waiting for RFS to determine BFS/
10	2022	546	Alterations and additions to an existing dwelling	3 Park Street BATHURST	21/12/2022	104		Under assessment
10	2022	547	Two lot rural residential subdivision	439 Whalans Lane MOUNT RANKIN	22/12/2022	103		Under assessment
10	2022	548	Partial demolition, additions and alterations to existing	4 Eglinton Road LLANARTH	27/01/2023	67	42	Under Assessment
10	2022	549	Demolish existing sheds, maintenance shed & container	4 Eglinton Road LLANARTH	4/01/2023	90	77	Under Assessment
10	2022	551	Installation of eight temporary buildings	4 Eglinton Road LLANARTH	3/02/2023	60	58	Additional information requested
10	2022	552	Partial demolition, additions and alterations to existing	4 Eglinton Road LLANARTH	4/01/2023	90	49	Under Assessment
10	2022	553	Motor vehicle showroom with service centre & basement	180 Sydney Road KELSO	9/01/2023	85		Waiting on DPIE - Water
10	2022	554	Two lot rural subdivision	45 Napoleon Reef Road NAPOLEON REEF	3/01/2023	91		Under Assessment
10	2022	555	Partial demolition, additions and alterations to existing	4 Eglinton Road LLANARTH	20/01/2023	74	49	Under Assessment
10	2023	8	Dual occupancy (second dwelling) & two lot residential	2 High Street WEST BATHURST	19/01/2023	75	40	Additional information requested
10	2023	11	Partial demolition, additions and alterations to existing	4 Eglinton Road LLANARTH	25/01/2023	69	57	Under Assessment
10	2023	20	Industrial warehouse	5475 Great Western Highway RAGLAN	31/01/2023	63	53	Amended plans requested
10	2023	21	Demolition of an existing dwelling, construction of three	48 Stanley Street BATHURST	30/01/2023	64	24	Under Assessment
10	2023	22	Demolition of existing dwelling, residential units, strata	169 Stewart Street BATHURST	1/02/2023	62		Under Assessment
10	2023	26	Dual occupancy (second dwelling) and two lot residential	17 Manilla Street BATHURST	10/02/2023	53		Under assessment
10	2023	27	Commercial signage	196 Howick Street BATHURST	6/02/2023	57	47	Amended plans requested
10	2023	33	Four lot residential subdivision	37 Loren Street EGLINTON	15/02/2023	48		Additional information requested
10	2023	38	Demolition, Alterations & additions to existing	220 Bentinck Street BATHURST	16/02/2023	47	47	Additional information requested
10	2023	46	Ancillary dwelling (employee accommodation)	1557 Rockley Road FOSTERS VALLEY	22/02/2023	41		Under assessment
10	2023	47	Four lot strata subdivision	189 Rocket Street BATHURST	22/02/2023	41		Under assessment
10	2023	48	Three lot rural subdivision	612 Tarana Road BREWONGLE	21/02/2023	42		Waiting on RFS

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Council	DA	Lot	DP	Street	No	Street Name	Suburb	Postcode	Category	Environmental Planning Instrument	Zoning Of Land	Development Standard To Be Varied	Justification Of Variation	Extent Of Variation	Concurring Authority	Date Determined
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NIL



BATHURST REGIONAL COUNCIL
 Bathurst Regional Council
 PMB 17
 158 Russell Street
 BATHURST NSW 2795
 Telephone: 02 6333 6111
 Fax: 02 6331 7211
 Email: council@bathurst.nsw.gov.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

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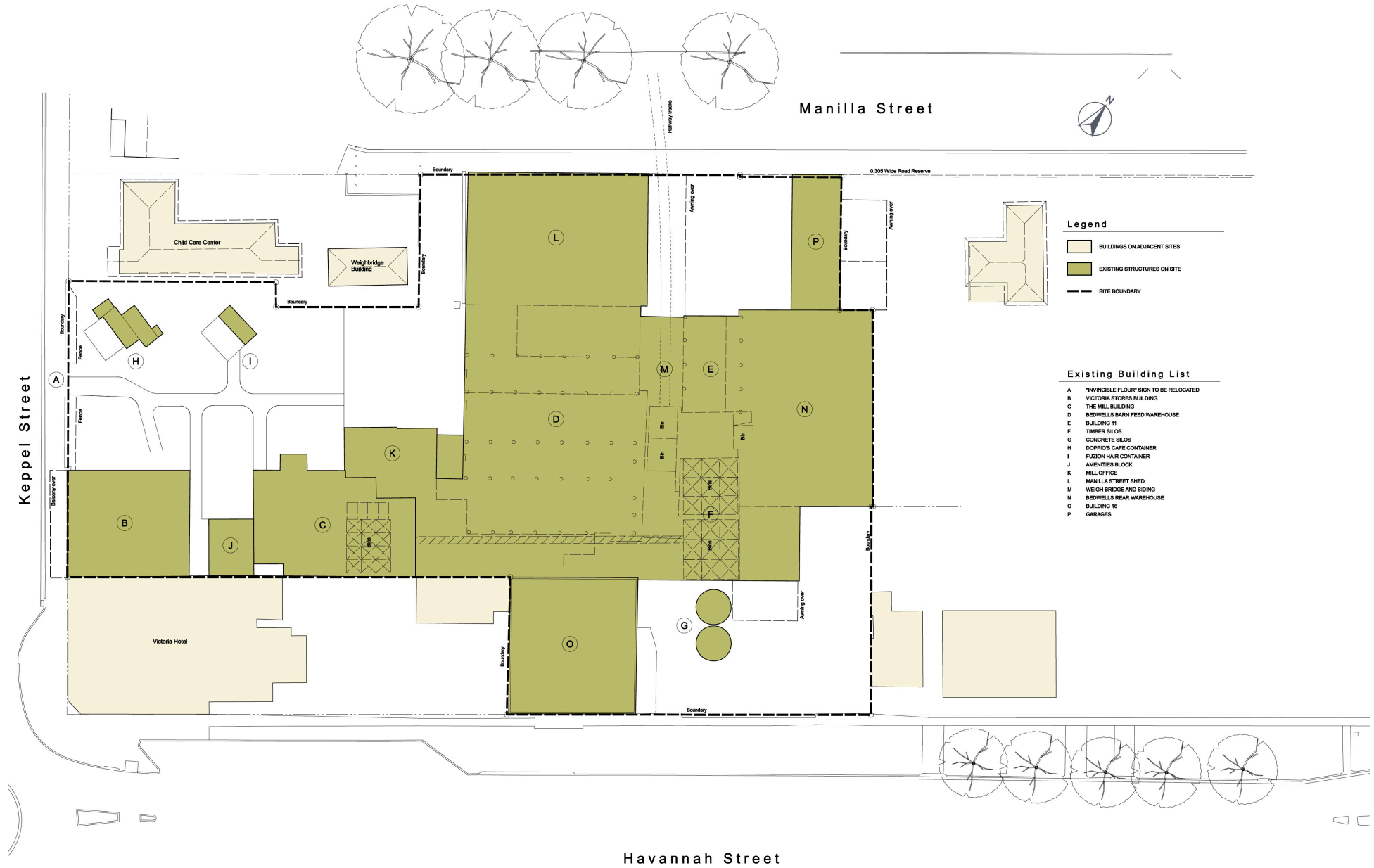
Drawn By: Emma Castle

Date: 5/04/2023

Projection: GDA94 / MGA zone 55

Map Scale: 1:1233 @ A4

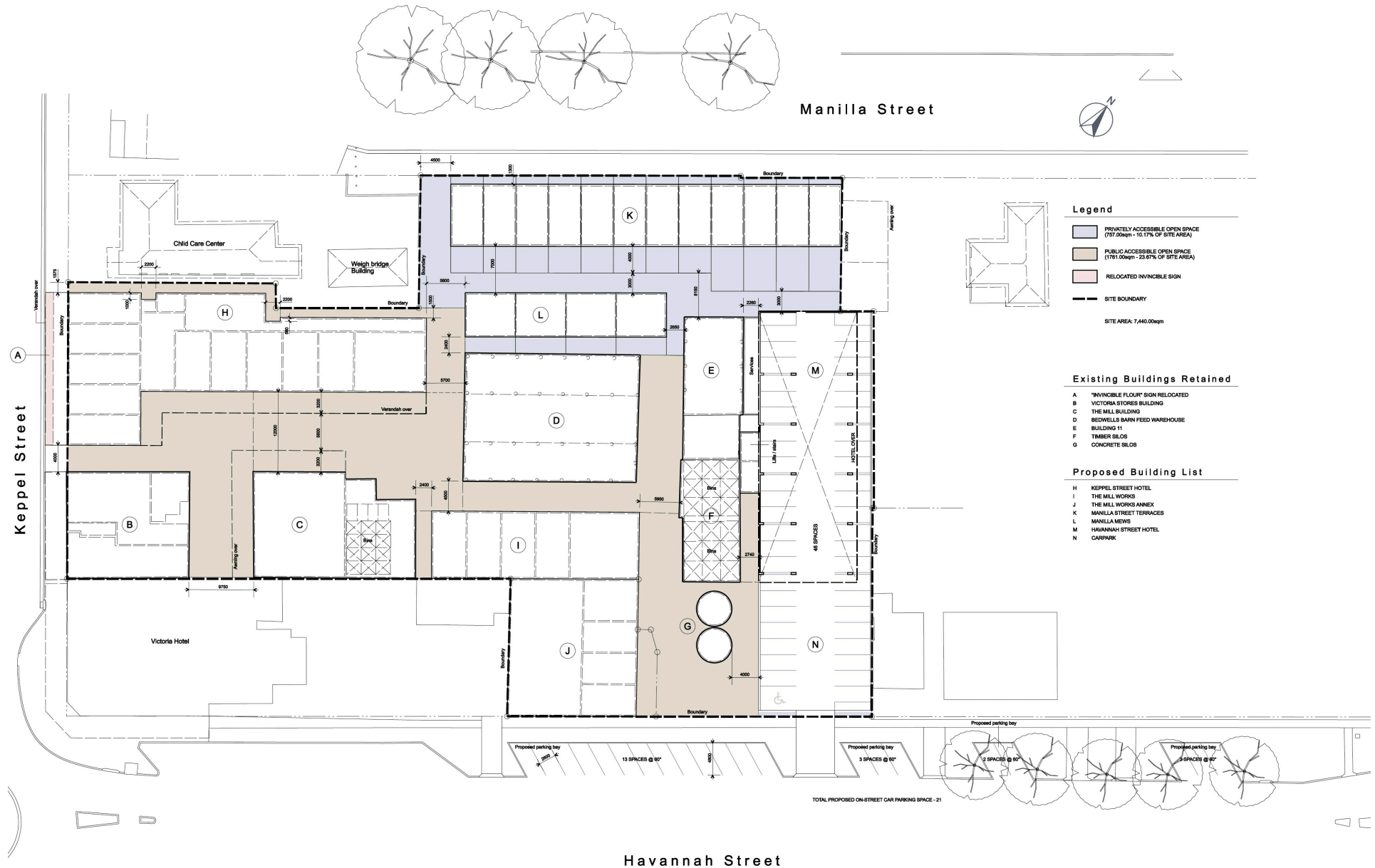
Tremains Mill - 7 Keppel Street & 67 Havannah Street Bathurst Site Location



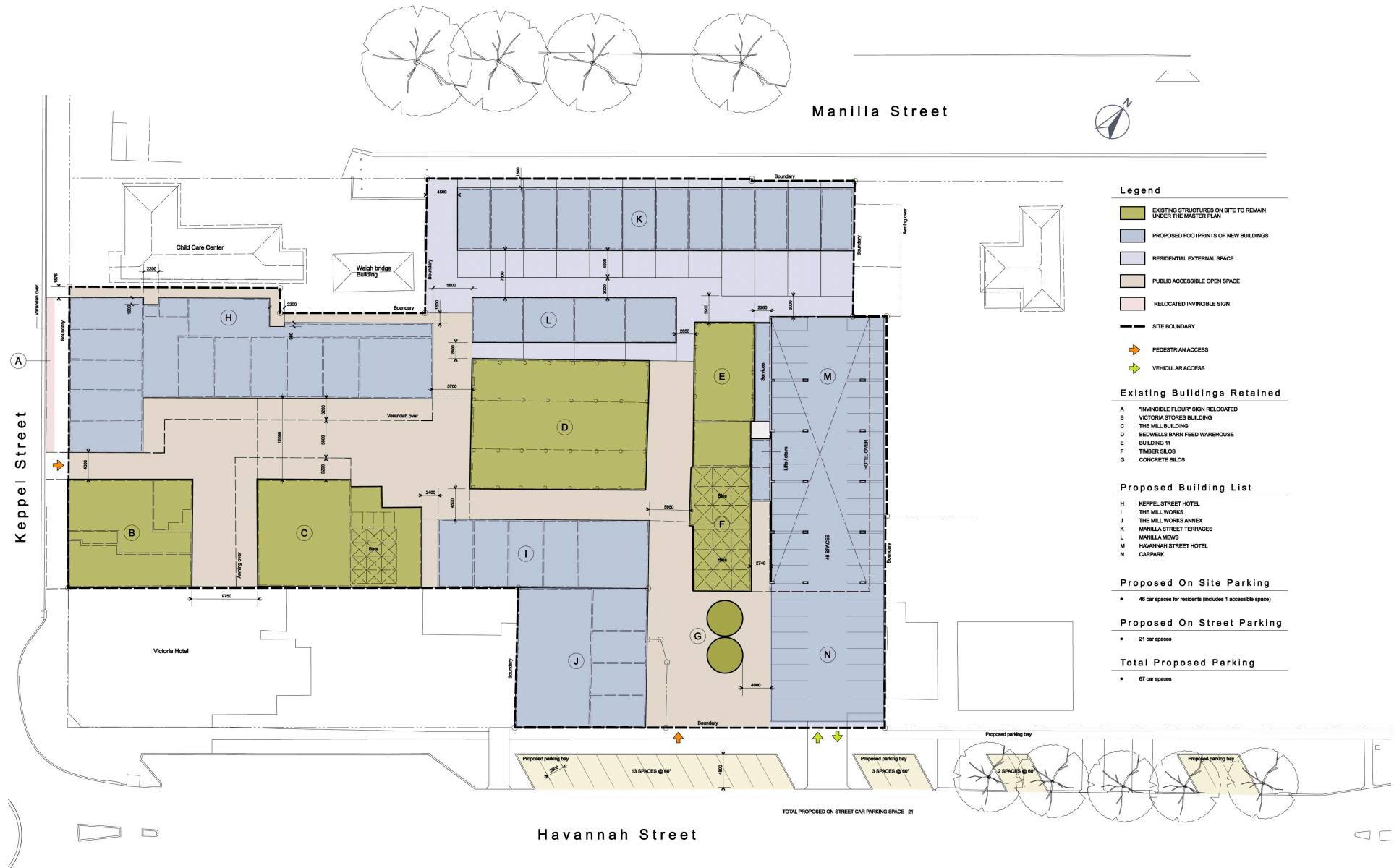
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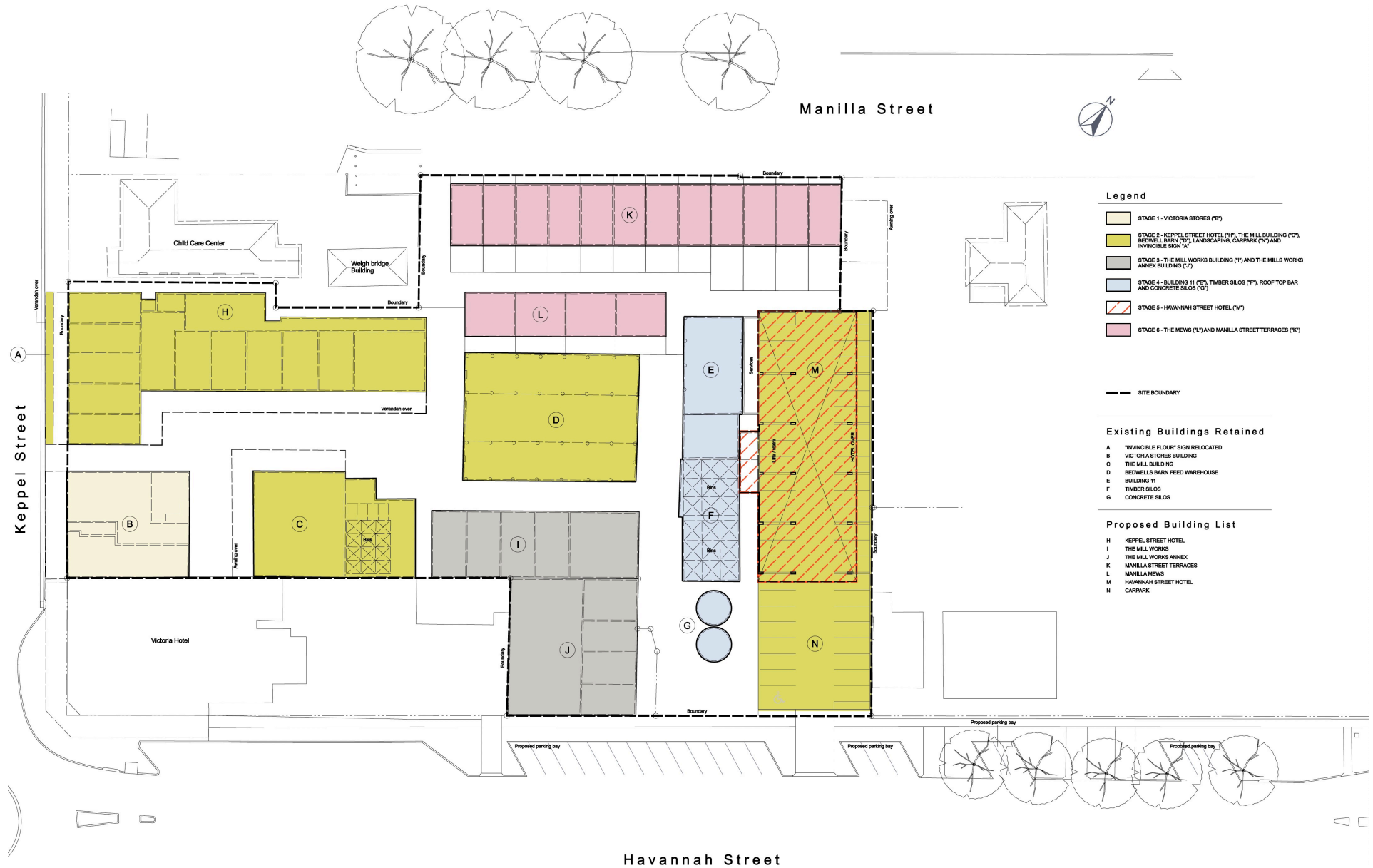






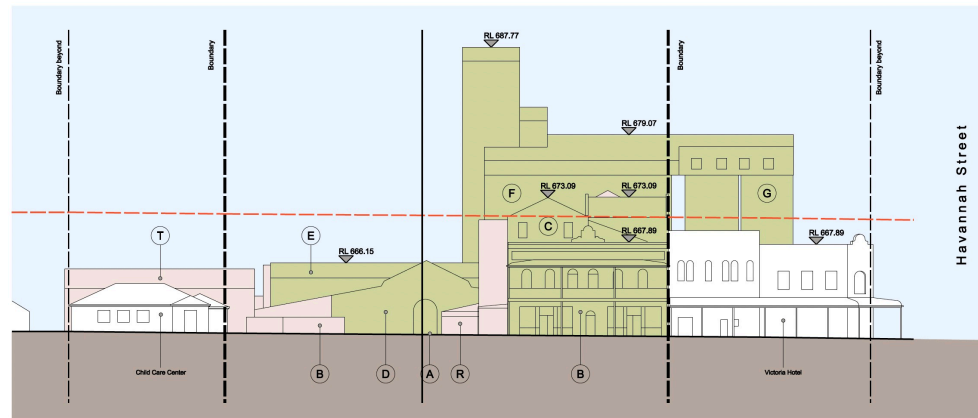
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Keppel Street Elevation - Existing Conditions

Legend

- EXISTING STRUCTURES ON SITE TO REMAIN OR BE RELOCATED UNDER THE MASTER PLAN
- PROPOSED BUILDINGS TO BE REMOVED
- PROPOSED BUILDINGS
- SITE BOUNDARY
- 12m HEIGHT PLANE

Existing Buildings Retained

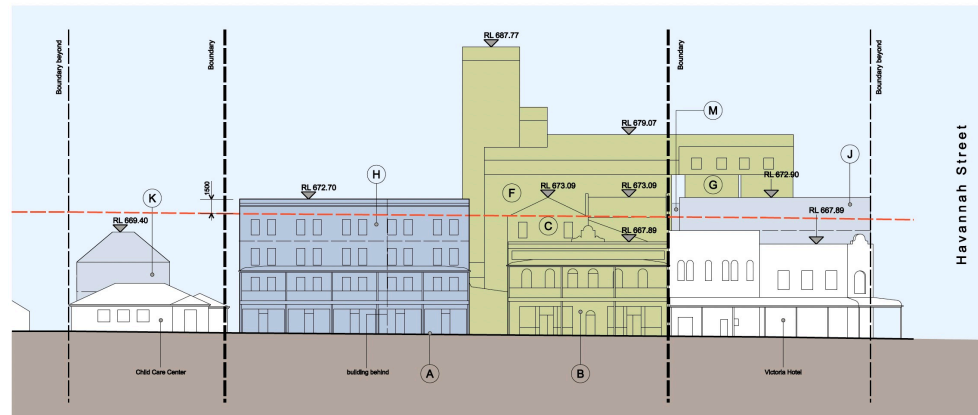
- A 'INVINCIBLE FLOUR' SIGN RELOCATED
- B VICTORIA STORES BUILDING
- C THE MILL BUILDING
- D BEDWELLS BARN FEED WAREHOUSE
- E BUILDING 11
- F TIMBER SILOS
- G CONCRETE SILOS

Proposed Building List

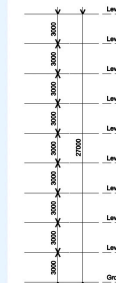
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- I THE MILL WORKS
- J THE MILL WORKS ANNEX
- K MANILLA STREET TERRACES
- L MANILLA MEWS
- M HAVANNAH STREET HOTEL
- N CARPARK

Proposed Building Removal List

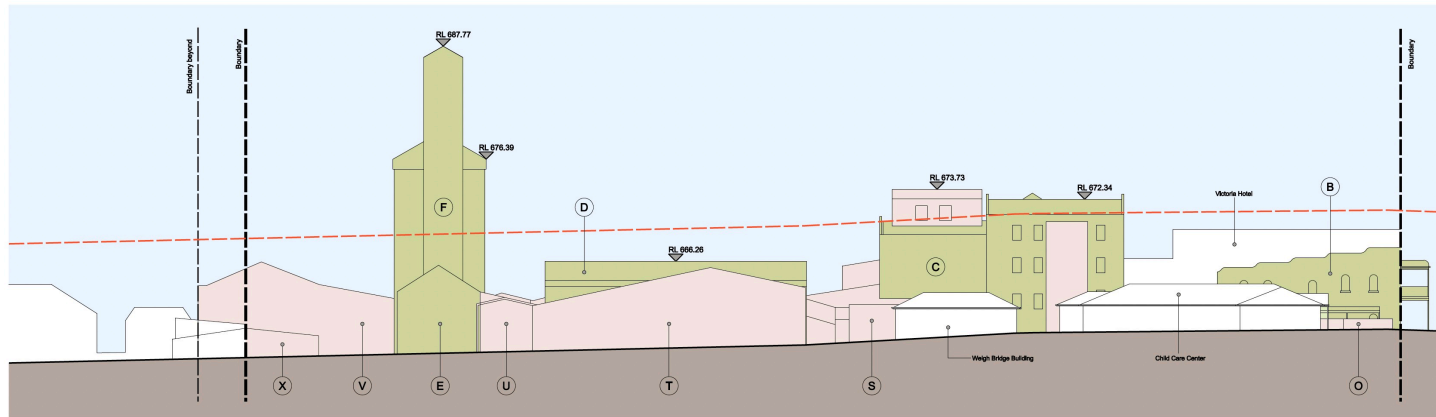
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- P FUZION HAIR CONTAINER
- R AMENITIES BLOCK
- S MILL OFFICE
- T MANILLA STREET SHED
- U WEIGH BRIDGE AND SIDING
- V BEDWELLS REAR WAREHOUSE
- W BUILDING 16
- X GARAGES



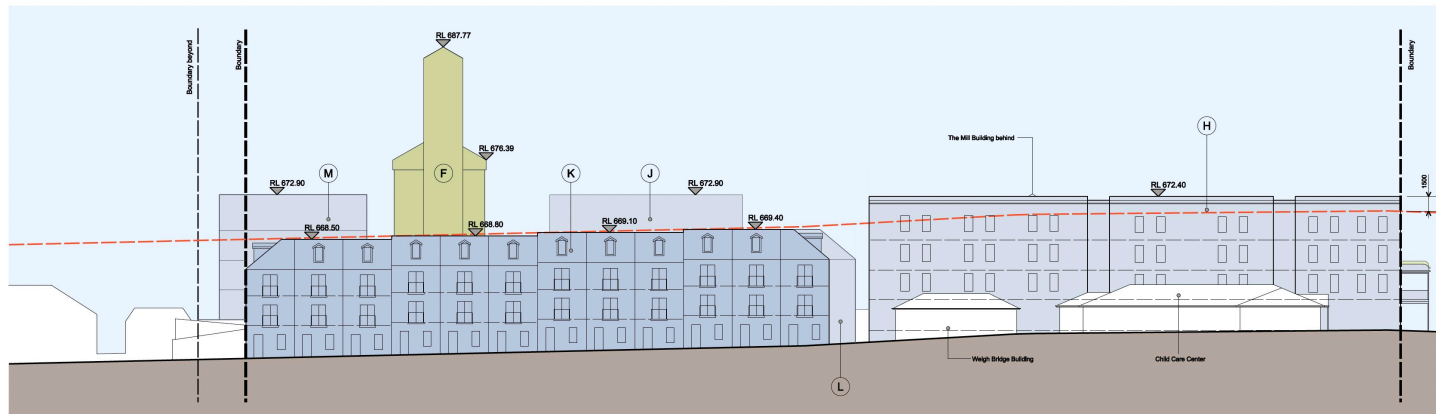
Keppel Street Elevation - Proposed



revision A (20/02/2023)



Manilla Street Elevation - Existing Conditions



Manilla Street Elevation - Proposed

- Legend**
- EXISTING STRUCTURES ON SITE TO REMAIN OR BE RELOCATED UNDER THE MASTER PLAN
 - PROPOSED BUILDINGS TO BE REMOVED
 - PROPOSED BUILDINGS
 - SITE BOUNDARY
 - 12m HEIGHT PLANE

Existing Buildings Retained

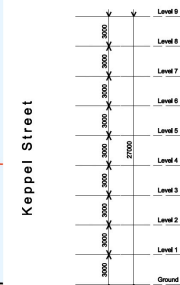
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- B VICTORIA STORES BUILDING
- C THE MILL BUILDING
- D BEDWELLS BARN FEED WAREHOUSE
- E BUILDING 11
- F TIMBER SILOS
- G CONCRETE SILOS

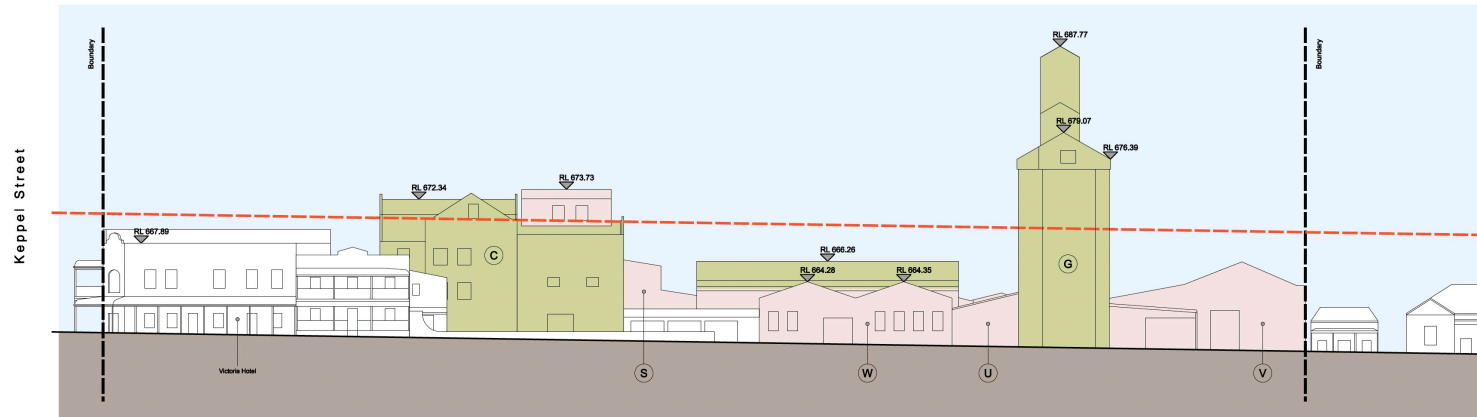
Proposed Building List

- H KEPPEL STREET HOTEL
- I THE MILL WORKS
- J THE MILL WORKS ANNEX
- K MANILLA STREET TERRACES
- L MANILLA MEWS
- M HAWANNAH STREET HOTEL
- N CARPARK

Proposed Building Removal List

- O DOPPIO'S CAFE CONTAINER
- P FUZZION HAIR CONTAINER
- R AMENITIES BLOCK
- S MILL OFFICE
- T MANILLA STREET SHED
- U WEIGH BRIDGE AND SIDING
- V BEDWELLS REAR WAREHOUSE
- W BUILDING 16
- X GARAGES





Havannah Street Elevation - Existing Conditions

Legend

- EXISTING STRUCTURES ON SITE TO REMAIN OR BE RELOCATED UNDER THE MASTER PLAN
- PROPOSED BUILDINGS TO BE REMOVED
- PROPOSED BUILDINGS
- SITE BOUNDARY
- 12m HEIGHT PLANE

Existing Buildings Retained

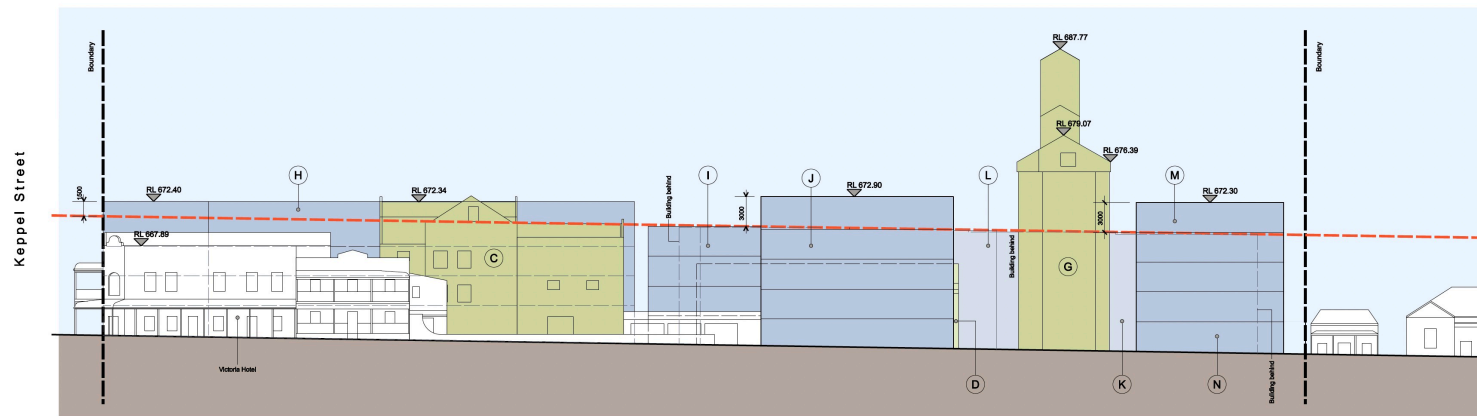
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- C THE MILL BUILDING
- D BEDWELLS BARN FEED WAREHOUSE
- E BUILDING 11
- F TIMBER SILOS
- G CONCRETE SILOS

Proposed Building List

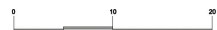
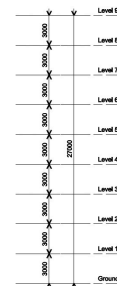
- H KEPPEL STREET HOTEL
- I THE MILL WORKS
- J THE MILL WORKS ANNEX
- K MANILLA STREET TERRACES
- L MANILLA MEWS
- M HAVANNAH STREET HOTEL
- N CARPARK

Proposed Building Removal List

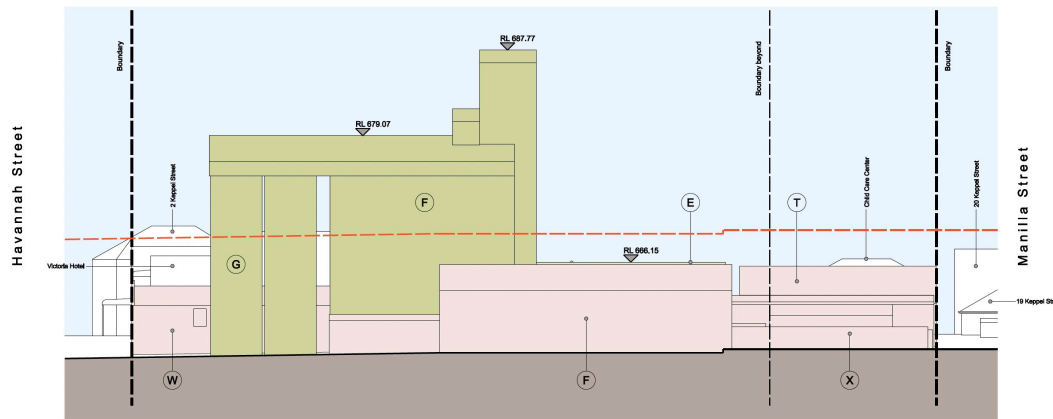
- O DORPPO'S CAFE CONTAINER
- P FLUZION HAIR CONTAINER
- R AMENITIES BLOCK
- S MILL OFFICE
- T MANILLA STREET SHED
- U WEIGH BRIDGE AND SIDING
- V BEDWELLS REAR WAREHOUSE
- W BUILDING 16
- X GARAGES



Havannah Street Elevation - Proposed



revision A (20/02/2023)



Eastern Elevation - Existing Conditions

Legend

- EXISTING STRUCTURES ON SITE TO REMAIN OR BE RELOCATED UNDER THE MASTER PLAN
- PROPOSED BUILDINGS TO BE REMOVED
- PROPOSED BUILDINGS
- SITE BOUNDARY
- 12m HEIGHT PLANE

Existing Buildings Retained

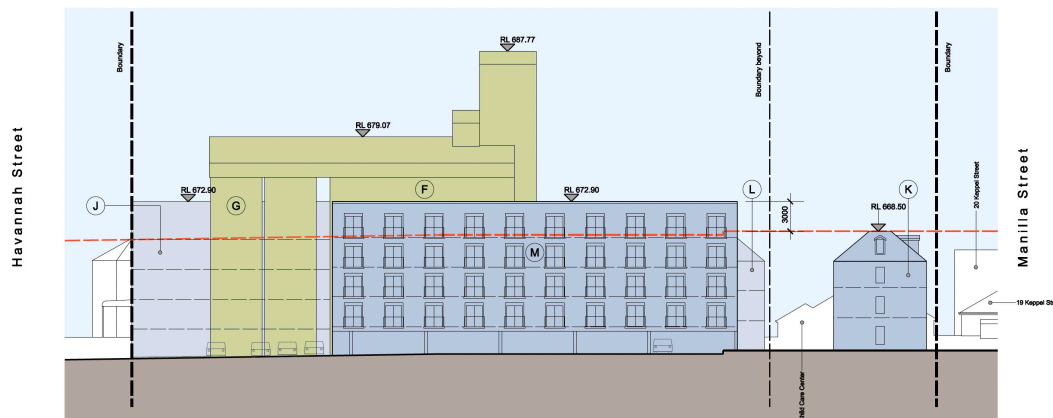
- A "WINNIBLE FLOUR" SIGN RELOCATED
- B VICTORIA STORES BUILDING
- C THE MILL BUILDING
- D BEDWELLS BARN FEED WAREHOUSE
- E BUILDING 11
- F TIMBER SILOS
- G CONCRETE SILOS

Proposed Building List

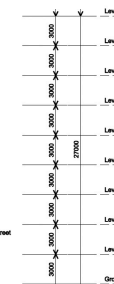
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- I THE MILL WORKS
- J THE MILL WORKS ANNEX
- K MANILLA STREET TERRACES
- L MANILLA MEWS
- M HAVANNAH STREET HOTEL
- N CARPARK

Proposed Building Removal List

- O DOPPIO'S CAFE CONTAINER
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- V BEDWELLS REAR WAREHOUSE
- W BUILDING 16
- X GARAGES



Eastern Elevation - Proposed



revision A (20/02/2023)

Legend

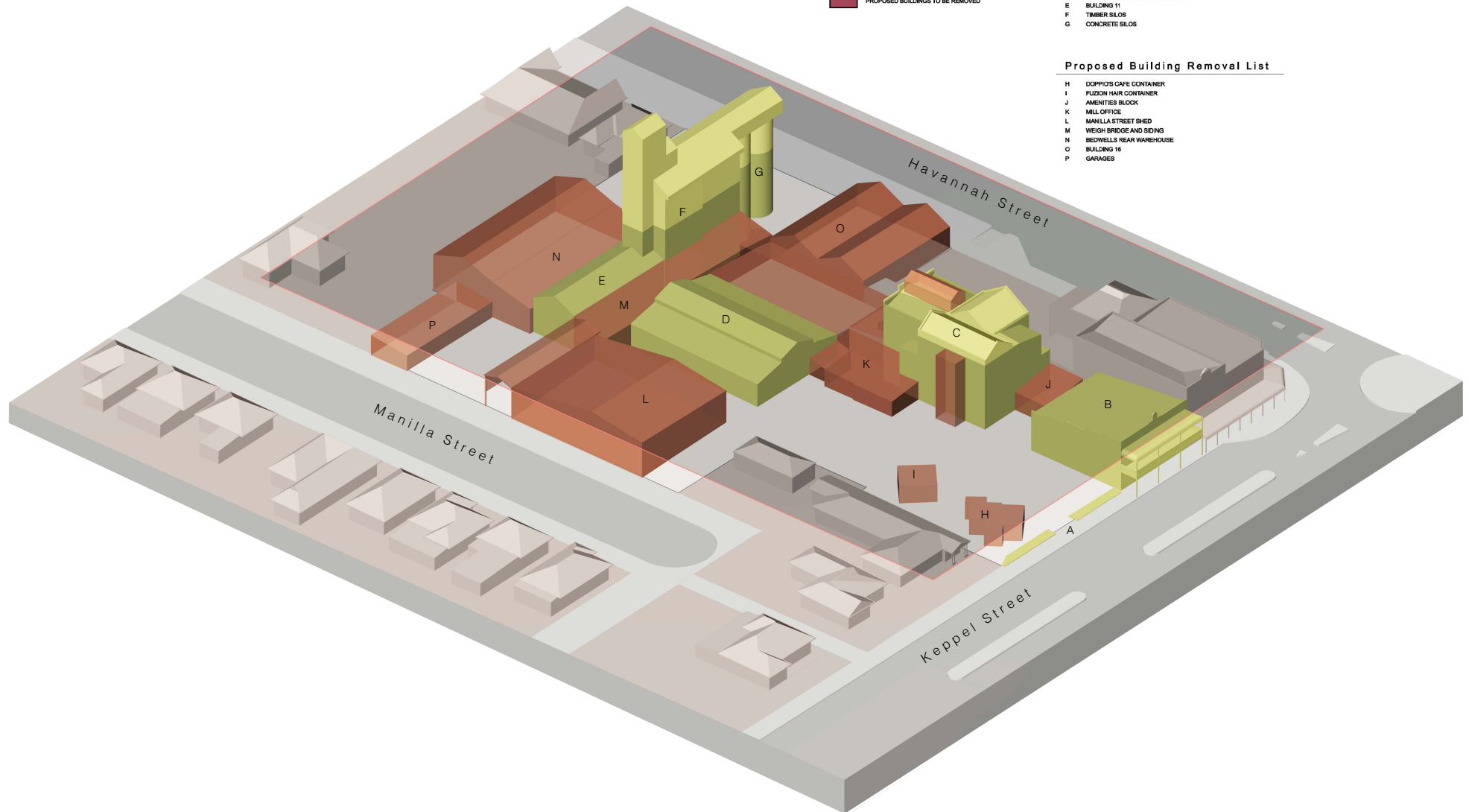
- EXISTING STRUCTURES ON SITE TO REMAIN OR BE RELOCATED UNDER THE MASTER PLAN
- PROPOSED BUILDINGS TO BE REMOVED

Existing Buildings Retained List

- A "INVINCIBLE FLOUR" SIGN TO BE RELOCATED
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- G CONCRETE SILOS

Proposed Building Removal List

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- M WEIGH BRIDGE AND SIDING
- N BEDWELLS REAR WAREHOUSE
- O BUILDING 16
- P GARAGES





7 Keppel Street and 67 Havannah Street,
Bathurst

Concept Development Application

Amended Statement of Environmental Effects

On behalf of True Green Group
November 2022



Project Director

Georgia Sedgmen



3 March 2023

Project Planner

Hugh Halliwell

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

Contact

Mecone
Level 2, 3 Horwood Place
Parramatta, New South Wales 2150
info@mecone.com.au
mecone.com.au

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- Appendix 2** Design Statement
- Appendix 3** Clause 4.6 Written Request
- Appendix 4** Traffic and Parking Assessment
- Appendix 5** Heritage Impact Statement
- Appendix 6** Conservation Management Plan
- Appendix 7** Landscape Master Plan
- Appendix 8** Preliminary Contamination Assessment

1 Executive Summary

This Statement of Environmental Effects (SEE) has been prepared on behalf of The True Green Group (the client) to support a Development Application (DA) to Bathurst Regional Council (Council) for a Concept DA for land at 7 Keppel Street and 67 Havannah Street, Bathurst (the site). The Concept DA proposes no building works and is delivered as a masterplan for information purposes, to inform the Council and the community of the ultimate intended development outcome across the site.

The building envelopes identified are a maximum envelope, in which future development will be provided. The envelopes have not been subject to detailed design and do not reflect any articulation, which will be delivered as part of future detailed Development Applications for individual buildings, within the envelopes specified.

Council will not be approving any construction or physical works on the site as part of this application and will simply be supporting the proposed mix of land use and maximum building envelopes. All built form will be subject to a series of future detailed DAs.

The Concept DA proposes a masterplan which will guide future development on the site and offer the opportunity for an adaptive reuse, mixed-use development, comprising, hotel accommodation, residential accommodation, commercial and retail uses.

History

The site occupies a landmark position in the southern part of the Bathurst CBD and contains the existing Tremain's Mill and Silos. The area was formerly identified as 'Milltown', due to the presence of flour mills and residences of the mill workers and a number of buildings and groups of buildings in the vicinity of the site are of heritage significance.

For visitors and residents arriving to Bathurst by private vehicle, bus and rail, the site occupies a prominent position at the gateway to the CBD, with Bathurst Station located immediately south of the site on the southern side of Havannah Street.

Along with The Victoria Hotel, the Station Masters Residence, the Havannah Street terraces, the Tremain's Mill and Silos create a sense of arrival and place through retention of important heritage items which complement the station, established in 1876.

Located on the site is the 'Tremain's Mill and Silos (formerly Victoria Mill) and the Invincible Flour Sign', which are items of local heritage significance. The site is also located in the Bathurst Heritage Conservation Area, as listed under Schedule 5 Part 2 of the Bathurst Regional Local Environmental Plan (BRLEP) 2014. The twentieth century flourmill provides demonstrable evidence of the role of the wheat industry in the economic development of Bathurst, Australia's oldest inland town.

The site offers a rare opportunity to develop a heritage and cultural precinct that marries Australian contemporary architecture with important heritage elements. The proposal is an opportunity to showcase the best of regional Australia.

Structure of Concept DA and future applications

The Concept DA is made pursuant to Clause 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which sets out the provisions pertaining to a Concept DA.

The Concept DA does not propose a detailed first stage of development. It provides a masterplan giving Council an understanding of the long-term outcome for the site.

In accordance with Clause 4.22(4) of the EP&A Act, the approval of the Concept DA will not authorise the carrying out of development. All physical works proposed will be subject of separate detailed development applications, following the Concept DA.

The EP&A Act is clear that, when considering the likely impacts of the development under section 4.15, the consent authority need only consider the likely impact of the concept proposal and does not need to consider the likely impact of carrying out of development subject of subsequent development applications.

The Concept DA will deliver a masterplan to guide future development of the site. The identified development envelopes provide for the spatial distribution of future development, including height, setbacks and massing, potential land uses and the landscape concept for the site, with the masterplan only seeking consent for maximum building envelopes for all future development to fit within.

It is important to note that future development will not necessarily occur in the whole envelope. The future DAs will produce a fine grain design response with future buildings providing articulated forms within the nominated development envelopes and a staged approach, which is detailed further within this letter.

Consistency with permitted uses and zone objectives

The site is limited to the B3 Commercial Core zone, where the proposal is permissible with consent pursuant to Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014).

The objectives of the B3 zone include encouraging a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. Further, the objectives aim to maximise public transport patronage and encourage walking and cycling, while also protecting and conserving the historic and scenic quality of the Bathurst CBD.

In accordance with the permitted uses and zone objectives, the Concept DA will deliver a variety of housing layouts and typologies. It further emphasises the importance of promoting the use of public transport and other modes of transport, while conserving the heritage significance of the site and the heritage items and wider conservation area.

Description of Concept DA

The development proposed by the Concept DA comprises the following development:

1. Concept masterplan:

a) Hotel Accommodation

- Various accommodation across the site in a combination of new and adaptive re-use heritage buildings comprising:
 - 9 room heritage boutique hotel in existing Victoria Stores Building (previously approved DA 10-2022-384-1)
 - 51 room new boutique hotel (Keppel Street)
 - 52 room new boutique hotel (Havannah Street)
 - 10 room boutique hotel in existing concrete silos

b) Commercial

- Range of commercial offerings across the site comprising of:
 - Hotel reception
 - Guest library
 - Exhibition Space /Art Gallery
 - Farmers Market
 - Event and function space
 - Art House Cinema
 - Commercial Kitchen

c) Retail

- Wide range of complementary mixed-use retail and food and beverage offerings comprising of 29 tenancies. Uses include:
 - Bookshop, haberdashery, hardware, homewares, wool shop and knitwear
 - Artisan baker, fromagerie, providore, fruit and vegetables
 - Cafes
 - Wine Bar/ Enoteca
 - Restaurants
 - Bottle shop
 - Distillery
 - Roof top bar located above timber silos, within existing building

d) Residential

- Residential offerings at the rear of the site comprising:
 - 12 x 2 bedroom terraces
 - 4 x 1 bedroom mews

Carparking

- 30 hotel on-site spaces
- 16 residential on-site spaces

- 1 accessible space
- Bicycle accommodation
- EV charging station
- Provision of 21 on street parking spaces – Havannah Street
- Provision of electric bus from Circular Quay Sydney to Bathurst - seats 40 to 42

In addition, the Concept DA includes a landscape masterplan which provides a landscape statement and design principles that will guide future public domain and private open space works within the site.

In order to facilitate the provision of electric bus transport from Circular Quay, Sydney to Bathurst, the applicant is agreeable to a discussion with Council regarding a formal agreement, which will ensure an alternate mode of transport, as part of the development reducing the need for individual car usage.

When considering the proposed development and genuine mix of uses detailed above, and the opportunity afforded by the location within the southern extent of Bathurst CBD, adjoining the railway station, it is clear that this development offers the opportunity to act as a catalyst for the transformation of Bathurst to create a residential, cultural and tourism precinct and create a desirable visitor destination.

Together with the Station Masters Residence and Cottage, and Bathurst Rail Museum, the proposal delivers these cultural elements to provide an opportunity to deliver a landmark cultural and commercial precinct within the Bathurst CBD.

Proposed staging

It is anticipated that the proposal will be delivered across several stages with the commercial and public domain elements being delivered ahead of the residential component. Doing so will ensure activation of the precinct, providing a desirable, high-quality commercial and cultural precinct, ahead of residents occupying the site. Furthermore, delivering the commercial and public domain components first, is evidence of the applicant's intent to deliver the precinct as proposed without relying upon selling portions of the site for residential development in order to fund the critical commercial elements of the masterplan, including restoration of significant heritage items.

The delivery of the precinct will generally be in accordance with the following staging (further details provided in architectural plans):

- **Stage 1:**
 - Alterations and additions to Victoria Stores building (subject to separate development consent)
- **Stage 2:**
 - Construction of boutique hotel fronting Keppel Street
 - Restoration of Mill Building
 - Restoration of Bedwells Barn
 - Landscaping
 - Construction of on-site car park
 - Relocation of 'Invincible' sign.

- **Stage 3:**
 - Construction of new commercial and retail building in the location of the Mill Works
 - Construction of new retail and commercial development in the location of the Millworks Annex. In delivering these works, the existing timber silos will not be touched.
- **Stage 4:**
 - Restoration works to the ground floor silos
 - Restoration of Building 11 for the purpose of an arthouse cinema
 - Creation of hotel accommodation within the Concrete silos
- **Stage 5:**
 - Construction of Havannah Street Hotel
- **Stage 6:**
 - Construction of the Mews and Manilla Street Terraces

Structure of the SEE

This SEE includes an assessment of the proposed works in terms of the matters for consideration listed at Section 4.15 of the EP&A Act. It should be read in conjunction with the following information, as outlined in the Table of Contents:

- Clause 4.6 Written Request (building height);
- Architectural Plans and Design Statement;
- Landscape Concept Plan;
- Conservation Management Plan Addendum and Heritage Impact Assessment; and
- Traffic Impact Assessment.

Specifically, the SEE:

- Describes the site in its local and regional context;
- Described the proposed Concept;
- Identifies and addresses relevant Council and State controls, policies and guidelines;
- Identifies and addresses environmental considerations of the proposal; and
- Describes measures proposed to minimise or manage any potential adverse environmental effects.

A planning assessment of the proposal has been undertaken at Section 4 of the SEE whilst an Environmental Assessment has been undertaken at Section 5.

1.1 Applicant and Project Team

The DA and SEE have been prepared on behalf of the applicant, True Green Group. The project team is listed in **Table 1**.

Table 1. Project Team	
Item	Description
Planning	Mecone
Architect	Karl Walls Design
Traffic	PDC Consultants
Landscape	Aspect
Heritage	Weir Phillips Heritage and Planning

1.2 Pre-DA Meeting

A Pre-DA meeting with Council was held on 22 November 2022 to discuss the proposed Concept DA.

Prior to undertaking a pre-DA meeting with Council, the applicant has undertaken ongoing engagement over a period of nine months to discuss various iterations of the design and resolve the masterplan being presented in support of this Concept DA.

Major discussions centred around heritage, car parking, removal of buildings and this concept plan is a reflection of discussions between the applicant and Council. The Concept Plan is consistent with the original planning intent and has taken into account Council comments and concerns. It is also a plan that is sympathetic to the heritage significance of the site. It is noted the applicant explored numerous models for car parking on sites located close to the precinct as well as multi-storey car parking under the Bathurst Development Control Plan and Road and Maritime Services – these were presented to Council officers to outline that multi-storey car parking is not suitable for the heritage precinct and broader conversation area. It was agreed an on-grade car parking solution benefited the site and heritage aspects of the precinct.

1.3 Site background

The site was historically used for the purposes of a flourmill from the late nineteenth century. The mill buildings and the silos are a key landmark in this part of Bathurst. They are an important marker in the historical timeline of Bathurst and in establishing the importance of wheat growing and processing through milling.



Figure 1 Victoria Stores, 1900 Source: Tremain Family Archives



Figure 2 Victoria Mills, 1901 Source: Tremain Family Archives



Figure 3 Flour Mills, 1940 Source: Tremain Family Archives



Figure 4 Flour Mills, 1970 Source: Tremain Family Archives

Victoria Mill at the time of purchase in 1874 was a small mill run on steam with millstones used for grinding flour (these stones lie beneath the present dock of the mill). Victoria Steam Mills was one of the five mills located in this part of Bathurst. The Victoria Mills at the time of purchase was a humble three storey building with a basement and a square chimney at the rear.

The Heritage Impact Statement and Conservation Management Plan provides further detail on the history of Tremain's Mill. In the past five years the previous owner has modified the site to include removal of some buildings and constructed new toilet facilities, upgraded the Victoria Stores Building and installed two shipping containers for commercial tenancies. In addition, several events and community activities have occurred onsite.

2 The Site

2.1 Regional Context

The site is located in the Bathurst CBD and falls within Bathurst Regional Local Government Area (LGA). Future planning for the site aims to create a vibrant heritage and cultural precinct town centre to be integrated with the wider Bathurst CBD and region.

The site is identified within *Central West and Orana Region* (Region Plan) as being located in the Western Regional District. It is approximately 45km south-east from Orange CBD, 53km west from Lithgow and approximately 160km west of Sydney CBD. The closest strategic centres as outlined within the Region Plan are Orange and Mudgee.

A map of Bathurst in the context of the Region Plan is shown in the below **Figure 5**.

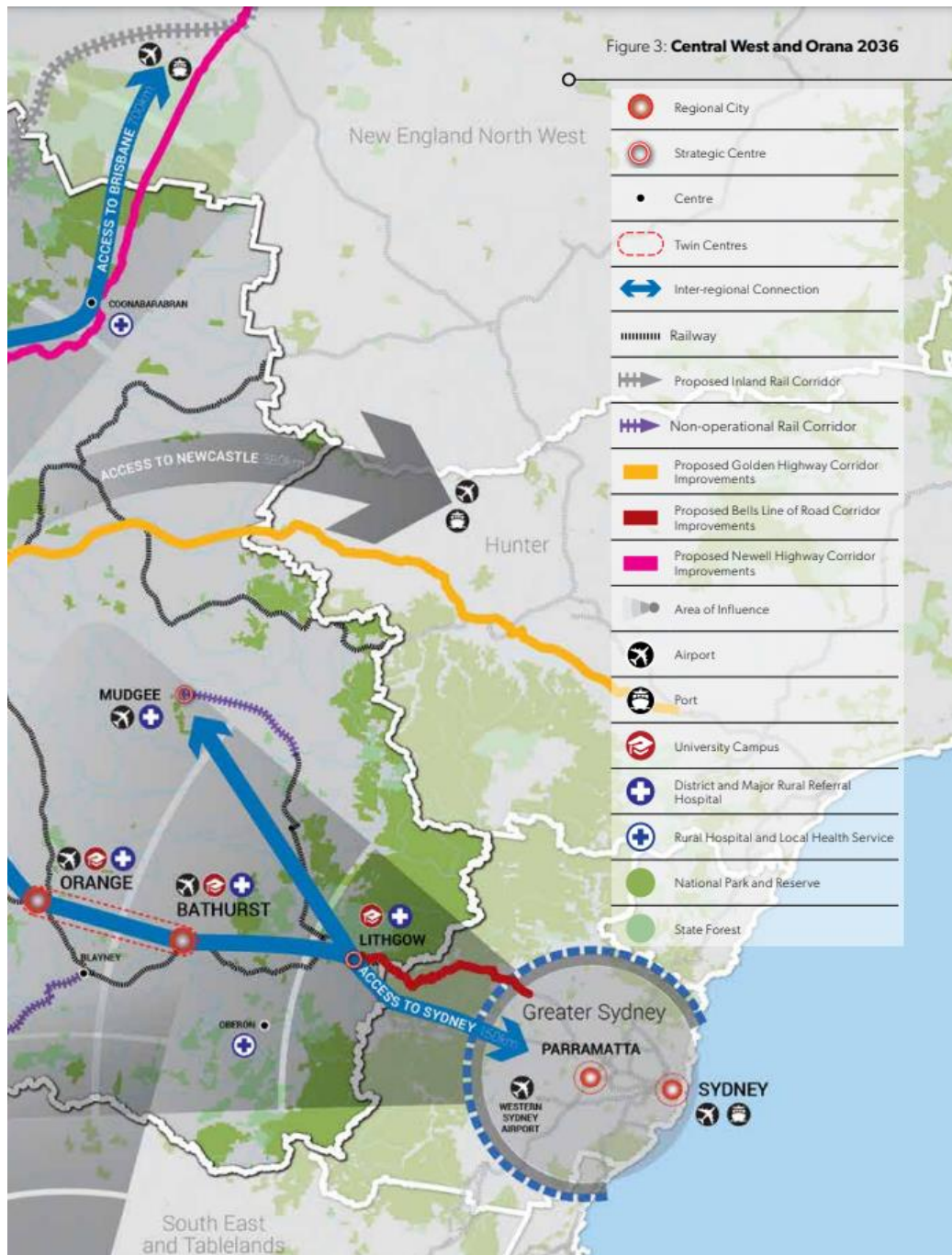


Figure 5 Central West and Orana Region Source: *Central West and Orana Regional Plan*

2.2 Local Context

For visitors and residents arriving to Bathurst by private vehicle, bus and rail, the site occupies a prominent position at the gateway to the CBD, with Bathurst Station located immediately south of the site on the southern side of Havannah Street.

Along with The Victoria Hotel, and the Station Masters Residence, the Tremain's Mill and Silos create a sense of arrival and place through retention of important heritage items which complement the station, established in 1876.

The site comprises an area of 7,440m² and benefits from three street frontages; Keppel Street, Havannah Street and Manilla Street, each with unique context and streetscape, which future development will respond to accordingly.

2.3 Site Description

Table 2 outlines the legal description and a brief summary of the site and surrounding context.

Table 2. Site Summary	
Item	Description
Legal Description:	Lot 11 DP 1266801 Lot 12 DP 1266801
Address	7 Keppel Street, Bathurst 67 Havannah Street, Bathurst
Total land area	7,440m ²
Road Frontage(s)	Approximately 44m to Keppel Street (Primary Frontage), 55m to Havannah Street (Secondary Frontage) and 63m to Manilla Street (Residential Frontage)
Local Government Area	Bathurst Regional Council
Site Description	The site is approximately 7,440m ² , is irregular in shape and includes relatively flat topography. The subject site has a frontage to Keppel, Havannah and Manilla Streets and it is located within the CBD of Bathurst. The site is located within a heritage conservation area and contains several heritage items of local significance.
Surrounding Development	<p>Adjoining land uses include:</p> <ul style="list-style-type: none"> The site forms part of a commercial precinct defined by the existing public streets of Havannah Street (to the south), Russell Street (to the east), Manilla Street (to the north), and Keppel Street to the west. Land-use on the opposite side of Havannah Street is zoned for industrial purposes and adjoins the railway line. Land-use on the opposite side of Keppel Street is zoned for general residential purposes. The predominant building form is low / medium density housing. Large trees are features of the streetscape. Land-use on the opposite side of Manilla Street is zoned for general residential purposes. The predominant building form is low density housing. Large trees are features of the streetscape.

Table 2. Site Summary

	There are several community-uses within 250m of the site including Bathurst Railway Station, Central West Community College, Keppel Street Kindy and the Loco Sports Oval.
Transport Network	<p>Driveway access is available to the site with four driveways present. There are currently two driveways on the 63m Manila Street frontage and two driveways on the 55m Havannah Street frontage. The site also benefits from a pedestrian frontage on Keppel Street and it is intended that the Keppel Street frontage will remain the primary frontage. The site is within 100 metres of Bathurst Railway Station. The site is well serviced by the local Bus network as it has the 522, 524, 526 and the 528 arriving regularly and the 520, 523 and the 527 arriving on a limited timetable service pattern. A map is illustrated below with a circle to present the site location in relation to the bus network. In addition, the site is located near some major highways including:</p> <ol style="list-style-type: none"> 1. Great Western Highway – approx. 4.7km – 8-minute drive 2. Mid-Western Highway – approx. 4.1km – 6-minute drive 3. Mitchell Highway – 1.7km – approx. 4-minute drive

Images of the site and surrounding context are presented in the following figures.



Figure 6 Site Aerial Image. Source: Mecone Mosaic



Figure 7 Proximity of the site to Bathurst Railway Station. Source: Mark Sullivan



Figure 8 View of the subject site including the silos and mill building Source: Mark Sullivan



Figure 9 View of Bedwells Barn, the silos and mill building Source: Mark Sullivan

3 The Concept Proposal

The proposal will seek consent for a Concept DA made pursuant to Clause 4.22 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Concept DA does not propose a detailed first stage of development. It provides a masterplan giving Council an understanding of the long term outcome for the site.

In accordance with Clause 4.22(4) of the EP&A Act, the approval of the Concept DA will not authorise the carrying out of development. All physical works proposed will be subject of separate detailed development applications, following the Concept development application.

The EP&A Act is clear that, when considering the likely impacts of the development under section 4.15, the consent authority need only consider the likely impact of the concept proposal and does not need to consider the likely impact of carrying out of development subject of subsequent development applications.

The Concept DA outlines a masterplan to guide future development of the site. The identified development envelopes show the spatial distribution of future development, including height, setbacks and massing, potential land uses and the landscape concept for the site, with the masterplan only seeking consent for maximum building envelopes for all future development to fit within.

It is important to note that future development will not necessarily occur in the whole envelope. The future DAs offer a fine grain design response with future buildings providing articulated forms within the nominated development envelopes and a staged approach, which is detailed further within this letter.

The masterplan will facilitate a future development outcome, with future detailed DAs to include following elements:

Hotel Accommodation

- Various accommodation across the site in a combination of new and adaptive re-use heritage buildings comprising:
 - 9 room heritage boutique hotel in existing Victoria Stores Building (previously approved DA 10-2022-384-1)
 - 51 room new boutique hotel (Keppel Street)
 - 52 room new bout
 - 10 room boutique hotel in existing concrete silos

Commercial

- Range of commercial offerings across the site comprising of:
 - Hotel reception
 - Guest library
 - Exhibition Space /Art Gallery
 - Farmers Market
 - Event and function space

- Art House Cinema
- Commercial Kitchen

Retail

- Wide range of complementary mixed-use retail and food and beverage offerings comprising of 29 tenancies. Uses include:
 - Bookshop, haberdashery, hardware, homewares, wool shop and knitwear
 - Artisan baker, fromagerie, providore, fruit and vegetables
 - Cafes
 - Wine Bar/ Enoteca
 - Restaurants
 - Bottle shop
 - Distillery
 - Roof top bar located above timber silos, within existing building

Residential

- Residential offerings at the rear of the site comprising:
 - 12 x 2 bedroom terraces
 - 4 x 1 bedroom mews

Carparking

- 30 hotel on-site spaces
- 16 residential on-site spaces
- 1 accessible space
- Bicycle accommodation
- EV charging station
- Provision of 21 on street parking spaces – Havannah Street
- Provision of electric vehicle from Circular Quay Sydney to Bathurst - seats 40 to 42

In addition, the Concept DA includes a landscape masterplan which provides a landscape statement and design principles that will guide future public domain and private open space works within the masterplan. A copy of the landscape masterplan is attached and marked **Appendix 6**.

In order to facilitate the provision of electric bus transport from Circular Quay, Sydney to Bathurst, the applicant is agreeable to a discussion with Council regarding a formal agreement, which will ensure an alternate mode of transport, as part of the development. In addition, the applicant proposes a Bathurst CBD shuttle along with the Sydney to Bathurst electric bus transportation.

When considering the proposed development and genuine mix of uses detailed above, and the opportunity afforded by the location within the southern extent of Bathurst CBD, adjoining the railway stations, it is clear that this development offers the opportunity to act as a catalyst for the transformation of Bathurst to create a cultural and tourism precinct and create a desirable visitor destination.

Together with the Station Masters Residence and Cottage, and Bathurst Rail Museum, the proposal delivers these cultural elements to present an opportunity to deliver a landmark cultural and commercial precinct within the Bathurst CBD.

Proposed staging

It is anticipated that the proposal will be delivered across several stages with the commercial and public domain elements being delivered ahead of the complementary residential component. Doing so will ensure activation of the precinct, providing a desirable, high-quality commercial and cultural precinct, ahead of residents occupying the site. Furthermore, by delivering the commercial and public domain components first, is evidence of the applicants' intent to deliver the precinct as proposed without relying upon selling portions of the site for residential development in order to fund the critical commercial elements of the masterplan.

The delivery of the precinct will generally be in accordance with the following staging:

- **Stage 1:**
 - Alterations and additions to Victoria Stores building (subject to separate development consent)
- **Stage 2:**
 - Construction of boutique hotel fronting Keppel Street
 - Restoration of Mill Building
 - Restoration of Bedwells Barn
 - Landscaping
 - Construction of on-site car park
 - Relocation of 'Invincible' sign.
- **Stage 3:**
 - Construction of new commercial and retail building in the location of the Mill Works
 - Construction of new retail and commercial development in the location of the Millworks Annex. In delivering these works, the existing timber silos will not be touched.
- **Stage 4:**
 - Restoration works to the ground floor silos
 - Restoration of Building 11 for the purpose of an arthouse cinema
 - Creation of hotel accommodation within the Concrete silos
- **Stage 5:**
 - Construction of Havannah Street Hotel
- **Stage 6:**
 - Construction of the Mews and Manilla Street Terraces

A concept staging plan is extracted below indicating the intended delivery program, subject to future detailed DAs.



Figure 10 Staging Plan Source: Karl Walls Design

4 Planning Assessment

The SEE includes an assessment of the proposed Concept DA in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (The Act) and should be read in conjunction with information annexed to this SEE as outlined in the Table of Contents.

4.1 State Environmental Planning Policies (SEPP)

4.1.1 SEPP (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP includes provisions for clearing of vegetation in non-rural areas and bushland in urban areas. The proposal does not involve the clearing of vegetation; therefore, the SEPP does not apply.

4.1.2 SEPP (Transport and Infrastructure) 2021

The proposal is not located adjacent to a classified road corridor or rail corridor. The proposal does not propose new roads or infrastructure and therefore, the provisions of this SEPP are not relevant to the proposed works.

Clause 2.48(1)(b) of the *Transport and Infrastructure SEPP* applies to development in the following instances:

(b) development carried out—

- (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
- (ii) immediately adjacent to an electricity substation, or*
- (iii) within 5m of an exposed overhead electricity power line,*

Council will provide written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

4.1.3 SEPP (Resilience and Hazards) 2021

The proposed development is not subject to a coastal management area and does not meet the definitions under Chapter 3 of the SEPP or the current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.

Chapter 4 of the SEPP relates to remediation of land, where a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated, and if so whether the land is suitable in its contaminated state for the purpose of the development or whether remediation is required.

A Preliminary Contamination Assessment, prepared by Envirowest Consulting, dated April 2018, has previously been undertaken for the site. The assessment was undertaken for a proposed commercial and residential development. The assessment concluded that there was no evidence of contamination on the site at

the time of inspection. Levels of all analytes in soil samples from the boreholes drilled contained low levels of metals, TRH, BTEX and PAH.

Based on the findings during the Preliminary Contamination Assessment, Envirowest Consulting concluded that the site is suitable for the proposed commercial and residential development (see **Appendix 8**).

It is anticipated that further testing and investigation of the site will occur following removal of structures. We note that any removal will be subject to separate Development Application and is not requested as part of the Concept DA.

4.1.4 SEPP (Building Sustainability Index: Basix) 2004

The proposed Concept DA does not involve the erection of buildings, but only seeks consent for building envelopes. Therefore, SEPP (BASIX) 2004 does not apply in this case and will be considered as part of future detailed DAs.

4.1.5 SEPP (Planning Systems) 2021

The proposed Concept DA is not state or regional development and does not form part of any aboriginal land under the provisions of the SEPP. Therefore, it is not required to consider the provisions of the SEPP.

4.2 Bathurst Regional Local Environmental Plan 2014

BRLEP 2014 is the primary environmental planning instrument applicable to the site and outlines the zoning and key development standards. Table 3 provides an assessment of the proposal against the key provisions of BRLEP 2014.

The land subject to the proposed concept is zoned B3 Commercial Core under BRLEP 2014. This Concept DA seeks to establish the overall development parameters for the site providing certainty for Council, the community and the applicant. No built form is proposed as part of the Concept DA and only the building envelopes are being proposed as part of the masterplan.

An assessment of the proposed Concept DA against the relevant provisions of BRLEP 2014 is provided in the table below:

Table 3. Bathurst Regional Local Environmental Plan 2014

Item	Provision	Assessment
Zoning	<p>The Concept DA site is in:</p> <p>Zone B3 Commercial Core</p> <p>Future development intends to provide development for the purposes of mixed-use development, including hotel accommodation and attached dwellings. BRLEP 2012 defines these uses as follows:</p> <p>'Hotel or motel accommodation'</p>	<p>Complies</p> <p>All of the proposed uses are permitted with consent in the B3 zone.</p> <p>The proposed accommodation, including the attached dwellings and hotel or motel accommodation, are permitted with consent in Zone B3.</p> <p>The artisan food and drink industry and retail premises are</p>

Table 3. Bathurst Regional Local Environmental Plan 2014

a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

'Retail premises'

a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following –

(a) Food and drink premises,

(b) Shops

(c) Market

'Artisan food and drink industry'

a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

(a) a retail area for the sale of the products,

(b) a restaurant or cafe,

(c) facilities for holding tastings, tours or workshops.

'Attached dwelling'

a building containing 3 or more dwellings, where—

(a) each dwelling is attached to another dwelling by a common wall, and

(b) each of the dwellings is on its own lot of land, and

permitted with consent in Zone B3.

Table 3. Bathurst Regional Local Environmental Plan 2014		
	<i>(c) none of the dwellings is located above any part of another dwelling.</i>	
4.1 Minimum subdivision lot size	The site is not subject to a minimum lot size.	<p>N/A</p> <p>The proposal does not propose the subdivision of land. Subdivision of the terrace houses and mews will form part of a separate, detailed DA.</p>
4.3 Height of buildings	The site is subject to maximum height of building standard of 12m .	<p>The proposal is subject to a 12m height standard. The proposal includes three new buildings which contravene this height control, including the hotel envelope fronting Keppel Street, the hotel envelope fronting Havannah Street and the Mill Works Annex envelope. The existing buildings which are to be retained, notably the timber and concrete silos measure also exceed the height control but no further encroachment is proposed in relation to these buildings.</p> <p>A Clause 4.6 Written Request has been prepared in support of these contraventions.</p> <p>Refer to the Clause 4.6 Written Request in Appendix 3.</p>
4.4 Floor Space Ratio	The site is subject to a maximum FSR standard of 2:1 .	<p>Complies.</p> <p>The submitted areas breakdown provided with the architectural package, notes an indicative FSR of 1.95:1.</p> <p>It is important to note that the GFA provided is based on development envelopes (not detailed floor plans) and may be slightly adjusted during the DA stage. Nonetheless, the proposed envelopes have been designed to enable future development to comply with the FSR control of</p>

Table 3. Bathurst Regional Local Environmental Plan 2014

		2:1. Detailed floor plans showing allocation of gross floor area will support the detailed DAs. The building envelopes will be further refined to include articulation and modulation of the building facades.
5.10 Heritage Conservation	<p>The objectives of this clause are as follows—</p> <p>(a) <i>to conserve the environmental heritage of Bathurst Regional local government area,</i></p> <p>(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p>(c) <i>to conserve archaeological sites,</i></p> <p>(d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></p>	<p>Complies.</p> <p>The site is located in close proximity to several items of heritage significance, both local and State. In addition to this, the site is located within the Bathurst Heritage Conservation Area, while the 'Tremain's Mill and Silo (formerly Victoria Mill) and Invincible Flour Sign' are located on the site.</p> <p>The application is supported by a detailed Heritage Impact Statement and Conservation Management Plan Addendum, prepared by Weir Phillips Heritage and Planning.</p> <p>The heritage investigations have concluded that the proposed works will, overall, have an acceptable impact because the site will continue to be read and understood as a former mill, as demonstrated by the retention of buildings which clearly demonstrate this historic relationship, while the removal of detracting elements will enable a better understanding of their built form. The proposed works will help to facilitate the ongoing conservation of the site in the long-term.</p> <p>Refer to Section 5.2 for further discussion in relation to heritage.</p>
7.5 Essential services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate	<p>Complies.</p> <p>The site is capable of providing for the essential services outlined under the clause.</p>

Table 3. Bathurst Regional Local Environmental Plan 2014

	<p>arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>Further investigation and confirmation will be included within subsequent detailed DAs.</p>
<p>7.9 Conservation incentives for heritage conservation areas</p>	<p>(1) Despite any other provision of this Plan, development consent may be granted for development for any purpose relating to a building that is a heritage item or in a heritage conservation area or, in the opinion of the consent authority, a building of heritage significance, or to land on which such a building is erected, if the consent authority is satisfied that—</p> <p>(a) the conservation of the building will be facilitated by the granting of consent, and</p> <p>(b) the development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the development will not adversely affect the heritage significance of the building, including its setting, and</p> <p>(d) the development will not have any significant adverse effect on the amenity of the surrounding area.</p> <p>(2) A development consent granted under this clause is to be granted on the condition</p>	<p>The proposal has satisfactorily demonstrated, as noted in the supporting Heritage Impact Statement and Conservation Management Plan Addendum, that the Concept DA is able to appropriately conserve the heritage items. The works are not considered to adversely affect the heritage significance of the buildings or their setting, and the works are not anticipated to impact the amenity of the surrounding area.</p> <p>The Concept DA is not reliant upon the provisions of this clause with respect to the exclusion of the floor space of the heritage items from the calculation of the floor space. The Concept DA proposes a GFA of 14,495m², including the retained items of heritage significance. This results in a total FSR of 1.95:1 relating to the envelopes proposed, which will likely be subject to a reduction in GFA when future buildings are designed within the envelopes.</p> <p>With regard to car parking spaces, we refer to the Traffic Impact Assessment (TIA) attached at Appendix 4.</p> <p>As detailed within the TIA the LEP and DCP both contain provisions, which allow for a merit based assessment in relation to car</p>

Table 3. Bathurst Regional Local Environmental Plan 2014

<p>that all necessary conservation work identified in the heritage management document is to be carried out.</p> <p>(3) Despite any other provision of this Plan, the consent authority may, when considering an application for development consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, for the purpose of determining—</p> <p>(a) the floor space ratio, and</p> <p>(b) the number of parking spaces to be provided on the site,</p> <p>exclude the floor space of the heritage item or the existing building in the heritage conservation area from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the heritage item or the existing building in the heritage conservation area depends on its making the exclusion.</p>	<p>parking, where a development contains a heritage item or is located within a heritage conservation area.</p> <p>The extent of floor space of heritage significance on the site is unrivalled by any other development site in Bathurst CBD and compliance with a generic LGA wide DCP car parking rate is considered inappropriate in this instance.</p> <p>Car parking is discussed further within Section 5.1 of this report.</p>
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4.3 Bathurst Regional Development Control Plan (BRDCP) 2014

Although the Bathurst Regional DCP 2014 may provide some guidance for development of the subject site, it is considered that many of the controls cannot be strictly applied to future development of the site, due to the unique circumstance and heritage context.

In the absence of a clear set of controls to guide development of this special precinct and ensure a sympathetic heritage outcome, it is envisaged that a set of Site Specific Design Guidelines will be developed to guide future development of the site.

Following approval of the Concept DA, the applicant will engage in consultation with Council to develop a set of well-considered design guidelines.

The guidelines will be developed for the site, while having regard to the eight guiding principles set out in the 'Future Proofing our CBD'. The following guiding

principles support future decision making to ensure the public realm of the CBD meets community expectations:

1. Sense of Place
2. Heritage and Streetscape
3. Landscape and Environment
4. Economic vitality
5. Connection
6. Traffic and Parking
7. Climate and Resilience
8. Liveability

Following collaboration between the applicant and Council, it is anticipated that these site-specific design guidelines will support all future detailed DAs and act in place of a site specific DCP to guide all future development on the site and ensure the delivery of a landmark precinct, which showcases the best of regional Australia.

5 Environmental Assessment

5.1 Car Parking

Due to the unique context and opportunity afforded by the site, the Concept DA has considered the best approach to car parking is through a merit based assessment that considers the significant heritage constraints, the location of the site at the southern extent of the CBD and the proximity to rail, bus and services within a walking distance.

The Concept DA relies upon the heritage context of the site, including, in some part, upon Clause 7.9 of the BRLEP 2014, which provides heritage incentives for the conservation of heritage items. The application is supported by a detailed HIS and a CMP Addendum to demonstrate on-going retention, restoration and conservation of the heritage items and wider conservation area.

Of critical importance to this Concept DA is the relationship between the significant heritage items and the provision of traffic and parking measures that are appropriate to the site and its context.

We note that the DCP stipulates a generic parking rate for the LGA; however, should the DCP rate be adopted, it would result in a consequential impact to the integrity and significance of these heritage items and conservation area. On heritage sites such as this, BRDCP 2014 parking rates cannot strictly be applied. The accessibility of the site will require innovative solutions and promotion of alternative, sustainable modes of travel and a reduced or removed reliance on the use of private vehicles.

Historically, the site has been pedestrian focused with no through-traffic being provided. By adopting the DCP parking rate, this would change dramatically at the detriment of the heritage items and conservation area.

The Concept DA has carefully considered any provision of vehicular access and parking by considering the significant buildings and the views that these areas

provide to and from significant buildings. As such, vehicular access and parking has been strategically located and limited to locations where potential visual impact is minimised.

The applicant is committed to working with Council to continue to address transport solutions.

5.1.1 Residential parking

It has been considered critical in the development of the masterplan that adequate resident car parking is provided on site to ensure permanent occupants of the site always have access to dedicated on site parking.

The residential townhouses and mews have been assessed in accordance with the BDCP 2014 and require a minimum of 16 resident car spaces plus 4 visitor spaces. In response, the development provides a total of 16 car parking spaces in relation to the townhouse and mews development and therefore varies from the DCP in relation to the visitor parking spaces required. This variation is considered acceptable given the compliant resident parking spaces provided and the heritage context of the site.

During master planning of the site, multiple parking options were considered, including basement parking and a multi-storey car park. However, these options would require unacceptable impacts to the heritage significance of the site. The proposed parking, while below DCP rates, provides an appropriate balance between meeting parking demand and avoiding heritage impacts.

5.1.2 Non-residential parking

Using BDCP 2014 rates, the non-residential car parking requirements are as follows:

- Hotel: Approximately 62 spaces [0.7 space per unit (assuming realistic 70% occupancy rate) plus 1 space per 2 employees, based on 113 units and 13 employees].
- Shops + restaurants and cafes: 44 spaces (1 space per 35m², based on 1,536m²)
- Business or office premises: 65 spaces (1 space per 50m², based on 3,259m²).
- Total non-residential requirement: 171 spaces.

The proposal provides for 30 non-residential parking spaces on the site and 21 non-residential parking spaces within Havannah Street and is therefore deficient by 120 spaces. However, as discussed below under "Existing Parking Credits", the current uses generate limited parking demand, and therefore it is evident that the proposed uses will not generate a requirement for 171 spaces. The variation is also considered acceptable given the limited parking demand currently generated by the site and the initiatives proposed as part of this application. See further discussion in the following subsections.

5.1.3 Existing Parking Credits

Several existing land uses occupy the site, while existing car parking provision is low at approximately 13 car spaces. As such, a high proportion of car parking demand generated by the site has historically been required to park on-street.

Part 14.3(b) of BDCP 2014 stipulates the following:

With respect to extensions or alterations to existing buildings, the off-street car parking requirement will be calculated on the additional or altered floor space provided.

With regard to the above, a car parking assessment has been undertaken which considers the existing development, to estimate the parking credits that would be applicable to any future proposed development. This assessment is summarised by **Figure 11**.

TYPE	GFA	DCP PARKING RATE	DCP REQUIREMENT	EXISTING PROVISION
Restaurant or café	25 m ²	1 space / 35 m ²	1	13
Business or office premises	3,641 m ²	1 space / 50 m ²	91	
Entertainment facility or function centre	856 m ²	1 space / 10 m ²	86	
TOTAL			178	13

Figure 11 Existing Car Parking Requirement Source: BRDCP 2014

The figure above depicts the existing GFA, that is shown to generate a parking requirement for 178 car parking spaces under the BDCP 2014. Currently, the site provides approximately 13 on-site car parking spaces and therefore is deficient by 165 car parking spaces. Accordingly, this represents a 'parking credit' of 165 car parking spaces which should be deducted from the requirement for any proposed car parking for the Concept DA.

With a DCP requirement for 171 additional spaces and a parking credit for 165 spaces existing, the difference is only 6 spaces, which is achieved and exceeded by the 30 non-residential spaces provided onsite and an addition 21 spaces provided on Havannah Street.

This significant parking credit from the existing site demonstrates that there are no ongoing operational issues associated with the existing under-supply of car parking. The low existing car parking provision and absence of any significant associated car parking demand demonstrates that the BDCP 2014 likely overestimates the actual car parking demand, otherwise significant operational challenges in the area would exist.

A review of the context indicates that the site is located at the southernmost extent of the B3 commercial core zone, which provides an island of B3 land surrounded by R1 General Residential land. As a consequence, there is a less intense commercial use when compared with the broader Bathurst commercial core and more opportunity for on street parking in this location. Less intense land use is present, and many surrounding residential uses primarily provide off street parking.

Surrounding examples of heritage buildings reinforce the absence of onsite parking, such as The Victoria Hotel, adjoining the site at 3 Keppel Street Bathurst, where no

formal off-street parking is provided and on street parking is utilised by patrons of the site.

5.1.4 Environmental Initiatives

The proposed Concept DA aims to transform the former Bathurst Mill and surrounding precinct into a thriving mixed-use adaptive re-use project. The project presents the opportunity to reinvigorate the day-to-day activities of the Bathurst town centre and create a new residential and cultural precinct, acting as an example for future regional precinct developments.

In relation to traffic and parking, the Concept DA seeks to minimise the reliance of private vehicles attending the site and instead implement forward thinking design solutions to encourage residents, visitors, and employees to adopt green travel strategies. This will require shifting the mindset and travel behaviours of the local community, visitors and tourists to initiatives and solutions to travel more sustainably.

In delivering this vision, the Concept DA has sought to respond to several Planning Priorities outlined in Vision Bathurst 2040, including protection of heritage, maximising tourism opportunities, enhancing environmentally sensitive land, and creating a sustainable Bathurst Region.

Vision Bathurst 2040 is a policy document which proposes a future-focused planning approach to achieve forecast, desired and sustainable growth for the Bathurst Region. Infrastructure and transport are one of the 19 planning priorities which have been identified as important aspects in shaping the future of the Bathurst Region.

Within the document Council acknowledges a key challenge for the Bathurst Region is the limited success that traditional forms of public transport provision have in reducing private car usage and the demand for parking in the CBD, therefore, to reduce private car usage has, Council put forward several strategies and plans over the next 20 years, including:

- Provide an accessible footpath and cycleway network to provide safe and efficient access to all areas of the Bathurst CBD. This is currently being implemented through the Bathurst Cycle Plan and Council has made a commitment to maximise opportunities for the inclusion of on-and off-road active transport routes.
- Work with the State Government and advocate for improved public transport services.
- Undertake regular parking patrols of the CBD to ensure that there is sufficient turnover of both on- and off-street parking to enhance the availability of parking and to deter visitors from parking within the CBD all day.
- Collaborate with partners to explore opportunities to introduce changes in transport technology such as electric vehicles, autonomous transport, and ridesharing.

It is evident that Council advocates reducing the use of private vehicles and is seeking to promote sustainable transport throughout the Bathurst Region.

The Bathurst Mill Concept DA promotes a modal change within the Bathurst CBD to deliver a more sustainable and forward-thinking town centre and is aligned with

Council's Vision Bathurst 2040 and the futureproofing objectives contained within Futureproofing our CBD-2022 and beyond.

5.1.5 Sustainable Transport Initiatives

Development of the masterplan has been heavily focused on aligning with NSW Government and Council initiatives in relation to sustainable transport opportunities, including:

- Shared car parking space use
- Electric vehicle courtesy bust service
- Access to alternative transport modes, services and key destinations
- Electric vehicle car share

Further detail in relation to these initiatives is provided within the TIA attached at **Appendix 4**.

5.2 Heritage

A Heritage Impact Statement, prepared by Weir Phillips Heritage and Planning accompanies the Concept DA (**Appendix 5**). An Addendum to a Conservation Management Plan 2016 (CMP 2016) prepared by Senthilpavai Kasiannan has also been prepared (**Appendix 6**).

The HIA has assessed the proposal for an adaptive re-use of the precinct including upgrades, alterations and additions to existing buildings of heritage significance, including The Mill Building, Bedwells Barn, Timber Silos and Concrete Silos. The HIA has also considered the various new complementary buildings within the existing Tremains Flour Mill precinct.

5.2.1 Former Tremain's Flour Mill

The supporting HIS makes several conclusions in relation to the proposed works and their effect on the former Tremain's Flour Mill. The HIS concludes that the proposed works will have an acceptable impact on the site for the following reasons:

- All buildings which have been graded as exceptional or high significance will be retained and adaptively re-used for a range of new uses. The buildings all demonstrate a strong relationship to the historical development of the site; are aesthetically significant and prominent within key view corridors; and contribute towards an understanding of the site as a former mill precinct. These buildings can be easily converted for the range of uses proposed with significant fabric conserved.
- The 'Invincible Flour' sign will be relocated to the Keppel Street footpath, close to its current location, to ensure its conservation and facilitate the construction of a new hotel building. The sign can be carefully removed and installed on the footpath. It will continue to remain a highly significant element that bears a clear historic and visual relationship to the former mill precinct.
- The proposed removal of built elements has been confined to those which are graded intrusive, neutral, low and moderate, which is regarded as

acceptable by the CMP March 2016. These buildings are typically later elements such as the Amenities Block; are not aesthetically and historically significant or intrinsic towards understanding the site; and visually detract from more significant elements.

- Their removal will have a minimal and acceptable impact and will enable a better understanding of the built form of retained elements. This is demonstrated by the removal of the external staircase, which will help to partly reinstate its original appearance. Where required, moveable elements such as remnant machinery will be relocated and conserved.
- Other accretions such as the Mill Office and the corrugated roof structure to the Mill Building, while both clearly of some age, are not integral towards understanding the use of the site and are visually intrusive in contrast to the more significant brick building form of the Mill Building. They would also likely require substantial remedial work if retained, given their condition.
- The proposed new buildings will sit comfortably in the site as they will be of an appropriate massing and scale and will maintain predominant setbacks and rooflines in relation to the site. They will be well-designed with a simple aesthetic that does not detract from the more aesthetically significant retained buildings or compete with their architectural detailing.
- The proposed new building envelopes will be further refined through future detailed Development Applications, and this will reduce the bulk and scale as articulation is introduced.
- The proposed car parking will have an acceptable impact because it is located outside of any significant view corridors and will present, where visible, as visually recessive to retained significant elements.
- While it is accepted that a basement car park would have less of a visual impact and provide more potential car spaces, it is highly likely that any excavation would result in the destabilisation, and ultimately collapse, of significant elements above. The minor visual impact of the proposed surface car parking is in this instance preferable to risking any physical impact to significant fabric.
- The proposed works will reduce some view corridors towards the site when standing directly outside on Keppel Street. This has been mitigated by retaining a through site link so that views of retained buildings of smaller scale, such as the Bedwells Barn, can continue to be seen and appreciated from the public domain.
- View corridors towards the site from both Havannah and Manilla Streets will also, to some extent, be reduced. This will have a minimal and acceptable impact because these views have historically been blocked from view for some time due to the existing surrounding structures. Again, the proposal has reduced the impact by introducing through site links from the public domain.

5.2.2 Bathurst Heritage Conservation Area

The proposed works will have an acceptable impact on the Bathurst Heritage Conservation Area for the following reasons:

- The proposed removal of buildings with little or no significance will allow a better understanding of more significant retained elements. They comprise buildings which are of little or no aesthetic and historic value and make relatively minor contributions towards understanding the development of the site and Conservation Area. Their removal will have a minimal and acceptable impact.
- The proposed retention and adaptive reuse of buildings will have a positive impact by facilitating the ongoing conservation of significant elements and the wider precinct. These elements include the silos and Mill Building which are intrinsic towards understanding the former use of the site as a mill and its historic relationship to the Conservation Area. They can be easily configured for the proposed uses while enabling the retention of their original fabric.
- The proposed car parking will have an acceptable impact because it is located outside of any significant view corridors and will present, where visible, as visually recessive to retained significant elements.
- While it is accepted that a basement car park would have less of a visual impact and provide more potential car spaces, it is highly likely that any excavation would result in the destabilisation, and ultimately collapse, of significant elements above. Given these are key landmark items, this would have a significant negative impact on the broader Conservation Area. The minor visual impact of the proposed surface car parking is in this instance preferable to risking any physical impact to significant fabric.
- The proposed new buildings will sit comfortably in the Conservation Area as they will be of an appropriate massing and scale and will maintain predominant setbacks and rooflines in the Conservation Area. They will be well-designed with a simple aesthetic that does not detract from the more aesthetically significant retained buildings or compete with their architectural detailing. As noted above, future Development Applications will further refine the proposed building envelopes and reduce the bulk and scale with articulation.
- The proposed works will reduce some view corridors towards the site when standing directly outside on Keppel Street. This has been mitigated by retaining a through site link so that views of retained buildings of smaller scale, such as the Bedwells Barn, can continue to be seen and appreciated from the Conservation Area.
- The majority of retained buildings will continue to remain visually prominent in significant view corridors towards the site in the Conservation Area, including the Timber Silos and Concrete Silos and the Mill Building. This has been achieved by sensitively siting the new buildings which will be of substantially smaller scale than existing.
- The proposed works will, overall, have an acceptable impact on the Conservation Area because the site will continue to read as a former mill through the retention of elements which clearly demonstrate this historic use, while the removal of detracting elements will enable a better understanding of their built form. The proposed works will help to facilitate the ongoing conservation of the site for the long-term.

The proposed works will have an acceptable impact on the former flour mill because significant built elements will be retained and detracting elements of little significance removed which will allow the public to better read and appreciate the site as a former mill precinct. The adaptive reuse of retained buildings can be achieved with minimal impact on significant fabric and has been undertaken at the site since it ceased to be used as a mill in the 1980s. The new works are of an appropriate massing and scale and have been sensitively sited to minimise their impact on significant view corridors and the built context. The proposed works will allow the raising of capital which will enable the ongoing conservation of the site.

The proposed works will have a minimal and acceptable impact on heritage items in the vicinity because neither their fabric nor significant view corridors towards them will be impacted. Where visible, removed elements that are detracting will enhance their wider setting, while retained buildings will ensure there is minimal impact on view corridors from the items. The new works will be of an appropriate massing and scale and will not detract visually or present as overly prominent when viewed from the items.

5.3 Contamination

A Preliminary Contamination Assessment, prepared by Envirowest Consulting, dated April 2018, has previously been undertaken for the site. The assessment was undertaken for a proposed commercial and residential development. The assessment concluded that there was no evidence of contamination on the site at the time of inspection. Levels of all analytes in soil samples from the boreholes drilled contained low levels of metals, TRH, BTEX and PAH.

Based on the findings during the Preliminary Contamination Assessment, Envirowest Consulting concluded that the site is suitable for the proposed commercial and residential development (see **Appendix 8**).

5.4 Contributions

Local

The applicable contributions regime for the site is Council's s. 7.12 plan. There is no requirement for any additional contributions to be paid by the applicant.

Car Parking Contributions

While the Council's CBD Car Parking contribution plan identifies the opportunity for Council to collect contributions in lieu of car parking being provided on site, it is considered no contribution should be payable in this instance and the shortfall is identified to be minimal once existing car parking credits are applied and further consideration of the unique characteristics of the site are made.

The site benefits from having excellent public and active transport accessibility, has ample existing spare on-street car parking capacity, has significant heritage considerations rendering basement or multistorey car parking untenable, and has demonstrated further rationale for why strict application of the more generic, LGA-wide controls in BDCP 2014 should not apply.

Additionally, the DCP identifies that Council may consider a cash contribution, where the subject land is located in an area where public car parking under the

developer contribution plan can be provided within reasonable proximity to the development. As a result of the site location at the southern extent of the CBD, any potential contributions would be unlikely to benefit the site directly and are demonstrated within the TIA as not being necessary to ensure successful delivery and servicing of this transformational proposal.

5.5 Public Benefits

The Concept DA will guide the detailed design of each stage of development, providing certainty for the Council, the community and the applicant. The overall project (including future DAs) will result in significant public benefit including:

- Revitalisation of the heritage precinct and southern end of Keppel Street anchoring the existing cultural precinct
- Conservation of the heritage items on the site
- Provision of multiple new publicly accessible open space areas
- Providing for the needs of a diverse population through a range of housing products
- Significant economic benefits deriving from the provision of jobs during the construction works phases
- Ongoing demand for services such as retail, food, beverage and accommodation that will generate an additional 150 permanent jobs on-site as well as indirect employment within the local economy, and
- Supporting small local businesses and sponsoring local artisans
- Refer to the design statement that articulates in detail the social, cultural, environmental and economic benefits

6 Section 4.15 Assessment

In summary, Table 4 provides an assessment of the proposal against all provisions under Section 4.15 of the EP&A Act 1979.

Table 4. Section 4.15 Assessment Summary

Clause	Clause	Assessment
(1)	<p>Matters for consideration—general</p> <p>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:</p>	
(a) (i)	<p>The provision of:</p> <p>Any environmental planning instrument, and</p>	<p>This SEE has considered and provided an assessment against the following relevant EPIs:</p> <ul style="list-style-type: none"> (a) SEPP (Resilience and Hazards); (b) SEPP (Transport and Infrastructure) 2021; (c) SEPP (Planning Systems) 2021 (d) BRLEP 2014. <p>The proposal has been shown to be largely compliant with the provisions of the above instruments.</p>
(ii)	<p>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</p>	N/A
(iii)	<p>Any development control plan, and</p>	<p>An assessment against some provisions of BRDCP 2014 has been undertaken as part of this Concept DA, however, it is anticipated that a set of Site Specific Design Guidelines will be developed in collaboration with Council, following approval of this Concept DA. As the DCP has not envisaged a development of this nature and is unable to consider the specific heritage considerations of the site, a Site Specific Design Guideline is considered more appropriate in this instance.</p>
(iiia)	<p>Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that</p>	<p>The applicant is open to formalising an arrangement in relation to the proposed electric bus service discussed in this SEE. It is</p>

Table 4. Section 4.15 Assessment Summary		
Clause	Clause	Assessment
	a developer has offered to enter into under Section 7.4, and	anticipated that these discussions will occur between Council and the applicant, following lodgement of the Concept DA.
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The proposal is consistent with the regulations applying to DAs.
(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,	Not applicable.
(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,	A number of potential environmental impacts have been considered within this SEE and supporting material. The proposed Concept DA works do not pose an unacceptable impact on the natural or built environments, and will have positive social and economic impacts. The Concept DA aims to provide greater certainty for Council, the Community and the applicant which is an enhanced social and economic impact.
(c)	The suitability of the site for the development,	The site is Zoned B3 Commercial Core. The Concept DA proposes uses consistent with the site's zoning and is suitable for redevelopment in accordance with that zoning.
(d)	Any submissions made in accordance with this Act or the regulations,	This is a matter to be addressed following the notification of the application.
(e)	The public interest.	<p>The proposal is in the public interest as it provides for:</p> <ul style="list-style-type: none"> • Revitalisation of the heritage precinct and southern end of Keppel Street anchoring the existing cultural precinct • Conservation of the heritage items on the site • Provision of multiple new publicly accessible open space areas

Table 4. Section 4.15 Assessment Summary		
Clause	Clause	Assessment
		<ul style="list-style-type: none"> • Providing for the needs of a diverse population through a range of housing products • Significant economic benefits deriving from the provision of jobs during the construction works phases • Ongoing demand for services such as retail, food, beverage and accommodation that will generate an additional 150 permanent jobs on-site as well as indirect employment within the local economy, and • Supporting small local businesses and sponsoring local artisans

7 Conclusion

This SEE supports a Concept Development Application for land at 7 Keppel Street and 67 Havannah Street, Bathurst on behalf of True Green Group to Bathurst Regional Council.

The Concept DA proposes no building works and is provided as a masterplan for information purposes, to inform the Council and the community of the ultimate intended development outcome across the site.

The building envelopes identified are a maximum envelope, in which future development will be provided. The envelopes specified have not been subject to detailed design and do not reflect any articulation, which will be provided within future detailed Development Applications for individual buildings, within the envelopes specified.

Council will not be approving any construction or physical works on the site as part of this application and will simply be supporting the proposed mix of land use and maximum building envelopes. All built form will be subject to a series of future detailed DAs.

The Concept DA proposes a masterplan which will guide future development on the site and provide the opportunity for an adaptive reuse, mixed-use development, comprising, hotel accommodation, residential accommodation, commercial and retail uses.

This SEE describes the proposed development of the site and surrounding area in the context of relevant planning controls and policies applicable to the development. In addition, the SEE provides an assessment of the relevant heads of consideration pursuant to Section 4.15 of the EP&A Act.

The EP&A Act is clear that, when considering the likely impacts of the development under section 4.15, the consent authority need only consider the likely impact of the concept proposal and does not need to consider the likely impact of carrying out of development subject of subsequent development applications.

The proposed development is permissible within the B3 Commercial Core zone in accordance with the BRLEP 2014.

The proposed Concept DA will ensure the preservation or significant heritage items on the site and have an acceptable impact on the Conservation Area as the site will continue to read as a former mill through the retention of elements which clearly demonstrate this historic use. The Concept DA will help to facilitate the ongoing conservation of the site for the long-term.

Therefore, the proposed development is in the public interest and should be recommended for approval.



Suite 1204B, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000

info@mecone.com.au
mecone.com.au



23 March 2023

General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

Attn: Richard Denyer, Manager Development Assessment

Dear Richard,

Re: Addendum Traffic Impact Assessment— Concept Development Application – 10-2022-523-1 – 67 Havannah Street and 7 Keppel Street, Bathurst

This letter has been prepared by Mecone Group on behalf of True Green Group as an addendum to the Traffic Impact Assessment (PDC, 25.11.2022) submitted with the concept development application for the Bathurst Mill development at 7 Keppel Street and 67 Havannah Street, Bathurst (DA10-2022-523-1).

The purpose of this addendum letter is to provide further information regarding parking rates and parking provision for the proposed development, as amended in response to the public notification and feedback.

Following conversations with Council officers, we have prepared a table outlining the proposed parking rates for the development—see **Attachment 1** to this letter.

We note that the proposed parking rates are indicative only, as the Concept DA relates to maximum building envelopes and no detailed design has been undertaken. Any assumptions in relation to hotel room numbers or gross floor area (GFA) proposed will need to be confirmed at each future detailed DA for each stage of the development. Due to the assumptions provided in the table relating to maximum envelopes, these numbers are assumed to be a generous estimate of the maximum requirement, and future detailed architectural design will provide for articulation to the building envelopes and reduce the GFA proposed, resulting in less car parking requirement.

An updated parking layout is provided at **Attachment 2**, which indicates the existing car parking arrangements and the potential location of additional on street car parking, which can be refined through future detailed DAs.

As no built form is proposed as part of this Concept DA, the final confirmation of parking provision is a matter of consideration with each future DA. The layout plan simply offers various opportunities which are able to be considered with future applications.

The car parking rates provided within Council's DCP have been considered in the preparation of this advice and discussion regarding key matters for consideration is provided following.

Level 2, 3 Horwood Place, Parramatta NSW 2150 | T: 02 8667 8668 | F: 02 8079 6656
E: info@mecone.com.au | W: mecone.com.au

Hotel occupancy

It is highly unlikely the proposed hotel buildings will operate at full capacity, and therefore full compliance with the hotel parking rate in Bathurst Regional Development Control Plan 2014 (the DCP) would result in over-provision of parking.

Colliers International (CI) Australia, experts in the hotel sector, has provided advice which recommends that the most appropriate occupancy rate for the proposed hotel is 70%. See advice at **Attachment 3**. Based on this advice, we consider it appropriate to apply a 70% occupancy rate to the hotel for the purposes of calculating parking requirements.

Data from the Australian Bureau of Statistics (ABS) corroborates CI's advice. From June 2015 to July 2016 (the most recent ABS data on this subject), the room occupancy rate for "hotels, motels and serviced apartments with 15 or more rooms" in NSW ranged from 64.8% to 69.8%.¹

We are aware that serviced apartments typically have higher occupancy rates than hotels due to the availability of kitchens within the accommodation and the business users' preference to this form of accommodation. Hotel rooms typically have lower occupancy due to the nature of the visit and shorter length of stay.

The ABS occupancy rates are further supported by Destination NSW data², which is provided within the NSW Tourism Accommodation Snapshot, with the following occupancy rates listed in regional NSW during the following quarters:

- June 2022 – 64.3% occupancy
- December 2021 – 49.2% occupancy
- September 2021 – 20.8% occupancy
- June 2021 – 63.1% occupancy
- March 2021 – 65.8% occupancy
- December 2020 – 66.4% occupancy
- September 2020 – 53% occupancy
- June 2020 – 25% occupancy
- March 2020 – 58% occupancy
- December 2019 – 68% occupancy
- September 2019 – 62% occupancy

As demonstrated by both the ABS and Destination NSW data, the average occupancy remains below 70% in all periods, confirming that the identified occupancy of 70% is conservative in its approach.

This exclusion results in a 30% reduction in required parking related to the hotel.

Travel by modes other than private vehicle

It is unlikely all hotel patrons will arrive by private vehicle. Some patrons may arrive in groups by bus or train, reducing the need for carparking. This should be considered when applying parking rates to the proposed hotels.

NSW data from the National Visitor Survey by Tourism Research Australia³ shows:

¹ <https://www.abs.gov.au/statistics/industry/tourism-and-transport/tourist-accommodation-australia/latest-release#data-downloads>

² <https://www.tra.gov.au/Domestic/domestic-tourism-results>

- For year ending September 2019, the interstate and intrastate trips made by “other transport” (i.e., not air transport or self drive vehicle) accounted for 6.6% of total trips.
- For year ending September 2021, the interstate and intrastate trips made by “other transport” accounted for 4.4% of total trips.
- For year ending September 2022, interstate and intrastate trips made by “other transport” accounted for 5.4% of total trips.

The average percentage of trips made by “other transport” over the above years is 5.47%. As such, we consider it appropriate to apply a conservative 5% reduction to the DCP’s hotel parking rate.

This exclusion results in a 5% reduction in required parking related to the hotel.

Heritage incentives

Clause 7.9(3) of the *Bathurst Regional Local Environmental Plan 2014* (the LEP) states that, for the purposes of calculating car parking requirements, the floor space of heritage items may be excluded from calculations if the consent authority is satisfied that the conservation of the heritage item depends on it making the exclusion.

In the case of the proposed development, five of the buildings have heritage significance (Buildings C, D, E, F and G), and 46 parking spaces can be provided on the site without affecting the significance of these buildings. Providing further parking on the site would require either deep excavation for basement parking, which would literally undermine the heritage structures and affect their structural integrity, or construction of multi-storey parking, which would introduce detracting built form within the curtilage of the heritage items and potentially affect views to the items.

Strict compliance with DCP parking rates would require the provision of a large multi storey car park, which would extend to a height equivalent to the underside of the parapet to the silos.

As such, it is appropriate to exclude the floor space of the five heritage buildings when calculating parking requirements pursuant to clause 7.9(3) of the LEP.

This exclusion results in a 40-space reduction in required parking.

Joint use of facilities on site

Given the nature of the development, we expect that visitors to the site will visit multiple premises during the same visit. Hotel guests will likely visit the cafes and retail premises on the site during their stay. This joint use of facilities will reduce the parking demand for the various uses on the site and should be considered when assessing the development’s parking provision.

In particular, the commercial ground floor of the Keppel Street hotel building, and Victoria Stores building will be carefully curated to attract the hotel visitors to these uses, with the ground floor retail offering, providing an attractor to potential visitors to Bathurst. It is considered that the ground floor of this building would not generate additional parking demand that would be calculated separate to the demand generated by the hotel use.

These ground floor retail uses should be considered in conjunction with the hotel uses for the purpose of car parking generation, as the primary uses of these retail premises will be the



visitors to the hotel or local residents residing in Bathurst CBD, who will have walking access to the site.

The consideration of ground floor retail for the Keppel Street Hotel and Victoria Stores being associated with the hotel development and not calculated as a separate use for the purpose of car parking would result in an exclusion of 25-spaces. 575m² ground floor retail associated with the Keppel Street Hotel and 276m² ground floor retail associated with the Victoria Stores results in 17 spaces and 8 spaces respectively.

Time of day usage

Another critical element to consider to car parking in relation to the proposed masterplan, is the time of day in which different uses will result in demand for car parking.

The parking requirements identified for future uses are generated separately for the day time and night time. Typically hotel users will require car parking at night time, while commercial and retail uses, associated with other land uses proposed, will see increased demand during the day time, when venues and businesses are operating.

It is highly unlikely that car parking demand for all uses on site will be generated at the same time over a 24 hour period.

Accordingly, the number of car parking spaces can serve multiple visitors to the site over a 24 hour period and remove the need for individual parking spaces to be provided for every land use across the development, which would result in an over supply of car parking.

Peak events

We have considered the opportunity for increased car parking demand during peak events, such as the Bathurst 1000 and consider a Plan of Management (PoM) across the site as the most appropriate measure to control these events, as they occur throughout the year.

A PoM will allow the operator of the site to reduce competing events on the site when car parking demand for the hotel is increased. For example, the PoM could advise that no events or functions are to be held in Bedwells Barn at a time when hotel use is closer to 100% occupancy, to ensure that car parking is available for guests of the hotel and not occupied by other users to the site.

On-street parking

Given the heritage constraints of the site, it is proposed to provide on-street 45-degree parking on the north and south sides of Havannah Street to help compensate for the development's shortfall in parking provision. The proposed layout of a potential 204 spaces is provided at **Attachment 2**.

The proposed 204 on-street spaces identified will replace approximately 122 parallel parking spaces⁴, resulting in a net increase of 82 on-street parking spaces.

However, it should be noted that the existing on-street parking is currently under utilised. The project team has carried out an additional parking survey to assess the current availability of on-street parking in the areas where on-street parking is proposed. From Friday 17 March to Monday 20 March (4 days), a member of the project team recorded and photographed the quantity of on-street spaces occupied along Havannah, Howick, and Keppel Streets 3 intervals throughout the day. The results are shown in **Table 1** below.

⁴ This is an estimate only as the current on-street spaces are un-marked.

Table 1: Parking survey results showing occupied spaces

	Fri 17th			Sat 18th			Sun 19th			Mon 20th		
	10am	3pm	6pm	10am	3pm	6pm	10am	3pm	6pm	10am	3pm	6pm
Section 1 Top Havannah south (14 existing, 20 proposed)	5	3	3	2	1	1	3	3	0	10	1	0
Section 2 Mid Havannah South (20 existing, 30 proposed)	3	3	14	2	1	11	3	0	3	3	3	0
Section 3 Low Havannah south (15 existing, 26 proposed)	6	4	0	4	1	0	1	0	0	8	4	1
Section 4 Howick (13 existing, 20 proposed)	3	1	1	0	2	3	2	3	3	2	1	2
Section 5 Mid Havannah north (8 existing, 15 proposed)	2	3	15	1	4	4	1	1	1	2	2	1
Section 6 Keppel south (21 existing, 38 proposed)	14	14	14	18	4	9	14	2	3	19	8	6
Section 7 Keppel north (23 existing, 40 proposed)	16	15	17	22	10	15	15	11	11	14	14	14
Section 8 Low Havannah north (10 existing, 15 proposed)	No data	No data	No data	No data	No data	No data	No data	No data	No data	No data	No data	No data

As the survey results show, the existing parking supply operates at around 40% occupancy, well below capacity, and therefore the parking demand created by the proposed development can be partially absorbed by existing on-street parking that is currently not utilised.

When calculating the proposal's net increase in on-street parking, it is reasonable to exclude the existing on-street parking that is not utilised. In other words, the full quantity of existing on-street parking should not be deducted from the proposed on-street parking when calculating net increase in on-street parking; only the utilised spaces should be deducted.

The existing un-utilised spaces do not fulfill a parking need and therefore should not be considered "existing" parking that needs to be replaced.

To obtain the number of utilised spaces to be deducted, we have calculated the average number of occupied spaces for each road section during the survey periods. The calculated averages are as follows (rounded up to whole number):

- Section 1 (Top Havannah): 3 spaces
- Section 2 (Mid Havannah south): 4 spaces
- Section 3 (Low Havannah south): 3 spaces
- Section 4 (Howick): 2 spaces



- Section 5 (Mid Havannah north): 4 spaces
- Section 6 (Keppel south): 11 spaces
- Section 7 (Keppel north): 15 spaces
- Section 8 (Low Havannah north): 7 spaces*
- Total: 49 spaces

* We have assumed a conservative 80% utilisation for Section 8 as no data is available for this section.

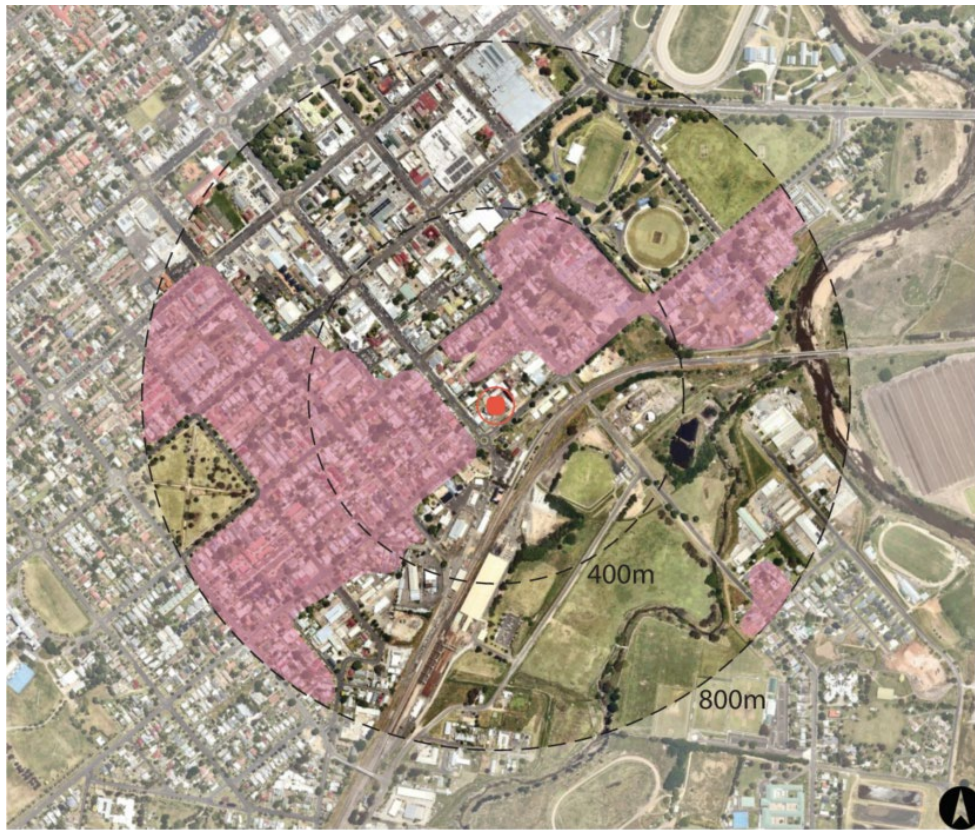
As shown, the average number of occupied spaces is 49 spaces, which is only 40% of the available on street parking spaces. The proposed development has considered an available option for up to 204 on-street spaces, and therefore the effective net increase in on-street parking is 155 spaces.

Future development staging

We note the staging proposed by the Concept DA will provide for the construction of the Keppel Street hotel in conjunction with the delivery of the Havannah Street car park. As a consequence, all parking associated with the Keppel Street hotel will be able to be accommodated on site, through the provision of 46 spaces, when stage 1 is completed and commences operation.

Future patrons within walking catchment

Many residences are within walking distance of the site. As shown in **Figure 1** below, significant areas of land zoned R1 General Residential to the northeast and west/southwest of the site are located within an 800m walking catchment. It is reasonable to assume that many residents in these areas will prefer to walk or cycle rather than drive to the site. This will further reduce the demand for parking and should be considered when assessing parking provision for the development.



RESIDENTIAL WITHIN 800M
 RESIDENTIAL-ZONED LAND

Figure 1: Aerial map showing residential -zoned land within an 800m radius of the site.

Rear lane parking for Keppel Street properties

We understand that some residents along Keppel Street have raised concerns about loss of on-street parking available for their own use. In response, we note that on-street parking is *public* parking which is not reserved for residential use only. Furthermore, as confirmed by a site inspection, the properties along Keppel Street, where future 45-degree on-street parking could be proposed, benefit from their own on-site parking accessed off the rear lane. Each lot has its own carport, garage, or car space, as required by the DCP. **Table 2** below shows the results of the site inspection.

Table 2: Inspection

Number Keppel St	Car parking spaces available on property	Details
Electrical Business	3	At back of property
31	1	Carport
29	1	Garage
Plumbing/Ausloans	3	Driveway at front, plus storage block at back could be used for parking
21	3	Carport/garages
19	3	Garage
15	2	Garage
Keppel St Kindy	3	Car spaces off Manilla St
42	1	carport

40	1	Garage
38	1	Garage
36	1	garage
34	1	garage
32	2	Carport
26	0	-
24	1	Carport
22	1	Carport
20	1	Garage
14	2	Garage
12	2	Carport
10	1	-
4,6,8	4	Common area
2	3	Garage and space on Havannah St

As such, while the proposed development may in some cases affect Keppel Street residents' ability to find a parking spot directly in front of their homes, residents will still be able to access their rear parking via the laneway.

Strategic policy context

The proposed parking strategy for the concept DA aligns with Council's strategic vision for the area as expressed in three of its key policy documents—Vision Bathurst 2040, "Future Proofing our CBD", and Bathurst Community Strategic Plan 2036.

Vision Bathurst 2040

Vision Bathurst 2040 is Council's local strategic planning statement (LSPS) which proposes a future-focused planning approach to achieve forecast, desired and sustainable growth for the Bathurst Region. A relevant key priority in the LSPS is Planning Priority 14 – Create a sustainable Bathurst Region. Under this priority, the LSPS notes that the NSW Government has set a target of achieving net-zero emissions by 2050, by expanding renewable energy, addressing transport emissions and helping households and businesses save energy, supporting the community to be less reliant on cars, and embracing active transport options and changes in transport technology will reduce emissions from commuter travel.

The LSPS proposes several strategies and plans over the next 20 years with an aim to reduce private car use, including:

- Provide an accessible footpath and cycleway network to provide safe and efficient access to all areas of the Bathurst CBD. This is currently being implemented through the Bathurst Cycle Plan and Council has made a commitment to maximise opportunities for the inclusion of on-and off-road active transport routes.
- Work with the State Government and advocate for improved public transport services.
- Undertake regular parking patrols of the CBD to ensure that there is sufficient turnover of both on- and off-street parking to enhance the availability of parking and to deter visitors from parking within the CBD all day.
- Collaborate with partners to explore opportunities to introduce changes in transport technology such as electric vehicles, autonomous transport, and ridesharing.

Full compliance with the DCP's parking rates would result in an overprovision of parking and contradict Planning Priority 14 and the strategies to reduce private vehicle use.



Future Proofing our CBD

"Future Proofing our CBD" is a Council report which summarises the key concepts proposed in the Bathurst Town Centre Master Plan. In relation to traffic and parking, Council have set out guiding principles which will enhance opportunities for public and active transport, including:

- Providing drop off and pick up kerb side spaces.
- Encouraging opportunities for new forms of travel into, through and out of the Bathurst CBD including cycling, park and ride, shuttle services and EV infrastructure.

Consistent with these principles, the proposed Concept DA promotes a modal change to achieve a more sustainable and forward-thinking town centre, as strict compliance with the DCP rates would result in a large oversupply of car parking.

Bathurst 2036 Community Strategic Plan

As one of four key themes of the Bathurst 2036 Community Strategic Plan (CSP), Bathurst Regional Council (BRC) is committed to environmental sustainability. The CSP outlines nine objectives which describe the desire of Council and the community to achieve environmental sustainability. These are to:

- Promote sustainable and energy efficient growth.
- Protect and enhance the region's landscapes, views, vistas, open spaces and the Macquarie River.
- Protect and enhance the region's biodiversity.
- Protect the region's unique heritage and history. To protect a unique identity.
- Protect and enhance water quality and riparian ecology.
- Minimise the City's environmental footprint.
- Encourage less car dependency.
- Secure a sustainable water supply and raise awareness on water issues.
- Encourage sustainable waste management practices, including opportunities for energy generation.

The CSP was prepared based on extensive community consultation and the environmental objectives reflect the values and priorities of the local community.

The proposed concept DA aligns with the above objectives by helping to promote sustainable and energy-efficient growth, minimise the city's environmental footprint and encourage less car dependency.

Conclusion

Utilising the methodologies set out in this letter, the proposed Concept DA is able to demonstrate that adequate parking will be available to support future detailed DAs through the provision of 46 on site space and the opportunity for up to 204 total spaces.

While the Concept DA proposes no built form or architectural detail and does not propose any car parking, future DAs will need to be assessed against the requirements of the DCP and we trust that the methodology in approaching car parking rates, as outlined within this letter will support future DAs.



Overall, we consider the proposed potential parking to be sufficient for the proposed uses, aligned with Council's strategic vision for sustainable growth and suitable to the site's walkable town centre location.

Please contact me on 02 8073 4677 or gsedgmen@mecone.com.au if you wish to discuss any of these matters.

Yours sincerely,



Georgia Sedgmen
Director

Attachment 1
Proposed parking rates summary table.

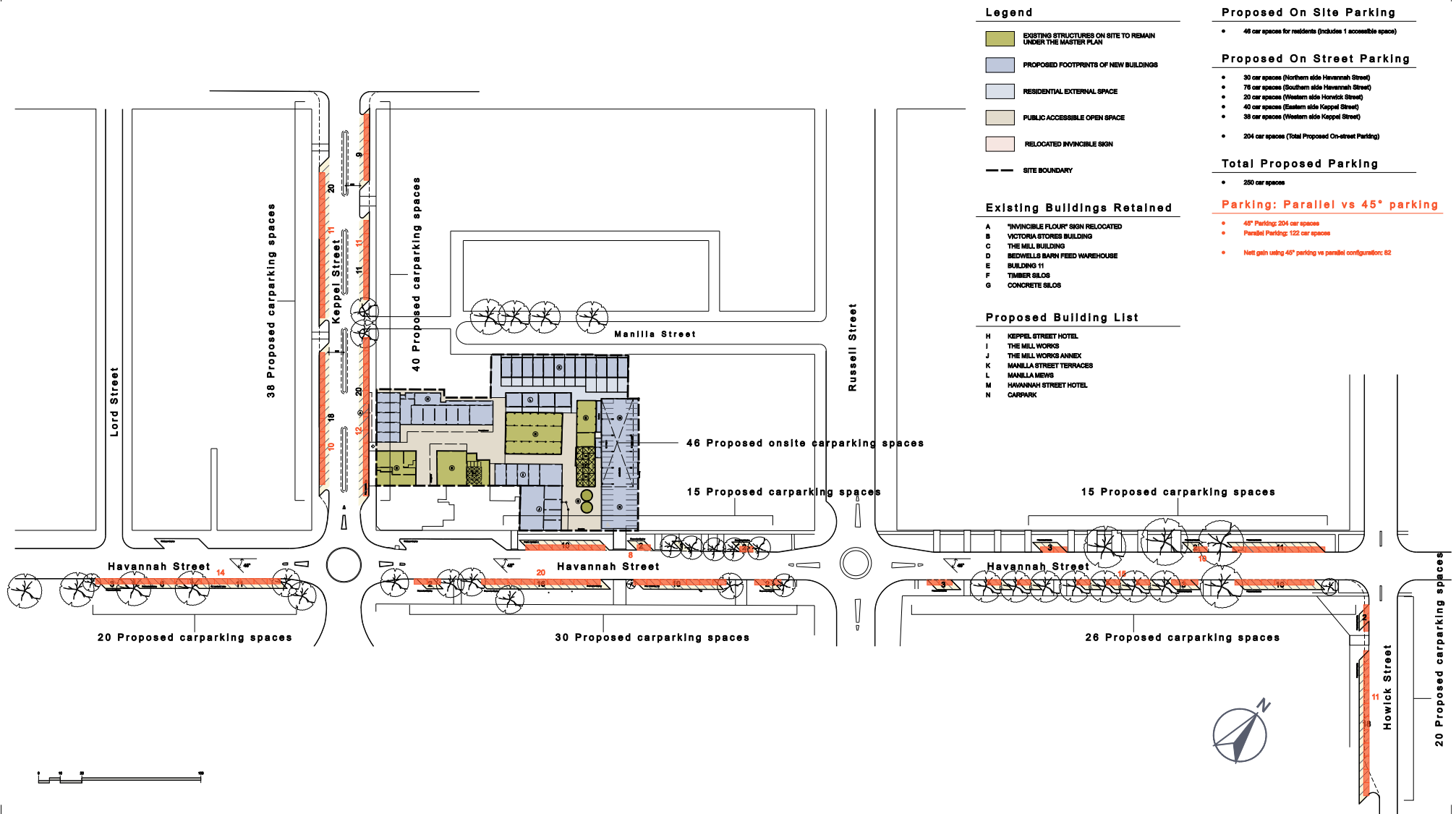
Attachment 8.2.3.4

BUILDING	L	USES	FLOOR AREA* (21/2/2023)	NO OF ROOMS	NO OF DWELLINGS	DCP REQUIREMENT	ARGUMENTS	DCP REQ	PARKING PROVIDED	SHORTFALL
B – Victoria Stores	G	Retail	276	-	-	1 space per 35m ²	Heritage Incentives Co-usage with hotel	8	0	8
	L1	Hotel	280	9	-	1 space per room	<ul style="list-style-type: none"> Heritage Incentives 70% occupancy rate 5% other method travel 	9 6	0	9 6
C – The Mill Building	G, L1, L2, L3	Hotel (ancillary)	1242	0	-	1 per 2 employees	Heritage Incentives	6	0	6
D – Bedwells Barn	G	Commercial* - also referred to as markets and function centre	486	-	-	1 space per 50m ²	Heritage Incentives	10	0	10
E – Building 11 (The Chapel)	G	Commercial*	123	-	-	1 space per 50	Heritage Incentives	3	0	3
F – Timber Silos	G	Retail	210	-	-	1 space per 35	Heritage Incentives	6	0	6
	L6	Hotel/Roof top bar	240	-	-	1 space per 30m ²	Heritage Incentives	8	0	8
G – Concrete Silos	G, L1, L2, L3, L4, L5	Hotel	228	10	-	1 space per room	<ul style="list-style-type: none"> Heritage Incentives 70% occupancy rate 5% other method travel 	10 7	0	10 7
H – Keppel Street Hotel	G, L1, L2, L3	Hotel	2486	51	-	1 space per room	<ul style="list-style-type: none"> Occupancy rates 70% occupancy rate 5% other method travel 	51 34	0	51 34
H – Keppel Street Retail	G	Retail	575	-	-	1 space per 35m ²	Co-usage with hotel	17	0	17
I – The Mill Works Building	G	Retail	300	-	-	1 space per 35m ²	-	9	0	9
	L1, L2, L3	Commercial	900	-	-	1 space per 50m ²	-	18	0	18
J – The Mill Works Annex	G	Retail	385	-	-	1 space per 35m ²	-	11	0	11
	L1, L2, L3, L4	Commercial*	1540	-	-	1 space per 50m ²	-	31	0	31
K – Manilla Street Terraces	G, L1, L2, L3	Dwelling	2052		12 x 2br	1 space per 2br + 1 visitor space per 4 dwellings		15	12	3

Attachment 8.2.3.4

L – The Mews	G, L1, L2, L3	Dwelling	748		4 x 1br	1 space per 2br + 1 visitor space per 4 dwellings		5	4	1
M – Havannah Street Motel	L1, L2, L3, L4	Hotel	2424	52		1 space per room	Occupancy rates <ul style="list-style-type: none"> 70% occupancy rate 5% other method travel 	52 35	30	22 5
TOTAL								269 229	52 46	223 183
Heritage Incentive Clause 7.9 of LEP	40 spaces in relation to retained heritage buildings C, D, E, F, G									183 – 40 = 143

Attachment 2
Proposed on-street parking layout.



Attachment 3
CI Australia hotel occupancy advice



13 March 2023

CI Australia Pty Limited

Level 5, 35 Clarence Street
Sydney NSW 2000

Phone : +61 2 8238 0000
Email : sydney@ciaustralia.com.au
Web : www.ciaustralia.com.au

Ms Linda Gregoriou
Head of Property Development
TrueGreen Group
Mezzanine Level
5-7 Macquarie Street
SYDNEY NSW 2000

E: linda@truegreengroup.com

Dear Linda

RE: 7 Keppel Street, Bathurst NSW – Hotel

Pursuant to your request that we advise on the most appropriate occupancy rate in relation to the above-mentioned property, we advise as follows:

We have researched generically regional hotels throughout NSW and have spoken to several clients that operate in this market sector and we are informed that the most appropriate occupancy rate as an industry standard for regional hotels is around 70%. This, of course, is presuming a realistic ADR (average daily room rate) depending on a particular location.

Should you require further advise on this matter please contact the undersigned.

Yours sincerely

CI AUSTRALIA PTY LIMITED

MICHAEL STOKES

Director, Capital Transactions Australia

M: 0418 251 579

E: mstokes@ciaustralia.com.au





7 Keppel Street and 67 Havannah Street, Bathurst

Clause 4.6 Written Request– Height of Buildings

On behalf of
True Green Group
March 2023



Project Director

Georgia Sedgmen



3 March 2023

Project Planner

Hugh Halliwell

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

Contact

Mecone

Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000

info@mecone.com.au
mecone.com.au

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1 Executive Summary

This Clause 4.6 Written Request has been prepared on behalf of True Green Group in support of a Development Application (DA) for the Concept DA at 7 Keppel Street and 67 Havannah Street, Bathurst. The Concept DA proposes no building works and is provided as a masterplan for information purposes; to inform the Council and the community of the ultimate intended development outcome across the site.

The building envelopes identified provide a maximum envelope, in which future development will be determined. The envelopes provided have not been subject to detailed architectural design and do not reflect any articulation; which will be provided within future detailed Development Applications for individual buildings, within the envelopes specified.

The Concept DA outlines a masterplan to guide future development of the site. The identified development envelopes provide for the spatial distribution of future development, including height, setbacks and massing, potential land uses and the landscape concept for the site, with the masterplan only seeking consent for maximum building envelopes for all future development to fit within.

Council will not be approving any construction or physical works on the site as part of this application and will simply be supporting the proposed mix of land use and maximum building envelopes. All built form will be subject to a series of future detailed DAs, compliant with statutory regulations.

The Concept DA proposes a masterplan which will guide future development on the site and provide the opportunity for an adaptive reuse, mixed-use development, comprising, hotel accommodation, residential accommodation, commercial, educational and retail uses.

The hotel accommodation component will consist of a total 113 rooms, in addition to the 9 rooms already approved within the Victoria Stores Building and subject of DA 10-2022-384-1. The 113 rooms will be provided in a combination of new and adaptive re-use heritage buildings. The proposal also provides for a total of 12 terrace houses and 4 mews.

The proposal will deliver a variety of commercial and retail offerings and facilitate the future delivery of a mixed use precinct that will provide for the restoration and adaptive reuse of the heritage items of local significance, including Tremain's Mill and Silos (formerly Victoria Mill) and the Invincible Flour Sign.

The proposed works are subject to a height of buildings standard of 12m as depicted in **Figure 1**.

This document has been prepared in accordance with the provisions under Clause 4.6 of Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014) and in consideration of the considerations espoused in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*) at [42] – [48], *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, *Stamford Property Services Pty Ltd v City of Sydney & Anor* [2015] NSWLEC 1189.

The proposed development proposes a contravention to the height of buildings provision of clause 4.3 of BRLEP 2014, which specifies a maximum building height, however strict compliance is considered to be unreasonable or unnecessary in the circumstances of this case and there are considered to be sufficient environmental planning grounds to justify contravening the development standard.

The height contraventions proposed primarily result from the challenges of working with the existing heritage context of the site and wider conservation area. The retention and conservation of the existing heritage items, both listed and assessed as significant, result in contraventions with the building height standard. It is important to note that some contraventions are existing and will remain, while the maximum building envelopes, propose three additional contraventions, as detailed following within this submission.

This written request considers the existing ground level, in accordance with the definition in BRLEP 2014.

The existing and proposed height of buildings at the maximum point of each building envelope, compared to the 12m height standard, are as follows:

Proposed Building Height Contraventions			
Building/ Envelope	Proposed height (m)	Extent of contravention (m)	Extent of contravention (%)
Keppel Street Hotel	13.5m	1.5m	12.5%
Timber Silos (existing)	30.97m (unchanged)	18.97m (unchanged)	158.08% (unchanged)
Concrete Silos (existing)	21.66m (unchanged)	9.66m (unchanged)	80.5% (unchanged)
The Mill Building (existing)	14.62m (unchanged)	2.62m (unchanged)	21.83% (unchanged)
The Mill Works Annex	15m	3m	25%
Havannah Street Hotel	15m	3m	25%

As identified within the table above, the largest departure from the height standard is in relation to the existing timber silos, which will be retained and restored, with no additional height proposed in this location.

Notwithstanding the contraventions identified above, the objectives of the height standard set out at clause 4.3 of BRLEP 2014 and the objectives of the B3 zone are satisfied by providing a well-considered built form response, commensurate with the character anticipated by the commercial core of the Bathurst CBD, while providing for an appropriate building typology within a heritage setting and importantly no unreasonable environmental, view loss or overshadowing impacts.

The proposal has been designed as a contextual response to both the surrounding neighbourhood and the interfaces it has with immediate adjoining properties. The proposal will transform the precinct of an underutilised area of Bathurst CBD into a cultural, community and heritage focused precinct that prioritises, protects, respects, and celebrates the unique heritage character of the site and wider conservation area.

The buildings have been designed to ensure that any adverse visual impact associated with the proposed built form above the height standard is limited and the existing silos remain the dominant visual feature of the precinct. The precinct has retained the heritage items and setting of the site, in addition to providing new additions and landscaping to assist with providing a positive urban design and public domain outcome, as viewed from within the site, the public domain and adjoining properties.

Notwithstanding the contraventions above, the proposed buildings are considered to satisfy the objectives of clause 4.3 and 4.6 of BRLEP 2014 and the development standard has been found to be unreasonable and unnecessary in the circumstances as a result of the existing retained heritage items which establish a height plane well above the development standard in relation to this site.

2 Height of Buildings

2.1 Introduction

This Clause 4.6 Written Request has been prepared on behalf of True Green Group (the applicant) to support a development application (DA) for the Bathurst Mill (Subject Site) submitted to Bathurst Regional Council (Council) relating to the land at 7 Keppel Street and 67 Havannah Street, Bathurst (Site).

The Concept DA seeks consent for the following:

Hotel Accommodation

- Various accommodation across the site in a combination of new and adaptive re-use heritage buildings comprising:
 - 9 room heritage boutique hotel in existing Victoria Stores Building (previously approved DA 10-2022-384-1)
 - 51 room new boutique hotel (Keppel Street)
 - 52 room new boutique hotel (Havannah Street)
 - 10 room boutique hotel in existing concrete silos

Commercial

- Range of commercial offerings across the site comprising of:
 - Hotel reception
 - Guest library
 - Exhibition Space /Art Gallery
 - Farmers Market
 - Event and function space
 - Art House Cinema
 - Commercial Kitchen

Retail

- Wide range of complementary mixed-use retail and food and beverage offerings comprising of 29 tenancies. Uses include:
 - Bookshop, haberdashery, hardware, homewares, wool shop and knitwear
 - Artisan baker, fromagerie, providore, fruit and vegetables
 - Cafes
 - Wine Bar/ Enoteca
 - Restaurants
 - Bottle shop
 - Distillery
 - Roof top bar located above timber silos, within existing building

Carparking

- 30 hotel on-site spaces
- 16 residential on-site spaces
- 1 accessible space
- Bicycle accommodation
- EV charging station
- Provision of 21 on street parking spaces – Havannah Street
- Provision of electric vehicle from Circular Quay Sydney to Bathurst - seats 40 to 42

This written request has been prepared to support a proposed contravention of the height of buildings standard under clause 4.3 of BRLEP 2014. This request is being made pursuant to clause 4.6 of the BRLEP 2014.

This Clause 4.6 Written Request has been prepared having regard to the Land and Environment Court judgements in the matters of:

- Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe) at [42] – [48],
- Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248,
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118,
- Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61,
- RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130,
- Stamford Property Services Pty Ltd v City of Sydney & Anor [2015] NSWLEC 1189.

The Site subject to this Clause 4.6 Written Request is highlighted in **Figure 2** below.

Under the Concept DA, the interface with the heritage surroundings is treated sensitively, with the retention and conservation of existing structures of heritage significance. The proposed buildings, identified in the masterplan have adopted an appropriate massing and scale and maintain the predominant setbacks and rooflines already developed within the Conservation Area.

Future buildings will be well-designed with an aesthetic that will complement the significant retained buildings and the existing architectural detailing. The site offers a rare opportunity to develop a heritage and cultural precinct that marries Australian contemporary architecture with important heritage elements. The proposal is an opportunity to showcase the best of regional Australia.

The retained buildings, while contravening the height of buildings standard, will not lose their visual prominence in significant view corridors towards the site. This has been achieved by siting the new buildings below the existing silos to ensure the dominance of this structure remains in the landscape.

The proposal will provide a high-quality urban design outcome and more sympathetic transition to the wider Conservation Area. The design elements of each building, which will be subject to future detailed DAs will be articulated and

including a range of proposed materials and colours inspired by the heritage setting to sympathetically integrate the new buildings in their location. Additionally, the future buildings will re-use materials from those buildings which need to be removed from the site wherever available.

The proposed envelopes have been designed to maximise future amenity opportunity and ensure any visual impact associated with the built form above the height standard, has been minimised. The submitted Concept DA retains the heritage setting of the site and provides an improved landscaped outcome that will assist with screening the built form, as viewed from within the site, the public domain and adjoining properties. The proposed variation in relation to the two buildings located on Havannah Street, provide for activation of the Havannah Street frontage as well as a balanced development form, with the buildings providing consistency with the Mill Building and protecting the dominance of the Silos within the streetscape.

3 Bathurst Regional Local Environmental Plan 2014

3.1 Clause 4.3 – Height of Buildings

Pursuant to clause 4.3 of BRLEP 2014 the maximum building height is 12m (refer to **Figure 1**). The stated objectives of this standard are as follows:

- (1) The objectives of this clause are as follows—*
 - (a) to establish the maximum height limit to which buildings may be erected in certain locations.*

The maximum height shown for the land on the height of buildings map is provided at **Figure 1**.



Figure 1 Height of buildings map (Source: NSW Legislation)



Figure 2 Proposed site plan (Source: Karl Walls Design)

The following figures depict the extent of height contraventions sought in relation to each of the buildings. Note the buildings highlighted green and pink are existing, while buildings in blue are proposed maximum building envelopes for future development.

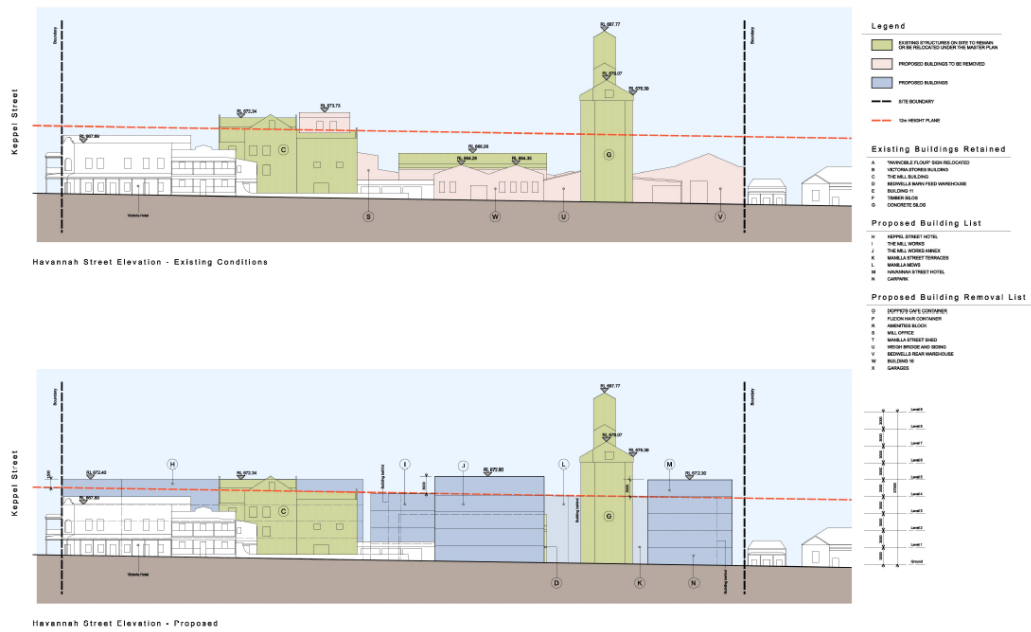


Figure 3 Havannah Street elevation (Source: Karl Walls Design)

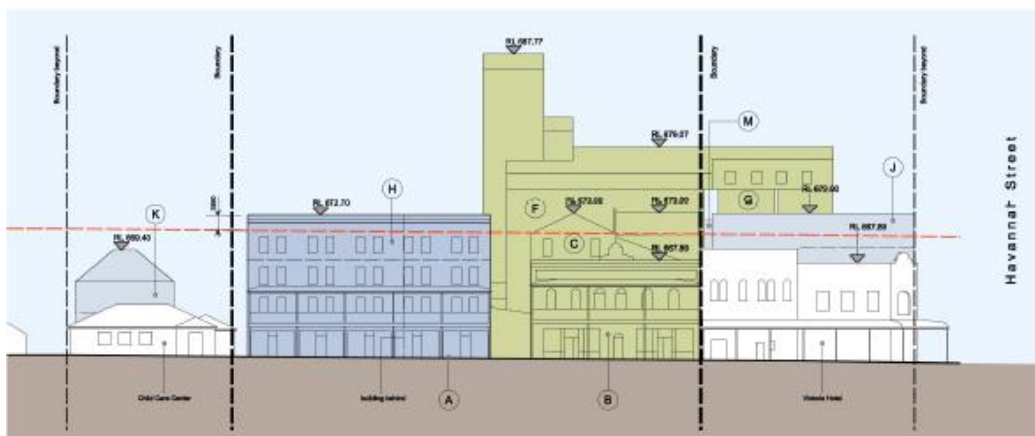
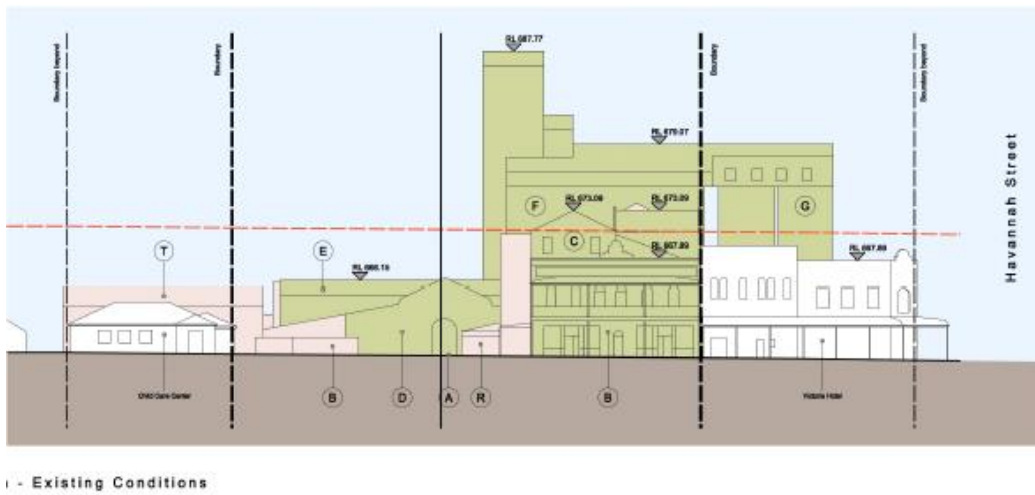


Figure 4 Keppel Street elevation (Source: Karl Walls Design)

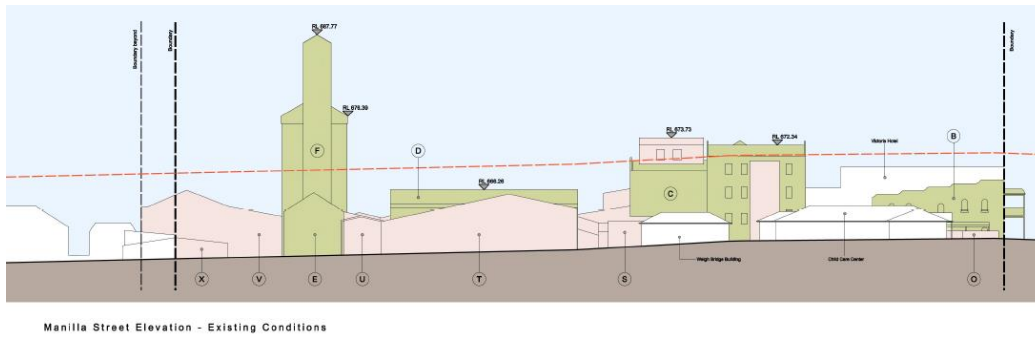


Figure 5 Manilla Street elevation (Source: Karl Walls Design)

3.2 Clause 4.6 – Exceptions to Development Standards

Clause 4.6(1) of BRLEP 2014 provides:

- (1) *The objectives of this clause are:*
- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The decision handed down by Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 ("Initial Action") provides guidance in respect of the operation of clause 4.6 subject to the clarification by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant's written request has in fact demonstrated the matters required to be demonstrated by cl 4.6(3).

Initial Action involved an appeal pursuant to s56A of the Land & Environment Court Act 1979 against the decision of a Commissioner.

At [90] of Initial Action the Court held that:

"In any event, cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). There is no provision that requires compliance with the objectives of the clause. In particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard "achieve better outcomes for and from development". If objective (b) was the source of the Commissioner's test that non-compliant development should achieve a better environmental planning outcome for the site relative to a compliant development, the Commissioner was mistaken. Clause 4.6 does not impose that test."

The legal consequence of the decision in Initial Action is that clause 4.6(1) is not an operational provision and that the remaining clauses of clause 4.6 constitute the operational provisions.

Clause 4.6(2) of BRLEP 2014 provides:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

This clause applies to the clause 4.3 Height of buildings Development Standard, which is not excluded under the clause.

Clause 4.6(3) of BRLEP 2014 provides:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has*

considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The proposed development proposes a contravention to the height of buildings provision of clause 4.3 of BRLEP 2014, which specifies a maximum building height, however strict compliance is considered to be unreasonable or unnecessary in the circumstances of this case and there are considered to be sufficient environmental planning grounds to justify contravening the development standard.

The relevant arguments are set out later in this written request.

Clause 4.6(4) of BRLEP 2014 provides:

- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - a) the consent authority is satisfied that:*
 - i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - b) the concurrence of the Director-General has been obtained.*

In Initial Action the Court found that clause 4.6(4) required the satisfaction of two preconditions ([14] & [28]). The first precondition is found in clause 4.6(4)(a). That precondition requires the formation of two positive opinions of satisfaction by the consent authority. The first positive opinion of satisfaction (cl 4.6(4)(a)(i)) is that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3)(a) (Initial Action at [25]).

The second positive opinion of satisfaction (cl 4.6(4)(a)(ii)) is that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out (Initial Action at [27]). The second precondition is found in clause 4.6(4)(b). The second precondition requires the consent authority to be satisfied that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (Initial Action at [28]).

Under cl 64 of the Environmental Planning and Assessment Regulation 2021, the Secretary has given written notice, dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.

Clause 4.6(5) of BRLEP 2014 provides:

- (5) In deciding whether to grant concurrence, the Director-General must consider:*
- a. whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - b. the public benefit of maintaining the development standard, and*
 - c. any other matters required to be taken into consideration by the Director-General before granting concurrence*

4 Relevant Case Law

In Initial Action, the Court summarised the legal requirements of clause 4.6 and confirmed the continuing relevance of previous case law at [13] to [29]. In particular, the Court confirmed that the five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council* (*Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 continue to apply as follows:

- 1) The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- 2) A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- 3) A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- 4) A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.*
- 5) A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: *Wehbe v Pittwater Council* at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in *Wehbe v Pittwater Council* at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.*

- 6) *These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

The relevant steps identified in Initial Action (and the case law referred to in Initial Action) can be summarised as follows:

- 1) Is clause 4.3 of BRLEP 2014 a development standard?
- 2) Is the consent authority satisfied that this written request adequately addresses the matters required by clause 4.6(3) by demonstrating that:
 - a) compliance is unreasonable or unnecessary; and
 - b) there are sufficient environmental planning grounds to justify contravening the development standard
- 3) Is the consent authority satisfied that the proposed development will be in the public interest because it is consistent with the objectives of clause 4.3 and the objectives for development for in the zone?
- 4) Has the concurrence of the Secretary of the Department of Planning and Environment been obtained?
- 5) Where the consent authority is the Court, has the Court considered the matters in clause 4.6(5) when exercising the power to grant development consent for the development that contravenes clause 4.3 of BRLEP 2014.

5 Design Considerations

5.1 Clause 4.6(3)(a) – Whether compliance with the development standard is unreasonable or unnecessary

The commonly adopted approach, in order for an applicant to demonstrate that compliance with a development standard is unreasonable or unnecessary is set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827.

The first way is to establish that compliance with the development standard is unreasonable and unnecessary is to demonstrate that objectives of the development standard are achieved notwithstanding contraventions with the standard.

5.1.1 Consistency with objectives of the height of buildings standard

Clause 4.3 of BRLEP provides only one objective in relation to the height of buildings development standard.

- a) *to establish the maximum height limit to which buildings may be erected in certain locations.*

An assessment as to the consistency of the proposal when assessed against the objective of the standard is as follows:

Response: The maximum height limit which has been established by the LEP provides that all B3 Commercial Core land within Bathurst CBD is provided with a maximum height of 12 meters.

A review of Bathurst CBD indicates that the 12m height limit is entirely appropriate when considering a blanket approach to height within the CBD. However, a fine grain review of the CBD indicates that there are circumstances within the CBD which allow for a more merit-based response to height, as a direct result of existing, heritage built form in certain locations, which exceed the 12m height plane.

Analysis of Keppel Street

The submitted Keppel Street analysis, prepared by Karl Walls, indicates two such locations on Keppel Street. The first location being 99 Keppel Street at the Carrington, which establishes an existing height plane well above the 12m control, and the second being 7 Keppel Street at the Tremain's Mill and Silos which also establish an existing height plane well above the 12m control.

Consideration of the Keppel Street analysis indicates that the height plane established by the Carrington, aligns with the height established by the Mill Building, while the existing silos establish a height plan which aligns with the RL of the Carrington, despite its location on a ground level approximately 10 metres lower than that on which the Carrington is developed.

The proposed variations provided within the Concept DA ensure consistency with the Mill Building and continue to remain dominated by the silos which are sited with a maximum building height of approximately 30.97m.

The retention of the Mill Building and Silos indicates that the height of building standard is unreasonable and unnecessary in the circumstances, with the heritage context providing more appropriate guidance for the built form outcome on this site.

Design Evolution

The masterplan has undergone extensive analysis, evolution and enhancement with several iterations now resulting in what is considered an optimal overall project outcome to protect and enhance the significant heritage items on the site. True Green Group has carefully considered how to achieve a suitable massing across the site while not detracting from the heritage setting and providing a high-quality design outcome balancing the overall building height across the site with a considered and refined design response that prioritises heritage aspects, the desired character of the locality and provides a sympathetic relationship with the surrounding land uses.

The masterplan is considered a sympathetic response to the site's heritage context. The design of the new buildings along Havannah Street, including the hotel and Mill Works Annex building offer a balanced outcome relative to the timber and concrete silos, and maintain a built form similar to the retained Mill Building, as depicted in the section at Figure 3.

The new buildings sit substantially lower than the silos, while the Havannah Street hotel is setback to ensure they do not detract from the significance of the silos, while also continuing to offer views to the silos, as viewed from Havannah Street.

The additional height proposed in relation to three buildings, results from the applicant's decision to retain and restore all significant heritage items on this site. The GFA proposed across the precinct is below the FSR established under BRLEP 2014 and does not seek to exceed the density, bulk and scale of development established by the FSR control.

In order to retain the significant heritage items on the site and allow adequate curtilage and landscaping settings to each of those items, the proposed building envelopes have been designed in consideration of the heritage context, existing built form and to ensure a superior environmental outcome for the site and precinct, with a balanced building height when compared to retained heritage items and an unbuilt area exceeding 30% which is available for landscaping.

A compliant built form could be achieved on this site, without the need to contravene the height control, but it would result in a poor environmental outcome, as it would require the demolition or alteration of significant heritage items on the site or a reduction in landscape area and the space available between the buildings.

Density Proposed

The density proposed by the masterplan aligns with the density envisaged by Council when applying a floor space ratio (FSR) control to the site and wider CBD precinct. The masterplan is not considered an overdevelopment of the site with the proposed FSR of 1.95:1 being lower than the permitted control of 2:1.

The area of GFA being achieved over the 12m height control by proposed buildings is approximately 991m² or 0.14:1. The area of the building envelope identified in relation to the Havannah Street hotel building over the 12m control is 606m², while the Keppel Street hotel has been amended resulting in no GFA above the height control. As the building envelopes are expressed as a gross building envelope, an efficiency of 75% has been applied to assume a future GFA which would be achieved within the envelopes.

Alternatives were explored during the masterplanning process which would have provided for a compliant built form in which this 991m² of GFA could have been developed within a compliant building height. However, these alternatives were found to present a negative impact to the significant heritage items and values onsite.

Opportunities to achieve a compliant FSR and height on the site were considered, including through the demolition of Bedwells Barn, or the provision of additional storeys over Bedwells Barn or the Victoria Stores buildings, but these types of external alterations were found to undermine the value of these significant heritage items and present a poor outcome for the site and Bathurst.

A further option to development within the height control was considered through the provision of a larger development footprint to the Havannah Street hotel building. The option was not preferred as the proposed built form would entirely

obscure the view from the east, along Havannah Street, toward the concrete silos, resulting in a significant visual impact.

While offering numeric compliance, the environmental impact of such a design decision, would be far more significant through impact to significant heritage items.

The masterplan provides a superior environmental outcome, notwithstanding some height variation in relation to three proposed buildings.

A breakdown of the GFA described above and plans indicating the location of the GFA at each level are provided and marked **Appendix 1**.

The following figures indicate the “air space” available for development under the height control, which has not been utilised to protect the heritage values of the site, while also indicating the areas which would have been able to be developed if numeric compliance with a height control were the only consideration.

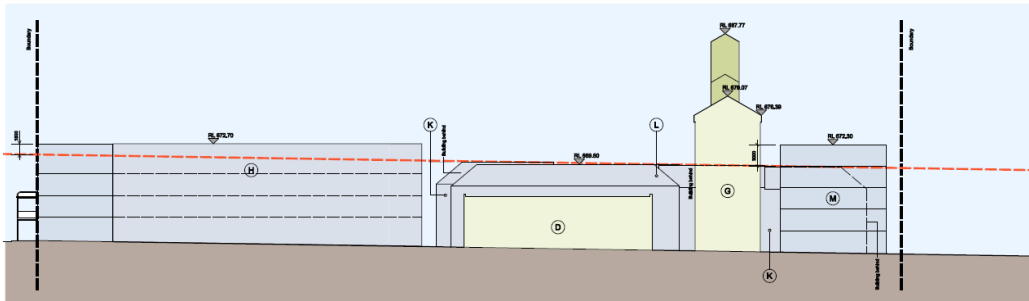


Figure 6 Long section indicating areas not developed below height control (Source: Karl Walls Design)

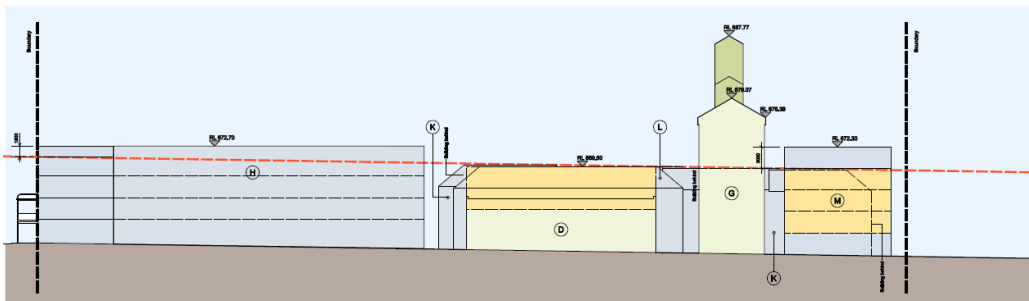


Figure 7 Long section indicating potential floor space that could be achieved in yellow (Source: Karl Walls Design)

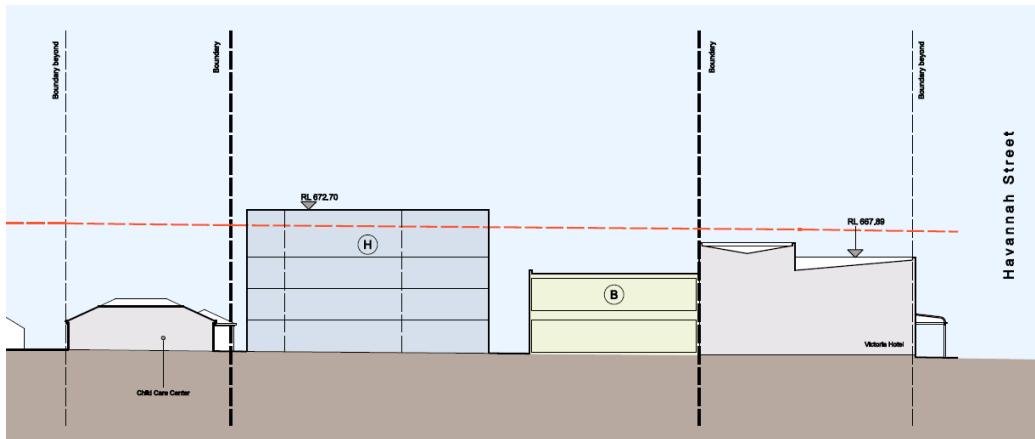


Figure 8 Cross section indicating areas not developed below height control (Source: Karl Walls Design)

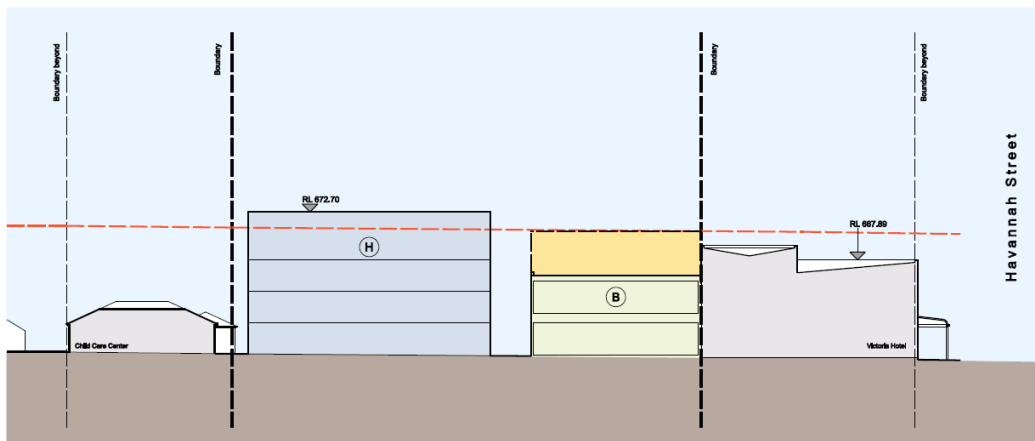


Figure 9 Cross section indicating potential floor space that could be achieved in yellow (Source: Karl Walls Design)

The proposed masterplan is considered a superior response to the site's heritage constraints, as it provides a layout and siting of buildings that is responsive to these heritage aspects.

We further note that the building envelopes are not an entitlement to GFA, which one is permitted to build to. Further modulation and articulation of future buildings will be provided within these envelopes that will be subject to a rigorous design assessment in future DAs.

Previous Proposal

We note the previous owner of the site submitted a Development Application that considered a redevelopment of the silos for the purpose of serviced apartments, and proposed a GFA of 1,447m² in relation to the silos.

While this proposal was able to achieve additional GFA within the existing built form, it was not considered as a viable opportunity for True Green as it would require the timber silos to be destroyed and windows and openings provided across the building, which would undermine the heritage significance of the site. In addition,

this scheme still proposed the addition of habitable space above the 12m height control, notwithstanding the existing built form in which it would be contained.

Increased Amenity

The evolution of the Concept DA masterplan has enabled the site to provide a superior design outcome with increased landscape and residential and visitor amenity, improved housing quality and a balanced heritage outcome. In doing so, the design process has resulted in a development that, notwithstanding the height contraventions, is carefully designed to achieve compatibility with adjoining development within the site and adjoining properties.

The design envisaged for each existing and proposed building with regard to those elements noted above, provide a development that offers a sensitive transition from within the site to the public domain.

The relationship and interface of the site to the existing Victoria Stores and The Victoria Hotel to the south is sympathetic to one another. The height contravention does not unreasonably impact on the streetscape character and amenity along Keppel Street, Havannah Street or Manilla Street with adequate setback and visual separation provided.

Development Standard

It is clear from a review of the LEP, that the 12m height of building control has been applied generically to the entire Bathurst CBD without consideration of existing built form or existing height of heritage items within the precinct. While the site is identified with a height of buildings control of 12m, the site already provides a height of 30.97m in relation to heritage built form.

Accordingly, the proposed heights within the masterplan have evolved from careful analysis and consideration of the locality, the existing heritage items and the boarder heritage conservation area in which the site is located.

The proposed, contravening buildings, notably the Havannah Street hotel building and Mill Works Annex building (refer to **Figure 10**) will not give rise to adverse impacts on the heritage character of the area or streetscape, as they remain subservient to the existing silos which will be retained and restored as part of the masterplan.

The new buildings will enhance and complement the historic precinct and character of existing buildings. The proposal offers a considered response to the CBD and surrounding area and will lead to a positive contribution to the CBDs architectural landscape, while preserving the significant heritage features of the site and providing referencing points for users of the CBD.

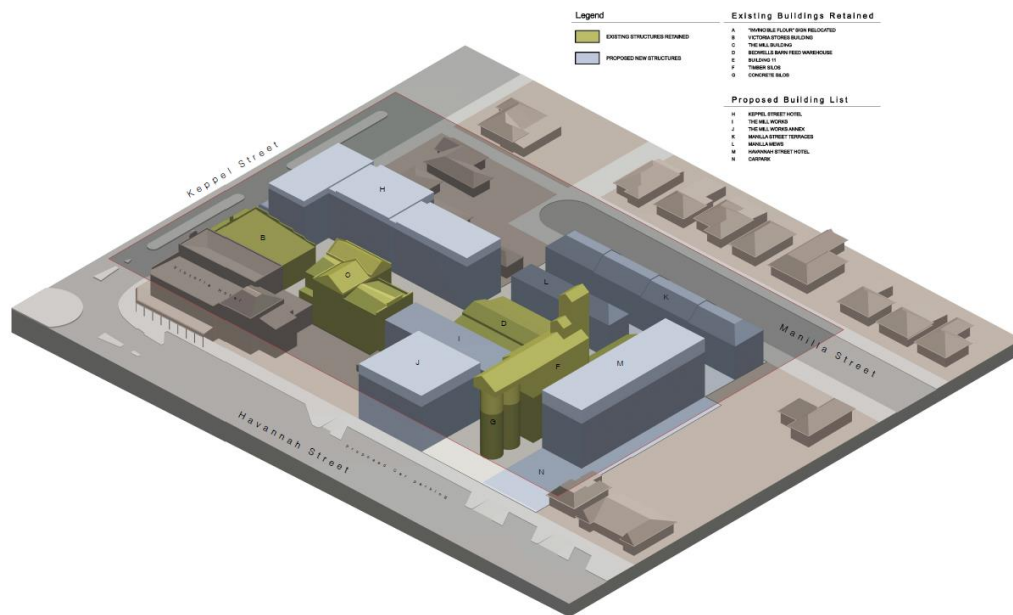


Figure 10 Proposed Height Plane Analysis showing all retained buildings in yellow (Source: Karl Walls Design)

The building envelopes will be refined through future detailed DAs so that any proposed building will ultimately be designed in accordance with relevant controls. Future detailed DAs will be supported by Site-Specific Design Guidelines, which will be developed with Council following lodgement of the Concept DA. Consistency with the above will achieve a reduction in bulk and scale from within the site and from the wider area. To further minimise the visual impact of the building height, each building will be setback to allow for reasonable amenity to be provided to adjoining sites.

The proposed envelopes are a generous expression of a maximum height on the site. For example, the terraces and mews dwellings are expressed as a maximum building envelope of 4 storeys. It is highly unlikely that a dwelling would be developed to this maximum.

The uniqueness of the site should not be discounted and should be considered on its merits in isolation from the wider precinct. The significant extent of heritage buildings being retained, account for approximately 3,085m² of GFA. Excluding these items provides for a GFA of 11,410m² or an FSR of 1.53:1, a substantial reduction from what is permitted on the site.

These retained heritage buildings which will be repurposed do not provide for efficient GFA, when compared to the new buildings. The retention is aimed at restoring the heritage significance and integrity of each building rather than maximising the permitted FSR on the site which would ultimately result in an inferior planning and design outcome for the site, impacting the heritage significance of the site and precinct.

The proposed variation will not change the established maximum height limit within the locality of the proposed development, for other future development, as it is only requesting a variation in consideration of the retention and restoration of significant heritage items on the site and the existing height of those items. As such, support of a

variation in this instance would not set a 'precedent' for future development, as each development application is assessed on merit and would need to demonstrate adequate justification.

Therefore, despite not achieving the development standard, the proposed development does not hinder or decrease the capacity of the objective of the standard to be achieved and the maximum height limit will still be established in the locality.

5.1.2 Consistency with zone objectives

The subject site is zoned B3 – Commercial Core pursuant to Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014). The proposed mixed-use development is permissible with consent in the zone. The objectives of this zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

Response: The proposed mixed-use development will provide for a wide-range of commercial, retail and residential uses that will complement the Bathurst CBD and surrounding areas, but more importantly, complement the existing heritage items and conservation area. The proposed uses will serve the needs of the local and wider community by providing additional opportunities for residents and visitors of Bathurst to engage with a broader range of services. In this regard, and notwithstanding the building height contravention, the proposed uses are considered appropriate and worthy of Council's support.

- *To encourage appropriate employment opportunities in accessible locations.*

Response: Through the provision of a wide range of complementary land uses and services, additional employment opportunities will be offered through the commercial, retail and hotel land uses. The location is readily accessible through regular bus services, the nearby Bathurst train station, while the site is located within the Bathurst CBD walking catchment. In this regard, the proposal is considered to satisfy the objective of the zone.

- *To maximise public transport patronage and encourage walking and cycling.*

Response: The proposal will promote public transport patronage, while also encourage walking and cycling. The reduction in parking spaces on the site due to the heritage constraints, also give opportunity to refocus attention on the use of alternative modes of transport beyond the private motor vehicle. While the site is accessible by car, it is equally accessible through other modes of transport, including buses, trains, walking and cycling.

Council's LSPS openly points to planning for the construction of an accessible footpath and cycleway network. The LSPS notes Council is actively reviewing and updating the Bathurst Community Cycling and Access Plan (2011), in order to maximise opportunities for the inclusion of on-road active transport routes.

In addition to the above, Bathurst is identified as one of the 16 cities under the '16 Cities Program' outlined by the State Government under the NSW Future Transport 2056 Plan, which Transport for NSW (TfNSW) has begun implementing in Bathurst with

a focus on increasing public transport usage (bus services) in Bathurst. New and upgraded supporting public transport infrastructure such as bus interchanges within the CBD and at neighbourhood activity centres, bus signage and bus information and alternative ways of delivering bus services within the city.

The concept masterplan will complement and encourage the above investigations into an improved public transport network and services. To aid in the delivery of alternative, sustainable modes of transport in line with the above, the applicant is open to discussions with Council about delivering an electric bus service between Sydney and Bathurst.

The proposal will set a benchmark for the Bathurst CBD and advocate for promoting alternative modes of transport.

- *To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.*

Response: The proposal will deliver important bespoke commercial and retail uses, while also providing for a hotel development that will reinforce the integral role of the Bathurst CBD as the primary retail and business centre in the region.

- *To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.*

Response: As previously discussed within this submission, the proposal protects and conserves the heritage elements of the site and conservation area. All design decisions have occurred as a result of the heritage considerations on the site and the applicants desire to protect and restore all significant heritage items on the site has resulted in the proposed height variation. The proposed works will, overall, have an acceptable impact because the site will continue to be read and understood as a former mill, as demonstrated by the retention of buildings which clearly demonstrate this historic relationship, while the removal of detracting elements will enable a better understanding of their built form. The proposed works will help to facilitate the ongoing conservation of the site in the long-term. Through this retention and conservation, the proposed master plan will reinforce the Bathurst CBD as a key economic and social asset.

5.2 Clause 4.6(4)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

In Initial Action the Court found at [23]-[24] that:

23. As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

24. The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced

in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.

25. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].

In this regard, it is considered that sufficient environmental planning grounds exist to justify the contravention. The environmental planning grounds are summarised as follows:

- **Heritage retention and conservation**

The Concept DA aims to retain and adaptively reuse the buildings given a high and exceptional significance by the Conservation Management Plan, 2016. These buildings all demonstrate a strong relationship to the historical development of the site; are aesthetically significant and prominent within key view corridors; and contribute towards an understanding of the site as a former mill precinct. These buildings are easily convertible for the range of uses proposed with significant fabric retained.

The proposal has been designed, sited and managed in accordance with the supporting CMP which carefully details the conservation work required to ensure the proposed development would not adversely affect the heritage significance of the item, including its setting. As detailed below, the proposed development would not have any significant adverse effect on the amenity within the site and to the surrounding area.

Due to the considerable effort made to ensure the concept masterplan responds appropriately to these constraints by retaining the above buildings, it is foreseeable that the building envelopes will result in contraventions to the building height standard. Importantly, the masterplan does not intend to encroach further beyond the existing maximum building height.

The new buildings, including the Mill Works Annex building, Keppel Street hotel, Havannah Street hotel are substantially below the existing height established by the above heritage buildings. These buildings will not detract from the heritage setting and context. The proposed new buildings will sit comfortably in the site as they will be of an appropriate massing and scale and will maintain predominant setbacks and rooflines in relation to the site. The envelopes will be further refined and articulated through subsequent detailed DAs, which will further reduce the visual bulk of the buildings. They will be well-designed with a simple aesthetic that does not detract from the more aesthetically significant retained buildings or compete with their architectural detailing.

- **Amenity**

The design process that has been undertaken, has led to a master planned response to the site by providing a development that will offer a high-degree of residential amenity within the site and to adjoining sites. Proposed landscaping has been shaped by the creation of a series of spaces that enhance the precinct's principles as the cultural, artistic, and social heart of Bathurst, while also defining a cohesive series of landscape and urban spaces that provide for a lively and vibrant precinct. The master plan delivers a material, planting and tree palette that creates a sense of place that is responsive and authentic to the precinct and locality.

The streetscape and pedestrian amenity along all three frontages is enhanced by the masterplan. The Havannah Street frontage will be further activated through the provision of additional on-street parking, further supporting the delivery of active frontages shaped by the retail and dining uses. Similarly, to Keppel Street, the existing heritage character defined by the building frontages, verandahs, and iconic gas streetlights and central verges, will be enhanced by new planting, street trees and retail shop frontages.

Overall, the concept proposal delivers an improved level of residential, streetscape and pedestrian amenity within and beyond the site that will provide for a benchmark development within the Bathurst CBD on a landmark site.

It is noted that in Initial Action, the Court clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

There are sufficient environmental planning grounds to justify contravening the development standard.

5.3 Clause 4.6(4)(a)(ii) – Is the proposed development in the public interest because it is consistent with the objectives of Clause 4.3 and the objectives of the B3 Commercial Core zone

The consent authority needs to be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone.

Preston CJ in Initial Action (Para 27) described the relevant test for this as follows:

"The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii)."

This request has demonstrated that the proposed development is consistent with the objectives of the development standard and the objectives of the zone in which the development is proposed to be carried out.

It is considered that the consent authority can be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone. The proposed concept masterplan offers a contextually sensitive response to the site and locality.

5.4 Secretary's concurrence

By Planning Circular dated 5 May 2020, the Secretary of the Department of Planning & Environment advised that consent authorities can assume the concurrence to clause 4.6 request except in the circumstances set out below:

- Variations exceeding 10%; and
- Variations to non-numerical development standards.

The circular also provides that concurrence can be assumed when an LPP is the consent authority where a variation exceeds 10% or is to a non-numerical standard, because of the greater scrutiny that the LPP process and determinations are subject to, compared with decisions made under delegation by Council staff.

In circumstances where an LPP is not in place, as is the case with Bathurst Regional Council, delegates of a consent authority may assume the Secretary's concurrence in accordance with the attached written notice.

5.5 Conclusion

Having regard to the Clause 4.6 Written Request provisions, it is considered:

- a) That the contextually responsive development is consistent with the zone objectives, and
- b) that the contextually responsive development is consistent with the objectives of the height of buildings standard, and
- c) that there are sufficient environmental planning grounds to justify contravening the development standard, and

- d) that having regard to (a), (b) and (c) above, compliance with the height of buildings development standard is **unreasonable or unnecessary** in the circumstances of the case, and
- e) that given the developments ability to comply with the zone and height of buildings standard objectives that approval would not be antipathetic to the public interest, and
- f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning; and
- g) Concurrence of the Secretary can be assumed by the Planning Panel as the determining authority in this case.

Pursuant to clause 4.6(4)(a), the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) being:

- a) *that compliance with the development standard is **unreasonable or unnecessary in the circumstances** of the case, and*
- b) *that **there are sufficient environmental planning grounds to justify contravening the development standard.***

In conclusion, it is considered that the proposed building height contravention presents a superior planning and design outcomes than those alternate options which have been explored through the design process. Further, it is considered that there is no statutory or environmental planning impediment to the granting of a building height contravention in this instance. As such, the proposal should be approved for those reasons outlined above.

Appendix 1: GFA breakdown and plans





Suite 1204B, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000

info@mecone.com.au
mecone.com.au

ADDENDUM TO THE CONSERVATION MANAGEMENT PLAN



Former Tremain's Flour Mill, No. 7 Keppel Street and No.
67 Havannah Street, Bathurst

February 2023 | J5675

**Weir
Phillips**
Heritage
and Planning

Level 19, 100 William Street Woolloomooloo NSW 2011
Phone: 02) 8076 5317

Report Preparation	
Principal	James Phillips BSc(Arch), BArch, MHeritCons(Hons)
Senior Heritage Consultant	Elliot Nolan B.A. (Anc.Hist.Hons.), M.Mus.Herit.Stud., Grad.Dip.Herit.Cons.

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Cover Image: Former Tremain's Flour Mill from inside the Keppel Street entrance.

We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and emerging and all Aboriginal people.

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1 INTRODUCTION

1.1 Preamble

This report is an Addendum to a Conservation Management Plan prepared by Senthilpavai Kasiannan in March 2016 (*CMP 2016*) for a 19th and 20th century period former flour mill complex at No. 7 Keppel Street and No. 67 Havannah Street, Bathurst, New South Wales. That document is hereafter referred to as the *CMP March 2016*.

The *CMP March 2016* was prepared at the request of the previous owner of the site to help guide the ongoing conservation prior to the formulation of any redevelopment proposals. Since the *CMP March 2016* was completed, the site has been subject to several Development Applications which include but are not limited to the following:

- DA10-2018-198-1: *Partial demolition, alterations and additions to an existing commercial building for mixed commercial and serviced apartments, construction of amenities block, establishment of converted shipping containers for retail purposes, associated landscaping and fencing.*
- DA10-2018-69-1: *Two lot subdivision boundary adjustment.*

Both Development Applications have been approved and works completed.

The current owner of the site proposes the adaptive reuse of the site, retaining and restoring significant buildings to create a range of commercial, retail and residential uses. The owner has requested that an addendum be prepared to the *CMP March 2016* to provide guidance for the proposed works, in particular, to assess the current Grading of Significance provided in the *CMP March 2016*. This Addendum proposes new gradings that better recognise highly significant elements and isolates those individual elements which are detracting or otherwise have less significance. It also reflects changes to the site since the *CMP* was authored in 2016.

1.2 Authorship

This Addendum was prepared by Elliot Nolan, B.A. Anc.Hist.Hons), M.Mus.Herit.Stud., Grad.Dip.Herit.Cons., and James Phillips, B.Sc. Arch.), B. Arch., M.Herit.Cons. Hons), of Weir Phillips Heritage and Planning.

1.3 Site Location

No. 7 Keppel Street and No. 67 Havannah Street is located on the east side of Keppel Street and the north side of Havannah Street and has frontage to Manilla Street (Figure 1). The site is identified as follows:

- No. 7 Keppel Street – Lot 11, D.P. 1266801.
- No. 67 Havannah Street – Lot 12, D.P. 1266801.



Figure 1: Map of former mill precinct. The site is outlined in red. Note that No. 67 Havannah Street is now on a separate allotment.
SIX Maps, 2023



Figure 2: Aerial photograph of site. The site is outlined in red.
SIX Maps, 2023

The site is irregularly shaped and comprises two allotments, with frontage to Keppel, Havannah and Manilla Streets. The site boundaries are approximately as follows: north and south, 140m; east, 105m; west, 45m. The site contains several built structures of varying scale which date from the 19th, 20th and 21st centuries. For more information, refer to the *CMP March 2016*.

2 ASSESSMENT OF SIGNIFICANCE

2.1 Summary of Statutory Heritage Listings

No. 7 Keppel Street and 67 Havannah Street, Bathurst:

- Is listed as a local heritage item by Schedule 5, Part 1 of the *Bathurst RLEP 2014* ('Tremain's Mill & Silos formerly Victoria Mill) & Invincible Flour Sign').
- Is located in the Bathurst Heritage Conservation Area by Schedule 5 Part 2 of the *Bathurst RLEP 2014*.
- Is not listed as an item on the State Heritage Register under the *NSW Heritage Act 1977*.

Statutory listings are unchanged from the *CMP March 2016*.

2.1.1 Statement of Significance for Former Tremain's Flour Mill

The *CMP March 2016* provides the following Statement of Significance for the site:

The twentieth century flourmill provides tangible evidence of the role of the wheat industry in the economic development of Bathurst, Australia's oldest inland town. Wheat industry played an important role in Australian economy in the late nineteenth and the early to mid twentieth century. Bathurst was one of the centres revived through the Milling in Transit rail rebate scheme introduced by the NSW Railways to sustain the flour mills left behind when wheat production shifted to central northwest NSW. Tremain's Flour Mill continued milling the flour in Bathurst for over a century.

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning agrees with this statement. The former mill is significant within the history of Bathurst and the site is tangible evidence of this use.

The mill buildings and the silos are a key landmark in this part of Bathurst. They are an important marker in the historical timeline of Bathurst and in establishing the importance of wheat growing and processing through milling. In addition, they are also important to understanding the role the mills played in boosting the economy of the Bathurst regional district and the NSW state. Although the mill has been constantly upgraded and the flour milling processes subject to quality and development, the mill complex has remained free from large-scale redevelopment. The mill buildings and the immediate surroundings include the heritage-listed buildings of Victoria Hotel, Railway precinct buildings along Keppel and Havannah Streets. This area forms a part of Milltown, due to the presence

of mills and mill worker residences. The largely intact surroundings free from large scale modern development contributes significantly to the historic character and setting of the former Tremain's Flour Mills. The mill complex in turn contributes significantly to the Bathurst conservation area.

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning agrees with this statement. The buildings on the site are prominent in the surrounding area and make a positive contribution to the streetscape and Conservation Area.

The earliest mill and shed buildings on the site date from the late nineteenth century, possibly as early as 1880s. The mill site has historical and associational significance due to its association with the founder, William Tremain who served on the Bathurst City Council in the late nineteenth century. The Tremain family ran the flour milling business for over a century. Tremain's trademark Invincible and Fairy Dell flours were very popular and the company won a number of awards for the superior quality of its flour. The mill was successful in a number of international exhibitions and agricultural shows around the country. It is one of the earliest mills in Bathurst and it was the last flour mill to cease milling operations in 1980.

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning agrees with this statement. The Tremains were a prominent local family with a long-standing connection to Bathurst.

The mill complex has always been associated with residences and shops. In the early days, the owners resided on the site and the mill produce was sold from the shop on premises.

The former Tremain's Flour Mill complex including the brick mill buildings, sheds and associated silos are a common design for industrial buildings of this period. The sheds with undressed timber trunks as columns, brick buildings with exposed brick and simple detailing, Victoria Stores building in a Victorian Italianate style, rail weigh bridge and siding, smaller and larger 30 and 90 tonne Oregon timber grain elevators, concrete silos, additional sheds, and a store along Havannah Street preserve the lay-out of the former flour mill site. The raised inscription on the brick parapet of the Victoria Stores building, the painted signs on the façade of the mill building and the shed, and the Invincible Flour sign along Keppel Street further contribute significantly to the character of the former Tremain's Mill complex. The mill complex, its various buildings, remnant infrastructure, equipment and silos have considerable aesthetic significance.

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning agrees with most of this statement. The site elements including the silos, sheds and stores, generally are significant. The Invincible Flour sign was installed towards the end of the 20th century and has

some streetscape value but does not otherwise make a fundamental contribution to the character of the former mill complex.

The Tremain's Flour Mills has considerable social significance at the LOCAL level as established through the advocacy towards its protection prior to its sale in 2015. It is part of an important, long serving local family business in Bathurst and would potentially be of social significance due to its association with a number of its former employees and others connected with the mill.

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning concurs with this statement. The former mill complex evidently has a high level of social significance within the Bathurst community as a long-term source of employment.

The buildings, the lay-out, extant machinery, equipment and building details provide an insight into the functioning of the flour mill complex and helps in an understanding of the flour milling techniques and processes practiced in the late nineteenth and early to mid twentieth centuries. Archaeological investigations of sub-surface remains if any, may help reveal early milling practices, residential life and commercial enterprises. The buildings, their inter-relationships, their layout and archaeology have a strong research potential. Scientific investigations of remnant equipment may help clarify some of the workings of the milling processes in the late nineteenth and twentieth centuries.

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning agrees with this statement. The extant site provides a useful insight into the way in which a 19th and 20th century period mill complex operated.

The mill buildings and the associated silos are of a generic design from the early to mid twentieth century, but these examples are becoming increasingly rare as mill complexes of this period are gradually demolished or substantially altered. Tremain's Mills is one of the few mills that to retain its earliest shed and original Oregon timber silos. Some original flour milling equipment including the complete grain-handling equipment, roller mill, dreadnought grinder and rail weighbridge equipment are also present in situ. The Tremain's Flour Mill is probably one of the few from this period to retain some of its equipment, sheds and silos. Its rarity value is further increased due to the integrity of its setting, its relationship to the railways and surroundings, the town and the Bathurst conservation area.

Weir Phillips Heritage and Planning Response:

It is agreed that the mill buildings and associated silos are of a generic design. There are several other examples of former mills listed as heritage items, as demonstrated by the Comparative Analysis provided by the *CMP March 2016*, that are more aesthetically interesting. Based on preliminary analysis, the other mills

also appear to have reasonably intact settings that demonstrate an historic relationship to the town and surroundings in which they are situated. It is noted that some machinery and artefacts may have been removed from the site since 2016.

The former Tremain's Flour Mill at Bathurst is the only remaining tangible evidence of the Tremain family's milling empire and Bathurst's flour mills, and it is one of the second last mills to remain in the town. The mill and its associated buildings display remarkable integrity and are considerably intact, when compared to other mills in NSW.

The former Tremain's Flour Mill is therefore of significant LOCAL heritage significance with historic, associative, aesthetic, social, rare and representative values. The property is relatively intact and has a high degree of integrity. Owing to its integrity and intactness, and the strength of its values, the property may be potentially suited for listing on the NSW State heritage register.¹

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning agree that the site has local heritage significance.

2.1.2 Statement of Significance for Bathurst Heritage Conservation Area

The *Bathurst RDCP 2014* provides the following Statement of Significance for the Bathurst Heritage Conservation Area:

The conservation area of Bathurst City is historically significant because it includes the commercial and civic heart of Bathurst and reflects the nineteenth century development of this important NSW provincial centre. Bathurst was the first town founded west of the Blue Mountains, and it was a place that developed a high level of prosperity during the latter half of the nineteenth century, particularly as a consequence of the gold rushes of the central west region as well as the pastoral and other industries of the Bathurst district. Additionally, much of the conservation area is of integral social importance for the community because of its lengthy association with various themes in Bathurst's history. Incorporating a wide range of building forms, types and styles, the area has a richness of cultural features. It includes a number of excellent examples of particular architectural styles from the Victorian and Federation eras, and these include Classical, Gothic and Romanesque styles among others. With its historic character, the cohesiveness created by the red brick used in many of the buildings, the landmark qualities of the spires, domes, massing and other attributes of a number of the buildings, the inherent qualities of the architectural styles represented, and the fine

¹ CMP 2016, pp. 120-122.

parks and streets, the conservation area is a part of Bathurst that has strong streetscape and other aesthetic qualities.²

Weir Phillips Heritage and Planning Response:

Weir Phillips Heritage and Planning agree with this statement.

3 ISSUES TO BE ADDRESSED

3.1 Grading of Significance

Figure 3 is a map of the site showing the existing Grading of Significance as per the *CMP March 2016*. Figure 4 shows the proposed new Grading of Significance as proposed by Weir Phillips Heritage and Planning. Given the changes that have occurred on the site since 2016, there are discrepancies between the plans. The following is noted:

- The Keppel Street Day Care and Road Weigh Bridge do not form part of the subject site.
- The French Burrstones located next to the Keppel Street boundary were removed from the site between 2016 and 2022 post-dating the *CMP March 2016*. They have been replaced with contemporary shipping containers which house commercial tenants.
- The 'Bathurst Rewinds Shed' adjacent to the Mill Building was removed between 2016 and 2022 post-dating the *CMP March 2016* and replaced with an Amenities Block.

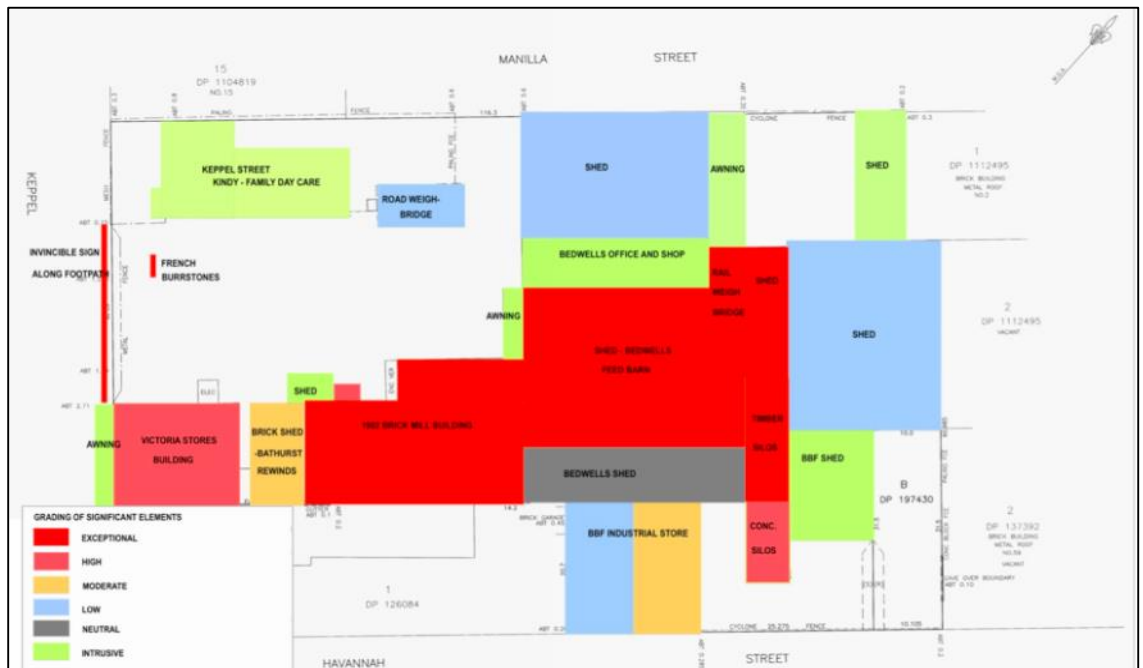


Figure 3: Plan of site showing existing Grading of Significance.
CMP March 2016, p. 123.

² *Bathurst Regional Development Control Plan 2014*, Section 10.5.2 Statements of Significance, p. 181.



Figure 4: Plan of site showing new Grading of Significance. The site boundaries are outlined in black. As noted above, the French Burr Stones and Bathurst Rewinds Shed were removed from the site between 2016 and 2022 post-dating the *CMP March 2016*.

Karl Walls Design, 2022. Annotations by WPH&P

The *CMP March 2016* provides the following criteria for the Grading of Significance.

Grading	Justification
EXCEPTIONAL	Where an individual space or element is assessed to display a strong degree of correlation with the Statement of Significance for the place. Spaces, elements or fabric exhibit a high degree of intactness and quality, though minor alterations or degradation may be evident.
HIGH	Where an individual space or element is assessed to display a substantial degree of correlation with the Statement of Significance. Spaces, elements or fabric, originally of substantial quality, and which may have undergone considerable alteration or adaptation resulting in presentation which is either incomplete or ambiguous. This category also includes spaces, elements or fabric of average quality in terms of design and materials, but which exhibit a high degree of intactness.
MODERATE	Where an individual space or element is assessed to display a moderate degree of correlation with the Statement of Significance. Spaces, elements or fabric, originally of little intrinsic quality and which may have undergone alteration or degradation. Or, in addition, are of a relatively new construction and the assessment of significance is difficult or is poor quality in relation to elements of exceptional / high significance. This category also includes spaces, elements or fabric of any quality but which have undergone extensive

	alteration or adaptation.
LOW	Where an individual space or element is assessed to display a low degree of correlation with the Statement of Significance, particularly compared with other features of the item. Spaces, elements or fabric, originally of little intrinsic quality and which may have undergone alteration or degradation. This category also includes spaces, elements or fabric of any quality but which have undergone extensive alteration or adaptation to such an extent that only isolated remnants survive, resulting in a low degree of intactness and quality of presentation.
NEUTRAL	Where an individual space or element is assessed to display a minor degree of correlation with the Statement of Significance. Spaces, elements or fabric that have been assessed as possessing little or no significance.
INTRUSIVE	Where an individual space or element detracts from the appreciation of cultural significance, by adversely affecting or obscuring other significant areas, elements or items.

Figure 5: Criteria for Grading of Significance.

CMP March 2016, pp. 110-111.

The following table provides a summary of Grading of Significance for each item as provided by the *CMP March 2016* and the Grading of Significance proposed by Weir Phillips Heritage and Planning in this Addendum.

Summary Table of Grading of Significance		
Item	Conservation Management Plan	Addendum to Conservation Management Plan
A. Invincible Flour Sign	Exceptional Significance	Exceptional Significance
B. Victoria Stores Building	High Significance	High Significance
C. The Mill Building	Exceptional Significance	Exceptional Significance. This grading relates to the principal brick form of the building. Accretions such as the corrugated structure on the roof are of Low Significance.
D. Bedwells Feed Barn Warehouse	Exceptional Significance	Exceptional Significance
North and South Additions	Exceptional Significance	Low Significance
E. Building 11	Exceptional Significance	Exceptional Significance
F. Timber Silos	Exceptional Significance	Exceptional Significance

G. Concrete Silos	High Significance	High Significance
H. Doppios' Hair Container	Not graded. This element was added between 2016 and 2022 post-dating the <i>CMP March 2016</i> .	Intrusive
I. Fusion Hair Container	Not Graded. This element was added between 2016 and 2022 post-dating the <i>CMP March 2016</i> .	Intrusive
J. Amenities Block	Not Graded. This element was added between 2016 and 2022 post-dating the <i>CMP March 2016</i> .	Intrusive.
K. The Mill Office	Exceptional Significance	Low Significance. This element comprises highly degraded fabric and has been modified and extended over time.
The Mill Building Staircase	High Significance	Low Significance
L. Manilla Street Shed	Low Significance	Low Significance
M. Weighbridge and Siding (including industrial artefacts)	Exceptional Significance	High Significance
Weighbridge Shed	Exceptional Significance	Low Significance
N. Bedwells Rear Warehouse	Low Significance	Low Significance
O. Building 16	Low/Moderate Significance	Low/Moderate Significance
P. Garages	Intrusive	Intrusive

The following sets out the current Grading of Significance provided by the *CMP March 2016* and the discussion, and the new Grading of Significance proposed by Weir Phillips Heritage and Planning.

A. Invincible Flour Sign - Exceptional Significance

The Invincible Flour sign was installed towards the end of the 20th century and is a prominent streetscape element located just within the boundary of the site. Being a more recent addition to the site it would be more appropriate for this element to be designated to be of Moderate or High Significance which is, as the *CMP March 2016* states, for elements that are of a relatively new construction. It should, however, retain its Exceptional Significance considering its prominence and strong identification with the Mill precinct. It is understood that its ultimate conservation may require relocation within the immediate area.



Figure 6: Invincible Flour Sign on Keppel Street.

B. Victoria Stores Building - High Significance

The building is representative of its period; however, it has been substantially altered; the existing front elevation, including the verandah and some of the openings, are later modifications that were made following approval of DA10-2018-198-1. We concur with this grading.



Figure 7: Victoria Stores Building.

C. The Mill Building – Exceptional Significance

This building was the location of the first mill and has the oldest built fabric on the site comprising the southeast section of the building which was retained and incorporated into the existing, larger mill when the first burnt down in 1902. The building has undergone alterations since, including the addition of a third floor, a shed and an external staircase, which have fundamentally changed its original form and character.

The *CMP March 2016* provides the Exceptional Significance grading for elements that exhibit a high degree of intactness and quality despite minor alterations or degradation. It is disagreed that these modifications are only minor.

It would be more appropriate that the main building form retains the designation of Exceptional Significance in recognition of its historic importance to the site. It should also be acknowledged that it has undergone considerable alteration. Accretions including the external staircase and corrugated structure on the roof should be separately graded as Low Significance.



Figure 8: The Mill Building as viewed within the site.



Figure 9: The Mill Building as viewed from Havannah Street.

D. Bedwells Feed Barn Warehouse - Exceptional Significance

We concur with this grading insofar as it relates to the brick form of the shed which remains clearly discernible, as well as the interior which continues to demonstrate early building techniques. The later additions to the north and south are not significant and detract from the built form.



Figure 10: Bedwells Feed Barn Warehouse with the main brick form outlined in red.

E. Building 11 - Exceptional Significance

This grading is appropriate for what appears, based on available evidence, to be a late 19th century period shed. The overall structure is intact and, internally, demonstrates early building techniques by the retention of undressed timber columns, timber truss and iron roof.



Figure 11: Building 11 as viewed from Manilla Street.

F. Timber Silos - Exceptional Significance

We concur with this grading. The timber silos are representative of mill technology in the early 20th century. They retain their original 20th century grain handling equipment. They are a prominent element within the site and surrounding area.



Figure 12: Timber silos as viewed from Havannah Street.

G. Concrete Silos - High Significance

We concur with this grading. The Concrete Silos are representative of mill technology in the mid-20th century.



Figure 13: Concrete silos as viewed from within the site.

H. Doppio's Café Container – not graded

This is a recent contemporary element that was added to the site c. 2018 following approval of DA10-2018-198-1. It comprises a shipping container and has no significance or relationship to the former mill precinct. It should be graded as 'Intrusive'.

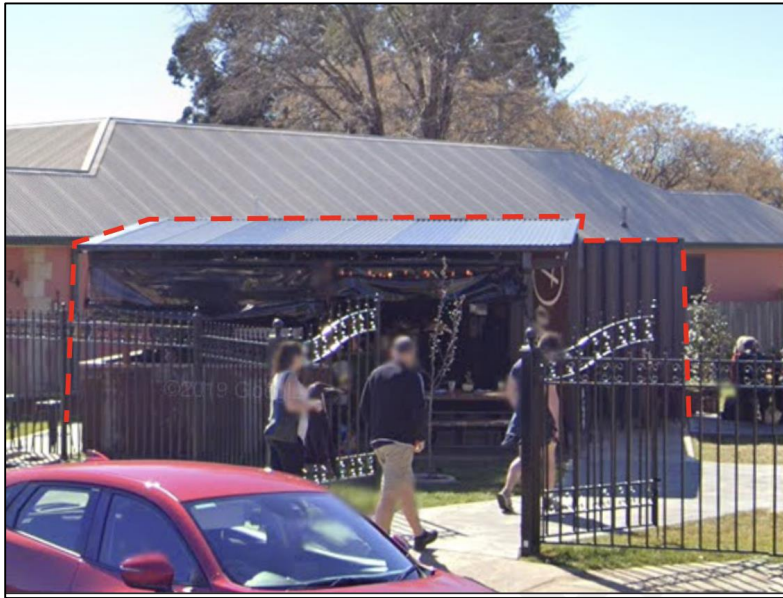


Figure 14: Doppio's Café Container as viewed from Havannah Street.

I. Fusion Hair Container – not graded

See above. This was added around the same time as the Doppio's Café Container. It would be appropriate if this were graded as 'Intrusive'.



Figure 15: Fusion Hair Container as viewed from Havannah Street.

J. Amenities Block – not graded

This is a contemporary element that replaced the 'Bathurst Rewinds' brick shed and was added to the site following approval of DA10-2018-198-1. It would be appropriate if this structure were graded as 'Intrusive'.



Figure 16: Amenities Block.