

30 September 2021

Mr David Sherley
General Manager – Bathurst Regional Council
158 Russell Street
Bathurst NSW 2795

By webpage: https://yoursay.bathurst.nsw.gov.au/bathurst-integrated-medical-centre/survey_tools/integratedmedicalcentre

Dear Mr Sherley and Zauner Construction,

National Trust submission relating to Bathurst Integrated Medical Centre

The National Trust of Australia (NSW) is that state's oldest and most respected heritage organisation, supported by 22,000 members state-wide. We thank Bathurst Council for the opportunity to make this submission relating to the proposed Bathurst Integrated Medical Centre and thank Zauner Construction for taking the time to meet with our representatives to discuss the proposed Bathurst Integrated Medical Centre.

Importantly, and we stress this point, we are in full support of having a new Integrated Medical Centre in Bathurst. Hospital and medical facilities in regional towns are vital to the wellbeing of their residents. We are not opposed to a new medical facility. We do, however, have concerns regarding the impact of the proposed design on the character of Bathurst, and the proposal to have the development classed as "State Significant Development", which will take the planning process out of local hands and override the local planning provisions. This letter outlines our position and concerns in more detail.

Significance of Bathurst Conservation Area

The site of the proposed Integrated Medical Centre is located within the National Trust's Conservation Area listing for Bathurst. The National Trust recognised the significance of Bathurst in 1986 and listed the Bathurst Conservation Area on our heritage register (listing attached). Importantly, we noted that the homogeneous character of Bathurst is central to its significance and sets it apart from other country towns. Our listing also notes the importance of the continuity of scale and form in the town.

The location is also within the Bathurst Conservation Area, listed on the Bathurst Local Environmental Plan Heritage Schedule. This statutory listing notes that:

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.

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

As noted in the Bathurst Heritage Study:

"Conservation areas are areas where there is recognition that a particular precinct, street, village or area which has a particular heritage value and neighbourhood qualities which distinguishes it from its



surroundings or other places ... With such places the view may be taken that it is better to manage that area as a whole, rather than each heritage place individually..”¹

Bathurst Regional Council’s Conservation Area Review reinforced the importance of the Conservation area’s characteristics and their contribution to Bathurst’s character and setting:

A Heritage Conservation area is by definition a place where there is widespread community recognition that the area has heritage values that distinguish it from its surroundings. It is an area of historical origins and relationships between the various elements creating a sense of place that is worth keeping.²

National Trust Recommendation:

Due to its location within the Bathurst Conservation Area, the proposed Integrated Medical Centre should ensure that it is sympathetic to and consistent with the predominant bulk, scale, setback and materials of the existing character area.

In particular, the size and scale of a new building within conservation areas is of paramount importance – new buildings should not dominate or compete with its neighbors and the scale of the townscape.

Bathurst Council Heritage Considerations

The Bathurst 2036 Community Strategic Plan (Objective 11) is “to protect the region’s unique heritage and history. To protect a unique identity.” Heritage protection, enhancement and promotion is therefore a key objective and priority of Council and the community.

Bathurst Regional Council has invested significant time and resources into developing a comprehensive suite of heritage planning guidelines and statutory requirements, the quality of which they should be commended on. The heritage character of the Bathurst conservation area is managed via these guidelines and statutory planning instruments; the proposed development should respond to the requirements of these key documents.

Bathurst Regional Heritage Plan 2017-2020

This plan has an objective to be a community that manages the future. Specifically, it aims to:

- Manage, protect and enhance our heritage buildings, streetscapes, vistas, natural environments and objects.
- Ensure new development enhances the heritage fabric of the region, whilst providing for a growing population and economy.
- Ensure that heritage is given a high priority in planning.

The Regional Heritage Plan notes the importance of managing infill and new development in the heritage conservation area, ensuring such development complies with Bathurst’s Development Control Plan (DCP) and other statutory planning instruments, and ensure heritage is a high priority in the planning and development assessment process.

Bathurst Local Environmental Plan (LEP) and Bathurst Development Control Plan (DCP)

The Bathurst LEP sets out the broad statutory obligations for development – for example, it requires that any new development within a heritage conservation area will require Council consent and will need to be based on the advice of a Statement of Heritage Impact.

¹ Hickson, Barbara. 2007. *Bathurst Region Heritage Study Final Report*, p.95.

² Bathurst Regional Council, 2018, *Heritage Conservation Area Review 2018* (adopted by Council September 2019), p.5.



The DCP provides more detailed guidelines on what constitutes appropriate development within Bathurst. The Bathurst DCP Chapter 10 sets out the requirements for urban design and heritage considerations. The DCP's Objectives for infill development are:

- a) To ensure new development is **designed to respect** neighbouring buildings and **the character of the area** or streetscape.
- b) To **ensure** new development enhances and **complements the existing urban character**.
- c) To ensure that the form and external appearance of the **new development** improves the quality and amenity of the public domain and **contributes positively to the historic character of the area** and streetscape.

Specifically, it notes that a Statement of Heritage Impact (SOHI) is required for an infill developments in the Bathurst Conservation Area that includes a thorough assessment as to how the replacement building is of such quality and design that it will fit into the streetscape and should include an assessment of the impact of the Infill Development on the heritage significance of the existing streetscape and its setting within a Heritage Conservation Area. The DCP states that the SoHI and the accompanying infill form must address the following matters:

- a) **Character** - All built environments have their own special character. The proposal is to ensure that the harmony and unity of the area is maintained.
- b) **Scale** - The scale of a building is its size in relation to surrounding buildings or landscape. Infill design should recognise the predominant scale (height and bulk) of the setting.
- c) **Form** – The form of a building is its overall shape and volume and the arrangement of its parts. Infill design should be sympathetic to the predominant form of its neighbours.
- d) **Siting** – New buildings should contribute sympathetically to the local streetscape. Infill design should conform to existing front and side setbacks and be oriented on site in a manner consistent with the established streetscape pattern.
- e) **Material and Colours** – Infill design should recognise characteristic materials, textures and colours used locally and in adjacent buildings.
- f) **Detailing** – Common details within an area establish neighbourly resemblance and contribute to its special character, eg, verandahs, chimneys, decorative mouldings etc. Modern details can reinterpret traditional details and provide levels of visual interest that contribute to the character of a place and its setting within the heritage conservation area.

National Trust Recommendation:

We recommend that the heritage report be made available and the public consultation period be extended to align with Council's strategy of ensuring heritage considerations are a high priority in the development process and to allow the community to gain a better understanding of the proposal and to provide meaningful feedback.

The proposed BIMC currently on exhibition for public feedback does not detail how it responds to these heritage requirements. A media release (28 August 2021) stated that *"independent heritage report recommendations have been taken to account in the planning. Building materials and colours have been carefully selected to respect and respond to the heritage and ground level shopfronts have been designed to tie in with surrounding streetfront styles."*

However, the documents on public exhibition do not include the heritage report and do not set out how the proposed design, scale, bulk and materials respond to the heritage requirements and heritage character of Bathurst. Without such documentation, it is impossible to comment on the proposal's arguments that it responds to heritage.

Scale, bulk and materials

The proposed BIMC is not consistent with the current height limit of three storeys for Bathurst, proposing a 6 story medical facility and adjacent 5 story carpark. This doubling of the acceptable building height will clearly have a visual impact on the character of Bathurst and is not consistent with the historic scale of Bathurst. The



buildings will also impede significant views to significant historic buildings in Bathurst. The following images illustrate this impact:



Image 1: The proposed development is not consistent with surrounding scale and bulk of Bathurst, and will impact views to the historic church.



Image 2: The proposed materials and colours of the BIMC are not consistent with or sympathetic to the traditional brown and red brick character of Bathurst.

National Trust Recommendations

We strongly recommend modifications to the proposed build concept design. The existing three-storey limit helps to retain Bathurst's rural feel, heritage character and significant views within the town. The Trust recommends that the scale, bulk and materials of the proposed BIMC are reconsidered to be consistent with the guidelines for development, to be consistent with the existing height limits and with the existing scale and character of the Bathurst.

We also recommend much more extensive view analysis to demonstrate the effect of this development on other significant viewlines in Bathurst.



State Significant Development Application

We understand that the proponents intend to make an application to the State Government for consideration of the project as a State Significant Development (SSD). The SSD process will make the NSW Minister for Planning the consent authority, not the local Council. Further, SSDs can override local planning controls in order to deliver State significant development or State planning objectives, and they also override existing heritage legislation, effectively “turning it off”. We are concerned that such a major development in Bathurst will not be determined by local Councilors elected by the local population and will not have to be consistent with existing local statutory plans.

National Trust Recommendation

We strongly urge Bathurst Council to stay in control of development with their town and not support a situation where such an important development is not determined by local people and the local Council.

The National Trust has long advocated against the heritage issues caused by State Significant Developments and we attach our National Trust Policy to this submission for further information.

Summary

A new medical centre will be a very welcome addition for Bathurst and its growing population. What is at question here however, is the impact such a development will have on the long-identified and, until now, well-protected historic character of Bathurst and the precedent that any non-complying development will have on that unique character. The proposed design as it stands does not comply with the existing planning controls that have been developed to protect the existing heritage character and setting of Bathurst. Serious consideration should be given to re-designing the concept so that it aligns and responds to Council’s planning instruments and objectives for the town, whilst still delivering the desired outcome. It would appear that this would be possible, and this planning stage would be the ideal time to investigate such options.

Please do not hesitate to contact us should you wish to discuss this submission in more detail.

Yours sincerely,

Jane Alexander
Manager, Advocacy

R 904

National Trust of Australia (N.S.W.) Listing Proposal NTN 07.

BATHURST	BATHURST URBAN CONSERVATION AREA	Generally, the grid section of Bathurst, bounded by the main railway - from the Macquarie River to Busby St. the R.C. Bishop's residence and grounds, 323 Bentinck St., St. Stanislaus College and grounds, then bounded by Browning, Peel, Piper and Mitre Sts; Howick, Commonwealth, Durham and Peel Sts; Morrissett, Stewart, Stanley and the northern bank of the Macquarie River from the Hereford St. bridge to River Rd. to the Gt Western Highway and land 50 metres either side extending to Kelso, then returning to the River, and extending along its eastern bank to the railway crossing, the point of commencement.
Town, District or Location		
Author of Proposal M. Walker	Population	
Date of Proposal June 1974 Amended October 1974 Revised November 1980	Area: (in hectares)	
Suggested Listing Category CLASSIFIED	Local Government Authority & Address Bathurst City Council P.O. Box 244 BATHURST. N.S.W. 2795. Advised : 7/8/74	
Committee (Trust Use) U.C.C.		
Council (Trust Use) APPROVED 22/7/74	Postcode 2795	Boundaries (or street & street numbers)

Description	Briefly cover the points on the following check list where they are relevant and within your knowledge.
History	Bathurst is the first settlement west of the Blue Mountains. This Area comprises the older, tree-lined sections of Bathurst. It consists of nineteenth century and early twentieth century residential development, together with corner shops, lamp-posts, major building groups and landscape areas. Throughout the centre of the city and extending up the western and southern slopes there are dispersed groups of residential buildings. These range from small single storey terrace dwellings, built in the 1850s, to larger houses built at the turn of the century. Within this range is a large variety of buildings and styles, unified by a consistent use of redbricks.
Setting	
Form/Scale	
Buildings	
Townscape	
Landscape	
Views	
Vistas	
Street furniture	

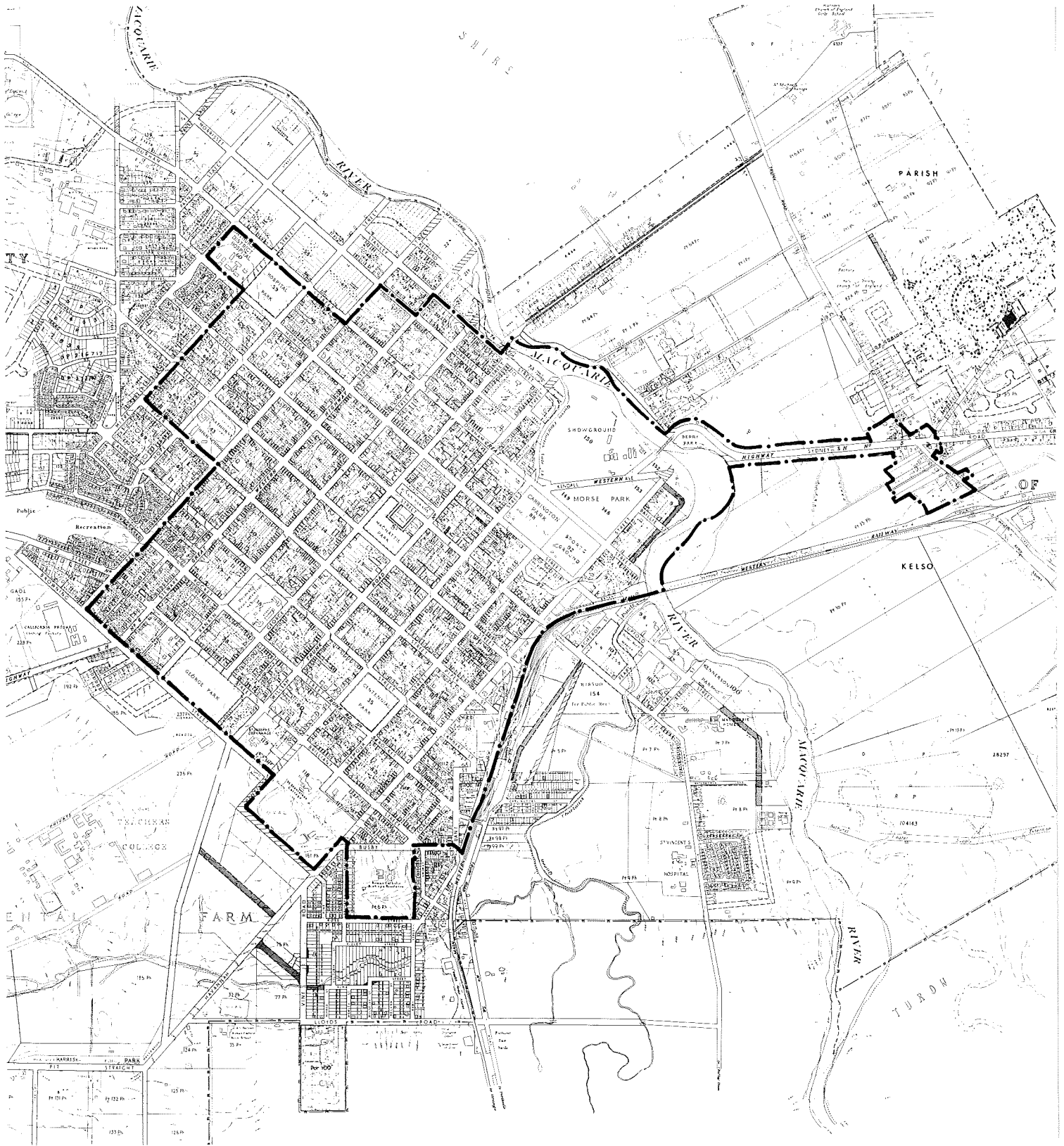
Reasons for Listing

The character of Bathurst is homogeneous, with relatively few intrusions in comparison with other country towns. In Bathurst, the large number and scattered distribution of nineteenth century and early twentieth century dwellings, together with mature trees, landmarks and views combine to make Bathurst unique. Despite their scattered appearance on a map, the buildings are a major townscape element: they are generally located close to the street and are seen in relation to the street trees. The rear of the sites, occupied by these buildings, are largely undeveloped, and present an ideal opportunity for controlled conservation and development, while retaining the buildings.

This Area is complemented by the important components, namely, the central and showground/ river areas of the city. Seen from outside Bathurst, its continuity in scale and form and the absence of sprawling fringe development, sets Bathurst apart from other cities of similar size.

The retention and enhancement of the nineteenth century and early twentieth century buildings is essential, if the identity and history of Bathurst is to be maintained.

Bibliography National Trust of Australia (N.S.W.), The., <u>Bathurst Townscape Survey and City Block Studies</u> , The National Trust of Australia (N.S.W.), Sydney, 1977.	See over for photos and map showing boundaries
Bathurst District of Historical Society, The., <u>A Short Story of Bathurst</u> , The Bathurst District Historical Society, 1965.	



BATHURST

BATHURST URBAN CONSERVATION AREA

City of Bathurst

M. M. Walker
Urban Conservation Committee
The National Trust of Australia (N.S.W.)

—• boundary of Urban Conservation Area

June 1974
Amended: October 1974; Revised: November 1980



THE NATIONAL TRUST OF AUSTRALIA (NSW)
Policy – The Heritage Impacts of State Significant Development and State Significant Infrastructure

Preamble

State significant development (SSD) includes large-scale or complex projects that may involve significant environmental and heritage impacts. State Significant Development provisions take the decision for determining whether or not consent should be granted to such projects out of the hands of local councils and local communities. It is intended to allow for more strategic decision-making (at the State or regional level).

Section 89J(2) of the *Environmental Planning & Assessment Act, 1979* states that Division 8 of Part 6 of the *Heritage Act 1977* does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division. Division 8 of Part 6 of the *Heritage Act 1977* refers to controlling and restricting harm to buildings, works, relics and places not subject to interim heritage orders or State Heritage Register listing.

With State Significant Development there is no discretion for many other Government Departments to refuse approval if that approval is necessary to carry out the development. Other authorisations not required for State Significant Development include:

- An Aboriginal heritage impact permit,
- An authorisation to clear native vegetation or State protected land

State Significant Infrastructure (SSI) is another category of development for large-scaled public infrastructure projects carried out by a State agency. State Significant Infrastructure can be declared Critical State significant infrastructure (CSSI) if the Planning Minister believes it is essential for the State for economic, environmental or social reasons. Both SSI and CSSI, like State Significant Development are also exempted from other environmental laws such as the need for an Aboriginal heritage impact permit or a permit to clear native vegetation or an approval to restrict harm to buildings, works, relics and places not subject to interim heritage orders or State Heritage Register listing.

In numerous submissions to government, the Trust has expressed its deep concern at the provisions which “switch off” heritage and environment protection of State Significant Development and State Significant Infrastructure.

The problems associated with these provisions were highlighted in recent media reports of the discovery of 22,000 Aboriginal artefacts at Randwick on the site of a tram stabling yard for the CBD and South East Light Rail Project which is State Significant Infrastructure. Concern for the protection of these artefacts has prompted an application under sections 9 and 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act to the Federal Environment Minister for an order to preserve the site.

Policy

1. The Trust opposes the statutory provisions for State Significant Development and State Significant Infrastructure which effectively “turn off” other legislative provisions which are intended to protect heritage and the environment.
2. The Trust urges that parliamentary consideration be given to legislative amendments which better balance heritage, environment and development concerns and afford considerably higher levels of environment and heritage protection than currently exist with regard to State Significant Development and State Significant Infrastructure.
3. The Trust particularly urges that action be taken to better protect both Aboriginal and non-Aboriginal relics which may be discovered during the course of construction of State Significant Development and State Significant Infrastructure.

Author: Graham Quint

Approved by National Trust Board: April, 2016