

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

10 December 2020

His Worship the Mayor & Councillors

**Notice of Extraordinary Meeting of Bathurst Regional Council – 16
December 2020**

Council has received notice of a rescission motion from Councillors Fry, North and Hanger dealing with Development Application 2020/95. I have to advise that an Extraordinary Meeting of Bathurst Regional Council will be held in the Council Chambers on Wednesday 16 December commencing at 1.00 pm.



D J Sherley
GENERAL MANAGER

**MINUTES OF THE
EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL
TO BE HELD ON 16 DECEMBER 2020**

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1 RECORDING OF MEETINGS

2 MEETING COMMENCES

MINUTE

Meeting commenced at 1.05pm.

Present: Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge

3 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

4 APOLOGIES

MINUTE

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED: That the late arrival of Cr Aubin be accepted.

5 DECLARATION OF INTEREST

Declaration of Interest

MINUTE

RESOLUTION NUMBER: ORD2020-387

MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That the Declaration of Interest be noted.

Nil

6 RESCISSION MOTION

6.1 RESCISSION MOTION -DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD

File No: 2020/95

RECOMMENDATION:

That Council rescind the resolution "DEPBS 8.2.5" from the Ordinary Meeting of Council held on Wednesday 9 December, which reads as follows:

DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP- 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD.

- a. as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended including but not limited to the following:
 1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
- b. Call a division

REPORT:

Council has received a rescission motion from Councillors Fry, North and Hanger which reads as follows.

We the undersigned hereby give Notice of Rescission of the following motion from the Ordinary Council Meeting held 9 December 2020 Item No 8.2.5.

DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP- 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD.

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 4. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
- b. Call a division

DATED: 10 December 2020

SIGNED: Cr John Fry
Cr Ian North
Cr Graeme Hanger

Signed rescission motion **attached.**

FINANCIAL IMPLICATIONS:

Nil

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Strategy 4.4 Provide parking to meet the needs of the City.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

01 **Inform** - to provide the public with balanced and objective information to help them understand the problem, alternatives, opportunities and/or solutions.

ATTACHMENTS:

1. 1698 001 [6.1.1 - 1 page]

MINUTE

RESOLUTION NUMBER: ORD2020-388

MOVED: Cr G Hanger SECONDED: Cr I North

RESOLVED:

That Council rescind the resolution "DEPBS 8.2.5" from the Ordinary Meeting of Council held on Wednesday 9 December, which reads as follows:

DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP- 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD.

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 1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.

- b. 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 J Fry, Cr G Hanger, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Jennings

Absent - nil

Abstain - Nil

6.2 THIS ITEM WILL BE WITHDRAWN IF THE RESCISSION MOTION IS LOST - DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO

File No: 2020/95

RECOMMENDATION:

That Council

- a. as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended including but not limited to the following:
1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
 4. The payment to Council of a contribution in accordance with Council's Section 94 Plan "Bathurst CBD Car Parking" for any shortfall in parking. For the purposes of this condition, the required number of spaces is 65 and the shortfall of spaces is 12.
- (b) call a division

SUMMARY:

An application has been lodged by Group Architects Pty Ltd, seeking consent to undertake alterations and additions to existing Pub (Oxford Hotel) on part Lot 18, DP 11376943, being 170 William Street Bathurst.

The proposal is generally acceptable in planning terms except for the provision of off street parking, which is considered in this report. It is recommended the shortfall of spaces be offset by a monetary contribution to Council.

This application was previously considered by Council at its meeting held 16 September 2020 and deferred subject to submission of a parking study, which has been received.

REPORT:

An application has been lodged by Group Architects Pty Ltd, seeking consent to

undertake alterations and additions to existing Pub (Oxford Hotel) on part of 170 William Street Bathurst.

Site

170 William Street (Lot 18, DP 11376943) is located on the corner of William and Piper Streets, Bathurst.

The property contains the 2 storey pub (Oxford Hotel) and the adjoining Cobb and Co Cellars bottle shop. A central carpark is located between and shared by the 2 uses.

The carpark currently is capable of accommodating up to 56 spaces although not all spaces are marked nor are they available due to it being used to store various goods. The Supplementary Parking Report discussed below notes that storage containers currently kept on site reduces the available carparking spaces to 38.

An aerial location map is provided at [attachment 1](#).

Proposed Development

The Development Application seeks to make alterations and additions to the existing two storey pub being the Oxford Hotel, 170 William Street Bathurst.

Proposed plans for the proposal are at [attachment 2](#).

The application is supported by a Statement of Environmental Effects ([attachment 3](#)) prepared by Group Architects Pty Ltd which describes the proposal as involving:

Ground Floor:

- *Enclosure of part of the existing beer garden to extend the dining area.*
- *Raising the level of the beer garden to the level of the original hotel.*
- *Upgrading of the existing nightclub for use as a sports lounge including a new kitchen/servery and adjusted floor levels.*
- *New acoustic screen wall between lounge bar and sports bar.*
- *New children's playground.*
- *New entry to the sports bar from Piper Street.*
- *New entry from William Street including new metal palisade fence.*
- *General upgrade of finishes and fittings.*

First Floor:

- *Enclosure of existing balcony off function room.*
- *New outdoor terrace and pitched roof over ground floor dining area.*
- *Upper level of children's playground.*

There will be no change to existing hours of operation.

Part of the proposal includes the provision of a new playground area and entry from the existing carpark. This extends the building footprint into the existing parking area, removing approximately 9 of the existing onsite parking spaces. The site plan provided in the application indicates that there is potential for 56 onsite parking spaces (not 59 as indicated in the supporting documentation).

Previous consideration by Council

This matter was previously considered by Council at its meeting held 16 September 2020.

The recommendation put to Council at that time was based on:

- The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
- The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
- All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
- The payment to Council of a contribution in accordance with Council's Section 94 Plan "Bathurst CBD Car Parking" for any shortfall in parking. For the purposes of this condition, the required number of spaces is 65 and the shortfall of spaces is 12.

Council subsequently resolved to defer determination of the DA pending submission of a parking study that demonstrates adequate parking can be provided.

A copy of the report provided to the September 2020 meeting is provided at **attachment 4**. Matters relating to permissibility and the heritage impacts are considered in detail in that report and will not be repeated in this report.

The applicants' Parking Strategy is provided at **attachment 5**.

In response to questions raised over the initial Parking Strategy, the applicant provided further clarification in a Supplementary Parking Impact Assessment at **attachment 6**.

Bathurst Development Control Plan 2014

Chapter 14 Parking

Chapter 14.3 of the Bathurst Regional Development Control Plan 2014 provides the following development standards for car parking:

- Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.*
- 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.*
- All car parking spaces, ramps, aisles and driveways, shall be provided in accordance with the Guidelines issued by the Roads and Maritime Service.*
- Council reserves the right to determine off-street car parking requirements for any development in the light of representations made to the Council by relevant traffic committees/authorities.*
- Car parking required to be provided on-site in accordance with this Plan is to be freely available to the users of the building which it serves.*
- Disability parking spaces, if required, are determined by the National Construction Code (see section D3.5) and are to be provided in accordance with that Code.*

The table to Section 14.3 provides the minimum standard for the number of carparking spaces as follows:

Small bars Pubs Nightclubs Registered club Note: see also restaurant and cafes and cafes and hotel/motel accommodation where applicable	Outside CBD 1 space per 10m ² of licensed floor area	Within a neighbourhood centre (DCP Map No. 6) 1 space per 35m ² of licensed floor area.	<i>Inside CBD</i> <i>1 space per 30m² of licensed floor area.</i>
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For the purposes of assessment, the applicable standard for pubs in the CBD is therefore 1 space per 30 sqm of licensed floor area.

The provision of parking has been an issue for previous proposals involving the property.

Previous applications

In 2004 a Development Application was lodged for alterations and additions to the Hotel.

The Council's adopted parking rate of the time required in excess of 200 spaces. That parking rate has since been changed to the current figure in the DCP.

Under that application, the applicant proposed 62 on site spaces. A traffic/parking study provided by the applicant with the application estimated that 72 spaces would be required for the Hotel proposal. The applicant also proposed alterations to driveway laybacks in William and Piper Street that provided an additional 5 on street spaces.

In addition to the 72 spaces required for the Hotel, Council required an additional 15 on site spaces for the conversion of the Berry's Tyre Building into a bottle shop. In total 87 on site carparking spaces were required for the combined operations.

The deficit under the application was therefore 20 spaces, i.e. 87 less the 5 additional on street parking creating 82 spaces, with 62 spaces being provided on site.

The matter was ultimately reported to the Council Administrator of the time for determination with a recommendation for refusal on the following basis:

1. The proposal does not make provision for sufficient on-site vehicular parking. Reliance on on-street parking to meet some of the parking demands generated by the development is inequitable.
2. The proposal may create a precedent for reliance on on-street parking as an alternative to on-site parking. As such, the cumulative impacts of the proposal are unacceptable.

The application was supported and approved by the Administrator on the following basis:

- 62 spaces being provided on site
- A contribution being paid under Council's adopted Section 94 Plan "Central Car Parking Strategies" of \$33,378 based on a deficit of 5 spaces at a contribution rate of \$6,675.60 per space.

A number of matters to note from that consideration and since:

- There was a shortfall between the parking required (72) as estimated by the applicant and actual provision (62) provided in the 2004 consent.
- Only part of that deficit (5 of the 10) was compensated for by contribution under the Section 94 Plan.
- The applicant paid the Section 94 contributions under the 2004 consent.
- The 62 spaces required under the current consent are not currently being provided (currently there would possibly be 53-56 spaces on site of which only 38 are available due to materials being stored on the site)
- The parking rates applicable for this type of development have changed since the 2004 proposal from 1 space per 3.7 sqm of bar area, plus 1 car space per 5.6 sqm of lounge and dining room area, plus 1 space per three bedrooms, to 1 space per 30 sqm of licenced floor area.
- The current DCP rate of 1 per 30 sqm is slightly less than that adopted in the 2004 parking study of 1 space per 26 sqm (i.e. 1861.9 sqm by 72 spaces).
- The Section 94 Plan “Central Car Parking Strategies” has since been repealed and was replaced by the Section 94 Plan “CBD Car Parking”.
- The current contribution rate for parking under the Section 94 Plan “CBD Car Parking” is \$18,961.40 per space representing a significant increase in the rates per space since 2004.

The proposal

Applying the DCP provisions to the current application, the focus is therefore on the existing parking provided on site and the “additional or altered floor space provided”.

Based on the current proposal, the respective floor areas are as follows:

	Existing Gross Floor Area (sqm)	Proposed Ground Floor Area (sqm)
Ground Floor	823.2	980.8
First Floor	607.6	607.6
Bottle Shop	431.1	431.1
TOTAL	1861.9	2088.8
Parking required based on 1 space per 30 sqm		69.6 say 70 spaces

In accordance with the Bathurst Regional Development Control Plan, the required onsite parking provisions at 1 space per 30m² of licenced floor area is 70. The same number is also determined by calculating the current number of spaces required under the 2004 consent (62) plus 8 for the additional 226.9 sqm of floor space. This approach is also consistent with the observations provided in the Supplementary Parking Assessment.

The applicant’s current site plan indicates 56 spaces being provided on site together with alterations in traffic flows in front of the bottle shop. Those spaces (4) provided in front of the bottle shop are not functional in that they would require users to reverse out onto William Street in order to turn around or to multi point turn on Council’s footpath. The current arrangement in this area provides for 5 spaces. The reality is therefore more likely to be 53 spaces able to be provided. This figure itself is conditional upon line marking of the parking spaces and the removal of the materials currently stored on the site.

The shortfall in parking spaces is therefore 17 spaces based on 70 spaces less the estimated 53 spaces provided.

Whilst this shortfall is significant it is also noted that 9 of those spaces are the result of the site not currently complying with its obligation under the 2004 consent.

Other issues raised in Parking Assessments

Availability of on street parking

As part of the Parking Assessment, the applicant has undertaken surveys of surrounding streets within 200m of the Hotel ie in William Street and Piper Street.

The Assessment observes that:

- There are 230 available on street parking spaces within the surrounding streets.
- The maximum number of cars parked on street was 100 (Friday 8pm).
- The maximum number of cars parking in the carpark was 21 (Friday 8pm).

The Surveys were limited to 2 days being a Friday and Saturday evening and did not involve any patron surveys. This contrast with the approach taken to the 2004 Parking Assessment which involved assessment of patron numbers, surveys of patron travel modes, off street and on street parking assessments.

Whilst the availability of on street parking spaces is noted, it must be remembered that these are spaces that are readily available to all users. In areas such as Piper Street (between William and Bentinck) and William (between Piper and Lambert) these are predominantly residential precincts. Overflow parking in these areas particularly during the evening peaks are likely to be more noticeable and cause greater inconvenience to other users in the locality.

Patron Numbers

The Parking Assessment does not include any reference to the number of patrons in the Hotel. The Supplementary Parking report notes that Oxford Hotel Management provided comparisons with the same time in 2019, that patronage at the time of the survey is actually higher than pre Covid 19 times. There is however nothing provided to quantify these assumptions.

The current advice available from NSW Government provides the following general restrictions on attendance at Pubs.

Pubs, clubs, small bars, cellar doors, breweries, distilleries, karaoke bars or casinos	Maximum capacity summary
Attendance	300 patrons, or the number allowable by one customer per 4 square metres indoors and one customer per 2 square metres outdoors, whichever is the lesser. Venues using capacity calculations of one customer per 2 square metres outdoors must use electronic methods to collect contact details for each customer. Children count towards the capacity limit

The underlying concern remains that these parking figures are not “typical”. Given the short survey period and no significant analysis of patron numbers, this concern remains

unaddressed.

Option for Section 94/7.11 Contributions

Chapter 14.3 of the Bathurst Regional Development Control Plan 2014 provides the following in relation to contributions in lieu car parking:

Contributions in lieu

- a) *Council may consider a cash contribution, in lieu of on-site parking provision where:*
 - i) *as many car parking spaces as possible have been provided on-site, and*
 - ii) *the subject land is located within the area subject to Council's relevant Section 94 Plan for car parking spaces, and*
 - iii) *the subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development.*

As noted in the Supplementary Parking Assessment, any contributions paid are likely to be expended on new car parking areas closer to the main shopping area of the CBD and not in close proximity to the Hotel.

At this stage the final location of additional parking within the CBD has not been identified within the Section 94/7.11 Plan.

Not imposing a condition requiring a contribution under the Plan to cover any shortfall is perhaps the most controversial option available. From an equity perspective, it is fair that all commercial developments including pubs provide their "fair share" of onsite parking in accordance with Council's long standing policies rather than relying upon the surrounding streets to accommodate overflow. Abandoning this principle will result in cumulative adverse impacts on the availability of on street parking, about which the business community and property owners have strong views.

In addition, there are other proposals which have historically paid contributions towards carparking under the Plan. Similarly, there are current applications which propose payments towards parking under the Contributions Plan. These current applications include other Pubs in the CBD where a shortfall is proposed.

Summary

In applying the Council adopted DCP the proposal would require 70 spaces. This is based on the 62 spaces required under the existing consent plus 8 spaces required as a result of the additional floor space.

The Applicant's Parking Strategy and Supplementary Assessment do not provide any foundation for reducing the obligation provided for in the DCP. It follows that the original recommendation to Council remains and the parking shortfall be compensated by developer contributions in accordance with Council's Contributions Plan. Alternatively, Council could refuse the Development Application for the alterations based on the shortfall in parking.

Matters to consider in determining the application are the following:

- Parking provision is already less than that required in the 2004 consent.
- Parking provision is less than the applicants own 2004 demand assessment for parking.
- The increase in floor area is not insubstantial being in the order of some 226 sqm.
- There is potential for the parking shortfall to fall to the surrounding streets which include the predominantly residential streets of Piper Street (between William and Bentinck) and William Street (between Piper and Lambert).
- Whilst the Section 94 Plan enables a contribution, that funding is not tied to a specific project or location beyond a “future multi level carpark, or new ground level carpark in the CBD”.
- Any future car park may not be readily accessible by patrons of the venue. In accordance with the DCP, contributions are appropriate where public parking can be provided within *reasonable proximity to the development*.

If approval is to be granted it is recommended to be conditional upon:

1. A contribution being paid towards the shortfall in spaces, i.e. 12 spaces.
2. The existing carpark being formalized in terms of line marking.
3. All parking spaces being available at all times and accordingly all materials currently stored in the carpark are to be removed.

CONCLUSION:

Council has received a Development Application for alterations and additions to the Oxford Hotel.

Based on the current DCP provisions for parking there is a shortfall in parking.

Council has the option of imposing a condition under its Section 94 Plan for the shortfall as it has done so previously for the site.

FINANCIAL IMPLICATIONS:

Nil at this stage.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Strategy 4.4 Provide parking to meet the needs of the City.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

02 **Consult** - to obtain public feedback on alternatives and/or decisions

ATTACHMENTS:

1. Attachment 1 [6.2.1 - 1 page]
2. Attachment 2 [6.2.2 - 6 pages]
3. Attachment 3 [6.2.3 - 10 pages]
4. Attachment 4 [6.2.4 - 7 pages]
5. Attachment 5 [6.2.5 - 12 pages]
6. Attachment 6 [6.2.6 - 3 pages]

MINUTE

RESOLUTION NUMBER: ORD2020-389

MOVED: Cr I North SECONDED: Cr J Rudge

RESOLVED:

That Council

- a. as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended including but not limited to the following:
 1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
 4. The payment to Council of a contribution (6 spaces) in accordance with Council's Section 94 Plan "Bathurst CBD Car Parking" for any shortfall. For the purposes of this condition, the shortfall is the number of spaces required for the additional floor space proposed for under DA2020/95 is 8 (adjusted for the actual number of car parking spaces provided on site in accordance with a1 above).
 5. In accordance with Part 1.9 Exemptions of the Section 94 Development Contributions Plan, Council grants an exemption for the shortfall of 6 car parking spaces arising from previous determinations of Council.
- (b) Review the DCP in respect to parking in the CBD.
- (c) Defer payment of the developer contribution for up to 12 months.
- (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 B Bourke, Cr A Christian, Cr J Fry, Cr M Morse, Cr I North, Cr J Rudge

Against the Motion - Cr W Aubin, Cr G Hanger, Cr J Jennings

Absent - nil

Abstain - Nil

7 MEETING CLOSE

MINUTE

The Meeting closed at 2.16pm.

CHAIR:

Extraordinary Meeting of Council - 16 December 2020 Attachments

6.1 RESCISSION MOTION -DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD.....	2
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NOTICE OF RESCISSION OF MOTION

We the undersigned hereby give Notice of Rescission of the following motion from the Ordinary Council Meeting held 9 December 2020 Item No 8.2.5

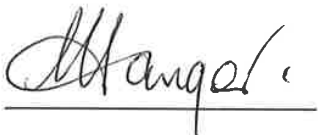
DEVELOPMENT APPLICATION 2020/95 - ADDITIONS AND ALTERATIONS TO EXISTING COMMERCIAL PREMISES (OXFORD HOTEL) - LOT 18 DP 1137694, 170 WILLIAM STREET, BATHURST. APPLICANT: MICHAEL MUNRO C/- GROUP ARCHITECTS PTY LTD

RESOLVED:

- (a) as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended including but not limited to the following:
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 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
- (b) call a division

DATED: 10 December 2020

SIGNED:



RECEIVED: DATE: 10 Dec 2020
TIME: 11.15am



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

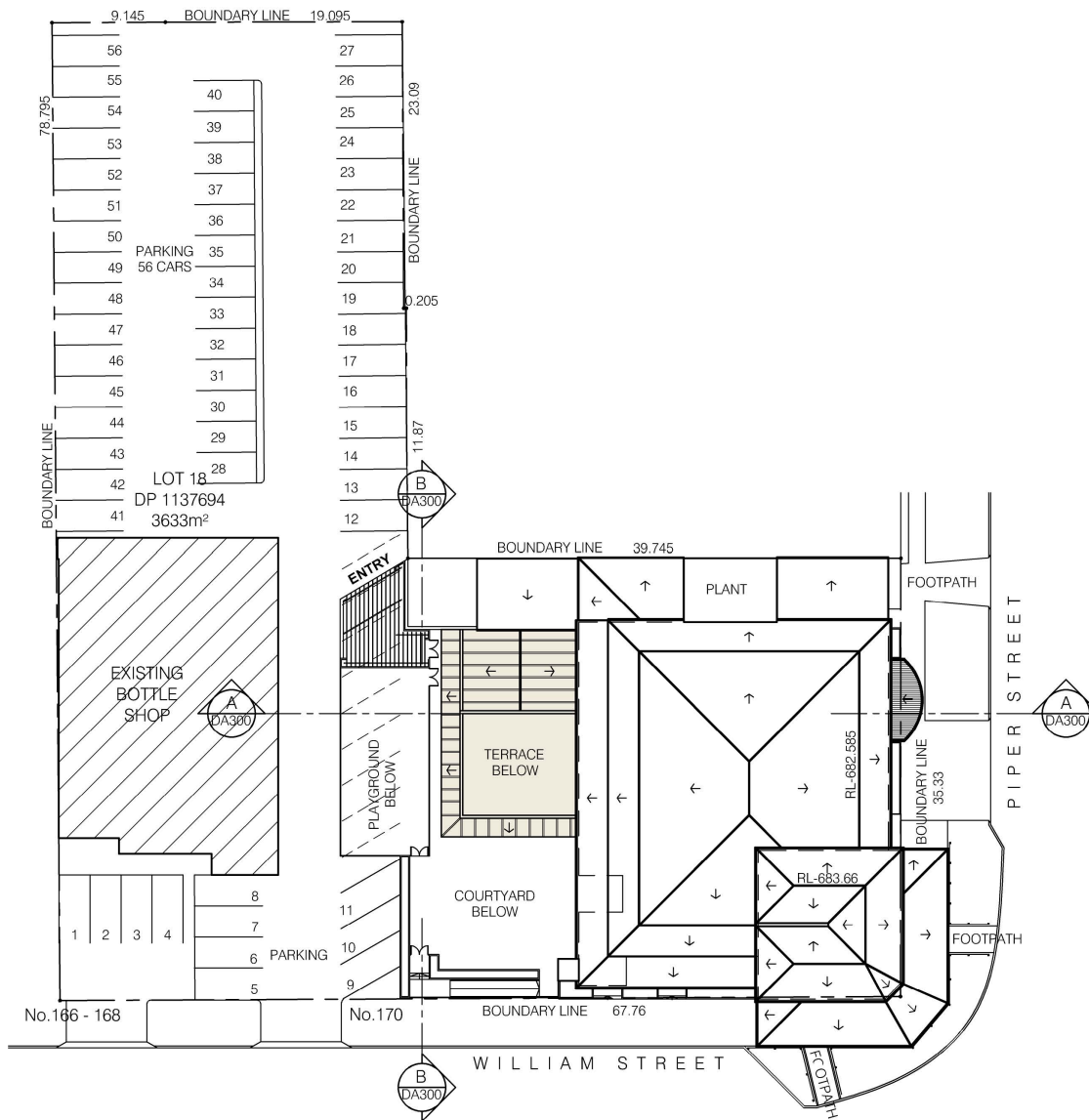
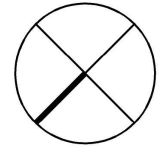
Important Notice!

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: Wayne McDonald
Date: 24/08/2020
Projection: GDA94 / MGA zone 55
Map Scale: 1:500 @ A4



GFA CALCULATIONS

SITE AREA - 3633.0m²

GFA

EXISTING BOTTLE SHOP - 431.1m²
 EXISTING GROUND FLOOR - 823.2m²
 EXISTING FIRST FLOOR - 607.6m²

EXISTING TOTAL - 1861.9m²

PROPOSED GROUND FLOOR - 980.8m²
 PROPOSED FIRST FLOOR - 676.9m²

PROPOSED TOTAL - 2088.8m²

FSR

EXISTING - 0.51 : 1 (51.2%)
 PROPOSED - 0.57 : 1 (57.4%)

LICENSED AREA CALCULATIONS

PROPOSED GROUND FLOOR - 990.6m²
 PROPOSED FIRST FLOOR - 555.3m²

PROPOSED TOTAL - 1545.9m²

LEGEND

- NEW WORKS.
- EXISTING WALLS TO BE RETAINED.
- EXISTING WALLS TO BE DEMOLISHED.
- NEW WALLS.
- RL 674.60 - PROPOSED LEVELS.
- EXISTING LEVELS.

Issue	Amendment	Date
C	DA ISSUE	19.03.20
B	PRELIMINARY DA ISSUE 2	18.03.20
A	PRELIMINARY DA ISSUE	11.03.20

Issue	Amendment	Date
C	DA ISSUE	19.03.20
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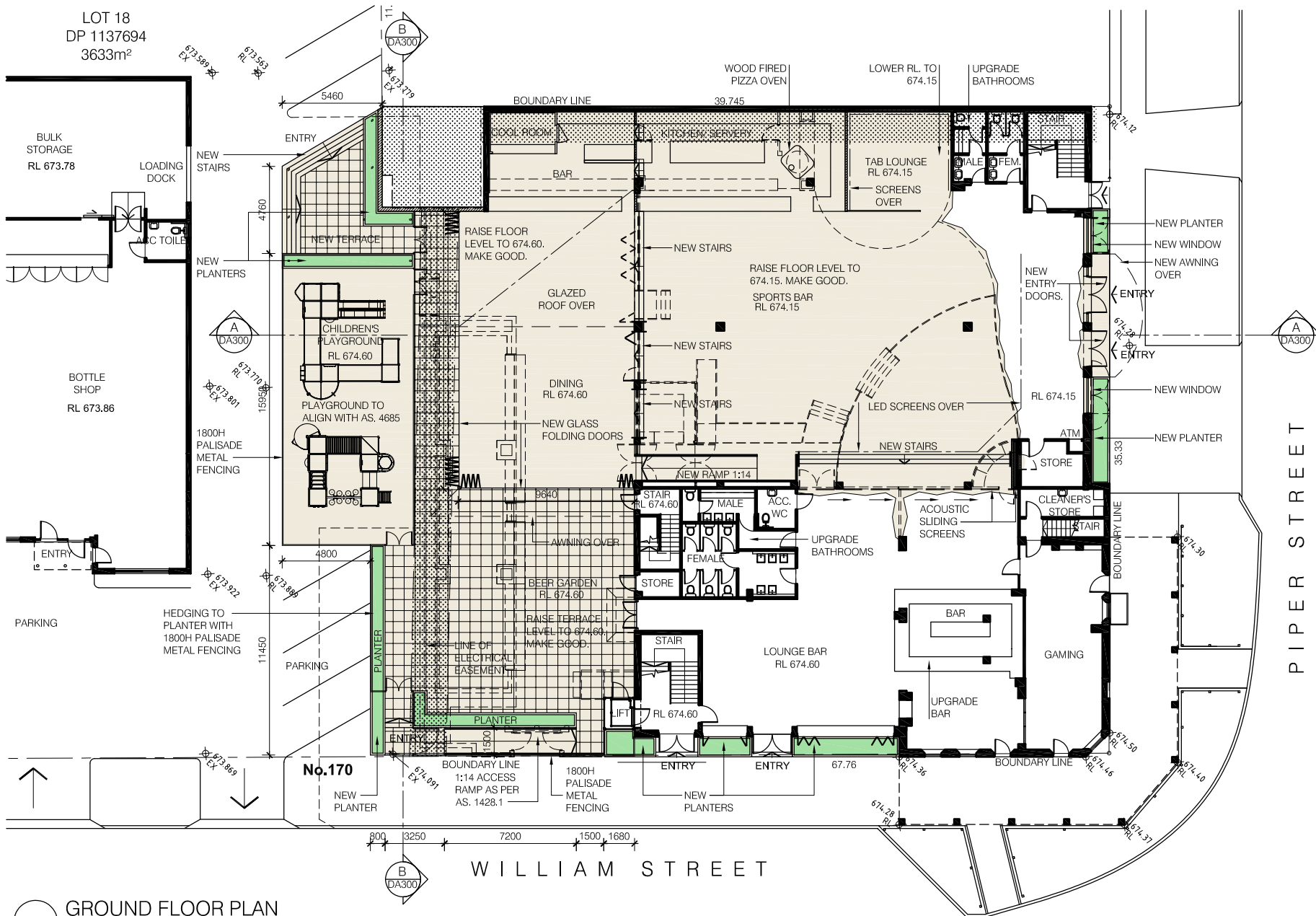
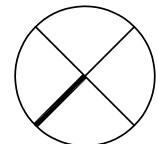
GROUP ARCHITECTS
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 Nominated Architect - Julian Brenchley 0248
 Group Architects Pty Limited, ABN 82 630 366 069
 Suite 3.09/55 Miller Street Pyrmont NSW 2009
 T: +61 2 9668 1035 E: info@grouparchitects.com.au

OXFORD HOTEL

address
 CNR WILLIAM ST + PIPER STREET BATHURST NSW
 drawing
 ROOF PLAN / SITE PLAN

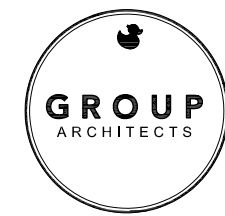
SCALE: 1:400
 ISSUE: 'C' DATE: MAR 2020
 DWG No.: GA2020-013 DA100

ROOF PLAN / SITE PLAN
 SCALE 1:400



Issue/Amendment	Date
C DA ISSUE	19.03.20
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A PRELIMINARY DA ISSUE	11.03.20

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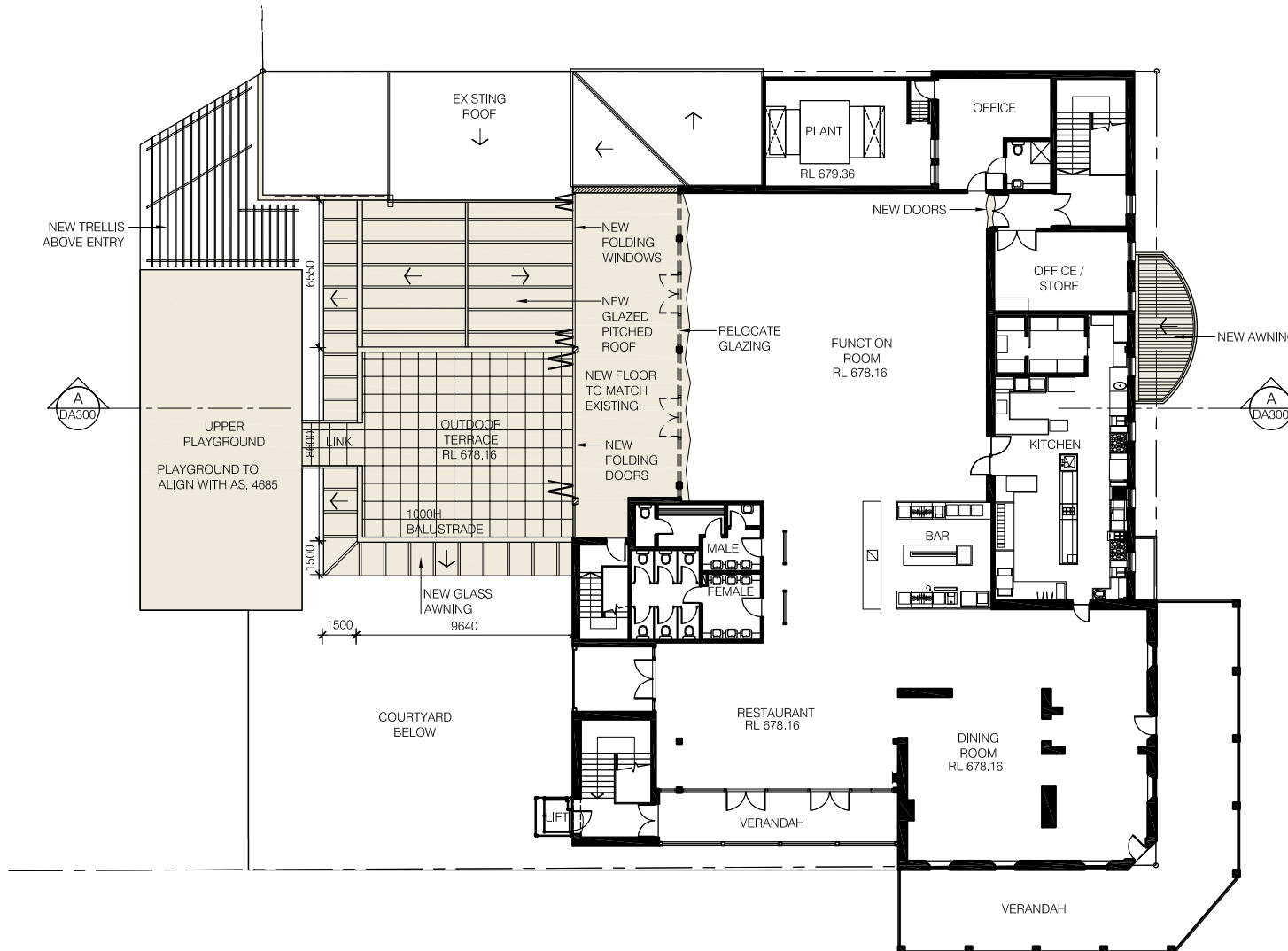
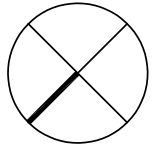
OXFORD HOTEL

address
 CNR WILLIAM ST + PIPER STREET BATHURST NSW

drawing
 GROUND FLOOR PLAN

SCALE: 1:200
 ISSUE: 'C' DATE: MAR 2020
 DWG No.: GA2020-013 DA101

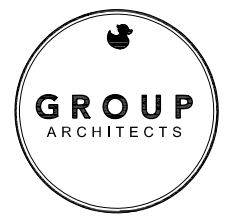
GROUND FLOOR PLAN
 SCALE 1:200



Issue / Amendment	Date
C	DA ISSUE 19.03.20
B	PRELIMINARY DA ISSUE 2 18.03.20
A	PRELIMINARY DA ISSUE 11.03.20

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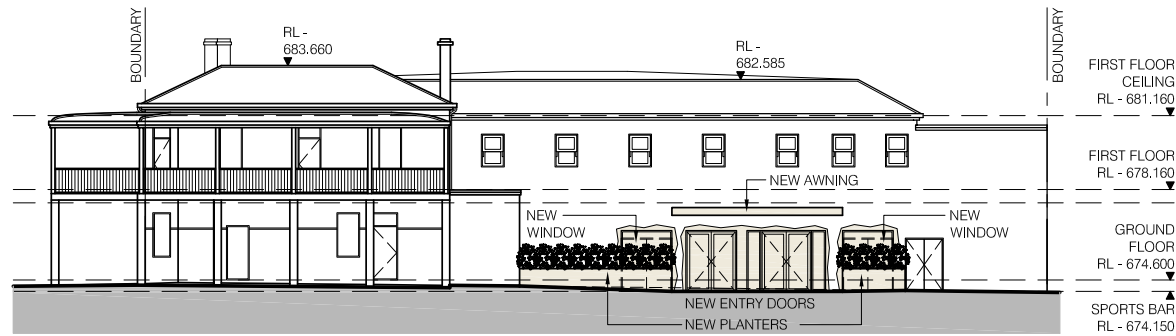


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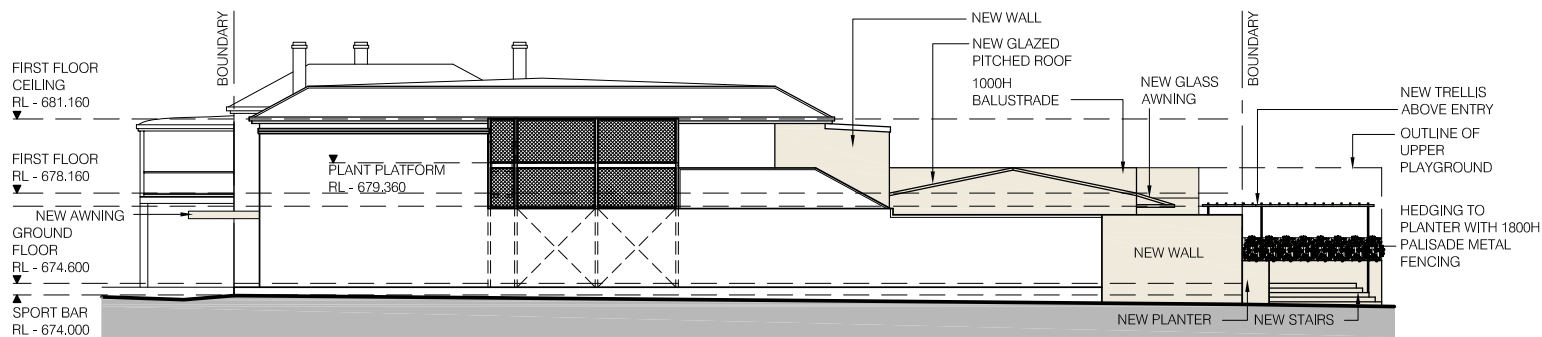
address
CNR WILLIAM ST + PIPER STREET BATHURST NSW
 drawing
FIRST FLOOR PLAN

SCALE: 1:200
 ISSUE: 'C' DATE: MAR 2020
 DWG No.: GA2020-013 DA102

FIRST FLOOR PLAN
 SCALE 1:200



 SOUTH-WEST ELEVATION
SCALE 1:200



 SOUTH-EAST ELEVATION
SCALE 1:200

C	DA ISSUE	19.03.20
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OXFORD HOTEL

address
CNR WILLIAM ST + PIPER STREET BATHURST NSW

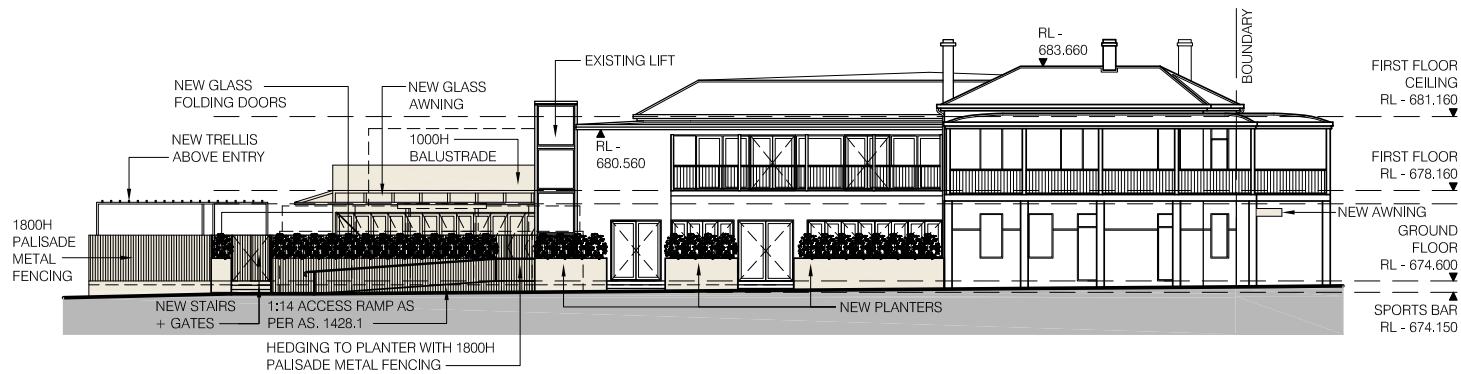
drawing
SOUTH-WEST + SOUTH-EAST ELEVATIONS

SCALE: 1:200

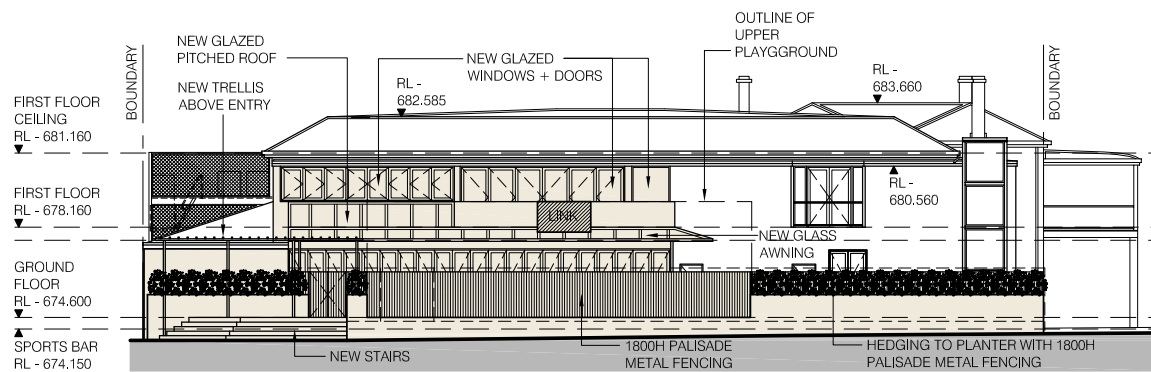
ISSUE: 'C' DATE: MAR 2020

DWG No.: GA2020-013 DA201

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 **NORTH-WEST ELEVATION**
SCALE 1:200



 **NORTH-EAST ELEVATION**
SCALE 1:200

C	DA ISSUE	19.03.20
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OXFORD HOTEL

address
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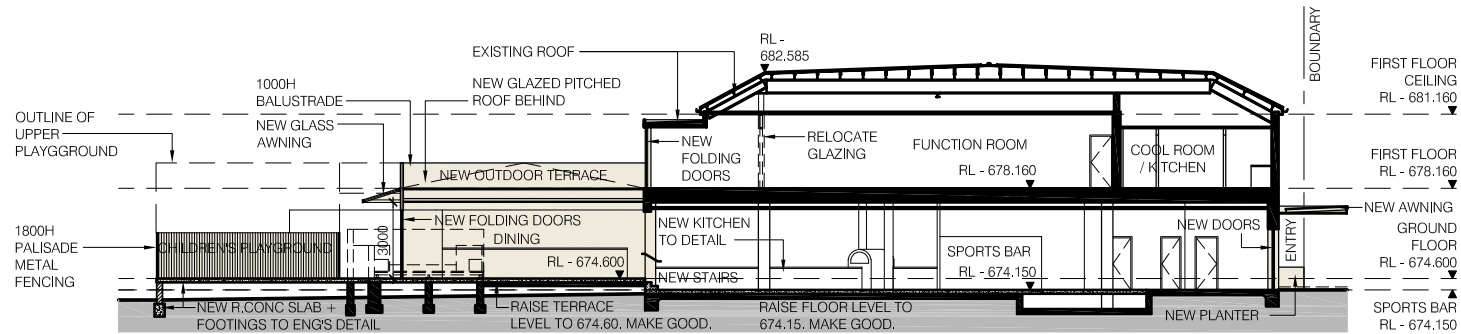
drawing
NORTH-WEST + NORTH-EAST ELEVATIONS

SCALE: 1:200

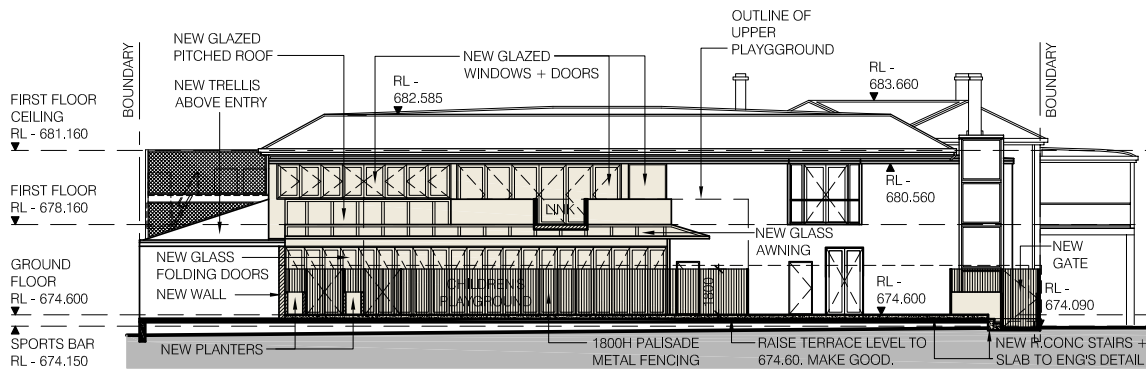
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DWG No.: GA2020-013 DA200

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SECTION A-A
SCALE 1:200



SECTION B-B
SCALE 1:200

C	DA ISSUE	19.03.20
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A	PRELIMINARY DA ISSUE	11.03.20
Issue / Amendment		Date

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OXFORD HOTEL

address
 CNR WILLIAM ST + PIPER STREET BATHURST NSW
 drawing
 SECTIONS A-A + B-B

SCALE: 1:200
 ISSUE: 'C' DATE: MAR 2020
 DWG No.: GA2020-013 DA300

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS + ADDITIONS TO OXFORD HOTEL

170 WILLIAM STREET BATHURST NSW 2795

Prepared for Lion Majestic Pty Ltd

Prepared by Group Architects Pty Ltd

Architects and Landscape Designers

3.09/55 Miller Street Pyrmont NSW 2009

T: 9660 1055 E: info@grouparchitects.com.au

Job No. GA2020-013

March 2020

Amended 20 June 2020

Amended 10 July 2020

1. Introduction

This Statement of Environmental Effects forms part of a Development Application submission for the construction of alterations and additions to a two level hotel known as the Oxford Hotel on the corner of William and Piper Streets Bathurst.

The site is zoned B3 Commercial Core under the Bathurst Regional Local Environmental Plan 2014.

The proposal is to enhance the existing uses of the site as a hotel.

The statement has been prepared in accordance with the Environmental Planning and Assessment Act, 1997 and accompanying regulations. It provides details of the development site and a detailed description of the proposed development.

2. The Site

2.1 Site Details

The subject site is rectangular in shape with street frontages to William and Piper Streets.

The real property description is Lot 18 in DP 1137694. It has frontages of 67.76m to William Street and 35.33m to Piper Street and a site area of 3633m².

Currently on the site is a two storey brick hotel with street verandah which is listed under Schedule 5 of Bathurst Regional Local Environmental Plan 2014 (item No. I81) as a heritage item. It is located in Bathurst Conservation Area (C1).

The building was the subject of major renovations completed in 2007 under DA 2004/0626.

At the **front and** rear of the site is a paved car park **which can provide for 59** car spaces with access from William Street.

The hotel consists of the following:

Ground Floor

- Public and lounge bar areas
- Entertainment lounge
- Gaming lounge
- Toilets
- Access stairs
- Outdoor garden lounge with raised covered deck
- A separate bottle shop with bulk storage
- Paved car park area

First Floor

- Function + dining room
- Cocktail bar
- Offices
- Kitchen
- Toilets
- Verandah over street
- Access stairs
- Verandahs to front and sides
- Plant

The site is generally level with a slight fall to the rear and the eastern side.

Pedestrian access is available on both street frontages to the main bar area and the outdoor courtyard on the William Street frontage.

2.2 Locality

The general locality to the north east and south east is commercial/business. William Street is a main thoroughfare which forms part of the general central business district which includes office, retail and service industries.

Piper Street is characterised by lower scale development often with residential buildings which have been converted to commercial uses.

Opposite the site in William Street are residential terraces which are also heritage listed but located in the business zone and the Catholic cathedral and school.

Diagonally opposite is the Panthers Leagues Club also in a business zone.

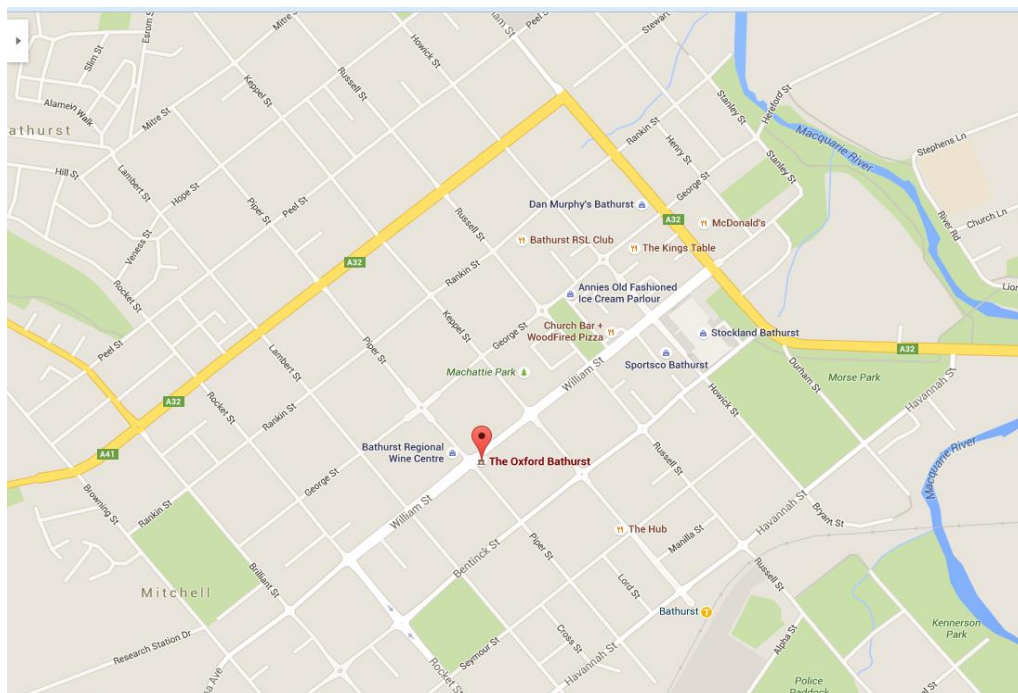
Opposite the site in Piper Street is a motel and general residential areas.

The site is located on the western edge of the business district.

2.3 Zoning

The site is zoned B3 Commercial Core under the Bathurst Regional Local Environmental Plan 2014 and is part of a larger B3 zone.

The existing and proposed uses are permissible within the zone.



3. Development Proposal

3.1 General

The proposal is for the construction of alterations and additions to the hotel building.

It is as illustrated on the plans GA2020-013/DA100 - 102, 200, 201 + 300 which form part of this application.

The development involves:

Ground Floor:

- Enclosure of part of the existing beer garden to extend the dining area.
- Raising the level of the beer garden to the level of the original hotel.
- Upgrading of the existing nightclub for use as a sports lounge including a new kitchen/servery and adjusted floor levels.
- New acoustic screen wall between lounge bar and sports bar.
- New children's playground
- New entry to the sports bar from Piper Street.
- New entry from William Street including new metal palisade fence.
- General upgrade of finishes and fittings

First Floor:

- Enclosure of existing balcony off function room.
- New outdoor terrace and pitched roof over ground floor dining area.
- Upper level of children's playground.

There will be no change to existing hours of operation.

4. Development Controls and Compliance Checklist

The following table summarises the compliance of the proposed development with the relevant provisions of the Bathurst Regional Local Environmental Plan 2014 and Bathurst Regional Development Control Plan 2014 - Business Development.

Bathurst Regional LEP 2014

Part 2. Land Use Table

Zone B3 Commercial Core	Comment
<p>1. Objectives of Zone</p> <ul style="list-style-type: none"> • 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 • To encourage appropriate employment opportunities in accessible locations • To maximise public transport patronage and encourage walking and cycling • To encourage development that confirms the role of the Bathurst Central Business District 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 	<p>Proposal will be an extension of uses</p> <p>The hotel already provides employment opportunities</p> <p>Existing opportunities for access remain</p> <p>It supports an already important and prominent business in the Central Business District</p> <p>The proposal enhances the facilities to the existing hotel</p>
<p>3. Permitted with consent</p>	<p>Hotels are allowable with consent in the zone</p>

Part 4. Principal Development Standards

4.3 Height of Buildings

Allowable 12m. The proposal will not increase the height of the existing buildings - Complies

4.4 Floor Space Ratio

- Existing buildings GFA
 - o Hotel
 - Ground floor 823.2m²
 - First floor 607.6m²
 - Bottle shop 431.1m²

Total 1861.9m²
- Proposed GFA
 - o Ground Floor 980.8m²
 - o First Floor 676.9m²
 - o Bottle shop 431.1m²

Proposed total 2088.8m²
- Site area 3633m²
- FSR 0.575:1
- Allowable 2:1 - Complies

5	<p>Statement of Environmental Effects Oxford Hotel 170 William Street Bathurst Prepared by Group Architects Pty Ltd Architects + Landscape Designers 3.09/55 Miller Street Pyrmont 2009 T 9660 1055 E info@grouparchitects.com.au March 2020 Amended 30 June 2020 Amended 10 July 2020</p>
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Part 5. Miscellaneous Provisions

5.10 Heritage Conservation

Refer separate Statement of Heritage Impact

Part 7. Additional Local Provisions

7.1 Flood Planning

The site is not located in a Flood Planning Area.

7.10 Signage

No additional signage is proposed as part of this application.

Bathurst Regional DCP 2014

Chapter 5 Business and Industrial Development

5.1 Preliminary

5.1.1 Applies to Zone B3 - Commercial Core

5.2 Siting Considerations

5.2.1 Objectives

The proposal will fit the existing streetscape

5.2.2 Development Standards

Building Setbacks

The street front setbacks complement the existing building setbacks and comply with the NCC.

5.3 Soil + Water Management

The proposal will not involve major site disturbance. The area of the proposed works is already impervious. All stormwater will be collected in the existing stormwater lines.

5.5 Height of Buildings - Bathurst Conservation Area - Zone B3 Commercial Core

The height limit is 12m. The proposal complies as there will be no height increase.

5.6 Parking, Access and Manoeuvring Areas

5.6.2 Development Standards

Refer to Section 14

Currently on site is provision for 59 car spaces. Access is available directly from William Street.

There will be a minor reduction in car spaces on site however it is considered that there are sufficient on-street parking spaces available. **The general concept is to discourage patrons from driving to the premises.**

The proposed works will not impact on the street access points.

There will be no impact on existing loading and unloading facilities.

5.7 Clean Business and Industry

There will be no impacts on drainage or stormwater quality. The proposal does not involve additional trade waste. It will not impact on air quality.

5.8 Open Areas and Fencing

The existing high brick fencing to William Street and the car park will be removed and replaced by an 1800h metal palisade fence to the beer garden and children's playground. It will include planters. This will provide limited vision to the areas and activate the spaces when viewed from the street.

It will ensure security is retained.

Chapter 10 Urban Design and Heritage Conservation

Refer separate Statement of Heritage Impact

Chapter 13 Landscaping and Greening

No trees are proposed to be removed.

No landscape plan is required for land zoned B3.

Planters are proposed to the new fence line.

Chapter 14 Parking

Number of car parking spaces

Pubs - inside the CBD - 1 space for 30m² of licensed floor area.

Licensed floor area we have taken to be the areas available to patrons and staff generally. **This excludes bars, kitchens, offices, storage areas, stairs, plant and service areas, outdoor spaces and toilets.**

The proposed licensed area is 1545.9m²

Based on 30m² per space - required 52 cars

Bottle Shop (retail) - 350m²

Based on 35m² per space - required 10 cars

Total 62 cars

Provided on site **56 cars.**

There will be a shortfall of 6 car spaces.

Chapter 15 Crime Prevention

Refer separate Plan of Management and Security Management Plan

15.5.4 Crime Prevention through environmental design

(a) Surveillance

- All entry points and internal spaces excepting toilets are covered by CCTV with monitoring screens located in the office.

Attachment 6.2.3

- The main entry points to the hotel are from the street and are well illuminated.
- The proposed gaming lounge will have CCTV installed. All entries will be well illuminated.
- Staff will monitor the gaming room at all times from within the room.

(b) Access Controls

- All areas not available to the public will be locked. Staff only will have access.
- All egress points and access to the street and car park are readily identifiable.

(c) Territorial Reinforcement

The site is not public space.

(d) Activity and Space Management

- The car park will have CCTV. It will be well illuminated and checked by staff regularly patrolling all outdoor areas.
- Any vandalism or damage will be made safe and rectified as soon as practicable.

(e) Areas Requiring Additional Consideration

Main entry points and the streets around the site could be more susceptible to crime. These will have CCTV and staff monitoring them at all times the premises is in operation.

(f) Conclusion

The hotel is an established use in the locality. The security measures are well established and will be extended to cover the new areas.

It is not considered that the proposal will have any adverse impacts on crime.

5. Summary

This proposal is for alterations and additions to the existing Oxford Hotel which is a listed heritage building. Great care has been taken to not impact on the main heritage features which are predominantly the corner building and in particular the street verandah.

The additions have been set back from the street frontage. Materials and finishes generally are simple to the use requirement and will not impact on the heritage streetscape.

The proposed uses are purpose built to provide additional facilities for patrons.

These facilities are currently available in the existing hotel but are under-utilised due to limited space.

The proposal, we submit, has been designed to not impact on the heritage characteristics, and as such is considered to have no detrimental environmental effects.

**8.2.7 DEVELOPMENT APPLICATION 2020/95 -
ADDITIONS AND ALTERATIONS TO OXFORD
HOTEL, 166-170 WILLIAM STREET BATHURST;
OWNER: LION MAJESTIC PTY LTD;
APPLICANT:GROUP ARCHITECTS PTY LTD**

File No: 2020/95

RECOMMENDATION:

That Council:

- (a) as consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application 2020/95, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended including but not limited to the following:
1. The provision of at least 53 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS2890.1 Parking Facilities and Council's Development Control Plan.
 2. The carpark is to be permanently line marked in accordance with Bathurst Regional Council's Guidelines for Engineering Works.
 3. All parking spaces are to be available for the use of patrons whilst ever the premises are operating. In this regard all materials stored in the carparking area are to be removed from the site.
 4. The payment to Council of a contribution in accordance with Council's Section 94 Plan "Bathurst CBD Car Parking" for any shortfall in parking. For the purposes of this condition, the required number of spaces is 65 and the shortfall of spaces is 12.
- (b) call a division.

SUMMARY:

An application has been lodged by Group Architects Pty Ltd, seeking consent to undertake alterations and additions to existing commercial Licenced premises (Oxford Hotel) on part Lot 18, DP 11376943, being 170 William Street Bathurst.

The proposal is generally acceptable in planning terms except for the provision of off street parking, which is considered in this report. It is recommended the shortfall of spaces be offset by a monetary contribution to Council.

REPORT:

An application has been lodged by Group Architects Pty Ltd, seeking consent to undertake alterations and additions to existing commercial licenced premises (Oxford Hotel) on part of 170 William Street Bathurst.

Site

170 William Street (Lot 18, DP 11376943) is located on the corner of William and Piper Streets, Bathurst.

The property contains the 2 storey hotel (Oxford Hotel) and the adjoining Cobb and Co Cellars bottle shop. A central carpark is located between and shared by the 2 uses.

The carpark currently is capable of accommodating approximately 56 spaces although not all spaces are marked nor are they available due to it being used to store various goods.

A location plan and aerial image are provided at [attachment 1](#).

Proposed Development

The Development Application seeks to make alterations and additions to the existing two storey licensed premise being the Oxford Hotel, 170 William Street Bathurst.

Proposed plans for the proposal are at [attachment 2](#).

The application is supported by a Statement of Environmental Effects ([attachment 3](#)) prepared by Group Architects Pty Ltd which describes the proposal as involving:

Ground Floor:

- *Enclosure of part of the existing beer garden to extend the dining area.*
- *Raising the level of the beer garden to the level of the original hotel.*
- *Upgrading of the existing nightclub for use as a sports lounge including a new kitchen/servery and adjusted floor levels.*
- *New acoustic screen wall between lounge bar and sports bar.*
- *New children's playground.*
- *New entry to the sports bar from Piper Street.*
- *New entry from William Street including new metal palisade fence.*
- *General upgrade of finishes and fittings.*

First Floor:

- *Enclosure of existing balcony off function room.*
- *New outdoor terrace and pitched roof over ground floor dining area.*
- *Upper level of children's playground.*

There will be no change to existing hours of operation.

Part of the proposal includes the provision of a new playground area and entry from the existing carpark. This extends the building footprint into the existing parking area, removing approximately 9 of the existing onsite parking spaces. The site plan provided in the application indicates that there is potential for 56 onsite parking spaces (not 59 as indicated in the supporting documentation).

Bathurst Local Environmental Plan 2014

Zone

The proposed development is permissible with consent in the B3 Commercial Core zone

Permissibility

Pubs are a permissible use in the B3 Commercial Core zone.

The proposed development is consistent with the objectives of the zone being:

- 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.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage development that confirms the role of the Bathurst central business district 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.

Clause 5.10 – Heritage Conservation

The land is identified as a Local Heritage Item and is in the Heritage Conservation Area. The property is also listed by the National Trust.

Clause 5.10(4) applies to the proposal and requires consideration of the effect on the heritage significance of the item.

- (4) ***Effect of proposed development on heritage significance.*** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

The application has been supported by a Heritage Impact Statement which has been reviewed and provides an adequate assessment of the impact of the proposal.

Overall, the proposal is not considered to have a negative effect on the heritage significance of the heritage item or the heritage conservation area.

Public Consultation

The proposal is “advertised development” under Bathurst Regional Community Participation Plan 2019 - Development Applications.

The application was advertised and notified between 14th and 28th April 2020. Due to the potential to impact on an area beyond the immediate neighbours additional properties were notified including those in Piper Street between William and Bentinck. In response to advertising and notification no public submissions were received.

The National Trust were notified of the proposal and no representations were received. The application was also referred to the NSW Police (CPTED) and no response was received.

Bathurst Development Control Plan 2014

Chapter 14 Parking

Chapter 14.3 of the Bathurst Regional Development Control Plan 2014 provides the following development standards for car parking:

- a) *Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.*
- b) *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.*
- c) *All car parking spaces, ramps, aisles and driveways, shall be provided in accordance with the Guidelines issued by the Roads and Maritime Service.*
- d) *Council reserves the right to determine off-street car parking requirements for any development in the light of representations made to the Council by relevant traffic committees/authorities.*
- e) *Car parking required to be provided on-site in accordance with this Plan is to be freely available to the users of the building which it serves.*
- f) *Disability parking spaces, if required, are determined by the National Construction Code (see section D3.5) and are to be provided in accordance with that Code.*

Contributions in lieu

- a) *Council may consider a cash contribution, in lieu of on-site parking provision where:*
 - i) *as many car parking spaces as possible have been provided on-site, and*
 - ii) *the subject land is located within the area subject to Council’s relevant Section 94 Plan for car parking spaces, and*
 - iii) *the subject land is located in an area where, in the opinion of Council, public car parking under the Section 94 Plan can be provided within reasonable proximity to the development.*

The table to Section 14.3 provides the minimum standard for the number of carparking spaces as follows:

<p>Small bars Pubs Nightclubs Registered club Note: see also restaurant and cafes and cafes and hotel/motel accommodation where applicable</p>	<p>Outside CBD 1 space per 10m² of licensed floor area</p>	<p>Within a neighbourhood centre (DCP Map No. 6) 1 space per 35m² of licensed floor area.</p>	<p>Inside CBD 1 space per 30m² of licensed floor area.</p>
---	--	---	--

For the purposes of assessment, the applicable standard is therefore 1 space per 30 sqm of licensed floor area.

Historically the provision of parking has been an issue for previous proposals involving the property.

Previous applications

In 2004 a Development Application was lodged for alterations and additions to the Hotel.

The Council's adopted parking rate of the time required in excess of 200 spaces. That parking rate has since been changed to the current figure in the DCP.

Under that application, the applicant proposed 62 onsite spaces. A traffic/parking study provided by the applicant with the application estimated that 72 spaces would be required for the Hotel proposal. The applicant also proposed alterations to driveway laybacks in William and Piper Street that provided an additional 5 on street spaces.

In addition to the 72 spaces required for the Hotel, Council required an additional 15 onsite spaces for the conversion of the Berry's Tyre Building into a bottle shop. In total 87 onsite carparking spaces were required for the combined operations.

The deficit under the application was therefore 20 spaces, i.e. 87 less the 5 additional on street parking creating 82 spaces, with 62 spaces being provided on site.

The matter was ultimately reported to the Council Administrator of the time for determination with a recommendation for refusal on the following basis:

1. The proposal does not make provision for sufficient on-site vehicular parking. Reliance on on-street parking to meet some of the parking demands generated by the development is inequitable.
2. The proposal may create a precedent for reliance on on-street parking as an alternative to on-site parking. As such, the cumulative impacts of the proposal are unacceptable.

The application was supported and approved by the Administrator on the following basis:

- 62 spaces being provided on site
- A contribution being paid under Council's adopted Section 94 Plan "Central Car Parking Strategies" of \$33,378 based on a deficit of 5 spaces at a contribution rate of \$6,675.60 per space.

A number of matters to note from that consideration and since:

- There was a shortfall between the parking required (72) as estimated by the applicant and actual provision (62) provided in the 2004 consent.
- Only part of that deficit (5 of the 10) was compensated for by contribution under the Section 94 Plan.
- The applicant paid the Section 94 contributions under the 2004 consent.
- The 62 spaces required under the current consent are not currently being provided (currently there would possibly be 56 spaces on site not all of which are available due to materials being stored on the site)
- The parking rates applicable for this type of development have changed since the 2004 proposal from 1 space per 3.7 sqm of bar area, plus 1 car space per 5.6 sqm of lounge and dining room area, plus 1 space per three bedrooms, to 1 space per 30 sqm of licensed floor area.
- The current DCP rate of 1 per 30 sqm is slightly less than that adopted in the 2004 parking study of 1 space per 26 sqm (i.e. 1861.9 sqm by 72 spaces)
- The Section 94 Plan "Central Car Parking Strategies" has since been repealed and replaced by the Section 94 Plan "CBD Car Parking".
- The current contribution rate for parking under the Section 94 Plan "CBD Car

Parking” is \$18,961.40 per space representing a significant increase in the rates per space since 2004.

The proposal

Based on the current proposal the respective floor areas are as follows:

	Existing Gross Floor Area (sqm)	Proposed Ground Floor Area (sqm)
Ground Floor	823.2	980.8
First Floor	607.6	607.6
Bottle Shop	431.1	431.1
TOTAL	1861.9	2088.8
Parking required based on 1 space per 30 sqm		69.6 say 70 spaces

In accordance with the Bathurst Regional Development Control Plan the required onsite parking provisions at 1 space per 30m² of licenced floor area is 70.

The applicant’s current site plan indicates 56 spaces being provided on site together with alterations in traffic flows in front of the bottle shop. Those spaces (4) provided in front of the bottle shop are not functional in that they would require users to reverse out onto William Street in order to turn around or to multi point turn on Council’s footpath. The current arrangement in this area provides for 5 spaces. The reality is therefore more likely to be 53 spaces provided. This figure itself is conditional upon line marking of the parking spaces and the removal of the materials currently stored on the site.

The shortfall in spaces is therefore 17 spaces based on 70 spaces less the 53 provided. Given Council’s historical acceptance of Section 94 contributions for 5 spaces, the deficit becomes 12 spaces.

Council’s options are therefore as follows:

1. It could refuse the Development Application for the alterations based on the shortfall in parking; or
2. It could impose a condition of consent requiring a contribution under its Section 94 Plan Bathurst CBD Car Parking. The current contribution is \$227,536.80, i.e. 12 spaces at \$18,961.40.

Matters to consider in determining the application are the following:

- Parking provision is already less than that required in the 2004 consent.
- Parking provision is less than the applicants own 2004 demand assessment for parking.
- The increase in floor area is not insubstantial being in the order of some 226 sqm.
- There is potential for this shortfall to fall to the surrounding streets which include the predominantly residential streets in Piper Street (between William and Bentinck) and William Street (between Piper and Lambert).
- Whilst the Section 94 Plan enables a contribution, that funding is not tied to a specific project or location beyond a “future multi level carpark, or new ground level carpark in the CBD”.
- Any future carpark may not be readily accessible by patrons of the venue. In accordance with the DCP, contributions are appropriate where public parking can be provided within *reasonable proximity to the development*.

If approval is to be granted it would be conditional upon

1. A contribution being paid towards the shortfall in spaces, i.e. 12 spaces.
2. The existing carpark being formalized in terms of line marking.
3. All parking spaces being available at all times and accordingly all materials currently stored in the carpark are to be removed.

As Council has historically accepted contributions from the site the latter option is recommended.

CONCLUSION:

Council has received a Development Application for alterations and additions to the Oxford Hotel.

Based on the current DCP provisions for parking there is a shortfall in parking.

Council has the option of imposing a condition under its Section 94 Plan for the shortfall as it is has done so previously for the site.

FINANCIAL IMPLICATIONS:

Nil at this stage.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 1: Our sense of place and identity.

Strategy 1.5 Promote good design in the built environment.

Objective 4: Enabling sustainable growth.

Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community.

Strategy 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region.

Strategy 4.4 Provide parking to meet the needs of the City.

Strategy 4.6 Plan for, assess and regulate development activity.

Objective 6: Community leadership and collaboration.

Strategy 6.4 Meet legislative and compliance requirements.

COMMUNITY ENGAGEMENT:

01 **Inform** - to provide the public with balanced and objective information to help them understand the problem, alternatives, opportunities and/or solutions.

ATTACHMENTS:

1. Location plan and aerial image [8.2.7.1 - 1 page]
2. Plans [8.2.7.2 - 6 pages]
3. Statement of Environmental Effects [8.2.7.3 - 10 pages]

From: Michael Munro <mm@grouparchitects.com.au>
Sent: Tuesday, 10 November 2020 7:54 AM
To: Fern-Alice Finn
Cc: 'Ash Lyons'; Council
Subject: Oxford Hotel DA 2020/95
Attachments: Oxford Parking Surveys.pdf; Parking Assessment The Oxford Hotel Bathurst 9 Nov 20 .pdf
Importance: High

Please find attached the traffic report requested by council for the above development.

We also understand that Essential Energy have responded to the notification of the DA and our submissions to them.

This application was lodged directly to council, not through the NSW Planning Portal, so we are unable to access their comments.

Would it be possible to get a copy of their advice.

Should council require further details please advise.

Regards

Michael Munro
Group Architects Pty Ltd
Architects + Landscape Designers
3.09/55 Miller Street Pyrmont NSW 2009
T 9660 1055

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Traffic Solutions Pty Ltd

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Client **Lion Majestic**
Job No / Name **20.21.004**
Day/Date **Friday 30th October 2020**

Attachment 6.2.5

TIMES

Area	Location	Restriction	Cap	0500	0600	0700	0800	0900	1000	1100
1	William St (West / Side)	unrestricted 45 degree angle parking	7	3	6	5	7	6	1	1
2	William St (West / Side)	2P (8.30am - 6pm) M - F; 8.30am - 12.30pm Sat	19	7	1	4	4	3	1	1
3	William St (East/ Side)	unrestricted 45 degree angle parking	30	16	8	6	9	8	2	1
4	Piper St (North/Side)	unrestricted 45 degree angle parking	38	21	17	24	31	26	10	8
5	Piper St (South/Side)	unrestricted 45 degree angle parking	31	3	8	20	26	21	3	2
6	William St (West / Side)	unrestricted parralel parking	24	3	6	5	5	4	4	4
7	William St (East / Side)	unrestricted parralel parking	29	7	8	4	3	3	3	3
8	Piper St (South/Side)	unrestricted parralel parking	29	8	5	8	9	9	6	5
9	Piper St (North/Side)	unrestricted parralel parking	23	10	9	8	6	6	5	5
Total of Vehicles			230	78	68	84	100	86	35	30
Number of Vacant spaces				152	162	146	130	144	195	200
% of Capacity Used				33.9%	29.6%	36.5%	43.5%	37.4%	15.2%	13.0%



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Client **Lion Majestic**
Job No / Name **20.21.004**
Day/Date **Friday 30th October 2020**

TIMES

Area	Location	Restriction	Cap	0500	0600	0700	0800	0900	1000	1100
10	Hotel car park	unrestricted angle parking	38	16	25	17	21	16	15	14
Total of Vehicles			38	16	25	17	21	16	15	14
Number of Vacant spaces				22	13	21	17	22	23	24
% of Capacity Used				42.1%	65.8%	44.7%	55.3%	42.1%	39.5%	36.8%



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Client **Lion Majestic**
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3	William St (East/ Side)	unrestricted 45 degree angle parking	30	4	8	7
4	Piper St (North/Side)	unrestricted 45 degree angle parking	38	12	14	18
5	Piper St (South/Side)	unrestricted 45 degree angle parking	31	20	16	14
6	William St (West / Side)	unrestricted parralel parking	24	1	2	2
7	William St (East / Side)	unrestricted parralel parking	29	2	3	3
8	Piper St (South/Side)	unrestricted parralel parking	29	9	12	6
9	Piper St (North/Side)	unrestricted parralel parking	23	5	6	7
Total of Vehicles			230	63	69	68
Number of Vacant spaces				167	161	162
% of Capacity Used				27.4%	30.0%	29.6%



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Client **Lion Majestic**
Job No / Name **20.21.004**
Day/Date **Saturday 31st October 2020**

TIMES

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10	Hotel car park	unrestricted angle parking	38	16	14	16
Total of Vehicles			38	16	14	16
Number of Vacant spaces				22	24	22
% of Capacity Used				42.1%	36.8%	42.1%



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Job No / Name **20.21.004**

Day/Date **Saturday 31st October 2020**

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3	William St (East/ Side)	unrestricted 45 degree angle parking	30	5	5	14	15	10	5	2
4	Piper St (North/Side)	unrestricted 45 degree angle parking	38	10	12	21	20	14	11	8
5	Piper St (South/Side)	unrestricted 45 degree angle parking	31	18	21	22	20	12	1	1
6	William St (West / Side)	unrestricted parralel parking	24	5	8	7	5	5	7	4
7	William St (East / Side)	unrestricted parralel parking	29	2	2	3	3	4	3	3
8	Piper St (South/Side)	unrestricted parralel parking	29	10	10	10	9	7	7	5
9	Piper St (North/Side)	unrestricted parralel parking	23	6	6	11	11	12	9	9
Total of Vehicles			230	64	73	103	96	75	47	34
Number of Vacant spaces				166	157	127	134	155	183	196
% of Capacity Used				27.8%	31.7%	44.8%	41.7%	32.6%	20.4%	14.8%



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Client **Lion Majestic**

Job No / Name **20.21.004**

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10	Hotel Car park	unrestricted angle parking	38	21	22	22	23	25	24	22
Total of Vehicles			38	21	22	22	23	25	24	22
Number of Vacant spaces				17	16	16	15	13	14	16
% of Capacity Used				55.3%	57.9%	57.9%	60.5%	65.8%	63.2%	57.9%



TRAFFIC SOLUTIONS PTY LTD

Reference No: 20.21.004
9 November 2020

The General Manager
Bathurst Regional Council
PMB 17
Bathurst NSW 2795

Attention: Mr Wayne McDonald

Dear Sir,

**Parking Impact Assessment - Proposed alterations and additions, The Oxford Hotel,
170 William Street, Bathurst. DA No. 2020/95**

Traffic Solutions Pty Ltd has been engaged by Group Architects Pty Ltd to provide Council with an assessment of the potential parking implications of a development proposal at the subject location.

This assessment has been undertaken with reference to plans prepared by Group Architects P/L, Project number GA2020.013, Drawing Numbers DA100 – DA102, DA200 – DA202 and DA300, issue 'C' and dated March 2020.

The subject site is described as Lot 18 in Deposited Plan 1137694 which includes the Oxford Hotel and the Cobb and Co. Bottler. The development proposal is for alterations and additions to the Oxford Hotel comprising:

Ground Floor:

- Enclosure of part of the existing beer garden to extend the dining area.
- Raising the level of the beer garden to the level of the original hotel.
- Upgrading of the existing nightclub for use as a sports lounge including a new kitchen/servery and adjusted floor levels.
- New acoustic screen wall between lounge bar and sports bar.
- New children's playground
- New entry to the sports bar from Piper Street.
- New entry from William Street including new metal palisade fence.
- General upgrade of finishes and fittings

First Floor:

- Enclosure of existing balcony off function room.
- New outdoor terrace and pitched roof over ground floor dining area.
- Upper level of children's playground.

There will be no change to existing hours of operation.

Traffic Solutions Pty Ltd, PO Box 9161, Bathurst NSW 2795
Ph: 02 6331 0467 • Email: craig@trafficsolutions.com.au
ABN 63 074 165 263

The existing and proposed floor areas provided on the architectural plans are:

Existing buildings GFA

- Hotel
- Ground floor 823.2m²
- First floor 607.6m²
- Bottle shop 431.1m²
- Total 1861.9m²

Proposed GFA

- Ground Floor 980.8m²
- First Floor 676.9m²
- Bottle shop 431.1m²
- Proposed total 2088.8m²

The total increase in GFA is 226.5m².

The Architectural plans indicate that 56 car parking spaces are proposed on site. However, on site observation reveal that the car parking layout is not completely line marked and has a current capacity less than this figure.

A review of Bathurst Development Control Plan 2014 reveals the following car parking rate for pubs etc:

Pubs - inside the CBD - 1 space for 30m² of licensed floor area.

Shops - inside the CBD - 1 space for 35m² of floor area.

The licensed floor area has been taken to be the areas available to patrons and staff generally. This excludes bars, kitchens, offices, storage areas, stairs and toilets. The existing and proposed licensed area is 1319.0m² and 1545.9m² respectively. This is an increase of 226.9m².

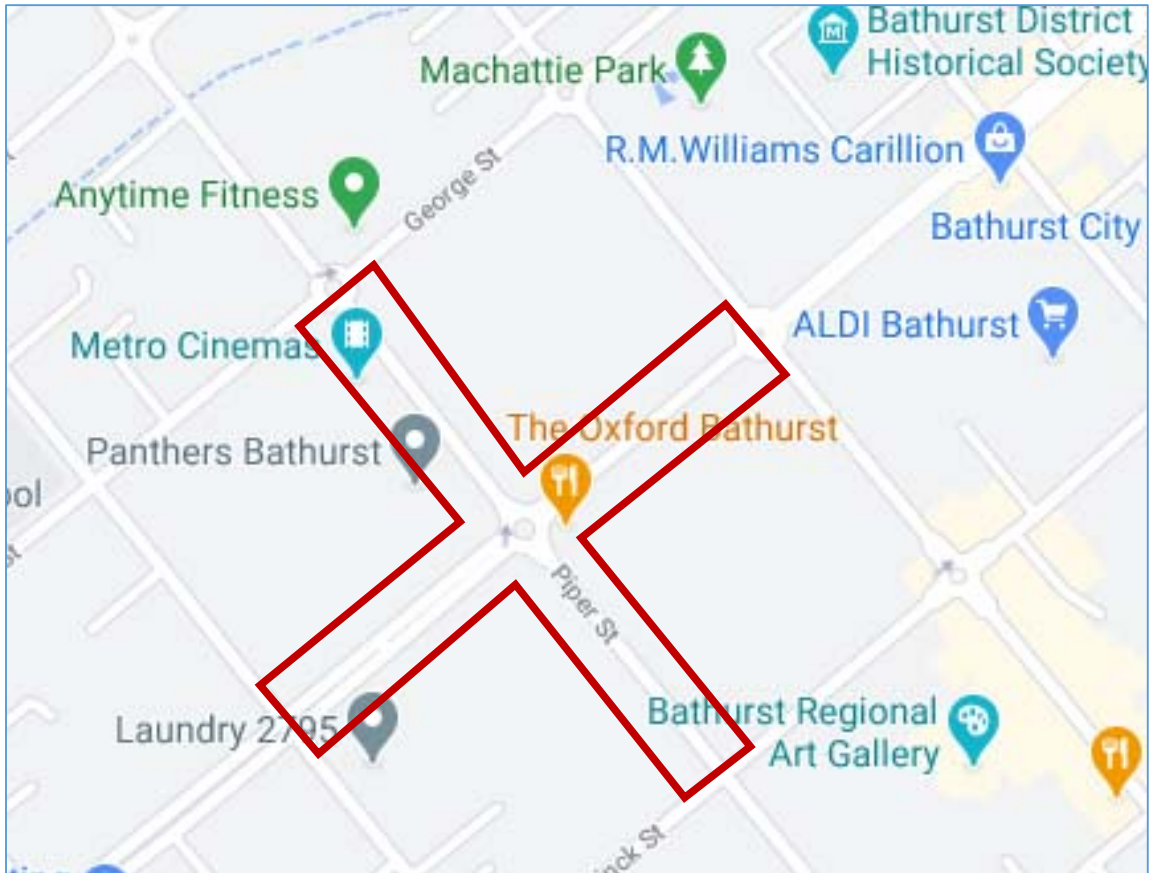
Traffic Solutions Pty Ltd has been advised by Group Architects that the existing bottle shop has an area of 350m². Therefore, the total proposed licensed floor area equals 1895.9m².

Using 1 car space/30m² of licensed floor space the proposal requires a total of 62 car spaces. Therefore, there is a shortfall of 6 car spaces.

To determine the existing carpark and on street car parking demand within close proximity to the subject site, surveys were undertaken at hourly intervals within easy walking distance (approximately 200m) of the Hotel. The surveys have been undertaken by this firm encompassing the advised peak Hotel periods from 5.00pm – 11.00pm on Friday 30th October 2020, 12.00pm – 2.00pm and 5.00pm – 11.00pm on Saturday 31st October 2020 in the area marked on the plan on the following page.

The specific survey area is depicted on the following page:

Survey area



The available on street car parking was surveyed to determine the current use of on street car parking in the vicinity of the subject site (within approximately 200m) during peak operating times. The surveys gathered the following information:

- The number of parking spaces available on both sides of the road surrounding the subject site.
- The number of vehicles parked on street and in the hotel car park at 1 hour intervals.

The existing parking has been calculated in accordance with AS 2890.5:2020 for medium turnover width spaces. It should be noted that the number of car spaces calculated is likely to be greater than actual on street due to no delineation of on street spaces currently.

The results of the car parking surveys within the area depicted area are as follow:

- There are approximately **230 available on street** car parking spaces in the survey area.
- There are approximately **38 available off street** car parking spaces in the Hotel car park.

- The maximum number of cars parked **on street** during the **Friday evening** survey period was **100 at 8.00pm**.
- The maximum number of cars parked in the **Hotel car park** during the **Friday evening** survey period was **21 at 8.00pm**.
- The maximum number of cars parked **on street and within the hotel car park** during the **Saturday midday** survey periods was **69 at 1.00pm and 24 at 1.00pm** respectively.
- The maximum number of cars parked **on street and within the hotel car park** during the **Saturday evening** survey period was **103 at 7.00pm and 25 at 9.00pm** respectively.
- There were **at least 130 on street and 17 hotel parking spaces** available during the Friday evening survey period.
- There were **at least 161 on street and 22 hotel parking spaces** available during the Saturday lunchtime survey period.
- There were **at least 127 on street and 13 hotel parking spaces** available during the Saturday evening survey period.

Consequently, the on-street car parking survey results indicate that ample on street car parking is available in close proximity to the Oxford Hotel and in the off-street Hotel car park. The available on-site and off-site parking is more than sufficient to cover the additional works proposed without any contributions. A copy of the survey data is attached for Councils review.

Given that there are in excess of 100 available on street car parking spaces within 200m of the Oxford Hotel during peak Hotel operation times, monetary contributions for the 6 car space shortfall is unwarranted.

The preceding assessment has revealed the following:

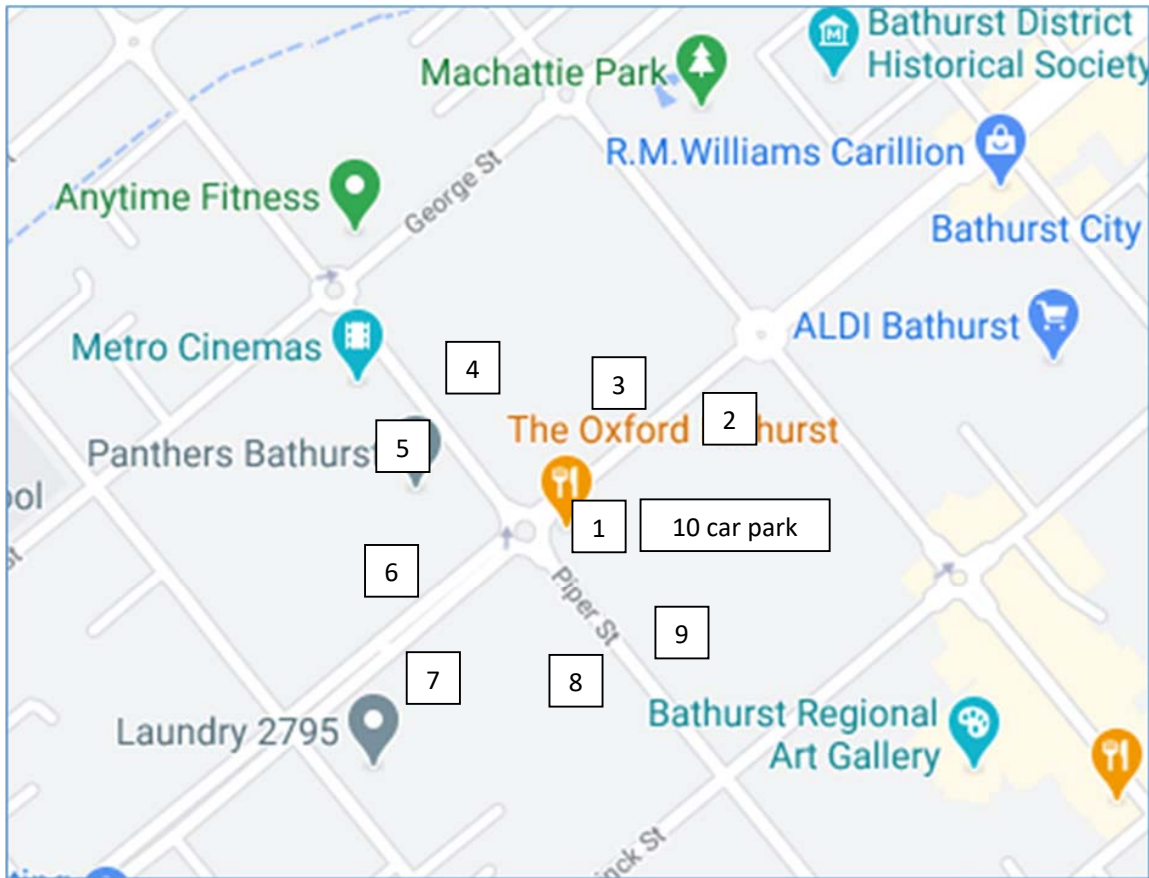
- The car parking required for the proposal, in accordance with Council's DCP is 62 car spaces which the proposal is 6 car spaces short.
- On street parking surveys reveal ample available car spaces within approximately 200m of the Oxford Hotel.

Should you require any additional information or clarification of the contents of this letter please contact me on the numbers provided.

Yours sincerely



Craig Hazell
Director
Survey Areas





Traffic Solutions Pty Ltd

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Weather: Rainy



Client **Lion Majestic**
Job No / Name **20.21.004**
Day/Date **Friday 30th October 2020**

Attachment 6.2.5

TIMES

Area	Location	Restriction	Cap	0500	0600	0700	0800	0900	1000	1100
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3	William St (East/ Side)	unrestricted 45 degree angle parking	30	16	8	6	9	8	2	1
4	Piper St (North/Side)	unrestricted 45 degree angle parking	38	21	17	24	31	26	10	8
5	Piper St (South/Side)	unrestricted 45 degree angle parking	31	3	8	20	26	21	3	2
6	William St (West / Side)	unrestricted parralel parking	24	3	6	5	5	4	4	4
7	William St (East / Side)	unrestricted parralel parking	29	7	8	4	3	3	3	3
8	Piper St (South/Side)	unrestricted parralel parking	29	8	5	8	9	9	6	5
9	Piper St (North/Side)	unrestricted parralel parking	23	10	9	8	6	6	5	5
Total of Vehicles			230	78	68	84	100	86	35	30
Number of Vacant spaces				152	162	146	130	144	195	200
% of Capacity Used				33.9%	29.6%	36.5%	43.5%	37.4%	15.2%	13.0%



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Client **Lion Majestic**
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Total of Vehicles			38	16	25	17	21	16	15	14
Number of Vacant spaces				22	13	21	17	22	23	24
% of Capacity Used				42.1%	65.8%	44.7%	55.3%	42.1%	39.5%	36.8%



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Weather: Rainy



Client **Lion Majestic**
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9	Piper St (North/Side)	unrestricted parralel parking	23	5	6	7
Total of Vehicles			230	63	69	68
Number of Vacant spaces				167	161	162
% of Capacity Used				27.4%	30.0%	29.6%



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4	Piper St (North/Side)	unrestricted 45 degree angle parking	38	10	12	21	20	14	11	8
5	Piper St (South/Side)	unrestricted 45 degree angle parking	31	18	21	22	20	12	1	1
6	William St (West / Side)	unrestricted parralel parking	24	5	8	7	5	5	7	4
7	William St (East / Side)	unrestricted parralel parking	29	2	2	3	3	4	3	3
8	Piper St (South/Side)	unrestricted parralel parking	29	10	10	10	9	7	7	5
9	Piper St (North/Side)	unrestricted parralel parking	23	6	6	11	11	12	9	9
Total of Vehicles			230	64	73	103	96	75	47	34
Number of Vacant spaces				166	157	127	134	155	183	196
% of Capacity Used				27.8%	31.7%	44.8%	41.7%	32.6%	20.4%	14.8%



Traffic Solutions Pty Ltd

Mob.0417 262 057

Weather: Rainy



Client **Lion Majestic**

Job No / Name **20.21.004**

Day/Date **Saturday 31st October 2020**

TIMES

Area	Location	Restriction	Cap	0500	0600	0700	0800	0900	1000	1100
10	Hotel Car park	unrestricted angle parking	38	21	22	22	23	25	24	22
Total of Vehicles			38	21	22	22	23	25	24	22
Number of Vacant spaces				17	16	16	15	13	14	16
% of Capacity Used				55.3%	57.9%	57.9%	60.5%	65.8%	63.2%	57.9%



TRAFFIC SOLUTIONS PTY LTD

Reference No: 20.21.004
25 November 2020

The General Manager
Bathurst Regional Council
PMB 17
Bathurst NSW 2795

Attention: Mr Richard Denyer

Dear Sir,

Supplementary Parking Impact Assessment - Proposed alterations and additions, The Oxford Hotel, 170 William Street, Bathurst. DA No. 2020/95

Traffic Solutions Pty Ltd has been requested by Group Architects Pty Ltd to provide a response to the issues raised in Council's letter dated 18th November 2020.

This submission addresses the issues raised in Council's letter, namely:

In light of this Council suggests that the following be addressed in the report:

1. There is no reference in the report to the current required number of spaces (62) nor the actual number of spaces.
2. The requirement for parking is outlined in 14.5 of the Development Control Plan (DCP) should form the basis for this discussion.

Notably this indicates:

- a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land under off street car parking is provided in accordance with the section
- b) With respect to extensions or alterations to existing building, the off street parking requirement will be calculated on the additional or altered floor space provided.

On this basis the starting point should be the parking demand accepted in the 2004 consent with carparking calculated on the additional or altered floor space.

3. The DCP parking rates are based on the licenced floor area. It is not appropriate to exclude areas referred to in the Assessment being bars, kitchens, offices, storage area, stairs and toilets. In this respect the standard differs from the standards considered in 2004.
4. The survey data provided makes no allowance for attendance at the venue. Survey data is likely to be significantly affected given the impact of COVID 19 on attendance at licensed premises.

Issue 1 – The current off street car parking required by the most recent Council approval is 62 car spaces, however, as noted in the parking survey (attached to the previous submission) the current capacity is estimated to be 38 car spaces, due to the temporary storage of shipping containers. The temporary use of the hotel car park for container storage will cease once the approval is issued.

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ABN 63 074 165 263

Issue 2 and 3 – The existing and proposed floor gross floor areas provided on the architectural plans are:

Existing buildings GFA

• Ground floor	823.2m ²
• First floor	607.6m ²
• Bottle shop	431.1m ²
• Total	1861.9m ²

Proposed GFA

• Ground Floor	980.8m ²
• First Floor	676.9m ²
• Bottle shop	431.1m ²
• Proposed total	2088.8m ²

Therefore, the total increase in GFA is 226.5m².

A review of Bathurst Development Control Plan 2014 reveals the following car parking rate for pubs inside the CBD is 1 space for 30m² of Gross Floor Area (GFA).

Using 1 car space/30m² of the following calculations are made:

Existing 1861.9m ² GFA @ 1 space/30m ²	=	62 spaces
Proposed 2088.8m ² GFA @ 1 space/30m ²	=	69.6 spaces

Therefore, the proposal with 56 parking spaces on site is 6 parking spaces short of the existing approval and the proposal to increase the Hotel by 226.5m² will be 14 spaces short of Council's current DCP requirements.

The on-street car parking survey results provided to Council indicate that during the peak patronage times of the Oxford Hotel there are in excess of 100 car parking spaces available on street within 200m of the Hotel. In addition, the surveys revealed that the off-street Hotel car park is underutilised.

Any car parking contributions required by Council are considered to be excessive as any car park provided by Council (utilising the funds collected by Council) is likely to be closer to the main shopping area of the CBD and not in close proximity to the Oxford Hotel.

Issue 4 – The on street parking surveys were undertaken on the weekend of Halloween celebrations. Traffic Solutions P/l has been advised by the Oxford Hotel Management that a comparison of the weekend of the surveys with that of the same time in 2019 revealed that patronage of the Hotel is actually higher than pre COVID-19 times (more persons entering the hotel over the day). Hotel management consider that due to the size of its premises the hotel has become very popular with groups, because of their ability to space people out.

I trust this additional information is sufficient for Council to continue the assessment of the development application. Should you require any additional information or clarification of the contents of this letter please contact me on the numbers provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Hazell'.

Craig Hazell
Director