



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

Ms Mary-Lynne Taylor  
Chairperson  
Sydney West Joint Regional Planning Panel  
c/o The Panel Secretariat  
GPO Box 3415  
Sydney NSW 2001

11/10906

Dear Ms Taylor

I refer to the Crown development application (DA) for the construction of a new 3 storey police station at Riverstone, which was referred to the Minister on 9 February 2011 in accordance with section 89 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

I understand the Sydney West Joint Regional panel (the Regional Panel) deferred the DA on 26 August 2010 seeking further information specifically regarding flooding concerns and the strategic value of locating the police station at that site. Following Council's subsequent assessment of this additional information, on 27 January 2011, the Regional panel resolved to seek the Minister's approval to refuse the DA.

Following a thorough review of information relating to the Crown DA, and additional information requested by the Department of Planning and Infrastructure, including an independent review of flooding impacts, I request that under section 89A(1) of the EP&A Act the Regional Panel approve the DA within 21 days of the date of this letter, subject to the conditions specified in Attachment A. The reasons for this decision are outlined in the Department of Planning and Infrastructure's assessment report, which is included as Attachment B.

Should you have any further enquiries about this matter, I have arranged for Mr Shayne Watson to assist you. Mr Watson can be contacted on either (02) 9228 6302 or [shayne.watson@planning.nsw.gov.au](mailto:shayne.watson@planning.nsw.gov.au).

Yours sincerely



5 JUL 2012

**HON BRAD HAZZARD MP**  
Minister

## **Conditions of Consent**

### **Riverstone Police Station**

#### **1 ADVISORY NOTES**

##### **1.1 Terminology**

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the *Environmental Planning and Assessment Act 1979*.

##### **1.2 Scope of Consent**

1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

##### **1.3 Services**

1.3.1 The applicant is advised to consult with:

(a) Sydney Water Corporation Limited

(b) Integral Energy

(c) Natural Gas Company

(d) The relevant local telecommunications carrier regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.3.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

## **2 GENERAL**

### **2.1 Scope of Consent**

2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

(Drawing No. A0500, Rev P1)  
- Site Plan 11/04/2011

(Drawing No. A0000, Rev P1)  
- Basement Floor Plan 11/04/2011

(Drawing No. A0001, Rev P1)  
- Ground Floor Plan 11/04/2011

(Drawing No. A0002, Rev P1)  
- First Floor Plan 11/04/2011

(Drawing No. A0003, Rev P1)  
- Second Floor Plan 11/04/2011

(Drawing No. DA1101, Rev B)  
- Elevation Plans 16/12/09 1C, 1I

(Drawing No. DA1500 and 1501, Rev B)  
- Landscaping Plan February 2010 1 O

- (Drawing No. 231.09/372, Sheet 1 of 1)  
*\* As amended by any condition of this consent.*

### **2.2 Necessary Plan Amendments**

2.2.1 The following plan amendments shall be included on the detailed design plans prior to any construction:

(a) Site Plan - Drawing No. A0500, Rev P1 dated 11/04/2011

- (i) The Site plan shall be amended to show the retention of Tree No.291 as identified on the Survey Plan, Dwg 4802-DET1, dated 4 December 2009 which is situated to the west of the existing heritage building.
- (ii) The Acoustic Wall situated along the north-east elevation shall include the provision of a climber frame along north-eastern face to aid in screening this wall from the adjoining resident.

(b) Landscaping Plan - Drawing No.231.09/372, dated December 2009

The following two plan amendments are to be incorporated and detailed on an updated Landscaping Plan:

- (i) Climbing plants are to be incorporated into the Landscape Plan to screen the acoustic wall along the north-east elevation facing the adjoining resident. A climber frame is also required to be installed on the acoustic wall to help establish this screening.
- (ii) The Landscape Plan shall be amended to replace a minimum of 2 x Melaleuca linarifolia trees along the Elizabeth Street frontage with Lemon Scented gum trees which is in keeping with the key characteristic tree in the existing streetscape.

### **2.2.2 Design and Works Specification**

2.2.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version)
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (e) Blacktown City Council On Site Detention General Guidelines and Checklist
- (f) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook Third Edition December 1999.

(g) Blacktown City Council Stormwater Quality Control Policy Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council for information and comment prior to commencement of construction.

NOTE: Any variations from these design requirements must be separately approved by Council.

### **2.2.3 Other Fee and Bond/Securities**

2.2.3.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

(a) Vehicular Crossing Application and Inspection Fee: \$119.00 per crossing.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

### **2.2.4 Other Necessary Approvals**

2.2.4.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council, under the provisions of the Local Government Act 1993 and/or the Roads Act 1993, for works (including stormwater drainage works) on or occupation of existing public roads. Works that are not covered by a Roads Act Approval – which may require a Road Opening, Road Occupancy or Work Zone Permit.

## **2.3 Asset Management**

2.3.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

## **2.4 Engineering Matters**

### **2.4.1 Surveys/Certificates/Works As Executed plans**

2.4.1.1 A works-as-executed plan (to a standard suitable for microfilming) under the hand of a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed.

2.4.1.2 Upon completion of the works a certificate from a Registered Surveyor must be obtained and submitted to Council verifying the finished floor levels for the building have been achieved upon completion of the construction of the floor. All levels must be to Australian Height Datum.

2.4.1.3 A certificate from a Chartered Professional Engineer/Registered Surveyor must be obtained and submitted to Council verifying that the on-site detention system as constructed will function hydraulically in accordance with the approved design plans.

2.4.1.4 A certificate from a Registered Engineer (NPER) must be lodged with Council verifying that the structures associated with the on-site detention systems have been constructed to withstand all loads likely to be imposed on them during their lifetime.

2.4.1.5 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Council's Stormwater Quality Control Policy.

2.4.1.6 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub base and base courses).
- (d) Compliance Certificates from road material suppliers.

2.4.1.7 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

### **2.4.2 Easements/Restrictions/Positive Covenants**

2.4.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

2.4.2.2 Restrictions and positive covenants must be provided over the on-site detention storage areas and outlet works.

2.4.2.3 Restrictions and positive covenants must be provided over the Stormwater Quality Control devices and outlet works.



2.4.2.4 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

### **2.4.3 Dedications**

2.4.3.1 Dedication at no cost to Council of 8m x 8m splay corners on allotments at each street intersection.

### **2.5 Aesthetics/Landscaping**

2.5.1 The building shall be finished with the materials and colours identified and detailed on the submitted Elevation Plans (Drawing No.DA1500 and 1501, Rev B) dated 16 December 2009 and held on Council's file JRPP-09-3146 at enclosure 1C and 1I.

2.5.2 The applicant shall implement and maintain landscaping in accordance with the Landscaping Plan prepared by Iscape, dated December 2009 and amended by Condition 2.2.1 of this consent.

2.5.3 Any retaining walls to be constructed on site as part of the development shall be masonry (i.e. no timber walls) where such walls are proposed to be located within a publicly visible area (such as future front building setbacks) or proposed to have a height in excess of 900mm.

### **2.6 Fencing**

2.6.1 All fencing shall be constructed in accordance with the details submitted to Council and shown on the approved Drawing No. A0500, Rev P1 dated 11/04/2011. This includes the provision of a climber frame on the Acoustic Wall situated along the north-east boundary which is to be installed on the north-east face of the wall to assist in screening this wall from the adjoining resident. Council also requires the provision of a new 2.1m lapped and capped hardwood fence along the northern elevation for privacy and to address noise attenuation.

2.6.2 All retaining walls to be constructed along any property boundary shall be of masonry construction (i.e. no timber walls) with all fencing to be located on top of the retaining wall.

2.6.3 All structures along the shared property boundaries shall be appropriately drained to ensure no run-off is directed into neighbouring properties.

### **2.7 Access/Parking**

2.7.1 The internal driveway, parking areas, aisle widths, maneuvering areas, sight distances, ramp grades, van/store dock area are to be designed in accordance with Australian Standard 2890.1-2004. In addition, the following car parking spaces shall be provided within the development: 22 basement level parking spaces; 33 at-grade parking spaces; and 10 secure holding yard parking spaces.

2.7.2 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

2.7.3 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.1.

### **3 PRIOR TO CONSTRUCTION WORK COMMENCING**

#### **3.1 Notification to Council**

3.1.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

#### **3.2 Notice of work Commencement**

3.2.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$10,000,000.

3.2.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

#### **3.3 Services/Utilities**

3.3.1 The following documentary evidence shall be submitted to Council prior to any construction commencing:

(a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au), then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted prior to construction commencing. The Section 73 Certificate must be submitted prior to any occupation of the development.

(b) A Notification of Arrangement" Certificate from Integral Energy, stating that electrical services, including the provision of street lighting, have been made available to the development.

(c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

### **3.4 Heritage**

3.4.1 Prior to the commencement of any works on site, the applicant must:

- (a) Compile a photographic study to record the current state of the site; and
- (b) Commission a Conservation Management Plan for the Riverstone police lock-up and associated yard, outbuilding and exercise yard enclosure for any future works and to ensure on-going maintenance of buildings and site. A copy of the Plan shall be submitted to Council prior to any construction works commencing.

### **3.5 Building Code of Australia Compliance**

3.5.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

### **3.6 Site Works and Drainage**

3.6.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

3.6.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

### **3.7 Safety/Health/Amenity**

3.7.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.



3.7.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

(a) the name, address and telephone number of the principal certifying authority for the work, and

(b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

(i) building work carried out inside an existing building, or

(ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

3.7.3 Should the development work:

(a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

3.7.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

3.7.5 All soil erosion and sedimentation control measures shall be installed prior to the commencement of development works.

3.7.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

3.7.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

(a) shall be preserved and protected from damage, and

(b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and

(c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

### **3.8 Road-works**

3.8.1 Road pavements for the 4 vehicle parking lanes within Elizabeth Street are to be designed by a Professional Civil Engineer in accordance with the current version of Council's Engineering Guide for Developments and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loadings listed in "Scope of Engineering Works" of this consent. The pavement designs must be lodged with Council for approval prior to commencement of construction works.

3.8.2 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

3.8.3 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RTA) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.

3.8.4 The design of the 4 vehicle parking lanes within Elizabeth Street required by Scope of Engineering Works of this consent is to be included in any engineering plans.

### **3.9 Erosion and Sediment Control**

3.9.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Engineering plans.

### **3.10 Drainage**

3.10.1 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

3.10.2 Stormwater drainage concept plans must be prepared to address both stormwater runoff and sediment control from the site. Stormwater infrastructures shall be design for the 1 in 20 year ARI storm event. On-site Stormwater Detention system is required to be provided and designed in accordance with the current version of Council's Engineering Guide for Developments. Details are to be included with the plans and specifications accompanying any Engineering plans.

### **3.11 On-Site Detention**

3.11.1 A certificate from a Registered Engineer (NPER) to be submitted to Council certifying that the structures associated with the on-site detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.

3.11.2 A certificate from a Professional Civil Engineer/Registered Surveyor must be obtained verifying that the On Site Detention system will function hydraulically in accordance with the requirements of Upper Parramatta River Catchment Trust and Council's current development guide.

3.11.3 Any Engineering Plans issued for or including an On-site Stormwater Detention (OSD) System must be accompanied by;

(a) A Drainage Design Summary Sheet per Appendix B1 of the Upper Parramatta River Catchment Trust Handbook, current version.

(b) Full drainage calculations and details for all weirs overland flow-paths and diversion/catch drains - including catchment plans and areas, times of concentration and estimated peak run-off volumes.

(c) A completed OSD Detailed Design Submission and Checklist per Appendix B9 of the above-mentioned Handbook.

(d) A complete address of Council's OSD General Guidelines and Checklist requirements.

(e) A Maintenance Schedule is to be presented with the designer's name, his signature and date on it in accordance with the Upper Parramatta River Catchment Trust handbook guideline. (If an underground tank is involved this must include reference to WorkCover Authority of NSW Occupational Health & Safety Act 1983 and Confined Spaces Regulation.)

### **3.12 Stormwater Quality Control**

3.12.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Council's Stormwater Quality Control Policy. Details are to be included with the plans and specifications accompanying any Engineering Plans.

### **3.13 Flood Protection**

3.13.1 The floor level of ground floor habitable rooms shall be above the following nominated Australian Height Datum (AHD), with a minimum of 500mm freeboard above the 1% A.E.P. flood.

Nominated AHD 17.3m.

3.13.2 A certificate is to be obtained from a Registered Engineer (NPER) certifying that the building has been designed to withstand the forces of floodwaters and the impact of any flotsam likely to be carried by such floodwaters.

3.13.3 The applicant must prepare and submit to Council a Revised Flood Emergency Response Plan, clearly identifying the staging and contingencies that will be implemented in a flooding event. The Plan must demonstrate that consultation with the Council and State Emergency Services has occurred and detail the response to any issues raised, where appropriate.

### **3.14 Ancillary Works**

3.14.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

(a) The relocation of underground services where required by the positioning of new drainage and road infrastructure.

(b) The relocation of above ground power and telephone services.

(c) The matching of new infrastructure into existing or future designed infrastructure.

### **3.15 Tree Protection**

3.15.1 Tree No.291 as identified on Survey Plan, Dwg 4802-DET1, dated 4 December 2009 shall be effectively protected against damage and retained on site.

### **3.16 RailCorp Conditions**

3.16.1 Prior to any construction commencing, RailCorp requires the following:

(a) The applicant shall engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

(b) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

### **3.17 Acoustic Measures**

3.17.1 In accordance with the Noise Impact Assessment submitted to Council, dated 16 December 2009 prepared by Acoustic Studio (GWA.0002.Rep.091216.doc), the following acoustic measures are required to be incorporated into the detailed design plans to address noise attenuation:

(a) Acoustic screening is to be provided between each item of roof-mounted plant and each property boundary. In order to achieve the screening required to achieve the noise limits, the screen will need to extend at least 300mm above the top of the tallest plant equipment, and as-required each side of the plant to break the direct line of sight between the plant and the affected property boundaries (property boundary line projected vertically to roof level). The screens should be constructed from timber or fibre cement sheet, providing a barrier that is continuous with no gaps. A sound-absorptive lining shall be provided on the plant-side of each screen. The materials, weight and final extent of screens are to be determined by an appropriately qualified acoustic consultant and included within the detailed designs prior to construction. Written evidence is to be provided to Council from an appropriately qualified acoustic consultant which states that the proposed measures will adequately achieve the required noise attenuation.

(b) In-duct attenuators are to be incorporated between the car park supply and exhaust fans and the associated roof outlet / inlet.

## **4 DURING CONSTRUCTION (BUILDING)**

### **4.1 Safety/Health/Amenity**

4.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

4.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

(a) the name, address and telephone number of the principal certifying authority for the work, and

(b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

4.1.3 Should the development work:

(a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(b) involves the enclosure of a public place,  
the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

4.1.4 Soil erosion and sediment control measures (including the connection of roof water downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

4.1.5 All measures to control soil erosion and sedimentation shall be maintained throughout development works.

4.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

4.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

4.1.8 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.



## **4.2 Building Code of Australia Compliance**

4.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

## **4.3 Surveys**

4.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

## **4.4 Nuisance Control**

4.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

4.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

## **4.5 Waste Control**

4.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

## **4.6 Construction Inspections**

4.6.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and
- (d) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (f) Prior to covering any stormwater drainage connections; and
- (g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(g)" must be carried out by the Principal Certifying Authority. Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works. Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

#### **4.7 Other Matters**

4.7.1 The required sight lines to pedestrians or other vehicles in or around the car park or entrances are not to be compromised by landscaping, signage or fencing.

4.7.2 The required driveways and car parking spaces are to be line marked, sealed with a hard standing all-weather material and maintained to a satisfactory useable standard.

4.7.3 All landscaping shall be completed in accordance with the approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

4.7.4 Access and parking for people with disability shall be provided in accordance with Australian Standard 2890.1.

### **5 DURING CONSTRUCTION (ENGINEERING)**

#### **5.1 Service Authority Approvals**

5.1.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

#### **5.2 Maintenance of Soil Erosion Measures**

5.2.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.

5.2.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.

5.2.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

5.2.4 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control windblown dust from the site.

5.2.5 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

5.2.6 Trucks transporting material to and from the site must have their loads covered.

5.2.7 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.

### **5.3 Inspections of Works**

5.3.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Engineering Plans for engineering works at the completion of the following mandatory inspection stages: -

- (a) Soil Erosion and Sediment Control
  - (i) Implementation of erosion and sediment control
  - (ii) Revegetation of disturbed areas
  - (iii) Internal sediment
  - (iv) Final Inspection
- b) Construction of Drainage works
  - (i) Pipes before backfilling including trench excavation and bedding
  - (ii) Sand Backfilling
  - (iii) Final pipe inspection
  - (iv) Pit bases
  - (v) Pit Walls
  - (vi) Concrete pit tops
  - (vii) Connection to existing system
  - (viii) Final Inspection
- (c) Construction of Road Pavement
  - (i) Boxing out
  - (ii) Sub-grade roller test
  - (iii) Subsoil drainage
  - (iv) Sandstone roller test layer 1
  - (v) Sandstone roller test layer 2
  - (vi) Kerb pre-laying
  - (vii) Kerb during laying including provision of roof-water outlets
  - (viii) Sandstone depth
  - (ix) Pavement profiles
  - (x) DGB depths and roller tests
  - (xi) Wearing Course
  - (xii) Kerb final
  - (xiii) Concrete tests
  - (xiv) Formwork concrete pavements
  - (xv) Final inspection
- (d) Footpath Works
  - (i) Footpath Trimming and/or turfing (to ensure 4% fall)
  - (ii) Path-paving construction
  - (iii) Service Adjustments
  - (iv) Final Inspection
- (e) Construction of on-site detention system
  - (i) Steel and Formwork for tank/ HED control pit
  - (ii) Completion of HED control pit
  - (iii) Pit formwork
  - (iv) Pipes upstream/ downstream of HED control pit before backfilling
  - (v) Completion of OSD system

- (f) Stormwater Quality Control
  - (i) Installation of Stormwater Quality Control devices
  - (ii) Final Inspection
- (g) Traffic Control
  - (i) Implementation of traffic control
  - (ii) Maintenance of traffic control during works
  - (iii) Removal of traffic control
- (h) Final overall Inspections
  - (i) Preliminary overall final inspection
  - (ii) Overall final inspection

#### **5.4 Public Safety**

5.4.1 The applicant is advised that all works undertaken in a public place are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

#### **5.5 Site Security**

5.5.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

#### **5.6 Traffic Control Plan**

5.6.1 Where amendments to the approved Traffic Control Plan are required, a new plan shall be prepared and approved prior to implementation. Such plans shall be prepared in strict compliance with the requirements of the current version of Australian Standard 1742.3 (Traffic Control Device for works on Roads) as well as the current version of the RTA Traffic Control at Work Site manual. Any person preparing such Traffic Control plans shall have the relevant RTA accreditation, which must be stated on the submitted plans.

#### **5.7 Scope of Engineering Works**

5.7.1 The following scope of works shall be included in the design documentation accompanying the Engineering Plans for engineering works:

##### **5.7.2 Road and Drainage works**

5.7.2.1 Redundant gutter and/or footway crossing(s) must be replaced with integral kerb and gutter. The footway area must be restored by turfing.

5.7.2.2 Overland flows up to the 1% A.E.P. (100 year Average Recurrence Interval) event must be intercepted at the boundary of the site and conveyed through the site in a piped or channelled discharge system and discharged in a satisfactory manner.

5.7.2.3 Drainage from the site must be connected into Council's existing drainage system.

5.7.2.4 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

### **5.7.3 On Site Stormwater Detention System**

#### **5.7.3.1 On Site Detention**

(a) On-site detention of stormwater runoff from the site must be provided to achieve the following nominated permissible site discharge and site storage capacity for the following percentages of site area draining to the system. (Absolute minimum site draining area is 80%)

Nominated Discharge PSD: 147l/s/ha for 100%; 101l/s/ha for 90%; 56l/s/ha for 80%.

Nominated Storage SSR: 264cu.m/ha for 100%; 301cu.m/ha for 90%; 473cu.m/ha for 80%.

Intermediate values can be interpolated linearly for PSD and a fair curve through the 3 values for SSR. Council electronic OSD calculation spreadsheet is available for calculating the above parameters. This electronic spreadsheet can be obtained upon request from Council Development Services Unit.

(b) On-Site Stormwater Detention for the proposed development shall be designed in accordance with the current version of Council's Engineering Guide for Developments and Council's On-site Stormwater Detention Policy. Details are to be included with the plans and specifications accompanying any Engineering Plans.

(c) Professional accreditation of OSD designers and certifiers must be in accordance with the requirements of Council's Policy.

(d) Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer prior to the commencement of works.

### **5.7.4 Stormwater Quality Control**

5.7.4.1 Stormwater Treatment Measures are required for this development. These measures must be designed, implemented and constructed in accordance with Council's Stormwater Quality Control Policy.

5.7.4.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Council's Stormwater Quality Control Policy. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

### **5.7.5 Vehicular Crossings**

5.7.5.1 Construction of Council's standard commercial and industrial vehicular footway crossing(s), with the following nominated width(s) at the property boundary in accordance with Council plan A(BS)103S.

Nominated Widths: 4m and 6.2m at Railway Terrace.

6m and 7.4m at Elizabeth Street.

NOTE: All vehicular crossing must be located a minimum of 1m from Integral/Telstra poles, electrical boxes and 2m from stormwater drainage pits.



### **5.7.6 Footpaths**

5.7.6.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

5.7.6.2 The construction of path paving is to be provided to the following nominated street(s)/road(s):

Name: Elizabeth St

Side: Northern

Paving Width: 1.2m

Length: 90m

### **5.7.7 Finished Boundary Levels**

5.7.7.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb.

### **5.8 During Construction (Environmental Health)**

5.8.1 The wash bay is to be bunded/graded to direct water/waste to a collection pit which then discharges to the Sydney Water Sewer system, in accordance with the requirements of Sydney Water.

## **6 OPERATIONAL (PLANNING)**

### **6.1 Flood Emergency Response Plan**

6.1.1 The applicant shall prepare and submit to Council a Flood Emergency Response Plan, clearly identifying the staging and contingencies that will be implemented in a flooding event prior to any occupation of the building.

The plan must address issues associated with management of persons in custody during a flood event, and the resources available to implement the flood emergency response plan during an emergency.

The Plan must also demonstrate that consultation with the Council and State Emergency Services has occurred.

### **6.2 Access/Parking**

6.2.1 All required off-street car parking spaces and driveway shall be maintained to a standard suitable for the intended purpose.

6.2.2 All vehicles are to enter and exit the site in a forwards direction.

### **6.3 General**

6.3.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

6.3.2 The proposed external lighting is to be managed by time sequence clocks, while lighting to the holding yard area and at-grade parking areas shall be reduced at night to ensure the amenity of adjoining properties is suitably protected. Additionally, the proposed external pole mounted light within the north-eastern corner shall be fitted at all times with 'baffles' and 'deflectors' so as to reduce the impact of glare and focus lighting towards the ground.

6.3.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

## **6.4 Landscaping**

6.4.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

## **6.5 Use of Premises**

6.5.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

## **6.6 Surveillance Cameras**

6.6.1 The surveillance cameras are to be reinstated in a fixed (motionless) position to view activities within the holding yard and at-grade car parking areas within the subject site only.

## **6.7 Operational (Environmental Health)**

6.7.1 All vehicle washing, engine degreasing and steam cleaning shall be conducted in a dedicated vehicle wash bay connected to the sewer.

6.7.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

6.7.3 A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system.

6.7.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

6.7.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

6.7.6 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

6.7.7 Vehicles and equipment shall only be washed/hosed down within a wash bay that drains to the sewer system in accordance with Sydney Water requirements.

## **Assessment Report and Recommendation**

### **1. PROPOSED DEVELOPMENT**

The applicant seeks development consent for the retention and restoration of the existing Riverstone Police Station and construction of a new 3 storey police station, basement car park, at-grade car park and holding yard, and associated landscaping. The development application (DA) is Crown development with a CIV of \$10M, and is therefore regional development.

### **2. BACKGROUND**

The DA was lodged with council on 17 December 2009. Council assessed the DA and recommended that it should be refused primarily due to concerns about flooding, the operational capacity of the facility during a flood event and lack of justification for its strategic location.

### **3. REFERRAL TO THE REGIONAL PANEL**

The DA was referred to the Sydney West Joint Regional Planning Panel (regional panel) for determination on 26 August 2010. The regional panel initially deferred its determination, and requested the applicant to provide additional information, specifically about flooding concerns, operation during a flood event and the strategic value of locating the police station at the site.

The applicant provided this information in November 2010, including further information on flooding issues, a Flooding Emergency Response Plan and further strategic justification for the selection of the site. Council assessed the additional information, and maintained its recommendation that the DA should be refused.

### **4. REFERRAL TO THE MINISTER**

On 27 January 2011, the regional panel considered the additional information along with council's supplementary assessment report, and resolved to refer the application to the Minister for approval to refuse the DA under section 89(1)(a) of the EP&A Act. The key reasons the regional panel recommended refusal were:

- the proposal is inconsistent with the floodplain development principles
- the site is unsuitable for development because it is located within the High Flood Risk precinct, which will result in significant damage to life and property
- the location poses real concerns and potential problems in the case of a flooding emergency
- the location is not the most appropriate location for the facility
- the intensification of the use on this site would have a significant adverse environmental impact on the amenity of the existing residents in the area, and
- the approval would not be in the public interest.

The department convened a meeting with the applicant and their consultants on 5 April 2011 to discuss the above issues. The department requested a range of additional information in response to the concerns raised by council and the regional panel, including:

- revised plans showing the amended basement layout
- business case and value management documentation which investigated site options, demonstrating Riverstone as most preferred, and
- a Flood Emergency Response Plan (Response Plan) revised in accordance with State Emergency Services (SES) feedback on the earlier Response Plan.

The additional information was provided by the applicant on 5 May 2011.

In light of the additional information, the department requested draft conditions from council. Council provided its conditions on 22 June 2011, however maintained its opposition to the development.

## **5. INDEPENDENT REVIEW OF FLOODING**

The department commissioned WMA Water to undertake an independent review of the proposed development at the subject site, considering the following issues:

- methodology and modelling applied for flood assessment
- the appropriate flood planning level (FPL)
- the flood risk classification for the site, and
- the expected warning periods and evacuation, including the Police's flood emergency response plan.

The independent review concluded that:

- The flood data used in the studies was appropriate for the task and the modelling was adequate.
- The location is not desirable from a floodplain management perspective, however the risks must be balanced against the police operational advantages of having a police station within the local community.
- The decision maker should consider the operational value of having the police station at this particular location against the risks of potential flood inundation. The report advised that the acceptance of risk should be a matter for the NSW Police Force.
- Given the backwater nature of flooding within Eastern Creek, and the potential depth of a 100 year ARI flood of 1.8m, the area should be classified as 'high-hazard flood storage'.
- A more-detailed flood evacuation plan should be provided with specific focus on prisoner evacuation and which acknowledges and addresses the significant strain placed on police resources during a flood event.

The department discussed the conclusions of the independent review with the NSW Police, and the request for a more detailed flood evacuation plan can be included as a condition of consent. The conclusions of the independent review are discussed further below, in response to the specific concerns raised by the regional panel and council.

## **6. DEPARTMENT'S REVIEW**

The following assessment considers council's assessment report and the reasons for the regional panel's recommendation that the DA should be refused.

### **6.1 Inconsistency with the floodplain development principles**

Council and the regional panel consider the proposal is inconsistent with the NSW Government policy on floodplain management and development, the *"Floodplain Development Manual – the Management of Flood Liable Land"* (the Manual).

Historical practice in NSW has generally seen the adoption of a single flood planning level (FPL) for development control. The FPL is a combination of flood levels derived from significant historical flood events, based on a detailed understanding of flood behaviour across the full range of flood types, their likelihood of occurrence and the associated consequences in terms of danger to personal safety and social, economic, environmental and cultural issues. The FPL for the subject site is based on the 1 in 100 Average Recurrence Interval (ARI) also known as a 1% Annual Exceedance Probability (AEP), which is set at RL of 17.3m. The proposed development provides a 500 mm freeboard above the FPL, and is therefore designed in accordance with the requirements of the Manual for the FPL.

However, the Manual also provides that the Probable Maximum Flood (PMF) should be considered when siting and developing emergency response facilities such as police stations, hospitals, SES headquarters, and critical infrastructure." The PMF is described in the 'Floodplain Management in Australia – Best practice Principles and Guidelines 2000' published by CSIRO, and the Hawkesbury Nepean Flood Emergency Sub Plan 2006 as being an extremely rare event occurring once every 10,000 to 10,000,000 years. The PMF for the site is RL 26.4 m, which is 8.6m above the proposed finished floor level for the development (being RL 17.8m). Although council's assessment report states it would be preferable to locate the

development above the PMF, the Manual notes that it not generally feasible nor socially, environmentally desirable to safeguard development against the PMF.

Although the department notes that council's assessment report states it would be better to locate the development at a site above the PMF, the department found no sound planning justification to impose the PMF for this development or to use this level as a reason for refusal of the proposed development as it would be far too restrictive for a development of this type.

**Table 1.**

| <b>Flood Probability</b>   |  | <b>Flood level for the site</b> | <b>Flood level relative to the proposed ground floor</b> |
|--|--|---------------------------------|--|
| <b>AEP %</b><br>The chance of the flood occurring in any one year. | <b>ARI</b><br>The number of years between the occurrence of the flood event. |                                 |  |
| 2.0%   | 1 in 50 yrs  | 15.7                            | 2.1m below floor level                                   |
| <b>1.0%</b>  | <b>1 in 100 yrs</b>  | <b>17.3*</b>                    | <b>0.5 m below floor level</b>                           |
| 0.4%   | 1 in 250 yrs   | 19.3**                          | 1.5 m above floor level                                  |
| 0.001%   | 1 in 10,000 to 10,000,000 yrs  | 26.4***                         | 8.6m above floor level                                   |

\* Site FPL (Flood Planning Level)

\*\* Highest recorded flood in 1867

\*\*\* **PMF (Probable Maximum Flood)**

## **6.2 The site is unsuitable for development because it is located within the High Flood Risk precinct, which will result in significant damage to life and property.**

The applicant has provided a flood emergency response plan, which has been prepared in consultation with the SES. Council's assessment report notes the revised response plan addresses many of the SES concerns about warning periods and evacuation of the site, however maintains its view that it would be preferable to locate the police station above the PMF.

The revised flood emergency response plan describes the following scenarios:

- The Bureau of Meteorology would issue flood warnings 1 to 3 days before a flood is expected, or in extreme circumstances, within a 24 hour period.
- The SES issues Preliminary Flood Warnings, followed by flood bulletins to emergency management services (including NSW Police and to the general public), or in extreme circumstances, Evacuation Warnings, and
- further to the above, the Response Plan proposes to implement two flood alarm systems and a staged evacuation of the site, should an evacuation be required.

The regional panel correctly notes that floods slightly greater than the 1% AEP will cause inundation above the floor level, however as mentioned in 5.1 above, the proposal satisfactorily meets the requirements of the FPL for the site.

The potential flood waters affecting the site are known as backwater, which are waters that travel up stream from another catchment and are slower flood waters compared to other types of floods. The independent review of the flooding studies recommended that the subject site be classified as High-Hazard Flood Storage. Structural engineering reports confirm the proposed



building, which will be constructed with reinforced concrete and steel, will not suffer structural damage in most flooding situations, particularly backwater.

The independent review of the flooding assessment advised that the subject site should be classified as 'high-hazard flood storage', due to the depth and backwater nature of inundation. The department is satisfied that conditioning for a more detailed flood response plan that identifies specific procedure for prisoner evacuation and management of staff resources would satisfactorily address these concerns.

### **6.3 Concerns during a flooding emergency**

Council and the regional panel raised concerns about the possible impacts on the operation of the facility during a flood emergency, and the potential limitation on the police's capacity to assist the SES in the case of a flooding emergency.

Council's disaster management plan identifies that in the case of a flooding emergency the SES would be the main combat agency and would be assisted in various tasks by the police. Council is concerned that the flooding risk to the facility threatens the ability of the police to provide assistance and to respond effectively in a flooding emergency.

However, the applicant has responded that the NSW Police Force's emergency response would be co-ordinated from an emergency operations centre, which is generally not located in local command police stations. If required, emergency functions may be exercised from *any* police station or mobile command vehicle under direction from the emergency operations centre. The applicant maintains that their emergency response will not be restricted by flooding on the site. The provisions of the emergency response plan will allow staff and critical equipment to be evacuated in advance and re-assigned to other stations, or mobile command vehicles to be engaged as part of the planned co-ordinated response to any flooding emergency.

On this basis, the department is satisfied that the operation of NSW Police and their capacity to assist SES in case of a flooding emergency will not be significantly restricted by a flooding emergency at this site.

As discussed above, the department is satisfied that a more detailed emergency response plan identifying appropriate evacuation measures, included as a condition of consent, would adequately address these concerns.

A more-detailed flood evacuation plan should be provided with specific focus on prisoner evacuation and which acknowledges and addresses the significant strain placed on police resources during a flood event.

### **6.4 The location is not the most appropriate location for the facility**

The regional panel is concerned that when the location of future growth areas is taken into consideration, the Riverstone Location would not appear to be the most appropriate strategic location for such a facility.

The site is located within the North West Growth Centre, which is expected to contain about 70,000 new dwellings for 200,000 people. The precinct will require adequate police facilities to service the growing area. The department considers that the NSW Police has provided adequate justification for the location of the facility, including a business case and value management documentation, and has demonstrated that an appropriate site selection analysis has been undertaken.

While the suitability of the site is a key planning consideration, the department agrees with NSW Police that the question of the 'most appropriate location' is a matter for NSW Police to determine in accordance with their operational requirements and obligations to allocate Police

resources. The department is satisfied that the site is appropriately zoned for the use of a police station, and is suitable for the proposal.

## **6.5 Amenity impacts**

The regional panel is concerned that the intensification of the site would have a significant adverse impact on the amenity of the existing residents in the area.

In response to the exhibition of the DA, council received two submissions and two further submissions after the initial exhibition period, one of which attached a petition with approximately 59 signatures in opposition to the proposal. In part, the submissions raise concerns about adverse impact on the neighbourhood amenity. Council provided a thorough consideration of these issues, including car-parking, traffic, noise impacts, surveillance and light pollution.

The department notes that council's assessment report concluded that the development would not have an adverse impact on the amenity of the surrounding neighbourhood, provided that appropriate conditions of consent were imposed and management measures were implemented.

The department has also reviewed these matters and agrees that the implementation of appropriate conditions will ensure that the construction and operation of the facility will not cause an unacceptable adverse impact on the existing residents in the local area.

## **6.6 The approval would not be in the public interest.**

The regional panel is concerned that as the proposed police station would be significantly impacted in a flood emergency, it is not in the public interest to develop it at this site.

The department acknowledges that the site presents potential difficulties during a flood event, compared with a site that is not flood prone. However, the applicant has provided adequate justification for the selection of the site and has demonstrated that adequate measures will be implemented to ensure the development is evacuated during a flood event.

The department is satisfied that the proposal is in the public interest, will provide a public benefit by providing an important essential service and will be appropriately managed to minimise its operational impact on the local community and an appropriate response in the event of a flooding emergency. As discussed above, the department considers it is appropriate for NSW Police to determine its operational requirements and obligations to allocate its resources.

## **7 CONDITIONS OF CONSENT**

The applicant reviewed council's draft conditions, and has agreed to all conditions with the exception of those identified in Table 2. The department has reviewed the draft conditions, and the applicant's response to the disputed conditions.

**Table 2 – Response to conditions**

| <b>Applicant's response to draft conditions</b>  | <b>Department's comment/ action</b>   |
|--|---|
| <b>Condition 2.2.1(b)(iii)</b> - The provision of a 1m landscaping buffer along the north-west property boundary.<br><br>This condition should be deleted as it will affect the design and operation of the station. | Department agrees with the applicant as the proposed condition will unnecessarily impact on the area of the site used for parking and vehicle manoeuvring, with no significant amenity benefits.          |
| <b>Condition 2.4.2.1</b> - Easements/Restrictions/Positive Covenants<br><br>The requested restrictions and positive covenants  | Department agrees with Council, and the condition should remain. This is a general condition advising the applicant that any Easements, Restriction and Positive Covenants required to be created must be |

|  |  |
|--|--|
| <p>are unreasonable and unnecessary. The purpose of the restrictions and positive covenants is to ensure compliance with the conditions of consent in relation to the construction, certification and maintenance of the on-site storm water detention system. The conditions themselves have this effect and are able to be enforced via planning law. This additional property related measure, does nothing more that ensure compliance.</p>                          | <p>in accordance with council's standard requirements for terms of easements and Restriction, which is available in Council's current Engineering Guide for Development.</p> <p>The requirements to create Easements, Restriction and Positive Covenants are for the on site detention system and stormwater management.</p> <p>The condition is required to protect the installed on site detention system and stormwater management devices from any future development within the site that may prevent the system or device from operating in a safe and efficient manner, and to ensure they are maintained in accordance with the Maintenance Schedule to ensure that system/device can function as they should.</p> |
| <p><b>Condition 2.4.3.1</b> - Dedication of 8m x 8m splay corners</p> <p>Is not accepted on the basis that this area is identified for the location of the NSWPF main police signage along Railway Terrace and relocation of this signage would impact the visibility of the Police Station.</p>   | <p>The department agrees with Council, who have explained that the splay corner is required to improve the sight distance for traffic around the intersection. This is a Council requirement for all development on corner lots.</p> <p>The department also agrees with Council that proposed location of the police sign can be relocated without impacting on the visibility of the Police Station.</p>  |
| <p><b>Condition 3.7.6</b> - Minimise ground disturbance and transport of soil.</p> <p>This condition repeats the condition at 4.1.6, which applies during construction. This condition, in the design part of the conditions, should be deleted.</p>   | <p>Department agrees with applicant, the condition has been repeated and has been deleted.</p>   |
| <p><b>Condition 3.16.1(b)</b> - A Risk Assessment / Management Plan and detailed Safe Work Method Statements shall be submitted to RailCorp for review and comment.</p> <p>Not applicable, therefore, not acceptable.</p>  | <p>Department agrees with applicant. The DA was referred to RailCorp on 15 January 2010 (given the subject site's proximity to the existing rail corridor adjacent to Railway Terrace). No objections to the proposal were raised by the Authority subject to the imposition of appropriate conditions of consent, and there is no need for RailCorp to review a second time.</p>  |
| <p><b>Condition 3.18.1</b> - A site-specific Management Plan for the Police Station shall be submitted to address all site operations.</p> <p>Not acceptable . The operation of the police station cannot be outlined in a Management Plan. This request is unreasonable in the circumstances.</p>   | <p>Department agrees with applicant. The condition is not relevant for this DA and has been deleted.</p>   |
| <p><b>Condition 3.19.1</b> - Section 94 Contributions</p> <p>This condition should be removed. This development, being a police station, is itself a material public benefit such that it would be wholly unreasonable and contrary to public policy to impose a s94 contribution as a condition of consent. This draft condition would arguably fail the Newbury test for a lawful condition on the basis that no reasonable Council would impose such a condition.</p> | <p>Department agrees with applicant. The Department is not satisfied that the proposed development will or is likely to require the provision of, or increase the demand for public amenities and public services within the area. The condition has been deleted.</p>   |
| <p><b>Condition 4.7.1</b> - Acoustic measures.</p> <p>This repeats 3.17.1. There is insufficient detail in</p>   | <p>Department agrees with applicant that condition repeats earlier conditions (also covered by condition 2.6.1) and has been deleted.</p>  |

|  |   |
|--|---|
| <p>this condition to identify the required compliance level. We recommend this be deleted and replaced with a requirement to comply with the submitted Noise Impact Assessment Report.</p>   |   |
| <p><b>Condition 5.7.1.1</b> - Construction of the 4 vehicle parking lanes within Elizabeth Street</p> <p>This condition repeats condition 3.8.1 and we request it be deleted as it is superfluous.</p>   | <p>Department agrees with applicant. This condition is covered in 3.8.1 and has been deleted.</p>   |
| <p><b>Condition 5.7.2.1</b> - Council NOTE: Council has preference for a fully above ground On-site Stormwater Detention system.</p> <p>Indicating above ground detention is not accepted. Below ground will be installed</p>  | <p>Department agrees with applicant, regardless of Council's preference for an above ground system the applicant is bound by the condition to provide on site detention, and has committed to below ground system. The Note to the condition has been deleted.</p>  |
| <p><b>Condition 6.1.1</b> - Flood Emergency Response Plan (second paragraph). The Plan must demonstrate that consultation with the Council and State Emergency Services has occurred with any issues raised being addressed and detailed in the Plan.</p> <p>This is accepted, however we request the second paragraph be deleted. It is important from an operational and security perspective that NSWPF develop our own plan.</p> | <p>Department partially agrees with applicant. A Plan has already been prepared, and revised in response to feed back from State Emergency Services. The second paragraph has been amended to ensure that the Plan as submitted to Council has undergone consultation with SES.</p> <p>Additionally, and in response to the conclusions of the independent flood study review, the department has expanded this condition to require a more detailed flood evacuation plan be provided, addressing:</p> <ul style="list-style-type: none"> <li>▪ management of persons in custody during a flood event, and</li> <li>▪ the resources available to implement the flood emergency response plan during an emergency.</li> </ul> |
| <p><b>Condition 6.3.4</b> - Emission of sound from the land shall be controlled at all times.</p> <p>This condition is unnecessary and vague in its intent. The NSWPF is already required to comply with noise pollution legislation. We recommend that this should be deleted as superfluous.</p>   | <p>Department agrees with applicant. The condition is unnecessary in relation to this DA, and has been deleted.</p>   |

## 8 CONCLUSION

The department considers it is appropriate for NSW Police to determine its operational requirements and obligations to allocate Police resources and this is supported by the independent review of the flooding studies. The department's assessment therefore supports that the DA should be approved, subject to conditions. The reasons for the Panel's intended refusal of the DA are not sufficient to prevent the approval of the DA, which has been assessed in accordance with the provisions of the EP&A Act.