

DEVELOPMENT APPLICATION ASSESSMENT REPORT

APPLICATION DETAILS

Application number	DA2011/017	Lodgement date	16/6/2011
Application is for	Police station & dwellings	Value of development	\$10,296,000.
Land address	57 Wee Waa St, Walgett	Lot/sec/DP	4,5 &6/15/759036 7019//1027303
Applicant name	UGL Services	Ass	30981
Owner name	NSW Police Force		
Land zoning	2. Village or Township		
Current use /development	Police station, court house and dwellings		
Assessment report author	Director of Planning & Regulatory Services, Matthew Goodwin		
Statutory days	Deemed refusal after 40 days (Cl. 113 EPAR2000)		

PROPOSAL

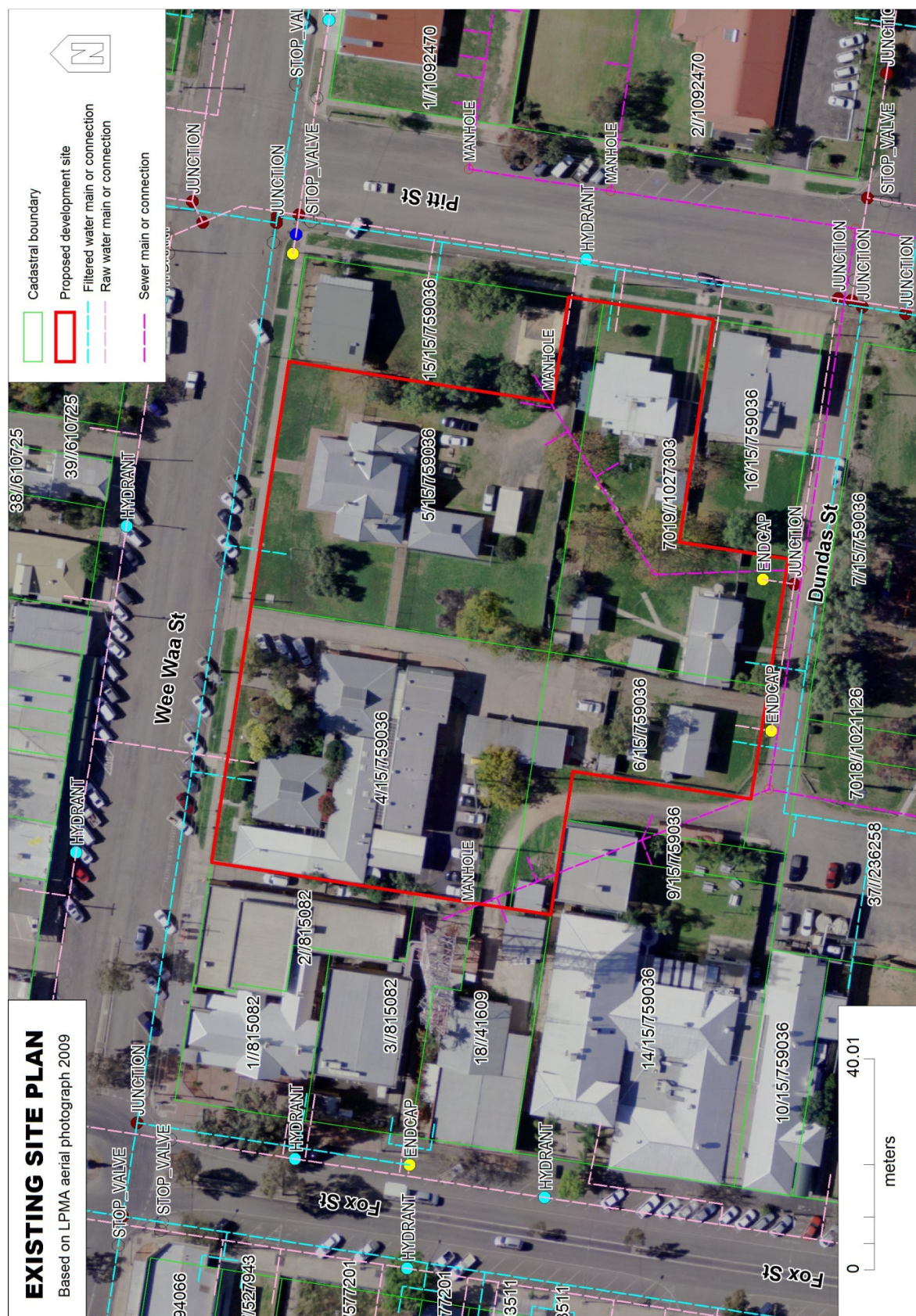
1. Demolition of the existing Walgett Police Station, three dwellings and associated buildings.
2. Establishment of a new two storey Police Station, two new dwellings, car parking, fencing and ancillary buildings.

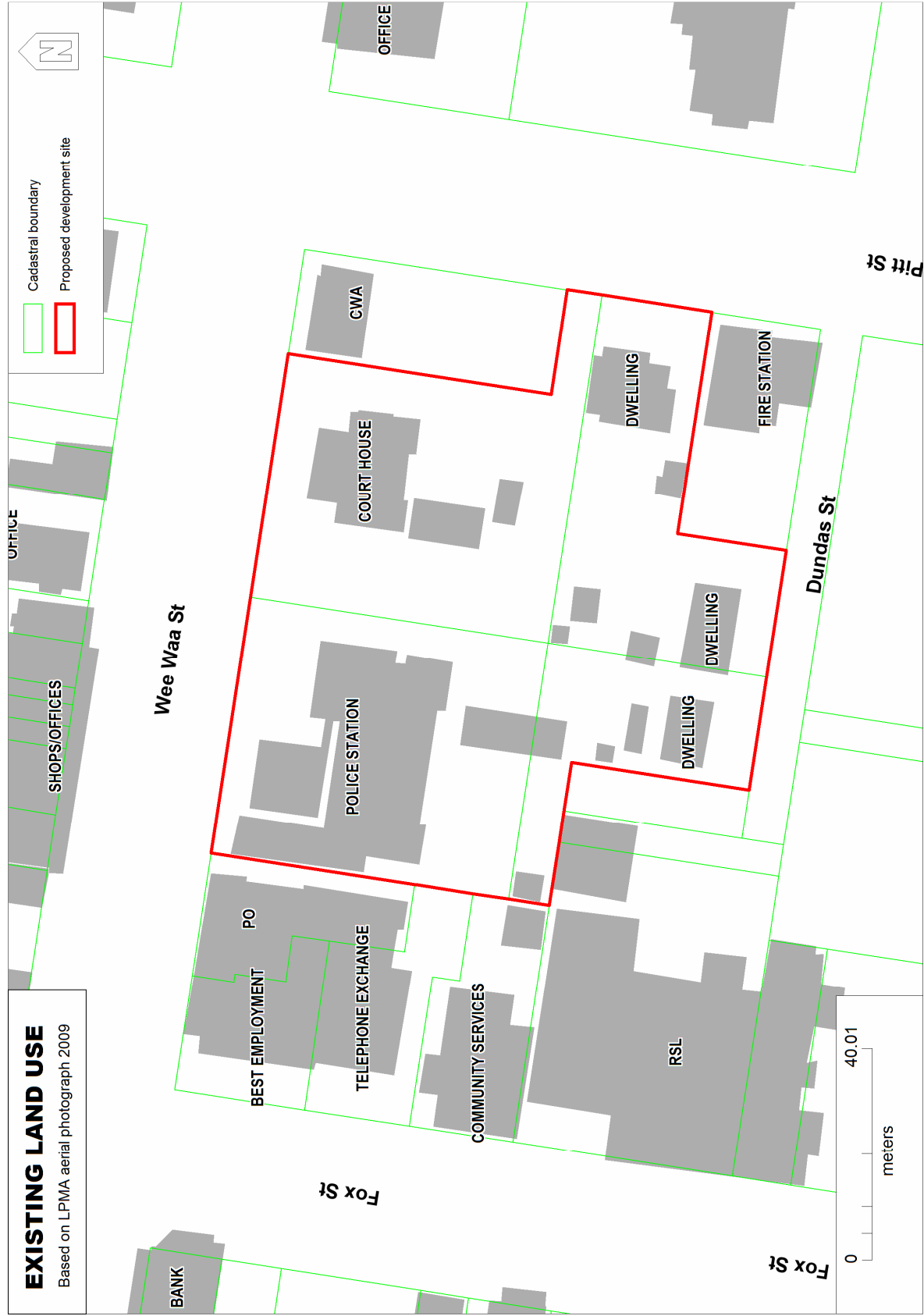
SUBJECT SITE AND LOCALITY

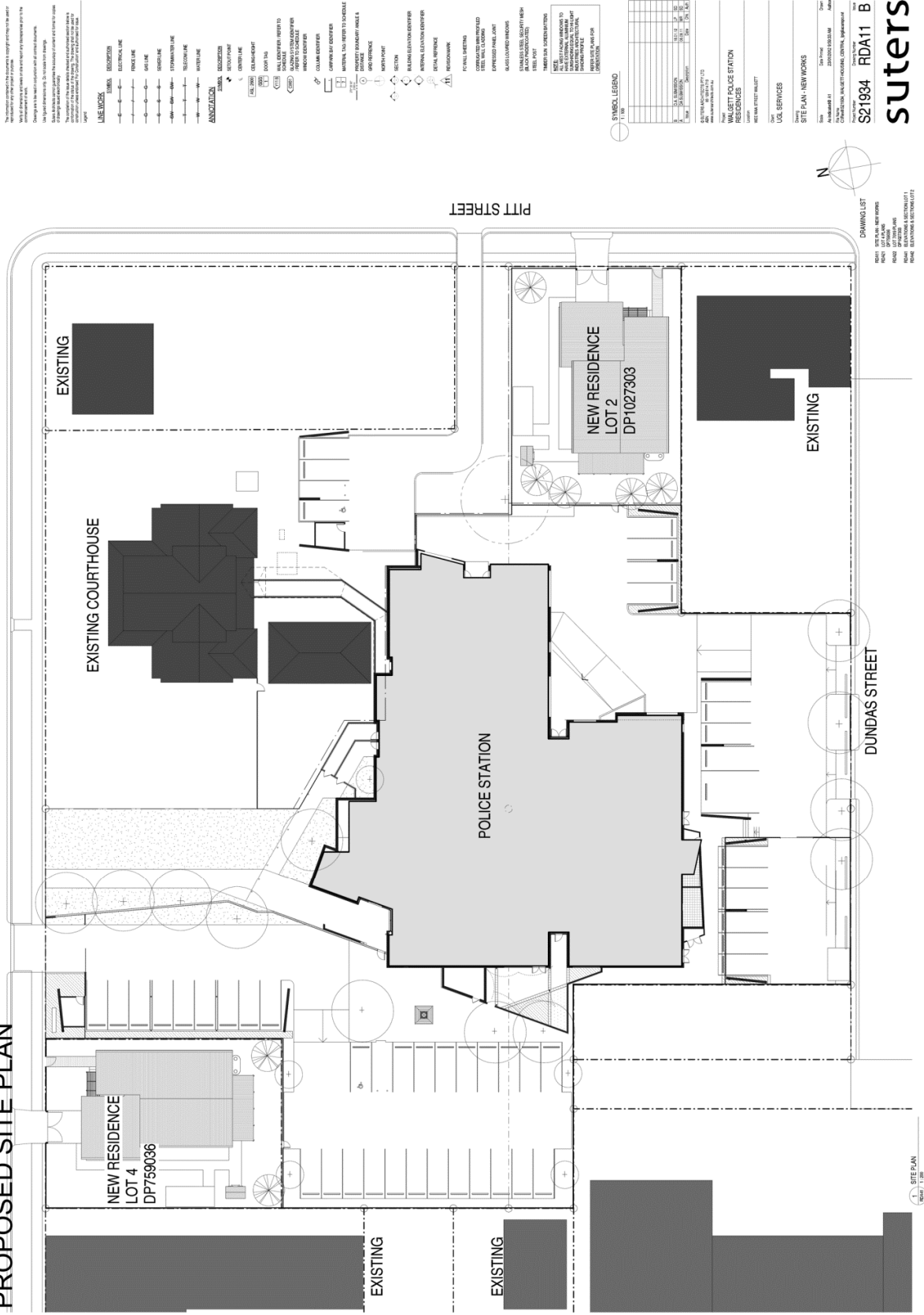
An inspection of the site and surrounding area was undertaken on 2 February 2012. The site has a total area of about 8600 square metres and currently contains:

- A police station.
- A court house.
- Three dwellings.
- Various ancillary buildings.

Commercial and government uses are dominant on adjoining and nearby lots, as shown in the plans below which show the existing site and land uses.







Architectural drawings of the 400 East Elevation and 400 North Elevation of a building. The 400 East Elevation (left) shows a long, low building with a gabled roof, featuring a series of windows and a large entrance area. The 400 North Elevation (right) shows a similar building with a gabled roof, featuring a series of windows and a large entrance area. Both elevations include labels for materials like 'PREPARED METAL SHEETING', 'PREPARED METAL ROOFING', and 'TIMBER CLAD'. Dimensions and a north arrow are also present.



DEVELOPMENT APPLICATION AND SITE HISTORY

Previous consents:

- DA2011/010 approved 10-5-2011 to demolish part of police Station, erect temporary van dock, carport and ancillary detainee rooms.
- DA2005/034 approved 7-9-2005 for extension to existing transportable building on lot 4 sec. 15 DP 759036.
- DA 1992/055 approved 7-12-1992 for alterations & additions on lots 4 & 6, sec. 15, DP 759036
- DA 1992/052 approved 18-11-1992 for dwelling on lot 6 sec. 15 DP 759036.
- DA1991/010 approved 22-4-1991 for police station on lot 4 & 5, sec 15, DP 90345.

Previous use/development:

The SEE indicates that part of the land has been used as a Police station site since 1898.

Previous enforcement action:

None known.

REFERRALS

No referrals to state government agencies undertaken.

SECTION 79C EVALUATION

Consideration of the matters prescribed by section 79C are summarised below.

Where the development does not comply with any of the development controls, the non-compliance is discussed in detail in the “Assessment – Key Issues” section of the report.

79C(1)(a)(i) the provisions of any environmental planning instrument

	Applicable Clauses	Compliance
State Environmental Planning Policies (SEPPs)		
SEPP 55 Remediation of Land	Clause 7 requires that a consent authority must not consent to the carrying out of any development unless it has considered whether the land is contaminated. If it is, then it must be satisfied that the land is suitable for the proposed use.	The SEE indicates there may be an underground fuel storage tank on the site which is no longer in service. See ‘Key Issues’ section for analysis of this issue.
SEPP 64 Advertising & Signage	Clause 6(2) indicates that the SEPP does not apply to signs that are exempt development.	The proposed sign associated with this development is exempt development under Schedule 1 of SEPP (Infrastructure) 2007, therefore SEPP 64 does not apply..
SEPP (Building Sustainability Index: BASIX) 2004	Clause 6 of the SEPP and the definition of ‘BASIX affected building’ in the Environmental Planning & Assessment Regulation 2000 have the combined effect of requiring an application which involves “any building that has one or more dwellings” to be supported by a Basix certificate.	Compliant - Basix certificates 411661S and 411767S dated 16-1-2012 have been submitted with the application (within the SEE).

	Applicable Clauses	Compliance
SEPP (Major Development) 2005	At the time the application was lodged, clauses 13B & 13F provided that Crown development with a capital investment value of more than \$5 million must be determined by a regional panel instead of Council.	Compliant - Application is being referred by Walgett Shire Council to the Western Region Joint Regional Planning panel for determination.
SEPP (Infrastructure) 2007	Clause 48 provides that an 'emergency services facility' is permissible without consent within a RU5 Village zone.	Non compliant due to two dwellings being included in the proposal, thereby triggering a requirement for development consent under the IDO.
	<p>Clause 20 and schedule 1 of the SEPP provide that an identification sign in the proposed context is exempt development if it meets the following requirements:</p> <ul style="list-style-type: none"> • Has a surface area not exceeding 3.5 square metres. • Complies with the deemed to satisfy provisions of the BCA. • Is located within the site. • Has minimal impact. 	A single identification sign is proposed (Appendix G of DA submission) which will be 1.5 square metres in area and appears to meet the requirements specified for exempt development. Accordingly, no further assessment of the sign is provided herein.
Regional Environmental Planning Policies (deemed SEPPs)		
Nil	Nil	N/A
Local Environmental Plans (LEPs)		
Interim Development Order No 1 – Shire of Walgett 1968 (a deemed LEP)	Clause 3 and the zoning table.	The proposed land use requires development consent.
	Clause 6 of the IDO & clause 5 of the Model Provisions require Council to consider various planning issues.	The respective matters are effectively addressed by the assessment under section 79C of the Act below.
	Clause 7(e) requires "council" to consider whether adequate parking space has been provided for vehicles on the site or adjoining land that is not a public road.	See 'key issues' section.

79C(1)(a)(ii) the provisions of any draft environmental planning instrument

	Applicable Clauses	Compliance
Draft State Environmental Planning Policies (SEPPs)	Nil	N/A
Draft Local Environmental Plans (LEPs)	Nil	N/A

79C(1)(a)(iii) any development control plan

	Applicable Clauses	Compliance
DCP name • Nil – no current DCPs.	Nil	N/A

79C(1)(a)(iv) any matters prescribed by the regulations

Any matters prescribed by the Environmental Planning and Assessment Regulation 2000.

Applicable Clauses	Compliance
92(1)(b) Demolition	It is recommended that a condition of development consent be applied which requires that demolition be in accordance with AS 2601-1991: <i>The Demolition of Structures</i> (Dem220).
93 Fire safety and other considerations	N/A – new building.
94 Consent authority may require buildings to be upgraded	N/A – new building.
94A Fire safety and other considerations applying to temporary structures	N/A – new building.
95 Deferred commencement consent	N/A – not sought or required.
97A Fulfilment of BASIX commitments	Compliant - Basix certificates 411661S and 411767S dated 16-1-2012 have been submitted with the application (within the SEE).

79C(1)(b) the likely impacts of that development

Likely impacts	Acceptable impact or steps taken to mitigate impact discussed in the “Assessment – Key Issues” section of the report
Contamination	See ‘key issues’ section.
Heritage	See ‘key issues section’.
Parking	See ‘key issues’ section.
Stormwater	See ‘key issues’ section.
Vehicle access	See ‘key issues’ section.

Likely impacts	Acceptable impact or steps taken to mitigate impact discussed in the “Assessment – Key Issues” section of the report
Vehicle access - adjoining land	Currently there is a road which passes through part of lot 4 and 6 which provides vehicle access to the rear of the Family & Community Services office located on lot 18, DP 41609. If the development proceeds, access through the Police land will no longer be possible. Given that there is no public road or right of way involved, this is not a matter that warrants consideration in connection with the Development Application.
Vehicle wash bay	See 'key issues' section.
Water & sewer mains	All buildings are located away from the zone of influence of Council's water and sewer mains, therefore there should be no impact on them.

79C(1)(c) the suitability of the site for the development

	Summary of site suitability issues
Does the development fit into the locality	Yes. The site has been used as a police station for in excess of 100 years, and surrounding development is primarily of a community services nature.
Are the site attributes conducive for the development	Yes. The design makes good use of the land available, capitalises on its strengths, and presents as an attractive streetscape.

79C(1)(d) any submissions made in accordance with this Act or the Regulations

No submissions received.

79C(1)(e) the public interest

	Summary of any detrimental impacts
Federal, state or local government interests	Nil.
Community interests	Nil.

PUBLIC PARTICIPATION

Public notification was undertaken via:

- Letter dated 16-6-2011 to the Walgett Community Working Party.
- Letters dated 16-6-2011 to twenty three (23) nearby land owners.
- An advertisement in Council's newspaper column in the Walgett Spectator on 22-6-2011.

A notification letter was not sent to the Walgett Ratepayers Association because it recently ceased operating.

The nominated closing date for public submissions was 1-7-2011. No submissions were received as of 7-7-2011.

ASSESSMENT – KEY ISSUES

Contamination

Clause 7 of SEPP 55 Remediation of Land requires that a consent authority must not consent to the carrying out of any development unless:

- It has considered whether the land is contaminated.
- If the land is contaminated, then it must be satisfied that the land is suitable for the proposed use

The SEE includes a report titled ‘Preliminary Site Investigation’ dated January 2011, prepared by Barnson Dubbo (see Appendix B). The report makes four recommendations relating to potential contamination of the site, as follows:

Recommendation 1: Engage a suitably experienced consultant to undertake an intrusive asbestos audit prior to demolition of any buildings on the Site. Engage a licensed contractor to remove and dispose of identified Asbestos Containing Products (ACM) in accordance with the following:

- National Occupational Health and Safety Commission (NOHSC) Code of Practise for the Safe Removal of Asbestos 2002;
- Related NOHSC guidance notes;
- NSW Protection of the Environment Operations (Waste) Regulation 2005; and
- WorkCover NSW Safe Working Guide for Asbestos.

Recommendation 2: Locate and review the validation report for the UST. If the report cannot be located, undertake works to determine if the tank is on-site. If necessary, remove the tank and collect validation samples. If validation samples show elevated hydrocarbon levels in the vicinity of the tank, undertake remediation works.

Recommendation 3: Undertake soil investigation works, targeting the following as a minimum:

- Potential PAH and hydrocarbon contamination in the Southern portion of the Site behind the vehicle shed;
- Potential hydrocarbon contamination in car park areas with exposed soils;
- Potential contaminants associated with the Truckwash chemical and runoff from the vehicle wash area; and
- General contaminants associated with imported fill and historical agricultural use of the Site in representative areas.

Recommendation 4: Chemically classify any waste soils to be disposed prior to removal from the Site.

It is recommended that a condition of development consent be imposed which requires that the four recommendations by Barnson regarding contamination are complied with (see condition Ctm 220).

Heritage

Ray Christison, the principle of Walgett Shire Council's heritage advisor, High Ground Consulting, provided the following information regarding heritage issues in a letter dated 16 June 2011:

Noting the significance of the Walgett Court House and former Post Office the designers of the new police buildings have sought to create a civic precinct in Wee Waa Street. They have designed buildings that appear to be in scale with the existing Court House and have respected the curtilage of this building in their planning. They have also created sufficient setbacks to conserve the presentation of the Court House to Wee Waa Street.

It is considered that the development will have little impact on the well located south of the proposed location.

The new development appears to have been well designed and has been arranged to respect the physical and aesthetic integrity of the Walgett Court House. I support the proposal and would be happy to discuss this further if required.

Stormwater management

Establishment of the building and associated surfaces will increase the amount of impervious area on the site by approximately 65%. In that context it is expected that the development will significantly increase the volume of stormwater flowing from the site.

During intense rainfall events, dispersal of stormwater within the Walgett urban area is delayed by the relatively flat terrain. This problem tends to be more significant in association with summer storm events which can involve 100mm, or more, rainfall within a relatively short period.

The stormwater plan shows that stormwater from the police station roof and car parks will be directed to an existing pit in Wee Waa Street via a 225 millimetre stormwater outlet.

Given that the development will increase the volume of stormwater leaving the site in a context where there are already problems with stormwater drainage, it is recommended that a condition of development consent be imposed which requires the establishment and maintenance of an on-site stormwater detention system and that the maximum outlet diameter in Wee Waa Street be 100mm (see condition Plu 220) to slow the flow of stormwater from the site.

Parking

The site plan shows there will be 45 off street car parking spaces for the police station which has a floor area of 2,489m². As a result there will be 1 car park per 55m² of floor area.

Under the effectively obsolete Walgett Shire Council Off Street Parking Code 1994, a commercial development would normally require 1 car park per 37 square metres of floor space. The SEE notes that the parking code does not identify parking requirement for emergency services facilities (page 21).

The applicant contends that adequate parking will be available for "*staff at any point, visitors, potential impounded vehicles and requirements regarding emergency response vehicles*". It is noted that all parking areas will be fenced and gated, hence there will be no parking available for the public.

Currently there are about 20 parking spaces on site spaces and none of these are available for the public. Anecdotal evidence indicates that generally there is adequate car parking available in Wee Waa St.

Ultimately the applicant's contention that adequate parking will be available appears reasonable.

Vehicle access

The overall volume of traffic to the site is unlikely to increase significantly as a result of the redevelopment of the Police Station. However, there will be a significant increase in the use of Dundas Street for ingress and egress to the site given that 14 new car parks will only be accessible from that street.

An inspection of Dundas St on 2 February 2012 showed that:

- There is no kerb and guttering in this street.
- Although the street surface is in poor condition, it is adequate for the relatively low traffic volumes.
- It is unlikely to be able sustain a significant increase in traffic without detrimental impacts on the existing street.

Council's Director of Urban Infrastructure, Fred Coralde, has advised that Council does not have any current plans, or budget, for the upgrading of Dundas St. Additionally, no approaches have been made by the Police Force to seek an agreement with Council to co-fund an upgrade of the street to address the additional traffic arising from the redevelopment of the Police station.

It is recommended that a condition of development consent be included which requires a contribution from the developer of 75% of the costs incurred by Walgett Shire Council in undertaking an upgrade of Dundas St, including kerb and guttering on the northern side of the street, to facilitate improved access to the area in response to the Police station redevelopment (see condition Acc 305). If the applicant is prepared to accept the condition of consent, then it will provide some surety to Council that it can plan for an upgrade of the street.

Vehicle wash bay

The application documents indicate that there will be a car wash bay in the southern car park, but there is no information on how run off from that area will be dealt with. It is recommended that a condition of consent be imposed which requires that run off from the wash bay must be disposed of into Council's sewerage system in accordance with a Liquid Trade Waste approval issued under section 68 of the Local Government Act 1993 (see condition Plu 222).

Conclusion

The development will have predominantly positive impacts if it is approved under the recommend conditions of development consent.

RECOMMENDATION

Approval under the recommend conditions of development consent.

Date: 2 February 2012

Matthew Goodwin, Director Planning & Regulatory Services, Walgett Shire Council

INTERNAL REFERRALS

Summary of responses from Council staff referrals, where applicable.

SENIOR HEALTH AND BUILDING SURVEYOR

Comments _____

Recommendation _____

Signature _____ Andrew Wilson Date _____

DIRECTOR URBAN INFRASTRUCTURE

Comments _____

Recommendation _____

Signature _____ Fred Coralde Date _____

CROWN APPLICATION

Section 89 of the Environmental Planning and Assessment Act 1979 states:

89 Determination of Crown development applications

(1) A consent authority (other than the Minister) must not:

- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

In that context the consent of the applicant or Minister is required to enable the imposition of the proposed development consent conditions.

REFERRAL

This application is referred to the Western Region Joint Regional Planning Panel for determination in accordance with Part 3 of State Environmental Planning Policy (Major Development) 2005. It is recommended that the panel:

- Approve the development subject to the attached conditions of development consent.

X _____ Date _____

Matthew Goodwin, Director Planning & Regulatory Services, Walgett Shire Council

ATTACHMENT – RECOMMENDED DEVELOPMENT CONSENT CONDITIONS

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by the Western Region Joint Regional Planning Panel.

CONDITIONS THAT ARE ONGOING REQUIREMENTS

APPROVED PLANS

Pln 110.

The development shall be implemented in accordance with:

- (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
- (b) the details set out on the plans approved and stamped by authorised officers of Council,

except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

ACCESS

Acc 305.

The developer must pay 75% of any costs incurred by Walgett Shire Council in undertaking an upgrade of Dundas St, including kerb and guttering on the northern side of the street.

Reason: As a result of the police station development there is a need to upgrade Dundas St to facilitate additional traffic flow to the proposed southern most car park. In the absence of a significant contribution from the developer, Council would be unlikely to undertake that upgrade work for some time.

WATER, SEWER, AND STORMWATER

Plu 120.

The land surrounding the completed buildings is to have a drainage system so that:-

- (a) It is graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises, or
- (b) It is to be collected and drained via a gravity system to a Council stormwater line, or
- (c) Disposed of in a manner, which will not create any additional nuisance to adjoining properties.

Reason: To minimise the potential for detrimental impacts to buildings or neighbouring properties.

Plu 220.

An on-site stormwater detention system must be established and maintained with sufficient capacity to reduce the stormwater outflow to the proposed Wee Waa Street outlet to a maximum diameter of 100 millimetres.

Reason: To reduce the impact of stormwater flows on adjoining areas from the development site.

Plu 222.

Run off from the car wash bay must be disposed of into Council's sewerage system in accordance with a Liquid Trade Waste approval issued under section 68 of the Local Government Act 1993.

Reason: To avoid inappropriate disposal of run off that may be contaminated.

CONDITIONS THAT MUST BE COMPLIED WITH DURING CONSTRUCTION

DEMOLITION

Dem 220.

All demolition work to be undertaken in accordance with Australian Standard 2601 – The Demolition of Structures.

Reason: To ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.

CONSTRUCTION

Con 210

The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday	7.00 AM to 5.00 PM
Sunday & public Holidays	No construction activities are to take place.

Reason: To ensure that public amenity is not unduly affected by noise.

Con 220.

All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

ACCESS

Acc 310.

Any damage caused to kerb, guttering crossovers and/or footpaths during building operations shall be rectified by the developer to the satisfaction of Walgett Shire Council's Director of Urban Infrastructure.

Reason: To ensure that public infrastructure is maintained and not adversely affected by the development.

CONTAMINATION

Ctm 220.

The recommendations contained in the report titled 'Preliminary Site Investigation' dated January 2011, prepared by Barnson Dubbo, are to be addressed in a manner that is satisfactory to Walgett Shire Council.

Reason: To ensure that potential issues with asbestos and possible soil contamination are addressed in a manner that minimises threats to the environment and public health.

ADVISORY NOTES – Crown building work

Section 109R of the Environmental Planning and Assessment Act 1979 states:

(1) In this section:

Crown has the same meaning as it has in Division 4 of Part 4 except that a reference in section 88 (2) to a thing prescribed by the regulations for the purposes of that Division is to be read as a thing prescribed by the regulations for the purposes of this section.

Crown building work means development (other than exempt development), or an activity within the meaning of Part 5, by the Crown that comprises:

- (a) the erection of a building, or
- (b) the demolition of a building or work, or
- (c) the doing of anything that is incidental to the erection of a building or the demolition of a building or work.

technical provisions of the State's building laws means those provisions of:

- (a) the regulations, or
- (b) a publication, the provisions of which have been applied, adopted or incorporated by the regulations,

that are prescribed by the regulations to be technical provisions of the State's building laws for the purposes of this section.

- (2) Crown building work cannot be commenced to be carried out unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
 - (a) the date of the invitation for tenders to carry out the Crown building work, or
 - (b) in the absence of tenders, the date on which the carrying out of the Crown building work commences, except as provided by this section.
- (3) A Minister, by order in writing, may at any time determine in relation to buildings generally or a specified building or buildings of a specified class that a specified technical provision of the State's building laws:
 - (a) does not apply, or
 - (b) does apply, but with such exceptions and modifications as may be specified.
- (4) A determination of a Minister applies only to:
 - (a) a building erected on behalf of the Minister, or
 - (b) a building erected by or on behalf of a person appointed, constituted or regulated by or under an Act administered by the Minister.
- (5) A determination of a Minister has effect according to its tenor.

ADVISORY NOTES – General

PLUMBING, STORMWATER AND SEWER DRAINAGE WORKS

Section 68 of the Local Government Act 1993 requires that any plumbing, stormwater or sewer drainage works require prior approval from Council via an Activity Application.

COVENANTS

It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice

END.