

26 July 2016
IG197

The General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE. NSW 2577

Attention: Peter Malloy

Dear Peter

**APPLICATION TO MODIFY DEVELOPMENT CONSENT,
SECTION 96(1A) ENVIRONMENTAL PLANNING & ASSESSMENT ACT**

Development Application No: 15/0146
Date of Determination: 26 April 2016
Premises: 67 Elizabeth Street Moss Vale
Proposed Modification: To seek approval to the deletion of Condition 53 – S94A Contribution (\$154,500.28), amend proposal to include a padmount substation.

On behalf NSW Police Service., I seek Council consent pursuant to Section 96(1a) of the *Environmental Planning & Assessment Act* 1979 to amend the consent relating to the approval to demolish the existing Police Station, residence and associated outbuildings and construction of a new 2 storey Police Station with 24 on site car parking spaces.

This application seeks approval to delete Condition 53 of the Consent. This condition has imposed the requirement to make a monetary contribution in the sum of \$154,500.78. Council submits that the application to build a new Police Station will *likely require the provision of or increase the demand for public amenities and public service within the Wingecarribee Local Government Area.*

This application is also seeking approval to install a new padmount substation as now required by the energy supplier. The structure is to be located at the south east corner of the site on the Elizabeth Street front boundary. The amendment is detailed on the attached ground floor plan and elevation sheets.

LEGISLATION

Section 96(1A) of the Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment: Council has granted consent to:

- (i) Demolish the existing Police Station, residence and associated outbuildings and construction of a new 2 storey Police Station with 24 on site car parking spaces.

It is my opinion that the modifications proposed by this application will result in substantially the same development as the approved development.

(c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: The proposal will be notified as required by Council.

PROPOSED MODIFICATION

The application seeks to modify the consent as follows:

To approve the deletion of Condition No. 53 – This condition required the payment of a monetary contribution in the sum of \$154,500.78 pursuant to the provisions of Section 94A of the EP & A Act and to allow for the provision of a padmount substation.

JUSTIFICATION

At this is a Crown Development Application, the Consent Authority cannot impose a condition of consent except with the approval of the applicant or Minister. The Police Department object to this condition mainly because the upgraded police presence in the locality creates improved social and community facilities as well as providing several community services. The enlarged facility will enable a better police service to the local area.

Clause 4.5.3 of Council's S94A Contribution Plan enables Council to exempt certain forms of development from the making of a contribution.

In this case, the operation of an effective police service is considered to be an essential community service and on this basis the proposal should be granted an exemption.

The Development Contribution Practice Note dated July 2005 prepared by Planning NSW identifies that Council may elect to exempt particular types of development from the payment of a contribution on the basis of strategic planning, economic or social purposes.

Police Stations are listed as a category of development that would meet the criteria for exemption. This is because in addition to their role as law enforcement officers they:

- Engage Education Development Officers (who attend local schools) and provide community presentation.
- Provide safety and security advice with respect to Development Applications and building advisers by CPTED – Crime Prevention through Environmental Design.
- 24/7 police emergency assistance and response.

The following is a list and description of the community activities conducted by the local police.
(Prepared by Inspector John Klepczarek)

1. The Bowral Sector of The Hume Local Area Command provides 24/7 policing services to the community of the Wingecarribee Shire as one of the three professional emergency services. The NSW Police Forces in a not for profit State Government police agency who's primary role is crime prevention, community safety and crime detection. The NSW Police provide a vital community service at no cost to the community and a high cost to the government. We aim to provide this vital service in a cost effective manner to the community of NSW.

We regularly attend local primary and high schools, nursing homes, community groups and business to provide general safety and security advice for no cost. The expert services we provide at no cost, can cost businesses and council thousands of dollars if provided by a commercial agency with less qualifications.

The Hume Local Area Command have recently been shown as the most active police Command in the state in regards to road safety and enforcement. Bowral police work very closely with the RMS and local Council to ensure the free flow of traffic in the Southern Highlands, again at no cost to the community.

Bowral police often provide traffic support for major events in the Southern Highlands such as ANZAC Day, Bong Bong Races and community events such as the Moss Vale Buskers Battle and Bush Week Celebrations Parade. All at an expense to local police, but not to the Community.

2. What benefits to the local community the new development will bring i.e sense of security, 24hrs response, crime reduction etc.

The building of the new Moss Vale Police Station will bring a 24/7 policing service to the community which they have never had before. Currently there are ad hoc police presence in the area, but the new police station will ensure the local community and businesses have for the first time 24/7 access to police. This increased police presence will assist in crime prevention and community safety in the CBD and also in and around the transport hub. The community have regularly commented on the much extra policing services are needed service for the Moss Vale area.

Police also have regular meetings with staff and Councillors of the Wingecarribee Shire Council. This ranges from Council's community services, planning and emergency management. The close proximity of the Moss Vale Police Station and the Council Chambers will improve communication and interaction between the two organisations.

3. Why the facility is an 'essential service' i.e. what would be impact if not built in Moss Vale.

The Moss Vale area is one of the fastest growing commercial and residential areas in the Southern Highlands. By building a state of the art police facility at Moss Vale will complement the upgrading of facilities in the area. The building of the new police facility will also attract many more people to the local community which will assist and support local business. Local cafes and business will have access to a greater clientele as police and customers utilise their businesses. Police will be looking at new contractors in the area to provide goods and services as needed.

A new police facility is much needed in the area and long overdue. The community have been promised and have expected this facility for over five years now.

Modern day policing relies on our government partners and civilian stakeholders. This project provides state of the art facilities for policing, the Courts administration, Corrective Services and lawyers, private and government. The improvement and expansion in technology at our courts allow for greater interaction with prisoners and police and corrective services safety by way of Audio Video Link. This technology allows the opportunity to speed up matters being dealt with to finality and assist in ensuring the safety of our community, the rights of individuals are met and dealt with in a timely manner. Currently the responding technology is not available in police station across the Southern Highlands. The proposed station however will and it will provide facilities for the legal profession to provide advice to prisoners in appropriate confidential rooms.

The success of the police in arresting alleged offenders has placed strains on the existing custody areas. This project means we will work more effectively with Corrective Services in safe and secure premises, with a shared responsibility for the management of prisoners, releasing police from some of these duties to respond to crime.

4. Additional information

For many years our police in the Southern Highlands have predominately worked from Bowral Police Station which was built in 1886. Bowral Station has had some ad hoc additions over the years, which were designed for quite a different police force. Whilst there have been modifications internally, the exterior remains as it was back in 1886, including the roof which leaks heavily every time it rains. The police station across the road, which includes the police residence was built around 1923 and again remains very much unchanged. Since the 1960s, new technologies have helped police to keep up with advances in the way that crime is committed. The increased mobility of criminals has been matched by the patrol car and radio communication; analysis of crime and hot spots allows response teams to see where they should be targeted.

Female officers were not stationed outside the metropolitan area until the 1980s therefore the amenities provided for the diverse workforce in the current stations are not appropriate or acceptable in this day and age. Moss Vale Police Station has no female amenities and at Bowral they are in a make shift area which again is utilised because of their ability to adapt to the circumstances.

I can also advise that in all other police station re-developments that I have been involved with, there has been no requirements to make a S94A Contribution.

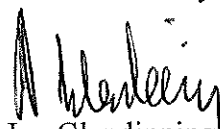
I submit that the application should be amended by the deletion of Condition 53 on the basis that the Police Service undertake an essential role of law enforcement officers and to facilitate and promote operation of local community services.

CONCLUSION

The proposed development is Local Development under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 79C(1) of the Act and Council's Policies. This application under Section 96(1A) seeks to amend the consent as detailed in the submission.

For the reasons stated above it is considered that this application should be supported. Should you require any further information please do not hesitate to contact me.

Yours Sincerely



Ian Glendinning
DIRECTOR