

**HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL  
COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2018HCC021DA
<b>DA Number</b>	514/2018/DA
<b>LGA</b>	Mid-Coast Council
<b>Proposed Development</b>	Demolition of Existing Buildings and new Police Station
<b>Street Address</b>	79 Albert Street Taree
<b>Applicant/Owner</b>	BGIS Pty Ltd
<b>Date of DA lodgement</b>	21-May-2018
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Crown Development over \$5M
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Greater Taree Local Environmental Plan 2010</li> <li>• Greater Taree Development Control Plan 2010</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p>A. Statement of Environmental Effects</p> <p>B. Survey Plan</p> <p>C. Architectural Plans</p> <p>D. CPTED Report</p> <p>E. GFA Schedule</p> <p>F. Lighting Plan</p> <p>G. Signage Plan</p> <p>H. Landscape Plan</p> <p>I. Ecologically Sustainable Development (ESD) Report</p> <p>J. Site Waste Minimisation and Management Plan</p> <p>K. Preliminary Stage 1 Environmental Site Assessment</p> <p>L. Hazardous Materials Assessment Report</p> <p>M. Clause 4.6 Variation Request</p> <p>N. Heritage Assessment and Impact Statement</p> <p>O. DCP Compliance Table</p> <p>P. Traffic and Parking Report</p> <p>Q. Geotechnical Assessment Report</p>

	R. Acoustic Report S. Civil and Stormwater Report and Plans T. Erosion and Sediment Control Plan U. Building Code of Australia Assessment V. Disability Access Report
<b>Report prepared by</b>	Petula Bowden- Senior Town Planner
<b>Report date</b>	<b>2 August 2018</b>

**Summary of s79C matters**

**Yes**

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

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**Legislative clauses requiring consent authority satisfaction**

**Yes**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

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**Clause 4.6 Exceptions to development standards**

**Yes**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

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**Special Infrastructure Contributions**

**Not  
Applicable**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

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**Conditions**

**Yes**

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **EXECUTIVE SUMMARY**

This report considers a Development Application (DA) for demolition of the existing Taree Police Station and associated buildings and the erection of a new public building to be used as the Taree Police Station.

The proposal has been advertised in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. During exhibition of the application no written submissions were received.

This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The consent authority must be satisfied in relation to a number of provisions in relevant environmental planning instruments applicable to the proposal before granting consent to the development. A detailed assessment of the relevant clauses is noted within the report.

The proposal is referred to the Joint Regional Planning Panel (the Panel) for determination pursuant to Part 4 'regional development' of State Environmental Planning Policy (State and Regional Development) 2011 as the proposed development is Crown Development with a capital investment value greater than \$5M. The capital investment value (CIV) of the proposed development is \$13,787,400.

Assessment of the proposed development has addressed all consent considerations required by the above environmental planning instrument clauses. It is therefore considered that the Panel can proceed with determining the Development Application, subject to the recommended conditions of consent.

## **SUMMARY OF RECOMMENDATION**

That the Panel determine Development Application 514/2018/DA for demolition of the existing Taree Police Station and the erection of a new 1 and 2-storey public administration building (Police Station) building, car parking and associated works at Lots 21, 22, and 23 Section 8 DP 50231 83-87 Albert Street Taree pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached in Annexure A.

## **SUBJECT SITE AND LOCALITY**

Figure 1 : Location Map



The subject site is located at 79 Albert Street, Taree. The site forms part of the Taree Justice Precinct which includes the existing Taree Police Station and Taree Court House (new and historic), and is known as Lots 21, 22 and 23, Section 8, DP 50231. The site has a total area of 6,069.68m<sup>2</sup>.

Figure 2: Site



Surrounding development to the east is predominantly retail and commercial comprising the commercial core of Taree, and development to the west is predominantly residential. The Manning Hospital is located approximately 500 metres to the north of the site. The Manning River is located approximately 400 metres south of the site.

The site is listed as a heritage item (I117 Courthouse) under Greater Taree LEP 2010 and is also within the Albert Street Heritage Conservation Area. There are also a number of other heritage items in the vicinity.

There is minimal landscaping currently provided on the site.

## ATTACHMENTS

- A. Statement of Environmental Effects
- B. Survey Plan
- C. Architectural Plans
- D. CPTED Report
- E. GFA Schedule
- F. Lighting Plan
- G. Signage Plan
- H. Landscape Plan
- I. Ecologically Sustainable Development (ESD) Report
- J. Site Waste Minimisation and Management Plan
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## **APPLICATION CHRONOLOGY**

The relevant history of the DA is summarised in the following table:

<b>Date</b>	<b>Action</b>
4 May 2018	Pre-lodgement Meeting with Council officers
21 May 2018	DA lodged with Council
29 May 2018	Registration of DA with JRPP
6 June - 4 July 2018	Neighbour Notification and Advertising of DA

## **THE PROPOSAL**

The subject development application seeks consent for the redevelopment of the existing Taree Police Station including demolition of the existing police station and associated structures on the site, construction of a new building (one storey to street and two storey to rear of site), car parking, and associated works.

Physical works will be undertaken in two (2) stages:

Stage 1: Demolition, earthworks and service installation and

Stage 2: Building construction.

More specifically the DA seeks approval for the following:

- i. Demolition of the existing police station buildings and structures, and removal of associated hardscape and landscape areas, including removal of two trees located near the existing Police Station driveway;
- ii. Excavation to lower the ground level, so that it is consistent with the Court House and more in alignment with the levels of surrounding areas, and to establish a building platform for the new police station building;
- iii. Construction of a new Police Station building featuring a single storey entry level from Albert Street and two storey building to the rear of the site;
- iv. Removal of existing driveway to Police Station and reinstatement of the kerb, gutter and grassed area;
- v. Minor works to the existing Court House to facilitate the secure transfer of prisoners from the Police Station to the Court House;
- vi. 30 car parking spaces, including four new “first response” police car parking spaces on Albert Street;
- vii. Removal of existing pylon sign to the front of the site and installation of replacement signage within the proposed blade wall adjacent to the southern boundary;
- viii. Landscaping, fencing and lighting; and
- ix. Use of the new building for the purposes of a Police Station with 24 hour operation Monday to Sunday.

The submitted application advises that the proposed building has been designed to accommodate a total of 126 staff, an increase of 24 from the current 102.

## PLANNING ASSESSMENT

### SECTION 4.15 MATTERS FOR CONSIDERATION -

The following matters listed under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, are relevant in considering this application:

- a) ***The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

#### State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 of this policy identifies a range of developments that due to their nature, scale, impact or location are deemed to be of regional significance. Crown development that has a capital investment value over \$5 million falls within this range. Such applications require that the Joint Regional Planning Panel (JRPP) become the consent authority.

The subject development has a CIV in excess of \$13 million therefore requiring determination by a Joint Regional Planning Panel. In accordance with this requirement the

application is referred to the Hunter and Central Coast Joint Regional Planning Panel for determination.

#### State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) permits certain activities to be undertaken by public authorities, either with consent or without consent. Clause 76 of the Infrastructure SEPP provides that a public administration building may be undertaken by a public authority with consent on any land where it is to be carried out on land on which an existing infrastructure facility is located. A public administration building is defined as:

*“a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station”.*

The proposed development is for a police station which is located on the same site as an existing infrastructure facility, namely the Taree Court House, and is therefore permitted with consent under the Infrastructure SEPP.

The development is not of a type listed in Schedule 3 of the Infrastructure SEPP (traffic generating development) which requires referral to Roads and Maritime Services. Further, clause 101 of the SEPP does not apply as the site does not have frontage to a classified road. There are no other provisions within the Infrastructure SEPP relevant to the subject proposal.

#### State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides a statewide planning approach to the remediation of contaminated land by considering whether the land is contaminated and, if it is contaminated, whether it can be made suitable for the proposed purpose.

A Preliminary Stage 1 Environmental Site Assessment has been undertaken. The assessment identified potential sources of contamination including fill, an abandoned underground petrol storage tank and hazardous building materials from existing structures.

It is anticipated that the recommendations of the Environmental Site Assessment can be addressed by way of conditions of consent. It is therefore considered that the requirements of SEPP 55 are satisfied and that the subject land is suitable for the proposed police station use.

#### State Environmental Planning Policy No. 64 Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) provides a State-wide approach to the assessment and consent of signage including both advertising and business identification signage.

The definition of “signage” under the SEPP includes business identifications signs. The proposed development includes new business identification signage in the form of a wall sign to be located on the blade wall proposed at the entry to the police station at Alfred Street. The signage incorporates the NSW Police sign with dimensions 980mm (w) x 980mm (h) to the upper left of the wall which is illuminated and is visible from both sides of Albert Street. To the lower left of the wall will be a wall mounted sign with the station name ‘Taree Police Station’ with dimensions 5015mm (w) x 300mm (h) alongside the NSW Police Crest with dimensions 400mm (w) x 500mm (h).

The signage replaces the existing NSW Police pylon sign on the site which is to be demolished as part of the development.

The general signage provisions contained within Clause 8 of SEPP 64 apply to the proposed sign. It is considered that the proposed signage is consistent with the assessment criteria. No other provisions within the SEPP are relevant to the proposed business identification signage.

Figure 3- Proposed Signage



#### State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone. The site is located within the “coastal environment area” as defined by the Policy.

Under clause 13(1) of the SEPP, the consent authority must consider whether the proposed development is likely to cause an adverse impact on matters such as the ecological environment, natural coastal processes, marine vegetation and public access to the foreshore. The proposed development will have minimal impact on the coastal environment area. It is considered that the development is designed, sited and will be managed to avoid, minimise or mitigate any of the adverse impacts identified in the SEPP.

#### **GREATER TAREE LOCAL ENVIRONMENTAL PLAN (GTLEP) 2010**

The following is a summary of the evaluation of the proposal pursuant to the provisions of the relevant clauses of the Greater Taree Local Environmental Plan 2010 (GTLEP).

Figure 4. Zoning Map



## 2.1 Land use zones

The site is zoned R1 General Residential under the provisions of the LEP.

Development consent is sought for:

- Demolition of an existing police station and associated facilities and
- Construction and use of a new two-storey Police Station, car parking and associated services

A Police Station is defined as a public administration building:

*'public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.'*

A public administration building is not permissible development under the LEP.

Notwithstanding the LEP provisions, this application relies on the Infrastructure SEPP which provides that a public administration building can be undertaken by a public authority on land on which an existing infrastructure facility is located. The current Taree Police Station and Court house are located on the site.

The Infrastructure SEPP prevails over any other environmental planning instrument. GTLEP at clause 5.12 states that "...this Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007". As the proposal is permitted with consent under the Infrastructure SEPP, the permissibility or otherwise of the development under the GTLEP 2010 is not relevant.

## 2.7 Demolition requires development consent

Under this clause the demolition of a building or work may be carried out only with development consent.

## 4.3 Height of buildings

The maximum building height identified for the site is 8.5m. The proposed building has a single-storey component at the front of the site with a height not in excess of 5.5m and a 2-storey component at the rear of 10.76m. The rear component is therefore not compliant with this development standard.

#### 4.4 Floor space ratio

The maximum floor space ratio applying to the subject site is 0.45:1. The floor space ratio of the development is 0.72:1. The development is not compliant with this development standard.

#### 4.6 Variation to development standard

Clause 4.6 of the GTLEP 2010 allows for consent to be granted for development even though the development would contravene a development standard. The purpose of this clause is to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6(3) requires that development consent not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development does not comply with the following development standards under the LEP:

- Clause 4.3 Height of Building - maximum height limit of 8.5 metres
- Clause 4.4 Floor Space Ratio - maximum FSR of 0.45:1

Further in this report an assessment of the proposal against the provisions of this clause demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

#### 5.5 Development within the coastal zone

The subject site is located within the coastal zone due to its proximity to the Manning River. The subject site is surrounded by urban residential and commercial development on all sides and is therefore not considered likely to detrimentally impact the public's access to the foreshore or detrimentally impact any coastal environ

#### 5.10 Heritage Conservation

This clause requires the consent authority to consider the effect of the proposed development on any heritage items or areas.

The Court House is listed as a heritage item under the GTLEP 2010 (Item I117 Courthouse) and the site is within the Albert Street Heritage Conservation Area. There are also a number of heritage items in the vicinity, as shown in Figure 5 below, including:

- St Paul's Presbyterian Church (Item I113)
- Former Catholic Church and Hall "our Lady of the Rosary" (Item I114)
- Catholic Church (Item I115)
- Catholic Presbytery (Item I116)
- 90 Albert Street – dwelling (Item I118)
- 21 Commerce Street – dwelling (Item I122)
- 25 Commerce Street – dwelling (Item I123)
- 27 Commerce Street – dwelling (Item I124)

Figure 5. Heritage Conservation Area

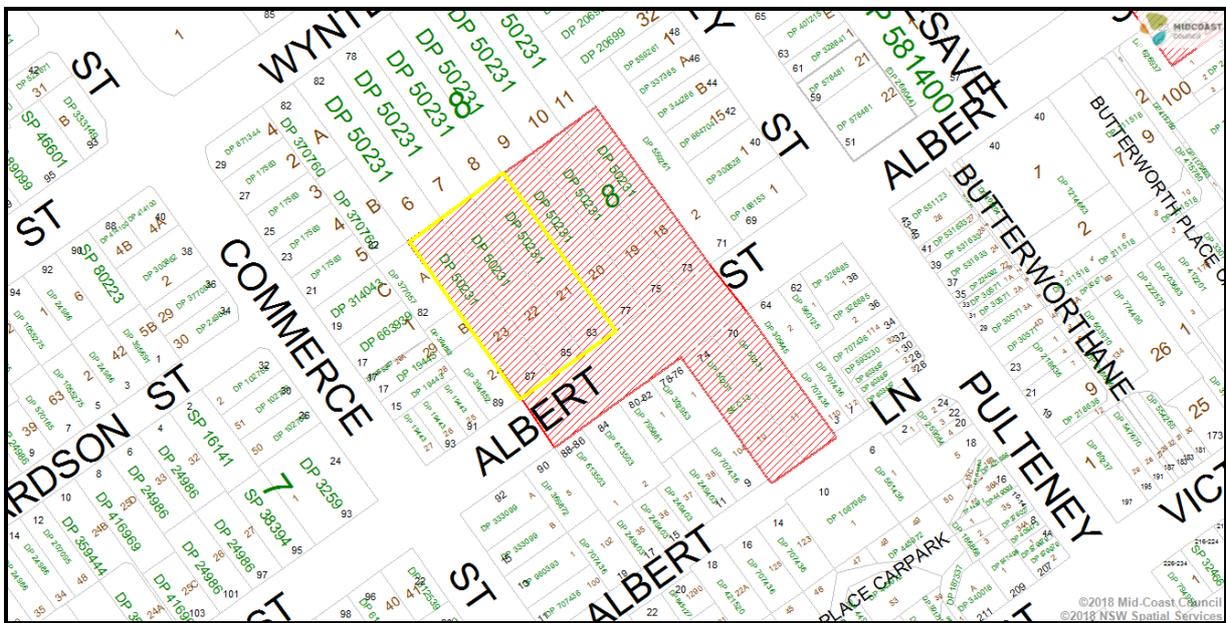


Figure 6. Heritage Items



Potential impacts on heritage are addressed in detail in the application, supported by a Heritage Assessment and Impact Statement. The heritage assessment concludes that the proposed demolition of the existing police station and the design of the new police station are acceptable in terms of heritage impact. Conditions of consent are proposed to ameliorate any potential impacts including further Aboriginal cultural heritage assessment and archaeological investigations, development of an Archaeological Research Design (detailing the proposed methodology for investigation and salvage of the historical archaeological resource), and the preparation of an Interpretation Plan to facilitate and implement appropriate interpretation of the heritage significance of the site.

## 7.2 Flood planning

This clause applies to land below the flood planning level and requires consideration of flood impacts. The site is not subject to overland flow or located within an area identified as flood prone land.

## 7.3 Earthworks

This clause provides that consent is required for earthworks and specifies the matters to be taken into account in determining whether to grant consent.

Geotechnical and contamination assessments have been submitted which address the potential impact of the proposed earthworks on relevant matters including surrounding development, contaminated soils, drainage, soil stability and management of soil to be excavated. Having regards to these reports, and subject to the imposition of relevant conditions of consent, it is considered that the proposed earthworks will not result in any unacceptable impacts.

## GREATER TAREE DEVELOPMENT CONTROL PLAN 2010

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning & Assessment Act 1979, the following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Greater Taree Development Control Plan 2010 (DCP 2010). The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

As the DCP does not have controls for public administration buildings a merit based assessment has been carried out.

Table 1.

Section	Requirement	Proposal	Compliance
Part D: Environmental Requirements	D 3.1 Earthworks		
	Building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill (i.e. for steep land houses will need to be of a split level design or an appropriate alternative and economical solution.)  Building work shall be designed to ensure minimal cut and fill is required for its construction phase.	The proposal includes earthworks up to approximately 2.5 metres to the rear of the site. This is considered appropriate to allow for the functional requirements of the police station, with the earthworks required to create alignment of the floor level with the existing Court House to enable the secure transfer of prisoners from the Police Station.	Does not comply – minor earthworks proposed and considered to be acceptable in circumstance of the case
	Development applications which involve earthworks must be accompanied by supporting information which addresses the proposed earthworks.	Potential impacts associated with earthworks are addressed in the Statement of Environmental Effects and supporting documents including a geotechnical assessment and civil and stormwater report.	Complies
	D3.2 Erosion and sediment control requirements		
	All development shall incorporate soil conservation measures to control soil erosion and siltation during and following completion of development. An Erosion and Sediment Control Plan must be lodged with every development application. This must be prepared in accordance with the Managing Urban Stormwater – Soils and Construction, Landcom (The Blue Book) and Council's Engineering Specifications. The Plan is to provide appropriate erosion and sediment controls to cover the period during and after	The proposed development incorporates soil conservation measures to control soil erosion and siltation during and following completion of development. An Erosion and Sediment Control Plan is submitted with the development application, prepared in accordance with Landcom's Managing Urban Stormwater – Soils and Construction (The Blue Book). The Plan provides erosion and sediment controls to cover the period during and after construction.	Complies

	construction.		
	Soil and Water Management Plan Requirements SWMP's (Soil and Water Management Plan) will include detailed calculations to determine the soil loss	A Soil and Water Management Plan to be submitted prior to the commencement of any excavation works.	A condition of development consent is to be imposed.
Part F: Heritage Requirements	Demolition  Built Form  Siting/Setback  Height/Scale  Colours/Materials	The proposed development has been designed with consideration of the impact on the historic Court House on the site as well as heritage items in the vicinity. Potential impacts on heritage are addressed in detail in the Statement of Environmental Effects, supported by a Heritage Assessment and Impact Statement, prepared by GML Heritage. The heritage assessment concludes that the proposed demolition of the existing police station and the design of the new police station are acceptable in terms of heritage impact.	Complies - Conditions of consent are proposed to ameliorate any potential impacts.
Part G: Car parking and access	General requirements      Location of driveway  Parking	Access driveway is singular and complies with minimum width. Car parking spaces have been designed to meet the Australian Standard AS2890.5 and the Police Building Code. Swept path analysis demonstrates that vehicles are able to enter and exit the site in the forward direction and reverse into parking areas without limiting access to other parking spaces or operational areas.  Driveway has been designed to comply with Australian Standard AS2890.1  51 Car parking spaces required, 30 car parking spaces proposed.	Does not comply but considered acceptable given the public service nature of the development.
Part M: Site waste minimisation and management	A completed Site Waste Minimisation and Management Plan (SWMMP) shall be prepared and lodged with the demolition application	Site Waste Minimisation and Management Plan is submitted with the development application	Complies
Part N: Landscape requirements	Ecologically Sustainable Development  Landscape Plan	Landscaping Plan is submitted with the application which considers the site conditions, retains existing trees where possible and includes ESD principles.	Complies
Part O: Signage and advertising requirements	Respect heritage significance  Complement architectural features	Police Box and Police Crest which are of a predetermined regulated colour and design, to enable ready identification of police stations across NSW. The NSW Police Box is illuminated to allow ready identification of the police station. The station name is in black 300mm arial font- it is required to be clear so that the station can be readily identified. Though the signage does not follow the heritage type signage under this provision, it is respectful of the location.	Does not comply, but considered acceptable

### Greater Taree Section 94A Contribution Plan 2016

The Greater Taree Section 94A Contributions Plan 2016 applies to the subject site. Under the Plan, industrial and commercial development with a development cost greater than

\$200,000 that would result in an increase in the existing gross floor area on the site of more than 5 percent, will be subject to a fixed rate section 94A levy.

According to Planning Circular D6, it is generally not appropriate to require development contributions for Crown developments as “Crown activities providing a public service or facility lead to significant benefits for the public in terms of essential community services and employment opportunities...these activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective”.

Accordingly Section 94A contributions have not been imposed on this development.

***b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality***

***Context, Setting and Design***

The built form and urban design of the proposed development provides a vastly improved site in comparison to the existing outdated building and associated accumulation of buildings currently on the site. The building responds to its context and improves not only the visual amenity of the site but also the streetscape.

The site is largely rectangular in shape and has an area of 6069.68m<sup>2</sup>. The topography of the site is flat, sloping to Albert Street with no significant natural site features. There are no significant views into or out from the site that will be impacted by the development.

The height and scale of the proposed building sits just beyond the statutory planning controls. However, importantly the height and scale responds to the local building context at street level. Surrounding buildings are a mixture of 1 and 2 storey structures.

The proposed Police Station presents as a single storey structure across the Albert Street frontage with an upper storey set back centrally to the site to reduce the massing and scale of the building to the public interface. This outcome will maintain the human scale and character of the surrounding context.

To respect the heritage listed Court House and wider heritage context, the scale and massing of the building has been deliberately reduced at street frontage by the strategic use of materials and setbacks to the upper floor.

The height of the new entrance to the police station is comparable to that of the single storey heritage cottage at 90 Albert Street and to the cottage immediately adjacent to the police station entrance.

The two-storey element of the proposed building is set back from the street behind the historic Court House, as well as being set in from the eastern side boundary of the site behind the Court House, and is comparable in height to the new Court House building.

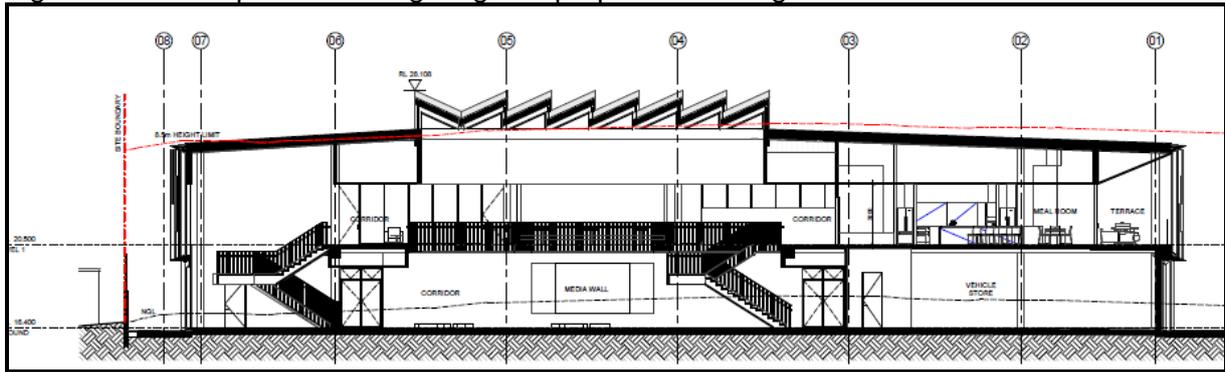
Overall, the height, bulk and scale of the proposed development is considered to be appropriate given the local context.

**Height and Floor Space Ratio**

As previously mentioned in this report the height and floor space ratio of the proposed development do not comply with the current LEP provisions. Clause 4.3 of the LEP provides that the maximum height of a building permitted on the subject land is 8.5m. The current proposal has a maximum height of 10.76m resulting in an exceedance of the maximum height of 2.26m. As illustrated below the main building complies with the 8.5m height limit

however a small exceedance is proposed to allow for roof skylights over a central atrium space proposed to provide light within the building.

Figure 7. Section plan indicating height of proposed building



Further Clause 4.4 of the LEP provides that the maximum floor space ratio of a building permitted on the subject land is 0.45:1 whereas the proposal provides for a floor space ratio of 0.72:1.

The clause 4.6 variation request submitted with the application demonstrates that:

- the objectives of the height and floor space ratio development standards are achieved notwithstanding the proposed variation to the numerical controls
- the proposed flexible application of the controls achieves a better planning outcomes than would be achievable by strict adherence to the controls on the subject site
- it is in the public interest to vary the controls as the proposal is consistent with the objectives of the R1 General Residential Zone and will meet the daily policing needs of residents
- the proposed building is of an appropriate height, bulk and scale, is consistent with the character of the site and will not result in any adverse amenity or environmental impacts
- the non-compliance with the development standards does not raise any matters of State or regional planning significance
- there is no public benefit in maintaining the height and / or floor space ratio development standard adopted by the environmental planning instrument for this Site in this instance, and
- legal precedent has been addressed as part of this clause 4.6 variation request, and concludes the circumstances of this Site and the development proposal are such that they and this justification cannot be replicated.

For the reasons set out in the written request, it is considered that the clause 4.6 variation to clauses 4.3 and 4.4 of Greater Taree LEP 2010 is justified and the strict application of the development standards is unreasonable or unnecessary in the circumstances of the case.

The proposal satisfies the established tests for clause 4.6 variations, is an appropriate form of development for the site and will result in an improved outcome over and above a development that would comply with the development standards. It is considered that flexibility in the application of the development standard is justified.

### **Heritage**

The Court House is listed as a heritage item under the GTLEP 2010 (Item I117 Courthouse) and the site is within the Albert Street Heritage Conservation Area. There are also a number of heritage items in the vicinity.

The site has been identified as having a significant long and continuous association with the NSW Police Force.

The proposed development will require bulk excavation across the site which would disturb and remove any archaeological remains, either Aboriginal or historical. There is low to moderate potential for the site to contain historical archaeological artefacts, deriving from the early use of the site as a police lockup and residence from 1863 – 1932, and from accidental loss or discarding from all phases of use. The level of Aboriginal archaeological potential is moderate, based on the limited nature of disturbance to a majority of the soil profile (containing most of the potential for stone artefacts).

A search of the OEH Aboriginal Heritage Information Management System (AHIMS) database found no registered sites or Aboriginal Places within the site area, with the closest AHIMS site approximately 2.4km east. However, the assessment reveals that, based on the landforms and history of the area, the site has the potential to contain Aboriginal archaeology. The area is in close proximity to the Manning River, a stable water and resource source, and the wider area is known to have been used by Aboriginal people in the past. The historical clearing of the land may have disturbed the surface expression of occupation sites and areas but is unlikely to have substantially removed this occupation evidence. Therefore, further investigation of Aboriginal archaeology has been recommended.

### Impact on the Built Heritage

The demolition of the existing police station complex together with excavation of the site for the new police station will effectively remove all physical evidence of the early police stations, thus erasing tangible evidence of the sites history. The continued presence on the site of the police and the continued association with the courthouse in a justice precinct is important to maintain. The loss of physical evidence of long term occupation of the site will have some heritage impact but this is considered to be ameliorated by the historical interpretation of the sites history and associations within the grounds and building of the new police station.

### Albert Street Heritage Conservation Area

The new police station is to be located in the vicinity of the former Our Lady of the Rosary Catholic Church and Presbytery that adjoin the site on the eastern side and the Taree Presbyterian Church which is located across the road from the Court House. The siting and design of the police station is such that it is considered that it will not have an adverse impact on the heritage items in the vicinity.

In summary, the following recommendations are made in regard to potential heritage impact:

- A full Aboriginal cultural heritage assessment, that confirms to the Aboriginal Cultural Heritage Consultation Requirements for Proponents, be undertaken prior to any demolition or excavation works commencing on site.
- If no artefacts are found during the test excavation, an addendum report summarising results, and Aboriginal community consultation undertaken, should be completed.
- Should Aboriginal objects be identified during test excavation, a whole-of-site AHIP should be sought under Section 90 of the National Parks and Wildlife Act 1974.
- An Archaeological Research Design (ARD), detailing the proposed methodology for investigation and salvage of the historical archaeological resource. Noting that this will need to be prepared and submitted to the Heritage Division with the Section 140 excavation permit application.
- An application for an excavation permit under Section 140 of the Heritage Act should be submitted to the Heritage Division (as delegate of the NSW Heritage Council) for approval to disturb the site's historical archaeological relics.
- Works should be carried out in accordance with the conditions of the Section 140 excavation permit issued for the site.
- No excavation or other ground disturbance should occur in areas of archaeological potential prior to the issue of a Section 140 excavation permit for the proposed works.

- An Interpretation Plan be prepared in consultation with the NSW Police and the local Aboriginal community to facilitate and implement appropriate interpretation of the heritage significance of the place to the local community of Taree and the local Aboriginal community on the site. This may include display of artefacts found on the site during the pre- development investigations.

It is proposed that these recommendations are implemented by way of conditions of consent.

### ***Access, Transport and Traffic***

A traffic and parking assessment report assessed the car parking provision of the proposal in terms of capacity, layout and operation and the anticipated traffic impacts. It concludes that the proposed development will result in a minor increase in traffic generation and parking requirements that will adequately be absorbed within the capacity of the existing road network.

#### Car Parking

Currently, car parking is provided on site for approximately 20 police vehicles to the rear of the police station and to the eastern part of the site. Courthouse parking is provided as 2 staff and 5 visitor spaces. Public car parking is available on Albert Street fronting the Court House.

The current and proposed parking situation is demonstrated in the table below:

	<b>Net Floor Area (m<sup>2</sup>)</b>	<b>Staff No.</b>	<b>Maximum staff per shift</b>	<b>Car Parking Spaces On-site</b>
Existing Police building	1090	102	62	Approximately 20 in an informal configuration
Proposed Building	1920 (24% increase)	126 (23% increase)	85 (18% increase)	26 + 4 on-street as first response
Existing Courthouse				7
Courthouse after Police Station development				2

The proposed development will have a floor area of 1920m<sup>2</sup>, an increased NFA of 830m<sup>2</sup>.

Parking provisions in the Greater Taree DCP do not specify requirements for a police station. A public building however requires provision of 1 space per 35m<sup>2</sup> NFA and 1 space per 500m<sup>2</sup> for service vehicles.

The submitted DA Traffic Report incorrectly states that parking provisions is only applied to the increased in floor area. In accordance with DCP 2010 Part G - Carparking is calculated on the total floor area of the development.

For a public building of 1920m<sup>2</sup> the DCP requires that a total of 59 parking spaces be provided. This is in addition to the seven spaces currently provided for the courthouse. Accordingly a total of 66 parking spaces are required to be provided for the development.

For the existing police station the DCP requires that a total of 35 parking spaces be provided. 20 parking spaces are currently provided and given that historical development on the police station site has not been required to provide additional car parking spaces it is reasonable to treat the variance between parking currently provided on site and parking required by the DCP as a credit towards the provision of spaces for the proposed development.

It is therefore considered that in accordance with the DCP a total of 51 parking spaces are required for the proposed police station and existing courthouse.

The proposed development includes the provision of 30 car parking spaces, with 23 car parking spaces, one (1) accessible space and two (2) custom large vehicle spaces located to the rear of the site and four (4) “first response” car parks on Albert Street. In addition, there will also be three (3) trailer spaces to the rear. The on-site car parks will be for the use of police vehicles and official visitors only. In accordance with NSW Government Office Design Principles (January 2011) 5.3 police stations are not required to provide on-site parking, except for departmental vehicles. This policy position seeks to avoid security risk to staff and customers.

Two parking spaces will be retained on the site for the courthouse, a decrease of five parking spaces.

The proposed police station and existing courthouse will be provided with a total 32 car parking spaces and three trailer parking spaces, a shortfall of 16 parking spaces.

The subject site is not located within the area designated in DCP 2010 to allow Council to accept a cash contribution in lieu of providing off-street parking and the heritage significance of the site is not considered compatible with excavation for the purpose of providing basement level car parking which is also not considered feasible.

It is noted that whilst the development does not strictly comply with the provision of car parking on site the applicable parking controls are not considered to be representative of the actual anticipated vehicular parking requirements given the specific nature of the proposed development, which includes a variety of operation vehicles and associated security considerations which may impact on vehicular parking provisions.

It is critical to provide parking spaces which meet the demand required by the NSW Police Force to meet the needs of the community. The proposed development is able to provide an adequate number of car parking spaces to meet these needs.

Police station staff currently park their private cars on local streets within a 500 metre radius of the station, and this is anticipated to continue following the redevelopment. The proposed development will result in an increase of up to 20 private vehicles requiring parking off site. This increase is deemed to be sufficiently small to not have a significant impact on local parking and other users of those car parking spaces, and will be accommodated by the current road network.

The proposed four (4) “first response” car parks on Albert Street are required to be 90-degree rear to kerb parking in order to meet police operational and safety standards requiring cars to be reverse parked (noting that existing adjacent car parking is 60-degree nose to kerb). The required dimensions of these car parking spaces and the width of Albert Street (at 17.5 metres) is considered more than sufficient to allow for the use of these car parks without any impact on the safety of other road users and does not result in the loss of any existing public parking on Albert Street.

Current on-street and on-site car parking arrangements in the vicinity of the Taree Court house are shown below.

Figure 8. Car parking in locality



### Vehicular Access

The current vehicle access to the north of the Court House building is a minimum of 3.1 metres and is too narrow for two-way traffic noting that the Greater Taree DCP requires 6 metre wide access for combined entry/exits. As the width of this driveway is limited by the Court House building and associated security infrastructure, it is proposed to retain the existing driveway as single lane access. The single lane access is proposed to be managed as follows:

- Cars entering the site have right of way managed with a give way sign
- A single car holding bay to wait in while a car enters, and
- A visibility mirror to allow vehicles on Albert Street to see if a vehicle is exiting.

Albert Street is 17.5 metres wide with adequate room for police vehicles to wait to turn into the accessway, with minimal impact on general traffic flows.

The rear parking area is not accessible to the public and is for police vehicles only. The measures outlined above are considered to be adequate to manage the traffic entering and exiting the site.

Car parking spaces have been designed to meet the Australian Standard AS2890.5 and the Police Building Code. Swept path analysis demonstrates that vehicles are able to enter and exit the site in the forward direction and reverse into parking areas without limiting access to other parking spaces or operational areas.

### Pedestrian Access

Current pedestrian access to the Police Station is very unclear and illegible, requiring a long route from Albert Street via a path running between buildings along the west side of the new Court House building before reaching the main police station entry. The proposed development represents a much improved pedestrian access, with access directly from Albert Street.

### Traffic

The proposed development will result in minor additional traffic generation in the local area with an additional 20 private vehicles (staff) within a 500 metre radius of the police station and an anticipated 11% increase in movements entering and exiting the station. This

increase is considered to be sufficiently small and the current road network deemed adequate to accommodate the increased traffic generation.

## **Construction**

### Construction Noise

The extent of the proposed excavation and construction works are not considered to be substantial and would not give rise to prolonged significant noise impact on nearby residential areas. The proposed works would be contained within the site with construction vehicles and equipment capable of being accommodated within the site. The overall site is relatively large with scope to contain much of the noise impact of the work to within the boundaries of the site. Noise mitigation and management measures will be included in a Construction Environmental Management Plan to be prepared and submitted prior to the issue of a Construction Certificate.

### Construction Vibration

In relation to potential vibration impacts, the Geotechnical report recommends that dilapidation surveys be completed prior to the commencement of demolition and excavation on the neighbouring buildings to the north, south, east and west.

Vibration mitigation and management measures will be included in a Construction Environmental Management Plan to be prepared and submitted prior to the issue of a Construction Certificate.

## ***Flooding, Stormwater and Drainage***

The site is not subject to overland flow or located within identified flood prone land. On-site detention (OSD) tanks are required for developments which exceed 25% impervious area over the existing usage or when the impervious area exceeds 25% of the site. The proposed development will be 95% impervious area and 5% pervious. OSD tanks will therefore not be required to reduce peak discharge as there is only a minor increase in impervious area for the proposed development site. The design for stormwater drainage of the development includes roof drainage through gutter and downpipes to an inground gravity drainage system. A new stormwater pit and a 35m long 450mm diameter stormwater pipe will be installed to connect to the existing council stormwater pit on Albert Street Stormwater quality for the post development site must not be worse than predevelopment. A Spel Filter treatment system or equivalent will be installed to meet the required water quality targets. The system will be used as an inline system, which stormwater will pass through. Post development discharge rates will be reduced by 20%- 25%.

### Groundwater

The Geotechnical Report notes expected groundwater inflow into the site excavation will occur as local seepage flows within the fill, at the soil/rock interface, as well as through joints and bedding partings within the bedrock profile, particularly during and immediately following periods of heavy rainfall.

Seepage volumes into the excavation, are expected to be relatively low and would be controllable by gravity or conventional sump and pump methods.

## **Contamination**

A Preliminary Stage 1 Environmental Site Assessment has been undertaken. The assessment identified potential sources of contamination including fill, an abandoned petrol underground storage tank and hazardous building materials from existing structures. On the

site surface in areas of exposed fill soils and generally around the forensics building, fibre cement fragments (FCF) were identified and a representative sample found to contain asbestos. All FCF were considered to be in good condition and could not be broken by hand pressure (i.e. it was considered to be bonded).

As previously mentioned the assessment concludes that the contaminants of potential concern which were identified at the site pose a low risk to receptors, and that the site can be made suitable for the proposed development subject to the following recommendations being implemented:

1. Undertake a Ground Penetrating Radar (GPR) survey to identify the location and orientation of the abandoned underground storage tank (UST);
2. Conduct an emu-bob for removal of FCF across the site by a suitably licenced asbestos contractor. All FCF to be disposed of to a NSW EPA licenced facility. Following removal, a surface clearance should be undertaken by a SafeWork NSW licenced asbestos assessor. This should be undertaken following demolition of the site structures. This will provide a safe working environment for site personnel and form part of the waste classification; and
3. When the site becomes fully accessible (i.e. after demolition) undertake a Stage 2 ESA including groundwater analysis to address the identified data gaps (including the location of the UST and any associated residual contamination, assessment of groundwater, assessment of areas beneath the existing buildings and assessment of hazardous building materials in the existing buildings). An inspection of the site surface should be undertaken in the footprint of the existing site structures following demolition. The assessment should include sampling and analysis at a minimum of four locations (one on each side) around the UST to assess for any residual soil contamination. The assessment should also include the analysis of some soil samples to confirm the absence of acid sulfate soil.

It is further recommended that in the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works should stop and an environmental consultant should be engaged to inspect the site and address the issue.

The above recommendations are addressed by way of conditions of consent.

### **c) *The Suitability of the Site for the Development***

The subject site is ideally suited for the proposed new police station and associated works, being the Taree Justice precinct, the location of the existing Taree Police Station and Court House. The proposed development represents an improvement to the current existing facility.

The site allows for the proposed development to provide a high level of amenity to police staff and visitors with clear front entry, secure access, landscaping, and a high quality built form.

The proposed development will not result in any significant environmental impacts and any potential impacts can be adequately mitigated through appropriate management. It is therefore considered that the site is suitable for the proposed development.

### **d) *Any Submissions Made in Accordance with the Act or Regulations***

The application was notified to neighbouring property owners and advertised in the local press in accordance with Council's Policy and no submissions were received.

### ***e) The Public Interest***

The proposal will not detract from the character of the existing streetscape nor will it undermine any of the social or economic values of the site or surrounding area. The proposal is considered to be consistent with the objectives of the relevant zone and will not have an unreasonable impact upon neighbouring properties.

Accordingly, approval of the proposed development allows for the improved functioning of a vital community service and would not be contrary to the public interest.

### **CONCLUSION**

The proposed development is considered to be suitable for the site and the locality having regard to the current planning controls and maintains a reasonable amenity relationship with neighbouring properties.

Accordingly, the application is supported and recommended for approval subject to conditions.

### **RECOMMENDATION**

It is recommended that Development Application 514/2018/DA for demolition of the existing Taree Police Station and the erection of a new 2-storey public administration building (Police Station) building, car parking and associated at Lots 21, 22, and 23 Section 8 DP 50231 83-87 Albert Street Taree works be approved in accordance with the conditions of consent contained in Annexure A

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## **ANNEXURES**

A: Draft Conditions of Consent