

COUNCIL ASSESSMENT REPORT
WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-39 DA 2021/LD-00046
PROPOSAL	Multi-Purpose Hall & Pavilions
ADDRESS	• Lot 7317 in DP1170701 - Part Crown Reserve R630023 • Lot 17 in DP213415 • Lot 19 in DP22820 • Lot 20 in DP22820 • Lot 21 in DP22820 • Lot 22 in DP22820 • Lot 23 in DP22820 • Lot 24 in DP22820 • Lot 65 in DP651098
APPLICANT	Peter Vlatko General Manager on behalf of Cobar Shire Council ABN 71 579 717 155
OWNER	Cobar Shire Council and part Crown Reserve R630023
DA LODGEMENT DATE	28 April 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Council related development over \$5 million
CIV	\$7,670,721.00
CLAUSE 4.6 REQUESTS	Nil
SEPP/LEP	• State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • Cobar Local Environmental plan 2012
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil

DOCUMENTS SUBMITTED FOR CONSIDERATION	<u>Relevant documents as uploaded to NSW Planning Portal</u> For assessment: • Covering letter from Dunn & Hillam Architects pages 1 – 2 dated 21 April 2022 • Architectural Drawings Package Dunn & Hillam Architects. Job No. 21_305 Drawings: - DA 01-00 Rev A 21/04/2022 - DA 01-01 Rev A 21/04/2022 - DA 01-02 Rev A 21/04/2022 - DA 01-03 Rev A 21/04/2022 - DA 01-04 Rev A 21/04/2022 - DA 01-05 Rev A 21/04/2022 - DA 01-06 Rev - 21/04/2022 - DA 01-07 Rev - 21/04/2022 - DA 01-08 Rev - 21/04/2022 - DA 01-09 Rev - 21/04/2022 • Traffic and Parking Assessment prepared by Lyle Marshall & Partners. Job No. 1112-1-21. Report No. 20-21, November 2021. • Arboricultural Impact Assessment prepared by Wade Ryan Contracting, Revision 21/04/2022 pages 1-14, Table 1 and Annexure 2. • Civil Services drawings prepared by JHA Services Job No. 210365. Drawings dated October 2021. - C0000 Rev P3 - C0001 Rev P3 - C1000 Rev P3 - C1010 Rev P3 - C1100 Rev P3 - C1101 Rev P3 - C1200 Rev P3 - C1201 Rev P3 - C1202 Rev P3 - C1400 Rev P3 - C1401 Rev P3 - C4000 Rev P3 - C4100 Rev P3 - C4300 Rev P3 - C5000 Rev P3 - C5010 Rev P3 - C5200 Rev P3 - C5400 Rev P3 - C5401 Rev P3 • Noise Impact Assessment prepared by JHA Services Project Number 210365 Revision A 18/11/2021. • Preliminary Site Contamination Assessment prepared by Barnson Pty Ltd Project No. 36686
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	Report Reference 36686 ER02 23/07/2021 Final Revision. • Statement of Environmental Effects prepared by SJB Planning Final Version December 2021. • Draft Plan of Management for Cobar Shire Council Multipurpose Building 10/11/2021. • Lighting design letter provided by JHA Services – Ward Oval Sports Lighting dated 4/11/2021. For Information Only: • Ward Oval Precinct Master Plan – all stages, Dunn & Hillam Architects. Job No. 19_315 Drawing No. SD 01-11 24/02/2022. • Access Design Assessment Report prepared by Design Confidence, Reference P221_210-2 (ACCESS) KG Final Report issued 19/11/2021. • BCA Design Assessment Report prepared by Design Confidence, Reference P221_210-3 (BCA) JR Final Report issued 23/11/2021. • Site Survey Plans prepared by Langford & Rowe for Cobar Shire Council. Eight (8) sheets. • Quantity Surveyors Report (extract) prepared by Altusgroup printed 17/03/2021. • Geotechnical Investigation Report prepared by Barnson Pty Ltd Project No. 33670 Report Reference 33670-GR01_B Revision B 13/07/2021. • Hazardous Materials Survey Reports dated 10/8/2021: - Bar1 - Bar 2 - Buffalo Shed - Dining Hall - Goats - Main Hall - Shearing Shed - Sheep - Storage - Toilet Block 1 - Toilet Block 2 - Trade and Poultry Pavilion - Wool Pavilion • Plan of Management for Ward Oval prepared by Inner West Town Planning dated 17 September 2021.
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SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Not applicable
RECOMMENDATION	Conditional Consent
DRAFT CONDITIONS TO APPLICANT	To be advised
SCHEDULED MEETING DATE	9 August 2022
PREPARED BY	Garry Ryman
DATE OF REPORT	2 August 2022

EXECUTIVE SUMMARY

Cobar Shire Council (the applicant) has submitted a development application for a Multi-Purpose Hall and Pavilions. The proposal is regionally significant development being a Council related development with a Capital Investment Value over \$5 million.

The site comprises land that in part is owned by the applicant together with one (1) being a Crown reserve lot.

The application was placed on public exhibition and no submissions were received.

Following an assessment of the application relative to the *Environmental Planning and Assessment Act 1979* and other related legislation, the application is recommended for approval by granting conditional consent.

1. THE SITE AND LOCALITY

1.1 The Site

The site is located at the southern end Maidens Ave, Cobar and comprises nine (9) lots legally described as Lot 7317 in DP1170701 - Part Crown Reserve R630023, Lot 17 in DP213415, Lot 19 in DP22820, Lot 20 in DP22820, Lot 21 in DP22820, Lot 22 in DP22820, Lot 23 in DP22820, Lot 24 in DP22820 and Lot 65 in DP651098.

1.2 The Locality

The site is approximately five hundred (500) metres south of the Barrier Highway and is part of the Ward Oval Precinct. This precinct is surrounded by a variety of adjoining land uses including single storey detached dwellings, Cobar Public School, Cobar Golf Course, Cobar Pres-school, Girl Guides and Army Cadet Halls.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development as lodged on 28 April 2022 includes:

- Construction of a new single storey multi-purpose hall.

- Refurbishment of existing pavilions including refurbishment of main pavilion and trade pavilion, relocation and refurbishment of poultry pavilion and conversion of wool pavilion to an open-air gazebo.
- New external courtyard adjoining the pavilions with paved floor finish, circular bench and tree.
- Construct an on-site carpark accommodating 49 car spaces.
- Minor works to western carpark (Cobar Pre-School site) and delineating a turning circle.

The proposal is detailed in the Architectural Drawing Package prepared by Dunn & Hillam Architects dated 21/4/2022.

The Architectural Drawing Package dated 21/4/2022 prevails over any inconsistencies contained in supporting documents predating the package.

The proposed "Sports Storage Shed" has been removed from the proposal post 21/4/2022 by the applicant due to an unresolved conflict with the high voltage overhead power line that runs approximately north south on the western side of the development site.

2.2 Background

The development application was uploaded on the NSW Planning Portal in December 2021 but not accepted for assessment until being lodged on 28 April 2022.

2.3 Site History

The matters listed below are highlighted as relevant information for the Panel in its consideration of the subject development.

- Ward Oval Precinct, Masterplan – all stages dated 24 February 2022 included in application documents for information only.
- Centre-Based Child Care Facility development application reported to the Panel at its determination meeting held on 26 July 2022.
- Development Consent 2021/LD-00009 granted by Cobar Shire Council to NSW Public Works Advisory to demolish the former grandstand building on the site of the proposed Multi-Purpose Hall Building. This consent has been finalised and relevant clearance certificates and the like are included as Item 1 in Attachment C.
- Ward Oval Sporting and Community Facilities Plan of Management prepared without consultation with Crown Lands.
- The Approval pathway for the present civil works, at the development site, to realign the sports ovals is exempt development under section 2.74 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

3. STATUTORY CONSIDERATIONS

This section of the Assessment Report firstly identifies and comments on legislation identified as being relevant to the subject development followed by required statutory considerations.

The *Crown Land Management Act 2016* is relevant as one of the lots in the development site is part of Crown Reserve R630023. Despite being the Crown land manager for this Reserve, Cobar Shire Council had to obtain landowners consent from the Crown to make the application in respect of parts of the development work that fell outside of the deemed landowner consent provisions in s2.23 of the *Crown Land Management Act 2016*. Details of the Crown landowners' consent is provided as Item 2 of Attachment C

The development site includes seven (7) lots that are classified as community land under the *Local Government Act 1993*, and it is highlighted that s47E is relevant to the subject development in that no power of a council under an environmental planning instrument to

consent to the carrying out of development on community land may be delegated by the council.

Other matters related to the *Local Government Act 1993* include the application of Cobar Shire Council Development Servicing Plans for Water and Sewerage 2013 (s64) and the need to obtain approvals under s68 for activities as relevant to the proposed development.

The relevant Section 64 water supply and sewerage charges have been calculated and included in the draft Conditions of Consent. Similarly, a list of required activity approvals have been listed as a draft Condition of Consent.

A site walkover for Aboriginal heritage was undertaken by the Cobar Local Aboriginal Land Council (at the invitation of Cobar Shire Council) in April 2022. During the walkover, an isolated artefact was identified and in response an Aboriginal Due Diligence Assessment Report was prepared as advocated in s57 of the *National Parks and Wildlife Regulation 2019* made under the *National Parks and Wildlife Act 1974*.

The outcome of the due diligence process was that:

Aboriginal Heritage Impact Permit (AHIP) application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify Heritage NSW. If human remains are found, stop work, secure the site and notify NSW Police and Heritage NSW.

This Assessment Report supports the management recommendations provided in the Due Diligence Report. A copy of the Report is provided as Item 3 in Attachment C.

The proposed development potentially involves carrying out of works on a public road being Booroomugga Street. Cobar Shire Council is the appropriate road authority under the *Roads Act 1993*, and it is noted that the development is not integrated development as detailed s4.46 (3)) of the *Environmental Planning and Assessment Act 1979*.

This Assessment Report has been prepared on the basis that a separate approval must be obtained under s138 of the *Roads Act 1993* to carry out any works on or within a public road prior the work commencing.

Section 1.7 of the *Environmental Planning and Assessment Act 1979* gives effect to Part 7 of the *Biodiversity Conservation Act 2016*. Part 7 includes an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact if:

- it is carried out in a declared area of outstanding biodiversity value,
- the site is not in an area of outstanding biodiversity area.
- it is likely to significantly affect threatened species or ecological communities or their habitats according to the test of significance in s7.3

The proposed development is in an existing cleared area of Ward Oval. No significant vegetation or native ground cover would be cleared to facilitate the project. On this basis, no significant impacts to threatened species or ecological communities or their habitats are anticipated as a result of the proposed development.

- if the biodiversity offsets scheme applies and the proposed development causes the biodiversity offsets scheme threshold to be exceeded.

Clearing of native vegetation is not proposed and therefore the clearing threshold is not exceeded. A Biodiversity Development Assessment Report (BDAR) is not required.

The Cobar Shire Local Strategic Planning Statement (adopted 28 May 2020) was prepared in accordance with s3.9 of the *Environmental Planning and Assessment Act 1979* and in part gives effect to the Far West Regional Plan 2036.

The proposed development has been assessed relative to the above strategic documents. The application is considered to be consistent with the goals for the region and beneficial towards retaining Cobar as a healthy and cohesive community.

The Cobar Local Infrastructure Contributions Plan 2012 adopted under the *Environmental Planning and Assessment Act 1979* is relevant to the proposed development and the s7.12 levy has been calculated and included in a draft Condition of Consent.

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instrument is relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *Cobar Local Environmental Plan 2012.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in Table 1 and considered in more detail below.

Table 1: Summary of Applicable State Environmental Planning Policies
(Preconditions in **bold**)

EPI	Matters for Consideration	Comply (Y/N)
Planning Systems	• Section 2.19 - declares the proposal as regionally significant development pursuant to Section 3 of Schedule 6.	Y
Resilience and Hazards	• Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory.	Y
Transport and Infrastructure	• Section 2.48 - (Determination of development applications - other development) – electricity infrastructure - the proposal is satisfactory.	Y

Industry and Employment	• Section 3.4 – Signage to which this Policy applies • Section 3.6 – Consistent with policy objectives and Schedule 5 assessment criteria	Y
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State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, the proposal is a regionally significant development as it satisfies the criteria in Section 3 of Schedule 6 as the proposal is development for a Council related development with a CIV over \$5 million. Accordingly, the Western Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* have been considered in the assessment of the development application. Section 4.6 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site.

The Assessment Report supports the findings of the PSI and no further action or reasons to impose specific conditions relative to this SEPP have been identified. The PSI findings are included below.

Based on the findings of the desktop review and site investigation it is concluded that the Development Area is suitable for the proposed development and use. The environmental media such as surface soils and surface water at the subject site are unlikely to present a risk of impact to the health of humans or the environment and further investigation is not required.

State Environmental Planning Policy – (Transport and Infrastructure) 2021

The subject application was referred to Essential Energy as the electricity supply authority for the area in accordance with Section 2.48 and the final response in respect of the referral is summarised as "Essential Energy has no objections to the development being conditioned in accordance with it comments". Relevant conditions have been included in the draft Conditions of Consent. Further the applicant/developer is responsible to consider their requirements for private electrical assets.

The general issue of electrical supply and assets is covered elsewhere in the report in considering the provision of utility services to the proposed development. The referral response from Essential Energy is provided as Item 4 in Attachment C.

This Assessment concludes that all required matters have been considered noting that the proposal does not trigger any roads and traffic provisions in Chapter 2, Division 17.

State Environmental Planning Policy (Industry and Employment) 2021

This Assessment Report supports the analysis and outcomes in the Statement of Environmental Effects, prepared by SJB Planning relative to Clause 8 and Schedule 1 of the former SEPP No. 64.

The objectives and assessment criteria in the former SEPP have been rolled over to the current SEPP. This Assessment Report is based on the position that the introduction of the new SEPP does not materially change the analysis and impact conclusions set out in the SEE.

Further this assessment has considered the revised design detail of the proposed building identification sign as included in the Architectural Drawings Package, dated 21 April 2022.

The proposed sign is submitted as being acceptable relative to this SEPP, including the pre-condition of being consistent with the policy objectives and assessment criteria.

Cobar Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Cobar Local Environmental Plan 2012* ('the LEP'). The aims of the LEP include;

- Encouraging a range of housing, employment, recreation and community facilities to meet the needs of existing and future residents of Cobar and
- Promoting the efficient and equitable provisions of public services, infrastructure and amenities.

The proposal is consistent with these aims as the proposal is providing a new facility to the community in the form of a multi-purpose hall building, together with upgrading existing pavilion buildings to meet the needs of existing and future residents of Cobar. The design, location and capacity of the development is consistent with promoting the efficient and equitable provision of public services, infrastructure and amenities.

The site has been checked relative to the maps identified in the LEP and with the exception of the Land Zoning Map, all of the other maps (as listed below) are not applicable to the subject application.

- Lot Size Map
- Heritage Map
- Land Reservation Acquisition Map
- Terrestrial Biodiversity Map
- Groundwater Vulnerability Map
- Watercourse Map
- Wetlands Map
- Additional Permitted Uses Map.

The site is located within the Zone RE2 Private Recreation and the objectives of this zone are:

- To enable land to be used for private open space or recreational purposes
- To provide a range of recreational setting and activities and compatible land uses
- To protect and enhance the natural environment for recreation purposes.

The proposal is considered to be consistent with these zone objectives for the following reasons of the proposal being a compatible land use in locality and designed to protect and enhance the natural environment.

The proposal is consistent with the following land uses as defined in the LEP being a recreation area (including ancillary buildings) and a community facility. Both of these land uses are permissible with consent.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are identified in Table 2 below.

Specific comments are included in respect of each of the identified controls.

Table 2: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Demolition requires consent (CI 2.7)	Demolition may be carried out with consent	The application includes demolition work as detailed in the architectural drawings package. Consent may be granted for the proposed demolition work.	Yes
Earthworks (CI 6.1)	1) Objectives 2) Separate consent unless ancillary 3) Matters for consideration	Proposal assessed against requirements.	Yes
Stormwater Management (CI 6.3)	1) Objective 2) Application 3) Matters for consideration	Proposal assessed against requirement	Yes
Essential Services (CI 6.10)	Essential services being available	Proposal assessed against requirement	Yes

Clause 2.7 establishes that demolition may be carried out only with development consent.

Further, section 61 of the *Environmental Planning and Assessment Regulation 2021* prescribes that the provisions of AS2601-2001: Demolition of Structures are to be taken into consideration by a consent authority in the case of a development application for the demolition of a building.

The relevant requirements in respect of demolition work as exempt development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* are contained in the following clauses.

- 1.15 What development is exempt development
- 1.16 General requirements for exempt development
- 2.25 and 2.26 Specified development and development standards for demolition.

The proposed demolition of the buildings identified for removal and partial demolition associated with refurbishing existing buildings is not exempt development and therefore requires consent. The extent of information included with the application in respect of the demolition work is limited. However, from the application it can be readily identified which structures are proposed for either complete or partial demolition.

To assist with assessing the proposed demolition the Hazardous Materials Survey Reports, dated 10 August 2021 have been considered in conjunction with AS2601. This Assessment Report raises no concern with development consent being granted for the proposed demolition work subject to conditions as included in the draft Conditions of Consent. A copy of the survey Reports are referenced in the list of application documents as "For Information Only".

Compliance with relevant legislation in respect of demolition, removal and disposal of hazardous materials will readily mitigate any potential adverse impacts. Relevant agencies include; Environmental Protection Authority (waste classification and licensing of landfills) and SafeWork (licensing of and notice of work by demolition contractors).

Clause 6.1 relates to a control in respect of earthworks and has been considered relative to the proposed development. Proposed earthworks associated with the development are considered to be ancillary to and a necessary part of the construction work. The extent of the earthworks does not warrant requiring a separate development consent. The required earthworks are considered to be of a minor nature and will have minimal environmental impact.

Clause 6.3 relates to a control in respect of stormwater management with the objective of minimising the impacts of urban stormwater on the development site, adjoining properties, native bushland and receiving waters. The development is on land within a recreation zone and pursuant to subclause (2) the control is not applicable with its applications limited to land in residential, business and industrial zones. Notwithstanding subclause (2) it is considered worthwhile commenting on the proposed stormwater design relative to the general concepts listed in subclause (3).

The proposed design:

- does not include excessive areas of hard stand surfaces.
- collects and pipes roof and surface stormwater to a combination of new absorption trenches and connection to an existing drain which discharges to the drainage easement on Lot 18 to the west of the development site.
- collects and discharges stormwater clear of existing and proposed buildings.

Clause 6.10 includes a precondition that development consent must not be granted to development unless the consent authority is satisfied in respect of essential services as described below:

Any of the following services being:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable road access

that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.

The site is serviced by suitable road access, existing water supply sewerage system and electricity supply as well as stormwater drainage system as previously detailed. These essential services are available and the precondition to granting consent is satisfied.

In summary the proposal is considered to be generally consistent with the LEP and consent may be granted without the need to seek an exception to a development standard under clause 4.6

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

This assessment has not identified any proposed instrument that is or has been subject of public consultation and relevant to this development proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

There are no Development Control Plans in effect within the Cobar Shire local government area.

3.4 Section 4.15(1)(a)(iiia) - Planning agreements under Section 7.4 of the EP&A Act

There are no planning agreements or draft planning agreements that are of relevance to the proposed development.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Part 4, Division 1 of the *Environmental Planning and Assessment Regulation 2021* prescribes matters relevant to this paragraph. Section 61 is relevant to the demolition work and there is a need to consider Australian Standard AS2601-2001: The Demolition of Structures.

As previously documented AS 2601 has been considered in the preparation of this Assessment Report.

Further, section 64 as detailed below is considered relevant to this proposal relative to the proposed refurbishment of the existing show pavilion buildings.

There are no other provisions in Part 4, Division 1 that are considered relevant.

Section 64 Consent authority may require upgrade of buildings.

- (1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if:
 - (a) the proposed building work and previous building work together represent more than half of the total volume of the building, or
 - (b) the measures contained in the building are inadequate:
 - (i) to protect persons using the building, if there is a fire, or
 - (ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or
 - (iii) to restrict the spread of fire from the building to other buildings nearby.
- (2) The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the *Building Code of Australia*.
- (3) In this section:
"previous building work" means building work completed or authorised within the previous 3 years.
"total volume" of a building means the volume of the building before the previous building work commenced and measured over the building's roof and external walls.

The following is a brief summary of the extent of work proposed for each of the existing show pavilion buildings as detailed in the Architectural Drawings Package, dated 21/4/2022.

Wool Pavilion – (Drawing B.02, Drawing No. DA01-06)

- Refurbish existing pavilion to a gazebo
- New roof, gutters and downpipes
- Demolish external wall structure
- Existing concrete slab on ground to be topped with new floor finish
- Retain existing columns and roof trusses
- All refurbishment of existing structure to comply with structural engineering requirements and required codes
- New outdoor joinery; built-in electric BBQ, bench and freestanding seating benches.

Main Pavilion – (Drawing B.03, Drawing No. DA01-07)

- Refurbish existing pavilion
- All refurbishment of existing structure to comply with structural engineering requirements and required codes
- New roof, gutters and downpipes
- Wall structure external; existing cladding removed, new metal sheeting fixed to new framed timber structure
- Retain existing columns and roof trusses.
- Existing concrete slab on ground topped with new floor finish
- New windows, new door (side), refurbish existing front doors
- New freestanding display joinery

Poultry Pavilion – (Drawing B.04, Drawing No. DA01-08)

- Demolish existing poultry pavilion and build new poultry pavilion comprising:
- New slab on ground floor
- Reuse/relocate demolished columns and roof trusses
- Increase height of structure compared to former building
- Wall structure external; new cladding to fixed new framed timber structure
- New roof, gutters and downpipes
- New windows, new door and new freestanding display joinery
- All refurbishments of existing structure to comply with structural engineering requirements and required codes

Trade Pavilion – (Drawing B.05, Drawing No. DA01-09)

- Demolish existing lean to sheds to west and south
- All refurbishment of existing structure to comply with structural engineering requirements and required codes.
- Retain existing columns and roof trusses
- New roof, gutters and downpipes
- Existing concrete slab on ground tipped with new floor finish
- Wall structure external, existing cladding removed, new cladding fixed to new framed timber structure
- New doors (side and rear), refurbish existing front doors, new window and new freestanding display joinery

From the above descriptions it is reasonable to accept that the proposal involves the rebuilding or alterations of three out of the four pavilion buildings and that the proposed building work represents more than half of the total volume of each building. The poultry pavilion building is a new building that merely uses second-hand steel columns and roof trusses salvaged from a demolished building.

Therefore, the consent authority must consider whether it is appropriate to require the existing buildings to be brought into total or partial conformity with the Building Code of Australia.

To assist with this consideration, in terms of the three (3) building being rebuilt/altered, it is submitted that except for retaining the existing concrete slab on ground floors, the steel columns, roof trusses and refurbishing the two front door sets the balance of the proposed building work is new building work.

Further, it is noted that under section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* a certifier must not issue a construction certificate unless the design and construction of the building is consistent with the development consent and the building will comply with the relevant requirements of the Building Code of Australia.

It is noted that the application as submitted commits to complying with structural engineering requirements and required codes for all refurbishment of the existing structures.

Therefore, in conclusion it is recommended that it is considered reasonable to require the three pavilion buildings to be rebuilt/alterd to be brought into total conformity with the Building Code of Australia, noting that the under the terms of this consent the proposed poultry pavilion is considered to be a new building.

To potentially assist the applicant in achieving compliance with the Building Code of Australia it is recommended that this Assessment Report considers the possibility that the position of the new poultry building may change. The anticipated change would be minimal, involving maintaining the proposed orientation of the poultry pavilion but sliding the building towards the north to increase its setback from the main pavilion building as well as removing potential conflict with the existing underground electricity powerline. Such a change is considered to be minor and if it eventuates will not materially change the overall assessment of the proposed development and is considered as being reasonable.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

In considering the development application the consent authority is to take into consideration matters as are of relevance to the proposed development; including the likely impacts of the development. Environmental impacts on both the natural and built environment, and social and economic impacts in the locality are to be considered.

In this regard, potential impacts as relevant to the proposal and identified in applicable SEPP and LEP controls have been considered in the responses included above in this assessment. The Statement of Environmental Effects submitted with the application has addressed the following impacts:

- Construction Impacts
- Amenity Impacts or Neighbouring Properties
- Impacts on the Built and Natural Environment
- Acoustic Impacts
- Traffic and Parking
- Social Impacts and Economic Impacts

This assessment has considered the identified impacts included in the SEE and supports both comments and conclusions provided on behalf of the applicant.

Further, specific consideration of likely impacts considered in this assessment are detailed below.

The proposal has been considered relative to the Ward Oval Precinct Master Plan. This master plan document is not static and subject to ongoing review. The Plan included in the application is dated 24 February 2022 and pre-dates the development application lodged on 28 April 2022. The proposal is considered to be generally consistent with the Plan.

As noted previously the proposal includes works associated with the existing western carpark that services the Cobar Pre-School. This work includes delineating a turning circle as an extension of the existing carpark and Booroomugga Street thereby removing the current practices of vehicles visiting the Pre-School and others from driving through Ward Oval and exiting onto Maidens Ave.

The proposed turning area to isolate the operation of the Pre-School from Ward Oval is supported in this Assessment Report. However, the design needs to be detailed to ensure that construction of the turning circle does not restrict access from Booroomugga Street via Lot 17

in DP213415 to Lot 1 in DP602388 and Lot 21 in DP837494 both located both located to the south of Lot 17 and benefiting from a right access that burdens Lot 17.

A condition is included in the draft Conditions of Consent to address this matter.

In the draft 'Plan of Management Cobar Shire Council Multipurpose Building' the base hours of operation for the proposed Multi-Purpose Hall is 7am to 10pm with bookings to use the building made through the Council Office. In the plan it is noted that bookings will be available 7 days per week and will include and allow for after hour events.

The Noise Impact Assessment prepared by JHA Services has assessed anticipated impacts of the proposed development including the night period (10pm to 7am) and generally supports the approval of the development.

However, it is considered that the proposed use of the Multipurpose Hall after hours (i.e. 10pm to 7am) should be subject to a requirement for Cobar Shire Council to adopt an "after hours" operational/management policy following appropriate community consultation.

There are no identified unreasonable conflicts between the proposed development and other development within the Ward Oval Precinct, including the proposed Centre-Based Child Care Facility and future activities identified in the Ward Oval Precinct Master Plan.

The proposed on-site carpark (49 spaces) in combination with existing informal overflow parking areas is considered to be sufficient to effectively service the proposed development with out comprising existing use of Ward Oval or future opportunities.

The proposed development is considered to be of a scale and size that is not out of character with the surrounding area. The proposal will not adversely impact the street scape, the outlook from adjoining properties or pose any unreasonable impacts to adjoining residents.

Construction work will generate some noise, however through a condition of consent limiting the working hours and available legislative provisions such impact may be readily managed to avoid unreasonable impact in the neighbourhood. There will be no ongoing significant noise impacts expected as a result of the development.

It is considered that the proposed development will not result in any significant adverse social or economic impact. The expected social and economic impact of the development is expected to be positive and will result in a material public benefit to the community by providing improved and additional community and recreational facilities.

Overall the likely impacts of the proposal have been assessed as being reasonable and no matters of significant concern with the development have been identified.

3.7 Section 4.15(1)(c) - Suitability of the site

The proposed development is an acceptable fit in the locality and the attributes of the site are considered to be conducive to the development. There are no legislative, physical, servicing or environmental constraints to prevent the development. The proposed development is compatible with existing land uses in the locality. The site is considered to be suitable for the proposed development.

3.8 Section 4.15(1)(d) - Public Submissions

Public exhibition completed with no submissions received. Details of the community consultation undertaken is included in Section 4 of this report.

3.9 Section 4.15(1)(e) - Public interest

No negative public interest matters have been identified in respect of this proposal. The proposal will strengthen and expand on existing childcare services available within the community. The proposed development is considered to be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development was referred to Essential Energy in accordance with section 2.48 of the Transport and Infrastructure SEPP as previously addressed in this report.

There are no outstanding legislated concurrence or referral requirements in respect of this proposal.

4.2 Community Consultation

The original application was on public exhibition from 28 April 2022 to 13 May 2022.

The exhibition included:

- Notice in local newspaper
- Exhibition on Council's website
- Letter to neighbouring properties

At the close of exhibition period no submissions were received.

In addition to the public exhibition of the Development Application it is noted that a draft Plan of Management for Ward Oval Sporting and Community Facilities was subject to community consultation.

This consultation included giving public notice of the proposed draft Plan and conduct of a Public Hearing. The draft Plan referenced the Master Plan for Ward Oval including concept designs for a new multi-purpose centre, improved show facilities and landscaping.

No submissions were received from the community in respect of the multi-purpose centre, improved facilities for the show and landscaping work.

5. CONCLUSION

In conclusion, it is submitted that the proposed development is worthy of support on the basis of being:

- Acceptable in terms of s4.15 matters for consideration
- Permissible with consent on the subject land
- Unlikely to cause any unreasonable impacts in the locality
- Acceptable in terms of public interest considerations and
- Proposed on a suitable site for the development.

6. RECOMMENDATION

That the Development Application DA No 2021/LD-00046 for a Multi-Purpose Hall and Pavilion Buildings at Ward Oval Precinct, Maidens Ave, Cobar be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent

- Attachment B: Documents listed in draft Condition 1
- Attachment C: Additional documents referenced in Assessment Report.