

## COUNCIL ASSESSMENT REPORT

### WESTERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSWES-166 – DA 2023/0009
<b>PROPOSAL</b>	Alterations and additions to an existing emergency services facility (Bourke Police Station)
<b>ADDRESS</b>	Lot Y DP904235 and Lot 5 Section 6 DP758144 44-46 Oxley Street, Bourke NSW 2840
<b>APPLICANT</b>	NSW Police Force
<b>OWNER</b>	NSW Police Force
<b>DA LODGEMENT DATE</b>	31/10/2022
<b>APPLICATION</b>	Crown DA
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Section 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: The development is carried out by the NSW Police Force which is prescribed as the Crown by reference to Section 294 of the <i>Environmental Planning and Assessment Regulation 2021</i> and the capital investment value exceeds \$5 million.
<b>CIV</b>	\$12,354,545.45 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<i>Bourke Local Environmental Plan 2012</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES SUBMISSIONS</b>	Nil
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Statement of Environmental Effects Architectural Plans Landscape Plan Design Statement

	Preliminary Stage 1 Contamination Report Heritage Impact Assessment Schedule of Conservation Works Transport Impact Statement Stormwater Management Letter Civil Engineering Plans BCA Report Waste Management Plan Survey Plan Supplementary Contamination Statement
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	Nil
<b>RECOMMENDATION</b>	Approval subject to conditions
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	6 February 2024
<b>PREPARED BY</b>	Mark Raikhman (Senior Town Planner, Premise Australia Pty Ltd) Planning consultant on behalf of Bourke Shire Council
<b>DATE OF REPORT</b>	31 January 2024

## EXECUTIVE SUMMARY

Development Application (DA) 2023/0009 seeks consent for alterations and additions to the existing emergency services facility (Bourke Police Station) at 44-46 Oxley Street, Bourke (the 'site'). The proposal was first presented to Council in a pre-DA meeting on 12 February 2021, before being formally submitted on 31 October 2022. Notification to external agencies was conducted prior to the panel briefing on 23 February 2023, as well as issue of requests for information relating to contamination and heritage. An amended design was provided to Council on 31 March 2023, as was additional information relating to contamination on 20 June 2023.

The site comprises two lots (Lot Y DP904235 and Lot 5 Section 6 DP758144) with a combined area of 3,045m<sup>2</sup>. It has three street frontages, including Oxley Street to the north, Richard Street (Mitchell Highway) to the east and an unnamed lane to the south. It is currently occupied by the Bourke Police Station, inclusive of police station building located in the north-eastern portion of the site, a former bank building in the north-western portion of the site (now also used as a police station building) and associated structures including smaller buildings, car parking structures, telecommunications tower, fencing, etc, throughout the remainder of the site. Access is provided via two driveways from Oxley Street, one driveway from Richard Street and two driveways from the unnamed lane to the south.

The proposed alterations and additions have been designed to meet contemporary policing needs. They include construction of a two storey building facing Richard Street in the south-eastern portion of the site (enabled by demolition of a later addition at the rear of the existing police building and all other buildings within the site), consolidation of vehicular access into two points (Oxley Street to the north and the unnamed lane to the south), retention of the former bank building and existing police building, demolition of internal walls within the former bank building to reorganise the internal area, demolition of internal walls within the existing

police building to enable conversion to locker room, bathroom and changeroom facilities, removal of two trees and planting of five trees (four within the site, one within the Richard Street Road Reserve).

The proposed development is integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) on the basis that it requires approval under Section 138 of the *Roads Act 1993* (the Roads Act) to demolish an existing driveway from Richard Street (Mitchell Highway) and consolidate two driveways into one in both Oxley Street and the unnamed lane to the south. The exception in subsection 4.46(3) of the EP&A (where the consent authority and roads authority is the same) does not apply in this case as the consent authority is the Western Regional Planning Panel (WRPP) due to the proposed alterations and additions being Regionally Significant Development (RSD) under *State Environmental Planning Policy (Planning Systems) 2021* (the Systems SEPP). It is RSD under the Systems SEPP due to being carried out by the Crown (NSW Police) and having a capital investment value (CIV) of more than \$5 million (cost of works of \$13,590,000 including GST).

The existing use of the site is consistent with *emergency services facility*, as defined under the *Bourke Local Environmental Plan 2012* (the BLEP 2012), which is permitted with consent within Zone E1 Local Centre which applies to the site under clause 2.3 of the BLEP 2012. Accordingly, the proposed alterations and additions to the emergency services facility are permitted with consent. Demolition works within the site are also permitted with consent under clause 2.7 of the BLEP 2012.

The site is identified as Heritage Item I20 *Police station (former courthouse)* on the Heritage Map under clause 5.10 of the BLEP 2012. A number of other heritage items are located in proximity to the site, including State significant Heritage Items I30 *Bourke Courthouse* and I3 *Bourke Post Office complex* and locally significant Heritage Items I31 *Police station*, I12 *Fitzgerald Post Office Hotel* and I13 *Former cinema*.

The proposed alterations and additions will have acceptable impacts on the local context (that features a considerable number of heritage items) when viewed from Oxley Street, replacing non-sympathetic buildings and fences with more sympathetic fences and gates. Built elements visible above the new fences and gates will have acceptable impact due to their lightweight appearance, as in the case of the carports, or their materials and finishing that of the existing police building, as in the case of the new building in the south-eastern portion of the site. When viewed from Richard Street, the new building will better respond to the existing police building than existing, non-sympathetic structures through matching setback, upper level cut-out feature and selection of materials and finishes.

The proposed alterations and additions will not result in any impacts on other land resources, water and natural hazards. They will result in minimal, acceptable impacts on the site's context and setting, utilities, heritage, flora and fauna, the natural environment and, subject to the implementation of construction management measures required by the conditions of consent, traffic, air, noise and vibration, social, construction and cumulative impacts.

The minimal impacts of the proposed alterations and additions, primarily limited to the construction phase, are offset by the positive impacts of the proposed alterations and additions on access, public domain, soils (remediation of contamination), safety, security and crime prevention, the local economy and site design and internal design. Specifically, they include retention and maintenance of the existing police station building and former bank building, as well as provision of new facilities. The new facilities are designed to meet contemporary policing needs, allow police to better meet the needs of the community. On balance, the proposed alterations and additions are in the public interest.

The site is suitable to the proposed alterations and additions. It is currently occupied by an existing emergency services facility (police station), has level topography and is unlikely to contain Aboriginal sites or places. Contamination concerns are able to be resolved through implementation of works specified in the Combined Preliminary & Detailed Site Investigation (Reditus 2023), made a condition of consent. The site is located within the Bourke levee and is not located in proximity to any mapped watercourses. Vegetation, limited to four planted trees, is not considered a constraint to development. The site is not mapped as bush fire prone land. It has existing connections to essential services.

The DA was notified to Transport for New South Wales (TfNSW) on 31 October 2022 on the basis that the proposed alterations and additions involve demolition of an existing driveway within a classified road, being Richard Street (Mitchell Highway). "Recommended considerations" provided in return on 22 November 2022 form part of the conditions of consent.

The DA was notified to the electricity supply authority for the area, Essential Energy (EE), in accordance with Section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Infrastructure SEPP) on 3 November 2022. Comments provided in return on 18 November 2022 form part of the conditions of consent.

The DA was notified to Crown Lands on 17 November 2022 due to the unnamed lane adjoining the site's southern boundary, to which the two existing driveways from the site would be consolidated into one as part of the proposed alterations and additions, being mapped as Crown Lands on the NSW Spatial Viewer. Crown Lands provided advice on 19 December 2022, confirming that the unnamed land is a public road which means its care and control defaults to Council.

The DA was placed on public exhibition from 03/11/2022 to 18/11/2022. No submissions were received.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act, DA 2023/0009 is recommended for approval subject to the conditions contained at **Attachment A** of this report.

Council requests the view of the WRPP with respect to the imposition of:

- A condition requiring the commissioning of a nominated heritage consultant throughout the delivery of the project (refer to **Section 5.1**)

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The site has rectangular shape with a total area of approximately 3,045m<sup>2</sup>. It has three street frontages with a primary street frontage of 60.56 metres to Oxley Street to the north, secondary street frontage of 50.29 metres to Richard Street to the east and a rear lane frontage of 60.56 metres to the unnamed lane to the south.

Lots on the northern side of Oxley Street are occupied by administrative buildings, including the Bourke Courthouse, the NSW National Parks office and a bank. Land on the eastern side of Richard Street is occupied by single and two storey commercial offices whilst land on the southern side of the laneway is also occupied by commercial offices and a single storey, detached dwelling house. The site has a single side boundary with a length of 50.29 metres to the west, shared with 42 Oxley Street that is occupied by a single storey retail premises.

Visible or surveyed infrastructure in proximity to the site includes kerb and gutter, pedestrian footpaths and underground telecommunications (with connections to existing buildings in the site) in the road reserve of both Oxley and Richard Street. Overhead powerlines, street trees and a sewer line are located within the grassed verge to Richard Street. Underground electricity lines are located in the verge to Oxley Street (with connections to existing buildings in the site). Seven angled and marked parking spaces are located in the Oxley Street carriageway with a further three in the Richard Street carriageway.

The site plan illustrates the proposed development on a triangular lot bounded by Oxley Street to the north, Richard Street to the east, and a private vacant lot to the south. The plan includes the following features:

- Buildings:**
  - A large **TWO STOREY BRICK BUILDING** (RL11200) at the northwest corner.
  - A **SINGLE STOREY BRICK BUILDING** (RL11201) adjacent to the two-storey building.
  - A large **SINGLE STOREY BRICK BUILDING** (RL11202) in the center.
  - A **SINGLE STOREY BRICK BUILDING** (RL11203) at the southeast corner.
  - Several other **SINGLE STOREY BRICK BUILDINGS** and a **CARPORT** along the southern and eastern boundaries.
- Parking and Access:**
  - PARKING SPACES x 7** located along Oxley Street.
  - PARKING SPACES x 3** located along Richard Street.
  - VEHICULAR ENTRY** points are marked at Oxley Street, Richard Street, and the laneway.
  - A **LANEWAY** provides access from the private vacant lot to the southern buildings.
  - A **PERGOLA** is located near the top center of the site.
- Site and Surroundings:**
  - The **SITE BOUNDARY** is indicated by a red dashed line.
  - FLAG POLES** and a **POLICE SIGN** are located on Richard Street.
  - CENTRAL PARK** is situated to the northeast of the site.
  - Surrounding properties include:
    - 49 OXLEY ST: DOUBLE STOREY BRICK BUILDING
    - 36 OXLEY ST: DOUBLE STOREY BRICK BUILDING
    - 38 OXLEY ST: SINGLE STOREY BRICK BUILDING
    - 42 OXLEY ST: SINGLE STOREY BRICK BUILDING
    - 25A RICHARD ST: DOUBLE STOREY COMMERCIAL BUILDING
    - 22 RICHARD ST: DOUBLE STOREY COMMERCIAL BUILDING
    - 32 RICHARD ST: SINGLE STOREY COMMERCIAL BUILDING

## Assessment Report: Bourke Police Station Upgrade





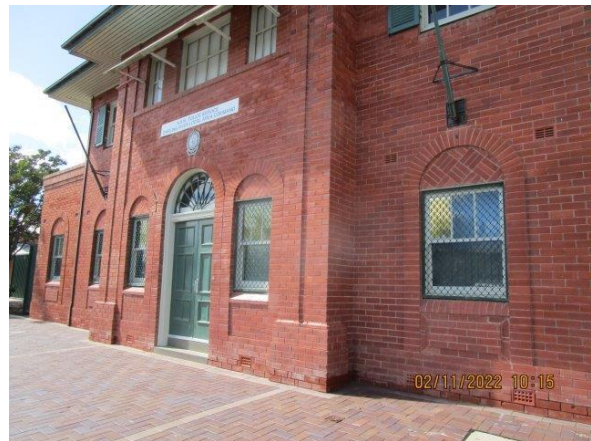
***Figure 2 – Angled parking in Oxley Street in foreground, Bourke Courthouse and NSW National Parks Office in background***



***Figure 3 – Main Bourke Police Station building from the south-western corner of Oxley and Richard Streets***



***Figure 4 – Main Bourke Police Station building from the eastern side of Richard Street***



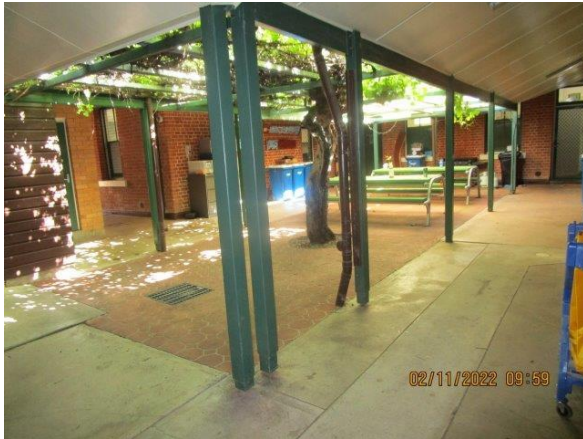
***Figure 5 – Former bank building within the site from Oxley Street, now part of the Bourke Police Station***



***Figure 6 – Existing loading area and carport in the south-eastern portion of the site from Richard Street***



***Figure 7 – The site from the eastern end of the unnamed lane to the south of the site***



**Figure 8 – Courtyard within Bourke Police Station**



**Figure 9 – Former bank building and parking area from internally within the site**

## 1.2 The Locality

The site is located within the Bourke CBD, at the north-eastern corner of the street block formed of Oxley Street to the north, Richard Street to the east, Mertin Street to the south and Sturt Street to the west. The street block is split east-west by an unnamed lane.

Due to the site's corner location, the local context extends to Mitchell Street to the north, Glen Street to the east, Mertin Street to the south and Sturt Street to the west. Built form within the locality is varied. It is characterised by:

- Bourke Central Park in the north-eastern portion;
- Bourke TAFE in the south-eastern portion (with the exception of single and two storey commercial office buildings facing Richard Street);
- Single and two storey administrative buildings at the intersection of Oxley and Richard Streets; and
- Single and two storey retail and commercial buildings and some residential uses throughout the remainder of the western portion of the locality.

Retail buildings along both Richard Street and Oxley Street predominantly have nil street setbacks and awnings over the footpath, whilst administrative buildings have varying setbacks and do not include awnings. Commercial and residential buildings facing Mitchell Street or Mertin Street, have single or two storey height and greater setbacks.

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposed development involves:

- Works to existing, retained buildings;
- Removal of two trees and demolition of existing structures;
- Erection of new buildings; and
- External works.

A description of each of the above is provided below.

### **2.1.1 Retained Buildings**

The single storey Bourke Police Station building in the north-eastern portion of the site and former bank building in the north-western portion of the site are to be retained.

Works to these buildings include demolition of selected internal walls and partial demolition of the rear wing of the police station building to reorganise internal spaces (new internal walls) and facilitate the provision of a new public entry in the eastern elevation of the retained police station building.

### **2.1.2 Demolition and Tree Removal**

The proposed development includes the removal of two trees near the site's Oxley Street frontage and demolition of specified structures. These include the existing entries from Oxley and Richard Streets, the decommissioned radio tower, specified fences, single storey brick buildings and carports at the rear of the site and behind and between the retained former bank and police station buildings.

### **2.1.3 New Building**

New buildings include two single storey carports between the retained former bank building and police station building, single storey garage in the south-western corner of the site and a new two storey building in the south-eastern portion of the site.

The two carports between the former bank building and police station building provide parking for ten vehicles, whilst the garage provides parking for three impounded vehicles and two trailers.

The new two storey building in the south-eastern portion of the site is to be connected via a public foyer at its north-eastern corner to the retained police station building.

A door from the public foyer provides access to internal offices and secure areas. The internal layout was provided to Council but not submitted to the Planning Portal for security reasons. Further offices are provided at the first floor, accessible via a lift and stairway from the ground floor. The building is to have a metal roof (with skylight, plant area and lift overrun) and external walls with render finish at the base and metal cladding for the remainder.

### **2.1.4 External Works**

External works include a new pedestrian access from Richard Street, relocation of the police station sign from the north-eastern corner of the site to the new Richard Street pedestrian entry and new fences along the southern boundary and between the retained police station building and former bank building. New gates are to be provided in both the southern and northern fence, facilitating secure vehicular access to the site.

Three parking spaces in the Oxley Street road reserve are to be removed to enable the widening of the existing driveway from Oxley Street to enable vehicular access through to the new northern gate. The three parking spaces are to be relocated to Richard Street, with a further two parking spaces provided in Richard Street.

New plantings include a single tree on the eastern side of the new Oxley Street driveway, three trees within the Richard Street setback of the new two storey building and a further tree in the grassed verge to Richard Street.



**Table 1: Development Data**

<b>Control</b>	<b>Proposal</b>
Site area	3,045m <sup>2</sup>
GFA	1,236m <sup>2</sup> (new build)
FSR (retail/residential)	Unknown
Clause 4.6 Requests	No
No of apartments	N/A
Max Height	8.6 metres
Landscaped area	Unknown
Setbacks	Matching existing, retained buildings

## **2.2 Background**

A pre-lodgement meeting was held prior to the lodgement of the applicant on **12 February 2021** where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

### **2.2.1 Heritage**

In relation to the former bank building, Council advised that demolition of lightweight internal walls is acceptable, as is widening of the south-facing entry door to achieve DDA compliance.

In relation to the main building, Council raised concerns with regards to demolition of existing internal walls, the use of the main building as a bathroom/washroom/lockers being inconsistent with the building's heritage values and the impact of associated in-ground services on the building. Further consideration of the floor construction (i.e. timber or concrete) was recommended.

In relation to materials and finishes, Council advised that change in colour to windows, doors, posts and fascias was acceptable. However, it was recommended that windows associated with the former bank building are painted white whilst security bars have grey finish.

In relation to external works, Council stated a preference that the consolidated driveway from Oxley Street blends in with the existing paving, using a delineated line rather than a change in paving colour. Further consideration of the sliding gate finish was recommended.

### **2.2.2 New Building**

In relation to car parking, Council requested that the DA plans show the location of all existing car parking in the adjoining road reserve. Council requested that the width of the new driveway from Oxley Street is minimised and the removal of car parking space along Oxley Street is avoided. Council also raised concerns with respect to the height of the proposed carports.

### **2.2.3 Documentation**

Council requested the following documentation to be supplied with the DA:

- Statement of Environmental Effects / Design Report which provides a detailed rationale for the relevant design decisions, as well as:
  - Articulation of mass and scale;
  - Retention and conservation of heritage significant buildings;
  - Transition between the heritage and new buildings including perceived visual impact of the new built element when viewed from the north-eastern corner (i.e. how the building has been designed with the curved element to draw the bulk/scale away from the heritage building), etc.;
  - Justification for the siting and design of the car port structures and need for shelter due to climatic conditions;
  - Consolidation of five separate driveways into two main access points;
  - Consideration for the width of the driveway on Oxley Street;
  - Architectural response to the laneway;
  - Revitalisation of the site within the commercial and civic centre of Bourke;
  - Intention to retain and attract the workforce to Bourke; and
  - An overview of alternative options explored and considered by the design team.
- A Schedule of Conservation Works and Specification;
- Archival recording (would be made a condition of consent);
- Concept stormwater plan;
- Stage 1 contamination report; and
- Waste management plan.

The development application was lodged on **31 October 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

Date	Event
31 October 2022	DA lodged.
3 November 2022	Exhibition of the application
31 October 2022	DA notified to Transport for NSW (TfNSW).
3 November 2022	DA notified to Essential Energy (EE).
17 November 2022	DA notified to Crown Lands due to the unnamed lane adjoining the site's southern boundary being a Crown Road.
18 November 2022	EE response to notification, providing comments that were included in the draft conditions of consent provided to applicant on 25 September 2023 (refer to <b>Attachment A</b> ) and accepted on 26 September 2023 (refer to <b>Attachment B</b> ).
22 November 2022	TfNSW response to notification, providing "Recommended considerations" that were included in the draft conditions of consent provided to the applicant on 25 September 2023 (refer to <b>Attachment A</b> ) and accepted on 26 September 2023 (refer to <b>Attachment B</b> ).
19 December 2022	Crown Lands confirmed that the unnamed lane adjoining the site's southern boundary is a Public Road which means the care and control defaults to Council.
21 December 2022	Request for Information from Council to applicant. The request is to provide a Detailed Site Investigation (DSI) in accordance with the recommendation

Date	Event
	in the Preliminary Site Investigation (PSI) prepared by JK Environments 2021 as part of the DA.
13 February 2023	Request for Information from Council to applicant. The request is to address heritage concerns raised by Council's heritage consultant relating to inappropriate use of the existing police building for bathrooms and lockers, errors and lack of detail in the Schedule of Conservation Works, bulk and scale and visual appearance of the new building and unsympathetic fence and carport designs.
23 February 2023	Panel briefing. Matters discussed include the necessity for preparation of a Stage 2 contamination report, the necessity for heritage issues raised by Council to be addressed, impacts on Aboriginal Cultural Heritage, opportunities for further landscaping, the likelihood of applicant undertaking all works recommended in the conservation plan, inconsistencies in documentation provided by the applicant, resolution of outstanding requests for information and the need to resolve conditions of consent at an early stage.
28 February 2023	Meeting between Council and the applicant team. Matters discussed include heritage matters raised in the 13 February 2023 request for information, timeframe for completion of the additional contamination studies and inconsistencies between the Traffic Impact Statement (Urbis 2022) and the applicant's presentation with respect to staff numbers (Traffic Impact Statement states no net change in staff number, applicant's presentation indicated capacity 40 additional staff on-site).
31 March 2023	Amended plans lodged addressing heritage concerns dated <b>23 March 2023</b> accepted by Council under Section 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on <b>31 March 2023</b> .
7 June 2023	Draft conditions of consent prepared by Council issued to applicant.
10 July 2023	Draft conditions of consent revised by the applicant and issued to Council.
20 June 2023	Additional information with respect to contamination dated <b>15 June 2023</b> accepted by Council under Section 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on <b>23 June 2023</b> . The additional information included a Combined Preliminary & Detailed Site Investigation (Reditus 2023) which recommended works to make the site suitable for the ongoing use that were included in the draft conditions of consent issued to the applicant on 25 September 2023 (refer to <b>Attachment A</b> ) and accepted on 26 September 2023 (refer to <b>Attachment B</b> ).
3 August 2023	Draft conditions of consent amended by Council and issued to the applicant.
29 August 2023	Applicant accepted the draft conditions of consent as issued on 3 August 2023.
11 September 2023	Draft conditions of consent amended by Council and issued to the applicant
25 September 2023	Draft conditions of consent amended by Council and issued to the applicant (refer to <b>Attachment A</b> ).
26 September 2023	Applicant accepted (refer to <b>Attachment B</b> ) the draft conditions of consent as issued on 25 September 2023 (refer to <b>Attachment A</b> ).
	Western Regional Planning Panel advised applicant to revisit contamination issue.

Date	Event
22 November 2023	Supplementary Contamination Assessment prepared by Development Risk Management Pty Ltd (DRM) and dated 22 November 2023 provided by applicant.
24 November 2023	Additional information requested for clarity regarding the Supplementary Contamination Assessment.
5 December 2023	Revised Supplementary Contamination Report by DRM (dated 4 December 2023) provided by applicant.

## 2.3 Site History

Bourke Shire Council determined DA 2018/0008 by way of approval, subject to conditions, on 18 June 2018. The approval enabled security upgrades to the Bourke Police Station, including removal of three trees, demolition of a masonry wall near the site's Oxley Street frontage, removal of fencing between Lot Y DP904235 and Lot 5 Section 6 DP758144, installation of a 8.5 by 8 metre concrete slab near the site's northern boundary, installation of new fences along the site's northern and western boundaries, installation of CCTV and extension of an existing carport. The works are now complete.

There are no other previous development applications relating to the site or neighbouring properties on file.

There are no concurrent applications currently being considered relating to the site or neighbouring properties.

## 3. STATUTORY CONSIDERATIONS

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* ('EP&A Act'). 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*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *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, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (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.

It is noted that the proposal is (which are considered further in this report):

- Integrated Development (s4.46) (refer to **Section 4.1**)
- Requiring concurrence/referral (s4.13) (refer to **Section 4.1**)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided

### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

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

The following Environmental Planning Instruments are relevant to this application:

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

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (the Biodiversity SEPP)	<p><b>Chapter 2 Vegetation in non-rural areas</b> The proposed removal of two trees as part of the proposed alterations and additions is acceptable on the basis of proposed replacement planting. The removal of two trees will not exceed the biodiversity offsets scheme threshold established in Section 7.4 of the <i>Biodiversity Conservation Act 2016</i> (the BC Act).</p> <p><b>Chapter 4 Koala habitat protection 2021</b> Chapter 4 does not apply as the site has an area of less than one hectare.</p>	Y
<i>State Environmental Planning Policy (Industry and Employment) 2021</i> (the Employment SEPP)	<p><b>Chapter 3 Advertising and signage</b> The alterations and additions include a freestanding pole sign with a NSW Police logo and text "Police", as well as wall sign with a NSW Police emblem and text "BOURKE POLICE STATION". The proposed signage is consistent with the</p>	Y



	objectives of Chapter 3 of the SEPP and the assessment criteria in Schedule 5 of the SEPP.	
<i>State Environmental Planning Policy (Planning Systems) 2021 (the Systems SEPP)</i>	<p><b>Chapter 2 State and regional development</b></p> <p>Section 2.4 of the Systems SEPP provides that Chapter 2 of the SEPP applies to the State. Subsection 2.19(1), provides that development specified in Schedule 6 is regionally significant development (RSD) for the purposes of the EP&amp;A Act. Schedule 6 of the Systems SEPP provides that development carried out by or on behalf of the Crown that has a capital investment value (CIV) of more than \$5 million is RSD.</p> <p>Chapter 2 applies as the site is located within the State. The proposed development is RSD on the basis that it is being carried out by the Crown (NSW Police Force) and has CIV exceeding \$5 million (cost of works of \$13,590,000.00 including GST). Accordingly, the regional planning panel for the area (Western Region Planning Panel) is the consent authority for this DA in accordance with Section 4.5 of the EP&amp;A Act.</p>	Y
<i>SEPP (Resilience &amp; Hazards) 2021 (the Hazards SEPP)</i>	<p><b>Chapter 4 Remediation of land</b></p> <p>Five reports dealing with the likelihood of contamination have been submitted to Council throughout the assessment of the application. The most recent report by DRM (4 December 2023) concludes that the site is suitable for the ongoing use as a police station, subject to the implementation of a long-term Environmental Management Plan.</p> <p>With varying conclusions regarding the contamination status of the site across the five reports, it has been difficult to establish the suitability of the site for the use of the proposed police station.</p> <p>It is recommended that the WRPP review the most recent report by DRM to ensure that it is satisfied that the site is suitable for the proposed use.</p> <p>If the WRPP is satisfied that the site is suitable for the use of the proposed police station, the recommendations of the DRM report should be given effect by conditions of consent. Further it is recommended that an 'unexpected finds protocol' be implemented by a condition of consent as a precautionary measure.</p>	Y
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (the Infrastructure SEPP)</i>	<p><b>Chapter 2 Infrastructure</b></p> <ul style="list-style-type: none"> <li>Section 2.48(2) (Determination of development applications—other development) – electricity transmission</li> </ul> <p>Comments provided by EE on 18 November form part of the conditions of consent (refer to Attachment A).</p> <ul style="list-style-type: none"> <li>Section 2.119(2) - Development with frontage to classified road</li> </ul> <p>The site has frontage to Richard Street which forms part of RMS Gazetted Road No. 7 (RMS Schedule of Classified Roads 2017). Comments provided by TfNSW on 22 November 2022 form part of the conditions of consent (refer to <b>Attachment A</b>).</p>	Y

Proposed Instruments	No compliance issues identified.	N/A
LEP	<ul style="list-style-type: none"> <li>• Clause 2.3 – Zone objectives and Land Use Table</li> <li>• Clause 5.10 – Heritage conservation</li> <li>• Clause 6.1 – Earthworks</li> <li>• Clause 6.5 – Essential services</li> </ul>	Y
DCP	<ul style="list-style-type: none"> <li>• Chapter 2 – Information Requirements</li> <li>• Chapter 3 – Natural Hazards</li> <li>• Chapter 4 – Development Types</li> <li>• Chapter 6 – General Development Specifications</li> </ul>	Y

Consideration of the relevant SEPPs is outlined below.

### 3.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### 3.1.1.1 Chapter 2 Vegetation in non-rural areas

Subsection 2.3(1) of the Biodiversity SEPP provides Chapter 2 of the SEPP applies to non-rural areas of the state, defined by reference to local government area (LGA) and/or land use zoning. Where the Chapter applies, Section 2.6 of the Biodiversity SEPP prevents a person from clearing:

- Vegetation in a non-rural area of the State to which Part 2.3 of the Biodiversity SEPP applies without the authority conferred by a permit granted by Council; or
- Native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without approval by the Native Vegetation Panel under Part 2.4 of the Biodiversity SEPP.

Chapter 2 applies as Zone E1 Local Centre, in which the site is located under clause 2.3 of the *Bourke Local Environmental Plan 2012*, is specified in subsection 2.3(1).

With respect to the first point, Section 2.9 of the Biodiversity SEPP provides that Part 2.3 applies to vegetation declared in a development control plan. The *Bourke Development Control Plan 2012* (the BDCP 2012) does not declare any vegetation for the purposes of the Biodiversity SEPP. However, it does require the retention of significant trees and vegetation under Section 6.3.3.

The proposed removal of two trees as part of the proposed alterations and additions is acceptable as replacement planting is proposed including four trees within the site and a further tree within the Richard Street verge.

With respect to the second point, Section 7.4 of the *Biodiversity Conservation Act 2016* (the BC Act) provides that development exceeds the biodiversity offsets scheme threshold if it is of an extent or kind declared to exceed the threshold under the *Biodiversity Conservation Regulation 2017* (the BC Regulation). Subsection 7.1(1) of the BC Regulation provides that development exceeds the biodiversity offsets scheme threshold if it involves the clearing of native vegetation on land shown on the Biodiversity Values Map or of an extent exceeding the area specified in subsection 7.2(3), depending on the minimum lot size of the land applying to the land under an environmental planning instrument.

The proposed alterations and additions do not exceed the biodiversity offsets scheme threshold as the site is not shown on the Biodiversity Values Map and the extent of clearing (two trees) will not exceed 0.25 hectares, being the trigger under subsection 7.2(3) where the minimum lot size under an environmental planning instrument (or the actual area of the site where no minimum lot size applies) is less than one hectare.

### **3.1.1.2 Chapter 4 Koala habitat protection 2021**

Subsection 4.4(1) of the Biodiversity SEPP provides that Chapter 4 applies to each LGA listed in Schedule 2 of the SEPP, subject to exceptions specified in subsection 4.4(3). Where the Chapter applies, the development assessment process is dependent upon whether an approved koala plan of management does (Section 4.8) or doesn't (Section 4.9) apply to the land or other (Section 4.10).

Where an approved koala plan of management doesn't apply (Section 4.9), the development assessment process need only be considered for land that has an area of at least one hectare including adjoining land in the same ownership.

Whilst the BSC LGA is listed in Schedule 2 of the SEPP and the exceptions specified in subsection 4.4(3) do not apply, no approved koala plan of management applies and the site has an area of less than one hectare (approximately 3,045m<sup>2</sup>). Accordingly, no further assessment is required.

## **3.1.2 State Environmental Planning Policy (Industry and Employment) 2021**

### **3.1.2.1 Chapter 3 Advertising and signage**

Subsection 3.4(1) of the Industry SEPP provides that Chapter 3 applies to all signage that is visible from any public place or public reserve and can be displayed with or without development consent under another environmental planning instrument that applies to the signage. Under Section 3.6, a consent authority is prevented from granting consent to an application to display signage unless it is satisfied that the signage is consistent with the objectives of the Chapter and satisfies the assessment criteria in Schedule 5.

The objectives of Chapter 3 are as follows:

- (a) *to ensure that signage (including advertising)—*
  - (i) *is compatible with the desired amenity and visual character of an area, and*
  - (ii) *provides effective communication in suitable locations, and*
  - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The Chapter applies as the proposed alterations and additions include a freestanding pole sign with a NSW Police logo and text "Police", as well as wall sign with a NSW Police emblem and text "BOURKE POLICE STATION". The proposed signage is consistent with the objectives of the Chapter and the assessment criteria in Schedule 5 (refer to **Attachment C2**).

## **3.1.3 State Environmental Planning Policy (Planning Systems) 2021**

### **3.1.3.1 Chapter 2 State and regional development**

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 4 of Schedule 6 of the Planning Systems SEPP as the proposal is development is carried out by the Crown (NSW Police Force) and has CIV exceeding \$5 million (cost of works of \$13,590,000 including GST). Accordingly, the Western Region Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

## **3.1.4 State Environmental Planning Policy (Resilience and Hazards) 2021**

### **3.1.4.1 Chapter 4 Remediation of land**

Section 4.4 of the Hazards SEPP provides that Chapter 4 of the SEPP applies to the State and therefore applies to the subject site. Subsection 4.6(1) of the Hazards SEPP prevents the consent authority from granting consent unless it has considered whether the land is contaminated and, if contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes for which the development is to be carried out. If the land requires remediation, the consent authority is prevented from granting consent unless it is satisfied that the land will be remediated before the land is used for the purpose of the development.

Throughout the assessment of the proposed development, five reports have been submitted to Council for consideration in relation to the proposal. The primary matter addressed in these reports is the recent history of an underground petroleum storage system (UPSS). The submitted reports have presented conflicting conclusions and recommendations regarding the contamination status of the site, which has presented a challenge to Council to accurately determine whether the site is suitable for use as a police station.

The most recent report submitted to Council is the Supplementary Contamination Assessment prepared by DRM, revised on the 4<sup>th</sup> of December, which involved a review of other submitted reports by GHD (2013) and Reditus (2023).

The DRM report primarily addresses two key issues raised in the previously submitted reports; groundwater and soil vapours. In regard to groundwater, the report references the GHD report (2013) conclusions, and states that contaminated perched water in the locality of the site is unlikely to pose an unacceptable risk. On this basis the DRM report concludes, contrary to the Reditus report, that a groundwater quality assessment is not required.

In regard to soil vapours, the DRM report states that samples of the sub-slab soil vapours were collected by DRM, for which laboratory analysis resulted concentrations of BTEX “well below the health screening level ... for commercial land use”. The report also states that results for concentrations of F1 and F2 were well below the adopted criteria. As a result, the report finds that there is low potential for unacceptable vapour risks.

Further, the DRM report concludes that the site is suitable for use as a police station in regard to contamination, subject to the implementation of a long-term Environmental Management Plan (EMP), as per the recommendations of Reditus (2023) and GHD (2013). The EMP is recommended to manage exposure pathways and risks to site users during development and ground disturbances, as well in the long term.

It is recommended that the WRPP review the most recent report by DRM to ensure that it is satisfied that the site is suitable for the proposed use.

If the WRPP is satisfied that the site is suitable for the use of the proposed police station, the recommendations of the DRM report should be given effect by a an ‘unexpected finds’ condition of consent.

### **3.1.5 State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### **3.1.5.1 Section 2.48 Determination of development applications—other development**

Subsection 2.48(2) of the Infrastructure SEPP requires the consent authority to give written notice to the electricity supply authority for the area and take into consideration any response provided within 21 days with respect to development involving works specified in subsection 2.48(1). These include:

- The penetration of ground within two metres of an underground electricity power line or distribution pole or within ten metres of an electricity tower;

- Within or immediately adjacent to an easement for electricity purposes, electricity substation or overhead electricity power line;
- Installation of a swimming pool within 30 metres of a structure supporting an overhead electricity transmission line or within five metres of an overhead electricity power line; or
- Placement of power lines underground, unless in accordance with an agreement between the electricity supply authority and the Council for the area.

The proposed alterations and additions involve the removal of a driveway below existing overhead lines in Richard Street. Accordingly, the DA was notified to the electricity supply authority for the area, Essential Energy (EE) on 3 November 2022. EE responded to the notification on 18 November 2022, providing comments summarised as follows:

- A Dial Before You Dig enquiry is to be undertaken to locate underground cables located across the street frontage of the property and any works in this area comply with the latest guideline (ISSC 20), ground level clearances are maintained and one metre activity clearances are maintained.
- The new Oxley Street driveway is to remain at least one metre from the streetlight and must not impact on existing cables, cable joints, pits, pillars and the like.
- Landscaping is to comply with ISSC 20.
- An Accredited Service Provider is to be engaged to ensure adequate provision of power is available to the development.
- Any structures to be demolished are to be disconnected and made safe by an Accredited Service Provider prior to demolition.
- Any person undertaking work is to understand their requirements when working near and around powerlines as per SafeWork NSW.

Conditions of consent are proposed to ensure that development is in accordance with the requirements identified by EE (refer to **Attachment A**).

### **3.1.5.2 Section 2.119 Development with frontage to classified road**

Subsection 2.119(2) of the Infrastructure SEPP prevents the consent authority from granting consent unless it is satisfied that, where practicable and safe, vehicular access to the land is provided by a road other than a classified road, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development and the development is not of a type that would be sensitive to traffic noise or vehicle emissions (or includes appropriate measures to ameliorate these impacts).

The site has frontage to Richard Street (Mitchell Highway) which forms part of RMS Gazetted Road No. 7 (RMS Schedule of Classified Roads 2017). Accordingly, the DA was notified to Transport for NSW (TfNSW) on 31 October 2022. TfNSW advised on 21 November 2022 that it was willing to grant its concurrence to the proposal, subject to the consent authority's consideration of matters provided as part of its response, summarised as follows:

- Reinstatement of kerb and gutter following removal of the Richard Street driveway;
- Design of landscaping, fencing and signage to provide safe sight distances and minimise conflict between vehicles and pedestrians;
- Consideration and approval of any new street signage (e.g. police vehicle, rear to kerb signage); and
- Contact of the TfNSW Road Access Unit prior to commencement of construction work impacting traffic on Richard Street to determine if a Road Occupancy Licence is required.

Conditions of consent are proposed to ensure that development is in accordance with the requirements identified by TfNSW (refer to **Attachment A**).



### 3.1.6 Bourke Local Environmental Plan 2012

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

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to encourage the proper management of the natural and human-made resources of Bourke by protecting, enhancing or conserving—*
  - (i) *productive agricultural land, and*
  - (ii) *timber, minerals, soils, water and other natural resources, and*
  - (iii) *areas of significance for nature conservation, and*
  - (iv) *areas of high scenic or recreational value, and*
  - (v) *places and buildings of archaeological or heritage significance,*
- (b) *to support the urban areas of Bourke by strengthening retail hierarchies, providing opportunities for employment growth and promoting tourism development,*
- (c) *to promote ecologically sustainable urban and rural development,*
- (d) *to provide a secure future for agriculture by expanding Bourke's economic base and minimising the loss or fragmentation of productive agricultural land,*
- (e) *to minimise land use conflict,*
- (f) *to ensure that development has regard to the capability of the land,*
- (g) *to provide a choice of living opportunities and types of settlement in Bourke,*
- (h) *to ensure that the efficiency of arterial roads is not adversely affected by development on adjacent land.*

The proposal is consistent with these aims as the proposal supports the urban areas of Bourke by providing opportunities for employment growth during the construction phase. It will also not adversely affect the efficiency of the adjoining arterial road (Richard Street) as it will result in a reduction in the number of driveways from Richard Street.

#### 3.1.6.1 Zoning and Permissibility (Part 2)

The site is located within Zone E1 Local Centre pursuant to Clause 2.2 of the LEP.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of *emergency services facility* which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure the provision of infrastructure that supports the viability of business centre precincts.*
- *To facilitate business development while retaining the existing character of the locality.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed alterations and additions are to an existing police station that will improve its functionality for police, as well as the community, allowing them to better serve the needs of people who live, work in or visit the area.
- The proposed alterations and additions generate employment opportunities and economic growth during the construction phase.
- The proposed alterations and additions retain existing non-residential land uses at the ground floor.
- The proposed alterations and additions are not inconsistent with any of the other objectives of the zone.

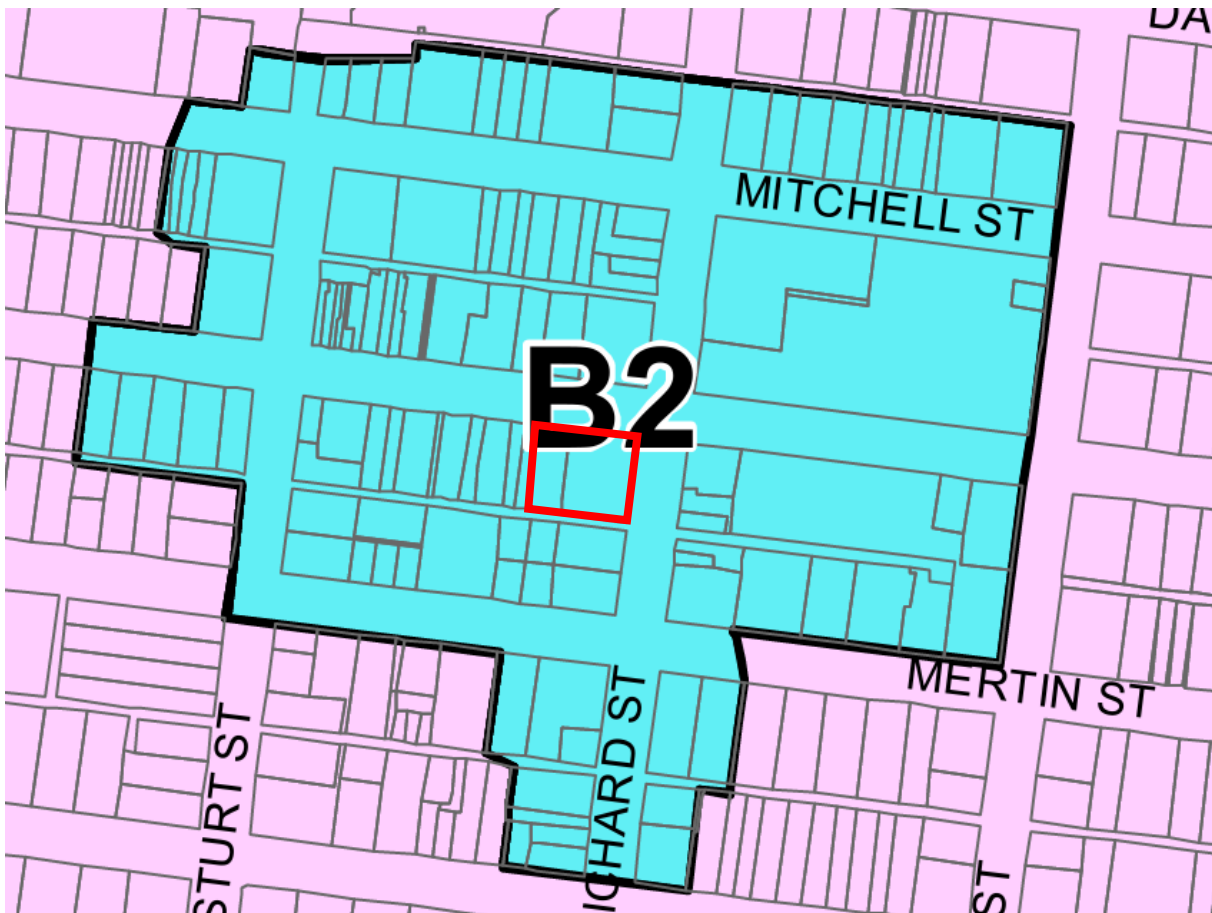


Figure 10 – BLEP 2012 Land Zoning Map

### 3.1.6.2 General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Heritage (CI 5.10)	Development consent required for works to Heritage Items (site identified as Heritage Item No. 120 <i>Police station (former courthouse)</i> on the	The original DA application included a supporting Heritage Impact Statement (Urbis 2022). Council issued an RFI to the applicant on 13 February 2023 relating to heritage	Y

Control	Requirement	Proposal	Comply
	Heritage Map) under subclause 5.10(2). Consent authority required under subclause 5.10(4) to consider the effect of the proposed development on the heritage significance of the item before granting consent.	matters, including inappropriateness of the use of the existing police building for bathrooms, showers and lockers and loss of original fabric, as well as deficiency in documentation, visual appearance of the new building and impacts of the new carport and fencing. Amended plans and documentation provided on 23 March 2023 adequately address Council's concerns with respect to heritage matters. Council requests the view of the WRPP with respect to the imposition of a condition requiring the commissioning of a nominated heritage consultant throughout the delivery of the project (refer to <b>Section 5.1</b> ).	
Earthworks (CI 6.1)	Development consent required under subclause 6.1(2) for earthworks unless the earthworks are exempt, permitted without consent or ancillary to development for which consent has been granted. Where consent is required, the consent authority is required to consider the impacts of the earthworks in accordance with subclause 6.1(3).	Consent for earthworks is required. The proposed alterations and additions are considered to be consistent with the matters for consideration in subclause 6.1(3).	Y
Essential services (CI 6.5)	Development consent must not be granted unless the consent authority is satisfied that that essential services for the development are available or adequate arrangements have been made to make them available.	The site is understood to have existing connections to potable water, electricity, sewer and vehicular access. Stormwater is to drain in accordance with the Siteworks and Stormwater Management Plan (Northrop 2021, Dwg No. 203489/DAC04.01, Rev. 02). Vehicular access is to be constructed in accordance with the conditions of consent (refer to <b>Attachment A</b> ).	Y

The proposal is considered to be generally consistent with the LEP.

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

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal.

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

The following Development Control Plan is relevant to this application:

- *Bourke Development Control Plan 2012* ('the DCP')

Chapter 3 of the DCP relates to natural hazards. No consideration is required as the site is located within the Bourke levee and the site is not mapped as bush fire prone land.

Chapter 4 of the DCP provides controls relating to general housing and ancillary structures, residential dual occupancy, residential multi-dwelling development, subdivision, industrial development, commercial and retail development, heritage animal boarding or training establishments, land forming development, intensive livestock agriculture and intensive plant agriculture. Given there are no specific controls relevant to emergency services facilities and the E1 Local Centre zone applying to the site, the proposed alterations and additions have been considered against the commercial and retail development controls in **Attachment C1**. The proposed alterations and additions are found to be consistent with all relevant controls or capable of being made to comply by way of conditions of consent (refer to **Attachment A**).

Chapter 6 provides development controls for general development specifications for other development types including parking, landscaping, outdoor lighting, outdoor advertising/signage, as well as environmental controls including environmental effects, soil and erosion control, vegetation, waste management, noise and geology. The proposed alterations and additions are found to be consistent with all relevant controls or capable of being made to comply by way of conditions of consent (refer to **Attachment A**).

There are no relevant contributions plans pursuant to Section 7.18 of the EP&A Act.

**(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been addressed where necessary by way of the conditions of consent (refer to **Attachment A**).

**3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

### **3.2.1 Context**

Non-Aboriginal heritage and context are intrinsically linked in the context of the site, particularly along Oxley Street. This is due to the site being identified as locally significant Heritage Item I20 *Police station (former courthouse)* and proximate to a number of other heritage items including the State significant I30 *Bourke Courthouse* at 57 Oxley Street, locally significant I31 *Police station* at 53 Oxley Street (now used by NSW National Parks Office), State significant I3 *Bourke Post Office complex* at 47 Oxley Street, locally significant I12 *Fitzgerald Post Office Hotel* at 28 Oxley Street and locally significant I13 *Former cinema* at 24 Oxley Street.

Accordingly, assessment of the proposed alterations and additions on the context in this section takes heritage matters into consideration. Detailed assessment of the impacts of the proposed alterations and additions on the fabric of the retained heritage building within the site is provided in **Section 3.2.5**.

When viewed from Oxley Street, the proposed alterations and additions will result in the removal of non-sympathetic buildings and fences, to be replaced with a dark-painted fence and gate. The dark-painted finished and increased setback of the fence, as compared to the existing fence, ensures a recessive appearance that gives prominence to existing police building and former bank building.

The upper elements of the new carports and the new building facing Richard Street would be visible above the fence. The upper elements of the carports would have minimal impact on the Oxley Street streetscape due to their lightweight appearance. The upper component of the new building facing Richard Street would have acceptable impact on the Oxley Street streetscape due to the metal cladding finish of the upper level, consistent with that of the corrugated iron metal roof over the existing police building.

When viewed from Richard Street, the proposed alterations and additions will result in the removal of non-sympathetic additions to the existing police building, as well as non-sympathetic buildings and fences. These are to be replaced with a new, two storey building. The new building provides an appropriate response to the existing police building through matching setback to the existing police building, a cut-out element in the north-eastern corner that gives prominence to the existing police building and appropriate materials and finishes. These include brick for the majority of the Richard Street façade (matching the exterior walls of the existing police building), metal cladding for the cut-out element (matching that of the corrugated iron metal roof over the retained, main police building). Metal elements in the Richard Street façade further improve the relationship between the new building and the existing police building.

The proposed alterations and additions include new landscape areas and planting along both the Oxley Street and Richard Street frontages which will further soften the visual appearance of the new built elements.

### **3.2.2 Access and traffic**



During construction, the proposed alterations and additions will result in an increase in the number of light and heavy vehicles travelling to and from the site, associated with construction staff and equipment, building materials and waste. It is anticipated that these vehicles would access the site via the existing driveways from Oxley and Richard Streets and the unnamed lane to the south. The implementation of a traffic management plan forms part of the conditions of consent (refer to **Attachment A**).

Once complete, the proposed alterations and additions are expected to have a positive impact, consolidating the two existing driveways from Oxley Street into one, the two existing driveways from the unnamed lane to the south into one and deleting the existing driveway from Richard Street (Mitchell Highway). The consolidated driveways from Oxley Street and the unnamed lane to the south are generally in the same location as the existing driveways.

The Traffic Impact Statement (Urbis 2022, p. 5) provides that the proposed alterations and additions will not result in any change in the number of staff or visitors travelling to or from the site. As a consequence, the proposed alterations and additions will not result in any change in the number of vehicles travelling to and from the site via the surrounding road network.

As the proposed alterations and additions will not result in any change in the number of staff or visitors travelling to or from the site, existing police vehicle and employee parking is to be maintained (ten spaces on-site, three dedicated spaces within the Richard Street road reserve). The three public parking spaces lost within the Oxley Street road reserve are to be relocated to the Richard Street road reserve, enabled by the deletion of the driveway from Richard Street as part of the proposed alterations and additions.

The Traffic Impact Statement (Urbis 2022, p. 7) provides that the new driveways and parking spaces are compliant with AS 2890.1 with respect to dimensions, lateral clearance, widths, grade and head room. Appropriate conditions of consent have been imposed to ensure compliance with the Australian Standard.

The Traffic Impact Statement (Urbis 2022, p. 8) includes swept path analysis that demonstrates that there is adequate space within the site to accommodate vehicular swept paths for the largest types of vehicles accessing the site, being a car and SPSU trailer (10.21 metres-long and two metres-wide) and corrective services van (7.544 metres-long and 2.5 metres-wide).

### **3.2.3 Public Domain**

The proposed alterations and additions will result in a positive impact on the public domain through the retention of the existing police building and former bank building, demolition of non-sympathetic later additions, buildings and fences, construction of new buildings and fences that better address the public domain and new plantings within the front setback and along the street verge.

### **3.2.4 Utilities**

The site has existing connections to potable water, electricity, sewer and vehicular access. Conditions of consent have been imposed requiring:

- The provision of a servicing plan which details any upgrades to existing connections to essential services as are required to accommodate the additional demand generated by the development;
- Compliance with Essential Energy requirements with respect to works in proximity to electricity infrastructure within the adjoining road reserve;

- That any infrastructure installed on-site is clear of existing below ground utility infrastructure;
- That stormwater drains from the site in accordance with the Siteworks and Stormwater Management Plan (Northrop Consulting Engineers, 2021, Dwg No. DAC02.11); and
- That vehicular access is constructed in accordance with AS2890.0.

### 3.2.5 Heritage

The applicant provided an Aboriginal Objects Due Diligence Desktop Assessment (Urbis 2023) at the Panel's request following the panel briefing on 23 February 2023. The due diligence assessment concludes (p. 52) that no Aboriginal objects or places are registered within the site and that the majority of finds of Aboriginal material occur in proximity water sources, specifically the Darling and Barwon Rivers and their surrounding riverine environments. Given the site's urban setting and separation from the Darling River by over 200 metres, the proposed alterations and additions are unlikely to Aboriginal objects or places. Nevertheless, the implementation of an archaeological finds procedure and human remains procedure as outlined in the due diligence assessment is recommended. A condition of consent has been imposed to ensure that potential Aboriginal heritage impacts are appropriately managed.

As discussed in **Section 3.2.1**, the proposed alterations and additions are considered to have an acceptable impact on non-Aboriginal heritage including the locally significant I20 *Police station (former courthouse)* within the site and locally and State significant items in proximity to the site.

With respect to direct impacts on the heritage fabric of the existing police building and non-listed former bank building, the proposed alterations and additions include internal wall demolition, introduction of internal stud linings and installation of amenities as described in the Heritage Impact Statement (Urbis 2023, p. 71). The impacts on the heritage fabric is considered acceptable on the basis of recommendations outlined in the Heritage Impact Statement, including (p. 81) archival recording, implementation of works specified in the Schedule of Conservation Works (Urbis 2023) and salvaging of existing, original bricks demolished as part of the proposed alterations and additions for re-use on-site or as part of a local conservation project.

The implementation of the Schedule of Conservation Works, describing maintenance of the existing roof, face brick chimneys and terracotta pots, flashings, gutters and downpipes, brick walls, verandah soffit and timber posts, doors and surrounds, windows and surrounds, ventilation grilles, ceiling and cornices, internal walls, windows and doors, flooring and fireplaces, is made a condition of consent. Archival recording is also made a condition of consent.

Whilst the salvaging of existing fabric for on-site re-use or donation to a local conservation project cannot be made a condition of consent due to it being difficult to enforce, the recommendation is supported and encouraged by Council.

Council requests the view of the WRPP with respect to the imposition of a condition requiring the commissioning of a nominated heritage consultant throughout the delivery of the project (refer to **Section 5.1**).

### 3.2.6 Other land resources

The site is occupied by an existing emergency services facility (Bourke Police Station) within the Bourke CBD. The proposed alterations and additions will not impact other land resources.

### **3.2.7 Water/air/soils impacts**

The site is located within the Bourke levee. It does not contain any mapped watercourses, nor is it located within 40 metres of the top of bank of a mapped watercourse.

As discussed in the SEPP assessment above, five contamination reports have been submitted for consideration throughout the assessment process. The most recent report by DRM (4 December 2023) concludes that the site is suitable for the ongoing use as a police station, subject to the implementation of a long-term Environmental Management Plan.

It is requested that the WRPP review the most recent DRM report to confirm that it is satisfied that the site is suitable for the proposed development.

If the WRPP is satisfied that the site is suitable for the use of the proposed police station, the recommendations of the DRM report should be given effect by conditions of consent. Further it is recommended that an 'unexpected finds protocol' be implemented by a condition of consent as a precautionary measure.

### **3.2.8 Flora and fauna impacts**

The proposed alterations and additions require the removal of one tree within the Oxley Street setback and a second street within the Richard Street setback. The removal of the two trees is acceptable as replacement planting is proposed including four trees within the site and a further tree within the Richard Street verge. The proposed alterations and additions also result in an increase in landscape area within the site.

### **3.2.9 Natural environment**

The proposed alterations and additions will not result in any change in the natural environment, other than the removal of plantings as described above. Excavation is expected to be limited to foundational work for the new building, ensuring that the level topography would be maintained.

### **3.2.10 Noise and vibration**

During construction, the proposed alterations and additions will result in an increase in noise and vibration in the surrounding area, associated with vehicular movements to and from the site (refer to **Section 3.2.2**) and operation of construction equipment. The noise and vibration impacts during the construction phase are, given their short-timeframe, acceptable and manageable through standard conditions of consent.

Once complete, the proposed alterations and additions will not result in any change in noise and vibration impacts as they will not result in any change in the number of staff or visitors using the site. As a consequence, the proposed alterations and additions will not result in any change in the number of vehicles travelling to and from the site via the surrounding road network, including police vehicles that may activate sirens.

### **3.2.11 Natural hazards**

The site is located within the Bourke levee. It is not mapped as bush fire prone land. No other natural hazards are known to impact the site.

### **3.2.12 Safety, security and crime prevention**

The proposed alterations and additions will result in an improvement in safety, security and crime prevention for the site and immediate surrounding area through the demolition of existing fences that create blind corners along the Oxley Street frontage, as well as improved casual surveillance. The latter is achieved through demolition of the existing building in the south-eastern corner that does not have any windows facing the street and replacing it with a new building with windows facing the street. Existing metal fencing along the southern boundary is also to be replaced with masonry fencing.

The proposed alterations and additions will result in an improvement in safety, security and crime prevention in the broader area through the provision of new facilities within the existing police building and new building to meet contemporary policing needs, allowing police to better meet the needs of the community.

### **3.2.13 Social impact**

The proposed alterations and additions will result in a minor social impact during the construction phase associated with increased traffic (refer to **Section 3.2.2**), noise and vibration (refer to **Section 3.2.10**) and other construction-related impacts. However, these impacts are, given their short-timeframe, acceptable and manageable through standard conditions of consent.

Once complete, the proposed alterations and additions will result in a positive social impact through the retention and maintenance of the existing police building and former bank building, as well as provision of a new facilities. The new facilities been designed to meet contemporary policing needs, allowing police to better meet the needs of the community.

### **3.2.14 Economic impact**

The proposed alterations and additions will result in a minor positive economic impact through employment opportunities during both the construction phase and operational phase (e.g. building maintenance staff).

### **3.2.15 Site design and internal design**

The proposed alterations and additions will result in an improved site and internal design by consolidating the site's many access points into two, as well as consolidating the various activities currently taking place in several disconnected buildings into three buildings. The consolidation enables the provision of increased landscape area within the site, as well as a vehicular manoeuvring area with sufficient dimensions to accommodate swept paths for the types of vehicles used by police.

### **3.2.16 Construction**

The proposed alterations and additions will result in minor construction impacts associated with increased traffic (refer to **Section 3.2.2**), noise and vibration (refer to **Section 3.2.10**) and other construction-related impacts. However, these impacts are, given their short-timeframe, acceptable and manageable through standard conditions of consent.

### **3.2.17 Cumulative impacts**

The proposed alterations and additions will not result in cumulative impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The site is suitable for the proposed alterations and additions as it is currently occupied by an emergency services facility (police station).

It has level topography, ensuring that earthworks would be primarily limited to excavation for foundations. Excavation is unlikely to disturb Aboriginal objects or places (refer to **Section 3.2.5**). It is suitable for continued use as a police station, subject to the implementation of recommended works specified in the Combined Preliminary & Detailed Site Investigation (Reditus 2023). A geotechnical report is to be provided following DA approval, required by way of a condition of consent.

The site is located within the Bourke flood levee. It does not contain any mapped watercourses, nor is it located within 40 metres of the top of bank of a mapped watercourse.

Vegetation within the site is limited to four trees, two of which are to be retained and the remainder are to be replaced at a rate of two to one, not including a further tree proposed within the Richard Street verge. The site is not mapped as bush fire prone land.

The site has existing connections to essential services, capable of being augmented in accordance with the conditions of consent to accommodate the proposed alterations and additions.

### **3.4 Section 4.15(1)(d) - Public Submissions**

No submissions were received during the notification period of the DA.

### **3.5 Section 4.15(1)(e) - Public interest**

The proposed alterations and additions are in the public interest as they are consistent with the environmental planning framework, including the relevant SEPPs, the BLEP 2012 and the BDCP 2012.

The proposed alterations and additions will not result in any impacts on other land resources, water and natural hazards. They will result in minimal, acceptable impacts on the site's context and setting, utilities, heritage, flora and fauna, the natural environment and, subject to the implementation of construction management measures required by the conditions of consent, traffic, air, noise and vibration, social, construction and cumulative impacts.

The minimal impacts of the proposed alterations and additions, primarily limited to the construction phase, are offset by the positive impacts of the proposed alterations and additions on access, public domain, soils, safety, security and crime prevention, the local economy and site design and internal design. Specifically, they include retention and maintenance of the existing police station building and former bank building, as well as provision of new facilities. The new facilities are designed to meet contemporary policing needs, allow police to better meet the needs of the community. On balance, the proposed alterations and additions are in the public interest.



## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, conditions) resolution,	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
TfNSW	S138(2) - <i>Roads Act 1993</i> provides that consent with respect to works in a classified road specified in S138(1) must not be given except with the concurrence of TfNSW.	The site has frontage to Richard Street which forms part of RMS Gazetted Road No. 7 (RMS Schedule of Classified Roads 2017). Accordingly, the DA was notified to Transport for NSW (TfNSW) on 31 October 2022. TfNSW provided a letter indicating its willingness to grant its concurrence to the proposal on 21 November 2022, subject to recommended considerations summarised in <b>Section 3.1.5.2</b> . The implementation of the recommended considerations is to be ensured through conditions of consent.	Y
Referral/Consultation Agencies (if none – N/A – to show consideration)			
Essential Energy	S4.48 – Transport and Infrastructure SEPP Determination of development applications – other development	The proposed development involves the installation of new driveways below existing overhead lines in Richard Street. Accordingly, the DA was notified to the electricity supply authority for the area, Essential Energy (EE) on 3 November 2022. EE provided comments on 18 November 2022, summarised in <b>Section 3.1.5.1</b> . The implementation of the comments is to be ensured through conditions of consent.	Y
Crown Lands	S4.46 – EP&A Act	Section 4.46(1) of the EP&A Act provides that development which	Y

Agency	Concurrence/ referral trigger	Comments (Issue, conditions) resolution,	Resolved
	What is “integrated development”?	<p>isn't State significant development that requires development consent and approvals under separate legislation listed in Section 4.46 is integrated development.</p> <p>Section 4.46(3) of the EP&amp;A Act provides that development is not integrated development in respect of consent required under Section 138 of the <i>Roads Act 1993</i> (the <i>Roads Act</i>) if it requires the development consent of council and the approval of the same council.</p> <p>Section 7(4) of the <i>Roads Act</i> provides that the local council is the roads authority for all public roads within the LGA, other than any freeway, Crown road or any public roads which some other public authority is declared by the <i>Roads Regulation 2018</i> (the <i>Roads Regulation</i>) to be the roads authority.</p> <p>The proposed alterations and additions include works within the road reserves of Oxley and Richard Streets and the unnamed lane at the rear of the site. The latter appears as a Crown Road on the NSW Planning Spatial Viewer. Accordingly, the DA was notified to NSW Crown Lands who confirmed on 17 and 19 December 2022 that the unnamed lane is not a Crown Road.</p>	
Integrated Development (S 4.46 of the EP&A Act)			
Subsidence Advisory NSW	S22 – <i>Coal Mine Subsidence Compensation Act 2017</i>	The site is not located within a mapped mine subsidence district.	N/A
DPI	S144, S201, S205, S219 – <i>Fisheries Management Act 1994</i>	The site does not contain any mapped watercourses, nor is it located near any mapped watercourses.	N/A
Heritage NSW	S58 – <i>Heritage Act 1977</i>	Neither an interim heritage order or listing on the State Heritage Register applies to the site.	N/A

Agency	Concurrence/ referral trigger	Comments (Issue, conditions) resolution,	Resolved
Resource Regulator NSW	S63, S64 – <i>Mining Act 1992</i>	A mining lease is not sought.	N/A
NPWS	S90 – <i>National Parks and Wildlife Act 1974</i>	An Aboriginal heritage impact permit is not required.	N/A
Resource Regulator NSW	S16 – <i>Petroleum (Onshore) Act 1991</i>	A petroleum production lease is not sought.	N/A
EPA	S43(a), S47, S55, S43(b), S48, S43(d), S122 – <i>Protection of the Environment Operations Act 1997</i>	An environment protection licence is not sought.	N/A
Transport for NSW	S138 - <i>Roads Act 1993</i>	<p>Section 4.46(3) of the EP&amp;A Act provides that development is not integrated development in respect of consent required under Section 138 of the <i>Roads Act 1993</i> if it requires the development consent of council and the approval of the same council.</p> <p>Section 7(4) of the <i>Roads Act</i> provides that the local council is the roads authority for all public roads within the LGA, other than any freeway, Crown road or any public roads which some other public authority is declared by the <i>Roads Regulation 2018</i> (the <i>Roads Regulation</i>) to be the roads authority.</p> <p>Whilst Council is the roads authority for all three adjoining roads (Oxley Street is a local road, Richard Street is not a freeway, Crown road or road declared under the <i>Roads Regulation</i> and the unnamed lane is not a Crown road as discussed above), the consent authority is the Western Regional Planning Panel (not Council). Accordingly, the development is integrated development.</p>	Y
RFS	S100B - <i>Rural Fires Act 1997</i>	The site is not located within mapped bushfire prone land.	N/A
NRAR	S89, S90, S91 – <i>Water Management Act 2000</i>	A water use approval, water management work approval or activity approval is not sought.	N/A

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering	Nil Issues	Y
Traffic	Nil Issues	Y
Heritage	<p>The following issues were raised in a request for information provided to the applicant on 13 February 2023:</p> <ul style="list-style-type: none"><li>• Use of the original Bourke Police Station building for bathrooms and locker rooms considered inappropriate. Considered more appropriate to locate these rooms in the new building.</li><li>• Errors and lack of detail in the Schedule of Conservation Works (Urbis 2022) provided as part of the DA.</li><li>• Bulk and scale and visual appearance of the proposed new building.</li><li>• Unsympathetic location of the proposed car shelter.</li><li>• Unsympathetic fence design.</li></ul> <p>Amended plans and documentation provided on 23 March 2023 adequately address Council's concerns with respect to heritage matters.</p>	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

## 4.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 3 November 2022 until 18 November 2022. The notification included the following:

- An advertisement in the local newspaper The Western Herald (where applicable);
- Notification letters sent to adjoining and adjacent properties 16 properties notified in total;
- Notification on the Council's website.

The Council did not receive any submissions during the notification period.

## 5. KEY ISSUES

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The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Heritage

The proposed alterations and additions involve limited works to the former bank building that is not listed as a Heritage Item under the BLEP 2012, extensive works to the existing police building that is locally significant Heritage Item I20 *Police station (former courthouse)* under the BLEP 2012, as well as construction of a new building behind existing police building in place of existing non-sympathetic buildings. The site is also proximate to a number of locally and State significant heritage items. As such, the primary issue for the proposed alterations and additions is heritage impact.

At a pre-DA meeting on 12 February 2021, Council advised the minor works to the former bank building were acceptable. However, concerns were raised with respect to the use of the existing police building for the purposes of locker rooms, changerooms and bathrooms not befitting its heritage significance. Further, concerns were raised with respect to the impacts of the conversion and associated waterproofing and servicing connections on the heritage fabric. Other, lesser concerns included the selection of materials and finishes for maintenance works and external works.

Similar concerns were raised with the applicant in a request for information on 13 February 2023, following lodgement of the DA on 31 October 2022, as well as concerns with respect to deficiency in documentation, visual appearance of the building and impacts of the new carport and fencing. Whilst the existing police building will continue to be used for locker rooms, changerooms and bathrooms, the impacts of the conversion have been addressed to a satisfactory level. The design of the new building, carport and fencing have also been amended to better respond to the site's heritage values.

The Heritage Impact Statement (Urbis 2023, p. 81) recommends archival recording, implementation of works specified in the Schedule of Conservation Works and salvaging of existing, original bricks demolished as part of the proposed alterations and additions for re-use on-site or as part of a local conservation project.

Resolution: The issue has not been resolved.

Whilst the implementation of the Schedule of Conservation Works and archival recording have been made a condition of consent agreed to by the applicant, the salvaging of existing, original bricks has not been made a condition of consent. However, the applicant is encouraged to salvage existing, original bricks for donation, if possible.

A condition recommended by Council's heritage consultant with respect to commissioning of a heritage consultant during works could not be shared with the applicant prior to the finalisation of this assessment report due to time constraints. Accordingly, Council requests that WRPP provide its view with respect to the implementation of the following condition:

13. *Nominated heritage consultant*

Condition

- a) *A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.*
- b) *Evidence and details of the above commission on the above terms are to be provided in writing to Council's Manager Environmental Services prior to the issue of the Construction Certificate.*

- c) *The nominated heritage consultant must sign off the completed project and submit a final report to Council specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.*

Reason

*To help ensure that conservation works are appropriately undertaken.*

## **5.2 Contamination**

Throughout the assessment of the proposed development, five reports have been submitted to Council for consideration in relation to the proposal. The primary matter addressed in these reports is the recent history of an underground petroleum storage system (UPSS). The submitted reports have presented conflicting conclusions and recommendations regarding the contamination status of the site, which has presented a challenge to Council to accurately determine whether the site is suitable for use as a police station.

The most recent report submitted to Council is the Supplementary Contamination Assessment prepared by DRM, revised on the 4<sup>th</sup> of December 2023, which involved a review of other submitted reports by GHD (2013) and Reditus (2023).

The DRM report primarily addresses two key issues raised in the previously submitted reports; groundwater and soil vapours. In regard to groundwater, the report references the GHD report (2013) conclusions, and states that contaminated perched water in the locality of the site is unlikely to pose an unacceptable risk. On this basis the DRM report concludes, contrary to the Reditus report, that a groundwater quality assessment is not required.

In regard to soil vapours, the DRM report states that samples of the sub-slab soil vapours were collected by DRM, for which laboratory analysis resulted concentrations of BTEX “well below the health screening level ... for commercial land use”. The report also states that results for concentrations of F1 and F2 were well below the adopted criteria. As a result, the report finds that there is low potential for unacceptable vapour risks.

Further, the DRM report concludes that the site is suitable for use as a police station in regard to contamination, subject to the implementation of a long-term Environmental Management Plan (EMP), as per the recommendations of Reditus (2023) and GHD (2013). The EMP is recommended to manage exposure pathways and risks to site users during development and ground disturbances, as well in the long term.

It is recommended that the WRPP review the most recent report by DRM to ensure that it is satisfied that the site is suitable for the proposed use.

If the WRPP is satisfied that the site is suitable for the use of the proposed police station, the recommendations of the DRM report should be given effect by conditions of consent. Further it is recommended that an ‘unexpected finds protocol’ be implemented by a condition of consent as a precautionary measure.

## **5.3 Traffic**

The Traffic Impact Statement (Urbis 2022, p. 5) provides that the proposed alterations and additions will not result in any change in the number of staff or visitors travelling to or from the site. At a meeting between Council and the applicant team on 28 February 2023, the applicant’s architect indicated there would be a capacity increase of 40 additional staff on-site as a consequence of the proposed alterations and additions. It was later re-confirmed by the applicant that the proposed alterations and additions would not result in any change in the number of staff.

Resolution: The issue has been resolved to an extent. NSW Police is encouraged to engage with Council at an early stage in the event of an increase in staffing levels at Bourke Police Station.

## 5.4 Integrated Development

Section 4.46(3) of the EP&A Act provides that development is not integrated development in respect of consent required under Section 138 of the Roads Act if it requires development consent of council and the approval of the same council. Section 7(4) of the Roads Act provides that the local council is the roads authority for all public roads within the LGA, other than any freeway, Crown road or any public roads which some other public authority is declared by the Roads Regulation 2018 (the Roads Regulation) to be the roads authority.

The proposed alterations and additions include works within the road reserves of Oxley and Richard Streets and the unnamed lane at the rear of the site. The latter appears as a Crown Road on the NSW Planning Spatial Viewer. Accordingly, the DA was notified to NSW Crown Lands who confirmed on 17 and 19 December 2022 that the unnamed lane is not a Crown Road.

Whilst the above makes Council the roads authority for the unnamed lane, the development does not require the consent of Council due to the DA being RSD and therefore being determined by the WRPP. Accordingly, the development is integrated development.

Resolution: The issue has been resolved.

## 6. CONCLUSION

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This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following an assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The site is suitable to the proposed alterations and additions as it is currently occupied by an existing emergency services facility (police station). It has level topography and is unlikely to contain Aboriginal sites or places. Contamination and geotechnical considerations are able to be resolved through conditions of consent. It is located within the Bourke levee and is not located in proximity to any mapped watercourses. Vegetation is limited to four planted trees. The site is not mapped as bush fire prone land. It has existing connections to essential services.

The proposed alterations and additions will result in minimal, acceptable impacts on the site's context and setting, utilities, heritage, flora and fauna, the natural environment and, subject to the implementation of construction management measures required by the conditions of consent, traffic, air, noise and vibration, social, construction and cumulative impacts. The impacts are offset by the low-positive impacts of the proposed alterations and additions on access, public domain, soils, safety, security and crime prevention, the local economy and site design and internal design. The new facilities are designed to meet contemporary policing needs, allow police to better meet the needs of the community.

It is considered that the key issues as outlined in **Section 5** have been resolved satisfactorily through the recommended draft conditions at **Attachment A**, as amended by the proposed



heritage condition outlined in **Section 5.1** and conditions relating to contamination outlined in **Section 5.2**.

## **7. RECOMMENDATION**

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That the Development Application DA No 2023/0009 for alterations and additions to an existing emergency services facility (police station) at 44-46 Oxley Street, Bourke 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**, as amended by the proposed heritage condition outlined in **Section 5.1** and conditions relating to contamination outlined in **Section 5.2**.

The following attachments are provided:

- **Attachment A:** Draft Conditions of consent
- **Attachment B:** Approval from the Crown (applicant) for imposition of Conditions
- **Attachment C:** Tables of Compliance
- **Attachment D:** Architectural Plans

# Conditions

## PART A - GENERAL CONDITIONS

### 1. APPROVED PLANS AND SUPPORTING DOCUMENTATION

#### Condition

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
A0000	B	Location Plan and Drawing List	Gardner Wetherill	23/03/2023
A0100	B	Site Plan – Existing	Gardner Wetherill	23/03/2023
A0101	B	Ground Floor Plan – Existing	Gardner Wetherill	23/03/2023
A0102	B	Level 1 & Roof Plan – Existing	Gardner Wetherill	23/03/2023
A0110	B	Site Plan – Demolition	Gardner Wetherill	23/03/2023
A0111	B	Ground Floor Plan – Demolition	Gardner Wetherill	23/03/2023
A0112	B	Level 1 & Roof Plan – Demolition	Gardner Wetherill	23/03/2023
A0120	B	Site Plan – Proposed	Gardner Wetherill	23/03/2023
A0200	B	Ground Floor Plan – General Arrangement	Gardner Wetherill	23/03/2023
A0201	B	Level 1 Floor Plan – General Arrangement	Gardner Wetherill	23/03/2023
A0202	B	Roof Plan	Gardner Wetherill	23/03/2023
A0301	B	Street Elevations – Proposed	Gardner Wetherill	23/03/2023
A0400	B	Site Sections	Gardner Wetherill	23/03/2023
A0520	B	External Finishes	Gardner Wetherill	23/03/2023
P0030431	04	Heritage Impact Statement	Urbis	31/03/2023
P30431	05	Schedule of Conservation Works	Urbis	31/03/2023
21163	03	Building Code of Australia 2019 Amendment 1 Report	Metro BC	17 August 2022
DRM P23.1046-R01r2	2	Supplementary Contamination Assessment	Development Risk Management Pty Ltd	4 December 2023
Nil	1	Waste Management Plan	Group GSA	09/06/2022

Plan No.	Revision No.	Plan Title	Drawn By	Dated
P0029827	00	Statement of Environmental Effects	Urbis	August 2022
Nil	Nil	Traffic Impact Statement	Urbis	10/06/2022
200088/2000	C	Landscape General Arrangement Plan	Group GSA	10/06/2022
203489/DAC02.01	02	Concept Sediment and Erosion Control Plan	Northrop Consulting Engineers	26/03/21
203489/DAC02.11	02	Sediment and Erosion Control Details	Northrop Consulting Engineers	26/03/21
203489/DAC04.01	02	Siteworks and Stormwater Management Plan	Northrop Consulting Engineers	26/03/21
203489/DAC08.01	02	Site Catchment Plan	Northrop Consulting Engineers	26/03/21

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

#### Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

### 2. COMPLIANCE WITH AS 2601-2001 – THE DEMOLITION OF STRUCTURES

#### Condition

That all demolition work must be carried out in accordance with the applicable provisions of AS 2601-2001, *The Demolition of Structures*.

#### Reason

To ensure compliance with Australian Standards

### 3. ASBESTOS REMOVAL AND MANAGEMENT

#### Condition

Asbestos removal from any buildings is to be carried out in accordance with the *Code of Practice for the Safe Removal of Asbestos 2022* by appropriately licenced persons.

The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

#### Reason

To ensure the safe removal, transportation and disposal of asbestos from the building.

#### **4. PLUMBING AND DRAINAGE WORKS**

##### **Condition**

All plumbing and drainage work shall be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code AS3500.

##### **Reason**

To ensure compliance with the requirements of the relevant legislation.

#### **5. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**

##### **Condition**

Work must be carried out in accordance with the requirements of the Building Code of Australia, in force at the time of issuing the relevant construction certificate issue or by obtaining approval under s6.28 of the Environmental Planning and Assessment Act 1979.

##### **Reason**

The condition is prescribed under section 69 of the Environmental Planning and Assessment Regulation 2021.

#### **6. COMPLIANCE WITH REQUIREMENT OF TRANSPORT FOR NSW**

##### **Condition**

The following Transport for NSW requirements are to be addressed to the satisfaction of the registered certifier unless otherwise stated (in accordance with Transport for NSW and Council requirements):

1. *Following removal of the driveway crossover on Richard Street (aka Kidman Way (HW421)), the kerb and gutter must be reinstated in accordance with Council's Gutter Crossing Policy and AS2846-2000.*
2. *Any landscaping, fencing or signage (including mirrors, where required) is to be provided within the site or along the boundary within any adjoining public domain. Where relevant, this is to be designed and maintained to minimize conflict between pedestrians and motorists.*
3. *Any proposed alterations to street signage (e.g. parking for Police vehicles, rear to kerb signage) must be considered and approved by the Bourke Local Traffic Committee.*
4. *Prior to the commencement of construction work impacting traffic on Richard Street (aka Kidman Way (HW421)) the proponent is to contact the TfNSW Road Access Unit at [road.access@transport.nsw.gov.au](mailto:road.access@transport.nsw.gov.au) to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.*

##### **Reason**

To comply with the requirements of TfNSW.

#### **7. COMPLIANCE WITH REQUIREMENT OF ESSENTIAL ENERGY**

##### **Condition**

The following Essential Energy requirements are to be addressed to the satisfaction of Essential Energy and Council:

1. *Essential Energy's records indicate that low voltage underground cables are located across the street frontage of the property and also in the location of the proposed new entry/driveway:*

- a. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW) to locate these cables.
  - b. Any excavation works in this area or works on the proposed driveway must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
  - c. Works around the cables must be managed. If the ground levels over the cables are to be altered, clearances must be maintained and cable integrity protected.
  - d. The cables are to maintain a minimum clearance of 1.0 metre to any activity.
  - e. Any proposed driveway access and/or exit (concrete crossovers) must remain at least **1.0 metre away** from the streetlight located on Oxley Street, to prevent accidental damage.  
Also, the driveway must not impact on existing cables, cable joints, pits, pillars and the like – refer Essential Energy's policy CEOM7098 Distribution Underground Design and Construction Manual. Note that approval is not possible where the driveway is proposed to be located with an impact on existing cables, cable joints, pits, pillars and the like - refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
  - f. Any landscaping, tree planting in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
2. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the proposed development) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
  3. Prior to any demolition works commencing, any power connected to the existing development must be made safe by a qualified Accredited Service Provider.
  4. Any person undertaking work MUST understand their requirements when working near and around powerlines as per SafeWork NSW. They can seek safety advice from Essential Energy via the safety page, by completion of the necessary form, available on Essential Energy's website <https://www.essentialenergy.com.au/safety/construction-safety>

**Additionally:**

1. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
2. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as [ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure](#). Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
3. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
4. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

**Reason**

To comply with the requirements of Essential Energy.



#### **8. ACCESS/EGRESS AND PARKING FOR PEOPLE WITH DISABILITIES**

**Condition**

Access for people with disabilities shall be provided in accordance with the requirements of the National Construction Code (Building Code of Australia), relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

**Reason**

To ensure safe, equitable and dignified access and egress for people with disabilities.

#### **9. ACCESSIBLE FACILITIES**

**Condition**

Accessible Facilities shall be provided in accordance with the requirements of the National Construction Code, (Building Code of Australia), relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

**Reason**

To provide accessible facilities for people with disabilities.

#### **10. MANEUVERING AREAS/DRIVEWAYS**

**Condition**

All driveways, wearing areas and maneuvering spaces are to be a minimum 150mm steel reinforced concrete and in accordance with Australian Standard AS2890.0 Parking Facilities.

**Reason**

To ensure that the site is controlled and dust creation minimised.

#### **11. ROOF WATER DISPOSAL**

**Condition**

Guttering and downpipes are to be provided and connected to the existing stormwater system and/or underground stormwater asset / drainage lines to convey roof water from the building to the street gutter system to Council's satisfaction.

**Reason**

To prevent damage to property and prevent unhealthy or dangerous conditions.

#### **12. CONSOLIDATION OF LOTS**

**Condition**

Prior to the use of the new Police buildings, the applicant is to provide Council with evidence that allotment consolidation has been undertaken.

**Reason**

To ensure allotments are consolidated prior to use.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE OR APPROVAL UNDER s6.28 OF THE EP&A ACT 1979**

### **1. AMENDED PLANS**

#### **Condition**

The applicant is to ensure that any structures are a minimum of one (1) metre or the equivalent invert depth, whichever is greater, from the centreline of any sewer mains within the site or in the surrounding road reserve.

#### **Reason**

To protect any sewer infrastructure within the site or surrounding area.

### **2. ENVIRONMENTAL MANAGEMENT PLAN**

#### **Condition**

The applicant is to prepare an environmental management plan that addresses both ground disturbances throughout the construction phase, as well as the long term. The environmental management plan shall manage exposure pathways and risks to site users from existing contamination on site.

The environmental management plan must be approved by the Bourke Shire Council prior to the issue of a Construction Certificate or other approval under s 6.28 of the EP&A Act 1979.

#### **Reason**

To mitigate contamination risks and comply with statutory requirements.

### **3. CONSTRUCTION MANAGEMENT PLAN**

#### **Condition**

Prior to the carrying out of any works at the site, the applicant is to submit to Council a Construction Management Plan (CMP) which demonstrates to Council's satisfaction that traffic will be appropriately managed and any soil to be removed from the site will be classified and disposed of at an appropriate facility.

#### **Reason**

To ensure that construction traffic does not have an unacceptable adverse impact on the operation of the surrounding road network and excavated soils are appropriately disposed of.

### **4. EROSION AND SEDIMENT CONTROL PLAN**

#### **Condition**

Prior to the carrying out of any works at the site, the applicant is to ensure that any required erosion and sediment controls are completed and in accordance with the following documents:

- Council's development control plan,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the Blue Book)' and
- The 'Do it Right On-Site, Soil and Water Management for the Construction Industry (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during the site works and construction.

#### **Reason**

To ensure no substance other than rainwater enters the stormwater system and waterways.



## **5. SERVICING PLAN**

### **Condition**

Prior to the carrying out of any works at the site, the applicant is to provide a Servicing Plan which details to Council's satisfaction any upgrades to existing connections to essential services as are required to accommodate the additional demand generated by the development.

### **Reason**

To ensure that any additional demands generated by the development are catered for as part of the work.

## **6. LIGHTING PLAN**

### **Condition**

Prior to the carrying out of any works at the site, the applicant is to provide a Light Plan which details to Council's satisfaction that all lighting will comply with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.

### **Reason**

To ensure that lighting is compliant with AS/NZS 11583.1 and AS4282.

## **7. GEOTECHNICAL REPORT**

### **Condition**

Prior to the carrying out of any works on the site, the applicant is to provide a geotechnical report prepared by a suitably qualified professional. The geotechnical report is to address, at minimum, the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed as part of the development.

### **Reason**

To ensure that construction responds to the site's geotechnical conditions.

## **8. PHOTOGRAPHIC HERITAGE ARCHIVAL RECORDING**

### **Condition**

Prior to the issuing of any Construction Certificate 'photographical heritage archival recording' of the main police building and former bank building (interior and exterior) shall be carried out by a suitably qualified heritage consultant in accordance with the applicable NSW Heritage guidelines, and be provided to Council for record keeping (both report and electronic photographic files (thumbnails) to be submitted).

### **Reason**

To provide a historical record of the existing buildings in their current form before changes are carried out.

## PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

### 1. PAYMENT OF BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE LEVY

#### Condition

Before the commencement of building works, the applicant is to ensure that the person liable pays the long service levy (as calculated at the date of this consent) to the Long Service Levy Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier, if applicable.

**Note:** The Long Service Levy is to be paid directly to the Long Service Corporation at [www.longservice.com.au](http://www.longservice.com.au). For more information, please contact the Levy support team on 13 14 41.

#### Reason

To ensure the long service levy is paid.

### 2. SIGNS ON SITE

#### Condition

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. *Showing the name, address and telephone number of the principal certifier for the work, and*
- b. *Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and*
- c. *Stating that unauthorised entry to the work site is prohibited.*

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

#### Reason

Prescribed condition Environmental Planning and Assessment Regulation 2021, section 70.

### 3. POST DEMOLITION CONTAMINATION ASSESSMENT

#### Condition

A contamination assessment shall be undertaken once the existing concrete slab present over the former underground petroleum storage system (UPSS) is demolished. The assessment shall involve excavation of test pits to the invert level of the former UPSS, as well as deeper samples by other means including boreholes. If unacceptable contamination is identified, a remediation action plan is to be prepared and implemented to address the matter.

The remediation action plan must be approved by the Bourke Shire Council prior to remediation works commencing.

#### Reason

To ensure any unexpected contamination is addressed in accordance with statutory requirements.

## PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

### 1. MAINTENANCE OF SITE

#### Condition

- I. All the materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- II. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- III. During demolition:
  - a. All vehicles entering or leaving the site must have their loads covered, and
  - b. All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- IV. At the completion of the works, the work site must be left clear of waste and debris.

#### Reason

To ensure compliance with the requirement of Bourke Shire Council and to minimise soil erosion and sediment movement during demolition.

### 2. FILL ON WORK SITE

#### Condition

Fill brought to the work site must contain only virgin excavated natural materials as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997*.

#### Reason

To ensure that imported fill is of an acceptable standard for environmental protection purposes.

### 3. PUBLIC SAFETY

#### Condition

All construction activities, including loading, unloading, storage of materials and construction activities must be undertaken wholly within the bounds of the site and not impact the safety of all road users (including pedestrians) or the efficiency of the public road network.

#### Reason

To ensure the safety of pedestrians and road users.

### 4. HOURS OF WORK

#### Condition

All building work, demolition or vegetation removal is only to be carried out within the following hours.

Monday to Friday	7.00am to 6.00pm
Saturdays	8.00am to 1.00pm
Sundays and Public Holidays	No works to be undertaken

Note: Any variation to the hours of work required Council's approval.

#### Reason

To protect the amenity of the surrounding area.

## 5. DEMOLITION/CONSTRUCTION NOISE

### Condition

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

### Reason

To protect the amenity of the surrounding area.

## 6. UNCOVERING RELICS OR ABORIGINAL OBJECTS

### Condition

While site work is being carried out if a person reasonably suspects a relic or Aboriginal object is discovered:

- a) The work in the area of the discovery must cease immediately;
- b) The following must be notified
  - i) For a relic – the Heritage Council of NSW
  - ii) For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- a) For a relic – the Heritage Council of NSW; or
- b) For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- a. *Relates to the settlement of the area that comprised NSW, not being Aboriginal settlement, and*
- b. *Is of State or local heritage significance; and*

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by person of non-Aboriginal extraction and includes Aboriginal remains.

### Reason

To ensure the protection of objects of potential significance during works.

## 7. EXCAVATIONS AND BACKFILLING

### Condition

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards, and properly guarded and protected to prevent them from being dangerous to life or property.

### Reason

To ensure the safety of life and property.

#### **8. USE OF FOOTPATHS**

##### **Condition**

The storage of materials or the placement of sheds is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.

No material, goods or machinery shall be stored, placed or otherwise permitted to stand outside the site boundary between the building line and the street alignment.

##### **Reason**

To permit access over public places.

#### **9. WASTE CONTAINER**

##### **Condition**

All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container and disposed of at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.

##### **Reason**

To limit waste affecting the environment during construction.

#### **10. ON SITE FACILITIES**

##### **Condition**

A suitable toilet is to be provided on site and must remain throughout the construction of the project or until an alternative facility is available on-site (in accordance with the approved plans). This may be via a temporary toilet facility or through available access to existing facilities.

##### **Reason**

To adequately provide for construction workers.

#### **11. HOARDING**

##### **Condition**

Separate approval shall be obtained from Council (under Section 138 of the Roads Act 1993) if it is proposed to erect a hoarding upon Council's footpath.

##### **Reason**

To ensure compliance with the requirements of the Roads Act 1993.

#### **12. UTILITY INFRASTRUCTURE**

##### **Condition**

All infrastructure installed on site is to be clear of existing below ground utility infrastructure. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

##### **Reason**

To ensure that utility infrastructure is adequately protected.

### 13. WALL/ROOF CLADDING

#### Condition

Non-reflective finish materials are to be used on the wall/roof cladding .

#### Reason

To reduce the visual reflective impact on adjoining properties.

### 14. UNEXPECTED FINDS

#### Condition

In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works on site must not resume unless the express permission of Council is obtained in writing.

#### Reason

To ensure compliance with statutory requirements and mitigate risks to the surrounding environment.



## **PART E – BEFORE OCCUPATION OF THE NEW POLICE BUILDINGS**

### **1. REPAIR OF INFRASTRUCTURE**

#### **Condition**

Before occupation of the new police buildings, any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles) is to be fully repaired to the satisfaction of Council and at no cost to Council.

#### **Reason**

To ensure any damage to public infrastructure is rectified.

### **2. REMOVAL OF WASTE UPON COMPLETION**

#### **Condition**

Before occupation of the new police buildings the principal certifier must ensure all refuse, spoil and hazardous materials are removed from the site and disposed of in accordance with the approved waste management plan (if applicable).

The applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

#### **Reason**

To ensure waste material is appropriately disposed or satisfactory stored.

### **3. FIRE SAFETY CERTIFICATE**

#### **Condition**

A final Fire Safety Certificate shall be obtained in accordance with Part 5, Division 2 section 41 of the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021*, prior to the use of the new police buildings. .

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Bourke Shire Council;
- Forwarded to the New South Wales Fire Brigade; and
- Prominently displayed in the building.

#### **Reason**

To ensure the safety of the building

### **4. COMPLIANCE WITH CONDITIONS OF CONSENT**

#### **Condition**

All conditions of this consent are to be complied with to the standards specified.

#### **Reason**

To ensure the development proceeds in the manner as determined by Council.



## PART F – OCCUPATION AND ONGOING USE

### 1. ANNUAL FIRE SAFETY STATEMENT

#### Condition

An annual Fire Safety Statement which sets out essential fire safety measures in the building premises must be given to Council and Fire and Rescue NSW annually.

- a. *This fire safety statement shall be given to Council within twelve months after the last statement was given, or if no such statement was given to Council, within twelve months after a final fire safety certificate is issued for the building.*

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- a. *shall display a copy of the certificate (together with a copy of the current fire safety schedule) within the building.*

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and Fire and Rescue NSW in accordance with section 89 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulations 2021*.

#### Reason

To ensure annual checks on fire safety measures and compliance with fire safety requirements under the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021*.

### 2. ENVIRONMENTAL MANAGEMENT PLAN

#### Condition

Management of contamination exposure pathways and risks to site users are to be mitigated through implementation and ongoing maintenance of the approved environmental management plan.

#### Reason

To mitigate contamination risks and comply with statutory requirements.

## Attachment B Approval from the Crown (applicant) for imposition of Conditions

**From:** [Rachael Helsham](#)  
**To:** [Adrienne Hayman](#)  
**Cc:** [Carolyn Crain](#); [Peter Strudwick](#)  
**Subject:** RE: Amended Conditions of Consent  
**Date:** Wednesday, 31 January 2024 2:40:04 PM  
**Attachments:** [jmanw001.png](#)  
[jmanw002.png](#)  
[jmanw003.png](#)  
[jmanw004.png](#)  
[jmanw005.png](#)  
[jmae006.png](#)

Hi Adrienne,

Confirming that we are happy with the conditions of consent. We have no further comments.

Many Thanks,  
Rachael

**RACHAEL HELSHAM**  
CONSULTANT

D +61 2 8233 7600  
E [rhelsham@urbis.com.au](mailto:rhelsham@urbis.com.au)

**SHAPING  
CITIES AND  
COMMUNITIES**



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**From:** Adrienne Hayman <[eto@bourke.nsw.gov.au](mailto:eto@bourke.nsw.gov.au)>  
**Sent:** Wednesday, January 31, 2024 2:36 PM  
**To:** Rachael Helsham <[rhelsham@urbis.com.au](mailto:rhelsham@urbis.com.au)>  
**Cc:** Carolyn Crain <[ccrain@bourke.nsw.gov.au](mailto:ccrain@bourke.nsw.gov.au)>  
**Subject:** RE: Amended Conditions of Consent

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**CAUTION:** This email originated from outside Urbis group. Don't click on links or attachments unless you trust the sender.

Good afternoon Rachael,

Please see the attached amended conditions of consent.

Once we have received your comments and/or approval of the conditions of consent, I can complete the final report.

**Kind regards**  
**Adrienne Hayman**  
**Environmental Technical Officer**

Bourke Shire Council  
PO Box 21  
29 Mitchell Street  
Bourke, NSW, 2840  
Phone: (02) 6830 8000  
Email: [eto@bourke.nsw.gov.au](mailto:eto@bourke.nsw.gov.au)

## Attachment C Tables of Compliance

### Attachment C1 BDCP 2012

DCP Control:	Comment/Compliance:	
<b>4.8.1 Building Setbacks</b>		
<ul style="list-style-type: none"> <li>No minimum setbacks are specified.</li> </ul>	With the exception of the new public foyer, all new building work is setback in line with or behind the front building line established by the retained buildings that front Oxley and Richard Streets.	✓
<ul style="list-style-type: none"> <li>Side and rear setbacks must meet BCA requirements.</li> </ul>	A condition of consent has been imposed requiring that works are carried out in accordance with the Building Code of Australia (BCA) in force at the time of issuing the relevant construction certificate issue or by obtaining approval under Section 6.28 of the EP&A Act 1979.	✓
<b>4.8.2 Height</b>		
No height restrictions.	Noted.	✓
<b>4.8.3 Outdoor Lighting</b>		
<ul style="list-style-type: none"> <li>Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.</li> </ul>	A condition of consent has been imposed to ensure that lighting is compliant with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	✓
<b>4.8.4 Outdoor Signage</b>		
<ul style="list-style-type: none"> <li>A single business premises is permitted to have: <ul style="list-style-type: none"> <li>one under awning sign,</li> <li>one top hamper sign, and</li> <li>one fascia sign,</li> <li>that do not project above or beyond that to which it is attached.</li> </ul> </li> </ul> <p>One of which may be illuminated, but not flashing, moving or floodlit.</p>	The proposed alterations and additions include a freestanding flag sign and a wall sign on the eastern elevation of the new building. The proposed signage is appropriate in the context of an emergency services facility (Bourke Police Station).	✓
<ul style="list-style-type: none"> <li>Design and location of signage must be shown on plans with DA.</li> </ul>	Design and location of signage is shown on the plans.	✓
<ul style="list-style-type: none"> <li>Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night.</li> </ul>	A condition of consent has been imposed to ensure that lighting is compliant with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	✓
<ul style="list-style-type: none"> <li>Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.</li> </ul>	Refer to <b>Section 3.1.2.1</b> .	✓
<b>4.8.5 Design</b>		

DCP Control:	Comment/Compliance:	
<ul style="list-style-type: none"> <li>Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.</li> </ul>	The proposed new building is articulated with appropriate use of colour, arrangement of elements and variation of materials.	✓
<ul style="list-style-type: none"> <li>Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.</li> </ul>	Large expansive blank walls are not proposed.	✓
<ul style="list-style-type: none"> <li>Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.</li> </ul>	The proposed alterations and additions do not include any new plant visible from the public domain.	✓
<ul style="list-style-type: none"> <li>Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as land mark feature of the street.</li> </ul>	The Oxley/Richard Street corner of the site is occupied by the existing Bourke Police Station building which is to be retained. New building work is located behind the retained buildings.	✓
<b>4.8.6 Post supported verandahs and balconies</b>		
<ul style="list-style-type: none"> <li>Set back a minimum of 600 mm from the back of the kerb.</li> </ul>	Post supported verandahs and balconies are not proposed.	N/A
<ul style="list-style-type: none"> <li>Must complement the style, materials and character of the building being altered.</li> </ul>	As above.	N/A
<ul style="list-style-type: none"> <li>Public liability insurance to Council requirements, and a Council license is required for verandah or balcony awning over the public footpath.</li> </ul>	As above.	N/A
<ul style="list-style-type: none"> <li>Not to interfere with operation of or access to utility infrastructure.</li> </ul>	As above.	N/A
<b>4.8.7 Utilities and Services</b>		
<ul style="list-style-type: none"> <li>Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Council is to be provided.</li> </ul>	<p>The site is understood to have existing connections to potable water, electricity, sewer and vehicular access. Conditions of consent have been imposed to ensure that:</p> <ul style="list-style-type: none"> <li>Stormwater is drained from the site in accordance with the stormwater management plan (Northrop 2022, Dwg No. DAC04.01, Rev. 2) forming part of the application;</li> <li>Any existing connections to essential services that require augmentation to accommodate the proposed alterations and additions are detailed in servicing plans prior to issue of a construction certificate or approval under Section 6.28 of the EP&amp;A Act; and</li> <li>Detailed plans of proposed driveways, designed in accordance with BSC standards, are provided prior to the issue of a</li> </ul>	✓

DCP Control:	Comment/Compliance:	
	construction certificate or approval under Section 6.28 of the EP&A Act.	
<ul style="list-style-type: none"> <li>Applications must demonstrate adequate provision for storage and handling of solid wastes.</li> </ul>	A condition of consent has been imposed to ensure that waste is managed in accordance with the Waste Management Plan (Group GSA 2021) forming part of the application.	✓
<ul style="list-style-type: none"> <li>Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.</li> </ul>	A Trade Waste Application is not required.	N/A
<ul style="list-style-type: none"> <li>Buildings and structures are to be located clear of utility infrastructure.</li> </ul>	A condition of consent has been imposed to ensure that buildings and structures are located clear of utility infrastructure.	✓
<ul style="list-style-type: none"> <li>For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main. See Council Policy "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains" for further detail.</li> </ul>	A condition of consent has been imposed to ensure that structures are located a minimum of one metre or the equivalent invert depth, whichever is the greater, from the centreline of any sewer main.	✓
<b>4.8.8 Traffic and Access</b>		
<ul style="list-style-type: none"> <li>All vehicles must be able to enter and exit the site in a forward direction.</li> </ul>	Vehicles are able to enter and exit the site in a forward direction.	✓
<ul style="list-style-type: none"> <li>Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.</li> </ul>	The proposed alterations and additions result in reduced conflict between vehicles and pedestrians through consolidation of vehicular access points to the site.	✓
<ul style="list-style-type: none"> <li>Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.</li> </ul>	Vehicular manoeuvring areas are sealed.	✓
<ul style="list-style-type: none"> <li>Unsealed vehicle movement areas are not acceptable due to environmental management impacts.</li> </ul>	Unsealed vehicle manoeuvring areas are not proposed.	✓
<ul style="list-style-type: none"> <li>Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.</li> </ul>	Loading bays are not proposed.	N/A
<ul style="list-style-type: none"> <li>Site access not permitted: <ul style="list-style-type: none"> <li>Close to traffic signals, intersection or roundabouts with inadequate sight distances;</li> <li>Opposite other large developments without a median island;</li> </ul> </li> </ul>	The proposed alterations and additions do not include any new access points. The existing access from Richard Street is to be removed whilst the existing accesses from Oxley Street and the rear, unnamed laneway are to be widened. Neither	✓

DCP Control:		Comment/Compliance:	
<ul style="list-style-type: none"> <li>Where there is heavy and constant pedestrian movement on the footpath;</li> <li>Where right turning traffic entering the site may obstruct through traffic.</li> </ul>		are proximate to traffic signals or opposite other large developments	
<ul style="list-style-type: none"> <li>Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.</li> </ul>		The proposed alterations and additions do not result in there being more than 50 parking spaces. A high turnover of traffic is not anticipated.	N/A
<ul style="list-style-type: none"> <li>The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.</li> </ul>		The proposed alterations and additions do not result in there being more than 1 access or egress to or from any street frontage.	✓
<ul style="list-style-type: none"> <li>Driveways must be provided in accordance with AS 2890.1 Parking Facilities</li> </ul>		A condition of consent is imposed to ensure compliance with AS 2890.1.	✓
<b>4.8.9 Parking</b>			
<b>Land Use</b>	<b>Parking Requirements</b>	There is no specific parking requirement for emergency services facilities.	N/A
Bulky Goods	1 space per 45 m <sup>2</sup> GFA		
Business	1 space per 25 m <sup>2</sup> GFA		
Brothels	1 space per staff working at any one time plus 1 space per room where sexual services provided		
Child Care Centre	1 space per every 5 children (based on maximum allowed)		
Drive-in takeaway food shop	1 space per 8.5 m <sup>2</sup> GFA plus 1 space per 3 seats		
Health Consulting Rooms	3 spaces per practitioner plus 1 space per employee		
Hotel	1 space per hotel unit plus 1 space per 3.5 m <sup>2</sup> licensed public floor area		
Major Retail Premises	Refer to RTA Guidelines		
Medical Centres	1 space per 25 m <sup>2</sup> GFA or spaces per practitioner plus 1 space per employee whichever is greater		
Motel	1 space per accommodation unit plus 1 space per 2 employees		
Restricted Premises	1 space per 23 m <sup>2</sup> GFA (leasable)		
Retail Premises < 1,000 m <sup>2</sup> GFA	1 space per 25 m <sup>2</sup> GFA		
Retail Premises	1 space per 16 m <sup>2</sup> GFA		

DCP Control:		Comment/Compliance:	
shops > 1,000 m <sup>2</sup> GFA			
Retail Premises video	1 space per 16 m <sup>2</sup> GFA		
<b>4.8.10 Brothels and Restriction Premises</b>			
<ul style="list-style-type: none"> <li>Must be located at least 150m from any of the following: <ul style="list-style-type: none"> <li>Existing dwelling;</li> <li>Residential zone;</li> <li>Place of worship;</li> <li>Any place designated for and utilised by children (e.g. child care centre, community facility, educational establishment, entertainment facility, recreation area/facility);</li> <li>Any other sex services premises.</li> </ul> </li> </ul>		The proposed development is for the purposes of an emergency services facility (Bourke Police Station).	N/A
<b>4.8.11 Landscaping</b>			
<ul style="list-style-type: none"> <li>Landscaping or shade structures shall be provided in outdoor car parking areas where &gt;10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.</li> </ul>		All parking is to be provided within shade structures (carports or garages).	✓
<ul style="list-style-type: none"> <li>Edging to be provided to retain mulch and protect the landscaping from damage from vehicles.</li> </ul>		Edging is not required in the context of the use of the site.	N/A
<ul style="list-style-type: none"> <li>Landscaping shall comprise only low maintenance, drought and frost tolerant species.</li> </ul>		Landscaping is to be provided in accordance with the Landscape Plan (Group GSA 2021, Dwg No. 2000, Rev. C) forming part of the application.	✓
<b>6.2 Other Development Types</b>			
<b>6.2.1 Parking</b>			
<ul style="list-style-type: none"> <li>Parking must be provided as per the Schedule in Appendix 1</li> </ul>		There is no specific parking requirement for emergency services facilities.	N/A
<ul style="list-style-type: none"> <li>Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number.</li> </ul>		Noted.	✓
<ul style="list-style-type: none"> <li>Parking and traffic requirements will be based on consideration of: <ul style="list-style-type: none"> <li>likely peak usage times.</li> <li>the availability of public transport.</li> <li>likely demand for off street parking generated by the development.</li> <li>existing traffic volumes on the surrounding street network; and</li> <li>efficiency of existing parking provision in the location.</li> </ul> </li> </ul>		Noted.	✓
<ul style="list-style-type: none"> <li>Comply with Australian Standard AS2890.1 Parking Facilities.</li> </ul>		A condition of consent has been imposed to ensure that all parking areas are designed in accordance with	✓



DCP Control:	Comment/Compliance:	
	AS 2890.1 Off Street Parking Facilities.	
<ul style="list-style-type: none"> <li>Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply:               <ol style="list-style-type: none"> <li>Determine the parking requirements of the previous or existing premises in accordance with Appendix A.</li> <li>Determine the parking requirement of the proposed development in accordance with Appendix I to these Guidelines.</li> <li>Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above.</li> <li>The difference calculated in (c) above represents the total number of parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council where applicable.</li> </ol> </li> </ul>	Redevelopment or change of use is not proposed.	N/A
<b>6.2.2 Landscaping</b>		
<ul style="list-style-type: none"> <li>Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.</li> </ul>	Adequate landscaping is to be provided in the form of native grass groundcover and trees within the front setback to both Richard and Oxley Streets.	✓
<ul style="list-style-type: none"> <li>Landscaping or shade structures shall be provided in outdoor car parking areas where &gt;10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.</li> </ul>	All parking is to be provided within shade structures (carports or garages).	✓
<ul style="list-style-type: none"> <li>Landscaping shall comprise low maintenance, drought and frost tolerant species.</li> </ul>	Appropriate species have been selected in the Landscape Plan (Group GSA 2021, Dwg No. 2000, Rev. C) forming part of the application.	✓
<b>6.2.3 Outdoor Lighting</b>		
<ul style="list-style-type: none"> <li>All developments shall demonstrate compliance with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.</li> </ul>	A condition of consent has been imposed to ensure that lighting is compliant with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	✓
<ul style="list-style-type: none"> <li>Sweeping lasers or searchlights or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.</li> </ul>	Sweeping lasers or searchlights for outdoor advertising or entertainment are not proposed.	N/A
<b>6.2.4 Outdoor Advertising / Signage</b>		

DCP Control:	Comment/Compliance:	
<ul style="list-style-type: none"> <li>Where there is potential for light spill to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off by 11pm each night.</li> </ul>	A condition of consent has been imposed to ensure that lighting is compliant with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	✓
<ul style="list-style-type: none"> <li>Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.</li> </ul>	Refer to <b>Section 3.1.2.1</b> .	✓
<ul style="list-style-type: none"> <li>Advertising in Primary Production zones may only: <ul style="list-style-type: none"> <li>advertise a facility, activity or service located on the land; or</li> <li>direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. Cannot include names of proprietary products or services or sponsoring businesses. Each sign must be sited a minimum distance of 1km from each other.</li> </ul> </li> </ul>	The site is located in Zone E1 Local Centre.	N/A
<ul style="list-style-type: none"> <li>External illumination to signs must be top mounted and directed downwards</li> </ul>	A condition of consent has been imposed to ensure that lighting is compliant with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	✓
<ul style="list-style-type: none"> <li>The following types of signs are not acceptable: <ul style="list-style-type: none"> <li>Portable signs on public footways and road reserves including A Frame and Sandwich Boards.</li> <li>Electronic trailer mounted road signs used for promotional or advertising purposes.</li> <li>Outdoor furniture (including chairs, bollards and umbrellas) advertising products such as coffee, alcohol or soft drink.</li> <li>A roof sign or wall sign projecting above the roof or wall to which it is affixed.</li> <li>Flashing or intermittently illuminated signs.</li> <li>Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising.</li> <li>Signs fixed to trees, lights, telephone or power poles.</li> <li>Signs which could reduce road safety by adversely interfering with the</li> </ul> </li> </ul>	Signage of the type specific opposite is not proposed.	✓

DCP Control:	Comment/Compliance:	
<p>operation of traffic lights or authorized road signs.</p> <ul style="list-style-type: none"> <li>Any sign which would in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place.</li> <li>Numerous small signs and advertisements carrying duplicate information; and</li> <li>Overhead banners and bunting, except in the form of temporary advertisement.</li> </ul>		
<b>6.3 Environmental Effects</b>		
<b>6.3.1 Environmental Effects</b>		
<ul style="list-style-type: none"> <li>The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to: <ul style="list-style-type: none"> <li>Traffic</li> <li>Flood liability</li> <li>Slope</li> <li>Construction impacts</li> <li>Solid and Liquid Waste</li> <li>Air quality (odour and pollution)</li> <li>Noise emissions</li> <li>Water quality</li> <li>Sustainability</li> </ul> </li> </ul>	Adequate information is provided in the Statement of Environmental Effects (SEE; Urbis 2022) forming part of the application.	✓
<b>6.3.2 Soil and Erosion Control</b>		
<ul style="list-style-type: none"> <li>Runoff shall be managed to prevent any land degradation including offsite sedimentation.</li> </ul>	A conditions of consent has been imposed to ensure that stormwater is drained from the site in accordance with the stormwater management plan (Northrop 2022, Dwg No. DAC04.01, Rev. 2) forming part of the application.	✓
<ul style="list-style-type: none"> <li>Cut and fill will be minimised, and the site stabilised during and after construction.</li> </ul>	The proposed alterations and additions require minimal earthworks.	✓
<ul style="list-style-type: none"> <li>Arrangements in place to prompt revegetation of earthworks to minimise erosion.</li> </ul>	Vegetation removal as part of the proposed alterations and additions is limited to two trees.	N/A
<b>6.3.3 Vegetation</b>		
Development design shall accommodate the retention of any significant trees and vegetation	<p>The proposed alterations and additions involve the removal of two trees.</p> <p>The removal of the tree is acceptable on the basis that the proposed alterations and additions include four replacement trees within the site and further plantings within the Richard Street verge.</p>	✓
<b>6.3.4 Waste Management</b>		

<b>DCP Control:</b>	<b>Comment/Compliance:</b>	
General waste storage and collection arrangements shall be specified.	A condition of consent has been imposed to ensure that waste is managed in accordance with the Waste Management Plan (Group GSA 2021) forming part of the application.	✓
<b>6.3.5 Noise</b>		
<ul style="list-style-type: none"> <li>Where relevant, applications are to contain information about likely noise generation and the method of mitigation.</li> </ul>	Noise impacts generated during the construction phase would be short-lived and manageable through standard conditions of consent. Once operational, the proposed alterations and additions will not generate additional noise impacts as they will not result in an increase in the number of staff operating from the site.	✓
<b>6.3.6 Geology</b>		
<ul style="list-style-type: none"> <li>The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.</li> </ul>	A condition of consent has been imposed to require the provision of a geotechnical report.	✓

## Attachment C2 Employment SEPP, Schedule 5

<b>Schedule 1 Assessment Criteria</b>	<b>Comment</b>	
<b>1 Character of the area</b>		
<ul style="list-style-type: none"> <li>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> </ul>	The proposed building identification signs are compatible with the character of the Bourke town centre.	✓
<ul style="list-style-type: none"> <li>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	The proposed building identification signs clearly identify the public entry and use of the building as an emergency services facility. This is consistent with the existing outdoor advertising for public, administrative buildings within the Bourke town centre.	N/A
<b>2 Special areas</b>		
<ul style="list-style-type: none"> <li>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	The site is not located within an environmentally sensitive area, rural landscape, residential area or any type of conservation area. It is not located near any waterways. The proposed building identification signs, one being attached to the ground floor eastern façade of the new two-storey building and the other located within the front setback to the eastern boundary, will not detract from the amenity or visual quality of:	✓

Schedule 1 Assessment Criteria	Comment	
	<ul style="list-style-type: none"> <li>Open space areas, being Bourke Central Park, due to being screened by vegetation along the edges of the park, within the Richard Street road reserve and the eastern setback of the existing police building within the site; and</li> <li>Heritage areas due to not being viewed in the context of any heritage items other than existing police station building within the site. The understated appearance of the signage ensures that it will not detract from the heritage qualities of the police station building.</li> </ul>	
<b>3 Views and vistas</b>		
<ul style="list-style-type: none"> <li>Does the proposal obscure or compromise important views?</li> </ul>	Of the two building identification signs, one will not obscure or compromise important views due to being attached to the eastern façade of the new two storey building. The other, being a flagpole sign, will not obscure or compromise important views due to its minor dimensions.	✓
<ul style="list-style-type: none"> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> </ul>	As noted above, the signage will not reduce the quality of existing vistas. It will not dominate the skyline as it will not extend above existing roofs.	✓
<ul style="list-style-type: none"> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul>	The proposed signage will not obscure views to any other existing advertisement.	✓
<b>4 Streetscape, setting or landscape</b>		
<ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> </ul>	The proposed signs will be read as a secondary element to the proposed building and will not detract from the existing streetscape.	✓
<ul style="list-style-type: none"> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> </ul>	The signage will provide a minor contribution to the visual interest of streetscape.	✓
<ul style="list-style-type: none"> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> </ul>	It is not intended that the proposed building identification signs reduces clutter by rationalising existing advertising. Rather, the signage clearly identifies the location of the new pedestrian entrance to the police station along Richard Street.	N/A
<ul style="list-style-type: none"> <li>Does the proposal screen unsightliness?</li> </ul>	It is not intended that the proposed signage screens unsightliness. Rather, the signage clearly identifies the location of the new pedestrian entrance to the police station along Richard Street.	N/A

<b>Schedule 1 Assessment Criteria</b>	<b>Comment</b>	
<ul style="list-style-type: none"> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> </ul>	The proposed signage will not protrude above the top of the building or structure.	✓
<ul style="list-style-type: none"> <li>Does the proposal require ongoing vegetation management?</li> </ul>	No.	N/A
<b>5 Site and building</b>		
<ul style="list-style-type: none"> <li>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> </ul>	The two building identification signs have been designed to be compatible with the scale and proportion of the site and building. One of the signs will be attached to the façade. The other, a pole sign, does not exceed the height of the existing police station building.	✓
<ul style="list-style-type: none"> <li>Does the proposal respect important features of the site or building, or both?</li> </ul>	The understated style of the proposed signage ensures that it will not have any impact on the important features of the site, being the heritage listed police station building.	✓
<ul style="list-style-type: none"> <li>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	Innovative or imaginative signage is not necessary in this circumstance. It provides a clear indication of the use of the site.	✓
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
<ul style="list-style-type: none"> <li>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	No safety devices, platforms, lighting devices or logos are proposed.	N/A
<b>7 Illumination</b>		
<ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> </ul>	The two building identification signs are not proposed to be illuminated.	N/A
<ul style="list-style-type: none"> <li>Would illumination affect safety for pedestrians, vehicles or aircraft?</li> </ul>		N/A
<ul style="list-style-type: none"> <li>Would illumination detract from the amenity of any residence or other form of accommodation?</li> </ul>		N/A
<ul style="list-style-type: none"> <li>Can the intensity of the illumination be adjusted, if necessary?</li> </ul>		N/A
<ul style="list-style-type: none"> <li>Is the illumination subject to a curfew?</li> </ul>		N/A
<b>8 Safety</b>		
<ul style="list-style-type: none"> <li>Would the proposal reduce the safety for any public road?</li> </ul>	The proposal will not reduce the safety of Richard Street.	✓
<ul style="list-style-type: none"> <li>Would the proposal reduce the safety for pedestrians or bicyclists?</li> </ul>	The two building identification signs will not have any impact on safety for pedestrians and cyclists.	✓
<ul style="list-style-type: none"> <li>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	Sightlines from public areas will not be obscured by the proposed signage.	✓

## Assessment Report: Bourke Police Station Upgrade

