



DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	12 February 2024
DATE OF PANEL DECISION	12 February 2024
DATE OF PANEL MEETING	06 February 2024
PANEL MEMBERS	Garry Fielding (Chair), Sue Francis, Donna Rygate, Lachlan Ford, Barry Hollman
APOLOGIES	Graham Brown
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 31 January 2024.

MATTER DETERMINED

PPSWES-166 - DA 2023/0009 - Bourke

Lot Y DP904235 and Lot 5 Section 6 DP758144 44-46 Oxley Street, Bourke,

Alterations and additions to an existing emergency services facility (Bourke Police Station).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application subject to conditions, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and noted the Development Risk Management Pty Ltd (DRM) report. In doing so the Panel specifically noted and agreed the following:

- Based on the DRM report, a groundwater quality assessment is not required and there is a low potential for unacceptable vapour risks on the site. The DRM report of 4 December 2023 concludes that the site is suitable for use as a police station with respect to contamination, subject to the implementation of a long-term Environmental Management Plan. The Panel agrees that the recommendations of the DRM report should be adopted.
- The Recommendation that a suitably qualified heritage consultant should be appointed by the applicant to work with the consultant team throughout the design development, contract documentation and construction stages of the project is supported. Accordingly, with the applicant's acceptance, Condition 13 *Nominated Heritage Consultant*, has been adopted by the Panel.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with amended conditions below, which have been updated to include the Heritage Consultant condition

and amended reasons for conditions recommended in the DRM contamination report. The Crown applicant has accepted the amended conditions.

Conditions Part B – 2 and Part C – 3

The Panel resolved to amend the Draft Conditions by referencing in each relevant condition the DRM Revised Supplementary Contamination Report, 4 Dec. 2023.

1. Condition 13 - NOMINATED HERITAGE CONSULTANT

Condition


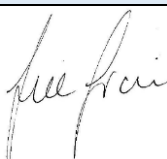



- a) A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all 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 an approval under s6.28 of the EP&A Act 1979.
- 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 occupation of the new police buildings.

Reason

To help ensure that conservation works are appropriately undertaken.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted that no written submissions were made during public exhibition of the DA.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sue Francis
 Donna Rygate	 Lachlan Ford
 Barry Hollman	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-166 – Bourke Shire Council – DA 2023/0009
2	PROPOSED DEVELOPMENT	Alterations and additions to an existing emergency services facility (Bourke Police Station)
3	STREET ADDRESS	Lot Y DP904235 and Lot 5 Section 6 DP758144 44-46 Oxley Street, Bourke
4	APPLICANT/OWNER	NSW Police Force
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Crown Development
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • Bourke Local Environmental Plan 2012 • 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 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Bourke Development Control Plan 2012 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 31 January 2024 • Statement of Environmental Effects • Architectural Plans • Landscape Plan • Design Statement • Preliminary Stage 1 Contamination Report

		<ul style="list-style-type: none"> ● 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 Assessment Report by Development Risk Management Pty Ltd (DRM) dated 22 November 2023 ● Revised Supplementary Contamination Assessment Report by DRM dated 4 December 2023 ● Written submissions during public exhibition: 0 ● Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing: 23 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Lachlan Ford, Barry Hollman ○ <u>Council assessment staff</u>: Carolyn Crain, Mark Raikhman – BSC Planning Consultant, Dwayne Willoughby – Manager, Planning Regulatory & Environmental Services, Leonie Brown – BSC General Manager ● Council & Applicant Briefing: 04 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Lachlan Ford ○ <u>Council assessment staff</u>: Brooklyn McInerney, Dwayne Willoughby, Mark Raikhman (BSC Planning Consultant), Leonie Brown, Kate Higgins (Heritage Advisor) ○ <u>Applicant representatives</u>: Toni Walter, Rachael Helsham, Anthony Kiliyas, Kate Paterson, Ross Gardner, Abby Tyler, Jake To, Terry Stevens, Tim Chinn, David Piddington, Jason Caparano ● 10 October 2023 – Determination (Matter Deferred) <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sue Francis, Donna Rygate, Lachlan Ford, Barry Hollman ○ <u>Council assessment staff</u>: Carolyn Crain, Dwayne Willoughby, Mark Raikhman (BSC Planning Consultant), Leonie Brown ○ <u>Applicant representatives</u>: Lindsey Henry, Abby Tyler, Toni Duncan ● Final briefing to discuss council's recommendation: 06 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sue Francis, Donna Rygate, Lachlan Ford, Barry Hollman ○ <u>Council assessment staff</u>: Daniel Drum (BSC Planning Consultant), Carolyn Crain, Lucy McDermott ○ <u>Applicant representatives</u>: Rachael Helsham, Abby Tyler, Peter

		Strudwick
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the Council Assessment Report. The Panel resolved to amend the Draft Conditions by referencing in each relevant condition the DRM <i>Revised Supplementary Contamination Report</i> , 4 Dec., 2023. Also, the Panel resolved to include Condition 13 as proposed in the Assessment Report by Council's Heritage Consultant following acceptance of the condition by the Crown applicant.