

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S04/01032
Application Number:	DA 104-5-2004
Date of lodgement:	3 May 2004
On land comprising:	Silverwater Correctional Complex, Holker St, Silverwater 2128 Lot 22 in DP 876995
Application made by:	Department of Commerce PO Box 6827, Silverwater, NSW 2128
Application made to:	Minister for Infrastructure and Planning
Local government area:	Auburn Council
State electorate:	The views of the Member are not known.
Notification:	Advertised in Auburn Review Pictorial on 16 June 2004.
Public Exhibition	Start: 16 June 2004. End: 1 July 2004.
For the carrying out of:	Demolition of two buildings, erection of a new gatehouse building and a new reception building, alterations and upgrade to perimeter and internal security fencing, removal of trees and landscaping, upgrade of utilities and alterations to access and parking arrangements.
Estimated cost of works:	\$14, 230, 000
FTE Jobs created:	31 full time construction jobs (no change to operational jobs).
Type of development:	Crown Development, Advertised Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Not Integrated. Separate approval from the NSW Heritage Council under section 57 of the <i>NSW Heritage Act 1977</i> was obtained.
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations – no public submissions were received. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant's Approval for Draft Conditions:	Applicant provided written approval for the proposed conditions.

Recommendation

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of Sydney Regional Environmental Plan No 24 – Homebush Bay Area:

- (A) grant **consent** to the application subject to conditions (Tagged “**A**”), and those conditions imposed by the Heritage Council under Section 60 of the *NSW Heritage Act 1977* (Tagged “**D**”), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

Sam Haddad
Deputy Director General
Office of Sustainable Development
Assessment and Approvals

Jennifer Westacott
Director General
Development of Infrastructure, Planning
and Natural Resources

Craig Knowles
Minister for Infrastructure and Planning
Minister for Natural Resources

File No:	S04/01032
Application Number:	DA 104-5-2004
Date of lodgement:	3 May 2004
On land comprising:	Silverwater Correctional Complex, Holker St, Silverwater 2128 Lot 22 in DP 876995
Application made by:	Department of Commerce PO Box 6827, Silverwater, NSW 2128
Application made to:	Minister for Infrastructure and Planning
Local government area:	Auburn Council
State electorate:	The views of the Member are not known.
Notification:	Advertised in Auburn Review Pictorial on 16 June 2004.
Public Exhibition	Start: 16 June 2004. End: 1 July 2004.
For the carrying out of:	Demolition of two buildings, erection of a new gatehouse building and a new reception building, alterations and upgrade to perimeter and internal security fencing, removal of trees and landscaping, upgrade of utilities and alterations to access and parking arrangements.
Estimated cost of works:	\$14, 230, 000
FTE Jobs created:	31 full time equivalent construction jobs (no change to operational jobs).
Type of development:	Crown Development, Advertised Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Not Integrated. Separate approval from the NSW Heritage Council under section 57 of the <i>NSW Heritage Act 1977</i> was obtained.
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant's Approval for Draft Conditions:	Applicant provided written approval for the proposed conditions.

Recommendation

It is recommended that the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of Sydney Regional Environmental Plan No 24 – Homebush Bay Area:

- (A) grant **consent** to the application subject to conditions (Tagged “**A**”), and those conditions imposed by the Heritage Council under Section 60 of the *NSW Heritage Act 1977* (Tagged “**D**”), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

Sam Haddad
Deputy Director-General,
Sustainable Development

Diane Beamer
Minister Assisting the Minister for Infrastructure and
Planning (Planning Administration)

Supplementary Information

Proposed Development in detail

The proposed development seeks consent for:

Alterations and additions to the Mulawa Correctional Centre including:

- Demolition of two buildings including the Chapel and the Laundry/Store building;
- Erection of a new two storey gatehouse building;
- Erection of a new reception building;
- Relocation of the perimeter fence on the vicinity of Newington House and the replacement and upgrade of the existing internal security fence within the remainder of the facility;
- Alterations to access and parking arrangements adjoining the new gatehouse;
- Removal of some trees and associated landscaping; and
- Upgrading utility services.

Summary of Significant Issues

(1) NSW Heritage Act 1977

Issue: The Silverwater Correctional Complex is listed on the State Heritage Register as a Conservation Area. Separate approval was required from the Heritage Council under s 57 of the *NSW Heritage Act 1977*. The Minister can not determine the DA without the Heritage Council's determination of the application under s.60 of the *NSW Heritage Act 1977*.

Raised by: DIPNR - Urban Assessments, NSW Heritage Office, Auburn Council

Consideration: The applicant made a separate application under s 57 of the *NSW Heritage Act 1977* and as such the Department's assessment was frozen until the Heritage Office made their determination.

Resolution: On 22 November 2004 the Heritage Office approved the application, subject to conditions marked as Tag D. The conditions of consent require compliance with the Heritage Office conditions and do not conflict with those conditions.

(2) Tree Removal

Issue: The existing trees located on the subject site have an important role in the interpretation of past development on the site. While the trees are showing signs of decline or are poor specimens it is important that the original planting configuration is not lost.

Raised by: Auburn Council

Consideration: Impacts of the proposed landscaping changes have been assessed by the Heritage Office, and approval for the works under the *NSW Heritage Act 1977* granted. The Heritage Office's determination included a number of recommendations relating to the landscaping component of the works. As such the proposed development's impact, on the heritage landscapes is considered to be appropriate given those conditions issued.

Security requirements also restrict the ability to maintain the original planting configuration.

Resolution: Impacts of the development on the heritage landscapes of the site are considered acceptable given security requirements for the site and in light of conditions issued by the Heritage Office. The proposed conditions of consent require that the applicant submit for the Department's approval detailed landscape plans for those areas identified as new landscape areas in the approved plans.

(3) Disabled Parking

Issue: No details of disabled parking and/or access were submitted as part of the application.

Raised by: DIPNR – Urban Assessments

Consideration: Disabled access as required by the Australian Standards should be incorporated.

Resolution: The proposed conditions require disabled parking and access in accordance with Australian Standards, and that those details be certified by a qualified professional and approved by the Works Manager prior to the commencement of works.

(4) Stormwater and Drainage Details

Issue: No details regarding the stormwater and drainage arrangements for the new car park were provided as part of the application.

Raised by: DIPNR – Urban Assessments

Consideration: The applicant was asked to submit stormwater and drainage plans for the car park. These plans were submitted however were not legible due to scale and clutter.

Resolution: The proposed conditions require submission of final plans indicating drainage details for the car park areas, to be certified by a qualified professional and approved by the Works Manager prior to the commencement of works.



Planning Assessment Report Application to Modify Development Consent

Development Application DA 104-5-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 104-5-2004.

The development application was lodged with the Department on 3 May 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The application seeks consent for the demolition of two buildings, erection of a new gatehouse building and a new reception building, alterations and upgrade to perimeter and internal security fencing, removal of trees and landscaping, upgrade of utilities and alterations to access and parking arrangements.

The Minister for Infrastructure and Planning is the consent authority under Clause 10 of Sydney Regional Environmental Plan No 24 – Homebush Bay Area.

The application is made for Crown Development and as such it is recommended that the development application be **granted consent**.

2 BACKGROUND

2.1 Site Context

Mulawa Correctional Centre is a maximum security correctional centre for females. It forms part of the overall Silverwater Correctional Complex (SCC). The SCC comprises the Silverwater Correction Centre, the Mulawa Correctional Centre, the Metropolitan Remand and Reception Centre and associated correctional uses. This development application relates to the Mulawa Correctional Centre, which is located in the northern part of the SCC.

The site is 27.7 hectares in area and is accessed via Holker Street, which links Silverwater Road to Sydney Olympic Park (SOP) and Newington.

It is located immediately north of the Newington residential area, to the northwest of SOP and to the northeast of the Silverwater industrial and residential area.

The site is bounded by Holker Street to the south, Newington Road to the west, Jamieson Street to the east and Jamieson Street Park and Wilson Park to the north and the Millennium Parklands to the northeast. The northern boundary of the site is some 140m from Parramatta River.

The site has been used for similar correctional and hospital purposes since the 1880s.

At present the MCC holds approximately 274 inmates and 59-65 day employees, 35-36 afternoon employees and 13 night employees.

2.2 Relevant approvals

Approval under S57 of the *Heritage Act 1977* is required for the proposed works. The applicant made a separate application to the Heritage Office of NSW. Conditional approval was issued by the NSW Heritage Office on 22 November 2004.

At the time that the Development Application was lodged by the applicant the required approval from the Heritage Office had not yet been obtained and neither was the application made for integrated development. The applicant had instead applied for approval from the Heritage Office separately to this Development Application but at the same time. The Heritage Office advised the Department that additional information had been requested in order for them to further their assessment and as such advised the Department to put the Development Application assessment on hold until the Heritage Office's determination had been made. The Department was advised of the Heritage Office's determination on 30 November 2004.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

Alterations and additions to the Mulawa Correctional Centre including:

- Demolition of two buildings including the Chapel and the Laundry/Store building;
- Erection of a new two storey gatehouse building;
- Erection of a new reception building;
- Relocation of the perimeter fence on the vicinity of Newington House and the replacement and upgrade of the existing internal security fence within the remainder of the facility;
- Alterations to access and parking arrangements adjoining the new gatehouse;
- Removal of some trees and associated new landscaping; and
- Upgrading utility services.

3.1 Amended Plans/Documentation

On 17 December 2004 the applicant, submitted amended documentation to support their application incorporating:

- MCC, Silverwater – Historical Archaeological Assessment and Impact Mitigation Plan for part of Proposed Stage 1 Development at the site;
- Conservation Management Plan – Silverwater Correctional Complex – November 2004; and
- Assessment of Heritage Impact Assessment – September 2004 – Mulawa Correctional Centre, Upgrading, Stage 1.

These additional and amended documents were requested by the Heritage Office NSW for their assessment of the S57 application under the *Heritage Act 1977*.

On 12 January 2004 the applicant submitted the following amended and additional plans and documentation as requested by the Department:

- A letter addressing the compliance with the Guidelines of the Facility Standards 2002 Department of Corrective Services;
- A revised set of plans, which include a new car park layout and include minor amendments requested by the Department;
- Mulawa Correctional Centre, Silverwater Proposed Redevelopment Stormwater Management Report, 21 May 2004; and
- Additional plans relating to landscaping of the car park area, drainage and stormwater, and the proposed waste storage area.

These documents and plans have been accepted as forming part of the application.

4 STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

The proposed development is permissible, with consent, in accordance with SREP 24. The Minister for Infrastructure, Planning and Natural Resources is the consent authority under Clause 10(1) of SREP 24.

4.2 *Instrument of consent and other relevant planning instruments*

The environmental planning instruments, draft environmental planning instruments, development control plans, and regulations applicable to the land to which the development application relates are as follows:

- *Sydney Regional Environmental Plan No.24—Homebush Bay Area (SREP 24);*
- *State Environmental Planning Policy No.55—Remediation of Land (SEPP 55);*
- *Guidelines of the Facility Standards 2002 Department of Corrective Services; and*
- *Silverwater Correctional Complex Conservation Management Plan 2003.*

Application of these planning instruments is discussed in the compliance report (Tag C).

As the SCC is listed on the State Heritage Register, the Minister cannot determine the DA without the Heritage Council's determination of the application submitted under the *NSW Heritage Act 1977*. On 22 November 2004 the Heritage Council approved that application, subject to conditions (tag 'D').

4.3 *Legislative context*

The proposed development is crown development and advertised development pursuant to Section 79 of the Act and SREP 24.

5 CONSULTATION

5.1 *Public consultation*

The application was notified, in accordance with the Regulations including:

Notifications – landowners/occupiers	N/A
Newspaper advertisements	Advertised in Auburn Pictorial Review on 16 June 2004.
Site notices	N/A
Exhibition dates	Start: 16 June 2004. End: 1 July 2004.
Exhibition venues	<ul style="list-style-type: none">▪ Planning Information Centre, 20 Lee Street Sydney▪ Auburn Council, Civic Centre, 1 Susan Street, Auburn

No public submissions were received regarding the Application.

5.2 *Referrals*

5.2.1 *Integrated Approval Bodies*

The application was not made for integrated development. Separate approval under the *Heritage Act 1977* was obtained on 22 November 2004.

5.2.2 Council

The application was referred to Auburn Council on 8 June 2004. Council responded on 9 July 2004. Issues raised by Council are discussed in detail in Section 6.2 of this report. Council's full submission is at Tag E.

5.2.3 SOPA

The application was referred to SOPA on 8 June 2004. No response was received.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act

6.1.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with section 79C of the Act. Significant issues are discussed below in Section 6.2.

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed in Section 6.2. On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.2.1 Heritage Office Determination of the Application

Issue: The Silverwater Correctional Complex is listed on the State Heritage Register as a Conservation Area. Separate approval was required from the Heritage Council under s 57 of the *NSW Heritage Act 1977*. The Minister can not determine the DA without the Heritage Council's determination of the application under s.60 of the *NSW Heritage Act 1977*.

Raised by: DIPNR - Urban Assessments, NSW Heritage Office, Auburn Council

Consideration: The applicant made an application under s 57 of the *NSW Heritage Act 1977* simultaneously to this development application being made. It was considered appropriate to hold the development assessment until approval from the Heritage Office was issued given that additional studies and information pertaining to the heritage impacts was requested by the Heritage Office. The Heritage Office issued approval under s 60 of the *Heritage Act 1977* on 22 November 2004. Additional documents requested by the Heritage Office were submitted to Urban Assessments on 17 December 2004. Conditions recommended by the planning report are consistent with the Heritage Council's approval and associated conditions.

Resolution: On 22 November 2004 the Heritage Office approved the application, subject to conditions marked as Tag D. The conditions of consent for this Development Application require compliance with the Heritage Office conditions.

6.2.2 Tree Removal

Issue: The existing trees located on the subject site have an important role in the interpretation of past development on the site. While the trees are showing signs of decline or are poor specimens it is important that the original planting configuration is not lost.

Raised by: Auburn Council

Consideration: Impacts of the proposed landscaping changes have been assessed by the Heritage Office, and approval for the works under S.60 of the NSW Heritage Act 1977 granted. The Heritage Office's determination included a number of recommendations relating to the landscaping component of the works. As such the proposed development's impact, on the heritage landscapes is considered to be appropriate given those conditions issued.

In addition to heritage issues relating to the landscaping the proposed development is also restricted by security requirements and as such the proposed works have not been able to retain the exact original planting configuration.

Resolution: Impacts of the development on the heritage landscapes of the site are considered acceptable given security requirements for the site and in light of conditions issued by the Heritage Office. The proposed conditions of consent require that the applicant submit for the Department's approval detailed landscape plans for those areas identified as new landscape areas in the approved plans.

6.2.3 Disabled Parking

Issue: No details of disabled parking and/or access were submitted as part of the application.

Raised by: DIPNR – Urban Assessments

Consideration: Disabled access as required by the Australian Standards should be incorporated.

Resolution: The proposed conditions require disabled parking and access in accordance with Australian Standards, and that those details be certified by a qualified professional and approved by the Works Manager prior to the commencement of works.

6.2.4 Stormwater and Drainage Details – Car Park

Issue: No details regarding the stormwater and drainage arrangements for the new car park were provided as part of the application.

Raised by: DIPNR – Urban Assessments

Consideration: The applicant was asked to submit stormwater and drainage plans for the car park. These plans were submitted and accepted however the plans identifying the drainage of the car park were not legible due to scale and clutter.

Resolution: The proposed conditions require submission of final plans indicating drainage details for the car park areas, to be certified by a qualified professional and approved by the Works Manager prior to the commencement of works.

6.2.5 Waste Storage Area

Issue: No design details of the waste storage area were provided as part of the application.

Raised by: DIPNR – Urban Assessments

Consideration: The applicant submitted a plan identifying the design and drainage of the proposed waste storage area.

Resolution: The submitted plan was accepted as part of the application and no further action is required.

6.2.6 Security of Information Submitted

Issue: Details of guidelines for the construction and development of prison sites are not publicly available for security reasons. For the same reasons a number of details/aspects of the proposed development have not been identified in the documentation in order to avoid that information becoming public knowledge and thereby becoming a security risk. These security limitations have limited the assessment of the proposed development.

Raised by: DIPNR – Urban Assessments

Consideration: In order to ensure that the proposed development complies with the guidelines/standards and given these could not be released to the Department for assessment purposes, the Department of Commerce's Government Architects Office was asked to provide a written statement that the proposed development complies with the guidelines of the Facility Standards 2002 NSW Department of Corrective Services, in addition to all relevant requirements of the BCA.

Resolution: A letter to this effect was received by the Department on 12 January 2005. The issue has therefore been resolved and no further action is required.

7 CONCLUSION

The Minister for Infrastructure and Planning is the consent authority.

The application has been considered with regard to the matters raised in section 79C of the Act

The application has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

On balance, it is considered that the proposed development is acceptable and should be approved.

8 WRITTEN APPROVAL FROM APPLICANT – CONDITIONS

In accordance with Clause 116C of the Act the applicant is required to provide written approval in order for conditions to be imposed on Crown Development. The applicant was asked to provide this approval on 31 January 2005. The applicant responded on 2 February 2005 and requested changes as follows:

- Draft condition C9 Water ratings – fixtures and toilets within areas occupied by inmates are not able to comply as special fittings are used for safety and security purposes.
- Removal of draft condition C12 – the applicant requested the removal of the requirements for plan stamping by Sydney Water as Crown Developments are exempt from this requirement, except for major infrastructure developments.

Condition C12 was removed and condition C9 was amended to exclude areas occupied by or accessible to inmates from the requirement.

The applicant provided written agreement with those changes on 4 February 2005.

9 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1), section 116C and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10(1) of Sydney Regional Environmental Plan No 24 – Homebush Bay Area:

- (A) grant **consent** to the application subject to conditions (Tagged “**A**”) and those conditions imposed by the Heritage Council under Section 63 of the NSW Heritage Act 1977 (Tagged “**D**”), and
- (B) authorise the Department to carry out post-determination notification.

For Ministerial Approval

Prepared by

Endorsed:

Dalene Amm
Consultant, Urban Assessments

Scott Wilson
Senior Planner, Urban Assessments

Robert Black
Director, Urban Assessments