



**ATTACHMENT DOCUMENT**

**FOR**

**COUNCIL MEETING**

**Wednesday 26<sup>th</sup> April 2023**

Hugh Percy  
**ACTING GENERAL MANAGER**

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# Investment Review

## February 2023



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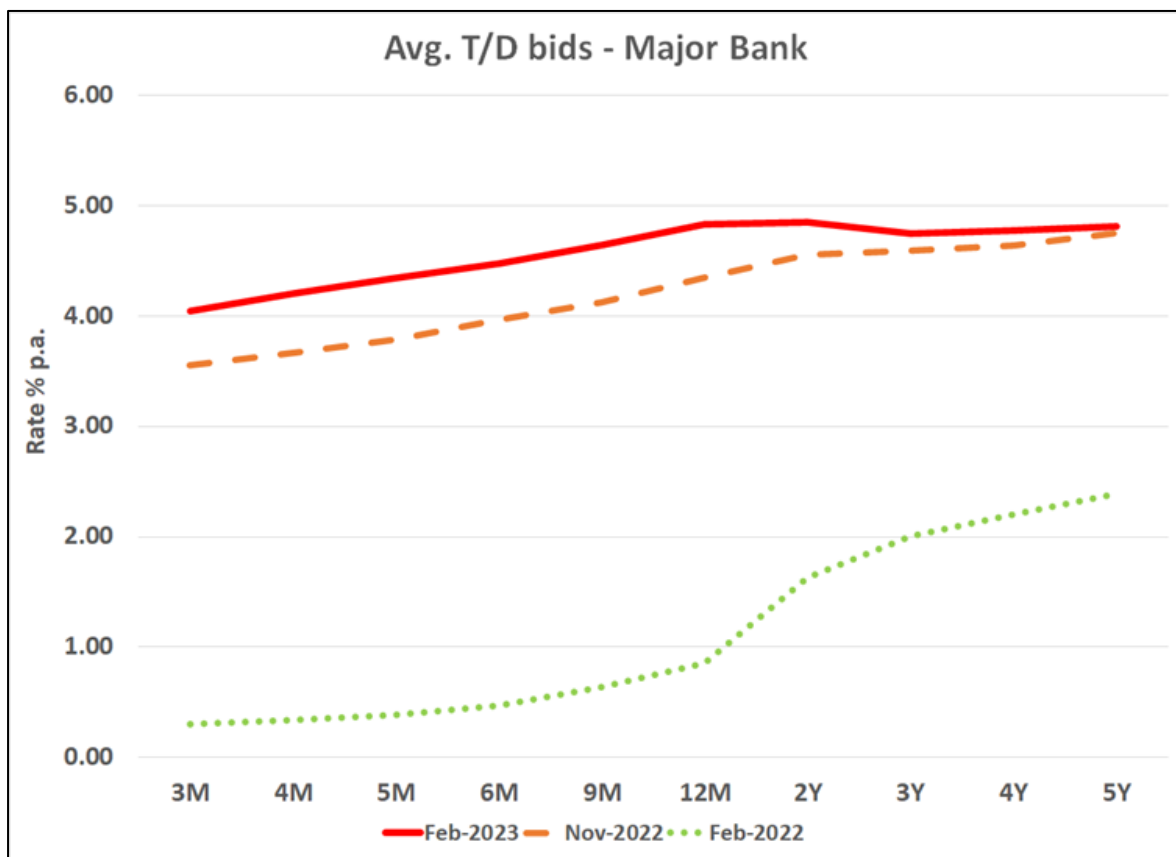


## Market Update Summary

Risk markets were generally sold off in February after several stronger-than-expected reports on the US economy (particularly employment) changed the outlook on the peak of the interest rate cycle.

Domestically, the RBA continues to signal that it expects to increase interest rates, with at least two or three more 25bp hikes over the months ahead, likely locking in a March rate hike, and then possibly another in April and/or May. Thereafter, noting the lags in monetary policy, a pause around the end of Q2-Q3 is likely whilst the RBA monitors the economic data. Interestingly, RBA Governor Lowe commented that *“if inflation expectations stay well anchored, the supply-side problems get fixed up, wage growth and wage setting doesn’t move up too fast and we can come back on that narrow path. So that is a plausible scenario: that rates rise and then start coming down next year. But a few things are going to have to go right for that to happen. It’s possible, but there are other scenarios as well”*.

Despite more rate rises on the horizon, given an upward sloping deposit curve, maintaining a slightly longer average duration position on deposits will continue to outperform shorter durations. The deposit market has largely already factored in the current rate hike cycle, reflected by the flattening of the curve over the past few months, particularly at the long end of the curve (+2yrs). Interestingly, some 2-5 year deposit rates continue to be offered slightly below or close to the same level as the 12 month rate from a number of ADIs, as the market factors in the potential for a recession and official rates to subsequently fall in coming years:



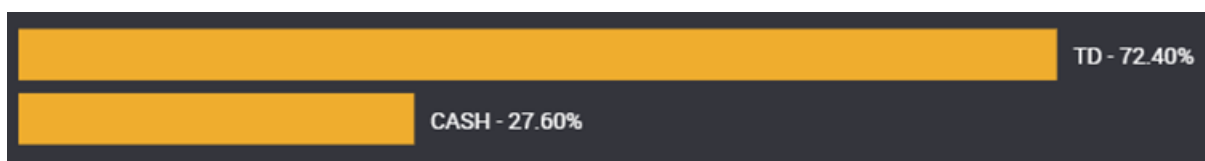
Source: Imperium Markets

**'New' investments above 4¼% p.a. is currently available if Council can continue to place the majority of its surplus funds for terms of 12 months to 2 years.** *With recessionary fears being priced in coming years, investors may take an 'insurance policy' against future rate cuts by investing across 3-5 year fixed deposits and locking in rates above or close to 5% p.a. (small allocation only).*

## Council's Portfolio & Compliance

### Asset Allocation

The majority of the portfolio is directed to fixed rate term deposits (72.40%). The remainder of the portfolio is held in various cash accounts with CBA and Macquarie (27.60%).



**Senior FRNs remain relatively attractive as spreads have widened over the past year – new issuances should now be considered again on a case by case scenario.** In the interim, fixed deposits for 12 months to 3 years appear quite appealing following the spike in medium-to longer-term yields during the rate hike cycle.

With recessionary fears being priced in coming years, investors can choose to allocate some longer-term surplus funds and undertake an insurance policy against any potential future rate cuts by investing across 3-5 year fixed deposits, locking in and targeting yields close to or above 5% p.a.

### Term to Maturity

The portfolio is sufficiently liquid with around 73% of the total investment portfolio maturing within 12 months, which is well above the minimum 10% limit required across 0-3 month and 3-12 month terms.

Where ongoing liquidity requirements permit Council to invest in attractive 1-2 year investments, we recommend this be allocated to medium-term fixed term deposits (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 3 months	\$20,434,851	49.32%	10%	100%	\$21,000,000
✓	3 - 12 months	\$10,000,000	24.13%	10%	100%	\$31,434,851
✓	1 - 2 years	\$6,000,000	14.48%	0%	70%	\$23,004,396
✓	2 - 5 years	\$5,000,000	12.07%	0%	50%	\$15,717,426
✓	5 - 10 years	\$0	0.00%	0%	25%	\$10,358,713
		<b>\$41,434,851</b>	<b>100.00%</b>			

### Counterparty

As at the end of February 2023, Council did not have an overweight position to any single ADI. Overall, the portfolio is well diversified across the entire credit spectrum.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	CBA	AA-	\$13,846,308	33.42%	50%	\$6,871,118
✓	NAB	AA-	\$3,000,000	7.24%	50%	\$17,717,426
✓	Westpac	AA-	\$1,000,000	2.41%	50%	\$19,717,426
✓	Macquarie Bank	A+	\$2,588,543	6.25%	40%	\$13,985,397
✓	Suncorp	A+	\$1,000,000	2.41%	40%	\$15,573,941
✓	ING Direct	A	\$1,000,000	2.41%	40%	\$15,573,941
✓	BOQ	BBB+	\$6,000,000	14.48%	30%	\$6,430,455
✓	AMP Bank	BBB	\$8,000,000	19.31%	30%	\$4,430,455
✓	MyState Bank	BBB	\$4,000,000	9.65%	30%	\$8,430,455
✓	JUDO	BBB-	\$1,000,000	2.41%	25%	\$9,358,713
			<b>\$41,434,851</b>	<b>100%</b>		

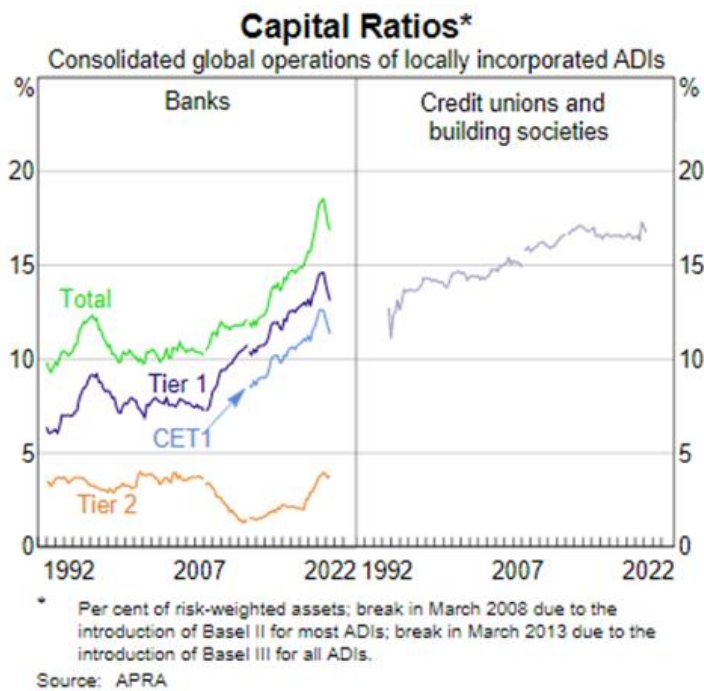
In late June 2022, Standard & Poor's downgraded Suncorp-Metway from AA- to A+ (negative watch). Suncorp recently announced that it is undertaking a strategic review of its banking operations. The downgrade reflects S&P's view that the Suncorp Group's likelihood of support for the bank had "slightly" diminished and that it was no longer a core part of the Group. In July 2022, ANZ (AA-) announced it was putting a bid to buy Suncorp's banking division for ~\$4bn. Should that takeover be formalised, Suncorp-Metway's (A+) current credit rating is likely to be upgraded to ANZ's (AA-).

We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). The financial regulator, APRA has recently noted that the Common Equity Tier 1 capital of Australian banks now exceeds a quarter of a trillion dollars. It has increased by \$110 billion, or more than 70%, over the past eight years. Over the same time, banks' assets have grown by 44%. Some of the extra capital is supporting growth in the banking system itself but clearly, there has been a strengthening in overall resilience and leverage in the system is lower.

We believe that deposit investments with the lower rated ADIs should be considered going forward, particularly when they offer 'above market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns. The lower rated entities are generally deemed to be the more 'ethical' ADIs compared to the higher rated ADIs.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. **APRA's mandate is to “protect depositors” and provide “financial stability”.**



### Credit Quality

The portfolio remains well diversified across the entire credit spectrum, including some exposure to the unrated ADI sector. All aggregate ratings categories are within the Policy limits:

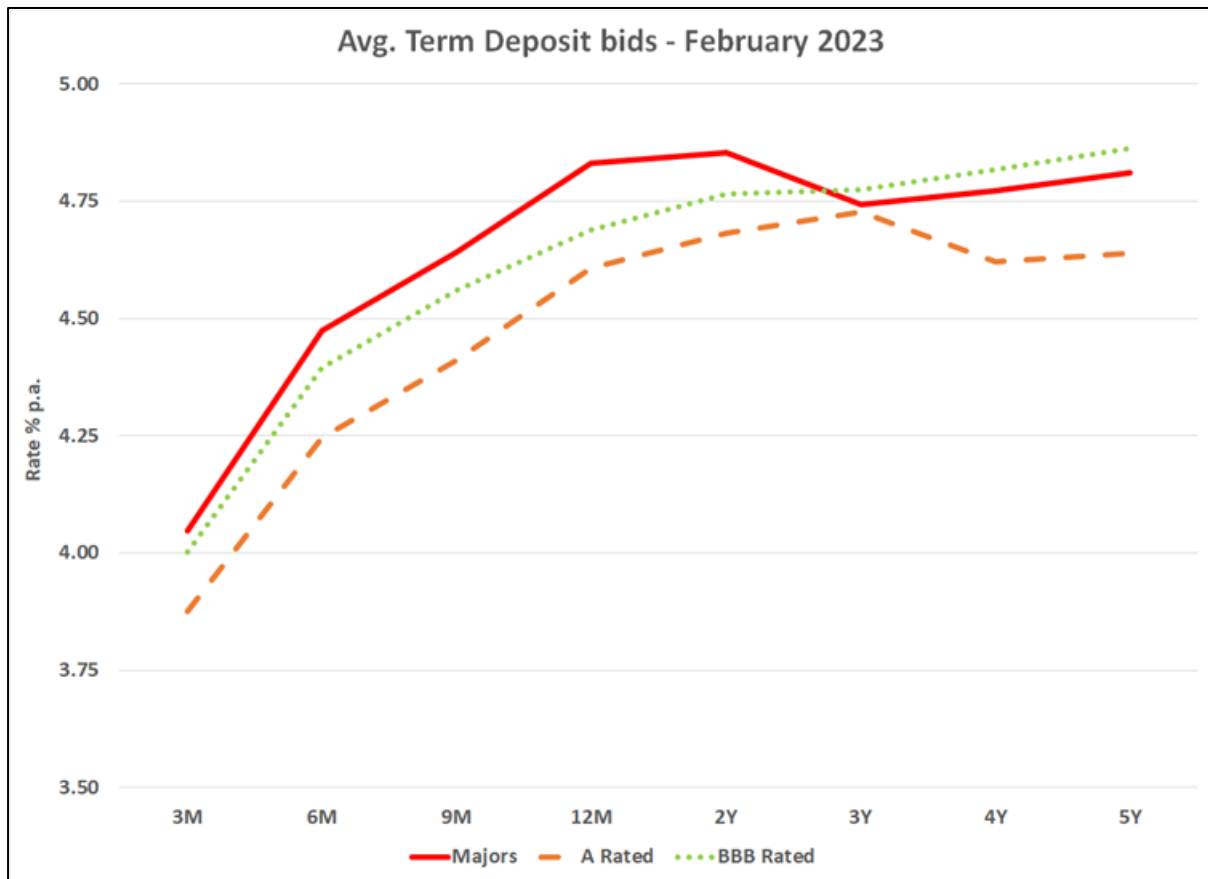
Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$17,846,308	43%	100%	\$23,588,544
✓	A Category	\$4,588,543	11%	80%	\$28,559,338
✓	BBB Category	\$19,000,000	46%	70%	\$10,004,396
✓	Unrated ADIs	\$0	0%	10%	\$4,143,485
		<b>\$41,434,851</b>	<b>100%</b>		

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA via their Term Funding Facility (TFF) since mid-2020<sup>1</sup>, allowing the ADIs to borrow as low as 0.10% p.a. fixed for 3 years, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit from the likes of Council. Given the higher rated banks had more capacity to lend (as they have a greater pool of mortgage borrowers), they subsequently were offering higher deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. As a result, most investors placed a higher proportion of their deposit investments with the higher rated (A or AA) ADIs over the past three years.

In the interim, the 'abnormal' marketplace still largely exists, with the higher rated banks (majors) often paying a higher rate of return over the lower rated institutions across various parts of the curve on any particular day. Over the next few years, with the RBA now removing these cheap borrowing facilities, this should result in some of the lower rated banks (BBB rated) starting to become more competitive as the market starts to 'normalise'. Council should have a larger opportunity to invest a higher proportion of its surplus funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry or considered more 'ethical'.

We are slowly seeing this trend emerge, as has been the case in recent months:

<sup>1</sup> The RBA's Term Funding Facility (TFF) allowed the ADI to borrow as low as 0.10% fixed for 3 years: <https://www.rba.gov.au/mkt-operations/term-funding-facility/overview.html>



Source: Imperium Markets



## Performance

Council's performance for the month ending 28 February 2023 is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.25%	0.77%	1.42%	1.70%	1.81%
AusBond Bank Bill Index	0.24%	0.76%	1.40%	1.68%	1.76%
<b>Council's T/D Portfolio<sup>^</sup></b>	<b>0.26%</b>	<b>0.82%</b>	<b>1.53%</b>	<b>1.88%</b>	<b>2.40%</b>
<b>Outperformance</b>	<b>0.02%</b>	<b>0.06%</b>	<b>0.12%</b>	<b>0.19%</b>	<b>0.64%</b>

<sup>^</sup>Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	3.35%	3.18%	2.89%	2.56%	1.81%
AusBond Bank Bill Index	3.18%	3.11%	2.85%	2.54%	1.76%
<b>Council's T/D Portfolio<sup>^</sup></b>	<b>3.46%</b>	<b>3.36%</b>	<b>3.10%</b>	<b>2.83%</b>	<b>2.40%</b>
<b>Outperformance</b>	<b>0.29%</b>	<b>0.26%</b>	<b>0.25%</b>	<b>0.29%</b>	<b>0.64%</b>

<sup>^</sup>Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

For the month of February, the total portfolio (excluding cash) provided a solid return of +0.26% (actual) or +3.46% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.24% (actual) or +3.18% p.a. (annualised). Over the past 12 months, the return of +2.40% p.a. was significantly above benchmark – this is considered very strong given current economic circumstances.

Going forward, despite additional rate hikes over coming months, Council's interest income can be increased significantly by maintaining this duration position (12-18 months), with rates on offer along this part of the curve likely to be offered up to ¼-½% higher than the rate compared to shorter tenors.

Investors using the Imperium Markets platform have reduced the invisible costs associated with brokerage, and thereby lift client portfolio returns as investors are able to deal in deposits directly with the ADIs and execute at the best price possible.

**We are pleased that Council remains amongst the best performing in the state of NSW where deposits are concerned.** We have been pro-active in our advice about protecting interest income and encouraged to maintain a long duration position to optimise the portfolio. This is now reflected by the high performance of the investment portfolio.

### **Council's Term Deposit Portfolio & Recommendation**

As at the end of February 2023, Council's deposit portfolio was yielding 3.35% p.a. (unchanged from the previous month), with a weighted average duration of around 366 days (~12 months).

Over a longer-term cycle, investors are rewarded if they can continue to maintain a slightly longer average duration. In a 'normal' marketplace, yields at the long-end are generally offered at a slight premium over shorter tenors.

At the time of writing, we see value in:

	LT Credit Rating	Term	T/D Rate
ING	A	5 years	5.13% p.a.
ING	A	4 years	5.12% p.a.
ING	A	3 years	5.11% p.a.
ING	A	2 years	5.10% p.a.
BoQ	BBB+	2 years	5.00% p.a.
Westpac	AA-	2 years	4.93% p.a.
NAB	AA-	2 years	4.90% p.a.
CBA	AA-	2 years	4.85% p.a.

The above deposits are suitable for investors looking to maintain diversification and lock-in a premium compared to purely investing short-term. For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):



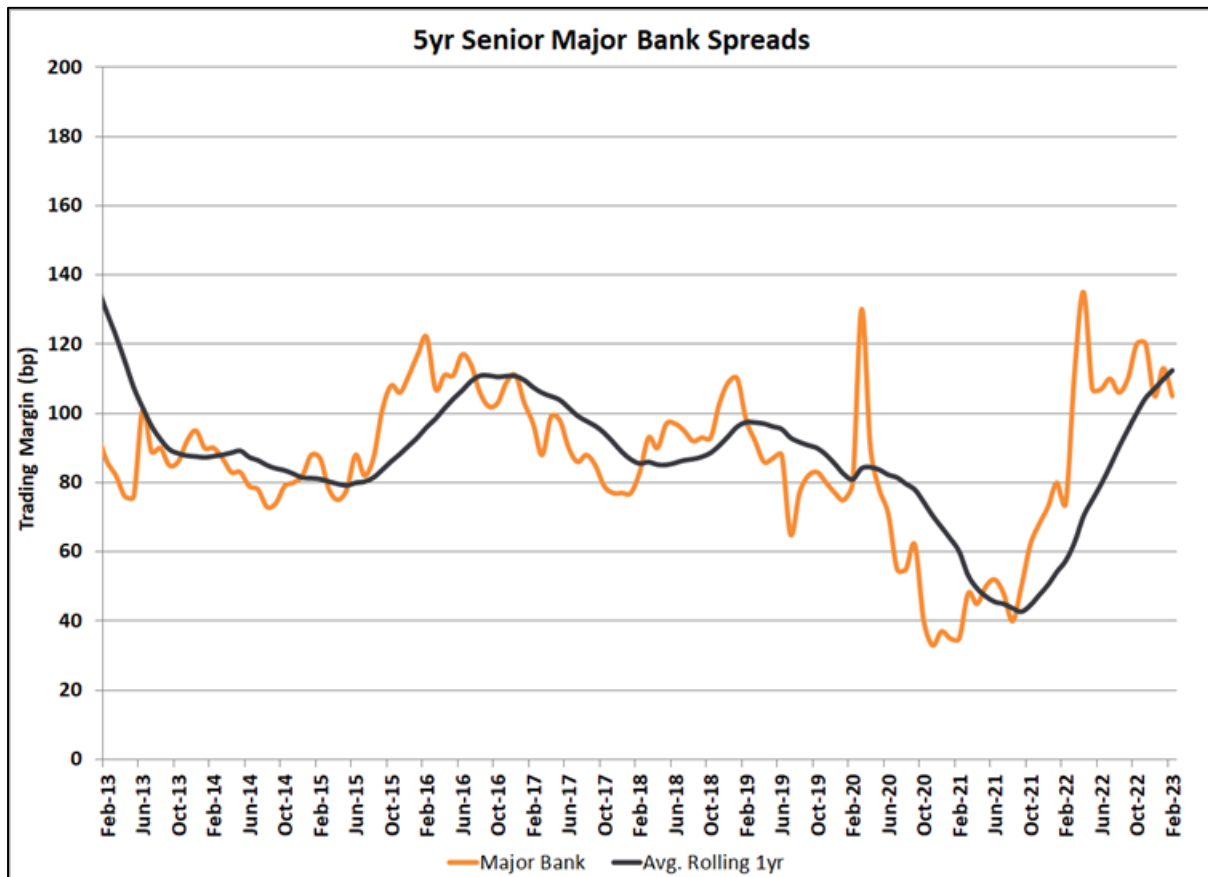
ADI	LT Credit Rating	Term	T/D Rate
ING	A	12 months	4.98% p.a.
NAB	AA-	12 months	4.95% p.a.
Westpac	AA-	12 months	4.92% p.a.
BoQ	BBB+	12 months	4.90% p.a.
CBA	AA-	12 months	4.88% p.a.
CBA	AA-	6 months	4.70% p.a.
WBC	AA-	6 months	4.65% p.a.
NAB	AA-	6 months	4.60% p.a.
CBA	AA-	3 months	4.31% p.a.

*If Council does not require high levels of liquidity and can stagger its investments across the longer term horizons (2-5 years), it will be rewarded over coming years if it can roll for an average min. term of 12 months to 2 years (this is where we current value), yielding, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated (under 6 months) deposits.*

*With recessionary fears being priced in coming years, Council can allocate some longer-term surplus funds and undertake an insurance policy by investing across 3-5 year fixed deposits and locking in rates close to or above 5% p.a. This will provide some income protection if central banks decide to cut rates in future years, assuming inflation gets under control.*

### Senior FRNs Review

Over February, amongst the senior major bank FRNs, physical credit securities tightened by up to 10bp at the long-end of the curve. Nevertheless, major bank senior securities remain fairly attractive again in a rising rate environment (5 year margins above the +105bp level):



Source: IBS Capital

During February, there were other noticeable new primary issuance, mainly from the international banks:

- MUFG, Sydney Branch (A) 3 year senior FRN at +87bp
- Sumitomo, Sydney Branch (A+) 3 year senior FRN at +85bp
- RACQ (BBB+) 3 year senior FRN at +150bp
- DBS, Sydney Branch (AA-) 5 year dual senior security at +75bp
- Bank Australia (BBB) 4 year senior 'sustainable' FRN at +160bp
- Mizuho, Sydney Branch (A) 3 year FRN at +86bp
- HSBC, Sydney Branch (A+) 5 year dual senior security at +105bp

Amongst the "A" and "BBB" rated sector, the securities were marked between 5-10bp tighter at the 3-5 year part of the curve, with movements largely dictated by new issuances.

Credit securities are looking much more attractive given the widening of spreads in 2022. FRNs will continue to play a role in investor's portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).

Senior FRNs (ADIs)	28/02/2023	31/01/2023
"AA" rated – 5yrs	+105bp	+113bp
"AA" rated – 3yrs	+75bp	+88bp
"A" rated – 5yrs	+125bp	+130bp
"A" rated – 3yrs	+90bp	+103bp
"BBB" rated – 3yrs	+145bp	+150bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- **On or before early 2025 for the "AA" rated ADIs (domestic major banks);**
- On or before early 2024 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current challenging economic environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

*Primary (new) FRNs are now looking more appealing and should be considered on a case by case scenario.*

### Senior Fixed Bonds – ADIs (Secondary Market)

As global inflationary pressures remain, this has seen a significant lift in longer-term bond yields (valuations fell) as markets have reacted accordingly.

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0255776	ING	AAA	Covered	07/09/2023	0.53	3.00%	4.46%
AU3CB0258465	Westpac	AA-	Senior	16/11/2023	0.72	3.25%	4.39%
AU3CB0265403	Suncorp	A+	Senior	30/07/2024	1.42	1.85%	4.91%
AU3CB0263275	Westpac	AA-	Senior	16/08/2024	1.47	2.25%	4.69%
AU3CB0265718	ING	AAA	Covered	20/08/2024	1.48	1.45%	4.82%
AU3CB0266179	ANZ	AA-	Senior	29/08/2024	1.50	1.55%	4.68%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	1.53	1.70%	4.90%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	1.67	2.00%	5.07%
AU3CB0269710	ANZ	AA-	Senior	16/01/2025	1.89	1.65%	4.66%
AU3CB0269892	NAB	AA-	Senior	21/01/2025	1.90	1.65%	4.68%
AU3CB0270387	Macquarie	A+	Senior	12/02/2025	1.96	1.70%	4.91%
AU3CB0287415	Westpac	AA-	Senior	17/03/2025	2.05	2.70%	4.67%
AU3CB0291508	Westpac	AA-	Senior	11/08/2025	2.45	3.90%	4.72%
AU3CB0291672	CBA	AA-	Senior	18/08/2025	2.47	4.20%	4.67%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	3.19	1.40%	5.24%
AU3CB0282358	ING	AAA	Covered	19/08/2026	3.48	1.10%	4.92%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	3.67	2.10%	5.23%
AU3CB0286037	Westpac	AA-	Senior	25/01/2027	3.91	2.40%	4.91%

# Economic Commentary

## International Market

Risk markets were generally sold off in February after several stronger-than-expected reports on the US economy (particularly employment) changed the outlook on the peak of the interest rate cycle.

Across equity markets, the S&P 500 Index fell -2.61%, while the NASDAQ lost -1.11%. Europe's main indices bucked the trend, with gains led by France's CAC (+2.62%), Germany's DAX (+1.57%) and UK's FTSE (+1.35%).

The US FOMC agreed (unanimously among the voters) to lift rates another 25bp to 4.50%-4.75% range, downshifting hikes further from the two 50bp moves and earlier more aggressive 75bp moves.

US headline payrolls came in at +517k vs. +188k expected, and the unemployment rate fell 0.10% to 3.4% (its lowest in 54 years), versus an expected rise to 3.6%. US Fed Chair Powell noted how the strength in the labour market underscores why the Fed thinks it could take time to bring inflation down. Powell then remarked that *"we think we're going to have to do further [rate] increases, and we think we'll have to hold policy at a restrictive level for some time"*.

US CPI came in marginally above consensus. The core and headline came in-line with the median forecast at +0.4% m/m and +0.5% m/m, but they slowed less than expected on a year-ended basis. Headline CPI fell to +6.4% from +6.5%, while the core CPI fell to +5.6% y/y from +5.7%.

Canada's employment rose +150k, where consensus was for just +15k and the unemployment rate remained at 5.0%.

UK Q4 GDP was flat, as expected, following Q3's -0.2% q/q decline, with year-ended growth coming in at +0.4%. That sees the economy avoiding a recession for now. The Bank of England (BoE) hiked rates by 50bp, in line with the consensus forecast to 4%.

The RBNZ raised the OCR by 50bp to 4.75% as widely anticipated and there was only a minor tweak to the projected track, with the peak still assumed to be 5.5% but taking slightly longer to get there.

China's inflation data remained low by global standards and did nothing to warn authorities against keeping policy stimulatory. CPI rose to +2.1% y/y from +1.8%, in line with expectations.

The IMF raised its 2023 world GDP growth forecast to +2.9%, up from +2.7% forecast last October, supported by China's reopening. China is now expected to grow by +5.2% in 2023.

The MSCI World ex-Aus Index fell -2.42% for the month of February:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-2.61%	-2.70%	-9.23%	+10.35%	+7.91%	+10.12%
MSCI World ex-AUS	-2.42%	-0.25%	-8.98%	+8.29%	+5.19%	+7.04%
S&P ASX 200 Accum. Index	-2.45%	+0.30%	+7.16%	+7.93%	+7.90%	+8.10%

Source: S&P, MSCI

## Domestic Market

The RBA raised rates by 25bp to 3.35%, the ninth consecutive increase. The Statement was hawkish with the RBA Board expecting *“further increases in interest rates will be needed over the months ahead”*. Dr Lowe said *“inflation [was] way too high and it needs to come down”* and that the risks at the moment are *“two sided”* with the *“risk we haven’t done enough on interest rates”*. He added there was a risk the central bank’s most rapid tightening cycle in a generation had not done enough to dampen household spending and tame inflation. *“How far we have to go up – I don’t know. It’s going to depend upon the inflation data, the resilience of spending, the strength of the global economy and what’s happening with growth and wages”*.

The unemployment rate unexpectedly jumped to 3.7% in January (from 3.5% in December), with the participation rate decreasing to 66.5% (66.6%).

The wage price index (WPI) rose +0.8% for the December quarter and +3.3% y/y. This was 0.2% below the consensus of +1.0% q/q and +3.5%, which was also what the RBA had pencilled in. As for headline details, private sector wages rose +0.85% q/q and +3.6% y/y, a slower pace than the +1.2% q/q rise in Q3. Public sector wages rose +0.7% q/q and +2.5% y/y.

Retail sales fell a sharp -3.9% m/m in December (consensus -0.2%), following an upwardly revised November to +1.7% m/m (from +1.4%). The key implication is that we may be starting to see the first signs that monetary tightening is starting to weigh on consumption.

The December trade surplus was \$12.2bn (consensus \$12.5bn) from an upwardly revised November balance of \$13.5bn. Exports fell 1.4% (-0.8bn) with key resource export categories all lower.

Private sector credit growth slowed to +0.3% m/m in December from +0.5% in November (consensus +0.5%). The annual rate slowed to +8.3% y/y, the second consecutive month of deceleration from its recent +9.5% peak in October.

Australian dwelling prices fell -1.0% m/m in January, the ninth consecutive month of decline. House prices nationally are now 8.9% below their peak, but remain 14.6% above pre-pandemic levels.

The Australian dollar lost -4.36%, finishing the month at US67.30 cents (from US70.37 cents the previous month).

## Credit Market

The global credit indices widened over February in the ‘risk-off’ environment. They are now back to their levels in early 2022 (prior to the rate hike cycle from most central banks):

Index	February 2023	January 2023
CDX North American 5yr CDS	75bp	72bp
iTraxx Europe 5yr CDS	80bp	79bp
iTraxx Australia 5yr CDS	87bp	82bp

Source: Markit

# Fixed Interest Review

## Benchmark Index Returns

Index	February 2023	January 2023
Bloomberg AusBond Bank Bill Index (0+YR)	+0.24%	+0.27%
Bloomberg AusBond Composite Bond Index (0+YR)	-1.32%	+2.76%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.43%	+0.42%
Bloomberg AusBond Credit Index (0+YR)	-0.62%	+2.19%
Bloomberg AusBond Treasury Index (0+YR)	-1.58%	+2.94%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-2.20%	+4.87%

Source: Bloomberg

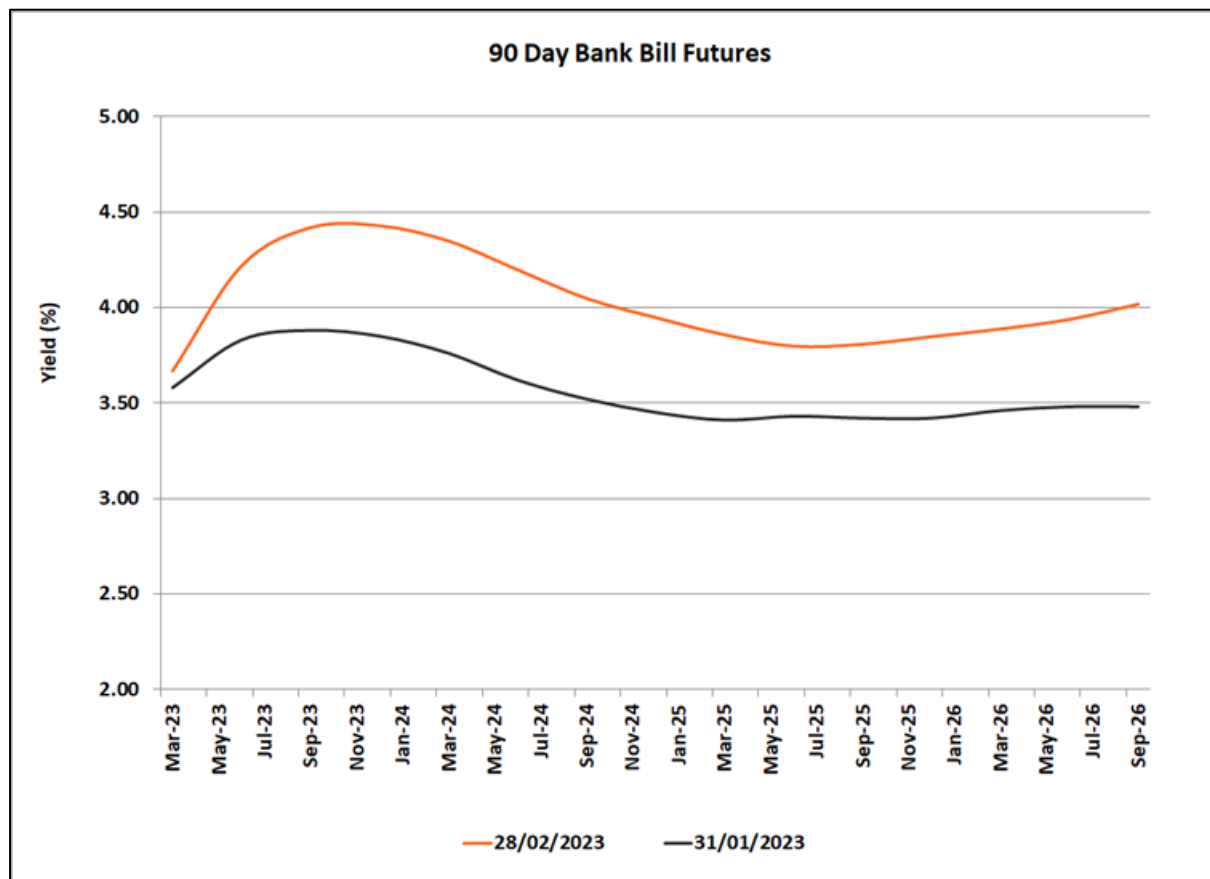
## Other Key Rates

Index	February 2023	January 2023
RBA Official Cash Rate	3.35%	3.10%
90 Day (3 month) BBSW Rate	3.56%	3.37%
3yr Australian Government Bonds	3.60%	3.17%
10yr Australian Government Bonds	3.85%	3.55%
US Fed Funds Rate	4.50%-4.75%	4.25%-4.50%
3yr US Treasury Bonds	3.81%	3.90%
10yr US Treasury Bonds	3.92%	3.52%

Source: RBA, AFMA, US Department of Treasury

### 90 Day Bill Futures

Over February, bill futures rose significantly across the board, with the market reacting to the US Fed Reserve's comments that they are still looking to raise rates over coming months. The markets continue to factor in the possibility of a global recession over the next few years, highlighted by the drop in the futures pricing in early 2024:



Source: ASX



## Fixed Interest Outlook

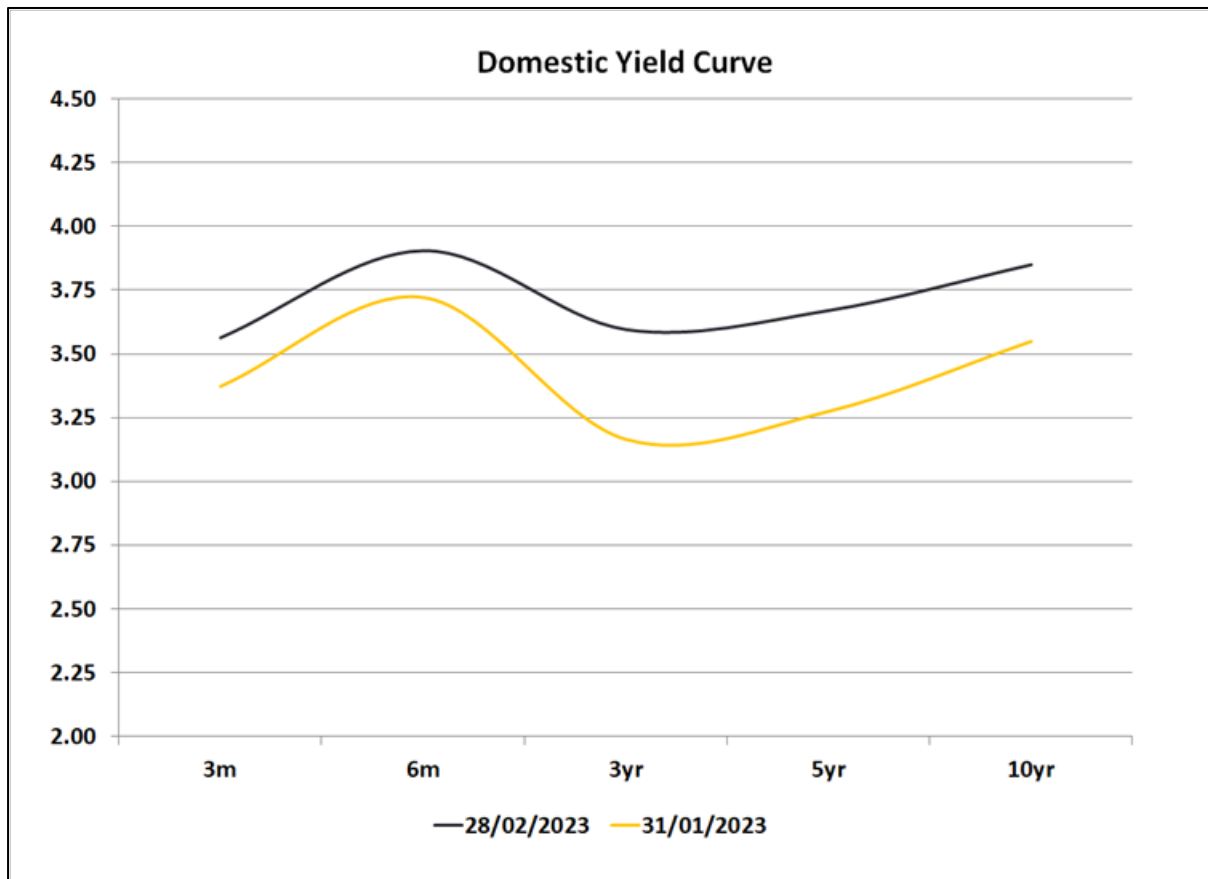
Money markets are now pricing for the US Fed to reach a mid-point of the 5.25%-5.50% target range. Futures markets nevertheless continue to factor in that rates will be coming down within 6 months of the peak being reached. US Fed Chair Powell sounded slightly less hawkish as he noted how the disinflationary process had already begun, however he still suggested that have a long way to go, particularly within the services sector. Powell also noted how the strength in the labour market underscores why the Fed thinks it could take time to bring inflation down to its 2% target.

Domestically, RBA Governor Lowe recently commented *"I don't think we're at the peak yet but how far they need to go, we're still unsure"*. He sees monetary policy as restrictive and indicated the RBA Board is still *"trying to navigate a narrow path here"* and *"want to get inflation down"*, *"but also preserve the gains"* seen in the labour market. However, that narrow path is highly uncertain with Dr Lowe noting that he doesn't *"know the answer"* to how far unemployment will need to rise.

The latest RBA Minutes revealed they considered moves for both 25bp or 50bp in February. The main arguments for moving by 25bp are that policy has already *"been adjusted substantially"* with considerable *"uncertainty around the outlook"*, that there are substantial lags in policy and that *"monthly meetings provided the Board with frequent opportunities to assess how' uncertainties were being resolved"*. For the RBA to step back to 50bp hikes, it is likely that the RBA would need to be convinced that wage and inflation expectations had shifted substantially.

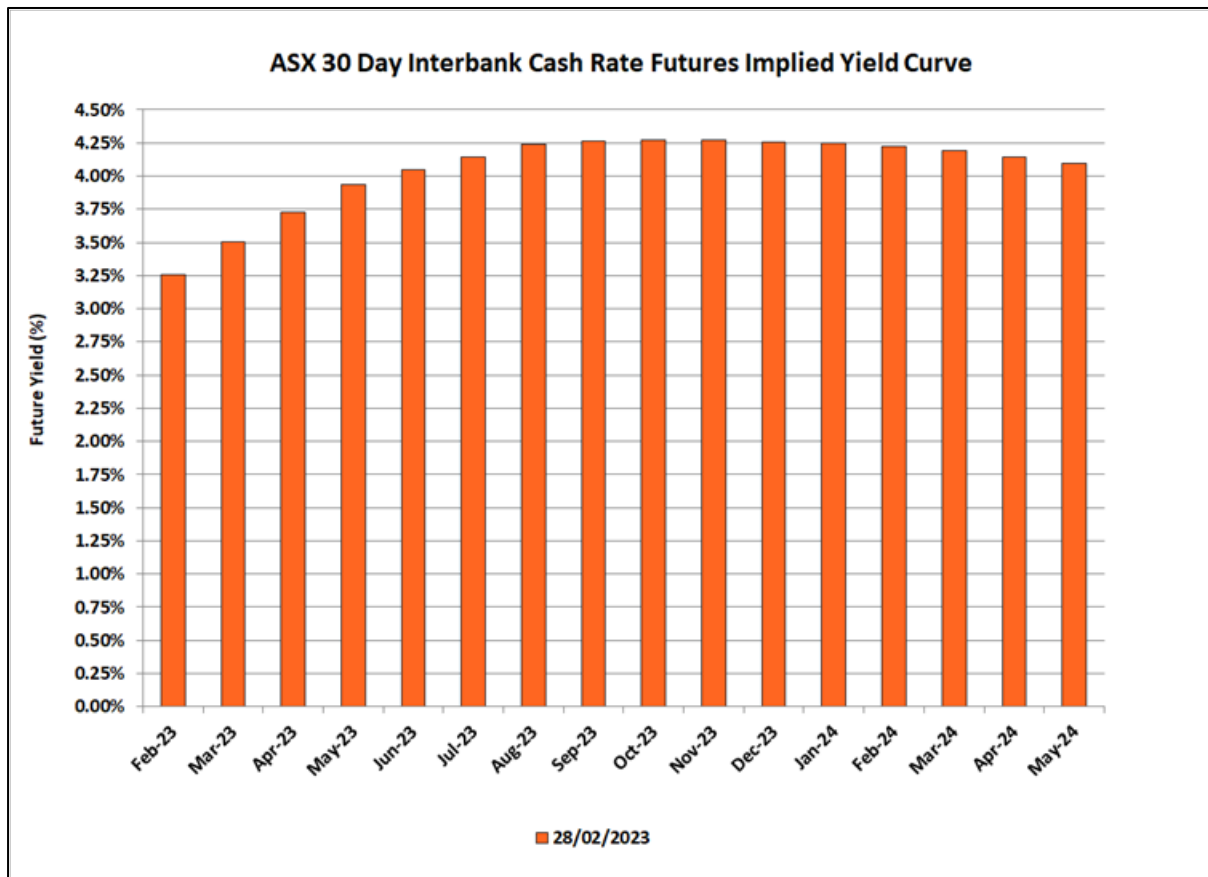
For now, the RBA continues to signal that it expects to increase interest rates, with at least two or three more 25bp hikes over the months ahead, likely locking in a March rate hike, and then possibly another in April and/or May. Thereafter, noting the lags in monetary policy, a pause around the end of Q2-Q3 is likely whilst the RBA monitors the economic data. Markets are currently pricing in up to 4 additional rate rises into mid-2023 (up to 4.25%). Fears of a looming global recession have actually seen rate cuts start to be priced in towards the start of 2024, although this seems unlikely for now.

Over the month, yields rose up to 40bp at the long-end of the curve:



Source: AFMA, ASX, RBA

RBA Governor Lowe commented that *“if inflation expectations stay well anchored, the supply-side problems get fixed up, wage growth and wage setting doesn’t move up too fast and we can come back on that narrow path. So that is a plausible scenario: that rates rise and then start coming down next year. But a few things are going to have to go right for that to happen. It’s possible, but there are other scenarios as well”*.



Source: ASX

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# Investment Review

## March 2023



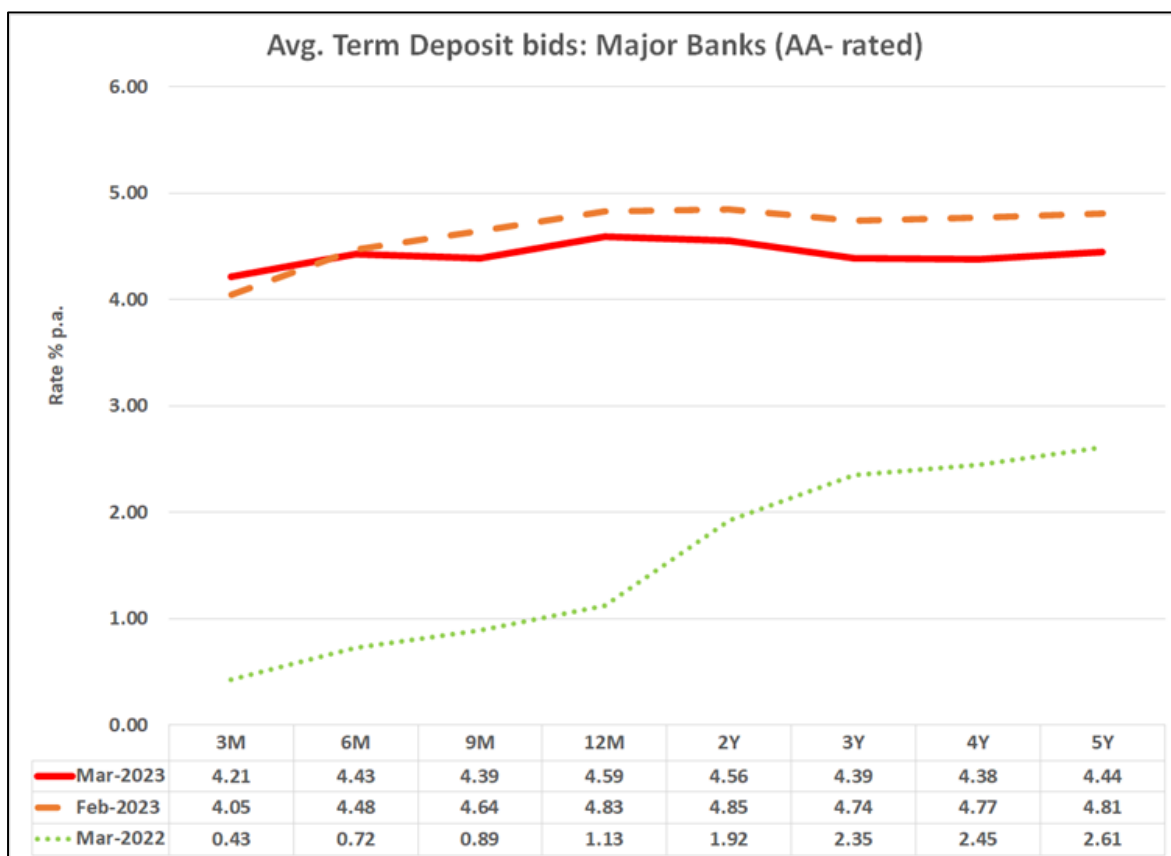
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## Market Update Summary

Volatility returned across risk markets in March after the collapse of Silicon Valley Bank (SVB) - the 16th largest bank in the US with US\$209bn in assets as at 31 December 2022. Importantly, the US government vowed no depositors would lose money in the collapse and measures were taken by the US Treasury, US Fed and FDIC to prevent a US bank run on deposits. Risk markets reacted positively on assurances of central banks intervening to avoid a banking contagion, as well as pushing forward their expectations of rate cuts earlier than previously anticipated. Markets have been quick to revise their interest rate forecasts following the events surrounding the global banks, as well as central bank rhetoric. A pause by the RBA in April is now a strong possibility after the Board hinted that it may be *appropriate "to allow more time to assess the state of the economy"*.

Despite the aggressive rate hikes, the deposit market has already factored in the current rate hike cycle. Interestingly, deposit rates have shifted lower over March especially at the 1-5 year part of the curve (by around 25-35bp) following contagion fears within the banking sector and the potential for rate hikes towards the back-end of 2023 or early 2024:



Source: Imperium Markets

'New' investments close to or above 4¼-4½% p.a. is currently available if Council can place the majority of its surplus funds for terms of 12 months to 3 years. *With recessionary fears being priced in coming years, investors may take an 'insurance policy' against future rate cuts by investing across 3-5 year fixed deposits and locking in rates above or close to 4½% p.a. (small allocation only).*

## Council's Portfolio & Compliance

### Asset Allocation

The majority of the portfolio is directed to fixed rate term deposits (86.15%). The remainder of the portfolio is held in various cash accounts with CBA and Macquarie (13.85%).



Senior FRNs remain relatively attractive as spreads have widened over the past year – new issuances should now be considered again on a case by case scenario. In the interim, fixed deposits for 12 months to 3 years remains appealing following the spike in medium-to longer-term yields during the rate hike cycle.

With recessionary fears being priced in coming years, investors can choose to allocate some longer-term surplus funds and undertake an insurance policy against any potential future rate cuts by investing across 3-5 year fixed deposits, locking in and targeting yields close to or above 4½% p.a.

### Term to Maturity

The portfolio is sufficiently liquid with around 63% of the total investment portfolio maturing within 12 months, which is well above the minimum 10% limit required across 0-3 month and 3-12 month terms.

Where ongoing liquidity requirements permit Council to invest in attractive 1-2 year investments, we recommend this be allocated to medium-term fixed term deposits (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 3 months	\$15,307,191	39.96%	10%	100%	\$23,000,000
✓	3 - 12 months	\$9,000,000	23.49%	10%	100%	\$29,307,191
✓	1 - 2 years	\$9,000,000	23.49%	0%	70%	\$17,815,034
✓	2 - 5 years	\$5,000,000	13.05%	0%	50%	\$14,153,596
✓	5 - 10 years	\$0	0.00%	0%	25%	\$9,576,798
		<b>\$38,307,191</b>	<b>100.00%</b>			

### Counterparty

As at the end of March 2023, Council did not have an overweight position to any single ADI. Overall, the portfolio is well diversified across the entire credit spectrum.

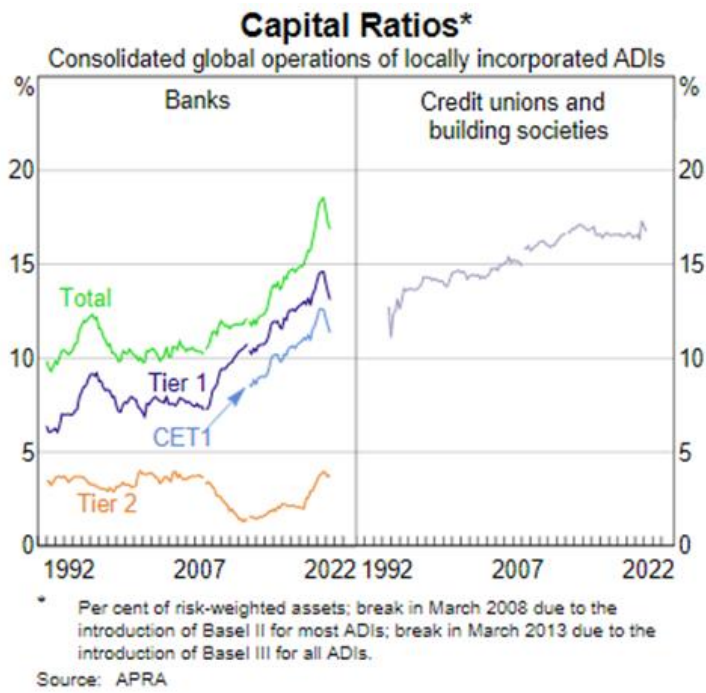
Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	CBA	AA-	\$7,712,182	21.24%	50%	\$10,441,413
✓	NAB	AA-	\$5,000,000	13.77%	50%	\$13,153,596
✓	Westpac	AA-	\$1,000,000	2.75%	50%	\$17,153,596
✓	Macquarie Bank	A+	\$2,595,009	7.15%	40%	\$11,927,868
✓	Suncorp	A+	\$1,000,000	2.75%	40%	\$13,522,876
✓	ING Direct	A	\$1,000,000	2.75%	40%	\$13,522,876
✓	BOQ	BBB+	\$7,000,000	19.28%	30%	\$3,892,157
✓	AMP Bank	BBB	\$8,000,000	22.03%	30%	\$2,892,157
✓	MyState Bank	BBB	\$2,000,000	5.51%	30%	\$8,892,157
✓	JUDO	BBB-	\$1,000,000	2.75%	25%	\$8,076,798
			<b>\$36,307,191</b>	<b>100%</b>		

We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). The financial regulator, APRA has noted that the Common Equity Tier 1 capital of Australian banks now exceeds a quarter of a trillion dollars. It has increased by \$110 billion, or more than 70%, over the past eight years. Over the same time, banks' assets have grown by 44%. Some of the extra capital is supporting growth in the banking system itself but clearly, there has been a strengthening in overall resilience and leverage in the system is lower.

We believe that deposit investments with the lower rated ADIs should be considered going forward, particularly when they offer 'above market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns. The lower rated entities are generally deemed to be the more 'ethical' ADIs compared to the higher rated ADIs.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. **APRA's mandate is to "protect depositors" and provide "financial stability".**





### Credit Quality

The portfolio remains well diversified across the entire credit spectrum, including some exposure to the unrated ADI sector. All aggregate ratings categories are within the Policy limits:

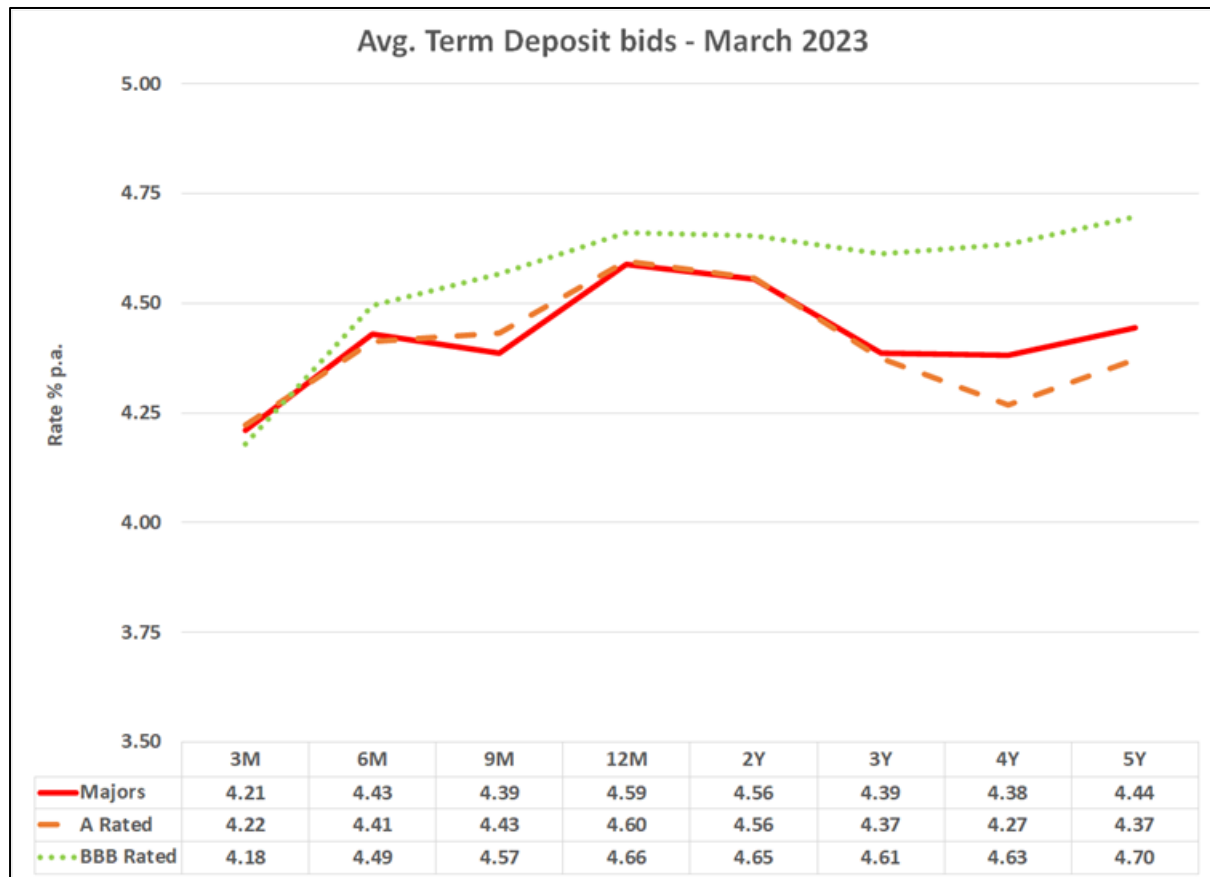
Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$13,712,182	38%	100%	\$22,595,009
✓	A Category	\$4,595,009	13%	80%	\$24,450,744
✓	BBB Category	\$18,000,000	50%	70%	\$7,415,034
✓	Unrated ADIs	\$0	0%	10%	\$3,630,719
		<b>\$36,307,191</b>	<b>100%</b>		

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA via their Term Funding Facility (TFF) since mid-2020<sup>1</sup>, allowing the ADIs to borrow as low as 0.10% p.a. fixed for 3 years, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit from the likes of Council. Given the higher rated banks had more capacity to lend (as they have a greater pool of mortgage borrowers), they subsequently were offering higher deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. As a result, most investors placed a higher proportion of their deposit investments with the higher rated (A or AA) ADIs over the past three years.

The abnormal marketplace experienced over the past few years is starting to reverse as the competition for deposits increases. We are now starting to see some of the lower rated ADIs ("BBB" rated) offering slightly higher rates compared to the higher rated banks ("A" or "AA" rated) on different parts of the curve. Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.

Going forward, investors should have a larger opportunity to invest a higher proportion of its surplus funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry. We are slowly seeing this trend emerge, as has been the case over the month of March 2023:

<sup>1</sup> The RBA's Term Funding Facility (TFF) allowed the ADI to borrow as low as 0.10% fixed for 3 years: <https://www.rba.gov.au/mkt-operations/term-funding-facility/overview.html>



Source: Imperium Markets

## Performance

Council's performance for the month ending 31 March 2023 is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.30%	0.82%	1.53%	2.00%	2.11%
AusBond Bank Bill Index	0.28%	0.79%	1.54%	1.97%	2.04%
Council's T/D Portfolio <sup>^</sup>	0.31%	0.84%	1.62%	2.18%	2.59%
Outperformance	0.03%	0.05%	0.08%	0.21%	0.55%

<sup>^</sup>Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	3.60%	3.35%	3.10%	2.67%	2.11%
AusBond Bank Bill Index	3.39%	3.25%	3.11%	2.63%	2.04%
Council's T/D Portfolio <sup>^</sup>	3.70%	3.46%	3.28%	2.92%	2.59%
Outperformance	0.31%	0.21%	0.17%	0.28%	0.55%

<sup>^</sup>Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

For the month of March, the total portfolio (excluding cash) provided a solid return of +0.31% (actual) or +3.70% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.28% (actual) or +3.39% p.a. (annualised). Over the past 12 months, the return of close to 2.60% p.a. was significantly above benchmark – this is considered very strong given current economic circumstances.

Going forward, despite additional rate hikes over coming months, Council's interest income can be increased significantly by maintaining this duration position (12-18 months), with rates on offer along this part of the curve likely to be offered up to ¼-½% higher than the rate compared to shorter tenors in a normal market environment.

Investors using the Imperium Markets platform have reduced the invisible costs associated with brokerage, and thereby lift client portfolio returns as investors are able to deal in deposits directly with the ADIs and execute at the best price possible.

**We are pleased that Council remains amongst the best performing in the state of NSW where deposits are concerned.** We have been pro-active in our advice about protecting interest income and encouraged to maintain a long duration position to optimise the portfolio. This is now reflected by the high performance of the investment portfolio.



### **Council's Term Deposit Portfolio & Recommendation**

As at the end of March 2023, Council's deposit portfolio was yielding 3.64% p.a. (up 29bp from the previous month), with a weighted average duration of around 415 days (~13½ months).

Over a longer-term cycle, investors are rewarded if they can continue to maintain a slightly longer average duration. In a 'normal' marketplace, yields at the long-end are generally offered at a slight premium over shorter tenors.

At the time of writing, we see value in:

	LT Credit Rating	Term	T/D Rate
AMP	BBB	2-3 years	4.85% p.a.^
Hume Bank	BBB+	2 years	4.75% p.a.
ING	A	2 years	4.60% p.a.
P&N Bank	BBB	3 years	4.56% p.a.
P&N Bank	BBB	2 years	4.52% p.a.
BoQ	BBB+	2 years	4.50% p.a.
Suncorp	A+	2 years	4.45% p.a.
Westpac	AA-	2 years	4.32% p.a.
NAB	AA-	2 years	4.30% p.a.

*^Contact us to get an additional 20bp rebated commission. Aggregate limits temporarily lifted to \$10m (from \$5m).*

The above deposits are suitable for investors looking to maintain diversification and lock-in a slight premium compared to purely investing short-term. For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):

ADI	LT Credit Rating	Term	T/D Rate
AMP	BBB	11-12 months	4.90% p.a.^
AMP	BBB	8-10 months	4.75% p.a.^
Hume Bank	BBB+	12 months	4.75% p.a.
ING	A	12 months	4.68% p.a.
MyState	BBB	12 months	4.66% p.a.
P&N Bank	BBB	12 months	4.61% p.a.
BoQ	BBB+	6 months	4.60% p.a.
Suncorp	A+	12 months	4.56% p.a.
BoQ	BBB+	12 months	4.55% p.a.
Macquarie	A+	12 months	4.50% p.a.
NAB	AA-	12 months	4.50% p.a.
Macquarie	A+	3-4 months	4.50% p.a.
NAB	AA-	6 months	4.50% p.a.
Westpac	AA-	12 months	4.41% p.a.
NAB	AA-	3 months	4.35% p.a.

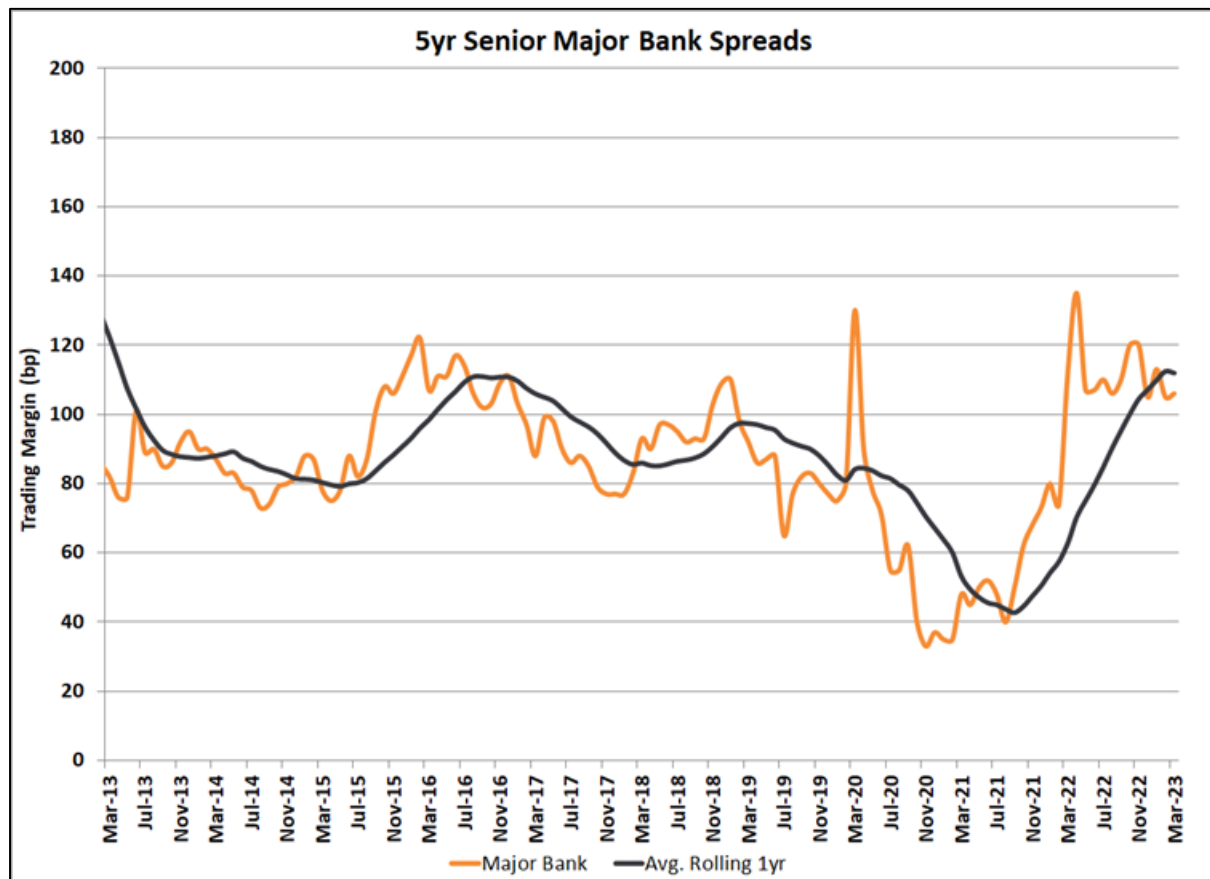
^Contact us to get an additional 20bp rebated commission. Aggregate limits temporarily lifted to \$10m (from \$5m).

*If Council does not require high levels of liquidity and can stagger its investments across the longer term horizons (2-5 years), it will be rewarded over coming years if it can roll for an average min. term of 12 months to 3 years (this is where we current value), yielding, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated (under 6 months) deposits.*

*With recessionary fears being priced in coming years, Council should consider allocating some longer-term surplus funds and undertake an insurance policy by investing across 3-5 year fixed deposits and locking in rates close to or above 4½ p.a. This will provide some income protection if central banks decide to cut rates in future years, assuming inflation is under control.*

### Senior FRNs Review

Over March, amongst the senior major bank FRNs, physical credit securities remained relatively flat at the 5yr part of the curve, whilst widening around 8bp at the 3yr part of the curve. During March, ANZ (AA-) issued a dual 3 & 5 year senior security at +83bp and +106bp respectively, printing \$4.25bn. Major bank senior securities remain fairly attractive again in a rising rate environment (5 year margins above the +105bp level):



Source: IBS Capital

There was a lack of primary issuances in March compared to February. Amongst the “A” rated sector, the securities were marked around 5bp tighter at the 3-5 year part of the curve, whilst the “BBB” rated sector was marked around 5bp wider – typically there are lags amongst the regional sector due to the lack of turnover in the secondary market.

Credit securities are looking much more attractive given the widening of spreads over the past year. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).

Senior FRNs (ADIs)	31/03/2023	28/02/2023
"AA" rated – 5yrs	+106bp	+105bp
"AA" rated – 3yrs	+83bp	+75bp
"A" rated – 5yrs	+120bp	+125bp
"A" rated – 3yrs	+95bp	+90bp
"BBB" rated – 3yrs	+150bp	+145bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- **On or before mid-2025 for the "AA" rated ADIs (domestic major banks);**
- On or before mid-2024 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current challenging economic environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

*Primary (new) FRNs are now looking more appealing and should be considered on a case by case scenario.*

### Senior Fixed Bonds – ADIs (Secondary Market)

As global inflationary pressures remain, this has seen a significant lift in longer-term bond yields over the past year (valuations fell) as markets have reacted sharply.

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0255776	ING	AAA	Covered	07/09/2023	0.43	3.00%	4.29%
AU3CB0258465	Westpac	AA-	Senior	16/11/2023	0.63	3.25%	4.07%
AU3CB0265403	Suncorp	A+	Senior	30/07/2024	1.34	1.85%	4.31%
AU3CB0263275	Westpac	AA-	Senior	16/08/2024	1.38	2.25%	4.03%
AU3CB0265718	ING	AAA	Covered	20/08/2024	1.39	1.45%	4.23%
AU3CB0266179	ANZ	AA-	Senior	29/08/2024	1.43	1.55%	3.95%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	1.46	1.70%	4.33%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	1.59	2.00%	4.44%
AU3CB0269710	ANZ	AA-	Senior	16/01/2025	1.80	1.65%	4.11%
AU3CB0269892	NAB	AA-	Senior	21/01/2025	1.81	1.65%	4.14%
AU3CB0270387	Macquarie	A+	Senior	12/02/2025	1.88	1.70%	4.30%
AU3CB0287415	Westpac	AA-	Senior	17/03/2025	1.97	2.70%	4.05%
AU3CB0291508	Westpac	AA-	Senior	11/08/2025	2.39	3.90%	4.14%
AU3CB0291672	CBA	AA-	Senior	18/08/2025	2.39	4.20%	4.07%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	3.10	1.40%	4.57%
AU3CB0282358	ING	AAA	Covered	19/08/2026	3.40	1.10%	4.29%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	3.59	2.10%	4.65%
AU3CB0286037	Westpac	AA-	Senior	25/01/2027	3.84	2.40%	4.36%



# Economic Commentary

## International Market

Volatility returned across risk markets in March after the collapse of Silicon Valley Bank (SVB) - the 16<sup>th</sup> largest bank in the US with US\$209bn in assets as at 31 December 2022. Importantly, the US government vowed no depositors would lose money in the collapse and measures were taken by the US Treasury, US Fed and FDIC to prevent a US bank run on deposits.

US Treasury Secretary Yellen noted the US federal government *“is resolutely committed”* to mitigating financial-stability risks where necessary, adding that the government *“would be prepared to take additional actions if warranted”* to protect bank depositors if smaller lenders are threatened.

Adding to the banking uncertainty was reports that Credit Suisse Group had found *“material weakness”* in its reporting and control procedures, before borrowing CHF540bn from the Swiss National Bank and subsequently being bought out by UBS (approximately US\$3.25bn).

Before the collapse of SVB, US Fed Chair Powell told Congress that recent data had been *“stronger than expected”* and *“the ultimate level of interest rates is likely to be higher than previously anticipated, and if necessary, we would be prepared to increase the pace of rate hikes”*.

Across equity markets, the S&P 500 Index gained +3.51%, whilst the NASDAQ added +6.69%. Europe’s main indices were mixed, with gains for Germany’s DAX (+1.72%) and France’s CAC (+0.75%), whilst the UK’s FTSE fell (-3.10%).

US headline inflation came in in line with expectations at +0.4% m/m, as expected, while core inflation printed at +0.5% m/m (+0.4% expected). Core inflation is +5.1% in 3 month annualised terms, about the same as its 6 month annualised rate of +5.2%.

The US unemployment rate rose to 3.6% in February, above the expectation for 3.4%, amid a tick higher in the labour force participation rate to 62.5%, its highest level since March 2020.

The Bank of Canada (BoC) kept rates on hold at 4½% as widely expected.

The ECB delivered on its well-flagged 50bp hike to all its main interest rates, undeterred by recent market ructions.

Spanish CPI was +6.1% y/y from +5.9% and +5.7% expected. French CPI was +7.2% y/y from +7.0% and +7.0% expected. Headline German CPI was +1.0% m/m vs. +0.7% expected, taking the annual rate to +9.3% y/y (+9.0% expected).

The MSCI World ex-Aus Index rose +2.93% for the month of March:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+3.51%	+7.03%	-9.29%	+16.71%	+9.25%	+10.11%
MSCI World ex-AUS	+2.93%	+7.39%	-8.46%	+14.62%	+6.30%	+7.12%
S&P ASX 200 Accum. Index	-0.16%	+3.46%	+0.10%	+16.52%	+8.69%	+8.18%

Source: S&P, MSCI

## Domestic Market

The RBA raised rates by 25bp to 3.60%, its tenth consecutive increase. The Statement was less hawkish, but in line with expectations, with the post-Meeting Statement deleting explicit guidance of *“further increases in interest rates will be needed over the months ahead”*. The subsequent Minutes for March suggest the Board is evaluating the case for pausing, saying that *“Members agreed to reconsider the case for a pause at the following meeting”*.

The monthly CPI indicator for February showed annual inflation dropping to +6.8% from January’s +7.4%. It was noticeably lower than expectations of +7.2%.

The unemployment rate in February fell to 3.54% (consensus 3.60%), back to its December level, while participation rebounded as expected to 66.6%

APRA said it would hold the *“serviceability buffer”* – which banks add to market interest rates when assessing new borrowers – at 3% *“to maintain prudent lending standards”*.

Retail sales grew +0.2% m/m in February and has been broadly flat at elevated levels since September last year. The level of retail sales is still 16% above pre-pandemic levels.

House price falls slowed in February with values falling by 0.14% nationwide, the smallest monthly fall since interest rates started rising in May last year. Dwelling approvals fell -27.6% m/m in January.

The January trade surplus was \$11.7bn (consensus \$12.25bn) from an upwardly revised December balance of \$13.0bn. Imports rose +4.6% (or \$2.1bn), driven by a surge in vehicle imports (+30.9% m/m or, \$0.9bn) from already elevated levels. Exports rose by less, up +1.4% (or \$0.8bn).

The Australian dollar lost -0.27%, finishing the month at US67.12 cents (from US67.30 cents the previous month).

## Credit Market

The global credit indices widened over March as financial markets were concerned about a contagion from the banking sector. They are now back to their levels in early 2022 (prior to the rate hike cycle from most central banks):

Index	March 2023	February 2023
CDX North American 5yr CDS	78bp	75bp
iTraxx Europe 5yr CDS	88bp	80bp
iTraxx Australia 5yr CDS	92bp	87bp

Source: Markit

# Fixed Interest Review

## Benchmark Index Returns

Index	March 2023	February 2023
Bloomberg AusBond Bank Bill Index (0+YR)	+0.28%	+0.24%
Bloomberg AusBond Composite Bond Index (0+YR)	+3.16%	-1.32%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.26%	+0.43%
Bloomberg AusBond Credit Index (0+YR)	+1.85%	-0.62%
Bloomberg AusBond Treasury Index (0+YR)	+3.53%	-1.58%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+4.16%	-2.20%

Source: Bloomberg

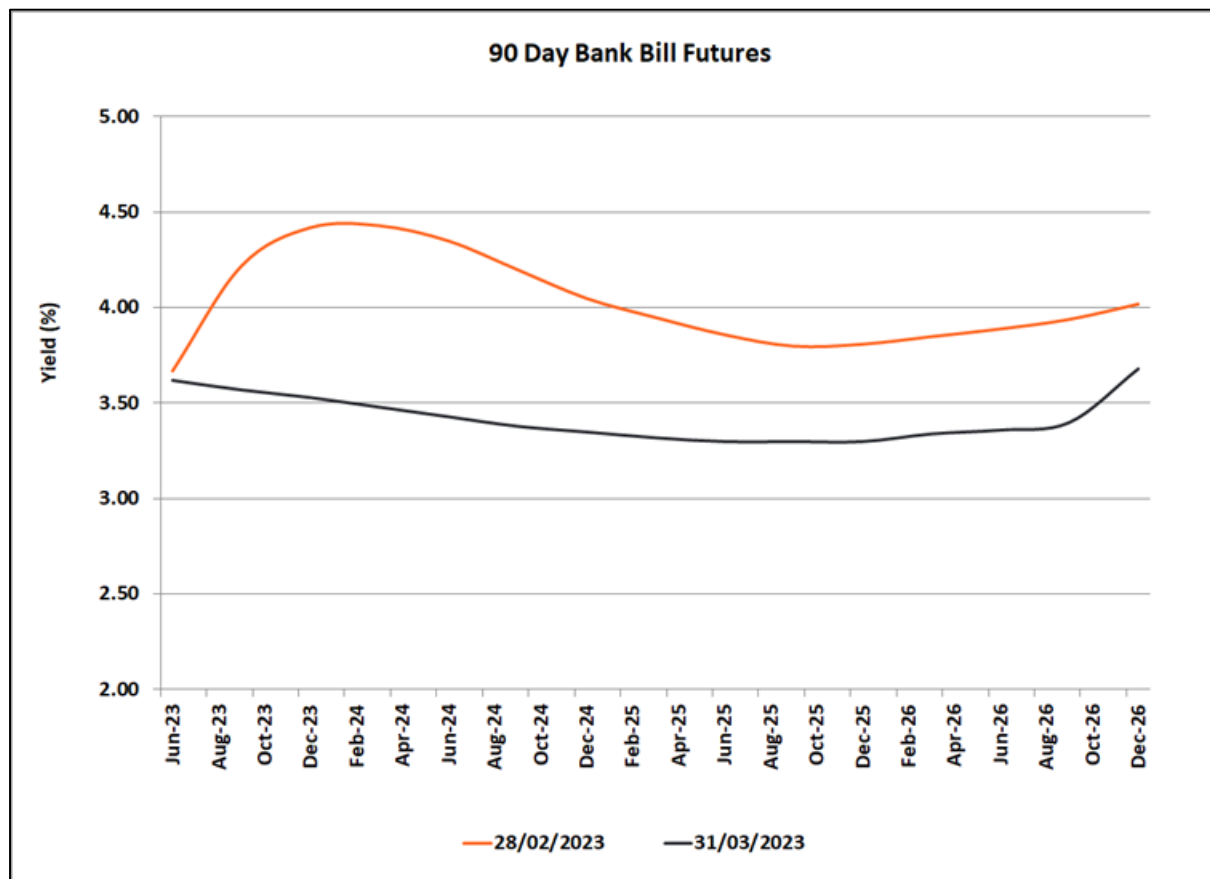
## Other Key Rates

Index	March 2023	February 2023
RBA Official Cash Rate	3.60%	3.35%
90 Day (3 month) BBSW Rate	3.72%	3.56%
3yr Australian Government Bonds	2.94%	3.60%
10yr Australian Government Bonds	3.30%	3.85%
US Fed Funds Rate	4.75%-5.00%	4.50%-4.75%
2yr US Treasury Bonds	4.06%	4.81%
10yr US Treasury Bonds	3.48%	3.92%

Source: RBA, AFMA, US Department of Treasury

### 90 Day Bill Futures

Over March, bill futures fell significantly across the board, with the market reacting to the possibility that the RBA may not only pause as early as April, but maybe forced to cut rates later this year. The markets continue to factor in the possibility of a global recession over the next few years, highlighted by the drop in the futures pricing in early 2024:



Source: ASX

## Fixed Interest Outlook

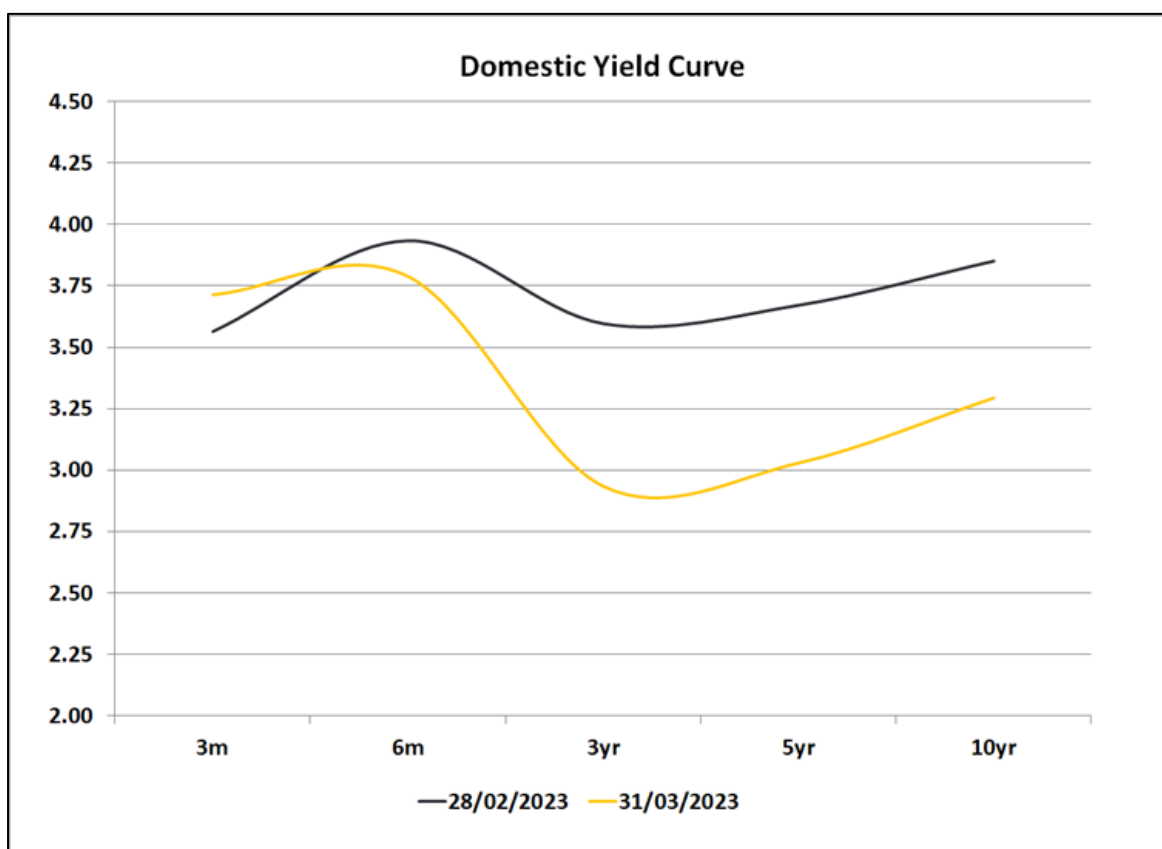
After lifting rates by 25bp to 4.75%-5.00%, the US Fed dot plots continues to pencil in one further hike to 5.00-5.25%. Fed Chair Powell indicated their base case was not any rate cuts this year, against some market expectations. The market's reaction to their statement was interpreted as dovish after they said *"some additional policy firming may be appropriate"* (toned down from the prior January statement that had *"ongoing increases in the target range will be appropriate"*).

Domestically, after lifting rates by 25bp for a 10<sup>th</sup> consecutive meeting to 3.60%, the RBA removed February's pre-commitment to more hikes over coming months. There was a hint of data dependency with reference to *"when and how much further"* tightening of monetary policy will be needed. The market has interpreted this as a possible pause in April after the RBA's ten consecutive rate hikes.

Governor Lowe has commented *"with monetary policy now in restrictive territory, we are closer to the point where it will be appropriate to pause interest rate increases to allow more time to assess the state of the economy"*.

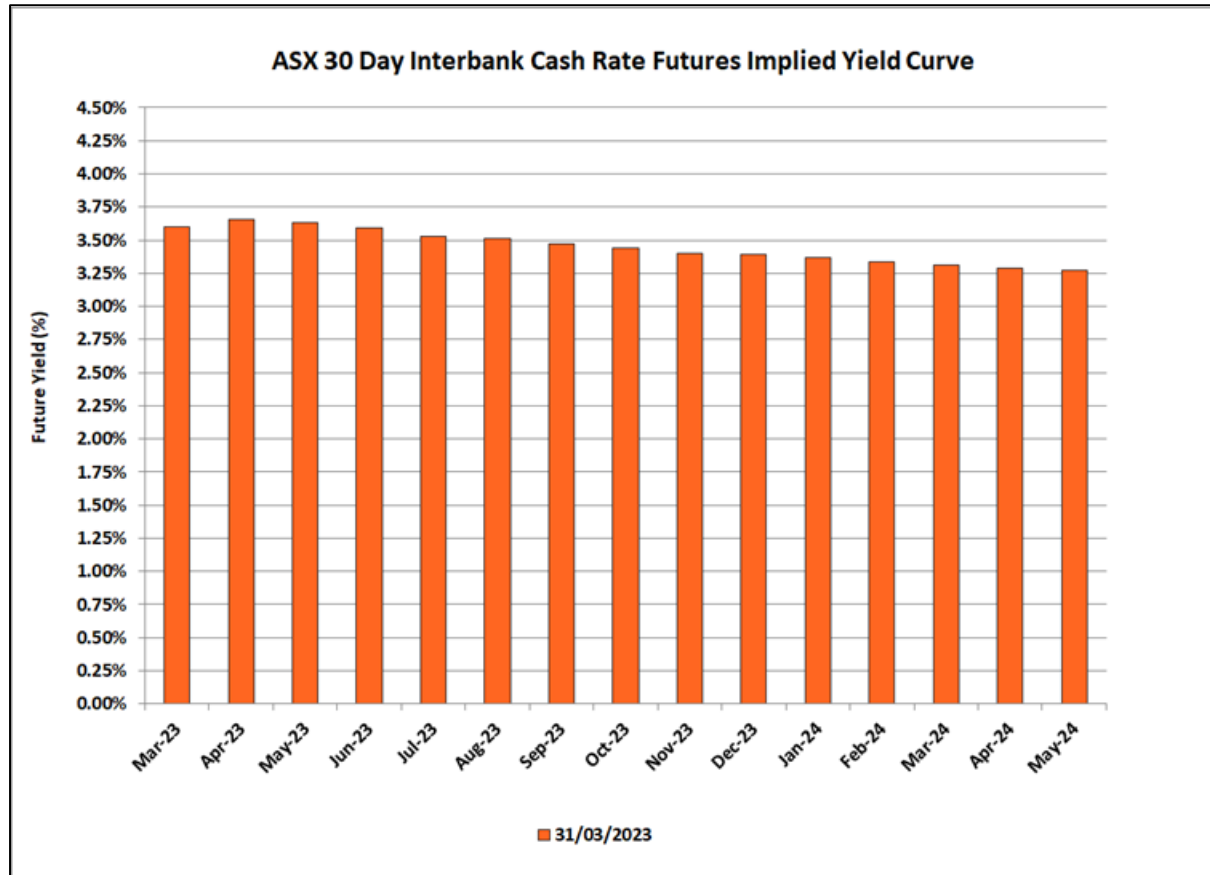
Markets have been quick to revise their interest rate forecasts following the events surrounding the global banks, as well as central bank rhetoric. A pause by the RBA in April is now a strong possibility (previously up to two rate hikes were still largely priced by the market the previous month).

Over the month, yields fell up to 66bp at the long-end of the curve:



Source: AFMA, ASX, RBA

A softer than expected monthly CPI reading along with fears of a banking crisis and a looming global recession have moved up the potential for a rate cut as early as late 2023 – previously markets were only factoring rate cuts in 2024.



Source: ASX

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# Investment Report

01/03/2023 to 31/03/2023

# Portfolio Valuation as at 31/03/2023

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Members Equity Bank	BBB+	TD	GENERAL	At Maturity	13/07/2022	20/04/2023	3.8200	1,000,000.00	27,420.27	3,244.38
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	20/04/2022	26/04/2023	2.2200	1,000,000.00	5,352.33	1,885.48
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	20/04/2022	26/04/2023	2.2200	1,000,000.00	5,352.33	1,885.48
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	20/04/2022	03/05/2023	2.2500	1,000,000.00	5,424.66	1,910.96
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	06/05/2022	10/05/2023	3.1900	1,000,000.00	7,690.96	2,709.32
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	20/04/2022	10/05/2023	2.2600	1,000,000.00	5,448.77	1,919.45
NAB	AA-	TD	GENERAL	At Maturity	19/01/2023	24/05/2023	4.1000	1,000,000.00	8,087.67	3,482.19
AMP Bank	BBB	TD	GENERAL	At Maturity	29/11/2022	31/05/2023	4.4500	1,000,000.00	14,995.89	3,779.45
The Mutual Bank	BBB-	TD	GENERAL	At Maturity	22/03/2023	21/06/2023	4.4000	1,000,000.00	1,205.48	1,205.48
MyState Bank	BBB	TD	GENERAL	Annual	28/09/2022	28/06/2023	4.4000	1,000,000.00	22,301.37	3,736.99
JUDO BANK	BBB-	TD	GENERAL	At Maturity	30/11/2022	12/07/2023	4.3500	1,000,000.00	14,539.73	3,694.52
NAB	AA-	TD	GENERAL	Annual	11/08/2021	16/08/2023	0.6000	1,000,000.00	3,830.14	509.59
AMP Bank	BBB	TD	GENERAL	At Maturity	29/11/2022	30/08/2023	4.5000	1,000,000.00	15,164.38	3,821.92
AMP Bank	BBB	TD	GENERAL	Annual	24/08/2022	31/08/2023	4.2500	1,000,000.00	25,616.44	3,609.59
AMP Bank	BBB	TD	GENERAL	At Maturity	07/09/2022	13/09/2023	4.3000	1,000,000.00	24,268.49	3,652.05
BOQ	BBB+	TD	GENERAL	At Maturity	21/09/2022	28/09/2023	4.3000	1,000,000.00	22,619.18	3,652.05
AMP Bank	BBB	TD	GENERAL	Annual	26/10/2022	02/11/2023	4.8000	1,000,000.00	20,646.58	4,076.71
AMP Bank	BBB	TD	GENERAL	Annual	01/02/2019	31/01/2024	3.1500	1,000,000.00	5,091.78	2,675.34



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
NAB	AA-	TD	GENERAL	At Maturity	01/03/2023	13/03/2024	5.0600	1,000,000.00	4,297.53	4,297.53
ING Direct	A	TD	GENERAL	At Maturity	27/04/2022	01/05/2024	3.2800	1,000,000.00	30,463.56	2,785.75
BOQ	BBB+	TD	GENERAL	Annual	12/06/2019	12/06/2024	2.5500	1,000,000.00	20,330.14	2,165.75
Suncorp	A+	TD	GENERAL	At Maturity	13/07/2022	17/07/2024	4.2000	1,000,000.00	30,147.95	3,567.12
AMP Bank	BBB	TD	GENERAL	Annual	07/08/2019	07/08/2024	2.0000	1,000,000.10	12,931.51	1,698.63
BOQ	BBB+	TD	GENERAL	Annual	31/08/2022	04/09/2024	4.4000	1,000,000.00	25,676.71	3,736.99
NAB	AA-	TD	GENERAL	Annual	28/09/2022	02/10/2024	4.8000	1,000,000.00	24,328.77	4,076.71
NAB	AA-	TD	GENERAL	At Maturity	01/03/2023	03/03/2025	5.0500	1,000,000.00	4,289.04	4,289.04
BankVic	BBB+	TD	GENERAL	Annual	01/03/2023	05/03/2025	5.1500	1,000,000.00	4,373.97	4,373.97
MyState Bank	BBB	TD	GENERAL	Annual	04/03/2022	05/03/2025	2.2200	1,000,000.00	1,581.37	1,581.37
BOQ	BBB+	TD	GENERAL	Annual	27/04/2022	30/04/2025	3.7500	1,000,000.00	34,828.77	3,184.93
BOQ	BBB+	TD	GENERAL	Annual	06/08/2020	06/08/2025	1.3000	1,000,000.00	8,405.48	1,104.11
Westpac	AA-	TD	GENERAL	Annual	21/02/2022	24/02/2027	2.4600	1,000,000.00	2,628.49	2,089.32
AMP Bank	BBB	TD	GENERAL	Annual	28/09/2022	28/09/2027	5.1000	1,000,000.00	25,849.32	4,331.51
BOQ	BBB+	TD	GENERAL	Annual	01/03/2023	01/03/2028	5.1500	1,000,000.00	4,373.97	4,373.97
Macquarie Bank	A+	CASH	GENERAL	Monthly	31/03/2023	31/03/2023	3.5500	1,582,334.72	4,433.18	4,433.18
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/03/2023	31/03/2023	0.0000	366,684.69	-	-
Macquarie Bank	A+	CASH	GENERAL	Monthly	31/03/2023	31/03/2023	3.5500	1,012,674.04	1,760.13	1,760.13
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/03/2023	31/03/2023	3.7000	2,310,503.46	6,295.41	6,295.41
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/03/2023	31/03/2023	3.0000	34,994.20	15,229.17	15,229.17

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
TOTALS								38,307,191.21	497,280.90	126,825.56

## 10.3 ENVIRONMENTAL SERVICES

### 10.3.1 ANNUAL FIRE SAFETY STATEMENTS – WALGETT SHIRE COUNCIL OWNED BUILDINGS

<b>REPORTING SECTION:</b>	<b>Environmental Services</b>
<b>AUTHOR:</b>	<b>Merv Prendergast – Health &amp; Building Surveyor</b>
<b>FILE NUMBER:</b>	<b>TBA</b>

---

#### **Summary:**

Council Buildings as well as Private buildings with a Floor area greater than 300m<sup>2</sup> which are available for public access, for example; Pubs, Clubs, Motels, Shops, Offices, Manufacturing Premises, Public Meeting places and other accommodation type buildings.

All are required to submit an Annual Fire Safety Statement relating to access doors, exit signs, Emergency lighting, Exit distances, Fire Extinguishers, Hose reels, Hydrants and any other fire related issues on site.

This can be a major cost due to the location of Walgett and the nature of the businesses in the area.

#### **Background:**

Council owns and has control of some of these buildings and Council itself has not been submitting Annual Fire Safety Statements, Council must under the Environmental Planning and Assessment Regulation 2000 Submit these Statements annually, as must all other Business Owners.

#### **Current Position:**

Currently Council officers have been asking Private Owners of Buildings to comply and Submit Annual Fire Safety Statements to Council.

Currently an Annual Fire Safety certificate can be signed by the owner or an Owners agent, this can create major issues as completing the Fire Safety certificate and listing the Essential services and Standards that they were installed to or comply with is a job for a Fire Safety Practitioner to ensure accuracy.

Where an appropriately qualified fire safety practitioner is not used, we can end up with incorrect Certificates with false or misleading information on them. This certificate can and may be used if there is a death resulting from fire on a premises. This certificate is an Insurance to the property Owners that all measures have been adhered to and the Fire Safety of the Building is installed to an acceptable Standard.

It would be a Major Community effort if Walgett Council was to employ a Fire Safety Practitioner to inspect all of its Buildings and issue the Annual Fire Safety Certificates, but whilst this fire Safety Practitioner was Visiting Walgett Council, Council allowed access to this person/Company for its local Businesses, to also comply with the Legislation, thus Council would wear the majority cost of travel to and from the Walgett Council area for this service.

It would be up to the individual business owners/operators to pay for their individual inspections and certificates and any associated works as part of this project.

If Council was to pursue this idea then a list of all Council owned Buildings and a List of all private owned buildings where the legislation applies would have to be compiled. Council would then have to write to all privately owned businesses asking if they would like to be part of the process.

Council could then write a tender for its own Buildings, asking for pricing on a three year contract. Council could also provide a list of Owners of other Businesses which may wish to have the Person/Company do their Annual Fire Safety Certificates as well.

**Relevant Reference Documents/Policies:**

This is Legislative process Under the NSW Environmental Planning Regulation 2000

**Governance issues:**

Council must receive these Annual Fire Safety certificate each year and create a register for them.

**Environmental issues:**

None

**Stakeholders:**

Council and Private Businesses

**Financial Implications:**

This will impact the 2020-2021 Budget Expenditure. True cost will be subject to RFQ.

**Alternative Solutions/Options:**

There are no alternative solutions as this is a legislative requirement.

**Conclusion:**

That Council endorse Council Offices to Advertise and write to owners of Businesses that they believe require this Annual Fire Safety certificate, on the basis of the report to complete a tender for council, but offsetting travel and accommodation costs for active community Business Owners whom wish to part of the process.

*Note: Keeping in mind that if Council proceeds and Private Businesses do not action the annual fire Safety certificates then Fines and or Orders may be imposed for owners/operators who do not submit their annual certificates.*

Annual Fire Safety Statements – Walgett Shire Council Owned Buildings
<p><b>Recommendation:</b></p> <p>That Council endorse Council Offices to Advertise and write to owners of Businesses that they believe require this Annual Fire Safety certificate, on the basis of the report to complete a tender for council, but offsetting travel and accommodation costs for active community Business Owners whom wish to part of the process.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p>

Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)



# Regional Housing Flying Squad

Program Guidelines

February 2023







# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](https://dpie.nsw.gov.au)

Regional Housing Flying Squad

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## More information

[www.planning.nsw.gov.au/regional-housing-flying-squad](https://www.planning.nsw.gov.au/regional-housing-flying-squad)

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# Introduction

Through direct engagement with regional councils and analysis of NSW Planning Portal data, the Planning Delivery Unit (PDU) of the NSW Department of Planning and Environment, has identified an emerging shortage of planners across NSW, particularly within Regional NSW

To support councils and the delivery of housing in Regional NSW, the department has created the Regional Housing Flying Squad (RHFS), which will:

- contribute to the NSW Government and council objective of delivering housing in Regional NSW
- respond to the recommendations of the Regional Housing Taskforce
- provide support to councils to expedite assessments of housing DAs
- help address the planner shortage in Regional NSW.

---

## Program History

In early 2022, the department rolled out its first iteration of the flying squad as a pilot program, which commenced on 1 April 2022. For the pilot program, the PDU engaged a panel of planning consultants to conduct DA assessments for housing on behalf of regional councils.

Regional councils were required to nominate DAs that would deliver housing through a formal expression of interest (EOI) process. Nominations were subsequently reviewed against predetermined criteria by an evaluation panel made up of Department of Planning and Environment and Department of Regional NSW staff. The planning consultants reported directly to councils while conducting their assessments and, once the assessments were completed to the satisfaction of council, the DAs were determined by council or the regional planning panels as the relevant consent authority.

Through the pilot program, the flying squad conducted 103 DA assessments in 21 regional councils, representing 2,420 dwellings and \$487 million in capital investment value.

---

## RHFS Pilot Program - Lessons Learnt

At the completion of the pilot program, the department sought feedback from councils and the panel of planning consultants to inform future iterations of the flying squad. The key learnings from the pilot program which have been applied to this next iteration of the flying squad, are to:

- enhance the flexibility of the EOI criteria to address the individual assessment needs of regional councils
- streamline the EOI triaging and DA acceptance process to make the process more efficient
- require councils to provide relevant DA documentation via the Planning Portal



- allocate RHFS planners to designated regions and, where possible, individual councils to increase efficiency and ensure local subject matter knowledge/networks
  - commence regular active management meetings with councils, applicants, and technical experts to ensure the effective and efficient assessment of DAs.
- 

## RHFS 2.0 - Lessons Learnt

Throughout this current iteration of the RHFS, RHFS planners have actively sought feedback from councils to permit further revision and fine tuning of the program. These minor changes, while beneficial, do not make a significant difference to the objectives or delivery of the program, but enhance program outputs.

Some consistent feedback from councils was in relation to concerns in submitting more straightforward DAs such as single dwellings and dual occupancies, which in some cases took up to three months to complete due to the three-month length of each tranche. As a result, some councils chose not to participate or provided low numbers of DAs to the program.

To support these councils who have large volumes of these smaller DA types, the program has amended its schedule to consist of both quarterly tranches and monthly sub-tranches. The addition of monthly sub-tranches will allow for a faster turnaround for single dwellings and dual occupancies within one month instead of three, which will ultimately increase the efficiency of the program and result in a greater number of DAs being assessed. To expedite the timely determination of these DAs the following program amendments have been made, which commenced at the beginning of Tranche 3:

- In addition to the regular quarterly EOIs for each tranche, the Flying Squad now also includes monthly sub-tranches, during which councils can nominate DAs through an EOI process **only** for single dwellings and dual occupancies. All other DAs remain unaffected and will proceed through the normal quarterly EOI process.
- The monthly sub-tranches will consist of a one-week EOI period followed by a three-day evaluation and acceptance period. In order to improve the responsiveness and agility of the program, the Evaluation Committee approved this approach and agreed that these DAs for single dwellings and dual occupancies can be triaged by the RHFS and are not required to proceed to the Committee.

More information is provided in the following section of these guidelines.

# Expression of Interest (EOI) Process

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## Eligibility Criteria

To be eligible to participate in the RHFS, councils must:

- be one of the 96 regional councils in NSW as identified in **Appendix C**
- nominate DAs that will deliver housing
- nominate DAs that have been accepted by council in the Planning Portal prior to the Expression of Interest (EOI) closing date
- commit to employing a student, cadet, trainee, or graduate planner prior to 30 June 2024, as a demonstration of council's commitment to growing their own planners\*.

\* only applies to councils with three or more full-time equivalent (FTE) planners on payroll.

---

## Evaluation Criteria

There is no limit to the number of DAs that councils may nominate for the RHFS. Each DA that a council nominates will be evaluated against the following program evaluation criteria:

### Diverse or Affordable Housing

Delivery of social, affordable, build-to-rent, co-living, key worker housing, group homes, housing for seniors or for people with disabilities, emergency accommodation and secondary dwellings will be prioritised.

### Aboriginal Housing

Delivery of Aboriginal housing will be prioritised.

### Dwelling Impact

The ratio of the number of dwellings proposed in the DA to the population of the respective local government area (LGA).

### Dwelling volume

The number of dwellings proposed in the DA.

### Council's DA backlogs and timeframes

Consideration will be given to councils experiencing increased DA backlogs and above average DA assessment times.

### Geographic considerations

Ensuring that support is provided equitably to all councils across Regional NSW will be considered, as well as councils that have experienced natural disasters such as bushfire and flooding.

This program is intended to offer targeted support to individual regional councils in need of assistance and is not limited to the assessment of large scale and complex residential developments

(smaller, simple housing development applications can also be referred). Councils can also propose DAs that are at any stage of the assessment process provided they meet the eligibility criteria. The program will not accept residential DAs such as alterations and additions which do not generate new housing stock, modifications or reviews of DAs, or applications subject to Land and Environment Court proceedings.

---

## How to Apply

The program will be delivered in a series of quarterly and monthly tranches.

For each quarterly tranche, there will be a two-week EOI period during which councils will be able to nominate all types of residential DAs with the exception of single dwellings and dual occupancy DAs. This will be followed by a one-week evaluation period during which DAs will be selected for the program and councils will be notified. Subsequently, the Flying Squad will commence assessment of the DAs over the three-month tranche.

In addition to the quarterly tranches, the program will also include monthly sub-tranches. For each monthly sub-tranche, there will be a one-week EOI period during which councils will be able to nominate *DAs only for single dwellings and dual occupancies*. This will be followed by a three-day evaluation period during which DAs will be selected for the program and councils will be notified. Subsequently, the Flying Squad will commence assessment of the DAs over the one-month sub-tranche period.

For both quarterly tranches and monthly sub-tranches, EOIs for the program can be submitted by councils via the NSW Planning Portal at [www.planningportal.nsw.gov.au/regional-housing-flying-squad](http://www.planningportal.nsw.gov.au/regional-housing-flying-squad) during the formal EOI submission dates as identified below.

EOIs are to be submitted via the RHFS webform on the Planning Portal and will require councils to provide the Portal Application Number (PAN) to nominate a DA. When a council provides the PAN on the webform, the PDU will then obtain information related to that DA through the Planning Portal. In addition, councils will be required to provide some additional information (see **Appendix A**) on the status of the DA to assist the department in triaging the DAs that councils nominate for the program. The department will not accept DA nominations outside of the EOI period. However, we may contact councils during any stage of the program to accept additional DAs that had been previously submitted by councils through the EOI process, should the RHFS have surplus capacity. Any additional DAs accepted into the program must also meet the program criteria.

Councils that participate in the program will be required to enter into a Participation and Services Delivery Deed (Deed) with the department before the commencement of any assessments by the RHFS on behalf of council. The department encourages councils to undertake this as soon as possible to prevent delays to assessments commencing. A Deed can be entered into at any stage of the program for councils that intend to submit EOIs for subsequent tranches, including prior to the EOIs. A copy of the Deed is provided in **Appendix D**.

As part of this Deed, councils will agree that the RHFS will be provided with read-only access to the relevant DAs in the Planning Portal which have been accepted as part of the EOI process. The RHFS

will only have access for the duration of the assessment. The Deed will also require councils to provide other documentation that is relevant to the assessment of the DA, which may include:

- public submissions
- internal and external agency comments
- any additional information or correspondence between the council and applicant.

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## EOI Evaluation & Acceptance

The PDU has established a RHFS Evaluation Committee (the Committee) that includes representation from the Department of Regional NSW and other teams within the Department of Planning and Environment.

For each quarterly tranche, the Committee's role will be to review all DAs nominated by councils against the program evaluation criteria, and to select which DAs will be accepted for assessment by the RHFS. The Committee will also identify any key risks or additional technical expertise that may be required in assessing each DA. The Committee will only conduct an evaluation for quarterly tranches – not monthly sub-tranches.

In conducting the review, the Committee will:

- assess each council-nominated DA against each of the program criteria
- conduct a holistic review to determine the final list of DAs accepted for the program
- identify DAs to be prioritised for future assessment should additional assessment capacity within the RHFS occur.

DAs submitted during the monthly sub-tranches will be evaluated by senior staff within the RHFS against the program criteria. A holistic review of all submitted DAs will then be undertaken before being accepted in the program. The results of the monthly sub-tranches will be reported to the Committee each quarter.

Following the Committee's evaluation of DAs, councils will be notified of the outcome via email by the relevant RHFS team leader as soon as possible after the close of the EOI period. This will allow councils to continue with their own internal assessments for DAs that are not accepted into the RHFS program.

Successful councils will be paired with a RHFS planner/s and will be asked to share relevant DA documentation that is not located on the Planning Portal. This may occur via email or an agreed file sharing program and must take place within 72 hours of being notified that an EOI has been accepted into the program. This will assist the assessment process in meeting the required statutory timeframes.

During Tranche One it was identified that some councils were able to provide all relevant commencement documentation (Deed and templates) within 24 hours which enabled the assessment of these DAs to commence much sooner than others. It was also noted that some councils provided partial documentation for some DAs with the Deed and templates which created administration

delays and double handling of documentation. It is important for the efficiency of the program that documentation is provided per the direction of the RHFS.

Further information on the next stage and the information required is provided below.

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## DA Assessment

Once the DAs have been allocated to the RHFS planner/s, we will contact councils directly to arrange for the transfer of relevant information and briefings as required. Please do not forward this information until such time as the responsible RHFS planner/s makes contact. This is to prevent the double handling of information at both ends.

Throughout the assessment process, the RHFS planner will report directly to council staff on matters surrounding the respective DA. Council will be responsible for briefing the RHFS planner on the specifics of the DA if requested.

Council should advise the RHFS planner immediately if any issues arise that may result in an increased scope or potential refusal of a DA.

All RHFS assessment reports will be subject to peer review before submission to council. Upon completion of the assessment report, the RHFS planner will send it to council for determination.

The department appreciates that every council will approach issues in a different manner. The department acknowledges that it is only providing a support role to council and that council, as the consent authority, can amend the RHFS assessment report to address any differing views or local nuances that have not been captured. Furthermore, councils are not obligated to determine DAs in a manner that is consistent with the recommendations of the RHFS assessment report and may determine a DA as they so choose. This also applies to any recommended conditions of consent.

Where disagreements arise between a council and the RHFS planner regarding statutory process or recommendations of the assessment report, the respective RHFS team leader will meet with council and the RHFS planner to review concerns and discuss a way forward.

If the views of council and the RHFS assessment process are fundamentally different regarding whether a DA should be approved or refused or matters considered in the assessment, council can withdraw the DA from the RHFS program at any point. Ultimately, the purpose of the RHFS is to provide support to council, and the respective teams will work closely with council to discuss and resolve any disagreements as they arise.

To assist the operation of the RHFS program, the department has developed several business rules to guide councils and RHFS planners to ensure operational expectations are understood before commitment to the RHFS program. These business rules are provided in **Appendix B**.

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## Tranches/intakes and Key Dates

In response to council feedback, the RHFS will be rolled out in several quarterly and monthly tranches, or intakes, from October 2022 to June 2024. A new EOI will open for each intake to allow councils to nominate DAs to the RHFS.

Any DA that has been accepted into the RHFS that is not completed during that tranche, will be carried over into the following one. Council will be kept informed about the assessment process.

By dividing the program into quarterly and monthly tranches, it is expected that the majority of DAs for single dwellings and dual occupancies will be undertaken within a one-month period, while larger DAs will be completed within a three-month period. This will allow the RHFS to maintain its agility to reallocate resources to best serve council's needs. Upcoming dates are as follows:

Key Dates	Tranche 3 <i>All residential DAs</i>	Tranche 3B <i>Single/dual-occ DAs only</i>	Tranche 3C <i>Single/dual-occ DAs only</i>
EOI Open	<b>Single/dual-occ DAs</b> 13 - 17 March 2023 <b>All other DAs</b> 13 - 24 March 2023	24 - 28 April 2023	22 - 26 May 2023
EOI Evaluations	<b>Single/dual-occ DAs</b> 20 - 22 March 2023 <b>All other DAs</b> 27 - 31 March 2023	1 - 3 May 2023	29 - 31 May 2023
Tranche Assessment	<b>Single/dual-occ DAs</b> 3 April - 3 May 2023 <b>All other DAs</b> 3 April - 30 June 2023	4 May 2023 - 31 May 2023	1 - 30 June 2023

Key Dates	Tranche 4 <i>All residential DAs</i>	Tranche 4B <i>Single/dual-occ DAs only</i>	Tranche 4C <i>Single/dual-occ DAs only</i>
EOI Open	<b>Single/dual-occ DAs</b> 12 - 16 June 2023 <b>All other DAs</b> 12 - 23 June 2023	24 - 28 July 2023	21 - 25 August 2023

Key Dates	Tranche 4 <i>All residential DAs</i>	Tranche 4B <i>Single/dual-occ DAs only</i>	Tranche 4C <i>Single/dual-occ DAs only</i>
EOI Evaluations	<b>Single/dual-occ DAs</b> 19 – 21 June 2023 <b>All other DAs</b> 26 – 30 June 2023	31 July – 2 August 2023	28 – 30 August 2023
Tranche Assessment	<b>Single/dual-occ DAs</b> 3 July – 2 August 2023 <b>All other DAs</b> 3 July – 29 September 2023	3 – 30 August 2023	31 August – 29 September 2023

## Program Review

The department will continually review the outcomes and performance of the RHFS program following completion of each tranche. Participating councils will be invited to provide feedback on the RHFS program to enable the RHFS to review and improve all aspects of the program design to ensure program efficiency and optimal service to councils.

Outcomes from each review will be implemented where possible.

# Appendix A: Mandatory webform data required

- What is the Portal Application Number (PAN) for the DA being nominated?
- Are there any known concerns or local issues that might prevent council from supporting the approval of the DA? This does not require a preliminary assessment to be undertaken if not already done so.
- Is the DA site impacted by known hazards, including but not limited to – subsidence, bushfire prone land, flooding (up to and including the Peak Maximum Flood)?
- For dwellings on rural land that do not meet the minimum lot size requirement, does the site enjoy dwelling permissibility? If yes, how?
- Criteria that support your request for housing assessment assistance (choose one or more):
  - Dwelling impact
  - Aboriginal housing
  - Diverse or affordable housing
  - Council's DA backlogs and timeframes
  - Geographic considerations
  - Dwelling volume
- Any additional commentary to support your (council's) request for housing assessment assistance?



# Appendix B: RHFS Business Rules

- Councils are requested where possible to respond to RHFS enquiries within **two business days**. The RHFS will endeavour to respond to council enquiries within one business day.
- Once notified of a DAs acceptance into the program, council is to cease the planning assessment of the DA unless otherwise agreed with the RHFS. All other routine processing of the application must still proceed including referrals, advertising/notification and the like. **Councils who continue the planning assessment and determine DAs that have been accepted into the program may have their participation in the RHFS evaluated.**
- Within **three business days** of being notified that a DA has been accepted into the RHFS program, council are to provide the RHFS with Microsoft Word copies of its DA assessment report, notice of determination templates (including any subsequently updated versions) and councils standard condition lists. For councils that do not possess these resources, the department will use its own templates unless other arrangements are made. **No other information is required at this time.**
- Within **three business days** of being accepted into the RHFS program, council must return to the department the RHFS signed Deed. Failure to do so may result in council being illegible for RHFS program participation. These can be entered into at any stage of the program, including before the EOI stage.
- Once DAs have been allocated, RHFS planner/s will email councils contact person/s to request the following information. This information is requested to be provided within **two business days** of the request being made to enable assessments to commence as efficiently as possible:
  - A copy of all internal referrals (and associated correspondence) and confirmation of when all referrals are due
  - Have any non-compliances (SEPP/LEP/DCP) been identified? If so, are they supported in principle by council? This does not require a preliminary assessment to be undertaken if not already done so.
  - Is council required to notify or exhibit the DA? If yes:
    - Under what plan or legislation is notification or exhibition required?
    - What is the duration and end date of any notification or exhibition?
  - Ensure all relevant reports/referrals have been uploaded to the NSW Planning Portal (engineering, flooding, erosion & sediment control etc) or are provided via email or other file sharing platform
  - Council mapping including flooding and bushfire and the relevant Deposited Plan including any Section 88B instruments.
  - If a site is flood prone – relevant details such as flood heights, hazard categorisation etc are to be provided.
  - Council to advise of delegation pathway if known i.e., Officer delegated, elected Council, Regional Planning Panel.
  - Details of any additional matters which could impact the assessment of the DA.

- Within **three business days** of the completion of any notification or exhibition, councils must notify the department of the outcome as well as provide any submissions.
- Within **three business days** of receiving an internal or external referral, councils must provide the department with a copy of the referral comments. Councils should not wait for all referrals to be received before forwarding them to the department.
- Councils will ensure that any council files uploaded to the Planning Portal or provided to the RHFS are appropriately named to ensure they can be readily identified. Councils should encourage applicants to do the same. Councils will ensure all relevant DA correspondence and documents are uploaded to the Planning Portal within **three business days** of being received by council in line with councils' internal practice. Any correspondence or documents that are not uploaded are to be provided separately to the RHFS within three business days.
- By participating in the RHFS program, council consents to allowing assigned department planners read-only access to the relevant DA/s on the Planning Portal and any other related documents.
- Where requested by either council or the department, council will provide the department with a briefing on the DA.
- Councils are responsible for their own administration processes, such as, but not limited to, notification/exhibition, collation of submissions, internal and external agency referrals, notifications to regional planning panels, uploading of documents to the Planning Portal, etc.
- Councils are responsible for formally requesting additional information from applicants and internal or external referral agencies on behalf of the RHFS when so requested.
- The department will not conduct site inspections for every DA accepted into the RHFS program and will do so on a risk/needs basis at its discretion. The department will take advice from council on this matter and councils are welcome to conduct their own site inspections where the department elects not to. Where the department does undertake an inspection, councils will be invited but are not required to attend.
- The department will not be involved in any negotiation or agreement activities associated with the development/assessment of a VPA.
- The department will coordinate and organise any necessary meetings with applicants and internal or external referral agencies. Councils will be invited but are not required to attend.
- Councils and the department will commit to a **fortnightly** update meeting. These meetings do not prevent more frequent meetings as may be required by either party. These fortnightly meetings cannot be used as a reason to delay the exchange of information.
- The department will work with councils to determine whether it is appropriate for the RHFS to support the DA assessment with external technical advice to replace internal council referrals, where reduced council capacity is the cause of delays.
- Where a DA is impacted by bushfire prone land and requires assessment by council under s4.14 of the *Environmental Planning and Assessment Act 1979*, council retains responsibility for conducting this assessment unless agreed with the department.
- Where a disagreement arises between the responsible RHFS planner and council, the matter will be escalated for resolution to the relevant RHFS team leader. Should a resolution not be achieved council can withdraw the DA from the RHFS program and proceed with its own assessment.

- DA assessment reports will be provided to councils for determination as soon as the reports are signed off internally.
- Councils, as the consent authority, can amend RHFS assessment reports to address any differing views or local nuances that have not been captured. Furthermore, councils are not obligated to determine DAs in a manner that is consistent with the recommendations of the RHFS assessment report and may determine a DA as they so choose. This also applies to any recommended conditions of consent.
- On receipt of the DA assessment report and/or development consent, we encourage council to provide any comments or suggested amendments to the RHFS planner within **one week** from when council receives the report and/or consent from the RHFS planner. After this point the RHFS will assume their participation in the DA has been completed.

# Appendix C: Eligible Councils

Albury City Council	Coonamble Shire Council	Lake Macquarie City Council	Richmond Valley Council
Armidale Regional Council	Cootamundra-Gundagai Regional Council	Leeton Shire Council	Shellharbour City Council
Ballina Shire Council	Cowra Shire Council	Lismore City Council	Shoalhaven City Council
Balranald Shire Council	Dubbo Regional Council	Lithgow City Council	Singleton Council
Bathurst Regional Council	Dungog Shire Council	Liverpool Plains Shire Council	Snowy Monaro Regional Council
Bega Valley Shire Council	Edward River Council	Lockhart Shire Council	Snowy Valleys Council
Bellingen Shire Council	Eurobodalla Shire Council	Maitland City Council	Tamworth Regional Council
Berrigan Shire Council	Federation Council	Mid-Coast Council	Temora Shire Council
Bland Shire Council	Forbes Shire Council	Mid-Western Regional Council	Tenterfield Shire Council
Blayney Shire Council	Gilgandra Shire Council	Moree Plains Shire Council	Tweed Shire Council
Bogan Shire Council	Glen Innes Severn Shire Council	Murray River Council	Upper Hunter Shire Council
Bourke Shire Council	Goulburn Mulwaree Council	Murrumbidgee Council	Upper Lachlan Shire Council
Brewarrina Shire Council	Greater Hume Shire Council	Muswellbrook Shire Council	Uralla Shire Council
Broken Hill City Council	Griffith City Council	Nambucca Valley Council	Wagga Wagga City Council
Byron Shire Council	Gunnedah Shire Council	Narrabri Shire Council	Walcha Council
Cabonne Shire Council	Gwydir Shire Council	Narrandera Shire Council	Walgett Shire Council
Carrathool Shire Council	Hay Shire Council	Narromine Shire Council	Warren Shire Council
Central Coast Council	Hilltops Council	Newcastle City Council	Warrumbungle Shire Council
Central Darling Shire Council	Inverell Shire Council	Oberon Council	Weddin Shire Council
Cessnock City Council	Junee Shire Council	Orange City Council	Wentworth Shire Council
Clarence Valley Council	Kempsey Shire Council	Parkes Shire Council	Wingecarribee Shire Council
Cobar Shire Council	The Council Of The Municipality Of Kiama	Port Macquarie-Hastings Council	Wollongong City Council
Coffs Harbour City Council	Kyogle Council	Port Stephens Council	Yass Valley Council
Coolamon Shire Council	Lachlan Shire Council	Queanbeyan-Palerang Regional Council	Lord Howe Island <sup>1</sup>

<sup>1</sup> Lord Howe Island is administered by the Lord Howe Island Board, a NSW Statutory Authority established under the Lord Howe Island Act 1953. While it is not a council, it is required to adopt the NSW Planning Portal from 1 July 2021 and is not classified as being in a metropolitan area.

# Appendix D: Participation and Services Delivery Deed

**Regional Housing Flying Squad Assessments Program –  
Participation and Services Delivery Deed**

The Crown in right of the State of New South Wales acting through the NSW Department of Planning and Environment (ABN 20 770 707 468))

**[Council]** (ABN **[insert]**)

**Dated**                      **2023**

This Deed is dated

2023

### Parties:

The Crown in right of the State of New South Wales acting through the NSW Department of Planning and Environment (ABN 20 770 707 468) (**Department**), of 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

and

**[Council]** (ABN **[insert ABN]**) (Council), of **[insert Council's address]**

### Recitals:

- (A) Council and the NSW Department of Planning and Environment (**Department**) are committed to the delivery of housing in NSW, particularly in regional NSW, and seek opportunities to cooperate to achieve common goals in relation to this commitment.
- (B) Through direct engagement with regional councils and analysis of NSW Planning Portal data, the Planning Delivery Unit of the Department, has identified an emerging shortage of planners across NSW, particularly in regional NSW.
- (C) To support councils in the delivery of housing in regional NSW, the Department has created the 'Regional Housing Flying Squad' (**Flying Squad**) to help to expedite assessments of development applications for housing through delivery of the *Flying Squad Assessments Program* (**Program**).
- (D) Council has responded to the Department's Expression of Interest to participate in the Program issued on **[insert date]** and Council and the Department have resolved to enter into this Deed in a spirit of mutual cooperation.

### It is agreed:

## 1. Definitions and interpretations

### 1.1 Definitions

In this Deed unless the context admits otherwise:

**Act** means the *Environmental Planning and Assessment Act 1979 (NSW)*.

**Assessment Report** has the meaning given in clause 2.3(d).

**Business Day** means a day that is not a Saturday, Sunday, or public holiday throughout New South Wales.

**Deed** means this *Regional Housing Flying Squad Participation and Services Delivery Deed* entered into between the Parties.

**Department** means the NSW Department of Planning and Environment.

**Development Application** has the same meaning as in the Act.

**Participant** means any local council participating in the Program under an agreement with the Department to the same effect as this Deed.

**Program** means the *Flying Squad Assessments Program* established by the Department.

**Program Guidelines** means the *Regional Housing Flying Squad Guidelines* adopted by the Department dated February 2023 as amended or reissued from time to time.

**Regulation** means the *Environmental Planning and Assessment Regulation 2021* or if applicable, the Regulation which preceded that and its corresponding provisions.

**Services** means the preparation and provision to Council of an Assessment Report to Council in accordance with the terms of this Deed.

## **1.2 Interpretation**

The interpretation clauses at Schedule 1 apply.

## **2. Operation and nature of the Program and Services**

### **2.1 Operation**

This Deed commences from the date it is signed by all Parties and, unless terminated earlier, will end once the Services have been provided in accordance with its terms.

### **2.2 Council Participation in the Program**

- (a) Council agrees to participate in the Program.
- (b) The Department agrees that in accordance with the terms of this Deed, it may provide the Services to Council.
- (c) Council agrees that participating in the Program entitles Council to request the Services in accordance with the procedure in clause 3, but that it is at the Department's sole discretion as to whether the Department will provide Services in response to such a request.

### **2.3 Nature and purpose of the Program and Services**

- (a) The purpose of the Program and Services is to provide practical support to Council in the preparation of Assessment Reports for Development Applications to achieve the goals set out in the Recitals.
- (b) Council agrees that it is solely responsible for determining Development Applications in accordance with the requirements of the Act and law, and therefore:
  - (i) is not bound by any conclusion or recommendation included in the Assessment Report; and
  - (ii) may choose to endorse, amend, or disregard the Assessment Report in part or in its entirety.
- (c) The Department will prepare the Assessment Report to the standard that it would prepare such a report if the Department was the consent authority for the Development Application, but the parties agree that in delivering the Services, the Department and its officers are not exercising:
  - (i) any statutory function under the Act or any other law; or
  - (ii) any original or delegated authority or other function of the Minister for Planning, the Secretary of the Department, an officer of the Department, or Council or any of its officers.



- (d) In this Deed, 'Assessment Report' means a report evaluating the impacts of a proposed development the subject of a Development Application, prepared to assist Council to fulfil its obligation to determine the Development Application under the Act and in accordance with law, including evaluation of the matters set out in section 4.15 of the Act, and which may include a recommendation as to whether the Development Application should be approved, and the conditions of approval, or refused.

## 2.4 No fetter

Nothing in this Deed or provided under this Deed, including the provision of an Assessment Report to Council with or without a recommendation to approve or refuse a Development Application, shall be construed as requiring either party to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the discretion of either party in exercising any of either party's statutory functions, powers, authorities or duties.

## 3. Determination of requests to receive Services

### 3.1 Call for expressions of interest to receive Services

- (a) The Department may issue a call for expressions of interest (EOIs) for Participants to request Services from the Department in relation to one or more Development Applications lodged by a Participant.
- (b) For the period March to August 2023, the Department proposes, but is not bound, to call for EOIs under this clause in accordance with the following dates:

Event	Tranche 3	Tranche 4
<b>Quarterly Tranche:</b> EOI Open	13 March 2023	12 June 2023
<b>Quarterly Tranche:</b> EOI Close	24 March 2023	23 June 2023
<b>Monthly Sub-Tranche:</b> EOI Open	Sub-tranche 3A: 13 March 2023 Sub-tranche 3B: 24 April 2023 Sub-tranche 3C: 22 May 2023	Sub-tranche 4A: 12 June 2023 Sub-tranche 4B: 24 July 2023 Sub-tranche 4C: 21 August 2023
<b>Monthly Sub-Tranche:</b> EOI Close	Sub-tranche 3A: 17 March 2023 Sub-tranche 3B: 28 April 2023 Sub-tranche 3C: 26 May 2023	Sub-tranche 4A: 16 June 2023 Sub-tranche 4B: 28 July 2023 Sub-tranche 4C: 25 August 2023

- (c) For the period September 2023 to June 2024, the Department proposes, but is not bound, to call for EOIs under this clause in several tranches and sub-tranches in accordance with dates to be determined by the Department.

### 3.2 Requesting Services

- (a) Council may respond to an EOI issued under clause 3.1 within the timeframe stated in the EOI, by submitting a request via the NSW Planning Portal at

<https://www.planningportal.nsw.gov.au/regional-housing-flying-squad> (or such updated link provided to all Participants) which includes all information required at the link.

- (b) Council may only submit a request under this clause in relation to a Development Application which Council has determined not to reject under section 39 of the Regulation.
- (c) Council may submit a request under this clause in relation to a Development Application even if Council has commenced preparation of its own report assessing the Development Application.

### **3.3 Determination of requests to receive Services**

- (a) Within one week of the close of an EOI for Quarterly Tranches and within three days of the close of an EOI for Monthly Sub-Tranches, or such further time as determined by the Department in its sole discretion, the Department must:
  - (i) determine either to accept or reject a request made under clause 3.2; and
  - (ii) notify Council in writing of its determination (which may be provided by email) in relation to each request.
- (b) Council acknowledges and agrees that the Department's determination under clause 3.3(a):
  - (i) is at the Department's sole discretion;
  - (ii) is made having regard to eligibility criteria set out in the Program Guidelines; and
  - (iii) is, for Quarterly Tranches, the result of an evaluation committee process which:
    - (A) may involve input from evaluation committee members who are officers of other NSW Government agencies; and
    - (B) may include evaluation based on a comparison of Council's request against requests for Services made by other Participants.

### **3.4 Variations to determinations in relation to Services**

- (a) At its sole discretion, the Department may seek Council's agreement at any time to withdraw a rejection notified under clause 3.3(a)(ii) and, with Council's agreement, determine to provide Services in relation to that Development Application.
- (b) At any time and at its sole discretion, Council may request that the Department ceases to provide Services in relation to a Development Application and if so requested, the Department must immediately cease.
- (c) Only after consulting with Council, the Department acting reasonably may cease to provide Services in relation to a Development Application for any reason.

### **3.5 Provision of information to the Department**

After being notified that the Department will provide Services in relation to a Development Application, Council must provide the Department with any information required in Annexure B of the Program Guidelines, in accordance with any timeframes set out in the Program Guidelines.

## **4. Delivery of Services**

### **4.1 Commencing the Services**

- (a) Following Council's provision of information to the Department under clause 3.5, the Department will prepare an Assessment Report for the relevant Development Application.
- (b) Council will appoint an officer of Council to be the point of contact responsible for the Development Application and the Department's officer responsible for preparing the Assessment Report will liaise directly with Council officer on any issues relating to the Services.
- (c) At the Department's discretion, but only after consultation with Council, the Department may prepare an Assessment Report with the assistance of peer review from another appropriately qualified person.
- (d) At all times, Council remains responsible for its own administration processes, including but not limited to any notification and exhibition requirements, the collation of submissions, internal and external agency referrals, notifications to regional planning panels, and uploading of documentation to the NSW Planning Portal.

### **4.2 Provision of additional information**

- (a) If requested by the Department at any time, Council must:
  - (i) assist the Department to facilitate a site inspection in relation to the Development Application;
  - (ii) brief the Department or provide any further information requested in relation to any aspect of the Development Application; and
  - (iii) issue a request for additional information to the applicant for the Development Application, in accordance with the Regulation.
- (b) Council must promptly:
  - (i) advise the Department if any issues come to Council's attention that may result in an increased scope for, or a potential refusal of, the Development Application; and
  - (ii) provide the Department with any information it receives or that arises while the Services are being provided that is relevant to the provision of the Services including, but not limited to, any amendments to the Development Application.

### **4.3 Effect of merit appeal on provision of Services**

- (a) If a merit appeal in Class 1 of the Land and Environment Court pursuant to section 8.7 of the Act commences before the Services are completed:
  - (i) Council must inform the Department of the appeal within 2 Business Days of being served the originating process for the appeal; and
  - (ii) upon being notified of the appeal, the Department will cease the Services in relation to the Development Application the subject of the appeal.
- (b) Council may request that the Department continue to provide the Services in relation to the Development Application the subject of the merit appeal and the Department may, at its sole discretion:
  - (i) continue to prepare the Assessment Report; or

- (ii) cease all work in relation to the Assessment Report.

#### **4.4 Completion of Services**

- (a) When the Department considers that an Assessment Report is ready for Council's initial review, the Department will provide Council with a version of the Assessment Report as a 'final draft for review'.
- (b) The Council may engage with the Department in relation to the content of the Assessment Report provided under clause 4.4(a), including requesting information and proposed amendments, and the Department will assist the Council cooperatively in this engagement.
- (c) The Services are taken to be complete in relation to a Development Application when the Department re-issues a 'final' version of the Assessment Report to Council following Council's engagement under clause 4.4(a).
- (d) Upon completion of the Services with respect to a Development Application under this clause:
  - (i) the Department transfers all intellectual property rights in the Assessment Report to Council; and
  - (ii) Council provides a non-exclusive, non-revocable licence in the Assessment Report to the Crown in right of New South Wales, represented by the Department, at no cost.
- (e) To allow Council to fulfil any of its statutory duties relating to the determination a Development Application under the Act:
  - (i) Council may continue to liaise with the Department to seek further information in relation to any aspect of the Assessment Report despite the Services being completed under this clause; and
  - (ii) the Department will assist Council with its requests for further information, to assist in the achieving the purpose of the Program.

#### **4.5 No payment for Services**

The Services are delivered by the Department free of charge to Council.

### **5. Dispute resolution**

#### **5.1 Notice of dispute**

If any dispute arises in relation to this Deed, including in relation to its interpretation or any aspect of its performance, a party may give written notice of dispute (**notice of dispute**) to the other party which:

- (a) states that a dispute has arisen;
- (b) specifies the nature of the dispute; and
- (c) requests that a meeting of the authorised representative of each party be held within 5 Business Days.

## **5.2 Meetings between authorised representatives**

If a party receives a notice of dispute from any other party in accordance with clause 5.1, that party must cause an authorised representative to attend at the meeting referred to in the notice of dispute, which meeting may be held by contemporaneous linking by telephone or live audio visual transmission (or similar).

## **5.3 Escalation to senior officers**

If, within 10 Business Days of the meeting referred to in clause 5.2 (or such further period as agreed in writing by them), the Parties do not resolve the dispute, then the Parties are to nominate one officer of each party with greater seniority than the authorised representative under clause 5.2 and at comparable seniority to each other, to meet and resolve the dispute.

## **5.4 Dispute resolution and mediation**

If, within 10 Business Days of the meeting referred to in clause 5.3 (or such further period as agreed in writing by them), the Parties do not resolve the dispute, then the dispute will be escalated for resolution by a Director of the Department and an equivalent level of officer at Council, both with greater seniority than the senior officers nominated under clause 5.3.

# **6. Confidentiality and Privacy**

## **6.1 Confidential information**

- (a) In this Deed, 'Confidential Information' means information that is by its nature confidential or which a party ought reasonably to know is confidential, disclosed or provided in any form by any party to the other party in connection with the subject matter of this deed, not including information that is in or enters the public domain through no fault of a party or made available to a party by a person not then under an obligation of confidence to the party in relation to that information.
- (b) Subject to this clause, each party must maintain in confidence all Confidential Information and ensure that the Confidential Information is kept confidential, but may reveal Confidential Information to its professional advisers to obtain professional advice, and also to another party if required by law to disclose the Confidential Information.

## **6.2 Privacy**

Both parties acknowledge that their respective officers will operate in accordance with any policies and protocols adopted by their organisations relating to compliance with relevant privacy laws, including for the Department, Information Protection Principles applying to NSW public sector agencies under the *Privacy and Personal Information Protection Act 1988* (NSW).

# **7. Indemnities, liabilities and release**

- (a) In this clause, 'claim' means any cost, expense, loss, damage, claim, action, proceeding or other liability (whether in contract, tort or otherwise), however arising and includes legal costs on a full indemnity basis.
- (b) Council indemnifies the Department for any costs in relation to any Claim, including merit appeal, or proceedings in class 4 or any other relevant class of the Land and Environment Court's jurisdiction or any relevant Court jurisdiction, in relation to the exercise of Council's statutory functions under the Act in relation to the Development Application in respect of which the Department is providing or has provided Services.

- (c) Council indemnifies and must keep indemnified the Department, the Crown in right of the State of New South Wales and their officers, employees and agents from and against any loss (paid or payable including legal costs and expenses on a solicitor/own client basis) or liability incurred or suffered by any of those indemnified arising directly or indirectly from any Claim by any person as a result of or in connection with the provision of the Services.
- (d) Council releases and holds harmless the Department from all liability (in contract, tort (including negligence), under statute, or otherwise arising) in relation to any action or other proceeding or claim for damages or other relief for, or in relation to, any act or matter done or omitted to be done in connection with the provision of the Services.

## **8. General**

### **8.1 Entire Deed**

This Deed contains everything to which the Parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party, before this Deed was executed, except as permitted by law.

### **8.2 No merger**

The rights and obligations of the Parties under this Deed do not merge on completion of any transaction contemplated by this Deed.

### **8.3 Waiver**

The fact that a party fails to do, or delays in doing, something the party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

### **8.4 Variation**

This Deed may be varied by a reissue of an amended version of this Deed executed by both parties.

### **8.5 Costs and duties**

Each party must bear its own costs in relation to the execution of this Deed, including any legal costs.

### **8.6 Governing law and jurisdiction**

This Deed is governed by the law of New South Wales. The parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The parties will not object to the exercise of jurisdiction by those courts on any basis.

### **8.7 Representations and warranties**

Each party warrants and represents to the other party that:

- (a) they have power or enter into this Deed and comply with their obligations under this Deed and that entry into this Deed will not result in the breach of any law;

- (b) this Deed creates legal, valid and binding obligations, enforceable against the other party in accordance with its terms.

## **8.8 Severability**

If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this deed, but the rest of this Deed is not affected.

## **8.9 Further assurances**

Each party must promptly execute all documents and do all things that another party from time to time reasonably requests to affect, perfect or complete this Deed and all transactions incidental to it.

## **8.10 Electronic execution**

- (a) Each party consents to this Deed and any variations of this Deed being signed by electronic signature by a person authorised to sign this Deed.
- (b) The parties agree that electronic signing of this Deed by or on behalf of a party indicates that party's intention to be bound to this Deed.
- (c) A signed copy of this Deed transmitted by email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Deed for all purposes.

## **8.11 Counterparts**

This Deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

Executed as a Deed

Signed, sealed and delivered by [Council]

(ABN [insert]), in the presence of:

.....  
Signatory of Authorised Signatory

.....  
Name and position of Authorised signatory

.....  
Signature of Witness

.....  
Name of Witness

.....  
Date

Signed, sealed and delivered by the Crown in the right of the State of New South Wales acting through the **Department of Planning and Environment (ABN 20 770 707 468)** by its authorised signatory but not so as to incur personal liability:

.....  
Signature of Authorised Signatory

.....  
Name and position of Authorised Signatory

.....  
Signature of Witness

.....  
Name of Witness

.....  
Date



## Schedule 1 – Interpretation clauses

In this Deed unless the context otherwise requires:

- (a) a reference to **this Deed** or another document means this Deed or that other document and any document which varies, supplements, replaces, assigns or novates this Deed or that other document;
- (b) a reference to a **Deed** other than this Deed includes an undertaking, Deed, Deed or legally enforceable arrangement or understanding whether or not in writing;
- (c) a reference to a **document** includes any Deed in writing, or any certificate, notice, instrument or other document of any kind and all amendments or supplements to, or replacements or novations of, that document;
- (d) a reference to a **right or obligation** of a party is a reference to a right or obligation of that party under this Deed;
- (e) a reference to **legislation** or a **legislative provision** includes any statutory modification, or substitution of that legislation or legislative provision and any subordinate legislation issued under that legislation or legislative provision;
- (f) a reference to a **statute, regulation, proclamation, ordinance or by-law** includes all statutes, regulations, proclamations, ordinances or by-laws amending, consolidating or replacing it, whether passed by the same or another Government authority with legal power to do so, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute;
- (g) a reference to a **body or authority** which ceases to exist is a reference to either a body or authority that the parties agree to substitute for the named body or authority or, failing Deed, to a body or authority having substantially the same objects as the named body or authority;
- (h) a reference to a **natural person** includes a natural person, corporation, statutory corporation, partnership, association, trust, joint venture, the Crown or any other organisation or legal entity and any Government authority, and includes their personal representatives, successors and permitted assignees;
- (i) a reference to a **party to a document** includes a reference to the servants, agents and contractors of the party, and the party's successors or assignees;
- (j) a reference to a **corporation** includes its successors and permitted assignees;
- (k) a reference to **Council** includes all successors and permitted assignees;
- (l) a reference to the **recitals**, a **clause**, a **party**, **schedule**, or **annexure** is a reference to the introduction, a clause of, a party to or an annexure to this Deed;
- (m) the **schedules** and **annexures** form part of this Deed, however **clause headings**, the **recitals** and the **table of contents** are inserted for convenience only and do not form part of this Deed;
- (n) **including**, **includes**, **for example** or similar expressions are to be construed without limitation unless express wording is used to indicate otherwise;
- (o) a reference to **any thing** (including any right) includes a part of that thing but nothing in this subclause implies that performance of part of an obligation constitutes performance of the obligation, and requirement to do **any thing** includes a requirement to cause that

thing to be done and a requirement not to do any thing includes a requirement to prevent that thing being done;

- (p) where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (q) a word which denotes the singular denotes the plural, and a word which denotes the plural denotes the singular;
- (r) neither this Deed nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (s) if there is a conflict between a term of this Deed and a term of the Program Guideline, the terms of this Deed prevail.

### Applicant contact details

Title	Mr
First given name	Hanson
Other given name/s	
Family name	Chen
Contact number	0474657254
Email	hansonc@roobuck.com.au
Address	48 EDWARD STREET NARRAWEENA 2099
Application on behalf of a company, business or body corporate	Yes
ABN	29615519349
ACN	615519349
Name	SPECIALIZED ELECTROTECH TRAINING PTY. LTD.
Trading name	SPECIALIZED ELECTROTECH TRAINING PTY. LTD.
Is the nominated company the applicant for this application	Yes

### Owner/s of the development site

Owner/s of the development site	A company, business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	Specialized Electrotech Training Pty Ltd
ABN / ACN	29 615 519 349

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

### Site access details

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	Yes
Provide details	locked gate

### Developer details

ABN	40 139 721 635
ACN	
Name	The Trustee for PICTON BROS UNIT TRUST
Trading name	The Trustee for PICTON BROS UNIT TRUST
Address	183 TALBRAGAR STREET DUBBO 2830
Email Address	grahamemiller@pictonbros.com.au

### Development details

Application type	Development Application
Site address #	1
Street address	28 WARRENA STREET WALGETT 2832

Local government area	WALGETT
Lot / Section Number / Plan	D/-/DP392928 <input checked="" type="checkbox"/> A/-/DP392928 <input checked="" type="checkbox"/>
Primary address?	Yes
Planning controls affecting property	Land Application LEP Walgett Local Environmental Plan 2013 Land Zoning R1: General Residential Height of Building 10 m Floor Space Ratio (n:1) NA Minimum Lot Size 700 m² Heritage NA Land Reservation Acquisition NA Foreshore Building Line NA

#### Proposed development

Proposed type of development	Bed and breakfast accommodation Restaurant or cafe
Description of development	The proposed works are as follows: Use of site for a cafe and Cabins for bed and breakfast accommodation The cafe will sell light meals ,tea, coffee and drinks to both persons staying in the cabins and local residents and visitors , The food and drink for the cafe will be prepared in a mobile kitchen truck ( to be permanently installed) There will be up to two persons working at the site A total of six cabins are proposed for bed and breakfast accommodation on site
<b>Dwelling count details</b>	
Number of dwellings / units proposed	6
Number of storeys proposed	1
Number of pre-existing dwellings on site	0
Number of dwellings to be demolished	0
Existing gross floor area (m2)	1,000
Proposed gross floor area (m2)	350
Total site area (m2)	1,000
<b>Cost of development</b>	
Estimated cost of work / development (including GST)	\$273,178.94
Do you have one or more BASIX certificates?	No
<b>Subdivision</b>	
Number of existing lots	
Is subdivision proposed?	No
<b>Proposed operating details</b>	
Number of staff/employees on the site	4

#### Number of parking spaces

Category of development	Car parking spaces	Motorcycle spaces	Bicycle spaces
Residential accommodation	6	0	0



Total	6	0	0
Number of loading bays			
Is a new road proposed?	No		
Concept development			
Is the development to be staged?	No, this application is not for concept or staged development.		
Crown development			
Is this a proposed Crown development?	No		

#### Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a voluntary planning agreement (VPA) ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

## Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

First name	hanson
Other given name(s)	
Family name	chen
Contact number	0474657254
Email address	hansonc@roobuck.com.au
Billing address	6/20 west Street Bookvake NSW 2100

## Application documents

The following documents support the application.

Document type	Document file name
Cost estimate report	Specialized Electrotech Training PL~28 Warrena St~Walgett~Cost Estimate
Site plans	28 Warrena Street, Walgett Rev-6
Statement of environmental effects	SEE Rev 3 - 28 Warrena St Walgett
Waste management plan	WMP Rev 3 - 28 Warrena St Walgett

## Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	

**David Carey**  
Town Planning and Development

## Statement of Environmental Effects

Accompanying a development application for

Development of a cafe and bed & breakfast service

At

Lot D DP 392928  
28 Warrena Street Walgett

November 2022

Statement of Environmental Effects  
28 Warrena Street Walgett

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Statement of Environmental Effects  
28 Warrena Street Walgett

**1. Introduction**

This statement of environmental effects has been prepared by David Carey Town Planning and Development on behalf of Hanson Chen to accompany a development application for development of a cafe and bed & breakfast service at 28 Warrena Street Walgett. The application is being submitted pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions and objectives of Walgett LEP 2013 and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

The proposed use is suitable for the existing site. The impacts of the development are minor and they will not have an adverse impact on the surrounding area. Overall, the development will have a net positive impact on the Walgett LGA.

This statement has been prepared having regard to the following documentation:

- Architectural plans prepared by Dmytro Kopylov

## 2. Site description and analysis

### 2.1 Location and property description

The site consists of one torrens title lot, with a legal property description of Lot D DP 392928. The street address of the site is 28 Warrena Street Walgett.



Figure 1 – Aerial view of site (Six Maps)

### 2.2 Site characteristics

The total site has an area of 1011.58m<sup>2</sup>. The site is currently vacant, having previously been occupied by a dwelling house which has since been demolished.

All services are available to the property and the site has access from Warrena Street.

### 2.3 Surrounding development

The site is located within a residential area approximately 500m from the centre of Walgett. The site is approximately 70m from the town's flood levy and the Namoi River.

### **3. Details of proposal**

#### **3.1 Proposed works**

The proposed works are as follows:

- Use of site for a cafe and cabins for bed and breakfast accommodation

The cafe will sell light meals, tea, coffee and drinks to both persons staying in the cabins and to local residents and visitors. The food and drink for the cafe will be prepared in a mobile kitchen truck (to be permanently installed).

There will be up to two persons working at the site.

A total of six cabins are proposed for bed and breakfast accommodation on the site. One of these cabins may be occupied by the persons working at the property.

The proposed cafe hours of operation are 7am to 6pm, seven days per week. The bed and breakfast accommodation will operate seven days per week.

A large skip bin for waste and recycling will be stored on the site behind the building line and collected by Council or a private contractor. There will be emphasis on the recycling of food and plant waste on the site through composting rather than sending to landfill.

A small sign may be erected at the front of the site, however this sign will meet the exempt development requirements of State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 and is therefore not required to be included in the application.

#### **4 Clause 4.15 -Matters for consideration**

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

*(a) the provisions of:*

*(b) (i) any environmental planning instrument*

#### **Walgett Local Environmental Plan 2013**

The subject site is zoned R1 General Residential under the Walgett LEP 2013. The objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable development that is compatible with the surrounding residential environment and that is unlikely to adversely affect the amenity of residential development on land in the zone.*

The development is consistent with the above objectives as it provides for the housing needs of the community and also other land uses that provide facilities and services to meet the day to day needs of residents.

The development meets the definitions of a “cafe” and “bed and breakfast accommodation”, all of which are permitted within the R1 zone.

#### **Clause 4.3 Height of buildings**

A maximum height of buildings of 10m is applicable to the site. The maximum height of the building is 4m and the development complies with this clause.

#### **Clause 5.4 Controls relating to miscellaneous permissible uses**

This clause provides that if development for the purposes of bed and breakfast accommodation is permitted under this plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms. All of the proposed cabins are studios and no specific bedrooms are proposed. There are six cabins, one of which will be used by workers at the site. The proposed development complies with this clause.

#### **Clause 6.1 Earthworks**

This clause provides that before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

Statement of Environmental Effects  
28 Warrena Street Walgett

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The site is relatively flat, with a fall of a maximum around 50cm across the site. Accordingly, only very minor cut and fill is proposed to facilitate the proposed buildings. It will not have any significant impact on drainage patterns, the amenity of adjoining properties, relics, or any environmentally sensitive area. No fill is required to be brought onto the site to facilitate the proposal. The proposed development complies with this clause.

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28 Warrena Street Walgett

**(iii) any development control plan**

**Walgett Development Control Plan 2016**

Walgett Shire Development Control Plan 2016 is applicable to the development. The table below details compliance with relevant clauses.

Clause	Required	Proposed	Complies
<b>4.6.1 Building setbacks</b>	R1 General Residential Zone  Street frontage minimum 4.5m, 5.5m to garage Side/rear boundary minimum 1m (675mm to roof eaves, sunhoods, gutters, downpipes, chimney flues, light fittings, electricity gas meters and aerals)	Front setback 13.2m  Side setback to cabins 1m. Rear setback 3m	Yes  Yes
<b>4.6.2 Density</b>	- Minimum area per dwelling is 500 m2 in the General Residential (R1) Zone	Not applicable, no dwellings proposed, bed and breakfast cabins only	N/A
<b>4.6.3 Design</b>	- For corner lots, dwellings be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where access shall be obtained from the lesser street classification. - No continuous section of wall built on a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m.	Not applicable, site not a corner lot  No walls to boundary proposed	N/A  N/A
<b>4.6.4 Building height</b>	Measured from natural ground level to: - Topmost ceiling: maximum 7.2m.  - Top of the ridge: maximum 10m (note maximum building height set by the LEP).	Maximum wall to ceiling height 2.14m Proposed maximum building height 4m	Yes  Yes
<b>4.6.5 Utility infrastructure protection</b>	Refer to Appendix A for Council's requirements for the protection of utility infrastructure.	To comply	Yes
<b>4.6.6 Site coverage</b>	- Residential zones: Maximum site coverage of 75% (includes all hardstand areas).	Site coverage 64.97%	Yes
<b>4.6.7 Solar access</b>	- Shadow diagram are required for developments of $\geq 2$ storeys and need to demonstrate habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).	Not applicable, development less than two storeys	N/A
<b>4.6.8 Privacy</b>	(1) A window in a new dwelling house or a new window in any alterations or additions to an existing dwelling house must have a privacy screen if: (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 0.7 metres above ground level (existing), and (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and (c) (2) A new balcony, deck, patio, pergola, terrace or verandah and any alterations to an existing balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it: (a) has a setback of less than 2m from a side or rear boundary, and (b) has a floor area more than 3m <sup>2</sup> , and (c) has a floor level more than 0.7 metres above ground level (existing). (3) A detached deck, patio, pergola or terrace or any alterations or	Not applicable, no dwellings proposed and bed and breakfast cabins are single storey only  Not applicable  Not applicable	N/A  N/A  N/A

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	additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 0.7 metres above ground level (existing).		
<b>4.6.10 Access</b>	<ul style="list-style-type: none"> <li>- All weather 2WD access is required to the dwellings.</li> <li>- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.</li> <li>- Stack parking is not deemed to satisfy parking requirements.</li> <li>- All parking and manoeuvring areas to be hardstand (pavers or concrete).</li> <li>- Developments requiring 4 or more car spaces are to provide adequate turning dimensions to allow all vehicles to enter and leave the site in a forward direction.</li> </ul>	Car parking provided at front To comply  Not applicable Proposed parking spaces to be sealed Not proposed	Yes Yes N/A Yes N/A
<b>4.6.11 Landscaping</b>	<ul style="list-style-type: none"> <li>- Minimum of 50m<sup>2</sup> of landscaping for each dwelling, of which 50% must be planted garden areas.</li> <li>- Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.</li> <li>- Landscaping shall comprise only native, drought and frost tolerant species.</li> <li>- Landscaping shall allow solar access to windows, solar collectors, living areas and drying areas in winter and shade to buildings and outdoor spaces in summer.</li> <li>- Minimum width of 2m required for all landscaped areas.</li> </ul>	Not applicable, no dwellings proposed Complies  To comply  To comply  For note	N/A Yes Yes Yes For note
<b>4.6.12 Private open space</b>	<ul style="list-style-type: none"> <li>--Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access. Private Open Space Location Minimum Amount</li> <li>Minimum Dimension North 35 m<sup>2</sup> 4 m x 4 m East 50 m<sup>2</sup> 4 m x 4 m South 60 m<sup>2</sup> 4 m x 4 m West 45 m<sup>2</sup> 4 m x 4 m</li> <li>- Must be directly accessible from a living area.</li> <li>- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.</li> </ul>	Not applicable, no dwellings proposed	N/A
<b>4.6.13 Outdoor lighting</b>	<ul style="list-style-type: none"> <li>- Must provide certification of compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting if &gt;10 dwellings proposed.</li> </ul>	Not applicable, 10 dwellings not proposed	N/A
<b>4.6.14 Adaptability</b>	Development of 5 or more units must provide 1 in 5 units capable of conversion to adaptable housing in accordance with AS4299 Adaptable Housing, Class C level.	Not applicable, units not proposed	N/A
<b>4.6.15 Facilities</b>	<ul style="list-style-type: none"> <li>- Screened garbage storage required inside front property boundary, at the rear of each unit or within garages. Storage locations to be included in landscape plan.</li> <li>- Clothes drying facilities required free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.</li> </ul>	All garbage bins to be stored behind building lines All clothes drying to occur behind building lines	Yes
<b>4.6.16 Utilities and services</b>	<ul style="list-style-type: none"> <li>- Multi- dwellings not permitted on land without Council sewer or effluent services.</li> <li>- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.</li> </ul>	Not applicable, multi dwelling housing not proposed Necessary services available to proposed development	N/A Yes
<b>4.6.17 Storage</b>	<ul style="list-style-type: none"> <li>- Must provide a minimum of 5m<sup>3</sup> of dedicated storage area per dwelling in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, linen press).</li> </ul>	Not applicable, no dwellings proposed	N/A
<b>4.6.18 Fencing</b>	<ul style="list-style-type: none"> <li>- Street fencing shall be open, or a combination of open panels and masonry columns, to a maximum height of 1.8 metres generally, 1.5 metres within the building setback, and 1.5 metres in Fox, Wee Waa, Opal, and Morilla streets..</li> <li>- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.</li> <li>- Street fencing details are required with DA for dwelling.</li> </ul>	Not applicable, street fencing not proposed  Not applicable, street fencing not proposed  Not applicable, street	N/A  N/A N/A

Statement of Environmental Effects  
28 Warrena Street Walgett

	<ul style="list-style-type: none"> <li>- No barb wire is permitted.</li> <li>- Solid panel fencing is not permitted forward of the building line, unless otherwise exempted by legislation.</li> <li>- Street fencing details are required with DA for dwelling.</li> </ul>	fencing not proposed Not proposed Not proposed  Street fencing not proposed	N/A N/A  N/A
<b>4.6.19 Outbuildings and detached garages</b>	<ul style="list-style-type: none"> <li>- Not within building setback.</li> <li>- If in front of main dwelling, it must: Match construction theme; Match roof pitch; and Appear like part of the habitable dwelling.</li> <li>- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5).</li> </ul>	No outbuildings proposed within front setback Not applicable  Not applicable	N/A N/A  N/A
<b>2.6.21 Water tanks</b>	<ul style="list-style-type: none"> <li>- Located behind the street setback of the existing dwelling.</li> <li>- Maximum height of 3.2 metres.</li> </ul>	Not applicable	N/A
<b>4.9.1 Outdoor lighting</b>	- Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	To comply	To comply
<b>4.9.4 Outdoor signage</b>	<ul style="list-style-type: none"> <li>- A single business premises is permitted to have: one under awning sign, one top hamper sign, and one fascia sign, that do not project above or beyond that to which it is attached. One of which may be illuminated, but not flashing, moving or floodlit.</li> <li>- Design and location of signage must be shown on plans with DA.</li> <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> <li>- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.</li> </ul>	Not applicable, any signage to be installed will meet the exempt development requirements of State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	N/A
<b>4.9.5 Design</b>	<ul style="list-style-type: none"> <li>- Any security measures employed to protect windows or doors facing streets must not have: Bars. Heavy gauge wire mesh (note that 'crimsafe' style meshes are acceptable). Exterior roller shutters.</li> <li>- Such security measures installed on existing commercial premises are to be removed within 12 months of the issue of a Development Consent.</li> <li>- Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.</li> <li>- The design of new buildings must reflect and enhance the existing character of the business precinct.</li> <li>- Building design for new structures must relate to their retail/ commercial/ office function with quality materials at the pedestrian level. Damaged external surfaces on the front façade of existing buildings are to be repaired within 12 months of the issue of a Development Consent for a Change of Use.</li> <li>- Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.</li> <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> <li>- Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.</li> </ul>	To comply  Not applicable, not an existing commercial premises Complies  Buildings designed to be sympathetic with character of area Proposed buildings related to proposed use and no damaged external surfaces exist Not proposed  Not applicable  Not applicable	Yes  N/A  Yes  Yes  N/A  N/A  N/A
<b>4.9.7 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> <li>- Applications must demonstrate adequate provision for storage</li> </ul>	All of these services already exist to the property as it is already a subdivided/ developed block Area exists for	Yes  Yes



Statement of Environmental Effects  
28 Warrena Street Walgett

	and handling of solid wastes. - 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.	storage of bins To be lodged after development application	Yes
<b>4.9.9 Traffic and access</b>	- All vehicles must be able to enter and exit the site in a forward direction.	Complies	Yes
	- Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.	Complies, area available for pedestrian access	Yes
	- Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas must be designed relative to intended use.	Sealed driveway proposed	Yes
	- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.	Not proposed	N/A
	- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.	Not applicable, loading bay not required based on scale of development	N/A
	- Site access not permitted: Close to intersection or roundabouts with inadequate sight distances; Where there is heavy and constant pedestrian movement on the footpath; Where right turning traffic entering the site may obstruct through traffic.	Not applicable	N/A
	-- 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.	Not applicable	N/A
<b>4.9.10 Parking</b>	- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.	Only one ingress and egress proposed	Yes
	- Driveways must be provided in accordance with AS 2890.1 Parking Facilities.	Not applicable	N/A
<b>4.9.10 Parking</b>	(Rate not specified for cafes and bed and breakfast accommodation)  NB. Other land use requirements are provided in Parking Schedule of the Discretionary Development Standards.	Level of parking appropriate to proposed use	Yes
<b>4.9.12 Landscaping</b>	- Edging is to be provided to retain mulch and protect the landscaping from damage from vehicles.	To be provided	Yes
	- Landscaping shall comprise only low maintenance, drought and frost tolerant species.	To comply	Yes
<b>6.1 Environmental Effects</b>	The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to: Traffic Flood liability Slope Construction impacts Solid and Liquid Waste Air quality (odour and pollution) Noise emissions Water quality Sustainability	These matters are addressed in SEE	Yes
<b>6.2 Soil and erosion control</b>	Walgett Shire is located within a semi-arid area and most (about 85%) is flood plain. Ground cover vegetation generally covers 60 to 70% of the soil. Generally erosion and sediment control measures are not required on land with a gradient less than 1:50 (11°). On sites with gradients higher than 1:50 or where there is evidence of existing erosion applicants should consider: - The need to manage runoff to prevent any land degradation including offsite sedimentation; - Cut and fill will be minimised and the site stabilised during and after construction; and - Arrangements in place to prompt revegetation of earthworks to minimise erosion.	Soil and erosion control measures to be implemented in accordance with the requirements of the "Blue Book"	Yes
<b>6.3 Vegetation</b>	Development design shall accommodate the retention of any significant trees and vegetation.	There are no significant trees on the site. Some insignificant trees will be removed as part of the proposed	Yes

Statement of Environmental Effects  
28 Warrena Street Walgett

		development.	
<b>6.4 Waste Management</b>	General waste storage and collection arrangements shall be specified.	Waste and recycling to be stored in a skip bin behind building line to be collected by Council or a private provider	Yes
<b>6.5 Noise</b>	- Where relevant, applications are to contain information about likely noise generation and the method of mitigation.	Specified in statement of environmental effects	Yes
<b>6.6 Geology</b>	- 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.	Addressed as part of design and statement of environmental effects	Yes
<b>6.7 Stormwater</b>	<p>Intense rainfall events occasionally occur in the region, especially during summer. This can result in 100mm or more of rainfall in less than 60 minutes. Adverse impacts from excessive or poorly managed stormwater commonly includes:</p> <ul style="list-style-type: none"> <li>- Overland flows entering buildings built at, or near, ground level. This issue affects all areas, including sites on low lying land and ridges.</li> <li>- Roof gutters discharging water in and around buildings.</li> <li>- Stormwater channels and pipes discharging water in unintended places.</li> <li>- Localised flooding.</li> <li>- Pooling and retention of water which forms a habitat for mosquitoes to breed in. It is recommended that developers consider constructing all proposed buildings with floor levels at least 225mm above mean natural ground level to reduce the risk of stormwater inundation.</li> </ul> <p>General design considerations for stormwater disposal include:</p> <ol style="list-style-type: none"> <li>1. Residential development where stormwater discharges into kerb and gutter, formed dish/spoon drain or stormwater channel: <ul style="list-style-type: none"> <li>- No more than one 100mm discharge point.</li> </ul> </li> <li>2. Residential development outside urban areas: <ul style="list-style-type: none"> <li>- Discharge on the downhill side at least 3 metres away from any structure and designed not to cause erosion.</li> </ul> </li> <li>3. Commercial development where stormwater discharges into kerb and gutter or formed dish/spoon drain within the road reserve: <ul style="list-style-type: none"> <li>- One 100mm discharge point to any drainage system within the road reserve for buildings &lt; 2000m<sup>2</sup> GFA</li> <li>- No more than two 100mm discharge points to any drainage system within the road reserve for buildings &gt; 2000m<sup>2</sup> GFA</li> <li>- Over land to a dam or other water body that does not create a nuisance to adjoining properties or erosion.</li> </ul> </li> <li>4. Commercial development where stormwater discharges into a dedicated stormwater channel defined as Council's Infrastructure: <ul style="list-style-type: none"> <li>- No more than one 300mm discharge point with head wall.</li> </ul> </li> <li>5. Commercial development where no Council Infrastructure is available: <ul style="list-style-type: none"> <li>- Stormwater must be piped onto a hardened surface and directed away from any building, or</li> <li>- Stormwater must be piped a minimum of 3.0 metres clear of any building to a rubble pit.</li> </ul> </li> <li>6. Other design considerations include: <ul style="list-style-type: none"> <li>- Stormwater must be disposed in a manner which will not create any additional nuisance to adjoining properties;</li> <li>- Drainage from evaporative air conditioners is to be directed onto lawn and garden areas only. It is not to be disposed of into Council's storm water or sewerage systems;</li> <li>- Rural properties must have a 20,000L water supply with 65mm metal Storz outlet with a gate or ball valve is provided for firefighting purposes on the site. The gate or ball valve, pipes and</li> </ul> </li> </ol>	Stormwater to be piped to the street in accordance with Council's requirements	Yes

Statement of Environmental Effects  
28 Warrena Street Walgett

	tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction.		
<b>6.9.4 Permissible treatment systems</b>	The installation of the following treatment systems is permitted with the approval of Council subject to consideration of near surface water table: · Septic tanks; · Wet Composting toilets; · Waterless composting toilets AS/NZ 1546.2:2001; · Incinerating toilets; · Aerated Wastewater Treatment Systems (AWTS) AS/NZ 1546.3; · Bio filters; · Reed beds or constructed wetlands; · Sand filters; · Mound system; · Greywater treatment systems - AS/NZ 1546.2 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets -AS/NZ 1546.3 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems; · Any other system that stores, treats and/or disposes of sewage and wastewater on site that is accredited by NSW Health; · Pump out systems will only be permitted on industrial sites or for public infrastructure; and · Chemical closets are permitted under certain circumstances (temporary facilities).	Waterless urinals and composting toilets proposed in accordance with this clause	Yes

***(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F***

Not applicable.

***(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

None applicable.

***(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,***

The proposed development will not create significant environmental impacts on the natural and built environments. The proposed development involves small scale works and is suitable within the context of the residential zoned site and developed area within the town.

The development will have no adverse social impact on the surrounding area.

Economic benefits will occur as a result of greater business activity and new accommodation within the Walgett local government area.

***(c) The suitability of the site for the development,***

The proposed development is permissible under relevant planning controls; it is compatible with surrounding land uses and supports the use of a residential site for purposes permissible under the zoning and planning controls.

The proposed use is also complimentary to other uses within the town.

***(d) any submissions made in accordance with this Act or the regulations,***

Consideration will be given to any submissions made as a result of Council's consultation and notification processes.

***(e) the public interest.***

Statement of Environmental Effects  
28 Warrena Street Walgett

No adverse impacts relating to the public interest are expected to arise from the proposal. The proposal supports the use of the site for purposes consistent with the zoning and planning controls.

## **5.0 Other considerations**

### **5.1 Visual Impacts**

The development will have suitable visual impacts. The proposed structures will be set back from the front, side and rear boundaries and new landscaping will be provided. The development will be a visual improvement compared to the currently vacant site.

### **5.2 Open Space**

The development will create no additional demand for open space.

### **5.3 Overshadowing and Privacy**

The development will have no significant overshadowing or privacy impacts. The proposed structures are single storey.

### **5.4 Noise**

The development is expected to generate minimal adverse noise impacts - being relatively low impact uses. Hours of operation for the cafe will be limited to between 7am and 6pm. The bed and breakfast accommodation will have a similar noise profile to typical residential accommodation. The manager will control noise on the site and ensure that any large sources of noise are mitigated.

### **5.5 Erosion Control Measures**

Appropriate erosion control measures will be implemented during construction in accordance with "Managing Urban Stormwater: Soils and Construction" published in 2004.

### **5.6 Economic and Social Impacts**

The proposed development is likely to contribute to a range of economic benefits in the Walgett local government and surrounding areas through:

- additional business opportunities within the area
- new short stay accommodation providing facilities for tourists to the area
- employment of persons at the premises
- the use of the site contributing to the ongoing maintenance and viability of the area

The development will have no significant adverse social impacts.

### **5.7 Environmental Benefits**

The proposed development will have minimal adverse impacts on the environment. No significant vegetation is proposed to be removed as the development is located on an existing subdivided/residential zoned site.

### **5.8 Disabled Access**

Disabled access will be provided in accordance with the provisions of the Building Code of Australia.

#### **5.9 Security, Site Facilities and Safety**

A secure entry to the site is available and car parking will be provided at the front of the site. Secure entry will be available to each of the proposed bed and breakfast units.

#### **5.10 Waste Management**

Garbage and recycling will be disposed of as per commercial arrangements to be entered into by the business operator. Food waste and green waste will be composted and reused on the site.

#### **5.11 Building Code of Australia**

The development will comply with the Building Code of Australia.

#### **5.12 Traffic**

The development is not expected to have any significant traffic impact. Six new dedicated car parking spaces will be provided for the proposal in order to meet the expected level of parking demand.

The volume of traffic expected to be generated is well within the capacity of the surrounding street system.

#### **5.13 Stormwater/flooding**

There will be minimal impact on stormwater as the site is mostly pervious and stormwater can drain to the street.

The site is not known to be classified as flood prone and is protected by the town flood levy.

#### **5.14 Bushfire**

The site is not known to be bushfire prone.

## 6.0 Conclusion

The development proposed for the subject site, located at 28 Warrena Street Walgett has been considered in terms of the matters for consideration that are contained within Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979* ("the Act").

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of the relevant provisions of Walgett LEP 2013, which is the principal environmental planning instrument applicable to the subject site. As such, it is considered to be acceptable in terms of Clauses 4.15(1)(a)(i) and 4.15(1)(a)(ii) of the Act.

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of all the relevant aims, objectives and standards contained within the relevant chapters of the Walgett Shire Development Control Plan 2016 and is therefore consistent with Clause 4.15(1)(a)(iii) of the Act.

In addition, the proposed development would have a number of positive effects on both the natural and built environments, as well as a range of social and economic benefits. It is considered unlikely that the proposed development, given its nature, scale and location, would have any detrimental impacts on the built or natural environment or any detrimental social or economic impacts on the surrounding locality. Thus, it is considered to be acceptable in terms of Clause 4.15(1)(b) of the Act.

Further, the subject site, given its location, size and features, and given it is not subject to any significant hazards, is considered to be, pursuant to Clause 4.15(1)(c) of the Act, suitable for the proposed development.

The proposed development will provide for the better use of an existing site within a residential area in the town of Walgett without having any significant adverse impacts on the surrounding area. Thus, the proposed development is clearly in the public interest, and acceptable in terms of Clause 4.15(1)(e) of the Act.

Given the above, the proposed development is worthy of approval, and it is requested that the development application to which this Statement of Environmental Effects relates be approved by Council as submitted.

**David Carey**

Town Planning and Development

## Waste Management Plan

Development of a cafe and bed & breakfast service

At

Lot D DP 392928

28 Warrena Street Walgett

November 2022



**Construction Stage**

Materials on site			Destination		
Type of materials	Estimated volume (m <sup>3</sup> )	Estimated weight (tonnes)	Reuse and recycling		Disposal
			On-site (specify proposed reuse or on-site recycling methods)	Off-site (specify contractor and recycling outlet)	Specify contractor and landfill site
Excavation material	5m <sup>3</sup>	7.5	Reuse on site	Nil	Nil
Green waste	8m <sup>3</sup>	8	Reuse on site for landscaping. Trees to be mulched	Nil	Nil
Bricks	Nil	Nil	Nil	Nil	Nil
Concrete	<1m <sup>3</sup>	<1m	Nil	Send to concrete recycling facility	Nil
Timber	<1m <sup>3</sup>	<1m	Chip and reuse for mulch on the site where appropriate	Return to manufacturer	Nil
Plasterboard	<1m <sup>3</sup>	<1	Nil	Return to manufacturer	Nil
Metals	<1m <sup>3</sup>	<1	Nil	Return to manufacturer or send to recycling facility	Nil
Asbestos	Nil	Nil	Nil	Nil	Nil
Other waste eg. Ceramic tiles, paints, plastics, PVC tubing, cardboard	<1m <sup>3</sup>	<1 tonne	Nil	To recycling contractors	To waste contractors

**Operational Stage**

Number of units/dwellings	6 Bed and breakfast cabins
Number of storeys	1
Estimated garbage generation (litres per week per unit)	140 litres
Estimated recycling generation (litres per week per unit)	140 litres
Describe the equipment and systems used for managing garbage including the location and design of garbage rooms, the type/number of bins, cleaning of bins and movement of bins for collection	Business manager, staff and guests responsible for moving waste from buildings to garbage bins for collection.
Describe the equipment and systems used for managing recycling including the location and design of recycling rooms, the type/number of bins, cleaning of bins and movement of bins for collection. Business manager responsible for moving waste from unit to garbage bins for collection.	Business manager, staff and guests responsible for moving recycling from units to recycling bins for collection.
Describe arrangements for access by occupants to waste facilities	Occupants can access bins in proximity to bed and breakfast units
Describe how noise associated with garbage disposal will be addressed	Not applicable, only expected to be minor consistent with residential bin disposal
Describe facilities for cleaning bins and garbage rooms	Facilities for cleaning bins will be available within the site
Describe measures to manage vermin and pests	Pest control will be carried out regularly by the business manager
Describe measures to manage theft and vandalism of bins	Bins will be stored securely behind the building line
Describe measures to protect the safety of occupants accessing waste storage areas	Bins will be stored securely behind the building line
Describe measures to maximise the appearance of waste storage areas	Not applicable, already screened from view of the street
Describe each stage of waste collection/transfer of bins and describe who will be responsible for each stage	Business manager/staff/guests will place waste from the business into bins within existing designated area. The manager/staff will ensure transfer of the bins to the street for collection on collection day. Contractors will load the garbage or recycling into the collection vehicles to take it away.  Food scraps will be composted and reused on the site
Describe how this waste management plan will be implemented/made aware of	The manager of the business will be responsible for ensuring all staff are aware of it.



**Walton Smith Consultants**

Construction Cost Consultants and Quantity Surveyors

17<sup>th</sup> November 2022

Mr Hanson Chen  
6/20 West Street  
**BROOKVALE NSW 2100**

Email: [hansonc@roobuck.com.au](mailto:hansonc@roobuck.com.au)

Dear Hanson,

**Re: Proposed Bed and Breakfast Accommodation – 28 Warrena Street, Walgett.**

The following is our Cost Estimate for the proposed Bed and Breakfast Accommodation development, based on the following information provided:

Sketch drawings A1 to A8 dated 16<sup>th</sup> October 2020.

Our estimate is **Two Hundred Seventy-Three Thousand and Two Hundred Dollars (\$273,200.00) including GST.**

We have made the following assumptions and allowances: -

1. All services are available to site.
2. 6 Cabins.
3. Patio, Laundry and Accessible Toilet.
4. Bitumen to carpark and concrete vehicular crossover.
5. Paved footpaths/pathways.
6. Concrete area to the rear.
7. Landscaping and lawn area.
8. Existing fencing to remain.

The following are excluded: -

1. Excludes Consultant fees.
2. Excludes Council fees.
3. Mobile kitchen truck which is leased.

Please contact me if you have any questions.

Yours sincerely

**Walton Smith Consultants Pty Ltd**

Graeme Walton-Smith

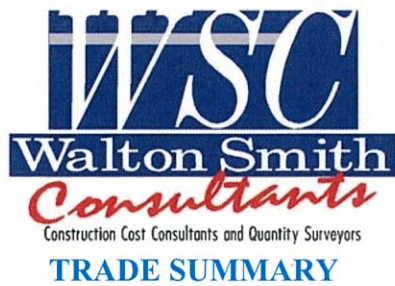
**Quantity Surveyor**

Fellow of the Australian Institute of Quantity Surveyors, B. Build. UNSW

**Quantity Surveyors, Building Consultants and Project Managers**

Tax Depreciation Schedules • Insurance Valuations • Construction Estimating • Cost Planning • Tenders • Bills of Quantities • Pre-purchase Inspections

Suite 1 39-41 Macquarie Street Dubbo NSW 2830 • PO Box 1417 Dubbo NSW 2830 • ACN 63 100 696 866  
Telephone (02) 6882 8552 • Facsimile (02) 6882 8281 • email: [info@wsconsult.com.au](mailto:info@wsconsult.com.au) • web: [www.wsconsult.com.au](http://www.wsconsult.com.au)



18/11/2022      28 Warrena Street, Walgett  
for Specialized Electrotech Training Pty Ltd

Description	Quantity	Unit	Rate	Markup	Total
Earthworks					\$3,500.00
Services - Stormwater, Sewer, Water and Electrical					\$20,780.00
Carparking and vehicle crossover					\$12,577.78
Concrete hardstand area, Footpaths & Landscaping					\$45,724.44
Patio					\$40,909.09
Toilet block					\$23,005.00
Cabins					\$101,848.18
Transportable Kitchen - leased		EXCL			
Subtotal					\$248,344.49
Adjustment					\$0.00
Post adjustment					\$248,344.49
G.S.T [10%]					\$24,834.45
Total					\$273,178.94

USE OF SITE FOR GREENHOUSE AND CABINS FOR BED  
AND BREAKFAST ACCOMMODATION  
28 Warrena St, Walgett NSW 2832, Australia

SCOPE OF WORK:  
USE OF SITE FOR GREENHOUSE AND CABINS FOR BED AND  
BREAKFAST ACCOMMODATION.

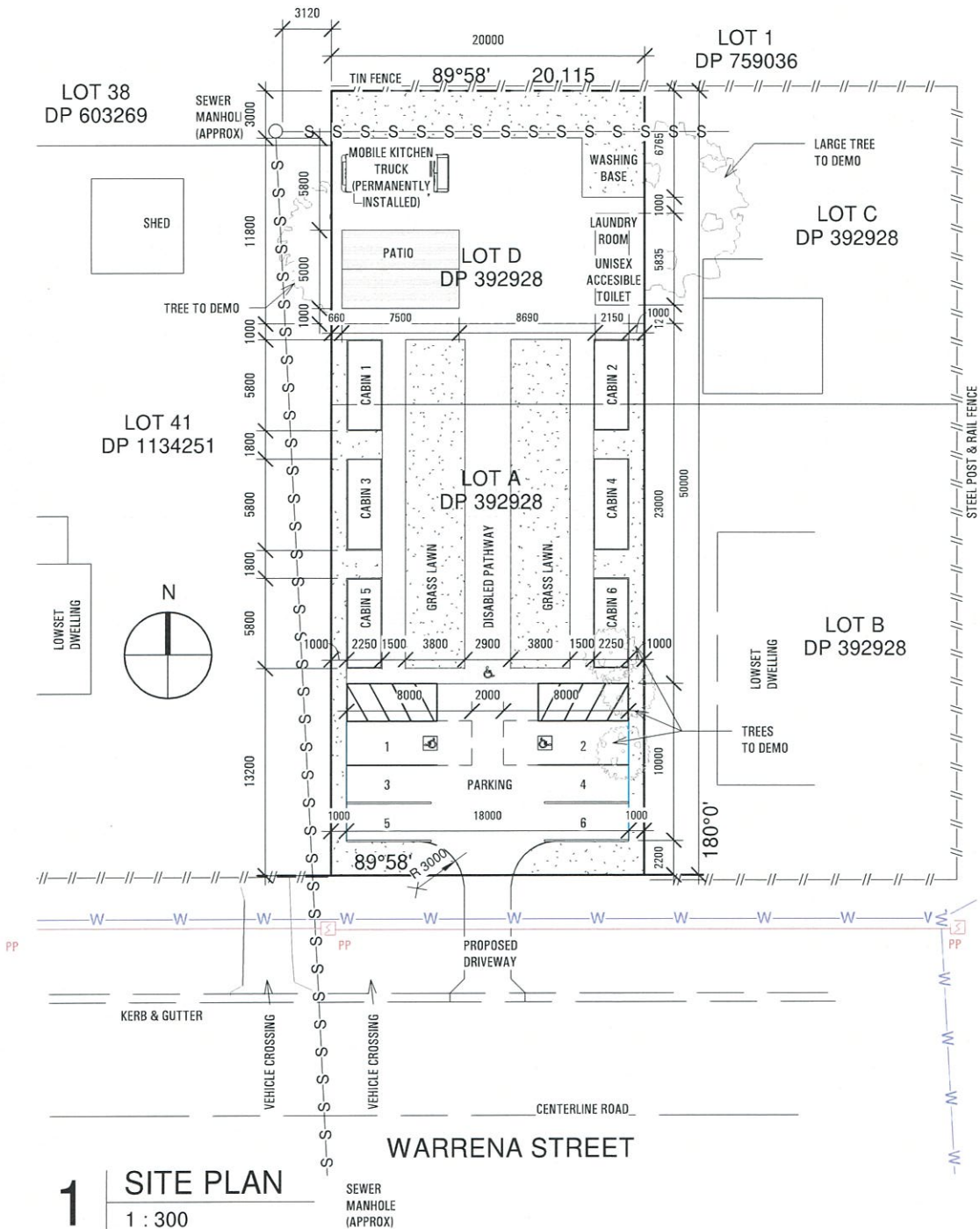


VICINITY MAP

SHEET INDEX

- A1 COVER SHEET
- A2 1ST FLOOR PLAN & PARKING
- A3 ELEVATIONS
- A4 PATIO DETAILS
- A5 PATIO DETAILS
- A6 PATIO DETAILS
- A7 PATIO DETAILS
- A8 ISOMETRIC VIEWS

NOTE: PLANS PROVIDED TO BE USED FOR CHANGE OF  
USE APPLICATION PURPOSES ONLY.  
EXISTING EXTERNAL WORKS & BUILDING DIMENSIONS  
ARE AN APPROXIMATION ONLY



GROSS SITE AREA	1000 M <sup>2</sup>
GROSS FLOOR AREA	78,3 M <sup>2</sup>
FLOOR SPACE RATIO	7,83%
LANDSCAPING AREA	350,3 M <sup>2</sup>
IMPERVIOUS AREA	649,7 M <sup>2</sup> (64,97%)
CAR PARKING	6 SPACES (2 ADA)

Issue	Description	Date
		10/16/20

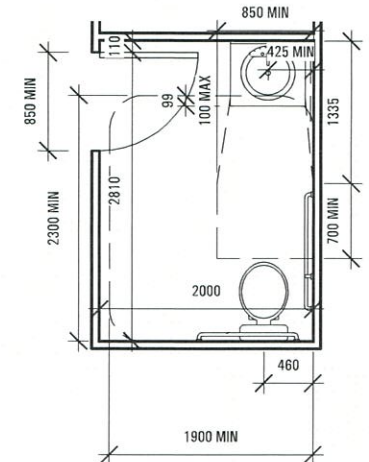
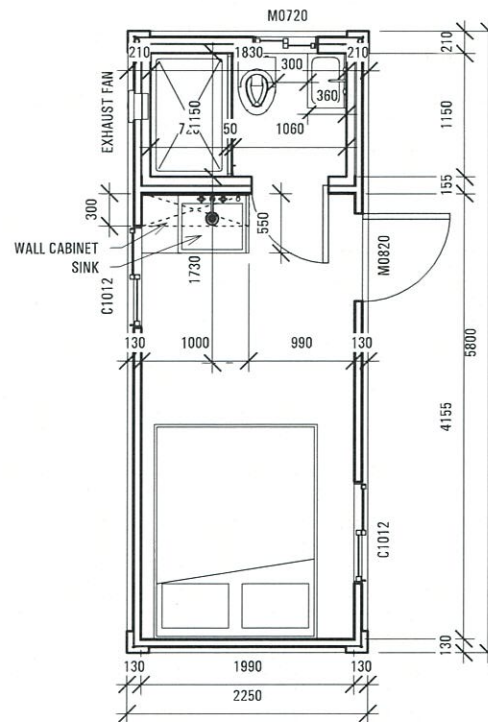
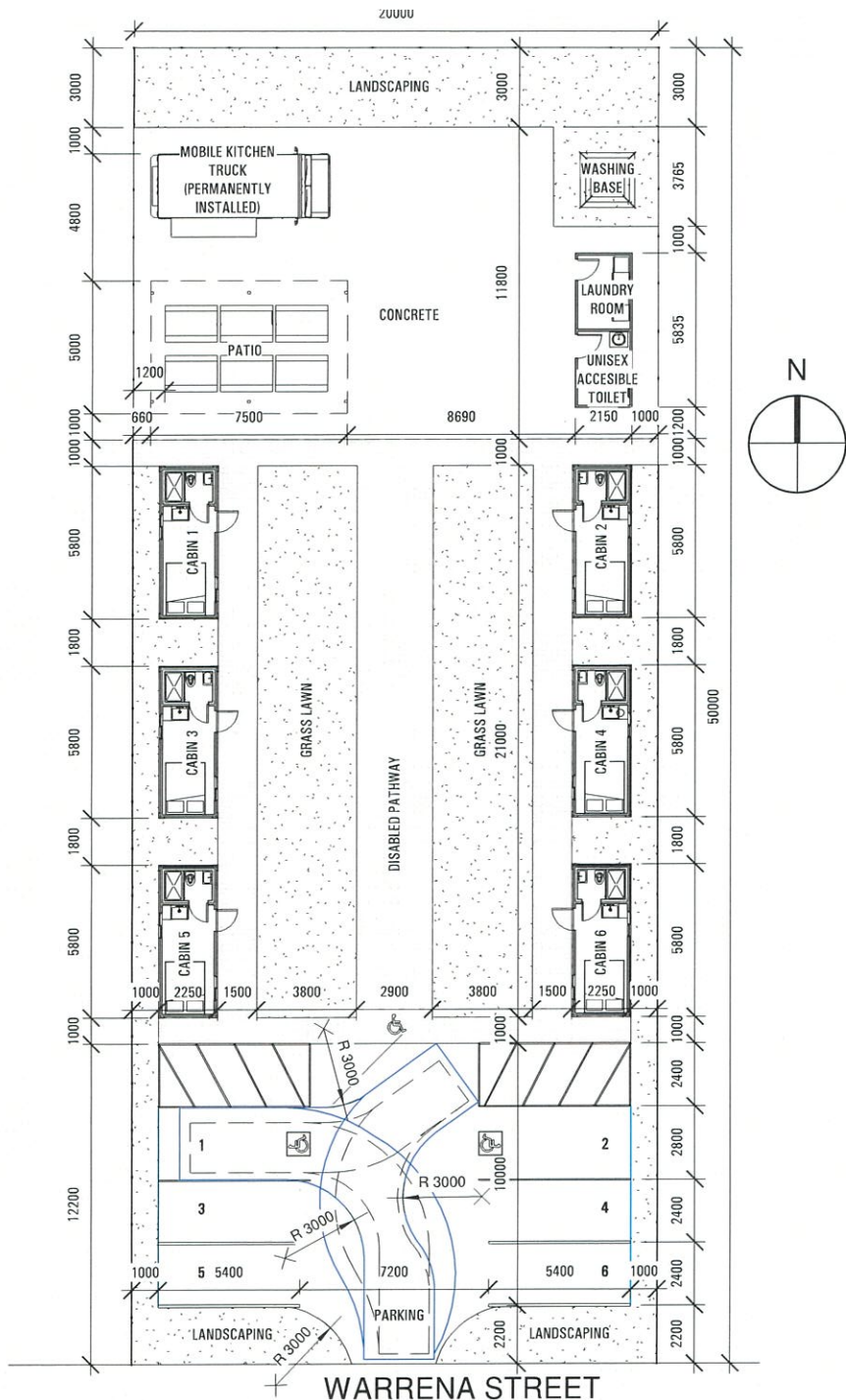
COVER SHEET

Client  
**DAVID CAREY**

Project Name & Address  
**USE OF SITE FOR  
GREENHOUSE AND  
CABINS**  
28 Warrena St, Walgett NSW  
2832, Australia

Date	Sheet
	<b>A1</b>
Scale	1 : 300 @ A3

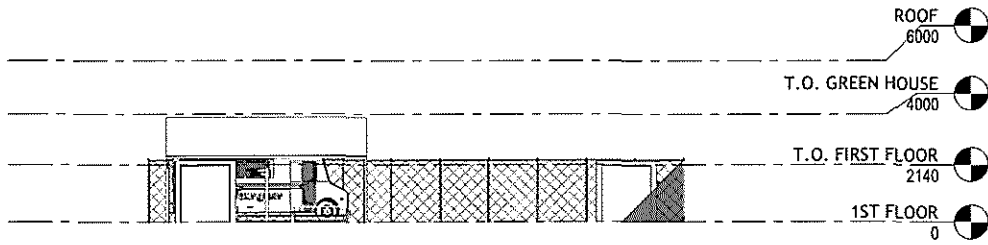




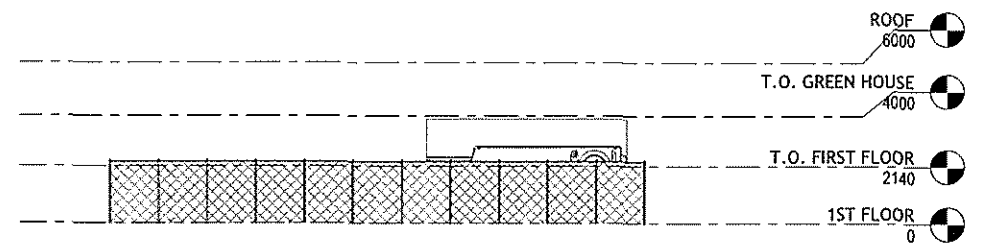
NOTE: WORKS & BUILDING DIMENSIONS ARE AN APPROXIMATION ONLY

NOTE: MOBILE KITCHEN TRUCK IS TO BE PERMANENTLY INSTALLED  
THE AMENITIES BUILDING IS TO BE PERMANENTLY INSTALLED AND  
COMPLY WITH RELEVANT AUSTRALIAN STANDARDS

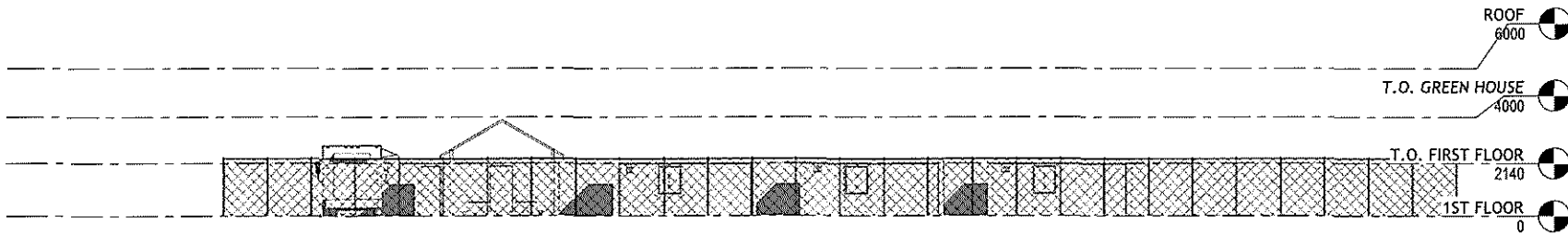
10/16/20		
Issue	Description	Date
1ST FLOOR PLAN & PARKING		
Client DAVID CAREY		
Project Name & Address USE OF SITE FOR GREENHOUSE AND CABINS 28 Warrena St, Walgett NSW 2832, Australia		
Date	Sheet	A2
Scale	As @ A3	indicated



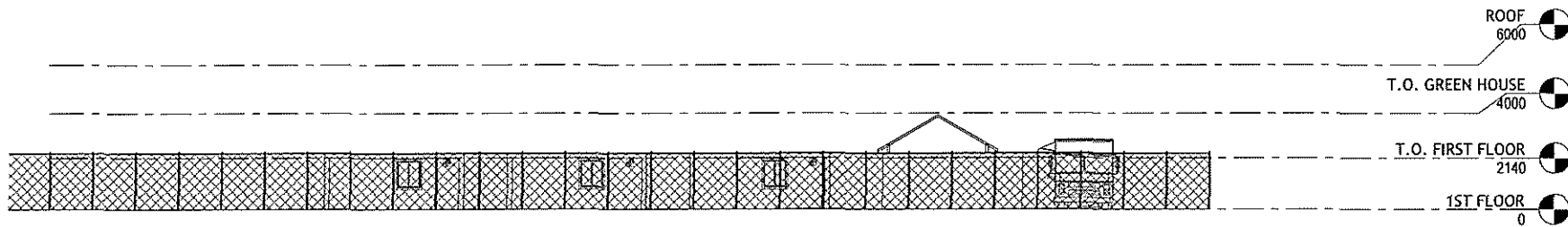
1 | NORTH ELEVATION  
1 : 200



2 | SOUTH ELEVATION  
1 : 200



3 | EAST ELEVATION  
1 : 200



4 | WEST ELEVATION  
1 : 200

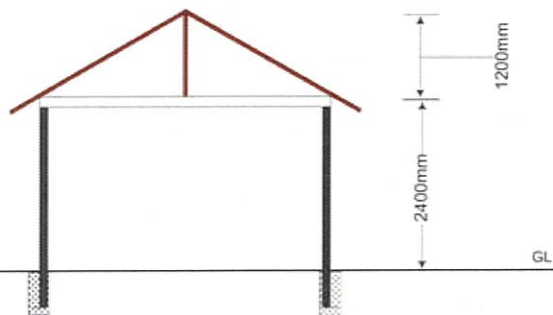
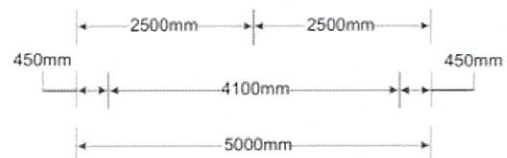
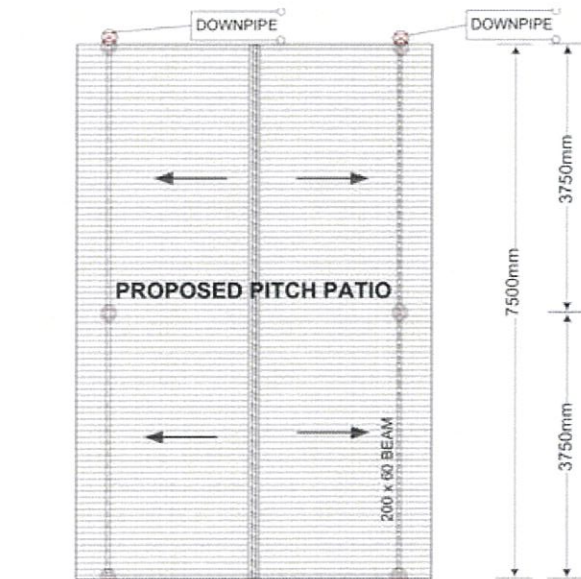
Issue	Description	Date
		10/10/20

**ELEVATIONS**

Draw  
**DAVID CAREY**

Project Name & Address  
**USE OF SITE FOR  
GREENHOUSE AND  
CABINS**  
28 Warren St, Walgett NSW  
2832, Australia

Drawn	Sheet
Scale	<b>A3</b>
1 : 200 @ A3	



## PROPOSED PATIO COVER

JOB AREA = 37.5m<sup>2</sup>

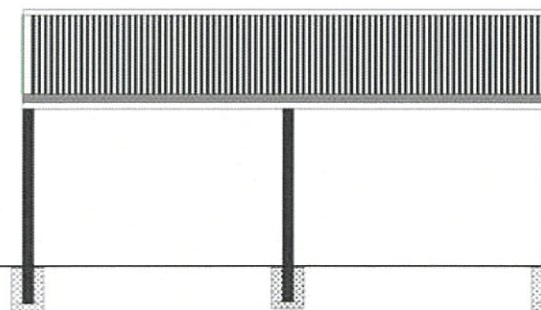
JOB HEIGHT = 2400mm

POSTS = 90 X 90 INTO FOOTINGS 300 X 300 X 600mm DEEP

BEAMS = 200 X 60 STEEL

DOWNPIPES TO run INTO WATER TANKS

LAND AREA = 1020m<sup>2</sup>

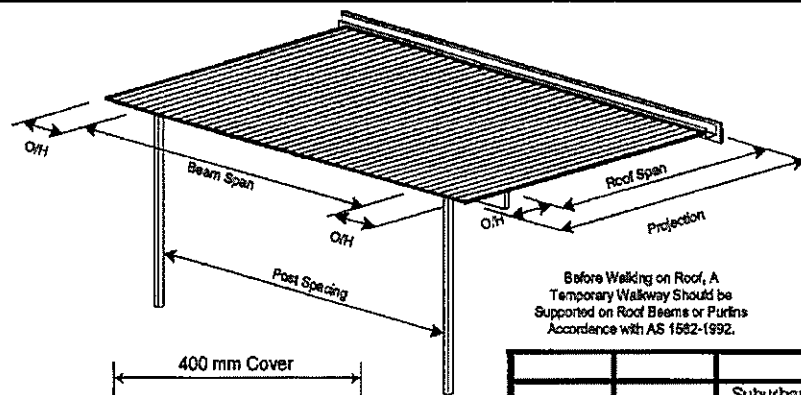


## 1 | PITCH PATIO COVER

1 : 200

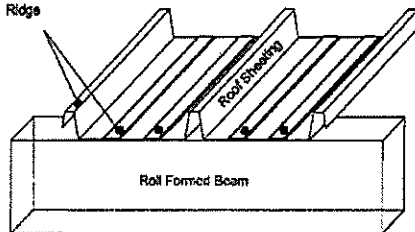
Issue	Description	Date
		10/16/20
PATIO DETAILS		
Client DAVID CAREY		
Project Name & Address USE OF SITE FOR GREENHOUSE AND CABINS 28 Warrena St, Walgett NSW 2832, Australia		
Date	Sheet A4	
Scale	1 : 200 @ A3	





REFLECTASHIELD ROOF PANEL ROLL  
FORMED IN EITHER  
0.42, 0.48, 0.55 G550 OR 0.55 G300  
ZINCALUM WITH COLOURBOND FINISHES

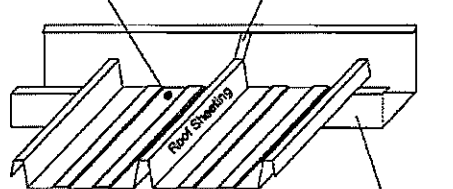
2 X 12 g 14 x 20 Hex Tek  
to Each Valley or 1 x 12 g  
65 mm Hex Tek to Each  
Ridge



Roof Sheet to Beam Connection

1 x 12g x 20 Hex Tek  
to Each Valley

Gutter Clip Tec Screwed to the Top of the  
Roof Sheet Profile @ 1.0 Metre Spacings



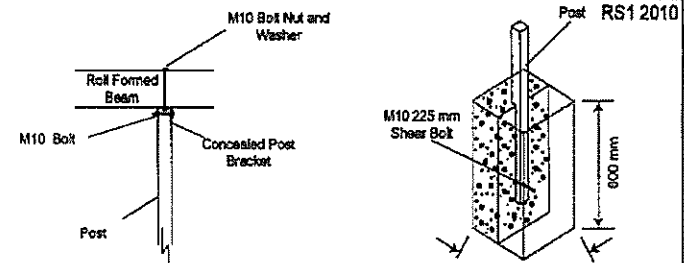
Roof to Gutter Assembly

Before Walking on Roof, A  
Temporary Walkway Should be  
Supported on Roof Beams or Purlins  
According to AS 1552-1992.

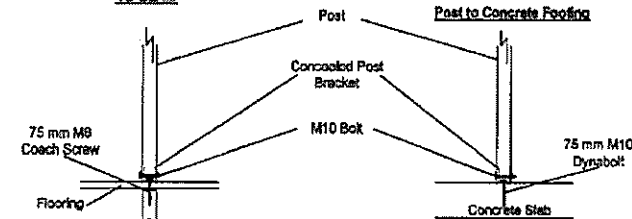
Roofing Product	Wind Region	ROOF SPANS		
		Suburban Sheltered (N1)	Suburban Exposed (N2)	Open Rural (N3)
Reflectashield 0.42 G550	Unenclosed Structure	4500	4100	3600
	Partially Enclosed Structure	4100	3800	3500
	Enclosed Structure	3600	3300	3000
	Allowable Overhang	900	700	600
Reflectashield 0.48 G550 or 0.55 G300	Unenclosed Structure	4900	4500	4200
	Partially Enclosed Structure	4500	4200	3800
	Enclosed Structure	4000	3700	3400
	Allowable Overhang	1100	900	700
Reflectashield 0.55 G550	Unenclosed Structure	5100	4700	4400
	Partially Enclosed Structure	4700	4400	4150
	Enclosed Structure	4250	4000	3700
	Allowable Overhang	1200	1000	900

CHARLIE CHAN  
28 WARRENA STREET  
WALGETT 2832

2 x 16x16 Water or Hex Tek's Fixed from  
Under Attachment Channel into each  
Valley of Roof Sheets



DETAIL POST TO BEAM



BASE DETAIL TO TIMBER

BASE DETAIL TO CONCRETE

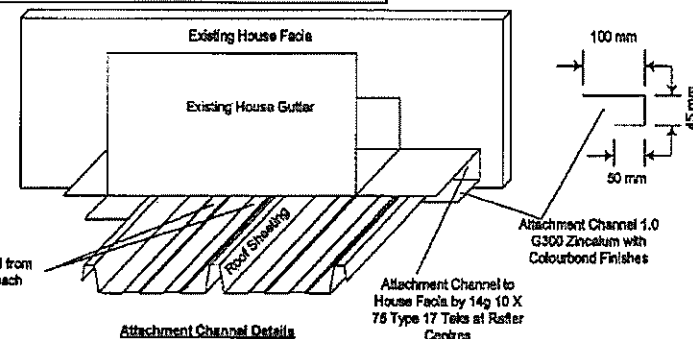
THIS IS TO CERTIFY  
THAT A STRUCTURE BUILT TO COMPLY WITH THIS DRAWING IS  
ADEQUATE TO RESIST DESIGN  
LOADINGS IN ACCORDANCE WITH:-  
AS 4055-2012 Wind loads for housing  
AS/NZS 1170.1 2002 Loading Code Dead & Live Actions  
AS/NZS 1170.2 2011 Loading Code Wind Actions  
AS/NZS 1554.2 1997 Aluminium Structures Code  
AS 1562.3-2018 Design and Installation of Metal Roofing  
AS/NZS 4600-2018 Cold-Formed Steel Structures  
AS 3600.1 2010 Concrete Structures  
AS 4100.- 1998 (2018) Steel Structures  
AS/NZS 1170.3 2003 Snow and Ice Actions with a Ground Snow Load  
of up to 1.31 KPA.

GREATER THAN 1.31 KPA REFER TO PANELSPAN REDUCTION  
SHEET

THIS DRAWING TO BE USED IN CONJUNCTION WITH OTHER  
COMPONENTS AS APPLICABLE

CERTIFICATION OF STRUCTURAL DESIGN:  
The structural components detailed on this  
specification sheet comply with the  
provision of the Building Code of Australia,  
the listed Australian Standard Codes and  
Industry Standards.

*Approved* 1/07/2019  
Allan L. Wood MIEAust. 302797  
CPEng, BSc (Eng) UNSW  
Per A.L. Wood Engineers  
ABN 68 080 257 174  
PO Box 3169 Rouse Hill 2155  
M : 0418211710  
E : awgeengineers@gmail.com.au



Attachment Channel Details

Issue	Description	Date
1		10/16/20

## PATIO DETAILS

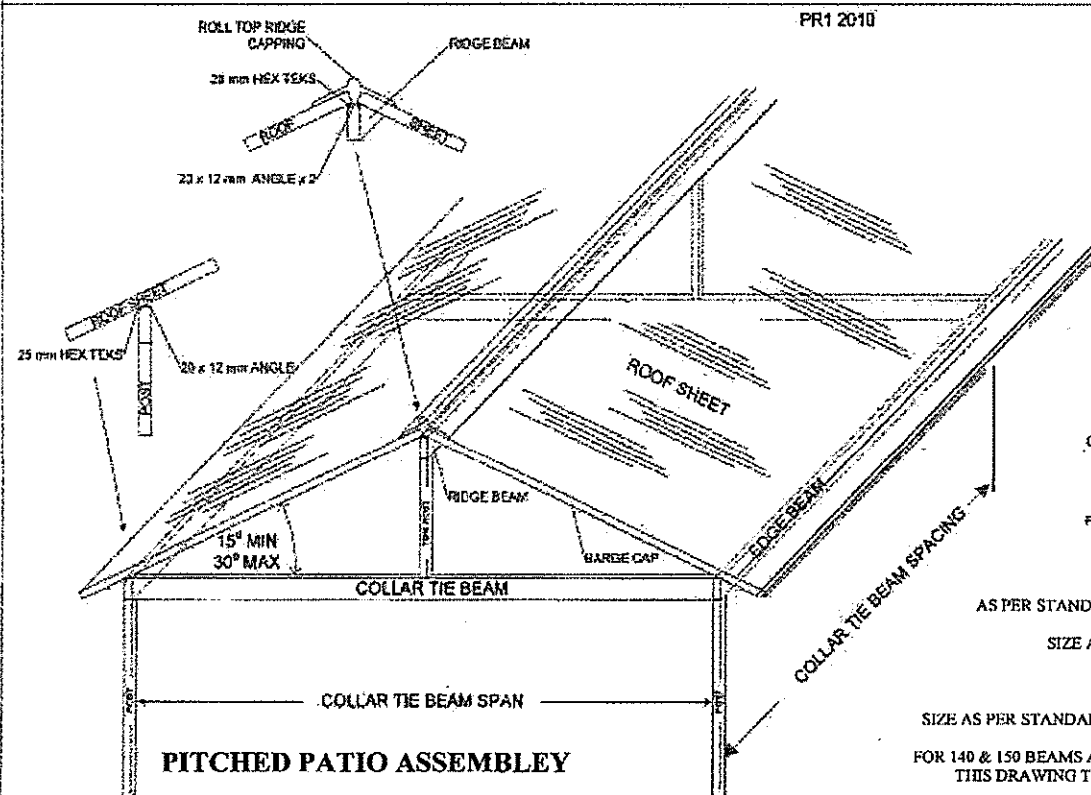
David Carey

Project Name & Address

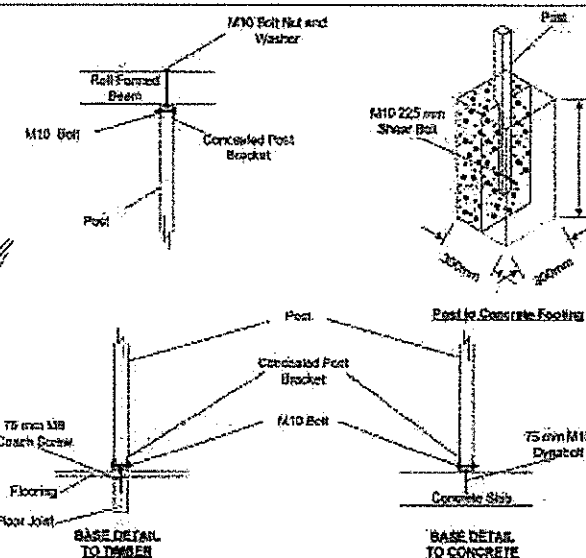
USE OF SITE FOR  
GREENHOUSE AND  
CABINS

28 Warrena St, Walgett NSW  
2832, Australia

Drawn	Check	Scale	Sheet
		A3	A5



## PITCHED PATIO ASSEMBLY



ROOF SHEETS  
AS PER STANDARD SPANS FOR PARTIALLY ENCLOSED STRUCTURES  
RIDGE BEAM  
SIZE AS PER STANDARD CENTRAL BEAM  
TOM POST  
MINIMUM SIZE 50 X 50  
COLLAR TIE BEAM  
SIZE AS PER STANDARD EDGE BEAM WITH MINIMUM PANEL SUPPORT SPACING 1500  
COLLAR TIE BEAM SPACINGS  
FOR 140 & 150 BEAMS AS PER TABLE BELOW ADD 57% FOR 200 & 250 BEAMS TO TABLE BELOW  
THIS DRAWING TO BE USED IN CONJUNCTION WITH OTHER COMPONENT SHEETS

THIS IS TO CERTIFY  
THAT A STRUCTURE BUILT TO COMPLY WITH THIS DRAWING IS ADEQUATE  
TO RESIST DESIGN LOADINGS IN ACCORDANCE WITH:-  
AS 4055-2012 Wind loads for housing AS 2870 Slabs and Footings  
AS/NZS 1170.1 2002 Loading Code Dead & Live Actions  
AS/NZS 1170.2 2011 Loading Code Wind Actions  
AS/NZS 1664.2 1997 Aluminium Structures Code  
AS 1562.1 & 3 - 2018 Design and Installation of Metal Roofing  
AS/NZS 4600:2018 Cold-Formed Steel Structures  
AS 3600:2018 Concrete Structures  
AS4100.1 1998 Steel Structures  
I am satisfied That a Structure Built in Accordance With These Details is Adequate to  
withstand forces from a specific selection of basic wind velocity.  
Terrain Category and Appropriate pressure Co-Efficient

Wood 1/07/2019  
Allan L. Wood MIEAust. 302797  
CPEng. BSc (Eng) UNSW

For A. L. Wood Engineers  
ABN 68 000 257 176  
PO Box 3169 Kouse Hill 2155  
M: 0418211710  
E: swgengineers@gmail.com

CUSTOMER / SITE DETAILS  
CHARLIE CHAN  
28 WARRENA STREET  
WALGETT 2832  
Pieton Bros Improvements  
Builder Licence 83737C

AS/NZS 1170.3 2003 Snow and Ice Actions with a Ground Snow Load of  
up to 1.31 KPA.  
FOR SNOW LOADS ABOVE 1.31 KPA, REFER TO PANELSPAN  
REDUCTION SHEET

COLLAR TIE BEAM SPACINGS			
COLLAR TIE BEAM SPAN	N1	N2	N3
2000	6000	6350	4400
2500	5800	5175	4300
3000	5600	5000	4200
3500	5400	4825	4100
4000	5200	4650	4000
4500	5000	4475	3900
5000	4800	4300	3800
5500	4600	4125	3700
6000	4400	3950	3600
6500	4200	3775	3500
7000	4000	3600	3400

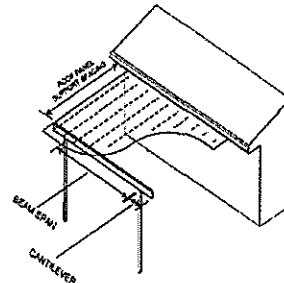
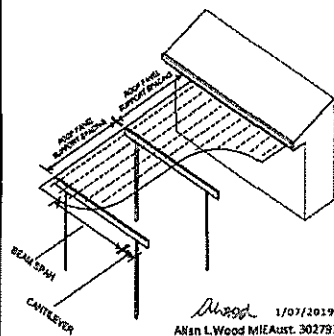
Issue	Description	Date
1		10/11/2020

## PATIO DETAILS

DAVID CAREY

USE OF SITE FOR  
GREENHOUSE AND  
CABINS  
28 Warrena St, Walgett NSW  
2832, Australia

ROOF PANEL SUPPORT SPACINGS	N1			N2			N3		
	UNENCLOSED	PARTIALLY ENCLOSED	ENCLOSED	UNENCLOSED	PARTIALLY ENCLOSED	ENCLOSED	UNENCLOSED	PARTIALLY ENCLOSED	ENCLOSED
1500	6300	6440	5910	5930	5540	5300	5340	4580	4290
1800	6500	6390	5820	5792	5250	5100	5090	4510	4210
2100	6350	6290	5530	5550	4970	4900	4850	4350	4130
2400	6100	6070	5290	5510	4800	4790	4610	4200	4060
2700	6040	5780	4950	5380	4580	4540	4390	4110	3990
3000	5880	5530	4900	5253	4390	4290	4190	3900	3740
3300	5740	5310	4690	5120	4210	4110	3990	3620	3540
3600	5640	5100	4540	4920	4050	3990	3830	3700	3390
3900	5540	4820	4340	4740	3910	3840	3690	3590	3230
4200	5470	4770	4250	4570	3770	3690	3530	3470	3140
4500	5390	4500	4040	4420	3650	3630	3430	3350	3040
4800	5220	4470	3890	4270	3540	3490	3380	3240	2900
5100	5060	4320	3790	4140	3430	3340	3310	3140	2740
5400	4900	4200	3690	4010	3340	3290	3220	3040	2640
5700	4740	4032	3590	3840	3260	3190	3130	2950	2590
6000	4630	3870	3490	3640	3180	3090	3050	2850	2570



WHEN REQUIRED  
SINGLE CANTILEVER 70% - 30%  
DOUBLE CANTILEVER 20% - 60% - 20%

THIS IS TO CERTIFY  
THAT A STRUCTURE BUILT TO COMPLY WITH  
THIS DRAWING IS ADEQUATE TO RESIST DESIGN  
LOADINGS IN ACCORDANCE WITH -

AS/NZS 1170.1-2002 PERMANENT & IMPOSED  
ACTIONS  
AS 4055-2012 WIND LOADS FOR HOUSING  
AS/NZS 1170.2 - 2011 LOADING CODE WIND  
ACTIONS  
AS 1562.1 & 3-2018 DESIGN AND INSTALLATION OF  
SHEET ROOF AND WALL CLADDING-METAL  
AS/NZS 4600-2018 COLD-FORMED STEEL  
STRUCTURES  
AS 2870-2011 SLABS AND FOOTINGS  
AS 3600-2018 CONCRETE STRUCTURES  
AS 4100-1999 (2018) STEEL STRUCTURES  
AS/NZS 1170.3 SNOW AND ICE ACTIONS WITH A  
GROUND SNOWLOAD OF UP TO 1.31 KPA  
GREATER THAN 1.31 KPA REFER TO PANELSPAN  
REDUCTION SHEET

Wood 1/07/2019  
Alan L. Wood MIE Aust. 302797  
CP Eng. 85c (Eng.) UNSW  
For A.L. Wood Engineers  
ABN 66 808 257 176  
PO Box 3169 Rose Hill 2155  
M: 0418211718  
E: alwengineers@gmail.com

CERTIFICATION OF STRUCTURAL DESIGN:  
The structural components detailed on this  
specification sheet comply with the  
provision of the Building Code of Australia,  
the listed Australian Standard Codes and  
Industry Standards.

ROOF PANEL SUPPORT SPACINGS	N1			N2			N3		
	UNENCLOSED	PARTIALLY ENCLOSED	ENCLOSED	UNENCLOSED	PARTIALLY ENCLOSED	ENCLOSED	UNENCLOSED	PARTIALLY ENCLOSED	ENCLOSED
1500	11200	10050	9920	9690	8510	8240	7510	6560	6340
1800	10700	9860	9530	9500	8320	7830	7350	6380	6210
2100	10170	9580	9250	9310	8110	7480	7220	6310	5630
2400	9690	9320	8850	9130	7890	7150	7090	6240	5570
2700	9330	8180	8470	8560	7540	6840	6940	5970	5420
3000	9000	8580	8120	8780	7230	6560	6800	5730	5200
3300	8910	8620	7800	8440	6950	6300	6590	5510	5000
3600	8780	8310	7520	8190	6690	6070	6420	5300	4810
3900	8650	8020	7250	7850	6460	5820	6190	5120	4650
4200	8540	7760	7010	7590	6250	5670	5990	4950	4490
4500	8430	7510	6790	7350	6050	5450	5800	4790	4350
4800	8330	7290	6590	7130	5870	5320	5620	4640	4210
5100	8230	7080	6400	6930	5700	5170	5460	4510	4180
5400	8130	6890	6230	6740	5540	5030	5310	4440	4160
5700	8040	6730	6090	6590	5420	4910	5190	4360	4110
6000	7950	6570	5850	6440	5300	4800	5080	4280	4070

CUSTOMER NAME & ADDRESS:  
CHARLIE CHAN  
28 WARRENA STREET  
WALGETT

**Panelspan**  
B/L# 83737C HOME IMPROVEMENTS

Issue	Description	Date
		10/16/28

## PATIO DETAILS

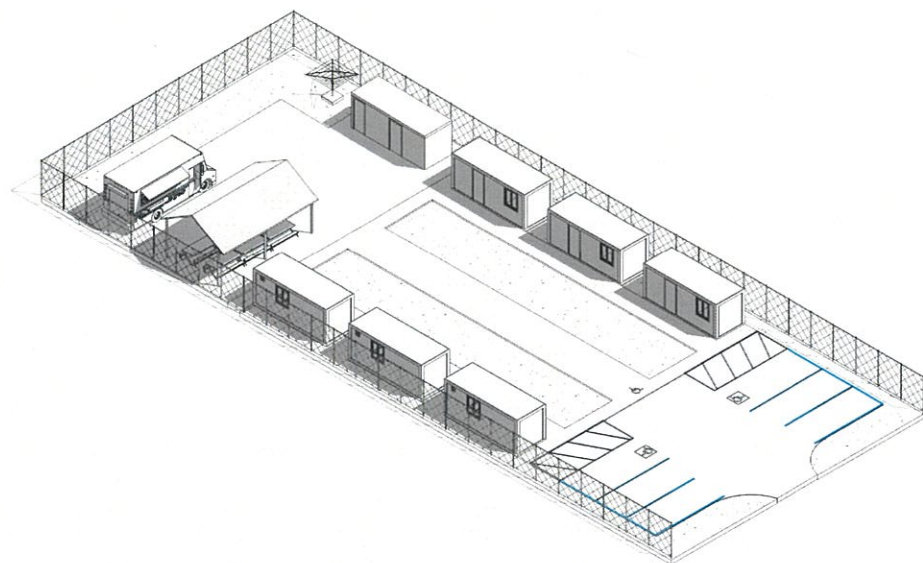
DAVID CAREY

Project Name & Address

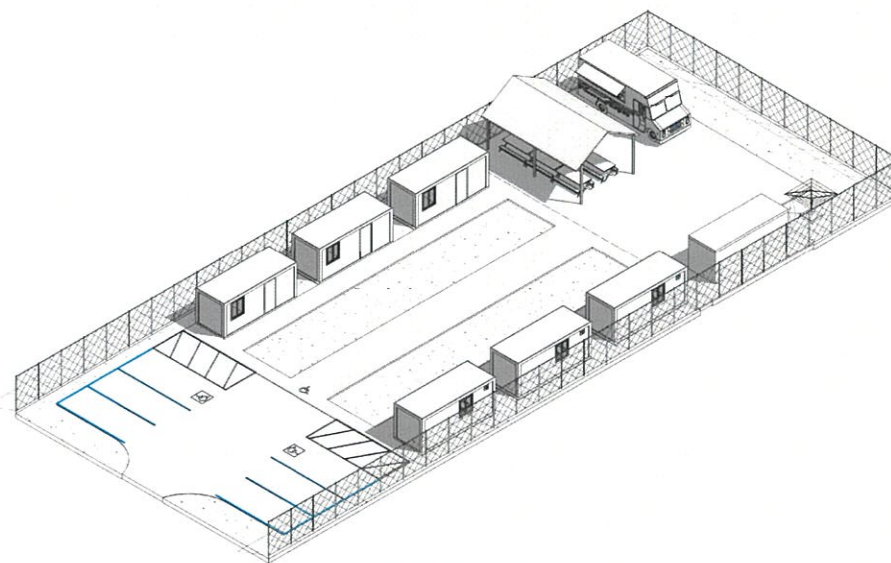
USE OF SITE FOR  
GREENHOUSE AND  
CABINS

28 Warrena St, Walgett NSW  
2832, Australia

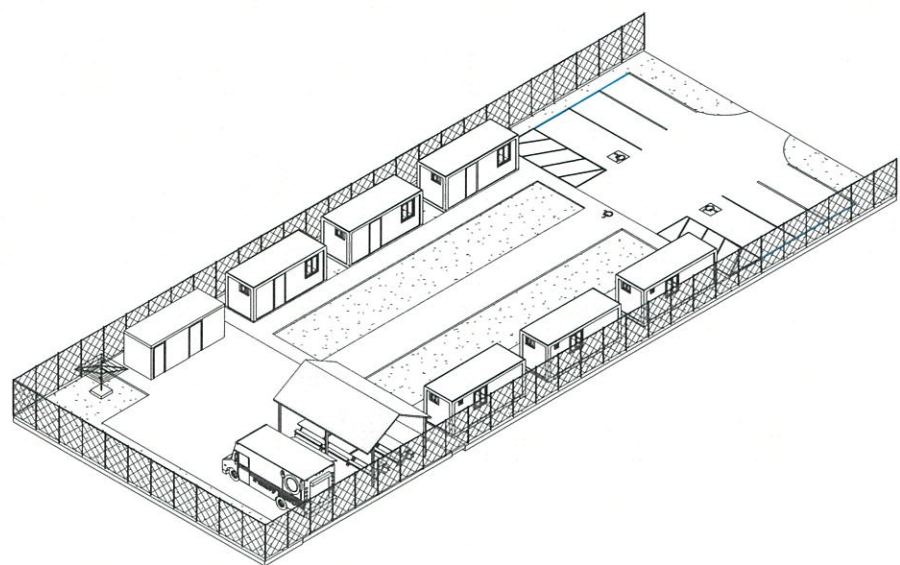
Drawn	Scale	Sheet
		A7



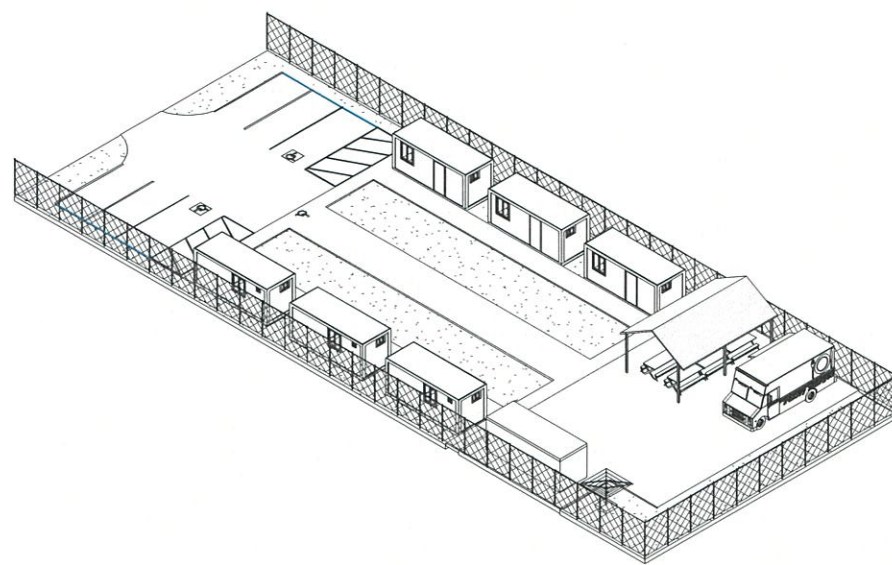
1 ISOMETRIC VIEW 1



2 ISOMETRIC VIEW 2



3 ISOMETRIC VIEW 3



4 ISOMETRIC VIEW 4

Issue	Description	Date
		10/16/20

**ISOMETRIC VIEWS**

Client  
**DAVID CAREY**

Project Name & Address  
**USE OF SITE FOR  
GREENHOUSE AND  
CABINS**  
28 Warrena St, Walgett NSW  
2832, Australia

Sheet  
**A8**

Scale  
@ A3



## Development Assessment Report

Date Lodged: 08/12/2022

Officer: Bob Harris

Specialized Electrotech Training Pty Ltd

<b>Owner</b>	Specialized Electrotech Training Pty Ltd
<b>Proposal</b>	<p>Bed &amp; Breakfast accommodation contained in 6 one bedroom prefabricated units, outdoor covered area and mobile food van.</p> <p>- The proposed works are as follows: Use of site for a cafe and Cabins for bed and breakfast accommodation The cafe will sell light meals ,tea, coffee and drinks to both persons staying in the cabins and local residents and visitors , The food and drink for the cafe will be prepared in a mobile kitchen truck ( to be permanently installed) There will be up to two persons working at the site A total of six cabins are proposed for bed and breakfast accommodation on site</p>
<b>Reference:</b>	DA/2022/67
<b>Location:</b>	28 Warrena Street WALGETT NSW 2832
<b>Legal Desc.</b>	D//392928, A//392928
<b>Value</b>	\$ 366940.54

### Proposal Overview

Bed & Breakfast (Hotel/Motel) accommodation comprising 6 pre-manufactured cabins and mobile food vehicle. Use of site for a cafe and Cabins for bed and breakfast accommodation The cafe will sell light meals ,tea, coffee and drinks to both persons staying in the cabins and local residents and visitors , The food and drink for the cafe will be prepared in a mobile kitchen truck ( to be permanently installed) There will be up to two persons working at the site A total of six cabins are proposed for bed and breakfast accommodation on site

### Property Details/History

	Checked	Comments
File History	KT LD KT BH	Lodged Date – 8/12/22 Checklist Date Notify Date – 9/12/22 to 23/12/22 RFI date – 1/2/23 ASSES – 6/2/2023
Site History	11/3/2019	Emergency order to demolish and remove fire damaged house

	3/7/2019	Notice of intention to issue order
	18/10/2019	Notice to demolish fire damaged residence

Is this application submitted by/on behalf of a Public Authority? No

Is this application a staged Development? No

Is this application a section 4.55 amendment? No

**Does this application require notification/advertising?**

Is this application an advertised development application under the EP & A Act? No

Was this application notified/advertised as per the provisions of?

☐ EP& A Act    ☐ LEP    ☒ CPP

Yes

Was this application notified/advertised for public interest purposes only? Yes

Dates Notification Undertaken

– 9/12/22 to  
23/12/22

**Comment:** Are there any issue that requires notation?

## Concurrence / Referral

*Section 4.13 – EP & A Act*

Does this application require concurrence referral? No X

Does this application require courtesy comment? Eg. NSW Police No X

Integrated / Designated / State Significant Development Application? No X

Department	Checked	Response Received	Comments/Issues Raised
Rural Fire Service	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Fire & Rescue	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Planning	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Biodiversity	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Rail	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
TfNSW	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
DEHWA	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Aviation	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Crown	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Adjoining Council	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None

Council Committee	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None
Public Interest Group	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	None

Has this application been referred to a Development Assessment Unit? No

**Date of Referral:**

**Outcome:**

Does this application require referral for decision by Council? Yes

**Comment:**

Is there any other issue that requires notation? Yes

**Comment:**

Submission regarding noise and traffic from adjoining owner.

## Local Environmental Plan

*Section 4.15(1)(a)(i) and Section 4.15(a)(ii) – EP & A Act*

**This land is zoned:** R1 General Residential , R1 General Residential

**Development as per Standard Definitions:** This development is considered to be bed and breakfast accommodation with associated dining area and mobile food van.

See submission attached.

***tourist and visitor accommodation*** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

***hotel or motel accommodation*** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note.**

Hotel or motel accommodation is a type of ***tourist and visitor accommodation***—see the definition of that term in this Dictionary.

Permissible with consent

Any other development not specified in item 2 or 4

The definition is:

*To provide for the housing needs of the community.*

- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of*



residents.

- To enable development that is compatible with the surrounding residential environment and that is

unlikely to adversely affect the amenity of residential development on land in the zone.

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation

**List the relevant clause/clauses applicable under the LEP**

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This is permissible development. Permissible with consent in R1 Zone

4.3 Height of buildings	Yes	Less than 10m
5.10 Heritage Conservation	No	Not listed in LEP
5.21 Flooding	No	Land within Levee Bank

6.6 Essential Services	Yes	All essential services are available to this development. All connection requirements can be conditioned as required for the individual merits of this development.
------------------------	-----	---

Is there a draft LEP or draft LEP amendment which may affect this proposal? No

**Comment:**

Do 'existing use' provisions (Sections 4.65-4.70 of the EP&A Act) apply to this development? No

**Comment:**

Is there any other issue that requires notation? No

**Comment:**

**Development Control Plan**

Section 4.15(1)(a)(iii) & Section 4.15(3A) – EP & A Act

Is there a DCP which applies to this land/proposal? Yes ☐ No ☐

**List the relevant clause/clauses under the applicable DCP**

Chapter	Clause	Compliance	Comment
2	2.5	No	Potentially contaminated land due to previous fire damaged building containing asbestos, lead based paint and organochlorine termite treatments. Not listed in Table 1 of SEPP guidelines.



			Soil VENM covering on site reduces potential condition regarding excavation for footing and trenches.
	2.6	Yes	Notified to adjoining
	3.2	Yes	No flooding within levy
	3.3	Yes	No bushfire requirements
	4.6.1	Yes	Front and side setbacks comply
	4.6.2	Not applicable	Provision for one dwelling per 500m2 = 2 dwellings on lot. Comperable to 2 x 3 bedrooms = 6 bedrooms?
	4.6.3	Yes	Complies with boundary restrictions.
	4.6.4	Yes	Building Height complies
	4.6.5	Yes	Provision to be made for protection of sewer main on Lot D
	4.6.6	Yes	Site coverage proposed less than 75%
	4.6.7	Yes	Solar access complies
	4.6.8	No	Outdoor recreation area and windows facing and within 1m of boundary to have privacy screens.
	4.6.9	Yes	Parking complies with 1 per bedroom
	4.6.10	Yes	Condition to require parking and manoeuvring on hardstand, enter and leave in forward direction. Condition provided.
	4.6.11	Yes	Based on comparable 2 x 3 bed dwellings = 100m2 landscaped area complies. Relevant to reducing the overall impact of development.
	4.6.12	Not applicable	Not relevant to tourist accommodation.
	4.6.13	Not applicable	Condition regarding outdoor lighting to reduce impact on adjoining residences.
	4.6.14	Yes	AS4299 Adaptable Housing, Class C level
	4.6.15	Yes	Condition re screened garbage area and clothes line
	4.6.16	Yes	Water, sewer and stormwater disposal design required.
	4.6.17	Not applicable	Not relevant to bed and breakfast accommodation.
	4.6.18	No	Solid fencing not permitted forward of building line
	4.6.19	Yes	Complies with requirements for outbuildings
	4.10	Yes	No heritage requirements apply. AHIMS search completed.
	5.2.1	Yes	Parking conditions to be applied
	5.2.2	Yes	Landscaping conditions to be applied
	5.2.3	Yes	Outdoor lighting conditions to be applied
	5.2.4	Yes	No signs are proposed
	6.1	Yes	Environmental impacts considered
	6.2	Yes	Soil and erosion requirements apply
	6.3	No	Removal of significant vegetation is proposed. Additional supporting information has not been provided.
	6.4	No	Waste storage to be screened
	6.5	Yes	Noise conditions to be applied
	6.6	Yes	Geological impacts have been considered and no issues have been identified. Structural engineering and soil tests required for buildings.
	6.7	yes	Detailed stormwater design required

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Has a variation to the DCP been requested?

Yes

**Comment:**

Should the variation be recommended?

See report

**Comment:**

Is there a draft DCP which may affect this proposal?

No

**Comment:**

## Regional Environmental Plan

Far West Regional Plan	Goal	Details
Transport and Infrastructure	1	A diverse economy with efficient transport and Infrastructure Comment: No issues identified.
Exceptional Semi-arid Rangelands	2	Protect and manage environmental resources Comment: No issues identified
Strong and Connected Communities	3	Manage change and strengthen communities. Comment: Improves diversity of tourist facilities available in the region.

## State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes ☐ No ☐

**Comment:**

### List all relevant SEPPs

SEPP	Compliance	Comment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input type="checkbox"/>	<i>The purpose of this SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
<b>Complies</b>	No	Conditions of approval address requirements for removal of vegetation.
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
<b>Complies</b>	Yes <input type="checkbox"/>	A compliant Basix Certificate is not required for manufactured building.
<b>Exempt and Complying Development Codes 2008</b>	Not Applicable <input type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for</i>

		<i>development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
<b>State Environmental Planning Policy (Housing) 2021</b>	Not Applicable <input type="checkbox"/>  Applicable <input type="checkbox"/>	<p><i>The principles of this Policy are to:-</i></p> <ul style="list-style-type: none"> <li>• <i>enable the development of diverse housing types, including purpose-built rental housing,</i></li> <li>• <i>encourage development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></li> <li>• <i>ensure new housing provides residents with a reasonable level of amenity,</i></li> <li>• <i>mitigate the loss of existing affordable rental housing.</i></li> </ul> <p><i>The SEPP introduces two new housing types to meet changing needs:</i></p> <ul style="list-style-type: none"> <li>• <i>Co-living housing</i></li> <li>• <i>Independent living units</i></li> </ul> <p><i>Improves the way existing types of homes are delivered including:</i></p> <ul style="list-style-type: none"> <li>• <i>Boarding houses</i></li> <li>• <i>Build-to-rent housing</i></li> <li>• <i>Seniors housing</i></li> </ul> <p><i>Includes the planning rules for:</i></p> <ul style="list-style-type: none"> <li>• <i>Caravan parks and manufactured home estates</i></li> <li>• <i>Group homes</i></li> <li>• <i>Retention of existing affordable rental housing</i></li> <li>• <i>Secondary dwellings (sometimes known as granny flats)</i></li> <li>• <i>Social housing</i></li> </ul>
<b>Complies</b>	Yes	Complies. Provides an alternative housing choice
<b>State Environmental Planning Policy (Industry &amp; Employment) 2021</b>	Not Applicable <input type="checkbox"/>  Applicable <input type="checkbox"/>	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <li>• <i>applying to employment land in western Sydney.</i></li> <li>• <i>for advertising and signage in NSW.</i></li> </ul>
<b>Complies</b>	Yes	No issues identified
<b>SEPP 65 — Design Quality of Residential Apartment Development</b>	Not Applicable	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
<b>State Environmental Planning Policy (Planning Systems) 2021</b>	Not Applicable	<p><i>This Policy aims to:</i></p> <ul style="list-style-type: none"> <li>• <i>identify development that is State significant development</i></li> <li>• <i>to identify development that is State significant infrastructure and critical State significant infrastructure,</i></li> <li>• <i>to identify development that is regionally significant development.</i></li> </ul>
<b>State Environmental Planning Policy (Precincts—Regional) 2021</b>	Not Applicable	<i>This chapter applies to the state and aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State. It also facilitates service delivery outcomes for a range of public services and provides for the development of major sites for a public purpose or</i>

		<i>redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
<b>State Environmental Planning Policy (Primary Production) 2021</b>	Not Applicable	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <li><i>to manage primary production and rural development including supporting sustainable agriculture.</i></li> <li><i>for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</i></li> </ul>
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	Applicable <input checked="" type="checkbox"/>	<i>This Policy incorporates and repeals the provisions of SEPP No. 55 - Remediation of Land and Clause 4.6 requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.</i>
<b>Complies</b>	Yes	<p>It is considered there have been prior contaminating land uses see report. Risks are limited due to nature of site activities and subsequent topsoil provided across the site.</p> <p>See comments below.</p>
<b>State Environmental Planning Policy (Resources &amp; Energy) 2021</b>	Not Applicable	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <li><i>for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.</i></li> <li><i>which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.</i></li> </ul>
<b>State Environmental Planning Policy (State Significant Precincts) 2005</b>	Not Applicable	<p><i>This policy aims to:-</i></p> <ul style="list-style-type: none"> <li><i>facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.</i></li> </ul> <p><i>facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i></p>
<b>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</b>	Not Applicable	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <li><i>for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.</i></li> <li><i>for child-care centres, schools, TAFEs and Universities.</i></li> <li><i>planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).</i></li> </ul> <p><i>the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.</i></p>
<b>Miscellaneous Consent Provisions 2007</b>	Not Applicable	<i>This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.</i>
<b>SEPP - Environment</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:</i></p> <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i></li> <li><i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i></li> </ul>

		<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 50 – Canal Estate Development</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</li> <li>•</li> </ul> <p>Proposed for March 2023</p>
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#### List all relevant Draft SEPPs

SEPP	Compliance	Comment
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Is there any other issue that requires notation?

Yes ☐ No ☐

**Comment:**

### Planning Agreement

*Section 4.15(1)(a)(iia) – EP & A Act*

Is there a Planning Agreement in force under section 93F of the EP&A Act?

No

Has a Planning Agreement been offered under this development?

No

**Offer Details:**

### Local Strategic Planning Statement

Walgett Community Strategic Plan Alignment		Applicable
C 1.1	Develop a connected, informed, resilient and inviting community.	Yes
C 1.2	A safe, active and healthy Shire.	Yes
C 1.3	A diverse and creative culture.	Yes
E 2.1	An attractive environment for business, tourism and industry.	Yes
E 2.2	Employment opportunities that supports local industries.	Yes
E 2.3	An efficient network of arterial roads and supporting infrastructure; town streets and footpaths that are adequate and maintained.	Yes
E 2.4	Communities that are well serviced with essential infrastructure.	Yes
SL 4.1	Operate an urban waste management system that meets the community needs and environmental standards.	Yes
SL 4.2	Provide potable and raw water supply systems that ensures enhanced water security and meets health standards.	Yes
SL 4.3	A sustainable environment that recognises our rivers, natural environment, ecological systems and biodiversity.	Yes
SL 4.4	Maintain a healthy balance between development and the environment.	Yes
I 5.1	Provide and maintain an effective road network that meets the community needs and expectations.	Yes
I 5.2	A Regional and State Road network that is appropriately supported and resourced by Government.	Yes
I 5.3	Maintain and improve Council's property assets to an optimal level.	Yes
I 5.4	Provision of facilities and communication services.	Yes
Planning Priority		Applicable
Far West Regional Plan Alignment		Applicable

D1 to D30 – See Attached.

No ☐

Any issues

**Comment:** None

### Supporting Planning Assessment

Has the applicant submitted any supporting planning assessments?

No

**Comment:**

Is there any other issue that requires notation?

See report

**Comment:**

### Subdivision

Is this application for subdivision?

No ☐

How many new lots are being created?

**Comment:**

### Environmental Impacts

*Section 4.15(1)(b) – EP & A Act*

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes	Increases potential Tourism within Walgett township
Economical	Yes	Increased tourism and potential economic improvements with tourist spending in Walgett.
Siting & Configuration	Yes	See report
Setbacks	Yes	See report
Privacy	Yes	See report
Overshadowing	No <input type="checkbox"/>	No issues identified
Solar Access	No <input type="checkbox"/>	No issues identified
Visual	Yes	See report
Significant Views	No	No issues with views
Amenity	Yes	See report – noise, waste and access conditions
Water	Yes	See conditions re water supply
Air	No	No issues identified
Noise	Yes	See conditions re noise
Land Degradation	No	No issues identified
Tree Loss	Yes	Proposal to clear significant native trees on site
Flora	Yes	As above
Fauna	No	No issues identified

Has a Threatened Species Impact Assessment been prepared?

No

Are there any species/communities listed under the TSC Act?

No

**Comment:**

Does the proposed development require approval under the EPBC Act

No

**Comment:**

Heritage	Impact	Comment
European	No	Not listed as heritage item
Aboriginal	Yes <input type="checkbox"/> No <input type="checkbox"/>	An Aboriginal Heritage Information Management System (AHIMS) search was carried out for the land including a 100 metre buffer. No sites are recorded or places declared either on the land or within the 100 metre buffer. See Attachment.

**Comment:** No issues identified

## Flooding

*Section 4.15(1)(b) – EP & A Act*

Is this property flood affected? No

**Comment:**

## Bush Fire Prone Land

*Section 4.15(1)(b) – EP & A Act*

Is this property bush fire prone as per the Bush Fire Prone Map? No

**Comment:**

## Contaminated Land

*Section 4.15(1)(b) – EP & A Act*

Has this land been identified as being contaminated land by Council? Yes.

**Comment:** Potential contamination from fire damaged building, asbestos, lead paints and termite treatment from demolished building. However, site is not listed in Table 1 of Land Contamination guidelines and a site investigation is not mandated.

Evidence has been provided that the site has since been covered with topsoil and any previous contamination has been buried below the surface.

Proposed use for tourist accomodation is low risk.

Has a Contaminated Land Site Investigation been completed? No

Does this land require remediation? No

Is a referral required to NSW Environment Protection Authority? No ☐

Has a Remediation Action Plan been completed for the land? No ☐

**Comment:**

Is it a possibility this land may be contaminated? Yes

**Comment:** See report

## Infrastructure

*Section 4.15(1)(b) – EP & A Act*

Is an engineering assessment required? Yes

Has an engineering assessment been completed? Yes

Who completed the Engineering Assessment?

Bob Harris

Assessing Officer

**Comment:**

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes	Protection of sewer main required
Water	Yes	Reconnection
Drainage	Yes	Stormwater design require
Access	Yes	Detailed design required
Kerb & Gutter	Yes	See photos of existing
Upgrade Existing Road	No	No issues identified
Road Network	No	See traffic report
Existing Easements	No	None
Electricity	No	Existing mains
Telecommunications	No	Existing provided
Pedestrian Access	No	Access not effected
Loading & Unloading	No	Provision for off road loading and unloading
Parking	Yes	See report
Energy Conservation	No	

**Comment:**

Has an Erosion and Soil Control Plan been submitted?

See condition

Is there any outstanding issues requiring attention?

Yes

**Comment:**

### Construction Assessment

Is a Construction Certificate Required?

Yes

Is the Construction Certificate required for a subdivision?

Yes ☐ No ☐

Was a construction certificate submitted with this application?

Yes ☐ No ☐

Has Council been appointed as the Principle certifying Authority?

Yes ☐ No ☐

Has a construction assessment been completed?

Yes ☐ No ☐

Is an annual Fire Safety Measures certification required?

Yes ☐ No ☐

Is a public defects liability agreement required?

Yes ☐ No ☐

Is there any other issue that requires notation?

Yes ☐ No ☐

**Comment:** Manufactured home approval required

### Section 68 Assessment

Is a section 68 assessment required?

Yes

Has a section 68 assessment been completed?

No ☐

Was a section 68 application submitted with this application?

No ☐



What type of waste system is required?

Does this system require connection to a Council maintained system? Yes

Is there any other issue/feature/impact that requires notation from the assessment? No ☐

**Comment:**

### Developer Contributions

Does this proposal require any Developer Contribution? No ☐

### Signage

Does this proposal require signage? See condition

### Submissions

Were there any written submissions received? Yes

If Yes, what was the number of submissions received? One

<b>Submission Maker:</b>	See attached
<b>Issue:</b>	Traffic and Noise
<b>Comment:</b>	Objection from Cindy Bird

Is there any other issue that requires notation? yes

**Comment:**

### Section 88b Instrument

Does Council require a Section 88b instrument to be prepared? No

**Comment:**

### Public Interest

Does this proposal have any construction or safety issues? Yes

**Comment:** See conditions

Is there any public health issues? See report

**Comment:** No issues identified

Are there any other public interest issues? Yes

**Comment:** Tree removal

### Site Suitability

*Section 4.15(1)(c) – EP & A Act*

Is this a suitable site for this development? Yes

**Comment:**

### Assessing Officer General Comment

**Comment:**

- 1) Further submission on traffic and noise was received.
- 2) Justification for removal of significant native (trees) vegetation is required alternatively re-siting of buildings and drying area may be required.
- 3) Objection relating to noise and privacy issues and operation of café.
- 4) Other issues
  - a) Re-notification to adjoining property owners may be required on receipt of additional information.

Can be dealt with by the use of appropriate conditioning.

## Recommendation

This development application be approved subject to the following conditions:

### **RELEVANT PRESCRIBED CONDITIONS** **(under the Environmental Planning and Assessment Regulation 2000)**

#### **Compliance with Building Code of Australia & insurance requirements under the Home Building Act 1989**

**Please Note:** A reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- a) development consent, in the case of a temporary structure that is an entertainment venue, or
- b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

#### **Erection of signs**

**Please Note:** This does not apply in relation to:

- a) Building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- c) A complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

3. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority 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 site is prohibited.
4. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**Please Note:** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

#### **Notification of Home Building Act 1989 requirements**

**Please Note:** This does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

5. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

**Please Note:** If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

#### **Shoring and adequacy of adjoining property**

**Please Note:** This does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

6. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
  - a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage.

#### **Fulfilment of BASIX commitments**

**Please Note:** Certifications from appropriate manufacturers and installers confirming each BASIX commitment are to be provided prior to the issue of an Occupation Certificate. These may be in the form of an invoice or a simple written statement by the tradesman, including their details and signature.

7. Fulfilment of Basix commitments is not required if buildings are prefabricated and delivered to site.
8. All works are to comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning & Assessment Regulations 2000.

## **GENERAL CONDITIONS**

9. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) the details set out on the plans approved and stamped by authorised officers of Council,except as amended by the conditions of this development consent.

**Note:** Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration.
10. A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.
11. All management recommendations contained within the Statement of Environmental Effects are to be complied with during operation of the development.
12. All external lighting is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.
13. Parking facilities, including one disabled car park, are to comply with Part D3.5 of Building Code of Australia and the requirements of Australian Standard 2890.1 – Parking Facilities – Off-street Car Parking and Australian Standard 2890.6 – Off Street Parking for People with Disabilities.
14. Carpark lighting is to comply with the requirements of AS 2890.1 2004. (Parking Facilities – Part 1: Off-street car parking).
15. The premises is to comply with all requirements of the NSW Food Authority, *Premises Fitout Code* and all relative food Australian Standards.
16. A screened and secure garbage storage area is to be provided to site.

17. Connection is to be ensured to the Council water and sewer reticulated supply. All connections are to be to a standard approved by Council and are at the cost of the applicant.
18. Colours and textures of materials of external walls, roof and ancillary structures including water tanks shall be non-reflective and as such will not conflict with the existing landscape.
19. All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code.
20. Council sewer main traverses the rear of the property. Location of permanent structures over the sewer main requires approval of Councils Director of Technical Services.
21. Additional roof and/or eave treatments are required to provide an improved architectural and visual appearance. Details to be submitted and approved prior to lodgment of the construction certificate.
22. No approval is granted for removal of native vegetation. A separate application is required for tree removal. Details to be submitted and approved prior to lodgment of the construction certificate.

### **CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION CERTIFICATE ISSUE**

23. A Construction Certificate must be obtained, in accordance with the *Environmental Planning and Assessment Regulation 2021*, before work commences.
24. A noise and privacy screen is to be provided surrounding the outdoor dining area. Details of construction to be submitted and approved with the construction certificate.  
Provision for privacy screening is also required for windows less than 1 metre from the boundary is required. Details to be submitted and approved with construction certificate.
25. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifier (if the PC is not Council) at least two days before the proposed date of commencement, in accordance with the *Environmental Planning and Assessment Regulation 2021*. Such notice is given using the form enclosed with this consent.  
Should Council be appointed the Principal Certifier, the applicant must give at least 2 days' notice to enable inspections to be undertaken.
26. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run-off around cleared or disturbed areas,
  - erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - prevent tracking of sediment by vehicles onto roads,
  - stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

**Please Note:** Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act 1997.

27. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenience. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

28. Approval to carry out work on the roadway / footpath must be obtained, in accordance with section 138 of the Roads Act 1993, before works commence.
29. Prior to construction commencing approval is required under the Local Government Act 1993, Section 68 in relation to the following;
  - a) Installation of a manufactured home.
  - c) Install a water supply, drainage and stormwater drainage system.
  - d) Dispose of trade waste to Council sewer

### **CONDITIONS TO BE COMPLETED DURING CONSTRUCTION**

30. The owner of the property is to ensure that any buildings are constructed:
  - (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;
  - (c) so that it does not interfere with any easements or covenants upon the land.
31. Any building work must be carried out between 7.00am and 5.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
32. A garbage receptacle must be provided at the work site before works begin and must be maintained until works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
33. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site (and must not be burned on site) and then disposed of at a waste management facility, to protect the amenity of the area and avoid the potential of air pollution.
34. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
35. 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.
36. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
37. Any earthworks (including any structural support or other related structure for the purposes of the development):
  - a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
  - d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2014.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice*, published by Safe Work Australia.

38. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Office of Environment & Heritage and the relevant local Aboriginal Lands Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

## CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION CERTIFICATE ISSUE/USE COMMENCING

39. Occupancy of the building is not to take place until the Principal Certifier has carried out a final inspection and an Occupation Certificate issued. All required trade certifications are to be available to the Principal Certifier before the final inspection will be carried out.
40. Occupancy of the building is not to take place until the Principal Certifying Authority has carried out a final inspection, an Occupation Certificate issued and a Fire Safety Schedule has been provided to Council.

**Please Note:** *Failure to obtain an Occupation Certificate is an offence under the legislation.*

41. At the completion of the works, the work site must be left clear of waste and debris.
42. The existing landscaping is to be expanded upon where possible, with drought tolerant and frost hardy species. The location and type is to be to the satisfaction of the Principal Certifying Authority.
43. Occupancy of the building is not to take place until an inspection is to be carried out of the kitchen and bar area by the Council Health Inspector to ensure compliance with the NSW Food Authority Standards and any relevant Australian Standard.
44. All existing vehicular crossings not utilised by the development will generally be required to be removed, and the area restored to match the adjoining section of kerb and footpath, prior to occupation or use of the development.
45. An access crossing is to be constructed to a standard approved by Council at the applicant's expense. It is to consist of all-weather paving, concreting or bitumen sealing of driveways, turning areas and car parking areas. The access is not to block an existing drainage channel, with all water to be drained in a manner that facilitates effective drainage of water. It is to be constructed from the back of the kerb to the boundary line.
- A dial before you dig (DBYD) must be completed prior to commencing works. Council cannot guarantee the location of services, additionally Council is not responsible if services are encountered while constructing this access.
46. Compliance with *Disability (Access to Premises - Buildings) Standards 2010* is to be demonstrated.

## CONDITIONS RELATING TO ONGOING OPERATIONS

47. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under *State Environmental Planning Policy (Codes SEPP) 2008*).
48. Security grills and screens facing the street shall not include bars, heavy gauge mesh or roller shutters.
49. To maintain the amenity of the area commercial operations outside normal business hours are to maintain compliance with the Noise Control Act and Regulations.
50. Any future street fencing is to be open or a combination of open panels and masonry column to a maximum of 1.8 metres. The section of side boundary fencing located in front



of the dwelling setback is to be open or a combination of open panels and masonry columns to match the front fence.

## COUNCIL ADVICE ONLY

51. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
52. Dial Before You Dig: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
53. Telecommunications Act 1997 (Commonwealth); Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
54. New residential development and significant dwelling alterations should provide measures such as self-closing doors, fencing and gates to prevent children from entering the garage and driveway from the house.

## Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled in accordance with the *Environmental Planning and Assessment Regulation 2021*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.
10. The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Council.
11. To ensure maintenance and resolution provisions are clearly documented for right of carriageways and easements.
12. To ensure that any National Construction Code issues are resolved prior to Construction Certificate assessment, including the peer review by an independent Accredited Certifier for alternate or performance solutions.

## Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Bob Harris, Acting Director Environmental Services

Date:

DA/2022/67 – DA Assessment - Property Address 28 Warrena Street WALGETT NSW 2832 - Property: D//392928, A//392928 - Owner: Specialized Electrotech Training Pty Ltd.





# **Proposed Bed and Breakfast 28 Warrena Street, Walgett**

## **Traffic Impact Assessment**

Date: February 2023

Ref: 23002

Issue: A

**Transport and Traffic Planning Associates**

*Suite 604, Level 6, 10 Help Street*

*Chatswood NSW 2065*

*Tel: (02) 9411 5660*

*Email: [info@ttpa.com.au](mailto:info@ttpa.com.au)*

*Web: [ttpa.com.au](http://ttpa.com.au)*

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# 1.0 Introduction

This report has been prepared to accompany a Development Application to The Walgett Shire Council for a proposed Bed and Breakfast development at 28 Warrena Street, Walgett (Figure 1).

The purpose of this report is to:

- Describe the site, its context and the proposed development scheme
- Describe the existing road network and conditions on that network
- Assess the adequacy of the proposed on-site parking provision
- Assess the potential traffic implications
- Assess the proposed vehicle access and servicing arrangements.

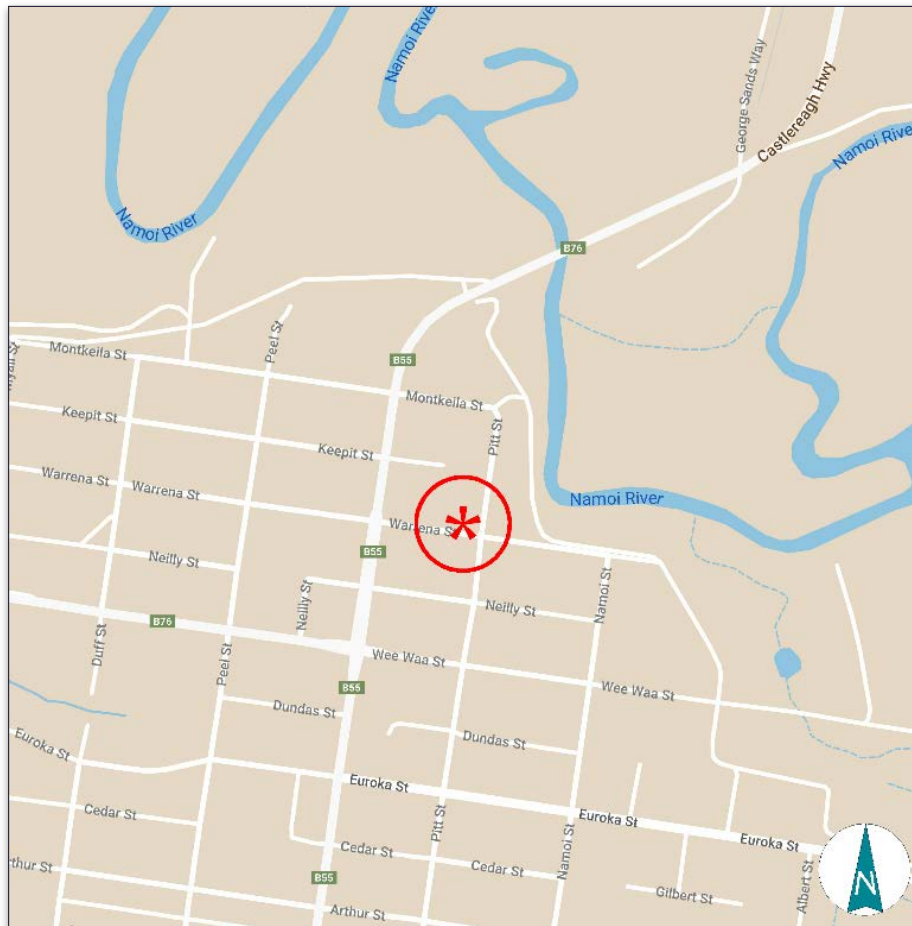


Figure 1 - Site Location



## 2.0 Proposed Development

### 2.1 Site, Context & Existing Circumstances

The site (Figure 2) is a consolidation of Lot A & D in DP392928, which occupies a rectangularly-shaped area of some 1,017m<sup>2</sup> with frontages to the western side of Banks Avenue, the southern side of Wills Crescent and the eastern side of Haig Avenue.

The surrounding land uses comprise:

- The adjoining Hartford College to the south
- The surrounding residential uses to the north and east
- The surrounding parks to the south and west



Figure 2 - Site Boundary

## 2.2 Proposed Development

It is proposed to demolish the existing one-storey residential building and clear the site to provide a level building platform and the construction of Bed and Breakfast accommodation comprising:

- 6 small cabins
- A permanent food truck
- Amenities and washing area

Details of the approved development are provided on the plans and are reproduced in part in Appendix A.

## 3.0 Existing Road Network and Traffic Conditions

### 3.1 Road Network

The road network serving the site (Figure 3) comprises:

- Castlereagh Highway – a State Road and sub-arterial route providing a major link between Lightning Ridge and Mudgee
- Gwydir Highway – A State Road and sub-arterial route running between Bourke and Grafton
- Euroka Street – a local Road and collector route running east to west through the Walgett Town Centre



Figure 3 - Road Network



## 3.2 Traffic Controls

The existing limited traffic controls on the road system serving the site (Figure 4) comprise:

- The roundabout control at the Castlereagh Highway and Wee Waa Street intersection
- The 50kmph speed restriction in the town centre road system
- The various GIVE WAY sign controls in the area
- The zebra crossings along the Castlereagh Highway

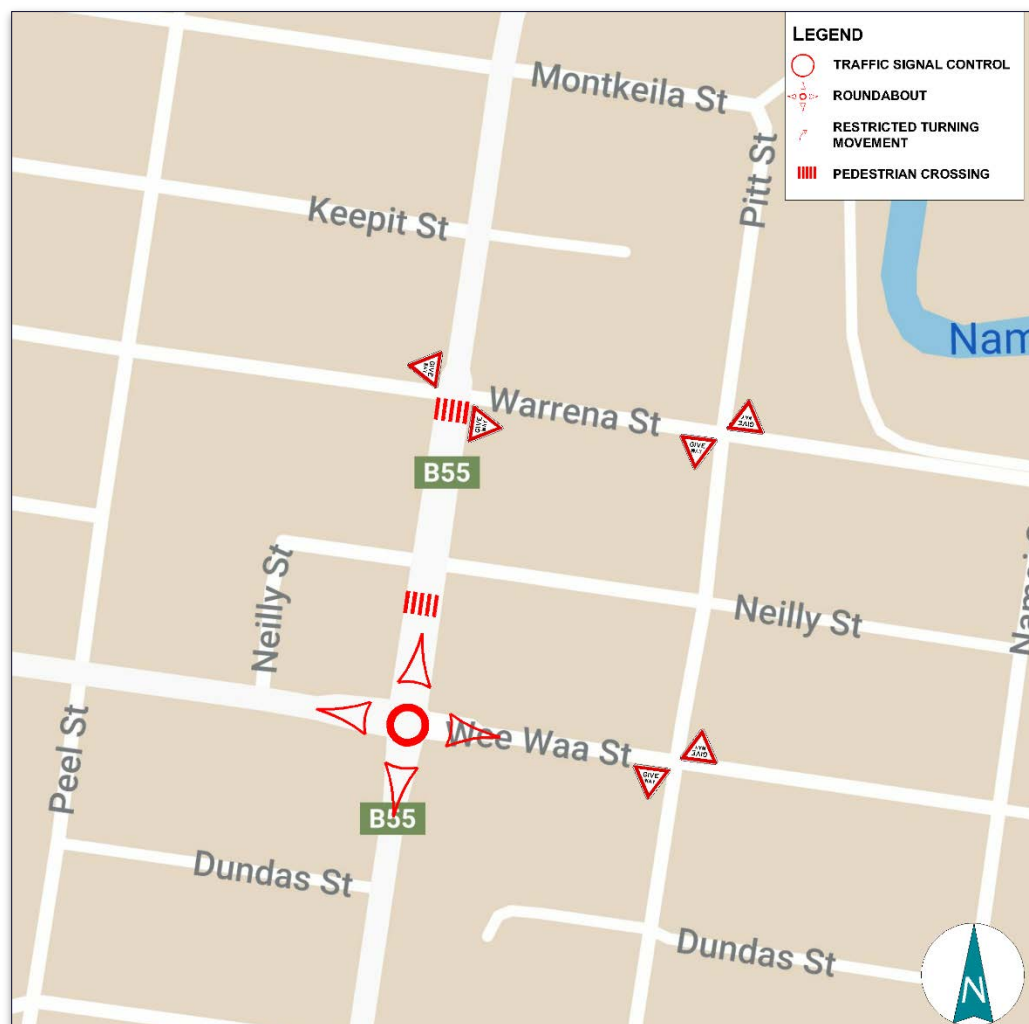


Figure 4 - Traffic Controls

### 3.3 Traffic Conditions

Observations of traffic activity in the vicinity of the development site during morning, business and afternoon peak periods reveal relatively free-flowing conditions.

### 3.4 Transport Services

Limited public transport is available in the town, with one bus stop on Euroka Street operating two services a day to Lighting Ridge and Dubbo.

## 4.0 Traffic and Parking

### 4.1 Traffic

The Roads and Maritime Services Guide to Traffic Generating Development does not have a rate specific for a bed and breakfast; however, it can be assumed that the rate for a motel will be very similar. The motel rate specifies 0.4 vehicle trips per unit during peak periods. Application of this rate would see the development produce some 3 vehicle trips in the peak hours. The existing single residential dwelling would have produced a vehicle generation rate of 1 movement during the peak hours.

It is apparent that the projected traffic generation of the proposed development represents an insignificant increase of 2 vehicle movements to that of the existing use and will not result in any traffic congestion or conflict either at the vehicle access point or at adjacent intersections.

### 4.2 Parking

The council DCP does not provide a rate for a bed and breakfast therefore, we will use the motel parking rate provided, which specifies the following:

- 1 space per accommodation unit
- 1 space per 2 employees

Application of this criteria will see 6 car spaces required for accommodation and 1 space for employees.

The proposed development will provide 7 car parking spaces in satisfaction of the accommodation unit requirements. There is, however, a shortfall of spaces for employees, with 1 additional space required regarding the motel DCP rate.

## 5.0 Access and Servicing

### 5.1 Access

The vehicle access has been designed in accordance with AS2890.1 and 6, with adequate sight distances, car space dimensions and aisle widths provided.

### 5.2 Servicing

General waste collection will be completed by Council's waste truck, which will continue to occur outside the peak periods.

Any requirements for smaller service vehicles (i.e., deliveries, courier activity, maintenance, etc.), which typically involve vans, utes, etc., will park within the on-street parking.

## 6.0 Conclusion

The assessment of the proposed Bed and Breakfast development at 28 Warrena Street, Walgett, has established that:

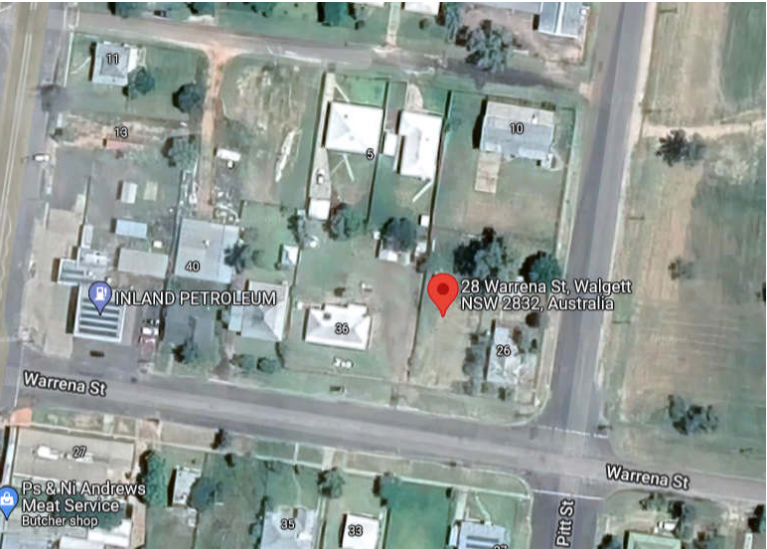
- The resultant traffic generation of 2 vtpd will not present any adverse traffic implications
- The proposed parking provision will be adequate to accommodate the projected staff parking demand and accommodation uses of the proposed development
- The proposed vehicle access and car parking layout will be appropriate to current AS2890.1 and 6 design standards
- The proposed servicing provisions will be suitable, and appropriate

# Appendix A

## Proposed Plans

USE OF SITE FOR GREENHOUSE AND CABINS FOR BED AND BREAKFAST ACCOMMODATION  
28 Warrena St, Walgett NSW 2832, Australia

SCOPE OF WORK:  
USE OF SITE FOR GREENHOUSE AND CABINS FOR BED AND BREAKFAST ACCOMMODATION.

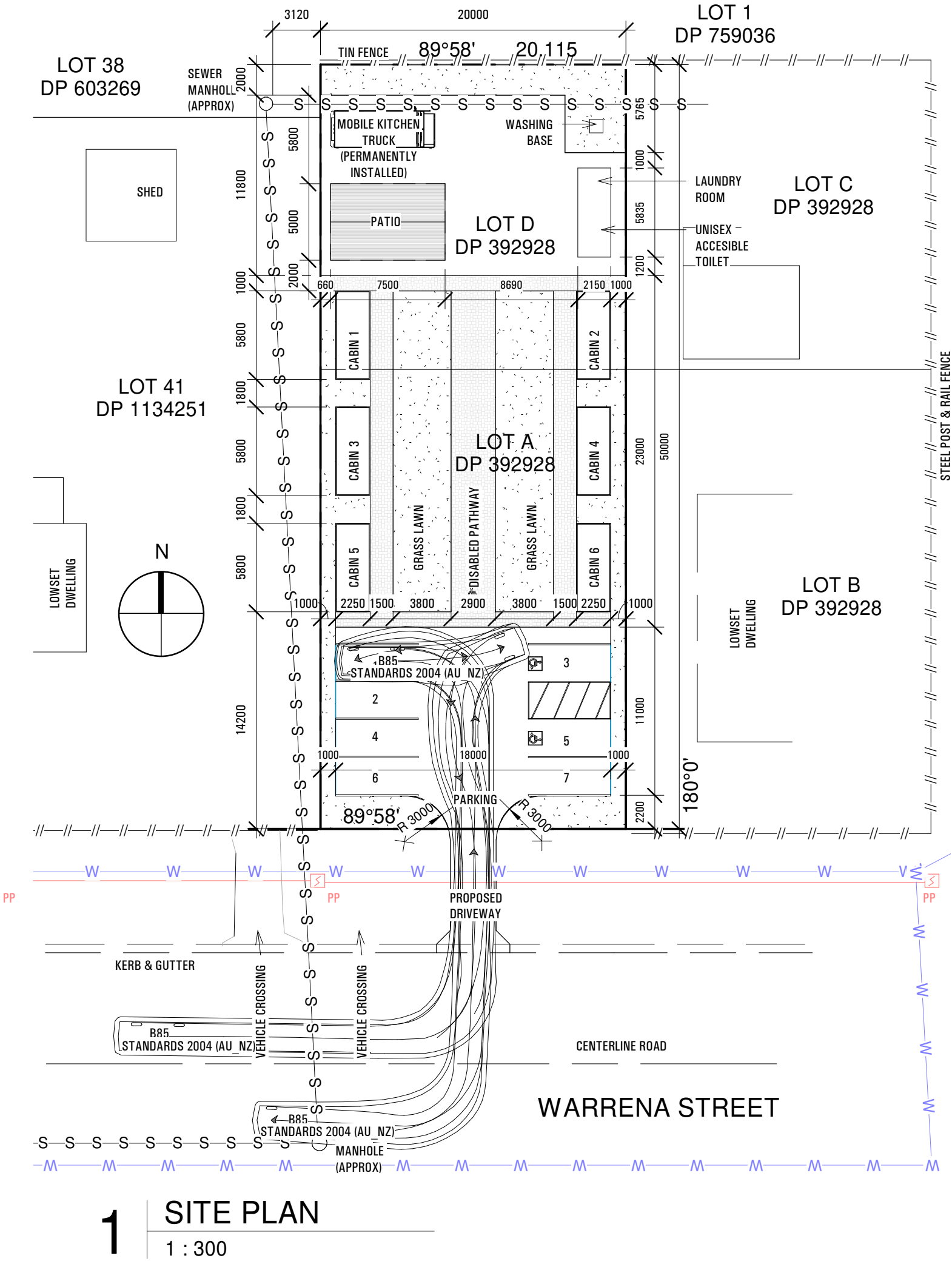


VICINITY MAP

SHEET INDEX

- A1 COVER SHEET
- A2 1ST FLOOR PLAN & PARKING
- A3 ELEVATIONS
- A4 PATIO DETAILS
- A5 PATIO DETAILS
- A6 PATIO DETAILS
- A7 PATIO DETAILS
- A8 ISOMETRIC VIEWS

NOTE: PLANS PROVIDED TO BE USED FOR CHANGE OF USE APPLICATION PURPOSES ONLY.  
EXISTING EXTERNAL WORKS & BUILDING DIMENSIONS ARE AN APPROXIMATION ONLY



GROSS SITE AREA	1000 M <sup>2</sup>
GROSS FLOOR AREA	78,3 M <sup>2</sup>
FLOOR SPACE RATIO	7,83%
LANDSCAPING AREA	332,4 M <sup>2</sup>
IMPERVIOUS AREA	667,6 M <sup>2</sup> (66,76%)
CAR PARKING	7 SPACES (2 ADA)

Issue	Description	Date
		10/16/20

COVER SHEET

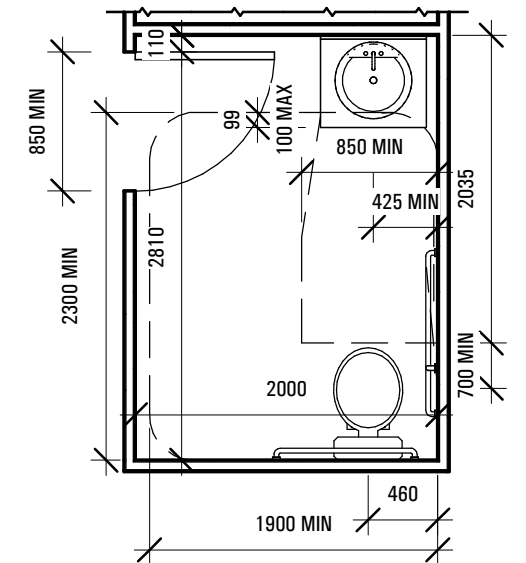
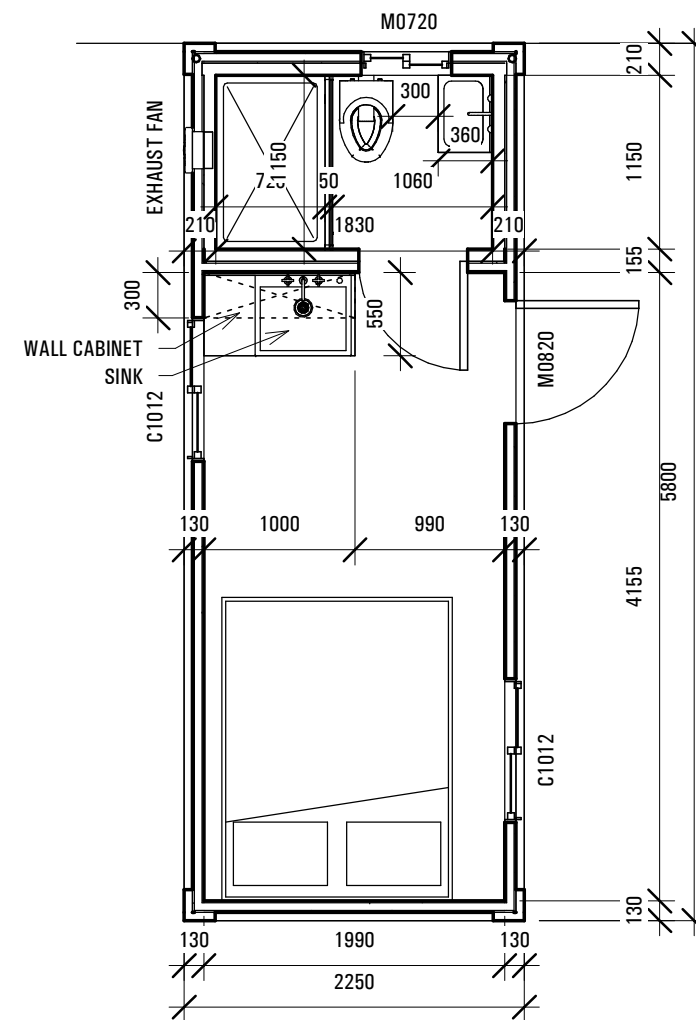
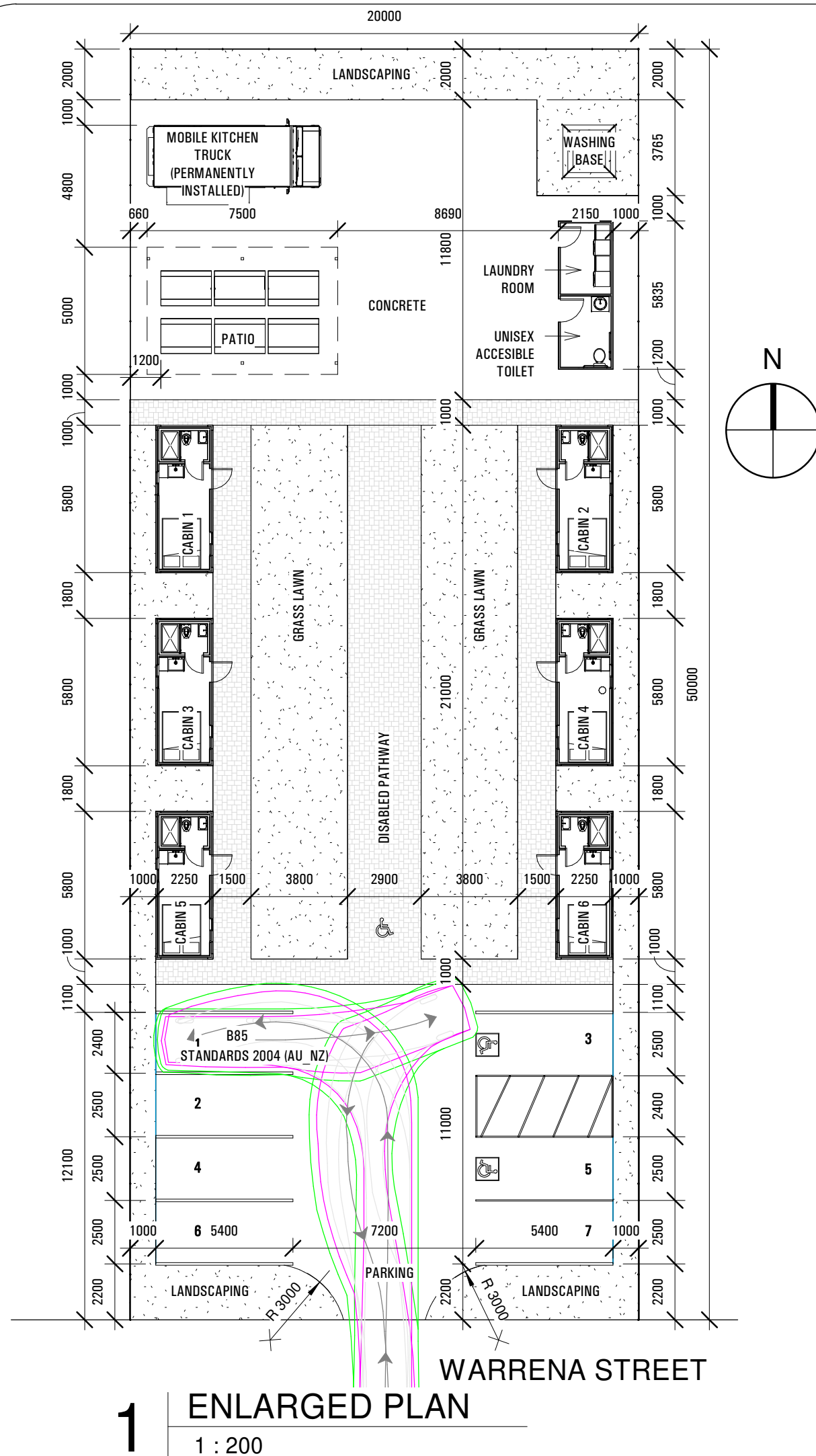
Client  
**DAVID CAREY**

Project Name & Address

USE OF SITE FOR GREENHOUSE AND CABINS

28 Warrena St, Walgett NSW 2832, Australia

Date	Sheet
Scale	<b>A1</b>
1 : 300 @ A3	



**NOTE: WORKS & BUILDING DIMENSIONS ARE AN APPROXIMATION ONLY**

NOTE: MOBILE KITCHEN TRUCK IS TO BE PERMANENTLY INSTALLED  
THE AMENITIES BUILDING IS TO BE PERMANENTLY INSTALLED AND  
COMPLY WITH RELEVANT AUSTRALIAN STANDARDS

		10/16/20
Issue	Description	Date

## 1ST FLOOR PLAN & PARKING

Client  
**DAVID CAREY**

Project Name &amp; Address

### USE OF SITE FOR GREENHOUSE AND CABINS

28 Warrena St, Walgett NSW  
2832, Australia

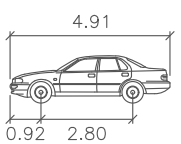
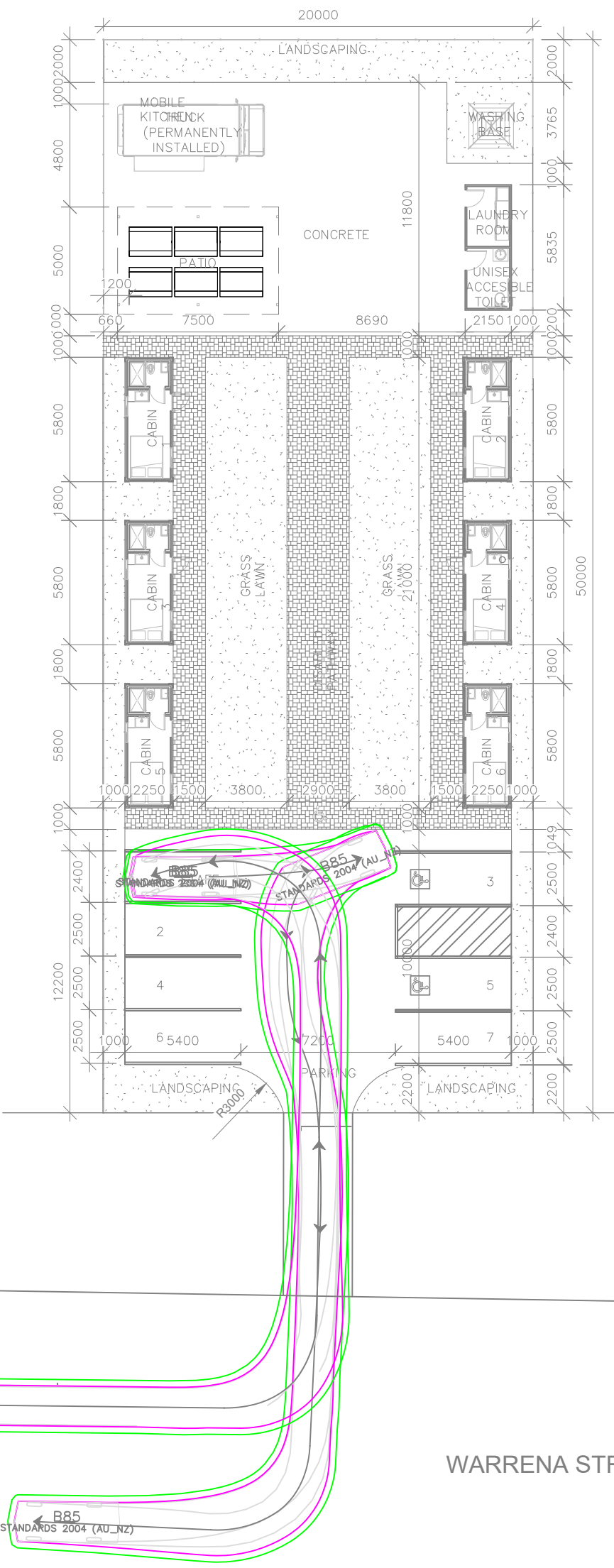
	Sheet
Date	A2
Scale	

As @ A3 indicated



# Appendix B

## Swept Path Assessment



B85	meters
Width	: 1.87
Track	: 1.77
Lock to Lock Time	: 6.0
Steering Angle	: 34.1

- SWEPT PATH KEY:**
- VEHICLE CENTRE LINE
  - VEHICLE TYRE PATH
  - VEHICLE BODY PATH
  - 300mm CLEARANCE FROM VEHICLE BODY

28 WARRENA ST, WALGETT NSW 2832  
ACCESS AND DEPARTURE OF AN 85TH PERCENTILE VEHICLE  
SWEPT PATH ASSESSMENT

DRAWING REF NO. 23002-V1.1-SP SHEET NO. 01 OF 01 ISSUE DATE 23 February 2023

DESIGNED BY  
L. ELLSON

REVIEWED BY  
R. NETTLE

**DISCLAIMER**  
This drawing has been prepared using vehicle modelling computer software AutoTurn Pro V11.0 in conjunction with AutoCAD 2018. The vehicle used is based upon vehicle data provided by Austroads and incorporates a reasonable degree of tolerance. However, it is not possible to account for all vehicle types/characteristics and/or driver ability.

SCALE  
A3

0 2.5 5.0  
1:250



**ttpa** TRANSPORT AND TRAFFIC PLANNING ASSOCIATES  
Established 1994

Address: Suite 604, Level 6, 10 Help Street, Chatswood NSW 2067  
P: (02) 9411 5660 E: info@tpa.com.au W: www.tpa.com.au

Hi Hanson,

As discussed, "bed and breakfast accommodation" is the closest definition to what is proposed in the Walgett LEP 2013. Bed and breakfast accommodation is a type of "tourist and visitor accommodation". The definition of tourist and visitor accommodation in the LEP is as follows:

***tourist and visitor accommodation*** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,  
but does not include—
- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

As you can see, tourist and visitor accommodation is a parent definition and includes a number of sub-categories, all of which are separately defined in the LEP.

The main reason the development is most closely defined as bed and breakfast accommodation is because a permanent resident of the property will live in one of the cabins who will provide services to the guests, there are no cooking facilities provided in the rooms and dormitory style accommodation is not proposed. If you look at the other sub categories, backpackers accommodation relates to dormitory style accommodation which isn't proposed, farm stay accommodation relates to accommodation that is ancillary to a farm, the proposal is not a hotel as a permanent resident will live there and it isn't really serviced apartments as the cabins will not have their own kitchens.

Happy to discuss and provide further clarification/detail in the statement of environmental effects if required.

Regards

David Carey

Principal

**David Carey Town Planning and Development**

Ph: 0423163597

Email: [david@dcaplaning.com.au](mailto:david@dcaplaning.com.au)

[www.dcaplaning.com.au](http://www.dcaplaning.com.au)

## Kimley Talbert

---

**From:** Cindy Bird <crb.catering@yahoo.com>  
**Sent:** Wednesday, December 14, 2022 10:55 AM  
**To:** Kimley Talbert  
**Subject:** Submission in regards to DA/2022/67

To Kimley Talbert,

I am writing to you in regard to the above DA/2002/67 application that is a proposed development of our direct neighboring block.

My main concern regarding the application is this area is residential and the application would then be changing the block Lot A & D, DP 392928, 28 Warrena Street, Walgett into commercial. I recently purchased this house last September in 2021 and picked it as it is in a residential street not commercial. There are plenty of commercial areas in walgett where the proposed DA could be used but not on Warrena Street. We are a quiet little street and would not take kindly to accommodation and restaurant/cafe disrupting this.

In conclusion, I am against the DA being approved. if you would like any further information, please don't hesitate to contact myself on 0409781386 to discuss further.

Thank you

Cindy Bird

*CRB Catering Manager*

P 0409 781 386

E crb.catering@yahoo.com

## Pre-Lodgement Application Form

Portal Application number: PAN-314663

JA 2023/13

### Applicant contact details

Title	Ms
First given name	Melissa
Other given name/s	
Family name	Ozoux
Contact number	0428282739
Email	ozoux3074@gmail.com
Address	Lot 112 Wee Waa St "Hillview" Walgett NSW 2832
Application on behalf of a company, business or body corporate	No

### Owner/s of the development site

Owner/s of the development site	I am the only owner of the development site
---------------------------------	---

### Site access details

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	No
---	----

### Developer details

ABN	
ACN	
Name	
Trading name	B Face Industries
Address	Lot 112 Wee Waa St "Hillview" Walgett NSW 2832
Email Address	ozoux3074@gmail.com

### Development details

Application type	Development Application
Site address #	1
Street address	Lot 112 Wee Waa Street "Hillview" Walgett
Local government area	WALGETT
Lot / Section Number / Plan	
Primary address?	Yes
Planning controls affecting property	Land Application LEP NA Land Zoning NA Height of Building NA Floor Space Ratio (n:1) NA Minimum Lot Size NA Heritage NA Land Reservation Acquisition



NA  
Foreshore Building Line  
NA

#### Proposed development

Proposed type of development	Other
Description of development	Construct commercial Dog Boarding Kennels on a rural block. The kennels are prefabricate and built to approved dog breeding/kennel standards with a shed for storage in the middle. The kennels will be on a cement with graded fall and catchment drain. Waste storage will be a septic system to be commercially pumped out twice yearly. The kennels will have guttering and a rain water tank.
Provide the proposed hours of operation	
Proposed to operate 24 hours on Monday	Yes
Monday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Tuesday	Yes
Tuesday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Wednesday	Yes
Wednesday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Thursday	Yes
Thursday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Friday	Yes
Friday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Saturday	Yes
Saturday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Sunday	Yes
Sunday	12:00 AM - 11:59 PM
Dwelling count details	
Number of dwellings / units proposed	0
Number of storeys proposed	0
Number of pre-existing dwellings on site	0
Number of dwellings to be demolished	0
Existing gross floor area (m2)	0
Proposed gross floor area (m2)	28
Total site area (m2)	0
Cost of development	
Estimated cost of work / development (including GST)	\$75,000.00
Do you have one or more BASIX certificates?	No
Subdivision	
Number of existing lots	
Is subdivision proposed?	No
Proposed operating details	
Number of additional jobs that are proposed to be generated through the operation of the development	2
Number of staff/employees on the site	2

#### Number of parking spaces

Category of development	Car parking spaces	Motorcycle spaces	Bicycle spaces
Other for example rural/extractive industry	3	1	5

Total	3	1	5
Number of loading bays	0		
Is a new road proposed?	No		
Concept development			
Is the development to be staged?	No, this application is not for concept or staged development.		
Crown development			
Is this a proposed Crown development?	No		

#### Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a Planning Agreement ?	No
<b>Section 68 of the Local Government Act</b>	
Is approval under s68 of the Local Government Act 1993 required?	No
<b>10.7 Certificate</b>	
Have you already obtained a 10.7 certificate?	
<b>Tree works</b>	
Is tree removal and/or pruning work proposed?	No
<b>Local heritage</b>	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
<b>Affiliations and Pecuniary interests</b>	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
<b>Political Donations</b>	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No



Please provide details of each donation/gift which has been made within the last 2 years

#### Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

First name	Melissa
Other given name(s)	
Family name	Ozoux
Contact number	0428282739
Email address	ozoux3074@gmail.com
Billing address	Lot 112 Wee Waa St "Hillview" Walgett NSW 2832

#### Application documents

The following documents support the application.

Document type	Document file name
Environmental impact statement	Statement-of-environmental-Effects-Fillable Proposal
Other	Development-Application-Form-FILLABLE
Site plans	Plans Layout for approval
Statement of environmental effects	Statement-of-environmental-Effects-Fillable
Waste management plan	Septic

#### Applicant declarations

I declare that all the information in my application and accompanying documents is, to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes



I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	
--	--



#### FURTHER INFORMATION

Walgett Shire Council  
77 Fox St, Walgett NSW  
PO Box 31  
WALGETT NSW 2832  
Tel: 02 68286100  
admin@walgett.nsw.gov.au

Office Use Only

Application Number

Date Received

# Development Application

## Property

Lot and DP numbers are found on the Certificate of Title or on a Rates Notice.

*Note: Not all properties have section numbers*

Lot No

112

Section No

DP No

750291

Street No

Hillview

Street Name

Wee Waa St

Town

Walgett

State & Postcode

NSW 2832

## Owner

This section must be completed and signed by ALL owners.

Companies will need to either provide their ACN or attach letterhead correspondence indicating the approval to lodge the application

Companies will need to provide two signatures along with the position they hold.

Names / Company Name

Melissa Ozoux

Australian Company Number (ACN) (Provide when the owner is a company)

B Face Industries

Postal Address

PO Box 403

Town

Walgett

State & Postcode

NSW 2832

Telephone Number

0428282739

Fax Number

Email Address

ozoux3074@gmail.com

As owner/s of the property, I / we consent to this application and any s4.55(1) modification applications under the *Environmental Planning and Assessment Act 1979*, and grant permission for Council's Officers to enter the property / premises for the purpose of assessment of this application or to conduct inspections relative to this application.

Owner 1 Signature

Owner 1 Name (please print)

Date

Owner 2 Signature

Owner 2 Name (please print)

Date



## Applicant

The Applicant is the owner or agent chosen by the owner of the land to act on their behalf in the management of the application.

All correspondence and communication is directed to the Applicant

Name / Company Name

Melissa Ozoux

Australian Company Number (ACN) (Provide when the applicant is a company)

B Face Industries

Postal Address

PO Box 403

Town

Walgett

State & Postcode

NSW 2832

Telephone Number

0428282739

Fax Number

I /We hereby apply for Development Consent or Section 4.55 modification to carry out the Development described below. I/We grant consent to Walgett Shire Council for the release of any plan(s) and documents submitted in relation to this development application for the purposes of Council Fulfilling its requirements under the Government Information (Public Access) Act 2009. To assist the progress of this Application, I/We agree to copies of correspondence being forwarded to the owner/s.

Signature

Applicant Name (please print)

Date

## Application Details

☐ Have you attended a Pre-Lodgement Meeting?

☒ No ☐ Yes with

Council Officer Name

Indicate if any of the follow also apply

☐ The application is for 'advertised' development

☐ You are seeking a 'staged' development

☐ The application is for 'designated' development

☐ Integrated development application (additional fees apply)

If integrated, indicate under which act/s approval is required

☐ Rural Fires Act

☐ Heritage Act

☐ Roads Act

☐ Water Management Act

☐ National Parks & Wildlife Act

☐ Fisheries Management Act

☐ Protection of the Environmental Operations Act

## Proposal

Tick the boxes that best describe the proposal

Single dwellings, granny flats & associated development / building

Class 1a

Class 10a

Class 10b

☐ New Single Dwelling

☐ Garage / Carport

☐ Swimming Pool

☐ Additions/Alterations to dwelling

☐ Shed

☐ Retaining Wall

☐ Studio

☐ Deck

☐ Fence

☐ Granny Flat

☐ Pergola / Awning

☐ Rainwater Tank

☒ Other structure (provide details): Dog Boarding Kennels

☐ Demolition (provide details)

☐ Landscaping works



## Proposal (continued)

Tick the boxes that best describe the proposal

### Commercial, industrial, multi-residential, dual occupancy & subdivision developments

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Multi-residential      | <input type="checkbox"/> Dual occupancy              | <input type="checkbox"/> Affordable housing |
| <input type="checkbox"/> Commercial development | <input type="checkbox"/> Shop fit-out                | <input type="checkbox"/> Signage            |
| <input type="checkbox"/> Industrial development | <input type="checkbox"/> Community building          | <input type="checkbox"/> Bed and Breakfast  |
| <input type="checkbox"/> Change of building use | <input type="checkbox"/> Temporary use of a building |   |

☐ Demolition (provide details) \_\_\_\_\_

☒ Other \_\_\_\_\_

☐ Subdivision (provide details) \_\_\_\_\_

<b>Type:</b>	<input type="checkbox"/> Torrens title subdivision	<input type="checkbox"/> Strata Subdivision
<b>Construction:</b>	<input checked="" type="checkbox"/> Does not involve road construction	<input type="checkbox"/> Involves construction of a new road or extension of an existing road
<b>Lots:</b> Number of current lots: _____ Number of proposed lots: _____		

## Description

Detailed description of the proposed development and detail all works and any proposed use.

See attached

## Value

### Estimate Cost

Refer to the  
Guidelines - Building Cost  
Estimate

The value of works is used in fee calculations and to determine developer contributions.

If there are not enough lines for each element, please attach details and tick the box.

\* For additional works and associated costs, please refer to "Guidelines— Building Cost Estimate"

BUILDING ELEMENT eg. Deck, garage (Metal clad or cavity brick), carport, additions, dwelling	AREA in m <sup>2</sup>		Rate per m <sup>2</sup>		Estimated Value
Dwelling (Standard Timber Cladding)*	_____ m <sup>2</sup>	x	\$ _____	=	\$ _____
Additions/Alterations	_____ m <sup>2</sup>	x	\$ _____	=	\$ _____
Verandah	_____ m <sup>2</sup>	x	\$ _____	=	\$ _____
Carport/kit shed	_____ m <sup>2</sup>	x	\$ _____	=	\$ _____
Garage	_____ m <sup>2</sup>	x	\$ _____	=	\$ _____
<input type="checkbox"/> Please tick to attach additional details	TOTAL VALUE OF WORKS				\$ <u>75000</u>

### Value of works

Council calculates the cost of works on the estimated 'market price' for the completed project. This may not necessarily reflect the actual cost of the development to the applicant, for example, an applicant may source materials free or second hand and use their own labour (owner-builder).

Council uses building cost indicators contained in the current addition of the Rawlinson's Construction Cost Guide. A list of the common development types and rates are included in the guidelines.



## Fees and Charges

Application fees and charges will be determined by Council based on the estimated cost provided above and are to be paid when you lodge the application. Please contact the Planning and Building Team if you require a quote of the applicable fees.

## Political Donations and Gifts

Any reportable political donation and/or gift to a Councillor or Council employee within a two year period before the date of this application must be publicly disclosed.

Are you aware of any person with a financial interest in this application who made a reportable donation or gift in the last two (2) years?

- ☒ **No ▶** In signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of determination.
- ☐ **Yes ▶** Complete the Political Donation and Gifts Disclosure Statement from and lodge with this application.

**Note: Failure to disclose relevant information is an offence under the Act. It is also an offence to make a false disclosure statement.**

## Privacy & Personal Information Protection Notice

**Purpose of Collection:** The information in this form will be used and disclosed for the purposes of communication with you, Council exercising its functions under *Environmental Planning and Assessment Act* and as required by law.

**Supply:** The application will be placed on public exhibition and published on Council's website. If you do not provide information (or any part of it) your application may not be accepted.

**Access/Correction & Storage:** Walgett Shire Council will collect and store the information. You can access the correct information by contacting your local Council.

## Lodgement Details

You can lodge the completed application by:

**Mail:** PO Box 31 Walgett

**In Person:** Call 02 68286100 for an appointment in Walgett or Lightning Ridge

**Email:** [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)

**Electronic:** Via NSW Planning Portal—NOT AVAILABLE AT THIS STAGE  
<https://www.planningportal.nsw.gov.au/onlineDA>

**What Now:** For further information regarding your application please contact the Planning and Building Team.





# Statement of Environmental Effects

## LEGISLATION

In accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, a development application **must** be accompanied by a Statement of Environmental Effects.

## QUALIFIER

This *Statement of Environmental Effects Template* has been produced to assist applicants identify the environmental impacts of a development and the steps to be taken to protect the environment or lessen the expected harm. The template is suitable for minor impact development such as dwellings, alterations & additions and outbuildings. It may be necessary for Council to request additional information depending on the nature and impacts of a proposal. Larger scale developments should be accompanied by a detailed and specific Statement of Environmental Effects.

## FURTHER INFORMATION

### Walgett Shire Council

7 Fox Street, Walgett, NSW  
O Box 31  
WALGETT NSW 2832  
el: 02 6828 6100  
dmin@walgett.nsw.gov.au

## Proposal

See attached

Provide a description of the proposed development including a full description and all the details of the consent sought

## Property

Lot No

112

Section No

DP No

750291

Address

"Hillview" Lot 112 Wee Waa St Walgett NSW 2832

Area of the Site 7.66ha

Description of the Site

See attached

Describe the physical features such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.

## Planning

What is the zoning of the land: Rural 1

Maps and details of zonings, protected areas, heritage items and bushfire areas can be found on Council's Website.

Is the proposal permissible within the zoning? ..... ☒ Yes ☐ No  
Refer to the Walgett Local Environmental Plan 2013 (LEP)

Is the proposal in accordance with the Acceptable Solutions of the DCP? ..... ☒ Yes  
..... ☐ No ▶ If No, details of how it meets the performance outcomes is required.  
Refer to the Walgett Development Control Plan 2016

Are there any restrictions on the Certificate of Title?

☐ Yes ☒ No

If yes, please attach a copy of the covenant or restriction.

If you answered "No" to any of the above you should make an appointment to discuss your proposal with a planner before lodging a development application.



## Varying a Standard

Is the design contrary to a development standard?

☐ Yes ☒ No

If yes, please indicate whether it is a:

- ☐ Local Environmental Plan (LEP) development standard?, and/or
- ☐ Development Control Plan (DCP) development standard, and/or
- ☐ Other Planning Control \_\_\_\_\_

Please attach a detailed documentation indicating the development standard to be varied and reasons in support of the variation. Reference must be made to the performance criteria or objective of the LEP or DCP.

## Access, Traffic & Utilities

Is legal and practical access available to the development? ..... ☒ Yes ☐ No

Are additional access points to road network required? ..... ☐ Yes ☒ No

Has vehicle manoeuvring and onsite parking been addressed in the design? ..... ☒ Yes ☐ No

Is power, water, electricity, sewer and telecommunications services readily available to the site? ..... ☒ Yes ☐ No

Comments

See attached

## Environmental Impacts

Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)? ..... ☐ Yes ☒ No

Does the development have the potential to result in any form of water pollution (eg. sediment run-off)? ..... ☐ Yes ☒ No

Will the development have any noise impacts above background noise levels (eg. Swimming pool pumps)? ..... ☐ Yes ☒ No

Does the development involve any significant excavation or filling? ..... ☐ Yes ☒ No

Could the development cause erosion or sediment run-off (including during the construction period)? ..... ☐ Yes ☒ No

Comments

## Flora & Fauna Impacts

Will the development result in the removal of any vegetation from the site? ..... ☐ Yes ☒ No

Is the development likely to have any impact on threatened species or native habitat? ..... ☐ Yes ☒ No

Refer to Biodiversity Conservation Mapping 2016 for further information

(If the answer is yes to either of the above questions it may be necessary to have a formal seven-part test completed to assess the impact on threatened species – applicants are encouraged to consult Council).

Comments



## Natural Hazards

Is the development site subject to any of the following natural hazards:



Flooding



Bushfire

(Note if the site is identified as Bushfire Prone it will be necessary to address the Planning for Bushfire Protection Guidelines and in the case of subdivision the development will be integrated. For further information please consult the NSW Rural Fire Service web site [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)).

### Comments

See attached

## Stormwater Disposal

How will stormwater (from roof and hard standing) be disposed of:



Street Drainage



Easement



Other

### Comments

Rain water tanks will be installed

## Social & Economic Impacts

Will the proposal have any economic consequences in the area? ..... ☒ Yes ☐ No

Will the proposal affect the amenity of surrounding residences by overshadowing / loss of privacy / increased noise or vibration? ..... ☐ Yes ☒ No

Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance? ..... ☐ Yes ☒ No

### Comments

### Waste Generation

Will you need to dispose waste at a Local Landfill? ..... ☒ Yes ☐ No

Name of Landfill ? Walgett ..... Quantity of Waste.....m3

Are you able to Recycle, Reuse or Reduce any waste ..... Quantity of Waste .....m3

### Comments

## Declaration

Signature

Name (please print)

Date





# Statement of Environmental Effects

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In accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, a development application **must** be accompanied by a Statement of Environmental Effects.

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Maps and details of zonings, protected areas, heritage items and bushfire areas can be found on Council's Website.

What is the zoning of the land: Rural 1

Is the proposal permissible within the zoning? ..... ☒ Yes ☐ No

Refer to the Walgett Local Environmental Plan 2013 (LEP)

Is the proposal in accordance with the Acceptable Solutions of the DCP? ..... ☒ Yes

..... ☐ No If No, details of how it meets the performance outcomes is required.

Refer to the Walgett Development Control Plan 2016

Are there any restrictions on the Certificate of Title?

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☐ **Other Planning Control** \_\_\_\_\_

Please attach a detailed documentation indicating the development standard to be varied and reasons in support of the variation. Reference must be made to the performance criteria or objective of the LEP or DCP.

## Access, Traffic & Utilities

Is legal and practical access available to the development? ..... ☒ Yes ☐ No

Are additional access points to road network required? ..... ☐ Yes ☒ No

Has vehicle manoeuvring and onsite parking been addressed in the design? ..... ☒ Yes ☐ No

Is power, water, electricity, sewer and telecommunications services readily available to the site? ..... ☒ Yes ☐ No

**Comments**

See attached

## Environmental Impacts

Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)? ..... ☐ Yes ☒ No

Does the development have the potential to result in any form of water pollution (eg. sediment run-off)? ..... ☐ Yes ☒ No

Will the development have any noise impacts above background noise levels (eg. Swimming pool pumps)? ..... ☐ Yes ☒ No

Does the development involve any significant excavation or filling? ..... ☐ Yes ☒ No

Could the development cause erosion or sediment run-off (including during the construction period)? ..... ☐ Yes ☒ No

**Comments**

## Flora & Fauna Impacts

Will the development result in the removal of any vegetation from the site? ..... ☐ Yes ☒ No

Is the development likely to have any impact on threatened species or native habitat? ..... ☐ Yes ☒ No

*Refer to Biodiversity Conservation Mapping 2016 for further information*

*(If the answer is yes to either of the above questions it may be necessary to have a formal seven-part test completed to assess the impact on threatened species – applicants are encouraged to consult Council).*

**Comments**



## Natural Hazards

Is the development site subject to any of the following natural hazards:



Flooding



Bushfire

(Note if the site is identified as Bushfire Prone it will be necessary to address the Planning for Bushfire Protection Guidelines and in the case of subdivision the development will be integrated. For further information please consult the NSW Rural Fire Service web site [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)).

### Comments

See attached

## Stormwater Disposal

How will stormwater (from roof and hard standing) be disposed of:



Street Drainage



Easement



Other

### Comments

Rain water tanks will be installed

## Social & Economic Impacts

Will the proposal have any economic consequences in the area? ..... ☒ Yes ☐ No

Will the proposal affect the amenity of surrounding residences by overshadowing / loss of privacy / increased noise or vibration? ..... ☐ Yes ☒ No

Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance? ..... ☐ Yes ☒ No

### Comments

### Waste Generation

Will you need to dispose waste at a Local Landfill? ..... ☒ Yes ☐ No

Name of Landfill ? Walgett ..... Quantity of Waste.....m3

Are you able to Recycle, Reuse or Reduce any waste ..... Quantity of Waste .....m3

### Comments

## Declaration

Signature

Name (please print)

Date

B Face Industries  
"Hillview"  
PO Box 403  
Walgett NSW 2832

## **Dog Boarding Facility**

### **Proposal**

Construct commercial Dog Boarding Kennels on a rural block.

The kennels are prefabricate and built to approved dog breeding/kennel standards with a shed for storage in the middle. The kennels will be on a cement with graded fall and catchment drain. Waste storage will be a septic system to be commercially pumped out twice yearly. The kennels will have guttering and a rain water tank.

### **Description of site**

Rectangle block 7.66ha

Boundary- North- Namoi River, South- Wee Waa st (gravel road to showground),  
East & West- TSR.

Open black soil plan, mainly eucalypt trees and natural grass. The block is used as a residential hobby farm.

### **Planning**

Zoning- Rural 1

### **Access, Traffic & utilities**

See attached plan for parking

### **Natural Hazards**

Flooding- Kennel construction will not impede the flow of any flood water. The kennels would be closed prior to any flood event

Bushfires- bushfire warnings/or orders would be followed.

### **Waste Generation**

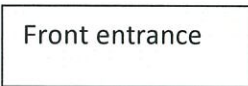
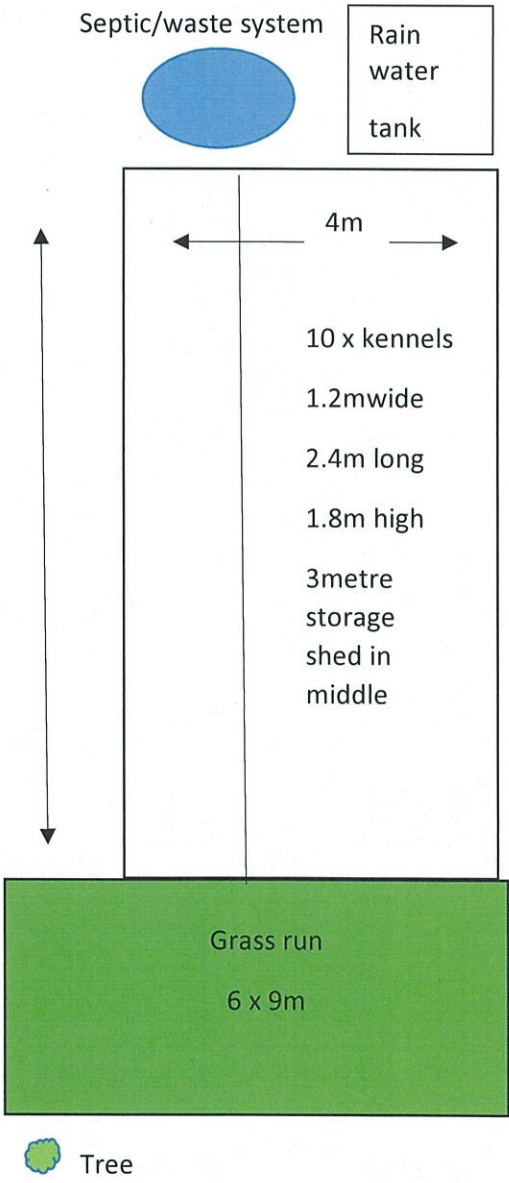
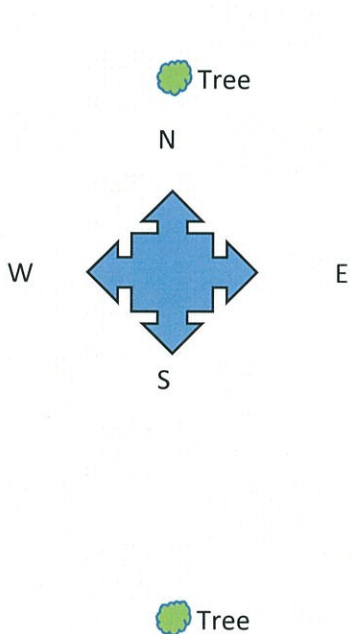
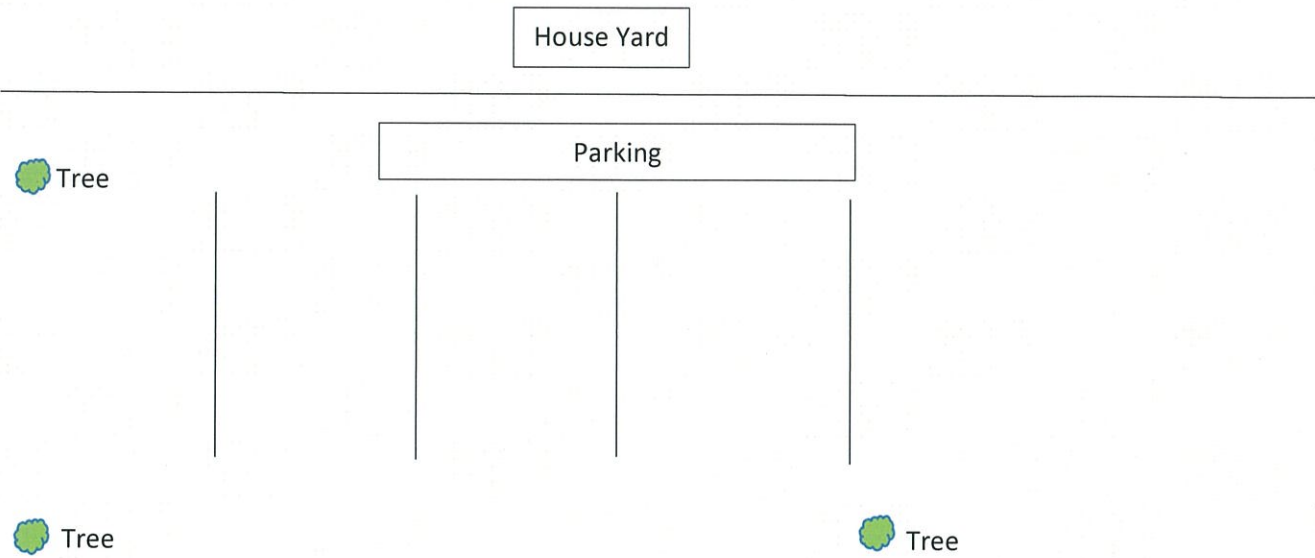
Landfill facility- Walgett

Limited waste products eg dog food bags would be collected weekly by WSC garbage collection

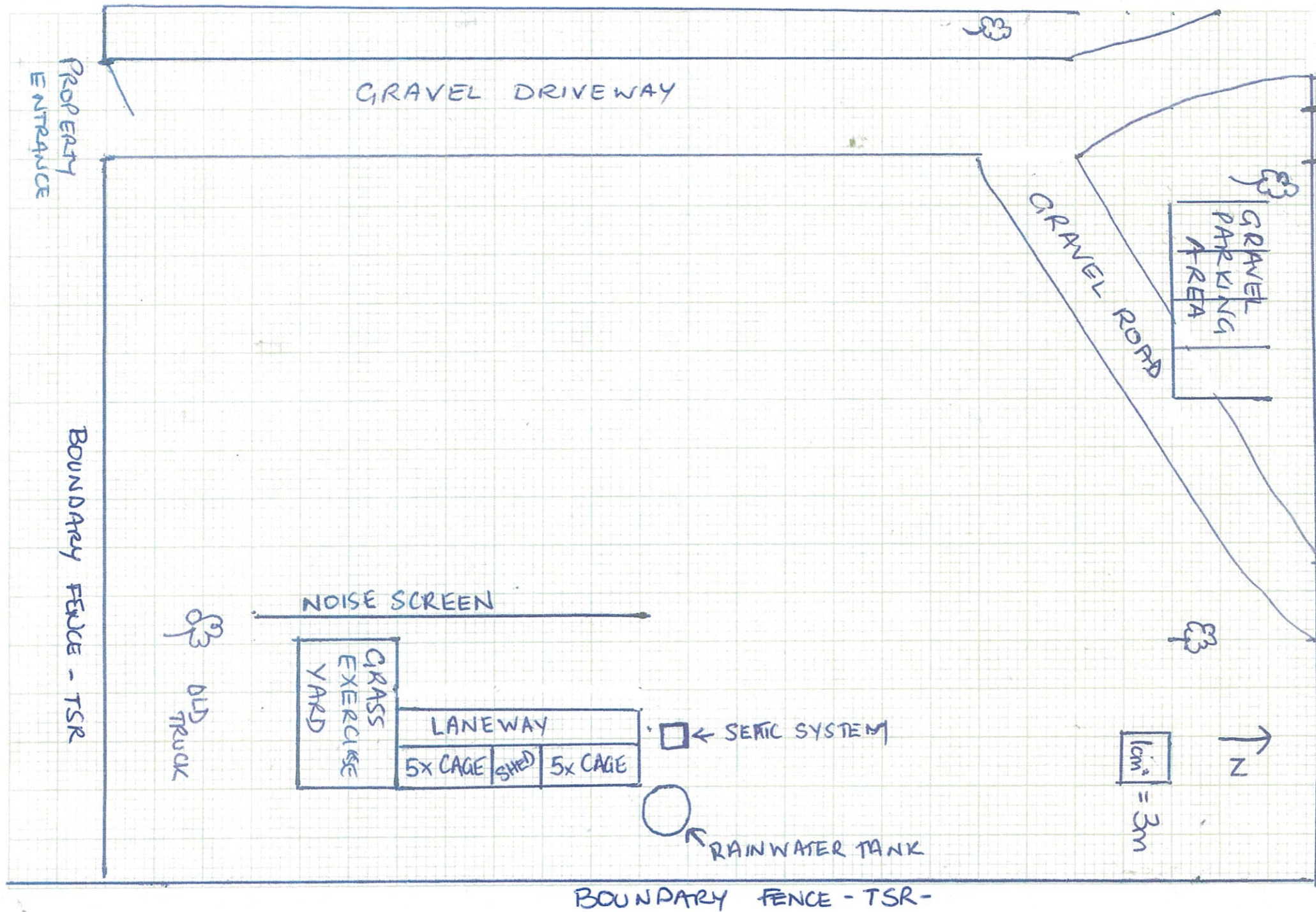
Liquid waste will run into a septic system and would be commercially pumped out twice yearly.

### **Noise**

The nearest neighbours are 380 metres from the proposed site. A noise screen will be erected on the western side (Walgett township) to lessen noise for residents.









↑ N

1cm = 1m

CONCRETE  
WITH FALL  
TOWARD  
GRATE DRAIN

— GUTTER

— GRATE DRAIN

— PIPE TO SEPTICTANK

NOISE SCREEN

SEPTIC  
TANK

RAIN WATER  
TANK

GATE  
WAY

5x  
KENNELS

STORAGE  
SHED

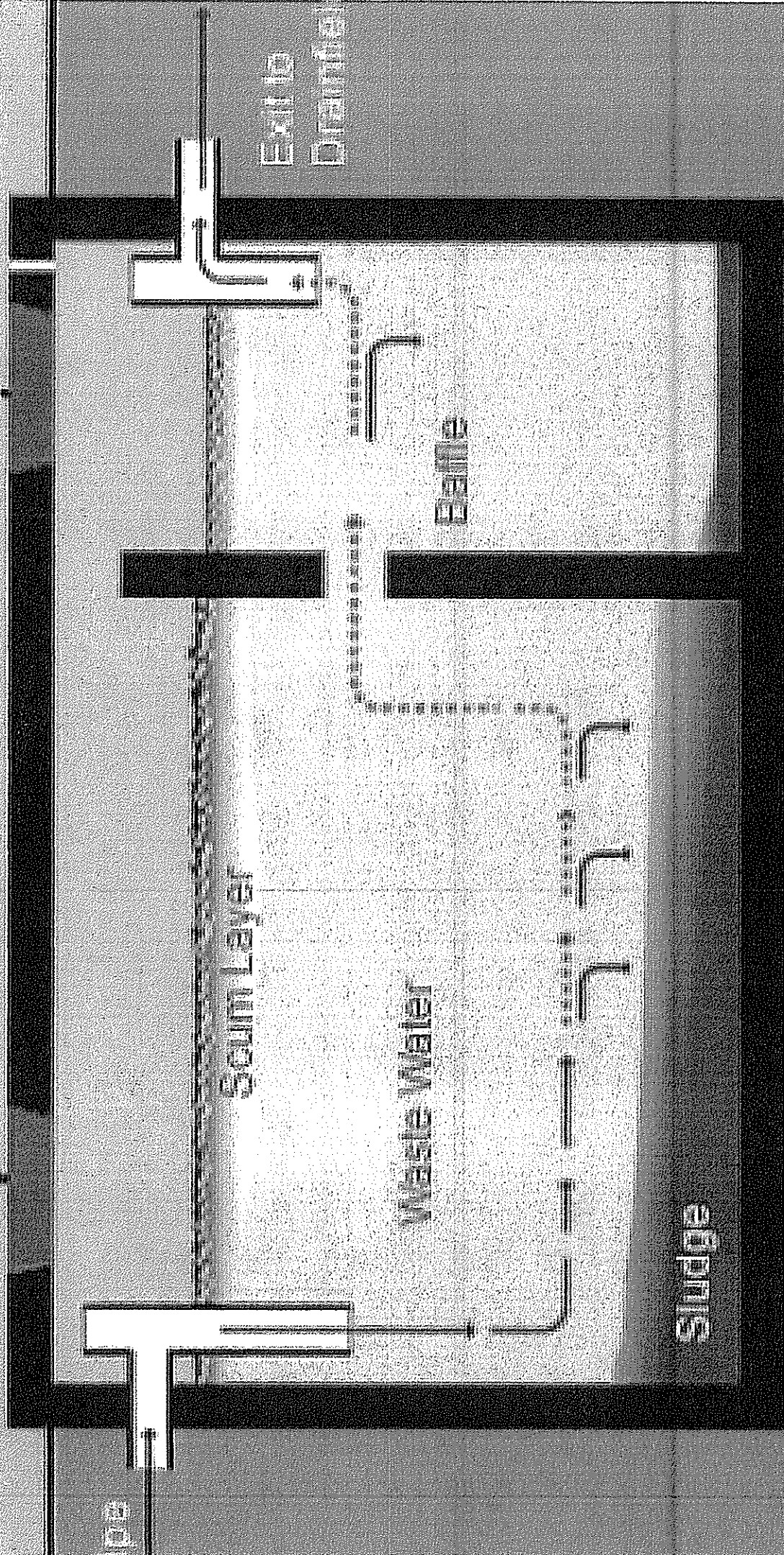
5x  
KENNELS

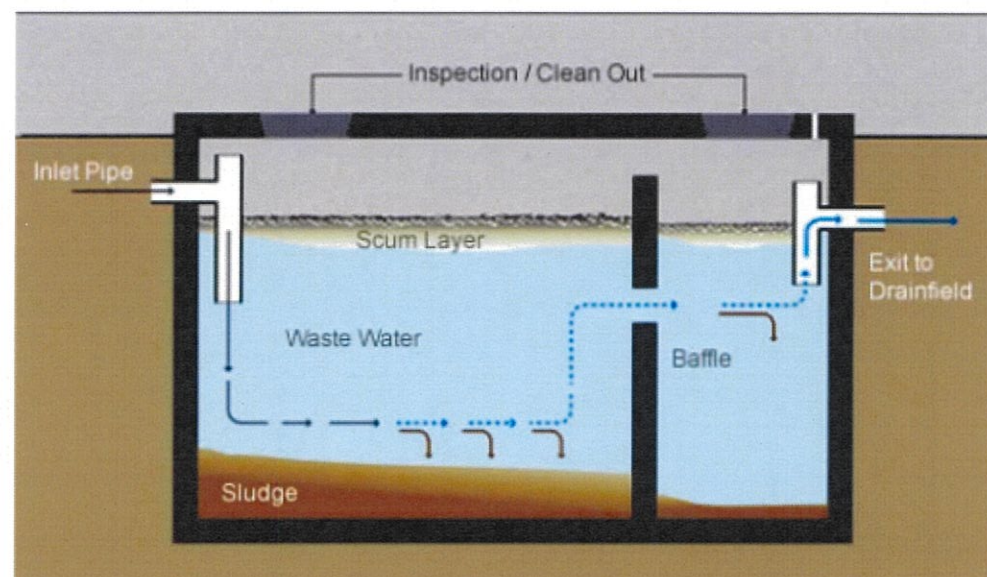
EXERCISE YARD  
GRASS

1  
2  
3  
4  
5  
6  
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27



Inspection / Clean Out





Septic Tank Diagram

## DEVELOPMENT ASSESSMENT REPORT

DA/2023/13

29/03/2023

Date Lodged: 23/03/2023

Officer: Bob Harris

Applicant -

Ms Melissa Ozoux

Hillview

WALGETT NSW 2832

Owner	Aberdove Properties – Consent provided
Proposal	Boarding Kennels and Car Parking
Reference:	DA/2023/13
Location:	**** NOT DEFINED **** WALGETT NSW 2832
Legal Desc.	112//750291
Parcel No.	9635
BCA Code	Class 10
Value	\$ 75000.0 / 0.0= \$

### Proposal Overview

Construct commercial Dog Boarding Kennels on a rural block. The kennels are prefabricate and built to approved dog breeding/kennel standards with a shed for storage in the middle. The kennels will be on cement with graded fall and catchment drain. Waste storage will be a septic system to be commercially pumped out twice yearly. The kennels will have guttering and a rain water tank.

### Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Title Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check Ownership	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

### Application Type

Is this application an Integrated Development Application?

Yes ☐ No ☒

Is this application a Designated Development Application?

Yes ☐ No ☒

Is this application for State Significant Development? Yes ☐ No ☒

Is this application submitted by/on behalf of a Public Authority? Yes ☐ No ☒

Is this application a staged Development? Yes ☐ No ☒

**Staging  
Detail:**

Is this application a section 4.55 amendment? Yes ☐ No ☒

**Date of original development  
consent:**

What section of the section 4.55 has been applied for? Section 4.55 (1) ☐ Section 4.55 (1A) ☐ Section 4.554(2) ☐

Is this appropriate for consideration as an amendment? Yes ☐ No ☒

**Comment:**

## CONCURRENCE & REFERRAL

### Section 4.13 – EP & A Act

Does this application require concurrence referral or courtesy comment? Yes ☐ No ☒

Department	Response Received	Objection to Proposal	Comments/Issues Raised
NSW RFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
NSW Police	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Fire & Rescue	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
NSW Planning	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Biodiversity	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
NSW Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Rail	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
TfNSW	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
DEHWA	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable



Aviation	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Public Authority	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Adjoining Council	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Council Committee	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Public Interest Group	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Heritage Advisor	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Disability Discrimination Report – Access and facilities	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable
EPA Reg. Cl. 61 – Demolition	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
EPA Reg. Cl. 62 – Category 1 Fire Safety Provisions	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
EPA Reg. Cl. 64 – Upgrade if > 50% volume	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable

**Comment:**

Does this application require referral for decision by Council?

Yes ☐ No ☒

## NOTIFICATION

Does this application require notification/advertising?

Yes ☒ No ☐

Is this application an advertised development application under the EP & A Act?

Yes ☐ No ☒

Was the decision regarding notification made as per the provisions of?

☐ EP& A Act   ☐ LEP   ☐ CCP   ☒ Public Interest

Dates Notification Undertaken

Commenced 24/3/23

Finished

6/4/23

Details of written submissions received?

<b>Submission Maker:</b>	
<b>Issue:</b>	
<b>Comment:</b>	

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

## LOCAL ENVIRONMENTAL PLAN WLEP 2013

*Section 4.15(1)(a)(i) and Section 4.15(a)(ii) – EP & A Act*

**This land is zoned:**

RU1 Primary Production

**Development as per Standard Definitions:**

The proposed development is considered to be an animal boarding establishment which is a permissible use.

The dominant development on this land is a ***dwelling house***..

### List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes <input type="checkbox"/> No <input type="checkbox"/>	<p>In the LEP's Land Use Table, the objectives for the RU1 zone are:</p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul> <p>It is considered that the proposed development is consistent with the above-mentioned zone objectives.</p>

4.3 Height of buildings	Yes	Height of buildings complies
5.10 Heritage conservation	YEs	No issues identified conditions of consent to be provided
5.21 Flood Planning	Yes <input type="checkbox"/> No <input type="checkbox"/>	Flood management plan to be provided.
6.1 Earthworks	Yes <input type="checkbox"/> No <input type="checkbox"/>	A Soil & Erosion Control Plan has not been submitted, but a suitable condition will be recommended.
6.6 Essential Services	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No Additional services are required.



Are there any relevant draft LEP or draft LEP amendment?

Yes ☐ No ☒

**Comment:**

Do 'existing use' provisions (Sections 4.65-4.70 of the EP&A Act) apply?

Yes ☐ No ☒

**Comment:**

## **DEVELOPMENT CONTROL PLAN – WDCP 2016**

### *Section 4.15(1)(a)(iii) & Section 4.15(3A) – EP & A Act*

#### 4.11. Animal Boarding or Training Establishment

##### 4.11.1. Building Setbacks – Variation required.

##### 4.11.2. Noise – Conditions to apply

Must comply with the Industrial Noise Policy of the Environment Protection Authority.

Sound-proofed holding sheds for all distressed animals must be provided.

##### 4.11.3. Waste and Water Management – Conditions apply

Must demonstrate that waste can be managed without detriment to the environment.

☐ Stormwater must be disposed of in a manner that does not interfere with adjoining land uses.

Comment – No issues identified

☐ Stormwater and wastewater generated from the cleaning of structures and yard areas will require treatment to remove pathogens prior to being reused on-site for irrigation purposes.

Comment - No reuse proposed

☐ Applications are to demonstrate that an adequate water supply (reticulated water, rainwater tanks and surface waters) is available to support the proposed development.

Comment – No issues with services.

☐ Construction requirement for concrete slabs are required.

#### 6.1 Environmental Effects

#### 6.2 Soil and Erosion Control – Condition applies

#### 6.3 Vegetation – No issues identified

#### 6.4 Waste Management – Existing arrangements.

#### 6.5 Noise – Condition applies

#### 6.6 Geology – No issues identified

#### 6.7 Stormwater – Existing stormwater system

Has a variation to the DCP been requested?

Yes ☒ No ☐

**Comment** Boundary setbacks

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

## Regional Environmental Plan

### Alignment & Actions

Far West Regional Plan	Goal	Details
Transport and Infrastructure	1	A diverse economy with efficient transport and Infrastructure Comment: No issues identified.
Exceptional Semi-arid Rangelands	2	Protect and manage environmental resources Comment: No issues identified
Strong and Connected Communities	3	Manage change and strengthen communities. Comment: No issues identified

## STATE ENVIRONMENTAL PLANNING POLICY - SEPPs

### List all relevant SEPPs

SEPP	Compliance	Comment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The purpose of this SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	No vegetation removal proposed.
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>

<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	Not required.
<b>Exempt and Complying Development Codes 2008</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	Not required.
<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	
<b>State Environmental Planning Policy (Primary Production) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li><i>to manage primary production and rural development including supporting sustainable agriculture.</i></li> <li><i>for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</i></li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	This proposed development is consistent with the aims and objectives of this Policy.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This Policy incorporates and repeals the provisions of SEPP No. 55 - Remediation of Land and Clause 4.6 requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	It is considered that there are unlikely to have been prior contaminating land uses and the site is suitable for the proposed use.

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

## Planning Agreement

*Section 4.15(1)(a)(iia) – EP & A Act*

Is there a Planning Agreement in force under section 93F of the EP&A Act?

No

## Planning Strategies/Local Policy

Is there a Planning Strategy or Local Policy that requires notation?

No

## Local Strategic Planning Statement

Planning Priority	Applicable
-------------------	------------

**Comment:** This proposed development is minor in nature and does not require strategic consideration.

## Supporting Planning Assessment

Has the applicant submitted any supporting planning assessments? Yes

**Comment:** Statement of Environmental Effects

Is there any other issue that requires notation? Yes ☐ No ☒

**Comment:**

## Subdivision

Is this application for subdivision? Yes ☐ No ☒

How many new lots are being created?

**Comment:**

## ENVIRONMENTAL IMPACTS

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Economical	Yes <input type="checkbox"/> No <input type="checkbox"/>	Positive Impact – provides options for pet owners
Siting & Configuration	Yes <input type="checkbox"/> No <input type="checkbox"/>	The proposal is not an over development of the site with adequate area to the rear and side boundaries of the site. The location of the proposed development is considered suitable having regard for the site design and internal layout.
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	See comments
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of aural and visual privacy outside those of normal, residential usage.
Safety, security & crime prevention	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will not result in any decrease in safety, security and prevention of crime in the surrounding area. The proposed structure will provide an increase in passive surveillance of the surrounding environment.
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of overshadowing.
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms visual privacy. The proposed colour scheme is considered to be consistent with the existing setting.

Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The proposed structure will not project above the ridgeline where visible from any public road or place and therefore views will not be impacted.
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Construction	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Any construction works must be compliant with the Building Code of Australia. This will be conditioned.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development site will have provision of water services and will be connected to a rainwater tank.
Waste	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Waste generated during construction is to be maintained onsite and shall be disposed to Council's land fill. A standard condition shall be imposed requiring the establishment and maintenance of a site rubbish container for the duration of construction works.
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The proposed development is expected to have minimal impact on existing air quality levels and microclimatic conditions.
Noise	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development may result in noise from animals in distress and conditions of approval require implementation of noise controls.
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will improve the subject site by undertaking appropriate landscaping measures (i.e. lawn, shrubs etc.). Erosion and sediment control measures are also to occur during the construction of the development.
Tree Loss	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Fauna	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Cumulative	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Has a Threatened Species Impact Assessment been prepared? Yes ☐ No ☒

Are there any species/communities listed under the TSC Act? Yes ☐ No ☒

Does the proposed development require approval under the EPBC Act Yes ☐ No ☒

**Comment:**

## HERITAGE IMPACT

Heritage	Impact	Comment
European	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Aboriginal	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	An Aboriginal Heritage Information Management System (AHIMS) search was not carried out for the land because the land has been modified due to existing residential use.

Is this land classified as containing an item of environmental heritage? Yes ☐ No ☒

Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? Yes ☐ No ☒

**Comment:**

Is this proposal in a heritage conservation Zone? Yes ☐ No ☒

Is this proposal in an adjoining or in close vicinity to a conservation zone? Yes ☐ No ☒

**Comment:**

Is there any other issue that requires notation? Yes ☐ No ☒

**Comment:**

## FLOODING

*Section 4.15(1)(b) – EP & A Act*

Is this property flood affected? Yes ☒ No ☐

Is there a flood study which includes this land? Yes ☐ No ☒

Has a Flood Impact Assessment been completed for this proposal? Yes ☐ No ☒

**Comment:** Animals are to be removed to higher ground in the event of a flood.

## BUSHFIRE PRONE LAND

*Section 4.15(1)(b) – EP & A Act*

Is this property bush fire prone as per the Bush Fire Prone Map? Yes ☐ No ☒

**Comment:** Conditions apply

## CONTAMINATED LAND

*Section 4.15(1)(b) – EP & A Act*

Has this land been identified as being contaminated land by Council? Yes ☐ No ☒

**Comment:**

Has a Contaminated Land Site Investigation been completed? Yes ☐ No ☐

Does this land require remediation? Yes ☐ No ☐

Is a referral required to NSW Environment Protections Authority? Yes ☐ No ☐

Has a Remediation Action Plan been completed for the land? Yes ☐ No ☐

**Comment:**

Is it a possibility this land may be contaminated? Yes ☐ No ☐

**Comment:**

Is this land in the close vicinity or adjoining a known contaminated site? Yes ☐ No ☐

**Comment:**

## INFRASTRUCTURE

*Section 4.15(1)(b) – EP & A Act*

Who has completed the Engineering Assessment?



Engineering Department

☐

Assessing Officer

☒Other ☐**Comment:**

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Upgrade Existing Road	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Pedestrian Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Energy Conservation	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Does the development require any new easements?

Yes ☐ No ☒**Comment:****CONSTRUCTION ASSESSMENT**

Is a Construction Certificate Required?

Yes ☐ No ☒**Comment:****ACTIVITY APPLICATIONS – S68 LOCAL GOVERNMENT ACT 1993**

Is a section 68 assessment required?

Yes ☐ No ☒

What type of Activity is being carried out?

Water Sewer Stormwater

OSSM Installation

Manufactured Dwelling Installation

**Comment:** No issues are identified**SIGNS**

Does this proposal require signage? Yes ☐ No ☒

Has this application included signage? Yes ☐ No ☒

**Comment:** Condition re signs

### Section 88b Instrument

Does Council require a Section 88b instrument to be prepared? Yes ☐ No ☒

**Comment:**

### MATTERS PRESCRIBED BY REGULATIONS

Clause 61(1) - Demolition Yes ☐ No ☒

**Comment:**

Clause 62 – Fire Safety Yes ☐ No ☒

**Comment:**

Clause 63 –Temporary Structures Yes ☐ No ☒

**Comment:**

Clause 64 – Buildings to be Upgraded > 50% Yes ☐ No ☒

**Comment:**

Owners Consent Yes ☒ No ☐

**Comment:**

LSL Payment where applicable Yes ☐ No ☒

**Comment:**

Roads Act Approvals – Access to development & Activity on footpaths Yes ☐ No ☒

**Comment:**

### Public Interest

Does this proposal have any construction or safety issues? Yes ☐ No ☒

**Comment:**

Is there any public health issues? Yes ☐ No ☒

**Comment:**

Are there any other public interest issues? Yes ☐ No ☒

**Comment:**

## Site Suitability

Section 4.15(1)(c) – EP & A Act

Is this a suitable site for this development?

Yes ☒ No ☐

Site Inspection – 29/3/23

Site Inspection – Site flood prone but no issues. Located next to show ground.

Significant buffers to Walgett township and adjoining residences.

**Comment:** The proposed development is consistent with the existing and future development in the locality. The development has access from a public road. The site is not identified as being subject to flooding, does not contain an item of heritage significance and is not bushfire prone. The site is considered to be suitable for the development.

## ASSESSING OFFICERS COMMENTS

**Comment:** The following outstanding issues are dealt with by the use of appropriate conditioning.

### DCP REQUIREMENTS

1. Building Setbacks – Variation required.  
Front boundary 65m required – Proposed 4m setback.  
Side boundary 25m required – Proposed 2m setback.  
Location of premises adjacent to showground is considered suitable.  
A noise screen is provided on the elevation facing nearest residences.  
Nearest Neighbour is approximately 380m from kennel.

### 2. Noise – Conditions to apply

Must comply with the Industrial Noise Policy of the Environment Protection Authority.  
Sound-proofed holding sheds for all distressed animals must be provided.

### 3. Waste and Water Management – Conditions apply

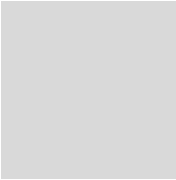
Must demonstrate that waste can be managed without detriment to the environment.

☐ Stormwater must be disposed of in a manner that does not interfere with adjoining land uses.

☐ Stormwater and wastewater generated from the cleaning of structures and yard areas will require treatment to remove pathogens prior to being reused on-site for irrigation purposes.

☐ Applications are to demonstrate that an adequate water supply (reticulated water, rainwater tanks and surface waters) is available to support the proposed development.

☐ Construction requirement for concrete slabs are required.

- 
4. Grass Fire Condition – Required to maintain vegetation to prevent grass fires.
  5. Access and parking – Two wheel drive all weather gravel access, parking and directional sign required.

### ***Recommendation***

This development application be approved subject to the following conditions:

## GENERAL CONDITIONS

1. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) the details set out on the plans approved and stamped by authorised officers of Council,

except as amended by the conditions of this development consent.

**Note:** Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

2. A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.
3. All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code.

## CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

4. The owner of the property is to ensure that any building is constructed:
  - (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;
  - (c) so that it does not interfere with any easements or covenants upon the land.
5. 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.
6. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Office of Environment & Heritage and the relevant local Aboriginal Lands Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

## CONDITIONS TO BE COMPLETED PRIOR TO USE COMMENCING

7. The existing access and carpark area is to be upgraded to provide all weather two wheel drive access, line marking for carparks and traffic directional signage.
8. A bushfire emergency Asset Protection Zone (APZ) is to be maintained and contact details of emergency services and site contacts is to be maintained on site.

9. A flood emergency and evacuation plan is to be prepared and maintained. This is to include up to date contact details of emergency services and site contacts and include details of safety procedures and property protection measures.

## CONDITIONS RELATING TO ONGOING OPERATIONS

10. To maintain the amenity of the area commercial operations are to ensure compliance. As follows;
  - a) Noise impacts comply with the Protection of the Environment Operations Act and Regulations.
  - b) Distressed animals are to be kept within a sound proof enclosure.
  - c) Liquid and solid waste from the kennel is to be disposed in accordance with approved plans.
  - d) Effluent is to be disposed below ground level on the premises without causing an odour or visual impact.

## COUNCIL ADVICE ONLY

1. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
2. Dial Before You Dig: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
3. Telecommunications Act 1997 (Commonwealth); Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
4. New residential development and significant dwelling alterations should provide measures such as self-closing doors, fencing and gates to prevent children from entering the garage and driveway from the house.

## Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled in accordance with the *Environmental Planning and Assessment Regulation 2021*, as amended.



4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.

## **Conclusion**

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Signed: .....

Bob Harris

Date:



AWTM Pty Ltd ATF Witherby Family Trust (ABN 50 285 185 541) T/A Wakefield Planning  
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# **Statement of Environmental Effects and DA Report**

## **Subdivision Gingie Village Walgett Lots 2 & 34 DP 752697 and Lot 6 DP1280162**

Client: Walgett Local Aboriginal Land Council

Revision 1.4

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### Document Control Details

	Details	Date
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1.0	Full Draft for Client Review	1 July 2021
1.1	Amendments following Client Review	6 July 2021
1.2	As Submitted to Council	26 July 2021
1.3	RFI Response	20 September 2022
1.4	Review following feedback	1 April 2023
1.5	Clarify lot numbers, dedications and consolidations	2 April 2023

### Disclaimer

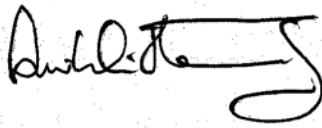
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This report has been prepared to inform the Client about particular matters. Use of material herein for any other purpose is at the end-user's own risk. The information contained in this report is to the best of Wakefield Planning's knowledge true and correct. Every effort has been made to ensure its accuracy; however, to the extent permitted at law, Wakefield Planning does not accept responsibility for any loss, injury or damage arising from the use of such information.

### Principal Author Certification

I certify that I have prepared the contents of this Report and to the best of my knowledge:

- The information contained in this Report is neither false nor misleading; and
- It contains all relevant available information that is current at the time of release.



**Angus Witherby**

BA – Geography & Economics, Grad. Dip. Urb. & Reg. Planning, FPIA, CPP

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## **1 Introduction**

### **1.1 Preliminary**

This SEE has been revised to account for issues raised in Council's RFI for the development. It incorporates the changes indicated to Council in the formal RFI response. In addition, it updates the EIS to account for the recent successful land claim.

### **1.2 The Roads to Home Project**

The NSW State Government is working with Local Aboriginal Land Councils across NSW to implement subdivisions across a range of Aboriginal communities which have largely developed on former mission sites. In particular, the program seeks to subdivide individual house lots, as well as make significant improvements to infrastructure including roads, lighting, property access, drainage and the like.

Some of the first subdivisions under the program are taking place in Walgett Shire which is the "headline" community for the state – wide rollout of the program. The process of subdivision is one which will contribute to these communities coming into the "mainstream" particularly in terms of treating these village communities in a similar way to other village communities throughout rural and regional NSW.

In addition to the subdivision process, and remediation of key infrastructure, the opportunity is also being taken to rehabilitate dwellings and to address issues such as asbestos contamination.

The development application as submitted has been the subject of intense development design including multiple meetings with the local communities and the Land Council. In addition, prior to any change to title occurring, it is necessary for the NSW Aboriginal Land Council to approve any land dealings. This requires those dealings having the support of the community concerned as well as the support of the NSW Aboriginal Land Council.

Initial proposals gave consideration to various forms of title including Community Title. Ultimately, however, the NSW Aboriginal Land Council was more comfortable with a conventional Torrens subdivision as this was considered to place less ongoing burdens on the Local Aboriginal Land Council. This view was the view ultimately endorsed at the Land Dealing Meeting held with the communities.

### **1.3 Scope of Works**

In many respects the proposal could have proceeded as a "paper" subdivision with roads etc being dedicated to Council.

Instead, the NSW Government has committed to upgrade road infrastructure within the village, and improve associated drainage in addition to undertaking the subdivision process to create individual house lots, largely along the lines of existing fencing. In addition, the NSW State Government is proposing to re-construct the internal roads to a longer design life than is ordinarily required for a residential subdivision. The roads, having been dedicated to Council, would become maintained in the same way as other villages in the Shire.

Similarly, part of the subdivision is looking to create a public reserve allotment which, as is the normal case, would be dedicated to Council. The community hall lot would be retained in the WLALC ownership. Again, lots and facilities upon the lots would be brought into good order.

At this time it is not proposed to dedicate water and sewer infrastructure to the Council.

The subdivision consists of 31 lots, including 29 lots within the village, including service lots and a lot defining the levee; together with two residue lots, one each side of the road access. Lots 54 and 55 are proposed for dedication as road, as is the internal village road and its connection to Lot 55.

## **1.4 Ongoing maintenance**

With respect to maintenance, the Walgett Local Aboriginal Land Council is in a position to quote to provide many of the maintenance services to the subdivision and is of the view that it could do so in a very cost-effective effective fashion. While not the subject of this development application, discussions will be held with Council regarding a framework which would maximise local resident participation in the ongoing care and maintenance of the village. This is an important element of well-being for local people both in terms of the ability to earn income but also to maintain “pride in-place”.

## **1.5 A Model Community**

The subdivision and associated works are intended to implement a “model community” that has the strong support of residents but which also represents a model that could be utilised in other communities, both Aboriginal and non—Aboriginal. The strong intent is to ensure that the communities being subdivided set a new benchmark for sustainable Aboriginal Housing.

## **1.6 Requirements for Development Consent**

It should be noted, however, that with respect to physical works, development for roads (which includes ancillary works) may be carried out without development consent whether carried out by a public authority or on private lands. Accordingly, development consent is not strictly required for the road construction. A similar situation pertains to stormwater management and also to environmental protection works.

Although the physical works do not require consent, and these will be proceeding independently, for completeness the application is presented as a “package” of the proposed physical works as well as the legal subdivision.

## **1.7 Relationship to Adjoining Land**

### **1.7.1 Encroachment into adjoining private lands**

The existing village and proposed subdivision encroach onto the adjoining land known as Lot 6, DP 1280162. Refer Figure 3. This land was recently freeholded. Owner's consent from the adjoining owner has been supplied to Council. The detail of negotiations with the owner, who has indicated a willingness to do so, are commercial in confidence. Suffice it to say, that there is agreement over a boundary adjustment and this is shown on the DA plans. At subdivision certificate stage, and subject to survey, there may be some adjustment to this boundary. Acquiring the land adjoining could be a deferred commencement condition of any approval.

### **1.7.2 Legal access to the village**

Access to the village has been raised as an issue. It is noted that various methods for obtaining legal access to the land, by way of easement, are available should diligent negotiations fail. These include Section 88K of the *Conveyancing Act, 1919*. While not a part of the development application, it is noted that Council has obligations to ensure that land has legal and physical access and that these are congruent. As the lands

concerned are now the subject of a successful land claim, dedication can be achieved. The Board of the WLALC has agreed to this approach and it will shortly be the subject of a land dealing meeting to confirm with the Community and with NSWLAC. As this issue has been substantially resolved, we consider that this could also be the subject of a deferred commencement condition.

### 1.7.3 Encroachment of levee into Wimbledon Road

There is also an encroachment of the levee into the Public Road known as Wimbledon Road or Mission Road, which is owned by Council. Council's consent for the subdivision and boundary adjustment is therefore requested.

There is no planned encroachment into the small triangle of Crown Road.

The figure below sets out the encroachments. The minor encroachment into the public road is well clear of the carriageway. The approximate encroachment of the lot boundary is 4 metres, noting this is 3m outside the levee itself. As there is no current issue with the location of the levee, it is considered that adjusting the boundary for the levee or levee and a curtilage would be acceptable. Alternatively, the lot could terminate at the public road. Any works on the levee would require, under this scenario, a S138 application under the *Roads Act* if not conducted by the Council.

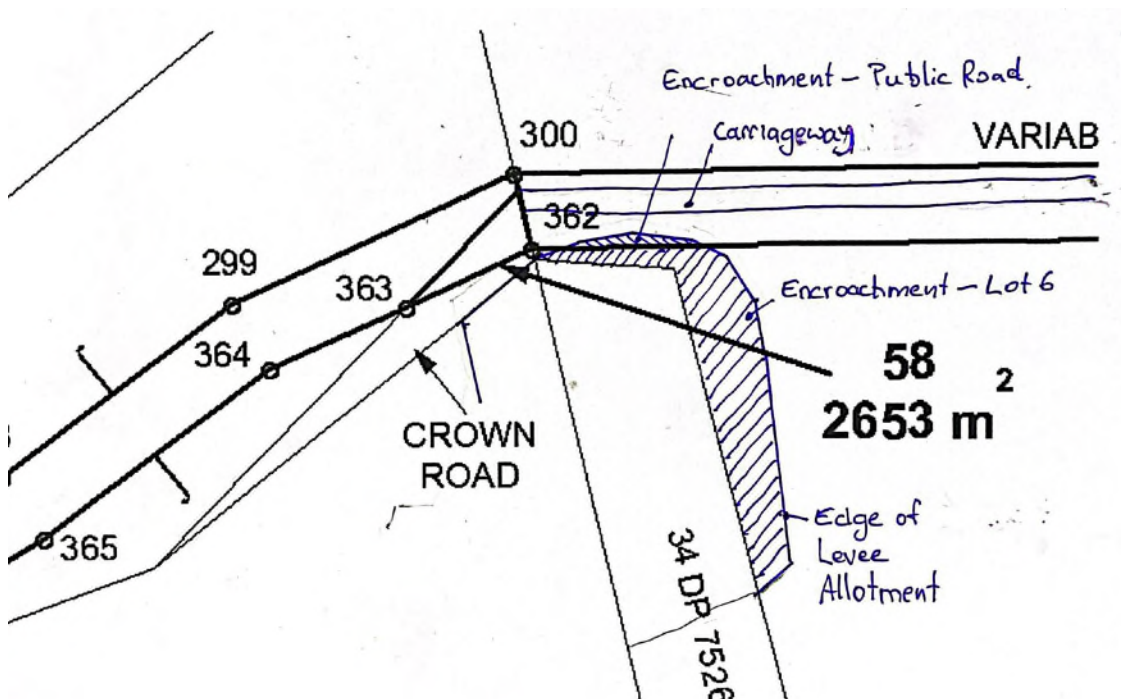
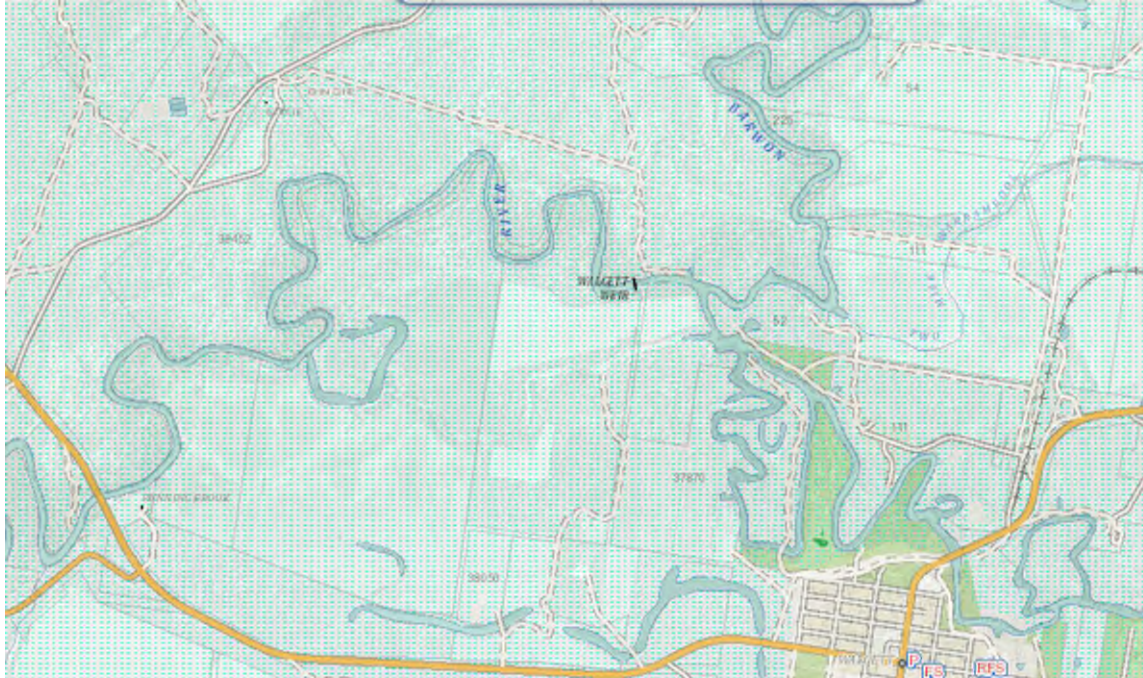


Figure 1 - Encroachments into adjoining land

## 2 Physical Context

### 2.1 Context for the site

The context of the site is shown on the diagram below:



**Figure 2 – Context -Village site is circled in red**

The site represents a self-contained village community somewhat removed from the urban boundary of Walgett, and is currently zoned C4 and RU1. The village is located to the west of the Barwon River, and is protected by a levee, which partially encroaches on an adjacent recently freeholded parcel, known as Lot 6, DP 1280162. We have been in contact with the owner, and he has signed the owner's consent for the DA. We note that a revised form of owners consent is necessary, and this will be progressed prior to determination, as permitted under the Act.

The land has mild slopes and is lightly timbered. The land is currently occupied by 12 dwellings as well as two metal sheds. Slabs from 4 previous dwellings are also present. Access is from a road connecting with the Kamillaroi Highway through three allotments. It is proposed that this access be dedicated as public road. Part of the road is already defined by allotments as shown on the proposed plan of subdivision.





**Figure 3 - Aerial Context showing existing settlement and vegetation**

This gives a good overview of the type of country which has scattered vegetation with houses arranged around the road network. The sewerage treatment system is on Lot 36, and an easement is proposed across Lot 7301 (now in the ownership of the Walgett LALC) to secure a right of access.

The area is flood-prone land. A levee has been provided to address flood risk. No additional dwellings are proposed as part of this application although some additional allotments would be created. This is for the purpose of ensuring that all land is effectively defined and that fencing can be provided to minimise movement. Essentially, allotments without dwellings would either be service allotments, public reserve allotments or, alternatively potentially available for future usage subject to DA. It is noted that, similar to Walgett, land within the levee is not considered to be flood liable land.

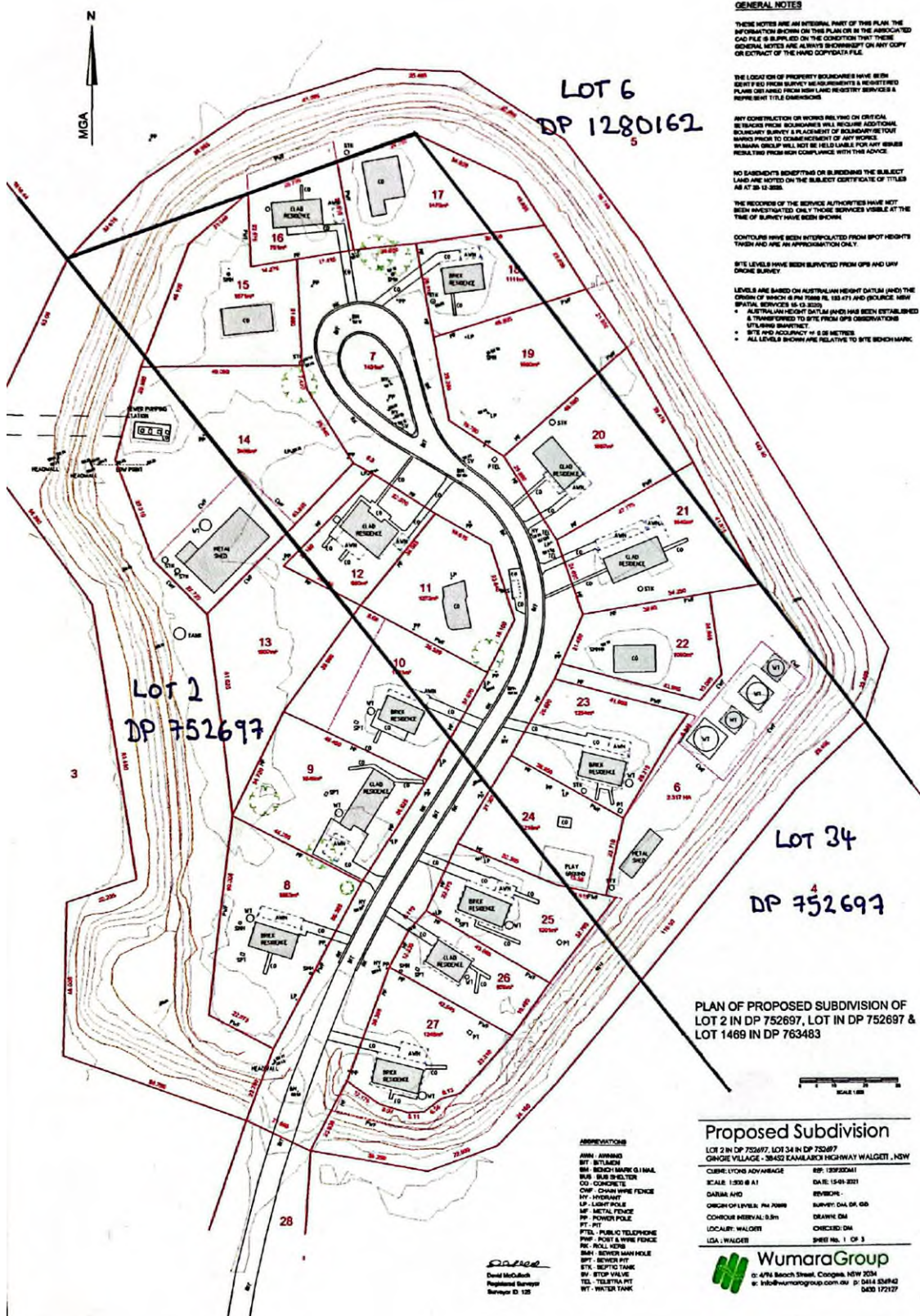


Figure 4 - Proposed subdivision showing existing lots and dwellings

As shown, the current dwellings are either wholly or partially fenced which provides a framework for the subdivision.



## 2.2 Current Services

Current services to the land are provided as follows:

- Water
- Power
- Sewer

Where necessary, existing services would be protected by easements noting that the proposed layout seeks to minimise the need for easement dedications. It is proposed in the planning proposal that the lots relating to water and sewer infrastructure would be rezoned to the appropriate infrastructure zone, as requested by Council.

## 2.3 Planning Context

The planning context is that the land is subject to Walgett Local Environmental Plan 2013 (as amended). The relevant maps are shown below. Further detail is provided in the Statutory Assessment portion of this submission.



**Figure 5 - Land Use Zoning** (Note map has not been updated to E4)

The land is within the C4 zone and the RU1 Zone. The village is largely within the C4 Zone, however the balance of the land is within the RU1 Zone. A planning proposal has been lodged with Council, which seeks adjustment of the zone boundary to co-incide with the physical boundaries of the village. In this respect the rezoning can proceed independently of the subdivision, as irrespective of the outcome of this DA, the zoning should be adjusted.

It is noted that the variation near zone boundaries clause does not apply to this land, and accordingly those portions of the subdivision that are within the RU1 Zone would need to be the subject of a modification to the consent, unless the zoning issue is resolved prior to this.



**Figure 6 - Lot Size Map**

The lot size for the C4 Zone is 700m<sup>2</sup> ("Q" on the legend) whereas the minimum lot size in the RU1 zone surrounding is 400 ha, except when subdivided for agricultural purposes without dwelling rights.

No other overlays apply to the site.

The application is accompanied by the plans and documents: These include:

- Cover Letter
- Statement of Environmental Effects and DA Report (this document)
- Proposed plan of subdivision and roads plan
- Site survey
- Geotechnical report
- Dealing Statement

This report consists of a statement of environmental effects regarding the proposal, and assesses the proposal under the provisions of Section 4.15 of the Act.

The report has been prepared by Angus Witherby, Director of Wakefield Planning at the request of Lyons Advantage, head contractor for the Roads to Home project on behalf of the Walgett Local Aboriginal Land Council and the NSW State Government.

This development is not the subject of a declaration of any reportable political donation or gift to a Councillor or staff member pursuant to the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008*.

## **3 Details of the proposal**

### **3.1 Use of the land**

The land is currently utilised as a residential village with a curtilage of rural land.

### **3.2 Details of the Subdivision**

#### **3.2.1 Layout**

The layout of the proposed subdivision is shown on the attached plan, which is reproduced over. The allotment boundaries have been selected to take into account the location of existing buildings and also to provide an appropriate curtilage for each allotment based, in large part, on existing fencing.

Additional lots are proposed in addition to the existing dwelling lots to define the limits of private land and facilitate community management. They would be fenced, to define the limits of private land, and also to control informal vehicle movements.

The existing basic road layout would be maintained, but with the roads rebuilt. Adjustments would be made to the potential road reserve area to reduce the areas of land in public management.

Drainage would be dealt with by way of easements, or incorporation of the areas within the road reserve, with the roads being proposed for dedication to Council. Full details of easements would be provided with the final subdivision plans, which would incorporate any consent requirements.

One public reserve area is identified, with a playground. A community hall is also present, but is not proposed for dedication. The existing levee has also been placed on its own lot. This includes a minimum 3m clearance from the base of the levee to permit full access to the levee. An 88B Instrument would apply to this levee lot. The water tanks are also located on their own lot, serviced by its own corridor to the proposed public road network. Similarly, the sewer pumping station is also on a defined lot,

These are also proposed for dedication to the Council, although not necessarily at the time of subdivision. In this regard it is acknowledged that the condition of the assets would need to be agreed upon as suitable for dedication. Council is invited to nominate the proposed condition, to enable negotiations to occur, separately to the DA process, or this matter could be conditioned.

#### **3.2.2 Access**

Access to the new allotments would be via a dedicated public road within the subdivision. The access road would have minor upgrading - resurfacing, line marking, additional reflectors and some streetlighting. The internal roads will be fully reconstructed for an extended design life prior to dedication. Road plans are attached which indicate the proposed road layout and structural details. It is noted that Council has indicated satisfaction with the engineering plans for this upgrade, as being acceptable for dedication.

It is noted that the external road access has been in use for many years. Dedication is proposed. Should there be any future legal issues with access along this road, an alternative public road access exists along Wimbledon Road (also known as Mission Road) as shown on the figure below, which shows the road carriageway within the reserve in the vicinity of the village. Legal access is already available to this road through a combination of Crown and Public Roads.

An alternative constructed access could be conditioned, to be implemented if the existing physical access becomes unavailable. This could be protected by an easement so that the land is available if ever necessary.

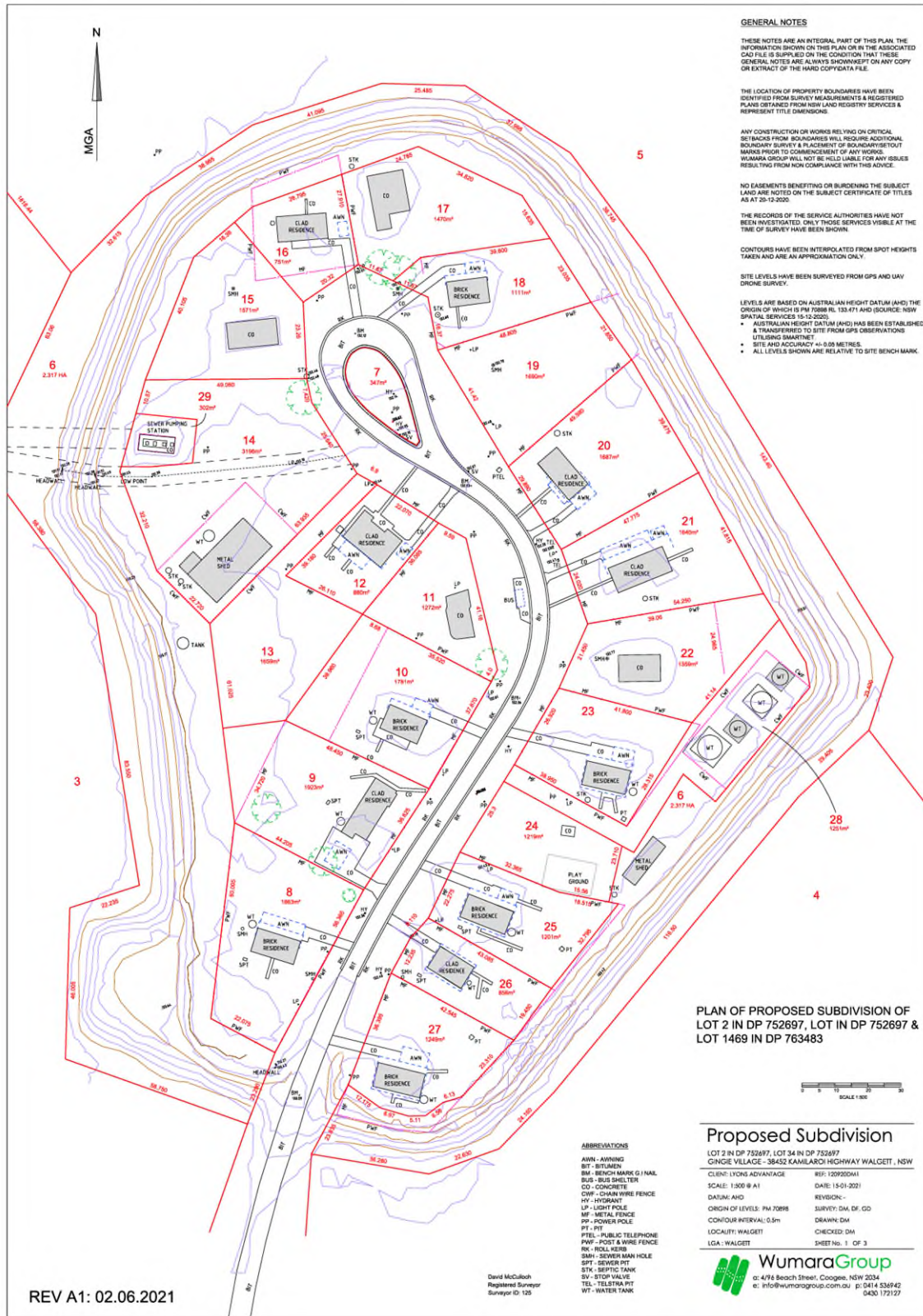


Figure 7 - Subdivision Layout Detail



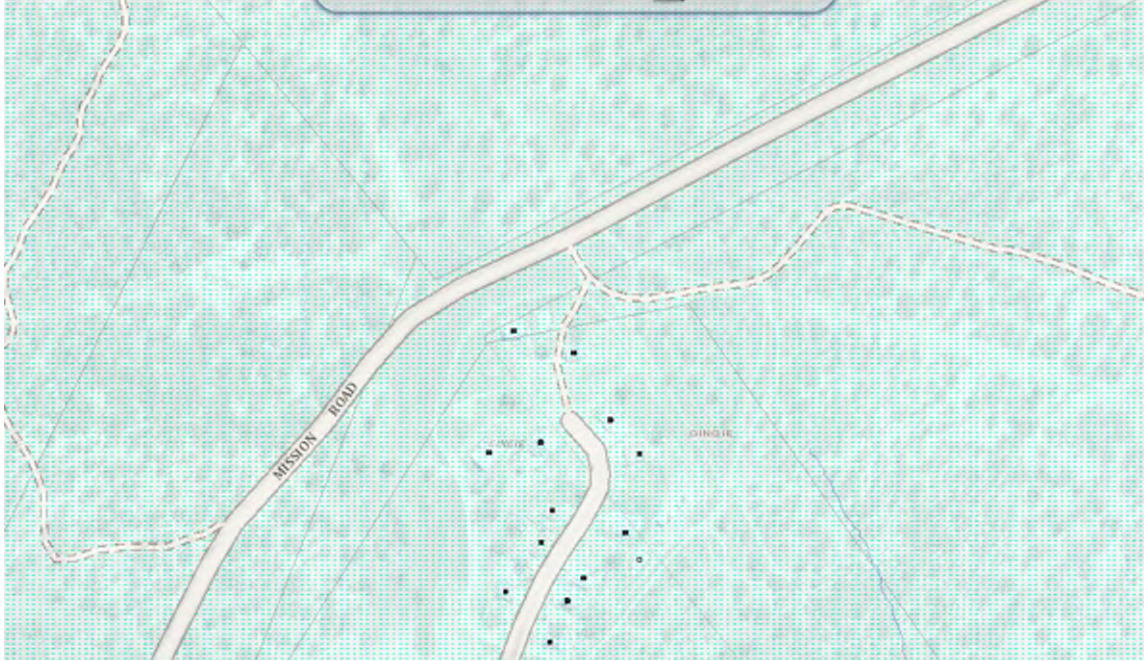


Figure 8 - Wimbledon/Mission Road



Figure 9 - Proposed easement for potential future access to Wimbledon/Mission Road

### 3.2.3 Water and Power Supply

No changes are proposed to water supply however where water pipelines cross a private lot to service another lot these would be protected by easements.

Any necessary upgrading of works proposed for dedication would be undertaken.

Power would be supplied from the existing power lines which again would be protected by an easement as necessary. These would be upgraded to current standards if necessary.

### 3.2.4 Waste Water Disposal

The existing methods method of disposal would continue. Easements would be implemented as necessary where service lines servicing one allotment cross another allotment.

Any upgrading works required in terms of any proposed dedication would be undertaken to bring the works up to an appropriate standard.

### 3.2.5 Stormwater Drainage

Stormwater drainage is shown on the attached drainage plan. Suitable easements are proposed to address existing and proposed stormwater flows. Details would be provided in the final plan of subdivision.



## **4 Statutory Review**

### **4.1 Site zoning context**

The site is within two zones, the C4 Environmental Living Zone and the RU1 Primary Production. The majority of the residential lots to be created are within the C4 Environmental Living Zone. The objectives of the C4 zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To acknowledge the settlements of Gingie, Namoi and Walli and to enable compatible development.*

In this regard the proposal is consistent with the objectives of the C4 zone in that the subdivision acknowledges the settlement of Gingie. The development would not have an adverse impact on special ecological, scientific or aesthetic values but would enhance the aesthetics of the area whilst at the same time ensuring better protection of vegetation through better controlling vehicle movements. It is noted that roads do not require development consent within this zone. This is consistent with the Infrastructure SEPP requirements.

Accordingly, the proposal is considered to meet the objectives of the zone.

### **4.2 Environmental Attributes**

A review of the planning portal was undertaken to assess the presence of any specific environmental attributes. These are discussed as follows:

#### **4.2.1 Bushfire prone land**

The land is not affected as bushfire prone land although an area of bushfire prone land exists east, but not contiguous with, the site as shown in the diagram below.



**Figure 9 - Bushfire Prone Land**

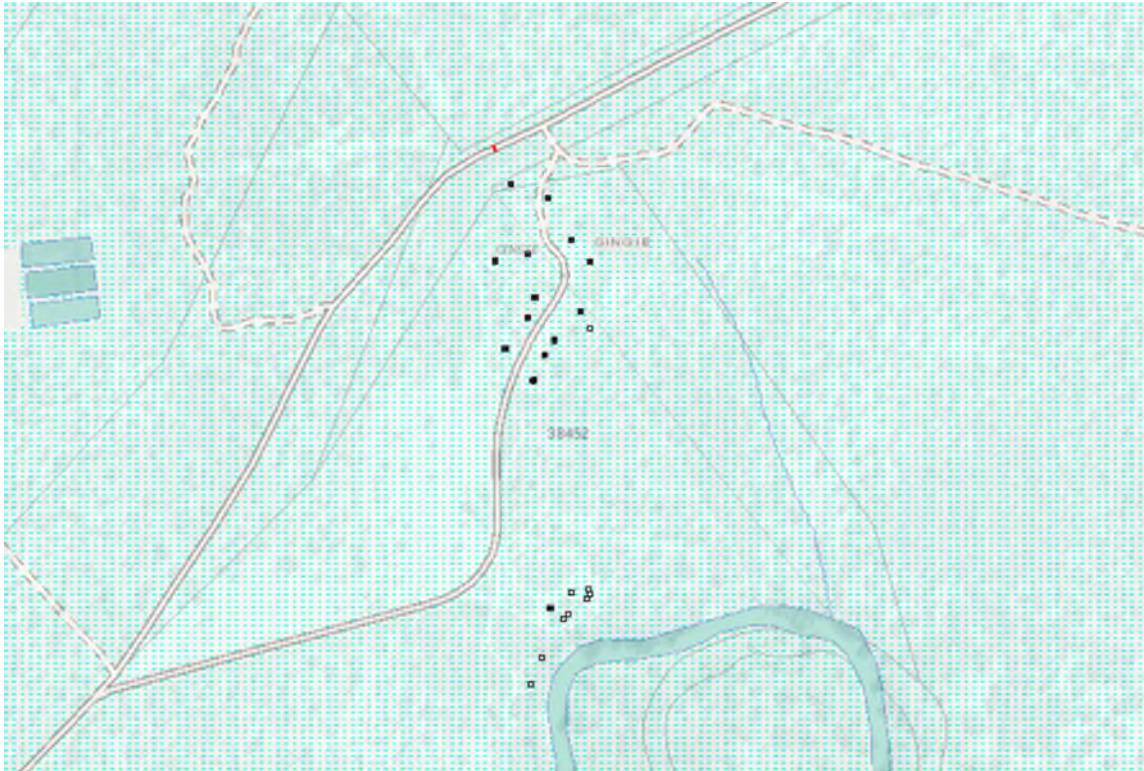
On the basis that the land is not directly affected, a formal bushfire study is not required as part consideration of the application, however as a result of the Council RFI such a study has been prepared and is amended.

#### **4.2.2 Flood Planning Level**

Although not the subject of a layer within the local environmental plan, the land is known to be flood-prone and accordingly the relevant sections of the LEP are considered.

#### **4.2.3 Riparian land and water courses**

Although not the subject of a layer within the local environmental plan, the land is affected by riparian areas although these are not impacted by the proposal. The figure below shows the only stream in the vicinity.



**Figure 10 - Streams from Hydroline data set**

Note that works are not proposed within 40m of this first-order stream. Should works be required in the future, e.g. on the levee, then appropriate NRAR approvals would be sought.

No works are proposed within the riparian zone of the Barwon River.

No other significant affectations have been identified through the planning portal.

## **5 Review under Section 4.15**

### **5.1 Characterisation of the Use**

The use consists of a multi-lot subdivision. This is permissible with consent, provided that the minimum lot size in the zone is achieved.

### **5.2 State Environmental Planning Policies**

A review was undertaken of the SEPPs with the following policies identified:

#### **5.2.1 SEPP (Biodiversity and Conservation) 2021**

The policy applies to Walgett Shire, although not to lands zoned RU1 Primary Production. A review was undertaken of the NSW online mapping which identified that the land is within the Darling Riverine Plains koala management area. The land is shown as being within a floodplain. No approved Koala Plan of Management is known to exist. It is considered that as no trees are proposed for removal nor any intensification of residential development is proposed that the proposal would have no or negligible impact on koala habitat.

#### **5.2.2 SEPP (Resilience and Hazards) 2021**

The site is known to possess asbestos contamination and this is being addressed through a separate process. The subdivision of itself has no impact on this issue.

Any land likely to be dedicated to the Council would be remediated and certified clear of asbestos prior to dedication.

#### **5.2.3 SEPP (Primary Production) 2021**

The land is not identified as being biological strategic agricultural land. No specific provisions of the SEPP are relevant to the application.

### **5.3 Strategic Planning Documents**

The following strategic planning documents have been identified as relevant to the subdivision:

#### **5.3.1 Far West Regional Plan**

This Plan is a high-level document addressing the Far West region. Of relevance to the proposal is the goal of the plan to achieve “strong and connected communities”. The Roads to home” program is specifically designed to enhance the strength of the local Aboriginal Land Council and also the resilience of the communities. This is also identified as a specific priority within the plan, as is increasing housing opportunities. In addition, the third goal specifically seeks to “strengthen local leadership” which would also be achieved through the enhancement of capability of the Walgett LALC.

Direction 22 requires collaboration and partnership with Aboriginal communities. Again, this is a key element of the “Roads to Home” project. In particular collaborative and inclusive planning has been used to address future subdivision proposals for the villages.

Direction 27 looks to provide greater housing choice. In this regard the subdivision will facilitate long-term leases and also, potentially, the sale of land in the future through such mechanisms as “rent to buy” and also freehold sale. Modest provision has also been made for possible increase to housing numbers, including placing slabs of former



dwellings on their own allotments, although this would be subject to separate future development applications.

Although potentially being able to consider the proposal as “rural residential development” the proposal is not inconsistent with Direction 29.

Direction 30 looks to create healthy built environments, and this again is a key goal of the “Roads to Home” project.

In summary, the proposal is considered to be fully consistent with the Far West Regional Plan.

## **5.4 Walgett Environmental Plan 2013**

The proposal is subject to Walgett LEP 2012. Issues of permissibility and characterisation have been addressed earlier in this report and accordingly this section will address other specific clauses of the LEP.

### **5.4.1 Clause 2.6 – Subdivision - consent requirements**

This confirms that development consent is required for subdivision.

### **5.4.2 Clause 4.1 – Minimum Subdivision Lot Size**

The allotments would comply with the 700 m<sup>2</sup> minimum lot size within the C4 Zone as set out in this clause with the exception of a small allotment within the turning head of the road and the sewage pumping station allotment (subject to changing this to the infrastructure zone). The proposed subdivision layout is considered to be a practical and efficient layout to meet the intended uses of each lot. A variation to the minimum lot size for the one affected allotment has been requested under 4.6.

### **5.4.3 Clause 4.2 - Rural Subdivision**

No dwelling lots are proposed to be created within the RU1 zone, although there is one existing dwelling on the proposed residue allotment.

### **5.4.4 Clause 4.2A – Erection of dual occupancies, dwelling houses or secondary dwellings on land in certain rural, residential and environmental protection zones**

This clause applies to both the RU1 Primary Production zone as well as the C4 Environmental Living zone.

With respect to the C4 Zone, the minimum lot size would be achieved for all allotments on which a dwelling is erected. A small allotment is being created within the turning circle of the road, however this would not have any dwelling entitlement. Any applications for future dwellings within this part of the proposal would be on allotments consistent with this Clause.

With respect to the RU1 Zone no new dwelling rights or new dwellings are proposed.

### **5.4.5 Clause 4.6 - Exceptions to Development Standards**

#### **C4 Environmental Living Zone**

Two allotments of less than 700 m<sup>2</sup> is proposed to be created in the C4 Zone, one being within the turning head of the road reserve. This is to ensure the land remains in the ownership of the Walgett LALC. The second is the sewage pumping station. The lots are not intended for dwellings and an appropriate restriction under Section 88B of the Conveyancing Act 1919 would be applied.

Accordingly, the following written request is made in accordance with the Clause. In particular, the lot size requirement is considered unreasonable and unnecessary in the circumstances of the case given the purpose of the land to retain the road head land within local ownership and provide for services with dwellings not being permissible. In addition, there are no environmental planning impacts associated with the proposal.

Accordingly, the Concurrence of the Planning Secretary is requested. In this respect it is submitted that:

- the circumstances of the case are such that no matters of significance for State or regional environmental planning arise
- there is significant public benefit in varying the standard and no public benefit to maintaining the development standard due to the fact that, for the road head, it would alienate an important area of land from local Aboriginal people; and for the sewage pumping station it would facilitate access and appropriate ownership.

As only two allotments are proposed, the development is consistent with this Clause subject to the Planning Secretary concurrence.

#### **5.4.6 Clause 5.3 – Development near Zone Boundaries**

Although located on a zone boundary, the clause is not relevant to the application, as the relevant zone boundary is with land is zoned RU1 Primary Production and C4 Environmental Living.

#### **5.4.7 Clause 5.10 – Heritage Conservation.**

The site is not listed as containing items of heritage significance in the schedule to the LEP. An AHIMS register search was conducted (see Appendix) and one item “in or near” the site has been identified. The archaeological report has been requested and will be supplied on receipt. It is noted that the usual provisions of Section 90 of the NPWS Act 1974 continue to apply. Suitable conditions can be applied. Verbal advice is that the listed item would not be impacted in any way by the subdivision proposal.

#### **5.4.8 Clause 5.16 - Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones.**

The purpose of this clause, which applies to the land, is to minimise potential land use conflicts. This is particularly the case where residential uses are involved.

Under this clause various matters are to be taken into account which are addressed below:

- The existing uses of the land are for a residential village which has been in existence for many years. In addition, the subdivision disposition would also ensure that adequate buffers exist between existing dwellings and agricultural land uses in the vicinity. In particular, cropping is not a viable agricultural use in the vicinity with grazing being the major use which has comparatively low impacts.
- In this regard, the development has no impact nor would it have any impact on existing or future agricultural uses.
- Given the nature of agricultural uses in the vicinity, and the existence of adequate buffers, the development is considered compatible with existing uses and approved uses of land in the vicinity and preferred or predominant land uses.



- The main measure taken to reduce potential impacts is to ensure that adequate provision is made for buffer areas within the ownership and control of the Walgett LALC.

#### **5.4.9      Clause 6.1 – Earthworks**

Earthworks would be ancillary to development not requiring consent being roadworks. In this respect the proposed earthworks are not triggered under this clause. Notwithstanding this, earthworks associated with drainage and roadworks would be consistent with the future use and redevelopment of the land, would not involve imported fill, would improve the amenity of adjoining properties, and would not result in the import or export of soil material. Appropriate controls would be undertaken to ensure that riparian areas and waterways are protected from sedimentation during the construction process.

#### **5.4.10      6.2 - Flood Planning**

The overall principles of this Clause are to minimise risk to life and property, while avoiding significant adverse impacts on flood behaviour and the environment while permitting compatible development.

In this regard:

- The development is existing and, on the basis of available information, is compatible with the flood hazard of the land. In this respect houses are within a levee. Evidence from local residents suggests that the has not been known to over-top.
- A levee management plan is proposed to be conditioned, which would involve a review of the levee, and a management framework for it moving forward.
- As relatively minor physical works are proposed, and these largely within the levee, there would be no significant impact on flood behaviour.
- Appropriate measures to minimise risk to life have been taken by constructing a levee. In addition, it is proposed that a flood management plan be conditioned and prepared by the Walgett LALC to assist in managing the population during future flood events.
- No additional economic costs are anticipated noting that infrastructure would be constructed taking into account the flood prone nature of the land. Social impacts associated with flooding would not be increased and flooding is well understood phenomena in the area.

#### **5.4.11      6.3 - Development on Riverfront areas**

Although parts of the land owned by the WLALC adjoin the Barwon River, and there is a first order stream nearby, there are no riparian areas impacted by the development.

#### **5.4.12      6.6 - Essential services**

The subdivision would generally use utilise existing infrastructure. Further details are provided in the development control plan section of this report. In summary, the following services would be retained and, where necessary, enhanced:

- Water supply
- Electricity
- Disposal and management of sewage
- Stormwater drainage

- Vehicular access

In this respect the clause is complied with.

For the advice of Council, a copy of the current license approval for the water supply bore is appended.

## **6 Development Control Plan**

Walgett DCP 2016 applies to the land. The relevant clauses together with commentary are outlined below:

### **6.1 Chapter 2 – Information Requirement**

No BASIX certificate is required as no dwellings are proposed for construction.

This document is the statement of environmental effects for the proposal.

Site plans are provided that are consistent with the requirements. No floorplans are necessary as no buildings are proposed for construction.

Although landscaping of road reserve areas and land to be dedicated as public reserve will be undertaken it is requested that this be conditioned in terms of submission of a landscaping plan. In this way, the impact of any conditions that might be imposed by Council can be taken into account in the landscaping plan. In this respect we note that landscape plans are not strictly required with the Development Application in this instance.

An identification survey is provided.

Potential site contamination has been identified, being asbestos, which as indicated in the SEE is being addressed through a separate process.

It is noted that the development would be notified under the terms of the DCP. This is because the subdivision creates five lots or more. In that the proposal would create 20 or more allotments, it would require advertising under the terms of the DCP.

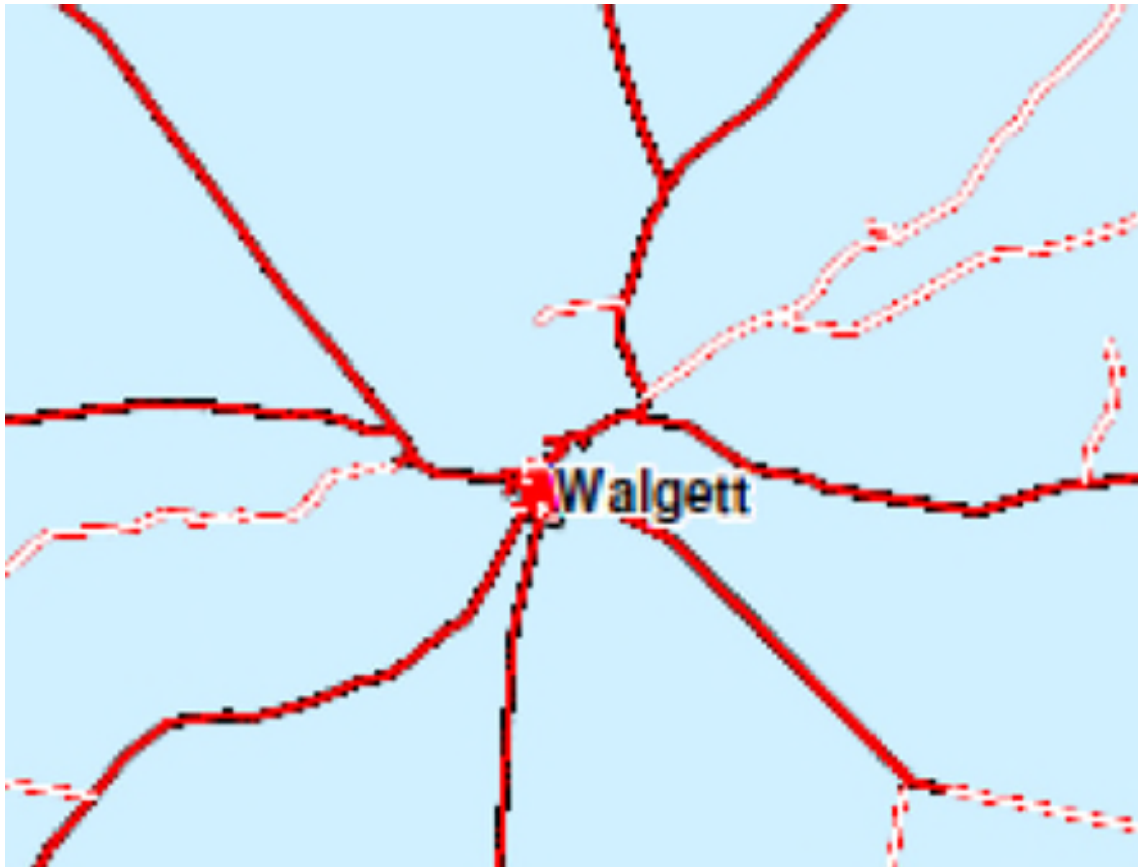
### **6.2 Chapter 3 - Biophysical hazards**

#### **Flood affected land**

The land is flood affected land as defined in the DCP. The provisions of Clause 6.2 have been addressed in the statutory section of this report. It is noted that compliance with this Clause is considered to have occurred when the floor level of a dwelling house is at least 500mm above the historical flood peak for the site, or the land is contained within an appropriate levee.

It should further be noted that a flood management/evacuation plan is proposed to be developed for the community which will address issues such as stay in place versus evacuation and the associated triggers for different responses. It should be noted that Aboriginal communities are particularly vulnerable to displacement and the plan will give full consideration to both social and economic impacts noting a primary focus on the preservation of life.

The Figure below confirms that the land is flood affected noting that while the resolution is relatively poor, it is clear that this affects all areas outside the levy around the town of Walgett.



**Figure 11 - Flood Affected Land**

Noting the development is existing, flood free access is not available and the development would be unlikely to achieve safe wading criteria as per the Floodplain Development Manual. In this respect the development of a flood planning/evacuation mechanism for the village is seen as important, notwithstanding the levee, and it is recommended that this be conditioned.

#### **Bushfire**

The land is not identified as being bushfire prone and accordingly a bushfire report is not considered necessary. It has, however, been prepared at Council's request and is supplied as a separate report.

### **6.3 Chapter 4 – Subdivision**

#### **Objectives**

In terms of the objectives of the DCP, the development is considered compatible with the surrounding development noting that the residential component of the village is surrounded by buffer areas. Adjoining land uses, being recreation and grazing, would not impact on the residential development nor would the residential development impact on these uses. In this respect it should be noted that the development is existing and no additional impacts would occur as a result of the subdivision proposal.

#### **Provisions**

No site coverage requirements are identified in either of the affected zones.

Lot boundaries have been drawn to ensure that setback requirements in the DCP are achieved and there is no impediment to solar access.

Parking is existing and there will be some formalisation of this through driveway and crossing construction and also the provision of on street parking as well as the ability to park in driveways. Access to properties will be improved to ensure that all current dwellings have all-weather two-wheel drive access.

Fencing is existing and is currently of open mesh style. This style would be retained for any relocated or additional fencing.

Lot boundaries have been selected to avoid any outbuildings being located within the building setback within the C4 Zone. There are no requirements within the RU1 Zone.

No temporary accommodation or relocated dwellings are proposed.

No changes are proposed in terms of ancillary structures such as pools, carports, water tanks and the like.

The curtilage of each allotment has been selected to ensure compliance with the provisions of the DCP with respect to issues such as landscaped area and the like.

### **Subdivision**

Lot size compliance is as set out in the statutory section of this report. In summary all lots within the C4 Zone are above the minimum lot size except for two allotments as previously outlined.

#### **Servicing**

The servicing strategy is based on continuation of existing services. In this respect the subdivision is appropriately serviced with water, sewer, telecommunications and electricity. As part of the subdivision, services will be reviewed in particular as to whether any upgrade of core utilities is necessary. As outlined previously, the appropriate easements will be implemented to ensure that access to core assets remains available.

#### **Stormwater**

Stormwater will be reconsidered and compliance with the DCP would be achieved in that designated overland flow paths and dedicated drainage reserves would be established. Stormwater flow would be managed appropriately. It is suggested that Council condition this aspect so that the relevant engineering plans can be endorsed by Council prior to construction commencing.

#### **Battle axe lots**

Two battle axe shaped lots are proposed. One is a vacant lot that could potentially be used for housing, while the other contains the water tanks. Both comply with DCP requirements including access width.

#### **Roads**

Roads will be kerbed and guttered and would be in excess of the minimum 6 m wide pavement requirement. Roads are reconstructions of the existing road network with minor modifications to assist in the management of vehicle speeds through road design. Road with has given consideration to the needs for on street parking in addition to the use of the local road network for bus and garbage truck access. The proposed reserve with is variable and in part is driven by existing dwelling curtilages although efforts have been made to reduce the area of dedicated roadway again to ensure cost-effective management, while still providing adequate width for footpath construction. Constructed pedestrian foot paths are proposed in consistency with the DCP is the subdivision is above 15 allotments. In this regard both sides of the roads will be serviced by foot paths. This is considered desirable as people are reluctant to cross a road to access a footpath on the other side.

In considering road widths, although servicing greater than 15 lots, it is considered that likely traffic volumes would be more in line with culs-de-sac and short loops. In this respect based on other similar communities it is anticipated that traffic volumes would be unlikely to exceed 150 – 200 movements per day. The road reserve width is consistent with this road type. Detailed consideration was given to road widths. In this regard there is a trade-off between accessibility and vehicle speeds. Vehicle speeds have been a historic issue in small communities of this type and accordingly road design has been modified to address this issue, in particular with the proposal to dedicate the roads as public roads which limits community control. The selected road width is also responsive to the lower traffic volumes and utilises a technique known as “managed friction” to partially address vehicle speeds.

Option	Road function	Minimum width that will work	Comments
			Roll top kerbs are being replaced
1.	Bus route, no on street parking, one travel lane in each direction	6m	This is the cheapest solution but one which is likely to create problems in terms of car parking, unless we include plenty of parking in driveways or through parking bays as part of the road.
2.	Bus route, on street parking one side, one travel lane in each direction	7.5 m	This is the minimum for a car and bus to pass where there is a parked vehicle. If cars are prepared to wait for the bus to go by (such as pulling into a driveway or into a vacant area) the same width can be used as for option one. I suggest this is the most practical solution that in practice can work quite well. It is good at keeping car speeds low.
3.	Bus route, on street parking both sides, one continuous travel lane provided.	8.0 m	This provides for parking each side and a single travelling lane. Cars would be required to pull to one side to let other cars past. This option can also work, although the road is a little bit wider though cars moving in opposite directions need to give way one to the other.
4.	Bus route, on street parking both sides,	11 m	This is the normal width for a bus route. In this case it is also much more expensive and is likely to lead to much higher car speeds due to the wider roadway. Not recommended.

Figure 12 - Road Width Assessment

The ultimate design adopted utilised 7.5 m plus parking bays. This recognises that informal parking may well occur on sections of road outside the parking bays and still ensures that bus access would be maintained. Overall, the design outcome is generally consistent with the intent of the table although drawing from aspects of different road categories. Council's consideration of a variation to the DCP guidelines with respect to the roads is requested.



Consideration was given to providing access to adjoining undeveloped land. This was considered unnecessary in the circumstances of the case as there is no proposal to substantially increase the size of the village. Any such proposal that might come forward in the future would need to go through an appropriate planning process.

Culs-de-sac meet DCP requirements in terms of radius and also stormwater drainage.

The road plan is set out below (see full version also as attached):



**Figure 13 - Road Concept Plan**

Landscaping has been previously discussed. In this regard landscaped details are proposed to be submitted to Council for endorsement prior to construction commencing. Landscaping would include the road reserve together with drainage reserves. Indicative landscaping approaches are set out on the attached plans.

Site access to all allotments used for residential purposes would be by public road access. This is a key aspect of the subdivision with the intent of ensuring that all dwellings within the village in fact have direct public road access.

Lot orientation responded to existing dwelling patterns and therefore was constrained. In this respect lot sizes are adequate to ensure that any replacement dwellings or dwellings erected in the future can easily be orientated appropriately for solar access/shade as necessary.

Open space is proposed by way of an existing area, to be defined by a formal allotment. The area proposed includes an existing play area. While this is below the 5000 m<sup>2</sup> DCP suggestion, this is considered to be an appropriate land area centrally placed within the community and satisfactory for needs. A variation to the DCP guideline on minimum lot size is therefore requested, as larger dedications would involve encroaching on proposed residential allotments and would also increase the overall maintenance cost and burden of the open space area. Fencing would ensure that child safety is addressed noting that the road environment is low speed. The location of the area has excellent access by pedestrian and road links with roads being suitable for cycle use given the very low traffic volumes involved. The central location ensures minimal walking distances for residents. The adjoining residential lots would provide strong passive surveillance which is also available from the streetscape. As a corner allotment the land is highly visible in accordance with this DCP guideline. Slopes are minimal and although complementary use is not significant, the use of the land for a community hall would be consistent with this approach.

No significant trees or vegetation are proposed for removal.

Issues of contamination have been previously discussed.



## **6.4 Chapter 6 - Environmental Controls**

### **Construction impacts**

As the development is largely an “paper” exercise, with minimal new works (nearly all involves reconstruction of existing assets) the environmental effects are limited to those associated with construction impacts. In this respect it would be anticipated that a standard condition regarding use of erosion controls such as the “blue book” would be applied.

### **Waste management**

This would continue as a local government service utilising the same arrangements as apply to other urban areas of Walgett.

### **Stormwater**

Stormwater would be designed in accordance with Australian Rainfall & Run-off 2019 for the 20% event. Events above this magnitude would be addressed through overland flow management up to and including the 1% event. Details would be provided with the engineering drawings submitted for endorsement prior to construction.

## **6.5 Appendix A - Utility Infrastructure Provision**

No new buildings are proposed, and accordingly there would be no impacts in terms of the “zone of influence” noting that, at times, existing services may not fully comply with this requirement. Appropriate easements would be established based on zone of influence considerations as part of the subdivision. Council’s review and endorsement of the proposed easements would be part of the subdivision certificate process.’

Council’s requirements with respect to easements over water supplies are noted as are easements over any pressurised sewer. In this respect it is suggested that easements should protect sewer infrastructure where this traverses an allotment other than an allotment being directly served. In this regard easements serve as a clear indicator of the location of such infrastructure and minimise risks to the infrastructure in the future. Council’s consideration to the implementation of these easements is requested.

No modifications of Council’s existing infrastructure are proposed as part of the development.

## **7 Other Matters**

### **7.1 Native Title**

Information has been provided separately to Council. There is a sovereign, but manageable risk associated with lands that might be dedicated to Council. That risk lies with the NSW State Government, not Council.

### **7.2 Land Claims**

The Walgett LALC has recently been successful in land claims. These ease issues to do with owner’s consent, and also the granting of easements over various lots now within their ownership to protect the sewage works and the like.

The land claimed is shown in the figure over.

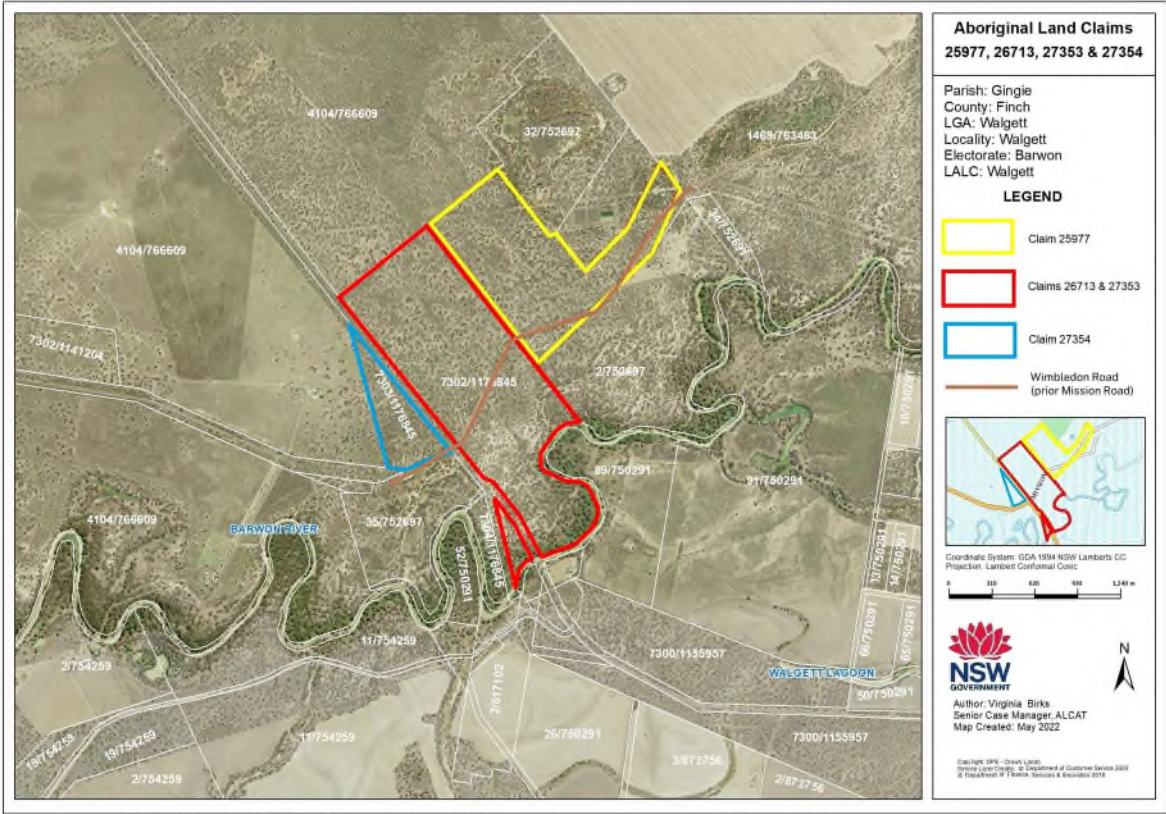


Figure 14 - Recent Land Claims

## **8 The suitability of the site for the development**

The site is considered very suitable for the development, being an existing village that is well-protected with a levee.

### **8.1 Any submissions made in accordance with this Act or the regulations**

At the time of preparation of this report, no written submissions have been made. Any submissions made during exhibition would be addressed.

### **8.2 The public interest**

It is in the public interest that the historical situation regarding Aboriginal communities be addressed in terms of bringing the management of Aboriginal villages under the same or a similar framework to other villages within the Shire.

In this regard the proposal is a vital proposal in terms of providing additional resilience and security to the Walgett Local Aboriginal Land Council and enhancing its ability to work with its communities to create and maintain better living environments.

## **9 Conclusions**

The proposal represents an acceptable use within the area and is considered worthy of planning support.

## APPENDIX – WATER SUPPLY LICENCE

Search Results

1 to 1 of 1 rows

Approval	Issue Date	Expiry Date	Kind of Approval	Water Source or Floodplain Management Plan or Land Declared to be a FloodPlain		Water Management Zone	Status
<a href="#">85WA750527</a>	01-JUL-2008		Basic Rights	Surat Groundwater Source			Current

Kind of Approval	Issue Date	Expiry Date	Approval Number	Status	Water Source
Basic Rights	01-JUL-2008		85WA750527	Current	Surat Groundwater Source

Work Type	Description	Diameter	Status	No of Works	Location (Lot/DP)	Work ID	ESID
Extraction Works Gw	Artesian Bore	127	Active	1	Lot 2, DP 752697	1000100878	23317

- Conditions

Plan Conditions

Water	NSW Great Artesian Basin Groundwater Sources 2020
-------	---

### sharing plan

#### Water management works

MA7627-00001 The water supply work authorised by this approval must only be used to take water for basic landholder rights.

MW7053-00001 The approval holder must ensure:  
 A. the construction of the water supply work is completed within three years of the approval being granted, and  
 B. the water supply work is not used unless construction is completed within three years of the approval being granted.

MW7043-00001 If contaminated water is encountered during the construction of the water supply work, the approval holder must do the following:  
 A. notify the Minister within 48 hours of becoming aware of the contaminated water,  
 B. take all reasonable steps to minimise contamination and environmental harm,  
 C. ensure that the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work,  
 D. place an impermeable seal in the borehole annulus when and as directed by the Minister, and  
 E. comply with any other written requirements specified by the Minister, which may include a requirement to provide a report in a specified form detailing the quality of any water obtained using the water supply work.

This condition does not apply to a water supply work constructed for the purpose of monitoring or remediating contaminated water.

MW7108-00001 A water supply work with headworks installed to control artesian flow must be maintained to ensure those headworks are operational and, in the Minister's opinion, there is minimal loss of water.

MW7077-00001 The approval holder must ensure that the water supply work is constructed in such a way that ensures the following:  
 A. the water supply work is situated in the location specified in the application for the water supply work,  
 B. water is able to be taken through the water supply work only from the groundwater source specified in the share component of the access licence that nominates the water supply work,  
 C. the water supply work is sealed off from all other water sources,



- D. all flowing water supply works are fitted with headworks in such a way as to enable the control of water flow,
- E. construction of the water supply work complies with the construction standards for that type of bore prescribed in the Minimum Construction Requirements for Water Bores in Australia,
- F. construction and use of the water supply work prevents contamination of the aquifer and between aquifers, and
- G. construction and use of the water supply work prevents the flow of saline water between aquifers.

#### Monitoring and recording

- MW7116-00001 A. Until 1 December 2021, the approval holder must install and maintain an extraction measurement device on each water supply work used for the extraction of water under a water access licence. The extraction measurement device must be of a type and standard and meet criteria specified by the Minister.
- B. The approval holder must ensure that the metering equipment:
- i. accurately measures and records the flow of all water taken through each water supply work,
  - ii. is operated and maintained in a proper and efficient manner,
  - iii. complies with any other requirements as to the type, standard or other criteria for metering equipment as directed by the Minister.

#### Reporting

- MW3858-00002 A. When a water supply work authorised by this approval is no longer to be used permanently, the approval holder must:
- i. notify the relevant licensor in writing of their intention to decommission the work at least 60 days before the start of decommissioning, and
  - ii. include a work plan for decommissioning in accordance with the Minimum Construction Requirements for Water Bores in Australia 2020, as amended or replaced from time to time, and
  - iii. decommission the work in accordance with the submitted work plan unless the approval holder receives notice in writing from the Minister within 60 days of notifying the relevant licensor, requiring that the work is either not to be decommissioned or be decommissioned in accordance with requirements other than those set in the work plan.
- B. Within 60 days of the work being decommissioned, the approval holder must notify the relevant licensor in writing:
- i. confirming that the work has been decommissioned, and
  - ii. providing the name of the driller who decommissioned the work.

- MW7042-00001 If directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work, within the timeframe (if any) specified in the written notice.

- MW7052-00001 The approval holder must submit a completed Form A to the relevant licensor within 60 days:
- A. of completion of the construction of the water supply work, or
  - B. after the issue of the water supply work approval if the approval is for the amendment of an existing water supply work.

- MW6983-00004 A. Once the approval holder becomes aware of a breach of any condition on this approval, the approval holder must notify the Minister as soon as practicable.
- B. If the initial notification was not in writing, written notice must be provided within seven days of becoming aware of the breach by emailing:  
nrar.enquiries@nrar.nsw.gov.au

#### Other Conditions

##### Water management works

- DK1198-00001 The approval holder must allow the relevant licensor or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.
- DK1208-00001 The approval holder must not construct or install works used for the purpose of conveying, distributing or storing water from the works authorised by this approval, that obstruct the reasonable passage of floodwaters flowing in, to, or from a river or lake.

##### Additional conditions

- NS03815 The licensee shall notify the Department's senior engineer drilling at Dubbo when drilling is to commence, and shall at his own expense furnish to the senior engineer drilling, each week after the commencement of

drilling, returns setting out depths, diam, and other particulars of the bore and casing inserted, as well as the nature and thickness of the various strata encountered, and of the location, quantities, and quality of all supplies of water and of the height each stands relative to the natural surface. a one litre sample of water from each supply encountered, shall be forwarded to the: Department of infrastructure, planning and natural resources, principal hydrogeologist, c/- trackfast centre, parramatta NSW (in case of passenger rail); or po box 3720 parramatta NSW 2124 (in the case of parcels post).

- |         |  |
|---------|--|
| NS03851 | The bore shall be constructed to a depth not exceeding 550 m, unless and until permission is obtained from the Department of infrastructure, planning and natural resources to continue drilling to a greater depth.   |
| NS03852 | The bore should be lined with steel casing to the full depth of the bore, with slots set opposite the preferred aquifer (s). any outer string (s) of casing should be pressure cemented between the casing (s) and the walls of the bore hole from the bottom of the casing to ground level. |
| NS03853 | Any water extracted from the bore shall not be discharged into any watercourse or source of groundwater unless it meets the requirements of the protection of the environment operations act, 1997.  |

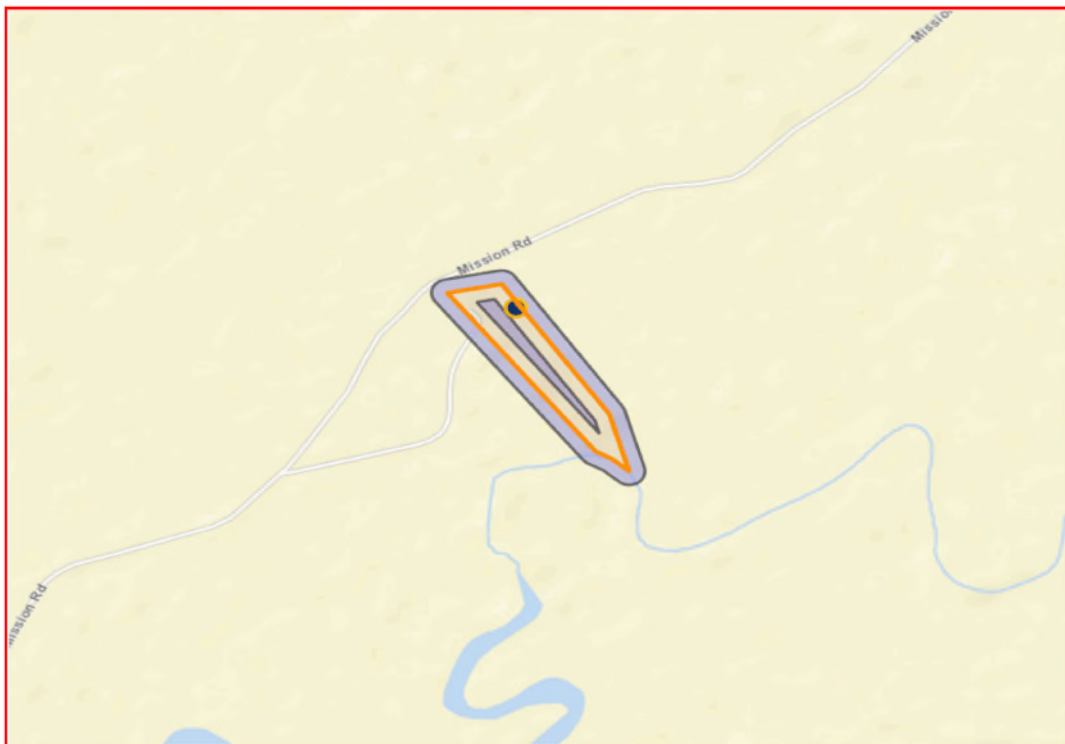
**Disclaimer:** WaterNSW is making the information available on the understanding that it does not warrant that the information is suitable for any intended use. In using the information supplied, the user acknowledges that they are responsible for any deductions or conclusions arrived at from interpretation of the data.



## APPENDIX – AHIMS EXTRACTS

AHIMS Web Service search for the following area at Lot : 34, DP:DP752697, Section : - with a Buffer of 50 meters, conducted by Angus Witherby on 20 September 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

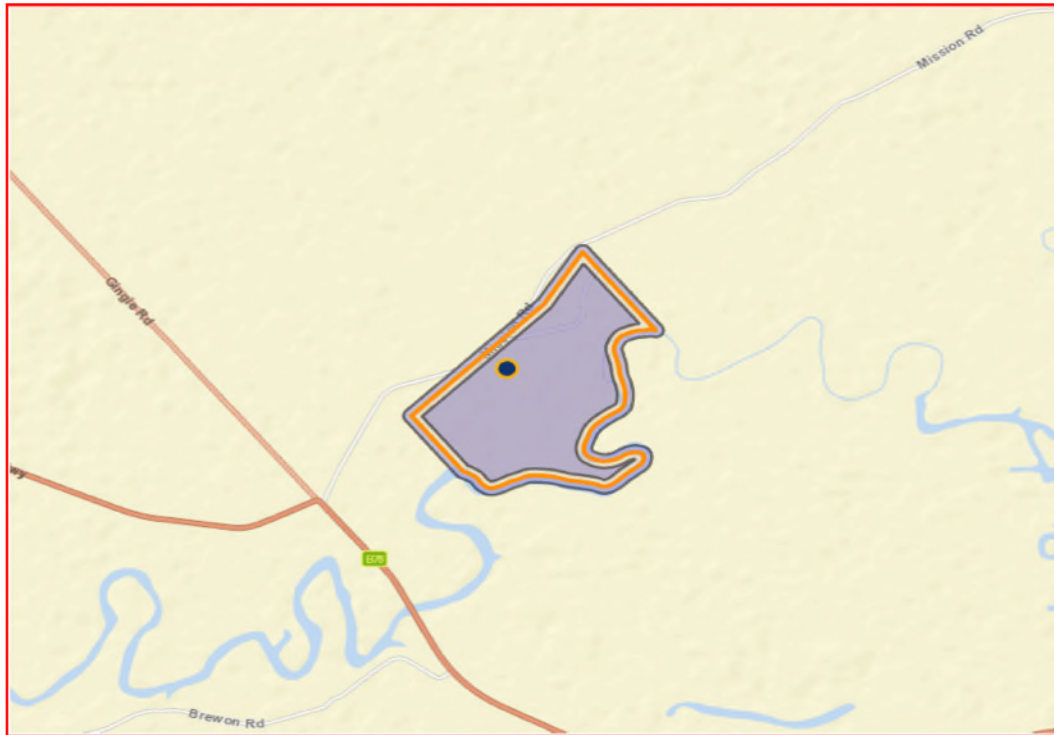


A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**AHIMS Web Service search for the following area at Lot : 2, DP:DP752697, Section : - with a Buffer of 50 meters, conducted by Angus Witherby on 20 September 2022.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



AWTM Pty Ltd ATF Witherby Family Trust (ABN 50 285 185 541) T/A Wakefield Planning  
E: [admin@wakefieldplanning.com.au](mailto:admin@wakefieldplanning.com.au)  
W: [www.wakefieldplanning.com.au](http://www.wakefieldplanning.com.au)

# **Bushfire Assessment**

against the provisions of

## **Planning for Bushfire Protection 2019**

### **Gingie Village**

**(Revision 1.1)**

**Client: Walgett Local Aboriginal Land Council**

Project No. 6566

**PO Box 594**  
**MOREE NSW 2400**  
**M 0427 257 244**  
**W [wakefieldplanning.com.au](http://wakefieldplanning.com.au)**

## Disclaimer

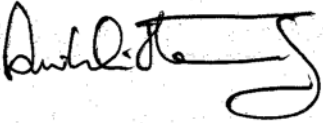
This report has been prepared by Angus Witherby<sup>1</sup> of Wakefield Planning. While due professional skill and experience has been utilized the following limitations are to be observed.

1. The report is based on the best information available at the time of its preparation. This includes a site inspection. Changes to circumstances may change the assessment conducted, if land use practices change.
2. The report has been prepared to inform the client of the Bushfire Attack Level (BAL) rating applying to the existing village and the compliance with Planning for Bushfire Protection 2019 (PBP). It is not authorized for use for any other purpose.
3. It is the responsibility of the client to ensure that any residential construction/upgrading complies with the relevant provisions of AS 3959:2018.
4. Fire protection measures for the non-residential component of the proposal are also outlined, namely the community buildings, noting that Planning for Bushfire Protection requires a bespoke solution for each site.
5. Construction in accordance with this report does not guarantee that the development would be unaffected by a bushfire event. In this respect Wakefield Planning expressly denies any liability for works conducted utilizing this report to the greatest extent permissible by law.

## Principal Author Certification

I certify that I have prepared the contents of this Report and to the best of my knowledge:

- The information contained in this Report is neither false nor misleading; and
- It contains all relevant available information that is current at the time of release.



---

**Angus Witherby**

**BA – Geography & Economics, Grad. Dip. Urb. & Reg. Planning, FPIA, CPP**

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<sup>1</sup> Angus has prepared bushfire reports in both NSW and VIC. His work has been previously accepted by the NSW RFS and well as by numerous councils in NSW and VIC. He has also had his work accepted by the CFA and VCAT in Victoria. Angus taught in the EMA course “Disaster mitigation for urban and regional planners” including the bushfire segment, and was co-author of presentations to the 2009 Royal Commission in Victoria and also the subsequent Federal Senate Bushfire enquiry as part of the PIA team.

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## 1. Introduction

The development consists of an existing small village, which is located at 38452 Kamillaroi Highway, Walgett. The village is owned by the Walgett Local Aboriginal Land Council and is the subject of a subdivision application to Walgett Shire Council.

The proposal seeks to formalize lot boundaries for the existing dwellings. No new dwellings are proposed as part of this application.

The approach taken is to consider the dwellings as, essentially, rural dwellings as they do not form part of a contiguous urban area, although they could be considered to form a small village.

## 2. Site context

The site is located to the north-west of the Walgett urban area, slightly to the north of the Barwon River.

Physical access to the site is available along Mission Road, which is a sealed access connecting to the Kamillaroi Highway, and thence to Walgett.

The land is zoned E4 Environmental Living (now designated by C4 in Walgett LEP 2013)

The context for the site is set out in the figure below:



Figure 1- Site Context

### 3. Site Detail

Details of the existing development are shown on the figure over. This figure shows the existing development including the existing fencing.



Figure 2 - Site Detail

## 4. Proposed Development

The proposed development is shown on the plan below. The bushfire assessment is based on this plan.



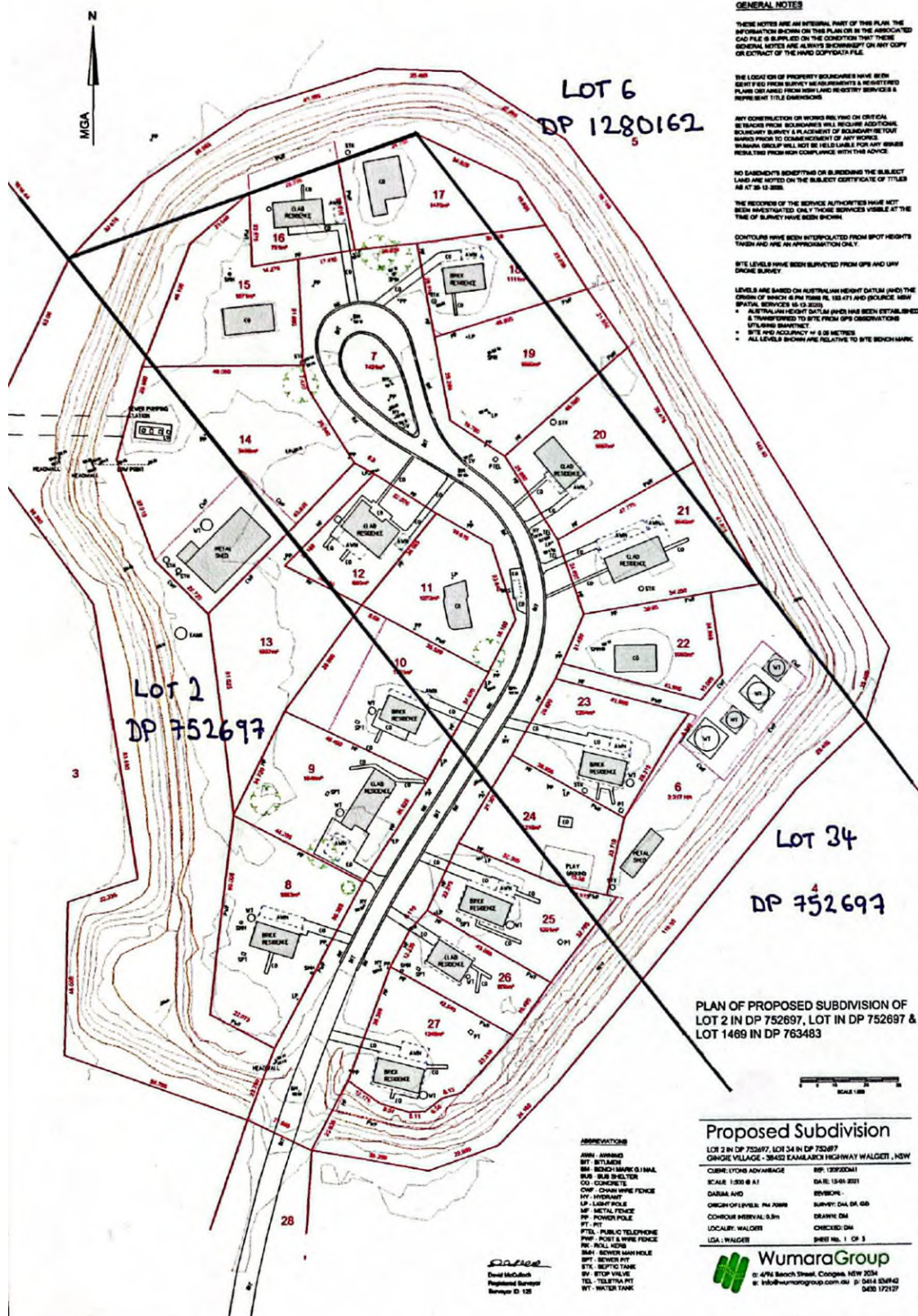


Figure 3 - Proposed Development

## 4.1 Bushfire Mapping

The land is not mapped as bushfire prone, with the nearest bushfire prone land to the east of the site, however Council have requested a bushfire study. Bushfire prone land is shown on the figure below:

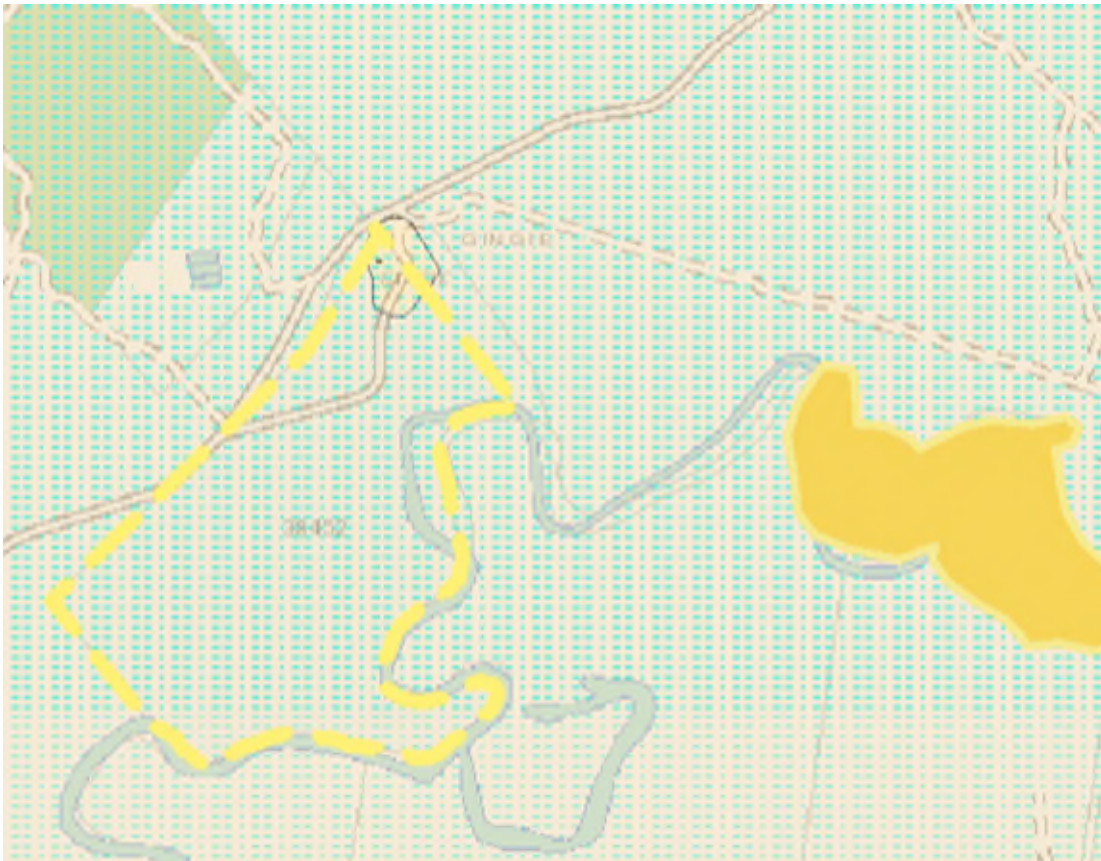


Figure 4- Bushfire Prone Land

## 4.2 Aims and Objectives

The following aims and objectives underpin *Planning for Bushfire Protection, 2019*.

### Aim

*The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.*

### Objectives

*The objectives are to:*

- *afford buildings and their occupants protection from exposure to a bush fire;*
- *provide for a defensible space to be located around buildings; provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- *ensure that appropriate operational access and egress for emergency service personnel and occupants is available;*
- *provide for ongoing management and maintenance of BPMs; and*
- *ensure that utility services are adequate to meet the needs of firefighters*



## Principles

The Principles are:

- *control the types of development permissible in bush fire prone areas;*
- *minimise the impact of radiant heat and direct flame contact by separating development from bush fire hazards;*
- *minimise the vulnerability of buildings to ignition and fire spread from flames, radiation and embers;*
- *enable appropriate access and egress for the public and firefighters; provide adequate water supplies for bush fire suppression operations;*
- *focus on property preparedness, including emergency planning and property maintenance requirements; and*
- *facilitate the maintenance of Asset Protection Zones (APZs), fire trails, access for firefighting and on site equipment for fire suppression*

### 4.3 Type of Application

The application is for a subdivision of an existing development. For the purposes of this assessment both the residential and non-residential components are separately assessed.

#### Building Standards

PBP Refers to the standards that need to apply to building works. In this regard Australian Standard 3959:2018 applies to any building works where a BAL greater than Low exists. This standard applies to levels of BAL up to Flame Zone, although flame zone is specifically excluded by *Planning for Bushfire Protection 2019*.

*Building work on BFPL must also comply with the requirements of the National Construction Code (NCC). The NCC contains the technical provisions for the design and construction of buildings. Under the Deemed to Satisfy provisions of the NCC, building work on BFPL must comply with Australian Standard 3959:2018 Construction of buildings in bushfireprone areas (AS 3959) or the National Association of Steel Framed Housing (2014) Steel Framed Construction in Bush Fire Areas (NASH Standard). This does not apply however in Bush Fire Attack Level - Flame Zone (BAL-FZ), or where modified by the specific conditions of the relevant development consent.*

Notwithstanding the focus on building standards, it is necessary not only to determine the relevant BAL to be called up by AS 3959 but also to address the aims and objectives of PBP. Essentially this requires the study to address the requirements for a BAL certificate as well as for compliance with PBP generally.

It should be noted that PBP does not specifically address fire protection for non-residential uses; or for subdivisions of existing sites with existing buildings. Neither does AS 3959:2018. Nevertheless AS 3959:2018 provides useful information to make specific recommendations for both residential and non-residential buildings in the context.

## 5. Review of Subdivision Principles against PBP 2019

### 5.1 Specific objectives

The specific objectives for residential and rural residential subdivisions with a dwelling entitlement are as follows:



Objective	Comment
minimise perimeters of the subdivision exposed to the bush fire hazard (hourglass shapes, which maximise perimeters and create bottlenecks should be avoided);	Complies
minimise vegetated corridors that permit the passage of bush fire towards buildings;	Complies – surrounding light woodland and grasslands. No specific vegetation corridors.
provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;	Complies
ensure that APZs between a bush fire hazard and future dwellings are effectively designed to address the relevant bush fire attack mechanisms;	Generally complies. See detailed assessments below.
ensure the ongoing maintenance of APZs;	This is able to be achieved through the common ownership of the Walgett LALC
provide adequate access from all properties to the wider road network for residents and emergency services;	Access to the wider road network is considered to be good.
provide access to hazard vegetation to facilitate bush fire mitigation works and fire suppression; and	Existing roads and tracks provide good access
ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.	Reticulated water exists. Static supplies exist in an on-site water tower.

## 5.2 Review against Table 5.3

Performance Criteria	Acceptable Solutions	Comment
Asset Protection Zones		
potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m <sup>2</sup> on each proposed lot.	APZs are provided in accordance with Tables A1 .12.2 and A1 .12.3 based on the FFDI.	Complies.  See detailed analysis for APZs
APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4.	Can comply. To be covered in management plan
the APZs is provided in perpetuity.	APZs are wholly within the boundaries of the development site	Complies
APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	APZs are located on lands with a slope less than 18 degrees.	Complies
Landscaping		
landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.	landscaping is in accordance with Appendix 4; and fencing is constructed in accordance with section 7.6.	Generally complies
Access		

Performance Criteria	Acceptable Solutions	Comment
firefighting vehicles are provided with safe, all-weather access to structures.	<p>property access roads are two-wheel drive, all-weather roads;</p> <p>perimeter roads are provided for residential subdivisions of three or more allotments;</p> <p>subdivisions of three or more allotments have more than one access in and out of the development;</p> <p>traffic management devices are constructed to not prohibit access by emergency services vehicles;</p> <p>maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;</p> <p>all roads are through roads;</p> <p>dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;</p> <p>where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;</p> <p>where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system; and</p> <p>one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.</p>	<p>Complies</p> <p>Does not comply</p> <p>Can comply with access to Wimbledon Road as well as Mission Road.</p> <p>Complies</p> <p>Complies</p> <p>Does not comply</p> <p>Does not comply. Dead ends are longer than 200m</p> <p>n/a – no perimeter road</p> <p>Complies</p> <p>n/a</p>

Performance Criteria	Acceptable Solutions	Comment
the capacity of access roads is adequate for firefighting vehicles.	the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.	Complies
there is appropriate access to water supply.	hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression; hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.	Reticulated supply does not support hydrants.  Alternative static supplies are available via the on-site water towers.
Perimeter Roads  access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during firefighting and emergency management on the interface	are two-way sealed roads; minimum 8m carriageway width kerb to kerb; parking is provided outside of the carriageway width; hydrants are located clear of parking areas; are through roads, and these are linked to the internal road system at an interval of no greater than 500m; curves of roads have a minimum inner radius of 6m; the maximum grade road is 15 degrees and average grade of not more than 10 degrees; the road crossfall does not exceed 3 degrees; and a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.	No perimeter roads are provided. Widths are 7.5m  Complies  n/a  Potential through road  Complies  Complies  Complies  Complies
Non-perimeter Roads	minimum 5.5m carriageway width kerb to kerb; parking is	Complies.

Performance Criteria	Acceptable Solutions	Comment
access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating.	provided outside of the carriageway width; hydrants are located clear of parking areas; roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m; curves of roads have a minimum inner radius of 6m; the road crossfall does not exceed 3 degrees; and a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.	Note that a management plan is recommended.
firefighting vehicles can access the dwelling and exit the property safely	There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles.	Complies, though not an urban area.
Services		
adequate water supplies is provided for firefighting purposes.	reticulated water is to be provided to the development where available; a static water and hydrant supply is provided for non-reticulated developments or where reticulated water supply cannot be guaranteed; and static water supplies shall comply with Table 5.3d.	Reticulated supply would not support volumes and pressures for hydrants.
water supplies are located at regular intervals; and the water supply is accessible and reliable for firefighting operations.	fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005; hydrants are not located within any road carriageway; and reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.	Not an urban subdivision. See notes re hydrants

Performance Criteria	Acceptable Solutions	Comment
flows and pressure are appropriate.	fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.	Non-compliant
the integrity of the water supply is maintained.	all above-ground water service pipes are metal, including and up to any taps; and above-ground water storage tanks shall be of concrete or metal	Complies
location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings.	where practicable, electrical transmission lines are underground; where overhead, electrical transmission lines are proposed as follows: lines are installed with short pole spacing of 30m, unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in ISSC3 Guideline for Managing Vegetation Near Power Lines.	Non-compliant – existing above-ground supply with pole spacing greater than 30m
location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used; all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and above-ground gas service pipes are metal, including and up to any outlets.	This is a dwelling level issue, not affecting the subdivision.
Water Supply Requirements		
Residential lots (<1000m <sup>2</sup> )	5000 l/lot	Could comply
Rural-residential lots (1000-10,000m <sup>2</sup> )	10,000 l/lot	Could comply



Performance Criteria	Acceptable Solutions	Comment
Large rural/lifestyle lots (>10,000m <sup>2</sup> )	20,000 l/lot	Could comply
Multi-dwelling housing	5,000 l/dwelling	Could comply

### 5.3 Conclusion – Subdivision Requirements

The land is an existing development and accordingly major design changes are not available. This comparison with PBP requirements for new subdivisions indicates various areas of non-compliance, noting that the land is NOT bushfire prone. Accordingly, non-compliance with specific measures is not considered grounds for requiring major changes.

## 6. Site Assessment (after PBP 2019) - Residential Components

The Vegetation Formation (after Keith, 2004) has been assessed for both the site, and also for adjoining lands. The majority is woodlands with some grassy patches.



Figure 5– References Images PBP for Woodland and Grassland

The figure following is of a photograph of typical woodland vegetation in the area.



Figure 6 – Typical woodland vegetation

## Slope assessments

The land has generally low relief, being essentially flat except for the levee.

To assess the overall BAL ratings for the existing developments, selected points were chosen around the periphery of the proposed development, taken from the proposed boundary fences.

The sites selected are shown on the following figure:



Figure 7 - Sample Points

FDI is taken to be 100. Slopes are upslope, because of the levee. This, however, produces the same result as flat land using the calculator. The calculated BALs are shown below:

ASSESSMENT GRASSLANDS - 9			
Vector	Slope	Distance Veg	BAL
N	11	25	BAL-12.5
S	11	23	BAL-12.5
E	11	23	BAL-12.5
W	11	28	BAL-12.5

Figure 8 BAL Calculations - Dwellings

The calculator used, cannot go below BAL 12.5. This is because it is prudent to have a basic level of ember attack for all dwellings.

Consideration was then given to the Community Hall. This is not considered a SFPP as it would be utilised predominantly with people familiar with the site. It was therefore assessed as for a dwelling, utilising the same slope assessment. The same BAL was identified.

<b>COMMUNITY HALL</b>			
<b>Vector</b>	<b>Slope</b>	<b>Distance Veg</b>	<b>BAL</b>
N	0	-	
S	0	27	BAL-12.5
E	0	-	
W	0	-	

Figure 9 BAL Calculation - Hall

These assessments confirm that a BAL of 12.5 applies to all development components.

### Site Specifics

Much of the site of the subdivision consists of cleared ground and grassland, which is heavily traversed by tracks. There are some patches of isolated trees and these have been treated as woodland.

The scattered specimen trees are not considered to materially alter the overall fire-risk assessment.

### PBP Assessment

<b>Provision</b>	<b>Comment</b>
<b>APZ</b>	
<ul style="list-style-type: none"> <li>Buildings are not to be exposed to radiant heat exceeding 29 kW/m2.</li> </ul>	<ul style="list-style-type: none"> <li>The assessed BAL rating is 12.5</li> </ul>
<ul style="list-style-type: none"> <li>APZs are to be managed in accordance with Appendix 4 of PBP</li> </ul>	<ul style="list-style-type: none"> <li>Could comply</li> </ul>
<ul style="list-style-type: none"> <li>APZ is to be wholly within the boundaries of the development site</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> </ul>
<ul style="list-style-type: none"> <li>Slope is less than 18 degrees</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> </ul>
<ul style="list-style-type: none"> <li>Landscaping is provided in accordance with Appendix 4 of PBP</li> </ul>	<ul style="list-style-type: none"> <li>Could comply</li> </ul>
<b>Access</b>	
<ul style="list-style-type: none"> <li>The access driveway is to be all-weather and traversable by a two-wheel drive vehicle</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> </ul>
<ul style="list-style-type: none"> <li>Can carry up to 23 tonne vehicle</li> </ul>	<ul style="list-style-type: none"> <li>Would comply given proposed construction.</li> </ul>
<ul style="list-style-type: none"> <li>Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be</li> </ul>	<ul style="list-style-type: none"> <li>Public road access is proposed to all lots. Complies.</li> </ul>



Provision	Comment
provided to an alternate point on the existing public road system.	
<ul style="list-style-type: none"> <li>There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.</li> </ul>	<ul style="list-style-type: none"> <li>There is a reticulated supply. It is understood that flow and pressure may not meet PBP standards. A static water supply can be made available on-site. This could be in association with the community hall and/or selected dwellings in closest proximity to bushland.</li> </ul>
<ul style="list-style-type: none"> <li>minimum 4m carriageway width;</li> <li>a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;</li> <li>provide a suitable turning area in accordance with Appendix 3;</li> <li>curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;</li> <li>the minimum distance between inner and outer curves is 6m;</li> <li>the crossfall is not more than 10 degrees;</li> <li>maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> <li>Complies</li> <li>Will comply</li> <li>Complies</li> <li>Complies</li> <li>Complies</li> <li>Complies</li> </ul>
<b>Water Supplies</b>	
<ul style="list-style-type: none"> <li>a connection for firefighting purposes is located within the IPA or non hazard side and away from the structure;</li> <li>a 65mm Storz outlet with a ball valve is fitted to the outlet;</li> <li>ball valve and pipes are adequate for water flow and are metal;</li> <li>supply pipes from tank to ball valve have the same bore size to ensure flow volume;</li> <li>underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;</li> <li>a hardened ground surface for truck access is supplied within 4m of the access hole;</li> <li>above-ground tanks are manufactured from concrete or metal;</li> <li>raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959);</li> <li>unobstructed access is provided at all times;</li> </ul>	<ul style="list-style-type: none"> <li>The development can comply.</li> </ul>

Provision	Comment
<ul style="list-style-type: none"> <li>tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;</li> <li>underground tanks are clearly marked;</li> <li>all exposed water pipes external to the building are metal, including any fittings;</li> <li>where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack;</li> <li>Any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and</li> <li>Any fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels, and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.</li> </ul>	
<b>Electricity</b>	
<ul style="list-style-type: none"> <li>where overhead, electrical transmission lines are proposed as follow: <ul style="list-style-type: none"> <li>lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and</li> <li>no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The electrical supply is existing, and no changes are considered necessary.</li> </ul>
<b>Gas Services</b>	
<ul style="list-style-type: none"> <li>reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and</li> <li>metal piping is used;</li> <li>all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;</li> <li>connections to and from gas cylinders are metal;</li> <li>if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;</li> <li>polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used;</li> </ul>	<ul style="list-style-type: none"> <li>The development can comply.</li> </ul>



Provision	Comment
<ul style="list-style-type: none"> <li>and above-ground gas service pipes external to the building are metal, including and up to any outlets.</li> </ul>	
<b>Emergency Management Plan</b>	
<ul style="list-style-type: none"> <li>A bushfire emergency management and evacuation plan is prepared.</li> </ul>	<ul style="list-style-type: none"> <li>Bush Fire Emergency Management and Evacuation Plan should be prepared consistent with the NSW RFS document: <i>A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i>. This can comply and should be conditioned.</li> </ul>

### 6.1 Overall Recommendations – Residential Component.

The site is considered suitable for development with no specific measures being required unless buildings are being upgraded in which case BAL 12.5 is recommended as prudent.

## 7. Site Assessment (after PBP 2019) – Non-Residential Components

This portion of the report addresses the non-residential component. This component is subject to a BAL rating of 12.5.

### Community Hall

This is naturally protected by the access roads and internal driveways. A BAL of 12.5 applies. Accordingly, no specific measures are required unless the building is being upgraded.

### 7.1 Overall Recommendations – Non-Residential Component.

The site is considered suitable for development provided the recommended measures outlined in this report are adopted in full. It is noted that any works to bring the building up to BAL 12.5 should be incorporated in any upgrading work that might trigger a construction certificate application.

## 8. Document Control

Revision	Date	Comment
1.0	11 October 2022	For client review
1.1	1 April 2023	For Council submission

# DEVELOPMENT APPLICATION & PLANNING PROPSAL ASSESSMENT REPORT

DA/2021/54

Report Date: 03/04/2023

Date Lodged: 24/09/2021

Officer: Bob Harris

Applicant -  
Wakefield Planning  
PO Box 594  
MOREE NSW 2400

Owner	Walgett Aboriginal Land Council – NSW Land Council
Proposal	Subdivision / Consolidation and Rezoning – Gingie Village
Reference:	DA/2021/54 - PP-2022-2116
Location:	Kamilaroi Highway WALGETT NSW 2832
Legal Desc.	2//752697, 34//752697 & Various
Parcel No.	N/A
BCA Code	N/A
Value	\$ 0.0 / 0.0= \$

## Proposal Overview

Subdivision/Consolidation and Rezoning at Gingie Village

## Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Title Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check Ownership	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:** Ownership and encroachments to be dealt with by way of deferred commencement condition. Gingie Village is an existing settlement 10kms West of Walgett.

## Application Type

Is this application an Integrated Development Application?

Yes ☐ No ☒

Is this application a Designated Development Application?

Yes ☐ No ☒

Is this application for State Significant Development? Yes ☐ No ☒

Is this application submitted by/on behalf of a Public Authority? Yes ☐ No ☒

Is this application a staged Development? Yes ☐ No ☒

Is this application a section 4.55 amendment? Yes ☐ No ☒

**Date of original development consent:** Not Applicable

What section of the section 4.55 has been applied for? Section 4.55 (1) ☐ Section 4.55 (1A) ☐ Section 4.55(2) ☐

Does the application including a planning proposal? Yes ☒ No ☐

**Comment:** A planning proposal is required to rezone allotments that do not meet requirements for minimum lot size for non-residential purposes.

## CONCURRENCE & REFERRAL

### Section 4.13 – EP & A Act

Does this application require concurrence referral or courtesy comment? Yes ☐ No ☐

Department	Response Received	Objection to Proposal	Comments/Issues Raised
NSW RFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not zoned bushfire prone – Potential for grass and house fires.
NSW Police	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Fire & Rescue	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
NSW Planning	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Biodiversity	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
NSW Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Rail	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
TfNSW	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
DEHWA	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable

Aviation	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Public Authority	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Adjoining Council	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Council Committee	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Public Interest Group	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Heritage Advisor	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Disability Discrimination Report – Access and facilities	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not Applicable
EPA Reg. Cl. 61 – Demolition	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
EPA Reg. Cl. 62 – Category 1 Fire Safety Provisions	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
EPA Reg. Cl. 64 – Upgrade if > 50% volume	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not Applicable

#### Comment:

Does this application require referral for decision by Council? Yes ☒ No ☐

Reason: More than three allotments are created. Ref: Council delegations policy.

### NOTIFICATION

Does this application require notification/advertising? Yes ☒ No ☐

Is this application an advertised development application under the EP & A Act? Yes ☒ No ☐

Was the decision regarding notification made as per the provisions of?

☐ EP& A Act ☐ LEP ☒ CCP ☐ Public Interest

Dates Notification Undertaken **Commenced** 6/10/21 **Finished** 20/10/21

Details of written submissions received? Nil.

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:** Notified to adjoining owners and advertised Commenced 6/10/21 Finished 20/10/21.

## LOCAL ENVIRONMENTAL PLAN WLEP 2013

### Section 4.15(1)(a)(i) and Section 4.15(a)(ii) – EP & A Act

**This land is zoned:**

RU1 Primary Production  
C4 Environmental Living

**Development as per Standard Definitions:**

This development is considered to be a residential subdivision and rezoning.  
A historical subdivision was created on paper based on the historical mission layout but was not zoned for residential development.

The dominant development on this land is residential and rural residential.

### List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>In the LEP's Land Use Table, the objectives for the RU1 zone are:</p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul> <p>It is considered that the proposed development is consistent with the above-mentioned zone objectives.</p>
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>In the LEP's Land Use Table, the objectives for the C4 (Previously E4) zone are:</p> <ul style="list-style-type: none"> <li>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> <li>To ensure that residential development does not have an adverse effect on those values.</li> <li>To acknowledge the settlements of Gingie, Namoi and Walli and to enable compatible</li> </ul> <p>It is considered that the proposed development is consistent with the above-mentioned zone objectives.</p>
2.6 Subdivision Consent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Development consent is required for subdivision and a planning proposal has been lodged for rezoning.
4.1 Minimum lot size	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	C4 – Zoning = Minimum 700m <sup>2</sup> - Concurrence of the Planning Secretary is required in relation to the non-compliance with minimum lot sizes. To be dealt with by way of deferred commencement condition under CL4.6.



		RU1 Zoning = Minimum 400ha – Concurrence required under 4.6. As above.
4.2 Rural Subdivision	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing dwelling on residual allotment would not comply with Cl 4.2 (4). Concurrence of the Planning Secretary is required in relation to the non-compliance with minimum lot sizes. To be dealt with by way of deferred commencement condition under CL4.6.
4.2A Erection of dual occupancies, dwelling houses or secondary dwellings on land in certain rural, residential and environmental protection zones	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Development consent must not be granted for the erection of a dual occupancy, dwelling house or secondary dwelling on land to which this clause applies unless the land— is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land. C4 – Allotments to be created for dwellings comply. RU1 – No new dwellings proposed
Cl. 4.6 Exceptions to development standards	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	An exception to minimum lot sizes is considered reasonable and necessary in the circumstances of the case given the use of the land to for services and infrastructure and dwellings not being permissible.
4.3 Height of buildings	Yes	Height of buildings complies
5.10 Heritage conservation	Yes	No issues identified conditions of consent to be provided
5.16 Subdivision or dwellings on rural, residential land.	Yes	Existing use of the land is for a residential village which has been in existence for many years. In addition, the subdivision design would maintain buffers between existing dwellings and agricultural land uses in the vicinity.
5.21 Flood planning	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Council must consider (a) the impact of the development on projected changes to flood behaviour as a result of climate change – None identified. (b) the intended design and scale of buildings resulting from the development – dwellings protected by levy bank. (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood – Flood refuge and flood evacuation plan are required. (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion – No options available.
6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Construction works are not proposed, and a Soil & Erosion Control Plan has not been submitted, but a suitable condition will be recommended.

6.3 Development on River front areas	Yes <input checked="" type="checkbox"/>	Gingee village is more than 400m from Barwon River
6.6 Essential Services	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	All service connections are to be available.

Are there any relevant draft LEP or draft LEP amendment?

Yes ☐ No ☒

**Comment:**

Do 'existing use' provisions (Sections 4.65-4.70 of the EP&A Act) apply?

Yes ☐ No ☒

**Comment:**

## DEVELOPMENT CONTROL PLAN – WDCP 2016

*Section 4.15(1)(a)(iii) & Section 4.15(3A) – EP & A Act*

<b>List the relevant clause/clauses under the applicable DCP</b>			
<b>Clause</b>	<b>Issue</b>	<b>Compliance</b>	<b>Comment</b>
2.5	Site Contamination	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No issues identified
2.6	Notification and advertising	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Completed
3.2	Flooding	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	See comments and conditions.
3.3	Bushfire	Yes	Not zoned Bushfire but RPZ to be maintained
4.7.1	Lot size	No	See previous comments
4.7.2	Servicing	Yes	Services existing
4.7.3	Sewer	Yes	Services existing
4.7.4	Water	Yes	Services existing
4.7.5	Stormwater	Yes	Services existing
4.7.6	Telecommunications	Yes	Services existing
4.7.7	Electricity	Yes	Services existing
4.7.8	Battle axe lots	Yes	No issues identified
4.7.10	Road Network	No	Consideration to road network design incorporates a trade-off between accessibility and vehicle speeds in an existing subdivision. A variation is proposed. See Councils Engineers comments. Pedestrian access path is provided.
4.7.11	Cul de Sac	Yes	complies

4.7.12	Landscaping	Yes	Condition to be applied.
4.7.13	Site Access	Yes	Complies
4.7.14	Lot Orientation	Yes	Configuration of lots is established by existing village.
4.7.15	Open Space	No	A proposed variation to reduce the open space buffer is not supported and an area of 5,000m2 open space should be provided for recreation and as a buffer to adjoining agricultural land..
4.7.16	Vegetation	Yes	No vegetation effected
4.7.17	Garbage	Yes	Existing services are provided.
4.7.19	Contamination	Yes	Conditions of consent provided to address contamination issues.
6.1	Environmental	Yes	See statement of environmental effects
6.2	Soil Sediment	Yes	Conditions apply
6.3	Vegetation	Yes	Significant vegetation to be retained
6.4	Waste management	Yes	Existing services to remain
6.5	Noise	Yes	No issues identified
6.6	Geology	Yes	No issues identified
6.7	Stormwater	Yes	Existing service to remain
6.8	Common effluent	Yes	Existing service to remain
6.9	OSMS	Yes	Application required

Has a variation to the DCP been requested?

Yes ☒ No ☐

**Comment** Open Space requirements – not supported.  
Road widths requirements – Council Engineer to comment.  
Lot Size requirements – Non-residential lots only. Planning Proposal as deferred commencement condition.

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

## Regional Environmental Plan

Alignment & Actions		
Far West Regional Plan	Goal	Details
Transport and Infrastructure	1	A diverse economy with efficient transport and Infrastructure Comment:

		No issues identified.
Exceptional Semi-arid Rangelands	2	Protect and manage environmental resources Comment: No issues identified
Strong and Connected Communities	3	Manage change and strengthen communities. Comment: No issues identified

**Comment:** No adverse impact on the provisions of the Far West Regional Plan have been identified.

## STATE ENVIRONMENTAL PLANNING POLICY - SEPPs

<u>List all relevant SEPPs</u>		
SEPP	Compliance	Comment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The purpose of this SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	There is no tree removal proposed, no koala habitat nor potential habitat that will be affected by this development. Therefore, a Koala Plan of Management is not required.
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
<b>Exempt and Complying Development Codes 2008</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	No issues are identified.

<b>State Environmental Planning Policy (Housing) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<p><i>The principles of this Policy are to:-</i></p> <ul style="list-style-type: none"> <li>• enable the development of diverse housing types, including purpose-built rental housing,</li> <li>• encourage development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>• ensure new housing provides residents with a reasonable level of amenity,</li> <li>• mitigate the loss of existing affordable rental housing.</li> </ul> <p><i>The SEPP introduces two new housing types to meet changing needs:</i></p> <ul style="list-style-type: none"> <li>• Co-living housing</li> <li>• Independent living units</li> </ul> <p><i>Improves the way existing types of homes are delivered including:</i></p> <ul style="list-style-type: none"> <li>• Boarding houses</li> <li>• Build-to-rent housing</li> <li>• Seniors housing</li> </ul> <p><i>Includes the planning rules for:</i></p> <ul style="list-style-type: none"> <li>• Caravan parks and manufactured home estates</li> <li>• Group homes</li> <li>• Retention of existing affordable rental housing</li> <li>• Secondary dwellings (sometimes known as granny flats)</li> <li>• Social housing</li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	The current proposal has no adverse impact on housing availability or housing diversity.
<b>State Environmental Planning Policy (Industry &amp; Employment) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <li>• applying to employment land in western Sydney.</li> <li>• for advertising and signage in NSW.</li> </ul>
<b>SEPP 65 — Design Quality of Residential Apartment Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	No buildings are proposed.
<b>State Environmental Planning Policy (Planning Systems) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<p><i>This Policy aims to:</i></p> <ul style="list-style-type: none"> <li>• identify development that is State significant development</li> <li>• to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>• to identify development that is regionally significant development.</li> </ul>



<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	No issues arise for the current proposal.
<b>State Environmental Planning Policy (Precincts—Regional) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This chapter applies to the state and aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State. It also facilitates service delivery outcomes for a range of public services and provides for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
<b>State Environmental Planning Policy (Primary Production) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li>• <i>to manage primary production and rural development including supporting sustainable agriculture.</i></li> <li>• <i>for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</i></li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	The proposed subdivision development is consistent with the aims and objectives of this Policy.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This Policy incorporates and repeals the provisions of SEPP No. 55 - Remediation of Land and Clause 4.6 requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	Issues have been identified with contamination from asbestos waste and conditions of consent require site rehabilitation works.
<b>State Environmental Planning Policy (Resources &amp; Energy) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li>• <i>for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.</i></li> <li>• <i>which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.</i></li> </ul>
<b>State Environmental Planning Policy (State Significant Precincts) 2005</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This policy aims to:-</i> <ul style="list-style-type: none"> <li>• <i>facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.</i></li> </ul> <i>facilitate service delivery outcomes for a range of public services and to provide for the development of major</i>

		<i>sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
<b>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li>• <i>for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.</i></li> <li>• <i>for child-care centres, schools, TAFEs and Universities.</i></li> <li>• <i>planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).</i></li> </ul> <i>the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.</i>

#### List all relevant Draft SEPPs

SEPP	Compliance	Comment
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Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

### Planning Agreement

*Section 4.15(1)(a)(iia) – EP & A Act*

Is there a Planning Agreement in force under section 93F of the EP&A Act?

No

### Planning Strategies/Local Policy

Is there a Planning Strategy or Local Policy that requires notation?

No

### Local Strategic Planning Statement

Planning Priority	Applicable
-------------------	------------

**Comment:** This proposed development encompass subdivision of an existing village and does not require strategic consideration.

### Supporting Planning Assessment

Has the applicant submitted any supporting planning assessments?

Yes

**Comment:** Statement of Environmental Effects  
Subdivision Plan

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

### Subdivision

Is this application for subdivision?

Yes ☒ No ☐

How many new lots are being created?

**Comment:** 29 Including residual lot.

## ENVIRONMENTAL IMPACTS

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive Impact will be made through Roads to Home funding which is targeted in conjunction with the Close the Gap Program to increase potential for Aboriginal home ownership or rent to buy.
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive Impact – There will be an economical gain during construction only.
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The village siting and configuration is existing.
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The setbacks are existing based on property fencing arrangements.
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of aural and visual privacy outside those of normal, residential usage.
Safety, security & crime prevention	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will not result in any decrease in safety, security and prevention of crime in the surrounding area. Aspects of the design will have a positive impact on passive surveillance of the surrounding environment.
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of overshadowing.
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues identified
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms visual privacy
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Views will not be impacted.
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No impacts on amenity have been identified.
Construction	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Work on infrastructure will be undertaken under a separate approval process.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing water services are available.
Waste	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing waste services are available.
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The proposed development is expected to have minimal impact on existing air quality levels and microclimatic conditions.
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works.
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will improve the subject site by undertaking appropriate landscaping measures (i.e. lawn, shrubs etc.). Erosion and sediment control measures are also to occur during the construction of the development.

Tree Loss	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No significant trees are to be removed.
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues have been identified in relation to flora on the site.
Fauna	Yes <input type="checkbox"/> No <input type="checkbox"/>	No issues have been identified in relation to fauna on the site.
Cumulative	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No cumulative issues are likely.

Has a Threatened Species Impact Assessment been prepared? Yes ☐ No ☒

Are there any species/communities listed under the TSC Act? Yes ☐ No ☒

Does the proposed development require approval under the EPBC Act? Yes ☐ No ☒

**Comment:** None

## HERITAGE IMPACT

Heritage	Impact	Comment
European	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Aboriginal	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	An Aboriginal Heritage Information Management System (AHIMS) search was carried for the land. No sites are recorded or places declared on the land.

Is this land classified as containing an item of environmental heritage? Yes ☐ No ☒

Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? Yes ☐ No ☒

**Comment:** No.

Is this proposal in a heritage conservation Zone? Yes ☐ No ☒

Is this proposal in an adjoining or in close vicinity to a conservation zone? Yes ☐ No ☒

**Comment:** No.

Has a Heritage Impact Statement been prepared for this proposal? Yes ☐ No ☒

**Comment:** HIS not required.

Has the Heritage Advisor reviewed this application? Yes ☐ No ☒

**Comment:** Heritage advice is not required.

Is there any other issue that requires notation? Yes ☐ No ☒

## FLOODING

### Section 4.15(1)(b) – EP & A Act

Is this property flood affected? Yes ☒ No ☐

Is there a flood study which includes this land? Yes ☐ No ☒

Has a Flood Impact Assessment been completed for this proposal? Yes ☐ No ☒

**Comment:** The village and the flood levee are existing developments.

Conditions of consent are provided detailing requirements for the construction and maintenance of a flood levee and provision of a flood emergency evacuation plan.

## BUSHFIRE PRONE LAND

### Section 4.15(1)(b) – EP & A Act

Is this property bush fire prone as per the Bush Fire Prone Map? Yes ☐ No ☒

**Comment:** Bushfire management plan to be provided for approval prior to subdivision.

Is this property bush fire prone as per any draft Bush Fire Prone Map? Yes ☐ No ☒

Has a Bush Fire Management Plan under 2019 guidelines been provided ? Yes ☐ No ☒

See comment above

## CONTAMINATED LAND

### Section 4.15(1)(b) – EP & A Act

Has this land been identified as being contaminated land by Council? Yes ☒ No ☐

**Comment:** Condition of approval requires site rehabilitation.

Has a Contaminated Land Site Investigation been completed? Yes ☒ No ☐

Does this land require remediation? Yes ☒ No ☐

Is a referral required to NSW Environment Protections Authority? Yes ☐ No ☒

**Comment:** See comment

## INFRASTRUCTURE

### Section 4.15(1)(b) – EP & A Act

Who has completed the Engineering Assessment?

Engineering Department ☒ Assessing Officer ☒ Other ☐

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing sewerage system provided.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing water supply provided
Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing drainage system provided
Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing access provided.
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Kerb and Gutter to be replaced
Upgrade Existing Road	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Road withing village to be upgraded.

Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing road network
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	New easements to be provided over infrastructure
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing connections
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing
Pedestrian Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Paved footpaths to be provided
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable
Parking	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Additional parking to be provided.
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues identified.

Does the development require any new easements?

Yes ☒ No ☐

**Comment:** Easements over infrastructure to be provided.

## CONSTRUCTION ASSESSMENT

Is a Construction Certificate Required?

Yes ☐ No ☒

Was a Construction Certificate submitted with this application?

Yes ☐ No ☒

Has Council been appointed as the Principle Certifying Authority?

Yes ☐ No ☒

Is a public defects liability agreement required?

Yes ☒ No ☐

**Comment:** Public defects liability agreement to be provided.

## ACTIVITY APPLICATIONS – S68 LOCAL GOVERNMENT ACT 1993

Is a section 68 assessment required?

Yes ☐ No ☒

What type of Activity is being carried out?

Water Sewer Stormwater  
OSSM Installation  
Manufactured Dwelling Installation

**Comment:** An approval for work under S68 are included with this application

## SIGNS

Does this proposal require signage?

Yes ☐ No ☒

## Section 88b Instrument

Does Council require a Section 88b instrument to be prepared?

Yes ☒ No ☐

**Comment:** See conditions related to this matter.

## MATTERS PRESCRIBED BY REGULATIONS

Clause 61(1) - Demolition

Yes ☐ No ☒



**Comment:** None proposed

Clause 62 – Fire Safety

Yes ☐ No ☒

**Comment:** See bushfire conditions

Clause 63 –Temporary Structures

Yes ☐ No ☒

**Comment:** None part of this application

Owners Consent

Yes ☒ No ☐

**Comment:** Issues to be dealt with by deferred commencement conditions

Roads Act Approvals – Access to development & Activity on footpaths

Yes ☒ No ☐

**Comment:** Details to be lodged separately if required.

## Public Interest

Does this proposal have any construction or safety issues?

Yes ☐ No ☒

**Comment:** Legal process of subdivision only.

Is there any public health issues?

Yes ☒ No ☐

**Comment:** The availability of title to property is expected to improve public health outcomes for residents in the long term.

Are there any other public interest issues?

Yes ☒ No ☐

**Comment:** It is in the public interest to provide the opportunity for property ownership to residents of the village. A right that is enjoyed in other villages in the Walgett Shire.

## Site Suitability

*Section 4.15(1)(c) – EP & A Act*

Is this a suitable site for this development?

Yes ☐ No ☐

Site Inspection – 4/4/23

**Comment:** The proposed development is consistent with the existing and future development in the locality. The development will have access from a public road. The site is protected from flooding by a levy bank, does not contain an item of heritage significance and is not bushfire prone.  
The existing village is suitable for subdivision development.

## ASSESSING OFFICERS COMMENTS

- Comment:** The following outstanding issues are dealt with by appropriate conditions.
1. Development application and planning proposal are for subdivision, consolidation and rezoning of land.
  2. Notified to adjoining owners and advertised commencing on 6/10/21 and finishing on 20/10/21.
  3. Referral to Council for a decision is required as more than three allotments are created. Ref. Staff delegations for DA determination.
  4. Rights of access, ownership and infrastructure encroachments are to be dealt with by way of deferred commencement condition.
  5. Concurrence of the Planning Secretary is to be sought under CI 4.6 WLEP in relation to the non-compliance with minimum lot sizes in C4 and RU1 Zoning. To be dealt with by way of deferred commencement condition.
  6. Approval of planning proposal for rezoning of allotments for infrastructure and services. To be dealt with by way of deferred commencement condition.
  7. WLEP Clause 4.6 - An exception to minimum lot sizes is considered reasonable and necessary in the circumstances given the proposed use of the land for services and infrastructure. Construction of dwellings not being permissible by S88 restriction.
  8. Flood levee – Construction will need to be of a similar standard and height to the Walgett Flood protection levee.
  9. Flood planning – The development needs to incorporate measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood. Conditions of consent require a flood evacuation area and a flood evacuation plan.
  10. Road Width - Consideration to road network design incorporates a trade-off between accessibility and vehicle speeds in an existing subdivision. A variation to 8 metre width to 7.5m is proposed. Councils Engineer has not supported the proposed 8m road with see comments.
  11. Landscaping – Design to be submitted for approval.
  12. Open Space – It is recommended that an open space area totalling 5,000m<sup>3</sup> be created for recreation and as a buffer to adjoining agricultural land.
  13. Garbage Truck – Access and Turning – See Council Engineers comment.
  14. Contaminated land – Condition requires site rehabilitation report to be submitted prior to subdivision approval.
  15. Public defects liability agreement to be provided prior to subdivision approval.
  16. Roads Act Approval – Details to be lodged separately.



## ***Recommendation***

### **DEFERRED COMMENCEMENT - CONDITIONS OF CONSENT**

The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

(A) Before this consent can operate, and within two (2) years of the date of this determination, the applicant must provide, to Council's satisfaction;

1. Evidence that congruent legal and physical access is available to all of the land.
2. Evidence of applicant ownership and removal of encroachments of the flood levee onto adjoining land.
3. Evidence of concurrence of the Planning Secretary under CI 4.6 WLEP in relation to the non-compliance with minimum lot sizes in C4 and RU1 Zoning.
4. Evidence of rezoning of allotments dedicated for open space (minimum 5,000m<sup>2</sup>) and infrastructure.
5. Evidence of compliance with NSW Environment Protection Authority site contamination guidelines.
6. Dedication of land for construction of an access road intersection with Mission Road and Wimbledon road should constructed as a T intersection. The location of the intersection is Lat -29.994107; Long 148.068712. (Note that Mission road and Wimbledon Road are gazetted roads currently undergoing the Naming Process).

Advising: On council's satisfaction regarding the above condition, Council will notify the applicant in writing of such satisfaction.

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

# RELEVANT PRESCRIBED CONDITIONS

(under the Environmental Planning and Assessment Regulation 2021)

## 1. Approved Plans & Documents

The development being carried out in accordance with the development application, the documents referenced below, except where amended by the following conditions.

Title	Reference	Prepared by	Sheet No.	Revision	Date
Statement of Environmental Effects	Roads to Home – Gingie Village - Walgett	Wakefield Planning (Angus Witherby)	-	REV 1.5	2/4/23
Draft plans of subdivision	Walgett Roads to Home Gingie Village	Wumara Group & David McCulloch & Wakefield Planning	-	Various	Various
Bushfire Assessment	Gingie Village	Wakefield Planning	-	Rev 1-1	1/4/23

## Erection of signs

**Please Note:** This does not apply in relation to:

- a) Building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- c) A complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority 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 site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**Please Note:** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

### **Shoring and adequacy of adjoining property**

**Please Note:** This does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

4. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
  - a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage.

## **GENERAL CONDITIONS**

5. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) the details set out on the plans approved and stamped by authorised officers of Council,
  - (c) all management recommendations contained within the Statement of Environmental Effectsexcept as amended by the conditions of this development consent.

**Note:** Any proposal to modify the terms or conditions of this consent will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration.
6. A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.
7. Prior to commencement of any works, a landscaping plan for road reserve areas and land to be dedicated as public reserve must be submitted to and approved by Council. When approved, the plan will be endorsed and then form part of the consent.

Vegetation approved under the plan must be maintained for a period of eighteen months to the satisfaction of Council.
8. All works are to comply with all relevant prescribed conditions of development consent under Part 4 Division 2, Subdivision 1 of the *Environmental Planning & Assessment Regulations 2021*.
9. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run-off around cleared or disturbed areas,
  - erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - prevent tracking of sediment by vehicles onto roads,
  - stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

## CONDITIONS TO BE COMPLETED PRIOR TO SUBDIVISION CERTIFICATE ISSUE

10. A Subdivision Certificate must be obtained, in accordance with the provisions of Division 6.4 of the *Environmental Planning and Assessment Act 1979*.  
Subdivisions plans for a Torrens or Community Title subdivision are to include;
  - a) S88b restrictions to prohibit construction of a dwelling on proposed undersize lots to be used for services and infrastructure.
  - b) Consolidation of all residual lots.
  - c) unrestricted access to open space for maintenance and operational purposes.
  - d) Easements for services including, water, sewer, drainage and power.
11. Prior to the issue of a Subdivision Certificate, the person acting upon this consent shall apply to Walgett Shire Council and receive written confirmation of the allocated street address(es) or house number(s) for the completed project. These are the numbers that will be noted in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing prior to the issue of a Subdivision Certificate.  
To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within the development should be submitted to Council as these numbers will be used to maintain Council's property and mapping database. Street names must be formally agreed to and adopted by Council.
12. A surveyor's plan must be submitted to Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.
13. Approval to carry out work on a Council roadway or footpath must be obtained, in accordance with section 138 of the Roads Act 1993, before works commence.
14. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
15. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Office of Environment & Heritage and the relevant local Aboriginal Lands Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

## CONDITIONS RELATING TO ONGOING OPERATIONS

16. A bushfire emergency and evacuation plan is to be prepared and maintained at all times. Including;
  - a) Provisions for ongoing maintenance of a maximum 50m wide Asset Protection Zone (APZ)
  - b) Contact details of emergency services and site contacts.
  - c) Details of site safety procedures, property protection and evacuation measures.

Provision of 100,000 litres of static water supply maintained for bushfire fighting.



17. A flood study, emergency and evacuation plan is to be prepared and maintained at all times. A detailed flood study is to be submitted for Council approval.

Including;

- a) Provisions for construction, maintenance and repair of the flood levee to a standard and height similar to the Walgett Town Levy.
- b) Contact details of emergency services and site contact.
- c) Details of site safety procedures, property protection and evacuation measures.

### COUNCIL ADVICE ONLY

1. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
2. Dial Before You Dig: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
3. Telecommunications Act 1997 (Commonwealth); Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
4. New residential development and significant dwelling alterations should provide measures such as self-closing doors, fencing and gates to prevent children from entering the garage and driveway from the house.

### Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled in accordance with the *Environmental Planning and Assessment Regulation 2021*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.

9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.
10. The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Council.
11. To ensure maintenance and resolution provisions are clearly documented for right of carriageways and easements.
12. To ensure that any National Construction Code issues are resolved prior to Construction Certificate assessment, including the peer review by an independent Accredited Certifier for alternate or performance solutions.

## Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached

Yes ☐ No ☐

- Site Inspection Photos
- Aboriginal Heritage Information Management Search

Signed: .....

Bob Harris

Date:

## Applicant details

Title	Mr
First given name	Angus
Other given name/s	
Family name	Witherby
Contact number	0427257244
Email	angus.witherby@wakefieldplanning.com.au
Address	58 IRIS STREET MOREE 2400
Is the applicant a company?	Yes
Name	The trustee for Witherby Family Trust
ABN	50285185541
ACN	
Trading Name	

## Subject Land

What land does the planning proposal apply to?	Individual properties (five or less lots) within the LGA
Which LGA does the proposal relate to?	WALGETT

## Type of Planning Proposal

What controls does the planning proposal relate to ?	The planning proposal relates to map based planning provisions
--	--

## Select the site of the development

Site address #	1
Street address	38452 KAMILAROI HIGHWAY WALGETT 2832
Local government area	WALGETT
Lot / Section Number / Plan	2 / - / DP752697 34 / - / DP752697
Primary address?	Yes
Planning controls affecting property	<p>Land Application LEP</p> <p>Land Zoning</p> <p>Height of Building</p> <p>Floor Space Ratio (n:1)</p> <p>Minimum Lot Size</p> <p>Heritage</p> <p>Land Reservation Acquisition</p> <p>Foreshore Building Line</p> <p>1.5 m Buffer around Classified Roads</p> <p>Land near Electrical Infrastructure</p>

## Planning Proposal - subject provisions

Which planning provisions does the planning proposal seek to amend? (select all that apply)	Land use zone
Please provide a brief description of the effect of the planning proposal	To align current zone boundaries with the proposed subdivision boundaries of the villages of Namoi, Gingie, and Walli.

### Prelodgement meeting

Has a pre-lodgement meeting occurred?	Yes
Meeting Date	26/07/2021
Planning Officer	Kobus Nieuwoudt

### Voluntary Planning Agreement

Is the application accompanied by a voluntary planning agreement (VPA)?	No
---	----

### Pecuniary interest

Is the applicant or owner an employee or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or council or of the Councillor assessing the application?	No

### Political Donations

Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
--	----

### Payer details

First name	Andrew
Other given name/s	
Family name	Fenwick
Contact number	0427257244
Email	andrew@lyonsadvantage.com.au
Billing address	C/- 58 Iris Street Moree NSW 2400

### Application documents

The following documents support the application

Document type	Document file name
Draft Planning Proposal	Planning Proposal Walgett Shire - Roads to Home - Namoi - Gingie - Walli Rev 1_2
Planning Proposal maps	Planning Proposal Walgett Shire - Roads to Home - Namoi - Gingie - Walli Rev 1_2

### Declarations

I declare that all the information in my application and accompanying documents is, to the best of my knowledge, true and correct.	Yes
I understand that the application and the accompanying information will be provided to the appropriate consent authority and relevant agency(ies) for the purposes of the assessment of this application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
The Planning Proposal authority may use the information and materials provided for notification, advertising purposes, and may be made available to	

the public for inspection. Information related to the application may also become available via NSW Planning Portal.	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I have read and agree to the collection and use of my personal information as outlined in the	Yes



AWTM Pty Ltd ATF Witherby Family Trust (ABN 50 285 185 541) T/A Wakefield Planning  
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# **Planning Proposal Walgett Shire**

## **Roads to Home Program**

Client: Lyons Advantage for WLALC and CLALC

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1.0	First draft for review by Client	6 July 2021
1.1	Draft for pre-lodgement review by Council	26 July 2021
1.2	Revision following Walli Subdivision layout finalisation	27 Mar 2022

### Disclaimer

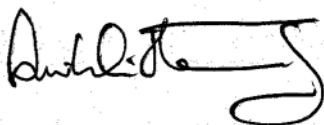
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This report has been prepared to inform the Client about particular matters. Use of material herein for any other purpose is at the end-user's own risk. The information contained in this report is to the best of Wakefield Planning's knowledge true and correct. Every effort has been made to ensure its accuracy; however, to the extent permitted at law, Wakefield Planning does not accept responsibility for any loss, injury or damage arising from the use of such information.

### Principal Author Certification

I certify that I have prepared the contents of this Report and to the best of my knowledge:

- The information contained in this Report is neither false nor misleading; and
- It contains all relevant available information that is current at the time of release.



### Angus Witherby

BA – Geography and Economics, Grad. Dip. Urb. and Reg. Planning, FPIA, CPP

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## INTRODUCTION

Roads to Home Program is a planning and infrastructure upgrade program designed to sustainably address the legacy infrastructure and servicing inequality experienced in Reserves and Missions (discrete Aboriginal communities) across NSW.

This program is an NSW Government election commitment which involved a first rollout of the program to ten Aboriginal Communities across NSW. The program is staged so outcomes can be achieved, and information gathered to inform future projects, preceding a general roll out to the remaining 41 discrete Aboriginal Communities. The program is being managed by the NSW Department of Planning, Infrastructure and Environment (DPIE).

Three villages are affected in Walgett Shire – Namoi, Gingie and Walli. All of these have anomalies with the village areas not being fully congruent with the zone boundaries. As a result, there is a need to adjust the zone boundaries, and the associated minimum lot size maps, to reflect the proposed plans of subdivision under the Roads to Home project.

The Roads to Home Program has been established to:

- Provide infrastructure upgrades to enable local government services in discrete Aboriginal communities to be delivered to the same standards as other villages.
- Ensure the long-term sustainability of infrastructure through continued maintenance and provision of those services
- Create better social and economic connections to improve the way people travel to school and work
- Improve access for medical and emergency services as well as postal, delivery and telecommunication services
- Reduce health hazards from dust, waste issues, stormwater and road safety
- Reduce the risk, costs and disruption from flooding and evacuation
- Allow for the approval of proposed subdivision works to: -
  - Enable dedication, or care, control and management regimes, of roads to local authorities
  - Enable a variety tenancy choices and land management options for LALCs
  - Allow connection to municipal services (such as telecommunications and internet) via individual street addresses.
  - Facilitate economic options, such as new businesses
  - Facilitate the creation of diverse funding streams for LALCs

## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

### PROPOSAL OBJECTIVE

The villages are all currently zoned E4 Environmental Living, apart from encroachments into the RU1 Primary Production zone. It is these encroachments that this proposal seeks to rectify. In this respect the encroachments would be rezoned to E4 with the minimum lot size of 700m<sup>2</sup> applying to the rezoned areas. This would ensure consistency of land use controls across the physical village areas.

## PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the planning proposal will be achieved by amending the *Walgett Local Environmental Plan 2013*. (LEP).

According to the Walgett LEP 2013, the objectives of the E4 zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To acknowledge the settlements of Gingie, Namoi and Walli and to enable compatible development.*

The proposed amendment is consistent with each of the objectives for the current village zoning and will permit consistency of approach across all functional areas of each village.

Both the zoning map and the lot size map are proposed for change. There are no alterations proposed to the text of the existing Local Environmental Plan.

## **PART 3 – JUSTIFICATION**

### **NEED FOR PROPOSAL**

An amendment to the LEP is the only reasonable way of achieving the objectives of the Roads to Home Program in Walgett Shire.

It is not possible to complete the subdivision of the existing housing infrastructure without amending the minimum lot sizes from 400ha to 700m<sup>2</sup> and, to avoid anomalies the zone designation needs also to be brought into alignment. Although consideration was given to site-specific amendments, this approach was discarded in favour of a consistent approach across the villages in terms of both lot size and zone.

### **RELATIONSHIP TO PLANNING FRAMEWORK**

The proposed amendment is consistent with the planning policies and framework the Far West Region as it advances regional planning priorities and strategic aims, particularly in relation to housing, villages, development, and the Aboriginal communities.

#### **SECTION 9.1 MINISTERIAL DIRECTIONS**

The proposal is consistent with the Ministerial Directions issued under Section 9.1 of EPA Act 1979. Specifically:

##### **Direction 1.2 - Rural Zones**

The proposal seeks a minor rezoning of rural land to align with the village physical boundaries. In this regard this is of minor significance and is therefore consistent with the Direction.

##### **Direction 1.5 - Rural Lands**

###### **When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal that:
- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
  - (b) changes the existing minimum lot size on land within a rural or environment protection zone.

**Note:** Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.

The proposal land is a combination of E4 and RU1 and therefore the Direction applies. It is, however, of very minor significance and this therefore consistent with the Direction. It should be noted that the proposal is consistent with the Far Western Regional Plan.

### **Direction 2.3 - Heritage Conservation**

No change to heritage provisions is proposed, and existing heritage provisions operate over the land.

The proposal is being submitted on behalf of the Walgett and Collarenebri Local Aboriginal Lands Councils, in full understanding and acknowledgement of the heritage significance of the location to Aboriginal culture and people.

The purpose of this planning proposal and DPIE's Roads to Home Program is to consolidate and improve existing infrastructure, rather than undertake new development on the relevant land parcels.

### **Direction 3.4 – Integrated Land Use and Transport**

The proposal is consistent with the intended outcomes and objectives of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), namely that the amendment will facilitate the improvement of existing road, drainage, footpath, parking, and public transport infrastructure within the villages.

### **Direction 4.3 – Flood Prone Land**

There is no change to the planning provisions relating to flood prone land. In addition, there is no change to development permitted on the lands affected by the Proposal. In this respect no new dwellings are proposed under the Proposal. Accordingly, the proposal is consistent with the Direction.

### **Direction 4.4 – Planning for Bushfire Protection**

As discussed in Environment Impacts below, while the extremities of some of the subject lands are within the exclusion zones of Bushfire Prone mapping none of that mapping affects the land the subject of the rezoning. The proposal is centred around formalising the existing urban development of the villages, which is 100m+ from any Bushfire Prone Areas, and no new residential development is suggested or intended in this planning proposal.

### **Direction 5.10 – Implementation of Regional Plans**

The proposal is in accordance with the goals and objectives outlined in the *Far West Regional Plan 2036* as set out below:

This Plan is a high-level document addressing the Far West region. Of relevance to the proposal is the goal of the plan to achieve “strong and connected communities”. The Roads to Home” program is specifically designed to enhance the strength of the local Aboriginal Land Councils and also the resilience of the communities. This is also identified as a specific priority within the plan, as is increasing housing opportunities. In addition, the third goal specifically seeks to “strengthen local leadership” which would also be achieved through the enhancement of capability of the Walgett and Collarenebri LALCs.

*Direction 22* requires collaboration and partnership with Aboriginal communities. Again, this is a key element of the “Roads to Home” project. In particular collaborative and inclusive planning has been used to address future subdivision proposals for the villages.

*Direction 27* looks to provide greater housing choice. In this regard the proposal will facilitate long-term leases and also, potentially, the sale of land in the future through such mechanisms as “rent to buy” and also freehold sale.

Although potentially being able to consider the proposal as “rural residential development” the proposal is not inconsistent with *Direction 29*.

*Direction 30* looks to create healthy built environments, and this again is a key goal of the “Roads to Home” project.

In summary, the proposal is considered to be fully consistent with the Far West Regional Plan.

### **Direction 5.11- Development of Aboriginal Land Council land**

The relevant SEPP does not apply to the land, and accordingly the proposal is not inconsistent with the Direction.

### **Direction 6.3 – Site Specific Provisions**

The proposal utilises the existing lot size map and zoning framework rather than site-specific controls and is therefore consistent with this Direction.

### **WALGETT DCP**

The proposal would result in allotments and dwelling locations associated with those allotments that is fully compliant with the DCP.

### **STATE ENVIRONMENTAL PLANNING POLICY**

A review of the current 39 SEPP's has been undertaken as set out in the Table below. Relevant SEPPs are discussed following the Table.

**Table – Relevance of SEPP's to proposed development**

<b>SEPP</b>	<b>Relevant? (Y/N)</b>
SEPP (Aboriginal Land) 2019	N (relates only to an area in the Hunter Valley)
SEPP (Activation Precincts) 2020	N (Not within a SAP)
SEPP (Affordable Rental Housing) 2009	N (No housing proposed)
SEPP (Building Sustainability Index: BASIX) 2004	N (No dwellings proposed)
SEPP (Coastal Management) 2018	N (Not within the area of the SEPP)
SEPP (Concurrences and Consents) 2018	N (Administrative only)
SEPP (Educational Establishments and Child Care Facilities) 2017	N (No educational establishments proposed)
SEPP (Exempt and Complying Development Codes) 2008	N (Only relevant to Developments, not this LEP amendment as permissibility is not being changed)
SEPP (Gosford City Centre) 2018	N (Not within SEPP area)
SEPP (Housing for Seniors and People with a Disability) 2004	N (No new housing proposed)



SEPP	Relevant? (Y/N)
SEPP (Infrastructure) 2007	N (Relates to consent requirements only, not this LEP amendment, which does not change permissibility requirements)
SEPP (Koala Habitat Protection) 2020	N (Does not apply)
SEPP (Koala Habitat Protection) 2021	Y (Applies, see note below)
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N (Not within SEPP area)
SEPP (Kurnell Peninsula) 1989	N (Not within SEPP area)
SEPP (Major Infrastructure Corridors) 2020	N (Not within SEPP area)
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N (Not within SEPP area)
SEPP No 19 – Bushland in Urban Areas)	N (Not within SEPP area)
SEPP No 21 – Caravan Parks	N (Permissibility of this use not affected)
SEPP No 33 – Hazardous and Offensive Development	N (None present or proposed)
SEPP No 36 – Manufactured Home Estates	N (Permissibility of this use not affected)
SEPP No 47 – Moore Park Showground	N (Not within SEPP area)
SEPP No 50 – Canal Estate Development	N (Not within SEPP area)
SEPP No 55 – Remediation of Land	Y (Applies, see note below)
SEPP No 64 – Advertising and Signage	N (No changes are proposed that would affect advertising and signage)
SEPP No 65 – Design Quality of Residential Apartment Development	N (No apartment development of this type is, or would be permissible.
SEPP No 70 – Affordable Housing (revised schemes)	N (No housing is proposed for construction under this proposal)
SEPP (Penrith Lakes Scheme)	N (Not within SEPP area)
SEPP (Primary Production and Rural Development) 2019	Y Applies, see note below
SEPP (State and Regional Development) 2011	N (No such development is in the vicinity of the site, and no changes are proposed that would impact on the operation of this SEPP)
SEPP (State Significant Precincts) 2005	Y Applies, see note below
SEPP (Sydney Drinking Water Catchment) 2011	N (Not within SEPP area)
SEPP (Sydney Region Growth Centres) 2006	N (Not within SEPP area)
SEPP (Three Ports) 2013	N (Not within SEPP area)
SEPP (Urban Renewal) 2010	N (Not within SEPP area)
SEPP (Vegetation in Non-Rural Areas) 2017	N (Not within SEPP area)
SEPP (Western Sydney Aerotropolis) 2020	N (Not within SEPP area)
SEPP (Western Sydney Employment Area) 2009	N (Not within SEPP area)
SEPP (Western Sydney Parklands) 2009	N (Not within SEPP area)

### SEPP (Koala Habitat Protection) 2021

Although the E4 zone is included within land affected by the SEPP, the proposal does not involve any development that would impact on koala habitat or potential koala habitat. In this regard, the variation to the minimum lot size, of itself, does not involve any works. Any subsequent development applications would be considered under the Policy.

### **SEPP 55 (Remediation of Land)**

The SEPP applies, however any potential contamination (e.g. asbestos in dwellings) would not impact on or be impacted by the proposed lot size change. In this regard, the SEPP does not pose any obstacle to the proposal.

### **SEPP (Primary Production and Rural Development)**

The SEPP applies, however the land does not contain, nor would it contain in the future, any of the land uses that the SEPP addresses. In this regard, the SEPP does not pose any obstacle to the proposal.

### **SEPP (State Significant Precincts)**

No such development is in the vicinity of the site, and no changes are proposed that would impact on the operation of this SEPP.

## ***ENVIRONMENTAL, SOCIAL, and ECONOMIC IMPACT***

### **ENVIRONMENTAL IMPACT**

The planning proposal seeks only to reclassify the minimum lot sizes for subdivision of the subject site and will not generate any environmental effects. Any future impact of further subdivision will be managed through existing statutory planning processes.

The subject land parcel is classified as Bush Fire prone (as per Rural Fire Service website), however the associated mapping indicates limited impact only at the extremities of the relevant LALC landholdings. The proposed reclassifications are intended only to affect the existing urban development, which has 100m+ land clearance from any Bush Fire impact zone; i.e. any relevant land within a subsequent DA would not be classified as Bush Fire prone. The rest of the existing land parcel is not expected to be developed or have any other effect on the existing landscape, including within or adjacent to Bush Fire prone areas.

### **SOCIAL and ECONOMIC IMPACT**

The planning proposal and the Roads to Home Program generally seeks to greatly improve the social and economic outcomes for the village communities. Indeed, the core aim of the entire Roads to Home Program is to sustainably address the legacy infrastructure and servicing inequality experienced in Reserves and Missions (discrete Aboriginal communities) across NSW. The proposal will facilitate these outcomes for the affected lands.

### **GOVERNMENT INTERESTS**

The Roads to Home Program is an election commitment from the NSW Government, and this planning proposal sits within the second group of ten communities to receive State Government funding.

The DPIE is the nominated government agency responsible for the administration and outcomes of the Roads to Home Program. The NSW Aboriginal Land Councils are submitting the subdivision applications subsequent to the lot size change and issue the registration approval certificate.

The proposal is consistent with Federal Government Indigenous policy. The *Indigenous Advancement Strategy* (2014) is described as “a new approach to engaging with Aboriginal and Torres Strait Islander people to achieve real results.”<sup>1</sup> It consolidates the many different Indigenous policies and programs that were delivered by the Federal Government into five overarching programs:

- 1) **Jobs, Land and Economy:** Getting adults into work, fostering Indigenous business and assisting Indigenous people to generate economic and social benefits from the effective use of their land.
- 2) **Children and Schooling:** Getting children to school, improving education outcomes and supporting families to give children a good start in life.
- 3) **Safety and Wellbeing:** Ensuring that Indigenous people are healthy and enjoy the emotional and social wellbeing experienced by other Australians.
- 4) **Culture and Capability:** Supporting Indigenous Australians to maintain their culture, participate in the economic and social life of the nation and ensure that organisations are capable of delivering quality services to their clients.
- 5) **Remote Australia Strategies:** Addressing the social and economic disadvantage in remote Australia and supporting solutions based on community and government priorities.

This proposal is consistent with and advances the program outcomes associated with all of the five program priorities, particularly ‘Jobs, Land and Economy’ and ‘Safety and Wellbeing’.

---

<sup>1</sup> <https://www.indigenous.gov.au/indigenous-advancement-strategy>

## PART 4 – MAPPING

To be added.

### ***Cadaster and Context (Bushfire and Flooding)***

NAMOI

GINGIE


WALLI

### ***EXISTING AND PROPOSED ZONING***


NAMOI (to cover two houses in the RU1 Zone)

	
Existing	Proposed

GINGIE (to ensure congruence with cadaster for boundary)

	
Existing	Proposed

WALLI (to cover part of one lot in the RU1 Zone)

	
Existing	Proposed

### **EXISTING AND PROPOSED LOT SIZE MAP**

NAMOI (extend Q to align with revised zone boundaries)

	
Existing	Proposed

GINGIE (extend Q to align with revised zone boundaries)

Existing	Proposed

WALLI (extend Q to align with revised zone boundaries)

Existing	Proposed

## PART 5 – COMMUNITY CONSULTATION

### ***Aboriginal Community***

As the clients, the Local Aboriginal Land Councils are fully aware and supportive of the proposed planning amendment.

Options for subdivision are being presented to and require endorsement by a community meeting which is a statutory requirement of the land dealing process. The outcomes of those meetings require this proposal to be progressed to implement those outcomes in full.

### ***General Consultation***

Walgett Shire Council will publicly exhibit the Planning Proposal in accordance with the requirements of Schedule 1, Clause 4 of the Environmental Planning and Assessment Act 1979. The exhibition will also comply with any other requirements determined by the Gateway determination under Section 3.34 of the Environmental Planning and Assessment Act 1979. In addition, further specific consultations will occur with the affected Aboriginal communities during the exhibition period.

## PART 6 – SCHEDULE / TIMELINES

### ***PROJECT PROGRAM***

#### PLANNING PROPOSAL TIMELINES

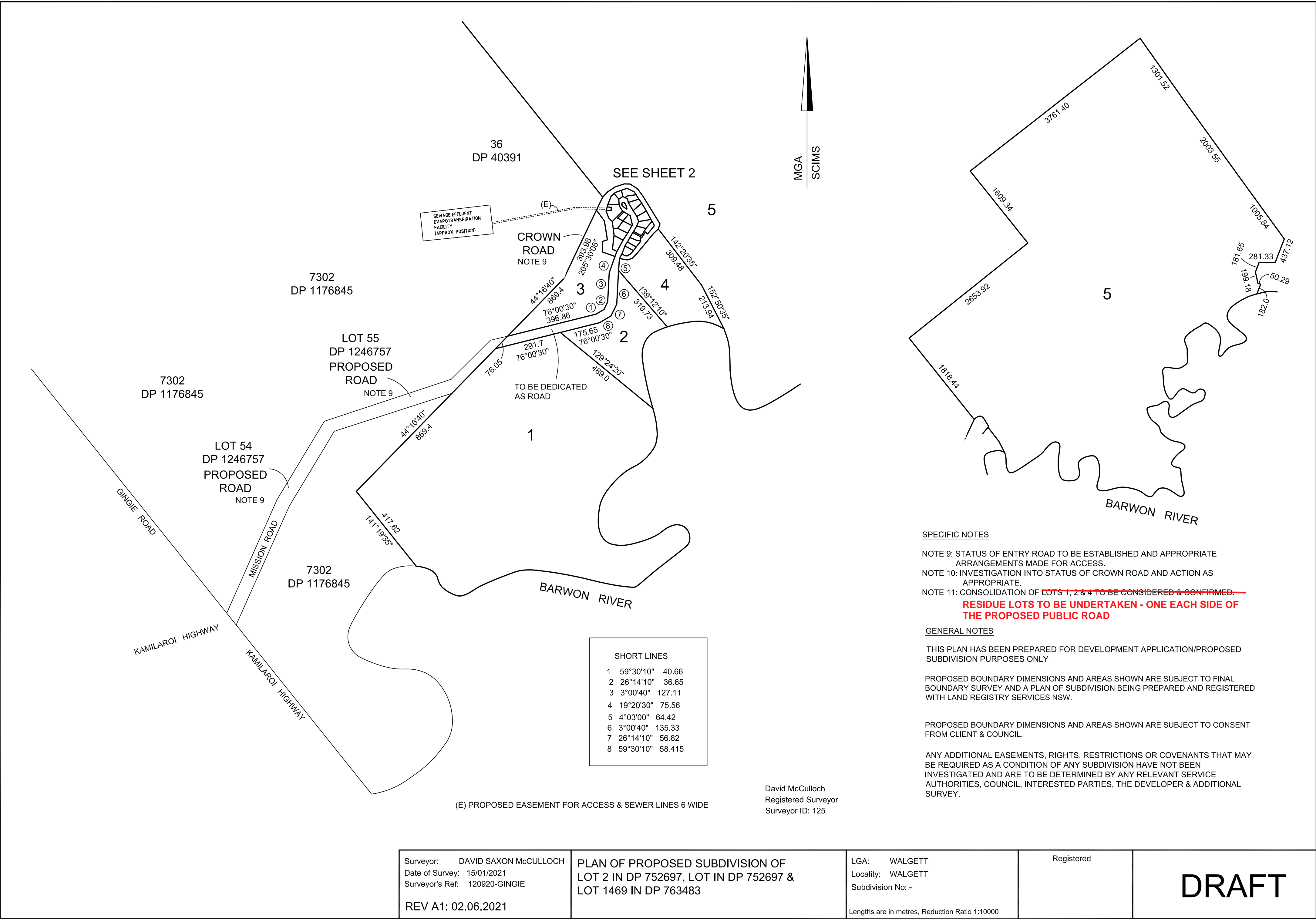
The following timelines are proposed:

ITEM	DATE
Submission to Walgett Shire Council	April 2022
Submission to DPIE for Gateway Determination	End May 2022
Community Consultation (14 days – Minor Proposal)	June 2022
Assessment and Reporting to Council	July 2022
Making of the Plan	August 2022

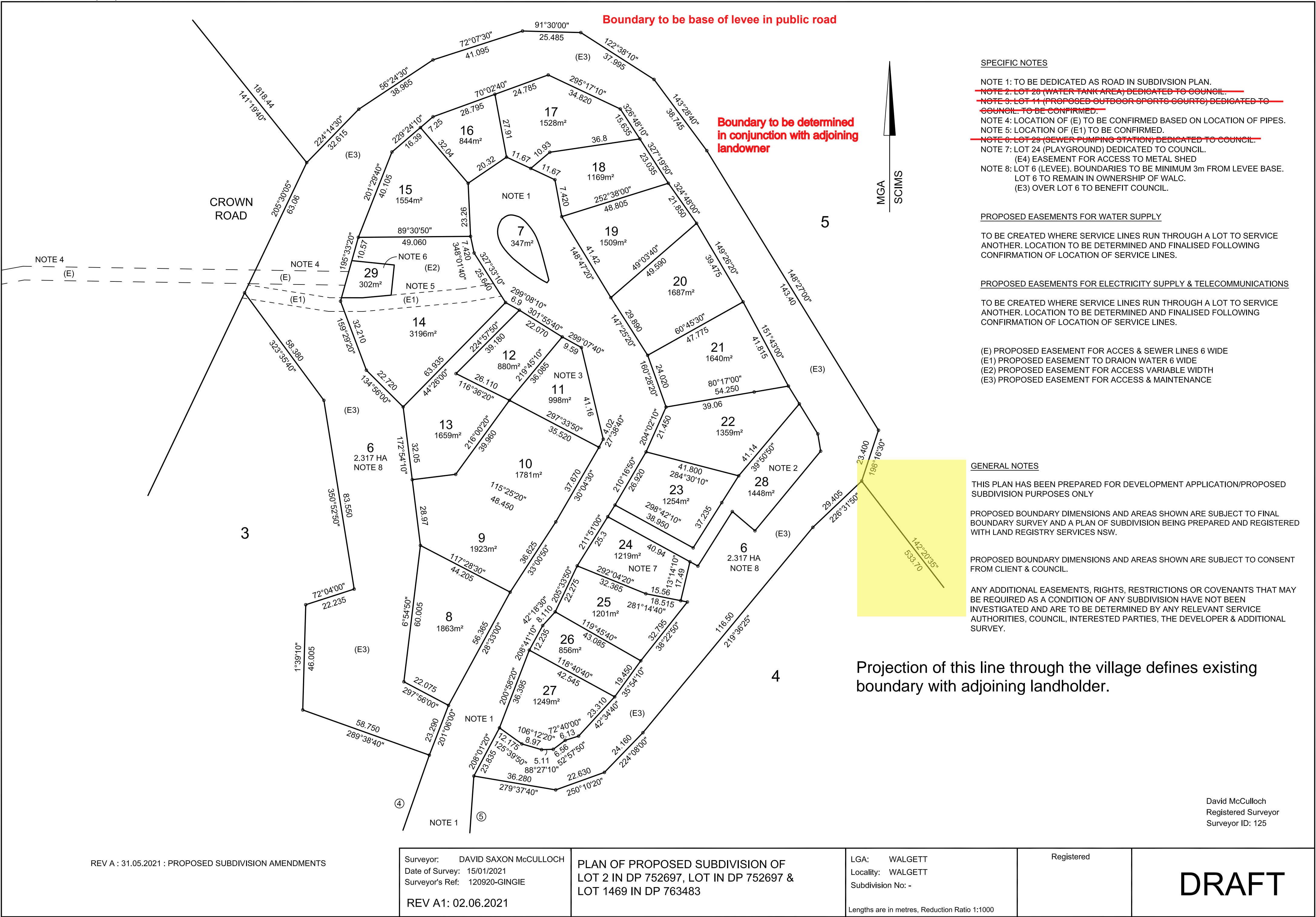


# Proposed alteration to boundary between Lots 5 and 6

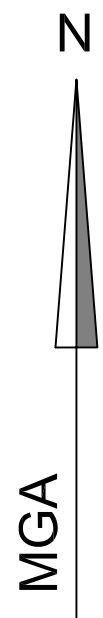












GENERAL NOTES

THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN. THE INFORMATION SHOWN ON THIS PLAN OR IN THE ASSOCIATED CAD FILE IS SUPPLIED ON THE CONDITION THAT THESE GENERAL NOTES ARE ALWAYS SHOWN/KEPT ON ANY COPY OR EXTRACT OF THE HARD COPY/DATA FILE.

THE LOCATION OF PROPERTY BOUNDARIES HAVE BEEN IDENTIFIED FROM SURVEY MEASUREMENTS & REGISTERED PLANS OBTAINED FROM NSW LAND REGISTRY SERVICES & REPRESENT TITLE DIMENSIONS.

ANY CONSTRUCTION OR WORKS RELYING ON CRITICAL SETBACKS FROM BOUNDARIES WILL REQUIRE ADDITIONAL BOUNDARY SURVEY & PLACEMENT OF BOUNDARY/SETOUT MARKS PRIOR TO COMMENCEMENT OF ANY WORKS. WUMARA GROUP WILL NOT BE HELD LIABLE FOR ANY ISSUES RESULTING FROM NON COMPLIANCE WITH THIS ADVICE.

NO EASEMENTS BENEFITING OR BURDENING THE SUBJECT LAND ARE NOTED ON THE SUBJECT CERTIFICATE OF TITLES AS AT 20-12-2020.

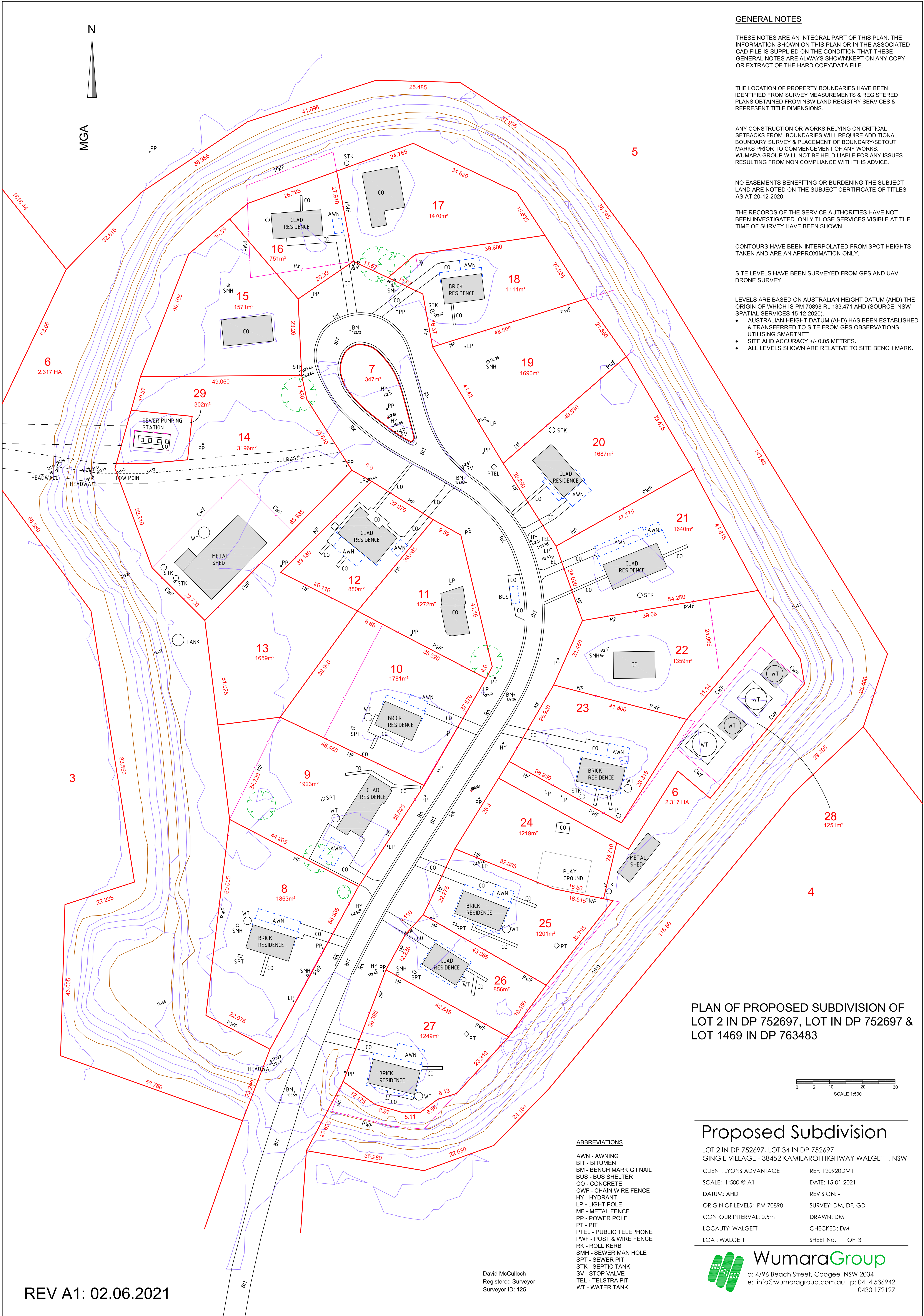
THE RECORDS OF THE SERVICE AUTHORITIES HAVE NOT BEEN INVESTIGATED. ONLY THOSE SERVICES VISIBLE AT THE TIME OF SURVEY HAVE BEEN SHOWN.

CONTOURS HAVE BEEN INTERPOLATED FROM SPOT HEIGHTS TAKEN AND ARE AN APPROXIMATION ONLY.

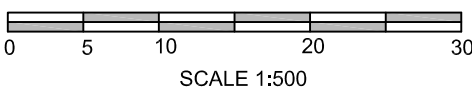
SITE LEVELS HAVE BEEN SURVEYED FROM GPS AND UAV DRONE SURVEY.

LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD) THE ORIGIN OF WHICH IS PM 70898 RL 133.471 AHD (SOURCE: NSW SPATIAL SERVICES 15-12-2020).

- AUSTRALIAN HEIGHT DATUM (AHD) HAS BEEN ESTABLISHED & TRANSFERRED TO SITE FROM GPS OBSERVATIONS UTILISING SMARTNET.
- SITE AHD ACCURACY +/- 0.05 METRES.
- ALL LEVELS SHOWN ARE RELATIVE TO SITE BENCH MARK.



PLAN OF PROPOSED SUBDIVISION OF LOT 2 IN DP 752697, LOT IN DP 752697 & LOT 1469 IN DP 763483



ABBREVIATIONS

- AWN - AWNING
- BIT - BITUMEN
- BM - BENCH MARK G.I NAIL
- BUS - BUS SHELTER
- CO - CONCRETE
- CWF - CHAIN WIRE FENCE
- HY - HYDRANT
- LP - LIGHT POLE
- MF - METAL FENCE
- PP - POWER POLE
- PT - PIT
- PTL - PUBLIC TELEPHONE
- PWF - POST & WIRE FENCE
- RK - ROLL KERB
- SMH - SEWER MAN HOLE
- SPT - SEWER PIT
- STK - SEPTIC TANK
- SV - STOP VALVE
- TEL - TELSTRA PIT
- WT - WATER TANK

David McCulloch  
Registered Surveyor  
Surveyor ID: 125



Wumara Group

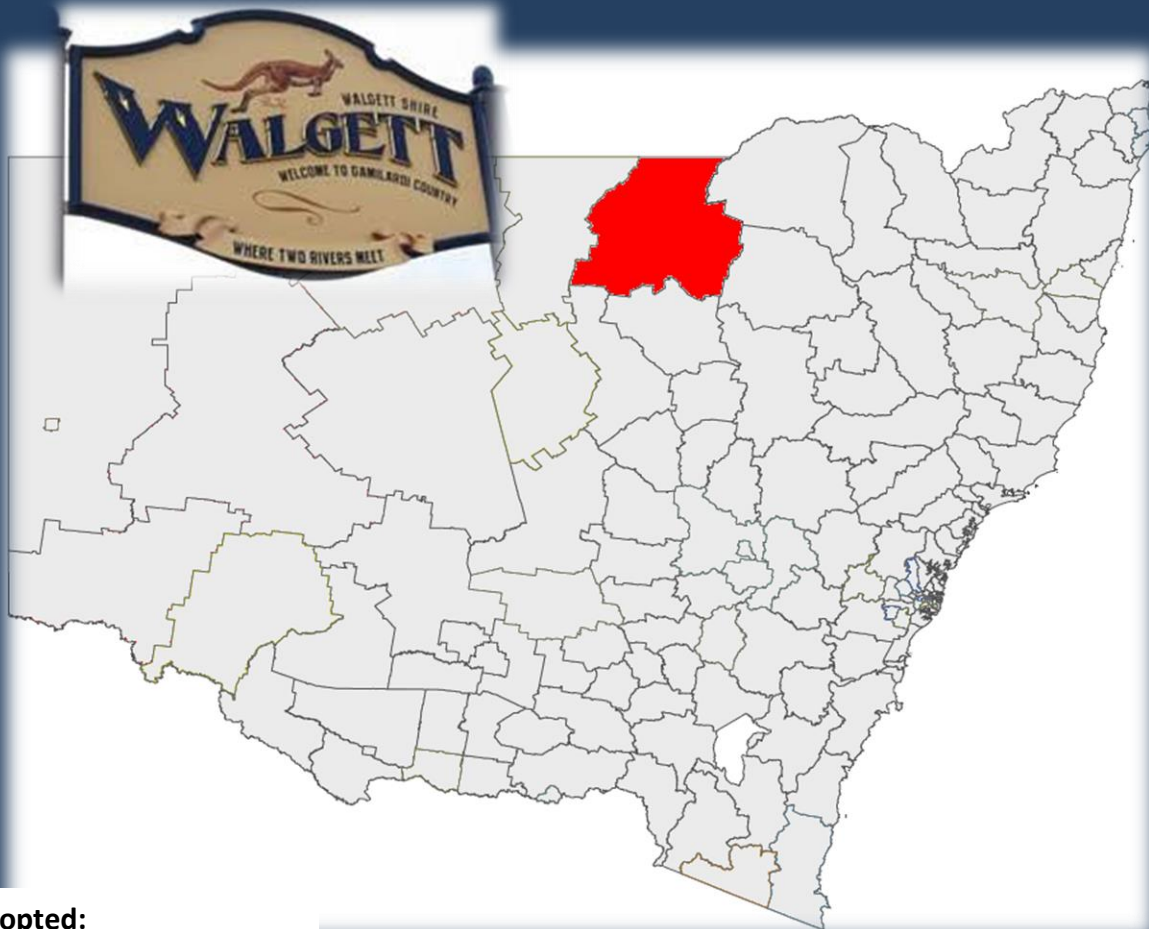
a: 4/96 Beach Street, Coogee, NSW 2034  
e: info@wumaragroup.com.au p: 0414 536942  
0430 172127





# WALGETT SHIRE

## Community Participation Plan 2023



Adopted:

Minute No.:

## **Acknowledgement**

Walgett Council acknowledges the traditional custodians of the land and pays respect to Elders past, present and future. This Plan acknowledges a strong belief amongst Aboriginal people that if we care for country, it will care for us. This is supported by the knowledge that the health of a people and their community is reliant on a strong physical and emotional connection to place.

Conserving Aboriginal heritage and respecting the Aboriginal community's right to determine how it is identified and managed will preserve some of the world's longest standing spiritual, historical, social and educational values.



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# 1. INTRODUCTION

## 1.1 What is a Community Participation Plan?

The Walgett Shire Community Participation Plan sets out how and when Council will engage with the community when undertaking its town planning functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It applies to the entire Walgett Local Government Area.

The Walgett Shire Community Participation Plan has been prepared in accordance with Section 2.6 and Schedule 1 of the EP&A Act 1979.

An effective community consultation program does not necessarily mean that all interested parties will be satisfied with an outcome. Rather, effective community consultation is about ensuring that a proposal has been fully explored and that community concerns are identified, considered and addressed.



## 1.2 How does it fit into our Integrated Planning Framework?

Moving forward, the plan will be incorporated into Council's Community Strategic Plan. This will take place during the next update of the Community Strategic Plan.

## 1.3 What planning functions does our Community Participation Plan apply to?

NSW Environment and Planning legislation defines the structure of Council's planning functions, these functions are generally divided into two key areas of strategic planning and development assessment.

**Strategic planning** is an essential aspect of Council's work where the strategic direction, vision and context for the planning system in the Walgett Local Government Area (LGA) are set. For example, defining future areas for subdivision to expand the availability of residential, commercial or industrial land.

**Development Assessment** - Council is required to assess and make planning decisions on a range of Development Applications lodged by the public. Applications assessed by Council include but are not limited to residential dwellings, unit development, subdivisions, commercial and industrial development, quarries, agricultural developments and infrastructure upgrades.

This Community Participation Plan applies to the planning functions shown in the following table.

STRATEGIC PLANNING	DEVELOPMENT ASSESSMENT
Community Participation Plans	Development Applications (other than Complying Development Certificates)
Local Strategic Planning Statement	
Local Environmental Plans	Applications for modification of development consents
Development Control Plans	Environmental Impact Statements under Division 5.1 of the EP&A Act 1979
Contribution Plans	

Table 1: Planning Functions

Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation or consultation. This Plan does not relate to applications that fall within the following development categories:

1. State Government and regional planning panels can issue approvals for state and regionally significant projects without reference to Council.
2. Development which is **exempt development as defined** under the provisions of a State Environmental Planning Policy or the *Walgett Local Environmental Plan 2013*; or
3. Development which is **complying development** or **development permitted without consent** (Part 5) under the provisions of any applicable State Environmental Planning Policy or *Walgett Local Environmental Plan 2013*.
4. Approvals issued by Private Certifiers (legally) are not subject to this policy.

#### 1.4 What are the principles of community participation?

Walgett Council recognises community participation within the planning system is not only the community's right, but it can help to deliver better planning results for the people of the Walgett Local Government Area.

Community participation is an overarching term covering how Council and the community engage in the town planning functions of strategic planning and development assessment. The length and extent of community participation will vary depending on community interest, the scope of the proposal under consideration and the



potential impact of the decision.

The community can include anyone who is affected by the planning system from individuals, community groups, Aboriginal communities, sporting bodies, peak bodies representing a range of interests, businesses, local government, and State and Commonwealth government agencies.

The NSW Environmental Planning and Assessment Act 1979 (Section 2.22) outlines the principles that underpin the Community Participation Plan. These principles are outlined below:

- a) The community has a right to be informed about planning matters that affect it;
- b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning;
- c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning;
- d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered;
- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community;
- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made;
- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account); and
- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.



## 1.5 What are the values and behaviours we can all expect?

All community members, stakeholders and staff have the right to participate in a respectful environment and behave in a manner that supports everyone's right to present their point of their view.

It is expected that people will have different views about development, and that certain types of development proposals in specific locations can give rise to debate. This debate is accepted as a part of the planning process, we ask that you:

- bring an open mind and willingness to listen to other people's viewpoints
- respect all participants
- be polite and courteous
- talk to the issue not the person
- take time to find common ground
- think about ideas and solutions which meet all participants needs.

## 2. EXHIBITION REQUIREMENTS

### 2.1 Minimum Exhibition Requirements

The length of time and extent of information available for community participation will vary depending on the level of community interest, the scope of the proposal under consideration and the potential impact of the decision.

A common and valuable way for the communities of the Walgett Shire to participate in the planning system is by making a “written submission” on a proposal during an “exhibition period” for both “strategic planning” and “development assessment” projects.

The types of proposals that must be publicly exhibited and the minimum timeframes for exhibition are set out below in the Table 2 (Exhibition Timeframes for Planning Functions). These are mandatory provisions and apply in the same manner as provided under the NSW Environmental Planning and Assessment Act 1979. Council will always exhibit a proposal for this minimum timeframe and may consider an extended timeframe for exhibition based on the scale and nature of a proposal.

Key points to note about public exhibitions include the following:

- a) Timeframes are in calendar days and include weekends;
- b) If the exhibition period is due to close on a weekend or a public holiday, Council may extend the exhibition to finish on the first available work day;
- c) The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition;
- d) “Written notices” in regard to either a strategic planning matter or a development assessment matter are sent to the property owner at their nominated postal address, not a tenant or occupant. It is then at the discretion of a property owner to disclose any written notice to the property tenant or occupant;
- e) If a property is owned by more than one person, a written notice to one (1) owner is taken to be a written notice to all the owners of that land; and
- f) A public authority is not required to make available for public inspection any part of an Environmental Impact Statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other valid reason.

### 2.2 Mandatory Exhibition

The purpose of exhibition is to communicate relevant information and documentation to all relevant stakeholders. Stakeholders can include:

- a) Business Owners;
- b) Chamber of Commerce;
- c) Committees of Council;
- d) Developers;
- e) Government Agencies and Members of Parliament;
- f) Landowners;



- g) Local Aboriginal Land Councils;
- h) Other Councils;
- i) Sporting Groups; and
- j) Village Associations.

The mandatory minimum exhibition time is dependent upon the specific project and document type. Mandatory Exhibition requirements are set out in Table 2.

Type	Planning Matter	Minimum Exhibition Timeframe
<b>Strategic Planning</b>	Draft Community Participation Plan	<b>28 days</b>
	Draft Local Strategic Planning Statements	<b>28 days</b>
	Planning Proposals for Local Environmental Plans subject to a gateway determination	<b>28 days; or</b> <b>as specified by the Gateway Determination which may find, due to the minor nature of the proposal, that no public exhibition is required.</b>
	Draft Development Control Plans	<b>28 days</b>
	Draft Contribution Plans	<b>28 days</b>
<b>Development Application</b>	Application for development consent (other than for complying development certificate, for designated development or for State significant development)	<b>14 days; or</b> <b>in accordance with Sections 2.3.3 and 2.2.4 below.</b>
	Application for development consent for designated development	<b>28 days; and</b> <b>in accordance with the EP&amp;A Regulations</b>
	Application for development consent for nominated integrated development	
	Application for development consent for threatened species development	
	Application for development consent for State significant development	
	Environmental Impact Statement under Division 5.1	
	<b>Environmental Impact Statement for State significant infrastructure under Division 5.2</b>	

**Table 2: Exhibition Timeframes for Planning Functions**

## 2.3 Exhibition Methods

### 2.3.1 Strategic Planning Documents

The following methods of public exhibition will be used to inform the community for the strategic planning functions of Council:

- a) Council Notices within local publications (The Spectator, Border News and Moree Champion);
- b) Council's website;

- c) Council's Newsletter and Weekly Bulletin;
- d) Council's social media; and
- e) Static display at Council's Administration Office and other locations (as applicable).

Depending on the specific strategic planning matters being considered, Council may also undertake one or more of the following public exhibition methods:

- a) Targeted stakeholder consultations/meetings;
- b) On-line surveys;
- c) One-on-one engagement with Council staff;
- d) Open days/drop in sessions;
- e) Letters to stakeholders;
- f) Notices within other regional newspaper/s; and
- g) Notices on the land.

### 2.3.2 Development Application Documents

Upon lodgement of an Application, Council will assess who may be detrimentally affected in terms of the matters to be considered.

A written notice of a Development Application will be sent to the persons who appear to the Council to own or occupy adjoining land within 20 metres of the development land boundary or impacted land if, in the Council's opinion, the enjoyment of the land may be detrimentally affected by the development proposal apart from the exceptions listed below, all other development applications that involve:

- a) alteration to the external configuration of a building,
- b) the erection of a new building,
- c) or variation to an adopted building line

The kinds of development that will not automatically be notified comprise:

- a) Single storey dwelling house;
- b) Manufactured home;
- c) Single storey additions to a house;
- d) Minor dwelling additions such as: open car port, pergola, fence, veranda;
- e) Private swimming pool;
- f) Detached garage or shed associated with a dwelling;
- g) Any building on land within RU1 Primary Production, RU3 Forestry zone;
- h) Subdivision creating less than 5 lots;
- i) Commercial or industrial development within a business or industrial zone.
- j) Additions to public buildings.

A written notice to adjoining landowners shall contain the following minimum information:

- k) Real property description and address of the land;
- l) Applicant's name;
- m) Description of the proposal for which consent is sought;
- n) The period in which submissions must be made.

The following issues will be considered in the assessment and determination of a development:

- a) Views to from the land
- b) Overshadowing
- c) Privacy and amenity
- d) Noise, odour, dust, light spill or other polluting emissions
- e) Proposed hours of use for the development
- f) The scale or bulk of the proposed development
- g) The positioning of the development in relation to site boundaries.
- h) Notification shall be undertaken in accordance with Table 3.



The notification period/public exhibition will be a minimum of fourteen (14) days. Council may broaden the extent of notification following any inspection of the development site, or increase the length of notification.

The period of notification may be extended if it is considered that:

- a) a development proposal has the potential to have a wider impact than nearby property owners or have a special community interest,
- b) following inspection of the site, and
- c) consideration of such factors as the character of the existing development, slope of the site and local amenity,

### 2.3.3 Advertising of Development Applications

Council may decide that notification should occur, and/or may decide to advertise the application in the local print media (i.e. newspapers) which may incur a fee.

The following kinds of development will be advertised:

- a) Demolition of a building identified as a heritage item in Schedule 5 to the *Walgett Local Environmental Plan 2013*;
- b) Use of a heritage item for a purpose prohibited within the zone, as provided for by clause 5.10(10) of the *Walgett Local Environmental Plan 2013*;
- c) Major Council projects (not including utility service infrastructure) with a value exceeding \$1,000,000, or likely to be of significant community interest;
- d) Non-residential uses in or adjacent to the R1 General Residential, R5 Large Lot Residential, and RU5 Village Land use Zones;
- e) Subdivisions creating 20 or more allotments;
- f) Within the R1 General Residential, R5 Large Lot Residential or, RU5 Village Land use Zones, development applications for the purposes of residential flat buildings; seniors housing; hostels; boarding houses; group homes; tourist and visitor accommodation; boarding houses; caravan parks;
- g) Any development identified by Senior Council staff that should be advertised in the public interest.

Where the development (or modification) is of a minor or inconsequential nature with minimal environmental impact, notification/public exhibition of a Development Application may not be required.

These developments will be advertised by:

- a) Notice of the development in a local Newspaper, containing the same information as is required to be given in the written notice;
- b) Written notice of the proposal to be given to all adjoining landowners;
- c) Period of exhibition to comprise a minimum of 14 days from the date notice is published (plus an additional 7 days of exhibition where



the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday).

The EP&A Act and other State Environmental Planning Policies may specify circumstances where certain applications require advertisement. In certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis that it is in the public interest.

The applicant shall pay the Council a fee in accordance with Council's adopted Schedule of Fees and Charges to cover the cost of advertising and notification of an application.

#### 2.3.4 Referral to Other Government Authorities

Certain Development Applications require notification and/or referral to other government authorities. Notice will also be given to the adjoining Councils listed below, if the proposed development is located in proximity to the LGA boundaries of:

- a) Moree Plains Shire Council
- b) Narrabri Shire Council
- c) Coonamble Shire Council
- d) Brewarrina Shire Council
- e) Warren Shire Council

#### 2.3.5 Amendments Prior to Determination

An applicant may make amendments to an application at any time before its determination, subject to Council's acceptance of those amendments. If re-notification is required, then further sets of plans for this purpose must be provided by the applicant. In these circumstances, Council will re-notify:

- a) Those persons who made submissions on the original application; and
- b) Any persons who own adjoining or neighbouring land (including those persons who were previously notified of the application) who may in Council's opinion potentially be detrimentally affected by the proposal as amended.

Note: If re-notification is required, further sets of plans for this purpose must be provided by the applicant.

### 2.3.6 Amendments after Determination

An applicant may lodge an application to modify an approval (under Section 4.55 of the EP&A Act 1979) if Council is satisfied that the development, as proposed to be modified, remains substantially the same development as that originally approved. Council will re-notify persons who made a submission to the original application and any persons who own adjoining or neighbouring land only where, in Council's opinion, those persons could be detrimentally affected by the proposal as amended.

Submissions received in relation to the modified proposal will be considered in Council's assessment of the modified application. A person may inspect a plan and make a submission within the (minimum) 14 day notification period.

Submissions received in relation to the modified proposal will be considered in Council's assessment of the application.

## 3. COUNCIL AND COMMUNITY INTERACTION

### 3.1.1 How does the community get involved?

Any person is entitled to make a written submission which may either object to or support a planning matter within the public exhibition, notification or advertising period. Submissions must be in writing and be received by Council by close of business on the day on which the period for submissions close.

Submissions made in respect of applications must be in writing and addressed to the General Manager. Submissions must clearly indicate the name and address of the person making the submission and details of the proposal to which the submission relates. Should an objection be part of the submission, the reasons for the objection are to be provided. All submissions are to be accompanied by a form declaring any donations or gifts to an elected member of Council or a Council staff member (as set out in the form available for such declarations available from Council or Council's website).

All written submissions received during the public exhibition, notification or advertising period will be acknowledged (in writing) as soon as practicable by Council.

Petitions submitted will be required to identify a single contact person. Should this not be provided, Council will



provide one written response to the first signatory of a petition.

Anonymous submissions may not be considered by Council.

### 3.1.2 How does Council consider community input?

All submissions received within the specified time period will be considered as part of the assessment process before the matter is determined either under delegated authority or by reporting formally to a full meeting of the Council. In making a decision Council must balance the content of a submission with the statutory legal statutory obligations provided under NSW Legislation.

Council's assessment of a submission is restricted by legislation to a consideration of relevant planning matters. Non relevant planning issues for example; civil disputes between neighbours and private rights cannot legally be considered.

An opportunity also exists for individuals in the community to participate in the Public Forum prior to or during a Committee or Council meeting.

Any persons wishing to exercise this opportunity will need to complete a 'Request to Address Council in Public Forum' form no later than two days prior to the meeting day. The submission maker must identify whether they wish to speak 'for' or 'against' the item. Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than two (2) days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.



Each speaker will be allowed three (3) minutes to address the council. This time is to be strictly enforced by the chairperson.

The General Manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate will give reasons in writing for a decision to refuse presentation of an oral submission.

Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

Council will provide prior notice to a submission maker of a planning matter being considered at an upcoming Committee or Council meeting.

Following determination of a Development Application, or the adoption of a strategic plan, all persons who made a written submission will be notified (in writing) of the decision, and reasons for the decision, regarding the application, strategy or plan.

### 3.1.3 Privacy

Submissions received on a Development Application are prescribed as open access information under the *Government Information (Public Access) Act 2009*. Any person (including the applicant) may obtain copies of written submissions unless the author of the submission can show good reason as to why the details should be kept confidential. If this is the case, this must be addressed in the written submission.

As submissions may be used to assist in negotiations with the owner/applicant of the proposal or be included in Council business papers. The applicant, on request, will be advised of the terms of any objection and is entitled to read all submissions received. Where applications are amended in response to objections received, comments may be sought from previous objector/s.

Where a submission is provided to another party, Council will have consideration for the guidelines published for the *Government Information (Public Access) Act 2009*.

## 4. CONCLUSION

Walgett Shire Council recognises community participation within the planning system is not only the community's right, but it also helps deliver better planning results for the people of the Walgett Shire.

The Walgett Shire Community Participation Plan provides a guide to how and when Council will engage with the community to encourage effective consultation and engagement when undertaking its town planning functions.

The Walgett Shire Community Participation Plan has been prepared to meet the regulatory requirements contained in Schedule 1 to the EP&A Act as well as Division 2.6 of the EP&A Act and applies to the entire Walgett Local Government Area.



## CONTACT COUNCIL

There are many ways for the community to provide feedback to Council or raise questions outside of formal public exhibition. Council will endeavour to consider and respond to the views and concerns of the community. Below are the various ways to make contact with Council.

## 5. FREQUENTLY ASKED QUESTIONS

### **Can I get an extension to the exhibition period?**

Requests for extensions may be considered based on the circumstances of the request.

### **What happens if I lodge my submission late?**

Late submissions may be considered if received before the public submissions assessment report is finalised. Submissions should be received by Council during the stated exhibition period to ensure they are considered.

### **What happens if the exhibition period is due to close on a weekend or public holiday?**

Council may extend the exhibition period to finish on the first available workday.

### **What happens if the exhibition period includes a public holiday?**

Council may extend the exhibition period.

### **Are the timeframes in this Plan business or calendar days?**

The timeframes are in calendar days and include weekends. What happens over the Christmas holidays? The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

### **I don't have access to a computer, who should I call?**

You can view these documents on Council's information kiosk computers at the Walgett and Lightning Ridge office or Library. You may lodge a written submission.

### **Why does Council sometimes redact information from documents on exhibition?**

Council is not required to make available for public inspection any part whose publication would, in the opinion of Council, be contrary to the public interest because of its confidential nature or for any other reason.

### ***Council contacts***

- In person: 77 Fox Street, Walgett 2832
- Phone: 02 6828 6100
- E-mail: [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)
- Post: PO Box 31, Walgett NSW 2832
- Facebook: [www.facebook.com/walgettshire/](http://www.facebook.com/walgettshire/)

*or contact your local Councillor*

# Council-related Development Application Conflict of Interest Guidelines

## Introduction

Councils are development regulators. But they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

The following requirements have been introduced into the *Environmental Planning and Assessment Regulation 2021* to address conflicts of interest in council related development:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. The policy must comply with the requirements in these Guidelines (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application (section 36A).
- Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B).

While the regulation changes do not mandate the use of the framework once a development consent is issued, it is best practice when developing their policies for councils to also address conflicts that may occur after development consent has been granted. This could be as simple as stating in the policy that the council will seek to enter a shared services arrangement with a neighbouring council about this phase of the development process, for any development that is the subject of the policy.

## Purpose of these Guidelines

These Guidelines are intended to:

- set out the requirements for the council conflict of interest policy required under section 66A,



- assist councils in meeting these requirements by providing a sample policy and management strategy statement that can be used as a template when developing their policies
- provide general information and guidance about the policy.

## Flexibility

In some circumstances, council may determine the risks associated with a council-related development are sufficiently low and no specific controls are warranted. Where this is the case, council should still publicly communicate that fact to ensure transparency.

Where a council determines for a particular class of development that the risks of a conflict of interest are very low, it may decide to not have any management controls for a specified type of development unless there is some direct involvement of a councillor or a council staff member in their private capacity.

This can happen, for instance, where the council is the owner of a large commercial building that has a range of shops within it, for which it receives many development applications for commercial fit outs and minor changes to the building facade. In those circumstances, the council's policy could outline that its management strategy for this class of development does not apply additional controls for conflicts of interest.

Other examples where this approach might be appropriate include development for internal alterations or additions to buildings that are not a heritage item, advertising signage, minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services), and development where the council might receive a small fee for the use of their land.

## Sample policy

The sample policy below is to help councils develop their conflict of interest policies for council-related development. It provides practical solutions for developing and implementing ways to manage potential conflicts at all stages of the development process.

For councils that have local planning panels, the council's policy only needs to deal with a subset of this development, as a range of development to which the policy would otherwise apply will already be referred to local planning panels.

**Using the sample policy is optional.** Each council and local government area is different and has unique local settings, therefore, councils should decide what is appropriate in their circumstances and develop a policy for managing conflicts of interest about council-related development that is suitable for their local area.

An example management strategy statement is also included below.

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## Requirements for conflict-of-interest policies

Any policy prepared and adopted by a council must:

- establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that the council could be involved in,
- outline the process through which potential conflicts of interest will be identified, the risks assessed and appropriate management controls determined, and
- outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.

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## Sample policy

### Part 1 Preliminary

#### (1) Name of policy

This policy is the [insert name of policy].

*Note: For example, Conflicts of interest policy – dealing with council-related development throughout the development process.*

#### (2) Aim of policy

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

#### (3) Scope

This policy applies to council-related development.

#### (4) Definitions

(1) In this policy:

**application** means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.

**council** means [insert name of the council]

**council-related development** means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority

**development process** means application, assessment, determination, and enforcement

**the Act** means the *Environmental Planning and Assessment Act 1979*.

(2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

(3) Notes included in this policy do not form part of the policy.

*Note: Other definitions can be inserted.*

## Part 2 Process for identifying and managing potential conflicts of interest

### (5) Management controls and strategies

(1) The following management controls may be applied to:

- a. the **assessment** of an application for council-related development
  - *insert control(s)*
- b. the **determination** of an application for council-related development
  - *insert control(s)*
- c. the **regulation and enforcement** of approved council-related development
  - *insert control(s).*

*Note: For example, council will enter into a shared services arrangement with a neighbouring council.*

(2) The management strategy for the following kinds of development is that no management controls need to be applied:

- a. commercial fit outs and minor changes to the building façade
- b. internal alterations or additions to buildings that are not a heritage item
- c. advertising signage
- d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- e. development where the council might receive a small fee for the use of their land.

*Notes:*

1. *While councils must have a policy that sets out how they propose to deal with potential conflicts of interest for council-related development, it could implement different controls for dealing with them based on the level of risk. For example, councils could set their controls based on:*
  - a. *risk category – low, moderate, high, very high*
  - b. *types of development – non-controversial small-scale development, development of a certain value with/without a commercial interest, controversial development, or even*
  - c. *capital investment value of the proposed development.*
2. *There is a range of management controls that could be applied in particular circumstances. The following are some examples that councils could use. Note that councils are not limited to one approach and could specify more than one approach if appropriate in their local settings:*
  - a. *Assessment and determination*
    - i. *The assessment and/or determination of an application are to be undertaken by council staff under delegation – this might be appropriate if the proposal is considered to be a low-level risk or non-controversial. For more controversial projects, this might only be effective if strict role separation controls are imposed.*
    - ii. *The application could also be referred for external assessment and/or determination to either:*

1. another council
2. a local planning panel if one is in place
3. a regional planning panel (may require negotiation – RPPs are not required to accept referrals)
4. a consultant.

*The involvement of an external third party might be appropriate for development where council has a commercial interest in the land, or the development is seen to be a political priority for the council.*

b. *Regulation and enforcement*

- i. *Engagement of a private certifier*
- ii. *Publication of certificates issued under Part 6 of the Act on the NSW Planning Portal*
- iii. *Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council*
- iv. *Reporting of key milestones to the full council.*

3. *Councils may also wish to take advantage of their audit and risk committee to provide guidance for the types of controls that could be applied in specific circumstances.*

## **(6) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls**

- (1) Development applications lodged with the council that are council-related development are to be referred to the general manager (or a delegate) for a conflict-of-interest risk assessment.

*Note: Council-related development is defined in section 4.*

- (2) The general manager is to:

- a. assess whether the application is one in which a potential conflict of interest exists,
- b. identify the phase(s) of the development process at which the identified conflict of interest arises,
- c. assess the level of risk involved at each phase of the development process,
- d. determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 5 of the policy and the outcome of the general manager's assessment of the level of risk involved as set out clause 6(2)(c) of the policy,

*Note: The general manager could determine that no management controls are necessary in the circumstances.*

- e. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

*Note: The following is an example of a statement that could be published by councils to document its proposed management approach in a particular circumstance.*

## Scenario

BlueStar Council is upgrading one of their assets, 'Blue River Civic Place'. Council is the landowner and the applicant and is proposing to redevelop the site into a mixed-use development with a total capital investment value (CIV) of \$4.9 million. The development application seeks approval for the construction and use of an additional 2 storeys on an existing 3 storey building comprising a childcare centre, commercial office spaces and partial use of the building for council's public administration.

### Example management statement

Council conflict of interest management statement	
<b>Project name</b>	Blue River Civic Place
<b>DA number</b>	DA21/0001
<b>Potential conflict</b>	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
<b>Management strategy</b>	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> <li>• The application will be referred to the local planning panel to determine the development application.</li> <li>• Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team.</li> <li>• A private certifier will be engaged to undertake the certification for the development.</li> <li>• Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made.</li> <li>• Key project milestones following the development consent will be reported at a public council meeting.</li> </ul>
<b>Contact</b>	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.