



**ATTACHMENT DOCUMENT
FOR
COUNCIL MEETING**

PART C

Tuesday 22 September 2020

Michael Urquhart
GENERAL MANAGER

AGENDA

1. Development Application 2020/12 – Subdivision – 18-20 Colin Street Carinda

- a. Plan of Subdivision*
- b. Statement of Environmental Effects*
- c. Clause 4.6 Variation Report*
- d. Development Assessment*

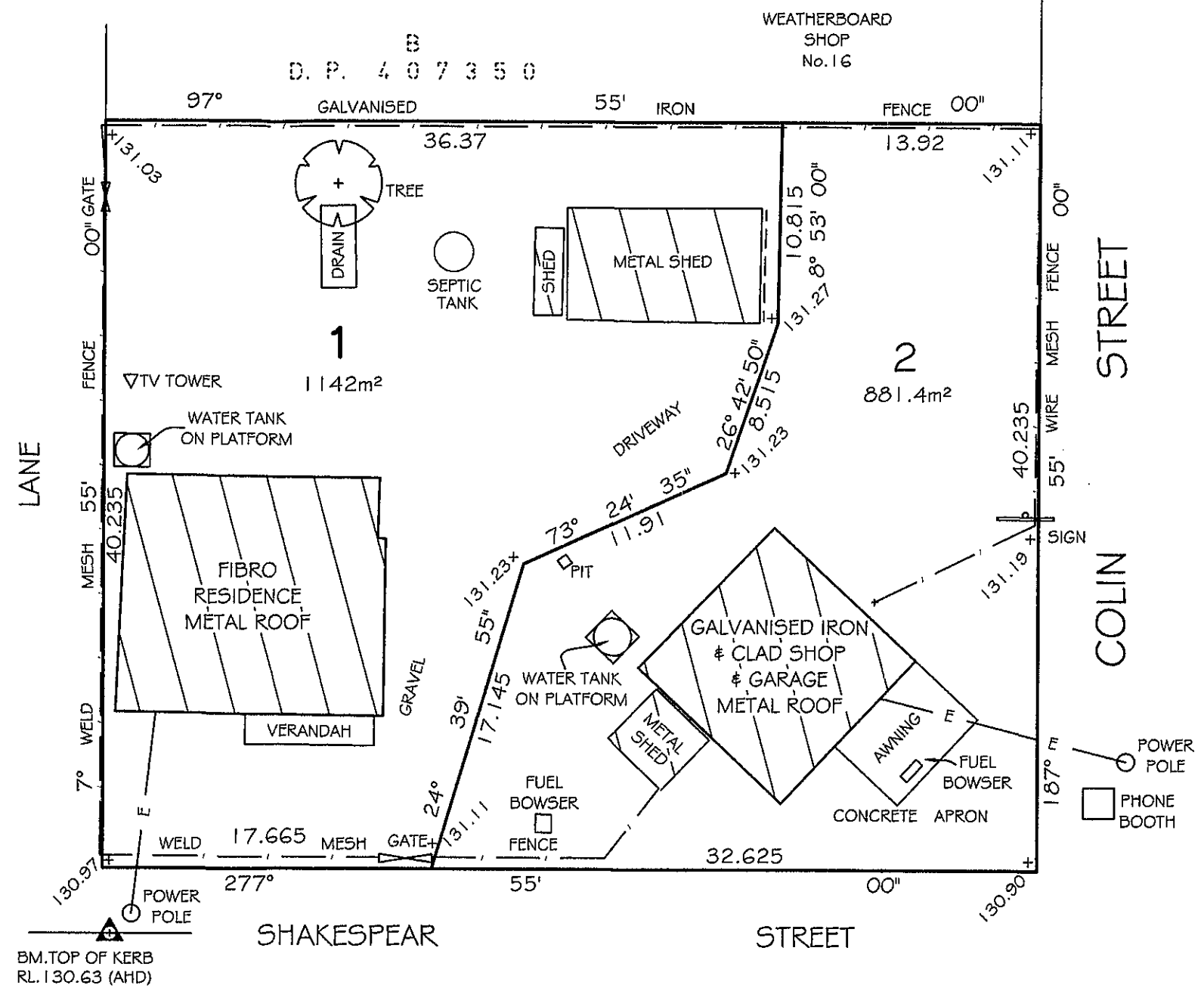
2. Development Application 2008-2-2 Modification – Australian Opal Centre – Three Mile Road, Lightning Ridge

- a. Neighbour Notification Plans*
- b. Supporting Documentation*
- c. Original Development Consent*
- d. Development Assessment*
- e. *Full Set of Plans - Commercial in Confidence – Under Separate Confidential Cover*

3. Development Application 2020/14 – Storage Shed – 46 Wee Waa Street, Walgett

- a. Statement of Environmental Effects*
- b. Plans*
- c. Development Assessment*

**DEVELOPMENT
APPLICATION 2020/12 –
SUBDIVISION – 18-20
COLIN STREET CARINDA**

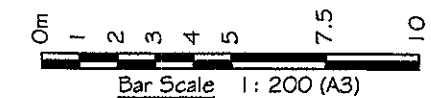


LEGEND

— E — OVERHEAD ELECTRICITY CONNECTION
BM - BENCH MARK

NOTES

1. LOCATION OF BOUNDARIES HAS BEEN DETERMINED APPROXIMATELY FOR DETAIL PURPOSES. FINAL DIMENSIONS AND AREAS ARE SUBJECT TO PREPARATION OF FINAL PLAN OF SUBDIVISION.
2. BOUNDARY DIMENSIONS HAVE BEEN TAKEN FROM DP.758227 (CROWN PLAN 2-2768)
3. LEVELS ON AHD HAVE BEEN DETERMINED FROM CORSNET RTK OBSERVATIONS.



SURVEY: M.C.	Mark Castelletti Surveying ABN: 38 840 577 857 1 Mahony Road, Constitution Hill NSW 2145 Phone/Fax : (02) 9688 1592 Mobile: 0418 332563 Email: mcsurveying@dodo.com.au	DATE: 22/05/20	CLIENT: MICHAEL & GLORIA BARTON
DRAWN: M.B.		R.R.: 1:200	PLAN SHOWING PROPOSED SUBDIVISION OF
CHECKED: M.C.		DATUM: AHD	LOT 6 OF SECTION 14 IN DP.758227
		REF: C4720	AT No.18-20 COLIN STREET, CARINDA
		SHT. 1 OF 1 SHTS.	L.G.A.: WALGETT



Walgett Shire Council ABN 88 769 076 385

P.O. Box 31, WALGETT, N.S.W. 2832.

Telephone: (02) 6828 1399 Email: admin@walgett.nsw.gov.au

STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.15, Environmental Planning and Assessment Act 1979

The following information needs to be provided with a Development Application so that Walgett Shire Council can evaluate the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Please note that applicants must supply all the information required to support a Development Application. Where this form is inadequate to fully describe the development and its environmental setting, then applicants must ensure that they attach more detailed written answers, maps, plans or reports so that Council can make an informed decision about the proposal.

Consideration of incomplete applications will be delayed pending the supply of all necessary supporting information.

THE DEVELOPMENT SITE

Lot(s) 6 Sec(s) 14 DP(s) 758227

Street: COLIN STREET Town: CARINDA

1. What is the land currently being used for?

TWO PURPOSES - RESIDENTIAL AND COMMERCIAL.
EXISTING RESIDENTIAL AND PETROL STATION (SHOP/GARAGE).

2. What has the land been used for previously (list all known uses)?

N/A

3. What is the land proposed to be used for under this Development Application?

SUBDIVISION - CREATION OF ONE RESIDENTIAL LOT
(1142 m²) AND ONE COMMERCIAL LOT (881 m²).

LIKELY IMPACTS

4. What impact will the proposed development have upon neighbours?

MINIMAL. THE PETROL STATION AND RESIDENCE
ALREADY EXIST AS SEPARATE ENTITIES.

5. What impact will the proposed development have upon the local economy?

POSITIVE. AN INTERESTED PARTY WISHES TO PURCHASE THE PETROL STATION. THE RESIDENCE IS CURRENTLY ON THE MARKET AND WILL PROVIDE ADDITIONAL HOUSING IN TOWN.

6. What impact will the proposed development have on the local community?

CREATION AND SALE OF LOT 2 (PETROL STATION) WILL ALLOW NEW OWNER TO PROVIDE CONTINUING SUPPLY OF FUEL TO THE LOCAL COMMUNITY.

7. What types of development exist on surrounding land?

COMMERCIAL PROPERTY (SHOP) TO THE NORTH.

COMMERCIAL PROPERTY (HOTEL) TO THE SOUTH ACROSS ROAD.
RESIDENTIAL LAND TO THE WEST.

8. Will the development increase the amount of noise, vibration, light or any other form of disturbance on adjoining lands? (If yes, describe the expected disturbance)

NO. CURRENT RESIDENTIAL AND COMMERCIAL

LANDUSE WILL CONTINUE IN THEIR PRESENT STATE.

9. If the answer to question 8 was yes, describe what will be done to reduce the affects of that disturbance on neighbours (eg *A thick screen of vegetation will be planted at the front of the block to reduce disturbance in the area arising from noise and light associated with the development*).

N/A

10. Will the development increase the amount of traffic in the area?

MINIMAL. NEW OWNER/TENANT IN THE RESIDENCE AFTER COMPLETION OF SUBDIVISION. PETROL STATION TO CONTINUE IN ITS CURRENT CIRCUMSTANCES (SALE OF FUEL AND ASSOCIATED WORKSHOP).

SITE SUITABILITY

Are you aware of.....

11. Whether the land is prone to flooding? **YES/NO** (if yes, then provide details of how it is proposed to reduce any risk to personal safety):

NO. LEVELS ON AHD SHOWN ON PLAN OF PROPOSED
SUBDIVISION FOR COMPARISON TO ANY PREVIOUS FLOOD STUDY.

12. Any natural water bodies or channels within 100m of the development site? **YES/NO** (If yes, provide details):

NO.

13. Any natural rock outcrops or sand dunes within 100m of the development site? **YES/NO** (If yes, provide details):

NO.

14. Any archaeological sites that may be affected by the proposed development? **YES/NO** (If yes, provide details):

NO.

15. Any stands of endemic native trees or shrubs within 100m of the development site? **YES/NO** (If yes, provide details):

NO.

16. Any threatened species of flora that are likely to be affected by the proposed development? **YES/NO** (If yes, provide details):

NO.

17. Any threatened species of fauna that are likely to be affected by the proposed development? **YES/NO** (If yes, provide details):

NO.

18. Any historical or heritage sites that may be affected by the proposed development? **YES/NO** (If yes, provide details):

NO.

19. Any cultural sites that may be affected by the proposed development? **YES/NO** (If yes, provide details):

NO.

20. Any possible reduction in the current recreational or community uses of the area as a result of the proposed development? **YES/NO** (If yes, provide details):

NO.

21. Any potentially toxic chemicals having been stored or used on the site in the past (eg. Petrol, diesel, pesticides, herbicides, sheep or cattle dips)? **YES/NO** (If yes, provide full details including a site plan drawn to scale of the locations where the storage or use occurred):

YES. PART OF THE SITE OPERATES AS A PETROL STATION.

FUEL BOWSERS ARE SHOWN ON THE PLAN OF PROPOSED SUBDIVISION.

22. Any previous mining activity on the land (for example quarries, underground opal mines)? **YES/NO** (If yes, provide details):

NO.

23. Any factors that may restrict or impede the proposed use of the site? **YES/NO** (If yes, provide details):

NO.

CERTIFICATION

As the **applicant** I/We hereby state that the information provided in this Statement of Environmental Effects is true to the best of my/our knowledge.

Signature: X M. Costello

Date: 9/6/20



**ANTHONY
DAINTITH**
TOWN PLANNING

16 Robinson Court, Orange
145 Keppel Street, Bathurst
PO Box 1975
Orange NSW 2800
ABN: 46 121 454 153
Phone: 0263624523
Email: anthony@adtp.com.au

Our Ref: 2014-091
Your Ref: DA 10.2019.68.1

9 September 2020

The General Manager
Walgett Council
77 Fox Street
Walgett NSW 2832

Attention: Libby Cumming

Dear Libby

**RE: DEVELOPMENT APPLICATION – 2 LOT SUBDIVISION
18-20 COLIN STREET, CARINDA (LOT 6 SECTION 14 DP 758227)
CLAUSE 4.6 OBJECTION**

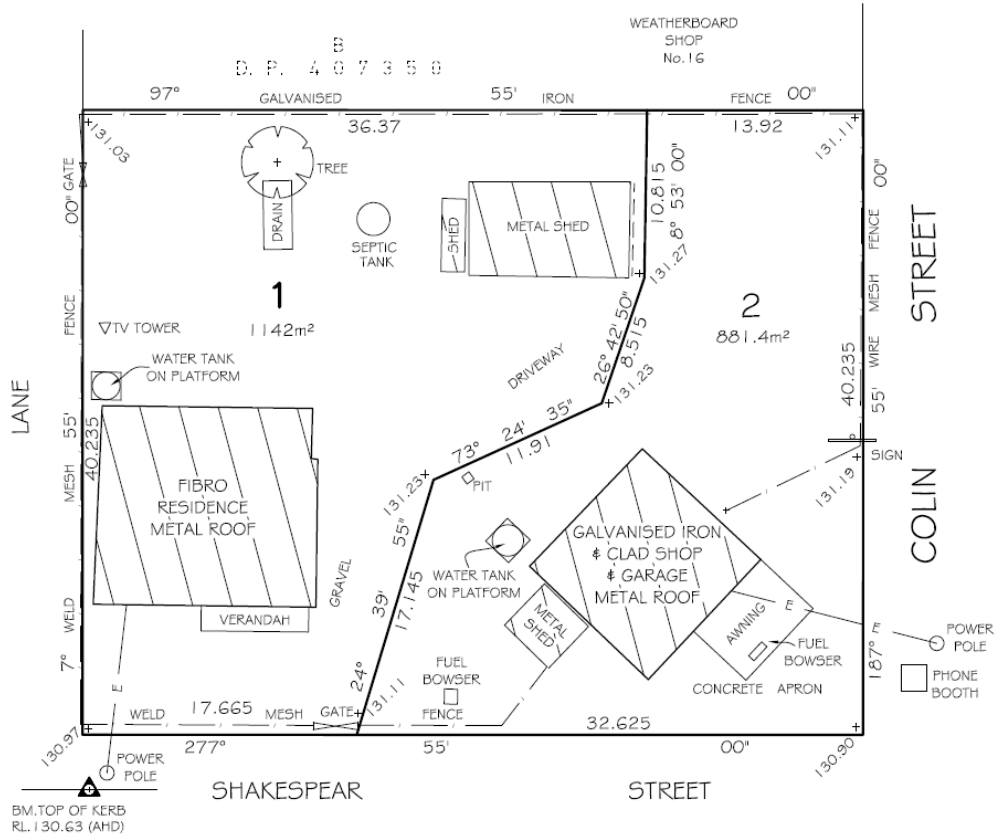
Anthony Daintith Town Planning has been engaged to prepare a Clause 4.6 variation with respect to the proposed 2 lot subdivision at 18-20 Colin Street, Carinda. The purpose of the subdivision is to subdivide the existing house from the existing service station (including shop and garage). It is noted that both operate independent of the other (separate entities).

There is currently an interested party who wishes to purchase the service station – which will allow the new owner to provide continuing supply of fuel to the local community.

The proposed lots are:

Lot 1 = 1142m² (existing house)
Lot 2 = 881.4m² (existing service station)

The proposed plan of subdivision is as follows:



The subject land is zoned RU5 Village under the provisions of the *Walgett Local Environmental Plan 2013*. Clause 4.1 of the LEP prescribes a minimum lot size of 2000m² for the subject land (see below). Both lots are substantially less than the 2000m² minimum lot size. Accordingly, a request the vary the development standard pursuant to Clause 4.6 of the LEP is made with respect to the proposed subdivision.



4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

Comments

A variation to the minimum lot size is sought for this proposal (i.e. **2000m² development standard**) – the proposed lots are:

Lot 1 = 1142m²

Lot 2 = 881.4m²

Following provides justification for the support of the proposed variation to the development standard.

Is the Requirement a Development Standard?

Clause 4.1 of the *Walgett Local Environmental Plan 2013 (LEP)* contains a development standard that provides minimum lot size for subdivision.

A written justification for the proposed variation to the minimum lot size is required in accordance with Clause 4.6 of the LEP.

The objectives of Clause 4.6 'Exceptions to Development Standards' are as follows:

- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
- (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 allows for the contravention of a development standard with approval of the consent authority.

A development standard is defined under the *Environmental Planning and Assessment Act, 1979* as:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development"

Subclause (3) requires the consent authority to consider a written request from the applicant that demonstrates:

- a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Subclause (4) requires the consent authority to be satisfied that:

- i) *The applicants written request has adequately addressed the matters required to be demonstrated by subclause (3); and*
- ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Clause 4.1 is a development standard.

Extent of Variation to the standard

Lot 1 (42.9%)

Lot 2 (55.93%)

Is the Requirement a Development Standard and does subclause 8 apply?

Clause 4.1 of the *Walgett Local Environmental Plan 2013* contains a development standard that allows for the subdivision of land if it meets certain minimum lot sizes.

Subclause 8 does not apply to the subject development.

What is the underlying object or purpose of the standard?

(1) *The objectives of this clause are as follows—*

- (a) *to ensure that lot sizes have a practical and efficient layout to meet the intended use of each lot,*
- (b) *to prevent the fragmentation of rural lands.*

The purpose of the proposed subdivision is to subdivide the two distinct and separate land uses on the site (service station and dwelling). The boundary between the two lots is considered the most efficient and will not impact upon the operation of the uses on either proposed lot.

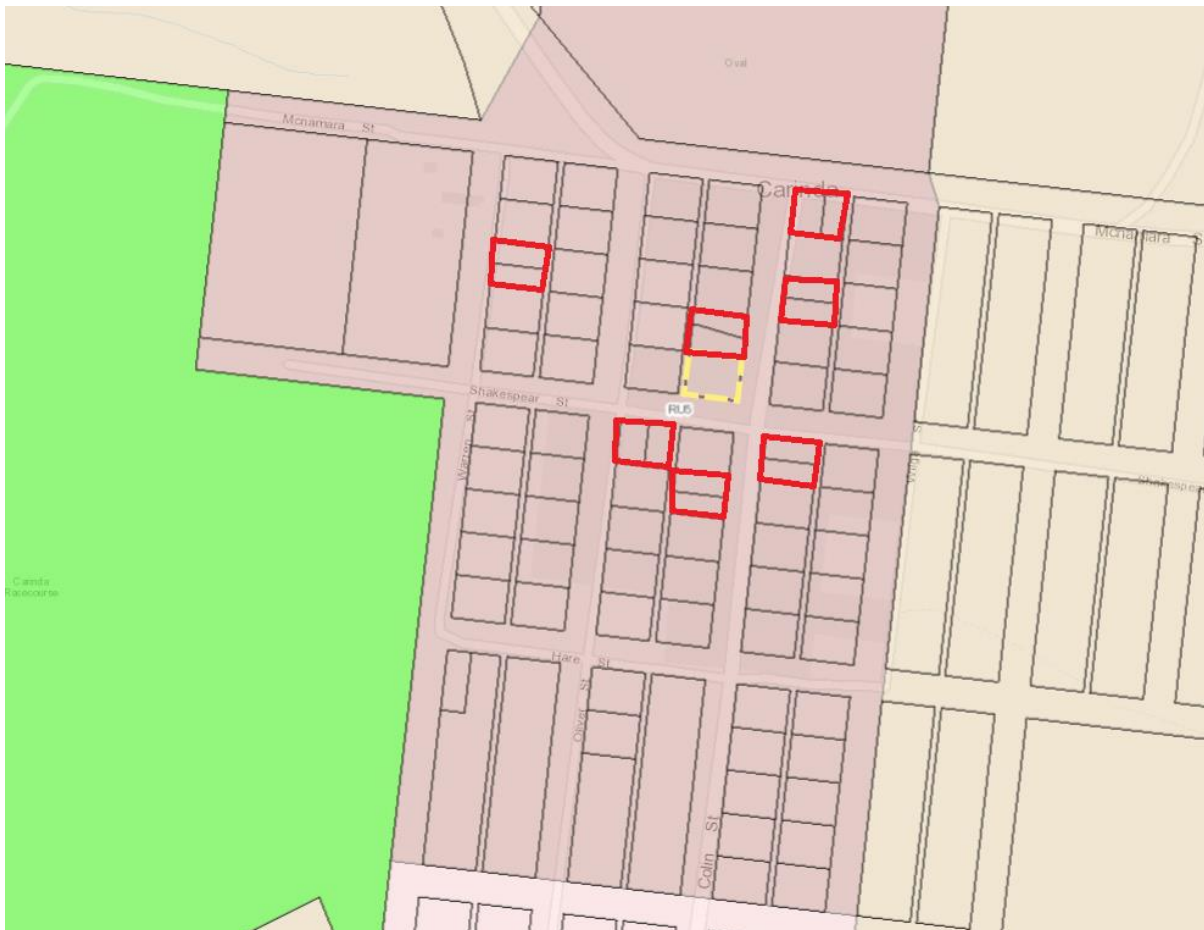
The fragmentation of rural lands is not relevant to this proposal.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The development standard is considered unreasonable in the circumstances due to the following reasons:

- The proposal will separate two existing and different land uses on the subject land into different lots that can be held or disposed of separately.
- The subdivision will not create the opportunity for further development opportunities on either lot than what current exist.

- There is no further proposal to development each lot further.
- There will be no change to the streetscape of either Colin or Shakespear Streets.
- No change to the lower density nature of the village as a result of the subdivision to separate the two existing land uses and associated buildings.
- The proposal to subdivide will in no way result in development that would be incompatible with the existing built environment.
- There is suitable street frontage provided to each proposed lot.
- The existing utilities and services for each proposed lot (and use) are contained on the respective lot.
- The development standard unreasonably restricts a positive development outcome.
- There are 7 other examples of smaller subdivisions within the RU5 zone in Carinda (all in relatively close proximity to the subject land – see map below).



- Lots A & B DP 407350 (14-16 Colin Street)
- Lots 31 & 32 DP 613345 (9-11 Colin Street)
- Lots 1 & 2 DP 204292 (1-3 Colin and 28 McNamara)
- Lots 1 & 2 DP 1099749 (11 Warren Street)
- Lots 11 & 12 DP 70250 (28-30 Shakespear Street)

- Lots 1 & 2 DP 309612 (21-23 Colin Street)
- Lots 1 & 2 DP 962103 (28 Colin)

Are there sufficient environmental planning grounds to justify contravening the standard?

Following on from the points above, there are no environmental issues that would have an impact on the use of the site as a dwelling and service station.

- Based on the discussion in the submitted SOEE and the points above, the subdivision will not negatively impact on surrounding land uses.
- Strict compliance with the development standard in this instance is not considered necessary for the following reasons:
- The site is within an established village comprising a range of lot sizes.
- As outlined above, the proposed subdivision if approved will not result in development taking place that would be contrary to the objectives of the RU5 zone or the objectives of Clause 4.1.
- The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard:
- It will not result in any changes to the established streetscape qualities of the area (no future building work is proposed as a result of the subdivision proceeding);
- The act of subdividing will not directly impact on neighbouring properties.
- The act of subdividing the site will not result in any changes to traffic volumes in the locality;
- Subdividing the site will not necessitate removal of any existing vegetation.
- Site services are contained to the respective allotment.

It is noted that the proposed subdivision would still achieve the objectives specified in the *Environmental Planning and Assessment Act 1979*.

Will the proposed development be in the public interest because it is consistent with objectives of the particular standard and the objectives for development within the zone in which the development proposed is to be carried out?

As detailed throughout this report, the proposed subdivision can generally be shown to be consistent with the relevant objectives of the RU5 zone.

The neighbouring lands are used for village purposes (residential, commercial and community) and it is highly unlikely that there would be any negative issues as a result of the proposed subdivision. No other conflict with neighbouring land uses have been identified.

The character of the village will not be altered at all as a result of the proposed subdivision.

Therefore, it is considered that the proposed subdivision will not have a negative impact on neighbouring village enterprises.

Whether or not non-compliance with the development standard raises any matter of significance for State or Regional environmental planning?

The variation to the lot size for the proposed development will not raise any matter of significance for State or regional environmental planning.

The public benefit of maintaining the development standard

There is no public benefit of maintaining the development standard in this instance which proposes a lot that is not inconsistent with the surrounding lot pattern and intention for the zone. It is noted that there are 7 other examples of subdivisions within the village that have created lots less than the current 2000m² minimum lot size.

This report has determined that the variation to the planning control will result in an outcome that is acceptable on this site.

Any other matters required to be taken into consideration by the Director General before granting concurrence?

There are no other matters that are required to be taken into consideration.

Should you have any questions with respect to this matter, please contact the office on 63624523.

Yours faithfully

Anthony Daintith Town Planning Pty Ltd



Anthony Daintith
Principal

Development Assessment Report

DA Number: 2020/12 **Council:** Walgett
Location: 18-20 Colin Street, Carinda
Development Description: Subdivision (2 lots)
Title Details: Lot 6 Section 14 DP 758227

Proposal Overview

The proposed development is for a subdivision of 2 lots. Lot 1 (1142m²) will contain the existing residence and Lot 2 (881.4m²) will contain the existing shop and petrol station.

Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It is assumed this has been checked by Council administration staff at lodgement.
Title Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check Ownership	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

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 96 amendment? Yes ☐ No ☒

Concurrence/Referral

Section 4.13 – EP & A Act

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

Department		Comments/Issues Raised
NSW Planning	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Clause 4.6 application due to the size of the lots. Concurrence will be required from NSW Planning, Industry & Environment Secretary. A Council resolution would be required prior to concurrence being sought, as it is a variation to a development standard.

Does this application require referral for decision by Council? Yes ☐ No ☐

Local Environmental Plan

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

This land is zoned: RU5 Village
Development as per Standard Definitions: This development is considered to be a subdivision. There is no standard definition for subdivision.

List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Complies with the intent behind the zone objectives.

4.1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Minimum Subdivision Lot Size The minimum lot size is 2000m ² and the Lots are 1142m ² and 881.2m ² respectively.
4.6	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Exceptions to development standards An exception report has been provide to support this application and it is considered to address all relevant criteria, as listed below.

Clause 4.6 Consideration**Agree/Disagree**

- (1) The objectives of this clause are as follows—
- to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Applicant Response *Is the Requirement a Development Standard?*
Clause 4.1 of the Walgett Local Environmental Plan 2013 (LEP) contains a development standard that provides minimum lot size for subdivision.

Comment Agreed Yes ☒ No ☐

Applicant Response *What is the underlying object or purpose of the standard?*
 (1) *The objectives of this clause are as follows—*
 (a) *to ensure that lot sizes have a practical and efficient layout to meet the intended use of each lot,*
 (b) *to prevent the fragmentation of rural lands.*
The purpose of the proposed subdivision is to subdivide the two distinct and separate land uses on the site (service station and dwelling). The boundary between the two lots is considered the most efficient and will not impact upon the operation of the uses on either proposed lot.
The fragmentation of rural lands is not relevant to this proposal.

Comment Agreed Yes ☒ No ☐

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - that there are sufficient environmental planning grounds to justify contravening the development standard.

Applicant Response *Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?*
The development standard is considered unreasonable in the circumstances due to the following reasons:

The proposal will separate two existing and different land uses on the subject land into different lots that can be held or disposed of separately.
The subdivision will not create the opportunity for further development opportunities on either lot than what current exist.
There is no further proposal to development each lot further.
There will be no change to the streetscape of either Colin or Shakespear Streets.

No change to the lower density nature of the village as a result of the subdivision to separate the two existing land uses and associated buildings.

The proposal to subdivide will in no way result in development that would be incompatible with the existing built environment.

There is suitable street frontage provided to each proposed lot.

The existing utilities and services for each proposed lot (and use) are contained on the respective lot.

The development standard unreasonably restricts a positive development outcome.

There are 7 other examples of smaller subdivisions within the RU5 zone in

Carinda (all in relatively close proximity to the subject land – see map below).



- Lots A & B DP 407350 (14-16 Colin Street)
- Lots 31 & 32 DP 613345 (9-11 Colin Street)
- Lots 1 & 2 DP 204292 (1-3 Colin and 28 McNamara)
- Lots 1 & 2 DP 1099749 (11 Warren Street)
- Lots 11 & 12 DP 70250 (28-30 Shakespear Street)
- Lots 1 & 2 DP 309612 (21-23 Colin Street)
- Lots 1 & 2 DP 962103 (28 Colin)

Comment

Agreed

Yes ☒ No ☐

Applicant Response

Are there sufficient environmental planning grounds to justify contravening the standard?

Following on from the points above, there are no environmental issues that would have an impact on the use of the site as a dwelling and service station.

Based on the discussion in the submitted SOEE and the points above, the subdivision will not negatively impact on surrounding land uses.

Strict compliance with the development standard in this instance is not considered necessary for the following reasons:

The site is within an established village comprising a range of lot sizes.

As outlined above, the proposed subdivision if approved will not result in development taking place that would be contrary to the objectives of the RU5 zone or the objectives of Clause 4.1.

The proposed subdivision will not impact on either the built or natural environment in any substantial away. In this regard:

It will not result in any changes to the established streetscape qualities of the area (no future building work is proposed as a result of the subdivision proceeding);

The act of subdividing will not directly impact on neighbouring properties.

The act of subdividing the site will not result in any changes to traffic volumes in the locality;

Subdividing the site will not necessitate removal of any existing vegetation.

Site services are contained to the respective allotment.

It is noted that the proposed subdivision would still achieve the objectives specified in the Environmental Planning and Assessment Act 1979.

Comment Agreed

Yes ☒ No ☐

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

Applicant Response

Will the proposed development be in the public interest because it is consistent with objectives of the particular standard and the objectives for development within the zone in which the development proposed is to be carried out?

As detailed throughout this report, the proposed subdivision can generally be shown to be consistent with the relevant objectives of the RU5 zone.

The neighbouring lands are used for village purposes (residential, commercial and community) and it is highly unlikely that there would be any negative issues as a result of the proposed subdivision. No other conflict with neighbouring land uses have been identified.

The character of the village will not be altered at all as a result of the proposed subdivision.

Therefore, it is considered that the proposed subdivision will not have a negative impact on neighbouring village enterprises.

Comment Agreed

Yes ☒ No ☐

Comment It is felt the Clause 4.6 report addresses all issues adequately, and that a concurrence request from NSW Planning, Industry and Environment is suitable in this instance, and should be supported by Council.

Yes ☒ No ☐

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for

(b) State or regional environmental planning, and

(c) the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

Applicant Response

Whether or not non-compliance with the development standard raises any matter of significance for State or Regional environmental planning?

The variation to the lot size for the proposed development will not raise any matter of significance for State or regional environmental planning.

Comment Agreed

Yes ☒ No ☐

Applicant Response

The public benefit of maintaining the development standard

There is no public benefit of maintaining the development standard in this instance which proposes a lot that is not inconsistent with the surrounding lot pattern and intention for the zone. It is noted that there are 7 other examples of subdivisions within the village that have created lots less than the current 2000m² minimum lot size.

Comment Agreed

Yes ☒ No ☐

- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note — When this Plan was made it did not include all of these zones.

Comment The zoning of the land is RU% Village, therefore it is not an applicable zone for this clause. Yes ☒ No ☐

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

Comment This will be kept and Council reports on this to NSW Planning, Industry & Environment on a quarterly basis. Yes ☒ No ☐

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4

Applicant Response Clause 4.1 of the Walgett Local Environmental Plan 2013 contains a development standard that allows for the subdivision of land if it meets certain minimum lot sizes.
Subclause 8 does not apply to the subject development.

Comment Agreed Yes ☒ No ☐

Is there any other issue that requires notation? Is there a draft LEP or draft LEP amendment which may affect this proposal? Yes ☐ No ☒

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

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
3	3.2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The dwelling and petrol station are existing buildings. There are no proposed building alterations or additions, therefore the flooding requirements are not applicable.
4	4.7.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The lot sizing does not comply with each being below the MLS of 2000m ² .
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Servicing Strategy An onsite effluent disposal report will be required to ensure that there is enough disposal and absorption areas. Stormwater management plan will be required. Water can be connected. Electricity and telephone are already existing.
6	6.9	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Onsite sewerage systems are not permitted on lots under 2000m ² . Therefore if the applicant can provide evidence from a suitably qualified person that onsite effluent can be achieved for each lot, this can be relaxed.

Is there a draft DCP which may affect this proposal?

Yes ☐ No ☒

Regional Environmental Plan

There is no REP applicable to this area.

State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes ☒ No ☐

List all relevant SEPPs

SEPP	Compliance	Comment
SEPP 19 — Bushland in Urban Areas	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to protect and preserve bushland within the urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.</i>
SEPP 21 – Caravan Parks	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted.</i>
SEPP 33 — Hazardous and Offensive Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides considerations for consent for hazardous & offensive development.</i>
SEPP 36 – Manufactured Homes Estates	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP helps establish well-designed and properly serviced manufactured home estates in suitable locations.</i>
SEPP 44 — Koala Habitat Protection	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to land across NSW that is greater than one (1) hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</i>
SEPP 47 – Moore Park Showground	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>Applies to the land shown edged heavy black on the map marked "Moore Park Showground Amendment No 1."</i>
SEPP 50 Canal Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.</i>
SEPP 55 — Remediation of Land	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<i>This SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works.</i> <i>The property does not require an assessment for identification of contaminated sites, as the land-use would not significantly alter.</i>
SEPP 64 — Advertising and Signage	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.</i>

SEPP 65 — Design Quality of Residential Flat Development	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>
SEPP 70 – Affordable Housing (Revised Schemes)	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies that there is a need for affordable housing across the whole of the State and describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.</i>
Aboriginal Land 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and declares specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i>
Affordable Rental Housing 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.</i>
Building Sustainability Index: BASIX 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
Coastal Management 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP promotes an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.</i>
Concurrences 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
Educational Establishments and Child Care Facilities 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the effective delivery of educational establishments and early education and care facilities across the state.</i>
Exempt and Complying Development Codes 2008	Not Applicable <input checked="" type="checkbox"/> 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 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>
Gosford City Centre 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>
Housing for Seniors or People with a Disability 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.</i>
Infrastructure 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.</i>
Kosciuszko National Park – Alpine Resorts 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to part of Kosciuszko national park, and to Kosciuszko Road and the Alpine Way. The part of Kosciuszko Park to which the policy applies is the land described as the ski resort area in Part 8A of Schedule 6 to the Act.</i>

Kurnell Peninsula 1989	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways.</i>
Mining, Petroleum Production & Extractive Industries 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.</i>
Miscellaneous Consent Provisions 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<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>
Penrith Lakes Scheme 1989	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the land shown edged heavy black on the structure plan relating to Penrith Lakes.</i>
Primary Production and Rural Development 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the orderly economic use and development of lands for primary production; reduce land use conflict and sterilisation of rural land.</i>
State and Regional Development 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.</i>
State Significant Precincts 2005	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates 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, and facilitates 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>
Sydney Drinking Water Catchment 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for healthy water catchments that will deliver high quality water while permitting compatible development.</i>
Sydney Region Growth Centres 2006	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP co-ordinates the release of land for residential, employment and other urban development in the Orth West Growth Centre, the South West Growth Centre and the Wilton Growth Area.</i>
Three Ports 2013	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle</i>
Urban Renewal 2010	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP establishes the process for assessing and identifying sites as urban renewal precincts, and facilitates the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</i>
Vegetation in Non-Rural Areas 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserves the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
Western Sydney Employment Area 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects and enhances the land known as the Western Sydney Employment Area for employment purposes.</i>
Western Sydney Parklands 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP puts in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney.</i>

List all relevant Draft SEPPs		
SEPP	Compliance	Comment
SEPP 44 – Koala Habitat Protection	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The key changes in the proposed amended SEPP relate to the definitions of koala habitat, list of tree species, list of councils, and development assessment process.</i>
SEPP 55 — Remediation of Land	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The proposed SEPP will provide a state-wide planning framework for the remediation of land; require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly list the remediation works that require development consent; and introduce certification and operational requirements for remediation works that can be undertaken without development consent.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
SEPP - Environment	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"> <i>• State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> <i>• State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> <i>• State Environmental Planning Policy No. 50 – Canal Estate Development</i> <i>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i> <i>• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i> <i>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> <i>• Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i>

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? Yes ☐ No ☒

Has a Planning Agreement been offered under this development? Yes ☐ No ☒

Planning Strategies/Local Policy

Is there a Planning Strategy or Local Policy that requires notation? Yes ☐ No ☒

Has the applicant submitted any supporting planning assessments? Yes ☒ No ☐

Comment: Statement of Environmental Effects and Clause 4.6 Variation Request.

Subdivision

Is this application for subdivision? Yes ☒ No ☐

How many new lots are being created? 1

Environmental Impacts

Section 4.15(1)(b) – EP & A Act

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 checked="" type="checkbox"/>	
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Noise	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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"/>	

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 ☒

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 including a 50 metre buffer. No sites are recorded or places declared either on the land or within the 50 metre buffer. See Attachment.

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 ☒

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 ☒

Has a Heritage Impact Statement been prepared for this proposal? Yes ☐ No ☒

Has an Archaeological Survey been prepared for this proposal? 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 ☒

Name of Study: Walgett Development Control Plan 2016

Flood Height: *Anecdotal evidence indicates village has never been inundated by floodwater. Significant development of cotton farms (including levees and irrigation channels) upstream of Carinda has taken place in recent decades. Some residents believe that a flood event equivalent to the 1950's may render village vulnerable due to the altered flow paths. Floodwater has reached the edges of the village in more recent flooding events and it has been surrounded by water due to localised flooding from heavy rainfall in the past, but dates and duration are unknown.*

Has a Flood Impact Assessment been completed for this proposal? Yes ☐ No ☒

Comment: Both lots have buildings on them with no further intensification of development being possible. Therefore, flooding is not considered an issue for this development.

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? Yes ☐ No ☒

Contaminated Land

Section 4 15(1)(b) – EP & A Act

Has this land been identified as being contaminated land by Council? Yes ☒ No ☐

Comment: This land has been identified as being potentially contaminated due to the petrol station service. No official testing has been undertaken to ascertain the extent if any fuel leakage. It is not considered that any fuel leakage would have impacted the dwelling.

Does this land require remediation? Yes ☐ No ☒

Has a Contaminated Land Site Investigation been completed? 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 ☒

Is it a possibility this land may be contaminated? Yes ☒ No ☐

Is this land in the close vicinity or adjoining a known contaminated site? Yes ☐ No ☒

Infrastructure

Section 4 15(1)(b) – EP & A Act

Is an engineering assessment required? Yes ☒ No ☐

Has an engineering assessment been completed? Yes ☒ No ☐

Who completed the Engineering Assessment?

Engineering Department ☒ Assessing Officer ☐ Other ☒

Comment: Emailed comments Raju Ranjit – 12.9.2020

The applicant is advised to consider the following conditions:

- Floor levels of all buildings should be suitably designed to prevent stormwater flooding.
- Access requirements design and certificate by a suitably qualified Engineer for all access ways shall be required to Council's satisfaction and may include a detailed traffic study.
- Subdivider to demonstrate how Lot 1 stormwater overland flow retention is achieved without detriment to lot 2 and other surrounding properties to satisfaction of responsible.
- Any agricultural drainage system is to be located and removed and rendered inoperable to Council's satisfaction. Asbestos pipes to be removed and disposed of by approved contractor.

- The applicant is to demonstrate that all septic effluent wastes or drainage are disposed of within the proposed new boundaries of proposed lot 1 before a subdivision certificate will be issued for the proposed subdivision.
- The applicant is required to obtain and pay costs associated with the creation of any easement required for services associated with the development. Service easement shall be a maximum of 3 meters wide.
- A Road Opening Permit is required from the WSC prior to any works/excavation within the road reserve i.e. water tapping, sewer, driveway crossing etc.

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Need a report demonstrating that both lots are able to be adequately disposed of onsite.
Water	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Separate water connection is to be provided to each lot.
Drainage	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A Drainage Design is required to demonstrate how stormwater management is achieved. This is to include the removal of any existing stormwater management pipes as required.
Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	An access is required for each lot. Both are to be to a standard approved by Council and a Section 138 Access application is required.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	There are none. New easements for services as per the above will be required, each service easement is to be a minimum of 3 metres.
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 checked="" type="checkbox"/>	

Does the development require any new easements?

Yes ☒ No ☐

Comment: For services as per the sewer report and drainage management design.

Has an Erosion and Soil Control Plan been submitted?

Yes ☐ No ☒

Is there any outstanding issues requiring attention?

Yes ☒ No ☐

Comment: Flooding – all buildings are exiting and no new buildings are to be constructed. Flooding will be considered at the time of application submission for future additions or new building construction.

Construction Assessment

Is a Construction Certificate Required?

Yes ☐ No ☒

Section 68 Assessment

Is a section 68 assessment required?

Yes ☐ No ☒

Developer Contributions

Does this proposal require any Developer Contribution? Yes ☐ No ☒

Signage

Does this proposal require signage? 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 this application notified/advertised as per the provisions of?
☐ EP & A Act ☐ LEP ☒ CCP Yes ☒ No ☐

Was this application notified/advertised for public interest purposes only? Yes ☐ No ☐

Dates Notification Undertaken Commenced 24.6.2020 Finished 7.7.2020

Were there any written submissions received? Yes ☐ No ☒

Section 88b Instrument

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

Public Interest

Does this proposal have any construction or safety issues? Yes ☐ No ☒

Is there any public health issues? Yes ☐ No ☒

Are there any other public interest issues? Yes ☐ No ☒

Site Suitability

Section 4.15(1)(c) – EP & A Act

Is this a suitable site for this development? Yes ☒ No ☐

Assessing Officer General Comment

Comment: There are no outstanding issues that cannot be dealt with by the use of appropriate conditioning.

Recommendation

This development application be submitted to NSW Planning, Industry & Environment Secretary for concurrence subject to the following conditions:

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

Nil

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.

CONDITIONS TO BE COMPLETED PRIOR TO SUBDIVISION COMMENCING

2. A Subdivision Certificate must be obtained, in accordance with cl.157 of the *Environmental Planning and Assessment Regulation 2000*, before work commences.
3. 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.
4. Each lot is to have its own effluent disposal system. An on-site effluent disposal report is to be provided by a suitably qualified person to the satisfaction of Council demonstrating:
 - a) There is enough land available on each lot for onsite effluent disposal,
 - b) Soil capability for disposal,
 - c) The type, size, capacity and nature of the disposal system, and
 - d) Maintenance regime.
5. A separate water connection is to be provided to each lot. This is to be to a standard approved by Council at the applicant's expense.
6. A stormwater drainage design and management plan is to be provided to Council for approval. This is to demonstrate how
7. A separate access is to be provided to each lot. Each access is to be constructed to a standard approved by Council, at the applicant's expense. This work may include investigation and design to the satisfaction of Council.
8. A Section 138 application as per the provisions of the Local Government Act 1993 is to be submitted to and approved by Council prior to any works/excavation within the road reserve i.e. water tapping, sewer, driveway crossing etc.

CONDITIONS RELATING TO ONGOING OPERATIONS

9. 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*).

COUNCIL ADVICE ONLY

10. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
11. 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 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.
12. 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.

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. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, 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.

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 ☐

- Aboriginal Heritage Information Management Search

Signed: 
 Elizabeth Cumming, Consultant Planner
 Date: 14 September 2020

Signed: 
 Jessica McDonald, Director Environmental Services
 Date: 15 September 2020

Elizabeth Cumming

Date: 14 September 2020

7 Vernon Street

Inverell New South Wales 2360

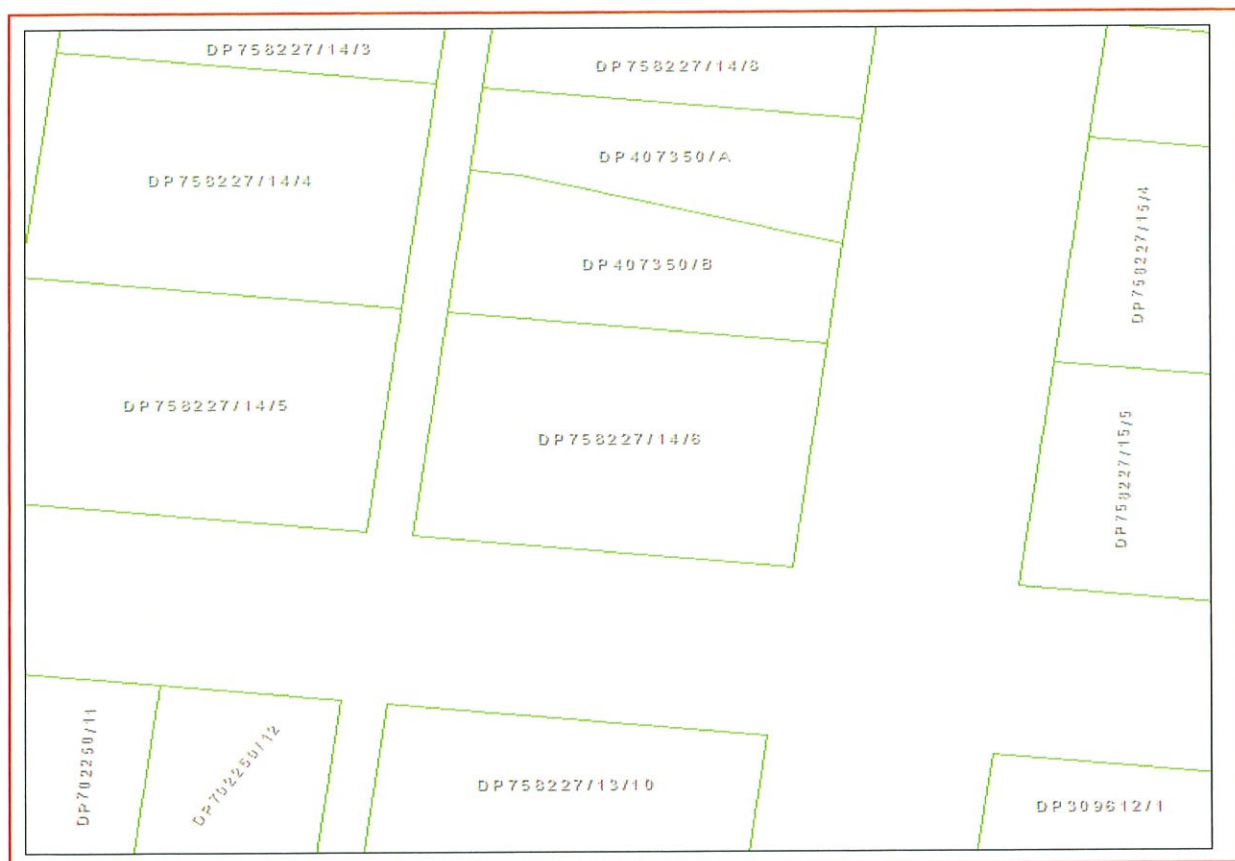
Attention: Elizabeth Cumming

Email: nenwplanningservices@outlook.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 6, DP:DP758227, Section : 14 with a Buffer of 50 meters, conducted by Elizabeth Cumming on 14 September 2020.

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 the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

**DEVELOPMENT
APPLICATION 2008-2-2
MODIFICATION –
AUSTRALIAN OPAL
CENTRE – THREE MILE
ROAD, LIGHTNING RIDGE**

battery storage
nom.12 x 2.4m (2 of) dimensions to be verified

blackwater treatment
part-buried (nom 9 x 5m)

general note: mains electricity
provision allowed for possible future connection to mains grid supply

residential dwellings located 150m north

mechanical risers

mechanical adiabatic plantroom

fire stair

building footprint of Approved DA
Development Application no. 2008012 shown dashed red

geo thermal borefield
buried passive energy for cooling of the building

vehicle access:
not pedestrian access
refer Civil Engineer + Landscape Architect

600x600 electrical pit for generator connection.
buried cable to main switch room

Concrete electrical pit and power pole



1
DA01-01

Site Plan
Scale: 1:1000

Wendy Lewin Architect
NSW ARB No. 4303
Glenn Murcutt AO Architect
NSW ARB No. 2448
176 A Raglan Street Mosman Sydney,
NSW 2088

DUNN & HILLAM
ARCHITECTS

Workshop 1 Pty Ltd t/a Dunn & Hillam Architects
ACN 098 309 196 ABN 17 098 309 196
33 Salisbury St, Botany NSW 2019
T +61 2 9316 7715
E admin@dunnhillam.com.au
Nominated architect: Ashley Dunn NSW ARB No. 7547

Revision

Note

Consultants

ESD - Atelier Ten
contact ph: 02 9262 4500

Structural/Civil - Northrop
contact ph: 02 9241 4188

Mechanical Engineer - SEiD
contact ph: 0450 122 335

Hydraulic Engineer - Stantec
contact ph: 02 8484 7000

Acoustic Engineer - SLR
contact ph: 02 9427 8100

Quantity Surveyor - mbm
contact ph: 02 9270 1011

BCA/Access - Group DLA
contact ph: 02 8004 6348

Landscape Architect - Aspect Studio
contact ph: 02 9699 7182

Electrical/Lighting - Haron Robson
contact ph: 02 7903 4567

Geotechnical - Douglas Partners
contact ph: 02 9809 0666

Notes

1. all dimensions in mm.
2. do not scale from drawing.
3. this drawing has been prepared for Development Approval purposes only and is not to be used for tender or construction.
4. clarification to be sought from the architect in the event of any discrepancies in the documentation or if further information is required.

potential area for additional solar photovoltaics: 100 kW

detention pond
surface RL nom. <154.00 (ref Landscape + Civil)
potable tankage overflow discharge pipes at nom. RL 157.25

access ramp 1:14.5 to external terrace to meet AS 1428.1

external terrace RL 157.90
terraced seating + event space
rainwater tanks below

fire-booster pump room and hydrant booster

existing Black Opal Shed
potential area for additional solar photovoltaics in the future

stage 2 carparking 28 spaces
RL 163.00

carparking 29 spaces
RL 163.00

carparking 22 spaces
RL 163.00

fire storage tanks: 130m³ ea.
2 of 6.7 diameter x 3.6 H.

Notification Set

Client Australian Opal Centre

Project Australian Opal Centre
Lightning Ridge

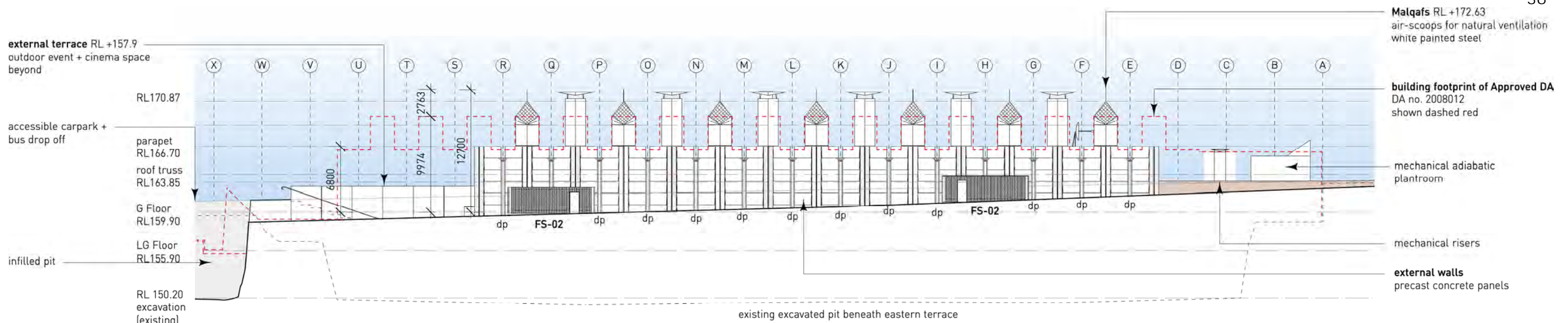
Issue Development Approval

Date Tue, 28 Jul 2020 **Job No.** 19_312

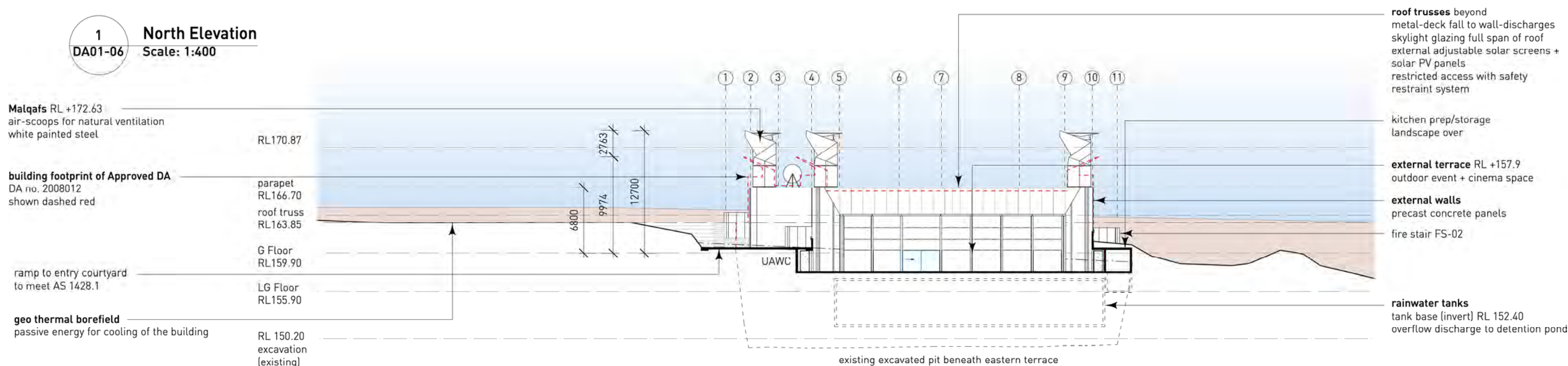
Scale 1:20 @A3 **Drawn** JT

Drawing Site Plan **Rev.**

Dwg No. DA01-01 **Check** AD



1 North Elevation
DA01-06 Scale: 1:400



2 East Elevation
DA01-06 Scale: 1:400

Wendy Lewin Architect
NSW ARB No. 4303
Glenn Murcutt AO Architect
NSW ARB No. 2448
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Notification Set

Client Australian Opal Centre

Project Australian Opal Centre
Lightning Ridge

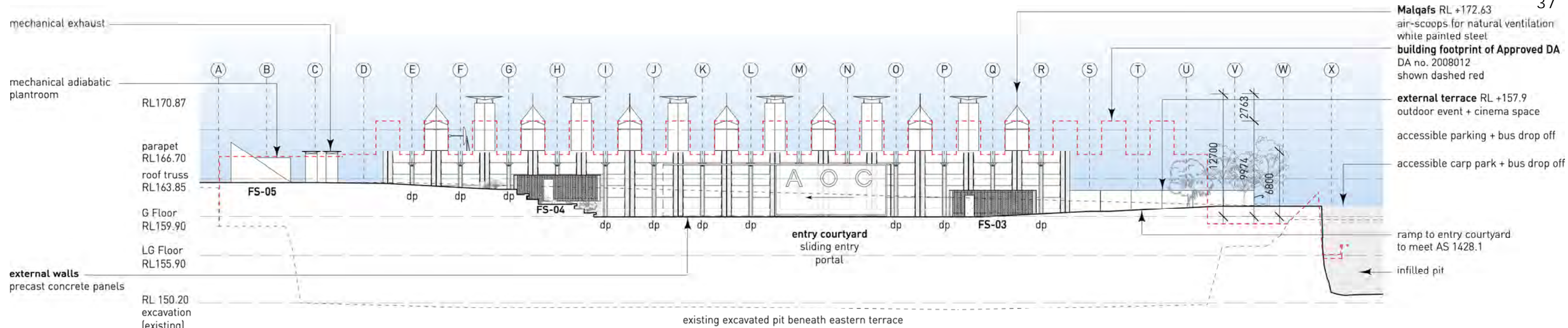
Issue Development Approval

Date Tue, 28 Jul 2020 **Job No.** 19_312

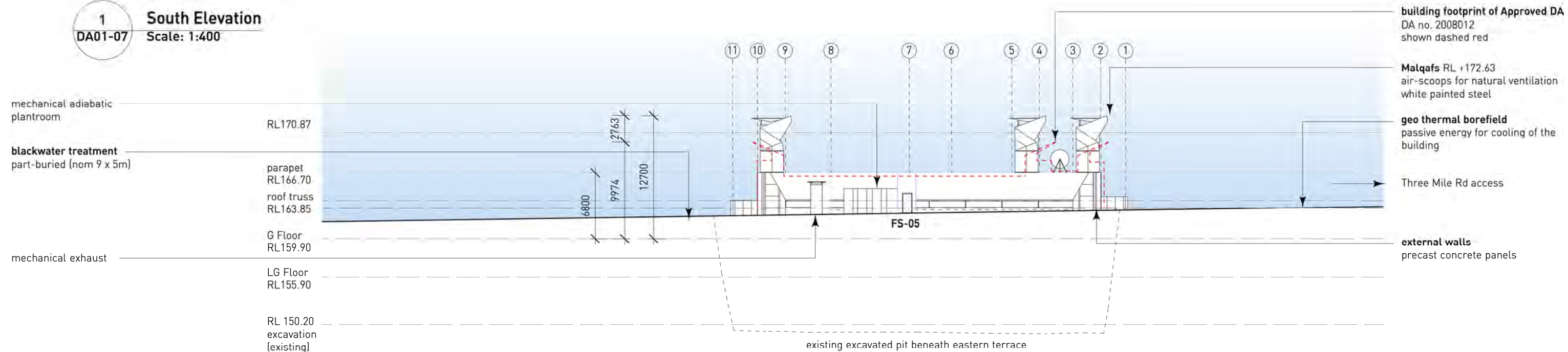
Scale 1:20 @A3 **Drawn** JT

Drawing Elevation 01 **Rev.**

Dwg No. DA01-06 **Check** AD



1 South Elevation
DA01-07 Scale: 1:400



2 West Elevation
DA01-07 Scale: 1:400

Wendy Lewin Architect
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Notes

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Notification Set

Client Australian Opal Centre

Project Australian Opal Centre
Lightning Ridge

Issue Development Approval

Date Tue, 28 Jul 2020 **Job No.** 19_312

Scale 1:20 @A3 **Drawn** JT

Drawing Elevation 02 **Rev.**

Dwg No. DA01-07 **Check** AD



AUSTRALIAN
OPAL
CENTRE
LIGHTNING RIDGE · NSW

LROFC Inc ♦ PO Box 229 ♦ 3/11 Morilla Street ♦ Lightning Ridge ♦ NSW 2834 ♦ AUSTRALIA ♦ ABN 20 377 425 512
(+61) 2 6829 1667 ♦ contact@australianopalcentre.com ♦ www.australianopalcentre.com

Walgett Shire Council
PO Box 31
Walgett
NSW 2832
24 July 2020

To whom it may concern,

Application to Modify Development Consent (s4.55) DA 2008012 – Australian Opal Centre

In 2008, LROFC was granted development consent for construction of a new Australian Opal Centre (AOC). The building design, which in 2008 was represented by concept drawings, has been developed since project funding was obtained in 2019.

The proposed design for the Australian Opal Centre (AOC) is consistent with the development consent issued in 2008. However, minor changes to the design have occurred since a Consultant Team was engaged in December 2019 to progress the building plans through detailed design to tender documentation. No significant change to the development's impacts are expected as a result of the proposed modifications. The modifications are described in detail in Attachments B and C and summarised as follows:

- Roofed area has been reduced by 16%
- Building parapet height has been marginally increased by 0.5m
- Height of the malqafs (ventilation towers) has increased by 2.7m
- An external terrace has been added to the eastern end of the building
- Location of the carpark and coach dropoff have been amended
- Additional sustainable design elements and ancillary structures for fire and services
- The building is proposed to be constructed in stages

There is no proposed change to external finishes.

This package contains:

- Cover letter (this document)
- Attachment A – Application form
- Attachment B – List of modifications
- Attachment C – **COMMERCIAL IN CONFIDENCE** Architectural Drawings DA-01 to DA-09

- Attachment D – Requested modifications to conditions of consent

Modifications

The modifications are listed and described in Attachment B with drawings (COMMERCIAL IN CONFIDENCE) at Attachment C.

Conditions

LROFC Inc request that Council consider the changes to the Consent Conditions as set out in Attachment D.

Statement of Environmental Effects

The Statement of Environmental Effects has not been updated, for the reason that the overall size of the development has not increased, the proposed uses are consistent with the original application and there are no new environmental impacts or effects. Council will note that a new LEP has come into force since the DA of July 2008. LROFC Inc understands that there being no changes to the SEE, the new LEP is not triggered.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'DL' followed by a flourish.

David Lane

President

Lightning Ridge Opal and Fossil Centre Incorporated

ATTACHMENT B

Building Area

Overall area of building has been reduced by 16% from 3,082.26m² to 2,586.07m² (excluding external terrace)

Height of the Building

The building parapet height has been marginally increased by 0.5m to a height of 7m above finished ground.

- This amendment was required in order to shorten the ramped entry into the building which in turn allowed the overall area of the building to be decreased.

The height of the Malqaf has increased by 2.7m to a height of 12.7m above finished ground.

- This amendment was required as the detailed design required the cross sectional area of the Malqaf to be increased in order to increase the passive cooling efficiency which in turn required an increase in height
- The additional height also allows the Malqaf better access to non turbulent air.

Eastern End of Building

The design of the eastern end of the building has been amended to include an external terraced area.

- This amendment was necessary as the approved design included a viewing platform into an existing excavation at the eastern end of the site. Since the approval was granted, the excavated pit at the eastern end of the site has been filled in so the viewing platform is no longer possible to construct.
- The proposed external terrace provides a considered and appropriate landscape resolution to this end of the building and offers an outdoor space for events.

Carpark and Coach drop off area location

The proposed location of the carpark has been changed from directly in front of the southern elevation and entry of the building, to adjacent to (west of) the existing Black Opal Heritage Shed (marked as Black Opal Shed on drawings) to the south east of the new building. The coach drop off is proposed to be moved to the eastern end of the building. These changes to car parking and coach drop off have been proposed in order to:

- simplify the entry to the facility to a single point at the eastern end of the building
- exceed the equal access (DDE and AS1428) requirements and meet best practice for safety by design with regard to pedestrian movements around vehicles by;
 - physically separating the pedestrian movement from the vehicle movement and by
 - reducing the required distance for visitors to walk to the entry point and providing a single point of pedestrian access via a ramped walkway

The amended design also removes cars from directly in front of the building which allows:

- the developed landscape design to deal with surface water run off across the site and
- the presentation of a clear and more beautiful arrival experience for the visitor.

Additional Sustainable Design Elements and Ancillary structures for Fire and Services

- Inclusion of a Geothermal Bore Field. Moving the carpark has allowed for a geothermal bore field to be installed to the southern area in front of the building (where the carpark was proposed in the current approval). This bore field will provide a majority of the passive energy required for the cooling of the building. It is intended the geothermal borefield will be buried no more than 600mm beneath the ground's surface, permitting access if required for repairs.
- Expansion of the Solar Array. It is proposed that the solar array proposed for the roof of the AOC building be expanded beyond the roof. Potential areas for the expanded solar array are indicated on the site plan. This is proposed to increase solar power generation to supply the AOC building.
- Solar Battery storage is proposed to the north of the building. This is proposed as a maximum of 2 x 40 foot (2.4m x 12m) containers which will be integrated into the landscape. The solar battery storage is proposed to be external of the main building to

reduce the risk of fire and to provide easy access for maintenance, replacement and expansion in the future.

- A connection to the main electricity grid is proposed as an option. This would entail running a new single or 3 phase power line to the building. This is proposed as an alternative sustainable option. The AOC building with an expanded solar array could become a net exporter of electricity back to the grid. Drawing from the grid during peak demand, then exporting net additional power to the grid, may be preferred to storing surplus power in batteries.
- Black water treatment system is proposed to be partially buried to the north of the building. The black water treatment system is proposed to be located external of the main building to provide easy access for maintenance.
- Fire Water tank storage and associated pumps. These structures are proposed to be located to the south of the building adjacent to the carpark.

Staged Construction

- The building is proposed to be built in stages.
- Stage 1 is described in drawings DA01-08 + DA01-09.
- Stage 1 consists of building the complete structure of walls and roof and fitting out the ground floor entry level for public access. This would include a cafe, shop, ticketing, exhibition areas, toilets, internal courtyard garden and office space. Note that the LFOFC is currently developing the Visitor Experience Plan for Stage 1 which will articulate the arrangement of these functions within the area shaded green on drawing DA01-08.
- The Malqaf and natural ventilation system would be completed along with all required fire safety and NCC compliance requirements and rain water collection tanks.
- The lower ground floor, eastern terrace and gardens would be completed in subsequent stages when funding has been secured. Note that all pile footings would be constructed in Stage 1 to enable ease of construction of subsequent stages.

ATTACHMENT D – PROPOSED CHANGES TO CONDITIONS OF CONSENT

Consent Condition #	Proposed amendment
Description of Development	<p><i>Staged construction and operation of the Australian Opal Centre including public museum, souvenir shop, car park and associated facilities.</i></p> <p>Reason for the change request: to allow for Stage 1 construction and occupation, and Stage 2 construction and occupation. The S4.55 plans are to include the staging.</p>
Gen 010	<p><i>DELETE: It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.</i></p> <p>Reason for the change request: No covenant appears on the title / lease documents. (refer attached copies of Land Title and Government Gazette)</p>
Gen 055.	<p><i>DELETE (b) – Termites.</i></p> <p>Reason for the change: Not applicable as the primary building elements are not subject to termite attack, i.e. there are no timber piles, etc. Ref: BCA Clause B1.4.</p>
Gen 065.	<p><i>AMEND: The use or occupation of the premises is not to commence until such time as the terms of Development Consent have been complied with and the relevant interim or final occupation certificate issued.</i></p> <p>Reason for the change request. This is Staged development, the current wording would prohibit occupation/use at Stage 1.</p>
Dis 010.	<p><i>AMEND or DELETE: Access for persons with disabilities to and within the building and facilities is to be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 & 1428.4. Design for Access and Mobility – New building work.</i></p> <p>Reason for the change request: AS1428.2 & 3 are not prerequisite BCA requirements for this type of building and will be applied through advisory commentary from the Access Consultant (to the degree necessary but not in full) in order to mitigate any claims against DDA Act 1992 which is a claims based Act not prescriptive based.</p> <p>Alternatively the condition could be DELETED as compliance with the BCA is already required via Clause 98 of the EP& A Reg 2000, and Disability Discrimination Act 1992 regardless.</p>
Dis 040	<p><i>AMEND: At least two (2) accessible car-parking spaces shall be provided within the proposed car park. The parking spaces shall have a minimum width of 3.8m, with signage and marking complying with the requirements of AS 2890.1-2004.</i></p> <p>Reason for the change request: The nominated 3.8M width for accessible car-parking spaces is not current or compliant with the current BCA referenced AS2890.6 Accessible car-parking standard.</p> <p>The current standard requires 2.4 M width x 5.4 M length designated car parking area with an adjacent designated shared area (of same dimensions) with a bollard installed. The 3.8M dimension comes for AS4299 Adaptable Housing standard for Class 2 residential developments.</p> <p>The AS2890.6 Accessible car-parking standard includes requirements for signage and space marking. The nominated AS2890.1:2004 standard for signage and markings, was released without the inclusion of requirements for people with disabilities in anticipation of the release of AS2890.6 and therefore has been superseded by the current AS2890.6.</p>

Consent Condition #	Proposed amendment
	Alternatively the condition could be DELETED as compliance with the BCA is already required via Clause 98 of the EP& A Reg 2000 regardless.
Ter 10	<p><i>AMEND or DELETE - Treatment against termites</i></p> <p>Not applicable as the primary building elements are not subject to termite attack, i.e. there are no timber piles, etc. Ref: BCA Clause B1.4. Or if council are uncomfortable with its deletion then change to:</p> <p><i>Where applicable in accordance with the BCA, treatment against termites is to be carried out in accordance with AS 366.1. Upon completion of the selected method of treatment:</i></p> <p><i>a)...no change.</i></p> <p><i>b)..... no change.</i></p> <p>Alternatively the condition could be DELETED as compliance with the BCA is already required via Clause 98 of the EP& A Reg 2000 regardless.</p>
Pub 005	<p><i>DELETE – If ‘public entertainment’ is to be conducted in the building or part thereof...</i></p> <p>There are no EP& A Reg 2000 defined <i>entertainment venues</i> proposed. We believe the reference on the plans and other initial application documentation may be misleading in that it states “cinema.” This should be changed to museum outdoor screen area or the like, as typical in most museums for delivery of museum-related content. Includes ticketed events.</p>
Inspections	<p><i>DELETE –</i></p> <p>Needs to be deleted as it is incorrect. The majority of inspections listed are not critical stage inspections. Because the critical mandatory stage inspections are in the Regs it does not need to be in the DA. Ref Clause 162A of the EP&A Reg 2000.</p>



Walgett Shire Council

P.O. Box 31, WALGETT, N.S.W. 2832.

Telephone: (02) 6828 1399 Facsimile: (02) 6828 1608

NOTICE OF DEVELOPMENT APPLICATION DETERMINATION

DA No: 2008012 Ass: 5734

This notice is issued by a consent authority once a development application has been assessed.

1. Details of the applicant

The consent authority will complete Part 1 only for a notice of determination that is provided to the applicant. Where a notice of determination is provided to a person who made a submission about the proposal, including by way of objection, this section must not be completed.

Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other ☐

First name

Family name

Lightning Ridge Opal and Fossil Centre
Incorporated

Flat/street no.

Street name

P.O. Box 229

Suburb or town

State

Postcode

LIGHTNING RIDGE

NSW

2834

Daytime telephone

Fax

Mobile

(02) 6829 1667

(02) 6829 1665

0428 628 022

Email

opal-fossil@wj.com.au

2. Details of the land to be developed

Flat/Street no.

Street name

Three Mile Road

Suburb or town

Postcode

LIGHTNING RIDGE

2834

Lot

Section

DP

Lot 1

DP 1103508

Development application no.

DA 2008012

Description of the development

Construction and operation of the Australian Opal Centre including public museum, souvenir shop, car park and associated facilities.

If the development involves a building, the class of the building under the Building Code of Australia

9b

3. Decision of the consent authority

The following decision has been made about your application

☐ Consent is granted without any conditions

Date from which the consent operates

Date the consent expires

3. continued

- ☒ Consent is granted subject to the conditions listed in **Attachment A**

Conditions have been placed on the consent for the following reasons:

To ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.

Date from which the consent operates

Date the consent expires

15 July 2008**15 July 2013**

- ☐ Consent is granted to erect a temporary building

Date from which the consent operates

Date the consent expires

- ☐ The application is refused

The application is refused for the following reasons:

4. Date of this decision**15 July 2008****5. Other approvals**

The following State authorities have approved the development (*list of the authorities and the approvals*):

NA

The following approvals have been granted under the *Local Government Act 1993*:

NA

A Commission of Inquiry has been held

Yes ☐

No ☐

6. Rights of appeal**The applicant**

The applicant can appeal against this decision in the Land and Environment Court within 12 months of receiving this notice. The applicant cannot appeal if a Commission of Inquiry was held and the development is designated development or State significant development.

A person who made an objection to a designated development application.

If the application was for designated development and you made a written objection to the application:

- you can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. You cannot appeal if a Commission of Inquiry was held.*
- if the applicant appeals against this decision, you will be given a notice of the appeal and you can apply to the Land and Environment Court within 28 days after the date of this notice to attend the appeal and make submissions at the appeal.*

7. Signature

The consent authority must sign this notice.

Signature



Raymond Kent, General Manager

Name

Walgett Shire Council

Date of this notice

15 July 2008

Attachment A Conditions of the development consent

This consent is subject to the following conditions:

NOTE: it is possible that a does not necessarily override any covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.

PRESCRIBED CONDITIONS

The Environmental Planning and Assessment Regulation 2000 prescribes the following conditions of development consent.

98. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - ~~(b) 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 is in force before any building work authorised to be carried out by the consent commences.~~
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

98A. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (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 work 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.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause 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.

(6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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).*

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

GENERAL

Gen 010.

It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.

Reason: To avoid breaching the requirements of any covenant.

Gen 020.

Any future development on the subject site or use of the subject land in a manner inconsistent with this development consent (approval) will require separate development consent to be obtained from council in writing prior to the commencement of any work.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

Gen 030.

Council is to be immediately informed in writing if arrangements for work are changed.

Reason: To enable Council to maintain an accurate record of approvals granted.

Gen 040.

Prior to commencing any building works a Construction Certificate must be obtained from Council to authorise construction.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

Gen 055

In addition to plans, elevations and sections, the application for a Construction Certificate is to include the following information:

- (a) The location of all fire safety, smoke detection and alarm systems together with a installation details and,
- (b) Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660,
- (c) All structural details including specifications, tie-down and bracing plans and slab design details.

Reason: To ensure compliance with the Building Code of Australia.

Gen 056

Where it is proposed to use performance based (alternative) solutions for compliance with the Building Code of Australia, the developer is to provide detailed evidence of compliance together with all necessary calculations and expert witness statements.

Reason: To ensure compliance with the Building Code of Australia.

Gen 065.

The use or occupation of the premises is not to commence until such time as the terms of Development Consent have been complied with and a final occupation certificate issued.

Reason: To restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building

APPROVED PLANS**Pln 010.**

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.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

SITE PROTECTION, FENCING AND LANDSCAPING**Fen 010.**

Details of any boundary fencing and landscaping works are to be submitted to Council for approval prior to commencement of works.

Reason: To ensure the appearance of the development is sympathetic with the existing landscape.

Fen 015

A security fence is to be erected around the site whilst construction is in progress.

Reason: To prevent access to the site by unauthorised persons.

Fen 025

Appropriate barriers are to be established and maintained around all excavation works.

Reason: To minimise the risk of people falling down vertical faces.

SITING/SETOUT**Set 015.**

The developer of the property is to ensure that any building constructed is located within the confines of the lot.

Reason: To avoid any buildings being erected in a location where it would be inappropriate.

CONSTRUCTION**Con 010**

The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Weekdays 7.00 a.m. to 7.00 p.m.

Weekends & Public Holidays 8.00 a.m. to 7.00 p.m.

Reason: To ensure that public amenity is not unduly affected by noise.

Con 020.

All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

Con 030.

The builder shall provide a temporary sanitary service to the building site before building operations are commenced.

Reason: To provide effective sanitation of the site during building construction.

Con 045.

All construction materials, sheds, skip bins, spoil, temporary water closets etc, shall be kept wholly within the property and not placed on public land.

Reason: To preserve the amenity of the locality.

Con 070.

All footings and/or slabs shall be constructed as per engineer's details.

Reason: To ensure compliance with the Building Code of Australia.

Con 080.

All timber framing shall comply with the NSW Timber Framing Manual and the Building Code of Australia.

Reason: To ensure compliance with the Building Code of Australia.

Con 090.

All steel framing shall comply with Part B1 of the Building Code of Australia and associated standards.

Reason: To ensure compliance with the Building Code of Australia.

Con 110.

Engineer's detail of the roof trusses with a truss layout plan, are to be submitted and approved by Council prior to any roof construction work commencing.

Reason: To ensure structural efficiency of the roof trusses.

Con 120.

All glass installation shall comply with the requirements of Australian Standard 1288 and 2047 as applicable. The installer shall provide certification that the glazing complies with the requirements of AS 1288 and AS 2047 immediately following installation.

Reason: To ensure compliance with the Building Code of Australia.

Con 130.

All wet areas are to be waterproofed in accordance with Australian Standard 3740.

Reason: To ensure that the waterproofing of the wet areas comply with the relevant Australian Standards and the Building Code of Australia.

Con 140.

All external lightning is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.

Reason: To prevent the intrusion of light onto adjoining premises.

Con 205.

The door to fully enclosed sanitary compartments must:

- (a) Slide, or
- (b) Open outward, or
- (c) Be readily removable from the outside of the compartment.

NOTE: If lift-off hinges are used adequate space is to be provided between the top of the door and the doorway to allow the door to be removed from the hinges.

Reason: To ensure compliance with the Building Code of Australia.

Con 210.

All electrical work must be carried out by a licensed electrician in accordance with Australian Standard 3000 – SAA Wiring Rules and Australian Standard 3002.

Reason: To ensure compliance with Australian Standards.

DISABLED ACCESS**Dis 010.**

Disabled access and facilities are to be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 to 4. *Design for Access and Mobility - New building work.*

Reason: To ensure compliance with the Building Code of Australia and the Disability-Discrimination Act 1992.

Dis 040.

At least two (2) disabled car parking spaces shall be provided within the proposed car park. The parking spaces are to have minimum width of 3.8m, with the signage and marking complying with the requirements of AS 2890.1-2004. A continuous accessible path of travel complying with the requirements of AS 1428.1 is to be provided from the parking space to the building.

Reason: To ensure compliance with the Building Code of Australia..

TERMITE CONTROL**Ter 010.**

Treatment against termites is to be carried out in accordance with AS 3660.1. Upon completion of the selected method of treatment:

- (a) a certificate is to be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with the specific requirements of Council and AS3660.1.
- (b) A durable notice must be permanently fixed within the meter box indicating:
 - The method of protection
 - The date of installation of the system
 - Where a chemical barrier is used, it's life expectancy as listed on the National Registration Authority label and
 - The need to maintain and inspect the system on a regular basis.

Reason: To ensure compliance with the Building Code of Australia.

VENTILATION

Ven 010.

Provide an approved system of mechanical ventilation in accordance with the requirements of Part F4.5(b) of the Building Code of Australia.

Reason: To provide adequate ventilation and to ensure that there are no adverse affects on the occupants or the building.

WATER, SEWER, AND STORMWATER

Plu 015.

Before any plumbing, stormwater or sewer drainage works are commenced an Activity Application and Annexure accompanied by a diagram of proposed works and the appropriate fees is to be submitted and approval granted in accordance with the requirements of Section 68 of the Local Government Act 1993.

Reason: To ensure compliance with the Local Government Act 1993, Council's On-Site Sewage Management Guidelines, Australian Standard 3500.1-4 and the NSW Code of Practice, Plumbing and Drainage-2006.

Plu 080.

All plumbing and drainage works are to be completed in accordance with Australian Standard AS/NZS 3500-2003.1-4 *Plumbing and drainage* and the NSW Code of Practice, Plumbing and Drainage-2006.

Reason: To ensure that plumbing and drainage works are completed in a professional manner.

Plu 105

Reticulated water is not available to the site. The developer is to engage the services of an accredited Hydraulic Engineer for preparation of water storage and reticulation details, for fire services, external use and potable supply. The system design must include details of tanking, pumping methods, tank cleaning and filtration required to ensure maintenance of potable water.

Reason: To ensure water supply system is suitable for it's intended uses.

Plu 106

Arrangements are to be made for the regular testing of the potable water supply to ensure compliance with the Australian Drinking Water Guidelines-2004.

Reason: To ensure that water services are maintained in a healthy condition.

Plu 107

An On-site waste water (sewerage) management system must be established and maintained on the site to catch and hold all waste water in accordance with relevant Australian Standards and AS 3500-2003 *Plumbing and Drainage*. Details of the proposed system are to be submitted to Council for approval before the commencement of any construction.

Reason: To ensure that the facilities are maintained at a level of hygiene appropriate for their approved use and to comply with Section 68 of the Local Government Act 1993, Council's On-site Sewerage Management Guidelines.

Plu 135.

The land surrounding the completed building is to have a drainage system so that:-

- (a) surface water is diverted clear of structures on site; and
- (b) which will not create any nuisance to adjoining properties.

Reason: To minimise the potential for detrimental impacts to buildings or neighbouring properties.

Plu 150.

All new heated water installations shall, at the outlet of all sanitary fixtures used primarily for personal hygiene (shower and hand basins) deliver heated water not exceeding 50° C.

Notes:

1. Temperature control devices require routine maintenance and performance testing. Information on maintenance can be found in AS 4032.2
2. It is the property owner's responsibility to ensure that the routine maintenance is carried out.

Reason: Temperature limits are required to minimise the risk of scalding.

Plu 190.

A minimum of 10000 litres water storage capacity is to be reserved in the main water storage tank for fire fighting purposes. The main water storage tank is to be fitted with a 65mm Stortz fitting and valve and pump set capable of being connected to the rural fire service equipment.

Reason: To ensure a sufficient supply of water for fighting purposes.

PARKING & TRAFFIC**Par 015.**

The off street car parking area is to be constructed of all weather material and maintained so that it is trafficable, free of pot holes, corrugations, erosion and does not interfere with stormwater runoff. Parking spaces are to be clearly marked to comply with AS 2890.1-2004, *Parking Facilities. Part 1. Off-street car parking.*

Reason: So adequate off street parking is provided for the development and it is maintained in an appropriate manner.

Par 030.

Parking facilities for people with disabilities 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.*

Reason: To enable use of the car space by people with disabilities and to ensure compliance with the requirements of the Building Code of Australia.

Par 040.

All loading and unloading activities relating to the use of the premises are to be carried out wholly within the site.

Reason: To ensure the amenity of the area is maintained and minimise the potential for interference with traffic flow on public streets.

ACCESS ROADS**Rds 035.**

Road access to the site shall be from "Three Mile Road".

Reason – To ensure that road access is provided via a designated route.

Rds 036

If subsequently requested by the General Manager of Walgett Shire Council, the developer shall take such steps that are specified to minimise the generation of dust from the unsealed portion of the access road.

Reason: Significant traffic movements may generate significant additional dust from the unsealed portion of the road. To reduce the risk of nuisance or health problems, Council may require the developer to take action to address this issue.

Rds 037

The developer is to take all necessary actions during construction to minimise the creation of dust by vehicles accessing the site.

Reason: To ensure that the effects of dust on the surrounding properties is minimised.

ENVIRONMENTAL MANAGEMENT**Env 005**

The developer must keep a legible record of all complaints made to the developer, or any employee or agent of the developer, in relation to dust, noise, light or any activity to which this development consent relates. The record must be kept for a period of 3 years after the complaint was made and be available on demand to authorised officers of Council. Details to be recorded as follows:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the developer in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the developer, the reason why no action was taken.

Reason: To ensure that complaints are recorded, considered and dealt with in an appropriate manner.

Env 010.

Run-off and erosion controls must be implemented before construction, and maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Reason: To prevent pollution from detrimentally affecting the public or environment.

Env 040.

No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

Reason: To prevent pollution from detrimentally affecting the public or environment.

Env 050

Noise from the development (LA10) shall not exceed the background (LA90) by more than 5dB (A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.

Reason: To prevent the generation of a noise nuisance.

Env 065

Photovoltaic systems used on the premises must not cause glare that would have a detrimental impact upon surrounding premises.

Reason: To ensure protection of amenity of surrounding properties.

OPAL MINING DISTURBANCE

Min 015.

On completion of site excavation works, the developer must:

- (a) engage a suitably qualified and experienced geotechnical engineer to provide an evaluation report which assesses whether there is evidence of significant prior mining activity which may have an impact on the integrity of the walls or foundations of the proposed building.
- (b) Provide a copy of the geotechnical engineer's evaluation report to Walgett Shire Council prior to the issue of a Construction Certificate and commencement of construction of the building.

Reason: There are no official records of the extent of opal mine workings within the Lightning Ridge area. Voids and backfilled areas resulting from mining activity may have an adverse impact on building stability and public safety. Council accepts that for design reasons the void for the building must be excavated prior to finalisation of the building's structural design.

Min 025

If the geotechnical engineer's evaluation report shows that prior mining activity may have an impact on the integrity of the walls or foundations of the proposed building, then the developer must also:

- (a) Engage a suitably qualified and experienced structural engineer to document how stability issues associated with mining activity will be managed.
- (b) Provide a copy of the structural engineer's documentation to Walgett Shire Council prior to the commencement of construction.

Reason: Building design must be managed to ensure building stability and public safety.

PLAYGROUND

Pla 010.

Any playground equipment incorporated in the building shall comply with 'Australian Standard 4685.1-6 2004 Playground equipment safety requirements'.

Reason: To ensure that playground equipment is suitable for use by children.

PUBLIC ENTERTAINMENT

Pub 005.

If 'public entertainment' is to be conducted in the building or part thereof, then the developer is to ensure that the building complies with the Building Code of Australia. (Note: In particular, NSW Part 101 Places of Public Entertainment other than Temporary Structures and Drive in Theatres).

Reason: The application documentation indicates that the facility will include a "cinema", which is a place of public entertainment.

FOOD PREMISES

Foo 010.

The fit out and operations of the food premises must comply with the requirements of:

- (a) Food Safety Standards.
- (b) Australian Standard 4674-2004 Design Construction and Fit Out of Food Premises.
- (c) The NSW Food Act 2003.

Reason: To ensure that the building conforms to the relevant performance requirements of the Building Code of Australia and Food Act 2003.

Foo 020.

Plans and specifications showing floor layout and design of all food preparation, food service, food storage, dining area, garbage disposal area, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes are required prior to Council issuing a Construction Certificate.

Reason: To comply with AS 4674 and Building Code of Australia.

Foo 030.

Arrangements are to be put in place by the developer for the collection, storage, and removal of garbage from site on a regular basis. All garbage is to be stored in animal proof containers screened from public view and situated so as not to cause a nuisance to the occupants of the building or neighbouring properties.

Reason: To maintain the amenity of the site and surrounds.

Foo 040.

All commercial kitchens must be provided with a kitchen exhaust hood that complies with the provisions of AS/NZS 1668.1 and AS 1668.2 as applicable.

Reason: To ensure compliance with the Building Code of Australia..

INSPECTIONS

The applicant is to advise Council of the name and address of the body nominated to act as the Principal Certifying Authority, on the "Notice of Commencement Form" forty eight (48) hours prior to work commencing.

Inspections at the completion of stages as indicated below are required to be carried out by the Principal Certifying Authority. **Work must not proceed past any inspection stage until approval is given by the Certifier.**

Critical Stage Inspections – Class 9

- At the commencement of the building work, and
- On set-out of the works and prior to any excavation.
- Footings after excavation and before pouring of any concrete
- Footings/piers and slab after placement of moisture barrier, reinforcement and prior to pouring of any concrete.
- Underfloor drainage prior to pouring concrete.
- On completion of blockwork/brickwork and prior to core filling.
- On completion of framing prior to covering.
- On completion of plumbing pipe installation (hot & cold water service) prior to covering.
- On completion of waterproofing of wet areas and prior to commencement of wall and floor tiling.
- Prior to covering any sewer or stormwater drainage pipe work and connection points.
- First floor slabs after placement of reinforcement and prior to the pouring of any concrete.
- Installation of sewerage system and effluent lines prior to backfilling.
- All external sewer drainage prior to covering in trenches, clearly visible and under hydrostatic test.
- Final Inspection before use of installed equipment.

- Final Inspection of Fire service installations
- Prior to covering any stormwater drainage connections, and
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Reason: Occupation Certificates cannot be issued if the Principal Certifying Authority does not carry out the designated inspections, and to ensure compliance with the approved plans.

FIRE SAFETY

Fir 060.

Fire Safety Equipment as per the attached Fire Safety Schedule, shall be installed and maintained on the premises and be the subject of the required annual Fire Safety Statement

FIRE SAFETY SCHEDULE –

The following fire safety services are to be installed in the building;

- Fire Hose Reels** complying with the requirements of Part E1.4 of the building code of Australia and AS 1121 "Fire Hose Reels", and AS 2441 "Fire Hose Reels Installation".
- Portable Fire Extinguishers** complying with the requirements of Part E1.6 of the Building Code of Australia and AS 2444 "Fire Extinguishers Selection".
- Exit Signs** complying with the requirements of Part E4.5 of the Building Code of Australia and AS 2293. "Emergency Evacuation Lighting". Such lighting to be located at each designated exit from the buildings.
- Emergency Lighting** complying with the requirements of Part E4.2 of the Building Code of Australia and AS 2293.1 "Emergency Evacuation Lighting".
- Fire Hydrants and On-site Pump Set** complying with Part E1.3 of the Building Code of Australia and AS2419.1 *Fire Hydrant Installations*.
- Automatic Smoke Detection and Alarm System** complying with the requirements of Specification E2.2a (Clauses 3 or 4 as applicable) of the Building Code of Australia and AS 1670.1 and AS 3786.
- Fire Sprinkler System** complying with Part E1.5 and Part H1 of the Building Code of Australia and AS 2118.1 *Automatic Fire Sprinkler Systems*.

On completion of the building and at least once in each period of twelve months following completion, the owner shall cause council to be furnished with Certification that each essential fire service installed in the building is capable of performing to a standard not less than they were originally required to achieve and perform to a standard not less than that determined using the corresponding Part I.1 Building Code of Australia provisions.

END

ASSESSMENT OF REQUEST FOR MODIFICATION OF DEVELOPMENT CONSENT

DETAILS OF APPLICATION	
Application Number:	DA2008/12/2
Development Description:	Construction and operation of the Australian Opal Centre including public museum, souvenir shop, car park and associated facilities.
Details Of Modification Sought:	<p>➤ Staged Application</p> <p>Complete the application into two Stages.</p> <ul style="list-style-type: none"> • Stage 1: <ul style="list-style-type: none"> ○ Building the complete structure of walls and roof and fitting out the ground floor entry level for public access. This would include a cafe, shop, ticketing, exhibition areas, toilets, internal courtyard garden and office space. ○ Pit void - external to walls covered/enclosed ○ The Malqaf and natural ventilation system would be completed along with all required fire safety and Australian Building Code compliance requirements ○ Rain water collection tanks. ○ Toilets for stage 2 installed ○ Carparking ○ Temporary landscaping • Stage 2: <ul style="list-style-type: none"> ○ Completion of lower ground floor ○ Eastern terrace and gardens <p>Overall area of building has been reduced by 16% from 3,082.26m² to 2,586.07m² (excluding external terrace).</p> <p>➤ Height of the Building</p> <p>The building parapet height has been marginally increased by 0.5m to a height of 7m above finished ground.</p> <ul style="list-style-type: none"> • This amendment was required in order to shorten the ramped entry into the building which in turn allowed the overall area of the building to be decreased. The height of the Malqaf has increased by 2.7m to a height of 12.7m above finished ground. • This amendment was required as the detailed design required the cross sectional area of the Malqaf to be increased in order to increase the passive cooling efficiency which in turn required an increase in height • The additional height also allows the Malqaf better access to non turbulent air. <p>➤ Eastern End of Building</p> <p>The design of the eastern end of the building has been amended to include an external terraced area.</p> <ul style="list-style-type: none"> • This amendment was necessary as the approved design included a viewing platform into an existing excavation at the eastern end of the site. Since the approval was granted, the excavated pit at the eastern end of the site has been filled in so the viewing platform is no longer possible to construct.

- The proposed external terrace provides a considered and appropriate landscape resolution to this end of the building and offers an outdoor space for events.

➤ **Carpark and Coach drop off area location**

The proposed location of the carpark has been changed from directly in front of the southern elevation and entry of the building, to adjacent to (west of) the existing Black Opal Heritage Shed (marked as Black Opal Shed on drawings) to the south east of the new building. The coach drop off is proposed to be moved to the eastern end of the building. These changes to car parking and coach drop off have been proposed in order to:

- simplify the entry to the facility to a single point at the eastern end of the building
- exceed the equal access (DDE and AS1428) requirements and meet best practice for safety by design with regard to pedestrian movements around vehicles by;
 - ✓ physically separating the pedestrian movement from the vehicle movement and by
 - ✓ reducing the required distance for visitors to walk to the entry point and providing a single point of pedestrian access via a ramped walkway

The amended design also removes cars from directly in front of the building which allows:

- the developed landscape design to deal with surface water run off across the site and
- the presentation of a clear and more beautiful arrival experience for the visitor.

➤ **Additional Sustainable Design Elements and Ancillary structures for Fire and Services**

- Inclusion of a Geothermal Bore Field. Moving the carpark has allowed for a geothermal bore field to be installed to the southern area in front of the building (where the carpark was proposed in the current approval). This bore field will provide a majority of the passive energy required for the cooling of the building. It is intended the geothermal borefield will be buried no more than 600mm beneath the ground's surface, permitting access if required for repairs.
- Expansion of the Solar Array. It is proposed that the solar array proposed for the roof of the AOC building be expanded beyond the roof. Potential areas for the expanded solar array are indicated on the site plan. This is proposed to increase solar power generation to supply the AOC building.
- Solar Battery storage is proposed to the north of the building. This is proposed as a maximum of 2 x 40 foot (2.4m x 12m) containers which will be integrated into the landscape. The solar battery storage is proposed to be external of the main building to reduce the risk of fire and to provide easy access for maintenance, replacement and expansion in the future.
- A connection to the main electricity grid is proposed as an option. This would entail running a new single or 3 phase power line to the building. This is proposed as an alternative sustainable option. The AOC building with an expanded solar array could become a net exporter of

	<p><i>electricity back to the grid. Drawing from the grid during peak demand, then exporting net additional power to the grid, may be preferred to storing surplus power in batteries.</i></p> <ul style="list-style-type: none"> <i>Black water treatment system is proposed to be partially buried to the north of the building. The black water treatment system is proposed to be located external of the main building to provide easy access for maintenance.</i> <i>Fire Water tank storage and associated pumps. These structures are proposed to be located to the south of the building adjacent to the carpark.</i>
Reasons Given:	The proposed design for the Australian Opal Centre (AOC) is consistent with the development consent issued in 2008. However, minor changes to the design have occurred since a Consultant Team was engaged in December 2019 to progress the building plans through detailed design to tender documentation. No significant change to the development's impacts are expected as a result of the proposed modifications. Each reasons for each condition detailed below.
Revised Plan Numbers:	<ul style="list-style-type: none"> ✓ DA01-00 Cover Sheet ✓ DA01-01 Site Plan ✓ DA01-02 Ground Floor Plan ✓ DA01-03 Lower Ground Floor Plan ✓ DA01-04 Roof Plan ✓ DA01-05 Sections ✓ DA01-06 Elevation 01 ✓ DA01-07 Elevation 02 ✓ DA01-08 Staging Diagram ✓ DA01-09 Staging Diagram
Date of Request for Modification:	7 August 2020
APPLICANT/OWNER	
Applicant Name:	Lightning Ridge Opal and Fossil Centre Incorporated
Owner Name:	Crown Land – Written consent has been provided.
LAND TO BE DEVELOPED	
Property Address:	Three Mile Road, Lightning Ridge
Legal Description:	Lot 1 DP 1103508
ASSESSMENT	
Does applicant have authority to act (owner / original applicant):	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the development substantially the same as the original proposal (if not a new application must be lodged):	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Further Referrals:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Re-notification required (If potential detriment likely to arise from proposed changes):	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Comment:	13 August until 26 August 2020 – Avert in Media, on Council webpage and Facebook. Displayed in Lightning Ridge Office – No Submissions Received.
Specific Changes to Conditions Below:	

GENERAL	
Gen 010	<p><u>Deleted Condition DA2008-12-2</u></p> <p>It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.</p>
Reason:	No covenant appears on the title / lease documents.
Comment:	Agreed
Gen 055	<p><u>Modified Condition DA2008-12-2</u></p> <p>In addition to plans, elevations and sections, the application for a Construction Certificate is to include the following information:</p> <ul style="list-style-type: none"> a) The location of all fire safety, smoke detection and alarm systems together with a installation details and, b) Details of the proposed method of termite treatment showing that compliance will be achieved with AS-3660, c) All structural details including specifications, tie-down and bracing plans and slab design detail.
Reason:	Not applicable as the primary building elements are not subject to termite attack, i.e. there are no timber piles, etc. Ref: BCA Clause B1.4.
Comment:	Agreed
Gen 065	<p><u>Modified Condition DA2008-12-2</u></p> <p>The use or occupation of the premises is not to commence until such time as the terms of Development Consent have been complied with and a final occupation certificate issued.</p> <p><u>Requested Modification</u></p> <p>The use or occupation of the premises is not to commence until such time as the terms of Development Consent have been complied with and the relevant interim or final occupation certificate issued.</p>
Reason:	This is Staged development, the current wording would prohibit occupation/use at Stage 1.
Comment:	This condition should remain. An additional condition (Gen 001) be inserted as per below detailing staging and that a construction certificate be submitted for each stage. Therefore an occupation certificate is required for each stage.
DISABLED ACCESS	
Dis 010	<p><u>Deleted Condition DA2008-12-2</u></p> <p>Access for persons with disabilities to and within the building and facilities is to be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 & 1428.4. Design for Access and Mobility – New building work.</p>
Reason:	Compliance with the BCA is already required via Clause 98 of the EP& A Reg 2000, and Disability Discrimination Act 1992 regardless.
Comment:	Agreed
Dis 040	<p><u>Modified Condition DA2008-12-2</u></p> <p>At least two (2) accessible car-parking spaces shall be provided within the proposed car park. The parking spaces shall have a minimum width of 3.8m, with signage and marking complying with the requirements of AS 2890.1-2004.</p> <p><u>Requested Modification</u></p> <p>No modified condition was suggested.</p>
Reason:	<p>The nominated 3.8M width for accessible car-parking spaces is not current or compliant with the current BCA referenced AS2890.6 Accessible car-parking standard.</p> <p>The current standard requires 2.4 M width x 5.4 M length designated car parking area with</p>

	<p>an adjacent designated shared area (of same dimensions) with a bollard installed. The 3.8M dimension comes for AS4299 Adaptable Housing standard for Class 2 residential developments.</p> <p>The AS2890.6 Accessible car-parking standard includes requirements for signage and space marking. The nominated AS2890.1:2004 standard for signage and markings, was released without the inclusion of requirements for people with disabilities in anticipation of the release of AS2890.6 and therefore has been superseded by the current AS2890.6.</p>
Comment:	Agreed for a modification to delete specifics and only relate compliance to AS2890.6.
DISABLED ACCESS	
Ter 10	<p><u>Deleted Condition DA2008-12-2</u></p> <p>a) Treatment against termites is to be carried out in accordance with AS 3660.1. Upon completion of the selected method of treatment:</p> <p>b) A certificate is to be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with the specific requirements of Council and AS3660.1.</p> <ul style="list-style-type: none"> • A durable notice must be permanently fixed within the meter box indicating: • The method of protection • The date of installation of the system • Where a chemical barrier is used, it's life expectancy as listed on the National Registration Authority label and • The need to maintain and inspect the system on a regular basis.
Reason:	Compliance with the BCA is already required via Clause 98 of the EP& A Reg 2000, and Disability Discrimination Act 1992 regardless.
Comment:	Agreed
PUBLIC ENTERTAINMENT	
Pub 005	<p><u>Deleted Condition DA2008-12-2</u></p> <p>If 'public entertainment' is to be conducted in the building or part thereof, then the developer is to ensure that the building complies with the Building Code of Australia. (Note: In particular, NSW Part 101 Places of Public Entertainment other than Temporary Structures and Drive-in Theatres).</p>
Reason:	Compliance with the BCA is already required via Clause 98 of the EP& A Reg 2000, and Disability Discrimination Act 1992 regardless.
Comment:	Agreed that this can be deleted as BCA compliance covered. This is to be assessed at the CC stage for compliance.
INSPECTIONS	
Inspections	<p><u>Deleted Requirement DA2008-12-2</u></p> <p><u>Critical Stage Inspections—Class 9</u></p> <ul style="list-style-type: none"> • At the commencement of the building work, and • On set-out of the works and prior to any excavation. • Footings after excavation and before of any concrete • Footings/piers and slab after placement of moisture barrier, reinforcement and prior to pouring of any concrete. • Underfloor drainage prior to pouring concrete. • On completion of blockwork/brickwork and prior to core filling. • On completion of framing prior to covering. • On completion of plumbing pipe installation (hot & cold after service) prior to covering. • On completion of waterproofing of wet areas and prior to commencement of wall and floor tiling. • Prior to covering any sewer or stormwater drainage pipe work and connection points. • First floor slabs after placement of reinforcement and prior to the pouring of any concrete. • Installation of sewerage system and effluent lines prior to backfilling. • All external sewer drainage prior to covering in trenches, clearly visible and under

hydrostatic test. • Final inspection before use of installed equipment. • Final inspection of Fire service installations • Prior to covering any stormwater drainage connections, and • After the building work has been completed and prior to any occupation certificate being issued in relation to the building.	
Reason:	The majority of inspections listed are not critical stage inspections. Because the critical mandatory stage inspections are in the Regs it does not need to be in the DA. Ref Clause 162A of the EP&A Reg 2000.
Comment:	Agreed
Building Assessment Comments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Comment:	<p>Merv Prendergast – Email 7 September 2020</p> <p><i>Conditions</i></p> <p>1. All Building work must comply with the NCC 2019</p> <p><i>Prior to Construction Certificate</i></p> <p>1. A report by an accredited access consultant must be prepared and lodged with the CC application</p> <p>2. A report by an accredited Fire engineer must be lodged with the CC application, if alternate solutions are required these must have a peer review report by an accredited certifier and if required sign off by NSW fire and rescue.</p> <p>These can be dealt with by inserting conditions Gen 055-1 and Gen 056-1 below. They are complimentary to Gen 055 and Gen 056 and brings relevance to the existing legislative requirements under the EP & A Act. Further they support condition 98(1)(a) where compliance is sought with the BCA. The BCA and NCC are the same thing.</p>
Engineering Assessment Comments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Comment:	<p>Raju Ranjit – Email 12 September 2020</p> <p><i>Could you please advise to add following items in the Modified Development Consent?</i></p> <ul style="list-style-type: none"> Provision of the access road from the Three Mile Road to AOC car park should be mentioned in the Modified development consent. Full storm water drainage plan for the car park <p>Discussions with Raju, both of these issues are covered by conditions Rds 035 and Par 015 with no wording alterations being required.</p>
Revised s4.15 evaluation considerations: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Comment:	As the footprint of the building will have minimal change, and the purpose of the building will remain the same, it is considered that this modification will have minimal impact.
CONDITIONS TO BE MODIFIED	
This development application be approved subject to the following original development consent conditions being modified.	

Gen 010 Deleted Condition DA2008-12-2

~~It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.~~

Gen 055 Modified Condition DA2008-12-2

In addition to plans, elevations and sections, the application for a Construction Certificate is to include the following information:

- a) The location of all fire safety, smoke detection and alarm systems together with a installation details and,
- ~~b) Details of the proposed method of termite treatment showing that compliance will be~~

achieved with AS 3660,

- c) All structural details including specifications, tie-down and bracing plans and slab design detail.

Dis 010 Deleted Condition DA2008-12-2

~~Access for persons with disabilities to and within the building and facilities is to be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 & 1428.4. Design for Access and Mobility — New building work.~~

Dis 040 Modified Condition DA2008-12-2

At least two (2) accessible car-parking spaces shall be provided within the proposed car park. The parking spaces shall have a minimum width of 3.8m, with signage and marking complying with the requirements of AS 2890.1-2004. All accessible car-parking shall comply with AS2890.6.

Ter10 Deleted Condition DA2008-12-2

~~c) Treatment against termites is to be carried out in accordance with AS 3660.1. Upon completion of the selected method of treatment:~~

~~d) A certificate is to be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with the specific requirements of Council and AS3600.1.~~

- ~~• A durable notice must be permanently fixed within the meter box indicating:~~
- ~~• The method of protection~~
- ~~• The date of installation of the system~~
- ~~• Where a chemical barrier is used, it's life expectancy as listed on the National Registration Authority label and~~

~~The need to maintain and inspect the system on a regular basis.~~

Pub 05 Deleted Condition DA2008-12-2

~~If 'public entertainment' is to be conducted in the building or part thereof, then the developer is to ensure that the building complies with the Building Code of Australia. (Note: In particular, NSW Part 101 Places of Public Entertainment other than Temporary Structures and Drive-in Theatres).~~

Inspections Deleted Requirement DA2008-12-2

~~Critical Stage Inspections — Class 9~~

- ~~• At the commencement of the building work, and~~
- ~~• On set-out of the works and prior to any excavation.~~
- ~~• Footings after excavation and before of any concrete~~
- ~~• Footings/piers and slab after placement of moisture barrier, reinforcement and prior to pouring of any concrete.~~
- ~~• Underfloor drainage prior to pouring concrete.~~
- ~~• On completion of blockwork/brickwork and prior to core filling.~~
- ~~• On completion of framing prior to covering.~~
- ~~• On completion of plumbing pipe installation (hot & cold after service) prior to covering.~~
- ~~• On completion of waterproofing of wet areas and prior to commencement of wall and floor tiling.~~
- ~~• Prior to covering any sewer or stormwater drainage pipe work and connection points.~~
- ~~• First floor slabs after placement of reinforcement and prior to the pouring of any concrete.~~
- ~~• Installation of sewerage system and effluent lines prior to backfilling.~~
- ~~• All external sewer drainage prior to covering in trenches, clearly visible and under hydrostatic test.~~
- ~~• Final inspection before use of installed equipment.~~
- ~~• Final inspection of Fire service installations~~
- ~~• Prior to covering any stormwater drainage connections, and~~

~~After the building work has been completed and prior to any occupation certificate being issued in relation to the building.~~

ADDITIONAL CONDITIONS

This development application be approved subject to the additional development consent conditions.

Gen 001 Additional Condition DA2008-12-2

This development is to be staged as per the following:

Stage 1:

- Building the complete structure of walls and roof and fitting out the ground floor entry level for public access. This would include a cafe, shop, ticketing, exhibition areas, toilets, internal courtyard garden and office space.
- Pit void - external to walls covered/enclosed
- The Malqaf and natural ventilation system would be completed along with all required fire safety and Australian Building Code compliance requirements
- Rain water collection tanks.
- Toilets for stage 2 installed
- Carparking
- Temporary landscaping

Stage 2:

- Completion of lower ground floor
- Eastern terrace and gardens

Staging of this application will require a separate Construction Certificate to be submitted for each stage. This will also require a separate Occupation Certificate to be issued for each stage, prior to occupation of the building.

Gen 055-1 Additional Condition DA2008-12-2

A report by an accredited access consultant must be prepared and lodged with the Construction Certificate application showing compliance with all relevant legislation.

Gen 056-1 Additional Condition DA2008-12-2

A report by an accredited Fire Engineer must be lodged with the Construction Certificate application. If alternate solutions are required these must be accompanied by a peer review report by an accredited certifier and if required, sign off by NSW Fire and Rescue.

MODIFICATIONS TO REASONS FOR CONDITIONS

This following modification to the Reasons for Conditions should be included on the development consent.

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.

CONCLUSION

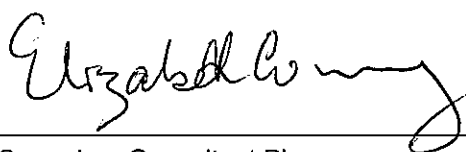
I confirm that I am familiar with the relevant heads of consideration under the *Environmental Planning & Assessment Act 1979* and *Local Government Act 1993* (if applicable) and have considered them in the assessment of this application.

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

Additional Notes Attached

Yes ☐ No ☒

Signed:



Elizabeth Cumming, Consultant Planner

Date: 15 September 2020

Signed:



Jessica McDonald, Director Environmental Services

Date: 15 September 2020

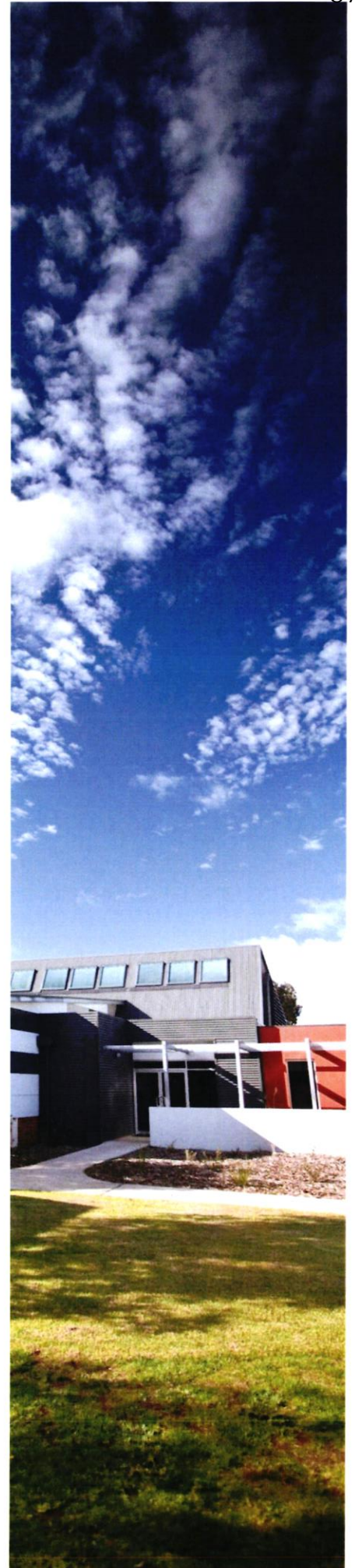
**DEVELOPMENT
APPLICATION 2020/14 –
STORAGE SHED – 46 WEE
WAA STREET, WALGETT**



Statement of Environmental Effects

Storage Shed
46 Wee Waa Street
Walgett

(Our Reference: 33940-PR01_A)
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Disclaimer

This report has been prepared solely for Yeomans Engineering (the client) in accordance with the scope provided by the client and for the purpose(s) as outlined throughout this report. Barnson Pty Ltd accepts no liability or responsibility for or in respect of any use or reliance upon this report and its supporting material by anyone other than the client.

Report Title:	Statement of Environmental Effects
Project Name:	Storage Shed at 46 Wee Waa Street, Walgett
Client:	Yeomans Engineering
Project No.	33940
Report Reference	33940-PR01_A
Date:	27/07/2020
Revision:	Final

Prepared by:

A handwritten signature in blue ink, appearing to read "Jack Massey".

Jack Massey
B. Urb & Reg. Planning
Senior Town Planner

Reviewed by:

A handwritten signature in blue ink, appearing to read "Jim Sarantzouklis".

Jim Sarantzouklis
B. Arts, Grad. Dip. Urb. Reg. Plan, Dip. EH&B
Surveying, MAIBS MEHA RPIA
Director

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1 INTRODUCTION

1.1 Background

Barnson Pty Ltd has been engaged by Yeomans Engineering to prepare information in support of a Development Application (DA) for a new commercial storage shed at 46 Wee Waa Street, Walgett.

The subject site is located on the northern side of Wee Waa Street and has an area of 324.1m². The site contains an existing butcher's shop building, open skillion and toilet.

The project will consist of the demolition of the existing skillion and toilet and construction of a new shed to provide additional storage for a local business known as Bi-Rite Home Appliances.

The site is zoned B2 Local Centre pursuant to the provisions under the *Walgett Local Environmental Plan 2013*. The proposed development is defined as a 'depot', which is permissible with consent in the B2 zone.

This application consists of:

- A completed development application form; and
- One (1) hard copy and one (1) digital copy of this written statement, including plans.

1.2 Proponent

The proponent for the DA is Yeomans Engineering.

1.3 Consultant

Barnson Pty Ltd

Jack Massey

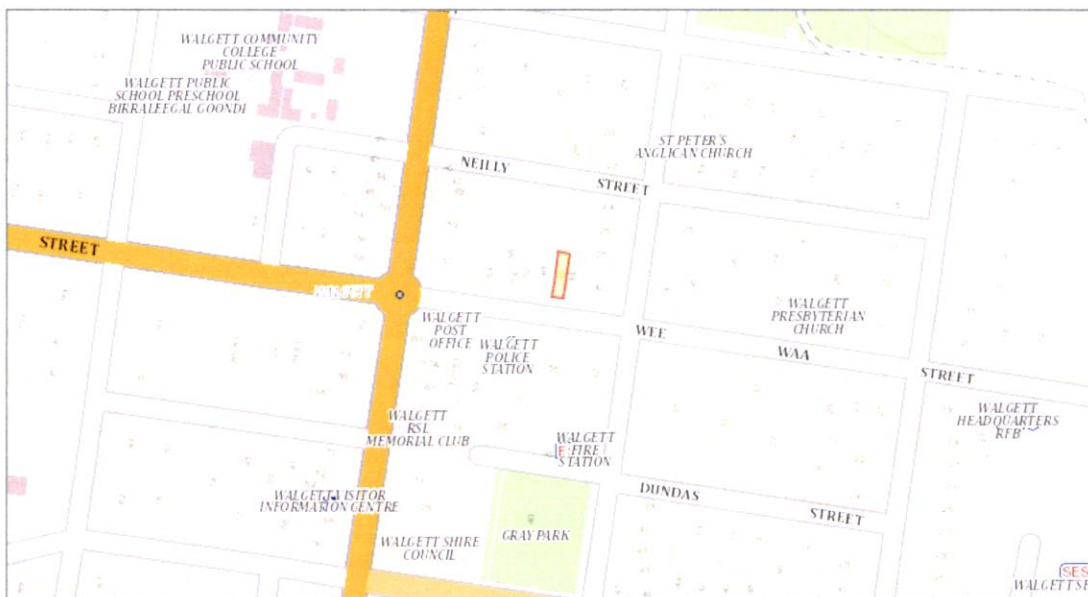
Suite 8 / 11 White Street

Tamworth NSW 2340

2 EXISTING ENVIRONMENT

2.1 Location and Title

The subject site of this application is Lot 38 DP 610725, known as 46 Wee Waa Street, Walgett. The site is located on the northern side of Wee Waa Street in the centre of the township, as shown in **Figure 1** below.



Source: (NSW Government Spatial Services, 2020)

Figure 1 – Site Location

The site has an overall area of 324.1m² (refer **Appendix A**). Refer to **Figure 2** and **Plates 1 - 3** for photos of the site and locality.



Source: (NSW Government Spatial Services, 2020)

Figure 2 – Site Aerial



Plate 1 – View of the existing Butchers shop building



Plate 2 – View of part of the buildings to be demolished

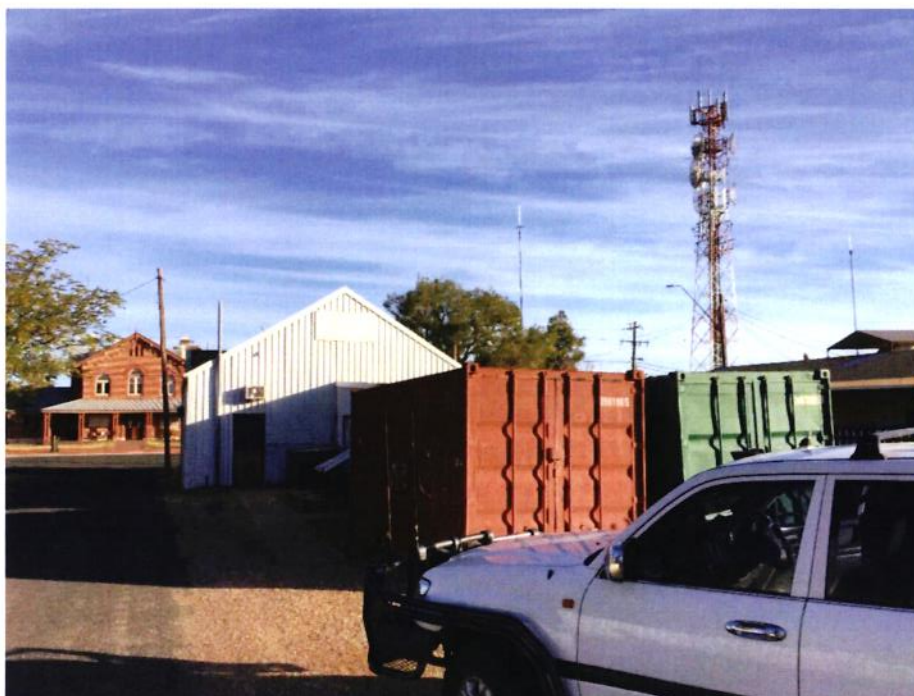


Plate 3 – View of the subject site from the rear boundary



2.2 Land Use

The site is located within an established commercial area in Walgett. There are residential activities located within proximity and a large carpark to the north. The site has historically been used for commercial purposes, with a butcher's shop building located at the front. The Butcher's shop no longer operates and the building is now vacant.

2.3 Topography

The subject site is relatively flat throughout, with the wider locality gradually falling to the north towards the Namoi River.

2.4 Flora and Fauna

The site is devoid of any vegetation.

2.5 Noise Environment

Noise measurements of background levels have not been undertaken on the site. The main contributor to noise in the vicinity of the site is traffic along local roads and commercial land uses.

2.6 Natural Hazards

The site is not mapped as being flood prone or bushfire prone under the *Walgett Local Environmental Plan 2013* or ePlanning Spatial Viewer.

2.7 Services

All services including reticulated water supply, sewerage, stormwater management, electricity and telecommunication infrastructure are connected to the site. Stormwater management systems have been established on the site and in the locality.

2.8 Access and Traffic

The subject site is located on the northern side of Wee Waa Street, which is a bitumen sealed road improved with kerb and gutter. Vehicular access is gained to the rear of the site via Council owned land (Lot 39 DP 610724 and Lot 105 DP 878481). Lot 105 is a large public carpark.

2.9 Heritage

The site is not identified on the State Heritage Register or as containing a heritage listed item under Schedule 5 of the *Walgett Local Environmental Plan 2013*. The Aboriginal Heritage Information Management System search provided in **Appendix B** shows that there are no Aboriginal items located on the site or within proximity.



3 PROPOSED DEVELOPMENT

The proposed development is for the construction of a storage shed on Lot 38 DP 610725, known as 46 Wee Waa Street, Walgett. The shed shall be used to provide additional storage for a local business known as Bi-Rite Home Appliances.

The subject application includes the following main attributes:

- Construction of a new shed with provision for one internal disabled amenities to be shared between the proposed shed and existing tenancy at the front. The shed shall be used for the storage of equipment, materials and appliances to assist with ongoing operations of Bi-Rite Home Appliances;
- The shed shall be constructed on a concrete slab with concrete tilt panels and colorbond roofing. Steel framing for the roof structure shall be used. The shed shall have a footprint of approximately 158m²;
- New 2.1m high fencing shall be established with a 4m wide gate to the rear of the property. This shall provide access for vehicles to load/unload materials into the storage shed. Given the proposed storage use, no onsite carparking is considered necessary other than within the shed to load and unload;
- All stormwater shall be directed into the existing stormwater disposal system;
- Erosion and sediment control measures will be undertaken to ensure sediment is contained within the site and to protect stormwater quality; and
- The front tenancy facing Wee Waa Street shall remain unchanged.

Refer to Development Plans provided in **Appendix C** of this report.



4 LAND USE ZONING

The subject site is zoned B2 Local Centre pursuant to the provisions under the *Walgett Local Environmental Plan 2013* (LEP). The proposed development is for a 'depot', which is permissible with consent in the B2 zone. The definition is as follows:

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

The permissibility of the proposed development is assessed in terms of the heads of consideration in Section 4.15 of the *Environmental Planning & Assessment Act 1979*, which incorporates consideration of the LEP and the objectives and permissible uses outlined in the B2 Local Centre zone, as outlined in **Section 5** of this report.



5 PLANNING CONSIDERATIONS

5.1 Environmental Planning & Assessment Act 1979

5.1.1 Evaluation

Section 4.15 of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *The provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*
- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with this act or the regulations,*
- (e) *The public interest.*

The proposed development has been designed with consideration to the following matters, as outlined below.

5.2 Environmental Planning Instruments

5.2.1 State Environmental Planning Policies

While a number of SEPPs apply to the subject site and development thereon, it is considered that there shall be no implications on the development in terms of the requirements of the SEPPs.



5.2.2 Walgett Local Environmental Plan 2013

5.2.2.1 Land Use Table

The subject site is zoned B2 Local Centre pursuant to the provisions under the *Walgett Local Environmental Plan 2013* (LEP). The objectives of the RE2 zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To conserve and enhance the unique sense of place of business centre precincts.*
- *To ensure that adequate provision is made for infrastructure that supports the viability of business centre precincts.*

Comment: The proposed development is defined as a 'depot', which is considered to be consistent with the zone objectives as it supports an existing established business in Walgett. It is permissible with consent in the B2 zone.

5.2.2.2 Demolition requires development consent

Clause 2.7 'Demolition requires development consent' applies to the proposal as minor development works are required to allow the development to proceed. The following demolition works are proposed:

- Demolition of an open skillion; and
- Demolition and removal of the existing toilet block. The services associated with the toilet block shall be removed and relocated.

Refer to Development Plans in **Appendix C** of this report.

5.2.2.3 Height of buildings

Clause 4.3 'Height of buildings' applies to the development proposal. Pursuant to the LEP Height of Building Mapping, the maximum building height for the site is 10m. The height of the proposed building is approximately 4.928m, thereby complying with this clause.

5.2.2.4 Earthworks

Clause 6.1 'Earthworks' applies to the subject application as earthworks are included as part of development works. The proposed civil works shall consider drainage patterns, soil stability and the like. Appropriate erosion and sediment controls will be undertaken on the site during development works to prevent or reduce any soil erosion that may occur on the site and surrounds.

5.2.2.5 Essential services

Clause 6.6 of the LEP states:



Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comment: The site is connected to existing reticulated water supply, sewerage, electricity, and stormwater management mechanisms. The new development shall be connected to all of these services, with upgrades provided where necessary. Vehicular access is gained to the rear of the site via Council owned land (Lot 39 DP 610724 and Lot 105 DP 878481. Lot 105 is a large public carpark. Vehicles access the rear of the site shall utilise these Council owned lots to pick up and drop off materials for storage. Suitable hardstand shall be established on the site and considering the storage nature of the proposal, traffic increase is expected to be negligible.

5.3 Draft Environmental Planning Instruments

No draft Environmental Planning Instruments are applicable to the subject site or development.

5.4 Development Control Plans

The *Walgett Shire Development Control Plan 2016* (DCP) applies to the subject land and development thereon. The DCP generally supports the proposed development. Relevant section of the DCP have been addressed in **Table 1** below.

Table 1 – DCP Requirements	
Requirement	Comment
<i>Section 4.9 Commercial & Retail Development</i>	
Building Setbacks	Site and rear setbacks are compliant with the <i>Building Code of Australia</i> .
Fencing	There is no street fencing proposed as part of this application. The tilt panel elevations will act as fencing in this instance. A New 2.1m high fence and gate system at the rear of the site shall be established for vehicles to enter/exit the site. The fence shall be constructed using chain wire and steel posts.
Outdoor Lighting	No outdoor lighting is proposed as part of this application, other than a small directional light. This light will only be used for emergency purposes and during periods where light is required for the lodging/unloading of materials. The shall comply with AS4282 and will be switched off when not in use.
Outdoor Signage	No new signage is proposed as part of this application.



Design

The proposed development has been designed in accordance with the character of the locality. The generally satisfies the design criteria (with the exception of the departure justified in this section), as follows:

- There are no windows proposed, which adds to the security measures for the storage use of the building;
- The building is a concrete tilt panel structure with non-reflective colorbond roof and gutters/roller doors. The existing building at the front of the site provides a visual buffer from the street;
- The height of the development is compliant with LEP provisions and is consistent with other buildings in the commercial locality.

Departure Request

Given the expansive concrete tilt panel walls, the proposed development is inconsistent with the provisions of the DCP, particularly with regard to the following;

Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.

Large expansive walls not permitted unless abutting a building on an adjoining allotment.

The development is non-compliant with the above provisions of the DCP. However considering the nature of the development, a departure request is sought and considered justified in that:

- Concrete tilt panels have been specifically chosen as a building material for security purposes. As the proposed shed shall be used for storage purposes only, secure and safe storage of items of high importance, along with reducing vandalism for the site. Windows have not been introduced as this would compromise the security of the building;
- The bulk and scale of the development is not significant;
- The proposed new building is located to the rear of the site and the existing butchers shop building provides for a visual buffer between the streetscape and the new building. The new building is setback approximately 11m from the boundary facing Wee Waa Street and existing vegetation located on the neighbouring property to the east adds to visually concealing the proposed development from the street scape;
- The subject site and general locality has a commercial feel being centrally located in Walgett and by having large expansive carparking areas within proximity. In its context, the development is not expected to be antipathetic to the locality;
- The development will not block any views or vistas, nor would it create any negative views for adjoining properties;



	<ul style="list-style-type: none"> Concrete has become a material widely used by designers by turning a building's structural elements into an artistic statement. Visual concrete, and in this case the proposed concrete walls, provide a winning combination between aesthetic ambition and simple practicality in design. The concrete provides a robust, low maintenance finish and adequate security for the proponent.
Post supported verandahs and balconies	Not applicable.
Services	<p>The site is connected to existing water, sewer, electricity and stormwater services. The services connected to the existing toilet (to be demolished) shall be removed and relocated to service the new development. The services connected to the existing commercial building on the site shall be protected. The additional services for the proposed development is not expected to create any strain on public infrastructure.</p> <p>No trade waste shall be produced by the new development.</p>
Utility Infrastructure Protection	Existing utility infrastructure on the site and in the locality shall be protected in accordance with Appendix A of the DCP.
Traffic and Access	<p>Vehicular access is gained to the rear of the site via Council owned land (Lot 39 DP 610724 and Lot 105 DP 878481. Lot 105 is a large public carpark. Vehicles can enter the public carpark via the access way off Wee Waa Street, or via Neilly Street into the existing public carpark. The proposed arrangement generally satisfies this criteria in that:</p> <ul style="list-style-type: none"> Vehicles will be able to enter into the proposed new building via the rear public carpark to load/unload items. Vehicles will then reverse out into the carpark and exit via Wee Waa Street or Neilly Street. Given the minimal traffic flow along this carpark, this arrangement is considered suitable for the proposed use; The onsite access shall be upgraded with a concrete hardstand for onsite manoeuvrability; Loading bays shall be provided within the proposed shed. The loading bay shall be signposted and considering that no customers will access the building, no pedestrian issues are applicable.
Parking	<p>As previously discussed, the proposed development is for the storage of materials, equipment and appliances for an established business in Walgett. There shall be no customers or employees that would frequently visit the site as it shall be used for storage purposes only. The business shall access the site intermittently to drop off and pick up supplies, however these trips are considered to be infrequent and limited to one vehicle per trip.</p>



As such, it is considered that onsite carparking will not be required for the development. Alternatively, a loading/unloading bay shall be dedicated within the building to allow vehicles to access the site, load/unload items and exit the site in an orderly fashion.

Brothels and Restricted Premises Not applicable.

Landscaping The site is largely built up, comprising of the existing butchers shop building, proposed new shed structure and hardstand to the rear. Considering the existing building at the front of the site, landscaping should not be required in this instance.

5.5 Any Planning Agreement entered into

No Planning Agreements entered into are known to exist in relation to the development or site.

5.6 Any Matters Prescribed by the Regulations

For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, Clause 92 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) specifies the additional matters a consent authority must take into consideration when determining a DA. In relation to the proposed development, the demolition works will comply with the provisions of AS2601. No other provisions relate to the development proposal.

5.7 Any Likely Impacts of the Development

5.7.1 Context & Setting

The subject site is located in a well-established commercial area in Walgett. The proposed development is considered to be consistent with existing development in the area and shall be integrated within the rear portion of the site. In this regard, it is considered that the development would not impact on the context or setting in the locality.

5.7.2 Access, Transport & Traffic

Access is gained to the rear of the site via Council owned land (Lot 39 DP 610724 and Lot 105 DP 878481. Lot 105 is a large public carpark. Vehicles can enter the public carpark via the access way off Wee Waa Street, or via Neilly Street into the existing public carpark. The access and onsite manoeuvrability shall be able to cater for a vehicle up to 8.8m in length. A loading/drop-off are shall be facilitated on the site with access through the proposed roller door. The proposed access and manoeuvrability is considered suitable for the site and locality.



5.7.3 Utilities

All services including reticulated water supply, sewerage, stormwater management, electricity and telephone infrastructure are available to the site. Existing connections shall be upgraded where necessary to support the proposed development. All stormwater shall be directed into existing stormwater drainage systems afforded to the site and in the locality.

5.7.4 Air & Microclimate

The proposed development will generate minimal air pollution. The incidence of air pollution can be reduced by using appropriate equipment; employment of good work practice and utilising a water spray, especially in conditions where dust is likely to be a nuisance.

5.7.5 Social & Economic Impacts in the Locality

The development is located within a well-established commercial area. Land use conflict is minimised through appropriate design, buffering by existing structure on the site, sealing of hardstand areas and general industry practice. The proposal supports the Walgett economy by providing storage for an existing business.

5.7.6 Other

There are no other issues such as flooding, bushfire, flora/fauna or heritage that would significantly impact upon the development.

5.8 Suitability of the Site for the Proposed Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

5.9 The Public Interest

The proposal is considered to have a positive impact on the local environment and it is in the public interest for the development to proceed. It shall enhance the locality and provide for the growth of the Walgett community.



6 CONCLUSION

It is recommended that the proposed storage shed on Lot 38 DP 610725, known as 46 Wee Waa Street, Walgett be supported on the following grounds:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The proposal is permissible with consent and consistent with the relevant development standards and provisions of the *Walgett Local Environmental Plan 2013*;
- The proposal complies with the relevant provisions of the *Walgett Shire Development Control Plan 2016*;
- The proposed development is not anticipated to generate any adverse impacts in the locality; and
- The proposed development is considered suitable for the site and its surrounds.



7 REFERENCES

- NSW Government. (2020, July 27). *Biodiversity Value Map*. Retrieved from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>
- NSW Government Spatial Services. (2020, July 17). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>



Appendix A - Deposited Plan



Appendix B - AHIMS Search



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Yeomans

Client Service ID : 519943

Barnson

Date: 13 July 2020

Suite 6 11 White Street
Tamworth New South Wales 2340

Attention: Jack Massey

Email: jmassey@barnson.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 38, DP:DP610725 with a Buffer of 50 meters,
conducted by Jack Massey on 13 July 2020.**

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 the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Appendix C - Development Plans



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Yeomans

Client Service ID : 519943

Barnson

Date: 13 July 2020

Suite 6 11 White Street
Tamworth New South Wales 2340

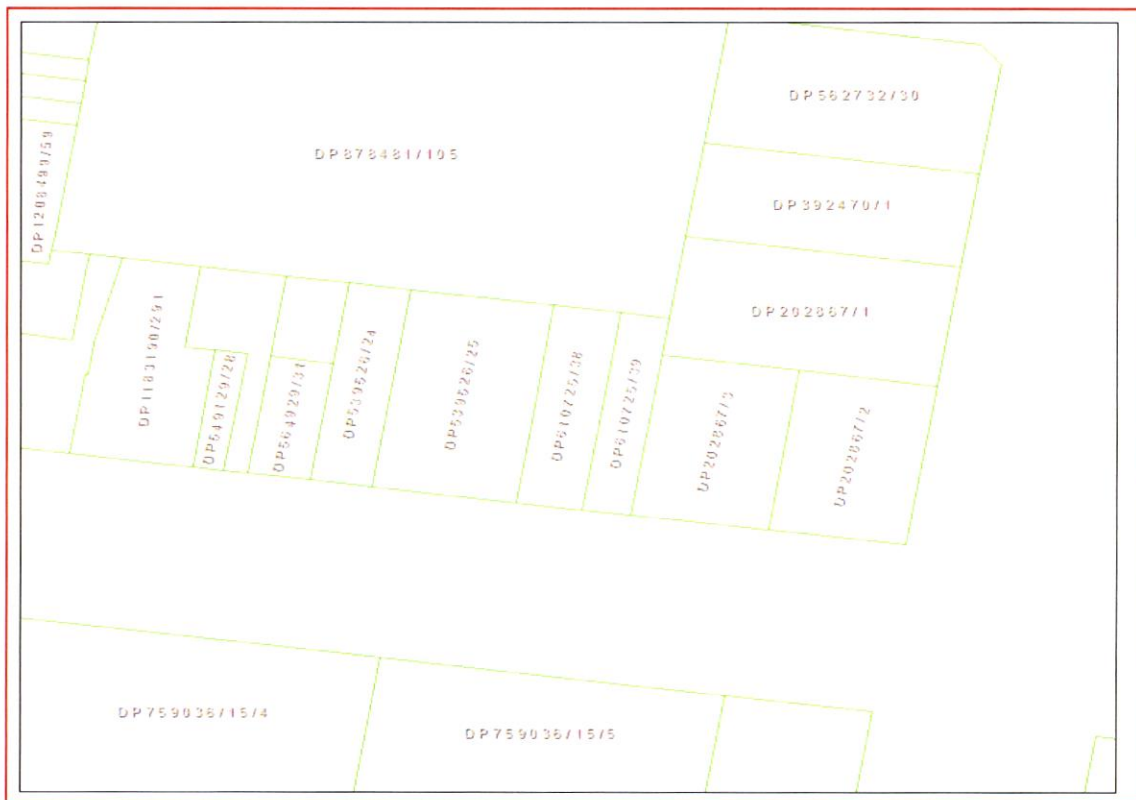
Attention: Jack Massey

Email: jmassey@barnson.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 38, DP:DP610725 with a Buffer of 50 meters, conducted by Jack Massey on 13 July 2020.

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 the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

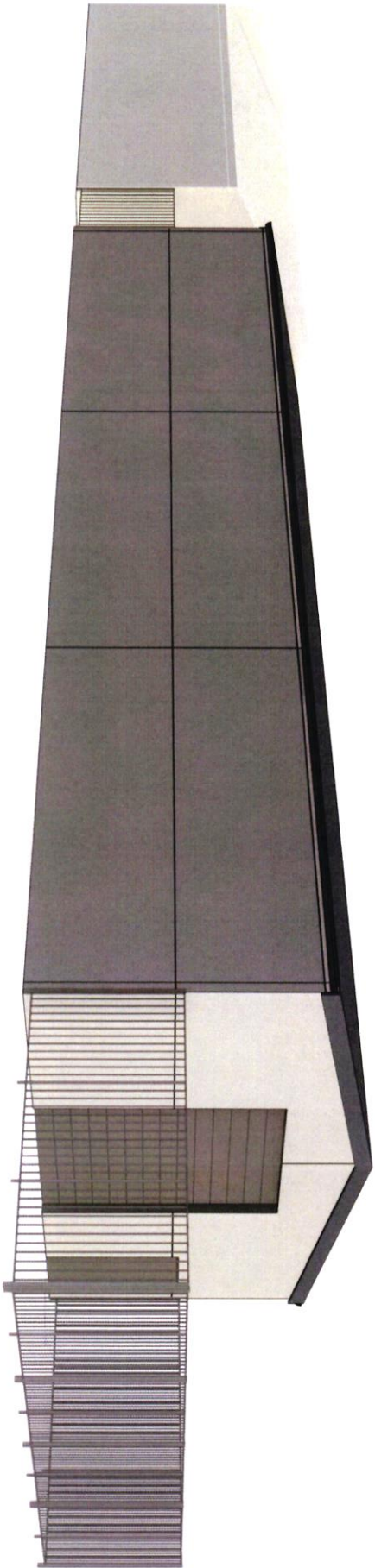
Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Appendix C - Development Plans

N	O	O	3	A	1	A
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drawing schedule

A 00	COVER SHEET	REV. C	DATED 24.07.2020
A 01	SITE PLAN	REV. C	DATED 24.07.2020
A 02	FLOOR PLAN	REV. C	DATED 24.07.2020
A 03	ELEVATIONS	REV. C	DATED 24.07.2020
A 04	SECTION	REV. C	DATED 24.07.2020

In addition to the National Construction Code series, Building Code of Australia Vol. 1, 2019, the Planning Code of Australia, 2019 & the building regulations applicable to the state of New South Wales, the following applicable Australian Standards & codes of practice are to be adhered to through the documentation & construction work.

AS1668 – Mechanical ventilation & air conditioning in Buildings
AS3000 – Electrical installations, buildings, structures & premises (known as the wiring rules)
AS 1281 – Fire alarm systems
AS1680.0 – Firework lighting – safe movement

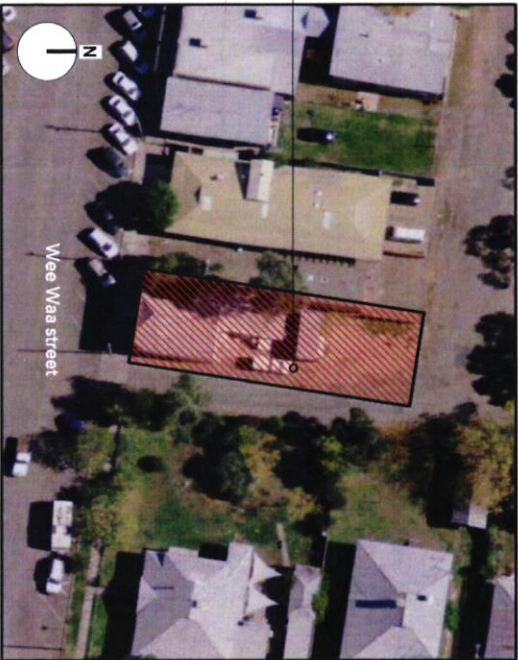
These drawings shall be read in conjunction with all architectural & other consultants drawings & specifications & with such other written instructions as may be issued during the course of the contract. All discrepancies shall be referred to 'Barnson Pty Ltd' for a decision before proceeding with the work.

All dimensions are in millimetres unless stated otherwise & levels are expressed in metres. Figured dimensions are to be taken in preference to scaled dimensions unless otherwise stated. All dimensions are normal, and those relevant to setting out & off-site work shall be verified by the contractor before construction & fabrication.

For the purpose of the Building Code of Australia, Vol. 1, 2019, the development may be described as follows:

- rise in stories - BCA part C1.2**
The building has a rise in stories of one
- effective height - BCA schedule 3 definitions**
The building has an effective height of zero, ie less than 2.5m
- type of construction required - BCA part A6, part C1.1 - table C1.1.1**
Class 7b building - Type 'C' construction. The building has been deemed 'un-conditioned'
- climate zone - BCA schedule 3 definitions**
The building is located within climate zone 4

proposed area of works
46 Wee Waa st, Walgett NSW
lot 38 DP 610725



PROPOSED STORAGE SHED

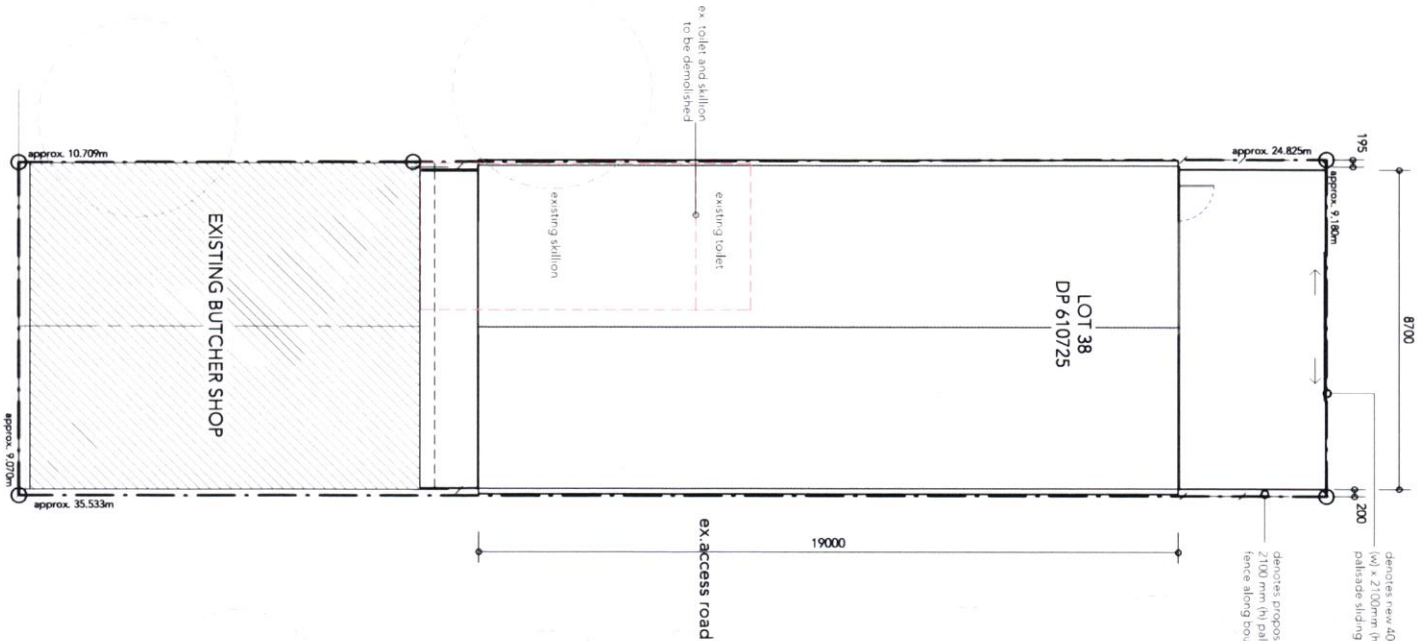
46 WEE WAA STREET, WALGETT NSW 2832



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generalenquiry@barnson.com.au
www.barnson.com.au
softhurd | dubbo | mudgee | sydney | townsworth

Client: Yeomans engineering
Project: PROPOSED STORAGE SHED @ 46 WEE WAA STREET, WALGETT
NSW 2832
Title: COVER SHEET
Drawing Number: 33940 - A00

Revision
C



- weewda street -

ex. on-street parking



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legend:



site notes:

general

This plan is prepared from a combination of field survey & existing records for the purpose of designing new constructions on the land & should not be used for any other purpose. The title boundaries as shown hereon were not marked at the time of survey & have been determined by plan dimensions only & not by field survey.

Services shown hereon have been located where possible by field survey. If not able to be so located services have been plotted from the records of relevant authorities where available & have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.

Contractors must verify all dimensions & existing levels on site prior to commencement of work.

Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services & detailed locations of all services, including:

- notify a G.U.L.
- obtain a copy of sewer document regarding working in the vicinity of telstra plant
- verify co-axial/optic fibre cable location

Subsequent registered or other surveys in this area may affect the boundary definition shown on this plan. Any differences so caused to the boundary definition shown on this plan are beyond the control of Barnson Pty Ltd who can accept no responsibility for such differences.

All work to be undertaken in accordance with the details shown on the drawings, the specifications & the directions of the superintendent. Contractors must verify all dimensions & existing levels on site prior to commencement of work.

Where new works about existing the contractor shall ensure that a smooth even profile free from abrupt changes is obtained.

The contractor shall arrange all survey setout to be carried out by a registered surveyor.

drainage

Stormwater shall be prevented from entering downways & other openings in buildings. Where there are lower than adjacent ground surfaces, graded drains shall be designed & placed across lamps or entrances to intercept any flow which would otherwise drain into the building in accordance with AS/NZS 3500.3, PS 314 - Stormwater drainage.

Site drainage is to be constructed according to AS/NZS 3500.3 - Stormwater drainage.

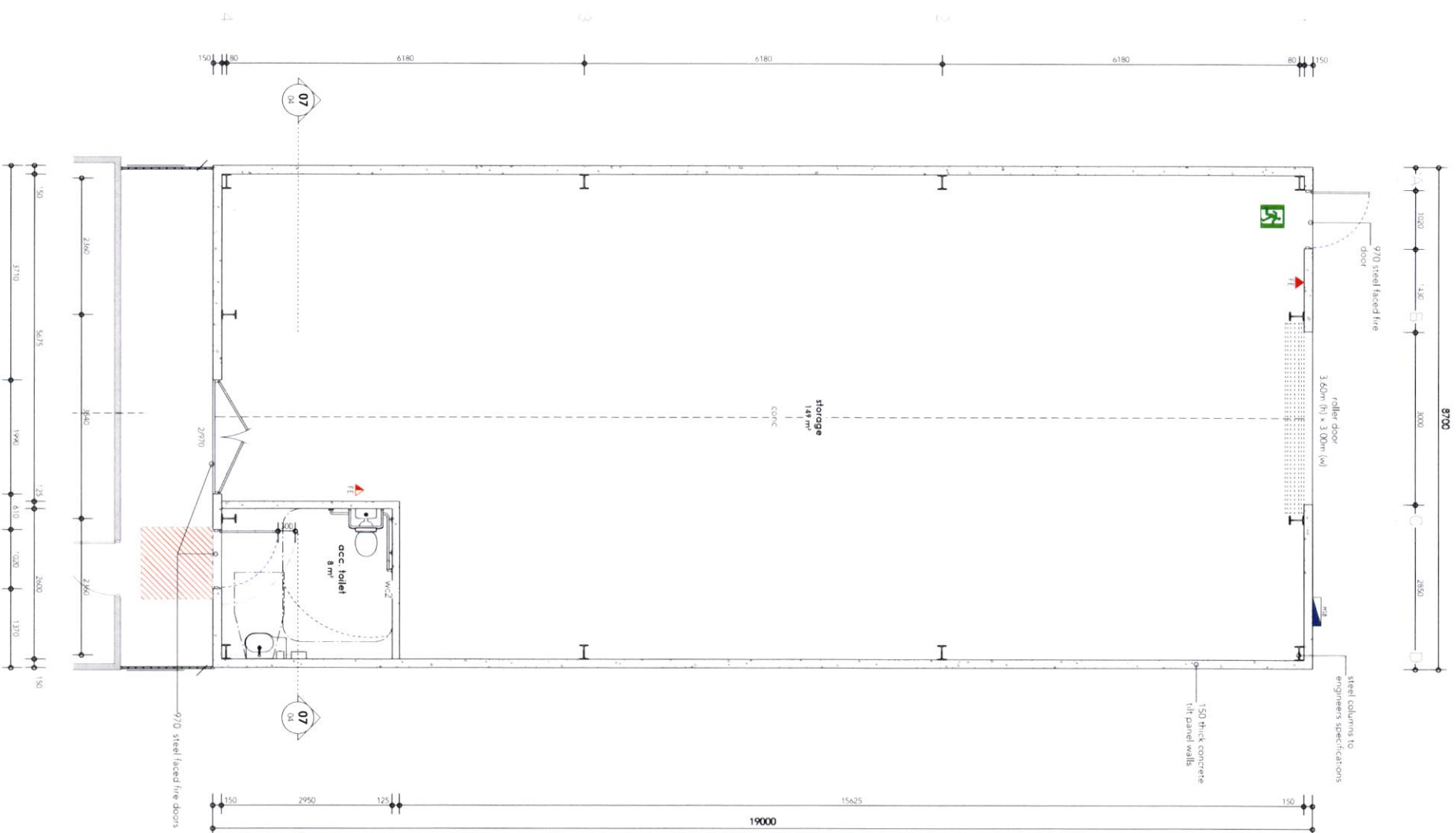
The contractor shall provide all temporary diversion drains & records to ensure that at all times exposed surfaces are free draining & where necessary excavate sumps & provide pumping equipment to drain exposed areas.

Client: Yeomans engineering
Project: PROPOSED STORAGE SHED @ 46 WEE WAA STREET, WALGETT NSW 2832
Drawing Title: SITE PLAN

Rev	Date	Amendment
A	30.06.2020	PRELIMINARY
B	22.06.2020	CLIENT MODIFICATIONS
C	24.07.2020	ISSUED FOR APPROVAL

Design: KG
Drawn: MK
Check: KG
Sheet: 02 of 05
Drawing Number: 33940-A01
Revision: C

ISSUED FOR DA



barnson

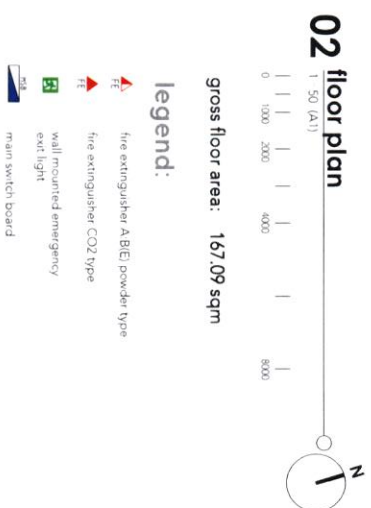
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH GENERAL BUILDING DRAWINGS SPECIFICATIONS & OTHER CONSULTANTS DRAWINGS APPLICABLE TO THIS PROJECT. ALL DIMENSIONS IN MILLIMETRES DO NOT SCALE DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. REPORT DISCREPANCIES TO BARNSON PTY LTD. NO PART OF THIS DRAWING MAY BE REPRODUCED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF BARNSON PTY LTD.

Client: Yeomans engineering
Project: PROPOSED STORAGE SHED @ 46 WEE WAA STREET, WALGETT NSW 2832
Drawing Title: FLOOR PLAN

Rev	Date	Amendment
A	30.06.2020	PRELIMINARY
B	22.06.2020	CLIENT MODIFICATIONS
C	24.07.2020	ISSUED FOR APPROVAL

Design	Drawn	Check
KG	MK	KG
Sheet 03 of 05		
Drawing Number	Revision	

ISSUED FOR DATA



fire notes:

fire safety measures

Essential fire safety measures as shown on adjacent plan are as follows:

- 1
Fire extinguisher type powder (bottle) - 1
- 1
Fire extinguisher CO2 type

fire resistances

Possible fire extinguishers and fire blankets to cover class are fire risk to be provided in accordance with Table E.1 of BS EN 1865:2019; 3 selected locations are distributed in accordance with sections 1, 2, 3 & 4 of AS2244.

For all portable extinguisher types AS2244:2001 allows higher mounting if the units are likely to be dologged - refer to the BCA Vol 1 2019 & AS2244:2001 for details.

Fire extinguishers & fire blankets shall be clearly identified with the appropriate location sign as per AS2244:2001.

During construction, not less than one fire extinguisher to suit class A, B or C/Class is required to be located adjacent to each exit in accordance with the BCA Vol 1 Part E 19

fire hazard properties

New floor material & coverings to have a max. Circular radiant flux to comply with Table 1 of Specification CI 10a of the BCA Vol 1 2019 that also have a max. CI 10b of the BCA Vol 1 2019. Specified materials are to be confirmed with manufacturer for compliance in this regard.

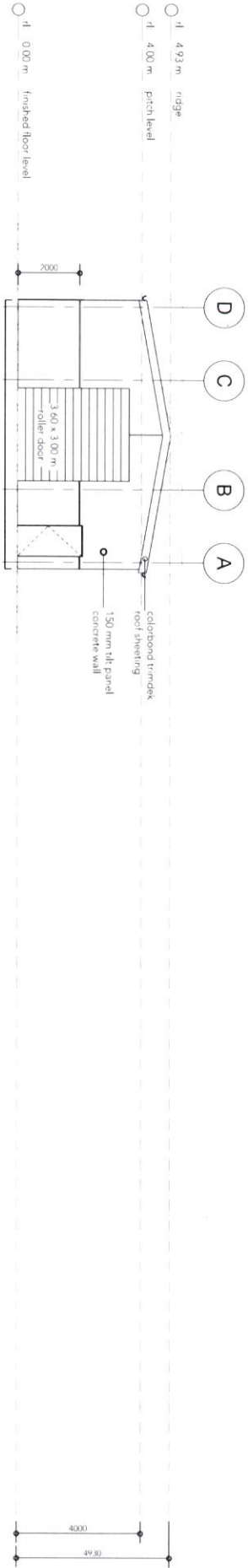
New wall & ceiling lining materials are to comply with Table 2 of Specification CI 10a of the BCA Vol 1 2019.

New materials & assemblies other than floor materials, floor coverings & wall & ceiling linings are to comply with the fire hazard properties as specified in Part CI 10 of the BCA Vol 1, 2019

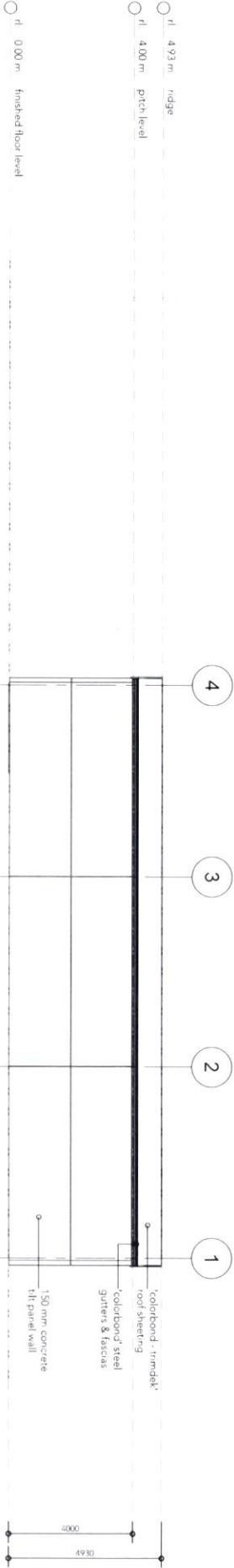
emergency lighting

Emergency lighting to be installed along the path of travel to the exits of the building in accordance with Part E2.2 of the BCA Vol 1

Illustrated exit signs must comply with AS2929:2005 or for a photoluminescent exit sign Specification E4.8 of the BCA Vol 1 & be clearly visible at all times when the building is occupied by any person having the right of legal entry to the building.



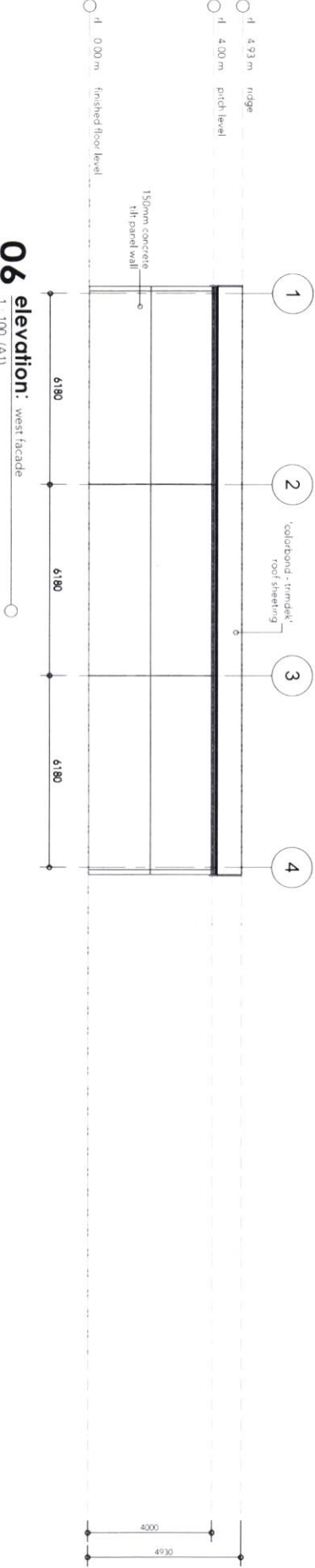
03 elevation: north facade
1:100 (A1)
0 1000 2000 4000 6000 8000



04 elevation: east facade
1:100 (A1)



05 elevation: south facade
1:100 (A1)



06 elevation: west facade
1:100 (A1)

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Bathurst | Dubbo | Mudgee | Sydney | Tamworth

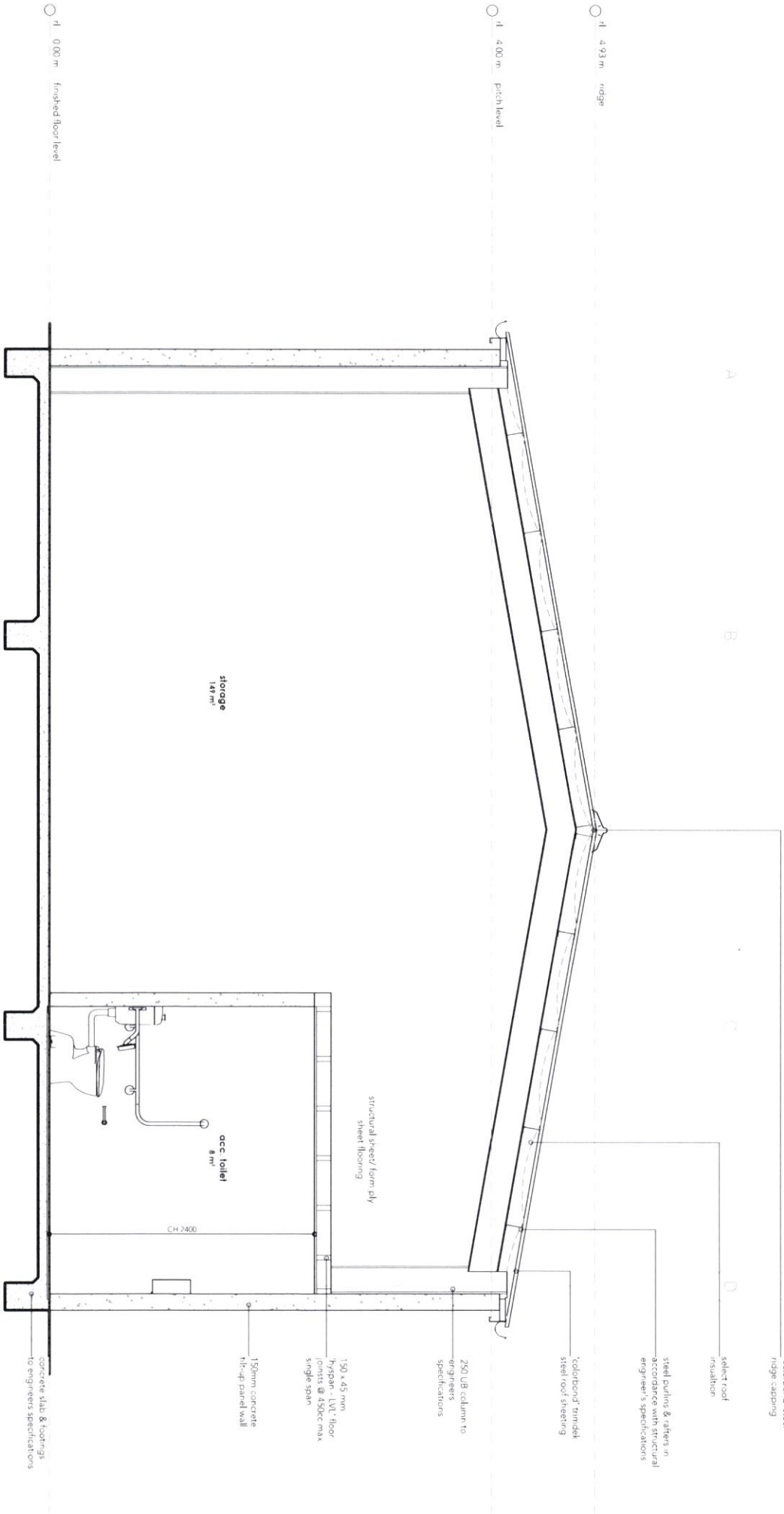
THIS DRAWING IS TO BE READ IN CONJUNCTION
WITH GENERAL BUILDING DRAWINGS
SPECIFICATIONS & OTHER CONSULTANTS
DRAWINGS APPLICABLE TO THIS PROJECT. ALL
DIMENSIONS TO BE CHECKED ON SITE BEFORE
COMMENCEMENT OF WORK. REPORT
DISCREPANCIES TO BARNSON PTY LTD
IN ANY WAY WITHOUT THE WRITTEN PERMISSION
OF BARNSON PTY LTD
Client: **Yeomans engineering**
Project: **PROPOSED STORAGE SHED @ 46 WEE WAA
STREET, WALGETT NSW 2832**
Drawing Title: **ELEVATIONS**

Rev	Date	Amendment
A	30.06.2020	PRELIMINARY
B	22.06.2020	CLIENT MODIFICATIONS
C	24.07.2020	ISSUED FOR APPROVAL

Design: **KG** Drawn: **MK** Check: **KG**
Sheet: **04** of **05**
Drawing Number: **33940-A03** Revision: **C**

ISSUED FOR DA





07 section: store section

1 25 (A1)

0 750 500 1000 2000

Development Assessment Report

DA Number: DA2020/14 **Council:** Walgett
Location: 46 Wee Waa Street, Walgett
Development Description: Demolition of skillion & toilet, and construction of storage shed.
Title Details: Lot 38 DP 610725

Proposal Overview

The proposed development is for the construction of a storage shed on Lot 38 DP 610725, known as 46 Wee Waa Street, Walgett. The shed shall be used to provide additional storage for a local business known as Bi-Rite Home Appliances.

The subject application includes the following main attributes:

- Construction of a new shed with provision for one internal disabled amenities to be shared between the proposed shed and existing tenancy at the front. The shed shall be used for the storage of equipment, materials and appliances to assist with ongoing operations of Bi-Rite Home Appliances;
- The shed shall be constructed on a concrete slab with concrete tilt panels and colorbond roofing. Steel framing for the roof structure shall be used. The shed shall have a footprint of approximately 158m²;
- New 2.1m high fencing shall be established with a 4m wide gate to the rear of the property. This shall provide access for vehicles to load/unload materials into the storage shed. Given the proposed storage use, no onsite carparking is considered necessary other than within the shed to load and unload;
- All stormwater shall be directed into the existing stormwater disposal system;
- Erosion and sediment control measures will be undertaken to ensure sediment is contained within the site and to protect stormwater quality; and
- The front tenancy facing Wee Waa Street shall remain unchanged.

Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It is assumed this has been checked by Council administration staff at lodgement. Investigation is being carried out as to the reserve status of the carpark.
Title Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check Ownership	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

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 96 amendment? Yes ☐ No ☒

Concurrence/Referral

Section 4.13 – EP & A Act

- Does this application require concurrence referral? Yes ☐ No ☒
- Does this application require courtesy comment? Yes ☐ No ☒
- Does this application require referral for decision by Council? Yes ☒ No ☐

Local Environmental Plan

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

This land is zoned: B2 Local Centre

Development as per Standard This development is considered to be a depot and is permissible within the zone.

Definitions:

<u>List the relevant clause/clauses applicable under the LEP</u>		
Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
2.7	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Demolition required consent – this is the part of the purpose of the DA
4.3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Height of Buildings – is under the 10m maximum (4.928m)
6.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Earthworks - The proposed civil works shall consider drainage patterns, soil stability and the like. Appropriate erosion and sediment controls will be undertaken on the site during development works to prevent or reduce any soil erosion that may occur on the site and surrounds.
6.6	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The site is connected to existing reticulated water supply, sewerage, electricity, and stormwater management mechanisms. The new development shall be connected to all of these services, with upgrades provided where necessary. Vehicular access is gained to the rear of the site via Council owned land (Lot 39 DP 610724 and Lot 105 DP 878481 Lot 105 is a large public carpark. Vehicles access the rear of the site shall utilise these Council owned lots to pick up and drop off materials for storage.

Is there a draft LEP or draft LEP amendment which may affect this proposal?

Yes ☐ No ☒

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

Yes ☐ No ☒

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 ☐

<u>List the relevant clause/clauses under the applicable DCP</u>			
Chapter	Clause	Compliance	Comment
4	4.9.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Setbacks
	4.9.3	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Outdoor lighting – No outdoor lighting is proposed as part of this application, other than a small directional light. This light will only be used for emergency purposes and during periods where light is required for the lodging/unloading of materials. They shall comply with AS4282 and will be switched off when not in use.
	4.9.4	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Signage – no signage detail has been provided, therefore this will need conditioning.
	4.9.5	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Design – Dies not comply with: <ul style="list-style-type: none"> Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.

			<ul style="list-style-type: none"> Large expansive walls not permitted unless abutting a building on an adjoining allotment.
	4.9.7	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>All services are available.</p> <p>The site is connected to existing water, sewer, electricity and stormwater services. The services connected to the existing toilet (to be demolished) shall be removed and relocated to service the new development. The services connected to the existing commercial building on the site shall be protected.</p>
	4.9.9	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Traffic and access – all vehicles cannot enter and exit in a forward direction, and loading and unloading bays are within the shed. See engineering comment.</p> <p>It is proposed that:</p> <p>Vehicular access is gained to the rear of the site via Council owned land (Lot 39 DP 610724 and Lot 105 DP 878481. Lot 105 is a large public carpark. Vehicles can enter the public carpark via the access way off Wee Waa Street, or via Neilly Street into the existing public carpark. The proposed arrangement generally satisfies this criteria in that:</p> <p>Vehicles will be able to enter into the proposed new building via the rear public carpark to load/unload items. Vehicles will then reverse out into the carpark and exit via Wee Waa Street or Neilly Street, Given the minimal traffic flow along this carpark, this arrangement is considered suitable for the proposed use;</p>
	4.9.10	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>There is no onsite parking – bulky goods parking require 45m²/gross floor area. The gross floor area is 165.3m², therefore 4 onsite car parking spaces would be required.</p> <p>There shall be no customers or employees that would frequently visit the site as it shall be used for storage purposes only. The business shall access the site intermittently to drop off and pick up supplies, however these trips are considered to be infrequent and limited to one vehicle per trip</p>
	4.9.12	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Landscaping – no landscaping has been provided, instead the rear of the shed will be a concrete hard stand area..</p>

Comment: A Variation request has been made:

Given the expansive concrete tilt panel walls, the proposed development is inconsistent with the provisions of the DCP, particularly with regard to the following;

- ✓ *Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.*
- ✓ *Large expansive walls not permitted unless abutting a building on an adjoining allotment.*

The development is non-compliant with the above provisions of the DCP However considering the nature of the development, a departure request is sought and considered justified in that:

- *Concrete tilt panels have been specifically chosen as a building material for security purposes. As the proposed shed shall be used for storage purposes only, secure and safe storage of items of high important, along with reducing vandalism for the site, Windows have not been introduced as this would compromise the security of the building;*
- *The bulk and scale of the development is not significant;*
- *The proposed new building is located to the rear of the site and the existing butchers shop building provides for a visual buffer between the streetscape and the new building. The new building is setback approximately 11m from the boundary facing Wee Waa*

Street and existing vegetation located on the neighbouring property to the east adds to visually concealing the proposed development from the street scape;

- The subject site and general locality has a commercial feel being centrally located in Walgett and by having large expansive carparking areas within proximity, In its context, the development is not expected to be antipathetic to the locality;
- The development will not block any views or vistas, nor would it create any negative views for adjoining properties;
- Concrete has become a material widely used by designers by turning a building's structural elements into an artistic statement. Visual concrete, and in this case the proposed concrete walls, provide a winning combination between aesthetic ambition and simple practicality in design. The concrete provides a robust, low maintenance finish and adequate security for the proponent.

Is there a draft DCP which may affect this proposal?

Yes ☐ No ☒

Regional Environmental Plan

There is no REP applicable to this area.

State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes ☒ No ☐

List all relevant SEPPs

SEPP	Compliance	Comment
SEPP 19 — Bushland in Urban Areas	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	The SEPP aims to protect and preserve bushland within the urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.
SEPP 21 – Caravan Parks	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	The SEPP ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted.
SEPP 33 — Hazardous and Offensive Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	The SEPP provides considerations for consent for hazardous & offensive development.
SEPP 36 – Manufactured Homes Estates	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	The SEPP helps establish well-designed and properly serviced manufactured home estates in suitable locations.
SEPP 44 — Koala Habitat Protection	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	This SEPP applies to land across NSW that is greater than one (1) hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.
SEPP 47 – Moore Park Showground	Not Applicable <input checked="" type="checkbox"/>	Applies to the land shown edged heavy black on the map marked "Moore Park Showground Amendment No 1."
SEPP 50 Canal Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	This SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.
SEPP 55 — Remediation of Land	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.

Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	This SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works. It is considered that there have been no prior contaminating land uses and the site is suitable for the proposed use.
SEPP 64 — Advertising and Signage	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.</i>
SEPP 65 — Design Quality of Residential Flat Development	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>
SEPP 70 – Affordable Housing (Revised Schemes)	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies that there is a need for affordable housing across the whole of the State and describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.</i>
Aboriginal Land 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and declares specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i>
Affordable Rental Housing 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.</i>
Building Sustainability Index: BASIX 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
Coastal Management 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP promotes an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.</i>
Concurrences 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
Educational Establishments and Child Care Facilities 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the effective delivery of educational establishments and early education and care facilities across the state.</i>
Exempt and Complying Development Codes 2008	Not Applicable <input checked="" type="checkbox"/> 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 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>
Gosford City Centre 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>

Housing for Seniors or People with a Disability 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.</i>
Infrastructure 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.</i>
Kosciuszko National Park – Alpine Resorts 2007	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to part of Kosciuszko national park, and to Kosciuszko Road and the Alpine Way. The part of Kosciuszko Park to which the policy applies is the land described as the ski resort area in Part 8A of Schedule 6 to the Act.</i>
Kurnell Peninsula 1989	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways.</i>
Mining, Petroleum Production & Extractive Industries 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.</i>
Miscellaneous Consent Provisions 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<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>
Penrith Lakes Scheme 1989	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to the land shown edged heavy black on the structure plan relating to Penrith Lakes.</i>
Primary Production and Rural Development 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the orderly economic use and development of lands for primary production; reduce land use conflict and sterilisation of rural land.</i>
State and Regional Development 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.</i>
State Significant Precincts 2005	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates 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, and facilitates 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>
Sydney Drinking Water Catchment 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for healthy water catchments that will deliver high quality water while permitting compatible development.</i>
Sydney Region Growth Centres 2006	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP co-ordinates the release of land for residential, employment and other urban development in the Orth West Growth Centre, the South West Growth Centre and the Wilton Growth Area.</i>
Three Ports 2013	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP provides a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle</i>
Urban Renewal 2010	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP establishes the process for assessing and identifying sites as urban renewal precincts, and facilitates the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</i>

Vegetation in Non-Rural Areas 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserves the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
Western Sydney Employment Area 2009	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP protects and enhances the land known as the Western Sydney Employment Area for employment purposes.</i>
Western Sydney Parklands 2009	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP puts in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney.</i>

List all relevant Draft SEPPs

SEPP	Compliance	Comment
SEPP 44 – Koala Habitat Protection	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The key changes in the proposed amended SEPP relate to the definitions of koala habitat, list of tree species, list of councils, and development assessment process.</i>
SEPP 55 — Remediation of Land	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The proposed SEPP will provide a state-wide planning framework for the remediation of land; require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly list the remediation works that require development consent; and introduce certification and operational requirements for remediation works that can be undertaken without development consent.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
SEPP - Environment	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<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> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> • <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> • <i>State Environmental Planning Policy No. 50 – Canal Estate Development</i> • <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i> • <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i> • <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> • <i>Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i>

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? Yes ☐ No ☒

Has a Planning Agreement been offered under this development? Yes ☐ No ☒

Planning Strategies/Local Policy

Is there a Planning Strategy or Local Policy that requires notation? Yes ☐ No ☒

Has the applicant submitted any supporting planning assessments?

Yes ☒ No ☐

Comment: Statement of Environmental Effects – Barnson 27.7.2020

Subdivision

Is this application for subdivision?

Yes ☐ No ☒

Environmental Impacts

Section 4.15(1)(b) – EP & A Act

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 checked="" type="checkbox"/>	
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Noise	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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"/>	

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 ☒

Heritage	Impact	Comment
European	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Aboriginal	Yes <input type="checkbox"/> No <input type="checkbox"/>	An Aboriginal Heritage Information Management System (AHIMS) search was carried for the land including a 50 metre buffer. No sites are recorded or places declared either on the land or within the 50 metre buffer. See Attachment.

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 ☒

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 ☒
- Has a Heritage Impact Statement been prepared for this proposal? Yes ☐ No ☒
- Has an Archaeological Survey been prepared for this proposal? Yes ☐ No ☒

Flooding

Section 4.15(1)(b) – EP & A Act

- Is this property flood affected? Yes ☐ No ☒

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? Yes ☐ No ☒

Contaminated Land

Section 4.15(1)(b) – EP & A Act

- Has this land been identified as being contaminated land by Council? Yes ☐ No ☒
- Has a Contaminated Land Site Investigation been completed? Yes ☐ No ☒
- Is it a possibility this land may be contaminated? Yes ☐ No ☒
- Is this land in the close vicinity or adjoining a known contaminated site? Yes ☐ No ☒

Infrastructure

Section 4.15(1)(b) – EP & A Act

- Is an engineering assessment required? Yes ☒ No ☐
- Has an engineering assessment been completed? Yes ☒ No ☐
- Who completed the Engineering Assessment?
- Engineering Department ☒ Assessing Officer ☐ Other ☐

Comment: Raju Ranjit – Email 12.9.2020

I have gone through the plan. I am bit concerns on foot traffic in Wee Waa Street. There will be more vehicle movements via Wee Waa Street to Council owned car park behind the proposed site. There is poor sight distance at the stop point of the access via Wee Waa Street and is required to install an outdoor convex mirror at the applicant's cost.

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 type="checkbox"/>	A formal agreement needs to be reached between the property owner and Council in regards to accessing the land from the carpark. This is to include maintenance.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	There is poor sight distance at the stop point of the access via Wee Waa Street and is required to install an outdoor convex mirror at the applicant's cost.
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Parking	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This will be undertaken in the Council carpark area.
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Does the development require any new easements?

Yes ☒ No ☐

Comment: Access and it should also include a maintenance provision.

Has an Erosion and Soil Control Plan been submitted?

Yes ☐ No ☒

Construction Assessment

Is a Construction Certificate Required?

Yes ☐ No ☐

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 ☒

Section 68 Assessment

Is a section 68 assessment required?

Yes ☒ No ☐

Has a section 68 assessment been completed?

Yes ☐ No ☒

Was a section 68 application submitted with this application?

Yes ☐ No ☒

What type of waste system is required?

Stormwater, water & sewer

Does this system require connection to a Council maintained system?

Yes ☐ No ☒

Developer Contributions

Does this proposal require any Developer Contribution?

Yes ☐ No ☒

Signage

Does this proposal require signage?

Yes ☐ No ☒

Has this application included signage?

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 this application notified/advertised as per the provisions of?

Yes ☒ No ☐

☐ EP& A Act ☐ LEP ☒ CCP

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

Yes ☐ No ☒

Dates Notification Undertaken

Commenced 6.8.2020

Finished

19.8.2020

Were there any written submissions received?

Yes ☐ No ☒

Section 88b Instrument

Yes ☒ No ☐

Does Council require a Section 88b instrument to be prepared?

Comment: For access and maintenance within the Council carpark.

Public Interest

Yes ☐ No ☒

Does this proposal have any construction or safety issues?

Yes ☐ No ☒

Is there any public health issues?

Yes ☐ No ☒

Are there any other public interest issues?

Site Suitability

Section 4.15(1)(c) – EP & A Act

Yes ☐ No ☐

Is this a suitable site for this development?

Comment: There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

Assessing Officer General Comment

Comment: There are no outstanding issues that cannot 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)

1. 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

2. 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.
3. 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.
4. A separate development application is to be submitted for any future signage, except a business identification sign.
5. All external lightning is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.
6. The following procedures and the risk management procedures for the demolition apply:
 - a) Demolition will comply with the relevant requirements of WorkCover NSW, the Occupational Health and Safety Act and Australian Standard A.S.2601-20011 the Demolition of Structures".
 - b) Sewer and stormwater will be capped off at ground level to prevent any ingress of water and debris into the sewerage and stormwater system.
 - c) Water supply will be isolated at Council's water meter will be protected and left in place.

- d) All waste materials will be recycled where possible.
- e) All hazardous materials shall be removed from the site and disposed of at an approved waste disposal facility (Lightning Ridge Landfill) in accordance with the requirements of the relevant legislation, codes, standards and guidelines prior to demolition commencing. Details of compliance, namely the method of containment and control of emission of fibres to the air shall be submitted to Council prior to the removal of any hazardous material.

Asbestos material will be removed in accordance with all relevant legislation, including the Department of Health "Code of Practice" for the Safe Removal of Asbestos 2nd Edition (NOHSC: 2002 (2005)) and the Code of Practice for the Management and Control of Asbestos in Workplaces (NOHSC:2018 (2005)).

- 7. A right of carriageway is to be created over Lot 1 DP878481 for access to Lot 38 DP 610725. This is to include a suitable maintenance clause for all damage caused by vehicular traffic to the site. The preparation of this is to be at the cost of the developer.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

- 8. A Construction Certificate must be obtained, in accordance with cl.146 of the Environmental Planning and Assessment Regulation 2000, before work commences.
- 9. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent. Should Council be appointed the Principal Certifying Authority, the applicant must give at least 2 days' notice to enable inspections to be undertaken.
- 10. 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.

- 11. 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.
- 12. Approval to carry out work on the carpark must be obtained, in accordance with section 138 of the Roads Act 1993, before works commence.
- 13. Approval to carry out water, sewer and stormwater work must be obtained, in accordance with section 138 of the Local Government Act 1993, before works commence.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

- 14. 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.
- 15. 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.
- 16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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 2005.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.
22. 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 Environment, Climate Change & Water and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING

23. Occupancy of the building is not to take place until the Principal Certifying Authority (PCA) has carried out a final inspection and an Occupation Certificate issued. All required trade certifications are to be available to the PCA before the final inspection will be carried out.

Please Note: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).

24. At the completion of the works, the work site must be left clear of waste and debris.
25. A convex sight mirror is to be installed to improve the sight distance from Wee Waa Street. This is to be installed at a location approved by Council's Director of Engineering and Technical Services, at the applicant's expense.

CONDITIONS RELATING TO ONGOING OPERATIONS

26. 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*).

COUNCIL ADVICE ONLY

27. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.

28. 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 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.
29. 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.

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. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, 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

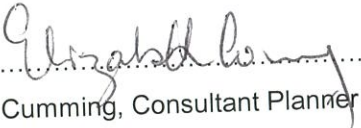
I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

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

Yes ☒ No ☐

Additional Notes Attached

- Aboriginal Heritage Information Management Search

Signed: 
 Elizabeth Cumming, Consultant Planner
 Date: 15 September 2020

Signed: 
 Jessica McDonald, Director Environmental Services
 Date: 15 September 2020

Date: 16 September 2020

Elizabeth Cumming
 7 Vernon Street
 Inverell New South Wales 2360
 Attention: Elizabeth Cumming
 Email: newwplanningservices@outlook.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 38, DP:DP610725 with a Buffer of 50 meters,
 conducted by Elizabeth Cumming on 16 September 2020.**

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 the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information
 Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

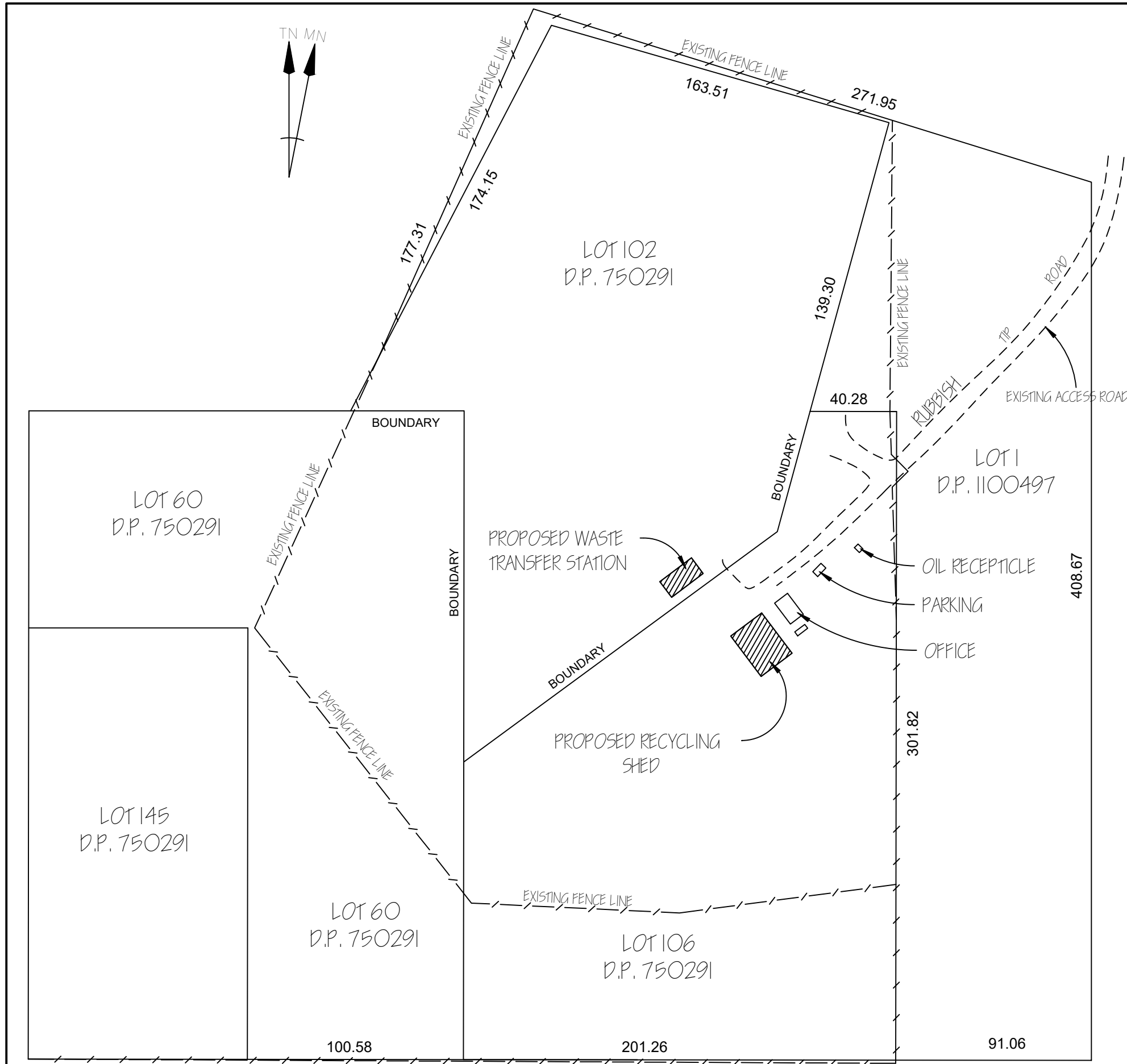
If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

**DEVELOPMENT
APPLICATION 2020/15 –
RECYCLING STORAGE
SHED, TOILET BLOCK &
WASTE TRANSFER
STATION – 1 RUBBISH TIP
ROAD, WALGETT**



LOCALITY PLAN 1:2000

**STRUCTURAL DESIGN MINIMUM REQUIREMENTS
FOR PROPOSED RECYCLING SHED**

- ALL MATERIALS AND WORKMANSHIP TO COMPLY WITH THE RELEVANT AUSTRALIAN STANDARDS AND APPLICABLE BUILDING REGULATIONS.
- THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION DURING ERECTION AND NO PART SHALL BE OVERSTRESSED. TEMPORARY ROOF AND/OR WALL BRACING MAY BE REQUIRED DURING CONSTRUCTION.
- OVERALL SIZE AND CONFIGURATION TO BE AS SHOWN ON ALAN TAYLOR & ASSOCIATES DRAWINGS **219 4806-A1 TO A5 05.03.20** ISSUE. NOTE: NO INTERNAL COLUMNS.
- SHED STRUCTURE TO BE DESIGNED TO BCA IMPORTANCE LEVEL 2 – TABLE B1.2A AND STRUCTURAL PROVISIONS BP 1.1 & BP 1.2, NATIONAL CONSTRUCTION CODE 2019, VOLUME 1.
- SHED STRUCTURE TO BE DESIGNED TO RESIST AN ULTIMATE LIMIT STATE DESIGN WIND SPEED OF 41 M/S.
- ALL LOADING TO BE IN COMPLIANCE WITH AS 1170.0, AS 1170.1, AS 1170.2, AS 1170.3 & AS 1170.4. ACTUAL EXPECTED LOADS TO BE DETERMINED BY SHED SUPPLIER BY DIRECT LIAISON WITH WALGETT SHIRE COUNCIL.
- ALL FRAMING TO BE STEEL IN COMPLIANCE WITH AS 4100 – 1998 'STEEL STRUCTURES' OR AS/NZS 4600 : 2018 'COLD FORMED STEEL STRUCTURES'

SELF DRILLING SCREWS

- QUALITY AND MECHANICAL PROPERTIES OF STRUCTURAL SCREWS MUST COMPLY WITH AS 3566.

HIGH TENSILE BOLTS

- ALL BOLTS TO BE HIGH TENSILE BOLTS IN COMPLIANCE WITH AS/NZS 1252:2016.

CLADDING

- ALL ROOF AND WALL CLADDING TO BE INSTALLED IN ACCORDANCE WITH AS 1562-2018 AND THE MANUFACTURER'S INSTRUCTIONS.
- ALL CLADDING TO HAVE 'COLORBOND' FINISH AND 0.42MM BMT MINIMUM THICKNESS. COLOUR SELECTION BY WALGETT SHIRE COUNCIL.

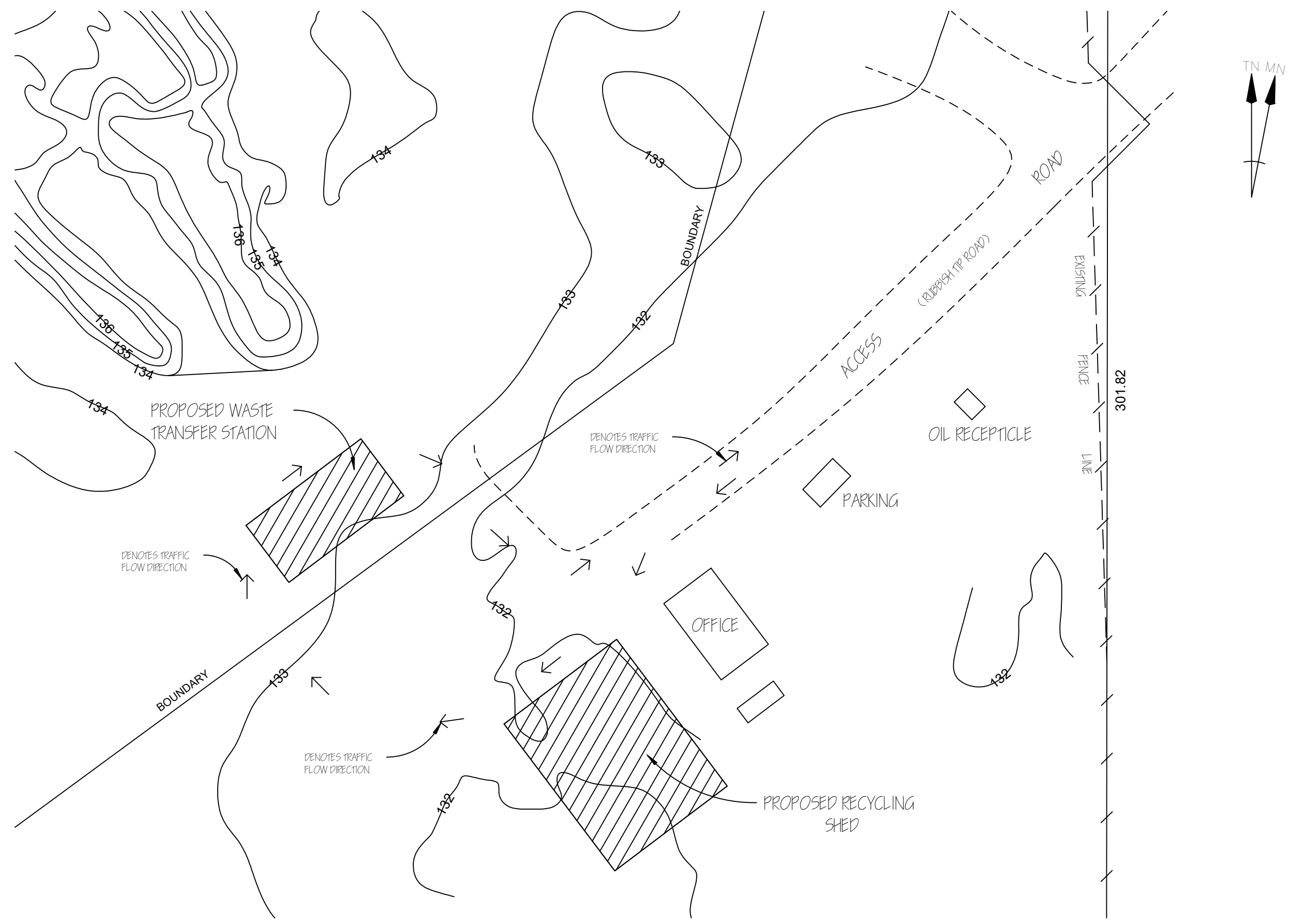
FOOTINGS AND SLAB

- STRIP AND REMOVE ALL TOPSOIL FROM THE SITE.
- ALL FOOTINGS TO BE FOUNDED ON NATURAL GROUND OF 100kPa SAFE ALLOWABLE BEARING CAPACITY, NO FOOTINGS TO BE FOUNDED ON FILL MATERIAL. BEARING CAPACITY TO BE VERIFIED BY COMPETENT PERSON.
- FLOOR SLABS TO BE PLACED ON 300MM MAXIMUM APPROVED GRANULAR FILL COMPACTED TO 98% STANDARD COMPACTION.

CONCRETE

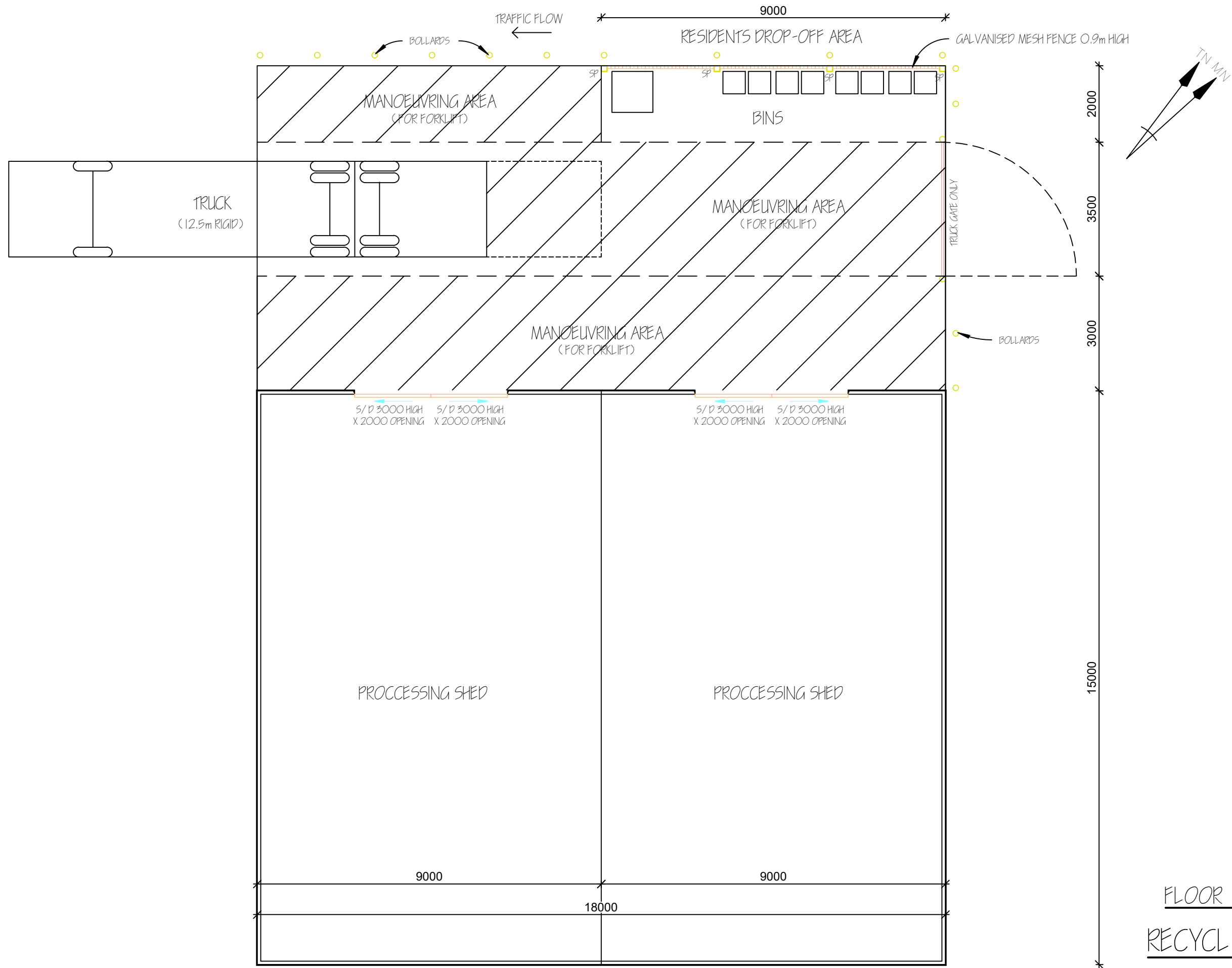
- ALL CONCRETE WORK TO BE IN ACCORDANCE WITH AS 3600.
- FOOTING/SLAB STRENGTH F'C 32MPA MINIMUM.
- SHRINKAGE LIMITED TYPE (SL CEMENT).
- MAXIMUM AGGREGATE SIZE 20MM.
- SLUMP 80MM.
- FLOOR SLABS TO BE CURED FOR 7 DAYS AFTER PLACEMENT BY MAINTAINING A CONTINUOUSLY WET SURFACE BY APPROVED METHODS.
- PROVIDE JOINTS IN FLOOR SLAB AS NECESSARY. ALL JOINTS MUST HAVE ADEQUATE SHEAR TRANSFER MECHANISM.

A	10.03.20	CT	CONSTRUCTION ISSUE	CLIENT: IMPACT ENVIRONMENTAL	ALAN TAYLOR AND ASSOCIATES CONSULTING CIVIL & STRUCTURAL ENGINEERS 453 OCEAN DRIVE, LAURIETON, N.S.W 2443 TELEPHONE: (02) 6559 8288 E: office@alantaylor.com.au	WALGETT WASTE MANAGEMENT CENTRE, WALGETT PROPOSED RECYCLING CENTRE & WASTE TRANSFER STATION	REFERENCE: 219 4806	
				CHECKED			DWG. A1	REVISION: A
REV	DATE	BY	DESCRIPTION				DATE: 05.03.20	SCALE: 1:2000 @ A3
							DESIGNED: CT	DRAWN: SW



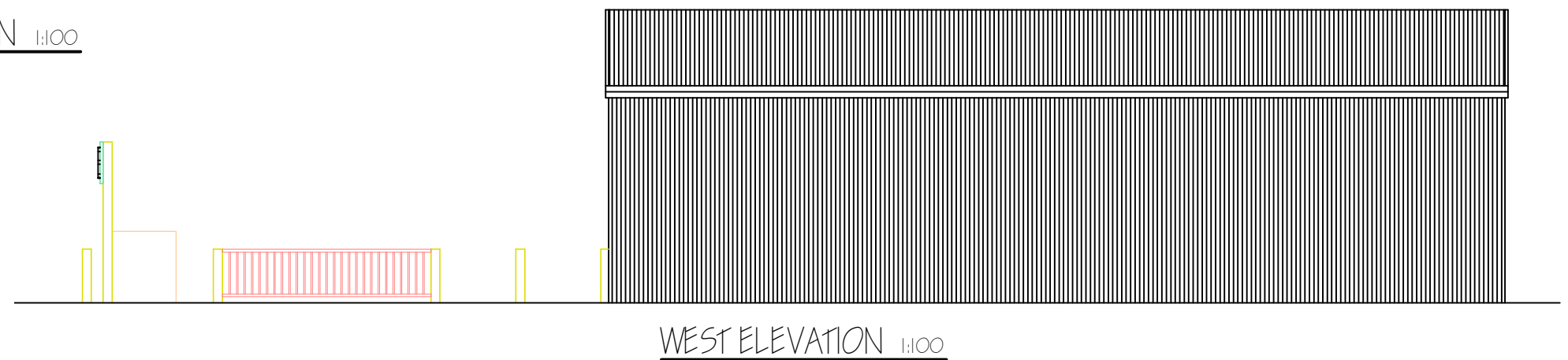
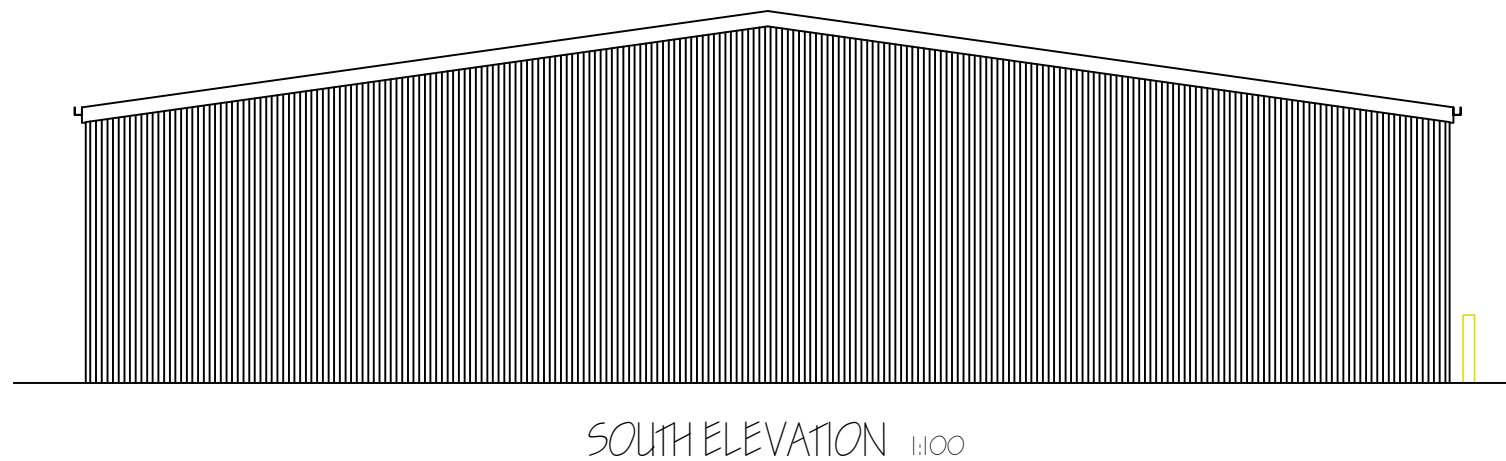
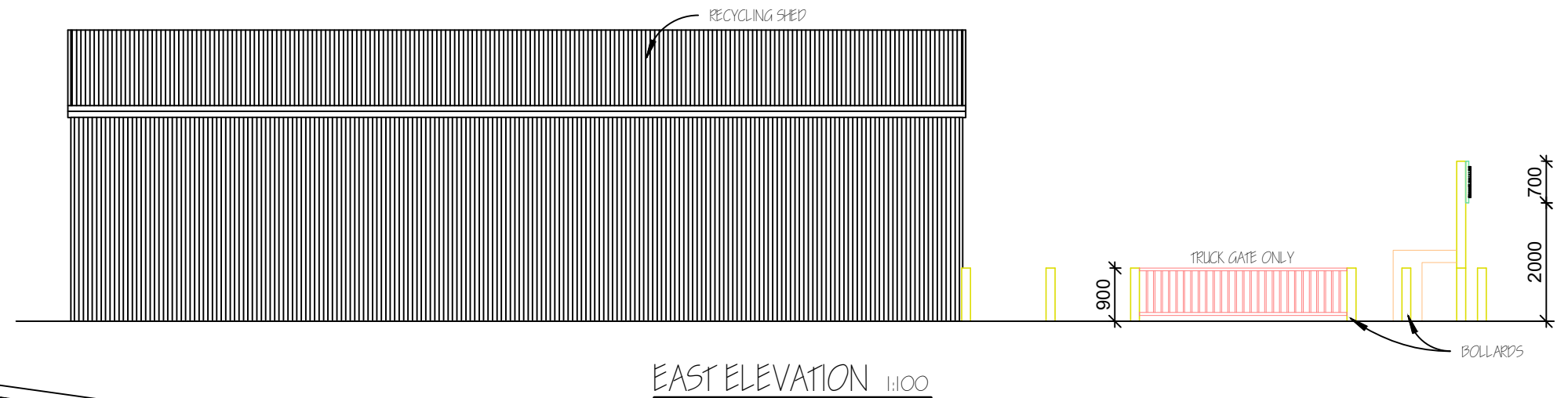
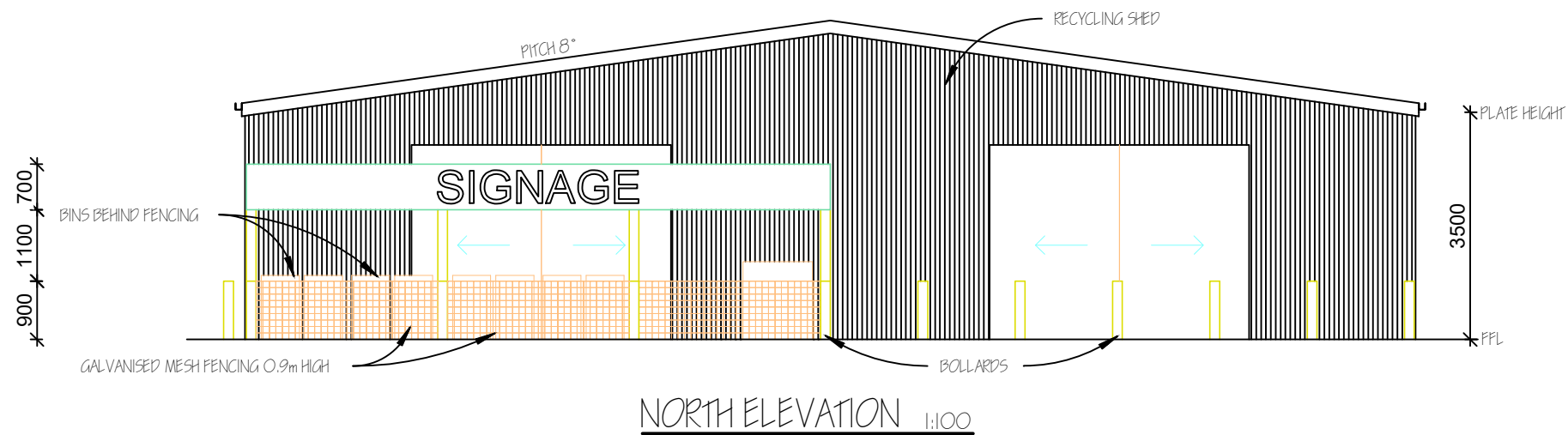
PART SITE PLAN 1:500


A	10.03.20	CT	CONSTRUCTION ISSUE	CLIENT: IMPACT ENVIRONMENTAL	 ALAN TAYLOR AND ASSOCIATES CONSULTING CIVIL & STRUCTURAL ENGINEERS 453 OCEAN DRIVE, LAURIETON, N.S.W 2443 TELEPHONE: (02) 6559 8288 E: office@alantaylor.com.au	WALGETT WASTE MANAGEMENT CENTRE, WALGETT PROPOSED RECYCLING CENTRE & WASTE TRANSFER STATION	REFERENCE: 219 4806	
				CHECKED 			DWG. A2	REVISION: A
REV	DATE	BY	DESCRIPTION				DATE: 05.03.20	SCALE: 1:500 @ A3
							DESIGNED: CT	DRAWN: SW

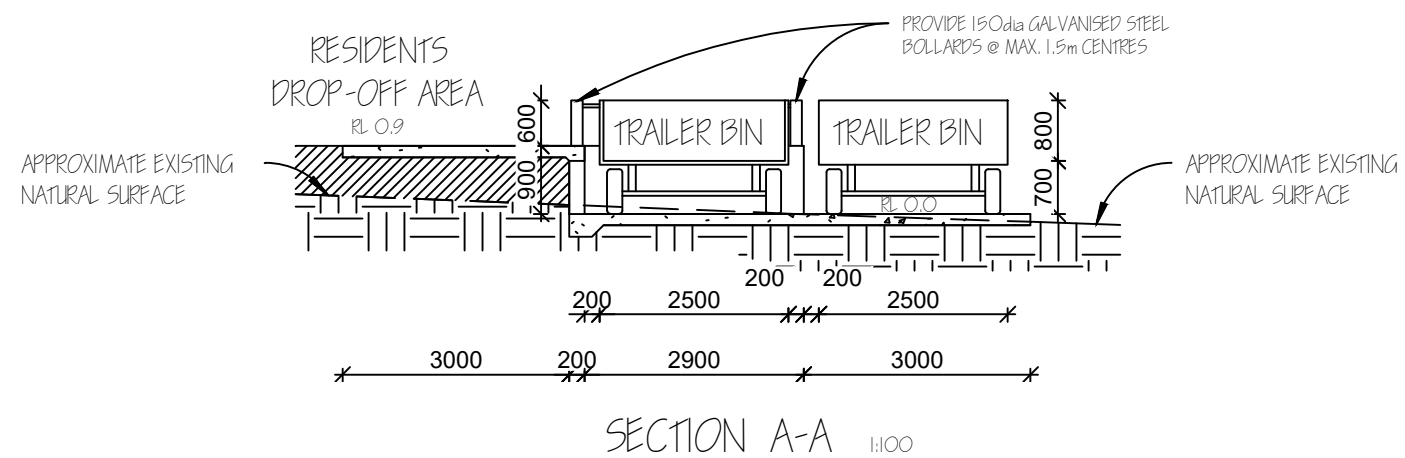
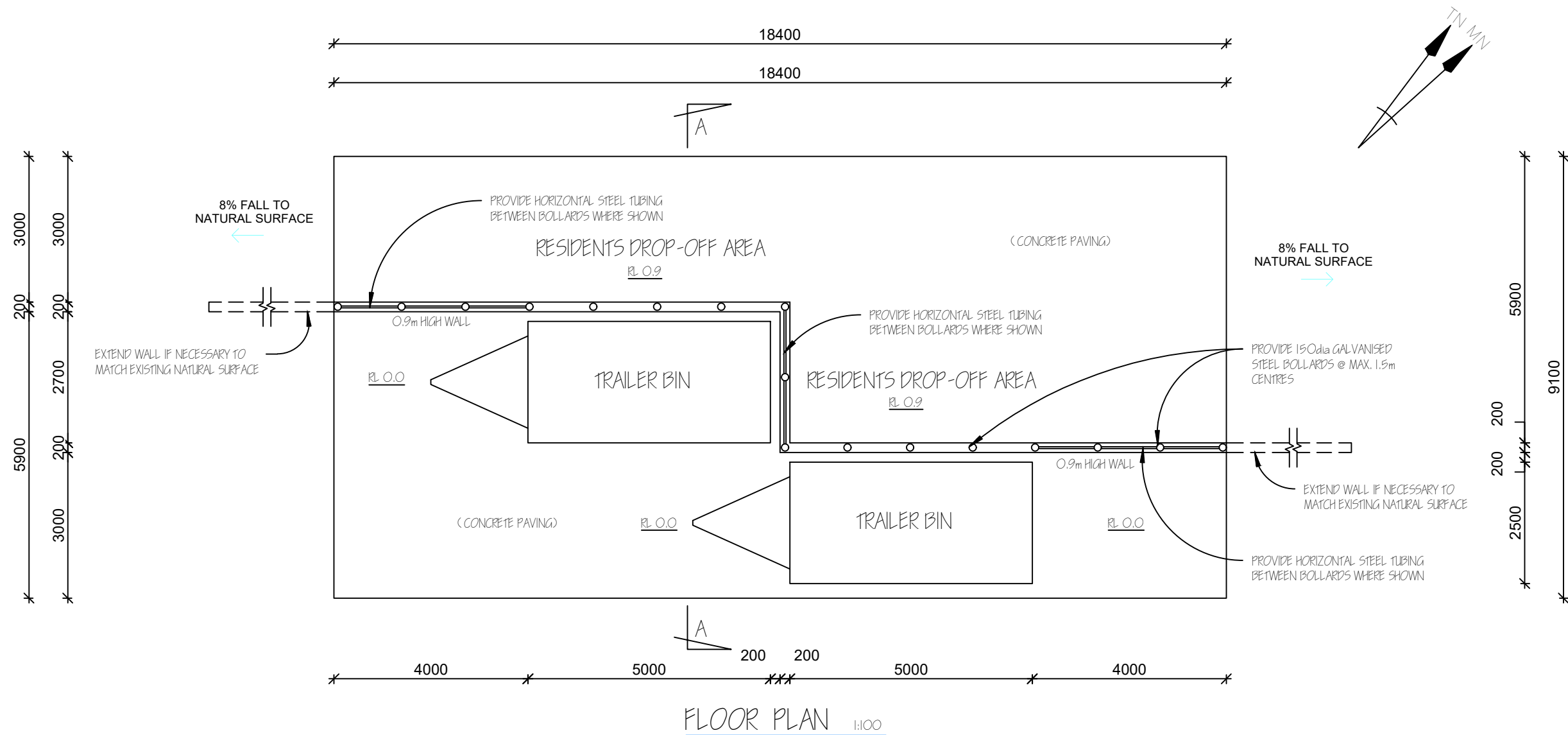


FLOOR PLAN 1:100
RECYCLING SHED



REV	DATE	BY	DESCRIPTION	CLIENT:	ALAN TAYLOR AND ASSOCIATES CONSULTING CIVIL & STRUCTURAL ENGINEERS 453 OCEAN DRIVE, LAURIETON, N.S.W 2443 TELEPHONE: (02) 6559 8288 E: office@alantaylor.com.au	WALGETT WASTE MANAGEMENT CENTRE, WALGETT PROPOSED RECYCLING CENTRE	REFERENCE: 219 4806	
				IMPACT ENVIRONMENTAL			DWG. A3	REVISION: A
A	10.03.20	CT	CONSTRUCTION ISSUE	CHECKED <i>[Signature]</i>			DATE: 05.03.20	SCALE: 1:100 @ A3
							DESIGNED: CT	DRAWN: SW



A	10.03.20	CT	CONSTRUCTION ISSUE	CLIENT: IMPACT ENVIRONMENTAL	 ALAN TAYLOR AND ASSOCIATES CONSULTING CIVIL & STRUCTURAL ENGINEERS 453 OCEAN DRIVE, LAURIETON, N.S.W 2443 TELEPHONE: (02) 6559 8288 E: office@alantaylor.com.au	WALGETT WASTE MANAGEMENT CENTRE, WALGETT PROPOSED RECYCLING CENTRE	REFERENCE: 219 4806	
REV	DATE	BY	DESCRIPTION	CHECKED 			DWG. A4	REVISION: A
							DATE: 05.03.20	SCALE: 1:100 @ A3
							DESIGNED: CT	DRAWN: SW



WASTE TRANSFER STATION

A	10.03.20	CT	CONSTRUCTION ISSUE	CLIENT: IMPACT ENVIRONMENTAL	 ALAN TAYLOR AND ASSOCIATES CONSULTING CIVIL & STRUCTURAL ENGINEERS 453 OCEAN DRIVE, LAURIETON, N.S.W 2443 TELEPHONE: (02) 6559 8288 E: office@alantaylor.com.au	WALGETT WASTE MANAGEMENT CENTRE, WALGETT PROPOSED WASTE TRANSFER STATION	REFERENCE: 219 4806	
				CHECKED 			DWG. A5	REVISION: A
REV	DATE	BY	DESCRIPTION				DATE: 05.03.20	SCALE: 1:100 @ A3
							DESIGNED: CT	DRAWN: SW

Development Assessment Report

DA Number: DA2020/15 **Council:** Walgett
Location: 1 Rubbish Tip Road, Walgett
Development Description: Recycling Storage Shed, Toilet Block and Waste Transfer Station
Title Details: Lot 102 DP750291

Proposal Overview

This proposal is for the erection of a recycling shed and a transfer station which will be ancillary to the current use at the site. The shed will support the introduction of recycling into the shire by way of storing recycling materials and the transfer station will replace the existing transfer station at the site.

The shed will consist of a concrete slab and steel construction with the transfer station being placed into an existing built up location.

Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It is assumed this has been checked by Council administration staff at lodgement.
Title Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check Ownership	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

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 96 amendment? Yes ☐ No ☒

Concurrence/Referral

Section 4.13 – EP & A Act

Does this application require concurrence referral? Yes ☐ No ☒
 Does this application require courtesy comment? Yes ☐ No ☒
 Does this application require referral for decision by Council? Yes ☒ No ☐

Local Environmental Plan

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:

This development is considered to be ancillary works to the existing **waste or resource transfer station** which means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
6.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Earthworks – a soil and erosion control plan will be submitted with the Construction certificate.

Is there a draft LEP or draft LEP amendment which may affect this proposal?

Yes ☐ No ☒

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

Yes ☒ No ☐

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
3	3.2.6	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Landfilling – complies

Is there a draft DCP which may affect this proposal?

Yes ☐ No ☒

Regional Environmental Plan

There is no REP applicable to this area.

State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes ☒ No ☐

List all relevant SEPPs

SEPP	Compliance	Comment
SEPP 19 — Bushland in Urban Areas	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to protect and preserve bushland within the urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.</i>
SEPP 21 – Caravan Parks	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted.</i>
SEPP 33 — Hazardous and Offensive Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides considerations for consent for hazardous & offensive development.</i>
SEPP 36 – Manufactured Homes Estates	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP helps establish well-designed and properly serviced manufactured home estates in suitable locations.</i>
SEPP 44 — Koala Habitat Protection	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land across NSW that is greater than one (1) hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<p>This policy applies to this Local Government Area as it is listed in Schedule 1 of this SEPP and the property is more than 1 ha in area.</p> <p>However as there is no identified koala habitat present onsite, nor is there potential habitat, a Koala Plan of Management is not required.</p>
SEPP 47 – Moore Park Showground	Not Applicable <input checked="" type="checkbox"/>	<i>Applies to the land shown edged heavy black on the map marked "Moore Park Showground Amendment No 1."</i>
SEPP 50 Canal Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.</i>

SEPP 55 — Remediation of Land	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<p>This SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works.</p> <p>The property does not require an assessment for identification of contaminated sites, as the land-use would not significantly alter.</p>
SEPP 64 — Advertising and Signage	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.</i>
SEPP 65 — Design Quality of Residential Flat Development	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>
SEPP 70 – Affordable Housing (Revised Schemes)	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies that there is a need for affordable housing across the whole of the State and describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.</i>
Aboriginal Land 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and declares specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i>
Affordable Rental Housing 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.</i>
Building Sustainability Index: BASIX 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
Coastal Management 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP promotes an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.</i>
Concurrences 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
Educational Establishments and Child Care Facilities 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the effective delivery of educational establishments and early education and care facilities across the state.</i>

Exempt and Complying Development Codes 2008	Not Applicable <input checked="" type="checkbox"/> 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 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>
Gosford City Centre 2018	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>
Housing for Seniors or People with a Disability 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.</i>
Infrastructure 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.</i>
Kosciuszko National Park – Alpine Resorts 2007	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to part of Kosciuszko national park, and to Kosciuszko Road and the Alpine Way. The part of Kosciuszko Park to which the policy applies is the land described as the ski resort area in Part 8A of Schedule 6 to the Act.</i>
Kurnell Peninsula 1989	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways.</i>
Mining, Petroleum Production & Extractive Industries 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.</i>
Miscellaneous Consent Provisions 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<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>
Penrith Lakes Scheme 1989	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to the land shown edged heavy black on the structure plan relating to Penrith Lakes.</i>
Primary Production and Rural Development 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the orderly economic use and development of lands for primary production; reduce land use conflict and sterilisation of rural land.</i>
State and Regional Development 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.</i>
State Significant Precincts 2005	Not Applicable <input type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates 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, and facilitates 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>
Sydney Drinking Water Catchment 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for healthy water catchments that will deliver high quality water while permitting compatible development.</i>

Sydney Region Growth Centres 2006	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP co-ordinates the release of land for residential, employment and other urban development in the Orth West Growth Centre, the South West Growth Centre and the Wilton Growth Area.</i>
Three Ports 2013	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP provides a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle</i>
Urban Renewal 2010	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP establishes the process for assessing and identifying sites as urban renewal precincts, and facilitates the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</i>
Vegetation in Non-Rural Areas 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserves the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
Western Sydney Employment Area 2009	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP protects and enhances the land known as the Western Sydney Employment Area for employment purposes.</i>
Western Sydney Parklands 2009	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP puts in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney.</i>

List all relevant Draft SEPPs

SEPP	Compliance	Comment
SEPP 44 – Koala Habitat Protection	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The key changes in the proposed amended SEPP relate to the definitions of koala habitat, list of tree species, list of councils, and development assessment process.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
SEPP 55 — Remediation of Land	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The proposed SEPP will provide a state-wide planning framework for the remediation of land; require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly list the remediation works that require development consent; and introduce certification and operational requirements for remediation works that can be undertaken without development consent.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
SEPP - Environment	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"> <i>• State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> <i>• State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> <i>• State Environmental Planning Policy No. 50 – Canal Estate Development</i> <i>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i> <i>• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i>

		<ul style="list-style-type: none"> • <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> • <i>Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i>
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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? Yes ☐ No ☒

Has a Planning Agreement been offered under this development? Yes ☐ No ☒

Planning Strategies/Local Policy

Is there a Planning Strategy or Local Policy that requires notation? Yes ☐ No ☒

Has the applicant submitted any supporting planning assessments? Yes ☒ No ☐

Comment: Statement of Environmental Effects

Subdivision

Is this application for subdivision? Yes ☐ No ☒

Environmental Impacts

Section 4.15(1)(b) – EP & A Act

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The shed is expected to have a positive impact. The shed will introduce recycling into the community, a much sought after service. People will have the opportunity to separate materials at home and bring to the shed for an easy drop off service. The storage of recyclables will also have a positive impact on the landfill in general, reducing litter and increasing landfilling space longer term. The community is expected to welcome the facility with open arms as they have felt left in the dark ages without recycling being introduced into the general wider community. This positive effect is expected to only increase as it is hoped to build on the recycling centre in the future and build on the service in the community. The transfer station will promote ease of use when dropping off rubbish and improve site safety where patrons can fully avoid the main face of the active cell for larger loads. This will promote a cleaner, safer site where the contractors have full control over tipping into the active area.
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The shed may have positive impacts on the local economy. The shed will provide a significant storage area for recyclable resources, some of the resources are in demand by local groups who have expressed interest in reusing the materials. In general, the development of the shed will employ local people such as tradesmen and people who may be involved in the operations of the centre long term. This may have an economic layer effect where monies made in town will be spent in town. The transfer station will promote ease of use when dropping off rubbish and improve site safety where patrons can fully avoid the main face of the active cell for larger loads. This will promote a cleaner, safer site where the contractors have full control over tipping into the active area.
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The shed is set on the site away from landfilling activities but close to the main office area. The location is chosen so the shed is able to easily supervised by attendants, accessible by the public and yet away from the landfilling activities for public safety purposes. The general area where the shed is going has minimal site disturbance with no previous landfilling under the footings and slab.
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amenity	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The shed will contribute to site amenity. The site is large and has plenty of land capacity to support the structure.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It is not expected that the minor increase to noise will need any mitigation measures given plant and truck movements exist at the site already and vary on a day to day basis depending on the activity at the site.
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There is very minimal cut and fill associated with the construction of the shed, with some minor site preparations expected for the footings and slab.
Tree Loss	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No tree loss associated with the development of the shed.
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Fauna	Yes <input type="checkbox"/> No <input 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 ☒

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 including a 50 metre buffer. No sites are recorded or places declared either on the land or within the 50 metre buffer. See Attachment.

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 ☒

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 ☒

Has a Heritage Impact Statement been prepared for this proposal? Yes ☐ No ☒

Has an Archaeological Survey been prepared for this proposal? Yes ☐ No ☒

Flooding

Section 4.15(1)(b) – EP & A Act

Is this property flood affected? Yes ☐ No ☒

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? Yes ☐ No ☐

Category: Category1 ☐ Category2 ☐ Category 3 ☒ Buffer ☐

Is this property bush fire prone as per any draft Bush Fire Prone Map? Yes ☒ No ☐

Category: Category1 ☐ Category2 ☐ Category 3 ☒ Buffer ☐

Has a Bush Fire Management Plan been Prepared? Yes ☐ No ☒

Does this development comply with Planning for Bushfire 2019? Yes ☒ No ☐

Comment: Will be conditioned that it meets these requirements.

Contaminated Land

Section 4.15(1)(b) – EP & A Act

Has this land been identified as being contaminated land by Council? Yes ☐ No ☒

Comment: No formal report has been undertaken. The site has used motor oil drop off area and a DrumMuster chemical drum area onsite. The site is also licensed for asbestos which is buried in accordance with the relevant legislations. The drums are typically cleaned prior to storage and the used motor drop off area is located away from the shed and transfer station.

Does this land require remediation? Yes ☐ No ☒

Has a Contaminated Land Site Investigation been completed? 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 ☒

Is it a possibility this land may be contaminated? Yes ☒ No ☐

Comment: Unlikely, and the land is not to be used for residential purposes.

Is this land in the close vicinity or adjoining a known contaminated site? Yes ☒ No ☐

Comment: The actual Walgett landfill.

Infrastructure

Section 4.15(1)(b) – EP & A Act

Is an engineering assessment required? Yes ☒ No ☐

Has an engineering assessment been completed? Yes ☒ No ☐

Who completed the Engineering Assessment?

Engineering Department ☒ Assessing Officer ☐ Other ☒

Comment: Raju Ranjit – Email 12 September 2020

My concerns are :

1. *There should be proper design floor levels to prevent storm water flooding and requires drainage plan.*
2. *Full plan for entry and exit of vehicles with proper signs.*

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 checked="" type="checkbox"/> No <input type="checkbox"/>	Requires a stormwater plan – this will be part of the section 68 application
Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The access will have to be constructed to a standard approved by Council's Director of Engineering and Technical Services.
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 checked="" type="checkbox"/>	

Does the development require any new easements? Yes ☐ No ☒

Has an Erosion and Soil Control Plan been submitted? Yes ☐ No ☒

Construction Assessment

Is a Construction Certificate Required? Yes ☒ No ☐

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: Issues raised by Merv Prendergast – Email 7 September 2020

1. *This one needs work on plans for exit doors and signage*
2. *what are we doing for toilets on site especially disabled for workers.*
3. *what are we doing for fire fighting , e.g Rural Fire Service or no water to site Mains Pressure then 144,000 litre tank required for 4 hours fire fighting with booster pump etc.*

These are all issues that are addressed as part of the Construction certificate to ensure compliance with the BCA.

Section 68 Assessment

Is a section 68 assessment required? Yes ☒ No ☐

Has a section 68 assessment been completed? Yes ☐ No ☒

Was a section 68 application submitted with this application? Yes ☐ No ☒

What type of waste system is required? Water, sewer and stormwater

Developer Contributions

Does this proposal require any Developer Contribution? Yes ☐ No ☒

Signage

Does this proposal require signage? Yes ☐ No ☒

Notification

Does this application require notification/advertising? Yes ☐ No ☒

Section 88b Instrument

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

Public Interest

Does this proposal have any construction or safety issues? Yes ☐ No ☒

Is there any public health issues? Yes ☐ No ☒

Are there any other public interest issues? Yes ☐ No ☒

Site Suitability

Section 4.15(1)(c) – EP & A Act

Is this a suitable site for this development? Yes ☒ No ☐

Assessing Officer General Comment

Comment: There are no outstanding issues that cannot 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)

1. 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

2. 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.
3. 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.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

4. A Construction Certificate must be obtained, in accordance with cl.146 of the Environmental Planning and Assessment Regulation 2000, before work commences.
5. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.
Should Council be appointed the Principal Certifying Authority, the applicant must give at least 2 days' notice to enable inspections to be undertaken.
6. 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.

7. 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.
8. Approval to carry out work on the access must be obtained, in accordance with section 138 of the Roads Act 1993, before works commence.
9. Approval to carry out water, sewer and stormwater work must be obtained, in accordance with section 138 of the Local Government Act 1993, before works commence.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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 2005*.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

18. 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 Environment, Climate Change & Water and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING

19. Occupancy of the building is not to take place until the Principal Certifying Authority (PCA) has carried out a final inspection and an Occupation Certificate issued. All required trade certifications are to be available to the PCA before the final inspection will be carried out.

Please Note: *Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).*

20. At the completion of the works, the work site must be left clear of waste and debris.
21. 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.
22. The access is to be compliant to a standard approved by the Director of engineering and Technical Services. This is to include all signage.

CONDITIONS RELATING TO ONGOING OPERATIONS

23. 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*).

COUNCIL ADVICE ONLY

24. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
25. 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 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.
26. 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.

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. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, 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.

Additional Notes Attached

Yes ☒ No ☐

- Aboriginal Heritage Information Management Search

Signed: 
 Elizabeth Cumming, Consultant Planner
 Date: 16 September 2020

Signed: 
 Jessica McDonald, Director Environmental Services
 Date: 16 September 2020

Elizabeth Cumming
7 Vernon Street
Inverell New South Wales 2360
Attention: Elizabeth Cumming
Email: nenwplanningservices@outlook.com

Date: 16 September 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 102, DP:DP750291 with a Buffer of 50 meters, conducted by Elizabeth Cumming on 16 September 2020.

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 the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.