



**ATTACHMENT DOCUMENT**

**FOR**

**COUNCIL MEETING**

**Wednesday 5<sup>th</sup> July 2023**

Hugh Percy  
**ACTING GENERAL MANAGER**

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**ATTACHMENT ONE**

**Investment Report and Review**

**May 2023**



# Investment Report

01/05/2023 to 31/05/2023



# Portfolio Valuation as at 31/05/2023

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
The Mutual Bank	BBB-	TD	GENERAL	At Maturity	22/03/2023	21/06/2023	4.4000	1,000,000.00	8,558.90	3,736.99
MyState Bank	BBB	TD	GENERAL	Annual	28/09/2022	28/06/2023	4.4000	1,000,000.00	29,654.79	3,736.99
JUDO BANK	BBB-	TD	GENERAL	At Maturity	30/11/2022	12/07/2023	4.3500	1,000,000.00	21,809.59	3,694.52
NAB	AA-	TD	GENERAL	Annual	11/08/2021	16/08/2023	0.6000	1,000,000.00	4,832.88	509.59
AMP Bank	BBB	TD	GENERAL	At Maturity	29/11/2022	30/08/2023	4.5000	1,000,000.00	22,684.93	3,821.92
AMP Bank	BBB	TD	GENERAL	Annual	24/08/2022	31/08/2023	4.2500	1,000,000.00	32,719.18	3,609.59
AMP Bank	BBB	TD	GENERAL	At Maturity	07/09/2022	13/09/2023	4.3000	1,000,000.00	31,454.79	3,652.05
BOQ	BBB+	TD	GENERAL	At Maturity	21/09/2022	28/09/2023	4.3000	1,000,000.00	29,805.48	3,652.05
AMP Bank	BBB	TD	GENERAL	Annual	26/10/2022	02/11/2023	4.8000	1,000,000.00	28,668.49	4,076.71
AMP Bank	BBB	TD	GENERAL	Annual	01/02/2019	31/01/2024	3.1500	1,000,000.00	10,356.16	2,675.34
NAB	AA-	TD	GENERAL	At Maturity	01/03/2023	13/03/2024	5.0600	1,000,000.00	12,753.97	4,297.53
ING Direct	A	TD	GENERAL	At Maturity	27/04/2022	01/05/2024	3.2800	1,000,000.00	35,945.21	2,785.75
BOQ	BBB+	TD	GENERAL	Annual	12/06/2019	12/06/2024	2.5500	1,000,000.00	24,591.78	2,165.75
Suncorp	A+	TD	GENERAL	At Maturity	13/07/2022	17/07/2024	4.2000	1,000,000.00	37,167.12	3,567.12
AMP Bank	BBB	TD	GENERAL	Annual	07/08/2019	07/08/2024	2.0000	1,000,000.10	16,273.97	1,698.63
BOQ	BBB+	TD	GENERAL	Annual	31/08/2022	04/09/2024	4.4000	1,000,000.00	33,030.14	3,736.99
NAB	AA-	TD	GENERAL	Annual	28/09/2022	02/10/2024	4.8000	1,000,000.00	32,350.68	4,076.71
NAB	AA-	TD	GENERAL	At Maturity	01/03/2023	03/03/2025	5.0500	1,000,000.00	12,728.77	4,289.04

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
BankVic	BBB+	TD	GENERAL	Annual	01/03/2023	05/03/2025	5.1500	1,000,000.00	12,980.82	4,373.97
MyState Bank	BBB	TD	GENERAL	Annual	04/03/2022	05/03/2025	2.2200	1,000,000.00	5,291.51	1,885.48
BOQ	BBB+	TD	GENERAL	Annual	27/04/2022	30/04/2025	3.7500	1,000,000.00	3,595.89	3,184.93
BOQ	BBB+	TD	GENERAL	Annual	06/08/2020	06/08/2025	1.3000	1,000,000.00	10,578.08	1,104.11
Westpac	AA-	TD	GENERAL	Annual	21/02/2022	24/02/2027	2.4600	1,000,000.00	6,739.73	2,089.32
AMP Bank	BBB	TD	GENERAL	Annual	28/09/2022	28/09/2027	5.1000	1,000,000.00	34,372.60	4,331.51
BOQ	BBB+	TD	GENERAL	Annual	01/03/2023	01/03/2028	5.1500	1,000,000.00	12,980.82	4,373.97
Macquarie Bank	A+	CASH	GENERAL	Monthly	31/05/2023	31/05/2023	3.6000	1,591,971.10	4,786.60	4,786.60
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/05/2023	31/05/2023	0.0000	128,793.33	-	-
Macquarie Bank	A+	CASH	GENERAL	Monthly	31/05/2023	31/05/2023	2.5000	1,016,575.92	1,945.61	1,945.61
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/05/2023	31/05/2023	4.0000	4,327,652.39	10,574.66	10,574.66
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/05/2023	31/05/2023	3.2500	4,653,644.55	5,117.06	5,117.06
<b>TOTALS</b>								<b>36,718,637.39</b>	<b>534,350.24</b>	<b>103,550.51</b>



# Investment Review

## May 2023



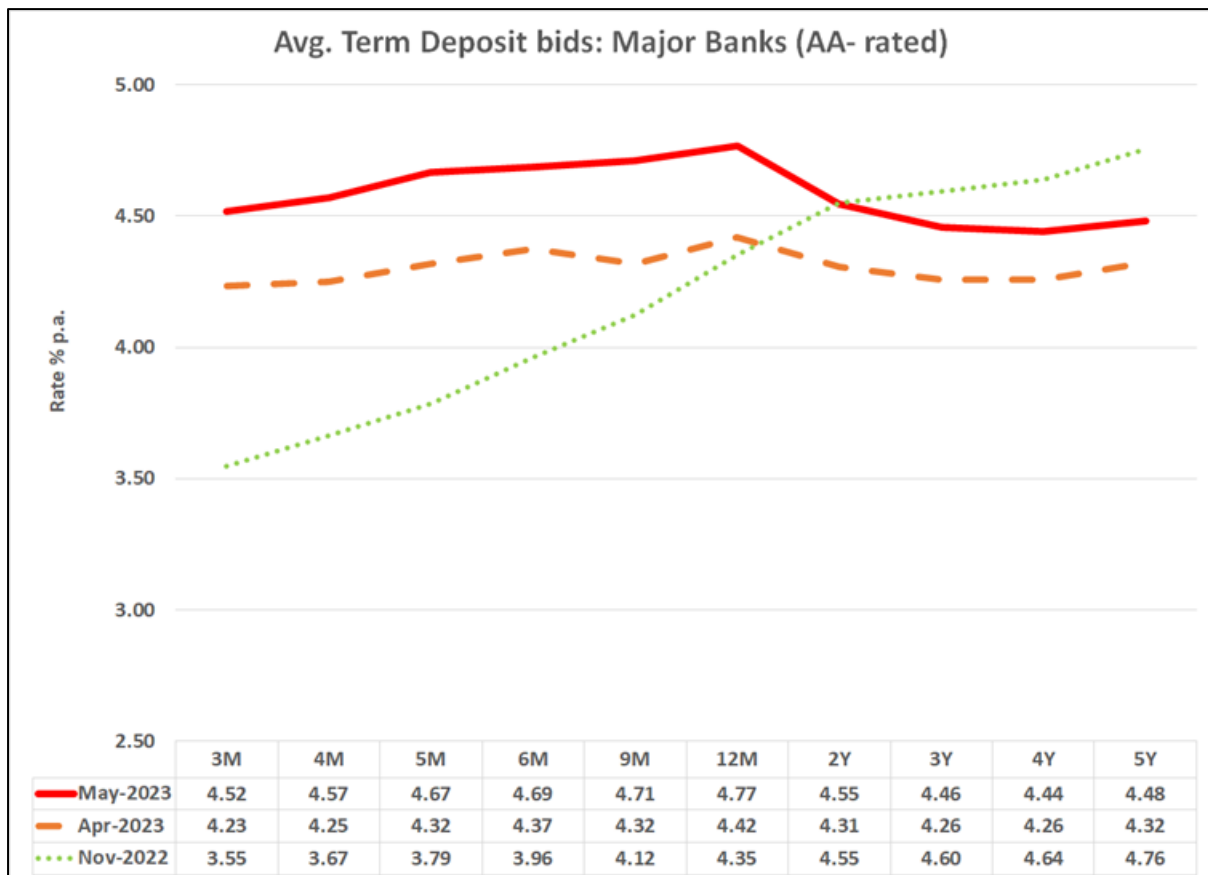
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## Market Update Summary

Risk assets remained cautious seemingly trying to assess the economic implications from the US debt ceiling deal, potentially resulting in a bigger fiscal drag hampering an already challenged growth outlook. The prospects of higher interest rates in the near term also resulted in the mild sell off across bond and equity markets during May. Domestically, the RBA lifted rates in May by 25bp to 3.85% and subsequent rhetoric by Governor Lowe suggests the Bank will continue to lift rates in the short-term to ensure inflation is trending towards their target band of 2-3%.

Despite the aggressive rate hikes, over the past few months, the deposit market has already factored the peak of the rate hike cycle. Deposit rates rose up to 20-30bp across the long-end of the curve (+12 months) during May (compared to April), following the RBA's rhetoric suggesting rates are likely to move higher to tackle inflation. Interestingly, longer-term deposit rates offered by the higher rated institutions continue to reflect the possibility of future rate cuts:



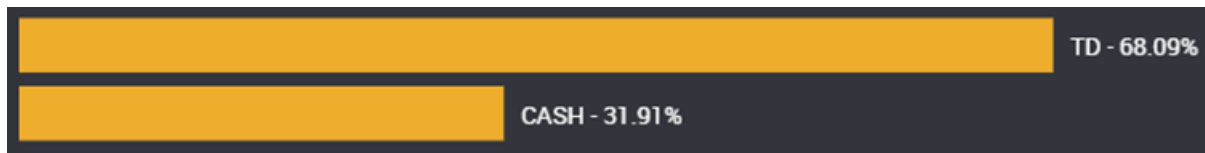
Source: Imperium Markets

**'New' investments close to or above 4% - 5% p.a. is currently available if Council can place the majority of its surplus funds for terms of 12 months to 3 years.** *With recessionary fears being priced in coming years, investors may take an 'insurance policy' against future rate cuts by investing across 3-5 year fixed deposits and locking in rates above or close to 5% p.a. (small allocation only), although this is primarily being offered by the lower rated ("BBB") ADIs.*

## Council's Portfolio & Compliance

### Asset Allocation

The majority of the portfolio is directed to fixed rate term deposits (68.09%). The remainder of the portfolio is held in various cash accounts with CBA and Macquarie (31.91%).



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

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

### Term to Maturity

The portfolio is sufficiently liquid with around 65% of the total investment portfolio maturing within 12 months, which is well above the minimum 10% limit required across 0-3 month and 3-12 month terms.

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

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 3 months	\$15,718,637	42.81%	10%	100%	\$21,000,000
✓	3 - 12 months	\$8,000,000	21.79%	10%	100%	\$28,718,637
✓	1 - 2 years	\$9,000,000	24.51%	0%	70%	\$16,703,046
✓	2 - 5 years	\$4,000,000	10.89%	0%	50%	\$14,359,319
✓	5 - 10 years	\$0	0.00%	0%	25%	\$9,179,659
		<b>\$36,718,637</b>	<b>100.00%</b>			

### Counterparty

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

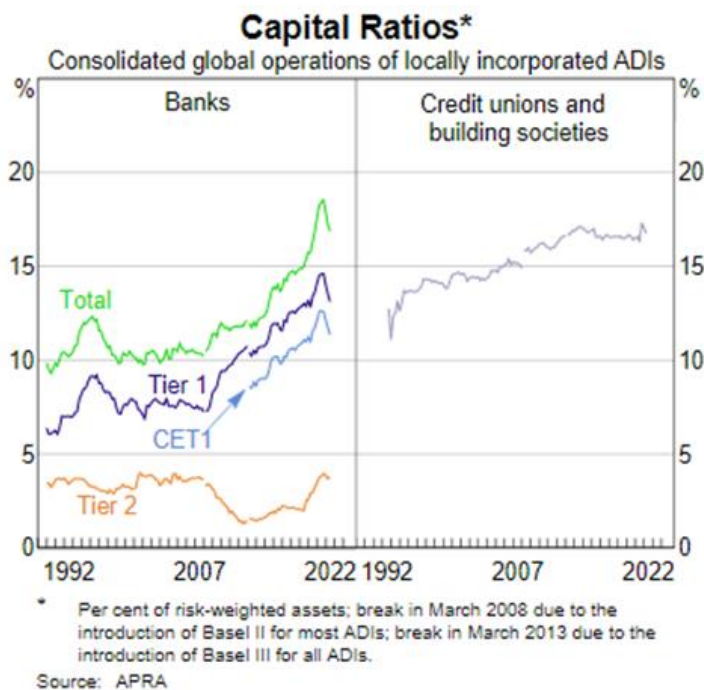
Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	CBA	AA-	\$9,110,090	24.81%	50%	\$9,249,228
✓	NAB	AA-	\$4,000,000	10.89%	50%	\$14,359,319
✓	Westpac	AA-	\$1,000,000	2.72%	50%	\$17,359,319
✓	Macquarie Bank	A+	\$2,608,547	7.10%	40%	\$12,078,908
✓	Suncorp	A+	\$1,000,000	2.72%	40%	\$13,687,455
✓	ING Direct	A	\$1,000,000	2.72%	40%	\$13,687,455
✓	BOQ	BBB+	\$6,000,000	16.34%	30%	\$5,015,591
✓	BankVIC	BBB+	\$1,000,000	2.72%	30%	\$10,015,591
✓	AMP Bank	BBB	\$7,000,000	19.06%	30%	\$4,015,591
✓	MyState Bank	BBB	\$2,000,000	5.45%	30%	\$9,015,591
✓	Judo Bank	BBB-	\$1,000,000	2.72%	25%	\$8,179,659
✓	The Mutual	BBB-	\$1,000,000	2.72%	25%	\$8,179,659
			<b>\$36,718,637</b>	<b>100%</b>		

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

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

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

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



### Credit Quality

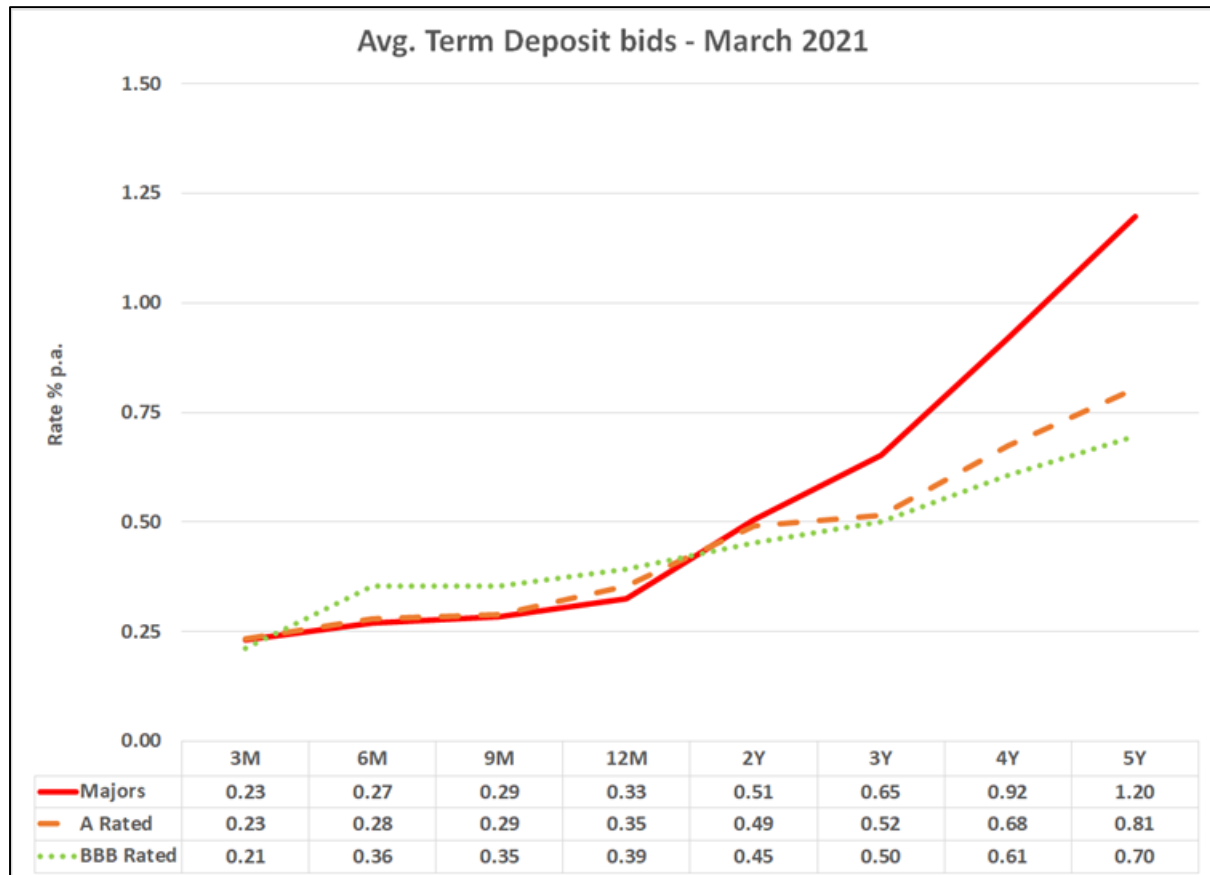
The portfolio remains well diversified across the entire credit spectrum, including some exposure to the unrated ADI sector. All aggregate ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$14,110,090	38%	100%	\$22,608,547
✓	A Category	\$4,608,547	13%	80%	\$24,766,363
✓	BBB Category	\$18,000,000	49%	70%	\$7,703,046
✓	Unrated ADIs	\$0	0%	10%	\$3,671,864
		<b>\$36,718,637</b>	<b>100%</b>		

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

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

### Term Deposit Rates – During Pandemic (March 2021)



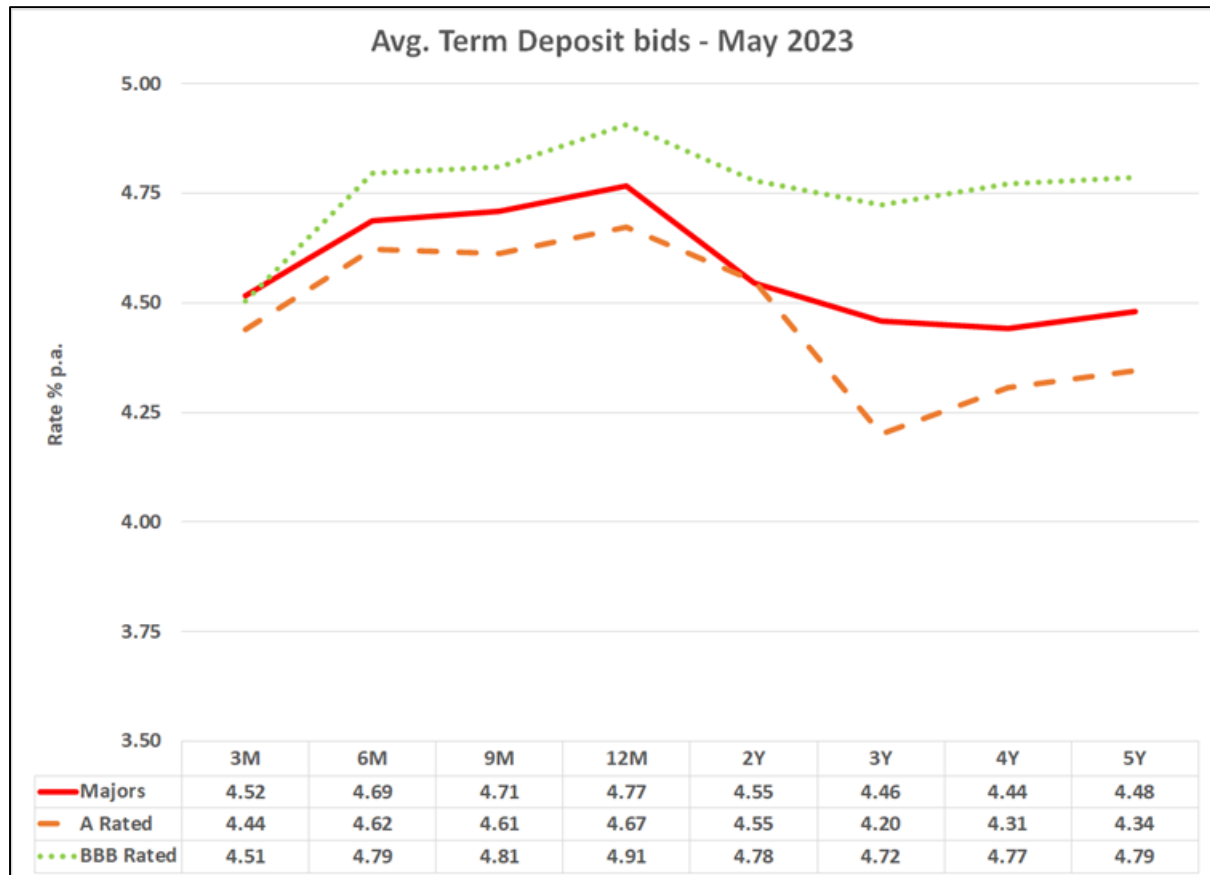
Source: Imperium Markets

The abnormal marketplace experienced during the pandemic is starting to reverse as the competition for deposits increases. We are now starting to see some of the lower rated ADIs (“BBB” rated) offering slightly higher rates compared to the higher rated banks (“A” or “AA” rated) on different parts of the curve (i.e. pre-pandemic environment). Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.

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



### Term Deposit Rates – Currently (May 2023)



Source: Imperium Markets

## Performance

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

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.32%	0.92%	1.70%	2.63%	2.70%
AusBond Bank Bill Index	0.29%	0.89%	1.65%	2.58%	2.64%
Council's T/D Portfolio <sup>^</sup>	0.33%	0.93%	1.74%	2.81%	2.95%
Outperformance	0.03%	0.04%	0.09%	0.23%	0.32%

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

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	3.85%	3.68%	3.43%	2.87%	2.70%
AusBond Bank Bill Index	3.53%	3.56%	3.34%	2.82%	2.64%
Council's T/D Portfolio <sup>^</sup>	3.94%	3.72%	3.53%	3.07%	2.95%
Outperformance	0.41%	0.16%	0.19%	0.25%	0.32%

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

For the month of May, the total portfolio (excluding cash) provided a solid return of +0.33% (actual) or +3.94% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.29% (actual) or +3.53% p.a. (annualised). Over the past 12 months, the return of close to 2.95% p.a. was significantly above benchmark – this is considered very strong given current economic circumstances.

Going forward, despite the potential for additional rate hikes over coming months, Council's ongoing strategy in placing across 12-24 months terms is likely to earn up to ¼-½% p.a. higher compared to shorter tenors in a normal market environment. There is a growing belief that a recession is not too far away and so locking in rates above or close to 5% p.a. across 2-3 year tenors may provide some income protection against a potentially lower rate environment.

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



### Council's Term Deposit Portfolio & Recommendation

As at the end of May 2023, Council's deposit portfolio was yielding 3.82% p.a. (up 9bp from the previous month), with a weighted average duration of around 475 days (~16 months).

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

At the time of writing, we see value in:

ADI	LT Credit Rating	Term	T/D Rate
P&N Bank	BBB	5 years	5.40% p.a.
P&N Bank	BBB	4 years	5.40% p.a.
P&N Bank	BBB	3 years	5.30% p.a.
P&N Bank	BBB	2 years	5.30% p.a.
AMP Bank	BBB	2-3 years	5.10% p.a.^
Australian Military	BBB+	2 years	4.88% p.a.
CBA	AA-	2 years	4.85% p.a.
ING	A	2 years	4.78% p.a.
BoQ	BBB+	2 years	4.75% p.a.
Westpac	AA-	2 years	4.73% p.a.
NAB	AA-	2 years	4.60% p.a.

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

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

ADI	LT Credit Rating	Term	T/D Rate
P&N Bank	BBB	12 months	5.30% p.a.
AMP Bank	BBB	11-12 months	5.25% p.a.^
AMP Bank	BBB	6-7 months	5.20% p.a.^
BankVIC	BBB+	12 months	5.12% p.a.
CBA	AA-	12 months	5.07% p.a.
Australian Military	BBB+	10 months	5.04% p.a.
NAB	AA-	12 months	5.00% p.a.
Summerland CU	Unrated ADI	6 months	5.00% p.a.
Suncorp	A+	6-11 months	4.96% p.a.
NAB	AA-	6-11 months	4.95% p.a.
Westpac	AA-	12 months	4.95% p.a.
BoQ	BBB+	6 & 12 months	4.95% p.a.
ING	A	12 months	4.94% p.a.
Bendigo-Adelaide	BBB+	12 months	4.90% p.a.
Summerland CU	Unrated ADI	3 months	4.85% p.a.
Suncorp	A+	12 months	4.83% p.a.
NAB	AA-	3 months	4.70% p.a.

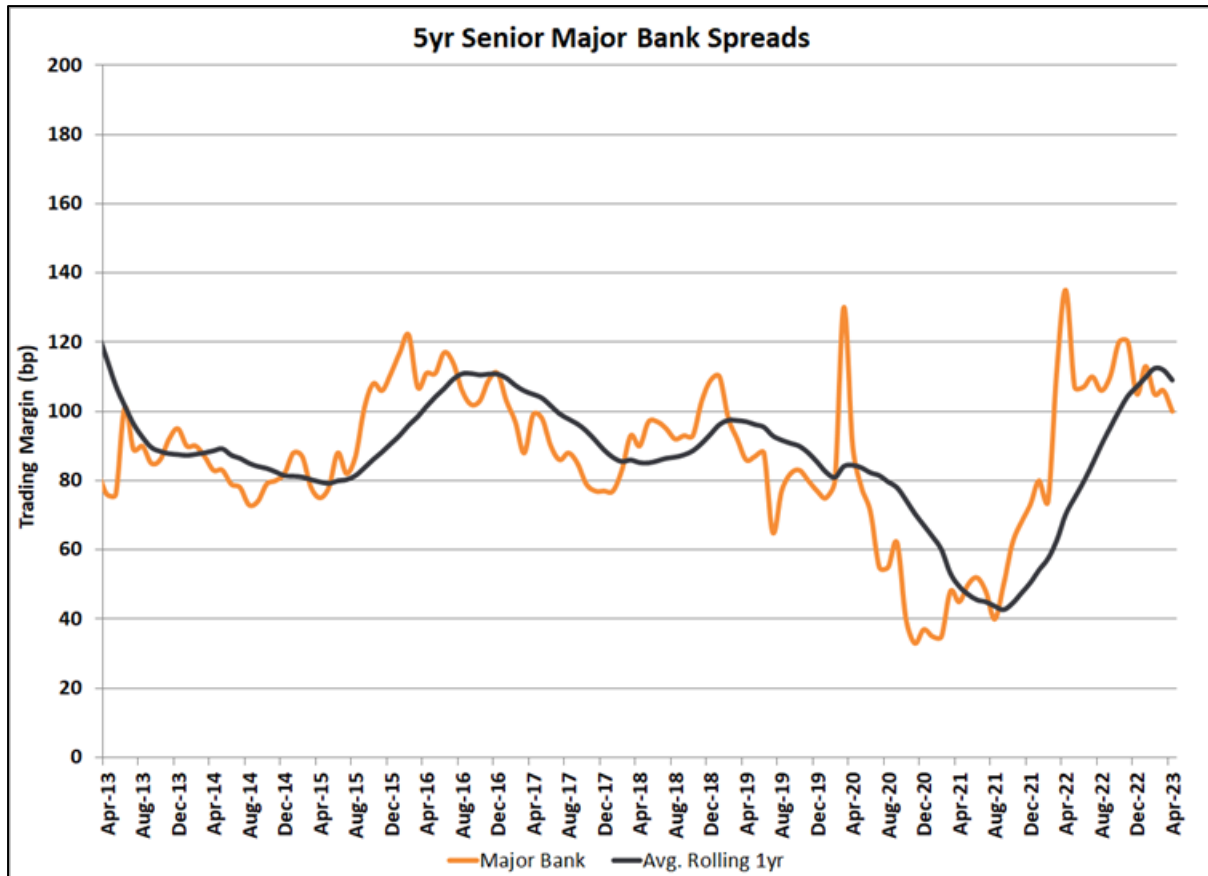
^Contact us to get an additional 20bp rebated commission. Aggregate limits temporarily lifted to \$10m (from \$5m).

*If Council does not require high levels of liquidity and can stagger its investments across the longer term horizons (1-5 years), it will be rewarded over a longer-term cycle if it can roll for an average min. term of 12 months to 3 years (this is where we current value), yielding, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated (under 6 months) deposits.*

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

### Senior FRNs Review

Over May, amongst the senior major bank FRNs, physical credit securities remained relatively flat at the long-end of the curve. Major bank senior securities remain fairly attractive again in the rising rate environment (5 year margins around the +100bp level):



Source: IBS Capital

In contrast to the previous month, there was a significant number of new (primary) issuances during the month of May:

- 5yr BoQ (AAA) covered FRN at +120bp
- 3yr & 5yr NAB (AA-) senior security (fixed and floating) at +78bp and +100bp respectively
- 3yr Bendigo-Adelaide (BBB+) senior security (fixed and floating) at +125bp
- 3yr & 5y UBS (A+) senior security (fixed and floating) at +130bp and +155bp respectively
- 3yr Suncorp (A+) senior security (fixed and floating) at +105bp
- 3yr OCBC (AA-) senior 'Green' FRN at +78bp
- 3yr Rabobank (A+) senior FRN at +88bp
- 1yr Bank of Us (BBB+) senior FRN at +95bp

Amongst the “A” rated sector, the securities were marked around 10bp wider at the 3-5 year part of the curve, mainly due to new issuances. In contrast, the “BBB” rated sector was marked flat during the month.

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

Senior FRNs (ADIs)	31/05/2023	30/04/2023
“AA” rated – 5yrs	+100bp	+100bp
“AA” rated – 3yrs	+76bp	+75bp
“A” rated – 5yrs	+125bp	+115bp
“A” rated – 3yrs	+100bp	+90bp
“BBB” rated – 3yrs	+135bp	+135bp

Source: IBS Capital

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

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

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

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

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

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

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

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0255776	ING	AAA	Covered	07/09/2023	0.29	3.00%	4.37%
AU3CB0258465	Westpac	AA-	Senior	16/11/2023	0.47	3.25%	4.43%
AU3CB0265403	Suncorp	A+	Senior	30/07/2024	1.16	1.85%	4.63%
AU3CB0263275	Westpac	AA-	Senior	16/08/2024	1.21	2.25%	4.51%
AU3CB0265718	ING	AAA	Covered	20/08/2024	1.22	1.45%	4.65%
AU3CB0266179	ANZ	AA-	Senior	29/08/2024	1.25	1.55%	4.50%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	1.27	1.70%	4.88%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	1.41	2.00%	4.99%
AU3CB0269710	ANZ	AA-	Senior	16/01/2025	1.63	1.65%	4.52%
AU3CB0269892	NAB	AA-	Senior	21/01/2025	1.64	1.65%	4.52%
AU3CB0270387	Macquarie	A+	Senior	12/02/2025	1.71	1.70%	4.82%
AU3CB0287415	Westpac	AA-	Senior	17/03/2025	1.80	2.70%	4.52%
AU3CB0291508	Westpac	AA-	Senior	11/08/2025	2.22	3.90%	4.51%
AU3CB0291672	CBA	AA-	Senior	18/08/2025	2.22	4.20%	4.53%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	2.93	1.40%	5.09%
AU3CB0282358	ING	AAA	Covered	19/08/2026	3.23	1.10%	4.67%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	3.42	2.10%	5.13%
AU3CB0286037	Westpac	AA-	Senior	25/01/2027	3.67	2.40%	4.62%

# Economic Commentary

## International Market

Risk assets remained cautious seemingly trying to assess the economic implications from the US debt ceiling deal, potentially resulting in a bigger fiscal drag hampering an already challenged growth outlook. The prospects of higher interest rates in the near term also resulted in the mild sell off across bond and equity markets during May.

Across equity markets, the S&P 500 Index marginally gained +0.25%, whilst the NASDAQ added +5.80%. Europe's main indices were sold off, led by UK's FTSE (-5.39%), France's CAC (-5.24%) and Germany's DAX (-1.62%).

The US Fed unanimously delivered the widely expected 25bp hike to 5.00-5.25% on the fed funds rate target. The accompanying statement dropped the explicit expectation that additional tightening may be appropriate.

US payrolls printed much better than expected, with the unemployment rate falling (not rising, at 3.4% vs. 3.6% expected). The data overall is consistent with a still tight labour market.

The US core PCE deflator showed little progress on the current phase to fight inflation. In 3m annualised terms, the core PCE deflator was +4.3%, the same rate it was a year ago in April 2022.

Canada's headline employment came in at 41.4k vs. 20.0 expected, with unemployment staying at 5.0% vs. 5.1% expected. The CPI unexpectedly ticked up to +4.4% y/y in April but the average of the two key core measures were in line, down from +4.5% to +4.2%.

The Bank of England raised rates by 25bp to 4.25% as expected, and guided that more tightening would be required if there was evidence of more persistent inflation pressures. UK CPI for May far exceeded expectations, with the headline only dropping to +8.7% from +10.1%, against +8.2% expected. More disconcerting was the core reading lifting to +6.8% from +6.2% (no change expected).

The RBNZ lifted rates by 25bp to 5.50% as was widely anticipated. What surprised the market was the RBNZ's outlook, which was consistent with the end of the tightening cycle being reached – the MPC now “confident” that policy was restrictive enough to meet its inflation objective.

China's export growth slowed in April while imports slumped. Exports expanded +8.5% from a year earlier to \$295 billion vs +8% expected. Exports received a boost from still-resilient demand from places such as Southeast Asia.

The MSCI World ex-Aus Index fell -1.25% for the month of May:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+0.25%	+5.28%	+1.15%	+11.14%	+9.09%	+9.87%
MSCI World ex-AUS	-1.25%	+3.17%	+0.34%	+9.25%	+6.00%	+6.64%
S&P ASX 200 Accum. Index	-2.53%	-0.89%	+2.90%	+11.43%	+7.47%	+8.12%

Source: S&P, MSCI



## Domestic Market

The RBA surprised markets in May by raising the cash rate a further 25bp to 3.85% after the briefest of pauses the previous month (April). Underpinning the Bank's concerns are signs that the labour market remains tight, wages growth has picked up but remains consistent with target only if productivity growth picks up (both are key risks over this year to the RBA's outlook).

The RBA Minutes for May confirmed upcoming meetings are very live with extensive discussion around the need for productivity growth to pick up *"to ensure consistency of the wages growth forecast with the Bank's inflation forecast"*.

April employment data was softer than expected, with employment falling -4k against expectations for a +25k increase and the unemployment rate rising by 0.1% to 3.7%.

The wage price index (WPI) rose +0.8% q/q and +3.7% y/y in Q1. At +0.84% q/q unrounded, it was a little below the +0.9% consensus. This broadly matched the RBA's most recent May SoMP forecast of +0.9% q/q and +3.6% y/y. This gives the Bank more confidence in its read that wages growth was stabilising.

The April Monthly CPI Indicator rose +6.8% y/y from +6.3%y/y in March.

Australian dwelling prices rose +0.5% m/m in April. That follows the +0.6% rise in March that broke a streak of 10 consecutive monthly declines.

Retail sales rose +0.4% m/m, a little above consensus for a +0.2% gain.

The March trade balance beat expectations with the trade surplus widening to \$15.3bn, its second highest on record, from an upwardly revised February (consensus \$13.0bn). Exports rose 3.8% m/m, outpacing a 2.5% increase in imports.

The Federal budget is expected to be in surplus by \$4.2bn (0.2% of GDP) for 2022-23. While foreshadowed in the monthly financial statements, it is a dramatic improvement on the most recent October Budget estimate of -\$36.9bn.

The Australian dollar lost -1.74%, finishing the month at US64.95 cents (from US66.10 cents the previous month).

## Credit Market

The global credit indices slightly tightened over May. They are now back to their levels in early 2022 (prior to the rate hike cycle from most central banks):

Index	May 2023	April 2023
CDX North American 5yr CDS	76bp	79bp
iTraxx Europe 5yr CDS	82bp	86bp
iTraxx Australia 5yr CDS	83bp	91bp

Source: Markit

# Fixed Interest Review

## Benchmark Index Returns

Index	May 2023	April 2023
Bloomberg AusBond Bank Bill Index (0+YR)	+0.29%	+0.30%
Bloomberg AusBond Composite Bond Index (0+YR)	-1.21%	+0.19%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.34%	+0.46%
Bloomberg AusBond Credit Index (0+YR)	-0.51%	+0.45%
Bloomberg AusBond Treasury Index (0+YR)	-1.39%	+0.01%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-0.65%	+0.32%

Source: Bloomberg

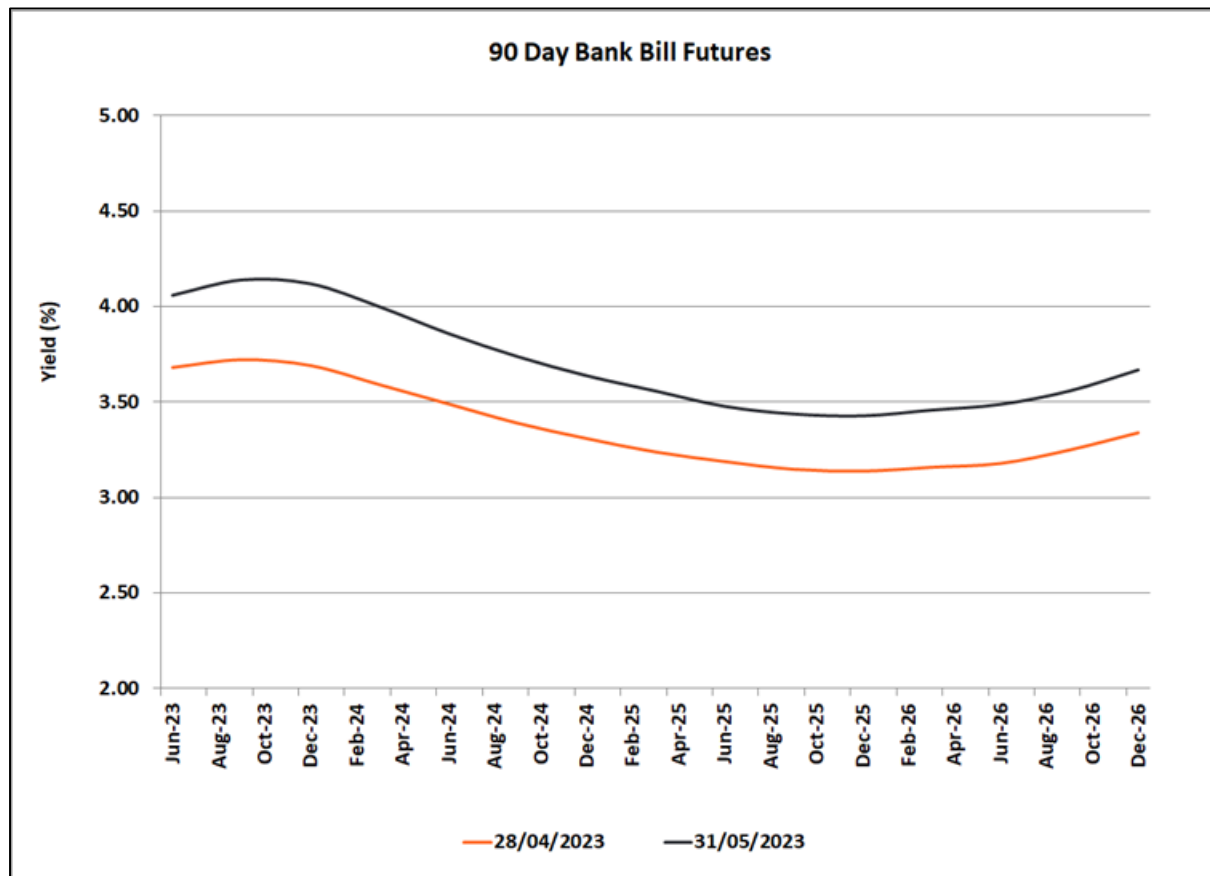
## Other Key Rates

Index	May 2023	April 2023
RBA Official Cash Rate	3.85%	3.60%
90 Day (3 month) BBSW Rate	3.98%	3.68%
3yr Australian Government Bonds	3.37%	3.00%
10yr Australian Government Bonds	3.61%	3.34%
US Fed Funds Rate	5.00%-5.25%	4.75%-5.00%
2yr US Treasury Bonds	4.40%	4.04%
10yr US Treasury Bonds	3.64%	3.44%

Source: RBA, AFMA, US Department of Treasury

### 90 Day Bill Futures

Bill futures rose across the board in May driven by RBA Governor Lowe’s comments suggesting further rate hikes would be required to combat inflation. The markets continue to factor in the possibility of a global recession over the next few years, highlighted by the drop in the futures pricing in early 2024:



Source: ASX

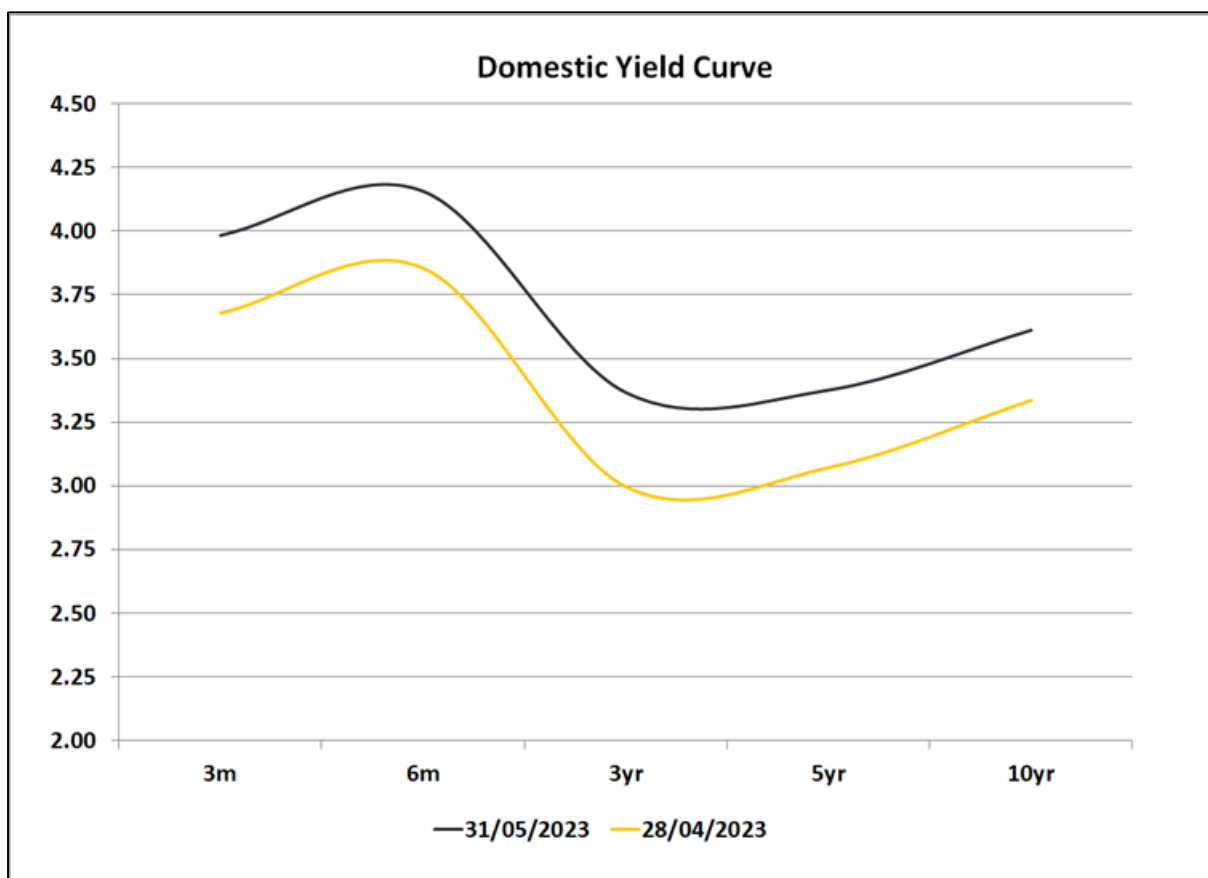
## Fixed Interest Outlook

Most US FOMC members are open to a pause in June, but if they did pause, they have not ruled out future rate hikes. A June hike is now ~70% priced, and another 25bp hike is 90% priced in the July meeting. Near term cut expectations have also been pared.

Domestically, after delivering another 25bp hike in May, the RBA's commentary concluded that "*some further tightening of monetary policy may be required*", reinforcing a continuing commitment to do what is necessary to return inflation to target and a bias that still higher interest rates might be required to return inflation to target. Governor Lowe has commented that as per the views of other central banks, there are costs to inflation remaining too high for too long, as this would require even higher interest rates and greater job losses in the future.

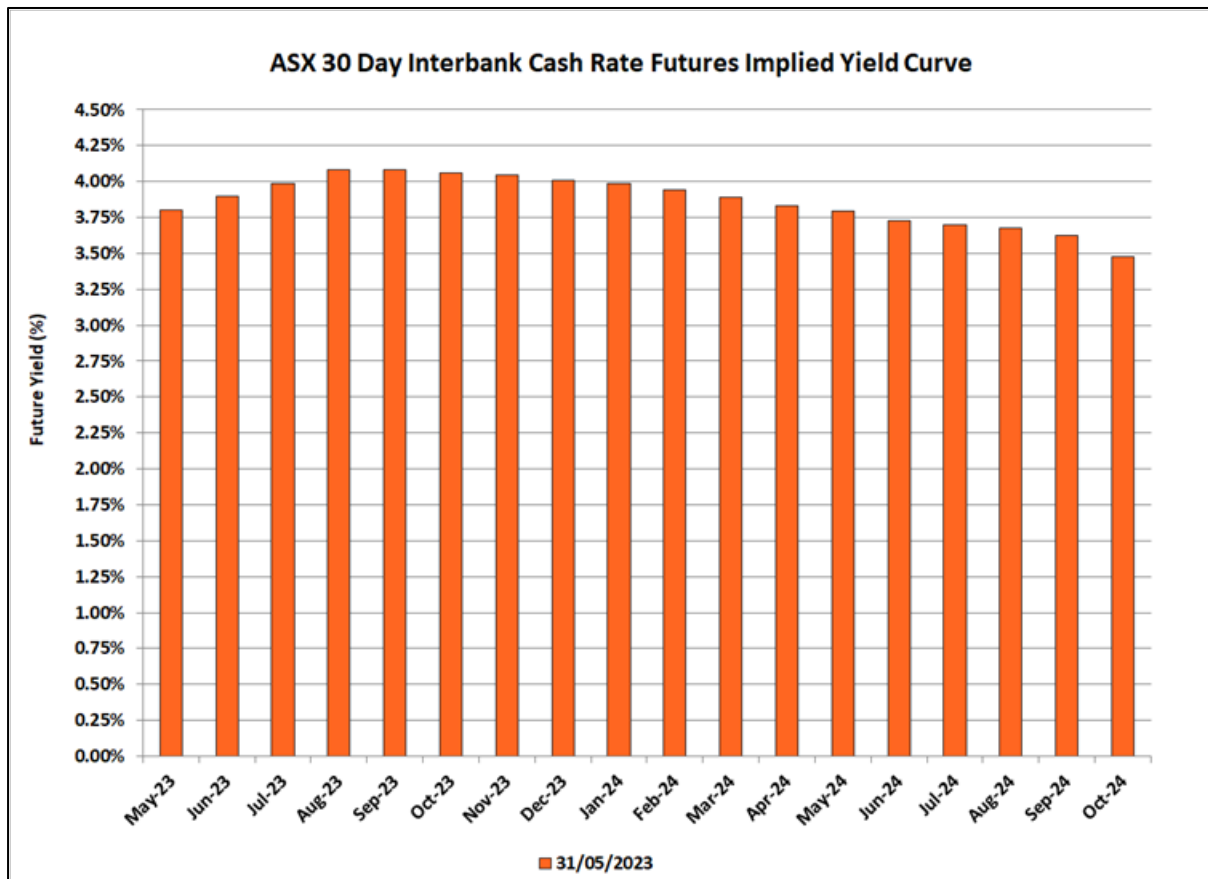
Overall, the risk continues to be to the upside in the near term with the RBA to remain reactive to the data flow, especially around inflation and wages.

Over the month, yields rose up to 37bp at the long-end of the curve:



Source: AFMA, ASX, RBA

Despite the RBA's rhetoric that rates may still need to move higher should inflation remain sticky, markets are still currently placing bets that their next move is a cut by early to mid-2024.



Source: ASX

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**ATTACHMENT TWO**

**Development Application**

**DA/2021/46**

# DEVELOPMENT APPLICATION & PLANNING PROPSAL ASSESSMENT REPORT

DA/2021/46

Report Date: 03/05/2023

Date Lodged: 24/09/2021

Officer: Allan Wiebe

Applicant -  
Wakefield Planning  
PO Box 594  
MOREE NSW 2400

Owner	Walgett Aboriginal Land Council – NSW Land Council
Proposal	Subdivision / Consolidation and Rezoning – Namoi Village
Reference:	DA/2021/46 - PP-2022-2116
Location:	WALGETT NSW 2832
Legal Desc.	43//752271, 95//704102 & 7006//1057529
Parcel No.	N/A
BCA Code	N/A
Value	\$ 0.0 / 0.0= \$

## Proposal Overview

Subdivision/Consolidation and Rezoning at Namoi Village

## Property Details/History

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

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:** Ownership and encroachments to be dealt with by way of deferred commencement condition. Namoi Village is an existing settlement 2kms north of Walgett.

## Application Type

Is this application an Integrated Development Application?

Yes ☐ No ☒

Is this application a Designated Development Application?

Yes ☐ No ☒

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

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

Is this application a staged Development? Yes ☐ No ☒

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

**Date of original development consent:** Not Applicable

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

Does the application including a planning proposal? Yes ☒ No ☐

**Comment:** A planning proposal is required to rezone allotments that do not meet requirements for minimum lot size for non-residential purposes. The planning proposal was considered in its entirety at the April Council where it was resolved to submit the proposal to the Department of Planning and Environment for gateway consideration.

## CONCURRENCE & REFERRAL

### Section 4.13 – EP & A Act

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

Department	Response Received	Objection to Proposal	Comments/Issues Raised
NSW RFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not zoned bushfire prone – Potential for grass and house fires.
NSW Police	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Fire & Rescue	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
NSW Planning	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Biodiversity	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
NSW Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Rail	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
TfNSW	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable



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

#### Comment:

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

Reason: More than three allotments are created. Ref: Council delegations policy.

### NOTIFICATION

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

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

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

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

Dates Notification Undertaken

Commenced 6/10/21

Finished

20/10/21

Details of written submissions received? Nil.

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:** Notified to adjoining owners and advertised Commenced 6/10/21 Finished 20/10/21.

## LOCAL ENVIRONMENTAL PLAN WLEP 2013

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

**This land is zoned:**

C4 Environmental Living  
RU1 Primary Production

**Development as per Standard Definitions:**

This development is considered to be a residential subdivision.  
A historical subdivision was created on paper based on the historical mission layout but was not zoned for residential development.  
  
The dominant development on this land is residential and rural residential.

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

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>In the LEP's Land Use Table, the objectives for the RU1 zone are:</p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul> <p>It is considered that the proposed development is consistent with the above-mentioned zone objectives.</p>
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>In the LEP's Land Use Table, the objectives for the C4 (Previously E4) zone are:</p> <ul style="list-style-type: none"> <li>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> <li>To ensure that residential development does not have an adverse effect on those values.</li> <li>To acknowledge the settlements of Gingie, Namoi and Walli and to enable compatible development</li> </ul> <p>It is considered that the proposed development is consistent with the above-mentioned zone objectives.</p>
2.6 Subdivision Consent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Development consent is required for subdivision and a planning proposal has been lodged for rezoning.

4.1 Minimum lot size	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	C4 – Zoning = Minimum 700m2 - Concurrence of the Planning Secretary is required in relation to the non-compliance with minimum lot sizes. To be dealt with by way of deferred commencement condition under CL4.6. RU1 Zoning = Minimum 400ha – Concurrence required under 4.6. As above.
4.2 Rural Subdivision	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing dwelling on residual allotment would not comply with Cl 4.2 (4). Concurrence of the Planning Secretary is required in relation to the non-compliance with minimum lot sizes. To be dealt with by way of deferred commencement condition under CL4.6.
4.2A Erection of dual occupancies, dwelling houses or secondary dwellings on land in certain rural, residential and environmental protection zones	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Development consent must not be granted for the erection of a dual occupancy, dwelling house or secondary dwelling on land to which this clause applies unless the land— is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land. C4 – Allotments to be created for dwellings comply. RU1 – No new dwellings proposed
Cl. 4.6 Exceptions to development standards	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	An exception to minimum lot sizes is considered reasonable and necessary in the circumstances of the case given the use of the land to for services and infrastructure and dwellings not being permissible.
4.3 Height of buildings	Yes	Height of buildings complies
5.10 Heritage conservation	Yes	No issues identified conditions of consent to be provided
5.16 Subdivision or dwellings on rural, residential land.	Yes	Existing use of the land is for a residential village which has been in existence for many years. In addition, the subdivision design would maintain buffers between existing dwellings and agricultural land uses in the vicinity.
5.21 Flood planning	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Council must consider (a) the impact of the development on projected changes to flood behaviour as a result of climate change – None identified. (b) the intended design and scale of buildings resulting from the development – floor levels of dwellings raised above highest known flood level. Any new dwelling to have similar floor levels (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood – Flood refuge and flood evacuation plan are required. (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion – No options available.

6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Construction works are not proposed as part of this application, and a Soil & Erosion Control Plan has not been submitted, but a suitable condition will be recommended. Village streets are to be reconstructed by NSW Government as development not requiring consent. Preliminary plans have been submitted to Council for information only.
6.3 Development on River front areas	Yes <input checked="" type="checkbox"/>	Namoi village is less than 400m from Barwon River. However, this clause only applies to land zoned RU1 Primary Production that is within 100 metres of the top of the bank of the Barwon or Namoi Rivers. The village is zoned C4 Environmental Living
6.6 Essential Services	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	All service connections are available.

Are there any relevant draft LEP or draft LEP amendment?

Yes ☐ No ☒

**Comment:**

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

Yes ☐ No ☒

**Comment:**

## DEVELOPMENT CONTROL PLAN – WDCP 2016

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

<b>List the relevant clause/clauses under the applicable DCP</b>			
<b>Clause</b>	<b>Issue</b>	<b>Compliance</b>	<b>Comment</b>
2.5	Site Contamination	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No issues identified
2.6	Notification and advertising	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Completed
3.2	Flooding	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	See comments and conditions.
3.3	Bushfire	Yes	Not zoned Bushfire but RPZ to be maintained
4.7.1	Lot size	No	See previous comments
4.7.2	Servicing	Yes	Services existing
4.7.3	Sewer	Yes	Services existing
4.7.4	Water	Yes	Services existing
4.7.5	Stormwater	Yes	Services existing
4.7.6	Telecommunications	Yes	Services existing
4.7.7	Electricity	Yes	Services existing
4.7.8	Battle axe lots	Yes	No issues identified

4.7.10	Road Network	No	Consideration to road network design incorporates a trade-off between accessibility and vehicle speeds in an existing subdivision. A variation is proposed. See Councils Engineers comments. Pedestrian access path is provided.
4.7.11	Cul de Sac	Yes	complies
4.7.12	Landscaping	Yes	Condition to be applied.
4.7.13	Site Access	Yes	Complies
4.7.14	Lot Orientation	Yes	Configuration of lots is established by existing village.
4.7.15	Open Space	No	A proposed variation to reduce the open space buffer is not supported and an area of 5,000m2 open space should be provided for recreation and as a buffer to adjoining agricultural land..
4.7.16	Vegetation	Yes	No vegetation effected
4.7.17	Garbage	Yes	Existing services are provided.
4.7.19	Contamination	Yes	Conditions of consent provided to address contamination issues.
6.1	Environmental	Yes	See statement of environmental effects
6.2	Soil Sediment	Yes	Conditions apply
6.3	Vegetation	Yes	Significant vegetation to be retained
6.4	Waste management	Yes	Existing services to remain
6.5	Noise	Yes	No issues identified
6.6	Geology	Yes	No issues identified
6.7	Stormwater	Yes	Existing service to remain
6.8	Common effluent	Yes	Existing service to remain
6.9	Sewer	Yes	Existing service to remain

Has a variation to the DCP been requested?

Yes ☒ No ☐

**Comment** Open Space requirements – not supported.  
Road widths requirements – Council Engineer to comment.  
Lot Size requirements – Non-residential lots only. Planning Proposal as deferred commencement condition.

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

## Regional Environmental Plan

### Alignment & Actions

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

**Comment:** No adverse impact on the provisions of the Far West Regional Plan have been identified.

## STATE ENVIRONMENTAL PLANNING POLICY - SEPPs

List all relevant SEPPs		
SEPP	Compliance	Comment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The purpose of this SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	There is no tree removal proposed, no koala habitat nor potential habitat that will be affected by this development. Therefore, a Koala Plan of Management is not required.
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>

<b>Exempt and Complying Development Codes 2008</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	No issues are identified.
<b>State Environmental Planning Policy (Housing) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<p><i>The principles of this Policy are to:-</i></p> <ul style="list-style-type: none"> <li><i>• enable the development of diverse housing types, including purpose-built rental housing,</i></li> <li><i>• encourage development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></li> <li><i>• ensure new housing provides residents with a reasonable level of amenity,</i></li> <li><i>• mitigate the loss of existing affordable rental housing.</i></li> </ul> <p><i>The SEPP introduces two new housing types to meet changing needs:</i></p> <ul style="list-style-type: none"> <li><i>• Co-living housing</i></li> <li><i>• Independent living units</i></li> </ul> <p><i>Improves the way existing types of homes are delivered including:</i></p> <ul style="list-style-type: none"> <li><i>• Boarding houses</i></li> <li><i>• Build-to-rent housing</i></li> <li><i>• Seniors housing</i></li> </ul> <p><i>Includes the planning rules for:</i></p> <ul style="list-style-type: none"> <li><i>• Caravan parks and manufactured home estates</i></li> <li><i>• Group homes</i></li> <li><i>• Retention of existing affordable rental housing</i></li> <li><i>• Secondary dwellings (sometimes known as granny flats)</i></li> <li><i>• Social housing</i></li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	The current proposal has no adverse impact on housing availability or housing diversity.
<b>State Environmental Planning Policy (Industry &amp; Employment) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <li><i>• applying to employment land in western Sydney.</i></li> <li><i>• for advertising and signage in NSW.</i></li> </ul>
<b>SEPP 65 — Design Quality of Residential Apartment Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><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></p>

<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	No buildings are proposed.
<b>State Environmental Planning Policy (Planning Systems) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This Policy aims to:</i> <ul style="list-style-type: none"> <li>• identify development that is State significant development</li> <li>• to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>• to identify development that is regionally significant development.</li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	No issues arise for the current proposal.
<b>State Environmental Planning Policy (Precincts—Regional) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This chapter applies to the state and aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State. It also facilitates service delivery outcomes for a range of public services and provides for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
<b>State Environmental Planning Policy (Primary Production) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li>• to manage primary production and rural development including supporting sustainable agriculture.</li> <li>• for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	The proposed subdivision development is consistent with the aims and objectives of this Policy.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This Policy incorporates and repeals the provisions of SEPP No. 55 - Remediation of Land and Clause 4.6 requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	No issues have been identified.
<b>State Environmental Planning Policy (Resources &amp; Energy) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li>• for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.</li> <li>• which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which</li> </ul>



		<i>contains extractive material of regional significance.</i>
<b>State Environmental Planning Policy (State Significant Precincts) 2005</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This policy aims to:-</i> <ul style="list-style-type: none"> <li><i>facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.</i></li> </ul> <i>facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
<b>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li><i>for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.</i></li> <li><i>for child-care centres, schools, TAFEs and Universities.</i></li> <li><i>planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).</i></li> </ul> <i>the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.</i>

#### **List all relevant Draft SEPPs**

<b>SEPP</b>	<b>Compliance</b>	<b>Comment</b>
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Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

### **Planning Agreement**

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

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

No

### **Planning Strategies/Local Policy**

Is there a Planning Strategy or Local Policy that requires notation?

No

### **Local Strategic Planning Statement**

<b>Planning Priority</b>	<b>Applicable</b>
--------------------------	-------------------

**Comment:** This proposed development encompass subdivision of an existing village and does not require strategic consideration.

## Supporting Planning Assessment

Has the applicant submitted any supporting planning assessments?

Yes

**Comment:** Statement of Environmental Effects  
Subdivision Plan

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

## Subdivision

Is this application for subdivision?

Yes ☒ No ☐

How many new lots are being created?

**Comment:** 41 Including residual lot.

## ENVIRONMENTAL IMPACTS

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive Impact will be made through Roads to Home funding which is targeted in conjunction with the Close the Gap Program to increase potential for Aboriginal home ownership or rent to buy.
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive Impact – There will be an economical gain during construction only.
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The village siting and configuration is existing.
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The setbacks are existing based on property fencing arrangements.
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of aural and visual privacy outside those of normal, residential usage.
Safety, security & crime prevention	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will not result in any decrease in safety, security and prevention of crime in the surrounding area. Aspects of the design will have a positive impact on passive surveillance of the surrounding environment.
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of overshadowing.
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues identified
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms visual privacy
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Views will not be impacted.
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No impacts on amenity have been identified.
Construction	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Work on infrastructure will be undertaken under a separate approval process.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing water services are available.

Waste	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing waste services are available.
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The proposed development is expected to have minimal impact on existing air quality levels and microclimatic conditions.
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works.
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will improve the subject site by undertaking appropriate landscaping measures (i.e. lawn, shrubs etc.). Erosion and sediment control measures are also to occur during the construction of the development.
Tree Loss	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No significant trees are to be removed.
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues have been identified in relation to flora on the site.
Fauna	Yes <input type="checkbox"/> No <input type="checkbox"/>	No issues have been identified in relation to fauna on the site.
Cumulative	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No cumulative issues are likely.

Has a Threatened Species Impact Assessment been prepared? Yes ☐ No ☒

Are there any species/communities listed under the TSC Act? Yes ☐ No ☒

Does the proposed development require approval under the EPBC Act Yes ☐ No ☒

**Comment:** None

## HERITAGE IMPACT

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

Is this land classified as containing an item of environmental heritage? Yes ☐ No ☒

Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? Yes ☐ No ☒

**Comment:** No.

Is this proposal in a heritage conservation Zone? Yes ☐ No ☒

Is this proposal in an adjoining or in close vicinity to a conservation zone? Yes ☐ No ☒

**Comment:** No.

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

**Comment:** HIS not required.

Has the Heritage Advisor reviewed this application? Yes ☐ No ☒

**Comment:** Heritage advice is not required.

Is there any other issue that requires notation? Yes ☐ No ☒

## FLOODING

### Section 4.15(1)(b) – EP & A Act

Is this property flood affected? Yes ☒ No ☐

Is there a flood study which includes this land? Yes ☐ No ☒

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

**Comment:** All houses within the village have elevated floor levels that are clear of the highest known flood level. A flood impact assessment is in the course of preparation and will be provided to Council on completion. Other than access, none of the existing dwellings were impacted by the recent flood event.

The sewer pumping station will need to be flood proofed either by the construction of a small levee around it or preferably raising the access hatch and electrical equipment so that they are at least 500mm above highest known flood level.

Conditions of consent are provided detailing requirements for the establishment of minimum floor levels of any dwelling proposed to be erected and provision of a flood emergency evacuation plan.

## BUSHFIRE PRONE LAND

### Section 4.15(1)(b) – EP & A Act

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

**Comment:** Bushfire management plan to be provided for approval prior to subdivision.

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

Has a Bush Fire Management Plan under 2019 guidelines been provided ? Yes ☐ No ☒

See comment above

## CONTAMINATED LAND

### Section 4.15(1)(b) – EP & A Act

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

**Comment:**

Has a Contaminated Land Site Investigation been completed? Yes ☐ No ☒

Does this land require remediation? Yes ☐ No ☒

Is a referral required to NSW Environment Protections Authority? Yes ☐ No ☒

**Comment:** See comment

## INFRASTRUCTURE

### Section 4.15(1)(b) – EP & A Act

Who has completed the Engineering Assessment?

Engineering Department ☒      Assessing Officer ☒      Other ☐

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Existing sewerage system provided. See comment above.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing water supply provided
Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing drainage system provided
Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing access provided.
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Kerb and Gutter to be replaced
Upgrade Existing Road	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Road withing village to be upgraded.
Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing road network
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	New easements to be provided over infrastructure
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing connections
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing
Pedestrian Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Paved footpaths to be provided
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable
Parking	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Additional parking to be provided.
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues identified.

Does the development require any new easements?

Yes ☒ No ☐

**Comment:** Easements over infrastructure to be provided.

## CONSTRUCTION ASSESSMENT

Is a Construction Certificate Required?

Yes ☐ No ☒

Was a Construction Certificate submitted with this application?

Yes ☐ No ☒

Has Council been appointed as the Principle Certifying Authority?

Yes ☐ No ☒

Is a public defects liability agreement required?

Yes ☒ No ☐

**Comment:** Public defects liability agreement to be provided.

## ACTIVITY APPLICATIONS – S68 LOCAL GOVERNMENT ACT 1993

Is a section 68 assessment required?

Yes ☐ No ☒

What type of Activity is being carried out?

None

**Comment:** NA

## SIGNS

Does this proposal require signage?

Yes ☐ No ☒

## Section 88b Instrument

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

Yes ☒ No ☐

**Comment:** See conditions related to this matter.

## MATTERS PRESCRIBED BY REGULATIONS

Clause 61(1) - Demolition

Yes ☐ No ☒

**Comment:** None proposed

Clause 62 – Fire Safety

Yes ☐ No ☒

**Comment:** See bushfire conditions

Clause 63 –Temporary Structures

Yes ☐ No ☒

**Comment:** None part of this application

Owners Consent

Yes ☒ No ☐

**Comment:** Issues to be dealt with by deferred commencement conditions

Roads Act Approvals – Access to development & Activity on footpaths

Yes ☒ No ☐

**Comment:** Details to be lodged separately if required.

## Public Interest

Does this proposal have any construction or safety issues?

Yes ☐ No ☒

**Comment:** Legal process of subdivision only.

Is there any public health issues?

Yes ☒ No ☐

**Comment:** The availability of title to property is expected to improve public health outcomes for residents in the long term.

Are there any other public interest issues?

Yes ☒ No ☐

**Comment:** It is in the public interest to provide the opportunity for property ownership to residents of the village. A right that is enjoyed in other villages in the Walgett Shire.

## Site Suitability

*Section 4.15(1)(c) – EP & A Act*

Is this a suitable site for this development?

Yes ☒ No ☐

Site Inspection – 4/4/23 and 13/4/23

**Comment:** The proposed development is consistent with the existing and future development in the locality. The development will have access from a public road. Whilst the site is flood prone, the dwellings erected upon it have elevated floor levels so that no dwelling would be inundated by flood water. The site does not contain any items of heritage significance and is not bushfire prone.  
The existing village is suitable for subdivision development.

## ASSESSING OFFICERS COMMENTS

**Comment:** The following outstanding issues are dealt with by appropriate conditions.

1. Development application and planning proposal are for subdivision, consolidation and rezoning of land.
2. Notified to adjoining owners and advertised commencing on 6/10/21 and finishing on 20/10/21.
3. Referral to Council for a decision is required as more than three allotments are created. Ref. Staff delegations for DA determination.
4. Rights of access, ownership and infrastructure encroachments are to be dealt with by way of deferred commencement condition.
5. Concurrence of the Planning Secretary is to be sought under CI 4.6 WLEP in relation to the non-compliance with minimum lot sizes in C4 and RU1 Zoning. To be dealt with by way of deferred commencement condition.
6. Approval of planning proposal for rezoning of allotments for infrastructure and services. To be dealt with by way of deferred commencement condition.
7. WLEP Clause 4.6 - An exception to minimum lot sizes is considered reasonable and necessary in the circumstances given the proposed use of the land for services and infrastructure. Construction of dwellings not being permissible by S88 restriction.
8. Flood levels – Existing dwellings have elevated floor levels well above highest known flood level. Any new dwellings proposed to be constructed should have similar floor levels to the existing dwellings. Can be dealt with by way of covenant on each individual title.
9. Flood planning – The development needs to incorporate measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood. Conditions of consent require a flood evacuation area and a flood evacuation plan.
10. Road Width - Consideration to road network design incorporates a trade-off between accessibility and vehicle speeds in an existing subdivision. A

variation to 8 metre width to 7.5m is proposed. Councils Engineer has not supported the proposed 8m road with see comments.

11. Landscaping – Design to be submitted for approval.
12. Open Space – It is recommended that an open space area totalling 5,000m<sup>2</sup> be created for recreation and as a buffer to adjoining agricultural land.
13. Garbage Truck – Access and Turning – See Council Engineers comment.
14. Public defects liability agreement to be provided prior to subdivision approval.
15. Roads Act Approval – Details to be lodged separately.

## ***Recommendation***

### **DEFERRED COMMENCEMENT - CONDITIONS OF CONSENT**

The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

(A) Before this consent can operate, and within two (2) years of the date of this determination, the applicant must provide, to Council's satisfaction;

1. Evidence that congruent legal and physical access is available to all of the land.
2. Evidence of applicant ownership and removal of any encroachments onto adjoining lands.
3. Evidence of concurrence of the Planning Secretary under CI 4.6 WLEP in relation to the non-compliance with minimum lot sizes in C4 and RU1 Zoning.
4. Evidence of compliance with NSW Environment Protection Authority site contamination guidelines if necessary.

Advising: On council's satisfaction regarding the above condition, Council will notify the applicant in writing of such satisfaction.

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:



# RELEVANT PRESCRIBED CONDITIONS

(under the Environmental Planning and Assessment Regulation 2021)

## 1. Approved Plans & Documents

The development being carried out in accordance with the development application, the documents referenced below, except where amended by the following conditions.

Title	Reference	Prepared by	Sheet No.	Revision	Date
Statement of Environmental Effects	Roads to Home – Namoi Village - Walgett	Wakefield Planning (Angus Witherby)	-	REV 2.4	5/4/23
Draft plans of subdivision	Walgett Roads to Home Namoi Village	Wumara Group & David McCulloch & Wakefield Planning	-	Various	Various
Bushfire Assessment	Namoi Village	Wakefield Planning	-	Rev 1-1	5/4/23

## Erection of signs

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

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

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

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

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

## **GENERAL CONDITIONS**

5. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) the details set out on the plans approved and stamped by authorised officers of Council,
  - (c) all management recommendations contained within the Statement of Environmental Effectsexcept as amended by the conditions of this development consent.

**Note:** Any proposal to modify the terms or conditions of this consent will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration.
6. A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.
7. Prior to commencement of any works, a landscaping plan for road reserve areas and land to be dedicated as public reserve must be submitted to and approved by Council. When approved, the plan will be endorsed and then form part of the consent.

Vegetation approved under the plan must be maintained for a period of eighteen months to the satisfaction of Council.
8. All works are to comply with all relevant prescribed conditions of development consent under Part 4 Division 2, Subdivision 1 of the *Environmental Planning & Assessment Regulations 2021*.
9. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run-off around cleared or disturbed areas,
  - erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - prevent tracking of sediment by vehicles onto roads,
  - stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

## CONDITIONS TO BE COMPLETED PRIOR TO SUBDIVISION CERTIFICATE ISSUE

10. A Subdivision Certificate must be obtained, in accordance with the provisions of Division 6.4 of the *Environmental Planning and Assessment Act 1979*.  
Subdivisions plans for a Torrens or Community Title subdivision are to include;
  - a) S88b restrictions to prohibit construction of a dwelling on proposed undersize lots to be used for services and infrastructure.
  - b) Consolidation of all residual lots.
  - c) unrestricted access to open space for maintenance and operational purposes.
  - d) Easements for services including, water, sewer, drainage and power.
11. Prior to the issue of a Subdivision Certificate, the person acting upon this consent shall apply to Walgett Shire Council and receive written confirmation of the allocated street address(es) or house number(s) for the completed project. These are the numbers that will be noted in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing prior to the issue of a Subdivision Certificate.  
To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within the development should be submitted to Council as these numbers will be used to maintain Council's property and mapping database. Street names must be formally agreed to and adopted by Council.
12. A surveyor's plan must be submitted to Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.
13. Approval to carry out work on a Council roadway or footpath must be obtained, in accordance with section 138 of the Roads Act 1993, before works commence.
14. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
15. The sewer pumping station located within the road reserve adjacent to Lots 18/19 is to be flood protected either by the construction of a levee protection bank around the station or the elevation and waterproofing of the entry hatch and associated electrical equipment/switchboard. This latter method is Council's preferred course of action.
16. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Office of Environment & Heritage and the relevant local Aboriginal Lands Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

## CONDITIONS RELATING TO ONGOING OPERATIONS

17. A bushfire emergency and evacuation plan is to be prepared and maintained at all times. Including;

- a) Provisions for ongoing maintenance of a maximum 50m wide Asset Protection Zone (APZ)
- b) Contact details of emergency services and site contacts.
- c) Details of site safety procedures, property protection and evacuation measures.

Provision of 100,000 litres of static water supply maintained for bushfire fighting.

18. A flood study, emergency and evacuation plan is to be prepared and maintained at all times. A detailed flood study is to be submitted for Council approval.

Including;

- a) Contact details of emergency services and site contact.
- b) Details of site safety procedures, property protection and evacuation measures.

- 18 The flood study required in Condition 17 above shall establish a minimum habitable building floor level equivalent to that of the average RL of the existing dwellings. All new dwellings to be erected in the future shall be constructed to this minimum floor level. In this regard, a Restriction to User is to be placed on all vacant lots as at the date of approval of the subdivision requiring the adoption of this minimum floor RL

### COUNCIL ADVICE ONLY

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

### Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.

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

## Conclusion

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

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

Additional Notes Attached

Yes ☐ No ☐

- Site Inspection Photos
- Aboriginal Heritage Information Management Search

Signed: *Allan Wiebe* .....

Alan Wiebe

Date: 4/5/23



AWTM Pty Ltd ATF Witherby Family Trust (ABN 50 285 185 541) T/A Wakefield Planning  
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W: [www.wakefieldplanning.com.au](http://www.wakefieldplanning.com.au)

# **Statement of Environmental Effects and DA Report**

## **Subdivision Namoi Village Walgett Lot 43 DP 752271 and Lot 95, DP 704102**

Client: Walgett Local Aboriginal Land Council

Revision 2.4

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Document Control Details	Comments	Date
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<b>Document Revision</b>		
1.0	Early Draft for Client Review	29 June 2021
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2.1	Proof reading and minor updates	1 July 2021
2.2	Additional updates – Client feedback	2 July 2021
2.3	Final for submission to Council	14 July 2021
2.4	RFI revision and update	1 April 2023

### Disclaimer

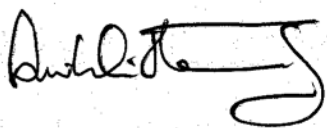
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### Principal Author Certification

I certify that I have prepared the contents of this Report and to the best of my knowledge:

- The information contained in this Report is neither false nor misleading; and
- It contains all relevant available information that is current at the time of release.



**Angus Witherby**

BA – Geography & Economics, Grad. Dip. Urb. & Reg. Planning, FPIA, CPP

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## **1 Introduction**

### **1.1 Preliminary**

This SEE has been revised to account for issues raised in Council's RFI for the development. It incorporates the changes indicated to Council in the formal RFI response.

### **1.2 The Roads to Home Project**

The NSW State Government is working with Local Aboriginal Land Councils across NSW to implement subdivisions across a range of Aboriginal communities which have largely developed on former mission sites. In particular, the program seeks to subdivide individual house lots, as well as make significant improvements to infrastructure including roads, lighting, property access, drainage and the like.

Some of the first subdivisions under the program are taking place in Walgett Shire which is the "headline" community for the state – wide rollout of the program. The process of subdivision is one which will contribute to these communities coming into the "mainstream" particularly in terms of treating these village communities in a similar way to other village communities throughout rural and regional NSW.

In addition to the subdivision process, and remediation of key infrastructure, the opportunity is also being taken to rehabilitate dwellings and to address issues such as asbestos contamination.

The development application as submitted has been the subject of intense development design including multiple meetings with the local communities and the Land Council. In addition, prior to any change to title occurring, it is necessary for the NSW Aboriginal Land Council to approve any land dealings. This requires those dealings having the support of the community concerned as well as the support of the NSW Aboriginal Land Council.

Initial proposals gave consideration to various forms of title including Community Title. Ultimately, however, the NSW Aboriginal Land Council was more comfortable with a conventional Torrens subdivision as this was considered to place less ongoing burdens on the Local Aboriginal Land Council. This view was the view ultimately endorsed at the Land Dealing Meeting held with the communities.

### **1.3 Scope of Works**

In many respects the proposal could have proceeded as a "paper" subdivision with roads etc being dedicated to Council in their current condition.

Instead, the NSW Government has committed to upgrade road infrastructure within the village, and improve associated drainage in addition to undertaking the subdivision process to create individual house lots, largely along the lines of existing fencing. In addition, the NSW State Government is proposing to re-construct the internal roads to a longer design life than is ordinarily required for a residential subdivision. The roads, having been dedicated to Council would become maintained in the same way as other villages in the Shire.

Similarly, part of the subdivision is looking to create public reserve allotments which, as is the normal case, would be dedicated to Council. Again, lots and facilities upon the lots would be brought into good order prior to dedication.

## **1.4 Ongoing maintenance**

With respect to maintenance, the Walgett Local Aboriginal Land Council is in a position to quote to provide many of the maintenance services to the subdivision and is of the view that it could do so in a very cost-effective effective fashion. While not the subject of this development application, discussions will be held with Council regarding a framework which would maximise local resident participation in the ongoing care and maintenance of the village. This is an important element of well-being for local people both in terms of the ability to earn income but also to maintain “pride in-place”.

## **1.5 A Model Community**

The subdivision and associated works are intended to implement a “model community” that has the strong support of residents but which also represents a model that could be utilised in other communities, both Aboriginal and non—Aboriginal. The strong intent is to ensure that the communities being subdivided set a new benchmark for sustainable Aboriginal Housing.

## **1.6 Requirements for Development Consent**

It should be noted, however, that with respect to physical works, development for roads (which includes ancillary works) may be carried out without development consent when carried out by a public authority. In this respect the Walgett Local Aboriginal Land Council is a public authority and accordingly development consent is not strictly required for the road construction. A similar situation pertains to stormwater management and also to environmental protection works.

Although the physical works do not require consent, for completeness the application is presented as a “package” of the proposed physical works as well as the legal subdivision.

# **2 Physical Context**

## **2.1 Context for the site**

The context of the site is shown on the diagram over:



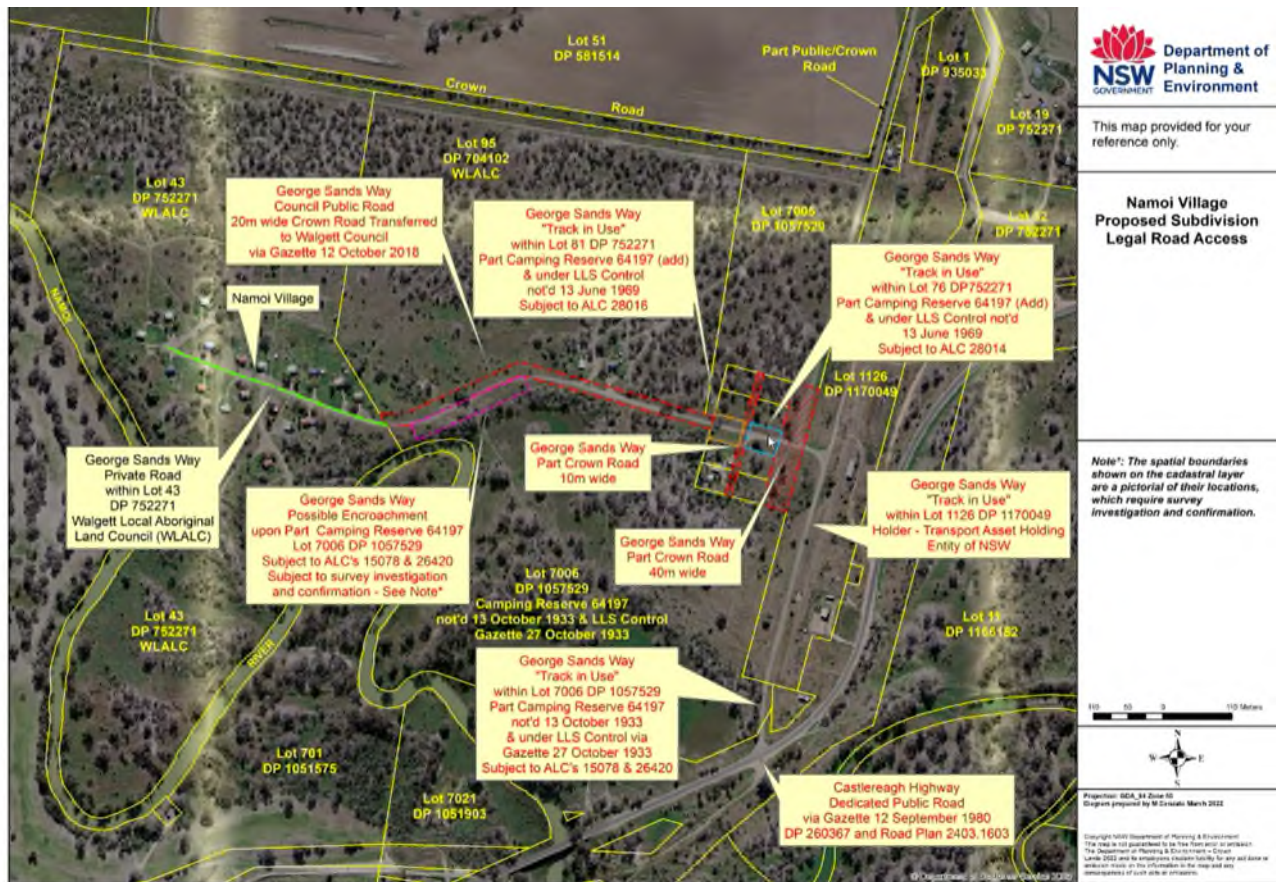
### Figure 1 - Context

The site represents a self-contained village community reasonably close to the urban boundary of Walgett, and is currently zoned C4. The village is located to the east of the Namoi River, with a spur road on land contained within one of the river bends. The land is undulating and partially timbered. The land is currently occupied by 20 dwellings as well as two sheds. Two of the dwellings are located before the entrance to the village proper on the northern side of the public road providing primary access to the site. These are not included within the current application, but are proposed to remain on the residue lot.

It should be noted that the access road is not currently within the dedicated alignment but partially encroaches on Lot 7006 DP 1057529. This encroachment is proposed to be rectified as part of the current subdivision. In addition, the physical access traverses a number of different allotments, in different ownerships. A “lot by lot” approach is proposed to be taken, to ensure that adequate legal access is available to the land.

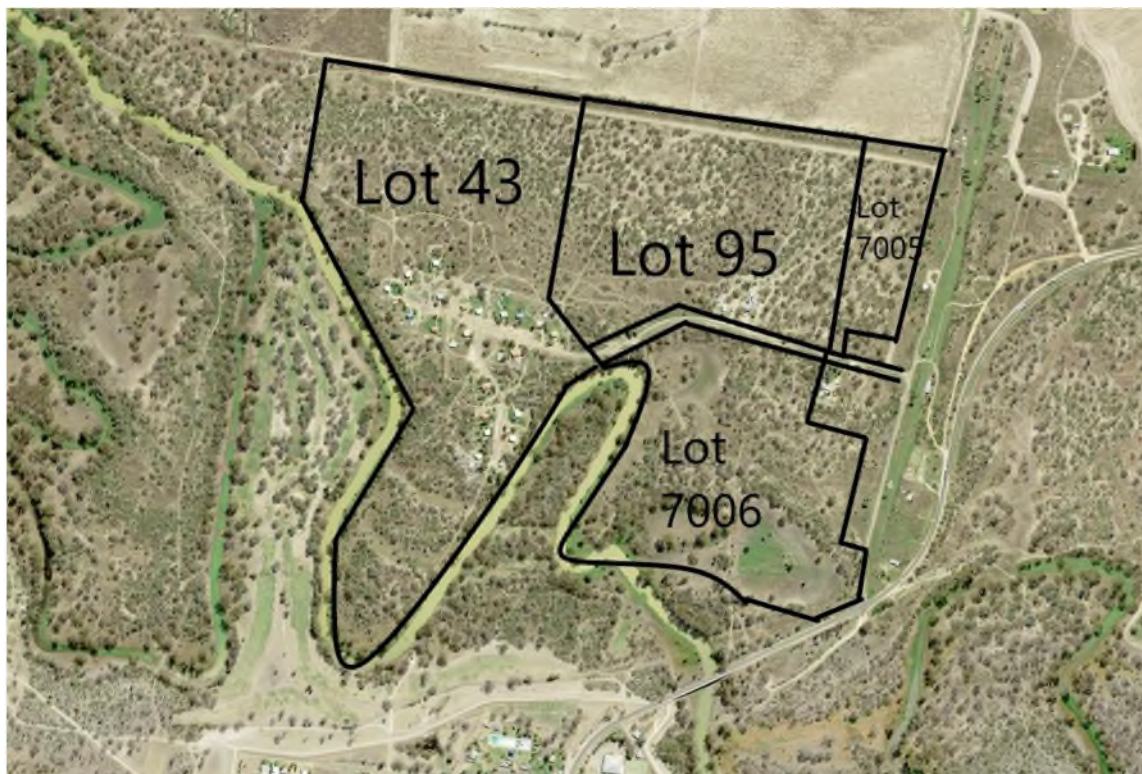
The access issues are outlined in the figure following:





**Figure 2 - Road Access**

The current village aerial context is shown on the figure below:



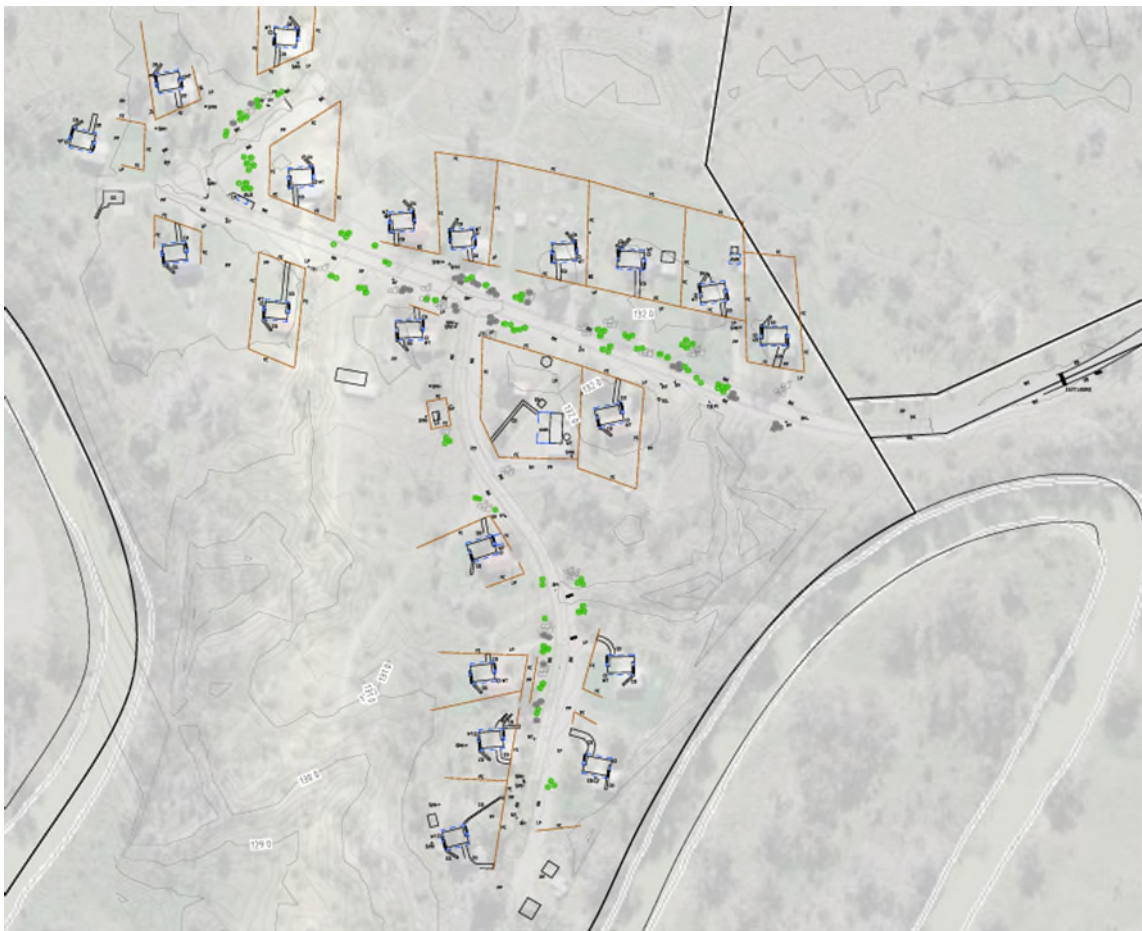
**Figure 3 - Aerial Context**



This gives a good overview of the type of country which has scattered vegetation with houses arranged around the road network. Several dwellings are in close proximity to the Namoi River and are within the riparian area which requires particular consideration. Opposite the village across the river is the Walgett golf course, while the land is bounded by a road to the north and agricultural land beyond.

Meander scrolls indicate the changes to the path of the river over time and also indicate areas of potential flooding. Dwellings have been raised to address flood risk. No additional dwellings are proposed as part of this application although some additional allotments would be created. This is for the purpose of ensuring that all land is effectively defined and that fencing can be provided to minimise movement. Essentially, allotments without dwellings would either be service allotments, public reserve allotments or, alternatively potentially available for future usage subject to assessment of flood risk and lodgement of a development application for any additional dwellings.

It is stressed that there is no presumption towards additional dwellings through the definition of additional allotments.



**Figure 4 - Existing Village Layout**

As shown, the current dwellings are either wholly or partially fenced which provides a framework for the subdivision.

## **2.2 Current Services**

Current services to the land are provided as follows:

- Water
- Power

- Sewer

Where necessary, existing services would be protected by easements noting that the proposed layout seeks to minimise the need for easement dedications.

## 2.3 Planning Context

The planning context is that the land is subject to Walgett Local Environmental Plan 2013 (as amended). The relevant maps are shown below. Further detail is provided in the Statutory Assessment portion of this submission.

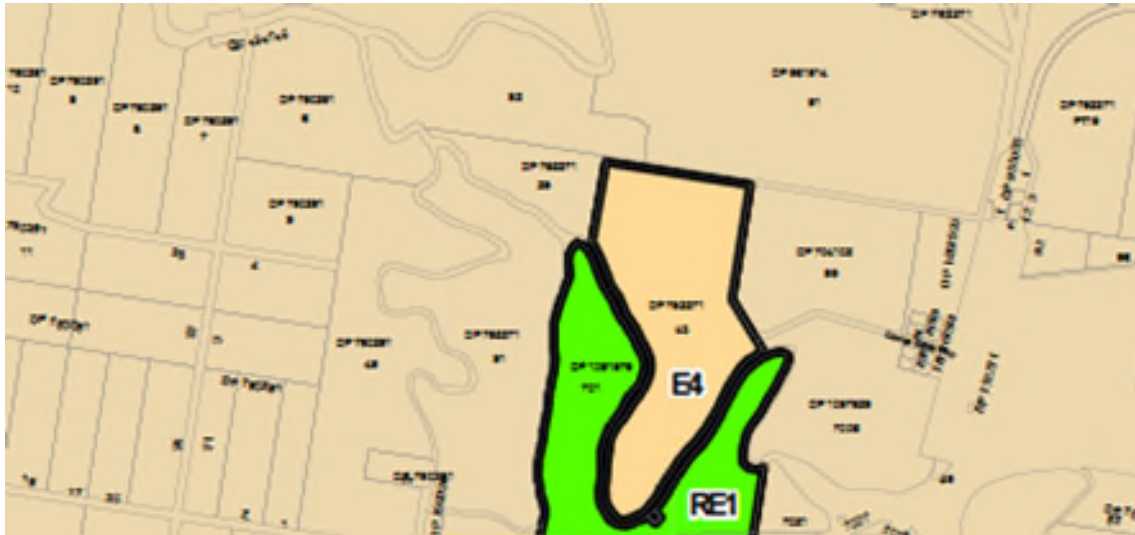


Figure 5 - Land Use Zoning

The land is within the C4 zone and the RU1 Zone noting that the above map has not been updated in the Portal. The village is within the C4 Zone, however two of the existing dwellings and part of one proposed lot are within the RU1 Zone. Refer to the accompanying Planning Proposal.

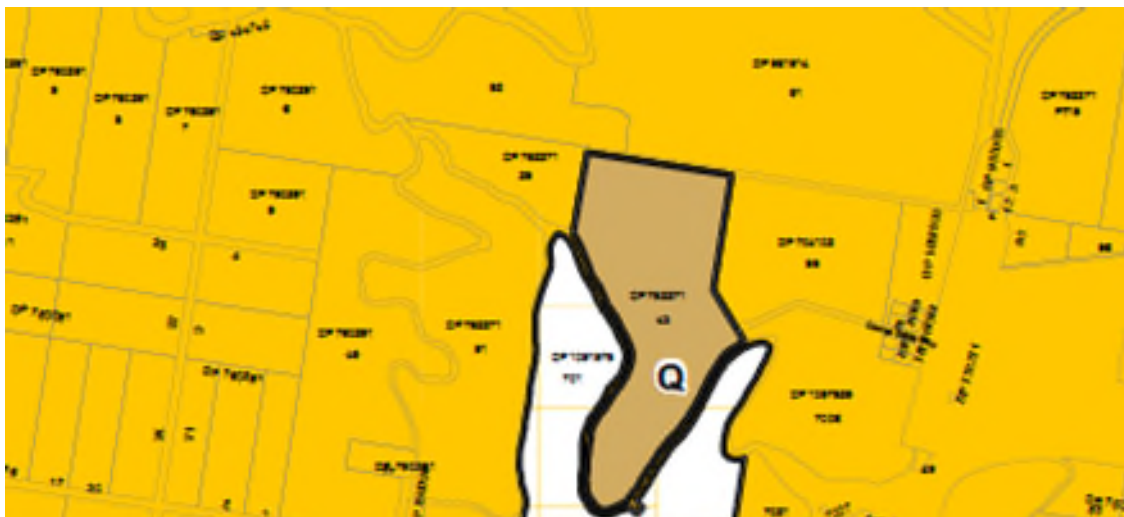


Figure 6 - Lot Size Map

The lot size for the E4 Zone is 700m<sup>2</sup> ("Q" on the legend) whereas the minimum lot size in the RU1 zone surrounding is 400 ha. A variation is sought under Clause 4.6 to permit the subdivision of one lot within the proposed road reserve that is within the E4 zone.



No other overlays apply to the site.

The application is accompanied by the plans and documents: These include:

- Statement of Environmental Effects and DA Report (this document)
- Proposed plan of subdivision
- Roads Plan
- Drainage Plan
- Site survey including existing services
- Services plan
- Owner's consent
- Completed portal application
- Geotechnical report

This report consists of a statement of environmental effects regarding the proposal, and assesses the proposal under the provisions of Section 4.15 of the Act.

The report has been prepared by Angus Witherby, Director of Wakefield Planning at the request of Lyons Advantage, head contractor for the Roads to Home project on behalf of the Walgett Local Aboriginal Land Council and the NSW State Government.

This development is not the subject of a declaration of any reportable political donation or gift to a Councillor or staff member pursuant to the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008*.

### **3 Details of the proposal**

#### **3.1 Use of the land**

The land is currently utilised as a residential village with a curtilage of rural land.

#### **3.2 Details of the Subdivision**

##### **3.2.1 Layout**

The layout of the proposed subdivision is shown on the attached plan, which is reproduced over. The allotment boundaries have been selected to take into account the location of existing buildings and also to provide an appropriate curtilage for each allotment based, in part, on existing fencing.

Additional lots are proposed in addition to the existing dwelling lots to define the limits of private land and facilitate community management. They would be fenced, to define the limits of private land, and also to control informal vehicle movements.

The existing basic road layout would be maintained, but with the roads completely rebuilt along traffic calming principles. Adjustments would be made to the potential road reserve area to reduce the areas of land in public management.

Drainage is dealt with by way of easements, or incorporation of the areas within the road reserve, with the roads being proposed for dedication to Council.

One public reserve area is identified, with the playground. This would be dedicated to the Council. The adjoining community hall site would be retained by the WLALC.

### **3.2.2 Access**

Access to lots within the subdivision is to be via a public road noting that it is intended to dedicate the internal roads within the village as public roads. These internal roads will be fully reconstructed for an extended design life prior to dedication. Road plans are attached which indicate the proposed road layout.

### **3.2.3 Water and Power Supply**

No changes proposed to water supply however where water pipelines cross a private lot to service another lot these would be protected by easements if required by Council. Refer to the attached survey plan and markup plan showing the inferred location of existing water pipe infrastructure based on surface features.

Power would be supplied from the existing power lines which again would be protected by an easement as necessary.

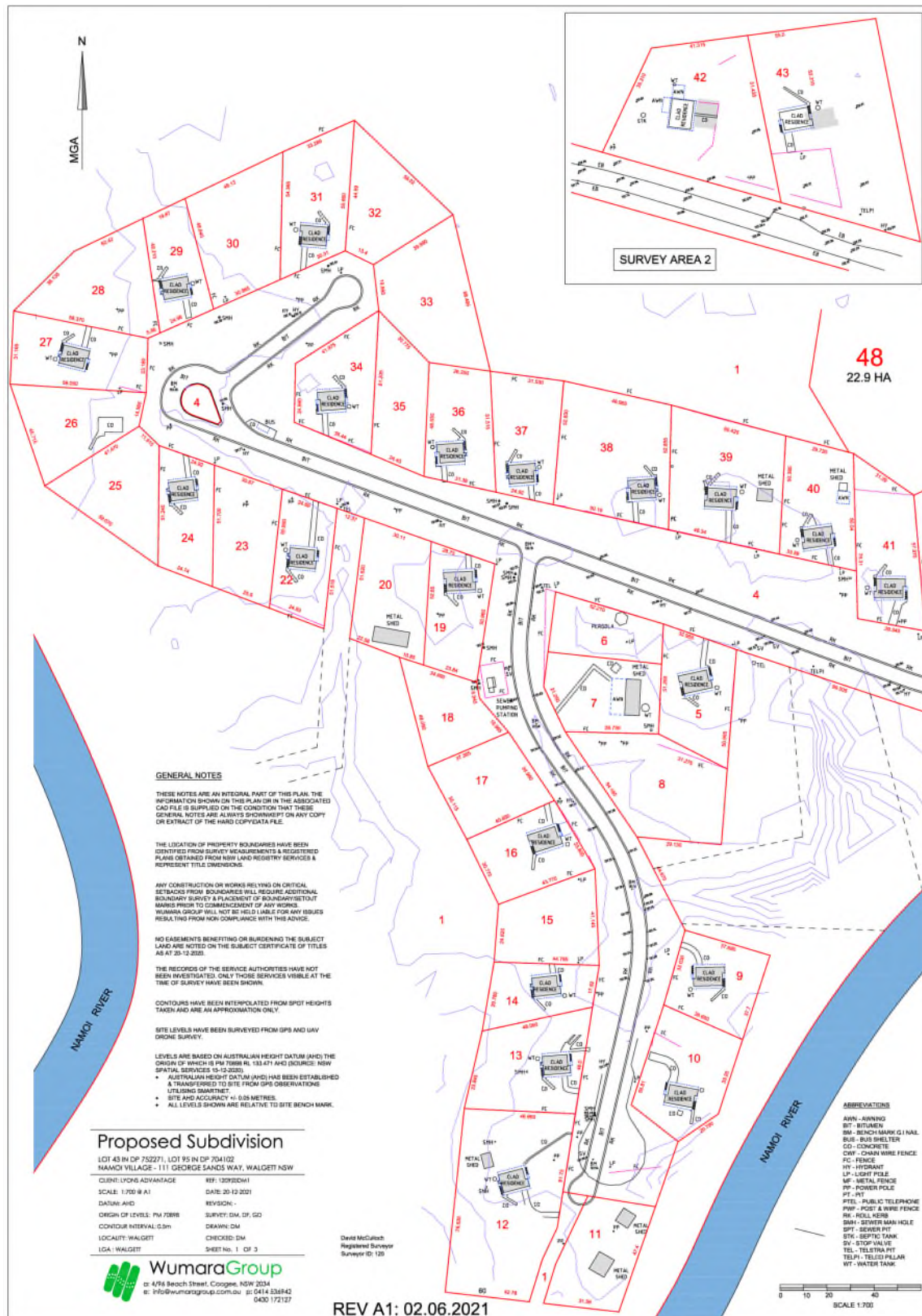


Figure 7 - Subdivision Layout Detail – Survey area 2 is not intended for subdivision.

### **3.2.4 Waste Water Disposal**

The existing methods method of disposal would continue. Easements would be implemented as necessary where service lines servicing one allotment cross another allotment.

### **3.2.5 Stormwater Drainage**

Stormwater drainage is shown on the attached drainage plan. Suitable easements are proposed to address existing and proposed stormwater flows to give legal access to a point of discharge (Namoi River). Engineering detail within the riparian areas would be subject to NRAR review and concurrence.

## **4 Statutory Review**

### **4.1 Site zoning context**

The site is within two zones, the C4 Environmental Living Zone and the RU1 Primary Production. The residential lots to be created are within the C4 Environmental Living Zone. The objectives of the C4 zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To acknowledge the settlements of Gingie, Namoi and Walli and to enable compatible development.*

In this regard the proposal is consistent with the objectives of the C4 zone in that the subdivision acknowledges the settlement of Namoi. The development would not have an adverse impact on special ecological, scientific or aesthetic values but would enhance the aesthetics of the area whilst at the same time ensuring better protection of vegetation through better controlling vehicle movements. It is noted that roads do not require development consent within this zone. This is consistent with the Infrastructure SEPP requirements.

Two of the dwellings and part of one allotment are within the RU1 Primary Production Zone. The part allotment is proposed to be rectified though the planning proposal currently before the Council.

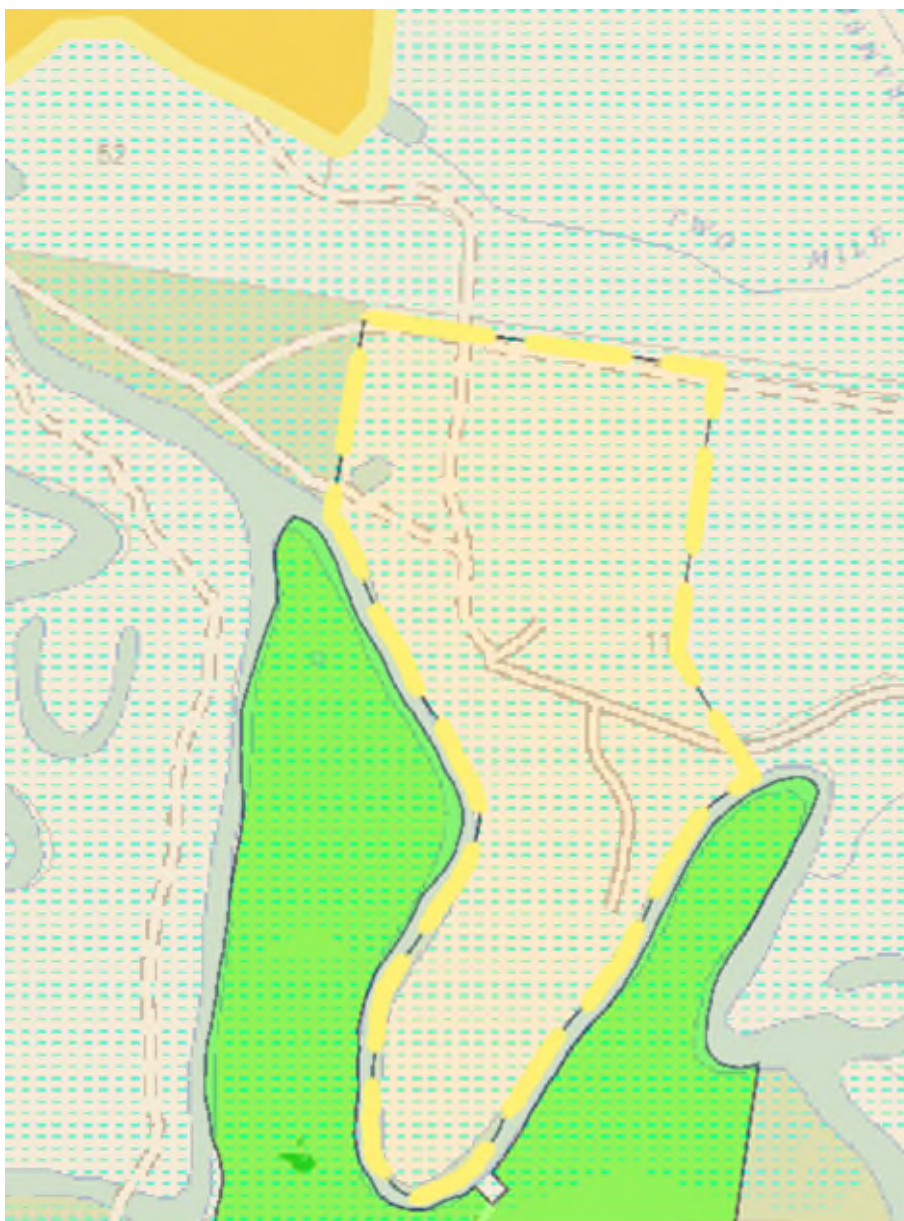
### **4.2 Environmental Attributes**

A review of the planning portal was undertaken to assess the presence of any specific environmental attributes. These are discussed as follows:

#### **4.2.1 Bushfire prone land**

The land is not affected as bushfire prone land although a small area of bushfire prone land exists north, but not contiguous with, the site as shown in the diagram below. Council has, however, requested a bushfire study and this is provided.





**Figure 8 - Bushfire Prone Land**

#### **4.2.2 Flood Planning Level**

Although not the subject of a layer within the local environmental plan, the land is known to be flood-prone and accordingly the relevant sections of the LEP will be considered.

#### **4.2.3 Riparian land and water courses**

Although not the subject of a layer within the local environmental plan, the land is affected by riparian areas and these are assessed in this report. Referral to NRAR is required.

No other significant affectations have been identified through the planning portal.

## **5 Review under Section 4.15**

### **5.1 Characterisation of the Use**

The use consists of a multi-lot subdivision. This is permissible with consent, provided that the minimum lot size in the zone is achieved.

### **5.2 State Environmental Planning Policies**

A review was undertaken of the SEPPs with the following policies identified:

#### **5.2.1 SEPP (Biodiversity and Conservation) 2021**

The policy applies to Walgett Shire, although not to lands zoned RU1 Primary Production. A review was undertaken of the NSW online Mapping which identified that the land is within the Darling Riverine Plains koala management area. The land is shown as being within a floodplain. No approved Koala Plan of Management is known to exist. It is considered that as no trees are proposed for removal nor any intensification of residential development is proposed that the proposal would have no or low impact on koala habitat.

#### **5.2.2 SEPP (Resilience and Hazards) 2021**

The site is known to possess asbestos contamination and this is being addressed through a separate process. The subdivision of itself has no impact on this issue.

#### **5.2.3 SEPP (Primary Production) 2021**

The land is not identified as being biological strategic agricultural land. No specific provisions of the SEPP are relevant to the application.

### **5.3 Strategic Planning Documents**

The following strategic planning documents have been identified as relevant to the subdivision:

#### **5.3.1 Far West Regional Plan**

This Plan is a high-level document addressing the Far West region. Of relevance to the proposal is the goal of the plan to achieve “strong and connected communities”. The Roads to Home” (R2H) program is specifically designed to enhance the strength of the local Aboriginal Land Council and also the resilience of the communities. This is also identified as a specific priority within the plan, as is increasing housing opportunities. In addition, the third goal specifically seeks to “strengthen local leadership” which would also be achieved through the enhancement of capability of the Walgett LALC.

**Direction 22** requires collaboration and partnership with Aboriginal communities. Again, this is a key element of the “Roads to Home” project. In particular collaborative and inclusive planning has been used to address future subdivision proposals for the villages.

**Direction 27** looks to provide greater housing choice. In this regard the subdivision will facilitate long-term leases and also, potentially, the sale of land in the future through such mechanisms as “rent to buy” and also freehold sale. Modest provision has also been made for possible increase to housing numbers although this is subject to separate development applications and review of flooding implications.

Although potentially being able to consider the proposal as “rural residential development” the proposal is not inconsistent with **Direction 29**.

**Direction 30** looks to create healthy built environments, and this again is a key goal of the “Roads to Home” project.

In summary, the proposal is considered to be fully consistent with the Far West Regional Plan.

## **5.4 Walgett Environmental Plan 2013**

The proposal is subject to Walgett LEP 2013. Issues of permissibility and characterisation have been addressed earlier in this report and accordingly this section will address other specific clauses of the LEP.

### **5.4.1 Clause 2.6 – Subdivision - consent requirements**

This confirms that development consent is required for subdivision.

### **5.4.2 Clause 4.1 – Minimum Subdivision Lot Size**

The allotments would comply with the 700 m<sup>2</sup> minimum lot size within the E4 Zone as set out in this clause with the exception of a small allotment with a memorial within the turning head of the road. The proposed subdivision layout is considered to be a practical and efficient layout to meet the intended uses of each lot.

Two of the initially proposed allotments adjoining the access road are within the RU 1 Zone and would be non-compliant as a 400ha minimum lot size applies. Although it makes logical sense to separate these dwellings from the balance of the RU1 land, this is not permissible under the LEP. Accordingly they would remain on the residue lot.

### **5.4.3 Clause 4.2 - Rural Subdivision**

This clause only applies to the RU1 Primary Production zone portion of the application. As subdivision of the existing dwellings would result in an allotment less than 400 ha, this is not currently proposed unless a change to planning rules is implemented.

### **5.4.4 Clause 4.2A – Erection of dual occupancies, dwelling houses or secondary dwellings on land in certain rural, residential and environmental protection zones**

This clause applies to both the RU1 Primary Production zone as well as the E4 Environmental Living zone.

With respect to the C4 Zone, the minimum lot size would be achieved for all allotments on which a dwelling is erected. A small allotment is being created within the turning circle of the road, however this would not have any dwelling entitlement which would be enforced through an 88B Instrument. Any applications for future dwellings within this part of the proposal would be on allotments consistent with this Clause.

With respect to the RU1 Zone, existing dwellings only are affected and no new dwelling rights or new dwellings are proposed.

### **5.4.5 Clause 4.6 - Exceptions to Development Standards**

#### **C4 Environmental Living Zone**

One allotment of less than 700 m<sup>2</sup> is proposed to be created in the C4 Zone, within the turning head of the road reserve. This is to ensure that this land remains in the

ownership of the Walgett LALC. The lot is not intended for a dwelling and an appropriate restriction under Section 88B of the Conveyancing Act 1919 would be applied.

Accordingly, the following written request is made in accordance with the Clause. In particular, the lot size requirement is considered unreasonable and unnecessary in the circumstances of the case given the purpose of the land to retain a memorial within local ownership and with dwellings not being permissible. In addition, there are no environmental planning impacts associated with the proposal.

Accordingly, the Concurrence of the Planning Secretary is requested. In this respect it is submitted that:

- the circumstances of the case are such that no matters of significance for State or regional environmental planning arise
- there is significant public benefit in varying the standard and no public benefit to maintaining the development standard due to the fact it would alienate an important area of land from local Aboriginal people.

As only one allotment is proposed, the development is consistent with this Clause subject to the Planning Secretary concurrence.

#### **5.4.6 Clause 5.3 – Development near Zone Boundaries**

Although located on a zone boundary, the clause is not relevant to the application, as the relevant zone boundary is with land is zoned RU1 Primary Production and E4 Environmental Living.

#### **5.4.7 Clause 5.16 - Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones.**

The purpose of this clause, which applies to the land, is to minimise potential land use conflicts. This is particularly the case where residential uses are involved.

Under this clause various matters are to be taken into account which are addressed below:

- The existing uses of the land are for a residential village which has been in existence for many years. In addition, the subdivision disposition would also ensure that adequate buffers exist between existing dwellings and agricultural land uses in the vicinity. In particular, cropping is not a viable agricultural use in the vicinity with grazing being the major use which has comparatively low impacts.
- In this regard, the development has no impact nor would it have any impact on existing or future agricultural uses.
- Given the nature of agricultural uses in the vicinity, and the existence of adequate buffers, the development is considered compatible with existing uses and approved uses of land in the vicinity and preferred or predominant land uses.
- The main measure taken to reduce potential impacts is to ensure that adequate provision is made for buffer areas within the ownership and control of the Walgett LALC.

#### **5.4.8 Clause 6.1 – Earthworks**

Earthworks would be ancillary to development not requiring consent being roadworks. In this respect the proposed earthworks are not triggered under this clause. Notwithstanding this, earthworks associated with drainage and roadworks would be



consistent with the future use and redevelopment of the land, would improve the amenity of adjoining properties, and are not expected to result in the import or export of soil material. Appropriate controls would be undertaken to ensure that riparian areas and waterways are protected from sedimentation during the construction process.

#### **5.4.9      6.2 - Flood Planning**

The overall principles of this Clause are to minimise risk to life and property, while avoiding significant adverse impacts on flood behaviour and the environment while permitting compatible development.

In this regard:

- The development is existing and, on the basis of available information, is compatible with the flood hazard of the land. In this respect houses are raised and water velocities are modest. Evidence from local residents suggests that the depth/velocity combination does not pose a significant risk to life or property.
- As minimal physical works are proposed, there would be no significant impact on flood behaviour.
- Appropriate measures to minimise risk to life have been taken by raising dwellings. In addition, it is proposed that a flood management plan be conditioned and prepared by the Walgett LALC to assist in managing the population during future flood events.
- Development will be more resistant to the impacts of flooding with less exposed soil and fewer opportunities for erosion.
- Road reconstruction will involve addressing critical “low points” that currently impede internal access to part of the village during flood events.
- No additional economic costs are anticipated noting that infrastructure would be constructed taking into account the flood prone nature of the land. Social impacts associated with flooding would not be increased and flooding is well understood phenomena in the area.

It is noted that no additional dwellings are sought as part of this application. Any such dwelling applications would need to address this Clause in the context of any such proposals that might come forward in the future.

#### **5.4.10      6.3 - Development on Riverfront areas**

The aim of this clause is to protect and improve bank stability and to maintain and improve water quality. In addition, amenity, scenic landscape values and cultural heritage are to be protected. This includes wildlife protection.

It is noted that this Clause only applies to land within the RU1 zone, and within 100 m of the top of the riverbank. No such land is affected by the proposed subdivision. Nevertheless, these provisions are given consideration with respect to development within the E4 Zone, where riparian repair is proposed including ensuring that future stormwater drainage and also uncontrolled access are appropriately managed.

In this regard, the development is consistent with the Clause.

#### **5.4.11      6.6 - Essential services**

The subdivision would generally use utilise existing infrastructure. Further details are provided in the development control plan section of this report. In summary, the following services would be retained and, where necessary, enhanced:

- Water supply

- Electricity
- Disposal and management of sewage
- Stormwater drainage
- Vehicular access

In this respect the clause is complied with.

## **6 Development Control Plan**

Walgett DCP 2016 applies to the land. The relevant clauses together with commentary are outlined below:

### **6.1 Chapter 2 – Information Requirement**

No BASIX certificate is required as no dwellings are proposed for construction.

This document is the statement of environmental effects for the proposal.

Site plans are provided that are consistent with the requirements. No floorplans are necessary as no buildings are proposed for construction.

Although landscaping of road reserve areas and land to be dedicated as public reserve will be undertaken it is requested that this be conditioned in terms of submission of a landscaping plan. In this way, the impact of any conditions that might be imposed by Council can be taken into account in the landscaping plan. In this respect we note that landscape plans are not strictly required with the Development Application in this instance.

An identification survey is provided.

Potential site contamination has been identified, being asbestos, which as indicated in this SEE is being addressed through a separate process.

It is noted that the development would be notified under the terms of the DCP. This is because the subdivision creates five lots or more. In that the proposal would create 20 or more allotments, it would also require advertising under the terms of the DCP.

### **6.2 Chapter 3 - Biophysical hazards**

#### **Flood affected land**

The land is flood affected land as defined in the DCP. The provisions of Clause 6.2 have been addressed in the statutory section of this report. It is noted that compliance with this Clause is considered to have occurred when the floor level of a dwelling house is at least 500mm above the historical flood peak for the site. Information available from residents confirms that this standard is met for all raised existing dwellings. Given that some minor buildings are not raised, it should be noted that these buildings are existing (e.g. community hall, sheds and the like) and accordingly the proposal will not affect the flood risk situation as compared to the present circumstances.

It should further be noted that a flood management/evacuation plan is proposed to be developed for the community which will address issues such as stay in place versus evacuation and the associated triggers for different responses. Aboriginal communities are particularly vulnerable to displacement and the plan will give full consideration to both social and economic impacts noting a primary focus on the preservation of life.

The Figure below confirms that the land is flood affected noting that while the resolution is relatively poor, it is clear that this affects all areas outside the levy around the town of Walgett.



**Figure 9 - Flood Affected Land**

Noting the development is existing, flood free access is not available and the development would be unlikely to achieve safe wading criteria as per the Floodplain Development Manual. In this respect the development of a flood planning/evacuation mechanism for the village is seen as crucial and it is recommended that this be conditioned.

Although no specific flood study has been conducted, the nature of the floodplain and the geographical extent of historical floods means that the works would have negligible impact on flood behaviour. In this particular instance, the works consist of reconstruction of an existing road network together with modifications to stormwater drainage. In the context of the major flood, these changes will have no effect. No buildings or structures are proposed therefore it is not necessary to address structural adequacy in terms of debris and buoyancy forces.

No new residential development or extensions to residential development are proposed as part of this application.

No commercial/retail/industrial development is proposed however some maintenance/refurbishment would occur of the existing community hall. This would utilise flood compatible materials. In this respect of the works are non-structural and are not expected to require development consent or a construction certificate. Examples of typical work would be replacement of internal linings, upgrading of internal power systems, improving building appearance through painting etc, security and the like.

In terms of landfilling, full engineering details including cut/fill would be supplied to Council noting that a construction certificate is not statutorily required. In this respect,

however, it would be anticipated that Council would endorse the engineering plans prior to construction commencing to ensure that all assets are appropriately designed for dedication.

At this time no import/export of fill is proposed. No levy banks are proposed and drainage works have been detailed. Given the minor nature of the physical works, it is submitted that it is unnecessary to require a consulting engineer to certify the impact of the works on adjoining properties. As previously outlined, this is expected to be completely insignificant given the very minor nature of the works in the context of a flood event. It should also be noted that the village is well – removed from any sensitive land uses in the vicinity.

Although certain flood flow paths have been identified by residents, it is not considered that the residential lots within the subdivision would, in any event, meet the definition of “floodway”. This is on the basis of relatively slow-moving water and relatively modest depths.

### **Bushfire**

The land is not identified as being bushfire prone and accordingly a bushfire report is not considered necessary. As one has been requested by Council this has, however, been prepared and is submitted as a separate document.

## **6.3 Chapter 4 – Subdivision**

### **Objectives**

In terms of the objectives of the DCP, the development is considered compatible with the surrounding development noting that the residential component of the village is surrounded by buffer areas. Adjoining land uses, being recreation and grazing, would not impact on the residential development nor would the residential development impact on these uses. In this respect it should be noted that the development is existing and no additional impacts would occur as a result of the subdivision proposal.

### **Provisions**

No site coverage requirements are identified in either of the affected zones.

Lot boundaries have been drawn to ensure that setback requirements in the DCP are achieved and there is no impediment to solar access.

Parking is existing and there will be some formalisation of this through driveway and crossing construction and also the provision of on-street parking as well as the ability to park in driveways. Access to properties will be improved to ensure that all current dwellings have all-weather two-wheel drive access.

Fencing is existing and is currently of open mesh style. This style would be retained for any relocated or additional fencing.

Lot boundaries have been selected to avoid any outbuildings being located within the building setback within the E4 Zone. There are no requirements within the RU1 Zone.

No temporary accommodation or relocated dwellings are proposed.

No changes are proposed in terms of ancillary structures such as pools, carports, water tanks and the like.

The curtilage of each allotment has been selected to ensure compliance with the provisions of the DCP with respect to issues such as landscaped area and the like.

## **Subdivision**

Lot size compliance is as set out in the statutory section of this report. In summary all lots within the E4 Zone are above the minimum lot size except for one allotment in the road reserve which is the location of a memorial. This would be subject to an 88 B instrument to restrict its use for any other purpose. In this respect the variation in lot size for this one allotment is considered supportable.

## **Servicing**

The servicing strategy is based on continuation of existing services. In this respect the subdivision is appropriately serviced with water, sewer, telecommunications and electricity. As part of the subdivision, services will be reviewed in particular as to whether any upgrade of core utilities is necessary. As outlined previously, the appropriate easements will be implemented to ensure that access to core assets remains available.

## **Stormwater**

Stormwater will be reconsidered and compliance with the DCP would be achieved in that designated overland flow paths and dedicated drainage reserves would be established. Stormwater flow would be managed and, in particular, flows that may cause erosion either within the development or to riverbanks would be appropriately managed. It is suggested that Council condition this aspect so that the relevant engineering plans can be endorsed by Council prior to construction commencing.

## **Battle axe lots**

No battle axe shaped lots are proposed.

## **Roads**

Roads will be kerbed and guttered and would be in excess of the minimum 6 m wide pavement requirement. Roads are reconstructions of the existing road network with minor modifications to assist in the management of vehicle speeds through road design.

Road width has given consideration to the needs for on street parking in addition to the use of the local road network for bus and garbage truck access. The proposed reserve width is variable and in part is driven by existing dwelling curtilages although efforts have been made to reduce the area of dedicated roadway again to ensure cost-effective management, while still providing adequate width for footpath construction. Constructed pedestrian foot paths are proposed in consistency with the DCP as the subdivision is above 15 allotments. In this regard both sides of the roads will be serviced by foot paths. This is considered desirable as people are reluctant to cross a road to access a footpath on the other side.

In considering road widths, although servicing greater than 15 lots, it is considered that likely traffic volumes would be more in line with culs-de-sac and short loops. In this respect based on other similar communities it is anticipated that traffic volumes would be unlikely to exceed 150 – 200 movements per day. The road reserve width is consistent with this road type. Detail consideration was given to road widths. In this regard there is a trade-off between accessibility and vehicle speeds. Vehicle speeds have been a historic issue in small communities of this type and accordingly road design has been modified to address this issue, in particular with the proposal to dedicate the roads as public roads which limits community control. The selected road width is also responsive to the lower traffic volumes and utilises a technique known as “managed friction” to partially address vehicle speeds.



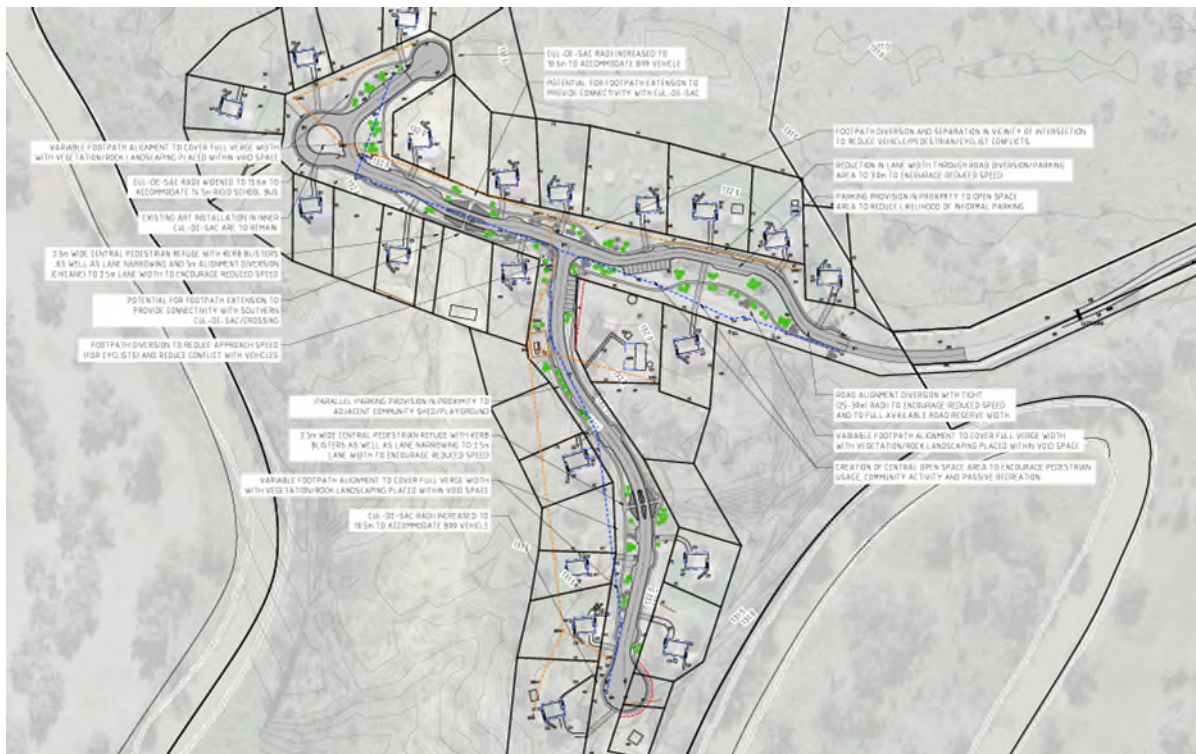
Option	Road function	Minimum width that will work	Comments
			Roll top kerbs are being replaced
1.	Bus route, no on street parking, one travel lane in each direction	6m	This is the cheapest solution but one which is likely to create problems in terms of car parking, unless we include plenty of parking in driveways or through parking bays as part of the road.
2.	Bus route, on street parking one side, one travel lane in each direction	7.5 m	This is the minimum for a car and bus to pass where there is a parked vehicle. If cars are prepared to wait for the bus to go by (such as pulling into a driveway or into a vacant area) the same width can be used as for option one. I suggest this is the most practical solution that in practice can work quite well. It is good at keeping car speeds low.
3.	Bus route, on street parking both sides, one continuous travel lane provided.	8.0 m	This provides for parking each side and a single travelling lane. Cars would be required to pull to one side to let other cars past. This option can also work, although the road is a little bit wider though cars moving in opposite directions need to give way one to the other.
4.	Bus route, on street parking both sides,	11 m	This is the normal width for a bus route. In this case it is also much more expensive and is likely to lead to much higher car speeds due to the wider roadway. Not recommended.

**Figure 10 - Road Width Assessment**

The ultimate design adopted utilised 7.5 m plus parking bays. This recognises that informal parking may well occur on sections of road outside the parking bays and still ensures that bus access would be maintained. Overall, the design outcome is generally consistent with the intent of the table although drawing from aspects of different road categories. Council's consideration of a variation to the DCP guidelines with respect to the roads is requested.

Consideration was given to providing access to adjoining undeveloped land. This was considered unnecessary in the circumstances of the case as there is no proposal to substantially increase the size of the village. Any such proposal that might come forward in the future would need to go through an appropriate planning process.

Culs-de-sac meet DCP requirements in terms of radius and also stormwater drainage.



**Figure 11 - Concept Road Layout**

Landscaping has been previously discussed. In this regard landscaped details are also proposed to be submitted to Council once the engineering detailed plans for construction are endorsed prior to construction commencing. Landscaping would include the road reserve together with drainage reserves. Indicative landscaping approaches are set out on the attached plans.

Site access to all allotments used for residential purposes would be by public road access. This is a key aspect of the subdivision with the intent of ensuring that all dwellings within the village in fact have direct public road access.

Lot orientation responded to existing dwelling patterns and therefore was constrained. In this respect lot sizes are adequate to ensure that any replacement dwellings or dwellings erected in the future can easily be orientated appropriately for solar access/shade as necessary.

Open space is proposed by way of an existing area, to be defined by a formal allotment. The area proposed is typical in size of a residential lot. It adjoins the lot with the community hall, which is of similar size, and which is being retained by the Land Council. Together the total area is approximately 2800m<sup>2</sup>. While this is well below the 5000 m<sup>2</sup> DCP suggestion, this is considered to be an appropriate land area centrally placed within the community and satisfactory for local needs.

A variation to the DCP guideline on minimum lot size is therefore requested, as larger dedications would involve encroaching on proposed residential allotments and would also increase the overall maintenance cost and burden of the open space area.

Fencing would ensure that child safety is addressed noting that the road environment is low speed. The location of the area has excellent access by pedestrian and road links with roads being suitable for cycle use given the very low traffic volumes involved.

The central location ensures minimal walking distances for residents. The adjoining residential lots would provide strong passive surveillance which is also available from the streetscape. As a corner allotment the land is highly visible in accordance with this

DCP guideline. Slopes are minimal and although complementary use is not significant, the use of the land for a community hall would be consistent with this approach.

No significant trees or vegetation are proposed for removal.

Issues of contamination have been previously discussed.

## **6.4 Chapter 6 - Environmental Controls**

### **Construction impacts**

As the development is largely an “paper” exercise, with minimal new works (nearly all involves reconstruction of existing assets) the environmental effects are limited to those associated with construction impacts. In this respect it would be anticipated that a standard condition regarding use of erosion controls such as the “blue book” would be applied. It is noted that there is close proximity to the Namoi River and accordingly careful attention to sediment management is required to avoid contamination of the waterway. In this respect the riparian guidelines would be respected and NRAR approval sought if needed.

### **Waste management**

This would continue as a local government service utilising the same arrangements as apply to other urban areas of Walgett.

### **Stormwater**

Stormwater would be designed in accordance with Australian Rainfall & Run-off 2019 for the 20% event. Events above this magnitude would be addressed through overland flow management up to and including the 1% event. Details would be provided with the engineering drawings submitted for endorsement prior to construction.

## **6.5 Appendix A - Utility Infrastructure Provision**

No new buildings are proposed, and accordingly there would be no impacts in terms of the “zone of influence” noting that, at times, existing services may not fully comply with this requirement. Appropriate easements would be established based on zone of influence considerations as part of the subdivision. Council’s review and endorsement of the proposed easements would be part of the subdivision certificate process.’

Council’s requirements with respect to easements over water supplies are noted as are easements over any pressurised sewer. In this respect it is suggested that easements should protect sewer infrastructure where this traverses an allotment other than an allotment being directly served. In this regard easements serve as a clear indicator of the location of such infrastructure and minimise risks to the infrastructure in the future. Council’s consideration to the implementation of these easements is requested.

No modifications of Council’s existing infrastructure are proposed as part of the development.



## **7 Suitability of the site for the development and Conclusions**

The site is well suited for the development, noting that it is an existing village.

### **7.1 *Any submissions made in accordance with this Act or the regulations***

At the time of preparation of this report, no written submissions have been made. Any submissions made during exhibition would be addressed.

### **7.2 *The public interest***

It is in the public interest that the historical situation regarding Aboriginal communities be addressed in terms of bringing the management of Aboriginal villages under the same or a similar framework to other villages within the Shire.

In this regard the proposal is a vital proposal in terms of providing additional resilience and security to the Walgett Local Aboriginal Land Council and enhancing its ability to work with its communities to create and maintain better living environments.

### **7.3 *Conclusions***

The proposal represents an acceptable use within the area and is considered worthy of planning support.



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# **Bushfire Assessment**

against the provisions of

## **Planning for Bushfire Protection 2019**

### **Namoi Village**

**(Revision 1.1)**

**Client: Walgett Local Aboriginal Land Council**

Project No. 6566

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## Disclaimer

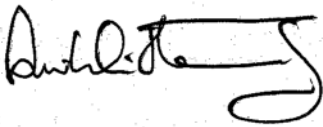
This report has been prepared by Angus Witherby<sup>1</sup> of Wakefield Planning. While due professional skill and experience has been utilized the following limitations are to be observed.

1. The report is based on the best information available at the time of its preparation. This includes a site inspection. Changes to circumstances may change the assessment conducted, if land use practices change.
2. The report has been prepared to inform the client of the Bushfire Attack Level (BAL) rating applying to the existing village and the compliance with Planning for Bushfire Protection 2019 (PBP). It is not authorized for use for any other purpose.
3. It is the responsibility of the client to ensure that any residential construction/upgrading complies with the relevant provisions of AS 3959:2018.
4. Fire protection measures for the non-residential component of the proposal are also outlined, namely the community buildings, noting that Planning for Bushfire Protection requires a bespoke solution for each site.
5. Construction in accordance with this report does not guarantee that the development would be unaffected by a bushfire event. In this respect Wakefield Planning expressly denies any liability for works conducted utilizing this report to the greatest extent permissible by law.

## Principal Author Certification

I certify that I have prepared the contents of this Report and to the best of my knowledge:

- The information contained in this Report is neither false nor misleading; and
- It contains all relevant available information that is current at the time of release.



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**Angus Witherby**

**BA – Geography & Economics, Grad. Dip. Urb. & Reg. Planning, FPIA, CPP**

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<sup>1</sup> Angus has prepared bushfire reports in both NSW and VIC. His work has been previously accepted by the NSW RFS and well as by numerous councils in NSW and VIC. He has also had his work accepted by the CFA and VCAT in Victoria. Angus taught in the EMA course "Disaster mitigation for urban and regional planners" including the bushfire segment, and was co-author of presentations to the 2009 Royal Commission in Victoria and also the subsequent Federal Senate Bushfire enquiry as part of the PIA team.

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## 1. Introduction

The development consists of an existing small village, which is located at 111 George Sands Way, Walgett. The village is owned by the Walgett Local Aboriginal Land Council and is the subject of a subdivision application to Walgett Shire Council.

The proposal seeks to formalize lot boundaries for the existing dwellings. No new dwellings are proposed as part of this application.

The approach taken is to consider the dwellings as, essentially, rural dwellings as they do not form part of a contiguous urban area, although they could be considered to form a small village.

## 2. Site context

The site is located to the north of the Walgett urban area, north of the Namoi River.

Physical access to the site is available along George Sands Way, which is a sealed access connecting to the Castlereagh Highway, and thence to Walgett.

The land is zoned E4 Environmental Living (now designated by C4 in Walgett LEP 2013)

The context for the site is set out in the figure below:



*Figure 1- Site Context*

### 3. Site Detail

Details of the existing development are shown on the figure over. This figure shows the existing development including the existing fencing.

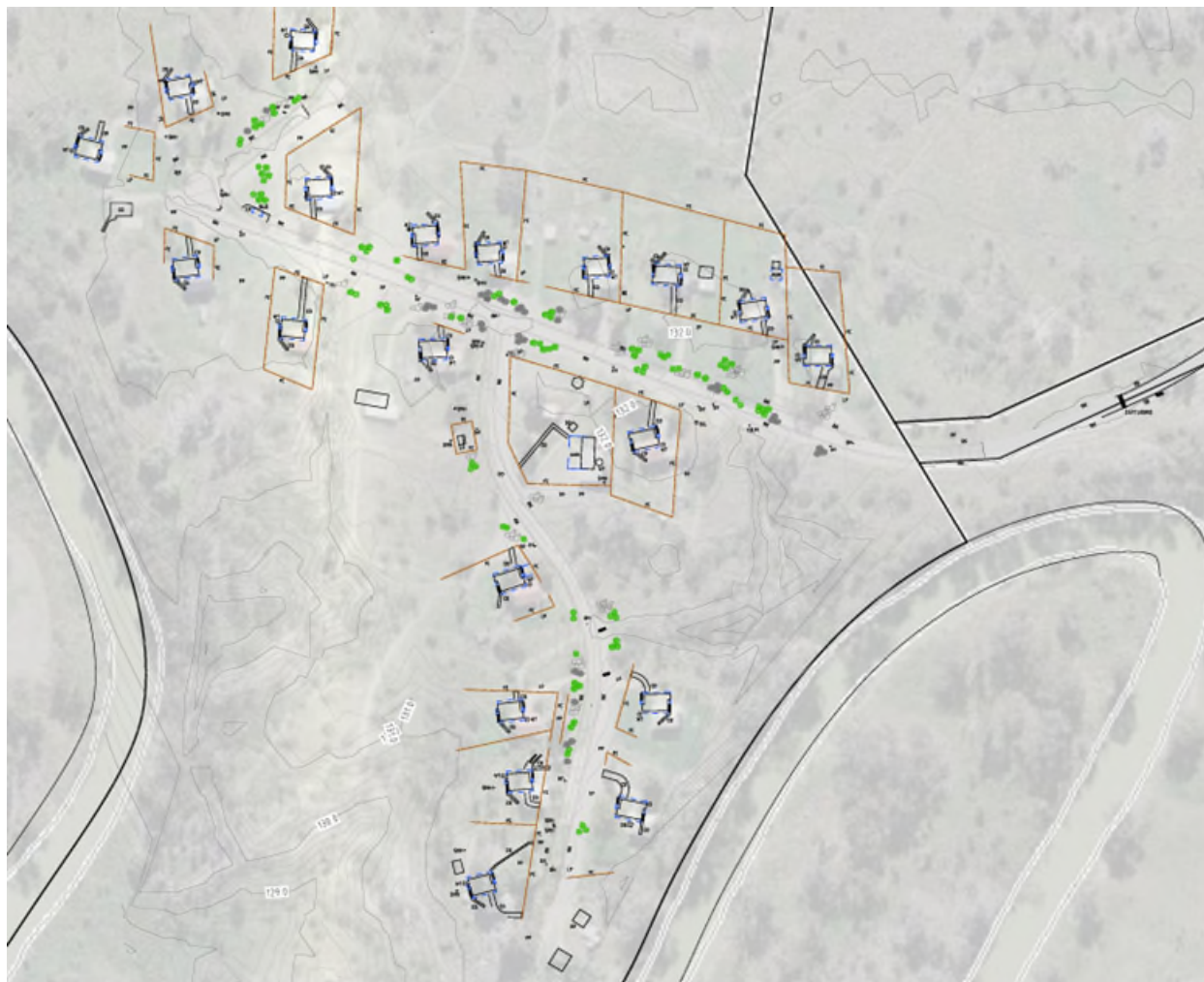


Figure 2 - Site Detail

### 4. Proposed Development

The proposed development is shown on the plan below. The bushfire assessment is based on this plan.



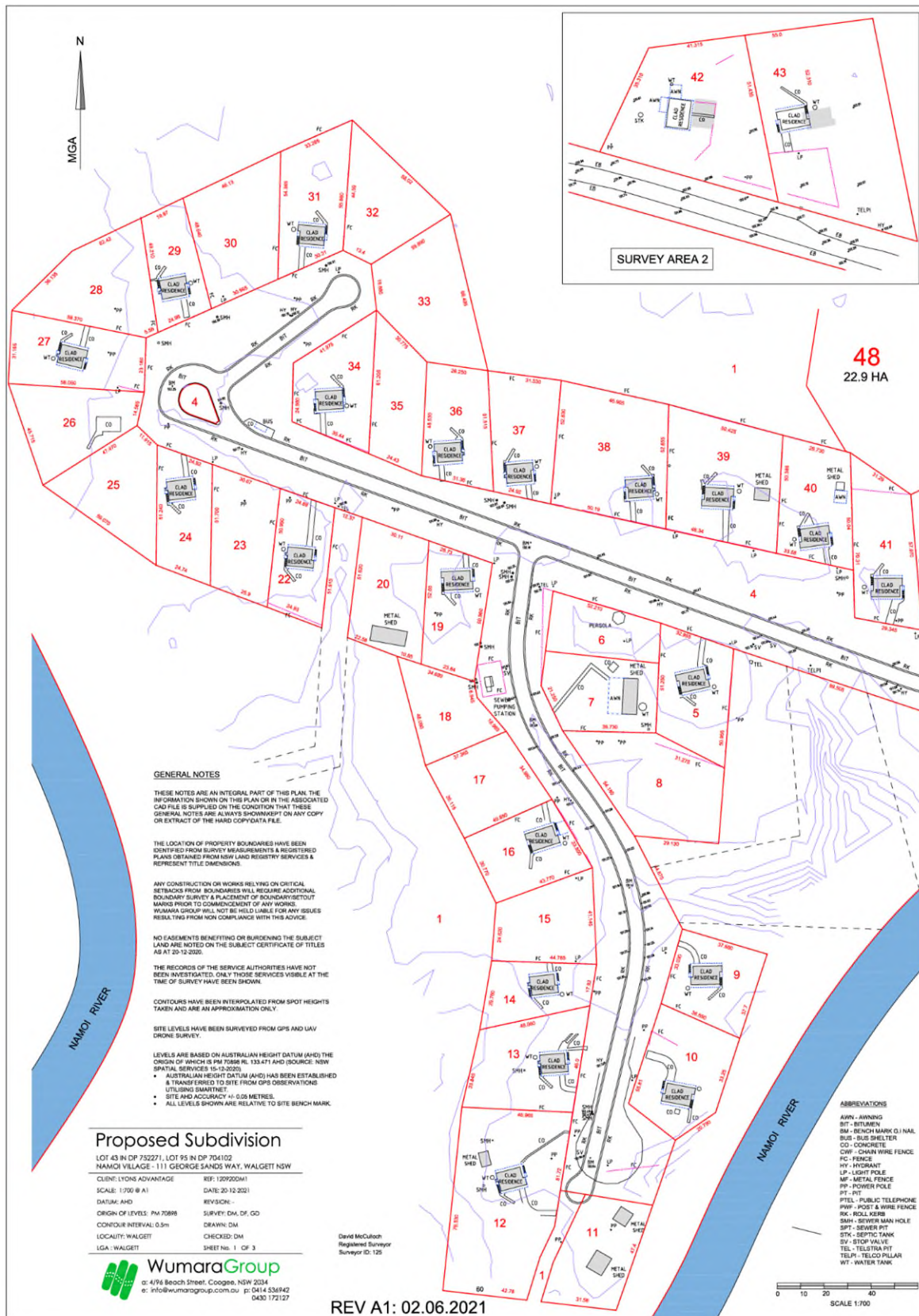


Figure 3 - Proposed Development

#### 4.1 Bushfire Mapping

The land is not mapped as bushfire prone, with the nearest bushfire prone land to the north-west of the site, however Council have requested a bushfire study. Bushfire prone land is shown on the figure below:

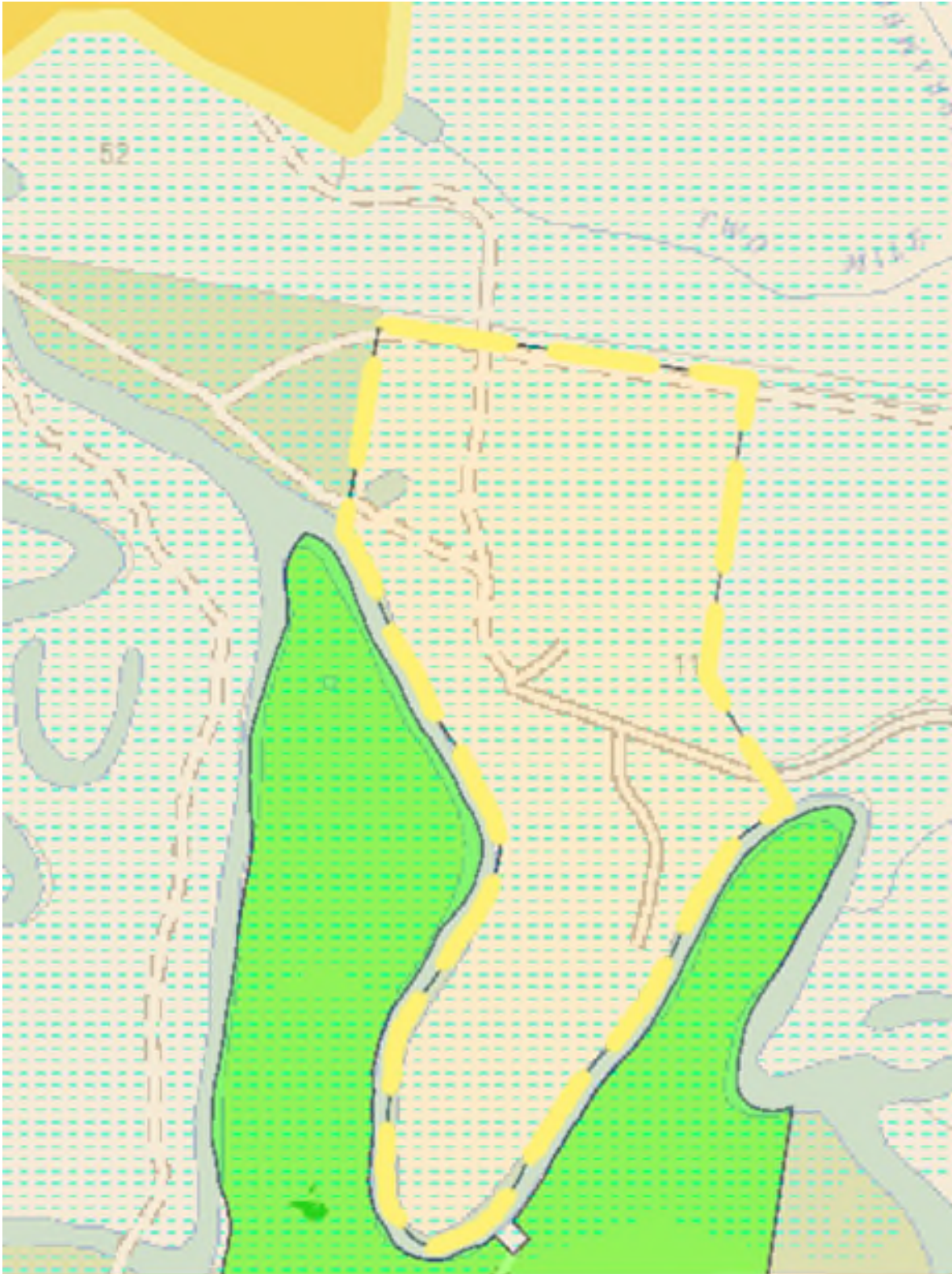


Figure 4- Bushfire Prone Land



## 4.2 Aims and Objectives

The following aims and objectives underpin *Planning for Bushfire Protection, 2019*.

### *Aim*

*The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.*

### *Objectives*

*The objectives are to:*

- afford buildings and their occupants protection from exposure to a bush fire;*
- provide for a defensible space to be located around buildings; provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- ensure that appropriate operational access and egress for emergency service personnel and occupants is available;*
- provide for ongoing management and maintenance of BPMs; and*
- ensure that utility services are adequate to meet the needs of firefighters*

### *Principles*

*The Principles are:*

- control the types of development permissible in bush fire prone areas;*
- minimise the impact of radiant heat and direct flame contact by separating development from bush fire hazards;*
- minimise the vulnerability of buildings to ignition and fire spread from flames, radiation and embers;*
- enable appropriate access and egress for the public and firefighters; provide adequate water supplies for bush fire suppression operations;*
- focus on property preparedness, including emergency planning and property maintenance requirements; and*
- facilitate the maintenance of Asset Protection Zones (APZs), fire trails, access for firefighting and on site equipment for fire suppression*

## 4.3 Type of Application

The application is for a subdivision of an existing development. For the purposes of this assessment both the residential and non-residential components are separately assessed.

### **Building Standards**

PBP Refers to the standards that need to apply to building works. In this regard Australian Standard 3959:2018 applies to any building works where a BAL greater than Low exists. This standard applies to levels of BAL up to Flame Zone, although flame zone is specifically excluded by *Planning for Bushfire Protection 2019*.

*Building work on BFPL must also comply with the requirements of the National Construction Code (NCC). The NCC contains the technical provisions for the design and construction of buildings. Under the Deemed to Satisfy provisions of the NCC, building work on BFPL must comply with Australian Standard 3959:2018 Construction of buildings in bushfire prone areas (AS 3959) or the National Association of Steel Framed Housing (2014) Steel Framed Construction in Bush Fire Areas (NASH Standard). This does not apply however in Bush Fire Attack Level - Flame Zone (BAL-FZ), or where modified by the specific conditions of the relevant development consent.*

Notwithstanding the focus on building standards, it is necessary not only to determine the relevant BAL to be called up by AS 3959 but also to address the aims and objectives of PBP. Essentially this requires the study to address the requirements for a BAL certificate as well as for compliance with PBP generally.

It should be noted that PBP does not specifically address fire protection for non-residential uses; or for subdivisions of existing sites with existing buildings. Neither does AS 3959:2018. Nevertheless AS 3959:2018 provides useful information to make specific recommendations for both residential and non-residential buildings in the context.

## 5. Review of Subdivision Principles against PBP 2019

### 5.1 Specific objectives

The specific objectives for residential and rural residential subdivisions with a dwelling entitlement are as follows:

Objective	Comment
minimise perimeters of the subdivision exposed to the bush fire hazard (hourglass shapes, which maximise perimeters and create bottlenecks should be avoided);	The current design does not achieve this objective.
minimise vegetated corridors that permit the passage of bush fire towards buildings;	This is achieved with the exception of the riparian corridors which are unable to be modified.
provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;	Generally consistent except that a few dwellings are close to the top of the river bank.
ensure that APZs between a bush fire hazard and future dwellings are effectively designed to address the relevant bush fire attack mechanisms;	Generally complies. See detailed assessments below.
ensure the ongoing maintenance of APZs;	This is able to be achieved through the common ownership of the Walgett LALC
provide adequate access from all properties to the wider road network for residents and emergency services;	Access to the wider road network is considered to be good.
provide access to hazard vegetation to facilitate bush fire mitigation works and fire suppression; and	Informal tracks provide good access
ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.	Reticulated water exists. Additional static supplies would be of advantage.

## 5.2 Review against Table 5.3

Performance Criteria	Acceptable Solutions	Comment
<b>Asset Protection Zones</b>		
potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m <sup>2</sup> on each proposed lot.	APZs are provided in accordance with Tables A1 .12.2 and A1 .12.3 based on the FFDI.	Complies.  See detailed analysis for APZs
APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4.	Can comply. To be covered in management plan
the APZs is provided in perpetuity.	APZs are wholly within the boundaries of the development site	Complies
APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	APZs are located on lands with a slope less than 18 degrees.	Complies
<b>Landscaping</b>		
landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.	landscaping is in accordance with Appendix 4; and fencing is constructed in accordance with section 7.6.	Generally complies
<b>Access</b>		
firefighting vehicles are provided with safe, all-weather access to structures.	property access roads are two-wheel drive, all-weather roads; perimeter roads are provided for residential subdivisions of three or more allotments; subdivisions of three or more allotments have more than one access in and out of the development; traffic management devices are constructed to not prohibit access by emergency services vehicles; maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient; all roads are through roads;	Complies  Does not comply  Does not comply  Complies  Complies  Does not comply

Performance Criteria	Acceptable Solutions	Comment
	<p>dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end; where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;</p> <p>where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system; and</p> <p>one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.</p>	<p>Does not comply. Dead ends are longer than 200m</p> <p>n/a – no perimeter road</p> <p>Complies</p> <p>n/a</p>
the capacity of access roads is adequate for firefighting vehicles.	the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.	Complies
there is appropriate access to water supply.	<p>hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;</p> <p>hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations</p> <p>System design, installation and commissioning; and</p> <p>there is suitable access for a Category 1 fire appliance to</p>	<p>Reticulated supply does not support hydrants.</p> <p>Alternative static supplies can be made available.</p>

Performance Criteria	Acceptable Solutions	Comment
	within 4m of the static water supply where no reticulated supply is available.	
<p>Perimeter Roads</p> <p>access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during firefighting and emergency management on the interface</p>	<p>are two-way sealed roads; minimum 8m carriageway width kerb to kerb; parking is provided outside of the carriageway width; hydrants are located clear of parking areas; are through roads, and these are linked to the internal road system at an interval of no greater than 500m; curves of roads have a minimum inner radius of 6m; the maximum grade road is 15 degrees and average grade of not more than 10 degrees; the road crossfall does not exceed 3 degrees; and a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.</p>	<p>No perimeter roads are provided. Some widths are 7.5m</p> <p>Complies</p> <p>n/a</p> <p>Not through roads</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>Non-perimeter Roads</p> <p>access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating.</p>	<p>minimum 5.5m carriageway width kerb to kerb; parking is provided outside of the carriageway width; hydrants are located clear of parking areas; roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m; curves of roads have a minimum inner radius of 6m; the road crossfall does not exceed 3 degrees; and a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.</p>	<p>Generally compliant, although roads are not through roads.</p> <p>Note that a management plan is recommended.</p>
<p>firefighting vehicles can access the dwelling and exit the property safely</p>	<p>There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public</p>	<p>Complies, though not an urban area.</p>

Performance Criteria	Acceptable Solutions	Comment
	access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles.	
<b>Services</b>		
adequate water supplies is provided for firefighting purposes.	reticulated water is to be provided to the development where available; a static water and hydrant supply is provided for non-reticulated developments or where reticulated water supply cannot be guaranteed; and static water supplies shall comply with Table 5.3d.	Reticulated supply would not support volumes and pressures for hydrants.
water supplies are located at regular intervals; and the water supply is accessible and reliable for firefighting operations.	fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005; hydrants are not located within any road carriageway; and reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.	Not an urban subdivision. See notes re hydrants
flows and pressure are appropriate.	fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.	Non-compliant
the integrity of the water supply is maintained.	all above-ground water service pipes are metal, including and up to any taps; and above-ground water storage tanks shall be of concrete or metal	Complies
location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings.	where practicable, electrical transmission lines are underground; where overhead, electrical transmission lines are proposed as follows: lines are installed with short pole spacing of 30m, unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in ISSC3 Guideline for Managing Vegetation Near Power	Non-compliant – existing above-ground supply with pole spacing greater than 30m

Performance Criteria	Acceptable Solutions	Comment
	Lines.	
location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used; all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and above-ground gas service pipes are metal, including and up to any outlets.	This is a dwelling level issue, not affecting the subdivision.
<b>Water Supply Requirements</b>		
Residential lots (<1000m <sup>2</sup> )	5000 l/lot	Could comply
Rural-residential lots (1000-10,000m <sup>2</sup> )	10,000 l/lot	Could comply
Large rural/lifestyle lots (>10,000m <sup>2</sup> )	20,000 l/lot	Could comply
Multi-dwelling housing	5,000 l/dwelling	Could comply

### 5.3 Conclusion – Subdivision Requirements

The land is an existing development and accordingly major design changes are not available. This comparison with PBP requirements for new subdivisions indicates various areas of non-compliance, noting that the land is NOT bushfire prone. Accordingly, non-compliance with specific measures is not considered grounds for requiring specific changes.

## 6. Site Assessment (after PBP 2019) - Residential Components

The Vegetation Formation (after Keith, 2004) has been assessed for both the site, and also for adjoining lands. The golf course is considered grasslands, with the remainder woodlands with some grassy patches.



*Figure 5– References Images PBP for Woodland and Grassland*

The figure following is of a photograph of typical woodland vegetation.



*Figure 6 – Typical woodland vegetation*

### **Slope assessments**

The land has generally low relief, as per the survey plan in Figure 3, noting the that river is incised somewhat, compared to the common ruling grades.

To assess the overall BAL ratings for the existing developments, selected points were chosen around the periphery of the proposed development, taken from the proposed boundary fences.

The sites selected are shown on the following figure:





— Vector  
 • Measurement point

FDI is taken to be 100.

The following slopes were adopted. Note not all vectors are relevant.

Point	N	S	E	W
1	0	n/a	0	0
2	0	n/a	0	n/a
3	n/a	n/a	-5	0
4	n/a	-15	-15	0
5	n/a	n/a	n/a	-15
6	n/a	-5	n/a	-15

This is based on the 100m distance from the point of interest. Where slopes varied significantly, due to the river, an average was taken for the purposes of calculation. The sites are assessed as follows:

SITE 1			
Vector	Slope	Distance Veg	BAL
N	0	60	BAL-12.5
S	0	-	
E	0	90	BAL-12.5
W	0	130	BAL-12.5

<b>SITE 2</b>			
<b>Vector</b>	<b>Slope</b>	<b>Distance Veg</b>	<b>BAL</b>
N	0	37	BAL-12.5
S	0	-	
E	0	48	BAL-12.5
W	0	-	

<b>SITE 3</b>			
<b>Vector</b>	<b>Slope</b>	<b>Distance Veg</b>	<b>BAL</b>
N	0	-	
S	0	-	
E	-5	35	BAL-12.5
W	0	-	

<b>SITE 4</b>			
<b>Vector</b>	<b>Slope</b>	<b>Distance Veg</b>	<b>BAL</b>
N	0	-	
S	0	-	
E	0	-	
W	-15	71	BAL-12.5

<b>SITE 5</b>			
<b>Vector</b>	<b>Slope</b>	<b>Distance Veg</b>	<b>BAL</b>
N	0	-	
S	0	-	
E	0	-	
W	-15	71	BAL-12.5

<b>SITE 6</b>			
<b>Vector</b>	<b>Slope</b>	<b>Distance Veg</b>	<b>BAL</b>
N	0	-	
S	-5	53	BAL-12.5
E	0	-	
W	-15	20	BAL-12.5

The calculator used, cannot go below BAL 12.5. This is because it is prudent to have a basic level of ember attack for all dwellings.

Consideration was then given to the Community Hall. This is not considered a SFPP as it would be utilised predominantly with people familiar with the site. It was therefore assessed as for a dwelling, utilising the same slope assessment. The same BAL was identified.

COMMUNITY HALL			
Vector	Slope	Distance Veg	BAL
N	0	-	
S	0	27	BAL-12.5
E	0	-	
W	0	-	

These assessments confirm that a BAL of 12.5 applies to all development components.

As a cross-check a review of selected properties was undertaken with respect to grasslands. Typical values of distance to grassland were 25-50 m. At 25m we have:

ASSESSMENT GRASSLANDS			
Vector	Slope	Distance Veg	BAL
N	0	-	BAL-12.5
S	0	25	BAL-12.5
E	0	-	BAL-12.5
W	0	-	BAL-12.5

This confirms the BAL ratings developed.

### Site Specifics

Much of the site of the subdivision consists of cleared ground and grassland, which is heavily traversed by tracks. There are some patches of isolated trees and these have been treated as woodland.

The scattered specimen trees are not considered to materially alter the overall fire-risk assessment.

### PBP Assessment

Provision	Comment
<b>APZ</b>	
<ul style="list-style-type: none"> <li>Buildings are not to be exposed to radiant heat exceeding 29 kW/m<sup>2</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>The assessed BAL rating is 12.5</li> </ul>
<ul style="list-style-type: none"> <li>APZs are to be managed in accordance with Appendix 4 of PBP</li> </ul>	<ul style="list-style-type: none"> <li>Could comply</li> </ul>
<ul style="list-style-type: none"> <li>APZ is to be wholly within the boundaries of the development site</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> </ul>
<ul style="list-style-type: none"> <li>Slope is less than 18 degrees</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> </ul>
<ul style="list-style-type: none"> <li>Landscaping is provided in accordance with Appendix 4 of PBP</li> </ul>	<ul style="list-style-type: none"> <li>Could comply</li> </ul>
<b>Access</b>	
<ul style="list-style-type: none"> <li>The access driveway is to be all-weather and traversable by a two-wheel drive vehicle</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> </ul>

Provision	Comment
<ul style="list-style-type: none"> <li>Can carry up to 23 tonne vehicle</li> </ul>	<ul style="list-style-type: none"> <li>Would comply given proposed construction.</li> </ul>
<ul style="list-style-type: none"> <li>Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system.</li> </ul>	<ul style="list-style-type: none"> <li>Public road access is proposed to all lots. Complies.</li> </ul>
<ul style="list-style-type: none"> <li>There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.</li> </ul>	<ul style="list-style-type: none"> <li>There is a reticulated supply. It is understood that flow and pressure may not meet PBP standards. A static water supply can be made available on-site. This could be in association with the community hall and/or selected dwellings in closest proximity to bushland.</li> </ul>
<ul style="list-style-type: none"> <li>minimum 4m carriageway width;</li> <li>a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;</li> <li>provide a suitable turning area in accordance with Appendix 3;</li> <li>curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;</li> <li>the minimum distance between inner and outer curves is 6m;</li> <li>the crossfall is not more than 10 degrees;</li> <li>maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> <li>Complies</li> <li>Will comply</li> <li>Complies</li> <li>Complies</li> <li>Complies</li> <li>Complies</li> </ul>
<b>Water Supplies</b>	
<ul style="list-style-type: none"> <li>a connection for firefighting purposes is located within the IPA or non hazard side and away from the structure;</li> <li>a 65mm Storz outlet with a ball valve is fitted to the outlet;</li> <li>ball valve and pipes are adequate for water flow and are metal;</li> <li>supply pipes from tank to ball valve have the same bore size to ensure flow volume;</li> <li>underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;</li> <li>a hardened ground surface for truck access is supplied within 4m of the access hole;</li> <li>above-ground tanks are manufactured from concrete or metal;</li> </ul>	<ul style="list-style-type: none"> <li>The development can comply.</li> </ul>

Provision	Comment
<ul style="list-style-type: none"> <li>• raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959);</li> <li>• unobstructed access is provided at all times;</li> <li>• tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;</li> <li>• underground tanks are clearly marked;</li> <li>• all exposed water pipes external to the building are metal, including any fittings;</li> <li>• where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack;</li> <li>• Any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and</li> <li>• Any fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels, and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.</li> </ul>	
<b>Electricity</b>	
<ul style="list-style-type: none"> <li>• where overhead, electrical transmission lines are proposed as follow: <ul style="list-style-type: none"> <li>○ lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and</li> <li>○ no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The electrical supply is existing, and no changes are considered necessary.</li> </ul>
<b>Gas Services</b>	
<ul style="list-style-type: none"> <li>• reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and</li> <li>• metal piping is used;</li> <li>• all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;</li> <li>• connections to and from gas cylinders are metal;</li> <li>• if gas cylinders need to be kept close to the building, safety valves are directed away</li> </ul>	<ul style="list-style-type: none"> <li>• The development can comply.</li> </ul>

Provision	Comment
<p>from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;</p> <ul style="list-style-type: none"> <li>polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used;</li> <li>and above-ground gas service pipes external to the building are metal, including and up to any outlets.</li> </ul>	
<b>Emergency Management Plan</b>	
<ul style="list-style-type: none"> <li>A bushfire emergency management and evacuation plan is prepared.</li> </ul>	<ul style="list-style-type: none"> <li>Bush Fire Emergency Management and Evacuation Plan should be prepared consistent with the NSW RFS document: <i>A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i>. This can comply and should be conditioned.</li> </ul>

### 6.1 Overall Recommendations – Residential Component.

The site is considered suitable for development noting it is not bushfire prone. Prudently, any upgrade of dwellings should consider BAL 12.5.

## 7. Site Assessment (after PBP 2019) – Non-Residential Components

This portion of the report addresses the non-residential component. This component is subject to a BAL rating of 12.5.

### Community Hall

This is naturally protected by the access roads and internal driveways. A BAL of 12.5 applies. Accordingly, no specific measures are required unless the building is being upgraded.

### 7.1 Overall Recommendations – Non-Residential Component.

The site is considered suitable for development. It is noted that any works to bring any building up to BAL 12.5 should be incorporated in any upgrading work that might trigger a construction certificate application.

## 8. Document Control

Revision	Date	Comment
1.0	11 October 2022	For client review
1.1	1 April 2023	For submission



**ATTACHMENT THREE**

**Development Application**

**DA/2023/18**



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# **Statement of Environmental Effects and DA Report**

## **Subdivision Walli Village Collarenebri Lot 62 DP 752263 and Lots 7302 and 7303, DP 1141837**

Client: Collarenebri Local Aboriginal Land Council  
Revision 2.4

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### Disclaimer

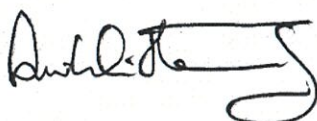
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### Principal Author Certification

I certify that I have prepared the contents of this Report and to the best of my knowledge:

- The information contained in this Report is neither false nor misleading; and
- It contains all relevant available information that is current at the time of release.



### Angus Witherby

BA – Geography & Economics, Grad. Dip. Urb. & Reg. Planning, FPIA, CPP

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## **1 Introduction**

### **1.1 The Roads to Home Project**

The NSW State Government is working with Local Aboriginal Land Councils across NSW to implement subdivisions across a range of Aboriginal communities which have largely developed on former mission sites. In particular, the program seeks to subdivide individual house lots, as well as make significant improvements to infrastructure including roads, lighting, property access, drainage and the like.

This permits key functions such as individual internet connections to dwellings, longer term leases and street addressing to occur. In the longer term there is also the flexibility to undertake “rent to buy” and similar programs.

Some of the first subdivisions under the program are taking place in Walgett Shire which is a “headline” community for the state – wide rollout of the program. The process of subdivision is one which will contribute to these communities coming into the “mainstream” particularly in terms of treating these village communities in a similar way to other village communities throughout rural and regional NSW.

In addition to the subdivision process, and remediation of key infrastructure, the opportunity is also being taken to address issues such as asbestos contamination.

The development application as submitted has been the subject of intense design development including multiple meetings with the local communities and the Collarenebri Local Aboriginal Land Council (CLALC). In addition, prior to any change to title occurring, it is necessary for the NSW Aboriginal Land Council (NSWALC) to approve any land dealings. This requires those dealings having the support of the community concerned as well as the support of the NSW Aboriginal Land Council. The NSWALC have endorsed the approach taken.

Initial proposals gave consideration to various forms of title including Community Title. Ultimately, however, the NSW Aboriginal Land Council was more comfortable with a conventional Torrens subdivision. This view was the view ultimately endorsed at the Land Dealing Meeting held with the communities.

### **1.2 Scope of Works**

In many respects the proposal could have proceeded as a “paper” subdivision with roads etc being dedicated to Council in their current condition.

Instead, the NSW Government has committed to upgrade road infrastructure within the village, and improve associated drainage in addition to undertaking the subdivision process to create individual house lots, partially along the lines of existing fencing. The roads, having been dedicated to Council would become maintained in the same way as other villages in the Shire.

Similarly, part of the subdivision is looking to create public reserve allotments which, as is the normal case, would be dedicated to Council. Again, lots and facilities upon the lots would be brought into good order prior to dedication.

### **1.3 Ongoing maintenance**

With respect to maintenance, the Collarenebri Local Aboriginal Land Council is in a position to quote to provide many of the maintenance services to the subdivision and is of the view that it could do so in a very cost-effective effective fashion. While not the subject of this development application, discussions will be held with Council regarding

a framework which would maximise local resident participation in the ongoing care and maintenance of the village. This is an important element of well-being for local people both in terms of the ability to earn income but also to maintain “pride in-place”. The NSW Government has committed to support the Communities in developing and maintaining appropriate skills to facilitate them quoting on these works to Council.

#### **1.4 A Model Community**

The subdivision and associated works are intended to implement a “model community” that has the strong support of residents but which also represents a model that could be utilised in other communities, both Aboriginal and non—Aboriginal. The strong intent is to ensure that the communities being subdivided set a new benchmark for sustainable Aboriginal Housing.

#### **1.5 Requirements for Development Consent**

It should be noted, however, that with respect to physical works, development for roads (which includes ancillary works) may be carried out without development consent when carried out by a public authority. In this respect the Collarenebri Local Aboriginal Land Council is a public authority and accordingly development consent is not strictly required for the road construction. A similar situation pertains to stormwater management and also to environmental protection works.

Although the physical works do not require consent, for completeness the application is presented as a “package” of the proposed physical works as well as the legal subdivision.

## **2 Physical Context**

### **2.1 Context for the site**

The context of the site is shown on the diagram following:





### Figure 1 - Context

The site represents a self-contained village community somewhat removed from the urban boundary of Collarenebri, and is currently zoned C4.

The village is located to the east of the Barwon River, with a spur road being a track in use across Crown Land lots 7302 and 7303 DP 1141837 providing access from a public road. The land is undulating and partially timbered.

The land is currently occupied by 9 dwellings as well as two community buildings. One of the houses is unoccupied and in poor repair.

One of the dwellings has part of its yard area located outside the boundary of Lot 62, and it is proposed to rectify this encroachment via a boundary adjustment. An accompanying Planning Proposal would ensure zoning integrity.

The current village aerial context is shown on the figure over:





**Figure 2 - Aerial Context**

This gives a good overview of the type of country which has scattered vegetation with houses arranged around the road network. Several dwellings are in reasonable proximity to the Barwon River though are comfortably outside the riparian area. Opposite the village across the river is similar country which appears to be Crown Land.

Meander scrolls indicate the changes to the path of the river over time and also indicate areas of potential flooding. Dwellings have not been known to flood in historical events, although the access way does flood.

No additional dwellings are proposed as part of this application and no additional dwelling allotments would be created.

Allotments without dwellings would either be service allotments or public reserve allotments.

## **2.2 Current Services**

Current services to the land are provided as follows:

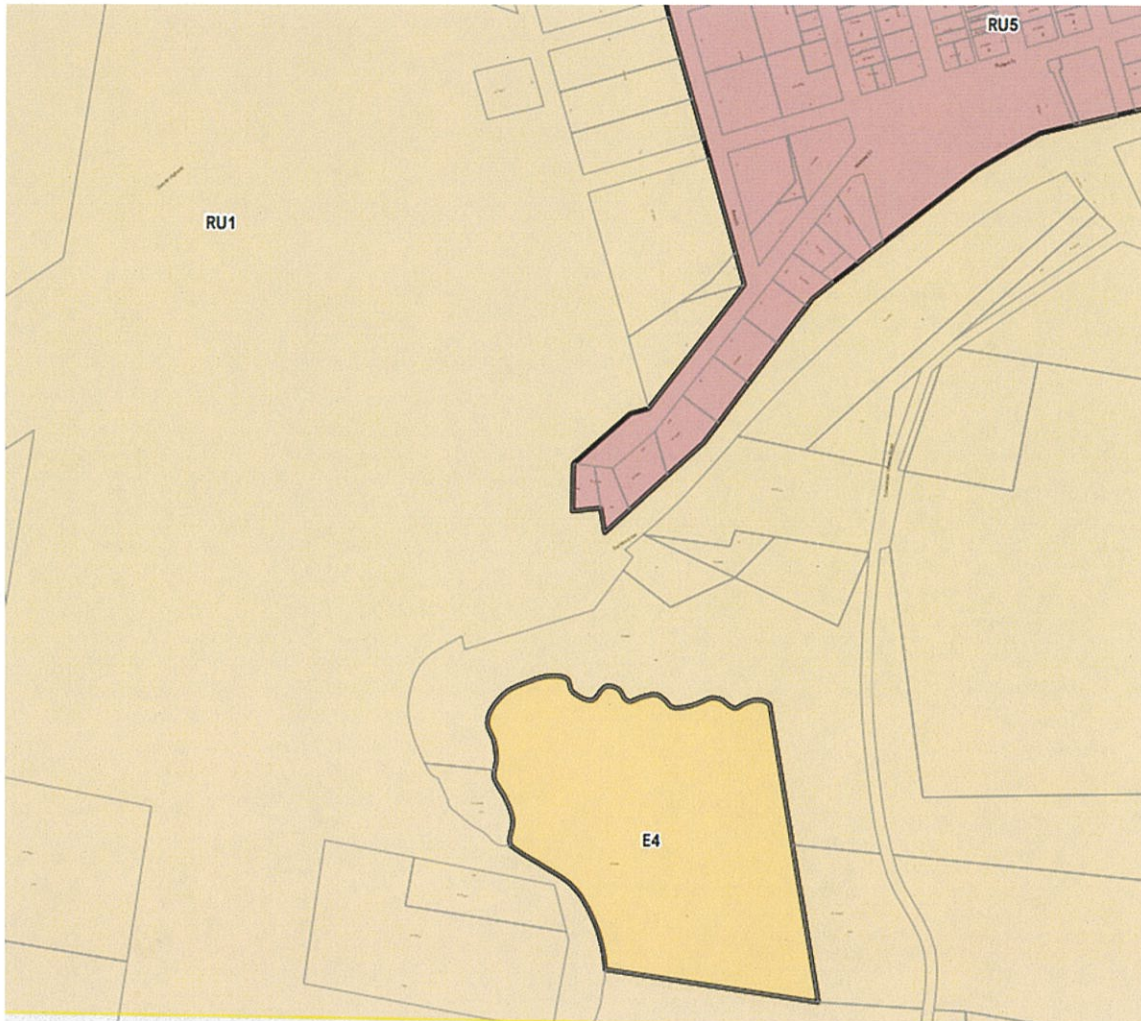
- Water
- Power
- Sewer
- Telecoms – public phone booth

Where necessary, existing services would be protected by easements noting that the proposed layout seeks to minimise the need for easement dedications.



## 2.3 Planning Context

The planning context is that the land is subject to Walgett Local Environmental Plan 2013 (as amended). The relevant maps are shown below. Further detail is provided in the Statutory Assessment portion of this submission.



**Figure 3 - Zoning Map**

The land is within the C4 zone and the RU1 Zone. Note that the zoning map in the Portal has not been updated. The village is within the C4 Zone, however part of one proposed lot is within the RU1 Zone. Refer to the accompanying Planning Proposal.



**Figure 4 - Lot Size Map**

The lot size for the E4 Zone is 700m<sup>2</sup> ("Q" on the legend) whereas the minimum lot size in the RU1 zone surrounding is 400 ha. No additional allotments would be created within the RU1 zone, although part of one of the house lots would be an incursion into the zone. No additional dwelling rights would be sought or created.

No other overlays apply to the site.

The application is accompanied by the plans and documents: These include:

- Statement of Environmental Effects and DA Report (this document)
- Proposed plan of subdivision
- Roads Plan
- Site survey
- Owner's consent (forthcoming)

This report consists of a statement of environmental effects regarding the proposal, and assesses the proposal under the provisions of Section 4.15 of the Act.

The report has been prepared by Angus Witherby, Director of Wakefield Planning at the request of Lyons Advantage, head contractor for the Roads to Home project on behalf of the Collarenebri Local Aboriginal Land Council and the NSW State Government.

This development is not the subject of a declaration of any reportable political donation or gift to a Councillor or staff member pursuant to the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008*.



### **3 Details of the proposal**

#### **3.1 Use of the land**

The land is currently utilised as a residential village with a curtilage of lightly timbered unused land.

#### **3.2 Details of the Subdivision**

##### **3.2.1 Layout**

The layout of the proposed subdivision is shown on the attached plan, which is reproduced over. The allotment boundaries have been selected to take into account the location of existing buildings and also to provide an appropriate curtilage for each allotment based, in part, on existing fencing. A "rural residential" style layout is proposed, based on community feedback of various options. All lots are well in excess of the minimal lot size.

No additional dwelling lots are proposed in addition to the existing dwelling lots.

The existing basic road layout would be maintained, but with the roads completely rebuilt along traffic calming principles. Adjustments would be made to the potential road reserve area to reduce the areas of land in public management.

Drainage is dealt with by way of easements, or incorporation of the areas within the road reserve, with the roads being proposed for dedication to Council.

One public reserve area is identified, with the playground. This would be dedicated to the Council. The adjoining community hall site would be retained by the CLALC.

##### **3.2.2 Access**

Access to the land is currently by a track in use from a public road. This could be formalised either by a licence or easement, or, preferably, dedicate this road to the Council. Crown Lands have indicated a willingness to transfer this asset. The roads within the village would also be public roads to be dedicated. These internal roads will be refurbished prior to dedication. Road plans are attached which indicate the proposed road layout.

##### **3.2.3 Water and Power Supply**

No changes proposed to water supply however where water pipelines cross a private lot to service another lot these would be protected by easements if required by Council. Refer to the attached survey plan and markup plan showing the inferred location of existing water pipe infrastructure based on surface features.

Power would be supplied from the existing power lines which again would be protected by an easement as necessary.

### 3.2.4 Waste Water Disposal

### 3.2.5 Stormwater Drainage

## 4 Statutory Review

#### 4.1 Site zoning context

The site is within two zones, the C4 Environmental Living Zone and the RU1 Primary Production. All the residential lots to be created are within the C4 Environmental Living Zone, noting part of a lot would be in the RU1 Zone. The objectives of the C4 zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To acknowledge the settlements of Gingie, Namoi and Walli and to enable compatible development.*

In this regard the proposal is consistent with the objectives of the C4 zone in that the subdivision acknowledges the settlement of Walli. The development would not have an adverse impact on special ecological, scientific or aesthetic values but would enhance



the aesthetics of the area whilst at the same time ensuring better protection of vegetation through better controlling vehicle movements. It is noted that roads do not require development consent within this zone. This is consistent with the Infrastructure SEPP requirements.

Part of a proposed allotment is within the RU1 Primary Production Zone. The Planning Proposal also lodged with Council addresses a minor zoning realignment to cater for this anomaly.

A review of the planning portal was undertaken to assess the presence of any specific environmental attributes. These are discussed as follows:

#### 4.1.1 Bushfire prone land

The C4 land to be subdivided is not shown as bushfire prone land although an area of bushfire prone land exists to the west, as shown in the diagram below.



**Figure 6 - Bushfire Prone Land**

On the basis that the land developed for housing is not affected, a formal bushfire study is not considered necessary as part of the consideration of the application.



**Figure 7 - Biodiversity Land**

There is a strip of biodiversity land along the river, which intersects with a small part of the lot. No clearing is proposed in this area.

#### **4.1.2 Flood Planning Level**

Although not the subject of a layer within the local environmental plan, the land is not known to be flood-prone in that residences are not known to have flooded, although the access road is known to flood. As no new residences are proposed, this is considered an acceptable outcome, noting a plan of management for flood events is recommended to be conditioned.

#### **4.1.3 Riparian land and water courses**

Although not the subject of a layer within the local environmental plan, the land is affected by riparian areas and these are assessed in this report. Referral to NRAR is anticipated.

No other significant affectations have been identified through the planning portal.



## **5 Review under Section 4.15**

### **5.1 Characterisation of the Use**

The use consists of a multi-lot subdivision. This is permissible with consent, provided that the minimum lot size in the zone is achieved.

### **5.2 State Environmental Planning Policies**

A review was undertaken of the SEPPs with the following policies identified:

#### **5.2.1 SEPP (Biodiversity and Conservation) 2021**

The policy applies to Walgett Shire, although not to lands zoned RU1 Primary Production. A review was undertaken of the NSW online Mapping which identified that the land is within the Darling Riverine Plains koala management area. The land is shown as being within a floodplain. No approved Koala Plan of Management is known to exist. It is considered that as no trees are proposed for removal nor any intensification of residential development is proposed that the proposal would have no or low impact on koala habitat.

#### **5.2.2 SEPP (Biodiversity and Conservation) 2021**

The site is known to possess asbestos contamination and this is being addressed through a separate process. The subdivision of itself has no impact on this issue.

#### **5.2.3 SEPP (Primary Production) 2021**

The land is not identified as being biological strategic agricultural land. No specific provisions of the SEPP are relevant to the application.

### **5.3 Strategic Planning Documents**

The following strategic planning documents have been identified as relevant to the subdivision:

#### **5.3.1 Far West Regional Plan**

This Plan is a high-level document addressing the Far West region. Of relevance to the proposal is the goal of the plan to achieve “strong and connected communities”. The Roads to Home” (R2H) program is specifically designed to enhance the strength of the local Aboriginal Land Council and also the resilience of the communities. This is also identified as a specific priority within the plan, as is increasing housing opportunities. In addition, the third goal specifically seeks to “strengthen local leadership” which would also be achieved through the enhancement of capability of the Walgett LALC.

**Direction 22** requires collaboration and partnership with Aboriginal communities. Again, this is a key element of the “Roads to Home” project. In particular collaborative and inclusive planning has been used to address future subdivision proposals for the villages.

**Direction 27** looks to provide greater housing choice. In this regard the subdivision will facilitate long-term leases and also, potentially, the sale of land in the future through such mechanisms as “rent to buy” and also freehold sale. Modest provision has also been made for possible increase to housing numbers although this is subject to separate development applications and review of flooding implications.

Although potentially being able to consider the proposal as “rural residential development” the proposal is not inconsistent with **Direction 29**.

**Direction 30** looks to create healthy built environments, and this again is a key goal of the “Roads to Home” project.

In summary, the proposal is considered to be fully consistent with the Far West Regional Plan.

## **5.4 Walgett Environmental Plan 2013**

The proposal is subject to Walgett LEP 2013. Issues of permissibility and characterisation have been addressed earlier in this report and accordingly this section will address other specific clauses of the LEP.

### **5.4.1 Clause 2.6 – Subdivision - consent requirements**

This confirms that development consent is required for subdivision.

### **5.4.2 Clause 4.1 – Minimum Subdivision Lot Size**

The allotments would comply with the 700 m<sup>2</sup> minimum lot size within the C4 Zone as set out in this. The proposed subdivision layout is considered to be a practical and efficient layout to meet the intended uses of each lot.

### **5.4.3 Clause 4.2 - Rural Subdivision**

This clause only applies to the RU1 Primary Production zone portion of the application. The boundary being created within this zone is to be rectified by the planning proposal lodged with Council.

### **5.4.4 Clause 4.2A – Erection of dual occupancies, dwelling houses or secondary dwellings on land in certain rural, residential and environmental protection zones**

This clause applies to both the RU1 Primary Production zone as well as the C4 Environmental Living zone.

With respect to the C4 Zone, the minimum lot size would be achieved for all allotments on which a dwelling is erected.

### **5.4.5 Clause 4.6 - Exceptions to Development Standards**

#### **E4 Environmental Living Zone**

No variation under Clause 4.6 is required.

### **5.4.6 Clause 5.3 – Development near Zone Boundaries**

Although located on a zone boundary, the clause is not relevant to the application, as the relevant zone boundary is with land is zoned RU1 Primary Production and C4 Environmental Living which are not covered by this clause.

### **5.4.7 Clause 5.16 - Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones.**

The purpose of this clause, which applies to the land, is to minimise potential land use conflicts. This is particularly the case where residential uses are involved.

Under this clause various matters are to be taken into account which are addressed below:



- The existing uses of the land are for a residential village which has been in existence for many years. In addition, the subdivision disposition would also ensure that adequate buffers exist between existing dwellings and agricultural land uses in the vicinity.
- In this regard, the development has no impact nor would it have any impact on existing or future agricultural uses.
- Given the nature of agricultural uses in the vicinity, and the existence of adequate buffers, the development is considered compatible with existing uses and approved uses of land in the vicinity and preferred or predominant land uses.
- The main measure taken to reduce potential impacts is to ensure that adequate provision is made for buffer areas within the ownership and control of the Collarenebri LALC.

#### **5.4.8 Clause 6.1 – Earthworks**

Earthworks would be ancillary to development not requiring consent being roadworks. In this respect the proposed earthworks are not triggered under this clause. Notwithstanding this, earthworks associated with drainage and roadworks would be consistent with the future use and redevelopment of the land, would improve the amenity of adjoining properties, and are not expected to result in the import or export of soil material. Appropriate controls would be undertaken to ensure that riparian areas and waterways are protected from sedimentation during the construction process.

#### **5.4.9 Clause 6.2 - Flood Planning**

The overall principles of this Clause are to minimise risk to life and property, while avoiding significant adverse impacts on flood behaviour and the environment while permitting compatible development.

In this regard:

- The development is existing and, on the basis of available information, is compatible with the flood hazard of the land. In this respect houses are not known to have flooded although the access road does.
- As minimal physical works are proposed, there would be no significant impact on flood behaviour.
- It is proposed that a flood management plan be conditioned and prepared by the Collarenebri LALC to assist in managing the population during future flood events.
- No additional economic costs are anticipated noting that infrastructure would be constructed taking into account the flood prone nature of the land. Social impacts associated with flooding would not be increased and flooding is well understood phenomena in the area.

It is noted that no additional dwellings are sought as part of this application. Any such dwelling applications would need to address this Clause in the context of any such proposals that might come forward in the future.

#### **5.4.10 Clause 6.3 - Development on Riverfront areas**

The aim of this clause is to protect and improve bank stability and to maintain and improve water quality. In addition, amenity, scenic landscape values and cultural heritage are to be protected. This includes wildlife protection.

It is noted that this Clause only applies to land within the RU1 zone, and within 100 m of the top of the riverbank. No such land is affected by the proposed subdivision. Nevertheless, these provisions are given consideration with respect to development within the riparian area where repair is proposed including ensuring that future stormwater drainage and also uncontrolled access are appropriately managed.

In this regard, the development is consistent with the Clause.

#### **5.4.11 Clause 6.6 - Essential services**

The subdivision would generally use utilise existing infrastructure. Further details are provided in the development control plan section of this report. In summary, the following services would be retained and, where necessary, enhanced:

- Water supply
- Electricity
- Disposal and management of sewage
- Stormwater drainage
- Vehicular access
- Telecommunications

In this respect the clause is complied with.

## **6 Development Control Plan**

Walgett DCP 2016 applies to the land. The relevant clauses together with commentary are outlined below:

### **6.1 Chapter 2 – Information Requirement**

No BASIX certificate is required as no dwellings are proposed for construction.

This document is the statement of environmental effects for the proposal.

Site plans are provided that are consistent with the requirements. No floorplans are necessary as no buildings are proposed for construction.

Although landscaping of road reserve areas and land to be dedicated as public reserve will be undertaken it is requested that this be conditioned in terms of submission of a landscaping plan. In this way, the impact of any conditions that might be imposed by Council can be taken into account in the landscaping plan. In this respect we note that landscape plans are not strictly required with the Development Application in this instance.

An identification survey is provided.

Potential site contamination has been identified, being asbestos, which as indicated in this SEE is being addressed through a separate process.

It is noted that the development would be notified under the terms of the DCP. This is because the subdivision creates five lots or more. In that the proposal would not create 20 or more allotments, therefore it would not require advertising under the terms of the DCP.



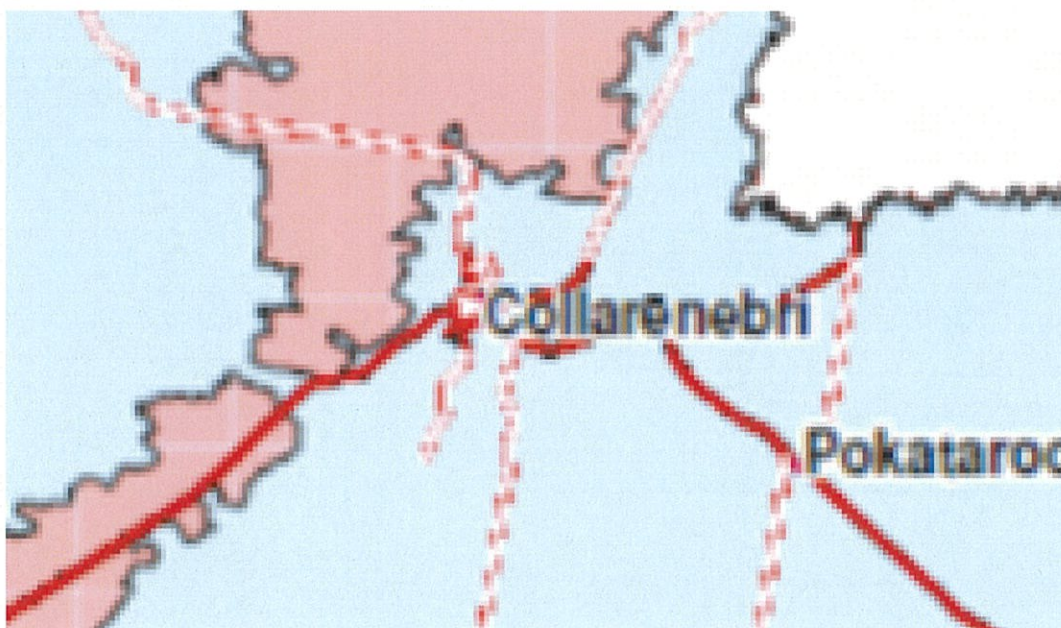
## 6.2 Chapter 3 - Biophysical hazards

### Flood affected land

The land is flood affected land as defined in the DCP. The provisions of Clause 6.2 have been addressed in the statutory section of this report. It is noted that compliance with this Clause is considered to have occurred when the floor level of a dwelling house is at least 500mm above the historical flood peak for the site. Information available from residents confirms that this standard is met for the existing dwellings.

It should further be noted that a flood management/evacuation plan is proposed to be developed for the community which will address issues such as stay in place versus evacuation and the associated triggers for different responses. Aboriginal communities are particularly vulnerable to displacement and the plan will give full consideration to both social and economic impacts noting a primary focus on the preservation of life.

The Figure below confirms that the land is flood affected noting that while the resolution is relatively poor, it is clear that this affects all areas outside the levy around the town of Walgett.



**Figure 8 - Flood Affected Land**

Noting the development is existing, flood free access is not available and the access would be unlikely to achieve safe wading criteria as per the Floodplain Development Manual. In this respect the development of a flood planning/evacuation mechanism for the village is seen as crucial and it is recommended that this be conditioned.

Although no specific flood study has been conducted, the nature of the floodplain and the geographical extent of historical floods means that the works would have negligible impact on flood behaviour. In this particular instance, the works consist of reconstruction of an existing road network together with modifications to stormwater drainage. In the context of the major flood, these changes will have no effect.

No new residential development or extensions to residential development are proposed as part of this application.

No commercial/retail/industrial development is proposed.

In terms of landfilling, full engineering details including cut/fill would be the subject of separate submission to Council noting that a construction certificate is not statutorily



required. In this respect, however, it would be anticipated that Council would condition the application to require Council's endorsement of the engineering plans prior to construction commencing.

At this time no import/export of fill is proposed. No levy banks are proposed and drainage works have been detailed. Given the minor nature of the physical works, it is submitted that it is unnecessary to require a consulting engineer to certify the impact of the works on adjoining properties. As previously outlined, this is expected to be completely insignificant given the very minor nature of the works in the context of a flood event. It should also be noted that the village is well – removed from any sensitive land uses in the vicinity.

Although certain flood flow paths have been identified by residents, it is not considered that the residential lots within the subdivision would, in any event, meet the definition of "floodway". This is on the basis of relatively slow-moving water and relatively modest depths.

### **Bushfire**

The land is not identified as being bushfire prone except along the river well clear of housing and accordingly a bushfire report is not considered necessary.

## **6.3 Chapter 4 – Subdivision**

### **Objectives**

In terms of the objectives of the DCP, the development is considered compatible with the surrounding development noting that the residential component of the village is surrounded by buffer areas. Adjoining land uses, being recreation and grazing, would not impact on the residential development nor would the residential development impact on these uses. In this respect it should be noted that the development is existing and no additional impacts would occur as a result of the subdivision proposal.

### **Provisions**

No site coverage requirements are identified in either of the affected zones.

Lot boundaries have been drawn to ensure that setback requirements in the DCP are achieved and there is no impediment to solar access.

Parking is existing and there will be some formalisation of this through driveway and crossing construction and also the provision of on-street parking as well as the ability to park in driveways. Access to properties will be improved to ensure that all current dwellings have all-weather two-wheel drive access to the lot boundary.

Fencing is existing and is currently of open mesh style. This style would be retained for any relocated or additional fencing.

Lot boundaries have been selected to avoid any outbuildings being located within the building setback within the E4 Zone. There are no requirements within the RU1 Zone.

No temporary accommodation or relocated dwellings are proposed.

No changes are proposed in terms of ancillary structures such as pools, carports, water tanks and the like.

The curtilage of each allotment has been selected to ensure compliance with the provisions of the DCP with respect to issues such as landscaped area and the like.

### **Subdivision**

Lot size compliance is as set out in the statutory section of this report. In summary all lots within the C4 Zone are above the minimum lot size.



### *Servicing*

The servicing strategy is based on continuation of existing services. In this respect the subdivision is appropriately serviced with water, sewer, telecommunications and electricity. As part of the subdivision, services will be reviewed in particular as to whether any upgrade of core utilities is necessary. As outlined previously, the appropriate easements will be implemented to ensure that access to core assets remains available.

### *Stormwater*

Stormwater will be reconsidered and compliance with the DCP would be achieved in that designated overland flow paths and dedicated drainage reserves would be established. Stormwater flow would be managed and, in particular, flows that may cause erosion either within the development or to riverbanks would be appropriately managed. It is suggested that Council condition this aspect so that the relevant engineering plans can be endorsed by Council prior to construction commencing.

### *Battle axe lots*

No battle axe shaped lots are proposed.

### *Roads*

Roads are refurbishment of the existing road network with minor modifications to assist in the management of vehicle speeds through road design. Road widths are as originally approved.

Roads will be kerbed and guttered.

Detailed consideration was given to road widths. In this regard there is a trade-off between accessibility and vehicle speeds. Vehicle speeds have been a historic issue in small communities of this type and accordingly road design has been modified to address this issue, in particular with the proposal to dedicate the roads as public roads which limits community control. The selected road width is also responsive to the lower traffic volumes and utilises a technique known as "managed friction" to partially address vehicle speeds.

The final decision is to retain the roads in their "as constructed" widths, and traffic directions. The main access road would be 7.5m (invert to invert) within an 18m reserve, with the loop road being 5.0m within a 14m reserve. While the loop road is below the DCP recommendation of 6.0m, the functional width with roll-over kerbs is 5.5m. Cars are able to pass, (rarely needed) and off-road parking is proposed to serve dwellings and the community buildings.

This reserves the carriageway for vehicles which would facilitate trucks (garbage) and a bus service. At the same time, the narrow road would automatically limit vehicle speeds, which is highly desirable with the recreation and community areas in the centre of the loop. While consideration was given to making the loop one way, in practice it was considered that this would be unlikely to be observed. In the overall circumstances a variation to the DCP is requested.

Constructed pedestrian foot paths are proposed although the subdivision is less than 15 allotments. In this regard both sides of the roads would be serviced by foot paths. This is considered desirable as people are reluctant to cross a road to access a footpath on the other side.

In considering road widths, servicing less than 15 lots, it is considered that likely traffic volumes would be in line with culs-de-sac and short loops. In this respect based on other similar communities it is anticipated that traffic volumes would be unlikely to exceed 100-150 movements per day at the absolute maximum. The road reserve widths are consistent with this road type.



### *Landscaping*

Landscaping has been previously discussed. In this regard landscaped details are proposed to be submitted concurrently with the engineering detailed plans for construction when these are submitted to Council for endorsement prior to construction commencing. Landscaping would include the road reserve together with drainage reserves. Indicative landscaping approaches are set out on the attached plans.

Site access to all allotments used for residential purposes would be by public road access. This is a key aspect of the subdivision with the intent of ensuring that all dwellings within the village in fact have direct public road access.

Lot orientation responded to existing dwelling patterns and therefore was constrained. In this respect lot sizes are adequate to ensure that any replacement dwellings or dwellings erected in the future can easily be orientated appropriately for solar access/shade as necessary.

Open space is proposed by way of an existing area, to be defined by a formal allotment. The area proposed is typical in size of a residential lot being 2624m<sup>2</sup>. It adjoins the lot with the community hall, which is of similar size, and which is being retained by the Land Council. Together with the community buildings, the total area of 5076m<sup>2</sup> is over the 5000m<sup>2</sup> benchmark, and thus is functionally consistent with the DCP.

Fencing would ensure that child safety is addressed noting that the road environment is low speed. The location of the area has excellent access by pedestrian and road links with roads being suitable for cycle use given the very low traffic volumes involved.

The central location ensures minimal walking distances for residents. The adjoining residential lots would provide strong passive surveillance which is also available from the streetscape. As a corner allotment the land is highly visible in accordance with this DCP guideline. Slopes are minimal and although complementary use is not significant, the use of the land for a community hall would be consistent with this approach.

No significant trees or vegetation are proposed for removal.

Issues of contamination have been previously discussed.

## **6.4 Chapter 6 - Environmental Controls**

### **Construction impacts**

As the development is largely an “paper” exercise, with minimal new works (nearly all involves refurbishment of existing assets) the environmental effects are limited to those associated with construction impacts. In this respect it would be anticipated that a standard condition regarding use of erosion controls such as the “blue book” would be applied. It is noted that there is close proximity to the Barwon River and accordingly careful attention to sediment management is required to avoid contamination of the waterway. In this respect the riparian guidelines would be respected.

### **Waste management**

This would continue as a local government service utilising the same arrangements as apply to other urban areas of Walgett.

### **Stormwater**

Stormwater would be designed in accordance with Australian Rainfall & Run-off 2019 for the 20% event. Events above this magnitude would be addressed through overland flow management up to and including the 1% event. Details would be provided with the engineering drawings submitted for endorsement prior to construction.

## **6.5 Appendix A - Utility Infrastructure Provision**

No new buildings are proposed, and accordingly there would be no impacts in terms of the “zone of influence” noting that, at times, existing services may not fully comply with this requirement. Appropriate easements would be established based on zone of influence considerations as part of the subdivision. Council’s review and endorsement of the proposed easements would be part of the subdivision certificate process.’

Council’s requirements with respect to easements over water supplies are noted as are easements over any pressurised sewer. In this respect it is suggested that easements should protect sewer infrastructure where this traverses an allotment other than an allotment being directly served. In this regard easements serve as a clear indicator of the location of such infrastructure and minimise risks to the infrastructure in the future. Council’s consideration to the implementation of these easements is requested.

No modifications of Council’s existing infrastructure are proposed as part of the development, except where necessary to bring them to acceptable and current standards.



## **7 Suitability of the site for the development and Conclusions**

The site is well suited for the development, noting that it is an existing village.

### **7.1 *Any submissions made in accordance with this Act or the regulations***

At the time of preparation of this report, no written submissions have been made. Any submissions made during exhibition would be addressed.

### **7.2 *The public interest***

It is in the public interest that the historical situation regarding Aboriginal communities be addressed in terms of bringing the management of Aboriginal villages under the same or a similar framework to other villages within the Shire.

In this regard the proposal is a vital proposal in terms of providing additional resilience and security to the Walgett Local Aboriginal Land Council and enhancing its ability to work with its communities to create and maintain better living environments.

### **7.3 *Conclusions***

The proposal represents an acceptable use within the area and is considered worthy of planning support.



EXISTING CONSTRUCTED CONCRETE PATHS TO JOIN PROPOSED FOOTPATH

PROVISION OF 3m WIDE CONCRETE VEHICLE CROSS-OVER DRIVEWAYS TO EACH PROPOSED LOT

EXISTING CONSTRUCTED CONCRETE PATHS TO JOIN PROPOSED FOOTPATH

PROVISION FOR BUS DROP-OFF AREA

DUAL DIRECTION CUL-DE-SAC LOOP NOMINAL LANE WIDTH 5.0m TO ALLOW FOR SWEEP PATH OF SERVICE VEHICLE

EXISTING WATER SUPPLY TANK FARM TO REMAIN IN SERVICE CONNECTION TO EXISTING BORE TO REMAIN IN SERVICE (STATUS AND CONDITION OF EXISTING CONNECTIONS INCLUDING TANKS, MAINS AND BORE TO BE CONFIRMED BY LICENSED PLUMBER PRIOR TO CONSTRUCTION)

SEALED MAINTENANCE ACCESS ROAD TO WATER TANKS TO ALLOW FOR MAINTENANCE VEHICLES.

PROVISION OF OFF-STREET PARKING IN VICINITY OF EXISTING COMMUNITY SHED AND PROPOSED FACILITIES

PEDESTRIAN CROSSING AND REFUGE LANE WIDTH 5.0m

TRANSITION TO EXISTING ROAD WIDTHS EXISTING ROADS TO HAVE LINEMARKING, SIGNAGE AND WEARING SURFACE UPGRADES

150mm HIGH BARRIER KERB AND GUTTER TO COMMENCE FROM TOP OF LEVEE BANK AND CONTINUE ALONG INTERNAL ROAD

#### CONTOURS

MAJOR: 0.5m

MINOR: 0.1m



SCALE 1:1000 (A1)

Issue Date	Description	By
C 29.10.2021	DEVELOPMENT APPROVAL ISSUE/REV. B	AH
B 21.03.2021	DEVELOPMENT APPROVAL ISSUE	AH
A 26.07.2021	ORIGINAL ISSUE	AH
Project	T218171	Sheet No. 5 of 20
Digital Ref:	T218171_291021.dwg	Issue: C
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Checked - MF	Approved - JC
Design - AH	Drawn - AH
Scales - AS NOTED	Date - 17.08.2021
Document Stage -	D.A. ISSUE



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Project - COLLARENEBRI ROADS TO HOME  
Client - COLLARENEBRI LALC

Site - WALLI RESERVE - 112  
COLLARENEBRI MISSION ROAD  
COLLARENEBRI, NSW 2833

Drawing title -  
SITE PLAN - OVERALL



# PROPOSED BOUNDARIES - DRAFT 3 - 08.02.2022



Surveyor: DAVID SAXON McCULLOCH  
Date of Survey:  
Surveyor's Ref: 060421DF1

DRAFT 3: 08.02.22

PLAN OF PROPOSED SUBDIVISION OF  
LOT 62 IN 752263, Lot 7302 & 7303 IN DP 1141837

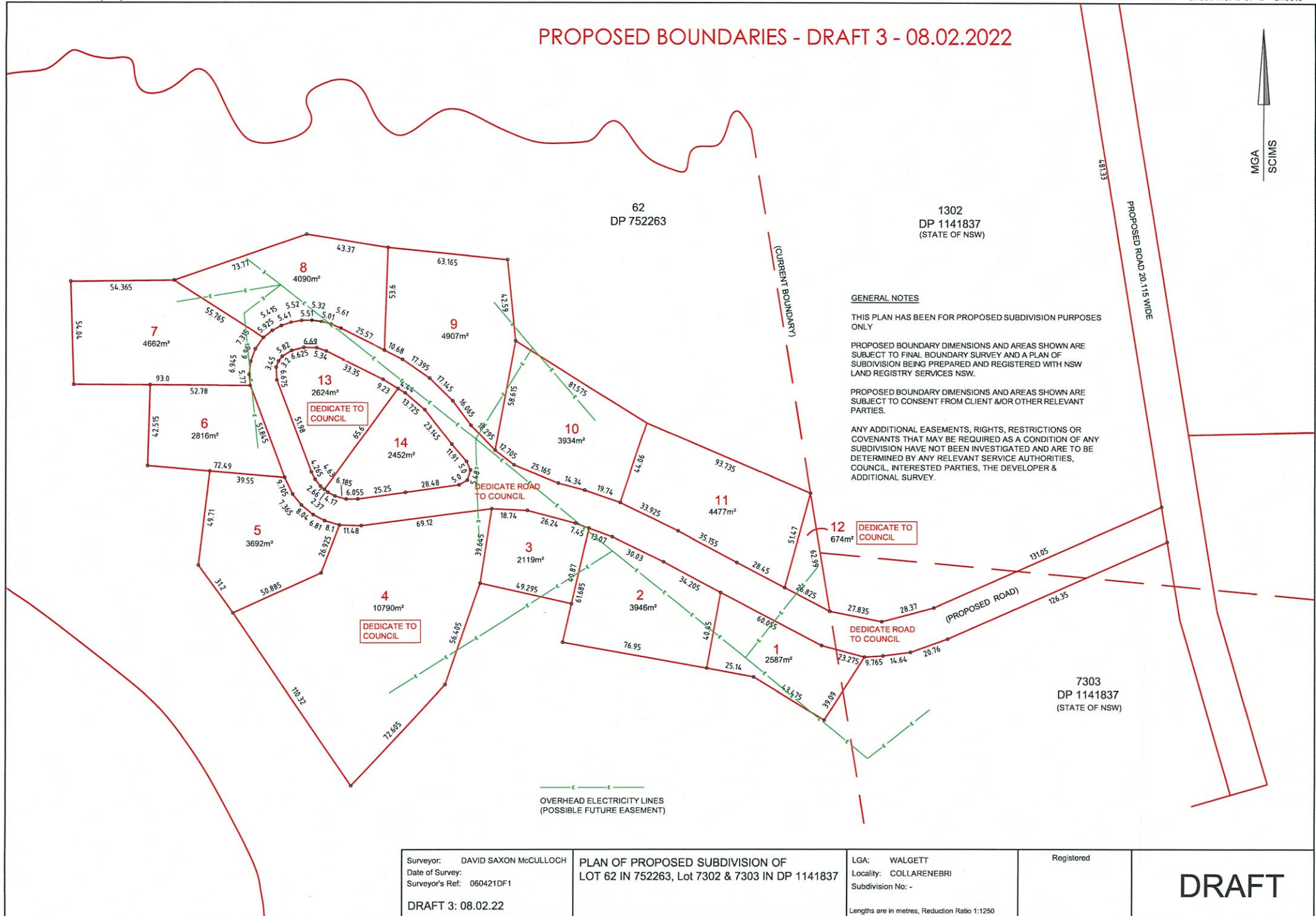
LGA: WALGETT  
Locality: COLLARENEBRI  
Subdivision No: -

Lengths are in metres, Reduction Ratio 1:2500

Registered

**DRAFT**

## PROPOSED BOUNDARIES - DRAFT 3 - 08.02.2022



## GENERAL NOTES

THIS PLAN HAS BEEN FOR PROPOSED SUBDIVISION PURPOSES ONLY

PROPOSED BOUNDARY DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO FINAL BOUNDARY SURVEY AND A PLAN OF SUBDIVISION BEING PREPARED AND REGISTERED WITH NSW LAND REGISTRY SERVICES NSW.

PROPOSED BOUNDARY DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO CONSENT FROM CLIENT &/OR OTHER RELEVANT PARTIES.

ANY ADDITIONAL EASEMENTS, RIGHTS, RESTRICTIONS OR COVENANTS THAT MAY BE REQUIRED AS A CONDITION OF ANY SUBDIVISION HAVE NOT BEEN INVESTIGATED AND ARE TO BE DETERMINED BY ANY RELEVANT SERVICE AUTHORITIES, COUNCIL, INTERESTED PARTIES, THE DEVELOPER & ADDITIONAL SURVEY.

Surveyor: DAVID SAXON McCULLOCH  
Date of Survey:  
Surveyor's Ref: 060421DF1

DRAFT 3: 08.02.22

PLAN OF PROPOSED SUBDIVISION OF  
LOT 62 IN 752263, Lot 7302 & 7303 IN DP 1141837

LGA: WALGETT  
Locality: COLLARENEBRI  
Subdivision No: -

Lengths are in metres, Reduction Ratio 1:1250

Registered

**DRAFT**



# PROPOSED BOUNDARIES - DRAFT 3 (ALIGNING WITH OPTION 1.3 - 15.09.2021)

## GENERAL NOTES

THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN. THE INFORMATION SHOWN ON THIS PLAN OR IN THE ASSOCIATED CAD FILE IS SUPPLIED ON THE CONDITION THAT THESE GENERAL NOTES ARE ALWAYS SHOWN KEPT ON ANY COPY OR EXTRACT OF THE HARD COPY DATA FILE.

THE LOCATION OF SUBJECT PROPERTY BOUNDARIES HAVE BEEN IDENTIFIED FROM SURVEY MEASUREMENTS & REGISTERED PLANS OBTAINED FROM NSW LAND REGISTRY SERVICES & REPRESENT TITLE DIMENSIONS.

ANY CONSTRUCTION OR WORKS RELYING ON CRITICAL SETBACKS FROM BOUNDARIES WILL REQUIRE ADDITIONAL BOUNDARY SURVEY & PLACEMENT OF BOUNDARY/SETOUT MARKS PRIOR TO COMMENCEMENT OF ANY WORKS. WUMARA GROUP WILL NOT BE HELD LIABLE FOR ANY ISSUES RESULTING FROM NON COMPLIANCE WITH THIS ADVICE.

NO EASEMENTS BENEFITING OR BURDENING THE SUBJECT LAND ARE NOTED ON THE SUBJECT CERTIFICATE OF TITLE AS AT 14-05-2021.

THE RECORDS OF THE SERVICE AUTHORITIES HAVE NOT BEEN INVESTIGATED. ONLY THOSE SERVICES VISIBLE AT THE TIME OF SURVEY HAVE BEEN SHOWN.

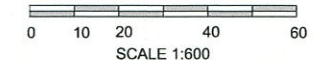
CONTOURS HAVE BEEN INTERPOLATED FROM SPOT HEIGHTS TAKEN AND ARE AN APPROXIMATION ONLY.

SITE LEVELS HAVE BEEN SURVEYED FROM GPS AND UAV DRONE SURVEY.

LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD) THE ORIGIN OF WHICH IS PM 28829 RL 144.078 AHD (SOURCE: NSW SPATIAL SERVICES 07-05-2021).

- AUSTRALIAN HEIGHT DATUM (AHD) HAS BEEN ESTABLISHED & TRANSFERRED TO SITE FROM GPS OBSERVATIONS UTILISING SMARTNET.
- SITE AHD ACCURACY: 0.05 METRES.
- ALL LEVELS SHOWN ARE RELATIVE TO SITE BENCH MARKS.

*David McCulloch*  
David McCulloch  
Registered Surveyor  
Surveyor ID: 125



## ABBREVIATIONS

BM - BENCH MARK G.I. NAIL  
CO - CONCRETE  
CWF - CHAIN WIRE FENCE  
EB - EDGE OF BITUMEN  
ES - ELECTRICAL SERVICE BOX  
ESS - ELECTRICAL SERVICES BUILDING  
HY - HYDRANT  
LP - LIGHT POLE  
PP - POWER POLE  
PTEL - PUBLIC TELEPHONE  
P&WF - POST & WIRE FENCE  
RK - ROLL KERB  
MS - METAL SHED  
SCP - SURVEY CONTROL POINT  
(G.I. NAIL IN BITUMEN)  
SD - SPEED DIP (TRAFFIC CONTROL)  
SV - STOP VALVE  
TEL - TELSTRA PIT  
WM - WATER METER  
WTK - WATER TANK

OVERHEAD ELECTRICITY LINES  
(POSSIBLE FUTURE EASEMENT)

## Concept Plan

LOT 62 IN DP 752263  
WALLI RESERVE - 112 COLLARENEBRI MISSION ROAD  
COLLARENEBRI, NSW

CLIENT: CALIC, DPIE REF: 060421DF1  
SCALE: 1:600 @A1 DATE: 14/16/05/2021  
DATUM: AHD ISSUE 3: 08.03.2022  
ORIGIN OF LEVELS: PM 28829 SURVEY: DM, DP, GD  
CONTOUR INTERVAL: 0.5m DRAWN: DM, DF  
LOCALITY: COLLARENEBRI CHECKED: DM  
LGA: WALGETT SHEET No: 1 OF 1



# GENERAL NOTES

1. ANY PART OF THIS PLAN, THE ORIGINAL OR A COPY, IS VALID ONLY IN THE CONDITION THAT THESE NOTES ARE SHOWN KEPT ON ANY COPY OF THE DATA FILE.

2. THE CLIENT'S PROPERTY BOUNDARIES HAVE BEEN DETERMINED BY A SURVEY AND REGISTRY RECORDS, AND THE SURVEY DATA IS SHOWN ON THIS PLAN.

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## Feature & Level Survey

CLIENT: LGA WALGETT  
SCALE: 1:500  
DATE: 10/10/2023  
ORIGIN: LGA WALGETT  
CONTOUR: 1:500  
LOCALITY: COLLARIE PL  
LGA: WALGETT

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TO ENSURE THAT BEING THE SUBJECT OF A SEARCH DOES NOT AFFECT THE SUBJECT'S EMPLOYMENT, THE SEARCH SHOULD BE NOTED ON THE SUBJECT'S FILE AT THE AS OF THE SEARCH.

INFORMATION HAVE BEEN OBTAINED FROM SPOT CHECKS  
MADE FOR AN UNLIMITED PERIOD.

[illegible]

*Quercus*

62  
DP 752263

62  
DP 752263  
AREA 18 64 ha  
(CP 1176 1851)

## Feature & Level Survey

WALL SERVICE, 112 COLLENS FERN MISSION ROAD  
COLLENS FERN NSW 2230 P.O. Box 1167



DATE: 10/10/2009  
CHECKED: 10/10/2009

W. J. ...

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Numara Group

info@worldgroup.com.au 0147 222 1234





# DEVELOPMENT APPLICATION & PLANNING PROPOSAL ASSESSMENT REPORT

DA/2023/18

Report Date 12/06//2023

Date Lodged: 24/09/2021

Officer: Planning Consultant Allan Wiebe

Applicant -  
Wakefield Planning  
PO Box 594  
MOREE NSW 2400

Owner	Collarenebri Aboriginal Land Council – NSW Land Council
Proposal	Subdivision / Consolidation and Rezoning – Walli Village
Reference:	DA/2023/18 - PP-2022-2116
Location:	Collarenebri Mission Road, Collarenebri
Legal Desc.	2//752697, 34//752697 & Various
Parcel No.	N/A
BCA Code	N/A
Value	\$ 0.0 / 0.0= \$

## Proposal Overview

Subdivision/Consolidation and Rezoning at Walli Village, Collarenebri

## Property Details/History

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

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:** Ownership and encroachments to be dealt with by way of deferred commencement condition. Walli Village is an existing settlement 3kms east of Collarenebri.

## 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 ☒

(NOTE: Collanerebri Local Aboriginal Land Council is not a Public Authority under the terms of the Environmental Planning and Assessment Act)

Is this application a staged Development? Yes ☐ No ☒

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

**Date of original development consent:** Not Applicable

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

Does the application including a planning proposal? Yes ☒ No ☐

**Comment:** A planning proposal is required to rezone allotments that do not meet requirements for minimum lot size for non-residential purposes.

## CONCURRENCE & REFERRAL

### Section 4.13 – EP & A Act

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

Department	Response Received	Objection to Proposal	Comments/Issues Raised
NSW RFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not zoned bushfire prone – Potential for grass and house fires.
NSW Police	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable
Fire & Rescue	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
NSW Planning	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Biodiversity	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
NSW Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
Rail	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
TfNSW	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable
DEHWA	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not Applicable

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

#### Comment:

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

Reason: More than three allotments are created. Ref: Council delegations policy.

### NOTIFICATION

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

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

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

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

Dates Notification Undertaken **Commenced** NA **Finished** NA

Details of written submissions received? NA.

Is there any other issue that requires notation?

Yes ☐ No ☒

## LOCAL ENVIRONMENTAL PLAN WLEP 2013

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

**This land is zoned:**

RU1 Primary Production  
C4 Environmental Living

**Development as per Standard Definitions:**

This development is considered to be a residential subdivision and rezoning.  
A historical subdivision was created on paper based on the historical mission layout but was not zoned for residential development.

The dominant development on this land is residential and rural residential.

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

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>In the LEP's Land Use Table, the objectives for the RU1 zone are:</p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul> <p>It is considered that the proposed development is consistent with the above-mentioned zone objectives.</p>
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>In the LEP's Land Use Table, the objectives for the C4 (Previously E4) zone are:</p> <ul style="list-style-type: none"> <li>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> <li>To ensure that residential development does not have an adverse effect on those values.</li> <li>To acknowledge the settlements of Gingie, Namoi and Walli and to enable compatible</li> </ul> <p>It is considered that the proposed development is consistent with the above-mentioned zone objectives.</p>

2.6 Subdivision Consent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Development consent is required for subdivision and a planning proposal has been lodged for rezoning.
4.1 Minimum lot size	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	C4 – Zoning = Minimum 700m <sup>2</sup> - Concurrence of the Planning Secretary is required in relation to the non-compliance with minimum lot sizes. To be dealt with by way of deferred commencement condition under CL4.6.



		RU1 Zoning = Minimum 400ha – Concurrence required under 4.6. As above.
4.2 Rural Subdivision	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing dwelling on residual allotment would not comply with Cl 4.2 (4). Concurrence of the Planning Secretary is required in relation to the non-compliance with minimum lot sizes. To be dealt with by way of deferred commencement condition under CL4.6.
4.2A Erection of dual occupancies, dwelling houses or secondary dwellings on land in certain rural, residential and environmental protection zones	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Development consent must not be granted for the erection of a dual occupancy, dwelling house or secondary dwelling on land to which this clause applies unless the land— is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land. C4 – Allotments to be created for dwellings comply. RU1 – No new dwellings proposed
Cl. 4.6 Exceptions to development standards	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	An exception to minimum lot sizes is considered reasonable and necessary in the circumstances of the case given the use of the land to for services and infrastructure and dwellings not being permissible.
4.3 Height of buildings	Yes	Height of buildings complies
5.10 Heritage conservation	Yes	No issues identified conditions of consent to be provided
5.16 Subdivision or dwellings on rural, residential land.	Yes	Existing use of the land is for a residential village which has been in existence for many years. In addition, the subdivision design would maintain buffers between existing dwellings and agricultural land uses in the vicinity.
5.21 Flood planning	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Council must consider (a) the impact of the development on projected changes to flood behaviour as a result of climate change – None identified. (b) the intended design and scale of buildings resulting from the development – dwellings protected by levy bank. (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood – Flood refuge and flood evacuation plan are required. (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion – No options available.
6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Construction works are not proposed, and a Soil & Erosion Control Plan has not been submitted, but a suitable condition will be recommended.

6.3 Development on River front areas	Yes <input checked="" type="checkbox"/>	Walli Village is less than 400m from Barwon River. However, this clause only applies to land zoned RU1 Primary Production that is within 100 metres of the top of the bank of the Barwon or Namoi Rivers. The village is zoned C4 Environmental Living.
6.6 Essential Services	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	All service connections are to be available.

Are there any relevant draft LEP or draft LEP amendment?

Yes ☐ No ☒

**Comment:**

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

Yes ☐ No ☒

**Comment:**

## DEVELOPMENT CONTROL PLAN – WDCP 2016

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

<b>List the relevant clause/clauses under the applicable DCP</b>			
<b>Clause</b>	<b>Issue</b>	<b>Compliance</b>	<b>Comment</b>
2.5	Site Contamination	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No issues identified
2.6	Notification and advertising	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not warranted
3.2	Flooding	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	See comments and conditions.
3.3	Bushfire	Yes	Not zoned Bushfire but RPZ to be maintained
4.7.1	Lot size	No	See previous comments
4.7.2	Servicing	Yes	Services existing
4.7.3	Sewer	Yes	Services existing
4.7.4	Water	Yes	Services existing
4.7.5	Stormwater	Yes	Services existing
4.7.6	Telecommunications	Yes	Services existing
4.7.7	Electricity	Yes	Services existing
4.7.8	Battle axe lots	Yes	No issues identified
4.7.10	Road Network	No	Consideration to road network design incorporates a trade-off between accessibility and vehicle speeds in an existing subdivision. A variation is proposed. See Councils Engineers comments. Pedestrian access path is provided.
4.7.11	Cul de Sac	Yes	complies

4.7.12	Landscaping	Yes	Condition to be applied.
4.7.13	Site Access	Yes	Complies
4.7.14	Lot Orientation	Yes	Configuration of lots is established by existing village.
4.7.15	Open Space	No	A proposed variation to reduce the open space buffer is not supported and an area of 5,000m2 open space should be provided for recreation and as a buffer to adjoining agricultural land..
4.7.16	Vegetation	Yes	No vegetation effected
4.7.17	Garbage	Yes	Existing services are provided.
4.7.19	Contamination	Yes	Conditions of consent provided to address contamination issues.
6.1	Environmental	Yes	See statement of environmental effects
6.2	Soil Sediment	Yes	Conditions apply
6.3	Vegetation	Yes	Significant vegetation to be retained
6.4	Waste management	Yes	Existing services to remain
6.5	Noise	Yes	No issues identified
6.6	Geology	Yes	No issues identified
6.7	Stormwater	Yes	Existing service to remain
6.8	Common effluent	Yes	Existing service to remain
6.9	OSMS	Yes	Application required

Has a variation to the DCP been requested?

Yes ☒ No ☐

**Comment**

Road widths requirements – Council Engineer to comment.  
Lot Size requirements – Non-residential lots only. Planning Proposal as deferred commencement condition.

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

## Regional Environmental Plan

Alignment & Actions		
Far West Regional Plan	Goal	Details
Transport and Infrastructure	1	A diverse economy with efficient transport and Infrastructure Comment: No issues identified.

Exceptional Semi-arid Rangelands	2	Protect and manage environmental resources Comment: No issues identified
Strong and Connected Communities	3	Manage change and strengthen communities. Comment: No issues identified

**Comment:** No adverse impact on the provisions of the Far West Regional Plan have been identified.

## STATE ENVIRONMENTAL PLANNING POLICY - SEPPs

List all relevant SEPPs		
SEPP	Compliance	Comment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The purpose of this SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	There is no tree removal proposed, no koala habitat nor potential habitat that will be affected by this development. Therefore, a Koala Plan of Management is not required.
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State. Application does not involve erection of dwellings</i>
<b>Exempt and Complying Development Codes 2008</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	No issues are identified.
<b>State Environmental</b>	Not Applicable <input type="checkbox"/>	<i>The principles of this Policy are to:-</i> <ul style="list-style-type: none"> <li>• enable the development of diverse housing types, including purpose-built rental housing,</li> </ul>



<b>Planning Policy (Housing) 2021</b>	Applicable <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• encourage development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>• ensure new housing provides residents with a reasonable level of amenity,</li> <li>• mitigate the loss of existing affordable rental housing.</li> </ul> <p>The SEPP introduces two new housing types to meet changing needs:</p> <ul style="list-style-type: none"> <li>• Co-living housing</li> <li>• Independent living units</li> </ul> <p>Improves the way existing types of homes are delivered including:</p> <ul style="list-style-type: none"> <li>• Boarding houses</li> <li>• Build-to-rent housing</li> <li>• Seniors housing</li> </ul> <p>Includes the planning rules for:</p> <ul style="list-style-type: none"> <li>• Caravan parks and manufactured home estates</li> <li>• Group homes</li> <li>• Retention of existing affordable rental housing</li> <li>• Secondary dwellings (sometimes known as granny flats)</li> <li>• Social housing</li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	The current proposal has no adverse impact on housing availability or housing diversity.
<b>State Environmental Planning Policy (Industry &amp; Employment) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> <li>• applying to employment land in western Sydney.</li> <li>• for advertising and signage in NSW.</li> </ul>
<b>SEPP 65 — Design Quality of Residential Apartment Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	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.
<b>Complies</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment Only <input checked="" type="checkbox"/>	No buildings are proposed.
<b>State Environmental Planning Policy (Planning Systems) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<p>This Policy aims to:</p> <ul style="list-style-type: none"> <li>• identify development that is State significant development</li> <li>• to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>• to identify development that is regionally significant development.</li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	No issues arise for the current proposal.

<b>State Environmental Planning Policy (Precincts—Regional) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This chapter applies to the state and aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State. It also facilitates service delivery outcomes for a range of public services and provides for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
<b>State Environmental Planning Policy (Primary Production) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li>• to manage primary production and rural development including supporting sustainable agriculture.</li> <li>• for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</li> </ul>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	The proposed subdivision development is consistent with the aims and objectives of this Policy.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This Policy incorporates and repeals the provisions of SEPP No. 55 - Remediation of Land and Clause 4.6 requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	Issues have been identified with contamination from asbestos waste and conditions of consent require site rehabilitation works.
<b>State Environmental Planning Policy (Resources &amp; Energy) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <li>• for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.</li> <li>• which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.</li> </ul>
<b>State Environmental Planning Policy (State Significant Precincts) 2005</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This policy aims to:-</i> <ul style="list-style-type: none"> <li>• facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.</li> </ul> <i>facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>

<b>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <li>• <i>for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.</i></li> <li>• <i>for child-care centres, schools, TAFEs and Universities.</i></li> <li>• <i>planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).</i></li> </ul> <p><i>the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.</i></p>
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#### List all relevant Draft SEPPs

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

Yes ☐ No ☒

**Comment:**

### Planning Agreement

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

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

No

### Planning Strategies/Local Policy

Is there a Planning Strategy or Local Policy that requires notation?

No

### Local Strategic Planning Statement

Planning Priority	Applicable
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**Comment:** This proposed development encompass subdivision of an existing village and does not require strategic consideration.

### Supporting Planning Assessment

Has the applicant submitted any supporting planning assessments?

Yes

**Comment:** Statement of Environmental Effects  
Subdivision Plan

Is there any other issue that requires notation?

Yes ☐ No ☒

**Comment:**

### Subdivision

Is this application for subdivision?

Yes ☒ No ☐

How many new lots are being created?

**Comment:** 14 Including residual lot.

## ENVIRONMENTAL IMPACTS

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive Impact will be made through Roads to Home funding which is targeted in conjunction with the Close the Gap Program to increase potential for Aboriginal home ownership or rent to buy.
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive Impact – There will be an economical gain during construction only.
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The village siting and configuration is existing.
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The setbacks are existing based on property fencing arrangements.
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of aural and visual privacy outside those of normal, residential usage.
Safety, security & crime prevention	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will not result in any decrease in safety, security and prevention of crime in the surrounding area. Aspects of the design will have a positive impact on passive surveillance of the surrounding environment.
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of overshadowing.
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues identified
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms visual privacy
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Views will not be impacted.
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No impacts on amenity have been identified.
Construction	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Work on infrastructure will be undertaken under a separate approval process.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing water services are available.
Waste	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing waste services are available.
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The proposed development is expected to have minimal impact on existing air quality levels and microclimatic conditions.
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works.
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development will improve the subject site by undertaking appropriate landscaping measures (i.e. lawn, shrubs etc.). Erosion and sediment control measures are also to occur during the construction of the development.
Tree Loss	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No significant trees are to be removed.
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues have been identified in relation to flora on the site.
Fauna	Yes <input type="checkbox"/> No <input type="checkbox"/>	No issues have been identified in relation to fauna on the site.



Cumulative	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No cumulative issues are likely.
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Has a Threatened Species Impact Assessment been prepared? Yes ☐ No ☒

Are there any species/communities listed under the TSC Act? Yes ☐ No ☒

Does the proposed development require approval under the EPBC Act? Yes ☐ No ☒

**Comment:** None

## HERITAGE IMPACT

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

Is this land classified as containing an item of environmental heritage? Yes ☐ No ☒

Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? Yes ☐ No ☒

**Comment:** No.

Is this proposal in a heritage conservation Zone? Yes ☐ No ☒

Is this proposal in an adjoining or in close vicinity to a conservation zone? Yes ☐ No ☒

**Comment:** No.

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

**Comment:** HIS not required.

Has the Heritage Advisor reviewed this application? Yes ☐ No ☒

**Comment:** Heritage advice is not required.

Is there any other issue that requires notation? Yes ☐ No ☒

## FLOODING

### Section 4.15(1)(b) – EP & A Act

Is this property flood affected? Yes ☒ No ☐

Is there a flood study which includes this land? Yes ☐ No ☒

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

**Comment:** The village and the ousing platforms are existing developments.

Conditions of consent are provided detailing requirements for the provision of a flood emergency evacuation plan.

## BUSHFIRE PRONE LAND

### Section 4.15(1)(b) – EP & A Act

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

**Comment:** Bushfire management plan to be provided for approval prior to subdivision.

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

Has a Bush Fire Management Plan under 2019 guidelines been provided ? Yes ☐ No ☒

See comment above

## CONTAMINATED LAND

### Section 4.15(1)(b) – EP & A Act

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

**Comment:** Condition of approval requires site rehabilitation.

Has a Contaminated Land Site Investigation been completed? Yes ☐ No ☒

Does this land require remediation? Yes ☐ No ☒

Is a referral required to NSW Environment Protections Authority? Yes ☐ No ☒

**Comment:** See comment

## INFRASTRUCTURE

### Section 4.15(1)(b) – EP & A Act

Who has completed the Engineering Assessment?

Engineering Department ☒ Assessing Officer ☒ Other ☐

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing sewerage system provided.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing water supply provided
Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing drainage system provided
Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing access provided.
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Kerb and Gutter to be replaced
Upgrade Existing Road	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Road withing village to be upgraded.
Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing road network
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	New easements to be provided over infrastructure

Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing connections
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing
Pedestrian Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Paved footpaths to be provided
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Not applicable
Parking	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Additional parking to be provided.
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No issues identified.

Does the development require any new easements?

Yes ☒ No ☐

**Comment:** Easements over infrastructure to be provided.

## CONSTRUCTION ASSESSMENT

Is a Construction Certificate Required?

Yes ☐ No ☒

Was a Construction Certificate submitted with this application?

Yes ☐ No ☒

Has Council been appointed as the Principle Certifying Authority?

Yes ☐ No ☒

Is a public defects liability agreement required?

Yes ☒ No ☐

**Comment:** Public defects liability agreement to be provided.

## ACTIVITY APPLICATIONS – S68 LOCAL GOVERNMENT ACT 1993

Is a section 68 assessment required?

Yes ☐ No ☒

What type of Activity is being carried out?

Water Sewer Stormwater  
OSSM Installation  
Manufactured Dwelling Installation

**Comment:** An approval for work under S68 are included with this application

## SIGNS

Does this proposal require signage?

Yes ☐ No ☒

## Section 88b Instrument

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

Yes ☒ No ☐

**Comment:** See conditions related to this matter.

## MATTERS PRESCRIBED BY REGULATIONS

Clause 61(1) - Demolition

Yes ☐ No ☒

**Comment:** None proposed

Clause 62 – Fire Safety

Yes ☐ No ☒

**Comment:** See bushfire conditions

Clause 63 –Temporary Structures

Yes ☐ No ☒

**Comment:** None part of this application

Owners Consent

Yes ☒ No ☐

**Comment:** Issues to be dealt with by deferred commencement conditions

Roads Act Approvals – Access to development & Activity on footpaths

Yes ☒ No ☐

**Comment:** Details to be lodged separately if required.

## Public Interest

Does this proposal have any construction or safety issues?

Yes ☐ No ☒

**Comment:** Legal process of subdivision only.

Is there any public health issues?

Yes ☒ No ☐

**Comment:** The availability of title to property is expected to improve public health outcomes for residents in the long term.

Are there any other public interest issues?

Yes ☒ No ☐

**Comment:** It is in the public interest to provide the opportunity for property ownership to residents of the village. A right that is enjoyed in other villages in the Walgett Shire.

## Site Suitability

*Section 4.15(1)(c) – EP & A Act*

Is this a suitable site for this development?

Yes ☐ No ☐

Site Inspection – 4/4/23

**Comment:** The proposed development is consistent with the existing and future development in the locality. The development will have access from a public road. The dwellings are protected from flooding by elevated building platforms, does not contain an item of heritage significance and is not bushfire prone.  
The existing village is suitable for subdivision development.



## ASSESSING OFFICERS COMMENTS

- Comment:** The following outstanding issues are dealt with by appropriate conditions.
1. Development application and planning proposal are for subdivision, consolidation and rezoning of land.
  2. Referral to Council for a decision is required as more than three allotments are created. Ref. Staff delegations for DA determination.
  3. Rights of access, ownership and infrastructure encroachments are to be dealt with by way of deferred commencement condition.
  4. Concurrence of the Planning Secretary is to be sought under CI 4.6 WLEP in relation to the non-compliance with minimum lot sizes in C4 and RU1 Zoning. To be dealt with by way of deferred commencement condition.
  5. Approval of planning proposal for rezoning of allotments for infrastructure and services. To be dealt with by way of deferred commencement condition.
  6. WLEP Clause 4.6 - An exception to minimum lot sizes is considered reasonable and necessary in the circumstances given the proposed use of the land for services and infrastructure. Construction of dwellings not being permissible by S88 restriction.
  7. Flood planning – The development needs to incorporate measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood. Conditions of consent require a flood evacuation area and a flood evacuation plan.
  8. Road Width - Consideration to road network design incorporates a trade-off between accessibility and vehicle speeds in an existing subdivision. A variation to 8 metre width to 7.5m is proposed. Councils Engineer has not supported the proposed 8m road with see comments.
  9. Landscaping – Design to be submitted for approval.
  10. IGarbage Truck – Access and Turning – See Council Engineers comment.
  11. Contaminated land – Condition requires site rehabilitation report to be submitted prior to subdivision approval.
  12. Public defects liability agreement to be provided prior to subdivision approval.
  13. Roads Act Approval – Details to be lodged separately.

### ***Recommendation***

**In order the work may proceed on the Roads to Home project, it is recommended that development consent be granted under the DEFERRED COMMENCEMENT provisions of Section 4.16 of the Environmental Planning and Assessment Act 1979 with the following CONDITIONS OF CONSENT**

The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

(A) Before this consent can operate, and within two (2) years of the date of this determination, the applicant must provide, to Council's satisfaction;

1. Evidence that congruent legal and physical access is available to all of the land.
2. Evidence of concurrence of the Planning Secretary under CI 4.6 WLEP in relation to the non-compliance with minimum lot sizes in C4 and RU1 Zoning.
3. Written consent, signed by the CEO of the Collarenebri Local Aboriginal Council covering the submission of the Development Application and ownership of the land.

Advising: On council's satisfaction regarding the above condition, Council will notify the applicant in writing of such satisfaction.

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

# RELEVANT PRESCRIBED CONDITIONS

(under the Environmental Planning and Assessment Regulation 2021)

## 1. Approved Plans & Documents

The development being carried out in accordance with the development application, the documents referenced below, except where amended by the following conditions.

Title	Reference	Prepared by	Sheet No.	Revision	Date
Statement of Environmental Effects	Roads to Home – Walli Village - Walgett	Wakefield Planning (Angus Witherby)	-	REV 1.5	2/4/23
Draft plans of subdivision	Walgett Roads to Home Walli Village	Wumara Group & David Mculloch & Wakefield Planning	-	Various	Various
Bushfire Assessment	Walli Village	Wakefield Planning	-	Rev 1-1	1/4/23

## Erection of signs

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

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

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

## Shoring and adequacy of adjoining property

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

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

## GENERAL CONDITIONS

5. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) the details set out on the plans approved and stamped by authorised officers of Council,
  - (c) all management recommendations contained within the Statement of Environmental Effectsexcept as amended by the conditions of this development consent.

**Note:** Any proposal to modify the terms or conditions of this consent will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration.
6. A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.
7. Prior to commencement of any works, a landscaping plan for road reserve areas and land to be dedicated as public reserve must be submitted to and approved by Council. When approved, the plan will be endorsed and then form part of the consent.

Vegetation approved under the plan must be maintained for a period of eighteen months to the satisfaction of Council.
8. All works are to comply with all relevant prescribed conditions of development consent under Part 4 Division 2, Subdivision 1 of the *Environmental Planning & Assessment Regulations 2021*.
9. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run-off around cleared or disturbed areas,
  - erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - prevent tracking of sediment by vehicles onto roads,
  - stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.



## CONDITIONS TO BE COMPLETED PRIOR TO SUBDIVISION CERTIFICATE ISSUE

10. A Subdivision Certificate must be obtained, in accordance with the provisions of Division 6.4 of the *Environmental Planning and Assessment Act 1979*.  
Subdivisions plans for a Torrens or Community Title subdivision are to include;
  - a) S88b restrictions to prohibit construction of a dwelling on proposed undersize lots to be used for services and infrastructure.
  - b) Consolidation of all residual lots.
  - c) unrestricted access to open space for maintenance and operational purposes.
  - d) Easements for services including, water, sewer, drainage and power.
11. Prior to the issue of a Subdivision Certificate, the person acting upon this consent shall apply to Walgett Shire Council and receive written confirmation of the allocated street address(es) or house number(s) for the completed project. These are the numbers that will be noted in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing prior to the issue of a Subdivision Certificate.  
To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within the development should be submitted to Council as these numbers will be used to maintain Council's property and mapping database. Street names must be formally agreed to and adopted by Council.
12. A surveyor's plan must be submitted to Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.
13. Approval to carry out work on a Council roadway or footpath must be obtained, in accordance with section 138 of the Roads Act 1993, before works commence.
14. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
15. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Office of Environment & Heritage and the relevant local Aboriginal Lands Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

## CONDITIONS RELATING TO ONGOING OPERATIONS

16. A bushfire emergency and evacuation plan is to be prepared and maintained at all times. Including;
  - a) Provisions for ongoing maintenance of a maximum 50m wide Asset Protection Zone (APZ)
  - b) Contact details of emergency services and site contacts.
  - c) Details of site safety procedures, property protection and evacuation measures.  
Provision of 100,000 litres of static water supply maintained for bushfire fighting.

17. A flood study, emergency and evacuation plan is to be prepared and maintained at all times. A detailed flood study is to be submitted for Council approval.

Including;

- a) Contact details of emergency services and site contact.
- b) Details of site safety procedures, property protection and evacuation measures.

### COUNCIL ADVICE ONLY

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

### Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled in accordance with the *Environmental Planning and Assessment Regulation 2021*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.

10. The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Council.
11. To ensure maintenance and resolution provisions are clearly documented for right of carriageways and easements.
12. To ensure that any National Construction Code issues are resolved prior to Construction Certificate assessment, including the peer review by an independent Accredited Certifier for alternate or performance solutions.

## Conclusion

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

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

Additional Notes Attached

Yes ☐ No ☒

- Site Inspection Photos
- Aboriginal Heritage Information Management Search

Signed: *Allan Wiebe*

Print Name: Allan Wiebe

Date: 12 June 2023