



**ATTACHMENT DOCUMENT
FOR
COUNCIL MEETING**

PART A

Tuesday 27 October 2020

Michael Urquhart
GENERAL MANAGER

AGENDA

1. *Micromex – Community Research* pages 3 - 26
2. *Draft Cemeteries Policy* pages 27 - 37
3. *Development Application 2020/12 – Subdivision – 18-20 Colin Street Carinda* pages 38 - 72
 - a. *Plan of Subdivision*
 - b. *Statement of Environmental Effects*
 - c. *Clause 4.6 Variation Report*
 - d. *Development Assessment*
 - e. *NSW Planning, Industry & Environment Email dated 21 October 2020*
 - f. *Planning Circular 20/002 – Variations to Development Standards – 5 May 2020*



Walgett Shire Council

Community Research

Prepared by: Micromex Research
Date: October 2020



Background & Methodology

Why?

- Identify the community's overall level of satisfaction with Council performance
- Assess and establish community priorities and satisfaction with Council activities, services, and facilities
- Identify the community's level of agreement with statements regarding the Walgett Shire Council area
- Understand residents' perceived quality of life living in the Walgett Shire LGA

How?

- Telephone survey (landline and mobile) to N=227 residents
- We use a 5 point scale (e.g. 1 = not at all satisfied, 5 = very satisfied)
- Greatest margin of error +/- 6.5%

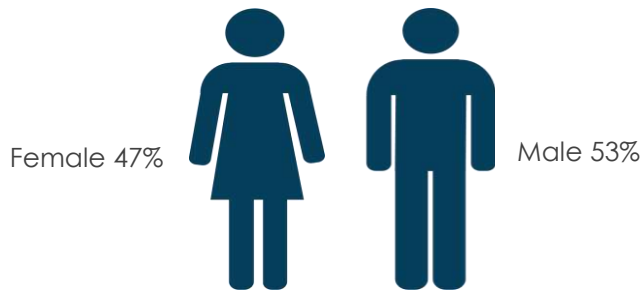
When?

- Implementation 20th – 30th July 2020

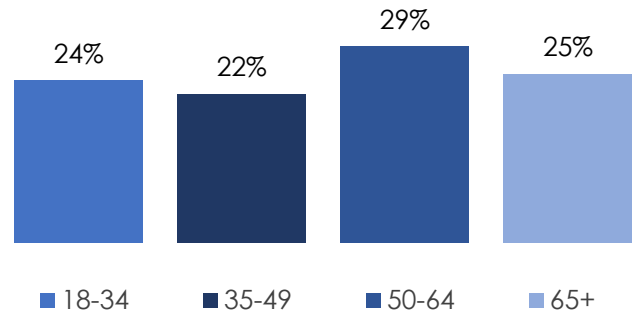
Sample Profile

The sample was weighted by age and gender to reflect the 2016 ABS community profile of Walgett Shire Council.

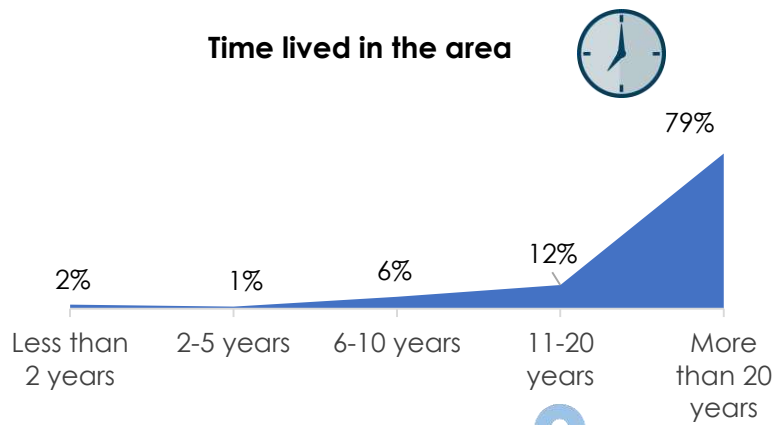
Gender



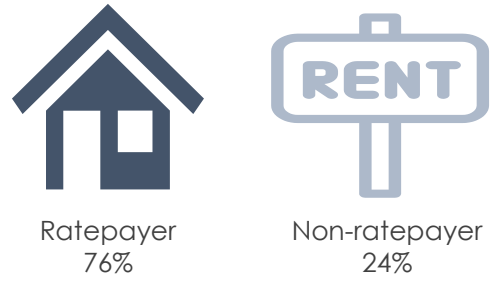
Age



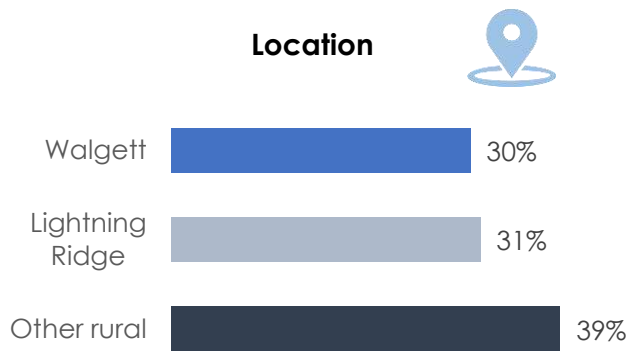
Time lived in the area



Ratepayer status



Location

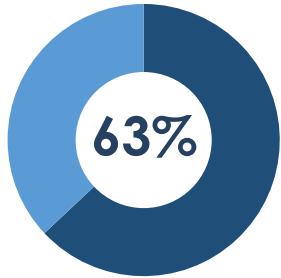


N=227 Telephone Interviews with Walgett Shire Council residents

Key Findings



Summary Findings



of Walgett Shire residents were at least somewhat satisfied with the performance of Council in the last 12 months



81% of residents rate their quality of life as good to excellent

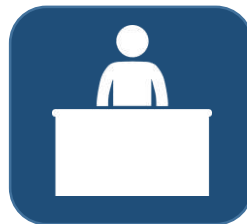


70% of Walgett Shire residents agree with the statement 'Walgett Shire is a good place to live'

Top Drivers of Overall Satisfaction



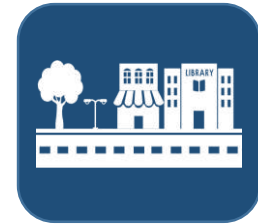
Development



Council's customer service



Caravan parks



CBD main streets

Summary Findings

Highest Priority Issues



Roads/kerb and guttering



Encouraging tourism



Quality of water/water supply



Improved
communication/planning/
management from Council

Most Valued Aspects of the area



Community feel/friends/family



Freedom/isolation/open
space



Atmosphere



Lifestyle

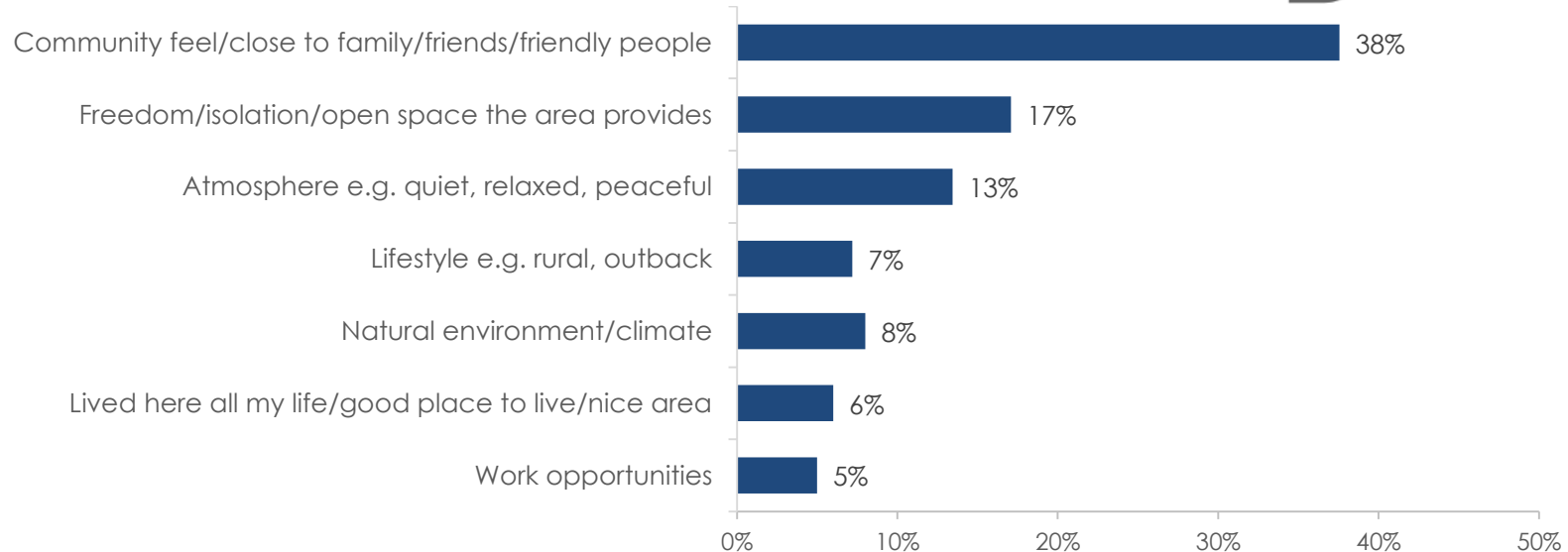


Natural environment/climate

Detailed Results



Q3a. What do you value most about living in the Walgett Shire area?

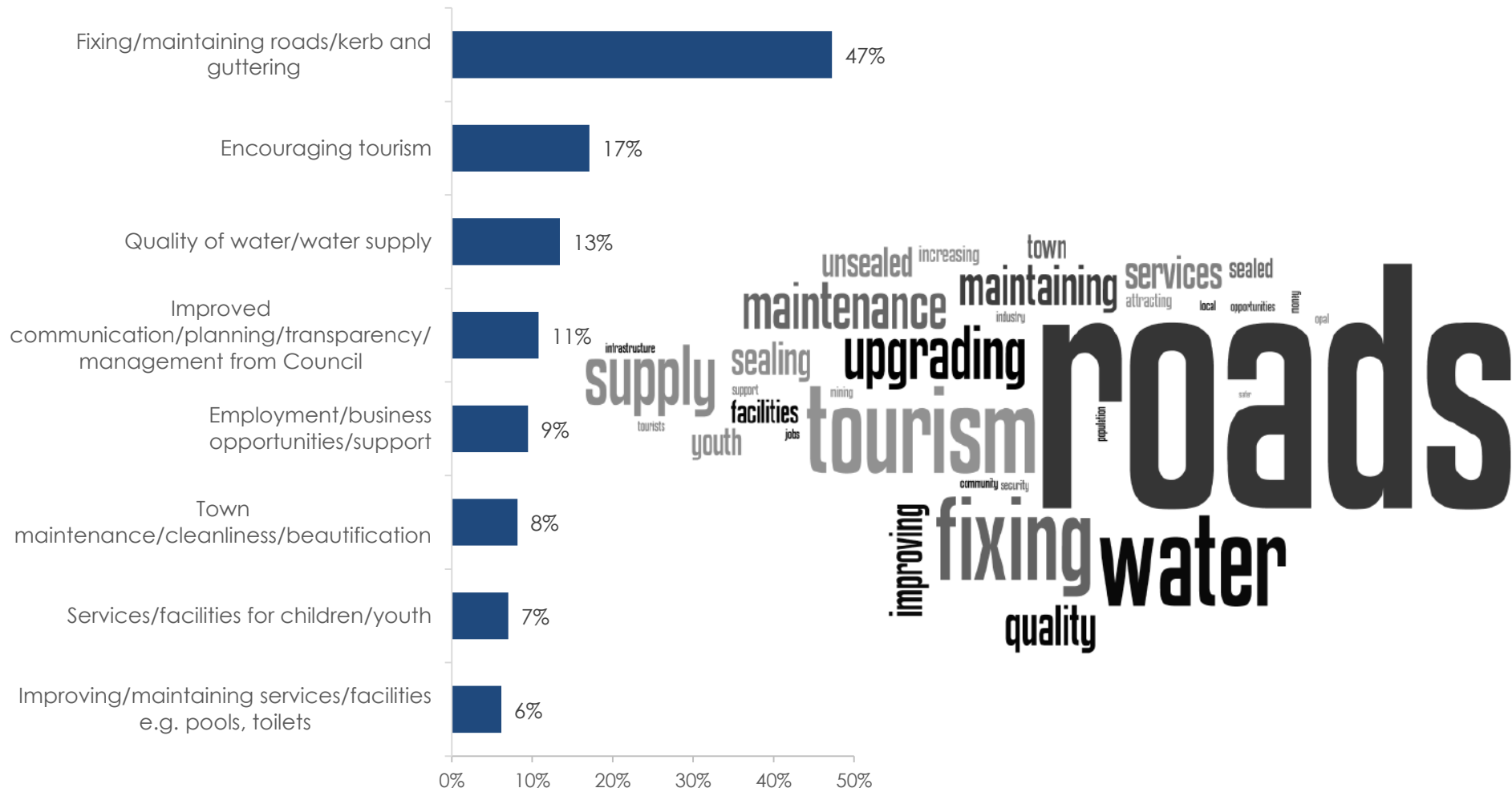


Base: N=227

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Priority Issues

Q2. Thinking of the next 10 years, what do you believe will be the highest priority issues within the local area?



Base: N=227

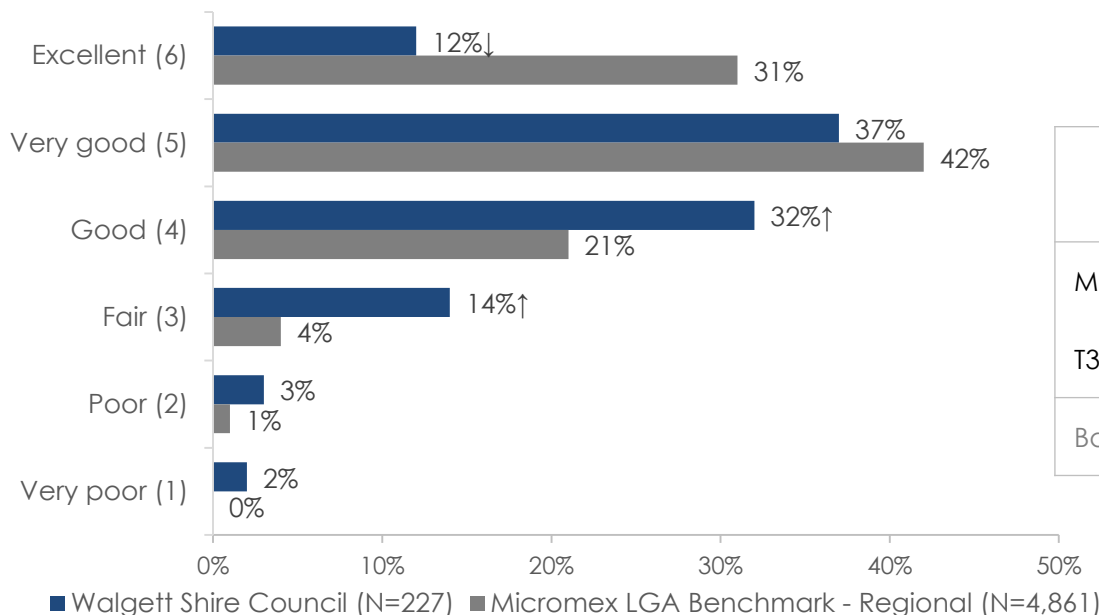
47% of Walgett Shire Council residents believe that fixing and maintaining roads will be the highest priority issue in the area. Encouraging tourism and concerns around water supply and quality were also commonly mentioned.

Quality of Life

Q3b. Overall, how would you rate the quality of life you have living in the shire?

	Overall	Male	Female	18–34	35–49	50–64	65+
Mean rating	4.37	4.49	4.25	4.50	4.28	4.34	4.37
Base	227	120	107	55	50	66	56

	Location			Ratepayer status	
	Walgett	Lightning Ridge	Other	Ratepayer	Non-ratepayer
Mean rating	4.35	4.52	4.28	4.31	4.58
Base	67	71	89	173	54



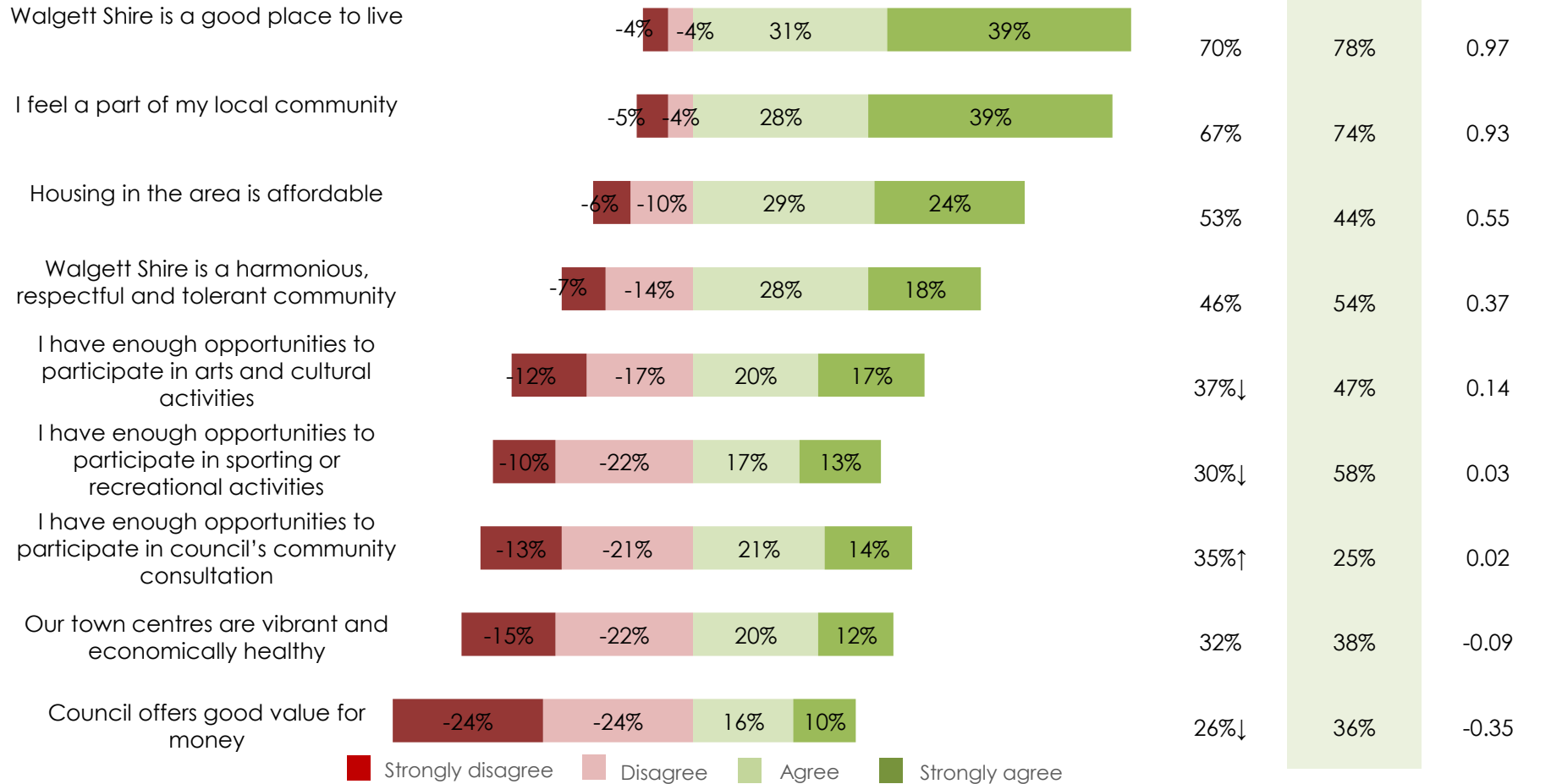
	Walgett Shire Council	Micromex LGA Benchmark - Regional
Mean rating	4.37↓	4.96
T3 Box	81%↓	94%
Base	227	4,861

Scale: 1 = very poor, 6 = excellent
 ↑↓ = A significantly higher/lower rating (compared to the Benchmark)

81% of Walgett Shire residents rate their quality of life as 'good' to 'excellent'. This result is below the regional benchmark. Though not significant, perceived quality of life was higher for those aged 18-34, non-ratepayers and those in the Lightning Ridge area.

Agreement Statements

Q3c. How strongly do you agree or disagree with the following statements?



Scale: -1 = strongly disagree, 2 = strongly agree

↑↓ = positive/negative difference equal to/greater than 10% from Benchmark

Base: N=227

The statement with the highest level of agreement was 'Walgett Shire is a good place to live', with 70% of residents in agreement.

Service Areas

A core element of this community survey was the rating of 33 facilities/services in terms of Importance and Satisfaction. Each of the 33 facilities/services were grouped into service areas as detailed below:

Infrastructure
Unsealed roads
Sealed roads
Footpaths
Water supply
Sewerage
Kerb and gutters
Council buildings

Recreation and Culture
Parks
Playgrounds
Swimming pools
Sportsgrounds
Libraries
Festivals and events

Regulatory Services
Town planning
Development
Animals, weeds and pest management
Rubbish
Council customer service

Community Services
Public toilets
Cemeteries
Children's services
Youth services
Indigenous services
Cultural services

Economic Support
Industry support
Tourism
Caravan parks
Airports

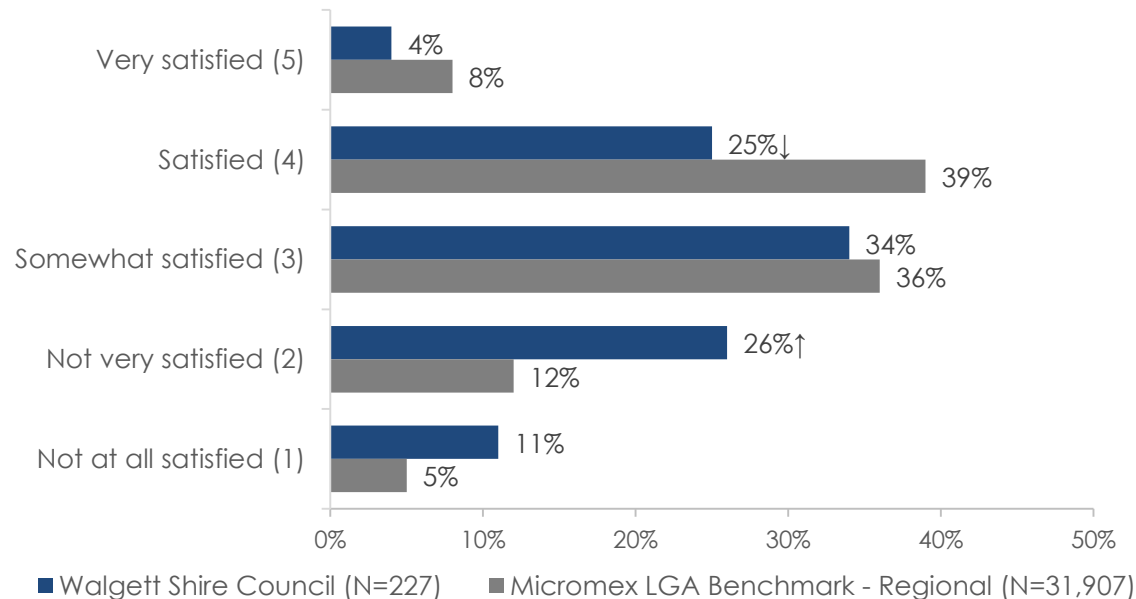
Town and Village Appearance
Order and cleanliness
Signage
Nature strips
Attractiveness
CBD main streets

Overall Satisfaction

Q1b. Overall, for the last 12 months, how satisfied are you with the performance of Council, not just on one or two issues but across all responsibility areas?

	Overall	Male	Female	18-34	35-49	50-64	65+
Mean rating	2.87	2.81	2.93	2.83	2.98	2.76	2.92
Base	227	120	107	55	50	66	56

	Location			Ratepayer status	
	Walgett	Lightning Ridge	Other	Ratepayer	Non-ratepayer
Mean rating	2.61 ▼	3.24 ▲	2.76	2.81	3.04
Base	67	71	89	173	54



	Walgett Shire Council	Micromex LGA Benchmark - Regional
Mean rating	2.87 ↓	3.34
T3 Box	63% ↓	83%
Base	227	31,907

Scale: 1 = not at all satisfied, 5 = very satisfied

↑ ↓ = A significantly higher/lower level of satisfaction (compared to the Benchmark)

▲ ▼ = A significantly higher/lower level of satisfaction (by group)

63% of Walgett Shire residents were at least 'somewhat satisfied' with Council's performance over the last 12 months (below our regional norms). Those living in Lightning Ridge had significantly higher levels of satisfaction, whilst Walgett residents were significantly less satisfied.

Importance & Satisfaction – Highest/Lowest Rated Services/Facilities

Importance

The following services/facilities received the highest importance mean ratings:

Top 5 for importance	Mean	T2 Box
Order and cleanliness	4.64	92%
Sealed roads	4.62	88%
Cemeteries	4.49	83%
Animals, weeds and pest management	4.48	85%
Rubbish	4.46	84%

The following services/facilities received the lowest importance mean ratings:

Bottom 5 for importance	Mean	T2 Box
Council buildings	3.41	56%
Footpaths	3.52	55%
Kerb and gutters	3.53	56%
Nature strips	3.79	60%
Sewerage	3.79	65%

Satisfaction

The following services/facilities received the highest satisfaction mean ratings:

Top 5 for satisfaction	Mean	T3 Box
Libraries	3.90	88%
Sewerage	3.86	83%
Swimming pools	3.75	83%
Cemeteries	3.73	85%
Council buildings	3.53	87%

The following services/facilities received the lowest satisfaction mean ratings:

Bottom 5 for satisfaction	Mean	T3 Box
Unsealed roads	2.23	35%
Development	2.64	53%
Town planning	2.74	58%
Sealed roads	2.79	57%
Animals, weeds and pest management	2.80	56%

Scale: 1 = not at all important, 5 = very important

Scale: 1 = not at all satisfied, 5 = very satisfied

A core element of this community survey was the rating of 33 facilities/services in terms of importance and satisfaction. The above analysis identifies the highest and lowest rated services/facilities in terms of importance and satisfaction.

Importance Compared to the Micromex LGA Benchmark

Service/Facility	Walgett Shire Council T2 box importance score	Micromex LGA Benchmark – Regional T2 box importance score	Variance
Caravan parks	78%▲	57%	21%
CBD main streets	83%▲	65%	18%
Swimming pools	84%▲	70%	14%
Tourism	85%	76%	9%
Cemeteries	83%	74%	9%
Cultural services	66%	58%	8%
Airports	86%	79%	7%
Animals, weeds and pest management	85%	78%	7%
Sportsgrounds	83%	76%	7%
Festivals and events	74%	70%	4%
Nature strips	60%	57%	3%
Children's services	82%	80%	2%
Libraries	72%	70%	2%
Indigenous services	71%	69%	2%
Public toilets	83%	82%	1%
Youth services	74%	73%	1%

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Note: Benchmark differences are based on assumed variants of +/- 10%, with variants beyond +/- 10% more likely to be significant
▲/▼ = positive/negative difference equal to/greater than 10% from Benchmark.

Importance Compared to the Micromex LGA Benchmark

Continued...

Service/Facility	Walgett Shire Council T2 box importance score	Micromex LGA Benchmark – Regional T2 box importance score	Variance
Unsealed roads	77%	77%	0%
Development	70%	71%	-1%
Attractiveness	78%	80%	-2%
Sealed roads	88%	93%	-5%
Council customer service	78%	83%	-5%
Town planning	76%	81%	-5%
Rubbish	84%	92%	-8%
Industry support	80%	88%	-8%
Parks	75%	83%	-8%
Water supply	76%▼	87%	-11%
Council buildings	56%▼	67%	-11%
Playgrounds	71%▼	83%	-12%
Sewerage	65%▼	80%	-15%
Kerb and gutters	56%▼	75%	-19%
Footpaths	55%▼	81%	-26%

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Note: Benchmark differences are based on assumed variants of +/- 10%, with variants beyond +/- 10% more likely to be significant
 ▲/▼ = positive/negative difference equal to/greater than 10% from Benchmark

Satisfaction Compared to the Micromex LGA Benchmark

Service/Facility	Walgett Shire Council T3 box satisfaction score	Micromex LGA Benchmark – Regional T3 box satisfaction score	Variance
Council buildings	87%	88%	-1%
Sealed roads	57%	58%	-1%
Swimming pools	83%	85%	-2%
Youth services	71%	74%	-3%
Nature strips	77%	81%	-4%
Public toilets	66%	70%	-4%
Cemeteries	85%	90%	-5%
Footpaths	62%	67%	-5%
Libraries	88%	95%	-7%
Sewerage	83%	91%	-8%
Children's services	77%	85%	-8%
CBD main streets	66%	74%	-8%
Parks	77%	86%	-9%
Indigenous services	71%▼	81%	-10%
Town planning	58%▼	68%	-10%
Kerb and gutters	57%▼	68%	-11%

Satisfaction Compared to the Micromex LGA Benchmark

Continued...

Service/Facility	Walgett Shire Council T3 box satisfaction score	Micromex LGA Benchmark – Regional T3 box satisfaction score	Variance
Airports	75%▼	86%	-11%
Council customer service	74%▼	85%	-11%
Cultural services	79%▼	91%	-12%
Playgrounds	74%▼	86%	-12%
Tourism	72%▼	84%	-12%
Festivals and events	72%▼	88%	-16%
Development	53%▼	69%	-16%
Industry support	57%▼	75%	-18%
Caravan parks	70%▼	90%	-20%
Attractiveness	62%▼	82%	-20%
Animals, weeds and pest management	56%▼	76%	-20%
Unsealed roads	35%▼	55%	-20%
Sportsgrounds	69%▼	90%	-21%
Rubbish	65%▼	88%	-23%
Water supply	62%▼	87%	-25%

Performance Gap Analysis

When we examine the largest performance gaps, we can identify that all of the services or facilities had a top 2 box importance rating of 70% or higher, whilst resident satisfaction for all of these areas is between 35% and 66%.

The measures with the largest gaps in performance (between importance and satisfaction) centre around aesthetics and planning for the area.

Service/Facility	Importance T2 Box	Satisfaction T3 Box	Performance Gap (Importance – Satisfaction)
Unsealed roads	77%	35%	42%
Sealed roads	88%	57%	31%
Animals, weeds and pest management	85%	56%	29%
Industry support	80%	57%	23%
Rubbish	84%	65%	19%
Town planning	76%	58%	18%
CBD main streets	83%	66%	17%
Public toilets	83%	66%	17%
Development	70%	53%	17%
Attractiveness	78%	62%	16%

Note: Performance gap is the first step in the process, we now need to identify comparative ratings across all services and facilities to get an understanding of relative importance and satisfaction at an LGA level. This is when we undertake step 2 of the analysis.

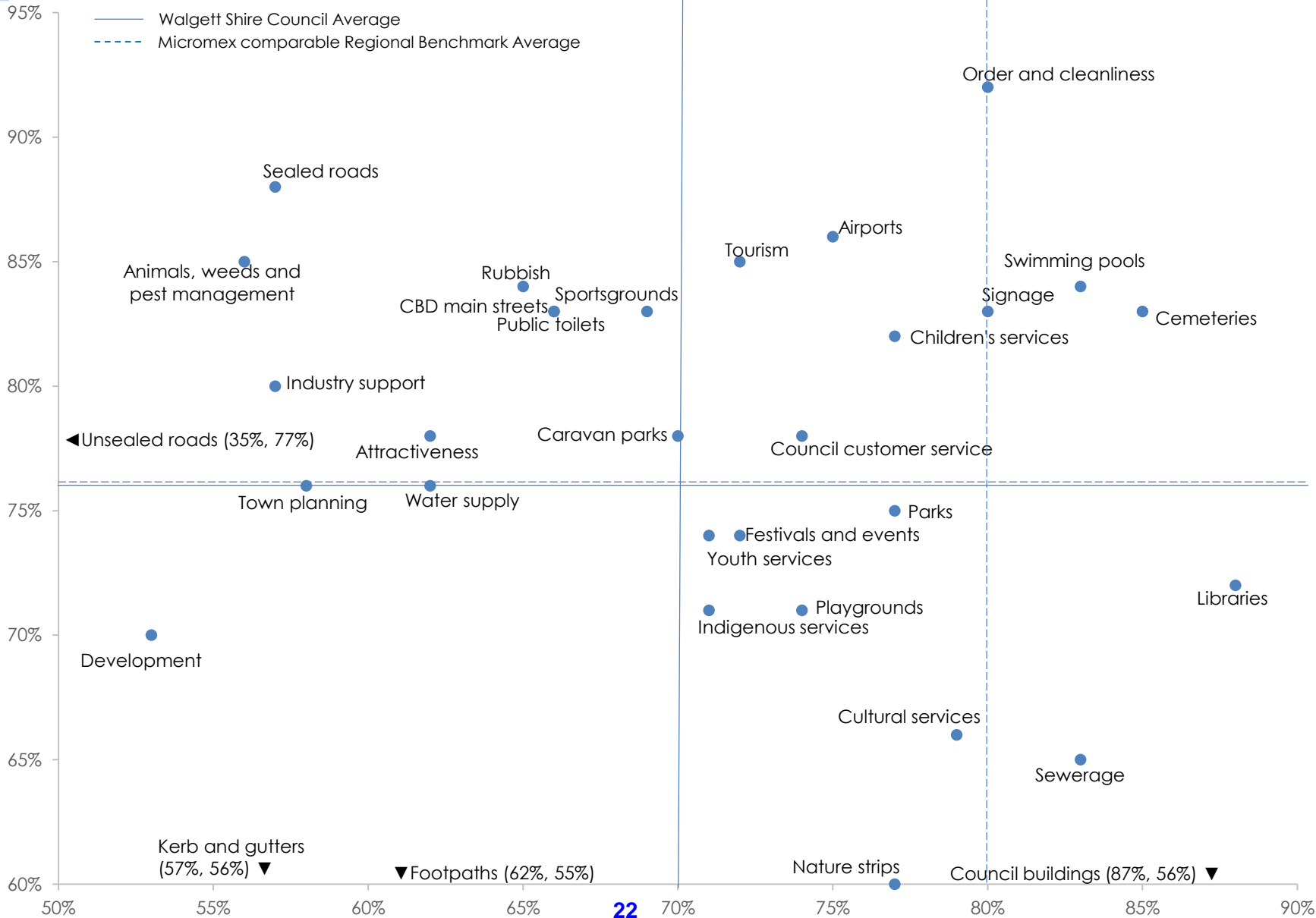


Improve
Higher importance, lower satisfaction

Maintain
Higher importance, higher satisfaction

— Walgett Shire Council Average
- - - Micromex comparable Regional Benchmark Average

Importance



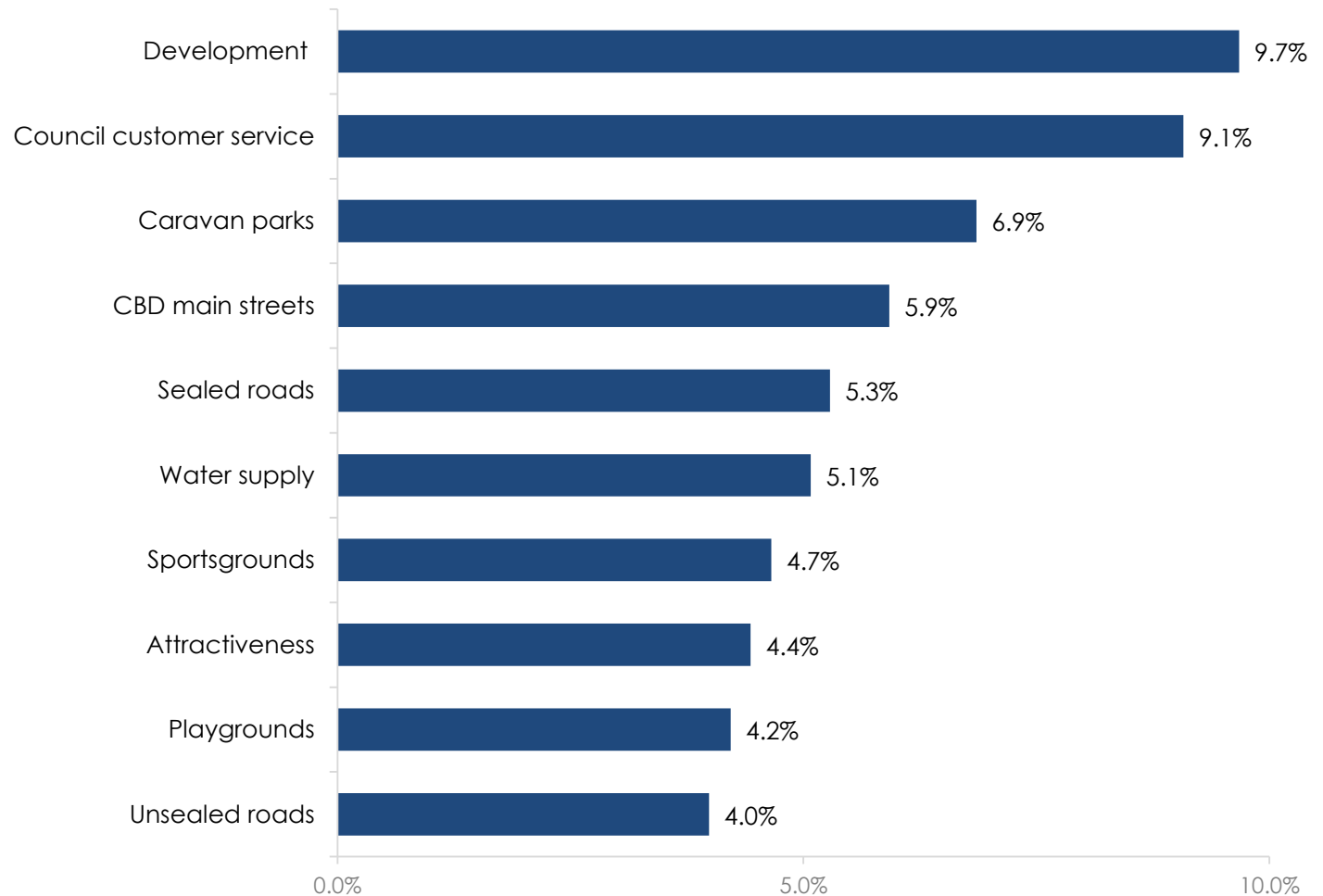
Niche
Lower importance, lower satisfaction

Satisfaction

Community
Lower importance, higher satisfaction

Key Drivers of Overall Satisfaction with Council

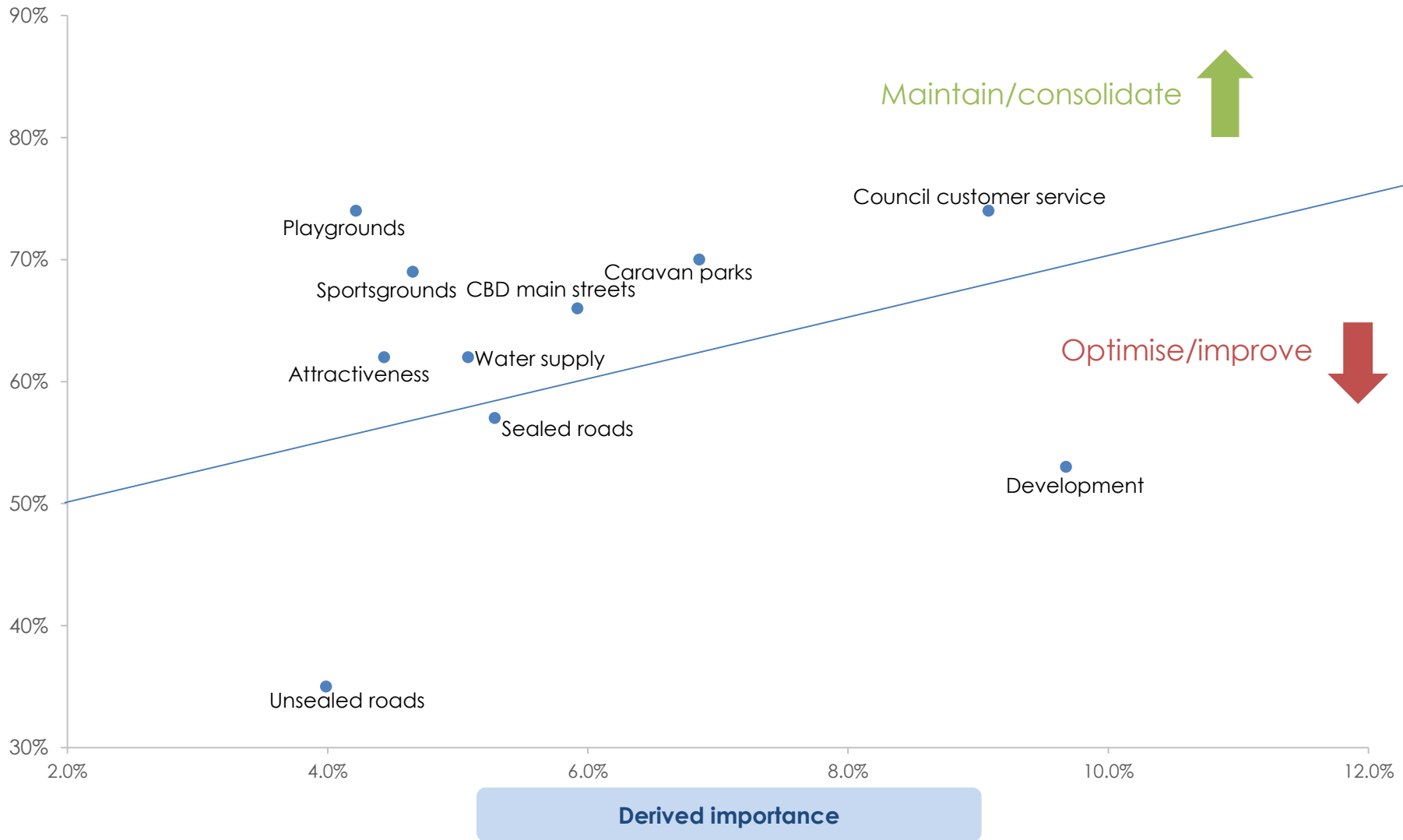
Dependent variable: Q1b. 'Overall for the last 12 months, how satisfied are you with the performance of Council, not just on one or two issues but across all responsibility areas?'



R² value = 47.55

These 10 services/facilities are the key community priorities and by addressing these, Walgett Shire Council will improve overall community satisfaction. The score assigned to each area indicates the percentage of influence each attribute contributes to overall satisfaction with Council.

Mapping Stated Satisfaction and Derived Importance Identifies the Community Priority Areas



The above chart looks at the relationship between stated satisfaction (top 3 box) and derived importance (Shapley result) to identify the level of contribution of each measure. Any services/facilities below the blue line (shown above) could potentially be benchmarked to target in future research to elevate satisfaction levels in these areas.

Recommendations

Recommendations

1. Continue to promote the region as a unique location, and understand expectations in relation to tourism and economic development in the area.
2. Understand expectations regarding the upkeep and appearance of the area.
3. Clarify community needs regarding opportunities to participate in arts, culture, sport and recreation.
4. Communicate with residents about current and proposed road network plans/strategies.
5. Continue to ensure the community is well informed in terms of long term planning for the area, and understand community expectations in relation to development.

A scenic landscape featuring a river flowing through a lush area with large trees and vibrant yellow flowers in the foreground. The sky is blue with some clouds.

micromex research

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Walgett Shire Council

Draft

Cemetery Policy

(Version 0.1 14/2/2020 DRAFT)

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INTRODUCTION

Walgett Shire Council has developed this policy document to suit the burial requirements and needs of the general community. It covers all cemeteries in the Walgett Local Government area. The regulations in regard to burial requirements are outlined in this document, in both the monumental and lawn sections. All denominations are covered. General information in regard to reservation of graves, interment of cremated remains, exhumations and erecting of memorials is also provided.

SCOPE

This policy applies to all Council operated and maintained cemeteries.

DEFINITIONS

Applicant

Ashes

RELEVANT LEGISLATION AND GUIDELINES

This policy document has been drafted with due consideration to the following:

- Local Government Act, 1993
- Public Health Act, 2010
- Public Health Regulation 2012
- Cemeteries and Crematoria Act, 2013
- Crown Land Management Act, 2016
- Fair Trading Act, 1983

GENERAL INFORMATION FOR WALGETT SHIRE PUBLIC CEMETERIES

Cemeteries operated by Walgett Shire Council open for new interments are located in the following towns

- Walgett
- Lightning Ridge
- Collarenebri
- Burren Junction
- Carinda
- Cumborah

All cemeteries have monumental section dedicated to several common religions. Walgett and Lightning Ridge offer interments into memorials walls. Walgett is the only cemetery that offers interments into lawn sections dedicated to several common religions.

Note: Council cemeteries have areas that are set apart for the use of various religions but such setting apart does not entitle the authorities or members of any religious group to control in any

manner the making of interments in any division so set apart, or to exclude any body from being buried therein.

Animal burials are prohibited in Council Cemeteries.

COUNCIL RESPONSIBILITIES

As defined in the various acts and regulations governing public cemeteries Council provides the following:

- Authority to permit reservations, burials, erection of monuments and excavations
- Registration of interment rights, burials and monuments
- Upkeep of cemetery grounds
- Excavation and plaque installation* services
- Vehicle access
- Signage

* For lawn and memorial wall sections only

GENERAL CEMETERY RULES

A person must not do any of the following within a cemetery:

- a) Damage, deface, interfere with or alter burial sites;
- b) Damage, deface, interfere with or alter monuments;
- c) Bury, inter or exhume any human remains, whether cremated or not;
- d) No dogs are permitted in the Cemetery unless on a leash;
- e) Drive a vehicle at a speed of more than ten (10) kilometres per hour;
- f) Camp or reside on any cemetery land;
- g) Possess or consume an alcoholic or intoxicating beverage or substance;
- h) Urinate or defecate;
- i) Bring or leave any rubbish, refuse, scrap metal, rock, soil, sand or any other such substances;

HOURS OF OPERATION

All cemeteries are open to the public between sunrise and sunset. Cemeteries services are available on business weekdays between 8:15am and 4:30pm. Outside these working hours can attract out-of-hours, weekend and public holiday fees. Council does not provide burial services on the following days

- Australia Day
- Christmas Day
- Boxing Day
- New Year's Day
- Good Friday through to Easter Monday
- ANZAC day

Christmas – New Year Period

Council's office is closed during the Christmas – New Year period.

VEHICLE ACCESS

All vehicles are restricted to the provided roads in the cemeteries. Council vehicles and plant, undertaker vehicles and plant and vehicles for the disabled are exempt.

FLOWERS AND ORNAMENTS

Flowers can be placed near or on graves/memorials, further restrictions apply to lawn section plots. Fresh or limited artificial flowers are welcome tributes. These should be housed in the approved containers provided. Visitors are encouraged to remove such items when they become unsightly, weathered or wither.

Floral tributes, both fresh and artificial, or other items that encroach on neighbouring memorials or graves will be removed without notice. Glass vases, jars or other non-approved receptacles, ornaments, flags, photo frames, candles, toys, solar lights, windmills and wind chimes etc. are not permitted and will be removed.

Council will, at its discretion, remove withered or weathered floral arrangements and keep the grounds neat and tidy should any tributes be deemed unsuitable or unsightly. Ornaments re-located by cemetery staff may be retrieved from the administration office building. The cemetery reserves the right to dispose of items two weeks after being removed. These items are not to be placed back on the grave or memorial.

BURIAL PLOT RESERVATION

The Reservation of a burial plot exclusively entitles the holder to purchase an Interment Right over the identified burial site at a later date following receipt of the appropriate Reserve Application Form and applicable fee. This does not give the holder any right to inter/construct/modify the cemetery grounds.

If it is found that a Reserved site has inadvertently been used due to Council's error the original holder of the right will be offered a replacement site, as close to the original site as possible, at no additional cost. The original Reservation must be returned to Council and a new Reservation will be issued.

Transferring or Relinquishing a Reservation - the Reservation may be transferred to another person or back to Council. Council will record any transfer upon satisfactory completion of a Transfer/Relinquish of Reservation application form. Council will not refund the initial fee paid to the customer. The application form for transfer must be signed by transferors and transferees. Where the holder of the Reservation is deceased the written consent of the rightful successor of the owner must be produced. No administration fee is charged. The original Reservation is extinguished and a new Reservation is issued to the new holder.

Proof of ownership of a right of burial may be required if:

- A person is claiming ownership of a Reservation Right; and
- A person requests right of burial information.

Reservation information is kept strictly confidential and not given out to any person who does not have the legal right to obtain the information. The registers can be used as verification that a Reservation has been granted in respect of any burial.

Council will revoke reservations and refund fees to next of kin when the deceased person is interred at an alternative location.

Reservations cannot be on-sold to another person and each reservation must be approved by Council. Applications for multiple sites must demonstrate sufficient reason to hold the multiple sites. Multiple sites will be allocated at the discretion of Council to allow access for all residents.

INTERMENT RIGHTS (Formally Right of Burial)

An Interment Right gives the nominated holders the right to inter the remains of a deceased person/s who meets the criteria as specified on the Interment Right certificate following the receipt of the appropriate Interment Right form and applicable fee. The Interment Right and Order for Interment certificates must be issued by Council prior to any interments taking place.

Interment rights are only issued on the initial interment into a burial site, any subsequent interments only require an Order for Interment certificate.

No more than two coffin interments may be buried in the same plot. A coffin interment will not be performed after interment of Ashes. The same burial plot cannot be reopened for a period of 6 months due to health and safety reasons.

Specific Cultural/religious requirements are to be specified on the application form. Council will endeavour to grant these requirements based upon Council's Workplace Health and Safety Policy and availability of suitable skilled staff and equipment.

The Interment Right also entitles the holders to construct memorials over the plot site as permitted in that section of interment.

Council only offers perpetual Interment Rights.

Where burials occurred before July 2019 the Right of Burial will be considered to be the Interment Right with any entitlements being transferred to the nominated next of kin or following the rules of intestacy.

ORDER FOR INTERMENT (Formally Burial Permit)

The Order for Interment is the approval for the remains of the deceased to be interred into Council's cemetery. An Order for Interment form must be completed and the appropriate fee paid prior to any burial taking place. Should the application forms be submitted post interment Council reserves the right to charge late fees on top of the applicable fees.

BURIALS AND ASH INTERMENTS

Two working days' notice must be given to allow sufficient time for grave digging to be completed. Friday and Weekend burials require three working days' notice. Burials with less than 48 hours will be considered in exceptional circumstances. Internments requiring attendance of Council staff shall take place within the following hours:

- Weekdays – Between the hours of 8.30am and 4pm.
- Weekends and Public Holidays– Between the hours of 9am and 3pm.
(Additional fees are payable).
- Outside normal working hours – Will only be permitted by arrangement.
(Additional fees are payable).

Council's Application for Interment Right form (if not previously obtained) and Order for Interment form must be completed prior to any burial taking place.

Interment must be conducted by an approved undertaker instructed by the next of kin or executor of the estate of the deceased. The transportation, storage of bodies, and burial are to be in accordance with the relevant acts and regulations in force at that time.

Digging of graves shall only be undertaken by Council staff or contractors approved by Council. Council is not responsible for reimbursement of any costs or charges made by other parties. Burial depth for single interments is a minimum of 1.5 metres and for double interments is 2.1 metres.

To facilitate the digging of a new grave or reopening of an existing grave in the monumental section of Councils cemeteries, it may be necessary to remove an existing monument to gain access to the site. Council staff will notify the family (of the owner/s of the monument to be moved) if their contact details are known. The removal of existing monuments also includes in the surrounding area that limits access to the gravesite by Council staff and machinery.

All bodies for interment must be encased in a coffin with the lid securely sealed. Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as the attendees have vacated.

Burial fees are reviewed annually by Council and are charged as adopted in Council's Annual Management Plan.

Allotment Sizes

Burial allotment sizes are as follows:

- Lawn section 1.2m x 2.4m
- Monumental Section 900mm x 2.4m

Re-Opening of Graves (Multiple Interments)

Council will allow the reopening of graves at all cemeteries subject to the following conditions:

- Comply with the provisions of the Public Health (Disposal of Bodies) Regulation 2002.
- The first interment was dug to double depth.
- Monumental Sections Only - When the removal of monument slabs and headstones are required, Council staff will take all reasonable care not to cause any damage, however if a monument slab or headstone is inadvertently damaged during this process Council will not be held responsible for any repairs.
- When a grave is opened for a second burial, the excavation shall be made so as to leave a layer of undisturbed earth not less than 300mm in thickness above the lid of any coffin already in the grave. The upper surface of the second coffin is to be at least 900mm below the natural ground surface level.

Shallow Burials

Where the upper surface of a coffin is less than 900mm below the natural surface level of the soil further approval and conditions apply.

The body of the deceased person must be contained in a coffin or casket. The distance from the top of the lid of a grave liner to the natural ground surface is reduced from the mandatory 900mm to not less than 400mm, and should be as deep as possible.

Applications for a shallow burial must be made to the Area Health Service Public Health Unit on the appropriate application form. The applicant should provide information requested in the application form and plan and methodology of the interment.

MEMORIAL WALL INTERMENTS

Purchase of Interment Rights for niches in the Memorial Walls must be made prior to ashes being interred. Reservations can be made for Memorial Wall niches.

In some cases Council staff may need to transfer the ashes into a suitable container that will fit into the niche. This may result in some ashes not being able to be interred. Any remaining ashes not collected by family members within six (6) months of interment will be scattered in the memorial garden.

An approved plaque must be provided to Council before interment and can be purchased either through Council or third party. Standard plaque size is 180mm x 180mm in the Walgett Cemetery Memorial Wall and 140mm x 100mm in the Lightning Ridge Memorial Wall. Other sized plaques are permissible where they do not encroach on neighbouring niches and cover the opening entirely. Plaques may cover multiple niches where the plaque directly relates to the ashes interred in the covered niches and correct fees paid.

Non-compliant plaques that do not comply with Council specifications or have been installed without approval may be removed by Council staff and the ashes scattered in the memorial garden. A thirty (30) day period of grace will be given to allow for the removal of the illegal plaque or the lodgement of a plaque application form and applicable fees paid.

Existing arrangements with the local funeral directors for the disposal of unwanted ashes will remain in place. Interment of ashes in headstones, niches or graves must be carried out by Council staff.

SCATTERING OF ASHES

Council allows the scattering of ashes in Council operated cemeteries. Ashes may be scattered anywhere except the Lawn sections and on burial plots without the approval of the Interment Right holders. The form for Scattering of Ashes is to be completed and submitted to Council, there is no fee for the scattering ashes.

HEADSTONES AND MEMORIALS

Before an Australian service emblem can be placed on a memorial plaque permission must be obtained from the Office of Australian War Graves prior to ordering any plaque.

Monumental Sections

Base of monuments must be no larger than 1m x 2.4m, must not encroach upon neighbouring grave sites, and non-offensive in design. All monumental work in Council Cemeteries is to be carried out by licensed monumental masons who have the relevant qualifications and carry Public Liability Insurance cover. All works must be approved by Council and have written permission from the Interment Right holder by providing a completed application form and any appropriate fees paid.

Illegal headstones and headstones that do not comply with Council specifications will be removed by Council staff if they remain in situ after a notification to rectify has been issued to the owner of the headstone. A thirty (30) day period of grace will be given to allow for the removal of the illegal headstone or the lodgement of a headstone application form. This also applies to other illegal

structures, including plaques laid directly onto the concrete beam. Cemetery crosses less than 1m high staked directly into the ground do not require permission but must still comply with the stated restrictions.

The erection of vaults and other forms of above ground interments are not permitted in cemeteries in the Walgett Shire local government area.

Council accepts no responsibility for the maintenance or repair of monuments irrespective of the cause of the need for maintenance or repair.

Lawn Sections

The lawn section is restricted to cemetery crosses less than 1m high staked directly in to the ground and 600mm x 600mm concrete plinths with attached plaques measuring 380mm x 215mm. The installation of a plaque in the lawn section must be made by completing the Application to Install Plaque and appropriate fee paid. Plaques can be purchased and installed through Council or a third party.

Flowers are limited to approved receptacles that are placed on top of the concrete plinth or at the base of a cross. Ornaments non-compliant monuments in the lawn section may be removed at Councils discretion where they limit Council from performing maintenance activities in the lawn section. The Interment Right holder/family will be requested in writing to remove the items within 30 days. If removed by Council they will be available for retrieval for 2 weeks at the local office/depot, not to be re-installed on the grave site.

Beam Sections

The concrete beams are the base for any future monument to be installed on. These monuments are to be in the form of an angled plinth with plaque or headstone. The beam section is restricted to cemetery plaques less than 500mm high and fixed directly to one side of the concrete plinth.

The installation of a plaque in the beam section must be made by completing the Application to Install Plaque and appropriate fee paid. Plaques can be purchased and installed through Council or a third party.



EXHUMATIONS

Exhumations without approval are prohibited. The Coroner has the right to order an exhumation at any time or the Director-General may approve an exhumation, both with minimal notice. Exhumations must be carried out in accordance with the “Guidelines for Approval and Approval Procedures for Exhumations” produced by NSW Health and with any cultural or religious practices as specified by the interment right holder.

Where an elective exhumation (approved by the Director-General) has been completed, the Right of Burial of the deceased and their heirs and successors is deemed to have been forfeited. All elective exhumations must include full restoration of the site including the removal of any monumental works erected.

After receiving approval by the Director General, an Application for Exhumation (Attachment 6) must be completed and the appropriate fee paid prior to any exhumation taking place. All exhumations must be carried out by a recognized Undertaker/Funeral Director.

Removal of Ashes

All applications to have cremated remains removed from any cemetery for any reason, must be made in writing and be signed by family members of the deceased or the Executors of the Estate. Removal of ashes must be carried out by Council staff. An administration fee will be payable for this service. Additional fees may also be payable if the entrance of the niche is damaged during the removal of the memorial plaque.

Records

A register of burials will be kept by Council in respect to all burial places under Council’s control (where records are available).

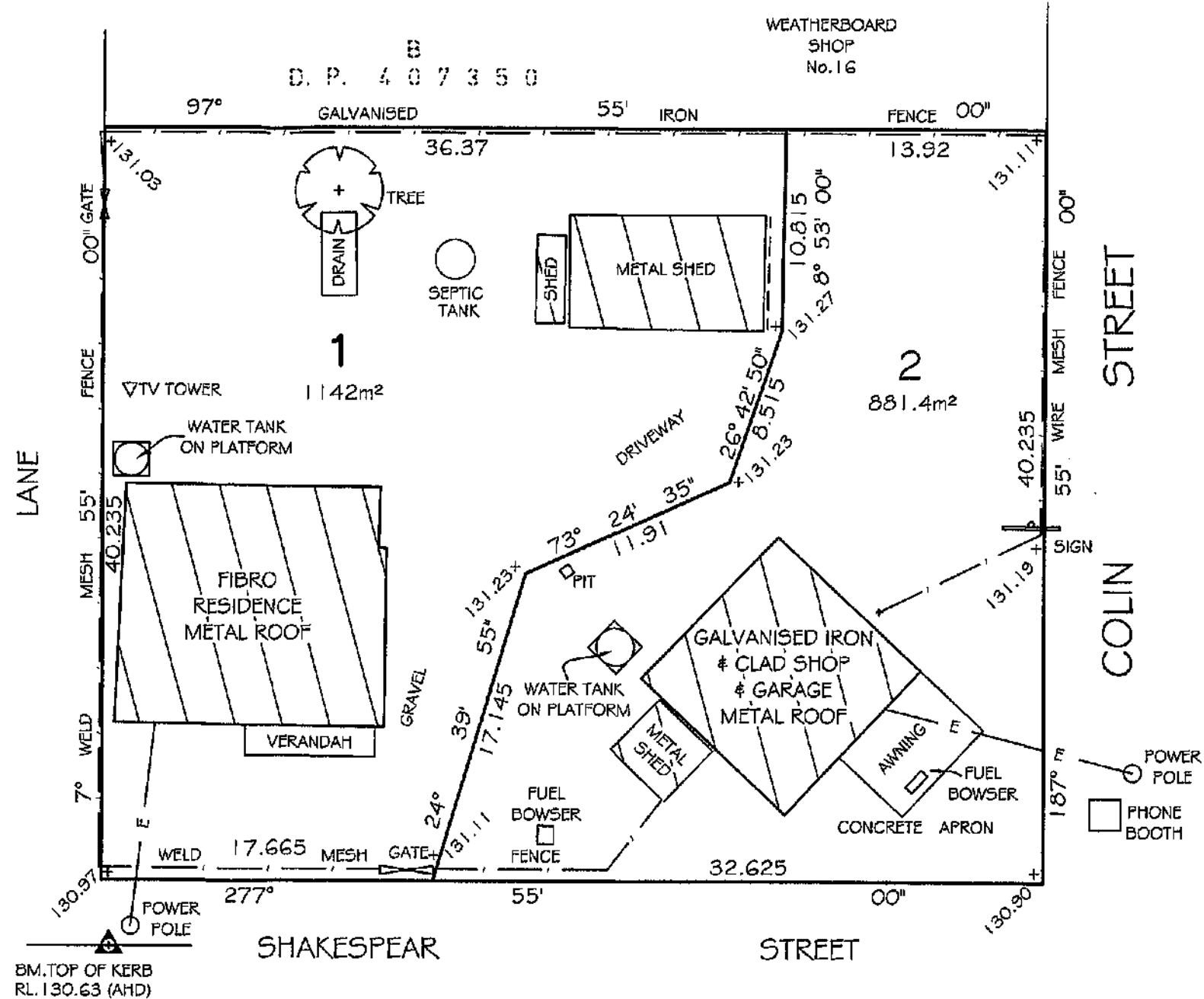
A register of reservation plots/sites is kept by Council. Only reservations listed in this register will be honoured. Reservation arrangements made with a third party may not be honoured as Councils register supersedes all other arrangements.

Registers may be kept in electronic and written forms by Council. Council maintains a burials database available through the Walgett Shire website.

Access to complete burial records must be made to Council. Records older than 30 years are considered public information however access to records less than 30 years are subject to legislated privacy restrictions.

The register may not include interments in historical and monumental cemeteries due to loss of records from previous operating entities.

Each register entry will contain the name and address of the owner of the burial site with the exception of the historical records where this information may not have been obtained.

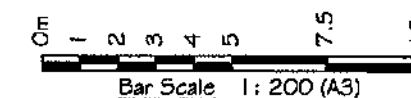


LEGEND

— E — OVERHEAD ELECTRICITY CONNECTION
BM - BENCH MARK

NOTES

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



SURVEY: M.C.	Mark Castelletti Surveying ABN: 38 840 577 857 1 Mahony Road, Constitution Hill NSW 2145 Phone/Fax : (02) 9688 1592 Mobile: 041 9832563 Email: mcsurveying@dodo.com.au	DATE: 22/05/20	CLIENT: MICHAEL & GLORIA BARTON
DRAWN: M.B.		R.R.: 1:200	PLAN SHOWING PROPOSED SUBDIVISION OF
CHECKED: M.C.		DATUM: AHD	LOT 6 OF SECTION 14 IN DP.758227
		REF: C4720	AT No.18-20 COLIN STREET, CARINDA
		SHT. 1 OF 1 SHTS.	L.G.A.: WALGETT



Walgett Shire Council ABN 88 769 076 385

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

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

STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.15, Environmental Planning and Assessment Act 1979

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

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

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

THE DEVELOPMENT SITE

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

Street: COLIN STREET Town: CARINDA

1. What is the land currently being used for?

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

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

N/A

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

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

LIKELY IMPACTS

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

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

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

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

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

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

7. What types of development exist on surrounding land?

COMMERCIAL PROPERTY (SHOP) TO THE NORTH.

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

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

NO. CURRENT RESIDENTIAL AND COMMERCIAL LANDUSE WILL CONTINUE IN THEIR PRESENT STATE.

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

N/A

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

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

SITE SUITABILITY

Are you aware of.....

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

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

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

NO.

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

NO.

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

NO.

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

NO.

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

NO.

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

NO.

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

NO.

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

NO.

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

NO.

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

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

FUEL BOWSERS ARE SHOWN ON THE PLAN OF PROPOSED SUBDIVISION.

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

NO.

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

NO.

CERTIFICATION

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

Signature: X M. Costello

Date: 9/6/20



**ANTHONY
DAINTITH**
TOWN PLANNING

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

Our Ref: 2014-091
Your Ref: DA 10.2019.68.1

9 September 2020

The General Manager
Walgett Council
77 Fox Street
Walgett NSW 2832

Attention: Libby Cumming

Dear Libby

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

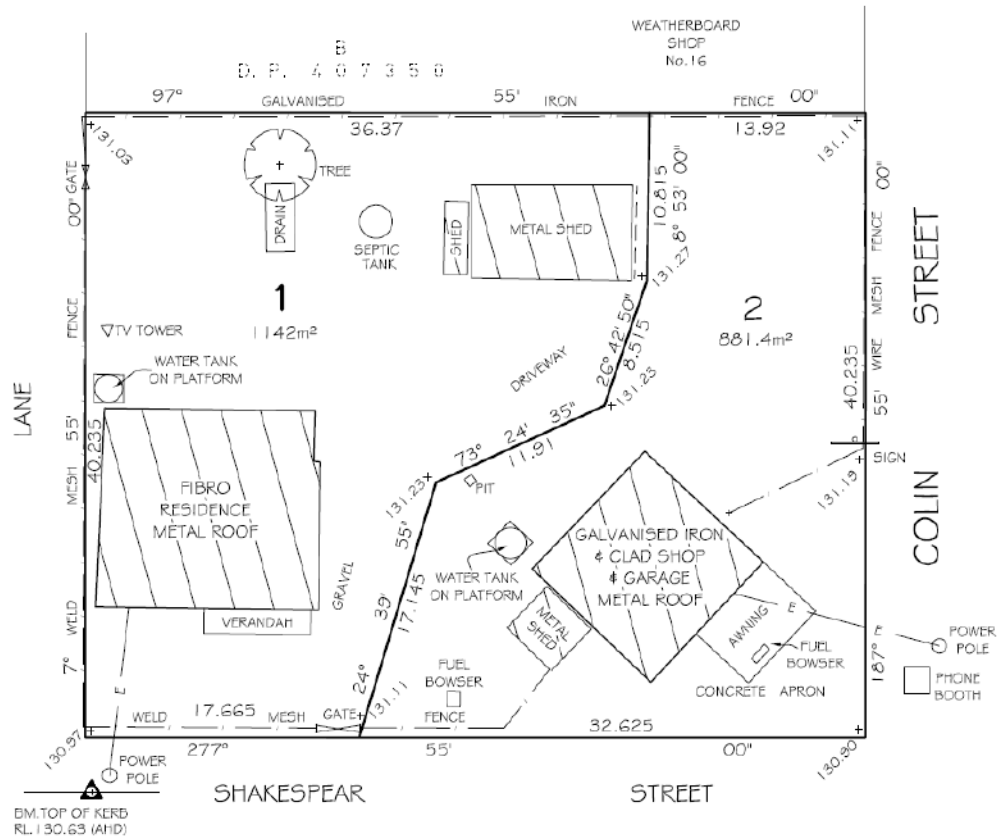
Anthony Daintith Town Planning has been engaged to prepare a Clause 4.6 variation with respect to the proposed 2 lot subdivision at 18-20 Colin Street, Carinda. The purpose of the subdivision is to subdivide the existing house from the existing service station (including shop and garage). It is noted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

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

The proposed lots are:

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

The proposed plan of subdivision is as follows:



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



4.6 Exceptions to development standards

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

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

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

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

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

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

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

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

(a) the consent authority is satisfied that—

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

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

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

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

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

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

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

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

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

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

Note—

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

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

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

(a) a development standard for complying development,

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

(c) clause 5.4.

Comments

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

Lot 1 = 1142m²

Lot 2 = 881.4m²

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

Is the Requirement a Development Standard?

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

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

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

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

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

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

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

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

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

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

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

Clause 4.1 is a development standard.

Extent of Variation to the standard

Lot 1 (42.9%)

Lot 2 (55.93%)

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

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

Subclause 8 does not apply to the subject development.

What is the underlying object or purpose of the standard?

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

The public benefit of maintaining the development standard

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

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

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

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

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

Yours faithfully

Anthony Daintith Town Planning Pty Ltd

A handwritten signature in black ink, appearing to read 'Anthony Daintith', written over a light grey rectangular background.

Anthony Daintith
Principal

Development Assessment Report

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

Proposal Overview

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

Property Details/History

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

Application Type

Is this application an Integrated Development Application? Yes ☐ No ☒
 Is this application a Designated Development Application? Yes ☐ No ☒
 Is this application for State Significant Development? Yes ☐ No ☒
 Is this application submitted by/on behalf of a Public Authority? Yes ☐ No ☒
 Is this application a staged Development? Yes ☐ No ☒
 Is this application a section 96 amendment? Yes ☐ No ☒

Concurrence/Referral

Section 4.13 – EP & A Act

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

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

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

Local Environmental Plan

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

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

List the relevant clause/clauses applicable under the LEP

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

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

Clause 4.6 Consideration

Agree/Disagree

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

Applicant Response *Is the Requirement a Development Standard?*

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

Comment Agreed

Yes ☒ No ☐

Applicant Response *What is the underlying object or purpose of the standard?*

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

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

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

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

Comment Agreed

Yes ☒ No ☐

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

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

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

The proposal will separate two existing and different land uses on the subject land into different lots that can be held or disposed of separately.

The subdivision will not create the opportunity for further development opportunities on either lot than what current exist.

There is no further proposal to development each lot further.

There will be no change to the streetscape of either Colin or Shakespear Streets.

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

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

There is suitable street frontage provided to each proposed lot.

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

The development standard unreasonably restricts a positive development outcome.

There are 7 other examples of smaller subdivisions within the RU5 zone in Carinda (all in relatively close proximity to the subject land – see map below).



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

Comment

Agreed

Yes ☒ No ☐

Applicant
Response

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

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

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

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

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

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

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

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

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

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

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

Site services are contained to the respective allotment.

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

Comment Agreed

Yes ☒ No ☐

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

(a) the consent authority is satisfied that—

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

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

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

Applicant Response

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

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

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

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

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

Comment Agreed

Yes ☒ No ☐

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

Yes ☒ No ☐

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

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

(b) State or regional environmental planning, and

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

Applicant Response

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

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

Comment Agreed

Yes ☒ No ☐

Applicant Response

The public benefit of maintaining the development standard

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

Comment Agreed

Yes ☒ No ☐

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

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

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

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

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

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

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

Comment Agreed Yes ☒ No ☐

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

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

Development Control Plan

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

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

List the relevant clause/clauses under the applicable DCP

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

Is there a draft DCP which may affect this proposal?

Yes ☐ No ☒

Regional Environmental Plan

There is no REP applicable to this area.

State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes ☒ No ☐

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

SEPP 65 — Design Quality of Residential Flat Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
SEPP 70 – Affordable Housing (Revised Schemes)	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies that there is a need for affordable housing across the whole of the State and describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.</i>
Aboriginal Land 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and declares specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i>
Affordable Rental Housing 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.</i>
Building Sustainability Index: BASIX 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
Coastal Management 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP promotes an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.</i>
Concurrences 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
Educational Establishments and Child Care Facilities 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the effective delivery of educational establishments and early education and care facilities across the state.</i>
Exempt and Complying Development Codes 2008	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
Gosford City Centre 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>
Housing for Seniors or People with a Disability 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.</i>
Infrastructure 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.</i>
Kosciuszko National Park – Alpine Resorts 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to part of Kosciuszko national park, and to Kosciuszko Road and the Alpine Way. The part of Kosciuszko Park to which the policy applies is the land described as the ski resort area in Part 8A of Schedule 6 to the Act.</i>

Kurnell Peninsula 1989	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways.</i>
Mining, Petroleum Production & Extractive Industries 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.</i>
Miscellaneous Consent Provisions 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.</i>
Penrith Lakes Scheme 1989	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the land shown edged heavy black on the structure plan relating to Penrith Lakes.</i>
Primary Production and Rural Development 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the orderly economic use and development of lands for primary production; reduce land use conflict and sterilisation of rural land.</i>
State and Regional Development 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.</i>
State Significant Precincts 2005	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, and facilitates service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
Sydney Drinking Water Catchment 2011	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for healthy water catchments that will deliver high quality water while permitting compatible development.</i>
Sydney Region Growth Centres 2006	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP co-ordinates the release of land for residential, employment and other urban development in the Orth West Growth Centre, the South West Growth Centre and the Wilton Growth Area.</i>
Three Ports 2013	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle</i>
Urban Renewal 2010	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP establishes the process for assessing and identifying sites as urban renewal precincts, and facilitates the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</i>
Vegetation in Non-Rural Areas 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserves the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
Western Sydney Employment Area 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects and enhances the land known as the Western Sydney Employment Area for employment purposes.</i>
Western Sydney Parklands 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP puts in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney.</i>

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

Planning Agreement

Section 4.15(1)(a)(iii) – EP & A Act

Is there a Planning Agreement in force under section 93F of the EP&A Act? Yes ☐ No ☒

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

Planning Strategies/Local Policy

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

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

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

Subdivision

Is this application for subdivision? Yes ☒ No ☐

How many new lots are being created? 1

Environmental Impacts

Section 4 15(1)(b) – EP & A Act

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Economical	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Noise	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Tree Loss	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Fauna	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

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

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

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

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

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

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

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

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

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

Flooding

Section 4.15(1)(b) – EP & A Act

Is this property flood affected? Yes ☒ No ☐

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

Name of Study: Walgett Development Control Plan 2016

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

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

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

Bush Fire Prone Land

Section 4.15(1)(b) – EP & A Act

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

Contaminated Land

Section 4.15(1)(b) – EP & A Act

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

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

Does this land require remediation? Yes ☐ No ☒

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

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

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

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

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

Infrastructure

Section 4.15(1)(b) – EP & A Act

Is an engineering assessment required? Yes ☒ No ☐

Has an engineering assessment been completed? Yes ☒ No ☐

Who completed the Engineering Assessment?

Engineering Department ☒ Assessing Officer ☐ Other ☒

Comment: Emailed comments Raju Ranjit – 12.9.2020

The applicant is advised to consider the following conditions:

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

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

Does this proposal have any potential impact on:

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

Does the development require any new easements?

Yes ☒ No ☐

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

Has an Erosion and Soil Control Plan been submitted?

Yes ☐ No ☒

Is there any outstanding issues requiring attention?

Yes ☒ No ☐

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

Construction Assessment

Is a Construction Certificate Required?

Yes ☐ No ☒

Section 68 Assessment

Is a section 68 assessment required?

Yes ☐ No ☒

Developer Contributions

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

Signage

Does this proposal require signage? Yes ☐ No ☒

Notification

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

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

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

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

Dates Notification Undertaken Commenced 24.6.2020 Finished 7.7.2020

Were there any written submissions received? Yes ☐ No ☒

Section 88b Instrument

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

Public Interest

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

Is there any public health issues? Yes ☐ No ☒

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

Site Suitability

Section 4.15(1)(c) – EP & A Act

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

Assessing Officer General Comment

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

Recommendation

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

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

Nil

GENERAL CONDITIONS

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

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

CONDITIONS TO BE COMPLETED PRIOR TO SUBDIVISION COMMENCING

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

CONDITIONS RELATING TO ONGOING OPERATIONS

9. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under *State Environmental Planning Policy (Codes SEPP) 2008*).

COUNCIL ADVICE ONLY

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

Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.
10. The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Council.

Conclusion


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

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

Additional Notes Attached

Yes ☒ No ☐

- Aboriginal Heritage Information Management Search

Signed: 

Elizabeth Cumming, Consultant Planner

Date: 14 September 2020

Signed: 

Jessica McDonald, Director Environmental Services

Date: 15 September 2020

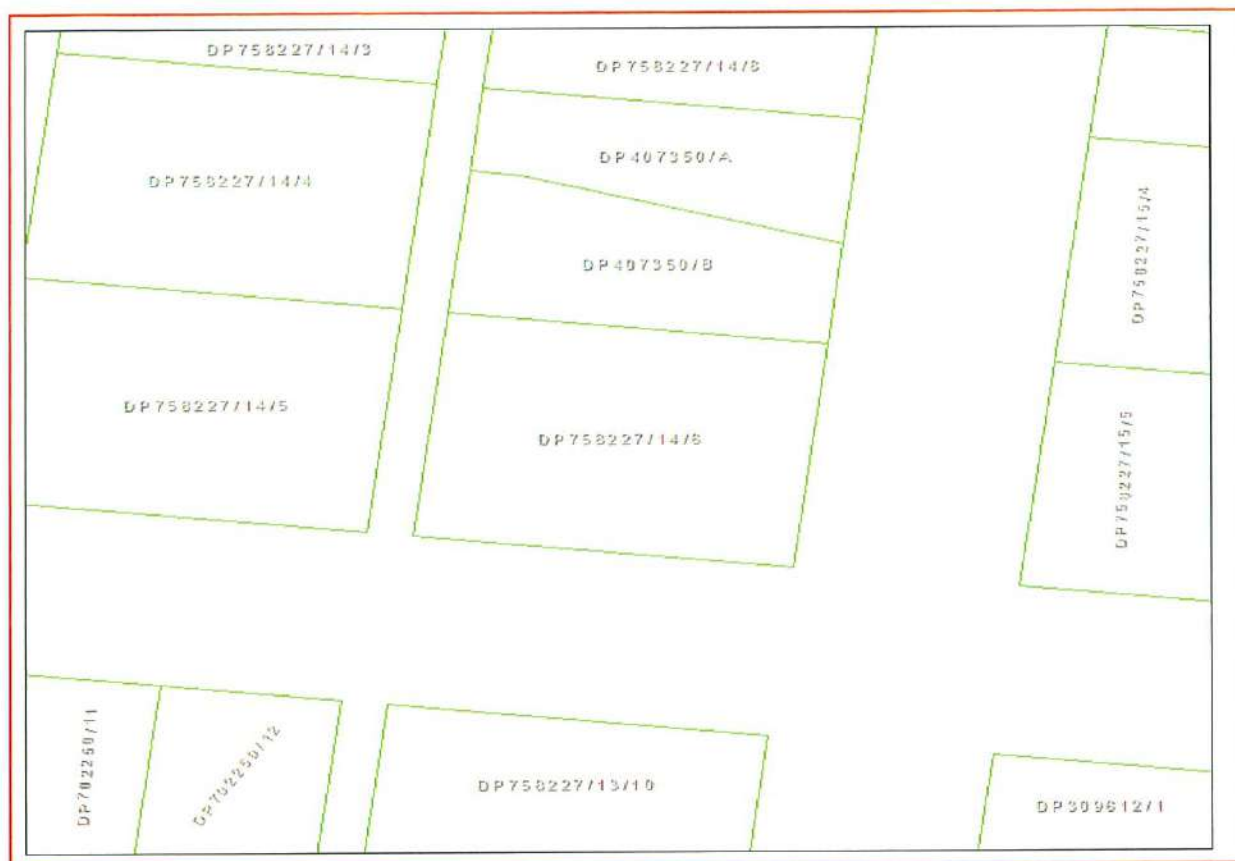
Elizabeth Cumming
7 Vernon Street
Inverell New South Wales 2360
Attention: Elizabeth Cumming
Email: nenwplanningservices@outlook.com

Date: 14 September 2020

Dear Sir or Madam:

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

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



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

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

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

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

Important information about your AHIMS search

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

From: [Jenna McNabb](#)
To: [admin Walgett](#); [Libby Cumming](#)
Subject: Determination of Clause 4.6 Referral - 18-20 Colin Street, Carinda (DA 2020/12)
Date: Wednesday, 21 October 2020 1:44:24 PM
Attachments: [planning-circular-20-002-variations-to-development-standards-2020-05.pdf](#)

Good Afternoon

ATTENTION: SAMUEL LENKAAK

The Department has reviewed the application for Concurrence CNR 13200 (Agency Reference A-15311) in relation to varying the development standard under Clause 4.6 of the Walgett LEP 2013.

Council has delegations to approve this variation even though it is greater than 10%, as the proposal relates to zone RU5 Village – not a rural zone. I've attached a copy of the Planning Circular PS 20-002 (which was issued in May 2020).

The Department has therefore not provided a decision on this matter. The elected Councillors will need to make a decision on the development application, and not the Delegate of Council in this instance. Council as the consent authority should consider SEPP 55 Remediation of Land in their assessment as the service station would be potentially contaminated.

Council is also reminded of its requirements to have a register of variations and report this quarterly to the Department.

I have finalised the Department's role in the referral in the NSW Planning Portal. Once the application has been determined by Council the decision should be uploaded to the Portal.

Please let me know if you have any questions in relation to this.

Jenna

Jenna McNabb
(Mon Tues Wed)

Planning Officer – Local and Regional Planning, Western Region
Department of Planning Industry & Environment
Level 1 188 Macquarie Street | Dubbo NSW 2830
T 02 5852 6811 E jenna.mcnabb@planning.nsw.gov.au



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Circular	PS 20-002
Issued	5 May 2020
Related	Revokes PS 18-003 (February 2018), PS 19-005

Variations to development standards

This circular is to advise consent authorities of arrangements for when the Secretary's concurrence to vary development standards may be assumed (including when council or its Independent Hearing and Assessment Panel are to determine applications when development standards are varied) and clarify requirements around reporting and record keeping where that concurrence has been assumed.

Overview of assumed concurrence

This circular replaces Planning Circular PS 18-003 and issues assumed concurrence, governance and reporting requirements for consent authorities. It also advises that council reports are to come through the Planning Portal, and of the repeal of SEPP 1.

All consent authorities may assume the Secretary's concurrence under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards* for land included in an old Interim Development Order (IDO) or Planning Scheme Ordinance (PSO).

However, the assumed concurrence is subject to conditions (see below).

The assumed concurrence notice takes effect immediately and applies to pending development applications.

Any existing variation agreed to by the Secretary of Planning, Industry and Environment to a previous notice will continue to have effect under the attached notice.

Assumed concurrence conditions

Lot size standards for dwellings in rural areas

The Secretary's concurrence may not be assumed for a development standard relating to the minimum lot size required for erection of a dwelling on land in one of the following land use zones, if the lot is less than 90% of the required minimum lot size:

- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone

RU4 Primary Production Small Lots, Zone RU6 Transition

- Zone R5 Large Lot Residential
- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living
- a land use zone that is equivalent to one of the above land use zones

This condition will only apply to local and regionally significant development.

Numerical and non-numerical development standards

The Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

This restriction does not apply to decisions made by independent hearing and assessment panels, formally known as local planning panels, who exercise consent authority functions on behalf of councils, but are not legally delegates of the council (see section 231).

The purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation.

In all other circumstances, delegates of a consent authority may assume the Secretary's concurrence in accordance with the attached written notice.

Independent hearing and assessment panels

From 1 March 2018, councils in Sydney and Wollongong were required to have independent hearing and assessment panels that will determine development applications on behalf of councils (see section 231).

The attached notice allows independent hearing and assessment panels to assume the Secretary's concurrence because they are exercising the council's functions as a consent authority.

Independent hearing and assessment panels established by councils before 1 March 2018 also make decisions on behalf of councils. The attached notice applies to existing panels in the same way as it applies to panels established after 1 March 2018.

Regionally significant development

Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened.

The restriction on delegates determining applications involving numerical or non-numerical standards does not apply to all regionally significant development. This is because all regionally significant development is determined by a panel and is not delegated to council staff.

However, the restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will continue to apply to regionally significant development. The Secretary's concurrence will need to be obtained for these proposals in the same way as it would for local development.

State significant development and development where a Minister is the consent authority

Consent authorities for State significant development (SSD) may also assume the Secretary's concurrence where development standards will be contravened. This arrangement also applies to other development for which a Minister is the consent authority for the same reasons.

Any matters arising from contravening development standards will be dealt with in Departmental assessment reports.

The restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will not apply to SSD or where a Minister is the consent authority for the same reasons.

Notification of assumed concurrence

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, consent authorities are notified that they may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP (or any other provision of an environmental planning instrument to the same effect).

The notice takes effect on the day that it is published on the Department of Planning, Industry and Environment's website (i.e. the date of issue of this circular) and applies to pending development applications.

Procedural and reporting requirements

In order to ensure transparency and integrity in the planning framework the below Departmental monitoring and reporting measures must be followed when development standards are being varied:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted through the NSW Planning Portal at <https://www.planningportal.nsw.gov.au/reporting/online-submission-planning-data> within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council meeting at least once each quarter.

Councils are to ensure these procedures and reporting requirements are carried out on behalf of Independent Hearing and Assessment Panels and Sydney district or regional planning panels.

Audit

The Department will continue to carry out random audits to ensure the monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy.

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development.

Repeal of *State Environmental Planning Policy No 1 – Development Standards (SEPP 1)*

The repeal of SEPP 1 came into effect from 1 February 2020 as part of the SEPP Review Program to update and simplify the NSW Planning system.

SEPP 1 is repealed in circumstances where a standard instrument LEP applies in a local council

area. The amendments included the insertion of two clauses into the *SEPP (Concurrences and Consents) 2018*. Clause 6 provides for the continued operation of SEPP 1 where an Interim Development Order (IDO) or a Planning Scheme Ordinance (PSO) is in effect. Clause 7 is a savings provision which continues to apply SEPP 1 for applications that were made prior to the repeal but are yet to be determined.

Further information

A Guide on Varying Development Standards 2011 is available to assist applicants and councils on the procedures for managing SEPP 1 and clause 4.6 applications to vary standards.

Links to the Standard Instrument can be found on the NSW Legislation website at: www.legislation.nsw.gov.au

For further information please contact the Department of Planning, Industry and Environment's information centre on 1300 305 695.

Department of Planning, Industry and Environment circulars are available at: planning.nsw.gov.au/circulars

Authorised by:

Marcus Ray
Group Deputy Secretary,
Planning and Assessment
Department of Planning, Industry and Environment

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Assumed concurrence notice

I, Carolyn McNally, Secretary of the Department of Planning and Environment, give the following notice to all consent authorities under clause 64 of the *Environmental Planning and Assessment Regulation 2000*.

Notice

All consent authorities may assume my concurrence, subject to the conditions set out in the table below, where it is required under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards*.

No.	Conditions
1	<p>Concurrence may not be assumed for a development that contravenes a development standard relating to the minimum lot size required for the erection of a dwelling on land in one of the following land use zones, if the variation is greater than 10% of the required minimum lot size:</p> <ul style="list-style-type: none">- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition- Zone R5 Large Lot Residential- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living- a land use zone that is equivalent to one of the above land use zones <p>This condition does not apply to State significant development or development for which a Minister is the consent authority</p>
2	<p>Concurrence may not be assumed for the following development, if the function of determining the development application is exercised by a delegate of the consent authority:</p> <ul style="list-style-type: none">- development that contravenes a numerical development standard by more than 10%- development that contravenes a non-numerical development standard <p>Note. Local planning panels constituted under the <i>Environmental Planning and Assessment Act 1979</i> exercise consent authority functions on behalf a council and are not delegates of the council</p> <p>This condition does not apply to State significant development, regionally significant development or development for which a Minister is the consent authority</p>

This notice takes effect on the day that it is published on the Department of Planning's website and applies to development applications made (but not determined) before it takes effect.

The previous notice to assume my concurrence contained in planning system circular PS 17-006 *Variations to development standards*, issued 15 December 2017 is revoked by this notice. However, any variation to a previous notice continues to have effect as if it were a variation to this notice.

Dated: 21 February 2018



Carolyn McNally
Secretary, Department of Planning and Environment