



ATTACHMENT DOCUMENT

7th July 2020

Michael Urquhart
ACTING GENERAL MANAGER

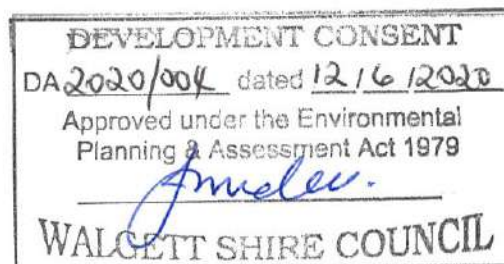


Premise

WALGETT ABORIGINAL MEDICAL SERVICE

37 Pitt Street – Proposed Subdivision

STATEMENT OF ENVIRONMENTAL EFFECTS



Report No: 119279/R0

Rev: 001B

26 March 2020

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DOCUMENT AUTHORISATION					
Revision	Revision Date	Report Details			
001A	23/03/20	Report			
001B	26/03/20	Report relating to amended lot configuration			
Prepared By		Reviewed By			
Stef Presland	<i>Spresland</i>	Matthew Thorn	<i>McThorne</i>		

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APPENDICES

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1. INTRODUCTION

1.1 Background

Premise NSW Pty Ltd (Premise) have been commissioned by Walgett Aboriginal Medical Service to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a proposed two lot subdivision of Lot 1 in DP 1256009. The following drawing have been prepared to accompany the subject DA:

- Drawing No's 119279_03_B TP01 and TP02, prepared by Premise Australia.

1.2 Scope of this report

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

2. THE SITE & ITS LOCALITY

2.1 The site

The site has the street address of 37 Pitt Street, Walgett and is legally known as Lot 1 in DP 12560209 with a total area of 6,078m². The site is bounded by Pitt Street to the west, Wee Waa Street to the north and Dundas Street to the south. The site is approximately 150m east of the Castlereagh Highway and the main shopping strip of Walgett.

The land retains existing access to Dundas Street, Pitt Street and Wee Waa Street. The southern portion of the site contains the building structures associated with the Walgett Aboriginal Medical Service Centre. The northern portion of the site has been recently cleared for future development. An aerial view of the subject site and locality is shown in **Figure 1.1**.

The site was created by a compilation consolidation of three lots into one lot registered 19 September 2019. This subdivision is effectively reinstating one of the previous boundary lines that existing prior to the consolidation.



Figure 1.1 Aerial view of the subject site

3. THE DEVELOPMENT

3.1 Development Description

In accordance with Drawing No's. **119279_03_TP01** and **TP02**, the applicant Walgett Aboriginal Medical Service proposes to undertake a two lot subdivision of Lot 1 in DP 1256009 to create:-

- Proposed Lot 1 would have an area of approximately 3,218 m² and would be a vacant lot with existing access and services.
- Proposed Lot 2 would have an area of approximately 2,806m² and would retain the existing medical centre structure and associated car parking, access, landscaping and services.

The proposed two lot subdivision would effectively enable the sale and/or the future development of proposed Lot 1. It is understood that proposed Lot 1 will be the subject of an independent Development Application for the erection of a new medical centre building and associated infrastructure. Proposed Lot 2 will remain to operate without any significant changes.

4. STATUTORY PLANNING FRAMEWORK

4.1 Environmental Planning and Assessment Act, 1979

4.1.1 AIMS AND OBJECTIVES

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning & Environment (DP&E). In 2017, the Act was amended to provide a range of updated objectives. The objectives of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be contrary to the above objects.

4.1.2 SECTION 1.7

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact in the following assessed circumstances:

Table 4.1 - Section 1.7

Test	Assessment
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The proposed subdivision is not likely to significantly affect threatened species or ecological communities, as no vegetation clearing is proposed.
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	There is no clearing proposed as part of this application.
(c) it is carried out in a declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.

Source: Environmental Planning and Assessment Act 1979

4.1.3 RELEVANT LEGISLATION

The EP&A Act facilitates the preparation of relevant legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs); and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant legislation includes:

- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *Walgett Local Environmental Plan 2013*; and
- *Walgett Development Control Plan 2013*.

The requirements contained in these EPI's are discussed in the following sections.

4.2 Environmental Planning Instruments

4.2.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 of the *State Environmental Planning Policy No. 55 – Remediation of Land*, requires contamination and remediation to be assessed in the determination of a Development Application. Clause 7 states the following:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) It has considered whether the land is contaminated, and

- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

No contaminative land uses, as identified in Table 1 of the *Managing Contaminated Land Planning Guidelines*, are known to have recently been undertaken on the site. The site is considered suitable in its current state for a proposed two lot subdivision.

The undertaking of remediation work in accordance with Clause 8 of the SEPP would not be required as the site is suitable in its existing state to permit the boundary adjustment subdivision to occur.

4.2.2 WALGETT LOCAL ENVIRONMENTAL PLAN 2013

The *Walgett Local Environmental Plan 2013* (WLEP), is the relevant Local Environmental Planning Instrument. The subject site is located within the B2 - Local Centre and R1 - General Residential. The subdivision of land is allowable with the consent of Council within the applicable zones.

The objectives of the B2 - Local Centre zone are as follows:

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

The objectives of the R1 General Residential zone are as follows:

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

The two lot subdivision will facilitate the future use and development of proposed Lot 1. While allowing the continued use of proposed lot 2 as a medical centre, providing employment opportunities for a range of uses which serve the need for people who live, work and visit the area. The two lot subdivision is not contrary to the objectives of the R1 General Residential zone.

Clause 4.1 Minimum subdivision lot size

Clause 4.1 stipulates that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the Minimum Lot Size (MLS) in relation to that land. The site features a mixed MLS of 500m² for the land zoned B2 Local Centre and 700m² for the land zoned R1 General Residential. Proposed Lot 1 would

have an area of 3,218m², and proposed Lot 2 would have an area of 2,806m². Each proposed lot is greater than the MLS and complies with this clause.

Clause 4.3 Height of buildings

Clause 4.3 stipulates that the height of any building on the site must not exceed 10m high. This proposal is not seeking consent for the erection of a building or alteration to the height of existing buildings. The proposal complies with this clause.

Clause 6.2 Flood Planning

This clause applies to land which is considered to be flood liable land. The site is located within the Walgett urban area which is protected by a flood bank levee. Land protected by the levee bank within the urban area is not considered to be flood liable land.

4.2.3 4.2.4 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS

There are no known deemed environmental planning instruments applying to the site.

4.3 Draft Environmental Planning Instruments

There are currently no known draft environmental planning instruments which would directly affect this land.

4.4 Development Control Plan

The Walgett Development Control Plan 2013 is applicable to all Development Applications lodged within the Walgett Shire Local Government Area. Section 4.7 – Subdivision applies to all subdivision applications.

As the development is for the purpose of a two lot subdivision, being a minor development, only the following elements are directly relevant to the proposal:

- Lot Size;
- Servicing Strategy;
- Sewer;
- Water;
- Stormwater Drainage;
- Telecommunications; and,
- Electricity.

4.4.1 WALGETT DEVELOPMENT CONTROL PLAN 2013

Table 2 – Walgett DCP – Chapter 4.7 Subdivision

Requirement	Statement	Compliance
Lot Size		
"Lot size map" and Clause 4.1 of Walgett LEP 2013 prescribe the minimum lot sizes for all new allotments	Proposed Lot 1 would have an area of 3,218m ² , and proposed Lot 2 would have an area of 2,806m ² . Each proposed lot has a size greater than the prescribed MLS.	✓
Minimum lot sizes do not apply to Strata and Community Title Subdivisions		NA
Residential lots must be able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback (note there is no concession to a second street frontage for setbacks)	The proposed allotments have a suitable size and shape to allow a dwelling to be constructed. However, it is considered unlikely the proposed lots will be used for this purpose.	✓
Easements are not to encumber more than 10% of the total area of the lot.	The proposed lots are not encumbered by easements more than 10% of their respective total size.	✓
Servicing Strategy		
All development applications including a proposed residential land use shall provide a servicing strategy (water, sewer, stormwater, telecommunications and electricity) to demonstrate that it is feasible for the subdivision to be provided with appropriate services.	The site has existing access to services such as water, sewer, electricity, Telstra and NBN.	✓
The strategy shall include evidence that the developer has consulted with Council's Manager of Water and Wastewater in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.	It is understood that proposed Lot 1 will be the subject of an independent Development Application for the erection of a new medical centre building and associated infrastructure. This Development Application would provide detailed servicing information.	NA
For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure		NA

If development is proposed over Council water, sewer, or effluent mains refer to clause 5.2.5.	The proposal does not seek consent to erect any structures over Council owned services.	✓
Sewer		
The servicing strategy shall identify the method of providing sewerage or effluent disposal to the proposed lots in accordance with the relevant requirements of this DCP.	Proposed Lot 2 will retain it's existing sewer connection which traverses through the allotment extending from Pitt Street to the east. Proposed Lot 1 will retain its existing sewer connection which extends from Pitt Street through the allotment.	✓
Water		
The Servicing Strategy shall identify the method of providing water to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.	Council's water main extends along Wee Waa Street and Dundas Street. Each proposed lot will have existing and suitable connection to water.	✓
Reticulated water is to be supplied to subdivisions of land in the General Residential R1 Zone	As above.	✓
On-site water storage requirements will be applied when future development occurs on lots where the Lot Size Map specifies a minimum area of 20 hectares or greater.		NA
Stormwater Drainage		
The servicing strategy shall include consideration of existing natural flow, existing developed flow and post developed flow.		
Location of major flows are to be directed to a designated overland flow path and within a dedicated drainage reserve		
Measures to control stormwater flow are required.		
Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.		
Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration	The site has a gradual slope towards the Pitt Street	NA

systems or any other method other than connection to the gravity piped system.		
Telecommunication		
Telecommunications are to be provided underground.	The proposed allotments have an existing connection to telecommunication infrastructure.	✓
Electricity		
Where possible, the subdivision is to be serviced by underground electricity to land in the General Residential R1 Zone	The proposed allotments have an existing connection to electrical infrastructure.	✓
For subdivision of land in the Primary Production Zone which includes a proposed residential land use, electricity supply is required.		NA

5. IMPACTS

5.1 Introduction

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) *Guide to Section 79C*.

5.2 Context and setting

The applicant Walgett Aboriginal Medical Service proposes to undertake a two lot subdivision of Lot 1 in DP 1256009.

- Proposed Lot 1 would have an area of approximately 3,218 m² and would be a vacant lot with existing access and services.
- Proposed Lot 2 would have an area of approximately 2,806m² and would retain the existing medical centre structure and associated car parking, access, landscaping and services.

The proposed two lot subdivision would effectively enable the sale and/or the future development of proposed Lot 1. It is understood that proposed Lot 1 will be the subject of an independent Development Application for the erection of a new medical centre building and associated infrastructure. Proposed Lot 2 will remain to operate without any significant changes.

5.3 Access, Transport and Traffic

5.3.1 CAR PARKING

Proposed Lot 2 will retain the car parking arrangement associated with the existing medical centre. Due to the site of proposed Lot 1, it is considered future use of this land can sustain adequate car parking arrangements.

5.3.2 TRAFFIC

The proposed two lot subdivision is effectively a paper subdivision. It is expected that the development will not generate additional traffic.

5.4 Servicing

5.4.1 SEWER

An existing sewer line is situated on the east side of Pitt Street which connects to the proposed lots. This existing sewer line is adequate to allow the proposal to proceed.

5.4.2 WATER

An existing water main is located along both Wee Waa Street and Dundas Street within the road reserve. This existing water main is adequate to allow the proposal to proceed.

5.4.3 ELECTRICITY

Existing overhead power lines are located along Wee Waa Street, Pitt Street and Dundas Street within the road reserve. The existing electricity connections for each proposal lot is adequate to allow the proposal to proceed.

5.4.4 TELECOMMUNICATIONS

Existing telecommunications infrastructure is located along Wee Waa Street, Pitt Street and Dundas Street within the road reserve. The existing telecommunications connections for each proposal lot is adequate to allow the proposal to proceed.

5.4.5 STORMWATER

The proposed subdivision would not change or negatively impact the existing management of stormwater drainage in the location. Surface flows on both parcels fall generally to Pitt Street and it is not anticipated that interallotment drainage would be necessary.

5.5 Heritage

5.5.1 EUROPEAN HERITAGE

Schedule 5 – Environmental Heritage of the *Walgett Local Environmental Plan 2013*, does not identify any items of local heritage significance on the subject site. Likewise, the State Heritage Register does not identify any items of state heritage significance on the site.

5.5.2 ABORIGINAL HERITAGE

The site is located in the urban area of Walgett and is highly disturbed and developed. There are no known items of aboriginal heritage or cultural significance on the site.

5.6 Flora and Fauna

Due to the location of the site within the existing urban area of Walgett and the distance of the vegetation on site from any remnant vegetation, it is highly unlikely that the site would be a habitat for any threatened species of flora and fauna.

5.7 Hazards

5.7.1 NATURAL

5.7.1.1 Flooding

The site is located within the Walgett urban area which is protected by a flood bank levee. Land protected by the levee bank within the urban area is not considered to be flood liable land in accordance with the Walgett Local Environmental Plan 2013.

5.7.1.2 Bushfire

The site is not bushfire prone in accordance with Walgett Shire Councils Bushfire Prone land mapping.

5.7.2 TECHNOLOGICAL

5.7.2.1 Contamination

No contaminative land uses, as identified in Table 1 of the *Managing contaminated Land Planning Guidelines*, are known to have recently been undertaken on the site. The site is therefore suitable in its current state for a proposed two lot subdivision.

5.8 Social Impacts

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

The proposed development would not have an adverse impact upon people's way of life, their culture, or their community. In fill development in the area would be beneficial from a renewal and gentrification perspective.

5.9 Economic Impact

The proposed subdivision is minor in nature and unlikely to generate any adverse economic impacts upon the surrounding locality.

The proposal will facilitate the future sale and/or subsequent development of the land generating positive economic impacts.

5.10 Cumulative Impacts

The proposed subdivision would be compliant with all relevant subdivision restrictions stated within the Walgett LEP and DCP. As such, it is unlikely to have any adverse cumulative impact upon neighbouring residents.

6. CONCLUSION

6.1 Suitability of the site

The subject site is suitable for subdivision for the following reasons:

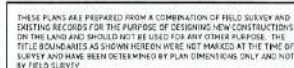
- The proposal complies with all relevant subdivision restrictions;
- Is facilitating future development of land in close proximity to the Walgett commercial strip;
- The site has existing connections to all required services including sewerage, water, electricity and telecommunications; and
- The proposed development would not have an adverse environmental, social or economic impact upon the surrounding locality.

6.2 Conclusion

Walgett Aboriginal Medical Service seeks approval for the proposed two lot subdivision of Lot 1 in DP 1256009. The subdivision would be undertaken in accordance with the attached subdivision plans by Premise Australia Pty Ltd.

The proposal is allowable with Council consent in the applicable zones and is consistent with the zone objectives and minimum lot size restrictions. The proposed development has been assessed against the aims, objectives and requirements of the *Walgett Local Environmental Plan 2013* and the *Walgett Development Control Plan 2013*.

APPENDIX A SUBDIVISION PLANS



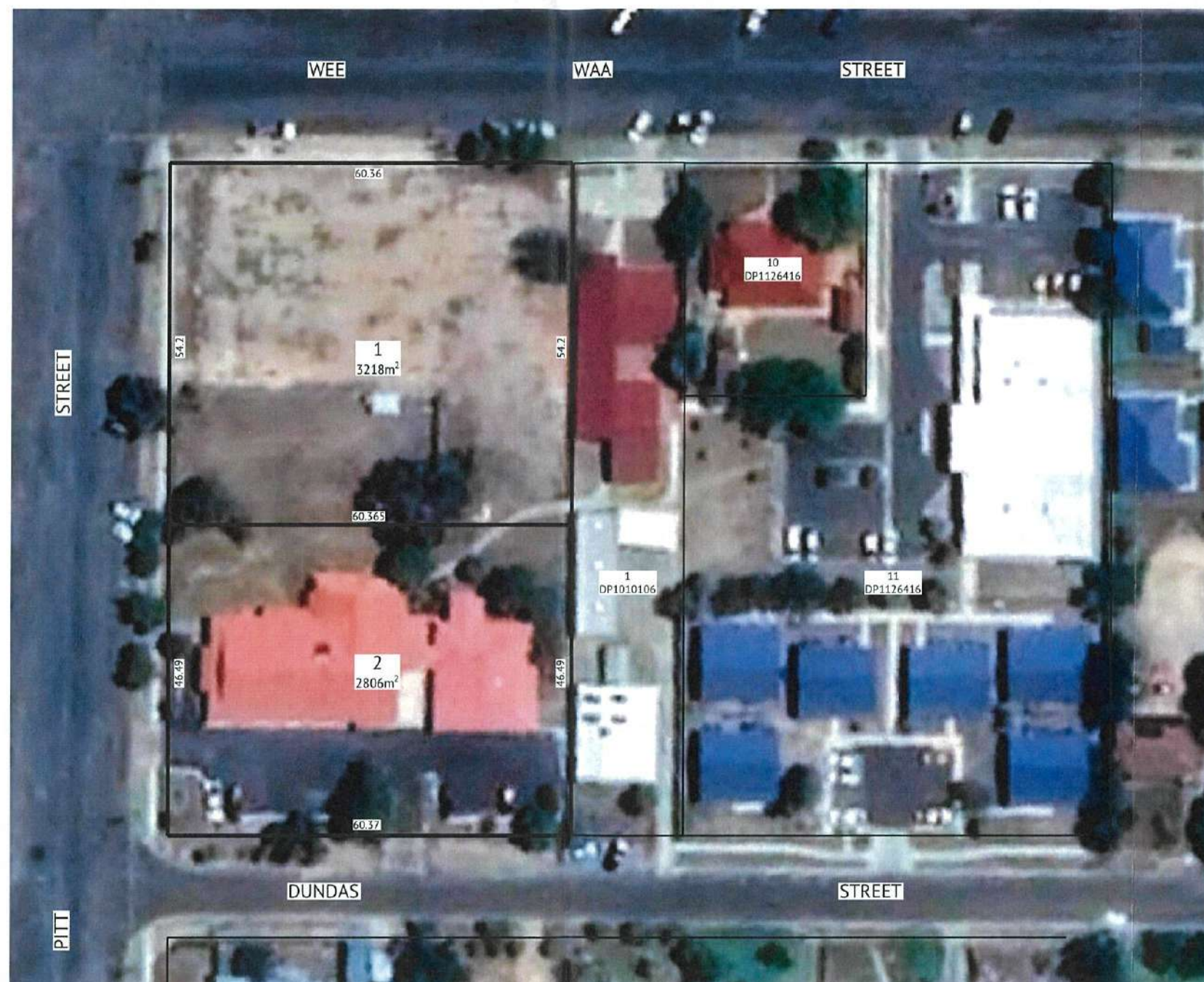
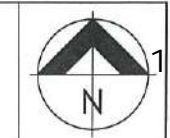
SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO BE SO LOCATED SERVICES HAVE BEEN PLOTTED FROM THE RECORDS OF RELEVANT AUTHORITIES WHERE AVAILABLE AND HAVE BEEN NOTED ACCORDINGLY ON THIS PLAN. WHERE SUCH RECORDS EITHER DO NOT EXIST OR ARE INADEQUATE A NOTATION HAS BEEN MADE HEREON.

PRIOR TO EXCAVATION THE CONTRACTOR MUST:

- 1. NOTIFY A.G.L. ON 0419527919
- 2. OBTAIN TELSTRA'S "DUTY OF CARE" DOCUMENT REGARDING
- 3. WORKING IN THE VICINITY OF TELSTRA PLANT.
- 4. VERIFY CO-AXIAL/OPTIC FIBRE CABLE LOCATION

PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

USERS OF THIS PLAN SET SHOULD SATISFY THEMSELVES OF THE POSITION AND EXTENT OF SERVICES IN THE AREA OF PROPOSED WORKS.



1. THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
2. ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

DEVELOPMENTAL CONSENT

DA 2020/004 dated 12/6/2020

Approved under the Environmental
Planning & Assessment Act 1979

J. M. M. M.

WALGETT SHIRE COUNCIL

ISSUED FOR REVIEW				
DATE	REV	DESCRIPTION	REC	APP
26/01/2020	B	BOUNDARY AMENDMENTS	JE	MT
13/03/2020	A	ISSUED FOR REVIEW	JE	MT



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DESIGNED
CHECKED
PROJECT MANAGER MATTHEW THORNE
ENGINEERING CERTIFICATION

SCALE

SCALE 1:400 (A1)

0 8 16 24m

0 8 16 24m

SCALE 1:800 (A3)

ORIGINAL SHEET SIZE A1

CLIENT	CONSTRUCTIVE DIALOGUE ARCHITECTS
PROJECT	PROPOSED SUBDIVISION OF LOT 1 IN DP1256009
LOCATION	CNR WEE WAA & PITT STREETS, WALGETT
SHEET TITLE	PROPOSED BOUNDARIES

JOB CODE	
119279_03	
SHEET NUMBER	REV
TP02	B

Development Assessment Report

DA Number: DA2020/004 **Council:** Walgett
Location: 37 Pitt Street Walgett
Development Description: 2 Lot Subdivision
Title Details: Lot 1 DP 1256009

Proposal Overview

Two lot subdivision being Lot 1 - 3,218m² and lot 2 2,806m². Lot 1 will be vacant land and Lot 2 will contain a medical centre and associated carparking, access, landscaping and services. This subdivision will enable the sale of Lot 1 for future development.

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"/>	

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

Application Type

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

Concurrence/Referral

Section 4.13 – EP & A Act

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

Local Environmental Plan

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

This land is zoned: R1 General Residential and B2 Local Centre
Development as per Standard Definitions: This development is considered to be 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"/>	
Minimum Lot Size	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Each lot is greater than the MLS.

Is there a draft LEP or draft LEP amendment which may affect this proposal? 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
4.7	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Lot Size - Each lot is greater than the MLS. Neither the existing nor the proposed lots will be encumbered by an easement.
	2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Servicing Strategy – water, sewer, electricity, NN and telecommunication services are available.
	3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Sewer – Lot 1 and 2 will retain their existing sewer connections.
	4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Water – each lot will have an existing connection. Reticulated and raw water is available to both lots.
	5	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Stormwater – Both sites have overland flow to Pitt Street.
	6	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Telecommunications – Both lots have an existing telecommunications connection.
	7	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Electricity – Both lots have an existing connection to electricity.
	13	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Site Access – Access is available to both lots.

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"/>	<p><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></p> <p><i>The property does not require an assessment for identification of contaminated sites, as the land-use would not significantly alter. The site has no history of use that would have involved chemical application or use.</i></p>
SEPP 64 — Advertising and Signage	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.</i>
SEPP 65 — Design Quality of Residential Flat Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
SEPP 70 – Affordable Housing (Revised Schemes)	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP identifies that there is a need for affordable housing across the whole of the State and describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.</i>
Aboriginal Land 2019	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and declares specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i>
Affordable Rental Housing 2009	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.</i>
Building Sustainability Index: BASIX 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
Coastal Management 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP promotes an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.</i>

Concurrences 2018	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
Educational Establishments and Child Care Facilities 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP facilitates the effective delivery of educational establishments and early education and care facilities across the state.</i>
Exempt and Complying Development Codes 2008	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
Gosford City Centre 2018	Not Applicable <input checked="" type="checkbox"/> 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"/>	<i>This SEPP co-ordinates the release of land for residential, employment and other urban development in the Orth West Growth Centre, the South West Growth Centre and the Wilton Growth Area.</i>
Three Ports 2013	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP provides a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle</i>
Urban Renewal 2010	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP establishes the process for assessing and identifying sites as urban renewal precincts, and facilitates the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</i>
Vegetation in Non-Rural Areas 2017	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP protects the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserves the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>
Western Sydney Employment Area 2009	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP protects and enhances the land known as the Western Sydney Employment Area for employment purposes.</i>
Western Sydney Parklands 2009	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP puts in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney.</i>

List all relevant Draft SEPPs

SEPP	Compliance	Comment
SEPP 44 – Koala Habitat Protection	Not Applicable <input type="checkbox"/> Applicable <input 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>

		<ul style="list-style-type: none"> • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997) • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.
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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 – Premise 26 March 2020

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 ☒

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 ☒

Does this land require remediation? Yes ☐ No ☒

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

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

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 ☒ Raju Ranjit

Comment:

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Existing concrete portion between property boundary and kerb along the Wee Waa Street is to be replaced by new concrete slab. The Concrete grade shall be M25 concrete grade with one layer of SL 8 mesh and thickness 100 mm. Entry and exit signs shall be erected at the applicant's expense within the property in a position clearly visible from the road.
Kerb & Gutter	Yes <input type="checkbox"/> No <input type="checkbox"/>	Kerb and guttering along the Dundas Street to be constructed at the Client's cost. The new kerb and gutter should suit to the existing K/G and shall be prepared with the DGB20. The working area for the K/G shall cover at least 2.2 m measured from the back face of the kerb towards the centre of the road and shall be ready for sealing. Sealing will be done by Council at the client's cost .
Upgrade Existing Road	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Pedestrian Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

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

Is there any outstanding issues requiring attention? Yes ☐ No ☒

Comment: A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance prior to the commencement of work. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

Construction Assessment

Is a Construction Certificate Required? Yes ☐ No ☒

Is the Construction Certificate required for a subdivision? 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? Yes ☒ No ☐
☒ EP & A Act ☐ LEP ☐ CCP
 Was this application notified/advertised for public interest purposes only? Yes ☒ No ☐
 Dates Notification Undertaken Commenced 27.4.2020 Finished 11.5.2020
 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 approved subject to the following conditions:

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

1. All works are to comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning & Assessment Regulations 2000.

GENERAL CONDITIONS

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

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.
3. A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

CONDITIONS TO BE COMPLETED PRIOR TO SUBDIVISION COMMENCING

4. A Subdivision Certificate must be obtained, in accordance with cl.157 of the *Environmental Planning and Assessment Regulation 2000*, before work commences.
5. 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.

6. The existing concrete access to Lot 1 in Wee Waa street is to be replaced and upgraded. The existing slab is to be removed and replaced with a M25 concrete grade, with one layer of SL8 mesh and have a thickness of 100mm. This is to be at the developer's expense, with construction being to a standard approved by Council's Director of Engineering.
7. Kerb and guttering is to be constructed along the Dundas Street frontage at the developers cost. The new kerb and gutter is to be constructed to meet the profile of the existing kerb and gutter and shall be bitumen sealed from the edge of the bitumen to the kerb and guttering to a standard approved by Council's Director of Engineering. Full construction is required of the road edge from the back face of the kerb for a distance of a minimum of 2.2m towards the centre of Dundas Street.
8. Entry and exit signs are to be erected at the developer's expense within Lot 2 in a position clearly visible from the road.
9. A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance prior to the commencement of work. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

10. Approval to carry out work on the footpath must be obtained, in accordance with section 138 of the *Roads Act 1993*, before works commence.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

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

COUNCIL ADVICE ONLY

12. Covenant/s: The applicant / owner has the responsibility of being aware of any covenant which may affect the proposal.
13. 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.
14. 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: 12 June 2020

Signed:

Jessica McDonald, Director Environmental Services

Date: 12 June 2020



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Aboriginal Medical Centre

Client Service ID : 512168

Elizabeth Cumming

Date: 12 June 2020

7 Vernon Street

Inverell New South Wales 2360

Attention: Elizabeth Cumming

Email: newplanningservices@outlook.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1. DP:DP1256009 with a Buffer of 50 meters, conducted by Elizabeth Cumming on 12 June 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.

25 June 2020

The General Manager
Walgett Shire Council
77 Fox Street Walgett
New South Wales, Australia 2832
admin@walgett.nsw.gov.au

**WALGETT ABORIGINAL MEDICAL SERVICE
CORNER PITT AND WEE WAA STREET, WALGETT**

**SECTION 4.55 APPLICATION TO MODIFY CONSENT
DEVELOPMENT APPLICATION FOR SITE SUBDIVISION DA 2020/4
PLANNING REPORT**

Dear Sir/Madam,

This report is to accompany a Section 4.55 Application to modify a Development Application for site subdivision (DA 2020/4) under the Environmental Planning and Assessment Act 1979. It is a request to remove a condition from the Development Approval requiring the applicant to install kerb, guttering and pavement along a site boundary. The request to remove the condition is on the basis that this requires the diversion of funds from critical health services and that the provision of those health services is a greater priority for the community than the road works.

Request

Condition 7 of the Development Approval states that prior to subdivision commencing,

Kerb and guttering is to be constructed along the Dundas Street frontage at the developers cost. The new kerb and gutter is to be constructed to meet the profile of the existing kerb and gutter and shall be bitumen sealed from the edge of the bitumen to the kerb and guttering to a standard approved by Council's Director of Engineering. Full construction is required of the road edge from the back face of the kerb for a distance of a minimum of 2.2m towards the centre of Dundas Street.

Walgett Aboriginal Medical Service (WAMS) is seeking to have this condition amended to allow the work to be staged for completion over a five year period. The intention of WAMS is to submit a further request to amend the DA (a 4.55 application) at a later date to have this condition waived all together. The reason for requesting the staging at this time (and submitting the second request later) is to allow for the application to be processed more quickly as time is now critical on the completion of this project.

Background

The history of this project is that an initial Development Application was approved for the new shopfront development (DA 2019/007) that included the consolidation of three land titles as the buildings bridged the site boundaries. In retrospect, WAMS became aware that the consolidation of the properties would result in significant costs (approximately \$25,000) associated with the consolidation requiring a single electricity supply to the new land title.

The second Development Application was submitted in order to reinstate the separate titles, keeping the current clinic building and the new shopfront development on different titles and thus allowing the current electricity feed to the clinic building to remain untouched.

Condition 7 (quoted above) is imposing a financial burden on WAMS of approximately \$100,000 that WAMS would rather spend on service provision.

Basis for requesting that Condition 7 is waived

WAMS is a community-based Aboriginal medical service providing health services to the community and larger Shire population. This is an essential health service for the community and the diversion of funds towards kerb, guttering and road pavement is believed to be inappropriate.

The current road design has been unchanged since the development of the clinic building in 1989, without any negative impact on amenity.

The removal of this condition is therefore to the benefit of the community without any detriment.

Request for the expeditious decision making

The program for completion of the new building allows occupation in approximately three months. Constructive Dialogue and WAMS have been working with Council and relevant professionals to establish the new electricity feed for approximately one year (since the approval of the initial DA). As this has been a protracted process, we are now in a position whereby any delay will result in a delay in the new building being operational. Due to the proximity of Christmas, we recognise that any delay can shift the opening from October to February and thereby delay the provision of health service to the local and wider Aboriginal community. This is particularly relevant at the current time when everyone is acutely aware of the need for health services to be operational.

Image 1: Original Land Title (three separate tiles)

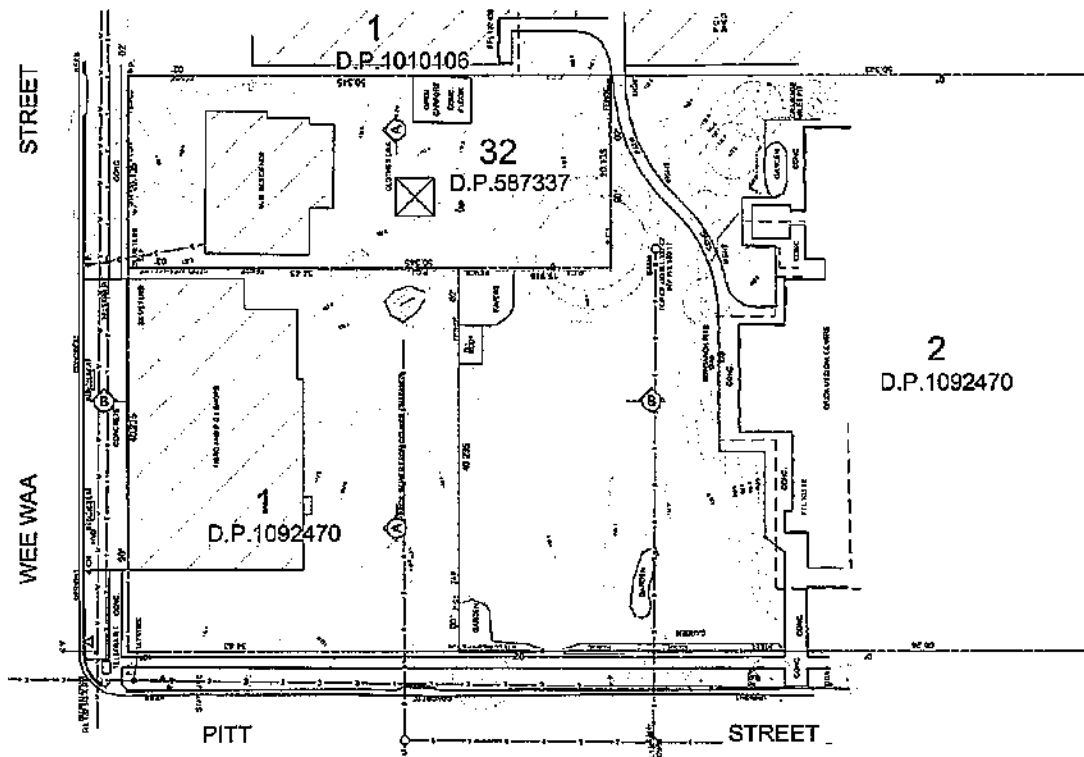


Image 2: Consolidated Land Title (following DA 2019/007)

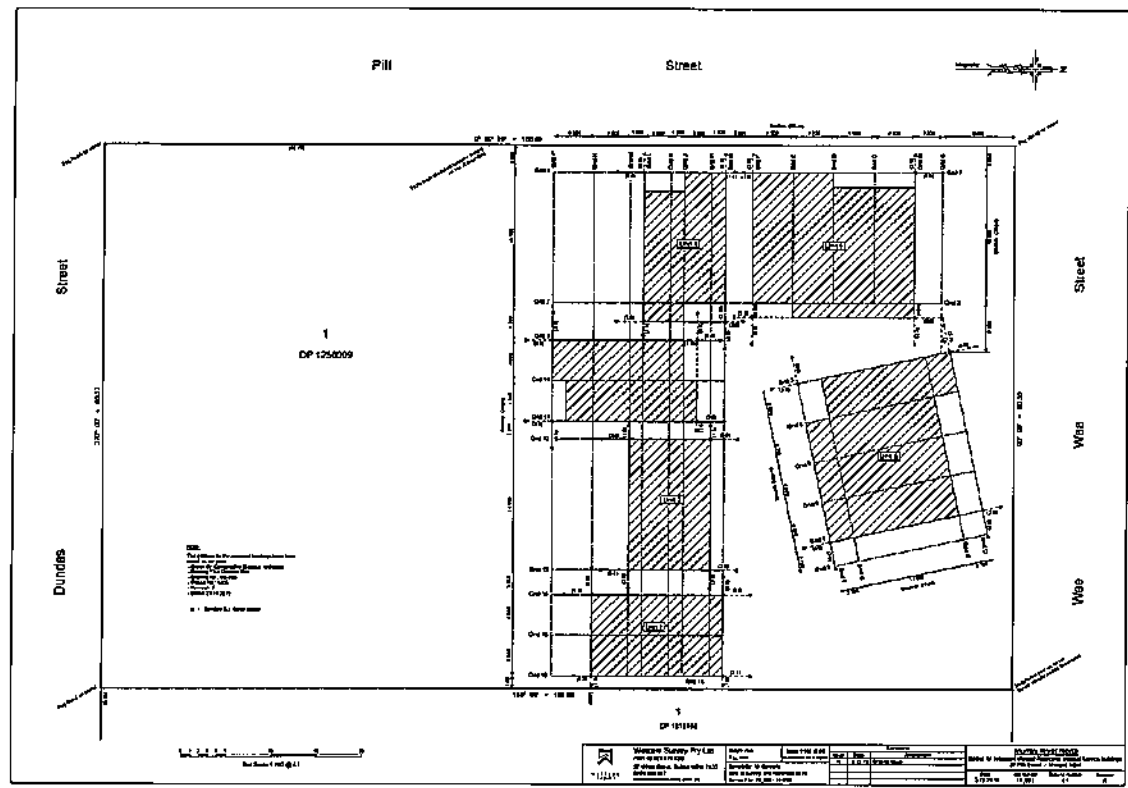
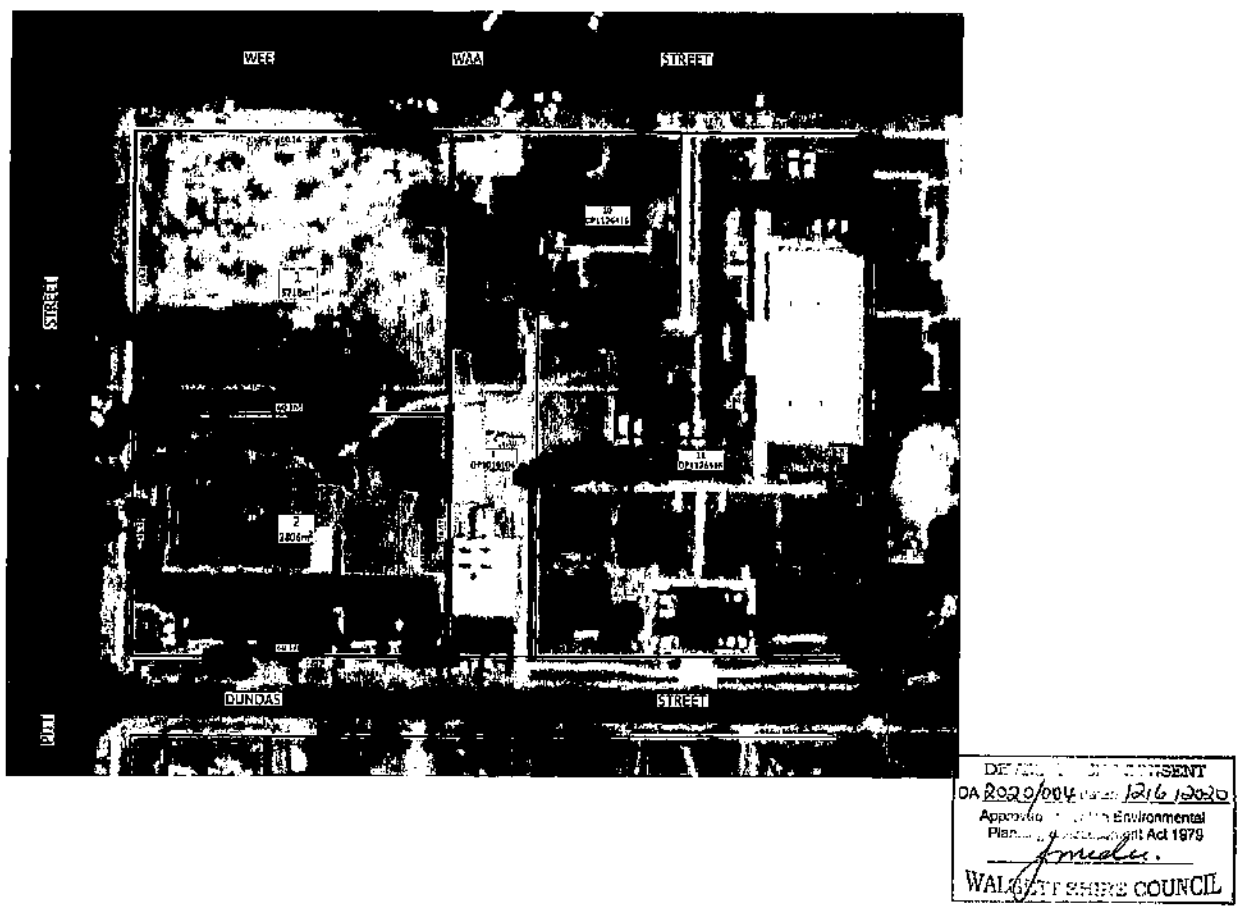


Image 3: Proposed Land Titles (Following DA 2020/4)



Please contact me or Jocelyn Fu if you require any further information on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nick Seemann", with a stylized flourish at the end.

Nick Seemann
Director