



**ATTACHMENT DOCUMENT  
FOR  
COUNCIL MEETING**

**PART B**

**Tuesday 23 February 2021**

## **AGENDA**

### *1. Development Application 2020/26 – Walgett Animal Pound*

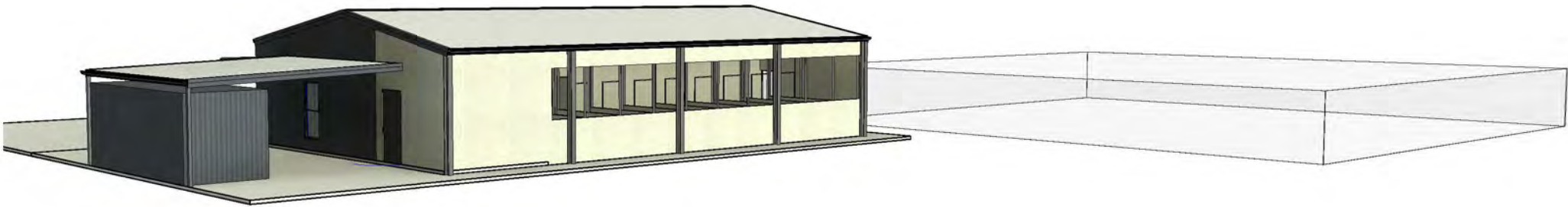
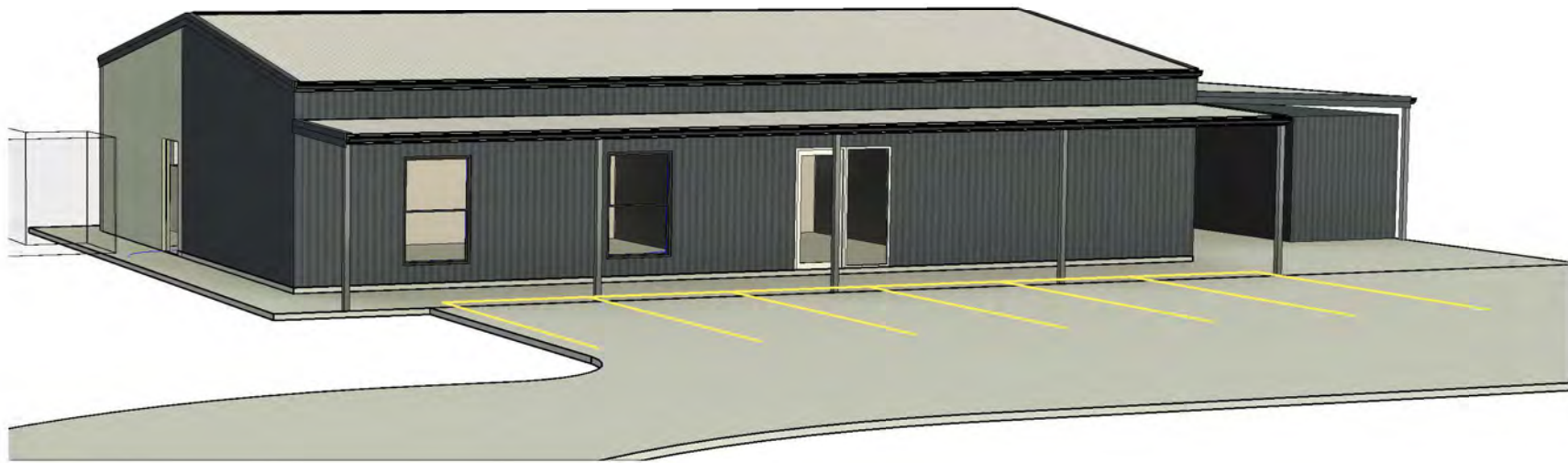
- a) Plans*
- b) Statement of Environmental Effects*
- c) Development Assessment*
- d) Aboriginal Heritage Inventory Search*

### *2. Development Application 2020/28 – Brewarrina Quarry*

- a) Statement of Environmental Effects*
- b) Development Assessment*
- c) Submission – Wedgetail Eagle Consulting*
- d) Submission – Johnny Bishop*
- e) Submission – Charles Carpenter*
- f) Submission – David Currey*
- g) Submission Response from Brewarrina Council*

### *3. Development Application 2021/1 - I Bowyer – Verandah*

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



WALGETT POUND

BATE STREET, WALGETT

proposed area of works  
bate street, walgett  
lot 7013, dp1030416



drawing schedule

A 00	COVER SHEET	REV B	DATED 07.12.2020
A 01	SITE PLAN	REV B	DATED 07.12.2020
A 02	PART SITE PLAN	REV B	DATED 07.12.2020
A 03	FLOOR PLAN	REV B	DATED 07.12.2020
A 04	ELEVATIONS	REV B	DATED 07.12.2020
A 05	SECTIONS	REV B	DATED 07.12.2020

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

- AS1668 – Mechanical ventilation & air conditioning in Buildings
- AS3000 – Electrical installations; buildings, structures & premises (known as the saa wiring rules)
- AS1428.1 – General requirements for access – buildings
- AS2890.6 – Off-street parking; mandatory requirements
- AS1680.0 – Interior lighting - safe movement

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

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

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

classification - BCA 'part A6'  
The building has been classified as a 'Class 9b' building - pre-school

rise in stories - BCA 'part C1.2'  
The building has a rise in stories of one.

effective height - BCA 'schedule 3 definitions'  
The building has an effective height of zero, ie less than 25.0m.

type of construction required - BCA 'part A6, part C1.1 - table C1.1'  
Class 9b building - Type 'C' construction. The building has been deemed 'conditioned' excluding the toilets & airlocks.

climate zone - BCA 'schedule 3 definitions'  
The building is located within climate zone 4.

As amended - B Harris 14/12/20



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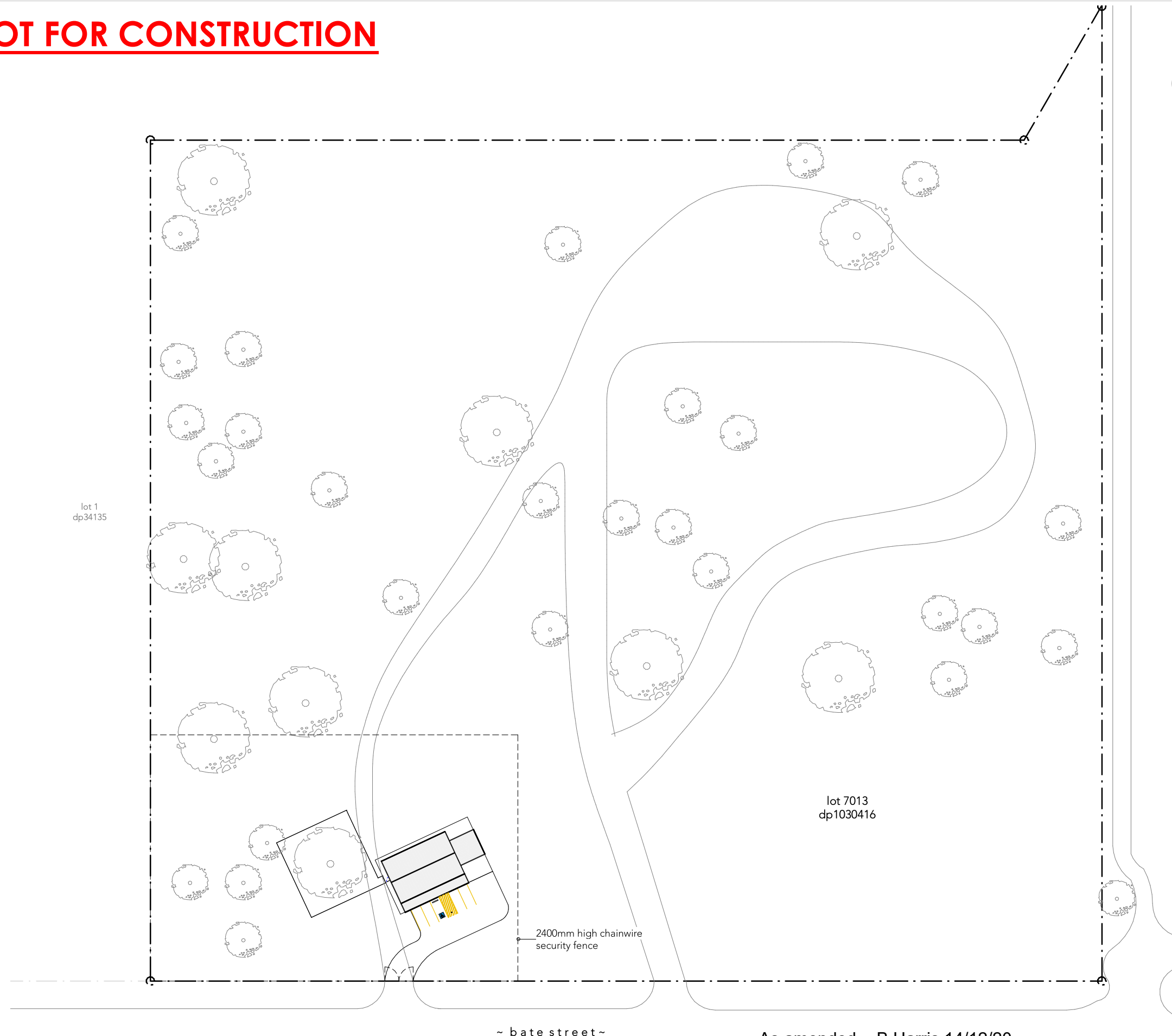
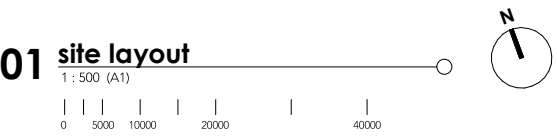
Client: WALGETT SHIRE COUNCIL  
Project: WALGETT POUND @ BATE STREET, WALGETT

Title: COVER SHEET  
Drawing Number  
**33355 - A00**

WALGETT POUND

ISSUE FOR DA, 07.12.2020

NOT FOR CONSTRUCTION



As amended - B Harris 14/12/20

ISSUE FOR DA



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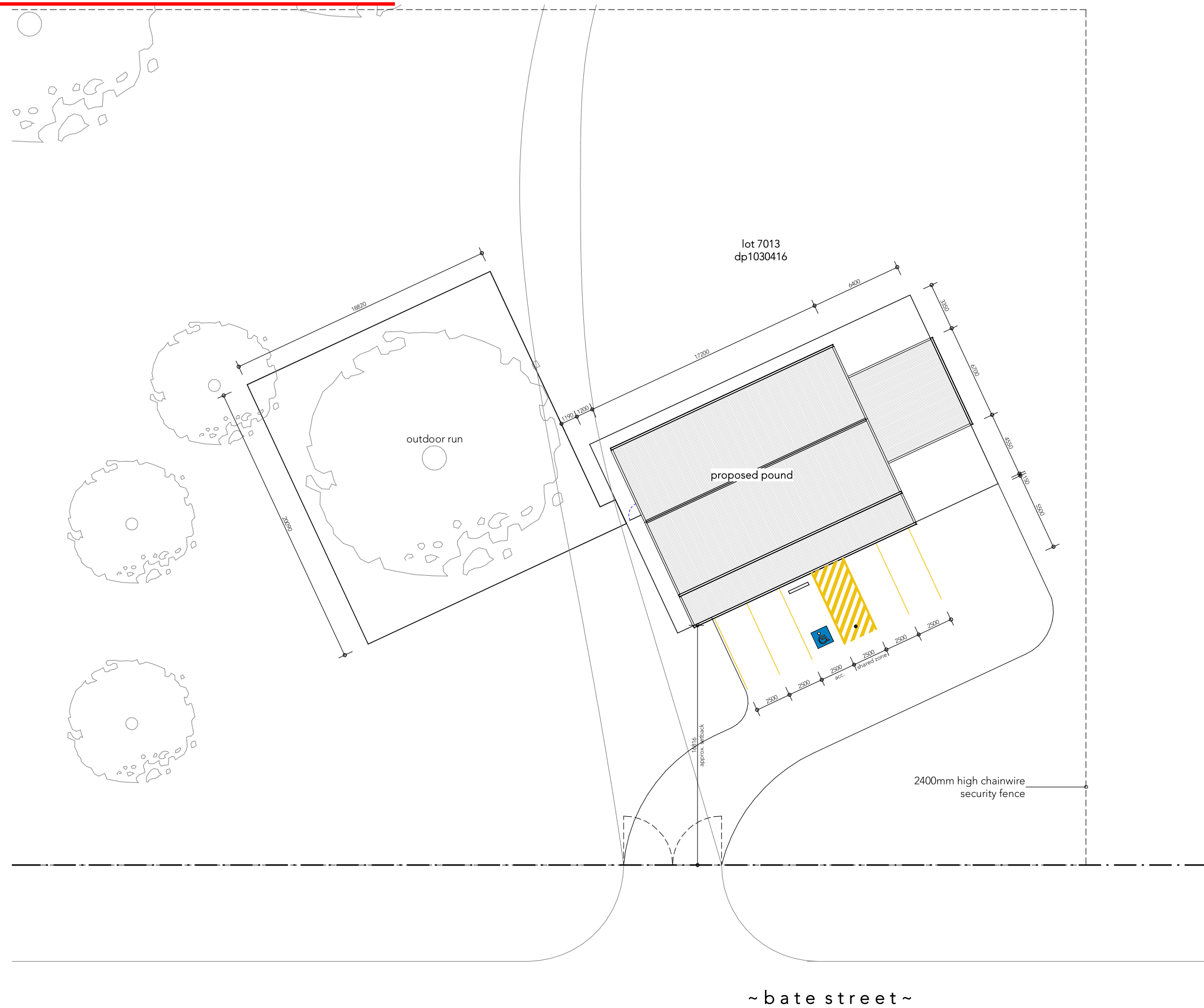
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH GENERAL BUILDING DRAWINGS, SPECIFICATIONS & OTHER CONSULTANTS DRAWINGS APPLICABLE TO THIS PROJECT. ALL DIMENSIONS IN MILLIMETRES. DO NOT SCALE. DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. REPORT DISCREPANCIES TO BARNSON PTY LTD. NO PART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

Client: WALGETT SHIRE COUNCIL  
Project: WALGETT POUND @ BATE STREET, WALGETT  
Drawing Title: SITE PLAN

Rev	Date	Amendment
A	23.11.2020	PRELIMINARY
B	07.12.2020	ISSUE FOR DA

Design Drawn Check  
Sheet 02 of 06  
Drawing Number  
33355- A01  
Revision  
4  
B

**NOT FOR CONSTRUCTION**



~ b a t e s t r e e t ~

As amended - B Harris 14/12/20

**ISSUE FOR DA**



**BARNSON PTY LTD**

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## Contact Us

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Client: **WALGETT SHIRE COUNCIL**

Project: WALGETT POUND @ BATE STREET, WALGETT

Drawing Title: **PART SITE PLAN**

Rev	Date	Amendment
B	07.12.2020	ISSUE FOR DA

Design          Drawn          Check

Sheet 03 of 06

Drawing Number

33355- A02

## 5 Revision

B



03 floor plan

1 : 75 (A1)

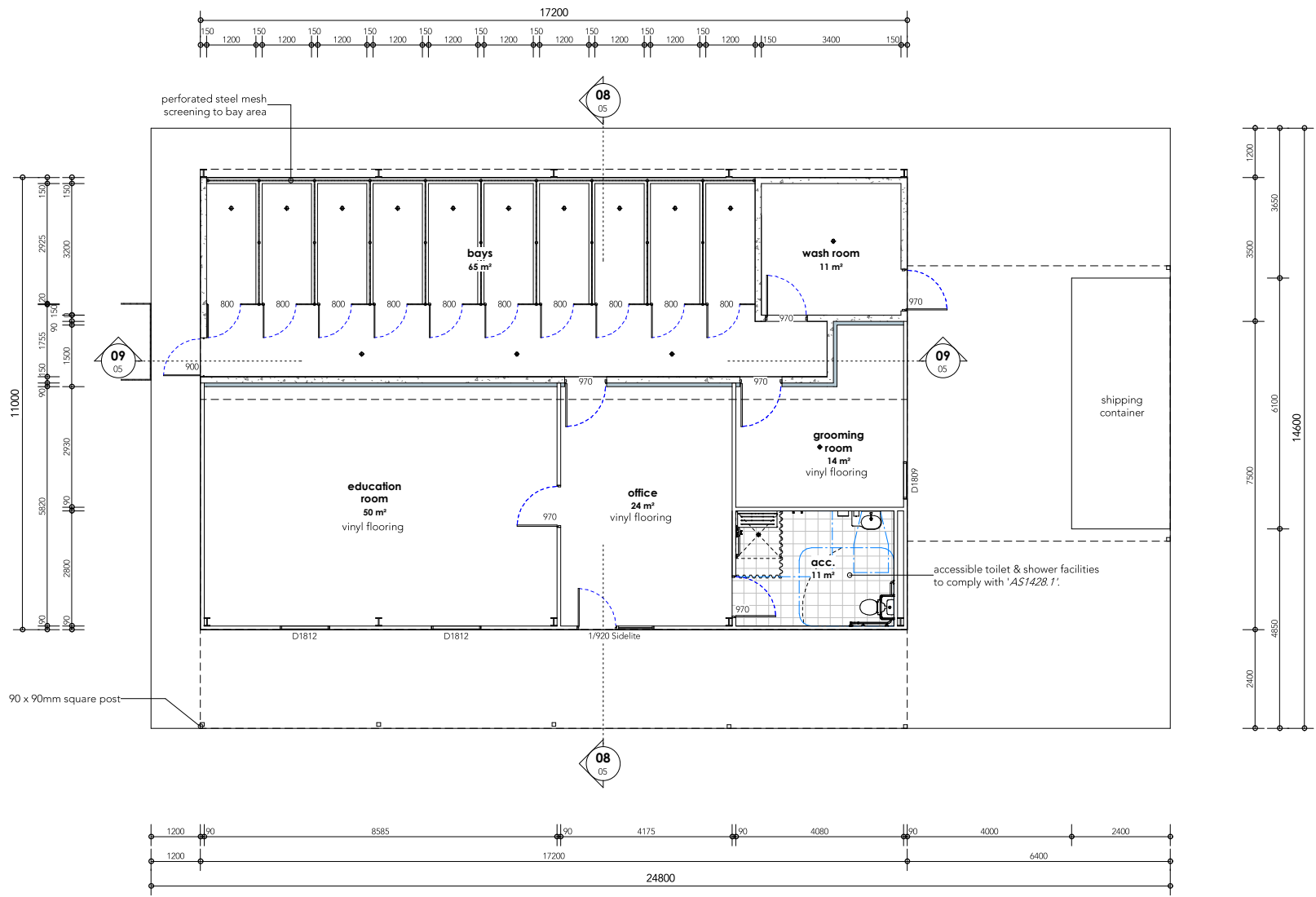


gross floor area

ground floor area

acc.	12.37 m <sup>2</sup>
wash room	12.50 m <sup>2</sup>
grooming room	15.86 m <sup>2</sup>
office	25.72 m <sup>2</sup>
education room	52.58 m <sup>2</sup>
bays	70.17 m <sup>2</sup>

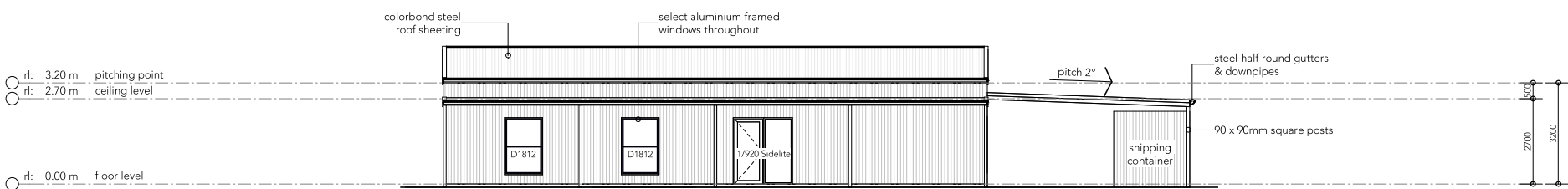
overall total 189.20 m<sup>2</sup>



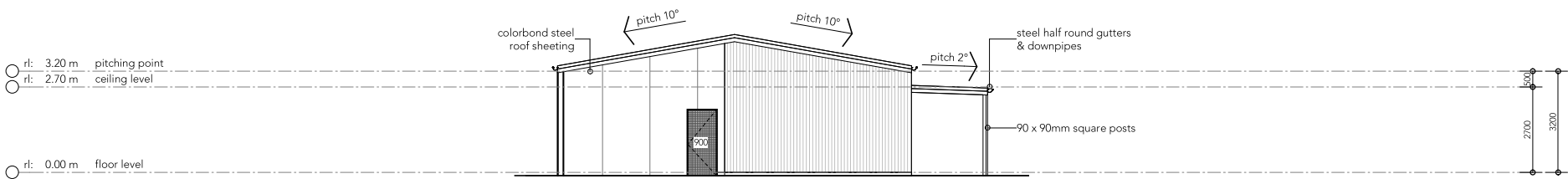
legend

As amended - B Harris 14/12/20

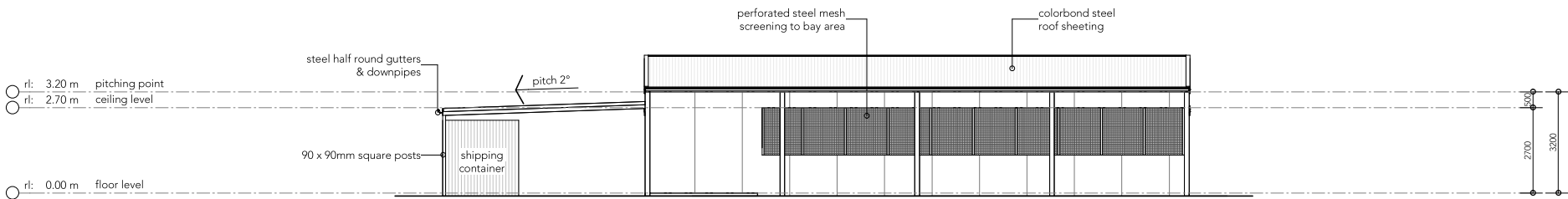
ISSUE FOR DA



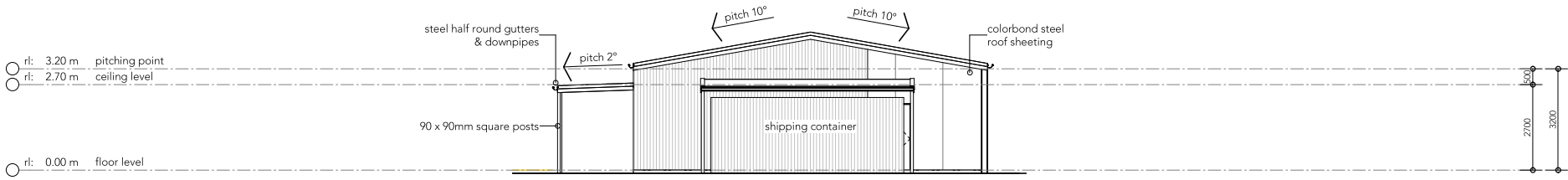
**04 elevation:** south facade  
1 : 100 (A1)



**05 elevation:** west facade  
1 : 100 (A1)



**06 elevation:** north facade  
1 : 100 (A1)

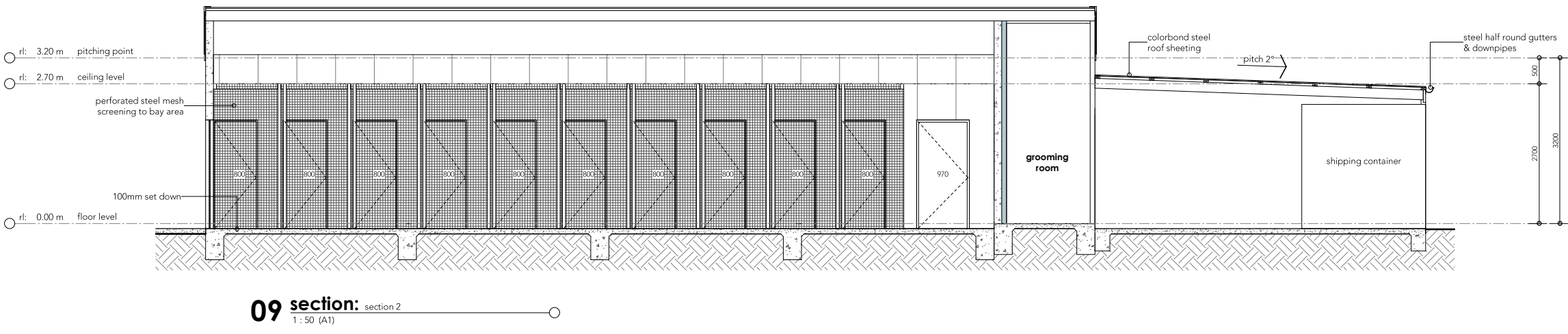
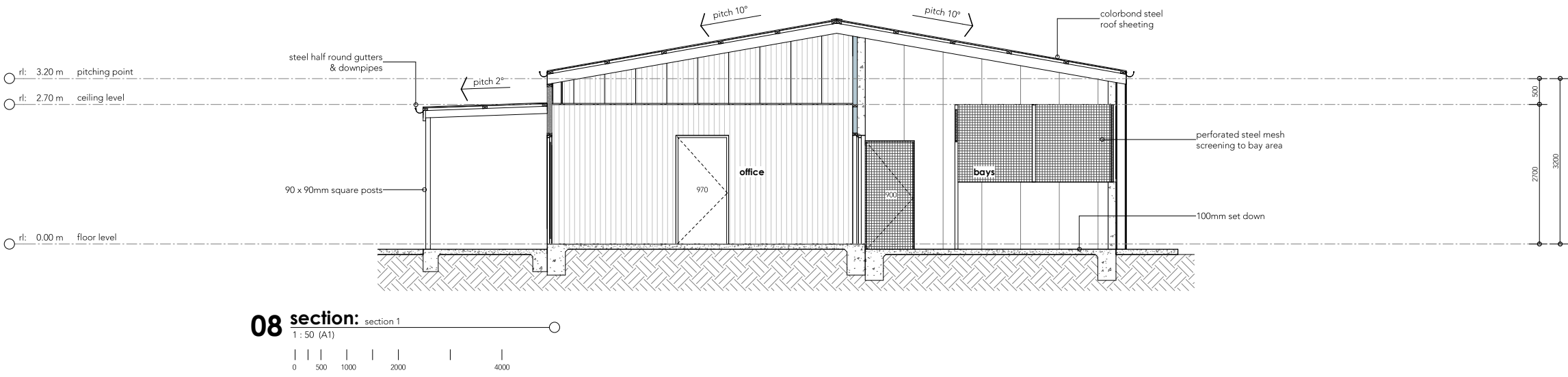


**07 elevation:** east facade  
1 : 100 (A1)

legend

As amended - B Harris 14/12/20

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As amended - B Harris 14/12/20

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# STATEMENT OF ENVIRONMENTAL EFFECTS

Location:	Bate Street, Walgett			
Development Description:	New Council animal pound including animal holding pens, education room, office & Amenities			
Title Details:	Lot 7013 DP1030416			
Crown Land:	<p>This reserve was dedicated for Public Purpose via gazette dated 3 Oct 1958 and for Road Works Depot via gazette dated 1970.</p> <p>Walgett Shire Council is the Crown Land Manager.</p> <p>As such, Council should manage the land as if it were public land in within the meaning of the LGA, and LOC (Land Owner's Consent) is not required.</p>			
Application Type	Local	<input checked="" type="checkbox"/>	Integrated	<input type="checkbox"/>
	Designated	<input type="checkbox"/>	State Significant	<input type="checkbox"/>
	Staged	<input type="checkbox"/>	Section 4.55 Amendment	<input type="checkbox"/>
Current Land Use:	Vacant			
Previous Land Use:	Storage of Construction Materials			

## Proposal

The proposal is to construct an animal pound. It will be steel framed, colorbond and concrete tilt panel in construction and the constructed shed will be 189.2m<sup>2</sup>. The pound itself will be within a fenced enclosure totalling 347.2m<sup>2</sup>. A shipping container will be placed in the compound at the rear of the building. It will be utilised for storage purposes.

The building will contain 10 animal pens, washroom, grooming room, office, accessible toilet and shower, and an education room.

There will be 6 carpark with 1 being an Accessible Park. Adjacent to the fenced compound will be a 393.4m<sup>2</sup> fenced outdoor run for dogs.

**Staging Detail:** Nil

## Walgett Local Environmental Plan 2013

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

<b>Zoning:</b>	RU1 Primary Production
<b>Development Definition:</b>	<b>animal boarding or training establishment</b> means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

## Walgett Development Control Plan 2016

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

Chapter	Clause	Compliance	Comment
4	4.11.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Closest residential zone is approximately 425m
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Closest dwelling is approximately 380m.
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Front setback is 10m
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Side Setback is 10m
	4.11.2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Will comply with the Industrial Noise Policy
		Yes <input type="checkbox"/> No <input type="checkbox"/>	The shed will be soundproofed for distressed animals with concrete panels.
	4.11.3	Yes <input type="checkbox"/> No <input type="checkbox"/>	Waste Management disposal at Walgett Landfill with weekly collection service.
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Stormwater will be disposed to a subdrain adjacent to the dog exercise area.
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Reticulated water & sewer is available. On the western side of the development.
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Concrete slab construction with effluent drains.
5	5.2.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	There is 6 car parking spaces onsite with 1 being accessible. This is considered to be adequate as there are no full time staff onsite.
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Landscaping is to include retention of existing native vegetation.
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Outdoor lighting to perimeter of building only downward facing on movement activation.
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A business identification sign will be erected.
	5.2.4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

### General Comment:

## Impact

*Section 4.15(1)(b) – EP & A Act*

	Impact	Comment
Social	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – it allows a safe convenient location to house stray animals as per the provisions of the Companion Animals Act.

Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – grant funded to benefit the community and will create work for local community members during construction.
Siting & Configuration	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – has great distance from sensitive receptors, but is close enough to be a convenient location for owners to collect and Council staff to access regularly.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – landscaping will soften the development, and the land will be utilised
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Waterbodies	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Minimal
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"/>	
Soil Erosion Control	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Cut & Fill	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Neighbour	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Heritage		
Section 4.15(1)(b) – EP & A Act		
	Impact	Comment
European	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Aboriginal	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Hazzard			
Section 4.15(1)(b) – EP & A Act			
	Impact	Comment	
Flooding	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>		
Bushfire	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Category1 <input type="checkbox"/> Category2 <input type="checkbox"/> Category 3 <input type="checkbox"/> Buffer <input type="checkbox"/> Planning for Bushfire Complies - Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/>	
Contaminated Land	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Contaminated Land Report Undertaken: Remediation Action Plan Required: Past Chemicals Stored Onsite:	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>

Infrastructure			
Section 4.15(1)(b) – EP & A Act			
	Impact	Comment	
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Connection to articulated supply required.	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Installation of 600mm compacted fill pad to 4m wide on perimeter of building.	
Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	To be upgraded to Council standard	
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Overshadowing	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 checked="" type="checkbox"/> No <input type="checkbox"/>	Number of Vehicle Movements:  There will be staff attendance as required and owners to collect animals as required.	Minimal
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"/>		

Miscellaneous		
	Impact	Comment
Signage	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Business identification signage only
Covenants	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Hours of Operation	Yes <input type="checkbox"/> No <input type="checkbox"/>	Office hours - 9am to 5pm and as required for operational purpose, 24 hours and 7 days per week.
Employee Number	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Public Interest	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Past Mining	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

## Site Suitability

*Section 4.15(1)(c) – EP & A Act*

This site is suitable for its proposed development because:

- Distance from sensitive receptors
- Convenient location to Walgett town
- Provides essential service to the Walgett Shire community
- Provides an establishment that will meet all required standards in animal management
- Existing facility does not meet community standards and is to be demolished.



# Development Assessment Report

<b>DA Number:</b>	DA2020/26	<b>Council:</b>	Walgett
<b>Location:</b>	Bates Street, Walgett		
<b>Development Description:</b>	Animal Pound		
<b>Title Details:</b>	Lot 7013 DP1030416 (Public Reserve)		

## Proposal Overview

The proposal is to construct an animal pound. It will be colorbond in construction and the constructed shed will be 189.2m2. The pound itself will be within a fenced enclosure totalling 347.2m2. A shipping container will be placed in the compound at the rear of the building. It will be utilised for storage purposes.

The building will contain 10 animal pens, washroom, grooming room, office, accessible toilet and shower, and an education room.

There will be 6 carparks with 1 being an Accessible Park. Adjacent to the fenced compound will be a 393.4m2 fenced outdoor run for dogs.

## Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This reserve was dedicated for Public Purpose via gazette dated 3 Oct 1958 and for Road Works Depot via gazette dated 1970.  Walgett Shire Council is the Crown Land Manager.  As such, Council should manage the land as if it were public land in within the meaning of the LGA, and LOC (Land Owner's Consent) is not required.
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a Designated Development Application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application for State Significant Development?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application submitted by/on behalf of a Public Authority?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a staged Development?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a section 4.55 amendment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

## Concurrence/Referral

*Section 4.13 – EP & A Act*

Does this application require concurrence referral?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this application require courtesy comment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this application require referral for decision by Council?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**Comment:** Council determination required as Council is the applicant.

## Local Environmental Plan

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

<b>This land is zoned:</b>	RU1 Primary Production
<b>Development as per Standard Definitions:</b>	<p>This development is considered to be an animal boarding establishment.</p> <p>The definition is:</p> <p><b><i>animal boarding or training establishment</i></b> means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial</p>

*purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.*

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

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This is permissible development.
6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A Soil & Erosions Control Plan has not been submitted, but it can be conditioned that one be submitted.
6.6 Essential Services	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	All essential services are available to this development. All connection requirements can be conditioned as required for the individual merits of this development.

Is there a draft LEP or draft LEP amendment which may affect this proposal? 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
4	4.11.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Closest residential zone is approximately 425m. Closest dwelling is approximately 380m. Front setback is 10m. Side Setback is 10m
	4.11.2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Will comply with the Industrial Noise Policy. The shed will be soundproofed for distressed animals with concrete panels.
	4.11.3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Waste Management disposal at Walgett Landfill with weekly collection service. Stormwater will be disposed to a subdrain adjacent to the dog exercise area. Reticulated water & sewer is available. On the western side of the development. Concrete slab construction with effluent drains. Concrete flooring will grade to a catchment drain that is integrated into the on-site wastewater management system.
5	5.2.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	There is 6 car parking spaces onsite with 1 being accessible. This is considered to be adequate as there are no full time staff onsite.
	5.2.2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Landscaping is to include retention of existing native vegetation.
	5.2.3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Outdoor lighting to perimeter of building only downward facing on movement activation.
	5.2.4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A business identification sign will be erected.

Has a variation to the DCP been requested? Yes ☐ No ☒

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
<b>SEPP 19 — Bushland in Urban Areas</b>	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>
<b>SEPP 21 – Caravan Parks</b>	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>
<b>SEPP 33 — Hazardous and Offensive Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides considerations for consent for hazardous &amp; offensive development.</i>
<b>SEPP 36 – Manufactured Homes Estates</b>	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>
<b>SEPP 44 — Koala Habitat Protection</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land across NSW that is greater than one (1) hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	This policy applies to this Local Government Area as it is listed in Schedule 1 of this SEPP and the property is more than 1 ha in area.  However as there is no identified koala habitat present onsite, nor is there potential habitat, a Koala Plan of Management is not required.
<b>SEPP 47 – Moore Park Showground</b>	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>
<b>SEPP 50 Canal Development</b>	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>
<b>SEPP 55 — Remediation of Land</b>	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>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	This SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works.  It is considered that there have been no prior contaminating land uses and the site is suitable for the proposed use.
<b>SEPP 64 — Advertising and Signage</b>	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>
<b>SEPP 65 — Design Quality of Residential Flat Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to</i>

		<i>provide independent expert advice to councils on the merit of residential flat development.</i>
<b>SEPP 70 – Affordable Housing (Revised Schemes)</b>	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>
<b>Aboriginal Land 2019</b>	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>
<b>Affordable Rental Housing 2009</b>	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>
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
<b>Coastal Management 2018</b>	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>
<b>Concurrences 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
<b>Educational Establishments and Child Care Facilities 2017</b>	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>
<b>Exempt and Complying Development Codes 2008</b>	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>
<b>Gosford City Centre 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>
<b>Housing for Seniors or People with a Disability 2004</b>	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>
<b>Infrastructure 2007</b>	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>
<b>Kosciuszko National Park – Alpine Resorts 2007</b>	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>
<b>Kurnell Peninsula 1989</b>	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>

<b>Mining, Petroleum Production &amp; Extractive Industries 2007</b>	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>
<b>Miscellaneous Consent Provisions 2007</b>	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>
<b>Penrith Lakes Scheme 1989</b>	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>
<b>Primary Production and Rural Development 2019</b>	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>
<b>State and Regional Development 2011</b>	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>
<b>State Significant Precincts 2005</b>	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>
<b>Sydney Drinking Water Catchment 2011</b>	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>
<b>Sydney Region Growth Centres 2006</b>	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>
<b>Three Ports 2013</b>	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>
<b>Urban Renewal 2010</b>	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>
<b>Vegetation in Non-Rural Areas 2017</b>	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>
<b>Western Sydney Employment Area 2009</b>	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>
<b>Western Sydney Parklands 2009</b>	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>



<b>List all relevant Draft SEPPs</b>		
<b>SEPP</b>	<b>Compliance</b>	<b>Comment</b>
<b>SEPP 55 — Remediation of Land</b>	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>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
<b>SEPP - Environment</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:</i></p> <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i></li> <li><i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i></li> <li><i>State Environmental Planning Policy No. 50 – Canal Estate Development</i></li> <li><i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i></li> <li><i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i></li> <li><i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i></li> <li><i>Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i></li> </ul>
<b>SEPP – Housing Diversity</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i><b>This SEPP aims to facilitate the delivery of diverse and affordable housing to meet the needs of the State's growing population and support the development of a build-to-rent sector. It introduces new definitions for build-to-rent housing, student housing and co-living;</b></i></p> <ul style="list-style-type: none"> <li><i>amends some state-level planning provisions, particularly for boarding house and seniors housing development;</i></li> <li><i>amends some state-level planning provisions to support social housing developments undertaken by the NSW Land and Housing Corporation (LAHC) on government-owned land; and</i></li> <li><i>consolidates three housing-related SEPPs</i> <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i></li> <li><i>State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</i></li> <li><i>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes).</i></li> </ul> </li> </ul>
<b>SEPP (State &amp; Regional Development)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>The proposed changes will:</i></p> <p><i>Remove the \$30 million capital investment value criteria for upgrades of water treatment facilities associated with an existing facility.</i></p> <ul style="list-style-type: none"> <li><i>Fast-track the approval process so drought related water treatment facility upgrades can be delivered quicker.</i></li> </ul>

		<ul style="list-style-type: none"> <li>Allow Sydney Water to respond to future drought conditions.</li> </ul> <p>The proposed changes will allow facilities unlikely to have a significant environmental impact on the environment to be assessed by water supply public authorities, instead of a longer State Significant Infrastructure assessment process.</p> <p>Any new water treatment facilities will still be assessed as State Significant infrastructure. The proposed changes won't apply to desalination plants, new water treatment facilities or water storage facilities.</p>
<b>SEPP (Infrastructure)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p>This amendment aims to clarify and streamline the planning assessment for the extension and maintenance of the Wild Dog Fence.</p> <p>The proposed amendment includes:</p> <ul style="list-style-type: none"> <li><b>Extension:</b> amend Clause 132 to allow an extension of the fence to be considered as State Significant Infrastructure (subject to a detailed assessment) replacing the need to seek multiple government approvals for different parts of the fence.</li> <li><b>Maintenance:</b> include provisions under Clause 132 that permit routine maintenance of the fence to be carried out as exempt development.</li> </ul>

## Planning Agreement

Section 4.15(1)(a)(iia) – EP & A Act

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

Yes ☐ No ☒

## Local Strategic Planning Statement

Walgett Community Strategic Plan Alignment		Applicable
C 1.1	Develop a connected, informed, resilient and inviting community.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
C 1.2	A safe, active and healthy Shire.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
C 1.3	A diverse and creative culture.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.1	An attractive environment for business, tourism and industry.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.2	Employment opportunities that supports local industries.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.3	An efficient network of arterial roads and supporting infrastructure; town streets and footpaths that are adequate and maintained.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.4	Communities that are well serviced with essential infrastructure.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
SL 4.1	Operate an urban waste management system that meets the community needs and environmental standards.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.2	Provide potable and raw water supply systems that ensures enhanced water security and meets health standards.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.3	A sustainable environment that recognises our rivers, natural environment, ecological systems and biodiversity.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.4	Maintain a healthy balance between development and the environment.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.1	Provide and maintain an effective road network that meets the community needs and expectations.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.2	A Regional and State Road network that is appropriately supported and resourced by Government.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.3	Maintain and improve Council's property assets to an optimal level.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

I 5.4 Provision of facilities and communication services.

Yes ☒ No ☐

Planning Priority		Applicable
PP1.	Promote development that contributes to the unique character of the towns and villages within Walgett Shire and meets the needs of a changing population.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP2.	Protect and respect Aboriginal Communities through promoting management and ownership of land of which they have a traditional association, or which can assist with their social, cultural and economic development.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP3.	Support sustainable economic development including agriculture and new industries based on the Shire's built and natural assets and locational advantages.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP4.	Promote preferred locations for industrial growth and development.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP5.	Engage Aboriginal and Torres Strait Islander People in employment or education, with an emphasis on workforce participation and opportunities.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP6.	Promote tourism as a significant component of the Shire's economy.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP7.	Encourage sustainable management of the Shire's natural assets and environmental features.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP8.	Protect and enhance the natural environment and improve biodiversity.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP9.	Protect items, places, and areas of natural and cultural heritage.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP10.	Ensure that future urban development is supported by adequate infrastructure and access to a range of social and community facilities sufficient to support the future population base of the community.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Far West Regional Plan Alignment		Applicable
Direction 1 - Grow the agribusiness sector, value-added manufacturing opportunities and supply chains.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 2 - Protect productive agricultural land and plan for greater land use compatibility.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 3 - Sustainably manage mineral resources.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 4 - Diversity energy supply through renewable energy generation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 5 - Promote tourism opportunities.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 6 - Unlock economic potential through improved freight transport infrastructure.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 7 - Improve regional air connections.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 8 - Sustainably manage water resources for economic opportunities		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 9 - Sustainably manage water resources for economic opportunities.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 10 - Enhance the economic self-determination of Aboriginal communities.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 11 - Support new planning and land management arrangements.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 12 - Enhance the productivity of employment lands.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 13 - Protect and manage environmental assets.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 14 - Manage and conserve water resources for the environment.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 15 - Manage land uses along key river corridors.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 16 - Increase resilience to climate change.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 17 - Manage natural hazard risks.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 18 - Respect and protect Aboriginal cultural heritage assets.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 19 - Conserve and adaptively re-use European heritage assets.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 20 - Manage change in settlements.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

- Direction 21 - Strengthen communities of interest and cross-regional relationships. Yes ☐ No ☒
- Direction 22 - Collaborate and partner with Aboriginal communities. Yes ☐ No ☒
- Direction 23 - Improve access to local health services, aged care and senior' housing. Yes ☐ No ☒
- Direction 24 - Enhance access to education and training. Yes ☐ No ☒
- Direction 27 - Provide greater housing choice. Yes ☐ No ☒
- Direction 28 - Deliver greater housing choice. Yes ☐ No ☒
- Direction 29 - Manage rural residential development. Yes ☐ No ☒
- Direction 30 - Create healthy built environments. Yes ☐ No ☒

### Supporting Planning Assessment

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

### Subdivision

Is this application for subdivision? Yes ☐ No ☒

### Environmental Impacts

*Section 4.15(1)(b) – EP & A Act*

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – it allows a safe convenient location to house stray animals as per the provisions of the Companion Animals Act.
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – grant funded to benefit the community and will create work for local community members during construction.
Siting & Configuration	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – has great distance from sensitive receptors, but is close enough to be a convenient location for owners to collect and Council staff to access regularly.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Positive – landscaping will soften the development, and the land will be utilised.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Will be minimal. Will comply with the Industrial Noise Policy. The shed will be soundproofed for distressed animals with concrete panels.
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 out 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 ☒

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 ☐

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reticulated water & sewer is available. On the western side of the development.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	



Drainage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Stormwater will be disposed to a subdrain adjacent to the dog exercise area.
Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Access is existing with the carpark and direct access within the site being constructed by Council to a bitumen seal standard.
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Upgrade Existing Road	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Pedestrian Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

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

### Construction Assessment

Is a Construction Certificate Required? Yes ☒ No ☐

Is the Construction Certificate required for a subdivision? Yes ☐ No ☒

Was a construction certificate submitted with this application? Yes ☐ No ☒

Has a construction assessment been completed? Yes ☐ No ☒

Is an annual Fire Safety Measures certification required? Yes ☐ No ☒

Is a public defects liability agreement required? Yes ☐ No ☒

### Section 68 Assessment

Is a section 68 assessment required? Yes ☒ No ☐

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

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

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

Does this system require connection to a Council maintained system? Yes ☒ No ☐

### Developer Contributions

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

### Signage

Does this proposal require signage? Yes ☒ No ☐

Has this application included signage? Yes ☐ No ☒

Should a restriction be placed on the amount/type of signage? Yes ☐ No ☒

Will the signage require referral to the TfNSW or Local/Regional Traffic Committee? Yes ☐ No ☒

**Comment:** Business Identification Only

### 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 ☒ CPP Yes ☒ No ☐

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

Dates Notification Undertaken Commenced 15/12/2020 Finished 18/1/2021

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.

4. Parking facilities, including one disabled car park, are to comply with Part D3.5 of Building Code of Australia and the requirements of Australian Standard 2890.1 – Parking Facilities – Off-street Car Parking and Australian Standard 2890.6 – Off Street Parking for People with Disabilities.
5. Carpark lighting is to comply with the requirements of AS 2890.1 2004. (Parking Facilities – Part 1: Off-street car parking).
6. A screened and secure garbage storage area is to be provided to site.

#### **CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING**

7. A Construction Certificate must be obtained, in accordance with cl.146 of the Environmental Planning and Assessment Regulation 2000, before work commences.
8. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.  
Should Council be appointed the Principal Certifying Authority, the applicant must give at least 2 days' notice to enable inspections to be undertaken.
9. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run-off around cleared or disturbed areas,
  - erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - prevent tracking of sediment by vehicles onto roads,
  - stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

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

10. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenience. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.
11. Approval to carry out water, sewer and stormwater work must be obtained, in accordance with section 68 of the *Local Government Act 1993*, before works commence.

## CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

12. The owner of the property is to ensure that any building is constructed:
  - (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;
  - (c) so that it does not interfere with any easements or covenants upon the land.
13. Any building work must be carried out between 7.00am and 5.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
14. A garbage receptacle must be provided at the work site before works begin and must be maintained until works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
15. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site (and must not be burned on site) and then disposed of at a waste management facility, to protect the amenity of the area and avoid the potential of air pollution.
16. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
17. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
18. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
19. Any earthworks (including any structural support or other related structure for the purposes of the development):
  - a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
  - d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.
20. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Environment, Climate Change & Water and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

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

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

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

22. At the completion of the works, the work site must be left clear of waste and debris.
23. The existing landscaping is to be expanded upon where possible, with drought tolerant and frost hardy species. The location and type is to be to the satisfaction of the Principal Certifying Authority.

24. The access and carpark area is to be constructed to a standard approved by the Director of Engineering. This is to include drainage works, and a full bitumen seal, with line marking for carparks and traffic directional signage

#### CONDITIONS RELATING TO ONGOING OPERATIONS

25. 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

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

#### Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.



## Conclusion

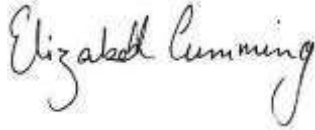
I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

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

Additional Notes Attached

Yes ☒ No ☐

- Aboriginal Heritage Information Management Search



Signed: .....

Elizabeth Cumming, Consultant Planner

Date: 15 February 2021



Signed: .....

Bob Harris, Acting Director Environmental Services

Date: 15 February 2021

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

Date: 15 February 2021

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 7013, DP:DP1030416 with a Buffer of 50 meters, conducted by Elizabeth Cumming on 15 February 2021.**

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



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

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

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

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

**Important information about your AHIMS search**


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



## DEVELOPMENT APPLICATION

BARNEYS RIDGE QUARRY  
BREWARRINA SHIRE COUNCIL

## AMENDMENT, DISTRIBUTION and APPROVAL

ISSUE	AUTHOR	REVIEWER	APPROVED FOR ISSUE		
			NAME	SIGNATURE	DATE
1	Kimberley Morgan	Michael Shellshear	Michael Shellshear		25/11/2020

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## 1 PROJECT DESCRIPTION

This Development Application has been commissioned by our client Brewarrina Shire Council (Council) to draft a Development Application for the Barneys Ridge Quarry.

### 1.1 Project Name

Barneys Ridge Quarry Development

### 1.2 Project Location

Council is proposing to construct a new quarry on the property known as "Wando" located at 3670 Wilby Wilby Road, Cumborah, described as Lot 523 DP761510 on Crown Land held under Western Land Lease 2486 for the purposes of "pastoral".

The location is approximately 5km to the East of the Narran River Bridge and 23km East of the Brewarrina – Goodooga Rd. The extents of the development are outlined in Table 1-1 and Figure 1-1.

The proposed site is at least 700 metres north west of the recently approved DA2020/19 Barneys Ridge Quarry by Charles Carpenter.

The quarry is proposed to extract up to 29,000 cubic metre of extractive material per year.

**Table 1-1 GPS Coordinates of Proposed Site 1**

Point	Latitude	Longitude
1	-29.4702	147.5813
2	-29.4709	147.5809
3	-29.4713	147.5822
4	-29.4710	147.5831
5	-29.4706	147.5832



**Figure 1-1 Location of proposed development**

### 1.3 Activity Details

The extraction of quarry material can be deconstructed into the following list of the activities:

- Clearing of surface vegetation
- Stripping of topsoil and overburden material to be stockpiled
- Pushing and crushing of underlying material
- Stockpiling of crushed material
- Benching pit as per NSW Resource Regulator requirements
- Erosion and sedimentation control for the duration of the works

- Carrying out all works in accordance with regulatory licenses
- Formation grading of access roads

The works include the provision of all necessary labour, equipment, plant, tools, materials, freight, cartage and handling required to complete the works described above.

The quarry will be excavated to a depth of 4-6 metres.

### 1.4 Activity Operation

The hours of operation of the quarry site are listed below:

7:00am to 5:00pm Mondays to Fridays

8:00am to 5:00pm Saturdays

No work shall be undertaken on Sundays or Public Holidays.

It is anticipated that the quarry will be in operation for 18 months.

### 1.5 Reason for Activity

Regional Road 70 Brewarrina - Goodooga Road has been identified as a strategic freight route in the far west of NSW. This corridor is currently being upgraded from an unsealed road to an all-weather access, sealed, two lane highway. The expected outcomes of the road upgrade are improvements in road safety, transport productivity, efficiency, and reliability of travel. To complete the works, suitable material is required from a central location to the project.

The propose of the proposed quarry site is to extract material for use in the construction of the pavement layer of the upgrade of the Brewarrina - Goodooga Road. The material located in Barneys Ridge quarries are central to the project and have been tested, yielding results representative of positive road building characteristics.

### 1.6 Preliminary Cost Estimate

Confidential

### 1.7 Proponent Details

Brewarrina Shire Council  
PO Box 125  
Brewarrina NSW 2839

## 2 DESCRIPTION OF SITE

### 2.1 Property Details

The proposed Barneys Ridge Quarry is located at 3670 Wilby Wilby Road, Cumborah, on Crown Land held under Western Land Lease 2486 for the purposes of "pastoral", as part of the property known as "Wando" described as Lot 523 DP761510.

The proposed quarry site is the principal quarry site to be used during the Regional Road 70 Brewarrina – Goodooga Road upgrade, 23 kilometres to the west by the Brewarrina Shire Council. The land parcel is a polygon shape centrally located in an agricultural area. Access to the proposed quarry will be from Wilby Wilby Road on an access road to be upgraded once approval is received.

Generally unsupervised the quarry will be used for the extraction of quarry material for the Brewarrina – Goodooga Road upgrade.

The quarry site is located north west of an existing and operating quarry but predominately in a rural area surrounded by farmland. The closest sensitive receptor is a rural residential house located approximately 3.5 km to the northwest. An active quarry lies approximately 700m to the south of the two proposed quarries.

Construction of the quarry will consist of the removal of the surface vegetation (regrowth) and overburden. The overburden will be stockpiled to be used in rehabilitation operational works. There is no planned infrastructure onsite, only the required equipment for the use in the operation and maintenance of the quarry.

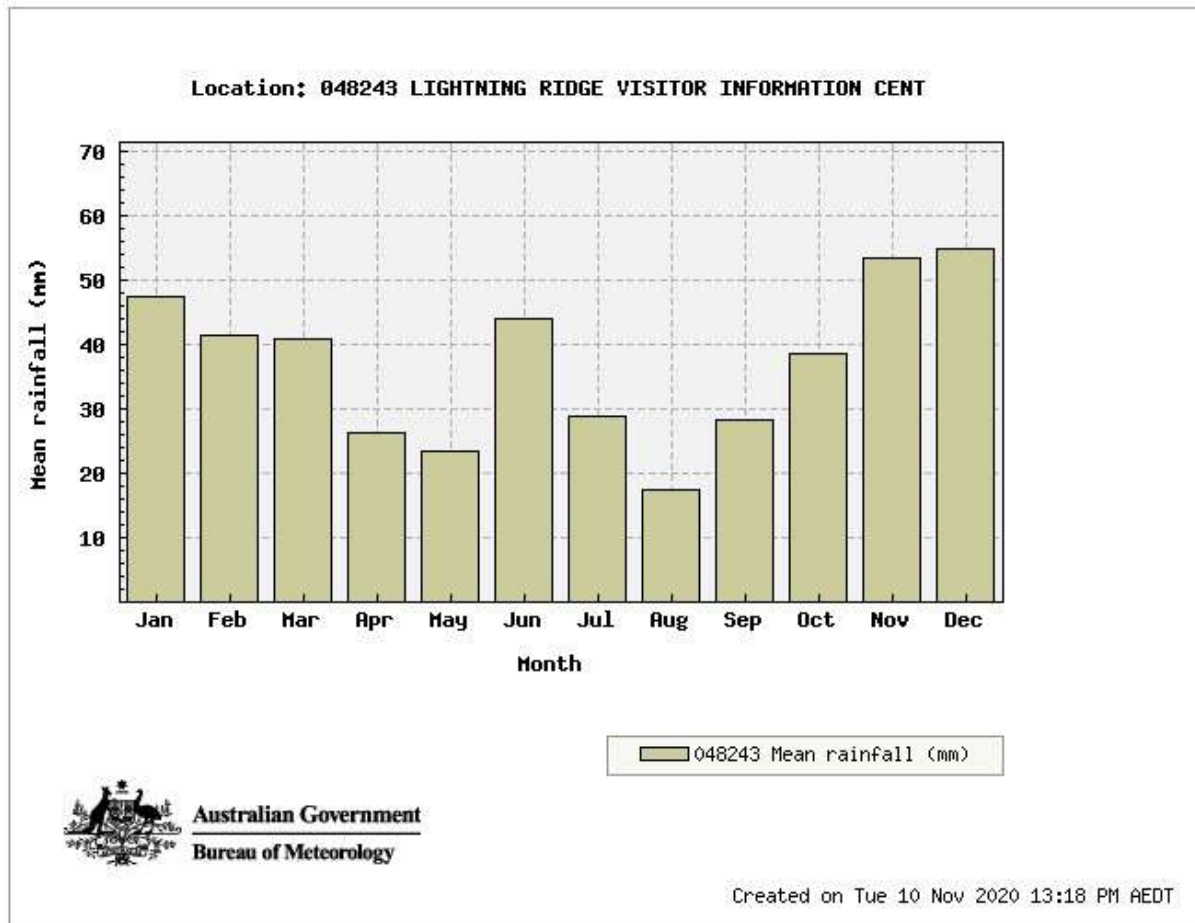
### 2.2 Climate Data

The nearest climatic data collection location to the Barneys Ridge Quarry is the Lightning Ridge Visitor Information Centre which is located approximately 38km away. The Australian Bureau of Meteorology collects climatic data for the area and the details are presented below in Table 2-1. Considering the distance between the climate data station and the proposed quarry, the meteorological data collected at the Lightning Ridge Visitor Information Centre should reasonably be considered as representative of that at the quarry.

**Table 2-1 Site Details for the BoM climate data station**

Site Name	Lightning Ridge Visitor Information Centre
Site Number	048243
Commenced	1997
Latitude:	29.43 °S
Longitude:	147.97 °E
Elevation	154 m
Operational Status	Open

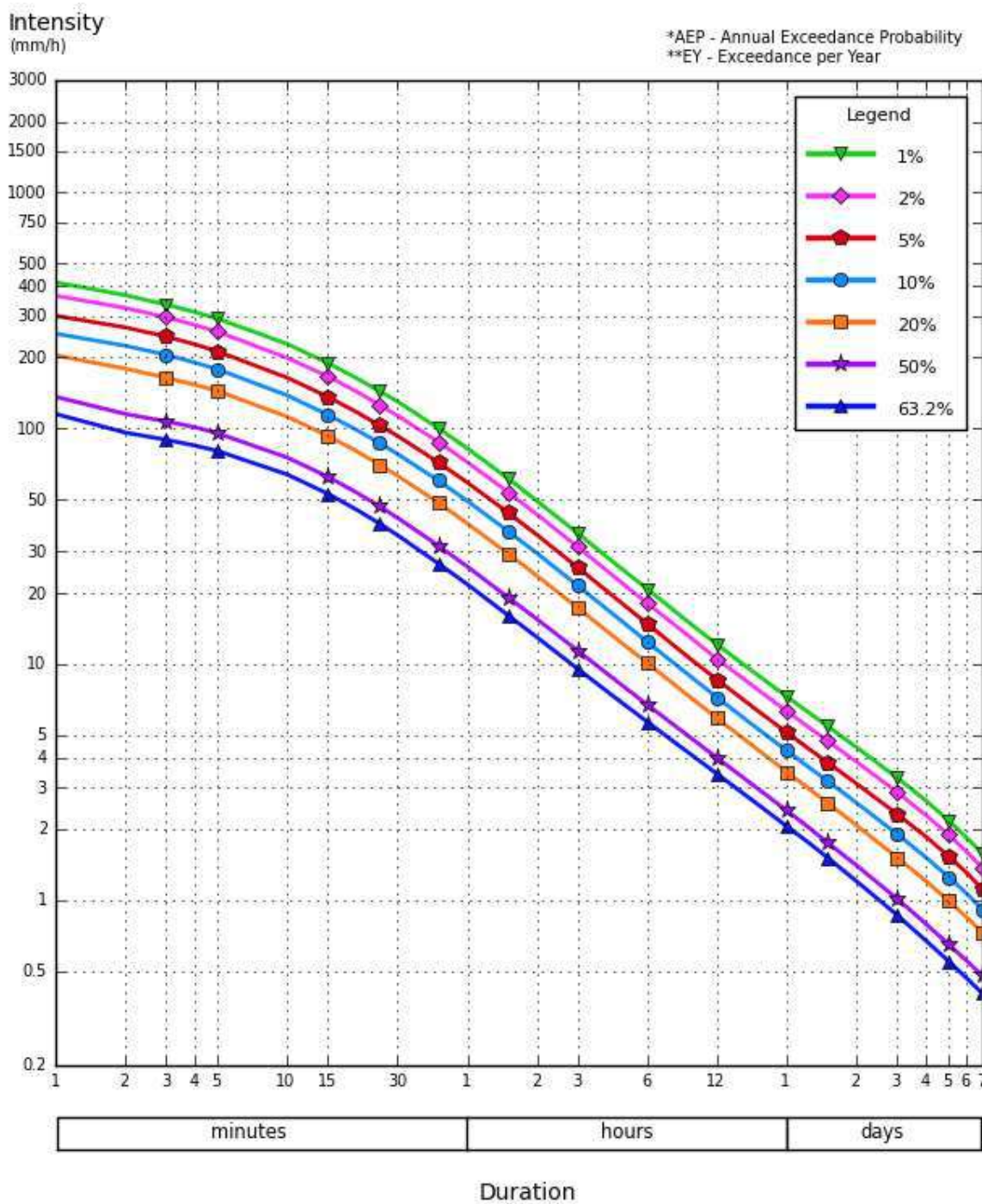
Of most relevance in the relation to this site is the rainfall data for this location. Mean rainfall for the years 1997-2020 is presented in Figure 2-1.



**Figure 2-1 Mean rainfall**

Annual exceedance probability (AEP) and exceedance per year (EY) are represented graphically in Figure 2-2.





©Copyright Commonwealth of Australia 2016, Bureau of Meteorology (ABN 92 637 533 532)

**Figure 2-2 Intensity Frequency Duration Design Rainfall Depth**



### **3 STATUTORY APPROVALS**

Extractive activities including quarries are regulated under several New South Wales statutes. For the proposed development of the Barneys Ridge Quarry the key approvals that are to be obtained are listed below. All approvals are being obtained concurrently through separate applications to the respective administering authorities.

#### **3.1 Environmental Planning and Assessment Act 1979**

Development Consent is required from the relevant local government to allow the construction and operation of an extractive industry. Planning instruments used in the assessment of the application include; Environmental Planning and Assessment Act 1979, Regulation and Policies and the Walgett Local Environmental Plan 2013.

#### **3.2 Crown Land Management Act 2016**

As the proposed quarry is located on Crown Land an extractive industry licence is required for the quarry's construction and operation. An application is required to be made to the administering authority the NSW Government, Department of Planning, Industry and Environment.

### **4 DEVELOPMENT APPROVAL ASSESSMENT**

#### **4.1 Owners Consent**

Please see APPENDIX A – Owner's Consent for a copy of the owner's consent.

#### **4.2 Site Plan of the Land**

Please see APPENDIX B – Site Plan of the Land for the Site Plan of the Land.

#### **4.3 Sketch of the Development**

Please see

APPENDIX C – Sketch of the Development for the sketch of the development.

#### **4.4 Statement of Environmental Effects**

A Statement of Environmental Effects (SEE) has been developed for the identification of the environmental impacts due to the proposed development. As the environmental impacts are identified the source of the data and application is advised. If there is any potential to adversely impact the environment mitigation methods are noted and abidance by permit conditions referred to.

##### **4.4.1 The development sites**

The site is known as Wando, Crown Land Western Lands Lease 2486 for the purpose of 'pastoral' use is addressed as 3670 Wilby Wilby Road, Cumborah and described as Lot 523 DP 761510.

The land has previously been used for the pastoral lease purposes and extractive industries.

The land is proposed to be used as an extractive industry, namely a quarry for the purpose of extracting rock for Regional Road 70 Brewarrina - Goodooga Road upgrade. The quarry and adjoining access road is less than 2 hectares and greater than 700 metres from an existing operating quarry off Wilby Wilby Road.

##### **4.4.2 Likely impacts**

1. The nearest neighbour is another quarry located approximately 700 metres to the south. As the nearest neighbour is a sporadically operating quarry, the impact from the Barneys Ridge Quarries are likely to have minimal impact on neighbouring quarry. The nearest dwelling is located 3.5 km north west of the quarry with several acres of vegetated environment. There is likely to be minimal impact on the dwelling.
2. Material extracted from the quarry will be used by the operator for road construction and upgrade of the Brewarrina - Goodooga Road.
3. The proposed quarry is not intended to be a commercial venture by selling extracted material to the community. The material will solely be used in road construction. The upgrade of local roads will be highly beneficial for the local community, increasing road accessibility, safety and travel times.
4. Surrounding land to the proposed quarries are generally agricultural and grazing country.
5. Additional noise and dust will be generated as a result from the quarrying activity. The dust and noise impacts will be mitigated by the isolated location of the quarry with 3.5 km between the quarry and the closest dwelling.
6. The natural vegetation screening of 3.5 km will be sufficient noise and dust suppressants for the activity. No waste is proposed to be generated onsite. Erosion and sediment will be erected as required though the excavation of the material will cause a natural bund on the site.
7. The construction and operation of the quarry will create additional traffic to the site but is not intended to greatly impact the current traffic schedule.

##### **4.4.3 Site suitability**

There is no dwelling or site office located on the proposed development. Flood modelling from the Maps Six website <https://maps.six.nsw.gov.au/> accessed 16<sup>th</sup> November 2020

10.08am as shown in Figure 4-1 demonstrations that the two proposed quarries are not in a flooding area.



**Figure 4-1 Flood modelling of Barney's Ridge**

There are no:

- nature water bodies with 100m of the proposed quarry site;
- natural rock outcrops or sand dunes within 100m of the site;
- archaeological sites that may be affected by the development;
- known Endemic native trees or shrubs;
- known Threaten species of fauna;
- known Threaten species of flora;
- known cultural sites;

As shown in Figure 4-2 Transitional Native Vegetation Regulatory Map

, Figure 4-6 Wilderness Area Search, Figure 4-3 Biodiversity Threshold Report for Site, Figure 4-4 Biodiversity Values Map for Site and **Error! Reference source not found..**

As the section of the lot is currently undeveloped there is no know historical and heritage sites on the land. The site was further surveyed by the chairman of the local aboriginal corporation and no items are cultural heritage were identified.

There will be no reduction in the current recreational or community uses. Currently the site is part of a pastoral lease with an operating quarry to the south.

There will be no storage of toxic chemicals nor have the site been used to store chemical in the past as the ground is undisturbed.

The area where the quarry is to operate has not be used for a quarry in the past however there is a developed quarry to the south of the proposed quarry site and contained within the same lot and plan. Furthermore, the sites on which the quarry is proposed has previously been cleared.

There are no factors that may restrict and impede the proposed used of this site due to the above assessment.

#### 4.5 Species Impact Statement

The Species Impact Statement is derived from the test of significance as set out in s7.3 of the Biodiversity Conservation Act 2016.

- a. in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,**

The proposed development will include clearing the surface vegetation (only to the extent of re-growth), stripping the topsoil, pushing and crushing the underlying material and stockpiling the crushed material and the overburden. Access to the site will required the formation grading of existing access roads and does not require the further clearing of vegetation.

- b. in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:**

- i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or**
- ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction**

Neither the endangered nor critically endangered ecological community will not be significantly impacted by this development. While topsoil and small regrowth tree clearing will take place, the disturbed area is not in a threaten species habitat. The ground disturbance does not take place in an aquatic environment and is closely located next to similar industry. The development does not take place across the whole lot only a small proportion.

- c. in relation to the habitat of a threatened species or ecological community:**

- i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and**
- ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and**
- iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,**

Small regrowth vegetation will be removed from this site and the access roads will be upgraded as part of the development of the quarry. Removal of vegetation from the site will not likely cause fragmented or isolated habitat as the land surrounding proposed quarry consists of an existing working quarry within 700m but no other developments. There is a vegetation corridor between the two quarry site that species within the ecological communities will be able to transverse. The remainder of the Lot of the land is undeveloped.

The location of the proposed quarry on the Lot have minimal to no trees compared to the surrounding area on the Lot. This proposed location will have minimal impact on the ecological communities.

***d. whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),***

The proposed quarry development is not likely to have any adverse effect on a declared area of outstanding biodiversity value. The Biodiversity Values Map and Threshold Report was accessed for this site at 2:29 pm on 5<sup>th</sup> November 2020 with no outstanding value noted. See Figure 4-3 and Figure 4-4.

***e. whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.***

An assessment of the key threatening processes listed under the Threatened Species Conservation Act and a list of the processes that are to be undertaken are listed below:

- Bush rock removal
- Clearing native vegetation
- Removal of dead wood and dead trees

The three key threatening processes are listed to lead to habitat loss/change.

The alteration of the environment by the three key threatening processes is unlikely to have a significant impact to the surrounding environment as there is similar processes already operating within 700 metres of the site, the area is not heavily treed and does not have any significant natural rock outcrops in or round the site. The site is not covered by any transitional native vegetation as presented in the Transitional Native Vegetation Regulatory Map shown in Figure 4-2 accessed 25<sup>th</sup> November 2020.





**Figure 4-2 Transitional Native Vegetation Regulatory Map**

## 4.6 Biodiversity Conservation Act 2016 & Regulation 2017

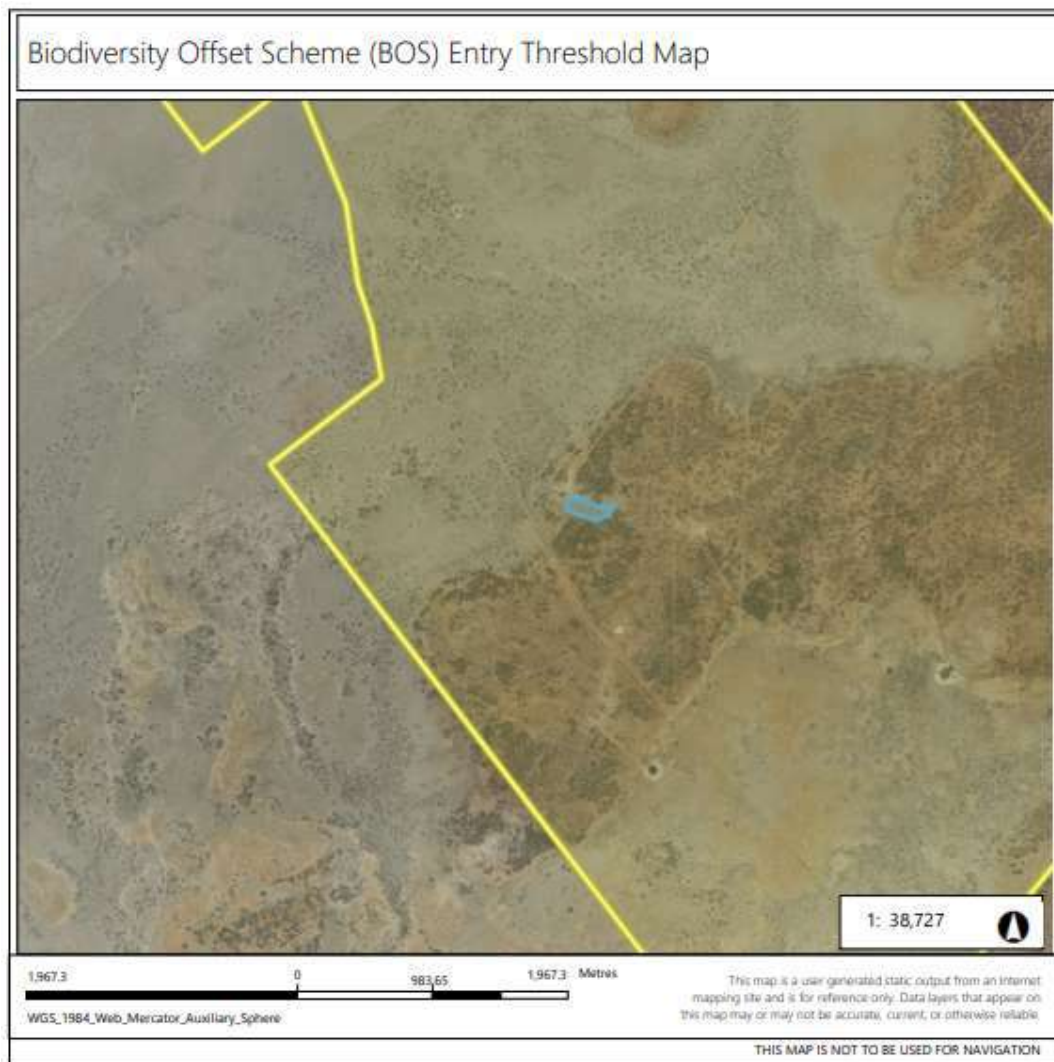
As stated on the NSW Government website, the Biodiversity Conservation Act 2016, together with the Biodiversity Conservation Regulation 2017, outlines the framework for addressing impacts on biodiversity from development and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme.

Furthermore, the NSW Government website states that the Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

- whether the impacts occur on an area mapped on the Biodiversity Values Map; and
- whether the amount of native vegetation being cleared exceeds an area threshold.

A review was conducted of the Biodiversity (BOSET) Map and Report accessed 2:29 pm 17<sup>th</sup> November 2020 as shown in Figure 4-3 and Figure 4-4. The BOSET Map and Report present data to show that there are no mapped biodiversity values in the proposed quarry area.

Section 4.5 Species Impact Statement, has earlier revealed that the proposed quarries are unlikely to have an impact on the Threatened species as assessed through the test of significance.



**Legend**

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

**Notes**

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**Figure 4-3 Biodiversity Threshold Report for Site 1**

## Biodiversity Values Map and Threshold Report

### Results Summary

<b>Date of Calculation</b>	25/11/2020 2:21 PM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	2.45 ha	
<b>Minimum Lot Size Method</b>	LEP	
<b>Minimum Lot Size</b>	400 ha	
<b>Area Clearing Threshold</b>	1 ha	
<b>Area clearing trigger</b> Area of native vegetation cleared	Unknown #	Unknown #
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
<b>Date of the 90 day Expiry</b>	N/A	

Figure 4-4 Biodiversity Values Map for Site 1

As listed on the NSW Government website, the area clearing threshold for native vegetation is shown in Table 4-1.

**Table 4-1 Area Clearing threshold**

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

The proposed quarry site is location on Lot 523 DP761510, addressed as 3670 Wilby Wilby Road, Cumborah is approximately 4000 hectares in size. The total size of the proposed quarry site is approximately 2 hectares.

As the site has previously been cleared of native vegetation, the site only requires the removal of limited regrowth and dead trees as shown in figure below. Therefore, the level of native vegetation clearing does not exceed the threshold.



**Figure 4-5 Photos of Proposed Quarry Site 1**

S21, Schedule 5A, Local Land Services Act 2013 allows for the clearing of native vegetation for the construction, operation or maintain of gravel pits:

- when the clearing is carried out by or on behalf of a local council;
- and limited to a single area of land;
- native vegetation must not comprise (or be likely to comprise) of threaten species;
- the clearing is carried out in conjunction with a restoration program.

It is proposed that the quarry site meets with the above criteria.



## 4.7 Wilderness Area

From a search of the National Map accessed 2.37pm 9<sup>th</sup> November 2020 <https://nationalmap.gov.au/>, the proposed sites are not in a declared wilderness area as shown in Figure 4-6.

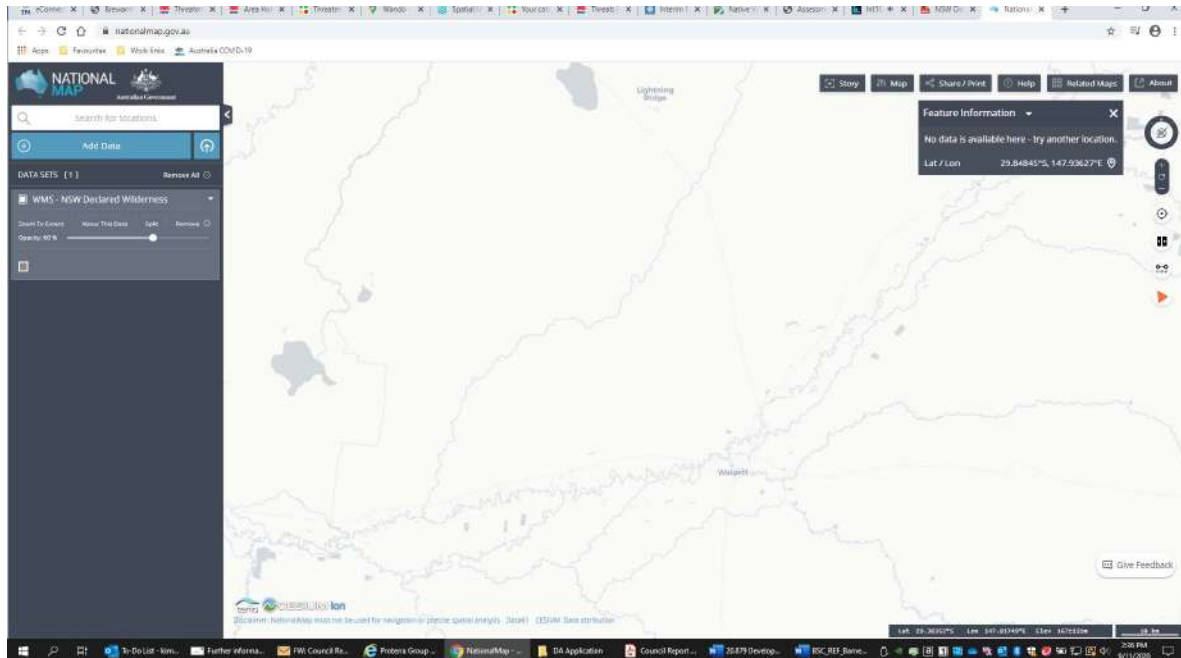


Figure 4-6 Wilderness Area Search

## 4.8 Mining, Petroleum Production & Extractive Industries

State Environmental Planning Policy (Mining, petroleum Production and Extractive Industries) 2007 requires various considerations of the proposed development to be appropriate for the land use.

The proposed quarry site is consistent with the current surrounding land including another quarry within 700 metres and zoned for primary production. While the materials extracted from the quarry will not be publicly available the materials will be used to upgrade Regional Road 70 Brewarrina – Goodooga Road from an unsealed road to a sealed, all weather two lane highway.

Location of the proposed quarry site will not have significant impacts on the surrounding local environment. As the used of the quarries are only intended to be used for the road upgrade there is no concern of an oversupply of resources in the market and the site will only be developed as far as necessary.

As the quarry material will be used for the upgrade of Regional Road 70 Brewarrina – Goodooga Road, 23 kilometres to the west, the increased truck movements from the proposed quarry are inevitable due to the road construction.

The proposed quarry site will be rehabilitated in line with any Council policy or conditions using the stockpiled overburden.

## 4.9 Koala Habitat Assessment

The quarry site with the access road is greater than 1 hectare and therefore the development assessment pathway is to be followed. From a search of the NSW Department of Planning, Industry and Environment, the map in Figure 4-7 was received 10<sup>th</sup> November 2020 and it revealed that there is a Site Investigation Area for Koala Plans of Management on the Lot of the proposed quarry. There is no approved Koala Plan of Management over the site. Through various searches conducted in the Species Impact Statement and the BOSET report, core koala habitat and koala have not be noted onsite. It is therefore applied that the quarry is proposed as a Tier 1 development and no Koala Assessment Report has been prepared.

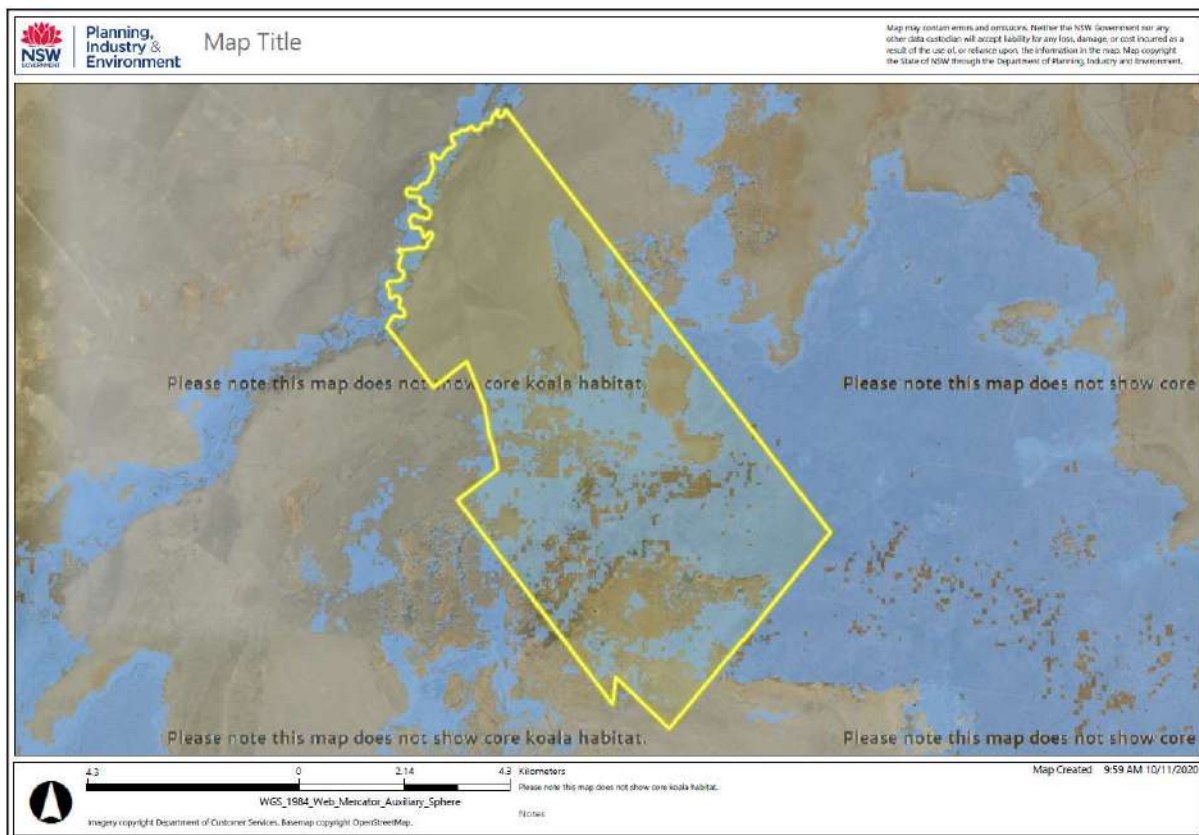


Figure 4-7 Lot 523 DP 761510 Site Investigation for Koala Plans of Management Map

## 4.10 Aboriginal Sites

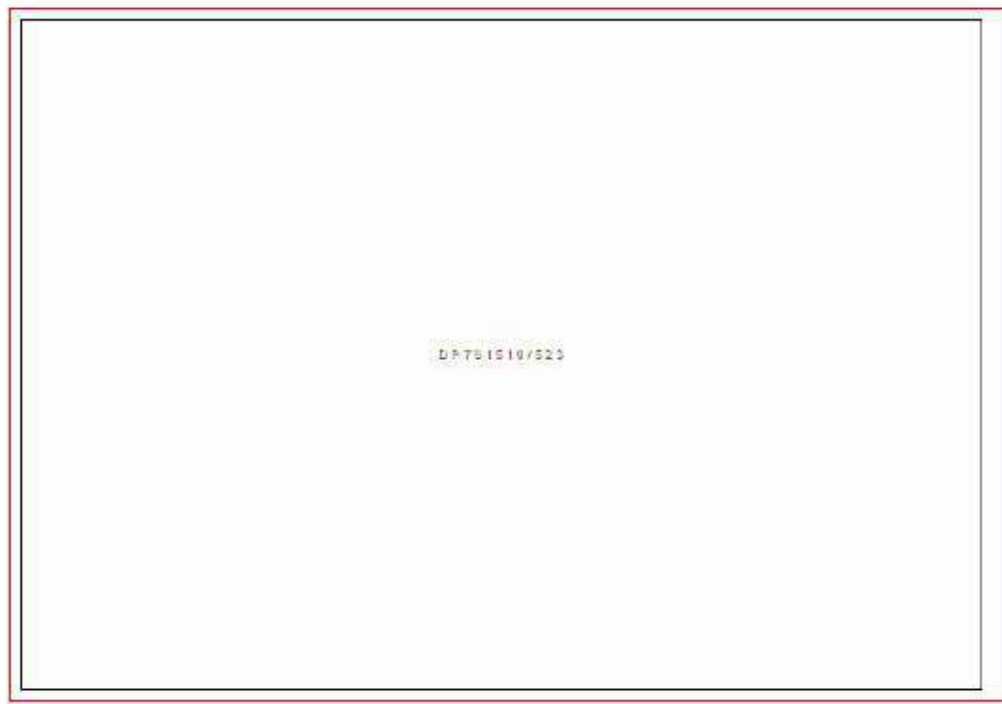
From a search of the NSW AHIMS Web Services accessed 11.22 am 17<sup>th</sup> November 2020 <https://www.environment.nsw.gov.au/awssapp/MySearches.aspx> revealed there is no Aboriginal sites are recorded in or near the proposed quarry site. There are no Aboriginal places have been declared in or near the proposed quarry as shown in **Error! Reference source not found.** and Figure 4-8. A ground survey was conducted of the proposed quarry



site by the chairman of a local aboriginal corporate and no aboriginal artefacts or cultural heritage items were found on the site.

AHIMS Web Service search for the following area at Lat. Long From : -29.4713, 147.5809 - Lat. Long To : -29.4702, 147.5832 with a Buffer of 50 meters, conducted by Kimberley Morgan on 17 November 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:

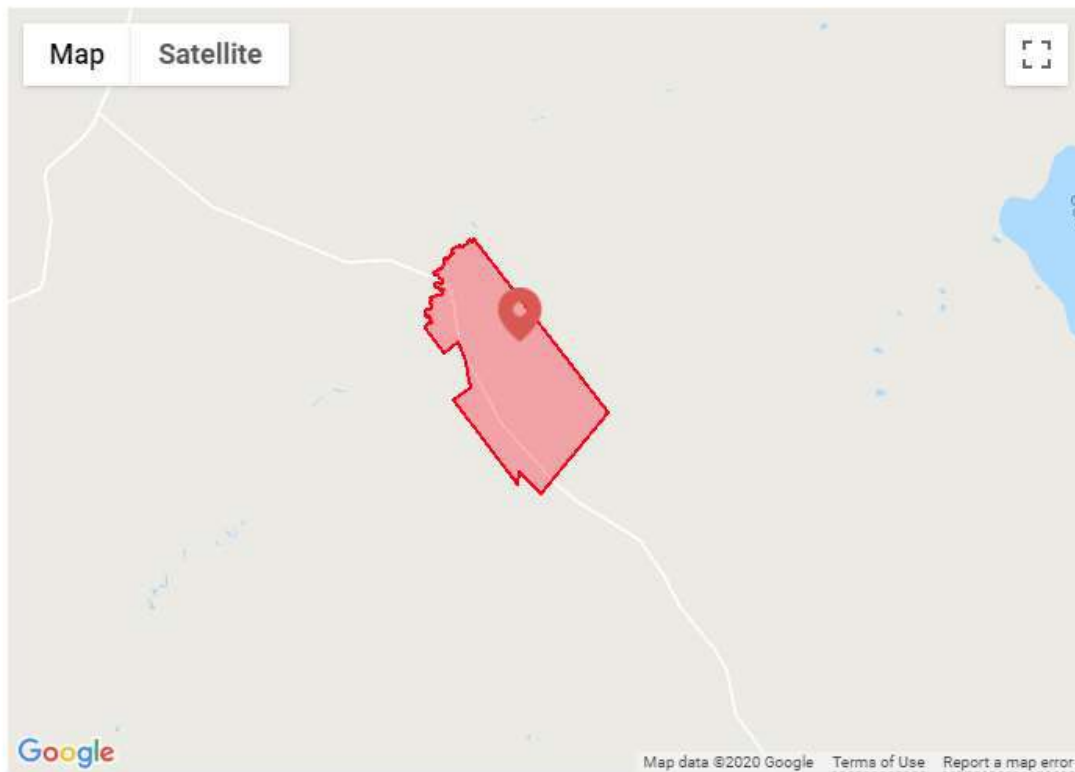
0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

**Figure 4-8 AHIMS Web Services Search Proposed Site 1**

## 4.11 Planning for Bushfire Protection

From a search of the NSW Rural Fire Service accessed 2.41pm 9<sup>th</sup> November 2020 <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/bush-fire-prone-land/check-bfpl>. The search results advised that the parcel of land is in a bush fire prone area as shown in Figure 4-9. By way of mitigation, there are no buildings or camping onsite. Additionally, the nature of the activity will keep the vegetation coverage to a minimum.

## Your Property



## Your search result

You have conducted a search of the online bush fire prone land tool for the land in the map above. This search result is valid for the date the search was conducted. If you have any questions about the Bush Fire Prone Land Tool please contact [bushfireprone.mapping@rfs.nsw.gov.au](mailto:bushfireprone.mapping@rfs.nsw.gov.au)



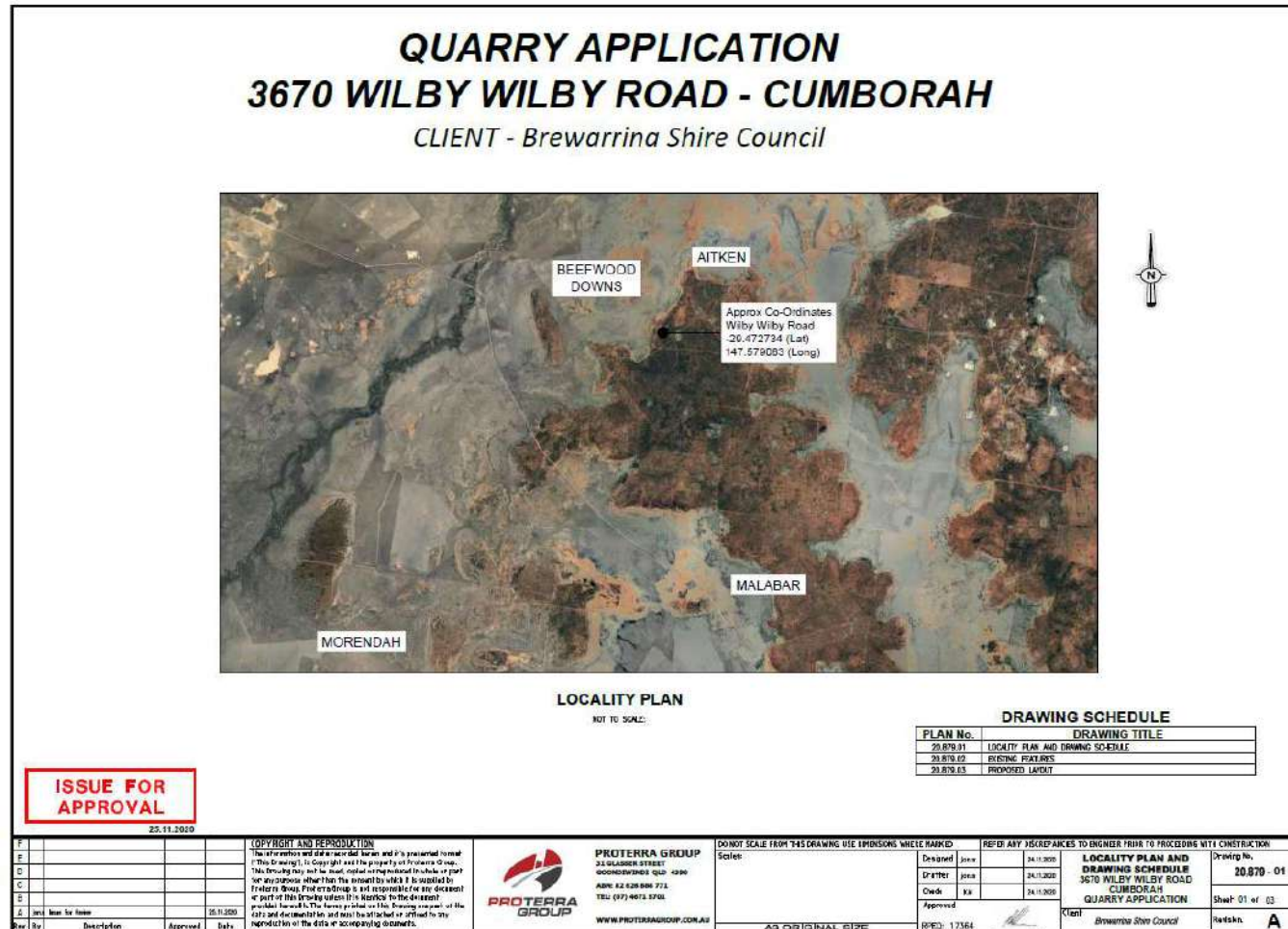
The parcel of land you have selected is within a designated bush fire prone area.

**Figure 4-9 Bush Fire Prone Area Search**

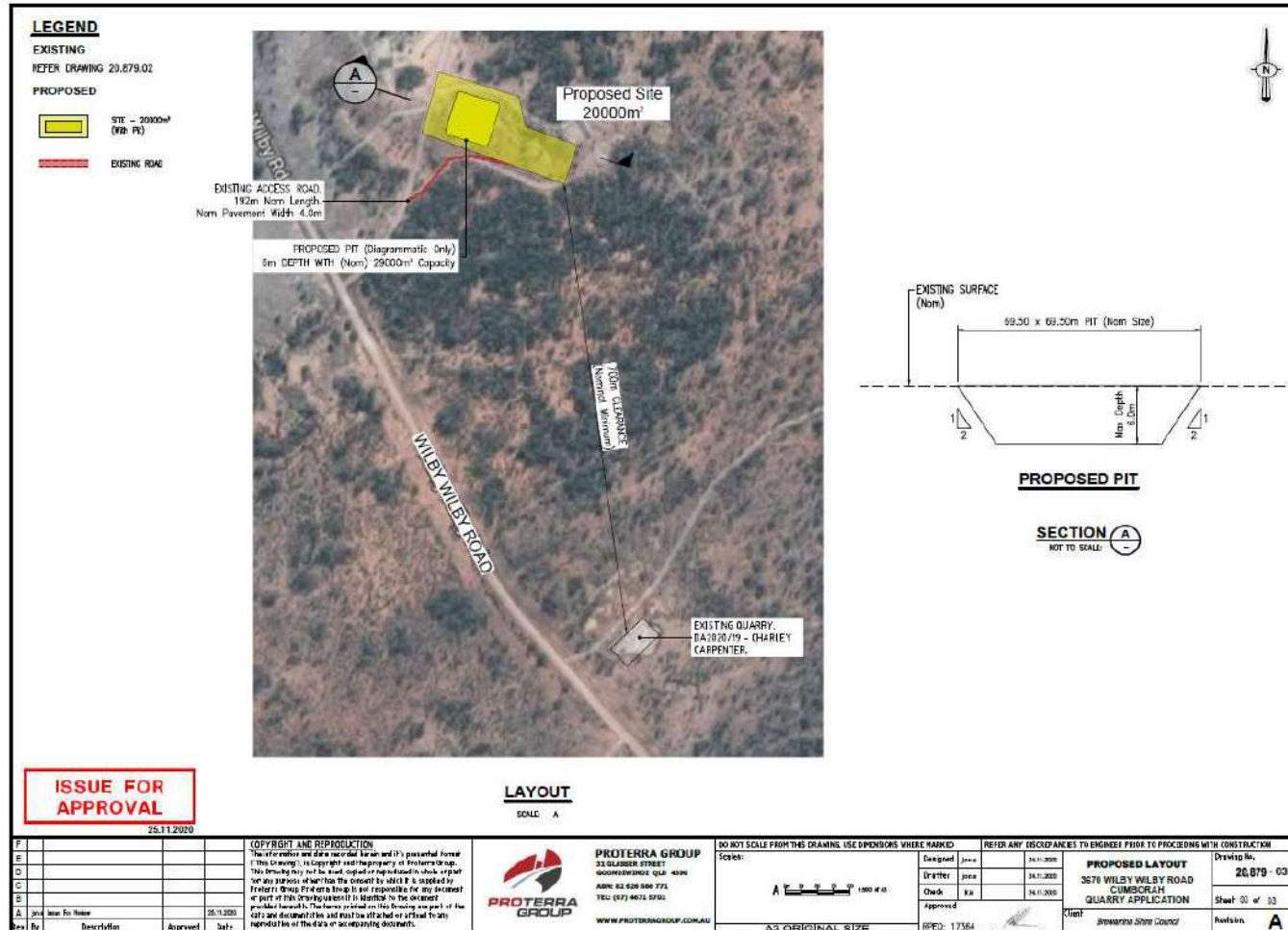


## **APPENDIX A – Owner's Consent**

## APPENDIX B – Site Plan of the Land



## APPENDIX C – Sketch of the Development



# Development Assessment Report

<b>DA Number:</b>	2020/28	<b>Council:</b>	Walgett
<b>Location:</b>	3670 Wilby Wilby Road, Cumborah		
<b>Development Description:</b>	29,000 m3/annum		
<b>Title Details:</b>	Lot 523 DP761510		

## Proposal Overview

The extraction of quarry material can be deconstructed into the following list of the activities:

- Clearing of surface vegetation
- Stripping of topsoil and overburden material to be stockpiled
- Pushing and crushing of underlying material
- Stockpiling of crushed material
- Benching pit as per NSW Resource Regulator requirements
- Erosion and sedimentation control for the duration of the works
- Carrying out all works in accordance with regulatory licenses
- Formation grading of access roads
- Transport of quarried materials

The hours of operation of the quarry site are listed below:

7:00am to 5:00pm Mondays to Fridays

8:00am to 5:00pm Saturdays

No work shall be undertaken on Sundays or Public Holidays.

It is anticipated that the quarry will be in operation for 18 months.

The purpose of the proposed quarry site is to extract material for use in the construction of the pavement layer of the upgrade of the Brewarrina - Goodooga Road. The material located in Barneys Ridge quarries are central to the project and have been tested, yielding results representative of positive road building characteristics.

Construction of the quarry will consist of the removal of the surface vegetation (regrowth) and overburden. The overburden will be stockpiled to be used in rehabilitation operational works. There is no planned infrastructure onsite, only the required equipment for the use in the operation and maintenance of the quarry.

## Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This is Crown Lease land and Crown consent for lodgement of the DA has been issued.
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a Designated Development Application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application for State Significant Development?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application submitted by/on behalf of a Public Authority?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a staged Development?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application a section 4.55 amendment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>



## 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 ☐

**Comment:** Due to submissions being received.

## Local Environmental Plan

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

<b>This land is zoned:</b>	RU1 Primary Production
<b>Development as per Standard Definitions:</b>	<p>This development is considered to be an extractive industry.</p> <p>The definition is:</p> <p><b>extractive industry</b> means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.</p>

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

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This is permissible development.
6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A Soil & Erosions Control Plan has not been submitted, but it can be conditioned that one be submitted.
6.2 Flood Planning	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It is unclear as to whether this land is floodprone as no flood study has ever been completed in this area. Due to the remoteness of the site and lack of data it is considered impractical to complete a flood study. The Quarry Management Plan and site erosion and sediment control plan will need to address suspension of quarry activities in the event of flooding.

- 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
4	4.11	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Soil Erosions Controls.</b> No erosions and sediment control plan has been submitted. No discussion has been provided on final land form or the control of stormwater. This can be conditioned and contained within Quarry Management Plan.
6	6.1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Environmental Effects.</b> Traffic, flooding, waste, air quality, and noise have been addressed. These will be conditioned for inclusion within an Quarry Management Plan.
	6.2	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Soil Erosions Controls.</b> This has not been addressed, but can be conditioned and contained within an Erosion & Sediment Control Plan.
	6.3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Vegetation</b> – it is stated that Brewarrina Council has an exemption for the clearing of vegetation under the Local Land

			Services Act 2013, but this exemption only applies within the Brewarrina LGA. However the site has previously been cleared and the clearing proposed will consist of regrowth and some dead trees.
	6.4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Waste Management</b> – Complies and will be conditioned to ensure continued compliance.
	6.5	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Noise</b> - The nearest neighbour is another quarry located approximately 700 metres to the south. As the nearest neighbour is a sporadically operating quarry, the impact from the Barneys Ridge Quarries are likely to have minimal impact on neighbouring quarry. The nearest dwelling is located 3.5 km north west of the quarry and surrounded with several acres of vegetated environment. There is likely to be minimal impact on the dwelling.
	6.6	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Geology</b> - Complies
	6.7	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Stormwater</b> – No mention has been made as to stormwater control. This has been conditioned to be submitted as part of an Quarry Management Plan.

Has a variation to the DCP been requested?

Yes ☐ No ☒

**Comment:** The relevant issues outlined in the DCP were addressed in the SEE, therefore environmental management conditions are appropriate to ensure compliance with the DCP controls.

Should the variation be recommended?

Yes ☐ No ☒

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 ☐

**Comment:**

List all relevant SEPPs		
SEPP	Compliance	Comment
<b>SEPP 19 — Bushland in Urban Areas</b>	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>
<b>SEPP 21 – Caravan Parks</b>	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>
<b>SEPP 33 — Hazardous and Offensive Development</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP provides considerations for consent for hazardous &amp; offensive development.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	No assessment was made regarding the potential hazardous or offensive nature of this extractive industry as per the provisions of this SEPP. Based on its location, that there are existing quarries in the area, it is considered that this development will have minimal offensive or hazardous impact. Thus therefore complies with the provisions of this Policy.

<b>SEPP 36 – Manufactured Homes Estates</b>	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>
<b>SEPP 44 — Koala Habitat Protection</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land across NSW that is greater than one (1) hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<p>This policy applies to this Local Government Area as it is listed in Schedule 1 of this SEPP and the property is more than 1 ha in area.</p> <p>As there this development is considered to be tier 1 development, and that there is minimal representation of an existing koala habitat, it is considered that a Koala Plan of management is not required.</p>
<b>SEPP 47 – Moore Park Showground</b>	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>
<b>SEPP 50 Canal Development</b>	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>
<b>SEPP 55 — Remediation of Land</b>	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>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<p>This SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works.</p> <p>There is no evidence on site of any contaminating land uses and the site is considered suitable for the proposed use.</p>
<b>SEPP 64 — Advertising and Signage</b>	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>
<b>SEPP 65 — Design Quality of Residential Flat Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
<b>SEPP 70 – Affordable Housing (Revised Schemes)</b>	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>
<b>Aboriginal Land 2019</b>	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>
<b>Affordable Rental Housing 2009</b>	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>

<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
<b>Coastal Management 2018</b>	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>
<b>Concurrences 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
<b>Educational Establishments and Child Care Facilities 2017</b>	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>
<b>Exempt and Complying Development Codes 2008</b>	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>
<b>Gosford City Centre 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>
<b>Housing for Seniors or People with a Disability 2004</b>	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>
<b>Infrastructure 2007</b>	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>
<b>Kosciuszko National Park – Alpine Resorts 2007</b>	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>
<b>Kurnell Peninsula 1989</b>	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>
<b>Mining, Petroleum Production &amp; Extractive Industries 2007</b>	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.</i>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<i>The land this proposed development occupies is not classified as being Strategic Agricultural Land. The Statement of Environmental Effects states that this development as submitted to Council complies with the provisions of this Policy, and specifically notes that this development is not designated development. As this land falls with the <i>Western Division Regional Environmental Plan 1 – Extractive Industries (1989 EPI 827)</i>, it has been conditioned that this development remain under the designated development thresholds.</i>
<b>Miscellaneous Consent Provisions 2007</b>	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>
<b>Penrith Lakes Scheme 1989</b>	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>

<b>Primary Production and Rural Development 2019</b>	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>
<b>State and Regional Development 2011</b>	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>
<b>State Significant Precincts 2005</b>	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>
<b>Sydney Drinking Water Catchment 2011</b>	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>
<b>Sydney Region Growth Centres 2006</b>	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>
<b>Three Ports 2013</b>	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>
<b>Urban Renewal 2010</b>	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>
<b>Vegetation in Non-Rural Areas 2017</b>	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>
<b>Western Sydney Employment Area 2009</b>	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>
<b>Western Sydney Parklands 2009</b>	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>

<b>List all relevant Draft SEPPs</b>		
<b>SEPP</b>	<b>Compliance</b>	<b>Comment</b>
<b>SEPP 55 — Remediation of Land</b>	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>



<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
<b>SEPP - Environment</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:</i></p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i></li> <li>• <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i></li> <li>• <i>State Environmental Planning Policy No. 50 – Canal Estate Development</i></li> <li>• <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i></li> <li>• <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i></li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i></li> <li>• <i>Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i></li> </ul>
<b>SEPP – Housing Diversity</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This SEPP aims to facilitate the delivery of diverse and affordable housing to meet the needs of the State's growing population and support the development of a build-to-rent sector. It introduces new definitions for build-to-rent housing, student housing and co-living;</i></p> <ul style="list-style-type: none"> <li>• <i>amends some state-level planning provisions, particularly for boarding house and seniors housing development;</i></li> <li>• <i>amends some state-level planning provisions to support social housing developments undertaken by the NSW Land and Housing Corporation (LAHC) on government-owned land; and</i></li> <li>• <i>consolidates three housing-related SEPPs</i> <ul style="list-style-type: none"> <li>○ <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i></li> <li>○ <i>State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</i></li> <li>○ <i>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes).</i></li> </ul> </li> </ul>
<b>SEPP (State &amp; Regional Development)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>The proposed changes will:</i></p> <p><i>Remove the \$30 million capital investment value criteria for upgrades of water treatment facilities associated with an existing facility.</i></p> <ul style="list-style-type: none"> <li>• <i>Fast-track the approval process so drought related water treatment facility upgrades can be delivered quicker.</i></li> <li>• <i>Allow Sydney Water to respond to future drought conditions.</i></li> </ul> <p><i>The proposed changes will allow facilities unlikely to have a significant environmental impact on the environment to be assessed by water supply public authorities, instead of a longer State Significant Infrastructure assessment process.</i></p> <p><i>Any new water treatment facilities will still be assessed as State Significant infrastructure. The proposed changes won't apply to desalination plants, new water treatment facilities or water storage facilities.</i></p>



<b>SEPP (Infrastructure)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This amendment aims to clarify and streamline the planning assessment for the extension and maintenance of the Wild Dog Fence.</i></p> <p><i>The proposed amendment includes:</i></p> <ul style="list-style-type: none"> <li>• <b>Extension:</b> amend Clause 132 to allow an extension of the fence to be considered as State Significant Infrastructure (subject to a detailed assessment) replacing the need to seek multiple government approvals for different parts of the fence.</li> <li>• <b>Maintenance:</b> include provisions under Clause 132 that permit routine maintenance of the fence to be carried out as exempt development.</li> </ul>
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## Planning Agreement

Section 4.15(1)(a)(iia) – EP & A Act

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

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

### Offer Details:

## Local Strategic Planning Statement

Walgett Community Strategic Plan Alignment		Applicable
C 1.1	Develop a connected, informed, resilient and inviting community.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
C 1.2	A safe, active and healthy Shire.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
C 1.3	A diverse and creative culture.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.1	An attractive environment for business, tourism and industry.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.2	Employment opportunities that supports local industries.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.3	An efficient network of arterial roads and supporting infrastructure; town streets and footpaths that are adequate and maintained.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.4	Communities that are well serviced with essential infrastructure.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.1	Operate an urban waste management system that meets the community needs and environmental standards.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.2	Provide potable and raw water supply systems that ensures enhanced water security and meets health standards.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.3	A sustainable environment that recognises our rivers, natural environment, ecological systems and biodiversity.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
SL 4.4	Maintain a healthy balance between development and the environment.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
I 5.1	Provide and maintain an effective road network that meets the community needs and expectations.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.2	A Regional and State Road network that is appropriately supported and resourced by Government.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.3	Maintain and improve Council's property assets to an optimal level.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.4	Provision of facilities and communication services.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Planning Priority		Applicable
PP1.	Promote development that contributes to the unique character of the towns and villages within Walgett Shire and meets the needs of a changing population.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP2.	Protect and respect Aboriginal Communities through promoting management and ownership of land of which they have a traditional association, or which can assist with their social, cultural and economic development.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

PP3.	Support sustainable economic development including agriculture and new industries based on the Shire's built and natural assets and locational advantages.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
PP4.	Promote preferred locations for industrial growth and development.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP5.	Engage Aboriginal and Torres Strait Islander People in employment or education, with an emphasis on workforce participation and opportunities.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP6.	Promote tourism as a significant component of the Shire's economy.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP7.	Encourage sustainable management of the Shire's natural assets and environmental features.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
PP8.	Protect and enhance the natural environment and improve biodiversity.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP9.	Protect items, places, and areas of natural and cultural heritage.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP10.	Ensure that future urban development is supported by adequate infrastructure and access to a range of social and community facilities sufficient to support the future population base of the community.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Far West Regional Plan Alignment		Applicable
Direction 1 - Grow the agribusiness sector, value-added manufacturing opportunities and supply chains.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 2 - Protect productive agricultural land and plan for greater land use compatibility.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Direction 3 - Sustainably manage mineral resources.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Direction 4 - Diversity energy supply through renewable energy generation.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 5 - Promote tourism opportunities.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 6 - Unlock economic potential through improved freight transport infrastructure.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 7 - Improve regional air connections.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 8 - Sustainably manage water resources for economic opportunities		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 9 - Sustainably manage water resources for economic opportunities.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 10 - Enhance the economic self-determination of Aboriginal communities.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 11 - Support new planning and land management arrangements.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 12 - Enhance the productivity of employment lands.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 13 - Protect and manage environmental assets.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Direction 14 - Manage and conserve water resources for the environment.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 15 - Manage land uses along key river corridors.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 16 - Increase resilience to climate change.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 17 - Manage natural hazard risks.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 18 - Respect and protect Aboriginal cultural heritage assets.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Direction 19 - Conserve and adaptively re-use European heritage assets.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 20 - Manage change in settlements.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 21 - Strengthen communities of interest and cross-regional relationships.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Direction 22 - Collaborate and partner with Aboriginal communities.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 23 - Improve access to local health services, aged care and senior' housing.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 24 - Enhance access to education and training.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 27 - Provide greater housing choice.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 28 - Deliver greater housing choice.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Direction 29 - Manage rural residential development.

Yes ☐ No ☒

Direction 30 - Create healthy built environments.

Yes ☐ No ☒

Strategy	Action
Support the productive use of rural land for the purposes of agricultural production and value adding industries.	Review and application of other development controls in the DCP.
Protect productive agricultural lands and supply chain across the LGA from land uses that may lead to land use conflict or fragmentation of property.	
Promote sustainable and appropriate economic developments, including appropriate commercial, industrial, and quality tourism developments in preferred locations.	Target and pursue new businesses, investment and economic activity.

### Supporting Planning Assessment

Has the applicant submitted any supporting planning assessments?

Yes ☐ No ☒

**Comment:** Statement of Environmental Effects – Proterra Group – November 2020

### Subdivision

Is this application for subdivision?

Yes ☒ No ☐

### Environmental Impacts

*Section 4.15(1)(b) – EP & A Act*

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The approval allows for greater usage of natural resources.
Siting & Configuration	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Setbacks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Setbacks from site boundaries are considered sufficient.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Minimal – The quarry will be seen from Wilby Wilby Road, but is set back far enough off the road to not be obtrusive.
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No views are affected
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Due to low rainfall and site geology no impacts have been identified. A stormwater management plan will be required as part of the Quarry Management Plan.
Air	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Minimal - The nearest neighbour is another quarry located approximately 700 metres to the south. As the nearest neighbour is a sporadically operating quarry, the impact from the Barneys Ridge Quarries are likely to have minimal impact on neighbouring quarry. The nearest dwelling is located 3.5 km north west of the quarry with several acres of vegetated environment. There is likely to be minimal impact on the dwelling. The dust and noise impacts will be mitigated by the isolated location of the quarry with 3.5 km between the quarry and the closest dwelling. The natural
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

		vegetation screening and buffer distance of 3.5 km will be sufficient noise and dust suppressants for the activity.
Land Degradation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No impacts have been identified. It is conditioned that a rehabilitation plan be prepared and submitted to Council.
Tree Loss	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	There will be minimal loss with mostly regrowth being removed.
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The operation of the site will not cause fragmentation to the existing fauna corridors, nor will there be any impact on the existing ecological community. The site has previously be disturbed, so the biodiversity assessment as per s7.3 of the Biodiversity Conservation Act is supported. The Biodiversity Values mapping and Threshold report show no outstanding value on the site.  The site borders remnant vegetation communities, but does not intrude into these areas.
Fauna	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Has a Threatened Species Impact Assessment been prepared? 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 out 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.

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*

It is possible the site is flood affected and this may affect site operations from time to time. The suspension of site operations and implementation of sediment management plans is required.

### Bush Fire Prone Land

*Section 4.15(1)(b) – EP & A Act*

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

**Category:** Category1 ☐ Category2 ☐ Category 3 ☒ Buffer ☐

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

**Category:** Category1 ☐ Category2 ☐ Category 3 ☐ Buffer ☐

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

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

### Contaminated Land

*Section 4.15(1)(b) – EP & A Act*

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

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

Is 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 ☐

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Drainage	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	See comments above.
Access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Section 138 Application will be required as a condition of approval.
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Upgrade Existing Road	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Contributions will be required. Repairs on the Wilby Wilby Bridge will be the responsibility of Brewarrina Council.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Parking of vehicles is provided for on the site.
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

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

### Construction Assessment

Is a Construction Certificate Required? Yes ☐ No ☒

### 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 ☐

Has this application included signage? Yes ☐ No ☒

Will the signage require referral to the TfNSW or Local/Regional Traffic Committee? Yes ☐ No ☒

**Comment:** Signage will be required to advise the presence of turning trucks.

### 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 ☒ CPP Yes ☒ No ☐

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

Dates Notification Undertaken **Commenced** 15/12/2020 **Finished** 18/1/2021

Were there any written submissions received? Yes ☒ No ☐

If Yes, what was the number of submissions received? 4

<b>Submission Maker:</b>	<b>Wedgetail Project Consulting on behalf of Charles Carpenter</b>
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Location to existing pit owned by Carpenter.</li> </ul>
<b>Comment:</b>	The distance between the pits complies as it is below the designated development thresholds as listed under <i>Western Division Regional Plan No 1 – Extractive Industries (1989 EI 827)</i> ). There is no minimum distance between gravel pits. There will be approximately 700 metre between the boundary of each pit.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Pit areas including access roads is to be under 2 ha to be local development</li> </ul>
<b>Comment:</b>	The area of the pit including access roads complies as it is below the designated development thresholds of 4 ha as listed under <i>Western Division Regional Plan No 1 – Extractive Industries (1989 EI 827)</i> ). This development will cover an area of just over 2 ha.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Extraction rate is unclear</li> </ul>
<b>Comment:</b>	It will be conditioned that all extraction will be below the designated development thresholds of 4 ha as listed under <i>Western Division Regional Plan No 1 – Extractive Industries (1989 EI 827)</i> ) being 15000m3/annum and 40,000m3 in total.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>The quarry has the possibility becoming inundated during flooding based on its elevation.</li> </ul>
<b>Comment:</b>	It is conditioned this issue is to be addressed in regards to the suspension of works and soil and sediment management during flooding in the Quarry Management Plan.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>The impact on vegetation and fauna has not been adequately assessed, in particular the incidental incursions into a nearby endangered ecological community.</li> </ul>
<b>Comment:</b>	The quarry area is excluded from the nearby endangered ecological community. It will be addressed that the Quarry Management Plan address how the proposed operations will not impact the nearby ecological community.
<b>Submission Maker:</b>	<b>Jonny Bishop</b>
<b>Issue:</b>	<ul style="list-style-type: none"> <li>The access is through a sensitive aboriginal area</li> </ul>



<b>Comment:</b>	Mr Bishop was unable to be contacted to investigate this further. He provided no address or phone number, and enquiry was unable to find an alternative contact. The quarry itself is noted as having no sensitivity, but the access track, which is existing does. As the access track is existing, it is considered that its utilisation will not have any further impact.
<b>Submission Maker:</b>	<b>Charles Carpenter</b>
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Landowners consent being the Crown has not been provided.</li> </ul>
<b>Comment:</b>	Crown Land consent was submitted.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Western Local Lands Service has not given their consent if the quarry is within the TSR</li> </ul>
<b>Comment:</b>	The quarry is not within the TRS.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>The area of the proposed quarry including access tracks is more than the designated development provisions.</li> </ul>
<b>Comment:</b>	See comments above.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Environmental management has not been considered within the Statement of Environmental Effects</li> </ul>
<b>Comment:</b>	The quarry site is not shown as having any particular biodiversity value in the NSW Biodiversity Values Map, and the biodiversity assessment has per s7.3 of the Biodiversity Conservation Act contained within the Statement of Environmental Effects, though sparse, contains all relevant information. Further it will be conditioned that the Quarry Management Plan address the management of this area, and in particular the area adjoining the nearly sensitive ecological community.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Lightning Ridge and Rosella Land Systems as mapped have not been addressed.</li> </ul>
<b>Comment:</b>	The NSW Biodiversity Threshold Maps as referred to within the Statement of Environmental Effects includes information from both mapped areas.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Information as to the identity of the person who undertook the aboriginal survey has not been provided.</li> </ul>
<b>Comment:</b>	An Aboriginal heritage Information Management Search was carried out with no records of any sites being noted within 50 metres of land title. Further it will be conditioned that if any Aboriginal archaeological relics are found or uncovered during the course of the work, then all works shall cease immediately in that area and the applicant shall contact NSW Environment & Heritage, and Council.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>The Core legal context for the operation of the quarry should have been noted within the Development Application, specifically Work Health &amp; Safety.</li> </ul>
<b>Comment:</b>	This is not the case, and a condition has been placed recommended that the applicant make contact with the local 'Inspector of Mines', NSW Department of Industry and Investment, Mine Safety Operations Branch, prior to the commencement of operations or activities at the quarry. This is to ensure registration through the NSW Resource Regulator
<b>Issue:</b>	<ul style="list-style-type: none"> <li>No reference is made within the Statement of Environmental Effect to the Walgett Development Control Plan.</li> </ul>

<b>Comment:</b>	This is correct, though the relevant issues were sufficiently addressed. Those not adequately addressed can be covered by relevant conditions as noted above and contained within the recommendations.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>“Error! Reference source not found” suggests the document is in a rough draft stage.</li> </ul>
<b>Comment:</b>	This is a formatting error relating to the table and contents at the front of the document. This gives no suggestion that the Statement of Environmental Effects is a “rough draft”.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>The access to the quarry has not been given to use the “homestead” access road.</li> </ul>
<b>Comment:</b>	Brewarrina have provided an email as evidence that the land occupier has given approval for the quarry to operate in the form as submitted to Council, and this includes the use of the “homestead” road.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>There is no amenities block onsite.</li> </ul>
<b>Comment:</b>	An amenities block is not a requirement. The nature of the operations for this site, will be that an amenities block would be contained on the road works site itself.

<b>Submission Maker:</b>	<b>David Currey</b>
<b>Issue:</b>	<ul style="list-style-type: none"> <li>The ability of Wilby Wilby Road to handle the traffic.</li> </ul>
<b>Comment:</b>	A contribution will be taken from the operator of the pit and will be put towards the maintenance of Wilby Wilby road.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Impact on Koalas which has a greater population on the lower side of the ridge</li> </ul>
<b>Comment:</b>	Assessment as per the Koala Habitat SEPP does not require a Koala plan of management. The clearing involved does not relate to any koala feed trees and neither will it fragment and fauna corridor that may exist.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Dishonesty and abuse of power by Brewarrina Shire</li> </ul>
<b>Comment:</b>	These issues contain no planning merit and cannot be considered as part of this assessment.
<b>Issue:</b>	<ul style="list-style-type: none"> <li>Legitimate reason to have two quarries so close together when 1 would be plenty.</li> </ul>
<b>Comment:</b>	Again this is not a reason with planning merit. The number and location of quarries will depend upon the location of the resource and the demand for the resource. Both quarries are operated by different operators. To have a cluster of quarries operated by different operator is not unusual.

### 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 ☐

**Comment:** Road and Traffic Safety is addressed in this report

Is there any public health issues?

Yes ☒ No ☐

**Comment:** Dust and noise are addressed in this assessment.

Are there any other public interest issues?

Yes ☒ No ☐

**Comment:** Site environmental and heritage issues are addressed in this assessment

### 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)

Nil

#### GENERAL CONDITIONS

1. Annual production from the quarry is not to exceed the designated development threshold as per *Western Division Regional Plan no 1 – Extractive Industries (1989 EI 827)* being 15,000m<sup>3</sup> per year of extractive materials and 40,000m<sup>3</sup> in life. Any increase in production or alteration to operations is to be the subject of a further Development Application.
2. The total surface area of the quarry shall not exceed 4ha of land including clearing or excavating, roads; or storing or depositing overburden, extractive materials or tailings.
3. Due to the Traffic Generation of heavy vehicles impacting the Wilby Wilby Bridge which borders the Brewarrina and Walgett Shire, any undue damage will be repaired at the cost of Brewarrina Shire.
4. The applicant must keep a legible record of all complaints made to the developer or any employee or agent of the developer in relation to dust or any activity to which this development consent relates. The record must include details of the following:
  - a) the date and time of the complaint;
  - b) the method by which the complaint was made;
  - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) the action taken by the developer in relation to the complaint, including any follow-up contact with the complainant; and
  - f) if no action was taken by the developer, the reasons why no action was taken.The record of a complaint must be kept for at least three (3) years after the complaint was made. Records of complaints must be produced on demand to authorised officers of Council or State Government authorities
5. The use and occupation of the site including that of construction plant and equipment being installed thereon, shall not give rise to any offensive noise or vibration within the meaning of the *Protection of the Environment Operations Act, 1997*.
6. A Rehabilitation Plan is to be prepared for the site. It is to include, but is not exclusive of:
  - a) No external material will be brought to site for rehabilitation.
  - b) Topsoil will be stored within the bounds of the development and managed to maintain quarry hygiene with regard to environmental weed species.
7. The applicant is to prepare a Quarry Management Plan for the site to summarise NSW Government legislative requirements, guidelines, and the conditions of this development consent. The Quarry Management Plan shall identify operational requirements relating to matters such as noise, stormwater and erosion, flooding, air quality, vibration, access, traffic, transport, bushfires, hazardous materials, noxious weeds, rehabilitation, land care, community relations, monitoring and auditing, and waste; including measures to mitigate any adverse impacts to the environment and specifically manage the area surrounding the development which borders an ecologically sensitive community, nearby residents and road users.

8. All erosion and sediment controls are to be designed and implemented in accordance with the publication "Managing Urban Stormwater, Soils and Construction, Volume 2E Mines and Quarries" published by the NSW Department of Environment and Climate Change in 2008.
9. Compliance with all requirements of the SafeWork NSW in relation to the transport, storage and handling of dangerous goods associated with the development is to be undertaken.
10. A register of sales of aggregate is to be maintained to verifying quantities transported and to ensure quarterly reporting is met as per requirements of the NSW Resource Regulator.
11. Compliance in relation to the *National Parks and Wildlife Act, 1974* with regard to Aboriginal relics is to be ensured at all times.
12. If any Aboriginal archaeological relics are found or uncovered during the course of the work, then all works shall cease immediately in that area and the applicant shall contact NSW Environment & Heritage, and Council. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *National Parks & Wildlife Act 1974* may be required before further works can be considered in that area.
13. Signage is to be erected in a suitable location on Wilby Wilby Road advising all approaching local traffic that trucks will be entering and exiting the quarry site.
14. The access to the quarry is to be constructed to a standard approved by Council. This is to include a "Give Way" sign advising all exiting trucks to slow down, and is for the safety of any local traffic.
15. A levy of \$0.23/tonne (adjusted by an annual CPI) extracted is payable on a half yearly basis. This is to go towards the rehabilitation, restoration, repair and/or maintenance of Wilby Wilby Road. An audited statement is to be supplied to Council on an annual basis by a suitably qualified auditor ensuring compliance with amount levied and number of tonnes extracted.
16. All site rehabilitation and landscaping works shall be designed to ensure the maximum reasonable visual screening of quarry operations and shall be maintained so as to ensure optimum establishment and growth and shall be performed by qualified, professional persons.
17. All trade waste fluids and materials generated within the site shall be treated and disposed of to the satisfaction of Council.

#### **CONDITIONS TO BE COMPLETED PRIOR TO OPERATION COMMENCING**

18. The site access is to be upgraded and maintained throughout the life of the quarry operation. The access must meet the required standard as approved by Council's Director of Engineering.
19. Prior to commencement of any physical works within the road reserve of Wilby Wilby Road, approval is to be gained under S.138 of the *Roads Act 1993*.
20. The applicant is to make contact with the local 'Inspector of Mines', NSW Department of Industry and Investment, Mine Safety Operations Branch, prior to the commencement of operations or activities at the quarry. This is to ensure registration through the NSW Resource Regulator.
21. The Environmental Management & Rehabilitation Plan is to be finalised and submitted to Council for approval.

#### **CONDITIONS RELATING TO ONGOING OPERATIONS**

22. 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*).
23. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
24. All vehicles are to enter and leave the site in a forward direction with no tracking of materials onto Wilby Wilby Road for the duration of quarry life.
25. The hours of operation must be limited to 7.00am and 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday. No work is to be carried out on Sunday or public holidays.

## COUNCIL ADVICE ONLY

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

## Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.

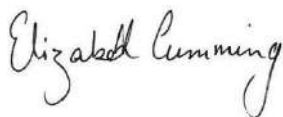
## Conclusion

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

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

Additional Notes Attached

Yes ☐ No ☒



Signed: .....

Elizabeth Cumming, Consultant Planner

Date: 18 February 2021

Signed: .....

Bob Harris, Acting Director Environmental Services

Date: 18 February 2021

Monday, 18 January 2021

The General Manager  
Walgett Shire Council

Attention: Libby Cumming  
Sent by email to: [townplanner@walgett.nsw.gov.au](mailto:townplanner@walgett.nsw.gov.au)

**SUBJECT: BREWARRINA COUNCIL – PROPOSED BARNEY RIDGE QUARRY**

Dear Ms Cumming

Wedgetail Project Consulting have been engaged on behalf of Mr Charles Carpenter to undertake a review of the proposed Barney Ridge Quarry to determine the potential environmental risks of the additional quarry.

**1. Location, Area and Rate**

The proposed quarry appears to be located just over 500 m from the quarry proposed by Mr Charles Carpenter.

The quarry does not appear to have included suitable access onto Wilby Wilby Road, accordingly the extractive area should be reduced to maintain the total area under 2 hectares, or assessed under designated development (i.e. including the preparation of an environmental impact statement – EIS).

The application is unclear as to whether 29,000 m<sup>3</sup> in total or 29,000 m<sup>3</sup> per annum will be extracted.

**2. Elevation and Black Soils**

The proposed quarry is located at an elevation of 134 – 137 m AHD as shown by Figure 1. For context this is 1 m above the alluvial clays associated with Narran River and only 2 m above the bank of the Narran River at 132 m AHD.

With proposed extraction depths of 4-6m proposed, the quarry has the potential to become inundated during flooding.





**Figure 1:** Approximate extent of proposed quarry, and indicative area for access road required to access Wilby Wilby Road.

### 3. Vegetation

The proposed quarry is located within PCT g8 Poplar Box - White Cypress Pine - Wilga - Ironwood shrubby woodland on red sandy-loam soils in the Darling Riverine Plains Bioregion and Brigalow Belt South Bioregion, immediately adjacent to and between remnant areas of an endangered ecological community – PCT 120 - Mulga shrubland on stony rises in the arid and semi-arid climate zones, mainly in the Mulga Lands Bioregion.

PCT 39 to the west is the Coolabah - River Coobah - Lignum woodland wetland of frequently flooded floodplains mainly in the Darling Riverine Plains Bioregion.

Previous quarrying activities in the area appear to have pushed into the more elevated areas (likely to contain more gravel) resulting in direct clearing within PCT120. As such, the potential for clearing within this community is high.

Edge effects and increased vehicle movements are likely to increase the degradation on these remnant vegetation communities and impact native fauna in these communities.

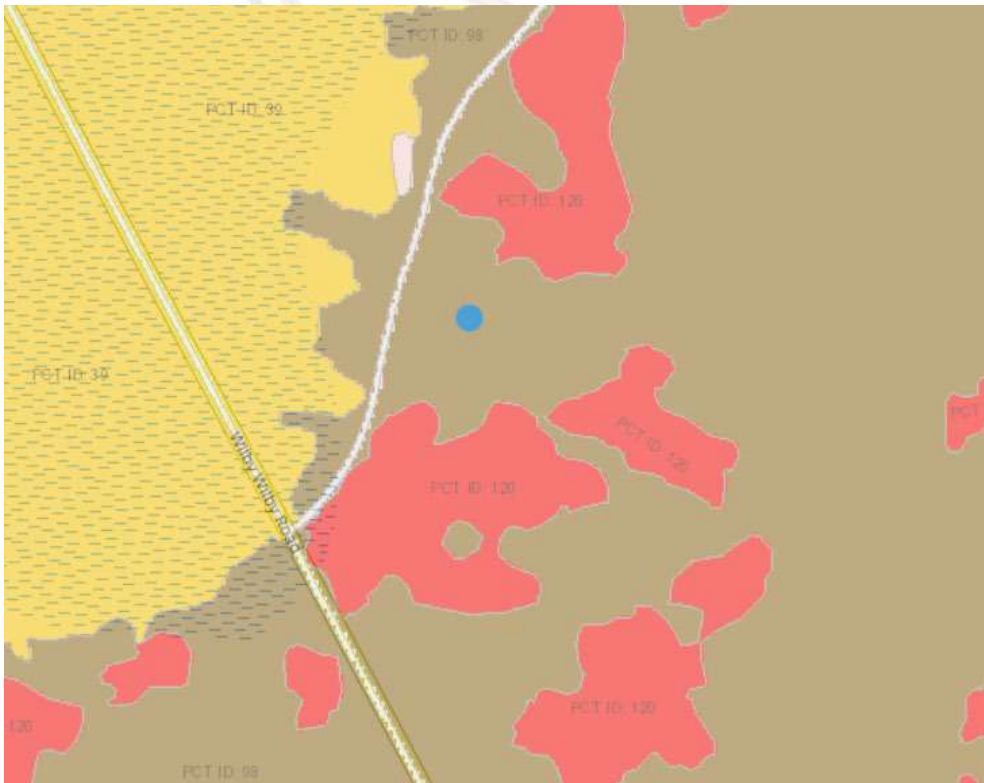


Figure 2: Vegetation mapping for the proposed quarry (blue dot) (NSW SEED database ([https://geo.seed.nsw.gov.au/Public\\_View/index.html?viewer=Public\\_View&locale=en-AU&runWorkflow=AppendLayerCatalog&CatalogLayer=SEED\\_Catalog.245.NSW%20Formations,SEED\\_Catalog.245.NSW%20Classes,SEED\\_Catalog.245.Labels,SEED\\_Catalog.245.Plant%20Community%20Type](https://geo.seed.nsw.gov.au/Public_View/index.html?viewer=Public_View&locale=en-AU&runWorkflow=AppendLayerCatalog&CatalogLayer=SEED_Catalog.245.NSW%20Formations,SEED_Catalog.245.NSW%20Classes,SEED_Catalog.245.Labels,SEED_Catalog.245.Plant%20Community%20Type)))

The impact assessment presented within the Statement of Environmental Effects has not adequately assessed the potential impact on the vegetation and fauna in the area of the proposed quarry or access road. Site specific survey of the proposed quarry area is required to better assess the edge of the endangered ecological community and ensure the quarry has adequate controls to avoid incidental incursions into this vegetation.

#### 4. Conclusion

The proposed placement of a quarry in the area may be feasible subject to a more detailed consideration of the potential impacts on flora and fauna including consideration to potential flooding impacts on the site at the completion of quarrying. The existing approved quarry for Mr Charles Carpenter appears to be more suitably located on the ridge crest with greater accessible gravel depths, less ecological impacts and no risk of flooding.

Yours Sincerely

**Jonathan Berry**  
Principal Advisor  
M: 0421 440 139  
[jberry@wedgetail.com.au](mailto:jberry@wedgetail.com.au)

I am Johnny Bishop an aboriginal elder in Goodooga and recognised in surrounding communities

on the 15<sup>th</sup> of January 2021 I visited the area known as Barney's Ridge. Barney's Ridge was an area I have travelled through the area with my grandmother making our way to the Narran lake as a child. I followed my grandmother through the area we would walk along the ground where the red ground meets the black soil. we would follow the edge of these ridges down along the river to the Narran lake. In dry times we would follow the riverbed itself. When I was out there I looked over the area where I was shown the proposed Brewarrina gravel site and as it is already disturbed there I believe there is little chance of anything of significance being there. However the access to this area will be through a sensitive area. I believe before this application is to go any further I feel an extensive aboriginal heritage study be done

John Bishop  
Aboriginal from  
Goodooga River Bend  
Born Jan 1942 I was 42 years  
old.

## Libby Cumming

---

**From:** Libby Cumming  
**Sent:** Monday, 18 January 2021 2:28 PM  
**To:** Lyn Douglas  
**Cc:** Bob Harris  
**Subject:** FW: Submission to BSC development application

Please trim

Kind regards,

Libby Cumming  
Contract Town Planner  
Walgett Shire Council

Ph: 02 6828 6129  
Fax: 02 6828 1608  
Email: [townplanner@walgett.nsw.gov.au](mailto:townplanner@walgett.nsw.gov.au)



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*Please consider the environment before printing this email.*

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**From:** charles Carpenter [mailto:[c.carpenter79@hotmail.com](mailto:c.carpenter79@hotmail.com)]  
**Sent:** Monday, 18 January 2021 12:35 PM  
**To:** Libby Cumming <[townplanner@walgett.nsw.gov.au](mailto:townplanner@walgett.nsw.gov.au)>  
**Subject:** Submission to BSC development application

Hi Libby

Her are some of the issues I have with Brewarrina da application.

- A Development Application cannot be legally processed by Council without the **landowners written consent** (Appendix A is missing?). In this case the landowner is the Crown.
- It is not normal practice for Development Applications in the Western Division to be processed without the **consent of all the occupiers** such as the holder/s of the existing Western Lands Lease.
- The Development Application document does not make any reference to the location of **Travelling Stock Reserve 321** and whether the Western Local Lands Service has given any consent for the quarry (if it is partially/wholly within the TSR).
- The DA is for a 2 hectare quarry site but does not include the quarry access track to the Wilby Wilby Road. In that context the area disturbed by the quarry operation will exceed 2 hectares and under Schedule 3 of the Environmental Planning and Assessment Regulation 2000 it becomes “**designated development**” which requires an environmental impact statement. This legal concept was applied to a recent nearby Development Application by Walgett Shire Council, and presumably remains relevant in this case.
- Section 4.15 of the Environmental Planning and Assessment Act 1979 (Act) requires Walgett Shire Council, as the consent authority, to consider certain matters in relation to all Development Applications. including **environmental impacts (sub-section 4.15(1)(b))**). Minimal detail has been provided regarding the environmental management of the site during operation or rehabilitation. For sites on Crown Land this is typically done via an "Environmental Management & Rehabilitation **81**



Plan" lodged with both the DA **and** the Extractive Industry Licence applications. In the absence of this plan the application lacks basic environment related information such as:

- What existing flora species are on the site?
- How will dust, weeds, traffic, soil, etc be managed?
- How will the site be rehabilitated, such as revegetation techniques, species and cross sections?
- The proposed quarry site and access road are clearly located in a transition zone (within 200m of boundary) between the Lightning Ridge and Rostella Land Systems, as [mapped](#) by the NSW Government. Such transitions zones are typically regarded by relevant staff of NSW Planning Industry and Environment as amongst the most **environmentally sensitive areas** in the region with significant flora, fauna, habitat linkage and aboriginal heritage issues often arising. No information or analysis regarding the relative environmental sensitivity of the area has been provided.
- With regard to **aboriginal heritage** the document states that the site "was further surveyed by the chairman of the local aboriginal corporation and no items are cultural heritage were identified", but does not provide a copy of the report, indicate the actual areas surveyed or identify the person undertaking the survey.
- A Development Application for a quarry should usually acknowledge the **core legal context** in which it will operate and make some reference to the fact that safety aspects of quarry operations are regulated under the Work Health and Safety Act 2011 and the Work Health and Safety (Mines and Petroleum Sites) Act 2013.
- There is no reference to the provisions of the **Walgett Shire Development Control Plan 2016** and how compliance will be achieved. This is usually a basic requirement for a Development Application.
- The above matters plus the various "*Error! Reference source not found*" statements suggest the document is in a rough draft stage, rather than something suitable for submission to Council.
- The access to the quarry from Wilby Wilby has not been taken into account from Brewarrina as they do not have a access agreement to use the homestead road.
- No amenities bock on site

I will also send through a letter from John Bishop and John Berry.

Kind regards charles carpenter

RECEIVED 06 JAN 2021

Golden Plains  
Walgett 2932  
N.S.W.

Mr Bob Harris

Dear Sir

I write to you concerning DA 2020/28.  
Another Gravel pit on "Barneys" Ridge

I have the following concerns raised also with Charlie  
Carpenters pit.

(1) The ability of the Wilby Wilby road to  
handle this traffic in particular the subsidence on  
both sides of the "Wilby Wilby" ~~big~~ bridge

I have the following objections

(1) The greater impact on the Koala population  
which ~~are~~ is a lot ~~bigger~~ denser on the bottom of  
the Ridge, then they are on the top where  
you have granted Carpenter approval.

(2) The dishonesty and abuse of power of the  
applicant in particular the General Manager and Transport  
manager of Brewarrine shire.

I list the following event all done in the  
Last 12 month on property owned by us (Minraman)

(a) The removal of grids without a fencing agreement  
(b) The cutting of Boundary fence without consent.  
(c) The digging of pits outside the Road  
reserve without consent.

(d) Connection to the Muckeruwa Bone water  
trust without ~~any~~ permission

(e) Construction of a Weir in the Birrie  
river without consent.

(f) Attempts by both of them to have AVO's  
put on anyone that doesn't go with them and  
to broadcast dishonours and defamatory information



(3) What possible legitimate reason could there be to have 2 Quarries 700m apart when I ~~think~~ would be plenty.

In conclusion, Mr ~~Harris~~ Harris if you would like me to show you some of these abuses. I would take the time to give you an inspection of them. ~~For~~ You should be aware that when COVID allows we are briefing a Barrister in Sydney to take action against the Bre Council. Our Solicitor from "Webb Boland" Narrabri has given up trying to talk sensibly with them. and we are raising the stakes.

David Cursey

# BREWARRINA SHIRE COUNCIL



*All communications to be addressed to the General Manager*

SHIRE OFFICE  
57 Bathurst Street  
BREWARRINA NSW 2839  
PO Box 125  
BREWARRINA NSW 2839  
Telephone: (02) 6830 5100  
Fax: (02) 6839 2100  
Email: [breshire@brewarrina.nsw.gov.au](mailto:breshire@brewarrina.nsw.gov.au)

General Manager  
Shire of Walgett  
77 Fox Street  
PO BOX 31  
WALGETT NSW 2832

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

4 February 2021

Attention: Mr Bob Harris

Dear Mr Harris

## **Re: Request for Response to Submissions**

Thank-you for the opportunity to respond to the four (4) submissions received for DA2020/28 during the Community Notification period.

Below is an expanded list of the submissions received, a list of the issues with planning merit relevant to the application and the respective responses to the raised issues.

## **Submission 1 – Wedgetail Project Consulting**

### ISSUE 1. LOCATION, AREA AND RATE

As detailed in Section 1.2 of the development application DA2020/28 the proposed quarry is located approximately 700m from an existing quarry and that 29,000m<sup>3</sup> of material would be extracted from the site per annum. It is also stated that the material is being extracted for a particular road works project of the Brewarrina Shire Council it is anticipated the quarry would only be operational for 3 months.

Access to the site is via an existing internal road of the property. The total area of the quarry and the access road is to total 2 hectares.

### ISSUE 2. ELEVATION AND BLACK SOILS

As detailed in Section 4.4.3 and Figure 4.1 of the development application DA2020/28 the proposed quarry is located out of the flood modelling area. It is not proposed to have any infrastructure onsite including a site office or amenities block.

### ISSUE 3. VEGETATION

As shown in the submission by Wedgetail Project Consulting the quarry is located in a cleared area that does not contain remnant vegetation. It is acknowledged that the proposed site does boarder on remnant vegetation communities however these areas are not within the borders of the proposed quarry or established access road.

## **Submission 2 – John Bishop**

### ISSUE 1. ABORIGINAL HERITAGE

It is noted that in the submission that the actual site of the quarry there is likely to be any change of anything significant. It is mentioned that the access is through a sensitive area. The track to the quarry is proposed to be on an existing access track into property.

## **Submission 3 – Charles Carpenter**

### ISSUE 1, 2 & 10. LANDOWNERS CONSENT, LAND OCCUPIERS' CONSENT & ACCESS AGREEMENT

Council has agreed on access fee arrangement with the land occupiers through their representative Mike Witherdin, as per Council email on 18 Jan 2021, copy attached (fee value was removed from the email).

### ISSUE 3. LOCATE TO STOCK ROUTE

Viewing the Local Land Service Travelling Stock Reserve mapping there are no Travelling Stock Reserves overlayed on the proposed quarry site. Acknowledging that Category 4 - Wilby Wilby Bore is located over 1km away, the site these site as described by the NSW Local Land Services:

*"TSRs, in the Western Division only, that are rarely, if ever used for travelling stock or emergency management, but are important, valued and used for other reasons such as biodiversity conservation or First Nations Peoples' heritage. These TSRs are Stock Watering Places."*

As the quarry is only anticipated to be operational for 3 months it is unlikely that the extraction activity will have an effect on TRS.

### ISSUE 4. SITE SIZE

The total area of the quarry and the access road is proposed to equal 2 hectares.

### ISSUE 5 & 6 LACK OF ENVIRONMENTAL MANAGEMENT INFORMATION

As per the requirements of the development approval application a Statement of Environmental Effects was completed along with an assessment of any other required information.

### ISSUE 7. ABORIGINAL HERITAGE

As detailed in Section 4.10 and Figure 4.8 of the development application DA2020/28, searches were undertaken and it was revealed that there are no Aboriginal sites recorded

in or near the proposed quarry site. There are no Aboriginal places have been declared in or near the proposed quarry.

#### ISSUE 8. CORE LEGAL CONTEXT

As detailed in Section 3 & 4.8 of the development application DA2020/28 the statutory approvals were noted. It is the intension of the Brewarrina Shire Council to comply with any relevant legislation associated with the quarrying activity.

#### ISSUE 9. WALGETT SHIRE DEVELOPMENT CONTROL PLAN 2016

Any applicable elements of the Walgett Shire Development Control Plan 2016 were addressed in Section 4 of the application including the Statement of Environmental Effects.

### **Submission 4 – David Curry**

#### ISSUE 1. TRAFFIC MANAGEMENT

The proposed development of DA2020/28 is intended to be operational for a short period of (3-6) months as material is extracted for a particular roads project of the Brewarrina Shire Council. A traffic impact statement has not been prepared as the traffic impact is not intended to be of an ongoing nature. Council will grade the road as required during the gravel carting period to maintain similar current surface conditions for the road. Council maintain the bridge approaches on the Narran River on regular bases.

#### ISSUE 2. KOALA POPULATION

As detailed in Section 4.9 of the development application DA2020/28 the location of the quarry is not located in core Koala habitat and there is no approved Koala Plan of Management over the site. The development does not propose the removal of any Koala habitat as part of the development.

#### ISSUE 3. LOCATION TO SIMILAR DEVELOPMENT

Barney's Ridge is a known area for excellent quarry material. Acknowledging the presence of an existing quarry within 1km of the proposed quarry, the existing quarry is operated as a commercial quarry by Mr Charles Carpenter. The proposed quarry in application DA2020/28 is for the sole use of the Brewarrina Shire Council to extract material for the purpose of upgrading Regional Road 70 Brewarrina - Goodooga Road from an unsealed road to an all-weather access, sealed, two lane highway. Once this project is completed it is expected to quarry will no longer be operated.

## Conclusion

Please accept the above as a response to the four (4) submissions received for DA2020/28. I look forward a response from the Walgett Shire Council once a decision has been made on the Barney's Ridge Quarry Application.

Should you have further enquiries please don't hesitate to contact the undersigned on telephone (02) 6830 5136 or email [tm@brewarrina.nsw.gov.au](mailto:tm@brewarrina.nsw.gov.au) should you have any queries regarding the content of this letter or the project in general.

Yours faithfully



**Amer Tawfik**

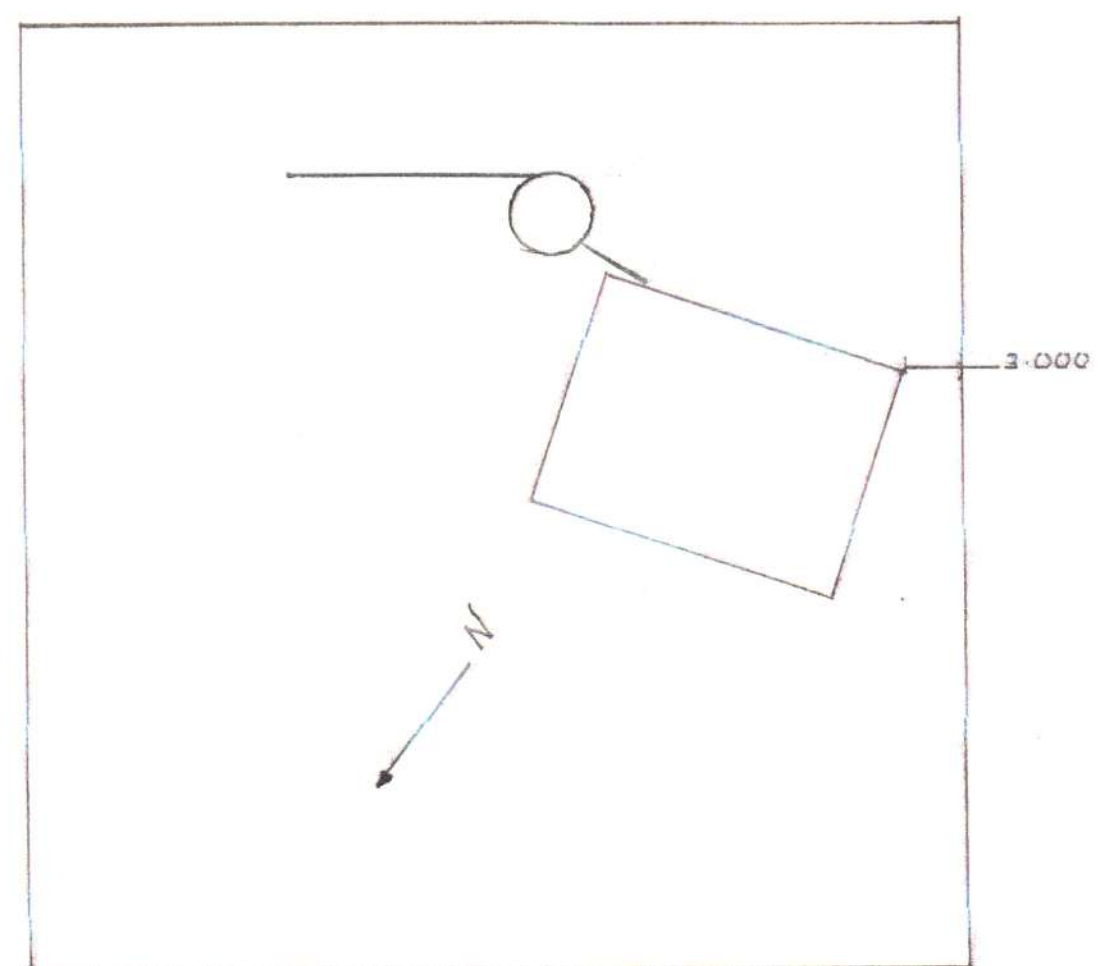
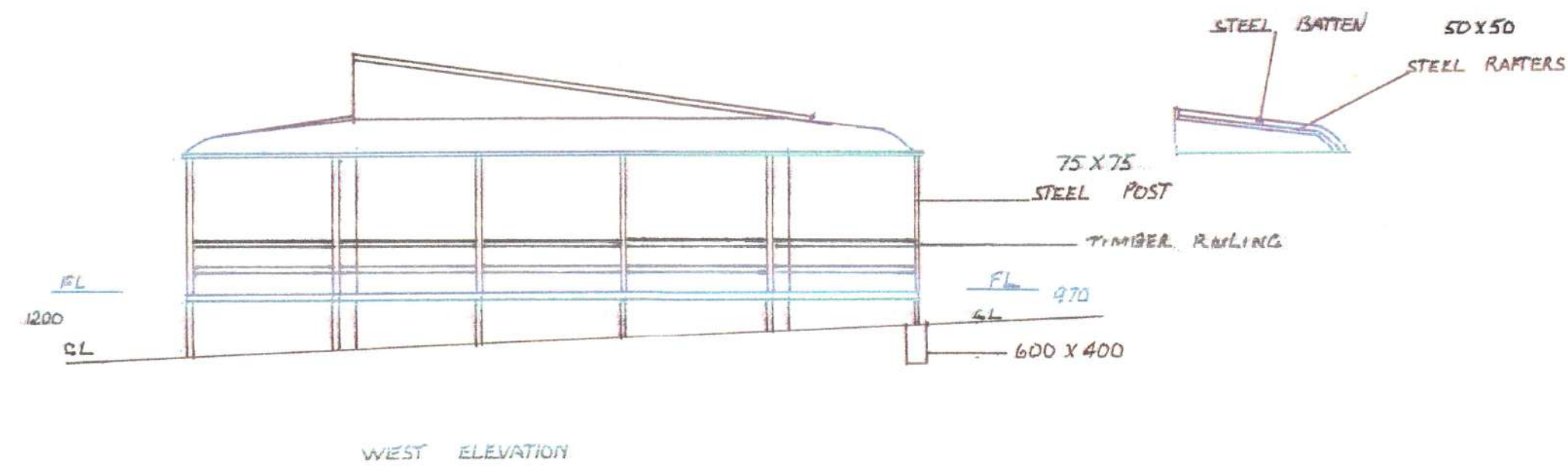
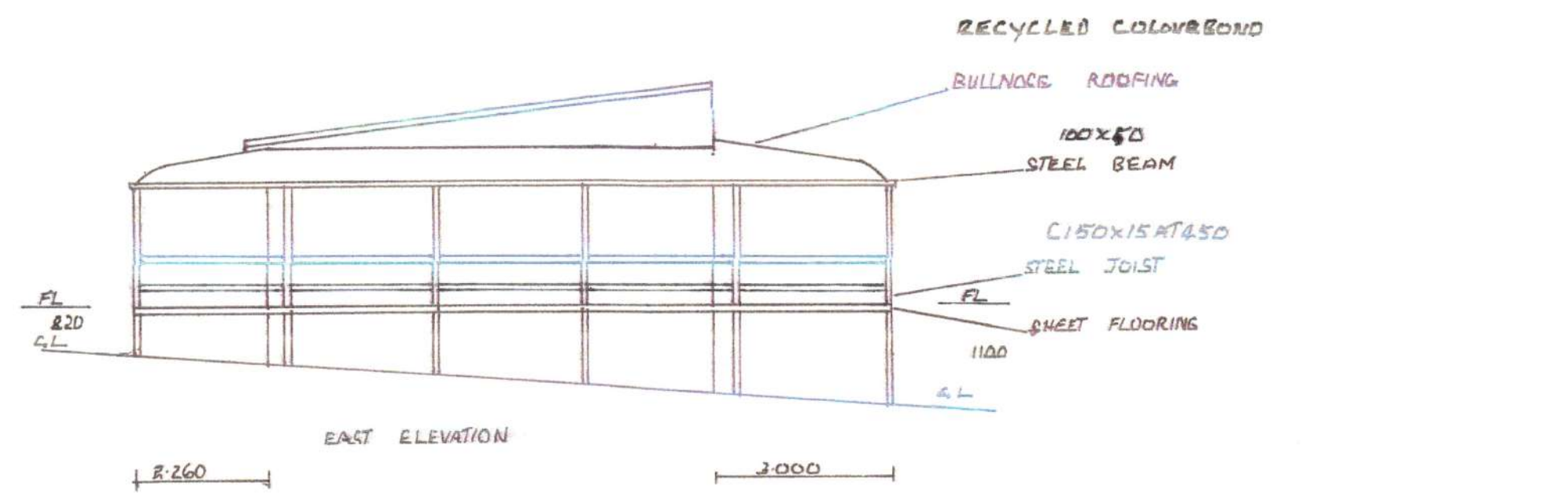
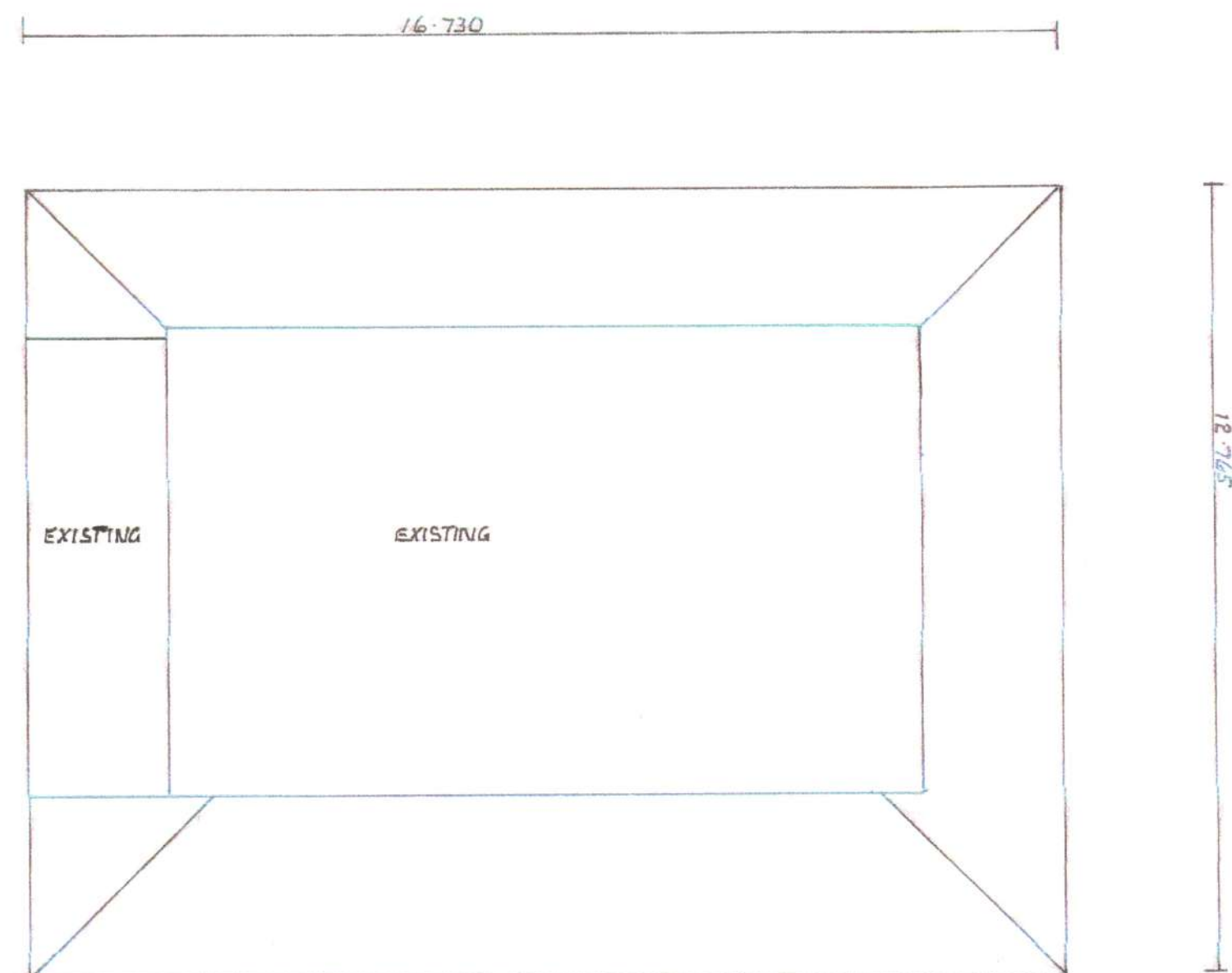
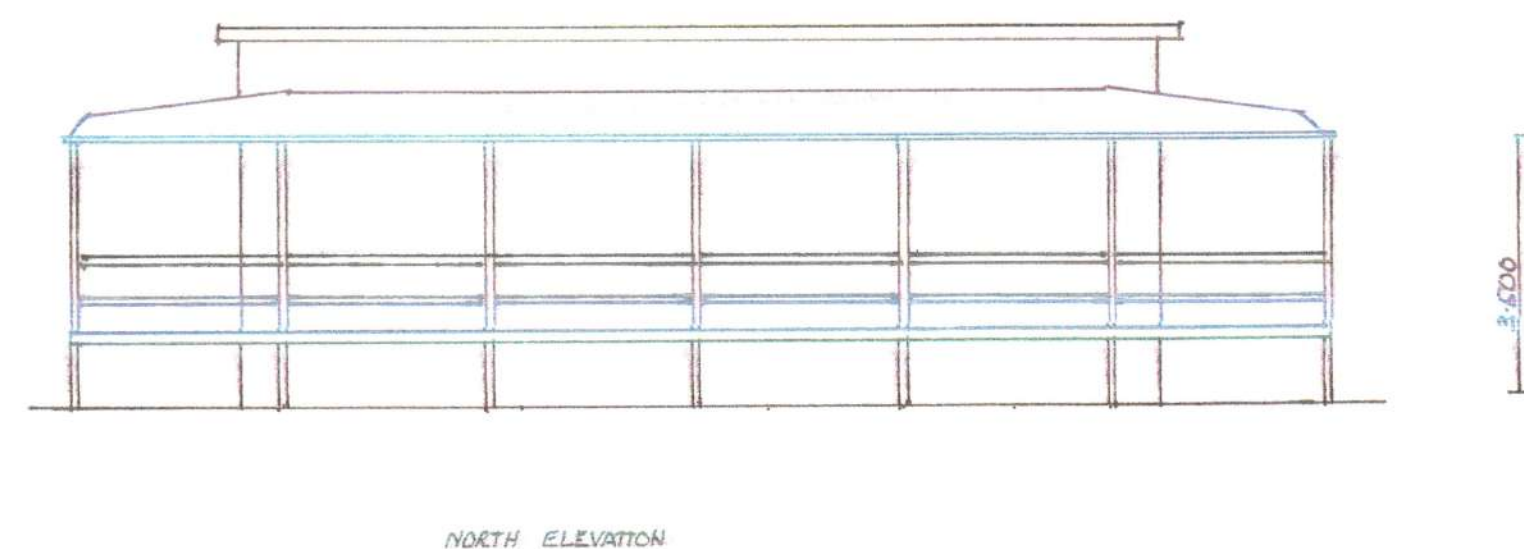
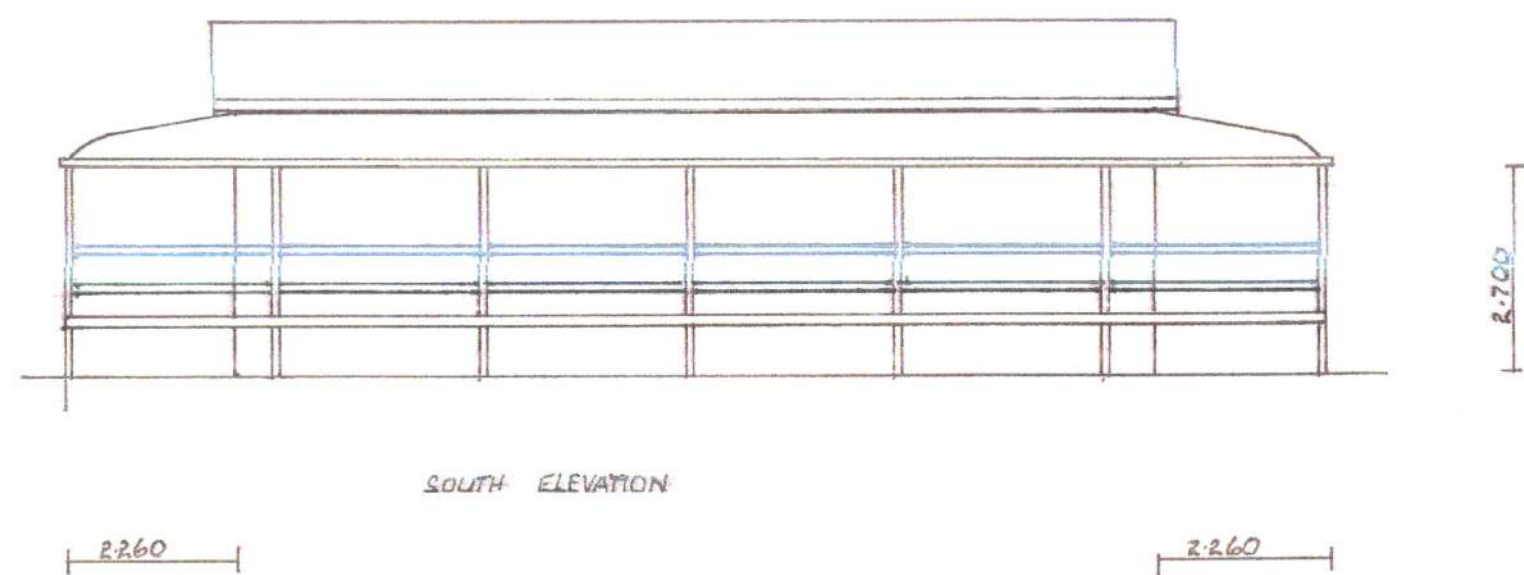
Transport Manager | Brewarrina Shire Council

[tm@brewarrina.nsw.gov.au](mailto:tm@brewarrina.nsw.gov.au)

P 02 6830 5123

M 0448 921 191





PROPOSED VERANDA  
 AT GRAWIN OPAL FIELDS  
 FOR MR & MRS T L MC BOWYER  
 CLAIM NO 88976 R SCALE 1:100



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](mailto: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) PT 7/15 Sec(s) \_\_\_\_\_ DP(s) MC 38976/15 <sup>1145240</sup>

Street: Opal Fields Town: Grawin

1. What is the land currently being used for?

Dwelling

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

\_\_\_\_\_  
\_\_\_\_\_

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

Veranda on Existing Dwelling

### LIKELY IMPACTS

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

Nil

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

Nil

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

Nil

7. What types of development exist on surrounding land?

Nil

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)

Nil

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?

No



## 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

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):

No

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

Past Mining - not used for years

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 

Date:

# Development Assessment Report

**DA Number:** DA2021/1      **Council:** Walgett  
**Location:** Grawin Opal Fields  
**Development Description:** Verandah  
**Title Details:** MC 38976

## Proposal Overview

The proposal is to construct a verandah on an existing dwelling. The verandah will be constructed around the full outside of the dwelling and will be steel frame and roofing with timber verandah boards.

## Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No Issues.
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 4.55 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:** SP1 Special Activities  
  
**Development as per Standard Definitions:** This development is considered to be ancillary development to a dwelling. As per the *NSW Planning Circular How to characterise development PS13-001*, an ancillary use is a use that is subordinate or subservient to the dominant purpose. The dominant development on this land is a **dwelling house**, which is defined as meaning a *building containing only one dwelling*.

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

Clause	Compliance	Comment
Land Use Table	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This is permissible development.
6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A Soil & Erosions Control Plan has not been submitted, but it can be conditioned that one be submitted.



6.6 Essential Services	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	All available essential services are available to this development. All connection requirements can be conditioned as required for the individual merits of this development.
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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
4.4	4.4.3	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	All dwellings must be 5m away from the boundary. The verandah will be 3 metres from the boundary.

Has a variation to the DCP been requested? Yes ☒ No ☐

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
<b>SEPP 19 — Bushland in Urban Areas</b>	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>
<b>SEPP 21 – Caravan Parks</b>	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>
<b>SEPP 33 — Hazardous and Offensive Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides considerations for consent for hazardous &amp; offensive development.</i>
<b>SEPP 36 – Manufactured Homes Estates</b>	Not Applicable <input type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP helps establish well-designed and properly serviced manufactured home estates in suitable locations.</i>
<b>SEPP 44 — Koala Habitat Protection</b>	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>
<b>SEPP 47 – Moore Park Showground</b>	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>
<b>SEPP 50 Canal Development</b>	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>

<b>SEPP 55 — Remediation of Land</b>	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>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	<p>This SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works.</p> <p>It is considered that there have been no prior contaminating land uses and the site is suitable for the proposed use.</p> <p>The property does not require an assessment for identification of contaminated sites, as the land-use would not significantly alter.</p>
<b>SEPP 64 — Advertising and Signage</b>	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>
<b>SEPP 65 — Design Quality of Residential Flat Development</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
<b>SEPP 70 — Affordable Housing (Revised Schemes)</b>	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>
<b>Aboriginal Land 2019</b>	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>
<b>Affordable Rental Housing 2009</b>	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>
<b>Building Sustainability Index: BASIX 2004</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
<b>Coastal Management 2018</b>	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>
<b>Concurrences 2018</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP allows the Planning Secretary to act as a concurrence authority.</i>
<b>Educational Establishments and Child Care Facilities 2017</b>	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>

<b>Exempt and Complying Development Codes 2008</b>	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>
<b>Gosford City Centre 2018</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to the Gosford City Centre.</i>
<b>Housing for Seniors or People with a Disability 2004</b>	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>
<b>Infrastructure 2007</b>	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>
<b>Kosciuszko National Park – Alpine Resorts 2007</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to part of Kosciuszko national park, and to Kosciuszko Road and the Alpine Way. The part of Kosciuszko Park to which the policy applies is the land described as the ski resort area in Part 8A of Schedule 6 to the Act.</i>
<b>Kurnell Peninsula 1989</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways.</i>
<b>Mining, Petroleum Production &amp; Extractive Industries 2007</b>	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>
<b>Miscellaneous Consent Provisions 2007</b>	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>
<b>Penrith Lakes Scheme 1989</b>	Not Applicable <input checked="" type="checkbox"/>	<i>This SEPP applies to the land shown edged heavy black on the structure plan relating to Penrith Lakes.</i>
<b>Primary Production and Rural Development 2019</b>	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>
<b>State and Regional Development 2011</b>	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>
<b>State Significant Precincts 2005</b>	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>
<b>Sydney Drinking Water Catchment 2011</b>	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>

<b>Sydney Region Growth Centres 2006</b>	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>
<b>Three Ports 2013</b>	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>
<b>Urban Renewal 2010</b>	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>
<b>Vegetation in Non-Rural Areas 2017</b>	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>
<b>Western Sydney Employment Area 2009</b>	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>
<b>Western Sydney Parklands 2009</b>	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>

<b>List all relevant Draft SEPPs</b>		
<b>SEPP</b>	<b>Compliance</b>	<b>Comment</b>
<b>SEPP 55 — Remediation of Land</b>	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>
<b>Complies</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	See Comment above.
<b>SEPP - Environment</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:</i></p> <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i></li> <li><i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i></li> <li><i>State Environmental Planning Policy No. 50 – Canal Estate Development</i></li> <li><i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i></li> <li><i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i></li> <li><i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i></li> <li><i>Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i></li> </ul>

<b>SEPP – Housing Diversity</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i><b>This SEPP aims to facilitate the delivery of diverse and affordable housing to meet the needs of the State's growing population and support the development of a build-to-rent sector. It introduces new definitions for build-to-rent housing, student housing and co-living;</b></i></p> <ul style="list-style-type: none"> <li>• <i>amends some state-level planning provisions, particularly for boarding house and seniors housing development;</i></li> <li>• <i>amends some state-level planning provisions to support social housing developments undertaken by the NSW Land and Housing Corporation (LAHC) on government-owned land; and</i></li> <li>• <i>consolidates three housing-related SEPPs</i> <ul style="list-style-type: none"> <li>○ <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i></li> <li>○ <i>State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</i></li> <li>○ <i>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes).</i></li> </ul> </li> </ul>
<b>SEPP (State &amp; Regional Development)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>The proposed changes will:</i></p> <p><i>Remove the \$30 million capital investment value criteria for upgrades of water treatment facilities associated with an existing facility.</i></p> <ul style="list-style-type: none"> <li>• <i>Fast-track the approval process so drought related water treatment facility upgrades can be delivered quicker.</i></li> <li>• <i>Allow Sydney Water to respond to future drought conditions.</i></li> </ul> <p><i>The proposed changes will allow facilities unlikely to have a significant environmental impact on the environment to be assessed by water supply public authorities, instead of a longer State Significant Infrastructure assessment process.</i></p> <p><i>Any new water treatment facilities will still be assessed as State Significant infrastructure. The proposed changes won't apply to desalination plants, new water treatment facilities or water storage facilities.</i></p>
<b>SEPP (Infrastructure)</b>	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This amendment aims to clarify and streamline the planning assessment for the extension and maintenance of the Wild Dog Fence.</i></p> <p><i>The proposed amendment includes:</i></p> <ul style="list-style-type: none"> <li>• <b><i>Extension:</i></b> <i>amend Clause 132 to allow an extension of the fence to be considered as State Significant Infrastructure (subject to a detailed assessment) replacing the need to seek multiple government approvals for different parts of the fence.</i></li> <li>• <b><i>Maintenance:</i></b> <i>include provisions under Clause 132 that permit routine maintenance of the fence to be carried out as exempt development.</i></li> </ul>

### Planning Agreement

Section 4.15(1)(a)(iia) – EP & A Act

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

Yes ☐ No ☒



Local Strategic Planning Statement		
Walgett Community Strategic Plan Alignment		Applicable
C 1.1	Develop a connected, informed, resilient and inviting community.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
C 1.2	A safe, active and healthy Shire.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
C 1.3	A diverse and creative culture.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.1	An attractive environment for business, tourism and industry.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.2	Employment opportunities that supports local industries.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.3	An efficient network of arterial roads and supporting infrastructure; town streets and footpaths that are adequate and maintained.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
E 2.4	Communities that are well serviced with essential infrastructure.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.1	Operate an urban waste management system that meets the community needs and environmental standards.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.2	Provide potable and raw water supply systems that ensures enhanced water security and meets health standards.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.3	A sustainable environment that recognises our rivers, natural environment, ecological systems and biodiversity.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SL 4.4	Maintain a healthy balance between development and the environment.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.1	Provide and maintain an effective road network that meets the community needs and expectations.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.2	A Regional and State Road network that is appropriately supported and resourced by Government.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.3	Maintain and improve Council's property assets to an optimal level.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I 5.4	Provision of facilities and communication services.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Planning Priority		Applicable
PP1.	Promote development that contributes to the unique character of the towns and villages within Walgett Shire and meets the needs of a changing population.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
PP2.	Protect and respect Aboriginal Communities through promoting management and ownership of land of which they have a traditional association, or which can assist with their social, cultural and economic development.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP3.	Support sustainable economic development including agriculture and new industries based on the Shire's built and natural assets and locational advantages.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP4.	Promote preferred locations for industrial growth and development.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP5.	Engage Aboriginal and Torres Strait Islander People in employment or education, with an emphasis on workforce participation and opportunities.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP6.	Promote tourism as a significant component of the Shire's economy.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP7.	Encourage sustainable management of the Shire's natural assets and environmental features.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP8.	Protect and enhance the natural environment and improve biodiversity.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP9.	Protect items, places, and areas of natural and cultural heritage.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
PP10.	Ensure that future urban development is supported by adequate infrastructure and access to a range of social and community facilities sufficient to support the future population base of the community.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>



Far West Regional Plan Alignment	Applicable
Direction 1 - Grow the agribusiness sector, value-added manufacturing opportunities and supply chains.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 2 - Protect productive agricultural land and plan for greater land use compatibility.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 3 - Sustainably manage mineral resources.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 4 - Diversity energy supply through renewable energy generation.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 5 - Promote tourism opportunities.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 6 - Unlock economic potential through improved freight transport infrastructure.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 7 - Improve regional air connections.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 8 - Sustainable manage water resources for economic opportunities	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 9 - Sustainably manage water resources for economic opportunities.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 10 - Enhance the economic self-determination of Aboriginal communities.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 11 - Support new planning and land management arrangements.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 12 - Enhance the productivity of employment lands.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 13 - Protect and manage environmental assets.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 14 - Manage and conserve water resources for the environment.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 15 - Manage land uses along key river corridors.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 16 - Increase resilience to climate change.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 17 - Manage natural hazard risks.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 18 - Respect and protect Aboriginal cultural heritage assets.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 19 - Conserve and adaptively re-use European heritage assets.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 20 - Manage change in settlements.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 21 - Strengthen communities of interest and cross-regional relationships.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 22 - Collaborate and partner with Aboriginal communities.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 23 - Improve access to local health services, aged care and senior' housing.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 24 - Enhance access to education and training.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 27 - Provide greater housing choice.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Direction 28 - Deliver greater housing choice.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Direction 29 - Manage rural residential development.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Direction 30 - Create healthy built environments.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Strategy	Action
Protect existing residential amenity and provision of housing choice.	Review and application of other development controls in the DCP.

### Supporting Planning Assessment

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

### Subdivision

Is this application for subdivision? Yes ☐ No ☒

## Environmental Impacts

*Section 4.15(1)(b) – EP & A Act*

Does this proposal have any potential impact on:

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

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

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

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

Heritage	Impact	Comment
European	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Aboriginal	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	An Aboriginal Heritage Information Management System (AHIMS) search was not carried out for the land.

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

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

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 ☒

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 ☐

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Drainage	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Drainage to the satisfaction of the Certifying Authority. Water will be collected as part of the existing potable supply.
Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Upgrade Existing Road	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Pedestrian Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Loading & Unloading	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Energy Conservation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

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

## Construction Assessment

Is a Construction Certificate Required?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the Construction Certificate required for a subdivision?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Was a construction certificate submitted with this application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Has Council been appointed as the Principle certifying Authority?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Has a construction assessment been completed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is an annual Fire Safety Measures certification required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is a public defects liability agreement required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

## Section 68 Assessment

Is a section 68 assessment required?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Has a section 68 assessment been completed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Was a section 68 application submitted with this application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
What type of waste system is required?	stormwater
Does this system require connection to a Council maintained system?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

## Developer Contributions

Does this proposal require any Developer Contribution?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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## Signage

Does this proposal require signage?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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## Notification

Does this application require notification/advertising?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is this application an advertised development application under the EP & A Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

## Section 88b Instrument

Does Council require a Section 88b instrument to be prepared?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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## Public Interest

Does this proposal have any construction or safety issues?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there any public health issues?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any other public interest issues?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

## Site Suitability

*Section 4.15(1)(c) – EP & A Act*

Is this a suitable site for this development?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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## Assessing Officer General Comment

<b>Comment:</b>	There are no outstanding issues that cannot be dealt with by the use of appropriate conditioning.
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## Recommendation

This development application be approved subject to the following conditions:

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

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

## GENERAL CONDITIONS

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

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

## CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

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

Should Council be appointed the Principal Certifying Authority, the applicant must give at least 2 days' notice to enable inspections to be undertaken.
6. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run-off around cleared or disturbed areas,
  - erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - prevent tracking of sediment by vehicles onto roads,
  - stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

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

7. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenience. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.
8. Approval to carry out water, sewer and stormwater work must be obtained, in accordance with section 68 of the *Local Government Act 1993*, before works commence.

## CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

9. The owner of the property is to ensure that any building is constructed:
  - (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;
  - (c) so that it does not interfere with any easements or covenants upon the land.
10. Any building work must be carried out between 7.00am and 5.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
11. A garbage receptacle must be provided at the work site before works begin and must be maintained until works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

12. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site (and must not be burned on site) and then disposed of at a waste management facility, to protect the amenity of the area and avoid the potential of air pollution.
13. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
14. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
15. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
16. Any earthworks (including any structural support or other related structure for the purposes of the development):
  - a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
  - d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.
17. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Environment, Climate Change & Water and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

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

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

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

19. At the completion of the works, the work site must be left clear of waste and debris.

#### CONDITIONS RELATING TO ONGOING OPERATIONS

20. 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

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



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

### Reasons For Conditions

1. To confirm and clarify the terms of Council's approval.
2. To comply with all relevant legislation.
3. So that the impacts of any increase in the scale or duration of operations may be assessed and appropriately controlled. Section 19 (1) (b) of the *Environmental Planning and Assessment Regulation 2000*, as amended.
4. To prevent and/or minimise the likelihood of environmental harm and public nuisance.
5. To ensure the rehabilitation of the site.
6. To minimise the potential for adverse impacts on the environment or public as a result of the development.
7. To ensure waste is disposed of in an appropriate manner.
8. To ensure that public infrastructure is maintained.
9. To minimise the potential for detrimental impacts to buildings or neighbouring properties.

### Conclusion

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

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

Additional Notes Attached

Yes ☐ No ☒




Signed: .....

Signed: .....

Elizabeth Cumming, Consultant Planner

Bob Harris, Acting Director Environmental Services

Date: 17 February 2021

Date: 17 February 2021