
NARROMINE SHIRE COUNCIL
MEETING BUSINESS PAPER – 26 JUNE 2024
REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT

1. DEVELOPMENT APPROVALS

Author Director Community and Economic Development
Responsible Officer Director Community and Economic Development
Link to Strategic Plans CSP – 3.1.6 – Encourage developers to consider energy efficiency and sustainable building design options in new developments
DP – 3.1.6.1 - Ensure compliance with relevant building codes and regulations

Executive Summary

This report provides information to Council on the approved Development Applications for May 2024.

Report

The approvals for the month of May 2024 brings the total approved Development Applications for the financial year to 52, with a total value of \$10,759,301. At this time last year there were 49 applications approved with a value of \$11,886,188.

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2024/11	Cathundral Rd, Trangie	11/-/755112 19/-/755112 27/-/833480	Boundary Adjustment (Integrated)	\$10,000	36
2024/20	Coolibah Ct, Narromine	208/-/1283610	Dwelling	\$514,960	13
2024/24	Coolibah Ct, Narromine	205/-/1283610	Dwelling	\$421,000	12
2024/25	Crossley Dr, Narromine	27/-/1023333	Domestic Storage Shed	\$19,800	4

There are currently 9 applications under assessment.

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1. DEVELOPMENT APPROVALS (Cont'd)

During the month of May there was 1 refused Development Application.

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2023/58	36 Third Ave, Narromine	6/3/3572	Home Industry (Welding)	\$0.00	29

There were also 2 applications withdrawn during the month of May.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021

Risk Management Issues

Nil

Internal/ external Consultation

Nil

Attachments

Nil

RECOMMENDATION

That the information be noted.

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE

Author	Manager Planning
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	Narromine Local Environmental Plan 2011; Narromine Development Control Plan 2011; Narromine Shire Flood Policy for Developments in Urban Floodplains

Executive Summary

Council has received a development application for proposed residential alterations and additions at 124 Murgah Street Narromine. The design seeks variation to the Development Control Plan, for a reduced front setback and proposing a car port forward of the building line. Also, the application has requested a variation to the 'Narromine Shire Council Flood Policy for Developments in Urban Floodplains' (adopted February 2011). Certain criteria apply for dwelling additions, to permit building additions to an existing floor height where Council is of the opinion that building up to the residential flood planning level (FPL) would be impractical or unreasonable. One criterion is that "the addition is not to exceed 50% of the floor area of the existing dwelling (habitable floor area)".

The existing dwelling is a 3-bedroom, 1-bathroom dwelling. In this application the proponent seeks to exceed the 50% criteria adopted in the Flood Policy with a 69.4% increase to floor area proposed (equates to an additional 75m² to the existing floor area of 108m²). The additions seek to extend the living area and add a fourth bedroom and walk in robe and ensuite. The flood planning level (FPL) for the property is between 239.9mAHD and 239.75mAHD (based on the 1% AEP flood level plus 500mm) with 239.9mAHD contour closest to the extensions. The finished floor level of the existing dwelling is 239.74mAHD, which is providing a freeboard of 490mm above the 1% AEP. Keeping the existing floor height in the proposed addition, provides a freeboard of 340mm above the 1% AEP. This means for the floor level of the building additions to meet the residential FPL the dwelling would need to incorporate a split floor level (difference of 160mm). Freeboard will cater for certain flood affects and the potential for increases in future peak 1% AEP flood levels (climate change).

In resolving to approve this application, Council will need to determine the proposed development does not result in unacceptable flood impacts on and off the site, and does not pose unacceptable risk due to flood potential.

Report

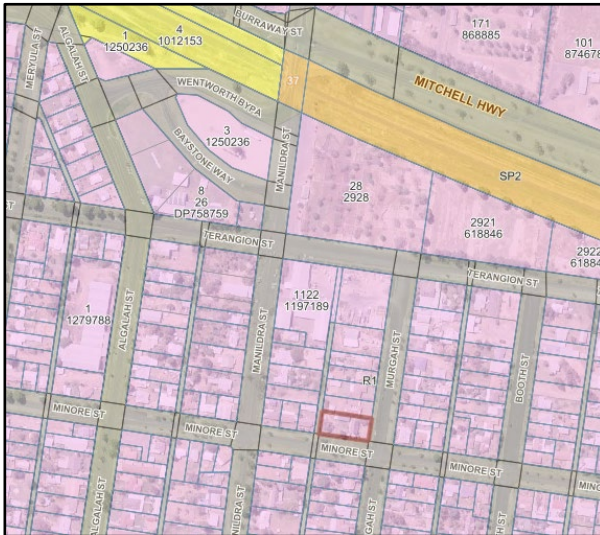
The application seeks approval to extend and renovate an existing dwelling:

- Existing dwelling is 3-bedroom, 1-bathroom dwelling (existing habitable floor area – 108m²). The existing finished floor level is 238.74m AHD.
- Proposed additions (75m²) provide a 4-bedroom, 2-bathroom floor plan (proposed habitable floor area – 183m²).

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2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

Locality and Site Context Map:



Property Description:

Legal Description:
Lot 73 in DP537369

Existing Improvements:
Brick residence and separate storage shed.

The land has recently been subject to a development consent for subdivision (DA2024/3). The approval to subdivide the land into 2 lots has been approved subject to conditions. Council is currently assessing the subdivision works. The dwelling will remain on 905m² and rear yard with frontage to Minore Street will become new Lot 2 with an area of 750m².



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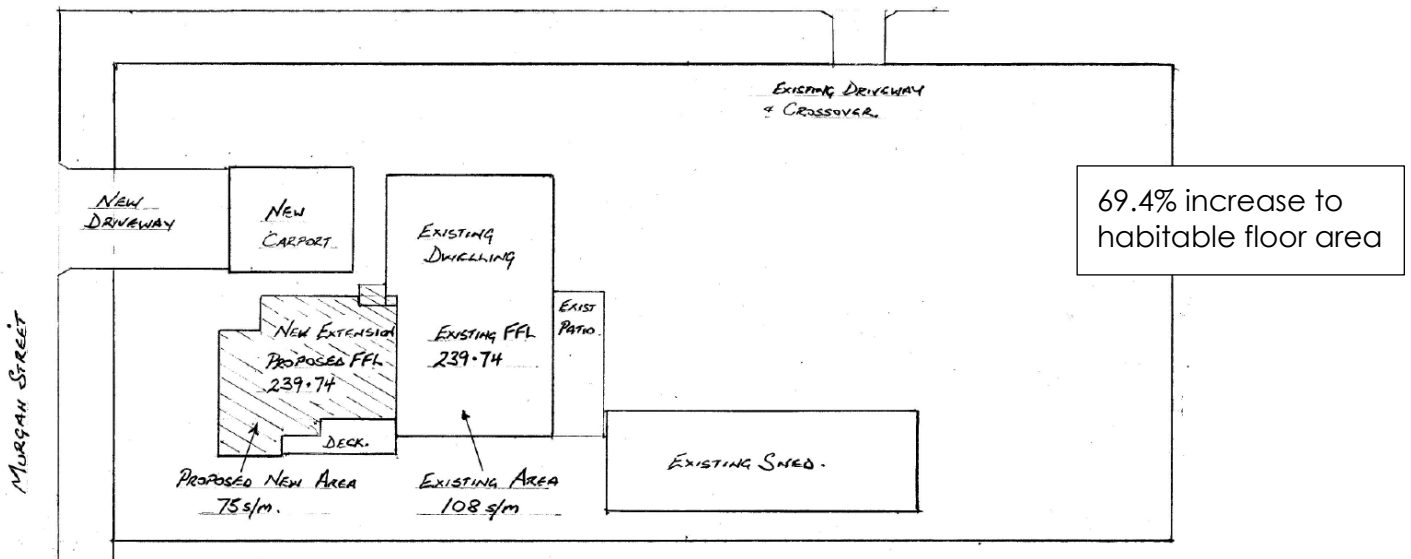


Existing Dwelling -
124 Murgah Street, Narromine.
3 bedroom brick veneer dwelling with tile roof

Additions to extend dwelling into front setback – remove existing patio at front and add lounge extension, new bedroom, walk in robe, bathroom and separate W/C with new front entry.

New driveway at current path with new carport to be located in front of bedroom windows.

MINORA STREET



Internal Referral Advice:

Engineering

- Standard condition regarding requirement for s138 for any work in road reserve - noted that separate application has been made for the new driveway.

Health and Building

- The applicant is to submit to Council prior to the issue of a Construction Certificate structural engineers plans for the footing and use flood compatible materials in the construction as per Policy.

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

Easement(s):

There are no existing easements located on the land.



Electricity transmission line – overhead power runs along Murgah Street.

Guidelines are able to be referenced:

“ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure”.

Water main and meter is located in Murgah Street, with the sewer main located in the laneway to west.



Consolidation of Lots:

There is no requirement to consolidate land to permit the development. The proposed new dwelling extensions are located wholly within one title. Also, wholly within the proposed new lot associated with subdivision DA2024/3.

Section 4.14 Consultation and development consent—certain bush fire prone land

The land is not identified as mapped Bushfire Prone Land. The development is not required to demonstrate compliance with "Planning for Bushfire Protection".

Contributions:

- | | | | |
|---|---|--|------------------------------|
| Does the Section 7.11 Contributions Plan apply? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A |
| Does the Section 7.12 Contributions Plan apply? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| Does the Developer Services Plan apply? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A |

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

Comments: The proposed development is not valued over \$100,000 and therefore will not be subject to payment under the s7.12 Contributions Plan. The nominated value was \$66,000. The Long Service Levy is required to be conditioned to comply with the Construction Industry Long Service Payments Act 1986. Standard condition to be included in an approval based on value to be provided at the Construction Certificate stage (also to clearly breakdown the costs for the car port, extensions, and alteration to services).

Section 4.15(1) Assessment

S4.15 (1) (a) (i) The provisions of any environmental planning instrument

Local Environmental Plans

The Narromine Local Environmental Plan 2011 applies to all land within the Narromine Local Government Area. The Land Use Table for the R1 zone includes Dwelling Houses as development permitted with consent. The original dwelling was approved by Council in 1969 (BA1969/65).

Clause 2.3(2) of Narromine Local Environmental Plan 2011 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R1 zone are:

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The alterations and addition to the existing dwelling is consistent with the objectives of the R1 General Residential zone.

Relevant provisions of Narromine Local Environmental Plan 2011

Clause 5.21 Flood planning

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

- (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and

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- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) the intended design and scale of buildings resulting from the development,*
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*
- (5) In this clause—*

Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Flood Risk Management Manual.

Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

Comments:

The Council must be satisfied of the following:

- (a) is compatible with the flood function and behaviour on the land*

The site is not considered a flood way or flood storage area.

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties,*

Flood affectation has not specifically been studied, however the additions are proposed with pier design and flood water will not be displaced by any fill introduced.

- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood,*

The alterations and additions are to an existing occupied dwelling. No significant impact to evacuation of people and emergency procedures.

- (d) incorporates appropriate measures to manage risk to life in the event of a flood,*

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The development will not likely increase risk to life in the event of a flood. The dwelling house is currently occupied.

- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

No impact to watercourses in the location of development.

State Environmental Planning Policies

The following State Environmental Planning Instruments (SEPPs) apply to the Narromine Local Government Area:

SEPP Name	COMMENTS
Transport and Infrastructure SEPP	<p>2.48 Determination of development applications—other development</p> <p>(1) <i>This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i></p> <p>(a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></p> <p>(b) <i>development carried out—</i></p> <p style="padding-left: 20px;">(i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></p> <p style="padding-left: 20px;">(ii) <i>immediately adjacent to an electricity substation, or</i></p> <p style="padding-left: 20px;">(iii) <i>within 5m of an exposed overhead electricity power line,</i></p> <p>(c) <i>installation of a swimming pool any part of which is—</i></p> <p style="padding-left: 20px;">(i) <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i></p> <p style="padding-left: 20px;">(ii) <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i></p> <p>(d) <i>development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i></p> <p>(2) <i>Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <p>(a) <i>give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i></p> <p>(b) <i>take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p> <p>COMMENT: Section 2.48 has been considered and no electricity transmission line is in close vicinity to the proposed development. Referral to Essential Energy not required in this instance.</p>
SEPP (Biodiversity and Conservation) 2021	No clearing of native vegetation is sought that requires approval pursuant to the SEPP.
SEPP (Resilience and Hazards) 2021	<p>4.6 Contamination and remediation to be considered in determining development application</p> <p>(1) <i>A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p>(a) <i>it has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p>

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SEPP Name	COMMENTS
	<p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>(4) The land concerned is—</p> <p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p>COMMENT: The land use category is not changing. The land does not have any recorded contamination history associated with planning attributes recorded.</p>
SEPP (Planning Systems) 2021	N/A
SEPP (Industry and Employment) 2021	N/A
SEPP (Resources and Energy) 2021	N/A
SEPP Exempt & Complying Development 2008	<p>Not exempt development and DA required.</p> <p>The car port could not be constructed separately as exempt/complying development. The floor area is too large for exempt, and an exempt car port must be located at least 1m behind the building line of any road frontage.</p>
SEPP (Primary Production) 2021	N/A
SEPP Housing 2021	N/A
SEPP (Building Sustainability Index: BASIX) 2004	SEE BELOW – certificate lodged for the dwelling alterations in this case.

The following SEPPs are specifically relevant to the assessment of the proposed development:

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• **SEPP (Building Sustainability Index: BASIX) 2004**

BASIX statement included with DA submission. Relevant conditions to be included in the determination. (BASIX was outside the 3-month valid date when lodged – and updated Certificate was requested and provided prior to finalising assessment).

S4.15 (1) (a) (ii) The provisions of any proposed environmental planning instrument

There are no draft LEPs or draft SEPPs that apply to the subject land.

S4.15 (1) (a) (iii) The provisions of any development control plan

Narromine Shire Council Development Control Plan 2011 applies to the land.

The following DCP clauses are specifically relevant to the assessment of the proposed development: Chapter 5(a) Residential development is applicable.

Development Standards	Comment	COMPLIES – Y/N
<p>Building Siting and Design</p> <p>The same distance as on or the other adjoining buildings, provided the difference between the setbacks is less than or equal to 2m ELSE the average of the setbacks of the adjoining buildings.</p>	<p>Side and rear setbacks ok.</p> <p>Side setback is stepping closer to the northern boundary and has a min setback 4.8m.</p> <p>Infill development – adjoining land and setbacks is considered. Front setback is reduced by the extension to min 6m. The car port at the front of the dwelling is not ideal and does not contribute to establishing an attractive streetscape. The adjoining buildings have average setbacks of 10.5m. The closest dwelling in Murgah Street is set back 13m.</p> <p>The front façade is stepped and the setback to the car port is 6.7m.</p> <p>The setback is only considered to be acceptable as the land is a corner lot. Dwellings opposite are similar set back 6m from one frontage in Minore Street. However, it should be noted that the setback variation sought could be reduced and impact on the streetscape minimised, if the floor area of the extension was reduced to 50% and complied with the Flood Policy.</p>	<p>NO – Variation to the DCP.</p> <p>Need to consider the merits of permitting an extension that reduces the front setback by approx. half of existing distance.</p> <p>The variation to the DCP is not justified or identified in the Statement of Environmental Effects provided by the applicant.</p>

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<p>Building Height Building heights are to be similar to those in the public streetscape.</p>	<p>Single storey proposed to match existing dwelling.</p>	<p>Y</p>
<p>Fencing</p>	<p>Where overland flooding is likely to occur, fences should provide for the movement of water.</p>	<p>Can be a conditioned-require any new fencing in a flood prone area to comply.</p>
<p>Private Open Space 20% of the lot area with min depth 5m</p>	<p>Greater than 50% of site area is available as POS.</p>	<p>Y</p>
<p>Landscaping</p>	<p>BASIX commitments noted. Landscaping plan will be required prior to CC to demonstrate BASIX commitments.</p>	<p>Y</p>
<p>Privacy Habitable windows not to align with adjoining development.</p>	<p>New windows do not directly align with neighbours due to the reduced setback and stepping forward of the building line from the nearest neighbour.</p>	<p>Y</p>
<p>Building Design</p> <ul style="list-style-type: none"> • Building materials are naturally textured and coloured and are sympathetic to the natural environment and are not reflective; • Windowless facades are avoided on street frontages; • Building design facilitates surveillance of streets and open spaces; • Habitable areas (lounge, family rooms) should be designed and positioned within the dwelling to have a northerly or north-easterly aspect. This should be through a north - south or east-west building orientation. 	<ul style="list-style-type: none"> • Building material is varied. The use of brickwork to match existing – is not proposed. The extension proposes to use mix of horizontal colorbond cladding; windows- louvres and timber frames, with existing brickwork to be rendered and painted to match the colorbond cladding in the extension. • No windowless facades are proposed. • Extension adds to living area with northern glass windows (louvre). 	<p>Y – Lounge room will receive some northern sunlight in two new windows.</p> <p>Use of colorbond as a wall cladding in the mixed manner with rendered surfaces is acceptable.</p>
<p>Domestic Outbuildings</p>	<p>Existing shedding is noted as located at rear of dwelling.</p> <p>New car port proposed for undercover car parking with close access to the front door.</p>	<p>NO – variation to the DCP.</p> <p>The variation to the DCP is not justified or identified in the Statement of Environmental</p>

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	<p>The DCP requires that car ports, sheds and the like are to be located behind the building line.</p> <p>The DCP aims to preserve the front elevations of dwellings such that the main feature of the front façade is not the garage or car port.</p> <p>The car port will shadow windows to existing bedrooms.</p>	<p>Effects provided by the applicant.</p> <p>The setback variation is proposed and the new building line.</p> <p>The pitched roof to the car port is satisfactory and mirrors the pitch of the extension.</p>
<p>Flooding Located in the Intermediate Flood plain area – Habitable floor level to be above FPL; Building components below the FPL are constructed with flood compatible materials.</p>	<p>Applicable –conditions for flood related conditions are required if approved.</p> <p>The applicant has indicated flood compatible building materials are able to be used below the FPL.</p>	<p>NO-Variation sought.</p> <p>Habitable Floor levels to be below the Flood Planning Level (FPL).</p> <p>Addressed further in this report – variation to Flood Policy sought.</p>
<p>Access and Car Parking</p>	<p>S138 application conditioned for any driveway works.</p>	<p>Y to be conditioned.</p>

S4.15 (1) (a) (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

There are no planning agreements relating to the site. The applicant has not requested Council to enter into any form of planning agreement.

S4.15 (1) (a) (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Part 4 of the Environmental Planning and Assessment Regulation 2021 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

- **Clause 61 - Additional matters that consent authority must consider -**

(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.....

Comment: - Demolition works are not proposed and other matters are not applicable to this development.

- **Clause 62 - Consideration of fire safety**

(1) This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.

(2) The consent authority must—

(a) consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and

(b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.

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(3) *Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).*

Comment: - This application does not propose to include change of use of the existing structures.

- **Clause 63- Temporary Structures** - not relevant to the proposal.
- **Clause 76 - Deferred Commencement** - not relevant to the proposal.
- **Clause 77 – Ancillary aspects of development** - not relevant to the proposal.
- **Clause 67 - Modification or surrender of development consent or existing use** - not relevant to the proposal.

- **Clause 75 - Fulfilment of BASIX commitments –**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

- *(a) BASIX development,*
- *(b) BASIX optional development, if the development application was accompanied by a BASIX certificate.*

Comment – Conditions applied to ensure BASIX commitments are met.

S4.15 (1) (b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

- **Context and Setting** – The setting is characterised as an established existing residential area with single dwellings and outbuildings. The dwelling alterations are not significantly out of character with the neighbouring land.
- **Land Use Conflict** – No adverse impact identified. The surrounding lots are similarly developed for single residential dwellings. The potential for interference on amenity in the construction period is to be addressed through standard conditions.
- **Access and Traffic** – New driveway is proposed as part of the application. This was expected due to the approved subdivision of the lot. New driveway proposed from Murgah Street and separate driveway currently available from Minore Street. Driveway design and works are required to be approved subject to a separate s138 permit pursuant to the Roads Act.
- **Public Domain** – No adverse impact identified.
- **Utilities** – Standard conditions should be applied to ensure utility services are avoided. Vicinity of overhead power lines addressed in this report, with no referral to Essential Energy required.

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

- **Heritage** – No nearby locally listed items. No issues are envisaged in the developed site; standard condition should be applied for unexpected finds.
- **Other land resources** – N/A
- **Bushfire** – Not applicable. Not mapped within a bush fire prone area.
- **Surface Water and Groundwater** –The development is unlikely to cause impact to adjoining land. Standard conditions for connection to street for drainage to be included (separate s68 application was applied for with the DA). S68 requirement conditions to be included with DA approval. It is unlikely a new outlet to the street will detrimentally impact street drainage.
Clause 6.6 Groundwater vulnerability of the Narromine Local Environmental Plan 2011 applies to land identified as “Vulnerable Land” on the Groundwater Vulnerability Map. The provisions of the clause have been considered and the residential extension should be able to avoid any environmental impact to groundwater (no conditions required).
- **Soils** - No adverse impact identified. Standard conditions adequate to ensure erosion and sediment control measures are adopted.
- **Air & Microclimate** – No adverse impacts identified for residential occupation.
- **Noise and Vibration** - Construction period to be conditioned for hours of work. No adverse impacts envisaged.
- **Flora and Fauna** - No native vegetation to consider. No street trees proposed to be removed.
- **Waste** - No adverse impact identified. Standard waste management required for construction.
- **Natural Hazards** – The land is within a mapped flood affected area.

FLOODING

Clause 5.21 Flood Planning within the Narromine Local Environmental Plan 2011 applies to land as noted above in this report. Clause 5.21 requires Council In deciding whether to grant development consent to consider the following matters—

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)



Excerpt Narromine Town Floodplain Risk Management Study and Plan update (Figure D1.2)

The subject land falls within **Flood Planning Constraint Category 3** - Comprises areas that lie below the **Flood Planning Level (FPL)**. (Previously referenced as the 'Intermediate floodplain').

The Council's Flood Policy is considered further and also addresses the compatibility of the proposed development with flood potential.

Narromine Shire Council Flood Policy for Developments in Urban Floodplains (adopted February 2011) is applicable to the development site. The development application seeks a variation to the Policy.

Note E within the Policy states:

"For all new developments, it is recognised in this policy that the residential FPL is the minimum benchmark for floor levels. Additions are separately categorised in Annexure 1 for instances where building up to the residential FPL is impractical or unreasonable. Appendix I 6.3.2 of the Floodplain Development Manual 2005 states that additions can be built below the FPL 'where, in the opinion of Council, the floor level requirement is impractical or unreasonable'."

The Policy position guides interpretation in this regard. A range of criteria has been applied to clarify instances where Council is of the opinion that building up to the residential FPL would be impractical or unreasonable. For dwelling additions:

- The addition is not to exceed 50% of the floor area of the existing dwelling (habitable floor area), and
- The addition is to be designed to withstand the force of floodwaters including debris and buoyancy forces. A detailed report from a practising structural engineer certifying that the addition can achieve this is required.
- The addition is proposed to be built from flood compatible materials (as included in Annexure 3) up to the 1% plus 500mm level.

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2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

The Policy states:

If an addition to a dwelling meets all of the above criteria, it may be built at the same floor level as the existing building. Council reserves the right to review each application submitted and potentially applying to this section on individual merits and in some cases, building up to the residential FPL may be warranted. Applications submitted under this subsection of the Policy (Dwelling Additions) may only be approved once for each individual allotment or building, to ensure cumulative impacts are minimised/controlled.

In this case, the applicant was advised in correspondence that the proposal was not consistent with the Policy and requested to revise plans. The applicant has sought that the determination be made at a Council meeting for further consideration and interpretation of what is "impractical or unreasonable". This is the first application for dwelling additions under the Policy for the land.

The applicant has provided the following reasons for Council to consider a variation to the Policy (excerpt from Statement of Environmental Effects prepared by the applicant):

- *To fit in with existing structures, to avoid poor design & construction and to create free flowing space throughout dwelling.*
- *Refrain from having 160mm step in living spaces which will lead to hazardous levels and excludes the dwelling from being disability compatible.*
- *Currently the dwelling is very small, with one small living area and one bathroom & toilet – to achieve an extension below 50% increase makes our objectives difficult and economically unviable.*
- *A proposed design of a 4-bedroom house, with one small living area is impracticable and not viable.*
- *Questionable flood levels 4 different FPL's over proposed building footprint these range from 239.75 to 239.90 variance of 150mm*
- *Existing dwelling has a FPL of 239.75*
- *Surveyed existing dwelling has FFL 239.74 which is compatible.*
- *Proposed extension FFL at 239.74 – to be taken at the FPL of 239.75". (page 11).*

The design of the additions will comply with use of flood compatible materials.

Building Component	Flood Compatible Material
Doors	Solid panel with waterproof adhesives
Floor Covering	Vinyl floorboard
Flooring and Sub Floor Structure	Pier and waterproof sub structure beam construction galvanised piers
Insulation	closed cell types
Nails, Bolts, Hinges and Fittings	Galvanised Removable pin hinges
Wall and Ceiling Linings	Below FPL – water area sheeting above FPL 10mm plasterboard
Wall Structure	Metal clad
Internal Wall Electricals	Power sockets, lights and switches will be situated above the Flood Level height
Windows	Aluminium frame

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

The existing dwelling is a 3-bedroom, 1-bathroom dwelling. In this application the proponent seeks to exceed the 50% criteria adopted in the Flood Policy with a 69.4% increase to floor area proposed (equates to an additional 75m² to the existing floor area of 108m²). The additions seek to extend the living area and add a fourth bedroom and walk in robe and ensuite. The flood planning level (FPL) for the property is between 239.9mAHD and 239.75mAHD (based on the 1% AEP flood level plus 500mm) with 239.9mAHD contour closest to the extensions. The finished floor level of the existing dwelling is 239.74mAHD, which is providing a freeboard of 490mm above the 1% AEP. However, the nearest flood contour to the extension is FPL 239.90m. Keeping the existing floor height in the proposed addition, provides a freeboard of 340mm above the 1% AEP. This means for the floor level of the building additions to meet the residential FPL the dwelling would need to incorporate a split floor level (difference of 160mm). Freeboard will cater for certain flood affects and the potential for increases in future peak 1% AEP flood levels (such as, due to climate change).

Council most recently considered a similar development application that involved a variation to the Council's Flood Policy at the 8th November 2023. Since that time the LEP was updated to refer to the new *Flood Risk Management Manual*, published by the NSW Government in June 2023 (previously referencing the *Floodplain Development Manual*, published by the NSW Government in April 2005. On 10 November 2023, the *Environmental Planning and Assessment Amendment (Flood Planning) Regulation 2023* (EPA Reg Amendment) was published on the NSW legislation website. It amended the *Environmental Planning and Assessment Regulation 2021* (EPA Reg) and replaced references to the Floodplain Development Manual. The 2023 Manual adopts a broader flood risk management framework.

A key consideration is 'Flood Risk' and the assessment of the consequences to the community due to flooding in development assessment. Council's adopted Flood Policy 2011 and the endorsed Flood Plain Risk Management Study Update 2021, guide development and aim to limit increases in flood risk related to new and modified development. However, Council has recently resolved to not proceed with the construction of a flood levee for the urban area of Narromine. This was part of the preferred flood mitigation scheme adopted in the Narromine Town Floodplain Risk Management Study Update 2021 by Lyall and Associates. The cost to the community due to flooding issues, will be an ongoing consideration for Council. In this context, it is recommended that if Council resolves to approve this development, that it is also resolved to prepare an update to the Flood Policy and description of measures applicable for 'Dwelling Additions', to address a risk-based approach and provide greater clarity on floor level controls.

In the circumstances of residential additions, a review of the Policy wording is warranted, especially where Council has previously granted a variation, and staff are receiving queries for similar proposals.

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

In this case, Council can decide if the variation is justified and “impractical or unreasonable” to require construction to the FPL, and accept that the proposed design is adequate as proposed, with the Policy variation.

- With consideration of flood impacts and risks, and mitigation measures, overall flood related risks are ‘low’.
- The finished floor level (FFL) will be above the 1%AEP level but without the required freeboard to meet the Flood Planning Level (FPL). The freeboard minimises risk by adding mitigation for wave impacts, and future changes to flood levels due to climate change.
- **Technological Hazards** – No issues raised, the occurrence of asbestos is to be assessed prior to commencement of work.
- **Safety Security and Crime Prevention** – The construction site is to be kept secure at all times. Adequate sight is available from the front entry to the street.
- **Social Impact in the Locality** – No significant social issues are raised due to the development.
- **Economic Impact in the Locality** – The cost to the community in times of flood may increase as costs for clean-up/repair to residential property that is impacted (known to be below the FPL). This economic impact is aimed to be reduced by implementing the Flood Policy and updating the Development Control Plan in accordance with the Floodplain Risk Management Study Update 2021.
- **Site Design and Internal Design** – The Dwelling extension will be wholly located on the subject allotment and is of a design that is seeking several variations to the DCP as outlined in this report.
- If Council approves the alterations and additions the strength of the DCP to uphold the expected development standards of Narromine Shire Council is reduced.
- **Cumulative Impacts** – Minor adverse impacts are raised. Impact to the streetscape are hard to quantify. With the DCP variation, it is assumed outbuildings such as car ports will be more frequently requested to be constructed forward of the building line.

S4.15 (1) (c) The suitability of the site for the development,

The site has the capacity to support the proposal without creating adverse impacts on the site and adjoining land – subject to conditions. The land is zoned for residential development and the alterations and additions to a dwelling is a compatible development type. The design has considered the approved subdivision of the same land.

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2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

Risk assessment summary

The Flood Impact and Risk Assessment Guide LU01 prepared by the Department of Planning and Environment has been referenced. In this instance a simple flood impact and risk assessment was acceptable based on:

- One dwelling is affected i.e. relatively small scale.
- Council has flood information available regarding flood levels.
- The existing dwelling (and additions) finished floor level will be above the 1%AEP however freeboard allowance has not met to comply with the current flood planning level (FPL).
- There is unlikely to be significant adverse impacts to the community as a whole as a result of the development.

Consideration	Why Consider?	Controls/Mitigation	Residual Risk
Flood level change	<ul style="list-style-type: none"> • May increase inundation and damage to existing development • May inundate additional existing development • May create new or larger flood ways or flow paths • May isolate new areas 	<p>No change to flood ways & Flow paths.</p> <p>The alterations and additions are not proposing to change the ground levels, and has incorporated construction on piers. No increase to flood levels due to displacement likely (no fill).</p>	Low
Change in duration of flooding	<ul style="list-style-type: none"> • May increase damage • May increase duration of isolation 	Potential ponding of flood water is unlikely.	Low
Velocity change	<ul style="list-style-type: none"> • May increase scour potential and/or damage to buildings 	No change in flood velocity expected.	Low
Change in warning and evacuation time	<ul style="list-style-type: none"> • May decrease available warning time and time available for evacuation 	The additions will not change existing warning or property evacuation times.	Low
Change in frequency of inundation	<ul style="list-style-type: none"> • Properties may become flood affected in more frequent events • Access may be cut more frequently • Areas may be isolated more frequently 	No fill is proposed. The frequency of inundation will not be affected by the development.	Low

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Flood function categorisation change	<ul style="list-style-type: none"> May change categorisation (e.g. flood storage to floodway) and change impacts on flooding on existing development 	<p>Inundation of existing dwelling is possible, built FFL is greater than 1%AEP flood event (however does not have required freeboard to meet FPL).</p> <p>The approval of additions will increase damage and cost for the landowner in the event of inundation. Council Policy is to limit the cost to the individual and community by limiting the floor area for new additions that cannot achieve heights for habitable floor areas above the FPL to a limit of 50% of the of the existing dwelling.</p> <p>Will remain in the category Flood Planning Constraint 3.</p>	Low
Hazard categorisation change	<ul style="list-style-type: none"> May reduce safety to vehicles, people or buildings 	The additions will be required to demonstrate the construction standards are able to withstand force of floodwaters, including debris and buoyancy forces.	Low

S4.15 (1) (d) Any submissions made in accordance with this Act or the regulations,

The application was not notified to neighbours.

S4.15 (1) (e) the public interest

The proposal is assessed to pose no significant impacts on the public interest.

Legal and Regulatory Compliance

This development assessment has been undertaken consistent with Council's obligations under the Environmental Planning and Assessment Act, 1979, as amended.

The assessment and recommendation have been made in good faith with consideration of the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

Financial Implications

No financial issues are identified.

Risk Management Issues

Conditions of consent have been recommended. The Local Government Act provides that a council that acts in accordance with the Flood Risk Management Manual relating to the management of flood liable land (this manual) is taken to have acted in good faith in relation to advice given, or things done or not done, relating to the likelihood of flooding or the extent of flooding.

Section 733 of the Local Government Act 1993 provides local councils and statutory bodies representing the Crown, and their employees, with a limited legal indemnity for certain advice given, or things done or not done, relating to the likelihood of flooding or the extent of flooding. It should be noted that the indemnity offered by s733 is limited. Council should act in good faith and in accordance with the Manual.

Extract from s 733 of the Local Government Act 1993 1.

- 1) A council does not incur any liability in respect of—
 - a. any advice furnished in good faith by the council relating to the likelihood of any land being flooded or the nature or extent of any such flooding, or
 - b. anything done or omitted to be done in good faith by the council insofar as it relates to the likelihood of land being flooded or the nature or extent of any such flooding. [...]
3. Without limiting subsections (1), (2) and (2A), those subsections apply to—
 - a. the preparation or making of an environmental planning instrument, including a planning proposal for the proposed environmental planning instrument, or a development control plan, or the granting or refusal of consent to a development application, or the determination of an application for a complying development certificate, under the Environmental Planning and Assessment Act 1979, and [...]
 - c. the imposition of any condition in relation to an application referred to in paragraph (a), and
 - d. advice furnished in a certificate under section 149 of the Environmental Planning and Assessment Act 1979 (now s10.7), and
 - e. the carrying out of flood mitigation works, and
 - f. the failure to upgrade flood mitigation works or coastal protection works in response to projected or actual impacts of climate change, and
 - g. any other thing done or omitted to be done in the exercise of a council's functions under this or any other Act.

2. DEVELOPMENT APPLICATION DA2024/19 PROPOSED RESIDENTIAL ALTERATIONS AND ADDITIONS, 124 MURGAH STREET NARROMINE (Cont'd)

Internal/External Consultation

During the development assessment stage statutory consultation have been undertaken in accordance with *Environmental Planning and Assessment Act and Regulation*.

Internal consultation has been noted in this report.

Options Considered

Council has the following options:

1. The application be approved subject to conditions outlined in Annexure A.

This is the recommended option.

2. That the application be deferred for further consideration.

The applicant be requested to comply with Council's Flood Policy and reduce the floor area of the additions to 50% of the existing dwelling. This will support the current flood controls, presents the lowest risk of cost to the community in a flood and remains consistent with other Council determinations. This option will delay the determination of the development application. The plans could similarly be revised to reduce the setback variation.

3. The application be refused for identified reasons.

This option may result in an appeal to the Land and Environment Court.

As this is a planning decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979, including a decision relating to a development application under that Act, a division is required to be called.

RECOMMENDATION

That Council;

- 1) Determine to approve the Development Application DA2024/19 pursuant to section 4.16 of the EP&A Act, subject to the subject to conditions outlined in Annexure A.
- 2) Prepare an update to the Flood Policy and description of measures applicable for 'Dwelling Additions', to address a risk-based approach and provide greater clarity on floor level controls.

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Annexure A

GENERAL CONDITIONS

Condition					
1	Approved plans and supporting documentation				
	Development of the Alterations and Additions to Dwelling must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.				
	Plan No.	Ref No.	Plan Title.	Drawn By.	Dated.
	Dwg 01	Rev A	Site Plan Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dwg 02	Rev A	Landscaping Plan Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dwg 03	Rev B	Floor Plan Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dwg 04	Rev A	Section A-A Extension and Carport Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dwg 05	Rev A	East Elevation Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dwg 06	Rev A	South and North Elevations Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dwg 10	Rev A	Window and Door Schedule (Basix Schedule) Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dwg 11	Rev A	Finished Floor Level Plan Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	11.1.24
	Dr 11	Rev A	FPL Level 4 Zones (section showing FPL) Proposed Addition, Michelle Matthews, 124 Murgah St, Narromine, Lot 73 DP537369	CM	19.4.24
	Document Title.	Certificate No.	Prepared By.	Dated.	
	Statement of Environmental Effects Extension/ Addition	REF: 24-MUR-001	Michelle Matthews	Wednesday, April 3 2024	
	BASIX Certificate Project: 124 Murgah St	A1743248	Christopher John McGuire	11 April 2024	

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Condition	
	<p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>NOTE: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p>
	<p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>

**BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Condition	
2	<p>Design amendments</p> <p>Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council and are in accordance with the approval conditions.</p> <ol style="list-style-type: none"> a. Plans are required that demonstrate compliance with the BASIX commitments and note use of flood compatible materials up to the Flood Planning Level (FPL). b. Demonstrate flood compatible fencing on updated landscaping plan, no associated works, such as landscaping or fencing, are to impede sight lines of traffic when passing, entering, and exiting the site. c. The addition is to be designed to withstand the force of floodwaters including debris and buoyancy forces. Applicants are required to submit detailed drawings, reports and certification by a qualified practising consulting structural engineer to show that the building will not sustain unacceptable damage from the impact of floodwaters and debris in times of major flooding. d. - The addition is proposed to be built from flood compatible materials up to the 1% plus 500mm level.
	<p>Condition Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development & to ensure the amenity for occupants has been addressed through appropriate design.</p>
3	<p>Flood Planning Level</p> <p>The dwelling addition is to be constructed so that the finished floor level of the habitable rooms is no lower than the existing floor level. The additions are to have flood compatible building components below the Flood Planning Level (FPL). This level should be determined in accordance with Council's Flood Policy and the Narromine Floodplain Risk Management Study & Plan 2021. At the time of this consent a FPL of 239.90 metres AHD is applicable to the land. The FPL at the time of construction should be confirmed in writing by Council prior to any works starting to account for any updates to the Flood Study and apply updated data to determine the relevant FPL.</p>
	<p>Condition Reason: The land falls within a known flood affected area and design is to be compatible with the flood behavior and hazard for the location.</p>

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Condition	
4	<p>Payment of building and construction industry long service levy</p> <p>Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The cost estimate and proof of payment is required to be provided to the certifier prior to issue of construction certificate.</p> <p>From 1 January 2023 the levy rate will be 0.25% of the cost of building and construction works and will only be payable if the cost of works is \$250,000 and above (inclusive of GST). This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the <i>Building and Construction Industry Long Service Payments Act 1986</i>.</p> <p>Based on the supplied value (\$66,000) the current levy payable is \$0 (An updated Cost Estimate maybe required prior payment). This payment can be made directly to the Long Service Corporation. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. Refer to the website for information on where to pay https://www.longservice.nsw.gov.au/bci/levy/paying-the-levy/where-to-pay-the-levy</p> <p>Condition Reason: To ensure the long service levy is paid.</p>
5	<p>Location of Switchboards/meters</p> <p>Switchboards for gas, electricity, etc must not be attached to the front or street facing elevations of the building. Where services are to be reconfigured this is at the cost of the developer.</p> <p>Condition Reason: Visual amenity has been addressed through appropriate design.</p>
6	<p>Erosion and sediment control plan</p> <p>Before the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in reference to the following documents:</p> <ul style="list-style-type: none"> • Council’s development control plan, and • The guidelines set out in the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book). <p>The applicant must ensure the erosion and sediment control plan is kept on- site at all times during site works and construction.</p> <p>Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
7	<p>Other approvals pursuant to LG Act</p> <p>Prior to the issue of a construction certificate, an approval pursuant to Section 68 of the Local Government Act 1993 is required to be issued by Council for all plumbing and drainage work, and discharge point to the street system.</p> <p>Condition Reason: To ensure all drainage, house sewer and plumbing work is carried out in accordance with the relevant requirements and the Local Government Act, 1993.</p>

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BEFORE BUILDING WORK COMMENCE

Condition	
8	<p>Approval for driveway</p> <p>Works are to include one additional domestic driveway, subject to the following:</p> <ol style="list-style-type: none"> I. A separate Section 138 Roads Act Approval will need to be obtained from Council. The conditions of a s138 approved by Council are to be complied with prior to works commencing in the road reserve. II. The driveway and any work within the nature strip is to comply with Council’s Nature Strips and Tree Policy (adopted by resolution 16 June 2021) for the safety of road users. III. The access driveway and layback must be constructed with appropriate materials and in accordance with Councils engineering standards and match existing road levels. IV. All new kerb and guttering infrastructure will be designed and constructed to Australian Standard AS 2876-2000- Concrete Kerbs and Channels (Gutters) – Manually or Machine Placed. V. Developers are responsible for determining the underground and aboveground services within the nature strip (i.e. Before you Dig) prior to commencing work. VI. The pavement and footpath area (generally 1.5m width) are to be constructed and maintained to ensure pedestrian movement can occur without hazard or any uneven surfaces formed. VII. The location of the proposed driveway is not to conflict with public utilities services such as water infrastructure, drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees. VIII. To ensure entering vehicles are not impeded, any gate to the property must not swing outward into the public domain. IX. No associated works, such as landscaping or fencing, are to impede sight lines of traffic when passing, entering, and exiting the site. <p>Condition Reason: To ensure a safe access onto a public road, meeting Council’s engineering standards.</p>
9	<p>Hazardous material</p> <p>An assessment of the parts of the building to be demolished shall be undertaken to determine if there is any asbestos material present. If asbestos is found to be present, works must be undertaken by a licensed contractor and waste disposed of at an appropriately licensed facility.</p> <p>Condition Reason: To ensure waste is appropriately classified and managed in accordance with legislative requirements.</p>
10	<p>Erosion and sediment controls in place</p> <p>Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, are in place, and remain until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p>Condition Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.</p>
11	<p>Signs on site</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ol style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and

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Condition	
	<p>b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and</p> <p>c) stating that unauthorised entry to the work site is prohibited.</p> <p>Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>NOTE: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p>Condition Reason: Prescribed condition EP&A Regulation, clause 70.</p>
12	<p>Compliance with Home Building Act</p> <p>In the case of residential building work for which the <i>Home Building Act 1989</i> requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>Condition Reason: Prescribed condition EP&A Regulation, clause 69.</p>
13	<p>Home Building Act requirements</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information –</p> <p>a) In the case of work for which a principal contractor is required to be appointed—</p> <ol style="list-style-type: none"> 1. the name and licence number of the principal contractor, and 2. the name of the insurer by which the work is insured under Part 6 of that Act, <p>b) In the case of work to be done by an owner-builder—</p> <ol style="list-style-type: none"> 1. the name of the owner-builder, and 2. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>Condition Reason: Prescribed condition EP&A Regulation, clause 71.</p>
14	<p>Damage to Public Assets</p> <p>The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets.</p> <p>Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant’s expense. Any damage to Council’s infrastructure that occurs as a result of the development must be repaired immediately to Council’s satisfaction and at no cost to Council.</p> <p>Condition Reason: To establish and document the conditions of property and public land for comparison as building work progresses and is completed.</p>

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Condition	
15	<p>Existing Services</p> <p>I. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.</p> <p>II. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property should be complied with.</p> <p>III. Essential Energy’s records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure. (Development Applications (essentialenergy.com.au)).</p> <p>IV. Prior to carrying out any works, a “Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).</p> <p>V. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</p> <p>Condition Reason: To ensure relevant utility service providers requirements can be met; and recognise Essential Energy’s requirements for works near powerlines.</p>
16	<p>Avoid Services</p> <p>Structures are to be located at least 1500mm away from the centre line of any sewer or stormwater pipe and such, that they do not encroach into any existing or required easement.</p> <p>Condition Reason: To protect Council infrastructure.</p>
17	<p>Flood - Benchmark</p> <p>Prior to commencement of building work the developer is to provide a surveyor’s benchmark on the site, levelled to the relevant Australian Height Datum (AHD) to enable future checking of compliance with the Flood Policy and the finished floor height requirements.</p> <p>Condition reason: To ensure the Flood Planning Level as adopted can be referenced by the builder and Certifier.</p>

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DURING BUILDING WORK

Condition	
18	<p>Surveys by a registered surveyor</p> <p>While building work is being carried out, a registered surveyor survey is required to measure and mark the positions of the following and provide them to the principal certifier –</p> <ul style="list-style-type: none"> a) A Survey Certificate building set out survey must be submitted at the completion of the building work certifying the location of the building in relation to boundaries of the allotment. b) At other stages of construction – any marks that are required by the principal certifier. <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
19	<p>Hours of work</p> <p>The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <p style="padding-left: 40px;">7:00am to 6:00pm on Monday to Friday 8:00 am to 1pm on Saturday</p> <p>The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p>NOTE: Any variation to the hours of work requires Council’s approval.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
20	<p>Section 138 Roads Act</p> <p>Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a separate Section 138 Roads Act Approval will need to be obtained from Council. The conditions of a s138 approved by Council are to be complied with prior to works commencing in the road reserve.</p> <p>Condition Reason: To ensure compliance with the Roads Act and Council policy</p>
21	<p>Stormwater Disposal</p> <p>The guttering, downpipes and stormwater system is to be installed and connected to a rainwater tank and/or the approved disposal point in consultation with Council, as soon as the roof sheeting is positioned to prevent erosion of the site from roof water. Proposed stormwater work is to be subject to an approval pursuant to s68 of the Local Government Act. Drainage works are to be designed and constructed in accordance with AS/NZS 3500.3.2 – Stormwater drainage and the Building Code of Australia.</p> <p>Condition reason: To assist in the prevention of erosion of the site from storm water.</p>
22	<p>Compliance with the Building Code of Australia</p> <p>Building work must be carried out in accordance with the requirements of the BCA.</p> <p>Condition reason: Prescribed condition - EP&A Regulation clause 69.</p>

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Condition	
23	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
24	<p>Implementation of the site management measures</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by site management conditions and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of this plan is kept on site at all times and made available to Council officers upon request.</p> <p>Condition reason: To ensure the required site management measures are implemented during construction.</p>
25	<p>Implementation of BASIX commitments</p> <p>While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent.</p> <p>Condition reason: While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent.</p>
26	<p>Construction noise</p> <p>While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
27	<p>Responsibility for changes to public infrastructure</p> <p>While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).</p> <p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
28	<p>Shoring and adequacy of adjoining property</p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –</p> <ol style="list-style-type: none"> a) Protect and support the building, structure or work from possible damage from the excavation, and b) Where necessary, underpin the building, structure or work to prevent any such damage.

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Condition	
	<p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>Condition reason: Prescribed condition - EP&A Regulation clause 74.</p>
29	<p>Uncovering relics or Aboriginal objects</p> <p>While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition:</p> <ul style="list-style-type: none"> • “relic” means any deposit, artefact, object or material evidence that: <ul style="list-style-type: none"> (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance; and <p>“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains</p> <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
30	<p>Cut and fill</p> <p>While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> a) All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>(Note: No fill is to be placed on the land without a flood study).</p> <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.</p>
31	<p>Ground Levels</p> <p>Finished ground levels are to be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.</p> <p>Condition reason: To ensure runoff does not impact neighbouring properties and buildings.</p>

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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
32	<p>Works-as-executed plans (drainage diagram)</p> <p>Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:</p> <ul style="list-style-type: none"> a) All stormwater drainage systems and storage systems; b) The following matters that Council requires to be documented: <ul style="list-style-type: none"> • Work as executed plans as per any s68 approval. <p>The principal certifier must provide a copy of the plans to Council with the occupation certificate.</p> <p>Condition reason: To confirm the location of works once constructed that will become council assets, and provide drainage diagram records.</p>
33	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.</p> <p>Before the issue of the occupation certificate, the certifier may request written confirmation from the relevant authority that the relevant services have been completed.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
34	<p>Repair of infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>NOTE: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
35	<p>Completion of landscape and tree works</p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape works, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p>Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved BASIX commitments and any landscaping plan(s).</p>
36	<p>Driveways and Car Parking</p> <p>Construction of access driveways and crossovers must be finalised in accordance with the approval prior to issue of an Occupation Certificate for the additions. Two (2) off street car spaces are to be provided for the dwelling.</p> <p>Condition reason: To ensure approved works are completed.</p>

3. DEVELOPMENT APPLICATION DA2022/28 PROPOSED 14 PERMANENT GROUP HOMES, 134 ALGALAH STREET NARROMINE

Author	DPHI Report Author, Tom Burns
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	Narromine Local Environmental Plan 2011; Narromine Development Control Plan 2011

Executive Summary

Council has received a development application for the proposed Development Application DA2022-28 seeking development consent for the construction of fourteen (14) permanent group homes including associated earthworks, tree removal, civil works and landscaping. The development will be managed by local specialist homeless service, Orana Support Service (OSS). OSS will be responsible for selecting residents for the development, who will be from the Narromine Local Government Area (LGA).

The development would occupy approximately half of the subject site and will represent a Stage 1 development application on the site. A future development application for the Stage 2 development will be lodged with Council for the redevelopment of the remainder of the site. Consent for concept development applications for subsequent stages of the development on the site are not sought under the subject development application. The development has a cost of works of \$2,920,276.

The assessment of this application was provided by the assistance of the Regional Housing Flying Squad, Department of Planning, Housing and Infrastructure, with review and contribution to the assessment by Council staff. The key issues for assessment are flooding and contamination and design issues (variations to the Development Control Plan standards).

The development was initially notified to adjoining and nearby landowners in accordance with the Narromine Community Participation Plan 2019 between 8 July – 22 July 2022 and subsequently between 4 September 2023 – 18 September 2023 following the receipt of amended plans. Council received four (4) submissions objecting to the development.

The key issues raised within the submissions relate to the socio-economic status of future residents and the potential for anti-social behaviour. In relation to the socio-economic status of future residents, it is noted that the development will be managed by OSS, who will be responsible for selecting suitable candidates for the development. OSS will also undertake weekly inspections of the development site to monitor residents. Additionally, recommended a condition of consent that requires the Applicant to prepare and implement a Plan of Management that details house rules for residents and a protocol to manage complaints from the community and residents within the development site.

3. DEVELOPMENT APPLICATION DA2022/28 PROPOSED 14 PERMANENT GROUP HOMES, 134 ALGALAH STREET NARROMINE (Cont'd)

Report

Refer to Attachment:

"Planning Assessment Report (Group Homes) PAN-228036, DA2022-28, Narromine Shire Council (dated June 2024) Published by NSW Department of Planning, Housing and Infrastructure.

Legal and Regulatory Compliance

This development assessment has been undertaken consistent with Council's obligations under the Environmental Planning and Assessment Act, 1979, as amended.

Financial Implications

No financial issues are identified.

Risk Management Issues

Conditions of consent have been recommended.

Internal/External Consultation

During the development assessment stage community and statutory consultation have been undertaken in accordance with Environmental Planning and Assessment Act and Regulation.

Attachments

- Planning Assessment Report (Group Homes) PAN-228036, DA2022-28, Narromine Shire Council (dated June 2024) Published by NSW Department of Planning, Housing and Infrastructure (**Attachment No. 1**).

As this is a planning decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979, including a decision relating to a development application under that Act, a division is required to be called.

RECOMMENDATION

That Development Application No. DA2022/28 for permanent group homes at 134 Algalah Street, Narromine (Lot 1 DP 1279788) be approved subject to the conditions of consent detailed in Schedule 1 of the Planning Assessment Report.

4. FOWLER STEAM ENGINE (16163) UPDATE

Author	Director Community and Economic Development
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	CSP – 3.1.4 Ensure preservation and maintenance of the Shire's heritage buildings, objects and places of interest.

Executive Summary

Mr Tony Walsh of the New England Heritage Traction Club Inc. has provided Council with an update of progress with the restoration of the Fowler Steam Engine which his club has undertaken to restore on Council's behalf.

Report

In April 2022 staff outlined that progress on the restoration of the Fowler Steam Engine had slowed during the COVID shutdown and that the engine had been moved to Invergowrie (near Armidale). At that time the next part of the restoration was to include works to the front axle.



The image above shows the Fowler Engine in April 2022 with works front axle including new bearings and turntable bushes.

4. FOWLER STEAM ENGINE (16163) UPDATE (Cont'd)

An update from the Heritage Traction Club Inc was received in May 2024 confirming that works to the engine were soon to recommence with the steam engine now set up inside a shed. Next stages include the removal of the rear wheels, fixing of rear broken axle and the removal of the steering chain bracket for repair.



The image above shows the Fowler Engine in May 2024 at Invergowrie.

At this stage confirmation of timing is not able to be given for the return of the Fowler to Narromine.

Financial Implications

Council will fund the parts needed and the Club will provide all labour free of charge. Funds have previously been allocated for the restoration.

Legal and Regulatory Compliance

A legal agreement was entered into with the New England Heritage Traction Club Inc. (13 July 2016) which outlines the responsibilities of the Club and Council.

4. FOWLER STEAM ENGINE (16163) UPDATE (Cont'd)

Risk Management Issues

There are no perceived risks at this stage.

Internal/External Consultation

My Tony Walsh (New England Heritage Traction Club Inc.),
Director Community and Economic Development.

Attachments

- Nil

RECOMMENDATION

That the report be noted.

5. PURCHASE OF LAND FOR LARGE LOT RESIDENTIAL SUBDIVISION

Author	Director Community & Economic Development
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 2.2.5 Planning mechanisms that support the provision of suitable and serviceable land that will support infrastructure that allows for localised employment opportunities CSP – 3.4.2 Ensure appropriately zoned land that meets residential needs throughout the Shire's communities.

Executive Summary

This report is presented to Council to detail progress made towards the purchase of 68.7 HA of land at Jones Circuit for future subdivision and development of R5 large lot residential land.

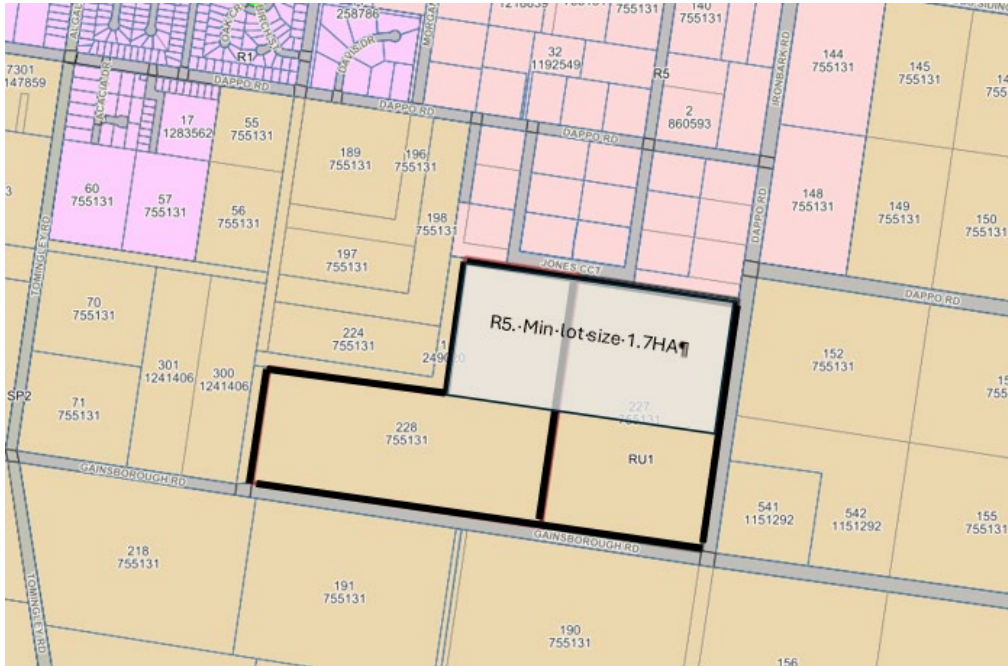
Report

At the Council meeting on the 8th of May 2024 a report was tabled to Council outlining the potential for purchase and development of lots 227 and 228 DP 755131 and lot 1 DP 249020, for large lot residential land.

The property at 36 Jones Circuit, is made up of the three allotments with approximately 27 HA of the property on the northern side (adjacent to Jones Circuit) zoned R5-Large Lot Residential and 40 HA on the southern side zoned as RU1-Primary Production. The 40 HA portion on the southern side is considered in Narromine Shire's Residential Strategy as suitable for rezoning as R5- residential with a recommended lot size of 4HA minimum.

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5. PURCHASE OF LAND FOR LARGE LOT RESIDENTIAL SUBDIVISION (Cont'd)



The report went on to outline the expected costs of development as well as the benefits to the community. The following resolutions were made by Council.

Crs Lambert/Jones; (2024/090)

1. That the General Manager be delegated to purchase the property subject to the maximum purchase price as tabled in the report to Council.
2. That the Common Seal be affixed to documents relating to the property purchase if required.
3. That a further report be brought back to Council to detail progress made and appropriate classification of the land under the Local Government Act.

Progress since the 8th of May 2024

Following the meeting an offer was made and accepted to purchase the land at 36 Jones Circuit for \$1.3M. Contracts were exchanged per the resolution on the 4th of June 2024.

Settlement is expected to be in early July 2024.

Very early planning works are underway which initially will be to review the Narromine Shire Residential Strategy in order to bring forward the timing for rezoning of land on the southern portion of the property from RU1 to R5.

Council's long term financial plan has also been adjusted to include the purchase of the property and a resolution is sought to allow the funds required to purchase the property be added to the statement of borrowings for the 2024-25 financial year.

5. PURCHASE OF LAND FOR LARGE LOT RESIDENTIAL SUBDIVISION (Cont'd)

In order to allow the property to be eventually subdivided and sold as residential land allotments the property should also be nominated as operational land (as opposed to community land) and a recommendation for resolution is provided below to allow that declaration.

Legal and Regulatory Compliance

- Narromine Shire Council Procurement Policy
- Narromine Shire Property Strategy 2022
- Part 2, s 31 *Local Government Act 1993*

Risk Management Issues

The risks involved with the purchase and development of the property were outlined to Council prior to the recommendation to proceed with the purchase. There are no additional risks to report at this time in proceeding with the recommendations outlined below.

Internal/External Consultation

Executive Leadership Team

Attachments

Nil

RECOMMENDATION

1. That the Statement of Revenue Policy and the Long-Term Financial Plan for the 2024-25 year be changed to reflect borrowings for the purchase of 36 Jones Circuit, Narromine for a price of \$1.3M.
2. The land described as lots 227 and 228 DP 755131 and lot 1 DP 249020 (36 Jones Circuit) be classified as operational land following its acquisition by Narromine Shire Council in accordance with Part 2, Division, Section 31 of the Local Government Act 1993.
3. That Council advertise and seek public submissions for a period of 28 days of the intent to classify lots 227 and 228 DP 755131 and lot 1 DP 249020 as operational land.
5. That should no public submissions be received Council confirm lots 227 and 228 DP 755131 and lot 1 DP 249020 as operational land.

Phil Johnston

Director Community and Economic Development

Department of Planning, Housing and Infrastructure



Planning Assessment Report (Group Homes)

PAN-228036, DA2022-28, Narromine Shire Council

June 2024

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Planning Assessment Report (Group Homes)

PAN-228036, DA2022-28, Narromine Shire Council

Date published: June 2024

	Name	Date
Written by:	Tom Burns – A/Team Leader, Regional Housing Flying Squad, Department of Planning, Housing and Infrastructure	June 2024
Reviewed by:	Emma Yule – Manager Planning, Narromine Shire Council	June 2024

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TMP-MC-R-SC-V1.2

Executive Summary

Application Details

Application No:	DA2022-28
Date Lodged:	23 June 2022
Description of Proposal:	Group Homes
Property Description:	Lot 1 DP1279788, 134 Algalah Street Narromine NSW 2821
Applicant:	Premise Australia Pty Ltd
Owner(s):	Algalah Developments Pty Ltd as trustee for Algalah Trust
Cost of Works:	\$2,920,276
DPHI Report Author:	Tom Burns
Council Assessing Officer:	Emma Yule
Potential Reportable Donations / Gifts:	No
Date of Report:	June 2024

Summary

Key Issues:	Flooding and Contamination
Number of Submissions:	Four (4)
Recommendation:	Approval

Introduction

This report details Narromine Shire Council's assessment of Development Application DA2022-28 under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) which has been lodged by Premises Australia Pty Ltd. Development Application DA2022-28 seeks development consent for the construction of fourteen (14) permanent group homes including associated earthworks, tree removal, civil works and landscaping.

Council has considered all information submitted by the Applicant, including the Statement of Environmental Effects (SEE), associated development plans, any additional information provided by the Applicant, any comments received by external government agencies and utility providers, and any submissions received from the public during the public exhibition period.

The development is referred to the elected Narromine Shire Council for determination as Council has received four (4) submissions via way of objection in response to the public exhibition period, and the development application seeks variation from the development standards within the Narromine Development Control Plan 2011.

Site Context

The site is located approximately 813 metres from the intersection of the Mitchell Highway and Dandaloo Street and covers 8,108 square metres of R1 General Residential zoned land under the *Narromine Local Environmental Plan 2011* (NLEP).

Surrounding development is generally single storey detached dwelling houses with some industrial and former industrial uses scattered throughout.

The site is centrally in Narromine, with proximity to a range of essential services as follows:

- Apex Park including football oval, netball courts and playground – 650 metres
- Narromine Hospital – 1.0 kilometre
- Narromine Station – 1.1 kilometres
- Narromine Aquatic Centre – 1.1 kilometres
- Local shops - 1.4 kilometres

The Development

Development Application DA2022-28 seeks development consent for the construction of fourteen (14) permanent group homes including associated earthworks, tree removal, civil works and landscaping.

The development will be managed by local specialist homeless service, Orana Support Service (OSS). OSS will be responsible for selecting residents for the development, who will be from the Narromine Local Government Area (LGA).

The development would occupy approximately half of the subject site and will represent a Stage 1 development application on the site. A future development application for the Stage 2 development will be lodged with Council for the redevelopment of the remainder of the site. Consent for concept development applications for subsequent stages of the development on the site are not sought under the subject development application.

The development has a cost of works of \$2,920,276.

Public Participation

The development was initially notified to adjoining and nearby landowners in accordance with the Narromine Community Participation Plan 2019 between 8 July – 22 July 2022 and subsequently between 4 September 2023 – 18 September 2023 following the receipt of amended plans. Council received four (4) submissions objecting to the development.

The key issues raised within the submissions relate to the socio-economic status of future residents and the potential for anti-social behaviour.

In relation to the socio-economic status of future residents, it is noted that the development will be managed by OSS, who will be responsible for selecting suitable candidates for the development. OSS will also undertake weekly inspections of the development site to monitor residents. Additionally, Council have recommended a condition of consent that requires the Applicant to prepare and implement a Plan of Management that details house rules for residents and a protocol to manage complaints from the community and residents within the development site. It is important to note that group homes (including permanent group homes) are permissible land uses within the R1 General Residential zone under the NLEP.

Assessment

Council's assessment of the development has fully considered all relevant matters under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act and the principles of

ecologically sustainable development. Council has identified the key issues for assessment are flooding and contamination.

Flooding

The subject site is affected by flooding during various flooding events, including 1% Annual Exceedance Probably (AEP) and Probably Maximum Flooding (PMF) events.

During the course of the assessment Council raised concerns in relation to the filling and retaining walls along the northern and western boundaries and the potential for diverting flood waters and increasing flood depths to surrounding residential properties to the north and west of the site. Subsequently, the applicant submitted amended plans to set the retaining wall back 10 metres and 1.5 metres respectively from the northern and western boundaries and prepared revised flood modelling to depict the off-site flooding impacts from this revised scheme.

Council has assessed the additional information and is satisfied that the amendments will not cause increased flood depths within the adjacent residential properties when compared to current site conditions. A condition is recommended to require a 'positive covenant' to be created under Section 88E of the Conveyancing Act to prevent these areas from being modified or filled.

In terms of the safety of the future residents within the development site, Council is satisfied that the finished floor levels of the group homes comply with the flood planning level (FPL) (1% AEP + 500 millimetres) and that the buildings will be designed to withstand flood waters during a 1% AEP event. During a PMF event occupants are to evacuate the site as ordered by the NSW SES. The protocols for evacuation will be captured within a Flood Risk Management Plan and Emergency Response Plan, which will need to be prepared and implemented (and approved by Council) prior to the occupation of the premises.

While the group homes will not be constructed in flood compatible materials to the PMF level, the Applicant has stipulated that designing the development to the PMF level with flood compatible materials is not viable due to the predicted depth during a PMF event (approximately 2.5 metres above the 1% AEP flood level). This would require the entire buildings to be constructed in flood compatible materials, which the Applicant states would make the project economically unviable. Council concurs with the Applicant's justification and considers it reasonable to design and construct portions of the group homes below the FPL in flood compatible materials. Conditions of consent are recommended to ensure that all portions of the group homes below the FPL are constructed in flood compatible materials.

Contamination

The site has a history of use as an engineering shed for metal and mechanical purposes, building contractors, tank manufacturing, painters and other industrial related land uses. It is noted that this building has lawfully been demolished pursuant to Development Application DA2020-41. This consent included a number of conditions for site remediation; however, no remedial works have been carried out at present.

During the course of the assessment Council requested that the applicant submit a detailed Site Investigation (titled Supplementary Site Investigation (SSI)) to assess site contamination. The SSI identified various areas of contamination across the site and recommended that a Remedial Action Plan (RAP) be prepared, so as to inform the environmental management actions required to remediate the site and make it suitable for residential occupation.

The Applicant has submitted a RAP that identifies areas of contaminated soils on the site and the remediation works required to appropriately remove the contaminated soil from the site and make the site suitable for the intended residential land use. Council has reviewed the RAP and is satisfied that the site can be appropriately remediated for future residential occupation.

Council has recommended a suitable condition that requires the remediation works outlined within the RAP to be carried out prior to the commencement of construction works for the group homes. Following the completion of the site remediation works, a final Site Validation Report must be prepared by a suitably qualified and experienced person. The Site Validation Report must demonstrate that the site has been satisfactorily remediated to the Health Investigation Level (HIL) A for residential development with accessible soil. The Site Validation Report must be submitted to Council for approval.

With this condition in place, Council is satisfied that the site will be made suitable for residential occupation.

Summary

Council's assessment concluded that the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent.

Overall, Council's assessment concludes that:

- The proposed development achieves the aims and objectives of the relevant environmental planning instruments and the Narromine Development Control Plan 2011.
- The proposed development does not create unreasonable residential amenity impacts to adjoining development regarding visual bulk, overshadowing, solar access, amenity or privacy.
- The proposed development satisfies various strategic objectives of the Central West and Orana Regional Plan 2041 and the Narromine Shire Local Strategic Planning Statement, insofar as the development provides affordable and inclusive housing within the Narromine Local Government Area (LGA).
- The development will reduce the current shortages of affordable rental housing within the Narromine LGA.
- The flooding and contamination impacts have been appropriately addressed by the Applicant throughout the course of the assessment and can be mitigated through the imposition of the recommended conditions of consent.

Consequently, Council considers that the development is in the public interest and is recommended for approval, subject to conditions.

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1 Site History

The site was formerly used for industrial purposes. From 1950 to 1961 it was occupied by a series of businesses including signwriters, building contractors, painters, shearing contractors and manufacturers.

In 1961, several large sheds were constructed and occupied by McPherson and Cluness, which manufactured farm machinery.

The site was taken over by an engineering firm in the 1990s and by 2019, when a fire broke out at the site, was described as abandoned in the local press.

The buildings on site were demolished in mid-2021.

The site was purchased by the current owner in March 2022.

On 28 October 2020, Council approved Development Application 2020/41 for demolition of the existing structures on site. This approval included several conditions of consent regarding site contamination and remediation.

2 Site Description

The subject site consists of one allotment located on the western side of Algalah Street, Narromine. The site is legally described as Lot 1 of DP1279788 and is commonly known as 134 Algalah Street, Narromine.

The site is rectangular in shape with a frontage of 134.295 metres (m) to Algalah Street and respective depths of 60.39m and 60.345m along the southern and northern side boundaries. The site has a surveyed area of 8,108 square metres (m²). However, the portion of the site in which the Stage 1 development application will occur is 4,164m² in area. The rear (west) boundary of the site fronts an unpaved laneway.

The site is located within the R1 General Residential zone pursuant to the *Narromine Local Environmental Plan 2011* (NLEP) and is currently vacant. Two spoils were previously located on the site; however, these have since been removed.

The site is generally flat topographically and experiences a minor fall of 0.8m from the north-eastern corner to the south-western corner. The site is devoid of significant vegetation.

The site contains no heritage items, is not in a heritage conservation area, and is not within proximity to a heritage item.

The site is constrained with flooding hazards and contaminated soil. The site contains no other significant environmental constraints.

The site is not burdened by any easements or restrictions.

Surrounding development is generally single storey detached dwelling houses with some industrial and former industrial uses scattered throughout.

The site is centrally in Narromine, with proximity to a range of essential services as follows:

- Apex Park including football oval, netball courts and playground – 650m
- Narromine Hospital – 1.0km
- Narromine Station – 1.1km
- Narromine Aquatic Centre – 1.1km
- Local shops - 1.4km



Figure 1: Location of the Subject Site



Figure 2: Aerial Image of the Subject Site

3 The Development

The development proposes the construction of permanent group homes in the form of fourteen (14) detached single storey dwellings. Ten (10) of the group homes have one bedroom and four (4) of the group homes have two bedrooms. There are four group home types, as follows:

Dwelling Type	Dwelling Numbers	Bedrooms	Bathrooms	Gross Floor Area
A	5, 6, 9 and 10	2	1	69.00m ²
B (Accessible Dwellings)	3 and 12	1	1	56.63m ²
C (mirror image of D)	1, 2, 8 and 11	1	1	56.00m ²
D (mirror image of C)	4, 7, 13 and 14	1	1	56.00m ²

The group homes are proposed to be both roofed and clad in Colorbond.

Access to the site is provided via two 8.0m wide vehicular crossings located on the western side of Algalah Street. Parking is provided as perpendicular parking in front of the group homes on either side of the driveway, including four car parking spaces on the western ends of the internal driveways.

The site will be filled in order to raise the floor level of the dwellings above the flood planning level (FPL) and to create a slope enabling water to drain to Algalah Street. Retaining walling is proposed along the western and northern boundaries.

Landscaping comprises of turf and garden beds with shrubbery in front of various group homes and along the front boundary. Two street trees would be removed to facilitate the development.

The site will be managed by local specialist homeless service, Orana Support Service (OSS). OSS will be responsible for selecting residents for the development, who will be from the Narromine Local Government Area (LGA). The Social Impact Assessment (SIA) submitted by the Applicant describes how the site will be monitored:

Orana Support Services are responsible for the ongoing maintenance and monitoring of the permanent group homes. Orana Support Services are currently developing an online complaints register for residents or community members to raise any issues once the development is in operation. The register will be available online and include a 24-hour phone service to handle complaints, issues and concerns of safety. This complaints register will operate in a similar manner to the customer feedback system of Housing Plus, an existing community housing provider in nearby Dubbo.

The SIA also details how Orana Support Service will be responsible for maintenance of all landscaping throughout the development, including in the private open space of each group home.

The development would occupy approximately half of the subject site and will represent a Stage 1 development application on the site. A future development application for the Stage 2 development will be lodged with Council for the redevelopment of the remainder of the site. Consent for concept development applications for subsequent stages of the development on the site are not sought under the subject development application.

The proposed development is depicted in **Figure 3** below.

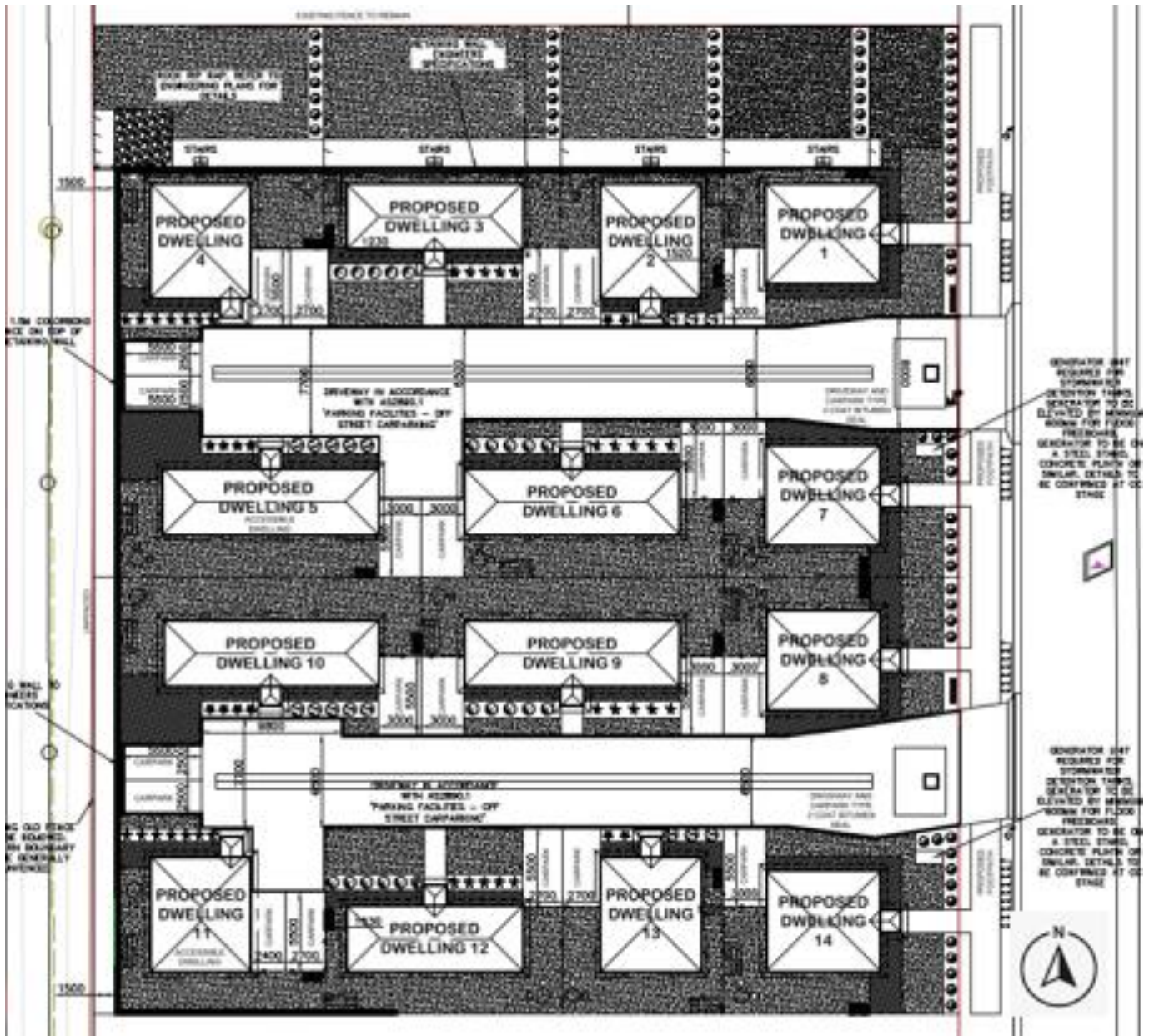


Figure 3: Extract from site plan

4 Amendments to Development Application

Throughout the assessment of the application the applicant has undertaken amendments to the development application pursuant to section 37 of the Environmental Planning and Assessment Regulation 2021 in response to feedback from Council. The key amendments to the application involve:

- Reducing the number of group homes from 16 to 14 group homes and re-configure the group homes to align with the dimensions referenced in **Chapter 3** of this report.
- Re-locate the westernmost group homes 2.5m further to the east and re-locate the western retaining wall 1.5m eastward from the western boundary to alleviate substantial changes to existing flooding depths and extent within the rear laneway and residencies adjoining the western boundary.

- Widen the existing vehicle crossings from 6.5m to 8m and increase the width of the internal driveways from 4.5m to 6m, including alterations to the existing internal access routes.
- Increase the overall quantum of landscaped open space on the site.
- Re-locate the northern retaining wall and group homes 10m further to the south from the northern boundary to mitigate flood diversion to the northern adjoining properties (148 and 150 Terangion Street).

The application was formally renotified between 4 September 2023 and 18 September 2023.

5 Referrals

5.1 Internal Referrals

The application has been referred to Council's Infrastructure and Engineering Services division to determine the appropriate contribution fees for water and sewer infrastructure on the site.

Council's Director, Infrastructure and Engineering Services has advised that the appropriate development contributions for water and sewer infrastructure would be \$32,500, which has been based off the contribution rates outlined within the Narromine Shire Development Servicing Plan.

In total the development has $(4 \times 2) + (10 \times 1) = 18$ bedrooms. This equates to 18 individuals. One ET is equivalent to 3 EP. Therefore, this development is equivalent to 6 ET. A credit of 1ET has been applied to the land.

As such the charges are as follows: Water: $\$3,000 \times 5 = \$15,000$; Sewer: $3,500 \times 5 = \$17,500$.

5.2 External Referrals

Transport for NSW

An external referral was sent to Transport for NSW (TfNSW) on 19 December 2022 as the site is located on a classified road. A response was received on 11 January 2023 stating that it did not support the development and the following additional information was requested:

- 1. Detail about the design vehicle accessing the site and the associated swept path of the design vehicle entering and exiting the site in a forward motion with the parameters used.*
- 2. Pursuant to Austroads Guide to Road Design Part 4A – Unsignalised and Signalised Intersections (AGRD Part 4A) and relevant TfNSW supplements, the proposal must demonstrate that Safe Intersection Sight Distance (SISD), Approach Sight Distance (ASD) and Minimum Gap Sight Distance (MGSD) is available and/or can be provided for the largest design vehicle and the largest through traffic on Algalah Street considering existing signage, trees and on-street parking.*

Additional information was supplied to TfNSW on 22 February 2023 to respond to the access issues raised above. TfNSW subsequently provided concurrence on 30 August 2023, subject to the following conditions:

- *Forward ingress and egress movements from the site are to be via the proposed driveways only. The configuration and construction of the driveway is to be in accordance with Council standards.*

- *Forward ingress and egress movements from the site are to be via the proposed driveways only. The configuration and construction of the driveway is to be in accordance with Council standards.*
- *Forward ingress and egress movements from the site are to be via the proposed driveways only. The configuration and construction of the driveway is to be in accordance with Council standards.*

TfNSW's concurrence conditions have been included as recommended conditions of consent.

Essential Energy

An external referral was sent to Essential Energy on 14 February 2023 as there are power lines within 5m of the site boundary. A response was received from Essential Energy raising no objection to the proposal and providing a number of comments. These comments are noted as follows:

- 1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- 2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.*
- 3. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
- 4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- 5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

These comments have been included as recommended conditions of consent.

5.3 Independent Expert Advice

As part of the assessment, an independent engineering consulting firm (NB Consulting) was engaged to provide an assessment of flood impacts, stormwater management requirements, traffic, vehicular access and parking in accordance with applicable legislation.

NB Consulting initially reviewed the application and raised a number of concerns in relation to potential changes in flooding extent, stormwater impacts and internal access issues. This assessment can be found within **Attachment 1** to this report.

Subsequently, the applicant submitted revised documents (i.e. architectural plans, civil plans and flood modelling) to respond to the issues raised by NB Consulting.

NB Consulting have reviewed the revised documents and are satisfied that their assessment issues initially raised have now been resolved (refer to **Attachment 2**). NB Consulting have stipulated a number of recommendations to

manage flooding, stormwater and vehicular access impacts. Council has included these recommendations as recommended conditions of consent.

6 Strategic Context

The proposed development is consistent with the following objectives of Central West and Orana Regional Plan 2041:

- Objective 13: Provide well located housing options to meet demand; and
- Objective 14: Plan for diverse, affordable, resilient and inclusive housing.

The proposed development is consistent with the following priority of Narromine Shire Local Strategic Planning Statement:

- Priority 4: A range of housing options for the community.

7 Statutory Assessment

Section 4.15 of the EP&A Act, as amended, sets out the matters to be considered in the evaluation of a development application:

(1) Matters for consideration—general in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The following assessment addresses the relevant matters for consideration under section 4.15(1) of the EP&A Act.

7.1 State Environmental Planning Policies

Section 4.15(1)(a)(i) of the Act requires the consent authority to consider the provisions of environmental planning instruments, which includes State Environmental Planning Policies (SEPPs).

SEPPs applicable to this assessment are addressed in the following sections.

The current SEPPs that apply to this development are:

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

7.1.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The proposal includes a BASIX Certificate (BASIX Certificate No. 1421755M, dated 15 September 2023) which meets the requirements of the SEPP. A condition is recommended requiring the recommendations of the BASIX certificate be complied with.

7.1.2 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) applies as the proposal is for permanent group homes, which is covered by Chapter 3 Part 2 of the SEPP. The following table assesses the development's compliance with the principles of the SEPP as set out in Chapter 1 Section 3.

Housing SEPP Chapter 1 Section 3 Principles	Comment
a) <i>Enabling the development of diverse housing types, including purpose-built rental housing,</i>	Complies – the development will diversify the local housing stock by providing one and two-bedroom group homes. Only 16% of Narromine's housing has one or two bedrooms, compared to 29.3% for the state of NSW. The development is purpose-built rental housing.
b) <i>Encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i>	Complies – the Social Impact Assessment (SIA) submitted by the Applicant states that “ <i>the tenants on the housing pathways list vary in ethnicity, demographic profile and social circumstance and employment status including couples, retirees, single income households and disabled</i> ”. Therefore, the development will meet the needs of the more vulnerable members of the community.

Housing SEPP Chapter 1 Section 3 Principles	Comment
c) <i>Ensuring new housing development provides residents with a reasonable level of amenity,</i>	Complies – each group home is cross ventilated and each private open space area adjoining the respective group homes will receive direct sunlight throughout the year as portions of the private open space areas have an unobstructed northern aspect.
d) <i>Promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i>	Complies – the development will be for existing members of the Narromine community so it will not bring in new people to the LGA or place any additional pressure on Narromine’s existing services. The permanent group homes have been funded by the NSW Government under the Community Housing Innovation Fund (CHIF) and aims to address the issues presented by the current community housing shortage in Narromine.
e) <i>Minimising adverse climate and environmental impacts of new housing development,</i>	Complies – the development incorporates suitable areas of landscaped open space throughout the site to minimise hardstand coverage. Suitable conditions are recommended to require the provision of canopy planting within the site, which will provide for shading and reduce urban heat island effect.
f) <i>Reinforcing the importance of designing housing in a way that reflects and enhances locality,</i>	Complies – the development uses Colorbond for both cladding and roofing, which reflects the local rural character.
g) <i>Supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i>	Not applicable – the development is for permanent group homes.
h) <i>Mitigating the loss of existing affordable rental housing.</i>	Complies - the SIA provides details on the demand for affordable rental housing in the local area. From 1 July to 8 December 2022, Orana Support Service managed 53 distinct persons and received contact from 655 individuals or families from the Narromine LGA. There are 23 open cases waiting to accept local housing support plus a further 68 individuals waiting to progress on the housing pathway list. These people are either homeless or residing in insufficient accommodation ready to occupy this type of development. The SIA notes that these figures “do not capture the full extent of the social housing crisis which includes the overcrowding of facilities faced by other housing providers”.

The table below provides an assessment of the proposal’s compliance with Chapter 3 of the Housing SEPP.

Housing SEPP Chapter 3 Part 2 Clause	Comment
<p>61 Development in prescribed zones</p> <p><i>(1) Development for the purposes of a permanent group home or a transitional group home on land in a prescribed zone may be carried out—</i></p> <p><i>(a) without consent if the development—</i></p> <p><i>(i) does not result in more than 10 bedrooms being within 1 or more group homes on a site, and</i></p> <p><i>(ii) is carried out by or on behalf of a public authority, or</i></p> <p><i>(b) otherwise—with consent.</i></p>	<p>The development has more than 10 bedrooms and is carried out on behalf of a private service provider rather than a public authority, so consent is required. The development is also carried out within a prescribed zone, being the R1 General Residential zone.</p>
<p>62 Determination of development applications</p> <p><i>(1) A consent authority must not—</i></p> <p><i>(a) refuse consent to development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home, or</i></p> <p><i>(b) impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.</i></p>	<p>As described in the table above, the development is funded by the CHIF and will be operated by OSS and is intended to address the current shortage in social and affordable housing in Narromine. There is sufficient demand for such a development, as demonstrated by OSS statistics. It is considered that there is a community need for the group homes.</p> <p>No conditions of consent are recommended only because the development is for group homes.</p>
<p>63 Exempt development—existing group homes</p>	<p>Not applicable – not existing</p>
<p>64 Complying development</p> <p><i>(1) Development for the purposes of a group home is complying development if the development—</i></p> <p><i>(a) does not result in more than 10 bedrooms being within 1 or more group homes on a site, and</i></p> <p><i>(b) satisfies the requirements for complying development specified in <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, clauses 1.18 and 1.19, other than clauses 1.18(1)(h) and 1.19(1)(b), and</i></p> <p><i>(c) is not in a draft heritage conservation area, and</i></p> <p><i>(d) meets the development standards set out in Schedule 2.</i></p>	<p>Not applicable – the proposed development will result in more than 10 bedrooms.</p>

Housing SEPP Chapter 3 Part 2 Clause	Comment
<p>65 Development standards for flood control lots</p> <p><i>(1) Complying development must not be carried out under this Part on the following parts of a flood control lot, as certified by the council or a professional engineer who specialises in hydraulic engineering—</i></p> <p><i>(a) a flood storage area,</i></p> <p><i>(b) a floodway area,</i></p> <p><i>(c) a flow path,</i></p> <p><i>(d) a high hazard area,</i></p> <p><i>(e) a high risk area.</i></p>	<p>Not applicable – the development does not meet the criteria for complying development.</p>
<p>66 Development standards for land near Siding Spring Observatory</p>	<p>Not applicable – site is not within Coonamble, Gilgandra, Warrumbungle Shire or Dubbo.</p>

As demonstrated above, the proposed development satisfies the relevant considerations contained within the Housing SEPP.

7.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience and Hazards SEPP) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying when consent is (and is not) required for remediation work, by specifying certain considerations that are relevant in determining development applications, and by requiring that remediation work meet certain standards and notification requirements.

Section 4.6 of the Resilience and Hazards SEPP sets out requirements for the consideration of contamination in determining a development application:

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site has a history of use as an engineering shed for metal and mechanical purposes, building contractors, tank manufacturing, painters and other industrial related land uses. It is noted that Development Application DA2020-

41, which approved demolition of existing on-site structures, included a requirement (Condition 19) to address contamination due to the past industrial land use:

Condition 19. A Remedial Action Plan is required to be submitted to Council prior to any clean-up work commencing. The Remedial Action Plan is to set remediation objectives and document the process to remediate the contaminated site and requirements for any ongoing monitoring. This is to be followed by a Site Validation Report. The Validation report is to detail the site work undertaken and demonstrate compliance with the remedial action plan for the site, and compliance with contaminated land guidelines and all other applicable regulatory requirements.

(NOTE: The Final Site Validation Report will be required prior to any redevelopment of the site. Reports should follow the current State of NSW and the NSW Environment Protection Authority Contaminated Land Guidelines for Consultants reporting on Contaminated Land).

It is noted that site remediation works have not been concluded and certified pursuant to the above-mentioned consent.

Notwithstanding, a Supplementary Site Investigation (SSI) (prepared by EnviroScience Solutions, dated 22 June 2023) was submitted during the assessment of the subject development application (DA2022-28) to provide an assessment of land contamination on the site via soil sampling across the site. The SSI notes that the upper 300mm of soil occupying Grids 2, 3, 4, 5, 6, 7, 8, 9, 10, 13 and 23 is currently unsuitable for the proposed residential land use per the Health Investigation Levels (HILs) Residential A prescribed in the Guideline on Investigation levels for Soil and Groundwater. The SSI also notes that Grid 3 the upper 750mm of soil is currently not suitable for the proposed residential use as per the HILs Residential A prescribed in the Guideline on Investigation levels for Soil and Groundwater.

Given the above, the SSI provided the following recommendations:

- *A remedial action plan (RAP) should be prepared to document the works required, and any environmental management actions during the excavations works.*
- *Given the results of this investigation, to make the site suitable for low density residential use, the upper 300mm of soil should be removed from the above Grids (i.e., 2, 3, 4,5, 6, 7, 8, 9, 10, 13 and 23), and a localised marginally deeper excavation is required in Grid 3 (in the northern portion of the site).*
- *The two concrete and soil stockpiles should be removed as General Solid Waste – Non-Putrescible, subject to the TCLP testing currently being undertaken, or pre-classified as General Solid Waste - Building and Demolition Waste and removed to an appropriately licenced landfill.*
- *It is also recommended that an unexpected finds procedure be implemented for the site in the instance that unexpected materials are uncovered during earth works.*

Based off the recommendations outlined in the SSI, a Remedial Action Plan (RAP) (prepared by EnviroScience Solutions, dated 4 July 2023) was submitted during the assessment of the subject development application to detail the necessary remedial works required to make the site suitable for the intended residential land use in accordance with the HILs Residential A prescribed in the Guideline on Investigation levels for Soil and Groundwater.

The RAP concludes that the subject site can be remediated to be made suitable for the intended residential land use in accordance with the HILs Residential A prescribed in the Guideline on Investigation levels for Soil and Groundwater, subject to adhering to the following recommendations:

- *The excavation work comprises the excavation of the upper 300mm of soil across Grids 2, 3, 4, 5, 6, 7, 8, 9, 10, 13 and 23. In addition, a localised excavation to 750mm must be conducted in Grid 3.*
- *As part of the overall remedial works, the two existing concrete and soil stockpiles should be removed as General Solid Waste – Non-Putrescible or pre-classified as General Solid Waste - Building and Demolition Waste and removed to an appropriately licenced landfill.*
- *It is considered that once these excavation works have been conducted and the material has been removed off-site to an appropriately licenced landfill – and the existing stockpiles have been removed, and the proposed Validation works have been conducted to demonstrate that contamination has been successfully removed, that the site will be suitable for the proposed low-density residential land use.*

It is noted that the existing concrete and soil stockpiles have since been removed from the site in accordance with Development Application DA2020-41 (i.e. the demolition consent).

To ensure the site can be made suitable for the intended residential land use, a condition of consent is recommended requiring the following:

Site Remediation

Site remediation works must be undertaken in accordance with the approved Remediation Action Plan and Supplementary Site Investigation identified in Condition 1 of this consent prior to the commencement of construction works on the site. All remediation works must be undertaken by suitably qualified and experienced contractors.

Following the completion of the site remediation works, a final Site Validation Report must be prepared by a suitably qualified and experienced person. The Site Validation Report must demonstrate that the site has been satisfactorily remediated to the Health Investigation Level (HIL) A for residential development with accessible soil. The Site Validation Report must be submitted to Council for approval.

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of construction works.

Reason: To ensure that the site is suitable for the intended residential land use.

With this condition in place, Council can be satisfied that the land will be remediated before the land is used for residential purposes. Therefore, the proposed development meets the relevant considerations under Chapter 4 of the Resilience and Hazards SEPP, subject to conditions.

7.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) applies to the proposed development as it is within 5m of an exposed overhead electricity power line under Division 5 Subdivision 2 of the T&I SEPP and has frontage to a classified road under Division 17 of the T&I SEPP.

Division 5 Subdivision 2 includes the following clause:

2.48 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(b) development carried out—

(iii) within 5m of an exposed overhead electricity power line,

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The subject application involves development within 5m of an exposed overhead electricity power line. As discussed in **Section 5.2** of this report, Essential Energy have reviewed the application and recommended a number of concurrence conditions/comments, which have been included as recommended conditions of consent.

Division 17 includes the following clause:

2.119 Development with frontage to classified road

(1) The objectives of this section are—

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The subject site has frontage to Algalah Street, which is a classified road. As discussed in **Section 5.2** of this report, TfNSW have reviewed the application and recommended a number of concurrence conditions, which have been included as recommended conditions of consent.

Accordingly, the development is found to be consistent with the relevant considerations under the T&I SEPP, subject to conditions.

7.2 Narromine Local Environmental Plan 2011

Section 4.15(1)(a)(i) of the Act requires the consent authority to consider the provisions of environmental planning instruments, which includes Local Environmental Plans.

The NLEP applies to all land within the Narromine LGA. An assessment of the development against the relevant sections of the NLEP is provided below.

Narromine Local Environmental Plan 2011	
Zone of the land	R1 General Residential
Definition of development	Permanent Group Homes
Is the development permissible in the zone?	Yes
Satisfies the zone objectives	Yes, as it provides for the housing needs of the community, diversifies the local housing stock and provides a diversity of housing within the development itself.
Clause 4.1 (Minimum lot size)	N/A – no subdivision proposed (minimum 450m ²)
Clause 4.3 (Height of Buildings)	N/A – no maximum height mapped
Clause 4.4 (Floor Space Ratio)	N/A – no maximum FSR mapped
Clause 5.10 (Heritage)	N/A – no heritage items on the site or in the vicinity of the site, and the site is not in a heritage conservation area. A search of the Aboriginal Heritage Information Management System (AHIMS) system has been carried out, which revealed there are no Aboriginal sites and no Aboriginal places within 50m of the site.

7.2.1 Clause 5.21 Flood Planning

The subject site is affected by flooding during various flooding events, including 1% Annual Exceedance Probably (AEP) and Probably Maximum Flooding (PMF) events. Therefore, clause 5.21 of the NLEP is applicable.

Clause 5.21(2) of the NLEP states that development consent must not be granted on flood prone land unless the consent authority is satisfied that the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In assessing flooding impacts associated with the development, it is noted that the development initially included filling and retaining walling directly adjacent to the northern and western boundaries of the site.

Council and NB Consulting reviewed this scheme and raised concerns in relation the potential for the development to divert flood waters and increase flood depths to surrounding residential properties located adjacent to the northern and western boundaries, which was a direct consequence of the retaining walling and filling adjacent to the northern and western boundaries of the site. Subsequently, the Applicant submitted amended plans to set the retaining wall back 10m and 1.5m from the northern and western boundaries respectively and prepared revised flood modelling to depict the flooding impacts from this revised scheme.

The revised flood modelling indicated that the amended development would not significantly alter flooding behaviour and extent, nor would the development increase flood depths on surrounding residential properties when compared to the existing scenario. Council and NB Consulting have reviewed the amended development and revised flood modelling and concur with the Applicant's assessment. A condition is recommended to require a 'positive covenant' to be created under Section 88E of the Conveyancing Act to prevent the northern and western areas below the retaining walling from being modified or filled, which will ensure that flooding behaviour and extent does not become altered following the carrying out of the development.

In terms of the safety of the future residents within the development site, Council is satisfied that the finished floor levels of the group homes comply with the flood planning level (1% AEP + 500 millimetres) and that the buildings will be designed to withstand flood waters during a 1% AEP event. During a PMF event occupants are to evacuate the site as ordered by the NSW SES. The protocols for evacuation will be captured within a Flood Risk Management Plan and Emergency Response Plan, which will need to be prepared and implemented (and approved by Council) prior to the occupation of the premises.

While the group homes will not be constructed in flood compatible materials during a PMF event, the Applicant has stipulated that designing the development to the PMF with flood compatible materials is not viable due to the predicted depth during a PMF event (approximately 2.5 metres above the 1% AEP flood level). This would require the entire buildings to be constructed in flood compatible materials, which the Applicant states would make the project economically unviable. Council concurs with the applicant's justification and considers it reasonable to design and construct portions of the group homes below the FPL in flood compatible materials. Conditions of consent are recommended to ensure that all portions of the group homes below the FPL are constructed in flood compatible materials.

Based on the above assessment, it is considered that the development satisfies the relevant considerations under clause 5.21(2) of the NLEP, subject to conditions.

Clause 5.21(3) sets out matters that the consent authority must consider when assessing development on flood prone land:

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

(b) the intended design and scale of buildings resulting from the development,

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

Council and NB Consulting have assessed these considerations and are satisfied that the development would not contravene these mandatory considerations, subject to compliance with the recommended conditions. Therefore, it is considered that the development satisfies the relevant considerations under clause 5.21(3) of the NLEP, subject to conditions.

7.2.2 Clause 6.1 Earthworks

The development involves earthworks including the importation of a large quantity of fill to raise the site above the FPL and create a fall for drainage to Algalah Street.

Clause 6.1(1) sets out the following objectives:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring a separate development consent.

Clause 6.1(3) sets out matters that the consent authority must consider before granting consent for earthworks:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).

Council and NB Consulting have reviewed the application with respect to flooding and drainage and is satisfied that the extent of filling will not have detrimental impacts on existing drainage patterns or adversely affect the amenity of adjoining properties.

It is considered unlikely that the development would disturb relics (though it is noted that a condition of consent has been recommended to cover such an eventuality) or impact on a waterway or drinking water catchment. Conditions are recommended to require sediment and erosion control measures to be in place during construction works, which will mitigate sediment migration into waterways. The source and quality of fill is ensured through the recommended conditions of consent.

Given the above, it is considered that the proposed development satisfies the relevant considerations under clause 6.1 of the NLEP, subject to conditions.

7.2.3 Clause 6.6 Groundwater Vulnerability

The objective of this clause is to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development. This clause states:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development (including any on-site storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and

(b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.

(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

As a residential use, the development does not involve the use or storage of chemicals other than standard household cleaning products. The development will be connected to town water and sewer and will not draw from groundwater or discharge human waste into an on-site sewerage management system. It is therefore not likely that the proposal will cause groundwater contamination or have any adverse effect on groundwater dependent ecosystems.

In this regard, the development is assessed as being consistent with the relevant considerations under clause 6.6 of the NLEP.

7.2.4 Clause 6.8 Essential Services

Clause 6.8 of the NLEP states as follows:

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

(a) the supply of water,

(b) the supply of electricity,

- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

Council is satisfied that the required essential services will be available to the development, subject to the recommended conditions. Hence, the development is consistent with clause 6.8 of the NLEP.

7.3 Draft Environmental Planning Instruments

Section 4.15(1)(a)(i) of the Act requires the consent authority to consider the provisions of draft environmental planning instruments that have been publicly exhibited.

There are no draft environmental planning instruments applicable to the subject site or proposed development.

7.4 Narromine Development Control Plan 2011

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Narromine Development Control Plan 2011 (NDCP). The following table sets out the proposal's compliance with the numerical requirements of the Plan:

Narromine Development Control Plan 2011 Chapter 5 Control	Proposal	Requirement	Complies
Setbacks			
Front	4.1m (verandah) – 5.5m (façade)	9m	No (see discussion below)
Side (North)	11m	NCC Standard (900mm)	Yes
Side (South)	3m (from Stage 1 portion of the site)	NCC Standard (900mm)	Yes
Rear (West)	3.99m	4m	No (see discussion below)
Building Heights	3.8m / one storey	9m / two storey	Yes
Fencing			

Narromine Development Control Plan 2011 Chapter 5 Control	Proposal	Requirement	Complies
<ul style="list-style-type: none"> Front 	Appropriate conditions are recommended to ensure compliance with this requirement.	1.5m or 1.8m if at least 30% transparent	Yes – as conditioned
<ul style="list-style-type: none"> Side and Rear 	1.8m	1.8m	Yes
Private Open Space (Multi Unit)			
<ul style="list-style-type: none"> One Bedroom Units (Dwellings 1, 2, 3, 4, 7, 8, 11, 13 and 14) 	32.7-79.66m ²	25m ²	Yes
<ul style="list-style-type: none"> Two Bedroom Units (Dwellings 5, 6, 9 and 10) 	77.99-80.93m ²	50m ²	Yes
<ul style="list-style-type: none"> Directly accessible from a living area of the dwelling 	Private open space is directly accessible from the living rooms of each group home.	Private open space must be directly accessible from living rooms.	Yes
<ul style="list-style-type: none"> Located to the side or rear of the building line 	Private open space is located behind the front building line of the group homes.	Private open space must be located to the side or rear of the building line.	Yes

Narromine Development Control Plan 2011 Chapter 5 Control	Proposal	Requirement	Complies
<ul style="list-style-type: none"> Northerly aspect & achieve at least 3 hours of direct sunlight between 9am and 3pm on 21 June 	<p>Portions of each private open space area have unimpeded northern aspects to permit 3 hours of direct sunlight between 9am and 3pm on June 21. This is aided by the modest single storey built form and ample separation between each group home.</p>	<p>Private open space must have a northern aspect and achieve 3 hours of sunlight between 9am – 3pm on June 21.</p>	<p>Yes</p>

The table below discusses the development's compliance with the relevant performance criteria.

Narromine DCP 2011 Performance Criteria	Comment
<p>Setbacks</p> <p>The NDCP states that the minimum front setback for new development on a main road is 9m. For infill development, the minimum setback is “the same distance as on or the other adjoining buildings, provided the difference between the setbacks is less than or equal to 2m ELSE the average of the setbacks of the adjoining buildings”.</p>	<p><u>Algalah Street Front Setback</u></p> <p>The proposed group homes 1, 7, 8 and 14 fronting Algalah Street provide a 4.1m setback to the verandah of the buildings and a 5.5m setback to the façade of the buildings, which do not meet the numeric NDCP requirement of 9.0m.</p> <p>Notwithstanding the numeric non-compliance, it is noted that the western side of Algalah Street does not conform to a prevailing front building line, with development fronting the street setback between 1.0m and 14m from the front boundary. The immediately adjoining properties directly to the north and south of the site exhibit a respective front setback of 1.0m and 11.0m and therefore, the proposal will provide an appropriate visual transition between the two adjoining developments. Noting that the distance between the street kerb and front boundary measures at 3.25m, the development will appear to be setback between 7.35m and 8.75m from the edge of the road, which is considered to be a sufficient level of separation in the context of the single storey built form. Suitable conditions have been recommended to require the provision of canopy tree planting forward of the front building line, which will enhance the visual amenity of the streetscape and soften the built form when observed from Algalah Street.</p> <p>Given the above considerations, a variation to the NDCP front setback numeric requirement is supportable on merit.</p>

Narromine DCP 2011 Performance Criteria	Comment
<p>The NDCP states that development shall be setback at least 4.0m from the rear boundary.</p>	<p><u>Rear Laneway Setback</u></p> <p>Proposed group home 4 is setback 3.99m from the rear boundary, which represents a 0.01m non-compliance to the NDCP rear setback numeric requirement of 4.0m. It is noted that all remaining group homes comply with the numeric requirement and that a numerically compliant design, which would require the building to be moved 0.01m to the east, would have no materially different outcome in terms of the development's presentation to the rear laneway. It is also worth noting that adjoining development on the eastern side of the laneway contains a number of parking structures on the boundary and therefore, the minor encroachment will not alter the spatial pattern of development fronting the laneway.</p> <p>Given the above considerations, a variation to the NDCP front setback numeric requirement is supportable on merit.</p>
<p>Building Design</p>	
<p><i>Dwellings are to be designed so that:</i></p>	
<p><i>Building materials are naturally textured and coloured and are sympathetic to the natural environment and are not reflective;</i></p>	<p>The development is to be both clad and roofed in Colorbond. Renders indicate that it is to be light in colour. This material is considered appropriate for this location. A condition is recommended requiring the solar absorbance rating of the external walls and roof to have a solar absorbance rating of 0.4 or greater (NCC classification), which will reduce solar reflections.</p>
<p><i>Windowless facades are avoided on street frontages;</i></p>	<p>All group homes which face Algalah Street and the rear laneway contain windows on the street-facing facades.</p>
<p><i>Building design facilitates surveillance of streets and open spaces;</i></p>	<p>The group homes are designed to enable casual surveillance of the street and open space.</p>
<p><i>Habitable areas (lounge, family rooms) should be designed and positioned within the dwelling to have a northerly or north-easterly aspect. This should be through a north - south or east-west building orientation.</i></p>	<p>All living rooms contain windows either orientated towards the north or east, which will enable sufficient solar access during the winter months. It is considered that the group homes are appropriately designed and orientated so as to ensure adequate internal amenity for the future occupants.</p>
<p>Access and Car Parking</p>	

Narromine DCP 2011 Performance Criteria	Comment
<p><i>All development applications are required to clearly identify the means of vehicular access, access points and the standard of access provided (all weather access). Vehicular access will be required to comply with relevant engineering standards.</i></p>	<p>The swept path diagrams depicted on the revised civil plans demonstrate that vehicles manoeuvring within the site and entering and exiting the site will have sufficient turning space to satisfy AS2890.1:2004.</p>
<p><i>Car parking should be provided according to the projected needs of the development. This is determined by:</i></p> <ul style="list-style-type: none"> <i>The number and size of the proposed dwellings</i> <i>The availability of public transport</i> <i>The availability of on street parking</i> <i>The locations of local schools and shops</i> <i>The occasional need for overflow parking</i> 	<p>As detailed further below within this report, the proposed development provides sufficient off-street car parking for the residents and visitors, consistent with the quantum of car parking spaces required by the NDCP.</p>
<p><i>Under Council's Development Adjoining Narrow Laneways Interim Policy 2019, development proposals to increase vehicular access and servicing along narrow laneways with a width of less than 10m are not supported.</i></p>	<p>No vehicular access is proposed via the rear laneway that adjoins the site. All access is provided via Algalah Street.</p>
<p><i>Shared driveways/access for two or more dwellings must be a minimum of 8 metres for the first 6 metres from the entrance to the property and 6 metres thereafter</i></p>	<p>The shared driveways are 8.0m in width for the first 6.0m from the front boundary (i.e. front boundary) and 6.5m in width thereafter, which complies with the NDCP control.</p>
<p><i>Shared driveways must incorporate a minimum of 1 metre landscaped area along the side property boundary</i></p>	<p>Not applicable – driveway does not run alongside boundary.</p>
<p><i>Access in residential areas with kerb and guttering is to comply with the DCP requirements.</i></p>	<p>NB Consulting has advised that the kerb and guttering is satisfactory from an engineering perspective, subject to recommended conditions.</p>
<p>Additional Requirements for Multi Unit Developments</p>	
<p><i>Provision must be made for an outdoor clothes drying area for each dwelling. This area must not be located on balconies or within the front setbacks of dwellings. This area must also receive adequate sunlight, especially during winter.</i></p>	<p>Outdoor cloths drying areas are provided within the private open space of each group home. The cloths drying areas are located behind the front building lines of each group home and will receive adequate solar access during the winter months.</p>

Narromine DCP 2011 Performance Criteria	Comment
<p><i>For three or more dwellings, a shared bin arrangement may be considered (eg one bin shared between two units). A garbage storage area will be required to be provided on site. This area must be:</i></p> <p><i>Easily accessible for both the residents and waste collection service;</i></p> <p><i>Screened from public view; and</i></p> <p><i>Incorporate the relevant requirements of the NSW Department of Environment and Climate Change (DECC) 2009 Better practice guide for waste management in multi-unit dwellings.</i></p>	<p>The plans do not detail a bin storage area on the site. The SEE stipulates that bins for each group home will be stored behind the front building line of each respective group home.</p> <p>In undertaking a detailed assessment, it has been concluded that there is ample space for individual bin storage areas behind the perpendicular car parking spaces. A condition of consent is recommended requiring fourteen (14) individual bin storage areas for each group home to be provided within an enclosed space at the rear of the perpendicular car parking spaces. Moreover, a condition is recommended requiring the applicant to prepare and have an Operational Plan of Management approved by Council prior to the issue of the Occupation Certificate. The Plan of Management is to detail the delivery and retrieval of waste bins to the street kerb on Council collection dates, which the SEE states will be undertaken by the Orana Support Group.</p> <p>Subject to compliance with these conditions, the proposal will meet the intent of this control.</p>
<p><i>Separate letterboxes are to be provided for each unit and provided in a single location adjacent to the street frontage and pedestrian entrance to the property.</i></p>	<p>The site plan indicates that four separate letter boxes will be provided on-site, contrary to the NDCP provision which requires separate letterboxes to be provided for each unit in a single location adjacent to the street frontage. The SEE does not provide reasonable justification for this non-compliance.</p> <p>It is considered that consolidating the four letter boxes into a single location would be more practical for mail deliver purposes and site identification. As such, a condition is recommended to this effect.</p> <p>Therefore, the proposal will comply with this NDCP requirement, subject to conditions.</p>
<p><i>Each dwelling must incorporate an outbuilding or space within the dwelling unit of a minimum area of 8 cubic metres (m3) for the storage of goods such as garden tools and materials usually stored in a shed or area attached to the garage.</i></p>	<p>The proposed development does not include outdoor storage areas for garden tools and equipment. However, it is considered that the provision of such outdoor storage areas would reduce the quantum of usable private open space for each dwelling, thereby reducing the amenity for the future occupants. It is also noted that outdoor storage areas are not commonly incorporated as part of group home developments within NSW. As such, a variation to the control is supportable on merit in this particular circumstance.</p>

Narromine DCP 2011 Performance Criteria	Comment
<p><i>Multiple dwelling developments should be designed with a view towards future subdivision (including strata) potential and required infrastructure installed at construction stage. For example, individual water meters may be required for all units.</i></p>	<p>As the proposed development is for group homes, individual water meters are not considered to be necessary.</p>
<p><i>A minimum of one car parking space per unit is required, plus an additional one space per two units for visitors. Consideration may be given to allowing some of the required spaces to be on street.</i></p>	<p>Required parking: 14 spaces plus 7 visitor spaces. Provided: 15 spaces plus 7 visitor spaces, which complies with the NDCP requirement.</p>
<p><i>For dual occupancies, multi unit development and residential flat buildings, the following requirements apply:</i></p> <p><i>A minimum landscaped area of 40% of the site area is to be provided;</i></p> <p><i>Site landscaping, in accordance with the approved plan must be provided prior to the issue of the occupation certificate; and</i></p> <p><i>Landscaped areas do not include pathways, access, car parking areas and the like.</i></p> <p><i>Avoid medium height (1-2 metres) vegetation with concentrated top to bottom foliage. Plants such as low hedges, shrubs, creepers, ground covers and high canopied vegetation are good for natural surveillance;</i></p> <p><i>Trees with dense low growth foliage should be spaced or the crown raised to avoid a continuous barrier;</i></p> <p><i>Use low ground cover or high canopied trees with clean trunks;</i></p> <p><i>Avoid vegetation which conceals the building entrance from the street; and</i></p> <p><i>Avoid vegetation that impedes the effectiveness of public and private space lighting.</i></p>	<p>The quantum of landscaped open space on the site (Stage 1 development site) is 52.83% (2,200m²), which complies with the NDCP requirement.</p> <p>The proposed landscaping comprises:</p> <ul style="list-style-type: none"> • Turf to back yards and in the front setback • Lavandula (0.9m high shrub) • Oriental pearl (1m high shrub) • Nandina obsession (0.6m high shrub) • Lomandra tanika (0.6m high shrub) <p>In order to enhance the visual amenity of the streetscape suitable conditions are recommended requiring the provision of canopy trees within the primary front setback area of the site.</p> <p>With these conditions in place, it is considered that the landscaping outcome for the site will be acceptable and consistent with the intent of the NDCP control.</p>

7.4.1 Crime Prevention

The DCP also includes a section on crime prevention. The proposal's compliance with those controls is set out in the table below.

Narromine DCP 2011 Crime Prevention Controls	Comment
<p>Lighting</p> <p><i>All areas intended to be used at night should allow for a level of visibility;</i></p> <p><i>Pedestrian pathways, lane ways and access routes to outdoor public spaces should be lit in accordance with Australian Standard (AS) 1158 – lighting for roads and public spaces and AS 4282 – Control of the obtrusive effects of outdoor lighting;</i></p> <p><i>Lighting should be directed to access and egress routes rather than towards buildings;</i></p> <p><i>Lighting should be designed so that it is difficult for vandals to damage the lighting;</i></p> <p><i>Use of movement sensitive and diffused lights are encouraged where appropriate;</i></p> <p><i>Avoid or minimize lighting spillage into neighbouring properties (especially where the adjacent site includes residential development) as this can cause nuisance and reduce opportunities for natural surveillance;</i></p> <p><i>Illuminate areas where intruders may hide thus reducing entrapment spots; and</i></p> <p><i>Use energy efficient lamps to save energy.</i></p>	<p>No lighting details have been provided with the development application. It is considered that the provision of lighting on the shared driveways and shared letterbox would mitigate the risk of intruders and provide for greater visibility for vehicles entering and exiting the site in the evening.</p> <p>In this regard, suitable conditions have been recommended to this effect. New lighting shall comply with AS1158.3.1:2005 and AS 4282-2019.</p>
<p>Fencing</p> <p><i>Fence design should maximize natural surveillance from the street to the building as well as from the building to the street and minimize the opportunities for intruders to hide; and</i></p> <p><i>In locations such as along busy roads, or adjacent to a railway line where noise insulation is required, incorporating measures within the building such as double glazing at the front of the building, use double brick at the front and other similar measures is a better option.</i></p>	<p>Suitable conditions have been recommended to require fencing design to have suitable openings so as to satisfy the NDCP fencing requirements. The chain wire fence is not supported from an urban design and security standpoint and therefore, conditions are recommended to require the fencing to comprise of timber batten materials. It is considered that the revised fencing will enable natural surveillance of the street and minimise opportunities for intruders to hide behind the fence.</p> <p>Not applicable – the documentation supplied does not indicate that the chosen fencing is a result of the site being on a busy road.</p>

Narromine DCP 2011 Crime Prevention Controls	Comment
Car Parking	
<i>Car parks should be designed to ensure that passive surveillance is possible and where appropriate incorporate active measures such as cameras and security patrols; and</i>	The proposed car parking spaces enable passive surveillance of the street and internal driveways.
<i>Potential entrapment points (places where offenders hide) should be avoided (for example under stairs, blind corners and wide columns).</i>	Suitable conditions have been recommended to avoid entrapment points on the site.
Entrapment Spots and Blind Corners	
<i>Pathways should take a direct route and be easily accessible</i>	Complies
<i>Where appropriate, the installation of mirrors allow users to see ahead and around corners; and</i>	Not applicable
Landscaping	
<i>Avoid medium height (1-2 metres) vegetation with concentrated top to bottom foliage. Plans such as low hedges, shrubs, creepers, ground covers and high canopied vegetation are good for natural surveillance;</i>	The landscape treatment located within the garden beds adjacent to the internal access driveways comprise of hedging and shrubs, which will enable passive surveillance from the dwellings.
<i>Trees with dense low growth foliage should be spaced or the crown raised to avoid a continuous barrier;</i>	Suitable conditions are recommended requiring five canopy trees to be planted within the front setback area. The trees are required to be adequately spaced along the frontage, thereby preventing a continuous barrier.
<i>Use low ground cover or high canopied trees with clean trunks;</i>	The landscaping scheme throughout the site, as required by the recommended conditions, will comprise of low lying vegetation and higher canopy trees. The landscaping scheme is consistent with the intent of this control.
<i>Avoid vegetation which conceals the building entrance from the street; and</i>	Complies.
<i>Avoid vegetation that impedes the effectiveness of public and private space lighting.</i>	Complies.
Communal/Public Areas	

Narromine DCP 2011 Crime Prevention Controls	Comment
<i>Waiting areas should be close to areas of active uses and be visible from the building entry; and</i>	Not applicable.
<i>Seating should be located in areas of active uses.</i>	Not applicable.
<i>Position commonly used habitable rooms (i.e. living rooms, family rooms, kitchens etc) with windows adjacent to communal or open space;</i>	Complies.
<i>Communal areas and utility areas (clothes drying areas and waste management areas) should be easily seen and well lit;</i>	Not applicable.
Entrances	
<i>Design entrances to allow users to see into buildings before entering;</i>	Not applicable – this type of control refers to public lobbies.
<i>Entrances should be easily recognizable through design features and directional signage;</i>	Complies.
<i>Minimise the number of entry points;</i>	Complies.
<i>Staff entrances, where they must be separated from the main entrance, should maximize opportunities for natural surveillance from the street; and</i>	Not applicable.
<i>Avoid blank walls fronting the street.</i>	A retaining wall is proposed along the rear laneway; however, no blank walls or fences are proposed to Algalah Street.

Having regard to the above assessment, it is concluded that the proposed development achieves the underlying objectives of the NDCP. While there are technical non-compliances to the NDCP front and rear setback provisions, the technical non-compliances do not give rise to adverse environmental impacts and do not preclude the development from meeting the underlying objectives of the NDCP.

Section 4.15(3A)(b) of the EP&A Act requires Council to be flexible in applying DCP numerical controls and allow for reasonable alternative solutions that achieve the DCP objectives. In this circumstance, while there are technical non-compliances with the NDCP front and rear setback provisions, a merit assessment has concluded that the non-compliances do not result in adverse environmental impacts and do not preclude the development from meeting the underlying objectives of the NDCP. Accordingly, Council has afforded flexibility in the application of the NDCP numerical controls.

7.5 Narromine Shire Contributions Plan 2019

Narromine Shire Council Section 7.12 Contributions Plan 2019 (NCP) applies to the development as the estimated cost of work is greater than \$100,000.

However, section 3.13 of the NCP states that the cost of any development that is provided as affordable housing is exempt from development contributions. The Applicant has requested that Council do not impose a condition of consent that requires the payment of development contributions as the proposed permanent group homes are a form of affordable housing.

Council considers that it is appropriate to exclude any conditions of consent that requires the payment of development contributions, as permitted by section 3.13 of the NCP, as the development provides much needed affordable and social housing within the Narromine Shire Council LGA.

7.6 All Likely Impacts of the Development

Section 4.15(1)(b) of the Act requires Council to consider “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.

7.6.1 Impacts on the Natural Environment

The proposed development will have a neutral impact on the natural environment. The subject site is already cleared of trees and vegetation, has no scenic qualities, and does not provide habitat for any native animals. The recommended conditions of consent require the provision of native canopy trees at the front of the site, which will enhance the natural amenity of the site and provide for future habitat.

7.6.2 Impacts on the Built Environment

Built Form Character

The proposed development will have a positive impact on built form character, being a low scale residential development in a residential area where there was previously a vacant block and, prior to that, large industrial sheds. The development will not affect any views or vistas or cause overshadowing to any adjacent development.

Access, Transport and Traffic

The proposed vehicular access points, internal driveways and car parking areas have been designed to comply with the requirements set out in AS2890.1 and the NDCP. Furthermore, TfNSW have reviewed the proposed development on access and traffic grounds and raised no objections, subject to concurrence conditions which have been included as recommended conditions of consent.

Public transport is available; the Mitchell Highway Townlink bus service has a stop at the intersection of Minore and Manildra Streets, a 300-metre walk from the site.

Given the above, the development is supportable on access, transport and traffic grounds.

7.6.3 Social Impacts

The proposed development will have a positive impact on vulnerable populations by providing housing supplemented by support services. The operator of the site, Orana Support Service (OSS), provides a range of services including housing, transport, assistance with employment and access to medical services, provision of food packages, clothing, household goods and furniture, domestic and family violence support, multicultural services, advocacy and liaison.

Without safe housing it is extremely difficult for people to obtain and maintain paid employment and therefore, it is expected the development will have a positive impact in terms of helping the local homeless population to achieve economic stability and independence.

7.6.4 Economic Impacts

The proposed development will have a positive impact on the local economy by providing employment during construction, keeping local people in the LGA rather than displacing them to Dubbo or further afield, and providing safe accommodation and other support services which will assist people into employment.

7.7 Site Suitability

Section 4.15(1)(b) of the Act requires Council to consider “the suitability of the site for the development”.

The proposal is appropriate for the locality as it is a residential use in a residential zone, will house existing residents of the LGA so will not create any significant demand on local services and utilities, and is in proximity to public transport, shops and services, and recreational opportunities.

The site contains no heritage items, is not in proximity to a heritage item and is not in a heritage conservation area. It is not identified as bushfire prone or subject to mine subsidence or landslips.

While the assessment has identified contamination constraints on the site, suitable conditions are recommended to ensure that the site is satisfactorily remediated to the Health Investigation Level (HIL) A for residential development with accessible soil, which will be safe for occupant use.

Furthermore, while the development site is flood affected, the floor levels of the group homes are appropriately positioned to avoid the impacts of flooding. In addition, a condition of consent is recommended requiring the applicant to prepare a Flood Risk Management Plan and Emergency Response Plan prior to the occupation of the dwellings, which will outline protocols for flooding response and occupant safety/evacuation in the event of a flood.

The assessment has concluded that the flooding and contamination constraints of the development can be appropriately managed from the imposition of recommended conditions of consent. With these conditions in place, the site is considered to be suitable for the intended residential land use.

7.8 Other Statutory Considerations

Part 7 Section 1.7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 (FM Act) provide that these Acts must be considered in the assessment of a development.

7.8.1 Biodiversity Conservation Act 2016

The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecological sustainable development.

The subject site is not identified on the Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017. The subject site is not considered an area of outstanding biodiversity value.

Moreover, the development will not exceed the extent of native vegetation clearing, being 0.25ha or more, identified in the BC Act.

In this regard, the development is not likely to adverse impacts on threatened ecological communities, species, or their habitats and is consistent with the provisions of the BC Act.

7.8.2 Fisheries Management Act 1994

The development will not impact on the threatened marine species conservation.

7.9 Public Participation

Section 4.15(1)(d) of the Act requires Council to consider “any submissions made in accordance with this Act or the regulations”.

The application was notified to adjoining and nearby landowners on two separate occasions (8 July 2022 – 22 July 2022 and 4 September 2023 – 18 September 2023) in accordance with the requirements of the Narromine Community Participation Plan 2019. Council received four (4) submissions objecting to the proposal, of which two were anonymous. These objections are discussed below.

Submission Comment	Response
<p>Concerns were raised about the demographics and socio-economic status of the future residents of the development and potential crime and anti-social behaviour arising from the development</p>	<p>These comments are speculative. The intention of the development is to alleviate the problems of existing members of the Narromine community who are in need of housing and support services.</p> <p>Orana Support Service (OSS) will be responsible for selecting suitable candidates for accommodation in this development. As the application is for one and two-bedroom group homes it is anticipated that most residents will be singles or couples. The SIA states:</p> <p><i>The clientele occupying the permanent group home include retirees, dual income families, single income families and families assisting a physically impaired individual. These individuals and families are currently on the housing pathway list with Orana Support Service and are existing members of the Narromine community.</i></p> <p>OSS provides a range of services including case management, domestic and family violence support and multicultural services, so it is expected that they are well equipped to select and support appropriate residents. The SIA states:</p> <p><i>The development will be maintained and managed by staff of Orana Support Service. Orana Support Service staff based in Narromine are expected to visit the units on a weekly basis to maintain and monitor the development; however, daily visits will occur when required.</i></p>
<p>One submitter raised concerns with potential incompatibility of their existing business use and complaints from new residents.</p>	<p>The business is already in operation in a residential area so there is no reason to presume that residents of the development would lodge complaints. Neighbourhood noise is regulated by the Protection of the Environment Operations Act 1997 and any resident may contact council requesting a prevention notice or seek a noise abatement order.</p>
<p>Two submitters called for a public meeting to be held regarding the development.</p>	<p>There is no requirement for a public meeting under the Narromine Community Participation Plan (CPP) 2019. Notwithstanding, the application is referred to elected Council for determination.</p>
<p>Concerns were raised that the development was not appropriate for the area, that it would be more appropriate in a larger settlement like Dubbo, and that it would be importing people from elsewhere.</p>	<p>The development is to cater for people from Narromine Shire; displacing them to another town or city would separate them from support networks and community.</p> <p>Again, it is unclear what “type” of group home the submitter is envisaging. The future residents are already members of the Narromine community.</p>
<p>One submitter questioned whether residential development should be permitted on waste land or contaminated land.</p>	<p>One of the objects of the <i>Environmental Planning and Assessment Act 1979</i> is “to promote the orderly and economic use and development of land”. This includes redeveloping “waste land” for a higher purpose. Land contamination is governed by <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, which is discussed in detail in section 6.1.3 above.</p>

Submission Comment	Response
One submitter raised questions around how, and how frequently, the development would be monitored by the owner, OSS.	The Social Impact Assessment submitted by the applicant states that OSS will visit the site weekly or as necessary to inspect individual properties and communal areas and bring supplies to residents. Support services include facilitating employment, transportation and coordination of medical appointments and general support of daily activities.

The issues raised in the submissions have been suitably addressed and do not require a re-design or refusal of the development.

7.10 The Public Interest

Section 4.15(1)(e) of the Act requires Council to consider “the public interest”.

The application satisfactorily addresses Council’s criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Approval of the proposal would be in the public interest.

8 Conclusion

The application involves the construction of 14 permanent group homes.

The development generally meets the desired outcomes of Council’s planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received four (4) submissions during the public notification period. The matters raised have been addressed in the body of the report.

Conditions are recommended to minimise disruption to residential amenity.

Having regard to the circumstances of the case, approval of the application is recommended.

The reasons for this decision are:

- The proposed development achieves the aims and objectives of the relevant environmental planning instruments and the Narromine Development Control Plan 2011.
- The proposed development does not create unreasonable residential amenity impacts to adjoining development regarding visual bulk, overshadowing, solar access, amenity or privacy.
- The proposed development satisfies various strategic objectives of the Central West and Orana Regional Plan 2041 and the Narromine Shire Local Strategic Planning Statement, insofar as the development provides affordable and inclusive housing within the Narromine LGA.
- The development will reduce the current shortages of affordable rental housing within the Narromine LGA.
- The environmental impacts of the development can be appropriately managed through the imposition of the recommended conditions of consent.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

RECOMMENDATION

That Development Application No. DA2022-28 for group homes at 134 Algalah Street, Narromine (Lot 1 DP 1279788) be approved subject to the conditions of consent detailed in **Schedule 1** of this report.

Schedule 1 – Conditions of Consent

Administrative Conditions

Approved Plans and Supportive Documentation

1. Development of the group home must be carried out in accordance with the following approved plans and supportive documentation (stamped by Council), except where the conditions of consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
Sheet No. 2	Job No. 21445 Revision I	Site Plan (Overall)	Avalon Drafting	23 April 2024
Sheet No. 3	Job No. 21445 Revision I	Site Plan	Avalon Drafting	23 April 2024
Sheet No. 4	Job No. 21445 Revision I	Private Open Space	Avalon Drafting	23 April 2024
Sheet No. 9	Job No. 21445 Revision I	Sediment Control Plan	Avalon Drafting	23 April 2024
Sheet No. 10	Job No. 21445 Revision I	Floor Plan – Lot 1	Avalon Drafting	23 April 2024
Sheet No. 11	Job No. 21445 Revision I	Elevations – Lot 1	Avalon Drafting	23 April 2024
Sheet No. 12	Job No. 21445 Revision I	Floor Plan – Lot 2	Avalon Drafting	23 April 2024
Sheet No. 13	Job No. 21445 Revision I	Elevations – Lot 2	Avalon Drafting	23 April 2024
Sheet No. 14	Job No. 21445 Revision I	Floor Plan – Lot 3	Avalon Drafting	23 April 2024
Sheet No. 15	Job No. 21445 Revision I	Elevations – Lot 3	Avalon Drafting	23 April 2024

Plan No.	Revision No.	Plan Title	Drawn By	Dated
Sheet No. 16	Job No. 21445 Revision I	Floor Plan – Lot 4	Avalon Drafting	23 April 2024
Sheet No. 17	Job No. 21445 Revision I	Elevations – Lot 4	Avalon Drafting	23 April 2024
Sheet No. 18	Job No. 21445 Revision I	Floor Plan – Lot 5	Avalon Drafting	23 April 2024
Sheet No. 19	Job No. 21445 Revision I	Elevations – Lot 5	Avalon Drafting	23 April 2024
Sheet No. 20	Job No. 21445 Revision I	Floor Plan – Lot 6	Avalon Drafting	23 April 2024
Sheet No. 21	Job No. 21445 Revision I	Elevations – Lot 6	Avalon Drafting	23 April 2024
Sheet No. 22	Job No. 21445 Revision I	Floor Plan – Lot 7	Avalon Drafting	23 April 2024
Sheet No. 23	Job No. 21445 Revision I	Elevations – Lot 7	Avalon Drafting	23 April 2024
Sheet No. 24	Job No. 21445 Revision I	Floor Plan – Lot 8	Avalon Drafting	23 April 2024
Sheet No. 25	Job No. 21445 Revision I	Elevations – Lot 8	Avalon Drafting	23 April 2024
Sheet No. 26	Job No. 21445 Revision I	Floor Plan – Lot 9	Avalon Drafting	23 April 2024
Sheet No. 27	Job No. 21445 Revision I	Elevations – Lot 9	Avalon Drafting	23 April 2024
Sheet No. 28	Job No. 21445 Revision I	Floor Plan – Lot 10	Avalon Drafting	23 April 2024
Sheet No. 29	Job No. 21445 Revision I	Elevations – Lot 10	Avalon Drafting	23 April 2024
Sheet No. 30	Job No. 21445 Revision I	Floor Plan – Lot 11	Avalon Drafting	23 April 2024

Plan No.	Revision No.	Plan Title	Drawn By	Dated
Sheet No. 31	Job No. 21445 Revision I	Elevations – Lot 11	Avalon Drafting	23 April 2024
Sheet No. 32	Job No. 21445 Revision I	Floor Plan – Lot 12	Avalon Drafting	23 April 2024
Sheet No. 33	Job No. 21445 Revision I	Elevations – Lot 12	Avalon Drafting	23 April 2024
Sheet No. 34	Job No. 21445 Revision I	Floor Plan – Lot 13	Avalon Drafting	23 April 2024
Sheet No. 35	Job No. 21445 Revision I	Elevations – Lot 13	Avalon Drafting	23 April 2024
Sheet No. 36	Job No. 21445 Revision I	Floor Plan – Lot 14	Avalon Drafting	23 April 2024
Sheet No. 37	Job No. 21445 Revision I	BASIX Commitments and Typ Section	Avalon Drafting	23 April 2024

Document Title	Reference No.	Prepared By	Dated
BASIX Certificate	1421755M	Enewergy Thermal Assessments	15 September 2023
Supplementary Site Investigation	28730	EnviroScience Solutions	22 June 2023
Remediation Action Plan	28730_RAP v1	EnviroScience Solutions	4 July 2023
Flood Impact Assessment	AZ051.112	Lyall & Associates	26 April 2024
Civil Engineering Plans Sheets C002 – C011	122116_04, Revision F	Premise	30 April 2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

NOTE: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Requirements Prior To The Issue of a Construction Certificate

Design Amendments

2. Prior to the issue of a Construction Certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council and are in accordance with the approved conditions:
 - a. The external roof and walls of each group home must have a solar absorbance rating of 0.4 or greater (NCC standard) to minimise solar reflections.
 - b. All front boundary fencing must be no greater than 1.8 metres above the finished ground level and contain at least 50% openings. All fencing must comprise of timber batten materials.
 - c. All internal and boundary fencing within the site must have 50% openings, with all openings at least 75 millimetres x 75 millimetres in width.
 - d. Separate letterboxes for all fourteen (14) group homes are to be provided in a single location on the site within one structure. The letterbox structure must be located between the two vehicle crossings off Algalah Street and within 1 metre of the front boundary. The letterbox structure must clearly identify the property address and contain separate mailboxes for each dwelling. The letterbox structure must not exceed 1.8 metres above the finished ground level.
 - e. Outdoor lighting shall be provided within the property boundary for the extent of the approved internal driveways and within the location of the consolidated letterbox structure required by Condition 2 d. of this consent. Outdoor lighting shall be no greater than 4 metres above the finished ground level and shall be designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
 - f. Fourteen (14) separate bin storage areas must be provided for each individual group home. Each individual bin storage area must be provided behind a perpendicular car parking space and must be located within an enclosed 3.0m² area which is bordered by fencing that complies with the requirements set out in Condition 2 c. of this consent.
 - g. Stormwater outlets to the kerb and gutter on Algalah Street must be distanced at least 5 metres apart.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Payment of Building and Construction Industry Long Service Levy

3. Prior to the issue of a Construction Certificate, the Applicant is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The cost estimate and proof of payment is required to be provided to the certifier prior to issue of construction certificate.

Reason: To ensure the long service levy is paid.

Water and Sewer Development Charges

4. Prior to the issue of a Construction Certificate, the Applicant is to pay a monetary contribution of \$32,500 to Narromine Shire Council for the provision of water and sewage supply to the site, in accordance with Narromine Shire Council Development Servicing Plan for Water Supply and Sewerage.

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to the issue of any Construction Certificate.

NOTE: A credit of 1ET has been applied.

Reason: To provide for contributions in accordance with the Servicing Plan to fund the provision of new sewage and water infrastructure on the site.

Infrastructure Bond

5. Prior to issue of a Construction Certificate authorising the carrying out of any work in accordance with this development consent, the developer must provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within six (6) months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 1% of the estimated cost of carrying out the development plus a Bond Administration Fee of \$269.00 and may be provided by way of:

- cash deposit with the Council, or
- an unconditional bank guarantee in favour of the Council.

Reason: To ensure any damage to public infrastructure is rectified.

Erosion and Sediment Control Plan

6. Prior to the issue of a Construction Certificate the applicant is to ensure that an erosion and sediment control plan is prepared in reference to the following documents:
 - a. Council's development control plan.
 - b. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

Local Government Act Approvals

7. Prior to the issue of a Construction Certificate, an approval pursuant to Section 68 of the Local Government Act 1993 is required to be issued by Council for all plumbing and drainage work.

Reason: Statutory requirement.

Roads Act Approvals for Civil Works in the Public Road Reserve

8. The applicant is to submit an application for approval for infrastructure works within Council's Road Reserve. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of works within the road reserve and must include the following information:

- a. Two vehicular crossings 8.0 metres wide in accordance with the Civil Engineering Plans referenced in Condition 1 of this consent.
- b. Reinstatement of all redundant vehicular crossings.
- c. Details of all proposed footpath works and pathways.
- d. Grading of the road reserve to match the existing levels along the eastern front boundary of the site and adjacent properties.
- e. Site stormwater connection to the Algalah Street Kerb inlet.
- f. Engineering long section at both edges and centre line of the proposed driveways shall be provided.
- g. A servicing plan indicating all services in the road reserve. Where any services are to be adjusted as a result of the works, approval from the relevant service authority is to be provided.
- h. All sight distances for vehicles access to the property are to be in accordance with AS2890.1:2004.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

An approval demonstrating compliance with this condition is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the Roads Act and Council policy.

Construction Waste Management Plan

9. Prior to the issue of the Construction Certificate, the applicant must submit to the satisfaction of the Certifying Authority a Construction Waste Management Plan for the development. The plan must include the following:
 - a. require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste",
 - b. demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works,
 - c. procedures for minimising the movement of waste material around the site and double handling,
 - d. procedures to prevent waste (including litter, debris or other matter) from entering waterways,

- e. any vehicle used to transport waste or excavated soil from the site is covered prior to leaving the premises,
- f. the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises,
- g. details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - i. a traffic plan showing transport routes within the site;
 - ii. a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
 - iii. the name and address of each licensed facility that will receive waste from the site.

Reason: To ensure that construction waste is appropriately managed.

Construction Soil and Water Management Plan

10. Prior to the issue of the Construction Certificate, the applicant must submit to the satisfaction of the Certifying Authority a Construction Soil and Water Management Plan for the development. The plan must include the following:

- a. describe all erosion and sediment controls to be implemented during construction,
- b. provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site),
- c. detail all off-site flows from the site,
- d. describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year flood event, 1 in 5-year flood event and 1 in 100-year flood event.

Reason: Soil and water management.

Flooding

11. In order to protect property and occupants from flood risk the following is required:

Building Components

All new development must be designed with flood compatible building components below the Flood Planning Level (1% AEP + 500mm freeboard).

Structural Soundness

All new development must be designed to withstand forces of floodwater, debris and buoyancy up to the Flood Planning Level (1% AEP + 500mm freeboard).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

Requirements Prior To The Commencement of Any Works

Erosion and Sediment Controls in Place

11. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, are in place, and remain until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.

Signs on Site

12. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifier for the work, and
 - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed condition under the EP&A Regulation 2021.

Home Building Act Requirements

13. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information –
- In the case of work for which a principal contractor is required to be appointed –
 - the name and license number of the principal contractor, and
 - the name and the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an owner-builder –
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Reason: Prescribed condition under the EP&A Regulation 2021.

Damage to Public Assets

14. The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to Council's infrastructure that occurs as a result of the development must be repaired immediately to Council's satisfaction and at no cost to Council.

Reason: To establish and document the conditions of property and public land for comparison as building work progresses and it is completed.

Site Remediation

15. Site remediation works must be undertaken in accordance with the approved Remediation Action Plan and Supplementary Site Investigation identified in Condition 1 of this consent prior to the commencement of construction works on the site. All remediation works must be undertaken by suitably qualified and experienced contractors.

Following the completion of the site remediation works, a final Site Validation Report must be prepared by a suitably qualified and experienced person. The Site Validation Report must demonstrate that the site has been satisfactorily remediated to the Health Investigation Level (HIL) A for residential development with accessible soil. The Site Validation Report must be submitted to Council for approval.

Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of construction works.

Reason: To ensure that the site is suitable for the intended residential land use.

Requirements During Demolition and Construction

Flood Policy – Survey Certificate Required

16. The developer is to submit to the principal certifier, a survey certificate signed by a Registered Surveyor certifying the floor levels of the group homes have been constructed to the Flood Planning Level (FPL) and that the emergency back-up generators to the pump-out stormwater storage tanks are located above the FPL. The survey certificate is to be submitted to the principal certifier at the following constructions stages:

- a. Prior to the pouring of concrete slabs once form work is completed.
- b. Prior to the placement of any timber floor on bearers / joist type construction.

Reason: To ensure the finished floor level of the group homes comply with the adopted Flood Planning Level.

Hours of Work

17. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
- a. 7:00am to 6:00pm on Monday to Friday.
 - b. 8:00am to 1:00pm on Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

NOTE: Any variation to the hours of work requires Council approval.

Reason: To protect the amenity of the surrounding area.

Compliance with the Building Code of Australia

18. Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Prescribed condition under the EP&A Regulation 2021.

Procedure for Critical Stage Inspections

19. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To require approval to proceed with building work following each critical stage inspection.

Implementation of the Site Management Measures

20. While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by site management conditions and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of this plan is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

Implementation of BASIX Commitments

21. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX Certificate referenced in Condition 1 of this consent.

Reason: Prescribed condition under the EP&A Regulation 2021.

Construction Noise

22. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

Responsibility for Changes to Public Infrastructure

23. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

Shoring and Adequacy of Adjoining Property

24. If development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- a. Protect and support the building, structure or work from possible damage from the excavation, and
- b. Where necessary, unpin the building, structure or work to prevent any such damage.

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

Reason: To provide public and private safety.

Uncovering Relics or Aboriginal Objects

25. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Climate Change, Energy, the Environment and Water and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Climate Change, Energy, the Environment and Water.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objectives of potential significance during works.

Cut and Fill

26. While building work is being carried out, the principal certifier must be satisfied that all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

Tree Removal and Vegetation Protection

27. This consent only permits the removal of the two street trees identified the Civil Engineering Plan Sheet No. C002 referenced in Condition 1 of this consent. All existing trees within 5 metres of the proposed works must be protected during construction works. Tree protection shall be undertaken as follows:

- a. Tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development.
- b. Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture.
- c. Removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture.
- d. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained.
- e. Structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site.
- f. Excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures.
- g. Should either or all of e) or f) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.
- h. Any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites.
- i. The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site.
- j. Tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.
- k. The tree protection measures specified in this clause must:
 - i. be in place before work commences on the site,
 - ii. be maintained in good condition during the construction period, and
 - iii. remain in place for the duration of the construction works.

Reason: Tree and vegetation protection.

Outdoor Lighting

28. Prior to the commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Reason: To minimise the obtrusive effects of outdoor lighting.

Requirements Prior To The Issue of an Occupation Certificate

Completion of Public Utility Services

29. Before the issue of the relevant Occupation Certificate, the Certifying Authority must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

Preservation of Survey Marks

30. Before the issue of the occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a. No existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b. the applicant has re-established any survey marks(s) that were damaged, destroyed, obliterated or defaced in accordance with the Survey General's Direction No. 11 – Preservation of Survey Infrastructure.

Reason: To protect the State's survey infrastructure.

Repair of Infrastructure

31. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

Works-as-executed plans (drainage diagram)

32. Before the issue of the relevant Occupation Certificate, the Applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a. All stormwater drainage systems and storage systems.
- b. Work as executed plans as per the Section 68 approval.

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

Reason: To confirm the location of works once constructed that will become council assets and provide drainage diagram records.

Positive Covenant for the Maintenance of Stormwater Pump-out Facilities and Maintenance of Water Flow Paths

33. Before the issue of an Occupation Certificate, the Applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works.

The applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The applicant shall create on the title of the land a positive covenant in respect to the ongoing maintenance of the pump-out facility on the property being developed. Narromine Shire Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Narromine Shire Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services.

The applicant will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system and back-up generator. Council will not be liable for any claims for damages arising from the failure of the pump out system and back-up generator.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard.

Outdoor Lighting

34. Prior to the issue of an Occupation Certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- a. Complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting.
- b. Has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Reason: To minimise the obtrusive effects of outdoor lighting.

Flood Risk Management

35. A Flood Risk Management Plan and Emergency Response Plan must be prepared by a suitably qualified professional to ensure the safety of residents during a flood. The plan must be consistent with the NSW Government's Flood Prone Land Policy as set out in the *Flood Risk Management Manual 2023*.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To mitigate the risk of flooding to human life.

Street Numbering

36. Prior to the issue of an Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the site and each group home. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

Reason: To clearly identify the property.

Plan of Management

37. A Plan of Management (POM) is to be prepared and submitted to and approved by Council prior to the issue of an Occupation Certificate.

The POM must:

- a. Detail maintenance and management measures to maintain public and private areas within the site, including the maintenance of landscaping.
- b. Detail emergency response/assistance processes and procedures.
- c. Detail the duties of the site manager from the Orana Support Service.
- d. Detail the delivery and retrieval of waste bins to the street kerb on Council collection dates.
- e. Detail all house rules for residents occupying the group home to minimise negative impacts on residents or neighbouring properties.
- f. Detail a protocol for managing complaints from the community and residents within the development.

Reason: To ensure orderly management of the approved group home.

Landscape Completion

38. Landscaping is to be implemented in accordance with the approved plan (Sheet 5 (Issue I) by Avalon Drafting, dated 23 April 2024), plus the following requirements:

- a. Five locally endemic canopy trees that will attain a height of at least 8.0 metres at maturity must be planted within the primary front setback area between Algalah Street and group homes 1, 7, 8 and 14.
- b. all tree planting required by this condition shall be a minimum planting size of 75 litres or as otherwise scheduled if greater in size, and shall meet the requirements of Natspec - Specifying Trees,
- c. all trees shall be planted into a prepared planting hole 1.0 metre x 1.0 metre x 600 millimetres depth, backfilled with a sandy loam mix or approved similar, mulched to 75 millimetres depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,

- d. mass planting shall be installed at minimum 1.0 metre intervals (or less) for shrubs of a minimum 200 millimetres container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140 millimetres container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75 millimetres depth of mulch, and
- e. all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental Amenity.

No Weeds Imported on to the Site

39. No Priority or environmental weeds (as specified in the Narromine Shire Management Plan) are to be imported on the site prior to or during works. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of priority and environmental weeds.

Positive Covenant for the Maintenance of Water Flow Paths

40. The applicant shall create on the title of the land a positive covenant to prevent the 10.0 metre area between the northern boundary and retaining wall and the 1.5 metre area between the western boundary and retaining wall from being filled, modified or obstructed by building/structures other than those nominated on the approved plans referenced in Condition 1.

Narromine Shire Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Narromine Shire Council's delegate shall sign these documents prior to the submission to the NSW Land Registry Services.

The positive covenant must be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the retaining walls setback a minimum 10.0 meters from the northern boundary and 1.5 metres from the western boundary, including its relationship to the building footprint. Electronic colour photographs of the retaining wall must accompany the application for the positive covenant.

The positive covenant must be registered, and a registered copy of the document must be submitted to Council prior to the issue of the Occupation Certificate.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To prevent flood significant changes to flooding behaviour and extent.

On-going Conditions that must be Complied with at All Times

Landscape Maintenance

41. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

Unobstructed Driveways and Parking Areas

42. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure that driveways and parking areas remain unobstructed.

Noise Control – Mechanical Plant and Equipment

43. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

Reason: To maintain reasonable levels of acoustical amenity.

Compliance with Plan of Management

44. The requirements of the Plan of Management required by Condition 37 must be complied with at all times.

Reason: To ensure orderly management of the approved group home.

Compliance with Flood Risk Management Plan and Emergency Response Plan

45. The safety protocols outlined within the Flood Risk Management Plan and Emergency Response Plan required by Condition 35 must be complied with at all times.

Reason: To ensure occupant safety in the event of a flood.

Conditions Of Concurrence

Transport for NSW Concurrence Conditions

46. The following TfNSW concurrence conditions are applicable to the development:

- a. Forward ingress and egress movements from the site are to be via the proposed driveways only. The configuration and construction of the driveway is to be in accordance with Council standards.

- b. Safe Intersection Sight Distance pursuant to Part 4A of *Austrroads Guide to Road Design* is to be provided in both directions at driveway intersections with Algalah Road.
- c. Appropriate traffic measures are to be in place during construction of the project to minimise impacts of construction vehicles on traffic efficiency and road safety.

Reason: To minimise adverse impacts upon the regional road network.

Essential Energy Concurrence Conditions

47. The following Essential Energy concurrence conditions (general comments) are applicable to the development:

- a. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- b. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- c. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- d. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995 (NSW)*.
- e. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Reason: To maintain compliance with Essential Energy's requirements.