



ATTACHMENTS

UNDER SEPARATE COVER

Ordinary Council Meeting

18 February 2020

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Development Application Assessment Report

PART ONE: GENERAL ADMINISTRATION	
DA No	DA-016-2019-2020
Property Information	Sturt Highway, Gillenbah, NSW, 2700 Lot 10 DP 1202049
Applicant's Details	Troy and Karen Hands [REDACTED]
Land Owner's Details (if different)	As above
Proposed Development	Use of land for residential development (dwelling) to permit the construction of engineered stilts and the future installation of a transportable dwelling.
Type of Development	Local
Other Approvals Section 68 - Local Government Act 1993	The current application <u>does not seek consent</u> for any approvals under the Local Government Act. However, if approved it would result in separate applications being made for the following: <ul style="list-style-type: none"> • Approval to install Manufactured Home / Moveable Dwelling • Approval to install and operate On-Site Sewer Management System
Lodgement Date	Lodged 31 October 2019- Assessment Period Commenced 2 November 2019
Statutory Timeframe	40 days
Stop the Clock	Cut off for 1st Stop the Clock Additional Information request is 26 November 2019.
Additional Information	<p>Currently no requests made.</p> <p>The application specifically requested on page 4 of the SOEE that the application be 'supported as submitted' requesting that any further information be required post approval.</p> <p>The assessment has found that there is insufficient information to properly assess the application in relation to many matters. Ordinarily Council would request additional information to address those matters. However, in this instance further information has not been requested in part due to the applicant's request but also due to the high likelihood that further information would still not be able to demonstrate that the development is suitable for the site and that the likely impacts are acceptable.</p>

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Value of Development	\$ 30,000 – It is noted that Council does not consider this to be a true reflection of the value of development associated with this application.
Report Author/s	Barbara Gilbert – Senior Town Planner
Report Date	11 February 2020

PART TWO: SITE HISTORY & CHARACTERISTICS	
Current land use	<p>The site is currently vacant but the landowner has commenced works on the site in anticipation of being able to reside there as outlined in their SOEE and as listed in the site inspection notes below.</p> <p>Matters relating to the works already completed will be addressed separately.</p> <p>The site is in a rural area and adjoins a tree covered reserve to the east.</p>
Previous approvals	<p><u>Subdivision History (creation of Lot 10 DP 1202049)</u></p> <p>Lot 161 DP 754551</p> <p>Subdivision DA Approval – 115-04/05 The subdivision created two lots with areas of 2.093 Hectares and 74.84 Hectares.</p> <p>The DA consent states the following key dates:</p> <p style="padding-left: 40px;">Determination 18 April 2005</p> <p style="padding-left: 40px;">Consent to Operate from 16 January 2006</p> <p style="padding-left: 40px;">Consent to Lapse 16 January 2011</p> <p style="padding-left: 40px;">Date of Signature on the consent is 18 January 2006</p> <p>Subdivision Certificate Endorsed - 20 March 2006. Notes approval under Narrandera LEP 1991</p> <p>Subdivision Registered 18 June 2010 DP 1153195 (but listed as subdivision of Lot 30 DP 1085935, not of Lot 161 DP 754551)</p> <p>DP 1085935 was a plan for road acquisition.</p> <p>Further Subdivision- Described as Minor Boundary Adjustment and Endorsed as Exempt Development not requiring consent.</p> <p>Subdivision Certificate Number PID/3554730-3 Issued 9 September 2014</p> <p>Altered the lot sizes to 5.21 Hectares and 71.72 Hectares</p>

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	<p>Registered 4 November 2014 as DP 1202049</p> <p>No approvals recorded in Council’s systems since creation of Lot 10 DP 1202049.</p> <p>There is no documentation indicating the purpose of the original subdivision occurring.</p>
<p>Site Inspection</p>	<p>A site inspection was conducted on 21 November 2019 with Councils Manager of Development and Environment (Helen Ryan) and Senior Town Planner (Barbara Gilbert).</p> <p>A range of observations were made during the site inspection as outlined below.</p> <ol style="list-style-type: none"> 1. There are a range of mounds of soil of varied size and soil type across the property. These include a mound near the entrance on the eastern end of the property, a mound with a water tank and associated structure located upon it, a long bank which appears to be both a dam bank and diversion bank along an existing flow path and a substantial area of fill located in the area of the proposed dwelling but far greater than the footprint of the proposed dwelling. Some of these things are identifiable in the site plan overlayed on an aerial photograph submitted with the application, however it does appear further work could have occurred since that aerial photo was taken. 2. There is a significant excavation on the site which also has a jetty like structure located in it. 3. It appears that trees have potentially been removed from the proposed dwelling footprint based on site observations and comparison of aerial photos and biodiversity mapping. 4. There is a channel to the west of the proposed dwelling footprint which runs into the neighbouring property and appears to have been in place for some time. 5. The existing access off the Sturt Highway would require some upgrades to be suitable for regular use associated with a dwelling. 6. The neighbouring property to the east is a travelling stock reserve with a biodiversity improvement project running on it. <p>For the purposes of this assessment the current site status will be considered but separate processes will be used to follow up on matters relating to the earthworks and potential removal of trees.</p> <p>It is considered likely that the excavation exceeds the maximum capacity allowable for the site in accordance with maximum harvestable dam rights. A preliminary calculation is provided at <u>Attachment C</u>.</p>
<p>Characteristics</p>	<p>The site is understood to be former farmland and is relatively flat but does have variable slope with a clear drainage channel through the centre. The site is generally covered in grasses and has a range of mature native trees</p>

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	<p>scattered across the site.</p> <p>The site is 5.21 hectares in size and is of a triangular shape. The site is accessed of the Sturt Highway.</p>
Images - Existing/Proposed	<p>Photos taken during the site inspection are saved in the development application folder.</p>

PART THREE: ASSESSMENT OF LEGISLATIVE REQUIREMENTS	
Environmental Planning and Assessment Act 1979 (EP&A Act)	
4.14 Consultation and Development Consent – certain bush fire prone land	
<p>The site is identified as bush fire prone land on current mapping prepared by the NSW Rural Fire Service (Attachment B). In addition, the site’s location in a rural area with grasslands also creates a need to assess bush fire risk protection.</p> <p>The requirements of Section 4.14 as they relate to this proposal are summarised below.</p> <p style="padding-left: 40px;">Development consent cannot be granted for the carrying out of development for any purpose (other than integrated development) on bush fire prone land unless Council:</p> <ul style="list-style-type: none"> (a) is satisfied that the development conforms to the specifications and requirements of the document entitled <i>Planning for Bush Fire Protection</i> prepared by the NSW Rural Fire Service, or (b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements. <p>As the consent seeks approval for a residential use (dwelling), which would eventuate through a subsequent application under the Local Government Act, consent cannot be granted as Council has no information to allow it to meet the requirements of Section 4.14 of the EP&A Act in relation to bush fire protection.</p> <p>Matters relating to bush fire risk assessment are discussed further in Section 4.15(1)(a)(iii) Part E of Narrandera DCP 2013 below.</p>	
Environmental Planning and Assessment Act 1979	
4.15 EVALUATION: MATTERS FOR CONSIDERATION	
SECTION 4.15 (1)(a)(i) any environmental planning instrument	
State Environmental Planning Policies	<p>The following SEPPS considered applicable to this development:</p> <p>State Environmental Planning Policy No 44—Koala Habitat Protection.</p> <p>The subject land is in proximity to known koala habitat and as such dependent on conditions on site may be core or potential koala habitat. The application is not supported by information which confirms the status of the site but does note that the owner has not seen koalas on the site. The application asks that Council staff with qualifications in tree identification undertake the necessary investigations to determine whether the site is potential Koala Habitat.</p> <p>Council does not currently employ staff with suitable qualifications and</p>

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	<p>experience in this area. As such ordinarily further information would be requested from the applicant. However, as refusal is recommended in this case for other reasons no further information has been sought to prevent unnecessary cost to the applicant.</p> <p>The application indicates that no trees need to be removed in order to support the application. However, comparison of aerial photos indicates that trees may have actually already been removed from the area of the proposed dwelling prior to this application being made. This requires further investigation to determine if it has occurred and whether it raises any matters which need to be addressed.</p> <p>State Environmental Planning Policy No 55—Remediation of Land The site inspection revealed a range of soil mounds on the site including a mound in the location of the proposed dwelling. Most of the soil appears likely to have been sourced from the site itself, however, further information is needed from the land owner to confirm all soil sources and potential for contamination. There is currently insufficient information to determine compliance with SEPP 55.</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 The application seeks consent for a land use only, and the structure is proposed to be approved under the Local Government Act, accordingly BASIX does not apply.</p>
<p>Narrandera Local Environmental Plan 2013 (NLEP 2013)</p>	<ul style="list-style-type: none"> • The subject site is zoned RU4 Primary Production Small Lots under the provisions of the Local Environmental Plan. • A dwelling is permitted with consent under the RU4 Primary Production Small Lots land use table. • The proposed development is not considered to raise any matters inconsistent with the zone objectives. <p>Part 1 Preliminary Clause 1.2 - Aims of Plan The plan objectives:</p> <ol style="list-style-type: none"> a. to protect, enhance and conserve agricultural land through the proper management, development and conservation of natural and man-made resources, b. to encourage a range of housing, employment, recreation and community facilities to meet the needs of existing and future residents of Narrandera, c. to promote the efficient and equitable provision of public services, infrastructure and amenities, d. to conserve environmental heritage <p>It may be considered that the addition of a further dwelling in a known high hazard floodway is inconsistent with the plan objectives. Specifically that to add an additional dwelling into a known high hazard floodway creates potential for further burden on public services which is not considered efficient.</p> <p>On the other hand it does contribute to achieving plan objectives through</p>

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	<p>providing another housing choice (an additional hobby size farm).</p> <p>Part 2 Permitted or prohibited development The subject land is zoned RU4 Primary Production Small Lots under NLEP 2013. The proposed development is defined as use of site for a 'Dwelling' under the LEP and is permissible in the zone with consent.</p> <p>Part 3 Exempt or complying development The proposed development does not satisfy the required provisions to be defined as Exempt and/or Complying Development, and therefore development consent has been sought.</p> <p>Part 4 Principal development standards No Principal Development Standards are applicable to the proposed development.</p> <p>Clause 4.2B does not apply as no intensive plant agriculture is proposed.</p> <p>It is noted that Clause 4.2C of the NLEP was intended to apply to the site (refer to final exhibited draft and DCP Part D Clause 6.2) but currently does not as a result of a drafting error. There is currently a planning proposal (PP_2019_NARRN_001_00) which seeks to correct this error. That planning proposal is not yet finalised to give effect to its proposed changes.</p> <p>There have been a range of interpretations regarding permissibility of a dwelling at the site, on the basis of information currently available to me I am satisfied that a dwelling is currently permissible. However, a dwelling should only be permitted on merit if all other applicable requirements are met.</p> <p>Part 5 Miscellaneous provisions 5.16- Matters listed under Clause 5.16(4) have been taken into account. It is considered unlikely that this proposal would generate conflicts with existing, approved, preferred or predominant land uses in the vicinity of the development.</p> <p>Part 6 Additional local provisions Comment: Relevant to the proposed development:</p> <ul style="list-style-type: none"> • Clause 6.1 – Earthworks: Page 14 of the Statement of Environmental Effects (SOEE) indicates that excavation will be required for the construction of stilts to support the dwelling, for underground potable water tanks and for an aerated waste treatment system. However, the application is not supported by details for any of these things. It instead asks that conditions requiring details or separate applications be applied. In addition, it is noted that it appears that earthworks have already commenced on the site and the SOEE states on pages 3 and 5 that the
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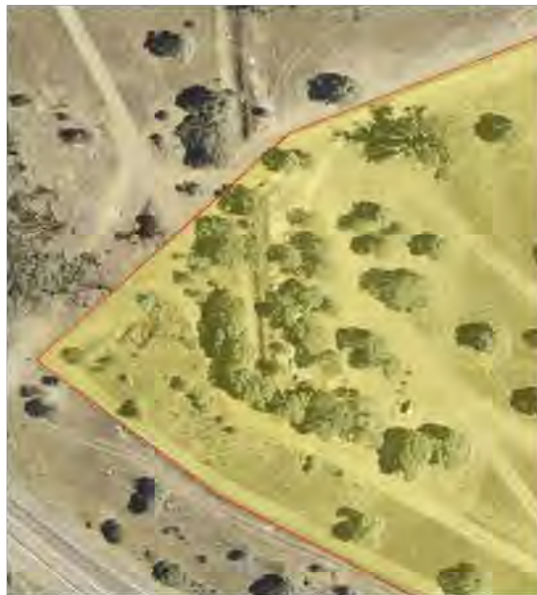
	<p>owner has commenced 'basic site preparation works and improvements to support a future dwelling'.</p> <p>The application is not supported by sufficient information to enable proper assessment and consideration of matters listed under Clause 6.1. Matters under this Clause which would be particularly relevant include impacts on drainage patterns, soil stability, soil quality, source of fill material, destination of excavated material and potential for impacts on nearby waterways.</p> <p>Ordinarily further information would be requested from the applicant. However, as refusal is recommended in this case for other reasons no further information has been sought to prevent unnecessary cost to the applicant.</p> <p>It is noted that the works which have already occurred on the site will be addressed separately through appropriate processes.</p> <ul style="list-style-type: none"> • Clause 6.2 - Flood Planning: The subject land is included within land identified as "Flood planning area" on the Flood Planning Map. <p>A detailed assessment in relation to Clause 6.2 of the NLEP and in relation to flooding more generally is included in Attachment A.</p> <p>The assessment concludes that there is insufficient information available to enable Council to be satisfied of the matters outlined in Clause 6.2(3) of the NLEP. Accordingly Council cannot approve the development on the basis of the information which currently supports the application. The matters in this clause could not be appropriately addressed through conditions of approval as doing so would effectively be deferring assessment of the application until after a decision has been made.</p> <ul style="list-style-type: none"> • Clause 6.3 – Stormwater: N/A to zone. • Clause 6.4- Terrestrial Biodiversity <p>The site including the footprint of the proposed dwelling is included on Terrestrial Biodiversity Mapping (noting that the block boundary shown on the static LEP map has changed and the extract below from the planning portal has the current block boundary).</p> <p>While the application states that no vegetation will need to be removed to support the proposal, based on comparison of aerial photographs and documentation submitted with the application it appears that trees may have already been removed from the proposed dwelling footprint which is within the mapped terrestrial biodiversity mapping area.</p> <p>The application is not supported by sufficient information to undertake an assessment under Clause 6.4.</p> <p>Further investigation is needed regarding the possible removal of trees from the proposed dwelling footprint. Such investigations will determine whether approvals were needed and whether any such approvals were sought or issued. Remediation works may be required to restore the site or provide suitable offsets.</p>
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Extract from Aerial Photo (Six Maps)

Comparison of the images above shows that the arc of trees adjoining the proposed dwelling site was previously filled in with trees which are no longer present on the site plan or on inspection of the site.

- **Clause 6.5 – Groundwater Vulnerability:** The subject land is affected by the Groundwater Vulnerability mapping. The proposal is not supported by sufficient information to enable an assessment of potential impacts as required under this clause.
- **Clause 6.6- Riparian Land and Water Courses-** N/A, the area of all proposed works is well clear of the 40 metre buffer.
- **Clause 6.7- Wetlands –** N/A
- **Clause 6.8- Salinity-** N/A
- **Clause 6.9- Development on riverfront areas-** N/A
- **Clause 6.10- Development on riverbeds and banks-** N/A
- **Clause 6.11- Airspace operations-** N/A
- **Clause 6.12- Development in areas subject to aircraft noise-** N/A
- **Clause 6.13 – Essential Services:**
 - (a) There is no reticulated water supply, the application indicates that tank water supply would be installed as part of the installation of a dwelling.
 - (b) The application indicates that electricity would be extended to the dwelling site.
 - (c) There is no sewerage infrastructure available to the site. The application indicates that an Aerated Waste Treatment System would be

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	<p>installed as part of the installation of a dwelling.</p> <p>(d) The application indicates that stormwater would be directed to an underground water tank, treated and used for the dwelling. It also indicated that overflow would be directed to 'the back paddock' which is understood to be within the boundaries of the property.</p> <p>(e) As the proposal is accessed off an RMS controlled road the application would ordinarily be referred to them for feedback and conditions in relation to access arrangements. However, as this application is unable to be approved for other reasons it has not been referred at this time.</p> <p>No Additional Local Provisions are applicable to the proposed development.</p>
	<p>The proposal as submitted is not able to demonstrate compliance with the requirements of the <i>Narrandera Local Environmental Plan 2013</i>. Conditions would be unsuitable to address this in many cases and accordingly the application cannot be approved in its current form.</p>
<p>SECTION 4.15 (1)(a)(ii) any proposed instrument</p>	<p>Planning Proposal (PP_2019_NARRN_001_00) which proposes amendments to Clause 4.2C of the <i>Narrandera Local Environmental Plan 2013</i> would impact on this site and specifically regarding the permissibility of a dwelling. A preliminary assessment has been undertaken to determine whether a dwelling would be permissible at the site once the Planning Proposal comes into effect.</p> <p>The assessment has found that there are anomalies in the subdivision history which mean there is no definitive answer as to whether the site would have a dwelling entitlement.</p> <p>However, the assessment has also found that it would be reasonable to interpret that the site was most likely created with the intention of allowing a dwelling under the <i>Narrandera Local Environmental Plan 1991</i>.</p> <p>As such once the NLEP 2013 is amended as proposed a dwelling could reasonably be permitted under Clause 4.2C(3)(b)&(e).</p>
<p>SECTION 4.15(1)(a)(iii) any development control plan</p>	<p>The following parts of the <i>Narrandera Development Control Plan 2013 (DCP)</i> have been considered in the assessment of the proposed development:</p>
	<p>Part A - Introduction</p> <ul style="list-style-type: none"> • Noted.
	<p>Part B - Strategic Land Use Plans for Shire</p> <ul style="list-style-type: none"> • Noted.
	<p>Part C - Controls Applying to All Development</p> <p>5.1 On-site effluent Disposal for land without reticulated sewer</p> <p>A dwelling at this site would require the installation of an onsite sewerage treatment system. The application does not provide details of a proposed system and does not include soil tests to aid in assessing the appropriateness of any system.</p> <p>5.2 Parking</p>

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	<ul style="list-style-type: none"> Noted. The proposal is able to comply.
	<p>Part D - Land Use Based Controls</p> <p>Chapter 6 - Rural Residential / Large Lot Residential Development</p> <p>Chapter 7 - Residential Development</p> <p>Chapter 8 - Narrandera Business Centre</p> <p>Chapter 9 - Industrial Development</p> <ul style="list-style-type: none"> Noted.
	<p>Part E - Planning for Natural Hazards</p> <p><u>Chapter 10 - Flood Liable Land</u></p> <p>An assessment of provisions of this DCP in relation to Flooding is included in Attachment A. The outcome of the assessment is that the site is considered unsuitable for the proposed development based on available information.</p> <p><u>Chapter 11 – Bush fire Prone Land</u></p> <p>The site is identified as bush fire prone land on current mapping prepared by the NSW Rural Fire Service (Attachment B). In addition, the site’s location in a rural area with grasslands also creates a need to consider bush fire protection. The application mistakenly indicates that the site is not bush fire prone and accordingly is not supported by any information to support assessment of this matter. When reviewing bush fire prone land mapping in the DCP it is important to note that the cadastral boundary, while on first glance it appears similar, is not the current cadastral boundary due to the boundary adjustment which previously occurred. Attachment B shows the map but with the new cadastral boundary.</p>
	<p>Part F - Natural Resources</p> <p>Chapter 12 - Sensitive Land</p> <p>Noted- Refer to NLEP assessment.</p> <p>Chapter 13 - Sensitive Water</p> <ul style="list-style-type: none"> Noted- Refer to LEP assessment.
	<p>Part G - Heritage Controls</p> <p>Chapter 14 - Heritage Items</p> <ul style="list-style-type: none"> Noted.
	<p>Part H - Notification of Development</p> <p>Chapter 15 - Notification</p> <ul style="list-style-type: none"> The development was notified the adjoining and adjacent land owners from 13 November 2019 to 25 November 2019. No submissions have been received.
SECTION 4.15 (1)(a)(iia) any planning agreement	No planning agreement relates to the site or to the proposed development.
SECTION 4.15(1)(a) (iv) the regulations	There are no matters prescribed by the Regulations applicable to this development.

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<p>SECTION 4.15(1)(b) the likely impacts of the development</p>	<p>See attached Table 1 and Attachment A.</p> <p>Assessment of likely impacts of the development have found that the impacts are likely to be unfavourable in terms of increased risks to people and property and that insufficient information has been submitted to enable a full assessment of likely impacts at this time.</p>
<p>SECTION 4.15(1)(c) the suitability of the site</p>	<p>Based on the information submitted as assessed throughout this report the subject land is considered unsuitable for the proposed development having regard to the site attributes including its categorisation as a High Hazard Floodway and lack of compliance with applicable environmental planning instruments.</p>
<p>SECTION 4.15 (d) any submissions made in accordance with the Act or the Regulations</p>	<p>The application was notified to adjoining and adjacent land owners from 13 November 2019 to 25 November 2019.</p> <p>No submissions have been received during the exhibition period or after.</p>
<p>SECTION 4.15(1) (e) the public interest</p>	<p>The public interest is a broad consideration relating to many issues. Taking into account the full range of matters for consideration under Sections 4.14 & 4.15 of the <i>Environmental Planning and Assessment 1979</i> (as discussed within this report) it is considered that approval of the application would not be consistent with the public interest due to increased risks to people and property.</p>
<p>Part 7 Biodiversity Conservation Act 2016 – Clause 7.3 Test for determining proposed development likely to significantly affect threatened species.</p>	<p>1. The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:</p> <p>a. in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</p> <p>While there is insufficient information to properly assess potential impacts on threatened species, it is considered unlikely that the proposal would generate an impact so great as to place a viable local population at risk of extinction.</p> <p>b. in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</p> <p>i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction</p> <p>While there is insufficient information to properly assess potential impacts on any EEC or CEEC if present, it is considered unlikely that the proposal would generate an impact so great as to place a local community at risk of extinction.</p> <p>ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</p> <p>While there is insufficient information to properly assess potential</p>

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	<p>impacts on any EEC or CEEC if present, it is considered unlikely that the proposal would generate an impact so great as to place a local community at risk of extinction.</p> <p>c. in relation to the habitat of a threatened species or ecological community:</p> <p>i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity</p> <p>There is insufficient information to determine whether there is habitat of a threatened species or an ecological community present. While the application states that removal of vegetation is not necessary to support the proposal, it does appear that vegetation may have already been removed from the proposed dwelling footprint.</p> <p>ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity.</p> <p>The area of the proposed dwelling footprint is identified on biodiversity mapping and does form a link between larger areas of habitat. The apparent removal of vegetation from the proposed dwelling footprint and increased human activity in this location has the potential to reduce its value as a linking corridor. However, it is noted that there is a separate link between the same two areas at the eastern end of the property as well.</p> <p>iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality</p> <p>There is insufficient information available to assess this matter.</p> <p>d. whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly)</p> <p>No declared area of outstanding biodiversity value was identified within the study area.</p> <p>e. whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</p> <p>It would appear that native vegetation may have been removed from the site in anticipation of a dwelling being permitted.</p>
<p>Part 7 Biodiversity Conservation Act 2016 7.7 Biodiversity assessment for Part 4 development (other than State significant development or complying development)</p>	<p>2. If the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report.</p> <p>The development has not been accompanied by a biodiversity development assessment report, however, it is considered unlikely to meet the threshold of 'likely to significantly affect'.</p>

PART FOUR: STATUTORY REFERRALS

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Referrals	<p>The application has been considered with regard to Sections 4.46 & 4.47 of the <i>Environmental Planning and Assessment Act 1979</i> and whether or not the proposal was integrated development. The following table identifies whether or not there were any other statutory referrals required in terms of relevant State Environmental Planning Polices.</p> <table border="1"> <thead> <tr> <th>AGENCY</th> <th>LEGISLATION</th> <th>APPLIES</th> </tr> </thead> <tbody> <tr> <td>DPI</td> <td>Fisheries Management Act, 1994 Mines Subsidence Compensation Act, 1961 Mining Act, 1992 Petroleum (Onshore) Act, 1991</td> <td></td> </tr> <tr> <td>OEH</td> <td>National Parks, & Wildlife Act, 1974 Protection of the Environment Operations Act, 1997 Water Management Act, 2000</td> <td></td> </tr> <tr> <td>NSW Heritage</td> <td>Heritage Act, 1977</td> <td></td> </tr> <tr> <td>RMS</td> <td>Roads Act, 1993</td> <td></td> </tr> <tr> <td>RFS</td> <td>Rural Fires Act, 1997</td> <td></td> </tr> </tbody> </table> <p>Works which would be required as a result of the proposal would require consent under s138 of the <i>Roads Act 1993</i>, however as a result of Clause 4.46(3) the proposal is not considered to be integrated development. As such the proposal is able to be assessed as Local development.</p> <p>The proposal would ordinarily still be referred to RMS for feedback regarding the access arrangements to their road, however, as refusal is recommended for other reasons in this instance it has not been referred at this time.</p>	AGENCY	LEGISLATION	APPLIES	DPI	Fisheries Management Act, 1994 Mines Subsidence Compensation Act, 1961 Mining Act, 1992 Petroleum (Onshore) Act, 1991		OEH	National Parks, & Wildlife Act, 1974 Protection of the Environment Operations Act, 1997 Water Management Act, 2000		NSW Heritage	Heritage Act, 1977		RMS	Roads Act, 1993		RFS	Rural Fires Act, 1997	
	AGENCY	LEGISLATION	APPLIES																
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RMS	Roads Act, 1993																		
RFS	Rural Fires Act, 1997																		

PART FIVE: CONTRIBUTIONS	
<p>Division 7.1 (Former Section 94 & Section 94A) Contributions (Environmental Planning & Assessment Act, 1979)</p>	<ul style="list-style-type: none"> ▪ Section 7.12 – Council’s existing contributions plan does not charge for development of the type proposed.
<p>Section 64 Contributions (Local Government Act, 1993)</p>	<ul style="list-style-type: none"> • N/A

PART SIX: DETERMINATION	
<p>The development application has been analysed and evaluated as per Section 4.14 of the Environmental Planning and</p>	<p>The assessment has identified that:</p> <ul style="list-style-type: none"> ▪ consent cannot be granted as Council has no information to allow it to meet the requirements of Section 4.14 of the EP&A Act in relation to bush fire protection

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Assessment Act 1979.	
The development application has been analysed and evaluated as per Section 4.15 of the Environmental Planning and Assessment Act 1979.	<p>The assessment has identified that:</p> <ul style="list-style-type: none"> ▪ There is insufficient information to be able to make a full assessment, thus consent cannot be granted ▪ the proposed development is permissible within the zone under NLEP 2013 but in its current form cannot demonstrate compliance with the detailed provisions of that environmental planning instrument and thus consent cannot be granted ▪ there is insufficient information to satisfy the requirements of applicable State Environmental Planning Policies thus consent cannot be granted ▪ the likely impacts of the development are unacceptable in terms of increased risk to people and property ▪ the subject site is unsuitable for the proposed development ▪ the proposed development would be contrary to the public interest
	Having regard to NLEP 2013, NDCP 2013, the matters discussed within this report and the relevant matters for consideration listed under Sections 4.14 & 4.15 of the Environmental Planning & Assessment Act 1979, this assessment considers the development application should be refused.
Recommendation	That consent be refused in relation to Development Application DA-016-2019-2020 for Use of land for residential development (dwelling) to permit the construction of engineered stilts and the future installation of a transportable dwelling at Lot 10 DP 1202049 Sturt Highway, Gillenbah, NSW, 2700.

Table 1:					
Section 4.15(1)(b) – Any likely impacts of that development					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Context & setting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Streetscape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Traffic, access and parking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Under ordinary conditions access and parking can be provided at the site. Conditions would be needed from RMS in relation to the proposed access point off the Sturt Highway. However, as discussed in Attachment A the proposed access arrangements are severely impacted during times of flood.
Public domain	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Unsatisfactory due to potential for impacts on others.
Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria.
Environmental heritage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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Table 1:					
Section 4.15(1)(b) – Any likely impacts of that development					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Aboriginal cultural heritage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions would be required to address any occurrence of artefacts during construction. Based on available information there are no known values on the site.
Other land resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria.
Water quality & stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria.
Soils, soil erosion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria. Substantial unapproved earthworks have already occurred on the site which will be addressed separately.
Air and microclimate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Flora and fauna	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The application states that there will be no removal of trees however it appears that trees have already been removed from the proposed dwelling site. There is insufficient information available to undertake the necessary assessment in relation to Koalas.
Biodiversity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The application states that there will be no removal of trees however it appears that trees have already been removed from the proposed dwelling site. There is insufficient information available to undertake the necessary assessment in relation to Koalas.
Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site will require the provision of on-site sewerage disposal for this use however details of the arrangements and soil tests to confirm suitability have not been provided.
Energy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal is not a BASIX affected development in its current form.
Noise & vibration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Hours of operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Natural hazards - Flooding - Bushfire	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The likely impacts in relation to Flooding are considered unfavourable as outlined in Attachment A . The site is bush fire prone and insufficient information is available to enable assessment as outlined in the discussion regarding the DCP provisions & assessment against Section 4.14 of the EP&A Act.
Technological hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No specific hazards identified.
Safety, security and crime prevention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal is considered likely to increase risks to the physical safety of residents, visitors and emergency responders. Insufficient information has been provided to demonstrate effective management of this risk.
Social impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal would increase the risk of economic loss for the landowners and insurers. Insufficient information has been provided to demonstrate effective management of this risk.
Site design and internal design	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria.

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Table 1:					
Section 4.15(1)(b) – Any likely impacts of that development					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Overlooking - overshadowing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None proposed
Construction	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria.
Private open space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cumulative Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria.
Disabled access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Signage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Setbacks, building envelopes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Insufficient information is currently available to properly assess this criteria particularly due to the bush fire prone nature of this land.
Easements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no easements identified as impacting the block on the title search.

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Attachment A: Detailed assessment of flood impacts and provisions.

Matters relating to flooding at the site are considered under multiple provisions in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* being in this case:

1. The provisions of any environmental planning instrument (*Narrandera Local Environmental Plan 2013*)
2. The provisions of any Development Control Plan (*Narrandera Development Control Plan 2013*)
3. Likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
4. The suitability of the site for the development.
5. The public interest.

Each of these matters is considered in further detail below.

Key Facts

The 2009 Flood Study was current at the time Troy and Karen Hands made pre purchase enquiries. Advice was provided at that time based on the 2009 study and the DCP.

The 2009 Flood Study, upon which the current DCP is based, identifies Lot 10 DP 1202049 as partially floodway and partially flood storage.

Under the provisions of the DCP, Council is able to consider an application for the construction of a new dwelling when it is located in a flood storage category, but not in an area identified as floodway.

In 2019 Council adopted the 2019 Narrandera Floodplain Risk Management Study and Plan excluding the planning recommendations. The practical implication being that there was no change to planning controls but the flood mapping in the document is to be treated as the most current information regarding flood behaviour in the shire.

The 2019 Narrandera Floodplain Risk Management Study and Plan was prepared using newer technologies and up-to-date methodologies. As a result, the categorisation of the site has changed to wholly high hazard floodway.

Current flood mapping shows depths ranging from 1-4 metres in a 1 in 100 event (1%AEP) across the whole of the site. In an extreme flood event, the depths across the site increase to 3-5+ metres. These figures are based off existing ground levels.

Council is always required to use the best available information regarding flooding depths and behaviour ahead of any mapping in older documents.

Staff sought clarification from the consulting engineer who prepared the 2019 Flood Study regarding the change in flood category at the site. The response received is outlined below:

"The allotment falls wholly within the area classified as "Floodway" as it spans a relatively deep section of flowing floodwater on the western overbank of Poisoned Waterholes Creek.

The assessment that was undertaken as part of the recent Review of the Narrandera Floodplain Risk Management Study and Plan is more accurate than the earlier body of work as it is based on the results of more detailed two-dimensional (in plan) hydraulic modelling which utilises the available LiDAR survey data, whereas the earlier work was based on a hydraulic model which incorporated surveyed cross sections that were located at relatively large spacings (i.e. it only captured a snap shot of the floodplain at discrete locations, whereas the latest modelling uses topographic information covering the whole of the floodplain).

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The peak 1% AEP flood level in the allotment is RL 146.1 m AHD.

The extent of the Flood Planning Area (FPA) may have changed due to the adoption of slightly higher peak 1% AEP flood levels, coupled with the more accurate flood modelling which utilised the available LiDAR survey data."

As such it can be seen that the change in flood categorisation for the site is a result of:

- a slightly higher peak 1% Annual Exceedance Probability (AEP) Flood Level being used (146.1AHD in 2019, compared to 145.735 in 2009-based on the nearest cross section), and
- Significantly more accurate survey data which accurately reflects topography across the flood plain.

It is however my opinion that changes to the definition of floodway vs flood storage have also contributed to the change in the categorisation of the land.

Figures 1-4 of this report show current flood mapping for the site and surrounding area.

Narrandera Local Environmental Plan 2013

6.2 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 land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to—*

- (a) land identified as "Flood planning area" on the [Flood Planning Map](#), and*
- (b) other land at or below the flood planning level.*

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

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*

(5) *In this clause—*

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flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The land is identified as being within the flood planning area on the flood planning map and is below the flood planning level which is identified as 146.1AHD plus 0.5 metre freeboard for this property in accordance with the 2019 Narrandera Floodplain Risk Management Study and Plan which is the most current available information available to Council. It is noted that there are currently unapproved earthworks on the site which may result in changes to depths and velocities experienced on the site. As such the velocities and levels in the current study cannot be relied upon unless the unapproved works are rectified.

There is insufficient information available to enable Council to be satisfied of the matters outlined in Clause 6.2(3) of the NLEP. Accordingly Council cannot approve the development on the basis of the information which currently supports the application. The matters in this clause could not be appropriately addressed through conditions of approval as doing so would effectively be deferring assessment of the application until after a decision has been made.

Narrandera Development Control Plan 2013

Chapter 10 of the Narrandera Development Control Plan 2013 provides guidance for the development of flood prone land in the shire.

In accordance with the mapping in the DCP the site falls into two categories being both floodway and flood storage. The area on the property where the dwelling is proposed to be located would be within the flood storage category in accordance with the DCP mapping.

However, it is known that the mapping in this document is outdated and not as accurate as mapping which is now available in the adopted 2019 Narrandera Floodplain Risk Management Study and Plan.

This is an unusual situation, generally DCP controls and mapping are updated when a new flood study and plan is adopted. However, in this instance Council has adopted the flood study and plan excluding new planning controls which it proposed. As such Council is utilising new mapping but has not updated planning controls.

In this circumstance where there are legitimate risks to life and property it is considered that it would be inappropriate to simply assess the proposal against existing mapping in the DCP and that Council is obliged to assess the proposal based on flood information available in the *2019 Narrandera Floodplain Risk Management Study and Plan* which we understand to be more accurate.

The site is categorised in full as high hazard floodway in the current mapping.

The DCP provisions indicate that allowing additional dwellings in areas categorised as floodway is not considered appropriate. Detailed consideration is outlined below.

Section 10.7 Flood Controls all other areas applies to this site.

As such Table 5 applies.

The use is Residential. For residential the table states:

'All new residential development apart from minor extensions and replacement dwellings is not suitable in the floodway hydraulic category

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All new dwelling entitlements created by rural subdivision and existing holdings must meet the new dwelling controls in this plan'.

Interpretation of these clauses is aided by looking at later parts of the table which show it applies to Floodways, Flood Storage and Flood Fringe. Accordingly it can be interpreted that it does not allow for additional dwellings in floodways but does make provision for additional dwellings in flood storage and flood fringe.

In addition it is noted that the site does not fit the category of *'new dwelling entitlements created by rural subdivision and existing holdings'*.

Appendix 1 of the plan is referred to for further guidance on interpretation and supports the interpretation above.

Chapter 10 provides detailed lists of matters which need to be addressed in any application for dwellings on flood prone land. The application submitted does not contain the requested information instead asking that anything which may be needed be requested as conditions of approval or by requirement for further applications.

Appendix 1 Part E of the DCP Notes the following points relevant to this application:

The Council does not recommend or encourage raising existing or new houses in the floodplain, to meet the 100 year ARI event plus freeboard, particularly within the floodway hydraulic category areas, for the following reasons.

...

- The perception that the occupant is 'safe' from the flood;
- The high likelihood of isolation for a period ranging from a few days to a number of weeks, and the strong possibility of disruption to utility services such as telephone, electricity, potable tank water and on site effluent disposal, and
- The increased risk to emergency services once evacuation routes have been cut by flood waters. *It is noted that the local flood plan requires evacuation from isolated dwellings to be completed before evacuation routes are closed....*

and

The Council does not support significant filling of the land within the floodway hydraulic category, whether that filling constitutes a levee or raised mound to elevate a dwelling.

The Council will consider, with development consent, minor filling of up to 100m² of land to a maximum fill depth of 300mm within the floodway area...

and

...The development controls do not provide for outright prohibition of development (unless that development is prohibited in the particular zone by the Narrandera LEP 2012). Instead the controls are based on prescriptive and performance controls which will dictate whether a given development type is acceptable, on flood risk grounds in a given location...

Appendix 1 Part F of the DCP which is a Flood Development Control Matrix notes the following points relevant to this application:

Category: Residential in Floodway

...This matrix along with Section 6, 7 and 8 identifies where flood risks are likely to determine where certain development types will be considered 'unsuitable' due to flood related risks...

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*Floor Level- 6**Minor extensions to existing dwellings only. Habitable floor levels to be no lower than the 100 year flood level plus freeboard.**Building Components and Method-1**All structures to be flood compatible building components below the 100 year flood level.**Structural Soundness-1**Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100 year flood level plus freeboard.**Flood Effects-1**Engineer's report required to certify that the development will not increase flood effects elsewhere, having regards to (i) loss of flood storage, (ii) changes in flood levels and velocities caused by the alterations to the flood conveyance, and (iii) the cumulative impact of multiple potential developments in the floodplain.**Evacuation-2 & 3**Reliable access for pedestrians and vehicles is required from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the Extreme flood level.**The development is to be consistent with the evacuation plans specified in the Local Flood Plan adopted by Council, if the development will have multiple occupancy (ie. of a commercial nature) a development specific evacuation plan is required.**Management and Design- 3&4**No storage of materials below the 100 year ARI flood level which may cause pollution or be hazardous during any flood.**Application to demonstrate that any proposed fencing is of an open nature and collapsible during floods.*

The key points which are important to note in relation to the flood development control matrix is that it effectively identifies additional dwellings in floodways as unsuitable development by virtue of the statement that minor extensions to existing dwellings are the only thing allowable for residential development.

It is also important to note that the proposal would be unable to meet the stated evacuation requirements.

Conclusion:

The assessment in relation to this DCP is complex and it would be open to the applicant to submit a report from a suitably qualified person to put forward alternative interpretations and providing information as to why a dwelling is considered suitable for the site. However, the applicant has chosen not to do this. Accordingly this assessment has been undertaken in good faith with the intent of the DCP and Flood Study and Plan in mind to guide interpretation. The outcome of the assessment against the DCP is that based on available information the site is considered unsuitable for the development proposed and that insufficient information is available to support any interpretation to the contrary.

It is considered unlikely that further information from the applicant would alter the outcome of the site being considered unsuitable and the applicant has requested that the application be determined based on submitted documents. As such no additional information request has been sent.

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Likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal seeks consent for the use of the site for residential development to allow a subsequent application for a transportable dwelling under the *Local Government Act 1993*. By virtue of the size of the block, the nature of the site and surrounding area and existing activities on the block it is clear that the site is intended to be used effectively for a rural residential/ hobby farm lifestyle.

The impacts which are considered likely as a result of this are:

- Allowing a house at this site will increase the risk of additional people (residents, visitors and emergency responders) being in or needing to go into flood affected areas during flood events.
- Allowing a house at this site will result in increased risk of property loss with associated financial implications for the owners and any insurers.
- Allowing a house at this site is likely to increase pressure for additional outbuildings (sheds, animal shelters and the like) which further impacts on flood behaviour.
- Allowing a house at this site is likely to increase the risk of further debris and potential debris being present in the floodway with associated impacts on those downstream.
- Allowing a house at this site increases the risk of residents attempting to redirect the flow of water in an effort to protect their assets.

While it may be argued that things like outbuildings, debris and redirecting the flow of water may not occur, the reality based on site inspection is that these things have already started to occur in anticipation of being able to reside on the site. As such this reinforces the view that they are likely outcomes moving forward should the development be approved.

There is insufficient information available in relation to the proposed stilts to understand the likely impacts.

The suitability of the site for the development.

On the basis of available information the site cannot be considered suitable for the proposed development due to its location in a high hazard floodway and a lack of information to establish that it is suitable.

The public interest.

To allow the development to progress as proposed would be considered contrary to the public interest due to increased risks to people and property.

Summary conclusion

The subject site is located in a high hazard floodway. The application as submitted does not comply with applicable flood provisions in the NLEP or the DCP. The likely impacts of the development are unfavourable; the site is not considered suitable and for the reasons outlined above to approve the development on the basis of available information would be considered contrary to the public interest. In addition, it is noted that the conditions on site do not reflect what is put forward in the application in relation to flooding. The application states that stilts will be used to elevate the house so that it will not cause redirection of floodwaters or alter flood behaviour. However, site inspection clearly reveals a significant amount of earth fill has been placed under and around the proposed dwelling site. This makes it difficult to have confidence in the commitments made in relation to flooding in the application.



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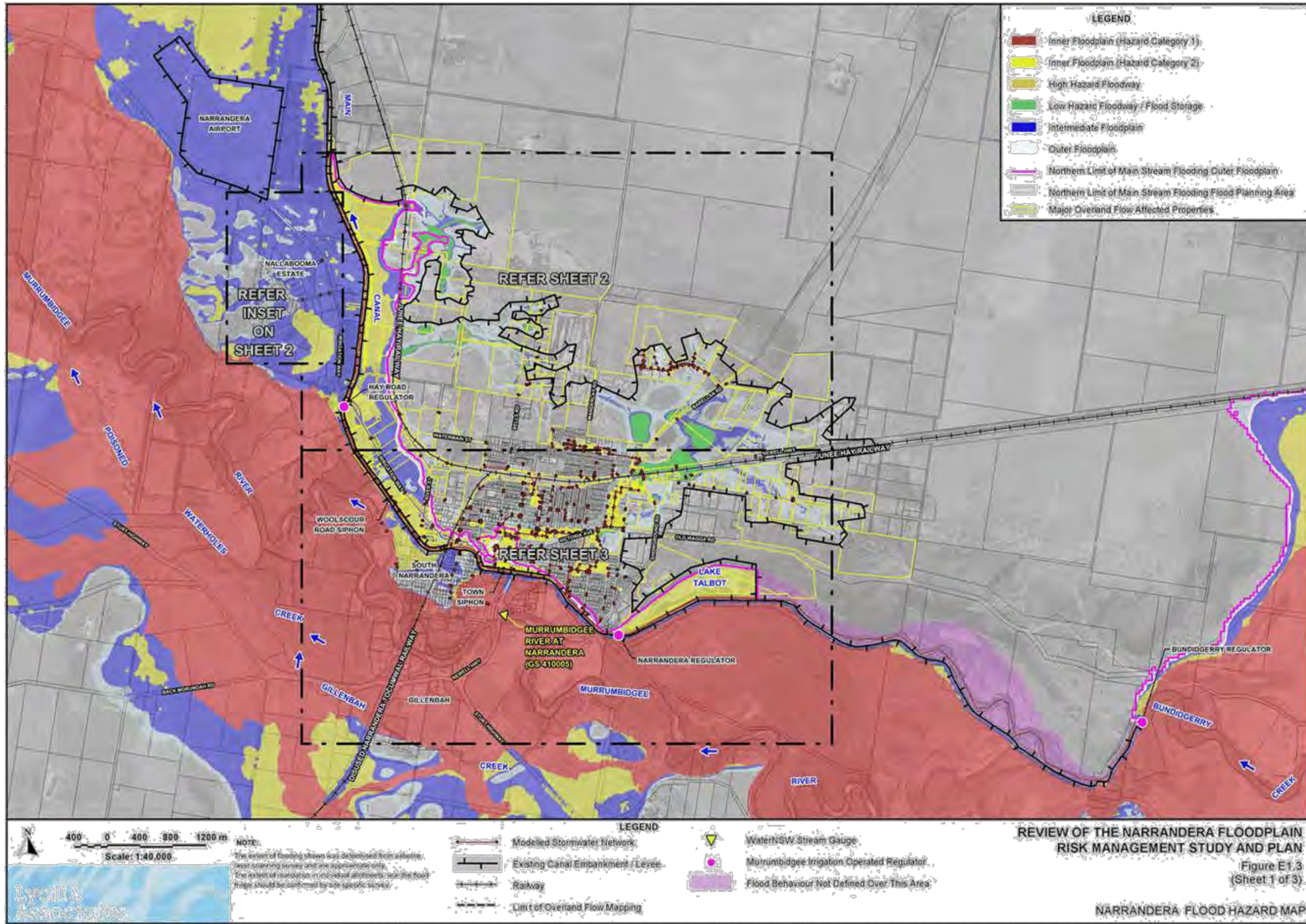


Figure 1: Extract from Narrandera Floodplain Risk Management Study and Plan 2019. This represents the most current information we have available regarding flooding behaviour at the site and in the surrounding area. The subject site is identified wholly as Inner Floodplain (Hazard Category 1)

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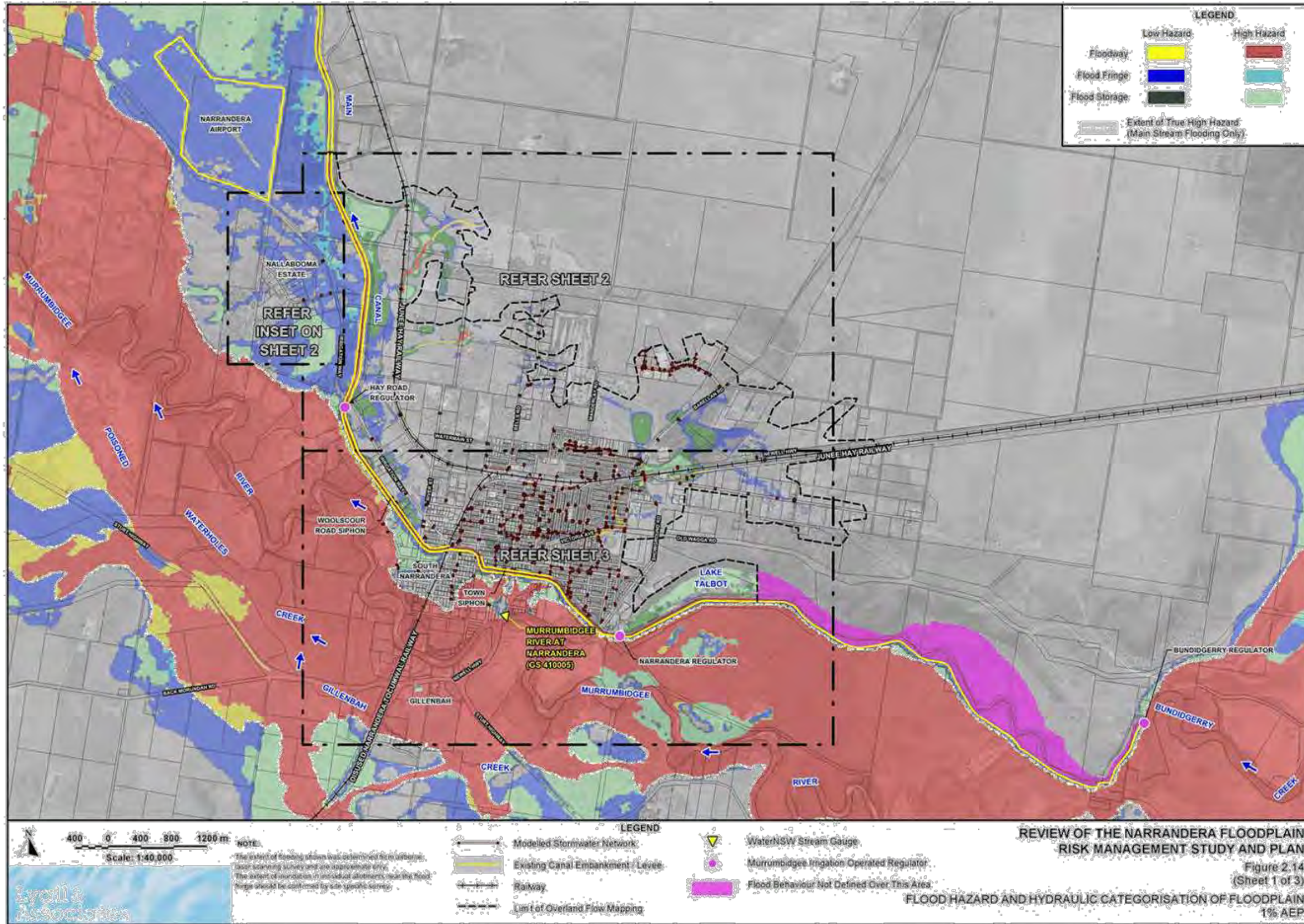


Figure 2: Extract from Narrandera Floodplain Risk Management Study and Plan 2019. This represents the most current information we have available regarding flooding behaviour at the site and in the surrounding area. This figure shows the subcategorization of the land, in this instance the site is wholly classed as a 'High Hazard Floodway'

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MAGIQ 40187

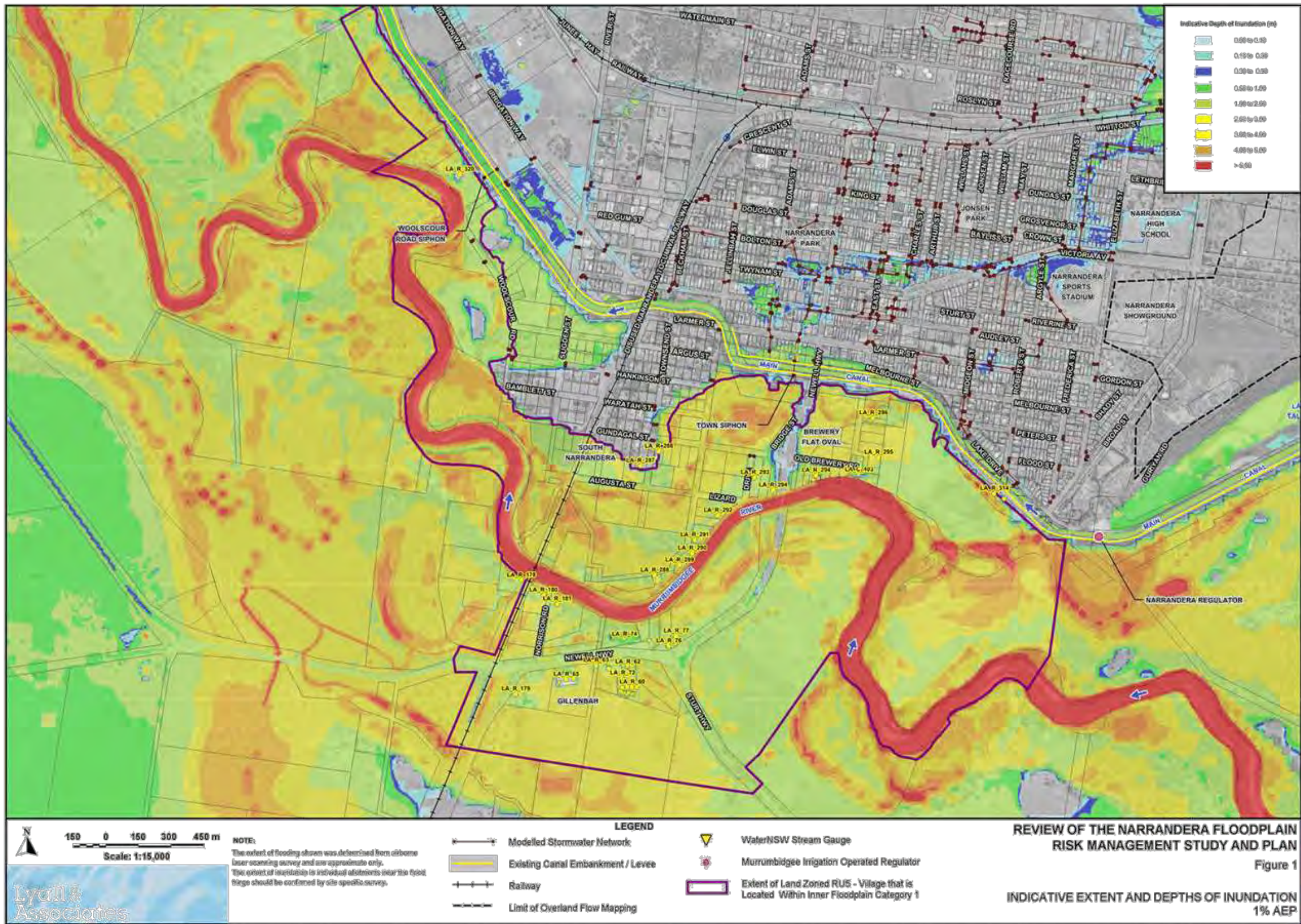


Figure 3: Projected 1% AEP Depth map, this map did not form part of the 2019 study and plan but has been prepared using the same data to show indicative depths. The projected depths on the site in a 1% AEP scenario vary generally between 1-4 metres with a small isolated area of the site potentially reaching up to 5 metres. The site of the proposed dwelling is identified as having depths ranging between 1-2 metres while the proposed access route is subject to the deeper waters.

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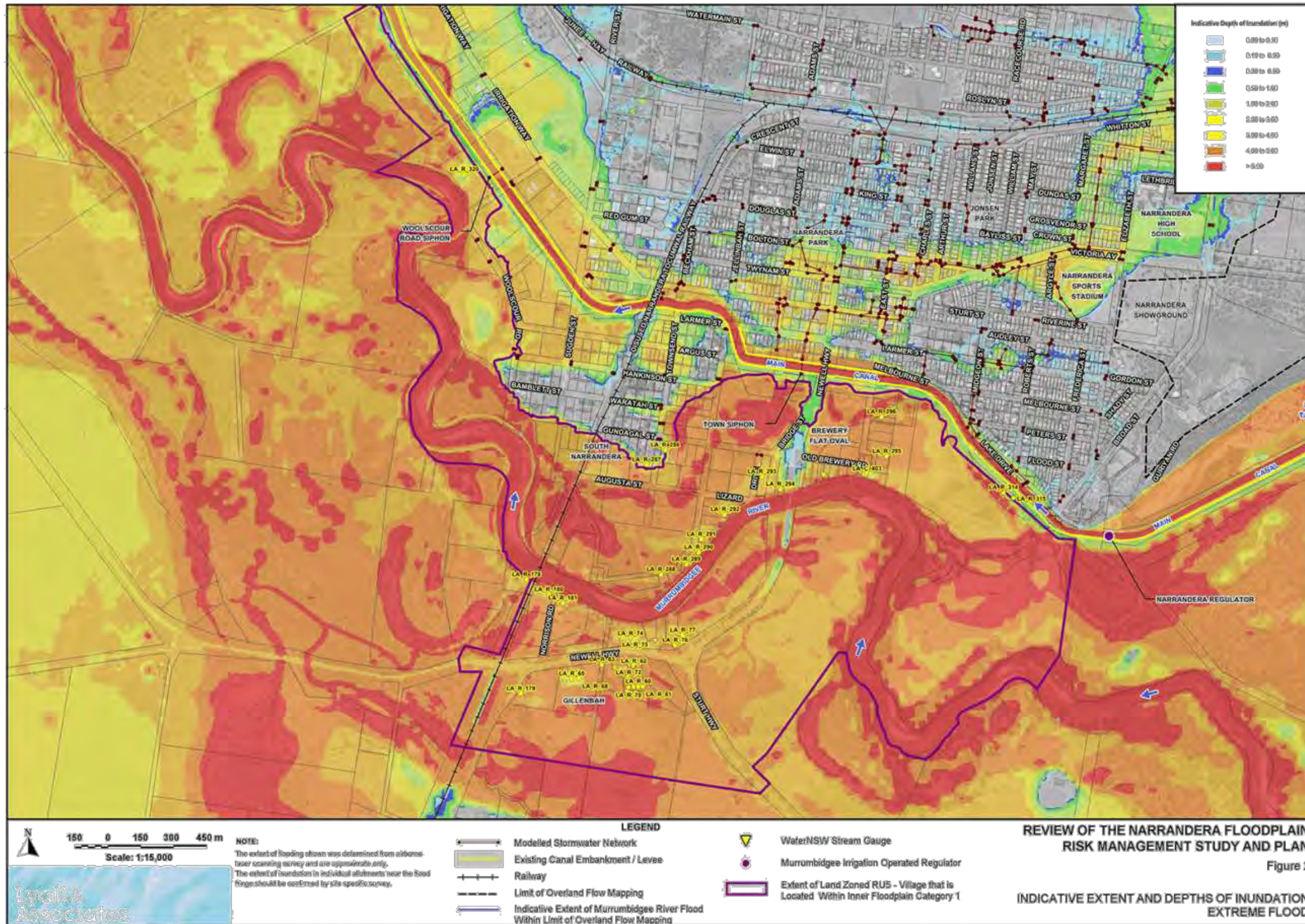
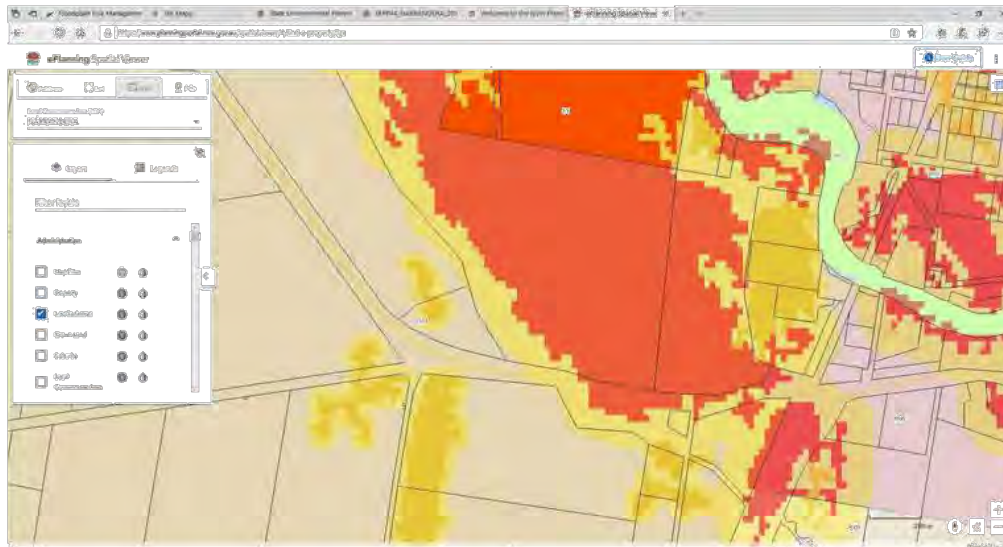


Figure 4: Projected Extreme Depth map, this map did not form part of the 2019 study and plan but has been prepared using the same data to show indicative depths. The projected depths on the site in an extreme scenario vary generally from 3 to greater than 5 metres. The site of the proposed dwelling is identified as having depths ranging between 3-4 metres while the proposed access route is subject to the deeper waters.

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Attachment B: Bush Fire Prone Land Mapping.



Existing Bush Fire Prone Land Mapping. Source: NSW Planning Portal

Attachment C: Maximum Harvestable Dam Rights Preliminary Calculations.

Information provided by the user

1. The location of the proposed dam is:
 - Latitude: **-34.75831**
 - Longitude: **146.517712**
2. Total property area to use for calculating the size of the dam is **5.21 Hectares**

Result

The maximum Harvestable right dam capacity for your property is **0.2605 ML** (Megalitres)

Date

06/02/2020

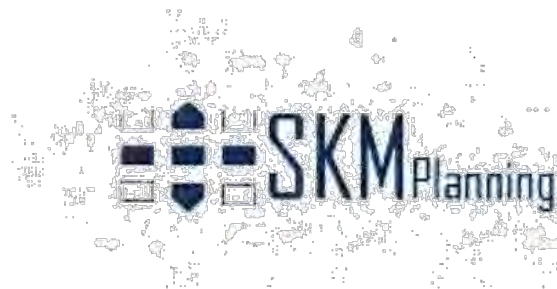
Assessment Note:

Harvestable Dam Rights Approximate Calculation, note limitations, it may not be allowed at all for other reasons see calculator limitations.

0.2605ML converts to 260,500 litres

STATEMENT OF ENVIRONMENTAL EFFECTS

USE OF THE LAND FOR A TRANSPORTABLE DWELLING ON STILTS



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EXECUTIVE SUMMARY

This Statement of Environmental Effects is in support of a development application for the use of the land for dwelling.

The subject site is legally referred to as Lot 10 DP 1202049 (Sturt Highway) and is located in the rural area outside of Narrandera. The site is 5.25 ha in area with around 434.5 metres of frontage to Sturt Highway and has an irregular triangular shape with a maximum depth of around 240 m. The site presently is not utilised for a use, however, the owner of the lands, Troy Hands, has commenced basic site preparation works and improvements to support a future dwelling. The site contains scattered native vegetation and grasses. The existing accessway to the site off Sturt Highway is located in the south-eastern corner. The access is shared with the neighbouring property. Sturt Highway is a classified road under the control of Transport for New South Wales (former RMS).

Council's reticulated water infrastructure is not located in the area. The subject site is flood prone for the 1 in 100 year flood event.

Council, in 2015 and 2017, provided an acknowledgment that the site has a dwelling entitlement and a DA would be required to permit the construction of a dwelling or the placement of a transportable dwelling on the site. The now owner, Troy hands, purchased the lot based on this advice and commenced searching for a transportable dwelling to move to the site. Council acknowledged that the site was flood prone and advised any dwelling should be located outside the floodway. This was feasible as there was a 1+ ha area of the site in the south western corner which was not considered in the floodway.

The owner has progressively pursued the development of a dwelling on the site ever since it was purchased in 2017. The only reason a development application was not submitted for the site sooner, was a suitable transportable dwelling had not been found by the owner. The owner was not contacted by Council during the public consultation exercise for the 'Review of the Narrandera Risk Management Study and Plan 2019'. No correspondence was received from Council regarding the commencement of the 2019 Flood Study or the exhibition of the draft 2019 Flood Study. Although Council has suggested in some correspondence to the owner that it was not common practice to notify everyone impacted by a Flood Study, surely those land owners with active dwelling entitlements which have been in almost constant contact with Council over the past two years should have been afforded the opportunity to:

- discuss the flood affectation of their lot with the authors of the review;
- expedite the submission of a development application prior to the drafting of the 2019 flood study to secure an approval; and
- provided a submission during the public exhibition of the flood study.

These opportunities were not afforded to the owner of the site by Council. The owner now requests that, based on the previous advice of Council, and the unfairness evident throughout the chronology of events provided in this SEE, Council look favourably on a proposal to use the lands for a dwelling.

The proposal relates to the use of the land for residential development to permit the placement of a transportable dwelling on engineered stilts. Works associated with the proposal only relate to the construction of the stilts to ensure the dwelling is 500 mm above the estimated flood level of the 1 in 100 year flood event established in the 2019 Flood Study. Council can either require the submission of another development application for the stilts or place conditions on this development consent requiring the preparation of a survey, engineers report and engineered construction plans post approval.

The development application is mainly concerned with securing the entitlement for a dwelling on the lands in consideration of all constraints on the land to permit the future installation of a transportable dwelling and the construction of engineered stilts.

It is requested that Council support this application as submitted and require additional information to be provided post approval to ensure that the dwelling is sited and engineered to be above the 1 in 100 year flood level and that any other considerations required in the DCP are met based on the hardship faced by the owner of the lands and the lack of procedural fairness afforded to them.

An assessment of the potential impacts of the proposed development is provided in this SEE to provide assistance in the assessment of the development application.

1.0 SITE

1.1 LOCATION

The site is located approximately 4.4 kilometres to the south-west of Narrandera. The site is located on Sturt Highway in a location with rural farm holdings with associated dwellings.



Figure 1: Site Location

1.2 LAND DESCRIPTION

The site is 5.25 ha in area with around 434.5 metres of frontage to Sturt Highway and has an irregular triangular shape with a maximum depth of around 240 m. The site presently is not utilised for any use, however, the owner Troy Hands, has commenced basic site preparation works and improvements to support a future dwelling. The site contains scattered native vegetation and grasses. The existing accessway to the site off Sturt Highway is located in the south-eastern corner. The access is shared with the neighbouring property. Sturt Highway is a classified road under the control of Transport for New South Wales (former RMS).

Council's reticulated water infrastructure is not located in the area. The subject site is flood prone for the 1 in 100 year flood event.

1.3 SURROUNDING DEVELOPMENT

The lot to the north-west of the site was subdivided from the site in 2014 for the purposes of intensive plant agriculture. To the south across Sturt Highway on Back Morundah Road exists a shed and dwelling on a farm holding at 22 Back Morundah Road. Further to the

south and on the south side of Back Morundah Road there is another dwelling and shed on a farm holding at the corner of Reas Lane. To the east of the site is extensive native vegetation.

1.4 BACKGROUND

The following is a chronology of events pertaining to the site and the proposal.

- The site was subdivided under DA 115/2004/2005 in 2014 from the residual lands which are around 72 ha in area and referred to as Lot 11 DP 1202049. The site was subdivided under former clause 13(2) of Narrandera LEP 1991 which allowed Council to consent to the subdivision of a 5 ha to be used for a dwelling from an existing holding.
- On 24 August 2015 the, then, owner of the site contacted Council to confirm a dwelling entitlement still existed for the site. Council confirmed the site had a dwelling entitlement.
- The new owner of the site purchased the site in 2017 on the basis that it had a dwelling entitlement and pursued basic site preparation works and searched for an appropriate transportable dwelling to move to the site.
- In September 2017 the owner contacted Council by phone to be provided the required floor heights for the site.
- Council sent an email on 15 September 2018 and provided the 2009 Narrandera Floodplain Risk Management Study, and again confirmed that the site had a dwelling entitlement and the owner could submit a DA for a dwelling.
- The owner contacted Council by phone again and requested the actual floor height required for the dwelling to ensure elevations could be provided with the required floor heights with the DA application.
- An email from Council with floor heights was provided on 27 October 2017.
- In March 2019, the owner was alerted that Council was reviewing their Flood Study. Council did not contact the owner that the flood study was on exhibition for him to comment and the study was endorsed on 19 March 2019.
- The owner contacted Council by phone to understand if the new flood study impacted the required floor height of his dwelling. The Council officer suggested that the flood study did not impact the floor height requirement on the lot.
- An email from Council was sent to the owner suggesting the 2009 Narrandera Floodplain Risk Management Study, continued to apply to his site.
- On 18 April 2019 Council contacted the owner requesting a meeting, but stating the new flood study did not impact his lot.
- On 23 April 2019 the owner attended a meeting with Council officers and was told that Council staff would not be in a position to recommend an approval of an application for a new dwelling on the site. It was also mentioned that the owner should seek legal advice. The owner immediately asked for all paperwork and communications regarding to the lot.
- On 24 April 2019, Council sent some correspondence on file relating to the site and a letter, which stated that:
 - o a dwelling could not be constructed on the site;

- o the existing Narrandera Development Control Plan 2013 still applies to the site;
- o based on the 'Review of the Narrandera Risk Management Study and Plan 2019' it was determined that the whole site is in the floodway now;
- o staff have erred on a number of occasions in telling the past owner and existing owner that the site had a dwelling entitlement;
- o under the provisions of the existing LEP the site does not have a dwelling entitlement; and
- o the owner should not commit to any more improvements to the site based on the directions contained in the letter.

- The owner contacted the Department of Planning and a solicitor regarding the situation and was informed a clause 4.6 variation could be used in this case.

- On 12 June 2019, Council Officers sent the owner a comparison of the floor heights for the site from the 2009 study to the 2019 study:

- o 2009 Study- 145.735 AHD (based on the nearest cross section).

- o 2019 Study- 146.1 AHD (drawn from the model, if you have an exact proposed location please send it through and I can get the engineers to check this figure is correct for that part of the block as there can be some variation)

1.5 COMMENTARY ON BACKGROUND

The owner of the land has not been afforded procedural fairness by Council throughout the chronology of events pertaining to the site. The owner of the site has purchased it solely based on detailed advice provided by Council that a dwelling entitlement existed on the site and that a dwelling could be constructed outside the floodway on the site.

The owner has progressively pursued the development of a dwelling on the site ever since it was purchased in 2017. The only reason a development application was not submitted for the site sooner, was a suitable transportable dwelling had not been found by the owner. The owner was not contacted by Council during the public consultation exercise for the 'Review of the Narrandera Risk Management Study and Plan 2019'. No correspondence was received from Council regarding the commencement of the 2019 Flood Study or the exhibition of the draft 2019 Flood Study. Although Council has suggested in some correspondence to the owner that it was not common practice to notify everyone impacted by a Flood Study, surely those land owners with active dwelling entitlements which have been in almost constant contact with Council over the past two years should have been afforded the opportunity to:

- discuss the flood affectation of their lot with the authors of the review;
- expedite the submission of a development application prior to the drafting of the 2019 flood study to secure an approval; and
- provided a submission during the public exhibition of the flood study.

These opportunities were not afforded to the owner of the site by Council. The owner now requests that, based on the previous advice of Council, and the unfairness evident throughout the chronology of events provided above, Council look favourably on a proposal to use the lands for a dwelling.

The site is now considered to be wholly within a floodway in the 2019 Flood Study. After a review of the 2009 and 2019 studies, it appears this is because the most recent author has taken an alternative approach to defining what flood depths, and velocities for the 1 in 100 year flood event should be used to identify the floodway. The flood height for the 1 in 100 year flood event within the south-western corner of the site, where the owner proposes to construct a dwelling has changed from the 2009 flood Study 145.735 AHD to 146.1 AHD in the 2019 flood study, a difference of about 36.5 cm (refer to figure 2)

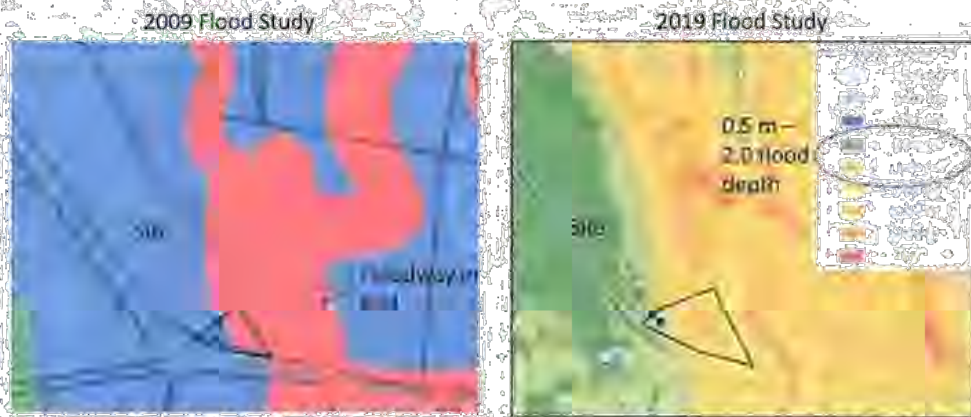


Figure 2: Comparison of Flood Studies (2009 and 2019)

Although a site survey showing exact ground levels has not been carried out as of yet, Nearmaps shows the elevation of the lands at the site of the proposed dwelling to be 145 m AHD. As such, the floor height, providing a 500 mm free board would need to be provided at 146.6 AHD or 1.6 m above the existing ground level. This is considered an optimal height for the use of stilts. The exact floor height is proposed to be established as a condition of consent and as part of the construction certificate for the proposed stilts. However, the owner has proposed that the floor height would be 2.4 m above natural ground level to allow for the area under the dwelling to be utilised for the parking of vehicles.

Although technically Council would be permitting a transportable dwelling in what has been established in the 2019 Flood Study as a floodway, the probable height of the flood waters during the 1 in 100 year flood event is low enough at roughly 900 mm above ground level to engineer a solution which ensures the dwelling is not inundated and occupants can evacuate the site during times of flood. As another condition of consent, Council could require the preparation of a Flood Emergency Response Plan (FERP) to ensure that a suitable evacuation strategy is provided for the site.

Council can also be confident that they are not setting a precedent in this instance due to the previous advice provided by Council staff including the establishment of a dwelling entitlement on the lot before and after the endorsement of the 2019 Flood Study. It is assumed that this represents a unique situation which would not be replicated in other areas of the newly established floodway.

2.11 THE PROPOSAL

The proposal relates to the use of the land for residential development to permit the placement of a transportable dwelling on engineered stilts. Works associated with the proposal only relate to the construction of the stilts to ensure the dwelling is 500 mm above the estimated flood level of the 1 in 100 year flood event established in the 2019 Flood Study. Council can either require the submission of another development application for the stilts or place conditions on this development consent requiring the preparation of a survey, engineers report and engineered plans for the stilts and footings.

The development application is mainly concerned with securing the entitlement for a dwelling on the lands in consideration of all constraints on the land to permit the future installation of a transportable dwelling and the construction of engineered stilts.

It is requested that Council support this application as submitted and require additional information to be required post approval to ensure that the dwelling is sited and engineered to be above the 1 in 100 year flood level and that any other considerations required in the DCP are met based on the hardship faced by the owner of the lands and the lack of procedural fairness afforded.

The proposed dwelling contains four bedrooms (one with an ensuite) a kitchen, living room, family room and laundry. The proposed dwelling is transportable and is proposed to be placed on engineered stilts on the site. The proposed engineered stilts will have an average height of 2.4 m above ground level which is estimated as being around 80 cm above the expected 1 in 100 year flood event level.

The dwelling will utilise the existing accessway and driveway. It is expected that council will require the sealing of the accessway between Sturt Highway and the property boundary as a condition of consent. As the proposal only relates to a single dwelling which is not considered a traffic generating development and the site distances and average flow of traffic on Sturt Highway are appropriate, it is not considered that additional turning lanes or alterations to the roadway are required.



Figure 3: Proposed Dwelling Location (Aerial)

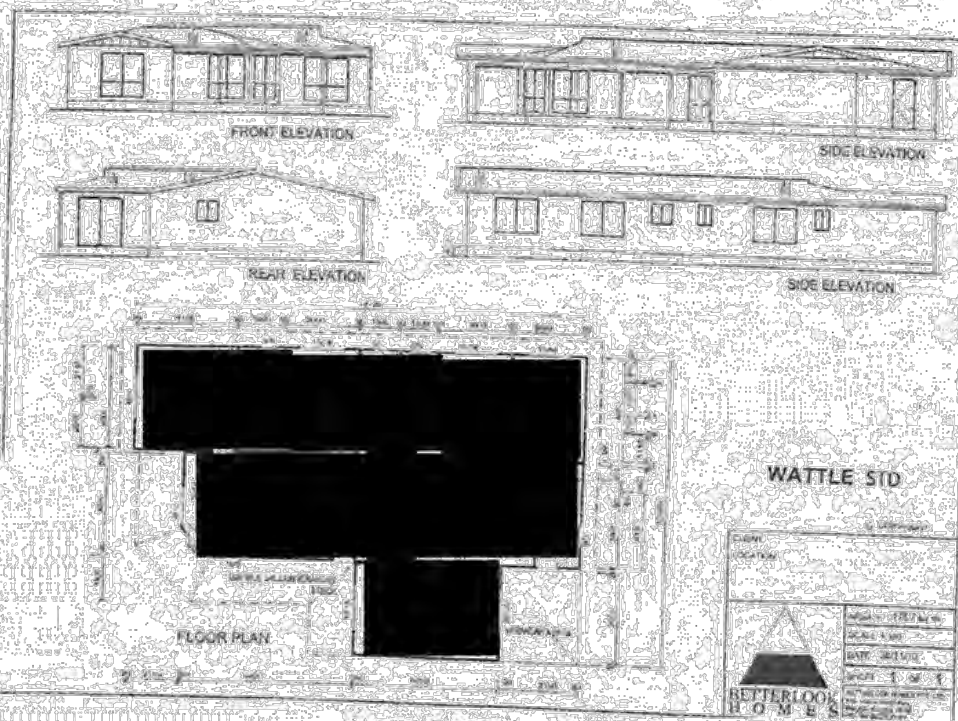


Figure 4: Proposed Floor Plan

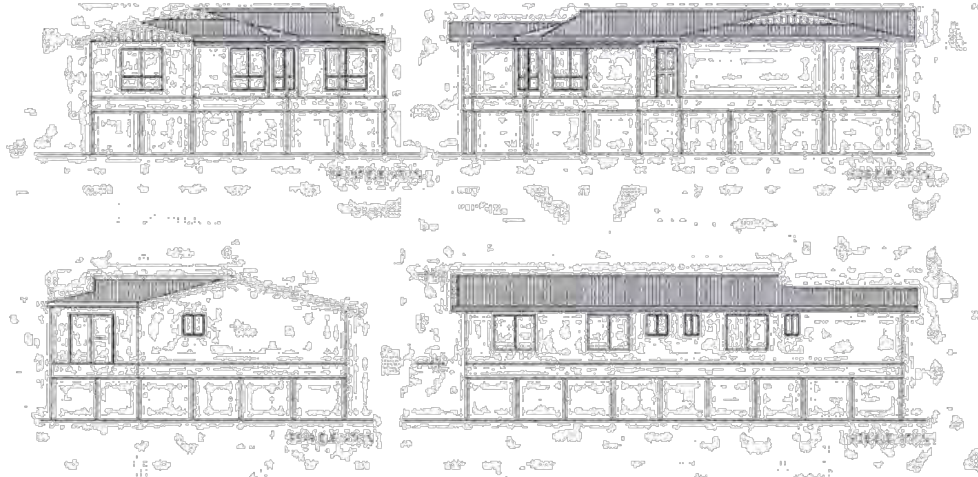


Figure 5: Proposed Elevations Showing Stills and Floor Heights 2.4 m Above Ground Level

3.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

3.1 NARRANDERA LOCAL ENVIRONMENTAL PLAN (2014)

The relevant sections of the GLEP have been assessed below.

PERMISSIBILITY

The subject lands are zoned RU4 Primary Production Small Lots in the Narranderra Local Environmental Plan (NLEP) 2013. The proposed development would be defined as residential development under the NLEP.

Dwelling houses are permissible with consent in the RU4 Primary Production Small Lots Zone.

OBJECTIVES OF ZONE

The RU4 – Primary Production Small Lots Zone has the following objectives:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed use of the site for a dwelling is not considered to be contrary to the zone objectives for the following reasons:

- There are no land uses in close proximity which would be considered to conflict with the residential use;
- The siting of the development has allowed for adequate setback from Sturt Highway; and
- The size of the allotment would be conducive to siting a primary industry enterprise in the future.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.2B RURAL SUBDIVISION AND ERECTION OF DWELLING HOUSES FOR INTENSIVE PLANT AGRICULTURE

- (1) *The objectives of this clause are as follows:*
- (a) *to provide flexibility in the application of lot size standards for subdivision for the purpose of intensive plant agriculture,*
 - (b) *to encourage sustainable intensive plant agriculture.*
- (2) *Land in Zone RU4 Primary Production Small Lots may, with development consent, be subdivided for the purpose of intensive plant agriculture to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3) *However, development consent must not be granted to such a subdivision if an existing dwelling house would, as a result of the subdivision, be situated on a lot created by the subdivision unless the consent authority is satisfied that:*
- (a) *the lot will have an area of at least 40 hectares, and*
 - (b) *the lot is or is to be subject to irrigation requiring a water licence and the volume of, and entitlement to, water available under that licence is or will be adequate for the use of the land for the purpose of intensive plant agriculture, and*
 - (c) *the lot is suitable for, and is to be used for, intensive plant agriculture, and*
 - (d) *the dwelling house is required to support the carrying out of such a purpose.*
- (4) *Development consent may be granted for the erection of a dwelling house on a lot created by a subdivision under this clause or on an existing lot of any size that only contains land in a zone to which this clause applies if the consent authority is satisfied that:*
- (a) *the lot complies with subclause (3) (a) and (b), and*
 - (b) *the lot is suitable for, and is being used for, the purpose of intensive plant agriculture, and*
 - (c) *the dwelling house is required to support the carrying out of that purpose.*

Clause 4.2B has been previously used by Council to restrict the erection of a dwelling on land zoned RU4. However, due to the drafting of the clause, it does not appear that it strictly applies to all RU4 lands including the erection of dwellings not related to the

subdivision of land. Unlike Clause 4.2C, 4.2B does not contain the following sub-clause which identifies the lands to which the clause relates:

- 4.2C(2) This clause applies to land in Zone RU1 Primary Production.

The clause does not specifically identify which lands or zones it applies to. It only states that lands in the RU4 zone can be subdivided to a size smaller than the minimum lot size. It could be argued that as the lands to which the clause applies has not been specifically referred to, any restrictions on the construction of dwelling in Clause 4.2B(4) would not necessarily apply to lands in the RU4 zone. Based on this interpretation, the Clause does not restrict the erection of a dwelling on the site.

4.2C – ERECTION OF DWELLING HOUSES ON LAND IN CERTAIN RURAL AND ENVIRONMENT PROTECTION ZONES

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise unplanned rural residential development,*
 - (b) *to enable the replacement of lawfully erected dwelling houses in rural and environment protection zones.*
- (2) *This clause applies to land in Zone RU1 Primary Production.*
- (3) *Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land:*
 - (a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*
 - (b) *is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*
 - (c) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or*
 - (d) *is an existing holding, or*
 - (e) *would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:*
 - (i) *a minor realignment of its boundaries that did not create an additional lot, or*
 - (ii) *a subdivision creating or widening a public road or public reserve or for another public purpose, or*
 - (iii) *a consolidation with an adjoining public road or public reserve or for another public purpose.*

Note.
A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) *Development consent must not be granted under subclause (3) unless:*
 - (a) *no dwelling house has been erected on the land, and*

(b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and

(c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.

The clause would have permitted the construction of a dwelling on the site if subclause 4.2(C)(2) referenced the RU4 - Primary Production Small Lots zone as the lot was subdivided under the former Narranderra LEP with a dwelling entitlement. However, the Clause does not apply to the site and therefore cannot be considered. However, as 4.2B and 4.2C do not apply to the proposal, there do not appear to be any other Clauses in the NLEP which restrict the erection of a dwelling. As a dwelling is permissible with consent in the RU4 zone, the proposal does not appear to be constrained by any additional restrictive Clauses.

PART 6 - ADDITIONAL LOCAL PROVISIONS

6.1 EARTHWORKS

(1) The objective of this clause is 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.

(2) Development consent is required for earthworks unless:
(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
(a) the likely disruption of, or any detrimental effect on, 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 appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposal will require only excavation for the purpose of the construction of the stilts, underground water potable water tanks and AWTS. Engineered plans for the stilts will be provided post approval.

6.2 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 land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to land at or below the flood planning level.

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

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The NLEP does not contain a Flood Planning Map. The site is however, considered flood prone in both the 2009 Flood Study and the 2019 Flood Study. The 2009 Flood Study considers the site to be partially in the floodway and partially within flood storage lands. The approximate depth of water on the site for the 1 in 100 year flood event in the 2009 Flood Study where the dwelling is proposed is 145.735 AHD. The approximate ground level of the site at the location of the proposed dwelling is around 145.2 AHD (based on data from Nearmaps). As such the flood depth under the 2009 Flood Study would be about 0.535 m.

The 2019 Flood Study considers the site to be wholly within the floodway. The approximate depth of water on the site for the 1 in 100 year flood even in the 2019 Flood Study where the dwelling is proposed is 146.1 AHD. The approximate ground level of the site at the location of the proposed dwelling is around 145.2 AHD (based on data from Nearmaps). As such the flood depth under the 2009 Flood Study would be about 0.90 m.

Flood depths could vary based on a survey of the site. However, to ensure the dwelling is truly above either flood level, the owner proposes to have the floor level sit at 2.4 m.

The use of stilts will ensure that the proposal does not cause flood waters to be re-directed onto adjacent properties or alter the flood behaviour. To manage risk of life during times of a flood, the owner will be preparing a Flood Emergency Response Plan (FERP) for the dwelling to evacuate the site.

The stilts will be engineered and constructed of steel to ensure that debris flowing in flood waters does not impact the structural integrity of the stilts. Engineered plans verifying this will be provided post approval.

The proposal is not considered to adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

7.10 ESSENTIAL SERVICES

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 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 vehicular access.*

Council's reticulated water infrastructure is not located in proximity of the site, neither is Council's sewer infrastructure. The owner will be installing a tanked water supply and an Aerated Wastewater Treatment System (AWTS) as part of the installation of the transportable dwelling. Electricity will be extended to the dwelling location. Stormwater will be directed to the underground water tank, treated and used for the dwelling. Overflow will be directed to the back paddock. Vehicle access is existing and is located in the south-east corner of the site. An upgrade to the accessway from the property boundary to the road carriageway could be required as a condition of consent to the satisfaction of TfNSW.

3.2 NARRANDERA DEVELOPMENT CONTROL PLAN 2013

The Narrandera Development Control Plan 2013 applies to the site.

LAND USE CONTROLS

It does not appear that any controls in Part D of the DCP apply to the proposal.

CONTROLS APPLYING TO ALL DEVELOPMENT

5.1 ON-SITE EFFLUENT DISPOSAL

The owner will be installing an AWTS system as part of the installation of the transportable dwelling. The lot is of a sufficient size to cater for the required surface irrigation of the system. Alternatively, a sub-surface irrigation system could also be used.

The land application area would have appropriate buffers in accordance with section 5.1.4 of the DCP.

PLANNING FOR NATURAL HAZARDS

10.7 FLOOD CONTROLS IN ALL OTHER AREAS

Under 'Land Use' in the table states that "all new dwelling entitlements created by rural subdivision and existing holdings must meet the new dwelling controls in this plan". Although the site contains an existing dwelling entitlement established as part of the subdivision of the site in 2005 under clause 13(2) of Narrandera LEP 1991, the requirements of the table have been considered regardless.

FLOOR LEVEL

"Replacement of a dwelling will only be permitted if its location on site will be the same or improved with respect to floor level and flood affectation controls, and evacuation."

As discussed above, the proposed floor level is 2.4 m above ground level. The 1 in 100 year flood level on the site would equate to an estimated 0.9 m of water depth at the location of the proposed dwelling. The 2.4 m floor level would allow for a flood level of 1.9 m with a 500 mm freeboard. It is requested that the exact flood level of the site be established through a survey as a condition of consent.

BUILDING COMPONENTS

"All new structures to have flood compatible building components below the 100 year ARI level."

All building components constructed below the 1 in 100 year flood level will be steel stilts with concrete foundations. These materials are considered to be flood compatible.

FLOOD EFFECT

The proposal includes the use of stilts below the 1 in 100 year flood level. Water will be able to travel under the dwelling only somewhat hindered by the stilts. The use of stilts has been selected to ensure the flood behaviour or conveyance on the site and the extent of the floodway will not increase due to the proposal. This means that the proposal will not obstruct water in manner that would increase flood levels or flood behaviour on adjacent lots.

EVACUATION

A Flood Emergency Response Plan (FERP) will be prepared post approval. The FERP will include details on the proposed evacuation actions to ensure occupants of the dwelling evacuate prior to flood waters establishing on the site. This evacuation plan would be in accordance with the SES Narrandera Flood Emergency Sub-Plan

11 BUSHFIRE

The site is not considered to be bushfire prone.

APPENDIX 1

A. INFORMATION REQUIRED WITH A DEVELOPMENT APPLICATION

A site plan has been provided which shows the position of the proposed dwelling. A survey plan showing existing ground levels and contours to AHD can be provided post approval. Only limited earthworks are proposed, therefore a survey plan with contours to 0.25 metres showing levels to AHD is not considered necessary. An engineer's report will be provided post approval detailing the structural soundness of the steel stilts and foundations below the 1 in 100 year flood level including the impacts associated with hydrostatic and hydrodynamic pressure, debris and buoyancy forces.

B. FLOOD PROTECTION MEASURES

- The proposal does not require any filling within the floodway.
- Minor excavation works will be required for the stilts footings, the water tank and the AWTS. The ground levels would be returned to natural levels after excavation occurs.
- The minimum floor level requirements of the DCP have been satisfied as the owner proposes to construct the dwelling approximately 1.5 m above the flood level on the site for the 1 in 100 year event including a 500 mm freeboard.
- Flood proofing is not required as all dwelling building elements will be elevated above the 1 in 100 year flood levels. The steel stilts are considered to be flood compatible.
- An engineer's report will be provided showing the structure can withstand the forces of the floodwater, debris and buoyancy up to and including the 100 year flood level plus freeboard post approval.
- As previously discussed, the use of stilts in the proposal will ensure flood effects are not altered on adjacent sites and within the Sturt Highway.
- A reliable access to the site during the 1 in 100 year flood event would need to include the use of a boat as the entire site and the adjacent road would be inundated with water if the 2019 Flood Study is accurate. A FERP will be developed for the dwelling post approval which will be in accordance with the SES Narrandera Flood Emergency Sub-Plan.
- The entire dwelling will be above the 1 in 100 year flood level and therefore goods can easily be stored above the 1 in 100 year flood level. Council can place a condition on the development that no hazardous goods, fuels or fertilisers can be stored below the dwelling.
- No fencing has been proposed and the existing fence is post and wire.
- The direction of flow of floodwaters is catered for by the proposal as water will freely pass under the house.

3.3 STATE ENVIRONMENTAL PLANNING POLICY NO 44 - KOALA HABITAT PROTECTION

CLAUSE 7 - IS THE LAND POTENTIAL KOALA HABITAT?

- (1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.
- (2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.
- (3) If the council is satisfied:
 - (a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or
 - (b) that the land is a potential koala habitat, it must comply with clause 8.

The site contains patchy areas of native vegetation. No vegetation will need to be removed to support the proposal. The owner of the lands has never seen any Koalas on or around the site and only a few Eucalypts are located on the site.

Clause 7(2) allows Council to satisfy itself as to whether the land is a potential koala habitat on information obtained by itself. The owner requests that Council staff qualified in tree identification carry out a site visit to determine if they believe the site is potential koala habitat.

3.4 LIKELY IMPACTS OF THE DEVELOPMENT

Locality

The subject site is located in a rural area surrounding Narrandera. The locality is comprised of small to medium sized farm holdings used for plant agriculture and grazing and crown land (to the north east) established as dense riverfront vegetation. The proposed development is not expected to negatively impact the streetscape, locality or immediately adjacent neighbours. No vegetation is proposed to be cleared and the visual impact of the dwelling on stilts will be mitigated through the retention of established tree plantings.

The proposed development will not result in any offensive noise, odour or dust.

Servicing

All necessary services can be made available to the site including an on-site tanked water supply, an AWTS unit, extension of Essential Energy's electricity network and suitable access arrangements.

Access and Transport

One two-way accessway and driveway is presently located in the south-eastern corner of the site. The access is constructed of road base and is shared with the neighbouring Lot (Lot 7301 DP 1157683). The dwelling will increase the amount of vehicles accessing the site. The Sturt Highway provides adequate access for the site. The existing access is located approximately 300 m from the nearest intersection with Sturt Highway. There is a small bend in the Sturt Highway around the site, however, adequate site distances from the existing access are available.

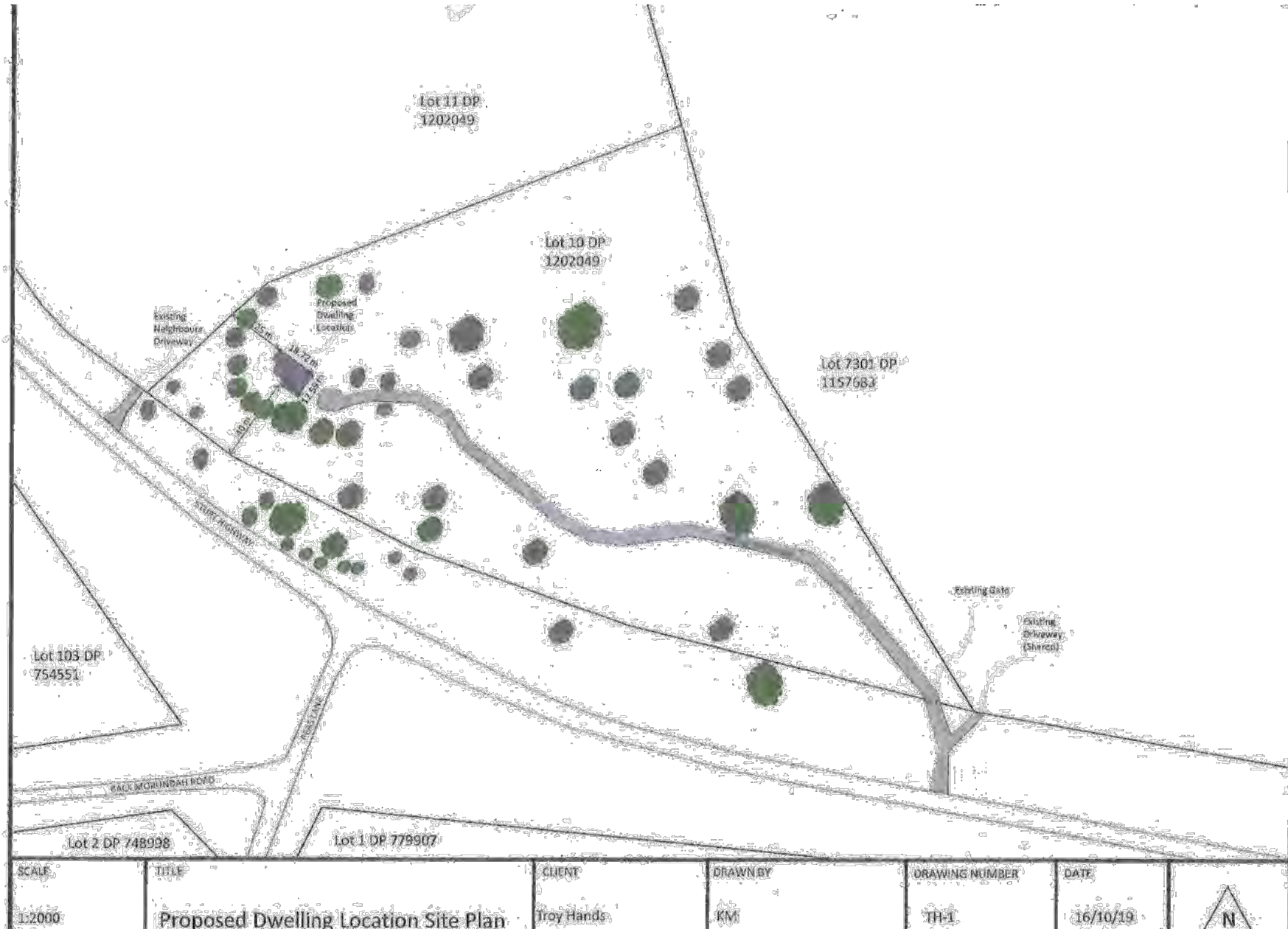
Flooding

The SEE has established that the site has issues with flooding which must be addressed. The site is now considered to be located in a floodway under the 2019 Flood Study, however, during times of flood around 900 mm of water can be expected within the location of the site where the dwelling is proposed. This depth of water is considered to be conducive to development. Although there would be some movement of water within the floodway, these floodwaters would travel under the proposed dwelling.

A FERP is proposed to be prepared for the dwelling to ensure inhabitants evacuate the site prior to the floodwaters inundating the site. The evacuation protocol would be based on the SES alert system.

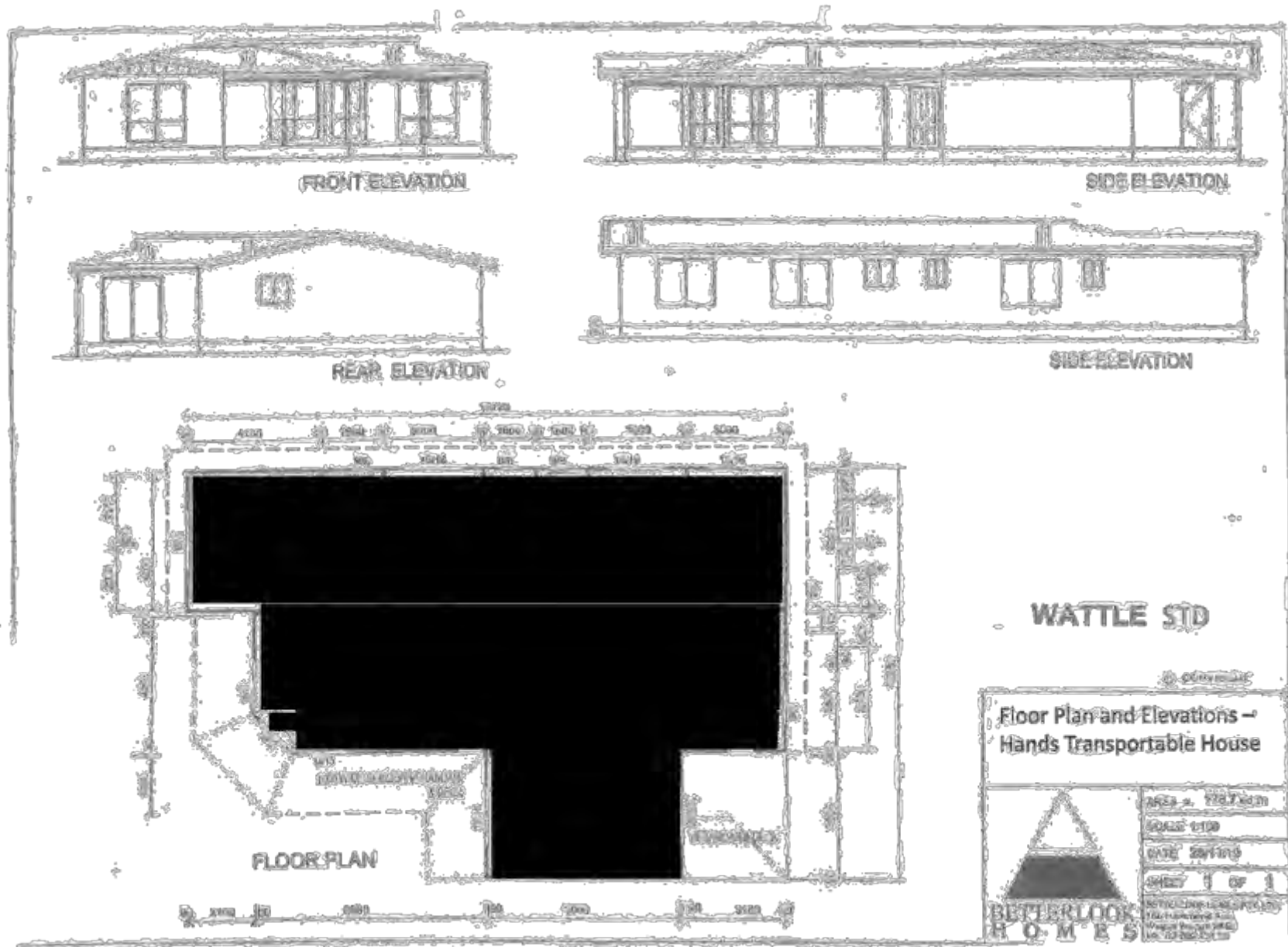
3.5 SUITABILITY OF THE SITE FOR THE DEVELOPMENT

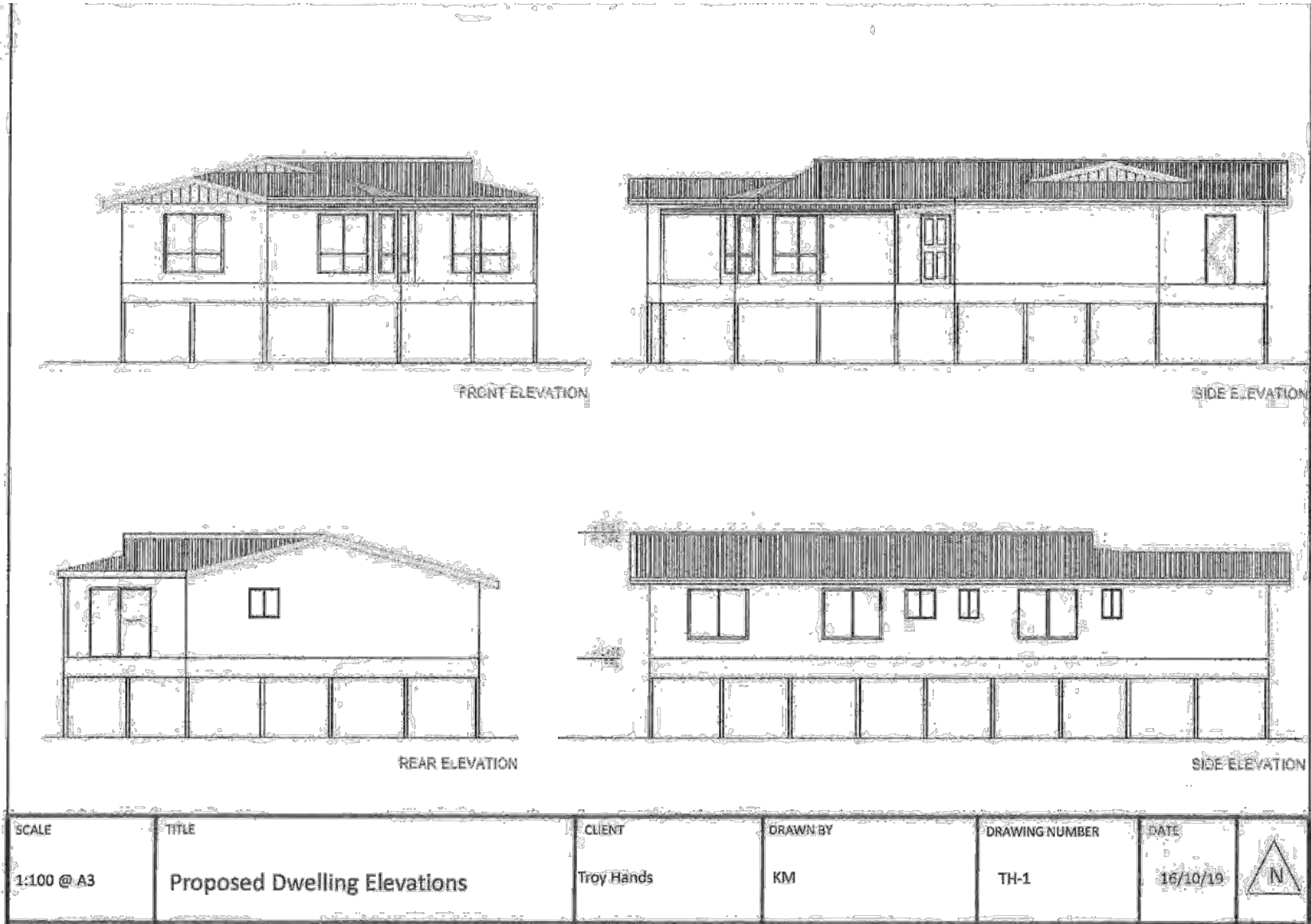
Although the site is considered to be within a floodway, the owner has ensured the dwelling would be located above the flood level which at around 900 mm at the location of the proposed dwelling is conducive to the use of steel stilts. The floor level of the proposed dwelling will be 2.4 m above natural ground level, which would provide for flood events larger than the 1 in 100 year. The dwelling can be provided with adequate services including onsite water and septic systems, electricity and a suitable access exists. There are no other hazards on the site which would impede the use of the land for residential purposes.



SCALE 1:2000	TITLE Proposed Dwelling Location Site Plan	CLIENT Troy Hands	DRAWN BY KM	DRAWING NUMBER TH-1	DATE 16/10/19	
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2019-2020 Drought Communities Program Project Suggestions

	Title	Description/Comments	Comments
1	Art - Bolton Street Mural	Murals along Bolton Street (maybe the squash courts and the bakery for a start) would be ideal.	
2	Art - Public Art trail	Not just the water tower, but mural on bakery, bus shelters, light poles at town entrances, mural at Coroco etc	
3	Art - Complete Water tower mural	Finish off the water tower by adding another section to the mural. This has come from many many community members.	
4	Art - More murals and art	Murals around the main street such as next to the chemist, lane-ways, parking out the back of the newsagents etc. This would be of things important to Narrandera, Aboriginal Art, murals of people who have achieved very high form Narrandera i.e. Marie Bashir, Zac Williams, Victoria Lee etc as well as local identities such as Blue Absolum, Nev Bamblett.	
5	Water Tower area.	Beautify land area around the base of the water tower; seats, signage, BBQ, & play equipment.	Has been included in SCCF round 3 application
5	Water Tower area.	Toilet facility	
7	Kiesling Lane Art/Tourism project	Art and information about prominent citizens.	
8	Keisling Lane revamp.	In need of a revamp. Particularly the landscaping, planter boxes & ongoing maintenance.	
9	More Bench seats in East Street	Install more bench seats in East Street going all the way to the library and down to Duffs.	
0	East Street Facade paintings	Offer under a similar previous scenario the opportunity for local business owners and operators a grant to improve via painting or renewal of blinds to make attractive and appealing the facades of their premises within the East Street CBD area .	Current grant program offered by Council is undersubscribed.
1	Youth Mental Health Program.	Theme - Reducing Stress ... building resilience... Improving your mental fitness	
2	Free Country Music Concert	People on the land would love this and give them something to look forward to. Could be donation buckets etc where money goes back to people on the land doing it tough.	
3	Music Concert/Festival	Free Music concert/festival. Even if we could attract 1 or 2 national artists to perform a concert rather than a festival as such I am sure it would be great for the town.	
4	Maintenance on council buildings	Maintenance work rather than new capital works – especially on community buildings & halls. This could employ a number of local tradesman & retailers and benefit our rural community.	
5	Paid employment for Farmers/Maintenance Gang	Semi- skilled farmers or tradies to work in a team and do odd jobs on the various council buildings. E.g., the Museum. But you would set it up so that they could go anywhere. Roster system to employ farmers 1 day a week as they still have commitments on their farms. Roger has some projects that they could do – tree watering, fencing, slashing - many farmers have a trade like diesel mechanic, welding so perhaps we can utilise those skills too.	Fencing HMO
6	Tidy up of Crown Reserves	Removed old structures, general tidy up. Could employ famers/farm hands	
7	Tree watering	Keep more employees on to keep watering trees as in first package	
8	Narrandera Stadium	Stadium roof repairs, upgrade change rooms, stadium floor maintenance	
9	Facilities at Henry Mathieson Oval	Upgrade toilets and/or kiosk	
0	Henry Mathieson Oval	Fencing	
1	Henry Mathieson Oval	Levelling of the sloping field / construct shelter sheds on Eastern side of oval.	
2	A dog park at the showgrounds	Somewhere people can bring their dogs and socialise with others.	Sportsground not suitable but Henry Mathieson Oval or Water Tower area

2019-2020 Drought Communities Program Project Suggestions

	Title	Description/Comments	Comments
3	Walking tracks and town signage	Murrumbidgee walking track at the Common and at Rotary Lookout, the entrance to the Common, and elsewhere as required. Sports ground entry signs, Showground, etc	
4	Trail/mountain bike track north of Lake Talbot.	Trail/mountain bike track north of Lake Talbot.	
5	Mountain bike track/s around rocky waterholes through to the showground	Proper mountain bike track/s around rocky waterholes through to the showground	
6	Flora and Fauna Reserve signage	Develop and install interpretive signage in the Flora and Fauna Reserve,	
7	Flora & Fauna Reserve	Metal entrance archway at initial entrance with name of the reserve, accompanied by metal cut outs/signs of Koalas etc.	
8	Rocky Water Holes	Toilet Block needs landscaping with large rocks/ large planter boxes and hardy shrubs and vegetation. Seating area and BBQs could also be improved.	
9	Rotary Shelter	Viewing platform looking over the Lake and Flora and Fauna Reserve	
10	Brewery Flat improvements	Seats, metal fire pit, table with shelter and chairs/seating etc. Link to proposed bridge across canal to East St	
11	Entrance Signs	Brown Historic Signs / message on back of new town entrance signs/ Entrance arches and signs for Narrandera Sportsground.	
2	Tree Planting.	SW corner of Narrandera Sports Ground / Red Hill tree replacement of dead trees/Elizabeth Street opposite Sports Stadium.	
3	Narrandera Tourism advertising signage.	Replacement or refurbishment of large signs advertising Narrandera Tourist attractions. For example, the sign on the Newell Highway between Morundah & Narrandera advertising Lake Talbot is old and faded and does no justice to the new features of the Pool and the Water Park.	
4	Kooris Beach & Second Beach project	Restoration and Beautification and accessibility of Second Beach and Kooris Beach, including toilets, seating areas and accessibility for anyone with a disability. Also access to clean water.	
5	Parkside Cottage Museum.	Opportunity to either renovate at current site, demolish & rebuild on current site or purchase a building at another site.	Purchasing building not eligible. Painting, CCTV and new display cabinets included in SCCFR3
6	Lake Talbot Water Park	Improve / relocate top toilets	
7	Lake Talbot Kiosk & Entrance	Repair, make good and paint the kiosk at Lake Talbot. Replace the turnstile entrance into the pool complex with something more attractive and appealing facility	
8	Lake Talbot Water Park Entrance - Stage 2	Finish the entrance to the Lake Talbot Pool from the new plantings all the way up to the parking area, both sides of the roads.	
9	Lake Talbot Water Park Entrance	Develop the Northern side of the Lake Talbot entrance to compliment the Southern entrance development	
0	Lake Talbot Water Park	Improve North side of pool entrance & the driveway continuing entrance areas	
1	Footpath re-alignment	Footpath upgrade & re-alignment outside St Joseph primary school in Larmer Street.	
2	Shade sail over new playgrounds	Shade sails over Liberty swing, Narrandera sportground playground and Barellan playground	\$50,000
3	Barellan Christmas Tree		
4	Barellan Changeroom demolition	Demolish old changerooms	
5	Barellan Sportsground	Replace irrigation tank - at end of life	
6	Barellan Cemetery Entrance	Build stone wall entrance in conjunction with Council funds	
7	Barellan Toilets	Expand toilets in main street to meet demand from bus groups	
8	Barellan Skate park/Pump track		

2019-2020 Drought Communities Program Project Suggestions

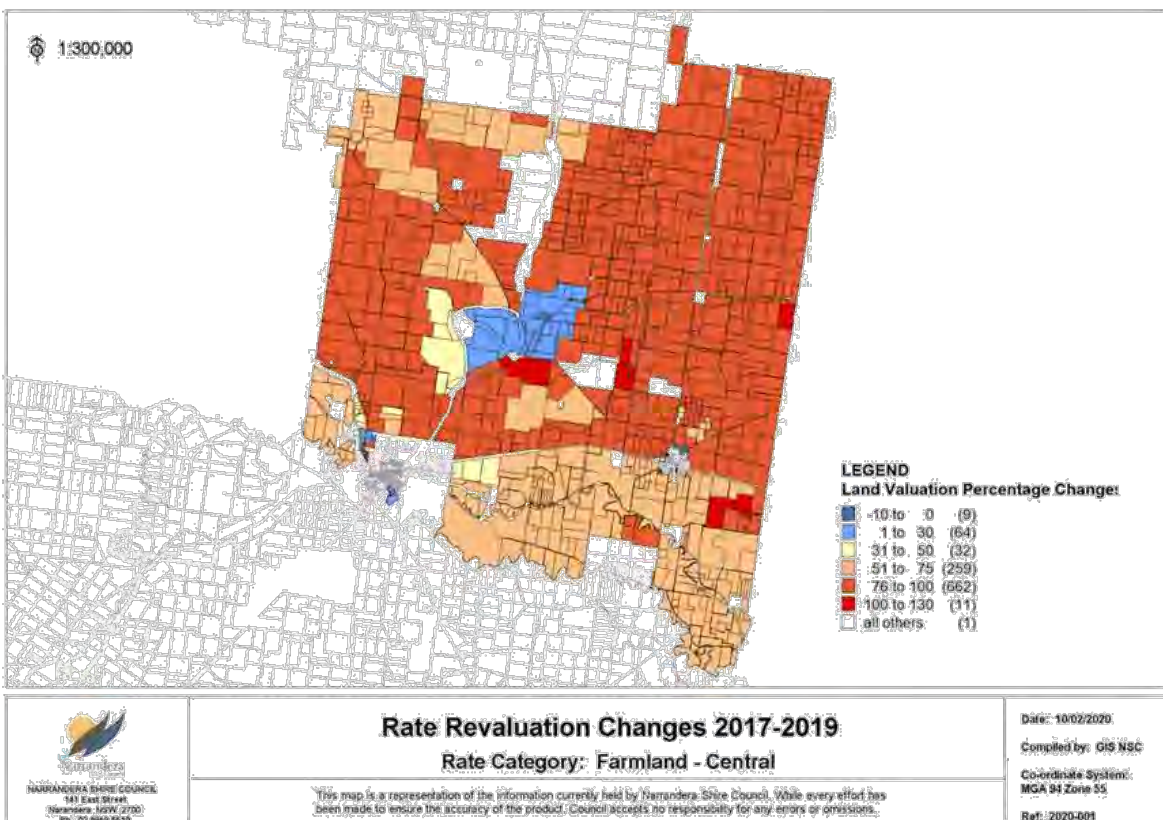
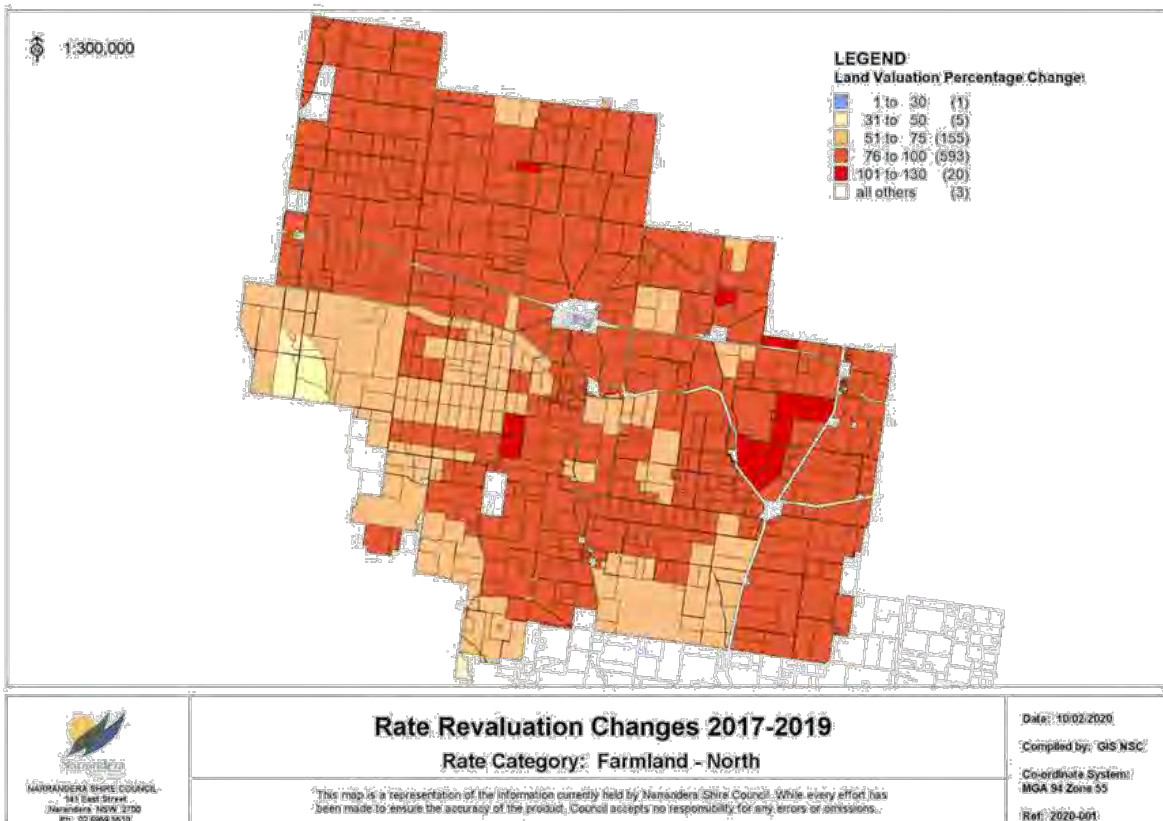
Title	Description/Comments	Comments
9 Tanks - Emergency water, Barellan	On farm tanks that are used for water supply for fire fighting	
0 Childs Bike track	Childs bike track with, with tunnel and ramp to suit children up to 9 years old	Pump track submitted under SCCF3
1 Community Halls	Sandigo Hall improvements (exterior painting approx. \$25,000 as per previous quote to the hall) Need for a kitchen upgrade i.e. Mouse proof cupboards, new cook top and fridge.	Upgrade application submitted under SCCF3
2 Community Halls	Other halls as Indicated by their committees.	Applications submitted under SCCF3
Assessed not eligible/suitable		
3 Upgrade of East Street.	Upgrade of the main street, particularly in the middle block	Not suitable for this round.
4 Planter boxes in East Street.	Planter boxes with suitable plantings, to be installed around street trees in front of Auswild & Broad & SewFab.	Not part of Narrandera Business Centre Master Plan
5 Showground heritage pavilion restored.	Showground heritage pavilion restored.	Not suitable for this round, other funding available
6 Provision of a chapel	The provision of a chapel or similar structure to provide shelter for people at the Narrandera Cemetery	Not suitable for this round.
7 Dental health initiative.	Evaluation of the range of dental needs in the community, and funding for an intensive dental care intervention that clears the backlog of serious local dental cases.	Outside funding guidelines
8 Farming Community consultation.	I would like to engage with the farming community to get their suggestions/input – what would benefit them?	George has done
9 Seed funding for an existing events.	Proposed folk festival & Rocking on East to boost promotion. To capitalise on the tourism element.	Not suitable for this round.
0 Gift vouchers to rural families.	To be spent in local business. Maybe hard to administer but perhaps we could employ someone to help with that. This will benefit farmers & local businesses directly.	Not eligible
1 Independent Living Units	Provision of an opportunity to provide land /units for independent living.	Not suitable for this round.
2 Lake Coolah	Engage a qualified librarian to collect and log all the research and development of the potential of the Lake Coolah project. Objective is to have the project as near to shovel ready for tendering and quoting.	Not eligible
3 Family Refugee/ Retreat	Purchase or be gifted from the State government the old police station on the corner of Cadell and Larmer street with the objective of developing into a Family Refugee to support troubled families of domestic violence and other disruptions within the Narrandera – Leeton district	Not eligible
4 Office of Community engagement	The objective is to have a qualified resource base available to community organisations to:1. Developing community projects into funding status,2. Identify sources of grant funds available for projects , both Federal , State and private philanthropy 3. Assist in preparing and lodging grant proposal 4. Assist in overseeing and reporting on projects once under construction	Not eligible
5 Development of an alternative energy strategy for Narrandera township	Engage an alternative energy professional to develop an alternative energy strategy for Narrandera covering Solar, Wind, In Channel or River flow generators, Bio digesters, Battery Storage and Micro grids.	Not eligible
6 5G and Beyond	Engage a telecommunication professional to develop the Narrandera CBA into the foremost advanced high speed interconnected CBD within the Riverina	Not eligible

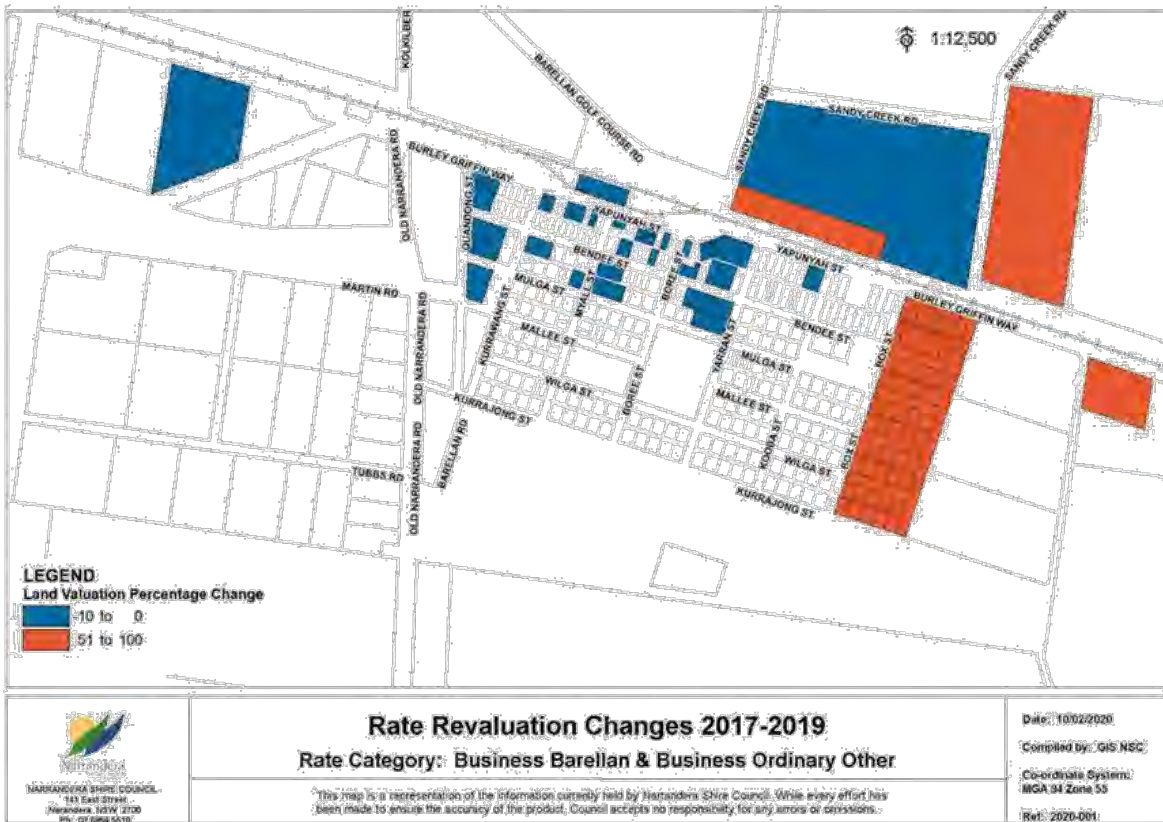
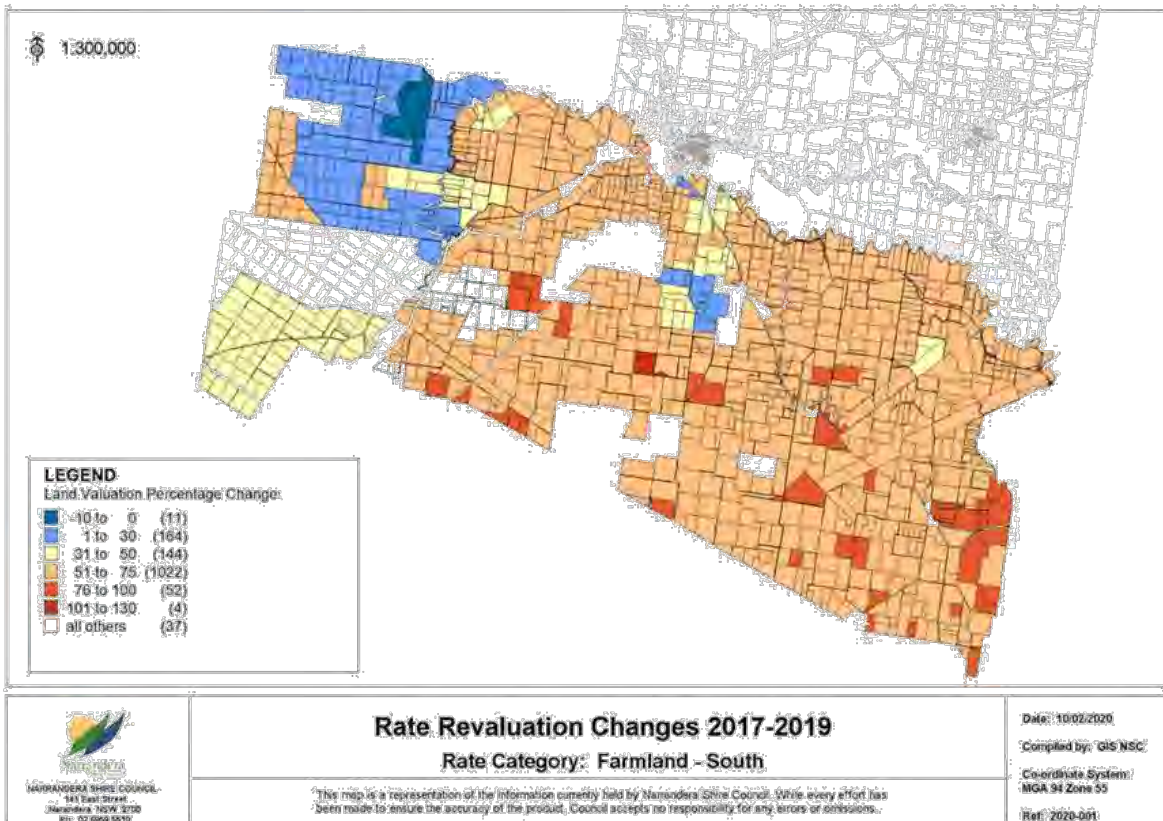
2019-2020 Drought Communities Program Project Suggestions

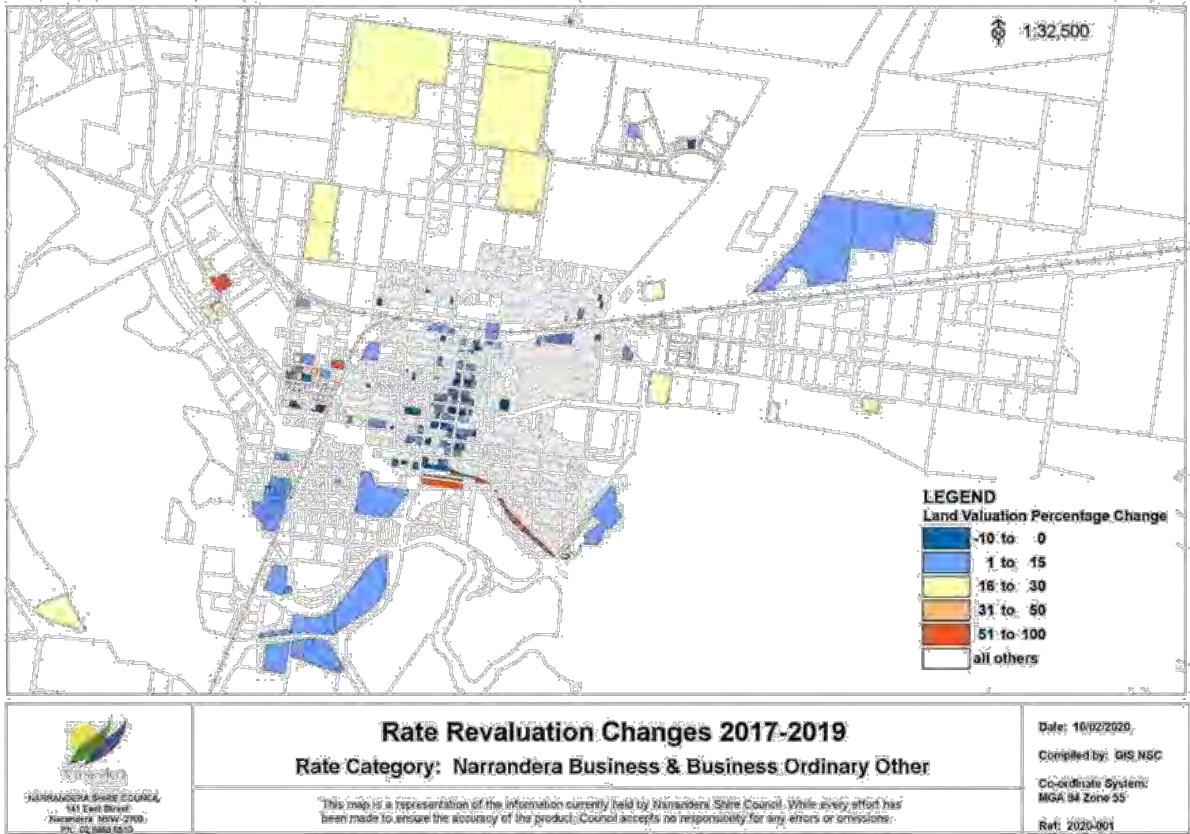
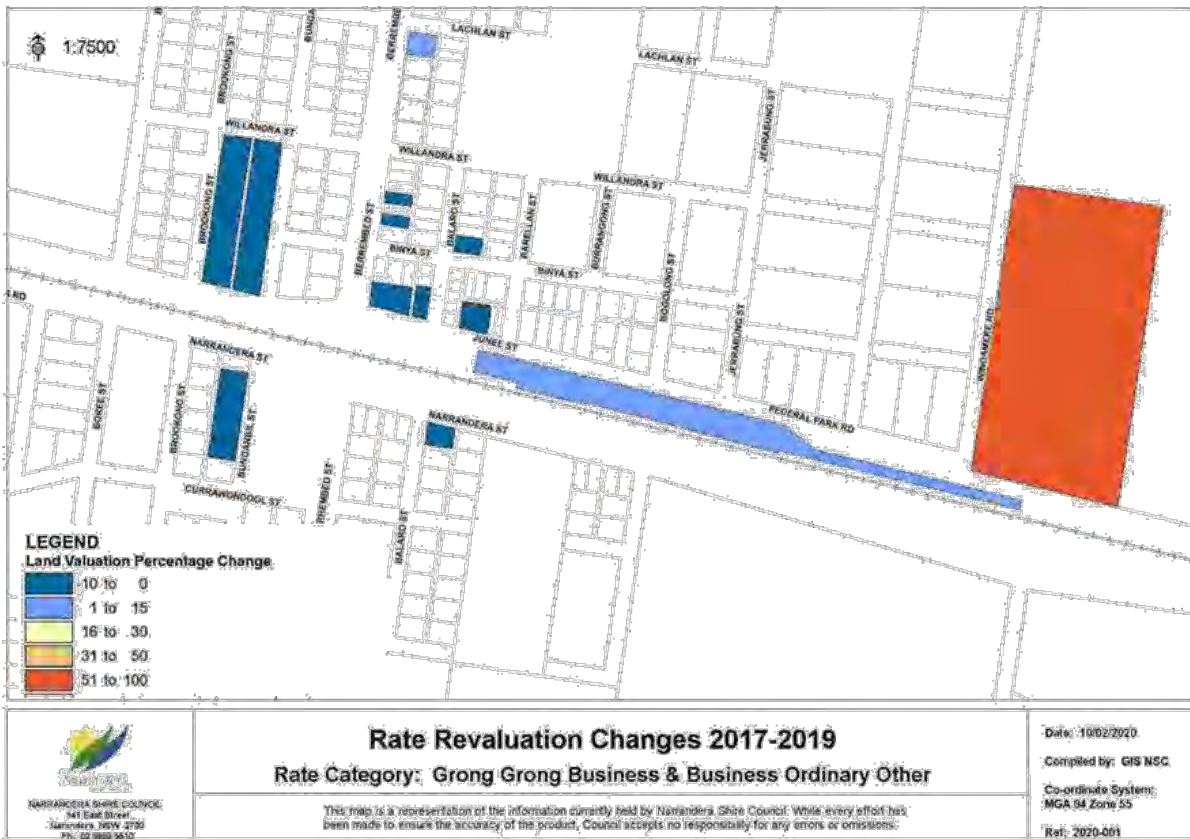
Title	Description/Comments	Comments
7 Narrandera 2050	Engage professional demographers and city planners to develop business models and plans to grow Narrandera GDP and population at 3.5 % per annum into the 2050. Outcome target of a population base of 10,000 plus by 2050 , with a GDP per citizen of \$200,000 producing \$2billion of production and commercial revenue	Not eligible
8 Start up money	Start up money for new business to town to help them get going.	Not eligible
9 Purchase vacant shop.	Purchase a vacant shop and lease it out for free. This would be like a 'pop up shop' where local people could use this for 2/3 months for whatever they want i.e. restaurant, retail etc.	Not eligible
10 Subsidised Rates.	A Kamarah resident has suggested subsidised rates.	Not eligible
11 CRC Church Upgrade	As per SCCF Round 2 (\$400K Entrance, heating, sound equipment)	Not eligible
12 Narrandera Show Grounds	In conjunction with the Show Grounds Trust fund the development of a 10 year plan for the redevelopment of the Narrandera Show Ground site into a destination location of preference for all things with livestock recreational sports , Livestock showing & eventing , Livestock logistical resting point. Develop the Narrandera Show Grounds into an important and strategical regional asset for livestock sports and events	Not eligible
13 Red Hill Industrial Estate	Develop a solar micro grid and battery storage asset within the estate to offer and attract business to Narrandera via the incentive a lower cost energy Make the Red Hill Industrial Estate the most compelling and attractive location to establish a business in Southern NSW	Not suitable for this round.
14 Landscape, design and cost the North Bank Project	Engage a qualified landscaper to design and budget the North Bank project from Lake Talbot to the Newell highway Engage a qualified structural engineer to design and cost a foot bridge with capacity to carry the sewage pipe across the MI channel at the Southern end of East Street. Engage a contractor to clean up the dead trees and wild growth along the North bank project from Lake Talbot to the Newell Highway. Connect the travelling caravanning commerce into Narrandera CBD safely with the above proposal	Playground on the Murrumbidgee
15 Hankinson Park Stage 2	Complete the stage 2 development of Hankinson Park	
16 Boardwalk	Construct a boardwalk that includes security fence on the Northern Bank of the main canal between Lake Talbot and the highway.	Playground on the Murrumbidgee
17 Solar panels on community halls	Would reduce operational costs and is environmentally friendly	Not suitable for this round.
18 Wittich Lane resealing.	Back entry to a number of East St businesses. Needs to be sealed.	Not suitable for this round.
19 Wittich Lane realignment.	Re-opening the circular access to service the business's will allow both inbound goods and out bound waste servicing to take place from the rear of the premises , freeing up East street parking and making the operating business' more functional.	Not suitable for this round.
20 Masons Lane resealing.	Lane running beside Narrandera Arts & Community Centre & backing buildings facing south in Twynam St also needs sealing.	Will be done as part of Bolton St
21 Ex-servicemen's Club car park resealing.	Ex-servicemen's Club car park. Car park used by not only Club members, but also visitors & locals. Needs to be resurfaced.	Will be done as part of Bolton St
22 Lamp posts lighting.	Lamp posts with lighting at Northern and Southern entrances of East Street	Not part of Narrandera Business Centre Master Plan
23 Northbank Bridge.	Northbank Bridge construction over the canal	Part of Playground on the Murrumbidgee

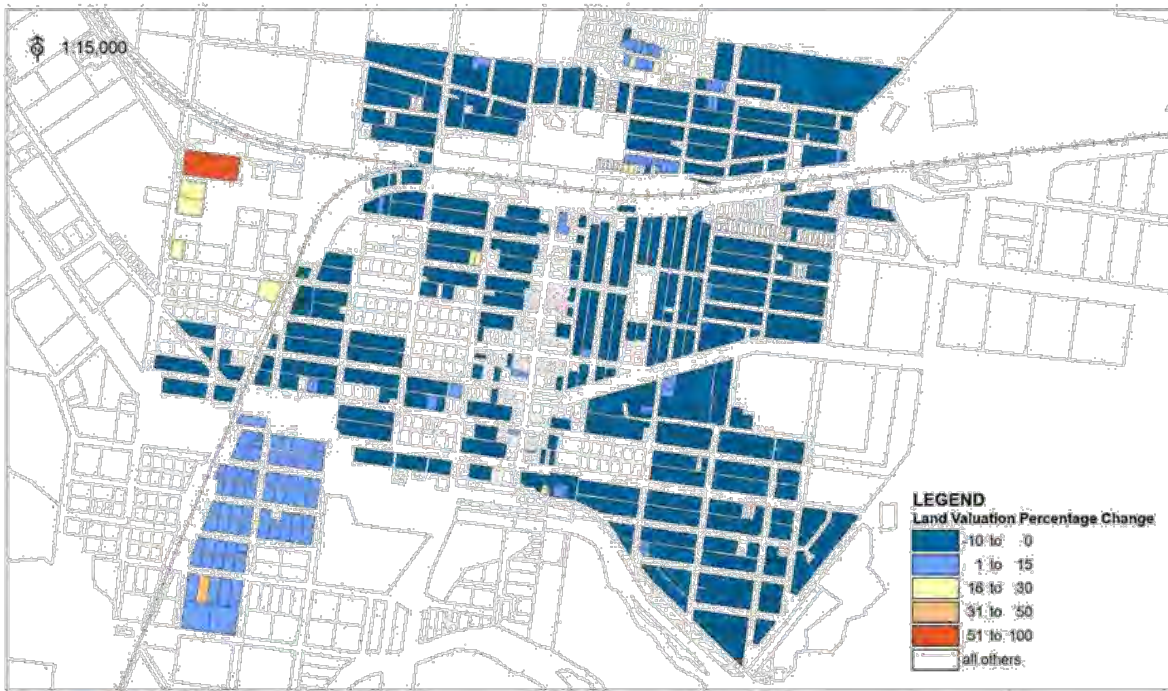
2019-2020 Drought Communities Program Project Suggestions

	Title	Description/Comments	Comments
4	Narrandera Historical Museum	Offer to purchase the CJ Motors garage site on the corner of East Street and Larmer street with the objective of redeveloping into the new Narrandera Historical Museum	Not eligible
5	Street Art Sculptures.	Street Art Sculptures for the Main street and other notable areas.	Not suitable for this round.
6	Clunker Removal	Offer the residents of Narrandera that have old redundant scrap cars the opportunity to have them removed at no cost. This would clean up the presentation of many streets in Narrandera, that detract from Narrandera being an appealing town. Cost maybe offset by the scrap value of the cars to a metal salvage operation	Not eligible
7	Small Parks & Gardens	Engage a qualified landscape gardener contractor to quote, tender and execute the proposals for the re development of the small parks and gardens in Narrandera	Funds already available in 19-20 capital works program
8	Training for local businesses.	Online selling	Business Enterprise Centre already provides
9	MI Channel Security Fencing	Offer to Murrumbidgee Irrigation to share 50/50 the cost of properly and securely fencing both sides of the main irrigation channel from Lake Talbot to the Newell Highway. NSC to present MI a fencing quote from local contractor to supply and construct the proper security fencing within an agreed time period	Not suitable for this round.
0	Extend Arts and Community Centre.	Extend Arts and Community Centre with storage facilities and deck at the back and the back area cleaned up.	Other funding available
1	Extend and finish off the walking track.	From Brewery Flat to the heritage railway bridge	Already exists
2	Walking track from Rocky Water Holes to the Pool.	Walking track from Rocky Water Holes to the Pool.	Already exists
3	Lake Talbot Water Park.	Extend and improve kiosk and kiosk deck	Not part of masterplan
4	The Murrumbidgee River	Something more that showcases our great river!!	Playground on the Murrumbidgee
5	Adult playground		Fitness equipment already supplied
6	Flora & Fauna Reserve	Removal of fallen timber project at the Flora & Fauna Reserve. N.B. this is a fire danger to the koala population.	Fire mitigation plans in place

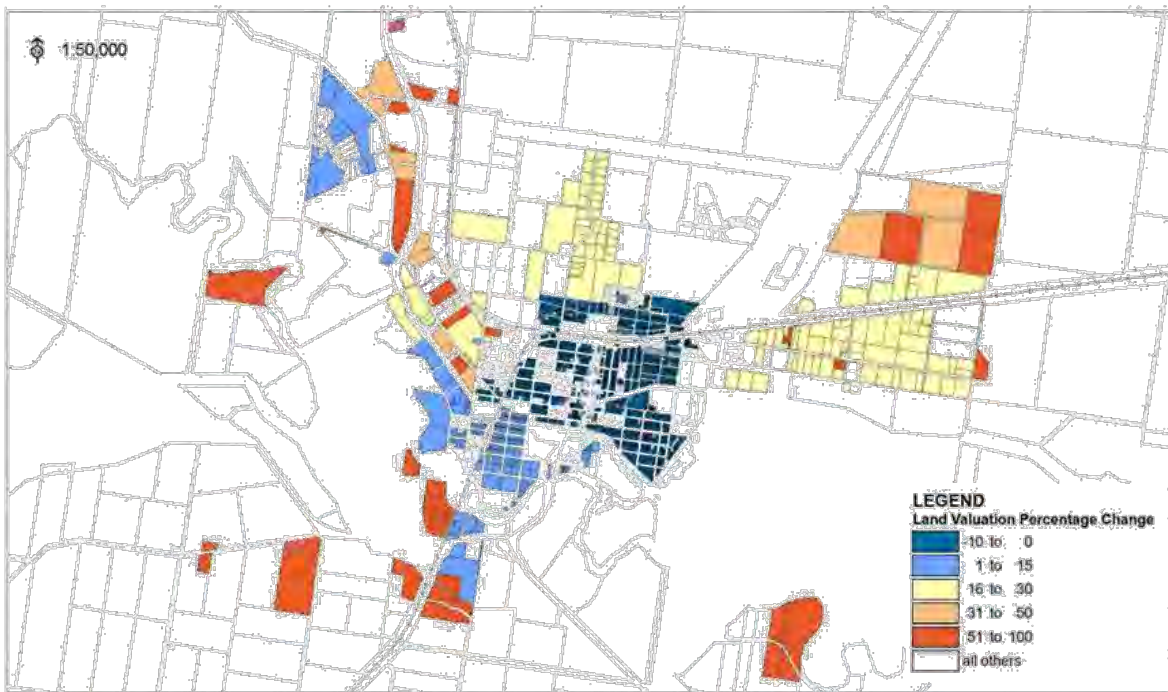








 <p>NARRANDERA SHIRE COUNCIL 143 East Street Narrandera NSW 2790 Ph: 6049 9610</p>	<p>Rate Revaluation Changes 2017-2019 Rate Category: Residential Narrandera</p> <p><small>This map is a representation of the information currently held by Narrandera Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.</small></p>	<p>Date: 10/02/2020 Compiled by: GIS NSC Co-ordinate System: MGA 94 Zone 55 Ref: 2020-001</p>
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 <p>NARRANDERA SHIRE COUNCIL 143 East Street Narrandera NSW 2790 Ph: 6049 9610</p>	<p>Rate Revaluation Changes 2017-2019 Rate Category: Residential Narrandera & Residential Ordinary Other & Residential Gillenbah/Euroley</p> <p><small>This map is a representation of the information currently held by Narrandera Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.</small></p>	<p>Date: 10/02/2020 Compiled by: GIS NSC Co-ordinate System: MGA 94 Zone 55 Ref: 2020-001</p>
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