



AGENDA of the

Special Meeting of Council Held

8th January 2019



PRAYER

**ALMIGHTY AND ETERNAL GOD, GIVE US THE GRACE TO
FAITHFULLY FULFIL THE DUTIES OF OUR OFFICE.**

**SHED THE LIGHT OF YOUR WISDOM AND COUNSEL UPON US SO
THAT, STRENGTHENED BY THESE GIFTS, WE WILL, IN THE
ADMINISTRATION OF THE AFFAIRS OF THE COUNCIL, ALWAYS DO
WHAT IS RIGHT AND JUST.**

**WE ASK THAT OUR DELIBERATIONS WILL BE BOTH FRUITFUL AND
WISE.**

AMEN

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### **THE COUNCIL'S CHARTER**

(Chapter 3. Section 8 (1) Local Government Act 1993)

(1) A Council has the following charter:

- To provide directly or on behalf of other levels of government, after due consultation, adequate and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- To exercise community leadership;
- To exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- To promote and to provide and plan for the needs of children;
- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- To have regard to the long term and cumulative effects of its decisions;
- To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- To facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and , when appropriate, by borrowings and grants;
- To keep the local community and the State government (and through it, the wider community) informed about its activities;
- To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- To be a responsible employer.

(2) A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.

**PRESENT:**

**APOLOGIES:**

**DISCLOSURE OF INTERESTS:**

**Item I – 1    DA 16/2019 – PROPOSED MOTEL  
EXTENSION, 10 TRANSPORTABLE  
ACCOMMODATION UNITS (TEMPORARY)**

**File number:** DA 16/2019

**Reporting Officer:** Health and Development Officer – Ray Mitchell  
Director Infrastructure and Development – Ray Davy

**Operational Plan Objective:** Pillar 5 Our Infrastructure

**Division:**

**Officer Recommendation:**

- 1) Council approve Development Application 16/2019 for the temporary extension of motel on 11/16/758048 and 24//820439 subject to the Draft Conditions of Consent listed at Attachment 4.
- 2) Persons that made submissions in relation to the Application be notified of the determination in writing.

**Purpose of Report**

To seek Council consent under Part 4 of the Environmental Planning and Assessment Act 1979 for a proposed motel extension, 10 transportable accommodation units (temporary) at 140 Market St and 32 Cally St, Balranald.

**Report**

A Development Application has been lodged by Bamford Engineering and Consulting P/L (Bamford) proposing to install 10 transportable accommodation units on Lot 11 Section 16 DP 758048 and Lot 24 DP 820439, 140 Market St and 32 Cally St, Balranald for the purpose of accommodating persons employed by Bamford to undertake piling and mechanical works associated with the Limondale Solar Farm. Bamford propose this temporary extension for the period of their contractual arrangement, expected to be in the order of 12 months.

|                      |                                                 |
|----------------------|-------------------------------------------------|
| Owner:               | WR & LP Barker<br>JL Hodgson                    |
| Description of Land: | Lot 11 Section 16 DP 758048<br>Lot 24 DP 820439 |
| Area:                | 3650m <sup>2</sup>                              |
| Zone:                | Zone RU5 (Village)                              |
| Current Use:         | Motel and Residential                           |
| Proposed use:        | Motel                                           |

*Background*

Overland Sun Farming is the beneficiary of State Significant Development (SSD) Approval 8025 for a 250MW solar photovoltaic array approx. 15km south of Balranald on Yanga Way. In order to facilitate construction of the array and associated infrastructure a workforce of around 90 people (average) is required.

The site proposed for the additional units is located centrally within the Balranald Township (see Attachment 1), in a mixed land use area. The current uses include motels, professional services, engineering and residential development.

The Statement of Environmental Effects states that the proposal is to only cater for persons employed by Bamford in relation to the construction of the Limondale Solar project.

The existing buildings have capacity to house around 40 persons in a communal sleeping arrangement. Bamford are not proposing a communal sleeping arrangement and are looking to house up to 50 employees in individual rooms. Hence their need to install the temporary units.

#### *Site Analysis*

There is no apparent landslip, creep or significant requirement for vegetation removal to facilitate the proposal. The area is not identified as flood or bushfire prone.

Contaminating activities are not known by Council to have been carried out on the land.

Multiple accesses currently exist to service the developments and are primarily off Cally Street and infrastructure services (water, sewer, power and communication) are available to service the proposal.

Proposed traffic volumes are likely to be less than current volumes due to the consolidation of movements to the use of mini busses, with a minor increase in service vehicle traffic (such as additional cleaners) expected. Projected traffic volumes are considered to be under accepted thresholds to require referral to RMS as traffic generating development.

Adjoining allotments are Zoned RU5 (Village) and contain a variety of uses, with a weighting to residential.

A Statement of Environmental Effects has been submitted as part of the development application.

## DEVELOPMENT APPLICATION ASSESSMENT

Under Section 4.15 (79C) of the EPA Act 1979,

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

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

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

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

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

(e) the public interest.

### *Planning Instruments*

#### *Balranald Local Environmental Plan 2010*

This type of activity is not listed as *prohibited* or *permitted without consent* in accordance with the land use table for RU5 zoned land under the Balranald Local Environmental Plan 2010.

The proposal is *permitted with consent* as an innominate use under Clause 3 of the Land Use Table of the LEP.

The objectives of the RU5 (Village) Zone under the Balranald Local Environmental Plan 2010 are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To define the town boundaries of Balranald, Euston and Kyalite.
- To encourage and provide opportunities for population and local employment growth.
- To ensure development maintains and contributes to the character of the zone.
- To protect the amenity of residents.
- To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.
- To retain and facilitate expansion and redevelopment of the existing central business districts of the townships of Balranald and Euston and to further strengthen the core retail functions of those areas.

The proposal is considered to be largely consistent with the zone objectives in that:

- the zone provides for flexibility in land uses and does not prohibit this type of activity;
- is to support a portion of the workforce required for a major employment generating activity and is likely to generate employment opportunities in itself;
- the Statement of Environmental Effects indicates strategies to minimise any potential impacts on adjoining land uses and the amenity of the area;
- Council's internal engineering assessment indicates that servicing requirements of the proposal will not significantly impact on Council infrastructure;
- there is some potential for the development to increase demand for locally supplied goods and services strengthening local economic opportunities.

The proposal is not likely to impact on biodiversity values of sensitive land overlays under the LEP due to the land being historically and currently used for urban purposes.

The land subject to the proposal is not identified as flood prone on the Flood Planning overlay of the LEP.

Infrastructure services (water, sewer, power and communication) are available at the proposed site.

The proposal does not include significant earthworks, e.g. cut and fill, and the design of footings for the transportable units is such that it allows the site to be returned to pre-existing use following cessation of the proposal.

The proposal is not located in close proximity to items identified on the Heritage Schedule of the LEP and no sites or items of cultural heritage were identified on the site.

*State Environmental Planning Policy 55 – Remediation of Land*

The development site has been historically used for urban purposes, a search of Council's records does not identify events or uses that could lead to potential site contamination. Therefore, no further investigation has been required.

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

The proposed development does not include the removal of any native or significant vegetation.

*State Environmental Planning Policy 64 – Advertising and Signage*

There is no proposal for additional signage.

*State Environmental Planning Policy (Infrastructure) 2007*

The proposal is not considered traffic generating due to number of traffic movements, modelled at under 200 movements per day and under building floor area thresholds, negating the requirement for referral to RMS as integrated development.

*Development Control Plans*

There are no Development Control Plans that apply to the land.

*Impact of Development*

*Natural Environment*

The proposal is not likely to have significant impact on the natural environment of the area. The area is an established urban area which has been cleared of endemic vegetation for a substantial period of time. The proposal is not likely to impact threatened species due to the small area of the activity and the use of the wider area for urban purposes.

The proposal is not likely to contribute towards soil erosion, pollution or contamination of soil/water/air, due to the design and management of the site.

*Built Environment*

The surrounding area is substantially developed for urban purposes and the proposal is considered in keeping with the mixed use of the area.

The proposal design and rostering is not likely to significantly contribute to a significant increase in traffic volumes in the local area and provision for parking on the site is considered adequate given the projected vehicle volumes expected. Additionally, the proposed access arrangements off Cally St are not likely to increase traffic impacts on residential uses in the area.

The building location, design and boundary fencing/landscaping is not likely to lead to privacy impacts.

Utility services are provided to the site and require little or no augmentation to cater for the proposal.

Due to the transportable nature of the development the construction impacts are expected to be limited to site preparation works for car parking, services, installation of the portable buildings and commencement of operations. Impacts have been considered and addressed with draft conditions of consent.

#### *Disability Access*

As a new works, communal buildings are expected to be fully compliant with the National Construction Code, which is directly aligned with the Disability (Access to Premises – Buildings) Standards 2010, made under the Commonwealth Disability Discrimination Act 1992.

#### *Waste*

Both construction and operational phase waste materials are proposed to be disposed of at the Balranald Landfill, refuse storage areas will be provided throughout the facility.

Sewer infrastructure has been assessed as being adequate to service the proposal.

#### *Air*

The operational use of the facility is not likely to generate any odour, fumes or pollutants.

#### *Noise*

The proposal will generate both construction and operational phase noise. Construction phase noise will be generated by plant and machinery and will be restricted with draft conditions of consent to minimise the impact on the amenity of the area.

Operational phase noise will be generated by the normal occupation of the site, including occupant movements, domestic style appliance usage (e.g. air conditioning units and cleaning equipment). The SEE describes management actions to mitigate adverse impacts.

The layout of the facility is also sympathetic to minimising noise impacts on neighbouring residential uses.

### *Cumulative Impacts*

Subject to operation in accordance with the conditions of consent, it is considered that the subject land is suitably located, capable of supporting the development as proposed and the temporary nature of the proposal, it is not likely to significantly increase environmental impact.

### *Social Impacts*

Negative stigma attached to the concentration of a large number of people in a proposal such as this may be overcome by the breaking down of the social isolation of the development. The reliance of the facility on local public amenities such as recreational facilities and private establishments can create resilience to localised social isolation and create and encourage better relationships with the local community.

The provision of employment opportunities allows for social cohesion. It is noted that the SEE describes employment opportunities for local employees in the area of servicing of the proposal.

The establishment of this proposal will engage local business to provide meals for occupants as no retail facilities or mess are proposed, creating further positive employment and social opportunities.

There are no known areas/items of heritage significance likely to be impacted upon in the immediate area.

### *Economic Impacts*

It is likely that the proposal will create demand for local goods and services during both the construction phase and longer term operation phase. The proposal is also expected to generate local employment opportunities both directly and as multiplier benefits.

The SEE describe seeking local goods and services.

### *Site Suitability*

The subject site is considered suitable for the proposed development for the following reasons:

- The proposal is permissible with consent under the LEP 2010;
- There are no known environmental hazards or constraints associated with the site which prohibits the proposed development, as detailed within this report;
- The locality has the necessary utility service infrastructure to support the proposed development, with conditions included as part of the draft conditions of consent;
- Electricity services are available to the site;
- There is a reasonable connectivity between the development site and the towns retail and recreational areas via existing streets and nature strip infrastructure; and

- Any identified negative externalities are considered capable of being managed and appropriate conditions have been applied as has been deemed necessary.

*Public Interest*

The proposal is not likely to have any adverse effect on the landscape or scenic quality of the locality due to the low rise of buildings in a mixed use area. The proposal will not likely adversely impact public infrastructure to an extent that cannot be mitigated with appropriate conditions of consent.

The proposal does not have significant environmental impact, has potential economic benefit and supports the construction of a renewable energy production facility.

It is considered that the proposal is in the public interest.

The adjoining landholders were notified of the proposal in accordance with clause 88 of the Environmental Planning and Assessment Regulation 2000, the notification period concluded on the 21/12/2018, three (3) submissions were received, the submission are shown at Attachment 2.

**Balranald Shire Council**  
**Agenda Special Meeting Tuesday 8th January 2019**

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| Submitted By     | Matter                                           | Council Comment                                                                                                                                                                                                                                                 |
|------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| V Pope           | No cooking /kitchen facilities                   | Arrangements are addressed via supply contracts                                                                                                                                                                                                                 |
|                  | Not enough parking spaces                        | Car parking spaces appear adequate in given proposed traffic management identified in the SEE                                                                                                                                                                   |
|                  | Are the vacant Boynton St blocks to be developed | Not part of the proposal                                                                                                                                                                                                                                        |
|                  | What is the timeframe for the proposal           | Approximately 52 weeks, with a draft condition of consent which includes decommissioning timeframe                                                                                                                                                              |
|                  | Location is not optimal                          | Addressed at item <i>Site Suitability</i> in this report                                                                                                                                                                                                        |
|                  | Construction and operational impacts             | Addressed as a conditions of consent and management planning identified in the SEE                                                                                                                                                                              |
| JP & V Matarazzo | Visual appearance                                | There are potential landscape view impacts from the proposal, landscaping, the low rise nature of the proposal, land zoning, mixed land uses in the area and temporary nature of the proposal mitigate the significance of the impact                           |
|                  | Residential amenity                              | The area is a somewhat mixed use area and the temporary nature of the proposal mitigate the significance of the impact                                                                                                                                          |
|                  | Parking                                          | Car parking spaces appear adequate in given proposed traffic management identified in the SEE                                                                                                                                                                   |
|                  | Traffic generation                               | No significant traffic volume increases are expected                                                                                                                                                                                                            |
|                  | Noise                                            | Addressed as a conditions of consent and management planning identified in the SEE                                                                                                                                                                              |
|                  | Property devaluation                             | A desktop study indicates mixed data in relation to the impact of commercial styles of development on residential property values, in this instance, the character of the area and the temporary nature of the proposal mitigate the significance of the impact |
| A & L Dalton     | Business impact                                  | Not a relevant planning consideration                                                                                                                                                                                                                           |
|                  | Proposal timeframe                               | Approximately 52 weeks, with a draft condition of consent which includes decommissioning timeframe                                                                                                                                                              |

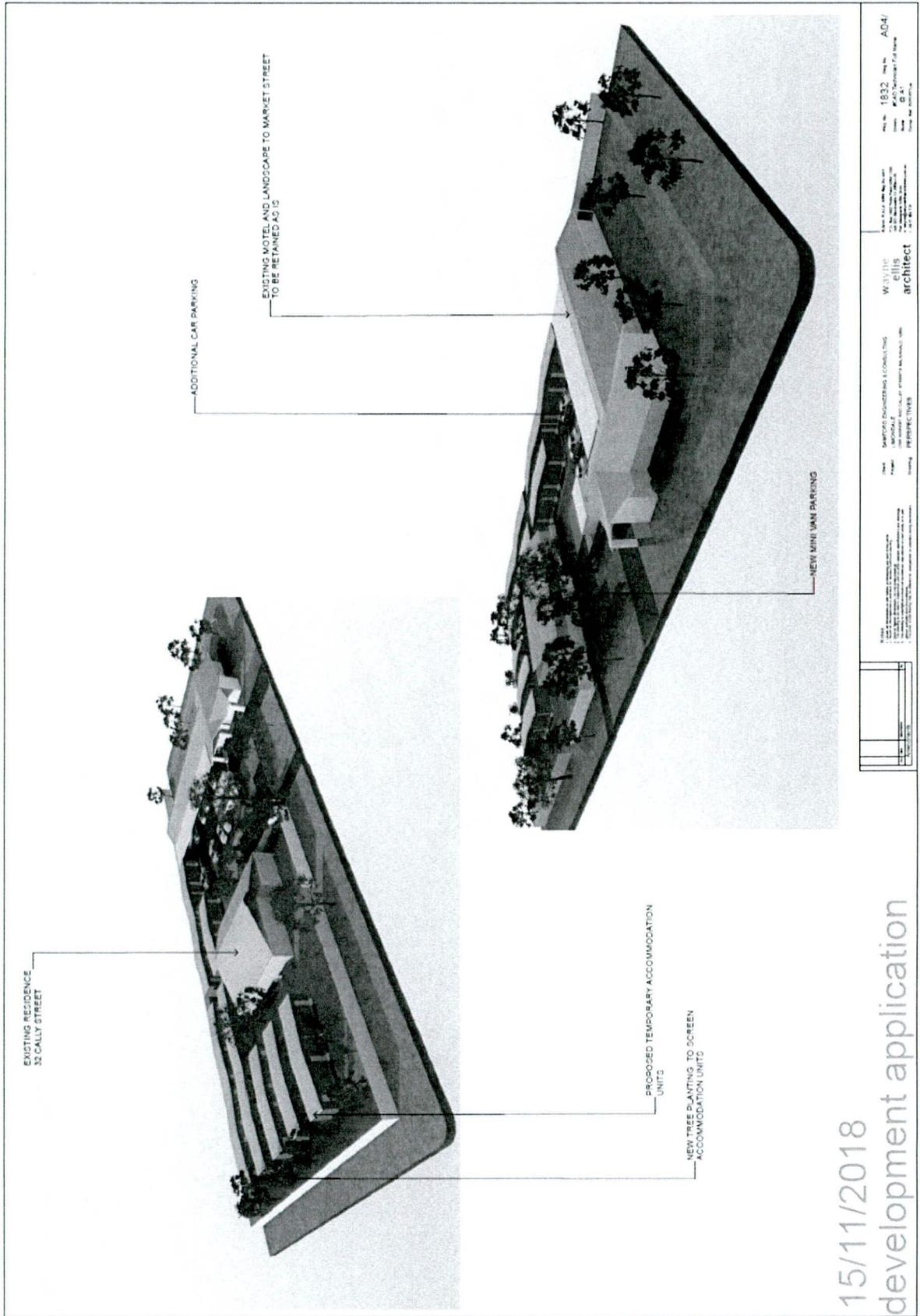
*Conclusion*

The application has been assessed under the provision of the Environmental Planning and Assessment Act 1979. The evaluation of this development has concluded that the proposed development application is compliant with the legislative requirements for this type of proposal and it is recommended that DA 16/2019 be approved subject to conditions.

|                                |                                                                                                                                                                                                                                                                                                 |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Financial Implication</b>   | Nil.                                                                                                                                                                                                                                                                                            |
| <b>Legislative Implication</b> | Environmental Planning & Assessment Act 1979<br>Balranald LEP 2010<br>State Environmental Planning Policy 55<br>State Environmental Planning Policy 64<br>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017<br>State Environmental Planning Policy (Infrastructure) 2007 |
| <b>Policy Implication</b>      | Nil.                                                                                                                                                                                                                                                                                            |
| <b>Attachments</b>             | Attachment 1: Site Plan of Proposal<br>Attachment 1a: Architectural View<br>Attachment 2: Letter of Objections<br>Attachment 3: Neighbouring Land Uses<br>Attachment 4: Draft Conditions of Consent                                                                                             |



Attachment 1a: Architectural View



Attachment 2: Letters of Objection

2a: V Pope

To

BALRANALD SHIRE COUNCIL

RE PROPOSED REDEVELOPMENT CORNER MARKET AND  
CALLY STREET, BALRANALD, NSW

- 1) MUST HAVE COOKING AND KITCHEN FOR WORKERS  
STARTING EARLY SHIFTS.
- 2) MUST HAVE MORE PARKING SPACE FOR THEIR  
CARS.
- 3) IN BOYNTANT STREET VACANT CLEARED  
BLOCKS ARE THEY TO HAVE EXTRA  
MULTIPLE DWELLINGS ON THEM?
- 4) HOW LONG WILL THESE EXTENSIONS  
BE ON THESE TWO BLOCKS.
- 5) I THINK THESE EXTENSIONS & PORTABLES  
COULD BE BETTER SITED ELSEWHERE,  
NOT IN THIS QUITE AREA.  
BUILDING WORKERS STARTING TIMES, DELIVERS OF  
PORTABLES, GRADING, ETC.
- 6)

VIC POPE

Vic Pope

(12) dx

|                              | Info | Reply | Report | Discuss |
|------------------------------|------|-------|--------|---------|
|                              |      |       |        | GM      |
| GM                           |      |       |        |         |
| DID                          |      |       |        |         |
| Received 19 DEC 2018 11:30am |      |       |        |         |
| DCCD                         |      |       |        |         |
| File No.                     |      |       |        |         |
| LETTER No.                   |      |       |        |         |

**Balranald Shire Council**  
**Agenda Special Meeting Tuesday 8th January 2019**

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**2b: JP & V Matarazzo**

JP and V Matarazzo  
PO Box 82  
BALRANALD NSW 2715

16 December 2018

ATT: The General Manager, Balranald Shire Council

11:42pm J. Matarazzo

|                      | Info | Reply | Report | Discuss |
|----------------------|------|-------|--------|---------|
|                      |      |       |        | GM      |
| GM                   |      |       |        |         |
| DID                  |      |       |        |         |
| Received 17 DEC 2018 |      |       |        |         |
| DDDD                 |      |       |        |         |
| File No.             |      |       |        |         |
| LETTER No.           |      |       |        |         |

**Re: Development Application 16/2019**

As owner of a neighbouring property we would like to express our strongest objection to the above application by Bamford Engineering & Consulting Pty Ltd.

It is with great difficulty that we attempt to understand Council's reasoning to allow a temporary accommodation development to be placed in a central position within our small town. As one of the closest neighbours to this proposed development, we believe that our concerns are valid.

Bamford Engineering & Consulting is "committed to providing total satisfaction to our clients....while respecting the environment in which we work". The visual appearance of transportable buildings in a residential zone must be compatible with the appearance of dwellings within the majority of the residential neighbourhood. A "donga" is not acceptable; and by no means do these structures in a quiet, central street 'respect the environment'. Devaluing property values for neighbours is a certainty; it is foolish to think that it might only be a possibility.

Bamford is "committed to achieving our client's objectives...in a safe, timely and environmentally sound manner". A multi-dwelling transportable site, with a much higher density of residents, is only likely to generate negative externalities that potentially impact quality of life and amenity for us as one of a number of older residents living across the road. Neighbourhood quality of life, increase in traffic and noise, worsened problems with parking, and issues with maintenance of this large complex are only some of our concerns. We moved to town more than 15 years ago, and deliberately picked this area as one that was quiet and a safe place for our grandchildren to visit. A Council that is inherently proud of our beautiful town, and quality of our small community life, should restrict these types of dwellings amongst the existing residential areas; they are inappropriate to the standard of existing housing.

Bamford Engineering & Consulting "will provide challenge and satisfaction...and benefit society". As residents of Balranald of almost 80 years, we have always supported the need for growth. As such, if Balranald wants to continue to grow and provide economic benefits to the region it will eventually need more accommodation. We understand that it is proven that communities suffer when there is not enough, or a variety of accommodation. We are just asking that reasonable and due thought be given to the location of such accommodation. A backyard of an existing house or the carpark area of a small existing motel hardly seems like a forward step in effective accommodation solutions. Surely a forward thinking Council is able to find a better location on the fringe areas of our township – allowing the whole community to reap the benefits, whilst at the same time allaying nearby residents' concerns.

This is certainly not a case of 'NIMBY'ism'. It's just that a high density, multi dwelling complex in such a central spot of our town seems quite inappropriate. It's very location means it's in ALL of our backyards. It is only reasonable for the Balranald Council to protect existing owners' investments in the town from development that may detract from the amenity of the residential character.

JP & V Matarazzo


2c: A & L Dalton

**BALRANALD MOTOR INN**

Ashton & Lisa Dalton

154 Market Street  
BALRANALD NSW 2715  
PH: 03 50201 104

ABN 11 565 841 148  
EMAIL: balranaldmotorinn154@gmail.com

23<sup>rd</sup> November, 2018

To  
The General Manger  
Mr Michael Kitzelmann

RE: Application No 16/2019  
Proposed Development 140 Market Street, Balranald / 32 Cally Street, Balranald

We are writing to you with concerns in regards to the accommodation in Balranald. As you may or may not be aware we are the owners/operators of The Balranald Motor Inn & Billabong Restaurant. We have grave concerns in regards to the large influx of accommodation that has been approved by council and which is in the process of being approved which will have a HUGE impact on our business.

We currently feel we would be the highest rate payers in Balranald with our rates rising in the last 12 months by \$948.54 ( 2017 / 2018 \$7 915.48 compared to 2018/ 2019 \$8 864.02) with no improvements to our services.

Council approved a 550 bed self-contained village for all the extra workers coming to town whilst our 22 rooms are not been utilised by any of this added business.

We need our motels for tourists it has been said by a sitting council member WE DO NOT HAVE A LARGE TOURIST INFUX! We can count on both hands the number of tourist that have stayed with us over the 4 ½ years we have owned the motel. Our business CANNOT I repeat CANNOT survive if we have to rely on this tiny amount of guests. We invested in the motel in 2014 on the strength of the future economic growth that was going to happen with the promise of the existing accommodation being utilised before any new structure's would be approved.

We have just read that an existing motel will be sold to a contractor with the solar farms on the strength of approval being given to attach another 10 units to this premises which we STRONGLY APPOSE. To hear about this proposal in The Guardian page 41 Friday 23 Nov, 2018 is disgraceful as well as disrespectful to the current motels as we feel we should have been informed by the council, not reading about it in the local paper as once again this will impact on our business.

Arentz Electrical currently have their block in Ballandella Street which contains a number of units up for lease as well which also impacts on our business.

WILL COUNCIL WAIVE OUR PROPERTY RATES SEEING AS YOU HAVE APPROVED ALL THIS EXTRA ACCOMMODATION THUS AFFECTING OUR ECONOMIC GROWTH/ LOSS OF INCOME DUE TO ROOMS SITTING VACANT WHICH COULD HAVE BEEN UTILISED BY WORKERS?

We keep hearing that the motels will be utilised by other workers but yet we have not had any reservations made from December 2018 onwards so our rooms are sitting vacant and work is supposed to be starting mid-December.

Your letter RE: Balranald Business Workshop states that there will be an influx in excess of 400 workers but yet you approved a 550 man village. What is the actual number of workers that will be here in town? If we are only going to see around the 400 to 550 how will the current accommodation providers benefit when the farms have their own self-contained village which will cater to 550 workers?

We do realise that extra accommodation may be needed however no existing businesses are being utilised first which should be the case. Also what happens when the works are finished? You have a multi million dollar village which will still be taking business away as it is able to remain until 2023 and now a new submission is in the works for an extra 10 units to an existing motel which will also continue to operate after the fact only this time it will have 10 extra units. I am aware that the proposal states it is temporary but how temporary is it as no fixed time limit has been attached to the proposal.

Balranald DOES NOT need any more accommodation established in town as we already have an over abundance for such a small town.

Why are the current motel owners not approached and consulted in regards to extra accommodation being planned as this effects all of us directly? Do council members who approve these plans have first hand knowledge of the economic impact to the existing motels and base their approval/disapproval on this knowledge? We think not as we have never been approached in the past 4 ½ years.

We don't need workshops as we all know how to run our businesses we need our businesses utilised as well as the support of our local council/councillors in promoting the existing town businesses first.

We hope that you will take our concerns seriously as the workers village as well as the proposed extensions to 140 Market street and 32 Cally Street will IMPACT hugely on our business.

Please feel free to contact us to discuss further in more detail.

Kind Regards

Lisa Dalton

Ashton Dalton

Attachment 3: Neighbouring Land Uses



**Attachment 4: Draft Conditions of Consent**

1. The development authorised by this consent must be carried out in accordance with the conditions of this consent and the listed approved documents:
  - a. Statement of Environmental Effects submitted with Development Application 16/2019

| Drawing Number                                | Issued    | Content                                                               |
|-----------------------------------------------|-----------|-----------------------------------------------------------------------|
| Wayne Ellis Architect Drawings<br>A00/ - A06/ | Not Dated | Site/area plans and architectural<br>3D representations               |
| Atco Drawings WSPQ-314-<br>HC4-WA-01 to 09    | Oct 2011  | Floor layout, elevations,<br>services, sections and<br>specifications |

Where there is inconsistency between the Statement of Environmental Effects and supporting documentation and the conditions of approval, the conditions of approval prevail to the extent of the inconsistency.

*Reason: To confirm and clarify the terms of consent*

2. This approval is time limited and the proposal must not continue operations past 30/06/2020.

*Reason: To confirm and clarify the terms of consent*

3. Following cessation of the use of the land for the approved purpose and within six (6) months, the land must be returned to pre development conditions.

*Reason: To confirm and clarify the terms of consent*

4. All building work shall be carried out in accordance with the provisions of the Local Government Act 1993, The National Construction Code 2016, relevant Australian Standards and The Environmental Planning & Assessment Act 1979, regardless of any omission in the documentation submitted for approval.

*Reason: To comply with Council's statutory requirements*

5. No work is to be carried out which would cause nuisance by way of emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, grit, oil, waste-water, waste products or otherwise.

*Reason: To comply with Council's statutory requirements*

6. Prior to the commencement of construction or installation, the proponent shall lodge with Council, and receive approval for the following listed S68 Local Approval(s):
- carry out water supply work
  - carry out sewerage work
  - carry out stormwater drainage work
  - installation of transportable buildings

*Reason: To comply with Council's statutory requirements*

7. Finished floor level is to be established so as to minimise the potential for storm water inundation of the buildings.

*Reason: To comply with Council's statutory requirements*

8. The building shall NOT BE USED OR OCCUPIED for any purpose other than the building class approved, without the prior consent of Council.

*Reason: To comply with Council's statutory requirements*

9. The building shall NOT BE USED OR OCCUPIED until completed or until approval has been granted by the Council to occupy an incomplete building.

*Reason: To comply with Council's statutory requirements*

10. The applicant must obtain a road opening permit prior to the commencement of construction of any works in the road reserve.

Any damage to Council's infrastructure or other services is the full responsibility of the proponent.

Note: The proponent must provide engineering design drawings for any works in the road reserve for submission with the application. This includes, but not limited to, accesses and traffic connections to the road reserve, water and sewer augmentation and stormwater drainage.

*Reason: Statutory requirement under S138 of the Roads Act 1993*

11. Any use of the subject land not commence until all relevant conditions of consent have been met or unless other satisfactory arrangements have been made with Council.

*Reason: To comply with Council's statutory requirements*

12. The buildings/structure/s shall comply with the requirements of the Commonwealth Disability Discrimination Act, 1992 and the Commonwealth Premises Code and the NSW Anti-Discrimination Act 1977.

Note 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

Note 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission are available from the Commission or from Council's Environmental Services Department. The Applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

*Reason: To comply with Council's statutory requirements*

13. All works associated with the implementation / construction of the proposed activity (not operation of the proposal post occupational certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

- Monday to Friday: 7am to 6pm
- Saturdays: 8am – 12 noon
- Sundays and Public Holidays: no works to be carried out

The following activities may be carried out in association with construction outside of these hours:

- any works that do not cause noise emissions to be audible at any nearby residences not located on the Premises;
- the delivery of materials as requested by Police or other authorities for safety reasons; and
- emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

Note: All noise generating activities are subject to the requirements of the protection of the Environment Operations Act 1997. This condition of consent does not relieve the proponent including developers, contractors or their agents from the requirements under the relevant noise control legislation (POEO Act 1997).

*Reason: Neighbourhood amenity*

14. Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, kerb and gutters, laybacks or other public land shall be restored to Council's satisfaction and at the full cost to the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponents cost.

*Reason: To comply with Council's requirements*

15. The proponent shall install suitable protection to ensure that damage to Council infrastructure does not occur during the construction phase of the development.

*Reason: To comply with Council's requirements*

16. No materials or machinery to be used in the construction of the proposal is permitted to be stored or stacked on Council's footpath, nature strip, public defined land or roadway.

*Reason: To comply with Council's requirements*

17. The proponent shall not burn waste material, vegetation or other material on the land. All waste materials shall be directed to an appropriate waste management or other approved facility.

*Reason: To comply with Council's requirements*

18. The proponent shall provide at least forty-eight (48) hours' notice be given to Council when any inspection is required.

*Reason: To comply with Council's requirements*

19. The proponent shall provide to Council, engineers design details for any structural elements such as slabs, footings and structural steel elements of verandas, prepared and certified by a suitably qualified and professional engineer prior to the issue of a Section 68 Approval under the Local Government Act 1993.

*Reason: Statutory compliance*

20. The proponent shall provide engineering calculations, plans and specifications for the extension of the water and sewer utility infrastructure for connection to the allotment. Plans shall also include internal construction of all water and sewer facilities and connections.

*Reason: To comply with Council's requirements*

21. All internal roadways, access corridors, bus pick up / set down areas and car parking areas are to be designed in accordance with AS2890.1 & 2 – Parking Facilities. The car parking areas shall be constructed with a base course of adequate depth to suit design traffic loadings with an all-weather surface treatment, graded and drained appropriately.

*Reason: To comply with Council's requirements*

22. Any alterations to existing stormwater and surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties. Stormwater discharge points must not result in the concentration of stormwater flows, increased flow velocities or potential erosion issues.

*Reason: To comply with Council's requirements*

23. The proponent must submit a works-as executed (WAE) drawings of the water, sewer and stormwater services on the allotment, including any detention and pumping installations. The WAE drawings shall be prepared by a registered surveyor.

The WAE plan shall be submitted to and approved by Council prior to the issue of an Occupation Certificate/Certificate of Completion.

*Reason: To comply with Council's requirements*

24. The applicant shall install, prior to the commencement of construction, adequate sediment and soil erosion controls in accordance with accepted codes of best practice. All sediment is to be controlled onsite including the transport of sediment from vehicles and machinery onto local roadways and waterways.

*Reason: To comply with Council's statutory requirements*

25. Lighting associated with the development is to be positioned so as not to create luminosity of the atmosphere or create nuisance to adjoining development.

*Reason: Neighbourhood amenity*

26. Prior to the issue of an Occupation Certificate/Certificate of Completion, a fire safety certificate must be submitted to Council for all services that form part of the fire protection measures installed for the development.

A fire safety certificate is required to be submitted to Council at least once in each twelve month period with respect to each fire safety measure installed in or for the buildings.

*Reason: Statutory compliance*

27. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- Not further harm the object;
- Immediately cease all work at the particular location;
- Secure the area so as to avoid further harm to the Aboriginal object;
- Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and
- Not recommence any work at the particular location unless authorised in writing by OEH.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

*Reason: To provide protections for unexpected Aboriginal cultural heritage finds*

28. This approval provides for the demolition and or removal of structures to facilitate the proposal.

*Reason: To comply with Council's requirements*

29. Suitable hoardings to ensure the protection of the public are to be erected prior to commencement of demolition work.

*Reason: To comply with Council's requirements*

30. A sign must be erected in a prominent position indicating that unauthorised entry to the worksite is prohibited, and clear direction is given to pedestrians on alternative footpath passage around the work site.

*Reason: To comply with Council's requirements*

31. Signage is to be erected in accordance with Work Health and Safety Regulations.

*Reason: To comply with Council's requirements*

32. *Any waste or excavated material removed from the site is to be taken to an authorised site for disposal. No fill is to be deposited on other land without the prior consent of council.*

*Reason: To comply with Council's requirements*

33. Asbestos removal activities must be undertaken in accordance with WorkCover NSW requirements.

*Reason: To comply with Council's requirements*

34. All asbestos removal activities must be undertaken by an appropriately licensed person in accordance with WorkCover NSW requirements.

*Reason: To comply with Council's requirements*

35. All asbestos sheet and asbestos bearing materials is to be wrapped in suitable plastic sheet and taped before delivery to Councils waste depot or other asbestos-suitable waste site. Councils waste depot officer provides advice on the deposit location.

It is common for older buildings to contain asbestos related sheet (fibro). This is termed 'bonded' whilst loose lagging to pipes or some older insulations are 'friable' and more likely to risk emitting particles into the air.

The demolition process should:-

- Limit bonded sheet removal to 10m<sup>2</sup> at any one time, be wrapped and sealed for burial at Council tip.
- Protective masks must be worn at all times
- Public at risk should be prevented from entering the site
- Should 'loose' or 'friable' asbestos be encountered, a certified or suitable trained person must supervise the removal.
- The demolition process must not be undertaken by an excavator or the like where risk of asbestos dust is likely to be emitted. Asbestos based materials must be removed from the structure **prior to mechanical destruction.**

*Reason: To comply with Council's requirements*

36. Prior to the disposal of demolition materials arrangements should be made with Council for tipping locations, times for access and fees.

*Reason: To comply with Council's requirements*