



14 September 2016

SF2016/187797; WST16/00134

General Manager
Weddin Shire Council
PO Box 125
GRENFELL NSW 2810

Dear Sir

PP_2016_WEDDI_001_00: Weddin Local Environmental Plan 2011 (Amendment No.2)

Thank you for your letter dated 18 August 2016 referring PP_2016_WEDDI_001_00 to Roads and Maritime Services for comment.

The *Planning Proposal* and *Rural Settlement Project Supply and Demand Analysis* have been reviewed and Roads and Maritime notes the following proposed changes to existing rural residential land (Zone R5 Large Lot Residential) surrounding Grenfell:

- Northern Area Total area unchanged. Minimum allotment size changes from 5 to 10 hectares.
- North-Eastern Area Total area reduced to protect existing native vegetation. Minimum allotment size changed from 5 to 10 hectares.
- Eastern Area Changes to R5 zone boundary resulting in negligible change to total area. Multiple minimum allotment sizes of 1, 2 and 10 hectares.
- Southern Area Additional 71 hectares with 2 hectare minimum allotment size. Existing Southern Area and 0.4 hectare minimum allotment size remains largely unchanged.

The Planning Proposal will decrease rural residential density in the north and north-eastern areas and increase rural residential density in the southern and eastern areas.

Roads and Maritime recommends that concept plans for road infrastructure are developed for all Zone R5 areas, in particular, the eastern and southern areas. The concept plans should show existing and proposed road corridors servicing the R5 areas. The plans should also limit the number of intersections with classified roads, and aim to use existing intersections with these roads where safe access can be achieved. The classified roads are Warraderry Way (MR237), Mary Gilmore Way (MR398), Mid Western Highway (HW6) and Henry Lawson Way (MR239).

Roads and Maritime Services

I trust this information is of assistance. If you have any further queries or wish to discuss this matter further, please contact Andrew McIntyre, Manager Land Use Assessment, on 02 6861 1453.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Susie Mackay', written in dark ink.

Susie Mackay
Network & Safety Manager
Western



Office of Environment & Heritage

DOC16/426961
DOC16/426899
BJH:IKH T2.1.9

The General Manager
Weddin Shire Council
PO Box 125
Grenfell NSW 2810

Att: Mr BJ Hayes - Director Environmental Services

Dear Mr Carroll

Planning Proposal - R5 Large Lot Residential and Draft Rural Settlement and Addendum

Thank you for your letters, dated 18 August 2016, seeking comment from the Office of Environment and Heritage (OEH) on two proposals:

- R5 Large Lot Residential – Planning Proposal, and
- Draft Rural Settlement and Addendum.

There is much overlap between the two proposals so OEH's comments will be relevant to both proposals.

OEH has the following primary areas of interest relating to strategic land use planning proposals:

1. The impacts of development and settlement intensification on biodiversity and Aboriginal cultural heritage;
2. Adequate investigation of the environmental constraints of affected land;
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs); and
4. Ensuring that development within a floodplain is consistent with the NSW Government's Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We also understand that planning proposals must comply with current statutory matters such as the Local Planning Directions under S117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

OEH generally supports strategic planning proposals which:

- Avoid rural settlement intensification in areas of biodiversity value, Aboriginal cultural heritage value and other environmentally sensitive areas;

- Include objectives, such as 'no net loss of native vegetation', that will ensure the Local Environmental Plans (LEP) support the NSW State Targets; and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

OEH supports the removal of the five lots from Zone R5 and their return to the surrounding rural zone (as detailed in s 4.4.1 of the Addendum). We also support the proposal outlined in section 6.4.3 of the Addendum (and in 4.4.3 and 5.4.3) to update the Development Control Plan to highlight the preferred road connections, strengthen controls to minimise removal of vegetation and provide appropriate setbacks to watercourses and manage drainage.

For all other matters please refer to Attachment A which includes our generic recommendations for local government strategic planning. Council should ensure that those matters within Attachment A which are relevant to the rezoning proposal have been appropriately addressed.

If additional information relating to the proposal indicates that areas within OEH responsibilities require further investigation, we may provide future input. Should you require further information, please contact Terry Mazzer, Conservation Planning Officer on (02) 6883 5302 or terry.mazzer@environment.nsw.gov.au.

Yours sincerely



DAVID GEERING
A/Senior Team Leader Planning, North West
Regional Operations

Date: 22 September 2016

ATTACHMENT A**Office of Environment and Heritage (North West Branch) general advice
for local government strategic planning 2013****BIODIVERSITY VALUES**

Rural settlement intensification can have significant impacts on biodiversity. Development will have short and long-term negative impacts on biodiversity. These negative impacts are caused by activities such as:

- the clearing of house and building sites;
- the disturbance caused by infrastructure (such as new roads, fence lines, dams and access to utilities); and
- the construction of asset protection zones for statutory fire protection.

The cumulative effect of multiple subdivisions will magnify these substantial impacts on biodiversity. These impacts are not regulated by the *NSW Native Vegetation Act 2003* (NV Act).

There is also a need to recognise climate change as a severe and wide ranging threat to biodiversity in NSW. Rising temperatures and sea-levels, changed rainfall and fire regimes will affect biodiversity in complex and often unpredictable ways. As a result of climate change, current threats to biodiversity, including habitat loss, weeds, pest animals and drought, are expected to intensify.

In many cases, existing approaches to biodiversity conservation (protection of intact vegetation, species recovery, mitigation of current threats and revegetation and restoration activities) will form the basis of adaptation programs to address the impacts of climate change. Reducing existing threats to biodiversity, such as habitat loss, pests and weeds is the most effective option for enabling species to adapt to climate change (at least in the short term) as this will increase the capacity of species to persist in their current locations and form the base from which migration can occur.

Council has the responsibility to control the location and, to a degree, development standards of settlement and other land use intensification. Local Environmental Plans (LEPs) can be used to avoid settlement and development in Environmentally Sensitive Areas (ESAs) including areas of remnant native vegetation.

The S117 Directions in the *Environmental Planning and Assessment Act 1979* (EP&A Act) require that Councils in preparing a new LEP must include provisions that facilitate the protection and conservation of ESAs. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the LGA, as afforded by the current LEP.

As a matter of priority the OEH recommends six actions be taken by Councils when developing new LEPs. These will address the S117 Directions, and protect biodiversity from growth, development and associated pressures and changes:

1. Implement appropriate Environmental Zonings;
2. Avoid development in remnant native vegetation;
3. Establish large minimum lot sizes;
4. Conduct comprehensive environmental studies if areas of high environmental sensitivity occur in sites where there is a strong imperative to intensify land use;
5. Include a biodiversity overlay and clauses within the LEP; and
6. Define biodiversity protection and management measures in Development Control Plans (DCPs).

1. Implement appropriate Environmental Zonings

The zone, E1 'National Parks and Nature Reserves', should be applied to all of the OEH estate within the LGA. We also encourage Councils to apply other environmental and water ways zones in appropriate areas.

The E1 zoning is intended to apply to all lands acquired under the *National Parks and Wildlife Act 1974* (NP&W Act), and therefore is not limited to only the 'National Park' and 'Nature Reserve' classifications.

OEH is also strongly supportive of the implementation of appropriate environmental zonings to other areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2-E4 and W1-W2 to provide as much protection as possible to biodiversity and ecological communities. Specific advice regarding the use of these zones is included in Practice Note previously forwarded to Council.

In particular, we advocate the application of the E2 zone to areas of private or Crown lands that are presently managed primarily for conservation (such as crown reserves or areas under conservation covenants).

We also recommend that Travelling Stock Reserves (TSRs) with known conservation values are included in E3 zones at a minimum, although E2 zoning would be preferred. Mapping of TSRs, including identified conservation values, is available via the Grassy Box Woodlands Conservation Management Network. This mapping can be accessed via <http://gbwcmn.net.au/node/6>.

2. Avoid development in remnant native vegetation

- Council, through the Land Use Strategy and LEP, can protect biodiversity by avoiding development such as settlement and other land use intensification, in areas of remnant native vegetation.
- Development should be directed to areas that have already been cleared, unless such areas have been identified as having environmental importance.

Avoiding development in areas of native vegetation will contribute to the achievement of State biodiversity targets.

Settlement should also be avoided in locations that are likely to be targeted for investment. Landholders in such areas may receive incentive funding for protection and enhancement of native vegetation or revegetation of cleared areas.

OEH will not support strategic land use recommendations or LEP provisions that allow further settlement opportunities in these areas, particularly if Council assumes that ongoing management could be effectively controlled by complex DCP rules.

To assist, the best available mapping of remnant native vegetation has been supplied to Council as part of an interagency package of ESA mapping and associated Technical and Practice Notes to help Council identify areas where further settlement intensification should not be allowed. At the broad strategic level, these maps can be used to identify areas that are most likely to be free from significant land, water or biodiversity constraints, therefore more suited to development.

Excluding remnant native vegetation from development pressure on private land could be largely achieved by retaining such areas on relatively large holdings, within RU1 and RU2 zones for example. This would also allow the LLS approval processes, under the NV Act, to be applied.

Similarly, higher density settlement in 'fire prone' locations should be avoided in the first instance. Where residential areas abut native vegetation there is pressure for the required Asset Protection Zones and other hazard management measures to encroach on that vegetation, particularly where adequate existing cleared land has not been retained to fulfil that role.

Avoiding settlement in remnant native vegetation is also likely to avoid bushfire prone lands and protect any Aboriginal cultural heritage that may remain in such areas.

3. Establish large minimum lot size limits

Minimum lot size limits should be large in RU1 and RU2 zones as well as environmentally sensitive areas. This will reduce the pressures of development and settlement on biodiversity in rural lands.

Minimum lot size limits can be used to reduce the pressures of development and settlement on biodiversity. The LEP should define realistically large minimum lot size limits with associated dwelling provisions to control the intensity of development and settlement.

In particular, Council needs to ensure that minimum lot sizes in environmentally sensitive areas are of an appropriately large size to control the cumulative impact of any development and settlement intensification permitted in those areas by the LEP.

Council needs to adopt a risk-based approach to this matter. The selected sizes should be designed to meet expectations of rural living while minimising the adverse environmental impacts of any settlement that may occur with the sub division.

If Council is strongly of the opinion that lot sizes need to be reduced then this should not be applied uniformly across the shire with environmentally sensitive areas excluded from such revisions.

4. Conduct targeted environmental studies

Where development in areas of native vegetation or environmentally sensitive areas cannot be avoided, a targeted environmental study should be conducted. This should focus on ensuring a “maintain or improve” outcome for biodiversity.

Where Council is unable to avoid applying zonings or minimum lot sizes which permit essential development intensification in remnant native vegetation, a targeted study should be conducted to investigate the biodiversity values of the area. Any study should determine how potential impacts can be mitigated or, where this is not possible, offset through conservation management of other areas.

This study and any resulting objectives and zonings should aim to ensure a ‘maintain or improve’ outcome. This is a vital step in the strategic planning process and in effectively addressing the S117 Directions.

5. Include a biodiversity overlay and suitable clauses within the LEP

OEH strongly recommends the use of overlays and associated provisions with the LEP to provide additional protection for biodiversity.

It is particularly important to define assessment and development control provisions for those instances where development or settlement intensification cannot be avoided in remnant native vegetation.

LEPs should include objectives and provisions that require a ‘maintain or improve’ outcome for native vegetation and threatened species whenever clearing of native vegetation or environmentally sensitive areas cannot be avoided

Overlays can also be used to update any existing ‘environmentally sensitive lands’ provisions in current LEP and therefore meet the requirements of the S117 Directions to at least maintain existing environmental protection standards.

Importantly, the use of such overlays is consistent with the Department of Planning and Environment (DP&E) Practice Note PN 09–002v (30 April 2009) on environmental zones¹ which states:

‘Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated (‘overlay’) map.

The benefits of this approach include:

- *The intended conservation or management outcomes for land can be clearly articulated in the LEP.*
- *Areas are clearly defined and controls streamlined.*
- *Sub-zones are not created. (These are not permitted under the standard instrument).*

Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision'.

OEH advocates the inclusion of the environmentally sensitive land overlays developed by the former Departments of Water and Energy, Environment and Climate Change, and Primary Industries (Fisheries). These overlays and clauses have been prepared to provide Council with information on resource assets and environmental constraints and how these assets and constraints should be managed during the assessment of development applications. The use of the environmentally sensitive areas overlays supplied by agencies is now common-place in both exhibited and gazetted LEPs.

The use of these overlays and clauses and how these may affect land uses are outlined in the previously mentioned Practice Note and Technical Note. When implemented in this way the layers and clauses do not exclude development. Rather, they act as a flag for values that may be present at a site. Sites should be checked for these potential values prior to any development approval. If the values are present at the site, the impact should be avoided or, if this is not possible, at the very least minimised and mitigated.

6. Define biodiversity protection and management measures in Development Control Plans

Biodiversity protection and management measures should be defined in DCPs for all areas zoned for rural small holdings, residential and other development intensifications.

We view DCPs as a secondary mechanism to provide biodiversity protection and management measures. It is vital that biodiversity values are first considered strategically in zoning decisions and development assessment provisions. We do not consider it acceptable to completely defer consideration of these matters to the DCP stage.

It is also important to consider the threats to remnant native vegetation posed by adjoining land uses.

For example, threats to biodiversity associated with nearby growth and intensification of residential land use include (but are not limited to):

- Clearing;
- domestic animals;
- invasive plants;
- effluent and waste dispersion;
- changes in hydrology and hydraulics;
- increasing access due to fire trails and other tracks; and
- firewood collection.

Particular attention should be paid to relevant Key Threatening Processes identified and listed under the *Threatened Species Conservation Act 1995* (TSC Act)ⁱⁱ. Mechanisms to abate threats to ESAs (such as implementing codes of practice, best management practice, alternative designs and operations, control technology and buffers between remnant vegetation and small holdings) should be considered.

Council should recognise that buffers may be necessary between environmentally sensitive areas and other land uses. The size of the buffer will vary depending on the nature or activity being undertaken and the level of management control required to prevent or minimise adverse impacts. Provisions should be made to rigorously assess any developments within environmentally sensitive areas and adjoining buffers to prohibit land uses and activities that threaten the ecological integrity, values and function of the area.

Some forms of development adjacent to national parks and reserves can impact on their values and should be avoided or restricted. Council should consider how these areas could be buffered from incompatible development and activities so that potential conflicts can be minimised.

The OEH Guidelines for Developments Adjoining OEH Estateⁱⁱⁱ have been designed to assist Councils when they are assessing development on lands adjoining OEH estate. However, the issues

identified in these guidelines are also relevant when considering buffers for protection of environmentally sensitive areas.

ABORIGINAL CULTURAL HERITAGE

Land Use Strategies, LEPs and DCPs should aim to identify and protect culturally sensitive areas, rather than relying on site by site development assessment.

Aboriginal objects, places and areas are protected across all land tenure under the NPWS Act. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage.

It is clear from the S117 directions and mandatory clauses in the Standard Instrument that DP&E supports a **strategic approach** to the protection of Aboriginal cultural heritage. Provisions to facilitate the strategic conservation of Aboriginal cultural and heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.

We strongly recommend that Councils develop planning strategies that result in the **avoidance** of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.

Specifically, it is important to:

- Develop a framework for effective Aboriginal engagement; and
- Identify sensitive and least sensitive areas through:
 - accessing existing Aboriginal site information;
 - cross reference to landscape information;
 - assessment of areas of potential development/settlement intensification;
 - use of the Department's search tools;
 - reports from previous studies.
 - Aboriginal knowledge; and by
 - Undertaking site surveys to ground truth assumptions.

We offer the following advice to aid Council efforts in adequately addressing Aboriginal cultural heritage assessment and protection within strategic planning documents and environmental planning instruments:

1. The Aboriginal Heritage Information Management System

Councils should contact the OEH to seek access to the Aboriginal Heritage Information Management System (AHIMS) prior to the drafting of any new Land Use Strategy or LEP. AHIMS is the State register of known Aboriginal site locations. A data licence agreement between the OEH and Council can be prepared on application. Information about obtaining a data licence is available on the OEH website^{iv}. Alternatively, the AHIMS Registrar can be contacted by phone on (02) 9585 6513 or (02) 9585 6345 or by email at ahims@environment.nsw.gov.au.

2. Aboriginal Heritage Study

We recommend using the AHIMS data, along with any previous landscape assessments of the occurrence of Aboriginal objects and sensitive areas, to assist in developing effective strategies to assess impacts to Aboriginal sites in areas being considered for future development. The selection of landscape mapping to overlay with AHIMS site data will highlight distribution patterns between landscape features and Aboriginal sites. This information can assist in identifying potential areas of sensitivity in locations where no location information for Aboriginal sites exists.

OEH can be contacted to advise on data searches for previous cultural and heritage studies undertaken in each Council LGA, and discuss the potential for appropriate desktop tools for use in cultural heritage management.

We recommend that the strategic planning process be used to initiate the development of a strategic framework for engaging local Aboriginal community interests to ensure that active engagement with Aboriginal people evolves over time.

3. Implement a range of tools to ensure strategic management of Aboriginal cultural heritage

We strongly recommend that Councils aim to protect identified areas of Aboriginal cultural sensitivity through:

- The designation of appropriate zoning provisions and boundaries where possible,
- Inclusion on the Heritage Map of any specific important areas identified (which will enable the mandatory clauses in the Standard Instrument to be effectively applied),
- The generation of a cultural heritage constraints map which could be used in a similar way to the ESA layers provided by the natural resource management agencies,
- Appropriate provisions within DCPs to ensure adequate assessment and protection of Aboriginal cultural heritage values,
- Formation of an Aboriginal community Advisory Group to ensure on going input and dialogue on identification and management of Aboriginal cultural heritage for the LGA

4. Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales^v

This code of practice is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The NPW Act allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the *National Parks and Wildlife Regulation 2009* (NPW Regulation) made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments.

This code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- identify whether or not Aboriginal objects are, or are likely to be, present in an area
- determine whether or not their activities are likely to harm Aboriginal objects (if present)
- determine whether an AHIP application is required.

When formulating DCPs and other planning controls, Council should require proponents to undertake due diligence in accordance with the Code of Practice. Proponents should provide Council with evidence that the due diligence process has been followed.

ⁱ <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/~media/F1001EC0B1C443CD83286163B43891B8.ashx>

ⁱⁱ **Key Threatening Processes:**

<http://www.environment.nsw.gov.au/threatenedspecies/KeyThreateningProcesses.htm>

ⁱⁱⁱ **Guidelines for Development Adjoining DECCW Estate:**

<http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm>

^{iv} <http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>

^v **Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW**

<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>



**Department of
Primary Industries
Water**

Contact Christie Jackson

Phone 02 6763 1426

Email christie.jackson@dpi.nsw.gov.au

Mr B Hayes
Weddin Shire Council
PO Box 125
GRENFELL NSW 2810

mail@weddin.nsw.gov.au

Dear Mr Hayes,

Weddin Shire Council Draft Rural Settlement Project & Addendum

I refer to your email dated 2 September 2016 to the Department of Primary Industries - Water (DPI Water) in respect to the above matter.

DPI Water understands the Rural Settlement Project was prepared in 2011/2012 and adopted by Council but is yet to be endorsed by the Department of Planning and Environment. It is noted that Council have provided an update which includes a number of key recommended changes to existing planning controls relating to the northern, north-eastern, eastern and southern R5 areas.

DPI Water has reviewed the addendum and understands the changes are in relation to a change in the minimum lot size for each area, and our comments are outlined as follows.

Water Supply:

DPI Water considers access to a sustainable water supply a key factor in determining suitable locations for future development and an issue Council should give careful consideration to. DPI Water has provided comment on a number of planning proposals recently and our comments have focused on ensuring there is an adequate and secure water supply to service any potential new developments. The documents outline reticulated water services would not be provided to the areas identified in the report and each household would be required to collect rainwater for potable water.

The water demands for a rural residential lot require consideration of both potable and non-potable requirements. A number of planning proposals recently reviewed were relying on rainwater to service the developments which may not be sustainable in areas of varied rainfall, such as the Weddin Shire area. DPI Water's preference is for all new developments to be serviced by reticulated water supply. In areas where this is not feasible, DPI Water recommends appropriate studies are undertaken for areas identified for future development to ensure the required volumes of water can be supplied long term and in times of varied climate, without placing pressure on groundwater resources.

Provision of Sewage Services:

The documents outline that reticulated sewer is unlikely to be provided to large lot residential lots due to the significant cost. DPI Water has concerns about potential contamination impacts on groundwater in areas where there are no council services. DPI Water assumes detailed information would be provided at the development application stage however consideration should be given to the potential increase of effluent disposal systems as a result of additional dwellings. There is the potential for groundwater impacts if onsite sewerage disposal systems are used. The Environment and Health Protection Guideline: On-site Sewage Management for Single Households (1998) recommends appropriate buffer widths between potential contamination sources and water supply sources.

DPI Water also advises Council of the buffer requirement of at least 250 metres between groundwater bores and septic tanks as outlined in the Water Sharing Plan for the Murray Darling Basin Fractured Rock Groundwater Sources. The 1ha and 2ha lot sizes proposed may not be able to meet this requirement. It is recommended Council give consideration of an appropriate lot size to meet this requirement.

Groundwater

The information provided does not include detailed information on groundwater for the areas included as part of the rural settlement project. Council should consider the impacts of future developments on the site on groundwater, in particular on areas identified as having moderate to high groundwater vulnerability. Council should consider locating future settlement intensification (in particular new subdivisions) away from vulnerable groundwater resources and existing groundwater users. This minimises land use conflict, maintains existing industries reliant on water supply and achieves important environmental outcomes for the systems connected to these sources.

Watercourse Management

The information provided outlines there are a number of watercourses throughout the areas identified as part of the rural settlement project. It is noted that Council understands the requirement for the provision of setbacks and also the requirement to obtain a Controlled Activity Approval under the Water Management Act 2000 for works within 40 metres of the high bank of a watercourse. The information provided also acknowledges in some areas the provision of setbacks may limit the number of potential lots.

DPI Water has concerns about the impacts of future development on these watercourses. It is unclear how these watercourses would be managed in the future but it is expected the management of these watercourses will need to be outlined in detail during the development application process. It is recommended that Council incorporate appropriate buffers to maintain the integrity of the watercourses on the sites.

As Council is aware, any works proposed within 40 metres of the high bank of the watercourses on site should be carried out in accordance with the Department of Primary Industries – Water's Guidelines for Controlled Activities. A Controlled Activity Approval under the *Water Management Act 2000* may be required for works undertaken as part of any future development on the site. Any future development application submitted to Council will be required to outline any works proposed within 40 metres of the high bank of a watercourse in detail.

Future Development Application: It is expected any future development applications for the areas as part of the rural settlement project should include information on the following issues, including, but not limited to:

- Impacts of the development on surface water and groundwater;
- Impacts on any watercourses/ wetlands on or adjacent to the site;
- Management of stormwater;
- Consideration and provision of adequate setbacks or buffers to sensitive areas such as watercourse, wetlands;
- Provision of infrastructure and services;
- Consideration of potential off-site impacts;
- Consideration of all relevant guidelines.

In conclusion, DPI Water recommends Council carefully consider the lot sizes proposed and give consideration to providing adequate services for both water and sewer to mitigate impacts to the water resources and future conflict between landholders in accessing water supplies.

For further information please contact Christie Jackson, Water Regulation Officer, Tamworth, 02 6763 1426, christie.jackson@dpi.nsw.gov.au

Yours sincerely,



Vickie Chatfield
Regional Manager
Water Regulatory Operations



**Department of
Primary Industries
Water**

Contact Christie Jackson

Phone 02 6763 1426

Email christie.jackson@dpi.nsw.gov.au

Brian Hayes
Weddin Shire Council
PO Box 125
GRENFELL NSW 2810

mail@weddin.nsw.gov.au

Dear Mr Hayes,

Planning Proposal - R5 Large Lot Residential Land

I refer to your letter dated the 18 August 2016 to the Department of Primary Industries – Water (DPI Water) in respect to the above matter.

DPI Water understands the planning proposal seeks to modify the Local Environmental Plan (LEP) to provide additional zone R5 Large Lot Residential Land at Grenfell. DPI Water understands the addendum to the Rural Settlement Project which DPI Water recently reviewed and provided comment to Council on supports this planning proposal. The planning proposal involves altering the lot sizes in the Grenfell area.

The addendum outlined a number of constraints with the land identified as part of the planning proposal including topography, vegetation, watercourses and potential land use conflicts. DPI Water understands Council has determined the lot sizes in the identified areas to enable the protection of natural resources, significant vegetation and providing setbacks to watercourses. DPI Water has reviewed the planning proposal and recommends the following issues should be considered.

Water Supply:

DPI Water considers access to a sustainable water supply a key factor in determining suitable locations for future development and an issue Council should give careful consideration to. DPI Water has provided comment on a number of planning proposals recently and our comments have focused on ensuring there is an adequate and secure water supply to service any potential new developments. The documents outline in some areas there is the potential to connect to reticulated water. However, it is likely the collection of rainwater would be a source of potable water for sites that are unable to connect to council services.

The water demands for a rural residential lot require consideration of both potable and non-potable requirements. DPI Water's preference is for all new developments to be serviced by reticulated water supply. In areas where this is not feasible, DPI Water recommends

appropriate studies are undertaken for areas identified for future development to ensure the required volumes of water can be supplied long term and in times of varied climate, without placing pressure on groundwater resources.

Provision of Sewage Services:

The documents outline that large lot residential development will not be connected to reticulated sewerage services and will rely on on-site effluent management. It also outlines the suitability of lot sizes and areas can be determined through geo-technical testing at the development application stage.

DPI Water has concerns about potential contamination impacts on groundwater in areas where there are no council services. DPI Water assumes detailed information would be provided at the development application stage however consideration should be given to the potential increase of effluent disposal systems as a result of additional dwellings. There is the potential for groundwater impacts if onsite sewerage disposal systems are used. The Environment and Health Protection Guideline: On-site Sewage Management for Single Households (1998) recommends appropriate buffer widths between potential contamination sources and water supply sources.

DPI Water also advises Council of the buffer requirement of at least 250 metres between groundwater bores and septic tanks as outlined in the Water Sharing Plan for the Murray Darling Basin Fractured Rock Groundwater Sources. The 1ha and 2ha lot sizes proposed may not be able to meet this requirement. It is recommended Council give consideration of an appropriate lot size to meet this requirement.

Groundwater

The information provided does not include detailed information on groundwater for the areas included as part of the planning proposal. Council should consider the impacts of future developments on the site on groundwater, in particular on areas identified as having moderate to high groundwater vulnerability. Council should consider locating future settlement intensification (in particular new subdivisions) away from vulnerable groundwater resources and existing groundwater users. This minimises land use conflict, maintains existing industries reliant on water supply and achieves important environmental outcomes for the systems connected to these sources. DPI Water expects more detailed groundwater information should be provided at the development application stage.

Watercourse Management

The information provided outlines there are a number of watercourses throughout the areas identified as part of the planning proposal. It is noted that Council understands the requirement for the provision of setbacks and also the requirement to obtain a Controlled Activity Approval under the Water Management Act 2000 for works within 40 metres of the high bank of a watercourse. The information provided also acknowledges in some areas the provision of setbacks may limit the number of potential lots.

DPI Water has concerns about the impacts of future development on these watercourses. It is unclear how these watercourses would be managed in the future but it is expected the management of these watercourses will need to be outlined in detail during the development application process. It is recommended that Council incorporate appropriate buffers to maintain the integrity of the watercourses on the sites.

As Council is aware, any works proposed within 40 metres of the high bank of the watercourses on site should be carried out in accordance with the Department of Primary Industries – Water's Guidelines for Controlled Activities. A Controlled Activity Approval under the *Water Management Act 2000* may be required for works undertaken as part of any future development on the site. Any future development application submitted to Council will be required to outline any works proposed within 40 metres of the high bank of a watercourse in detail.

Future Development Application:

It is expected any future development applications for the areas as part of the rural settlement project should include information on the following issues, including, but not limited to:

- Impacts of the development on surface water and groundwater;
- Impacts on any watercourses/ wetlands on or adjacent to the site;
- Management of stormwater;
- Consideration and provision of adequate setbacks or buffers to sensitive areas such as watercourse, wetlands;
- Provision of infrastructure and services;
- Consideration of potential off-site impacts;
- Consideration of all relevant guidelines.

For further information please contact Christie Jackson, Water Regulation Officer, Tamworth, 02 6763 1426, christie.jackson@dpi.nsw.gov.au

Yours sincerely



Vickie Ghatfield
Regional Manager, Regulatory Operations

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**Department of
Primary Industries
Water**

Contact Christie Jackson

Phone 02 6763 1426

Email christie.jackson@dpi.nsw.gov.au

Mr B Hayes
Weddin Shire Council
PO Box 125
GRENFELL NSW 2810

mail@weddin.nsw.gov.au

Dear Mr Hayes,

Weddin Shire Council Draft Rural Settlement Project & Addendum

I refer to your email dated 2 September 2016 to the Department of Primary Industries - Water (DPI Water) in respect to the above matter.

DPI Water understands the Rural Settlement Project was prepared in 2011/2012 and adopted by Council but is yet to be endorsed by the Department of Planning and Environment. It is noted that Council have provided an update which includes a number of key recommended changes to existing planning controls relating to the northern, north-eastern, eastern and southern R5 areas.

DPI Water has reviewed the addendum and understands the changes are in relation to a change in the minimum lot size for each area, and our comments are outlined as follows.

Water Supply:

DPI Water considers access to a sustainable water supply a key factor in determining suitable locations for future development and an issue Council should give careful consideration to. DPI Water has provided comment on a number of planning proposals recently and our comments have focused on ensuring there is an adequate and secure water supply to service any potential new developments. The documents outline reticulated water services would not be provided to the areas identified in the report and each household would be required to collect rainwater for potable water.

The water demands for a rural residential lot require consideration of both potable and non-potable requirements. A number of planning proposals recently reviewed were relying on rainwater to service the developments which may not be sustainable in areas of varied rainfall, such as the Weddin Shire area. DPI Water's preference is for all new developments to be serviced by reticulated water supply. In areas where this is not feasible, DPI Water recommends appropriate studies are undertaken for areas identified for future development to ensure the required volumes of water can be supplied long term and in times of varied climate, without placing pressure on groundwater resources.

Provision of Sewage Services:

The documents outline that reticulated sewer is unlikely to be provided to large lot residential lots due to the significant cost. DPI Water has concerns about potential contamination impacts on groundwater in areas where there are no council services. DPI Water assumes detailed information would be provided at the development application stage however consideration should be given to the potential increase of effluent disposal systems as a result of additional dwellings. There is the potential for groundwater impacts if onsite sewerage disposal systems are used. The Environment and Health Protection Guideline: On-site Sewage Management for Single Households (1998) recommends appropriate buffer widths between potential contamination sources and water supply sources.

DPI Water also advises Council of the buffer requirement of at least 250 metres between groundwater bores and septic tanks as outlined in the Water Sharing Plan for the Murray Darling Basin Fractured Rock Groundwater Sources. The 1ha and 2ha lot sizes proposed may not be able to meet this requirement. It is recommended Council give consideration of an appropriate lot size to meet this requirement.

Groundwater

The information provided does not include detailed information on groundwater for the areas included as part of the rural settlement project. Council should consider the impacts of future developments on the site on groundwater, in particular on areas identified as having moderate to high groundwater vulnerability. Council should consider locating future settlement intensification (in particular new subdivisions) away from vulnerable groundwater resources and existing groundwater users. This minimises land use conflict, maintains existing industries reliant on water supply and achieves important environmental outcomes for the systems connected to these sources.

Watercourse Management

The information provided outlines there are a number of watercourses throughout the areas identified as part of the rural settlement project. It is noted that Council understands the requirement for the provision of setbacks and also the requirement to obtain a Controlled Activity Approval under the Water Management Act 2000 for works within 40 metres of the high bank of a watercourse. The information provided also acknowledges in some areas the provision of setbacks may limit the number of potential lots.

DPI Water has concerns about the impacts of future development on these watercourses. It is unclear how these watercourses would be managed in the future but it is expected the management of these watercourses will need to be outlined in detail during the development application process. It is recommended that Council incorporate appropriate buffers to maintain the integrity of the watercourses on the sites.

As Council is aware, any works proposed within 40 metres of the high bank of the watercourses on site should be carried out in accordance with the Department of Primary Industries – Water's Guidelines for Controlled Activities. A Controlled Activity Approval under the *Water Management Act 2000* may be required for works undertaken as part of any future development on the site. Any future development application submitted to Council will be required to outline any works proposed within 40 metres of the high bank of a watercourse in detail.

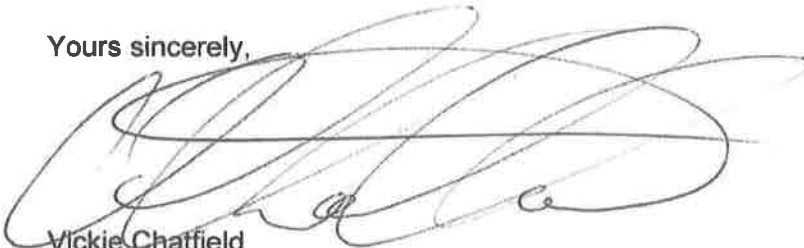
Future Development Application: It is expected any future development applications for the areas as part of the rural settlement project should include information on the following issues, including, but not limited to:

- Impacts of the development on surface water and groundwater;
- Impacts on any watercourses/ wetlands on or adjacent to the site;
- Management of stormwater;
- Consideration and provision of adequate setbacks or buffers to sensitive areas such as watercourse, wetlands;
- Provision of infrastructure and services;
- Consideration of potential off-site impacts;
- Consideration of all relevant guidelines.

In conclusion, DPI Water recommends Council carefully consider the lot sizes proposed and give consideration to providing adequate services for both water and sewer to mitigate impacts to the water resources and future conflict between landholders in accessing water supplies.

For further information please contact Christie Jackson, Water Regulation Officer, Tamworth, 02 6763 1426, christie.jackson@dpi.nsw.gov.au

Yours sincerely,



Vickie Chatfield
Regional Manager
Water Regulatory Operations

20-9-16



NSW RURAL FIRE SERVICE



The General Manager
Weddin Shire Council
PO Box 125
GRENFELL NSW 2810

Your reference: BJH:IKH T2.1.9
Our reference: L10/0007
DA16080103115 KV

15 August 2016

Attention: B J Hayes

Dear Sir/Madam,

Planning Proposal to provide additional Zone R5 Large Lot Residential Land at Grenfell

Reference is made to Council's correspondence dated 18 July 2016 seeking comments in relation to the above planning proposal which seeks to modify land use zones and minimum lot sizes for the identified study areas located to the north, north east, east and south of Grenfell.

Based upon an assessment of the information provided, the New South Wales Rural Fire Service raises no objection to the proposed amendments to *Weddin Local Environmental Plan 2011* to provide additional Zone R5 Large Lot Residential land.

Future residential development on bush fire prone lands in each of the study areas as identified on the Weddin Shire Council's Bush Fire Prone Land Maps is required to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*. The provision of asset protection zones (APZs) for future development commensurate with the bush fire risk and the accessibility to the lots for fire fighting purposes needs consideration, particularly in the north and north eastern study areas. Even though the eastern and southern study areas do not retain significant bush fire prone lands, the bush fire risk posed by unmanaged grasslands is required to be considered in the planning and future development stages.

If you have any queries regarding this advice, please contact Kalpana Varghese, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Jason Maslen
Team Leader, Development Assessment and Planning
Planning and Environment Services (East)

Postal address
NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address
NSW Rural Fire Service
Planning and Environmental Services (East)
42 Lamb Street
GLENDENNING NSW 2781

T 1300 NSW RFS
F (02) 8741 6433
E csco@rfs.nsw.gov.au
www.rfs.nsw.gov.au

