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|---------------------------------|---|
| <b>DATE OF DETERMINATION</b>    | 10 July 2025  |
| <b>DATE OF PANEL DECISION</b>   | 9 July 2025   |
| <b>PANEL MEMBERS</b>            | Garry Fielding (Chair), Graham Brown, Scott Barwick |
| <b>APOLOGIES</b>                | Donna Rygate  |
| <b>DECLARATIONS OF INTEREST</b> | None  |

Papers circulated electronically on 3 July 2025.

#### **MATTER DETERMINED**

PPSWES-301 – Brewarrina – DA05-2024 at 22 Wilson Street, Brewarrina – Demolition of existing dwelling house and construction of two new dwelling houses (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the following reasons:

- Having regard to the relevant matters for consideration under section 4.15(1) of the EP&A Act 1979 the proposed development warrants the granting of consent. In particular, it complies with all relevant provisions applying to the subject land under section 4.15(1)(a); its environmental, social and economic impacts in the locality are acceptable [section 4.15(1)(b)]; the site is suitable for the proposed development [section 4.15(1)(c)]; and approval of the proposed development is in the public interest [section 4.15(1)(e)].
- The proposed development satisfies the provisions of clause 5.21 Flood Planning under the Brewarrina LEP 2012 as the land is located within the area of Brewarrina protected by a flood mitigation levee.
- The Panel considers that the Council was incorrect in seeking to refuse consent to the proposed development by considering matters that are not relevant to the consent authority's statutory authority under section 4.15(1) of the EP&A Act 1979.

#### **CONDITIONS**

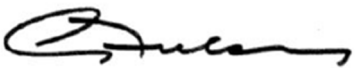
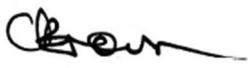

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition no.13 is deleted at the request of the Applicant/Crown.
- New condition no.1 is added to refer to the plans and documents submitted with the application as per standard practice.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered the two written submissions made during public exhibition. The Panel notes that issues of concern principally related to bedroom density and the demolition of the

existing dwelling house to make way for the proposed development. The Panel does not support these issues of concern.

| PANEL MEMBERS   |  |
|---|--|
| <br>Garry Fielding (Chair) | <br>Graham Brown |
| <br>Scott Barwick          |  |

| SCHEDULE 1 |   |   |
|------------|---|---|
| 1          | PANEL REF – LGA – DA NO.                              | PPSWES-301 – Brewarrina – DA 05-2024  |
| 2          | PROPOSED DEVELOPMENT                                  | Demolition of existing dwelling and construction of two new dwellings   |
| 3          | STREET ADDRESS  | 22 Wilson Street, Brewarrina  |
| 4          | APPLICANT/OWNER                                       | Aboriginal Housing Office   |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | Crown development referred under section 4.33 of the EP&A Act   |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ State Environmental Planning Policy (Housing) 2021</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Brewarrina Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>• Council Assessment Report: 22 June 2025</li> <li>• Written submissions during public exhibition: 2</li> </ul>  |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Preliminary Briefing: 10 June 2025 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate</li> <li>◦ <u>Council assessment staff</u>: Phil Denniston</li> <li>◦ <u>Applicant representatives</u>: Marrii Walker, Martina Boktor, Jonathon Matta, Ash Livingston, Naef Qassis, Lyall Gibbs</li> <li>◦ <u>Department staff</u>: Nikita Lange, Jade Buckman</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 8 July 2025 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Scott Barwick</li> <li>◦ <u>Council assessment staff</u>: Phil Denniston</li> <li>◦ <u>Applicant representatives</u>: Marrii Walker, Martina Boktor, Jonathon Matta, Ash Livingston, Naef Qassis, Lyall Gibbs</li> <li>◦ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman</li> </ul> </li> </ul>  |
| 9          | COUNCIL RECOMMENDATION                                | Refusal   |
| 10         | DRAFT CONDITIONS                                      | Attached to the Council Assessment Report   |