

## COUNCIL ASSESSMENT REPORT

### WESTERN REGIONAL PLANNING PANEL

|                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PANEL REFERENCE &amp; DA NUMBER</b>                                     | PPSWES-304 – DA 2025/0011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>PROPOSAL</b>                                                            | Information and education facility (Back O' Bourke Information and Exhibition Centre)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>ADDRESS</b>                                                             | Lot 153 DP 1068536 – 49 Moculta Street, Bourke                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>APPLICANT</b>                                                           | Bourke Shire Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>OWNER</b>                                                               | Bourke Shire Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>DA LODGEMENT DATE</b>                                                   | 30 June 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)</b> | Development Application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>REGIONALLY SIGNIFICANT CRITERIA</b>                                     | Section 2.19(1) and Clause 3(a)-(c) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as:<br>The proposed estimated development cost exceeds \$5 million, Council is identified as the applicant for development consent, is the landowner and the proponent responsible for carrying out the development.                                                                                                                                                                                                  |
| <b>CIV</b>                                                                 | \$5,159,295.00 (excluding GST)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>CLAUSE 4.6 REQUESTS</b>                                                 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>KEY SEPP/LEP</b>                                                        | <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>Bourke Local Environmental Plan 2012; and</i></li> <li>• <i>Bourke Development Control Plan 2012.</i></li> </ul> |
| <b>TOTAL &amp; UNIQUE SUBMISSIONS KEY</b>                                  | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|                                                     |           |                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ISSUES SUBMISSIONS</b>                           | <b>IN</b> |                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>        |           | <ul style="list-style-type: none"> <li>- Civil Engineering Plan;</li> <li>- Cost Estimate Report;</li> <li>- Flood Risk Management Report;</li> <li>- NABERS Embodied Emissions Materials Form;</li> <li>- Owner's Consent;</li> <li>- Site, Floor, Elevations, Section Plans;</li> <li>- Statement of Environmental Effects;</li> <li>- Structural Engineers Report.</li> </ul> |
| <b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b> |           | N/A                                                                                                                                                                                                                                                                                                                                                                              |
| <b>RECOMMENDATION</b>                               |           | Approval                                                                                                                                                                                                                                                                                                                                                                         |
| <b>DRAFT CONDITIONS TO APPLICANT</b>                |           | YES                                                                                                                                                                                                                                                                                                                                                                              |
| <b>SCHEDULED MEETING DATE</b>                       |           | 4 February 2026                                                                                                                                                                                                                                                                                                                                                                  |
| <b>PLAN VERSION</b>                                 |           | 9 December 2024 Issue A <ul style="list-style-type: none"> <li>- Location plan; and</li> <li>- Materials and perspective.</li> </ul> 10 March 2025, Issue B <ul style="list-style-type: none"> <li>- Site plan;</li> <li>- Ground floor plan;</li> <li>- West and south elevations;</li> <li>- East elevation;</li> <li>- Roof Plan; and</li> <li>- Sections.</li> </ul>         |
| <b>PREPARED BY</b>                                  |           | Premise Australia Pty Ltd on behalf of Bourke Shire Council                                                                                                                                                                                                                                                                                                                      |
| <b>DATE OF REPORT</b>                               |           | 12 January 2026                                                                                                                                                                                                                                                                                                                                                                  |

## EXECUTIVE SUMMARY

Development Application DA 2025/0011 seeks consent for an *information and education facility* (Back O' Bourke Information and Exhibition Centre) at 49 Moculta Street, Bourke, being Lot 153 DP 1068536.

The proposed development comprises construction of a new visitor information / education and exhibition facility, together with associated civil works, landscaping, five (5) additional car parking spaces, stormwater works, relocation of the existing caravan waste dumping point, and relocation of existing services.

The proposed development is regionally significant development under section 2.19(1) and Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* because the capital investment value exceeds \$5 million, and Bourke Shire Council is identified as the applicant for development consent, is the landowner and the proponent responsible for

carrying out the development. Accordingly, the Western Regional Planning Panel is the consent authority.

The development site is located within the existing Back O' Bourke Exhibition Centre. The site is separated from the Darling River by the Bourke town levee and is serviced by existing reticulated infrastructure.

The proposed development is permissible with consent in the SP3 Tourist zone and is consistent with the relevant objectives of the LEP and the DCP.

There are no draft/proposed instruments relevant to the assessment. Bourke Shire Council does not have an adopted section 7.11 or 7.12 contributions plan applicable to the site.

Public notification was undertaken in accordance with Council's Community Participation Plan, and no submissions were received.

Key issues addressed in the assessment include:

- Essential Energy infrastructure: Essential Energy raised no objection, subject to conditions requiring demonstrated compliance with minimum clearance distances / encroachment approvals and relevant safety requirements prior to Construction Certificate.
- Flooding / Bourke town levee: Flood risk has been addressed through the Flood Risk Management Report and adoption of appropriate finished floor levels. The structural engineering assessment confirms the proposal will not adversely affect the levee's integrity or flood performance, subject to detailed design being finalised at Construction Certificate stage.
- Servicing, stormwater and civil works: Council's Works Department supports the proposal subject to conditions requiring further detail at Construction Certificate stage.

On balance, the assessment concludes the proposed development is considered acceptable as the site is suitable, likely impacts can be appropriately managed and the proposed development will deliver positive cultural, social and economic benefits.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 2025/0011 is recommended for approval subject to the reasons contained at **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

- The development site is Lot 153 DP 1068536 – 49 Moculta Street, Bourke.
- Lot 153 has dimensions of approximately 430m by 349m, is irregular in shape, and is approximately 13.05 hectares (ha) in size, fronting Moculta Street (south-east). The development site is gently undulating from approximately 106 m AHD at Moculta Street frontage to 100 m AHD at the Darling River (north-west).
- The existing adjoining development consists of rural residential and large lot residential to the north-east, general residential to the south-west, and the Darling River to the west (approximately 209m west of the development site).

- The existing Back O' Bourke Exhibition Centre and proposed development site is physically separated from the Darling River by the existing Bourke town levee that traverses the site. The levee ranges in height from 107.57m – 107.26m AHD, running parallel to the Darling River. Portions of the site are subject to localised flooding/ponding during the 1% AEP rain event pursuant to the Bourke Flood Risk Management Plan 2022 (Lyll & Associates). The Flood Planning Level for the site is determined as 104.95m AHD and includes 500mm freeboard to the 1% AEP flood level.
- Existing vegetation within the site comprises of grass coverage and mature trees dispersed across the site, planted as part of the original construction of the Back O' Bourke Exhibition Centre in 2009.
- The site is located approximately 1.4km north-east of Bourke CBD and adjoins local heritage item I10 – Darling River (Crown Land).
- The site is not identified as Bush Fire Prone Land.
- The development site is serviced by reticulated trunk services including sewer, water, electricity and stormwater.

*Figure 1 – Locality of the development site*



*Figure 2 – Aerial photograph of the development site*



## 1.2 The Locality

- The locality surrounding the subject site is characterised by a mix of rural residential, large lot residential and general residential development to the north, east and south. To the west the site is bound by the Darling River, with the development site being traversed by the Bourke Town Levee, separating the development site from the Darling River.
- There are no other developments within the locality of similar purpose or scale.
- The site is fully serviced by reticulated water and sewer, electrical, telecommunications and existing vehicular access to Moculta Street.

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The proposal seeks consent for **information and education facilities**. An information and education facility is defined by the Bourke LEP as:

*means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.*

As outlined in Barnsons' Statement of Environmental Effects (SEE), the proposal involves:

- Construction of a proposed building 5, which consists of;
  - Welcome room, three (3) exhibition rooms, store and control rooms and deck;
  - Loadbearing masonry walls, earth render finish;
  - Masonry retaining wall with dish drain cavity, lightweight wall to interior, earth render finish; and
  - Pigmented concrete planted roof and earth rendered periscopes;
- Five (5) additional car spaces for staff and accessible parking;
- Outdoor experience area which is to be landscaped;
- Rendered retaining and projection wall, rock and native vegetation landscaping;
- Relocate caravan waste dumping point;
- Relocated overflow channel;
- Relocate existing high voltage underground powerline.
- Civil Works including:
  - New asphalt pavement to connect to existing carpark;
  - Proposed rock lined dry creek bed and culverts;
  - Discharge to existing stormwater pump station;
  - Landscaping areas graded to dry creek bed;
  - Cavity wall drainage within building; and
  - Proposed vegetated swale (600 wide) with subsoil drainage below.

**Table 1: Development Data**

| Control                  | Proposal          |
|--------------------------|-------------------|
| Site area                | <b>13.05ha</b>    |
| GFA                      | 621m <sup>2</sup> |
| FSR (retail/residential) | N/A               |

|                     |                                                                                                                                           |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Clause 4.6 Requests | No                                                                                                                                        |
| No of apartments    | N/A                                                                                                                                       |
| Max Height          | 12.12m                                                                                                                                    |
| Landscaped area     | Majority of the lot is landscaped area.                                                                                                   |
| Car Parking spaces  | Additional 5 carparking spaces<br>Total development site has approximately 200 carparking spaces.                                         |
| Setbacks            | ~109.9m to front boundary<br>~40.4m to south-west side boundary<br>~225m to north-west rear boundary<br>~250m to north-east side boundary |

## 2.2 Background

The development application was lodged on **30 June 2025**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

| Date                    | Event                                             |
|-------------------------|---------------------------------------------------|
| <b>30 June 2025</b>     | DA lodged                                         |
| <b>2 July 2025</b>      | Exhibition of the application (28 Days)           |
| <b>30 June 2025</b>     | DA referred to external agencies                  |
| <b>8 October 2025</b>   | Request for Information from Council to applicant |
| <b>19 November 2025</b> | Additional information received from applicant    |

## 2.3 Site History

- The development site forms part of the existing Back O' Bourke Exhibition Centre, in operation since 2009, the approved use of the site is for an information and education facility.
- There are no concurrent applications currently being considered at the development site.

## 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and*

Assessment Act 1979 ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (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.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Crown DA (s4.33)

The proposal does require referral (s4.13), which is further considered below.

### **3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### **(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Bourke Local Environmental Plan 2012; and*
- *Bourke Development Control Plan 2012.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**  
(put Preconditions in **bold**)

| <b>EPI</b>                        | <b>Matters for Consideration</b>                                                                                                                                                                                                                                                                                        | <b>Comply (Y/N)</b> |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Biodiversity & Conservation 2021  | <b>Chapter 2: Vegetation in non-rural areas</b><br><b>Chapter 4: Koala Habitat Protection 2021</b>                                                                                                                                                                                                                      | Y                   |
| Sustainable Buildings 2022        | <b>Chapter 3 Standards for non-residential development</b>                                                                                                                                                                                                                                                              | Y                   |
| Planning Systems 2021             | <b>Chapter 2: State and Regional Development</b>                                                                                                                                                                                                                                                                        | Y                   |
| Resilience & Hazards 2021         | <b>Chapter 4: Remediation of Land</b>                                                                                                                                                                                                                                                                                   | Y                   |
| Transport and Infrastructure 2021 | <b>Chapter 2: Infrastructure</b>                                                                                                                                                                                                                                                                                        | Y                   |
| Proposed Instruments              | No draft instruments.                                                                                                                                                                                                                                                                                                   | Y                   |
| LEP                               | <ul style="list-style-type: none"> <li>• Clause 1.2 - Aims of Plan</li> <li>• Clause 2.3 - Zone objectives and Land Use Table</li> <li>• Clause 5.21 - Flood planning</li> <li>• Clause 6.1 - Earthworks</li> <li>• Clause 6.3 - Development on river front areas</li> <li>• Clause 6.5 – Essential services</li> </ul> | Y                   |
| DCP                               | <ul style="list-style-type: none"> <li>• Chapter 2 – Information Requirements</li> <li>• Chapter 3 – Natural Hazards</li> <li>• Chapter 6 – General Development Specifications</li> </ul>                                                                                                                               | Y                   |

The development site is 49 Moculta Street, Bourke being Lot 153 DP 1068536 and therefore the below SEPP is relevant to the development application.

- ***State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('BC SEPP')***

## Chapter 2: Vegetation in non-rural areas

Section 2.6(1) requires approval from council for removal of vegetation to which Part 2.3 applies. Part 2.3 provides that a DCP may declare relevant vegetation. The DCP does not declare any vegetation for the purposes of the BC SEPP. Accordingly, the proposal does not involve the clearing of vegetation to which Chapter 2 controls apply.

Notwithstanding this, the proposed development has been designed to minimise vegetation removal. The 17 trees proposed to be relocated were originally planted in approximately 2009 as part of the landscaping associated with the original Back 'O Bourke Exhibition Centre development and do not comprise remnant native vegetation of the area.

## Chapter 4: Koala Habitat Protection 2021

Section 4.9 requires Council to consider whether the proposed development is likely to have an impact on koalas or koala habitat.

The site is partly mapped within the *NSW Koala Habitat Information Base – NSW Vegetation Extent* as tree cover. This mapping is broad scale and indicative, and the mapped areas correspond to introduced landscaping associated with the existing exhibition centre rather than areas of naturally occurring koala habitat.

The site does not include mapped Core Koala Habitat, and the species composition of the trees proposed for relocation are not known to comprise prescribed koala feed tree species listed under the BC SEPP.

The proposal involves the relocation of 17 landscaped trees to facilitate the development. To offset this impact and maintain overall canopy cover, the proposal includes the planting 36 trees and extensive new landscaping across the site, resulting in a net increase in tree numbers. These measures will enhance site amenity and vegetation cover and ensure that any localised loss of tree cover is appropriately mitigated.

Having regard to the limited extent of vegetation removal, the landscaped and non-remnant nature of the trees being relocated, and the proposed increased planting within the site, the development is considered to unlikely to result in a significant impact on koalas or koala habitat. Having regard to clause 4.9(2) of the BBC SEPP, for the purposes of clause 4.9(3), that the proposed development is likely to have a low impact on koalas or koala habitat.

- ***State Environmental Planning Policy (Sustainable Buildings) 2022***

## Chapter 3 Standards for non-residential development

Section 3.1 declares Chapter 3 applies as the proposed development involves development for the purposes of other than residential accommodation, with an estimated development cost of \$5 million or more.

The embodied emissions of the proposed non-residential development have been appropriately quantified in NABERS embodied emissions materials forms certified by a quantity surveyor and is supported by an Ecologically Sustainable Development Initiatives Report and therefore the requirement is met.

- **State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')**

#### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clauses 3(a), 3(b) and 3(c) of Schedule 6 of the Planning Systems SEPP as the proposal is development for *Information and education facility*. Accordingly, the Western Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

- **State Environmental Planning Policy (Resilience and Hazards) 2021 ('Hazards SEPP')**

#### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP')* have been considered in the assessment of the development application.

Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Section 4.6 - Contamination and remediation has been considered. The existing land use is consistent with the proposed land use and there is no evidence on site of potentially contaminating activities with regard to this SEPP. The proposed development is satisfactory subject to conditions.

- **State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### Chapter 2 – Infrastructure

Clause 2.48 applies as the development is in proximity to existing electricity infrastructure. The application was referred to Essential Energy (CNR-83689), who raised no objection subject to demonstrating compliance with required clearance distances (or obtaining written encroachment approval) and compliance with relevant safety requirements prior to the issue of a Construction Certificate. These matters are addressed through recommended conditions of consent.

In accordance with clause 2.119(2), vehicular access to the site is provided via the existing lawful access arrangement to Moculta Street (Mitchell Highway – HW7).

Having regard to the existing site configuration, surrounding road network and existing access arrangements, the provision of vehicular access via a road other than the classified road is not practicable, and no change to the existing access is proposed.

The proposed development is not expected to adversely affect the safety, efficiency or ongoing operation of Moculta Street, noting that the design and location of the existing vehicular access point is not proposed to change and that the nature, volume and frequency of vehicle movements generated by the development will not materially increase traffic demand or conflict on the classified road as a result of the proposed development.

The development does not introduce sensitive use that would be adversely affected by traffic noise or vehicle emissions.

Accordingly, the proposal satisfies clause 2.119(2)(a)-(c).

#### *Bourke Local Environmental Plan 2012*

The relevant local environmental plan applying to the site is the *Bourke Local Environmental Plan 2012* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage the proper management of the natural and human-made resources of Bourke by protecting, enhancing or conserving—*
  - (i) productive agricultural land, and*
  - (ii) timber, minerals, soils, water and other natural resources, and*
  - (iii) areas of significance for nature conservation, and*
  - (iv) areas of high scenic or recreational value, and*
  - (v) places and buildings of archaeological or heritage significance,*
- (b) to support the urban areas of Bourke by strengthening retail hierarchies, providing opportunities for employment growth and promoting tourism development,*
- (c) to promote ecologically sustainable urban and rural development,*
- (d) to provide a secure future for agriculture by expanding Bourke's economic base and minimising the loss or fragmentation of productive agricultural land,*
- (e) to minimise land use conflict,*
- (f) to ensure that development has regard to the capability of the land,*
- (g) to provide a choice of living opportunities and types of settlement in Bourke,*
- (h) to ensure that the efficiency of arterial roads is not adversely affected by development on adjacent land.*

The proposal is consistent with these aims as the proposal facilitates arts, cultural and exhibition activities that support tourism and community engagement, strengthens Bourke's role as a regional destination, is consistent with the sites existing use and delivers development that is compatible with surrounding land uses.

#### *Zoning and Permissibility*

The site is located within the SP3 tourist zone pursuant to Clause 2.2 of the LEP.

Figure 3 - Zoning map



According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of information and education facility which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for a variety of tourist-oriented development and related uses.*

The proposal is considered to be consistent with these zone objectives as the proposed development is tourist-oriented development and use.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

| Control                  | Requirement                                                                                                                                              | Proposal                                                                                                                                                 | Comply |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Flood planning (CI 5.21) | Development within the flood planning area must be compatible with flood behaviour, not worsen flooding or environmental impacts, ensure safe occupation | The proposal is compliant with Clause 5.21 as it will not adversely affect flood behaviour or the performance of the Bourke levee in accordance with the | Yes    |

|                                            |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                               |     |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                            | and evacuation, and incorporate appropriate flood risk mitigation measures.                                                                                                                                                                                   | Bourke Levee Owner's Manual (2019).<br>The nominated minimum finished floor level provides for safe occupation and evacuation and the development does not increase flood risk, environmental impacts or impede evacuation route of the site. |     |
| Earthworks (CI 6.1)                        | Earthworks must not adversely affect environmental functions, drainage or soil stability, adjoining amenity, heritage or future land use, or must incorporate appropriate measures to avoid or mitigate impacts.                                              | Minor ancillary earthworks only. No adverse impacts on drainage, stability, amenity or environmental values are anticipated, subject to the implementation of appropriate erosion and sediment controls (addressed by conditions of consent). | Yes |
| Development on river front areas (CI. 6.3) | Development within a river front area must be permissible, must protect riverine processes, bed and bank stability, water quality, scenic and cultural values, ecological habitat, and public access, while avoiding environmental harm and visual intrusion. | The development site given its separation distance to the Darling River will not impact on riverine processes, bed and bank stability, water quality, scenic and cultural values, ecological habitat, and public access.                      | Yes |
| Essential Services (CI 6.5)                | Development must be adequately serviced by water, electricity, sewage disposal, stormwater management and suitable vehicular access, or demonstrate that satisfactory arrangements are in place to provide these services when required.                      | The site features existing, serviced development. All essential services, including water, electricity, stormwater and vehicular access are available.                                                                                        | Yes |

The proposal is considered to be generally consistent with the LEP.

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed environmental planning instruments that have been publicly exhibited under the EP&A Act that are relevant to the assessment of the proposed development.

Accordingly, consideration under section 4.15(1)(a)(ii) is not applicable.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Bourke Development Control Plan 2012* ('the DCP')

The proposal has been assessed against the relevant provisions of the DCP, in particular:

- Chapter 2 – Information Requirements, which are satisfied through the submission of detailed plans and supporting technical documentation;
- Chapter 3 – Natural Hazards, including flooding and environmental constraints, which have been addressed through the design of the development and supporting assessments; and
- Chapter 6 – General Development Specifications, including landscaping and vegetation management controls.

Section 6.3.3 of the DCP requires the retention of significant trees where practicable. The proposal involves the relocation of 17 trees planted as part of the original Back O' Bourke Exhibition Centre in 2009, to facilitate the proposed development. The relocation of trees forms part of additional planting of approximately 36 trees, together with extensive additional landscaping throughout the site. The proposed landscaping achieves a net gain in vegetation and is considered consistent with the intent of the DCP.

The following contributions plans are relevant pursuant to Section 7.11/7.12 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

Bourke Shire Council does not currently have an adopted section 7.11 or 7.12 contributions plan applicable to the site.

**(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- N/A

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

### **3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

- Consideration of impacts includes on-site and off-site impacts directly related to the development, including the relocation of services, provision of infrastructure and associated vegetation removal and earthworks.
- Conditions of consent are recommended to address identified impacts, including Essential Energy infrastructure clearances. The structural engineering assessment confirms the proposal will not adversely affect the Bourke town levee and no additional mitigation measures beyond standard construction controls are required.
- Technical and specialist reports have been summarised and relied upon in the assessment, and their conclusions have been considered in concluding that residual impacts are acceptable, subject to recommended conditions.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposed development is located within the established Back O' Bourke Exhibition Centre site and is physically separated from the Darling River by the Bourke town levee. The information and education facility is compatible with the SP3 Tourist zoning and the existing use of the site. Its scale, form and siting are appropriate having regard to the surrounding rural residential and residential land uses. The development will not result in adverse amenity impacts on adjoining properties as discussed elsewhere in this report.
- Access and traffic – The proposed development utilises existing vehicular access from Moculta Street and provides an additional five car parking spaces within a site that already accommodates substantial parking capacity. Traffic generation associated with the development is expected to be low and can be accommodated within the capacity of the surrounding road network. No adverse traffic or access impacts are anticipated.
- Public Domain – The proposed development site location will not change existing public access arrangements to the existing site and will enhance the future visitor experience of the existing exhibition centre through increased facilities and landscaped outdoor areas. No adverse impacts on public open space or pedestrian connectivity are identified.
- Utilities – The existing site is fully serviced by reticulated water, sewer, electricity and telecommunications. Stormwater will be managed via on-site infrastructure discharging to the existing stormwater pump station. Subject to adhering to Essential

Energy clearance requirements, all services can be satisfactorily provided to the proposed development.

- Heritage – The development site adjoins the locally listed Darling River heritage item; however, the proposed development is physically separated from the river corridor by the Bourke town levee and will not adversely affect heritage significance, views or values of the item of significance.

The development site has been subject to previous physical disturbance and development within the site, including the construction of the Bourke town levee and the existing Back 'O Bourke Exhibition Centre which did not identify items of Aboriginal heritage significance. An AHIMS search undertaken on 30 August 2024 and 19 December 2025 confirmed that there are no recorded Aboriginal heritage items or places within 200 m of the site, as such adverse impacts to Aboriginal heritage items or places are not anticipated.

- Water/air/soils impacts - The proposed development does not involve activities that are contaminating and is not expected to adversely affect soils or water quality. Earthworks and other construction activities are relatively minor in nature and short lived and are capable of being managed through the implementation of standard erosion and sediment controls, which is addressed by conditions.
- Flora and fauna impacts - The proposal involves relocation of 17 trees associated with site works. Additional planting of approximately 36 trees and extensive additional landscaping, will result in a net vegetation gain. Impacts on biodiversity and fauna habitat are considered low.
- Natural environment – The proposal involves a permissible development on an appropriately zoned site. Impacts to the natural environment are deemed acceptable on the basis that the proposal does not involve activities that are contaminating and is not expected to adversely affect soils or water quality. Earthworks are minor and managed through standard erosion and sediment controls.
- Noise and vibration – Construction noise and vibration impacts are temporary and can be managed through standard conditions of consent. Operational noise is expected to be minimal and consistent with the existing exhibition centre use.
- Natural hazards – The site is within the FPA, however, flood risk has been addressed through the Flood Risk Management Report, adoption of appropriate finished floor levels, and the presence of the Bourke town levee. Subject to the provision of structural engineering certification confirming no adverse impact on the levee, flood risk is considered acceptable. The site is not mapped as bushfire prone land.
- Safety, security and crime prevention – The development is consistent with CPTED principles, providing passive surveillance, clear access arrangements and territorial reinforcement.
- Social impact – The proposed development will enhance community and visitor facilities, support tourism, and strengthen Bourke's cultural and educational offering. It is expected to deliver positive social outcomes and modest economic benefits through increased visitation and local expenditure.

- Cumulative impacts – The proposed development is consistent with existing land uses and planning controls and will not result in adverse cumulative impacts when considered in the existing context of surrounding development.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

- The proposed development is suitably located within the existing Back O' Bourke Exhibition Centre and is considered compatible with the surrounding rural residential, large lot residential and residential land uses.
- The site is serviced by reticulated water, electricity, stormwater and vehicular access from Moculta Street.
- The site is mapped as flood affected; however, flood risk has been addressed through the Flood Risk Management Report, adoption of appropriate finished floor levels, and the presence of the Bourke town levee. The site is not identified as bush fire prone land and is not subject to coastal hazards, land slip or unaddressed climate change risks.
- The size, topography and existing use of the site are conducive to the proposed development and allow for appropriate siting, access, landscaping and servicing.
- The proposed development partially extends into an unformed local road reserve (Wortumertie Street). The encroachment is not considered to affect the suitability of the site, as the land is under Council ownership and control, is not constructed or used as a public road, and does not perform a transport or access function. Any required road closure or dedication processes, which is addressed by condition, can be undertaken without impacting public access to the site.

### **3.4 Section 4.15(1)(d) - Public Submissions**

0 submissions were received during the public exhibition period.

### **3.5 Section 4.15(1)(e) - Public interest**

- The proposed development is in the public interest as it supports the ongoing operation of the existing Information and education facility.
- Potential impacts have been appropriately mitigated through the design of the development, supporting technical assessments and recommended conditions of consent. No unacceptable residual impacts are identified.
- The proposed development is consistent with the applicable planning controls, including the relevant SEPPs, the LEP and DCP.
- The proposed development will contribute positive social and economic benefits, including tourist visitor facilities, cultural education outcomes and construction and operational employment opportunities.
- The development is consistent with relevant planning objectives, supporting Bourke's role as a regional tourism and cultural destination.

- The development is consistent with the principles of ecologically sustainable development, incorporating energy efficient design and appropriate landscaping.

On balance, the proposal is considered to be in the public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 5**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5: Concurrence and Referrals to agencies**

| Agency                                                                                          | Concurrence/<br>referral trigger                                                                                                            | Comments<br>(Issue, resolution,<br>conditions)                                                                                                                                                                                                     | Resolved |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Concurrence Requirements (s4.13 of EP&amp;A Act) (if none – N/A – to show consideration)</b> |                                                                                                                                             |                                                                                                                                                                                                                                                    |          |
| Environment Agency Head (Environment, Energy & Science Group within DPIE)                       | S7.12(2) - <i>Biodiversity Conservation Act 2016</i>                                                                                        | N/A                                                                                                                                                                                                                                                | N/A      |
| Rail authority for the rail corridor                                                            | Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>                                            | N/A                                                                                                                                                                                                                                                | N/A      |
| <b>Referral/Consultation Agencies</b>                                                           |                                                                                                                                             |                                                                                                                                                                                                                                                    |          |
| RFS                                                                                             | S4.14 – EP&A Act Development on bushfire prone land                                                                                         | N/A – the development site is not identified as bush fire prone land.                                                                                                                                                                              | N/A      |
| Electricity supply authority                                                                    | Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i><br>Development near electrical infrastructure | Referred to Essential Energy under Clause 2.48 due to proximity to underground electricity infrastructure.<br>No objection was raised by Essential Energy subject to the application of recommended conditions requiring compliance with Essential | Y        |

|                                                                                                    |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                 |     |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                                                                                    |                                                                                                                                                                                  | Energy clearance requirements and provision of updated plans or encroachment approval prior to construction.                                                                                                                                                    |     |
| Rail authority                                                                                     | Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i><br>Development land that is in or adjacent to a rail corridor.                     | N/A                                                                                                                                                                                                                                                             | N/A |
| Transport for NSW                                                                                  | Section 2.122 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i><br>Development that is deemed to be traffic generating development in Schedule 3. | N/A                                                                                                                                                                                                                                                             | N/A |
| Housing                                                                                            | Schedule 9, Section 2 - <i>State Environmental Planning Policy (Housing) 2021</i>                                                                                                | N/A                                                                                                                                                                                                                                                             | N/A |
| <b>Integrated Development (S 4.46 of the EP&amp;A Act) (if none – N/A – to show consideration)</b> |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                 |     |
| Subsidence                                                                                         | S22 – Coal Mine Subsidence Compensation Act 2017                                                                                                                                 | N/A - The site is not located within a mapped mine subsidence district and does not require approval to alter or erect improvements, or to subdivide land, within a mine subsidence district under the CMSC Act in order for the development to be carried out. | N/A |
| DPI                                                                                                | S144, S201, S205, S219 – <i>Fisheries Management Act 1994</i>                                                                                                                    | N/A – the proposed development does not require an approval under the FM Act in order for the development to be carried out.                                                                                                                                    | N/A |
| Heritage NSW                                                                                       | S58 of the <i>Heritage Act 1977</i> for demolition or works etc to an item listed on State Heritage Register or with an interim heritage order.                                  | N/A - the proposed development does not require an approval in respect of the doing or carrying out of an act under the <i>Heritage Act 1977</i> in order for the development to be carried out.                                                                | N/A |
| NSW Resources                                                                                      | ss 63, 64– <i>Mining Act 1992</i>                                                                                                                                                | N/A - the proposed development does not require mining lease under the <i>Mining Act 1992</i> in order for the development to be carried out.                                                                                                                   | N/A |

|                        |                                                                                                                                                                                                                   |                                                                                                                                                                                                |     |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| NPWS                   | S90 – <i>National Parks and Wildlife Act 1974</i>                                                                                                                                                                 | N/A - the proposed development does not require an Aboriginal heritage impact permit under the NP&W Act in order for the development to be carried out.                                        | N/A |
| Resource Regulator NSW | S16 – <i>Petroleum (Onshore) Act 1991</i>                                                                                                                                                                         | N/A - the proposed development does not require grant of production lease under the <i>Petroleum (Onshore) Act 1991</i> in order for the development to be carried out.                        | N/A |
| EPA                    | S43(a), S47, S55; S43(b), S48, S55; or S43(d), S55, S122 of <i>Protection of the Environment Operations Act 1997</i>                                                                                              | N/A - the proposed development does not require an environment protection licence under the POEO Act in order for the development to be carried out.                                           | N/A |
| Transport for NSW      | S138 - <i>Roads Act 1993</i> for works in the road reserve.                                                                                                                                                       | N/A – the proposed development does not require a s138 approval under the <i>Roads Act 1993</i> from TfNSW in order for the development to be carried out                                      | N/A |
| RFS                    | S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes | N/A - the proposed development does not require authorisation under section 100B in respect of bush fire safety under the Rural Fires Act 1997 in order for the development to be carried out. | N/A |
| Water NSW              | S89, S90 or S91 of the <i>Water Management Act 2000</i> .                                                                                                                                                         | N/A – the proposed development does not require authorisation under sections 89, 90 or 91 of the <i>Water Management Act 2000</i> in order for the development to be carried out.              | N/A |

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

| <b>Officer</b> | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Resolved</b> |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Engineering    | No referral                                                                                                                                                                                                                                                                                                                                                                                                             | N/A             |
| Traffic        | No referral                                                                                                                                                                                                                                                                                                                                                                                                             | N/A             |
| Building       | No referral                                                                                                                                                                                                                                                                                                                                                                                                             | N/A             |
| Health         | No referral                                                                                                                                                                                                                                                                                                                                                                                                             | N/A             |
| Waste          | No referral                                                                                                                                                                                                                                                                                                                                                                                                             | N/A             |
| Heritage       | No referral                                                                                                                                                                                                                                                                                                                                                                                                             | N/A             |
| Other          | Works Dept -<br>No objection – The works department supports the proposal subject to conditions requiring additional detail at Construction Certificate stage. Additional information relates to water and sewer servicing details, stormwater management details, confirmation of caravan waste dump relocation and detailed structural design of retaining works in accordance with the submitted engineering advice. | Y               |

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

### **4.3 Community Consultation**

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 3 July 2025 until 8 August 2025. The notification included the following:

- Notification letters sent to adjoining and adjacent properties;
- Notification on the Council's website;
- Notification in the local newspaper, The Western Herald.

The Council received a total of 0 unique submissions.

## **5. KEY ISSUES**

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### **5.1 Essential Energy Infrastructure**

The site is traversed by existing 22kV overhead and underground electricity infrastructure. The application was referred to Essential Energy under Clause 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* due to the proximity of the proposed development to this infrastructure.

Essential Energy advised that, based on the plans submitted, separation distances to existing electricity infrastructure were not clearly demonstrated and identified minimum clearance requirements to ensure public and worker safety. Essential Energy also advised that compliance with SafeWork NSW requirements and Essential Energy's safety procedures is required, and that further documentation may be necessary where encroachment cannot be avoided.

**Resolution:**

The issue has been resolved through recommended conditions of consent requiring the submission of updated plans demonstrating compliance with Essential Energy's minimum clearance requirements, or alternatively written approval from Essential Energy for any approved encroachment, prior to the issue of a Construction Certificate.

## **5.2 Bourke Town Levee**

The proposed development is located adjacent to the Bourke town levee. Given the role of the levee in flood protection, consideration was given to whether the proposal would adversely affect the levee's structural integrity or flood performance.

The application is supported by a Flood Risk Management Report and a Preliminary Structural Engineering Assessment prepared by Barnson. These reports assess the interaction between the proposed building, retaining structures and landscaped roof loads with the existing levee. The structural assessment confirms that, with appropriate retaining wall and roof slab design, the proposed works will not compromise the levee's integrity or its ability to function in accordance with the Bourke Levee Owner's Manual (2019).

**Resolution:**

The issue has been resolved. Structural and flood assessments confirm that the proposal will not adversely affect the performance of the Bourke town levee. Conditions of consent are recommended to ensure detailed structural design is finalised at Construction Certificate stage in accordance with the endorsed engineering approach.

## **5.3 Servicing and Civil Works (Council Works Department)**

The potential for noise and vibration to impact on adjoining properties is an important consideration.

Council's Works Department reviewed the proposal and supporting documentation, including civil, stormwater and structural plans. No objection was raised to the development in principle as Council's potable, raw water and sewer reticulated systems are available to the site.

Council's Works Department requested further detail to be provided at Construction Certificate stage in relation to servicing demand for the site as a whole, including confirmation of water and sewer servicing, fire service requirements, detailed stormwater management design addressing local catchment runoff within the levee during a 1% AEP storm event, confirmation of the relocated caravan waste dumping point and detailed structural design of retaining walls.

**Resolution:**

The issue has been resolved through recommended conditions of consent regarding noise impacts and the provision of detailed servicing analyses, stormwater design and structural documentation prior to the issue of a Construction Certificate.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The proposed development is permissible with consent and is compatible with the existing use of the site and surrounding land uses. The development will not result in any unacceptable environmental, amenity or infrastructure impacts and will deliver positive cultural, social and economic benefits to the Bourke community and the wider region.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through the recommended draft conditions at **Attachment A**.

## 7. RECOMMENDATION

That the Development Application DA No 2025/0011 for *information and education facility* (Back O' Bourke Information and Exhibition Centre) at 49 Moculta Street, Bourke being Lot 153 DP 1068536 be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft conditions of consent
- Attachment B: Statement of Environmental Effects, including appendices:
  - Appendix A: Survey
  - Appendix B: AHIMS
  - Appendix C: Development Plans
  - Appendix D: Civil Plans
  - Appendix E: Structural Report
  - Appendix F: Flood Risk Assessment
  - Appendix G: Geotechnical Report
  - Appendix H: ESD Documentation
- Attachment C: Deposited Plan DP1068536
- Attachment D: 88b Planning Instrument DP1068536
- Attachment E: Preliminary structural engineering assessment